



Zoning Code Update

Final– Selma Zoning Code

prepared by

City of Selma

Planning Division, Department of Community Development
1710 Tucker Street
Selma, California 93662
Contact: Jerome Keene, MAS, AICP, Deputy City Manager

prepared with the assistance of

Rincon Consultants, Inc.

7080 North Whitney Avenue, Suite 101
Fresno, California 93720

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RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers

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Chapter 1 General Provisions

This shall be known as the ZONING ORDINANCE.

11-1.1 Purpose, Applicability and Authority

A. Purpose

The purpose of this Ordinance is to promote the growth of the city in an orderly manner that is consistent with the Selma General Plan and to preserve and promote the public health, safety, and welfare of the city. More specifically, this Zoning Ordinance is adopted to achieve the following objectives:

- To provide a precise guide and standards for the physical development of the City in a manner that achieves orderly growth and development of the city, consistent with the goals and policies of the General Plan;
- Ensure compatibility between residential and nonresidential development and land uses;
- Promote a well-designed city through the regulation of signing, landscaping, and site planning;
- Prevent the overbuilding of land by development through the regulation of lot coverage, setbacks, height, lot density, and lot dimension;
- Provide a safe, effective traffic circulation system, including parking and loading areas;
- Provide and protect residential, commercial, and industrial development in the city in order to strengthen its economic base;
- Protect and enhance the quality of the natural and built environment;
- Conserve the city's natural resources, community assets, and architectural history;
- Provide for a mix of housing types and densities which will ensure adequate and affordable housing for all economic segments of the community;
- Provide a full range of commercial activity for residents and employment opportunities appropriate to the community;
- Provide an appropriate interface between land uses that include commercial, industrial, mixed-use and residential land uses;
- To provide for citizen participation in the development decision-making process; and,
- To maintain and foster community identity citywide, through the enforcement of the objectives listed above.

B. Applicability

1. Applicability to Property

- a. This Ordinance shall apply, to the extent permitted by state and federal law, to all property within the municipal boundaries of the City of Selma, including all uses, structures, and land owned by any person, firm, corporation, or organization or the City or other local, state, or federal agencies. Any governmental agency shall be exempt from the provisions of this Ordinance only to the extent that such property may not be lawfully regulated by the City. City government uses, including, without limitation, fire stations, police stations, and public

safety facilities, may be permitted in any district subject to the approval of a Conditional Use Permit.

- b. No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished, or moved in any zoning district, except in accordance with the provisions of this Zoning Ordinance. Specific uses of land, buildings, and structures listed as prohibited in any zoning district are hereby declared to be detrimental to the public health, safety, and welfare. The enumeration of prohibited uses shall not by implication enlarge the scope of permitted uses; they are for purposes of clarity only. A proposed use type within a zoning district must be listed as a permitted use type or similar to the listed use type per the applicable zoning district or determined to be such through the determination of the City Manager or designee, in order to be authorized under the Zoning Ordinance.

C. Authority

This Ordinance is adopted pursuant to the provisions of Chapter 4 of Title 7 of the Government Code of the state of California, commonly known as the conservation and planning law pursuant to GOV § 65800 et seq (Ord. 533, 6-5-1961). In addition, the provisions of this Ordinance relating to the regulation and control of subdivisions are adopted pursuant to the authority contained in Title 7, Division 2 of the California Government Code, commencing with Section 66410, hereinafter referred to as the "Subdivision Map Act," as may be amended from time to time, and pursuant to the City's authority to regulate subdivisions not regulated by the Subdivision Map Act as authorized by Government Code Section 66411.

D. Relationship to General Plan and other Ordinances and Regulations

1. **General Plan.** The General Plan is a comprehensive, long-range, general policy statement for the entire community. The General Plan designates appropriate locations and densities for residential, commercial, industrial, agricultural, public, and open space uses. In comparison, the Zoning Ordinance is a specific statement of permissible uses of land by zoning district designed to control the use, type, bulk, height, space and location of buildings and land. The Zoning Ordinance is the primary tool by which the City implements the policies of the General Plan. The Zoning Ordinance is intended to be applied based on land use designations established in the General Plan.

The Zoning Ordinance shall be consistent with the General Plan of the City of Selma. Where inconsistencies do exist, the General Plan shall control the use and development of such land until such time as the City Council revises the Zoning Ordinance to achieve consistency with the General Plan. *#check if this abides with new senate bill*

2. **Permit Streamlining Act.** All actions taken by the decision-making body pursuant to this Ordinance shall be consistent with the provisions of California Government Code Section 65920 et seq. (the Permit Streamlining Act) to the extent applicable.
3. **Relation to Private Agreements.** Where this Ordinance imposes greater restriction than imposed by an easement, covenant, or agreement, this Ordinance shall control.
4. **Effect on Previously Approved Projects and Projects in Progress.** The following projects shall have a vested right to proceed without complying with this Ordinance:
5. **Previously Approved Development.** The erection, construction, enlargement, demolition, moving, conversion of, and excavation and grading for any building or structure for which a valid permit or building permit was issued prior to the effective date of this Ordinance and which does not subsequently expire. A permit that does not contain an express limit on the time for

exercising the permit shall be deemed valid only if a building permit is obtained within one year of the effective date of this Ordinance.

6. **Vesting Tentative Maps.** Any residential project for which a vesting tentative map application was determined complete prior to the effective date of this Ordinance.
7. **Applications for Projects in Progress.** Any application for a Planning entitlement, except a Development Agreement application, determined complete on or before adoption of this Ordinance.

E. Severability, Partial Invalidation

If any section, subsection, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and any section, subsection, or portion thereof, irrespective of the fact that any one or more section, subsections or portions be declared invalid or unconstitutional.

11-1.2 Director Interpretation and Construction Language

A. Interpretation

1. In interpreting and applying the provisions of this Ordinance, the same shall be construed to be the minimum requirement for the promotion of the public health, safety, comfort, convenience, and general welfare.

Where this Ordinance imposes more stringent restrictions on the use of land or buildings, or upon the height of buildings, or requires larger open spaces around or different location of buildings than may be imposed or required by any other law, rule or regulation or by any easement, covenant or agreement, then the provisions of this Ordinance shall control.

B. Construction Language

1. In interpreting the various provisions of this Ordinance, the following rules of construction shall apply:
 - a. The particular controls the general.
 - b. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - “And” indicates that all connected words or provisions shall apply.
 - “And/or” indicates that the connected words or provisions may apply singularly or in any combination.
 - “Or” indicates that the connected words or provisions may apply singularly or in any combination.
 - “Either... or” indicates that the connected words or provisions shall apply singularly but not in combination.
 - c. In case of conflict between the text and a diagram or graphic, the text controls. Diagrams, graphics, and maps are for illustrative purposes only.

- d. All references to Departments, Committees, Commissions, Boards, or other Public Agencies are to those of the City, unless otherwise indicated.
- e. All references to public officials are to those of the City, and include designated deputies of such officials, unless otherwise indicated.
- f. All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the City offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period.
- g. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.
- h. When used in this Zoning Code, the words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory. “Should” is not mandatory, but is strongly recommended, and “may” is permissive. The present tense includes the past and future tenses; and the future tense includes the present, and therefore are interchangeable. The singular number includes the plural number, and the plural the singular, and therefore are interchangeable, unless the common meaning of the word indicates otherwise. The words “includes” and “including” shall mean “including, but not limited to.”
- i. Whenever, in the opinion of the Director, or at the discretion of the Planning Commission, there is any question regarding the interpretation of the General Plan, Specific Plan, or the provisions of the Zoning Ordinance or its application to any specific case or situation, that warrants formal interpretation, the Director shall interpret the relevant provision of the General Plan, Specific Plan, or Zoning Ordinance by written decision which interpretation shall be placed on the Planning Commission agenda as a discussion item.
- j. Effect. The interpretation shall become the standard interpretation for future applications effective fourteen consecutive calendar days from the date of the Planning Commission meeting when the interpretation appears on the agenda unless the Planning Commission decides at that meeting to review the interpretation. Such review can occur either at the same meeting that the interpretation first appears on the agenda or at a subsequent meeting. The interpretation, as it may be altered or revised by the Planning Commission, shall become effective fourteen consecutive calendar days from the date of the Planning Commission meeting when the review occurs unless during that fourteen-day time period a member of the City Council submits a written request to the Director that the interpretation be placed on the City Council agenda for its review. If such a Council member request is made and review undertaken, the interpretation, as it may be altered or revised by the City Council, shall become effective fourteen consecutive calendar days from the date of the City Council’s review.
- k. Publication. The interpretation shall be published on the Planning Division website after the interpretation becomes effective.

11-1.3 Establishment of Zoning Districts and Boundaries

A. Establishment of Zoning Districts

The classes of zoning districts and combining districts as designated in this chapter and the regulations pertaining thereto are hereby applied to the land areas of the city as delineated on the

zoning map of the City of Selma and the lands so designated shall be subject to the regulations of this chapter. Changes in classification of zones and boundaries of zones may be made by:

1. Adoption of an amended zoning map, or part or subpart thereof, showing the change thereon, in the manner provided for amendment of this Ordinance.
2. Other amendment of this Ordinance which describes the change, without adoption of an amended map.

B. Boundaries

The boundaries of the zoning districts are shown on the official Zoning Map. The Zoning Map, together with all legends, symbols, notations, references, zoning district boundaries, and other information on the map adopted by the Council, are hereby incorporated into this Code by reference.

1. Before property is annexed to the city it shall be pre-zoned to a district that is consistent with the General Plan. If a General Plan land use designation has not been placed upon the property, a general plan amendment will be required to establish a land use designation for the property before the property can be pre-zoned and annexed to the city.

11-1.4 Zoning Map

A copy of the zoning boundaries map, as amended from time to time, shall be filed in the office of the Community Development Department of the City of Selma. A copy shall also be filed with the City Clerk of the City of Selma. (Ord. 2004-5, 4-19-2004)

For purposes of convenience in administration, the Zoning Map may be divided into parts and subparts, which may be separately shown or employed for purposes of amending the zoning map or any official reference thereto. (Ord. 533, 6-5-1961)

11-1.5 Zoning District Boundary and Determinations Uncertainty of Boundaries

If there is uncertainty as to any boundary of any zone, the following rules shall apply:

- A. Where such boundary is shown as approximately following the line of any street, alley, or other public way, or any lot line, such line shall be deemed to be such boundary.
- B. Where such boundary does not follow any existing line, as mentioned in subsection 11-1.5 (A) of this section, the location shall be as shown by the dimensions indicated on the zoning map, if any, or by use of the scale appearing thereon.
- C. If any part of any public street, alley or way is officially vacated or abandoned, the Zoning District regulations applicable to abutting properties shall apply to the former centerline of the vacated or abandoned street or alley.
- D. If any land is not shown on the zoning map as within a zone, or if any land is annexed to or consolidated with the city subsequent to the effective date of this Ordinance, it shall remain un-zoned and unable to be developed in the City until appropriate review is conducted.
- E. Where any private right-of-way or easement of any railroad, railway, transportation, or public utility company is vacated or abandoned, the district regulations applicable to abutting

properties shall apply to the former centerline of the vacated or abandoned right-of-way easement.

- F. The air rights above or the ground rights below any freeway, parkway, highway, street, alley, or easement shall be in the same district as is applicable to the property abutting the freeway, parkway, highway, street, alley, or easement. In cases where a freeway, parkway, highway, street, alley, or easement forms the boundary between districts, the centerline of the right-of-way shall be the boundary.
- G. In case of any remaining uncertainty, the Director shall determine the location of the district boundary. The Director's decision may be appealed to the Planning Commission in accordance with the procedures set forth in Section 11-7.8 Appeals. Notwithstanding the foregoing, if the district boundary uncertainty arises in the context of a discretionary permit application, then the location of the boundary shall be determined by the decision-making body for that discretionary permit application.

11-1.6 More Restrictive Provisions in Other Laws and Ordinances

Notwithstanding anything set forth or provided for in this Code, if other provisions of the Municipal Code, or other applicable laws, rules, or regulations, conflict with the provisions set forth in this Code, then the other such laws, rules, or regulations shall be applicable.

Chapter 2 Zoning Districts and Allowable Uses

11-2.1 Residential

The purpose of these regulations are to provide for a full range of housing types and densities consistent with the General Plan, and to enhance and preserve the character of existing residential neighborhoods.

11-2.2 Single-Family

A. Purpose

The purposes of this zoning district are to:

1. Provide for residential areas within the city that allow varying densities of single-family homes and other uses compatible with the R-1-4, R-1-7, R-1-9, and R-1-12 zoning districts.
2. Provide for one accessory dwelling unit and one junior accessory dwelling unit consistent with the General Plan and state law.
3. Promote a suitable living environment by maintaining orderly flow of residential traffic and restricting traffic from other sources.
4. Provide space for neighborhood-serving uses.
5. Minimizing noise and disturbances in residential neighborhoods.
6. Ensure adequate light, air and privacy for each dwelling.
7. Avoid overburdening public facilities, including sewer, water, gas, electricity, and schools through an increase of residents to a degree larger than the city’s planned infrastructure can reasonably and responsibly accommodate.
8. Ensure that the scale and design of new development and alterations to existing structures are consistent with the scale, mass, and character of the existing residential neighborhood.

B. Single-Family Zones

Table 2-1 Single-Family Zones

Zoning Map Symbol	Zoning District Name	General Plan Land Use Designation
R-1-12	R-1-Estate	Very Low Density Residential; Low Density Residential
R-1-9	R-1-Low	Low Density Residential; Medium Low Density Residential
R-1-7	R-1-Medium Low	Medium Low Density Residential
R-1-4	R-1-Medium	Medium Low Density Residential

C. Permitted Uses

1. The following table sets forth the permits required for each listed use category.
 - a. “P” designates permitted uses.
 - b. “SPR” designates uses that are permitted after review and approval of a site plan review. This is considered a non-discretionary permit.
 - c. “DRA” designates uses that are permitted after review and approval of a director review and approval process.
 - d. “CUP” designates uses that are permitted after review and approval of a conditional use permit.
 - e. “TUP” designates uses that are permitted after review and approval of a temporary use permit.
 - f. “–” designates prohibited uses.
2. In cases where a specific land use or activity is not listed as a permitted use either directly or indirectly, the city manager or designee may assign the land use or activity to a classification per Section 11-8.2 (Use Classifications).
3. Land Uses are defined in Chapter 8 (Definitions/Use classifications). Use classifications not listed in the table or not found to be substantially similar to the uses below are not permitted. The table also notes special requirements that apply to various uses. Section numbers in the right-hand column refer to other Sections of this Ordinance.

Table 2-2 Permitted Uses

Use Types	R-1-12	R-1-9	R-1-7	R-1-4	Special Requirements
Single-Family Residence	P	P	P	P	
Duplexes	P	P	P	P	
Supportive Housing	P	P	P	P	
Transitional Housing	P	P	P	P	
Accessory Structures	P	P	P	P	
Accessory Dwelling Unit	P	P	P	P	See Section 11-4.2 (ADUs and Junior ADUs)
Junior Accessory Dwelling Unit	P	P	P	P	See Section 11-4.2 (ADUs and Junior ADUs)
Home Occupations – Minor & Major	DRA	DRA	DRA	DRA	See Section 11-4.3 (Home Occupations – Minor & Major)
Large Family Day Care (up to 14 children)	P	P	P	P	See Section 11-4.4 (Child Care Facilities)
Small Family Day Care (up to 8 children)	P	P	P	P	See Section 11-4.4 (Child Care Facilities)
Bed and Breakfast Inns	CUP	CUP	CUP	CUP	See Section 11-4.12 (Bed and Breakfast Inns)
Boarding Home/ Group Residential (up to 6 persons)	SPR	SPR	SPR	SPR	
Residential Care, General	SPR	SPR	SPR	SPR	
Residential Care, Limited	P	P	P	P	
Public Facilities	SPR	SPR	SPR	SPR	
Hospice, Limited	P	P	P	P	

Use Types	R-1-12	R-1-9	R-1-7	R-1-4	Special Requirements
Religious Facilities	CUP	CUP	CUP	CUP	
Rooming, Public or Private	CUP	CUP	CUP	CUP	
Rest Home Providing Housing for Six or Fewer Unrelated Persons	P	P	P	P	Subject to Health and Safety Code Sections 1267.8, 1566.3, 1568.08
Rest Home Providing Housing for More Than Six Unrelated Persons	CUP	CUP	CUP	CUP	
Open Space, Private	SPR	SPR	SPR	CUP	
Open Space, Public	SPR	SPR	SPR	SPR	
Recreational Outdoor Facilities (Public and Private)	SPR	SPR	SPR	SPR	
Schools, Public or Private	CUP	CUP	CUP	SPR	
Short-term rentals	DRA	DRA	DRA	DRA	
Temporary Uses					
Contractors Construction Yard	–	–	–	–	See Section 11-6.8 (Temporary Use Permits (TUP))
On-Location Filming	TUP	TUP	TUP	TUP	See Section 11-6.8 (Temporary Use Permits (TUP))
Seasonal Sales	–	–	–	–	See Section 11-6.8 (Temporary Use Permits (TUP))
Temporary Sales Trailer	–	–	–	–	See Section 11-6.8 (Temporary Use Permits (TUP))
Temporary Storage Container	TUP	TUP	TUP	TUP	See section 11-3.2 (Storage Containers) and See Section 11-6.8 (Temporary Use Permits (TUP))
Temporary Structure	TUP	TUP	TUP	TUP	See Section 11-6.8 (Temporary Use Permits (TUP))
Temporary Work Trailer	TUP–	TUP–	TUP–	TUP–	See Section 11-6.8 (Temporary Use Permits (TUP))
Notes: no					

D. Development Standards

Development standards for the (R) zoning district shall be as follows.

Table 2-3 Development Standards

Development Standard v Zoning District	Regulation				Comments or Special Requirements
	R-1-12	R-1-9	R-1-7	R-1-4	
Minimum Lot Size	12,000 square feet	7,000 square feet	5,000 square feet	4,000 square feet	See Section 11-3.1 (Development Standards)
Minimum Lot Dimensions	Depth: <ul style="list-style-type: none"> ▪ 120 feet. Width: <ul style="list-style-type: none"> ▪ 80 feet. ▪ Corner lot: 90 feet. ▪ Reverse corner lot: 95 feet ▪ Cul-de-sac or loop out lots: 60 feet, with a minimum lot width building setback line of 80 feet. 	Depth: <ul style="list-style-type: none"> ▪ 100 feet. Width: <ul style="list-style-type: none"> ▪ 70 feet. ▪ Corner lot: 80 feet. ▪ Reverse corner lot: 85 feet. ▪ Cul-de-sac or loop out lots: 50 feet, with a minimum lot width building setback line of 70 feet. 	Depth: <ul style="list-style-type: none"> ▪ 100 feet. Width: <ul style="list-style-type: none"> ▪ 50 feet. ▪ Corner lot: 75 feet. ▪ Reverse corner lot: 75 feet. ▪ Cul-de-sac or loop out lots: 40 feet, with a minimum lot width building setback line of 60 feet. 	Depth: <ul style="list-style-type: none"> ▪ 80 feet. Width: <ul style="list-style-type: none"> ▪ 40 feet. ▪ Corner lot: 65 feet. ▪ Reverse corner lot: 70 feet. ▪ Cul-de-sac or loop out lots: 40 feet, with a minimum lot width building setback line of 50 feet. 	
Maximum Lot Coverage ¹	40%	40%	40%	40%	
Maximum Building Height	35 feet.	35 feet.	35 feet.	35 feet.	See Section 11-3.1 (Development Standards)
Maximum Accessory Building Height	16 feet.	16 feet.	16 feet.	16 feet.	See Section 11-3.1 (Development Standards)
Height Projections					See Section 11-3.1 (Development Standards)
Minimum Yard Setbacks	Front yard: 35 feet. Side yard: <ul style="list-style-type: none"> ▪ 10 feet. ▪ Corner lot, street side: 15 feet, except for garages and carports which is 20 feet. Rear yard: 10 feet.	Front yard: 15 feet to living space; 20 feet to garage; Side yard: <ul style="list-style-type: none"> ▪ 7 feet. ▪ Corner lot, street side: 15 feet, except for garages and carports which is 20 feet Rear yard: 10 feet.	Front yard: 15 feet to living and all assessors structures space, 20 feet to garage; Side yard: <ul style="list-style-type: none"> ▪ 4 feet. ▪ Corner lot, street side: 10 feet, except for garages and carports 	Front yard: 15 feet to living space, 20 feet to garage; Side yard: <ul style="list-style-type: none"> ▪ 4 feet. ▪ Corner lot, street side: 10 feet, except for garages and carports which is 20 feet: Rear yard: 10 feet.	See Section 11-3.1 (Development Standards)

Development Standard v Zoning District	Regulation				Comments or Special Requirements
	R-1-12	R-1-9	R-1-7	R-1-4	
			which is 20 feet Rear yard: 10 feet.		
Building Separation					See Section 11-3.1 (Development Standards)
Off Street Parking					See Section 11-3.4 (Off Street Parking)
Notes: When adjacent to an R-1 or R-2 zone, the side yard setback shall be increased by 5 feet for each additional story.					

E. Single-Family Objective Design Standards

These objective design standards apply to single family residential developments of 10 more housing units. Regardless of architectural style, all develop shall follow these standards:

1. *Street-level frontage articulation.* The street frontage shall be architecturally varied to create visual interest and shall include a minimum of two (2) of the following architectural features:
 - a. Recessed entries or entries with an awning or projecting element. The recess and projection shall have a minimum combined depth of five (5) feet (e.g. a three (3)-foot recess and a two (2)-foot projection/awning) and a minimum width of six (6) feet.
 - b. Street level features such as architectural fencing or walls, front porch or patio, elevation changes in front yard, raised planters or window boxes.
 - c. Landscaping in conformance with section 11-3.5.

General Styles

MASSING AND ARCHITECTURAL ELEMENTS

1. Massing reduces the impact of the massive bulk created by large buildings that may not otherwise relate in scale to surrounding development. Vertical articulation and horizontal articulation must be used in designs, when applicable, to mitigate the impact on surrounding development and the overall landscape.
2. Building shall utilize a combination of simple geometric volumes which emphasize clean lines.
3. Varied roofline elevations are required in order to add architectural interest and avoid the appearance or sense of long, monotonous roofline expanses.
4. Mechanical equipment mounted on the roof must be screened and the back of parapets must match the color and materials of the building.
5. The majority of windows are required to relate to the scale of a person if the windows are adjacent to pedestrian paths of travel.
6. Decorative trim elements that add detail and articulation, such as windows surrounds with at least a two-inch depth. They must be designed as an integral part of the design.

MATERIALS AND COLORS

1. Quality long-lasting materials are required for all buildings in order to contribute to the value of the community over the long term.
2. A minimum of two colors per elevation are required.
3. Buildings shall incorporate long-lasting materials as accents or main features such as: brick, stone, cement-fiber stucco, composite panels, and sustainable alternatives.
4. Metal awnings are prohibited

OPTIONAL STYLES

Single family projects which utilize Spanish/Mediterranean, Modern, or Americana architectural styles are subject to the following standards respectively in addition to the objective design

standards in this document and objective development standards in the zoning code. Proposed projects which do not fall into one of the three styles listed, the applicant shall provide documentation to the Community Development Director stating the proposed architectural style, the objective standards of said architectural style, and the massing, materials, colors, and details of said architectural style.

Spanish / Mediterranean

Spanish architectural style, also known as Mediterranean or Spanish Revival, is characterized by elements inspired by the architecture of Spain, including features such as stucco walls, clay tile roofs, decorative metalwork, and arched windows and doorways. It often incorporates ornamental details, such as colorful tiles, carved wood accents, and courtyards, to create a warm and inviting Mediterranean-inspired atmosphere.

MASSING AND ARCHITECTURAL ELEMENTS

1. Front elevations shall have a projecting 1- or 2-story volume with minimum width of 10 feet and a minimum depth of 3 feet. The projecting volume shall either have a forward-facing gable roof form or a shed roof form.
2. When pitched roof forms are used, roofs pitches shall not exceed 4.5:12 and include exposed rafter tails or cornices.
3. When pitched roof forms are included, roofs shall utilize clay-colored barrel or S-shaped tiles.
4. Windows shall be taller than they are wide or square with rectangular or arched shapes.
5. Windows facing the street must include multiple panes or lites. Tape-on or snap-on mullions and muntins are not permitted.

MATERIALS AND COLORS

1. Exterior body materials shall consist of stucco with a smooth, sand, or dash finish. Lace, and skip trowel stucco finishes are prohibited.
2. Body colors shall be limited to whites, off-whites, cream, terracotta, ochre, and beige.
3. Accent colors for structural elements such as exposed rafters, and balconies shall be deep browns or stained wood finishes.
4. Minor accents such as window and door trim or shutters shall be painted muted shades of blue, green, rust, and burgundy.
5. Exterior paving materials may include terracotta tile, decorative tile, brick, stone, gravel, or decomposed granite.

ORNAMENTATION AND DETAILS

1. Projects shall incorporate architectural detailing on all elevations visible to the public. A minimum of three (3) of the following ornamental features are required:
 - a. Decorative tile work around doorways, windows, or stair risers.
 - b. Wrought iron/tubular steel features in the form of balcony railings or accents over at least 20 percent of the windows on an elevation.
 - c. Shutters on at least 20 percent of the windows of an elevation.
 - d. At least 1 unique, large window (at least 25 larger than all other windows) or feature window with an archway.

- e. Terracotta breezeblock openings to garden or courtyard spaces.
- f. Decorative water feature or fountain.
- g. Canvas awnings with wrought iron supports over at least 10 percent of the windows and doors on an elevation.
- h. Terracotta gable vents on all forward-facing gables.
- i. Window boxes, elevated planters, trellises, or pergolas

Modern

Modern architectural style emerged in the early 20th century and emphasizes simplicity, clean lines, horizontality, and the use of modern materials such as glass, steel, and concrete. It seeks to create functional and efficient spaces while embracing minimalist design principles and often blurring the boundaries between indoor and outdoor spaces.

MASSING AND ARCHITECTURAL ELEMENTS

1. Building shall utilize a combination of simple geometric volumes which emphasize clean lines.
2. Roofs should be flat and include parapets to screen roof-mounted equipment. Low-pitched shed roof forms are permitted and shall not exceed a 3:12 slope. Gable and hip roof forms are prohibited.
3. Windows shall consist of a large, rectangular feature window or grouped, utilizing large uninterrupted panes. Simple rectangular and circular shapes shall be implemented. Ornate windows or arched windows shall be prohibited.
4. Windows shall be set flush with the exterior wall.

MATERIALS AND COLORS

1. Exterior body materials shall consist of composite panels; non-terracotta-colored tiles; textured, corrugated, or smooth metal siding; stucco with a smooth, sand, or dash finish. Lace, cat face, and skip trowel stucco finishes are prohibited.
2. Buildings shall incorporate modern materials such as glass, steel, aluminum, composite panels, and sustainable alternatives. Exposed brick, stone, wood, and concrete as accent materials are permitted.
3. Exposed gable vents are prohibited.

CHARACTERISTIC ARCHITECTURAL FEATURES

1. Structures shall be generally without ornamentation and emphasize clean geometric (usually straight) lines. Overly ornate elements such as decorative wrought iron is prohibited.
2. Projects shall incorporate a minimum of three (3) architectural features of modern design on publicly visible elevations:
 - a. Curtain wall or floor to ceiling windows.
 - b. Clerestory windows.
 - c. Cantilevered roofs with a minimum 24-inch overhang.
 - d. Projecting fins / wing walls.
 - e. Breeze block walls.

- f. Metal screens, shades, or roof projections.
- g. Use of four (4) contrasting colors or materials on an elevation (excluding windows and doors).
- h. A rectangular volume with a minimum dimension of 10 feet (height) by 15 feet (width) that projects forward from the main body of the building by a minimum of 18 inches.
- i. At least one unique, large window (at least 25 percent larger than all other windows).

Americana

Americana architectural style is a modern interpretation of American Farmhouse and draws inspiration from traditional rural farmhouses. It typically features a simple, rectangular massings with a symmetrical facade, a gable roof, and a welcoming front porch.

MASSING AND ARCHITECTURAL ELEMENTS

1. Building shall utilize asymmetrical one-and-a-half (1.5) to three (3)-story massing with at least one, street-facing gable roof form.
2. Individual planes of an elevations facing a public right-of-way shall be symmetrical. The placement of exterior doors to one side of a façade plane shall not be considered as breaking from symmetry.
3. When gable or shed roof pitches are being used, the pitch shall be between 2:12 and 6:12. Flat roof forms may be used. Hip roof forms are prohibited.
4. Roof materials on pitched roofs shall utilize dark colored standing seam metal, flat cement, or composite tiles which mimic the appearance of wood shingles.
5. Windows shall be taller than they are wide. Accent windows of varying shapes and dimensions are permitted.
6. Windows facing the street must include multiple panes or lites or double-hung casement windows. Tape-on or snap-on mullions and muntins are not permitted.
7. Projects shall include a prominent covered entry or porch. Porch or patio roofs shall be supported by square, wood posts or columns.

MATERIALS AND COLORS

1. Exterior body materials shall consist of horizontal clapboard siding, shiplap, or board and batten paneling. Stucco may be permitted as the body material on primary volumes provided minor volumes are treated with clapboard, shiplap, or board and batten paneling. Stucco shall have a smooth, sand, or dash finish. Lace, cat face, and skip trowel stucco finishes are prohibited.
2. Body colors may be earth tones, whites, greys, or muted blues or greens.
3. Accent materials may include brick, stone, board and batten paneling, shiplap, or clapboard siding.

11-2.3 Multi-Family

A. Purpose

The purpose of the multi-family zoning districts is to allow areas for medium and high-density residential development that provide a variety of housing options and opportunities for all residents. These zoning districts also allow a mixture of other compatible uses including mixed-use development.

B. Multi-Family Zones

Table 2-4 Multi-Family Zones

Zoning Map Symbol	Zoning District Name	General Plan Land Use Designation
R-2/R-2-A	Medium High Density dwelling zone	Medium Density; Medium High Density
R-3/R-3-A	Medium High Density dwelling zone	Medium High and High Density Residential
R-4	High Density Multifamily zone	High Density Residential

C. Permitted Uses

- The following table sets forth the permits required for each listed use category.
 - “P” designates permitted uses.
 - “SPR” designates uses that are permitted after review and approval of a site plan review. This is considered a non-discretionary permit.
 - “DRA” designates uses that are permitted after ministerial review and approval of a director review and approval process.
 - “CUP” designates uses that are permitted after review and approval of a conditional use permit.
 - “TUP” designates uses that are permitted after review and approval of a temporary use permit.
 - “-” designates prohibited uses.
- In cases where a specific land use or activity is not listed as a permitted use either directly or indirectly, the City Manager or designee may assign the land use or activity to a classification per Section 11-8.2 (Use Classifications) are defined in Chapter 8 (Definitions/Use classifications). Use classifications not listed in the table or not found to be substantially similar to the uses below are not permitted. The table also notes special requirements that apply to various uses. Section numbers in the right-hand column refer to other Sections of this Ordinance.

Table 2-5 Permitted Uses

Use Types	R-2/R-2-A	R-3/R-3-A	R-4	Special Requirements
Multi-Family Residences	SPR	SPR	SPR	
Single-Family Residence	P	–	–	
Duplexes	P	P	P	
Mobile Home Park	CUP	CUP	CUP	See Section 11-3.9 (Mobile Home Parks)
Supportive Housing (Govt Code 65651)	P	P	P	
Transitional Housing (Govt Code 65651)	P	P	P	
Accessory Dwelling Unit	P	P	P	See Section 11-4.2 (ADUs and Junior ADUs)
Junior Accessory Dwelling Unit	P	P	P	See Section 11-4.2 (ADUs and Junior ADUs)
Accessory Structures	P	P	P	
Home Occupations – Minor & Major	DRA	DRA	DRA	See Section 11-4.3 (Home Occupations – Minor & Major)
Child Day Care Home, up to 14 children	P	P	P	See Section 11-4.4 (Child Care Facilities)
Bed and Breakfast Inns	SPR	SPR	SPR	See Section 11-4.12 (Bed and Breakfast Inns)
Boarding Home/Group Residential	CUP	SPR	SPR	
Residential Care, General	SPR	SPR	SPR	
Residential Care, Limited	P	P	P	
Hospice, General	SPR	SPR	SPR	
Hospice, Limited	P	P	P	
Public Facilities	SPR	SPR	SPR	
Religious Facilities	CUP	CUP	-	
Schools, Public or Private	CUP	CUP	CUP	
Rest Homes Providing Housing for Six or Fewer Unrelated Persons	P	P	P	
Rest Homes Providing Housing for More than Six Unrelated Persons	CUP	CUP	CUP	
Employee Housing	P	P	P	
Low Barrier Navigation Centers (SB 48)	SPR	P	P	
Emergency Shelter (AB 139)	DRA	DRA	DRA	See section 11-8.2 B (Emergency Shelter)
Mixed-Use Development	CUP	SPR	SPR	See section 11-8.1 (Mixed-Use Development)
Offices (See subclassifications below) ²				Only allowed as part of a Mixed Use Development only on the first floor of a multi-family building ³
Medical and Dental, Clinic, Laboratory ¹	CUP	CUP	CUP	Only allowed as part of a Mixed Use Development only on the first floor of a multi-family building ³
Business and Professional ³	P	P	P	Only allowed as part of a Mixed Use Development only on the first floor of a multi-family building ³
Walk-In Clientele ¹	CUP	CUP	CUP	Only allowed as part of a Mixed Use Development

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Use Types	R-2/R-2-A	R-3/R-3-A	R-4	Special Requirements
				only on the first floor of a multi-family building ³
Animal Care, Sales, and Services (See subclassifications below) ³	-	-	CUP	Only allowed as part of a Mixed Use Development only on the first floor of a multi-family building ³
Grooming, Pet Stores ³	-	CUP	CUP	Only allowed as part of a Mixed Use Development only on the first floor of a multi-family building ³
Pet Day Care Services ³	-	CUP	CUP	Only allowed as part of a Mixed Use Development only on the first floor of a multi-family building ³
Banks and Financial Institutions ³	-	-	CUP	Only allowed as part of a Mixed Use Development only on the first floor of a multi-family building ³
Food and Beverage Sales ³	-	CUP	SPR	Only allowed as part of a Mixed Use Development only on the first floor of a multi-family building ³
Parking (Private or Public) ³	-	-	CUP	Only allowed as part of a Mixed Use Development only on the first floor of a multi-family building ³
Retail Shops and Boutiques ³	-	CUP	SPR	Only allowed as part of a Mixed Use Development only on the first floor of a multi-family building ³
Open Space, Private	SPR	SPR	SPR	
Open Space, Public	SPR	SPR	SPR	
Outdoor Recreational Facilities (Public and Private)	SPR	SPR	SPR	
Temporary Uses				
Contractors Construction Yard				See Section 11-6.8 (Temporary Use Permits (TUP))
On-Location Filming	TUP	TUP	TUP	See Section 11-6.8 (Temporary Use Permits (TUP))
Seasonal Sales	-	-	-	See Section 11-6.8 (Temporary Use Permits (TUP))
Temporary Sales Trailer	-	-	-	See Section 11-6.8 (Temporary Use Permits (TUP))
Temporary Storage Container	TUP	TUP	TUP	See section 11-3.2 (Storage Containers) and See Section 11-6.8 (Temporary Use Permits (TUP))
Temporary Structure	TUP	TUP	TUP	See Section 11-6.8 (Temporary Use Permits (TUP))

Use Types	R-2/R-2-A	R-3/R-3-A	R-4	Special Requirements
Temporary Work Trailer	TUP	TUP	TUP	See Section 11-6.8 (Temporary Use Permits (TUP))

¹ Pharmacies are permitted as an accessory use but shall not be the primary use. The site plan submitted for pharmacies must show the relationship of any pharmacy to surrounding residential uses, if any, and the appearance of commercial development shall be avoided

² Veterinarians are prohibited as an office use in all multi-family zones.

³ The following uses are only permitted on the first floor of a multi-family building as part of a mixed-use projects, occupying no more than fifty percent (50%) of the first floor.

D. Development Standards

Development standards for the multi-family zoning districts shall be as follows:

Table 2-6 Development Standards

Development Standard Zoning District	Regulation R-2-A and R-2	Comments or Special Requirements
Minimum Lot Size	6,000 square feet	See Section 11-3-1 (Development Standards)
Minimum Lot Dimensions	Depth: <ul style="list-style-type: none"> ▪ 100 feet. ▪ Lots backing on a freeway or railroad: 130 feet. Width: <ul style="list-style-type: none"> ▪ 60 feet. ▪ Corner lot: 70 feet. ▪ Reverse corner lot: 75 feet ▪ Cul-de-sac or loop out lots: 40 feet, with a minimum lot width building setback line of 60 feet. ▪ Lots adjacent to freeway or railroad: 80 feet. 	
Maximum Lot Coverage ¹	40%	
Maximum Building Height	45 feet	See Section 11-3-1 (Development Standards)
Maximum Accessory Building Height	16 feet	See Section 11-3-3 (Accessory Buildings and Structures)
Height Projections	–	See Section 11-3-1(E) (Development Standards-Projections)
Minimum Yard Setbacks	Front yard: <ul style="list-style-type: none"> ▪ 20 feet or twenty five percent (25%) of the depth of the lot, whichever is less. Side yard: <ul style="list-style-type: none"> ▪ Interior lots: 5 feet. ▪ Multi-story buildings: 10 feet. ▪ Corner lot, street side: 15 feet, except for garages and carports which is 20 feet: ▪ Side yard backing on a freeway or railroad: 25 feet. Rear yard: <ul style="list-style-type: none"> ▪ Rear yard for single-story structures: 10 feet. 	See Additional Regulations below See Section 11-3-1 (Development Standards) See Section 11-2.3(E) (Multi-Family Objective Design and Development Standards)

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Development Standard Zoning District	Regulation R-2-A and R-2	Comments or Special Requirements
	<ul style="list-style-type: none"> ▪ Rear yard for multi-story structures adjacent to single-family: 20 feet. ▪ Rear yard backing on a freeway or railroad: 40 feet. 	
Building Separation	Distance between buildings: Determined by the Building Code. Distance between buildings and parking areas: 15 feet.	See Section 11-3-3 (Accessory Structures)
Off-Street Parking		See Additional Regulations below. See Section 11-3-4 (Off Street Parking)
Private and Common Open Space		See Section 11-2.3(E) (Multi-Family Objective Design and Development Standards)

¹ The buildable area, or percentage of a lot, which may be occupied by any buildings, shall not exceed a total amount of forty five percent (45%) except a minor variance of five percent (5%) of the buildable area or percentage of a lot, which may be occupied by any buildings, may be approved at the discretion of the Community Development Director where such additional lot coverage will not, in the opinion of the Community Development Director, adversely affect the aesthetics of the local area. Such variances may be applied only to structures already possessing a certificate of occupancy that are increasing their existing lot coverage. Lots exceeding the minimum required area as stated in Subsection I above may be allowed to use seventy percent (70%) of the excess lot for buildable area, provided that the total lot coverage does not exceed forty five percent (45%) where such additional lot coverage will not, in the opinion of the Community Development Director or designee, adversely affect safety or the aesthetics of the local area.

² Subdivisions that abut a railroad or railroad rights-of-way shall be required to construct a seven (7) foot block wall to mitigate operating noise from railway services.

Development Standard Zoning District	Regulation		Comments or Special Requirements
	R-3-A and R-3	R-4	
Minimum Lot Size	8,000 square feet	10,000 square feet	See Section 11-3.1 (Development Standards)
Minimum Lot Dimensions	Depth: <ul style="list-style-type: none"> ▪ 120 feet. ▪ Lots backing on a freeway or railroad: 130 feet. Width: <ul style="list-style-type: none"> ▪ 60 feet. ▪ Corner lot: 70 feet. ▪ Reverse corner lot: 75 feet ▪ Cul-de-sac or loop out lots: 40 feet fronting, with a minimum lot width building setback line of 60 feet. ▪ Lots adjacent to freeway or railroad: 80 feet. 	Depth: <ul style="list-style-type: none"> ▪ 120 feet. Lots backing on a freeway or railroad: 130 feet. Width: <ul style="list-style-type: none"> ▪ 60 feet. ▪ Corner lot: 70 feet. ▪ Reverse corner lot: 75 feet ▪ Cul-de-sac or loop out lots: 40 feet fronting, with a minimum lot width building setback line of 60 feet. ▪ Lots adjacent to freeway or railroad: 80 feet. 	
Maximum Lot Coverage	55% ¹	65% ²	
Maximum Building Height	35 feet ⁴	45 feet	See Section 11-3.1 (Development Standards)

Development Standard Zoning District	Regulation		Comments or Special Requirements
	R-3-A and R-3	R-4	
Maximum Accessory Building Height	16 feet	16 feet	See Section 11-3.3 (Accessory Structures)
Height Projections	–	–	See Section 11-3-1(F) (Development Standards-Projections)
Minimum Yard Setbacks	<p>Front yard:</p> <ul style="list-style-type: none"> ▪ 15 feet or twenty five percent (25%) of the depth of the lot, whichever is less. <p>Side yard:</p> <ul style="list-style-type: none"> ▪ Interior lots: 5 feet. ▪ Multi-story buildings: 10 feet. ▪ Corner lot, street side: 15 feet, except for garages and carports which is 20 feet: ▪ Side yard backing on a freeway or railroad: 25 feet. <p>Rear yard:</p> <ul style="list-style-type: none"> ▪ Rear yard for single-story structures: 10 feet. ▪ Rear yard for multi-story structures adjacent to single-family: 20 feet. ▪ Rear yard backing on a freeway or railroad: 40 feet. 	<p>Front yard:</p> <ul style="list-style-type: none"> ▪ 15 feet or twenty five percent (25%) of the depth of the lot, whichever is less. <p>Side yard:</p> <ul style="list-style-type: none"> ▪ Interior lots: 5 feet. ▪ Multi-story buildings: 10 feet. ▪ Corner lot, street side: 15 feet, except for garages and carports which is 20 feet: ▪ Side yard backing on a freeway or railroad: 25 feet. <p>Rear yard:</p> <ul style="list-style-type: none"> ▪ Rear yard for single-story structures: 10 feet. ▪ Rear yard for multi-story structures adjacent to single-family: 20 feet. ▪ Rear yard backing on a freeway or railroad: 40 feet. 	See Additional Regulations below See Section 11-3-1 (Development Standards) See Section 11-2.3(E) (Multi-Family Objective Design and Development Standards)
Building Separation	Distance between buildings: Determined by the Building Code. Distance between buildings and parking areas: 15 feet.	Distance between buildings: Determined by the Building Code	See Section 11-3.3 (Accessory Structures)
Off Street Parking			See Section 11-3-4 (Off Street Parking)
Private and Common Open Space			See Section 11-2.3(E) (Multi-Family Objective Design and Development Standards)

¹ The buildable area, or percentage of a lot, which may be occupied by any and all buildings, shall not exceed fifty five percent (55%) except a minor variance of five percent (5%) of the buildable area or percentage of a lot, which may be occupied by any buildings, may be approved at the discretion of the Community Development Director where such additional lot coverage will not, in the opinion of the Community Development Director, adversely affect the aesthetics of the local area. Such variances may be applied only to structures already possessing a certificate of occupancy that are increasing their existing lot coverage. Lots exceeding the minimum required area as stated in Subsection I above may be allowed to use seventy percent (70%) of the excess lot for buildable area, provided that the total lot coverage does not exceed fifty five percent (55%) where such additional lot coverage will not, in the opinion of the Community Development Director or designee, adversely affect safety or the aesthetics of the local area.

² The buildable area, or percentage of a lot, which may be occupied by any and all buildings, shall not exceed a total amount of sixty five percent (65%) except at the discretion of the Community Development Director. The buildable area may exceed sixty five percent (65%) where such additional lot coverage will not, in the opinion of the Community Development Director or designee, adversely affect safety or the aesthetics of the local area.

³ Subdivisions that abut a railroad or railroad rights-of-way shall be required to construct a seven (7) foot block wall to mitigate operating noise from railway services.

Development Standard Zoning District	Regulation		Comments or Special Requirements
	R-3-A and R-3	R-4	

⁴ In R-3 exceedance of the height standard will be granted upon the approval of a Conditional Use Permit (subject to section 11-6.7) not to exceed the maximum height requirement of R-4.

E. Multi-Family Objective Design Standards

Multi-family and mixed-use projects which utilize Spanish/Mediterranean, Modern, or Americana architectural styles are subject to the following standards respectively in addition to the objective design standards in this document and objective development standards in the zoning code. Proposed projects which do not fall into one of the three styles listed, the applicant shall provide documentation to the Community Development Director stating the proposed architectural style, the objective standards of said architectural style, and the massing, materials, colors, and details of said architectural style.

General Styles

Massing and Architectural Elements

1. One of the following architectural elements that add visual interest, scale, and character, such as recessed or projecting balconies, trellises, recessed windows, verandas, and porches.
2. Individual planes of an elevation facing a public right-of-way shall be symmetrical. The placement of exterior doors to one side of a façade plane shall not be considered as breaking from symmetry.
3. Vertical articulation and horizontal articulation must be used in designs, when applicable, to mitigate the impact on surrounding development and the overall landscape.
4. Building shall utilize a combination of simple geometric volumes which emphasize clean lines.
5. Mechanical equipment mounted on the roof must be screened and the back of parapets must match the color and materials of the building.
6. Windows shall be taller than they are wide. Accent windows of varying shapes and dimensions are permitted.
7. Use window styles with one of the following details including trim, shutters, flower boxes, and balconies to articulate the façade.
8. For building with two or more stories, locate windows where they will not directly align with existing neighboring windows, to the extent feasible for any particular room.
9. Window and door type, material, shape, and proportion shall be dictated by the architectural style of the building.
10. All light fixtures shall be architecturally compatible with the building design.
11. Security lighting fixtures should not project above the fascia or roofline of the building and not be substituted for parking lot or walkway lighting fixtures.

Materials and Colors

1. Quality long-lasting materials are required for all buildings. Exterior wall materials shall include at least two of the following materials: concrete based wood siding, concrete based shingle siding, stucco, brick, and stone.
2. A minimum of three colors per elevation are required.
3. Use contrasting colors to accentuate details such as trim, windows, doors, and key architectural elements.

OPTIONAL STYLES

Multi-family projects which utilize Spanish/Mediterranean, Modern, or Americana architectural styles are subject to the following standards respectively in addition to the objective design standards in this document and objective development standards in the zoning code. Proposed projects which do not fall into one of the three styles listed, the applicant shall provide documentation to the Community Development Director stating the proposed architectural style, the objective standards of said architectural style, and the massing, materials, colors, and details of said architectural style.

Spanish / Mediterranean

Spanish architectural style, also known as Mediterranean or Spanish Revival, is characterized by elements inspired by the architecture of Spain, including features such as stucco walls, clay tile roofs, decorative metalwork, and arched windows and doorways. It often incorporates ornamental details, such as colorful tiles, carved wood accents, and courtyards, to create a warm and inviting Mediterranean-inspired atmosphere.

Massing and Architectural Elements

1. Each publicly-facing elevation shall have a projecting 1- or 2-story volume with minimum width of 10 feet and a minimum depth of 3 feet. The projecting volume shall either have a forward-facing gable roof form or a shed roof form. Building massing shall create a usable courtyard space enclosed on at least one side or one or more terrace(s).
2. When pitched roof forms are used, roofs pitches shall not exceed 4.5:12 and include exposed rafter tails or cornices.
3. When pitched roof forms are included, roofs shall utilize clay-colored barrel or S-shaped tiles.
4. Windows shall be taller than they are wide or square with rectangular or arched shapes.
5. Windows facing the street must include multiple panes or lites. Tape-on or snap-on mullions and muntins are not permitted.

Materials and Colors

1. Exterior body materials shall consist of stucco with a smooth, sand, or dash finish. Lace, and skip trowel stucco finishes are prohibited.
2. Body colors shall be limited to whites, off-whites, cream, terracotta, ochre, and beige.
3. Accent colors for structural elements such as exposed rafters, and balconies shall be deep browns or stained wood finishes.

4. Minor accents such as window and door trim or shutters shall be painted muted shades of blue, green, rust, and burgundy.
5. Exterior paving materials may include terracotta tile, decorative tile, brick, stone, gravel, or decomposed granite.

Ornamentation and Details

1. Projects shall incorporate architectural detailing on all elevations visible to the public. A minimum of three (3) of the following ornamental features are required:
 - a. Decorative tile work around doorways, windows, or stair risers.
 - b. Wrought iron/tubular steel features in the form of balcony railings or accents over at least 20 percent of the windows on an elevation.
 - c. Shutters on at least 20 percent of the windows of an elevation.
 - d. At least 1 unique, large window (at least 25 larger than all other windows) or feature window with an archway.
 - e. Terracotta breezeblock openings to garden or courtyard spaces.
 - f. Decorative water feature or fountain.
 - g. Canvas awnings with wrought iron supports over at least 10 percent of the windows and doors on an elevation.
 - h. Terracotta gable vents on all forward-facing gables.
 - i. Window boxes, elevated planters, trellises, or pergolas

Modern

Modern architectural style emerged in the early 20th century and emphasizes simplicity, clean lines, horizontality, and the use of modern materials such as glass, steel, and concrete. It seeks to create functional and efficient spaces while embracing minimalist design principles and often blurring the boundaries between indoor and outdoor spaces.

Massing and Architectural Elements

1. Building shall utilize a combination of simple geometric volumes which emphasize clean lines.
2. Roofs should be flat and include parapets to screen roof-mounted equipment. Low-pitched shed roof forms are permitted and shall not exceed a 3:12 slope. Gable and hip roof forms are prohibited.
3. Windows shall consist of a large, rectangular feature window or grouped, utilizing large uninterrupted panes. Simple rectangular and circular shapes shall be implemented. Ornate windows or arched windows shall be prohibited.
4. Windows shall be set flush with the exterior wall.

Materials and Colors

1. Exterior body materials shall consist of composite panels; non-terracotta-colored tiles; textured, corrugated, or smooth metal siding; stucco with a smooth, sand, or dash finish. Lace, cat face, and skip trowel stucco finishes are prohibited.

2. Buildings shall incorporate modern materials such as glass, steel, aluminum, composite panels, and sustainable alternatives. Exposed brick, stone, wood, and concrete as accent materials are permitted.
3. Exposed gable vents are prohibited.

Characteristic Architectural Features

1. Structures shall be generally without ornamentation and emphasize clean geometric (usually straight) lines. Overly ornate elements such as decorative wrought iron is prohibited.
2. Projects shall incorporate a minimum of three (3) architectural features of modern design on publicly visible elevations:
 - a. Curtain wall or floor to ceiling windows.
 - b. Clerestory windows.
 - c. Cantilevered roofs with a minimum of 24-inch overhang.
 - d. Projecting fins / wing walls.
 - e. Breeze block walls.
 - f. Metal screens, shades, or roof projections.
 - g. Use of four (4) contrasting colors or materials on an elevation (excluding windows and doors).
 - h. A rectangular volume with a minimum dimension of 10 feet (height) by 15 feet (width) that projects forward from the main body of the building by a minimum of 18 inches.
 - i. At least one unique, large window (at least 25 percent larger than all other windows).

Americana

Americana architectural style is a modern interpretation of American Farmhouse and draws inspiration from traditional rural farmhouses. It typically features a simple, rectangular massings with a symmetrical facade, a gable roof, and a welcoming front porch.

Massing and Architectural Elements

1. Building shall utilize asymmetrical one-and-a-half (1.5) to three (3)-story massing with at least one, street-facing gable roof form.
2. Individual planes of an elevation facing a public right-of-way shall be symmetrical. The placement of exterior doors to one side of a façade plane shall not be considered as breaking from symmetry.
3. When gable or shed roof pitches are being used, the pitch shall be between 2:12 and 6:12. Flat roof forms may be used. Hip roof forms are prohibited.
4. Roof materials on pitched roofs shall utilize dark colored standing seam metal, flat cement, or composite tiles which mimic the appearance of wood shingles.
5. Windows shall be taller than they are wide. Accent windows of varying shapes and dimensions are permitted.
6. Windows facing the street must include multiple panes or lites or double-hung casement windows. Tape-on or snap-on mullions and muntins are not permitted.

7. Projects shall include a prominent covered entry or porch. Porch or patio roofs shall be supported by square, wood posts or columns.

Materials and Colors

1. Exterior body materials shall consist of horizontal clapboard siding, shiplap, or board and batten paneling. Stucco may be permitted as the body material on primary volumes provided minor volumes are treated with clapboard, shiplap, or board and batten paneling. Stucco shall have a smooth, sand, or dash finish. Lace, cat face, and skip trowel stucco finishes are prohibited.
2. Body colors may be earth tones, whites, greys, or muted blues or greens.
3. Accent materials may include brick, stone, board and batten paneling, shiplap, or clapboard siding.

F. Additional Regulations

1. R-2-A/R-2 Zones

a. Site Planning

- i. Every lot shall have a front yard with a minimum depth of twenty feet (20'), extending across the full width of the lot, or twenty five percent (25%) of the depth of the lot, whichever is less, except that when a lot is adjacent to or abuts a lot fronting on the same street zoned R-A, R-1-7, R-1-7, R-1-9, or R-1-12, the required front yard setback of the adjacent or abutting lot shall apply for a minimum distance of the first fifty feet (50') extending across the front of the lot.
- ii. Side Yard Oriented Dwellings. In addition to the regulations specified in the table above, the following regulations shall apply when dwelling units front or rear upon side yards:
 - When dwelling units rear upon a side yard with direct access by door to the dwelling unit, the required side yard shall be ten feet (10'). Porches and steps shall be permitted, provided, not less than five feet (5') of the width of the required side yard shall be completely free of structures. Side yards shall not be used for parking.
 - When dwelling units front upon a side yard, the required width of the side yard shall not be less than fifteen feet (15'). Porches and steps shall be permitted. Side yards shall not be used for parking.

b. Off Street Parking

- i. All parking spaces shall be accessible from a driveway connecting with a public way. Off street parking facilities for five (5) or more spaces shall be designed so that vehicles do not have to back into a street or into a public way.
- ii. Parking spaces shall be provided with continuous concrete curbing, acting as wheel stops at the ends of spaces when abutting buildings or landscape areas, or other parking spaces. Vehicles shall be permitted to overhang a maximum of two feet (2') when adjacent to a minimum landscaped area or sidewalk of six feet (6') or more in width.
- iii. The parking of inoperable vehicles, towable trailers and boats and vehicles with a rating in excess of one ton in open or carport spaces shall not be permitted.
- iv. There shall be adequate on-site turning areas, with all-weather surfaces, on lots facing on and having access to major and secondary highways to permit motor vehicles to head into the street.

c. Private Open Space

- i. Private open space provided for individual dwelling units shall be a minimum of one hundred seventy-five (175) square feet for first floor units as ground floor private open space or eighty (80) square feet minimum for second floor units as balconies.
- ii. Of the required private open space, each patio or balcony shall contain a minimum dimension of six feet (6') by nine feet (9').

d. Common Open Space

- i. On each site developed with multi-family buildings, there shall be provided landscaped and usable common open space for recreational and leisure activities equaling at least three hundred (300) square feet per dwelling unit, with a minimum of twenty five percent (25%) of the lot coverage of the total development site.
- ii. Common open space should be a minimum of twelve feet (12') in its smallest horizontal dimension and should not be less than one hundred seventy-five (175) square feet in total area.

2. R-3-A/R-3 Zones

a. Site Planning

- i. The subject use is similar to other uses permitted in the district within which it is proposed to be allowed; The minimum area of a lot shall be six thousand (6,000) square feet, except that corner lots shall contain seven thousand (7,000) square feet of area and reversed corner lots shall contain seven thousand five hundred (7,500) square feet of area.
- ii. Every lot shall have a front yard with a minimum depth of fifteen (15'), extending across the full width of the lot, or twenty five percent (25%) of the depth of the lot, whichever is less, except that when a lot is adjacent to or abuts a lot fronting on the same street zoned R-A, R-1-4, R-1-7, R-1-9, or R-1-12, the required front yard setback of the adjacent or abutting lot shall apply for a minimum distance of the first fifty feet (50') extending across the front of the lot.

b. Off Street Parking

- i. All parking spaces shall be accessible from a driveway connecting with a public way. Off street parking facilities for five (5) or more spaces shall be designed so that vehicles do not have to back into a street or into a public way.
- ii. Parking spaces shall be provided with continuous concrete curbing, acting as wheel stops at the ends of spaces when abutting buildings or landscape areas, or other parking spaces. Vehicles shall be permitted to overhang a maximum of two feet (2') when adjacent to a minimum landscaped area or sidewalk of six feet (6') or more in width.
- iii. The parking of inoperable vehicles, towable trailers and boats and vehicles with a rating in excess of one ton in open or carport spaces shall not be permitted.
- iv. There shall be adequate on-site turning areas, with all-weather surfaces, on lots facing on and having access to major and secondary highways to permit motor vehicles to head into the street.

c. Private Open Space

- i. Private open space provided for individual dwelling units shall be a minimum of one hundred fifty (150) square feet for first floor units as ground floor private open space or sixty (60) square feet minimum for second floor units as balconies.
- ii. Of the required private open space, each patio or balcony shall contain a minimum dimension of six feet (6') by nine feet (9').

d. Common Open Space

- i. On each site developed with multi-family buildings, there shall be provided landscaped and usable common open space for recreational and leisure activities equaling at least three hundred (300) square feet per dwelling unit, with a minimum of twenty five percent (25%) of the lot coverage of the total development site.
- ii. Common open space should be a minimum of twelve feet (12') in its smallest horizontal dimension and should not be less than one hundred seventy-five (175) square feet in total area.

3. R-4 Zone.

a. Site Planning

- i. The subject use is similar to other uses permitted in the district within which it is proposed to be allowed; The minimum area of a lot shall be six thousand (6,000) square feet, except that corner lots shall contain seven thousand (7,000) square feet of area and reversed corner lots shall contain seven thousand five hundred (7,500) square feet of area.
- ii. Every lot shall have a front yard with a minimum depth of fifteen (15'), extending across the full width of the lot, or twenty five percent (25%) of the depth of the lot, whichever is less, except that when a lot is adjacent to or abuts a lot fronting on the same street zoned R-A, R-1, R-1-9, or R-1-12, the required front yard setback of the adjacent or abutting lot shall apply for a minimum distance of the first fifty feet (50') extending across the front of the lot.

b. Off Street Parking

- i. All parking spaces shall be accessible from a driveway connecting with a public way. Off street parking facilities for five (5) or more spaces shall be designed so that vehicles do not have to back into a street or into a public way.
- ii. Parking spaces shall be provided with continuous concrete curbing, acting as wheel stops at the ends of spaces when abutting buildings or landscape areas, or other parking spaces. Vehicles shall be permitted to overhang a maximum of two feet (2') when adjacent to a minimum landscaped area or sidewalk of six feet (6') or more in width.
- iii. The parking of inoperable vehicles, towable trailers and boats and vehicles with a rating in excess of one ton in open or carport spaces shall not be permitted.
- iv. There shall be adequate on-site turning areas, with all-weather surfaces, on lots facing on and having access to major and secondary highways to permit motor vehicles to head into the street.

