City Council Agenda

JANUARY 13, 2015
6:00 p.m.
City of Turlock Yosemite Room
156 S. Broadway, Turlock, California

Mayor
Gary Soiseth

Council Members
Amy Bublak **Steven Nascimento**
William DeHart, Jr. **Matthew Jacob**

City Manager
Roy W. Wasden
City Clerk
Kellie E. Weaver
City Attorney
Phaedra A. Norton

SPEAKER CARDS: To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agendized topic or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

NOTICE REGARDING NON-ENGLISH SPEAKERS: The Turlock City Council meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

EQUAL ACCESS POLICY: If you have a disability which affects your access to public facilities or services, please contact the City Clerk's Office at (209) 668-5540. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

NOTICE: Pursuant to California Government Code Section 54954.3, any member of the public may directly address the City Council on any item appearing on the agenda, including Consent Calendar and Public Hearing items, before or during the City Council's consideration of the item.

AGENDA PACKETS: Prior to the City Council meeting, a complete Agenda Packet is available for review on the City's website at www.cityofturlock.org and in the City Clerk's Office at 156 S. Broadway, Suite 230, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Council after distribution of the Agenda Packet are also available for public inspection in the City Clerk's Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

1. A. CALL TO ORDER

B. SALUTE TO THE FLAG

2. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS

A. *Appointment:* Vice Mayor
B. *Appointment*: Planning Commission
C. *Appointment*: Parks, Arts & Recreation Commission
D. *Appointment*: The Alliance
E. *Appointment*: Stanislaus County Economic Development Action Committee (EDAC) - Member
F. *Appointment*: League of California Cities, Central Valley Division, Executive Committee - Member & Alternate Member
G. *Appointment*: Regional Surface Water Supply Project Advisory Committee - Member & Alternate Member
H. *Appointment*: City/County Disaster Council – Member & Alternate

I. *Appointment*: San Joaquin Valley Air Pollution Control District Valley-Wide Special City Selection Committee - Member & Alternate Member
J. *Appointment*: City of Turlock/Turlock Unified School District Joint Meeting Committee - Members (2) & Alternate Member
K. *Appointment*: East Stanislaus Regional Water Management Partnership (Management Group) – Member & Alternate Member
L. *Appointment*: Oversight Board to the Successor Agency to the Former Turlock Redevelopment Agency (General) - Member

3. A. SPECIAL BRIEFINGS: None

B. STAFF UPDATES

1. Capital Projects and Building Activity *(Pitcock)*
2. Traffic Briefing *(Jackson)*
3. National Association of Town Watch Award Winners *(Jackson)*
4. Mobile App for Phones *(Jackson)*
5. Storm Impacts (*Cooke*)

C. PUBLIC PARTICIPATION

This is the time set aside for members of the public to directly address the City Council on any item of interest to the public, before or during the City Council's consideration of the item, that is within the subject matter jurisdiction of the City Council. You will be allowed three (3) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Council addresses the matter.

No action or discussion may be undertaken on any item not appearing on the posted agenda, except that Council may refer the matter to staff or request it be placed on a future agenda.

4. A. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

B. DISCLOSURE OF EX PARTE COMMUNICATIONS

1. Public Hearing Item 7A is a quasi-judicial proceeding. Council should disclose the following information if applicable

   a. State for the public record the nature of the communication; and
   b. With whom the ex parte communication was made; and
   c. A brief statement as to the substance of the communication.

5. CONSENT CALENDAR

Information concerning the consent items listed hereinbelow has been forwarded to each Councilmember prior to this meeting for study. Unless the Mayor, a Councilmember or member of the audience has questions concerning the Consent Calendar, the items are approved at one time by the Council. The action taken by the Council in approving the consent items is set forth in the explanation of the individual items.

A. *Resolution*: Accepting Demands of 11/13/14 in the amount of $816,186.05; Demands of 11/20/14 in the amount of $1,256,300.98; Demands of 11/27/14 in the amount of $1,549,501.84

B. *Motion*: Accepting Minutes of Regular Meeting of December 9, 2014

C. *Motion*: Approving Amendment No. 5 of Special Services Contract No. 10-824 for Economic & Planning Systems, Inc., to provide one (1) additional year of professional economic and planning consultant services for City Project No. 10-54, "Morgan Ranch Master Plan"

D. *Motion*: Awarding an agreement in the amount of $9,581 (Fund 305) with ASSA ABLOY, Elk Grove, California, for City Project No. 14-69, "Public Safety Facility - Door Replacement"

E. *Motion*: Approving Amendment No. 1 to a retainer agreement with Economic & Planning Systems, Inc., (EPS) of Sacramento, CA, for economic planning and development fee services to allow for a maximum compensation of $100,000

F. *Motion*: Approving an agreement with Condor Earth Technologies, Inc., to provide environmental consulting services to assist with a 3-year compliance audit for the California Accidental Release Prevention (CalARP) Program for the Chlorine Facility at the City of Turlock Regional Water Quality Control Facility, in an amount not to exceed $6,820, from Fund 410-51-530.43336 "CalARP Compliance Audit"

G. *Resolution*: Accepting a donation from E & J Gallo Winery in the amount of $400 for the Police Explorer Program

H. 1. *Motion*: Affirming the City Manager's action of signing and approving the purchase order for the purchase of firearms for Turlock Police Department with LC Action Police Supply for Fiscal Year 2014/15 and Approving the amended purchase price due to a sales tax calculation error for new firearms and related equipment including the trade-in of existing firearms with LC Action Police Supply of San Jose from $36,254 to $38,265.18 (difference of $2,011.18)

2. *Resolution*: Appropriating $2,011.18 to account number 240-00-000-213.51153 "Police Services – Weapons" from Fund 240 "Small Equipment Replacement-Police Services" reserve balance for the purchase of new firearms and related equipment

I. *Resolution*: Authorizing the Turlock Fire Department to apply for the Assistance to Firefighters Grant administered through the Federal Emergency Management Agency to purchase diesel exhaust removal systems for three (3) fire stations

J. *Resolution*: Re-appropriating $9,980 to account number 501-10-130.47095_000 "IT Training" to be funded from unappropriated reserves in Fund 501 "Information Technology"

K. 1. *Motion*: Approving an agreement with Konica Minolta Business Solutions U.S.A., Inc. (KMBS-ECM) to upgrade the LibertyNET document management system to the Hyland OnBase Enterprise Content Management (ECM) Solution

2. *Resolution*: Appropriating $14,920 to account number 240-00-00-200.43226 "Document Imaging Conversion" from Fund 240 "Small Equipment Replacement-General Administration" reserve balance to upgrade the LibertyNET document management system to the Hyland OnBase Enterprise Content Management (ECM) Solution and $3,400 to account number 501-10-130.47095_000 "Training-General" from Fund 501 "Information Technology" reserve balance for system administrator training

6. FINAL READINGS: None

7. PUBLIC HEARINGS

Challenges in court to any of the items listed below, may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Turlock City Council at, or prior to, the public hearing.

A. Request for approval establishing a lien for payment for the abatement of certain weeds, obnoxious growth and other debris on property and abandoned vehicles that are a nuisance to the public. (*Gomez*)

Recommended Action:
Resolution: Assessing properties for abatement costs and establishing a lien for payment

B. Request to confirm the Benefit Assessment Report and levying assessments for the Parcel Map 14-02 (Doo) Landscaping, Lighting, and Street Maintenance Benefit Assessment District, Subdivision Project No. 14-47. *(Pitcock)*

Recommended Action:
Resolution: Confirming the Benefit Assessment Report and levying assessments for the Parcel Map 14-02 (Doo) Landscaping, Lighting, and Street Maintenance Benefit Assessment District, Subdivision Project No. 14-47

C. ***This item was continued from the November 18, 2014 City Council Meeting.***
Request to repeal and replace Turlock Municipal Code Title 9, Zoning Ordinance, in its entirety. (*Stillo*)

Recommended Action:
Ordinance: Repealing and Replacing Turlock Municipal Code Title 9, Zoning Ordinance, in its entirety

8. SCHEDULED MATTERS:

A. Request to accept a project status update on construction activities for Project 0804A, "Turlock Public Safety Facility – Off-Site Improvements," and Project 0804B, "Turlock Public Safety Facility" and authorize the transfer of $150,000 from Fund 305 CFF (Police) Reserve to account number 305-40-441.51270, "Construction Project." *(Pitcock)*

Recommended Action:
Motion: Accepting a project status update on construction activities for Project 0804A, "Turlock Public Safety Facility – Off-Site Improvements," and Project 0804B, "Turlock Public Safety Facility"

Resolution: Authorizing the transfer of $150,000 from Fund 305 CFF (Police) Reserve to account number 305-40-441.51270, "Construction Project"

B. Request to authorize the approval and execution of an agreement between the City of Turlock and the California Department of Justice for data sharing through Smart Justice. *(Jackson)*

Recommended Action:
Motion: Authorizing the approval and execution of an agreement between the City of Turlock and the California Department of Justice for data sharing through Smart Justice

C. Request to authorize the approval and execution of a Memorandum of Understanding between the City of Turlock Police Department, City of Ceres Police Department, City of Modesto Police Department, Stanislaus County Sheriff's Department, City of Oakdale Police Department, City of Newman Police Department, California State University – Stanislaus Police Department, and Stanislaus County Probation Department to work cooperatively to reduce alcohol related traffic collisions in Stanislaus County through the "Avoid the 12" Project # AL1520 MOU with the California Office of Traffic Safety. *(Jackson)*

Recommended Action:
Motion: Authorizing the approval and execution of a Memorandum of Understanding between the City of Turlock Police Department, City of Ceres Police Department, City of Modesto Police Department, Stanislaus County Sheriff's Department, City of Oakdale Police Department, City of Newman Police Department, California State University – Stanislaus Police Department, and Stanislaus County Probation Department to work cooperatively to reduce alcohol related traffic collisions in Stanislaus County through the "Avoid the 12" Project # AL1520 MOU with the California Office of Traffic Safety

D. Request to adopt the 2015 City Council Meeting Schedule. *(Wasden/Weaver)*

Recommended Action:
Resolution: Adopting the 2015 City Council Meeting Schedule

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION

10. COUNCIL COMMENTS

Councilmembers may provide a brief report on notable topics of interest. The Brown Act does not allow discussion or action by the legislative body.

11. CLOSED SESSION

A. ***Conference with Legal Counsel – Anticipated Litigation*, Cal. Gov't Code §54956.9(d)(2)**
"For the purposes of this section, litigation shall be considered pending when any of the following circumstances exist... A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency."

Potential Case(s): (4 cases)

B. ***Conference with Labor Negotiators*, Cal. Gov't Code §54957.6(a)**
"Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation."
Agency Negotiators: Roy W. Wasden/Dave Young
Employee Organization: Turlock Associated Police Officers

C. ***Conference with Legal Counsel – Existing Litigation*, Cal. Gov't Code §54956.9(d)(1)**
"*For purposes of this section, litigation shall be considered pending when any of the following circumstances exist… Litigation, to which the local agency is a party, has been initiated formally."*
Name of Case: Turlock Associated Police Officers vs. City of Turlock

12. ADJOURNMENT

2B

PLANNING COMMISSION

Appoint to Term(s) Expiring:

2 terms with expiration date of 12/31/14 — 12/31/18

7 Applicants:

Elvis Dias (*requests reappointment*)
Alice Pollard
Steven Hallam
Jennifer Carter
Ashour Badal
Bella Daniel
Eric Gonsalves

Current Planning Commission
Seven Member, Four-Year Terms
Two Alternate Member, Two-Year Terms
(Member Term Limit: 12 consecutive years or end of term in which 12-year period falls)
(Alt. Member Term Limit: 4 consecutive years or end of term 4-year period falls)

	Appointed	Reappointed	Term Expires
Elvis Dias (*requests reappointment*)	1/30/07	12/14/10	12/31/14
VACANT	---	---	12/31/14
Jeff Hillberg	1/30/07	1/8/08 12/13/11	12/31/15
Soraya Fregosi	1/11/05	12/2/08 1/8/13	12/31/16
Jeanine Bean	1/1/04	10/28/08 1/8/13	12/31/16
Victor Pedroza	1/14/14	---	12/31/17
Nick Hackler	2/5/09	12/9/09 1/14/14	12/31/17
1st Alternate Alice Pollard	3/26/13	---	3/31/15
2nd Alternate Ashour Badal	3/26/13	---	3/31/15

RECEIVED

OCT 22 2014

Office of the
City Clerk

October 21, 2014

Turlock City Council
Administrative Services
156 S. Broadway St.
Turlock, CA 95380

Dear Mayor Lazar & Council Members,

Please accept this letter as my request to be reappointed to the Planning Commission 2014-2018 seat.

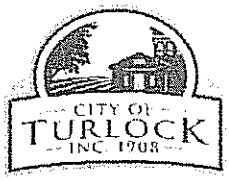
I have truly enjoyed my responsibilities of advisement to the council, especially my involvement in the General/Master Plan Update. I believe I've brought a balanced perspective to the complex decisions made by the planning commission while being fair, equitable, and ethical and I would continue to do so.

Thank you for the opportunity to serve the community and the consideration of me serving a final term as a Planning Commissioner.

Respectfully,

Elvis Dias

KELLIE E. WEAVER
CITY CLERK
kweaver@turlock.ca.us



RECEIVED
OCT 25 2014
Office of the
City Clerk

OFFICE OF THE CITY CLERK
ADMINISTRATION

156 S. BROADWAY, SUITE 230 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5540 | FAX 209-668-5668

CITIZENS DESIRING TO SERVE THEIR CITY

Please indicate your preference:

_____ **Arts Commission**
(please include a one page statement of interest and a letter of recommendation)

_____ **Parks, Recreation & Community Commission**

✓ **Planning Commission**

_____ **Development Collaborative Advisory Committee**

_____ **Stanislaus County Airport Advisory Committee**

_____ **Stanislaus County Local Task Force on Solid Waste**

_____ **Turlock Mosquito Abatement District Board of Trustees**

_____ **Other** _____

Please provide the following information (use reverse side or additional paper, if needed)

Name: ASHOUR BADAL

Address: _____ Zip Code: 95382

Telephone: Home: _____ Work: _____

Do you live within the City limits? Yes Are you registered to vote? Yes

How long have you lived in Turlock? +25 Years

Are you, or are you related to, a current City employee? No If yes, please indicate the person's name and relationship, if not yourself. _____

Occupation: Dean, CSU, Stanislaus

Business Address: _____ Zip Code: 95382

Education (highest school year complete, degrees, etc.): Please see attached CV

Employment Highlights: Please see attached CV

Prior Public Service, if any: * Planning Commission, * California Emergency Management Agency, Turlock Chamber of Commerce,

Present and past community activities and organizations: Please see attached CV

What are your most important qualifications for the commission(s) or committees(s) that you indicated above? My clear understanding of the operations and organization culture and systems, my experience, and my education

NOTE: APPLICATIONS WILL BE HELD FOR CONSIDERATION FOR A PERIOD OF ONE (1) YEAR FROM DATE OF RECEIPT.

You may submit additional or supplemental information along with this form.

Please return to:

Kellie Weaver, City Clerk
City of Turlock
156 S. Broadway, Suite 230
Turlock, CA 95380
(209) 668-5540, Ext. 1110

Signature

Date 10/27/14

CURRICULUM VITA
Ashour Badal, Ph.D.

PERSONAL DATA:
Permanent Address

EDUCATION:

M.A., California Southern University
Marriage Family Therapy (projected completion date: Nov. 2014)

Ph.D., Fielding Graduate University
February 2001

M.A., Fielding Graduate University
September 1997

M.A., California School of Professional Psychology
December 1994

B. A., California State University, Stanislaus
May 1992

EXPERIENCE

California State University, Stanislaus, Turlock, CA
June 2013 - present
Dean (interim) Stockton Center.
As the Chief Administrative Officer for the Stockton campus, responsible for all academic, administrative, and student support programs at the center. Additionally, responsible to lead on the development and management of all operations, strategic planning, human resource, and infrastructure needs for the campus. Responsibilities also include close working relationships with the academic units, university leadership and external partners and constituents.

California State University, Stanislaus, Turlock, CA
June 2012- June 2013
Associate Dean University Extended Education.
Responsible for existing degree programs offered through UEE as well as developing new face-to-face and online programs in collaboration with colleges/departments, and international institutions. Develop innovative revenue-generating programs in partnerships with various campus and external communities. Responsible for the direct supervision of the UEE registration specialists, program coordinators and program developers. Maintaining clear lines of communication among college faculty who teach in programs offered through UEE, as well as

department chairs, staff, students, and administration. Additional responsibilities include developing collaborative climate within UEE, promoting, and fostering a collegial and supportive working and learning environment both within the unit and with internal and external constituencies.
Additionally, responsible for the assurance of learning and adherence to state and federal regulations, university and system policies, and other accreditation standards.
Performing comprehensive personnel reviews, develop, and control budget plans and expenditures within established budgetary allocations.

California State University, Stanislaus, Turlock, CA
September 2007 – July 2012
Director of Executive MBA Program/Stockton Campus Business Programs Coordinator.
An academic and administrator position. Academic responsibilities include research, data analysis, scholarship and teaching a number of courses in the areas of leadership and organizational behavior in face-to-face and online environments. Moreover, responsible for the AACSB accreditation and ongoing program assessment of the Executive MBA program. The administrative duties include leading Executive MBA program operations, business and community relations development, its marketing and development, recruiting, and leading various other academically related activities. Additionally, responsible for directing various marketing strategies, budgeting matters, promotional approaches for growth, strategic planning, and public relations efforts concerning the presence and partnership of the College of Business Administration with its external and internal communities.

September 2005 – September 2007
Executive MBA Consultant. College of Business Administration.
Responsible for the program design, market analysis, and organizational development of the Executive MBA program at CSU, Stanislaus. Responsibilities included the marketing design and on-going development of a business-to-business relationship with various internal and external constituencies and community leaders as well as providing recommendations on the most suitable academic and structural strategy for this program.
September 2003 – September 2006
Adjunct Faculty. Management, Operation, Marketing, College of Business Administration.
A lecturer position teaching various undergraduate and graduate courses in management, marketing, and organizational behavior. Areas of expertise include globalization, business strategy, leadership and management, conflict resolution and organizational culture.

September 2002 – September 2003
Visiting Lecturer. Management, Operation, Marketing, College of Business Administration.
A visiting lecturer position teaching in undergraduate and MBA programs. Areas of specialty included management theory and practice, organizational behavior and development, marketing management, and business policy.

Chapman University, Northern California Region, CA
September 2001- April 2006

Assistant Professor of Organizational Leadership
A faculty/administrator position. Responsibilities included teaching graduate and undergraduate courses in Organizational Leadership and Human Resources, advising and counseling students, as well as recruitment, approval, and academic supervision of adjunct faculty. Moreover, as a certified online instructor, responsible for the development and delivery of various online courses and organizational training programs. Responsible for leading various marketing strategies, strategic planning of the program and its development throughout the Northern California region and strategies specific to the northern region campuses. Additionally, monitor various campus operations for academic quality and standards throughout Chapman university northern region (Modesto, Sacramento Valley, Concord, Travis AFB, Fairfield, and Monterey).
March 1997 – September 2001
Adjunct Professor of Organizational Leadership
Using my theoretical knowledge and professional experience in teaching and training graduate classes in organizational leadership, management, systems, teams and contemporary organizational issues such as diversity and communication, conflict and human resource development. Created an adult learning environment for professionals seeking graduate degree in organization development. Provided mentorship, training, and supervision of graduate students, preparing their research and senior projects.

Stanislaus County Mental Health Department, Modesto, CA
August 1991 - December 2000
Behavioral Health Specialist
A matrix job design in which my primary duties were dedicated to various organizational and business areas within the county operations. Within these organizational projects, performed a number of county-wide trainings on issues such as diversity in the workplace, development of matrix and multi-task team structures, conflict resolutions, and how to maintain high quality and efficiency within the nonprofit nature of the county healthcare system. Additionally, working under the direction of the county CEO and in collaboration with a group of external trainers, I was responsible for the design and delivery of a number of on-going trainings for nearly 3000 employees throughout the county system. The general focus of these trainings centered on specific organization development and personnel needs of each department and the senior leadership's long term vision for the county as a highly successful and profitable business unit.

November 1995 - November 1997
Department Liaison and Trainer
Operating under the direction of the county mental health director and county sheriff, developed an on-going relationship between the mental health and sheriff's departments; bridging their overlapping operational gaps, and inefficiencies of their services concerning individuals who used the resources of the mental health and sheriff's departments. The success and results of this project led to the creation of the Stanislaus County Mental Health Forensic Department.

Capax/GCH Management Consulting Group, Modesto, CA
August 1992 - November 1995
Management Consultant
Performed as a management consultant and facilitated various training seminars, group and individual presentations to 30 departments and nearly 3000 employees of Stanislaus County.

Assisted with diagnosis of organizational problems and presentation of viable solutions to senior leadership and Stanislaus County Board of Supervisors. Assisted with the development and implementation of various strategies to increase customer service, relationship with constituents, productivity, and teamwork.

PROFESSIONAL ACTIVITIES:

- **City of Turlock Planning Commission** (2013-present). Appointed by the Mayor and confirmed by the City Council as the alternate member of the City of Turlock Planning Commission.

- **Turlock Chamber of Commerce Board of Directors** (2011-present). Serving as an Ex officio, representing CSU, Stanislaus, on Turlock Chamber of Commerce Board of Directors. Responsibilities have included serving the members' interests, economic development of Turlock and working closely with City of Turlock.

- **Chair of Board of Directors**, Approachable Foster Family Agency, Merced, California (2005-Present). A foster family agency with gross annual revenue of 3 Million Dollars. As the Chair of the Board of Directors responsibilities include ensuring effective organizational planning, strategic planning, ensuring adequate resources, monitor organization's programs and services, support the executive director and review his performance as well as various other legal responsibilities established by the State of California.
- **California Office of Homeland Security.** Counter Radicalization Consultant (2006-2012) Acting as a counter-terrorism consultant and a member of a think-tank group focusing on understanding the leadership and organizational structure of the Middle Eastern terrorist groups, their recruiting strategies in the United States and their specific home-grown evolution in California. Furthermore, working closely with the senior leadership of OHS and its legislative affairs personnel in the development of a grass-root partnership with various Middle-Eastern communities living in California. Recipient of a grant totaling $50,000 from the Office of Homeland Security to implement my counter terrorism program in the Central Valley. This program has been adopted as a template for the entire State of California law enforcement and intelligence communities.

- **Department of Justice Commission on Peace Officers Standards and Training** (2009-2012). Counter Terrorism Consultant

- **King Saud University, Riyadh, Saudi Arabia.** Executive MBA Consultant (2009-2012). Assisting with the negotiations and development of a joint Executive MBA program and an on-going university level partnership between King Saud University and California State University Stanislaus.

- **California State University, Stanislaus College of Business** (2009-2012). AACSB Assessment Coordinator for Executive MBA program.

- **International Association of University Presidents, United Nation Commission on Disarmament Education (IAUP/UN)** (2010-2012). Serving as a representative of President Hamid Shirvani on the United Nation's commission on conflict resolution and global peace. The objectives of the commission consist of 1) promotion of global peace, 2) promotion of a more equal distribution of wealth and social conditions, 3) promotion of tolerance, mutual understanding and respect.

- **Federal Bureau of Investigation Citizen Academy.** (2010) Graduate of an invitation-only partnership designed to foster an active relationship between community leaders and the Federal Bureau of Investigation.

- **California State University Stanislaus.** (2009-2010) Recipient of $50,000 grant from the California Office of Homeland Security to research, develop, and implement programs designed to give a better understanding of the organizational structure and culture of the Middle Eastern terrorist groups.

- **California State University, Stanislaus** (2010). Successfully served on University Extended Education Director Search Committee

- **City of Turlock** (2009). Management consultant, conflict resolution, and mediation facilitator for the Office of City Manager

- **San Francisco Police Department.** Organizational Diversity and Leadership Consultant (2006 – 2007)
  Responsible for the development, delivery, and implementation of an on-going training program designed to give the San Francisco Police Department and San Francisco International Airport law enforcement personnel and staff the necessary knowledge and tools for effective community policing, community partnership and leadership. Additionally, this highly intensive weekly training provided specific knowledge and training concerning the airport security, counter-terrorism contingencies, and tactical preparations in accordance with security mandates and procedures established post 9/11. This training also included developing an appropriate customer service approach for San Francisco International Airport, reaching a balance between security and effective business operations.

- **California State University Stanislaus.** Executive MBA Consultant (2005 – 2007)
  Responsible for conducting and publishing a feasibility study of a proposed Executive Masters of Business Administration degree offered by California State University Stanislaus. This Feasibility study included market and financial analysis, survey of businesses, conducting a number of focus groups throughout central California and giving the appropriate reports and recommendations to CSU, Stanislaus President and College of Business Administration faculty.

- **Modesto Police Department**. Accreditation Consultant (2004).

Responsible for the design and implementation of an agency-wide training on effective community law enforcement operations based on the existing diversities and mandated federal and state policies.

- **Tulare County Health and Human Services.** Organizational Diversity, team building and conflict resolution Consultant (2003).
  Responsible for continuous quality improvement in the areas of diversity, teamwork, customer service, efficiency, and effectiveness within a highly diverse community.

- **Tulare County Health and Human Services.** Organizational Diversity, team building and conflict resolution Consultant (2002).
  Responsible for the design and implementation of agency-wide training on increasing customer service, efficiency, and effectiveness within a highly diverse community.

- **City of Riverbank.** Management Consultant (2001 – 2002).
  Responsible for the review and revision of the entire city job descriptions and specifications. Responsibilities also included the design and implementation of the 360-feedback performance evaluation process and the development of City of Riverbank Employee Employment Evaluation Process.

- **California State University Stanislaus.** College of Business Administration Consultant (2000 – 2001).
  Worked with a number of stakeholders and constituent groups in developing viable long term and short strategies as well as the five year strategic planning for the college of business.
- **Sylvan Eye Association.** Organization Development and Efficiency Consultant (2000).
  Worked as an organization development and efficiency consultant with a newly formed healthcare provider in Modesto, California.

- **Telocity Inc.** Organizational Development and Customer Service Consultant (2000 – 2001).
  Worked as a customer service consultant. Responsibilities included the development and delivery of an online training curriculum for this pre-IPO company.

PROFESSIONAL AFFILIATIONS:

- **Counter Terrorism/Radicalization Consultant**, California Emergency Management Agency (2007- 2012). Serving as counter terrorism consultant to a multi-disciplinary team designed to assess, evaluate and develop counter radicalization measures for the State of California.
- **Counter Terrorism/Radicalization Consultant**, Department of Justice Commission on Peace Officers Training and Standards (2009- 2012). Responsible for the development of a standardized training program for the entire law enforcement agencies in California. Moreover, in collaboration with California Office of Homeland Security, I am providing these agencies with on-going support, intelligence, and insight into the organizational structure and "home grown" adaptive recruitment process utilized by Mid-East terrorist groups.

- **Member of the Board of Directors**, California State University, Stanislaus Auxiliary Business Services (2008- 2011). As the board member, responsible for managing and developing commercial operations for the benefit of the campus community, dictating the business structure, employee skills, and administrative oversight of the commercial operations of the university.

- **Business Advisory Board Member**, California State University, Stanislaus College of Business Administration (2005-2009). Responsible for planning and directions for the college of business with respect to its core mission and community engagements.

PUBLICATIONS AND PROFESSIONAL PRESENTATIONS:

Badal, A. & Petratos, P. (2012). Advertising Capital Power & Inbound FDI: Evidence from Developed & Emerging Markets. Journal of Emerging Markets. Volume 17, Number 1.

Badal, A. [EDITOR] (2012). Acculturation of Second Generation Iranians in Australia. Journal of International Migration and Integration.

Badal, A. (2012). Engaging Muslim Community. Commission on Peace Officers Standards and Training. An interactive training research and production distributed to more than 600 law enforcement agencies in California and potentially, thousands of agencies nationwide. Sacramento, CA.

Badal, A.; Oweis, N.; Chavez, J. (June, 2011). The New Educational Frontier: The Case of Globalized Higher Education in Saudi Arabia. International Academy of Business and Economics. Conference presentation. Barcelona, Spain.

Badal, A. (2010). Terrorism Countermeasure. Commission on Peace Officers Standards and Training. An interactive training production based on the research in progress. This program and production has had an initial distribution of 90,000 copies in the State of California specifically for the law enforcement and counter-terrorism intelligence community. Sacramento, CA.

Badal, A. (2010). The Unholy Revolution: A qualitative examination of the psychological and social impacts of forced displacement in Assyrian-Iranian refugees. Lambert Academic Publishing. ISBN: 978-3-8433-5649-7

Badal, A., & Burroughs, N. F. (2004) Reaching out to diverse communities. Presentation to International Communication Association Meeting. Palm Desert, CA.

Badal, A. (2003) Reaching out to diverse communities. Paper and presentation to National Communication Association annual convention. Miami, FL.

Badal, A. (July 2002). A qualitative case study of the psychosocial effects of acculturative stress and forced displacement of Assyrian-Iranian refugees living in the United States. Center for Immigration Studies.

Badal, A., & Burroughs, N. F. (2001). Shadow Systems: Exploring conflict in multicultural organizations. Western Organization & Teaching Management Conference.

Burroughs, N. F., & Badal, A. (2001). Teaching for diversity: Using the learning type and teaching style inventory assessment instructions. Paper submitted to Western Organization Management Teaching Conference.

KELLIE E. WEAVER
CITY CLERK
kweaver@turlock.ca.us

NOV 6 2014

OFFICE OF THE CITY CLERK
ADMINISTRATION

156 S. BROADWAY, SUITE 230 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5540 | FAX 209-668-5668

CITIZENS DESIRING TO SERVE THEIR CITY

Please indicate your preference:

_____ **Arts Commission**
(please include a one page statement of interest and a letter of recommendation)

_____ **Parks, Recreation & Community Commission**

X **Planning Commission**

_____ **Development Collaborative Advisory Committee**

_____ **Stanislaus County Airport Advisory Committee**

_____ **Stanislaus County Local Task Force on Solid Waste**

_____ **Turlock Mosquito Abatement District Board of Trustees**

_____ **Other**_____

Please provide the following information (use reverse side or additional paper, if needed)

Name: Alice J. Pollard

Address: _____ Zip Code: 95382

Telephone: Home: _____ Work: _____

Do you live within the City limits? Yes Are you registered to vote? Yes

How long have you lived in Turlock? 39 years

Are you, or are you related to, a current City employee? No If yes, please indicate the person's name and relationship, if not yourself. _____

Occupation: Retired Secondary School Administrator, 2013 - Turlock Unified
~~YCCD - AB86 Project Manager - part-time 3/2014- present~~

Business Address: _____ Zip Code: _____

Education (highest school year complete, degrees, etc.): Please see attached resume for Employment, Public Service and Community Service

Employment Highlights: _____

Prior Public Service, if any: _____

Present and past community activities and organizations: _____

What are your most important qualifications for the commission(s) or committees(s) that you indicated above? I currently serve on the Planning Commission as an alternate member but have been seated as a voting member numerous times during the past year and a half. As a result of this experience, I have become knowledgeable regarding the Master Plan as well as other issues related to city planning. My background in political science as well as teaching government and economics give me a keen insight into the issues facing Turlock in the area of city planning. As a lifelong resident who was born and raised in Turlock, I have a vested interest in wanting the best for the community of Turlock as well as attracting quality businesses and jobs to the city.

NOTE: APPLICATIONS WILL BE HELD FOR CONSIDERATION FOR A PERIOD OF ONE (1) YEAR FROM DATE OF RECEIPT.

You may submit additional or supplemental information along with this form.

Please return to:

Kellie Weaver, City Clerk
City of Turlock
156 S. Broadway, Suite 230
Turlock, CA 95380
(209) 668-5540, Ext. 1110

Signature _____ Date 10-31-14

Alice J. Pollard

EXPERIENCE

YOSEMITE COMMUNITY COLLEGE DISTRICT — March 2014 – present

- AB 86 Adult Education Project manager

TURLOCK UNIFIED SCHOOL DISTRICT

Principal, Adult and Career Technical Education — July 1, 2008 – June 30, 2013 (Retired)

- Responsible for the supervision and evaluation of over 100 certificated and classified employees
- Responsible for all high school diploma and adult education curriculum and student matriculation to post-secondary institutions.
- Responsible for overseeing and improving all career technical education programs at Pitman, Turlock, and Roselawn high schools.
- Responsible for monitoring budgets in excess of $1.5 million
- Responsible for applying to and being awarded career technical education grants
- Maintained quality adult education and career technical education programs with a 20% reduction in funds from the state.
- Responsible for the supervision and safety of 1,600-2,000 adult and secondary students per semester

Assistant Principal, Turlock High School — July 1, 2002 – June 30, 2008

- Responsible for all curriculum and instruction at Turlock High School
- Supervised and evaluated certificated and classified staff
- Responsible for student teacher placement. Worked with CSUS, Chapman, and Cal Poly student teachers and supervisors.
- WASC Self-Study Site Coordinator, 2006 - THS awarded a six year full accreditation
- Responsible for staff and professional development activities and training
- Responsible for all student activities, including athletics, extra-curricular, and co-curricular activities and ASB and athletic budgets
- Chaired the Turlock High School Centennial Celebration - 2006-07

Dean of Student Activities, Turlock High School — July 1, 2000 – June 30, 2002

- Responsible for all student activities including athletics, extra-curricular, co-curricular, ASB budgets
- Responsible for student teacher placement

Teacher, Turlock High School — August 15, 1985 – June 15, 2000

- Taught world history, U.S. History, government, economics, and student government
- Advisor for school wide Election Convention, Junior Class advisor and Prom advisor

EDUCATION

CSU, Stanislaus, BA Political Science	June, 1976
Clear Single Subject Teaching Credential	June, 1983 - current
Administrative Services Professional Clear Credential	June 2001 - current

CURRENT COMMUNITY INVLOVEMENT

Turlock Sunrise Rotary – President Elect 2014-15

City of Turlock Planning Commission, Alternate

CSU, Stanislaus University Student Union Board

Stanislaus County Office of Education, Board of Trustee, Area 2

Association of California School Administrators

AWARDS 2007 California STAR Administrator, California FFA Assn. Central Region

2013 ACSA Career Technical Education Administrator of the Year, Region 7

KELLIE E. WEAVER
CITY CLERK
kweaver@turlock.ca.us

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CITIZENS DESIRING TO SERVE THEIR CITY

Please indicate your preference:

_____ **Arts Commission**
(please include a one page statement of interest and a letter of recommendation)

_____ **Parks, Recreation & Community Commission**

✓ **Planning Commission**

_____ **Development Collaborative Advisory Committee**

_____ **Stanislaus County Airport Advisory Committee**

_____ **Stanislaus County Local Task Force on Solid Waste**

_____ **Turlock Mosquito Abatement District Board of Trustees**

_____ **Other**_____

Please provide the following information (use reverse side or additional paper, if needed)

Name: Bella Daniel

Address: _____ Zip Code: 95382

Telephone: Home: _____ Work: _____

Do you live within the City limits? Yes Are you registered to vote? Yes

How long have you lived in Turlock? Since 1990

Are you, or are you related to, a current City employee? NO If yes, please indicate the person's name and relationship, if not yourself. _____

Occupation: Realtor

Business Address: _____ Zip Code: 95380

Education (highest school year complete, degrees, etc.): High School graduate with some College courses.

Employment Highlights: Knowledge of local Real Estate market and Values.

Prior Public Service, if any: I have been on the Park and Recreation Serving as a Commissioner for the last 8 years.

Present and past community activities and organizations: I am an active member of the local community including but not limited to Assyrian and Realtor Community.

What are your most important qualifications for the commission(s) or committees(s) that you indicated above? I know how local government works. I have worked in Turlock since 1990 and have created great Business Relationships in the Community, I have earned the Trust and respect of my Peers by Practicing Entgrity and Equity in my Practice.

You may submit additional or supplemental information along with this form.

Please return to:

Kellie Weaver, City Clerk
City of Turlock
156 S. Broadway, Suite 230
Turlock, CA 95380
(209) 668-5540, Ext. 1110

Bella L. Daniel
Signature

11/10/14
Date

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NOV 21 2014
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KELLIE E. WEAVER
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kweaver@turlock.ca.us

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CITIZENS DESIRING TO SERVE THEIR CITY

Please indicate your preference:

_____ **Arts Commission**
(please include a one page statement of interest and a letter of recommendation)

_____ **Parks, Recreation & Community Commission**

_X_ **Planning Commission**

_____ **Development Collaborative Advisory Committee**

_____ **Stanislaus County Airport Advisory Committee**

_____ **Stanislaus County Local Task Force on Solid Waste**

_____ **Turlock Mosquito Abatement District Board of Trustees**

_____ **Other**_____

Please provide the following information (use reverse side or additional paper, if needed)

Name: Steven Hallam

Address: _____ Zip Code: 95380

Telephone: Home: _____ Work: _____

Do you live within the City limits? yes Are you registered to vote? yes

How long have you lived in Turlock? 24 years

Are you, or are you related to, a current City employee? no If yes, please indicate the person's name and relationship, if not yourself. _____

Occupation: Consulting Economic Dev. / Redev. Mgr. - City of Ceres

Business Address: _____ Zip Code: 95307

Education (highest school year complete, degrees, etc.): Masters in City & Regional Planning, CSU, Fresno. Bachelors Degree in Geography, CSU, Fresno.

Employment Highlights: Thirty years working as a professional planner in the public & private sectors. Currently filling a 12-month interim assignment as Economic Dev. / Redevelopment Mgr. in nearby city.

Prior Public Service, if any: Part-time & full-time employment as a city planner, working in local government organizations (five municipalities & one county). Adjunct instructor CSU, Stanislaus 1996 - to prese

Present and past community activities and organizations: Present: Member, Ceres Rotary; New Life Christian Center. Past: Board Member - Emanuel Medical Center (1998-2001); Deacon Board - Crossroads Church 95'-98'; Member - Advisory Planning Commission - Tahoe Regional Planning Agency, 82'-84.

What are your most important qualifications for the commission(s) or committees(s) that you indicated above? I have a life-long passion in advancing community development through engaging citizen participation at the local level. I feel a strong commitment to serve my community of Turlock and have a desire to contribute to this local government as a citizen-volunteer.

NOTE: APPLICATIONS WILL BE HELD FOR CONSIDERATION FOR A PERIOD OF ONE (1) YEAR FROM DATE OF RECEIPT.

You may submit additional or supplemental information along with this form.

Please return to:

Kellie Weaver, City Clerk
City of Turlock
156 S. Broadway, Suite 230
Turlock, CA 95380
(209) 668-5540, Ext. 1110

Steven L. Hallam
Signature

11/13/14
Date

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DEC - 9 2014

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KELLIE E. WEAVER

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kweaver@turlock.ca.us

Rolando Gonsalves

156 S. BROADWAY, SUITE 230 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5540 | FAX 209-668-5668

CITIZENS DESIRING TO SERVE THEIR CITY

Please indicate your preference:

_____ **Arts Commission**
(please include a one page statement of interest and a letter of recommendation)

_____ **Parks, Recreation & Community Commission**

_____ **Development Collaborative Advisory Committee**

X **Planning Commission**

_____ Stanislaus County Airport Advisory Committee

_____ Turlock Mosquito Abatement District Board of Trustees

_____ Stanislaus County Local Task Force on Solid Waste

_____ Other _____

Please provide the following information (use reverse side or additional paper, if needed)

Name: Eric David Gonsalves

Address: _____ Zip Code: 95382

Telephone: Home: _____ Work: _____

Do you live within the City limits? Yes Are you registered to vote? Yes

How long have you lived in Turlock? 32 Years

Are you, or are you related to, a current City employee? No If yes, please indicate the person's name and relationship, if not yourself. _____

Occupation: Vice President / Broker of Brownstone Equities, Inc.

Business Address: _____ Zip Code: 95382

Education (highest school year complete, degrees, etc.): Graduated from Turlock High School.

2 Years at Modesto Junior College and a Certificate for Organizational leadership from Villanova University.

Employment Highlights: Worked for 4 years for Heritage Homes in Merced as their Direcot of Sales and Marketing. Overseeing the development of new home plans and marketing of residential communities. Managed people and led Strategic planning meetings with the focus on 3, 5 and 10 year plans. I have worked for the past 5 years as the Vice President of Brownstone Equities in Turlock. I was responsible for working with Blue Diamond Growers for 18 months to secure their purchase of land in Turlock to build their processing plant. I manage several downtown Turlock properties for local owners and have had great success and relationships working with the city of Turlock on a number of projects.

Prior Public Service, if any:

Worked as a volunteer and work for the Turlock Parks and Recreations department.

Present and past community activities and organizations: Served as the President of the Turlock Downtown Property Owners Association for 2013 and am currently still on the board.

What are your most important qualifications for the commission(s) or committees(s) that you indicated above? I have worked in planning and development for nearly 10 years now and believe I understand the vision for Turlock. Being a 5th generation resident I want to also continue to represent this town in a positive way and continue to make a path for my kids. I have had a large amount of experience working with farmers and businesses on either development and acquisition of properties. In every aspect of my daily job there are discussion on current general plans and proposed future uses. I also have experience being part of and leading a board.

NOTE: APPLICATIONS WILL BE HELD FOR CONSIDERATION FOR A PERIOD OF ONE (1) YEAR FROM DATE OF RECEIPT.

You may submit additional or supplemental information along with this form.

Please return to:

Kellie Weaver, City Clerk
City of Turlock
156 S. Broadway, Suite 230
Turlock, CA 95380
(209) 668-5540, Ext. 1110

Signature

12/9/14
Date

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CITY CLERK
kweaver@turlock.ca.us

CITY OF TURLOCK INC 1906

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CITIZENS DESIRING TO SERVE THEIR CITY

Please indicate your preference:

_____ Arts Commission
(please include a one page statement of interest and a letter of recommendation)

✓ Parks, Recreation & Community Commission

✓ Planning Commission

✓ Development Collaborative Advisory Committee

_____ Stanislaus County Airport Advisory Committee

_____ Stanislaus County Local Task Force on Solid Waste

_____ Turlock Mosquito Abatement District Board of Trustees

_____ Other _____

Please provide the following information (use reverse side or additional paper, if needed)

Name: Jennifer R. Carter

Address: 1295 Berry Drive Zip Code: 95382

Telephone: Home: (209) 495-2641 Work: (209) 495-2641

Do you live within the City limits? yes Are you registered to vote? yes

How long have you lived in Turlock? 34 years

Are you, or are you related to, a current City employee? no If yes, please indicate the person's name and relationship, if not yourself. _____

Occupation: Director of Administrative Services, Merced ID

Business Address: 744 W. 20TH Street, Merced Zip Code: 95340

Education (highest school year complete, degrees, etc.): BA in Criminal Justice from CSU Stanislaus.

Employment Highlights: Foster Farms for 22 years in HR, Risk Management & Investigations. Senior Professional in HR and in charge of all Administration IT, HR, Risk Management at Merced Irrigation District.

Prior Public Service, if any:

Current Trustee for Turlock USD.

Present and past community activities and organizations: Pitman Band Booster officer, CUA Board member, PTA, Girl Scout Troop Leader, DWTTS Committee, Soccer coach & many others. Board member of United Way of Merced County.

What are your most important qualifications for the commission(s) or committees(s) that you indicated above?

I have a strong business sense and have ability to collaboratively work with all sides to find resolution. Willing to ask the right questions to determine what is best for the City of Turlock.

NOTE: APPLICATIONS WILL BE HELD FOR CONSIDERATION FOR A PERIOD OF ONE (1) YEAR FROM DATE OF RECEIPT.

You may submit additional or supplemental information along with this form.

Please return to:

Kellie Weaver, City Clerk
City of Turlock
156 S. Broadway, Suite 230
Turlock, CA 95380
(209) 668-5540, Ext. 1110

Signature

12-12-2014
Date

2C

PARKS, ARTS & RECREATION COMMISSION

Appoint to Term(s) Expiring:
12/31/17

3 terms with expiration date of 12/31/14

4 Applicants:

Brent Bohlender *(requests reappointment)*
Jeremy Rocha *(requests reappointment)*
Hannah Noonan
Jennifer Carter

Parks, Arts & Recreation Commission
(Nine Member, Three-Year Terms)
(Term Limit: 9 consecutive years or end of term in which 9-year period falls)

	Appointed	Reappointed	Term Expires
Richard Salinas	7/25/06	12/8/09 1/8/13	12/31/15
Mike Dowd	10/12/10	1/8/13	12/31/15
Sergio Alvarado	6/25/13	5/27/14	12/31/15
Bianca Davoodian	12/10/13	1/28/14	12/31/16
Larry Yeakel	7/10/12	5/27/14	12/31/16
Lakneshia Ann Diaz	7/10/12	5/27/14	12/31/16
VACANT	---	---	12/31/14
Brent Bohlender *(requests reappointment)*	01/24/12	---	12/31/14
Jeremy Rocha *(requests reappointment)*	1/8/13	---	12/31/14

Kellie Weaver

RECEIVED
SEP 24 2014
Office of the
City Clerk

From: Brent Bohlender
Sent: Wednesday, September 24, 2014 11:59 AM
To: Kellie Weaver

Hi Kelli
I see that my appointment to the Park and Rec Commission is up in Dec as my appointment was a replacement and only went for two years - so I would like to be appointed for a three year team once again. Is there anything more I need to do other than notify you and you then let the Mayor know?
Thanks
Brent Bohlender

Kellie Weaver

From:
Sent: Thursday, October 23, 2014 12:36 PM
To: Kellie Weaver
Subject: Reappointment to the PARC

Hi Kellie,

Please forward to Mayor Lazar.

Jeremy

Mayor Lazar,

Thank you for the appointment to the PARC. I request to continue serving on the commission and look forward to continue working on the important issues facing Turlock's parks and recreation programs.

Sincerely,

Jeremy Rocha
Turlock Parks Arts and Recreation Commissioner

KELLIE E. WEAVER
CITY CLERK
kweaver@turlock.ca.us

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CITIZENS DESIRING TO SERVE THEIR CITY

Please indicate your preference:

X **Arts Commission**
(please include a one page statement of interest and a letter of recommendation)

____ **Parks, Recreation & Community Commission**

____ **Planning Commission**

____ **Development Collaborative Advisory Committee**

____ **Stanislaus County Airport Advisory Committee**

____ **Stanislaus County Local Task Force on Solid Waste**

____ **Turlock Mosquito Abatement District Board of Trustees**

____ **Other** _____

Please provide the following information (use reverse side or additional paper, if needed)

Name: Hannah Noonan

Address: _____ Zip Code: 95382

Telephone: Home: _____ Work: _____

Do you live within the City limits? Yes Are you registered to vote? Yes

How long have you lived in Turlock? 5 years

Are you, or are you related to, a current City employee? No If yes, please indicate the person's name and relationship, if not yourself. _____

Occupation: Barista & Gallery Assistant

Business Address: _____ Zip Code: 95382

Education (highest school year complete, degrees, etc.): Senior in College at CSU Stanislaus studying for BFA in Art and BS in Math

Employment Highlights:

Prior Public Service, if any:

Present and past community activities and organizations: Art Club President, CSA member, and Art Europe Trip Planning Committee

What are your most important qualifications for the commission(s) or committees(s) that you indicated above? Being Art Club President taught me many leadership skills while being part of the Art Europe Trip Planning Committee allowed me to work as a team player for a common goal.

NOTE: APPLICATIONS WILL BE HELD FOR CONSIDERATION FOR A PERIOD OF ONE (1) YEAR FROM DATE OF RECEIPT.

You may submit additional or supplemental information along with this form.

Please return to:

Kellie Weaver, City Clerk
City of Turlock
156 S. Broadway, Suite 230
Turlock, CA 95380
(209) 668-5540, Ext. 1110

Signature

Date

STATEMENT OF INTEREST

As a student of California State University Stanislaus I have had the opportunity to live in the City of Turlock for five years. These past five years our city has become my home and I have fallen in love with Turlock's people, culture, and atmosphere. I have come to the conclusion that there is no better way to show my appreciation for Turlock than to give back by serving on one of our city's commissions. I desire to serve on the Arts Commission because I believe my experience as an artist will be of great assistance to build the programs already in place as well as aid in rooting new programs. My role as Art Club President at CSU Stanislaus has strengthened my leadership skills and being involved in the Art Europe Trip Planning Committee has allowed me to work with others as a team. I greatly appreciate your consideration and look forward to serving our city.

Hannah Noonan

RESIDES Turlock, CA

EDUCATION

In Progress California State University Stanislaus, CA, B.F.A. Art and B.S. Mathematics

ART RELATED EMPLOYMENT

2012-Present Gallery Assistant, California State University Stanislaus Art Gallery, Turlock, CA
2012 Commission for private collection, Turlock, CA
2011 Commission for private collection, Turlock, CA

ART RELATED LEADERSHIP ROLES

2011-2013 California State University Stanislaus Art Club President
2008-09 Senior Class Historian

GALLERY REPRESENTATION

Gallery 909, Modesto, CA
Building Imagination Center, Modesto, CA
Rex Kline Insurance

GROUP EXHIBITION

2014 February BFA Exhibition, Gallery 909, Modesto, CA
January BFA Exhibition, Gallery 909, Modesto, CA
2013 Seniors of Stanislaus, Gallery 909, Modesto, CA
Stanislaus Students, Rex Kline Insurance, Turlock, CA
Library Exhibition, California State University Stanislaus Library, Turlock, CA
2012 Juried Exhibition Winners, Gallery 909, Modesto, CA
Vines, Alumni Event, California State University Stanislaus, Turlock, CA
Professional Practices Class Exhibition, Gallery 909, Modesto, CA
Library Exhibition, California State University Stanislaus Library, Turlock, CA
Building Imagination Center, Juried Exhibition, Building Imagination Center, Modesto, CA
Second Annual Juried Exhibition Winners, Gallery 909, Modesto, CA
2011 Juried Student Art Exhibition, Gallery 909, Modesto, CA

SOLO EXHIBITIONS

2014 Crate Human Awareness, CSU Stanislaus Quad, Turlock, CA

SELECTED COLLECTIONS

Private collection, Turlock, CA
Michael and Anna Noonan private collection, Sonora, CA

AWARDS

2012 Second Place, CSU Stanislaus Second Annual Juried Show
Honorable Mention, Vines Juried Show
2011 Third Place, CSU Stanislaus First Annual Juried Show

INSTALLED SHOWS

2014 Mohammad Reza Tahmasbpour, Composing Poetry With Photographs, CSU Stanislaus University Art Gallery
Stanley C. Wilson, Altars, Icons and Drawings, CSU Stanislaus University Art Gallery
CSU Stanislaus BFA Students, February BFA Students, Gallery 909
2013 Stephen Galloway, Still Living, CSU Stanislaus University Art Gallery
Deborah Barr-Brayman, Clowns, CSU Stanislaus University Art Gallery
Robyn Slakey, Cupcakes Across America, CSU Stanislaus University Art Gallery
Stanislaus Students, Rex Kline Insurance
Seniors of Stanislaus, Gallery 909
BFA/ BA Graduates, Senior Exhibition, CSU Stanislaus University Art Gallery
Turlock Regional High School Teachers Art Show, CSU Stanislaus University Art Gallery
Amitis Motevalli, Porru, CSU Stanislaus University Art Gallery
Tom Bills, Sculpture, CSU Stanislaus University Art Gallery

2012 Second Annual Juried Show, Gallery 909
Daryl Joseph Moore, Representing the Digital, CSU Stanislaus University Art Gallery
Jamie Brzezinski, Light Side/Dark Side, CSU Stanislaus University Art Gallery

PUBLICATIONS

2014 February 20, The Signal, Nathan Duckworth, "Hannah Noonan's 'Crate Human Awareness'"
February 6, Fear Net, John Squires, "Disturbing Art Display Raises Human Trafficking Awareness"
January 30, Turlock Journal, Elizabeth Arakelien, "Haunting Graphic Art Instillation at University Raises Attention"

TELEVISION INTERVIEWS

2013 January 15, Good Day Sacramento, Gallery 909

CLUBS AND ASSOCIATIONS

2013	Europe Trip Planning Committee, CSU Stanislaus
2009-13	Art Club, CSU Stanislaus
2009-11	Catholic Students Association, CSU Stanislaus

VOLUNTEER WORK

2013	Wakefield Elementary School Mural

FUNDRAISING

2013	Grizzly Rock Europe Fundraiser, Turlock
	Rex Kline Insurance Show, Turlock
	See's Candy, Turlock
	Pizza Factory Give Back, Turlock
	Yankee Candle, Turlock
	Europe Trip Car Wash, Turlock
	Europe Trip Yard Sale, Turlock

REFERENCES

Available upon request

CALIFORNIA STATE UNIVERSITY, STANISLAUS

DEPARTMENT OF ART

30 April 2014

Arts Commission
301 Starr Ave
Turlock, CA 95380

Dear Selection Committee:

I am delighted to write in behalf of Hannah Noonan to sit on the Arts Commission of the Turlock City Hall. I had Noonan as my student in the courses 2522 – *Contemporary Art Survey*, ART 2525 — *Art History Survey: Non-Western*, ART 4545 – *Modern ART, 1870-1970*, and ART 4550 — *Art of the Postmodern Era*, and ART 4920 – *Art in Action,* in which she received only A's. She was also President of the Art Club (2011-13) and a vocal representative of the students on the CSUSTAN campus. She had invigorated the Art Club members to participate in campus events, pushed them to political action and awareness, and still continually supports their efforts to be successful. Moreover, Noonan is a fantastic student.

Because of Noonan's leadership, the members of the Art Club had become mobilized members of the art community, both on- and off-campus. In February 2012, the Art Club participated in an art festival on campus called *The Night of the Arts*. In March 2012, the club participated in the Vines Alumni event, in which three winners showed two works of art, and currently, the Art Club is encouraging community service, producing paintings for a visiting center for children in Merced. In Fall 2012, the Art Club held a juried show, in addition to its continual involvement with the 909 Gallery in downtown Modesto. In Spring 2013, the students collaborated and painted a beautiful mural in Wakefield Elementary School in Turlock. In Spring and Fall 2013, Noonan was very involved in fundraising for the Art Department European trip that took place in January 2014. She devised fundraisers, developed them, and finally participated in them with much diligence, including raffles, yard sales, givebacks, selling goods, and benefit concerts. All these events are indebted to Noonan's dedication, orchestration, and direction of the club.

In 2011-12, Noonan was also very instrumental in encouraging the Art Club to challenge the budget cuts that had severely affected the Art Department studio hours available to the students. These cuts hindered the students from completing their homework assignments and BFA requirements. The Art Club wrote many letters to CSU administrators, as well as held a group meeting with Dean Moore. The Art Club has been outspoken and concerned over the loss of their studio hours, making their presence known on campus.

In addition to these major achievements, Noonan conducted general Art Club activities with dedication and consistency, while always displaying a positive attitude. She held meetings regularly, contacted the members diligently, responded to the student suggestion box without fail, and advertised opportunities for the students to show their work off campus. She was also able to get all 25 members t-shirts. She performed all these actions and more, while maintaining a 3.234 GPA, being a double-major, working part-time at Starbucks and Pier One Imports, and participating in the Catholic Students Association.

Noonan works quite rigorously to achieve high grades AND to comprehend the subject matter. She received A's in all my courses, because her exams were high, and her participation was stupendous. For example, I had the students read artist statements, interviews, and manifestos, including those by Eva Hesse, Louise Bourgeois, Donald Judd, Robert Morris, and Carl Andre. Noonan was quite excited to discuss these artists in-depth in class and wrote very thorough think pieces on them. She spoke up and offered her own summaries, commentaries, and interpretations, instead of solely relying on me to sum the articles up in class. Furthermore, her papers were always detailed, well-edited, thoughtful, and went beyond the minimum. She always turned her work in on time, and her interpretations of the material were correct and very insightful. What I also appreciate about Noonan is that she is sponge-like, absorbing course material quickly and intelligently. Even if she did not like an artist's work we discussed in class or did not agree with a political philosophy of an artist, she was able to summarize, synthesize, and apply the material effectively and creatively.

I highly recommend Hannah Noonan to sit on the Arts Commission of the Turlock City Hall. She was a great leader of the Art Club, inspiring the members and making the club a visible present on campus, as well as instrumental in making the European trip a reality for our art majors. She is also a contemplative, perceptive BFA student who is full of potential to be a successful artist, and I am currently grooming her for MFA applications, because I believe she will be a compelling asset to the art world. Please contact me with any questions or comments concerning Noonan's accomplishments.

Sincerely,

Dr. Staci Gem Scheiwiller
Assistant Professor of Modern Art
Art Department
California State University, Stanislaus
1 University Circle
Turlock, CA 95382 USA

RECEIVED
DEC 15 2014
Office of the City Clerk
City Administration

KELLIE E. WEAVER
CITY CLERK
kweaver@turlock.ca.us

CITY OF TURLOCK INC 1908

156 S. BROADWAY, SUITE 230 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5540 | FAX 209-668-5668

CITIZENS DESIRING TO SERVE THEIR CITY

Please indicate your preference:

____ Arts Commission
(please include a one page statement of interest and a letter of recommendation)

✓ Parks, Recreation & Community Commission

✓ Planning Commission

✓ Development Collaborative Advisory Committee

____ Stanislaus County Airport Advisory Committee

____ Stanislaus County Local Task Force on Solid Waste

____ Turlock Mosquito Abatement District Board of Trustees

____ Other ____

Please provide the following information (use reverse side or additional paper, if needed)

Name: Jennifer R. Carter

Address: ____ Zip Code: 95382

Telephone: Home: ( ) Work: (209) 495-2641

Do you live within the City limits? yes Are you registered to vote? yes

How long have you lived in Turlock? 34 years

Are you, or are you related to, a current City employee? no If yes, please indicate the person's name and relationship, if not yourself. ____

Occupation: Director of Administrative Services, Merced ID

Business Address: ____ Zip Code: 95340

Education (highest school year complete, degrees, etc.): BA in Criminal Justice from CSU Stanislaus.

Employment Highlights: Foster Farms for 22 years in HR, Risk Management & Investigations. Senior Professional in HR and in charge of all Administration IT, HR, Risk Management at Merced Irrigation District.

Prior Public Service if any:

Current Trustee for Turlock USD.

Present and past community activities and organizations: Pitman Band Booster Officer, CUA Board member, PTA, Girl Scout Troop Leader, DUTTS Committee, Soccer Coach & many others. Board Member of United Way of Merced County.

What are your most important qualifications for the commission(s) or committees(s) that you indicated above?

I have a strong business sense and have ability to collaboratively work with all sides to find resolution. Willing to ask the right questions to determine what is best for the City of Turlock.

NOTE: APPLICATIONS WILL BE HELD FOR CONSIDERATION FOR A PERIOD OF ONE (1) YEAR FROM DATE OF RECEIPT.

You may submit additional or supplemental information along with this form.

Please return to:

Kellie Weaver, City Clerk
City of Turlock
156 S. Broadway, Suite 230
Turlock, CA 95380
(209) 668-5540, Ext. 1110

Jennifer R. G.
Signature

12-12-2014
Date

5A

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ACCEPTING DEMANDS OF 11/13/14 IN THE AMOUNT OF $816,186.05; DEMANDS OF 11/20/14 IN THE AMOUNT OF $1,256,300.98; DEMANDS OF 11/27/14 IN THE AMOUNT OF $1,549,501.84	}	**RESOLUTION NO. 2015-**

WHEREAS, the City has received demands for ratification and approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby accept Demands as follows:

Demands of:	**In the Amount of:**
11/13/14	$816,186.05
11/20/14	$1,256,300.98
11/27/14	$1,549,501.84

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 13th day of January, 2015, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____
Kellie E. Weaver, City Clerk
City of Turlock, County of Stanislaus, State of California

Payment Register

From Payment Date: 11/7/2014 - To Payment Date: 11/13/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - Accounts Payable									
Check									
99994	11/07/2014	Open			Accounts Payable	WESTAMERICA BANK	$60,000.00		
	Paying Fund			Cash Account		Amount			
	256 - Stanislaus Housing Consortia			256.11000 (Cash)		$60,000.00			
99995	11/12/2014	Open			Utility Management Refund	HERNANDEZ CONSULTING	$322.00		
	Paying Fund			Cash Account		Amount			
	110 - General Fund			110.11000 (Cash)		$25.84			
	410 - WATER QUALITY CONTROL (WQC)			410.11000 (Cash)		$1.67			
	420 - WATER			420.11000 (Cash)		$294.49			
99996	11/12/2014	Open			Utility Management Refund	IMOTO, KELLY	$276.00		
	Paying Fund			Cash Account		Amount			
	110 - General Fund			110.11000 (Cash)		$35.14			
	410 - WATER QUALITY CONTROL (WQC)			410.11000 (Cash)		$60.13			
	420 - WATER			420.11000 (Cash)		$180.73			
99997	11/12/2014	Open			Utility Management Refund	LUNA, CARLOS	$14.39		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$14.39			
99998	11/12/2014	Open			Utility Management Refund	NEW, KOURTNEY	$122.29		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$122.29			
99999	11/12/2014	Open			Utility Management Refund	POWELL, APRIL, LEIGHANN	$44.10		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$44.10			
100000	11/12/2014	Open			Utility Management Refund	REYES GARCIA, LUIS, ALBERTO	$254.03		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$254.03			
100001	11/12/2014	Open			Utility Management Refund	SERUNTINE, VERLIE	$111.93		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$111.93			
100002	11/13/2014	Open			Accounts Payable	4LEAF INC	$8,906.25		
	Paying Fund			Cash Account		Amount			
	405 - Building			405.11000 (Cash)		$8,906.25			
100003	11/13/2014	Open			Accounts Payable	ALL VALLEY SMOG INC	$24.75		
	Paying Fund			Cash Account		Amount			
	502 - Engineering			502.11000 (Cash)		$24.75			
100004	11/13/2014	Open			Accounts Payable	AT&T/SBC	$66.49		
	Paying Fund			Cash Account		Amount			

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Payment Register

From Payment Date: 11/7/2014 - To Payment Date: 11/13/2014

	110 - General Fund	110.11000 (Cash)		$66.49	
100005	11/13/2014 Open		Accounts Payable	BUREAU VERITAS NO AMERICA	$19,417.80
	Paying Fund	Cash Account		Amount	
	405 - Building	405.11000 (Cash)		$19,417.80	
100006	11/13/2014 Open		Accounts Payable	CALIF DEPT OF TRANS	$4,230.60
	Paying Fund	Cash Account		Amount	
	216 - Streets - Local Transportation	216.11000 (Cash)		$4,230.60	
100007	11/13/2014 Open		Accounts Payable	CAROLLO ENGINEERS	$24,082.82
	Paying Fund	Cash Account		Amount	
	420 - WATER	420.11000 (Cash)		$24,082.82	
100008	11/13/2014 Open		Accounts Payable	CENTRAL VALLEY CONCRETE	$419.94
	Paying Fund	Cash Account		Amount	
	246 - Landscape Assessment	246.11000 (Cash)		$419.94	
100009	11/13/2014 Open		Accounts Payable	CHARTER COMMUNICATIONS	$158.93
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$66.45	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$18.74	
	420 - WATER	420.11000 (Cash)		$18.74	
	501 - Information Technology	501.11000 (Cash)		$55.00	
100010	11/13/2014 Open		Accounts Payable	CITY OF TURLOCK - CASH	$161.41
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$73.96	
	426 - Transit - Fixed Route	426.11000 (Cash)		$62.50	
	502 - Engineering	502.11000 (Cash)		$24.95	
100011	11/13/2014 Open		Accounts Payable	COMBINED BENEFITS ADMIN C	$176,555.11
	Paying Fund	Cash Account		Amount	
	511 - Health Care	511.11000 (Cash)		$176,555.11	
100012	11/13/2014 Open		Accounts Payable	DAVID KEITH TODD CONSULTING ENGINEERS	$1,134.25
	Paying Fund	Cash Account		Amount	
	420 - WATER	420.11000 (Cash)		$1,134.25	
100013	11/13/2014 Open		Accounts Payable	DEL PUERTO WATER DISTRICT	$22,192.39
	Paying Fund	Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$22,192.39	
100014	11/13/2014 Open		Accounts Payable	DEPT OF CONSERVATION	$2,559.16
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$2,693.85	
	405 - Building	405.11000 (Cash)		($134.69)	
100015	11/13/2014 Open		Accounts Payable	DOWNEY BRAND ATTORNEYS	$975.00
	Paying Fund	Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$975.00	
100016	11/13/2014 Open		Accounts Payable	EQUIFAX	$26.66
	Paying Fund	Cash Account		Amount	
	255 - CDBG	255.11000 (Cash)		$26.66	

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From Payment Date: 11/7/2014 - To Payment Date: 11/13/2014

100017	11/13/2014	Open	Accounts Payable	HANEY CONCRETE	$15,544.76
	Paying Fund		Cash Account	Amount	
	217 - Streets - Gas Tax		217.11000 (Cash)	$15,544.76	
100018	11/13/2014	Open	Accounts Payable	HD SUPPLY WATERWORKS LTD	$645.75
	Paying Fund		Cash Account	Amount	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)	$645.75	
100019	11/13/2014	Open	Accounts Payable	INTERWEST CONSULTING GROUP INC	$23,106.35
	Paying Fund		Cash Account	Amount	
	405 - Building		405.11000 (Cash)	$23,106.35	
100020	11/13/2014	Open	Accounts Payable	KLEINFELDER INC	$1,794.00
	Paying Fund		Cash Account	Amount	
	415 - Sewer Bond Projects		415.11000 (Cash)	$1,794.00	
100021	11/13/2014	Open	Accounts Payable	KYOCERA DOCUMENT SOLUTIONS AMERICA INC	$843.58
	Paying Fund		Cash Account	Amount	
	110 - General Fund		110.11000 (Cash)	$804.85	
	405 - Building		405.11000 (Cash)	$19.36	
	505 - Fleet		505.11000 (Cash)	$19.37	
100022	11/13/2014	Open	Accounts Payable	LANGUAGE LINE SERVICES	$18.27
	Paying Fund		Cash Account	Amount	
	110 - General Fund		110.11000 (Cash)	$18.27	
100023	11/13/2014	Open	Accounts Payable	MISSION LINEN SUPPLY INC	$4,682.49
	Paying Fund		Cash Account	Amount	
	110 - General Fund		110.11000 (Cash)	$696.18	
	205 - Sports Facilities		205.11000 (Cash)	$102.35	
	217 - Streets - Gas Tax		217.11000 (Cash)	$128.03	
	246 - Landscape Assessment		246.11000 (Cash)	$223.20	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)	$2,815.57	
	420 - WATER		420.11000 (Cash)	$202.65	
	505 - Fleet		505.11000 (Cash)	$514.51	
100024	11/13/2014	Open	Accounts Payable	MO-CAL OFFICE SOLUTIONS INC	$1,067.34
	Paying Fund		Cash Account	Amount	
	110 - General Fund		110.11000 (Cash)	$572.94	
	204 - AB 939 Integrated Waste Mgmt		204.11000 (Cash)	$177.96	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)	$287.13	
	420 - WATER		420.11000 (Cash)	$29.31	
100025	11/13/2014	Open	Accounts Payable	NAPA AUTO PARTS	$46.75
	Paying Fund		Cash Account	Amount	
	110 - General Fund		110.11000 (Cash)	$9.66	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)	$37.09	
100026	11/13/2014	Open	Accounts Payable	NEXT LEVEL PARTS INC	$177.67
	Paying Fund		Cash Account	Amount	
	217 - Streets - Gas Tax		217.11000 (Cash)	$177.67	
100027	11/13/2014	Open	Accounts Payable	P G & E	$367.65

Payment Register

From Payment Date: 11/7/2014 - To Payment Date: 11/13/2014

	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$367.65	
100028	11/13/2014 Open		Accounts Payable	PROVOST AND PRITCHARD ENGINEERING GROUP	$4,925.65
	Paying Fund	Cash Account		Amount	
	420 - WATER	420.11000 (Cash)		$4,925.65	
100029	11/13/2014 Open		Accounts Payable	RICHARDS WATSON & GERSHON	$4,360.32
	Paying Fund	Cash Account		Amount	
	621 - Successor Agency - Non LMI	621.11000 (Cash)		$4,360.32	
100030	11/13/2014 Open		Accounts Payable	ROGERS, DANIEL, W	$250.00
	Paying Fund	Cash Account		Amount	
	256 - Stanislaus Housing Consortia	256.11000 (Cash)		$250.00	
100031	11/13/2014 Open		Accounts Payable	SAFETY-KLEEN CORPORATION	$141.04
	Paying Fund	Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$141.04	
100032	11/13/2014 Open		Accounts Payable	SIEMENS INDUSTRY INC	$31,382.87
	Paying Fund	Cash Account		Amount	
	216 - Streets - Local Transportation	216.11000 (Cash)		$31,382.87	
100033	11/13/2014 Open		Accounts Payable	STANISLAUS AUDITOR CONTR	$80,695.08
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$80,695.08	
100034	11/13/2014 Open		Accounts Payable	STANISLAUS COUNTY - TAX	$1,072.91
	Paying Fund	Cash Account		Amount	
	256 - Stanislaus Housing Consortia	256.11000 (Cash)		$1,072.91	
100035	11/13/2014 Open		Accounts Payable	STATE OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS	$115.00
	Paying Fund	Cash Account		Amount	
	502 - Engineering	502.11000 (Cash)		$115.00	
100036	11/13/2014 Open		Accounts Payable	STATE OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS	$115.00
	Paying Fund	Cash Account		Amount	
	502 - Engineering	502.11000 (Cash)		$115.00	
100037	11/13/2014 Open		Accounts Payable	T I D	$204,835.67
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$21,335.77	
	216 - Streets - Local Transportation	216.11000 (Cash)		$3,583.23	
	256 - Stanislaus Housing Consortia	256.11000 (Cash)		$11.23	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$148,982.83	
	420 - WATER	420.11000 (Cash)		$30,833.08	
	426 - Transit - Fixed Route	426.11000 (Cash)		$89.53	
100038	11/13/2014 Open		Accounts Payable	TOWNSEND PUBLIC AFFAIRS INC	$5,000.00
	Paying Fund	Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$2,500.00	

Payment Register

From Payment Date: 11/7/2014 - To Payment Date: 11/13/2014

	420 - WATER		420.11000 (Cash)		$2,500.00	
100039	11/13/2014	Open		Accounts Payable	TURLOCK CHAMBER COMMERCE	$1,840.00
	Paying Fund		Cash Account		Amount	
	426 - Transit - Fixed Route		426.11000 (Cash)		$1,840.00	
100040	11/13/2014	Open		Accounts Payable	TURLOCK UMPIRE GROUP	$5,370.00
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$5,370.00	
100041	11/13/2014	Open		Accounts Payable	TURLOCK UNIFIED	$100,926.06
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$100,926.06	
100042	11/13/2014	Open		Accounts Payable	US BANK	$1,925.00
	Paying Fund		Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$1,925.00	
100043	11/13/2014	Open		Accounts Payable	WALKER ASSOC INC, LARRY	$645.00
	Paying Fund		Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$645.00	
100044	11/13/2014	Open		Accounts Payable	ALVEREZ, LINDA	$18.00
	Paying Fund		Cash Account		Amount	
	203 - Animal Fee Forfeiture		203.11000 (Cash)		$18.00	
100045	11/13/2014	Open		Accounts Payable	BAY VALLEY FIRE PROTECTION	$4.51
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$4.51	
100046	11/13/2014	Open		Accounts Payable	Lewis, Diana	$122.56
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$122.56	
100047	11/13/2014	Open		Accounts Payable	MAHIL, AVNEET	$300.00
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$300.00	
100048	11/13/2014	Open		Accounts Payable	PACKNIT, AUSTIN	$36.00
	Paying Fund		Cash Account		Amount	
	203 - Animal Fee Forfeiture		203.11000 (Cash)		$36.00	
100049	11/13/2014	Open		Accounts Payable	PACKWOOD, KAIN	$146.00
	Paying Fund		Cash Account		Amount	
	265 - Fire Department Grants		265.11000 (Cash)		$146.00	
100050	11/13/2014	Open		Accounts Payable	RODRIGUEZ, LETICIA	$18.00
	Paying Fund		Cash Account		Amount	
	203 - Animal Fee Forfeiture		203.11000 (Cash)		$18.00	
100051	11/13/2014	Open		Accounts Payable	SABIN, ANITA	$18.00
	Paying Fund		Cash Account		Amount	
	203 - Animal Fee Forfeiture		203.11000 (Cash)		$18.00	
100052	11/13/2014	Open		Accounts Payable	SILVA, JOSEPH	$36.00
	Paying Fund		Cash Account		Amount	
	203 - Animal Fee Forfeiture		203.11000 (Cash)		$36.00	
100053	11/13/2014	Open		Accounts Payable	SMITH, LORI, ANN	$18.00

Payment Register

From Payment Date: 11/7/2014 - To Payment Date: 11/13/2014

	Paying Fund	Cash Account			Amount	
	203 - Animal Fee Forfeiture	203.11000 (Cash)			$18.00	
100054	11/13/2014 Open		Accounts Payable	VARGAS, LAURA		$18.00
	Paying Fund	Cash Account			Amount	
	203 - Animal Fee Forfeiture	203.11000 (Cash)			$18.00	
100055	11/13/2014 Open		Accounts Payable	VILLALOBOS, ESMERALDA		$1,482.47
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)			$1,482.47	
100056	11/13/2014 Open		Accounts Payable	ZALINKSI, JACLYN		$18.00
	Paying Fund	Cash Account			Amount	
	203 - Animal Fee Forfeiture	203.11000 (Cash)			$18.00	
Type Check Totals:			63 Transactions			$816,186.05

AP - Accounts Payable Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	63	$816,186.05	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	63	$816,186.05	$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	63	$816,186.05	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	63	$816,186.05	$0.00

Grand Totals:

Checks	**Status**	**Count**	**Transaction Amount**	**Reconciled Amount**
	Open	**63**	**$816,186.05**	**$0.00**
	Reconciled	**0**	**$0.00**	**$0.00**
	Voided	**0**	**$0.00**	**$0.00**
	Stopped	**0**	**$0.00**	**$0.00**
	Total	**63**	**$816,186.05**	**$0.00**

All	**Status**	**Count**	**Transaction Amount**	**Reconciled Amount**
	Open	**63**	**$816,186.05**	**$0.00**
	Reconciled	**0**	**$0.00**	**$0.00**
	Voided	**0**	**$0.00**	**$0.00**
	Stopped	**0**	**$0.00**	**$0.00**
	Total	**63**	**$816,186.05**	**$0.00**

Payment Register

From Payment Date: 11/14/2014 - To Payment Date: 11/20/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - Accounts Payable									
Check									
100057	11/17/2014	Open			Accounts Payable	CENTRAL VALLEY BUSINESS FORMS	$66.73		
	Paying Fund			Cash Account		Amount			
	110 - General Fund			110.11000 (Cash)		$66.73			
100058	11/17/2014	Open			Accounts Payable	PRESORT CTR STOCKTON INC	$331.19		
	Paying Fund			Cash Account		Amount			
	410 - WATER QUALITY CONTROL (WQC)			410.11000 (Cash)		$331.19			
100059	11/19/2014	Open			Utility Management Refund	CENTRAL VALLEY PROPERTY MANAGEMENT	$81.09		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$81.09			
100060	11/19/2014	Open			Utility Management Refund	CORTES-TORRES, REYNA	$135.24		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$135.24			
100061	11/19/2014	Open			Utility Management Refund	LANDLORDS PROPERTY MANAGEMENT	$65.64		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$65.64			
100062	11/19/2014	Open			Utility Management Refund	RAMOS, ALEJANDRA	$119.68		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$119.68			
100063	11/19/2014	Open			Utility Management Refund	ROSA, SHANE	$144.61		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$144.61			
100064	11/19/2014	Open			Utility Management Refund	RUSSELL, JERRY	$223.32		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$223.32			
100065	11/20/2014	Open			Accounts Payable	STEWART TITLE OF CA INC	$830,042.65		
	Paying Fund			Cash Account		Amount			
	305 - Capital Facility Fees			305.11000 (Cash)		$830,042.65			
100066	11/20/2014	Open			Accounts Payable	A & A PORTABLES INC	$596.63		
	Paying Fund			Cash Account		Amount			
	246 - Landscape Assessment			246.11000 (Cash)		$79.76			
	301 - Capital Improvements			301.11000 (Cash)		$516.87			
100067	11/20/2014	Open			Accounts Payable	AIRGAS NCN	$698.05		
	Paying Fund			Cash Account		Amount			
	110 - General Fund			110.11000 (Cash)		$698.05			
100068	11/20/2014	Open			Accounts Payable	APPLIED PEST MANAGEMENT INC	$300.00		
	Paying Fund			Cash Account		Amount			

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Payment Register

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	110 - General Fund	110.11000 (Cash)		$80.00	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$220.00	
100069	11/20/2014 Open		Accounts Payable	ARMOR FIRE EXTINGUISHER	$97.41
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$97.41	
100070	11/20/2014 Open		Accounts Payable	AT&T/SBC	$31.76
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$31.76	
100071	11/20/2014 Open		Accounts Payable	BANK OF NEW YORK TRUST CO	$16,889.45
	Paying Fund	Cash Account		Amount	
	216 - Streets - Local Transportation	216.11000 (Cash)		$16,889.45	
100072	11/20/2014 Open		Accounts Payable	BONANDER TRUCKS	$17.40
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$17.40	
100073	11/20/2014 Open		Accounts Payable	BURTON'S FIRE APPARATUS	$359.78
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$359.78	
100074	11/20/2014 Open		Accounts Payable	CALIF CAD SOLUTIONS INC	$3,625.00
	Paying Fund	Cash Account		Amount	
	501 - Information Technology	501.11000 (Cash)		$3,625.00	
100075	11/20/2014 Open		Accounts Payable	CARPETMAN PRO FLOORING INC	$1,269.00
	Paying Fund	Cash Account		Amount	
	305 - Capital Facility Fees	305.11000 (Cash)		$1,269.00	
100076	11/20/2014 Open		Accounts Payable	CENTRAL SANITARY SUPPLY	$1,301.23
	Paying Fund	Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$1,301.23	
100077	11/20/2014 Open		Accounts Payable	CENTRAL VALLEY BUSINESS FORMS	$1,114.95
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$637.83	
	204 - AB 939 Integrated Waste Mgmt	204.11000 (Cash)		$15.88	
	255 - CDBG	255.11000 (Cash)		$63.52	
	405 - Building	405.11000 (Cash)		$79.40	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$127.76	
	420 - WATER	420.11000 (Cash)		$47.64	
	502 - Engineering	502.11000 (Cash)		$127.04	
	505 - Fleet	505.11000 (Cash)		$15.88	
100078	11/20/2014 Open		Accounts Payable	CHARTER COMMUNICATIONS	$558.99
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$49.99	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$110.00	
	501 - Information Technology	501.11000 (Cash)		$399.00	
100079	11/20/2014 Open		Accounts Payable	CITY OF TURLOCK - CASH	$200.00
	Paying Fund	Cash Account		Amount	

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	110 - General Fund	110.11000 (Cash)		$200.00	
100080	11/20/2014 Open		Accounts Payable	CLARK PEST CONTROL INC	$3,846.00
	Paying Fund	Cash Account		Amount	
	217 - Streets - Gas Tax	217.11000 (Cash)		$469.00	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$3,102.00	
	420 - WATER	420.11000 (Cash)		$275.00	
100081	11/20/2014 Open		Accounts Payable	COM-STRAT LLC	$2,535.00
	Paying Fund	Cash Account		Amount	
	112 - GF Reserve for Capital Purchases	112.11000 (Cash)		$2,535.00	
100082	11/20/2014 Open		Accounts Payable	CURTIS & SONS INC, L N	$2,182.92
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$2,182.92	
100083	11/20/2014 Open		Accounts Payable	DEPT RESOURCE RECYCLING & RECOVERY	$61.58
	Paying Fund	Cash Account		Amount	
	204 - AB 939 Integrated Waste Mgmt	204.11000 (Cash)		$61.58	
100084	11/20/2014 Open		Accounts Payable	ECONOMIC & PLANNING INC	$7,196.25
	Paying Fund	Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$3,578.75	
	411 - Storm Drainage Construction	411.11000 (Cash)		$3,617.50	
100085	11/20/2014 Open		Accounts Payable	FINANCIAL CREDIT NETWORK	$434.02
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$209.02	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$124.68	
	420 - WATER	420.11000 (Cash)		$100.32	
100086	11/20/2014 Open		Accounts Payable	FLINT TRADING INC.	$4,829.07
	Paying Fund	Cash Account		Amount	
	217 - Streets - Gas Tax	217.11000 (Cash)		$4,829.07	
100087	11/20/2014 Open		Accounts Payable	GOMES PROPANE	$124.01
	Paying Fund	Cash Account		Amount	
	217 - Streets - Gas Tax	217.11000 (Cash)		$124.01	
100088	11/20/2014 Open		Accounts Payable	HILMAR READY MIX	$538.13
	Paying Fund	Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$492.39	
	420 - WATER	420.11000 (Cash)		$45.74	
100089	11/20/2014 Open		Accounts Payable	IMAGEWARE SYSTEMS INC	$1,884.88
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$1,884.88	
100090	11/20/2014 Open		Accounts Payable	IMW INDUSTRIES LTD	$5,444.39
	Paying Fund	Cash Account		Amount	
	505 - Fleet	505.11000 (Cash)		$5,444.39	
100091	11/20/2014 Open		Accounts Payable	INDEPENDENT ELECTRIC INC	$680.22
	Paying Fund	Cash Account		Amount	
	246 - Landscape Assessment	246.11000 (Cash)		$29.28	

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	420 - WATER		420.11000 (Cash)		$650.94	
100092	11/20/2014	Open	Accounts Payable	INFOR (US) INC		$8,049.60
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$1,187.60	
	205 - Sports Facilities		205.11000 (Cash)		$224.00	
	217 - Streets - Gas Tax		217.11000 (Cash)		$2,926.00	
	246 - Landscape Assessment		246.11000 (Cash)		$2,926.00	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$786.00	
100093	11/20/2014	Open	Accounts Payable	INTERSTATE TRUCK CTR		$289.12
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$289.12	
100094	11/20/2014	Open	Accounts Payable	ITRON INC		$2,156.89
	Paying Fund		Cash Account		Amount	
	420 - WATER		420.11000 (Cash)		$2,156.89	
100095	11/20/2014	Open	Accounts Payable	KID TIME FITNESS COMPANY		$777.60
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$777.60	
100096	11/20/2014	Open	Accounts Payable	KLEINFELDER INC		$6,125.50
	Paying Fund		Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$6,125.50	
100097	11/20/2014	Open	Accounts Payable	LEHIGH HANSON INC		$289.73
	Paying Fund		Cash Account		Amount	
	217 - Streets - Gas Tax		217.11000 (Cash)		$289.73	
100098	11/20/2014	Open	Accounts Payable	LEXISNEXIS RISK SOLUTIONS FL INC		$50.00
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$50.00	
100099	11/20/2014	Open	Accounts Payable	LINCOLN EQUIPMENT INC		$773.80
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$773.80	
100100	11/20/2014	Open	Accounts Payable	LINKO DATA SYSTEMS INC		$1,300.00
	Paying Fund		Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$1,300.00	
100101	11/20/2014	Open	Accounts Payable	MME		$945.28
	Paying Fund		Cash Account		Amount	
	217 - Streets - Gas Tax		217.11000 (Cash)		$945.28	
100102	11/20/2014	Open	Accounts Payable	MOTION INDUSTRIES INC - CA82		$34.91
	Paying Fund		Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$34.91	
100103	11/20/2014	Open	Accounts Payable	NAPA AUTO PARTS		$9.66
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$3.22	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$6.44	
100104	11/20/2014	Open	Accounts Payable	NEW WORLD SYSTEM CORP		$600.00

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	Paying Fund		Cash Account			Amount
	240 - Small Equipment Replacement		240.11000 (Cash)			$600.00
100105	11/20/2014	Open		Accounts Payable	P G & E	$14,061.55
	Paying Fund		Cash Account			Amount
	110 - General Fund		110.11000 (Cash)			$5,010.96
	217 - Streets - Gas Tax		217.11000 (Cash)			$7.84
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$253.30
	426 - Transit - Fixed Route		426.11000 (Cash)			$1,925.91
	505 - Fleet		505.11000 (Cash)			$6,863.54
100106	11/20/2014	Open		Accounts Payable	PACE SUPPLY CORPORATION	$1,553.67
	Paying Fund		Cash Account			Amount
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$1,553.67
100107	11/20/2014	Open		Accounts Payable	PACIFIC STORAGE COMPANY	$211.00
	Paying Fund		Cash Account			Amount
	110 - General Fund		110.11000 (Cash)			$211.00
100108	11/20/2014	Open		Accounts Payable	PIRES, LIPOMI & NAVARRO ARCHITECTS	$4,370.80
	Paying Fund		Cash Account			Amount
	426 - Transit - Fixed Route		426.11000 (Cash)			$4,370.80
100109	11/20/2014	Open		Accounts Payable	PLATT ELECTRIC SUPPLY	$3,531.41
	Paying Fund		Cash Account			Amount
	246 - Landscape Assessment		246.11000 (Cash)			$333.59
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$128.57
	420 - WATER		420.11000 (Cash)			$3,069.25
100110	11/20/2014	Open		Accounts Payable	PRECISION CONCRETE CUTTING	$7,803.20
	Paying Fund		Cash Account			Amount
	301 - Capital Improvements		301.11000 (Cash)			$7,803.20
100111	11/20/2014	Open		Accounts Payable	PRIME SHINE INC	$115.50
	Paying Fund		Cash Account			Amount
	110 - General Fund		110.11000 (Cash)			$115.50
100112	11/20/2014	Open		Accounts Payable	PROTECH SECURITY/ELEC INC	$70.00
	Paying Fund		Cash Account			Amount
	110 - General Fund		110.11000 (Cash)			$70.00
100113	11/20/2014	Open		Accounts Payable	R & B COMPANY	$774.92
	Paying Fund		Cash Account			Amount
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$607.02
	420 - WATER		420.11000 (Cash)			$167.90
100114	11/20/2014	Open		Accounts Payable	R & S ERECTION INC	$857.50
	Paying Fund		Cash Account			Amount
	110 - General Fund		110.11000 (Cash)			$857.50
100115	11/20/2014	Open		Accounts Payable	RAMONT'S TOW SERVICE	$600.00
	Paying Fund		Cash Account			Amount
	426 - Transit - Fixed Route		426.11000 (Cash)			$600.00
100116	11/20/2014	Open		Accounts Payable	RAY MORGAN COMPANY	$3,067.42

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	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)			$2,002.18	
	205 - Sports Facilities	205.11000 (Cash)			$13.18	
	217 - Streets - Gas Tax	217.11000 (Cash)			$4.85	
	246 - Landscape Assessment	246.11000 (Cash)			$4.85	
	405 - Building	405.11000 (Cash)			$60.18	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$600.59	
	420 - WATER	420.11000 (Cash)			$82.69	
	502 - Engineering	502.11000 (Cash)			$298.90	
100117	11/20/2014 Open		Accounts Payable	SAN JOAQUIN VALLEY		$117.00
	Paying Fund	Cash Account			Amount	
	420 - WATER	420.11000 (Cash)			$117.00	
100118	11/20/2014 Open		Accounts Payable	SCOTT'S PPE RECON		$1,811.61
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)			$1,811.61	
100119	11/20/2014 Open		Accounts Payable	SHARPENING SHOP		$251.15
	Paying Fund	Cash Account			Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$251.15	
100120	11/20/2014 Open		Accounts Payable	SIERRA CHEMICAL CO		$2,720.50
	Paying Fund	Cash Account			Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$2,720.50	
100121	11/20/2014 Open		Accounts Payable	SIERRA FOOTHILL LAB INC		$275.00
	Paying Fund	Cash Account			Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$275.00	
100122	11/20/2014 Open		Accounts Payable	SPRINT		$1,021.62
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)			$360.37	
	205 - Sports Facilities	205.11000 (Cash)			$63.47	
	217 - Streets - Gas Tax	217.11000 (Cash)			$197.95	
	246 - Landscape Assessment	246.11000 (Cash)			$33.19	
	270 - Recreation Grants	270.11000 (Cash)			$39.93	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$171.98	
	420 - WATER	420.11000 (Cash)			$115.26	
	505 - Fleet	505.11000 (Cash)			$39.47	
100123	11/20/2014 Open		Accounts Payable	STATE OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS		$115.00
	Paying Fund	Cash Account			Amount	
	502 - Engineering	502.11000 (Cash)			$115.00	
100124	11/20/2014 Open		Accounts Payable	STATE WATER RESOURCE CTNL		$230.00
	Paying Fund	Cash Account			Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$230.00	
100125	11/20/2014 Open		Accounts Payable	SUNGARD PUBLIC SECTOR INC		$56,557.59
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)			$56,557.59	

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100126	11/20/2014	Open	Accounts Payable	T I D	$36,380.45
	Paying Fund		Cash Account		Amount
	110 - General Fund		110.11000 (Cash)		$6,186.34
	216 - Streets - Local Transportation		216.11000 (Cash)		$24,920.47
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$3,371.73
	420 - WATER		420.11000 (Cash)		$1,901.91
100127	11/20/2014	Open	Accounts Payable	TBA AUTO PARTS	$1,959.89
	Paying Fund		Cash Account		Amount
	110 - General Fund		110.11000 (Cash)		$846.31
	205 - Sports Facilities		205.11000 (Cash)		$25.62
	217 - Streets - Gas Tax		217.11000 (Cash)		$171.03
	246 - Landscape Assessment		246.11000 (Cash)		$45.94
	255 - CDBG		255.11000 (Cash)		$6.01
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$213.54
	420 - WATER		420.11000 (Cash)		$236.01
	425 - Transit - Dial-A-Ride		425.11000 (Cash)		$322.39
	426 - Transit - Fixed Route		426.11000 (Cash)		$87.03
	502 - Engineering		502.11000 (Cash)		$6.01
100128	11/20/2014	Open	Accounts Payable	TG HYDRAULICS	$16.27
	Paying Fund		Cash Account		Amount
	426 - Transit - Fixed Route		426.11000 (Cash)		$16.27
100129	11/20/2014	Open	Accounts Payable	THE SHALLECK COLLABORATIVE INC	$5,302.50
	Paying Fund		Cash Account		Amount
	240 - Small Equipment Replacement		240.11000 (Cash)		$5,302.50
100130	11/20/2014	Open	Accounts Payable	TIRE DIST SYSTEM INC	$1,289.33
	Paying Fund		Cash Account		Amount
	426 - Transit - Fixed Route		426.11000 (Cash)		$1,289.33
100131	11/20/2014	Open	Accounts Payable	TREES, INC.	$1,253.14
	Paying Fund		Cash Account		Amount
	110 - General Fund		110.11000 (Cash)		$1,253.14
100132	11/20/2014	Open	Accounts Payable	TURLOCK CONVENTION BUREAU	$48,610.04
	Paying Fund		Cash Account		Amount
	120 - Tourism		120.11000 (Cash)		$48,610.04
100133	11/20/2014	Open	Accounts Payable	UNITED PAVEMENT MAINTENANCE	$2,598.51
	Paying Fund		Cash Account		Amount
	269 - Parks & Public Facilities Grants		269.11000 (Cash)		$2,598.51
100134	11/20/2014	Open	Accounts Payable	UNITED PARCEL SERVICE INC	$7.17
	Paying Fund		Cash Account		Amount
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$7.17
100135	11/20/2014	Open	Accounts Payable	UNITED RESOURCE SYSTEMS INC	$27.25
	Paying Fund		Cash Account		Amount
	110 - General Fund		110.11000 (Cash)		$7.92
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$10.71

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	420 - WATER	420.11000 (Cash)			$8.62	
100136	11/20/2014	Open	Accounts Payable	UNIVAR USA INC		$7,238.63
	Paying Fund	Cash Account			Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$7,238.63	
100137	11/20/2014	Open	Accounts Payable	US BANK-VISA		$68,270.20
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)			$28,626.24	
	202 - Bicycle Safety	202.11000 (Cash)			$497.90	
	205 - Sports Facilities	205.11000 (Cash)			$2,914.76	
	215 - Streets - Grant Funded Projects	215.11000 (Cash)			$808.72	
	217 - Streets - Gas Tax	217.11000 (Cash)			$2,484.54	
	225 - Transportation Tax	225.11000 (Cash)			$569.33	
	240 - Small Equipment Replacement	240.11000 (Cash)			$1,281.01	
	242 - Computer Replacement	242.11000 (Cash)			$6,456.35	
	246 - Landscape Assessment	246.11000 (Cash)			$2,748.23	
	255 - CDBG	255.11000 (Cash)			$75.74	
	265 - Fire Department Grants	265.11000 (Cash)			$372.87	
	266 - Police Services Grants	266.11000 (Cash)			$584.72	
	270 - Recreation Grants	270.11000 (Cash)			$2,393.36	
	405 - Building	405.11000 (Cash)			$274.43	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$9,255.55	
	420 - WATER	420.11000 (Cash)			$4,309.73	
	425 - Transit - Dial-A-Ride	425.11000 (Cash)			$813.93	
	426 - Transit - Fixed Route	426.11000 (Cash)			$1,212.77	
	501 - Information Technology	501.11000 (Cash)			$692.09	
	502 - Engineering	502.11000 (Cash)			$1,670.65	
	505 - Fleet	505.11000 (Cash)			$197.66	
	602 - Downtown Improvement Project	602.11000 (Cash)			$29.62	
100138	11/20/2014	Open	Accounts Payable	VALLEY BALANCING & AUTO		$1,149.75
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)			$983.75	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$166.00	
100139	11/20/2014	Open	Accounts Payable	VAN DE POL ENTERPRISE INC		$918.82
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)			$918.82	
100140	11/20/2014	Open	Accounts Payable	VERIZON WIRELESS		$113.96
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)			$26.98	
	405 - Building	405.11000 (Cash)			$86.98	
100141	11/20/2014	Open	Accounts Payable	WILLE ELECTRIC SUPPLY INC		$1,142.23
	Paying Fund	Cash Account			Amount	
	246 - Landscape Assessment	246.11000 (Cash)			$1,142.23	
100142	11/20/2014	Open	Accounts Payable	WILLEY PRINTING CO		$477.86
	Paying Fund	Cash Account			Amount	

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	204 - AB 939 Integrated Waste Mgmt	204.11000 (Cash)		$477.86	
100143	11/20/2014 Open		Accounts Payable	ZALREICH CHEMICAL CO INC	$35,447.61
	Paying Fund	Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$35,447.61	
100144	11/20/2014 Open		Accounts Payable	ZAP MFG INC	$957.74
	Paying Fund	Cash Account		Amount	
	226 - Traffic Tax	226.11000 (Cash)		$957.74	
100145	11/20/2014 Open		Accounts Payable	A & A Portables	$4,100.00
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$2,842.53	
	240 - Small Equipment Replacement	240.11000 (Cash)		$536.69	
	405 - Building	405.11000 (Cash)		$145.96	
	502 - Engineering	502.11000 (Cash)		$574.82	
100146	11/20/2014 Open		Accounts Payable	AMERICAN RIVER COLLEGE	$286.00
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$286.00	
100147	11/20/2014 Open		Accounts Payable	BENYAMIN , VIOLET	$98.00
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$15.00	
	203 - Animal Fee Forfeiture	203.11000 (Cash)		$83.00	
100148	11/20/2014 Open		Accounts Payable	BREWER, JAMES	$290.00
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$290.00	
100149	11/20/2014 Open		Accounts Payable	COMPTON, WILLIAM	$504.06
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$504.06	
100150	11/20/2014 Open		Accounts Payable	LION'S GATE HOTEL	$1,074.10
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$1,074.10	
100151	11/20/2014 Open		Accounts Payable	NUCP TURLOCK, LLC	$8,800.00
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$8,800.00	
100152	11/20/2014 Open		Accounts Payable	O'SHANA, MARY	$25.00
	Paying Fund	Cash Account		Amount	
	425 - Transit - Dial-A-Ride	425.11000 (Cash)		$25.00	
100153	11/20/2014 Open		Accounts Payable	PRIME SHINE INC.	$6,986.73
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$6,986.73	
100154	11/20/2014 Open		Accounts Payable	RODRIGUES, STEVE	$290.00
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$290.00	
100155	11/20/2014 Open		Accounts Payable	SMILEY, CANDICE , AMERIE	$274.04
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)		$48.82	

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	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$97.55	
	420 - WATER	420.11000 (Cash)			$127.67	
100156	11/20/2014	Open	Accounts Payable	STAPLER, ALEX		$120.00
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)			$120.00	
100157	11/20/2014	Open	Accounts Payable	TRAINING FOR SAFETY INC.		$296.00
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)			$296.00	
100158	11/20/2014	Open	Accounts Payable	Turlock Rural Fire District		$10,450.90
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)			$10,450.90	
Type Check Totals:			102 Transactions			$1,256,300.98

AP - Accounts Payable Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	102	$1,256,300.98	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	102	$1,256,300.98	$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	102	$1,256,300.98	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	102	$1,256,300.98	$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	**102**	**$1,256,300.98**	**$0.00**
	Reconciled	**0**	**$0.00**	**$0.00**
	Voided	**0**	**$0.00**	**$0.00**
	Stopped	**0**	**$0.00**	**$0.00**
	Total	**102**	**$1,256,300.98**	**$0.00**

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	**102**	**$1,256,300.98**	**$0.00**
	Reconciled	**0**	**$0.00**	**$0.00**
	Voided	**0**	**$0.00**	**$0.00**
	Stopped	**0**	**$0.00**	**$0.00**
	Total	**102**	**$1,256,300.98**	**$0.00**

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - Accounts Payable									
Check									
100159	11/21/2014	Open			Accounts Payable	CHICAGO TITLE COMPANY	$50,000.00		
	Paying Fund			Cash Account		Amount			
	257 - State HOME Funds			257.11000 (Cash)		$50,000.00			
100160	11/21/2014	Open			Accounts Payable	COMBINED BENEFITS ADMIN C	$71,714.59		
	Paying Fund			Cash Account		Amount			
	511 - Health Care			511.11000 (Cash)		$71,714.59			
100161	11/21/2014	Open			Accounts Payable	FARIA, JAMIE	$242.00		
	Paying Fund			Cash Account		Amount			
	104 - Payroll Clearing Fund			104.11000 (Cash)		$242.00			
100162	11/21/2014	Open			Accounts Payable	STANISLAUS CTY SHERIFF	$410.81		
	Paying Fund			Cash Account		Amount			
	104 - Payroll Clearing Fund			104.11000 (Cash)		$410.81			
100163	11/21/2014	Open			Accounts Payable	SUPPORT PAYMENT CLEARING	$439.13		
	Paying Fund			Cash Account		Amount			
	104 - Payroll Clearing Fund			104.11000 (Cash)		$439.13			
100164	11/25/2014	Open			Utility Management Refund	CAMPBELL, LOUIS	$114.89		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$114.89			
100165	11/25/2014	Open			Utility Management Refund	CARRUTH, AUBREY	$205.57		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$205.57			
100166	11/25/2014	Open			Utility Management Refund	CENTRAL VALLEY PROPERTY MANAGEMENT	$62.16		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$62.16			
100167	11/25/2014	Open			Utility Management Refund	GUTIERREZ, GUADALUPE	$293.11		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$293.11			
100168	11/25/2014	Open			Utility Management Refund	GUTIERREZ-ORTEGA, ESPERANZA	$225.68		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$225.68			
100169	11/25/2014	Open			Utility Management Refund	MIRZA, MAYKEL	$15.04		
	Paying Fund			Cash Account		Amount			
	420 - WATER			420.11000 (Cash)		$15.04			
100170	11/25/2014	Open			Utility Management Refund	OPPELT, DONNA	$136.33		
	Paying Fund			Cash Account		Amount			

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	420 - WATER		420.11000 (Cash)		$136.33	
100171	11/25/2014	Open	Utility Management Refund	PERES, GEORGINA		$97.06
	Paying Fund		Cash Account		Amount	
	420 - WATER		420.11000 (Cash)		$97.06	
100172	11/25/2014	Open	Utility Management Refund	SOUSA, MARLA		$72.76
	Paying Fund		Cash Account		Amount	
	420 - WATER		420.11000 (Cash)		$72.76	
100173	11/25/2014	Open	Utility Management Refund	SOUSA, MARLA		$49.12
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$7.53	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$12.89	
	420 - WATER		420.11000 (Cash)		$28.70	
100174	11/25/2014	Open	Accounts Payable	A-Z BUS SALES INC		$1,596.54
	Paying Fund		Cash Account		Amount	
	425 - Transit - Dial-A-Ride		425.11000 (Cash)		$1,596.54	
100175	11/25/2014	Open	Accounts Payable	AIRGAS NCN		$812.57
	Paying Fund		Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$812.57	
100176	11/25/2014	Open	Accounts Payable	ALL VALLEY SMOG INC		$49.50
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$49.50	
100177	11/25/2014	Open	Accounts Payable	AT & T		$802.20
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$802.20	
100178	11/25/2014	Open	Accounts Payable	AT&T INFO SYSTEM		$360.87
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$360.87	
100179	11/25/2014	Open	Accounts Payable	AT&T MOBILITY		$846.54
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$846.54	
100180	11/25/2014	Open	Accounts Payable	BALSWICK'S TIRE SHOP INC		$1,349.17
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$1,149.61	
	217 - Streets - Gas Tax		217.11000 (Cash)		$62.49	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$38.22	
	420 - WATER		420.11000 (Cash)		$98.85	
100181	11/25/2014	Open	Accounts Payable	BENDER ROSENTHAL, INC.		$3,500.00
	Paying Fund		Cash Account		Amount	
	305 - Capital Facility Fees		305.11000 (Cash)		$3,500.00	
100182	11/25/2014	Open	Accounts Payable	BONANDER TRUCKS		$303.23
	Paying Fund		Cash Account		Amount	
	246 - Landscape Assessment		246.11000 (Cash)		$303.23	

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100183	11/25/2014	Open	Accounts Payable	CENTRAL SANITARY SUPPLY	$604.98
	Paying Fund		Cash Account	Amount	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)	$604.98	
100184	11/25/2014	Open	Accounts Payable	CENTRAL VALLEY CONCRETE	$1,250.31
	Paying Fund		Cash Account	Amount	
	217 - Streets - Gas Tax		217.11000 (Cash)	$200.97	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)	$1,049.34	
100185	11/25/2014	Open	Accounts Payable	CHARTER COMMUNICATIONS	$299.98
	Paying Fund		Cash Account	Amount	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)	$92.48	
	420 - WATER		420.11000 (Cash)	$42.50	
	501 - Information Technology		501.11000 (Cash)	$165.00	
100186	11/25/2014	Open	Accounts Payable	CINCINNATI LIFE INS INC	$785.94
	Paying Fund		Cash Account	Amount	
	104 - Payroll Clearing Fund		104.11000 (Cash)	$785.94	
100187	11/25/2014	Open	Accounts Payable	CITY OF PATTERSON	$70,000.00
	Paying Fund		Cash Account	Amount	
	256 - Stanislaus Housing Consortia		256.11000 (Cash)	$70,000.00	
100188	11/25/2014	Open	Accounts Payable	CITY OF TURLOCK - CASH	$104.27
	Paying Fund		Cash Account	Amount	
	110 - General Fund		110.11000 (Cash)	$58.48	
	217 - Streets - Gas Tax		217.11000 (Cash)	$8.72	
	246 - Landscape Assessment		246.11000 (Cash)	$26.08	
	270 - Recreation Grants		270.11000 (Cash)	$10.99	
100189	11/25/2014	Open	Accounts Payable	COMBINED BENEFITS ADMIN-	$8,440.24
	Paying Fund		Cash Account	Amount	
	511 - Health Care		511.11000 (Cash)	$8,440.24	
100190	11/25/2014	Open	Accounts Payable	COMBINED BENEFITS ADMIN/	$2,339.24
	Paying Fund		Cash Account	Amount	
	511 - Health Care		511.11000 (Cash)	$2,339.24	
100191	11/25/2014	Open	Accounts Payable	COMBINED BENEFITS ADMIN=	$137,865.80
	Paying Fund		Cash Account	Amount	
	511 - Health Care		511.11000 (Cash)	$137,865.80	
100192	11/25/2014	Open	Accounts Payable	COUNTRY FORD TRUCKS INC	$804.18
	Paying Fund		Cash Account	Amount	
	110 - General Fund		110.11000 (Cash)	$794.38	
	426 - Transit - Fixed Route		426.11000 (Cash)	$9.80	
100193	11/25/2014	Open	Accounts Payable	CULLIGAN INC	$270.37
	Paying Fund		Cash Account	Amount	
	420 - WATER		420.11000 (Cash)	$270.37	
100194	11/25/2014	Open	Accounts Payable	CUMMINS PACIFIC LLC	$264.89
	Paying Fund		Cash Account	Amount	
	426 - Transit - Fixed Route		426.11000 (Cash)	$264.89	
100195	11/25/2014	Open	Accounts Payable	CWEA	$156.00

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	Paying Fund		Cash Account			Amount
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$156.00
100196	11/25/2014	Open		Accounts Payable	DELTA WIRELESS & NETWORK	$1,614.38
	Paying Fund		Cash Account			Amount
	246 - Landscape Assessment		246.11000 (Cash)			$807.19
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$807.19
100197	11/25/2014	Open		Accounts Payable	DF ENGINEERING INC	$14,945.00
	Paying Fund		Cash Account			Amount
	411 - Storm Drainage Construction		411.11000 (Cash)			$14,945.00
100198	11/25/2014	Open		Accounts Payable	ECONOMIC & PLANNING INC	$2,500.00
	Paying Fund		Cash Account			Amount
	309 - East Tuolumne Master Plan		309.11000 (Cash)			$2,500.00
100199	11/25/2014	Open		Accounts Payable	EDWARDS, TROY J	$2,102.40
	Paying Fund		Cash Account			Amount
	110 - General Fund		110.11000 (Cash)			$2,102.40
100200	11/25/2014	Open		Accounts Payable	ENGEO INC.	$1,489.00
	Paying Fund		Cash Account			Amount
	305 - Capital Facility Fees		305.11000 (Cash)			$1,489.00
100201	11/25/2014	Open		Accounts Payable	EUROFINS EATON ANALYTICAL INC	$3,575.00
	Paying Fund		Cash Account			Amount
	420 - WATER		420.11000 (Cash)			$3,575.00
100202	11/25/2014	Open		Accounts Payable	FASTENAL COMPANY INC	$2,176.09
	Paying Fund		Cash Account			Amount
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$2,171.98
	420 - WATER		420.11000 (Cash)			$4.11
100203	11/25/2014	Open		Accounts Payable	FEDERAL EXPRESS	$424.10
	Paying Fund		Cash Account			Amount
	110 - General Fund		110.11000 (Cash)			$307.48
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$42.92
	420 - WATER		420.11000 (Cash)			$73.70
100204	11/25/2014	Open		Accounts Payable	FISHER SCIENTIFIC PRO INC	$3,131.32
	Paying Fund		Cash Account			Amount
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$3,131.32
100205	11/25/2014	Open		Accounts Payable	GARTON TRACTOR INC	$459.12
	Paying Fund		Cash Account			Amount
	110 - General Fund		110.11000 (Cash)			$387.29
	205 - Sports Facilities		205.11000 (Cash)			$65.64
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$6.19
100206	11/25/2014	Open		Accounts Payable	GEOANALYTICAL LAB INC	$7,356.47
	Paying Fund		Cash Account			Amount
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$5,483.87
	420 - WATER		420.11000 (Cash)			$1,872.60
100207	11/25/2014	Open		Accounts Payable	GOMES & SONS INC, JOE M	$19,261.86

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	Paying Fund		Cash Account			Amount
	110 - General Fund		110.11000 (Cash)			$10,173.64
	205 - Sports Facilities		205.11000 (Cash)			$435.96
	217 - Streets - Gas Tax		217.11000 (Cash)			$1,409.15
	246 - Landscape Assessment		246.11000 (Cash)			$1,776.07
	256 - Stanislaus Housing Consortia		256.11000 (Cash)			$38.49
	405 - Building		405.11000 (Cash)			$232.36
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$2,720.28
	420 - WATER		420.11000 (Cash)			$565.13
	425 - Transit - Dial-A-Ride		425.11000 (Cash)			$862.71
	426 - Transit - Fixed Route		426.11000 (Cash)			$763.53
	502 - Engineering		502.11000 (Cash)			$189.45
	505 - Fleet		505.11000 (Cash)			$95.09
100208	11/25/2014	Open		Accounts Payable	GROENIGER & COMPANY	$2,851.78
	Paying Fund		Cash Account			Amount
	420 - WATER		420.11000 (Cash)			$2,851.78
100209	11/25/2014	Open		Accounts Payable	HILMAR READY MIX	$1,162.36
	Paying Fund		Cash Account			Amount
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$86.10
	420 - WATER		420.11000 (Cash)			$1,076.26
100210	11/25/2014	Open		Accounts Payable	HOLT OF CALIFORNIA INC	$236.78
	Paying Fund		Cash Account			Amount
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$236.78
100211	11/25/2014	Open		Accounts Payable	HOWK SYSTEMS INC	$623.92
	Paying Fund		Cash Account			Amount
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$623.92
100212	11/25/2014	Open		Accounts Payable	HSQ INC	$2,389.28
	Paying Fund		Cash Account			Amount
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$2,389.28
100213	11/25/2014	Open		Accounts Payable	JCS PROPERTIES LLC	$1,414.07
	Paying Fund		Cash Account			Amount
	625 - Successor Agency - LMI		625.11000 (Cash)			$1,414.07
100214	11/25/2014	Open		Accounts Payable	MADRUGA BROS ENT INC	$525.00
	Paying Fund		Cash Account			Amount
	110 - General Fund		110.11000 (Cash)			$374.50
	255 - CDBG		255.11000 (Cash)			$7.00
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$87.50
	420 - WATER		420.11000 (Cash)			$42.00
	501 - Information Technology		501.11000 (Cash)			$3.50
	502 - Engineering		502.11000 (Cash)			$10.50
100215	11/25/2014	Open		Accounts Payable	MAGIC SANDS MOBILE HOME PARK	$281.07
	Paying Fund		Cash Account			Amount
	625 - Successor Agency - LMI		625.11000 (Cash)			$281.07

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100216	11/25/2014	Open	Accounts Payable	MOTION INDUSTRIES INC - CA82		$207.46
	Paying Fund		Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$207.46	
100217	11/25/2014	Open	Accounts Payable	MULBERRY MOBILE PARK		$167.73
	Paying Fund		Cash Account		Amount	
	625 - Successor Agency - LMI		625.11000 (Cash)		$167.73	
100218	11/25/2014	Open	Accounts Payable	NAPA AUTO PARTS		$121.40
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$104.48	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$16.92	
100219	11/25/2014	Open	Accounts Payable	NESTLE WATERS NORTH AMERICA		$269.41
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$11.85	
	246 - Landscape Assessment		246.11000 (Cash)		$11.86	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$245.70	
100220	11/25/2014	Open	Accounts Payable	NEXT LEVEL PARTS INC		$1,159.30
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$321.13	
	217 - Streets - Gas Tax		217.11000 (Cash)		$134.44	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$370.04	
	420 - WATER		420.11000 (Cash)		$15.23	
	426 - Transit - Fixed Route		426.11000 (Cash)		$318.46	
100221	11/25/2014	Open	Accounts Payable	OVERAA & CO INC, C		$270,579.86
	Paying Fund		Cash Account		Amount	
	415 - Sewer Bond Projects		415.11000 (Cash)		$270,579.86	
100222	11/25/2014	Open	Accounts Payable	P G & E		$171.61
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$171.61	
100223	11/25/2014	Open	Accounts Payable	PRECISION CRANE & HOIST INC		$225.00
	Paying Fund		Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$225.00	
100224	11/25/2014	Open	Accounts Payable	PRESORT CTR STOCKTON INC		$9,400.36
	Paying Fund		Cash Account		Amount	
	110 - General Fund		110.11000 (Cash)		$3,133.45	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$3,133.45	
	420 - WATER		420.11000 (Cash)		$3,133.46	
100225	11/25/2014	Open	Accounts Payable	R & B COMPANY		$24,598.96
	Paying Fund		Cash Account		Amount	
	420 - WATER		420.11000 (Cash)		$24,598.96	
100226	11/25/2014	Open	Accounts Payable	RANDIK PAPER CO		$1,846.01
	Paying Fund		Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$1,846.01	
100227	11/25/2014	Open	Accounts Payable	SAFE-T-LITE CO INC		$254.63

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	Paying Fund	Cash Account			Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$254.63	
100228	11/25/2014 Open		Accounts Payable	SECURE DELIVERY		$366.00
	Paying Fund	Cash Account			Amount	
	420 - WATER	420.11000 (Cash)			$366.00	
100229	11/25/2014 Open		Accounts Payable	STATE WATER RESOURCE CTNL		$315.00
	Paying Fund	Cash Account			Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$315.00	
100230	11/25/2014 Open		Accounts Payable	SWRCB ACCOUNTING OFFICE		$22,692.00
	Paying Fund	Cash Account			Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$22,692.00	
100231	11/25/2014 Open		Accounts Payable	T I D		$65,189.90
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)			$1,608.35	
	205 - Sports Facilities	205.11000 (Cash)			$2,892.59	
	216 - Streets - Local Transportation	216.11000 (Cash)			$13,460.74	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$3,743.96	
	420 - WATER	420.11000 (Cash)			$41,947.89	
	426 - Transit - Fixed Route	426.11000 (Cash)			$244.70	
	505 - Fleet	505.11000 (Cash)			$1,291.67	
100232	11/25/2014 Open		Accounts Payable	TERRA RENEWAL WEST LLC		$62,076.99
	Paying Fund	Cash Account			Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$62,076.99	
100233	11/25/2014 Open		Accounts Payable	THE MECHANICS BANK		$14,241.05
	Paying Fund	Cash Account			Amount	
	415 - Sewer Bond Projects	415.11000 (Cash)			$14,241.05	
100234	11/25/2014 Open		Accounts Payable	TURLOCK CITY TOW INC		$396.25
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)			$369.25	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$27.00	
100235	11/25/2014 Open		Accounts Payable	TURLOCK CONVENTION BUREAU		$5,000.00
	Paying Fund	Cash Account			Amount	
	120 - Tourism	120.11000 (Cash)			$5,000.00	
100236	11/25/2014 Open		Accounts Payable	TURLOCK SCAVENGER CO INC		$600,000.00
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)			$600,000.00	
100237	11/25/2014 Open		Accounts Payable	UNION PACIFIC RAILROAD		$29,689.56
	Paying Fund	Cash Account			Amount	
	215 - Streets - Grant Funded Projects	215.11000 (Cash)			$29,689.56	
100238	11/25/2014 Open		Accounts Payable	VERIZON WIRELESS		$448.64
	Paying Fund	Cash Account			Amount	
	502 - Engineering	502.11000 (Cash)			$448.64	
100239	11/25/2014 Open		Accounts Payable	VINE & SONS INC, ER		$3,383.73

Payment Register

From Payment Date: 11/21/2014 - To Payment Date: 11/27/2014

	Paying Fund	Cash Account	Amount
	110 - General Fund	110.11000 (Cash)	$532.33
	205 - Sports Facilities	205.11000 (Cash)	$93.85
	217 - Streets - Gas Tax	217.11000 (Cash)	$431.38
	246 - Landscape Assessment	246.11000 (Cash)	$80.35
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	$917.01
	420 - WATER	420.11000 (Cash)	$141.27
	425 - Transit - Dial-A-Ride	425.11000 (Cash)	$17.26
	426 - Transit - Fixed Route	426.11000 (Cash)	$1,149.36
	502 - Engineering	502.11000 (Cash)	$20.92

100240	11/25/2014	Open	Accounts Payable	VISION SERVICE PLAN CA	$5,919.00
	Paying Fund		Cash Account	Amount	
	511 - Health Care		511.11000 (Cash)	$5,919.00	
100241	11/25/2014	Open	Accounts Payable	WESTERN VIEW MOBILE RANCH	$3,171.68
	Paying Fund		Cash Account	Amount	
	625 - Successor Agency - LMI		625.11000 (Cash)	$3,171.68	
100242	11/25/2014	Open	Accounts Payable	WESTFORK ESTATES	$723.70
	Paying Fund		Cash Account	Amount	
	625 - Successor Agency - LMI		625.11000 (Cash)	$723.70	
100243	11/25/2014	Open	Accounts Payable	ZEE MEDICAL SERVICE CO	$83.52
	Paying Fund		Cash Account	Amount	
	425 - Transit - Dial-A-Ride		425.11000 (Cash)	$83.52	
100244	11/25/2014	Open	Accounts Payable	BRAY, NATHAN	$82.69
	Paying Fund		Cash Account	Amount	
	502 - Engineering		502.11000 (Cash)	$82.69	
100245	11/25/2014	Open	Accounts Payable	HUNT, EMILY	$460.00
	Paying Fund		Cash Account	Amount	
	110 - General Fund		110.11000 (Cash)	$460.00	
100246	11/25/2014	Open	Accounts Payable	HUNT, EMILY	$200.00
	Paying Fund		Cash Account	Amount	
	110 - General Fund		110.11000 (Cash)	$200.00	
100247	11/25/2014	Open	Accounts Payable	SONS OF NORWAY	$300.00
	Paying Fund		Cash Account	Amount	
	110 - General Fund		110.11000 (Cash)	$300.00	
100248	11/25/2014	Open	Accounts Payable	TURLOCK GOSPEL MISSION	$234.00
	Paying Fund		Cash Account	Amount	
	110 - General Fund		110.11000 (Cash)	$234.00	
100249	11/25/2014	Open	Accounts Payable	YORK, WAYNE	$122.33
	Paying Fund		Cash Account	Amount	
	502 - Engineering		502.11000 (Cash)	$122.33	

Type Check Totals: 91 Transactions $1,549,501.84

AP - Accounts Payable Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount

Payment Register

From Payment Date: 11/21/2014 - To Payment Date: 11/27/2014

	Open	91	$1,549,501.84	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	91	$1,549,501.84	$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	91	$1,549,501.84	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	91	$1,549,501.84	$0.00

Grand Totals:

Checks	**Status**	**Count**	**Transaction Amount**	**Reconciled Amount**
	Open	**91**	**$1,549,501.84**	**$0.00**
	Reconciled	**0**	**$0.00**	**$0.00**
	Voided	**0**	**$0.00**	**$0.00**
	Stopped	**0**	**$0.00**	**$0.00**
	Total	**91**	**$1,549,501.84**	**$0.00**

All	**Status**	**Count**	**Transaction Amount**	**Reconciled Amount**
	Open	**91**	**$1,549,501.84**	**$0.00**
	Reconciled	**0**	**$0.00**	**$0.00**
	Voided	**0**	**$0.00**	**$0.00**
	Stopped	**0**	**$0.00**	**$0.00**
	Total	**91**	**$1,549,501.84**	**$0.00**

5B

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DECEMBER 9, 2014
6:00 p.m.
City of Turlock Yosemite Room
156 S. Broadway, Turlock, California

MINUTES
Regular Meeting
Turlock City Council

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1. A. **CALL TO ORDER** –Mayor Lazar called the meeting to order at 6:02 p.m.
PRESENT: Councilmembers Amy Bublak, Bill DeHart, Steven Nascimento, and Mayor John S. Lazar.
ABSENT: Councilmember Forrest White

B. **SALUTE TO THE FLAG**

C. **RECOGNITION OF OUTGOING MAYOR AND COUNCILMEMBER**

Dana Ferreira of U.S. Congressman Jeff Denham's Office made presentations recognizing the service of Mayor Lazar and Councilmember Forrest White.

Emily Kincheloe of Assemblymember Kristin Olsen's Office provided a certificate to Mayor Lazar.

Councilmember Nascimento read a Proclamation and presented an award to Mayor Lazar honoring his service to the City of Turlock.

2. **ELECTION RESULTS**

A. City Clerk Kellie Weaver recited the facts of the General Municipal Election.

Action: **Resolution No. 2014-190** Reciting the facts of the General Municipal Election held in said City of Turlock on the 4th day of November, 2014, declaring the results thereof and such other matters as are provided by law was introduced by Councilmember Bublak, seconded by Councilmember Nascimento, and carried 4/1 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Absent	Yes

B. City Clerk Kellie Weaver administered the Oath of Office to Mayor Gary Soiseth.

C. City Clerk Kellie Weaver administered the Oath of Office to Councilmember Matthew Jacob and Councilmember Bill DeHart, Jr.

D. New Council Seated

3. A. **PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS, ANNOUNCEMENTS & APPOINTMENTS:**

1. Mayor Soiseth recommended that he and Councilmember Bublak be appointed as the City's Council representatives to the City/County Liaison Committee.

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Action: Motion by Councilmember DeHart, seconded by Councilmember Nascimento, appointing Mayor Soiseth and Councilmember Bublak as the City of Turlock's representatives to the City/County Liaison Committee. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

2. Mayor Soiseth recommended that he be appointed as member and Councilmember Nascimento be reappointed as alternate member as the City of Turlock's representative to the Stanislaus Council of Governments (StanCOG).

Action: Motion by Councilmember DeHart, seconded by Councilmember Nascimento, appointing Mayor Soiseth as member and Councilmember Nascimento as alternate member as the City of Turlock's representatives to the Stanislaus Council of Governments (StanCOG). Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

B. SPECIAL BRIEFINGS: None

C. STAFF UPDATES

1. Development Services Director Mike Pitcock provided an update on Capital Projects and Building Activity including the Dianne Drive Realignment project and Hilmar Cheese development.

D. PUBLIC PARTICIPATION:

Milton Trieweiller spoke in favor of bringing back the "Fix Our Roads" measure in 2015.

Tim Guerrino, Executive Director of Turlock Gospel Mission spoke regarding the Homeless Assistance Ministry and provided information regarding the assistance provided through their ministry over the last three years, including counseling, housing assistance, and rehabilitation services. He thanked the City Council and City staff for their assistance.

4. A. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA

Action: Motion by Councilmember Bublak, seconded by Councilmember DeHart, to waive reading of all ordinances on the agenda, except by title. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS: None

5. CONSENT CALENDAR:

Mayor Soiseth noted green sheets to Consent Calendar Items 5K, 5O, and 5U.

City Attorney Phaedra Norton explained that Mayor Soiseth and Councilmember Jacob would not be participating in approval of Item 5B as they were not members of the legislative body as reflected in the minutes of the November 18, 2014 City Council Meeting. City Attorney Norton noted that though there appears to be no express legal impediment to their participation on this item, non-participation by both appears to be appropriate for this transitional meeting.

Mayor Soiseth asked that Items 5C, 5D, 5J, 5K, and 5V be removed from the Consent Calendar for separate consideration.

Action: Motion by Councilmember DeHart, seconded by Councilmember Nascimento, to adopt the amended consent calendar. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

A. **Resolution No. 2014-191** Accepting Demands of 10/23/14 in the amount of $484,846.55; Demands of 10/30/14 in the amount of $389,930.36; Demands of 11/6/14 in the amount of $481,160.51

B. *Removed for separate consideration*

C. *Removed for separate consideration.*

D. *Removed for separate consideration.*

E. *Motion*: Approving the final map and agreement conditioned upon construction of improvements of Traditions No. 6, Subdivision Project No. 14-32, developed by Fitzpatrick Homes-Traditions, LLC

F. **Resolution No. 2014-192** Considering Intention to Levy and Collect Assessments for the Parcel Map 14-02 (Doo) Landscaping, Lighting, and Street Maintenance Benefit Assessment District, Subdivision Project No. 14-47

G. *Motion*: Accepting improvements for City Project No. 14-51, "901 Hedstrom Road Curb Return Repair," and authorizing the City Engineer to file a Notice of Completion

H. *Motion*: Approving a Professional Services Agreement between the City of Turlock and Larry Walker and Associates for National Pollutant Discharge Elimination System Permit Renewal and Compliance Support Services for the Turlock Regional Water Quality Control Facility, in an amount not to exceed $50,000, from Fund 410-51-530.43316 "NPDES Permit Studies"

I. *Motion*: Approving a Professional Services Agreement between the City of Turlock and WGR Southwest, Inc., for Support Services with Phase II Small MS4 NPDES Permit Compliance for Year 2 as required by the State Water Resources Control Board, in an amount not to exceed $20,000 from Fund 410-51-532.47500 "NPDES Phase II MS4 Storm Compliance"

J. *Removed for separate consideration.*

K. *Removed for separate consideration.*

L. **Resolution No. 2014-193** Accepting donations received from July through October Fiscal Year 2014/15 to be deposited for a variety of Parks, Recreation & Public Facilities Department programs, scholarships, and activities

M. *Motion*: Approving the renewal of a Memorandum of Understanding between the City of Turlock and the Turlock Unified School District to offer youth basketball programs within the community

N. **Resolution No. 2014-194** Approving a Memorandum of Understanding between the Turlock Police Department and the Sacramento Internet Crimes Against Children Task Force and authorizing the City Manager to sign the agreement

O. *Motion*: Approving a sole source agreement with IBM Credit LLC, for the lease/purchase of an IBM Power S814, associated equipment, and installation to be paid on a sixty (60) month payment schedule of $999.10 per month, in an amount not to exceed $59,946

P. *Motion*: Authorizing the approval and execution of an agreement between the City of Turlock and Utility Telephone Company for internet service for the police department, in an amount not to exceed $772.40 per month, and authorizing the City Manager or his designee to execute renewal agreements as necessary

Q. 1. *Motion*: Approving the purchase of new firearms and related equipment, including the trade-in of existing firearms and awarding the bid to LC Action Police Supply of San Jose, California, in an amount not to exceed $36,254

2. **Resolution No. 2014-195** Appropriating an additional $6,254 to account number 240-00-000-213.51153 "Police Services – Weapons" from Fund 240 "Small Equipment Replacement-Police Services" reserve balance for the purchase of new firearms and related equipment

R. **Resolution No. 2014-196** Accepting monetary donations of $3,125 and various property donations valued at $3,455, received July through September of Fiscal Year 2014/15 from various donors, to be utilized in support of the City's Crime Prevention Unit, Volunteers in Police Services (VIPS), and Public Safety Open House

S. 1. **Resolution No. 2014-197** Authorizing the sole source procurement of Holmatro tools and equipment from Fire Service Specifications & Supply (FS3) of Santa Ana, California, in an amount not to exceed $57,000, without compliance to the formal bid procedure in accordance with Section 2-7-08(b)(2) of the Turlock Municipal Code, and appropriating $6,300 to account number 240-00-000-306.44030_000 "Minor Equipment Maintenance" from Fund 240 "Small Equipment Replacement-Fire Equipment Replacement" reserve balance for the purchase of two (2) rescue tool systems

2. **Resolution No. 2014-198** Approving the sole source procurement of Holmatro rescue tools and equipment for future purchases from Fire Service Specifications & Supply (FS3) of Santa Ana, California, for the Turlock Fire Department, without compliance to the formal bid procedure in accordance with Section 2-7-08(b)(2) of the Turlock Municipal Code

T. **Resolution No. 2014-199** Authorizing the City Manager to enter into an agreement with US Bank and to sign State of California Participating Addendum No. 7-14-99-22 for continued use of the Cal Card program

U. **Resolution No. 2014-200** Conducting a Citywide Total Compensation Study that will be completed on or about January 2017 and will include all unrepresented employees and all bargaining groups wishing to participate

V. *Removed for separate consideration.*

W. *Motion*: Rejecting Claim for Damages filed by Albert Souza

Item 5B Mayor Soiseth noted that he and Councilmember Jacob would not be participating in approval of the minutes of the November 18, 2014 City Council meeting.

Mayor Soiseth turned the meeting over to Councilmember Bublak.

Action: Motion by Councilmember DeHart, seconded by Councilmember Nascimento, Accepting Minutes of Regular Meeting of November 18, 2014. Motion carried 3/2 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Not Participating	Not Participating

Mayor Soiseth resumed control of the meeting.

Note: Consent Calendar Items 5C and 5D were heard concurrently.

Item 5C Development Services Director Mike Pitcock presented the staff report on Consent Calendar Item 5C, City Project No. 13-62, "Hawkeye Avenue Rehabilitation," and provided information about funding sources.

Mayor Soiseth asked for public comment. No one spoke. Mayor Soiseth closed public comment.

Action: Motion by Councilmember Nascimento, seconded by Councilmember DeHart, Making the determination that City Project No. 13-62, "Hawkeye Avenue Rehabilitation," is exempt from the provisions of CEQA in accordance with Section 15301. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

Motion by Councilmember Nascimento, seconded by Councilmember DeHart, Awarding bid and approving an agreement in the amount of $1,260,034.50 with Teichert Construction, Inc. of Stockton, California, for City Project No. 13-62, "Hawkeye Avenue Rehabilitation." Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

Resolution No. 2014-201 Appropriating $520,000 to account number 215-40-420.51210 "Federal Street Projects" to be funded via a transfer of Section 2103 Gas Tax Monies from Fund 217 "Gas Tax Fund" for City Project No. 13-62, "Hawkeye Avenue Rehabilitation," to complete the necessary funding required for the project was introduced by Councilmember Nascimento, seconded by Councilmember DeHart, and carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

Item 5D Development Services Director Mike Pitcock presented the staff report on Consent Calendar Item D, City Project No. 13-63, "Geer Road Rehabilitation," and provided information about funding sources.

Mayor Soiseth asked for public comment. No one spoke. Mayor Soiseth closed public comment.

Action: Motion by Councilmember Nascimento, seconded by Councilmember DeHart, Making the determination that City Project No. 13-63, "Geer Road Rehabilitation" is exempt from the provisions of CEQA in accordance with Section 15301. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

Motion by Councilmember Nascimento, seconded by Councilmember DeHart, Awarding bid and approving an agreement in the amount of $1,036,478 with Teichert Construction, Inc. of Stockton, California, for City Project No. 13-63, "Geer Road Rehabilitation." Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

Resolution No. 2014-202 Appropriating $205,000 to account number 215-40-420.51210 "Federal Street Projects" to be funded via a transfer of Section 2103 Gas Tax Monies from Fund 217 "Gas Tax Fund" for City Project No. 13-63, "Geer Road Rehabilitation," to complete the necessary funding required for the project was introduced by Councilmember Nascimento, seconded by Councilmember DeHart, and carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

Item 5J City Manager Roy Wasden presented the staff report on the request to authorize the City Manager to enter into standard Non-Disclosure Agreements with potential new industry representative(s).

Council discussion included safeguard provisions relating to environmental issues and review.

Mayor Soiseth asked for public comment. No one spoke. Mayor Soiseth closed public comment.

Action: **Resolution No. 2014-203** Authorizing the City Manager to enter into standard Non-Disclosure Agreements with potential new industry representative(s) was introduced by Councilmember DeHart, seconded by Councilmember Jacob, and carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

Item 5K

Assistant to the City Manager for Economic Development and Housing Services Maryn Pitt presented the staff report on Consent Calendar Item 5 K, Approving an agreement between the City of Turlock and the Turlock Downtown Property Owners Association (TDPOA) for the implementation of a Management District Plan and authorizing the City Manager to execute the agreement for a term of ten (10) years, expiring on December 31, 2023.

Mayor Soiseth asked for public comment. No one spoke. Mayor Soiseth closed public comment.

Councilmember Bublak spoke regarding her request to remove this item for separate consideration in order to be consistent with her past voting record due to this item's reference to coordination with the Chamber of Commerce.

Action: Motion by Councilmember Nascimento, seconded by Councilmember DeHart, Approving an agreement between the City of Turlock and the Turlock Downtown Property Owners Association (TDPOA) for the implementation of a Management District Plan and authorizing the City Manager to execute the agreement for a term of ten (10) years, expiring on December 31, 2023. Motion carried 4/1 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	No	Yes	Yes

Item 5V

City Manager Roy Wasden presented the staff report on Consent Calendar Item 5V, Designating Council Member Matthew Jacob as the Council representative for District 1 and Council Member Bill DeHart, Jr. as the Council representative for District 3 pursuant to City of Turlock Ordinance 1197-CS [Turlock Municipal Code §2-1-06(c)], and provided a historical timeline of actions taken related to district elections in Turlock.

Mayor Soiseth asked for public comment. No one spoke. Mayor Soiseth closed public comment.

Action: **Resolution No. 2014-204** Designating Council Member Matthew Jacob as the Council representative for District 1 and Council Member Bill DeHart, Jr. as the Council representative for District 3 pursuant to City of Turlock Ordinance 1197-CS [Turlock Municipal Code §2-1-06(c)] was introduced by Councilmember Nascimento, seconded by Councilmember Jacob, and carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

6. FINAL READINGS:

City Attorney Phaedra Norton explained that Mayor Soiseth and Councilmember Jacob would not be participating in approval of Item 6A as they did not take place in the introduction of the item. City Attorney Norton noted that though there appears to be no express legal impediment to their participation on this item, non-participation by both appears to be appropriate for this transitional meeting.

Mayor Soiseth turned the meeting over to Councilmember Bublak.

A. **Ordinance No. 1204-CS**, Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2014-01 (East Tuolumne Master Plan Amendment)] as Introduced on November 18, 2014 was passed and adopted 3/2 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Not Participating	Not Participating

Resolution No. 2014-205 Establishing Conditions of Approval for Rezone 2014-01 (East Tuolumne Master Plan Amendment) was introduced by Councilmember DeHart, seconded by Councilmember Nascimento, and carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Not Participating	Not Participating

7. PUBLIC HEARINGS: None

8. SCHEDULED MATTERS: None

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION:

Councilmember Nascimento requested future consideration for a presentation by Municipal Services Director Michael Cooke regarding City water conservation efforts.

Councilmember DeHart requested future consideration of exploration of net metering as it relates to Turlock Irrigation District.

10. COUNCIL COMMENTS:

Councilmember Bublak thanked everyone in attendance at tonight's meeting and welcomed new and re-elected Councilmembers.

Mayor Soiseth asked City Manager Roy Wasden to explain the upcoming two week City Hall closure and noted that City Hall would be closed beginning Monday, December 22, 2014, and would reopen Monday, January 5, 2015.

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Mayor Soiseth commented that his "100 day commitment" period will move forward beginning the week of January 19, 2015, with scheduled workshops to explore the strategic plan, water, roads, and a line by line analysis of the budget.

Mayor Soiseth noted he is looking forward to working with the Council and City staff and will strive to create an open, candid and collaborative environment at City Hall. He thanked family and friends who encouraged him in the election process and thanked the voters of Turlock who have entrusted him to this position.

11. CLOSED SESSION: None

12. ADJOURNMENT:

Motion by Councilmember Nascimento, seconded by Councilmember DeHart, to adjourn at 7:00 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

_____

Kellie E. Weaver
City Clerk

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5C

Council Synopsis

January 13, 2015

From: Michael G. Pitcock, P.E.
Director of Development Services/ City Engineer

Prepared by: Wayne York, Capital Improvement Coordinator

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Approving Amendment No. 5 of Special Services Contract No. 10-824 for Economic & Planning Systems, Inc., to provide one (1) additional year of professional economic and planning consultant services for City Project No. 10-54, "Morgan Ranch Master Plan"

2. DISCUSSION OF ISSUE:

The "Morgan Ranch" area of the City of Turlock is bounded by Lander Ave. on the west, Highway 99 on the south, E. Glenwood Ave. on the north and Golf Road on the east. The properties contained within this area were annexed to the City of Turlock in 1994 with the condition that a specific plan be developed to establish an infrastructure master plan fee to ensure implementation of necessary improvements. This specific plan was never prepared.

On July 13, 2010, the City Council approved an amendment to the FY 2009/10 budget to appropriate $260,000 from Fund 305 "Capital Facility Contingency" reserve to cover consultant and staff expenses associated with the preparation of the Morgan Ranch Master Plan. Council also directed staff to proceed with the development of the necessary master plan.

Staff has been moving forward with the preparation of the Morgan Ranch Master Plan, the Environmental Impact Report and needs continued consultant support from Economic Planning Systems, Inc., who will continue to assist with the Morgan Ranch Master Plan fee nexus studies. Council has previously approved four amendments to this agreement, all related to time extensions, due to the complexity of the project. Although there has been tremendous progress, a considerable amount of work remains.

Staff recommends extending this agreement for an additional year to provide the consultant with the necessary time to complete the work and fully expects the consultant to have completed their work in this time.

This amendment is for a time extension only; no additional funding is needed.

3. BASIS FOR RECOMMENDATION:

A) All contracts and contract extensions must be approved by the City Council. Approval of these contracts is required to continue the Morgan Ranch master planning process.

Strategic Plan Initiative F. INTELLIGENT, PLANNED, MANAGED GROWTH

Goal(s): c. Ensure that all new growth pays for itself (Assessment Districts, CFF/PAF,CFD)

f. Ensure all growth and development reflects balanced land use through the General Plan implementation which will address future growth and development

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact:
Sufficient funds are available in account number 305-40-444.47086 "Morgan Ranch Master Plan." The maximum expenditures shall not exceed $77,370, as previously approved by Council.

No General Fund money will be used for this project

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

Not applicable

7. ALTERNATIVES:

A. Not approve the extensions to the agreements with Economic and Planning Systems, Inc. This alternative is not recommended because staff believes it is in the City's interest to position itself for future development in the Morgan Ranch Master Plan Area.

B. The City Council may decide to amend certain conditions of the contracts.

Morgan Ranch Master Plan Area
(Not to scale)

AMENDMENT NO. 5
to
Agreement
between
CITY OF TURLOCK
and
ECONOMIC AND PLANNING SYSTEMS, INC.
For
Preparation of Proposed Morgan Ranch Master Plan
Financing Strategy and Fee Nexus Study
City Project No. 10-54

THIS AMENDMENT NO. 5, dated January 13, 2015, is entered into by and between the **CITY OF TURLOCK**, a municipal corporation (hereinafter "CITY") and **ECONOMIC AND PLANNING SYSTEMS, INC.**, (hereinafter "CONTRACTOR").

WHEREAS, the parties hereto previously entered into an agreement dated August 24, 2010, whereby CONTRACTOR would perform the preparation of a proposed Morgan Ranch Master Plan Financing Strategy and Fee Nexus Study, (hereinafter the "Agreement"); and

WHEREAS, on January 11, 2011, the parties entered into Amendment No. 1 to the Agreement dated August 24, 2010, whereby CONTRACTOR was provided with additional time to complete the original scope of work; and

WHEREAS, on January 10, 2012, the parties entered into Amendment No. 2 to the Agreement dated August 24, 2010, whereby CONTRACTOR was provided with additional time to complete the original scope of work.

WHEREAS, on February 26, 2013, the parties entered into Amendment No. 3 to the Agreement dated August 24, 2010, whereby CONTRACTOR was provided with additional time to complete the original scope of work.

WHEREAS, on January 28, 2014, the parties entered into Amendment No. 4 to the Agreement dated August 24, 2010, whereby CONTRACTOR was provided with additional time to complete the original scope of work.

NOW, THEREFORE, the parties hereto mutually agree to further amend said Agreement as follows:

1. Paragraph 5 of the Agreement is amended to read as follows:

"5. **TERM OF AGREEMENT:** This Agreement shall become effective upon execution and shall continue in full force and effect beginning

OK for Agenda

August 24, 2010, and ending December 31, 2015, subject to CITY's availability of funds."

2. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective officers thereunto duly authorized on the date first written hereinabove.

CITY OF TURLOCK

By: _____
Roy W. Wasden, City Manager

APPROVED AS TO SUFFICIENCY:

BY: _____
Michael G. Pitcock, P.E., Director of Development Services / City Engineer

APPROVED AS TO FORM:

By: _____
Phaedra A. Norton, City Attorney

ATTEST:

By: _____
Kellie E. Weaver, City Clerk

ECONOMIC AND PLANNING SYSTEMS, INC.

By: _____

Print Name: _____

Title: _____

Date: _____

5D

Council Synopsis

January 13, 2015

From: Michael G. Pitcock, P.E.
Director of Development Services /City Engineer

Prepared by: Anthony R. Orosco, P.E., Senior Engineering Technician

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Awarding an agreement in the amount of $9,581 (Fund 305) with ASSA ABLOY, Elk Grove, California, for City Project No. 14-69, "Public Safety Facility - Door Replacement"

2. DISCUSSION OF ISSUE:

The Police Department would like to replace Door 155 at the Public Safety Facility with one that operates more closely to their needs. The current door is a double swinging style door which operates in accordance with original building design. However, public safety personnel who use the door to enter and exit the building throughout the day have found it to be awkward to operate and slow to respond. Access to the building through door 155 is acquired by swiping a card reader to the left of the door. When the door opens, it swings toward the person seeking access who must walk around the door to gain entry. City Staff propose to replace door 155 with a telescopic sliding door system, eliminating the access conflict.

On November 13, 2014, Zero (0) bids were received for City Project No. 14-69, "Public Safety Facility - Door Replacement". In the interest of time, rather than rebidding the project, City Staff negotiated with ASSY ABLOY of Elk Grove, California in accordance with TMC 2-9-03, "Public projects less than Forty-Five Thousand Dollars." ASSA ABLOY is the supplier and installer of the sliding door that was specified in the project specifications and has submitted a quote in the amount of $9,581.00 for the removal and replacement of Door 155 at the Public Safety Facility, including a 2 year maintenance plan. Coordination of the door actuation and security system shall be performed by City Staff and contracted service providers.

3. BASIS FOR RECOMMENDATION:

A) Per the Public Contract Code, the City Council must authorize an Award of Bid to the lowest responsible bidder.

B) A telescopic sliding door system will be safer and more functional.

Strategic Plan Initiative D. MUNICIPAL INFRASTRUCTURE

Goal(s): b Address growth related issues (current and future)
- i. Surface water project
- ii. Water
- iii. Wastewater
- iv. Interchanges
- v. Impact on current transportation system
- vi. Storm water management
- vii. Bike paths/routes around town/buses

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact:

Total Amount	Contractor Bid Cost	Construction Contingency	Construction Engineering & Inspection	Preliminary Engineering
$11,581	$9,581	$1,000	$500	$500

Funding is available in line item number 305-40-441.51270, "Construction Project" for the proposed work.

No General Fund money will be used for this project.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

A. Not award this project. Staff does not recommend this alternative because the current door is awkward to operate, slow to respond and would be more functional and safer if replaced with a telescopic sliding door system.

City Project No. 14-69
Public Safety Facility - Door Replacement

AGREEMENT

FOR PUBLIC IMPROVEMENT

Project No. 14-69

Public Safety Facility
- Door Replacement

THIS AGREEMENT is entered into by and between the CITY OF TURLOCK, a Municipal Corporation, hereinafter called "City," and ASSA ABLOY Entrance Systems hereinafter called "Contractor" on this 13th day of January, 2015 (hereinafter called the "Agreement").

RECITALS

A City has taken appropriate proceedings to authorize construction of the public work and improvements herein provided and execution of this contract.

B A notice was duly published for bids for the contract for the improvement hereinafter described.

C On January 13, 2015, after notice duly given, the City Council of the City of Turlock awarded the contract for the construction of the improvements hereinafter described to Contractor, which Contractor said Council found to be the lowest responsible bidder for said improvements.

D City and Contractor desire to enter into this Agreement for the construction of said improvements.

IT IS AGREED AS FOLLOWS:

1. SCOPE OF WORK:

Contractor shall perform the work described briefly as follows:

The work consists, in general, of: Remove and replace door 155 in accordance with Exhibit A and furnishing all necessary labor, materials, tools, equipment and incidentals needed to perform the improvements as shown on the contract plans complete and in place. This work shall be completed in accordance with the Standard Specifications, standard Drawings and these Special Provisions.

The aforesaid improvements are further described in the plans, specifications and technical requirements for such project, copies of which are on file in the office of the City Engineer, and which are incorporated herein by reference as if set forth fully herein.

2. THE CONTRACT:

The complete contract consists of the following documents: This agreement, the notice to

contractors, the contractor's accepted proposal, general conditions, special provisions, plans and detailed drawings, addendums, faithful performance bond, labor and materials bond, and any and all supplemental agreements amending, decreasing, or extending the work contemplated or which may be required to complete the work in a substantial and acceptable manner. The current edition of the "City of Turlock Standard Specifications and Drawings" is hereby incorporated as a part of the contract.

All rights and obligations of City and Contractor are set forth and described in the contract.

All of the above named documents are intended to incorporate the terms of the others so that any work called for in one and not mentioned in the other, or vice versa, is to be executed the same as if mentioned in all said documents. The documents comprising the complete contract will hereinafter be referred to as the "contract". In case of any dispute, the decision of the City Engineer shall be final.

3. **SCHEDULE:**
All work shall be performed in accordance with the schedule approved by the City Engineer and under his direction.

4. **EQUIPMENT & PERFORMANCE OF WORK:**
Contractor shall furnish all tools, equipment, facilities, labor and materials necessary to perform and complete in good workmanlike manner the work of general construction as called for and in the manner designated in and in strict conformity with the plans and specifications for said work, which said specifications are entitled, "General Conditions and Special Provisions for **City Project No. 14-69, "Public Safety Facility - Door Replacement."**

The equipment, apparatus, facilities, labor and material shall be furnished, and said work performed and completed as required in said plans and specifications under the direction and supervision, and subject to the approval of the City Engineer of said City, or City Engineer's designated agent.

5. **CONTRACT PRICE:**
City shall pay, and Contractor shall accept in full payment for the work above agreed to be done, an amount not to exceed **Nine Thousand Five Hundred Eighty One and No/100ths Dollars ($9,581.00).** Said amount shall be paid in installments as hereinafter provided.

6. **TIME FOR PERFORMANCE:**
The time fixed for the commencement of such work is within ten (10) working days after the "Notice to Proceed" has been issued. The work on this project, including all punch list items, shall be completed on or before the expiration of **Forty (40)** working days beginning on the first day of work or no later than the tenth day after the "Notice to Proceed" has been issued.

7. **RIGHTS OF CITY TO INCREASE WORKING DAYS:**
If such work is not completed within such time, the City Engineer shall have the right to increase the number of working days in the amount the City Engineer may determine will best serve the interests of the City, and if the City Engineer desires to increase said number of working days, the

City Engineer shall have the further right to charge the Contractor and deduct from the final payment for the work the actual cost of engineering, inspection, superintendence, and other overhead expenses which are directly chargeable to Contractor, and which accrue during the period of such extension, except that the cost of the final service and preparation of the final estimates shall not be included in such charges; provided, however, that no extension of time for completion of such work shall ever be allowed unless requested by Contractor at least twenty (20) calendar days prior to the time herein fixed for the completion thereof, in writing, with the City Engineer. In this connection, it is understood that the City Engineer shall not consider any such requests if not filed within the time herein prescribed.

8. **OPTION OF CITY TO TERMINATE AGREEMENT IN EVENT OF FAILURE TO COMPLETE WORK:**
If Contractor shall have refused or failed to prosecute the work, or any severable part thereof, with such diligence as will ensure its completion within the time specified or any extensions thereof, or shall have failed to complete said work within such time if Contractor should be adjudged a bankrupt, or if Contractor should make a general assignment for the benefit of Contractor's creditors, or if a receiver should be appointed in the event of Contractor's insolvency, or if Contractor or any subcontractor should violate any of the provisions of this agreement, the City Engineer or the City Council may give written notice to Contractor and Contractor's sureties of its intention to terminate this agreement, and unless within five (5) days after the serving of such notice such violation shall cease and satisfactory arrangements for the correction thereof made, this agreement may, at the option of City, upon the expiration of said time, cease and terminate.

9. **LIQUIDATED DAMAGES:**
In the event the Contractor, for any reason, shall have failed to perform the work herein specified to the satisfaction of the City Engineer within the time herein required, the City may, in lieu of any other of its rights authorized by paragraph 8 of this agreement, deduct from payments or credits due Contractor after such breach, a sum equal to **Two Hundred Fifty** and no/100ths Dollars **($250.00)** for each calendar day beyond the date herein provided for the completion of such work. This deduction shall not be considered a penalty but shall be considered as liquidated damages. The aforementioned rate of deduction is an amount agreed to by the Contractor and the City as reasonably representing additional construction engineering costs incurred by the City if the Contractor fails to complete the work within the contract time. However, any deduction assessed as liquidated damages shall not relieve the Contractor from liability for any damages or costs resulting from delays to other contractors on the project or other projects caused by a failure of the assessed Contractor to complete the work within the contract time. Due account shall be taken of any time extensions granted to the Contractor by the City. Permitting the Contractor to continue work beyond the contract completion date shall not operate as a waiver on the part of the City of any of its rights under the contract nor shall it relieve the Contractor from liability for any damages or costs resulting from delays to other contractors on the project or other projects caused by a failure of the assessed Contractor to complete the work within the contract time.

10. **PERFORMANCE BY SURETIES:**
In the event of any termination as hereinbefore provided, City shall immediately give written notice thereof to Contractor and Contractor's sureties, and the sureties shall have the right to take over and perform the agreement; provided, however, that if the sureties within five (5) days after giving them said notice of termination, do not give the City written notice of their intention to take

over the performance of the agreement and do not commence performance thereof within five (5) days after notice to the City of such election, City may take over the work and prosecute the same to completion by contract or by any other method it may deem advisable for the account, and at the expense of Contractor and the sureties shall be liable to City for any excess cost or damages occasioned City thereby; and, in such event, City may, without liability for so doing, take possession of and utilize in completing the work such materials, appliances, plant and other property belonging to Contractor as may be on the site of the work and necessary therefor.

11. DISPUTES PERTAINING TO PAYMENT FOR WORK:

Should any dispute arise respecting the true value of any work done, of any work omitted, or of any extra work which Contractor may be required to do, or respecting the size of any payment to Contractor during the performance of this contract, such dispute shall be decided by the City Engineer, and the decision of the latter shall be final and conclusive.

12. PERMITS, COMPLIANCE WITH LAW:

Contractor shall, at Contractor's expense, obtain all necessary permits and licenses for the construction of each improvement, give all necessary notices and pay all fees and taxes required by law.

13. SUPERINTENDENCE BY CONTRACTOR:

Contractor shall give personal superintendence to the work on said improvement or have a competent foreman or superintendent satisfactory to the City Engineer on the work at all times during progress, with authority to act for him.

14. INSPECTION BY CITY:

Contractor shall at all times maintain proper facilities and provide safe access for inspection by City to all parts of the work and to the shops wherein the work is in preparation.

15. EXTRA AND/OR ADDITIONAL WORK AND CHANGES:

Should City at any time during the progress of said work request any alterations, deviations, additions, or omissions from said specifications or plans or other contract documents, it shall be at liberty to do so, and the same shall in no way affect or make void the contract, but will be added to or deducted from the amount of said contract price as the case may be, by fair and reasonable valuation. Request for such change must be made in writing signed by the City Engineer, shall be accompanied by plans and specifications for such purpose, shall be accepted in writing by Contractor and Contractor's surety.

In the event work is performed or materials furnished in addition to those set forth in Contractor's bid and the specifications herein, said work and materials shall be paid for at the unit price therein contained. Said amount shall be paid in installments as hereinafter provided.

16. CHANGE OF CONTRACT PRICE:

The contract price may only be changed by a contract change order. The value of any work covered by a contract change order for an adjustment in the contract price will be determined in the City's sole discretion as follows:

(a) If the work performed is on the basis of unit prices contained in the contract documents, the change order will be determined in accordance with the provisions in Section 4-1.05, "Changes and Extra Work", of the Caltrans Standard Specifications; or

(b) If the work performed is not included on the engineers estimate associated with a unit price, the change order will be by a mutually agreed lump sum; or

(c) If the change order is not determined as described above in either 16 (a) or 16 (b), the change order will be determined on the basis of force account in accordance with the provisions below.

FORCE ACCOUNT

For work paid by force account, the Engineer compares the City's records to the Contractor's daily force account work report. When the Engineer and the Contractor agree on the contents of the daily force account work reports, the Engineer accepts the report and the City pays for the work. If the records differ, the City pays for the work based only on the information shown on the City's records.

If a subcontractor performs work at force account, accept an additional 2 percent markup to the total cost of that work paid at force account, including markups specified as below, as reimbursement for additional administrative costs.

The markups specified in labor, materials, and equipment includes compensation for all delay costs, overhead costs, and profit.

If an item's unit price is adjusted for work-character changes, the City excludes the Contractors cost of determining the adjustment.

Payment for owner-operated labor and equipment is made at the market-priced invoice submitted.

Labor

Labor payment is full compensation for the cost of labor used in the direct performance of the work plus a 5 percent markup. Force account labor payment consists of:

1. Employer payment to the worker for:
   - 1.1. Basic hourly wage
   - 1.2. Health and welfare
   - 1.3. Pension
   - 1.4. Vacation
   - 1.5. Training
   - 1.6. Other State and federal recognized fringe benefit payments
2. Labor surcharge percentage in *Labor Surcharge and Equipment Rental Rates* current during the work paid at force account for:
   - 2.1. Workers' compensation insurance
   - 2.2. Social security
   - 2.3. Medicare
   - 2.4. Federal unemployment insurance

2.5. State unemployment insurance
2.6. State training taxes
3. Subsistence and travel allowances paid to the workers
4. Employer payment to supervisors, if authorized

The 5 percent markup consists of payment for all overhead costs related to labor but not designated as costs of labor used in the direct performance of the work including:

1. Home office overhead
2. Field office overhead
3. Bond costs
4. Profit
5. Labor liability insurance
6. Other fixed or administrative costs that are not costs of labor used in the direct performance of the work

Materials

Material payment is full compensation for materials the Contractor furnishes and uses in the work. The Engineer determines the cost based on the material purchase price, including delivery charges, except:

1. A 5 percent markup is added
2. Supplier discounts are subtracted whether the Contractor takes them or not
3. If the Engineer believes the material purchase prices are excessive, the City pays the lowest current wholesale price for a similar material quantity
4. If the Contractor procured the materials from a source the Contractor wholly or partially own, the determined cost is based on the lower of the:
   4.1. Price paid by the purchaser for similar materials from that source on Contract items
   4.2. Current wholesale price for those materials
5. If the Contractor does not submit a material cost record within 30 days of billing, the determined cost is based on the lowest wholesale price:
   5.1. During that period
   5.2. In the quantities used

Equipment Rental

Equipment rental payment is full compensation for:

1. Rental equipment costs, including moving rental equipment to and from the change order work site using its own power.
2. Transport equipment costs for rental equipment that cannot be transported economically using its own power. No payment is made during transport for the transported equipment.
3. 5 percent markup.

   If the Contractor wants to return the equipment to a location other than its original location, the payment to move the equipment must not exceed the cost of returning the equipment to its original location. If the Contractor uses the equipment for work other than work paid by force account, the transportation cost is included in the other work.

   Before moving or loading the equipment, obtain authorization for the equipment rental's

original location.

The Engineer determines rental costs:

1. Using rates in *Labor Surcharge and Equipment Rental Rates*:
   1.1. By classifying equipment using manufacturer's ratings and manufacturer-approved changes.
   1.2. Current during the work paid by force account.
   1.3. Regardless of equipment ownership; but the City uses the rental document rates or minimum rental cost terms if:
      1.3.1. Rented from equipment business the Contractor does not own.
      1.3.2. The Labor Surcharge and Equipment Rental Rates hourly rate is $10.00 per hour or less.
2. Using rates established by the Engineer for equipment not listed in *Labor Surcharge and Equipment Rental Rates*. The Contractor may submit cost information that helps the Engineer establish the rental rate; but the City uses the rental document rates or minimum rental cost terms if:
   2.1. Rented from equipment business the Contractor does not own.
   2.2. The Engineer establishes a rate of $10.00 per hour or less.
3. Using rates for transport equipment not exceeding the hourly rates charged by established haulers.

Equipment rental rates include the cost of:

1. Fuel
2. Oil
3. Lubrication
4. Supplies
5. Small tools that are not consumed by use
6. Necessary attachments
7. Repairs and maintenance
8. Depreciation
9. Storage
10. Insurance
11. Incidentals

The City pays for small tools consumed by use. The Engineer determines payment for small tools consumed by use based on Contractor-submitted invoices.

The Engineer may authorize rates in excess of those in the *Labor Surcharge and Equipment Rental Rates* if:

1. The Contractor submits a request to use rented equipment
2. Equipment is not available from the Contractors normal sources or from one of the Contractors subcontractors
3. Rented equipment is from an independent rental company
4. Proposed equipment rental rate is reasonable
5. The Engineer authorizes the equipment source and the rental rate before the Contractor uses the equipment

Equipment on the Job Site

For equipment on the job site at the time required to perform work paid by force account, the time paid is the time:

1. To move the equipment to the location of work paid by force account plus an equal amount

of time to move the equipment to another location on the job site when the work paid by force account is completed

2. To load and unload equipment
3. Equipment is operated to perform work paid by force account and:
   3.1. Hourly rates are paid in 1/2-hour increments
   3.2. Daily rates are paid in 1/2-day increments

Equipment Not On the Job Site Required for Original-Contract Work

For equipment not on the job site at the time required to perform work paid by force account and required for original-Contract work, the time paid is the time the equipment is operated to perform work paid by force account and the time to move the equipment to a location on the job site when the work paid by force account is completed.

The minimum total time paid is:

1. 1 day if daily rates are paid
2. 8 hours if hourly rates are paid

If daily rates are recorded, equipment:

1. Idled is paid as 1/2 day
2. Operated 4 hours or less is paid as 1/2 day
3. Operated 4 hours or more is paid as 1 day

If the minimum total time exceeds 8 hours and if hourly rates are listed, the City rounds up hours operated to the nearest 1/2-hour increment and pays based on the hours shown the following table. The table does not apply when equipment is not operated due to breakdowns, in which case rental hours are the hours the equipment was operated.

Equipment Rental Hours

Hours operated	Hours paid
0.0	4.00
0.5	4.25
1.0	4.50
1.5	4.75
2.0	5.00
2.5	5.25
3.0	5.50
3.5	5.75
4.0	6.00
4.5	6.25
5.0	6.50
5.5	6.75
6.0	7.00
6.5	7.25

7.0	7.5
7.5	7.75
≥8.0	hours used

Equipment Not On the Job Site Not Required for Original-Contract Work

For equipment not on the job site at the time required to perform work paid by force account and not required for original-Contract work, the time paid is the time:

1. To move the equipment to the location of work paid by force account plus an equal amount of time to return the equipment to its source when the work paid by force account is completed
2. To load and unload equipment
3. Equipment is operated to perform work paid by force account

Non-Owner-Operated Dump Truck Rental

Submit the rental rate for non-owner-operated dump truck rental. The Engineer determines the payment rate. Payment for non-owner-operated dump truck rental is for the cost of renting a dump truck, including its driver. For the purpose of markup payment only, the non-owner-operated dump truck is rental equipment and the owner is a subcontractor.

The above markups shall constitute full compensation for all home office overhead, field office overhead, bond costs, profit, labor liability insurance, and other fixed or administrative costs that are not costs specifically designated as cost or equipment rental as stated above. The total payment made as provided above shall be deemed to be the actual cost of the work and shall constitute full compensation therefor.

When extra work to be paid for on a force account basis is performed by a subcontractor, approved in conformance with the provisions in Section 5-1.13, "Subcontracting," an additional markup of 2 percent will be added to the total cost of that extra work including all markups specified in this Section. The additional 2 percent markup shall reimburse the Contractor for additional administrative costs, and no other additional payment will be made by reason of performance of the extra work by a subcontractor.

17. CHANGE OF CONTRACT TIME:

The contract time may only be changed by a contract change order. The value of any work covered by a contract change order for an adjustment in the contract time will be determined as follows:

(a) Additional working days will be awarded where the amount of time is mutually agreed upon by Contractor and Engineer; or

(b) Additional working days will be awarded where Contractor is prevented from completing any part of the work identified on the critical path and:

a. where the delay is caused by acts of public enemy, fire, floods, tsunamis, earthquakes, epidemics, quarantine restrictions, strikes, labor disputes, shortage of materials and freight embargos, provided that Contractor shall notify Engineer in

writing of the causes of delay within 15 days from the beginning of that delay; or

b. where the delay is caused by actions beyond the control of Contractor; or

c. where the delay is caused by actions or failure to act by Engineer.

Contractor shall not be entitled to an adjustment in contract time for delays within the control of Contractor. Delays resulting from and within the control of a Subcontractor or Supplier shall be deemed to be delays within the control of Contractor.

18. INSPECTION AND TESTING OF MATERIALS:

Contractor shall notify City a sufficient time in advance of the manufacture of production materials to be supplied by Contractor under this contract in order that City may arrange for mill or factory inspection and testing of same.

Any materials shipped by Contractor from factory prior to having satisfactorily passed such testing and inspection by City's representative or prior to the receipt of notice from such representative that such testing and inspection will not be required shall not be incorporated on the job of said improvement. Contractor shall also furnish City, in triplicate, certified copies of all factory and mill test reports upon request.

19. PERMITS AND CARE OF THE WORK:

Contractor has examined the site of the work and is familiar with its topography and condition, location of property lines, easements, building lines, and other physical factors and limitations affecting the performance of this agreement. Contractor, at Contractor's expense, shall obtain any permission necessary for any operations conducted off the property owned or controlled by City. Contractor shall be responsible for the proper care and protection of all materials delivered and work performed until completion and final acceptance.

20. OTHER CONTRACTS:

City may award other contracts for additional work, and Contractor shall fully cooperate with such other Contractors and carefully fit Contractor's own work to that provided under other contracts as may be directed by the City Engineer. Contractor shall not commit or permit any act which will interfere with the performance of work by any other Contractor.

21. PAYMENTS TO CONTRACTOR:

Payments are to be made to the Contractor in accordance with the provisions of Section 9 of the General Conditions of said specifications in legally executed and regularly issued warrants of the city, drawn on the appropriate fund or funds as required by law and order of the City Council thereof. The Contractor shall be administered a progress payment approximately every 30 calendar days from the time work begins according to the payment schedule furnished by the City Engineer at the time work begins.

Pursuant to Division 2, Part 5, Section 22300, *et seq.*, of the Public Contracts Code, the Contractor may request the right to substitute securities for any moneys withheld by the City of Turlock to ensure the performance required of the Contractor under the contract, or that the City of Turlock

make payment of retentions earned directly into an escrow account established at the expense of the Contractor.

22. **CONTRACT SECURITY:**

Concurrently with the execution hereof, Contractor shall furnish on the forms provided (1) a surety bond in an amount equal to at least one hundred percent (100%) of the contract price as security for the faithful performance of this contract; and (2) a separate surety bond in an amount equal to at least one hundred percent (100%) of the contract price as security for the payment of all persons performing labor and furnishing materials in connection with this contract. Sureties on each of said bonds thereof shall be satisfactory to the City.

23. **HOLD-HARMLESS AGREEMENT AND CONTRACTOR'S INSURANCE:**

Contractor shall indemnify, defend, and hold harmless City and its elective and appointive boards, officers, agents, employees, and volunteers from and against all claims, damages, losses and expenses including attorney fees arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of Contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, except where caused by the active negligence, sole negligence, or willful misconduct of City.

24. **CONTRACTOR'S INSURANCE:**

Contractor shall not commence work under this Agreement until Contractor has obtained City's approval regarding all insurance requirements, forms, endorsements, amounts, and carrier ratings, nor shall Contractor allow any subcontractor to commence work on a subcontract until all similar insurance required of the subcontractor shall have been so obtained and approved. Contractor shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by Contractor, its agents, representatives, employees or subcontractors. Failure to maintain or renew coverage or to provide evidence of renewal may constitute a material breach of contract.

(a) Minimum Scope of Insurance: Coverage shall be at least as broad as:

(1) Insurance Services Office Commercial General Liability coverage (occurrence Form CG 00 01) with additional insured endorsements (form CG 20 10 for ongoing operations and CG 20 37 for products/completed operations), to be approved by the City of Turlock.

(2) Insurance Services Office Form CA 00 01 covering Automobile Liability, Code 1 (any auto).

(3) Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

(4) Insurance Service Office Form CP 00 20 with Causes of Loss – Special Form CP 10 30 covering Builder's Risk (Course of Construction) insurance covering all risks of loss less policy exclusions.

(5) Surety bonds as described below.

(6) Errors and Omissions/Professional Liability Insurance (if *Design/Build*).

(b) Minimum Limits of Insurance: Contractor shall maintain limits no less than:

(1) General Liability (including operations, products and completed operations): $1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

(2) Automobile Liability: $1,000,000 per occurrence for bodily injury and property damage.

(3) Workers' Compensation: As statutorily required by the State of California.

(4) Employer's Liability: $1,000,000 per accident for bodily injury or disease.

(5) Builder's Risk: Completed value of the project with no coinsurance penalty provisions.

(6) Errors and Omissions/Professional Liability: $1,000,000 per claim as needed for design/build.

(c) Deductibles and Self-Insured Retentions: Any deductibles or self-insured retentions must be declared to and approved by City. At the option of City, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its elective and appointive boards, officers, agents, employees, and volunteers; or (2) Contractor shall provide a financial guarantee satisfactory to City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

(d) Other Insurance Provisions: The commercial general liability policy shall contain, or be endorsed to contain, the following provisions:

(1) City, its elective and appointive boards, officers, agents, employees, and volunteers are to be covered as additional insureds with respect to liability arising out of work or operations performed by or on behalf of Contractor, including materials, parts or equipment furnished in connection with such work or operations, which coverage shall be maintained in effect for at least three (3) years following the completion of the work specified in the contract. General liability coverage can be provided in the form of an endorsement to Contractor's insurance (CG 20 10 for ongoing operations and CG 20 37 for products/completed operations), or as a separate Owners and Contractors Protective Liability policy providing both ongoing and completed operations coverage.

(2) For any claims related to this project, Contractor's insurance coverage shall be primary insurance as respects City and any insurance or self-insurance maintained by City shall be excess of Contractor's insurance and shall not contribute with it.

(3) In the event of cancellation, non-renewal, or material change that reduces or restricts the insurance coverage afforded to City under this Agreement, the insurer, broker/producer, or Contractor shall provide City with thirty (30) days' prior written notice of such cancellation, non-renewal, or material change.

(4) Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

(e) Builder's Risk (Course of Construction) Insurance: City shall be named as loss payee.

(f) Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII or with an insurer to which the City has provided prior approval.

(g) Verification of Coverage: Consultant shall furnish City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive Contractor's obligation to provide them. City reserves the right, at any time, to require complete, certified copies of all required insurance policies and endorsements.

(h) Waiver of Subrogation: With the exception of professional liability, Contractor hereby agrees to waive subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. The commercial general liability policy and workers' compensation policy shall be endorsed to contain a waiver of subrogation in favor of City for all work performed by Contractor, its agents, employees, independent contractors and subcontractors. Contractor agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation.

(i) Subcontractors: Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

(j) Surety Bonds: Contractor shall provide a Performance Bond and a Payment Bond.

25. PROOF OF CARRIAGE OF INSURANCE:

Contractor shall furnish City concurrently with the execution hereof, satisfactory proof of carriage of the insurance required, and that Contractor shall give City at least sixty (60) days prior notice of the cancellation of any policy during the effective period of this contract.

26. WAGES & HOURS OF EMPLOYMENT:

In the performance of this contract, eight (8) hours shall be the maximum hours of labor on any calendar day, and the minimum wages of compensation of persons performing labor in the execution of this agreement shall be the current prevailing scale of wages determined by the Director of the Department of Industrial Relations for the community.

The Contractor shall forfeit as penalty to the City, Twenty-five and no/100ths Dollars ($25.00) to be paid to the City of Turlock for each workman employed in the execution of this agreement by him or by any subcontractor, for each calendar day during which any workman is required or permitted to labor more than eight (8) hours, in violation of provisions of Article 3, Chapter 1, Part 7, a Division 2, of the Labor Code of the State of California, and all amendments thereto.

27. EMERGENCY - ADDITIONAL TIME FOR PERFORMANCE - PROCUREMENT OF MATERIALS:

If, because of war or other declared national emergency, the Federal or State Government restricts, regulates, or controls the procurement and allocation of labor or materials, or both, and if solely because of said restrictions, regulations or controls, Contractor is through no fault of the Contractor, unable to perform this agreement, or the work is thereby suspended or delayed, any of the following steps may be taken.

(a) City may, pursuant to resolution of the Council, grant Contractor additional time for the performance of this agreement, sufficient to compensate in time, for delay or suspension.

To qualify for such extension in time, Contractor within ten (10) days of Contractor's discovering such inability to perform, shall notify City Engineer in writing thereof, and give specific reasons therefore; City Engineer shall thereupon have sixty (60) days within which to procure such needed materials or labor as is specified in this agreement, or permit substitution, or provide for changes in the work in accordance with other provisions of this agreement.

Substituted materials, or changes in the work, or both, shall be ordered in writing by City Engineer, and the concurrence of the Council shall not be necessary. All reasonable expenses of such procurement incurred by the City Engineer shall be defrayed by the Contractor; or

(b) If such materials or labor cannot be procured through legitimate channels within sixty (60) days after the filing of the aforesaid notice, either party may, upon thirty (30) days' written notice to the other, terminate this agreement. In such event, Contractor shall be compensated for all work executed upon a unit basis in proportion to the amount of the work completed, or upon a cost-plus-ten-percent (10%) basis, whichever is the lesser. Materials on the ground, in process of fabrication or in route upon the date of notice of termination specially ordered for the project and which cannot be utilized by Contractor, shall be compensated for by City at cost, including freight, provided the Contractor shall take all steps possible to minimize this obligation; or

(c) City Council, by resolution, may suspend this agreement until the cause of inability to perform is removed but for a period of not to exceed sixty (60) days.

If this agreement is not canceled, and the inability of Contractor to perform continues without fault on Contractor's part, beyond the time during which the agreement may have been suspended, as herein above provided, City Council may further suspend this agreement, or either party hereto may, without incurring any liability, elect to declare this agreement terminated upon the ground of impossibility of performance. In the event City declares this agreement terminated, such declaration shall be authorized by the City Council by resolution, and Contractor shall be notified in writing thereof within five (5) days after the adoption of such resolution. Upon such termination, Contractor shall be entitled to proportionate compensation at the agreement rate for such portion of the agreement as may have been performed, or

(d) City may terminate this agreement, in which case Contractor shall be entitled to proportionate compensation at the agreed rate for such portion of the agreement as may have been performed. Such termination shall be authorized by resolution of the Council. Notice thereof shall be forthwith given in writing to Contractor, and this agreement shall be terminated upon receipt by Contractor of such notice.

In the event of the termination provided in this sub-paragraph (d), none of the covenants, conditions or provisions hereof shall apply to the work not performed, and City shall be liable to Contractor for the proportionate compensation last herein mentioned.

28. PROVISIONS CUMULATIVE:

The provisions of this agreement are cumulative, and in addition to and not in limitation of, any other rights or remedies available to City.

29. TAXES:

Contractor shall cooperate with City to the full extent possible to maximize the local allocation of California sales and use tax to the City. Such cooperation shall include but not be limited to:

(a) Use Tax Direct Payment Permits. Contractor shall apply for, obtain and utilize, to the maximum extent reasonable, a California Use Tax Direct Payment Permit.

(b) Purchases of $500,000 or More. Contractor shall require vendors and suppliers located outside California from whom Contractor makes purchase of $500,000 or more to allocate the use tax to the City.

Additional information regarding use tax and the Permit can be found in the State of California Board of Equalization, Sales and Use Tax Regulations, Regulation 1699.6, Use Tax Direct Payment Permits, or on the web site for the Board of Equalization at http://www.boe.ca.gov/sutax/sutprograms.htm

30. NOTICES:

All notices shall be in writing and delivered in person or transmitted by certified mail, postage prepaid.

Notices required to be given to City shall be addressed as follows:

City of Turlock
City Engineer
156 S. Broadway, Suite 150
Turlock, CA 95380-5454

Notices required to be given to Contractor shall be addressed as follows:

_____
_____
_____

Notices required to be given sureties of Contractor shall be addressed as follows:

_____
_____
_____
_____

31. INTERPRETATION:
As used herein, any gender includes each other gender, the singular includes the plural and vice versa.

32. ANTITRUST CLAIMS:
The Contractor or subcontractor offers and agrees to assign to the City all rights, title and interest to any causes of action under Section Four of the Clayton Act and the Cartwright Act concerning antitrust claims.

33. USE OF CITY PROJECT NUMBER:
The Contractor or subcontractor agrees to use the aforementioned City project number on all maps, drawings, submittals, billing, and written correspondence that involve City staff or contracted consultants. Nothing in this section shall preclude the Contractor or subcontractor from using their own project numbers for their own internal use.

IN WITNESS WHEREOF, three identical counterparts of this agreement, consisting of a total of 13 pages, each of which counterparts shall for all purposes be deemed an original of said agreement, have been duly executed by the parties hereinabove named, on the day and year first herein above written.

(Attach Contractor's Seal Here)

CONTRACTOR

_____

_____

Print Name

Address: _____

_____

_____

Phone: _____

Date: _____

Federal Tax ID or
Social Security Number: _____

CITY OF TURLOCK, a municipal corporation

_____

Roy W. Wasden, City Manager

APPROVED AS TO SUFFICIENCY:

_____

Michael G. Pitcock, P.E., Director of
Development Services / City Engineer

APPROVED AS TO FORM:

_____

Phaedra A. Norton, City Attorney

ATTEST:

_____

Kellie E. Weaver, City Clerk

5E

Council Synopsis

January 13, 2015

From: Michael G. Pitcock, P.E.
Director of Development Services /City Engineer

Prepared by: Wayne York, Capital Improvement Coordinator

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Approving Amendment No. 1 to a retainer agreement with Economic & Planning Systems, Inc., (EPS) of Sacramento, CA, for economic planning and development fee services to allow for a maximum compensation of $100,000

2. DISCUSSION OF ISSUE:

Throughout the year the City may become involved with development impact fee updates that require economic planning and development fee study services to be performed. These studies are important to understand and ensure that all new development pays for itself through the collection of development impact fees.

Staff has determined that outsourcing this particular function provides a better value to the City. Through the use of a retainer agreement the City can seek services on an as-needed basis, as opposed to keeping specialized staff qualified and certified in-house. In addition, specialized economic planning consultants have access to tools, equipment, software, and other highly technical resources that allow for more accurate data analysis and reporting, as compared to resources owned by the City.

On January 22, 2013, the City Council awarded a retainer agreement with Economic & Planning Systems, Inc. (EPS) for economic planning and development fee study services. EPS has a proven, reliable work history throughout their many years of service with the City, a comprehensive institutional knowledge of the City's infrastructure, plans, and needs, as well as an extensive collection of previous studies, plans, and recommendations that provide for a better understanding of future projects with a quicker turnaround time for deliverables.

To-date the City has fully used the initial $50,000 maximum compensation amount set under the initial retainer agreement with EPS and is seeking to raise the maximum compensation level to $100,000 for additional work to be performed. Each work item will be issued on a project-by-project basis with the funding for that item paid for with budgeted funds for that project.

3. BASIS FOR RECOMMENDATION:

A) Per the City Municipal Code, City Council approval is required for all amendments to existing agreements.

B) Specialized economic planning and development fee study services are often needed throughout the year and funded on a per project basis.

C) Retainer agreements allow for prompt and efficient service, while still providing a good value to the City.

Strategic Plan Initiative F. INTELLIGENT, PLANNED, MANAGED GROWTH

Goal(s): c. Ensure that all new growth pays for itself (Assessment Districts, CFF/PAF, CFD)

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: No direct fiscal impact. Up to $100,000 may be spent over the course of the agreement, but each service request will be associated with a specific project, which will have a budgeted amount for such services.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

A. Reject staff's recommendation to amendment the agreement with the economic planning consultant. Staff does not recommend this alternative because economic planning and development fee study services are necessary to properly evaluate, understand and ensure that all new development pays for its impacts through the collection of development impact fees and Staff currently does not have the specialized resources to undertake this work.

AMENDMENT NO. 1
to
RETAINER AGREEMENT
for Special Services
between
CITY OF TURLOCK
and
ECONOMIC & PLANNING SYSTEMS, INC.
for
ECONOMIC PLANNING AND DEVELOPMENT FEE SERVICES

THIS AMENDMENT, dated January 13, 2015, is entered into by and between the **CITY OF TURLOCK**, a municipal corporation (hereinafter "CITY") and **ECONOMIC & PLANNING SYSTEMS, INC.**, (hereinafter "CONSULTANT").

WHEREAS, the parties hereto previously entered into an agreement dated January 22, 2013, whereby CONSULTANT will perform economic planning and development fee services (hereinafter the "Agreement").

NOW, THEREFORE, the parties hereto mutually agree to amend said Agreement as follows:

1. Paragraph 4 of the Agreement is amended to read as follows:

"**4. COMPENSATION:** CITY agrees to pay CONSULTANT in accordance with Exhibit A, attached hereto, as full remuneration for performing all Services and furnishing all staffing and materials called for and for performance by CONSULTANT of all of its duties and obligations under this Agreement. In no event shall the sum of this Agreement exceed One Hundred Thousand and no/100ths Dollars ($100,000.00). CONSULTANT agrees that compensation shall be paid in the manner and at the times set forth below:

(a) Invoices: CONSULTANT shall submit dated invoices to CITY specifying the date, location and service rendered, and the charge therefor.

(b) Payment:

(1) All payments by CITY shall be made in arrears, after satisfactory service, as determined and approved by CITY, has been provided. Payment shall be made by CITY no more than thirty (30) days from CITY's receipt of invoice.

OK for Agenda

(2) CITY shall normally pay by voucher or check within ten (10) working days after each meeting at which payments can be authorized, provided that CITY receives the invoice at least five (5) working days prior to CITY's meeting date.

(3) If CITY disputes any items on an invoice for a reasonable cause, which includes but is not limited to unsatisfactory service, CITY may deduct that disputed item from the payment, but shall not delay payment for the undisputed portions. The amounts and reasons for such deletions shall be documented to CONSULTANT within fifteen (15) working days after receipt of invoice by CITY. CITY shall assign a sequential reference number to each deletion.

(4) If dispute is settled, payment shall be by voucher or check payable to and mailed to CONSULTANT within five (5) working days of dispute settlement.

(5) CITY reserves the right to only pay for such services rendered to the satisfaction of CITY.

3. Paragraph 5 of the Agreement is amended to read as follows:

"**5. TERM OF AGREEMENT:** This Agreement shall become effective upon execution and shall continue in full force and effect beginning January 22, 2013, and ending December 31, 2015, subject to CITY's availability of funds."

4. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective officers thereunto duly authorized on the date first written hereinabove.

CITY OF TURLOCK

By: _____
Roy W. Wasden, City Manager

APPROVED AS TO SUFFICIENCY:

BY: _____
Michael G. Pitcock, P.E., Director of Development Services/City Engineer

APPROVED AS TO FORM:

By: _____
Phaedra A. Norton, City Attorney

ATTEST:

By: _____
Kellie E. Weaver, City Clerk

ECONOMIC & PLANNING SYSTEMS, INC.

By: _____

Print Name: _____

Title: _____

Date: _____

5F

Council Synopsis

January 13, 2015

From: Michael Cooke, Municipal Services Director

Prepared by: Wayne Clay, WQC Division Manager

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Approving an agreement with Condor Earth Technologies, Inc., to provide environmental consulting services to assist with a 3-year compliance audit for the California Accidental Release Prevention (CalARP) Program for the Chlorine Facility at the City of Turlock Regional Water Quality Control Facility, in an amount not to exceed $6,820, from Fund 410-51-530.43336 "CalARP Compliance Audit"

2. DISCUSSION OF ISSUE:

The Turlock Regional Water Quality Control Facility stores and uses a significant amount of chlorine which is considered a hazardous material. Therefore, both state and federal law require the facility to develop a California Accidental Release Program (CalARP) to include: a Risk Management Plan (RMP), a hazard assessment with worst case release and alternate release scenarios as well as off-site impacts, a five year accident history, a Process Hazard Analysis (PHA), an Emergency Response Plan (ERP), operating procedures, data elements (mitigation recommendations), and a Certification. The Plan must be updated every five (5) years or within six (6) months of a major change.

California Code of Regulations: Title 19, Division 2, Chapter 4.5, Article 6, Section 2760.8, paragraph (a) requires a Compliance Audit at least every three (3) years. The last Compliance Audit was completed August 5, 2011.

An update/revalidation of the plan was submitted in 2013 and a 3-Year Compliance Audit is now required. Condor Earth Technologies has submitted a proposal for this work (Exhibit A); seeking compensation in the amount of $6,200.00 for this service.

3. BASIS FOR RECOMMENDATION:

A) The City is required to complete a 3-Year Compliance Audit as mandated by county, state, and federal laws.

B) Condor Earth Technologies Inc. prepared the initial CalARP document for the City of Turlock Regional Water Quality Control Facility in June of 1999,

a Plan Update in 2008, a 3-Year Compliance Audit in 2011, and the latest Plan Update in 2013. Condor Earth is duly qualified to perform work.

Strategic Plan Initiative:

Not specifically identified within the City Strategic Plan as this item pertains to the ongoing operation and overall maintenance of City facilities, equipment or infrastructure.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact:
$6,820.00 from Fund 410-51-530.4333 "CalARP Compliance Audit."
(Includes 10% contingency)

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

A. Do not approve the agreement with Condor Earth Technologies, Inc. Staff does not recommend this alternative. The 3-Year Compliance Audit is a county, state, and federal requirement.

AGREEMENT FOR SPECIAL SERVICES
between
CITY OF TURLOCK
and
CONDOR EARTH TECHNOLOGIES, INC
for
Consulting Services to assist with a 3-Year Compliance Audit for the CalARP Program
CITY CONTRACT NO. 14-103

THIS AGREEMENT is made this 13th day of January, 2015, by and between the **CITY OF TURLOCK**, a municipal corporation of the State of California hereinafter referred to as "CITY" and **CONDOR EARTH TECHNOLOGIES, INC**, hereinafter referred to as "CONSULTANT."

W I T N E S S E T H:

WHEREAS, in accordance with California Government Code §37103, CITY has a need for Consulting Services to assist with a 3-Year Compliance Audit for the California Accidental Release Prevention (CalARP) Program for the Chlorine Facility at the Turlock Regional Water Quality Control Facility; and

WHEREAS, CONSULTANT has represented itself as duly trained, qualified, and experienced to provide such special service, hereinafter referred to as "Services."

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. SCOPE OF WORK: CONSULTANT shall furnish all labor, equipment, materials and process, implements, tools, and machinery, except as otherwise specified, which are necessary and required to provide the Services and shall perform such special services in accordance with the standards of its profession and the specifications attached hereto as Exhibit A. CONSULTANT shall provide Services that are acceptable to CITY.

2. PERSONNEL AND EQUIPMENT: CONSULTANT shall provide all personnel needed to accomplish the Services hereunder. CONSULTANT shall additionally acquire, provide, maintain, and repair, at its sole cost and expense, such equipment, materials, and supplies as CONSULTANT shall reasonably require to accomplish said Services.

3. SAFETY REQUIREMENT: All Services and merchandise must comply with California State Division of Industrial Safety orders and O.S.H.A.

OK for Agenda

4. COMPENSATION: CITY agrees to pay CONSULTANT in accordance with Exhibit A as full remuneration for performing all Services and furnishing all staffing and materials called for in Exhibit A and for performance by CONSULTANT of all of its duties and obligations under this Agreement. In no event shall the sum of this Agreement exceed Six Thousand Eight Hundred Twenty and No/100^{ths} Dollars ($6,820.00) (includes 10% contingency). CONSULTANT agrees that compensation shall be paid in the manner and at the times set forth below:

(a) Invoices: CONSULTANT shall submit dated invoices to CITY specifying the date, location and service rendered, and the charge therefor.

(b) Payment:

(1) All payments by CITY shall be made in arrears, after satisfactory service, as determined and approved by CITY, has been provided. Payment shall be made by CITY no more than thirty (30) days from CITY's receipt of invoice.

(2) CITY shall normally pay by voucher or check within ten (10) working days after each meeting at which payments can be authorized, provided that CITY receives the invoice at least five (5) working days prior to CITY's meeting date.

(3) If CITY disputes any items on an invoice for a reasonable cause, which includes but is not limited to unsatisfactory service, CITY may deduct that disputed item from the payment, but shall not delay payment for the undisputed portions. The amounts and reasons for such deletions shall be documented to CONSULTANT within fifteen (15) working days after receipt of invoice by CITY. CITY shall assign a sequential reference number to each deletion.

(4) If dispute is settled, payment shall be by voucher or check payable to and mailed to CONSULTANT within five (5) working days of dispute settlement.

(5) CITY reserves the right to only pay for such services rendered to the satisfaction of CITY.

5. TERM OF AGREEMENT: This Agreement shall become effective upon execution and shall continue in full force and effect for a period of three months (3) beginning January 15, 2015 and ending April 15, 2015, subject to CITY's availability of funds.

6. INSURANCE: CONSULTANT shall not commence work under this Agreement until CONSULTANT has obtained CITY's approval regarding all insurance requirements, forms, endorsements, amounts, and carrier ratings, nor shall CONSULTANT allow any subcontractor to commence work on a subcontract until all similar insurance required of the subcontractor shall have been so obtained and approved. CONSULTANT shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by CONSULTANT, its agents, representatives, employees or subcontractors. Failure to maintain or renew coverage or to provide evidence of renewal may constitute a material breach of contract.

(a) Minimum Scope of Insurance: Coverage shall be at least as broad as:

(1) Insurance Services Office Commercial General Liability coverage (occurrence Form CG 00 01) with an additional insured endorsement (form CG 20 10 for ongoing operations and 20 37 for products/completed operations), to be approved by the City of Turlock.

(2) Insurance Services Office Form CA 00 01 covering Automobile Liability, Code 1 (any auto).

(3) Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

(4) Errors and Omissions/Professional Liability Insurance.

(b) Minimum Limits of Insurance: CONSULTANT shall maintain limits no less than:

(1) General Liability (including operations, products and completed operations): $1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

(2) Automobile Liability: $1,000,000 per occurrence for bodily injury and property damage.

(3) Workers' Compensation: as statutorily required by the State of California. Employer's Liability: $1,000,000 per accident for bodily injury or disease.

(4) Errors and Omissions/Professional Liability: $1,000,000 per claim.

(c) Deductibles and Self-Insured Retentions: Any deductibles or self-insured retentions must be declared to and approved by CITY. At the option of CITY, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects CITY, its elective and appointive boards, officers, agents, employees, and volunteers; or (2) CONSULTANT shall provide a financial guarantee satisfactory to CITY guaranteeing payment of losses and related investigations, claim administration and defense expenses.

(d) Other Insurance Provisions: The commercial general liability policy shall contain, or be endorsed to contain, the following provisions:

(1) CITY, its elective and appointive boards, officers, agents, employees, and volunteers are to be covered as additional insureds with respect to liability arising out of work or operations performed by or on behalf of CONSULTANT, including materials, parts or equipment furnished in connection with such work or operations, which coverage shall be maintained in effect for at least three (3) years following the completion of the work specified in the contract. General liability coverage can be provided in the form of an endorsement to CONSULTANT's insurance (at least as broad as CG 20 10 for ongoing operations and CG 20 37 for products/completed operations), or as a separate Owners and Contractors Protective Liability policy providing both ongoing operations and completed operations coverage.

(2) For any claims related to this project, CONSULTANT's insurance coverage shall be primary insurance as respects CITY and any insurance or self-insurance maintained by CITY shall be excess of CONSULTANT's insurance and shall not contribute with it.

(3) In the event of cancellation, non-renewal, or material change that reduces or restricts the insurance coverage afforded to CITY under this Agreement, the insurer, broker/producer, or CONSULTANT shall provide CITY with thirty (30) days' prior written notice of

such cancellation, non-renewal, or material change.

(4) Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

(e) Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

(f) Verification of Coverage: CONSULTANT shall furnish CITY with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by CITY before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive CONSULTANT'S obligation to provide them. CITY reserves the right, at any time, to require complete, certified copies of all required insurance policies and endorsements.

(g) Waiver of Subrogation: With the exception of professional liability, CONSULTANT hereby agrees to waive subrogation which any insurer of CONSULTANT may acquire from CONSULTANT by virtue of the payment of any loss. The commercial general liability policy and workers' compensation policy shall be endorsed to contain a waiver of subrogation in favor of CITY for all work performed by CONSULTANT, its agents, employees, independent contractors and subcontractors. CONSULTANT agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation.

(h) Subcontractors: CONSULTANT shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

7. INDEMNIFICATION: CONSULTANT shall indemnify, defend, and hold harmless CITY and its elective and appointive boards, officers, agents, employees, and volunteers from and against all claims, damages, losses and expenses including attorney fees arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of CONSULTANT, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, except where caused by the active negligence, sole negligence, or willful misconduct of CITY.

8. INDEPENDENT CONTRACTOR RELATIONSHIP: All acts of CONSULTANT, its agents, officers, and employees and all others acting on behalf of CONSULTANT relating to the performance of this Agreement, shall be performed as independent contractors and not as agents, officers, or employees of CITY. CONSULTANT, by virtue of this Agreement, has no authority to bind or incur any obligation on behalf of CITY. CONSULTANT has no authority or responsibility to exercise any rights or power vested in the CITY. No agent, officer, or employee of the CITY is to be considered an employee of CONSULTANT. It is understood by both CONSULTANT and CITY that this Agreement shall not under any circumstances be construed or considered to create an employer-employee relationship or a joint venture.

CONSULTANT, its agents, officers and employees are and, at all times during the terms of this Agreement, shall represent and conduct themselves as independent contractors and not as employees of CITY.

CONSULTANT shall determine the method, details and means of performing the

work and services to be provided by CONSULTANT under this Agreement. CONSULTANT shall be responsible to CITY only for the requirements and results specified in this Agreement, and, except as expressly provided in this Agreement, shall not be subjected to CITY's control with respect to the physical action or activities of the CONSULTANT in fulfillment of this Agreement. CONSULTANT has control over the manner and means of performing the services under this Agreement. CONSULTANT is permitted to provide services to others during the same period service is provided to CITY under this Agreement. If necessary, CONSULTANT has the responsibility for employing other persons or firms to assist CONSULTANT in fulfilling the terms and obligations under this Agreement.

If in the performance of this Agreement any third persons are employed by CONSULTANT, such persons shall be entirely and exclusively under the direction, supervision, and control of CONSULTANT. All terms of employment including hours, wages, working conditions, discipline, hiring, and discharging or any other term of employment or requirement of law shall be determined by the CONSULTANT.

It is understood and agreed that as an independent contractor and not an employee of CITY neither the CONSULTANT or CONSULTANT'S assigned personnel shall have any entitlement as a CITY employee, right to act on behalf of the CITY in any capacity whatsoever as an agent, or to bind the CITY to any obligation whatsoever.

It is further understood and agreed that CONSULTANT must issue W-2 forms or other forms as required by law for income and employment tax purposes for all of CONSULTANT'S personnel.

As an independent contractor, CONSULTANT hereby indemnifies and holds CITY harmless from any and all claims that may be made against CITY based upon any contention by any third party that an employer-employee relationship exists by reason of this Agreement.

9. VOLUNTARY TERMINATION: CITY may terminate this Agreement without cause or legal excuse by providing thirty (30) days' written notice to CONSULTANT.

10. TERMINATION OF STATED EVENT:

(a) Termination on Occurrence of Stated Events. This Agreement shall terminate automatically on the date on which any of the following events occur: (1) bankruptcy or insolvency of CONSULTANT, (2) legal dissolution of CONSULTANT, or (3) death of key principal(s) of CONSULTANT.

(b) Termination by CITY for Default of CONSULTANT. Should CONSULTANT default in the performance of this Agreement or materially breach any of its provisions, at its option CITY may terminate this Agreement by giving written notification to CONSULTANT. The termination date shall be the effective date of the notice. For the purposes of this section, material breach of this Agreement shall include but not be limited to any of the following: failure to perform required services or duties, willful destruction of CITY's property by CONSULTANT, dishonesty or theft.

(c) Termination by CONSULTANT for Default of CITY. Should CITY default in the performance of this Agreement or materially breach any of its provisions, at its option CONSULTANT may terminate this Agreement by giving written notice to CITY. The termination date shall be the effective date of the notice. For the purposes of this section, material breach of this Agreement shall include but not be limited to any of the following: failure to cooperate

reasonably with CONSULTANT, willful destruction of CONSULTANT's property by CITY, dishonesty or theft.

(d) Termination for Failure to Make Agreed-Upon Payments. Should CITY fail to pay CONSULTANT all or any part of the payments set forth in this Agreement on the date due, at its option CONSULTANT may terminate this Agreement if the failure is not remedied within thirty (30) days after CONSULTANT notifies CITY in writing of such failure to pay. The termination date shall be the effective date of the notice.

(e) Termination by CITY for Change of CONSULTANT'S Tax Status. If CITY determines that CONSULTANT does not meet the requirements of federal and state tax laws for independent contractor status, CITY may terminate this Agreement by giving written notice to CONSULTANT. The termination date shall be the effective date of the notice.

(f) In the Event of Termination. If this Agreement is terminated pursuant to this Paragraph, CONSULTANT shall cease all its work on the project as of the termination date and shall see to it that its employees, subcontractors and agents are notified of such termination and cease their work. If CITY so requests, and at CITY's cost, CONSULTANT shall provide sufficient oral or written status reports to make CITY reasonably aware of the status of CONSULTANT'S work on the project. Further, if CITY so requests, and at CITY's cost, CONSULTANT shall deliver to CITY any work products whether in draft or final form which have been produced to date.

If the Agreement is terminated pursuant to any of the subsections contained in this paragraph, CITY will pay CONSULTANT an amount based on the percentage of work completed on the termination date, this percentage shall be determined by CITY in its sole discretion. If the Agreement is terminated pursuant to the subparagraph entitled Termination by CITY for Default of CONSULTANT, CONSULTANT understands and agrees that CITY may, in CITY's sole discretion, refuse to pay CONSULTANT for that portion of CONSULTANT'S services which were performed by CONSULTANT on the project prior to the termination date and which remain unacceptable and/or not useful to CITY as of the termination date.

11. CONFORMANCE WITH FEDERAL AND STATE LAW: All equipment, supplies and services used by CONSULTANT in the performance of this Agreement shall conform to the laws of the government of the United States and the State of California.

12. NONDISCRIMINATION: In connection with the execution of this Agreement, CONSULTANT shall not discriminate against any employee or applicant for employment because of age, race religion, color, sex, or national origin. CONSULTANT shall take affirmative action to insure that applicants are employed, and the employees are treated during their employment, without regard to their age, race, religion, color, sex or national origin. Such actions shall include, but not be limited to, the following: employment, promotions, demotions or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. CONSULTANT shall also comply with the requirement of Title VII of the Civil Rights Act of 1964 (P.L. 88-352) and with all applicable regulations, statutes, laws, etc., promulgated pursuant to the civil rights acts of the government of the United States and the State of California now in existence or hereafter enacted. Further, CONSULTANT shall comply with the provisions of Section 1735 of the California Labor Code.