- v. The Community Development Director or designee has discretion to reduce off-street parking requirements by up to fifteen percent (15%) where such reduction is needed to meet other building requirements or to improve overall project design.
- c. **Private Open Space**
 - i. Private open space provided for individual dwelling units shall be a minimum of (60) square feet minimum for second floor and higher units as balconies.
- d. **Common Open Space**
 - i. On each site developed with multi-family buildings, there shall be provided landscaped and usable common open space for recreational and leisure activities equaling at least three hundred (300) square feet per dwelling unit, with a minimum of twenty five percent (25%) of the lot coverage of the total development site.
 - ii. Common open space should be a minimum of twelve feet (12') in its smallest horizontal dimension and should not be less than one hundred seventy-five (175) square feet in total area.

11-2.4 Commercial

A. Purpose

The purpose of the commercial (C) zoning district is to provide sites for a full range of convenient retail and service uses needed to accommodate Selma residents and visitors.

B. Zones

The commercial land uses shall promote a full range of commercial activity appropriate for the community.

1. Neighborhood Commercial (C-1)

This designation includes convenience commercial and neighborhood shopping centers providing a range of necessary day-to-day retail goods and services. This designation also includes the development of non-retail businesses and professional offices.

2. Community Commercial (C-2)

The designation includes sites for a wide range of retail commercial uses that have a broad customer base as well as smaller retail and service businesses.

3. Commercial Service (C-3)

This designation includes a wide range of commercial activities that include business with both retail and service components.

4. Commercial Regional (C-R)

This designation is designed to provide development opportunities for those uses that attract customers from the region.

5. Highway Commercial (C-H)

This designation includes several types of uses distinguishable because of their service orientation to the highway traveler. Highway Commercial designations are limited to the areas surrounding the SR 99 interchanges.

6. Central Business District (CBD)

The purpose of the Central Business District (CBD) is to foster the appropriate downtown businesses, shopping, dining, and other related uses through the continued use of existing structures and enable compatible enhancement and redevelopment where reuse is not feasible.

7. Planned Medical Development (P-M-D)

This designation is designed to provide development opportunities for medical oriented offices and businesses in close proximity to the existing hospital. The clustering of medical related professional services will provide convenient access to the public and to the professionals who provide the services.

C. Permitted Uses

1. The following table sets forth the permits required for each listed use category.
 - a. "P" designates allowed uses.
 - b. "SPR" designates uses that are permitted after review and approval of a site plan review process. This is considered non-discretionary.
 - c. "DRA" designates uses that are permitted after a director review and approval of a project application. This is a discretionary permit.
 - d. "CUP" designates uses that are permitted after review and approval of a conditional use permit application. This is a discretionary permit.
 - e. "TUP" designates uses that are permitted after review and approval of a temporary use permit.
 - f. "-" designates prohibited uses.

In cases where a specific land use or activity is not listed as a permitted use either directly or indirectly, the City Manager or designee may assign the land use or activity to a classification per Section 11-8.2. (Use Classifications)

Table 2-7 Permitted Uses

Use Types	C-1	C-2	C-3	C-R	C-H	PMD	CBD	Special Requirements (if any)
Residential Uses								
Multi-Family Residences	SPR	SPR	SPR	SPR	CUP		P	Residential uses shall be on the second floor of mixed use projects
Single-Family Residence	-	-	-	-	-	-	-	
Duplexes	-	-	-	-	-	-	-	
Supportive Housing	SPR	-	-	-	-	-	-	
Transitional Housing	SPR	-	-	-	-	-	-	
Accessory Dwelling Unit	-	-	-	-	-	-	-	
Junior Accessory Dwelling Unit	-	-	-	-	-	-	-	
Home Occupations – Minor & Major	-	-	-	-	-	-	-	
Family Day Care Home				-				
Large	SPR	CUP	-	-	-	-	SPR	
Small	SPR	CUP	-	-	-	-	SPR	See Section 11-4-4(Child Care Facilities)
Bed and Breakfast Inns	CUP	-	-	-	-	-	-	See Section 11-4.12 (Bed and Breakfast Inns)
Boarding Home/ Group Residential	-	-	-	-	-	-	-	
Residential Care, Limited	SPR	-	-	-	-	-	-	
Hospice, Limited	SPR	-	-	-	-	SPR	-	
Rest Homes Providing Housing for Six or Fewer Unrelated Persons	SPR	-	-	-	-	SPR	-	
Rest Homes Providing Housing for More than Six Unrelated Persons	SPR	SPR	-	-	-	SPR	-	
Employee Housing	-	-	-	-	-	-	-	
Low Barrier Navigation Centers	-	-	-	-	-	-	-	See Section 11-8.2 B (LBNC)
Emergency Shelter	SPR	-	-	-	-	-	-	See section 11-8.2 B (Emergency Shelter)
Animal Care, Sales, and Services (see subclassifications below)								
Grooming, Pet Stores	SPR	SPR	-	-	-	-	SPR	
Pet Day Care Services	SPR	SPR	-	-	-	-	SPR	
Veterinary Services	-	SPR	-	-	-	SPR	-	
Kennel/Overnight Boarding	-	CUP	CUP	CUP	-	-	-	
Art Galleries	SPR	SPR	-	-	-	-	SPR	
Automobile Part and Supply Stores	SPR	SPR	SPR	SPR	-	-	-	
Automotive Fuels and Recharging Facilities	SPR	SPR	SPR	SPR	-	-	-	
Automobile Dealerships	-	CUP	SPR	SPR	CUP	-	-	

City of Selma
Zoning Code Update

Use Types	C-1	C-2	C-3	C-R	C-H	PMD	CBD	Special Requirements (if any)
Service Stations		CUP	SPR		CUP			
Banks and Financial Institutions	SPR	SPR	SPR	SPR	-	-	SPR	
Bars/Nightclubs/Lounges	-	-	CUP	CUP	CUP	-	CUP	See Section 11-4-7 (Alcoholic Beverage Sales)
Cannabis Dispensaries and Testing Facilities	-	-	-	-	-	-	-	See Section 11-4-11 (Cannabis)
Car Wash and Detail Services	-	SPR	SPR	SPR	SPR	-	-	
Community Gardens and Farmers Markets	SPR-	-	-	-	-	-	SPR	
Nurseries	SPR	SPR					SPR	
Convenience and Food Stores Under 3,000 Square Feet	SPR	SPR	SPR	SPR	SPR	-	SPR	See Section 11-4-7 (Alcoholic Beverage Sales)
Convention and Conference Centers	-	-	CUP	CUP	CUP	-	-	
Drive Through facilities	CUP	CUP	SPR	SPR	CUP	-	CUP	
Entertainment Facilities	-	-	-	-	-	-	-	
Large-Scale	-	CUP	CUP	CUP	CUP	-	CUP	
Small-Scale	SPR	SPR	SPR	SPR	SPR	-	DRA	
General Merchandise Stores	-	SPR	SPR	SPR	-	-	SPR	
Gun and Ammo Sales	-	CUP	CUP	CUP	CUP	-	-	
Eating and Drinking Establishments (Restaurants)	-	SPR	SPR	SPR	SPR	-	SPR	See Section 11-4-7 (Alcoholic Beverage Sales) See Section 11-4-6 (Outdoor Dining)
Fitness Centers	-	CUP	SPR	SPR	-	-	CUP	CUP required for fitness centers over 12,500 square feet
Food and Beverage Sales	SPR	SPR	SPR	SPR	SPR	-	SPR	
Home Goods and Hardware Stores	-	SPR	SPR	SPR	-	-	-	
Hospitals and Clinics	-	-	CUP	CUP	CUP	DRA	CUP	CUP required for psychiatric and chemical dependence hospital
Hotel	-	CUP	CUP	CUP	CUP	-	CUP	
Mixed Use Development	SPR	SPR	SPR	SPR	CUP	CUP	SPR	
Motel	-	CUP	CUP	CUP	CUP	-	-	
Machine Sales and Rentals	-	SPR	SPR	SPR	-	-	-	
Mortuary	-	-	SPR	SPR	-	-	-	
Offices (see subclassifications below)								
Medical and Dental, Clinic, Laboratory	-	CUP	SPR	SPR	SPR	SPR	CUP	CUP required for 24 hr. outpatient clinic
Business and Professional	SPR	SPR	SPR	SPR	SPR	DRA	SPR	

Use Types	C-1	C-2	C-3	C-R	C-H	PMD	CBD	Special Requirements (if any)
Walk-In Clientele	SPR	SPR	SPR	SPR	SPR	–	SPR	
On-Site and Off-Site Sales of Beer, Wine, and Liquor (includes Breweries)	–	CUP	CUP	CUP	CUP	–	CUP	Includes microbrewery and micro-distilleries
Parking (Private or Public)	SPR	SPR	SPR	SPR	SPR	–	P	See Section 11-3-4 (Off Street Parking)
Pawn Shops	-	CUP	SPR	SPR		-	CUP	
Personal Services	SPR	SPR	SPR	SPR	SPR	–	SPR	
Public Facilities	SPR	SPR	SPR	SPR	SPR	–	SPR	
Pharmacies and Drug Stores	SPR	SPR	SPR	CUP	CUP	SPR		
Religious Facilities	-	CUP	CUP	SPR		–	CUP	
Retail Shops and Boutiques	SPR	SPR	SPR	SPR	SPR	–	SPR	CUP required for Resell of used items
Tattoo or Body Parlor	CUP	SPR	SPR	SPR		–	CUP	
Wholesale and Warehouse	–	–	SPR	SPR	CUP	–	-	Warehouse excludes storage of flammable liquids and explosives
Open Space, Private	–	–	SPR	SPR	–	–	–	
Open Space, Public	–	–	SPR	SPR	–	–	–	
Outdoor Recreational Facilities (Public and Private)	–	–	SPR	SPR		–	–	
Temporary Uses:								See Section 11-6.8 (Temporary Use Permits (TUP))
Contractors Construction Yard	–	–	TUP	TUP	TUP	–	–	See Section 11-6.8 (Temporary Use Permits (TUP))
On-Location Filming	TUP	TUP	TUP	TUP	TUP	TUP	TUP	See Section 11-6.8 (Temporary Use Permits (TUP))
Seasonal Sales	TUP	TUP	TUP	TUP	TUP	–	–	See Section 11-6.8 (Temporary Use Permits (TUP))
Temporary Sales Trailer	TUP	TUP	TUP	TUP	TUP	–	–	See Section 11-6.8 (Temporary Use Permits (TUP))
Temporary Storage Container	TUP	TUP	TUP	TUP	TUP	–	–	See section 11-3.2 (Storage Containers) and See Section 11-6.8 (Temporary Use Permits (TUP))
Temporary Structure	TUP	TUP	TUP	TUP	TUP	TUP	TUP	See Section 11-6.8 (Temporary Use Permits (TUP))
Temporary Work Trailer	TUP	TUP	TUP	TUP	TUP	TUP	TUP	See Section 11-6.8 (Temporary Use Permits (TUP))

City of Selma
Zoning Code Update

Use Types	C-1	C-2	C-3	C-R	C-H	PMD	CBD	Special Requirements (if any)
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Notes: Use classifications not listed in the table or not found to be substantially similar to the uses below are not permitted.

Limitations on Uses (applies to all districts and uses)

1. No businesses dealing in wholesale or used goods or commodities shall be permitted, except in the case of articles taken in trade or sale of new merchandise on same premises. Thrift stores shall be an exception to this subsection. (Ord. 743, 4-5-1976)
2. No products shall be made unless incident to a permitted use and sold at retail on the same premises.
3. When any exterior wall of a building faces a street or property classified in any R zone, all exterior walls thereof shall be treated and finished in a similar manner.
4. When an exterior wall of a building faces abutting property in an R zone, no sign shall be placed on such wall or on any portion of the lot between the wall and the R zone. (Ord. 533, 6-5-1961)
5. In areas which are immediately adjacent to residences located in R zones, there shall be no loading to or unloading from vehicles or conveyances between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M., excepting perishable goods and items related thereto in the sale or processing thereof. (Ord. 662, 6-16-1969)
6. No more than two service stations may be located on the corners of the same intersection.

D. Commercial Development Standards

Table 2-8 Development Standards

Development Standard	C-1	C-2	C-3	C-R	C-H	PMD	CBD	Comments
Minimum Lot Size	1 acre	20,000 square feet	20,000 square feet	5 acres regional	20,000 square feet	20,000 square feet	N/A	
Minimum Lot Dimensions	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Maximum Lot Coverage	40 %	60%	75%	60%	70%	40%	100%	
Maximum Building Height	35 feet Adjacent to residential use: Shall not exceed twice the distance to the nearest property line	75 feet Adjacent to residential use: Shall not exceed twice the distance to the nearest property line	N/A	75 feet	N/A	20 feet Adjacent to residential use: Shall not exceed twice the distance to the nearest property line	75 feet	
Minimum Yard Setbacks	Front Yard: 15 ft or 10% of lot depth Side Interior: None Rear Yard: None	N/A	Front Yard: 15 ft or 10% of lot depth Side Interior: None Rear Yard: None	Front Yard: 15 ft or 10% of lot depth Side Interior: None Rear Yard: 10 ft. Rear Yard with alley: None	Front Yard: 15 ft or 10% of lot depth Side Interior: None Rear Yard: None	Front Yard: 15 ft or 10% of lot depth Side Interior: None Rear Yard: None	Front Yard: 15 ft or 10% of lot depth Side Interior: None Rear Yard: None	N/A
Building Separation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Off-Street Parking								See Additional

Development Standard	C-1	C-2	C-3	C-R	C-H	PMD	CBD	Comments
								Regulations below. See Section 11-3-4 (Off Street Parking)

Notes: Side interior yard setback shall be 5 ft when the side property line abuts a residential property.

11-2.5 Manufacturing

A. Purpose

The purpose of the Industrial (M) zoning district is to provide for a full range of compatible manufacturing and industrial uses essential to the development and maintenance of a strong economic base in a manner that does not conflict with surrounding uses.

B. Zones

1. Light Manufacturing Zone (M-1)

The M-1 Zoning District identifies areas appropriate for light industrial uses that provide a job base, affordable space for small-scale industrial and manufacturing businesses, and a center of economic activity for the City that would not typically utilize major manufacturing processes. Allowable land uses include, manufacturing, processing, warehousing, distribution, assembly, storage of products. The M-1 zoning district is consistent with the Light Industrial land use designation of the General Plan.

2. Heavy Manufacturing Zone (M-2)

The M-2 Zoning District identifies areas appropriate for heavy industrial uses that provide a job base, affordable space for small-scale industrial and manufacturing businesses, and a center of economic activity for the City that allow for the development of facilities and businesses engaged in intense manufacturing and fabrication. Allowable uses include, a wide variety and range of heavy manufacturing, the processing of limited raw materials, and large-scale assembly establishments where the mixture of limited light industrial uses would not be appropriate or compatible. The M-2 zoning district is consistent with the Heavy Industrial land use designation of the General Plan.

C. Permitted Uses

The following table sets forth the permits required for each listed use category.

1. "P" designates allowed uses.
2. "SPR" designates uses that are permitted after review and approval of a site plan review process.
3. "DRA" designates uses that are permitted after review and approval of a director review and approval process.
4. "CUP" designates uses that are permitted after review and approval of a conditional use permit.
5. "TUP" designates uses that are permitted after review and approval of a conditional use permit.
6. "-" designates prohibited uses.

In cases where a specific land use or activity is not listed as a permitted use either directly or indirectly, the city Manager or designee may assign the land use or activity to a classification per Section 11-8.2 (Use Classifications).

Table 2-9 Permitted Uses

Use Types	(M-1)	(M-2)	Special Requirements (if any)
Adult Businesses	CUP	CUP	See Section 11-4.8 (Adult Businesses)
Agricultural Product Processing	–	SPR	
Alcohol Distillation and Distribution	–	SPR	
Brewery and Tasting Room	SPR	CUP	
Artist’s Studio	SPR	-	
Automotive Fuels and Recharging Facilities	SPR	SPR	
Automotive Service Stations	SPR	SPR	
Automotive Sales and Service	SPR	SPR	
Automotive, Machinery, and Construction Manufacturing	–	SPR	
Automotive Vehicle Washing	SPR	SPR-	
Automotive Storage/Towing and Impound	–	SPR	
Cannabis Manufacturing, Testing, Distribution, and Indoor Cultivation	–	–	See Section 11-4.11 (Medicinal and Adult Use Cannabis)
Chemical Storage, Mixing, and Sales	–	SPR	
Electricity Generating Uses	SPR	SPR	
Commercial Kitchens	SPR	–	
Emergency Shelters	SPR	SPR	See section 11-8.2 B (Emergency Shelter)
Equipment Sale, Repair and Rental	SPR	SPRP	
Hemp Manufacturing and Storage	CUP	SPR	
Machinery and General Manufacturing	–	SPR	
Media Production	SPR	SPR	
Parking (Private or Public)	SPR	SPR	See Section 11-3.4 (Off Street Parking)
Parks and Recreation Facilities.	–	–	
Personal Storage	SPR	–	
Public Facilities	SPR	SPR	
Recycling Collection/Processing Facility	SPR	SPR	
Resell of Used Items	SPR	SPR	
Petroleum Bulk Storage and Sales	–	SPR	
Production and Processing	–	SPR	
Public and Semi-Public Uses	SPR	SPR	
Utilities, Minor	SPR	SPR	
Utilities, Major	–	SPR	
Wholesale and Warehouse	SPR	SPR	
Temporary Uses	TUP	TUP	

Use Types	(M-1)	(M-2)	Special Requirements (if any)
Contractors Construction Yard	TUP	TUP	See Section 11-6.8 (Temporary Use Permits (TUP))
On-Location Filming	TUP	TUP	See Section 11-6.8 (Temporary Use Permits (TUP))
Seasonal Sales	TUP	TUP	See Section 11-6.8 (Temporary Use Permits (TUP))
Temporary Sales Trailer	–	–	See Section 11-6.8 (Temporary Use Permits (TUP))
Temporary Storage Container	TUP	TUP	See section 11-3.2 (Storage Containers) and See Section 11-6.8 (Temporary Use Permits (TUP))
Temporary Structure	TUP	TUP	See Section 11-6.8 (Temporary Use Permits (TUP))
Temporary Work Trailer	TUP	TUP	See Section 11-6.8 (Temporary Use Permits (TUP))

D. Development Standards

Development standards for the (M) zoning district shall be as follows:

Table 2-10 Development Standards

Development Standard	(M-1)	(M-2)	Comments
Minimum Lot Size	10,000 square feet	10,000 square feet	
Maximum Lot Coverage	80%	90%	
Maximum Building Height	45 feet maximum Adjacent to residential use: Shall not exceed twice the distance to the nearest property line up to 45 feet	45 feet maximum Adjacent to residential use: Shall not exceed twice the distance to the nearest property line up to 45 feet	
Minimum Landscape Yard Setbacks (front, side, and rear)	20 feet-for all new developments adjacent to residential uses (half the width of streets and alleys may be used towards this setback) 10-feet- for all new developments adjacent to non-industrial uses (half the width of streets and alleys may be used towards this setback)	20 feet-for all new developments adjacent to residential uses (half the width of streets and alleys may be used towards this setback) 10-feet- for all new developments adjacent to non-industrial uses (half the width of streets and alleys may be used towards this setback)	Any existing building or structurally altered and used exclusively as a dwelling shall comply with the front yard, side yard, rear yard, buildable area, space between buildings, lot area, and off street parking regulations which apply in the R-3 zone.
Fences/Walls	6 feet-when adjacent to non-industrial uses	6 feet-when adjacent to non-industrial uses	

E. Additional Regulations

1. A minimum of 20 feet of landscaping shall be required for all new industrial development adjacent to arterial streets.
2. A minimum 10-foot landscaped setback shall be required for all new industrial development adjacent to collector and local streets.
3. All outdoor storage areas shall be screened from adjacent public rights-of-way which are classified as arterial streets or larger by the Selma General Plan Circulation Element.
4. All new industrial developments or substantially rehabilitated industrial buildings shall provide adequate trash enclosures.
5. All new proposed uses on lands zoned for industrial uses shall be subject to site plan review requirements as set forth in the City of Selma Zoning Code, in addition to any other permitting requirements. Site plan application materials, including exterior elevations, shall be prepared by a licensed architect or similarly qualified professional.
6. All new industrial developments shall provide sidewalks that conform to City standards.

11-2.6 Combining Zones

A. Purpose

The purpose of the combining zoning districts is to provide more refined zoning and development regulation for specific areas in the City that have unique attributes, development history, or are historic in nature. The combining zoning districts serve as an overlay to the base zoning district and include additional development regulations for all applicable uses and projects. The following are the combining zones:

1. Pioneer Village Zone
2. Citywide Specific and Precise Plans Zones

B. Pioneer Village Zone

The following regulations shall apply in the PV Pioneer Village Zone (PV Zone), unless otherwise provided in this Chapter.

1. Permitted Uses

The establishment or operation of any of the following uses in the PV Zone shall not be permitted unless a conditional use permit and a Master Plan have been approved under the provisions of this section.

- a. All uses permitted in the residential, commercial, and industrial zones.
- b. PV Zone Indoor and outdoor displays of items commonly considered of historic interest.
- c. No uses shall be permitted except those uses designed and operated primarily for the purpose of creating or supporting a functioning historic display.
- d. No use shall be permitted except those which are consistent with the adopted Master Plan.

2. Development Standards

The establishment or operation of any of the following uses in the PV Zone shall not be permitted unless a conditional use permit and a Master Plan have been approved under the provisions of this section.

- a. Access shall be designed to insure safe and convenient vehicular and pedestrian movement, to, from and within the development. The development shall have access to a public street.
- b. Yards shall be adequate in size to provide for planned landscaping to insure adequate spacing for fire protection purposes and to insure safe sight distance for movement within the development.
- c. Landscaping shall be provided and maintained. Plants and related materials shall be arranged in a manner which is consistent with and complementary to the building design and materials.
- d. The number of parking spaces required shall be established by the Planning Commission at the time the conditional use permit is issued.

3. Master Plan Requirement

A Master Plan showing the extent and character of the entire proposed development shall be submitted. The Master Plan shall be submitted with the conditional use permit application. The plan, or accompanying narrative, shall include sufficient information to determine that all requirements of this section have been met, including but not limited to the following:

- a. Proposed uses;
- b. Development standards showing setbacks, yards and landscaping;
- c. Heights of buildings and structures, if known;
- d. Architectural design or theme;
- e. Development phasing;
- f. Services and facilities supporting proposed uses, including vehicular access and parking.

4. Site Plan Review

Before any building or structure is erected or parcel created under the provisions of this section, a site plan reflecting all conditions of approval shall have been submitted to and approved by the City Engineer/Planner. Such site plan shall encompass all that area shown on the approved Master Plan.

5. Exemptions

Events at Pioneer Village shall not be subject to the requirements of Section 11-3-4 (Off Street Parking) of this Code. Instead, they shall be subject to duly approved policies of the Pioneer Village Commission.

C. Citywide Specific Plans and Precise Plans

Parcels located within a designated City Specific Plan or Precise Plan shall adhere to the allowed use and development standards as specified in each plan unless otherwise determined by the Community Development Director.

11-2.7 Open Space

A. Purpose

The purpose of the open space (OS) zoning district is to provide for open space areas which serve as utility or infrastructure systems, reservoirs, or retailing basins, and recreational uses. The OS zoning district is also to provide for government services and facilities and quasi-public facilities such as fire

stations, airports, domestic water treatment and storage, schools and accredited secondary educational facilities, cemeteries, and philanthropic and nonprofit organizations.

This designation is for a variety of active and passive public recreational facilities and for city-owned open space facilities. This includes natural open spaces and areas which have been designated as environmentally and ecologically significant. Other allowed uses in this designation include supporting structures such as recreation centers, gymnasiums, community meeting facilities and small-scale retail uses that support outdoor recreation, such as restaurants, refreshment stands, or sporting equipment and rental vendors. Facilities such as those described above are not restricted to being located on lands designated Open Space/Park.

B. Permitted Uses

1. The following table sets forth the permits required for each listed use category.
 - a. "P" designates allowed uses.
 - b. "SPR" designates uses that are permitted after review and approval of a site plan review process.
 - c. "DRA" designates uses that are permitted after review and approval of a director review and approval process.
 - d. "CUP" designates uses that are permitted after review and approval of a conditional use permit.
 - e. "-" designates prohibited uses.

In cases where a specific land use or activity is not listed as a permitted use either directly or indirectly, the city manager or designee may assign the land use or activity to a classification per Section 11-8.2 (Use Classifications).

Table 2-11 Permitted Uses

Use Types	Permit	Special Requirements (if any)
Cemetery	CUP	
Childcare and Educational Facilities	P	
Community Centers and Assembly Spaces,	CUP	
Community Gardens	P	
Hospitals and Clinics	P	
Farmers Markets	CUP	
Eating and Drinking Establishments (Restaurants)	CUP	See Section 11-4-7 (Alcoholic Beverage Sales)
Parks and Recreational Facilities	P	
Plazas, Squares, and Courtyards	P	
Ponding Basin	P	
Trails	P	
Wetlands, Wildlife Habitat, and Reservoirs	P	

Chapter 3 General Regulations Applicable to All Zones

11-3.1 Development Standards

The purpose of this Chapter is to prescribe development and site regulations that apply, except where specifically stated, to development in all Districts. These standards will be used in conjunction with the standards for each Zoning District located in Chapter 2. In any case of conflict, the standards specific to the Zoning District will override these regulations.

A. Development on Parcels Divided by District Boundaries

1. Where a parcel is divided by a Zoning District boundary, the regulations applicable to each District shall be applied to the area within the district, and no use, other than parking serving a principal use on the site, shall be in a District in which it is not a permitted or conditionally permitted use.
2. All access to parking serving a use must be from a street or alley abutting that portion of the parcel where the use is allowed. Pedestrian or vehicular access from a street or alley to a nonresidential use shall not traverse a Residential District in which the nonresidential use is not permitted or conditionally permitted.

B. Development on Substandard Lots

1. Any lot or parcel of land that was legally created may be used as a building site even when consisting of less area, width, or depth than that required by the regulations for the district in which it is located. No substandard lot shall be further reduced in area, width, or depth, unless required as part of a public improvement. A substandard lot shall be subject to the same yard and density requirements as a standard lot; however, the Director may reduce the side and rear yard requirements at a ratio equivalent with the non-conformity.

C. Height Projections

Table 3-1 Height Projections

Structure	Maximum Aggregate Coverage of Buildings Roof Area (%)	Maximum Vertical Projection (ft.) Above Height Limit
Skylights	No limit	1 ft.
Skylight on flat roofs	30%	5 ft.
Chimneys, vent stacks	5 %	5 ft.
Parapets, fire escapes, catwalks, and open guard rails required by law	As required by law	As required by law
Projections allowed in all districts except Single family zones		
Non-occupiable features such as steeples, spires, towers, domes, and cupolas	10 %	10 ft.
Rooftop features such as outdoor living area, sunshade, trellises, and landscaping	25%	10 ft.
Elevator shafts	15%	18 ft.
Stairwells	25%	14 ft.
Mechanical Rooms	25%	12 ft.

D. Screening of Mechanical and Electrical Equipment

1. The standards of this Section apply to:
 - a. New Development, new equipment that is added to serve existing buildings, and Condominium Conversions
 - b. Exceptions include existing equipment that serves existing buildings and Manufacturing (Industrial) Districts
2. All exterior mechanical and electrical equipment shall be screened on all vertical sides at least to the height of the equipment it is screening and incorporated into the design of buildings to the maximum extent feasible. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials may include landscaping or other materials that shall be consistent with the exterior colors and materials of the building. Solar energy systems are exempt from this screening requirement.
3. Above grade equipment by Public Utility providers may be permitted within easements.
4. Roof access ladders shall be screened from Major Streets. Fire sprinkler risers should be designed for interior installation whenever possible where an exterior location would be visible from a Major Street. Where site conditions dictate an exterior location for the sprinkler riser, a three-foot clear space shall be provided between the screening materials and the riser. The alarm bell and fire department connection shall be installed so that they are visible from the street.
5. Maintenance. Screening walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming, or pruning shall be employed as necessary to maintain the maximum allowed height.

E. Utilities

1. The standards of this Section shall apply to:
 - a. New development
 - b. The demolition and reconstruction of a site.
 - c. Any other time deemed appropriate by the Public Works Director.
2. All electrical, telephone, cable television, and similar distribution lines, both on-site and off-site, providing direct service to the project site identified in the project application shall be installed underground. This requirement may be waived or deferred by the Director or their designee upon a determination that the installation is infeasible, premature, or said utilities are not impacted directly by the project.

F. Projections

1. The standards of this Section apply to new development or structures and new equipment that is added to serve existing buildings.
2. The structures listed in the following table may extend into, and other encroachments may be in, required yards and are subject to all applicable requirements of the Building Code.

Table 3-2 Projections

Projection Type	Front Setback	Street Side Setback	Interior Side Setback	Rear Setback
Eaves, awnings, canopies, sunshades, sills, cornices, belt courses, trellises, arbors, and other similar architectural features	3 ft	4 inches for every 1 ft of required yard	4 inches for every 1 ft of required yard	4 inches for every 1 ft of required yard
Balconies, decks, porches, and similar structures that are open, unenclosed on 2 sides	30 in	30 in	Not permitted	5 ft
Patios, porches, platforms, decks, and other unenclosed areas not covered by a roof or canopy and that may be raised above the level of the adjacent setback but do not extend more than 3 ft. above the average natural grade except for guard rails to the extent legally required	6 ft	5 ft	5 ft	5 ft
Stairways, stair landing and balconies without roofs	42 inches	42 inches	42 inches	42 inches
Fire escapes required by law, ordinance, or regulations of a public agency	4 ft	4 ft	4 ft	4 ft
Electric Vehicle Charging Equipment	Not permitted	No limit (can extend to parcel line)	No limit (can extend to parcel line)	No limit (can extend to parcel line)
Air conditioners, compressors, hot tub motors, pool equipment, and other mechanical equipment	Not permitted	Not permitted	No limit (can extend to parcel line)	No limit (can extend to parcel line)

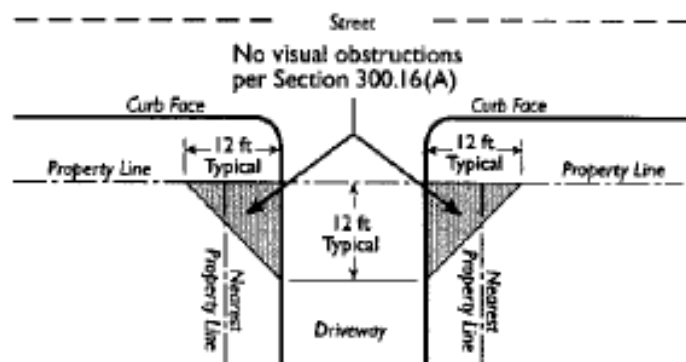
G. Swimming Pools and Spas

1. Swimming pools and spas shall comply with the following standards:
 - a. If located in a Residential District, the swimming pool or spa is to be solely for the use and enjoyment of residents and their guests.
 - b. The swimming pool or spa, or the entire parcel on which it is located, shall be walled or fenced from the street or from adjacent properties;
 - c. Swimming Pools and Spas located less than 30 feet to any parcel line, shall be screened by a masonry wall or solid fence not less than 6 feet in height on the side facing such parcel line, subject to the requirements of Chapter 11-3.6, Fences, Walls, and Hedges.
 - d. Swimming pool or spa filtration equipment and pumps shall not be in the front setback unless permitted under Section F- Projections. All equipment shall be mounted and enclosed so that its sound is not audible from any other parcel.

H. Hazardous Visual Obstructions

1. Notwithstanding the provisions of Chapter 11-3.6, Fences, Walls, and Hedges, no person shall permit any obstruction, including, but not limited to, any fence, wall, hedge, tree, or landscape planting to obscure or block the visibility of vehicles entering or exiting an alley, driveway, parking lot, street intersection, or other vehicle right-of-way or to constitute an unreasonable and unnecessary hazard to persons lawfully using an adjacent pedestrian or vehicle right-of-way. In addition, no obstruction shall be located less than 12 feet from the intersection of the street-facing parcel line with a driveway or garage door, or the intersection of parcel lines adjacent to street or alley intersections unless the obstruction is either less than 24 inches above the adjacent vehicle right-of-way or is authorized pursuant to Subsection (2) below.

Figure 3-1 Visual Obstructions



2. No development shall be allowed if it would otherwise cause an existing obstruction to be in violation of this subsection unless:
 - a. The obstruction is less than 24 inches above the adjacent vehicle right-of-way; or
 - b. The obstruction or development is authorized pursuant to Subsection (2) or (3) of this Section.

3. The Community Development Director or designee may approve encroachments into the five-foot hazardous visual area in addition to those specified in subsection (1) of this Section when the parcel owner submits a written request and satisfactory evidence that:
 - a. Characteristics applicable to the parcel, including size, shape, topography, location, or surroundings, that do not apply to other properties in the vicinity which unreasonably restricts an owner's ability to comply with subsection (1) of this Section; and
 - b. The proposed encroachment will be designed to maintain adequate sight view and/or provide other design elements, such as the use of mirrors and will not constitute a hazard to persons lawfully using an adjacent sidewalk, alley, street or other right-of-way; and
 - c. The strict application of the provisions of this Section would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships, or would result in unreasonable deprivation of the use or enjoyment of the parcel; and
 - d. The granting of the encroachment will not be contrary to or in conflict with the general purposes and intent of this Section, nor to the goals, objectives, and policies of the General Plan.

I. Outdoor Storage

1. All outdoor storage of vehicles, equipment, and other items is allowed in a Zoning District, such outdoor storage must conform to the standards of this Section.
 - a. No sales, rentals, long-term storage, repair work, dismantling, or servicing of any motor vehicle, trailer, airplane, boat, loose rubbish, garbage, junk, or their receptacles, or building materials shall be permitted in any front yard or side yard of any property. Repair or servicing of any motor vehicle may occur provided that the work continues for a period not to exceed 48 hours. Long-term storage shall mean storage for a period of 48 or more consecutive hours. In any Residential District, no portion of any vacant or undeveloped parcel or a parcel where no main building exists shall be used for long-term storage of the items listed above. Building materials for use on the same parcel or building site may be stored on the parcel or building site during the time that a valid building permit is in effect for construction on the premises.
2. Outdoor storage areas shall be screened from any public street or freeway, existing or residential area, or publicly accessible open space areas, parking areas, access driveways, or similar thoroughfares.
 - a. The following requirements apply to all walls and fences that screen outdoor storage areas:
 - i. Screening walls and fences shall be architecturally compatible with the main structure on the site.

No barbed wire or razor wire is permitted except as authorized by Chapter 11-3-6, Fences, Walls, and Hedges.

No screening wall or fence shall be located within a required landscape planter along the street frontage.

Screening walls and fences shall not exceed maximum fence heights along parcel lines or in required setback, and in other areas shall not exceed 15 feet in height. No stored goods may exceed the height of the screening wall or fence.
 - b. The display of automobiles and vehicles for sale as part of an Automobile/Vehicle Sales and Leasing use or associated Automobile Storage use, as defined in Chapter 11-2.5 shall be exempt from the screening requirement of this Subsection.

3. All portions of outside storage areas shall have adequate grading and drainage and shall be continuously maintained.
 - a. Equipment shall be stored in such manner that it cannot be blown from the enclosed storage area; and
 - b. Equipment shall not be placed or allowed to remain outside the enclosed storage area.

J. Trash and Refuse Collection Areas

1. The standards of this Section apply to:
 - a. New collection areas;
 - b. New development;
 - c. The demolition and reconstruction of a site;
 - d. Building additions to existing buildings that expand the existing floor area by at least 20 percent, or 2,500 square feet, whichever is less, not including Single-Unit Dwellings or Duplexes. The addition and/or expansion shall be cumulative from the date of adoption of this Code;
 - e. The addition of residential unit(s) that result in five or more dwelling units.
 - f. A request for a Discretionary Permit;
 - g. Change from one category of use classification to another (i.e. changing from a Commercial Use Classification to a Residential Use Classification as identified in the Use Regulation table of the Base District); or,
 - h. Condominium Conversions.
2. Requirements:
 - a. Single-Family Residential. As required per Title 8, Chapter 1, Health, and Sanitation, of the Selma Municipal Code.
 - b. Multi-Family Residential. Enclosures for solid waste will be in conformance with Public Resource Code Section 42649.8 or as amended. Per 42649.8 enclosures for solid waste and recycling containers are required when:
 - c. Five or more dwelling units are proposed; and
 - d. There should be a minimum of one solid waste and recycling enclosure per 30 units.
 - e. Non-Residential Districts. As required per Title 8, Chapter 1, Health, and Sanitation, of the Selma Municipal Code.
 - f. Uses That Produce Grease. Uses, such as restaurants, that produce grease shall provide a "grease barrel" enclosure or alternative as approved by the Building Official and County Environmental Health.
3. Location:
 - a. Solid waste and recycling storage areas shall not be located within any required setback or any landscaped areas except where a rear yard abuts an alley. Where a rear yard abuts an alley, the solid waste and recycling storage area may be located within the required rear yard setback however the gates may not swing open into the alley.
 - b. In non-residential developments that abut a Residential District, enclosures shall be located as far as possible from the residential district as feasible and be proximate to the non-

residential development. Enclosure gates shall not open into drive aisles and shall not block the visibility of pedestrians and drivers.

- c. Solid waste and recycling areas shall be consolidated to minimize the number of collection sites and located to reasonably equalize the distance from the building spaces they serve.
 - d. Solid waste and recycling storage areas shall be accessible to haulers. Storage areas shall be located so that the trucks and equipment used by the solid waste and recycling collector(s) have sufficient maneuvering areas and, if feasible, so that the collection equipment can avoid backing. Project applicants are responsible for procuring current equipment size and turning radius from the City or its contracted solid waste and recycling collector(s).
4. Materials, Construction, and Design.
 - a. Enclosures shall be constructed per City standards.
 - b. Gate material shall be solid, heavy-gauge metal or a heavy-gauge metal frame with a covering of a view-obscuring material.
 5. Access to Enclosure. Each solid waste and recycling enclosure shall be designed to allow walk-in access without having to open the main enclosure gate, to the extent feasible.
 6. Enclosure Pad/Bumpers. Enclosures shall be constructed per City standards.
 7. Protection for Enclosures. Concrete curbs or equivalent shall protect enclosures from adjacent vehicle parking and travel ways.
 8. Stormwater Pollution Prevention. Enclosure pads must be designed to prevent contamination of the stormwater system. Measures that may be taken to achieve this include, but are not limited to, using roofs to divert stormwater away from the enclosures, creating grade breaks to properly direct stormwater away while keeping any water that may be in the enclosure from spilling out, and connecting a drain in the enclosure to the sewer system to collect contaminated water in cases of spillage, washing, etc.
 9. Landscaping. When visible from a Major Street or a Local Street that serves residential neighborhoods, the perimeter of enclosures, excluding gates, shall be planted, with drought-resistant landscaping, including a combination of shrubs and/or climbing evergreen vines. This subsection does not apply to Industrial Districts.

11-3.2 Storage Containers

A. Purpose and Intent

1. It is the purpose and intent of this Section is to establish procedures and standards for the use and maintenance of storage container(s) within the city of Selma to prevent hazards to the public, disruptions of traffic, unsightly properties, and negative impacts to the aesthetics of non-residential and residential neighborhoods in the city.

B. Definitions

1. As used in this Chapter, "storage container" or "portable storage container" means a shipping container, portable on demand storage or PODS, shed like structure or other container or receptacle that is capable of being moved and is, or may be, used for the storage of property of any kind.

C. Applicability

1. Temporary storage containers shall be allowed subject to approval of a Temporary Use Permit as required in Chapter 11-6.8.
2. Temporary storage containers may be allowed if unusual circumstances exist that require the use of a temporary storage container, as determined by the Director.- Unusual circumstances include, but are not limited to, construction, home or business relocation, natural disasters, and both commercial and residential rehabilitation activities.

D. Development Standards for Temporary Storage Containers

1. **Non-residential Zones.** This use includes metal shipping containers used for the storage of materials and does not include containers associated with construction or located in a Residential Zoning District. The use of a temporary storage container(s) for seasonal storage shall be prohibited.
 - a. **Maximum Number of Containers.** The permit may be for a maximum of two (2) container(s) per business or parcel.
 - b. **Time Period.**
 - i. No person shall place, keep, or store a storage container(s) on any property applicable to this Section for more than one year.
 Notwithstanding Subsection (a) of this Section, storage container(s) may be kept on a property during the term of a waiver as specified in Section 11-3.2(E), or valid building permit issued by the city for work on the property as determined by the Community Development Director or their appointed designee.
 Any storage container placed, kept, or stored on any property pursuant to this subsection must be removed from said property within forty-eight (48) hours after the expiration of the term stated in the waiver or permit.
 - c. **Location on-site.**
 - i. Temporary Storage container(s) may only be placed on the same site where the commercial business that applied for such permit is located and must be situated in close proximity to the business and the primary access door on the rear of the building that will be used to access the items stored in the temporary storage container(s).
 - ii. Storage container(s) shall be placed a minimum of 15 feet from any adjacent residential property line.
 - d. **Permitted Dimensions.** Storage container(s) shall not exceed a height of 8 feet 6 inches, a width of 8 feet 6 inches, or a length of 30 feet. Storage containers may not be stacked on **top** of each other.
 - e. **Placement in Required Parking Area/Spaces.** Storage container(s) shall be located in the parking **area** of the non-residential building only, in which on-site parking provided exceeds parking required by the Selma Municipal Code. The storage container(s) shall not be permitted in required parking area/spaces that results in less than required on-site parking.
 - f. **Paved Surface.** Storage container(s) shall be placed only on a paved parking lot surface. Storage **container**(s) may not be placed in landscape planters, nor shall landscaping be removed or damaged to install storage container(s).

- g. **Emergency Egress/Access.** Storage container(s) must be placed in a location that does not impact circulation or emergency access. Storage container(s) shall maintain the minimum fire department clearances for drive aisles, fire lanes, and building exits at all times.
 - h. **Screening and Visibility.** Storage container(s) shall be placed in such a way on the site to minimize visibility from public right-of-way and shall be restricted to the rear of the building, with screening provided by screen walls, landscaping and/or surrounding **buildings** as appropriate. The Community Development Director or designee shall make the final determination on adequate screening.
 - i. **Exterior Maintenance.** The area surrounding storage container(s) shall be maintained in a clean **and** orderly manner at all times, and no merchandise, shelving, or other items shall be stored outside the container(s).
 - j. **Advertising.** The placement of signs, advertising copy, banners, or any other advertising device is prohibited on storage container(s).
 - k. **Use Limited to Temporary Storage.** Storage container(s) may only be used for the temporary storage of merchandise, inventory, shelving, displays, or other incidental items related to the operation of the commercial business. Business or sale of merchandise may not be conducted directly from storage container(s). Storage container(s) may not be used for habitable space, office, or as a meeting area, and shall be kept closed and secured at all times other than when items are being moved in or out of the storage container(s).
 - l. **Lighting.** All lighting used inside, or outside storage container(s) shall be designed and located to confine light to the storage container(s) or the immediate area. Electrical permits **shall** be obtained as required, and no other electrical devices may be used other than lighting as allowed in this Section.
 - m. **Restoration of Site.** Storage container(s) shall be placed on the site in such a manner as to prevent damage to the pavement surface. Remedial property maintenance may be required upon termination of the use to restore the site to its original condition, including, but not limited to, the repair of the pavement surface, removal of debris from the immediate and adjacent areas, building or wall repairs, or landscape refurbishment. Such repairs shall be completed within 14 days of the cessation of the approved period of use and shall be the responsibility of the permittee.
2. **Residential Zones.** This use includes metal shipping containers used for the storage of materials and does not include containers associated with construction. This Section shall apply only to all zones with the “R” zoning designation.
- a. **Maximum Number of Containers.** No person shall place, keep, or store on any property applicable to this Section more than one storage container per property.
 - b. **Time Period.**
 - i. No person shall place, keep, or store a storage container(on any property applicable to this Section for more than sixty (60) consecutive or nonconsecutive days in any twelve (12) month period.

Notwithstanding Subsection (a) of this Section, storage container) may be kept on a property during the term of a waiver as specified in Section 11-3-2(E) or valid building permit issued by the city for work on the property as determined by the Community Development Director or their appointed designee.

Any storage container placed, kept, or stored on any property pursuant to this subsection must be removed from said property within forty-eight (48) hours after the expiration of the term stated in the waiver or permit.

c. Location Of Storage Container(s):

- i. No person shall place, keep, store, or maintain a storage container(s) on or over or within ten feet (10') of any public street, sidewalk, right of way or curb line. The storage container shall not be permitted in any required on-site residential parking area/spaces or remove or impede any required on-site parking.

Container may be located in the rear yard but shall maintain a minimum of 5 feet (5') from any side or rear parcel line.

Storage container(s) shall be placed only on a paved surface.

- d. **Permitted Dimensions.** Storage container(s) shall not exceed a height of 8 feet, a width of 8 feet or a length of 16 feet. Storage containers may not be stacked on top of each other.
- e. **Exterior Maintenance.** No person, including, but not limited to, the owner, agent, tenant, or occupant of any property shall maintain a storage container(s) in an unsightly condition or any condition that contributes to blight, including, but not limited to, **graffiti**, weeds, rust, or any other visible form of neglect or deterioration.

E. Waiver

Any persons seeking to place, keep, or store additional storage container(s), oversized storage container(s), or a storage container(s) in a prohibited location or to maintain the storage container beyond the time period specified, may request, in writing, a waiver from Community Development Director or designee. The Community Development Director or his or her designee may grant a waiver for the size, location, or number of storage container(s) on a case-by-case basis. The Community Development Director or designee may also grant a waiver to place, keep or store a storage container(s) for a longer period of time than permitted pursuant to Chapter 11-3.2(D)(1)(b) and 11-3.2(D)(2)(b). In that event, however, the written waiver issued shall specify the time period during which the storage container may be maintained on the property and the container must be removed within forty-eight (48) hours after expiration of the terms stated in the waiver.

F. Penalty

1. Violations of this chapter are hereby declared to be a public nuisance.
2. In addition to any other remedy available at law, any person who violates any provision of this chapter is subject to administrative, criminal, civil, or other penalties pursuant to title I, chapter 4 of this code.

11-3.3 Accessory Buildings and Structures

All accessory buildings and structures shall conform to the same required development standards as principal structures except as required by this Section. Accessory buildings in residential districts shall include any detached buildings including, but not limited to, gazebos, greenhouses, storage sheds, workshops, garages, and any other buildings detached from the primary building. Accessory structures in residential districts shall include, but not limited to unenclosed carports, electric vehicle charging equipment, barbecues; sinks and counters; fountains; freestanding fireplaces;

firepits; swimming pools and spas, and any other structures with a fixed location that is detached from the main building. Accessory buildings and structures shall be erected, structurally altered, converted, enlarged, moved, and maintained, in compliance with the following regulations:

A. Relation to Principal Buildings

1. An accessory building may only be constructed on a parcel with a legally permitted principal building. An accessory building shall be considered part of the primary building if it is connected to principal building with a fully enclosed space or other structural additions, such as a breezeway.
 - a. The accessory structure, in the opinion of the Director, shall not have a substantial effect on an adjacent property.
 - b. Should the ownership of two contiguous and immediately adjoining residential lots be the same and one lot contains a single-family home, an accessory building may be permitted on the adjoining vacant lot subject to compliance with all property development standards. The owner shall sign a covenant and record the signed document with the County Recorder's Office, which will at a minimum require that any improvements such as carports, storage sheds, etc., be removed should either parcel be sold separately.
2. **Dwelling Units in Accessory Buildings**
 - a. For accessory dwelling units and junior accessory dwelling units used as a habitable space, please refer to Chapter 11.4.2.

B. Development Standards

1. Location

- a. Accessory buildings and structures in residential districts shall conform to the following standards:
 - i. Front and Street-Side Yards: Accessory buildings may not be located within required front yard or street-side setback areas on primary building parcel or any other adjacent front setback of side setback.
- b. In the case of a Double Frontage Lot, both street frontages shall be treated as Front Yards. Any accessory building and structure shall not project into any front setback and shall not be located in any minimum side setback
- c. Accessory buildings shall not extend into the minimum side yard setback.
- e. On a reversed corner parcel for accessory buildings the following setbacks shall apply:
 - i. Not located nearer to the street side parcel line than one-half of the front setback depth required, and;
Not be located nearer than 5 feet to the side parcel line.
- d. Accessory buildings may be located in a portion of the required rear yard area in R Zones, provided:
 - i. Such building may occupy not more than fifty percent (50%) of the length of the required rear yard, measured between side lot lines.
- e. Accessory structures shall not be located within any front or minimum side setback except as expressly authorized below:

- i. Fountains, fire pits, and similar ornamental landscape features not to exceed 48 inches in height.
 - ii. Underground mechanical equipment.
 - iii. Electric vehicle charging equipment shall be permitted within any minimum side setback but shall not be permitted within any minimum front setback.
- f. All swimming pools shall not be closer than 5 feet to the rear property line or a required distance mandated by building code, whichever is greater.
2. **Maximum Height**
- a. All detached accessory buildings shall be limited in height to one story up to sixteen feet (16').
 - b. Attached accessory structures shall be limited in height to not more than fourteen feet (14').
3. **Design Compatibility**
- a. The architectural design should relate and compliment the surrounding design features of the principal building and residential development in terms of form, materials, colors, and exterior finishes. The accessory structure should not impair the natural movement of visual cues in the surrounding landscape.
4. **Facilities**
- a. Except for accessory dwelling units established in compliance with Chapter 11-4.2. Accessory Dwelling Units and Junior Accessory Dwelling Units, accessory buildings may not contain kitchens or full baths. An accessory building that is not an approved accessory dwelling unit may contain a sink and toilet but may not contain a shower or tub enclosure. A shower that is outside and unenclosed is permitted.
5. **Renting.**
- a. No accessory building shall be rented for any purpose or otherwise used as an accessory dwelling unit unless specifically pursuant to Chapter 11-4-2, Accessory Dwelling Units and Junior Accessory Dwelling Units.
6. **Tree Houses and Play Structures.**
- a. When exceeding 12 feet in height, as measured from ground level to the top of the structure, the structure must be set back to a distance equal or greater than its height.
 - b. When exceeding 120 square feet, a building permit is required.
 - c. If the structure overlooks a neighboring residential rear yard, landscaping screen shall be provided. This requirement may be waived with the written agreement of the affected neighbor(s) at the time or prior to when the structure is constructed.

11-3.4 Off Street Parking

A. Purpose

1. The purpose of this Section to provide off street parking and loading standards to:
 - a. Provide for the general welfare and convenience of persons within the City by ensuring sufficient off-street parking facilities to meet the needs generated by specific uses;

- b. Provide accessible, attractive, secure and well-maintained parking and loading facilities;
- c. Increase public safety by reducing congestion throughout public streets;
- d. Provide loading and delivery facilities in proportion to the needs of allowed uses.
- e. Provide safe and convenient short-term and long-term bicycle parking facilities.

B. Applicability

1. Every use, including the change or expansion of a use or structure, shall have appropriately maintained off-street parking and loading areas in compliance with the provisions of this Section. A use shall not be commenced and structured shall not be occupied until improvements required by this Section are satisfactorily completed, as determined by the Community Development Director or designee.

C. General Requirements

1. Parking and loading spaces to be permanent. Off-street parking and loading spaces shall be permanently available, marked, and maintained for parking or loading purposes for the use they are intended to serve.
2. Parking and loading to be unrestricted. Owners, lessees, tenants, or persons having control of the operation of the premises for which parking or loading spaces are required by this Section shall not prevent, prohibit, or restrict authorized persons from using these spaces without prior review and approval of the Director or designee.
3. Vehicles for sale. Vehicles, trailers, or other personal property shall not be parked upon a public or private street, parking lot, or public or private property for the purpose of displaying the vehicle, trailer, or other personal property for sale, hire, or rental, unless the property is appropriately zoned, the vendor is licensed to transact the applicable business at that location and has obtained all appropriate land use entitlements and other required approvals.
4. Restriction of parking and loading areas used for multi-family and nonresidential. Required off-street parking, loading, circulation, and access areas shall be used exclusively for the temporary parking and maneuvering of vehicles and shall not be used for the display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the provisions of this Development Code.
5. Nonconforming status. Existing uses or structures shall not be deemed to be nonconforming solely because of the lack of off-street parking or loading spaces or parking lot improvements; provided, that facilities being used for off-street parking or loading shall not be further reduced in number. Structures with parking or loading space deficiencies shall be allowed to be occupied by new uses allowed in the zoning district; provided, that:
 - a. The new use has the same or lesser parking or loading space requirement as the existing or previous use; or
 - b. The new use has a greater parking or loading requirement than the existing or previous use, and a sufficient number of additional parking or loading spaces have been provided to accommodate the increased number of spaces required for the new use.

D. Required Number of Parking Spaces

1. Each land use shall provide at least the minimum number of off-street parking spaces required by this Section, except where a greater number of spaces is required through land use

- entitlement approval or where an exception has been granted through approval of a discretionary permit.
2. For a use not specified, the number of off-street parking spaces required shall be determined by the Community Development Director or designee, based upon an analysis of other jurisdictions' experiences with that type of use or upon an analysis of similar uses specified in Chapter 11-3.4(D).
 3. The Number of required parking spaces shall be calculated according to the following rules:
 - a. **Fractions.** If the calculation of required parking or loading spaces results in the requirement of a fractional space, such fraction, if the fraction is less than one-half, it shall result in no additional spaces; if one-half or greater, it shall be considered one additional space.
 - b. **Floor Area.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to **floor** area, the floor area is assumed to be gross floor area, unless otherwise stated.
 - c. **Bedrooms.** Where an on-site parking requirement is stated as a ratio of parking spaces to **bedrooms**, any rooms having the potential of being a bedroom or meeting the standards of the California Building Code as a sleeping room shall be counted as a bedroom. Offices or other rooms that have the ability of being converted into bedrooms shall be considered bedrooms for parking purposes.
 - d. **Seats.** Where parking requirements are stated as a ratio of parking spaces to seats, each 24 inches of bench-type seating at maximum seating capacity is counted as one seat.
 4. For mixed use projects: Parking for commercial and residential uses shall be separately designated by posing, pavement marking, and/or physical separation.
 5. When 2 or more principal uses are located on the same parcel, the estimated parking demand shall be the sum of the estimated demand of the various individual uses computed separately, in accordance with this Section, unless shared parking is approved.

Table 3-3 Required Number of Parking Spaces

Use	Spaces Required
Residential	
Single Family Units	Two (2) spaces in garage or carport for each dwelling unit.
Multi-Family dwellings (including duplexes and triplexes)	One and one-half (1½) spaces for each one-bedroom dwelling unit Two (2) spaces for each two (2) bedroom dwelling unit Two and one-half (2½) spaces for each three (3) or more bedroom dwelling units. At least one space for each dwelling unit shall be in a garage or carport.
Commercial and Recreational	
Business and professional offices	One space for each four hundred (400) square feet of gross floor area.
Walk-in Clientele	One space for each three hundred (300) square feet of gross floor area.
Religious Facilities	One space for each five (5) seats.
Hotels and Motels	One space for each two (2) sleeping rooms.
Hospital	One space for every two hundred and fifty (250) square feet. plus 1 space for each 400 sq. ft. of office area.

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Use	Spaces Required
Medical/dental clinic or offices	One space for each two hundred (200) square feet of gross floor area.

Use	Spaces Required
Restaurants, bars, and other establishments for consumption of food and/or beverages on the premises	<p>One space for each two hundred and fifty (250) square feet of floor area</p> <p>No additional parking for outdoor eating areas less than two hundred (200) square feet.</p> <p>Outdoor dining areas two hundred (200) square feet or more shall provide one space for each two hundred (200) square feet.</p>
Restaurants Take-Out Only	One space for each two hundred and fifty (250) square feet of floor area
Grocery stores/Convenience stores (Offsite food and alcoholic beverage sales)	One space for each two hundred and fifty (250) square feet of floor area for the first 20,000 square feet, one space per 300 square feet thereafter.
Retail stores and personal service such as but not limited to: hair salon, nail salon, tailor shop, spa etc.	One space for each two hundred (200) square feet of gross floor area.
Sports fields and centers	Five spaces per sport venue present on site, plus one space per acre of lot area.
Theaters	One space for each four (4 seats)
Manufacturing	
Manufacturing, warehouse, wholesale uses and communications equipment building	One space for every 750 square feet of gross floor area
Storage of materials/maintenance yard	One space for every 1,000 square feet of gross floor area of storage
Heavy Industrial	One space for every 400 square feet
Other	
Schools	<p>Elementary and Middle Schools</p> <ul style="list-style-type: none"> ▪ Two (2) spaces for each classroom <p>High Schools</p> <ul style="list-style-type: none"> ▪ Five (5) spaces for each classroom
Shared parking	Total spaces needed can be offset with proximate businesses' available parking if can be demonstrated they have differing hours of operation and can demonstrate safe pedestrian access to/from said parking. This shall be determined on a case-by-case basis by the Community Development Director or designee.
On-Street parking	Total spaces needed can be offset with on-street parking within 500 feet of the business' main entrance at a credit of 0.5 space for each on-street space identified.
Undefined uses	<p>Determined by Director or designee based on the most similar use listed above to adequately meet the uses parking demand.</p> <p>OR</p> <p>The parking requirement for uses not specifically listed in the table shall be determined by the Director on the basis of requirements for similar uses, and on any traffic engineering and planning data that is appropriate to the establishment of a minimum requirement.</p>

A. Development Standards for Off Street Parking

1. Size.

- a. Each required off-street parking space shall have an area of not less than one hundred and seventy (170) square feet and shall have a width of not less than eight and one-half feet (8 ½), exclusive of drives or aisles.
- b. Parking spaces required to be located in a garage or carport shall not be less than 20 feet in length and 10 feet in width and otherwise meeting the requirements for full sized parking spaces.

2. Location.

- a. Dwellings, including multiple family dwellings boarding and lodging houses, fraternities and sororities, shall have all required parking facilities on the same lot or building site. The required parking spaces shall be located behind the front, rear and side yard building setbacks of applicable residential zones and behind landscape setbacks of applicable commercial and industrial zones.
- b. For all other uses, the required parking spaces shall not be more than six hundred feet (600') from the building or use served thereby, unless on the same lot or building site. The required parking spaces shall be located behind the front, rear and side yard setbacks of applicable residential zones and behind landscape setbacks of applicable commercial and industrial zones. Distance as herein mentioned shall refer to the distance measured from the nearest point of the parking facility to the nearest access to the building or use, along a pedestrian way available to the public or persons to be served by the facility.