13. TIME: Time is of the essence in this Agreement.

14. ENTIRE AGREEMENT AND MODIFICATION: This Agreement supersedes all previous Agreements and constitutes the entire understanding of the parties hereto. CONSULTANT

shall be entitled to no other benefits than those specified herein. No changes, amendments or alterations shall be effective unless in writing and signed by both parties. CONSULTANT specifically acknowledges that in entering into and executing this Agreement, CONSULTANT relies solely upon the provisions contained in this Agreement and no others.

15. OBLIGATIONS OF CONSULTANT: Throughout the term of this Agreement, CONSULTANT shall possess, or secure all licenses, permits, qualifications and approvals legally required to conduct business. CONSULTANT warrants that it has all of the necessary professional capabilities and experience, as well as all tools, instrumentalities, facilities and other resources necessary to provide the CITY with the services contemplated by this Agreement. CONSULTANT further represents that it will follow the best current, generally accepted and professional practices to make findings, render opinions, prepare factual presentations, and provide professional advice and recommendations regarding this project.

16. OWNERSHIP OF DOCUMENTS: All reports, data, drawings, plans, designs, specifications, graphics, calculations, working papers, models, flow diagrams, visual aids, and other incidental work or materials furnished hereunder shall become and remain the property of the CITY, and may be used by CITY as it may require without any additional cost to CITY. No reports shall be used by the CONSULTANT for purposes other than this contract without the express prior written consent of CITY.

17. NEWS AND INFORMATION RELEASE: CONSULTANT agrees that it will not issue any news releases in connection with either the award of this Agreement, or any subsequent amendment of or efforts under this Agreement, without first obtaining review and approval of said news releases from CITY through the City Manager.

18. INTEREST OF CONSULTANT: CONSULTANT warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. CONSULTANT warrants that, in performance of this Agreement, CONSULTANT shall not employ any person having any such interest. CONSULTANT agrees to file a Statement of Economic Interests with the City Clerk at the start and end of this contract if so required at the option of CITY.

19. AMENDMENTS: Both parties to this Agreement understand that it may become desirable or necessary during the execution of this Agreement, for CITY or CONSULTANT to modify the scope of services provided for under this Agreement. Any material extension or change in the scope of work shall be discussed with CITY and the change and cost shall be memorialized in a written amendment to the original contract prior to the performance of the additional work.

Until a change order is so executed, CITY will not be responsible to pay any charges CONSULTANT may incur in performing such additional services, and CONSULTANT shall not be required to perform any such additional services.

20. PATENT/COPYRIGHT MATERIALS: Unless otherwise expressly provided in the contract, CONSULTANT shall be solely responsible for obtaining the right to use any patented or copyrighted materials in the performance of this Agreement. CONSULTANT shall furnish a warranty of such right to use to CITY at the request of CITY.

21. CERTIFIED PAYROLL REQUIREMENT: For CONSULTANTS performing field work on public works contracts on which prevailing wages are required, CONSULTANT shall comply with the provisions of Section 1776 of the California Labor Code, regarding payroll records, and shall require its subconsultants and subcontractors to comply with that section as may be required by law.

22. PARTIAL INVALIDITY: If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

23. WAIVER: The waiver by any party to this Agreement of a breach of any provision hereof shall be in writing and shall not operate or be construed as a waiver of any other or subsequent breach hereof unless specifically stated in writing.

24. AUDIT: CITY's duly authorized representative shall have access at all reasonable times to all reports, contract records, contract documents, contract files, and personnel necessary to audit and verify CONSULTANT'S charges to CITY under this Agreement.

CONSULTANT agrees to retain reports, records, documents, and files related to charges under this Agreement for a period of four (4) years following the date of final payment for CONSULTANT services. CITY's representative shall have the right to reproduce any of the aforesaid documents.

25. GOVERNING LAW: This Agreement shall be governed according to the laws of the State of California.

26. HEADINGS NOT CONTROLLING: Headings used in the Agreement are for reference purposes only and shall not be considered in construing this Agreement.

27. COMPLIANCE WITH LAWS: CONSULTANT shall insure compliance with all safety and hourly requirements for employees, in accordance with federal, state, and county safety and health regulations and laws. CONSULTANT shall fully comply with all applicable federal, state, and local laws, ordinances, regulations and permits.

28. CITY BUSINESS LICENSE: CONSULTANT will have a City of Turlock business license.

29. ASSIGNMENT: This Agreement is binding upon CITY and CONSULTANT and their successors. Except as otherwise provided herein, neither CITY nor CONSULTANT shall assign, sublet, or transfer interest in this Agreement or any part thereof without the prior written consent of the other.

30. RECORD INSPECTION AND AUDIT: CONSULTANT shall maintain adequate records to permit inspection and audit of CONSULTANT's time and material charges under this Agreement. CONSULTANT shall make such records available to CITY during normal business hours upon reasonable notice. Such records shall be turned over to CITY upon request.

31. EXCLUSIVE USE: Services provided within the scope of this Agreement are for the exclusive use of CITY and CONSULTANT agrees that, until final approval by CITY, all data, plans, specifications, reports, and other documents will not be released to third parties by CONSULTANT without the prior written consent of CITY.

32. EMPLOYMENT OF CITY OFFICIAL OR EMPLOYEE: CONSULTANT shall employ no CITY official or employee in the work performed pursuant to this Agreement. No officer or employee of CITY shall have any financial interest in this Agreement in violation of California Government Code Sections 1090 *et seq.*; nor shall CITY violate any provision of its Conflict of Interest Code adopted pursuant to the provisions of California Government Code Sections 87300 *et seq.*

33. NOTICE: Any and all notices permitted or required to be given hereunder shall be deemed duly given and effective (1) upon actual delivery, if delivery is by hand; or (2) five (5) days after delivery into the United States mail, if delivery is by postage paid, registered, or certified (return receipt requested) mail. Each such notice shall be sent to the parties at the address respectively indicated below or to any other address as the respective parties may designate from time to time:

for CONSULTANT: **CONDOR EARTH TECHNOLOGIES, INC**
ATTN: CARTER REDDING
210 ESTATES DR., SUITE 208
ROSEVILLE, CA 95678
PHONE: (916) 783-2060
FAX: (916) 783-2464

for CITY: **CITY OF TURLOCK**
ATTN: MICHAEL COOKE
MUNICIPAL SERVICES DEPT
156 SOUTH BROADWAY, SUITE 270
TURLOCK, CALIFORNIA 95380-5454
PHONE: (209) 668-5599 Ext. 4418
FAX: (209) 668-5695

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by and through their respective officers thereunto duly authorized.

CITY OF TURLOCK, a municipal corporation

By: _____
Roy W. Wasden, City Manager

Date: _____

APPROVED AS TO SUFFICIENCY:

By: _____
Michael Cooke, Municipal Services Director

APPROVED AS TO FORM:

By: _____
Phaedra A. Norton, City Attorney

ATTEST:

By: _____
Kellie E. Weaver, City Clerk

Condor Earth Technologies, consultant

By: _____

Title: _____

Print name: _____

Date: _____

EXHIBIT A.

CONDOR

CONDOR EARTH TECHNOLOGIES, INC.
210 Estates Drive, Suite 208
Roseville, CA 95678
Phone 916.783.2060
Fax 916.783.2464
www.condorearth.com

November 19, 2014

Mr. Wayne Clay
Water Quality Control Division Manager
City of Turlock
901 South Walnut Road
Turlock, CA 95380-5123

Subject: RMP/PSM/CalARP Compliance Support for Turlock Regional Water Quality Control Facility

Dear Mr. Clay:

Thank you for contacting Condor Earth Technologies, Inc. (Condor) in regard to assistance with responding to an inspection of the City of Turlock Regional Water Quality Control Facility (TRWQCF) California Accidental Release Prevention (CalARP) Risk Management Program (RMP) by the Stanislaus County Department of Environmental Resources (DER) at your facility conducted by Mr. Alvin Lal. In a conversation with Mr. Lal after his inspection, he outlined the following changes he thought needed to be made to the RMP program:

- Changes made to the RMP documentation by Condor
  - Adding Consequences of Deviation to the text of the RMP
  - Correcting typos involving the date of the previous PHA
  - Producing an updated response schedule for the 2013 PHA Revalidation
- Changes made by the facility and previously discussed with you
  - Add Evacuation Map to Emergency Action Plan
  - Add telephone contact numbers to the Plan that Mr. Lal will supply
  - Documenting Daily Walkthrough Inspections
  - Documenting Monthly SCBA Inspections
  - Developing a specific binder for Standard Operating Procedures (SOPs) relating to the chlorine facility (called Attachment 2 in the RMP text)
  - Locating the Attachment 3 (Prevention Programs) binder mentioned in the RMP text

Mr. Lal also stated that he would like Condor participation at a review of the SOP and Prevention Program binders at the facility at a date to be set later. He also noted that the facility was due for a 3-Year Compliance Audit in August of 2014.

Condor recognizes that the first two items requested by Mr. Lal regarding changes to the RMP documentation are the responsibility of Condor and will be handled by Condor at no cost to TRWQCF. The changes have been made and a revised RMP program will be delivered to TRWQCF on or before the SOP and Prevention Program binder review takes place. This proposal covers the other items mentioned by Mr.Lal.

Condor proposes to address the above list of items in three phases:

Phase 1 – SOP and Prevention Program Document Review

Condor will participate in a review of the named documentation at the TRWQCF facility at a date to be determined. The review is estimated to last 3 hours and 3 hours of travel will be needed. The estimated cost for this phase is $1,000.00

Phase 2 – Existing Document Revisions

Condor will assist TRWQCF in revising the documentation reviewed in Phase 1 to meet the requests of Mr. Lal. In addition, the production of the updated PHA Response Table, which has already begun, will be completed in this phase. The estimated cost of this phase is $1,200.00

Phase 3 – 3-Year Compliance Audit

Condor will conduct a 3-Year Compliance Audit of the TRWQCF RMP program using a checklist provided by Stanislaus County DER. The Audit will be conducted by someone with experience in the CalARP regulations. Some of the Audit will take place at the Condor office, but there will be a 4 to 6 hour examination of records at TRWQCF. Short interviews will be held with available employees regarding their knowledge of the RMP program. A report containing a narrative of the audit and recommendations for improvement will be provided approximately 30 days after the audit visit. The estimated cost of this phase is $4,000.00.

If these tasks are acceptable to you, please sign and date both of the attached Work Order and Terms for Environmental Consulting Services and fax or mail one signed copy to Condor. Work will begin within 2 weeks of receipt of the signed Work Order, or at a time mutually agreed upon. If you have questions or comments about this Proposal please call Robert Sherry at 209.532.0361 X 2049.

Sincerely,

CONDOR EARTH TECHNOLOGIES, INC.

Robert Sherry
Process Safety Management Specialist

Carter Redding
Division Manager, Industrial
Compliance Services

Enclosures:
Work Order and Terms for Environmental Consulting Services
Schedule of Fees

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CONDOR EARTH TECHNOLOGIES, INC.
SCHEDULE OF FEES

STAFF MEMBER	RATE PER HOUR ($)
PRINCIPALS/PROJECT MANAGEMENT	
Senior Principal	190.00
Principal Engineer/Geologist	175.00
Project Director	150.00
Project/Senior Manager	140.00
TECHNICAL	
Specialty Consultants	125.00 – 250.00
Senior Tunneling Consultant	190.00
Senior Hazardous Materials Specialist	175.00
Senior Process Safety Management Specialist	165.00
Senior Geotechnical Engineer	160.00
Registered Geotechnical Engineer	150.00
Certified Hydrogeologist/Engineering Geologist	150.00
Senior Geologist/Engineer/Planner/Environmental Specialist	145.00
Process Safety Management Specialist	135.00
Systems Integration Specialist	135.00
Associate Geologist/Engineer/Planner/Environmental Specialist	115.00
Staff Tunnel Engineer	110.00
Health and Safety Specialist	110.00
Staff Geologist/Engineer/Planner/Environmental Specialist	100.00
Engineering Assistant	90.00
Senior Technician	80.00
Technician	70.00
GIS	
Software Specialist	140.00
GIS Administrator	130.00
GIS Programmer/Analyst	110.00
GIS Technician	70.00
MATERIALS TESTING	
MTSI Project/Laboratory Manager	95.00
DSA Certified Inspector	90.00
Certified Welding Inspector	85.00
Welding Inspector	80.00
Senior Special Inspector	80.00
Special Inspector	75.00
Senior Materials Technician	70.00
Materials Technician	55.00
SUPPORT STAFF	
Administrative Specialist	85.00
Project Coordinator	85.00
Senior Draftsperson	80.00
Draftsperson	70.00
Technical Editor	65.00
Administrative Assistant	55.00
MISCELLANEOUS	
Overtime (all Saturday work is overtime) or Prevailing Wage Projects	(1.3 times base rate)
Double-time (all Sundays and Holidays)	(1.7 times base rate)
Litigation Support	250.00 – 350.00

DIRECTLY REIMBURSABLE CHARGES

Vehicle charge:
$50 per day plus 50 cents per mile

Plotter and copier fees:
Condor standard rate available upon request
Mapping equipment..... quoted upon request

OUT-OF-POCKET EXPENSES

Billed at cost plus 15% and includes such items as travel expenses, equipment rental, laboratory fees, subcontractors, postage and freight, printing or reproduction fees, supplies, etc.

5G

Council Synopsis

January 13, 2015

From: Robert A. Jackson, Chief of Police

Prepared by: Ronald E. Reid, Lieutenant

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Accepting a donation from E & J Gallo Winery in the amount of $400 for the Police Explorer Program

2. DISCUSSION OF ISSUE:

In September of 2014, E & J Gallo Winery requested assistance from the Turlock Police Explorer Post to participate with other explorer posts from throughout the county. The Explorers provided extra patrol and a volunteer public safety presence at the E & J Gallo Winery concert.

On October 22, 2014, the Police Department received a donation check from E & J Gallo Winery in the amount of $400.00. The donation was intended to be a donation to the Turlock Police Explorer Post.

3. BASIS FOR RECOMMENDATION:

Staff recommends accepting the check and depositing the money to account number 266-20-255-356.35720 "Police Explorer Program - Donations".

Strategic Plan Initiative B. FISCAL RESPONSIBILITY

Goal(s): 1(a). Identify smart revenue opportunities including but not limited to grants and outside sources of funding.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: No budget adjustment is necessary at this time. The fiscal impact is the recognition of the $400 donation.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

A. Council could reject the donation.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ACCEPTING A DONATION FROM E & J GALLO WINERY IN THE AMOUNT OF $400 FOR THE POLICE EXPLORER PROGRAM	**RESOLUTION NO. 2015-**

WHEREAS, the E & J Gallo Winery requested assistance from the Turlock Police Explorer Post to participate with other explorer posts from throughout the county for a planned event on September 6, 2014; and

WHEREAS, the Turlock Police Explorer Post provided extra patrol and a volunteer public safety presence at the E & J Gallo Winery concert; and

WHEREAS, on October 22, 2014, the Turlock Police Department received a donation check from E & J Gallo Winery in the amount of $400, to be donated to the Turlock Police Department Explorer Post.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby accept the donation in the amount of $400 to be deposited to account number 266-20-255-356.35720 "Police Explorer Program Donations."

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 13th day of January, 2015, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____
Kellie E. Weaver, City Clerk,
City of Turlock, County of Stanislaus,
State of California

5H

Council Synopsis

January 13, 2015

From: Robert Jackson, Chief of Police

Prepared by: Miguel Pacheco, Police Lieutenant

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Affirming the City Manager's action of signing and approving the purchase order for the purchase of firearms for Turlock Police Department with LC Action Police Supply for Fiscal Year 2014/15 and Approving the amended purchase price due to a sales tax calculation error for new firearms and related equipment including the trade-in of existing firearms with LC Action Police Supply of San Jose from $36,254 to $38,265.18 (difference of $2,011.18)

Resolution: Appropriating $2,011.18 to account number 240-00-000-213.51153 "Police Services – Weapons" from Fund 240 "Small Equipment Replacement-Police Services" reserve balance for the purchase of new firearms and related equipment

2. DISCUSSION OF ISSUE:

On December 9, 2014, City Council approved the purchase of firearms and related equipment, including the trade-in of existing firearms with LC Action Police Supply of San Jose, in the amount of $36,254.

Staff realized the sales tax was calculated in error for the wrong amount from $2,569 to $4,579.90, the actual purchase price should be $38,265.18. The State law requires the sales tax to be calculated on the full retail price of the new merchandise without the discounted price. It should be noted that the firearms order was placed with LC Action with the City Manager approval to proceed, due to a price increase notification for order placed after January 1, 2015.

Description	LC Action Police Supply
New Firearms & Equip.	$60,064.28
Sales Tax	$4,579.90
Subtotal	$64,644.18
Trade-In Value Price	-26,379
Grand Total	38,265.18

3. BASIS FOR RECOMMENDATION:

City staff is requesting an amendment to the purchased price due to error in sales tax calculation from $36,354 to $38,265.18.

Strategic Plan Initiative: B. FISCAL RESPONSIBLITY

Goal(s): 1(a). Identify smart revenue opportunities including but not limited to grants and outside sources of funding.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: $2,011.18

Budget Amendment: Appropriate $2,011.18 to account number 240-00-000-213.51153 "Police Services – Weapons" from Fund 240"Small Equipment Replacement-Police Services" reserve balance for the purchase of new firearms and related equipment.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

7. ALTERNATIVES:

A. Council could deny the amended price for the purchase of new firearms for the Police Department. However, staff does not recommend this as an alternative; the purchase of new firearms will ensure that the officers pistols will continue to function properly and to provide uniformity with Department issued pistols.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF APPROPRIATING $2,011.18 TO ACCOUNT NUMBER 240-00-000-213.51153 "POLICE SERVICES-WEAPONS" FROM FUND 240 "SMALL EQUIPMENT REPLACEMENT-POLICE SERVICES" RESERVE BALANCE FOR THE PURCHASE OF NEW FIREARMS AND RELATED EQUIPMENT	}	**RESOLUTION NO. 2015**

WHEREAS, staff has identified the need to replace all department-issue pistols, seven (7) rifles, and related equipment during the 2014/2015 fiscal year; and

WHEREAS, staff conducted the formal bid process to include the trade-in value of the existing firearms that the department is replacing with the lowest responsible bidder, LC Action, providing a bid of $38,265.18; and

WHEREAS, Fund 240 "Small Equipment Replacement – Police Services" has a reserve balance with sufficient funding to accommodate the transfer of $2,011.18 necessary for the replacement of all handguns, seven (7) rifles, and related equipment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby authorized the appropriation of $2,011.18 to account number 240-00-000-213.51153 "Police Services – Weapons" from Fund 240 "Small Equipment Replacement – Police Services" for the purchase of new firearms and related equipment.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 13th day of January, 2015, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____
Kellie E. Weaver, City Clerk
City of Turlock, County
of Stanislaus, State of California

5I

Council Synopsis

January 13, 2015

From: Tim Lohman, Fire Chief

Prepared by: Tim Lohman, Fire Chief

Agenized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Authorizing the Turlock Fire Department to apply for the Assistance to Firefighters Grant administered through the Federal Emergency Management Agency to purchase diesel exhaust removal systems for three (3) fire stations.

2. DISCUSSION OF ISSUE:

The primary goal of the Assistance to Firefighters Grant (AFG) is to meet the firefighting and emergency response needs of fire departments and nonaffiliated emergency medical service organizations. Since 2001, AFG has helped firefighters and other first responders obtain critically needed equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel from fire and related hazards. The 2015 fiscal year AFG is a suite of competitive discretionary grants comprised of three (3) interconnected component programs (Operations and Safety, Vehicle Acquisition, and Joint/Regional) for awarding direct financial assistance to fire departments, nonaffiliated EMS organizations, and state fire training academies. Available funding for the 2015 AFG is $304,503,764, with the projected award dates starting March 9, 2015. It is anticipated that there will be approximately two thousand seven hundred (2,700) awards, and the projected close of the grant will be September 21, 2015. When serving a jurisdiction of more than 20,000 residents, but not more than 1,000,000 residents, the applicant shall agree to make available non-federal funds in an amount equal to and not less than 10 percent of the grant awarded. If awarded the AFG, Turlock Fire Department would need to pay ten percent (10%) of the total equipment costs.

The City of Turlock has four (4) fire stations which currently have no diesel exhaust removal systems in place. Three (3) of our four (4) fire stations meet the grant application requirements. Toxic vehicle exhaust is entering our stations' apparatus bays, dorm rooms, fitness areas, offices, and public areas. Each station is staffed full time, 24 hours a day, 7 days a week. In addition to our firefighters, we routinely play host to members of the public, including children, via tours, open houses, or station/museum visits. Our inability to properly ventilate our fire stations' vehicle exhaust particulates is putting the health and lives of our firefighters and our citizens at risk each day. The department is

seeking grant funding for the purchase and installation of a vehicle exhaust removal system that will eliminate 100% of the particulates and bring our stations into compliance with NFPA, NIOSH, and OSHA guidelines. The total cost of the Three (3) exhaust extraction systems will not exceed $102,000 dollars. If awarded the fire department's contribution would not be more than $9200 dollars. The full cost of the diesel exhaust removal systems has been built into the fire department's equipment replacement plan and the matching funds can be taken from this fund.

3. BASIS FOR RECOMMENDATION:

A) Provides much needed equipment at ten percent (10%) of the total cost.

B) Meets the cities strategic plan

4. FISCAL IMPACT / BUDGET AMENDMENT:

The full cost of the three (3) exhaust removal systems is currently funded through the established capital improvement/small equipment replacement program. Securing this grant will result in a ninety percent (90%) reduction in City expenditures for this project.

Strategic Plan Initiative B. FISCAL RESPONSIBILITY

Goal(s): (b) Identify smart revenue opportunities including but not limited to grants and outside sources of funding.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

None.

7. ALTERNATIVES:

A) Deny the request to apply for the grant.
B) Look for other sources of funding.
C) The City of Turlock funds these requests.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF AUTHORIZING THE TURLOCK FIRE DEPARTMENT TO APPLY FOR THE ASSISTANCE TO FIREFIGHTERS GRANT ADMINISTERED THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO PURCHASE DIESEL EXHAUST REMOVAL SYSTEMS FOR THREE (3) FIRE STATIONS	**RESOLUTION NO. 2015-**

WHEREAS, the Assistance to Firefighters Grant (AFG) is administered by the Federal Emergency Management Agency (FEMA); and

WHEREAS, the total amount available through the AFG for fiscal year 2015 will be $304,503,764 in three categories including Operations and Safety, Vehicle Acquisition, and Joint/Regional; and

WHEREAS, the Turlock Fire Department has identified a need to purchase diesel exhaust removal systems for three fire stations in an amount not to exceed $102,000; and

WHEREAS, diesel exhaust removal systems would be an appropriate use of AFG grant money; and

WHEREAS, the Fire Department has budget one hundred percent (100%) funding for the purchase of diesel exhaust removal systems for three fire stations; and

WHEREAS, this grant would reduce the City's contribution from one hundred percent (100%) to ten percent (10%) of City funds.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby authorize the Turlock Fire Department to apply for the Assistance to Firefighters Grant administered by the Federal Emergency Management Agency to purchase diesel exhaust removal systems for three (3) fire stations.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 13th day of January, 2015, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____
Kellie Weaver, City Clerk
City of Turlock, County of Stanislaus,
State of California

Council Synopsis

January 13, 2015

From: Roy Wasden, City Manager

Prepared by: Marie Lorenzi, Senior Accountant

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Re-appropriating $9,980 to account number 501-10-130.47095_000 "IT Training" to be funded from unappropriated reserves in Fund 501 "Information Technology"

2. DISCUSSION OF ISSUE:

In June 2014, the Information Technology department ordered subscriptions for on-line training related to Microsoft and Cisco products. These subscriptions were paid for in August 2014 and are good for one year (will expire in June 2015). The subscriptions provide a convenient and affordable option for the IT Staff to increase their knowledge base related to the Microsoft and Cisco products used in City operations while minimizing the cost of travel to obtain the same training.

The IT department's 2013-14 budget contained training funds for the subscriptions, but due to time constraints, the purchase was not executed until close to year end. Since the subscriptions are good for one year, the proper accounting is to charge them to the 2014-15 fiscal year rather than the 2013-14 fiscal year. In order to match the expenditure with the budget, Staff is requesting the carryover of budgeted funds from 2013-14 to 2014-15.

3. BASIS FOR RECOMMENDATION:

Staff is requesting this budget amendment to properly match the budget with the actual expenditure of funds and use of the subscription service.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Staff is requesting the re-appropriation of $9,980 in training funds originally budgeted in fiscal year 2013-14 in account 501-10-130.47095_000 "IT Training". As noted above, the subscription for on-line training was ordered in June 2014, but not paid for until August 2014. The subscriptions are good for one year and will expire in June 2015.

5. CITY MANAGER'S COMMENTS:

Recommend approval

6. ENVIRONMENTAL DETERMINATION:

Not applicable

7. ALTERNATIVES

A. No alternative is recommended as this request reflects the proper accounting for this item.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF RE-APPROPRIATING $9,980 TO ACCOUNT NUMBER 501-10-130.47095_000 "IT TRAINING" TO BE FUNDED FROM UNAPPROPRIATED RESERVES IN FUND 501 "INFORMATION TECHNOLOGY"	**RESOLUTION NO. 2015-**

WHEREAS, in the Fiscal Year 2013/14 training budget, the Information Technology department had funds to purchase a subscription service to provide on-line training related to Microsoft and Cisco products; and

WHEREAS, due to time constraints, this subscription was not ordered until the end of June 2014 and was paid for in August 2014; and

WHEREAS, since the subscription is good for one year from the date of purchase, the IT staff will receive the benefit of the subscription during Fiscal Year 2014/15. Therefore the cost of the subscription should be properly accounted for in Fiscal Year 2014/15.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby re-appropriate $9,980 to account number 501-10-130.47095_000 "IT Training" to be funded from unappropriated reserves in Fund 501 "Information Technology". This appropriation is the carryover of unexpended funds from fiscal year 2013-14.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 13th day of January 2015, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____
Kellie Weaver, City Clerk,
City of Turlock, County of Stanislaus,
State of California

5K

Council Synopsis

January 13, 2015

From: Julie Burke, Senior Accountant

Prepared by: Julie Burke, Senior Accountant

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Approving an agreement with Konica Minolta Business Solutions U.S.A., Inc. (KMBS-ECM) to upgrade the LibertyNET document management system to the Hyland OnBase Enterprise Content Management (ECM) Solution

Resolution: Appropriating $14,920 to account number 240-00-00-200.43226 "Document Imaging Conversion" from Fund 240 "Small Equipment Replacement-General Administration" reserve balance to upgrade the LibertyNET document management system to the Hyland OnBase Enterprise Content Management (ECM) Solution and $3,400 to account number 501-10-130.47095_000 "Training-General" from Fund 501 "Information Technology" reserve balance for system administrator training

2. DISCUSSION OF ISSUE:

On May 28, 2002 the City Council approved an agreement with Cook/Arthur, Inc for document imaging services utilizing the LibertyNET document management system. Cook Arthur was acquired by Konica Minolta Business Solutions U.S.A., Inc. in May 2013. Since implementation of the system, it has been widely used for electronic document storage.

In 2008, Hyland Software acquired LibertyNET Solution software and a migration program was put in to place. Konica Minolta Business Solutions (KMBS) will migrate our LibertyNET system to the more robust, feature rich OnBase Enterprise Content Management (ECM) platform. At the end of the migration program, the LibertyNET system will no longer be supported by KMBS.

The OnBase ECM solution will provide a more comprehensive technology platform for implementing our current as well as future information governance initiatives. KMBS has recommended sending our system administrator to the Hyland technical training classes, and the cost of that has been incorporated in to this request.

3. BASIS FOR RECOMMENDATION:

The LibertyNET to Hyland upgrade is designed to allow KMBS Municipal Clients to leverage the Hyland Municipal Software Package bundle through a license exchange. This provides the City of Turlock with software modules we do not currently have at no charge: Status View, Enterprise Document Management (EDM) Services, Desktop Document Imaging and CD Authoring, as well as software discounts and future discounts on the purchase of additional client seats licenses and workflow seats.

Strategic Plan Initiative: B. POLICY INITIATIVE – FISCAL RESPONSIBILITY

Goal(s): c. Ensure the most efficient use of resources and maximize value within department budgets and develop value-added partnerships with public and private agencies, industry, and educational institutions, such as California State University, Stanislaus.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact – Detailed as Follows:

Budget Amendment: Appropriate $14,920 to account number 240-00-00-200.43226 "Document Imaging Conversion" from Fund 240 "Small Equipment Replacement-General Administration" to upgrade the LibertyNET document management system to the Hyland OnBase Enterprise Content Management (ECM) solution and $3,400 to account number 501-10-130.47095_000 "Training-General" from Fund 501 "Information Technology" reserve balance for system administrator training.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION: N/A

7. ALTERNATIVES:

A. Council may deny the migration to the OnBase Enterprise Content Management (ECM) platform. Staff does not recommend this, as our current system (LibertyNET) is being phased out and will no longer be supported.

KONICA MINOLTA

ENTERPRISE CONTENT MANAGEMENT

MASTER SERVICES AGREEMENT

Client's Name:	City of Turlock
Client's Address:	156 South Broadway, Suite 300 Turlock, CA 95380 Attention: Julie Burke
Konica Minolta Business Solutions – ECM Address:	13100 Alondra Blvd, Suite 108 Cerritos, CA 90703 Attention: Les Walker, President

The Master Services Agreement between Konica Minolta Business Solutions U.S.A., Inc., a New York corporation ("***KMBS-ECM***"), and the Client identified above consists of the following:

(1) Exhibit A (General Terms and Conditions) attached to this cover sheet, consisting of 9 pages;
(2) Software Support Services Addendum attached to this cover sheet;
(3) Software Assurance Addendum attached to this cover sheet.

Capitalized terms that are used in the Addendums, Exhibits, Addenda and Scope of Work comprising the Agreement, and not defined therein, shall have the respective meanings given to them in Exhibit A.

CLIENT	**KMBS-ECM, LLC**
Signature: _____	Signature: _____
Print Name & Title: _____	Print Name & Title: Les Walker, President
Date: _____	Date: _____

OK for Agenda

EXHIBIT A

GENERAL TERMS AND CONDITIONS

1. **Definitions**. For purposes of the Agreement, each of the following terms will have the meaning indicated in this Section:

1.1 **Agreement**. "***Agreement***" means, collectively, the cover sheet to which these General Terms and Conditions are attached and the other Exhibits, Addenda and Scope of Work referred to on that cover sheet.

1.2 **Business Hours**. "***Business Hours***" means 8:00 a.m. to 5:00 p.m., Pacific Time, Monday through Friday, excluding Holidays.

1.3 **Client Derivative Work**. "***Client Derivative Work***" means any work based upon any computer software or other work of authorship owned by Client, such as a revision, modification, translation, abridgement, condensation, expansion, or any other form in which such software or other work of authorship may be recast, transformed, or adapted, and that, if prepared without authorization of the owner of the copyright in the software or other work of authorship, would constitute a copyright infringement.

1.4 **Documentation**. "***Documentation***" means electronic on-line material, including user manuals, provided from time to time by SDC for the Software that relate to the functional, operational, or performance characteristics of the Software.

1.5 **Error**. "***Error***" means any defect or condition inherent in the Software that causes the Software to fail to perform in accordance with the then current Documentation provided by the SDC.

1.6 **EULA**. "***EULA***" means each software license agreement under which Client has been granted the right by the applicable SDC to use the Software.

1.7 **Force Majeure Event**. "***Force Majeure Event***" means any event beyond a party's reasonable control, such as, but not limited to, inability to obtain materials or labor, inability to obtain any required governmental approval or consent, any act of God, riot, war, civil unrest, flood, fire or earthquake (but excluding failure caused by a party's financial condition or negligence).

1.8 **Holidays**. "***Holidays***" means Saturday, Sunday and any other day on which banks in the State of California are authorized to be closed.

1.9 **SDC**. "***SDC***" means each software development company or other licensor that has granted to Client the right to use the Software.

1.10 **Services**. "***Services***" means Software Assurance Services, Software Support Services and Professional Services.

1.11 **Software**. "***Software***" means (1) the current released version of the computer software licensed by Licensee from time to time under the EULA (the initial list of which is included on Exhibit A in the Software Assurance Agreement), and (2) at any time after KMBS-ECM has delivered to Licensee a new version of such computer software as an Upgrade and Enhancement under this Agreement, the released version of such computer software last released prior to the current released version; provided, that the Software will not include any prior released version of such computer software that has been superseded for more than two (2) years (as determined from the date that SDC first announced publicly, through its web site or otherwise, the general release of the next later version of such computer software) by any later released version of such computer software.

1.12 Software Assurance Services. "***Software Assurance Services***" means assistance in the correction of Errors encountered by Client related specifically to bugs or enhancements to the software, and delivery to Client (but not installation) of Upgrades and Enhancements.]

1.13 Software Support Services. "***Software Support Services***" means services (other than Software Assurance Services) to assist Client in the use of the Software, including assistance in resolving problems encountered by Client in the use of the Software, installation of Upgrades and Enhancements, responding to Client's questions regarding the use of the Software, and assisting Client in augmenting its use of the Software, by, for example, adding new document types, applications, or indexing capabilities. Software Support Services do not include any alteration, modification or reconfiguration of the Software.]

1.14 Scope of Work. "***Scope of Work***" means a written statement signed by Client and KMBS-ECM that refers to this Agreement, describes Professional Services to be performed by KMBS-ECM and the fee arrangements applicable to those services.

1.15 Test Period. "***Test Period***" has the meaning stated in Section 2.4 below.

1.16 Person. "***Person***" means any individual, corporation, partnership, limited liability company, joint venture, association, trust, or unincorporated organization.

1.17 Professional Services. "***Professional Services***" means all services provided by KMBS-ECM to Client under any Scope of Work.

1.18 Upgrades and Enhancements. "***Upgrades and Enhancements***" means all new versions, improvements, modifications, upgrades, updates, and additions to the Software that SDC commercially releases to its end users generally to correct deficiencies or enhance the capabilities of the Software; provided, however, that the foregoing will not include new, separate product offerings, new modules, re-platformed Software, or new functionality.

1.19 Work Product. "***Work Product***" has the meaning stated in Section 6.3 below.

2. Professional Services to be Provided.

2.1 Scope of Work. All Professional Services performed by KMBS-ECM under this Agreement will be documented in Scope of Work signed from time to time by authorized representatives of both parties. KMBS-ECM will have the right to accept or decline any proposed Scope of Work. KMBS-ECM will be paid for Professional Services, and reimbursed for expenses related thereto, in accordance with the terms contained in each individual Scope of Work. KMBS-ECM will provide, in a workman-like manner, all Professional Services that are identified on Scope of Work agreed to from time to time by KMBS-ECM and Client.

2.2 Changes in Scope. Client or KMBS-ECM may, from time to time, request a change to the scope of the Professional Services to be rendered in a Scope of Work, in accordance with this Section. If such a change is requested by either party, KMBS-ECM will inform Client in writing if such change would result in a change in fees or other costs to Client, if such change would result in a change in the implementation schedule for the Professional Services to be performed that are already included within the scope of the applicable Scope of Work and any other material impact such change could reasonably be expected to have on the Professional Services. KMBS-ECM will use commercially reasonable efforts to minimize any additional costs and expenses associated with a request. Except as may otherwise be provided in any Scope of Work, no change requested by a party will be effective until agreed to in writing by the other party. All agreed upon changes in the scope of the Professional Services to be rendered in a Scope of Work will be set forth in a written exhibit signed by both parties which will become a part of the applicable Scope of Work and thereby expressly incorporated by reference herein and therein. After any such effective change to a Scope of Work, references to such Scope of Work will be deemed to refer to such Scope of Work, as amended to give effect to such change.

2.3 **Progress Reports & Meetings**. KMBS-ECM will report to Client the progress of performing the Professional Services, including meeting any milestones, and completing the tasks for the Professional Services. Unless otherwise agreed by the parties in writing, such progress reports will be prepared at monthly intervals and include a reasonably detailed summary of accomplishments, difficulties, potential or actual slippage in meeting deadlines, completion of budgeted tasks, hours worked by KMBS-ECM , tasks in progress and any non-compliance by KMBS-ECM or Client of the terms of the applicable Scope of Work. KMBS-ECM or Client may propose meetings as necessary and at reasonable intervals to discuss progress on completing the Professional Services. Each of KMBS-ECM and Client will use commercially reasonable efforts to prepare for and attend each meeting at the agreed upon time and location.

2.4 **Acceptance of Deliverables**. Upon delivery by KMBS-ECM of a deliverable to Client required by a Scope of Work, Client will have thirty (30) days from the date of receipt of the deliverable (or such longer period as may be set forth in the applicable Scope of Work) to evaluate, review and test such deliverable ("***Test Period***") in accordance with the specifications and test criteria set forth in the applicable Scope of Work. In the event that Client believes that a deliverable does not conform in any material respect to the specifications or the test criteria set forth in the applicable Scope of Work, then Client will notify KMBS-ECM in writing within the Test Period setting forth in reasonable detail the reason or reasons why Client believes that such deliverable does not conform. Client will identify all non-conformities of each deliverable within a single written notice of rejection, unless non-conformity prevents Client from evaluating, reviewing and testing the entire deliverable. Client may reject a deliverable only for its failure materially to conform to either the specifications or test criteria set forth in the applicable Scope of Work. Further, if KMBS-ECM has not received a written notice of rejection of a deliverable within the Test Period, then such Deliverable will be deemed to be accepted by Client. If Client delivers to KMBS-ECM written notice of rejection of a deliverable within the Test Period, then KMBS-ECM will have thirty (30) days from the date of receipt of a written notice of rejection to either (a) correct the non-conformities that Client identifies in the written notice, or (b) develop a plan mutually agreeable to Client and KMBS-ECM to correct the non-conformities that Client identified in the written notice within a period of time agreed to by the parties in the plan, but in no event will such period of time be less than thirty (30) days. KMBS-ECM will use commercially reasonable efforts to correct such non-conformities and, upon correction, KMBS-ECM will resubmit the corrected deliverable to Client for evaluation, review, and testing and the procedure set forth above will be repeated. Such procedure will continue until the earlier of (i) the expiration of the Test Period without delivery of a written notice of rejection by Client, or (ii) the date written notice of acceptance is delivered to KMBS-ECM by Client.

3. **Place of Work; Access**. KMBS-ECM will determine the place at which the Services will be performed. In the event that KMBS-ECM notifies Client that any of the Services are to be performed at a facility of Client, Client will provide access by KMBS-ECM personnel to each such facility and all relevant systems, equipment, data, documentation and Client personnel during Client's normal business hours, as well as suitable working space. If requested by KMBS-ECM, Client will also provide to KMBS-ECM personnel remote access to Client's system or a hosting vendor's system via a collaborative tool such as gotomeeting.com. KMBS-ECM will comply with any and all security measures instituted or required by Client with respect to such access, which may include restricting access to confidential or proprietary systems or information.

4. **Term and Termination**.

4.1 **Term**. This Agreement will become effective on the date that it is signed by the last to sign of KMBS-ECM or Client, as indicated on the cover sheet to which these General Terms and Conditions are attached, and will continue in effect through the completion or termination of all Scope of Work and Addenda.

4.2 **Termination**. Any Scope of Work or Addendum may be terminated as follows:

(a) Client may terminate any Scope of Work, effective forty-eight (48) hours after written notice of such termination is given by Client to KMBS-ECM.

(b) Client may terminate any Addendum as provided in such Addendum.

(c) In the event that either Client or KMBS-ECM materially breaches any of its obligations or covenants under this Agreement or any Scope of Work or Addendum, the other party may terminate the affected Scope of Work or Addendum, as applicable, by not less than (10) days prior written notice given to the breaching party, if the breach complained of is not cured within such ten (10) day period.

4.3 **Obligations Upon Termination**. Upon termination of any Scope of Work, KMBS-ECM will promptly advise Client in writing of the extent to which performance has been completed under the terminated Scope of Work to the date of termination, and will promptly assemble and deliver to Client whatever materials then exists relating to the terminated Scope of Work, against payment to KMBS-ECM of all amounts owed to it with respect to the terminated Scope of Work through the date of termination. Upon the termination of any Addendum, Client and KMBS-ECM will have the rights and obligations stated in such Addendum.

4.4 **Effect of Termination**. Termination or expiration of this Agreement will not affect any obligation incurred by either party prior to such termination or expiration. In the event of any termination or expiration of this Agreement, this Section 4.4, and Sections 4.3, 6, 7, 8, 9 and 11 of this Agreement will survive and continue in effect. Termination of any particular Scope of Work or Addendum will not relieve either party of any obligations that have accrued with respect to that Scope of Work or Addendum prior to the date of termination.

5. Compensation.

5.1 **Fees Payable to KMBS-ECM.** The fees to be paid by Client to KMBS-ECM pursuant to each Scope of Work or Addendum, and the terms of payment, will be set forth in that Scope of Work or Addendum. If not explicitly stated, payment terms are Net 30 Days from the date of the invoice.

5.2 **Currency**. Client's payments will be made in U.S. dollars.

5.3 **Estimates**. Estimates of total fees for projects may be provided in a Scope of Work, but KMBS-ECM does not guarantee such estimates. KMBS-ECM will, however, notify Client as soon as possible if it will exceed the estimate, and Client may thereupon terminate the Scope of Work, effective forty-eight (48) hours after written notice of such termination is given by Client to KMBS-ECM, and pay only for services actually rendered and expenses actually incurred to the date of termination.

5.4 **Expenses**. Client will reimburse KMBS-ECM for all reasonable expenses incurred by KMBS-ECM in connection with the performance of Services under this Agreement, including but not limited to long-distance phone charges, courier fees, and travel expenses (such as airfare, car rental, lodging and meals). All travel outside of a 40 mile radius of KMBS-ECM's corporate office in Cerritos, California will be subject to a travel charge. Applicable travel charges will be based on the standard hourly rate or the applicable prepaid block rate for one-way travel to the Client's service location.

5.5 **Taxes**. All amounts specified on any Scope of Work or Addendum, unless otherwise stated on the Scope of Work or Addendum, are exclusive of all taxes and similar fees now in force or enacted in the future imposed on the delivery by KMBS-ECM to Client of any Services or software, all of which Client will be responsible for and will pay in full, except for taxes based on KMBS-ECM's net income.

5.6 **Disputes**. If either party disputes the accuracy or applicability of a fee, charge or credit, such party shall notify the other party of such dispute as soon as practicable after the discrepancy has been discovered. The parties shall investigate and seek to resolve the dispute in good faith. If the parties are not able to resolve the dispute within thirty (15) days after receipt of notice of a disputed item, either party may exercise any rights and remedies it may have under this Agreement, the applicable Scope of Work and applicable law. Any undisputed amounts in an invoice containing a disputed charge shall be paid by Client and any undisputed credit amounts shall be promptly credited by KMBS-ECM. Unpaid monies and

unapplied credit amounts that are in dispute pursuant to this section will not be considered a basis for monetary default under this Agreement during the period in which the resolution of the dispute is in progress.

5.7 Interest on Past Due Amounts. Any amount owed by Client under any Scope of Work or Addendum which is not paid when due will bear interest at a rate equal to the lower of (a) 12% per annum, or (b) the maximum rate permitted by applicable law.

5.8 Ceased Work due to Past Due Amounts. If Client defaults in paying specified amounts due, and that default continues for at least 15 calendar days after the due date, KMBS-ECM will make a reasonable effort to collect the past due amount. If payment is still not received, KMBS-ECM has the right to cease to provide any Software Assurance Services, Support Services, work related to an SOW and Upgrades and Enhancements to Client unless and until the default, and all other amounts owed by Client under this Agreement, is paid in full. This remedy is in addition to any other remedies that KMBS-ECM has in law or in equity.

6. Confidential Information; Intellectual Property Rights.

6.1 Nondisclosure of Confidential Information. Each party acknowledges that it will have access to certain confidential information of the other party, including but not limited to confidential information concerning the other party's business, plans, customers, technology, and products, and other information held in confidence by the other party ("**Confidential Information**"). Confidential Information will include all information in tangible or intangible form that is marked or designated as confidential or that, under the circumstances of its disclosure, should reasonably be considered confidential. Confidential Information will also include, but not be limited to, Work Product (as defined below), and the terms and conditions of this Agreement. Each party agrees that it will not use in any way, for its own benefit or the benefit of any third party, except as expressly permitted by, or required to achieve the purposes of, this Agreement, nor disclose to any third party (except as required by law or to that party's attorneys, accountants and other advisors as reasonably necessary), any of the other party's Confidential Information, and will take commercially reasonable precautions to protect the confidentiality of such information, but in any event, precautions at least as stringent as it takes to protect its own Confidential Information. Notwithstanding anything to the contrary in this Section 6.1, either party may disclose information that would otherwise be deemed Confidential hereunder if such disclosure is made pursuant to an applicable law, regulation or resolution of any governmental entity having jurisdiction over the matter."

6.2 Exceptions. Information will not be deemed Confidential Information if such information: (a) is known to the receiving party prior to receipt from the disclosing party; (b) becomes known (independently of disclosure by the disclosing party) to the receiving party directly or indirectly from a source other than one having an obligation of confidentiality to the disclosing party; (c) becomes publicly known or otherwise ceases to be secret or confidential, except through a breach of this Agreement by the receiving party; or (d) is independently developed by the receiving party. The receiving party may disclose Confidential Information pursuant to the requirements of a governmental agency or applicable law, provided that it gives the disclosing party reasonable prior written notice sufficient to permit the disclosing party to contest such disclosure.

6.3 Ownership of Work Product. All copyrights, patents, trade secrets, or other intellectual property rights associated with any ideas, concepts, techniques, inventions, processes, or works of authorship conceived, developed or created by KMBS-ECM or its personnel during the course of performing Services for Client and/or embodied in any software, documentation or other item delivered by KMBS-ECM to Client (other than third party software and/or documentation that is expressly licensed to Client and other than any Client Derivative Work), whether conceived, developed and/or written before or after the date of this Agreement (collectively, the "***Work Product***"), will belong exclusively to KMBS-ECM , and any and all right, title and interest that Client might have in any and all Work Product is hereby assigned by Client to KMBS-ECM . The rights confirmed in KMBS-ECM include, but are not limited to (a) all intellectual property rights owned or claimed by Client embodied in the Work Product, or any portion of

the Work Product; and (b) all rights held by a copyright holder under applicable law. Upon request of KMBS-ECM, Client will take such further actions, and will cause its personnel to take such further actions, including execution and delivery of instruments of conveyance, as may be appropriate to further document or effectuate the foregoing.

7. Hiring of Employees. Client acknowledges that it would receive substantial value and that KMBS-ECM would be deprived of the benefits of its work force if Client were to hire any of KMBS-ECM's employees or consultants. Accordingly, for a period to commence at the execution of this Agreement and to end twelve (12) months after termination of this Agreement, Client will not solicit or hire any person who is then (or was within the preceding twelve months) an employee of or consultant to KMBS-ECM . It is further acknowledged that any breach of this Section would result in injury to KMBS-ECM that would be difficult or impossible to accurately ascertain. Therefore, because of the impossibility of ascertaining actual damages, it is agreed that in the event of a breach of any provision of this Section by Client, it will pay to KMBS-ECM with respect to each such breach the sum of Fifty Thousand Dollars ($50,000) as liquidated damages and not as a penalty. The parties agree that the amount of liquidated damages specified herein represents a reasonable approximation of the damages that would be incurred by KMBS-ECM as a result of a breach of this Section.

8. Indemnification.

8.1 KMBS-ECM will indemnify, defend and hold harmless Client, its officers, directors, and employees from and against any and all losses, costs, fees (including reasonable external attorneys' fees) to the extent based upon a third party claim that: (i) arises out of the negligence or misconduct of KMBS-ECM ; or (ii) breach of this Agreement.

8.2 Client will indemnify, defend and hold harmless KMBS-ECM , its officers, directors, and employees from and against any and all losses, costs, fees (including reasonable external attorneys' fees) to the extent based upon a third party claim that: (i) arises out of the negligence or misconduct of Client; or (ii) breach of this Agreement.

8.3 Indemnification Procedures. The party seeking indemnification must promptly notify the other in writing of a claim; provided, however, that failure to provide such notice shall not relieve the indemnifying party from its liability or obligation hereunder, except to the extent of any material prejudice as a direct result of such failure. The indemnifying party shall have no obligation to indemnify the indemnified party under any settlement made without the indemnifying party's written consent.

9. Limitation of Liability.

9.1 Limitation. EXCEPT FOR (A) A PARTY'S INDEMNITY OBLIGATIONS WITH RESPECT TO THIRD PARTY CLAIMS PURSUANT TO SECTION 7 OR (B) CLAIMS ARISING OUT OF A PARTY'S BREACH OF CONFIDENTIALITY OBLIGATIONS UNDER SECTION 6.1,THE AGGREGATE LIABILITY OF EITHER PARTY ARISING OUT OF OR RELATED TO THIS AGREEMENT, THE BREACH OF THIS AGREEMENT BY A PARTY, AND/OR THE PERFORMANCE OR NON-PERFORMANCE BY A PARTY OF ANY OBLIGATIONS CONTEMPLATED BY THIS AGREEMENT, WHETHER ARISING OUT OF BREACH OF CONTRACT, NEGLIGENCE, STRICT LIABILITY IN TORT, OR ANY OTHER CAUSE OF ACTION, SHALL NOT EXCEED THE TOTAL FEES PAID OR PAYABLE BY CLIENT TO KMBS-ECM PURSUANT TO THIS MASTER SERVICES AGREEMENT. FURTHER, IN NO EVENT SHALL EITHER PARTY BE LIABLE TO THE OTHER FOR ANY LOSS OF PROFITS, BUSINESS INTERRUPTION, OR ANY INCIDENTAL, SPECIAL, EXEMPLARY OR CONSEQUENTIAL DAMAGES, EVEN IF SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. WITHOUT LIMITING THE FOREGOING, KMBS-ECM SHALL HAVE NO LIABILITY FOR LOSS OF DATA, IT BEING UNDERSTOOD THAT CLIENT SHALL BE RESPONSIBLE FOR ALL NECESSARY BACKUP PRECAUTIONS UNLESS CAUSED BY KMBS-ECM 'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

9.2 Client Obligations re Operation of the Software. Client acknowledges and agrees that it is solely responsible for the day-to-day operation, supervision, management and control of the Software, including, but not limited to, providing training for its personnel, instituting appropriate security procedures

and implementing reasonable procedures to examine and verify all output before use. In addition, and except to the extent caused by the gross negligence or willful misconduct of KMBS-ECM, Client is solely responsible for its data, its database, and for maintaining suitable backups of the data and database to prevent data loss if hardware or software malfunctions. Except to the extent caused by the gross negligence or willful misconduct of KMBS-ECM, KMBS-ECM will have no responsibility or liability for Client's selection or use of any hardware, systems, the Software or any other third party software.

9.3 **Basis of Bargain**. Client acknowledges that KMBS-ECM has set its fees and entered into this Agreement in reliance on the limitations of liability and damages and disclaimers of warranties set forth in this Agreement and that the same form an essential basis of the bargain between KMBS-ECM and Client.

10. **Disclaimer of Warranties**. Except as expressly stated in Section 2.1 above, KMBS-ECM makes no warranties whatsoever concerning the Services to be provided by it to Client. KMBS-ECM makes no warranties whatsoever regarding the Software. Any warranty pertaining to the Software is as provided by the SDC of that Software. Accordingly, in the event of any defect in the Software, Client's remedies will be solely against the applicable SDC. EXCEPT AS EXPRESSLY STATED IN THIS AGREEMENT, KMBS-ECM DOES NOT MAKE, AND HEREBY DISCLAIMS, ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, PERTAINING TO THE SERVICES PROVIDED BY IT TO CLIENT, OR ANY SOFTWARE PROVIDED BY KMBS-ECM TO CLIENT, INCLUDING BUT NOT LIMITED TO ANY AND ALL WARRANTIES OF MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE.

11. **Force Majeure**. If either party is prevented from performing any of its obligations under this Agreement, except the payment of money, because of a Force Majeure Event, the affected party will be excused from performance for the duration of the Force Majeure Event; provided that the party whose performance has been impaired by the Force Majeure Event (a) promptly notifies the other party of the existence and nature of the Force Majeure Event and its anticipated effect on the performance of the notifying party under this Agreement; (b) promptly undertakes and thereafter diligently pursues any commercially reasonable action necessary to remove the effect of the Force Majeure Event, to the extent that the Force Majeure Event in question is of a nature such that its effects may be remedied by commercially reasonable action; and (c) keeps the other party informed during the duration of such Force Majeure Event of all facts pertaining thereto, including but not limited to the progress of the notifying party in remedying the same, if applicable.

12. **Miscellaneous**.

12.1 **Governing Law**. This Agreement will be construed in accordance with, and governed by, the laws of the State of California, without giving effect to any choice of law doctrine that would cause the law of any other jurisdiction to apply.

12.2 **Entire Agreement**. This Agreement (including any Scope of Work hereafter signed by the parties) embodies the entire agreement and understanding of the parties hereto with respect to the subject matter hereof. No representation, promise, inducement, or statement of intention has been made by any party hereto that is not embodied in this Agreement (including any Scope of Work hereafter signed by the parties), and no party will be bound or liable for any alleged representation, promise, inducement or statement not so set forth in this Agreement (including any Scope of Work hereafter signed by the parties). Terms and conditions set forth in any purchase order, or any other form or document of Client, which are inconsistent with, or in addition to, the terms and conditions set forth in this Agreement, are hereby objected to and rejected in their entirety, regardless of when received, without further action or notification by KMBS-ECM, and will not be considered binding on KMBS-ECM unless specifically agreed to in writing by it.

12.3 **No Waiver**. No waiver by either party of any breach or default of any of the covenants or agreements contained in this Agreement will be deemed a waiver as to any subsequent or similar breach or default. No right or remedy granted by this Agreement upon either party is exclusive of any other right or remedy granted by this Agreement or by law or in equity provided or permitted.

12.4 Notice. All notices, requests, demands, and other communications required or permitted to be given under this Agreement will be in writing and will be conclusively deemed to have been duly given (a) when hand delivered to the other party; or (b) three business days after the same have been deposited in a United States post office with certified or registered mail return receipt requested postage prepaid and addressed to the parties as set forth on the cover page of this Agreement; or (c) the next business day after the same have been deposited with a national overnight delivery service reasonably approved by the parties (Federal Express and DHL WorldWide Express being deemed approved by the parties), postage prepaid, addressed to the parties as set forth on the cover page of this Agreement with next-business-day delivery guaranteed, provided that the sending party receives a confirmation of delivery from the delivery service provider. Each party will make an ordinary, good faith effort to ensure that it will accept or receive notices that are given in accordance with this Section, and that any person to be given notice actually receives such notice. A party may change the address of such party for purposes of this Section by giving the other party written notice of the new address in the manner set forth above.

12.5 Rules of Construction. In this Agreement, unless the context otherwise requires, words in the singular include the plural and in the plural include the singular, and words of the masculine gender include the feminine and the neuter, and when the sense so indicates words of the neuter gender may refer to any gender. The word "include" and its derivatives shall not imply any limitation to the items listed thereafter.

12.6 Headings. The captions and other headings contained in this Agreement are for convenience only and shall not be considered a part of or affect the construction and interpretation of any provision of this Agreement.

12.7 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same document.

12.8 Amendment. No amendment, modification, or supplement to this Agreement will be binding unless it is in writing and signed by the party sought to be bound thereby.

12.9 Attorneys' Fees. If any party to this Agreement brings any action, suit, counterclaim, appeal, arbitration, or mediation for any relief against any other party to this Agreement, declaratory or otherwise, to enforce the terms hereof or to declare rights hereunder (collectively, an "***Action***"), the non-prevailing party will pay to the other party a reasonable sum for attorneys' fees, expert witness fees and costs reasonably and actually incurred in bringing and prosecuting or defending such Action and/or enforcing any judgment, order, ruling, or award granted therein.

12.10 Arbitration. All disputes under this Agreement will be solely and exclusively resolved by arbitration through the American Arbitration Association – Commercial Division in Orange County, California using a single neutral arbitrator with experience in similar disputes. Such arbitration will be final, binding and non-appealable to any court or forum, and will be conducted under the rules of the American Arbitration Association – Commercial Division, and judgment may be entered on the award of the arbitrator in any court of competent jurisdiction. The arbitrator will hold a hearing within six (6) months after the arbitration is filed, and will render a determination within forty-five (45) days after a hearing, accompanied by a concise written opinion giving the reasons for the arbitrator's determination. Interest will accrue on any award in an amount determined by the arbitrator. Provided, however, nothing shall limit, modify or affect either party's right to seek injunctive relief in a court of competent jurisdiction without first resorting to arbitration. Further provided, however, either party's pursuit of or obtaining injunctive relief in court (versus arbitration) shall not waive, limit, modify or affect in any way its right to arbitration, or its right to monetary damages for such breach.

12.11 Binding Effect; Assignment. This Agreement is binding upon and inures to the benefit of KMBS-ECM and Client and their respective successors and assigns, except that Client does not have the right to assign or delegate its rights or obligations under this Agreement.

12.12 General Interpretation. The language used in this Agreement shall be deemed to be the language chosen by the parties hereto to express their mutual intent. This Agreement shall be construed without regard to any presumption or rule requiring construction against the party causing such instrument or any portion thereof to be drafted, or in favor of the party receiving a particular benefit under the Agreement. No rule of strict construction will be applied against any person or entity.

12.13 Time of the Essence. Time is of the essence of this Agreement with respect to each and every provision of this Agreement in which time is a factor.

KONICA MINOLTA

ENTERPRISE CONTENT MANAGEMENT

Software Support Agreement
Addendum to Master Services Agreement

RECITAL:

WHEREAS, KMBS-ECM is an authorized solution provider of Software and has marketed and resold to Client certain software modules of Software and Software is covered under a Software Assurance agreement;

WHEREAS, Client has licensed the specified software from Software pursuant to the terms of an End User License Agreement (as the same may be amended or modified from time to time, the "EULA"); and

WHEREAS, Client desires to have KMBS-ECM provide Professional Services or general support services (including without limitation consulting services, installation services, integration services, configuration services, custom development, and/or project management) to Client in accordance with the terms of this Agreement and the applicable Request for Services (as hereinafter defined).; and

WHEREAS, Client has a fully executed Master Services agreement with KMBS-ECM.

NOW, THEREFORE, the parties mutually agree as follows:

1. **GENERAL SERVICES.**

1.1. **Requests for Services**. Pursuant to and in accordance with the terms of this Agreement, Client or KMBS-ECM may, from time to time, initiate a Request for Services with specific reference to this Agreement, and provide a copy of the same to the other party hereto. The term "Request for Services" means a request for Services, in the form of written, telephone or email, setting forth a detailed description of the Services being requested, including, but not limited to, the scope, goals and objectives of the Services, a timeline for completion of the Services. Request for Service can be emailed to ecm.support@kmbs.konicaminolta.us. Each party hereto may initiate or accept a Request for Services in such party's sole and absolute discretion, it being understood and agreed that the entering into of this Agreement does not create any commitment by either party hereto to accept a Request for Services.

1.2. **Availability of Services.** KMBS-ECM will provide Services during Business Hours. Client understands that KMBS-ECM will first attempt to resolve any problem by telephone. At the time of the call, KMBS-ECM will notify Client in the case of a billable call, such as after-hours support.

KMBS-ECM will next attempt to resolve the problem remotely. KMBS-ECM will provide on-site Support Services after telephone and remote support have not resolved the problem.

1.3. **KMBS-ECM Access**. In order for KMBS-ECM and SDC to provide Support Services, access to the supported software will be via a collaborative tool such as gotomeeting.com. KMBS-ECM shall comply with any and all security measures instituted or required by Client with respect to such access, which may include restricting access to confidential or proprietary systems or information.

1.4. **Support and Professional Services.**

1.4.1. **Help Desk Support.** Remote support can be provided via the KMBS-ECM Help Desk. The Help Desk can be reached at (800) 811-4071, or ecm.support@kmbs.konicaminolta.us. For more details about Help Desk support, please refer to Exhibit A in this agreement.

1.4.2. **Remote Services**. In the case where required services are beyond the scope of the services provided by the KMBS-ECM Help Disk, the request for services is forwarded to one of the KMBS-ECM System Engineers.

1.4.3. **On-Site Services**. Upon Client providing remote access and a reasonable request following KMBS-ECM's reasonable efforts to resolve the problems by telephone or remotely, KMBS-ECM will provide on-site Support Services at Client's facilities. On-site Support Services will commence as soon as feasible after KMBS-ECM receives Request for Service, but in no event more than two business days after KMBS-ECM's receipt of the Error Report.

1.4.4. **After Hours Emergency Support.** If Client experiences an emergency situation outside of normal hours classified as either Level 1 or Level II in Section 1.5, Client can request service by sending an email to ecm.support@kmbs.konicaminolta.us. If client does not receive a return call within time limits set in 1.5, please call (562) 256-5342 and if no answer (818) 437-7015 to expedite the support call.

1.5. RESPONSE TIME. Response time is determined *only* after the problem has been properly received through the KMBS-ECM's error reporting procedure and categorized into one of three levels:

1.5.1. **Level I**: Complete system failure and/or critical business function failure shall dictate a response time within one working hour.

1.5.2. **Level II**: No system failure, but Client's users are unable to access or execute critical system functions. KMBS-ECM will respond to Client within four working hours and use best efforts to restore.

1.5.3. **Level III**: Application not performing per documentation but Client's user can perform basic job functions with alternate procedures. KMBS-ECM will respond within one working day and will provide fixes within a reasonable time and Client will be informed when fixes will be provided.

1.6. **Working with Third Party Providers**. Upon Client request, KMBS-ECM will work directly with third party providers of hardware or software to resolve issues where the cause has yet to be determined.

2. **KMBS-ECM Responsibilities**. KMBS-ECM shall perform, in accordance with the terms of the Master Services Agreement and this Agreement hereof and thereof, the Services required of it as set forth in each Request for Services.

3. **Client Responsibilities**. Client shall perform, in accordance with the terms hereof, the tasks and obligations required of it as set forth in each Request for Services or Scope of Work. Except to the extent provided in the applicable Request for Services, failure of Client to perform in a timely manner the tasks and obligations required to support the Services in a Request for Services may result in (i) a corresponding delay in the schedule for performance of the Services or (ii) in the event of failure to pay, the termination of the applicable Binding Request for Services or this Agreement in its entirety, provided that KMBS-ECM has given Client not less than thirty (30) days' prior written notice of such failure and an opportunity to cure.

4. **Fees and Payment**. Unless otherwise agreed, all Requests for Services will be billed based on the most current KMBS-ECM fee schedule. The attached Exhibit B summarizes the current professional services fee structure as of October 1, 2013.

EXHIBIT A

Help Desk & Training Requirements

As set forth in this exhibit, it is agreed that a minimum of one trained ECM System Administrator will be maintained by the Client and will be the primary contact to the KMBS-ECM Help Desk. If at any time the ECM System Administrator is no longer an employee of the Client or their duties no longer include support of the ECM system, Help Desk support will be billable until such time as the training requirement has been met by the new ECM System Administrator.

As of the date of this document and given the training requirements summarized below, KMBS-ECM and Client agree that:

- ☐ All required training has been completed.
- ☒ The required training will be completed within 90 days of Go-Live
- ☐ Training is waived – Due to the exhibited knowledge level of the ECM System Administrator.

TRAINING REQUIREMENTS

Class Name	Status	Completion Date

Inclusive Components:
Help Desk Support: We hereby provide Client with telephone help desk support to those **certified by the Software Development Companies or by KMBS-ECM**. Help Desk Support extends to questions relating to features, functionality, troubleshooting, errors, bugs and general subjects and issues that the certified system administrator is working with that may be affecting end-users.

Non-Inclusive Components:
Upgrades, database related issues, scripting, custom programs, integration to host applications, enhancements, topics related to new projects, consulting, training, reconfigurations, on-site support, end-user calls or calls from non-certified individuals are not included in Help Desk Support. KMBS-ECM provides an avenue for these items to be funded through (a) Prepaid Block Agreement or (b) on a time and materials basis. Prepaid Blocks are purchased and used under the terms set forth the Master Services Agreement.

If it is determined that the Help Desk privilege is being used excessively, KMBS-ECM will meet with the Client and determine a course of action that may require additional training, on-site services or dissolution of the Unlimited Help Desk Agreement.

EXHIBIT B

Professional Services Rate Schedule
And Prepaid Block Agreement

Scope of work summary: KMBS-ECM shall provide professional services under the direction of the licensee on an as needed basis at the rates stated below. Licensee directs KMBS-ECM to perform tasks such as work with or train uncertified individuals; in addition to designing, consulting, integrating, or customizing the software configuration.

KMBS-ECM will provide estimates based on tasks defined by either or the Scope of Work or Functional Specification Design documents prior to engaging in the work and keep Licensee well informed. If a task expands and licensee depletes the bank of hours within the block agreement they can option to purchase an additional block or be billed on a per hour basis at the prevailing standard rate.

Professional services block hours do not include travel or per-diem expenses if KMBS-ECM is to travel to outlying facilities for training or setup requirements. KMBS-ECM will keep accurate accounting and be a "good steward" of the block hours pre-purchased. Hours purchased as part of the Prepaid Block Hours program.

Scope	Description	Quantity	Unit Detail	Amount	Ave Rate
Time and Material Billing					
On-Site Hour	Standard Rate	1 Hour	Minimum 2	$370.00	$185
Phone Support	Minimum fee for phone support	1 Call	15 minimum	$46.25	$185
After Hours	After Hours Support	1 Hour	Minimum 2 hrs	630.00	$315
Development	Development, API & Integration*	1 Hour	Minimum 1 hrs	185.00	$185
Prepaid Block Agreements*					
25-H	25 Hour Block (pre-purchased)		hours	$4,625	$185
50-H	50 Hour Block (pre-purchased)		hours	$9,250	$185
100-H	100 Hour Block (pre-purchased)		hours	$18,500	$185

***Custom Development, API & Integration Services:** Custom development and integration services are billed individually at a fixed Rate of $250.00 per hour, and are not subject to the above Prepaid Hours Block Agreements.

Payment Terms: Terms for payment of invoices is Net 30 days, and Invoices will be submitted as work progresses. Prepaid Blocks must be purchased and paid for in advance of the engagement. Overdue invoices will be charged a late payments fee of 1.5% per month. We reserve the right to terminate all work if any invoices are more than 15 days past due.

KONICA MINOLTA

ENTERPRISE CONTENT MANAGEMENT

Software Assurance Agreement
Addendum to Master Services Agreement

RECITAL:

WHEREAS, KMBS-ECM is an authorized solution provider of Software and has marketed and resold to Client certain software modules of Software;

WHEREAS, Client has licensed the specified software (provided in Exhibit A) from Software pursuant to the terms of an End User License Agreement (as the same may be amended or modified from time to time, the "EULA"); and

WHEREAS, Client desires to obtain, and KMBS-ECM is willing to provide, maintenance and technical support services for the specified Software and the delivery of generally released upgrades and enhancements with respect to such software from Software; and

WHEREAS, Client has a fully executed Master Services agreement with KMBS-ECM.

NOW, THEREFORE, the parties mutually agree as follows:

1. **Software Assurance Services.**
   1.1. **Generally**. KMBS-ECM shall: (1) use its commercially reasonable efforts to correct any properly reported Error(s) in the Software reported in accordance with KMBS-ECM's current policies for the reporting of Errors, and which are confirmed by Software, in the exercise of its commercially reasonable judgment; (2) use its commercially reasonable efforts to correct any properly reported defect(s) (non-conformity to functional specifications mutually agreed upon by KMBS-ECM and Client) in any configurations of the Workflow or WorkView modules of the Software that are created by KMBS-ECM or any integrations of the Software with other applications, software or hardware that are configured or created by KMBS-ECM, which are confirmed by KMBS-ECM, in the exercise of its commercially reasonable judgment; and (3) upon the request of Client, provide technical support and assistance and advice related to the operation and use of the Software by Client, or any problems with any of the foregoing. Client's report must include updated information on its installed version of the Software and information reasonably necessary to describe the circumstances under which the reported Error is manifest. KMBS-ECM shall undertake to report to Software for confirmation any reported Errors promptly after receipt of proper notice from Client. KMBS-ECM shall undertake to confirm any reported

defect(s) described in clause (2) above promptly after receipt of proper notice from Client in accordance with KMBS-ECM's current defect reporting procedures. KMBS-ECM shall perform services in an effort to correct confirmed Errors in the Software or defects in configurations or integrations created by KMBS-ECM promptly after making such confirmation. Software Assurance Services generally will be available during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays, or as otherwise provided by KMBS-ECM to its end users purchasing continuing Software Assurance Services in the normal course of its business, by on-line connectivity, telephonically or both.

1.2. **After-Hours Support**. Should Client experience an emergency situation outside of normal hours, Client may contact KMBS-ECM 24 hours per day, 7 days per week, by calling KMBS-ECM's after-hours phone number of (562) 256-5342 or if no answer (818) 437-7015. KMBS-ECM's designated support engineer on call will contact Client regarding the emergency situation within a reasonable time (usually not more than 2 hours) after the page. KMBS-ECM reserves the right to notify Client that it is making unauthorized (i.e., not in an emergency situation) or excessive use of after-hours Software Assurance Services and to terminate the provision of such Services thereafter, unless Client pays KMBS-ECM for such continued after-hours Services at the rate of $315.00 per hour (with a minimum charge of one hour per call). An emergency situation is as the occurrence of an Error that causes Client's business to be materially interrupted and the Error has prevented, in a material respect, any access to or use of the Software by Client in its production environment. Client shall be informed at the time of a call if such call is considered an unauthorized or excessive use call and Client shall have the opportunity to terminate the call and delay Software Assurance Services until normal hours on the next business day.

The Client also may have the option of contacting the software manufacturer directly in some cases. Additional charges may apply. If the Client opts to call the manufacturer directly, any and all charges will be billed to the Client either through the manufacturer at the time of the engagement or through KMBS-ECM, subsequent to the engagement.

1.3. **Remote Access**. Client acknowledges and agrees that KMBS-ECM and Software require on-line access to the Software installed on Client's systems in order for KMBS-ECM to provide Software Assurance Services hereunder. Accordingly, Client shall install and maintain, at Client's sole cost and expense, appropriate communications software as specified by KMBS-ECM; and Client shall establish and maintain, at Client's sole cost and expense, an adequate connection with KMBS-ECM and Software to facilitate KMBS-ECM's remote Software Assurance Services.

1.4. **On-Site Services**. Upon the reasonable request of Client, and submission of a purchase order for such services agreeing to pay for such services on a time and materials basis, KMBS-ECM may provide on-site Software Assurance Services at Client's facilities in connection with the correction of any Error(s) involving a mission critical function of the Software that is not functioning in a production environment.

1.5. **Exclusions**. KMBS-ECM is not responsible for providing, or obligated to provide, Software Assurance Services or Upgrades and Enhancements under this Agreement: (a) in connection with any Errors or problems that result in whole or in part from any alteration, revision, change, enhancement or modification of any nature of the Software, including any configuration of the Workflow or WorkView modules of the Software that was not undertaken by KMBS-ECM or Software or authorized in writing in advance by Software; (b) in connection with any Error if

KMBS-ECM (directly or through Software) has previously provided corrections for such Error, which correction Client chooses not to implement; (c) in connection with any Errors or problems that have been caused by errors, defects, problems, alterations, revisions, changes, enhancements or modifications in the database, operating system, third party software (other than third party software bundled with the Software by Software), hardware or any system or networking utilized by Client; (d) if the Software or related software or systems have been subjected to abuse, misuse, improper handling, accident or neglect; or (e) if any party other than KMBS-ECM or Software has provided any services in the nature of Software Assurance Services to Client with respect to the Software.

1.6. **Delivery of Software Updates.** Delivery of software updates, patches and upgrades will be electronic only.

2. **UPGRADES AND ENHANCEMENTS.** KMBS-ECM will provide to Client, in accordance with Software's then current policies, all Upgrades and Enhancements to the Software released by Software during the term of this Agreement. Client acknowledges and agrees that Software has the right, at any time, to change the specifications and operating characteristics of the Software and Software's policies respecting Upgrades and Enhancements and the release thereof to its end users. Any Upgrades and Enhancements to the Software and Documentation shall remain proprietary to Software and the sole and exclusive property of Software, and shall be subject to all of the restrictions, limitations and protections of the EULA. All applicable rights to patents, copyrights, trademarks, other intellectual property rights, applications for any of the foregoing and trade secrets in the Software and Documentation and any Upgrades and Enhancements are and shall remain the exclusive property of Software
3. **Improper Software Use.** KMBS-ECM and/or the SDC is not responsible for providing, or obligated to provide, Support Services or Upgrades and Enhancements under this Agreement if: (1) the Software has been altered, revised, changed, enhanced or modified in any manner that was not authorized in writing in advance by SDC; (2) the Error is caused by errors, defects, problems, alterations, revisions, changes, enhancements or modifications in the database, operating system, third-party software (other than third-party software bundled with the Software by SDC), hardware or any system or networking utilized by Client; (3) the Software has been subjected to abuse, misuse, improper handling, accident or neglect; or (4) any party other than KMBS-ECM or SDC has provided any services in the nature of Support Services to Client with respect to the Software.

4. **Software Assurance Fees and Payment Terms.** Client will pay KMBS-ECM annual Software Assurance fees identified in Exhibit A attached hereto ("Annual Software Assurance Fees"). KMBS-ECM will not have any obligation under this Agreement until receipt of payment has occurred for the designated period. The start date of service will always be rounded forwards or backwards to the 1st of a month and hereafter be known as the anniversary date. KMBS-ECM will invoice Client for subsequent Annual Software Assurance Fees at least 45 days prior to the anniversary date. In the event that add-on licenses are purchased for an existing product group during a covered Software Assurance period, the Annual Software Assurance Fees will be amortized to the established anniversary date. If a product is added for what is considered to be part of a new product group the Annual Software Assurance Fees to be added will be computed by adding the period to the anniversary date plus one year. In no event, will Client be invoiced for Software Assurance on a module or seat more than once per year and KMBS-ECM will always work with the multiple SDC's listed in Exhibit A to have all Annual Software Assurance Fees be coterminous. KMBS-ECM will provide a new Exhibit A with each renewal invoice.

5. **TERM, RENEWAL AND TERMINATION.** Subject to the early termination provisions of this section, the initial term of this Agreement commences on the 1st day of the month closest to the date the Software licenses are installed or delivered and expires on the first anniversary of that date. This Agreement will automatically renew for additional one (1) year terms unless it is terminated in accordance with this section.

5.1. **For Convenience**: Client may terminate this Agreement at any time, for any reason or for no reason, upon not less than thirty (30) calendar days advance written notice to KMBS-ECM.

5.2. **For Cause**: Client may notify KMBS-ECM in writing of any breach by KMBS-ECM of this Agreement specifying the nature of the breach. If KMBS-ECM has not cured the breach within 20 calendar days after receipt of written notice, or if the breach cannot be cured in that 20-day period, KMBS-ECM has not commenced a cure and continued within that 20-day period in good-faith to complete the cure, Client will be entitled, in addition to any other rights it may have under this Agreement, or otherwise at law or in equity, to terminate this Agreement.

5.3. **Non-Renewal**: Client may elect not to renew this Agreement at the end of the then-current term of this Agreement by written notice to KMBS-ECM no less than thirty (30) calendar days before the end of the then-current term of this Agreement. If notice is not received then this Agreement will automatically renew on the expiration date.

5.4. **Automatic Termination**. This Agreement terminates automatically, without any other or further action by either party, immediately upon any termination of the EULA or in the case where the version of the Software that is current installed by the Client is no longer a supported version by the SDC.

5.4.1. KMBS-ECM may give written notice to Client of any breach by Client or other failure by Client to comply with any material term or condition of the EULA or this Agreement, specifying the nature of the breach or non-compliance and requiring Client to cure the breach or non-compliance. In addition to any other rights it may have under this Agreement, KMBS-ECM may terminate this Agreement if in the case of non-payment, any breach of the EULA or any breach of this Agreement, Client has not cured the breach or non-compliance within 20 calendar days after receipt of that written notice.

5.5. If this Agreement is terminated by Client pursuant to convenience or by the KMBS-ECM for cause, Client must pay KMBS-ECM for: (A) all Software Assurance Services provided on a time and materials basis on or prior to the effective date of termination; (B) all Annual Software Assurance Fees past due with respect to any period occurring prior to the effective date of termination; and (C) all incidental costs and expenses incurred by KMBS-ECM at any time on or prior to the effective date of termination and previously approved by Client in writing.

5.6. If this Agreement is terminated by Client for cause, KMBS-ECM shall refund to Client a pro-rated portion of its Annual Software Assurance Fees, based upon the number of months remaining until the end of the current term of the Agreement. In the case where the Client is terminating this Agreement for cause, but is continuing to use the Software, Software Assurance fees will not be refunded, as these services would continue to be available through the SDC.

5.7. The termination of this Agreement will not discharge or otherwise affect any obligations of either party existing under the Agreement before, or at the time of termination. The provisions of this

Agreement which by their nature extend beyond the termination of the Agreement will survive and remain in effect until all obligations are satisfied.

6. **PAYMENT REMIT DATE AND LATE PAYMENT.** Client will pay all invoices for Annual Software Assurance Fees for the upcoming year in full on or before the last day of the then-current term of this Agreement. Client will pay the invoice for the Annual Software Assurance Fees for the period prior to the anniversary date occurring. Late payments may require a reinstatement fee up to 20% of the annual amount to re-instate the service and upgrade assurance.

EXCEPT AS EXPRESSLY PROVIDED BY THIS AGREEMENT, CLIENT SHALL HAVE NO RIGHT TO REINSTATE THIS AGREEMENT FOLLOWING THE TERMINATION THEREOF FOR ANY REASON.

EXHIBIT A

Software Assurance / Maintenance Summary

Terms of maintenance are subject to details outlined in the Master Services Agreement and Software Assurance Agreement. Payment must be received prior to beginning service date to avoid an additional 20% reinstatement fee.

Service Date: 11/1/13 - 10/31/14

Module ID	Description	Qty	License Fee	Extended Maintenance 20%
GV-B-LOCAL	Local Government Licensing Bundle	1	$0.00	$3,200.00
OBIPW1	Multi-User Server	1	$0.00	$0.00
UNIPI1	Unity Client Server	1	$0.00	$0.00
DMIPI1	EDM Services	1	$0.00	$0.00
GV-B-MU2-AEIPI1	Local Government Application Enabler	1	$0.00	$0.00
GV-B-MU2-PTIPC1	Local Government Virtual Print Driver	1	$0.00	$0.00
GV-B-MU2-IDIPI1	Local Government Full-Text Indexing Server for Autonomy IDOL	1	$0.00	$0.00
AOIPW1	Ad-hoc Document OCR	2	$0.00	$200.00
AZIPW1	Ad-hoc Advanced Capture	2	$0.00	$2,000.00
CLIPW1	COLD/ERM	1	$0.00	$2,000.00
DPIPW1	Document Import Processor	1	$0.00	$1,000.00
TYIPI1	Directory Import Processor	1	$0.00	$1,000.00
STIPI1	StatusView	1	$0.00	$0.00
GV-B-MU2-CTIPC1	Local Government Concurrent Client	25	$0.00	$3,250.00
GV-B-MU2-WLIPC1	Local Government Workflow Concurrent Client SL	5	$0.00	$1,000.00
GV-B-MU2-DIIPW1	Local Government Production Document Imaging (Kofax or TWAIN)	1	$0.00	$400.00
GV-B-MU2-DIIPW2	Local Government Production Document Imaging (Kofax or TWAIN)	4	$0.00	$640.00
GV-B-MU2-IDIPC1	Local Government Full-Text Indexing Concurrent Client for Autonomy IDOL	25	$0.00	$600.00
GV-B-MU2-IDIPW1	Local Government Full-Text Indexing Workstation Client for Autonomy IDOL	5	$0.00	$60.00
GV-B-MU2-WTIPW1	Local Government Web Server	1	$0.00	$800.00
			Total Due	**$16,150.00**

Please contact your Account Representative with any questions regarding Annual Software Assurance Contract Summary.

September 16, 2014

City of Turlock
Luis Machado, Information System Manager
156 South Broadway, Suite 300
Turlock, CA. 95380

Dear Luis,

Konica Minolta is pleased to submit the following updated proposal to upgrade the City of Turlock's LibertyNET document management system to the current Hyland OnBase Enterprise Content Management (ECM) solution. Please note that this proposal includes Software and Services discounts designed specifically for local government.

The Konica Minolta ECM Solutions Team is uniquely qualified for this upgrade project today as well as to support the City's efforts to design, configure build and support a complete enterprise content management foundation platform.

Based on your requirements, the Konica Minolta solution stands out from other competitive ECM offerings for several reasons:

- **LibertyNet to OnBase Experience** - The Konica Minolta ECM Solutions Team is an experienced LibertyNET to OnBase conversion solutions provider

- **Long term relationship** – Our ECM Government Specialist, Norm Mooradian has a long relationship and trusted relationship with the City of Turlock

- **Our government subject matter expertise** - Our ECM team has more than 40 years of experience deploying ECM solutions to both local and county municipal government agencies

- **Enterprise Level Content Management System** - KMBS's experience and partnership business approach will allow the City to leverage the OnBase ECM technology across the entire City and maximize their current and future technology investments.

- **KMBS Capture** - KMBS has built a very tight integration between our Multi-Function Printer (MFP = Copiers) and the OnBase platform

We look forward to working with you and your team and thank you for the opportunity to be a continued business partner of the City of Turlock. Norm and I would like to schedule a call with you this week to answer any question you may have regarding this proposal and to schedule the next step with regards the City of Turlock's fiscal year-end deadline.

Regards

ECM Solutions Specialist
(925) 788-3946
jswigert@kmbs.konicaminolta.us

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Executive Overview

The City of Turlock has requested Konica Minolta Business Solution (KMBS) to provide a proposal for upgrading the City's current LibertyNET document management system to the most current release of the Hyland OnBase Enterprise Content Management (ECM) solution. Hyland Software acquired LibertyNET Software in 2008 and has had a migration program in place. The program was designed to offer the LibertyNET customers a low cost path to convert to a more robust, feature rich OnBase ECM platform which is continuing to be developed by Hyland Software. The new KMBS OnBase ECM solution will provide the City with a much more comprehensive technology platform for implementing their current as well as future information governance initiatives. Additionally, the Hyland OnBase solution has an extensive list of modules which can be purchased separately that will allow the City to grow the system organically based on departmental and citywide initiatives.

Another key benefit for upgrading to the KMBS Hyland OnBase software is all of the experience we have with the municipal government business process. As a true ECM (Enterprise Content Management) Hyland had developed best practice solutions for common municipalities' business challenges like:

PRA requests
Government Electronic Plan Review
Planning Public Works
Integration with ESRI
Justice Public Safety
Courts Solutions
Law Enforcement Records
Integrations with Logos, Accela; EnerGov

The "Statement of Work" below outlines the professional service tasks involved in upgrading the City's existing LibertyNET document management system to a comparable OnBase ECM solution. Hyland has generously offered all of their LibertyNET clients a free software exchange to the OnBase ECM platform prior to a critical end of life situation for the LibertyNET application. The software exchange is broken out on the section "Software License Exchange" in this proposal. The initial phase of the project will be to convert the existing departments using LibertyNET to the most recently release of the Hyland OnBase ECM software. After the initial conversion KMBS would recommend the City of Turlock conduct with KMBS professional service assistance an in-depth needs analysis across each department. This analysis project will assist the city in mapping out how future enhancements can generate further cost savings and improve public services.

Statement of Work: Application Creation and Data Migration

This document is an estimate based on our experience and knowledge of the LibertyNET to OnBase migration process. Final pricing and Scope of Work will be based on a review of the City's application in collaboration with the City business units and Information technology staff and will be broken out in detail on the final Scope of Work Document. As with any project this size, the pricing will depend on each party's roles and responsibilities. Below we have outlined at a high level, the core steps involved in the City of Turlock LibertyNET to OnBase conversion project

Discovery and Documentation Services

The KMBS ECM professional service group will work with the City staff to map out their current LibertyNET implementation and information governance taxonomy in order to design and develop the new OnBase ECM Solution. The initial Phase I OnBase solution will be designed to not only meet the City's existing LibertyNET system but will add several layers of functionality for the City's IT staff or the KMBS professional service group team to implement.

Discovery and Documentation Services

Konica Minolta Business Solutions will work with the client to understand their current LibertyNET implementation and operations in order to design and develop an OnBase solution that meets their indexing and retrieval needs and capture methods.

a. Review and analyze the LibertyNET application in cooperation with Client. This will include:
    i. Exporting object configuration data into an Excel workbook.
    ii. Logging into and review LibertyNET application to see how application objects are used in the system.
    iii. Review data to determine how indexing practices affect OnBase application design and data migration.
b. Deliverables will include:
    i. A finished Excel spreadsheet or Word document documenting relevant LibertyNET objects.
    ii. A report on any data quality issues that have potential negative impact on migration.
c. Create OnBase application configuration specifications.
    i. Based on the analysis of the current LibertyNET application, functional specifications will be created in an Excel workbook and sent to Client for review.
    ii. Konica Minolta Business Solutions will meet onsite or remotely do discuss the requirements.
    iii. Client will approve or amend requirements.
    iv. Konica Minolta Business Solutions will create a final functional specification and send to client. The functional specification will be the road map for creating the OnBase application.

Installation Services

Konica Minolta Business Solutions will provide the following services as part of implementing a newly designed OnBase system and the included software modules. Konica Minolta Business

Solutions will create two systems, one a test/training environment, the other the production environment.

a. Install Software
   i. Review current hardware/software environment and make recommendations.
   ii. Install OnBase software and create the OnBase database.
   iii. Activate licensing of licensed modules for use within the database.
b. Develop OnBase application
   i. Creating the Disk Groups for the storage of documents;
   ii. Create the Document Groups, Document Types and Keywords. The total number of Document Types is expected to be one hundred (n) or fewer, and fifty (n) or few Keywords are expected to be required;
   iii. Installing and configuring the Autonomy Idol module of the Software to provide full text search capabilities within the Software;
   iv. Configure the User Groups and Users to support a user based of n number (n) or fewer end users;
   v. Configuring n number of (n) foldering solutions for the purposes retrieving documents within foldering structures.
c. Setup capture and indexing processes
   i. Configuring scan queues to facilitate the scanning and indexing of documents, including OCR capabilities as required;
   ii. Configure n number (n) internal or external Autofill Keyword Sets (AFKS) in order to auto index documents previously indexed using LibertyNET rule templates list actions, internal database lookups or DDE based external database lookups.

Data Conversion Services

d. Create data map and conversion scripts
   i. Identify and map LibertyNET form/folder structure with OnBase document type and keys as specified in the functional specifications. The document map will be created in an Excel spreadsheet or Word document.
   ii. Create conversion scripts based on data map. Conversion scripts are used to create an XML file that will be taken as a parameter set by the OnBase Document Import Processor during the import.
e. Migration of data and document files.
   i. Configure and deploy LibertyNET conversion utility to export documents from LibertyNET system and create XML file containing meta data for OnBase Document Import Processor to use during to import files and their meta data (including index data).
   ii. Configure the OnBase Document Import Processor module to import the documents and metadata exported from the LibertyNET system.
   iii. Perform test of conversion process on a subset (of roughly 10% or less) of all document types to verify that documents and meta data are being migrated.
   iv. Spot check documents and data to determine if there are systematic errors stemming from errors in the migration scripts.
   v. Provide client agreed upon time period to review data and bring to Konica Minolta Business Solutions' attention any systematic errors not detected in the initial test or approve migration results.
   vi. Correct and re-import if errors are detected.
   vii. Perform conversion of all documents.
   viii. Spot check documents as in above step.

ix. Provide client agreed upon time period to review data and bring to Konica Minolta Business Solutions attention any systematic errors not detected in the initial test or approve migration results.
x. Provide client with conversion verification report.

Training Services

User Training Services

End user training program hours are only an estimate as KMBS will need to review training requirements during the "discovery and documentation" phase.

a. End user training
   i. Create custom training manual for the two core departments (City Clerk, Turlock Police dept.) end user search and retrieval training.
   ii. Delivery end user training on site or remotely (The training will be delivered in 2 hour sessions or classes with a maximum of 10 participants).
   iii. KMBS estimates three 2 hour sessions per department with equal time required to develop content for the training
b. Power user training
   i. Create custom training manual for power users scan/index and work process training.
   ii. Delivery end user training on site or remote (Two 2 hr. classes 5 participants average per department).

Admin training

KMBS is recommending that the City send their ECM administrator to two of the Hyland technical training classes so that they can assume ownership of the City's OnBase solution as well as advise the City's leadership on future ways to leverage their ECM solution for improved departmental service and constituent satisfaction.

i. Manufacturer based system admin training. One week at manufacturer location or remotely. Estimate for two trainees ($2,800 per trainee).
ii. There are several other technical courses which will benefit the City in implementing future solution enhancements. (Advance Sys Admin, Workflow Design, API Training)

Annual Hyland OTTC Conference

KMBS recommends that one or more of the City's leadership attend the Hyland OnBase annual Conference to gain a stronger understanding from their peers of how they have leverage the OnBase ECM platform. It is also important for the City's leadership to sign up on the OnBase Community web site as well as the Government Vogue.

Post Implementation Services

i. Develop and enhance capture process (scanning, integration of MFPs, data lookup)
ii. Additional interface customization (custom queries, foldering)
iii. Web interface customization
iv. Develop expansion road map for other departments

Software License Exchange

OnBase / LibertyNET trade-in breakout

The City of Turlock has already acquired the LibertyNET ASE module but KMBS is leaving in the follow value statement as it is important from a financial perspective to the overall conversion process.

The LibertyNet to Hyland upgrade is designed to allow KMBS Municipal Clients to leverage the Hyland Municipal Software Package bundle through a license exchange, provided that their licensing includes a Web Server module and the ASE module. The cost of Application Enabler for OnBase is $15,000.00. For our City clients, Hyland is prepared to allow you to purchase and then trade the LibertyNET ASE module, the list price of which is $4,950.00 + maintenance $550.00 = $5500.00 which will entitle you to the Application Enabler through the exchange.

By purchasing the ASE you will qualify for this package. The benefits of this package are as follows:

1. First, the following software modules that you do not currently have are provided at no charge: Status View, EDM Services, Desktop Document Imaging, and CD Authoring (brochures are included in this package). With the addition of the Application Enabler, the net list value of this additional software is $35,000.00.
2. Second, the list value of your software is retroactively discounted to the original pricing of the Municipal Software Package. As a result, your annual software maintenance will be lowered by roughly significantly in comparison with the standard pricing module.
3. Finally, you will receive a significant discount on the purchase of additional client seats licenses and workflow seats and other important modules, thus lowering the cost of expanding your license base in the future.

The chart below shows the value of the software trade-in

Below is a list of LibertyNET modules and their corresponding OnBase modules. Some OnBase modules correspond roughly to functionality configured with LAB objects. The value of each OnBase module is displayed in columns E and F to make clear the financial value of the software modules you will receive in the trade. The total value is calculated as well so that you can compare the value of the software that you will receive in the trade against the financial value of your LibertyNET software. Please note that the Total Value represents the value of the software that you will receive, not a cost you will pay. The support cost, by contrast, is payable, but it replaces your LibertyNET annual support contract and should be compared against it. From 2014 on support will be 20% of list. Please also note that modules are displayed, some of which might not correspond to your configuration. If no value is associated with them, they are not proposed for inclusion in the exchange. Finally, if you see omissions or additions that you disagree with, please let us know as this is the configuration that will be in place moving forward. Please not that this configuration is based on our current understanding and may be changed if necessary based on information gained in formal Discovery sessions.

LibertyNet Module	Qty	OnBase licenses	Qty	Per Unit Price	License Value	City of Turlock
		Government Pricing Basic Bundle*	1	$16,000.00	$53,000.00	$0.00
LibertyNET Enterprise (multi-user)	1	Multi-User Server (1)	1	inc	$8,000.00	$0.00
Unity Server		Unity Client Server	1	inc	$10,000.00	$0.00
Version Control & Audit Plus		EDM Services	1	inc	$5,000.00	$0.00
Application Screen Enabler		Application Enabler (single application) (1)	1	inc	$15,000.00	$0.00
Full Text Indexing	1	Autonomy IDOL Server	1	inc	$10,000.00	$0.00
LN Faxman		Virtual Print Driver	1	inc	$5,000.00	$0.00
Modules Matching LibertyNET Licensed Modules						
Concurrent Users	10	Concurrent Clients				
Web Users	20	Concurrent Clients				
		Concurrent Clients	25	$1,200.00	$30,000.00	$0.00
OCR		Ad Hoc OCR	2	$500.00	$1,000.00	$0.00
Rule Templates/TaskFLO		Workflow Concurrent Client SL (1-5)	5	$1,200.00	$6,000.00	$0.00
		E-Forms	1	inc	inc	$0.00
XML Web Services		Web Server	1	$4,000.00	$10,000.00	$0.00
		Status View	1	inc	inc	$0.00
COLD/ERM		COLD	1	$10,000.00	$10,000.00	$0.00
Archiver & Disaster Recovery		Disk group handles this function.		inc	inc	$0.00
Database Integrator (DBI)		Autofill		inc	inc	$0.00
OnBase Modules Matching LAB and System Features						
Zone OCR	x	Ad-hoc Advanced Capture	2	$5,000.00	$10,000.00	$0.00
Full Text Search	x	Full-Text Indexing Concurrent Client for Autonomy IDOL	25	$120.00	$7,500.00	$0.00

		Full-Text Indexing Workstation Client for Autonomy IDOL	5	$60.00	$750.00	$0.00
Scan Functions		Production Document Imaging (Includes 1 client)	1	$2,000.00	$5,000.00	$0.00
		Additional Document Imaging (Includes 4 client)	4	$800.00	$8,000.00	$0.00
File Import Files\ Import Indexes, Rule and Lookup		DIP (Document Import Processor)	1	$5,000.00	$5,000.00	$0.00
Auto Capture where directory path is picked up		Directory Import Processor	1	$5,000.00	$5,000.00	$0.00

Total License Value	$151,250.00	
License Value (Government)	$	80,750.00
License Cost (Turlock)	$	-
Total Projected Maintenance	$	16,150.00

Identified Risks and Assumptions

Critical Success Factors

Successful completion of this project is dependent on many factors. The following Critical Success Factors are applicable to this specific project:

a. Having the City of Turlock leadership involved with the project in order to clear obstacles.
b. Having the City's subject matter experts review the original content of completeness and accuracy (indexing, document classification, etc.)
c. Develop a project timeline as well as a communication plan that clearly identifies the City's resources up front.
d. Timely review and acceptance of deliverables is critical to meeting the project schedule.
e. West Sacramento team participation, especially subject matter experts is essential to meeting the project goals and objectives.
f. Limitation of Change Order Requests is critical as getting the initial phase 1 of any project completed greatly increases long term success
g. Having a clear understanding that with any upgrade project of this magnitude, data cleanup is an unknown and issues may arise where the City needs to acquire additional resources.

LibertyNET to OnBase Conversion Project Pricing

LibertyNET to OnBase Professional Service Breakout					
Product	Description	QTY	Unit Price		Total
Professional Services	Discovery and Documentation Services	40	$185.00		$7,400.00
Professional Services	OnBase Installation Services	48	$185.00		$8,880.00
Professional Services	Data Conversion Services	80	$185.00		$14,800.00
Professional Services	Project Management	24	$185.00		$4,440.00
Professional Services	End User Training Services	40	$185.00		$7,400.00
	OnBase Conversion Professional Services Total				$42,920.00
OnBase Tech Training	System Admin 1 and System Admin 2	1	$2,800.00		$2,800.00
	Advanced Training Total				$2,800.00

Payment Summary

Type	Description	Cost
Software	OnBase Conversion	$ 0.00
Software Maintenance	OnBase Annual Maintenance Cost *(Maintenance is an estimate as the final configuration will occur after the completed discovery milestone)*	$16,150.00
Professional Services	OnBase Conversion	$42,920.00
OnBase Training	Advanced Training	$2,800.00
	Total:	$61,870.00

Upgrade Authorization

City of Turlock LibertyNET to OnBase Upgrade Proposal - SIGN OFFS		
Approver	Signature	Date Signed

The Long Term Benefits of implementing KMBS's ECM Solution

User Friendly Office Automation with OnBase Workflow

With usability at the core of our design philosophy, OnBase fits easily into the rhythm of your workplace. OnBase is so highly integrated with the Microsoft Office environment to work comfortably with the tools you're already accustomed to using. It engages users' existing PC skills to encourage fast staff acceptance wherever it is deployed.

Comprehensive security protects your organization's past, present and future.

As part of any organization information governance process having the ability to safeguard organizational knowledge with security measures that extend to any level required by government or industry compliance rules and regulations. Onbase prevents unauthorized access with user access controls and function rights that maintain constant vigilance over any and all user actions. Our solution is as flexible to configure as it is rigorous.

Automating any Transactional Business Process with Workflow

OnBase revolutionizes the way your employees work because they are now working *electronically.* As your organization embraces this way of working, you will find new and exciting ways to maximize efficiency of your employees even further.

Simplify and reduce the costs of regulatory compliance.

OnBase supports compliance initiatives while reducing paper-handling overhead, assuring proper records retention and destruction and providing a flexible platform that accommodates technology mandates included in SEC, NASD and other regulations.

Reduce misfiling and document loss

Lost documents and the costs associated with recreating them are among the greatest challenges to your productivity. OnBase automated full-text indexing; required index fields and configurable folder structure reduce clerical errors and make it easy to find documents based on the information at hand. Document linking and version tracking help clarify relationships between pieces of information.

Improve disaster recovery and business continuity.

Paper is a familiar but vulnerable archival medium. OnBase eliminates large-scale photocopying for off-site backups and simplifies records transport with CD and DVD support.

ADDENDUM TO
CITY OF TURLOCK
SERVICE AGREEMENT

Konica Minolta Business Solutions U.S.A., Inc.

Dated: January 13, 2015

City Contract No. 14-102

1. INSURANCE: VENDOR shall not commence work under this Agreement until VENDOR has obtained CITY's approval regarding all insurance requirements, forms, endorsements, amounts, and carrier ratings, nor shall VENDOR allow any subcontractor to commence work on a subcontract until all similar insurance required of the subcontractor shall have been so obtained and approved. VENDOR shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by VENDOR, its agents, representatives, employees or subcontractors. Failure to maintain or renew coverage or to provide evidence of renewal may constitute a material breach of contract.

(a) Minimum Scope of Insurance: Coverage shall be at least as broad as:

(1) Insurance Services Office Commercial General Liability coverage (occurrence Form CG 00 01) with additional insured endorsements (form CG 20 10 for ongoing operations and 20 37 for products/completed operations), to be approved by the City of Turlock.

(2) Insurance Services Office Form CA 00 01 covering Automobile Liability, Code 1 (any auto).

(3) Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

(b) Minimum Limits of Insurance: VENDOR shall maintain limits no less than:

(1) General Liability (including operations, products and completed operations): $1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

(2) Workers' Compensation: as statutorily required by the State of California. Employer's Liability: $1,000,000 per accident for bodily injury or disease.

(c) Deductibles and Self-Insured Retentions: Any deductibles or self-insured retentions must be declared to and approved by CITY. At the option of CITY, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects CITY,

its elective and appointive boards, officers, agents, employees, and volunteers; or (2) VENDOR shall provide a financial guarantee satisfactory to CITY guaranteeing payment of losses and related investigations, claim administration and defense expenses.

(d) Other Insurance Provisions: The commercial general liability policy shall contain, or be endorsed to contain, the following provisions:

(1) CITY, its elective and appointive boards, officers, agents, employees, and volunteers are to be covered as additional insureds with respect to liability arising out of work or operations performed by or on behalf of VENDOR, including materials, parts or equipment furnished in connection with such work or operations, which coverage shall be maintained in effect for at least three (3) years following the completion of the work specified in the contract. General liability coverage can be provided in the form of an endorsement to VENDOR's insurance (CG 20 10 for ongoing operations and CG 20 37 for products/completed operations), or as a separate Owners and Contractors Protective Liability policy providing both ongoing operations and completed operations coverage.

(2) For any claims related to this project, VENDOR's insurance overage shall be primary insurance as respects CITY and any insurance or self-insurance maintained by CITY shall be excess of VENDOR's insurance and shall not contribute with it.

(3) In the event of cancellation, non-renewal, or material change that reduces or restricts the insurance coverage afforded to CITY under this Agreement, the insurer, broker/producer, or VENDOR shall provide CITY with thirty (30) days' prior written notice of such cancellation, non-renewal, or material change.

(4) Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

(e) Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

(f) Verification of Coverage: VENDOR shall furnish CITY with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by CITY before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive VENDOR's obligation to provide them. CITY reserves the right,

at any time, to require complete, certified copies of all required insurance policies and endorsements.

(g) Waiver of Subrogation: With the exception of professional liability, VENDOR hereby agrees to waive subrogation which any insurer of VENDOR may acquire from VENDOR by virtue of the payment of any loss. The commercial general liability policy and workers' compensation policy shall be endorsed to contain a waiver of subrogation in favor of CITY for all work performed by VENDOR, its agents, employees, independent contractors and subcontractors. VENDOR agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation.

(h) Subcontractors: VENDOR shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

2. INDEMNIFICATION: VENDOR shall hold harmless, defend, and indemnify, CITY and its elective and appointive boards, officers, agents, employees, and volunteers from and against all claims, damages, losses and expenses including attorney fees arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of VENDOR, any subcontractor, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, except where caused by the active negligence, sole negligence, or willful misconduct of CITY.

3. CONFLICT: Should any conflict exist between the terms and conditions of the Agreement and this Addendum, the terms and conditions of the Addendum shall prevail.

IN WITNESS WHEREOF, the parties have caused this Addendum to be executed by and through their respective officer's thereunto duly authorized.

CITY OF TURLOCK, a municipal corporation

By: _____
Roy W. Wasden, City Manager

Date: _____

KMBS-ECM, LLC

By: _____

Title: President

Print name: Les Walker

Date: _____

ADDENDUM TO
CITY OF TURLOCK
SERVICE AGREEMENT

Konica Minolta Business Solutions U.S.A., Inc.

Dated: January 13, 2015

City Contract No. 14-102

APPROVED AS TO FORM:

By: _____
Phaedra A. Norton, City Attorney

ATTEST:

By: _____
Kellie E. Weaver, City Clerk

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF APPROPRIATING $14,920 TO ACCOUNT NUMBER 240-00-000-200.43226 "DOCUMENT IMAGING CONVERSION" FROM FUND 240 "SMALL EQUIPMENT REPLACEMENT-GENERAL ADMINISTRATION" RESERVE BALANCE TO UPGRADE THE LIBERTYNET DOCUMENT MANAGEMENT SYSTEM TO THE HYLAND ONBASE ENTERPRISE CONTENT MANAGEMENT (ECM) SOLUTION AND $3,400 TO ACCOUNT NUMBER 501-10-130.47095_000 "TRAINING-GENERAL" FROM FUND 501 "INFORMATION TECHNOLOGY" RESERVE BALANCE FOR SYSTEM ADMINISTATOR TRAINING	}	RESOLUTION NO. 2015-

WHEREAS, on May 28, 2002, the City Council approved an agreement with Cook/Arthur, Inc. for document imaging services utilizing the LibertyNET document management system; and

WHEREAS, Cook/Arthur was acquired by Konica Minolta Business Solutions U.S.A., Inc. (KMBS) in May 2013. In 2008, Hyland Software acquired LibertyNET Solution software and a migration program was put in to place to the more robust OnBase Enterprise Content Management (ECM) platform. At the end of the migration program, LibertyNET will no longer be supported by KMBS.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby appropriate $14,920 to account number 240-00-00-200.43226 "Document Imaging Conversion" from Fund 240 "Small Equipment Replacement-General Administration" to upgrade the LibertyNET document management system to the Hyland OnBase Enterprise Content Management (ECM) Solution and $3,400 to account number 501-10-130.47095_000 "Training-General" from Fund 501 "Information Technology" reserve balance for system administrator training.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 13th day of January, 2015, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____

Kellie E. Weaver, City Clerk,
City of Turlock, County of Stanislaus,
State of California

7A

Council Synopsis

January 13, 2015

From: Tim Lohman, Fire Chief

Prepared by: Deandra R. Wiley, Neighborhood Services, Staff Services Assistant

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Assessing properties for abatement costs and establishing a lien for payment

2. DISCUSSION OF ISSUE:

The City Council has previously declared certain weeds, obnoxious growth, and other debris on property and abandoned vehicles to be a nuisance and the City has ordered abatement of such nuisances on certain properties.

3. BASIS FOR RECOMMENDATION:

Assessments and liens are hereby placed on the following described properties for weed abatement assessment together with administrative costs in the amount of fifty-eight percent (58%) of the cost of the abatement.

Strategic Plan Initiative: G) SOCIAL INFRASTRUCTURE – HOUSING RESOURCES

Goal(s): 1(a)(i) Nuisance abatement

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: None.

Budget Amendment
Reimbursement costs of abatement plus administrative fee of 58% into account 110-20-220.35062 "Abatement Revenue."

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A.

7. ALTERNATIVES:

A. Council may wish to consider not assessing the property owners for reimbursement of abatement costs plus administrative fees. This would put a financial burden on the budget.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ASSESSING PROPERTIES FOR ABATEMENT COSTS AND ESTABLISHING A LIEN FOR PAYMENT	}	RESOLUTION NO. 2015-

WHEREAS, the City Council has previously declared certain weeds, obnoxious growth and other debris on property and abandoned vehicles to be a nuisance, and the City has ordered abatement of such nuisances on certain properties; and

WHEREAS, the City Council has held a hearing on the costs assessed to the owners of properties containing such nuisances and abated by the City, together with administrative costs of fifty-eight (58%) percent of the cost of the abatement; and

WHEREAS, the City Council has heard objections to such assessments and rules thereon.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Turlock does hereby confirm that the assessments and liens are hereby placed on the following described properties for weed abatement assessment together with administrative costs in the amount set forth in the attached Exhibit "A" which is made a part of this Resolution by reference.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Finance Director is hereby ordered to record a lien on the above properties for which assessments have not been paid within thirty (30) days from the date of this Resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 13th day of January, 2015, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____
Kellie E. Weaver, City Clerk,
City of Turlock, County of Stanislaus,
State of California

EXHIBIT "A"

NAME OF OWNER	LOCATION OF PROPERTY	ABATEMENT		AMOUNT ASSESSED
		DATE	NUMBER	
OPEN VIEWS INC. 2934 4TH ST CERES CA 95307	540 VERMONT STREET	10/23/14	050-029-015-000	$237.00
REBECCA E. VELASCO 236 RIDGEVIEW DR PETALUMA CA 94952	1293 SHADY LANE	10/24/14	071-055-040-000	$1,170.78
DEBBIE P. ALBERTO, ET AL PO BOX 2398 TURLOCK CA 95381	500 N THOR STREET	10/23/14	061-023-012-000	$1,566.42

7B

Council Synopsis

January 13, 2015

From: Michael G. Pitcock, P. E.
Director or Development Services / City Engineer

Prepared by: Anthony R. Orosco, Senior Civil Engineer

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Confirming the Benefit Assessment Report and levying assessments for the Parcel Map 14-02 (Doo) Landscaping, Lighting, and Street Maintenance Benefit Assessment District, Subdivision Project No. 14-47

2. DISCUSSION OF ISSUE:

This item is the third resolution, a public hearing, in the formation of a benefit assessment district for the new Parcel Map 14-02 (Doo) subdivision located on Tuolumne Road in the street east of N. Berkeley Avenue and west of Carmichael Way. A consent to levy assessments form has been signed by the property owner's, Quong Doo and Jennie Doo , authorizing the City Engineer to act as the Engineer of Work in the proceedings. The cost of improvements and/or maintenance of the subdivision landscaping, street lighting, and streets has been determined, as is required of the Landscaping and Lighting Act of 1972 and the Benefit Assessment Act of 1982. At this public hearing audience members are invited to address the council regarding the engineer's report of the assessment district costs.

The purpose of the assessment district is to ensure that this new subdivision pays for its own maintenance and operation of the streetlights, landscape maintenance, street sweeping, and future slurry seals on the subdivision/developments streets. By forming this district the developer proceeds to construct the subdivision and places no additional impacts on existing city funds that maintain streets, lighting, and landscaping.

3. BASIS FOR RECOMMENDATION:

A. Staff's recommendation is based on laws governing the provision of funding basic improvements in a subdivision such as maintenance of landscaping foliage, street light repair, and street maintenance or repair.

B. This benefit funding is maintained and tracked by staff. The funds that are collected from this subdivision will pay for its impacts on city street lighting, street sweeping, street slurry seals, and landscaping, so as to not affect existing city funds.

Strategic Plan Initiative: F. POLICY INITIATIVE – INTELLIGENT, PLANNED MANAGED GROWTH:

Goal(s): 1) c. Ensure that all new growth pays for itself (Assessment Districts, CFF/PAF, CFD)

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: The first year annual assessment collection from this subdivision will be $727.18. Annual assessments are tied to the Engineering News Record (ENR) index and will be adjusted accordingly.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

Not applicable.

7. ALTERNATIVES:

A. Deny the resolution to consider the intention to levy and collect assessments for this assessment district. City staff does not recommend this alternative however, because maintenance costs from this subdivision would then impact other city funds.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF CONFIRMING THE BENEFIT ASSESSMENT REPORT AND LEVYING ASSESSMENTS FOR THE PARCEL MAP 14-02 (DOO) LANDSCAPING, LIGHTING, AND STREET MAINTENANCE BENEFIT ASSESSMENT DISTRICT, SUBDIVISION PROJECT NO. 14-47	}	**RESOLUTION NO. 2015-**

WHEREAS, pursuant to Chapter 3 of the Landscaping and Lighting Act of 1972 and the provisions of California Government Code §54716, the City Council directed Michael G. Pitcock, Engineer of Work for the Parcel Map 14-02 (Doo) Landscaping, Lighting and Street Maintenance Benefit Assessment District, a subdivision of Assessor's Parcel No. 073-036-062 to prepare and file an annual report for fiscal year 2014-2015. Said report was filed with the City Clerk on December 9, 2014; and

WHEREAS, the Engineer of Work filed the petition from the owners of the property on December 9, 2014, and the City Council adopted a resolution to initiate the formation proceedings; and

WHEREAS, pursuant to the Streets and Highways Code and the Landscaping and Light Act of 1972, notice and hearing have been waived; and

WHEREAS, at the public hearing, the City Council afforded to every interested person the opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby confirm the benefit assessment as set forth in the annual report of the Engineer of Work and hereby levies the assessment set forth therein for fiscal year 2014-2015 for the Parcel Map 14-02 (Doo) Landscaping, Lighting, and Street Maintenance Benefit Assessment District, Subdivision Project No. 14-47.

BE IT FURTHER RESOLVED the City of Turlock has determined and certifies that the charges are either exempt from or are in compliance with all the provisions of Proposition 218 which was passed by voters in November 1996. The City Council of the City of Turlock further determines the charges are in compliance with all laws pertaining to the levy of such charges.

BE IF FUTHER RESOLVED that a certified copy of this resolution and report shall be delivered to the Tax Collector for the County of Stanislaus.

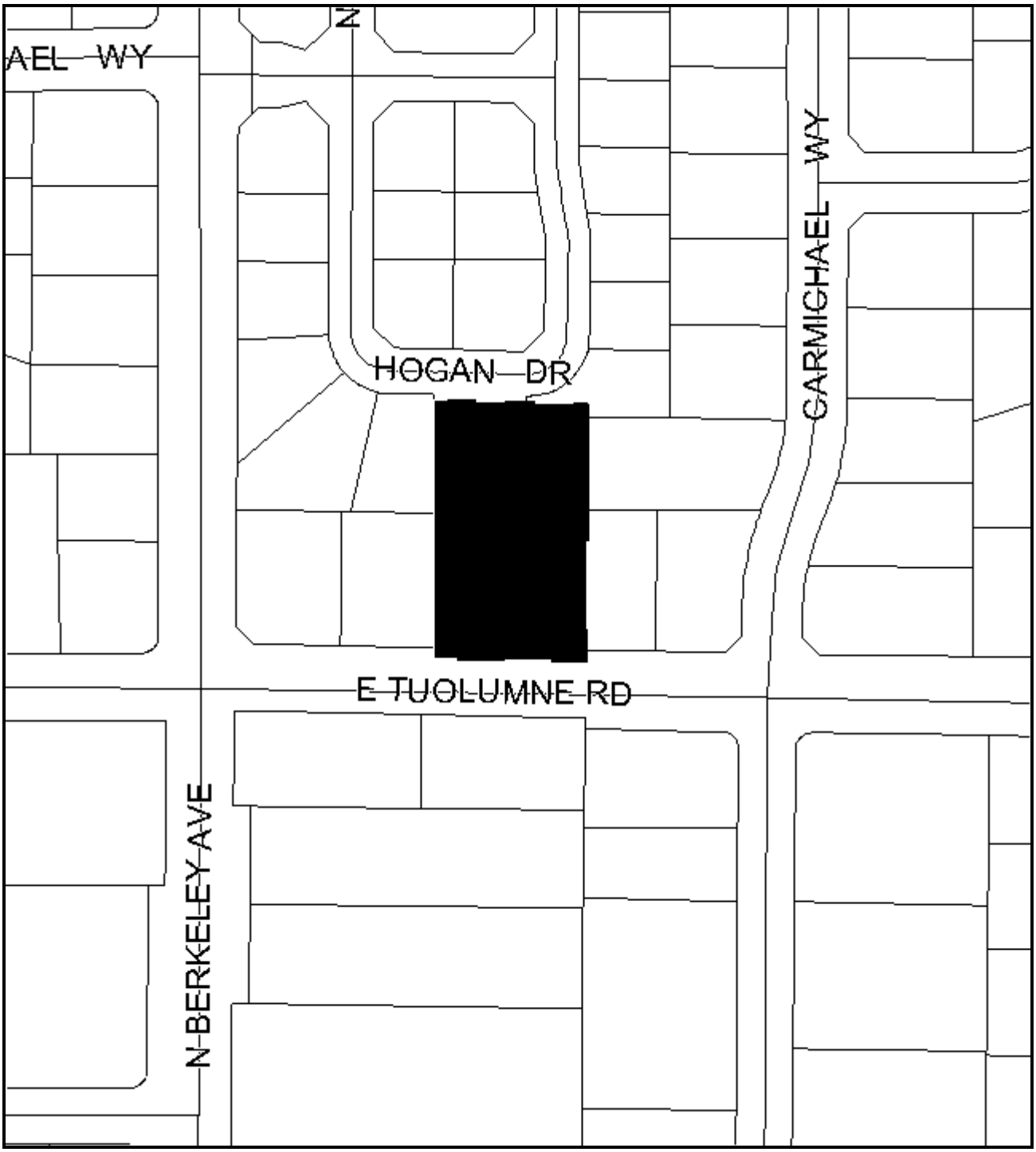
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 13th day of January, 2015, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____
Kellie E. Weaver, City Clerk,
City of Turlock, County of Stanislaus,
State of California

SITE MAP
Of
PARCEL MAP 14-02 (DOO)



7C

Council Synopsis

January 13, 2015

From: Mike Pitcock, Director of Development Services

Prepared by: Debra A. Whitmore, Rose Stillo and Dorinda Soiseth

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Ordinance: Repealing and Replacing Turlock Municipal Code Title 9, Zoning Ordinance, in its Entirety

2. DISCUSSION OF ISSUE:

PLANNING COMMISSION MEETING (Also see Exhibit A: PC Staff Report and Resolution)

While not a unanimous vote, commissioners voted 4 – 3 to recommend approval of this amendment to Title 9, (Zoning Ordinance) of the Turlock Municipal Code at the March 6, 2014 Planning Commission meeting. The March 6th meeting was a continuation from the February 6, 2014 meeting in order to further discuss two proposed changes to the Zoning Ordinance.

The first issue was an "amnesty" program under consideration for business owners who were currently using cargo containers to meet storage needs for their business. The amnesty program would allow a six-month period of time for these businesses to come into compliance with the new cargo container ordinance (9-2-125). At the same time, it would allow them some relief from size and location requirements, as well as a reduction in the land use permit fee cost. There were no dissenting views expressed on this issue.

Secondly, there was discussion at the meeting as to whether or not mobile food vendors should be prohibited downtown. There had been extensive discussion at the February Planning Commission meeting on this topic, with Commissioners expressing opposing views on how they believed this type of operation supported or detracted from the City's vision for downtown. During the public hearing, two mobile food vendor business owners expressed their desire to operate downtown. Ultimately, the Commission decided to continue this item to the March 6th meeting in order to allow additional mobile food vendor operators to voice their opinion before voting on the Zoning amendment as a whole.

At the March 6, 2014 Planning Commission meeting, there were no additional comments from mobile food vendor business owners. During the Commissioner's discussion, three out of seven Commissioners expressed that they were not in favor of prohibiting mobile food vendors in the downtown area.

There was no further discussion on the "amnesty" program for existing cargo containers and the previously proposed conditions were included in the final motion approving the Zoning Ordinance amendment.

ZONING ORDINANCE AMENDMENT BACKGROUND

The City has been working on a number of ordinance amendments over the past four years including those pertaining to drive-through facilities, cargo containers, electrified fences, the Downtown zoning regulations update, and others. The comprehensive zoning ordinance amendment will incorporate these changes as well as changes to the code that have been identified by staff over the course of doing business with the public.

OVERVIEW OF PROPOSED AMENDMENTS

Due to the comprehensiveness of the proposed amendments, staff is proposing to repeal the entire Zoning Ordinance and replace it with completely updated chapters. The changes range from simple wording and reference changes to adding entire sections to the City's Zoning Regulations. This update necessitated some changes to the numbering system included in each chapter of the Zoning Ordinance. These numbering changes are displayed in *Exhibit G* of this report. The summary below focuses on the major additions and amendments to the ordinance by chapter. Following the title of each chapter are references to Exhibits in this report for both the existing and proposed chapters.

Chapter 9-1: General Provisions (Existing Ordinance: Exhibit B, Proposed Ordinance: Exhibit H)
This chapter establishes the zoning regulations and the definitions that are used throughout the Zoning Regulations. These terms are used later and throughout the Zoning Regulations. Changes and additions were made to the definitions section to clarify the meaning of terms. An example of a new term is the new definition for a "cargo container" that has been added because a new section on cargo containers has been added to Chapter 9-2 of the ordinance.

Chapter 9-2: Regulations Applying to All Districts (Existing Ordinance: Exhibit C, Proposed Ordinance: Exhibit I)
This chapter includes regulations that affect how development occurs in all zoning districts as specified. It is also the chapter that identifies special permitting processes and development standards for specific uses. Major changes or additions proposed in this chapter are:

9-2-101 Accessory Structures and Buildings: The proposed changes would significantly change the way the City regulates accessory structures such as gazebos, storage sheds, detached garages, and other buildings that are typically accessory to residential uses. Under current regulations, there are significant requirements for all buildings and structures that make it difficult to locate a storage shed next to a property line, even when that structure cannot be viewed by the neighbor or the public. Under the new language, any structures seven feet in height or less would be allowed so long as it is not located in a front yard. For buildings or structures greater than seven feet in height, the structures must be architecturally compatible with the primary structure, must maintain specified setbacks and may not occupy more than 1,000 square feet cumulatively. The proposed changes make an exception for arbors, arches, and trellises in the front yard when they are used as an entryway feature, do not exceed an overall height of eight feet and width of seven feet.

9-2-109 Landscaping and Irrigation: This section has been updated to reflect the State's Water Efficient Landscape Ordinance. The landscaping requirement for the Commercial-Office (C-O) zoning district has been reduced from 25% to 15% at the recommendation of the Development Collaborative Advisory Committee. For commercial and industrial zoning districts, the landscaping in the road cross section defined by the General Plan may be counted toward the

project's landscaping requirement. However, commercial districts are required to have a minimum of ten feet of landscaping from the back of a public sidewalk.

9-2-114 Permitted Locations of Recreational Vehicles: Vehicles would be allowed to park a little closer to the side property lines when located in the front yard by reducing the side yard setback from 4 feet to 2.5 feet. Recreational vehicles under 7 feet in height would be allowed to park in the side yard setback area when located behind the front yard and when screened by a solid fence.

9-2-117 Salvage and Wrecking: Eliminates the requirement for an 8-foot masonry fence when the business is surrounded by industrial (I) zoned properties.

9-2-125 Mobile Food Facilities: Mobile food facilities are currently allowed in all commercial and industrial zoning districts, except the Commercial Office (C-O) zoning district. The proposed amendments would add this prohibition to three Downtown zoning overlay districts: Downtown Core (DC), Downtown Core Transition (DCT) and the Office Residential (OR) zoning districts.

9-2-126 Cargo Containers (New section): Adds a new section establishing a discretionary permitting process for cargo containers. Also establishes the conditions under which a permit is not required. The proposed revisions specify the type of permit required, and the standards that would apply for the various zoning districts in the City. The proposal establishes limits on the number and size of cargo containers that could be placed on private property and would establish design guidelines for the containers that may be permitted. Residential owners would be allowed to keep a cargo container in their driveway for 3 months or less without a permit; however, the container must be located on paved driveway, may not encroach into the public right-of-way (like a sidewalk) and may not block the opening of the garage door.

9-2-127 Electrified Fences(New section): Electrified fences are to be allowed in the Industrial (I) and Industrial Business Park (I-BP) zoning districts so long as they are located at least 50 feet away from residential and other sensitive land uses, or land zoned for such uses (including most commercial zoning districts), and meet specific construction and safety standards. The owner would also be required to hold the City harmless for all liability associated with installing the fence.

9-2-128 Drive-Through Facilities (New section): Restrictions on the location of drive through facilities and specific site and sign standards.

Article 2: Off-Street Parking and Loading Regulations: The proposals include adding regulations regarding driveway standards for circular and "ribbon" driveways. Parking space and drive aisle specifications have been moved to the City's "Standard Specifications and Drawings." Bicycle parking requirements have been revised to coordinate with the California Building Code. Alternative methods (to the TMC) for determining the number of required parking spaces is now included as are additional parking lot design standards.

Article 3: Noise Standards: No major amendments have been proposed; however, some minor changes have been made to correct references to other sections of the Turlock Municipal Code.

Article 4: Nonconforming Structures and Uses: Proposed amendments would reduce the permitting requirements for smaller expansions of nonconforming uses and structures from a conditional use permit to a minor discretionary permit.

Article 5: Signs: No major amendments are proposed at the current time; however, some minor changes have been made to correct references to other sections in the Turlock Municipal Code.

Article 6: Wireless Communications: Minor changes in references and rewording of Section 9-2-604(c) to clarify its intent.

Chapter 9-3: Base District Regulations *(Existing Ordinance: Exhibit D, Proposed Ordinance: Exhibit J)*
This chapter establishes the uses and development standards for the various base zoning districts in the City. Changes are proposed in the permitting requirements for various uses and the property development regulations for all districts. Agricultural uses have been further defined particularly how they are regulated in residential districts. Community gardens are allowed with a conditional use permit; however, crop production for one's own use is permitted. Major changes in the use classifications for the Commercial Thoroughfare (C-T) and Public/Semi-public zoning districts are proposed. Designed standards have been added for manufactured housing in residential districts.

Chapter 9-4: (Downtown) Overlay District Regulations *(Existing Ordinance: Exhibit E, Proposed Ordinance: Exhibit K)*
This chapter establishes the overlay districts in Turlock's Downtown planning area. The proposed amendments are not intended to change the overall goals and objectives of the current Downtown Plan and Zoning Regulations. Lot dimensions have been added to ensure that new lots are created in the same pattern as the existing Downtown. Uses classifications have been added. These classifications were established in coordination with the Turlock Downtown Property Owners Association, although the Association did not necessarily agree with all of the designations recommended by staff. In particular, the Association is continuing discussions with the Police Department to identify an expedited permitting process for entertainment uses in the Downtown area. Setbacks have been reduced slightly in some zones to create more consistency among the zoning districts with the exception of single family homes that will maintain 15 foot front and corner side yards. Height limits for the Office Residential and Industrial Residential zoning districts have been increased to 40 feet and 50 feet, respectively. Landscaping requirements have been somewhat reduced. A related change in Section 9-2-125(d) would prohibit the establishment of mobile food facilities in the Downtown Core, Downtown Core Transition and Office Residential overlay districts.

Chapter 9-5: Administration *(Existing Ordinance: Exhibit F, Proposed Ordinance: Exhibit L)*
This chapter defines the permitting procedures and findings for various entitlement processes. This chapter also establishes the enforcement procedures for the Zoning Regulations. Minor changes in the various permitting procedure and time frames are proposed. For outdoor dining establishments, a requirement to maintain insurance coverage throughout the operation of the outdoor dining use has been added. For outdoor dining establishments that serve alcohol, the barrier height has been reduced from 4' to 3'.

3. BASIS FOR RECOMMENDATION:

A. To bring Title 9 (Zoning Ordinance) into consistency with the 2012 City of Turlock General Plan

B. On March 6, 2014, the Planning Commission, by a 4 – 3 majority vote, recommended approval of the proposed changes to Title 9 of the Turlock Municipal Code

Strategic Plan Initiative: INTELLIGENT, PLANNED, MANAGED GROWTH

Goal: a. Ensure all growth adds value to the current and future community
e. Create long-term, value-added plan for In-fill

f. Ensure all growth and development reflects balanced land use through the General Plan implementation which will address future growth and development

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: The cost of preparing this Amendment to Title 9 of the Turlock Municipal Code utilizes General Fund monies.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

EXEMPT pursuant to CEQA Guidelines Sections 15061(b)(3) and 15183

7. ALTERNATIVES:

A. The Council may deny the proposed repeal and replacement of Title 9 (Zoning Ordinance) in the Turlock Municipal Code

B. The Council may amend the proposed changes to Title 9.

EXHIBIT A

AGENDA REPORT 3/6/14
COMPREHENSIVE ZONING REGULATIONS UPDATE
(Continued from the 2/6/14 Meeting)

TO: Planning Commission

FROM: Debra A. Whitmore, Deputy Director of Development Services/Planning

SUBJECT: Comprehensive Zoning Regulations Update

APPLICATION SUMMARY	**DATE FILED:** N/A
APPLICANT:	City of Turlock
OWNER:	N/A
ADDRESS:	City-wide
APN:	N/A
AREA OF PROPERTY:	N/A
EXISTING ZONING:	N/A
GENERAL PLAN:	N/A
PREVIOUS ACTIONS:	The current Title 9 (Zoning Ordinance) was adopted on January 14, 1997.
REQUEST:	To comprehensively update the Turlock Zoning Regulations
CEQA RECOMMENDATION:	EXEMPT pursuant to CEQA Guidelines Sections 15061(b)(3) and 15183
STAFF RECOMMENDATION:	Approval

CONTINUATION

This item was continued from the February 6, 2014, Planning Commission meeting to provide more opportunity for public input on the proposed amendments to TMC 9-2-125 (Mobile Food Facilities) prohibiting the issuance of a mobile food facility permit in the Downtown Core, Downtown Core Transition and the Office Residential overlay districts in downtown Turlock, and to give staff an opportunity to consider Mr. Seeger's request for an amnesty program related to the new cargo container requirements.

In reviewing the request for an amnesty program for the cargo container requirements, staff believes there is a public interest in seeking compliance with the new ordinance provisions. Staff has a very long list of properties that are currently out of compliance with these regulations and codes. The City has always had a policy to work with property owners to bring them into compliance by issuing warning letters prior to citing a noncompliant property. Therefore, staff would propose that the Planning Commission recommend that the City Council establish a 6-month amnesty period for the new requirements.

As an incentive for compliance, staff proposes that the planning permit fee for the Minor Discretionary Permit required for commercial and industrial zoned properties be reduced from the estimated $1,475 to $345. For residential zoned property, the fee for the Minor Administrative Approval would be reduced from $345 to $170. These reduced fees are required to cover the hard costs associated with coordination and circulation to other City Departments and outside agencies, but will not fully cover staff costs associated with processing these permits. Applicants would not be exempt from paying building permit and development impact fees.

Under the amnesty program, property owners would still be required to comply with the provisions of the ordinance contained in the proposed Section 9-2-128(d) with respect to height (i.e., no stacking), number and size, design, location, contents, screening, and foundation system. Exceptions to the setback requirements would be processed concurrently at the reduced permit cost. The Planning Commission could also allow staff to permit slightly larger cargo containers that would otherwise be permitted through the permit process, but staff does not advise the Planning Commission allow a deviation from the number of containers identified in the draft ordinance.

<u>If the Planning Commission supports the recommendation for an amnesty program, a separate motion would need to be made by the Planning Commission. This motion has not been incorporated into the draft resolution.</u>

ENVIRONMENTAL REVIEW

The proposed amendments are consistent with the General Plan and are not anticipated to generate a significant environmental effect. Therefore, the project is exempt pursuant to Section 15061(b)(3) [No potential for causing a significant effect on the environment] or Section 15183 [Project consistent with general plan policies]. An environmental impact report was certified for the General Plan update and a Statement of Overriding Considerations was adopted for those impacts that were determined to be significant and unavoidable.

BACKGROUND

The City has been working on a number of ordinance amendments over the past four years including those pertaining to drive-through facilities, cargo containers, electrified fences, the Downtown zoning regulations update, and others. The comprehensive zoning ordinance amendment will incorporate these changes as well as changes to the code that have been identified by staff over the course of doing business with the public.

OVERVIEW OF PROPOSED AMENDMENTS

Due to the comprehensiveness of the proposed amendments, staff is proposing to repeal the entire Zoning Ordinance and replace it with completely updated chapters. The changes range from simple wording and reference changes to adding entire sections to the City's Zoning Regulations. The summary below focuses on the major additions and amendments to the ordinance by chapter.

Chapter 9-1: General Provisions (and Definitions):
This chapter establishes the zoning regulations and establishes the definitions that are used throughout the Zoning Regulations. These terms are used later and throughout the Zoning Regulations. Changes and additions were made to the definitions section to clarify the meaning of terms. An example of a new term is the new definition for a "cargo container" that has been added because a new section on cargo containers has been added to Chapter 9-2 of the ordinance.

Chapter 9-2: Regulations Applying to All Districts:
This chapter includes regulations that affect how development occurs in all zoning districts are specified. It is also the chapter that identifies special permitting processes and development standards for specific uses. Major changes or additions proposed in this chapter are:

Article 1: Special Provisions: Major amendments are proposed to regulations for accessory buildings and structures, building projections into yards, landscaping and irrigation, permitted locations of recreational vehicles and campers, salvage and wrecking, and mobile food facilities.

Accessory Structures and Buildings: The proposed changes would significantly change the way the City regulates accessory structures such as gazebos, storage sheds, detached garages, and other buildings that are typically accessory to residential uses. Under current regulations, there are significant requirements for all buildings and structures that make it difficult to locate a storage shed next to a property line, even when that structure cannot be viewed by the neighbor or the public. Under the new language, any structures seven feet in height or less would be allowed so long as it is not located in a front yard. For buildings or structures greater than seven feet in height, the structures must be architecturally compatible with the primary structure, must maintain specified setbacks and may not occupy more than 1,000 square feet. The proposed changes make an exception for arbors, arches, and trellises in the front yard when they are used as an entryway feature, do not exceed an overall height of eight feet and width of seven feet.

Building Projections into Yards: Eliminated some terms that confused patios with patio covers. A corresponding change in the accessory structure ordinance would not allow accessory structures to project into a required setback area.

Landscaping and Irrigation: This section has been updated to reflect the State's Water Efficient Landscape Ordinance. The landscaping requirement for the Commercial-Office (C-O) zoning district has been reduced from 25% to 15% at the recommendation of the Development Collaborative Advisory Committee. For commercial and industrial zoning districts, the landscaping in the road cross section

defined by the General Plan may be counted toward the project's landscaping requirement. However, commercial districts are required to have a minimum of ten feet of landscaping from the back of a public sidewalk.

Permitted Locations of Recreational Vehicles: Vehicles would be allowed to park a little closer to the side property lines when located in the front yard- reducing the side yard setback from 4 feet to 2.5 feet – to align with the setback for a driveway. Recreational vehicles under 7 feet in height would be allowed to park in the side yard setback area when located behind the front yard and when screened by a solid fence.

Salvage and Wrecking: Eliminates the requirement for an 8-foot masonry fence when the business is surrounded by industrial (I) zoned properties.

Mobile Food Facilities: Mobile food facilities are currently allowed in all commercial and industrial zoning districts, except the Commercial Office (C-O) zoning district. The proposed amendments would add this prohibition to three Downtown zoning overlay districts – Downtown Core (DC), Downtown Core Transition (DCT) and the Office Residential (OR) zoning districts.

Cargo Containers: Adds a new section establishing a discretionary permitting process for cargo containers. Also establishes the conditions under which a permit is not required. The proposed revisions specify the type of permit required, and the standards that would apply for the various zoning districts in the City. The proposal establishes limits on the number and size of cargo containers that could be placed on private property and would establish design guidelines for the containers that may be permitted. Residential owners would be allowed to keep a cargo container in their driveway for 3 months or less without a permit; however, the container must be located on paved driveway, may not encroach into the public right-of-way (like a sidewalk) and may not block the opening of the garage door.

Electrified Fences: Electrified fences are to be allowed in the Industrial (I) and Industrial Business Park (I-BP) zoning districts so long as they are located at least 50 feet away from residential and other sensitive land uses, or land zoned for such uses (including most commercial zoning districts), and meet specific construction and safety standards. The owner would also be required to hold the City harmless for all liability associated with installing the fence.

Drive-Through Facilities: Restrictions on the location of drive through facilities and specific sign standards have been added.

Article 2: Off-Street Parking and Loading Regulations: The proposals include adding regulations regarding driveway standards, parking space and drive aisle requirements have been moved to the City's Standard Specifications and Drawings, bicycle parking requirements have been revised, and have added an allowance for alternative method of determining the number of parking spaces, and added parking lots design standards.

Article 3: Noise Standards: No major amendments have been proposed; however, some minor changes have been made to correct references to other sections of the Turlock Municipal Code.

Article 4: Nonconforming Structures and Uses: Proposed amendments would reduce the permitting requirements for smaller expansions of nonconforming uses and structures from a conditional use permit to a minor discretionary permit.

Article 5: Signs: No major amendments are proposed at the current time; however, some minor changes have been made to correct references to other sections in the Turlock Municipal Code.

Article 6: Wireless Communications: Minor changes in references and rewording of Section 9-2-604(c) to clarify its intent.

Chapter 9-3: Base District Regulations:
This chapter establishes the uses and development standards for the various base zoning districts in the City. Changes are proposed in the permitting requirements for various uses and the property development regulations for all districts. Agricultural uses have been further defined particularly how they are regulated in residential districts. Community gardens are allowed with a conditional use permit; however, crop production for one's own use is permitted. Major changes in the use classifications for the Commercial Thoroughfare (C-T) and Public/Semi-public zoning districts are proposed. Designed standards have been added for manufactured housing in residential districts.

Chapter 9-4: (Downtown) Overlay District Regulations:
This chapter establishes the overlay districts in Turlock's Downtown planning area.The proposed amendments are not intended to change the overall goals and objectives of the current Downtown Plan and Zoning Regulations. Lot dimensions have been added to ensure that new lots are created in the same pattern as the existing Downtown. Limitations on the types of security devices have been clarified. Uses classifications have been added. These classifications were established in coordination with the Turlock Downtown Property Owners Association, although the Association did not necessarily agree with all of the designations recommended by staff. In particular, the Association is continuing discussions with the Police Department to identify an expedited permitting process for entertainment uses in the Downtown area. Setbacks have been reduced slightly in some zones to create more consistency among the zoning districts with the exception of single family homes that will maintain 15 foot front and corner side yards. Height limits for the Office Residential and Industrial Residential zoning districts have been increased to 40 feet and 50 feet, respectively. Landscaping requirements have been somewhat reduced. A related change in Section 9-2-125(d) would prohibit the establishment of mobile food facilities in the Downtown Core, Downtown Core Transition and Office Residential overlay districts.

Chapter 9-5: Administration:
This chapter defines the permitting procedures and findings for various entitlement processes. This chapter also establishes the enforcement procedures for the Zoning Regulations. Minor changes in the various permitting procedure and time frames are proposed. For outdoor dining establishments, a requirement to maintain insurance

coverage throughout the operation of the outdoor dining use has been added. For outdoor dining establishments that serve alcohol, the barrier height has been reduced from 4' to 3'.

RECOMMENDED ACTION

Staff recommends that the Planning Commission recommend adoption of the proposed amendments to the Zoning Regulations to the City Council as follows:

Recommended Motion: The Planning Commission recommends that the City Council repeal Title 9 (Zoning Regulations) and replace the title with the proposed amendments, having determined that the amendments are exempt from CEQA pursuant to Sections 15061(b)(3) and 15183 of the CEQA Guidelines and pursuant to the findings contained in draft Planning Commission Resolution No. 2014-01.

ATTACHMENTS:

A. Draft Planning Commission Resolution 2014-01

RESOLUTION NO. 2014-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TURLOCK RECOMMENDING THE CITY COUNCIL REPEAL TITLE 9 (ZONING REGULATIONS) AND REPLACE WITH THE AMENDED CHAPTERS 9-1 THRU 9-5 AS THE NEW TITLE 9 (ZONING REGULATIONS)

WHEREAS, a comprehensive update to Title 9 (Zoning Ordinance) is necessary to achieve the goals and objectives of the new General Plan adopted in September 2012 and address a number of requests presented by the public to the Planning Commission; and

WHEREAS, the Planning Commission includes in their recommendation to the City Council an amnesty program for existing cargo containers, allowing a six-month grace period for compliance with the cargo container ordinance; and

WHEREAS, the cargo container amnesty program includes reduced land use permit fees of $345.00 for commercial and industrial zoned properties and $170.00 for residential zoned properties to cover the hard costs of processing the permit; and

WHERESAS, through the amnesty program, minor deviations from development standards may be approved by the Director of Development Services; and

WHEREAS, after public hearing held on March 6, 2014, the Planning Commission determined as follows:

1. That the pubic necessity, convenience and general welfare support the proposed amendment.
2. That the proposed amendment is consistent with the Turlock General Plan.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Turlock that the following update to Title 9 (Zoning Regulations) is hereby recommended for approval. (Attachment 1)

Section 1. The proposed project is "Exempt" from the provisions of the California Environmental Quality Act (CEQA) under the CEQA Guidelines Section 15061(b)(3)[No potential for causing a significant effect on the environment] or Section 15183 [Project consistent with general plan policies].

Section 2. Recommends that the City Council of the City of Turlock repeal Title 9 (Zoning Regulations) and add Chapters 9-1 thru 9-5 as the new Title 9 (Zoning Regulations).

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly adopted by the Planning Commission of the City of Turlock at a regular meeting of said Planning Commission held on the 6th day of March, 2014, by the following roll call vote:

AYES: **Badal, Pollard, Dias and Hackler**

NOES: **Bean, Pedroza and Chairwoman Fregosi**

ABSTAINED: **None**

NOT PARTICIPATING: **None**

ABSENT: **Brem and Hillberg**

ATTEST: _____
MICHAEL G. PITCOCK, DIRECTOR OF DEVELOPMENT SERVICES AND SECRETARY OF THE TURLOCK PLANNING COMMISSION

EXHIBIT B

Chapter 9-1
GENERAL PROVISIONS

Sections:

Article 1. Establishment of General Provisions

9-1-101 Title of provisions.
9-1-102 Adoption.
9-1-103 Purpose.
9-1-104 Applicability to private and public property.
9-1-105 Minimum requirements.
9-1-106 Rules for interpretation of language.
9-1-107 Applicability and effect of prior permits.
9-1-108 Conflict with other regulations.
9-1-109 Relation to private agreements or restrictions.
9-1-110 Applicability of land use and development regulations.
9-1-111 Rules for interpretation.
9-1-112 Application of zoning regulations during local emergency.
9-1-113 Severability.

Article 2. Establishment of Definitions

9-1-201 Semantic rules of construction.
9-1-202 Definitions.

Article 1. Establishment of General Provisions

9-1-101 Title of provisions.

This chapter of the Turlock Municipal Code may be known and cited as the "Turlock Zoning Regulations" or "Zoning Regulations."

(914-CS, Repealed & Replaced, 02/14/1997)

9-1-102 Adoption.

There is hereby adopted, as provided herein, Zoning Regulations for the City. The Regulations are intended to be a precise and detailed plan for the use of land based on the General Plan of the City and to be consistent with the General Plan of the City.

(914-CS, Repealed & Replaced, 02/14/1997)

9-1-103 Purpose.

The purpose of the Zoning Regulations is to promote the public health, safety, comfort, convenience, and general welfare of the people of Turlock. Specifically, these Zoning Regulations intend to achieve the following purposes:

(a) To implement the policies of the Turlock General Plan;

(b) To advance Turlock's position as a regional center of commerce, industry and housing;

(c) To promote and provide for the orderly growth and productivity of Turlock's economy;

(d) To protect agricultural, residential, commercial, industrial, public and institutional areas and environmentally sensitive areas from the intrusion of incompatible land uses;

(e) To provide for desirable, appropriately located living areas in a variety of dwelling types and at a wide range of population densities, with adequate provisions for sunlight, fresh air, privacy, usable open space, and safety;

(f) To encourage the provision of affordable housing, particularly to lower income households;

(g) To achieve excellence in site and building design in all future and existing developments;

(h) To provide adequate off-street parking and loading facilities, and to promote a safe, effective traffic circulation system;

(i) To ensure that service demands of new development do not exceed the capacities of existing streets, utilities, or public services;

(j) To assure equality among individuals in the use and enjoyment of their property;

(k) To guide and encourage the renewal of areas experiencing blight, deterioration and obsolescence, while protecting and preserving Turlock's cultural heritage;

(l) To stabilize expectations regarding development entitlements and uses, thereby providing a basis for rational private and public land use decisions;

(m) To minimize the process necessary to obtain rights to develop and use property;

(n) To provide opportunities for businesses to be located for efficient operation in a mutually beneficial relationship to each other and to shared services;

(o) To prevent any substantial risk to public health, safety and welfare from the use of a land or location of a building, or to be a nuisance to or adversely affect adjacent properties or uses.

(914-CS, Repealed & Replaced, 02/14/1997)

9-1-104 Applicability to private and public property.

Zoning Regulations shall apply to all land within the City of Turlock, including land owned by the City of Turlock and other local, state, or federal agencies, where applicable. Application of regulations to specific lots shall be governed by the zoning map.

(914-CS, Repealed & Replaced, 02/14/1997)

9-1-105 Minimum requirements.

The Zoning Regulations shall be deemed the minimum requirements to promote and preserve the public health, safety, and general welfare of the people, unless otherwise noted.

(914-CS, Repealed & Replaced, 02/14/1997)

9-1-106 Rules for interpretation of language.

The following rules of construction shall apply:

(a) Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

(1) "And" indicates that all connected words or provisions shall apply.

(2) "Or" indicates that the connected words or provisions may apply singularly or in any combination.

(3) "Either...or" indicates that the connected words or provisions shall apply singly but not in combination.

(4) "Shall," "must" and "will" signify requirements to be met without exception under all relevant circumstances.

(5) "Should" signifies the City's desire and expectation that the principle will be met in most cases, but recognizes that some circumstances may make implementation impossible or unwise. The applicant may be required to demonstrate to the City the reason for not implementing principles with this wording.

(6) "May" signifies that the principle establishes guidance for actions that are at the discretion of the applicant or public agency.

(b) In case of conflict between the text and a diagram, the text shall control.

(c) All references to departments, commissions, boards, or other public agencies are to those of the City of Turlock, unless otherwise indicated.

(d) All references to public officials are to those of the City of Turlock and include designated deputies of such officials, unless otherwise indicated.

(e) All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend, a holiday, or some other day when the Turlock City Hall is not open for normal business, it shall be extended to the next full working day.

(f) Article, division 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 hereof.

(g) The words "activities" and "facilities" include any part thereof.

(914-CS, Repealed & Replaced, 02/14/1997)

9-1-107 Applicability and effect of prior permits.

(a) The provisions of this chapter shall apply to the erection or alteration of any building or structure, or to the use of any parcel of land, as of the effective date of the ordinance codified in this title and

any subsequently adopted ordinance amending this chapter, unless a building permit has been lawfully issued by the City for the construction of a project. In that case, the project may be completed under the provisions of this chapter as they existed at the time of issuance of the building permit; provided, that construction under the permit commences within six months of issuance of the permit and the permit remains effective and valid under the terms of issuance. For the purpose of this subsection, a foundation permit shall be treated as equivalent to a building permit but grading, demolition, electrical, mechanical or plumbing permit shall not be considered or treated as building permits.

(b) No official or employee of the city authorized to issue permits or licenses shall issue such permits or licenses which are not in conformity with the provisions of this chapter where such conformity is required by law. Any permit or license issued in conflict with the provisions of this chapter shall be null and void.

(c) Whenever any building or sign permit, conditional use permit, variance, minor administrative permit, minor discretionary permit or other such permit approval has been issued prior to the effective date of the Zoning Regulations or any amendment thereto and the uses or improvements for which the permit was issued would not conform to the regulations or amendments, the uses or improvements may, nevertheless, be utilized or developed to the extent authorized by the issued permit, provided the permit has not expired under the terms of its issuance. The uses and improvements shall be deemed legally nonconforming and shall be subject to the provisions of Article 4 of Chapter 2 governing nonconformities.

(914-CS, Repealed & Replaced, 02/14/1997)

9-1-108 Conflict with other regulations.

Where conflict occurs between the provisions of this title and any other City codes, ordinances, resolutions, guidelines, or regulations, the more restrictive provision shall apply unless otherwise specified.

(914-CS, Repealed & Replaced, 02/14/1997)

9-1-109 Relation to private agreements or restrictions.

This chapter shall not be construed to imply that the City enforces, regulates, interferes with or annuls any easement, covenant, deed restriction, or other agreement between parties except in those instances where the City is a party to the agreement.

(914-CS, Repealed & Replaced, 02/14/1997)

9-1-110 Applicability of land use and development regulations.

(a) **Zoning designation system.** The districts set forth in this section and the boundaries of such districts are shown upon the map adopted by the council, such map being designated as the "Zoning Map." Such map is made a part of this chapter by reference as if the information set forth thereon were fully described in this chapter. The Council may from time to time republish all or any part of the zoning map to incorporate amendments thereto. Land use and development regulations applicable to

specific sites, shown on the zoning map by zoning designation, shall consist of classes of letters and/or numerical designators as follows:

(1) **A base land use designator** indicating the principal land uses permitted or conditionally permitted in each district, shall be a component of all zoning designations. In mixed-use districts where a conflict arises between standards of more than one district, the more restrictive standards shall apply.

(2) **Overlay district designators** shall be included in a zoning designation if the provisions of one or more overlay districts are applicable to a site. When a conflict arises between overlay district standards and base district standards, the overlay district standards shall apply.

(b) **Establishment of land use development standards.** The Zoning Regulations shall set forth development standards for each zone district including, but not limited to, controlling the uses of land, the density of population, the uses and locations of structures, the height and bulk of structures, the open spaces about structures, the external appearance of certain uses and structures, the areas and dimensions of sites, and requiring the provisions of off street parking, off street loading facilities and landscaping.

(c) **Use of property and land in established districts.** Except as otherwise provided in this chapter:

(1) Land, structures, and premises in any district shall be used only for the purposes set forth as permitted in that district, in accordance with the regulations established by the provisions of this title for that district, and in accordance with the conditions and requirements which may have been established for that district in connection with the authorization of any variance or the granting of any permit.

(2) No structure shall be erected, reconstructed, relocated, or structurally altered to have a greater height, bulk or a higher proportion of parcel coverage than is permissible under the limitations set for the district in which the building is located. If the building is already greater than the maximum permitted, it shall not be further increased.

(3) Open space, off-street parking space, or loading space shall be provided in accordance with the regulations, conditions and requirements established for that district.

(914-CS, Repealed & Replaced, 02/14/1997)

9-1-111 Rules for interpretation.

(a) **Zoning regulations.** Where uncertainty exists regarding the interpretation of any provisions of this chapter or its application to a specific site, the Community Development Director shall determine the intent of the provision.

(b) **Zoning map.** Where uncertainty exists regarding the boundary of a zoning district, the following rules shall apply:

(1) Where boundaries are indicated as following streets or other rights-of-way, the center lines of such streets or rights-of-way shall be construed to be such boundaries.

(2) Where boundaries are indicated as approximately following parcel lines, such parcel lines shall be construed to be such boundaries.

(3) In the event uncertainty exists or in the case where a district boundary divides a parcel, the Commission, upon a written application or upon its own motion, shall determine the exact location of such boundaries.

(c) **Record of interpretation.** The Community Development Director shall keep a record of interpretations made pursuant to this Chapter which shall be made available to the public for review.

(d) **Appeals.** An interpretation of the zoning regulations or zoning map by the Community Development Director may be appealed to the Planning Commission.

(914-CS, Repealed & Replaced, 02/14/1997)

9-1-112 Application of zoning regulations during local emergency.

The Turlock City Council may authorize deviations from any provision of this chapter during a proclaimed local emergency in accordance with Title 4 of the Turlock Municipal Code.

(914-CS, Added, 02/14/1997)

9-1-113 Severability.

If any section, subsection, sentence, or phrase of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions of this chapter shall not be affected. It is expressly declared that this chapter and each section, subsection, sentence, and phrase would have been adopted regardless of the fact that one or more other portions of this chapter would be declared invalid or unconstitutional.

(914-CS, Repealed & Replaced, 02/14/1997)

Article 2. Establishment of Definitions

9-1-201 Semantic rules of construction.

For the purposes of this title, the following rules shall apply unless inconsistent with the plain meaning in the context of the provisions of this title.

(a) Words used in the present tense include the future tense.

(b) Words used in the singular include the plural, and words used in the plural include the singular.

(c) The word "used" includes the words "arranged for, designed for, occupied, or intended to be occupied for."

Where a definition is not given or where a question of interpretation is raised, the definition shall be the common usage of the word within the context of its use, or as clarified by the Planning Commission.

(914-CS, Repealed & Replaced, 02/14/1997)

9-1-202 Definitions.

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

"Abandoned activity" shall mean a business or activity with no reported sales or activity for a period of at least one-hundred eighty (180) days. Exceptions are temporary closures for repairs, alterations or other similar situations.

"Abut" or **"adjoin"** shall mean two (2) or more parcels sharing a common boundary of at least one (1) point.

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

"Accessory buildings and uses" shall mean buildings and uses, both permanent and temporary, which are:

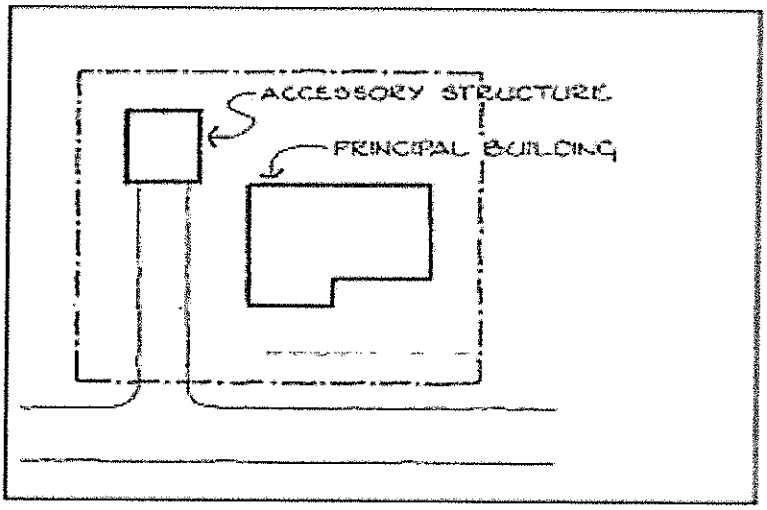
(a) Subordinate to and serve a principal building or principal use;

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

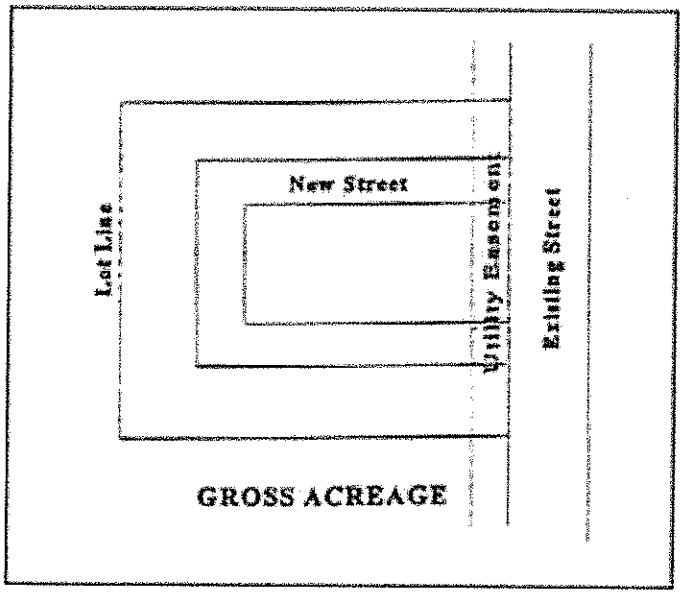
(c) Contribute to the comfort, convenience, or necessity of occupants of the principal building or principal use;

(d) Located on the same lot as the principal building or use; and

(e) Accessory uses in commercial and industrial businesses shall be limited to twenty (20%) percent of the total floor area.



"Acreage, gross" shall mean the entire area of a site calculated to the centerline of planned bounding streets and to the edge of the right-of-way of existing or dedicated streets.



"Acreage, net" shall mean the area of a parcel of land measured to the property lines less streets and alleys or those areas proposed or required to be dedicated as streets and alleys.

"Action" shall mean the decision made by the review authority on a land use application, including applicable findings, environmental determination and conditions of approval.

"Adjacent" shall mean situated next to. Includes abutting and real property across alleys, streets or other public property.

"Adult use" shall mean a business or location where the main emphasis is on the sale or promotion of sexually explicit materials or activities. See TMC 9-2-102, Adult entertainment, for further definitions and reference.

"Affordable housing" shall mean housing for which the housing payment is not more than thirty (30%) percent of household gross income for a specified housing group.

"Agent of owner" shall mean a person authorized to act for the property owner.

"Agricultural use" shall mean the tilling of the soil, the raising of crops, horticulture, viticulture, dairying and small livestock farming including all uses customarily incidental thereto; but excluding slaughter houses, fertilizer yards, transport businesses for agricultural hauling, bone yards or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust, or fumes. (See also "Livestock.")

"Airports and landing strips" shall mean runways and related facilities for aircraft, including rotary-winged and ultralight aircraft, take-off and landing.

"Alley" shall mean a public or private right-of-way permanently reserved primarily for vehicular service access to the rear or sides of properties otherwise abutting on a street and affording only secondary means of access to abutting property.

"Alteration" shall mean any change, addition, or modification in construction or occupancy of an existing structure.

"Amendment" shall mean a change in the wording, context or substance of any provision in TMC Title 9; or an addition, deletion, or a change in the zone boundaries or classification upon the Zoning Map.

Amusement center or arcade. See TMC 4-11-101 et seq.

Animal sales and services.

(a) **"Animal boarding"** shall mean the provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.

(b) **"Animal grooming"** shall mean the provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of forty-eight (48) hours.

(c) **"Animal hospitals"** shall mean establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air conditioned. Grooming and temporary (thirty (30) days) boarding of animals is included if incidental to the hospital use.

(d) **"Animals, retail sales"** shall mean retail sales and boarding of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use.

"Annexation" shall mean the process of adding territory to the incorporated area of the City and simultaneously detaching said territory from Stanislaus County and certain service districts.

"Antenna" shall mean a device for transmitting or receiving radio, television, or any other transmitted signal.

"Antique store" shall mean a business whose primary purpose is the sale of objects having special value because of their age, especially a domestic item or piece of furniture or handicraft esteemed for its artistry, beauty, or period of origin.

"Apartment" shall mean a room or group of rooms in a building rented or leased to a tenant and constituting five (5) or more dwelling units. For the purpose of this definition, "building" shall mean one (1) or more buildings on one (1) or more contiguous lots or parcels under common ownership, and the total contiguous number of dwelling units in all of such buildings shall be used to determine the number of dwelling units subject to the requirements of TMC Title 9. (See also "dwelling unit, multifamily.")

"Artist studio" shall mean a place where fine art is created and occasionally displayed, and affords the artists a live-work opportunity typically in the downtown area. "Fine art" is art concerned with the creation of beautiful objects such as painting and sculpture.

"Attached" shall mean the physical connection of two (2) structures as defined by the Uniform Building Code.

"Auto repair, major" shall mean a place providing a full range of vehicle repair and maintenance services which include outside storage, the use of hazardous liquids, open flame or welding operations. Hazardous liquids include Class I, II or III-A liquids as defined by the Uniform Building Code.

"Auto repair, minor" shall mean a place providing vehicle repair and maintenance limited to exchange of parts and maintenance which does not include the activities as defined under "Auto repair, major." Any activity combining minor and major automobile repair shall be defined as major automobile repair.

"Auto sales and service" shall mean sale and rental of automobiles, motorcycles, trucks and recreational vehicles, including storage and incidental maintenance.

"Automobile service station" shall mean an area which provides for the servicing or fueling of motor vehicles, including tube and tire repairs, battery charging, storage of merchandise and supplies related to the servicing of motor vehicles, sale of gasoline and other fuel and lubricants, motor vehicle washing, grease racks, and motor vehicle repairs, excluding major auto repair and other similar activities. This definition includes a convenience gas mart with two (2) or more service islands.

"Automobile storage" shall mean lots for the storage of parking tow-away, impound yards, and storage lots for automobiles, light duty trucks, buses, and recreational vehicles, but excluding commercial vehicles.

"Automobile washing" shall mean washing, waxing, detailing, or cleaning of automobiles or similar light vehicles including the use of mechanical automobile washers.

"Awning" shall mean a roof-like cover that is attached to and projects from the wall of a building for the purpose of shielding from the elements.

"Balcony" shall mean an open area located either recessed or projected out from the walls of a building. Balconies are thirty (30") inches or more above grade and are open to one (1) or more sides except for a railing or parapet not more than forty-two (42") inches high. An exterior corridor is not a balcony.

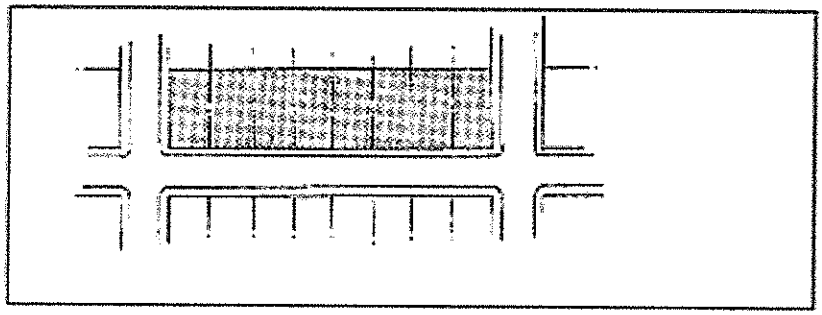
"Bar" shall mean any premises wherein alcoholic beverages are sold at retail for consumption on the premises and where minors are excluded therefrom by law. A bar shall include any premises wherein food products, including salads, sandwiches, desserts, and similar short order items and snacks, are sold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

"Basement" shall mean that portion of a building that is partly or completely below grade. A basement shall be counted as a story for purposes of height measurement where any portion of a basement has more than one-half (1/2) of its height above grade.

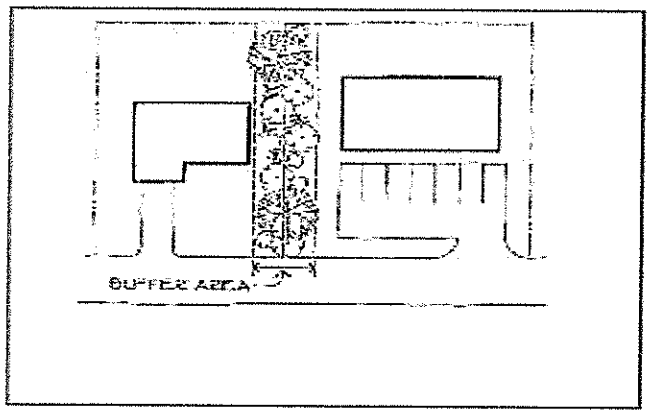
"Berm" shall mean a mound or embankment of earth.

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

"Block face" shall mean the properties abutting on one (1) side of a street and lying between the two (2) nearest intersecting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land or City boundary.



"Buffer area" shall mean a landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.



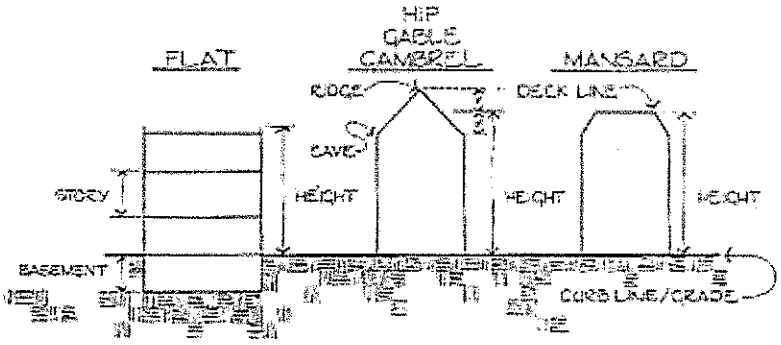
"Building" shall mean any structure used or intended for supporting or sheltering any use.

Building, accessory. See "Accessory building."

"Building and Safety Division" shall mean that agency or department designated by the City to process building permits and the related plan check/inspection services.

Building coverage. See "Lot coverage."

"Building height" shall mean the vertical distance from the finished grade to the highest point of the building as measured to the rooftop for flat roofs; to the deck line for mansard roofs; and to the top ridge line for gable, hip, and gambrel roofs, exclusive of chimneys and ventilators.



"Building, principal" shall mean a building in which the primary use of the lot on which the building is located is conducted.

"Clubs and lodges" shall mean meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers.

"Commercial recreation and entertainment" shall include theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, ice/roller skating rinks, miniature golf courses, golf driving ranges, model courses, shooting galleries, pinball arcades or electronic game centers having two (2) or more coin-operated game machines, card rooms, and facilities used exclusively for bingo games. Commercial recreation and entertainment does not include adult entertainment facilities.

"Commissary" shall mean a food facility that services mobile food facilities, mobile support units, or vending machines where all of the following occur: (a) food, containers, or supplies are stored; (b) food is prepared or prepackaged for sale or service at other locations; (c) utensils are cleaned; (d) liquid and solid wastes are disposed, or potable water is obtained, pursuant to California Health and Safety Code Section 113751.

"Community Development Director" shall mean the Director of the Community Development Department of the City of Turlock, or designee. "Community Development Director" shall also include the term "Director."

"Conditional use" shall mean uses which may be allowed subject to specific findings, conditions and approval of a conditional use permit by the Planning Commission.

"Condominium" shall mean a development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in airspace in a residential building on a parcel.

"Condominium, commercial" shall mean individually owned unit in a building or development with commercial occupants. Each unit may be financed or sold separately by the owner, but the care and expense of maintaining common areas are shared.

"Construction, commencement of" shall mean construction shall be determined to start when all of the following have been completed by the developer:

(a) Filing of full sets of building plans with the Building Inspector and issuance of a building permit including electrical, plumbing, and mechanical permits.

(b) Performance of all conditions of approval specifying "prior to the issuance of a building permit" as found in any applicable approval statements and/or resolutions adopted by the City Council, Planning Commission, or Community Development Director.

(c) Payment of all required fees, including building permit fees, and the posting and acceptance of all public improvement securities, if applicable.

(d) Compliance with environmental review procedures of the City.

"Construction, completion of" shall mean construction shall be complete when the final required building inspection has been completed and/or a "certificate of occupancy" (as defined by the Uniform Building Code) is issued by the Building Inspector.

"Convalescent hospital" shall mean a facility providing long-term nursing, dietary and other medical services to convalescents or invalids but not providing surgery or primary treatment such as are customarily provided in a hospital. "Convalescent hospital" includes nursing home and rest home, but does not include general or specialized hospital or residential care facility.

"Convenience gas mart" shall mean a retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same. Activities may include the sale and/or dispensing of gasoline and other petroleum products.

"Conversion" shall mean changing the original purpose of a building to a different use.

"Cultural institutions" shall mean institutions displaying, preserving or demonstrating intellectual and artistic objects or activities. This classification generally includes libraries, museums, and art galleries where displayed objects are not intended for sale.

"Day care center" shall mean any child day care facility, as defined in Section 1596.76 of the California Health and Safety Code, other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school-age child care centers.

(a) **"Child day care facility"** shall mean a facility, as defined in Section 1596.750 of the California Health and Safety Code, that provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. "Child day care facility" includes day care centers, employer-sponsored child care centers, and family day care homes.

(b) **"Large family day care"** shall mean a home, as defined in Section 1596.78(b) of the California Health and Safety Code, that provides family day care for seven (7) to fourteen (14) children for periods of less than twenty-four (24) hours per day, inclusive, including children under the age of ten (10) years who reside at the home, as set forth in Section 1597.465 of the California Health and Safety Code and as defined in State regulations.

(c) **"Small family day care"** shall mean a home, as defined in Section 1596.78(c) of the California Health and Safety Code, that provides family day care for eight (8) or fewer children for periods of

less than twenty-four (24) hours per day, including children under the age of ten (10) years who reside at the home as set forth in Section 1597.44 of the California Health and Safety Code and as defined in State regulations.

"Deck" shall mean a platform less than thirty (30") inches above the grade, either freestanding or attached to a building.

"Density" shall mean the ratio between dwelling units and land, expressed as the number of dwelling units per gross acre, or as square feet of land required per dwelling unit.

"Density bonus" shall mean an increase of dwelling units over the otherwise maximum allowable residential density.

"Density, gross" shall mean the number of dwelling units per acre of developable residential land including public and private streets, but excluding greenways and easements for drainage or power transmission lines.

"Density, net" shall mean the number of dwelling units per acre of developable residential land exclusive of public and private streets, greenways, drainage, power-transmission line easements, or other public and semipublic uses.

"Development" shall mean:

(a) The division of a parcel of land into two (2) or more parcels;

(b) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, including any facility of any private, public, or municipal utility;

(c) Any mining, excavation, landfill, or land disturbance;

(d) Any use or extension of the use of land;

(e) Any subdivision pursuant to the Subdivision Map Act; and

(f) Any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use.

"Development agreement" shall mean an agreement entered into between the City of Turlock and a contracting party which relates to a specific real property, subject to the terms of the agreement, pursuant to the provisions of this chapter and Article 2.5, Chapter 4, Division 1 of Title 7 of the California Government Code.

"Director" shall mean the City of Turlock Community Development Department Director or designee.

"Discount club" shall mean a discount store or warehouse where shoppers pay a membership fee in order to take advantage of discounted prices on a wide variety of items such as food, clothing, tires, and appliances; many items are sold in large quantities or bulk.

"Discount store" shall mean stores with off-street parking that usually offer a variety of customer services, centralized cashing, and a wide range of products. They usually maintain long store hours

seven (7) days a week. The stores are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center or service station. Discount stores are also sometimes found as separate parcels within a retail complex with their own dedicated parking.

"Discount superstore" shall mean a store that is similar to a "discount store" described above, with the exception that they also contain a full service grocery department under the same roof that shares entrances and exits with the discount store area. Such retail stores exceed one hundred thousand (100,000) square feet of gross floor area and devote at least five (5%) percent of the total sales floor area to the sale of nontaxable merchandise. "Sales floor area" means only interior building space devoted to the sale of merchandise, and does not include restrooms, office space, storage space, automobile service areas, or open-air garden sales space. "Nontaxable merchandise" means products, commodities, or items the sale of which is not subject to California State sales tax. These stores usually offer a variety of customer services, centralized cashing, and a wide range of products. They usually maintain long store hours seven (7) days a week. The stores are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center or service station. Discount superstores are also sometimes found as separate parcels within a retail complex with their own dedicated parking.

"Distance between structures" shall mean the minimum distance measured between two (2) structures.

"Drive-in facility" shall mean any place or premises designed or used for the sale, dispensing or serving of food, refreshments, money, gasoline, or other goods and services to customers in their vehicles.

"Driveway" shall mean a private roadway for the exclusive use of the occupants of a property and their guests, and which provides vehicular access to required off-street parking spaces, garages, including recreational vehicle storage satisfying the requirements of TMC 9-2-114.

Dwelling.

(a) **"Multifamily"** shall mean a residential building containing two (2) or more dwelling units on one (1) lot. Multifamily dwellings shall include dwellings that are constructed for the purposes of providing supportive and transitional housing.

(b) **"Second"** shall mean an additional dwelling unit located on a lot zoned for single- or multifamily residential uses having sleeping, kitchen and sanitation facilities and being attached to or detached from an existing single-family dwelling located on the same lot. The definition of a "kitchen" is described in this section. (See also TMC 9-2-119, Second dwelling units.)

(c) **"Single-family"** shall mean a residential building containing one (1) dwelling unit on one (1) lot. All rooms within the single-family attached dwelling shall be interconnected. "Single-family dwelling" shall include a dwelling that is constructed for the purposes of providing supportive and transitional housing.

"Dwelling unit" shall mean one (1) or more rooms, including bathroom(s) and a kitchen, designed for or used by one (1) family for living or sleeping purposes. The defining feature of a "kitchen" is the

presence of a major cooking appliance such as a cook top and/or oven intended for the preparation of food for one (1) family. Other features typically found in a kitchen are a sink and counter space large enough for food preparation and cleaning, refrigeration facilities, and storage area.

"Easement" shall mean a grant of one (1) or more property rights by the property owner for use by the public, a corporation or another person or entity.

"Emergency services provider" shall mean a public or private agency which provides fire, ambulance, police or similar emergency dispatch services for the protection of life or property.

"Emergency shelter" shall mean housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Employee housing" shall be as defined in Section 17008 of the California Health and Safety Code and shall include farm worker housing. In nonagricultural residential zones, accommodations for six (6) or fewer employees shall be deemed a single-family structure pursuant to Section 17021.5 of the California Health and Safety Code. In agricultural zones, accommodations of no more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces designed for use by a single family or households shall be deemed a permitted agricultural land use pursuant to Section 17021.6 of the California Health and Safety Code.

"Entertainment, live" shall mean a musical, theater, dance, cabaret, or comedy act performed by one (1) or more persons. Any form of dancing by patrons or guests at an eating and drinking establishment or bar is live entertainment.

"Equipment sales, services and rentals" shall mean sales, services and rental of construction or agricultural equipment.

"Family" shall be defined by the maximum number of individuals permitted in a given residential space per the standards of the Uniform Housing Code and/or the Uniform Building Code as applicable.

"Fence" shall mean an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

"Floor area, gross" shall mean the total enclosed floor area of all stories of a building, measured to the outside structural members and exterior walls, including halls, stairways, basements, service and mechanical equipment rooms, mezzanines, interior balconies, attached garages, and other similar spaces.

"Floor area, net" shall mean the total enclosed floor area of all stories of a building, excluding corridors, hall, stairways, mezzanines, interior balconies, elevators, restrooms, closets, vaults, garages, and other similar space used by all occupants of a building rather than by an individual occupant.

"Floor area ratio (FAR)" shall mean the area resulting from dividing the gross floor area of all buildings on one (1) lot by the gross land area of that lot.

"Food and beverage sales" shall mean the retail sales of food and beverages for off-site preparation and consumption. Typical uses include grocery stores, liquor stores and delicatessens. Establishments at which twenty (20%) percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as catering services or restaurants.

"Friable" shall mean the addition of soil amendments and returning the soil to an easily crumbled or loosely compacted condition whereby the root structure of newly planted landscaping material will be allowed to spread unimpeded.

"Frontage" shall mean the property line, or lines, of a building site which abut a local street. (See also "Lot line, front.")

"Garage" shall mean an accessory building, or portion of a building, used for the parking or temporary storage of automobiles or motorcycles for the occupants of the premises. A garage (except an off-street parking structure) shall be enclosed on all sides and possess a fully closing door at the point of vehicular access.

"General Plan" shall mean the Turlock General Plan and all elements thereof.

"Grade" shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5') feet of a sidewalk, the ground level shall be measured at the sidewalk.

"Group quarters" shall mean shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouses, dormitories, fraternities, sororities, employee housing, and private residential clubs. Group quarters are not the same as group homes.

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

(b) **"Small"** shall mean the provision of shared living quarters for six (6) or less people.

"Guest house" shall mean living quarters within an accessory building on a residential lot for use by temporary guests of the occupants of the premises. It shall have no kitchen or cooking facilities and shall not be rented or otherwise used as a separate independent dwelling.

"Health/recreation facility" shall mean an indoor facility including such uses as a gymnasium, game courts, exercise equipment and classes, locker rooms, pool, jacuzzi and/or spa, and pro shop.

"Home occupation" shall mean any occupation, profession, activity, or use conducted entirely within a dwelling, accessory building or swimming pool, and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, and does not change the character thereof or adversely affect the uses permitted in the residential zone district of which it is part.

"Hospital" shall mean an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and includes related facilities such as laboratories, out-patient surgical centers and departments, training facilities, central services facilities, and administrative offices that are an integral part of the hospital facility.

"Hotel" shall mean a commercial land use providing shelter on a short-term basis in a building or portion thereof in which access is provided through a common entrance, lobby or hallway and which contains six (6) or more guest rooms.

"Housing for the elderly" shall mean a building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older. This does not include a development that contains convalescent or nursing facilities.

Industry.

(a) **General.** The manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes food processing and packaging, unlimited laundries, auto dismantling, stonework and concrete products manufacturing and power generation. General industry does not include the term "chemical manufacturing/processing."

(b) **Limited.** Manufacturing of finished parts or products from previously prepared materials, warehousing, distribution, wholesaling, shipping and cooling within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials or food processing.

"Itinerant vendor" shall mean any person who has no established place of business within the boundaries of the City of Turlock and who is engaged in transient business traveling from place to place for the purpose of selling any goods, wares, merchandise or services or for the purpose of taking orders for the sale of any goods, wares, merchandise or services to be delivered or performed at some future time and date. See TMC 5-17-02, itinerant vendors, for further reference.

"Junk yard" or **"salvage yard"** shall mean a site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, excepting a "vehicle dismantling and wrecking establishment" as defined in this section.

"Kennel" shall mean a place where four (4) or more dogs of five (5) months of age or older, or four (4) or more cats of four (4) months of age or older, are kept.

"Landscaping" shall mean an area devoted to, or developed and maintained with, native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative treatments such as outdoor landscape surfaces of rock, stone, brick, block, or similar decorative material (excluding driveways, parking, loading or storage areas), and sculpture elements. Plants on rooftops, porches, or in boxes attached to buildings are not considered landscaping.

Laundries.

(a) **"Limited"** shall mean an establishment to dry clean and/or wash and dry clothes and other fabrics brought in and carried away by the customer. This may include self-service or coin-operated facilities.

(b) **"Unlimited"** shall mean an establishment where larger quantities of clothes and other fabrics are washed and/or ironed but are collected and delivered primarily by laundry employees, including dry cleaning establishments. Unlimited laundry does not include the term "limited laundry."

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

"Loading space" shall mean a designated parking area for the loading and unloading of goods and materials from a commercial vehicle. See Article 2 of Chapter 9-2 TMC, Off-Street Parking and Loading Regulations, for further reference.

"Lot" shall mean a parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon. See diagram below. The classification of lots are:

(a) **"Corner"** shall mean a lot located at the intersection of two (2) or more streets.

(b) **"Flag"** shall mean a lot having access or an easement to a public or private street by a narrow, private right-of-way.

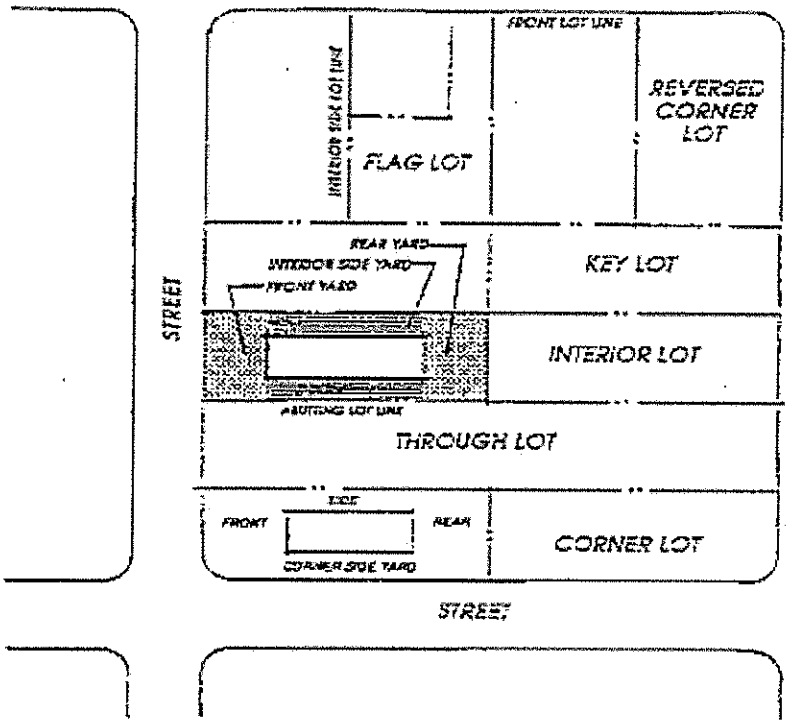
(c) **"Interior"** shall mean a lot abutting only one (1) street.

(d) **"Key"** shall mean a lot with a side line that abuts the rear line of any one (1) or more adjoining lots.

(e) **"Reverse corner"** shall mean a corner lot, the rear of which abuts the side of another.

(f) **"Through"** shall mean a lot having frontage on two (2) generally parallel streets, with only one (1) primary access.

Illustration of Terms



"Lot area" shall mean the horizontal area within the lot lines of a lot.

"Lot coverage" shall mean that portion of a lot occupied by any building or structure, excepting uncovered paved areas, walks, and swimming pools or spas.

"Lot depth" shall mean the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

"Lot frontage" shall mean the portion of the lot contiguous to the street.

"Lot line" shall mean a line dividing one (1) lot from another lot or from a street or alley. The classifications of lot lines are:

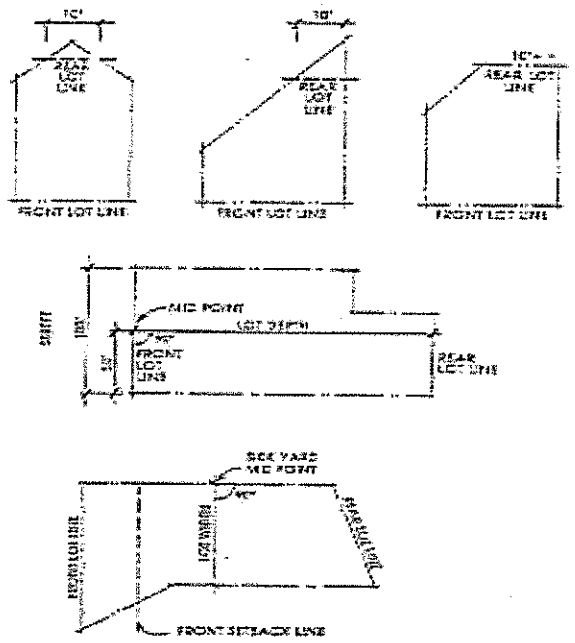
(a) **"Front"** shall mean, on an interior lot, the lot line separating the parcel from the street. On a through lot, both lot lines abutting a street frontage providing the primary access to the lot are considered front lot lines. On a through lot that is also a corner lot, the property owner may designate the corner lot line. On a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained. On a corner lot, the owner may designate on which street the lot fronts so long as the minimum property development standards are met for the zone district in which the lot is located. If such designation is made, then that line is the street line separating the designated street from the lot. If no such designation is made, the line is the street line separating the narrowest street frontage of the lot from the street. Once the choice of frontage has been made, it cannot be changed, unless and until all requirements for yard space are complied with.

(b) **"Interior"** shall mean any lot line not abutting a street.

(c) **"Rear"** shall mean the lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line.

(d) **"Side"** shall mean any lot line not a front or rear lot line.

(e) **"Zero"** shall mean the location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly upon a lot line.



"Lot width" shall mean the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear property lines.

Maintenance and repair service.

(a) **"Major"** shall mean facilities providing equipment maintenance and repair services and material storage areas. This classification includes corporation yards, equipment service centers, and the like, and excludes maintenance and repair of vehicles.

(b) **"Minor"** shall mean establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles and outside storage.

"Manufactured housing" shall mean single-family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, and shall include structures known as manufactured homes, but which is not constructed with a permanent hitch for relocation. A

manufactured home shall not be deemed to include a mobile home as defined in this section. (See also "Mobile home.")

"Mini-storage/warehouse facilities" shall mean a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the unused storage of goods or wares and may include outdoor storage.

"Mixed use" shall mean a building, structure or premises occupied by or used by two (2) or more principal types of use, any of which is permitted in a district independent of other uses.

"Mobile food facility" shall mean any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail pursuant to California Health and Safety Code Section 113831 that is permitted pursuant to TMC 9-2-125. "Mobile food facility" does not include the following: (a) a "street vendor" as defined in Chapter 5-17 TMC; (b) an "itinerant vendor" as defined in Chapter 5-17 TMC unless the vendor remains on private property for a period of thirty (30) minutes or more during any twenty-four (24) hour period; or (c) a "transporter" used to transport packaged food from a food facility, or other approved source to the consumer.

"Mobile home" shall mean a transportable, factory-built structure, built upon a chassis for future movement and built prior to the Manufactured Housing Construction and Safety Standards Act of 1974. The structure must be designed for use as a residential dwelling, with or without a permanent foundation, when connected to the required utilities, and intended for occupancy by one (1) family. A transportable travel trailer less than thirty-two (32') feet in length and less than eight (8') feet in width shall not normally be considered a mobile home. (See also "Manufactured housing.")

"Mobile home development" shall mean an area or tract of land where one (1) or more spaces for the occupancy by a mobile home are provided. "Mobile home park" does not include recreational vehicle park.

"Motel" shall mean a commercial land use providing shelter, on a short-term basis, in one (1) or more buildings on the same lot. The buildings contain guest rooms or dwelling units or both, which are usually individually and independently accessible from outside the building. "Motel" includes motor lodge, tourist court, motor hotel or any other designation intended to identify the premises as providing for rental or overnight accommodation primarily to motorists.

"Museum" shall mean a building, place, or institution devoted to the acquisition, conservation, study, exhibition and educational interpretation of objects having scientific, historical, or artistic value.

"Neighborhood store" shall mean a local retail establishment selling food products and household items which may be located in a residential neighborhood and does not exceed two thousand five hundred (2,500) square feet.

"Nonconforming, illegal" shall mean a structure, lot, or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this development code.

"Nonconforming lot" shall mean a lot that does not meet the area, width or depth standards for the district in which the lot is located which lawfully existed prior to the adoption, revision, or amendment

of this Code, but which fails by reason of such adoption, revision, or amendment to conform to the use district in which it is located.

"Nonconforming structure" shall mean any building or structure that does not meet the limitations on building size, height, and location on a lot, for the district in which such building is located, for the use to which such building is being put. (See also Article 4 of Chapter 9-2 TMC, nonconforming buildings and uses.)

"Nonconforming use" shall mean a lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

"Nuisance" shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses.

"Nursery" shall mean an establishment in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

"Open space, common" shall mean open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

"Open space, usable" shall mean any reasonably accessible portion of a lot, including decks, swimming pools, balconies, and the like, which is landscaped and/or developed for recreational use or outdoor activities. Usable open space shall not include parking areas, driveways, any part of an existing or future road or right-of-way, service areas, and slopes over ten (10%) percent, and shall not have any horizontal dimension less than ten (10') feet, except decks or balconies, which shall have a minimum dimension of six (6') feet to qualify as usable open space. Decks or paved walkways shall not be counted as usable open space where they are used principally as a passageway and entrance to a dwelling(s). Where decks are private in nature or are for the general use of tenants residing on the property and do not serve as a passageway, such decks may be counted as usable open space when otherwise conforming with the requirements of this chapter.

"Outdoor storage" shall mean the keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

"Overlay zone" shall mean a set of zoning requirements that is described in the text of the zoning regulations of this Code, is mapped and is imposed in addition to those requirements of the underlying district.

"Park and recreation facilities" shall mean noncommercial parks, playgrounds, recreation facilities, and open spaces.

"Parking, off-street facilities" shall mean a site or a portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

"Parking, off-street loading facilities" shall mean a site or a portion of a site, including loading berths, aisles, access drives, and landscaped areas, devoted to the loading or unloading of people or materials from motor vehicles or trailers.

"Permitted use" shall mean any use allowed in a land use zoning district and subject to the provisions applicable to that district.

"Personal services" shall mean a commercial land use providing recurrently needed services of a personal nature. Personal services generally include barber and beauty shops, tanning salons, seamstresses, tailors, shoe repair shops, dry cleaning (except bulk processing plants), photocopying, postal and mailing service shops, and self-service laundries.

"Plan line" shall mean official established right-of-way lines for future streets or for the extension or widening of existing streets within which the construction of structures is generally prohibited.

"Planned development" shall mean a type of development characterized by comprehensive planning for the project as a whole, clustering of structures to preserve usable open space and other natural features, and a mixture of housing types within prescribed densities.

"Planning Commission" shall mean the City of Turlock Planning Commission.

"Porch" shall mean a covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of the building.

"Preexisting" shall mean in existence prior to the effective date of the zoning regulations codified in this Code.

"Premises" shall mean a lot, parcel, tract or plot of land, together with the buildings and structures located thereon.

"Principal building" shall mean a building in which the primary use of the lot on which the building is located is conducted.

"Principal use" shall mean the primary or predominant use of any lot, building or structure.

Printing and publishing.

(a) **"Limited"** shall mean the preparation of camera-ready artwork and text, photocopying, printing and binding in a building not exceeding two thousand (2,000) square feet.

(b) **"Unlimited"** shall mean the preparation of camera-ready artwork and text, photocopying, printing and binding in a building exceeding two thousand (2,000) square feet.

"Project" shall mean any proposal for new or changed uses of land, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this chapter.

Property line. See "Lot line."

"Public buildings and facilities" shall mean a class of uses generally open to the public and maintained and supported by public and nonprofit agencies or organizations and which are of a recreational, educational, religious or cultural nature.

"Rebuild" shall mean to undertake construction within and/or on an existing building which has a valid construction permit with a construction value greater than fifty (50%) percent of the replacement cost of the existing building being rebuilt. The permit value is valid for a twelve (12) month period beginning on the date of permit issuance.

"Recreational vehicle" shall mean a vehicular unit not exceeding forty (40') feet in overall length, eight (8') feet in width, or thirteen and one-half (13 1/2') feet in overall height, primarily designated as a temporary living quarters for recreational, camping, or travel use; it either has its own motive power or is designed to be mounted on or drawn by an automotive vehicle. The term "recreational vehicle" shall include motor homes, travel trailers, pick-up campers, camping trailers, converted trucks or buses, boats and boat trailers and all-terrain vehicles. See TMC 9-2-114, Permitted locations of mobile homes, recreational vehicles, and campers.

"Recycling center" shall mean a facility that is not a junkyard and in which recoverable resources, such as newspapers, plastic, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building for transfer to another facility for processing into raw materials or other recycled materials.

"Recycling collection center" shall mean an incidental use and operation that serves as a neighborhood drop-off and collection point for temporary storage of recoverable and recycled materials. No processing of such items would be carried out and the facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as churches and schools.

"Recycling processing facility" shall mean a facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, cardboard, and other previously used paper products; plastic materials; glass; metal cans; and other similar products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

"Rental storage facility" shall mean a facility consisting of individual, compartmentalized stalls located entirely within an enclosed building or group of buildings with controlled access. Stalls are rented or leased for the storage of customers' goods, wares or archival files, and which may include an on-site manager's quarters, but excludes any outside storage, warehousing storage or wholesale distribution.

"Research and development services" shall mean establishments primarily engaged in industrial or scientific research, including limited product testing.

Residential care facility.

(a) **"Large"** shall mean any family home, group care facility or similar facility providing twenty-four (24) hour nonmedical services, supervision or assistance for seven (7) or more people essential for sustaining the activities of daily living or for the protection of the individual. "Large residential care

facility" includes shelters, board and care facilities, halfway houses, and like uses, but does not include any facility not specifically preempted from the State of California Welfare and Institutions Code and the State of California Health and Safety Code.

(b) **"Small"** shall mean any family home, group care facility or similar facility providing twenty-four (24) hour nonmedical services, supervision or assistance for six (6) or fewer people essential for sustaining the activities of daily living or for the protection of the individual. "Small residential care facility" includes any facility not specifically preempted from the State of California Welfare and Institutions Code and the State of California Health and Safety Code.

"Restaurant" shall mean a business establishment whose principal business is the selling of meals to guests for consumption on the premises and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods. The food is served in individual servings and the guest generally consumes these foods while seated at tables or counters located within the building or a specially designed outdoor dining area. "Meals" shall mean the usual assortment of food commonly ordered at various times of the day; the service of such food and victuals only as snacks, salads, or desserts shall not be deemed a compliance with this requirement.

"Restaurant, drive-in" shall mean a business establishment that delivers prepared food, frozen desserts, and/or beverages in a ready-to-consume state to customers in motor vehicles, regardless of whether or not it also serves prepared foods and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

"Restaurant, fast food" shall mean a business establishment whose principal business is the quick selling of foods, frozen desserts, or beverages in ready-to-consume individual servings for consumption either on or off premises. This facility offers quick service, which is accomplished through a limited menu of items already prepared and held for service, or which are prepared quickly. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

"Retail sales" shall mean the retail sales of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, and businesses retailing goods such as the following: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, electronic equipment, audio and video sales and rentals, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, new automotive parts and accessories (excluding service and installation), and the like. See also "Discount store" as defined by this section.

"Right-of-way" shall mean a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special uses.

"Roadside stand" shall mean a temporary structure designed or used for the display or sale of produce grown or raised on the same premises that the structure is placed.

"Salvage and wrecking yards" shall mean the use of a lot, or contiguous lots, or any portion thereof, for the storage of junk, including scrap materials, and/or for the dismantling or wrecking of salvaged equipment including, but not limited to, building materials, heavy machinery, and vehicles.

"Satellite dish antenna" shall mean an apparatus designed to receive or transmit communications to and from a satellite.

"School" shall mean an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

"Screening" shall mean the method by which a view of one (1) site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

"Secondhand store" shall mean any premises used for the sale or handling of used goods. "Secondhand store" includes establishments for the sale or trade of used clothing, furniture and appliances. "Secondhand store" does not include establishments selling used jewelry, old coins, stamps, or antiques.

"Setback" shall mean the minimum horizontal distance between the lot or property line and the nearest front, side, street side, or rear line of the building or structure (as the case may be), including balconies, terraces, or any covered building projection thereof, excluding steps.

"Shopping center" shall mean a grouping of retail businesses and service uses, located within a building or a group of buildings, oriented or arranged on one (1) or more parcels, sharing common parking and vehicle and pedestrian circulation amenities.

"Sign" shall mean a structure or device designed for the purpose of conveying information or attracting the attention of the public. See Article 5 of Chapter 9-2 TMC, Signs, for further reference.

"Site plan" shall mean a plan, to scale, showing all of the existing and proposed buildings and structures for a lot, and may require building elevations, floor plans, landscaping, and/or fencing details depending upon the nature of the proposed development.

"Specific plan" shall mean a plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the City, consistent with the General Plan and the provisions of Government Code Section 65450 et seq.

"Speculative building" shall mean a permanent structure for which the specified use or uses are not known at the time application is made for building construction permits.

"Stacking line" shall mean an area for temporary awaiting of motor vehicles while obtaining a service or other activity.

"Story" shall mean that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six (6') feet above the average level of the finished grade adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

"Street" shall mean a public or private right-of-way, usually for vehicular travel, which provides a primary means of access to abutting property. The term shall include, but not be limited to, avenue, drive, circle, road, parkway, boulevard, highway, throughway, or any similar term.

"Structural alteration" shall mean any change in the supporting members of a building or structure such as bearing walls, columns, beams, girders, or rafters.

"Structure" shall mean anything constructed or erected which requires location on the ground, including something having location on the ground, including swimming pools, but not including fences or walls used as fences having a maximum height of eighty-four (84") inches or less.

"Supportive housing" shall mean housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community, as defined in California Health and Safety Code 50675.14.

"Swimming pools, hot tubs, and spas" shall mean a structure intended for swimming or recreational bathing that contains water over twenty-four (24") inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

"Temporary use" shall mean any use conducted on an intermittent or one-time basis for a specified period, not intended to become permanent. Such use shall not necessarily be listed as a permitted use in a zoning district in which it is located.

"Transfer station" shall mean a facility where waste and refuse materials are collected, unloaded, pumped, packaged, temporarily stored, and loaded for transfer to a landfill or processing facility designated to ultimately receive such materials.

"Transitional housing" shall mean buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months, as defined in California Health and Safety Code Section 50675.2.

"Truck terminal" shall mean a facility for the loading and/or unloading of fuel, food products, materials or freight merchandise on trucks. Truck terminals may include related fueling facilities, traffic routing offices, temporary truck storage areas, restaurants, wash racks, minor repair facilities and related business offices and motels.

"Truck yard" shall mean a facility used exclusively for breaking down and assembling tractor-trailer transport vehicles, or for the parking of heavy vehicles for short periods of time. "Truck yard" does not include facilities for the loading and unloading of shipments to or from an individual business.

"Turlock General Plan" shall mean the long-range and comprehensive plan for orderly growth and development of Turlock, including text, maps and amendments, adopted by the Turlock City Council in accordance with the laws of the State of California. Also referred to as the "General Plan."

"Use" shall mean the purpose for which land or a building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained. "Use" also means the activity conducted on the land or in the building.

Utilities.

(a) **"Major"** shall mean generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, refuse collection, processing, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communication facilities, and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.

(b) **"Minor"** shall mean utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines and underground water and sewer lines.