B. Driveway and Site Access

1. Driveways provided access from a street, alley or other public right-of-way shall be designed and constructed as follows:

- a. Only one driveway approach is allowed per frontage for single-family dwellings, except as provided for in subsection 11-3.4(F)(1)(b). Any driveway approach shall require an encroachment permit issued by the City of Selma Public Works department.
- b. Single-Family residential lots with street frontage of one hundred feet or greater on one street shall be eligible for two drive approaches with approval of the director or designee.
- c. All commercial and industrial development shall have a drive approach that is a minimum of twenty feet in width with a minimum vertical clearance as defined in City code.
- d. Curb cuts for proposed development shall be limited to the extent that access is provided to the site with minimum of ingress and egress access points to protect the safe traffic flow of abutting streets. Unless an exception is granted by the planning commission drive access points in commercial and industrial zones shall be shared access easements unless it is not feasible to do so.

C. Bicycle Parking Requirements

1. Bicycle parking spaces, design, and associated facilities shall meet the following requirements:

Table 3-4 Bicycle Parking Requirements

Use	Short-Term Bicycle Parking	Long-Term Bicycle Parking
Non-Residential	One bicycle parking space for each 9,000 square feet of gross floor area (minimum of 2 spaces)	One bicycle parking space for each 9,000 square feet of gross floor area (minimum of 2 spaces)
All residential uses, excluding Single-Unit dwellings and duplexes	One bicycle parking space for each 3 residential units (minimum of 2 spaces per site)	One bicycle parking space per bedroom (minimum of 1 space per unit)
Mixed-use development	Same as specified above for projects within 1 mile of existing or future bicycle facilities	Same as specified above for projects within 1 mile of existing or future bicycle facilities

Notes:

2. Bicycle parking design. Bicycle parking areas shall meet the following requirements
 - a. Parking Racks. Each bicycle parking space shall include a stationary parking rack to adequately support the bicycle. Bicycle racks should allow the bicycle frame and at least one wheel to be locked to the rack using a U-lock and should support the bicycle in at least two places.
 - b. Parking Layout
 - i. Aisles. Access to bicycle parking spaces shall be at least five feet in width. Spaces. Access to bicycle parking spaces shall be designed to maintain a minimum of two feet in width and six feet in length and have a minimum of seven feet of overhead clearance. Bicycle Parking Location.
 - (1) Long-term bicycle parking. Bicycle parking should be conveniently located on the ground floor of a structure, in a secured location within proximity to the main entrance of the structure and shall not interfere with pedestrian access. Bicycle spaces may be wall-mounted but shall not be located within required storage areas for the building.
 - (2) Security. Long-term bicycle parking shall be in at least one of the following facilities:
 - An enclosed bicycle locker;
 - An enclosed locked bicycle storage area with bicycle racks within;
 - A rack or stand inside the ground floor of a structure that is within view of an attendant or security guard.
 - Short-term, Visitor Bicycle parking. Visitor bicycle parking spaces shall be located in well-lit and convenient areas on private property within 30 feet of the main entrance to the building or business.
 - Short-term, Visitor bicycle parking exception. For existing buildings where the existing site constraints prohibit siting short-term bicycle parking on-site, the applicant shall satisfy the requirement by paying the City an established cost of an appropriately sized bicycle rack for providing the short-term parking within the public right-of-way.
3. Relationship to motor vehicle parking. Bicycle spaces shall be separated from motor vehicle parking spaces or aisles by a fence, wall, or curb, or by at least five feet of open area, marked to prohibit motor vehicle parking.

4. Surfacing. The surface of bicycle parking areas shall be subject to approval of the director or designee and shall minimize dust
5. Bicycle parking-associated shower and locker facilities. New non-residential buildings and non-residential buildings undergoing a major enlargement or modification shall provide bicycle parking shower and locker facilities in compliance with the following standards:
6. Shower and Dressing Areas. A minimum of one shower facility shall be provided in new projects with a gross floor area between 10,000 and 24,999 square feet, two showers in projects between 25,000 square feet and 124,999 square feet, and four showers for any project over 125,000 square feet. Dressing areas shall also be provided for shower facilities.
7. Locations. Shower and locker locations shall be in a secured interior location of the building. No shower or locker facilities shall be located within a parking structure or garage.
8. Lockers. Clothing and other personal effects shall be located in close proximity to showers and dressing areas to permit access to locker areas. A minimum of eight clothes lockers per each shower shall be provided.
9. Review and Approval. The review authority shall review and approve the design of shower and clothes locker facilities with respect to safety, security, and convenience.
10. Shower and Locker Exception. An owner of an existing building subject to the requirements of this Section shall be exempt from providing onsite shower and locker facilities upon submitting proof to the Director or Designee that the owner has made arrangements with a health club or other facility, located within .25 mile of the building, to provide showers and lockers at no cost to the employees who work in the owner’s building.

D. Loading Space Requirements

1. Loading spaces are required when a building is to be occupied by a manufacturing establishment, storage facility, warehouse facility, retail store, eating and drinking, wholesale store, market, hotel, hospital, mortuary, laundry, dry-cleaning establishment, or other use similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise. The following apply to commercial and office districts, or any non-residential district that abuts a residential district.
 - a. Areas for loading and unloading shall be designed to avoid potential adverse noise, visual, air quality, and illumination impacts on neighboring residences. These areas shall be concealed from view of the public and adjoining land uses.
 - b. Loading bays shall have signage requiring drivers to limit idling to five minutes or less.
 - c. When it is not possible or desirable to locate the loading/unloading facilities at the rear of the structures, the loading docks and loading doors shall be located on the side of the structures and shall be screened from the public street rights-of-way.

Table 3-5 Loading Space Requirements

Square Footage	Required Loading Spaces
0-6,999 square feet	0
7,000-40,000 square feet	1
40,001-90,000 square feet	2
90,001-150,000 square feet	3
150,001-230,000 square feet	4

E. Electrical Vehicle Charging Stations

1. Electric Vehicle (EV) Parking Requirements for Residential Land Uses

- a. One- and two-family dwellings and townhouses with attached private garages.
 - i. For each new dwelling unit, install two Level 2 EV Ready Spaces. For dwelling units with only one parking space, install one Level 2 EV Ready Space.
New Accessory Dwelling Units constructed on the lot are required to include the installation of two Level 2 EV Ready Spaces. For Accessory Dwelling Units with only one parking space, install one Level 2 EV Ready Space.
- b. Multi-family dwellings
 - i. For multifamily buildings with less than or equal to 20 dwelling units, one parking space per dwelling unit with parking shall be provided with a Level 2 EV Ready Space.
When more than 20 multifamily dwelling units are constructed, 75% of the dwelling units with parking spaces shall be provided with at least one Level 2 EV Ready Space spaces capable of supporting future Electric Vehicle Supply Equipment (EVSE). Calculations for the required minimum number of Level 2 EV Ready spaces shall be rounded up to the nearest whole number. In addition, each remaining dwelling unit with parking space(s) shall be provided with at least a Level 2 EV Capable Circuit.
- c. Exceptions
 - i. Accessory Dwelling Units without additional parking facilities are not required to comply with this Section.
Spaces accessible only by automated mechanical car parking systems are excepted from providing EV charging infrastructure.

2. Electric Vehicle Parking Requirements for Nonresidential Land Uses

- a. Office buildings. In buildings designated primarily for office use, when 10 or more parking spaces are constructed, 20% of the available parking spaces on site shall be equipped with a Level 2 Electric Vehicle Charging Station (EVCS). An additional 30% shall be at least Level 2 EV Capable. Calculations for the required minimum number of spaces equipped with Level 2 EVCS, Level 2 EV Ready spaces and EV Capable spaces shall all be rounded up to the nearest whole number.
- b. Service stations. New and remodeled service stations shall be equipped with one Level 3 EVCS per every three fueling pumps. Calculations for the required minimum number of spaces equipped with Level 3 EVCS shall all be rounded up to the nearest whole number.
- c. Other nonresidential buildings. In nonresidential buildings that are not designated primarily for office or gas station use, such as hotel, retail, industrial, or public and institutional uses, when 10 or more parking spaces are constructed, 15% of the available parking spaces on site shall be equipped with Level 2 EVCS. Calculations for the required minimum number of spaces equipped with Level 2 EVCS, Level 2 EV Ready spaces and EV Capable spaces shall all be rounded up to the nearest whole number.
- d. Exceptions:
 - i. Institutional Uses. At the discretion of the zoning administrator, modified EV parking requirements may be permitted for institutional uses on a case-by-case basis if compelling reasons exist for reduced or modified EV parking, depending on the circumstances for the particular use

3. Electric Vehicle Parking Requirements for Mixed Uses

- a. Mixed use developments shall comply with the applicable residential and nonresidential requirements specified in Section 11-3-4(D), above in accordance with the square footage and number of parking spaces by land use type.

Technical requirements. Raceways for electric vehicle charging spaces are required to be installed at the time of construction and shall be installed prior to occupancy/operation in accordance with the California Electrical Code. Construction plans and specifications shall include, but are not limited to, the following:

- b. The type and location of the EVSE.
- c. The raceway(s) shall originate at a service panel or a subpanel(s) serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into listed suitable cabinet(s), box(es), enclosure(s) or equivalent.
- d. Electrical calculations shall substantiate the design of the electrical system, to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to simultaneously charge all required EVCS at its full rated amperage.
- e. The service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for the future installation of the EVSE.
- f. Electric vehicle charging stations shall be equipped with electrical outlets, and may also be equipped with card readers, controls, connector devices and other equipment as necessary for use. Electric cords shall not cross a pathway. All such equipment shall be in compliance with the Building Regulations in Title 24, including all applicable provisions of the California Green Building Standards Code pertaining to electric vehicle charging.

4. Electric Vehicle Definitions

- a. Electric Vehicle Capable Space. A parking space linked to a listed electrical panel with sufficient capacity to provide at least 208/240 volts and 40 amperes to the parking space. Raceways linking the electrical panel and parking space only need to be installed in spaces that will be inaccessible in the future, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits. Raceways must be at least 1" in diameter and may be sized for multiple circuits as allowed by the California Electrical Code. The panel circuit directory shall identify the overcurrent protective device space(s) reserved for EV charging as "EV CAPABLE." Construction documents shall indicate future completion of raceway from the panel to the parking space, via the installed inaccessible raceways.
- b. Level 1 EV Ready Space (EVRS). A parking space served by a complete electric circuit with a minimum of 120-volt, 20-ampere capacity including electrical panel capacity, overprotection device, a minimum 1"-diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled "Electric Vehicle Outlet" with at least a ½" font adjacent to the parking space, or b) EVSE.
- c. Level 2 EV Ready Space. A parking space served by a complete electric circuit with 208–240-volt, 40 ampere capacity including electrical panel capacity, overprotection device, a minimum 1"-diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled "Electric Vehicle Outlet" with at least a ½" font adjacent to the parking space, or b) EVSE with a minimum output of 30 amperes.

- d. Level 3 EV Ready Space. A parking space served by a complete electric circuit with a minimum 400-volt capacity including electrical panel capacity, overprotection device, a minimum 1- diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and a receptacle labelled “Electric Vehicle Outlet” with at least a ½” font adjacent to the parking space b) 400-volt EVSE.
- e. Electric Vehicle Charging Station (EVCS). A parking space that includes installation of electric vehicle supply equipment (EVSE) with a minimum capacity of 30 amperes connected to a Level 2 EV Ready Space. EVCS installation may be used to satisfy a Level 2 EV Ready Space requirement.
- f. Automatic Load Management Systems (ALMS). A control system which allows multiple EV chargers or EV-Ready electric vehicle outlets to share a circuit or panel and automatically reduce power at each charger, providing the opportunity to reduce electrical infrastructure costs and/or provide demand response capability. ALMS systems must be designed to deliver at least 1.4kW per charger to each EV Capable, EV Ready, or EVCS space served by ALMS. The connected amperage on-site shall not be lower than the required connected amperage per Part 11, 2019 California Green Building Code for the relevant building types.

5. Alternate Vehicle Parking Requirements-All Vehicles

- a. All of the alternative vehicle parking spaces required under this section, including electric vehicle charging stations, shall be counted toward the off-street parking required by Section 11-3.4 and the accessible parking spaces, including electric vehicle charging spaces, shall be as required by the current California Building Code.
- b. All of the alternative vehicle parking spaces required under this Section, including electric vehicle charging stations, shall be clearly marked with both signage and pavement stencils, except that in private garages associated with single-family, townhome, and Accessory Dwelling Unit uses.
- c. Parking spaces required under this Section, including electric vehicle charging stations, shall meet the dimensional standards of Section 11-3.4(E) of this chapter. Electric vehicle charging equipment shall not reduce the size of the parking space.

11-3.5 Landscaping

A. Purpose and Intent

The City promotes the value and benefits of landscaping while recognizing the need to use limited water resources as efficiently as possible. In compliance with applicable State standards and guidelines, this Section establishes minimum landscape standards for all uses for enhancing the appearance of developments, reducing heat and glare, enhancing on-site stormwater management, conserving water, establishing a buffer and/or screen between residential and non-residential land uses, and ensuring the ongoing maintenance of landscaped areas.

B. Applicability

The standards of this section shall apply to all landscaping installed in the City.

C. Compliance with State Standards

The design, installation, and maintenance of all landscaped area within the City shall comply with State requirements for water efficient landscaping as contained in Title 23 Section 2.7 Model Water Efficient Landscape Ordinance of the California Code of Regulations.

D. General Landscape Standards

1. **General Landscape Design.** Landscaping shall be a positive element of the project design. The landscaping shall be designed to protect storm water quality and enhance the aesthetic quality of the development by using the following design standards:
 - a. Landscaping shall be used to manage and treat storm water to the maximum extent feasible;
 - b. Only healthy, well-formed, and vigorous plant materials may be used;
 - c. Landscaping shall be located in all yard areas that are not specifically used for parking, driveways, patios, or similar purposes, unless otherwise specified in this article. Sidewalks, pedestrian walks and pathways are permitted in landscaped areas;
 - d. Landscape areas shall incorporate varieties of plant textures, colors, geometries, and leaf densities. Year-round visual interest shall be introduced through an appropriate balance of evergreen/deciduous and flowering perennials.
 - e. Landscaping shall be incorporated to reduce monotony of long expanses of building, fence or other structures;
 - f. Landscaping shall screen parking areas from adjacent streets;
 - g. The density and placement of plants are to be determined by the plant size at maturity. When initially installed, groundcover shall give enough coverage for a pleasing appearance on all landscaped areas;
 - h. A minimum of 50 percent of the landscape area shall consist of plant materials. The remaining 50 percent of area deemed for landscaping may be covered with permeable ground coverings, e.g., rock, bark, decomposed granite or similar materials;
 - i. Sturdy raised curbs shall protect all landscape areas from driveways and parking areas. Cutouts in curbs may be incorporated when surrounding vegetative drainage swales, storm water retention features and/or other treatment features;
 - j. Wheel stops need not be provided in parking areas where the front two feet of the landscape area is planted with low groundcover to accommodate car overhang;
 - k. Trees of varieties with broad canopies shall be provided to shade walkways and parking areas to temper heat from paved areas, and to screen long structure frontages;
 - l. Existing on-site vegetation shall be preserved, unless determined otherwise by the Community Development Director, to maintain on-site water quality and sediment control;
 - m. All trees shall be a minimum size of 15 gallons when initially installed;
 - n. Deep root irrigation shall be provided to prevent pavement damage where trees are planted within three feet of city pavement or sidewalks.
 - o. All plant materials within the city right-of-way (e.g., medians, etc.) shall be approved by the director of public works for minimum size and species type;

2. **New Plant Material.** New plant material shall be carefully selected to comply with the following standards:
 - a. The overall compatibility of the ultimate form, size, density, and color of trees, shrubs, and groundcover at maturity;
 - b. The tolerance of the plant materials to existing physical conditions, and resistance to insect pests, and disease; and
 - c. The intended use (i.e., shade screening, windbreak, erosion control, storm water treatment and management, etc.) as well as the ease of maintenance.
 - d. Indigenous trees and other plant materials are encouraged.

E. Landscape Requirements for Zone Classifications

1. **Single-Family Zones.** Residential development located in all single-family zones shall incorporate landscaping in all yard areas that are not specifically used for driveways, walkways, patios, or similar purposes. Landscaping shall be used to manage and treat storm water to the maximum extent feasible.
2. **Multi-Family Zones.** Residential development located in all multi-family zones shall incorporate landscaping in all yard areas that are not specifically used for driveways, walkways, patios, or similar purposes. In addition, at least 35 percent of the required landscaped area shall be designed to be usable as open recreational area. Landscaping shall be used to manage and treat storm water to the maximum extent feasible.
3. **Commercial Zones.** Landscaping in commercial zones shall be designed using the following standards and shall enhance the aesthetic quality of the development by using the following requirements.
 - a. All development in commercial and mixed-use zones shall provide a minimum of 21 feet of landscaping, measured from face of curb, adjacent to public streets (public sidewalks may be permitted in the landscape area);
 - b. At least eight percent of the gross total land area of the site, outside of the public right-of-way, shall be landscaped, except in the downtown specific plan zones where there are typically no front and side yard setbacks;
 - c. All portions of a site over 40 square feet in area not specifically used for buildings, parking, driveways, walkways, or similar uses shall be landscaped;
 - d. In all landscaped areas, trees shall be planted on average every 20 feet on center or with a greater spacing as appropriate to maintain proper tree health as determined by a licensed landscape architect; clustering of trees may be permitted with the approval of the director of public works;
 - e. Parking lot landscape islands with a minimum of 50 square feet in area, ~~and including~~ a tree, shall be located in parking lots every 12 stalls, and shall be evenly distributed throughout the parking area;
 - f. All landscape areas shall be at least five feet wide, except as approved by the Community Development Director due to specific site situations where the minimum width is impractical;
 - g. Parking lot landscape areas containing trees shall be a minimum of eight feet wide, except as approved by the Community Development Director due to specific site situations where the minimum width is impractical;

- h. Parking areas shall be screened from view from adjacent residential areas and streets, except at driveways and street corners where visibility is needed;
 - i. Landscaping shall be used to manage and treat storm water to the maximum extent feasible;
 - j. Three foot high screening shall be located where necessary in commercial parking lots and drive-through uses to block headlights from shining into adjacent residential areas.
4. **Industrial Zones.** Landscaping in industrial zones shall be designed using the following standards and shall enhance the aesthetic quality of the development by using the following requirements:
- a. Landscape the front and side yard areas adjacent to streets, as required by this article, which are not specifically used for parking, driveways, walkways, loading areas, or similar paved access areas;
 - b. Landscaping areas located adjacent to the street right-of-way shall be a minimum of 21 feet wide (measured from the face of curb);
 - c. Paved areas shall not exceed 50 percent of the total area of setbacks;
 - d. All industrial zones shall provide landscape areas that are a minimum of five feet in width along the entire perimeter of the site;
 - e. A minimum eight foot wide landscaped buffer is required adjacent to commercial or residential uses;
 - f. Outdoor use areas and loading areas shall be screened by landscaping and/or materials integral with the structure design;
 - g. Industrial development visible from Highway 99 shall be screened from view with dense landscaping;
 - h. Three foot high screening shall be located where necessary in industrial parking lots and drive-through uses to block headlights from shining into adjacent residential areas.

F. New Residential Development

All new development front yard landscaping shall include, at a minimum, one 15-gallon size tree and a permanent irrigation system to be installed by the developer prior to occupancy.

G. Maintenance of Landscaped Areas.

All landscaped areas shall be maintained in a healthful and sound condition at all times. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this Chapter. Regular maintenance shall include checking, adjusting, and repairing irrigation equipment; resetting automatic controllers; aerating and dethatching turf areas; adding/replenishing mulch, fertilizer, and soil amendments; pruning; and weeding all landscaped areas.

11-3.6 Fences, Walls, and Hedges

A. Applicability

1. The standards of this Section shall apply to:
 - a. New fences, walls, or hedges.
 - b. New development.
 - c. A request for a discretionary permit.

These regulations do not apply to fences or walls required by the city for reasons of public safety.

B. General Height Regulations

1. **Front Setbacks.** Fences, walls, and hedges shall be limited to the maximum heights stated below within front setbacks. For the purpose of regulating the height of fences, walls, and hedges, the front setback area shall be considered to be the area between the front or street side parcel line and the nearest building wall or setback line, whichever is the shorter distance.
 - a. **Hedges, fences and walls: 48 inches in height.**
 - b. One pergola or similar feature: 8 feet in height and width and 3 feet in depth. Gates or doors are permitted within the frame of pergolas or similar features.
 - c. Ornamental attachments atop a fence or wall: 12 inches above the maximum height limit with a maximum width of 12 inches for each attachment and a minimum distance of 5 feet between each attachment.
 - d. A guardrail may exceed the maximum height limit for a fence or wall, but only to the minimum extent required for safety by the Building Code. Safety guardrails must be at least 50 percent visually transparent above the fence or wall height limit.
2. **Side and Rear Setbacks.** Fences, walls, and hedges shall be limited to the maximum heights stated below if located within side and rear setbacks.
 - a. Fences and walls: 6 feet measured from existing grade at the fence or wall.
 - b. Hedges: six feet, except that there is no height limit for hedges adjacent to and located within 10 feet of a commercial zoning district or street, measured perpendicularly from the side or rear property line that is adjacent to the commercial property or street.
 - c. A guardrail may exceed the maximum height limit for a fence, but only to the minimum extent required for safety by the Building Code. Safety guardrails must be at least 50% visually transparent above fence height limit.
3. **Administrative Height Modifications.** A parcel owner may request a modification to the height limit of a proposed front, side or rear fence, wall, or hedge, pursuant to Chapter 11-6.6, Director Review and Approval.

C. Measurement of Fence, Wall or Hedge

1. Fences, Walls, and Hedges, no person shall permit any obstruction, including, but not limited to, any fence, wall, hedge, tree, or landscape planting to obscure or block the visibility of vehicles entering or exiting an alley, driveway, parking lot, street intersection, or other vehicle right-of-way or to constitute an unreasonable and unnecessary hazard to persons lawfully using an adjacent pedestrian or vehicle right-of-way. In addition, no obstruction shall be located less than

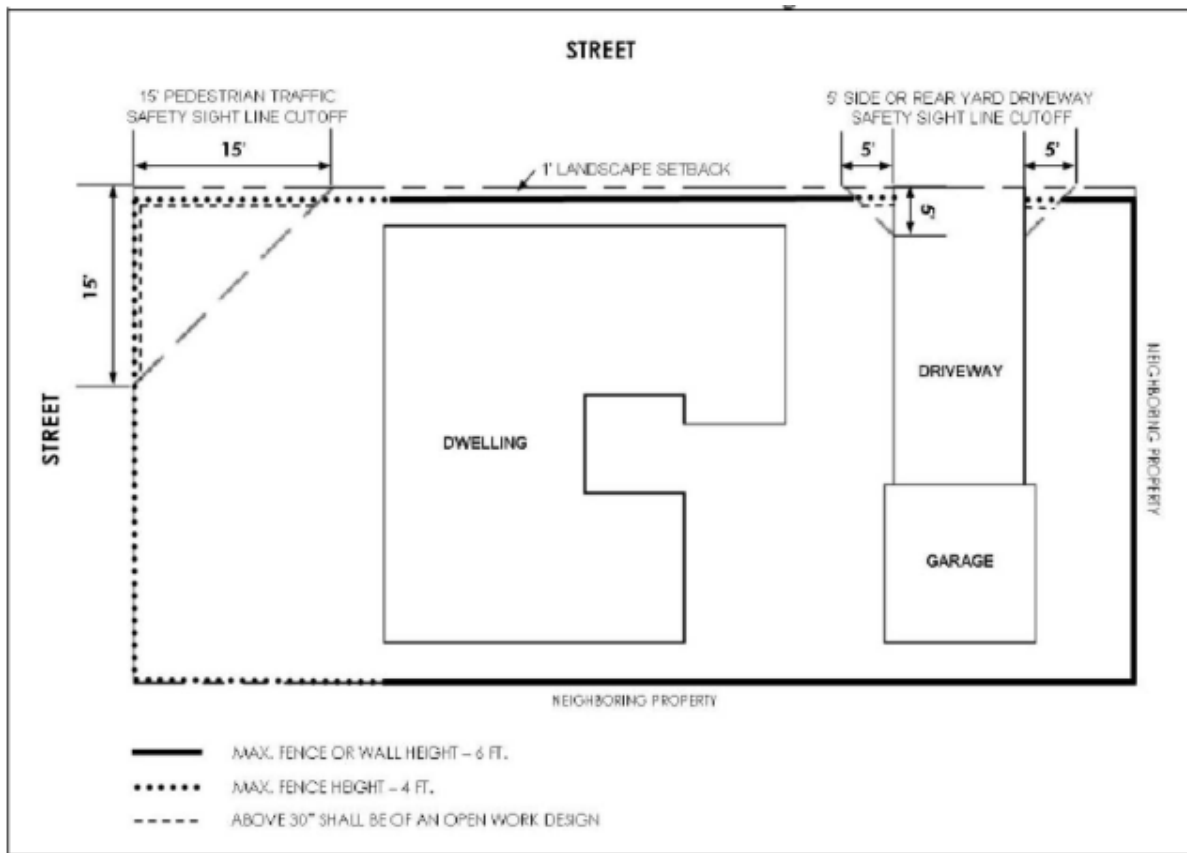
5 feet from the intersection of the street-facing parcel line with a driveway or garage door, or the intersection of parcel lines adjacent to street or alley intersections unless the obstruction is either less than 24 inches above the adjacent vehicle right-of-way or is authorized pursuant to subsection (B). In addition, unless authorized pursuant to subsection (B), no obstruction shall be located less than 5 feet from the intersection of the alley-facing parcel line with a driveway or garage door, and this area must be paved in accordance with Chapter 11-3-4, Off Street Parking. No development shall be allowed if it would otherwise cause an existing obstruction to be in violation of this subsection unless:

- a. The obstruction is less than 24 inches above the adjacent vehicle right-of-way; or
- b. The obstruction or development is authorized pursuant to subsection (B) or (C) of this Section.

The Director or designee may approve encroachments into the 5-foot hazardous visual area in addition to those specified in subsection (A) of this Section when the parcel owner submits a written request and satisfactory evidence that:

- a. Characteristics applicable to the parcel, including size, shape, topography, location, or surroundings, that do not apply to other properties in the vicinity which unreasonably restricts an owner's ability to comply with subsection (A); and
- b. The proposed encroachment will be designed to maintain adequate sight view and/or provide other design elements, such as the use of mirrors and will not constitute a hazard to persons lawfully using an adjacent sidewalk, alley, street or other right-of-way;
- c. The strict application of the provisions of this Section would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships, or would result in unreasonable deprivation of the use or enjoyment of the parcel; and
- d. The granting of the encroachment will not be contrary to or in conflict with the general purposes and intent of this Section, nor to the goals, objectives, and policies of the General Plan.

Figure 3-2



Measurement of Height. For purposes of this Subsection, a wall or fence that is located within 5 feet of a public street right-of-way shall be measured from the grade of the abutting public right-of-way, except in cases where severe or unusual slope conditions exist, in which case an alternative basis for measurement may be determined by the Director. The height of a wall or fence located along an interior property line shall be measured from the higher natural or established grade of the two abutting properties.

Measuring the Height of Fences on Retaining Walls. Notwithstanding the above, the height of a fence that is on top of a retaining wall is measured from the lowest existing grade point within a 3-foot radius of any point on such fence to the highest point of the fence on the highest side of the wall. Any fence or railing required to comply with minimum height in applicable Building Code requirements is permitted.

D. Special Wall and Fence Requirements

1. **Temporary fencing.** Temporary fencing may be approved as deemed necessary and appropriate by the Director.

2. **Barbed Wire Fencing.** The Director may approve a fence incorporating barbed wire if:
- a. **Not abutting residential.** The fence is erected or maintained on a property line that does not abut a residential zoning district;
 - b. **Clearance of support arms.** The barbed wire is supported by arms that attach to a fence that has a minimum height of 8 feet above finish grade;
 - c. **Design of support arms.** The arms that support the barbed wire rise at a 45-degree angle on the inside of the fence, beginning at minimum height of 6 feet, 6 inches above finish grade to a maximum height of 8 feet above finish grade;
 - d. **Fence design.** The fence is either wood link, industrial privacy, or similar type that the Director agrees will conceal the barbed wire from public view from immediately outside the fence;
 - e. **Setbacks.**
 - i. All required setbacks are met; and
 - Warning Signs.** Warning signs, at least 8-1/2 by 11 inches in size, are posted no more than 10 feet apart on the outside of the fence that does not abut an interior property line. The sign shall have letters at least 1 inch in height and shall give sufficient warning that the fence incorporates barbed wire.
 - Hold Harmless Agreement.** Prior to issuance of any permit to install razor or concertina wire in an industrial district, the property owner must sign a written hold harmless agreement, in a form satisfactory to the city Attorney. The agreement shall release and indemnify the city in the event of liability, loss, costs and damages, including, but not limited to, personal injury, death or property damage, arising directly or indirectly out of the use of the special security topping.
 - f. **Maintenance.** All fences, walls, and hedges shall be maintained in a safe, neat and orderly condition at all times.
 - g. **Encroaching Hedges.** The owner of a hedge shall maintain the hedge so that it does not encroach onto the parcel of an adjoining parcel and the public right-of-way. If any portion of a hedge, including its roots, encroaches onto the parcel of an adjoining parcel, the owner of the adjoining parcel shall, after giving 30 days' notice and opportunity to cure, have the right to remove those portions of the hedge that encroach on their parcel back to the parcel line so long as they act reasonably, and the removal does not cause unnecessary injury. The adjoining parcel owner shall have the right to file a civil action to recover all costs reasonably incurred in removing the encroaching portions of the hedge.

11-3.7 Lighting

A. Purpose and Intent

The purpose of this Section is to regulate outdoor lighting to balance the safety and security needs for lighting with the City's desire to preserve dark skies and to ensure that light trespass and glare have a negligible impact on surrounding property (especially residential) and roadways.

B. Applicability

The requirements of this Section apply to all new development. Whenever a person is required to obtain a Building Permit, Electrical Permit, and/or approval of a discretionary permit, the applicant

shall submit sufficient information for the Review Authority to determine whether the proposed lighting will comply with the requirements of this Section.

C. Exempt Lighting

1. The following shall be exempt from the requirements of this Section:
 - a. Temporary lights used for holiday decorations.
 - b. Emergency lighting erected for official purposes by local, State, or Federal agencies.
 - c. Lighting for temporary uses and special events permitted consistent within this Zoning Code.

D. Prohibited Lighting

1. The following types of lighting are prohibited:
 - a. Search lights, laser source lights, or any similar high-intensity light, except for emergency use by police or fire personnel or at their discretion, or for approved temporary lighting for a special event approved by the City.
 - b. Lighting fixtures operated in a manner as to constitute a hazard or danger to persons or to safe vehicular travel.
 - c. Roof-mounted lighting except for security purposes.
 - d. Moving, flashing, or animated lighting

E. General Lighting Requirements.

1. **Nuisance Prevention.** All outdoor lighting shall be designed, located, installed, directed downward or toward structures, fully shielded, and maintained in order to prevent glare, light trespass, and light pollution and away from adjoining properties and public rights-of-way, so that no light fixture directly illuminates an area outside of the project site.
2. **Maintenance.** Fixtures and lighting shall be maintained in good working order and in a manner that serves the original design intent.
 - a. Lighting fixtures shall be weather and vandal resistant.
 - b. Burnt-out and broken light bulbs shall be replaced immediately.
 - c. Lighting fixtures shall remain free of graffiti and rust.
 - d. Painted light fixtures shall be maintained to minimize chipping or peeling.
3. **Level of Illumination.** Outdoor lighting shall be designed to illuminate at the minimum level necessary for safety and security and to avoid the harsh contrasts in lighting levels between the project site and adjacent properties.
4. **Signs.** Lighting of signs shall be in compliance with Section 11-3.8 (Signs).
5. **Sports Fields/Activity Areas.** Where playing fields or other specialty activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that the light falls within the primary playing area and that light levels at the adjacent parcel are less than 0.1 foot-candle. Additionally, the lights shall be turned off within one hour after the end of the event.
6. **Maximum Height of Freestanding Outdoor Light Fixtures.** The maximum height of freestanding outdoor light fixtures on nonresidential property abutting residential development shall be 15

feet. The height limit for light fixtures in industrial zoning districts is 25 feet. In all other nonresidential development types, the maximum height for freestanding outdoor light structures shall be 20 feet. Height shall be measured from the finish grade to the bottom of the lens of the fixture.

- a. **Sports Field Freestanding Outdoor Light Fixtures.** The maximum height of freestanding sports field outdoor light fixtures on nonresidential property abutting residential development shall be 40 feet and shall comply with Subsection E.5 above.
 - b. **All Other Freestanding Outdoor Light Fixtures.** The maximum height of freestanding outdoor light fixtures on nonresidential property abutting residential development shall be 15 feet. The height limit for light fixtures in industrial zoning districts is 25 feet. In all other nonresidential development types, the maximum height for freestanding outdoor light structures shall be 20 feet. Height shall be measured from the finish grade to the bottom of the lens of the fixture.
7. **Energy-Efficient Fixtures Required.** Outdoor lighting shall use dimmable white lighting and comply with all applicable requirements of the California Electrical Code. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than 10,000 hours.
8. **Accent Lighting.** Architectural features may be illuminated by up-lighting, provided that the lamps are low-intensity, and no glare or light trespass is produced.

11-3.8 Signs

A. Purpose and Intent

1. **Purpose.** The purpose of this Chapter is to provide minimum standards to safeguard the life, health, property, and public welfare in keeping with the character of the City by establishing and maintaining standards for the size, height, structural design, quality of materials, construction, location, illumination, and maintenance of signs to accomplish the following results:
 - a. To enhance the economic value of the community through the regulation of the size, location, design, and illumination of signs;
 - b. To provide a reasonable and comprehensive system of controls for signs;
 - c. To encourage a desirable urban character;
 - d. To encourage signs which are well designed and pleasing in appearance; and
 - e. To attract and direct persons to various activities and enterprises in order to provide for maximum public convenience.
2. **Applicability.** The standards established in this Chapter shall apply to all exterior signs and sign structures including signs attached to or affixed upon the interior of windows.

B. Effect of Chapter

1. **Content Neutrality.** It is the City's policy and intent to regulate both commercial and noncommercial signs from a viewpoint-neutral and content-neutral manner. Sign message and copy shall not be evaluated, except to determine the type and category of the sign.
2. **Message Substitution.** Signs authorized by this Chapter are allowed to display noncommercial messages in lieu of any other commercial or noncommercial messages. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this

provision is to prevent an inadvertent favoring of commercial speech over noncommercial speech or favoring of any specific noncommercial message over any other noncommercial message.

C. Exempt Signs

1. **Exempt Sign.** The following signs are allowed without a Sign Permit in any zone and shall not be included in the determination of type, number, or area of signs allowed on each parcel. Exempted signs shall be required to adhere to the regulations established for each sign type as provided in this Section. (definitions can be found in Section 11-8.1)
 - a. Signs required by Federal/State law;
 - b. Official signs posted by a governmental body, including, flags, banners, emblems, or signs issued by a government body including notices, traffic or highway signs, railroad crossing signs, or similar regulatory or warning devices and legal notices;
 - c. Holiday displays and decorations, only when not creating a traffic hazard or located within any visual setback area in the sight distance triangle;
 - d. Commemorative or memorial plaques, tables, date of construction, and similar signs constructed of permanent material. Only one sign for each structure, not to exceed two square feet in area for each sign is allowed;
 - e. Signs located inside a structure, provided these signs are not conspicuously visible and readable from a public street or adjacent properties not under the same ownership;
 - f. "No Trespassing" signs. Each sign is limited to one square foot in area. Signs may be placed at each corner and each entrance to a parcel and at intervals of not less than 50 feet or in compliance with legal requirements;
 - g. Real Estate Signs
 - i. "For Rent", "For Sale", and "For Lease" signs shall be posted on the subject parcel, including common driveways, that is being advertised by an authorized agent;
Real estate signs shall not exceed eight square feet for single-family residential and 32 square feet for multi-family or non-residential for each side of a double-sided sign;
Shall not be placed in the public right-of-way;
There shall be no more than one sign per street frontage; and
Illuminated real estate signs are prohibited.
 - h. Weekend off-site subdivision directional and off-site open house signs subject to the following regulations:
 - i. Such signs shall not exceed 10 signs per subdivision or shall not exceed two signs per open house.
Such signs shall not exceed four square feet.
Such signs shall not be placed in any public right-of-way or on any public utility fixture. No sign shall be placed without the property owner's permission.
Signs shall be posted no earlier than five o'clock (5:00) P.M. of Friday afternoon and shall be removed not later than nine o'clock (9:00) A.M. on Monday morning. If a legal holiday extends the weekend, signs may be posted during that holiday.
Off-site subdivision and open house signs shall be subject to abatement.

- i. Signs placed by utilities or other publicly regulated service providers indicating location of underground facilities, danger, and aids to service or safety, including official advisory and signal flags;
 - j. Copy changes in approved changeable copy signs;
 - k. Signs or notices incidental to a commercial, mixed-use, or industrial establishment (e.g., hours of operation, credit card information, emergency contact information, help wanted, open-close) provided the signs do not contain any commercial messages, the establishment logo, and in total do not exceed four square feet in area for all incidental signs; and
 - l. Window signs window signs not exceeding 25 percent of a tenant's total window space but prohibit the outline of windows with neon/LED light borders.
2. **Routine Maintenance.** Painting, repainting, cleaning, and/or other maintenance of a sign shall not be considered erecting or altering a sign. No Sign Permit shall be required unless structural changes are proposed.
3. **Building Permit May be Required.** Under certain circumstances, temporary signs and other exempt signs may require a Building or Electrical Permit, as required by the uniform codes adopted by the City.

D. Prohibited Signs

1. Except as otherwise provided in this Chapter, the following signs including any sign on public property or within the public right-of-way, except government signs, shall be prohibited in the City.
 - a. Animated signs.
 - b. Signs emitting foreign material or sound.
 - c. Flashing signs, except for time and temperature signs and electronic reader boards.
 - d. Revolving signs, except barber poles.
 - e. Movable signs mounted on trailers, trucks or similar conveyance.
 - f. Pennants, banners, and flags except as specifically allowed by this Chapter.
 - g. Off-site signs, except as specifically allowed by this Chapter.
 - h. Signs that display a message, graphic presentation, or other image that is obscene as defined by section 311 of the California Penal Code.
 - i. Roof Signs: All signs mounted on or above the roof line of a structure, except that, the placement of signs on a mansard roof are allowed provided that such signs are placed in the lower two-thirds (2/3) of the mansard and no portion of the sign extends into the top one-third (1/3) of the mansard roof. All mansard roof signs shall be integrated into the mansard structure.
 - j. Projecting Signs: No projecting signs are allowed except barber poles which may project 24 inches.
 - k. Signs imitative of official street and traffic control signs, except when used for on-site traffic direction. Such signs would include those which contain or imitate an official traffic sign or signal, or containing the words stop, go, slow, caution, danger, warning, or similar words which in context of the sign could be misconstrued to be a traffic or safety warning sign.
 - l. Portable signs (including sign(s) placed on operable other than stationary vehicle).

- m. Signs which are cut, burned, limed, painted or otherwise marked on a field, tree, rock or other natural feature.

E. General Provisions

1. **Purpose.** The following general provisions are applicable to all signs regulated by this Chapter.
2. **Entitlements Strictly Construed.** Because the regulations in this Chapter are established to protect the public health, safety and general welfare, any sign entitlement authorized hereunder shall be strictly construed to further the purposes of this Chapter.
3. **Sign Variance.** The Planning Commission may grant a sign variance for a sign, provided that strict and literal interpretation and enforcement of this Chapter would create an unnecessary hardship to the applicant. An unnecessary hardship may result from the size, shape, or dimensions of a site, or the existing locations of structures on the site, or the physical conditions on the site or immediately adjacent to the site. In no case shall the variance be granted for greater than 10 percent of any one aspect of the sign from the sign code. The applicant shall file an application as provided by the Community Development Department, fees and an exact statement as to what hardship would be created. The decision of the Planning Commission may be appealed to the City Council in compliance with the appeals process establish by this Chapter.
4. **Illumination of Signs.** Unless otherwise prohibited by this Chapter, signs requiring a permit may be illuminated subject to approval by the Community Development Department.
5. **Obstruction of Public Passage.** No sign shall be erected so as to obstruct any door, fire escape or other emergency exit of any structure. No sign shall be erected in any public right-of-way.
6. **Construction.** All signs, parts and supporting structures shall be constructed in compliance with all applicable Federal, State and City laws and regulations. Any person engaged in the construction of signs shall have appropriate and valid licenses.
7. **Sign Setbacks.** All freestanding signs shall be setback a minimum of five feet from any property line as measured from the nearest portion of the sign and its supports.
8. **Right to Remove.** No portion of this Chapter shall prohibit the owner, or his authorized representative, of property from removing a sign from his property. Further, nothing in this Subsection shall prohibit the Director from directing the immediate abatement of dangerous and unsafe signs.
9. **Maintenance of Signs.** The following maintenance standards shall apply to all signs:
 - a. All signs, parts and supporting structures shall be continuously maintained in a safe, structurally sound, neatly painted, and well repaired condition.
 - b. Illuminated signs shall be capable of being fully illuminated and legible. The faces of such a sign shall be intact without holes or other facial damage.

F. Sign Permit Requirements and Inspections

1. **Administration:** It shall be the duty of the Community Development Department to enforce the provisions of this Chapter.
2. **Inspections:** Every sign erected in the City shall be subject to inspection to assure compliance with the provisions of this Chapter and all other laws and ordinances of the City.

3. **Permits Required.** Except as otherwise provided in this Chapter, it shall be unlawful for any person to erect, alter, relocate, change, or otherwise modify a sign within the City without first obtaining approval from the Community Development Department.
4. **Legal Interest in Property.** To file an application for any action under this Chapter, the applicant shall have a certain legal interest in the real property which is the subject of the application. Legal interest shall be one of the following:
 - a. Owner;
 - b. Lessee, limited to the portion being leased and excluding common access drives and common parking areas; or
 - c. A verified agent of one of those listed above (such as a licensed sign contractor).
5. **Applications and Procedural Requirements.** Applications for permits required by the provisions of this Chapter shall be made to the Community Development Department on forms provided by the City, shall be accompanied by a permit fee adopted by the City Council by resolution and shall contain the following information:
 - a. The name, address and telephone number of the owner of the property;
 - b. The name, address and telephone number of the applicant (sign owner);
 - c. The name, address and telephone number of the sign contractor; and
 - d. The location of the building, structure or lot where the sign will be placed; and
 - e. Other information required by the Community Development Department to show full compliance with the provisions of this Chapter and all other laws and ordinances of the City.
6. **Approval Of Sign Reviews.** The Community Development Department shall approve, conditionally approve, or deny a sign application based on the following criteria:
 - a. The application has been properly made;
 - b. The sign complies with the laws of the City;
 - c. The permit fee has been paid; and
 - d. The sign's location and copy does not create a potential visibility or safety hazard; and
 - e. The sign does not require a Conditional Use Permit as required by this Chapter.
7. **Referral To Planning Commission Or City Council.** The Community Development Director, at their discretion, may refer any application for a commercial sign to the Planning Commission, which may approve, conditionally approve, or deny the sign application in accordance with the criteria listed above. Non-commercial signs may be referred, at the Community Development Director's discretion, to the City Council for approval, conditional approval, or denial of the sign application in accordance with the criteria listed above.
8. **Action On Application.** If a sign application is denied, the Community Development Department shall provide written notice of the denial to the applicant after the decision is rendered. The applicant may appeal any decision of the Community Development Director to the Planning Commission or City Council, as appropriate, in compliance with this Chapter. If a sign is approved, the applicant shall obtain any required permits from the Building Division prior to installing, altering, or relocating any sign.
9. **Appeals.**
 - a. The applicant or any aggrieved person may appeal a decision, on an item pertaining to this Chapter made by the Community Development Director to the Planning Commission for

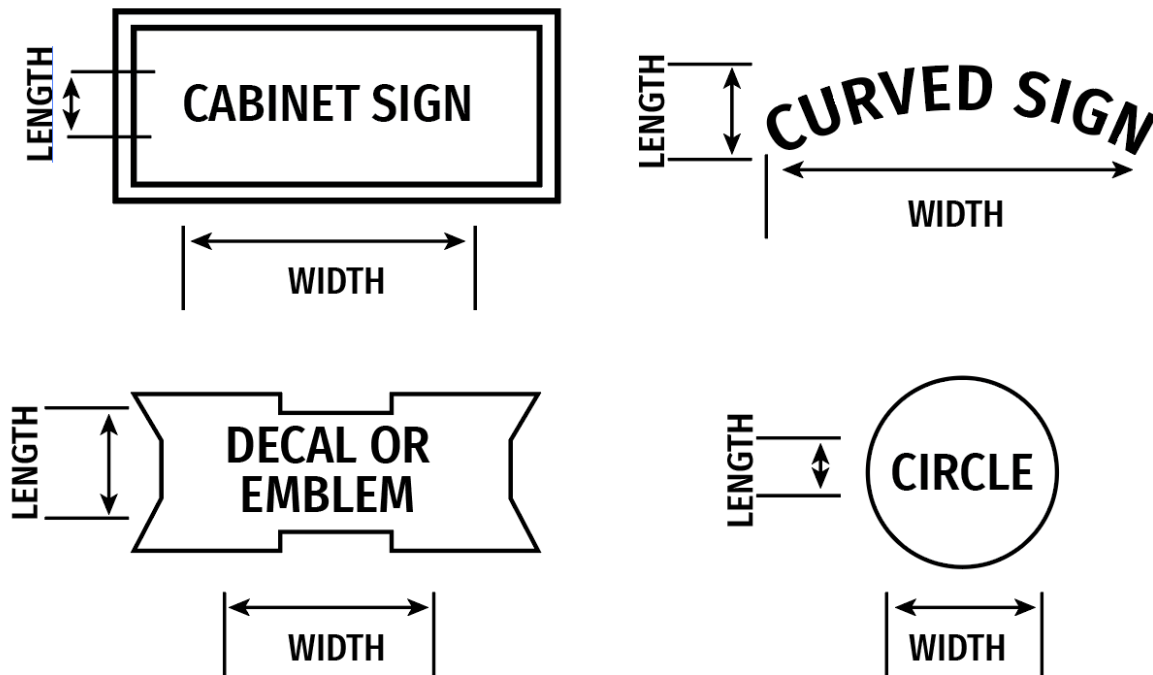
commercial signs, or to the City Council for non-commercial signs. Such an appeal shall be filed in writing, in the format prescribed by the Community Development Director, not later than 10 calendar days after a decision has been rendered. The appeal shall be accompanied by the fee required for an “Appeal of a Staff Decision, Minor” and any pertinent data the appellant wishes to submit. The appeal shall be scheduled for the next regular Planning Commission or City Council meeting, respectively, provided the meeting is at least 14 days from the date of the appeal. If the next meeting is sooner than 14 days, the appeal shall be scheduled for the meeting following the next scheduled meeting.

- b. The applicant or any aggrieved person may appeal a decision, on an item pertaining to this Chapter, made by the Planning Commission to the City Council. Such an appeal shall be filed in writing, in the format prescribed by the Community Development Director, not later than 10 calendar days after a decision has been rendered by the Planning Commission. The appeal shall be accompanied by the fee required for an “Appeal of a Planning Commission Decision” and any pertinent data the appellant wishes to submit. The appeal shall be scheduled for the next regular City Council meeting provided the meeting is at least 14 calendar days from the date of appeal. If the next meeting is sooner than 14 days, the appeal shall be scheduled for the meeting following the next scheduled meeting.

G. Sign Area Measurement

1. **Allowable Sign Square Footage.** All signs are measured based on every linear foot of structure frontage to determine the maximum allowable sign square footage, unless noted otherwise in Section I (Signs Allowed by Zone).
2. **Sign Area Calculations.** Sign area calculation is based on every linear foot of structure frontage, to a specified amount of sign square footage. For example, if a structure has 100 feet of linear frontage, parallel to a public street or public right-of-way and one foot of sign area is allowed for every foot of linear frontage the maximum allowable sign square footage would be 100 square feet. The sign area calculations described above do not include sign area from secondary signage that is not visible from the right-of-way.
3. **Three-Dimensional Signs.** Three dimensional objects, such as globes and cylinders, shall have their area determined by calculating the surface area of the object which will be used for signage. Cubes and objects with signage on flat surfaces shall use the area of the flat surfaces. If the object is less than two feet in width or diameter, then the area shall be calculated as if the object were flat.
4. **Surface Area Calculation.** The sign surface area shall be calculated by measuring square footage based on the height and length of sign copy (sign text) on all sign faces. See Figure 3- (Sign Area Measurements).

Figure 3-3



H. Enforcement

- 1. Permanent Signs.** Upon determination of a violation of the provisions of this Chapter, the Community Development Department shall contact the property owner of the parcel in question and request that the illegal sign be voluntarily abated. The Community Development Department shall provide the owner with at least three notices not closer than two (2) weeks apart. If after 90 days no action is taken by the owner, the Community Development Director may direct the removal of such signs after a resolution is passed by the City Council declaring the sign a public nuisance. A minimum of 10 days' notice shall be given to all persons owning property described in the resolution prior to its adoption in accordance with Chapter 2.6 of the California Business and Professions Code. After a sign's removal the Community Development Department shall send notification in writing to the owner of the property stating the location where the sign is being held and that the sign will be destroyed if not claimed by the owner within 10 days of such notice. If the sign is not claimed within the allotted time, the Director shall have the sign destroyed or disposed of. The Community Development Department shall not release any confiscated signs without a payment by the owner to reimburse the City for any cost incurred for the abatement and storage of the sign. If the sign is not claimed the owner shall be responsible for the cost of abatement, storage and disposal of the sign and the City shall bill the owner to recover the costs incurred by the City.
- 2. Temporary Signs.** Upon determination of a violation of the provisions of this Chapter regulating temporary signs, the Community Development Department shall contact the property owner of the parcel in question and request the illegal sign be voluntarily abated. If the signs are not removed from private property within 24 hours, the Community Development Director shall direct the removal of such signs. Signs on public property may be removed immediately and without notice. The Community Development Department shall send notification in writing to the owner of such sign, if the owner can be determined, stating the location where the sign is

being held and that the sign will be destroyed if not claimed by the owner within 10 days of such notice. If the sign is not claimed within the allotted time, the Director shall have the sign destroyed or disposed of. The Community Development Department shall not release any confiscated signs without payment by the owner to reimburse the City for any costs incurred for the abatement and storage of the sign. If the sign is not claimed the owner shall be responsible for the cost of abatement, storage and disposal of the sign and the City shall bill the owner to recover the costs incurred by the City.

I. Signs Allowed by Zone

1. Residential Zone Signs.

a. Single-Family and Subdivision.

- i. **Model Home Signs.** Each model home may have one model home sign not to exceed six square feet and not to exceed five feet in height. In addition, each model home may have one flag per 20 feet of street frontage. Such flags shall not exceed 15 square feet in area and shall be mounted no more than 18 feet in height to the top of the flag. Model home signs may be illuminated; however, the flags shall not be illuminated.

Subdivision Sales Signs. Each single-family home tract shall be allowed one sales sign per major arterial or one sales sign on the primary frontage if not adjacent to a major arterial. Subdivision sales signs shall not exceed 64 square feet in area and shall not exceed a height of eight feet. Subdivision sales sign may be illuminated.

Subdivision Entry Signs. Each single-family subdivision is allowed one permanent entry sign for each side of the street at each entrance adjacent to a major arterial or its primary frontage if not adjacent to a major arterial. Subdivision entry signs shall not exceed 40square feet or a height of six feet. Subdivision entry signs shall be placed in a landscaped bed with minimum of 16 square feet of vegetation.

- b. **Multi-Family.** Each multi-family complex is allowed one permanent identification sign per 250 feet of street frontage or fraction thereof. Identification signs shall not exceed 40square feet or a height of six feet.
- c. **Mobile Home Parks.** Each mobile home park is allowed one permanent identification sign per 250 feet of street frontage or fraction thereof. Identification signs shall not exceed 40 square feet or a height of six feet. All identification shall be constructed of masonry or other durable materials and integrated into walls or fences. Landscaping and other features are encouraged to accentuate the sign.

2. Commercial Zone Signs.

a. Single Tenant Commercial and Office Building Not Part of a Multi-Tenant Development.

- i. **Freestanding Signs.** Single tenant commercial or office buildings not part of a shopping or office development shall be allowed the following freestanding signs based on the developed portion of the site:
 - (1) **Sites Less Than Five Acres:** One freestanding sign per 250 feet of street frontage or fraction thereof. The sign face area shall not exceed 60 square feet and the overall sign height shall not exceed 20 feet. Sign area shall not be exchanged between signs.
 - (2) **Sites Five Acres or Greater:** One freestanding sign per 250 feet of street frontage or fraction thereof. The sign face area shall not exceed 100 square feet and the overall

sign height shall not exceed 20 feet. Sign area shall not be exchanged between signs.

Wall Signs: Each single tenant retail or office building not part of a shopping or office center shall be allowed two square feet of sign area per linear foot of building frontage adjacent to a street, parking area or access drive. Sign area shall not be exchanged between walls.

b. Multi-Tenant Commercial and Office Developments

i. **Required Sign Program.** All multi-tenant shopping or office developments shall submit a sign program to the Community Development Department for review and approval.

Freestanding Signs. Each commercial or office development is allowed one freestanding sign per 250 feet of street frontage or fraction thereof. The sign face area shall not exceed 100 square feet and the overall sign height shall not exceed 20 feet. Sign area shall not be exchanged between signs.

(1) Commercial and office developments between five and 12 acres, inclusive, in size shall be allowed one freestanding sign per street frontage with a sign face area of 150 square feet and a maximum overall sign height of 20 feet. These freestanding signs will take the place of one of the smaller permitted freestanding signs on a one for one basis.

(2) Commercial and office developments greater than 12 acres in size shall be allowed one freestanding sign per street frontage with a sign face area of 200 square feet and a maximum overall sign height of 20 feet. These freestanding signs will take the place of one of the smaller permitted freestanding signs on a one for one basis.

Wall Signs. Each tenant in a shopping or office center shall be permitted two square feet of sign area per linear foot of building frontage, if that tenant's shop or office area is adjacent to a street, alley, parking area or access drive. Sign area shall not be exchanged between walls or tenants.

Time and Temperature Signs. A Conditional Use Permit shall be required for all time and temperature signs. Time and temperature signs shall not exceed 18 square feet in area. The sign area shall be counted against the permitted sign area for the type of mounting on which it is placed. Conditional Use Permits shall be applied for and processed in compliance with Chapter 16 of this Zoning Ordinance.

Electronic Reader Board Signs. A Conditional Use Permit shall be required for all electronic reader boards. Electronic reader boards shall not exceed 800 square feet in area and shall not be mounted at a height of more than 75 feet. The sign area of an electronic reader board shall not be counted against other permitted signage and may be combined with other allowed signage. Conditional Use Permits shall be applied for and processed in compliance with Chapter 16 of this Zoning Ordinance. Electronic reader boards shall not contain any display or illumination which is in motion or appears to be in motion or changes in intensity or exposes its message for less than four seconds. The interval between messages shall not be less than one second.

Freeway-Oriented Signs

(1) **Applicability.** Any parcel within 600 feet of the Highway 99 right of way.

(2) **Design Standards.**

- (3) No freeway-oriented sign shall be greater than 75 feet in height to the top of the sign.
- (4) The sign face area shall not exceed 200 square feet.
- (5) A single pole shall be used for support.
- (6) **Placement.** Freeway-oriented signs shall be setback a minimum of 10 feet from Highway 99 to the nearest portion of the sign and shall be placed in the rear 40 percent of the parcel.
- (7) **Site Plan Review.** All freeway-oriented signs shall require a Site Plan Review. Site Plan Review applications shall be applied for and processed in compliance with this Zoning Ordinance.

Canopy Signs. Advertising on decorative canopies and awnings is permitted. Advertising on canopies and awnings shall count against the allowable wall signage allowed for the wall on which it is attached.

Under-Canopy Signs. Under-canopy signs are allowed for any use which has at least a five-foot-wide covered walkway. One under canopy sign per covered entrance is allowed. Under-canopy signs shall not exceed six square feet with a maximum width of three feet and shall have a minimum height clearance of eight feet.

On-site Directional Signage

- i. Directional signs shall not be counted against allowable sign area, unless the signs include business logo, name, or advertising. If a business logo, name, or advertising is a component of a directional sign, then the area of the sign devoted to the logo, name, or advertising will be counted toward the allowable sign square footage.
If the directional sign is located within the sight distance triangle of any driveway or intersection, it shall not exceed three feet in height.
Directional signs shall not exceed six square feet of sign area.
External or internal illumination is permitted.

x. **Directory Signage**

- i. Directory signs shall not be counted in the allowable sign area based on frontage, unless the business logo, name, or advertising is used. If a logo is a component of a directory sign, then the square footage of the portion of the sign that is advertising the specific establishment will be counted toward the total allowable square footage of sign area.
Directory signs shall not exceed 16 square feet of sign area.
Directory signs shall not exceed six feet in height.
If the directory sign is located within the sight distance triangle of any driveway or intersection, it shall not exceed three feet in height.
External or internal illumination is allowed, except that downward lighting is prohibited.

xi. **Freestanding Drive-Thru Menu Boards**

- i. Freestanding Drive-thru menu and price boards are not counted against the maximum allowable sign area.
Each menu board shall not exceed 20 square feet in area.

The total aggregate square footage of all menu boards does not exceed 75 square feet.

Freestanding Drive-thru menu boards shall be located along the drive-thru lane a minimum of eight feet from the entrance of the lane.

External illumination is prohibited.

3. **Industrial Zone Signs**

- a. **Freestanding Signs.** Each industrial complex shall be allowed one freestanding sign per 250 feet of street frontage or fraction thereof. The sign face area shall not exceed 100 square feet and the overall sign height shall not exceed 20 feet. Sign area shall not be exchanged between signs.
- b. **Wall Signs.** Each freestanding industrial building shall be allowed one square foot of sign area per linear foot of building frontage adjacent to a public street, parking area or access drive. Sign area may not be exchanged between walls.