"Variance" shall mean a permit which grants a property owner relief from development standards to the zoning regulations of this Code when, because of a particular physical or topographical condition of the property, compliance would result in undue hardship on the owner (as distinguished from a mere inconvenience or desire to make more money).

"Vehicle, abandoned" shall mean any dismantled or partially dismantled vehicle which requires major repairs to render it operable and which has remained within a public street in excess of seventy-two (72) hours.

"Vehicle, disassembled" shall mean a vehicle without hoods, doors, fenders, or body panels, headlights, trunk lid, tires, wheels, windows, engine or transmission when such items are normally part of a vehicle.

"Vehicle, dismantling and wrecking" shall mean a facility or business that involves the dismantling or wrecking of used motor vehicles or trailers, which may or may not include the sale of reclaimed parts.

"Vehicle, inoperable" shall mean any vehicle rendered inoperable or lacking valid registration.

"Vocational school" shall mean a commercial land use that involves the instruction to students of special skills, knowledge, or techniques that are generally related to furthering a specific vocation or professional occupation. Vocational schools would include trade schools, business schools, cosmetology schools, and schools for self-improvement.

"Wholesale warehouse" shall mean a building or group of buildings used for storage and distribution of wholesale goods without direct public access.

"Xeriscape" shall mean landscaping design utilizing plants which flourish and are adapted for dry, hot climates.

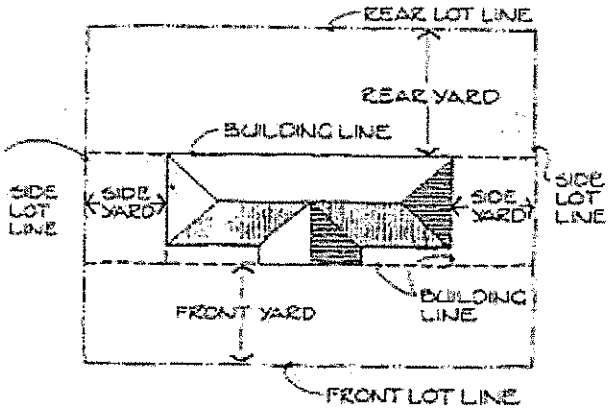
"Yard" shall mean an open space on the same site as a structure, unoccupied and unobstructed by structures or parking from the ground upward except as otherwise provided for in this chapter for landscaping and accessory structures, that includes a front yard, side yard, street side yard, or rear yard. The classifications of yards are:

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

(b) **"Rear"** shall mean the area between the rear lot line and the principal building which extends across the full width of the lot and measured perpendicular to the building at its closest point to the rear lot line.

(c) **"Side"** shall mean the area between the front yard and the rear yard between the principal building and the side lot line, measured perpendicular from the side lot line to the closest point of the principal building.

(d) **"Street side"** shall mean a side yard on the street side of a corner lot which is not a front yard, measured perpendicular from the street side lot line to the closest point of the principal building. A corner lot abutting two (2) streets may not have more than one (1) street side yard.



"Zone" or **"zoning district"** shall mean a section of the City described in the text of the zoning regulations of this Code and delineated on the zoning maps of the City. The text sets forth the requirements for the use of the land as well as improvements and development standards.

(Ord. 1154-CS, Amended, 08/25/11; 1132-CS, Amended, 12/24/09; 1130-CS, Amended, 11/12/09; 1015-CS, Amended, 02/12/2004; 983-CS, Amended, 07/11/2002; 963-CS, Amended, 03/29/2001; 958-CS, Amended, 10/12/2000; 938-CS, Amended, 09/24/1998; 914-CS, Repealed & Replaced, 02/14/1997)

EXHIBIT C

Chapter 9-2
REGULATIONS APPLYING TO ALL DISTRICTS

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9-2-102 Adult entertainment facilities.
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9-2-107 Development on lots divided by district boundaries.
9-2-108 Exceptions to height limits.
9-2-109 Landscaping and irrigation.
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Article 1. Special Provisions Applying to All or Several Districts

9-2-101 Accessory buildings and uses.

For the purposes of this section, accessory buildings or structures include both those that are permanent and temporary.

(a) **Accessory buildings, structures, and swimming pool mechanical equipment in residential (R) districts.**

(1) Accessory buildings and structures may be erected upon residential zoned lots when the use thereof is clearly incidental and secondary to the primary use of the property.

(2) When the accessory building or structure is attached to the primary dwelling or main building on the property, it shall be made structurally a part of the main building (See also Section 9-1-202 defining "attached") shall share compatible architecture, materials, and surface textures with the main building, and shall comply in all other respects with the development standards and requirements of this chapter applicable to the main building.

(3) When the accessory building or structure is detached from the primary dwelling or main building on the property, it shall comply with the following regulations:

RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES:

Size of Accessory Building:	**Less Than 120 sq. ft.**	**120 sq. ft. or Larger (A)**
Minimum Distance from Main Building	none	6 ft.

RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES:

Size of Accessory Building:	**Less Than 120 sq. ft.**	**120 sq. ft. or Larger (A)**
Minimum Yard Setbacks		
Within front 1/2 of lot	(as required by the applicable zoning district)	(as required by the applicable zoning district)
Within rear 1/2 of lot		
Side	3 ft. (B-1)	3 ft. (B-1 & 2)
Street side	15 ft.	15 ft.
Rear	3 ft. (B-1)	3 ft. (B-1 & 2)
Maximum Height	10 ft. (C)	10 ft. (C)

(A) A building permit from the Turlock Building Inspection Department is required for all accessory buildings and structures in R zone districts that are 120 square feet in size or larger.

(B) **Minimum Yard Setbacks Exception.** When located on the rear one-half (1/2) of the lot, the accessory building or structure may be located adjacent to an interior side and/or rear lot line; provided:

(1) A gutter or other device to prevent roof drainage or water runoff onto the adjacent lot is installed thereon.

(2) All structural elements closer than three (3') feet to the interior lot line are constructed of fire-resistive materials in accordance with Turlock Building Codes (applicable to all accessory buildings and structures 120 square feet or larger).

(C) **Maximum Height Exception.**

(1) When an accessory building or structure is located closer than five (5') feet to any interior lot line as permitted under (B) above, it shall be limited to a maximum height of seven (7') feet at the exterior eave line adjacent to each interior lot line, not to exceed a total overall building height of ten (10') feet at the roof ridge line.

(2) Where an accessory building or structure is located closer than ten (10') feet to any lot line, but not closer than five (5') feet, it shall be limited to a maximum height of ten (10') feet at the side yard exterior eave line, and shall not exceed a total overall building height of sixteen (16') feet at the roof ridge line.

(3) When an accessory building or structure complies with the rear and/or side yard setbacks normally established for that particular zone district, the total building height shall be the same as the maximum building height established for that district.

(b) **Nonresidential accessory structures in A, C, I and PS districts.** Accessory structures shall comply with all regulations applicable to the principal structure on a site. Off-site accessory uses shall be allowed only with a Minor Administrative Approval Permit.

(c) **Satellite dish antennas.** A satellite dish antenna may be installed on a lot in any zoning district if it complies with the following criteria:

(1) **A and R districts.**

(i) **Locations prohibited.** No satellite dish antenna shall be located in a front or corner-side yard.

(ii) **Setbacks.** Satellite dish antennas shall not be placed within ten (10') feet of any interior side or rear property lines. Exception: no setback shall be required in interior side and rear yard areas if the overall height of the antenna does not exceed six (6') feet in height.

(iii) **Maximum height.** The maximum overall height for any satellite dish antenna shall be fifteen (15') feet. The overall height shall be determined by measuring from the ground level immediately under the antenna to the highest point of the antenna or any appurtenance attached to it. The Community Development Director may approve mounting an antenna on the rear half of a roof if no other feasible location exists.

(2) **C, I and PS districts.**

(i) **Roof-mounted antennas.** Satellite dish antennas shall be located on the roof of a structure whenever possible, providing the dish is not visible from public roadways or can be adequately screened from view of public roadways.

(ii) **Ground-mounted antennas.** If it is determined that installation of a satellite dish antenna is not feasible for location on a roof, a ground-mounted antenna shall be permitted under the following conditions:

(aa) The antenna shall be located directly adjacent to the building,

(ab) it shall be located in the rear or interior side yard areas,

(ac) and it shall be screened from view from the front of the building and public roadways.

(iii) **Location prohibited.** No satellite dish antennas shall occupy a required parking space or adversely impact any vehicle circulation.

(iv) **Maximum height.** The maximum overall height for any satellite dish antenna shall be twenty (20') feet. The overall height shall be determined by measuring from ground or roof level immediately under the antenna to the highest point of the antenna or any appurtenance attached thereto.

(v) **Permit required.** A Minor Administrative Approval issued in accordance with Article 3 of Chapter 9-5 TMC: Minor Administrative & Minor Discretionary Permits, shall be required for all satellite dish antennas greater than three (3') feet in height in any C, I or PS district.

(1083-CS, Amended, 05/10/2007; Ord. 963-CS, Amended, 03/29/2001; Ord. 939-CS, Amended, 10/22/1998; Ord. 920-CS, Amended, 05/08/1997; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-102 Adult entertainment facilities.

(a) **Purpose.** The purpose of this chapter is to regulate adult businesses which, unless closely regulated, may have serious secondary effects on the community. These secondary effects include, but are not limited to, the following: depreciation of property values, deterioration of neighborhoods, increases in vacancy rates in residential and commercial areas, increases in incidence of criminal activity, increases in litter, noise, and the interference with residential property owners enjoyment of their property in the vicinity of such businesses.

It is the Council's intent to prevent community-wide adverse impacts which can be brought about by the concentration of adult businesses in close proximity to each other or in proximity to incompatible uses such as schools, churches, parks, public facilities and buildings and residentially zoned uses. The Council finds that it has been demonstrated in various communities that the concentration of adult businesses causes adverse impacts described above and can

cause businesses and residents to move elsewhere. It is, therefore, the further purpose of this chapter to establish reasonable and uniform regulations to prevent the concentration of adult businesses or their close proximity to incompatible uses, while permitting the location of adult businesses in certain areas.

(b) **Definitions.**

(1) **"Adult businesses"** shall include the following:

(i) Any business conducted for the entertainment of adults, engaged in the selling, renting, or displaying of publications depicting the specified anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature. Included in the definition is any business, that as substantial or significant course of conduct, sells, offers for sale, rents, exhibits, shows or displays publications depicting the anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature. Also included in this definition is any business selling, renting, or displaying sexually oriented devices intended for use in the specified sexual activities.

(ii) A particular business at a particular location that sells, offers for sale, rents, exhibits, shows or displays specified anatomical areas or specified sexual activities in the form of a book, magazine, newspaper, pamphlet, film video or any other form or medium, or sexually oriented devices intended for use in the specified sexual activities, which receives twenty-five (25%) percent or more of the gross revenue from, or devotes twenty-five (25%) percent or more of the stock on hand or twenty-five (25%) percent or more of the gross floor area to such activity, is presumed to be engaging in "substantial or significant" conduct with respect to such activity.

(iii) Any business wherein the selling of any food or beverage served by employees engaged in partial or total nudity or exposed specified anatomical areas.

(iv) Any business conducted for the entertainment of adults wherein an employee, patron or any other person engages in or are shown specified sexual activities or exhibit or engage in partial or total nudity or otherwise expose specified anatomical areas.

(v) Any business, which as a substantial or significant portion of its business, provides live, filmed or televised entertainment wherein specified anatomical areas of the human anatomy are exposed.

(2) **"Specified anatomical areas"** include any of the following, whether actual or simulated:

(i) Less than completely and opaquely covered: (1) human genitals or pubic region, (2) buttock, and (3) female breast below a point immediately above the top of the areola; or

(ii) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(3) **"Specified sexual activities"** means and includes any of the following:

(i) The fondling or sexual touching of human genitals, pubic regions, buttocks, anus, or female breasts; or

(ii) Sex acts, normal or deviant, actual or simulated, including intercourse, oral copulation, or sodomy; or

(iii) Masturbation, actual or simulated; or

(iv) Excretory functions as part of, or in connection with, any of the activities set forth above.

(c) **Location and Site requirements.**

(1) Adult businesses shall not be located within five hundred (500') feet of the following whether or not located within the city:

(i) Any real property located in a residential, commercial or industrial district, including the Agricultural (A), Residential Estate (R-E), Low Density Residential (R-L), Medium Density Residential (R-M), High Density Residential (R-H), Community Office (C-O), Planned Development (PD), Community Commercial (C-C), Heavy Commercial/Light Industrial (C-H), zoning districts; and

(ii) Any public or private school; and

(iii) Any church, chapel, or other publicly recognized place of worship; and

(iv) Any park or building used by the public and owned by a public entity; and

(v) Any residence in any zoning district; and

(vi) Any parcel of land owned by a school district, church, chapel, or public entity.

(2) Adult businesses shall not be located within one thousand (1,000') feet of any other adult business.

(3) Adult businesses may be located in the I (Industrial) zoning district; and

(4) The distances specified in this section shall be measured in a straight line, without regard to intervening structures, or geological features from the nearest point of the property line in which the proposed adult business is to be established to the nearest property line of a use or zoning district listed above.

(d) **Development and performance standards.**

(1) The following development standards shall apply to all adult businesses:

(i) No adult business shall be located in any temporary or portable structure.

(ii) Trash dumpsters shall be enclosed by a screening enclosure so as not to be accessible to the public.

(iii) Off-street parking shall be as specified in Article 2 of this chapter.

(iv) The entire exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times.

(v) Any signage shall conform to the requirements of Article 5 of this chapter, of the Code, and shall not contain sexually oriented photographs, silhouettes, or other pictorial representations.

(vi) All entrances to an adult business shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises.

(vii) No residential structure or any other nonconforming structure shall be converted for use as an adult business.

(viii) No residence, apartment, living quarters or mobile home shall be located on the parcel where an adult business is located.

(2) The following performance standards shall apply to all adult businesses:

(i) California Code of Regulations, Title 4, Article 22, Sections 143.2, 143.3 and 143.4 or its successors are hereby adopted and shall regulate the attire and conduct of employees and entertainers; including visual displays.

(ii) The adult business shall not conduct or sponsor any special events, promotions, festivals, concerts, or similar activities which would create a demand for parking spaces beyond the number of spaces required for the business.

(iii) The traffic generated by the adult business shall not overload the capacity of the surrounding street system and shall not create a hazard to public safety, as determined by the City of Turlock Municipal Services Department.

(iv) No adult business shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to "specified sexual activities" or "specified anatomical areas", inside the premises, 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.

(v) No loudspeakers or sound equipment shall be used by an adult business for the amplification of sound to a level audible beyond the walls of the building in which the business is located.

(vi) All exterior areas of the adult business, including buildings, landscaping, and parking areas shall be kept free of trash and debris and maintained in a clean and orderly manner at all times.

(vii) Hours of operation shall be from 6:00 a.m. to 2:00 a.m.

(viii) Each adult business shall conform to all applicable laws and regulations, including obtaining a City business license.

(e) **Adult business permit; required.** No adult business shall commence operation until an application for a Minor Discretionary Permit (Adult Business Permit) is approved by the Community Development Director or designee following the procedures set out in the following sections, and those contained in Section 9-5-307 through Section 9-5-312, of the Turlock Municipal Code.

(f) **Adult business permit application: Contents.** An application for an adult business permit shall include the following:

(1) Name, permanent address and telephone number of applicant.

(2) The name, business address and telephone number for the applicant. 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 and residence address of each of the officers, directors, and each stockholder owning twenty-five (25%) percent or more of the stock of the corporation. If the applicant is a partnership, the application shall show the name and residence address of each of the members, including limited partners.

(3) Name(s) and address(es) of the property owner(s).

(4) Assessor's parcel number(s).

(5) Legal description of the property.

(6) A site development plan drawn at the scale specified by the Community Development Director, which includes the following information:

(i) Location of all existing buildings, structures, and improvements on the property;

(ii) Location of all proposed buildings, structures, and improvements on the property;

(iii) Existing and proposed streets and highways bordering and within the boundaries of the property;

(iv) Location of existing and proposed parking areas;

(v) Proposed landscaping;

(vi) North arrow;

(vii) Scale.

(7) Elevations and floor plans of proposed buildings or structures including any existing or proposed signs related to the adult business drawn to scale.

(8) A narrative description of the proposed use or development including:

(i) Description of the nature of the proposed use or development and an explanation of how the proposed business will satisfy the applicable requirements set forth in this chapter.

(9) A letter of consent signed and notarized from all property owners.

(10) A vicinity map showing specific land uses (houses, churches, public buildings, parcel lines, parcel sizes, etc.) for a 1,500 foot radius of the subject site.

(11) The fee prescribed by the City Council of the City of Turlock by ordinance or resolution for processing the application.

(g) **Adult business permit application: Review and approval.**

(1) Once an application has been accepted as complete, the Community Development Director or designee shall take action within sixty (60) days.

(2) For purposes of application processing, any application for a permit pursuant to this chapter is considered to be a ministerial permit and, as such, is not subject to the time frames specified in Section 65950 et seq. of the California Government Code, or the California Environmental Quality Act.

(3) Once an application has been accepted as complete, the Community Development Director or designee shall refer the permit application to the following departments and agencies:

(i) Municipal Services Department.

(ii) Community Development Services Department.

(iii) Police Services Department.

(iv) Fire Services Department.

(v) Stanislaus County Environmental Resources.

(4) In considering an application for a permit pursuant to this chapter, the Community Development Director or designee shall approve the permit only if it makes the following findings:

(i) The adult business is consistent with the location, requirements and development and performance standards contained in this chapter; and

(ii) The adult business is located in a zoning district which lists adult businesses as a permitted use; and

(iii) The zoning district classification for the property is consistent with the applicable General Plan or Specific Plan designation for the property; and

(iv) The adult business structure does not contain any apartments or other living quarters.

(5) A permittee shall not transfer ownership or control of an adult business permit to any other person or entity. All changes in ownership shall require a new permit application and approval.

(6) Permit issuance or non-issuance of application may be appealed pursuant to Title 1, Chapter 4, of the Turlock Municipal Code.

(7) Approval of the Minor Discretionary Permit (Adult Business Permit) does not relieve the permittee from the requirement to obtain any other permits, or approvals, necessary to insure operation of the use in conformance with the requirements of the Turlock Municipal Code.

(h) **Adult business permit; transfer.**

(1) A permittee shall not operate an adult business under the authority of an adult business permit at any place other than the address of the adult business stated in the application for the permit.

(2) A permittee shall not transfer ownership or control of an adult business or transfer an adult business permit to another person unless and until the transferee obtains an amendment to the permit from the Community Development Director, or designee, stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Community Development Director, or designee, in accordance with the requirements of this section, accompanies the application with a transfer fee in an amount set by resolution of the City Council, and the Community Development Director determines that the transferee would be entitled to the issuance of an original permit.

(3) No permit may be transferred when the Community Development Director has notified the permittee that the permit has been or may be suspended or revoked.

(4) Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void, and the permit shall be deemed revoked.

(i) **Suspension or revocation of adult business permits.** An adult business permit may be suspended or revoked in accordance with the procedures and standards of this section.

(1) On determining that grounds for permit revocation exist, the Police Chief shall furnish written notice of the proposed suspension or revocation to the permittee. Such notice shall set forth the time and place of a hearing, and the ground or grounds upon which the hearing is based, the pertinent Code sections, and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the permittee, or shall be delivered to the permittee personally, at least ten (10) days prior to the hearing date. Hearings shall be conducted in accordance with procedures established by the Police Chief, but at a minimum shall include the following:

(i) All parties involved shall have a right to offer testimonial, documentary, and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness.

(2) A permittee may be subject to suspension or revocation of the permit, or be subject to other appropriate disciplinary action, for any of the following causes arising from the acts or omissions of the permittee, or an employee, agent, partner, director, stockholder, or manager of an adult business:

(i) If the building, structure, equipment, or location used by the adult business fails to comply with all applicable building, fire, electrical, plumbing, health, and zoning requirements of the Turlock Municipal Code, all applicable State and federal requirements of a similar nature which are customarily enforced by the City, and all provisions of these regulations and this Code relating to adult businesses, including the Adult Business Development and Performance Standards contained in this section.

(ii) The permittee has knowingly made any false, misleading or fraudulent statement of material facts in the application for a permit, or in any report or record required to be filed with the City.

(iii) The permittee, employee, agent, partner, director, stockholder, or manager of an adult business has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult business:

(aa) any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation.

(ab) use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation occur.

(ac) any conduct constituting a criminal offense which requires registration under Section 290 of the California Penal Code.

(ad) the occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of Sections 315, 316, or 318 or Subdivision b of Section 647 of the California Penal Code.

(ae) any act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including but not limited to Sections 311 through 313.4.

(af) any conduct prohibited by this chapter.

(iv) Failure to abide by any disciplinary action previously imposed by an appropriate City official.

(3) After holding the hearing in accordance with the provisions of this section, if the Police Chief finds and determines that there are grounds for disciplinary action, based upon the severity of the violation, the Police Chief shall impose one (1) of the following:

(i) A warning;

(ii) Suspension of the permit for a specified period not to exceed six (6) months;

(iii) Revocation of the permit.

(j) **Appeal.** The decision of the Police Chief may be appealed as provided by Title 1, Chapter 4 of this Code.

(Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-103 Affordable housing density bonus.

(a) **Purpose.** The purpose of the affordable housing density bonus is to:

(1) Establish procedures and criteria for use in the consideration of density bonuses for lower income housing developments as defined in Section 65915 of the California Government Code;

(2) Establish procedures for requesting developer incentives or concessions for the production of housing units and child care facilities as prescribed in Section 65915 of the California Government Code; and

(3) Provide a significant contribution to the economic feasibility of lower income housing in proposed housing developments.

(b) **General provisions.** The criteria and procedures set forth in Section 65915 of the California Government Code shall be applied to requests for density bonuses for affordable housing unless amended in this section.

(c) **Application procedures.** The application for a density bonus, incentive or concession shall be submitted with the first application for approval of a housing development and shall be processed concurrently with any other planning permit required for the housing development. The application shall be submitted on form and contain such information and support data as prescribed by the Community Development Director. The application shall contain sufficient information to make the required determinations and findings defined in Section 65915 of the Government Code.

(d) **Fees.** The City Council shall set the amount of the fees for the application required and authorized by this section.

(Ord. 1154-CS, Amended, 08/25/11; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-104 Automobile service stations, repair and washing.

The following supplementary development regulations shall apply to the automobile service station, automobile repair, and automobile washing use classifications:

(a) **Lot size.**

(1) The minimum lot frontage along a public street shall be one hundred twenty five (125') feet.

(2) The minimum lot depth shall be one hundred (100') feet.

(b) **Curb cuts.**

(1) The minimum width of any curb cut shall be twenty five (25') feet.

(2) The maximum width of any curb cut shall be thirty five (35') feet.

(3) The total aggregate amount of curb cuts shall not exceed forty (40%) percent of the lot frontage.

(c) **Landscaping.**

(1) All service stations shall provide minimum landscaping as required by this chapter (also see Section 9-2-109) and the following:

(i) There shall be a minimum planter with a net width of five (5') feet along all street frontages except at driveway openings. All planting areas shall have an "in place" irrigation system and shall be protected with six (6") inch wide concrete curbs.

(ii) Landscaping along street frontages shall provide screening to a height of three (3') feet.

(d) **Service lanes.**

(1) The outside service lane or the lane closest to the street line shall have a minimum width of fifteen (15') feet as measured from the face of the planter to the face of the pump island.

(2) Service lanes between two (2) pump islands shall have a minimum width of twenty (20') feet as measured from the inside face of the first pump island to the face of the second pump island.

(3) The service lane between the pump island and the building shall have a minimum width of fifteen (15') feet as measured from the face of the pump island to the face of the building sidewalk.

(e) **Activities.**

(1) Unless otherwise permitted in the district in which the automobile service station is located, automobile service stations shall be limited to the sale of motor vehicle fuels and lubricants, tires, batteries, accessory items and minor motor vehicle repair.

(2) All servicing shall be conducted in an enclosed building except that the following is permitted outside an enclosed building: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.

(3) Any automobile washing, drying or vacuuming done by mechanical means shall not be located any closer than one hundred (100') feet of an R District without a Minor Discretionary Permit obtained as set forth in Article 3 of Chapter 9-5: Minor Administrative and Minor Discretionary Permits.

(4) All automobile service stations, repair and washing shall comply with the noise standards contained in Article 3 of this chapter: Noise Standards.

(f) **Outdoor storage.** The outside storage or display of merchandise or equipment shall be prohibited, except that the following shall be permitted:

(1) **Tire display.** One (1) display rack per automobile service station. A maximum of twelve (12) tires may be displayed on a service station site.

(2) **Wiper display.** Two (2) such wiper racks per automobile service station.

(3) **Lubricant display.** One (1) lubricant display per pump island.

(4) **Vending machines.** Three (3) per automobile service station.

(g) **Signs.** All signing and outside advertising shall be in accordance with Article 5 of this chapter: Signs, provided that automobile service stations and convenience gas markets shall be permitted to display the following additional signs:

(1) **Price signs.** A maximum of one (1) double-faced price sign per street frontage, of not more than twenty-five (25) square feet per face, and having a maximum height of six (6') feet. Such signs may only be used to indicate the actual current price of fuel.

(2) **Pump-topper signs.** A single or double-faced sign of not more than twelve (12") inches by twenty (20") inches, constructed of motionless materials and mounted to the top of a fuel pump and used for identifying products or services available on the premises. No more than one (1) pump-topper sign per pump shall be allowed.

(3) **Island canopy sign.** A sign, affixed to a canopy or other rigid roof structure directly above a pump island, the area of which shall not exceed fifteen (15) square feet per face. Island canopy signs shall be limited to one (1) such sign per automobile service station.

The following supplementary development regulations shall apply to the automobile service station, automobile repair, and automobile washing use classifications.

(Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-105 Building projections into yards.

Projections in required yards shall be permitted as follows:

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

(b) **Porches, terraces, platforms, decks and subterranean garages.** Six (6') feet into a front or rear yard and two (2') feet into a side yard. The length of any projection exceeding twenty-five (25%) percent of the building length for that area may be allowed only upon approval of a minor variance as defined in Chapter 5 of this Title.

(c) **Cornices, eaves, canopies, awnings and ornamental features.** Two and one-half (2.5') feet.

(d) **Balconies and protruding windows.** Five (5') feet into a front or rear yard and two (2') feet into a side yard.

(e) **Stairs.** Two and one-half (2.5') feet into a side yard and three (3') feet into a rear yard.

(f) Building projections shall not encroach any closer than five (5') feet to a rear or front property line. At no time shall any portion of a building be allowed to project or extend into any required easement area.

(Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-106 Development on existing lots of record.

(a) Any lot or parcel of land under one (1) ownership and of record on the date of adoption of this chapter that has a width, depth, or area less than required for the district in which it is located, where no adjoining land is owned by the same person, may be developed subject to the same property development regulations as a standard lot.

(b) Any lot or parcel of land legally created after the date of adoption of this chapter that has a width or area less than required for the district in which it is located may be developed subject to the same property development standards as a standard lot.

(c) No substandard lot as set forth above shall be further reduced in area or width.

(Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-107 Development on lots divided by district boundaries.

Where a district boundary line divides a single parcel, the regulations applicable to each district shall be applied to the area of the parcel within that district. Uses and development regulations permitted in one (1) district may be extended into the portion of the parcel in the other district if authorized by an approved Minor Discretionary Permit as set forth in Article 3 of Chapter 9-5: Minor Administrative and Minor Discretionary Permits.

(Ord. 958-CS, Amended, 10/12/2000; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-108 Exceptions to height limits.

(a) **In any R District.**

(1) Spires, cupolas, chimneys, radio and television antennas, and similar accessory structures shall be subject to setback regulations for the zoning district in which they are located. When such structure complies with the other development regulations stated for the zoning district and which do not exceed twenty-five (25%) percent of the district height limit or fifty (50') feet, whichever is greater, may be allowed upon obtaining an approved Minor Administrative Approval (MAA) as set forth in Article 3 of Chapter 9-5: Minor Administrative Approval.

(2) Towers, water tanks, flagpoles and other necessary mechanical appurtenances covering not more than ten (10%) percent of the ground area covered by the structure to which they are accessory may be permitted provided they do not exceed twenty-five (25%) percent of the district height limit or fifty (50') feet, whichever is greater, upon obtaining an approved Minor Administrative Approval (MAA) as set forth in Article 3 of Chapter 9-5: Minor Administrative Approval.

(3) Any structure in an R District exceeding twenty-five (25%) percent of the district height limit or fifty (50') feet, whichever is greater, may be permitted only upon approval of a Conditional Use Permit by the Planning Commission.

(b) **In any C or I district.**

(1) A structure may exceed the district height limit by twenty-five (25%) percent subject to approval of a Minor Discretionary Permit as set forth in Article 3 of Chapter 9-5: Minor Discretionary Permit. Any approval of such permit is subject to finding that adjoining properties will not be adversely affected by blockage of light, air or the intrusion on privacy.

(2) Any structure in a C or I district exceeding twenty-five (25%) percent of the district height limit may be permitted upon approval of a Conditional Use Permit by the Planning Commission.

(Ord. 1008-CS, Amended, 07/10/2003; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-109 Landscaping and irrigation.

(a) **Purpose and intent.** The purpose and intent of this section is to establish landscaping regulations that are intended to:

(1) Enhance the aesthetic appearance of development in all areas of the City by providing standards relating to quality, quantity and functional aspects of landscaping and landscape screening.

(2) Increase compatibility between residential and abutting commercial and industrial uses.

(3) Reduce the heat and glare generated by development.

(4) Establish a water conservation plan to reduce water consumption in the landscape environment using conservation principles.

(5) Protect public health, safety, and welfare by minimizing the impact of all forms of physical and visual pollution, controlling soil erosion, screening incompatible land uses, preserving the integrity of neighborhoods, and enhancing pedestrian and vehicular traffic and safety.

(b) **Applicability.** All development in the City shall comply with the provisions of this section which establishes the criteria for the preparation of landscape and irrigation plans required by this ordinance. All required landscaping shall be installed by the developer and approved by the Planning Department prior to the occupancy of any building, unless other arrangements are agreed to by the Planning Director.

(1) **Exceptions.** The following shall be exempt from the provisions of this section:

(i) Yards and landscape areas for single family homes when not installed by the builder or developer prior to or as a condition of home sales.

(ii) Interior remodels, tenant improvements and demolitions.

(iii) Changes of use to any existing building.

(iv) Replacement or repair of existing plant material or irrigation systems in conjunction with routine maintenance of existing projects.

(v) Modifications or additions to existing structures which do not result in an increase of more than ten (10%) percent of the floor area, or 1,000 square feet, whichever is greater.

(2) **Statutory authority in case of conflicting provisions.** Nothing in this section shall be deemed to affect, annul or abrogate any other laws or ordinances pertaining or applicable to the properties and areas affected by this chapter.

(c) **Water conservation definition. "Water conservation"** shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, non living groundcover, a low percentage of turf coverage, permeable paving and water conserving irrigation techniques and systems.

(d) **Process.** The Community Development Director shall establish a format for plans and any other procedural guidelines for submittal as deemed necessary.

(1) **Plans required.** Plans for the development of required landscaping shall be submitted to the Development Services Department for review and approval prior to the issuance of any building permit or as may be required for a site plan permit as set forth in Article 3 of Chapter 9-5 TMC: Minor Administrative & Minor Discretionary Permits. Where special conditions of design warrant, modifications may be submitted for consideration.

(2) **Plan review and approval.** The Community Development Services Department shall review each project and proposed landscape plan (or self-certification checklist in the case of developer-installed landscaping for single-family homes) for compliance with the landscape and water conservation requirements.

(3) **Alternative means of compliance.** The Community Development Director may allow alternative means of complying with the requirements in this section provided the alternative achieves results comparable to those achieved through strict application of the provisions of this section.

(e) **Development standards.**

(1) **Required.** In the following designated districts, not less than the stipulated percent of gross site area shall be landscaped in accordance with this section:

Landscape Area Requirements	
Zone District	**Required Landscaping (% of site)**
R-L/R-L4.5	30
R-M	30 (a)
R-H	30 (a)
C-O	25 (c)
C-C	10 (c)
C-H	7.5 (c)
C-T	7.5 (b)(c)
I-BP	7.5 (b) 5 (c)
I	5 (c)

(a) In multiple-family developments of twelve (12) or more dwelling units, ten (10%) percent of the total building site shall be set aside and landscaped for the purposes of common recreational open space. Such ten (10%) percent may be included in the general landscaping requirements.

(b) This requirement may be waived by the Community Development Director for remodeling, alterations, or renovations to existing buildings and developments on parcels or building sites where an existing building occupies a substantial portion of the site and there are no front yard or corner street side yard setback areas.

(c) In commercial and industrial districts, where a lot larger than 10,000 square feet is to be developed in phases, the Community Development Director may determine that only the developed portion of the site need be landscaped. Provision shall be made, however, to insure that the landscape requirement can still be met upon full development of the site. This exception shall not apply to any setback along a public street which shall be landscaped upon the initial development of the site. Unlandscaped areas shall be continuously maintained free of weeds, litter and debris, and shall not become a source of nuisance to adjoining property.

(2) **Determination of landscaped areas.** In determining landscaped areas, setbacks, when landscaped, private patios and all other areas not occupied by buildings, parking lots, vehicle storage areas, and driveways shall be included. Areas occupied by clubhouses, recreation buildings, pools, saunas, inter walkways, and similar amenities may be included as landscaped areas. In industrial zoning districts, areas planted along a public right-of-way shall qualify as one and one-half (1.5) times the area toward the overall required landscaping area.

(3) **Landscape materials and placement.** All landscape areas shall demonstrate a recognizable pattern or theme for the overall development. To accomplish this, new landscaping and landscape areas shall conform to the following:

(i) Plant materials shall be selected for maintenance efficiency, drought tolerance and adaptability and relationship to Turlock's environment and climate. Trees and shrubs in reasonable numbers shall be used in the landscape design; ground cover alone shall not be acceptable. No one (1) species of plant shall exceed twenty (20) percent of the plant material. Landscaped areas shall incorporate a minimum of two (2) of the following plantings: (1) grasses and ground covers, (2) shrubs, and (3) trees.

(ii) In all C and I Districts, plant materials shall be sized and spaced to achieve immediate effect and shall normally not be less than twenty-four (24") inch box for parking lot shade trees, fifteen (15) gallon container for trees, five (5) gallon container for shrubs, and a one (1) gallon container for mass planting. Non-turf areas, such as shrub beds, shall be top dressed with a bark chip mulch or approved alternative.

(iii) Turf shall be limited to twenty-five (25) percent of the total landscaped area in all C and I Districts. In residential districts turf shall not exceed seventy-five (75%) percent of the total landscaped area.

(aa) **"Permeable paving"** shall mean a paving material that permits water penetration to a soil depth of eighteen (18") inches or more, including non-porous surface material poured or laid in sections not exceeding one (1) square foot in area and collectively comprising less than two-thirds of the total surface area of the lot and loosely laid materials such as crushed stone or gravel.

(ab) **"Hardscape"** shall mean areas covered with non-permeable paving, including buildings and other structures, parking lots, driveways, and walkways.

(4) **Landscape irrigation.** Provisions shall be made for a permanent "in place" irrigation system to all landscaped areas required herein, including street tree wells. All new irrigation systems shall use Xeriscape principles including such techniques and materials as low precipitation sprinkler heads, bubblers, drip irrigation systems, timing devices and moisture sensors. All irrigation systems must be designed to minimize overspray onto impervious surfaces, such as building, sidewalks, parking areas, etc., through the use of such techniques as low-trajectory spray nozzles or underground low volume applicators. All irrigation system controllers shall be set in compliance with the day and hour watering requirements of the City of Turlock and shall be designed to minimize water use by installing automatic systems such as multi-start controllers and soil moisture sensors.

(5) **Site preparation and installation.**

(i) Prior to the planting of any materials, the compacted soils surrounding a building site will be returned to a friable condition. Friable condition shall mean returning the soil to an easily crumbled or loosely compacted condition down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded. The soil must be returned to a friable condition to a minimum depth as required for the planting material.

(ii) Trees should be adequate in trunk diameter to support the top area of the tree. Trees, shrubs, and vines should have body and fullness that is typical of the species.

(iii) All ground cover should be healthy, densely foliated, and well rooted cuttings, or one-gallon container plants.

(iv) The spacing of trees and shrubs should be appropriate to the species used. The plant materials should be spaced so that they do not interfere with the adequate lighting of the premises or restrict access to emergency apparatus such as fire hydrants or fire alarm boxes. Proper spacing should also insure unobstructed access for vehicles and pedestrians in addition to providing clear vision of the intersections from approaching vehicles. Plant material should conform to the following spacing standards:

(aa) A minimum of twenty-five (25') feet from the property corner at a street intersection to the center of the first tree or large shrub.

(ab) A minimum of fifteen (15') feet between center of trees and large shrubs to light standards.

(ac) A minimum of fifteen (15') feet between center of trees or large shrubs and fire hydrants.

(ad) A minimum of fifteen (15') feet from the intersection of a driveway with a street right-of-way to the center of any tree having a diameter larger than eighteen (18") inches at maturity or large shrub.

(6) **Maintenance.** Required planting areas shall be permanently maintained. As used in this section, "maintained" includes: watering, weeding, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials.

(7) **Parking lot landscaping.** Parking lots and parking structures shall have interior and perimeter landscaping areas as prescribed by the following:

(i) Parking lots or parking structures adjoining street property lines or public streets shall have a perimeter landscape buffer with a minimum width as follows:

(aa) If abutting an expressway: twenty (20') feet

(ab) If abutting an arterial: fifteen (15') feet

(ac) If abutting a collector: fifteen (15') feet

(ad) If abutting a local collector: ten (10') feet

(ae) If abutting a local street: five (5') feet

(ii) Vehicle overhang may encroach a maximum of two (2') feet into landscape areas which are a minimum of ten (10') feet wide.

(iii) An average three (3') foot high [minimum two and one-half (2.5') foot and maximum three and one-half (3.5') foot] continuous screen shall be installed between all parking areas and public streets. A screen shall consist of one (1) or any combination of the following:

(aa) **Walls.** A wall shall consist of concrete, concrete block, stone, brick, tile or similar type of solid masonry material.

(ab) **Berms.** A berm shall be constructed of earthen materials and it shall be landscaped.

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

(ad) **Plant materials.** Vegetation, consisting of trees or shrubs.

(iv) Interior landscaped areas shall be a minimum of five (5') feet in width, exclusive of curbs.

(v) The end of each row of parking stalls shall be separated from aisleways by a landscaped planter or sidewalk.

(vi) In all parking lots with a capacity of five (5) parking spaces or more, a minimum of one (1) shade tree for every five (5) spaces shall be provided in landscape islands within the parking lot. Tree spacing shall be such that every designated parking space is within thirty (30') feet of the trunk of a tree.

(vii) All planting areas within or abutting a parking lot shall be protected with raised concrete curbs.

(8) **Landscaping in rights-of-way.** All land area within the public right-of-way adjoining all sides of any parcel or building site that is not otherwise covered with a building, structure, paving, or similar impervious surface shall be landscaped and maintained in conjunction with the landscaping installed on the adjoining property as regulated in this article. Landscaping within the right-of-way shall not be used when determining the required percentage of landscaping as required in this article.

(i) **Design**. The design of the landscaping of the public right-of-way shall be included in the landscape plan and meet the requirements set forth in this section. Adequate space shall be provided in the landscape area to allow free, unrestricted growth and development of the landscaping and street trees.

(ii) **Street trees.** Street trees shall be planted in accordance with the Theme Street List or as otherwise set forth in Article 5 of Chapter 7-7 of this Code relating to street trees and in accordance with the street tree planting standards as established by the City Engineer.

(9) **Driveway and corner visibility.** All landscaping material shall be maintained in accordance with the provisions of Section 9-2-216: Driveway and corner visibility

(10) **Landscaping along walls.** All solid walls over three (3') feet in height that are adjacent to public streets or right-of-ways shall comply with one (1) of the following:

(i) Be fully landscaped with vines and/or other plant materials to prevent the placement of graffiti. All landscaping shall include the installation of a permanent irrigation system.

(ii) If not landscaped, shall be constructed of split-face concrete, brick or some other type of material that will discourage the placement of graffiti.

(11) **Landscape screening of R properties.** Where a commercial or industrial site adjoins an R District, screening which is at least seventy-five (75%) percent opaque shall be provided. Where fences are required, such fencing shall be landscaped as appropriate.

(12) **Model homes.** To promote landscape water conservation through education, all single family residential developments with more than two (2) model homes to be constructed by a developer, shall provide for landscaping the models entirely with water saving landscaping and irrigation in accordance with the following requirements:

(i) **Plant Materials.** Each "water saving" model home to be landscaped shall contain exclusively low water use plant materials as identified on a suggested planting list available from the Community Development Department or approved by the Community Development Director.

(ii) **Irrigation System.** Each "water saving" model home shall contain exclusively an irrigation system that provides a high efficiency in water application according to site conditions. (Drip or trickle may not be used in turf areas).

(iii) **Signs**. Each development with "water saving" model homes shall provide the following information to potential buyers:

(aa) **Front Yard Sign.** A four (4) square foot sign shall be located in the front yard of each "water saving" model such that it is clearly visible to buyers. The sign shall indicate that the model features a water saving landscape and irrigation design.

(ab) **Interior Display.** A drawing, or combination of drawings, shall be displayed inside each "water saving" model or the sales office which provides a schematic of the landscape. These drawings shall include a key identifying the common name of the plants used in the "water saving" model yards. A brochure with the same information may be distributed with the sales information to potential buyers to satisfy this requirement.

(iv) **Literature.** Additional literature describing water conserving landscaping and irrigation shall also be made available to the potential buyer and displayed.

(1083-CS, Amended, 05/10/2007; Ord. 938-CS, Amended, 09/24/1998; Ord. 920-CS, Amended, 05/08/1997; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-110 Family day care home.

(a) Small family day care home. No permit is required to operate a small family day care home and the use shall be considered an accessory use to a residence.

(b) Large family day care home. A permit shall be issued by the Community Development Director or his/her designee to operate a large family day care home upon the issuance of a minor administrative approval as set forth in Article 3 of Chapter 9-5 TMC, Minor Administrative & Minor Discretionary Permits, upon finding that:

(1) Residency. The site is the principal residence of the operator and the day care is clearly incidental and secondary to the use of the property for residential purposes.

(2) General Plan and zoning compliance. The property complies with all applicable General Plan policies and zoning regulations established in the Turlock Municipal Code (TMC).

(3) Spacing and concentration. The property is located at least three hundred (300') feet from any other State licensed large family day care home on the same street, or a street that is aligned and connected with that street unless bisected by an arterial street or expressway.

(4) Traffic control. The family day care home would not adversely affect traffic and circulation of the neighborhood, including but not limited to blocking driveways or requiring double parking to load and unload guests.

(5) Building modifications. The residential character and appearance of the dwelling does not have to be altered in any way to accommodate the family day care use.

(6) Outdoor play areas. All outdoor play areas are clearly delineated through the use of fences, landscaping or other materials constructed in accordance with applicable laws and regulations.

(7) Operator agrees to the following additional conditions of approval:

(i) Fire clearance. Prior to commencing the use, the operator shall obtain certification by Turlock Fire Services that the facility complies with the standards established by the State Fire Marshal as set forth in Title 24 of the California Code of Regulations.

(ii) Signage. The operator agrees not to erect any off- or on-premises signs for the family day care home except as set forth in Article 5 of Chapter 9-2 TMC (Signs).

(iii) Noise control. The family day care home shall be operated in compliance with the City of Turlock noise regulations, Article 3 of Chapter 9-2 TMC (Noise Standards).

(iv) Outdoor play areas. The operator agrees to keep all activities related to the operation of the family day care on site at all times.

(v) Access to inspect. The property owner and/or operator shall allow the City to enter the property to determine compliance with the conditions of the minor administrative approval during normal operating hours of the family day care home.

(vi) Compliance with laws and regulations. The day care operator acknowledges and agrees to comply with all applicable State, Federal and local laws and regulations. The operator shall provide evidence of compliance with State Department of Social Services requirements by providing a copy of the approved family day care license to the City prior to commencing operation of the family day care home. Upon revocation or denial of the State license, the permit issued pursuant to this section shall be automatically terminated.

(c) Conditional use permit. When the findings set forth in this section for the issuance of a minor administrative approval cannot be made, an application for a conditional use permit may be made as set forth in Article 6 of Chapter

9-5 TMC (Conditional Use Permits and Variances), subject to the conditions of approval listed in this section and any other conditions established by the Planning Commission and/or City Council.

(d) Use of residential garage. Family day care operations are not permitted in the garage area of a residence, except when the garage has been properly converted to habitable space through the issuance of a building permit and the space has met all applicable laws and regulations. Prior to finalizing the building permit, the property owner shall record a restrictive use covenant stating that the converted garage shall be returned to its original state upon the cessation of the family day care use and/or the sale of the dwelling unit.

(1132-CS, Amended, 12/24/09; 1083-CS, Amended, 05/10/2007; Ord. 1008-CS, Amended, 07/10/2003; Ord. 963-CS, Amended, 03/29/2001; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-111 Mobile home development.

(a) **Purpose.** The purpose of this section is to establish the basis for evaluating the adequacy of a mobile home park in residential areas. Provisions are intentionally general with the intent of allowing flexibility and further detailed evaluation on a case-by-case basis.

(b) **Permit required.** Mobile home parks shall be deemed permitted land uses in all land planned and zoned for residential land uses as designated by the Turlock General Plan, except that a Conditional Use Permit must first be obtained in accordance with Article 6 of Chapter 9-5: Conditional Use Permits and Variances.

(c) **General requirements.**

(1) A mobile home park shall not be less than one (1) acre in size.

(2) A mobile home park development shall meet or exceed the minimum standards set forth in the zoning district in which it is located. This includes, but is not limited to, density consistent with the Turlock General Plan, yards, distance between structures, height, usable open space, fences and walls, off-street parking and loading, signs, outdoor facilities, refuse storage areas, performance standards, nonconforming uses, and recreational vehicle storage, except that such standards may be changed to allow for unique site design requirements for mobile home parks.

(Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-112 Outdoor storage.

(a) **Vacant lots.** No outdoor storage shall occur on any vacant parcel. No vehicles may be stored or displayed for sale on any vacant lot or at any vacant business location. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.

(b) **Residential districts.** There shall be no visible storage of motor vehicles, trailers, airplanes, boats, or their composite parts unless in accordance with Section 9-2-114: Permitted locations of mobile homes, recreational vehicles, and campers. Loose rubbish, garbage, junk, or other receptacles; tents; or building or manufacturing materials in any portion of a residential lot shall not be permitted.

(c) **Commercial districts.** Unless otherwise permitted in this section, outdoor storage and display of merchandise, materials, or equipment, or the conduct of business outdoors, is prohibited unless authorized by a Minor Discretionary

Permit issued in accordance with Article 3 of Chapter 9-5: Minor Discretionary Permits. Unless specifically authorized, outdoor facilities shall not be located within the public right-of-way.

(d) **Permitted exceptions.** Outdoor storage or display of the following merchandise, materials, or equipment, or the conduct of business outdoors, is permitted subject to the following standards and conditions:

(1) **Automobiles, boats, recreational vehicles and motorcycles.** Outdoor storage and display shall be limited to vehicles or equipment offered for sale or rent only, excepting such vehicles in R Districts in accordance with Section 9-2-114: Permitted locations of mobile homes, recreational vehicles, and campers.

(e) **Screening.** A solid fence or wall shall be required for all uses requiring a screen. The height of merchandise, materials, and equipment stored or displayed shall not exceed the height of the screening fence or wall. The Community Development Director may require additional screening in highly visible areas and may impose reasonable restrictions on the type of storage or display or the location of outdoor storage and display areas to avoid adverse visual effects. All solid walls or fencing shall be landscaped in accordance with Section 9-2-109: Landscaping along walls.

(Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-113 Planned unit developments.

(a) **Purpose.** The purpose of the planned development standards and procedures is:

(1) To ensure orderly and thorough planning and review procedures that will result in quality urban design;

(2) To encourage variety and avoid monotony in developments by allowing greater freedom and flexibility with the use of alternative development standards;

(3) To provide a mechanism whereby the City may authorize desirable developments consistent with the Turlock General Plan;

(4) To encourage allocation and improvement of common open space in residential areas, and provide for maintenance of the open space at the expense of those who will directly benefit from it;

(5) To encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended; and

(6) To encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

(b) **Applicability.** No uses or structures shall be permitted except the uses and structures approved under the planned development. Specifically, building elevations and detailed site plans including, but not limited to, the location of all proposed buildings, open space, landscaping, and parking areas shall be submitted with the application.

(c) **Permit required.** All planned developments shall be required to rezone the property to the appropriate Planned Development (PD) designation as provided in TMC 9-5-111 et seq.

(d) **Conditions of approval.** In granting any planned development district, the City of Turlock may impose conditions deemed necessary or desirable to maintain neighborhood compatibility and to protect the public health, safety, and

welfare. The conditions of approval shall be imposed by resolution of the City Council upon a recommendation by the Planning Commission in conjunction with the planned development approval.

(e) **Development regulations.** Property development regulations applicable to each district shall govern as baseline regulations. Development may vary from the baseline provided all of the following findings can be made:

(1) Building and site designs are consistent with the Turlock General Plan and any other applicable plans and policies adopted by the Turlock City Council;

(2) The proposed changes are compensated for or mitigated by higher building or site development standards elsewhere on the site; and

(3) The proposed changes will not adversely affect adjoining properties.

(f) **Development schedules (P-D).** An application for a planned development district shall be accompanied by a development schedule indicating the anticipated date when construction of the project can be expected to begin, the anticipated rate of development, and the completion date. For good cause shown by the applicant, the Commission may extend the time limits imposed by the development schedule.

(g) **Expiration.** Upon expiration of the approved development schedule for any planned development or one (1) year from the date of enactment if no schedule has been approved, the development rights and planned development zoning designation for the property shall be deemed expired and the designation shall automatically be rezoned to its underlying base zoning district.

(1) A planned development is valid as long as:

(i) The use has commenced; or

(ii) A building or construction permit has been issued by the Building Official or City Engineer and construction has started and diligently pursued toward completion of the project; or

(iii) Other equivalent permit activity has occurred which, in the opinion of the Community Development Director, demonstrates a good-faith effort to initiate construction or operation of the approved use.

(h) **Amendments to planned developments.** Amendments to an approved planned development shall be authorized as follows:

(1) Amendments involving minor site plan modifications, no expansions, and/or no changes in use shall be reviewed by the Community Development Director.

(2) Amendments involving major site modifications, expansions of up to twenty-five (25%) percent of gross land area or floor area, changes in use resulting in equal or lesser intensity than previously approved, time extensions, and/or a change in conditions of approval shall be reviewed by the Planning Commission pursuant to Article 6 of Chapter 9-5 TMC: Conditional Use Permits and Variances.

(3) Amendments involving expansions that are greater than twenty-five (25%) percent of gross land area or floor area, changes in use resulting in greater intensity than previously approved, and changes that will result in a significant impact upon adjacent properties shall be reviewed by the City Council, upon a recommendation by the Planning Commission, pursuant to Article 6 of Chapter 9-5 TMC: Conditional Use Permits and Variances.

(1083-CS, Amended, 05/10/2007; 1073-CS, Amended, 11/23/2006; Ord. 983-CS, Amended, 07/11/2002; Ord. 958-CS, Amended, 10/12/2000; Ord. 938-CS, Amended, 09/24/1998; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

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

(a) For the purposes of this section, unless otherwise apparent from the context, the following words and phrases are defined as follows:

(1) **"Utility trailer"** shall mean and include a vehicle without motive power, not exceeding twenty (20') feet in length, eight (8') feet in width, and thirteen and one-half (13-1/2') feet in overall height, designed so that it can be drawn behind a motor vehicle in accordance with general highway laws. A private utility trailer, as defined herein, is considered incidental to the owners residential use of a property. It is not intended to mean truck trailers that would be a single or double trailer to be pulled behind a commercial vehicle or similar tractor-truck vehicle.

(2) **"Boat"** shall mean a vehicle for traveling in or on water, not exceeding forty (40') feet in body length, eight (8') feet in width, or thirteen and one half (13-1/2') feet in overall height. The height shall include the trailer if the boat is mounted on a trailer. A vehicle meeting this definition, except for size, shall not be deemed to be incidental to a dwelling unit and not permitted to park in residential areas except as allowed herein.

(b) **Mobile homes - permitted locations.** A mobile home is permitted to be placed, kept, maintained or occupied, within the City in the following areas or locations:

(1) Within all residential areas of the City: only within a recognized mobile home development.

(2) Within all nonresidential areas of the City: only within a mobile home park or trailer park, except for accessory storage, sale, or business uses as permitted in such zone.

(c) **Recreational vehicles, utility trailers, boats and boat trailers - permitted locations.** A recreational vehicle, utility trailer, or boat and boat trailer is permitted to be placed, kept, maintained, within the City in the following areas or locations:

(1) **In all residential zones.**

(i) Parking is permitted inside any enclosed accessory structure or carport, which structure otherwise conforms to the zoning requirements of the particular R zone where located.

(ii) Parking is permitted outside in the interior side yard or rear yard provided it is not nearer than four (4') feet to any parcel line or lot line and does not block the only window that can be opened or door of a room used for human habitation.

(iii) Parking is permitted within the front yard only when the following conditions exist:

(aa) Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard (a corner lot is always deemed to have reasonable access to the rear yard and a fence is not necessarily deemed to prevent reasonable access); or

(ab) Interior parking is not possible anywhere on the property.

(ac) In such cases, the following regulations shall govern the front yard parking of such a vehicular unit:

1) The parking shall take place upon a concrete pad designed and installed for such intended use; and

2) No part of the unit shall impede safe pedestrian circulation on the public sidewalk or public thoroughfare (right-of-way) or block corner visibility for pedestrians or motorists; and

3) The unit shall be owned by the resident on whose property the unit is parked for storage.

(2) **In all nonresidential areas.**

(i) Only within an existing mobile home development, except for accessory storage, commercial storage, sale, or business uses as permitted in such nonresidential zone.

(d) **Recreational vehicles, boat and boat trailers - temporary occupancy, uses or parking.** The temporary occupancy, use, or parking of any recreational vehicle, boat and boat trailer beyond that described above shall only be permitted in the City as described below:

(1) Temporary overnight sleeping is permitted within a recreational vehicle on property in a residential area for a maximum of fourteen (14) days in any one (1) calendar year provided, however, cooking shall not be permitted at any time. Any temporary occupancy of a utility trailer is prohibited at all times.

(2) Any temporary connections to electrical utilities or water service for such units is permitted only for charging batteries and water tanks for a period not to exceed forty-eight (48) hours or other incidental or temporary uses as permitted herein. Any permanent connections to sewer lines, water lines, or electricity is prohibited.

(3) The temporary parking for such a unit anywhere on the premises is permitted during active loading or unloading, including the temporary use of electricity or propane fuel, when it is necessary to prepare such a unit for a temporary recreational use, but not to exceed forty-eight (48) hours.

(e) **Owner permission required.** Notwithstanding the provisions of subsection (c), herein, it shall be unlawful for any person to place, keep, maintain, or occupy, or permit to be placed, kept, maintained, or occupied, any mobile home, recreational vehicle, utility trailer, boat or boat trailer, or camper upon any lot, piece, parcel of land or upon any street, highway or other public right-of-way without the permission of the private property owner or prior written permission of the public entity.

(f) **Occupancy on public streets, alleys, or rights of way prohibited.** It shall be unlawful for any person to occupy, or permit to be occupied for dwelling purposes any mobile home, recreational vehicle, travel trailer, camp car, or camper upon any street, highway or other public right-of-way without the prior written permission of the Chief of Police, or his or her designee.

(1083-CS, Amended, 05/10/2007; Ord. 963-CS, Amended, 03/29/2001; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

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

(a) **Purpose.** The purpose of the recycling and solid waste disposal regulations is to:

(1) Ensure the provision of adequate locations, compatible with surrounding land uses, for the collection, separation, processing and shipping of recyclable materials including newspapers, plastic, glass and aluminum;

(2) Regulate the location of recycling and trash containers and enclosures in order to provide adequate, convenient space for the collection, storage, and loading of recycled materials at multifamily residential, commercial, and industrial land use sites;

(3) Increase the recycling of reusable materials consistent with statewide goals to reduce solid waste disposal; and

(4) Decrease the impact of the consumption of renewable and nonrenewable resources on the environment.

(b) **Applicability.**

Applicability of Recycling and Solid Waste Disposal Regulations	
Zoning District	**Applicability**
R	4 or more dwelling units
C	All development (a)
I	All development
PS	All development

(a) For residential development in C Districts, applies only to 4 or more multifamily dwellings

(c) **New development regulations.**

(1) **Materials, construction, design and location.**

(i) The enclosure shall comply with the City of Turlock Standards and Specifications for construction and materials.

(ii) Each recycling and trash enclosure shall be designed to allow walk-in access without having to open the main enclosure gate.

(iii) The property owner shall supply and maintain adequate bins and containers for recycling and waste disposal.

(iv) Whenever feasible, the recycling collection area and the trash collection area shall be adjacent to one another and in one (1) enclosure.

(2) **Landscaping.** A two (2') foot perimeter surrounding each recycling and trash enclosure, exclusive of access to the enclosure, shall be planted with landscaping.

(3) **Setbacks.** No recycling or trash enclosures shall be located in any front or corner side yard.

(d) **Existing development guidelines.** The following guidelines shall apply to all existing development in R, C, I and PS Districts.

(1) **Existing trash enclosures.** If existing development has an existing trash enclosure, any recycling containers shall be located inside the trash enclosure. If it is not possible to locate the required recycling containers in the

trash enclosure, the recycling containers shall be located adjacent to the trash enclosure and shall be appropriately screened.

(2) **No existing trash enclosures.** If the existing development does not have an existing trash enclosure, any recycling containers shall be located adjacent to the existing trash facilities and shall be appropriately screened in accordance with Subsection C.1. above.

(3) **Waiver of parking, landscaping areas or open space requirement.** In order to meet any recycling and trash enclosure requirements, an existing development may use one (1) parking space, landscaping area or open space for the location of the recycling containers if the Community Development Director can find that the loss of parking, landscaping area or open space will not have any adverse effect on the need for such areas or the aesthetics of the existing development. Such a waiver shall be obtained in accordance with Article 3 of Chapter 9-5: Minor Administrative Approval.

(4) **Setbacks.** No recycling or trash enclosures shall be located in any front or corner side yard.

(e) **Exceptions.** The Community Development Director may grant exceptions to this section when the Director finds that existing conditions prevent its practical application.

(Ord. 1008-CS, Amended, 07/10/2003; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-116 Recycling facilities.

(a) **Purpose.** The purpose of the recycling facilities standards and regulations is to establish regulations governing recycling, consistent with the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.

(b) **Definitions.**

(1) **Bulk reverse vending machine** shall mean a reverse vending machine designed to accept more than one (1) container at a time and to compute the refund or credit due on the basis of weight.

(2) **Collection facility, large** shall mean a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public occupying more than five hundred (500) square feet and may include permanent structures as well as mobile units, bulk reverse vending machines, and Kiosk-type units.

(3) **Collection facility, small** shall mean a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public occupying less than five hundred (500) square feet which may include:

(i) A mobile unit;

(ii) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet;

(iii) Kiosk-type units that may include permanent structures; or

(iv) Unattended containers placed for the donation of recyclable materials.

(4) **Processing facility** shall mean a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's

specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, or remanufacturing.

(5) **Processing facility, heavy** shall mean a processing facility other than a light- processing facility.

(6) **Processing facility, light** shall mean a processing facility occupying less than 50,000 square feet and including equipment for bailing, briquetting, crushing, compacting, grinding, shredding or sorting of source-separated recyclable materials, except ferrous metals other than food and beverage containers, and repairing of reusable materials.

(7) **Recyclable material** shall mean material including, but not limited to metals, glass, plastic and paper which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials, but may include used motor oil collected and transported in accordance with Section 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

(8) **Recycling facility** shall mean a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. On-site storage containers or processing facilities used solely for the recycling of material generated by residential property, business or manufacturer are not recycling centers for the purposes of this section.

(9) **Reverse vending machine** shall mean an automated mechanical device that accepts at least one (1) or more types of empty beverage containers including aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine.

(10) **Single-fee revenue vending machine** shall mean a reverse vending machine designed to accept individual containers one (1) at a time.

(c) **Permits required.** No person shall permit the placement, construction, or operation of any recycling facility without first obtaining a permit as follows:

Recycling Facility Permit Requirements		
Type of Facility	**Districts Permitted**	**Permit Required**
Bulk reverse vending machine	All C, I and PS	Zoning Clearance
and small collection	CH and I	Minor Discretionary Permit
Large collection	I	Minor Discretionary Permit
Light processing	I	Conditional Use Permit
Heavy processing		

(d) **Permits for multiple sites.** The Community Development Director may grant a single Site Plan Permit in accordance with Article 3 of Chapter 9-5: Minor Administrative Approval to allow more than one (1) bulk reverse vending machine or small collection facility located on different sites under the following conditions:

(1) The operator of each of the proposed facilities is the same;

(2) The proposed facilities are determined by the Director to be similar in nature, size and intensity of activity; and

(3) All the applicable criteria and standards set forth in this section are met for each proposed facility.

(e) **Design criteria and standards.**

(1) **Reverse vending machines.**

(i) No machine shall obstruct pedestrian or vehicular circulation.

(ii) No required parking space shall be occupied.

(iii) Each machine shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

(iv) The maximum sign area is four (4) square feet per machine, exclusive of operating instructions.

(v) Adequate nighttime lighting shall be provided.

(vi) No machine located within three hundred (300') feet of an R District shall be visible from residences or public right-of-way located in an R District.

(2) **Small collection facilities.**

(i) Small collection facilities shall be no larger than five hundred (500) square feet, shall be set back at least ten (10') feet from a front or side property line, and shall not obstruct pedestrian or vehicular circulation.

(ii) No power-driven processing equipment shall be used except for reverse vending machines.

(iii) All containers shall be constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected.

(iv) All recyclable material shall be stored in containers or in a mobile unit vehicle.

(v) Attended facilities located within one hundred (100') feet of the boundary of an R District shall operate only between 9:00 a.m. and 7:00 p.m.

(vi) Containers shall be clearly marked to identify the type of material that may be deposited. The facility shall be clearly marked identifying the name and telephone number of the facility operator, the hours of operation, and a notice stating that no material shall be left outside the recycling containers.

(vii) The maximum sign area shall be sixteen (16) square feet exclusive of informational requirements and operational instruction. Directional sign bearing no advertising message may be installed with the approval of the Community Development Director if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

(viii) No additional parking spaces will be required for customers of a small collection facility located at the established site of a host use. One (1) space will be provided for the attendant, if needed.

(ix) No required parking spaces shall be occupied by the facility.

(3) **Large collection facilities.**

(i) A large collection facility shall be located at least three hundred (300') feet from an R District.

(ii) Each facility shall be in an enclosed building or within an area enclosed by a solid masonry wall at least eight (8') feet in height with landscaping.

(iii) Six (6) parking spaces shall be for customers and one (1) parking space shall be provided for each commercial vehicle operated by the recycling facility.

(iv) Power-driven processing, including aluminum foil and can compacting, bailing, plastic shredding, or other light-processing activities necessary for efficient temporary storage and shipment of material may be allowed if noise mitigation and other conditions are met.

(4) **Processing facilities (light- and heavy-processing).**

(i) Processors will operate in a wholly enclosed building except for incidental storage, or within an area enclosed on all sides by an opaque fence or wall not less than eight (8') feet in height and landscaped on all street frontages and shall be located at least five hundred (500') feet from an R District except that such facilities may be located closer provided a Conditional Use Permit is obtained in accordance with Article 5 of Chapter 9-5 TMC: Variances and Conditional Use Permits.

(ii) Power-driven processing shall be permitted provided all noise-level requirements are met in accordance with Article 3 of Chapter 9-2 TMC: Noise Standards. Light-processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials.

(5) **All collection and processing facilities.**

(i) No facility shall occupy a required front or corner side yard, and all regulations applicable to the principal structure on the site shall apply to collection and processing facilities except as provided in this section.

(ii) Facilities shall be designed to be compatible with the architectural character of adjacent structures.

(iii) A large collector or processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.

(iv) All exterior storage of material shall be in sturdy containers or enclosures that are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. Any outdoor storage containers or materials shall not exceed the height of any screening fence or wall within seventy-five (75') feet of such fence or wall.

(v) All facilities shall be administered by on-site personnel during hours the facility is open. If a processing facility is located within five hundred (500') feet of an R District, it shall not be in operation between 7:00 p.m. and 7:00 a.m. unless such operating hours are extended by a Conditional Use Permit issued in accordance with Article 6 of Chapter 9-5 TMC: Conditional Use Permits and Variances.

(vi) Any containers provided for after-hours donation of recyclable materials shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.

(vii) Containers shall be clearly marked to identify the type of material that may be deposited. There shall be displayed a notice stating that no material shall be left outside the recycling containers. All materials shall be kept in the containers to prevent creating a litter nuisance at the site or on any adjacent properties.

(viii) Sign requirements shall be those provided for in the zoning district in which the facility is located. In addition, each facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.

(1083-CS, Amended, 05/10/2007; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-117 Salvage and wrecking operations.

(a) **Purpose.** The purpose of the salvage and wrecking operations standards and regulations is to provide opportunities for locating salvage and wrecking operations in industrial areas so as not to have an adverse impact on adjacent land uses or groundwater supplies.

(b) **Design criteria and standards.**

(1) Salvage and wrecking operations shall not be located any closer than five hundred (500') feet from any A, R, C (except CH) or PS District or any such land so designated in the Turlock Area General Plan.

(2) Salvage and wrecking operations shall be conducted wholly within an area enclosed by a solid masonry wall at least eight (8') feet in height.

(3) Any outdoor storage shall not exceed the height of the solid masonry wall within seventy-five (75') feet of such wall.

(4) No hazardous substances or hazardous wastes, as defined in 42 U.S.C. Section 9601 (22), shall be released on, under or about the site and no material shall be discharged on, under or about the site that could affect the quality of the ground or surface waters within the meaning of the California Porter-Cologne Water Quality Act, as amended, Water Code Section 13000, et seq.

(Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-118 Screening of mechanical equipment.

Exterior mechanical equipment, except solar collectors and residential utility meters, shall be screened from view on all sides. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, duct work, and transformers. Satellite dish antennas and microwave equipment shall be screened in accordance with Section 9-2-101: Accessory buildings and uses.

(Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-119 Second dwelling units.

A second dwelling unit on a single or multifamily residential zoned lot may be permitted subject to first securing a ministerial approval from the Community Development Director or his/her designee in each case and when the following conditions are met:

(a) The lot must contain an existing single-family dwelling.

(b) One (1) additional off-street parking space meeting City standards shall be required. Off-street parking spaces for a second dwelling unit may be provided with tandem parking.

(c) The second dwelling unit shall conform to all height, setback, lot coverage, architectural review, site plan review, density, fees, charges, and other zoning requirements applicable.

(d) The second dwelling unit may be occupied by a renter, but shall not be independently sold.

(e) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code, are permitted as a second dwelling unit pursuant to compliance with the provisions of this section.

(f) The second dwelling unit is subject to architectural review to ensure compatibility with the main dwelling unit and surrounding dwelling units in terms of scale, height, and exterior design and treatment as provided in the design guidelines. More specifically, the second dwelling unit shall incorporate compatible architectural characteristics including roof pitch and style, window and door detailing, exterior materials, textures, colors, and finishes.

(Ord. 1154-CS, Amended, 08/25/11; Ord. 1008-CS, Amended, 07/10/2003; Ord. 920-CS, Amended, 05/08/1997; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-120 Swimming pools, spas and hot tubs.

Swimming pools, spas and hot tubs may be placed anywhere on a lot except within the required front or corner side yard. The following standards shall apply:

(a) **Uniform Building Code.** Fencing, access gates, and other standards as required by the Uniform Building Code.

(b) **Emergency access.** A three (3') foot wide clear path shall be provided around fifty (50%) percent or more of the pool perimeter, excepting spas and hot tubs.

(c) **Mechanical equipment.** Setbacks for swimming pool mechanical equipment shall be as required by the applicable zoning district if located within the front two-thirds (2/3) of the lot. If located within the rear one-third (1/3) of the lot, there is no setback from the property line required.

(Ord. 983-CS, Amended, 07/11/2002; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-121 Underground utilities.

All electrical, gas, telephone, cable television, and similar distribution lines, including existing distribution lines, providing immediate service to a development site shall be installed underground within the site, except:

(a) Above ground installation shall be allowed in Agriculture Districts; or

(b) The Community Development Director may waive the undergrounding requirement if it can be demonstrated to the Director that site conditions make underground placement impractical.

(Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-122 Neighborhood stores.

Development standards for neighborhood stores in residential districts shall be as follows:

(a) Neighborhood stores shall be located on corner lots only. No store shall be located within 1,000 feet of another commercial facility.

(b) On-site parking shall be provided at a minimum of one (1) space per three hundred (300) square feet of gross floor area with a maximum of one (1) space per two hundred (200) square feet of gross floor area. Parking shall not face directly onto adjoining streets or right-of-ways. Any existing alleyway may be utilized for access.

(c) On-site loading and unloading shall be provided in accordance with Section 9-2-218: Location and design of off-street loading spaces. Parking area driveways may be utilized where they meet the standards of Section 9-2-218.

(d) The maximum sign area allowed is one-half (1/2) square foot of sign area per one (1) lineal foot of building frontage. Freestanding signs shall not be permitted. Signs shall be designed in accordance with the sign design guidelines contained in Article 3 of this chapter.

(e) Neighborhood stores shall be separated from adjoining residential uses by a solid masonry wall. All masonry walls shall comply with all height and location standards for fencing in the applicable residential district.

(f) A minimum of ten (10%) percent of lot area shall be provided in landscaping. All landscaping shall comply with the standards in Section 9-2-109.

(Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-123 Rental storage facility.

A rental storage facility is subject to the following development standards:

(a) A minimum fifteen (15') feet wide landscape strip shall be installed along any street frontage. All landscaping and irrigation system shall be installed in accordance with the Section 9 of the Article (Section 9-2-109).

(b) The site shall be entirely paved, except for structures and landscaping.

(c) The elevation of any structure facing a street or fully visible to the public shall include architectural treatment such as stucco, brick, or wood finish, and articulated walls and rooflines.

(d) Structures located on a property line adjacent to residential property shall not exceed a height of eight (8') feet. Otherwise the setback and height standards apply as set forth in Section 3 of Article 3 of this Chapter (Section 9-3-303) and Section 3 of Article 4 of this Chapter (Section 9-3-403).

(e) The floor area ratio requirement of Section 3 of Article 3 of this Chapter (Section 9-3-303) and Section 3 of Article 4 of this Chapter (Section 9-3-403) does not apply but is determined by setback, aisle width, parking and landscaping requirements.

(f) One (1) residential unit may by provided for a caretaker that is responsible for security, maintenance or management of the facility. The residential unit shall be a permanent structure that is architecturally compatible with the storage facility and must be clearly accessory to the storage facility.

(g) A minimum seven (7) on site parking spaces shall be provided adjacent to the office. Two (2) additional parking spaces shall be provide for the caretaker.

(h) A minimum six (6') foot high decorative fence or wall shall be installed around the perimeter of the site. A minimum seven (7') foot high decorative solid wall shall be provided along property lines adjacent to properties zoned for residential use.

(i) All security gates that are automated shall be provided with equipment that can be activated by the Fire Department Opticom system. The driveway serving a security gate shall be designed to allow vehicles to turn around without backing out into the street.

(j) The driveway aisle throughout the complex with shall be a minimum twenty (20') feet to provide safe and unobstructed circulation.

(k) No flammable or otherwise hazardous materials shall be stored on the site.

(l) Security lighting shall be provided for the exterior of the buildings, parking areas, driveways, and aisles. Lighting shall be located or shielded so as to not produce glare on adjacent properties.

(m) Only freestanding monument signs are permitted and shall be of a low profile design not to exceed four (4') feet in height, externally illuminated, and incorporate the design, materials, textures, and colors used in the building. All building signage shall be composed of individual pan channel letters or equivalent. Exposed raceways, cabinet signs, and changeable copy are prohibited. All other applicable sign standards apply in accordance with Article 5 of Chapter 9-2.

(n) A minimum of one (1) trash receptacle shall be provided on the site. The trash receptacle shall be located and enclosed consistent with city standards.

(o) All storage shall be located within a fully enclosed structure except for recreation vehicles. Recreation vehicles shall be screened from public view and shall not be stored adjacent to residential properties.

(p) No business activity shall be conducted other than the rental of storage spaces for inactive storage use.

(Ord. 983-CS, Add, 07/11/2002)

9-2-124 Equipment sales, service and rentals.

(a) **Equipment sales, service and rentals defined.** Equipment Sales, Service and Rentals shall mean the sales, services and rental of construction or agricultural equipment only. It shall not pertain to the outdoor storage of vehicles, boats, and other large items not normally stored indoors that may be for sale or rent.

(b) **Permits required.** Unless located on a property previously authorized for such use, no equipment sales, service and rental facility shall operate without first obtaining a permit in accordance with Sections 7 through 14 of Article 3 of Chapter 5 of this Title (9-5-307 through 9-5-314: Minor Discretionary Permits) and with the provisions of the this section.

(c) **Conditions and restrictions pertaining to equipment sales, service and rentals.** An equipment sales, service and rental facility is subject to the following development standards:

(1) The entire length of all street frontages, including along State Highway 99, shall be landscaped. Except where previously approved and developed, such landscape planters shall be a minimum of ten (10') feet in width. Under no circumstance shall any required landscape planter along State Highway 99 be less than ten (10') feet in width on average.

(2) All landscaping and irrigation systems shall be designed and installed in accordance with the Section 9 of Article 1 of Chapter 2 of this Title (9-2-109).

(3) An average four (4') foot high compact, dense evergreen landscape hedge screen shall be installed along all street frontages, including along State Highway 99.

(4) Street trees shall be installed at forty (40') feet intervals, except that along State Highway 99 required street trees may be dispersed into distinct groups to afford views into the site from the public right-of-way.

(5) Landscaping shall be installed in accordance with the Northwest Triangle Specific Plan, Beautification Master Plan and all other applicable plans, policies, and ordinances of the City of Turlock.

(6) A minimum six (6') foot high decorative fence (wrought iron or approved alternate) shall be installed along the primary street frontage. On a previously developed site, chain link fencing may be acceptable if appropriately landscaped. A minimum seven (7') foot high decorative solid wall shall be provided along property lines adjacent to properties zoned for residential use.

(7) All chain link fencing shall include privacy slats or be landscaped with vines.

(8) All equipment shall be arranged in a structured and orderly manner on the site, and shall not encroach into any required setback or landscape area.

(9) Boom lifts, scissor lifts, loaders, backhoes and similar extendable equipment shall not be stored in an upright or extended position to exceed twenty (20') feet in height.

(10) At the discretion of the Community Development Director, heavy equipment and heavy vehicles may be stored on unpaved areas. However, all such areas shall be adequately covered with gravel, crushed base rock or approved equivalent to create an all-weather driving surface and to eliminate dust and mud. Notwithstanding this provision, the site shall be entirely paved, except for structures and landscaping.

(11) Customer and employee parking areas, including drive aisles, shall be paved.

(12) Adequate customer and employee parking shall be provided pursuant to Article 2 of Chapter 2 of Title 9 of this Code (Section 9-2-200). The number of parking spaces shall be determined by the floor area of on-site structures or as determined by the Community Development Director pursuant to Section 9 of Article 2 of Chapter 2 of Title 9 of this Code [9-2-209(b)].

(13) An all-weather driveway aisle shall be provided throughout the facility with a minimum width of twenty (20') feet to provide safe and unobstructed circulation.

(14) Exterior security lighting shall be provided. Lighting shall be installed and maintained so that it will not cast direct light or glare on adjacent properties or public rights-of-way.

(15) All freestanding signs shall incorporate the design, materials, textures, and colors used in the building. Except for freeway-oriented signage permitted under Section 6 of Article 5 of this chapter [9-2-506(d)(4)], all freestanding signs shall be of a low profile monument design not to exceed four (4') feet in height. All building signage shall be composed of individual pan channel letters or equivalent. Cabinet signs, and changeable copy are prohibited. All other applicable sign standards apply in accordance with Article 5 of Chapter 2 of Title 9 of this Code (9-2-500).

(16) Freeway-oriented signage permitted under Section 6(d)(4) of Article 5 of Chapter 2 of Title 9 of this Code [9-2-506(d)(4)] shall be designed to incorporate the design, materials, textures, and colors used in the building. Pole signs, as defined by Section 3 of Article 5 of Chapter 2 of Title 9 of this Code (9-2-503), composed of an unadorned, plain metal pole and/or a sign cabinet are prohibited. However, the Community Development Director may approve a freeway-oriented pole sign where the pole or poles incorporate the design, materials, textures of the main building and the cabinet has a translucent background with opaque lettering. Changeable copy is prohibited on any freeway-oriented sign.

(17) A minimum of one (1) trash receptacle shall be provided on the site. The trash receptacle shall be located and enclosed consistent with city standards.

(18) No business activity shall be conducted other than the sales, service or rental of construction or agricultural equipment unless such business activity is clearly incidental to the primary authorized use.

(Ord. 995-CS, Add, 12/12/2002)

9-2-125 Mobile food facilities.

(a) Purpose. The purpose of this section is to allow mobile food facilities to operate within the City through an expedited permitting process that ensures that such uses are operated in a manner that is safe and secure, and will not create adverse impacts to either the property on which they are located or to the immediate neighborhood.

(b) Mobile food facility permit required. Any person must obtain a mobile food facility permit prior to operating a mobile food facility on private property within the City. The approval shall be specific to a location and shall not be transferable to other locations or operators. Operation of a mobile food facility shall not be permitted on public property under this section. An application for a permit shall be submitted for approval of a mobile food facility permit not less than fifteen (15) days before the use is intended to begin. The application shall be on a form prescribed for that purpose, and shall include the written consent of the owner of the property on which the use is to be located and, if different, the business owner providing restroom facilities within two hundred (200') feet as prescribed by the California Commercial Retail Food Code.

(c) Mobile food facility permit application: Review and approval.

(1) Once an application has been accepted as complete, the Community Development Director or designee shall take action within fifteen (15) days.

(2) Once an application has been accepted as complete, the Community Development Director or designee shall refer the permit application to City departments and any other agencies deemed appropriate by the Community Development Director.

(3) In considering an application for a permit pursuant to this section, the Community Development Director or designee shall approve the permit only if it makes the following findings and subject to the limitations and conditions of this section:

(i) The proposed location is on an improved property that is entirely paved and shall not interfere with the operation of any approved uses on the site;

(ii) The site is adequate to support the operation of the mobile food facility and the mobile food facility will not adversely affect adjacent structures and uses, or the surrounding neighborhood;

(iii) The proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic in the immediate area;

(iv) The proposed use will not create a demand for additional parking which cannot be met safely and efficiently in existing parking areas;

(v) The proposed use will not conflict with the terms or intent of any planned unit development permit or conditional use permit currently in effect on the property;

(vi) The proposed use and location complies with all applicable requirements of the Turlock Municipal Code, the California building and fire codes, and any other applicable local, regional, State or Federal laws or regulations; and

(vii) The proposed use will not otherwise constitute a nuisance or be detrimental to the public welfare of the community.

(d) Limitations of use by zoning district. A mobile food facility may be permitted to operate on any property zoned for commercial or industrial uses, except the CO Commercial Office District defined under Article 3 of Chapter 9-3 TMC.

(e) Limitation on number and concentration of mobile food facilities. On properties of less than one (1) acre in size, no more than one (1) mobile food facility shall be permitted at one (1) time.

(f) Duration of initial mobile food facility permit and renewals. The mobile food facility shall be authorized for an initial period of one (1) year in duration on January 1st and July 1st of each calendar year. Applications received between the period of January 1st and July 1st will be given a renewal date of July 1st each year. Applications received between the period of July 1st and January 1st will be given a renewal date of January 1st each year. The Community Development Director may consider and take appropriate action on a request for renewal of a mobile food facility permit for an additional one (1) year period, upon review of a written request submitted no later than thirty (30) days prior to the expiration of the approved mobile food facility permit. Each renewal shall be subject to the findings and conditions outlined in this section. There shall be no limit on the number of renewals that may be granted.

(g) Conditions. In authorizing an application for a mobile food facility permit, the Community Development Director shall include as conditions of approval, the following minimum provisions:

(1) The use shall be conducted entirely upon private property and not within any public right-of-way;

(2) The use shall conform to all applicable building, electrical, fire, plumbing, engineering, solid waste, wastewater, water quality, and environmental regulations and laws;

(3) No permanent structures may be constructed on the site to support the operation of the mobile food facility;

(4) No signs, balloons, or flags may be displayed on or off the site to promote the mobile food facility except those permanently affixed to the mobile food vehicle/trailer;

(5) No outdoor music, live or amplified, is permitted;

(6) Temporary canopies or tents less than one hundred twenty (120) square feet may be erected but must be removed at the end of each business day;

(7) No more than two (2) small tables seating up to a total of ten (10) people may be permitted and must be removed at the end of each business day;

(8) Vehicle and temporary canopies or tents shall not be located closer than twenty (20') feet to a building or structure;

(9) Vehicle and any temporary canopies or tents shall not be located on the same parcel, or closer than one hundred (100') feet from the lot line of an adjacent parcel, on which a flammable, combustible, or liquid petroleum gas dispensing or storage container is located;

(10) Provisions for fire protection and fire vehicle access shall be made as prescribed by the Fire Marshal;

(11) The site shall be continuously maintained free of weeds, litter and debris;

(12) Within three (3) days after ceasing operation of the mobile food facility at any location, the site shall be completely cleaned; all trash, debris, signs, sign supports, and temporary electrical service will be removed;

(13) The mobile food facility operator shall obtain and maintain a valid Turlock business license at all times;

(14) An agreement for the use of properly operating restroom facilities within two hundred (200') feet of the vehicle's location shall be maintained at all times; and

(15) Any additional limitations or conditions as required by the Community Development Director as conditions of approval.

(h) Fee. A fee shall be paid by the applicant to cover the costs of processing and administering the mobile food facility permit application. Such fee shall be set by City Council resolution, and may be amended from time to time.

(i) Suspension or revocation of mobile food facility permit. Any mobile food facility permit may be suspended or revoked in accordance with the procedures and standards of Article 11 of Chapter 9-5 TMC. The permit shall be automatically suspended and may be revoked when the permit issued by the Stanislaus County Environmental Resources Department is suspended or revoked for any reason.

(j) Appeal. The decision of the Community Development Director may be appealed as provided by Chapter 1-4 TMC.

(1132-CS, Amended, 12/24/09; 1130-CS, Added, 11/12/09)

Article 2. Off-Street Parking and Loading Regulations

9-2-201 Specific purposes.

In addition to the general purposes listed in Chapter 9-1-100 et.seq., the specific purposes of the off-street parking and loading regulations are to:

(a) Ensure that off-street parking and loading facilities are provided for new land uses, and for major alterations and enlargements of existing uses in relation to the need for these facilities created by each use; and

(b) Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety, and insulate surrounding land uses from adverse impacts.

(Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-202 Application of provisions to uses.

The provisions of this article shall apply to all uses set forth in this article even though the use may be a nonconforming use and even though a variance may have been granted for the establishment of such nonconforming use.

(Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-203 Off-street parking required: Availability and maintenance.

Every building erected shall be provided with parking spaces as required by the provisions of this article. Such parking spaces shall be made permanently available and shall be permanently maintained for parking purposes.

(Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-204 Off-street parking: Reconstructed buildings.

Every building reconstructed, remodeled, or structurally altered shall be provided with parking spaces to compensate for the additional parking demand, if any, created by such remodeling, reconstruction or structural alteration.

(Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-205 Off-street parking for existing buildings and uses.

Off-street parking spaces which are maintained in connection with existing buildings, structures, and uses, and under the same ownership, shall be maintained as long as such buildings, structures, and uses remain, unless an equivalent number of such spaces is provided in accordance with the requirements of this article. The provisions of this section shall not require the maintenance of more parking spaces than are required for new buildings or structures similar in use and purpose to such existing buildings or structures.

(Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-206 Off-street parking: Location.

All required parking spaces shall be located on the same lot as the primary structure or located within a radius of five hundred (500') feet from the property. These parking spaces shall be maintained during the life of the building or until equivalent parking is provided by other means. Should it be necessary to replace the required parking area; the owner, lessee, or assignee shall provide and maintain other parking facilities sufficient to comply with the requirements of this article.

(Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-207 Parking in the R District.

All parking areas in R Districts shall be subject to the same restrictions for accessory buildings according to the applicable zoning district. In addition, all parking areas in R Districts shall be subject to the following additional provisions:

(a) When a covered garage or carport will not be provided for the required parking spaces of a residential structure, the required spaces shall be paved and located so that an enclosed structure could be constructed at a future date.

(b) Required parking areas shall be incidental and accessory to a use permitted in the district in which the property is located. Parking areas incidental to and accessory to a commercial or industrial use located in an adjacent C or I District may be allowed subject to obtaining an approved conditional use permit from the Planning Commission.

(c) All parking areas shall be used solely for the parking of private passenger vehicles.

(d) No parking or storage shall take place on the required front yard of any residence except on the paved area leading directly to a carport or enclosed garage or as expressly authorized in this article.

(Ord. 1008-CS, Amended, 07/10/2003; Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-208 Border barricades, screening, and landscaping.

(a) When a fence does not separate a parking area or driveway aisle from any street or alley, a concrete curb or timber barrier not less than six (6") inches in height shall be located not less than two (2') feet from the street or alley line. The curb or barrier shall be securely installed and maintained.

(b) Every parking area abutting property located in the R District shall be separated from such property by a solid wall, view-obstructing fence, or compact evergreen hedge six (6') feet in height.

(c) Any parking areas or driveway aisles visible from a public street shall be screened with landscaping to a height of three (3') feet.

(d) Any lights used to illuminate any parking area or car sales area shall be arranged to reflect light away from any premises on which a dwelling is located.

(Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-209 Off-street parking: Spaces required.

(a) **Uses enumerated.** Except as otherwise provided in this article, the number of off-street parking spaces required shall be as follows:

Off-Street Parking Space Requirements	
Use	**Space Requirement**
Assembly places including churches, clubs and lodges	1 space per 50 square feet of assembly area
Business, professional and financial offices	1 space per 250 square feet of gross floor area

Cafes, restaurants and other eating establishments	1 space per 3 seats or 1 space per 100 square feet of gross floor area when the number of seats is not known
Convalescent, nursing and group homes	1 space per 400 square feet of gross floor area
Industrial, manufacturing and warehousing	1 space per 1,000 square feet of gross floor area
Medical offices	1 space per 200 square feet of gross floor area
Motels, hotels	1 space per sleeping unit
Public facilities	1 space per 400 square feet of gross floor area
Recreational and health facilities	1 space per 100 square feet of gross floor area
Residential: Single-family Multifamily	 2 spaces per dwelling unit 1.5 spaces per dwelling unit plus 1 guest space per 4 dwelling units
Retail commercial uses	1 space per 300 square feet of gross floor area
Schools and classrooms	1 space per 200 square feet of gross floor area

(b) **Undetermined uses.** In the event it is not possible to determine the number of parking spaces required for a particular use, the Community Development Director shall determine an adequate number of parking spaces based upon the standards and requirements for the most comparable use. Determination by the Community Development Director shall be in accordance with Article 3 of Chapter 9-5 TMC for minor discretionary permits.

(c) **Shared parking.** Parking facilities may be shared if multiple uses cooperatively establish and operate the facilities, and if the uses are open during substantially different days or hours of the week and/or if one (1) use has a surplus of parking. Shared parking may be approved by the Community Development Director if:

(1) A sufficient number of parking spaces are provided to participating uses in accordance with this section;

(2) The applicant provides documentation substantiating the reasons for the requested parking reduction. The documentation should at least describe the nature of the uses, number of existing and proposed parking spaces, and the times when the uses operate to demonstrate the lack of conflict between the uses; and

(3) Additional documents, covenants, deed restrictions, or other agreements as deemed necessary by the Community Development Director are executed to assure that the required parking spaces and access are provided for the life of the uses and other similar future uses. A document shall be recorded to assure shared maintenance of the parking facilities.

(Ord. 1154-CS, Amended, 08/25/11; Ord. 1008-CS, Amended, 07/10/2003; Ord. 983-CS, Amended, 07/11/2002; Ord. 958-CS, Amended, 10/12/2000; Ord. 938-CS, Amended, 09/02/2000; Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-210 Parking spaces for people with disabilities.

All parking facilities shall comply with the requirements of the California Administrative Code and with the sign requirements of the California Vehicle Code. One (1) parking space shall be provided for each dwelling unit designed

for people with disabilities. Parking for people with disabilities shall be provided for all projects on the basis of total parking provided on-site.

(Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-211 Bicycle parking.

(a) **Where Required.** Bicycle parking spaces shall be provided for all commercial, industrial, public and semipublic uses. Bicycle parking shall be in addition to automobile parking spaces.

(b) **Number Required.**

(1) **Commercial and industrial use classifications:** Where ten (10) or more automobile parking spaces are required, the number of bicycle parking spaces provided shall be a minimum of ten (10%) percent of the number of automobile parking spaces.

(2) **Public and semipublic use classifications:** as specified by a Minor Administrative Permit issued in accordance with Article 3 of Chapter 9-5 for Minor Discretionary Permits.

(c) **Design Requirements.** For each bicycle parking space required, a compatible bike rack shall be provided to which a user can secure the bicycle. The stationary object may be either a freestanding bicycle rack or a wall-mounted bracket.

Bicycle parking shall be provided in a manner which does not interfere with pedestrian or vehicular circulation and shall be located near building entrances.

(Ord. 914-CS, Repealed and Replaced, 02/14/1997)

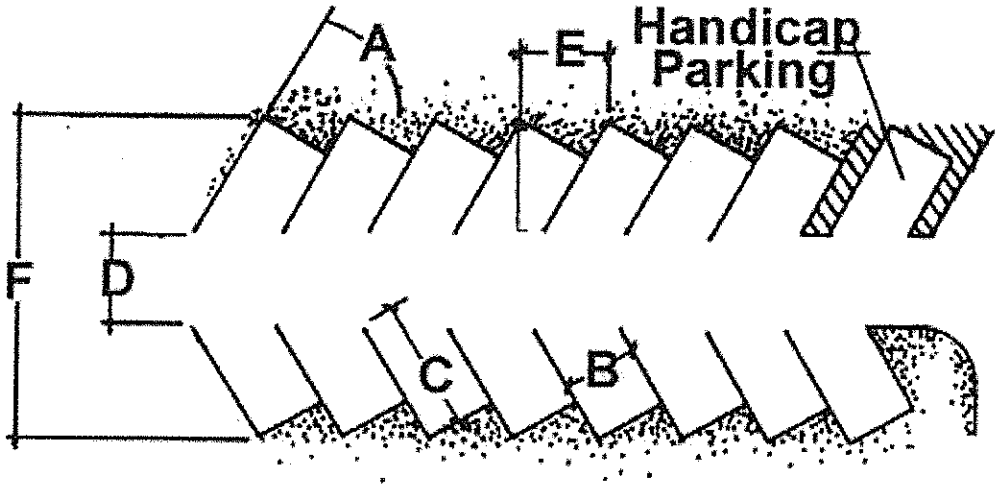
9-2-212 Off-street parking districts.

Any property located within an off-street parking district created under the general laws of the State shall be credited with its pro rata share of the off-street parking spaces being provided by the district when computing the number of off-street parking spaces required for any new construction, reconstruction, remodeling, or structural alteration of such property.

(Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-213 Parking configuration and aisle dimensions.

Every lot used as a public or private parking area shall conform to the dimensions in the following diagram and table:



Parking Space Requirements at Various Parking Angles					
Stall Angle A	Stall Width B	Stall Depth C	Aisle Width[1] D	Curb Length E	Bay Width Curb F
30[2] 30	8'6" 9'0"	16'11" 17'4"	11'0" 11'0"	17'0" 18'0"	44'10" 45'8"
45[2] 45	8'6" 9'0"	19'6" 19'10"	13'6" 13'0"	12'1" 12'9"	52'6" 52'8"
60[2] 60	8'6" 9'0"	20'8" 21'0"	18'6" 18'0"	9'10" 10'5"	59'10" 60'0"
90[2] 90	7'6" 9'0"	15'0" 19'0"	20'0" 24'0"	7'6" 9'0"	50'0" 62'0"

1. Twenty-four (24') foot minimum aisle width for 2-way circulation.

2. Compact spaces - A maximum of thirty (30%) percent of the total parking spaces are allowed.
(Ord. 958-CS, Amended, 10/12/2000; Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-214 Specific parking area design.

When an applicant can demonstrate to the satisfaction of the Community Development Director that variations on the dimensions required in this division are necessary, a specific parking area design may be approved, subject to a Minor Administrative Permit obtained in accordance with Article 3 of Chapter 9-5: for Minor Administrative Approvals, under the following limitations:

(a) The parking area design will not impede the flow of vehicles, reduce pedestrian safety, or hinder loading or unloading.

(Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-215 Parking access from street.

All spaces in a parking facility, except single family and multifamily dwellings with up to two (2) dwellings, shall be accessible and all circulation shall be internal without re-entering a public right-of-way unless it is determined by the Community Development Director to be physically impossible to provide for such access. However, an alley may be used as maneuvering space for access to off-street parking.

(Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-216 Driveway and corner visibility.

Street corners and driveways connecting with a public street shall be maintained as areas of unrestricted visibility ("clear vision zones") in accordance with the latest version of the City of Turlock Standard Specifications and Drawings.

(1083-CS, Amended, 05/10/2007; Ord. 963-CS, Amended, 03/29/2001; Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-217 Additional design standards for parking lots and structures.

Parking lots shall have paving, drainage, wheel stops, curbing, lighting, space marking, and directional signs, which shall be subject to approval of the Community Development Director or designee. In reviewing the design of parking structures, the Community Development Director or the Planning Commission, as the case may be, shall consider the compatibility of the design with adjacent buildings or uses.

(Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-218 Location and design of off-street loading spaces.

On every lot in any C or I District on which is conducted any commercial use permitted in that district, there shall be provided space for the loading and unloading of goods and materials. These loading spaces shall not be less than fifteen (15') feet in width, nor less than twenty-five (25') feet in length, nor less than fourteen (14') feet in height. Required spaces shall not be within a building, but shall be on the site of the use served or on an adjoining site. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the Community Development Director. A required loading space shall be accessible without backing a truck across a street property line unless the Community Development Director determines that provision of turn-around space is infeasible and approves alternative access. An occupied loading space shall not prevent access to a required off-street parking space. A loading area shall not be located in a required front or corner front yard. Except in a CH or I district, a loading area visible from a street shall be screened on three (3) sides by a fence, wall, or hedge at least six (6') feet in height.

(Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-219 Parking area plan required.

Prior to the construction of an off-street parking area for a non-residential use or a multi-family dwelling with more than four (4) units, a plan shall be submitted to the Community Development Director for the purpose of indicating compliance with the provisions of this Division. This plan shall include:

(a) The location and placement of required landscaped areas and irrigation layout, including a computation of the required area;

(b) A planting plan including a list of plants by name and size keyed to their location on the parking area;

(c) Location and description of fencing and architectural screen walls;

(d) Location and placement of parking stalls, including bumpers, striping and circulation, and directional signs, with all dimensions to permit comparison with approved parking standards;

(e) Placement and illumination data of parking area lights; and

(f) Method of drainage.

(Ord. 914-CS, Amended, 02/14/1997)

Article 3. Noise Standards

9-2-301 Specific Purposes.

In order to control unnecessary, excessive, and annoying noise and vibration on the City, it is hereby declared to be the policy of the City to prohibit such noise and vibration generated from or by all sources as specified in this chapter. It shall be the policy of the City to maintain quiet in those areas which exhibit low noise levels and to implement programs aimed at reducing noise in those areas within the City where noise levels are above acceptable values.

It is determined that certain noise levels and vibrations are detrimental to the public health, welfare, and safety and are contrary to the public interest. Therefore, the Council does ordain and declare that creating, maintaining, or causing, or allowing to be created, caused, or maintained, any noise or vibration in a matter prohibited by, or not in conformity with, the provisions of this chapter is a public nuisance and shall be punishable as such.

(Ord. 914-CSA, Repealed and Replaced, 02/14/1997)

9-2-302 Definitions.

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

"A weighted sound level" shall mean the sound level in decibels as measured on a sound level meter using the A weighting network weighted to the range of human hearing. The level so read is designated dB(a) or dBA.

"Ambient noise" shall mean all encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. For the purpose of this chapter, the ambient noise level is the level obtained when the noise level is averaged over a period of fifteen (15) minutes without the inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made.

"Commercial area" shall mean any commercial area as defined in the General Plan and zoning provisions and designated by a "C" prefix in the zoning provisions and on the zoning map.

"Construction" shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action for or on public or private rights of way, structures, utilities, or similar property.

"Cumulative period" shall mean any additive period of time composed of individual time segments which may be continuous or interrupted.

"Decibel" shall mean a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

"Emergency work or action" shall mean work or action made necessary to restore property to a safe condition after a public calamity, or work required to protect persons or property from imminent exposure to danger or damage, or work by public or private utilities to restore utility service.

"Fixed noise source" shall mean a stationary device which creates sounds while fixed or motionless, including, but not limited to, residential, agricultural, industrial, and commercial machinery and equipment, pumps, fans, compressors, air conditioners, and refrigeration equipment.

"Impulsive sound" shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

"Industrial area" shall mean any industrial area as defined by the General Plan and zoning provisions and designated by an "I" prefix in the zoning provisions and on the zoning map.

"Intrusive noise" shall mean that noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or informational content, as well as the prevailing ambient noise level.

"Licensed" shall mean the possession of a formal license or a permit issued by the appropriate jurisdictional authority or, where no permits or licenses are issued, the sanctioning of the activity by the jurisdiction as noted in public records.

"Mobile noise source" shall mean any noise source other than a fixed noise source.

"Motor vehicle" shall mean and include any and all self propelled vehicles as defined in the Vehicle Code of the State, including all on highway type motor vehicles subject to registration under said code and all off highway type motor vehicles subject to identification under said code.

"Muffler or sound dissipative device" shall mean a device consisting of a series of chambers or baffle plates, or other mechanical design, for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.

"Noise Control Officer" shall mean the City of Turlock code enforcement officer. The Noise Control Officer shall be empowered to enforce the provisions of this chapter.

"Noise disturbance" shall mean any sound which:

(1) Endangers or injures the safety or health of human beings or animals; or

(2) Annoys or disturbs a reasonable person of normal sensitivities; or

(3) Endangers or injures personal or real property.

"Noise level" shall mean A weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty (20) micropascals. The unit of measurement shall be designated as dBA.

"Noise sensitive zone" shall mean any area so designated for the purpose of ensuring exceptional quiet, for example, a hospital zone, nursing home, or family care home.

"Noise zone" shall mean any defined area or region of a generally consistent land use wherein the ambient noise levels are within a range of five (5) dB.

"Person" shall mean a person, firm, association, partnership, joint venture, corporation, or any entity, public or private in nature.

"Public right of way" shall mean any street, avenue, boulevard, highway, sidewalk, alley, or similar place which is owned or controlled by a governmental entity.

"Public space" shall mean any real property, or structure thereon, which is owned or controlled by a governmental entity.

"Pure tone" shall mean any sound which can be judged as audible by the Noise Control Officer as a single pitch or a set of single pitches.

"Real property boundary" shall mean an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra building real property divisions.

"Residential area" shall mean any residential area as defined in the General Plan and zoning provisions and designated by an "R" prefix in the zoning provisions and on the zoning map.

"Sound amplifying equipment" shall mean any device for the amplification of the human voice, music, or any other sound, excluding standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed, and, as used in this chapter, warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

"Sound level meter" shall mean an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S1A meters in the American National Standards Institute Specifications for sound level meters, S1.4 1971, or the most recent revision thereof.

"Sound truck" shall mean any motor vehicle, regardless of motive power, whether in motion or stationary, having mounted thereon or attached thereto any sound amplifying equipment.

"Vibration perception threshold" shall mean the minimum ground or structure borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or the visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of .005 in/sec over the range of one to 100 Hz.

"Zone" shall mean any of the zones specified in this Code as such zones are presently identified there and as they may be subsequently modified or altered.

(Ord. 914-CSA, Repealed and Replaced, 02/14/1997)

9-2-303 General noise regulations.

Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to willfully or negligently make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. Noncommercial public speaking and public assemble activities conducted on any public space or public right of way shall be exempt from the operation of this section.

(Ord. 914-CSA, Repealed and Replaced, 02/14/1997)

9-2-304 Preliminary action.

If it is determined by the responding agency that a sound level in excess of the levels prescribed by this chapter exists, the following procedures shall be followed:

(a) A written warning shall be issued by the Noise Control Officer or his agent to the person responsible for the event causing the disturbance.

(b) If the disturbance persists for more than fifteen (15) minutes following the notice, or recurs within an eight (8) hour period, then the person responsible for the event causing the disturbance shall be guilty of a violation of this chapter. Any such violation shall be an infraction.

(Ord. 914-CSA, Repealed and Replaced, 02/14/1997)

9-2-305 Factors of determination.

The factors which will be considered in determining whether a violation of the provisions of this chapter exists shall include, but not be limited to the following:

(a) The sound level of the alleged objectionable noise;

(b) The sound level of the ambient noise;

(c) The proximity of the noise to residential sleeping facilities;

(d) The nature and zoning of the area within which the noise emanates;

(e) The number of persons affected by the noise source;

(f) The time of day or night the noise occurs;

(g) The duration of the noise and its tonal, musical, or informational content; and

(h) Whether the noise is continuous, recurrent, or intermittent.

(Ord. 914-CSA, Repealed and Replaced, 02/14/1997)

9-2-306 Noise measurement procedure.

Upon the receipt of a complaint from a citizen, the Noise Control Officer or his agent, equipped with a sound level meter, shall investigate the complaint. The investigation shall consist of a measurement taken according to the Enforcement Manual and the gathering of data to adequately define the noise problem and shall include the following:

(a) **Non-acoustic data.**

(1) The type of the noise source;

(2) The location of the noise source relative to the complainant's property;

(3) The time period during which the noise source is considered by the complainant to be intrusive;

(4) The total duration of the noise produced by the noise source; and

(5) The date and time of the noise measurement survey.

(b) **Acoustic data.** Utilizing the A weighting scale of the sound level meter and the "slow" meter response, the Noise Control Officer or his agent shall measure the sound level at any point on the receiver's property.

(Ord. 914-CSA, Repealed and Replaced, 02/14/1997)

9-2-307 Noise Limits.

The provisions of this section address noise intrusions over and above the noise normally associated with a given location (intrusions over the ambient level). The ambient noise varies throughout the community, depending upon proximity to highways, population density, and land use. Difference standards are set for various segments of the community which reflect the existing day and nighttime ambient noise levels.

The ambient noise level is defined in terms of statistical parameters which describe the total noise occurring over any hourly time period.

A noise intrusion is judged by comparing such noise statistics with the noise source on versus such statistics with the noise source off (the ambient). Violations of the provisions of this chapter may be cited in terms of particular levels exceeded or in terms of the length of time the intrusive noise exceeded such standards. Compliance with the noise emission standards as set forth in this section shall constitute the elimination of a noise disturbance.

(a) **Exterior noise standards.**

Exterior Noise Limits (Levels Not To Be Exceeded More Than 30 Minutes in Any Hour)				
Receiving Land Use Category	**Time Period**	**Noise Level (dBA) Noise Zone Classification**		
		Rural/Suburban	**Suburban**	**Urban**

40	45	50
50	55	60
45	50	55
50	55	60
50	55	60
	55	
	60	
	60	
	65	
	70	
	75	

The classification of different areas of the community in terms of environmental noise zones shall be determined by the Noise Control Officer, based upon the assessment of the community noise survey data and noise contours established by the Noise Element of the General Plan. Additional area classifications should be used as appropriate to reflect both lower and higher existing ambient levels than those shown. Industrial noise limits are intended primarily for use at the boundaries of industrial zones rather than for noise reduction within the zone.

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

Amplified Bells or Chimes (Not to exceed 30 minutes in one hour)			
Noise Zone	**Receiving Land Use Category**	**Time Period**	**Maximum Permissible Sound Level (dBA)**
All Noise Zones as specified in TMC §9-4-507 (a)	All Receiving Land Use Categories as specified in TMC §9-4-507 (a)	8:00 a.m. - 10:00 p.m.	60 dBA

(b) **Interior noise standards.**

Maximum Permissible Dwelling Interior Sound Levels			
Noise Zone	**Type of Land Use**	**Time Interval**	**Allowable Interior Noise Level (dBA)**
All	Residential	10:00 p.m. - 7:00 a.m. 7:00 a.m. - 10:00 p.m.	35 45

(1) The interior noise standards for multi family residential dwellings as set forth in this section shall apply, unless otherwise specifically indicated, within all such dwellings with windows in their normal seasonal configuration.

(2) No person shall operate, or cause to be operated, within a dwelling unit any source of sound or allow the creation of any noise which causes the noise level when measured inside a neighboring receiving dwelling unit to exceed:

(i) The noise standard as specified in this section for a cumulative period of more than five (5) minutes in any hour; or

(ii) The noise standard plus five (5) dB for a cumulative period of more than one minute in any hour; or

(iii) The noise standard plus ten (10) dB or the maximum measured ambient for any period of time.

(Ord. 914-CSA, Repealed and Replaced, 02/14/1997)

9-2-308 Maximum permissible sound levels by receiving land uses.

The maximum sound levels shall be determined as follows:

(a) The noise standards for the various categories of land use identified by the Noise Control Officer as set forth in Section 9-2-307 of this article, unless otherwise specifically indicated, shall apply to all such property within a designated zone.

(b) No person shall operate, or cause to be operated, any source of sound at any location within the incorporated City, or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level, when measured on any other property, either incorporated or unincorporated, to exceed:

(1) The noise standard for that land use as specified in Section 9-2-307 of this article for a cumulative period of more than thirty (30) minutes in any hour; or

(2) The noise standard plus five (5) dB for a cumulative period of more than fifteen (15) minutes in any hour; or

(3) The noise standard plus ten (10) dB for a cumulative period of more than five (5) minutes on any hour; or

(4) The noise standard plus fifteen (15) dB for a cumulative period of more than one minute in any hour; or

(5) The noise standard plus twenty (20) dB or the maximum measured ambient level for any period of time.

(c) If the measured ambient level differs from that permissible within any of the first four (4) noise limit categories set forth in subsection (b) of this section, the allowable noise exposure standard shall be adjusted in five (5) dB increments in each category as appropriate to encompass or reflect such ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under such category shall be increased to reflect the maximum ambient noise level.

(d) If the measurement location is on a boundary between two (2) different zones, the noise level limit applicable to the lower noise zone, plus five (5) dB, shall apply.

(e) If possible, the ambient noise shall be measured at the same location along the property line utilized in subsection (b) of this section, with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, the ambient noise shall be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the noise from the source is at least ten (10) dB below the ambient in order that only the ambient level is measured. If the difference between the ambient and the noise source is

five (5) to ten (10) dB, then the level of the ambient itself can be reasonably determined by subtracting a one decibel correction to account for the contribution of the source.

(f) In noise sensitive zones the maximum permissible sound level shall be exceeded by:

(1) Creating or causing the creation of any sound within any noise sensitive zone so as to exceed the specified land use noise standards set forth in Section 9-2-305 of this article provided conspicuous signs are displayed indicating the presence of the zone; or

(2) Creating or causing the creation of any sound within or adjacent to any noise sensitive zone containing a hospital, nursing home, school, court, or other designated area so as to interfere with the functions of such activity or annoy the occupancy in the activity provided conspicuous signs are displayed indicating the presence of the zone.

(Ord. 914-CSA, Repealed and Replaced, 02/14/1997)

9-2-309 Prohibited acts.

The following acts are hereby prohibited:

(a) **Radios, television sets, musical instruments, and similar devices.** Operating, playing, or permitting the operation or playing of any radio, television set, phonograph, drum, musical instrument, or similar device which produces or reproduces sound in such a manner as to create a noise disturbance, except for activities for which a variance has been issued by the Noise Control Officer;

(b) **Loudspeakers (amplified sound).** Using or operating for any purpose any loudspeaker, loudspeaker system, or similar device such that the sound therefrom creates a noise disturbance, except for any activity, special event or time period for which a variance or permit has been issued by the Noise Control Officer;

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

(2) **Exception.** Amplified sound shall be allowed at Central Park between the hours of 8:00 a.m. and 10:00 p.m. in accordance with the provisions of this chapter.

(c) **Yelling and shouting.** Loud or raucous yelling, shouting, whistling, or singing so as to cause a noise disturbance;

(d) **Street sales.** The solicitation, sale, or advertising of any product or service by shouting or outcry within any residential or commercial area or noise sensitive zone of the City, except by variance issued by the Noise Control Officer;

(e) **Animals.** Keeping or maintaining, or permitting to be kept or maintained, upon any premises owned, occupied, or controlled by any person any animal which, by any frequent or long continued noise, shall cause annoyance or discomfort to two (2) or more reasonable persons of normal sensitiveness who reside in separate residences (including apartments and condominiums). However, the Noise Control Officer or his agent may proceed on the basis of a complaint of only one person if circumstances are determined to exist whereby a noise disturbance caused by an animal affects only one individual. Any noise which is audible continuously for ten (10) minutes or intermittently for thirty (30) minutes shall be prima facie evidence of such annoyance or discomfort. Factors which can be used to

evaluate excessive animal noise include, but are not limited to, (a) the time of day; (b) the pitch; (c) the pattern; (d) the duration; and (e) the frequency of occurrence;

(f) **Loading and unloading.** Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential real property line;

(g) **Construction or demolition.**

(1) **Hours of operation.** Operation or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work between weekday hours of 7:00 p.m. and 7:00 a.m. or (8:00 p.m. and 9:00 a.m. on weekends or holidays) such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work or public service utilities or by variance issued by the Noise Control Officer; and

(2) **Noise restrictions at affected properties.** Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum sound levels at affected properties will not exceed those listed in the following schedule:

(i) **Mobile equipment.** Maximum sound levels for nonscheduled, intermittent, short term operation (less than ten (10) days per month) of mobile equipment:

Mobile Construction Equipment			
Time Interval	**One and Two Family Residential**	**Multiple Family Residential**	**Commercial & Industrial**
Daily 7:00 a.m. - 7:00 p.m. **Weekends/Holidays** 9:00 a.m. - 8:00 p.m.	75 60	80 65	85 70

(ii) **Stationary equipment.** Maximum sound levels for repetitively scheduled and relatively long term operation (periods of ten (10) days or more per month) of stationary equipment:

Stationary Construction Equipment			
Time Interval	**One and Two Family Residential**	**Multiple Family Residential**	**Commercial & Industrial**
Daily 7:00 a.m. - 7:00 p.m. **Weekends/Holidays** 9:00 a.m. - 8:00 p.m.	60 50	65 55	70 60

(h) **Vibration.** Operating or permitting the operation of any device which creates a vibration which annoys or disturbs at least two (2) or more reasonable persons of normal sensitivity who reside in separate residences (including

apartments and condominiums) at or beyond the property boundary of the source, on private property, or at least 150 feet (forty six (46) meters) from the source, on a public space or public right of way;

(i) **Motor vehicle noise limits.**

(1) **Motor vehicles.** It shall be the policy of the City to enforce those sections of the Vehicle Code of the State regarding motor vehicle noise limits and equipment violations which create noise problems, motor vehicle horns, sound levels emitted from off highway vehicles operating off the public right of way, and successors thereof. Commercial maintenance equipment and machinery shall be equipped with proper mufflers and air-intake silencers in good working order.

(2) **Refuse collection vehicles.** No person shall collect refuse with a refuse collection vehicle between the hours of 6:00 p.m. and 5:00 a.m. of the following day in a residential area.

(3) **Vehicle, motorboat, and aircraft repair and testing.** No person shall repair, rebuild, modify, or test any motor vehicle, motorboat, or aircraft in such a manner as to create a noise disturbance across a residential real property line or at any time to violate the provisions of this chapter;

(j) **Powered model vehicles.** Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of this chapter;

(k) **Emergency signaling devices.**

(1) The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing as provided in subsection (2) of this subsection;

(2) (i) Testing of a stationary emergency signaling device shall not occur before 7:00 a.m. or after 7:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty (60) seconds; and

(ii) Testing of the complete emergency signaling system, including the functioning of the signaling device, and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 7:00 a.m. or after 10:00 p.m. The time limit specified in subsection (i) of this subsection shall not apply to such complete system testing; and

(3) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is terminated within fifteen (15) minutes after any single security violation or false alarm.

(l) **Domestic power tools, machinery, heating, venting, or air conditioning (HVAC) equipment.**

(1) Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool between 10:00 p.m. and 7:00 a.m. on weekdays (or 8:00 p.m. and 9:00 a.m. on weekends and legal holidays) so as to create a noise disturbance across a residential or commercial real property line; and

(2) Any motor, machinery, or pump, such as swimming pool or HVAC equipment and the like, installed or replaced after October 11, 1984, shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance across a residential or commercial real property line;

(m) **Places of entertainment.** Operating or permitting the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound which exceeds ninety-five (95) dBA as read on the scale of a sound level meter in any place of public entertainment at any point normally occupied by a customer without a conspicuous and legible sign stating "Warning Sound Levels Within May Cause Hearing Impairment"; and

(n) **Tampering.** The removal or rendering inoperative, other than for purposes of maintenance, repair, or replacement, of any noise control device, or element thereof, of any product required to meet specified noise emission limits under Federal, State, or local laws and the use of such product after its noise control device has been removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement.

(Ord. 914-CSA, Repealed and Replaced, 02/14/1997)

9-2-310 Emergency exemptions.

The provisions of this chapter shall not apply to:

(a) The emission of sound for the purpose of alerting persons to the existence of an emergency; or

(b) The emission of sound in the performance of emergency work.

(Ord. 914-CSA, Repealed and Replaced, 02/14/1997)

9-2-311 Miscellaneous exemptions.

(a) **Warning devices.** Warning devices necessary for the protection of the public safety, as, for example, police, fire, and ambulance sirens, shall be exempted from the provisions of this chapter.

(b) **Outdoor activities.** The provisions of this chapter shall not apply to occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided such events are conducted pursuant to a permit or license issued by the City relative to the staging of such events.

(c) **Agricultural operations.** All mechanical devices, apparatus, or equipment associated with acceptable agricultural operations or practices conducted on agricultural property shall be exempt from the provisions of this chapter. If, however, the operation is in the vicinity of residential land uses, and/or in operation for less than one year, a variance permit shall be required to operate noise producing devices, with the following conditions:

(1) That operations do not take place between 8:00 p.m. and 5:00 a.m.; or

(2) That such operations and equipment are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions; or

(3) That such operations and equipment are associated with agricultural pest control through pesticide applications provided the applications are made in accordance with permits issued by or regulations enforced by the Country Agricultural Commissioner; and

(4) That such devices utilized for pest control which incorporate stationary or mobile noise sources (electro mechanical bird scare devices and the like) are operated only by a permit issued by the Noise Control Officer. The allowable hours and days for the operation of such devices will be specified in the permit; and

(5) That all equipment and machinery powered by internal combustion engines shall be equipped with a proper muffler and air intake silencer in good working order.

(d) **Churches and other similar organizations.** Any church or other similar organization which use unamplified bells, chimes or other similar devices are exempt from the provisions of this chapter so long as said church or other similar organization plays such between the time period of 8:00 a.m. and 10:00 p.m. and the playing period does not exceed thirty (30) minutes in any one (1) hour.

(Ord. 914-CSA, Repealed and Replaced, 02/14/1997)

9-2-312 Federal and State preempted activities.

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

(Ord. 914-CSA, Repealed and Replaced, 02/14/1997)

9-2-313 Special variances.

(a) The Planning Commission is authorized to grant variances for exceptions from any provision of this chapter, subject to limitations as to area, noise levels, time limits, and other terms and conditions as the Planning Commission determines are appropriate to protect the public health, safety, and welfare from the noise emanating therefrom. This section shall in no way affect the duty to obtain any permit or license required by law for such activities.

(b) Any person seeking a variance pursuant to this section shall file an application with the Planning Commission. The application shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. The application shall be accompanied by a fee in the amount of Fifty and no/100ths ($50.00) Dollars. A separate application shall be filed for each noise source; provided, however, several mobile sources under common ownership, or several fixed sources on a single property, may be combined into one application. Notice of an application for a variance shall be published according to this Code. Any individual who claims to be adversely affected by the allowance of the variance may file a statement with the Planning Commission containing any information to support his claim. If at any time the Planning Commission finds that a sufficient controversy exists regarding an application, a public hearing will be held.

(c) In determining whether to grant or deny the application the Planning Commission shall balance the hardship of not granting the variance on the applicant, the community, and other persons against the adverse impact on the health, safety, and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the variance. Applicants for variances and persons contesting variances may be required to submit such information as the Planning Commission may reasonably require. In granting or denying an application, the Planning Commission shall keep on public file a copy of the decision and the reasons for denying or granting the variance.

(d) Variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance and subject the person holding it to those provisions of this chapter for which the variance was granted.

(e) A variance shall not exceed 365 days after the date in which it was granted. Applications for the extension of the time limits specified in variances or for the modification of other substantial conditions shall be treated like applications for initial variances under subsection (b) of this section.

(f) The Planning Commission shall issue guidelines defining the procedures to be followed in applying for a variance and the criteria to be considered in deciding whether to grant a variance.

(Ord. 914-CSA, Repealed and Replaced, 02/14/1997)

9-2-314 Variance from time to comply.

On or before January 9, 1985, the owner of any commercial or industrial source of sound may apply to the Planning Commission for a variance in time to comply with the provisions of this chapter. The Planning Commission shall have the authority, consistent with this section, to grant a variance (not to exceed five (5) years form the effective date of this chapter). The same procedures and considerations by the Planning Commission as followed under Section 9-2-313 of this article shall likewise apply.

(Ord. 914-CSA, Repealed and Replaced, 02/14/1997)

9-2-315 Appeals.

Appeals of an adverse decision of the Planning Commission shall be made to the Council. Reviews by the Council shall be as specified in this Code.

(Ord. 914-CSA, Repealed and Replaced, 02/14/1997)

Article 4. Nonconforming Structures and Uses

9-2-401 Specific purposes.

This article limits the number and extent of nonconforming uses by limiting their enlargement, their re-establishment following abandonment, their alteration, their relocation, and their restoration. This article, while permitting the use and maintenance of nonconforming structures, limits their restoration, alteration, enlargement, or relocation upon the site in any manner that would increase the discrepancy between the standards contained in this article and the conditions existing on the subject property.

It is recognized that nonconforming uses and structures generally persist and their appearance gradually deteriorates when the standards for repair and improvement are too restrictive. It is the intent of this article to provide limited but reasonable opportunity for nonconforming uses and structures that are not a public nuisance to be repaired and improved if it is in the public interest. This article also provides for the removal of nonconforming uses and structures or change to conforming uses and structures when such uses and structures are a public nuisance.

(Ord. 1008-CS, Amended, 07/10/2003; Ord. 914-CS, Repealed and Replaced, 02/14/1997; Manual, Amended, 02/13/1997)

9-2-402 Nonconforming Uses.

(a) **Defined.** A non conforming use is a lawful use of land that does not comply with the current use regulations for its zoning district but which complied with the applicable regulations at the time the use was established. A nonconforming use includes those that operate without a structure.

(b) **Regulations.**

(1) When authorized by the Planning Commission as a conditional use in accordance with the provisions of Article 6 of Chapter 9-5 TMC, the substitution for nonconforming use of another nonconforming use of the same or more restrictive classification may be made. The new nonconforming use must have a similar or less severe impact on its surroundings in terms of noise, traffic, parking, hours of operation and visual incompatibility.

(2) The repair, maintenance, remodel, alteration, and replacement of a structure used for a nonconforming use (and/or site improvements) allowed so long as there is no increase in the operation or floor area devoted to the use, or change in the size or location of any structures. The structural and/or site improvements described above may be approved if it can be determined that they do not adversely affect neighboring properties, that they do not increase the degree of nonconformity, and are in the public interest.

(3) The expansion or enlargement of a structure used for a nonconforming use and/or site improvements that do not increase the existing level of nonconformity is continued as follows:

(i) Structural improvements that enlarge or expand an existing structure used for a nonconforming use and/or the expansion or enlargement of the site may be allowed in accordance with Article 5 of Chapter 9-5 TMC: Conditional Use Permits.

(ii) The enlargement or expansion shall not exceed fifty (50%) percent of the existing structure's floor area and/or lot area.

(iii) The structural and/or site improvements described above may be approved if it can be determined they will not adversely affect neighboring properties, and are in the public interest.

(iv) The expansion or enlargement of nonconforming residences in nonresidential zoning districts shall comply with the development standards established for the applicable residential zoning district, not the zoning district in which it is located.

(1083-CS, Amended, 05/10/2007; Ord. 1008-CS, Amended, 07/10/2003; Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-403 Nonconforming Structures.

(a) **Defined.** A nonconforming structure is any building or structure that does not comply with one or more of the regulation limitations on size, height, and location on a lot, or the applicable zoning district in which such building or structure is located. (Refer to Article 507 of Chapter 2 of Title 9: Nonconforming Signs).

(b) **Regulations.**

(1) The repair, maintenance, remodel, alteration, and replacement of a nonconforming structure where the level of nonconformity is maintained so long as there is no increase in the operation or floor area devoted to the use, or change in the size or location of any structures. The structure improvements described above may be approved if it can be determined they will not adversely affect neighboring properties, and are in the public interest.

(2) The expansion or enlargement of a nonconforming structure where the existing level of nonconformity is maintained is allowed as follows:

(i) Structural improvements that enlarge or expand an existing nonconforming structure may be allowed with a Conditional Use Permit in accordance with Article 6 of Chapter 9-5 TMC: Conditional Use Permits and

Variances. The enlargement or expansion shall not create new nonconformities or increase the extent of existing nonconformities.

(ii) The enlargement or expansion shall not exceed fifty (50%) percent of the existing structure's floor area within any five (5) year period.

(iii) The structural improvements described above may be approved if it can be determined that they do not adversely affect neighboring properties, are in the public interest, and are necessary to ensure visual compatibility with the existing structure.

(iv) The expansion or enlargement of nonconforming residences in nonresidential zoning districts shall comply with the developments standards established for the applicable residential zoning district, not the zoning district in which it is located.

(1083-CS, Amended, 05/10/2007; Ord. 1008-CS, Amended, 07/10/2003; Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-404 Loss of Nonconforming Status.

A nonconforming use which ceases or a nonconforming structure that is unoccupied for a continuous period of twelve (12) months shall lose its legal nonconforming status. The premises on which the nonconforming use is located shall then be used for conforming uses and the nonconforming structure shall be removed or altered to conform unless a Conditional Use Permit is obtain in accordance with Article 6 of Chapter 9-5: Conditional Use Permits and Variances.

(Ord. 1008-CS, Amended, 07/10/2003; Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-407 Discontinuance.

(a) **Declaration of unlawful uses or structures.** It is hereby declared that nonconforming uses of land or nonconforming structures within the City of Turlock as set forth in this section that are found to be a public nuisance are detrimental to the orderly development of the City and as detrimental to the health, safety, peace, comfort, and general welfare of persons and property within the City of Turlock. It is further declared to be the policy of the City that such nonconforming uses or structures shall be eliminated as rapidly as may be done without infringing upon the constitutional rights of the owners of such nonconforming property.

(b) **Procedures to determine time for discontinuance.** A nonconforming use or structure that is determined to be a public nuisance and a serious detriment to the health, safety, peace, comfort, and general welfare of persons and property within the surrounding area may be administratively ordered to discontinue upon determination by the Community Development Director, or designee. A nonconforming use or structure shall be discontinued within the following time frame:

(1) A nonconforming use which does not involve the use of a structure shall be discontinued in five (5) years.

(2) A nonconforming use which does involve the use of a structure shall be discontinued in ten (10) years.

(3) A nonconforming structure shall be abandoned or removed in ten (10) years.

(c) **Appeals.** Should an owner of property upon which a nonconforming use has been administratively ordered discontinued disagree with such order, such owner may appeal as provided in Title 1, Chapter 4 of the Turlock Municipal Code.

(Ord. 1008-CS, Amended, 07/10/2003; Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-408 Replacement and repairs due to damage.

(a) If at any time any nonconforming residential building is damaged or destroyed by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God, such building may be rebuilt within one (1) year to total floor area not exceeding that which such building originally contained and such building may continue as set forth in this article for nonconforming uses and buildings.

(b) Any nonconforming commercial or industrial building or structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God to such an extent that repairs or replacements are required, the cost of which exceeds sixty (60%) percent of its current appraised value for tax purposes at the time of damage, exclusive of the foundation, shall not be restored or reconstructed and used as before such happening. If such building is less than sixty (60%) percent damaged above the foundations, it may be restored, reconstructed, or used as before; provided, however, the restoration or reconstruction shall be substantially completed within one (1) year of such happening.

(Ord. 914-CS, Add, 08/24/1999; Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-409 Repairs and maintenance.

Such repairs and maintenance work as required to keep a nonconforming building or structure in sound condition may be made; provided, however, no structural alterations shall be made except as are required by law or authorized by the Commission as a conditional use pursuant to the provisions of Article 6 of Chapter 9-5 of this title. Except as otherwise provided in this chapter, the total structural repairs and alterations which may be made to a nonconforming building or structure shall not, during its life subsequent to the date of its becoming a nonconforming use, exceed fifty (50%) percent of its then appraised value for tax purposes unless such building or structure is changed to a conforming use.

(Ord. 914-CS, Add, 08/24/1999; Ord. 914-CS, Repealed and Replaced, 02/14/1997)

9-2-410 Exceptions to provisions.

The provisions of this article shall not require any change in the overall layout, plans, construction, size, or designated use of any development, building, or structure, or part thereof, where official approvals and required building permits have been granted before the effective date of this ordinance, or of any amendment to the provision of this chapter, the construction of which building, conforming with such plans, shall have been started prior to the effective date of this ordinance, and the completion thereof carried on in a normal manner within the subsequent six (6) month period and not discontinued until completion except for reasons beyond builder's control.

(Ord. 914-CS, Add, 08/24/1999; Ord. 914-CS, Repealed and Replaced, 02/14/1997)

Article 5. Signs

9-2-501 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 regulating and controlling the size, height, structural design, quality of materials, construction, location, electrification, and maintenance of all signs and sign structures not located within a

building (except temporary unlighted signs attached to or affixed upon windows) and to accomplish the following results:

(a) To promote and enhance the character of residential neighborhoods and property values by prohibiting obtrusive and incompatible signs; and

(b) To protect and maintain healthy commercial centers and property values for the effective communication of the nature of goods and services and the avoidance of wasteful, ugly, and unsightly competition in signs; and

(c) To provide a reasonable and comprehensive system of controls of signs; and

(d) To encourage a desirable urban character, which has a minimum of overhead clutter; and

(e) To encourage signs which are well designed and pleasing in appearance and to provide incentive and latitude for variety, good design relationship, spacing, and location; and

(f) To attract and direct persons to various activities and enterprises in order to provide for the maximum public convenience; and

(g) To enhance the economic value of the community, and each area of it, through the regulation of the size, location, design, and illumination of signs.

9-2-502 Interpretation.

Whenever a reference in this chapter is made to "this chapter," such reference shall refer to the requirements of the sign regulations. Any ambiguity with other sections of this Code will be resolved by the Planning Commission. The diagrams used in this chapter are for illustrative purposes only. All text shall take precedence over any illustrations in the event of a conflict. When a conflict with local, Federal, or State regulations occurs, the more restrictive regulations shall govern.

9-2-503 Definitions.

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

"Animated sign" shall mean a sign with motion, flashing lights, or changes in color or intensity utilizing electricity or other sources of energy. This definition shall not include a sign which tells only time and temperature in alternating sequences.

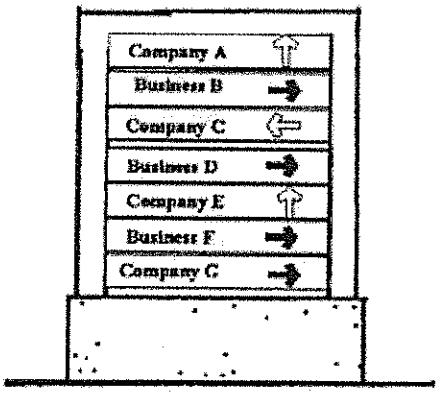
"Architectural projection" shall mean any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building and shall include mansard roofs.

"Banner, flag, pennant or balloon" shall mean any cloth, bunting, plastic, paper, lightweight fabric or similar material that is mounted to a pole or a building for commercial or advertising purposes. This definition shall include captive balloons and inflatable signs but shall not include national flags, state flags, municipal flags, the official flags of foreign nations, or the flags of nationally or internationally recognized organizations.

"Building facade - building wall" shall mean that portion of any exterior elevation of a building extending from grade to the top of the parapet wall, or eaves, parallel to the street and extending the entire width of the building.

"Building frontage" shall mean the length of the side of a building which faces directly upon a public street. For the purpose of this chapter, "faces directly upon a public street" shall mean the area formed by extending perpendicular lines to the street from the two (2) building sides. This definition does not include any portion of a building which intersects any portion of another structure fronting onto an adjacent street or any portion of another lot.

If a building is curved or triangular, the building frontage shall be the shortest distance between the points on the outside extremity of the building elevation measured parallel to the public street upon which the building fronts.



DIRECTORY

"Business identification sign" shall mean signage that is limited to the name of the tenant, type of business, and logo of the tenant or business where the logo does not contain product information.

"Changeable copy sign" shall mean a sign designed to allow the changing of copy through manual, mechanical, or electrical means. A sign on which the message changes more than eight times per day shall be considered an animated sign. This definition does not include a sign which displays only time and temperature in alternating sequences.

"Civic sign" shall mean a sign, other than a commercial sign, posted to advertise a civic event, public agency, school, church, civic-fraternal organization or similar noncommercial organization.

"Commercial speech" shall mean speech that proposes or invites a commercial transaction primarily aimed at the monetary gain or advertising interest of the advertiser or sponsor.

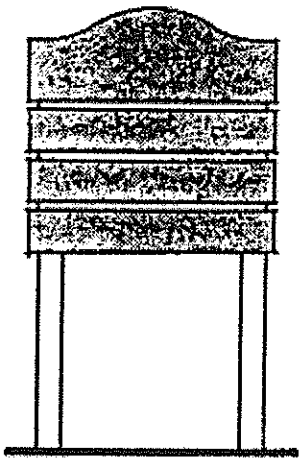
"Common signage program" shall mean a coordinated signage plan for a shopping center or group of individual businesses, whether or not located on a single lot. The common signage plan specifies standards for consistency among all signs on the properties governed by the plan.

"Detached sign." See **"Freestanding sign"** in this section.

"Erect" shall mean to build, construct, attach, hang, place, suspend, paint, or affix but shall not include change of copy on a sign.

"Flashing sign." See **"Animated sign"** in this section.

"Freestanding sign" shall mean a sign which is supported by one or more columns, uprights, or is braced in or upon the ground and is not attached to any building.



FREESTANDING

"Freeway" shall mean a highway to which the owners of abutting property have no right or easement of access to or from their property, and which is declared to be such in compliance with the California Streets and Highways Code.

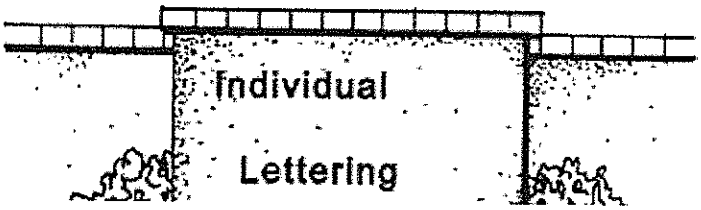
"Historic sign" shall mean a sign which exceeds 30 years in age and exhibits historic, cultural or aesthetic qualities that embody or represent the character of the city.

"Identification sign" shall mean a sign identifying an apartment, residence, school, church, or other nonbusiness use or a use allowed on a lot in a residential zone.

"Illuminated sign" shall mean a sign which is made readable by a source of light, including internally and/or externally lighted signs, and reflectored, glowing, or radiating signs.

"Incidental sign" shall mean a sign that has a purpose secondary to the use of the property where it is located. Generally informational, these signs include posting of "no parking," "entrance," "loading only," and other similar directives. No sign with a legible commercial message shall be considered incidental.

"Individual lettering" shall mean the integration of signage into a building wall or other architectural feature where the letters are not framed with a background or cabinet.



"Integral roof sign" shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design. No part of the sign shall extend vertically above the highest portion of the roof and no part of the sign shall be separated from the rest of the roof by a space of more than 6 inches.

"Logo" shall mean an established trademark or symbol identifying a product or use.

"Marquee" shall mean a permanent roofed structure attached to and supported by a building and may project over a public right-of-way.

"Marquee sign - canopy sign" shall mean a sign attached to or constructed on or under a marquee or a canopy.

"Master sign plan" shall mean a coordinated sign plan of one or more signs for an individual building or building complexes with multiple tenants. The plan provides an inventory of approved signage and information including the type, location, height, area and number of signs.

"Miscellaneous sign" shall mean any sign not defined in this section.

"Monument sign" shall mean an independent sign structure supported on a solid base pedestal which is fixed to the ground.

"Nonconforming sign" shall mean a sign which does not conform with the provisions of this chapter, but which:

(1) Was lawfully in existence and in use in the City on the effective date of this ordinance, including signs erected pursuant to variances granted by the City:

(2) Was lawfully in existence and in use on property outside the City on the effective date of annexation to the city, including signs erected pursuant to variances granted by the County; or

(3) Was lawfully in existence and in use in the City on the effective date of any amendment to this chapter that causes the sign to become nonconforming.

"Off-Premise signs" shall mean any sign that advertises goods, products, services or facilities not sold, produced, manufactured or furnished on the premises on which the sign is located. These signs are also known as outdoor advertising signs, billboards, poster panels and snipe signs.

"Permanent sign" shall mean every sign except temporary signs as defined in this section.

"Pole sign" shall mean a freestanding sign independently supported by one or more poles.

"Political sign" shall mean a temporary sign designed for the purpose of expressing support for, or opposition to, a political candidate, campaign issue, or proposition at a public election

"Portable sign" shall mean an advertising device which is located on the ground, is easily movable, not permanently attached thereto and which is usually two-sided. This definition includes "A" frame signs, swinger signs, sandwich signs, menu boards, and similar signs. This excludes such signs when attached to a vehicle or trailer.

"Projecting sign" shall mean a single- or multiple-faced sign which projects from a building wall farther or covers more space than a shingle sign, as defined in this section, and uses a building wall for support.

"Promotional sign" shall mean any sign erected on a temporary basis to promote or advertise the sale of new products, new management, new business, new hours of operation, a new service or to promote a special sale. Promotional signage also includes banners and portable signs.

"Revolving sign" shall mean a sign which rotates in either part of or a full circle.

"Refacing" shall mean the replacement of the display surface of an existing sign.

"Roof sign" shall mean any sign erected and constructed wholly on and over the roof of a building supported by the roof structure and extending vertically above the highest portion of the roof.

"Shingle sign" shall mean any non-internally illuminated sign which projects eighteen (18") inches or less from the front of the building where the advertised use is located and does not exceed three (3) square feet on each side.

"Shopping center identification sign" shall mean a freestanding sign used to identify a shopping center or group of businesses which function as an integral unit and does not reference or advertise any individual tenant.

"Sign" shall mean any visual device or representation designed and used for the purpose of communicating a message or identifying or attracting attention to a lot, product, service, person, or event. The term "sign" shall include, but is not limited to, banners, pennants, streamers, whirligigs, unusual paint, color, nonstructural displays, and architectural projections, and shall include displays of merchandise or objects indicative of goods or services available if such displays are primarily designed or used, or intended to be used, for sign purposes and located outside of the building.

"Sign face" shall mean the visible surface of a sign, excluding the essential structural elements which are not an integral part of the display. A sign consisting of one or more three (3) dimensional objects, such as balls, cubes, or clusters of objects, shall be deemed to have four (4) sign faces.

"Sign area (surface)" shall mean the number of square feet of the smallest rectangular figure within which a sign face can be enclosed.

"Sign design guidelines" shall mean the adopted principles and standards for the appearance of signs within the City of Turlock which have been incorporated into the City Design Guidelines Handbook.

"Snipe sign" shall mean signs of a temporary nature advertising a specific event or product and which are illegally posted to trees, posts, poles, stakes, fences or similar support structures.

"Temporary sign" shall mean any sign approved for a limited period of time.

"Time and temperature sign" shall mean a sign or the portion of any sign that displays the current time and temperature in alternating sequence.

"Wall sign" shall mean a single-faced sign which is affixed in any manner to or painted on any exterior wall of a building or structure.

"Window sign" shall mean any sign, picture, symbol, or combination thereof, that is placed inside or upon a window with the intent to communicate information about an activity, business, commodity, event, sale, or service.

(Ord. 983-CS, Amended, 07/11/2002)

9-2-504 Permits required.

Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, alter, reface, or relocate or cause to be erected, altered, refaced, or relocated, within the City any sign without first obtaining a permit to do so from the Community Development Director and paying the required fee. It shall be unlawful for any person to maintain, or cause to be maintained, any sign within the City for which a permit has not been obtained, unless otherwise exempted pursuant to this chapter.

(a) **Applications.** Applications for the permits required by this chapter shall be made to the Community Development Director on forms provided by the City, shall be accompanied by a permit fee, and shall comply with all submittal requirements for each individual permit type as outlined in Chapter 9-5 TMC.

(b) **Master or common signage plan.** No permit shall be issued for an individual sign requiring a permit unless and until a Master or Common Signage Plan for the lot on which the sign will be erected has been approved by the Community Development Director as conforming with this section. A Master or Common Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.

(1) **Master signage plan.** A Master Signage Plan shall be established for each property at the time an initial application for signage (See TMC 9-2-505 for application type) is submitted. For any lot on which the owner proposes to erect two (2) or more signs requiring a permit, unless such lot is included in a common signage plan, the owner shall submit the following information for evaluation to the Community Development Director:

(i) A completed plot plan of the lot accurately scaled.

(ii) Location of the buildings, parking lots, driveways, and landscaped areas on such lot.

(iii) Computation of the total sign area, the total area for each individual sign, the height of all signs and the number of each type of sign included in the plan.

(iv) An accurate indication on the plot plan of the proposed location for each present and proposed sign of any type.

(2) **Common signage plan.** An application for a Common Signage Plan may be submitted by the owner(s) of two (2) or more contiguous lots or a single lot with more than one (1) building. The application for a Common Signage Plan shall contain all of the information required for a Master Signage Plan and shall also specify standards for consistency among all signs on the lots affected by the plan with regard to:

(i) Color scheme;

(ii) Lettering or graphic style;

(iii) Location of each sign on each building;

(iv) Material; and

(v) Sign proportions.

For those lots included in a Common Signage Plan, a twenty-five (25%) percent increase in the maximum total sign area shall be allowed for each lot. This bonus shall be allocated within each zone lot as the owner(s) elects.

The number of freestanding signs permitted under a Common Signage Plan shall be limited to a total of one (1) for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs.

(3) **Binding effect.** After approval of a Master or Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan. In case of any conflict between the provisions of such a plan and any other provisions of this title, the title shall prevail.

(4) **Amendments to master or common signage plans.** A Master or Common Signage Plan may be amended by filing a new Master or Common Signage Plan that conforms with all requirements of the title then in effect.

(c) **Sign permit.** An application for a sign permit shall be required for all signage determined as being required pursuant to TMC 9-2-505. Signage shall be consistent with the approved master or common signage program, where applicable. The Community Development Director shall check the application to assure compliance with all the provisions of this chapter and may issue the sign permit upon determining that the proposed signage either conforms with the standards of the master or common signage program or the standards and provisions of this chapter.

(d) **Permits issued in error.** If a sign permit is issued in error by the Community Development Director, and the sign does not comply with all of the requirements of this chapter and all other laws and ordinances of the City, the sign permit shall be null and void, and no rights or privileges shall be conferred upon the permittee by such permit.

(1083-CS, Amended, 05/10/2007)

9-2-505 Sign classifications.

Sign Classifications

E-Exempt SP-Sign Permit

NP-Not Permitted MAA-Minor Administrative Approval

MDP-Minor Discretionary Permit CUP-Conditional Use Permit NA-Not Applicable

Sign Type	Zoning District						
	All-R	C-O	C-C	C-H	C-T	I	I-BP
Animated signs (11)	NP	NP	NP	NP	NP	NP	NP
Changeable copy sign	NP	NP	MDP	MDP	MDP	MDP	MDP
Civic signs	MAA	MAA	MAA	MAA	MAA	MAA	MAA
Common sign program	NA	MDP	MDP	MDP	MDP	MDP	MDP
Flashing signs (11)	NP	NP	NP	NP	NP	NP	NP
For sale, rent or lease signs located on the available property (6), (8), (12)	E	E	E	E	E	E	E
Freestanding signs not projecting over public rights-of-way, which do not exceed 3 feet in height	MAA	MAA	MAA	MAA	MAA	MAA	MAA

Freestanding signs not projecting over public rights-of-way, which exceed 3 feet in height	MDP	MDP	MDP	MDP	MDP	MDP	MDP
Freestanding signs which project over public rights-of-way, except as provided for in this chapter	NP	NP	NP	NP	NP	NP	NP
Historical signs	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Illuminated signs (1)	MAA	MAA	MAA	MAA	MAA	MAA	MAA
Incidental signs	SP	SP	SP	SP	SP	SP	SP
Marquee signs – canopy signs	MAA	MAA	MAA	MAA	MAA	MAA	MAA
Memorial signs or tablets which display names of buildings, and dates of erection	E	E	E	E	E	E	E
Miscellaneous signs	CUP	MDP	MDP	MDP	MDP	MDP	MDP
No trespassing signs (2)	E	E	E	E	E	E	E
Off-premises signs	NP	NP	NP	NP	NP	NP	NP
Official Federal, State, or municipal governmental flags, emblems, and historical markers	E	E	E	E	E	E	E
Official Federal, State, or municipal governmental traffic, directional, and informational signs	E	E	E	E	E	E	E
Political signs (3)	E	E	E	E	E	E	E
Portable signs	NP	MDP	MAA	MAA	MAA	MAA	MAA
Projecting signs (4)	NP	MAA	MAA	MAA	MAA	MAA	MAA
Professional occupation signs (5)	E	E	E	E	E	E	E
Reface of an existing conforming sign	SP	SP	SP	SP	SP	SP	SP
Replacement, relocation, or other modification of an existing conforming sign	MAA	MAA	MAA	MAA	MAA	MAA	MAA
Revolving signs	NP	NP	NP	NP	NP	NP	NP
Roof signs	NP	NP	NP	NP	NP	NP	NP

Shingle signs	MAA	SP	SP	SP	SP	SP	SP
Signs or sign programs which do not conform to the area, location, height, or other provisions set forth in this chapter	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Subdivision signs: off-premises (6)	MAA	MAA	MAA	MAA	MAA	MAA	MAA
Temporary construction signs (6)	E	E	E	E	E	E	E
Temporary holiday decorations	E	E	E	E	E	E	E
Temporary non-commercial speech signs on private property (7)	E	E	E	E	E	E	E
Temporary promotional signs (11)	NP	SP	SP	SP	SP	SP	SP
Temporary warning signs (9)	E	E	E	E	E	E	E
Time and temperature signs	NP	NP	MDP	MDP	MDP	MDP	MDP
Traffic or municipal signs, legal notices, railroad crossing signs, public telephone signs, signs marking underground utility facilities, and other safety signs	E	E	E	E	E	E	E
Wall signs (including integral roof signs) (10)	MAA	MAA	MAA	MAA	MAA	MAA	MAA
Window signs	E	E	E	E	E	E	E

(1) Internally illuminated signs located within a residential district or within one hundred fifty (150') feet of the boundary of a residential district shall not be permitted, except when the sign is composed of translucent individual copy letters with an opaque background. The measurement shall be taken from the location of the sign to the nearest residential zoning district, not from the property line of the site where the sign is located. (Director's Interpretation 2001-01)

(2) "No trespassing" signs shall be no larger than three (3) square feet in size and placed in compliance with the requirements of State laws.

(3) Political signs must comply with the height, location, and safety requirements of this chapter and Code. To be exempt political signs shall not be displayed on traffic or street signs, utility poles, public property, parks, or rights-of-way or on private property without the owners' permission and shall be removed within five (5) days after the election. Signs placed in violation of the provisions of this subsection may be removed without notice.

(4) Projecting signs shall not exceed the height of the wall, parapet wall, or architectural projection; provided, however, the maximum height shall not exceed the limits imposed for the district in which the sign is located.

(5) A sign shall be designated as professional occupational when denoting only the name and profession of an occupant in a commercial building or public institutional building. The area of a professional occupational sign shall not exceed three (3)

square feet for each occupant therein. In residential districts, signs denoting the resident of a dwelling shall not exceed one (1) square foot of sign area.

(6) Not to exceed thirty-two (32) square feet for the indication of the owner, builder, architect, sale or lease, and pertinent data regarding building construction on the site during construction only. Separate signs advertising two (2) or more separate subdivisions may be co-located upon a single directory-type sign; in such instances, the overall sign area shall be limited to fifty (50) square feet per side, not to exceed one hundred (100) square feet in total sign area. In no case shall there be more than one (1) off-premises sales sign of any type per lot frontage. No sign shall exceed an overall height of twelve (12) feet in any district.

(7) Such signs shall be displayed for a period not to exceed twenty (20) days. Only one (1) such sign shall be permitted to face onto each street adjacent to the property where the sign is located. Such signs may be single- or double-faced and shall be limited to six (6) square feet per face or less, and shall comply with the height, location, and safety requirements of this chapter and Code.

(8) Such signs may be single- or double-faced and shall be limited to six (6) square feet per face or less on property in residential districts.

(9) Includes signs warning of construction, excavations, or similar hazards so long as the hazard exists, which does not exceed twelve (12) square feet per sign face.

(10) Wall signs shall not exceed the outside wall height of the building. The maximum height shall not exceed the limits imposed for the district in which the sign is located.

(11) Banners, pennants, flags, sno-cones, buntings and the like for new or used retail vehicle sales may be allowed in proportion to the size of the site subject to an annual sign permit review by the Planning Division. The locations of such devices shall be limited to light poles or similar anywhere on the site, except where it may constitute a vision or public safety hazard. The devices shall be maintained in a clean, neat and untattered condition with replacement as necessary to ensure they do not become dirty, loose or tattered. Non-metallic helium balloons and other inflatables may be displayed on weekends (Friday 12:00 noon through Sunday 12:00 midnight), provided they do not exceed fifty (50') feet in height or project over the public right-of-way.

(12) For sale, rent or lease signs that are thirty-two (32) square feet or less in size are Exempt; those from thirty-three (33) to one hundred (100) square feet require a Minor Discretionary Permit; and those larger than one hundred (100) square feet require a Conditional Use Permit. (Director's Interpretation 99-03)

(1083-CS, Amended, 05/10/2007; Ord. 983-CS, Amended, 07/11/2002; Ord. 939-CS, Amended, 10/22/1998; Ord. 938-CS, Amended, 09/24/1998; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-2-506 Sign standards.

Sign Characteristics

Characteristic	Zoning District						
	All-R	C-O	C-C	C-H	C-T	I	I-BP
Maximum sign area (square feet) (1)	12(2)	0.5:1	1:1	1:1	1:1	1:1	1:1

Sign area for signs composed solely of individual lettering	12(2)	0.75:1	1.25:1	1.25:1	1.25:1	1.25:1	1.25:1
Overall sign height (feet)	6	12	20	20	20	20	12

(1) Ratios are based on the number of square feet of sign area per lineal foot of building frontage.

(2) For multi-family dwellings containing five (5) to twenty-nine (29) units, the maximum area is twenty-five (25) square feet. For multi-family dwellings containing thirty (30) or more units, the maximum area is thirty (30) square feet per street frontage with a maximum of two (2) signs.

(a) **Sign height.** Sign height shall be measured from the curb or center line of the adjacent street to the highest point of the sign structure.

(b) **Sign area.** The sign area consists of the entire face of a sign, including the surface and any framing, projections, or molding, but not including the support structure. Individual lettering mounted on a building or structure shall be determined by the smallest rectangle enclosing the sign copy.

Sign Area = X * Y

Sign Copy = (A * B) + (C * D)

(c) **Multiple signs.** Except as otherwise provided in this chapter, when more than one sign is located on property, the area of all signs, except temporary signs, shall be included in determining the total sign area allowed for the property on which such signs are located.

(d) **Double-faced signs.** When a sign has two (2) or more faces, the area of all faces shall be included in determining the area of a sign. Both faces shall be parallel, and the distance between faces shall not exceed two (2') feet. Both faces of a double-faced sign shall be considered in determining the sign area.

(e) **Three-dimensional objects.** When a sign consists of three-dimensional objects which do not exceed two (2') feet in diameter, depth, or dimension, the area of only one face shall be considered in determining the sign area. If the diameter, depth, or dimension exceeds two (2') feet, the area of all faces shall be included in determining the area of the sign.

(f) **Single sign.** No single sign shall exceed three hundred (300) square feet in area, nor shall there be in excess of three hundred (300) square feet of sign area on any lot, except as provided for in this chapter.

(g) **Freestanding sign.** A freestanding sign, which is limited to business identification only, may be allowed provided it does not exceed a total sign area of one hundred (100) square feet, and does not exceed fifty (50) square feet on any side, and does not exceed the sign height restrictions for the district or exceed other provisions of this chapter. Freestanding signs which exceed these standards may be allowed subject to the requirement of first obtaining a conditional use permit pursuant to Article 6 of Chapter 9-5.

(h) **Exceptions.** Exceptions to the sign area regulations set forth in this article may be permitted if the sign is a part of an overall sign program, subject to the requirement of first obtaining a conditional use permit pursuant to Article 6 of Chapter 9-5 of this title.

(i) **Prohibited signs.**

(1) **Obscene matter.** It shall be unlawful for any person to display or post any sign which communicates obscene, indecent, or immoral matter.

(2) **Signs advertising "adult entertainment."** No sign advertising "adult entertainment" (as defined in the Turlock Municipal Code) shall be allowed within five hundred (500') feet of any school facility.

(3) **Snipe signs.** Temporary signs posted to posts, trees, utility poles, fences or similar support structures for the purpose of advertising an event or product not located on the property shall be prohibited. Any sign posted illegally as such may be removed without notice by the Neighborhood Preservation Officer or Community Development Director.

(j) **Sign locations.**

(1) **Location required by Codes.** The location of each sign shall be in compliance with the Building, Electrical, Sign, and Fire Codes and the zoning regulations and other laws of the City and State as they now exist or may hereafter exist.

(2) **Signs over public rights-of-way.** Signs shall not extend over public rights-of-way or over areas within official plan lines for streets which have been adopted or which hereafter may be adopted, except in the Commercial District. In a Commercial District, signs may be permitted to extend over a street or other public right-of-way subject to the following:

(i) The sign may extend over the street or right-of-way two-thirds (2/3) the distance from the property line to the curb face, or six and one-half (6-1/2') feet, whichever is less.

(ii) Signs which project into a street or public right-of-way more than (2") inches shall have a minimum clearance of eight (8') feet above the public right-of-way.

(iii) Every sign which projects into a street or right-of-way more than one foot shall be multi-faced and fully enclosed.

(3) **Signs on public property.** Any sign erected or placed upon public property in violation of the provisions of this chapter may be summarily removed or destroyed by the Community Development Director.

(4) **Freeway-oriented signs.** Freeway-oriented signs to advertise a commercial business located on properties within 750 feet of a freeway may be permitted subject to obtaining an approved Minor Discretionary Permit in accordance with Section 9-5-307 et.seq. The maximum height for freeway signs is subject to the standards for the district it is located in, but may be measured from the center line of the overpass. The maximum sign area permitted for an individually-mounted pole sign with freeway orientation is one hundred (100) square feet. If a freeway-oriented sign is not mounted individually on a pole, the maximum sign area allowed is three hundred (300) square feet.

(5) **Overlay Districts.** All signage located within an established overlay district shall comply with the requirements established for such district.

(6) **Prohibited locations.** No sign shall be erected or maintained in the following locations:

(i) At the intersection of any streets or driveway approach in such a manner as to obstruct the free and clear vision of pedestrians or vehicular traffic; or

(ii) At any location where, by reason of the position, shape, color, words, phrases, symbols, or for any other reason, the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.

(k) **Temporary signs.** Temporary signs may be erected any place a permanent sign may be located and at locations approved by the Community Development Director. All temporary signs shall comply with the height, location, and area requirements of this chapter. Temporary signs may be permitted subject to first obtaining a sign permit and complying with the following conditions:

(1) A sign permit shall have been obtained from the Community Development Director who, prior to the issuance of such permit, shall have determined that the proposed location, method of installation, and support of the temporary sign will not endanger the public health, welfare, or safety.

(2) A temporary sign to advertise a commercial business or activity shall be allowed on any commercially zoned property not to exceed a total of sixty (60) days in one calendar year.

(3) Banners or similar temporary signs which announce a civic or charitable activity may be allowed in the public right-of-way with the consent and subject to the conditions of the Community Development Director.

(4) A temporary sign advertising a religious, charitable, cultural, or educational organization or activity in a residential district shall be allowed provided:

(i) The total display service area of the sign does not exceed thirty-six (36) square feet;

(ii) The sign does not exceed six (6') feet in height; and

(iii) The sign is located at least five (5') feet inside the property line in residentially zoned areas and at least two (2') feet inside the property line in other areas.

(l) **Portable signs.** One portable frame sign constructed of permanent materials may be allowed for each business location under the following conditions:

(1) The business is not part of a shopping center complex, multi-unit commercial development, or office complex, consisting of two or more units.

(2) The sign does not exceed two (2') feet in width by four (4') feet in height.

(3) The sign is permitted as part of the Master Signage Plan for the location.

(4) The sign is not located in the public right-of-way, or the clear vision triangle near a driveway or road intersection as determined in Section 9-2-216.

(m) **Promotional signage.** Each commercial business shall be allowed exterior promotional displays (including banners) equal to a maximum of 10 percent of the otherwise allowable sign area for the location when:

(1) Placed in a location where approved as part of a Master Signage Plan for the property.

(2) No more than one such display is used.

(3) They are displayed no more than 14 days in a row and 60 days in a calendar year.

(n) **Incidental signs.** Incidental signs are limited to a maximum of one sign per entrance to the property with no more than two permitted per business.

(o) **Design, construction and maintenance.** All signs shall be designed, constructed and maintained in accordance with the following standards:

(1) All signs shall comply with applicable provisions of the Uniform Building Code and the electrical code of the City at all times;

(2) Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, building or other structure by direct attachment to a rigid wall, frame or structure.

(3) All signs, parts, portions, units, and materials composing the sign, together with the frame, background, supports, or anchorage, shall be maintained in proper repair by the owner of the sign and/or the owner of the property on which the sign is located.

(4) All signs erected in the City shall be subject to inspection by the Community Development Director to assure compliance with all the provisions of this chapter and all other laws and ordinance of the City. Signs incorporating electrical wiring shall be inspected and approved by the Chief Building Official prior to erection, unless such sign bears the seal of approval of the National Board of Fire Underwriters.

(1083-CS, Amended, 05/10/2007; Ord. 958-CS, Amended, 10/12/2000)

9-2-507 Nonconforming signage.

A nonconforming sign shall not be replaced, refaced, altered, reconstructed, relocated, or expanded in any manner unless and until the sign is made to conform with the provisions of this chapter. Ordinary maintenance and minor repairs which will not increase the normal life of the sign and which are required for safety purposes will be permitted. Structural alterations to a nonconforming sign shall be prohibited, except to make such sign conforming.

(a) **Conformance.** No nonconforming sign shall be required to conform with the provisions of this chapter, except on the occurrence of any of the following events:

(1) **Discontinuance of use.** If the use of a nonconforming sign for the business advertised by a nonconforming sign is discontinued for a period of three (3) months or longer, such sign shall not thereafter be used unless and until the sign is made to conform to this chapter; or

(2) **New construction or change in use.** The occurrence of any of the events specified in TMC 7-2-202 requiring public improvements and dedications pursuant to said section.

(1083-CS, Amended, 05/10/2007)

9-2-508 Unsafe and unlawful signs.

If the Community Development Director shall find that any sign regulated by this chapter is unsafe or insecure, or is a menace to the public, or is in a dilapidated, decayed, or neglected state, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, the Planning Director shall give written notice to the permittee or owner thereof and/or the owner of the property upon which the sign is located. If the permittee or owner and/or owner of the property on which the sign is located fails to remove or alter the structure so as to comply with the

standards set forth in this chapter within (10) days after such notice, such sign may be removed or altered to comply by the Community Development Director, and any expense incidental thereto shall be paid by the permittee or owner of the sign and/or owner of the property on which the sign is located.

(a) **Immediate peril.** Any sign found to be unsafe and to be an immediate peril to persons or property may be removed summarily and without notice by the Community Development Director. The cost of such removal shall be paid by the permittee and/or sign owner and/or assessed against the owner of the property on which the sign is located and made a lien on such property.

9-2-509 Compliance with chapter provisions: Nuisances: Abatement.

The Council hereby determines that the public peace, safety, morals, health, and welfare require that all signs heretofore constructed or erected in violation of any law or ordinance of the City in effect at the time such sign was constructed or erected be and they are hereby made subject to the provisions of this chapter, and shall conform and comply with such requirements forthwith, and that all signs which shall hereafter be constructed or erected in violation of the provisions of this chapter shall be and they are hereby declared public nuisances to be removed and abated in the manner provided in this chapter.

9-2-510 Noncompliance.

Noncompliance with the provisions of this ordinance shall be defined as the following:

(a) Failure to obtain the necessary permits or other approvals as set forth in this chapter and title;

(b) Exempt signs displayed, created, or sized, incorrectly;

(c) Any sign constructed or erected in violation of the provisions of this chapter and title, and the other provisions of this Code as may be applicable.

9-2-511 Removal, Costs, and Enforcement.

It shall be the duty of the Neighborhood Preservation Officer, the Chief of Police, and the Community Development Director to enforce the provisions of this chapter. Any violation of this chapter shall be deemed a nuisance and enforcement proceedings shall be pursuant to Article 3 of Chapter 5-5: Nuisance Abatement Procedures.

9-2-512 Appeals by persons aggrieved.

Any person aggrieved by any decision or order of the Community Development Director pursuant to this chapter may appeal such decision or order to the Planning Commission in the manner set forth in Sections 1-4-01 through 1-4-03 of Chapter 4 of Title 1. The Planning Commission shall render its decision within 30 days. Appeals of Commission decisions may be made as set forth in Article 1 of Chapter 9-5 of this title.

Article 6. Wireless Communication Facilities

9-2-601 Purpose.

With the rapid growth of the telecommunications industry and subsequent development of wireless communication facilities, the purpose of this article is to:

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

(b) Define the development standards for the placement and construction of wireless communication facilities consistent with the Federal Telecommunications Act of 1996.

(c) Minimize the proliferation of these facilities by encouraging co-location.

(d) Minimize the visual impacts these facilities can create in the community by promoting well-designed, inconspicuous, and appropriately placed facilities.

(Ord. 979-CS, Amended, 05/23/2002)

9-2-602 Definitions.

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

(a) **Antenna.** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or receiving of electromagnetic radio frequency waves.

(1) **Building mounted.** An antenna which is affixed to or supported by the roof or exterior wall of a building or other structure.

(2) **Ground mounted.** An antenna which is fully or partially supported by a platform, framework, pole, or other structural system that is affixed to or placed directly on or in the ground.

(b) **Co-location.** The location of two or more wireless communication facilities on a single support structure or otherwise sharing a common location. For the purposes of this article, co-location shall also include the location of wireless communication facilities with other facilities such as light standards, and other utility facilities and structures.

(c) **Communication tower.** Any structure which is used to transmit or receive electromagnetic radio frequency waves or that supports such a device.

(d) **Electromagnetic radio frequency waves.** Waves of electric and magnetic energy radiating away from a transmission source to be picked up by a receiving antenna for the purpose of communicating information.

(e) **Stealth facility.** Any communication facility which is designed to blend into the surrounding environment, and is visually unobtrusive Examples of stealth facilities may include architecturally screened roof-mounted antennas, facade mounted antennas painted and treated as architectural elements to blend with an existing building, facilities designed to mimic trees (palms, pines, and the like), flag poles, church steeples, signs, and other similar structures.

(f) **Wireless communication facility.** A facility containing communication towers and/or antennas and any related equipment for the purpose of transmitting or receiving electromagnetic radio frequency waves.

(Ord. 979-CS, Amended, 05/23/2002)

9-2-603 Compliance with applicable codes.

Every wireless communication facility constructed within the City of Turlock shall comply with all safety standards of the American National Standards Institute, Institute of Electrical and Electronic Engineers, Public Utilities Commission, Federal Communications Commission, Uniform Building Code, National Electric Code, the Turlock Municipal Code and any other codes and standards as applicable.

9-2-604 Permits required.

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

(a) **Exempt.** New wireless communication facilities which will be co-locating on or within an existing approved tower or facility shall be exempt. New facilities must incorporate the same stealthing technique as utilized on the existing wireless communication facility.

(b) **Minor Discretionary Permit.** The following facilities require a Minor Discretionary Permit:

(1) All building mounted facilities, located in Industrial or Heavy Commercial zoning districts (including Planned Developments of an industrial or heavy commercial nature), which comply with the regulations contained in this article including, but not limited to height, location and screening.

(2) All ground mounted facilities located in an Industrial zoning district (including Planned Developments of an industrial nature), which are located at least 500 feet from a residential zoning district or the boundary of the Beautification Master Plan Area and comply with the height, location, and screening requirements contained within this article.

An application for a Minor Discretionary Permit for a wireless communication facility may be granted as provided in Article 3 of Chapter 5 of Title 9 of this Code (9-5-300), and if it is found that all of the following additional findings can be made:

(i) The design and placement of the wireless communication facility, including support equipment and structures, will not adversely impact the use of the property, other buildings and structures located on the property, or the surrounding area or neighborhood.

(ii) The applicant has demonstrated that the wireless communication facility will have the least possible visual impact on the environment taking into account technical, engineering, economic and other relevant factors.

(iii) The wireless communication facility complies with the height, screening, and visual compatibility requirements contained within this article.

(c) **Conditional Use Permit.** The facilities that require a conditional use permit include:

(1) All ground mounted facilities that are not co-located with other similar existing facilities, located in Industrial zoning districts, or within 500 feet of the Beautification Master Plan area.

(2) All facilities that do not comply with the height, location, or visual compatibility and screening requirements within this article, but comply with at least two of the required standards contained within this article.

(3) Facilities in Residential zoning districts. Only facilities which are building mounted, entirely stealthed, or totally enclosed within a building shall be permitted in any residential district. Building mounted facilities in a residential district shall be located or screened so as to prevent any public view or architecturally designed to appear as an integral part of the building on which it is attached. Only residentially zoned properties one (1) acre in size, or larger, shall be considered for freestanding wireless communication facilities, unless the applicant can substantiate that the facility is designed to minimum visual impact to neighboring properties.

(4) For those facilities where it is determined the project may create a significant impact to the neighborhood.

(5) An application for a conditional use permit for a wireless communication facility may be granted as provided in Article 6 of this title (9-2-600), and if it is found that the following additional findings can be made:

(i) The design and placement of the wireless communication facility, including support equipment and structures, will not adversely impact the use of the property, other buildings and structures located on the property, or the surrounding area of neighborhood.

(ii) The applicant has demonstrated that the wireless communication facility will have the least possible visual impact on the environment taking into account technical, engineering, economic and other relevant factors.

(iii) The approval of the proposed wireless communication facility will not affect the purposes of this article as defined in Section 1 of Article 6 of this Chapter (9-2-601).

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

(Ord. 979-CS, Amended, 05/23/2002)

9-2-605 Application requirements.

Prior to application submittal, applicants shall meet with Planning staff concerning the proposed project to review potential sites based upon the applicant's geographic service area and to determine the appropriate review process based upon the location and type of proposed facility.

(a) **Additional materials required.** In addition to the other information and materials required as part of a Minor Discretionary Permit or Conditional Use Permit application, any application for a Wireless Communication Facility shall also provide the following:

(1) **Base Map.** The map must show parcel boundaries with the subject property highlighted and all zoning districts within 500 feet of the subject property clearly noted.

(2) **Master Propagation Plan.** The Master Propagation Plan shall include a narrative, in lay terms, and graphic representation showing the location and type of all existing facilities, plus the applicant's proposed facilities during the next twelve (12) calendar months, within the boundaries of the City and the surrounding one-half (1/2) mile thereof.

(3) **Site Justification Study.** All applicants shall complete a site justification study, and include the following information:

(i) **Rationale.** Site location; site description; top three alternate locations; radio frequency cluster map and search ring for proposed site; reasons for choosing final location; how site design minimizes impact on surrounding land uses; site demand (capacity/coverage);

(ii) **Co-location.** Is site suitable for future co-location and why or why not; could site be collocated at existing nearby site and why or why not.

(iii) **Height.** Using non-technical language, describe the reasoning for the requested height of the proposed facility.

(iv) **Equipment.** Describe the potential to place all support equipment underground.

(v) **Use of site.** Provide a statement of intent on whether there will be any excess space available and if it may be leased.

(vi) **Contact person.** If the applicant's representative is not the contact person, an individual or individuals who are available to meet with or respond to questions and concerns from residents, business or property owners regarding the proposed facility.

(Ord. 979-CS, Added, 05/23/2002, Prior Section 9-2-605 renumbered to 9-2-606)

9-2-606 Height.

All wireless communication equipment, antennas, poles, or towers shall be constructed at the minimal functional height. Building mounted facilities shall not exceed fifteen (15') feet in height greater than the maximum height permitted for the district in which it is located. Height limits for all ground mounted facilities shall be subject to the following standards:

Maximum Height for Ground Mounted Facilities	
Distance from a Residential District*	**Maximum Height**
Between 0-25 feet	1 foot per 1 foot of distance from a residential district
Between 25-50 feet	25 feet
Between 50-150 feet	35 feet
Greater than 150 feet	50 feet

* distance is measured from the proposed facility to the nearest R district boundary.
(Ord. 979-CS, Renumbered, 05/23/2002, 9-2-605 renumbered to 9-2-606; prior 9-2-606 renumbered to 9-2-607)

9-2-607 Location.

(a) New wireless communication facilities shall be co-located with other existing or planned facilities where feasible or where found to minimize visual impact.

(b) No facility that is readily visible from off-site shall be installed closer than any other facility that is readily visible, unless it utilizes stealth technology in its design.

(c) At a minimum, all new facilities shall comply with the following setback requirements: For every one (1) foot in height of the proposed facility, the facility shall be setback one (1) foot from any street frontage.

(Ord. 979-CS, Amended, 05/23/2002, 9-2-606 renumbered to 9-2-607; prior 9-2-607 renumbered to 9-2-608)

9-2-608 Residential Districts.

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

(Ord. 979-CS, Amended, 05/23/2002, 9-2-607 renumbered to 9-2-608; prior 9-2-608 renumbered to 9-2-609)

9-2-609 Visual compatibility and screening.

(a) All wireless communication facilities shall be screened or camouflaged so as to not be readily visible from off-site Existing site features shall be used to screen the facility, including equipment panels or structures, where possible. Such screening shall include dense evergreen landscaping, solid fencing, or a combination of both.

(b) All towers, antennae, equipment structures or panels must be architecturally and visually compatible with surrounding buildings, structures, vegetation and/or uses in the area.

(c) All antennas, towers or related equipment shall be coated with a non-reflective finish or paint consistent with the background area where the facility is to be placed.

(d) Building-mounted antennas and all other equipment shall be in scale and architecturally integrated with the building design in such a manner as to be visually unobtrusive.

(Ord. 979-CS, Amended, 05/23/2002, 9-2-608 renumbered to 9-2-609; prior 9-2-609 renumbered to 9-2-610)

9-2-610 Discontinuance of use.

The service provider of a wireless communication facility shall notify the City of the intent to discontinue operation no less than thirty (30) days before discontinuance. Upon the discontinuance of use, all related equipment shall be removed and the property restored to the pre--construction condition within ninety (90) days of the cessation of operation.

(Ord. 979-CS, Added, 05/23/2002, 9-2-609 renumbered to 9-2-610)

EXHIBIT D

Chapter 9-3
BASE DISTRICT REGULATIONS

Sections:

Article 1. Agricultural District (A)

9-3-101 Specific purposes.
9-3-102 Use classifications.
9-3-103 Property development regulations.

Article 2. Residential Districts (R-E, R-L, R-L4.5, R-M, R-H)

9-3-201 Specific purposes.
9-3-202 Use classifications.
9-3-203 Property development regulations.

Article 3. Commercial Districts (C-O, C-C, C-T, C-H)

9-3-301 Specific purposes.
9-3-302 Use classifications.
9-3-303 Property development regulations.

Article 4. Industrial Districts (I-BP & I)

9-3-401 Specific purposes.
9-3-402 Use classifications.
9-3-403 Property development standards.

Article 5. Public & Semipublic District (P-S)

9-3-501 Specific purposes.
9-3-502 Use classifications.
9-3-503 Development regulations.

Article 1. Agricultural District (A)

9-3-101 Specific purposes.

In addition to the purposes listed in TMC 9-1-103, the specific purposes of the Agricultural District regulations are to preserve and protect agricultural land from urban development; and in certain instances, permit agriculture as an interim use until development occurs.

(Ord. 1154-CS, Amended, 08/25/11; Ord. 914-CS, Amended, 02/14/1997)

9-3-102 Use classifications.

In the following schedule, the letter "P" designates use classifications permitted in A Districts, the letters "NP" designate use classifications not permitted, the letters "MAA" designate use classifications allowed on approval of a minor administrative approval, the letters "MDP" designate use classifications allowed on approval of a minor

discretionary permit, and the letters "CUP" designate use classifications allowed on approval of a conditional use permit. All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule.

All new or expanded uses of a site or structure, except a single-family dwelling, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, are subject to design review in accordance with Article 10 of Chapter 9-5 TMC. New or expanded uses subject to design review shall obtain an MDP design review permit. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all commercial developments subject to design review.

Any change in use or business within an existing structure that is permitted or, in the opinion of the Community Development Director, is suitable to the site and structures in which it is located and does not increase the intensity or impact of its prior use, shall obtain a zoning certificate in accordance with Article 1 of Chapter 9-5 TMC, Permit Applications, Hearings, Amendments, and Appeals. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Director or designee.

A DISTRICT (Agricultural District)
USE CLASSIFICATIONS
P Permitted
NP Not Permitted
MDP Minor Discretionary Permit
MAA Minor Administrative Approval
CUP Conditional Use Permit

	A	Additional Use Regulations
Agricultural Uses	P	
Residential Uses		
Family day care homes		
Large	MAA	(1)
Small	P	
Group Quarters		
Large	MDP	
Small	P	
Home occupations	P	(2)
Emergency shelter	NP	
Manufactured housing	MAA	
Single-family dwellings	P	

Second dwellings	P	(3) (7) (8)
Public and Semipublic Uses		
Religious assembly	CUP	
Major utilities	CUP	
Minor utilities	P	(6)
Accessory Structures and Uses	P	(4)
Animals, domestic	P	(5)
Temporary Uses	See Article 5 of Chapter 9-5 TMC, Temporary Uses of Land	
Nonconforming Uses and Structures	See Article 4 of Chapter 9-2 TMC, Nonconforming Structures and Uses	

(1) See TMC 9-2-110, Family day care home.

(2) See Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits.

(3) See TMC 9-2-119, Second dwelling units.

(4) See TMC 9-2-101, Accessory buildings and uses.

(5) Livestock and domestic, used interchangeably in the Turlock Municipal Code, may be kept as an accessory use to a residence only in the following zoning districts: Agriculture (A) and Estate Residential (R-E).

(6) Minor utilities shall not interfere with the use, enjoyment or aesthetics of adjacent uses.

(7) Employee, supportive, and transitional housing serving six (6) or fewer people is permitted by right. Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(8) Any employee housing consisting of no more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces designed for use by a single family or household shall be deemed an agricultural use and subject to the same permitting requirements.

(Ord. 1154-CS, Amended, 08/25/11; 1132-CS, Amended, 12/24/09; 1083-CS, Amended, 05/10/2007; Ord. 914-CS, Amended, 02/14/1997)

9-3-103 Property development regulations.

The following schedule prescribes development regulations for the Agricultural District. Deviations from the setback and height requirements for the purpose of providing accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to Article 3 of Chapter 9-5 TMC.

A DISTRICT (Agricultural District) **PROPERTY DEVELOPMENT REGULATIONS**		
	A	**Additional Regulations**
Lot area (acres)	5	(1)

Lot area per unit (acres)	5	
Lot width (ft.)	200	
Yards:		(2)
Front (ft.)	50	
Side (ft.)	50	
Corner side (ft.)	50	
Rear (ft.)	50	
Maximum height (ft.)	50	(3)
Fences and walls	All fences and walls shall be subject to the driveway visibility requirements of TMC 9-2-216: Driveway and corner visibility.	
Additional Regulations	See Article 2 of Chapter 9-2 TMC: Off-street parking and loading regulations.	
	See TMC 9-2-216: Driveway and corner visibility.	
	See Article 5 of Chapter 9-2 TMC: Signs.	
	See TMC 9-2-112: Outdoor storage.	
	See TMC 9-2-101: Accessory buildings and uses.	
	See TMC 9-2-120: Swimming pools, spas and hot tubs.	
	See TMC 9-2-121: Underground utilities.	
	See Article 4 of Chapter 9-2 TMC: Nonconforming Structures and Uses.	
	See TMC 9-2-114: Permitted locations of mobile homes, recreational vehicles, and campers.	

(1) See TMC 9-2-106: Development on existing lots of record. See TMC 9-2-107: Development on lots divided by district boundaries. Minimum lot sizes may be reduced when the exclusive use of such lots is intended for utility substations, pumping stations, and similar facilities.

(2) See TMC 9-2-105: Building projections into yards.

(3) See Section 9-2-108: Exceptions to height limits.

(Ord. 1154-CS, Amended, 08/25/11; Ord. 914-CS, Amended, 02/14/1997)

Article 2. Residential Districts (R-E, R-L, R-L4.5, R-M, R-H)

9-3-201 Specific purposes.

In addition to the purposes listed in TMC 9-1-103, the specific purposes for the regulations of each Residential District are to:

(a) **Residential estate (R-E).**

(1) Provide living areas which combine certain advantages of both urban and rural location by limiting development to very low density concentrations of one (1) family dwellings;

(2) Provide transition or buffer areas between intense residential urban uses and agricultural preserves to avoid or lessen conflicts of use.

(b) **Low density residential (R-L and R-L4.5).**

(1) Provide appropriately located areas for single-family dwellings that are consistent with the General Plan and with standards of public health and safety established by the Turlock Municipal Code;

(2) Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, population density, traffic congestion and other adverse environmental impacts;

(3) Achieve design compatibility through the use of site development standards.

(c) **Medium density residential (R-M).**

(1) To limit the expansion of the City in order to preserve agricultural lands and maintain a compact urban form, while responding to many households' preference for single-family units;

(2) Provide appropriately located areas for single-family and medium density multifamily dwelling units consistent with the General Plan and with standards of public health and safety established by the Turlock Municipal Code;

(3) Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, population density, traffic congestion and other adverse environmental impacts;

(4) Achieve design compatibility with adjacent uses through the use of site development standards.

(d) **High density residential (R-H).**

(1) Provide appropriately located areas for high density multiple-family dwelling units consistent with the General Plan and with standards of public health and safety established by the Turlock Municipal Code;

(2) Provide affordable housing for all economic segments of the community and conserve land while maintaining a compact urban form;

(3) Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, population density, traffic congestion and other adverse environmental impacts;

(4) Achieve design compatibility through the use of site development standards.

(Ord. 1154-CS, Amended, 08/25/11; Ord. 914-CS, Amended, 02/14/1997)

9-3-202 Use classifications.

In the following schedule, the letter "P" designates use classifications permitted in R Districts, the letters "NP" designate use classifications not permitted, the letters "MAA" designate use classifications allowed on approval of a

minor administrative approval, the letters "MDP" designate use classifications allowed on approval of a minor discretionary permit, and the letters "CUP" designate use classifications allowed on approval of a conditional use permit.

All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule. Any change in use or business within an existing structure which does not require an approved conditional use permit shall obtain a zoning certificate in accordance with Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Director or designee.

R DISTRICTS (Residential Districts)

USE CLASSIFICATIONS

P Permitted

NP Not Permitted

PD Planned Development

CUP Conditional Use Permit

MDP Minor Discretionary Permit

MAA Minor Administrative Approval

	R-E	R-L	R-L4.5	R-M	R-H	Additional Use Regulations
Agricultural Uses						
Noncommercial food production	P	NP	NP	NP	NP	(1)
Domesticated farm animals	P	P	P	P	P	(2)
Residential Uses						
Condominiums	PD	PD	PD	PD	PD	
Family day care home						
Small	P	P	P	P	P	(3) (13)
Large	MAA	MAA	MAA	MAA	MAA	(3) (13)
Group homes	P	P	P	P	P	(9)
Group quarters	NP	CUP	CUP	MDP	MDP	
Emergency shelter	NP	CUP	CUP	CUP	CUP	
Home occupations	P	P	P	P	P	(4)
Manufactured housing	P	P	P	MDP	CUP	
Mobile home parks	NP	CUP	CUP	CUP	CUP	(8)
Multifamily dwellings	NP	NP	NP	MDP	MDP	(10)
Residential care facilities						
Large	CUP	CUP	CUP	CUP	CUP	

Small	P	P	P	P	P	(9)
Second dwellings	P	P	P	P	P	(5)
Single-family dwellings	P	P	P	P	P	(10)
Commercial Uses						
Neighborhood store	NP	MDP	MDP	MDP	MDP	
Public and Semipublic Uses						
Airports and heliports	CUP	NP	NP	NP	NP	
Cemeteries/crematories	CUP	CUP	CUP	CUP	CUP	
Religious assembly	CUP	CUP	CUP	CUP	CUP	(12)
Convalescent hospitals	NP	NP	NP	MDP	MDP	
Cultural institutions	NP	NP	NP	NP	NP	
Day care centers	CUP	CUP	CUP	CUP	CUP	
Golf course/driving range	CUP	CUP	CUP	CUP	CUP	
Major utilities	CUP	CUP	CUP	CUP	CUP	
Minor utilities	MDP	MDP	MDP	MDP	MDP	(14)
Park and recreation facilities	MDP	MDP	MDP	MDP	MDP	
Public buildings and facilities	MDP	MDP	MDP	MDP	MDP	
Schools, public/private	CUP	CUP	CUP	CUP	CUP	
Accessory Structures and Uses						
Accessory buildings and structures	P	P	P	P	P	(6)
Animals, domesticated or household	P	P	P	P	P	(2) (7)
Kennels	MDP	NP	NP	NP	NP	(11)
Temporary Uses	See Article 5 of Chapter 9-5 TMC, Temporary Uses of Land. Construction trailers may be located on the project site after required planning permits and approvals have been obtained. The trailer(s) must be removed upon completion of the applicable construction project.					
Nonconforming Uses and Structures	See Article 4 of Chapter 9-2 TMC, Nonconforming Structures and Uses					

(1) The growing of fruit and nut trees, vine crops, and horticultural stock for production of food or fiber for personal use and consumption.

(2) The keeping of domesticated animals is subject to TMC 6-1-105. (Amended 2/27/01.) Livestock and domestic farm animals, used interchangeably in the Turlock Municipal Code, may be kept as an accessory use to a residence only in the following zoning districts: (Agriculture (A) and Estate Residential (R-E)).

(3) See TMC 9-2-110, Family day care home.

(4) See Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits.

(5) See TMC 9-2-119, Second dwelling units.

(6) See TMC 9-2-101, Accessory buildings and uses. Accessory structures will require a minor administrative or minor discretionary permit if required by the principal use.

(7) The keeping of household pets is subject to TMC 6-1-105. (Amended 2/27/01.)

(8) See TMC 9-2-111, Mobile home development.

(9) State-licensed group homes, foster homes, residential care facilities, and similar State-licensed facilities, regardless of the number of occupants, are deemed permitted by right in a residential zoning district, pursuant to State and Federal law. (Amended 2/27/01.)

(10) Employee, supportive, and transitional housing serving six (6) or fewer people is permitted as a single-family dwelling. Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(11) Kennels are subject to TMC 6-1-105. (Amended 2/27/01.)

(12) A structure allowed as a religious assembly building may be used for a temporary homeless shelter if the following requirements are met:

(i) There is a valid conditional use permit for the structure used for religious assembly purpose;

(ii) No rent or fees of any kind are charged for the service offered to homeless persons;

(iii) The facility that is used to house homeless persons accommodates a maximum of six (6) persons at any one (1) time;

(iv) Homeless persons reside at the facility a maximum of sixty (60) days;

(v) Occupancy by homeless persons at the facility commences upon the religious assembly use receiving a certificate of occupancy.

(13) The garage of a single-family residence, which is considered the required parking spaces for such use, may be converted into habitable space as defined by the Uniform Building Code to accommodate the use of the dwelling as a large family day care upon satisfying the findings and conditions set forth in TMC 9-2-110. The condition may remain until such time as the dwelling unit is no longer used for day care, residential care, or other similar uses licensed by the State of California (Community Care Licensing). Upon cessation of that use, or prior to the dwelling unit being sold, the converted garage shall be returned to its original state so that off-street parking is provided pursuant to TMC 9-2-209.

(14) Minor utilities shall not interfere with the use, enjoyment or aesthetics of adjacent uses.

(Ord. 1154-CS, Amended, 08/25/11; 1132-CS, Amended, 12/24/09; 1083-CS, Amended, 05/10/2007; 1073-CS, Amended, 11/23/2006; Ord. 1008-CS, Amended, 07/10/2003; Ord. 983-CS, Amended, 07/11/2002; Ord. 963-CS, Amended, 03/29/2001; Ord. 914-CS, Amended, 02/14/1997)

9-3-203 Property development regulations.

The following schedule prescribes the development regulations for each Residential District. Deviations from the setback and height requirements for the purpose of providing accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to Article 3 of Chapter 9-5 TMC.

R DISTRICTS (Residential Districts) PROPERTY DEVELOPMENT REGULATIONS						
	R-E	**R-L**	**R-L4.5**	**R-M**	**R-H**	**Additional Regulations**
Minimum lot size (sf)	14,500	5,000	4,500	6,000	7,500	(1)(5)
Lot density ranges (unit/acre)	0.2 – 3.0	3.0 – 7.0	5.0 – 10.0	7.0 – 15.0	15.0 – 30.0	
Lot area per unit (sf)	14,500	5,000	4,500	NA	NA	(5)
Units per min. lot size	1	1	1	2	4	(16)
Area per unit above min.	NA	NA	NA	2,000	1,200	
Lot dimensions (ft.)						
Width	100	55	40	60	75	(2)
Corner lots	60	60	45	65	80	
Depth	100	90	80	100	100	
Frontage	60	35	35	35	35	
Yards						(3)
Front (ft.)	30	15	15	20	20	(7)(9)(14)
Side (ft.)	10	5	0 – 10	10 – 20	10 – 20	(8)(11)(15)
Corner side (ft.)	30	15	15	15	20	(6)(21)
Rear (ft.)	20	10	10	10/story	10/story	(12)(18)(19)(20)(22)
Maximum height (ft.)	35	35	35	35	40	(4)

Distance between structures (ft.)	10	6	6	10	10	(7)
Driveway length (from p/l)	30	20	20	20	20	(23)
Usable open space (sf) per unit	NA	NA	900	500	500	(13)
Common recreational open space	NA		10%	10%	10%	(17)
Landscaping	NA	30%	30%	30%	30%	(17)
Fences and walls	See (8) below.					
Additional Standards	See Article 2 of Chapter 9-2 TMC: Off-Street Parking and Loading Regulations. (10) See TMC 9-2-216: Driveway and corner visibility. See Article 5 of Chapter 9-2 TMC: Signs. See TMC 9-2-112: Outdoor storage. See TMC 9-2-101: Accessory buildings and uses. (7)					
	See TMC 9-2-118: Screening of mechanical equipment. See TMC 9-2-120: Swimming pools, spas and hot tubs. See TMC 9-2-115: Recycling and solid waste disposal regulations. Trash and refuse containers shall not be stored within the front yard or corner street yard setback areas. See TMC 9-2-121: Underground utilities. See Article 4 of Chapter 9-2 TMC: Nonconforming Structures and Uses. See TMC 9-2-114: Permitted locations of mobile homes, recreational vehicles, and campers. See TMC 9-2-107: Development on lots divided by district boundaries.					

(1) See TMC 9-2-106: Development on existing lots of record. See TMC 9-2-107: Development on lots divided by district boundaries. Minimum lot sizes may be reduced when the exclusive use of such lots is intended for utility substations, pumping stations, and similar facilities.

(2) Lot width for lots located on a cul-de-sac is calculated at the front yard setback point.

(3) See TMC 9-2-105: Building projections into yards.

(4) See TMC 9-2-108: Exceptions to height limits.

(5) See TMC 9-2-103: Affordable housing density bonus.

(6) Any corner side yard may be reduced to ten (10') feet if it does not abut the front yard of an adjacent lot.

(7) See TMC 9-2-101: Accessory buildings and uses. For main structures, the minimum distance shall increase five (5') feet per story per building for each building involved, excluding accessory structures. Canopy structures, typically used to shade vehicles, in residential districts are prohibited in the twenty (20') foot front yard setback area. Canopies erected/installed prior to July 31, 2003, shall be allowed upon proof of date of installation; however, such canopies must be removed upon sale of the residence.

(8) The maximum height of a fence or wall shall be seven (7') feet with the following exceptions:

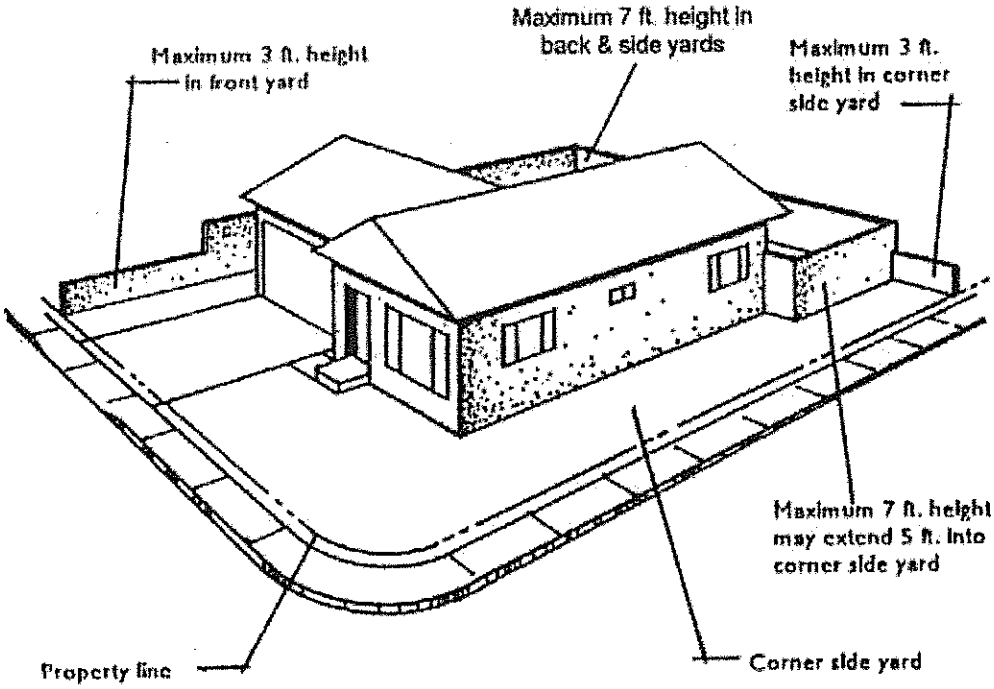
(i) The maximum height of a fence or wall in a required front or corner side yard shall be three (3') feet for a solid fence and four (4') feet for nonsolid fences, as long as such taller fences do not constitute a safety/visibility hazard to pedestrians or vehicles. A fence may be constructed at the back of the sidewalk within the public right-of-way with the provision that the City of Turlock or other utility may summarily remove it without compensation.

(ii) A maximum seven (7') foot fence or wall may extend five (5') feet into a corner side yard if it does not abut the front yard of an adjacent lot.

The Community Development Director may allow fence and wall heights to be increased in order to mitigate noise problems documented by a noise study. Barbed wire and electrified fences are prohibited. In addition, all fences and walls shall be subject to the driveway visibility requirements of TMC 9-2-216: Driveway and corner visibility.

(9) Front yard setbacks may be reduced to the average of the two (2) adjoining lots, when the adjoining lots have already been developed. In the R-L District, front yards may be reduced by a maximum of five (5') feet, provided there is a corresponding increase elsewhere in the front yard. In no case shall any portion of any building in a residential district be closer to the front property line than ten (10') feet or twenty (20') feet for garages/carports.

(10) Vehicular access. For all uses, there shall be vehicular access to the off-street parking and loading facilities from a dedicated street or alley.



FENCE HEIGHTS & SETBACKS
(This diagram is illustrative)

(11) In the R-L4.5 District, one (1) side yard may be eliminated if the opposite side yard is ten (10') feet. A five (5') foot wide easement on the lot adjacent to the eliminated side yard shall be required for building overhang, encroachments and access for building maintenance. Such easement shall be recorded prior to the issuance of any building permit. Otherwise both side yards shall be a minimum of five (5') feet. In no case shall any structure be closer than ten (10') feet from a structure on an adjoining property. In the R-L4.5 District those units which abut lots in a different zoning district shall maintain a five (5') foot adjoining side yard.

(12) In the R-L4.5 District, the rear yard may be reduced to five (5') feet for a length not to exceed one-third (1/3) of the width of the parcel.

(13) Multifamily dwelling projects (except senior housing) with twenty (20) or more units shall include an additional nine hundred (900) square feet of children's play area designed and equipped for children through the age of nine (9) years.

(14) A through lot is considered to have two (2) front yards, both of which shall be landscaped upon development of the lot. Municipal code standards for front yards (setbacks, fencing, and the like) apply to both street frontages. On a through lot that is simultaneously a corner lot, the property owner may designate the corner side yards.

(15) In the R-M and R-H Districts, a minimum side yard setback shall be ten (10') feet for one (1) story buildings and five (5') feet for each additional story.

(16) On lots of less than one (1) acre in the R-M and R-H Districts, the minimum number of dwelling units per lot may be reduced to be consistent with the prevailing development density in the neighborhood.

(17) See TMC 9-2-109: Landscaping and irrigation.

(18) In the R-L Zoning District, the rear yard may be reduced to five (5') feet for a length not to exceed one-third (1/3) of the width of the parcel if the rear yard abuts an alley (Director's Interpretation 2006-01).

(19) A residential lot located at the end of an open-ended cul-de-sac may consider the side yard abutting the public right-of-way at the end of the open-ended cul-de-sac as an interior yard for purposes of setback measurements. Because of visibility constraints, this provision may not apply when the side yard of the lot abuts the front yard of an adjacent lot (Director's Interpretation 2000-02).

(20) In R-L and R-L4.5 Zoning Districts, and for single story structures in the R-M and R-H Zoning Districts, a building projection may not encroach any closer than five (5') feet to the rear property line. The width of the projection may not exceed twenty-five (25%) percent of the allowed building width. For two (2) story structures in the R-M and R-H Zoning Districts, building projections may extend up to six (6') feet into the rear yard, reducing the minimum rear yard to fourteen (14') feet, instead of the requisite twenty (20') feet (Director's Interpretation 99-05).

(21) Where two (2) corner lots abut each other ("back-to-back") in the R-E Zoning District, a twenty (20') foot corner side yard setback is required. This provision does not apply to reverse corner lots, where the rear of the lot abuts the side yard of the adjoining lot. In this circumstance, the typical thirty (30') foot setback shall apply.

(22) Single-family homes located in the R-M Zoning District are not subject to the ten (10') foot per story setback regulations. This provision only applies to multiple attached units (Director's Interpretation 99-02).

(23) A twenty (20') foot driveway is not required when a garage is accessed off a public alley. Detached garages are subject to the accessory building provisions of TMC 9-2-101 for both setbacks and height limitations. Attached garages are considered part of the main dwelling units and are, therefore, subject to the rear and/or side yard setbacks normally established for that particular zoning district (Director's Interpretation 99-01).

(Ord. 1154-CS, Amended, 08/25/11; 1094-CS, Amended, 06/09/2007; 1083-CS, Amended, 05/10/2007; Ord. 1008-CS, Amended, 07/10/2003; Ord. 963-CS, Amended, 03/29/2001; Ord. 958-CS, Amended, 10/12/2000; Ord. 914-CS, Amended, 02/14/1997)

Article 3. Commercial Districts (C-O, C-C, C-T, C-H)

9-3-301 Specific purposes.

In addition to the general purposes listed in Chapter 1 of Title 9 of this Code (Chapter 9-1: General Provisions), the specific purposes of the Commercial District regulations are to:

(a) Provide appropriately located areas consistent with the General Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the City and region;

(b) Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities;

(c) Create suitable environments for various types of commercial uses, and protect them from the adverse effects of incompatible uses;

(d) Minimize the impact of commercial development on adjacent residential districts;

(e) Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located;

(f) Provide opportunities for residential development on the site of commercial development or on separate sites in certain commercial districts;

(g) Ensure the provision of adequate off-street parking and loading facilities; and

(h) Provide sites for public and semipublic uses complementary to commercial development or compatible with a commercial environment.

(i) The additional purposes of each C District are as follows:

(1) **CO Commercial Office District.** To provide a transitional zone between commercial and residential uses with areas for business and professional offices.

(2) **CC Community Commercial District.** To provide a wide range of retail stores, restaurants, hotels and motels, commercial recreation, personal services, business services and financial services and for limited office and residential uses.

(3) **CT Commercial Thoroughfare District.** To provide areas for uses required by the traveling public such as hotels and motels, service stations and restaurants, with immediate access to Highway 99.

(4) **CH Heavy Commercial/Light Industrial District.** To provide for the full range of retail, wholesale and service businesses not generally suitable in other commercial districts because they attract heavy automobile and truck traffic or have certain adverse impacts; and to provide opportunities for certain limited manufacturing uses that have impacts comparable to those of retail and service.