J. **Limitation on Commercial Storefront Signage**

1. **Purpose.** The purpose of this Section is to protect the health, safety, and welfare of the citizens of the city of Selma by assisting law enforcement's efforts to reduce neighborhood blight and increasing economic vitality through improved aesthetic appeal.
2. **Definitions.** The following words and phrases, whenever used in this Section, shall have the meanings defined in this Subsection unless the context clearly requires otherwise:
 - a. **Clear.** Transparent, see through in nature.
 - b. **Person.** Any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
 - c. **Commercial Store.** Any business that sells or offers to sell or exchange, for any form of consideration, products to a consumer.
 - d. **Signs and Signage.** Any words, lettering, figures, numerals, or images, which advertise, promote, or convey information about any business, product, activity, or interest.
 - e. **Window.** Any opening in the wall of a building that is fitted with glass or other transparent material.
3. **Exterior Signage Requirements**
 - a. No more than 15 percent of the square footage of each window and clear door that is visible to the public from a public thoroughfare, sidewalk, or parking lot of any retail store shall bear signs.
 - b. The area covered by a sign is calculated using the perimeter of the sign and includes any clear areas or spaces within the sign, such as the clear area within a neon sign. For irregularly shaped signs, the area is that of the smallest rectangle that wholly contains the sign.
 - c. For purposes of this Section, signs that are not physically attached to the windows or clear doors but that are visible from the exterior of the building in the same manner as if they were physically attached to the windows or clear doors shall constitute a sign.
 - d. All signs shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area where the cash registers are maintained, from the exterior public sidewalks, parking

lots, or entrance to the premises. No sign shall be placed on or visible through the bottom one-third (1/3) of any window.

4. **Enforcement and Penalty.**
 - a. Violations of this Chapter are hereby declared to be a public nuisance.
 - b. In addition to any other remedy available at law, any person who violates any provision of this section is subject to administrative, criminal, civil, or other penalties pursuant to title I, chapter 4 of this code.
5. **Controlling Effect.** The provisions of this section apply to any retail store notwithstanding the provisions of any other section of this code including, but not limited to, section I-2 (Signs in Commercial Zones) of this chapter and limit the area of walls or windows or clear doors that may be covered by any sign placed on any retail store or establishment.

K. Temporary Signs

1. **Sign Permit Required.** A Sign Permit shall be required for all temporary signs and is subject to Director review and approval.
2. **Allowed Sign Area.** Temporary sign areas are not counted under the maximum allowed sign area.
3. **Temporary On-site Signs.** The following signs may be allowed as on-site temporary signs in all zones on a temporary basis:
 - a. **Peddler Signs.** Peddlers shall be allowed one two-sided freestanding sign not to exceed six square feet each face. Such signs shall only be allowed in the parkway portion of a public right-of-way or on private property with the owners' consent. In no instance shall such signs block or interfere with any vehicular or pedestrian circulation or create a visibility hazard. Sign Permits for peddler signs shall be valid for one calendar year from the date of approval.
 - b. **Construction Project Signs**
 - i. The address and assessor's parcel number for the property. A Sign Permit shall be required for any temporary construction project sign. The permit may be issued at any time on or after issuance of a Building Permit for the structure in question. The sign permit shall expire six months following the date on which the permit was issued or upon the completion of construction, whichever occurs sooner. The sign shall be removed on expiration of the permit unless, prior to expiration, the permit is renewed on approval of the Director. The permit renewal shall not be for a period greater than six months.

No more than one sign having an area not exceeding 16 square feet shall be permitted on the construction project site. Temporary construction signs are not allowed for residential subdivisions where temporary subdivision signs are erected.
 - c. **Banners, Pennants, Nongovernmental Flags, Balloons and Similar Temporary Signs.** The above listed temporary signs are allowed for grand opening and other special events and commemorative purposes, provided the following conditions, and all other applicable conditions of this Chapter, are met:
 - i. The total square footage of all banners, pennants, nongovernmental flags and other temporary advertising materials shall not exceed 500 square feet or 2,500 cubic feet if it is a three- dimensional display.

All temporary signs shall be maintained in good repair and such that it does not create a safety hazard or public nuisance.

Temporary noncommercial flags, provided that such flag is not posted, flown, or hung for any period longer than ten (10) consecutive days per calendar year and shall be limited to being posted, flown, or hung only at the Selma Arts Center building. Only one such flag per calendar month shall be permitted. Approved signs shall not display a message, graphic presentation, or other image that is obscene as defined by section 311 of the California Penal Code. Approved signs shall be subject to the standard sign permit fee unless waived at the discretion of the City Council. If more than one organization requests a permit for the same calendar month, the permit will be issued to the organization which submits the permit application first.

L. Murals

1. **Purpose.** The purpose of this Section is to provide opportunities for art citywide that will contribute to livable, aesthetically pleasing and pedestrian friendly streetscapes in accordance with the goals and objectives of the City's General Plan. Promoting murals of historical or community significance will assist in educating residents and visitors about the City. This Section will promote the local economy, tourism and beautification efforts by establishing standards for murals, their location and design.

2. Application Required

a. **Application Submittal.** Applications for a Mural Permit shall be filed with the Community Development Department. Such applications shall include the following:

i. The address and assessor's parcel number for the property.

Written consent of the property owner or authorized representative.

A description of the proposed mural, both in written and picture/design form, including a size estimate for the mural.

Any other information the planning director deems necessary in describing whether the mural will comply with this section.

b. **Application Fee.** There shall be no fee for the application for a mural permit.

c. **Location Requirements.** Murals may be located on the sides of buildings and walls on property in any commercial and industrial zone district (C-1, C-2, C-3, M-1, M-2) within the City.

d. Criteria for Design of Murals

i. The subject matter of the mural shall be of historical or community significance regarding the growth and development of the City of Selma and the region. A mural may not contain text, registered trademarks, logos or business advertising unless such items fall within the guidelines of this section.

The paint and materials to be used shall be appropriate for use in an outdoor locale, for an artistic rendition and shall be of a permanent, long lasting variety.

Mural artists must demonstrate their knowledge by providing photographs of murals they have painted or by providing evidence of their experience.

To the extent feasible, the mural shall be resistant to acts of vandalism, such as graffiti.

Murals shall be subject to review by the Selma Arts Council and City Council, or individually designated by the City Manager, every two years or as needed to determine physical condition and maintenance.

- e. **Review and recommendation by the Selma Arts Council.** The Recreation/Community Services Director shall forward the application for a Mural Permit, with comments, to the Selma arts council. The arts council shall review and recommend, recommend with modifications, or recommend denial of the mural permit to the City Council as submitted according to the criteria set forth in this section. A mural application shall otherwise be processed in accordance with section 11-16-15 of this title as an Administrative Conditional Use Permit, subject to recommendation of the Selma Arts Council and approval by City Council.

M. Billboards

1. General Provisions

- a. No billboard shall be constructed, relocated, or upgraded within the City without a Conditional Use Permit, unless otherwise required by this Chapter. Each application shall be considered separately and individually. Multiple billboards on separate parcels shall not be combined into a single application. Multiple billboards on a single legal parcel may be submitted as one application. Multiple faces on a single billboard shall be submitted as a single application.
- b. Expansion of billboard area or addition of faces to existing billboards: the vested rights held by existing billboards, whether conforming or nonconforming to this Chapter, do not allow expansion of billboard area or addition of billboard faces as a matter of right. No billboard shall have its area increased or have an additional face added unless all of the following conditions are met:
 - i. A Conditional Use Permit is obtained by the applicant;
The billboard meets the requirements of this Chapter; and
The applicant obtains all required building permits.
- c. The City may allow a total of up to 24 billboards faces within City limits. Any existing legal nonconforming billboard in place at the time of the approval of this Section, shall not count towards the total number of allowed billboard sign faces.
- d. Any newly constructed billboard shall not display or incorporate the City of Selma official seal on the billboard support structure or sign face area.
- e. Any newly constructed billboard will be encouraged to display or incorporate the phrase "City of Selma" and/or inclusion of a representative graphic for the City of Selma.

2. Billboard Placement

- a. Billboards are only allowed within 200 feet of Highway 99 and only in the M-1 and M-2 zone districts.
- b. No billboards shall be allowed within 500 feet of property zoned or planned for residential uses. Uses across Highway 99 from a proposed billboard shall not be considered in this requirement.
- c. No billboard shall be placed within 500 feet of another billboard or a freeway-oriented sign. No billboard with electronic message display shall be placed within 1,000 feet of another

billboard with electronic message display. Billboards and freeway-oriented signs across Highway 99 from a proposed billboard shall not be considered in this requirement.

3. Billboard Design

- a. Notwithstanding any other policy per the Selma Municipal Code, the total height of the billboard shall not exceed 50 feet to the top of the structure as measured from either the finished grade under the billboard or from the freeway, highway, State Route grade, whichever is higher; unless a variance is requested.
- b. The total area of a single sign face shall not exceed 672 square feet.
- c. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire advertisement and is made based on the height and the length but no the depth of the advertising surface.
- d. A Variance may be proposed only to deviate from the prescribed maximums, specific to size and height. The Variance will be approved by Planning Commission and processed consistently with Chapter 11-22 - Variances of this Code. Any deviation specific to the overall sign size and height can be proposed.
- e. No billboard shall have more than two sign faces.
- f. All billboards shall be supported by a single pole.
- g. The minimum height to the bottom of a billboard shall be 20 feet.
- h. All visible sign support columns for electronic billboards shall be concealed with approved architectural embellishments. The materials used in the sign support embellishments shall be primarily natural stone, brick, approved masonry panels, stucco, or architectural metal.
- i. Billboards may be illuminated provided no lighting is directed onto adjacent properties or public rights-of-way and, where applicable, and be reviewed by the California Highway Patrol and/or California Department of Transportation.
- j. Electronic billboards shall have the City of Selma branding on each side that contains advertising.

4. Electronic Message Display and LED Billboard Signs

- a. Electronic message display and LED billboard signs are permitted but must have clearance or necessary approvals in writing from Caltrans Outdoor Advertising. Electronic message rotation shall comply with Caltrans safety standards.
- b. The owner of an LED billboard sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts, alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
- c. The owner of an LED billboard sign shall provide to the Community Development Department 24-hour contact information for a person who has the authority and ability to turn off the electronic sign promptly after a malfunction occurs. Any sign not properly functioning needs to be repaired to the city's satisfaction within 30 days of a written notice or be subject to Conditional Use Permit revocation process, with the possibility of an additional 30-day extension approved by the Community Development Director or City Manager.

- d. Electronic billboards shall meet the same size and height requirements as standard billboards, as noted above.
5. **Upgrading Billboard Signs.** The Community Development Director or his/her designee shall have the authority to administratively approve, an existing billboard that has been previously approved via a Conditional Use Permit, the issuance of a permit for the upgrade of an existing billboard, subject to design review, which meets all of the following requirements:
- a. The applicant proposes to enhance, improve and modify an existing legal or legally non-conforming billboard for the purpose of modernizing and improving the aesthetic appearance of such billboard.
 - b. Upgrades shall be considered as follows:
 - i. If 50 percent or less of the area of a billboard face is being improved or increased, then it will be considered an upgrade; and/or
If 50 percent or less of the support structure is being improved or increased, then it will be considered an upgrade.
 - c. An upgrade may allow a billboard to become legally conforming if not already at the time of the proposed upgrade, exempting all billboards located outside of the geographic location allowed within this Section.
 - d. All upgrades that exceed the 50 percent threshold shall be subject to the approval of a Conditional Use Permit.
 - e. Any work consisting of less than 50 percent threshold will be considered as maintenance of the existing billboard.
6. **Replacement, Relocation of Existing Billboard, And Maintenance.**
- a. **Administrative Approval.** If a legally conforming billboard no longer conforms to placement requirements due to property development, road widening, etc., the billboard shall be relocated on the same property. The Community Development Director or his/her designee shall have the authority to administratively approve the issuance of a permit for the relocation of an existing billboard, subject to design review, which meets all of the following requirements:
 - i. The billboard was legally permitted by the City of Selma or otherwise had legal non-conforming status with the City.
The City or another public agency has required the relocation of the existing billboard, or it is otherwise physically necessary to relocate the billboard.
The sign will be relocated on the same parcel or property it was originally located.
The size of the new or relocated billboard will not exceed the size, area, height, length, width, shape and number of sides or faces of the existing billboard. If a modification to these parameters is desired, a Conditional Use Permit will be required.
The relocated billboard will constitute an improvement in the aesthetic appearance of the original billboard structure.
All proposed lighting for the new or relocated billboard shall be the same or similar to the lighting of the original billboard and, in any case, the new sign will not utilize display technology which creates a moving or changing image, of the illusion thereof and the new or relocated sign may not be electronic or LED unless proposed with a Use Permit.

All costs associated with the relocation and installation of the new or relocated billboard will be borne solely by the billboard owner or applicant. If a new structure is to be built, it must comply with all applicable Building Code and safety requirements.

Replacement billboards shall comply with all applicable federal, State, and local regulations.

- b. **Conditional Use Permit Approval.** Replacement billboards shall also be permitted subject to the provisions of this section when the following apply:
- i. The applicant completely demolishes and relocates an existing billboard, including a legal nonconforming billboard, to a more suitable location so as not to conflict with the proposed development or redevelopment of the property, or other valid reasons and complies with the development standards of this Chapter of this Code; or
- The applicant completely demolishes and relocates an existing billboard, including a legal nonconforming billboard, to a more suitable location that lessens the overall negative aesthetic impacts on the city and its residents and complies with the development standards of this Chapter of this Code; or
- The applicant has previously removed and completely demolished one or more billboards and maintains credits for such removal by the California Department of Transportation pursuant to California Business and Professions Code Section 5443.5; or
- The applicant proposes to enhance, improve and modify an existing billboard already established within a permitted zone for the purpose of modernizing and improving the aesthetic appearance of such billboard.
- c. New billboards which replace existing billboards may feature electronic copy, subject to the approval of a Conditional Use Permit.
- d. **Maintenance.** All billboards shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning, ensuring the sign facing is not dilapidated or faded, and other acts required for the maintenance of such billboard. Billboards not in conformance with these standards will be addressed utilizing the Public Nuisance process as detailed within Chapter 1-21 of this Code.

N. Nonconforming Signs

1. **Existing Nonconforming Signs.** All nonconforming signs which have been legally erected prior to the adoption of this Chapter shall be legal nonconforming signs. It shall be legal for such signs to have their copy changed, provided they submit a Sign Application to the Community Development Director for review in compliance with this Chapter. Any physical changes, modifications, or upgrades of a legal nonconforming sign structure, not related to normal maintenance activities, shall be required to comply with all provisions of this Chapter.
2. All legal nonconforming signs shall be brought into compliance with this Chapter 20 years after the adoption of this Chapter by the City Council pursuant to section 5495 of the Business and Professions Code. Any sign which is not brought into compliance may at that time be subject to abatement as a public nuisance.

11-3.9 Mobile Home Park

A. Purpose

The purpose of this section is to provide standards for the development new mobile home parks and maintenance of existing mobile home parks within the City.

B. Permitted Uses

1. The following table sets forth the permits required for each listed use category.
 - a. "P" designates permitted uses.
 - b. "SPR" designates uses that are permitted after review and approval of a site plan review. This is considered a non-discretionary permit.
 - c. "DRA" designates uses that are permitted after review and approval of a director review and approval process.
 - d. "CUP" designates uses that are permitted after review and approval of a conditional use permit.
 - e. "TUP" designates uses that are permitted after review and approval of a temporary use permit.
 - f. "-" designates prohibited uses.

2. In cases where a specific land use or activity is not listed as a permitted use either directly or indirectly, the City Manager or designee may assign the land use or activity to a classification per Section 11-8.2 (Use Classifications) are defined in Chapter 8 (Definitions/Use Classifications). Use classifications not listed in the table or not found to be substantially similar to the uses below are not permitted. The table also notes special requirements that apply to various uses. Section numbers in the right-hand column refer to other Sections of this Ordinance.

Table 3-6 Permitted Uses

Use Types		Special Requirements
Single-Family Residences, Mobile Home	P	
Accessory Dwelling Unit	P	See Section 11-4.2 (ADUs and Junior ADUs)
Junior Accessory Dwelling Unit	P	See Section 11-4.2 (ADUs and Junior ADUs)
Accessory Structures	P	
Accessory Uses and Buildings ¹	CUP	See Section 11-3-3 (Accessory Structures)
Home Occupations – Minor & Major	P	See Section 11-4.3 (Home Occupations – Minor & Major)
Child Day Care Home	P	See Section 11-4-4 (Child Care Facilities)
Short-Term RV/Trailer Stay ²	CUP	
Display and Sale of Mobile Homes ³	CUP	

¹Approved mobile home park accessory uses, and buildings include parking, recreation or utility facilities, management offices, and signs.

²Rental of spaces for short term use by travel trailers or recreational vehicles may be permitted in a separate, designated section of a mobile home park when specifically authorized by a condition of approval of a conditional use permit for a mobile home park. Short term use shall mean an individual or cumulative period of occupancy within the mobile home park of not more than thirty (30) days during any twelve (12) month period. Travel trailer or recreational vehicle spaces shall not exceed ten percent (10%) of the total number of mobile home lots in the mobile home park.

³Display of uninstalled model mobile homes for offsite sales and for onsite sales and use may be permitted by conditional use permit; said permit shall be terminated after one year unless granted an annual extension by the Planning Commission.

C. Development Standards

Development standards for mobile home parks shall be as follows.

Table 3-7 Development Standards

Development Standard	Regulation	Comments or Special Requirements
Minimum Lot Size	3,000 square feet per mobile home space and 1,500 square feet per travel trailer space	See Additional Regulations below See Section 11-3-1 (Development Standards)
Minimum Park Size	24,000 square feet	–
Minimum Park Dimensions	Depth: 120 feet. Frontage/Width: 120 feet.	–
Maximum Lot Coverage	75%	–
Maximum Building Height	35 feet.	See Section 11-3-1 (Development Standards)
Maximum Accessory Building Height	12 feet.	See Section 11-3-1 (Development Standards)
Height Projections	–	See Section 11-3-1 (Development Standards)
Minimum Yard Setbacks	Front yard: 15 feet. Side yard: ¹ <ul style="list-style-type: none"> ▪ 10 feet. ▪ Corner lot, street side: 15 feet: ▪ Rear yard: 10 feet.¹ 	See Additional Regulations below See Section 11-3-1 (Development Standards)
Building Separation	Distance between buildings: 10 feet. Distance between mobile homes: 10 feet (side), 8 feet (side to rear), and 6 feet (rear to rear).	See Section 11-3-3 (Accessory Structures)
Off Street Parking		See Additional Regulations below See Section 11-3-4 (Off Street Parking)
Common Open Space		See Additional Regulations below

¹ If the structure exceeds one story in height (or 15 feet) the side yards shall be increased by five feet (5') for each additional story (or for each 10 feet over 15-foot height).

D. Additional Regulations

1. **Site Planning.** The minimum mobile home park area per mobile home shall be three thousand (3,000) square feet. The minimum area per travel trailer or recreational vehicle shall be one thousand five hundred (1,500) square feet.
2. **Property Development Standards.** Except as otherwise required by law or as approved by Conditional Use Permit, the following property development standards shall regulate the design and improvement of mobile home parks:
 - a. Each mobile home shall be located on a separate lot with a minimum width of thirty feet (30') and a minimum lot area of two thousand (2,000) square feet.
 - b. Each travel trailer or recreational vehicle shall be parked on a separate, designated space with a minimum width of twenty-five feet (25') and a minimum aggregate area of one thousand five hundred (1,500) square feet.

3. Off Street Parking

- a. At minimum, one off-street parking space shall be provided for each mobile home lot and travel trailer or recreational vehicle space.
- b. In addition to (A) above, for guest and supplementary resident parking, one space shall be provided for each two (2) mobile home lots and such additional space shall be developed in accordance with the standards in Chapter 11-3-4. This requirement shall not apply to travel trailers or recreational vehicles.

4. Accessory Buildings or Structures. No mobile home accessory building or structure shall be located closer than three feet (3') from any lot line which does not border on a driveway, except as follows:

- a. A mobile home lot may accommodate either an awning or a carport on a lot line, provided the awning or carport is constructed of material which does not support combustion and is not less than three feet (3') from a mobile home, a mobile home accessory building or structure on an adjacent lot, or any other building or structure. No part of an awning or carport shall project over or beyond a lot line.
- b. No mobile home accessory structure shall be installed so as to block emergency exit windows in the bedrooms of mobile homes.
- c. A free-standing carport, or a common free-standing carport for the use of the occupants of the adjacent mobile home lots, may be erected on a mobile home lot line, provided that such a carport is constructed of material which does not support combustion, and provided that there is a minimum of three feet (3') clearance from a mobile home or any other structure on the adjacent lots. Such free-standing carports may be connected to a mobile home or other accessory building or structure by an open covered walkway not exceeding six feet (6') in width.

5. Common Open Space. An aggregate area of not less than three hundred (300) square feet per mobile home lot shall be improved for recreational use of the occupants of the park, including usable open space and recreation facilities only. This requirement shall not apply to travel trailers or recreational vehicles.

Chapter 4 Standards for Specific Land Uses and Activities

11-4.1 Purpose and Applicability

The purpose of this Chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all Districts. These provisions are supplemental standards and requirements intended to minimize the impacts of these uses and activities on surrounding properties and protect the health, safety, and welfare of their occupants and of the general public. For discretionary projects, the Reviewing Body may impose additional conditions as may be deemed necessary to achieve these purposes, secure the objectives of the General Plan and this Ordinance, and support the findings of approval.

11-4.2 ADUs and Junior Accessory Dwelling Units

A. Purpose

The purpose of this Section is to provide regulations for the development of accessory dwelling units and junior accessory dwelling units through a ministerial process consistent with California Government Code Sections 65852.2 and 65852.22.

B. Applicability

The regulations established in this Section shall apply to all accessory dwelling units and junior accessory dwelling units where allowed in compliance with Chapter 2. Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit shall comply with the requirements of this Section and the Building Code. An accessory dwelling unit or junior accessory dwelling unit that conforms to the standards of this Section shall not be:

1. Deemed inconsistent with the General Plan designation and/or zone for the parcel on which the accessory dwelling unit or junior accessory dwelling unit is located.
2. Deemed to exceed the allowable density for the parcel on which the accessory dwelling unit or junior accessory dwelling unit is located.
3. Considered in the application of any City ordinance, policy, or program to limit residential growth.
4. Required to correct a nonconforming zoning condition. This does not prevent the City from enforcing compliance with applicable building standards in compliance with Health and Safety Code Section 17980.12.

C. Where Allowed

Accessory dwelling units and junior accessory dwelling units are allowed on parcels zoned for single-family or multi-family dwellings where such parcels include a proposed or existing dwelling.

D. Types

An accessory dwelling unit approved under this Section may be one of the following types:

1. **Attached.** An accessory dwelling unit that is created in whole or in part from newly constructed space that is attached to the proposed or existing primary dwelling, such as through a shared wall, floor, or ceiling.
2. **Detached.** An accessory dwelling unit that is created in whole or in part from newly constructed space that is detached or separated from the proposed or existing primary dwelling, including an existing stand-alone garage converted into an accessory dwelling unit. The detached accessory dwelling unit shall be located on the same parcel as the proposed or existing primary dwelling.
3. **Converted.** Is entirely located within the proposed or existing primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to studio, pool house, or other similar structure. Such conversion may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the expansion is for the sole purpose of accommodating ingress and egress to the converted structure.
4. **Junior Accessory Dwelling Unit.** A junior accessory dwelling unit is a unit that meets all the following:
 - a. Is contained entirely within an existing or proposed single-family dwelling
 - b. Is less than 500 square feet.
 - c. Has independent exterior access from the primary dwelling but may also provide internal access.
 - d. Has sanitation facilities that are either shared with or separate from those of the primary dwelling. For purposes of providing service for water, sewer, or power, or for fire or life protection, a JADU shall not be considered a separate or new dwelling unit.
 - e. Includes an efficiency kitchen, which includes a cooking facility with appliances, food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

E. Location and Number

1. **Single-Family Dwelling Zones.** Accessory dwelling units and junior accessory dwelling units are allowed in single-family dwelling zones as follows:
 - a. **Single-Family Dwelling Parcel.** Only one attached accessory dwelling unit or junior accessory dwelling unit shall be allowed on a parcel with a proposed or existing single-family dwelling on it, where the accessory dwelling unit or junior accessory dwelling unit:
 - i. Is either within the space of a proposed single-family dwelling, within the existing space of an existing single-family dwelling, or within the existing space of an accessory structure, plus up to 150 additional square feet if such expansion is for the sole purpose of accommodating ingress and egress to the converted structure;
May be located either in the front or rear half of the parcel, located outside of the minimum required setbacks for each;
On a reverse corner parcel, an ADU or JADU shall not be located nearer to the street side parcel line of such corner parcel than one-half of the front setback depth required

on the key parcel, nor be located nearer than 4 feet to the side parcel line of any key parcel;

Has exterior access that is independent of that for the single-family dwelling; and

Has side and rear yard setback of three feet.

b. **Limited Detached.** One detached new construction accessory dwelling unit shall be allowed on a parcel with a proposed or existing single-family dwelling, in addition to a junior accessory dwelling unit, if it meets all the following requirements:

i. Is detached from the primary dwelling;

Is located on the rear half of the parcel;

Is located a minimum of 6 feet from the existing single-unit dwelling, as measured between exterior walls;

Is 800 square feet or smaller in size;

Has a peak height above grade of 18 feet or less; and

Has side and rear setbacks of at least four feet.

c. **Types and Number of Units Allowed.** The following combination of accessory dwelling units is allowed on a single-family dwelling parcel:

i. Detached accessory dwelling unit and junior accessory dwelling unit

Detached accessory dwelling unit and attached accessory dwelling unit

2. **Multi-Family Dwelling Zones.** Accessory dwelling units are allowed in multi-family dwelling zones as follows:

a. **Converted Spaces within a Multi-Family Dwelling**

i. Within any multi-family dwelling structure used exclusively for residential use, portions of such structures that are not used as livable space may be converted to accessory dwelling units, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that any such space converted to an accessory dwelling unit complies with minimum State building standards for dwellings. No additions to or enlargements of the footprint of the existing multiple unit dwelling shall be permitted to establish or construct ADUs in accordance with this paragraph.

At least one accessory dwelling unit shall be allowed within an existing multi-family dwelling structure as long as the total number of accessory dwelling units within the structure does not exceed 25 percent of the number of existing units.

b. **Limited Attached.** Up to two detached accessory dwelling units shall be allowed on a parcel where a multi-family dwelling structure exists if each of the detached accessory dwelling units meets all the following requirements:

i. Has side and rear setbacks of at least four feet; and

Is 800 square feet or smaller in size.

On a reverse corner parcel, an ADU or JADU shall not be located nearer to the street side parcel line of such corner parcel than one-half of the front setback depth required on the key parcel, nor be located nearer than 4 feet to the side parcel line of any key parcel.

F. Standards Applicable to All Accessory Dwelling Units

The following standards apply to all accessory dwelling units and junior accessory dwelling units constructed on or moved to a new parcel and to the remodeling or rebuilding of existing single-family dwelling or multi-family dwelling structure to create an accessory dwelling unit.

1. **Parcel Size and Width.** No minimum parcel size or parcel width shall be required for the construction of an accessory dwelling unit.
2. **Access.** Every accessory dwelling unit shall have direct exterior access independent of the exterior access of the primary dwelling.
3. **Fire Sprinklers.** Fire sprinklers are required in an accessory dwelling unit if they are required in the primary dwelling.
4. **Permanent Foundation.**
 - a. All accessory dwelling units shall be attached to a permanent foundation.
 - b. A recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, cargo container, or boat shall not be used as an accessory dwelling unit.
5. **Nonconforming Conditions.** The correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of an accessory dwelling unit is not required in order to establish an accessory dwelling unit on a parcel with a primary dwelling.
6. **Design.**
 - a. Accessory dwelling units shall be designed and constructed to architecturally and aesthetically match the existing dwelling(s) in terms of exterior materials and colors, building elements, structure mass, and roof pitch.
 - b. If the accessory dwelling unit is a manufactured home, the manufactured home shall be attached on a permanent foundation and shall match the primary dwelling architectural style, exterior materials and colors, and roof pitch.
7. **No Separate Conveyance.** An accessory dwelling unit may be rented, but not sold or otherwise conveyed separately from the parcel and the primary dwelling.
8. **Owner-Occupancy Requirement.**
 - a. An ADU is not subject to an owner-occupancy requirement.
 - b. A JADU is subject to an owner-occupancy requirement, except that a JADU that is owned by a governmental agency, land trust, or housing organization is not subject to this requirement. With respect to a JADU that is subject to an owner-occupancy requirement, a natural person with legal or equitable title to the property that includes the JADU must reside on the property as the person's legal domicile and permanent residence.
9. **Rental Term.** No accessory dwelling unit may be rented for a term shorter than 30 days.
10. **Impact Fees.** No impact fees (including school fees) shall be charged to an accessory dwelling unit that is less than 750 square feet in size. Any impact fee charged to an accessory dwelling unit 750 square feet or greater shall be charged proportionately in relation to the square footage of the primary dwelling unit (e.g. the floor area of the primary dwelling, divided by the floor area of the accessory dwelling unit, times the typical fee amount charged for a new

dwelling). For the purposes of this Paragraph, impact fees do not include any connection fee or capacity charge for water or sewer service.

G. Additional Standards Applicable to Attached and Detached Accessory Dwelling Units

The following standards shall apply only to attached and detached accessory dwelling units.

1. Size

- a. The minimum size of an ADU or JADU is 220 square feet of floor area.
- b. **Detached.** May not exceed 1,200 square feet. No more than two bedrooms are allowed.
- c. **Attached.** May not exceed 1,200 square feet. No more than two bedrooms are allowed. An attached accessory dwelling unit shall not exceed 50 percent of the floor area of the primary dwelling.

2. Height

- a. **Detached ADUs on Single-Family Parcels.** A detached ADU that is on a parcel with a single-family or multi-family dwelling may be a single story, up to 18 feet in height.
- b. **Additional Height to Match Roof Pitch.** An applicant may request an increase in detached ADU height to match the roof pitch of the detached ADU to that of the primary dwelling. Maximum allowed height not to exceed 20 feet.
- c. **Attached ADU Maximum Height.** Attached ADUs are allowed a maximum height of 25 feet high or as high as the primary structure is allowed to be under the underlying zoning district standards (whichever is lower).

3. **Passageways.** No passageway, breezeway, or similar connection between structures on the parcel shall be required in conjunction with the construction of an accessory dwelling unit.

4. **Utilities.** Attached and detached accessory dwelling units shall have new, separate utility connections directly between the accessory dwelling unit and the utility provider.

5. Parking

- a. One off-street parking space, which may be unenclosed, is required for each attached and detached accessory dwelling unit. The parking requirement shall be in addition to the parking requirement for the primary dwelling. The parking space may be provided as tandem parking, including on an existing driveway, where the driveway is a minimum of 25-feet in length. No parking shall be permitted in the front yard other than on the paved driveway. Parking shall not be required for a JADU.
- b. When a garage, carport, or covered parking structure providing required parking for the primary dwelling or dwellings is demolished to allow for the construction of an accessory dwelling unit or is converted to an accessory dwelling unit, those parking spaces are not required to be replaced.
- c. Additional parking for the accessory dwelling unit is not required in the following instances:
 - i. The accessory dwelling unit is located within one-half mile walking distance of public transit, including transit stations and bus stations as defined by Government Code Section 65852.2(j)(10)
The accessory dwelling is an individually designated historic resource or is located within an architecturally and historically significant historic district.

The accessory dwelling unit is attached to the existing primary structure or is a junior accessory dwelling unit.

When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

When there is a designated car share vehicle parking space located within one block of the accessory dwelling unit.

6. Permits

- a. **Ministerial Accessory Dwelling Unit Permit.** Prior to constructing any attached or detached accessory dwelling unit, the property owner shall obtain a building permit from the City. The City shall issue the permit within 60 days from the date that the City received a completed application, unless:
 - i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay;
The City requires corrections to the building permit application, in which case the 60-day time period is tolled until the applicant resubmits a corrected application; or
The building permit application is submitted with a permit application to construct a new single-family or multi-family dwelling on the parcel, in which case the City may delay acting on the building permit application until the City has acted on the permit application to construct the new primary dwelling, but the building permit application for the accessory dwelling unit will be issued in conjunction with the permit application approval.
- b. **Application and Processing Fees.** The City Council shall establish a schedule of fees pursuant to Section 11-7.15 for the application and processing of a building permit for an accessory dwelling unit.

H. Standards Applicable to Converted Accessory Dwelling Units.

The following standards apply only to converted accessory dwelling units:

1. **Setback.** No setback is required for a legally existing structure that is converted to an accessory dwelling unit.
2. **Parking.** No additional off-street parking is required for the converted accessory dwelling unit, regardless if a garage, carport, or covered parking structure is converted into an accessory dwelling unit. If replacement parking is provided, the replacement parking spaces shall be located in any configuration on the same parcel as the accessory dwelling unit and may include but is not limited to covered, uncovered, or tandem parking spaces. Replacement parking may only occur on driveways leading to a required parking space or in rear yard on a paved surface, provided such paved area can be easily accessed via the driveway or an alley. No parking shall be permitted in the front yard other than on the paved driveway.
3. **Building Permit.** The property owner shall obtain a valid building permit for the converted accessory dwelling unit, subject to all the standard application and processing fees and procedures that apply to building permits generally.

I. Standards Applicable to Junior Accessory Dwelling Units.

The following standards apply only to junior accessory dwelling units.

1. **Size.** The total area of floor space for a junior accessory dwelling unit shall not exceed 500 feet and shall not expand the size of an existing single-family dwelling by more than 150 square feet, provided such expansion is solely for the purpose of accommodating ingress and egress.
2. **Efficiency Kitchen.** A junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
 - a. A sink with a maximum waste line drain of one-and-on-half inches;
 - b. A cooking facility with appliances which do not require electrical service greater than 120 volts or use natural or propane gas;
 - c. A food preparation counter or counters that total at least 15 square feet in area; and
 - d. Food storage cabinets that total at least 30 square feet of shelf space.
3. **Parking.** No additional off-street parking is required for the junior accessory dwelling unit.
4. **Permits.**
 - a. **Ministerial Junior Accessory Dwelling Unit Permit.** The property owner shall obtain a valid building permit for the junior accessory dwelling unit, subject to all standard application and processing fees and procedures that apply to building permit generally. The City shall issue a ministerial permit within 60 days from the date that the City received a completed application, unless either:
 - i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay;
The City requires corrections to the building permit application, in which case the 60-day time period is tolled until the applicant resubmits a corrected application; or
The application to construct a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the parcel. The City may delay acting on the permit application for the junior accessory dwelling unit until the City acts on the permit application to construct the new primary dwelling, but the application to construct the junior accessory dwelling unit will still be considered ministerial without discretionary review or a hearing.
 - b. **Application and Processing Fees.** The City Council shall establish a schedule of fees pursuant to Section 11-7.15 for the application and processing of a building permit for a junior accessory dwelling unit.
5. **Deed Restriction.** Junior accessory dwelling units shall be subject to an owner-occupancy requirement. A person with legal or equitable title to the property shall reside on the property in either the primary dwelling or junior accessory dwelling unit as that person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by a governmental agency, land trust, or housing organization.
 - a. Prior to issuance of a building permit for a junior accessory dwelling unit, a deed restriction shall be recorded against the title of the property and a copy filed with the Community Development Director. The deed restriction shall run with the land and bind all future owners. The form of the deed restriction will be provided by the City and shall provide that:

- i. The junior accessory dwelling unit shall not be sold separately from the primary dwelling, except as may otherwise be permitted by State law.

The junior accessory dwelling unit is restricted to the approved size and other attributes allowed by this Section.

The deed restriction runs with the land and shall be enforced against future property owners.

- e. The deed restriction may be removed if the owner eliminates the junior accessory dwelling unit, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Community Development Director, providing evidence that the junior accessory dwelling unit has in fact been eliminated. The Community Development Director may then determine whether the evidence supports the claim that the junior accessory dwelling unit has been eliminated. Appeal may be taken from the Community Development Director’s determination consistent with Section 11-7.8 (Appeals). If the junior accessory dwelling unit is not entirely physically removed but is only eliminated by virtue of having a necessary component of a junior accessory dwelling unit removed, the remaining structure and improvements shall otherwise comply with all applicable development and building standards.
- f. The deed restriction is enforceable by the Community Development Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the accessory dwelling unit in violation of the recorded restrictions or abatement of the illegal unit.

11-4.3 Home Occupations

A. Purpose

The purpose of this chapter is to allow for the conduct of minor and major home occupations which are either clearly incidental or secondary to the primary residential use of a dwelling unit but always compatible with surrounding residential uses. It allows for the gainful employment in the home by any occupant of a dwelling so long as the enterprise does not require frequent customer access or have associated characteristics that would reduce the surrounding residents’ enjoyment of their neighborhood. The standards for minor and major home occupations in this chapter are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood:

1. Permit home occupations as an accessory use in a dwelling unit;
2. Allow residents to operate small businesses in their homes, under certain specified standards, conditions, and criteria;
3. Allow for “telecommuting” and reduced vehicle use;
4. Ensure that home occupations are compatible with, and do not have an adverse effect on, adjacent and nearby residential properties and uses;
5. Ensure that public and private services, such as streets, sewers, water, or utility systems, are not burdened by the home occupation to the extent that usage exceeds that normally associated with a residential use; and

6. Preserve the livability of residential areas and the general welfare of the community.

B. Permitted Minor Home Occupation

1. A home occupation is a residential accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence. An administration fee, state fee and gross receipts fee (5-1-34: License Fee; Gross Receipts) shall be the only fees associated with a Minor Home Occupation. A Minor Home Occupation shall comply with the following minimum standards:
 - a. A home occupation shall be conducted within a dwelling by an inhabitant thereof and shall be clearly incidental to the use of the structure as a dwelling.
 - b. A home occupation shall not be conducted in an accessory structure and there shall be no storage of equipment or supplies in an accessory structure or outside the dwelling.
 - c. There shall be no external alteration of appearances of the dwelling in which a home occupation is conducted (relating to the home occupation).
 - d. Only a resident of the premises may engage in a home occupation on the premises. Nonresident partners, employees, or customers are not permitted to engage in the home occupation on the premises.
 - e. A home occupation shall not create any radio or television interference, or noise audible beyond the boundaries of the site.
 - f. Not more than one truck of not more than one to one and one-half ton capacity (may not be a tow truck), and no more than one trailer which will each individually fit within a standard (ten feet by twenty feet) parking space or garage.
 - g. A home occupation shall not create pedestrian, automobile or truck traffic significantly in excess of the normal amount in the district.
 - h. A home occupation may not involve the performance of any repair services on the premises other than small appliances, equipment, or other small objects which are normally capable of being carried by one person without the aid of mechanical equipment or devices.
 - i. Business advertising shall utilize a post office box and not the residential address.
 - j. Signs advertising the home occupation are not permitted on the property. Other advertising shall not include the address of the premises.
 - k. Sales of products or provision of services shall be delivered offsite by the occupants of the residence, and no customers shall come to the site to take delivery of products or receive services at the site.

C. Application Filing, Processing, and Review for Major Home Occupations

1. An application for a home occupation permit shall be filed in compliance with Chapter 11-6.4 (Zoning Clearances)
2. Following receipt of a completed application, the Director or their designee shall determine that the proposed home occupation is allowed as a matter of right by this Code and conforms to all the applicable standards listed in subsection C below, a Zone Clearance may be issued.
3. The Director shall, within thirty (30) days, make a determination to approve or deny a home occupation permit that would be operated.

4. A Zoning Clearance to conduct a home occupation at a particular address is not transferable from one party to another, nor may the type of business be modified. A new Zoning Clearance shall be obtained for each new home occupation.
5. Appeals shall be subject to section 11-7-8 (Appeals).
6. A home occupation permit fee, in compliance with the City's Fee Schedule, shall be collected when the application for a Major Home Occupation permit is submitted to the Planning Division.

D. Major Home Occupation Operating Standards

The following criteria must be complied with to approve and maintain a home occupation:

7. The major home occupation shall be conducted entirely within a dwelling or accessory building except for horticulture activities or creative activities by artists, which may be conducted outdoors.
8. Immediately following the effective date of an approved major home occupation permit, the applicant shall obtain a business tax certificate.
9. A major home occupation shall not be initiated until a current business tax certificate is obtained in compliance with Section 5-1-16 (License Fee; Home Occupations).
10. The major home occupation permit shall be valid only for the person to whom it is issued and shall be void when that person moves from the dwelling unit or discontinues the business.
11. Only one home occupation (minor or major) may be allowed per dwelling.
12. Up to two employees other than residents of the dwelling unit shall be allowed to work, gather or congregate on the premises in connection with a major home occupation, or as otherwise allowed through State law for babysitters, domestic staff, or cottage food operations as defined in California Health and Safety Code Section 113758.
13. There shall be no use of materials or mechanical equipment not recognized as being part of normal household or hobby uses.
14. Where the person conducting the major home occupation serves as an agent or intermediary between outside suppliers and outside customers, all articles, except for samples, shall be received, stored, and sold directly to customers at an off-premise location(s).
15. Activities conducted, and equipment, material or hazardous materials used shall be identified on the Zoning Conformance Review application and shall not change the fire safety or occupancy classifications of the premises.
16. Sales of goods from the premises shall be limited to the products of the major home occupation, and no other merchandise or goods shall be sold, kept, or displayed for the purpose of sale on the premises. Mail order businesses that do not involve handling of merchandise or storage in the home are permitted.
17. The use shall not generate pedestrian traffic or vehicular traffic beyond that normal to the zone in which it is located.
18. No use shall create or cause blight, hazards, or nuisances due to noise, dust, vibration, odors, smoke, glare, electrical interference, or other reasons.
19. The major home occupation shall not generate pedestrian or vehicular traffic beyond that ordinarily generated in the residential district in which it is located. A maximum of 6 client visits via appointment is allowed during any 24-hour period. Visitation and deliveries incidental to the major home occupation shall be limited to the hours of 7:00 a.m. to 7:00 p.m.

20. No commercial vehicles may be used for delivery of materials, with the exception of reasonable courier services, to or from the premises. The permit holder shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than a vehicle not to exceed three-quarter (3/4) ton, owned by the operator of such major home occupation, which shall be stored in an entirely enclosed garage. No limousine or other vehicle for hire used in connection with the home-based business shall be kept on site or parked in the public right-of-way where the business is located or other residential road.
21. No excessive or unsightly storage of materials or supplies, indoor or outdoor, for purposes other than those permitted in the zone, are allowed.
22. There shall be no signs other than the address and name of any resident.
23. There shall be no outdoor advertising that identifies the major home occupation.
24. Not more than one (1) room in the dwelling shall be employed for the major home occupation. Garages shall not be used to conduct major home occupations. Garages or other enclosed accessory structures shall not be used for major home occupation purposes other than parking, except for the storage of incidental office supplies where two (2) parking spaces are maintained.
25. No building or space outside of the main building shall be used for major home occupational purposes except for agricultural uses in the R-A (Residential Agriculture) Zone.
26. 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 as determined by the Community Development Director or designee (e.g., by color, materials or construction, lighting, signs, sounds or noises, vibrations, heat, glare, etc.)
27. Negative impacts that may be felt, heard, or otherwise sensed on adjoining parcels or public rights-of-way shall not be allowed. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential or agricultural purposes as defined in the zone.

E. Prohibited Home Occupations

The following list presents example commercial uses that are not subordinate to or compatible with residential activities, are suitable only in nonresidential zoning districts, and are therefore prohibited as home occupations:

1. Adult or sexually-oriented business;
2. Barber or Beauty Shops.
3. Businesses which entail the breeding, grooming, harboring, raising, or training of dogs, cats, or other animals on the premises, to include kennels and boarding used for these animals;
4. Carpentry and cabinetmaking (does not prohibit a normal woodworking hobby operation);
5. Construction business (does not include secondary business offices where the business has its principal office, staff, and equipment located elsewhere);
6. Dance club/nightclub;
7. Dancing schools, exercise, and yoga studios, except one-on-one training or teaching that does not exceed 6 clients within 24 hours.
8. Firearms manufacture, sales, or repair;
9. Food preparation other than cottage food operations authorized under State law (Cal. Gov't Code § 113758);

10. Fortune-telling (psychic);
11. Furniture refinishing or upholstery;
12. Junkyards;
13. Landscaping business (does not include secondary business offices where the business has its principal office, staff, and equipment located elsewhere);
14. Lawn mower and small engine repair;
15. Home occupations that become detrimental to the public health, safety and welfare, or constitute a nuisance; or if the use is found to be in violation of any law, ordinance, regulation, or statute;
16. Massage establishments;
17. Medical and dental offices, clinics, and laboratories;
18. Mini-storage;
19. Plant nursery (excepting agriculturally zoned properties in the A, R-R or R-A District);
20. Retail sales of merchandise stored and/or displayed within the property;
21. Storage of equipment, materials, and other accessories to the construction and service trades;
22. Tattoo studios, to include body piercing and permanent makeup;
23. Vehicle repair (body or mechanical), upholstery, automobile detailing (e.g., washing, waxing, etc.) and painting (this does not prohibit mobile minor repair or detailing at the customer's location utilizing a personal, noncommercial vehicle);
24. Vehicle sales;
25. Welding and machining;
26. Yard sales (as a commercial business); and
27. Other similar uses determined by the Director not to be subordinate to or compatible with residential activities.

F. Permit Expiration and Revocation

1. Discontinuance or cessation.
 - a. Home occupation permits shall immediately expire upon discontinuance or cessation of use for a period of ninety (90) days of the home occupation.
2. Revocation of permit.
 - a. The Director may revoke a home occupation permit for noncompliance with the provisions of this chapter or the conditions set forth in granting the permit.
 - b. The revocation shall be effective upon delivery of written notice to the permittee.
 - c. The permittee may appeal to the Planning Commission the revocation within fifteen (15) days of the Director's decision.
 - d. The Planning Commission's decision may be appealed to the City Council within fifteen (15) days of the Commission's decision.
 - e. The appeal shall be in writing setting forth the reasons for the appeal and be filed, along with associated fees, with the Planning Division.

11-4.4 Child Care Facilities

A. Purpose

The purpose of this chapter is to allow for the conduct of child day care facilities and establish standards for City review in conformance with State law (HSC 1597.40-44) including limitation on the City's authority to regulate these facilities. These standards apply in addition to all other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the Department of Social Services is required for all child day care facilities and evidence of the license shall be presented to the Planning Department prior to establishing any child day care facility.

B. Types of Child Care Facilities

1. **Child Care Facility.** A facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. A childcare facility includes, non-profit nursery schools, preschools, child care centers, employer-sponsored child care centers, family child care homes, and any other day care facility licensed by the State of California. Each of these different types of child day care facilities is subject to different regulations and land use requirements.
2. **Family Child Care Home.** A child day care facility that provides supervision to children (infant through school age) in the caregiver's own home for periods of less than 24 hours per day. Per State law, Family Child Care Homes are allowed in all residential dwelling types and are not limited to detached single-family homes. The operation of a family child day care home constitutes an accessory use of residentially zoned and occupied properties and does not fundamentally alter the nature of the underlying residential use.
 - a. **Large Family Child Care Home.** A home that provides family day care for up to 14 children, inclusive, including children under the age of 10 years who reside at the home in accordance with Health and Safety Code Section 1597.465, or any successor thereto and shall not require an entitlement or business license.
 - b. **Small Family Child Care Home.** A home that provides family day care for up to eight (8) children, including children under the age of 10 years who reside at the home in accordance with Health and Safety Code Section 1597.44, or any successor thereto. The use of a single-family residence as a small family child day care home shall be considered a residential use of property for the purposes of all local ordinances and shall not require an entitlement or business license.

C. Minimum Standards for Child Care Facility

1. **State and Other Licensing.** All Child Care and Early Education Facilities shall be State licensed and shall be operated according to all applicable State and local regulations.
2. **Passenger Loading.** A passenger loading plan shall be required in accordance with Section 11-3.4 subject to the approval of the Director. All loading facilities shall be provided off-street and within the subject property. The Director may authorize up to one required on-street passenger loading space along a frontage curb for certain designated times for Child Care and Early Education Facilities.

3. **Noise.** The facility shall not exceed City noise limits as noise standards contained in Title VI, Chapter 17, Noise Regulations, of the Municipal Code.
4. **Fences and Walls.** A six-foot (6') high solid decorative fence or wall shall be constructed on all property lines, except in the front yard or within a corner cutoff intersection area. Fences or walls shall provide for safety with controlled points of entry.
5. **Organized Outdoor Activities—Hours.** If the Child Care and Early Education Facility is located within or adjacent to a Residential District, or adjacent to a residential use, organized outdoor activities shall be limited to the hours of 8:00 a.m. to 8:00 p.m. or sunset, whichever comes first on weekdays and 9:00 a.m. to 8:00 p.m. or sunset, whichever comes first on weekends.
6. **Neighborhood Liaison.** All Child Care and Early Education Facilities shall designate an on-site contact person to serve as a neighborhood liaison to address any neighborhood concerns related to the Child Care and Early Education Facility operation.
 - a. **Outdoor Play Area.** For Child Care and Early Education Facilities, outdoor space shall be required for each child older than 2 years in compliance with applicable State requirements. This area must be either owned or leased by the applicant and cannot be shared with other property owners unless written permission is granted by the other property owners. This requirement may be waived if the applicant can demonstrate that there is a public park, school, or other public open area in close proximity to the facility.

D. Minimum Standards for Family Child Care Homes

1. **Fire Clearance.** A fire safety clearance approved by Selma Fire Department is required for Family Child Care Homes.
2. **State and Other Licensing.** All family child care homes shall be State licensed and operated according to all applicable State and local regulations.
3. **Structures.** All family child care homes shall conform to all property development standards of the zoning district in which it is located unless otherwise provided in this Section.
4. **Noise.** The operation of a large family day care shall comply with noise standards contained in Title VI, Chapter 17, Noise Regulations, of the Municipal Code. Noise from the operation of any large family day care may not exceed that which is customary in residential neighborhoods during daytime hours. Prolonged and abnormally loud noises shall not be considered customary, while the periodic sounds of small groups of children at play shall be considered customary in residential neighborhoods from 8:00 a.m. until 9:00 p.m.
5. **Hours of Operation.** All family child care homes shall not be limited in hours or days of operation.
6. **On-Site Parking.** On-site parking for large family day cares shall not be required except for that required for the residential building in accordance with Section 11-3.4 Parking, and Loading.
7. **Passenger Loading.** Curbside loading shall be presumed adequate for drop-off and pick-up of children. A passenger loading plan shall be required in accordance with Section 11-3.4 subject to the approval of the Director.
8. **Setbacks.** Large family childcare homes must meet play structure setback and placement requirements in Section 11-3.3, Accessory Structures.
9. **Screening of Outdoor Play Areas.** Fences shall comply with Chapter 11-3.6, Fences, Walls, and Hedges.

10. **Residency.** The operator of family day care must be a full-time resident of the dwelling unit in which the day care is located.

11-4.5 Interim School Facilities

A. Purpose

This Chapter is adopted to supplement and implement sections 65970 through 65981 of the Government Code of the State of California in order to establish a method of providing interim classrooms and related facilities for school districts having conditions of overcrowding within one or more attendance areas. All of the requirements of said sections 65970 through 65981 of the Government Code are incorporated by reference and shall apply to school districts and the City as though expressly set forth herein.

B. Applicability

This chapter applies to all land proposed for residential development which is owned by any individual, firm, partnership, joint venture, association, corporation, estate or trust. In addition, it applies to any land proposed for residential development which is owned by the United States and any agency of the United States, the state of California and any agency of the state, a city, and any public district or political subdivision of the state of California insofar as it is legally possible to enforce this chapter, or any portion thereof, against such entities.

C. Definitions

The definitions set forth in Section 65973 of the Government Code of the state of California shall apply throughout this chapter. In addition, the following words and phrases, as used in this chapter, shall have the following meanings:

1. "Attendance area" means that portion of a school district, within the city with identifiable boundaries determined by the governing board of a school district, from which children residing therein would normally be assigned to attend a specified school in the district.
2. "Conditions of overcrowding" means that the total enrollment of a school, including enrollment from proposed development, exceeds the capacity of the school as determined by the governing body of the district.
3. "Developer" means any person, or any of the other entities mentioned in Section 11-4.5(B) of this Chapter, who applies to have property rezoned to a residential use, applies for a discretionary permit for residential use, or files a tentative subdivision or parcel map for residential purposes.
4. "Dwelling unit" means one or more rooms in a building, mobilehome or portion thereof, designed, intended to be used, or used for occupancy by one family for living and sleeping quarters.
5. "Mobilehome space" means any space, including each space within a mobilehome park, designed for parking a mobilehome on a temporary, semi-permanent or permanent bases.
6. "Reasonable methods for mitigating conditions of overcrowding" include, but are not limited to the following:

- a. Agreements between a developer and the affected school district whereby temporary-use buildings will be leased to the school district for an interim period, or whereby temporary-use buildings owned by the school district will be used;
 - b. The availability of funds, the use of which would not impair the normal functioning of educational programs;
 - c. The use of funds which could be made available from the sale of surplus school district real property and/or personal property;
 - d. The use of school district property for temporary-use buildings;
 - e. The use of other schools in the district not having overcrowded conditions.
7. "Residential Development" means a project containing residential dwellings, including mobile homes, of one or more units or a subdivision of land for the purpose of constructing one or more residential dwelling units.

D. School Facilities-Findings-Notification

Before a developer may be required to dedicate land or pay a fee in lieu thereof, pursuant to Sections 65970 through 65978 of the Government Code of the state of California and this chapter, the governing board of a school district which operates an elementary or high school within the city shall make the written findings, supported by clear and convincing evidence, required by Section 65971 of the Government Code of the state of California and notify the city council of its findings. The notice to the city council shall contain all of the following:

1. The findings required by Section 65971 of the Government Code of the state of California;
2. A summary of the evidence upon which the findings are based;
3. The reasonable methods of mitigating conditions of overcrowding which have been considered by the school district and any determination made concerning them by the district;
4. The precise geographic boundaries of the overcrowded attendance area or areas;
5. Sufficient evidence on the interim classroom and related facilities needed by the school district and the costs of providing the same so that the city council can set the fees to be charged to the developer or the applicant for the building permit.
6. A statement that in consideration of the City concurring in the finding of overcrowding the governing board of the school district covenants and agrees at its sole cost and expense to defend and hold harmless the City from all liability, claims, charges, expenses, costs and litigation of whatsoever kind arising out of this Chapter, its sufficiency, legality, related findings, fees schedule, implementation, operation, enforcement, collection or otherwise.

E. Action by City Council

Upon receipt of such notice from a school district, the city council shall, by resolution, concur in the findings of the school district or state why it does not concur in such findings.

F. School Facilities-Fees and General Requirements

1. When the city council has concurred in such findings under, Section 11-4.5(E) the Council shall not approve an ordinance rezoning property to a residential use, nor shall the city council, planning commission or city manager grant a discretionary permit for residential use, nor shall the planning commission or city council approve a tentative subdivision or parcel map for

residential purposes within such area until the city council has determined whether the developer shall dedicate real property, pay fees in lieu thereof, or a combination of both, as a condition of the approval. Such dedications and fees shall comply fully with all of the requirements of this chapter and section 65974 of the Government Code of the state of California.

2. Notwithstanding the provisions of subsection one (1) of this section, the City Council may find that there are specific overriding fiscal, economic, social or environmental factors which in the judgment of the council would benefit the city and justify issuing such an approval without requiring such a dedication or payment of fees or, may require the dedication of land in subdivisions containing more than fifty (50) parcels.
3. Notwithstanding the provisions of paragraph one (1) above, a builder of a residential development may exercise the option of providing interim facilities at his or her expense at a place designated by the school district in lieu of paying fees or may enter into any other legally binding agreement with the school district which the school district deems satisfies its needs including, but not limited to, an agreement where temporary-use buildings will be leased to the school district or temporary-use buildings owned by the school district will be used.
4. Amount of Fee or Land Dedication: The fees payable, or dedication of land in lieu thereof, by a developer to a school district shall be determined by resolution of the City Council at or after the time that the Council concurs in the findings of the school district pursuant to Section 11-4.5(E) of this Chapter. No dedication of land may be required in subdivisions containing fifty (50) parcels or less. Any school facilities fees imposed by resolution and adopted by the Council pursuant to subsection A of this Section shall not exceed the limits set forth in Government Code section 65995.
5. Appeals: A right to appeal the imposition of fees to the City Council shall be available to developers and/or builders of residential development for those projects which come within the provisions of subsections F2 and F3 of this Section, who shall be apprised of such right at the time that fees are imposed in the manner provided by this Section.
6. Fee Payment and Land Dedication to Comply with Provisions: Any dedication of land, or payment of fees in lieu thereof, shall comply fully with all of the requirements of this Chapter and section 65974 of the Government Code of the State of California.

G. Exemptions

This section shall not apply to the following types of projects:

1. Senior citizen housing approved, financed and/or subsidized by the United States Department of Housing and Urban Development, and residential development restricted to adults only; provided, the developer enters into a written agreement with the affected school district that the developer will dedicate land or pay fees in lieu thereof, or a combination of both, when and if such restrictions cease during a period the school district has overcrowded conditions within the attendance area in which the development is located.
2. Conversion of existing apartment buildings to condominiums or a community apartment project, except where such apartment buildings were restricted to "adults only" and said restrictions are removed when the conversion takes place.
3. Alterations, remodeling, renovations or reconstruction of existing residences which do not result in additional dwelling units.

H. Building Permits

When the city council has determined pursuant to Section 11-4.5(F) of this ordinance that the developer shall dedicate real property, pay fees in lieu thereof, or a combination of both, a copy of the determination of the council shall be sent to the city building inspector. The city building inspector shall not issue any building permit for construction of a mobile home park or a residence, nor any permit to relocate a residence, nor any permit to move in a mobile home, or other such residential dwelling unit which is subject to the determination by the council unless the applicant provides proof that the required dedication of land and/or payment of fees to the school district has been made.

I. Liability and Responsibility of School District

1. **Liability.** Notwithstanding anything in this Chapter to the contrary, no fee or dedication of land may be imposed hereunder unless and until the City receives a valid and enforceable commitment in writing from the school district that it shall at its sole cost and expense defend, represent, pay and indemnify the City from and for any claim, demand and/or litigation in any way arising out of or relating to this Chapter, its enforcement and operation, the establishment, the amount of and/or collection of fees established hereunder or here for.
2. **Responsibility.** It shall be the responsibility of the school district, at its sole cost and expense, to appear and testify at any hearing, including any appeal, relating to the imposition of fees or dedication of land.

11-4.6 Outdoor Dining

A. Purpose and Intent

The purpose of this Section is to regulate permanent Outdoor Dining. The intent of these regulations is to encourage outdoor dining and seating that is compatible with associated and surrounding uses and do not obstruct pedestrian or vehicular circulation or create an unsightly appearance.

B. Permit Requirements

1. All Outdoor Dining and Seating areas subject to the requirements of this Section shall be allowed as specified in Chapter 2 (Zoning Districts and Allowable Uses).