(Ord. 1154-CS, Amended, 08/25/11; Ord. 914-CS, Amended, 02/14/1997)

9-3-302 Use classifications.

In the following schedule, the letter "P" designates use classifications permitted in C Districts, the letters "NP" designate use classifications not permitted, the letters "MAA" designate use classifications allowed on approval of a minor administrative approval, the letters "MDP" designate use classifications allowed on approval of a minor discretionary permit, and the letters "CUP" designate use classifications allowed on approval of a conditional use permit.

All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule.

All new or expanded uses of a site or structure, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, are subject to design review in accordance with Article 10 of Chapter 9-5 TMC. New or expanded uses subject to design review shall obtain an MDP design review permit. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all commercial developments subject to design review.

Any change in use or business within an existing structure that is permitted or, in the opinion of the Community Development Director, is suitable to the site and structures in which it is located and does not increase the intensity or impact of its prior use, shall obtain a zoning certificate in accordance with Article 1 of Chapter 9-5 TMC, Permit

Applications, Hearings, Amendments, and Appeals. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Director or designee.

C-O, C-C, C-T and C-H DISTRICTS (Commercial)
USE CLASSIFICATIONS
P Permitted
NP Not Permitted
MDP Minor Discretionary Permit
MAA Minor Administrative Approval
CUP Conditional Use Permit

	C-O	C-C	C-H	C-T	Additional Use Regulations
Residential Uses					
Family day care					
Large	MAA	NP	NP	NP	(1)
Small	P	NP	NP	NP	(1)
Group quarters					
Large	MDP	NP	NP	NP	(2)
Small	P	NP	NP	NP	(2)
Emergency shelter	CUP	CUP	CUP	NP	(2)
Caretaker unit	CUP	NP	NP	NP	(18)
Public and Semipublic Uses					
Clubs and lodges	MDP	MDP	CUP	NP	
Convalescent hospitals	MDP	NP	NP	NP	
Cultural institutions	P	P	P	P	
Day care centers	MDP	MAA	MAA	NP	
Government offices	P	P	P	NP	
Hospitals	CUP	CUP	CUP	NP	
Parking lots	MDP	MDP	MDP	MDP	
Public buildings and facilities	MDP	MDP	MDP	MDP	
Public utility service yards	NP	NP	MDP	NP	
Religious assembly	MDP	MDP	MDP	MDP	
Schools					

Trade	MDP	MDP	MDP	NP	
Public/private	MDP	MDP	MDP	NP	
Utilities					
Major	NP	NP	CUP	NP	
Minor	MDP	MDP	MDP	MDP	(3)
Commercial Uses					
Adult entertainment facilities	NP	NP	NP	NP	(4)
Animal services					
Animal boarding	CUP	MDP	MDP	NP	
Animal grooming	MDP	P	P	P	
Animal hospitals	CUP	MDP	MDP	MDP	
Animal retail sales	NP	P	P	P	(23)
Antique shops	NP	P	P	P	
Artists' studios	MDP	P	P	P	(19)
Automobile repair					
Major	NP	MDP	MAA	MAA	(6)(7)
Minor	NP	MAA	P	P	(6)(7)
Automobile sales and service	NP	MAA	MAA	MAA	(6)(7)
Automobile service stations	NP	MAA	MAA	MAA	(6)(7)
Automobile storage	NP	NP	MAA	NP	(6)(7)
Automobile washing	NP	MDP	MAA	MAA	(6)(7)
Bakeries					
Retail	MDP	P	P	P	
Wholesale	NP	NP	MDP	NP	
Bar	NP	CUP	CUP	CUP	
Building materials and services	NP	MDP	MAA	MDP	(8)(13)
Catering services	NP	P	P	NP	
Clinics	MDP	MDP	P	MDP	
Commercial filming	NP	MDP	P	NP	
Commercial recreation and entertainment	NP	CUP	CUP	CUP	(5)
Convenience gas mart	NP	MDP	MDP	MDP	
Dance hall/Nightclub	NP	CUP	CUP	CUP	

Discount club	NP	CUP	CUP	CUP	(21)(22)
Discount store	NP	MDP	MDP	CUP	(21)(22)
Discount superstore	NP	NP	NP	NP	(21)(22)
Entertainment, live (excluding adult entertainment)	NP	MDP	MDP	MDP	
Equipment sales, service and rentals	NP	NP	MAA	NP	(13)
Financial services	CUP	MDP	MAA	NP	(13)
Food and beverage sales					
Neighborhood store <2,500 sf	CUP	MAA	MAA	NP	
Between 2,500 and 10,000 sf	NP	MDP	MDP	NP	
Larger than 10,000 sf	NP	MDP	MDP	CUP	(21)(22)
Fortune telling	NP	CUP	NP	NP	(9)
Funeral and internment services	MDP	MAA	MAA	NP	
Health/recreation center	NP	MAA	MAA	MAA	
Hotels and motels	NP	MAA	MAA	MAA	(16)
Laboratories	MAA	MAA	MAA	NP	
Laundries					
Limited	MAA	P	P	NP	
Unlimited	NP	NP	P	NP	
Maintenance and repair services					
Major	NP	NP	MDP	NP	(13)
Minor	NP	MAA	MAA	NP	(13)
Nurseries	NP	MAA	MAA	NP	
Nursing homes	MDP	MDP	NP	NP	
Offices					
Business and professional	P	P	MAA	NP	
Medical and dental	P	P	MAA	NP	
Outdoor storage	NP	MDP	MDP	MDP	(13)
Personal services	MAA	P	P	NP	
Printing and publishing					
Limited	MDP	MAA	P	NP	
Unlimited	NP	NP	MDP	NP	
Recycling facility					(17)

Collection facility, large	NP	NP	MDP	NP	
Collection facility, small	NP	P	P	NP	
Processing facility	NP	NP	NP	NP	
Rental storage facility	NP	NP	MDP	NP	(20)
Research and development services	MDP	MDP	MDP	NP	
Restaurant	CUP	MAA	MAA	MAA	
Restaurant, drive-in	NP	MDP	MDP	MDP	
Restaurant, fast food	NP	MDP	MDP	MDP	
Retail sales	CUP	P	P	P	(10)(21)(22)
Salvage and wrecking operations					
Motor vehicle	NP	NP	CUP	NP	(15)
Non-vehicular	NP	NP	CUP	NP	(15)
Second hand stores	NP	MDP	MDP	NP	
Shopping centers	NP	MDP	MDP	CUP	
Travel trailer park	NP	NP	MDP	MDP	(16)
Truck terminal	NP	NP	MDP	CUP	
Warehousing	NP	NP	MDP	NP	
Industrial uses					
Commissary	NP	NP	MDP	NP	
Industry, limited	NP	NP	MDP	MDP	
Accessory Structures and Uses	P	P	P	P	(11)(13)
Temporary Uses	P	P	P	P	(12)
Nonconforming Uses	See Article 4 of Chapter 9-2 TMC, Nonconforming Structures and Uses.				

(1) See TMC 9-2-110, Family day care home.

(2) Small residential care facilities and interim housing serving six (6) or fewer people are considered accessory to a residence. Such facilities shall be designed to accommodate a group living environment.

(3) Minor utilities shall not interfere with the use, enjoyment or aesthetics of adjacent uses.

(4) See TMC 9-2-102, Adult entertainment facilities. Adult bookstores shall be subject to the same supplemental regulations applicable to adult entertainment facilities.

(5) Commercial recreation and entertainment uses less than two thousand (2,000) square feet in floor area are allowed with a zoning certificate issued in accordance with Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits.

(6) See TMC 9-2-112, Outdoor storage. In the CC District automobile servicing shall be conducted wholly within an enclosed building.

(7) See TMC 9-2-104, Automobile service stations, repair and washing.

(8) Building materials and service uses shall not abut an R District unless accessory to a retail use.

(9) No fortune telling use shall be located any closer than within seven hundred fifty (750') feet of another fortune telling use.

(10) Retail sales in the CO District shall be limited to eating and drinking establishments and pharmacies as accessory uses designed primarily but not exclusively to serve patrons and occupants of uses within the CO District.

(11) See TMC 9-2-101, Accessory buildings and uses.

(12) See Article 5 of Chapter 9-5 TMC, Temporary Uses of Land. Construction trailers may be located on the project site after required planning permits and approvals have been obtained. The trailer(s) must be removed upon completion of the applicable construction project.

(13) See TMC 9-2-112, Outdoor storage, and Article 5 of Chapter 9-5 TMC, Temporary Uses of Land.

(14) Live entertainment, excluding adult entertainment, may be allowed in the CT District as an accessory use. A conditional use permit issued in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances, shall be obtained if the live entertainment is located within three hundred (300') feet of a residential use or an R District.

(15) See TMC 9-2-117, Salvage and wrecking operations.

(16) A conditional use permit issued in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances, shall be required if a hotel, motel or travel trailer park abuts an R District.

(17) See TMC 9-2-116, Recycling facilities.

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

(19) Artists' studios in the downtown area may also be a place of residence for the artist as a secondary use. Artists' studios must be compatible with adjacent uses and shall not be a nuisance regarding noise and dust.

(20) See TMC 9-2-123, Rental storage facility.

(21) See TMC 9-1-202 for the definitions of "Discount store," "Discount superstore," and "Discount club."

(22) Except for a "Discount store" as defined by TMC 9-1-202, which shall require a conditional use permit issued in accordance with Article 6 of Chapter 9-5 TMC.

(23) Retail sale of dogs and cats is prohibited in accordance with TMC 6-1-703.
(Ord. 1154-CS, Amended, 08/25/11; 1130-CS, Amended, 11/12/09; 1083-CS, Amended, 05/10/2007; Ord. 1015-CS, Amended, 02/12/2004; Ord. 983-CS, Amended, 07/11/2002; Ord. 979-CS, Amended, 05/23/2002; Ord. 963-CS, Amended, 03/29/2001; Ord. 939-CS, Amended, 10/22/1998; Ord. 938-CS, Amended, 09/24/1998; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-3-303 Property development regulations.

The following schedule prescribes development regulations for the C (Commercial) Districts. Development in these districts is also subject to the specific standards as contained in any applicable overlay district. Deviations from the

setback and height requirements for the purpose of providing accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to Article 3 of Chapter 9-5 TMC.

C-O, C-C, C-T and C-H DISTRICTS (Commercial) PROPERTY DEVELOPMENT REGULATIONS					
	C-O	C-C	C-H	C-T	Additional Regulations
Yards					(1)(7)(8)
Front (ft.)	0	0	0	0	(2)(5)
Side (ft.)	0	0	0	0	(3)
Corner side (ft.)	10	0	0	0	(2)(5)
Rear (ft.)	10	0	0	0	(3)
Maximum height (ft.)	35	35	None	None	(3)(4)
Typical FAR	0.35	0.25	0.35	0.35	
Landscaping standards (% of lot area)	25	10	7.5	7.5	(5)(6)(8)
Residential development	Where permitted, residential uses may be developed independently or in combination with commercial uses in accordance with the R-H District regulations.				
Fences and walls	A seven (7') foot solid masonry wall shall be required along any property line abutting an R District, except in required front and corner side yards where the maximum height shall be three (3') feet. The Community Development Director may allow fence and wall heights to be increased in order to mitigate noise problems documented by a noise study. Barbed wire and electrified fences are prohibited, except that such fences may be used on a limited basis for security or safety purposes with an MAA issued in accordance with Article 3 of Chapter 9-5 TMC, Minor Administrative Approval. In addition, all fences and walls shall be subject to the driveway visibility requirements of TMC 9-2-216: Driveway and corner visibility.				
Additional standards	Article 2 of Chapter 9-2 TMC: Off-street parking and loading regulations. TMC 9-2-216: Driveway and corner visibility. Article 5 of Chapter 9-2 TMC: Signs. TMC 9-2-112: Outdoor storage. TMC 9-2-101: Accessory structures and uses. TMC 9-2-118: Screening of mechanical equipment. TMC 9-2-121: Underground utilities.				

	TMC 9-2-115: Recycling and solid waste disposal regulations. Article 4 of Chapter 9-2 TMC: Nonconforming Structures and Uses. TMC 9-2-123: Rental storage facility.

(1) See TMC 9-2-105: Building projections into yards.

(2) Front yards may be reduced to the average distance of existing buildings from their front property line on the two (2) abutting lots adjoining the front property line.

(3) Structures shall not intercept a forty-five (45°) degree inclined plane inward from a height of ten (10') feet above existing grade at the R District boundary line. Single story structures and ground level parking may encroach a maximum of five (5') feet into required side and rear yards.

(4) See TMC 9-2-108: Exceptions to height limits.

(5) Any area between the front (and street side) property line and the building, exclusive of driveways, shall be landscaped.

(6) See TMC 9-2-109: Landscaping and irrigation.

(7) When abutting a residential district, a minimum setback from the residential district shall be provided as follows: front yard: fifteen (15') feet; rear yard: fifteen (15') feet; side yard: ten (10') feet.

(8) See TMC 9-2-123: Rental storage facility.
(Ord. 1154-CS, Amended, 08/25/11; Ord. 983-CS, Amended, 07/11/2002; Ord. 920-CS, Amended, 05/08/1997; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

Article 4. Industrial Districts (I-BP & I)

9-3-401 Specific purposes.

In addition to the general purposes listed in Chapter 9-1 TMC, General Provisions, the specific purposes of the Industrial District regulations are to:

(a) Provide appropriately located areas consistent with the General Plan for a broad range of manufacturing and service uses;

(b) Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities; and

(c) Minimize the impact of industrial uses on adjacent residential and commercial districts.

(d) The additional purposes of each I District are as follows:

(1) **I-BP Business Park District.** To provide sites with high architectural and landscape standards for industrial office centers, limited manufacturing, warehousing and large-scale, single destination retail and other limited retail uses which may not be appropriate in retail areas.

(2) **I General Industrial District.** To provide for the full range of manufacturing, industrial processing, general service, and distribution uses deemed suitable for location in Turlock; and to protect Turlock's general industrial areas from competition for space from unrelated uses that could more appropriately be located elsewhere in the City.

(Ord. 1154-CS, Amended, 08/25/11; Ord. 914-CS, Amended, 02/14/1997)

9-3-402 Use classifications.

In the following schedule, the letter "P" designates use classifications permitted in C Districts, the letters "NP" designate use classifications not permitted, the letters "MAA" designate use classifications allowed on approval of a minor administrative approval, the letters "MDP" designate use classifications allowed on approval of a minor discretionary permit, and the letters "CUP" designate use classifications allowed on approval of a conditional use permit.

All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule.

All new or expanded uses of a site or structure, involving an expansion of floor area of five thousand (5,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, are subject to design review in accordance with Article 10 of Chapter 9-5 TMC. New or expanded uses subject to design review shall obtain an MDP design review permit. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all industrial developments subject to design review.

Any change in use or business within an existing structure that is permitted or, in the opinion of the Community Development Director, is suitable to the site and structures in which it is located and does not increase the intensity or impact of its prior use, shall obtain a zoning certificate in accordance with Article 1 of Chapter 9-5 TMC, Permit Applications, Hearings, Amendments, and Appeals. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Director or designee.

I-BP and I DISTRICTS (Industrial)
USE CLASSIFICATIONS
P Permitted
NP Not Permitted
MDP Minor Discretionary Permit
MAA Minor Administrative Approval
CUP Conditional Use Permit

	I-BP	I	Additional Use Regulations
Public and Semipublic Uses			
Airports and heliports	CUP	CUP	
Churches	CUP	CUP	
Day care centers	MDP	MDP	
Government offices	MDP	MDP	

Parking lots	MDP	MDP	
Public buildings and facilities	MDP	MDP	
Schools, trade	MDP	MDP	
Utilities			
Major	CUP	MDP	
Minor	P	P	(13)
Commercial Uses			
Adult entertainment facilities	MDP	MDP	(1)
Ambulance services	MDP	MDP	
Animal services			
Animal boarding	MDP	MDP	
Animal hospitals	MDP	MDP	
Artists' studios	MDP	MDP	
Automobile service stations	MDP	MDP	(2)
Automobile storage	MDP	MDP	(2)
Automobile washing	NP	MDP	(2)
Bakeries, wholesale	MDP	MDP	
Building materials and services	NP	MDP	(3)
Commercial recreation and entertainment	MDP	MDP	
Communications facilities	MDP	MDP	
Eating and drinking establishments	CUP	CUP	
Equipment sales, service and rentals	MDP	MDP	(12)
Financial services	MDP	MDP	(4)
Health/recreation centers	MDP	MDP	
Laboratories	MDP	MDP	
Labor camps	NP	CUP	
Maintenance and repair services			
Major	NP	MDP	(5)
Minor	MDP	MDP	(5)
Motor vehicle repair			
Major	NP	MDP	(2)
Minor	MDP	MDP	(2)
Offices			

Business and professional	MDP	CUP	
Medical and dental	MDP	CUP	
Printing and publishing			
Limited	MDP	MDP	
Unlimited	MDP	MDP	
Research and development services	MDP	MDP	
Retail sales	MDP	MDP	
Speculative buildings	MDP	MDP	(6)
Industrial Uses			
Chemical mfg./processing	NP	CUP	
Commissary	NP	MDP	
Industry			
General	NP	MDP	
Limited	MDP	MDP	
Hazardous waste transfer stations	NP	CUP	
Salvage and wrecking operations	NP	CUP	(7)
Speculative buildings	MDP	MDP	
Transfer stations	NP	MDP	
Truck terminal	NP	MDP	(10)
Truck yard	NP	MDP	
Warehousing and storage			(8)
Limited	MDP	MDP	
Wholesale distribution	MDP	MDP	
Accessory Structures and Uses	P	P	(5)(8)(9)
Caretaker unit	MDP	MDP	(11)
Temporary Uses	P	P	(9)
Nonconforming Uses	See Article 4 of Chapter 9-2 TMC, Nonconforming Structures and Uses.		
Recycling Facilities	See TMC 9-2-116, Recycling facilities.		

(1) See TMC 9-2-102, Adult entertainment facilities.

(2) See TMC 9-2-104, Automobile service stations, repair and washing.

(3) Building materials and service uses shall not adjoin any R District. See TMC 9-2-112, Outdoor storage.

(4) Only automatic teller machines are allowed.

(5) See TMC 9-2-112, Outdoor storage.

(6) In an I District only ancillary retail sales limited to thirty (30%) percent of the total square footage of all structures on a site or two thousand five hundred (2,500) square feet, whichever is less, shall be allowed. Goods being sold at retail must be directly related to those uses which are permitted uses requiring a zoning certificate issued in accordance with Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits, or uses which require a conditional use permit issued in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances, on the site. Large-scale, single destination retail uses may be allowed in the I-BP District, provided a conditional use permit is obtained in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances.

(7) Salvage and wrecking operations shall not adjoin an arterial street or Highway 99. See TMC 9-2-117, Salvage and wrecking operations.

(8) See TMC 9-2-101, Accessory buildings and uses.

(9) See Article 5 of Chapter 9-5 TMC, Temporary Uses of Land. Construction trailers may be located on the project site after required planning permits and approvals have been obtained. The trailer(s) must be removed upon completion of the applicable construction project.

(10) See TMC 9-2-123, Rental storage facility.

(11) A caretaker unit may be provided in conjunction with an industrial use for a caretaker that is responsible for security, maintenance or management of the facility. The unit shall be a permanent structure that is architecturally compatible with the main industrial buildings and must be clearly accessory to the industrial use.

(12) See TMC 9-2-124, Equipment sales, service and rentals.

(13) Minor utilities shall not interfere with the use, enjoyment or aesthetics of adjacent uses.

(Ord. 1154-CS, Amended, 08/25/11; 1130-CS, Amended, 11/12/09; 1083-CS, Amended, 05/10/2007; Ord. 995-CS, Amended, 12/12/2002; Ord. 983-CS, Amended, 07/11/2002; Ord. 979-CS, Amended, 05/23/2002; Ord. 939-CS, Amended, 10/22/1998; Ord. 914-CS, Amended, 02/14/1997; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-3-403 Property development standards.

The following schedule prescribes development regulations for the I (Industrial) Districts. Deviations from the setback and height requirements for the purpose of providing accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to Article 3 of Chapter 9-5 TMC.

I-BP and I DISTRICTS (Industrial) PROPERTY DEVELOPMENT REGULATIONS			
	I-BP	I	Additional Use Regulations
Lot size (sf)	15,000	15,000	(1)
Lot width (ft.)	150	150	
Lot depth (ft.)	150	150	
Lot frontage (ft.)	100	100	

Yards			(7)
Front (ft.)	20	20	(2)(3)(4)
Side (ft.)	0	0	(4)
Corner side (ft.)	20	20	(3)(4)
Rear (ft.)	0	0	(4)
Maximum height (ft.)	None	None	
Typical FAR	0.60	0.60	(7)
Landscaping standards	7.5	5	(5)(6)(7)
Fences and walls	A seven (7') foot solid masonry wall shall be required along any property line abutting an R, C, or PS District. The Community Development Director may allow fence and wall heights to be increased in order to mitigate noise problems documented by a noise study. Barbed wire and electrified fences are prohibited, except that barbed wire may be used on a limited basis for security or safety purposes with an MAA issued in accordance with Article 3 of Chapter 9-5 TMC, Minor Administrative and Minor Discretionary Permits. In addition, all fences and walls shall be subject to the driveway visibility requirements of TMC 9-2-216: Driveway and corner visibility.		
Additional standards	See Article 2 of Chapter 9-2 TMC: Off-Street Parking and Loading Regulations. See TMC 9-2-216: Driveway and corner visibility. See Article 5 of Chapter 9-2 TMC: Signs. See TMC 9-2-112: Outdoor storage. See TMC 9-2-118: Screening of mechanical equipment. See TMC 9-2-121: Underground utilities. See Article 4 of Chapter 9-2 TMC: Nonconforming Structures and Uses. See TMC 9-2-115: Recycling and solid waste disposal regulations. See TMC 9-2-123: Rental storage facility		

(1) Minimum lot sizes are not applicable when done in conjunction with an approved planned development proposal. See TMC 9-2-106: Development on existing lots of record.

(2) Double-frontage lots shall provide front yards on each frontage except in the case of alleys.

(3) Front and corner side yards may be reduced to ten (10') feet in I Districts on lots which do not front on arterial streets.

(4) A thirty (30') foot side, front and rear yard adjoining any R District and structures shall not intercept a forty-five (45°) degree inclined plane inward from a height of ten (10') feet above existing grade at the R District boundary line.

(5) See TMC 9-2-109: Landscaping and irrigation.

(6) Any area between the front (and street side) property line and the building, exclusive of driveways and walkways, shall be landscaped.

(7) See TMC 9-2-123: Rental storage facility.
(Ord. 1154-CS, Amended, 08/25/11; Ord. 983-CS, Amended, 07/11/2002; Ord. 914-CS, Amended, 02/14/1997)

Article 5. Public & Semipublic District (P-S)

9-3-501 Specific purposes.

In addition to the general purposes listed in Chapter 9-1, General Provisions, the specific purposes of the Public and Semipublic District regulations are to:

(a) Allow consideration of a large public or semipublic use separately from regulations for an underlying base zoning district that may or may not be appropriate in combination with the public or semipublic use;

(b) Allow consideration of establishment or expansion of a large public or semipublic use at rezoning hearings rather than at conditional use permit hearings only, and to give public notice of the extent of a site approved for a large public or semipublic use by delineating it on the Zoning Map; and

(c) Allow the Planning Commission and City Council to consider the most appropriate use of a site following discontinuance of a large public or semipublic use without the encumbrance of a base zoning district that may or may not provide appropriate regulations for reuse of the site.

(Ord. 1154-CS, Amended, 08/25/11; Ord. 914-CS, Amended, 02/14/1997)

9-3-502 Use classifications.

In the following schedule, the letter "P" designates use classifications permitted in PS Districts, the letters "NP" designate use classifications not permitted, the letters "MAA" designate use classifications allowed on approval of a minor administrative approval, the letters "MDP" designate use classifications allowed on approval of a minor discretionary permit, and the letters "CUP" designate use classifications allowed on approval of a conditional use permit.

All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule. Any change in use or business within an existing structure which does not require an approved conditional use permit or that, in the opinion of the Community Development Director, is suitable to the site and structures in which it is located and does not increase the intensity or impact of its prior use, shall obtain a zoning certificate in accordance with Article 2 of Chapter 9-5 TMC: Zoning Certificates and Home Occupation Permits. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Director or designee.

P-S DISTRICT (Public and Semipublic District)
USE CLASSIFICATIONS
P Permitted
NP Not Permitted
MDP Minor Discretionary Permit
MAA Minor Administrative Approval
CUP Conditional Use Permit

	P-S	Additional Use Regulations
Commercial Uses		
Commercial recreation and entertainment	CUP	(1)
Outdoor facilities	CUP	(2)
Public and Semipublic Uses		
Airports	CUP	
Cemeteries	P	
Clubs and lodges	MDP	
Convalescent facilities	MDP	
Corporation yards	MDP	(4)
Cultural institutions	MDP	
Day care centers	MDP	
Government offices	MDP	
Heliports	MDP	(3)
Hospitals	CUP	
Open space	P	
Parking lots	P	
Park and recreation facilities	MDP	
Public buildings and facilities	CUP	
Public assembly	CUP	
Schools, public or private	CUP	
Storm drainage basins	P	
Utilities		
Major	MDP	

Minor	P	(5)
Accessory Structures and Uses	See TMC 9-2-101: Accessory buildings and uses.	
Temporary Uses	See Article 5 of Chapter 9-5 TMC: Temporary Uses of Land. Construction trailers may be temporarily located on a project site after required planning permits and approval have been obtained. The trailer(s) must be removed upon completion of the applicable construction project.	
Nonconforming Uses and Structures	See Article 4 of Chapter 9-2 TMC: Nonconforming Structures and Uses.	

(1) See also TMC 9-2-112: Outdoor storage, and TMC 9-2-121: Underground utilities.

(2) See TMC 9-2-112: Outdoor storage, and Article 5 of Chapter 9-5 TMC: Temporary Uses of Land.

(3) Must be more than one thousand (1,000') feet from an R District; heliport permit from the California Department of Transportation, Division of Aeronautics required.

(4) Maintenance and repair service uses are limited to those of a public and semipublic nature.

(5) Minor utilities shall not interfere with the use, enjoyment, or aesthetics of adjacent uses.
(Ord. 1154-CS, Amended, 08/25/11; 083-CS, Amended, 05/10/2007; Ord. 914-CS, Amended, 02/14/1997)

9-3-503 Development regulations.

Development regulations shall be as specified by a conditional use permit issued in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances, or as required by a minor discretionary permit issued in accordance with Article 3 of Chapter 9-5 TMC, Minor Administrative and Minor Discretionary Permits. The Community Development Director, Planning Commission, and/or City Council, as the case may be, shall be guided by those regulations of the zoning district within closest proximity or a zoning district intended for uses similar to those proposed in the PS District. Deviations from the setback and height requirements for the purpose of providing accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to Article 3 of Chapter 9-5 TMC.

P-S DISTRICT (Public and Semipublic District) **PROPERTY DEVELOPMENT REGULATIONS**	
	P-S Additional Use Regulations
Landscaping	See TMC 9-2-109: Landscaping and irrigation

Fences and walls	A seven (7') foot solid masonry wall shall be required along any property line abutting an R, C or PS District. The Community Development Director may allow fence and wall heights to be increased in order to mitigate noise problems documented by a noise study. Barbed wire and electrified fences are prohibited, except that barbed wire may be used on a limited basis for security or safety purposes with an MAA issued in accordance with Article 3 of Chapter 9-5 TMC: Minor Administrative and Minor Discretionary Permits. In addition, all fences and walls shall be subject to the driveway visibility requirements of TMC 9-2-216: Driveway and corner visibility.
Additional regulations	See Article 2 of Chapter 9-2 TMC: Off-Street Parking and Loading Regulations. See TMC 9-2-216: Driveway and corner visibility. See Article 5 of Chapter 9-2 TMC: Signs. See TMC 9-2-112: Outdoor storage. See TMC 9-2-118: Screening of mechanical equipment. See TMC 9-2-121: Underground utilities. See Article 4 of Chapter 9-2 TMC: Nonconforming Structures and Uses. See TMC 9-2-115: Recycling and solid waste disposal regulations.

(Ord. 1154-CS, Amended, 08/25/11; Ord. 914-CS, Amended, 02/14/1997)

EXHIBIT E

Chapter 9-4
OVERLAY DISTRICT REGULATIONS

Sections:

Article 1. Downtown Overlay Regulations

9-4-101 Downtown overlay regulations and purpose.
9-4-102 Downtown Core.
9-4-103 Downtown Core Transition.
9-4-104 Transitional Commercial.
9-4-105 Industrial Residential.
9-4-106 Office Residential.

Article 2. Emergency Shelter Regulations

9-4-201 Purpose.
9-4-202 Emergency shelter permit required.
9-4-203 District cap on number of beds that may be permitted.
9-4-204 Nondiscretionary emergency shelter permit application: review and approval.
9-4-205 Conditions.
9-4-206 Application processing fee.
9-4-207 Suspension or revocation of emergency shelter permit.
9-4-208 Appeal.

Article 1. Downtown Overlay Regulations

9-4-101 Downtown overlay regulations and purpose.

Downtown Overlay District Regulations apply specifically to the downtown area as defined in the Turlock Downtown Design Guidelines and Zoning Regulations document. These regulations in some cases modify the base district regulations for the purposes set forth herein. However, these regulations are not all inclusive and therefore must be used in concert with the balance of the City of Turlock zoning regulations. Wherever there is a conflict or contradiction in the overlay district and base district regulations, the overlay district regulations set forth herein shall apply.

In addition to the purposes listed in TMC 9-1-103, and elsewhere in each of the base district regulations, the purpose of the Downtown Overlay Regulations are to:

(a) Maintain and further enhance a prominent pedestrian oriented environment throughout all the regulation districts of the Downtown;

(b) Promote and encourage economic investment in the Downtown area;

(c) Protect and preserve the City's historic architectural character of the Downtown Core and immediately surrounding areas;

(d) Acknowledge the distinct opportunities that exist in the Downtown; and

(e) Ensure the economic vitality of the Downtown as the "heart" of Turlock for years to come.

(Ord. 1154-CS, Amended, 08/25/11; Ord. 1021-CS, Add, 03/11/2004)

9-4-102 Downtown Core.

The Downtown Core is the historic focal point of Downtown Turlock. It's a place where shopping, dining, and entertainment is encouraged and is an area where buildings shall be high density in order to achieve an urban appearance. Buildings shall range from two (2) to four (4) stories in height in order to encourage a mix of commercial, office, and residential uses. The design and look of the Core communicates the historic character of the City through the use of architecture and streetscape design. The following is intended to preserve and enhance the historic character of the Downtown Core and the quality of public realm (streetscape, public parking, plazas, etc.) improvements. This overlay district accomplishes this through specific use requirements and development standards:

(a) **Specific purposes.**

(1) To ensure the current and future success of the Downtown Core by preserving and enhancing its unique historic character and to encourage future development and land uses that are compatible with the overall character of the Downtown Core;

(2) Protect and enhance the pedestrian environment and accessibility in and around the Downtown Core area;

(3) Promote re-use and renovation of historic buildings in Downtown while promoting new investment and construction;

(4) Encourage mixed-use development in the Downtown Core supporting residences and offices on the upper floors;

(5) Encourage ground floor retail and restaurants.

(b) **Use classifications Downtown Core district (DC).** All new or expanded uses of a site or structure, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, or the conversion of an existing residential structure to a nonresidential use, are subject to Design Review in accordance with Article 10 of Chapter 9-5 TMC, Design Review. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all commercial developments subject to design review.

Alterations or modifications to a developed site or the exterior of an existing structure are subject to review in accordance with Article 3 of Chapter 9-5 TMC, Minor Administrative and Minor Discretionary Permits. The review is to ensure compliance with the established policies, standards, and guidelines adopted by the Turlock City Council.

Any change in use or business within an existing structure which does not require an approved conditional use permit shall obtain a zoning certificate in accordance with Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits. The zoning certificate shall be obtained

prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following sections may be permitted subject to a conditional use permit, in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Services Director or designee.

(c) **Permitted uses.**

(1) **Ground level.** Antique shops, art galleries, artist studios is accessory to art galleries, business and professional offices, cultural institutions, financial services, government offices, personal services, printing and publishing, religious assembly, restaurants (including outdoor dining), retail sales, retail bakeries, and other similar uses as determined by the Community Development Services Director or designee.

(2) **Second floor and above.** Residential units, business and professional offices, clubs and lodges, cultural institutions, government offices, photography studios, artists' studios, medical and dental clinics, hotels and motels, research and development services, personal services, and other similar uses as determined by the Community Development Services Director or designee.

(d) **Conditionally permitted uses.**

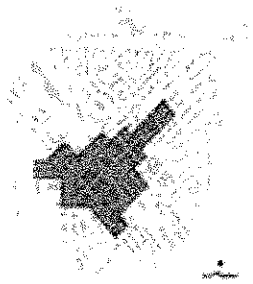
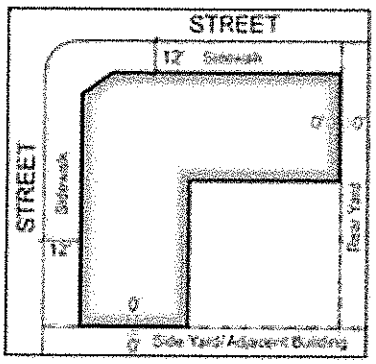
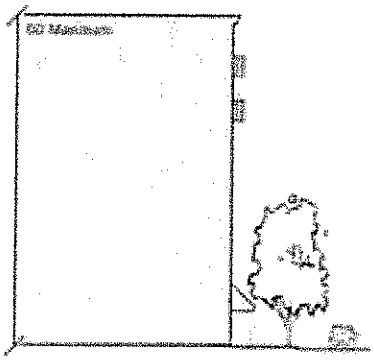
(1) **Ground level.** Bars, dance hall/night clubs, live entertainment, fortune telling, and other similar uses as determined by the Community Development Services Director, or designee.

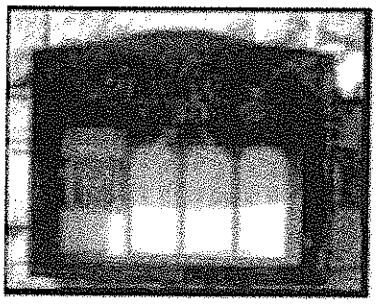
(2) **Second floor and above.** Day care centers, trade schools, dance schools, all those uses conditionally permitted at ground level, and other similar uses as determined by the Community Development Services Director, or designee.

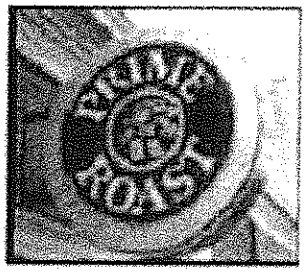
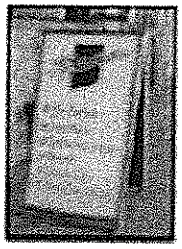
(e) **Prohibited uses.** Automotive sales, service, repair or washing, restaurants (drive through), industry (limited or general), emergency shelters, utilities (major and minor), ambulance services, convenience gas mart, outdoor storage, funeral and interment services, rental storage facilities, travel trailer or mobile home parks, salvage and wrecking operations, warehousing, and other similar uses as determined by the Community Development Services Director or designee.

(f) **Development standards.**

Category	Regulation	Interpretation
Land Use		
Applicable Base Zone	CC	

Maximum Lot Coverage	100% *Intensity of the allowable building coverage of the lot area. See design guidelines for how to handle frontage treatments	
Floor Area Ratio	3.0 for Mixed Use 1.0 for Retail Commercial *Floor Area Ratio (FAR) is the ratio of building area to parcel area	
Permitted Uses	Refer to subsection (c) of this section	
Conditionally Permitted Uses	Refer to subsection (d) of this section	
Setbacks		
Front Yard	Zero (0') feet maximum *except for plazas, courtyards, entries or outdoor dining	
Side Yard	Zero (0') feet maximum	
Rear Yard	Zero (0') feet maximum	
Corner Side Yard	Zero (0') feet maximum	
Building Massing		
Building Height	Sixty (60') feet maximum	
Landscaping	Zero (0%) percent of lot area *may include hardscape, plazas, courtyards, and planters	
Parking		
Parking Requirements	Off-street parking not required in the Downtown Core	
Signage		
Signage in accordance with Article 5 of Chapter 9-2 TMC (Signs) except:		

Restaurant Menu Signs	Restaurant menu signs shall be permitted and shall be located in a permanently mounted display box on the surface of the building adjacent to the entry. Taping a menu to a box is not an appropriate menu sign. The allowable area for restaurant menu signs shall be a maximum of six (6) square feet. For special circumstances in which restaurants occupy a considerable amount of window space, menus are to be decoratively displayed in the window adjacent to the entry. Such signs will not be included in the sign area calculation for the business.	
Wall Signs	Wall signs shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal illumination. Cabinet signs are prohibited.	

Projecting Signs	Projecting signs shall not exceed two (2') feet by two (2') feet in size and shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal illumination. Cabinet signs are prohibited. Projecting signs shall not be included in the sign area calculation for the building.	
A-Frame Signs	A-Frame signs shall be permitted, provided the sign complies with the following size and design requirements: • No A-Frame sign shall have more than two (2) sides • The overall size of the sign, including frame, shall not exceed two (2') feet in width and four (4') feet in height • The sign shall be constructed of materials similar to those found on the building and/or the wall signs • The sign shall not be placed on the public sidewalk in such a manner as to obstruct public access, including ADA accessibility requirements A-Frame signs shall not be included in the sign area calculation for the building	
Other		
Design	Compliance with the Downtown Design Guidelines and Zoning Regulations is required	

(Ord. 1154-CS, Amended, 08/25/11; Ord. 1021-CS, Add, 03/11/2004)

9-4-103 Downtown Core Transition.

The Downtown Core Transition district is a contrast to the historic urban feel of the Downtown Core with ample setbacks, mature trees lining the streets, and low-intensity residential and office structures. Yet, located along the East Main corridor, this district is an important link and gateway opportunity for the Downtown Core. The Downtown Core Transition district's residential scale is to be preserved while creating a unifying streetscape character that ties this area to the Downtown Core. Consideration of gateway features and strengthened pedestrian orientation are priorities for this district. All new uses, construction, reconstruction, and remodels shall be subject to these regulations.

(a) **Specific purposes.**

(1) Preserve the lower intensity residential scale character of this transition area while maintaining the importance of this link to the Downtown Core.

(2) Encourage mixed use development and land uses that are appropriate for the existing structures and character of this district.

(3) Encourage pedestrian accessibility and orientation.

(b) **Use classifications Downtown Core Transition district (DCT).** All new or expanded uses of a site or structure, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, or the conversion of an existing residential structure to a nonresidential use, area subject to design review in accordance with Article 10 of Chapter 9-5 TMC, Design Review. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all development subject to design review.

Alterations or modifications to a developed site or the exterior of an existing structure are subject to review in accordance with Article 3 of Chapter 9-5 TMC, Minor Administrative and Minor Discretionary Permits. Any change in use or business within an existing structure which does not require an approval conditional use permit shall obtain a zoning certificate in accordance with Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following sections may be permitted subject to a conditional use permit, in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Services Director or designee.

(c) **Permitted uses.** Artists studios, art galleries, business and professional offices, dance schools, day care centers, financial institutions, government offices, medical and dental offices and clinics, personal services, photography studios, private schools, public uses, retail sales, residences (single and multifamily), restaurants, and other similar uses as determined by the Community Development Services Director or designee.

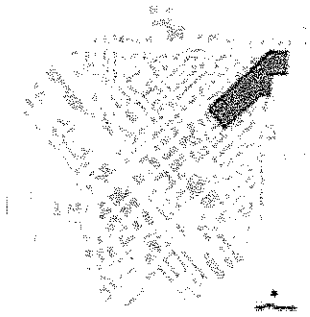
All residential uses shall comply with the standards for the Residential Medium Density (R-M) zoning regulations, unless authorized in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances (See Director's Interpretation 99-02).

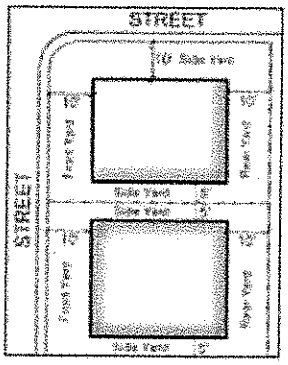
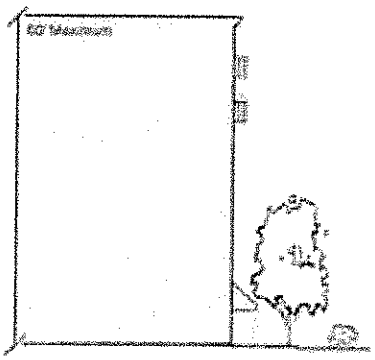
(d) **Conditionally permitted uses.** Clubs and lodges, gas stations (including convenience gas marts), mixed use projects, nurseries, religious assembly uses, and other similar uses as determined by the Community Development Services Director or designee.

All residential uses shall comply with the standards for the Residential Medium Density (R-M) zoning regulations, unless authorized in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances (See Director's Interpretation 99-02).

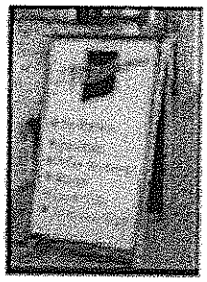
(e) **Prohibited uses.** Auto sales, auto service and repairs, drive through restaurants, equipment sales, service, and/or rentals, emergency shelters, industrial uses, maintenance services, outdoor storage, rental storage facilities, and other similar uses as determined by the Community Development Services Director or designee.

(f) **Development standards.**

Category	Regulation	Interpretation
Land Use		
Applicable Base Zone	CO and CC	
Maximum Lot Coverage	Sixty (60%) percent *Intensity of the allowable building coverage of the lot area	
Floor Area Ratio	1.0 *Floor Area Ratio (FAR) is the ratio of building area to parcel area	
Permitted Uses	Refer to subsection (c) of this section	
Conditionally Permitted Uses	Refer to subsection (d) of this section	
Setbacks		
Front Yard	Ten (10') feet minimum	
Side Yard	Five (5') feet minimum*	
Rear Yard	Ten (10') feet minimum*	
Corner Side Yard	Ten (10') feet minimum	

*When adjacent to residential zoning districts, a seven (7') foot tall decorative masonry wall is required along the property line		
Building Massing		
Building Height	Forty-five (45') feet maximum	
Landscaping	Twenty-five (25%) percent of the lot area *may include hardscape, plazas, courtyard areas, and planters	
Parking		
Parking Requirements	Fifty (50%) percent of the parking requirements as set forth in TMC 9-2-209	
	Parking shall be located at rear of lot and access from alley unless the applicant can demonstrate it is infeasible to do so	
Signage		
Signage in accordance with Article 5 of Chapter 9-2 TMC except:		

Wall Signs	Wall signs shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal illumination. Cabinet signs are prohibited	

A-Frame Signs	A-Frame signs shall be permitted, provided the sign complies with the following size and design requirements: • No A-Frame sign shall have more than two (2) sides • The overall size of the sign, including frame, shall not exceed two (2') feet in width and four (4') feet in height • The sign shall be constructed of materials similar to those found on the building and/or the wall signs • The sign shall not be placed on the public sidewalk in such a manner as to obstruct public access, including ADA accessibility requirements A-Frame signs shall not be included in the sign area calculation for the building	
Other		
Design	Compliance with the Downtown Design Guidelines and Zoning Regulations is required	

(Ord. 1154-CS, Amended, 08/25/11; Ord. 1021-CS, Add, 03/11/2004)

9-4-104 Transitional Commercial.

The Transitional Commercial areas lay north, south, and west of the Downtown Core. These areas contain office and commercial buildings that cater to the auto-oriented consumer. These areas also serve as the main gateways into the Downtown Core and shall be designed to establish a good first impression of the downtown area. This can be accomplished by incorporating gateway signage and landscaping, providing a unified streetscape design, regulating signage, and screening parking. The following regulations are set forth to encourage a community character that will support the charm and character of the Downtown Core.

(a) **Specific purposes.**

(1) Allow for a variety of commercial uses and an architectural character consistent with a predominantly automobile oriented commercial district with appropriately scaled architecture;

(2) Enhance aesthetics through improved landscaping and architectural forms;

(3) Create a pedestrian friendly and accessible commercial district environment.

(b) **Use classifications Transitional Commercial (TC).** All new or expanded uses of a site or structure, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, or the conversion of an existing residential structure to a nonresidential use, area subject to design review in accordance with Article 10 of Chapter 9-5 TMC, Design Review. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all development subject to design review.

Alterations or modifications to a developed site or the exterior of an existing structure area subject to review in accordance with Article 3 of Chapter 9-5 TMC, Minor Administrative and Minor Discretionary Permits. Any change in use or business within an existing structure which does not require an approved conditional use permit shall obtain a zoning certificate in accordance with Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following sections may be permitted subject to a conditional use permit, in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Services Director or designee.

(c) **Permitted uses.** Animal boarding, grooming, and hospitals, automobile sales, service, and repair (minor), building materials and services, business and professional offices, convenience gas marts, cultural institutions, day care centers, financial institutions, food and beverage sales (less than ten thousand (10,000) square feet), funeral and internment services, government offices, hardware stores, health and recreation services, hotels and motels, laundries (limited or self-serve), medical and dental offices and clinics, nurseries, personal services, recycling facilities (small), residential uses (single and multifamily), retail sales, restaurants (including drive through), and other similar uses as determined by the Community Development Services Director or designee.

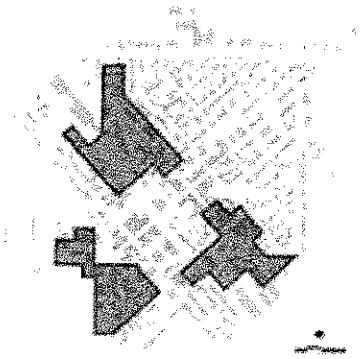
(d) **Conditionally permitted uses.** Automobile repair (major), bars, commercial recreation and entertainment, convalescent hospitals (including nursing homes and assisted living facilities), dance halls, equipment sales, service, and rental, food and beverage sales (greater than ten thousand (10,000) square feet), emergency shelters, hospitals, nightclubs, outdoor storage, pawn shops, religious assembly uses, and other similar uses as determined by the Community Development Services Director or designee.

(e) **Prohibited uses.** Industrial uses, maintenance services, rental storage facilities.

(f) **Development standards.**

Category	Regulation	Interpretation
Land Use		
Applicable Base Zone	CC	

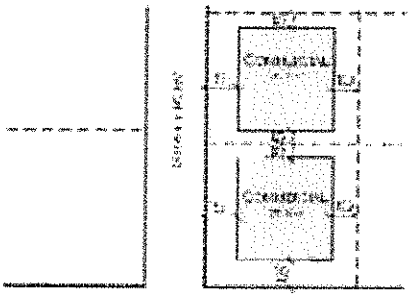
Maximum Lot Coverage	Forty-five (45%) percent *Intensity of the allowable building coverage of the lot area
Floor Area Ratio	.6 *Floor Area Ratio (FAR) is the ratio of building area to parcel area
Permitted Uses	Refer to subsection (c) of this section
Conditionally Permitted Uses	Refer to subsection (d) of this section



Setbacks

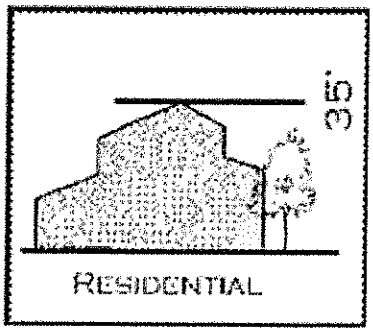
Front Yard	Fifteen (15') feet minimum*
Side Yard	Five (5') feet minimum*
Rear Yard	Ten (10') feet minimum*
Corner Side Yard	Fifteen (15') feet minimum

*When adjacent to residential zoning districts, a seven (7') foot tall decorative masonry wall is required along the property line



Building Massing

Building Height	Thirty-five (35') feet maximum
Landscaping	Twenty-five (25%) percent of the lot area *may include hardscape, plazas, courtyard areas, and planters



Parking

Parking Requirements	Refer to the parking requirements as set forth in TMC 9-2-209	

Signage

Signage in accordance with Article 5 of Chapter 9-2 TMC except: Sites that support an auto-serving use, such as automobile fueling/convenience gas mart, auto sales, auto repair, and the like may incorporate freestanding monument signs within the required landscaping. Such signs shall not exceed six (6') feet in overall height, measured from grade, and may be internally illuminated. All materials for the sign shall be complementary to the primary structure. Otherwise, all signs within this district shall be permanently affixed to the wall of the primary structure. All wall or projecting signs shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal illumination. Cabinet signs are prohibited. No portable A-Frame style signs shall be permitted.		
Other		
Design	Compliance with the Downtown Design Guidelines and Zoning Regulations is required	

(Ord. 1154-CS, Amended, 08/25/11; Ord. 1021-CS, Add, 03/11/2004)

9-4-105 Industrial Residential.

The Industrial/Residential areas lie in the southwest section of the downtown. This is a unique opportunity area to capitalize on the industrial character of the existing agriculturally related buildings. Many vacant and underutilized sites currently occupy this district, however, multifamily infill buildings, mixed use building, and enhanced streetscapes will help to liven up the area. There is also an opportunity to create an industrial gateway to the Downtown Core by providing gateway signage and improved landscaping along South Golden State Boulevard. The following district regulations address the unique land use opportunities in this area by providing for market forces to work while addressing inherent land use conflicts.

(a) **Specific purposes.**

(1) Encourage economically viable re-use of existing agricultural/industrial buildings;

(2) Create opportunities for the market to determine appropriate land uses while preventing inherent land use conflicts.

(b) **Use classifications Industrial/Residential (IR).** All new or expanded uses of a site or structure, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, or the conversion of an existing residential structure to a nonresidential use, area subject to design review in accordance with Article 10 of Chapter 9-5 TMC, Design Review. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all development subject to design review.

Alterations or modifications to a developed site or the exterior of an existing structure area subject to review in accordance with Article 3 of Chapter 9-5 TMC, Minor Administrative and Minor Discretionary Permits. Any change in use or business within an existing structure which does not require an approved conditional use permit shall obtain a zoning certificate in accordance with Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following sections may be permitted subject to a conditional use permit, in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Services Director or designee.

(c) **Permitted uses.** Ambulance services, animal hospitals, automobile repair (minor and major), automobile storage (see TMC 9-2-112), bakeries (wholesale), building materials and services, day care centers, government offices, industry (limited), outdoor storage, parking lots, printing (limited and unlimited), residential uses (single and multifamily), trade schools, vehicle washing, warehousing, and other similar uses as determined by the Community Development Services Director or designee.

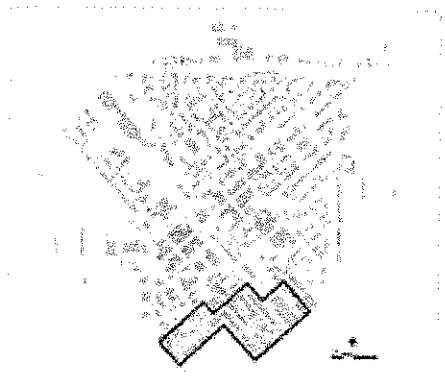
(d) **Conditionally permitted uses.** Commercial recreation and entertainment, convenience gas mart, emergency shelters, mixed use projects, nightclubs and dance halls, private schools, religious assembly uses, restaurants, emergency shelters, and other similar uses as determined by the Community Development Services Director or designee.

(e) **Prohibited uses.** Financial services, business and professional offices (unless accessory to a permitted use), medical and dental offices and clinics, and retail sales (unless accessory to a permitted use).

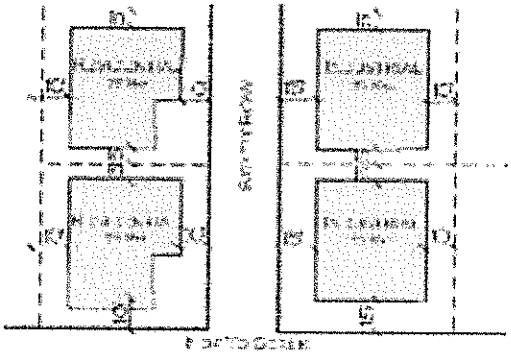
(f) **Development standards.**

Category	**Regulation**		**Interpretation**
Land Use	**Industrial**	**Residential**	
Applicable Base Zone	I	I	
Maximum Lot Coverage	35%	50%	

Floor Area Ratio	0.40	0.75
Permitted Uses	Refer to subsection (c) of this section	
Conditionally Permitted Uses	Refer to subsection (d) of this section	



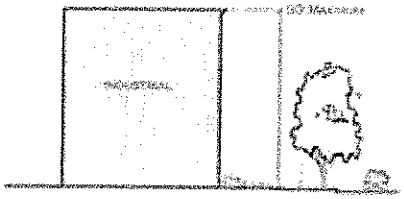
Setbacks	Industrial	Residential
Front Yard	Fifteen (15') feet minimum	Ten (10') feet minimum**
Side Yard	Five (5') feet minimum*	Five (5') feet minimum*
Rear Yard	Ten (10') feet minimum*	Ten (10') feet minimum*
Corner Side Yard	Fifteen (15') feet minimum	Ten (10') feet minimum



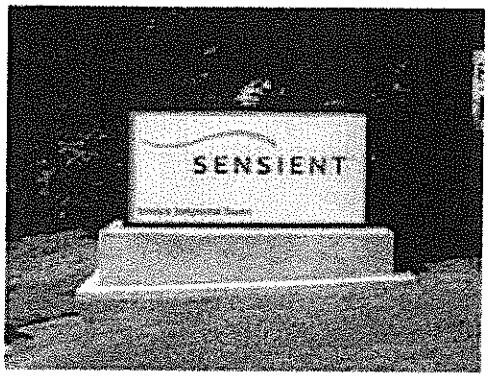
*When adjacent to residential, a seven (7') foot decorative masonry wall is required along the property boundary

**Twenty (20') feet to garage for single-family residential

Building Massing	Industrial	Residential
Building Height	Fifty (50') feet	Thirty-five (35') feet



Landscaping	Twenty-five (25%) percent	
Parking		
Parking Requirements	Refer to Article 2 of Chapter 9-2 TMC	
Signage		
Signage in accordance with Article 5 of Chapter 9-2 TMC, Signs, except:		

Freestanding signs	Freestanding signs shall not exceed six (6') feet in overall height, measured from grade, may be internally illuminated, but external illumination is preferred, installed within a landscaped bed, and constructed of materials designed to complement the primary structure	
Wall Signs	Wall signs shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal illumination. Cabinet signs are prohibited	
A-Frame Signs	Not permitted	
Other		
Design	Compliance with the Downtown Design Guidelines for the Industrial Residential District is required	

(Ord. 1154-CS, Amended, 08/25/11; Ord. 1021-CS, Add, 03/11/2004)

9-4-106 Office Residential.

The intent of the office/residential district is to preserve the character of the traditional residential neighborhoods while providing for the orderly and logical conversion or transition to compatible office uses as the market allows. The office/residential district area shall maintain its character as a traditional residential neighborhood through the preservation of historic residential structures and the establishment of guidelines for new construction, remodels and renovation that will ensure a residential scale and character. The pedestrian friendly environment in this area is also a priority. Unifying the streets with street trees and continuous sidewalks will further enhance the pedestrian friendly environment. Streetscape elements consistent with the Downtown Core elements such as

street lights, trash receptacles, and benches placed in appropriate locations will visually unify and tie together this district to the Core.

(a) **Specific purposes.**

(1) Preserve historic character of buildings and residential character of the District.

(2) Promote residential scale design for new office development.

(3) Maintain and enhance a pedestrian friendly environment.

(b) **Use classifications office/residential (OR).** All new or expanded uses of a site or structure, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, or the conversion of an existing residential structure to a nonresidential use, are subject to design review in accordance with Article 10 of Chapter 9-5 TMC. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all commercial developments subject to design review.

Alterations or modifications to a developed site or the exterior of an existing structure are subject to review in accordance with Article 3 of Chapter 9-5 TMC, Minor Administrative and Minor Discretionary Permits. The review is to ensure compliance with the established policies, standards and guidelines adopted by the Turlock City Council. Any change in use or business within an existing structure which does not require an approved CUP shall obtain a zoning certificate in accordance with Article 1 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in subsections (c), (d) and (e) of this section may be permitted subjected to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Director or designee.

(c) **Permitted uses.** Business and professional offices, cultural institutions, day care centers, medical and dental clinics, personal services, residential (single and multifamily) and other similar uses as determined by the Community Development Director or designee.

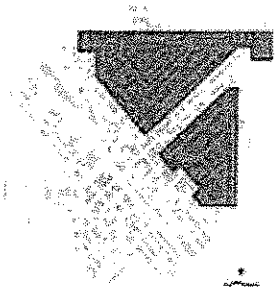
(d) **Conditionally permitted uses.** Convalescent hospitals (including nursing homes and assisted living facilities), financial institutions, emergency shelters, hospitals, mixed use projects, neighborhood stores, religious assembly uses, restaurants (including delicatessens), and other similar uses as determined by the Community Development Director or designee.

(e) **Prohibited uses.** Auto sales, service, and repairs, drive through restaurants, drive through personal services, industrial uses, outdoor storage, rental storage facilities, retail sales, and other similar uses.

(f) **Development standards.**

Category	Regulation	Interpretation

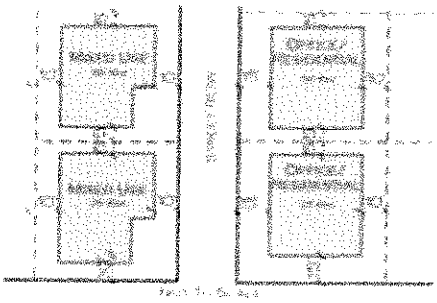
Land Use	Office or Residential	Mixed Use
Applicable Base Zone	Office or Residential	
Maximum Building Lot Coverage	Forty (40%) percent	Sixty (60%) percent
	*Intensity of the allowable building coverage of the lot area	
Floor Area Ratio	.6	.8
	*Floor Area Ratio (FAR) is the ratio of building area to parcel area	
Permitted Uses	Refer to subsection (c) of this section	
Conditionally Permitted Uses	Refer to subsection (d) of this section	



Setbacks

Front Yard	Fifteen (15') feet minimum	Ten (10') feet minimum
Side Yard	Five (5') feet minimum*	
Rear Yard	Ten (10') feet minimum*	
Corner Side Yard	Ten (10') feet minimum	

*When adjacent to residential zoning districts, a seven (7') foot tall decorative masonry wall is required along the property line



Building Massing

Building Height	Thirty-five (35') feet maximum
Landscaping	Thirty (30%) percent of the lot area

Parking

Parking Requirements	Office: Fifty (50%) percent of the required parking spaces. On-street parking directly abutting property may be applied to meet office parking requirements. All other uses as set forth in TMC 9-2-209 Residential: As set forth in TMC 9-2-209

Signage		
Signage in accordance with Article 5 of Chapter 9-2 TMC except:		
Freestanding Signs	Freestanding signs shall not exceed four (4') feet in overall height, measured from grade, may be externally illuminated, installed within a landscaped bed, and constructed of materials designed to complement the primary structure	
Wall Signs	Wall signs shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal illumination. Cabinet signs are prohibited	
No portable A-Frame signs shall be permitted		
Other		
Design	Compliance with the Downtown Design Guidelines and Zoning Regulations is required	

(Ord. 1154-CS, Amended, 08/25/11; Ord. 1021-CS, Add, 03/11/2004)

Article 2. Emergency Shelter Regulations

9-4-201 Purpose.

The purpose of this article is to establish a nondiscretionary process for emergency shelters that will be permitted within a zoning overlay district to meet the requirements of Senate Bill 2 enacted on October 13, 2007.

(Ord. 1154-CS, Added, 08/25/11)

9-4-202 Emergency shelter permit required.

Prior to operating an emergency shelter, a nondiscretionary permit shall be obtained and all other applicable local, State and federal laws, regulations and codes shall be met. The approval shall be specific to a location and shall not be transferable to any other location. The application shall be on a form prescribed for that purpose, and shall include the written consent of the owner of the property on which the shelter is to be located. The permit shall be recorded on the property and shall run with the land.

(Ord. 1154-CS, Added, 08/25/11)

9-4-203 District cap on number of beds that may be permitted.

The Turlock City Council shall establish the cap on the number of beds that may be permitted under this nondiscretionary permit process. The cap shall be reviewed annually by the Turlock City Council at a formal public hearing.

(Ord. 1154-CS, Added, 08/25/11)

9-4-204 Nondiscretionary emergency shelter permit application: review and approval.

(a) Once an application has been accepted as complete, the Community Development Director or designee shall take action within thirty (30) days.

(b) Once an application has been accepted as complete, the Community Development Director or designee shall refer the permit application to City departments and any other agencies deemed appropriate by the Community Development Director.

(c) In considering an application for a permit pursuant to this section, the application shall meet all of the following standards:

(1) The application shall be for an emergency shelter as defined in the California Health and Safety Code.

(2) The property must be located within the emergency shelter zoning overlay district adopted by the Turlock City Council and located within a Heavy Commercial (CH), Community Commercial (CC), Industrial (I), Downtown Industrial Residential (IR), or Downtown Transitional Commercial (TC) zoning district. In no case shall an emergency shelter permit be issued for a property located in a residential district as defined in Articles 1 and 2 of Chapter 9-3 TMC or the Downtown core overlay district defined in TMC 9-4-102.

(3) Approving the application shall not result in the number of beds within the overlay zoning district exceeding the district cap or the property-specific cap established by the Turlock City Council established pursuant to TMC 9-4-203 or TMC 9-4-205(a), respectively.

(d) The permit shall be not be deemed to be a discretionary act within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(Ord. 1154-CS, Added, 08/25/11)

9-4-205 Conditions.

In authorizing an application for a nondiscretionary emergency shelter permit, the Community Development Director shall include as conditions of approval, the following minimum provisions:

(a) The maximum number of beds on a property shall not exceed the following levels:

(1) Forty (40) beds in the Community Commercial (CC) and Downtown Transitional Commercial (TC) districts;

(2) Seventy-five (75) beds in the Heavy Commercial (CH) zoning district; and

(3) One hundred (100) beds in the Industrial (I) and Downtown Industrial Residential (IR) zoning districts.

(4) The number of beds shall not exceed the district cap established in TMC 9-4-203.

(b) The development of the property shall be consistent with the General Plan; the Turlock Municipal Code including, but not limited to, this title; the Turlock Standard Specifications and Drawings; the City of Turlock Design Guidelines; and all other State and federal codes, laws and regulations. Design review required pursuant to Article 10 of Chapter 9-5 TMC shall apply and shall be performed in conjunction with review of this permit.

(c) If located within one hundred fifty (150') feet of a residential zoning district, outdoor activity and intake areas shall be screened from public view and from the view of adjacent properties.

(d) Adequate lighting shall be provided in all parking, pedestrian paths, and entry areas. Lights shall be shielded and reflected away from adjacent uses.

(e) Off-street parking shall be provided at a rate of one (1) vehicle parking space per employee (by shift) plus one (1) vehicle parking space for every ten (10) beds. Bicycle parking shall be provided at a rate of one (1) space for every three (3) beds and shall meet the California Building Code requirements. Off-street parking within five hundred (500') feet devoted to the shelter during its operating hours by formal contractual agreement between the shelter operator and the property owner may be approved by Planning Division as satisfying the off-street parking requirement. Parking available on-street along the street frontage of the property on which the shelter is located may also be counted toward satisfying the off-street parking requirement.

(f) Adequate management, support staff and security must be present during the hours of operation of the facility. A minimum of one (1) supervisory level staff member must be present on the site during hours of operation. Operator(s) must ensure that loitering does not occur on the property during off-hours and must ensure that clients are not loitering, littering, or otherwise creating a nuisance to the neighborhood. A security plan shall be submitted to the Turlock Police Department for approval and must be approved before the facility begins operation and annually thereafter. If a client is socially disruptive or is responsible for creating any type of nuisance to neighborhood or facility, the operator must discharge the client and notify the Turlock Police Department.

(g) The security plan prepared under subsection (f) of this section must include the hours of operation and intake period and must provide at least one (1) employee or volunteer of the same sex as clients.

Alcohol, weapons and illegal substances shall not be allowed on the site at any time. The operator must comply with all laws and shall notify the Police Department of all crimes in accordance with the security plan.

(h) If twenty-six (26) or more beds are included in the permit, a security guard or security officer must be provided during the intake period. If fifty-one (51) or more beds, a second security guard or security officer must be provided during the intake period. Security guards must be licensed through the State of California Department of Consumer Affairs Bureau of Security and Investigative Services.

(i) The maximum length of stay shall be no longer than that established by the California Health and Safety Code for emergency shelters.

(j) The shelter shall have set hours of operation and the hours shall be posted in a publicly visible and accessible location on a sign that is no larger than one (1) square foot.

(k) Outdoor activity shall be allowed only during the hours of 8:00 a.m. to 10:00 p.m. The shelter shall comply with Article 3 of Chapter 9-2 TMC at all times.

(l) All pets must be kept within an enclosed crate that shall be maintained and cleaned by the operator of the emergency shelter. All pets shall be housed within the emergency shelter and shall be leashed at all times when not housed in the crate. No limit shall be placed on the number of pets that can be maintained. All dogs shall be properly licensed and vaccinated for parvo, distemper, bordetella and any other applicable diseases. No unaltered pets or puppies/ kittens under the age of four (4) months shall be permitted. No sick or aggressive animals shall be permitted. Pet owners and emergency shelter operators are required to dispose of animal feces as outlined in TMC 6-1-116. Each pet owner shall provide the shelter operator with the name of an emergency contact person to house the pet in the event that the owner is unable to care for the pet. All animal storage facilities will be properly cleaned daily. The shelter shall be subject to obtaining an initial permit that shall be inspected and renewed annually. A fee shall be set by City Council resolution for the initial permit and annual compliance inspections, and may be amended from time to time.

(Ord. 1154-CS, Added, 08/25/11)

9-4-206 Application processing fee.

A fee shall be paid by the applicant to cover the costs of processing and administering the nondiscretionary emergency shelter permit application. Such fee shall be set by City Council resolution, and may be amended from time to time.

(Ord. 1154-CS, Added, 08/25/11)

9-4-207 Suspension or revocation of emergency shelter permit.

An emergency shelter permit may be suspended or revoked in accordance with the procedures and standards of Article 11 of Chapter 9-5 TMC.

(Ord. 1154-CS, Added, 08/25/11)

9-4-208 Appeal.

The decision of the Community Development Director may be appealed as provided by Chapter 1-4 TMC.

(Ord. 1154-CS, Added, 08/25/11)

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ADMINISTRATION

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Article 1. Permit Applications, Hearings, Amendments, and Appeals

9-5-101 Applications: Form.

The Community Development Director shall prescribe the form in which applications shall be made for the reclassification of property, permits, amendments, and appeals. In addition to any other information required in connection with applications, a map shall be submitted with each application showing the boundaries of the subject parcel and each parcel within an area defined by Section 9-5-118 of Article 1 of Chapter 5 of Title 9 of this Code for mailing notices of hearings. This map shall include the Assessor's block and lot numbers of each parcel so shown. A list shall accompany the map giving the names and addresses of the property owners of the subject parcels. No application shall be accepted unless it is complete and complies with such requirements. The acceptance of an application shall not constitute any indication of approval.

The application shall be made on forms furnished by the Community Development Department and shall be full and complete. All applications shall include data such as building and site plans and other information necessary to assure the presentation of all pertinent facts for the permanent record and to assist in determining the validity of the request.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-102 Applications: Accompanying maps and data.

An application for a permit, reclassification of land, amendment or appeal shall be accompanied by maps, drawings, and data as necessary to evaluate the proposed request for conformance with the General Plan and the provisions of this chapter.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-103 Applications: Investigations.

The responsible official shall make, or cause to be made, an investigation of the facts bearing on the case to provide the information necessary to assure action consistent with the intent of this chapter and the Turlock Area General Plan and its amendments. A written report of such investigation shall be presented to the bodies charged with the responsibility of dealing with the specific action.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-104 Applications: Hearings.

Upon the receipt of a complete and verified application, a reasonable time and place for a public hearing with the appropriate deciding body shall be established. The hearing shall be held in accordance with the procedures and requirements set forth in this article. The application shall expire after one (1) year from the date of submittal or if the applicant fails to respond to an incomplete letter from the Division within six (6) months of transmittal.

(1083-CS, Amended, 05/10/2007; Ord. 914-CS, Amended, 02/14/1997)

9-5-105 Fees.

(a) **Applications and permits.** The City Council shall, by resolution, fix the amount of the fees for the applications and permits required and authorized by the provisions of this chapter. Before accepting any application, the established fee shall be charged and collected.

(b) **Special reports and consultants.** Before accepting any application for filing, the estimated costs of any special report or consultant's fee determined to be necessary shall be charged and collected. Any actual cost that is more than that paid by the applicant shall be collected from the applicant prior to the issuance of the permit, and any estimated cost collected from the applicant that is more than the actual cost shall be returned to the applicant at the time of the issuance of the permit.

(c) **Waivers.** Any fee required by the provisions of this chapter may be waived for any public body, district, or agency of the Federal, State, County, or municipal government.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-106 Permits: Expiration.

Any permit issued shall expire if the use permitted has not commenced within one (1) year of the date of approval or as otherwise specified in the permit. A use shall be deemed to have commenced upon issuance of a building permit, construction, the issuance of a Certificate of Occupancy from the Building Division, or approval of other permits deemed equivalent by the Community Development Director.

(1083-CS, Amended, 05/10/2007; Ord. 914-CS, Amended, 02/14/1997)

9-5-107 Permits: Renewal.

Any permit may be renewed for an additional period of one (1) year, provided an application for the renewal of the permit is filed with the acting agency prior to the expiration of the permit. The acting agency may grant or deny an application for renewal in the same manner as set forth in this article for the specific action in the original application.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-108 Permits, certificates, and licenses: Validity.

Any permit, certificate, or license issued in conflict with the provisions of this article shall be null and void.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-109 Permits and variances: Revocation or modification: Grounds.

Unless otherwise specifically provided in this article, the acting agency may revoke or modify any permit or variance on one (1) or more of the following grounds:

(a) That the approval was obtained by fraud;

(b) That the use for which the approval was granted is not being exercised;

(c) That the granted permit or variance is being, or recently has been, exercised contrary to the terms and conditions of approval or in violation of any statute, ordinance, law, or regulation;

(d) That the use for which the approval was granted is being exercised in a manner that is detrimental to the public health or safety or constitutes a nuisance; or

(e) That the continued exercise of the use for which the approval was granted appears to be detrimental or contrary to the public welfare.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-110 Permits and variances: Suspension and revocation.

Upon determining the violation of any applicable permit or variance granted according to the provisions of this chapter, the Community Development Director may automatically suspend that permit. The property owner will be notified immediately upon suspension. All operations of the use may be ordered to cease during the time of suspension if it is determined necessary in order to protect the health, safety and general welfare of the public. A public hearing shall be held within sixty (60) days of notification of suspension. If, at this hearing, it is determined that the regulations, general provisions and conditions are not being complied with, the permit or variance may be revoked or action may be taken to ensure compliance.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-111 Amendments: Authorized.

This chapter may be amended by changing the boundaries of districts, the classification of land, any regulations, or other provisions if required for the public necessity, convenience, or general welfare. Amendments may be authorized by the City Council upon a recommendation from the Planning Commission. The procedures and requirements set forth in this article shall govern all actions on amendments.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-112 Amendments: Initiation.

Amendments may be initiated as follows:

(a) By a resolution of intention of the Council;

(b) By a resolution of intention of the Commission;

(c) By the application of any interested person or the Community Development Director for an amendment involving the classification of any use not listed in this chapter or to change the classification of any listed use where it is alleged that change in processes, procedures, or methods of operation or serving the public warrant such change.

(1083-CS, Amended, 05/10/2007; Ord. 914-CS, Amended, 02/14/1997)

9-5-113 Amendments: Applications.

The application for an amendment shall be filed with the Secretary of the Planning Commission by the applicant. The applicant shall submit all the required data in accordance with the provisions of this article.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-114 Amendments: Hearings.

All applications for amendment shall be reviewed at a public hearing before the Planning Commission in accordance with the provisions of this article. The City Council shall take action on the proposed amendment at a public hearing subsequent to review and recommendation by the Planning Commission.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-115 Hearings: Scope of provisions.

The procedures and requirements in Section 9-5-121 through Section 9-5-130 of this Article 1 of Chapter 5 of Title 9 of this Code shall govern the action on matters requiring public hearings.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-116 Hearings: Time and place.

The Secretary of the Commission or the Clerk of the Council shall set a reasonable time and place for public hearings. Hearings shall be held not less than fifteen (15) nor more than fifty (50) days after the receipt of a completed application including all necessary documents or studies, unless different time limits are specified in this article for the specific actions.

(1083-CS, Amended, 05/10/2007; Ord. 914-CS, Amended, 02/14/1997)

9-5-117 Hearings: Notices: Form.

The notice of a public hearing shall include the description of the property, the nature of the proposal, the time and place at which the public hearing will be held.

(1083-CS, Amended, 05/10/2007; Ord. 914-CS, Amended, 02/14/1997)

9-5-118 Hearings: Notices: Publication.

All notices of public hearings before the Planning Commission or the City Council shall be published in a newspaper of general circulation in the community not less than ten (10) days before the hearings.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-119 Hearings: Notices: Posting and mailing.

All notice of public hearings before the Planning Commission shall be posted and mailed or published, in accordance with the following requirements:

(a) **Posting.** Not less than one (1) notice giving the time, date and location of the hearing shall be posted in a location that is visible to the general public. Such notices shall be posted not less than seventy-two (72) hours prior to the hearing.

(b) **Mailing.** Letter or postal card notices shall be mailed to property owners within a five hundred (500') foot radius of the subject property not less than ten (10) days before the hearing. The applicant shall furnish a certified copy of the names and addresses of the property owners as shown on the latest adopted tax rolls of the county. The failure to send a notice by mail to any property owner, where the address is not a matter of public record, shall not invalidate any proceedings in connection with any action.

(c) **On-site posting.** Within ten (10) days of filing an application for a permit for a project requiring a public hearing before the Planning Commission, the applicant shall post an approximately four (4') foot by six (6') foot sign, containing both a written description and an illustration of the proposed project, on the subject property in a location visible to the public or other location approved by the Community Development Director.

(d) **Publication.** When a large number of parcels of land are to be rezoned to conform to the General Plan, all notices may be given by publication in a newspaper of general circulation in the City and in the County. There shall be a minimum of two (2) publications at least five (5) days apart, and the last publication shall be at least ten (10) days prior to the hearing.

(1085-CS, Amended, 06/07/2007; Ord. 914-CS, Amended, 02/14/1997)

9-5-120 Hearings.

The Planning Commission or City Council shall review the application or proposed action and any evidence or reports pertinent to any action to be taken. The Planning Commission or City Council shall hear all persons wishing to be heard on the subject for the public hearing. The applicant or appellant may appear in his own behalf or be represented by other authorized representatives.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-121 Hearings: Transcripts.

Any person interested in an application, appeal, or proposed action may request a copy of the recorded tapes within two (2) weeks of the hearing date. Any request shall be submitted in writing, and the person making the request shall agree to pay all the costs involved in obtaining a copy of the tapes. Nothing in this section shall prevent any interested person from employing a stenographic reporter of his own if he so chooses.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-122 Hearings: Continuance.

If, for any reason, a public hearing cannot be held on the date set, the Planning Commission may reschedule the hearing to a later date. When rescheduled to within thirty (30) days of the original hearing date, the Planning Commission may publicly announce the time, place and location of the rescheduled hearing and additional notice will not be required. Otherwise, if the hearing is

rescheduled beyond thirty (30) days, additional public notice will be required in accordance with Section 9-5-116 through Section 9-5-118 of Article 1 of this chapter.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-123 Commission hearings: Commission recommendations.

The Planning Commission shall announce its recommendations within ten (10) days after the conclusion of the public hearing. Such action shall be by resolution which shall set forth the findings of the Planning Commission and any recommended conditions and any specific findings or recommendations specified in this article for the specific action thereon. The action shall be by a majority vote of all the voting members.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-124 Commission hearings: Transmittal of resolutions.

Not later than ten (10) days following the rendering of a decision or recommendation, a copy of the resolution shall be sent by mail to the applicant at the address shown on the application filed with the Secretary of the Planning Commission. Other copies of the resolution shall be mailed or filed as specified in this article for the specific action thereon.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-125 Commission hearings: Records.

The Secretary of the Planning Commission shall maintain a record of the evidence presented at such public hearing. If the Planning Commission recommends the approval of the application or the proposed action, the Secretary of the Planning Commission shall transmit the complete record of the case to the City Council. In the case of an appeal on a Planning Commission decision, the Secretary of the Planning Commission shall transmit the complete record of the case to the City Council immediately after the appeal is filed.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-126 Council hearings: Council decisions.

The City Council shall take action on recommendations from the Planning Commission by approving, conditionally approving or disapproving proposed applications. City Council action shall be taken by resolution or, in the case of amendment to the zoning regulations, by ordinance. Such resolution shall set forth the findings of the City Council and any required conditions, including the time limits and the guarantees necessary to insure compliance with the provisions of this chapter and the General Plan.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-127 Council hearings: Transmittal of resolutions and ordinances.

Not later than ten (10) days following the rendering of a decision, a copy of the resolution or ordinance shall be forwarded to the Secretary of the Planning Commission by the City Clerk.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-128 Council hearings: Records.

The City Clerk shall make a record of the evidence presented at the public hearing. The record, together with the resolution or ordinance announcing the findings of the public hearing, shall be maintained as a part of the permanent records of the City.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-129 Appeals: Authorized.

Any action or decision of the Planning Commission rendered pursuant to the provisions of this Chapter may be appealed as provided by Chapter 4 of Title 1 of this Code. Any action of the Community Development Director made hereunder, may be appealed to the Planning Commission in the same manner as provided by Chapter 4 of Title 1 of this Code.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-130 Permits and Variances: New Applications.

Following the denial or revocation of any permit or variance, an application for the same, or similar use on the same site, shall not be accepted for submittal to the acting agency within a one (1) year period after the date of denial or revocation.

(1083-CS, Added, 05/10/2007)

Article 2. Zoning Certificates and Home Occupation Permits

9-5-201 Zoning certificates: Purpose.

The purpose of a zoning certificate is to provide a preliminary review for proposed business uses to determine consistency and conformance with requirements of the applicable zoning district.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-202 Zoning certificates: Required.

A zoning certificate shall be required prior to the commencement of any new business use or change of ownership upon application for a business license. A zoning certificate shall not be required for the renewal of a business license for existing businesses.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-203 Zoning certificates: Application.

An application for a zoning certificate may be made at the same time the application for a business license is made. The acceptance of an application shall not constitute any indication of approval.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-204 Zoning certificates: Applications: Departmental approval.

The Community Development Director shall check the application to assure compliance with all the provisions of this chapter and may issue the zoning certificate upon determining that proposed use

either conforms with the standards of the applicable zoning district or constitutes a previously conforming use.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-205 Zoning certificates: Denial.

Should the Community Development Director determine that the proposed use does not conform to the standards of the zoning district or constitute a previously existing conforming use, approval of the zoning certificate application shall be denied.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-206 Zoning certificates: Effective date.

The zoning certificate shall become effective immediately after the issuance of such certificate by the Community Development Director. However, the approved use shall not commence until a Certificate of Occupancy has been issued by the Building Division pursuant to the requirements of Section 1 of Chapter 12 of Title 8 of this Code (Section 8-12-01 et seq.).

(Ord. 914-CS, Amended, 02/14/1997)

9-5-207 Zoning certificates: Expiration.

The zoning certificate shall expire six (6) months after the effective date if the use has not commenced within this time. If the approved use has commenced within six (6) months of the effective date, the zoning certificate shall expire concurrently with the expiration of any associated Business License.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-208 Home occupation permits: Required.

No home occupation shall be established in a residence until a home occupation permit is approved by the Secretary of the Planning Commission.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-209 Home occupation permit: Applications.

An application for a home occupation permit shall be submitted to the Secretary of the Planning Commission by the person responsible for the operation of any home occupation. If the applicant is not the owner of the property involved, the applicant shall have a "consent of owner" form signed by the owner or his authorized representative.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-210 Home occupation permits: Conditions: Issuance.

(a) **Conditions.** No home occupation permit shall be issued unless the use applied for meets the following standards and conditions:

(1) Such occupation shall be conducted entirely within the residential dwelling or approved accessory structure that complies with Section 1 of Article 1 of Chapter 2 of Title 9 of the Turlock Municipal Code (Section 9-2-101: Accessory Buildings and Uses). There shall be no outside activity, storage, or display.

(2) The floor area used for such occupation or profession shall not exceed 400 square feet in any case.

(3) The proposed occupation shall clearly be incidental and secondary to the residential use of the dwelling, and shall not change the residential character of the dwelling.

(4) There shall be no show window or window display to attract customers, clients, or the general public. There shall be no exterior sign, except a nameplate announcing the name and home occupation.

(5) No external alterations of residential dwellings, for the purpose of drawing attention to the business, or in association with the operation of the business, shall be permitted.

(6) Operation of the business shall not generate vehicular traffic that is not normally associated with residential or agricultural uses.

(i) Deliveries to the home occupation shall be limited to no more than two (2) deliveries per day. No delivery shall be by vehicles larger than a typical delivery van (Fed Ex, UPS, etc.).

(ii) No more than one (1) vehicle specifically designated to be used for the home occupation shall park at the subject residence at any time. The vehicle shall be limited to a standard pick up or van.

(iii) In the event outside persons are employed to perform functions of this business away from the premises, parking or storage of employees' vehicles in the neighborhood is prohibited.

(iv) At least one (1) on-site parking space shall be provided for customers to the business. For the purposes of this section only, parking in a driveway shall meet the definition of a parking space.

(7) Such occupation or profession shall be conducted by the residents of the premises.

(8) The proposed home occupation business shall be limited to no more than two (2) customers at a time and no more than six (6) customers per day. All customer visits shall be limited to the hours of 7:00 a.m. and 7:00 p.m.

(9) Storage of goods that are not produced on the premises shall be limited to 100 cubic feet (approximately the size of a typical residential bedroom closet).

(10) Retail sales on the premises are prohibited except for goods produced on the premises, or used in association with a service provided on site.

(11) The proposed occupation shall only involve the use of power-driven equipment normally incidental to the residential use.

(12) The applicant shall not list or advertise the residence address in the commercial telephone directory, newspaper, radio, or television in connection with the proposed occupation or profession.

(13) The proposed occupation shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.

(14) Any other conditions that the Community Development Services Director, or designee, deem necessary to protect the health, safety, and welfare of the residents in the surrounding neighborhood.

(b) **Issuance.** The Secretary of the Planning Commission shall analyze all the facts presented and, if the use applied for meets each and every one of the required conditions and standards, shall issue the home occupation permit within ten (10) days.

(Ord. 1031-CS, Amended, 08/12/2004; Ord. 914-CS, Amended, 02/14/1997)

9-5-211 Home occupation permits: Denial.

A home occupation permit issued pursuant to the provisions of this article shall not include commercial photograph studios, beauty parlors, barber shops, or any similar service enterprises, that do not comply with the provisions of Section 2 of Article 1 of Chapter 5 of Title 9 of the Turlock Municipal Code (Section 9-5-210: Home Occupation Permits: Conditions: Issuance). Retail sales (except for goods produced on the premises), music schools, dancing schools. business schools, or other schools of any kind with organized classes, retail motor vehicle sales or repair or any similar activities are prohibited.

If the use applied for does not meet the required conditions and standards, the Secretary of the Planning Commission shall deny the application.

(Ord. 1031-CS, Amended, 08/12/2004; Ord. 914-CS, Amended, 02/14/1997)

9-5-212 Home occupation permits: Term: Renewal.

(a) **Term.** Each home occupation permit shall be issued for an initial period of time consistent with the related City business license. This initial time period shall be not less six (6) months nor more than twelve (12) months.

(b) **Renewal.** Following the initial period of approval, a home occupation permit may be renewed every six (6) months to remain valid with the related City business license for the same business.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-213 Home Occupation Permits: Revocation.

The Home Occupation Permit granted under this article shall be subject to revocation by the Community Development Services Director, or designee, when the permittee violates any of the restrictions and conditions set forth in this article.

(Ord. 1031-CS, Add, 08/12/2004)

Article 3. Minor Administrative & Minor Discretionary Permits

9-5-301 Minor administrative approval (MAA): Purpose and intent.

Minor Administrative Approvals are those which are routine in nature and do not require a public hearing, but may require an administrative interpretation regarding compliance with established policies, standards and guidelines adopted by the Turlock City Council. The purpose of Minor Administrative Approvals is to provide speedy approval over the counter or within a time period of no more than five (5) working days, depending on the complexity of the specific proposal. They are distinct from "ministerial" approvals which are "non-discretionary" actions permitted upon a determination that the standards established by City Ordinance for the proposal are met.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-302 Minor administrative approval: Applicability.

Only those uses, activities, or permits as specifically enumerated in the zoning districts or other articles of this chapter as requiring a Minor Administrative Approval may be approved and issued following the administrative discretion of the Community Development Director or his/her designee according to the provisions contained in this article.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-303 Minor administrative approval: Application.

Applications for Minor Administrative Approval shall be made to the Community Development Department on a form prescribed by the Department and shall include all requisite materials and payment of applicable filing fee.

(Ord. 914-CS, Amended, 02/14/1997)

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

All applications for a Minor Administrative Approval must first be approved in writing by the Community Development Director or his/her designee before such use or activity commences. All applications and proposed uses shall be reviewed for compliance with the applicable policies, standards and guidelines which shall be adopted by resolution of the Planning Commission or City Council, as may be amended from time to time.

The Community Development Director may approve, conditionally approve, or disapprove an application for such permit.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-305 Minor administrative approval: Expiration.

If requested prior to expiration, the Minor Administrative Approval may be extended by the Community Development Director upon a finding of just cause.

(1083-CS, Amended, 05/10/2007; Ord. 914-CS, Amended, 02/14/1997)

9-5-306 Minor administrative approval: Fee.

A fee shall be paid by the applicant to cover the costs of processing and administering the Minor Administrative Approval application service as established by the City Council as set forth in Article 3 of Chapter 3 of Title 3 of this Code. Such fee shall be set by City Council resolution, and may be amended from time to time.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-307 Minor discretionary permits: Purpose and intent.

Minor Discretionary Permits require administrative discretion in determining compliance with adopted policies, codes and standards of the City and require public notice prior to approval. Minor Discretionary Permits may be authorized by the Community Development Director within a typical time frame of three (3) to four (4) weeks.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-308 Minor discretionary permit: Authorized.

Only those uses, activities, or permits specifically enumerated in the applicable zoning districts as requiring a Minor Discretionary Permit may be approved and issued upon administrative discretion of the Community Development Director or his/her designee according to the provisions contained in this article.

(Ord. 914-CS, Amended, 02/14/1997)

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

(a) Applications for Minor Discretionary Review shall be submitted to the Community Development Department including all required materials and the written consent of the property owner of the proposed location. All materials must be clear, legible and of sufficient clarity to allow other interested agencies and interested property owners to understand the proposal.

(b) No later than five (5) days following submittal of an application for Minor Discretionary Permit, the application and all related materials will be reviewed for completeness. The applicant will be notified immediately if an application is found to be incomplete, and the additional information needed to complete the application will be identified. The applicant is responsible to provide any missing information and/or revised plans as may be necessary and resubmit the materials. Once resubmitted, the application will again be reviewed for completeness as described above.

(c) Once an application has been deemed complete, the Community Development Director or his/her designee shall transmit the relevant parts of the permit application to all affected City departments for review, comments, and condition requirements. All comments will be returned to the Community Development Director within ten (10) working days.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-310 Minor discretionary permit: Review.

The Community Development Director shall consider the following aspects of each Minor Discretionary Permit application to the extent they are applicable to the proposal:

(a) Relationship to the character of the neighborhoods in which the site is located, the appearance and harmony of proposed buildings and/or their use with adjacent development and the surrounding natural features.

(b) Review of site layout, considering the orientation and location of buildings and open spaces in relation to physical characteristics of the site.

(c) Review of the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

(d) Review of buildings for scale, mass, proposition, articulation of facades, use of materials, overall composition of design and harmony with surrounding buildings.

(e) Review of location height, and materials of fences, walls and screen plantings to ensure harmony with adjacent development and adequate screening of storage and nuisance activities.

(f) Review of colors and materials in relationship to adjacent architectural and natural elements.

(g) Review subdivision designs to ensure that developments are in harmony with established neighborhoods or surrounding natural features.

(h) Review of landscape plans for placement and selection of all plant materials with emphasis on variety and hardiness of Turlock's climatic conditions.

(i) Review of location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures, in relation to traffic hazards and appearance and harmony with the environment.

(k) All other relevant comments from affected City departments and other agencies.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-311 Minor discretionary permit: Notice.

(a) The Community Development Director shall give notice of the proposed request, by mail or delivery, to all adjacent property owners not less than ten (10) days prior to the date on which the administrative decision will be made. Adjacent property owners shall include those abutting all sides of the property upon which the request is made, including those across any abutting public or private street or others the Director determines should receive public notice. Property owner and address information used by the City shall be based on the latest adopted County tax role.

(b) If no hearing is requested by the applicant or other affected person, or if no responses are received in opposition to the request within the prescribed time period, then the Community

Development Director or his/her designee may take action on the Minor Discretionary Permit application.

(c) If a hearing is requested by the applicant or other affected person or agency, or if any responses are received in opposition to the request, the Community Development Director shall forward the application to the Planning Commission for formal public hearing and consideration. When the application is forwarded to the Planning Commission, the applicant shall be responsible for the payment of additional application processing fees necessary to cover the costs of this additional review and public notice. The applicant may also be asked to supplement the permit application materials as determined by the Community Development Director.

(Ord. 914-CS, Amended, 02/14/1997)

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

(a) The Community Development Director or his/her designee may approve, conditionally approve, or disapprove an application for a Minor Discretionary Permit. In approving a Minor Discretionary Permit application, the Community Development Director or his/her designee shall find that the following are fulfilled or shall impose reasonable conditions to ensure that they are fulfilled:

(1) The proposal is consistent with the Turlock General Plan, the Zoning Ordinance and all other adopted plans for the site;

(2) The proposal is in harmony with the existing or proposed development in the general area or neighborhood and will be compatible with adjacent structures and uses, including those on adjoining properties;

(3) The proposal is consistent with the development plan, terms, conditions, and/or intent of any planned development or conditional use permit currently in effect on the property;

(4) Any structural elements contained within the proposal is of high quality design consistent with the intent of the City Design Element of the Turlock General Plan and the exterior design, appearance, materials, and colors will not cause the nature of the neighborhood to materially depreciate;

(5) The proposal will not otherwise constitute a nuisance or be detrimental to the public safety, health, and welfare of the neighborhood and community.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-313 Minor discretionary permit: Fee.

A fee shall be paid by the applicant to cover the costs of processing and administering the Minor Discretionary Permit application service as established by the City Council as set forth in Article 3 of Chapter 3 of Title 3 of this Code. Such fee shall be set by Council resolution, and may be amended from time to time.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-314 Minor discretionary permit: Violation: Penalty.

Any person who undertakes, operates or maintains a use of land in any district other than in strict compliance with the provisions of this section or the terms and conditions of any written approval granted, shall be subject to the penalties set forth in this chapter.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-314.1 Minor discretionary permit: Time limits for development of property and uses.*

The Community Development Director may establish a time limit for development of the subject property and use. The time limit set by the Community Development Director shall be reasonable, based upon the size and nature of the proposed development. Such time limit may be extended by the Community Development Director for good cause when the applicant presents proof of unusual conditions not of his own making.

(1083-CS, Added, 05/10/2007)

* Code reviser's note: Ord. 1083-CS added this section as TMC 9-5-315. It has been editorially renumbered to avoid duplication of numbering.

9-5-315 Outdoor dining defined.

Outdoor dining entails the use of City sidewalks and public rights-of-way for the consumption of food or beverages in conjunction with the operation of a bona fide food service establishment properly licensed for such service and which provides on-premises customer seating.

(Ord. 963-CS, Add, 03/29/2001)

9-5-315.1 Outdoor dining permit required.

No owner or operator of a business establishment shall occupy any portion of a public sidewalk, court, plaza, alley, or street with tables and chairs for outdoor dining without first obtaining a permit in accordance Section 9-5-307 through 9-5-314: Minor Discretionary Permits and with the provisions of this article.

(Ord. 963-CS, Add, 03/29/2001)

9-5-315.2 Authority to issued outdoor dining permits.

The Community Development Director, or his or her designated representative, is hereby authorized to issue outdoor dining permits, revocable at will, to owners or operators of business establishments for the placement of tables and chairs in the public sidewalk, court, alley or street adjacent to and incidental to the operation of a food service establishment, according to the procedures as set forth in this article. An outdoor dining permit will not be issued where, in the opinion of the Community Development Director, or his or her designated representative, the speed, volume or nearness of vehicular traffic is not compatible with outdoor dining. Issuance will not be unreasonably withheld.

(Ord. 963-CS, Add, 03/29/2001)

9-5-315.3 Application for outdoor dining permit.

Every owner or operator of a business establishment desiring to place tables and chairs in a public sidewalk, court, alley or street shall first submit an application for the issuance of such a permit to the Community Development Department. Each application shall state the name of the applicant, the name and address of the establishment, the proposed area to be occupied by the tables and chairs, and the hours and days that the area is to be so occupied. The application shall be accompanied by a space-use plan which indicates the location, number and arrangement of the tables and chairs to be used, the location of the entrance to the establishment, and the location of any existing sidewalk obstructions in the proposed area to be occupied by the tables and chairs. Trees, traffic signs, benches and all similar obstacles shall constitute obstructions.

(Ord. 963-CS, Add, 03/29/2001)

9-5-315.4 Issuance of outdoor dining permit.

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

No permit shall be issued until the applicant has paid a one-time fee for the permit. The amount of the permit fee is in an amount as shall be set forth from time to time by resolution of the City Council.

Once an outdoor dining permit is issued by the Community Development Director, the permittee shall display a copy of the approved permit within the business establishment in an area clearly visible from the sidewalk.

(Ord. 963-CS, Add, 03/29/2001)

9-5-315.5 Conditions and restrictions pertaining to outdoor dining.

The issuance of permits by the Community Development Director for the use of City sidewalks and public rights-of-way for the consumption of food or beverages in front of business establishments are subject to the following:

(a) The outdoor dining area shall leave not less than four (4') consecutive feet of sidewalk width to ensure adequate space for pedestrian traffic on the adjacent sidewalk. The minimum width stated above must be free of all obstacles and obstructions for a clear path of travel. For the purpose of minimum clear path, traffic signs, trees and all similar obstacles shall constitute obstructions. It is the responsibility of the permittee to keep this sidewalk pedestrian zone clear and unimpeded for pedestrian movement.

(b) Outdoor dining areas may not intrude on pedestrian "clear vision zones" at corners and thus must be set back a minimum of six (6') feet from any crosswalk. The outdoor dining area must not interfere with curbs, ramps or driveways. No element of the outdoor dining area may interfere with access to any building including all paths of travel or exit.

(c) When the sidewalk is not in use for seating and service, all removable fixtures (i.e., chairs, planters, tables, etc.) shall be stored inside the restaurant premises.

(d) The outdoor dining area must remain clear of litter at all times. The permittee shall maintain the tables and chairs in the permitted outdoor dining area in a clean condition at all times.

(e) Outdoor dining areas must conform to and comply with all relevant regulations in this Code and all applicable building laws including State laws and regulations.

(f) Tables, chairs, and customers shall be confined to the area shown on the application submitted by the permittee.

(Ord. 963-CS, Add, 03/29/2001)

9-5-315.6 Insurance.

Each outdoor dining permittee shall provide the City Clerk with evidence of insurance coverage in the amount and form as approved by the City Attorney or his designee. Such amounts shall be set forth from time to time by resolution of the City Council.

(Ord. 963-CS, Add, 03/29/2001)

9-5-315.7 Alcoholic beverage restrictions.

The service of alcoholic beverages shall be restricted solely to on-premises consumption by customers within the outdoor dining area. Each of the following standards apply to outdoor dining areas which provide alcoholic beverage service:

(a) The outdoor dining area must be clearly and physically separated from pedestrian traffic. All barriers, railings, fences or planters placed around a sidewalk cafe whether moveable or permanent, affixed, and contiguous to the sidewalk and in place during hours of operation to clearly define the area. The spacing, if any, between barriers, railings, fences, or planters must prevent pedestrian traffic through them. Landscaping can be either in planters or planted in the ground. In order to maximize visual access and pedestrian safety, the height of the railing, barrier or planter, with its planted material, shall not be less than three (3') feet;

(b) The business operator shall post a written notice to customers that the drinking or carrying of an open container of alcohol is prohibited outside the outdoor dining area;

(c) The outdoor dining area operation must be duly licensed by the State Department of Alcoholic Beverage Control, and the City of Turlock requirements and restrictions for the service of alcoholic beverages in outdoor dining areas shall not be less than those required by the State Department of Alcoholic Beverage Control; and

(d) Any and all exits from the bona fide food service establishment to be used for the service of alcoholic beverages to the outdoor dining area must be included in the outdoor dining permit issued pursuant to this chapter.