Outdoor Dining and Seating areas are allowed as follows:

- a. When providing 24 or fewer seats: A Site Plan Review is required; and
- b. When providing 25 or more seats: A Conditional Use Permit is required.
- c. When a SPR or CUP is required, in order to approve proposed outdoor seating, the Decision Body shall make the standard findings required, as well as all the following additional findings:
- d. Allows a continuous pedestrian path of travel in compliance with State and Federal accessibility regulations that will not obstruct fire, pedestrian, and wheelchair access.
- e. Does not unduly interfere with pedestrian traffic on the sidewalk.
- f. Does not unduly interfere with access of public employees and utility workers to meters, fire hydrants, or other objects (street hardware) in the right-of-way.
- g. Allows an unobstructed view of traffic devices.

C. General Development Standards

The following developmental standards shall apply to all Outdoor Dining and Seating Facilities:

1. **Location.** Outdoor dining and seating shall occupy a fixed, specifically approved location that does not disrupt the normal function of the site or its circulation and does not encroach upon driveways, emergency vehicle/fire access lanes, landscaped areas, parking spaces, pedestrian walkways or pathways, bicycle lanes, seating, enhanced pedestrian amenities (e.g., waste receptacles and drinking fountains), or any other requirement listed in the Building Code. Outdoor dining and seating shall not be located within the public right-of-way, in required parking spaces, in designated vehicle drive aisles, or within required landscape planter areas except as allowed in Section E Parklets.
2. **Hours of Operation.** Except as otherwise provided, hours of operation for outdoor dining and seating areas shall be consistent with those for the primary use.
3. **Signs.** No additional business identification or advertising signs for outdoor dining and seating shall be allowed above the maximum number and allowable sign area for the corresponding primary use as established in Section 11-3.8 (Signs).
4. **Maintenance.** Outdoor dining and seating areas shall be kept free of garbage and other debris and shall not encroach into required sidewalk clearance areas as follows: all outdoor dining and seating areas shall leave a minimum horizontal clear space of six feet of clear sidewalk space, or greater if the Director of Public Works determines necessary to protect pedestrian access to the sidewalk area.
5. **Quality of Materials.** Any outdoor dining and seating area shall use high quality materials compatible with surrounding uses and structures. For example, inexpensive plastic or polypropylene chairs are not compatible with permanent higher quality surrounding materials and structures. The selected materials shall be subject to the Community Development Director's approval.
6. **Distance from Residential Uses.** Except as otherwise expressly allowed in this Zoning Code, no outdoor dining and seating area shall be located less than 100 feet from the property line of a residentially zoned parcel without prior approval of a Director Review and Approval permit. However, a DPR shall not be required for the following activities when located less the 100-foot separation requirement:
 - a. Service windows for pedestrians.
 - b. Outdoor dining and seating incidental to a restaurant or beverage/food establishment that conforms to all the following criteria:
 - i. Is separated from residentially zoned property by a nonresidential building;
 - Does not operate between the hours of 10:00 p.m. and 6:00 a.m.;
 - Can be secured, in order to prevent access during non-business hours; and
 - Is operated in a manner that does not create a private or public nuisance

D. Operational Standards

The following operational standards shall apply to all Outdoor Dining Areas:

1. **Permittee to Ensure Maintenance.** The permittee shall be responsible for, and exercise reasonable care in, the inspection, maintenance, and cleanliness of the area containing the

outdoor dining and seating, including any design requirements hereafter enacted, from the structure frontage to the curb.

2. **Permittee to Ensure Compliance.** The permittee shall restrict the outdoor dining and seating to the approved location and ensure compliance with all applicable laws, including laws against blocking the public right-of-way, health and safety laws, public cleanliness laws, and laws regulating sale and public consumption of alcohol.
3. **Alcoholic Beverage Sales.** Areas in which alcoholic beverages are served shall comply with the standards established by the State Department of Alcoholic Beverage Control. and by Section 11-4.6 in this Chapter.
4. **Clean-up Facilities.** Outdoor dining areas, whether part of a single restaurant or shared by several restaurants, shall provide adequate clean-up facilities, and associated procedures, in the following manner.
 - a. **Cleaning Schedule.** Outdoor dining areas shall be cleaned daily for removal of litter and food items which constitute a nuisance to public health and safety; and,
 - b. **Waste Receptacles.** Outdoor dining areas shall contain waste receptacles, which shall not be allowed to overflow, for use by the public and/or restaurant employees.
5. **Required Parking.** Additional parking shall be required for the outdoor dining and seating area associated with the primary use at a rate of 50 percent of the typical parking ratio required under Section 11-3.4 in this Chapter.
6. **Entertainment.** Outdoor dining and seating areas that provide dancing, entertainment, or amplified music shall comply with the noise standards in City's Noise Ordinance (Chapter 17: Noise Regulations).

E. Parklets

Parklets are intended to encourage activation of the public right-of-way, provide increased business opportunities for businesses and restaurants and increase opportunities for outdoor dining and other uses. All rules, regulations and provisions of the Outdoor Dining Standards shall continue to apply unless superseded by these Guidelines.

1. **Eligibility.** Restaurants may apply for the temporary closure and use of one or more metered or unmetered parking space(s) that are located immediately in front of their property limits for outdoor dining. Where the applicant does not own the property in which their restaurant or business is located, then the property owner's approval is required.
 - a. Parklets are permitted on streets with speed limits of 25 mph or lower. Parklets on streets with speed limits over 25 mph will be considered on a case-by-case basis.
2. **Parklet Location.** Parklets will be reviewed to determine whether their proposed location will interfere with view preservations of historic buildings and landmarks, public art, and to determine if the architectural design of the structure(s), and their materials and colors, are compatible with the scale and character of surrounding development and other improvements on the site.
 - a. Parklets may be placed in non-restricted on-street metered and unmetered parking spaces in commercially zoned areas and may not be placed within a blue, green, red, yellow, or white painted curb.
 - b. Parklets may not be located within a minimum of one parking space (which is approximately 20 feet) from an intersection with a crossing road. The allowable distance is subject to

review by City staff considering the type of intersection, type of control, crosswalk and other pavement markings, etc. Parklets may not be located within designated turn lanes, tapers or bike lanes.

- c. Parklets are not permitted in front of, or within 15 feet of a fire hydrant or over a fire hydrant shut-off valve. Parklets constructed with irremovable materials may not be constructed over any utility access covers. Momentary access must be provided to any City staff or other public utility company from time to time that have underground conduits running beneath the Parklet area. Applicants understand and agree that City crew roadway restriping, resurfacing and utility company access may require the temporary removal of all, or a portion of the constructed Parklet to provide access. Accurate reinstatement of the parklet or its components will be the responsibility of the applicant.
3. **Parklet Size.** A Parklet may occupy a maximum of three adjacent parking spaces. Larger Parklets will be considered on a case-by-case basis for up-to the length of a business frontage.
 - a. All Parklets are required to include a minimum 4' setback on either end to buffer the Parklet from adjacent on-street parking spaces and a minimum 1' buffer adjacent to the auto or bike travel lane. Parallel parking spaces typically range between 18 to 20 feet in length. With a standard 4-foot setback on both ends and a 20-foot typical parking space length.
 - b. Parklets may not use any part of an adjacent parking space. In areas where parking is not striped, the Parklet shall not leave an "orphaned" space that is too small to park a full-sized passenger vehicle.
 - c. Parklets should be a minimum width of 6 feet (or the width of the existing parking lane including the minimum 1' buffer). Parklets generally entail the conversion of one or more parallel parking spaces, but may vary according to the site, context, and desired character of the installation.
 4. **Bollards.** Six feet long concrete bollards containing a 1/2-inch steel sheath that are placed four feet above grade and buried two feet below grade are to be placed 4' apart from one another along the perimeter of the Parklet and a maximum of 2' away from any corner.
 5. **Enclosure.** The tops of Parklet walls shall not be higher than 36" above the ground however, narrow support pillars or posts may be built above 36" to support a roof or to mount lighting fixtures, lighting strings, or speakers, provided the roof is no lower than 7½' high and provided the roof sustains a minimum wind speed of 110 mph.
 6. **Lighting.** Applicants interested in lighting should consider solar-powered lighting that use a rechargeable battery. Parklets however, may have lighting fixtures or lighting strings installed on poles with or without a roof provided they are rated for outdoor use and their power cord is plugged into an enclosed Ground Fault Circuit Interrupter outlet located on the face or roof of the building. Running conduits or extension cords along the ground to the Parklet from the building to provide electrical power is prohibited and can be a tripping hazard.
 7. **Speakers.** Parklets may have speakers mounted within them provided they are rated for outdoor use and their cords are connected in an aerial fashion to equipment located inside or outside of the building that is owned or occupied by the Applicant. Alternatively, speakers may be mounted directly upon the face of the building that is owned or occupied by the Applicant. Running conduits or speaker wire along the ground to the Parklet from any building is prohibited.
 8. **Reflectivity.** Reflective elements/devices are required at the outside corners of all Parklets. Soft-hit posts equipped with reflective surfaces are a typical solution deployed along the perimeter;

however, the City will consider other reflective elements incorporated into the Parklet design to enhance visibility of the structure including at night.

9. **Driveways.** Parklets located adjacent to driveways must be set back twenty feet from the outside edge of the driveway apron. The City may consider shorter separation requirements for smaller driveways.
 10. **Easy Removal.** Since Parklets are temporary and will be placed atop critical infrastructure and utilities such as gas lines, sewer and water mains, they must be designed for easy removal in case emergency access is required. No Parklet component may weigh more than 200 pounds per square foot.
 11. **Advertising/Signs.** With the exception of one menu sandwich board, advertising, marketing, promotional activities or any other signage is prohibited in the Parklet.
 12. **ADA Compliance.** If other areas of the business do not achieve minimum ADA accessibility requirements, then the Parklet design shall be accessible to the disabled in accordance with ADA standards. Parklet access shall adhere to the Uniform Building Code and Title 24 (California Building Standards Code) of the California Code of Regulations and include:
 - a. This includes the use of slip resistant surface materials, maximum allowable slopes and other provisions.
 - b. The ability for wheelchair users to access the Parklet.
 13. **Platform Deck.** Each Parklet requires a platform that is flush with the curb. Construction drawings must be submitted for the seating deck so that the City can review the structural base for the Parklet.
 14. **Maintenance.** The Parklet is required to be well maintained and be in good condition. Parklet owners are required to develop a maintenance plan for keeping the Parklet free from debris, grime, and graffiti, and to ensure any plants remain in good health and not grown in a manner that would obstruct visibility of the adjacent travel lane and/or intersections.
 - a. Restaurants are required to sweep the sidewalk and roadway area immediately surrounding the Parklet and to keep it litter-free as City street sweepers are unable to do so.
 - b. The area beneath the Parklet platform shall be cleaned and rinsed out at least once a month.
 15. **Change of Ownership.** The Parklet Permit and License Agreement is non-transferable. If the applicant's business changes ownership or ceases to operate, the permit will be automatically terminated and the platform, bollards, wheel stops, etc. shall be removed by the applicant (unless the applicant is a tenant on the premises and the property owner of these premises agrees, in writing, to assume the responsibility of removing the Parklet if the new tenant of these premises or new owner of applicant's business does not wish to use the Parklet), and the parking space(s), parking meter(s), bike rack(s), and any other impacted road elements will be restored. Any new tenant or new operator of the applicant's business will be required to apply and obtain a new Street Use Permit and License Agreement from the City.
 16. **Removal.** If the applicant decides to no longer use the Parklet, or the permit has expired, the applicant is responsible for removing the Parklet and all related elements and restoring the public right-of-way to its original condition. Removal and restoration of the Parklet area requires an additional permit, which may be obtained from the Department of Public Works/Engineering Division. Failure to remove the Parklet and/or restore the road will result in forfeiting the maintenance deposit. Applicants shall reimburse the City for any costs to remove the Parklet and/or restore the road that exceed the amount of their maintenance deposit.
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- a. In some instances, such as a street repaving or utility work, the City may require the applicant to remove their Parklet temporarily. The City or utility will provide adequate notification to permit holders that a Parklet will need to be temporarily removed for repaving, utility, or other street work. In these situations, you may need to store your Parklet off-site during these construction activities. Parklet removal and reinstallation shall be performed at the sole cost of the permit holder.
 - b. Because Parklets may be placed atop utilities there may be instances where the Parklet will require immediate removal with little notice (such as a gas leak, water main break, sewage pipe break, etc.). During these emergencies, the City or other public utility may remove the Parklet with little or no notice.
17. **Insurance.** The Applicant (Permittee) shall obtain and maintain in force during the life of the Parklet Permit and License Agreement comprehensive general liability, automotive, and workers compensation insurance in amounts and coverage as determined by the City Attorney and specified in the Parklet Permit and License Agreement. Failure to maintain active insurance policies is grounds for revocation of the permit.

11-4.7 Alcoholic Beverage Sales

A. Purpose

1. Prevent the overabundance or overconcentration of alcoholic beverage sales and its consumption to limit the potential for community problems such as public drunkenness, drunk driving, traffic accidents, violent crime, noise, and other nuisances. Regulate traditional alcohol outlets, including bars, restaurants, liquor stores, and supermarkets, as well as new types of alcohol outlets, to ensure that public health, safety, and welfare are not threatened.
Establish control measures that will permit the City to review and approve new alcohol outlets on a case-by-case basis and to condition that approval based on the specific type of alcohol outlet, neighborhood location, and potential problems involved.

B. Conditional Use Permit Required

1. No person shall dispense for sale or other consideration, alcoholic beverages, including beer, wine, malt beverages, and distilled spirits, for on-site or off-site consumption without first obtaining a conditional use permit, an Alcohol Exemption Zoning Conformance Permit in accordance with subsection D, or is otherwise determined to be exempt after a Zoning Conformance Review in accordance with subsection F.
 - a. This Section shall not apply to retail facilities that sell alcoholic beverages for off-site consumption, which are equal to or greater than fifteen thousand (15,000) square feet in area and where the display and storage areas for alcoholic beverages constitute less than ten percent (10%) of the floor area of the establishment.

C. Findings for Approval of Conditional Use Permit

1. The Planning Commission, or the City Council on appeal, may approve the dispensing, for sale or other consideration, alcoholic beverages, including beer, wine, malt beverages, and distilled spirits for on-site or off-site consumption only if, in addition to the required findings for conditional use permits contained in Section 11-6.7(F), all of the following additional findings listed below can be made in an affirmative manner:

- a. The proposed alcohol sales will not adversely affect the welfare of neighborhood residents in a significant manner;
- b. The proposed alcohol sales will not contribute to an undue concentration of alcohol outlets in the area;
- c. The proposed alcohol sales will not detrimentally affect nearby neighborhoods, considering the distance of the alcohol outlet to residential buildings, churches, schools, hospitals, playgrounds, parks, and other existing alcohol outlets; and
- d. The sale of alcohol will not increase traffic congestion or generate a demand for parking that will adversely affect surrounding businesses and residents.

D. Alcohol Exemption Permit

1. Limited and full-service restaurants that offer alcoholic beverages incidental to meal service (License Type 41: On-Sale Beer and Wine- Eating Place and 47: On-Sale General- Eating Place) shall be exempt from the provisions of the conditional use permit requirement of subsection B of this Section if such a permit is approved in writing by the Director and if the applicant agrees in writing to comply with all of the following criteria and conditions, including inspections to confirm adherence to all of the following:
 - a. The primary use of the premises shall be for sit-down meal service to patrons;
 - b. If a counter service area is provided, food service shall be available at all hours the counter is open for patrons, and the counter area shall not function as a separate bar area;
 - c. The primary use of any outdoor dining area shall be for seated meal service. Patrons who are standing in the outdoor seating area shall not be served;
 - d. Window or other signage visible from the public right-of-way shall not advertise beer or alcohol;
 - e. Customers shall be permitted to order meals at all times and at all locations of the establishment where alcohol is being served. The establishment shall serve food to patrons during all hours the establishment is open for customers;
 - f. The establishment shall maintain a kitchen or food-serving area in which a variety of food is prepared on the premises;
 - g. Take out service shall be only incidental to the primary sit-down use;
 - h. Off-site alcohol sales are only allowed with the purchase of take-out food and packaged to be consumed at customers residence or other destination not in the public realm.
 - i. Except for special events and to go orders, alcohol shall not be served in any disposable containers such as disposable plastic or paper cups;
 - j. The operation shall at all times be conducted in a manner not detrimental to surrounding properties by reason of lights, noise, activities, or other actions. The operator shall control noisy patrons leaving the restaurant;
 - k. The permitted hours of alcoholic beverage service shall be 9:00 a.m. to 11:00 p.m. Sunday through Thursday, and 9:00 a.m. to 12:00 a.m. Friday and Saturday. Complete closure with all employees vacated from the building by 12:00 a.m. Sunday through Thursday, and 1:00 a.m. on Friday and Saturday. All alcoholic beverages must be removed from the outdoor dining area no later than 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday. No after-hours operation is permitted;

- l. No more than 35 percent of total gross revenues per year shall be from alcohol sales. The operator shall maintain records of gross revenue sources, which shall be submitted annually to the Planning Division at the beginning of the calendar year and also available to the City and the California Department of State Alcoholic Beverage Control (ABC) upon request;
- m. Liquor bottle service shall be prohibited. Bottle service shall mean the service of any full bottle of liquor, wine, or beer of more than 375 ml, along with glass ware, mixers, garnishes, etc., in which patrons are able to then make their own drinks or pour their own wine or beer. Wine and beer bottle service shall not be available to patrons unless full meal service is provided concurrent with the bottle service;
- n. Establishments with amplified music shall be required to comply with Title VI, Chapter 17, Noise Regulations, of the Selma Municipal Code;
- o. Prior to occupancy, a security plan shall be submitted to the Chief of Police for review and approval. The plan shall address both physical and operational security issues;
- p. Prior to occupancy, the operator shall submit a plan for approval by the Director regarding employee alcohol awareness training programs and policies. The plan shall outline a mandatory alcohol-awareness training program for all employees having contact with the public and shall state management's policies addressing alcohol consumption and inebriation. The program shall require all employees having contact with the public to complete an ABC-sponsored alcohol awareness training program within 90 days of the effective date of the exemption determination. In the case of new employees, the employee shall attend the alcohol awareness training within 90 days of hiring. In the event the ABC no longer sponsors an alcohol awareness training program, all employees having contact with the public shall complete an alternative program approved by the Community Development Director. The operator shall provide the City with an annual report regarding compliance with this requirement. The operator shall be subject to any future Citywide alcohol awareness training program affecting similar establishments;
- q. Within 30 days from the date of approval of this exemption, the applicant shall provide a copy of the signed exemption to the local office of the State ABC;
- r. Notices shall be prominently displayed urging patrons to leave the premises and neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or block driveways in the neighborhood;
- s. Employees of the establishment shall walk a 100-foot radius from the facility at some point prior to 30 minutes after closing and shall pick up and dispose of any discarded beverage containers and other trash left by patrons; and
- t. The exemption shall apply to approved and dated plans, a copy of which shall be maintained in the files of the Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval. Minor amendments to the plans shall be subject to approval by the Director.

E. Density

The following criteria shall be used to determine the density of any facilities that sell alcoholic beverages for off-site consumption, under this section in the City:

1. All facilities shall be a minimum of three hundred feet (300') from any public park and any public or private school.

All facilities shall be a minimum of five hundred feet (500') in numbers from any existing non-exempt facility which conducts retail sales of alcoholic beverages for off-site consumption.

F. Existing Uses

All existing alcohol outlets to which these regulations are applicable shall be considered legal nonconforming uses in regards to the Conditional Use Permit or Alcohol Exemption Permit unless any one of the following occurs:

1. The use is expanded or modified;

The use is discontinued for a period of six (6) months or longer. The six-month period to determine that a nonconforming alcohol outlet has been discontinued shall commence when the use ceases and any one of the following occurs:

- a. The business license lapses;
- b. The site is vacated;
- c. The lease is terminated;
- d. Utilities are terminated; or
- e. A conforming use that meets the applicable requirements of this Article is lawfully established in the space previously occupied by the nonconforming alcohol outlet.
 - i. Cessation of use due to property damage or remodeling shall not be considered abandonment so long as building permits are active in accordance with Chapter 4-1.4 of the Municipal Code. However, if the building permit expires before the use resumes, the 6-month period under Subsection (F)(2) shall relate back and commence with the cessation of use.

A substantial change in character or mode, which shall include but is not limited to:

- a. A change in operational hours that extends past 11:00 p.m. Sunday through Thursday and midnight on Friday and Saturday
- b. A 5 percent increase in the floor area of the premises
- c. A 10 percent increase in the shelf area used for the display of alcoholic beverages
- d. Queuing outside the establishment
- e. Age requirements for entry
- f. Checking identification at the door
- g. Implementing a cover charge
- h. Offering bottle service

When an existing alcohol outlet with a Conditional Use Permit changes ownership or undergoes an interior remodel, it shall be subject to Zoning Conformance review to ensure compliance with the existing CUP or Alcohol Exemption Permit.

11-4.8 Adult Businesses

A. Purpose and Intent

1. Purpose. The purpose and intent of this Chapter is to regulate adult oriented businesses in the City which, unless closely regulated, tend to have serious secondary effects on the community,

which effects include, but are not limited to, the following: depreciation of property values and increase in vacancies in residential and commercial areas in the vicinity of adult businesses; interference with residential property owners' enjoyment of their property when such property is located in the vicinity of adult businesses as a result of increases in crime, litter, noise and vandalism; higher crime rates in the vicinity of adult businesses; and blighting conditions such as low-level maintenance of commercial premises and parking lots, which thereby have a deleterious effect upon adjacent areas. Special regulation of these businesses is necessary to prevent these adverse effects and the blighting or degradation of the neighborhoods in the vicinity of the adult businesses.

2. Intent. It is neither the intent nor the effect of this Chapter to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of this Chapter to restrict or deny access by adults to communication materials or to deny access by the distributors or exhibitors of adult businesses to their intended market. Nothing in this Chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City ordinance or any statute of the State regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

B. Definitions

The following words and phrases shall, for the purposes of this, be defined as follows, unless it is clearly apparent from the context that another meaning is intended:

1. **Adult Arcade.** An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".
2. **Adult Bookstore or Adult Video Store.** An establishment which has a regular and substantial portion of its stock-in-trade business in any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, sculptures, motion pictures, videocassettes, slides or other visual representations ("adult material") which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".
3. **Adult Business.** Any business establishment or concern which as a regular and substantial course of conduct performs or operates as an adult bookstore, or adult video store, adult theater, adult motion picture theater, adult cabaret, adult motel/hotel, adult arcade, or any other business or concern which as a regular and substantial portion of its business offers to its patrons products, merchandise, services or entertainment which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas but not including those uses or activities, the regulation of which is preempted by State law. "Adult business" shall also include any establishment which as a regular and substantial course of conduct provides or allows performers, models, or employees to appear in any public place dressed only in lingerie.
4. **Adult Cabaret.** A nightclub, restaurant or similar business establishment which features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities" or films, motion pictures, videocassettes, slides or other

photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas”.

5. **Adult Motel/Hotel.** A hotel or motel or similar business establishment offering public accommodations for any form of consideration where one or more of the following conditions exist: a) at least 20 percent of the gross receipts of the hotel/motel sales from providing patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions are derived from circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas”; and/or b) rents, leases, or lets any room for less than a six hour period, or rents, leases or lets any single room more than twice in a 24-hour period.
 6. **Adult Materials.** Any book, magazine, newspaper, video recording, or other printed or written material or any picture, drawing, photograph, motion picture, other pictorial representation or any statue or other figure, or any recording, transcription, or mechanical, chemical, or electrical reproduction or any other articles, equipment, machines, or materials which are distinguished or characterized by an emphasis upon matter depicting, describing or relating to specified sexual activities or specified anatomical areas but not including those uses or activities, the regulation of which is preempted by State law.
 7. **Adult Motion Picture Theater.** A business establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas”.
 8. **Adult Theater.** A theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.
 9. **Bar or Tavern.** A facility primarily devoted to the serving of alcoholic beverages for consumption by guests on the premises, in which the serving of food is incidental. “Bar or tavern” includes those facilities located within a hotel, motel, or other similar transient occupancy establishment.
 10. **Child Daycare Facility.** A facility which provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24 hour basis.
 11. **Distinguished or Characterized by an Emphasis Upon.** Means and refers to the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon” the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. When the phrase refers to adult motel or hotel, the primary purpose of providing patrons with closed circuit television transmissions, films, computer generated images, motion pictures, videocassettes, slides or other photographic reproductions must be to provide adult material to patrons.
 12. **Establishment.** Establishment of an adult business includes any of the following:
 - a. The opening or commencement of any such business as a new business; or
 - b. The conversion of an existing business, whether or not an adult business, to any of the adult businesses defined herein; or
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- c. The addition of any of the adult businesses defined herein to any other existing adult business; or
 - d. The relocation of any such adult business.
13. **Figure Model.** Any person who, for any form of consideration, poses in a modeling studio to be observed, **sketched**, painted, drawn, sculptured, photographed or otherwise depicted.
 14. **Gross Receipts.** Means and includes the total amounts actually received or receivable from the sale, trade, rental, display or presentation of services, products, adult material or entertainment which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
 15. **Liquor Store.** A commercial establishment devoted primarily to the retail sale of alcoholic beverages for consumption off- site.
 16. **Minor.** Any natural person under 18 years of age.
 17. **Nightclub.** Any commercial establishment located in a building, room or structure that provides entertainment, alcoholic beverages and/or dining.
 18. **Owner or Permit Holder or Permittee.** For purposes of this Chapter, shall mean any of the following:
 - a. The sole proprietor of an adult business; or
 - b. Any general partner of a partnership which owns and operates an adult business; or
 - c. The owner of a controlling interest in a corporation which owns and operates an adult business; or
 - d. The person designated by the officers of a corporation to be the permit holder for an adult business owned and operated by the corporation.
 19. **Person.** Means and includes person(s), firms, corporations, partnerships, associations, or any other forms of business organization or group(s).
 20. **Regular and Substantial Course of Conduct and Regular and Substantial Portion.** A facility which provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.
 - a. The area(s) devoted to the display of adult material exceeds 15 percent of the total display area of the business; or
 - b. A business or concern, including an adult theater, adult cabaret, and adult motion picture theater, which presents any type of entertainment distinguished or characterized by an emphasis upon specified sexual activities or specified anatomical areas, or performers, models or employees appearing in public nude, seminude, or dressed only in lingerie, on any two or more separate days within a 30-day period; three or more separate days within a 60-day period; or four or more separate days within a 180-day period; or
 - c. At least 20 percent of the gross receipts of the business, in any three month period, are derived from the sale, trade, rental, display or presentation of services, products, adult material, or entertainment which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
 21. **Religious Institution or Church.** A structure, which is used primarily for religious worship and related religious activities.

22. **School.** Any childcare facility, or an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.
23. **Specified Anatomical Areas.** Includes any of the following:
 - a. Human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
 - b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
24. **Specified Sexual Activities.** Includes any of the following:
 - a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
 - b. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy; or
 - c. Masturbation, actual or simulated; or
 - d. Excretory functions as part of or in connection with any of the activities described in subsections (A) through (C) of this definition; or
 - e. Striptease, or the removal of clothing, or the wearing of transparent or diaphanous clothing, including models dressed only in lingerie to the point where specified anatomical areas are totally exposed, partially exposed or opaquely covered
25. **Substantial Enlargement.** The increase in floor area occupied by the business, by more than 10 percent as the floor area exists on the effective date of this Chapter.
26. **Transfer of Ownership or Control of an Adult Business.** Shall mean and include any of the following:
 - a. The sale, lease or sublease of the business; or
 - b. The transfer of securities which constitutes a controlling interest in the business, whether by sale, exchange or similar means; or
 - c. The establishment of a trust, gift or other similar legal devise which transfers ownership or control of the business, including the transfer by bequest or other operation of law upon the death of a person possessing the ownership or control

C. Location Requirements

Adult businesses shall be allowed only in the areas of the City identified on the map attached to Ordinance 99-9 on file in the City Clerk's office and incorporated herein by reference. In addition, no adult businesses shall be located:

1. Within five hundred feet (500') of any bar, tavern, nightclub, liquor store or other adult business located either inside or outside of the City limits;
2. Within one thousand feet (1,000') of any existing church, school, library, park or other recreational facility where minors congregate, nonprofit youth facilities, including, but not limited to, facilities serving Girl Scouts, Boy Scouts, or Campfire Girls located either inside or outside of the City limits;

3. Within one thousand feet (1,000') of any property planned for a park, school, library or other recreational facility where minors congregate located inside or outside of the City limits;
4. Within five hundred feet (500') of any land described by the Land Use Element of the City General Plan with any residential land use, located either inside or outside of the City limits.
5. Within two hundred fifty feet (250') of any existing restaurant or grocery store which is likely to be frequented by minors.

As used in this Section, “existing” means at the time the permit application is submitted. “Planned for”, means property designated in the General Plan of the City for such use, or other official planning documents of the City, or property owned or leased by Selma for such use. The distances set forth above shall be measured in a straight line, without regard to intervening structures, as a radius from the property line of the adult business to the closest property line of the other use. Adult businesses are prohibited from all areas of the City except as expressly permitted in this Section. (Ord. 99-9, 8-16-1999)

D. Statement and Records

1. Person(s) required to obtain an adult business license pursuant to the provisions of this Chapter for any business establishment which provides products, adult material, merchandise, services or entertainment which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”, as defined in Section 11-4.8 of this Chapter, shall maintain complete records which can be segregated with regard to all transactions involving such products, merchandise, adult material, services or entertainment which are sufficient to establish the percentage of gross receipts of the business which is derived from such transactions. Such records shall be maintained for a period of at least three years. control.

No person required to keep records under this Section shall refuse to allow authorized representatives of the City to examine said records at reasonable times and places. The City shall inspect these only in the instance when there is a dispute as to whether a business is an adult business and needs to comply with the provisions of this Chapter. (Ord. 99-9, 8-16-1999)

E. Location Requirements

Adult businesses shall be allowed only in the areas of the City identified on the map attached to Ordinance 99-9 on file in the City Clerk's office and incorporated herein by reference. In addition, no adult businesses shall be located: It shall be unlawful for any person to operate, engage in, conduct or carry on any adult business within the City unless the person of the adult business first obtains, and continues to maintain in full force and effect an adult business license pursuant to Section 11-29-9 (Adult Business License Required) of this Chapter, and a conditional use permit. In addition to the base zoning requirements governing conditional use permits generally, the following additional requirements shall be satisfied by adult businesses. Such additional requirements shall be included in any approved Conditional Use Permit:

1. Maximum occupancy load, fire exits, aisles and fire equipment shall be regulated, designed and provided in accordance with the Selma Fire Department and building regulations and standards adopted by the City.
2. No adult business shall be operated in any manner that permits the observation of any material depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”

from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening.

3. Lighting shall be required which is designed to illuminate all off-street parking areas serving such use for the purpose of increasing the personal safety of store patrons and reducing the incidents of vandalism and theft. Lighting shall be shown on the required plot plans and shall be reviewed and approved by the Community Development Department.
 4. No loudspeakers or sound equipment shall be used by an adult business or the amplification of sound to a level discernible by the public beyond the walls of the building in which such use is conducted or which violates any noise restrictions as may be adopted by the City.
 5. The building entrance to an adult business shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises. Said notice shall be constructed and posted to the satisfaction of the Community Development Director.
 6. The adult business shall not be located, in whole or in part, within any portable structure.
 7. The adult business shall not conduct or sponsor any special events, promotions, festivals, concerts or similar activities which would increase the demand for parking spaces beyond the approved number of spaces for the business.
 8. The adult business shall not conduct any massage, acupuncture, figure modeling, tattooing, acupressure or escort services and shall not allow such activities on the premises.
 9. Any adult business which allows customers to remain on the premises while viewing any live, filmed or recorded entertainment, or while using or consuming the products or service supplied on the premises, shall conform to the following requirements:
 - a. At least one security guard shall be on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is open. If the occupancy limit of the premises is greater than 50 persons, an additional security guard shall be on duty inside the premises. The security guard(s) shall be charged with preventing violations of law and enforcing compliance by patrons with the requirements of this Chapter, and notifying the City Police Department and City Community Development Department of any violations of law observed. Any security guard required by this subsection shall be uniformed in such manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of State and/or local law. No security guard required pursuant to this subsection shall act as a doorperson, ticket seller, ticket taker, or admittance person while acting as a security guard hereunder;
 10. The adult business shall submit the landscaping plan to the Community Development Director for review and approval. If the adult business is the sole use on a lot, no planting shall exceed 30 inches height, except trees with foliage not less than six feet above the ground;
 11. The adult business shall submit plans to the Community Development Director for review and approval, for lighting the entire exterior grounds, including the parking lot;
 12. The premises within which the adult business is located shall provide sufficient sound-absorbing insulation so that noise generated inside said premises shall not be audible anywhere on any adjacent property or public right of way within any other building or other separate unit within the same building;
 13. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times. Such opaque covering shall be subject to approval of the Community Development Director.
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14. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance/exit to the business.
15. All indoor areas of the adult business within which patrons are permitted, except restrooms, shall be open to view at all times.
16. Except as specifically provided in this Section, the adult business shall comply with the zoning, development and design standards applicable to the zone in which the business is located.
17. Adult businesses shall comply with the off-street parking standards pursuant to Chapter 17 of this Title, except the number of off-street parking spaces required for adult businesses shall be not less than as follows:
 - a. Adult arcade, adult bookstore or adult video store, one for each 200 square feet of gross floor space
 - b. Adult cabaret, one for each four seats, and in any case, not less than one for each 50 square feet used for dancing.
 - c. Adult hotel/motel, one for each sleeping or dwelling unit.
 - d. Adult motion picture theater or adult theater, one for each five seats.
18. No adult material shall be displayed in such manner as to be visible from any location other than within the premises occupied by the adult business.
19. No person under the age of 18 years shall be permitted within the premises at any time.
20. The adult business shall provide and maintain separate restroom facilities for male patrons and employees and female patrons and employees. Male patrons and employees shall be prohibited from using the restroom(s) for females, and female patrons and employees shall be prohibited from using the restroom(s) for males, except to carry out duties of repair, maintenance and cleaning of the restroom facilities. The restrooms shall be free from any adult material. Restrooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment.
21. Except as otherwise required by law for adult motion picture theaters, and except as provided in subsection (19) of this Section with regard to adult arcades, and subsection (20) of this Section with regard to adult businesses providing live entertainment, all areas of the adult business accessible to patrons shall be illuminated at least to the extent of 20 foot-candles, minimally maintained and evenly distributed at ground level.
22. All signage shall comply with the sign regulations pursuant to Chapter 28 of this Title, except the following signs shall be prohibited for all adult businesses:
 - a. Animated signs.
 - b. Illuminated or flashing signs.
 - c. Revolving signs.
 - d. Movable signs mounted on trailers, trucks, or similar conveyance.
 - e. Murals, paintings, pennants, banners and flags placed on the building.
 - f. Off-site signs, including freeway-oriented signs.
 - g. Signs that display a message, graphic representation, or other image that are obscene as defined in Section 311 of the California Penal Code.
 - h. Signs that are mounted on or above the roofline of a building.
 - i. Projecting signs.

- j. Signs that are cut, burned, limed, painted, or otherwise marked on a filed, tree, rock, or other natural feature.
 - k. Freestanding signs.
 - l. All signs shall be attached to the wall of the building. The adult business shall be permitted two square feet of sign area per linear foot of the front of the building adjacent to a street, parking area or access drive. The sign area shall be on the front of the building facing the street. Any parcel within 1,000 feet of Highway 99 right of way shall not have a sign that faces the freeway, but may have a sign on the side or back of the building, subject to the review of the Planning Commission. All sign designs shall be submitted to, and reviewed and approved by the Planning Commission. All adult materials and activities shall be concealed from view from any public right of way, parking lot or neighboring property.
23. No adult business shall be open or operating during the hours from two o'clock (2:00) A.M. to six o'clock (6:00) P.M.
24. The following additional requirements shall pertain to adult arcades, which provide one or more viewing area(s):
- a. Upon application for a Conditional Use Permit for an adult arcade, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations, the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area with no dimension greater than eight feet. The diagram shall also designate the place at which the adult business license will be conspicuously posted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the adult arcade to an accuracy of plus or minus six inches ($\pm 6''$).
 - b. The application shall be sworn to be true and correct by the owner under penalty of perjury.
 - c. No alteration in the configuration or location of a manager's station(s) may be made without the prior approval of the Planning Commission.
 - d. It shall be the duty of the owner(s) to ensure that at least one employee is on duty and situated at each manager's station at all times that any patron is present inside the adult arcade.
 - e. The interior of the adult arcade shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the adult arcade to which any patron is permitted access for any purpose excluding restrooms. If the adult arcade has two or more manager's stations designated, then the interior of the adult arcade shall be configured in such a manner that there is an unobstructed view of each area of the adult arcade to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
 - f. It shall be the duty of the owner(s) and it shall also be the duty of all employees present on the adult arcade to ensure that the individual viewing area specified in subsection (19)g of this Section remains unobstructed by any doors, walls, persons, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the adult arcade which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (19)a of this Section.

- g. No individual viewing area may be occupied by more than one person at any one time. "Individual viewing area" shall mean a viewing area designed for occupancy by one person. Individual viewing areas of the adult arcade shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more individual viewing areas.
- h. No individual viewing area shall contain booths, stalls, or partitioned portions of such individual viewing area used for the viewing of adult material or other forms of entertainment, having doors, curtains or portal partitions, unless such individual viewing areas containing booths, stalls or partitioned portions have at least one side open to the manager's station and visible to such manager's station. Any booth, stall or partitioned portion of an individual viewing area authorized under this subsection (19)h shall be constructed so as to allow twelve inches (12") of open space between the bottom of the stall or partition and the floor. Such open space shall remain unobstructed at all times.
- i. The adult arcade shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which persons are permitted access but such lighting shall not be of an intensity as to prevent the viewing of the adult material.
- j. It shall be the duty of the owner(s) and it shall also be the duty of all employees present on the adult arcade to ensure that the illumination described above is maintained at all times that any patron is present on the adult arcade.
- k. The following additional requirements shall pertain to adult businesses providing live entertainment depicting specified anatomical areas or involving specified sexual activities:
 - i. No person shall perform live entertainment for patrons of an adult business except upon a stage at least 18 inches above the level of the floor which is separated by a distance of at least six feet from the nearest area occupied by patrons, and no patron shall be permitted within six feet of the stage while the stage is occupied by an entertainer. "Entertainer" shall mean any person who is an employee or independent contractor of the adult business, or any person who, without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

The adult business shall provide separate dressing room facilities for entertainers that are exclusively dedicated to the entertainers' use.

The adult business shall provide an entrance/exit to the adult arcade for entertainers that is separate from the entrance/exit used by patrons.

The adult business shall provide access for entertainers between the stage and the dressing rooms that is completely separated from the patrons. If such separate access is not physically feasible, the adult business shall provide a minimum three-foot-wide walk aisle for entertainers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the entertainers capable of (and that actually results in) preventing any physical contact between patrons and entertainers.

No entertainer, either before, during or after performances, shall have physical contact with any patron and no patron shall have physical contact with any entertainer either before, during or after performances by such entertainer.

Fixed rail(s) at least 30 inches in height shall be maintained establishing the separations between entertainers and patrons required by this subsection.

The adult business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access with an illumination of not less than 20 foot-candles as measured at the floor level.

The foregoing applicable requirements of this Section shall be deemed conditions of permit approval, and failure to comply with each and all of such requirements shall be grounds for revocation of the Conditional Use Permit and the adult business license issued pursuant to this Chapter.

F. Sale; Serving Alcohol and Intoxicated Persons

1. It is unlawful to sell, serve or permit the consumption of alcohol in a structure occupied by an adult business.
2. It is unlawful for any person under the age of 18 years or any obviously intoxicated person to enter or remain on the premises of an adult business at any time. A sign giving notice of this provision shall be prominently posted at each entrance to the premises of the adult business.
3. It is unlawful for any person having responsibility for the operation of an adult business, to allow any person under the age of 18 years to enter or remain on the premises of the business, whether or not such person having responsibility for the operation of an adult business has knowledge that the person is under the age of 18 years; or to allow any obviously intoxicated person to enter or remain on the premises of the business. For the purposes of this Section, the licensee of an adult business license, when present on the premises, and the manager or other person(s) in charge of the premises, are persons having responsibility for the operation of the business.

G. Suspension and Revocation of a Conditional Use Permit

The Planning Commission may suspend or revoke any conditional use permit if it is found that any of the following conditions exist in addition to the criteria set forth in this Chapter:

1. The operation conducted by the permittee does not comply with all applicable laws, including, but not limited to, the City's building, health, zoning and fire ordinances, the requirements of this Chapter, and the conditions of approval of the conditional use permit; or

The approved use has been substantially enlarged without City approval; that the approved use has been partially or wholly converted to another adult business without City approval; that the conditional use permit has not been utilized within six months of its issuance; or

The adult business license has been suspended, revoked or expired.

H. Adult Business License Required

An applicant for the operation of an adult business must obtain an adult business license in addition to a conditional use permit. No adult business license shall be sold, transferred, or assigned by any license holder, or by operation of law, to any other person, group, partnership, corporation or any other entity, and any such sale, transfer or assignment, or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of such license, and such license shall be thereafter null and void. An adult business license held by an individual in a corporation or partnership is subject to the same rules of transferability as contained above. Any change in the nature or composition of the adult business from one type of adult business use to another type of adult business use shall also render the license null and void. An adult business license shall be valid only for the exact location specified in the license.

I. Application for Adult Business License

Applicants for such licenses shall file a written, signed and verified application or renewal application on a form provided by the Community Development Department. Such application shall contain:

1. If the applicant is an individual, the individual shall state his or her legal name, permanent and business address, phone number(s) and submit satisfactory written proof that he or she is at least 18 years of age; or
 If the applicant is a partnership, the application shall state the partnership's complete name, whether it is a general or limited partnership, and show the name, permanent and business address, and phone number(s) of each of the partners, except limited partners. A copy of the partnership agreement, if any, shall also be provided; or
 If the applicant is a corporation, the name shall be exactly as set forth in its articles of incorporation and the applicant shall show the name, permanent and business address, and phone number(s) of each of the officers and directors. The applicant shall also provide the date of incorporation, evidence that the corporation is in good standing under the laws of California, and the name of the registered corporate agent and the address of the registered office for service of process. A copy of the articles of incorporation and bylaws shall also be provided.
2. The address to which notice of action on the application is to be mailed.
3. If the applicant intends to operate the adult business under a name other than that of the applicant, the applicant shall file the fictitious name of the adult business and show proof of registration of the fictitious name.
4. The applicant's driver's license number, social security number, and/or his/her State or federally issued tax identification number.
5. The location of the proposed adult business, including a legal description of the property, street address, and telephone number(s) if any, plus the names and addresses of the owners and lessors of the adult business site, if any.
6. A floor plan showing where the specific entertainment uses are proposed to be conducted within the building. The floor plan shall include a sketch or diagram showing the configuration of the premises, including the size and location of the manager's station, if applicable, the size and location of video or other view areas, if applicable, and a statement of total floor space occupied by the business. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required. However, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the adult business to an accuracy of plus or minus six inches ($\pm 6''$).
7. A detailed description of the adult business for which the permit is required, including all information which classifies the business as an adult business.
8. The manner of providing proposed entertainment, including type of entertainment and the number of persons engaged in the entertainment.
9. A statement of the nature and character of applicant's business, if any, to be carried on in conjunction with such entertainment.
10. Proposed hours of operation.
11. A certificate and straight-line drawing prepared within 30 days prior to the application depicting the building and the portion thereof to be occupied by the adult business; and

- a. The property line of any other adult business within 500 feet of the property line of the adult business for which a permit is requested;
 - b. The property line of any land that carries a Selma General Plan land use designation containing the words residence or residential within its title within 500 feet of the property line of the adult business for which a permit is requested;
 - c. The property line of any existing religious institution, school, library, park, or other recreational facility where minors congregate, or any planned park or other recreational facility where minors congregate, within 1,000 feet of the property line of the adult business for which a permit is requested.
12. A diagram of the off-street parking areas and premises entries of the adult business showing the location of the lighting system.
 13. The name or names of the person or persons having the management or supervision of applicant's business and of any entertainment, including those persons who will be the operator of an adult business and who are required by Section I above of this Chapter to obtain an adult business operator license.
 14. The names of all employees, independent contractors, or other persons required by Section I above of this Chapter to obtain an adult business performer license.
 15. Whether the applicant or any of the other individuals pursuant to this Section has had a previous permit under this Chapter or other similar ordinances from another city or county denied, suspended or revoked, including the name and location of the adult business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or any other individuals listed pursuant to this Section has been a partner in a partnership or an officer, director or principal stockholder of a corporation whose permit has previously been denied, suspended or revoked, including the name and location of the adult business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
 16. Whether the applicant or any other individual listed pursuant to this Section holds any other permits and/or licenses for an adult business from another city or county, and if so, the names and locations of such other permitted businesses.
 17. If a person who wishes to operate an adult business is an individual, he/she must sign the application for a permit as applicant. If a person who wishes to operate an adult business is a partnership or corporation, each partner, except limited partners, and each officer and director, must sign the application for a permit as applicant. All applications for a license or renewal shall be filed with the City Community Development Department. Each application shall be accompanied by a nonrefundable fee for filing or renewal in an amount determined by resolution of the City Council, which fees will be used to defray the costs of investigation, inspection and processing of such application. Applicants for a license under this Section shall have a continuing duty to promptly supplement application information required by this Section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within 30 days from the date of such change, by supplementing the application on file with the City Community Development Director or his/her designees, shall be grounds for revocation of a license.

J. Investigation of Application

Upon receipt of an application properly filed with the Community Development Department and upon payment of the nonrefundable application fee, the Community Development Department

shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to the Selma Police Department and any other City departments or other agencies responsible for enforcement of health, fire and building codes and laws. Each department or agency shall promptly conduct an investigation of the applicant, application and the proposed adult business in accordance with its responsibilities under law and as set forth in this Chapter. The Community Development Department shall complete said investigation within 25 days of receipt of the application. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application its approval or disapproval of the application, date it, sign it, and, in the event it disapproves, state the reasons therefor. A department or agency shall disapprove an application if it finds that the proposed adult business will be in violation of any provision of any statute, code, ordinance, regulation or other law in effect in the City. After its indication of approval or disapproval, each department or agency shall immediately return the photocopy of the application to the Community Development Department.

K. Decision by Community Development Director on Application for License

The Community Development Director or designee (hereinafter “Director”) shall grant or deny an application for a license within 60 days from the date of its proper filing. Upon the expiration of the sixtieth day, unless the applicant requests and is granted a reasonable extension of time, the applicant shall be permitted to begin operating the business for which the license is sought, unless and until the Director notifies the applicant of a denial of the application and states the reason(s) for that denial.

L. Grant of License

1. The Director shall grant the application unless one or more of the reasons set forth in Section N below of this Chapter is present.
2. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the adult business. The license shall also indicate that the adult business whether permitted or not shall be subject to any applicable California Statutes or City regulations or ordinances consistent therewith. The permit shall be posted in a conspicuous place at or near the entrance to the adult business so that it can be easily read at any time.

M. Non-Grant of License (Denial)

The Director shall deny the application for any of the following reasons:

1. The building, structure, equipment and location used by the business for which a license is required herein do not comply with the requirements and standards of the health, zoning, fire and safety laws of the State and of the City; or

The applicant, his or her employee, agent, partner, director, officer, stockholder or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for a license or in any report or record required to be filed with the Selma Police Department, Fresno County Sheriffs or other department of the City; or

The applicant has had any type of adult business license revoked by any public entity within two years of the date of the application; or

The applicant has been convicted of a felony or misdemeanor which offense is classified by the State as an offense involving sexual crimes against children, sexual abuse, rape, kidnapping, distribution of obscene material or material harmful to minors, prostitution or pandering, including, but not necessarily limited to, the violation of any crime requiring registration under California Penal Code section 290, or any violation of Penal Code sections 243.4, 261, 261.5, 264.1, 266, 266a through 266k, inclusive, 267, 286, 286.5, 288, 288a, 311 through 311.10, inclusive, 314, 315, 316, or 647; or

On the date that the business for which a license is required herein commences, and thereafter, there will be no responsible adult on the premises to act as manager at all times during which the business is open; or

A Conditional Use Permit has been denied for the proposed use; or

An applicant is under 18 years of age; or

An applicant, manager, or any agent or employee of the applicant or manager has been convicted in a court of competent jurisdiction of any crime in conjunction with or as a result of the operation of an adult business or any sex- related crime prior to the filing of the application. The fact that a conviction is being appealed will have no effect on disqualification of the applicant; or

The required application fees have not been paid. If the Director denies the application, he shall notify the applicant of the denial and state the reason(s) for the denial. If a person applies for a license for a particular location within a period of 12 months from the date of denial of a previous application for a license at the location, and there has not been an intervening change in the circumstances which could reasonably be expected to lead to a different decision regarding the former reasons for denial, the application shall be denied.

N. Inspection

An applicant or licensee shall permit representatives of the Selma Police Department, Fresno County Sheriff's Department, Fresno County Health Department, Selma Fire Department, Selma Code Enforcement, Selma Planning Department, or other City departments or agencies to inspect the premises of an adult business for the purpose of ensuring compliance with the law, at any time it is occupied or opened for business. A person who operates an adult business or his or her agent or employee is in violation of the provisions of this Section if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or opened for business.

O. Expiration of License

Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section J above of this Chapter (for renewals, filing of original survey shall be sufficient). Application for renewal shall be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the license shall not be affected. When the Director denies renewal of the license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the Director finds that the basis for denial of the renewal of the license has been corrected, the applicant shall be granted a license if at least 90 days have elapsed since the date denial became final.

P. Revocation of License

After an investigation, notice and hearing, the Director shall revoke an existing adult business license, as shall be found necessary to assure the preservation of the public health and safety, if the evidence presented establishes that one or more of the following conditions exist:

1. The building, structure, equipment and location used by the business fail to comply with the requirements or fail to meet the standards of the health, zoning, fire and safety laws of the State, or of the regulations or ordinances of the City; or
 - The licensee, his or her employee, agent, partner, director, officer, stockholder or manager has knowingly made any false, misleading or fraudulent statement of material facts in the application for a license, or in any report or record required to be filed with the Selma Police, Fresno County Sheriffs or other departments of the City; or
 - The licensee has had any type of adult business license revoked by any public entity within three years of the date the license was issued; or
 - There is not a responsible adult on the premises to act as a manager at all times in which the business is open or operating; or
 - The licensee is convicted of a felony or misdemeanor which offense is classified by the State as an offense involving sexual crimes against children, sexual abuse, rape, kidnapping, distribution of obscene material or material harmful to minors, prostitution or pandering, including, but not necessarily limited to, the violation of any crime requiring registration under California Penal Code section 290, or any violation of Penal Code sections 243.4, 261, 261.5, 264.1, 266, 266a through 266k, inclusive, 267, 286, 286.5, 288, 288a, 311 through 311.10, inclusive, 314, 315, 316 or 647; or
 - If, on one or more occasions within a 12 month period, a person or persons has (have) been convicted of a felony or misdemeanor for an offense set forth in subsection (5) of this Section, which offense has occurred as a result of or has originated from such persons' activity on the premises or property on which the adult business is located, and the person or persons were employees, contractors or agents of the adult business at the time the offenses were committed; or
 - If the licensee or any employee of the licensee has knowingly allowed prostitution, or solicitation for prostitution, on the premises; or
 - The adult business has been operated in violation of any of the requirements of this Chapter, and
 - i. If the violation is of a continuous nature, the business continues to be operated in violation of such provision for more than 10 days following the date written notice of such violation is mailed or delivered to the licensee; or

If the violation is of a noncontinuous nature, two or more additional violations of the same provision, or four or more violations of any other of the provisions of this Chapter occur (regardless of whether notice of each individual violation is given to licensee within any 12 month period); or

The subject adult business has employed minors; or

The Conditional Use Permit for the use has been suspended or revoked.

Q. Hearing on Revocation of License

After an investigation, notice and hearing, the Director shall revoke an existing adult business license, as shall be found necessary to assure the preservation of the public health and safety, if the evidence presented establishes that one or more of the following conditions exist:

1. Upon determining that grounds for license revocation exist, the Director shall furnish written notice of the proposed revocation to the licensee. Such notice shall summarize the principal reasons for the proposed revocation; shall state that the licensee may request a hearing within 15 calendar days of the postmarked date on the notice; and shall be delivered both by posting the notice at the location of the adult business and by sending the notice by certified mail, postage prepaid, addressed to the licensee as that name and address appear on the license. Within 15 calendar days after the later of the mailing or posting of the notice the licensee may file a request for hearing with the Director. If the request for a hearing is filed within 15 calendar days of the mailing or posting of the notice referred to herein, the Director shall transmit the request to the Planning Commission, and the hearing shall be provided.

Upon receipt of a written request for a hearing, the Planning Commission shall conduct a hearing. The Planning Commission shall conduct a hearing within 45 calendar days of the filing of such request by the licensee. Notice of time and place of the hearing shall be given to the licensee. Notice of time and place of the hearing shall be given to the licensee by personal service or via certified mail, postage prepaid, at least 15 calendar days in advance of the date set for the public hearing. At the hearing, the licensee and the City shall be entitled to present relevant evidence, testify under oath and call witnesses who shall testify under oath. The Planning Commission shall not be bound by the statutory rules of evidence in the hearing, except that hearsay evidence may not be the sole basis for the determination of the Planning Commission.

At the conclusion of the hearing, the Planning Commission shall decide whether the grounds for revocation exist and shall submit a written report to the Director. Such written report shall contain a brief summary of the evidence considered and shall state findings, conclusions and directives of the Director regarding whether the license is to be revoked. All such reports shall be filed with the City Clerk and shall be public records. A copy of such report shall be forwarded by certified mail, postage prepaid, to the licensee on the day it is filed with the City Clerk. If the Planning Commission determines that any grounds for revocation exist, as provided in Section Q above of this Chapter, the Director, based upon the report of the Planning Commission or, if no hearing was requested by the licensee, based upon the report of the City staff, shall immediately revoke the adult business license. The decision of the Selma Planning Commission shall be appealable to the City Council by the filing of a written appeal with the City Clerk within 15 calendar days following the date of mailing of such decision. A timely filed appeal shall vacate the decision of the Planning Commission. Any such appeal shall be a de novo public hearing held in the manner and within the time limitations set forth in this Chapter. The decision of the City Council upon appeal, or the decision of the Planning Commission in the absence of a timely

appeal, shall be final and conclusive. No application for an adult business license shall be accepted or processed for any person, corporation, partnership, or member thereof, or any other entity for which an adult business license has been revoked within the preceding three year period.

R. Judicial Review

Notwithstanding anything to the contrary in this Chapter, an action or proceeding to review the issuance, revocation, suspension, or denial of a permit or license under this Chapter the applicant may seek judicial review of the action in accordance with California Code of Civil Procedure section 1094.8.

S. Regulations Nonexclusive

The regulations set forth in this Chapter are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of adult businesses as adopted by the City Council.

T. Violations; Penalties

Any firm, corporation, or person, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this Chapter shall be guilty of a misdemeanor, and any conviction thereof shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Any violation of the provisions of this Chapter shall constitute a separate offense for each and every day during which such violation is committed or continued.

U. Public Nuisance

In addition to the penalties set forth at Section U above of this Chapter, any adult business, which is operating in violation of this Chapter or any provision thereof is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation.

V. Conflicting Ordinances Repealed

All ordinances or parts of ordinances, or regulations in conflict with the provisions of this Chapter are hereby repealed.

11-4.9 Wireless Telecommunications Facilities

A. Purpose

The purpose of this Chapter is to establish reasonable and uniform standards and procedures for personal wireless service facilities deployment, construction, installation, collocation, modification, operation, relocation, and removal on all areas within the city's territorial boundaries, consistent with and to the extent permitted under Federal and State law. The standards and procedures contained in this Chapter are intended to, and should be applied to, protect and promote public health, safety and welfare, and balance the benefits that flow from robust, advanced wireless services with the city's local values, which include, without limitation, the aesthetic character of the city, its various neighborhoods and community.

1. This Chapter is not intended to, nor shall it be interpreted or applied to:
 - a. Prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;
 - b. Prohibit or effectively prohibit any personal wireless service provider's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulations;
 - c. Unreasonably discriminate among providers of functionally equivalent services;
 - d. Deny any request for authorization to place, construct or modify personal wireless service facilities based on environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication commission's regulations concerning such emissions;
 - e. Prohibit any collocation or modification that the city may not deny under Federal or State law; or
 - f. Otherwise authorize the city to preempt any applicable Federal or State law or regulation.

B. Definitions

The abbreviations, phrases, terms and words shall have the meanings assigned to them in this Section or, as may be appropriate, in Chapter 8 (Terms and Definitions), as may be amended from time to time, unless context indicates otherwise. Undefined phrases, terms or words in this Section shall have the meanings assigned to them in 47 U.S.C. Section 702, as may be amended from time to time, and, if not defined therein, shall have their ordinary meanings. If any definition assigned to any phrase, term or word in this Section conflicts with any Federal- or State-mandated definition, the Federal- or State-mandated definition shall control.

1. **"Approval Authority"** means the Planning Director or designee, Planning commission, or City Council on appeal.

"Base Station" has the same definition as provided by the FCC in 47 C.F.R. Section 1.40001(b)(1), as may be amended, which defines that term as a structure or equipment at a fixed location that enables [FCC]-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in [47 C.F.R. Section 1.40001(b)(9)] or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this Section, supports or houses equipment described in subsections (1) and (2), codified as 47 C.F.R. Section 1.40001(b)(1)(i) and (ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this Section, does not support or house equipment described in subsections (1) and (2), codified as 47 C.F.R. Section 1.40001(b)(1)(i) and (ii).

“Collocation” has the same definition as provided by the FCC in 47 C.F.R. Section 1.40001(b)(2), as may be amended, which defines that term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. As an illustration and not a limitation, the FCC’s definition effectively means “to add” and does not necessarily refer to more than one personal wireless service facility installed at a single site.

“CPCN” means a “Certificate of Public Convenience and Necessity” granted by the CPUC or its duly appointed successor agency pursuant to California Public Utilities Code Section 1001 et seq., as may be amended.

“CPUC” means the California Public Utilities commission established in the California Constitution, Article XII, Section 5, or its duly appointed successor agency or agencies.

“Eligible facilities request” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(3), as may be amended, which defines that term as a request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (a) collocation of new transmission equipment, (b) removal of transmission equipment, or (c) replacement of transmission equipment.

“Eligible support structure” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(4), as may be amended, which defines that term as any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City.

“FAA” means the Federal Aviation Administration or its duly appointed successor agency.

“FCC” means the Federal Communications commission or its duly appointed successor agency.

“Least Intrusive” means that design or location of Telecom Facilities which is technically feasible and most closely conforms to local values, including aesthetics, as expressed through the municipal code and applicable design standards. The least intrusive standard balances the national and state interests in personal wireless services with the local interest in orderly, planned development. A least intrusive design may, but is not necessarily required to, include architectural integration, camouflage, pseudo-natural integration or may be a stealth facility.

“OTARD” means an over-the-air reception device subject to 47 C.F.R. Section 1.4000 et seq., as may be amended, and which includes, without limitation, satellite television dishes not greater than one meter in diameter.

“Personal Wireless Services” means the same as defined in 47 U.S.C. Section 332(c)(7)(C)(i), as may be amended, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

“Personal Wireless Service Facilities” means the same as defined in 47 U.S.C. Section 332(c)(7)(C)(i), as may be amended, which defines the term as facilities that provide personal wireless services.

“Public Right-of-Way” means any public street, alley, sidewalk, or parkway that is owned or granted by easement, operated, or controlled by the city.

“RF” means radio frequency or electromagnetic waves between 30 kHz and 300 GHz in the electromagnetic spectrum range.

“Section 6409(a)” means Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act, Pub. L. No. 112-96, 126 Stat. 156 (Feb. 22, 2012), codified as 47 U.S.C. Section 1455(a), as may be amended or superseded.

“Shot Clock” means the time frame within which the city generally must act on a given wireless application, as defined by the FCC and as may be amended or superseded.

Small Cell Facility. Shall have the same meaning as **Small Wireless Facility** in 47 C.F.R. § 1.6002(1) (or any successor provision), which is a personal wireless services facility that meets the following conditions that, solely for convenience, have been set forth below:

- a. The facility is mounted on a structure fifty (50) feet or less in height, including antennas, as defined in 47 C.F.R. § 1.1320(d);
- b. Are mounted on structures no more than 10% taller than other adjacent structures; or
- c. Do not extend existing structures on which they are located to a height of more than fifty (50) feet or by more than 10%, whichever is greater.
- d. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. § 1.1320(d)), is no more than three (3) cubic feet in volume;
- e. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume;
- f. The facility does not require antenna structure registration under 47 C.F.R. Part 17;
- g. The facility is not located on Tribal lands, as defined under 36 C.F.R. § 800.16(x); and
- h. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. § 1.1307(b).

“Substantial change” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(7), as may be amended, which defines that term differently based on the particular wireless facility type (tower or base station) and location (in or outside the public right-of-way). For clarity, this definition organizes the FCC’s criteria and thresholds for a substantial change according to the wireless facility type and location.

- a. For towers outside the public rights-of-way, a substantial change occurs when:
 - i. The proposed collocation or modification increases the overall height more than 10 percent or the height of one additional antenna array not to exceed 20 feet (whichever is greater); or
The proposed collocation or modification increases the width more than 20 feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or
The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or
The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
- b. For towers in the public rights-of-way and for all base stations, a substantial change occurs when:
 - i. The proposed collocation or modification increases the overall height more than 10 percent or 10 feet (whichever is greater); or
The proposed collocation or modification increases the width more than six feet from the edge of the wireless tower or base station; or

The proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or

The proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are 10 percent larger in height or volume than any existing ground-mounted equipment cabinets; or

The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.

- c. In addition, for all towers and base stations wherever located, a substantial change occurs when:
 - i. The proposed collocation or modification would defeat the existing concealment elements of the support structure as reasonably determined by the director; or
The proposed collocation or modification violates a prior condition of approval; provided, however, that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this definition.

“Temporary Personal Wireless Service Facilities” means portable wireless communication facilities intended or used to provide personal wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a confined location or when a disaster disables permanent personal wireless service facilities. Temporary personal wireless service facilities include, without limitation, cells-on-wheels (“COWs”), sites-on-wheels (“SOWs”), cells-on-light-trucks (“COLTs”) or other similarly portable wireless communication facilities not permanently affixed to the site or land upon which it is located.

“Tower” has the same definition as provided by the FCC in 47 C.F.R. Section 1.40001(b)(9), as may be amended, which defines that term as any structure built for the sole or primary purpose of supporting any [FCC]-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles, mono-trees and lattice towers.

“Transmission Equipment” has the same definition as provided by the FCC in 47 C.F.R. Section 1.40001(b)(8), as may be amended, which defines that term as equipment that facilitates transmission for any [FCC]-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

“Utility Pole” means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission.

“Wireless” means any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

C. Applicability

1. **Applicable Facilities.** This Chapter applies to all personal wireless service facilities within the city and all applications and requests for approval to construct, install, modify, collocate, relocate or otherwise deploy personal wireless service facilities in the city, unless exempted pursuant to subsection B of this Section.
2. **Exempt Facilities.** Notwithstanding subsection A of this Section, the provisions in this Chapter shall not be applicable to:
 - a. Amateur radio facilities;
 - b. OTARD antennas;
 - c. Personal wireless service facilities installed completely indoors and not visible to the public intended to extend signals for personal wireless services in a personal residence or a business (such as a femtocell or indoor distributed antenna system); and
 - d. Personal wireless service facilities or equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power generation, transmission, and distribution facilities subject to CPUC General Order 131-D.
3. **Requests for Approval Pursuant to Section 6409(a).** Any request to collocate, replace or remove transmission equipment at an existing tower or base station submitted with a written request for approval under Section 6409(a) shall be processed administratively pursuant to the standards and procedures established by the Director, pursuant to Section 11.4.9-D, and in accordance with Federal law.

D. Permits Required

1. **Director Review and Approval.** A DRA is subject to the Planning Director's review and approval in accordance with Section 11-6.6 (Director Review and Approval) may be issued for new facilities or collocations or modifications to existing facilities that meet the following criteria:
 - a. The facility is a small cell located within the public right-of-way.
 - b. The facility qualifies as eligible facilities request as defined in this chapter.
2. **Conditional Use Permit.** A CUP is required for all personal wireless services facilities subject to Planning Commission review, except for those that are exempt under Section 11-4.9(C) or that are governed by Section 11-4.9(C)(3).

In the event that the Director determines that any application submitted for an Administrative Wireless Telecommunications Facility Permit does not meet the criteria of this Code, the Director shall convert the application to a Wireless Telecommunications Facility Conditional Use Permit application and refer it to the City Council. Additional submittal materials may be required.

3. **Other Permits and Regulatory Approvals.** In addition to any permit or other permit required under this Chapter, the applicant must obtain all other required permits and other regulatory approvals from the city, and State and Federal agencies. Any use permit or other permit granted under this Chapter shall be subject to the conditions and/or other requirements in any other required permits or other regulatory approvals.

4. **Proprietary Approvals.** Nothing in this Chapter shall be deemed to waive any required proprietary approvals for siting of personal wireless service facilities on privately or publicly owned property or improvements.

E. Application Requirements

1. The City shall not accept, approve, or deny any personal wireless service facility subject to this Chapter except upon a duly filed application pursuant to 11-4.9(E)(3) and any other written rules the Director may publish in any publicly stated format.

Minimum Application Content. The materials required under this Section are minimum requirements for any application for any personal wireless service facility:

- a. **Application Form.** The Director shall prepare, and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Chapter, laws, and applicable court decisions.
- b. **Application Fee.** The City Council may approve by resolution a Municipal Fee Schedule that establishes cost-based fees for permits, appeals, amendments, information materials, penalties, copying, and other such items. These fees may be amended by the City Council.

Procedures for a Duly Filed Application. The City shall accept applications filed in accordance with the provisions in this Section.

- a. **Submittal Appointment.** All applications must be filed with the City at a pre-scheduled appointment. Applicants may generally submit one application per appointment but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. Any application received without an appointment, whether delivered in-person or through any other means, will not be deemed as filed.
- b. **Appointment Scheduling Procedures.** A pre-scheduled appointment may be scheduled by contacting the City Planning Division. No application shall be tendered to or accepted by the City during any of the following periods: (i) any time the City Hall is closed to the public; (ii) any legal holiday observed by the City;

Applications Deemed Withdrawn. To promote efficient review and timely decisions, any application governed under this chapter will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the Director within ninety (90) calendar days after the Director deems the application incomplete in a written notice to the applicant. The Director may, in the Director's discretion, grant a written extension for up to an additional thirty (30) calendar days when the applicant submits a written request prior to the ninetieth (90th) day that shows good cause to grant the extension. Delays due to circumstances outside the applicant's reasonable control will be considered good cause to grant the extension.

Application Requirements. All applicants for a wireless telecommunications facility shall submit all the content, information, materials and fees required by the Director for the application. The City Council authorizes the Director to develop, publish and from time-to-time update or amend permit application forms, checklists, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this Section. The City Council further authorizes the Director to establish other reasonable rules and regulations, which may include regular hours for appointments with applicants, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such permit application forms, checklists, informational handouts, rules and

regulations must be in written form and made available on the City's website and/or in-person at the Planning Department to provide applicants with prior notice.

F. Additional Requirements

1. **Technical Consultants.** At its discretion, the City may engage outside technical consultants to evaluate and/or verify the information used to support the applicant's showing(s) in its application or with testimony in City proceedings, and where applicable pursuant to this section. The reasonable cost for the consultants shall be borne by the applicant. An advance deposit for the estimated cost of the fees for the outside consultants shall be promptly paid to the City by the applicant upon request by the City. Failure to pay such deposit shall render any pending application incomplete until paid. After the consultant's work has been completed, if the amount of the deposit was insufficient to cover the cost of the consultants' fees the applicant shall immediately reimburse the City for any shortfall. If the cost of the work is less than the estimate the amount over shall promptly be repaid to the applicant at the conclusion of the application proceedings.

Review Procedures. The City Council by resolution may adopt further procedures for review of wireless facilities.

G. Decision

1. **General Notice Required for the Application.** Public notice as provided in Section 11-7.9 will be required for any use permit. The approval authority shall not act on any application for a personal wireless service facility unless the public notice required by law has occurred.

Deemed-Approval Notice Procedures. Not more than 30 days before the applicable FCC timeframe for review expires, and in addition to the public notice required in subsection (A)(1), above, an applicant for a minor use permit must provide a posted notice at the project site that states the project shall be automatically deemed approved pursuant to California Government Code Section 65964.1 unless the city approves or denies the application or the applicant tolls the timeframe for review within the next 30 days. The posted notice must be compliant with the provisions in this Chapter. The public notice required under this subsection (A)(2) shall be deemed given when the applicant delivers written notice to the Planning Director that shows the appropriate notice has been posted at the project site.

Decision Notices. In accordance with Chapter 11-6 within 2 working days after the approval authority approves, conditionally approves or denies an application for a personal wireless service facility or before the FCC timeframe for review expires (whichever occurs first), the approval authority shall send a written determination to the applicant and all other parties entitled to receive notice. For any denial notice, the approval authority shall include the reasons for the denial either in the notice or as a separate written document.

Required Findings for Approval. The approval authority shall only approve or conditionally approve a duly filed application for a minor use permit if the approval authority determines that the project, as submitted or modified, conforms to all the following criteria. The inability to make one or more of the findings is grounds for denial of an application. The proposed use is consistent with the General Plan and any applicable specific plan;

- a. The physical location or placement of the use on the site is compatible with and relates harmoniously to the surrounding neighborhood or other built and natural environment;
- b. The proposed personal wireless service facility complies with all applicable development standards described in Chapter 11-4.9.7;

- c. The applicant has demonstrated that its proposed facility shall be in compliance with all applicable FCC rules and regulations for human exposure to RF emissions;
- d. The applicant has demonstrated a good-faith effort to identify and evaluate more-preferred locations and potentially less-intrusive designs; and
- e. The applicant has provided the approval authority with a meaningful comparative analysis that shows all less-intrusive alternative locations and designs identified in the administrative record are either technically infeasible or not potentially available.

Conditional Approvals. The approval authority may impose any reasonable conditions on any entitlement granted, related and proportionate to the subject matter in the application, as the approval authority deems necessary or appropriate to promote and ensure conformance with the General Plan, any applicable specific plan and all applicable provisions in the Selma Municipal Code.

Limited Exception for Personal Wireless Service Facilities. The Planning Director shall not grant any limited exceptions to the requirements of this Chapter unless all of the following findings can be made:

- a. The proposed facility qualifies as a “personal wireless service facility” as defined in 47 U.S.C. Section 332(c)(7)(C)(ii), as may be amended or superseded;
- b. The applicant has provided the Planning Director with a reasonable and clearly defined technical service objective to be achieved by the proposed facility;
- c. The applicant has provided the Planning Director with a written statement that contains a detailed and fact-specific explanation as to why the proposed facility cannot be deployed in compliance with the applicable provisions in this Chapter, the Municipal Code, the General Plan and/or any specific plan;
- d. The applicant has provided the Planning Director with a meaningful comparative analysis with the factual reasons why all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant, the city, public comments or any other source) are not technically feasible or potentially available to reasonably achieve the applicant’s reasonable and clearly defined technical service objective to be achieved by the proposed facility; and
- e. The applicant has demonstrated that the proposed location and design is the least non-compliant configuration that shall reasonably achieve the applicant’s reasonable and clearly defined technical service objective to be achieved by the proposed facility, which includes, without limitation, a meaningful comparative analysis into multiple smaller or less intrusive facilities dispersed throughout the intended service area.

Appeals. Any person or entity may appeal a decision by the Planning Director in accordance with the standards and procedures set forth in Section 11-7.8. Environmental effects from RF emissions that comply with all applicable FCC regulations shall not be grounds for an appeal.

H. Site Location Requirements for Facilities Outside the Public Right-of-Way

- 1. The City desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. All wireless telecommunications facilities located outside the public rights-of-way must comply with all applicable provisions in this section. In the event that any other law, regulation or code requires

any more restrictive design and/or construction requirements, the most restrictive requirement will control.

- a. **Prohibited Locations.** No personal wireless service facilities shall be located in any residential zone.
- b. **Exception to Prohibited Locations.** Personal wireless service facilities may be located in residential zones only on parcels without any residential uses.
- c. **Preferred Locations.** All applicants must, to the extent feasible, propose new wireless telecommunications facilities in locations according to the following preferences, ordered from most preferred to least preferred:
 - i. Commercial zones;
 - Manufacturing zones;
 - Open Space zones

No new facility may be placed in a less appropriate area unless the applicant demonstrates that no more appropriate location can feasibly serve the area the facility is intended to serve, provided that the City may authorize a facility to be established in a less appropriate location if doing so is necessary to prevent substantial aesthetic impacts.

Preferred Support Structures. In addition to the preferred locations described in Section 11-4.9(H)(1)(c), the City also expresses its preference for installations on certain support structures. The approval authority will take into account whether a more preferred support structure is technically feasible and potentially available. The City's preferred support structures are as follows, ordered from most preferred to least preferred:

- a. Collocation on an existing non-tower structure;
- b. Collocation on an existing tower;
- c. New installations on existing buildings, utility structures, and other non-tower structures;
- d. New freestanding towers.

I. Site Location Requirements for Facilities Within the Public Right-of-Way

1. **Preferred Facility Location.** All applicants must, to the extent feasible, propose new wireless telecommunications facilities in locations according to the following preferences, ordered from most preferred to least preferred:
 - a. Within or abutting a commercial zone not requiring any modifications to the existing location of any infrastructure or landscaping;
 - b. Within or abutting a commercial zone requiring only minor alterations to the existing infrastructure or landscaping (including planter size);
 - c. Within or abutting an open space zone;
 - d. Abutting sensitive uses, such as historical sites, schools, daycare facilities, playgrounds, etc.
 - e. Within or abutting residential zones.
 - f. No new facility may be placed in a less appropriate location unless the applicant demonstrates that no more appropriate location can feasibly serve the area the facility is intended to serve, provided that the City may authorize a facility to be established in a

less appropriate location if doing so is necessary to prevent substantial aesthetic impacts.

Preferred Antenna Location. All applicants must, to the extent feasible, propose antennas in locations according to the following preferences, ordered from most preferred to least preferred:

- a. On an existing utility pole;
- b. On an existing street light;
- c. No new antennas may be placed in a less appropriate location unless the applicant demonstrates that no more appropriate location can feasibly serve the area the antennas are intended to serve, provided that the City may authorize antennas to be established in a less appropriate location if doing so is necessary to prevent substantial aesthetic impacts.

Preferred Equipment Location. All applicants must, to the extent feasible, propose equipment in locations according to the following preferences, ordered from most preferred to least preferred:

- a. Within a below-grade equipment vault, vault must be flush with grade;
- b. Mounted on the subject vertical infrastructure;
- c. In an existing ground-mounted (grade-level) equipment cabinet or enclosure, with no expansion or additional cabinets to be added;
- d. Within a new equipment cabinet or enclosure mounted at grade. An exception shall be required to place a new equipment cabinet or enclosure mounted at grade.
- e. No new equipment may be placed in a less appropriate location unless the applicant demonstrates that no more appropriate equipment location can feasibly serve the facility, provided that the City may authorize equipment to be established in a less appropriate location if doing so is necessary to prevent substantial aesthetic impacts.

Exception Required. Wireless telecommunications facilities are strongly disfavored in certain areas. Therefore, the following locations are permitted only when an exception has been granted pursuant to Section 11-4-9.6

- a. Within center medians;
- b. Mounted on traffic signals;
- c. Mounted on new vertical infrastructure that is not replacing existing vertical infrastructure;
- d. New equipment cabinet or enclosure mounted at grade.

No Interference with Public Rights-of-Way. In no case shall any part of a wireless telecommunications facility alter vehicular circulation or parking within the public rights-of-way, nor shall it impede vehicular and/or pedestrian access or visibility along any public right-of-way. No permittee shall locate or maintain wireless telecommunications facilities to unreasonably interfere with the use of city property or the public rights-of-way by the City, by the general public or by other persons authorized to use or be present in or upon the public rights-of-way. Unreasonable interference includes disruption to vehicular, bicycle, or pedestrian traffic on city property or the public rights-of-way, interference with public utilities, and any such other activities that will present a hazard to public health, safety or welfare when alternative methods of construction would result in less disruption. All such facilities shall be moved by the

permittee, at the permittee's cost, temporarily or permanently, as determined by the City Engineer or the Planning Director.

J. Standards of Review

1. **Generally Applicable Standards.** All new personal wireless service facilities and all collocations or modifications to existing personal wireless service facilities not subject to Section 6409(a) must conform to the generally applicable development standards in this subsection to mitigate impacts on adjacent properties.
 - a. **Location.** The proposed facility shall comply with all applicable development standards of the base district in which it is located.
 - b. **Concealment.** Personal wireless service facilities must incorporate concealment elements, measures and techniques that blend the equipment and other improvements into the natural and/or built environment in a manner consistent and/or compatible with the uses germane to the underlying zoning district and existing in the immediate vicinity.
 - c. **Overall Height.** Ground-mounted towers may not exceed the applicable height limit for structures in the applicable zoning district. Rooftop personal wireless service facilities may not extend beyond 15 feet above the roofline.
 - d. **Setbacks.** Personal wireless service facilities may not encroach into any applicable setback for structures in the subject zoning district.
 - e. **Landscaping.** Personal wireless service facilities must include landscape features when proposed in a landscaped area. The approval authority may require additional landscape features to screen the facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the concealment required under this Chapter. The permittee shall be responsible for maintenance of and replacement of all landscaping.
 - f. **Backup Power Sources.** After obtaining all necessary permits, the permittee may operate backup power generators only during: (1) commercial power outages, or (2) for maintenance purposes during normal construction hours. . The city strongly favors non- and low-polluting backup power sources such as fuel cells and natural gas generators, and strongly disfavors backup power sources that pollute such as diesel and gasoline generators. The approval authority shall not approve any diesel or gasoline generators or other similarly noisy or noxious generators in or within 1,000 feet from any residence or park; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators.
 - g. **Lighting.** Exterior facility lighting and fencing shall not be permitted unless required by federal regulations or by the Director for safety purposes.
 - h. **Signage; Advertisements.** All personal wireless service facilities must include signage that continuously and accurately identifies the equipment owner/operator, the owner/operator's site name or identification number, as well as a local or toll-free number to the owner/operator's network operations center. Personal wireless service facilities must not bear any other signage or advertisements unless expressly approved by the city, required by law or recommended by the FCC, CPUC, or other United States or State governmental agencies.
 - i. **Future Collocations.** All personal wireless facilities shall demonstrate good faith effort to co-locate on existing facilities or sites and in non-residential zones. Requests for co-location on existing monopoles or other wireless service facilities that do not increase the height, bulk

or otherwise adversely detract from the existing facility, shall be approved if aesthetically acceptable and structurally and technologically feasible.

- j. **Utilities.** All wires or cables necessary for operation shall be placed underground, except if attached flush to the building surface where not highly visible from surrounding uses.
- k. **Compliance with Laws.** All personal wireless service facilities must be designed and sited in compliance with all applicable Federal, State and local laws, regulations, rules, restrictions and conditions, which includes, without limitation, the California Building Standards Code, General Plan and any specific plan, the Selma Municipal Code and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the project.

K. Standard Conditions of Approval

In addition to all other conditions adopted by the approval authority, all use permits, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions set forth below:

1. **Approved Plans.** Before the permittee submits any applications to the Building and Safety Division, the permittee must incorporate the permit, all conditions associated with the permit and the approved photo simulations into the project plans (the "Approved Plans"). The permittee must construct, install and operate the facility in strict compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the facility, must be submitted in a written request subject to the Planning Director's prior review and approval, who may refer the request to the original approval authority if the Planning Director finds that the requested alteration, modification or other change implicates a significant or substantial land-use concern.

Build-Out Period. In accordance with Section 11-6-11 Permit Implementation, Time Limits and Extensions, the permit shall automatically expire two years from the issuance date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved facility, which includes, without limitation, any permits or approvals required by the any Federal, State or local public agencies with jurisdiction over the subject property, the facility or its use. The Planning Director may grant one written extension to a date certain when the permittee shows good cause to extend the limitations period in a written request for an extension received by the City prior to the automatic expiration date in this condition.

Maintenance Obligations; Vandalism. The permittee shall at all times keep the site, which includes, without limitation, any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the Approved Plans and all conditions in the permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware through its own staff including contractors that such graffiti or other vandalism occurred.

Compliance with Laws. The permittee shall maintain compliance at all times with all Federal, State and local statutes, regulations, orders or other rules that carry the force of law ("Laws") applicable to the permittee, the subject property, the facility or any use or activities in connection with the use authorized in the permit. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific

requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all Laws.

Inspections; Emergencies. The permittee expressly acknowledges and agrees that the City or its designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee; provided, however, that the City or its designee may, but shall not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee shall be permitted to supervise the City or its designee while such inspection or emergency access occurs.

Contact Information. The permittee shall furnish the City Planning Division with accurate and up-to-date contact information for a person responsible for the facility, which includes, without limitation, such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all time.

Indemnification. The applicant, permittee, operator of a facility, and property owner (when applicable) agrees to defend, indemnify and hold harmless the City of Villa Park, its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City or any of its councils, commissions, committees or boards arising from or in any way related to the wireless telecommunications facility, or any actions or operations conducted pursuant thereto. Should the City, its agents, officers or employees receive notice of any such claim, action or proceeding, the City shall promptly notify the applicant, permittee, operator of a facility, and property owner of such claim, action or proceeding, and shall cooperate fully in the defense thereof.

Revocation/Modification of Permit. The original approval authority may revoke or modify the permit at any time based upon noncompliance with the Selma Municipal Code or any approval conditions. In accordance with Section 11-7.13, the approval authority may revoke the permit or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.

Duty to Retain Records. The permittee must maintain complete and accurate copies of all permits and other regulatory approvals (the records) issued in connection with the personal wireless service facility, which includes, without limitation, this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition or fails to produce true and complete copies of such records within a reasonable time after a written request from the City, any ambiguities or uncertainties that would be resolved through an inspection of the missing records shall be construed against the permittee.

Additional conditions for wireless telecommunications facilities within the rights-of-way:

Taxes and Assessments. To the extent taxes or other assessments are imposed by taxing authorities on the use of City property as a result of an applicant's use or occupation of the rights-of-way, the applicant shall be responsible for payment of such taxes, payable annually unless otherwise required by the taxing authority.

Undergrounded Utilities. In the event that other public utilities or cable television operators in the public rights-of-way where the permittee's wireless facility is located underground their

facilities, the permittee must underground its equipment except the antennas and antenna supports. Such undergrounding shall occur at the permittee's sole cost and expense except as reimbursed pursuant to law.

Electric Meter Removal. In the event that the commercial electric utility provider adopts or changes its rules obviating the need for a separate electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall apply to the City for permission to remove the separate electric meter and enclosure and restore the affected area to its original condition.

Existing Infrastructure Restoration

- a. Upon installation of the new work, the contractor shall restore the street and/or alley pavement as required in full and complete compliance with the approved Encroachment Permit and Wireless Telecommunications Facility Permit for use of the public right-of-way, and to the satisfaction of the City Engineer.
- b. Upon installation of the new work, the contractor shall restore all concrete walks, driveway aprons, and “collector strips” as required in full and complete compliance to the satisfaction of the City Engineer.
- c. Upon installation of the new work, the contractor shall restore all trees, landscaping, lawns and/or sod strips to the satisfaction of the City Engineer.

L. Temporary Personal Wireless Facilities

1. **Temporary Personal Wireless Service Facilities—Non-Emergencies.** The Planning Director may approve or conditionally approve a temporary use permit for a temporary personal wireless service facility for a period between 4 days and 45 days, inclusive, in accordance with Chapter 11-6.8 (Temporary Use Permits) only when the Planning Director finds all the following:
 - a. The proposed temporary personal wireless service facility shall not exceed 50 feet in overall height above ground level;
 - b. The proposed temporary personal wireless service facility complies with all setback requirements applicable to the proposed location;
 - c. The proposed temporary personal wireless service facility shall not involve any excavation or ground disturbance;
 - d. The proposed temporary personal wireless service facility shall be compliant with all generally applicable public health and safety laws and regulations, which includes, without limitation, maximum permissible exposure limits for human exposure to RF emissions established by the FCC;
 - e. The proposed temporary personal wireless service facility shall not create any nuisance or violate any noise limits applicable to the proposed location;
 - f. The proposed temporary personal wireless service facility shall be identified with a sign that clearly identifies the site operator and contains a working telephone number to a live person who can exert power-down control over the antennas;
 - g. The proposed wireless temporary personal wireless service facility shall be removed within 5 days after the expiration of the temporary use permit;
 - h. The applicant has not received any other temporary use permit for substantially the same location within the previous 90 calendar days; and

- i. The applicant has not sought approval for any permanent personal wireless service facility in substantially the same location within the previous 365 days.

Temporary Personal Wireless Service Facilities—Emergencies

- a. Temporary personal wireless service facilities may be placed and operated within the City for more than 3 days without a temporary use permit only when a duly-authorized Federal, State, county or City official declares an emergency within the City, or a region that includes the City in whole or in part at the location of the temporary personal wireless service facility.
- b. By placing the temporary personal wireless service facility pursuant to this subsection (b), the entity or person placing the temporary personal wireless service facility agrees to and shall defend, indemnify and hold harmless the City, its agents, officers, officials, employees and volunteers from any and all damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings (“Claims”) brought against the City or its agents, officers, officials, employees or volunteers for any and all Claims of any nature related to the installation, use, non-use, occupancy, removal, and disposal of the temporary personal wireless service facility; provided, however, the permittee and, if applicable, the property owner upon which the facility is installed, shall not defend, indemnify, or hold harmless the City, agents, officers, officials, employees and volunteers due to the negligence, gross negligence, or willful misconduct of the City, agents, officers, officials, employees, and volunteers.

The temporary personal wireless service facility shall prominently display upon it a legible notice identifying the entity responsible for the placement and operation of the temporary personal wireless service facility.

Any temporary personal wireless service facilities placed pursuant to this subsection (b) must be removed within: (a) 5 days after the date the emergency is lifted; or (b) upon 3 days’ written notice from the Community Development Director or City Manager; or (c) within one hour if required for public safety reasons by City police or fire officials (whichever occurs first). In the event that the temporary facility is not removed as required in this subsection B, the City may at its sole election remove and store or remove and dispose of the temporary facility at the sole cost and risk of the person or entity placing the temporary facility.

The Community Development Director’s decision pursuant to subsection A, above, shall be final and not subject to further administrative appeal.

11-4.10 Density Bonus Standards

A. Purpose and Intent

1. Purpose. The provisions of this Section provide incentives for the production of housing in compliance with Government Code Sections 65915 through 65918 for very low-, low-, and moderate-income households and senior households.
2. Intent. It is the intent of the City to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the City’s Housing Element.
3. Conflicts. Where regulations are not specifically addressed in this Section or where there are conflicts between these provisions and the provisions of Government Code Sections 65915

through 65918, the provisions of the Government Code, as they may be amended over time, shall apply.

B. Definitions

1. Affordable housing cost” means affordable housing cost as defined in Health and Safety Code Section 50052.5.

Affordable rent” means affordable rent as defined in Health and Safety Code Section 50053.

“Childcare facility” means a child daycare facility other than a family day care, including, but not limited to, infant centers, preschools, extended daycare facilities and school age childcare centers.

Common interest development” means common interest development as defined in Civil Code Section 4100.

“Concession or incentive” means any of the following:

- a. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).
- b. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
- c. Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).

“Density bonus” means a density increase over the otherwise maximum allowable gross residential density as of the date of application for first planning entitlement or permit, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density.

“Development standard” means a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution or regulation.

“Housing development” means a development project for five or more residential units, including a mixed-use development. For purposes of this Chapter, “housing development” also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, that consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the

substantial rehabilitation of an existing multifamily dwelling, as defined in Government Code Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.

“Lower income households” means lower income households as defined by Health and Safety Code Section 50079.5.

Major transit stop” shall mean a major transit stop as defined in Public Resources Code Section 21155(b).

Maximum allowable residential density” means the density allowed under the Zoning Ordinance, Title XI of this Municipal Code (the “Zoning Ordinance”) and the City of Selma General Plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning district, as set forth in Title XI of the Zoning Ordinance, and the and the City of Selma General Plan applicable to the project. If the density allowed under the Zoning Ordinance is inconsistent with the density allowed under the General Plan, the density provisions of the General Plan shall prevail.

Moderate-income households” means moderate-income households as defined in Health and Safety Code Section 50053.

Persons and families of moderate income” means persons and families of moderate income as defined in Health and Safety Code Section 50093.

Very low income households” means very low income households as defined in Health and Safety Code Section 50105

C. Requirements

To be eligible for a density bonus, reduced parking ratios, and other incentives or concessions as provided by this Section, a proposed housing development shall comply with the following requirements and shall satisfy all other applicable provisions of this Code, except as provide by Subsection 11-4.10.E (Allowed Incentives or Concessions), Subsection 11-4.10.I (Parking Requirements in Density Bonus Projects), and Subsection 11-4.10.J (Housing with Childcare Facilities).

1. Project Eligible for Density Bonuses. Excluding any units permitted by the density bonus, the City shall grant one density bonus, the amount of which shall be specified in Subsection 11-4.10.C (Density Bonus Amount), when an applicant for a housing development, includes within that development at least any one of the following:
 - a. At least five percent of the total dwelling units are for very low-income households;
 - b. At least 10 percent of the total dwelling units are for low-income households;
 - c. At least 10 percent of the dwelling units in a common interest development as defined in Civil Code Section 4100 are for persons and families of moderate-income, as defined in Health and Safety Code Section 50093, provided that all units in the development are offered to the public for purchase subject to the equity share and restrictions specified in Government Code 65915(g);
 - d. The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 or 799.5;
 - e. At least 20 percent of the dwelling units in a student housing development for lower income students that meets the requirements of Government Code Section 65915(b)(1)(F);

- f. One hundred percent of all the dwelling units in the housing development, including total units and density bonus units, but exclusive of a manager's unit(s), are for lower-income households, as defined in Health and Safety Code Section 50079.5, except that 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income house; or
- g. At least 10 percent of the dwelling units in a housing development for transitional foster youth, as defined in Education Code Section 66025.9; disabled veterans, as defined in Section 18541; or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

Density Bonus Selection. For purposes of calculating the amount of the density bonus in compliance with Subsection 11-4.10.E (Allowed Incentives or Concessions) below, the applicant who requests a density bonus shall elect whether the bonus shall be awarded based on Paragraph 1, above.

Bonus Units not to Qualify. A density bonus granted in compliance with Subsection 11-4.10.C (Density Bonus Amount), below, shall not be included when determining the number of dwelling units that are required by Paragraph 1, above.

Minimum Project Size. The density bonus provided by this Section shall be available only to a housing development of five or more dwelling units, including mixed-use developments.

Condominium Conversion Projects. A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements specified in Government Code Section 65915.5.

Commercial Development. When an applicant for approval of a commercial development has entered into an agreement for partnered housing to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the Community Development Director shall grant to the commercial developer a development bonus, in compliance with the following:

- a. **Agreement for Partnered Housing.** The agreement for partnered housing shall be between the commercial developer and the housing developer, shall identify how the commercial developer will contribute affordable housing, and shall be approved by the City. Affordable housing may be contributed by the commercial developer in one of the following manners:
 - i. The commercial developer may directly build the dwelling units;
 - The commercial developer may donate a portion of the parcel or property elsewhere to the affordable housing developer for use as a site for affordable housing; or
 - The commercial developer may make a cash payment to the affordable housing developer that shall be used towards the costs of constructing the affordable housing project.
- b. **Affordability Requirements.** To qualify for a development bonus under this Subparagraph, a commercial developer shall partner with a housing developer that provides at least 30 percent of the dwelling units for low-income households or at least 15 percent of the dwelling units for very low-income households.
- c. **Location of Affordable Housing.** The housing shall be constructed on the site of the commercial development or on a site that complies with the following:
 - i. Within the unincorporated City limits;
 - Close to public facilities and services, including schools and employment centers; and

Within one-half mile of a major transit stop, as defined in Public Resources Code Section 21155(b).

- d. **Type of Development Bonus.** The development bonus granted to the commercial developer shall mean incentives, mutually agreed upon by the developer and the City, that may include, but are not limited to, any of the following:
 - i. Up to a 20 percent increase in maximum allowable intensity in the General Plan;
 - Up to a 20 percent increase in maximum allowable floor area ratio;
 - Up to a 20 percent increase in maximum height requirements;
 - Up to a 20 percent reduction in minimum parking requirements;
 - Use of a limited-use/limited-application elevator for upper floor accessibility; and/or
 - An exception to the standards established in this Code or other land use regulation.
- e. **Affordable Housing Fee.** A development bonus pursuant to this Section shall not include a reduction or waiver of the requirements within an ordinance that requires the payment of a fee by a commercial developer for the promotion or provision of affordable housing.
- f. **Timing of Construction.** If the developer of the affordable dwelling units does not commence with construction of the affordable units in accordance with timelines established by the agreement described in Subparagraph a, above, the City may withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units.

D. Density Bonus Amount

- 1. **Density Bonus.** A housing development that complies with the eligibility requirements established in this Section shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant.
 - a. **Very Low-Income Density Bonus.** A housing development which provides very low-income units shall be entitled to a density bonus calculated as follows:

Table 4-1 Bonus for Very Low-Income Household Units

Percentage of Very Low-Income Units Proposed	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15-44	50
100*	80

* Applies when 100 percent off the total units, excluding manager’s units, are restricted to very low-, lower-, and moderate-income (maximum 20 percent moderate).

- b. **Low-Income Density Bonus.** A housing development which provides low-income units shall be entitled to a density bonus calculated as follows:

Table 4-2 Bonus for Low-Income Household Units

Percentage of Low-Income Units Proposed	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24-44	50
100*	80

* Applies when 100 percent off the total units, excluding manager’s units, are restricted to very low-, lower-, and moderate-income (maximum 20 percent moderate).

- c. **Moderate-Income Density Bonus.** A common interest housing development which provides moderate-income units shall be entitled to a density bonus calculated as follows:

Table 4-3 Bonus for Moderate-Income Household Units

Percentage of Moderate-Income Units Proposed	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
41	38.75
42	42.5
43	46.25
44	50
100*	80

* Applies when 100 percent off the total units, excluding manager’s units, are restricted to very low-, lower-, and moderate-income (maximum 20 percent moderate).

- d. **Land Donation Density Bonus.** When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with Section, the applicant shall be entitled to a density bonus for the entire development, as follows; provided, that nothing in this Subparagraph shall be construed to affect the authority of the City to require a developer to donate land as a condition of development approval. See Subsection 11-4.10.G (Donations of Land) for addition land donation requirements.

Table 4-4 Bonus for Land Donation

Percentage of Very Low-Income Units Proposed	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

- e. **Senior Housing Density Bonus.** A housing development that is eligible for a bonus shall be entitled to a density bonus of 20 percent of the number of senior housing units. No affordable units are required to qualify for this bonus.
- f. **Student Housing Density Bonus.** A housing development that is eligible for a bonus shall be entitled to a density bonus of 35 percent of the student housing units. The term “unit”, as used in this Subparagraph, means one rental bed and its pro rata share of associated common area facilities.
- g. **Transitional Foster Youth, Disabled Veteran, or Homeless Persons Housing Density Bonus.** A housing development that is eligible for a bonus be entitled to a density bonus of 20 percent of the total number of dwelling units for transitional foster youth, disabled veterans, or homeless persons.

- h. **Greater or Lesser Bonuses.** The City may choose to grant a density bonus greater than provided by this Section for a development that meets the requirements of this Subsection or grant a proportionately lower-density bonus for a development that does not fully comply with the requirements of this Subsection.

Density Bonus Calculations. For the purpose of density bonus calculations:

- a. Fractional units shall be rounded up to the next whole number, in compliance in State law.
- b. The residential units do not have to be based upon individual subdivision maps or parcels.
- c. The residential units shall be on contiguous parcels that are the subject of one development application.
- d. The density bonus shall be permitted in the geographic area of the housing development other than the areas where the units for the lower-income household are located.
- e. Affordable housing projects shall choose a density bonus from only one affordability category (e.g., very low-income, etc.) and may not combine categories.
- f. A density bonus for a senior housing project may not be combined with a density bonus for an affordable housing project.
- g. A density bonus for the donation of land may be combined with density bonuses for affordable and senior housing. However, in no case may a total density bonus exceed 35 percent.

Requirements for Amendments or Discretionary Approval. The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, Zone Map amendment, or other discretionary approval. The granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

Location of Bonus Units. The developer may locate density bonus units in the housing project in areas other than where the units for the low-income households are located.

E. Continued Affordability

The applicant shall agree to, and the City shall ensure, the continued affordability of the units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available as affordable dwelling units in compliance with the following requirements, as required by Government Code Section 65915(c).

1. **Duration of Affordability.** The applicant shall agree to, and the City shall ensure, the continued availability of the dwelling units that qualified the housing development for a density bonus and other incentives and concessions, as follows.
 - a. **Very Low- and Low-income Dwelling Units.** The continued affordability of all very low- and low-income-qualifying dwelling units shall be maintained for 55 years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or by City policy or ordinance.
 - b. **Moderate-Income Dwelling Units in Common Interest Development.** The continued availability of moderate-income dwelling units in a common interest development shall be maintained for a minimum of 10 years, or a longer time if required by City policy or ordinance.

- c. Dwelling Units for Transitional Foster Youth, Disabled Veterans, or Homeless Persons. Dwelling units for transitional foster youth, disabled veterans, or homeless persons shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low-income units.
- d. Lower-Income Students in a Student Housing Development. The continued affordability of dwelling units for lower-income students in a student housing development shall be subject to a recorded affordability restriction of 55 years.

Dwelling Unit Cost Requirements. The rents and owner-occupied costs charged for the dwelling units in the development that qualify the project for a density bonus and other incentives and concessions, shall not exceed the following amounts during the period of continued availability required by this Paragraph:

- a. Lower-Income Dwelling Units. Rents for the lower-income density bonus dwelling units shall be set at an affordable rent as defined in Health and Safety Code Section 50053; and
- b. Owner-Occupied Dwelling Units. Owner-occupied dwelling units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

Occupancy and Resale of Moderate Income for Sale Dwelling Units. An applicant shall agree to, and the City shall ensure that, the initial occupant of all for-sale dwelling units that qualified the applicant for the award of the density bonus are persons and families of very low-, low-, or moderate-income, as required, and that the dwelling units offered at an affordable housing cost, as that cost is defined in Health and Public Safety Code Section 50052.5. The City shall enforce an equity sharing agreement unless it conflicts with the requirements of another public funding source or law. The following requirements apply to the equity sharing agreement:

- a. Upon resale, the seller of the dwelling unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.
- b. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within five years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership.
 - i. The City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value; and
The City's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

F. Allowed Incentives and Concessions

1. Applicant Request and City Approval.
 - a. An applicant for a density bonus in compliance with this Section and Government Code Section 65915(d) may submit a request for the specific incentives or concessions listed in this Subsection and may request a meeting with the Community Development Director.
 - b. The applicant may file a request for incentives or concessions either before filing an application for City approval of a proposed project or concurrently with an application for project approval.

Consideration of Requested Incentive or Concession. The City shall grant the incentive or concession requested by the applicant unless the City Council makes a written finding, based on substantial evidence, of any the following:

- a. The incentive or concession does not result in identifiable and actual cost reductions, consistent with Government Code Section 65915(k), to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).
- b. The incentive or concession would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon the public health or safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
- c. The incentive or concession would be contrary to State or Federal law.

Number of Incentives or Concessions. The applicant shall receive the following number of incentives or concessions based on the percentage of affordable units in the proposed project:

Table 4-5 Number of Incentives and Concessions

Number of Incentives/Concessions	Very Low-Income Percentage	Lower-Income Percentage	Moderate-Income Percentage
1	5	10	10
2	10	20	20
3	15	30	30
4	100 (very low, low, moderate*)	100 (very low, low, moderate*)	100 (very low, low, moderate*)

* Maximum 20 percent moderate dwelling units.

Types of Incentives. For the purpose of this Subsection, concession or incentive means any of the following:

- a. A reduction in the site development standards of this Zoning Code (i.e., site coverage limitations, setbacks, on-site open space requirements, reduced parcel sizes, and/or parking requirements), or a modification of architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 5002.5, or for rents for the targeted units to be set as identified in this Section. See Subsection 11-4.10.I (Parking Requirements in Density Bonus Projects) and Subsection 11-4.10.H (Waivers or Reduction of Development Standards);
- b. Approval of mixed-use land uses not otherwise allowed by this Code in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing project and the existing or planned development in the area where the project will be located;
- c. Other regulatory incentives proposed by the applicant or the City that will result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in

Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in this Section; and/or

- d. In its sole and absolute discretion, a direct financial contribution granted by the City Council, including writing-down land costs, subsidizing the cost of construction, or participating in the cost of infrastructure.

Effect of Incentive or Concession. The granting of a concession or incentive shall not be interpreted to require a General Plan amendment, zoning amendment, study, or discretionary approval.

G. Standards for Affordable Units

All affordable units awarded and constructed in compliance with the provisions established in the Section shall meet the following requirements:

1. **Concurrency.** Affordable units shall be built concurrently with market rate units unless the City and the applicant agree within the density bonus housing agreement to an alternative schedule for development.

Location. Affordable units shall be built on-site wherever possible and, where practical, shall be dispersed within the housing development.

Unit Size. The average number of bedrooms of the affordable units shall be equivalent or greater to the bedroom mix of the housing development's other units.

Design. The design and appearance of the affordable units shall be compatible with the design of the housing development as a whole.

Development Standards. Housing developments shall comply with all applicable development standards, except those that may be modified as permitted by this Section.

Linked Sites. Circumstances may arise in which the public interest would be served by allowing some or all of the affordable units associated with one housing development to be produced and operated at an alternative development site. If the developer and the City agree to allow the production and operation of affordable units at an alternative site, the resulting linked developments shall be considered a single housing development for the purposes of this Section.

H. Donations of Land

An applicant shall be eligible for the increased density bonus for land donation provided by this Section if all the following conditions established in this Subsection are met.

1. **Date of Transfer.** The applicant shall donate and transfer the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;
Developable Acreage. The developable acreage of the land being transferred shall be sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units in the proposed development;
Minimum Size. The transferred land shall have an area sufficient to permit development of at least 40 units;
Appropriate Regulations and Infrastructure. The transferred land shall have the appropriate General Plan land use designation, zoning, and development standards to make the

development of affordable units feasible, and it shall have existing or planned public facilities, and infrastructure that are adequate to support the development;

Entitlements. No later than the date of approval of the final subdivision map, parcel map, or residential development application, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land;

Deed Restriction. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units, in compliance with Subsection 11-4.10.D (Continued Affordability). The restriction shall be recorded on the property at the time of dedication;

Recipient. The land shall be transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer;

Location. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter-mile of the boundary of the proposed development; and

Funding. A proposed source of funding for the very low-income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

I. Waivers or Reduction of Development Standards

1. Eligibility. An applicant who applies for a density bonus may also request a waiver or reduction of any development standard that would physically prevent the construction of the development project.

Development Standards Defined.

- a. Development standards include any adopted City standard or regulation related to the physical location or type of construction, including but not limited to, structure height, setbacks, parking, floor area ratio, and the placement of public works improvements.
- b. As defined in this Subsection, development standards do not include land use regulations, permitting procedures, inclusionary housing requirements, or development impact fees.

Number of Waivers or Reductions.

- a. There shall be no limit to the number of waivers or reductions available to an applicant.
- b. The approval of waivers or reductions shall neither reduce nor increase the number of incentives available to a project established in Subsection 11-4.10(F) (Allowed Incentives and Concessions).

Justification of Approval. The City shall approve the requested waiver or reduction if the applicant can demonstrate that it is physically impossible to construct the project without the waiver or reduction.

Provisions of Waivers or Reductions. The City shall approve the requested waiver or reduction, unless the City makes a written finding, based upon substantial evidence, of either of the following:

- a. The waiver or reduction would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact

without rendering the development unaffordable to low-income and moderate-income households.

- b. The waiver or reduction would have an adverse impact on real property that is listed in the California Register of Historical Resources.
- c. A housing development that receives a waiver from any maximum controls on density pursuant to Section 11-4.10(C) shall not be eligible for, and shall not receive, a waiver or reduction of development standards pursuant to this subdivision, other than as expressly granted under Section 11-4.10(C).
- d. The waiver or reduction is contrary to State or Federal law.

J. Parking Requirements in Density Bonus Projects

1. Applicability. This Section applies to a development that meets the requirements of Subsection 11-4.10(E) (Requirements), and Subsection 11-4.10(D) (Continued Affordability), but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this Section in compliance with Subsection 11-4.10(F) (Allowed Incentives and Concessions), above, through either a modification, variance, or other modification process approved by the Community Development Director. A request in compliance with this Subsection shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled as established in Subsection 11-4.10(F) (Allowed Incentives and Concessions).

Maximum Parking Requirements. Upon the request of the developer, the City shall not require more than the following parking ratios for a density bonus project, inclusive of parking for persons with disabilities and guest parking set forth in Government Code Section 65915(p):

Table 4-6 Maximum Parking Requirements

Dwelling Type/Number of Bedrooms	Parking Spaces
Studio	1
1 Bedroom	1
2 Bedroom	1.5
3 Bedroom	1.5
4+ Bedroom	2.5

Special Parking Requirements. At the request of the applicant, the City shall allow reduced parking ratios (inclusive of parking for persons with disabilities and guest parking) for the following projects types:

Table 4-7 Maximum Parking Requirements

Project Type	Parking Spaces (spaces per unit)
Rental/for sale projects with at least 11 percent very low-income or 20 percent lower-income units, within 1/2 mile of accessible (1) major transit stop.	0.5
Rental projects 100 percent affordable to lower-income, within 1/2 mile of accessible (1) major transit stop.	0
Rental senior (3) projects 100 percent affordable to lower-income, either with paratransit service or within 1/2-half mile of an accessible (1) bus route(2).	0
Rental special needs projects 100 percent affordable to lower-income households, either with paratransit service or within 1/2-half mile of accessible (1) bus route (2).	0
Rental supportive housing developments 100% percent affordable to lower income households	0

(1) Access to major transit stops shall be unobstructed and without natural or constructed impediments. In compliance with Government Code Section 65915, “natural or constructed impediments” includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.

(2) Bus routes shall be fixed and operate at least eight times per day.

(3) 62 years of age or older in compliance in Civil Code Sections 51.2 and 51.3.

Parking Study. If the City, or an independent consultant, has conducted an area-wide or citywide parking study in the last seven years, then the City may impose a higher vehicular parking ratio based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low-income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this Paragraph, supporting the need for the higher parking ratio.

Location of Parking. For purposes of this Subsection, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

Parking Space Calculation. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

K. Housing with Childcare Facilities

1. **Housing Developments Childcare Facilities.** When an applicant proposes to construct a housing development that complies with the resident and project size requirements of Subsection 11-4.10.E (Requirements) of this Section and includes as part of that development a childcare facility that will be located on the site of, as part of, or adjacent to the housing development, the City shall grant either an additional density bonus or an additional incentive or concession in accordance with Government Code Section 65915(h).
 - a. **Bonuses and Incentives.** The City shall grant a housing development that includes a childcare facility in compliance with this Subsection one of the following:
 - i. An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the childcare facility; or
 - An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the childcare facility.

- b. Determination of Adequate Childcare Facilities. The City shall not be required to provide a density bonus or concession for a childcare facility in compliance with this Subsection if it finds, based upon substantial evidence, that the community has adequate childcare facilities.

Commercial Developments Child Care Facilities. An applicant for a commercial development project, containing at least 50,000 square feet of floor area, may be granted a density bonus when that applicant agrees to set aside at least 2,000 square feet of interior floor area and 3,000 outdoor square footage to be used for a childcare facility, in compliance with Government Code Section 65917.5.

- c. Bonuses and Incentives. The City shall grant a commercial development that includes a childcare facility in compliance with this Subsection one of the following:
 - i. A maximum of five square feet of floor area for each one square foot of floor area contained in the childcare facility located in an existing childcare facility; or
A maximum of 10 square feet of floor area for each one square foot of floor area contained in the childcare facility located in a new childcare facility.
- d. Qualifications Requirements.
 - i. For purposes of calculating the allowable density bonus under this Subsection, both the total area contained within the exterior walls of the childcare facility and all outdoor areas devoted to the use of the facility in compliance with applicable State childcare licensing requirements shall be considered.

The childcare facility shall be of a sufficient size to comply with all applicable State licensing requirements to accommodate at least 40 children.

This facility may be located either on the project site or may be located off-site as agreed upon by the applicant and the City.

If the childcare facility is not located on the site of the development project, the City shall determine whether the location of the facility is appropriate and whether it complies with the purpose and intent of this Section.

The granting of a density bonus shall not preclude the City from imposing necessary conditions on the development project or on the additional square footage in compliance with Government Code Section 65917.5.

L. Application and Review

- 1. Application. An application for a density bonus or donation of land for housing shall be filed with any related entitlement applications and processed in compliance with this Section. If desired, a request for specific incentives or concessions, listed in Subsection 11-4.10.E (Allowed Incentives and Concessions), may be filed in compliance with Government Code Section 65915.

Target income of affordable housing units and proposals for ensuring affordability.

For any requested waiver of a development standard, the applicant shall provide evidence that the development standard for which the waiver is requested will have the effect of physically precluding the construction of the residential project with the density bonus incentives requested.

If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be donated provide proof of site control, and provide evidence that all of

the requirements and each of the findings included in Government Code Section 65915(g) can be made.

If a density bonus or concession is requested for a childcare facility, the application shall show the location and square footage of the childcare facilities and provide evidence that all of the requirements and each of the findings included in Government Code Section 65915(h) can be made.

Determination. Within 30 days of filing the application, the Community Development Director shall notify the applicant in writing whether the application is complete and provide the applicant a determination as to:

- a. The amount of the density bonus for which the project is eligible;
- b. The parking ratio for which the project is eligible, if requested; and
- c. Whether the applicant has provided enough information for the City to make a determination as to the requested incentives or concessions, if incentives or concessions are requested.

M. Density Bonus Housing Agreement.

1. Agreement Required. An applicant requesting a density bonus shall agree to enter into a density bonus agreement (referred to as the “agreement”) with the City in the City's standard form of agreement.

Agreement Provisions.

- a. Project Information. The agreement shall include at least the following information about the project:
 - i. The total number of dwelling units approved for the housing development, including the number of designated dwelling units;
A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD Guidelines;
The marketing plan for the affordable dwelling units;
The location, size (square feet), and number of bedrooms of the designated dwelling units;
Tenure of the use restrictions for designated dwelling units of the time periods required by Subsection 11-4.10.D (Continued Affordability);
A schedule for completion and occupancy of the designated dwelling units;
A description of the additional incentives and concessions being provided by the City;
A description of the remedies for breach of the agreement by the owners, developers, and/or successors-in-interest of the project; and
Other provisions to ensure successful implementation and compliance with this Section.
- b. Minimum Requirements. The agreement shall provide, at minimum, that:
 - i. The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all the designated dwelling units at the appraised value;

The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the City;

When providing the written approval, the City shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for low- and very low-income households, as published by HUD;

The City shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;

Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the Certificate of Occupancy;

In any action taken to enforce compliance with the deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all the City's costs of action including legal services; and

Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.

Conditions by Project Type.

- a. For-Sale Housing. In the case of a for-sale housing development, the agreement shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable restriction period:
 - i. Designated dwelling units shall be owner-occupied by eligible households, or by qualified residents in the case of senior housing; and
The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the City which:
 - (A). Restricts the sale of the unit in compliance with this Section, or other applicable City policy or ordinance, during the applicable use restriction period;
 - (B). Contains provisions as the City may require ensuring continued compliance with this Section and State law; and
 - (C). Shall be recorded against the parcel containing the designated dwelling unit.
- b. Rental Housing. In the case of a rental housing development, the agreement shall provide for the following conditions governing the use of designated dwelling units during the applicable restriction period:
 - i. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants;
Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Section;
Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit; and

The applicable use restriction period shall comply with the time limits for continued availability in Subsection 11-4.10.D (Continued Affordability).

- c. Moderate-Income Housing. In the case of affordable units for moderate-income households, the density bonus housing agreement shall provide for the following requirements:
 - i. The initial sale of each affordable unit shall be to a household that meets the income requirement for the affordable unit.
When the initial purchaser sells the unit, the initial purchaser shall retain the value of any improvements, the down payment and the value of the unit's appreciation, less the City's share of the appreciation.
When the initial purchaser sells the unit, the City shall receive a share of the unit's appreciation equal to the percentage by which the initial sale price to the moderate-income household was less than the fair market value of the home at the time of initial sale. The City shall use this share of appreciation for any of the purposes established in Health and Safety Code Section 33334.2(e).
- d. Childcare Facility. In the case of childcare facilities for which a density bonus or additional incentive is being granted, the density bonus housing agreement shall provide for the following requirements:
 - i. Operating duration requirements for the childcare facility, such that the childcare facility shall remain in operation for as long as or longer than the period of time during which the density bonus units are required to remain affordable.
Provisions requiring that for children who attend the childcare facility, the percentage of children from the income group associated with the development's affordable units shall be equal to or greater than the minimum percentage of affordable units that shall be provided for that income group to receive a density to the requirements of this Subsection.

Agreement Execution.

- a. Following the approval of the agreement, and execution of the agreement by all parties, the City shall record the completed agreement on the parcels designated for the construction of designated dwelling units.
- b. The approval of the agreement shall take place at the same time as the approval of any required final map or, where a map is not being processed before the issuance of building permits for the project. Recordation of the agreement shall take place as soon as possible after the approval of any required final map or, where a map is not being processed before the issuance of any building permit for the project.
- c. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

11-4.11 Adult Use Cannabis

A. Purpose

1. The purpose of this chapter is to protect the health, safety, and welfare of the residents of the city as allowed by and in accordance with state law and regulations.

B. Commercial Cannabis Activities Prohibited

1. Commercial Cannabis uses and activities are prohibited in the City of Selma, and no commercial cannabis uses shall operate, locate, or otherwise be permitted or established within the City, even if located within or associated with an otherwise permitted use, and neither the City Council nor city staff shall approve any use, interpretation, permit, license certificate of occupancy, Zoning Code or General Plan amendment allowing the operation and/or establishment of commercial cannabis uses.

C. Personal Cannabis Cultivation

1. Cultivation of cannabis indoors for personal consumption shall be permitted by first obtaining a Cannabis Cultivation Permit from the Community development Director or their designee. Personal cultivation may be permitted within a fully enclosed and secure structure by persons twenty-one (21) years of age or older, which shall conform to state law and the following minimum standards. Cannabis plants shall be cultivated by a person or primary caregiver exclusively for personal use only and shall not be donated, sold, distributed, transported, or given to any other person or entity. No person shall cultivate more cannabis plants indoors than is expressly authorized by State Law.

Outdoor cannabis cultivation by any person, including primary caregivers, qualified patients, and dispensaries, for any purpose including medical or non-medical (recreational) purposes is prohibited in all zoning districts within the City of Selma.

Cultivation Permit. Any person seeking a permit to cultivate cannabis shall complete an application for a personal cultivation permit on a form provided by the City of Selma which shall contain, but is not limited to, the following:

- a. The physical site address of the premises where the cannabis will be cultivated.
- b. The name of each person owning, leasing, occupying, or having charge of the premises where the cannabis will be cultivated and, in the event that the person owning said parcel is not the person applying for a cultivation permit, then a signed, notarized, consent to the cultivation of cannabis at the premises on a form provided by the City of Selma.
- c. A signed consent form from the applicant(s) and/or property owner authorizing city staff, including the Selma Fire Department and the Selma Police Department, to conduct an inspection of the area used for the cultivation of cannabis upon request.
- d. Prior to the issuance of a cultivation permit pursuant to this chapter, the structure wherein the cannabis will be cultivated must be reviewed, inspected and approved by the Community Development Director or his or her designee.
- e. A personal cannabis cultivation permit shall be valid for no more than one year.
- f. A personal cannabis cultivation permit may only be renewed upon an application for renewal to the Community Development Director or his or her designee on a form provided by the City of Selma.

- g. The City Council may establish or amend, by resolution, a fee or fees required to be paid upon the filing of an application for a permit, or renewal thereof, as provided for in this chapter, which shall not exceed the reasonable cost of administering this chapter.
- h. The Community Development Director, or his or her designee, may deny any application for a personal cannabis cultivation permit, or extension thereof, if he or she finds, in his or her discretion, based on the facts available that the issuance of such permit, or extension thereof, does not meet the requirements of this chapter and would be detrimental to the public health, safety or welfare.

Personal Cultivation- Residential Structure. The indoor personal cultivation of cannabis in a residential zone within a residential structure shall not exceed an area of fifty (50) square feet, unless a larger area is required to cultivate a greater quantity as allowed either by state law.

- a. Any person seeking to cultivate cannabis pursuant to this chapter in a residential structure shall first obtain approval of the residential structure and a cultivation permit from the Community Development Director or their designee. The Community Development Director may establish any procedures or forms necessary for the processing of the approval/cultivation permit described in this chapter.
- b. The residential structure to be used for marijuana cultivation shall conform to this code, building standards of the city of Selma including all adopted codes, and any requirements deemed necessary by the Community Development Director or his or her designee including, but not limited to, the following minimum standards:
 - i. Indoor grow lights in a residential structure shall not exceed one thousand (1,000) watts or other limit as determined by the City and shall comply with the building regulations of the City of Selma and all adopted codes including, but not limited to, the California building and electrical codes and shall be inspected and approved by the fire chief and/or building inspector.
 - ii. Indoor cultivation within a residential structure shall not take place in a kitchen, bathroom, bedroom, or common area of the residence and shall be secured by one or more lockable doors.
 - iii. Any cultivation within a residential structure shall have a ventilation system separate from the remaining area of the residential structure with a filtration system that shall prevent cannabis plant odors from exiting the interior of the cultivation area or the residential structure. Said ventilation system shall comply with the building regulations of the City of Selma and adopted codes including, but not limited to, the applicable sections of the California building code related to mechanical ventilation.
 - iv. The use of generators or any other internal combustion engine or use of any combustible products including, without limitation to, gasoline, diesel fuel, butane, propane, or natural gas within the residential structure shall be prohibited.

Personal Cultivation - Detached Structure. Any person seeking to cultivate cannabis pursuant to this chapter in a detached structure shall first obtain approval of the detached structure and a personal cultivation permit from the Community Development Director or their designee. The Community Development Director may establish any procedures or forms necessary for the processing of the approval/cultivation permit described in this chapter.

- a. The detached structure shall conform to this code, building standards of the City of Selma including all adopted codes, and any requirements deemed necessary by the Community

Development Director or his or her designee including, but not limited to, the following minimum standards:

- i. The detached structure shall be attached to a slab foundation or equivalent base by bolts or similar attachments.
- ii. The walls and roofs of the detached structure must be constructed of two inch by four inch (2"x4") or larger material. The frame of the structure must be overlaid with at least five-eighths inch (5/8") exterior plywood or other suitable material and shall be covered with materials similar to or conforming with the materials used on surrounding structures.
- iii. The detached structure shall be accessible by one or more lockable exterior grade doors.
- iv. The total area of the detached structure shall not exceed one hundred (100) square feet unless a larger area is required to cultivate a greater quality of cannabis set forth in state law.
- v. Indoor grow lights shall not exceed a maximum wattage to be determined by the Community Development Director or their designee. Electricity to the building must be provided by suitable connection as determined by the Community Development Director. Use of portable generators, portable heaters, or combustible products including, but not limited to, gasoline, diesel fuel, propane, butane, or natural gas, unless expressly permitted by the Community Development Director or his or her designee, are strictly prohibited. The detached secure structure shall have a ventilation and filtration system installed to prevent odors from cannabis plants from exiting the interior of the building and shall comply with the building regulations of the City of Selma and all adopted codes, including, but not limited to, applicable California building code sections related to mechanical ventilation.
- vi. The secured structure shall be located within the rear yard of any premises and must be set back at least ten feet (10') from any building, pool, or property line. If any greater setback is required by any other provision of this code or any other code, the greater setback distance shall apply.
- vii. The area surrounding the secured structure must be enclosed by a solid fence at least six feet (6') in height and an adequate mechanical or electronic security system approved by the Community Development Director or their designee or the chief of police must be installed in and around the detached structure.
- viii. The detached structure shall be inspected and approved by the fire chief and/or building inspector.

Violation of permit. If any requirement relating to cultivation, or terms of any permit issued for personal cultivation in accordance with this chapter is determined by any city officer or official to have been violated, that officer or official may immediately revoke the permit and, if deemed necessary to correct or prevent any such or any further violation of either this chapter or the terms of any permit issued thereunder, such officer or official of the city may immediately confiscate or destroy any growing cannabis, harvested or processed cannabis or any cannabis products. The city officer or official shall issue a written order revoking the permit as soon as practicable upon detecting the violation of this chapter or of any permit leading to the revocation. Any confiscation or destruction of any cannabis or cannabis products shall be final and conclusive, and not subject to an appeal insofar as the confiscation or destruction of

cannabis or cannabis products occurs in connection with the action taken by the officer or official in revoking the permit. The revocation of the permit shall, however, be subject to an appeal as provided in this chapter.

Appeal. Any applicant for or holder of a permit issued pursuant to the provisions of this chapter, which application or permit has been denied, revoked, or suspended by order of the chief of police, Community Development Director, or other officer or official of the city shall have the right to appeal such order or denial, revocation or suspension to the city council within twenty (20) days after the date on which such order is hand delivered to the applicant or permittee, or deposited in the United States mail, postage prepaid, addressed to the applicant or permittee.

- a. An appeal shall be made by filing a notice of appeal with the city clerk of the City of Selma within the twenty (20) day period set forth in this section. The filing of such appeal shall not suspend the order of denial, revocation or suspension of said permit. The city council shall hear the appeal within a reasonable time, not exceeding ninety (90) days, from and after the date of receipt of the notice of appeal by the city clerk. The city council shall conduct a public hearing, written notice of the time and place thereof being mailed to the applicant or permittee not less than ten (10) days prior to said hearing, unless timely notice be waived by the applicant or permittee. The rules of evidence shall not apply to the hearing and the applicant or permittee shall have the right to the assistance of counsel and the reasonable presentation of witnesses and evidence. The council shall make an order affirming, overruling or modifying the denial, revocation or suspension of such permit within sixty (60) days from and after the date the hearing on said appeal is concluded. The city council decision shall be limited to addressing whether a permit that has been revoked, denied or suspended shall or shall not be reinstated or issued. Any action taken by the chief of police, Community Development Director or other officer or official of the city in connection with the denial, revocation of or suspension of any permit other than the order revoking, denying or suspending the permit, shall be final, conclusive, and unreviewable. The decision of the city council shall be the final decision of the city. Any person who has a permit issued under this chapter revoked shall be precluded from holding or being issued any such permit for a period of one year from the date of the order revoking the permit or the city council's decision upholding the revocation, whichever is later.

Penalty. Any violation of any of the provisions of this chapter shall be a misdemeanor and constitutes a public nuisance and shall be enforced and/or abated in accordance with title I, chapter 4 of this code or other applicable section of this code.

2. **Nonexclusive.** Nothing in this chapter is intended to be an exclusive penalty or remedy. Nothing in this chapter is intended to authorize the use, possession, sale, distribution or cultivation of marijuana in violation of state or federal law.

D. Public Nuisance

1. Any violation of any of the provisions of this chapter shall be a misdemeanor and constitute a public nuisance and shall be enforced and/or abated in accordance with title I, chapter 4 of this code or other applicable section of this code. Any use, structure, or property that is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this chapter, is hereby declared to be unlawful and a public nuisance and may be abated by the City through civil, criminal, and/or administrative proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

2. Any person who violates this section shall be guilty of a misdemeanor and be punished in accordance with applicable laws.

11-4.12 Bed and Breakfast Inn

A. Purpose

1. The purpose of this chapter is to establish regulations for the location, use, character, parking, signing and processing of applications for bed and breakfast inns and facilities within the City of Selma.

B. Definitions

1. "Bed and Breakfast Inn" means a residential building containing a specified number of guestrooms occupied by a specific number of persons, which provides living units and meals for transient guests, and which is managed and occupied by the owner of the property in residential zones or by a manager residing on the property in nonresidential zones.

C. Permits Requirements

1. Applications for bed and breakfast inns meeting the development standards below shall be subject to the approval of a site plan review permit pursuant to 11-6.5 (Site Plan Review). Applications for bed and breakfast inns shall be subject to approval of a conditional use permit pursuant to section 11-6.7 (Conditional Use Permit). Bed and breakfast inns shall be subject to any such condition as deemed appropriate by the planning commission to further the purposes of this section.

D. Development Standards

1. The following development standards shall apply to bed and breakfast inns subject to a site plan review permit:
 - a. All standards of the underlying zoning district including, but not limited to, height, lot and yard requirements, and lot coverage shall apply;
 - b. One additional off-street parking space shall be provided for each room available for lodging purposes;
 - c. One additional off-street parking space shall be provided for each room available for lodging purposes;
 - d. The owner of the facility shall reside on site;
 - e. Bed and breakfast inns shall be subject to all applicable building, fire, health and safety codes;
 - f. No person who is paying rent in exchange for lodging shall occupy a guest room on the premises for more than fourteen (14) consecutive nights;
 - g. 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; and
 - h. Bed and breakfast facilities shall be operated by the permanent occupants of the facility. No more than one person not residing at the facility shall be employed in the operation of the facility.

2. The following standards shall apply to bed and breakfast inns subject to a conditional use permit:
 - a. All of the standards set forth in 11-4.12(C)(1) with the exception of (1)(c) and (1)(g).
 - b. A bed and breakfast inn shall consist of no more than two residential dwellings on a maximum of two adjacent parcels. A bed and breakfast inn consisting of more than one dwelling or parcel shall be considered a single facility. Adjacent parcels shall be adjoining contiguous parcels that are not separated by a public-right-of-way.
 - c. The owner of the bed and breakfast inn shall reside at the facility. If more than one person residing off the facility is employed, one additional off-street parking space for every two employees shall be provided.

Chapter 5 Nonconformities

11-5.1 General Purpose and Provisions

This Chapter provides regulations for nonconforming land uses, structures, and parcels that were lawful before the adoption, or amendment of this Zoning Code, but which would be prohibited, regulated, or restricted differently under the current terms of this Zoning Code or future amendments.

It is the intent of this Chapter to discourage the long-term continuance of nonconformities, providing for their eventual elimination, while allowing them to exist under the limited conditions established in this Chapter.

11-5.2 Nonconforming Parcels

A. Compliance

A nonconforming parcel that does not comply with the applicable area, parcel depth, or width requirements of this Zoning Code shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Director by evidence furnished by the applicant.

1. Approved subdivision. The parcel was created by a recorded subdivision;
 - Individual parcel legally created by deed. The parcel is under one ownership and of record, and was legally created by a recorded deed before the effective date of this Zoning Ordinance or the zoning amendment that made the parcel nonconforming;
 - Variance or lot line adjustment. The parcel was approved through the Variance procedure or resulted from a lot line adjustment; or
 - Partial government acquisition. The parcel was created in compliance with the provisions of this Zoning Code but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a public right-of-way was decreased not more than 50 percent.

B. Increase of Nonconformity

No subdivision shall be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel.

11-5.3 Nonconforming Structures

1. A structure which is nonconforming solely by reason that it does not conform with one or more height, yard or area regulations shall, for the purposes of this Section be deemed to be a conforming structure.
 - No nonconforming structure shall be altered or enlarged, except as follows:
 - a. Where required by this Code or Statute, or to make the structure conform.

Any structure which is nonconforming solely by reason of yard or height requirements may be structurally altered or enlarged; provided, that all alterations or additions shall comply with the yard and height requirements of the zone; and further provided, that the entire structure so altered or enlarged complies with all other requirements of the Ordinance other than yard and height.

If a nonconforming structure is removed, every future use of such premises shall be in conformity with the provisions of this Ordinance.

A nonconforming structure in a C or M Zone may remain, subject to Section 11-5.3.

In all R Zones every nonconforming structure, other than a residential structure, designed or intended for use not permitted in such zone shall be completely removed or altered to structurally conform to the uses permitted in such zone within a time determined by the Commission, provided:

- a. Such time for removal or alteration may not be fixed for a date before the expiration of the normal life of the building or structure as found by the Commission.
- b. In no event may the normal life of the structure be fixed at less than 40 years from its original construction.
- c. No such order shall require the removal or alteration of the structure sooner than 10 years from the time such order is made.
- d. Within 10 days after the making of such order, the Commission shall give notice thereof to the owner of record of the structure by causing a copy of the order to be personally served on the owner or mailed to the owner by registered or certified mail addressed to their residence, or if their residence is unknown, then to the address as shown by the records of the Tax Collector of the City, and by causing a copy of the order to be recorded with of the County Recorder.
- e. Not less than 60 days and not more than 90 days before the time fixed for removal or alteration, the officer in charge of issuance of use permits shall give the owner of record of such structure written notice thereof in the manner above mentioned and shall give the occupants of such structure notice thereof by leaving with any of the occupants of said structure or posting on said structure in a conspicuous place, such notice.
- f. Such notice may be given after the time so fixed, but in no case shall such a structure be required to be so removed or altered without at least 60 days' notice being given.

Proceedings for determination of time for removal or alteration of such nonconforming structures in R Zones, as mentioned in subsection 11-5.3(F)), above, may be initiated and shall be set for hearing, noticed, heard and determined in substantially the same manner as provided in the following provisions relating to amendments; provided, that all references therein to amendments shall be deemed to refer to the proceedings relating to such determination as stated in Section 11-7.7. The provisions are as follows: Section 11-7.7(B); Section 11-7.7(D); Section 11-7.7(E); subsections 11-5.4(B), (B), (C), (D) and (F).

All decisions of the Commission in proceedings for such determination may be appealed and reviewed in substantially the same manner as provided in the following named provisions relating to appeals from decisions of the Board of Zoning Adjustment; provided, that all references therein to the Board of Zoning Adjustment shall be deemed to refer to the Commission. The provisions are as follows: Section 11-23-7; subsections 11-23-8(A) and (B). (Ord. 533, 6-5-61)

11-5.4 Nonconforming Uses

A. Nonconforming Use Continuation

The nonconforming use of a structure existing at the time this Ordinance became effective may be continued, provided:

1. The nonconforming use of a structure may be expanded or extended throughout the structure. A nonconforming use of a nonconforming structure may be changed to another use of the same or more restricted classification.

Conforming Structures: A nonconforming use of a conforming structure shall not be expanded or extended into any other portion of the conforming structure, and if such nonconforming use is discontinued, any future use of such structure shall be in conformity with the provisions of this Ordinance.

B. Nonconforming Use Discontinuation

Notwithstanding any other provision of this Chapter, a use which is one which becomes nonconforming by virtue of an amendment of this Ordinance, change in the use or otherwise, for failure or lack of approval of a required permit or site plan review, shall be discontinued within two years of the date the use becomes nonconforming or upon a date provided for by general law, whichever is earlier. The nonconforming use shall cease to exist if the required permits and/or site plan reviews are not obtained within two years of the date the use becomes nonconforming.

11-5.5 Extension of Nonconforming Uses or Structures

A. Nonconforming Structures and Uses. [11-19-3(A)]

1. Subject to all other regulations of this Chapter, a nonconforming structure destroyed to the extent of not more than 50 percent of the permitted structure, as determined by the Building Official, by fire, explosion or other casualty or by act of God, or the public enemy, may be restored and the occupancy or use of the structure or part thereof which existed at the time of such partial destruction may be continued. The time for removal or alteration of the restored structure as mentioned in subsection 11-19-1(D) shall nevertheless be the same as if such structure had not been thus restored.

If a nonconforming structure is so destroyed to an extent of more than 50 percent of the permitted structure, as determined by the Building Official, of its reasonable value, the same may not be restored, and may not be occupied and used, except in conformity with this Ordinance.

B. Nonconforming Use of Land [11-19-4(A)]

1. The nonconforming use of land where no structure (excepting fences) thereon is employed in connection with such use, and nonconforming signs or billboards, existing at the time this Ordinance became effective, or which thereafter becomes subject to the provisions of this Ordinance, may be continued for a period of not more than three years thereafter.

If a structure is employed in connection with a nonconforming use of land, and is removed, or destroyed to the extent of more than 50 percent of the permitted structure, as determined by the Building Official, of its reasonable value by any cause, or the nonconforming use of the

structure is discontinued, the nonconforming use of such land may be continued for a period of not more than three years after the date of such removal, destruction, or discontinuance.

No nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, or changed, except to a conforming use.

If a nonconforming use of land, including, but not limited to, agricultural land use is permitted to be continued under any of the provisions of this section but is discontinued for one year, any future use of such land shall conform to the provisions of this Ordinance.

C. Effect of Zone Changes for Nonconformities [11-19-5]

1. All of the provisions of this chapter shall apply to structures, land, and uses which hereafter become nonconforming due to any amendment of this Ordinance.

If a zone is established by this Ordinance or is hereafter changed, to cause any boundary thereof to be located closer than the specified minimum distance to a use which under the provisions of this Ordinance may not be established within such minimum distance from the zone, then such use shall be deemed to be a nonconforming use.

Chapter 6 Permit Processing

The purpose of this chapter is to identify the procedures for the filing and processing of the different land use permit or approval applications provided for in this Ordinance, unless superseded by specific requirement of this Ordinance or State law.

11-6.1 General Provisions

Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion, or alteration of any building, or addition to any building, the appropriate permit or permits shall be secured by any owner or their agent for said work. A permit shall also be secured for certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur. It shall be unlawful to commence any work until and unless such a permit has been obtained, and further, no such building shall be occupied or used unless a license for such use, where required, is first obtained from the City.

Permits granted by the City:

1. Site Plan Review
2. Zoning Clearance
3. Director Review and Approval
4. Conditional Use Permit
5. Temporary Use Permit
6. Minor Deviations
7. Variance

Table 6-1 Permit Review Authorities

Name of Permit	Code Chapter/Section	Role of Review Authority		
		Director	Commission	Council
Site Plan Review	11-6.5	Decision	Appeal	Appeal
Preliminary Development Permit	11-6.3	Recommend	–	–
Zoning Clearance Letter	11-6.4	Decision	Appeal	–
Director Review and Approval	11-6.6	Decision	Appeal	Appeal
Conditional Use Permit	11-6.7	Recommend	Decision	Appeal
Temporary Use Permit	11-6.8	Decision	Appeal	Appeal
Minor Deviation	11-6.9	Decision	Appeal	Appeal
Variance	11-6.10	Recommend	Decision	Appeal

11-6.2 Application Processing

These provisions are intended to prescribe the procedure for filing applications for permits, appeals, amendments, and approvals when required or permitted by this Chapter. These provisions are

intended to provide the framework by which applications will be determined to be complete and permitted to be filed.

A. Application Initiation

1. Property owners or designees of property owner and lessees of the subject property; or
2. Resolution of the Planning Commission or City Council.

B. Application Forms

1. The Director shall prescribe the form on which all applications are made; shall prepare and provide forms for all planning applications; and shall prescribe all application filing requirements. No application shall be accepted unless it complies with the specified application filing requirements.
2. The Director may require the submission of supporting materials as part of the application, including, but not limited to, operational statements, photographs, plans, drawings, renderings, models, material and color samples, and other items necessary to describe existing conditions on the project site and in the vicinity and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act.
3. All material submitted becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time, upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the Planning Division office. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost.
4. Planning applications forms must be signed by the applicant and owner of the property, or by a person with the owner's power-of-attorney, involved in the application. In the case of multiple owners, either all owners must sign the application, or the signatory must provide evidence that he or she has the right to act on behalf of all owners.
5. If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application or as evidence of their opinion on the pending issue.

C. Determination of Completeness

1. No application shall be processed pursuant to this Chapter prior to the determination by the Director that the application is complete in accordance with this Section and the Permit Streamlining Act, Government Code Section 65920 et seq. or any successor legislation thereto, to the extent applicable.
2. The determination shall be made not later than 30 calendar days after the Planning Division has received an application for a development project and shall state whether the application is complete or is incomplete and shall specify additional information to be resubmitted.
3. A completed application shall consist of:
 - a. The application form with all applicable information included on the form;
 - b. The additional information, reports, dimensioned drawings, and other material required with application form;

- c. A description of how the proposed project or requested action is consistent with the required findings of each application type; and
 - d. Payment in full of the required fee for processing the application.
4. If an application is determined incomplete, the Director shall transmit to the applicant in writing the reason for the determination and shall list the information that must accompany a resubmitted application. An incomplete application shall be determined to be withdrawn if the information requested is not received by the Director within 30 days of the date the initial written determination of incompleteness is delivered to the project applicant.
 5. The Director shall determine in writing the completeness of the resubmitted application and transmit the determination to the applicant. This determination shall be made no later than 30 calendar days after the Planning Division has received the resubmitted application. If determined complete, the resubmitted application shall be processed pursuant to this Chapter. If the application is determined to be incomplete, the applicant shall be noticed pursuant to this subsection and the application may be deemed withdrawn if no response is received by the City after three (3) months. If deemed withdrawn, the applicant may file a new application or appeal the determination of incompleteness to the Planning Commission pursuant to Section 11-7.8 Appeals.
 6. If the Director fails to make a timely determination as to completeness of an application, or resubmitted application, the application shall be automatically deemed complete. The applicant and Director may mutually agree in writing to extend these time periods.
 7. The time periods for processing any applications under this Chapter shall commence upon the date the application has been determined to be complete.

D. Abandonment of Projects

1. Applications for permits or approvals, pursuant to this Chapter, shall be deemed to have been abandoned when information and/or fees necessary for the completion of the application have been requested in writing and not received by the Planning Division within ninety (90) days of notification. The applicant may request (within the ninety (90) day time period) an extension of up to one hundred eighty (180) days, or longer as may be approved by the Planning Director only for extenuating circumstances. No further action shall be taken on an application and no fees will be refunded once abandoned.

11-6.3 Preliminary Development Review

A. Purpose

Preliminary Development Review is a process that is intended to provide applicants proposing a new project with relevant initial information on, but not necessarily limited to, General or Specific Plan regulations or policies, consistency with the Municipal Code, improvement standards, environmental review, technical studies required, infrastructure needs, and applicable processing procedures pursuant to this Code.

B. Applicability

Preliminary Development Review is required prior to a formal entitlement submittal for the following projects:

1. New non-residential construction on a vacant or underutilized property.

2. New multi-family residential development.
3. Additions of more than or equal to 20% of the gross floor area of the main structure or an addition of 1,000 square feet, whichever is greater. This threshold is not to exceed 3,000 square feet.
4. Changes in uses that increase the total required off-street parking.

C. Review Authority

The Director shall make the determination that a Preliminary Development Review submittal is complete for review. The review process shall include all internal and external departments that have approval oversight throughout the proposed entitlement process.

After review, all comments will be compiled into a written summary that articulates requirements for future entitlement processing in accordance with this Code.

D. Application Requirements

Any applicant seeking a Preliminary Development Review must complete an application on a form approved by the Director, or their designee, submit the required materials for review, and pay the adopted fee required for the processing of the application as set or amended by resolution of the city council. Application materials shall include but is not limited to the following

1. Scaled Site Map,
2. Detailed Project Description,
3. Operational Statement
4. Preliminary Title Report,
5. Owner Authorization.

E. Summary of Recommendations

The Director shall provide the applicant with a written summary of the procedures and requirements applicable to the potential project. The written summary shall not be interpreted as a recommendation for approval or disapproval.

F. Formal Submittal

Following the completion of the Preliminary Development Review process, the applicant may submit for a subsequent entitlement application and filing fees.

11-6.4 Zoning Clearance Letter (ZC)

A. Purpose

A zoning clearance is the procedure used by the City to verify that a proposed land use and that the project complies with the development standards of this Zoning Code that apply to the use, consistent with the General Plan.

B. Applicability

Zoning clearance can be provided for all buildings and structures hereinafter erected, constructed, altered, or moved within or into any district established by this Ordinance, or for any use or activity which requires a building permit.

C. Review Authority

If the Director determines that the proposed use or building is allowed as a matter of right by this Code and conforms to all the applicable development and use standards, the Director shall issue a Zone Clearance if one is requested.

D. Application Requirements

Applications for a Zone Clearance shall be submitted in accordance with the provisions set forth in 11-6.2. The Director may request that the Zone Clearance application be accompanied by a written narrative, operational statement, plans, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all applicable provisions of this Code. The Director may require attachments of other written or graphic information, including, but not limited to, statements, numeric data, site plans, floor plans, and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Code.

11-6.5 Site Plan Review (SPR)

A. Purpose

The purposes of site plan review are to enable the Planning Director to ministerially make a finding that the proposed development conforms with the intent and provisions of this Chapter and to guide the Building Department in the issuance of building permits.

B. Applicability

Site plan review provisions shall apply to the following:

5. All activities listed as permitted uses in all zone districts shall be subject to the approval of a site plan review granted in compliance with this Chapter, unless otherwise specified later in this Chapter. Approval of a single-family residential unit on a lot shall not require site plan review.

Site Plans will be required under the following circumstances:

- a. New nonresidential developments proposing to construct a new structure.
- b. Additions of more than or equal to 1,000 square feet to existing non-residential buildings.
- c. Changes in uses that do not increase the size of a structure but increase the total required off-street parking requirement pursuant to this Chapter.
- d. New multi-family residential development such as, but not limited to, apartments, condominiums, triplexes, or fourplexes.

C. Review Authority

The Director shall approve, or conditionally approve, applications for a Site Plan Review based on consideration of the requirements of this chapter.

D. Application Requirements

Applications for a Site Plan Review shall be submitted in accordance with the provisions set forth in 11-6.2. The Director may request that the Site Plan Review application be accompanied by a written narrative, operational statement, plans, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all applicable provisions of this Code. The application should include at a minimum the following information:

1. The lot dimensions.
2. Setbacks.
3. All existing and proposed buildings and structures and their location, elevation, size, height, and proposed use.
4. Walls and fences and their location, height, and materials.
5. All parking, including the location, number of spaces, dimensions of the parking area, and internal circulation patterns.
6. Pedestrian, ADA path of travel, bicycle, and vehicular access.
7. Signs and their location, size, and height.
8. Loading, including the location, dimensions, number of spaces, and internal circulation.
9. Lighting, including the location and hooding devices.
10. Utilities, including location of existing and proposed utilities and easements.
11. Street dedications and improvements.
12. Drainage.
13. Landscaping, including the location and type.
14. Fire prevention equipment and measures, including type and location.
15. Such other data as may be required to permit the planning official to make the required findings.

E. Review and Decision

1. The Director shall issue a permit if the proposed development conforms precisely to applicable development standards and does not require discretionary review or approval as outlined in this Chapter.
2. The Director shall require resubmittal of the site plan and identify required revisions if the development is not in compliance with the applicable development standards in which the property is located.
3. The Director shall prepare a written decision which shall contain the findings of fact upon which such decision is based.

F. Required Findings

The Director may only approve a Site Plan Review application if it finds that the application is consistent with the purposes of this article and with the following:

1. The applicable standards and requirements of this Code.
2. The General Plan and any operative plan or policies the City has adopted.
3. Any applicable design guidelines the City has adopted.

4. Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.

G. Conditions of Approval

The Director may impose standard, objective conditions that are reasonably related to the application and deemed necessary to achieve the purposes of this article and ensure compliance with the applicable criteria and standards established by this Code.

11-6.6 Director Review and Approval (DRA)

A. Purpose

A DRA is intended to allow for the approval of projects which conform to the standards established for the Zoning District and do not require discretionary review. A DRA provides for an administrative review and assessment of the proposed development project considering explicit standards contained in the Chapter which have been designed to ensure that the completed project will be in harmony with existing or potential development in the surrounding area, consistent with the goals, objectives, and policies of the General Plan.

B. Applicability

A Director Review and Approval (DRA) shall be required prior to issuance of any Building Permit for the development of uses subject to a DRA as listed in Chapter 2 of the Zoning Ordinance.

C. Review Authority

The Director, or their designee, may issue a DRA for all uses requiring such permit. The Director, or their designee, shall review the application for a DRA and approve, approve with requirement to conform with the zone district, or deny said application within thirty (30) days after the application is received by the community development department. Failure of the Director to act within thirty (30) days shall not be deemed an approval.

D. Application Requirements

Anyone seeking a DRA must complete an application on a form approved by the Director, or their designee, and pay any fee required for the processing of the application as set or amended by resolution of the city council. Said application shall not be deemed received unless it is complete, and all fees paid.

E. Required Findings

1. That the use will not involve any process, equipment, or materials which, in the opinion of the Director, will be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare or unsightliness or to involve any hazard of fire or explosion.
2. The proposed use will not be contrary to the objectives of the General Plan and any applicable specific plan.
3. That the proposed use will be harmonious with existing structures and use of land in the vicinity.

11-6.7 Conditional Use Permit (CUP)

A. Purpose

The purpose of this Chapter is to describe the process and general requirements in which a Conditional Use Permit (CUP) is required. Conditional uses require special consideration due to unusual characteristics or potential impacts on surrounding uses. They require discretionary review and approval to ensure that the uses are generally consistent with the purposes of the Zoning District where they are proposed to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties.

B. Applicability

A CUP is required for buildings or structures constructed, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which may have an impact upon the general welfare, safety of the public, or otherwise specified as a requirement in Chapter 2 of the Zoning Ordinance. These uses require an additional level of review and have a higher threshold of approval to ensure that they are compatible with the adjacent land uses and comply with the goals and intent of the General Plan. A Conditional Use Permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application unless a specific time period in which the use permit will be valid, and the use may be operated has been set.

C. Review Authority

Planning Commission Public Hearing:

1. A public hearing shall be held by the Planning Commission after the filing of a complete application for a conditional use permit, notice of which shall be given in the manner prescribed in Section 11-7.9.
2. At the public hearing, the Planning Commission shall review the application and the statement and project plans submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained,
3. The public hearing shall be conducted in accordance with the rules and procedures specified in Section 11-7.9

D. Application Requirements

The applicant shall submit an electronic copy and three physical copies of a site plan, or as determined by the City Manager or Designee, and a completed CUP application form to the Planning Division. The application submission shall include a filing fee as required under the Selma User Fee Schedule.

1. Upon receipt of a CUP application, the City shall first review the application to determine completeness and determine the level of environmental review necessary for the project.
2. If the application is deemed complete, the conditional use permit shall be considered at a future, duly noticed public hearing before the Planning Commission.

3. A CUP may be granted only when all the following findings are met in reference to the property being considered. The inability to make one or more of the findings is grounds for denial of an application.
4. Any person may appeal the Planning Commission's decision to the City Council in accordance with the procedure specified in Section 11-7.8 Appeals. Upon appeal of the Planning Commission's action, the City Council shall hold a new public hearing where it shall review the proceedings held by the Planning Commission and either affirm, deny, or modify the Commission's decision.
5. A CUP shall expire and become void one year from the date it became effective if the use permitted under the CUP is not operating within that time period, unless a greater time was agreed upon in writing upon permit approval, or a building permit was issued, and construction has commenced prior to the expiration.
6. A CUP may be renewed for an additional year, or for a lesser or greater time as specified, provided that an application for renewal is filed with the Planning Commission prior to the expiration of the previous CUP. The Planning Commission may by resolution approve, approve with conditions, or deny an application for renewal of a CUP. The resolution shall describe the findings of the Planning Commission regarding the decision.
7. Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the conditional use permit.

E. Public Notice

Public Notice shall be provided 10 days prior to the date of action pursuant to section 11-7.9

F. Required Findings

The Planning Commission in granting a conditional use permit shall find as follows:

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in substantial compliance with all of the applicable provisions of this Development Code;

The proposed use is consistent with the General Plan and any applicable specific plan;

The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create substantial noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby, or adverse to the public interest, health, safety, convenience, or welfare of the City;

The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed;

There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety; and

The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act.

11-6.8 Temporary Use Permits (TUP)

A. Purpose

The purpose of this Chapter is to establish a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

B. Applicability

An application for a Temporary Use Permit shall be submitted at least 45 days before the use is intended to begin. The application requires non-discretionary review and shall be on the required form and include an operational statement and the written consent of the owner of the property or the agent of the owner.

C. Temporary Uses Requiring a Temporary Use Permit

1. **Stand-Alone Seasonal Sales.** Seasonal sales of holiday related items such as Christmas trees, pumpkins, and similar items conducted for a period not to exceed 45 consecutive calendar days or a total of 60 days in a one-year period.
2. **Temporary Outdoor Sales.** Temporary outdoor sales conducted by an established retail commercial business holding a valid City business license, including, but not limited to, grand opening events, sidewalk sales, and other special sales events subject to the following standards:
 - a. Temporary outdoor sales shall be conducted for the same site on which the permit is applied and authorized for.
 - b. Outdoor display and sales areas must be located on a paved or concrete area on the same parcel as the structure(s) containing the business with which the temporary sale is associated.
 - c. Location of the displayed merchandise must not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, and ADA path of travel compliance or required landscaped areas or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
 - d. Number of Events. No more than 4 events shall be allowed, per applicant, on any 1 site within any 12-month period, except sidewalk sales located on the public right-of-way shall be limited to 2 events for periods not exceeding 3 consecutive days each within any 12-month period. Business Improvement Districts Areas shall be exempt from the limitations on number of events.

D. Review Authority

The Director shall approve, conditionally approve, or deny applications for temporary use permits based on consideration of the requirements of this Zoning Ordinance. The Director may refer an application for a temporary use permit to the Planning Commission if the Director finds that the temporary use may have substantial and detrimental impacts to surrounding land that warrant Planning Commission review. If the Director determines that the application is subject to review under CEQA and the project does not qualify for an exemption pursuant to State law or CEQA Guidelines, the temporary use permit shall be processed as a conditional use permit application.

E. Application Requirements

An application for a Temporary Use Permit shall be submitted in accordance with the provisions set forth in 11-6.2. The Planning Director may request that the TUP application be accompanied by a written narrative, operational statement, plans, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all applicable provisions of this Code. The application should include at a minimum the following information:

1. A statement of operations describing the hours of operation, days that the temporary use will be on site, the number of people staffing the use during operation, and other information relating to the operation of the use that pertains to the impact of the use on the community or on adjacent uses; and

Drawings, sketches or illustrations, dimensioned and drawn to scale, showing the size and location of the property, location of adjacent streets, location and size of all structures on the site, signs, location and number of off-street parking spaces and drive aisles, locations on entrances and exits and temporary structures to be erected or installed as a part of the temporary use.

F. Required Findings

The Director may approve an application for a temporary use permit, without public notice, upon making the following findings:

1. The proposed use complies with the timeframes indicated for said use.
2. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City.
3. The proposed use will not unreasonably interfere with pedestrian and ADA path of travel compliance or vehicular traffic or circulation in the area surrounding the proposed use and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas or a parking management plan.
4. The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site.
5. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Director.

11-6.9 Minor Deviations

A. Purpose

The purpose of this Chapter is to establish procedures to allow minor adjustments to the dimensional requirements, design standards, and other requirements of this Ordinance when so doing is consistent with the purposes of the General Plan and the District and would, because of practical difficulties, integrity of design, topography, and similar site conditions, result in better design, environmental protection, and land use planning.

B. Applicability

The provisions of this Section shall apply to specific development proposals that are for uses permitted by right or by discretionary review in the district. Minor deviations of up to but not exceeding ten percent (10%) of the development standards, such as, but not limited to, setbacks, height, buildable area, or parking, for the applicable district may be approved by the Community Development Director (“Director”) upon application by the property owner, which application outlines and demonstrates the justifiable need and reason for the deviation. In no case shall a minor deviation be granted pursuant to this Chapter to permit a use or activity that is not otherwise permitted in the District where the property is located, nor shall a minor modification be granted that alters the procedural or timing requirements of this Ordinance. No deviation which compromises public health and safety in any manner shall be approved.

C. Review Authority

The Director shall approve, conditionally approve, or deny applications for a minor deviation based on consideration of the requirements of this chapter.

D. Application Requirements

An application for a minor deviation shall be submitted to the Director in accordance with Section 11-6.2. The application shall state in writing the nature of the deviation requested and explain why the findings necessary to grant the deviation are satisfied. The applicant shall also submit plans delineating the requested deviation.

E. Required Findings

A decision to grant a deviation shall be based on making all of the following findings:

1. The deviation is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, location of existing improvements, topography, noise exposure, irregular property boundaries, or other unusual circumstance;
2. The requested modification is consistent with the General Plan and any applicable area or specific plan;
3. The project as modified meets the intent and purpose of the applicable zone district and is in substantial compliance with the district regulations;
4. The granting of the requested deviation will not be detrimental to the health or safety of the public, the occupants of the property, parcels sharing common parcel lines, or result in a change in land use or density that would be inconsistent with the requirements of this Code.

11-6.10 Variances

A. Purpose

The purpose of this chapter is intended to provide a mechanism for relief from the strict application of this Code where this will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

B. B. Applicability

Variations may be granted with respect to development standards, but variations from the use regulations of this Code are not allowed. The Planning Commission shall have power to grant such variations only to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this Chapter. No Variance shall be granted, in whole or in part, that would have an effect substantially equivalent to a reclassification of property, alter any use, density limit, maximum floor area ratio, or bulk of a building or structure not expressly permitted by the provisions of this Ordinance for the District or Districts in which the property in question is located, grant a privilege for which a conditional use procedure is provided by this Ordinance, or would change a definition in this Ordinance. A Variance is not a vested right and is granted upon the discretion of the Planning Commission. The burden of proof for satisfying the requirements for granting of a Variance, as stated in this Ordinance, rests with the applicant.

C. Review Authority

The Planning Commission shall have authority to grant variations, pursuant to the provisions of this Chapter, and to specify terms and conditions thereof. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated, and such other conditions as the Planning Commission deems necessary to carry out the purposes of this Ordinance.

D. Application Requirements

1. Procedure; Revocation; Modification:
 - a. The procedure for application for variations and the review and issuance thereof, shall be as provided in Section 11-6.2.
 - b. Variations may be revoked or modified in the manner and under the conditions set forth in Section 11-6.11

E. Public Notice

All applications for Variations shall require a public notice pursuant to the noticing procedures in Section 11-.7-9

F. Required Findings

The applicant for a variance shall show, and before a variance may be granted the Planning Commission shall find, as follows:

1. That because of special circumstances applicable to subject property, including size, shape, topography, location or surrounding, the strict application of this Ordinance deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
2. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the property is located.
3. The strict application of the provisions of this Ordinance would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships.

4. That the granting of such variance will not adversely affect the general plan or the purposes of this Ordinance. The variance would not impair the integrity and character of the District in which it is to be located.

G. Conditions of Approval

In approving a Variance, the Planning Commission may impose reasonable conditions deemed necessary to ensure compliance with the findings required.

11-6.11 Pre-Zoning

An unincorporated property within the City's sphere of influence shall be pre-zoned to the zoning district that would apply upon annexation to the City per LAFCo requirements for annexation in the City.

A. Initiation and Processing

A prezoning shall be initiated, processed and approved or disapproved in the same manner as provided for other amendments by this Chapter and in coordination with LAFCo.

B. Application of Official Zoning Designation

Upon the effective date of annexation, the zoning designation established by prezoning shall become the official zoning for the property and shall be so designated on the Zoning Map.

11-6.12 Permit Implementation, Time Limits, and Extensions

Any discretionary, ministerial, or administrative land use permit pursuant to this chapter shall become void 12 months following the date on which the land use permit became effective unless, by conditions of the land use permit, a lesser or greater time is prescribed, or unless, prior to the expiration, a development-related permit is issued by the City, and construction has commenced and is being diligently pursued in accordance with the land use permit. Failure to utilize any use permit granted by the City within 12 months after the effective date of issuance unless a written request for extension is submitted to the Planning Commission 30 days prior to the expiration of the permit. The Planning Commission shall review the request at its next regular meeting and may grant or conditionally grant an extension as it deems appropriate.

Chapter 7 Zoning Ordinance Administration

11-7.1 Administrative Responsibilities

This Chapter defines the authority and responsibility of City staff and official bodies in the administration of this Title and in compliance with Chapter 11-6.1 (Permit Processing-General Provisions).

11-7.2 Planning Agency

As provided by State law, the Commission is designated as the planning agency and as the advisory agency, when required or authorized. The Director or designee shall perform the functions of an advisory agency, as assigned, in compliance with State law.

11-7.3 City Council

The Council shall perform the duties and functions prescribed in this Title, which include the following:

1. **Review Authority on Specified Planning Matters.** Final decisions on Development Agreements, General Plan Amendments, Specific Plans, Zoning Map/Code Amendments, and other applicable environmental documents, policy, or ordinance matters related to the City's planning process; and

Appeals. The Review of any appeal filed from a decision by the Commission

The functions listed above shall be performed in compliance with Chapter 11-6.1 (Permit Processing-General Provisions) and the California Environmental Quality Act (CEQA).

11-7.4 Community Development Director

A. Duties and Authority

The director or designee:

1. Shall have the responsibility to perform all of the functions designated by State Law;
2. Shall perform the duties and functions prescribed in this Title, including the review of any administrative development project in compliance with Chapter 6 (Permit Processing), and the California Environmental Quality Act (CEQA);
3. Shall perform other responsibilities assigned by the Council and Commission; and

B. Delegation and Supervision

The Director may delegate the responsibilities of the Director to assigned City staff under the supervision of the Director. When the Director designates a City staff person, the staff person shall perform the duties assigned by the Director, in addition to those listed in Subsection 11-7.4(A) (Duties and Authority), as appropriate to the personnel title of the designee.

11-7.5 Effect of Council Decision

Effect of Council Decision. Unless otherwise provided in the Code, the Council decision shall be final and effective and subject to a writ under Code of Civil Procedure Section 1094.5 or CEQA Section 1085 immediately upon final Council action.

11-7.6 Planning Commission

A. Appointment

The Planning Commission, pursuant to Title II Chapter 1- Planning Commission, shall be appointed and serve in compliance with Subsection 11-7.6 of the City of Selma Municipal Code.

B. Duties and Authority

The Commission shall perform the duties and functions prescribed by Title 2 (Commissions and Boards) of the City of Selma Municipal Code and this Title, including the following:

1. The review and final decision on development projects and related environmental documents; and

The recommendation, to the city council for final decisions, on development agreements, General Plan Amendments, Specific Plans, Zoning Map/Code Amendments, and other applicable environmental documents, policy, or ordinance matters related to the City's planning process.

The functions listed above shall be performed in compliance with Chapter 6 (Permit Processing) and the California Environmental Quality Act (CEQA).

11-7.7 Amendments to Zoning Ordinance Text, Zoning Map and General Plan

The purpose of this Chapter is to provide procedures by which changes may be made to the text of this Ordinance and to the Zoning Map whenever the public necessity and convenience and the general welfare require such amendment to maintain consistency with the General Plan.

A. Applicability

The procedures in this Chapter shall apply to the following proposals:

1. **Zoning Ordinance Text Amendment.** A change the text of this Ordinance
Zoning Map Amendment (Rezone and Prezone). An application to revise a Zoning District classification or Zoning District boundary line shown on the Zoning Map. The same application and process shall be applicable for the purpose of rezoning to establish the designation of land uses for unincorporated property adjoining the city, within the sphere of influence, prior to annexation.
Plan Amendment. A change in the text of the General Plan or any operative plan, or a change to the General Plan's planned land use designation for a site, including pre-zoning.

B. Initiation

An Amendment to the text of the Zoning Ordinance, Zoning Map or General Plan may be initiated by:

1. **Council.** A resolution of intention directing the commission to initiate an amendment;
- Planning Commission.** A resolution of intention initiated by the planning commission;
- Director.** An amendment may be initiated by the Director;
- Zoning Ordinance Text Amendment.** An amendment to the text of the zoning code may be initiated by any qualified applicant identified in Chapter 6 (Permit Processing); or
- Zoning Map Amendment.** An amendment to the zoning map (i.e. rezone) may be initiated by a petition signed by no fewer than 50 persons who are property owners or tenants within the City.
- Plan Amendment.** An amendment to the General Plan or operative plan may be initiated by any qualified applicant identified in Chapter 6 (Permit Processing). Plan Amendments include changes to text in said plans, maps, and planned land use designations.

C. Application Requirements

1. **Application.** A qualified applicant shall submit an application for a zoning amendment on a form prescribed by the Director or designee accompanied by the required fee. The Director or designee may require an applicant to submit such additional information and supporting data as considered necessary to process the application.
- Coordination with Other Applications.** The Planning Division may allow any necessary applications for amendments to zoning regulations or for approval under the requirements of this Ordinance to be processed simultaneously with the proposed zoning amendment.

D. Review Procedures and Public Notice

1. **Staff Report.** The Director or designee shall prepare a report and recommendation to the planning commission on any application for a zoning amendment. The report shall include, but is not limited to, a discussion of how the proposed amendment meets the criteria in Section 11-7.7(G), Criteria for Zoning Amendments, for approving a zoning amendment and an environmental document prepared in compliance with the California Environmental Quality Act.
- Public Hearing Required.** All zoning amendments shall be referred to the Planning Commission, which shall hold at least one public hearing on any proposed amendment.
- Public Notice.** At least 10 days before the date of the public hearing, the planning division shall provide notice consistent with Section 11-7.9, Public Notices and Hearings.

E. Planning Commission Hearing and Recommendation

1. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with Chapter 6, Permit Processing.
- Recommendation to Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed zoning amendment to the City Council. Such recommendation shall include the reasons for the recommendation, and the findings related to the criteria for zoning amendments in Section 11-7.7 and shall be transmitted to the City Council. If the matter under consideration is a proposal to reclassify a property from one zone to

another and the Planning Commission has recommended against the adoption of such amendment, the City Council is not required to take any further action unless an interested party files a written request for a hearing with the City Clerk within 14 days after the Planning Commission action.

F. City Council Hearing and Action

1. After receiving the report from the Planning Commission or a written request from an interested party pursuant to Section 11-7.7(6)(B), the City Council shall hold a duly-noticed public hearing. At least 10 days before the date of the public hearing, the Planning Division shall provide notice consistent with Chapter 6, Permit Processing. The notice shall include a summary of the Planning Commission recommendation.

After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed amendment.

G. Criteria for Zoning Amendments

1. The Planning Commission shall not recommend, and the City Council shall not approve a Zoning Text Amendment unless the proposed amendment meets the following criteria:

- a. **Zoning Ordinance Text Amendment Findings.**

- i. The Ordinance amendment is consistent in principle with the General Plan and any applicable Specific Plan; and

The Ordinance amendment is consistent with the purpose of this Ordinance to promote the growth of the City in an orderly manner and to promote and protect the public health, safety, and general welfare.

- b. **Zoning District Boundary Amendment (Rezoning Map Amendments) and General Plan Amendments Findings.**

- i. The change in district boundaries is consistent in principle with the General Plan;

The change in district boundaries is consistent with the purpose of this Ordinance to promote the growth of the City in an orderly manner and to promote and protect the public health, safety, and general welfare; and

The change in district boundaries is necessary to achieve the balance of land uses desired by the City, consistent with the General Plan, and to increase the inventory of land within a given Zoning District.

H. Interim Zoning

1. The City Council, to protect the public safety, health, and welfare, may adopt an interim ordinance prohibiting or allowing any uses or establishing development standards when this Zoning Ordinance may otherwise be in conflict with a contemplated General Plan, Specific Plan, or zoning proposal which the City Council, Planning Commission or the Director or designee is considering or studying or intends to study within a reasonable time. Nothing in this Section shall limit the power of the City Council, by virtue of the City Charter, to take necessary action to protect the public health, safety, and welfare.

Procedures.

- a. In adopting an interim ordinance, the City Council need not follow the procedures otherwise required prior to the adoption of an Ordinance amendment as provided for in this Chapter.
- b. An interim ordinance may be adopted as an emergency ordinance pursuant to the provisions of Chapter 6, Permit Processing.
- c. The City Council as part of any interim ordinance, may adopt procedures to modify the standards contained in the interim ordinance, and may establish procedures which differ from those contained in Chapter 6, Permit Processing.

Required Findings

- a. The City Council shall not adopt or extend any interim ordinance pursuant to this Section unless the ordinance contains a finding that there is a current and immediate threat to the public health, safety, and welfare, and that the approval of additional subdivisions, use permits, variances, building permits or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in a threat to public health, safety, and welfare.

Duration

- a. An interim ordinance shall be of no further force and effect sixty days from its effective date. After notice and public hearing pursuant to Chapter 7, the City Council may extend the interim ordinance up to 60 months.

Notwithstanding subsections (1) through (3) of this Section, if the interim zoning ordinance would operate to prohibit a use otherwise authorized by this Ordinance, the City Council shall follow the procedure specified in Government Code Section 65858, or any successor legislation thereto.

11-7.8 Appeals

A. Purpose

This Chapter provides procedures (as described in **Table 6-1 Permit Review Authorities**) for the following:

- 1. The Council's review of a decision rendered by the Planning commission;
- 2. The Planning commission's review of a decision rendered by the Director or designee;
- 3. The simultaneous request for an appeal by both the Council and Planning commission; and;
- 4. The filing of an appeal, by other than the Council or Planning commission, of a decision rendered by the Director or designee or Planning commission.

B. Planning commission Review

A member of the Planning commission may request the opportunity to discuss any decision previously rendered by the Director or designee; however, a majority vote of the Planning commission is required to initiate an appeal of the decision. Once the vote to initiate an appeal is passed by a majority, the matter shall be scheduled for hearing. The decision of the Planning Commission on the appeal is final, unless after a timely written request is made to the City Council and the City Council approves the request for appeal to the City Council.

C. Council Review

A member of the Council may request the opportunity to discuss any decision previously rendered by the Director or designee or Planning Commission; however, a majority vote of the Council is required to initiate an appeal of the decision. Once the vote to initiate an appeal is passed by a majority, the matter shall be scheduled for hearing. The decision of the Council on the appeal shall be final and shall become effective upon adoption of the resolution by the Council.

D. Appeal by the Council and Planning commission

If members of both the Planning Commission and Council file an appeal from the same decision, the matter shall be scheduled for Council determination. The Council shall determine whether the appeal shall be considered, and if so, by which review authority. Once the Council determines that the appeal should be heard, the appeal shall be scheduled for hearing by the review authority designated by the Council.

E. Appeals of Decisions

An appeal filed by other than the Council or Planning Commission shall be heard by the following review authorities:

1. **Director Appeals.** A decision rendered by the Director or designee may be appealed to the Planning commission;

F. Planning Commission Appeals

A decision rendered by the Planning Commission may be appealed to the City Council.

Report and Scheduling of Hearing. When an appeal has been filed, the Director or designee shall prepare a report on the matter and schedule the matter for consideration by the appropriate review authority.

Required Statement and Evidence.

- a. Applications for appeals shall include a general statement, specifying the basis for the appeal and the specific aspect of the decision being appealed.
- b. Appeals shall be based upon an error in fact, dispute of findings or inadequacy of conditions to mitigate potential impacts.
- c. Appeals shall be accompanied by supporting evidence substantiating the basis for the appeal.

Action. If the matter originally required a noticed public hearing, the Planning Division or city Clerk, as applicable, shall notice the hearing in compliance with Section 11-7.8.7 (Notice for Appeal Hearings). At the hearing, the review authority may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal.

- a. By resolution, the review authority may affirm, affirm in part, or reverse the action, determination or decision that is the subject of the appeal.
- b. When reviewing an appeal, the review authority may amend or adopt additional conditions of approval that may address other issues or concerns than the subject of the appeal.
- c. When reviewing an appeal, the review authority may disapprove the land use entitlement approved by the previous review authority, even though the appellant only requested a modification or elimination of one or more conditions of approval.

- d. If new or different evidence is presented on appeal, the planning commission or Council may, but shall not be required to, refer the matter back to the director or designee or planning commission for further consideration.

G. Time Limitations

1. **Timing and Form of Appeal.** Appeals shall be submitted in writing and filed with the Planning Division or city Clerk, as applicable, within 15 days after the decision date identified in the notice of decision. Appeals addressed to the Planning commission shall be filed with the Planning Division, while appeals addressed to the Council shall be filed with the City Clerk. The appeal shall specifically state the pertinent facts of the case, and the basis for the appeal as required by Section 11-7.8(6)(C) (Required Statement and Evidence) below. Appeals shall be accompanied by the filing fee established by the Council Fee Resolution. The number of days shall be construed as calendar days. Time limits will extend to the following City Hall working day, where the last of the specified number of days falls on a weekend, holiday, or other day when City Hall is officially closed.

H. Notice for Appeal Hearings

1. **Appeal of Planning Commission's Decision.** Where an appeal of a Planning Commission decision made following a public hearing, noticed in compliance with Section 11-7.9 (Public Notices and Hearings), is filed with the city Clerk, and a hearing on the merits of the appeal is placed in the Council agenda, notice shall be given in compliance with Section 11-7.9 (Public Notices and Hearings), unless the council determines otherwise.

Appeal of Director's Decision. The director or designee may require mailed notices, on a case-by-case basis, in compliance with Section 11-7.9 (Public Notices and Hearings), for the appeal of an administrative discretionary review decision to the planning commission or Council. At minimum, notice of the appeal shall be mailed to all persons who previously received notice of the director's or designee's decision, at least 21 days before the scheduled public hearing or review.

I. Notice of Final Decision- Planning Commission

Within 10 working days after the final decision is rendered by the planning commission, a notice of the decision, and any applicable conditions of approval, shall be mailed to the appellant at the address shown on the application. A copy of the notice shall also be sent in compliance with Section 11-7.9.8 (Mailing of the Notice of Decision).

J. Appeal Pending

While an appeal is pending, the establishment of any affected use or structure shall be held in abeyance, and all permits and licenses issued for the use or structure shall be stayed.

11-7.9 Public Notices and Hearings

This Chapter provides procedures for the noticing requirements and public hearings before the Commission and Council, and for administrative review by the Director or designee. When a public hearing is required by this Title, public notice shall be given, and the hearing shall be conducted as provided by this Chapter.

A. Notice of Public Hearing

1. A notice of public hearing shall be mailed to the applicant or their agent, the owner of the property and owners and occupants of all property within a radius of three hundred (300) feet from the property lines of the site under consideration, using for this purpose the name and address of such owners as shown upon the latest available assessment rolls of the county assessor. The notices shall be mailed at least ten (10) days prior to the date of the public hearing.
2. If applicable, a notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.
3. At least ten (10) days prior to the date of the hearing, a public notice shall be published in a newspaper having general circulation in the city.

B. Notice of Decision – Director

The Director or designee may record the decision, refer the matter to the Commission for determination, or defer action and record the decision at a later date. The decision shall contain applicable findings, any conditions of approval, and the reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public health, safety, and general welfare of the City.

C. Notice of Decision – Commission

The Commission may announce and record the decision at the conclusion of a scheduled hearing, or defer action, take specified items under advisement, and announce and record the decision at a later date. The decision shall contain applicable findings, any conditions of approval, and the reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public health, safety, and general welfare of the City.

D. Finality of Decision by Director or Commission

The decision of the Director or Commission or their designees is final unless appealed in compliance Chapter 11-7.8 (Appeals).

E. Recommendation by Commission

At the conclusion of a public hearing on a Comprehensive Plan, Development Agreement, Specific Plan, rezoning, or a proposed amendment to the General Plan or Zoning Map/Code, the Commission shall forward a recommendation, including all required findings, to the Council for final action.

F. Notice of Decision – Council

For an application requiring Council approval, the Council shall announce and record its decision at the conclusion of the public hearing. The decision shall contain the findings of the Council, any conditions of approval, and the reporting/monitoring requirements deemed necessary to mitigate impacts and protect the public health, safety, and general welfare of the City.

G. Mailing of the Notice of Decision

Within 10 working days after the final decision or recommendation is rendered by the appropriate review authority, a notice of the decision, recommendation, any applicable conditions of approval, and any reporting/monitoring requirements, shall be mailed to the applicant at the address shown on the application. A copy of the notice shall also be sent to the property owner, if different from the applicant, and to all other persons who have filed a written request for notice.

11-7.10 Development Agreements

This Section provides procedures and requirements for the review and approval of development agreements consistent with the provisions of state law.

A. Applicability

1. **Initiation.** Consideration of a development agreement may be initiated by:
 - a. The Council; or
 - b. Property Owner(s) or other persons having a legal or equitable interest in the property proposed to be subject to the agreement.

B. Application Filing, Processing and Review

1. **Owner's request.** An owner of real property may request and apply through the planning division to enter into a development agreement, provided that:
 - a. The status of the applicant as property owner or bona fide representative of the owner is established to the satisfaction of the director or designee;
 - b. The application is accompanied by all documents, information, and materials required by the planning division.

Director Review. The director or designee shall receive, review, process, and prepare recommendations for the planning commission and Council consideration on all applications for development agreements.

Concurrent Processing and Public Hearings. All development-related applications shall be processed and scheduled for public hearing concurrently with the application for a Development Agreement. The Council shall be the review authority for the Development Agreement and all associated applications.

Fees. The application for a Development Agreement shall include the processing fee established by the Council Fee Resolution.

C. Public Hearings

1. **Commission Hearing.** Upon finding the application for a Development Agreement complete, the Director or designee shall set the date for a public hearing before the Commission, in compliance with Section 11-7.8 (Public Notices and Hearings). Following conclusion of a public hearing, the Commission shall adopt a resolution and make a written recommendation to the Council that it approve, conditionally approve, or deny the application.

Council Hearing. Upon receipt of the Commission's recommendation, the City Clerk shall set a date for a public hearing before the Council in compliance with Section 11-7.9 (Public Notices

and Hearings). Following conclusion of the public hearing, the Council shall approve, conditionally approve, or deny the application, with appropriate findings in compliance with Subsection 11-7.10.4.E. (Required Findings). If the Council proposes to adopt a substantial modification to the Development Agreement not previously considered by the Commission during its hearings, the proposed modification shall be first referred back to the Commission for its recommendation, in compliance with State law (Cal. Gov't Code § 65857). Failure of the Commission to report back to the Council within 40 days after the referral, or within a longer time set by the Council, shall be deemed a recommendation for approval of the proposed modification.

Notice of the Hearings. Notice of the hearings, outlined in Subsection 11-7.9 (Public Notices and Hearings above, shall be given in the form of a notice of intention to consider approval of a development agreement, in compliance with State law (Cal. Gov't Code § 65867).

Adopting Ordinance. Should the Council approve or conditionally approve the application, it shall, as a part of the action of approval, direct the preparation of a Development Agreement embodying the conditions and terms of the application as approved or conditionally approved, as well as an ordinance authorizing execution of the development agreement by the Council, in compliance with State law (Cal. Gov't Code § 65867.5).

Required Findings. The ordinance shall contain the following findings, and the facts supporting them. It is the responsibility of the applicant to establish the evidence in support of the required findings:

- a. The Development Agreement is in the best interests of the city, promoting the public interest and welfare;
- b. The Development Agreement is consistent with all applicable provisions of the General Plan, any applicable Specific Plan, and this Title;
- c. The Development Agreement is in compliance with the conditions, requirements, restrictions, and terms of Subsections 11-7.9 (Development Agreements) and Subsection 11-7.9(D) (Contents of a Development Agreement),

D. Contents of a Development Agreement

1. **Mandatory Contents.** A Development Agreement entered into in compliance with this Chapter shall contain the mandatory provisions (e.g., conditions, requirements, restrictions, and terms) specified by State law (Cal. Gov't Code § 65865.2 [Agreement Contents]).

Permissive Contents. A Development Agreement entered into in compliance with this Chapter may contain the permissive provisions (e.g., conditions, requirements, restrictions, and terms) specified by State law (Cal. Gov't Code § 65865.2 [Agreement Contents]), and any other terms determined to be appropriate and necessary by the council, including provisions for the payment to the city of monetary consideration.

E. Execution and Recordation

1. **Effective Date.** The city shall not execute any development agreement until on or after the date on which the ordinance approving the agreement becomes effective, and until it has been executed by the applicant.

Conditioning Approval. The provisions of this Chapter shall not be construed to prohibit the Director or designee, Commission or Council from conditioning approval of a discretionary

permit or entitlement on the execution of a Development Agreement, where the condition is otherwise authorized by law.

Recordation. A Development Agreement shall be recorded with the County Recorder no later than 10 days after it is executed, in compliance with State law (Cal. Gov't Code § 65868.5).

F. Environmental Review

1. The approval or conditional approval of a Development Agreement in compliance with this chapter shall be deemed a discretionary act for purposes of CEQA.

G. Periodic Review

1. **Periodic Review.** Every Development Agreement approved and executed in compliance with this Chapter shall be subject to periodic review by the Director or designee during the full term of the agreement.

Appropriate fees to Purpose of Periodic Review. Fees cover the city's costs to conduct the periodic reviews shall be collected from the contracting party, in compliance with Section 11-7.9(B) (Application Filing, Processing and Review). The purpose of the periodic review shall be to determine whether the contracting party or the successor-in-interest has complied in good faith with the terms and conditions of the Development Agreement. The burden of proof shall be on the applicant or contracting party or the successor to demonstrate compliance to the full satisfaction of, and in a manner prescribed by, the City.

Result of Periodic Review. If, as a result of a periodic review in compliance with this section, the Director or designee finds and determines, on the basis of substantial evidence, that the contracting party or the successor-in-interest has not complied in good faith with the terms or conditions of the agreement, the Director or designee shall notify the Commission, which may recommend to the Council that the agreement be terminated or modified.

The procedures for the termination or modification hearing shall comply with Section 11-7.6 (H) below.

H. Amendment or Cancellation of Development Agreement

A Development Agreement may be amended or canceled, in whole or in part, by mutual consent of all parties to the agreement, or their successor-in-interest, in compliance with State law (Cal. Gov't Code § 65868), or as set forth in the agreement. The requested amendment or cancellation shall be processed in the same manner specified by this Chapter for the adoption of a Development Agreement.

I. Effect of a Development Agreement

1. **Rules, Regulations and Policies.** Unless otherwise provided by the Development Agreement, the rules, regulations, and official policies governing allowed uses of the land, density, design, improvement and construction standards and specifications, and Building Code provisions applicable to development of the property subject to a development agreement, are the rules, regulations, and official policies in force at the time of execution of the agreement.

State Law. In compliance with State law (Cal. Gov't Code § 65866), unless specifically provided for in the Development Agreement, the agreement does not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies that do not conflict with those rules, regulations, and policies applicable to the property under the

Development Agreement. Further, a Development Agreement does not prevent the City from conditionally approving or denying any subsequent development project application, on the basis of existing or new rules, regulations, and policies.

Approved Development Agreements. Development Agreements approved by the Council shall be on file with the City Clerk.

11-7.11 Annexation

A. Purpose

The purpose of this section is to provide procedures, requirements for the annexation of property to the city.

B. Process

1. Property that is subject to annexation shall be pre-zoned consistent with the General Plan, any other applicable operative plan and annexation criteria. If an applicant proposes to pre-zone to different zone districts than those which are consistent with the General Plan and other operable plans, then plan amendments which achieve consistency shall be initiated and processed.
2. Annexation shall not be approved unless the proposed annexation meets all of the following criteria:
 - a. The proposed annexation and parcel configuration is consistent with the General Plan and any applicable operative plan
 - b. Adequate public services, facilities, and utilities meeting City standards are available to the lands proposed for annexation or will be provided within a specific period of time, with financial guarantees and performance requirements, to ensure this will occur.
 - c. Projects requiring annexation will not negatively impact City finances.
 - d. The City will partner with the community, if there is wide support for annexation, to coordinate terms to initiate and support the annexation process.
 - e. The annexation shall be approved by the Local Agency Formation Commission (LAFCO) of Fresno.
 - f. Legal Description and exhibit consistent with State Board of Equalization Standards
 - g. Permit Modifications and Revocations
3. Any request to modify a planning permit may be approved by the Decision Body by amending existing conditions or adding new conditions after following the same procedures as for applying for such permit.

Any planning permit may be revoked if any of the following apply:

- a. Failure to utilize any use permit granted by the City within 12 months after the effective date of issuance unless a written request for extension is submitted to the Planning Commission 30 days prior to the expiration of the permit. The Planning Commission shall review the request at its next regular meeting and may grant or conditionally grant an extension as it deems appropriate.
- b. One or more of the terms or conditions upon which a permit was granted has been violated.

- c. The use for which the permit was granted is conducted in a manner that is detrimental to the public health, safety, or welfare or that creates a nuisance, after the owner or other person responsible for the operation of the premises has been placed on notice by the City that such conditions exist and has failed to correct the objectional conditions.
- d. The Commission shall hold a hearing prior to the revocation of any use permit. Written notice shall be given at least 10 days prior to the hearing to the permittee at the address of the property subject to the permit; or if the property is unimproved, to the address of the owner as shown on the last equalized assessment roll in the office of the Assessor of the County.

Table 7-1 Revocation Authority

Original Decision-Making Body	May Initiate Revocation Proceedings?	Revocation Authority	Public Notice and Posting of the Site?
Director	Yes	Planning Commission	Yes
Planning Commission	Yes	Planning Commission	Yes
City Council	Yes	City Council	Yes

11-7.12 Enforcement

This Chapter provides procedures intended to ensure compliance with the requirements of this Title and the conditions of land use permit approval pursuant to Title I Chapter 20 and Chapter 21 of the Municipal Code.

A. Violations

1. **Public Nuisance.** Any use, structure, or property altered, enlarged, erected, established, maintained, moved or operated contrary to the provisions of this Title, or any condition of approval, is hereby declared to be unlawful and a public nuisance, and may be abated by the City through civil proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

Stop Work Order. Construction in violation of this Title, or any condition imposed through this Title, shall be subject to the issuance of a Stop Work Order. A violation of a Stop Work Order shall constitute a misdemeanor.

Penalty. Any violation of this Title, or failure to comply with any of its provisions, shall be deemed to be a misdemeanor, and punishable as such, notwithstanding the fact that, at the discretion of the City Attorney, violation of any section of this Title may be prosecuted as an infraction. Each day a violation of any provision of this Title continues shall be a new and separate violation.

B. Inspection

Every owner and applicant seeking an approval, or any other action through this section, shall allow authorized City officials, or their designees, reasonable access to any premises or property that is the subject of the approval or other action. Once approval or other action has been granted in compliance with this Title, the owner or applicant shall allow authorized City officials, or their designees, access to the premises, where there is reasonable cause to believe the premises or property is not in compliance with the approval or other action.

C. Additional Permit Processing Fees

Any person who establishes a land use, or alters, constructs, enlarges, erects, maintains, or moves a structure without first obtaining a permit required by this Title, or any condition imposed through this Title, shall pay the additional permit processing fees established by the Council Fee Resolution for the correction of the violation, before being granted a permit for a use or structure on the site.

11-7.13 Fees

A. Filing Fees

1. The rates and fees for the following zoning related activities, permits, and violations shall be set in the Master Fee Schedule as adopted by the Council.
 - a. Planning Permits;
 - b. Zoning District Confirmation Letters;
 - c. Site Plan Reviews;
 - d. Director Review and Approvals;
 - e. Conditional Use Permit;
 - f. Variance;
 - g. Temporary Use Permit;
 - h. Modification and Revocation;
 - i. Rezones/Prezones
 - j. Zoning Ordinance Text and Zoning District Amendments
 - k. General Plan Amendments
 - l. Annexation; and
 - m. Appeals

Chapter 8 Definitions/Use Classifications

11-8.1 Definitions

“Abandonment” means the cessation of the use of the property for a period of one year or more.

“Abatement” means eliminating a zoning ordinance violation.

“Abut” means to physically touch or border upon; or to share a common property line.

“Accessory Dwelling Unit (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 an existing primary single-family residence. An ADU must include permanent provisions for living including sleeping, eating, cooking, and sanitation as described in Section 11-4.2 (ADUs and Junior ADUs), below. An ADU can be located on the same lot as a primary residence and may be an efficiency unit, a traditional stick-built structure, or a manufactured home. An ADU may be attached (to the existing single-family residence) or detached, provided the unit complies with all standards in this Zoning Ordinance. The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is also permitted.

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

“Accessory Use” means a use naturally and normally incidental to, subordinate to, and devoted exclusively to the principal use of the premises.

“Acre” means a land area unit containing forty-three thousand five hundred sixty square feet.

“Addition” means any construction which increases the size of an existing building such as a porch, attached garage or carport, or new room. An addition is a form of alteration.

“Adjacent” means near, close, or abutting; for example, an industrial zone across a street or highway from a residential zone shall be considered “adjacent.”

“Adjoin” means the same as “Abut.”

“Adult Business” means any business establishment or concern that, as a regular and substantial course of conduct, performs or operates as an adult arcade, adult cabaret, adult model studio, adult store, adult theater, or any combination thereof, See Section 11-4-8.

“Advertising Structure” means any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size or shape, for the purpose of advertising property or the establishment or enterprise, including goods and services which are not located on the same property as said advertising structure.

“Aesthetic” means the perception of artistic elements, or elements in the natural or manmade environment which are pleasing to the eye.

“Agricultural Product Processing” means the refinement, treatment, or conversion of agricultural products. Examples of agricultural processing include, but are not limited to, packing sheds, fruit

dehydrators, cold storage houses and hulling operations and the sorting, cleaning, packing, and storing of agricultural products preparatory to sale and/or shipment in their natural form when such products are produced on the premises, including all uses customarily incidental thereto, but not including a slaughter house, fertilizer works, commercial packing or processing plant for the reduction of animal matter or any other use which is similarly objectionable because of odor, smoke, dust, fumes, vibration or danger to life or property.

“Agricultural Use” means the tilling of soil, the raising of crops, horticulture, viticulture, aviculture, apiculture, livestock grazing, the raising of small animals and poultry, domestic livestock farming, dairying, and animal husbandry.

“Airport” means any area which is customarily used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

“Alley” means a public thoroughfare or way not less than ten feet nor more than 20 feet in width, serving as a secondary means of access to abutting property, and which has been deeded or dedicated to the city.

“Alteration” means any change, addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

“Ambient Noise” means the background sound pressure level at any given location.

“Amendment” means a change in the working, context, or substance of the Zoning Ordinance, as addition or deletion, or a change in zone boundaries or classifications (Zoning District) upon the zoning map which imposes any regulation not theretofore imposed or removes or modifies any such regulation theretofore imposed.

“Animal Care” means the care and maintenance of animals on private property.

“Annexed” means to have land be incorporated into the City of Selma with a resulting change in the boundaries of the City.

“Arts Council” means the Arts Council of the City of Selma.

“Assessor” means the county assessor of the county of Fresno.

“Attached” means two structures which are structurally integrated with each other by supporting members shall be considered attached.

“Barbed Wire” means wire for fences or barriers having sharp barbs or points of metal twisted into smooth wire at regular intervals.

“Billboard” means any sign containing advertising, not appurtenant to any permitted use, over six square feet in area.

“Building” means any structure having a roof supported by columns or by walls and designed for the housing or enclosure of any person, animal, or chattel.

“Building Code” mean any ordinance of the City governing the type and method of construction of buildings, signs, and sign structures and any amendments thereto and any substitute therefore

including, but not limited to, the California Building Code, other State-adopted uniform codes and the Minimum Building Security Standards Ordinance.

“Building Envelope” means the aggregate of building mass and building bulk permitted on a parcel which is defined by height regulations, setbacks, and other property development standards.

“Building Height” means 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 topmost point of the roof.

“Building, Principal” means a building in which is conducted the principal use of the lot on which it is situated. In any R zone, any dwelling shall be deemed to be a main building on the lot on which the same is situated.

“Building Official” means the individual appointed by the city administrator to enforce the building code and to act as the code enforcement officer for provisions of the Zoning Ordinance.

“Building Site” means a parcel or parcels of land occupied or to be occupied, by a main building and accessory buildings together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, highway, or waterway.

“Business” means the purchase, sale or other transaction involving the handling or disposition (other than that included in term “Industry” as defined herein) of any article, substance or commodity for profit or a livelihood, including in addition, operation of automobile or trailer courts, tourists courts and motels, public garages, office buildings, offices of doctors and other professionals, outdoor advertising signs and structures, public stables, recreational and amusement enterprises conducted for profit, shops for the sale of personal services, places where commodities or services are sold or are offered for sale, either by direct handling of merchandise or by agreements to furnish them, but not including dumps and junkyards.

“California Department of Alcoholic Beverage Control (ABC)” means the California State agency that regulates the permitting of alcohol beverage sales, including the sale of beer, wine, and distilled spirits.

“California Environmental Quality Act (CEQA)” means a state law which requires local and state agencies to determine the potential environmental impacts of a proposed project.

“Carport” means a permanently roofed structure providing space for parking or temporary storage of vehicles enclosed on not more than two sides.

“Certificate of Occupancy” means a document issued by the building official allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

“Change in Use” means any use which substantially differs from the previous use of a building or land. The Community Development Director or designee shall determine whether a change is substantial or not. Change of ownership shall not be considered a change of use.

“Church” means, but shall not necessarily be confined to, any building, structure, or open space where a group of two or more persons, not immediate members of one family only, regularly gather for purposes of divine worship.

“City” means the City of Selma.

“City Council” or “Council” means the City Council of the City of Selma.

“City Manager” means the City Manager of the City of Selma or the designee or designees of the City Manager.

“City Property” means all real property and improvements owned, operated, or controlled by the City other than public ROW, within the City's jurisdiction. City property includes, but is not limited to, City offices and owned facilities, streetlights, and traffic lights.

“Club” means an association of persons for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

“Commercial Districts” means those zoning districts with a commercial designation of (C).

“Compensation” means compensation in money, services, or other things of value.

“Condominium” means an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map or condominium plan in sufficient detail to locate all boundaries thereof, and as further defined in Section 1351 of the Civil Code of the state of California.

“Construction” means Construction, erection, enlargement, alteration, conversion or movement of any building, structures, or land together with any scientific surveys associated therewith.

“Conversion” means a change in the use of land, structure, or activity.

“Contiguous” means the same as “Abut.”

“Conviction” means a finding of guilty by a jury or court, or a plea of guilty or nolo contendere.

“County” means the County of Fresno.

“Court” means a person or body of persons having judicial authority to hear and resolve disputes in civil, criminal, ecclesiastical, or military cases.

“Covenant” means a promise in a written contract or a deed of real property.

“CPCN” means a “certificate of public convenience and necessity” granted by the CPUC or its duly appointed successor agency pursuant to California Public Utilities Code Section 1001 et seq.

“CPUC” means the California Public Utilities Commission established in the California Constitution, Article XII, Section 5, or its duly appointed successor agency.

“Cul-de-sac” means a street or passage closed at one end.

“Cultivation”, when referring to cannabis, means any activity involving the planting, growing, harvesting, drying, curing, grading, storing, or trimming of cannabis.

“Day Care Center” means an institution that provides supervision and care of infants and young children during the daytime.

“Deck” means a platform, either freestanding or attached to a building that is used for outdoor space. It typically extends from the façade of a building and is supported by pillars or posts but may be located on a flat portion of a building, such as a roof or setback. It is distinct from a Patio.

“Demolition” means the destruction, dismantling, or removal of a building or structure, or substantial portion of a building or structure so that it constitutes demolition pursuant to the provisions of this Code.

“Detached” means not sharing a common wall or roof.

“Density” means the maximum number of dwelling units permitted per specified area of land.

“Developer” means the legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

“Development” means any change to unimproved or improved real property including, but not limited to, the placement, construction, reconstruction, conversion, structural alteration, or enlargement of any structure; any mining, excavation, landfill, or land disturbance. Agriculture is not defined as development within Zoning Ordinance.

“Development Agreement” means An agreement between the City and any person having a legal or equitable interest in real property for the development of such property and which complies with the applicable provisions of the [Government Code](#) Section 65864 et seq., and local law for such development agreements pursuant to Section 11-7-10, Development Agreements.

“Development Standard” means those development requirements of each zoning district or combining district which apply to permitted uses by setting forth minimum requirements or specifications for lot dimensions, setbacks, and height limits; amount of land covered by buildings and structures; animal densities; parking and signs. A development standard can only be modified by a variance or zoning ordinance amendment.

“Director” means the director of planning and development services of the City or person responsible for planning and development services in the City.

“District” means the same as “Zone” or “Zoning District.”

“Drainage” means any natural or artificial watercourse, trench, ditch, swale, or similar depression into which surface water flows.

“Drive-In and Drive-Through Facilities” Drive-through or Drive-up facilities. An establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services. Drive-through facilities include (but not limited to) the following establishments: car wash, fast food restaurant, café, pharmacy, and bank.

“Driveway” means any vehicular access to an off-street parking or loading facility.

“Duplex” means a building containing not more than two kitchens, designed and/or used to house not more than two families, living independently of each other, including all necessary employees of each family.

“Dwelling” means a building or portion thereof designed exclusively for single-family residential occupancy, but not including hotels, clubs, or boarding houses or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraint.

“Dwelling, Multiple” means a building, or portion thereof, used, designed, or intended as a residence for three or more families living independently of each other, and doing their own cooking in the building, including apartment houses, apartment hotels and flats.

“Dwelling Unit” means two or more rooms in a dwelling, or an apartment designed for occupancy by one family for living and sleeping purposes and having only one kitchen.

“Easement” means the right to use the real property of another for a specific purpose.

“Eave” means the projecting lower edges of a roof overhanging the wall of a building.

“Effective Date” means the date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

“Egress” means a point of vehicle exit from a parking area, lot, garage, or driveway.

“Emergency” means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

“Environmental Review” means an evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

“Erect” means to build, build upon, add to, alter, construct, reconstruct, move upon, or any physical operation upon the land required for a building.

“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account environmental, physical, legal, financial, and technological factors.

“Fee” means a payment to the City for the processing of a permit or license application by a City Agency or Department.

“Federal” means the government of the United States of America.

“Fence” means an artificially constructed barrier of any material or combination of materials erected to enclose or screen an area of land. Fences may also be walls, hedges and screen planting.

“Fire Code” means an ordinance of the City adopting and amending the California Fire Code governing fire and life safety protection for new and existing buildings and facilities.

“Floor area, Gross” means a development standard defined as the total horizontal area of all floors of a building as measured to the surfaces of exterior walls and including corridors, stairways, elevator shafts, attached garages, porches, balconies, basements, and offices.

“Frontage” means that portion of a parcel of property which abuts a public street or approved private street or highway, measured along the future street line as indicated in the general plan.

“Garage, Private” means a detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

“Garage, Public” means a building used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire, or sale.

“Garage (or Yard) Sale” means any sale, conducted on premises within a residential district upon which is located a dwelling, by any occupant of such dwelling, of any personal property which is owned and has been used by such occupant. The term “garage sale” does not include a sale of one or two items of personal property which is not part of a general sale of items of personal property.

“Garage Space” means a permanently maintained covered space of not less than 8 x 19 feet for the parking of automobiles off the street. Such space shall be located and arranged for an accessory building and with adequate ingress and egress.

“General Plan” means the City of Selma General Plan.

“Glare” means the effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.

“Government Code” means the Government Code of California.

“Government Facilities” means a building or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

“Grade” means the gradient, the rate of incline or decline expressed as a percent. For example, a rise of twenty-five feet in a horizontal distance of one hundred feet would be expressed as a grade of twenty-five percent.

“Habitable Space” as defined in Section 202 of the California Building Code.

“Habitation” means regular and exclusive use of a space or structure for shelter and other residential purposes in a manner that is private and separate from another residence on the same parcel.

“Hazardous Materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

“Hedge” means a boundary or barrier of plant material formed by a row or series of shrubs, bushes, trees, or other similar vegetation that enclose, divide, or protect an area or that prevent a person from passing between any combination of individual shrubs, bushes, trees, or other similar vegetation.

“Home Occupation” means a commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling.

“Household” means one or more persons living together in a single dwelling unit, with access to and use of all common living and eating areas and all common areas and facilities for the preparation and storage of food and who maintain a single mortgage, lease, or rental agreement for all members of the household.

“Illegal Use” means any use of land or building that does not have the currently required permits and was originally constructed and/or established without permits or approvals required for the use at the time it was brought into existence.

“Intensity of Use” means the extent to which a particular use or the use in combination with other uses affects the natural and built environment in which it is located, the demand for services, and persons who live, work, and visit the area. Measures of intensity include, but are not limited to, requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light or glare generated; the number of persons attracted to the site, or, in eating establishments, the number of seats.

“Incidental” means secondary, accessory and subordinate to another use, structure, or activity.

“Infrastructure” means facilities and services needed to sustain industry, residential, commercial activities, and all other land use activities, including water, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

“Ingress” means a point of vehicle entrance to a parking area, lot, garage, or driveway.

“Interior Lot.” means a lot whose front yard abuts a street.

“Junior Accessory Dwelling Unit (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. A JADU must

have an exterior entrance separate from the main entrance of the primary residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the primary residence. Further, a JADU must include at least an efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets.

“Kitchen” means any room in a building or dwelling unit which is used for cooking or preparation of food.

“Landscaping” means the planting and continued maintenance of suitable plant materials or a combination of plant materials within minimum areas of paving, gravel, otherwise dust-free. An adequate irrigation system is required.

“Loading Area” means a permanently maintained space located off the street with access for the parking, loading, and unloading of vehicles. Whenever the provisions of this Ordinance shall require loading space, such space shall be in addition to any required parking space and/or garage space.

“Lot” see “Building Site”.

“Lot Coverage” means the portion of the lot that is covered by buildings and structures.

“Lot, Corner” means a lot or parcel situated at the intersection of two or more intersecting streets.

“Lot, Cul-de-sac” means a lot or parcel with at least half of its frontage abutting a cul-de-sac.

“Lot, Interior” means a lot or parcel other than a corner lot.

“Lot, Reverse Corner” means a corner lot which rears upon the side of another lot, whether separated by an alley or not.

“Lot, Through” means a lot having frontage on two parallel or approximately parallel streets.

“Lot Depth” means the horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

“Lot Line” means the lines bounding a lot.

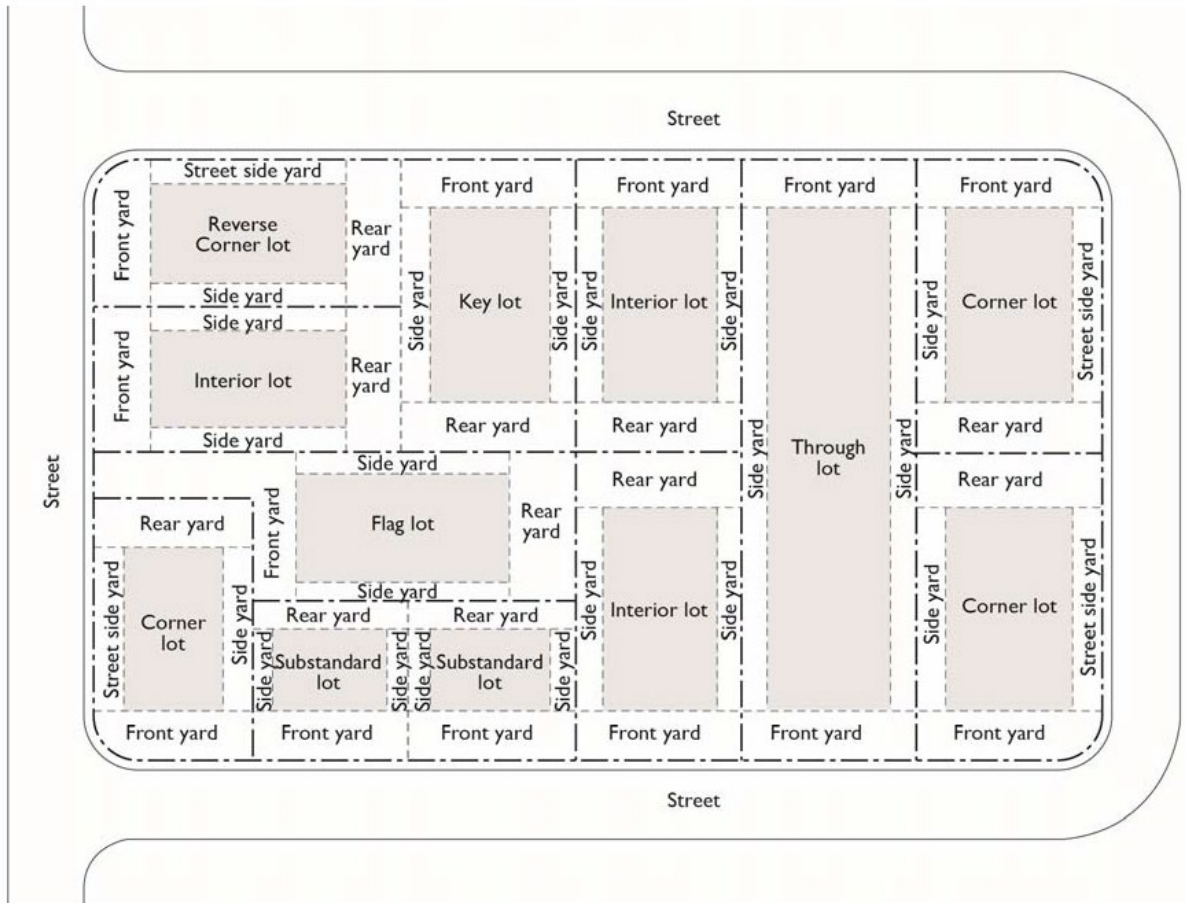
“Lot Line, Front” means the property line dividing a lot from a street. On a corner lot the shorter street frontage shall be considered the front lot line.

“Lot Line, Rear” means the line opposite the front lot line.

“Lot Line, Side” means lot lines other than front lot lines or rear lot lines.

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

“Low Barrier Navigation

Figure 4-3 Setbacks

“Maximum Height” means a development standard which limits the height of buildings and structures.

“Maximum Lot Coverage” means the amount of lot area coverage allowed for buildings and structures.

“Microbrewery” means a limited-production brewery, typically producing specialty beers and often selling its products only locally.

“Minimum Lot Size” means a development standard which is the smallest area a lot may be divided into.

“Mobile Home Lot” means a plot of land for placement of a single mobile home within a mobile home park.

“Mobile Home Park” means an area or tract of land where one or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation.

“Multi-Family Dwelling” means a building designed for or occupied by two or more families living independently of each other.

“Mixed-Use Development” means the development of a parcel or building with two or more different land uses such as, but not limited to, a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

“Nonconforming Sign” means any sign lawfully existing on the effective date of the zoning ordinance codified in zoning ordinance or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

“Nonconforming Structure” means a structure that complied with zoning ordinance and development regulations at the time it was built but which, because of subsequent changes to the zoning ordinance and/or development regulations, no longer fully complies with those regulations.

“Nonconforming Use” means a use which lawfully occupied a building or land prior to passage of an ordinance affecting that use, and which does not conform with the use regulations of the zone in which it is located.

“Notice of Appeal” means a document which indicates that an applicant for a permit or zoning ordinance amendment, or an affected party, wishes to appeal a decision of a planning officer or body of the City of Selma.

Open Space Types.

“Open Space, Common” means any area any outdoor area, not dedicated for public use, which is designed and intended for the common use and enjoyment of the residents and guests of more than one dwelling unit.

“Open Space, Private” means an outdoor area within a development project designed and maintained for the exclusive use of residents/tenants, their invited guests, or club members, including, but not necessarily limited to, golf courses, lakes and water features, parks (active and passive), tennis courts, and other recreational facilities allowable within a planned residential development.

“Open Space, Public” means an outdoor area proposed on public land designated and intended for the use or enjoyment of the general public.

“Open Space, Usable” means outdoor areas that provide for outdoor living and/or recreation for the use of residents.

“Outdoor Dining” means any outdoor cafe, sidewalk cafe, eating area or any food service accessory to a restaurant.

“Outdoor Recreational Facilities(Public and Private)” means facilities operated by public or private entities for various outdoor participant sports and/or types of recreational activities where a fee may be charged for use.

“Outdoor Storage” means the storage of supplies, materials, products, motor vehicles or other articles outside of a building and left uncovered by roofs or walls. Outdoor storage may be screened.

“Owner” means any of the following: a person with an aggregate ownership interest of 20 percent or more in the person’s business applying for a regulatory permit or permittee, unless the interest is solely a security, lien, or encumbrance; the chief executive officer of a nonprofit or other entity; a member of the board of directors of a nonprofit or other entity; or an individual who will be participating in the direction, control, or management of the person applying for the regulatory permit or permittee.

“Overlay District” means a zoning designation specifically delineated on the Districting Map establishing land use requirements that govern in addition to the standards set forth in the underlying base district

“Parking Area” means an accessible and usable area on the building site located off the street with access for the parking of automobiles.

“Parking Area, Private” means an area, other than a street, restricted from general public use and used for the parking of automotive vehicles capable of moving under their own power.

“Parking Area, Public” means an area, other than a private parking area or street, used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

“Parking, Bicycle” means A covered or uncovered area equipped with a rack or other device designed and useable for the secure, temporary storage of bicycles.

“Long-term-Bicycle Parking” means parking that is designed to serve employees, students, residents, commuters, and others who generally stay at a site for 3 hours or longer.

“Short-term-Bicycle Parking” means parking that is designed to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a period of less than 4 hours.

“Parking Space” means an area, covered or uncovered, designed and usable for the temporary storage of a vehicle, which is paved and accessible by an automobile without permanent obstruction.

“Parapet” means a low wall or railing extending above the roof and along its perimeter.

“Patio” mean an outdoor area, often paved, adjoining a building that is used for outdoor open space. It is not enclosed by walls and typically is located at grade or supported by minimal footings.

“Paving” means a type of material used over areas of a parcel such as driveways, parking spaces and areas, pathways, patios, and front setbacks used for access by vehicles and pedestrians

“Permit” means written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

“Person” means any individual, firm, co-partnership, joint venture, corporation, company, association, joint association, or body politic, including any trustee, receiver, syndicate, assignee, or other similar representative thereof.

“Permitted Use” means any use or structure that is allowed in a zoning district without a requirement for approval of a Use Permit, but subject to any restrictions applicable to that zoning district.

“Planning Commission” means The Planning Commission of the City of Selma.

“Planned Development” means a large, integrated residential development located on a single building site, or on two or more building sites. In such development, the land and structures shall be planned and developed as a whole in a single development operation or a series of developments in accordance with a master plan.

“Pre-Existing” means in existence prior to the effective date of this Ordinance.

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

“Principal Use” means the primary, predominate, or initial use of any lot. For guidance, in an agricultural district, the principal use of the land would be farming or ranching. An accessory use would be the farmhouse.

“Project” means any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this ordinance. This term includes, but is not limited to, any action that qualifies as a “project” as defined by the California Environmental Quality Act.

“Property Development Standards” means any definitive measurable characteristic or aspect of a development, specified by this title, such as but not limited to yard setbacks, parking, building height, space between buildings, lot area and dimensions, defined linear distances such as for signs, spacing requirements, and size of districts.

“Property Line” means the same as “Lot line.”

“Provisions” means and includes all regulations and requirements referred to in the text of the zoning ordinance.

“Public Notice” means the announcement of a public hearing in a letter or newspaper of general circulation in the area, indicating the time, place, and nature of the public hearing.

“Public Resources Code” means the [Public Resources Code](#) of the State of California.

“Public Right of Way” or “PROW” or “Public ROW” means the improved or unimproved surface of and the space above and below a City easement for public utility purposes or transportation access, or similar public way of any nature, dedicated or improved for vehicular, bicycle and/or pedestrian related use held or managed by City, however acquired.

“Public Utility” means production, storage, transmission, switching and recovery facilities for water, sewerage, energy, communications, and other similar utilities owned or operated by a business organization and subject to the jurisdiction of the public utilities commission.

“Quasi-Public” means an educational or religious type include public and parochial elementary schools, junior high schools, high schools, and colleges; child day care centers, private nonprofit schools, and colleges; churches, parsonages, and other religious institutions.

“Qualified Applicant” means the property owner, the owner’s agent, or any person or other legal entity that has a legal or equitable interest in land that is the subject of a development proposal or is the holder of an option or contract to purchase such land or otherwise has an enforceable proprietary interest in such land.

“Reasonable Accommodation” means a type of discretionary permit that, if approved, would provide for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) in the application of building and zoning laws and other land use policies, procedures, laws, rules, and regulations.

“Recreational Facilities” means any use or development, either public or private, providing amusements, pleasures, or sport, which is operated or carried on primarily for financial gain, including, but not limited to, bowling alleys, skating rinks, and billiard parlors.

“Religious Facilities” means a place of worship is a specially designed structure or consecrated space where individuals or a group of people such as a congregation come to perform acts of devotion, veneration, or religious study.

“Residential Lot” means a lot containing, or zoned for, one or more dwelling units in a residential district.

“Restriction” means a limitation on property which may be created in a property deed, lease, mortgage, through certain zoning district or subdivision regulations, or as a condition of approval of an application for development.

“Retail Shop” means a business of selling goods, wares, or merchandise directly to the ultimate consumer.

“Review Authority” means the individual or official City body (the Director, Council, Commission, or Board) and others as identified in the Selma Municipal Code as having the responsibility and authority to review and approve or deny land use permit applications.

“Rezoning” means the same as “zone, change of.”

“Right-of-Way” means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

“Roof” means That portion of a building or structure above walls or columns that shelters the floor area or the structure below.

“Room” means an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

“School or Educational Facilities” means an institution of learning which offers instruction in several branches of study required to be taught in the public schools by the Education Code of the State of California.

“Senior Housing” means any residential accommodation other than a mobile home developed, substantially rehabilitated, or substantially renovated for senior citizens.

“Service Station” means the same as a gas station, typically one having the facilities to provide automotive repairs and maintenance.

“Setback, Front Yard” means the line which defines the depth of the required front yard.

“Setback, Rear Yard or Side Yard” means the line which defines the width or depth of the required rear or side yard.

“Shopping Center” means a group of commercial/retail stores with a common parking area and generally one or more large department, discount, or food stores; sometimes including an enclosed mall or walkway constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

“Short-term rental” means a dwelling unit, rented in whole or in part, to any persons(s) for transient use of 30 consecutive days or less. A dwelling unit within a hotel, motel, or bed and breakfast shall not be considered a short-term rental.

“Sign” means any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, display, direct, or attract attention to an object, person, institution, organization, business product, service, event, or location by any means, including words, letters, figures, symbols, colors, illumination, or projected images. This definition shall not include official

notices issued by a court or public body or officer or directional, warning or information signs or structures required by or authorized by law or by federal, State, or County or city authority.

“Sign, Advertising” means the business or enterprise of promotion of the messages of others, usually for a fee or other consideration, in contrast to self-promotion. This term has the same meaning as “general advertising.”

“Sign, Freestanding” means any mobile or portable sign, not securely attached to the ground or any other structure.

“Sidewalk” means a paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

“Sidewalk Café” means Any outdoor dining area located in or adjacent to any public sidewalk or right-of-way which is associated with a restaurant or other eating and drinking establishment on a contiguous adjacent parcel.

“Single-Family Dwelling.” See “Dwelling.”

“Site” in general terms means any plot or parcel of land or combination of contiguous lots or parcels of land.

“Site Plan” means a plan, prepared to scale, showing proposed uses and structures for a parcel of land, including such details necessary to illustrate the final proposed use and development.

“Site Plan Review” means a permit process that establishes criteria for the layout, scale, appearance, safety, and environmental impacts of a proposed development to ensure conformance to city standards and criteria.

“Solar Energy System” means any solar collector or other solar energy device, certified pursuant to State law, along with its ancillary equipment, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating, or any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

“Special Event” means an establishment or enterprise involving large assemblages of people or automobiles on private land including, but not limited to, a carnival or circus; automobile, boat, or foot race; rodeo; outdoor concert, play or festival involving more than one hundred people; professional golf or tennis tournament.

“Story” means the portion of a building including between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

“Street” means a public thoroughfare or road easement not less than 20 feet in width, which affords principal means of access to abutting property, but not including an alley.

“Street Line” means the boundary between a street and property.

“Street Side” means a street bounding a corner lot, adjacent to a sideline of the lot.

“Structural Alterations” means any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists, or roof joists, for which a building permit is required.

“Structure” means anything constructed or erected, the use of which requires more or less permanent location on or in the ground or attachment to something having a permanent location

on or in the ground, including but not limited to site-built swimming pools, gazebos, carports, patio covers. This definition does not include walls and fences less than three feet six inches in height when located in front yards, or less than six feet in height when located in side or rear yards, or other improvements of a minor character.

“Structure, Temporary” means a structure which is readily movable and used or intended to be used for a period not to exceed ninety consecutive days. Such structure shall be subject to all applicable property development standards for the zone in which it is located.

“Swimming Pool” means any permanent structure containing a body of water, having a depth of at least eighteen inches, intended for recreational uses, and shall include wading pools.

“Temporary Use” means a term applied to certain uses requiring a temporary use permit which are only permitted for a limited time.

“Tenant” means an occupant of land or premises who occupies, uses, and enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner’s consent.

“Trailer” means a vehicle without motive power, designed, and constructed to travel on the public thoroughfares in accordance with the provisions of the State Vehicle Code, and to be used for human habitation or for carrying property, including a trailer coach.

“Underutilized” means a lot or parcel that is mostly vacant, is blighted or severely deteriorated, and contains potential safety hazards.

“Unit”, see “Dwelling Unit”.

“Use” means the purpose for which land or premises, or a building thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

“Use Classification” means a category of use acceptable in a specified zoning district, containing specific uses that are similar in nature due to having similar impacts, hours of operation, parking needs, and other development characteristics.

“Use Permit” means a discretionary permit, such as a Conditional Use Permit, which may be granted by the appropriate City authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right, but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

“Utility Tower” means an open framework structure or steel pole used to support electric transmission facilities.

“Vacant” means a lot or parcel that contains no buildings or structures.

“Variance” means permission to depart from the literal requirements of the zoning ordinance.

“Yard” means an open space, other than a court, on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise permitted in this chapter.

“Yard, Front” means a yard extending across the front of the lot between the inner side yard lines and measured between the front lot line and the nearest line of the main building.

“Yard, Rear” means a yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line or point of the main building nearest the rear line of the lot.

“Yard, Side” means a yard on each side of a building between the building and the sideline of the lot and extending from the front line to the rear yard.

“Yard, Street Side” means a yard extending the full depth of the parcel between the principal building and the side lot line adjacent to a public street right-of-way measured perpendicularly from the side lot line to the closest point of the principal building.

“Zone” or “Zoning District” means a portion of the city within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limited are established for buildings, all as set forth and specified in this chapter.

11-8.2 Use Classifications

A. Purpose

Use classifications describe one or more uses of land having similar characteristics but do not list every use or activity that may appropriately be within the classification. The Director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Chapter. The Director may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification.

B. Residential Use Classifications

1. Residential Housing Types

- a. Single-Family Residence. A dwelling unit that is designed for occupancy by one household, located on a single parcel that does not contain any other dwelling unit (except an accessory dwelling unit, where permitted), and not attached to another dwelling unit on an abutting parcel. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California [Health and Safety Code](#).
- b. Accessory Dwelling Unit. An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and that is located on a parcel with a proposed or existing primary single-unit or multiple-unit dwelling. See Section 11-4-2, Accessory Dwelling Units and Junior Accessory Dwelling Units, for further details.
- c. Multi-Family Residence. Two or more dwelling units within a single building or within 2 or more buildings on a site or parcel. Types of multiple-unit dwellings include garden apartments, senior housing developments, and multi-story apartment and condominium buildings. This classification includes transitional housing in a multiple-unit format. The classification is distinguished from group residential facilities.
 - i. Senior Citizen Multiple-Family Residential. A multiple-unit development in which occupancy of individual units is restricted to one or more persons 62 years of age or older, or a person at least 55 years of age who meets the qualifications found in [Civil Code](#) Section 51.3.

- d. Duplex. A single building that contains 2 dwelling units or 2 single unit dwellings on a single parcel. This use is distinguished from accessory dwelling units and junior accessory dwelling units, which are accessory residential units as defined by State law and Section 11-4-2, Accessory Dwelling Units and Junior Accessory Dwelling Units.
- e. Junior Accessory Dwelling Unit. A dwelling unit that is no more than 500 square feet in size and is contained entirely within an existing or proposed single-unit dwelling. See Section 11-4-2, Accessory Dwelling Units and Junior Accessory Dwelling Units, for further details. The minimum size of an ADU or JADU is 220 square feet of floor area.

Employee Housing. Rental housing which has all the following attributes:

- a. The housing is designed for use by individuals who will reside on the property for a minimum stay of at least 30 consecutive days, but who otherwise intend their occupancy to be temporary.
- b. The housing is intended for use by persons who will maintain or obtain a permanent place of residence elsewhere.
- c. The housing includes 2 or more of the following amenities:
 - i. Maid and linen service.
 - Health club, spa, pool, tennis courts, or memberships to area facilities.
 - Business service centers
 - Meeting rooms
 - Fully furnished units including a combination of some but not necessarily all of the following: furniture, appliances, housewares, bed linens, towels, artwork, televisions, entertainment systems, and computer equipment.
 - Valet Parking.

Emergency Shelter. A temporary, short-term residence providing housing with minimal supportive services for homeless families or individual persons where occupancy is limited to 6 months or less, as defined in Section 50801 of the California [Health and Safety Code](#). Medical assistance, counseling, and meals may be provided.

Family Day Care. A day-care facility licensed by the State of California that is located in a dwelling unit where a resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

- a. *Small.* A facility that provides care for up to 6 children including children who reside at the home and are under the age of 10, or up to 8 children in accordance with [Health and Safety Code](#) Section 1597.44, or any successor thereto.
- b. *Large.* A facility that provides care for up to 12 children, including children who reside at the home and are *under* the age of 10, or up to 14 children in accordance with [Health and Safety Code](#) Section 1597.465, or any successor thereto.

Group Residential. Shared living quarters without a separate kitchen or bathroom facilities wherein 2 or more rooms are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in residence, offered for rent for permanent or semi-transient residents for periods generally of at least 30 days. This classification includes rooming and boarding houses, dormitories, fraternities, convents, monasteries, and other types of organizational housing, and private residential clubs, but excludes Hotels and Motels, Residential Care Facilities, and Re-Entry Facilities.

- a. *Small*, a facility that houses six or fewer persons.
- b. *Large*, a facility that houses seven or more persons.

Low Barrier Navigation Centers. A housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. “Low barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- a. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
- b. Pets.
- c. The storage of possessions.
- d. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

Mobile Home Park. Any area or tract of land where 2 or more lots are rented, leased, or held out for rent or lease, to accommodate mobile homes used for human habitation in accordance with [Health and Safety Code](#) Section 18214, or any successor thereto.

Residential Care. Facilities that provide permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including group homes for minors, persons with disabilities, people in recovery from alcohol or drug addictions, and hospice facilities.

- a. *Residential Care, General.* A residential facility licensed by the State of California and providing care for more than 6 persons.
- b. *Residential Care, Limited.* A residential facility licensed by the State of California providing care for 6 or fewer persons.
- c. *Residential Care, Senior.* A housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator, or other responsible person; where residents are 60 years of age or older and where varying levels of care and supervision are provided as agreed to at *the* time of admission or as determined necessary at subsequent times of reappraisal. This classification includes continuing-care retirement communities and life care communities licensed for residential care by the State of California.
- d. *Hospice, General.* A facility that provides residential living quarters for more than 6 *terminally* ill persons.
- e. *Hospice, Limited.* A facility that provides residential living quarters for up to 6 *terminally* ill persons.

Supportive Housing. Dwelling units with no limit on the length of stay, that are occupied by the target population as defined in Section 50675.14 of the California Health and Safety Code, and that are linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community.

Transitional Housing. Dwelling units with a limited length of stay that are operated under a program requiring recirculation to another program recipient at some future point in time. Transitional housing may be designated for homeless or recently homeless individuals or families transitioning to permanent housing as defined in subdivision (h) of Section 50675.2 of the California [Health and Safety Code](#). Facilities may be linked to onsite or offsite supportive services designed to help residents gain skills needed to live independently. Transitional housing may be provided in a variety of residential housing types (e.g., multiple-unit dwelling, single-room occupancy, group residential, single unit dwelling). This classification includes domestic violence shelters.

C. Public and Semi-Public Use Classifications.

1. **Child Care Facility.** Establishments providing non-medical care for persons less than 18 years of age on a less than 24-hour basis other than family day care (small and large). This classification includes commercial and nonprofit nursery schools, preschools, day care facilities for children, and any other day care facility licensed by the State of California. See Section 11-4-4, Child Care and Early Education Facilities, for further details.

Community Gardens. An area of land managed and maintained by a public or non-profit organization or a group of individuals to grow and harvest food crops and/or ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by 1 or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. Community gardens may be accessory to public or institutional uses such as parks, schools, community centers, or religious assembly uses. This classification does not include gardens that are on a property in residential use when access is limited to those who reside on the property. Community gardens do not include medical marijuana collectives.

Cultural Facilities. Facilities engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This classification includes performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens. It does not include schools or institutions of higher education providing curricula of a general nature.

Hospitals and Clinics. State-licensed public, private, and non-profit facilities providing medical, surgical, mental health, or emergency medical services. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinary services and animal hospitals (see Animal Care, Sales, and Services).

- a. *Hospital.* A facility providing medical, surgical, mental health, or services primarily on an inpatient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
- b. *Clinic.* A facility providing medical, mental health, or surgical services exclusively on an outpatient basis, including emergency treatment, diagnostic services, administration, and *related* services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks, plasma, dialysis centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and

dental offices that typically require appointments and are usually smaller scale (see Offices, Medical and Dental)

Parks and Recreation Facilities. Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, which are open to the general public. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, golf courses, and botanical gardens, as well as related food concessions or community centers within the facilities and restrooms within a primary structure or in an accessory structure on the same site.

Parking, Private or Public. Surface lots and structures which offer parking to the public for a fee, when such parking is not associated with another on-site activity.

Schools, Public or Private. Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

Religious Facilities. A facility for public or private meetings including community centers, banquet centers, religious assembly facilities, civic auditoriums, union halls, meeting halls for clubs and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage. It does not include gymnasiums or other sports facilities, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.

D. Commercial Use Classifications.

1. **Adult Businesses.** An establishment that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment, or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologists, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.

Animal Care, Sales and Services. Retail sales and services related to the boarding, grooming, and care of household pets, including:

- a. *Grooming and Pet Store.* Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services (see General Retail Sales).
- b. *kennel.* A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding or maintaining 4 or more dogs, cats, or other household pets not owned by the kennel owner or operator on a 24-hour basis. This classification includes animal shelters and animal hospitals that provide boarding-only services for animals not receiving services on the site but excludes the provision by shops and hospitals of 24-hour accommodation of animals receiving medical services on site. This classification also includes kennels that, in

addition to 24-hour accommodation, provide pet care for periods of less than 24 hours but it does not include facilities that provide pet day care exclusively or predominantly.

- c. *Pet Day Care Service.* A commercial, non-profit, or governmental facility for keeping 4 or more dogs, cats, or other household pets not owned by the kennel owner or operator primarily for periods of less than 24 hours.
- d. *Veterinary Service.* Veterinary services for domesticated animals. This classification allows 24-hour accommodation of animals receiving medical services but does not include kennels.

Artist's Studio. Workspace for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. This use is distinguished by incidental retail sales of items produced on the premises and does not include joint living and working units.

Automobile/Vehicle Sales and Services. Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, recreational vehicles, trucks, vans, trailers, and motorcycles, including the following:

- a. *Alternative Fuels and Recharging Facility.* A facility offering motor vehicle fuels not customarily offered by commercial refueling stations (e.g., LPG) as well as equipment to recharge electric-powered vehicles. This classification does not include facilities within public garages or other stations that are accessory to a permitted use.
- b. *Automobile Rental.* Rental of automobiles. Typical uses include car rental agencies.
- c. *Automobile Storage Parcel.* Any property used for short- or long-term parking of vehicles for sale or lease at an automobile *dealership* or rental agency on a separate parcel from such agency or dealership.
- d. *Automobile/Vehicle Sales and Leasing.* Sale or lease, retail or wholesale, of automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies. This classification does not include automobile brokerage and other establishments which solely provide services of arranging, negotiating, assisting, or effectuating the purchase of an automobile for others.
- e. *Automobile/Vehicle Repair.* Repair of automobiles, trucks, motorcycles, motor homes, boats, and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto repair shops, body *and* fender shops, transmission shops, wheel and brake shops, auto glass services, and vehicle painting, but excludes vehicle dismantling or salvaging and tire retreading or recapping.
- f. *Service Station.* Establishments primarily engaged in retailing automotive fuels or retailing these fuels in *combination* with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services.
- g. *Towing and Impound.* Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking). This classification includes parcels used for storage of *impounded* vehicles.
- h. *Car Washing.* Washing, waxing, detailing, or cleaning of automobiles or similar light *vehicles*, including self-serve washing facilities. This Includes drive-thru car washing facilities.

Banks and Financial Institutions.

- a. *Bank and Credit Union.* Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions, but excluding check-cashing businesses. For administration, headquarters, or other offices of banks and credit unions without retail banking services/on-site circulation of money (see Offices, Business and Professional).
- b. *Check Cashing Business.* Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in [Civil Code](#) 1789.33. Check Cashing Businesses do not include State or Federally chartered banks, savings associations, credit unions, or industrial loan companies. They also do not include retail sellers engaged primarily in the business of selling consumer goods, such as consumables to retail buyers that cash checks or issue money orders incidental to their main purpose or business.

Bars/Nightclubs/Lounges. Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks. This use includes micro-breweries where alcoholic beverages are sold and consumed on-site and any food service is subordinate to the sale of alcoholic beverages.

Car Washes and Detail Services. See Automobile Car Washing under Section 11-8.2(4)(h) above.

Convenience Store. A store for the retail sale of grocery or sundry items to residents of a neighborhood or to highway travelers. Convenience stores are not as large as supermarkets (less than three thousand square feet gross floor area) and generally operate during the late night and early morning hours (ten p.m. to eight a.m.). Convenience stores may also sell fuel and oil but may not perform any type of automotive service.

Entertainment Facilities. Provision of participant or spectator entertainment. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

- a. *Cinema.* Facilities for indoor display of films and motion pictures.
- b. *Theater.* Facilities designed and used for entertainment, including plays, comedy, and music, which typically contain a stage upon which movable scenery and theatrical appliances, or musical instruments and equipment are used.
- c. *Convention and Conference Centers.* Facilities designed and used for conventions, conferences, seminars, trade shows, product displays, and other events in which groups gather to promote and share common interests. Convention centers typically have at least one auditorium and may also contain concert halls, lecture halls, meeting rooms, and conference rooms, as well as accessory uses such as facilities for food preparation and serving and administrative offices. For conference facilities accessory to hotels, see Hotel and Motel.
- d. *Large-Scale Facility.* This classification includes large outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, and golf courses. It also includes indoor facilities with 5,000 square feet or more in building area such as fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice- or roller-skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; archery or indoor shooting ranges; and riding stables.

- e. *Small-Scale Facility*. This classification includes small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as billiard parlors, card rooms, game arcades, health clubs, yoga studios, dance halls, small tennis club facilities, poolrooms, and amusement arcades.

Eating and Drinking Establishments

- a. *Restaurant, with Alcohol Sales*. Restaurants providing food and beverage services, including the sales of alcoholic beverages for consumption on the premises. Takeout or delivery service may be provided. This use includes micro-breweries where the sale and consumption of alcoholic beverages are subordinate to on-site food service. See Section 11-4.7, Alcoholic Beverage Sales.
- b. *Restaurant, without Alcohol Sales*. Restaurants providing food and beverage services without the sales of alcoholic beverages. Food and beverages may be consumed on the premises, taken out, or delivered. This classification also includes catering businesses or bakeries that have a storefront retail component.
- i. *With Drive-Through Facility*. Establishments providing food and beverage services to patrons remaining in automobiles. Includes drive-up service.
- With Outdoor Dining and Seating Area*. Provision of outdoor dining facilities on the same property or in the adjacent public right-of-way. See Section 11-4.6, Outdoor Dining.

Fitness Centers. See Entertainment Facilities, Large-scale

Gun and Ammo Sales. Any retail sales business engaged in selling, leasing, purchasing, or lending of guns, firearms, or ammunition.

Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, and liquor stores.

- a. *Farmer's Markets*. A commercial use primarily consisting of an organized display, indoors or outdoors, of agricultural products in their natural state for retail sale. Other products such as processed food (dried fruit, cheese or bread, for example), or artisan handiwork or art, are sometimes sold at Farmer's Markets as well. Farmer's Markets which take place within a fully enclosed building which is not disassembled when the Farmer's Market is not in operation shall be considered Healthy Food Grocers.
- b. *General Market*. Retail food markets of food and grocery items for offsite preparation and consumption. Typical uses include supermarkets, neighborhood grocery stores, and specialty food stores, such as retail bakeries; candy, nuts, and confectionary stores; meat or produce markets; vitamin and health food stores; cheese stores; and delicatessens. This classification may include small-scale specialty food production such as pasta shops with retail sales.
- c. *Liquor Stores*. An establishment less than 10,000 square feet in size that sells liquor for off-site consumption and/or that devotes 30 percent or greater floor area to the selling of packaged alcoholic beverages (such as ale, beer, wine, and liquor) for off-site consumption.

Home Occupation. A use that is incidental and secondary to the primary residential use of a dwelling and compatible with surrounding residential uses. These uses include business, professional, and creative offices, food production, limited personal services, and urban agriculture. See Section 11-4.3, Home Occupations for further details.

Home Goods and Hardware Stores. Retail sales or rental of building supplies or equipment. This classification includes lumberyards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include Construction and Material Yards, hardware stores less than 10,000 square feet or establishments engaged in the business of selling, leasing, or otherwise transferring any firearm or ammunitions.

Hotel. Any building, or portion thereof, containing six or more guest rooms used, designed, or intended to be used, let, or hired out to be occupied or which are occupied as the more or less temporary abiding place of six or more individuals who are lodged with or without meals for compensation, whether the compensation for hire is paid directly or indirectly, and in which no provision is made for cooking in any individual room or suite.

Motel. A building, or group of buildings, used for transient residential purposes, containing guest rooms or dwelling units with automobile storage space provided in connection therewith, which building, or group is designed, intended, or used primarily for the accommodation of transient automobile travelers, including groups designated as auto cabins, motor courts, motor hotels, and similar designations.

Mortuary. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include crematories, columbaria, mausoleums, mortuaries, funeral chapels, and funeral homes.

Offices

- a. *Medical and Dental, Clinic and Laboratory.* Office use providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use, where it supports the on-site patient services.
- b. *Business and Professional.* Offices of firms or organizations providing professional, executive, management, or administrative services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, legal offices, and tax preparation offices.
- c. *Walk-in Clientele.* An office business providing direct services to patrons or clients that may or may not require appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities that are separately classified and regulated.

Pawn Shop. An establishment engaged in retail sales of new or secondhand merchandise and offering loans secured by personal property, and as further defined in California Financial Code Section 21000.

Personal Services

- a. *General Personal Services.* Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, seamstresses, tailors, day spas, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying, photo finishing services, and travel agencies mainly intended for the consumer.

- b. *Personal Services, Physical Training.* Gyms, exercise clubs, or studios offering martial arts, physical exercise, yoga training and similar types of instruction to classes and groups of 5 or less persons. This classification also includes exclusively youth-serving studios of less than 3,000 square feet offering performing arts, dance, martial arts, physical exercise, and similar types of instruction to classes and groups of more than 5 persons.
- c. *Fortune Telling Service.* An establishment engaged in or that professes to foretell future or past events or that is engaged in the practice of palmistry (the art or practice of reading a person's character or future from the lines on the palms of hands). Examples of this use type include astrologers, fortune tellers, palm and card readers, and psychics.
- d. *Massage Establishments.* Any business, including a sole proprietorship, which offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the patron. Massage therapy includes the application of various techniques to the muscular structure and soft tissues of the human body, including, but not limited to, any method of pressure or friction against, or stroking, kneading, rubbing, tapping, compression, pounding, vibrating, rocking or stimulating of, the external surfaces of the body with the hands or with any object or appliance. Exempted from this definition are massage therapists operating in conjunction with and on the same premises as a physician, surgeon, chiropractor, osteopath, nurse or any physical therapist who is duly State-licensed to practice their respective profession in the State of California, and out-service massage therapists certified pursuant to the California Business and Professions Code Section 4612.

Retail Shops and Boutiques. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 80,000 square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, hardware stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

Tattoo or Body Parlor. An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) creating an opening in the body of a person for the purpose of inserting jewelry or other decoration.

E. Manufacturing Use Classifications

1. **Agricultural Product Processing.** Establishments performing a variety of operations on crops after harvest, to prepare them for market on-site or further processing and packaging at a distance from the agricultural area including, but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits, and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed, and grain; sorting, grading, and packing of fruits and vegetables, tree nut hulling and shelling; cotton ginning; wineries, alcohol fuel production; and

receiving and processing of green material, other than that produced on-site (commercial composting).

Chemical and Mineral Storage, Mixing and Sales. Storage of hazardous materials including, but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, and fireworks.

Construction and Material Yards. Storage of construction materials or equipment on a site other than a construction site.

Commercial Kitchen. Kitchens used for the preparation of food to be delivered and consumed off-site. Typical uses include catering facilities. This classification does not include businesses involved in the processing or manufacturing of wholesale food products.

Media Production. Establishments engaged in the production of movies, video, music and similar forms of intellectual property. Typical facilities include movie and recording studios and production facilities, distribution facilities, editing facilities, catering facilities, printing facilities, post-production facilities, set construction facilities, sound studios, special effects facilities and other entertainment-related production operations.

Personal Storage. Facilities offering enclosed storage with individual access for personal effects and household goods, including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

Recycling Facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities (see Utilities, Major).

- a. *Recycling Collection Facility.* An incidental use that serves as a neighborhood drop-off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on-site.
- b. *Recycling Processing Facility.* A facility that receives, sorts, stores and/or processes recyclable materials.

Utilities, Major. Generating plants, electric substations, and solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

Utilities, Minor. Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, and underground water and sewer lines.

Warehousing, Storage, and Distribution. Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.

- a. **Chemical, Mineral, and Explosives Storage.** Storage and handling of hazardous materials including, but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.
- b. **Indoor Warehousing and Storage.** Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials. This classification also includes cold storage, draying or freight, moving and storage, and warehouses. It excludes the storage of hazardous chemical, mineral, and explosive materials.
- c. **Outdoor Storage.** Storage of vehicles or commercial goods or materials in open parcels.

- d. Personal Storage. Facilities offering enclosed storage with individual access for personal effects and household goods, including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.
- e. Wholesaling and Distribution. Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic.

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