(Ord. 1154-CS, Amended, 08/25/11; Ord. 963-CS, Add, 03/29/2001)

9-5-315.8 Outdoor dining permit not deed or easement.

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

(Ord. 963-CS, Add, 03/29/2001)

9-5-315.9 Suspension or revocation of outdoor dining permit.

The outdoor dining permit granted under this chapter shall be subject to suspension or revocation by the Community Development Director when the permittee violates any of the restrictions and conditions set forth in this chapter, or any rule or regulation of the Community Development Director adopted in pursuance of the provisions of this chapter. The outdoor dining permit shall be automatically suspended upon the termination of the insurance required under Section 9-5-324 of Article 3 of Chapter 5 of Title 9 of this Code. Upon termination of the insurance required under Section 9-5-324 of Article 3 of Chapter 5 of Title 9 of this Code, permittee agrees to indemnify and hold the City of Turlock, its officers, agents and employees free and harmless from any and all damages, costs, charges or liability of any kind or character that may arise out of, relate to, or in any way be connected with the exercise of the rights granted pursuant to the issuance of the encroachment permit.

The City of Turlock must notify the State Department of Alcoholic Beverage Control of any suspension or revocation of an outdoor dining permit granted under this chapter.

(Ord. 963-CS, Add, 03/29/2001)

9-5-315.10 Protest issuance of permit.

Any person or persons who deem their interests or property, or that of the general public, will be adversely affected by the occupancy of a public sidewalk, court, alley or street with tables and chairs for outdoor dining and for which permission has been applied for under the provisions of this chapter, may protest the issuance of said permit by writing to the Community Development Director within thirty (30) calendar days after the applicant has posted the outdoor dining permit as required under Section 9-5-324 of Article 3 of Chapter 5 of Title 9 of this Code. Upon receipt of any such protest, the Community Development Director will schedule a hearing to hear all protests or oppositions to the issuance of an outdoor dining permit.

(Ord. 963-CS, Add, 03/29/2001)

9-5-315.11 Denial of permit.

Upon denial of a permit by the Community Development Director, an applicant may, within fifteen (15) calendar days following notification of such denial, file a notice of appeal to the City Council, who shall then hear all appeals concerning the application for permit.

(Ord. 963-CS, Add, 03/29/2001)

9-5-315.12 Penalties.

The placement of tables and chairs on a public sidewalk or other public right-of-way without a permit issued in compliance with this chapter shall constitute an infraction punishable by a fine of One Hundred and no/100ths ($100.00) Dollars. The nonpayment of such fine, or the continued existence of a condition in violation of this chapter, shall be grounds for the Community Development Director to prohibit placement of tables and chairs by the responsible owner or operator of the fronting business establishment until such penalty has been paid or the condition corrected.

(Ord. 963-CS, Add, 03/29/2001)

9-5-315.13 Removal of tables and chairs.

Any tables and chairs placed in or upon the public sidewalk or rights-of-way without a validly issued permit may be seized and removed pursuant to this section. The City of Turlock shall issue a notice to the owner or operator of the business establishment fronting on the sidewalk from which the tables and chairs are to be removed before such tables and chairs are seized. The owner or operator of the business establishment shall be given ten (10) business days in which to remedy the violation. If the responsible party does not remedy the violation and apply for and obtain an outdoor dining area permit within the time prescribed, the City may seize and remove the tables and chairs.

Any other provisions of this chapter notwithstanding, if tables and chairs are placed in the public sidewalk or in or upon the public sidewalk or rights-of-way in such a manner as to pose an immediate and serious danger to persons or property, the City may seize such tables and chairs without prior notice to the person responsible for such tables and chairs if it is impractical to remedy the danger by moving the tables and chairs to another point on the sidewalk or public right-of-way.

The responsible party shall be notified promptly of such seizure of tables and chairs and shall have the right to request an informal hearing before a designated City official within ten (10) business days after such notification to determine whether the seizure was proper. All tables and chairs seized pursuant to this section shall be retained by the City and may be recovered as provided herein.

As a condition of recovering outdoor dining tables and chairs properly seized pursuant to this section, the person responsible for such tables and chairs shall pay an impound fee covering the actual cost to the City of transporting and storing the outdoor dining tables and chairs.

(Ord. 963-CS, Add, 03/29/2001)

Article 4. Minor Exceptions

9-5-401 Purpose.

These provisions shall ensure the following:

(a) Minor adjustments from standards contained in this title of the Turlock Municipal Code shall be granted only when, because of special circumstances applicable to the property, the strict application deprives such property of privileges enjoyed by other property in the vicinity and under identical land use districts.

(b) Any minor exception granted shall be subject to such conditions as will ensure that the minor adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is situated.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-402 Application.

An application for a minor exception shall be filed in a manner consistent with the requirements contained in Article 3 of this chapter for Minor Discretionary Permits.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-403 Applicability.

The Community Development Director may grant a minor exception up to a maximum of ten (10%) percent governing only the following measurable design/site considerations:

(a) Distance between structures;

(b) Lot dimensions;

(c) On-site parking, loading and landscaping;

(d) Setbacks;

(e) Structure heights.

Any minor exception request which exceeds the prescribed limitations outlined in this section shall require the filing of a Variance application pursuant to Article 6 of this Chapter. Minor exceptions may be approved by the Community Development Director only if no other entitlements are required. If other approvals are necessary, the minor exception shall be filed concurrently.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-404 Findings.

The Community Development Director may approve and/or modify an application in whole or in part, with or without conditions, only if all of the following findings are made:

(a) That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this code deprives such property of privileges enjoyed by other property in the vicinity;

(b) That granting the minor exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and land use district and denied to the property for which the minor exception is sought;

(c) That granting the minor exception will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;

(d) That granting the minor exception does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is located;

(e) That granting the minor exception does not exceed ten (10%) percent of the standards being modified, or allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and

(f) That granting the minor exception will not be inconsistent with the General Plan.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-405 Burden of proof.

The burden of proof to establish the evidence in support of the findings as required by Section 4 of Article 4 of Chapter 5 of Title 9 of this Code (Section 9-5-404) above is the responsibility of the applicant.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-406 Precedents.

The granting of a minor exception is not admissible as evidence for the granting of a new minor exception.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-407 Minor exception: Expiration.

A minor exception approval shall expire after one (1) year if construction has not begun or the use commenced. If requested prior to expiration, the minor exception may be extended upon a finding of just cause.

(Ord. 914-CS, Amended, 02/14/1997)

Article 5. Temporary Uses of Land

9-5-501 Temporary uses.

Certain land uses of a temporary nature as defined in TMC 9-1-202, Definitions, Temporary use, may be authorized by the Community Development Director pursuant to the proper application process and subject to the limitations and standards contained herein. Temporary land uses otherwise regulated by the Turlock Municipal Code (Christmas tree sales, fireworks stands, etc.) shall be exempt from this section.

(a) Limitations of use by zoning district.

(1) Commercial/Industrial Districts and Planned Development Districts. Temporary uses of land may include, but are not limited to: sales office trailers, storage yards, parking lots, parking lot sales, outside sales of seasonal merchandise (produce, pumpkins, and the like), special events and displays of community interest in which the temporary use is intended to be operated as

defined in TMC 9-1-202: Definitions, Temporary use. Temporary outside sales conducted by itinerant vendors are also subject to the regulations of Chapter 5-17 TMC.

(2) Residential and Residential Planned Development Districts. Temporary uses of land may include, but are not limited to: contractor storage yards, model homes, and tract sales offices, when the temporary uses are incidental and accessory to the primary land uses permitted in the residential zoning district. This limitation shall not apply to accessory uses that are otherwise permitted and regulated by other sections of this Code (examples: home occupations, residential garage/yard sales).

(b) Duration of temporary uses. The temporary use of land for those activities permitted herein may be authorized for a limited and specified period of time not to exceed one (1) year in duration as set by the Community Development Director within the terms and conditions of each particular temporary use of land permit. The Community Development Director may consider and take appropriate action on a request for an extension of a temporary use of land for one (1) additional one (1) year period, upon review of a written request submitted no later than thirty (30) days prior to the expiration of the approved temporary use of land permit. In regards to the following specific temporary land uses, these time periods shall apply:

(1) Outside sales of seasonal merchandise (Christmas trees, pumpkins, and the like). The outside sale of seasonal merchandise and produce in one (1) location may be permitted up to a maximum of ninety (90) days within a calendar year on a single property, with a limitation of no more than three (3) non-consecutive separate events of a maximum of thirty (30) days per each event.

(2) Outdoor commercial promotional/sales events. The temporary outdoor promotions/sales events for a commercial business which is not part of an organized shopping center may be permitted for up to six (6) such special events per calendar year. Within organized shopping centers, six (6) special events per calendar year may be permitted for that shopping center at which any or all tenants may participate. In either case, each separate temporary outdoor promotional/sales event shall not exceed seventy-two (72) hours in length.

(3) Itinerant vendors. No temporary use of land permit shall be required for any itinerant vendor that vends on the improved portion of a commercial or industrial property for a period of less than thirty (30) minutes during a twenty-four (24) hour period so long as the vendor does not relocate within one thousand (1,000) feet of such location. "Mobile food facilities" are regulated pursuant to TMC 9-2-125 and shall not be required to obtain a temporary use of land permit. All other itinerant vendors may be permitted up to a maximum of seventy-two (72) hours on a single property, with a limitation of no more than six (6) events of any type in any one (1) year at any single location.

(c) Signing.

(1) All signing related to an authorized temporary use of land shall comply with the temporary sign regulations in Article 5 of Chapter 9-2 TMC, Signs. A temporary sign permit shall first be obtained from the City prior to the installation of any temporary signage.

(2) Noncommercial signing, which may include balloons, pennants, and special displays, may be permitted as part of an approved temporary land use permit as specified above. Such noncommercial signs must be securely fastened or attached so as not to create any type of public safety hazard.

(d) Maximum number of temporary uses per lot. On properties less than one (1) acre in size, no more than one (1) temporary use may be permitted at any one (1) time. Exceptions to this provision may be made by the Director if it is determined that all of the findings in TMC 9-5-504 can be made. At no time shall two (2) similar temporary uses be permitted on any property less than one (1) acre in size.

(e) Maximum number and locations of temporary uses per applicant. No single organization or individual may conduct more than six (6) events of any type in any one (1) year at any single location. Furthermore, no single organization or individual may conduct events at more than three (3) locations in any one (1) year. For the purposes of this article, an "event" is a single occurrence of any temporary activity on a particular lot.

(1130-CS, Amended, 11/12/09; 1083-CS, Amended, 05/10/2007; Ord. 956-CS, Amended, 08/10/2000; Ord. 938-CS, Amended, 09/24/1998; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

9-5-502 Application.

Any person may apply to the Community Development Department for approval of a temporary use of land not less than fifteen (15) days before the use is intended to begin. Such application shall be on a form prescribed for that purpose, and shall include the written consent of the owner of the property on which the use is to be located.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-503 Approval.

(a) All applications for a temporary use of land permit must first be approved in writing by the Community Development Director before such use commences. The Community Development Director may approve, conditionally approve, or disapprove an application for such use.

(b) The Community Development Director may require a conditional use permit as provided in Article 6 of this chapter, to allow for Planning Commission review and action on a temporary use of land permit request where a determination is made that the proposed use may be of particular interest or concern to surrounding property owners or to the public at large. A conditional use permit must be required for those uses which would require such a permit under other provisions in this chapter.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-504 Findings.

The Community Development Director may approve an application for a temporary use of land for a period of time as specified in this chapter only upon making all of the following findings:

(a) The proposed use will not adversely affect adjacent structures and uses or the surrounding neighborhood;

(b) The proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic in the immediate area;

(c) The proposed use will not create a demand for additional parking which cannot be met safely and efficiently in existing parking areas;

(d) The proposed use will not conflict with the terms or intent of any planned unit development permit or conditional use permit currently in effect on the property;

(e) The proposed use will not otherwise constitute a nuisance or be detrimental to the public welfare of the community.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-505 Conditions.

(a) In authorizing an application for a temporary use of land permit, the Community Development Director shall include as conditions of approval, the following minimum provisions:

(1) The use will be limited to the dates and times (or period of time), nature and extent prescribed by the Community Development Director;

(2) All work, including building, electrical, and plumbing will conform to all requirements of applicable codes;

(3) Provisions for fire protection and fire vehicle access will be made as prescribed by the Fire Chief;

(4) Signing will be limited to that approved by the Community Development Director;

(5) The site will be continuously maintained free of weeds, litter and debris;

(6) Within three (3) days after removal of the temporary use, the site will be completely cleaned; all trash, debris, signs, sign supports, and temporary electrical service will be removed;

(7) Any additional limitations or conditions as required by the Community Development Director as conditions of approval.

(b) For applications for temporary use of land permits which allow for an itinerant vendor, the following minimum provisions and conditions shall also be applicable:

(1) An itinerant vendor sales stand and/or use shall not be located upon the paved or any unpaved portion of a public right-of-way nor impede the free and unobstructed use of any sidewalk. Push carts may use the public sidewalk so long as the cart does not impede the movement of pedestrians.

(2) The itinerant vendor sales activity, including the display of all related merchandise or products for sale, shall be limited to the immediate confines of the temporary street side stand, trailer, vehicle, or other enclosure approved as part of the permit.

(3) All uses shall be located in such a manner that will not impede the normal use of driveways serving the property where the use is proposed nor in such a manner that encourages customers to stop in the street or driveway to obtain vendor service.

(4) Uses providing for temporary street side stands, trailers, or vehicles shall comply with the setback/yard provisions of the specific commercial or industrial zone the use is proposed to be located in.

(5) Uses providing for temporary street side stands, trailers, or vehicles shall not reduce the number of off-street parking spaces below the minimum number specified for the zone district the use is proposed to be located in.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-506 Fee.

A fee shall be paid by the applicant to cover the costs of processing and administering the temporary use of land permit application. Such fee shall be set by City Council resolution, and may be amended from time to time.

(Ord. 914-CS, Amended, 02/14/1997)

Article 6. Conditional Use Permits and Variances

9-5-601 Conditional use permits: Authorized.

Upon acceptance of an application, the Planning Commission may grant a conditional use permit for a use allowed conditionally in the respective zoning district.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-602 Conditional use permits: Required: Purposes.

(a) **Required.** No conditional use shall be located in any district unless and until a conditional use permit is granted in accordance with the procedure set forth in this article.

(b) **Purpose.** The purpose of a conditional use permit is to evaluate the site features, operating characteristics, and design of a proposed use to ensure compatibility with other uses in the general area.

9-5-603 Conditional use permits: Applications: Hearings.

At the time an application for a conditional use permit is deemed complete, the Secretary of the Commission shall set the date of hearing in the manner prescribed by law.

9-5-604 Conditional use permits: Granting.

All actions of the Commission relating to findings and recommendations shall be in accordance with the provisions of this chapter. The Commission shall authorize the granting of the conditional use permit if it finds as follows:

(a) That the site for the proposed us is adequate in size and shape to accommodate such uses, all yards, open spaces, wall, fences, parking, loading, landscaping and other features required by the Municipal Code or the commission to make sure such use is compatible with the land and uses in the vicinity;

(b) That the site for the proposed use is related properly to streets and highways to carry the quantity and kind of traffic generated by the proposed use;

(c) That the proposed use will not adversely affect the abutting property or the permitted use thereof with the provisions of conditions; and

(d) That the site for the proposed use is in conformance with the General Plan.

9-5-605 Conditional use permits: Granting: Conditions.

(a) **Imposition of conditions.** In authorizing a conditional use permit, the Commission may require that the use conform with the site plan, architectural drawings, or statements submitted in support of the application necessary to protect the public health, safety, and general welfare and secure the objectives of the General Plan. The Commission may also impose such other conditions necessary to achieve these purposes, including, but not limited to, the following:

(1) Special yards, open spaces, and buffers;

(2) Fences and walls;

(3) The provision and surfacing of parking areas;

(4) Street dedications and improvements, including the provision of service roads or alleys where practical and necessary;

(5) The regulation of points of vehicular ingress and egress;

(6) The regulation of signs;

(7) Landscaping and the maintenance;

(8) The maintenance of the grounds;

(9) The control of noise, vibration, odors, and other potentially dangerous and objectionable elements;

(10) Limits on the time for conducting certain activities;

(11) The time period within which the proposed use shall be developed; and

(12) Any other conditions that will promote the development of the City in an orderly and efficient manner and in conformity with the intent and purpose set forth in this chapter and the General Plan.

(b) **Guarantees of compliance with conditions.** The Commission may require reasonable guarantees that such conditions will be complied with.

(c) **Yard, height, and area requirements.** Unless otherwise approved by resolution, the provisions for required front, rear, and side yards and the requirements for height and area applicable to the specific district shall prevail.

(d) **Off-street parking and loading requirements.** The provision of off-street parking and loading applicable to the particular use shall prevail unless otherwise approved by resolution.

9-5-606 Conditional use permits: Denial.

If because of the size or character of the use proposed on a particular site, its location, or its relationship to adjoining parcels and uses, the Commission is unable to make the findings set forth in Section 9-5-504, the Commission shall disapprove the conditional use permit application.

9-5-607 Conditional use permits: Issuance.

Immediately following the Commission approval of a conditional use permit application, the Secretary of the Commission shall cause a formal conditional use permit to be issued to the applicant.

9-5-608 Conditional use permits: Effective date.

The conditional use permit shall become effective on the eleventh calendar day after the date of approval, unless appealed on or before the tenth day.

9-5-609 Conditional use permits: Time limits for development of property and uses.

The Commission may establish a time limit for development of the subject property and use. The time limit set by the Commission shall be reasonable, based upon the size and nature of the proposed development. Such time limit may be extended by the Commission for good cause when the applicant presents proof of an unusual condition not of his own making.

9-5-610 Conditional use permits. Expiration.

If no specific time is specified, any permit granted by the Commission or Council shall become null and void within one year after the effective date of such permit. The permits shall not become null and void if:

(a) The use has commenced; or

(b) A building permit has been issued for the project by the Building Inspector and construction has begun with continuous progress toward completion maintained; or

(c) A certificate of occupancy has been issued by the Building Inspector for the use or structure.

9-5-611 Conditional use permits: Renewal.

If an application for renewal is filed prior to expiration, a conditional use permit may be renewed for an additional one year period. The acting agency may grant or deny an application for renewal in the same manner as set forth for the original application.

9-5-612 Conditional use permits: New applications.

Following the denial or revocation of a conditional use permit, an application for the same, or similar use on the same site, shall not be accepted for submittal to the Planning Commission within a one year period after the date of denial or revocation.

9-5-613 Variances: Authorized.

The Commission shall have the authority to investigate and hear an application for variance from the provisions of this chapter when a practical difficulty, unnecessary hardship or inconsistent result is alleged due to the strict and literal interpretation of this chapter. Upon hearing the application, the Commission may grant, conditionally grant or deny the following applications for variance:

(a) To vary any of the requirements of this chapter in the case of a parcel which is exceptionally narrow, shallow, of unusual shape, unusual topographic conditions or due to other exceptional existing conditions that limit the practical use of the parcel; and

(b) To permit modifications of the requirements of this chapter for the practical use of a parcel where a legal nonconforming use or structure exists.

9-5-614 Variances: Applications.

Completed applications and filing fees for a variance shall be submitted to the Secretary of the Commission.

9-5-615 Variances: Applications: Hearings.

Upon receipt of a completed variance application, the Secretary of the Commission shall set a hearing in the manner prescribed by law.

9-5-616 Variances: Granting.

All actions of the Commission relating to findings and recommendations shall be in accordance with the provisions of this chapter. The Commission shall grant, or conditionally grant, the requested variance upon determining at the public hearing, that the following findings are established beyond reasonable doubt:

(a) That there are exceptional or extraordinary circumstances or conditions applying to the property or the intended use, which do not apply to other properties or uses in the same district;

(b) That, due to these exceptional or extraordinary circumstances, the literal enforcement of the provisions of this chapter would result in a practical difficulty or unnecessary hardship;

(c) That a variance is necessary for the preservation of a substantial property right possessed by other properties in the same district;

(d) That the granting of a variance will not be materially detrimental to the public welfare, injurious to property or improvements in the vicinity or district where the property is located;

(e) That granting a variance will not constitute a special privilege inconsistent with the limitations on other properties classified in the same zoning district; and

(f) That granting a variance will be in harmony with the general purpose and intent of the provisions of this chapter and the General Plan.

9-5-617 Variances: Granting: Conditions.

(a) **Imposition of conditions.** In granting a variance, the Commission may require that the use conform to the site plan, architectural drawings, or statements submitted in support of the application as necessary to protect the public health, safety, and general welfare and secure the objectives of this chapter and the General Plan. The Commission may also impose other conditions necessary to achieve such purposes as:

(1) Special yards, open spaces, and buffers;

(2) Fences and walls;

(3) The provision and surfacing of parking areas;

(4) Street dedications and improvements, including the provision of service roads or alleys where practical and necessary;

(5) The regulation of vehicular ingress, egress and circulation;

(6) The regulation of signs;

(7) The provision and maintenance of landscaping;

(8) Maintenance of grounds;

(9) The control of noise, vibration, odors

(10) Limits on the time for conducting certain activities;

(11) The time period within which the proposed use shall be developed; and

(12) Any other conditions that will promote the development of the City in an orderly and efficient manner and in conformity with the intent and purposes set forth in this chapter and the General Plan.

(b) **Guarantees of compliance with conditions.** The Commission may require reasonable guarantees that these conditions will be complied with.

9-5-618 Variances: Denial.

If, because of the size or character of the site, its location, or its relationship to adjoining parcels and uses, the Commission is unable to make the findings set forth in Section 9-5-516, the Commission shall disapprove the granting of the variance.

9-5-619 Variances: Granting or denial: Transmittal of resolution.

In addition to the requirements of this chapter, a copy of the resolution granting or denying the variance shall be filed with the City Clerk, and a copy shall be sent to the Building Inspector by the Secretary of the Commission.

9-5-620 Variances: Issuance.

Immediately following the approval of a variance application, the Secretary of the Commission shall cause a certificate of variance to be issued to the applicant.

9-5-621 Variances: Effective date.

The variance shall become effective on the eleventh day after the copy of the resolution granting the variance is filed with the City Clerk, unless appealed on or before the tenth day.

9-5-622 Variances: Time limits for development of property and uses.

The Commission may establish a time limit for development of the subject property and use. The time limit set by the Commission shall be reasonable, based upon the size and nature of the proposed development. Such time limit may be extended by the Commission for good cause when the applicant presents proof of unusual conditions not of his own making.

9-5-623 Variances: Expiration.

If no time limit is specified, the granted variance shall become null and void within 180 days following the effective date unless:

(a) The use has commence; or

(b) A building permit has been issued for the project by the Building Inspector and construction has begun toward completion with continuous progress maintained; or

(c) A certificate of occupancy has been issued by the Building Inspector for the use or structure.

9-5-624 Variances: Renewal.

If an application for renewal is filed prior to the expiration, a variance may be renewed for an additional period of 180 days. The Commission may grant of deny an application for the renewal of a variance.

9-5-625 Variances: New applications.

Following the denial or revocation of a variance, an application for the same, or similar request on the site, shall not be filed within one year from the date of denial or revocation of a variance.

Article 7. Prezoning and Annexation

9-5-701 Prezoning of unincorporated land.

(a) The City may prezone unincorporated territory adjoining the City limits for the purpose of establishing the zoning district which will apply in the event of subsequent annexation to the City.

(b) The method and procedure for establishing such prezones shall be in accordance with Article 1 of Chapter 1 of Title 9 of this Code et seq. (Article 9-5-100 et.seq) for the establishment of zoning districts and reclassification of land within the City.

(c) Unincorporated territory which has been prezoned shall carry a "P" prefix before the zone classification and shall be so designated on the official zoning map of the City.

(d) The zone classification established through the prezoning procedure shall become effective and enforceable at the time annexation of the territory to the City becomes effective. At this time, the "P" prefix shall be deemed automatically removed from the zone classification.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-702 Prezoning: Purpose.

The purposes of prezoning territory prior to annexation into the City are:

(a) To promote the orderly development and expansion to the boundaries of the City of Turlock; and

(b) To protect, preserve and promote the quality of life in the City by establishing control over the quality, distribution and rate of growth in the City of Turlock.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-703 Prezoning: Exceptions.

The standards established and the process contained in this section shall not be applicable to the following types of annexation proposals to the City of Turlock:

(a) Publicly owned lands and/or facilities;

(b) Lands within unincorporated portions of Stanislaus County which are totally bounded by the Turlock corporate limits (unincorporated islands);

(c) Annexations initiated by the Turlock City Council.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-704 Prezoning and annexation: Applications: Hearings.

Applications for prezoning and annexation of territory to the City of Turlock shall be submitted to the Secretary of the Planning Commission for evaluation. At the time the application is deemed complete, a date of hearing shall be set in the manner prescribed by law and in accordance with Article 1 of this chapter.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-705 Prezoning and annexation: Findings.

Each application submitted to the City of Turlock proposing prezoning and annexation of unincorporated territory shall be reviewed pursuant to the following application criteria:

(a) **Orderly and contiguous development.**

(1) Is the territory proposed for annexation adjacent to existing urban limits of Turlock?

(2) Is the territory located within the primary sphere of influence area of the City of Turlock? A single parcel in which more than fifty (50%) percent of the land area is located within the primary sphere of influence shall be considered to be located within the primary sphere.

(3) Is the development proposed for the unincorporated territory consistent with the land use designations contained within the Turlock Area General Plan?

(b) **Educational facilities.** Has the proposed residential development fully mitigated all potential impacts to the Turlock School Districts?

(c) **Parks and recreation facilities.** Does the proposal include full mitigation of impacts on parks and recreation needs by either land dedication and development or by payment of in lieu development fees at a standard consistent with the Turlock General Plan?

(d) **Public safety facilities.** Does the proposal include full mitigation of impacts to police and fire services including analysis of emergency (CODE I) response times or other innovative techniques?

(e) **Public infrastructure facilities.**

(1) Does the proposal include full mitigation of impacts to needed public infrastructure both on-site and along the project frontage which serve the proposed development without the need for the City to provide supplemental facilities?

(2) Does the proposal have the capability to fully mitigate the impacts associated with its development through the payment of applicable Capital Facility Fees?

(3) Does the proposal include full mitigation that will not worsen the LOS (Level of Service) at any intersection or along any roadway serving or affected by the project (computed for weekday peak hour at full buildout/occupancy) to an unacceptable level?

(Ord. 914-CS, Amended, 02/14/1997)

9-5-706 Prezoning and annexation: Consideration of territory within secondary sphere of influence.

If the territory proposed for annexation does not meet the above standard regarding location within the primary sphere of influence, the applicant has the opportunity to apply for an amendment to the primary sphere of influence line. In considering requests to amend the primary sphere of influence line, the City of Turlock shall be guided by the following standards:

(a) The inventory of available land located within the primary area of influence that has not received prezone approval and/or been annexed to the City is less than 500 acres.

(b) The Turlock City Council, upon recommendation from the Planning Commission, adopts findings that a particular request for an amendment to the primary sphere of influence line is necessary for the protection of the public welfare; the enhancement of the community; and is consistent with and furthers the goals and policies of the Turlock Area General Plan.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-707 Prezoning and annexation: Denial.

If the proposed prezone and annexation application does not meet all of the findings referenced above, the application shall be considered premature and shall be denied.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-708 Prezoning and annexation: Development agreement requirements.

A development agreement may be required for consideration in conjunction with the review of a prezone and annexation proposal when determined appropriate by the City. The application process for a development agreement shall be as specified in Article 9 of this chapter: Development Agreements, and shall include the payment of processing fees as established by City Council resolution which may be amended from time to time.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-709 Prezoning and annexation: Area-wide planning required.

It is the policy of the City of Turlock (Turlock General Plan and Resolution 99-021 as amended from time to time), subject to certain exceptions, that all annexations of land to the City shall be accompanied by an appropriate area-wide plan. This requirement shall be accomplished by either the preparation of a Specific Plan as set forth in Government Code Section 65450 et seq. or by the preparation of a Master Plan as described below. A Master Plan shall be adopted by the procedure set forth in Article 7 of Chapter 9-5 (Prezoning and Annexation) of this Code.

(a) **Master Plan content.** A Master Plan shall address and describe the following, as applicable:

(1) Location and boundaries of the Master Plan area;

(2) Proposed uses of land, including proposed densities and/or intensities, design and development standards;

(3) Proposed prezoning of property, which shall become the zoning upon the effective date of the annexation (or rezoning in the case of any property already in the City);

(4) Proposed location and development standards of major streets and roads (public and private), including traffic control devices needed to maintain the City's established level of service standards;

(5) Proposed location and description of public infrastructure, facilities and utilities needed to support the development of the Master Plan area;

(6) Proposed location of any parks and other public open space;

(7) Proposed location of any public schools;

(8) Identification of the means and methods of financing public improvements, including those funded through the City's development impact fee program and/or any supplemental development impact fee needed to fund needed facilities not included in the City's development impact fee program;

(9) Phasing plan or program (if any), including its relationship to public infrastructure, facilities and utilities, and to any policies affecting the rate and/or timing of growth and development of the City;

(10) Mitigation measures identified in the environmental review process that are needed to reduce and/or eliminate environmental impacts;

(11) Discussion of the consistency of the proposed Master Plan with the Turlock General Plan, including the Housing Element (where applicable); and

(12) Any other such matters or issues that that could affect the orderly development of the Master Plan area.

(b) **Master Plan development standards and review processes.** Unless otherwise specified in the adopted Master Plan, all development in the Master Plan area shall be subject to the applicable review and approval processes and design and development standards of the zoning regulations of this Code. Subject to a Minor Discretionary Permit, the Community Development Director may approve minor modifications, exceptions and waivers to the zoning regulations of this Code to allow for orderly development in the Master Plan area. Modifications or changes considered major (e.g. significant changes in land use/zoning, circulation or public facilities, etc.) may be considered subject to the process and procedures for amending the Code including rezoning (Section 9-5-112 et seq. of Article 1 of Chapter 5 of Title 9 of this Code).

(c) **Master Plan funding.** A Master Plan may be initiated and prepared by property owners and/or developers in consultation with the City of Turlock or by the City of Turlock at its discretion. When the preparation of a Master Plan is privately initiated, the applicant shall pay all costs associated with the preparation of the Master Plan. The applicant shall submit the draft Master Plan to the Community Development Department for review and pay a processing fee as established by council resolution, as amended from time to time. When the preparation of a Master Plan is initiated and funded by the City of Turlock, the City shall be fully reimbursed for the cost of preparing the Master Plan. The collection of a Master Plan reimbursement fee shall occur in conjunction with either the issuance of a building permit and/or final subdivision map, as established in conjunction with the approval of the Master Plan. By written agreement with the City, the cost of preparing a Master Plan may be shared between the City and private parties.

(Ord. 963-CS, Add, 03/29/2001)

Article 8. Historic Site Contracts

9-5-801 Specific purpose.

The provisions and regulations for Historic Site Contracts are hereby established for the following purposes:

(a) For the protection, enhancement, and use of places, sites, buildings, and structures having special historic, architectural, and cultural interest and value;

(b) To impose appropriate and reasonable controls on the appearance and use of these places, sites, buildings, and structures for preserving their character and economic value to the City and its citizens;

(c) For the proper use of places, sites, buildings, and structures that are desirable to the community but require special considerations because of their age, structural nature, or threats from modernization which could have a negative effect on their unique and important character and economic value;

(d) For the protection of substantial public investments in conservation, recreation, aesthetics and the general public health, safety, and welfare; and

(e) For the enhancement of tourism and the economy of the City by protecting and preserving places having special and unique character and interest.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-802 Historical site contract.

(a) **Application.** Upon submittal of an application, the Community Development Director may authorize a Historical Site Contract for places, sites, properties, buildings, structures, and signs found to be qualified as historical buildings or structures. Applications shall be submitted and reviewed pursuant to the Minor Discretionary Permit (MDP) process as set forth in Section 7 of Article 3 of this chapter (Section 9-5-307 et. seq.) including payment of all applicable processing fees.

(b) **Findings.** In reviewing an application for a Historic Site Contract, the Community Development Director shall consider the following criteria and include those applicable as findings of fact to any approval:

(1) The property, place, site, building, structure, or use has special local historical, architectural, archaeological, or cultural interest that embodies the character and history of the City of Turlock;

(2) The unique character and history of the City of Turlock reflected in the property, place, site, building, structure or use should be preserved as living parts of the community;

(3) The property, place, site, building, structure or use is facing increasing pressures of modernization and may be threatened with demolition or decay;

(4) The request represents an area of special natural beauty, aesthetic interest, or entryway corridors, which would enhance the economy of the City by creating market draws or tourist attractions;

(5) The property is listed on the National Register of Historic Places or any state or county official register of historical or architecturally significant sites, places, or landmarks or should be and by this action is listed on the City of Turlock register of historically or architecturally significant sites, places, or landmarks.

(c) **Terms of the contract.**

(1) The use of the property may be restricted in a manner deemed reasonable to carry out the purpose of this article.

(2) The term of the contract shall be for a minimum period of ten (10) years.

(3) Where applicable, the contract shall provide for the following:

(i) The preservation of qualified historical property and, the restoration and rehabilitation of the property to conform to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code.

(ii) The periodic examination of the interior and exterior of the premises by the assessor, the Department of Parks and Recreation, and the State Board of Equalization as necessary to determine the owner's compliance with the contract.

(4) The owner or agent of an owner shall provide written notice of the contract to the Office of Historic Preservation within six (6) months of entering into the contract.

(5) Unless a notice of non-renewal has been issued by the City or the owner, a one (1) year renewal period shall be added to the term of the contract on each anniversary date of the execution of the contract.

(6) If the City or the owner desires not to renew the contract, a written notice of non-renewal shall be issued at least ninety (90) days prior to the renewal date by the owner or at least sixty (60) days prior to the renewal date by the City.

(7) Upon receipt of a notice of non-renewal from the City, an owner may submit a written protest of the proposed non-renewal. The City may then withdraw the notice of non-renewal at any time prior to the renewal date.

(8) If either the City or the owner serves a notice of non-renewal, the contract shall remain in effect for the balance of the contract term.

(9) The owner shall furnish the City with any information necessary to determine the eligibility of the property involved.

(10) Within twenty (20) days after the execution of a contract, the Secretary of the Planning Commission shall record a copy of the contract with the county recorder.

(d) **Finding to protect public safety and welfare.** In authorizing a Historic Site Contract, the Community Development Director must find that the granting of the contract, or the authorization of the Chief Building Official to use the State Historic Building Code, will not be detrimental to the public safety and welfare.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-803 Qualified historical building or structure.

For the purpose of this section, pursuant to California Government Code Section 18955 of the Health and Safety Code, a qualified historical building or structure is any structure, collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. This shall include structures on existing or

future national, state or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-804 Use of the state historic building code.

Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made as required by the State Historic Building Code, when authorized by the building official, provided that:

(a) Any unsafe or substandard conditions will be corrected in accordance with approved plans;

(b) The restored building or structure will be less hazardous, based on life and fire risk, than the existing building.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-805 Demolition.

No building or structure, or portion thereof, for which a Historic Site Contract has been entered into, shall be removed, relocated, demolished or structurally altered without prior approval from the Community Development Director in the form of a Minor Administrative Approval (MAA) as set forth in Article 3 of this chapter (Section 9-5-301 et. seq.).

(Ord. 914-CS, Amended, 02/14/1997)

9-5-806 Cancellation.

The City may cancel a contract if it determines that the owner has breached any of the conditions of the contract or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. The City may also cancel a contract if it determines that the owner has failed to restore or rehabilitate the property in the manner specified in the contract.

(Ord. 914-CS, Amended, 02/14/1997)

Article 9. Development Agreements

9-5-901 Short title.

This article may be referred to as the "Development Agreement Law of the City of Turlock." (Ord. 914-CS, Amended, 02/14/1997)

9-5-902 Authority and purpose.

This article is adopted pursuant to the provisions of Sections 65864 through 65869.5 of the California Government Code. The purpose of adopting this article is to establish procedures and requirements for the consideration of development agreements in conjunction with specific development plans.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-903 Forms and information.

(a) The Department of Community Development shall prescribe the form for each application, notice, and document provided for or required by this article for the preparation and implementation of development agreements.

(b) The Department of Community Development may require an applicant to submit such information and supporting data as the Department of Community Development considers necessary to process the application.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-904 Qualifications of applicants.

(a) Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement, and an applicant includes an authorized agent.

(b) The Community Development Director may require an applicant to submit proof of his or her legal or equitable interest in the real property and of the authority of the agent to act for the applicant. Before processing the application, the Community Development Director may obtain the opinion of the City Attorney as to the sufficiency of the applicant's interest in the real property to enter into the agreement. The Community Development Director may require the applicant to submit a preliminary title report.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-905 Form of development agreement.

Each application to enter into a development agreement shall be accompanied by the form of standard development agreement established by the City and approved by the City Council with such additional alternatives or modifications or changes as may be proposed by the applicant. Such alterations or modifications or changes as proposed by the applicant are not binding on the City and may or may not be approved for inclusion by the City Council.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-906 Duty to give notice.

The Department of Community Development shall give notice of the City's intention to consider the adoption of a development agreement in conjunction with any other public hearing required by State law or this article at least ten (10) days prior to the hearing date.

(a) **Form of notice.** The form of the notice of intention to consider the adoption of a development agreement shall contain:

(1) The time and place of the hearing;

(2) A general explanation of the matter under consideration, including a general description of the area; and

(3) Other information required by specific provisions of this article or which the Department of Community Development considers necessary or desirable.

(b) **Time and manner of notice.** The time and manner of giving notice shall be by both:

(1) **Publication.** Publication at least once in a newspaper of general circulation published and circulated in the City; and

(2) **Mailing.** Mailing of the notice to all persons shown on the last equalized assessment roll as owning real property within 300 feet of the property which is the subject of the proposed development agreement.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-907 Contents of development agreements.

(a) A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes.

(b) The development agreement may also include conditions, terms, restrictions, and requirements for subsequent or concurrent discretionary actions applicable to the project; provided that such conditions, terms, restrictions, and requirements shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement.

(c) The agreement may provide that construction shall commence within a specified time and that the project or any phase thereof be completed within a specified time.

(d) The agreement may also include terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-908 Determinations by the Planning Commission.

After the hearing held by the Planning Commission, which may be held in conjunction with other required hearings for the project, the Planning Commission shall make its recommendation in writing to the City Council. The recommendation shall include findings on the Planning Commission's determination whether or not the proposed development agreement:

(a) Is consistent with the objectives, policies, general land uses, and programs specified in the General Plan and any applicable Specific Plan;

(b) Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;

(c) Is in conformity with the public convenience and general welfare and good land use practices;

(d) Will be detrimental to the health, safety, and general welfare;

(e) Will adversely affect the orderly development of property or the preservation of property values; and

(f) Will provide sufficient benefit to the City to justify entering into the agreement.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-909 Council hearings.

(a) Following notice pursuant to Section 6 of this article (Section 9-5-906), the City Council shall hold a public hearing. The City Council may accept, modify, or disapprove the recommendation of the Planning Commission. The City Council shall not approve the development agreement unless the City Council adopts findings to support its action as referenced in Section 7 of this article (Section 9-5-907).

(b) If the City Council approves the development agreement, it shall do so by the adoption of an ordinance as required by Government Code Section 65867.5. After the ordinance approving the development agreement takes effect, the City may enter into and execute the agreement.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-910 Initiation of amendments or cancellation.

Either party may propose an amendment to or the cancellation, in whole or in part, of a development agreement previously entered into. If proposed by a developer, the procedure for proposing and the adoption of an amendment to or cancellation, in whole or in part, of the development agreement shall follow the same procedures required for entering into the development agreement (Government Code Section 65868). However, where the City initiates a proposed amendment or cancellation of the development agreement, the City shall provide thirty (30) days advance notice to the property owner of the intention to initiate proceedings.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-911 Recordation of agreements, amendments, or cancellation.

(a) Within ten (10) days after the City enters into the development agreement, the City Clerk shall record the agreement with the County Recorder.

(b) If the parties to the agreement, or their successors in interest, amend or cancel the agreement as provided in Section 65868 of the California Government Code, or if the City terminates or modifies the agreement as provided in Section 65865.1 of the Government Code for the failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall also record notice of such action with the County Recorder.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-912 Review of agreements.

The Department of Community Development shall review the development agreement every twelve (12) months after the date the agreement is entered into, until the project is fully implemented. After

full project implementation, the City shall review the development agreement as often and in the manner as may be specified within the terms of each specific development agreement.

(a) The Department of Community Development shall begin the review proceeding by giving notice to the property owner that the City intends to undertake a periodic review of the implementation of the development agreement. The Department shall give thirty (30) days advance notice of the time when the matter will be considered by the Planning Commission and City Council.

(b) The Planning Commission and City Council shall conduct a public hearing at which the property owner shall demonstrate good faith compliance with the terms of the agreement. The burden of proof on such issue shall be upon the property owner. Notice of the hearing shall be given in conformance with Section 17 of Article 1 of this chapter (Section 9-5-117 et.seq).

(c) The City Council, upon the recommendation of the Planning Commission, shall determine whether or not the property owner, for the period under review, has complied in good faith with the terms and conditions of the agreement.

(d) If the City Council finds and determines that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review shall be concluded. If the City Council finds and determines that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the City Council shall order the property owner to cure the default within sixty (60) days. If the property owner fails to do so, the City Council may modify or terminate the agreement.

(Ord. 914-CS, Amended, 02/14/1997)

Article 10. Design Review

9-5-1001 Purpose.

The purposes for establishing design review are as follows:

(a) Effective implementation of the objectives and goals in the General Plan.

(b) Standards and policies to promote and enhance quality architectural design, good site planning and the preservation of property values throughout the City.

(c) Enhancement of the orderly and harmonious appearance of new development.

(d) To compliment the mandatory property development regulations contained in Title 9 of this Code by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations.

(e) Maintenance of the public health, safety, general welfare and property throughout the City by avoiding and preventing possible deterioration in the form of:

(1) The appearance of open spaces, buildings and related structures visible from public streets having a substantial effect on property values and the taxable value of property in the City.

(2) Poor planning, neglect of proper design standards, and the construction of buildings and structures unsuitable and incompatible with the character of the neighborhood.

(f) To protect the general health, welfare and safety of the residents of the City.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-1002 Applicability.

Design guidelines are advisory for permitted uses. However, the design guidelines should be incorporated as applicable in all development subject to a Minor Administrative Permit, Minor Discretionary Permit, Conditional Use Permit or planned development proposal, to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. Exceptions include: single-family residences on in-fill sites, interior remodels, or interior tenant improvements.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-1003 Findings.

Upon receipt of an application, the Community Development Director or designee shall review the proposed project and determine the project adequately meets the following findings:

(a) The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, will not result in vehicular and/or pedestrian hazards and provides a desirable environment for occupants, visitors and neighbors.

(b) The architectural design of the proposed project is compatible with the character of the surrounding neighborhood and will implement the General Plan by insuring harmonious, orderly and attractive development.

(Ord. 914-CS, Amended, 02/14/1997)

Article 11. Enforcement

9-5-1101 Purpose.

Enforcement of the provisions of this code shall be diligently pursued in order to provide for their effective administration, to ensure compliance with any conditions of approval, to promote the City' s planning efforts and for the protection of the public health, safety and welfare of the City.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-1102 Permits, licenses, certificates, and approvals.

All persons empowered with the authority to issue permits, licenses, certificates, or other approvals, shall comply with the provisions of this title and grant no permit, license, certificate, or approval in conflict with these provisions. Any permit, license, certificate, or approval granted in conflict with any provision of this title shall be void.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-1103 Violation.

It shall be unlawful to violate or fail to perform any condition, requirement or restriction placed on any permit, Planned Development zone, variance or other similar action.

(Ord. 914-CS, Amended, 02/14/1997)

9-5-1104 Enforcement.

It shall be the duty of the Neighborhood Preservation Officer, the Chief of Police, and the Community Development Director to enforce the provisions of this title. Any violation of this title shall be deemed a nuisance and enforcement proceedings shall be pursuant to Article 3 of Chapter 5-5: Nuisance Abatement Procedures.

(Ord. 914-CS, Amended, 02/14/1997)

The Turlock Municipal Code is current through Ordinance 1196-CS, passed June 10, 2014.
Disclaimer: The City Clerk's Office has the official version of the Turlock Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

ZONING ORDINANCE CHAPTER NUMBER CHANGES

Chapter 1

no numbering changes

EXISTING	Chapter 2, Article 1	NEW	
9-2-120	Swimming pools, spas and hot tubs	9-2-120	Underground utilities
9-2-121	Underground utilities	9-2-121	Neighborhood stores
9-2-122	Neighborhood stores	9-2-122	Rental storage facility
9-2-123	Rental storage facility	9-2-123	Equipment sales, service and rentals
9-2-124	Equipment sales, service and rentals	9-2-124	Mobile food facilities
9-2-125	Mobile food facilities	9-2-125	Cargo containers
		9-2-126	Electrified fences
		9-2-127	Drive-through facilities
	Chapter 2, Article 2		
9-2-214	Specific parking area design	9-2-214	Parking lot design standards
9-2-215	Parking access from street	9-2-215	Driveway and corner visibility
9-2-216	Driveway and corner visibility	9-2-216	Parking lot landscaping
9-2-217	Additional design standards for parking lots and structures	9-2-217	Parking access from street

Chapter 2, Article 3

no numbering changes

	Chapter 2, Article 4		
9-2-405	not used	9-2-405	Discontinuance
9-2-406	not used	9-2-406	Replacement and repairs due to damage
9-2-407	Discontinuance	9-2-407	Repairs and maintenance
9-2-408	Replacement and repairs due to damage	9-2-408	Exceptions to provisions
9-2-409	Repairs and maintenance	9-2-409	not used
9-2-410	Exceptions to provisions	9-2-410	not used

EXHIBIT G

Chapter 2, Article 5

no numbering changes

Chapter 2, Article 6

no numbering changes

Chapter 3, Articles 1 - 5

no numbering changes

Chapter 4, Article 1

9-4-102	Downtown Core	9-4-102	Regulations applicable to all Downtown overlay districts
9-4-103	Downtown Core Transition	9-4-103	Use Classifications
9-4-104	Transitional Commercial	9-4-104	Downtown Core (DC)
9-4-105	Industrial Residential	9-4-105	Downtown Core Transition (DCT)
9-4-106	Office Residential	9-4-106	Transitional Commercial (TC)
		9-4-107	Industrial Resnidential (IR)
		9-4-108	Office Residential (OR)

Chapter 4, Article 2

no numbering changes

Chapter 5, Article 1

9-5-106	Permits: Expiration	9-5-106	Application expiration
9-5-107	Permits: Renewal	9-5-107	Permits: Expiration
9-5-108	Permits, certificates, and licenses: Validity.	9-5-108	Permits: Renewal

9-5-109	Permits and variances: Revocation or modification: Grounds	9-5-109	Permits, certificates, and licenses: Validity
9-5-110	Permits and variances: Suspension and revocation.	9-5-110	Permits and variances: Revocation or modification: Grounds
9-5-111	Amendments: Authorized.	9-5-111	Permits and variances: Suspension and revocation
9-5-112	Amendments: Initiation.	9-5-112	Amendments: Authorized
9-5-113	Amendments: Applications.	9-5-113	Amendments: Initiation
9-5-114	Amendments: Hearings.	9-5-114	Amendments: Applications
9-5-115	Hearings: Scope of provisions	9-5-115	Amendments: Hearings
9-5-116	Hearings: Time and place.	9-5-116	Hearings: Scope of provisions
9-5-117	Hearings: Notices: Form.	9-5-117	Hearings: Time and place
9-5-118	Hearings: Notices: Publication.	9-5-118	Hearings: Notices: Form
9-5-119	Hearings: Notices: Posting and mailing	9-5-119	Hearings: Notices: Publication
9-5-120	Hearings.	9-5-120	Hearings: Notices: Posting and mailing
9-5-121	Hearings: Transcripts.	9-5-121	Hearings
9-5-122	Hearings: Continuance.	9-5-122	Hearings: Transcripts.
9-5-123	Commission hearings: Commission recommendations.	9-5-123	Hearings: Continuance.
9-5-124	Commission hearings: Transmittal of resolutions.	9-5-124	Commission hearings: Commission recommendations.
9-5-125	Commission hearings: Records.	9-5-125	Commission hearings: Transmittal of resolutions.
9-5-126	Council hearings: Council decisions.	9-5-126	Commission hearings: Records.
9-5-127	Council hearings: Transmittal of resolutions and ordinances.	9-5-127	Council hearings: Council decisions.
9-5-128	Council hearings: Records.	9-5-128	Council hearings: Transmittal of resolutions and ordinances.
9-5-129	Appeals: Authorized.	9-5-129	Council hearings: Records.
9-5-130	Permits and variances: New applications.	9-5-130	Appeals: Authorized.
		9-5-131	Permits and variances: New applications.

Chapter 5, Article 2

no numbering changes

Chapter 5, Article 3

9-5-314.1	Minor discretionary permit: Time limits for development of property and uses.	9-5-315	Minor discretionary permit: Time limits for development of property and uses.
9-5-315	Outdoor dining defined.	9-5-316	Outdoor dining defined.
9-5-315.1	Outdoor dining permit required.	9-5-317	Outdoor dining permit required
9-5-315.2	Authority to issued outdoor dining permits.	9-5-318	Authority to issue outdoor dining permits.
9-5-315.3	Application for outdoor dining permit.	9-5-319	Application for outdoor dining permit.
9-5-315.4	Issuance of outdoor dining permit	9-5-320	Issuance of outdoor dining permit

9-5-315.5	Conditions and restrictions pertaining to outdoor dining.
9-5-315.6	Insurance.
9-5-315.7	Alcoholic beverage restrictions.
9-5-315.8	Outdoor dining permit not deed or easement.
9-5-315.9	Suspension or revocation of outdoor dining permit.
9-5-315.10	Protest issuance of permit.
9-5-315.11	Denial of permit.
9-5-315.12	Penalties.
9-5-315.13	Removal of tables and chairs.

9-5-321	Conditions and restrictions pertaining to outdoor dining.
9-5-322	Insurance.
9-5-323	Alcoholic beverage restrictions.
9-5-324	Outdoor dining permit not deed or easement.
9-5-325	Suspension or revocation of outdoor dining permit.
9-5-326	Protest issuance of permit.
9-5-327	Denial of permit
9-5-328	Penalties
9-5-329	Removal of tables and chairs.

Chapter 5, Articles 4 to 11

no numbering changes

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF REPEALING AND REPLACING TURLOCK MUNICIPAL CODE TITLE 9, ZONING ORDINANCE, IN ITS ENTIRETY	}	**ORDINANCE NO. - CS**

WHEREAS, a comprehensive update to Title 9 (Zoning Ordinance) is necessary to achieve the goals and objectives of the new General Plan adopted in September 2012 and address a number of requests presented by the public to the City of Turlock; and

WHEREAS, the City Council hereby approves an amnesty program for existing cargo containers, allowing a six-month grace period for compliance with the cargo container ordinance; and

WHEREAS, the cargo container amnesty program includes reduced land use permit fees of $345.00 for commercial and industrial zoned properties and $170.00 for residential zoned properties to cover the hard costs of processing the permit; and

WHERESAS, through the amnesty program, minor deviations from development standards may be approved by the Director of Development Services; and

WHEREAS, after a public hearing held on January 13, 2015, the City Council determined as follows:

1. That the pubic necessity, convenience and general welfare support the proposed amendment.

2. That the proposed amendment is consistent with the Turlock General Plan.

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

SECTION 1. REPEALED: Title 9 is hereby repealed in its entirety.

SECTION 2. ADDITION: Title 9, Chapter 1, is hereby added to read as follows:

Chapter 9-1
GENERAL PROVISIONS

Sections:

Article 1. Establishment of General Provisions

9-1-101 Title of provisions.

9-1-102 Adoption.

9-1-103 Purpose.
9-1-104 Applicability to private and public property.
9-1-105 Minimum requirements.
9-1-106 Rules for interpretation of language.
9-1-107 Applicability and effect of prior permits.
9-1-108 Conflict with other regulations.
9-1-109 Relation to private agreements or restrictions.
9-1-110 Applicability of land use and development regulations.
9-1-111 Rules for interpretation.
9-1-112 Application of zoning regulations during local emergency.
9-1-113 Severability.

Article 2. Establishment of Definitions

9-1-201 Semantic rules of construction.

9-1-202 Definitions.

Article 1. Establishment of General Provisions

9-1-101 Title of provisions.
This chapter of the Turlock Municipal Code may be known and cited as the "Turlock Zoning Regulations" or "Zoning Regulations."

9-1-102 Adoption.
There is hereby adopted, as provided herein, Zoning Regulations for the City. The Regulations are intended to be a precise and detailed plan for the use of land based on the General Plan of the City and to be consistent with the General Plan of the City.

9-1-103 Purpose.
The purpose of the Zoning Regulations is to promote the public health, safety, comfort, convenience, and general welfare of the people of Turlock. Specifically, these Zoning Regulations intend to achieve the following purposes:

(a) To implement the policies of the Turlock General Plan;

(b) To advance Turlock's position as a regional center of commerce, industry and housing;

(c) To promote and provide for the orderly growth and productivity of Turlock's economy;

(d) To protect agricultural, residential, commercial, industrial, public and institutional areas and environmentally sensitive areas from the intrusion of incompatible land uses;

(e) To provide for desirable, appropriately located living areas in a variety of dwelling types and at a wide range of population densities, with adequate provisions for sunlight, fresh air, privacy, usable open space, and safety;

(f) To encourage the provision of affordable housing, particularly to lower income households;

(g) To achieve excellence in site and building design in all future and existing developments;

(h) To provide adequate off-street parking and loading facilities, and to promote a safe, effective traffic circulation system;

(i) To ensure that service demands of new development do not exceed the capacities of existing streets, utilities, or public services;

(j) To assure equality among individuals in the use and enjoyment of their property;

(k) To guide and encourage the renewal of areas experiencing blight, deterioration and obsolescence, while protecting and preserving Turlock's cultural heritage;

(l) To stabilize expectations regarding development entitlements and uses, thereby providing a basis for rational private and public land use decisions;

(m) To minimize the process necessary to obtain rights to develop and use property;

(n) To provide opportunities for businesses to be located for efficient operation in a mutually beneficial relationship to each other and to shared services;

(o) To prevent any substantial risk to public health, safety and welfare from the use of a land or location of a building, or to be a nuisance to or adversely affect adjacent properties or uses.

9-1-104 Applicability to private and public property.
Zoning Regulations shall apply to all land within the City of Turlock, including land owned by the City of Turlock and other local, state, or federal agencies, where applicable. Application of regulations to specific lots shall be governed by the zoning map.

9-1-105 Minimum requirements.
The Zoning Regulations shall be deemed the minimum requirements to promote and preserve the public health, safety, and general welfare of the people, unless otherwise noted.

9-1-106 Rules for interpretation of language.
The following rules of construction shall apply:

(a) Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

(1) "And" indicates that all connected words or provisions shall apply.

(2) "Or" indicates that the connected words or provisions may apply singularly or in any combination.

(3) "Either...or" indicates that the connected words or provisions shall apply singly but not in combination.

(4) "Shall," "must" and "will" signify requirements to be met without exception under all relevant circumstances.

(5) "Should" signifies the City's desire and expectation that the principle will be met in most cases, but recognizes that some circumstances may make implementation impossible or unwise. The applicant may be required to demonstrate to the City the reason for not implementing principles with this wording.

(6) "May" signifies that the principle establishes guidance for actions that are at the discretion of the applicant or public agency.

(b) In case of conflict between the text and a diagram, the text shall control.

(c) All references to departments, commissions, boards, or other public agencies are to those of the City of Turlock, unless otherwise indicated.

(d) All references to public officials are to those of the City of Turlock and include designated deputies of such officials, unless otherwise indicated.

(e) All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend, a holiday, or some other day when Turlock City Hall is not open for normal business, it shall be extended to the next full working day.

(f) Article, division 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 hereof.

(g) The words "activities" and "facilities" include any part thereof.

9-1-107 Applicability and effect of prior permits.
(a) The provisions of this title shall apply to the erection or alteration of any building or structure, or to the use of any parcel of land, as of the effective date of the ordinance codified in this title and any subsequently adopted ordinance amending this title, unless a building permit has been lawfully issued by the City for the construction of a project. In

that case, the project may be completed under the provisions of this title as they existed at the time of issuance of the building permit; provided, that construction under the permit commences within the time frame(s) specified in TMC 9-5-107 and the permit remains effective and valid under the terms of issuance. For the purpose of this subsection, a foundation permit shall be treated as equivalent to a building permit but a grading, demolition, electrical, mechanical or plumbing permit shall not be considered or treated as a building permit.

(b) No official or employee of the city authorized to issue permits or licenses shall issue such permits or licenses which are not in conformity with the provisions of this title where such conformity is required by law. Any permit or license issued in conflict with the provisions of this chapter shall be null and void.

(c) Whenever any building or sign permit, conditional use permit, variance, minor administrative permit, minor discretionary permit or other such permit approval has been issued prior to the effective date of the Zoning Regulations or any amendment thereto and the uses or improvements for which the permit was issued would not conform to the regulations or amendments, the uses or improvements may, nevertheless, be utilized or developed to the extent authorized by the issued permit, provided the permit has not expired under the terms of its issuance. The uses and improvements shall be deemed legally nonconforming and shall be subject to the provisions of Article 4 of Chapter 2 of this title governing nonconformities.

9-1-108 Conflict with other regulations.
Where conflict occurs between the provisions of this title and any other City Codes, ordinances, resolutions, guidelines, or regulations, the more restrictive provision shall apply unless otherwise specified.

9-1-109 Relation to private agreements or restrictions.
This chapter shall not be construed to imply that the City enforces, regulates, interferes with or annuls any easement, covenant, deed restriction, or other agreement between parties except in those instances where the City is a party to the agreement.

9-1-110 Applicability of land use and development regulations.
(a) **Zoning designation system.** The districts set forth in this title and the boundaries of such districts are shown upon the map adopted by the council, such map being designated as the "Zoning Map." Such map is made a part of this title by reference as if the information set forth thereon were fully described in this title. The Council may from time to time republish all or any part of the zoning map to incorporate amendments thereto. Land use and development regulations applicable to specific sites, shown on the zoning map by zoning designation, shall consist of classes of letters and/or numerical designators as follows:

(1) A base land use designator indicating the principal land uses permitted or conditionally permitted in each district, shall be a component of all zoning designations. In mixed-use districts where a conflict arises between standards of more than one district, the Community Development Director shall determine which standards apply.

(2) Overlay district designators shall be included in a zoning designation if the provisions of one or more overlay districts are applicable to a site. When a conflict arises between overlay district standards and base district standards, the overlay district standards shall apply.

(b) **Establishment of land use development standards.** The Zoning Regulations shall set forth development standards for each zone district including, but not limited to, controlling the uses of land, the density of population, the uses and locations of structures, the height and bulk of structures, the open spaces about structures, the external appearance of certain uses and structures, the areas and dimensions of sites, and requiring the provisions of off street parking, off street loading facilities and landscaping.

(c) **Use of property and land in established districts.** Except as otherwise provided in this chapter:

(1) Land, structures, and premises in any district shall be used only for the purposes set forth as permitted in that district, in accordance with the regulations established by the provisions of this title for that district, and in accordance with the conditions and requirements which may have been established for that district in connection with the authorization of any variance or the granting of any permit.

(2) No structure shall be erected, reconstructed, relocated, or structurally altered to have a greater height, bulk or a higher proportion of parcel coverage than is permissible under the limitations set for the district in which the building is located. If the building is already greater than the maximum permitted, it shall not be further increased.

(3) Open space, off-street parking space, or loading space shall be provided in accordance with the regulations, conditions and requirements established for that district.

9-1-111 Rules for interpretation.
(a) **Zoning regulations.** Where uncertainty exists regarding the interpretation of any provisions of this title or its application to a specific site, the Community Development Director shall determine the intent of the provision.

(b) **Zoning map.** Where uncertainty exists regarding the boundary of a zoning district, the following rules shall apply:

(1) Where boundaries are indicated as following streets or other rights-of-way, the center lines of such streets or rights-of-way shall be construed to be such boundaries.

(2) Where boundaries are indicated as approximately following parcel lines, such parcel lines shall be construed to be such boundaries.

(3) In the event uncertainty exists or in the case where a district boundary divides a parcel, the Planning Commission, upon a written application or upon its own motion, shall determine the exact location of such boundaries.

(c) **Record of interpretation.** The Community Development Director shall keep a record of interpretations made pursuant to this title which shall be made available to the public for review.

(d) **Appeals.** An interpretation of the zoning regulations or zoning map by the Community Development Director may be appealed to the Planning Commission.

9-1-112 Application of zoning regulations during local emergency.
The Turlock City Council may authorize deviations from any provision of this title during a proclaimed local emergency in accordance with Title 4 of the Turlock Municipal Code.

9-1-113 Severability.
If any section, subsection, sentence, or phrase of this title is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions of this title shall not be affected. It is expressly declared that this title and each section, subsection, sentence, and phrase would have been adopted regardless of the fact that one or more other portions of this title would be declared invalid or unconstitutional.

Article 2. Establishment of Definitions

9-1-201 Semantic rules of construction.
For the purposes of this title, the following rules shall apply unless inconsistent with the plain meaning in the context of the provisions of this title.

(a) Words used in the present tense include the future tense.

(b) Words used in the singular include the plural, and words used in the plural include the singular.

(c) The word "used" includes the words "arranged for, designed for, occupied, or intended to be occupied for."

Where a definition is not given or where a question of interpretation is raised, the definition shall be the common usage of the word within the context of its use, or as clarified by the Planning Commission.

9-1-202 Definitions.
"Abandoned" shall mean to cease or suspend from developing or maintaining a building or use for a stated period of time.

"Abandoned activity" shall mean a business or activity with no reported sales or activity for a period of at least one-hundred eighty (180) days. Exceptions are temporary closures for repairs, alterations or other similar situations.

"Abut" or "adjoin" shall mean two (2) or more parcels sharing a common boundary of at least one (1) point.

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

"Accessory buildings and uses" shall mean buildings and uses, both permanent and temporary, which are:

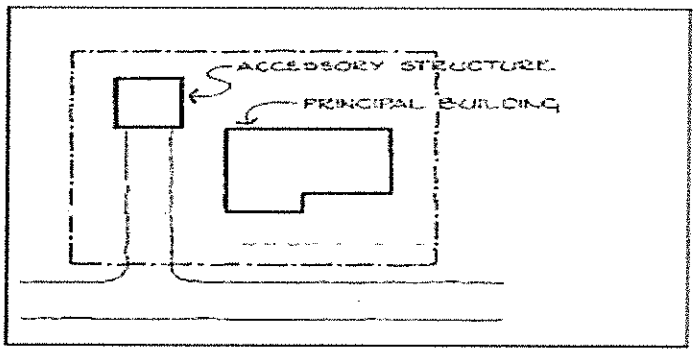
(a) Subordinate to and serve a principal building or principal use;

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

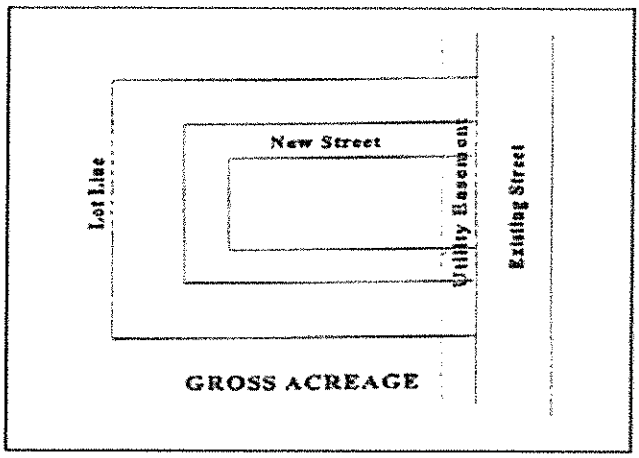
(c) Contribute to the comfort, convenience, or necessity of occupants of the principal building or principal use;

(d) Located on the same lot as the principal building or use; and

(e) Accessory uses in commercial and industrial businesses shall be limited to twenty (20%) percent of the total floor area.



"Acreage, gross" shall mean the entire area of a site calculated to the centerline of planned bounding streets and to the edge of the right-of-way of existing or dedicated streets.



"Acreage, net" shall mean the area of a parcel of land measured to the property lines less streets and/or alleys or those areas proposed or required to be dedicated as streets and/or alleys.

"Action" shall mean the decision made by the review authority on a land use application, including applicable findings, environmental determination and conditions of approval.

"Adjacent" shall mean situated "next to" and shall include both abutting property and real property located across alleys, streets or other public right-of-way.

"Adult use" shall mean a business or location where the main emphasis is on the sale or promotion of sexually explicit materials or activities. See TMC 9-2-102, Adult entertainment facilities, for further definitions and reference.

"Affordable housing" shall mean housing for which the housing payment is not more than thirty (30%) percent of household gross income for a specified housing group.

"Agent of owner" shall mean a person authorized to act for the property owner.

"Agriculture" or "agricultural use" shall include a range of activities involved in the production of food such as the tilling of the soil, the raising of crops, horticulture, viticulture, dairying and livestock farming, including all uses customarily incidental thereto; but excluding slaughter houses, fertilizer yards, transport businesses for agricultural hauling, bone yards or rendering plants for the reduction of animal matter, the cultivation of marijuana, or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust, or fumes.

"Airports and landing strips" shall mean runways and related facilities for aircraft, including rotary-winged and ultra-light aircraft, take-off and landing.

"Alley" shall mean a public or private right-of-way permanently reserved primarily for vehicular service access to the rear or sides of properties otherwise abutting on a street and affording only secondary means of access to abutting property.

"Alteration" shall mean any change, addition, or modification in construction or occupancy of an existing structure.

"Amendment" shall mean a change in the wording, context or substance of any provision in TMC Title 9; or an addition, deletion, or a change in the zone boundaries or classification upon the Zoning Map.

Amusement center or arcade. See TMC 4-11-101 et seq.

"Animal boarding" shall mean the provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.

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

"Animal hospitals" shall mean establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air conditioned. Grooming and temporary (thirty (30) days or less) boarding of animals is included if incidental to the hospital use.

"Animals, retail sales" shall mean retail sales and boarding of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use.

"Annexation" shall mean the process of adding territory to the incorporated area of the City and simultaneously detaching said territory from Stanislaus County and certain service districts.

"Antenna" shall mean a device for transmitting or receiving radio, television, or any other transmitted signal.

"Antique store" shall mean a business whose primary purpose is the sale of objects having special value because of their age, especially a domestic item or piece of furniture or handicraft esteemed for its artistry, beauty, or period of origin.

"Apartment" shall mean a room or group of rooms in a building rented or leased to a tenant and constituting five (5) or more dwelling units. For the purpose of this definition, "building" shall mean one (1) or more buildings on one (1) or more contiguous lots or parcels under common ownership, and the total contiguous number of dwelling units in all of such buildings shall be used to determine the number of dwelling units subject to the requirements of TMC Title 9. (See also "dwelling unit, multi-family.")

"Artist studio" shall mean a place where fine art is created and occasionally displayed, and affords the artists a live-work opportunity typically in the downtown area. "Fine art" is art concerned with the creation of beautiful objects such as painting and sculpture.

"Attached" shall mean the physical connection of two (2) structures as defined by the California Building Code. A building or structure shall be defined as "attached" when there is less than six (6') feet between that building or structure and any other building on the same property.

"Auto repair, major" shall mean a place providing a full range of vehicle repair and maintenance services which include outside storage, the use of hazardous liquids, open flame or welding operations. Hazardous liquids include Class I, II or III-A liquids as defined by the California Building Code.

"Auto repair, minor" shall mean a place providing vehicle repair and maintenance limited to exchange of parts and maintenance which does not include the activities as

defined under "Auto repair, major." Any activity combining minor and major automobile repair shall be defined as major automobile repair.

"Auto sales and service" shall mean sale and rental of automobiles, motorcycles, trucks and recreational vehicles, including storage and incidental maintenance.

"Automobile service station" shall mean an area which provides for the servicing or fueling of motor vehicles, including tube and tire repairs, battery charging, storage of merchandise and supplies related to the servicing of motor vehicles, sale of gasoline and other fuel and lubricants, motor vehicle washing, grease racks, and motor vehicle repairs, excluding major auto repair and other similar activities. This definition includes a convenience gas mart with two (2) or more service islands.

"Automobile storage" shall mean lots for the storage of parking tow-away, impound yards, and storage lots for automobiles, light duty trucks, buses, and recreational vehicles, but excluding commercial vehicles.

"Automobile washing" shall mean washing, waxing, detailing, or cleaning of automobiles or similar light vehicles including the use of mechanical automobile washers.

"Awning" shall mean a roof-like cover that is attached to and projects from the wall of a building for the purpose of shielding from the elements.

"Balcony" shall mean an open area located either recessed or projected out from the walls of a building. Balconies are thirty (30") inches or more above grade and are open to one (1) or more sides except for a railing or parapet not more than forty-two (42") inches high. An exterior corridor is not a balcony.

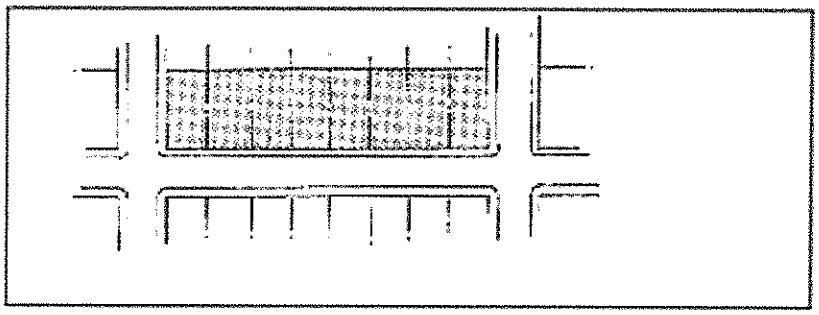
"Bar" shall mean any premises wherein alcoholic beverages are sold at retail for consumption on the premises and where minors are excluded therefrom by law. A bar shall include any premises wherein food products, including salads, sandwiches, desserts, and similar short order items and snacks, are sold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

"Basement" shall mean that portion of a building that is partly or completely below grade. A basement shall be counted as a story for purposes of height measurement where any portion of a basement has more than one-half (1/2) of its height above grade.

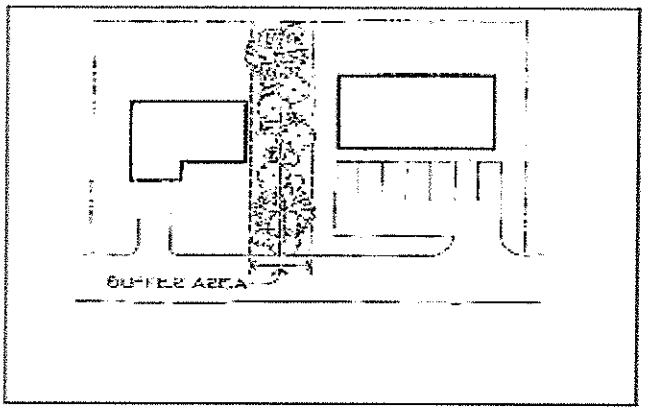
"Berm" shall mean a mound or embankment of earth.

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

"Block face" shall mean the properties abutting on one (1) side of a street and lying between the two (2) nearest intersecting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land or City boundary.



"Buffer area" shall mean a landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.



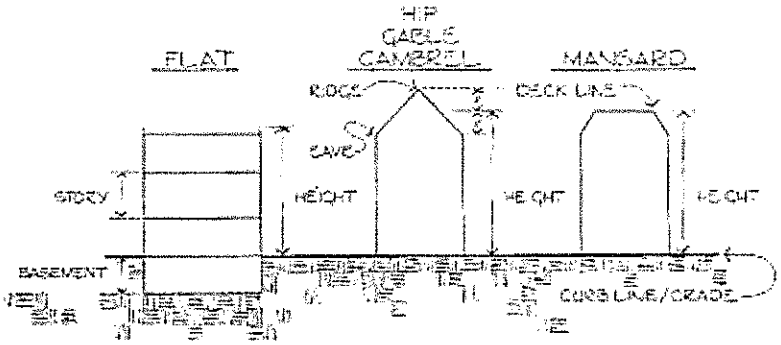
"Building" shall mean any structure used or intended for supporting or sheltering any use.

Building, accessory. See "Accessory building."

"Building and Safety Division" shall mean that agency or department designated by the City to process building permits and the related plan check/inspection services.

Building coverage. See "Lot coverage."

"Building height" shall mean the vertical distance from the finished grade to the highest point of the building as measured to the rooftop for flat roofs; to the deck line for mansard roofs; and to the top ridge line for gable, hip, and gambrel roofs, exclusive of chimneys and ventilators.



"Building materials & services" shall mean a commercial use that provides materials, such as concrete, lumber, stone, sand, clay, insulation, plumbing and the like, which are used for construction purposes.

"Building, principal" shall mean a building in which the primary use of the lot on which the building is located is conducted.

"Cargo container" shall mean a pre-manufactured metal shipping container or standardized, reusable vessel, designed without axle or wheels, that was originally designed and fabricated for, or used in, the packing, shipping, movement or transport of freight, articles, goods, or commodities from one location to another and that is delivered to a site as a fully assembled unit. The term "cargo container" shall not include a storage shed that is assembled at the site or a trailer with wheels used in the transport of freight. This term shall only apply to those containers that are accessory to the primary use of the property for the storage of directly related nonflammable, noncombustible, nonhazardous materials and supplies. If the container is proposed to be stored on the site for resale or rental, or to be used as a building material in the construction of a building or structure, the district regulations applicable to those uses shall apply.

"Catering services" shall mean a business establishment cooking and delivering food to an outside location such as a hotel, banquets, weddings, conventions and the like. This does not include mobile food vendors.

"Clubs and lodges" shall mean meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers.

"Commercial recreation and entertainment" shall include theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, ice/roller skating rinks,

miniature golf courses, golf driving ranges, model courses, shooting galleries, pinball arcades or electronic game centers having two (2) or more coin-operated game machines, card rooms, and facilities used exclusively for bingo games. Commercial recreation and entertainment does not include adult entertainment facilities.

"Commissary" shall mean a food facility that services mobile food facilities, mobile support units, or vending machines where all of the following occur: (a) food, containers, or supplies are stored; (b) food is prepared or prepackaged for sale or service at other locations; (c) utensils are cleaned; (d) liquid and solid wastes are disposed, or potable water is obtained, pursuant to California Health and Safety Code Section 113751.

"Community garden" shall mean a site where any kind of plant, except marijuana, is grown, and several individuals or households cultivate the site. Gardens are typically not located within the immediate neighborhood which could result in the generation of vehicular traffic that is not normally associated with residential uses. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation. No on-site sales or distribution to the public are permitted.

"Conditional use" shall mean uses which may be allowed subject to specific findings, conditions and approval of a conditional use permit by the Planning Commission.

"Condominium" shall mean a development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in airspace in a residential building on a parcel.

"Condominium, commercial" shall mean individually owned unit in a building or development with commercial occupants. Each unit may be financed or sold separately by the owner, but the care and expense of maintaining common areas are shared.

"Construction, commencement of" shall mean construction shall be determined to start when all of the following have been completed by the developer:

(a) Filing of full sets of building plans with the Building Inspector and issuance of a building permit including electrical, plumbing, and mechanical permits.

(b) Performance of all conditions of approval specifying "prior to the issuance of a building permit" as found in any applicable approval statements and/or resolutions adopted by the City Council, Planning Commission, or Development Services Director.

(c) Payment of all required fees, including building permit fees, and the posting and acceptance of all public improvement securities, if applicable.

(d) Compliance with environmental review procedures of the City.

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

"Convalescent hospital" shall mean a facility providing long-term nursing, dietary and other medical services to convalescents or invalids but not providing surgery or primary treatment such as are customarily provided in a hospital. "Convalescent hospital" includes nursing home and rest home, but does not include general or specialized hospital or residential care facility.

"Convenience gas mart" shall mean a retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same. Activities may include the sale and/or dispensing of gasoline and other petroleum products.

"Conversion" shall mean changing the original purpose of a building to a different use.

"Crop production" shall mean the growing of fruit and nut trees, vine crops, and horticultural stock for production of food or fiber for human consumption, excluding marijuana, and shall not include the on-site sale or public distribution of such goods. Agricultural operations shall be conducted under the direction of the property owner. The vehicular traffic shall not exceed levels normally associated with residential uses.

"Cultural institutions" shall mean institutions displaying, preserving or demonstrating intellectual and artistic objects or activities. This classification generally includes libraries, museums, and art galleries where displayed objects are not intended for sale.

"Dance studio" shall mean an indoor facility where students are taught various forms of dance.

"Day care center" shall mean any child day care facility, as defined in Section 1596.76 of the California Health and Safety Code, other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school-age child care centers.

(a) **"Child day care facility"** shall mean a facility, as defined in Section 1596.750 of the California Health and Safety Code, that provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. "Child day care facility" includes day care centers, employer-sponsored child care centers, and family day care homes.

(b) **"Large family day care"** shall mean a home, as defined in Section 1596.78(b) of the California Health and Safety Code, that provides family day care for seven (7) to fourteen (14) children for periods of less than twenty-four (24) hours per day, inclusive, including children under the age of ten (10) years who reside at the home, as set forth in Section 1597.465 of the California Health and Safety Code and as defined in State regulations.

(c) **"Small family day care"** shall mean a home, as defined in Section 1596.78(c) of the California Health and Safety Code, that provides family day care for eight (8) or fewer children for periods of less than twenty-four (24) hours per day, including children under the age of ten (10) years who reside at the home as set forth in Section 1597.44 of the California Health and Safety Code and as defined in State regulations.

"Deck" shall mean a platform less than thirty (30") inches above the grade, either freestanding or attached to a building.

"Density" shall mean the ratio between dwelling units and land, expressed as the number of dwelling units per gross acre, or as square feet of land required per dwelling unit.

"Density bonus" shall mean an increase of dwelling units over the otherwise maximum allowable residential density.

"Density, gross" shall mean the number of dwelling units per acre of developable residential land including public and private streets, but excluding greenways and easements for drainage or power transmission lines.

"Density, net" shall mean the number of dwelling units per acre of developable residential land exclusive of public and private streets, greenways, drainage, power-transmission line easements, or other public and/or semipublic uses.

"Development" shall mean:

(a) The division of a parcel of land into two (2) or more parcels;

(b) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, including any facility of any private, public, or municipal utility;

(c) Any mining, excavation, landfill, or land disturbance;

(d) Any use or extension of the use of land;

(e) Any subdivision pursuant to the Subdivision Map Act; and

(f) Any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use.

"Development agreement" shall mean an agreement entered into between the City of Turlock and a contracting party which relates to a specific real property, subject to the terms of the agreement, pursuant to the provisions of this chapter and Article 2.5, Chapter 4, Division 1 of Title 7 of the California Government Code.

"Development Services Director" shall mean the Director of the Development Services Department of the City of Turlock, or designee. "Development Services Director" shall also include the term "Director."

"Director" shall mean the City of Turlock Development Services Department Director or designee.

"Discount club" shall mean a discount store or warehouse where shoppers pay a membership fee in order to take advantage of discounted prices on a wide variety of items such as food, clothing, tires, and appliances; many items are sold in large quantities or bulk.

"Discount store" shall mean stores with off-street parking that usually offer a variety of customer services, centralized cashing, and a wide range of products. They usually maintain long store hours seven (7) days a week. The stores are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center or service station. Discount stores are also sometimes found as separate parcels within a retail complex with their own dedicated parking.

"Discount superstore" shall mean a store that is similar to a "discount store" described above, with the exception that they also contain a full service grocery department under the same roof that shares entrances and exits with the discount store area. Such retail stores exceed one hundred thousand (100,000) square feet of gross floor area and devote at least five (5%) percent of the total sales floor area to the sale of nontaxable merchandise. "Sales floor area" means only interior building space devoted to the sale of merchandise, and does not include restrooms, office space, storage space, automobile service areas, or open-air garden sales space. "Nontaxable merchandise" means products, commodities, or items the sale of which is not subject to California State sales tax. These stores usually offer a variety of customer services, centralized cashing, and a wide range of products. They usually maintain long store hours seven (7) days a week. The stores are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center or service station. Discount superstores are also sometimes found as separate parcels within a retail complex with their own dedicated parking.

"Distance between structures" shall mean the minimum distance measured between two (2) structures.

"Drive-in facility" shall mean any place or premises designed or used for the sale, dispensing or serving of food, refreshments, money, gasoline, or other goods and services to customers while sitting in their vehicles. Vehicles are parked in individual parking stalls while awaiting service.

"Drive-through facility" shall mean any place or premise designed or used for the sale, dispensing or serving of food, pharmaceuticals, and other goods and services to customers while sitting in their vehicles at a drive-up window. Vehicles typically queue in a drive-through lane while awaiting service at a drive-up window.

"Driveway" shall mean a private roadway for the exclusive use of the occupants of a property and their guests which provides vehicular access from a public street to required off-street parking spaces, garages, or recreational vehicle storage.

Dwelling.

(a) **"Multi-family"** shall mean a residential building containing two (2) or more dwelling units on one (1) lot. Multifamily dwellings shall include dwellings that are constructed for the purposes of providing supportive and transitional housing.

(b) **"Second"** shall mean an additional dwelling unit located on a lot zoned for single- or multi-family residential uses having sleeping, kitchen and sanitation facilities and being attached to or detached from an existing single-family dwelling located on the same lot. The definition of a "kitchen" is described in this section. (See also TMC 9-2-119, Second dwelling units.)

(c) "**Single-family"** shall mean a residential building containing one (1) dwelling unit on one (1) lot. All rooms within the single-family attached dwelling shall be interconnected. "Single-family dwelling" shall include a dwelling that is constructed for the purposes of providing supportive and transitional housing.

"Dwelling unit" shall mean one (1) or more rooms, including bathroom(s) and a kitchen, designed for or used by one (1) family for living or sleeping purposes. The defining feature of a "kitchen" is the presence of a major cooking appliance such as a cook top and/or oven intended for the preparation of food for one (1) family. Other features typically found in a kitchen are a sink and counter space large enough for food preparation and cleaning, refrigeration facilities, and storage area.

"Easement" shall mean a grant of one (1) or more property rights by the property owner for use by the public, a corporation or another person or entity.

"Emergency services provider" shall mean a public or private agency which provides fire, ambulance, police or similar emergency services for the protection of life or property.

"Emergency shelter" shall mean housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Employee housing" shall be as defined in Section 17008 of the California Health and Safety Code and shall include farm worker housing. In nonagricultural residential zones, accommodations for six (6) or fewer employees shall be deemed a single-family structure pursuant to Section 17021.5 of the California Health and Safety Code. In agricultural zones, accommodations of no more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces designed for use by a single family or households shall be deemed a permitted agricultural land use pursuant to Section 17021.6 of the California Health and Safety Code.

"Entertainment, live" shall mean a musical, theater, dance, cabaret, or comedy act performed by one (1) or more persons. Any form of dancing by patrons or guests at a restaurant or bar is live entertainment.

"Equipment sales, services and rentals" shall mean sales, services and rental of construction or agricultural equipment.

"Family" shall be defined by the maximum number of individuals permitted in a given residential space per the standards of the Uniform Housing Code and/or the California Building Code as applicable.

"Fence" shall mean an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

"Financial services" shall mean walk-in and drive-through banking facilities that conduct financial transactions for walk-in customers as well as motorists conducting transactions from their vehicle. Banking facilities may or may not have drive-up lanes with or without automatic teller machines (ATMs).

"Floor area, gross" shall mean the total enclosed floor area of all stories of a building, measured to the outside structural members and exterior walls, including halls, stairways, basements, service and mechanical equipment rooms, mezzanines, interior balconies, attached garages, and other similar spaces.

"Floor area, net" shall mean the total enclosed floor area of all stories of a building, excluding corridors, hall, stairways, mezzanines, interior balconies, elevators, restrooms, closets, vaults, garages, and other similar space used by all occupants of a building rather than by an individual occupant.

"Floor area ratio (FAR)" shall mean the area resulting from dividing the gross floor area of all buildings on one (1) lot by the gross land area of that lot.

"Food and beverage sales" shall mean the retail sales of food and beverages for off-site preparation and consumption. Typical uses include grocery stores, liquor stores and delicatessens. Establishments at which twenty (20%) percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as catering services or restaurants.

"Friable" shall mean the addition of soil amendments and returning the soil to an easily crumbled or loosely compacted condition whereby the root structure of newly planted landscaping material will be allowed to spread unimpeded.

"Frontage" shall mean the property line, or lines, of a building site which abut a local street. (See also "Lot line, front.")

"Garage" shall mean an accessory building, or portion of a building, used for the parking or temporary storage of automobiles or motorcycles for the occupants of the

premises. A garage (except an off-street parking structure) shall be enclosed on all sides and possess a fully closing door at the point of vehicular access.

"General Plan" shall mean the Turlock General Plan and all elements thereof.

"Grade" shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5') feet of a sidewalk, the ground level shall be measured at the sidewalk. For fences, the grade shall be determined by the finished ground level of the primary building(s) on the property and may be the higher of the two adjoining properties.

"Group quarters" shall mean shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouses, dormitories, fraternities, sororities, employee housing, and private residential clubs. Group quarters are not the same as group homes.

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

(b) **"Small"** shall mean the provision of shared living quarters for six (6) or less people.

"Guest house" shall mean living quarters within an accessory building on a residential lot for use by temporary guests of the occupants of the premises. It shall have no kitchen or cooking facilities and shall not be rented or otherwise used as a separate independent dwelling.

"Health/recreation facility" shall mean an indoor facility including such uses as a gymnasium, game courts, exercise equipment and classes, locker rooms, pool, jacuzzi and/or spa, and pro shop. Exercise / fitness studios such as yoga studios, pilates studios, martial arts studios and the like are also included.

"Home occupation" shall mean any occupation, profession, activity, or use conducted entirely within a dwelling, accessory building or swimming pool, and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, and does not change the character thereof or adversely affect the uses permitted in the residential zone district of which it is part.

"Hospital" shall mean an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and includes related facilities such as laboratories, out-patient surgical centers and departments, training facilities, central services facilities, and administrative offices that are an integral part of the hospital facility.

"Hotel" shall mean a commercial land use providing shelter on a short-term basis in a building or portion thereof in which access is provided through a common entrance, lobby or hallway and which contains six (6) or more guest rooms.

"Housing for the elderly" shall mean a building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older. This does not include a development that contains convalescent or nursing facilities.

Industry.

(a) **General.** The manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes food processing and packaging, unlimited laundries, auto dismantling, stonework and concrete products manufacturing and power generation. General industry does not include the term "chemical manufacturing/processing."

(b) **Limited.** Manufacturing of finished parts or products from previously prepared materials, warehousing, distribution, wholesaling, shipping and cooling within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials or food processing.

"Itinerant vendor" shall mean any person who has no established place of business within the boundaries of the City of Turlock and who is engaged in transient business traveling from place to place for the purpose of selling any goods, wares, merchandise or services or for the purpose of taking orders for the sale of any goods, wares, merchandise or services to be delivered or performed at some future time and date. See TMC 5-17-02, itinerant vendors, for further reference.

"Junk yard" or "salvage yard" shall mean a site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, excepting a "vehicle dismantling and wrecking establishment" as defined in this section.

"Kennel" shall mean a place where four (4) or more dogs of five (5) months of age or older, or four (4) or more cats of four (4) months of age or older, are kept.

"Landscaping" shall mean an area devoted to, or developed and maintained with, native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative treatments such as outdoor landscape surfaces of rock, stone, brick, block, or similar decorative material (excluding driveways, parking, loading or storage areas), and sculpture elements. Plants on rooftops, porches, or in boxes attached to buildings are not considered landscaping.

Laundries.

(a) **"Limited"** shall mean an establishment to dry clean and/or wash and dry clothes and other fabrics brought in and carried away by the customer. This may include self-service or coin-operated facilities.

(b) **"Unlimited"** shall mean an establishment where larger quantities of clothes and other fabrics are washed and/or ironed but are collected and delivered primarily by laundry employees, including dry cleaning establishments. Unlimited laundry does not include the term "limited laundry."

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

"Loading space" shall mean a designated parking area for the loading and unloading of goods and materials from a commercial vehicle. See Article 2 of Chapter 9-2 TMC, Off-Street Parking and Loading Regulations, for further reference.

"Lot" shall mean a parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon. See diagram below. The classification of lots are:

(a) **"Corner"** shall mean a lot located at the intersection of two (2) or more streets.

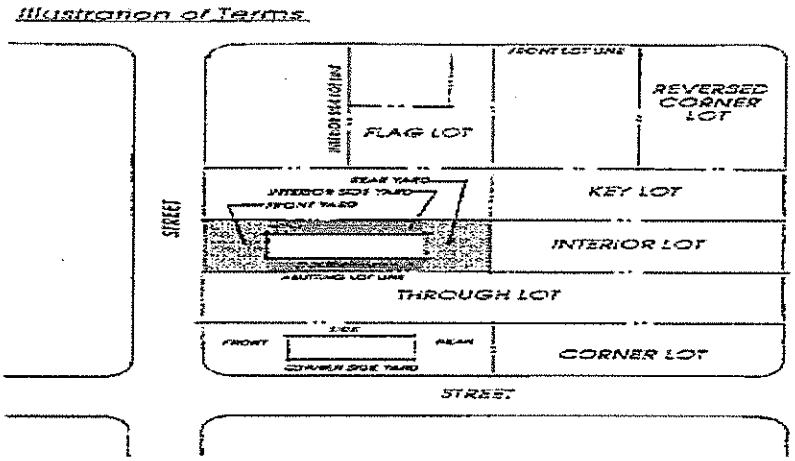
(b) **"Flag"** shall mean a lot having access or an easement to a public or private street by a narrow, private right-of-way.

(c) **"Interior"** shall mean a lot abutting only one (1) street.

(d) **"Key"** shall mean a lot with a side line that abuts the rear line of any one (1) or more adjoining lots.

(e) **"Reverse corner"** shall mean a corner lot, the rear of which abuts the side of another.

(f) **"Through"** shall mean a lot having frontage on two (2) generally parallel streets, with only one (1) primary access.



"Lot area" shall mean the horizontal area within the lot lines of a lot.

"Lot coverage" shall mean that portion of a lot occupied by any building or structure, excepting uncovered paved areas, walks, and swimming pools or spas.

"Lot depth" shall mean the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

"Lot frontage" shall mean the portion of the lot contiguous to the street.

"Lot line" shall mean a line dividing one (1) lot from another lot or from a street or alley. The classifications of lot lines are:

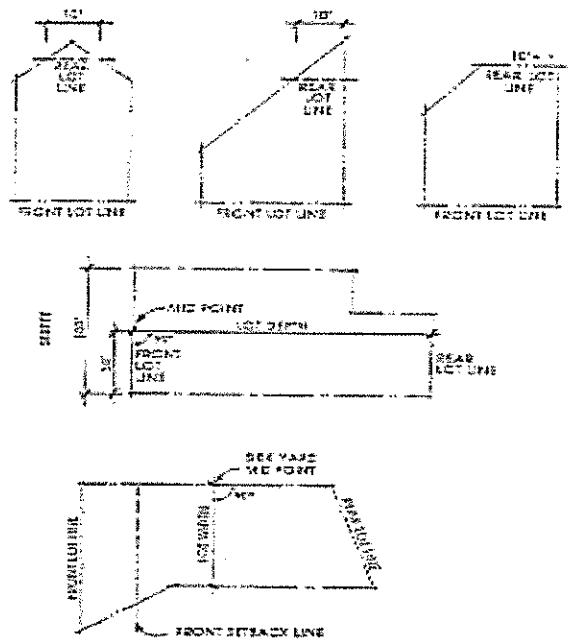
(a) **"Front"** shall mean, on an interior lot, the lot line separating the parcel from the street. On a through lot, both lot lines abutting a street frontage providing the primary access to the lot are considered front lot lines. On a through lot that is also a corner lot, the property owner may designate the corner lot line. On a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained. On a corner lot, the owner may designate on which street the lot fronts so long as the minimum property development standards are met for the zone district in which the lot is located. If such designation is made, then that line is the street line separating the designated street from the lot. If no such designation is made, the line is the street line separating the narrowest street frontage of the lot from the street. Once the choice of frontage has been made, it cannot be changed, unless and until all requirements for yard space are complied with.

(b) **"Interior"** shall mean any lot line not abutting a street.

(c) **"Rear"** shall mean the lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line.

(d) **"Side"** shall mean any lot line not a front or rear lot line.

(e) **"Zero"** shall mean the location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly upon a lot line.



"Lot width" shall mean the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear property lines.

Maintenance and repair service.

(a) **"Major"** shall mean facilities providing equipment maintenance and repair services and material storage areas. This classification includes corporation yards, equipment service centers, and the like, and excludes maintenance and repair of vehicles.

(b) **"Minor"** shall mean establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles and outside storage.

"Manufactured housing" shall mean single-family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974, and shall include structures known as manufactured homes, but which is not constructed with a permanent hitch for relocation. A manufactured home shall not be deemed to include a mobile home as defined in this section. (See also "Mobile home.")

"Mini-storage/warehouse facilities" shall mean a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the unused storage of goods or wares and may include outdoor storage.

"Mixed use" shall mean a building, structure or premises occupied by or used by two (2) or more principal types of use, any of which is permitted in a district independent of other uses.

"Mobile food facility" shall mean any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail pursuant to California Health and Safety Code Section 113831 that is permitted pursuant to TMC9-2-124. "Mobile food facility" does not include the following: (a) a "street vendor" as defined in Chapter 5-17 TMC; (b) an "itinerant vendor" as defined in Chapter 5-17 TMC unless the vendor remains on private property for a period of thirty (30) minutes or more during any twenty-four (24) hour period; or (c) a "transporter" used to transport packaged food from a food facility, or other approved source to the consumer.

"Mobile home" shall mean a transportable, factory-built structure, built upon a chassis for future movement and built prior to the Manufactured Housing Construction and Safety Standards Act of 1974. The structure must be designed for use as a residential dwelling, with or without a permanent foundation, when connected to the required utilities, and intended for occupancy by one (1) family. A transportable travel trailer less than thirty-two (32') feet in length and less than eight (8') feet in width shall not normally be considered a mobile home. (See also "Manufactured housing.")

"Mobile home development" shall mean an area or tract of land where one (1) or more spaces for the occupancy by a mobile home are provided. "Mobile home park" does not include recreational vehicle park.

"Motel" shall mean a commercial land use providing shelter, on a short-term basis, in one (1) or more buildings on the same lot. The buildings contain guest rooms or dwelling units or both, which are usually individually and independently accessible from outside the building. "Motel" includes motor lodge, tourist court, motor hotel or any other designation intended to identify the premises as providing for rental or overnight accommodation primarily to motorists.

"Museum" shall mean a building, place, or institution devoted to the acquisition, conservation, study, exhibition and educational interpretation of objects having scientific, historical, or artistic value.

"Neighborhood store" shall mean a local retail establishment selling food products and household items which may be located in a residential neighborhood and does not exceed two thousand five hundred (2,500) square feet.

"Nonconforming, illegal" shall mean a structure, lot, or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this development Code.

"Nonconforming lot" shall mean a lot that does not meet the area, width or depth standards for the district in which the lot is located which lawfully existed prior to the

adoption, revision, or amendment of this Code, but which fails by reason of such adoption, revision, or amendment to conform to the use district in which it is located.

"Nonconforming structure" shall mean any building or structure that does not meet the limitations on building size, height, and location on a lot, for the district in which such building is located, for the use to which such building is being put. (See also Article 4 of Chapter 9-2 TMC, nonconforming structures and uses.)

"Nonconforming use" shall mean a lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

"Nuisance" shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses.

"Nursery" shall mean an establishment in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

Office.

(a) **"Medical & dental"** shall mean a facility where physicians and staff provide diagnostic and outpatient care, but does not provide prolonged in-house medical and surgical care. The facility may include, lab facilities, supporting pharmacies, diagnostic and treatment rooms.

(b) **"Business & professional"** shall mean a place of business where professional and clerical activities are performed. The building may contain a single tenant or multiple tenants.

"Open space, common" shall mean open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

"Open space, usable" shall mean any reasonably accessible portion of a lot, including decks, swimming pools, balconies, and the like, which is landscaped and/or developed for recreational use or outdoor activities. Usable open space shall not include parking areas, driveways, any part of an existing or future road or right-of-way, service areas, and slopes over ten (10%) percent, and shall not have any horizontal dimension less than ten (10') feet, except decks or balconies, which shall have a minimum dimension of six (6') feet to qualify as usable open space. Decks or paved walkways shall not be counted as usable open space where they are used principally as a passageway and entrance to a dwelling(s). Where decks are private in nature or are for the general use of tenants residing on the property and do not serve as a passageway, such decks may be counted as usable open space when otherwise conforming to the requirements of this title.

"Outdoor storage" shall mean the keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

"Overlay zone" shall mean a set of zoning requirements that is described in the text of the zoning regulations of this Code, is mapped and is imposed in addition to those requirements of the underlying district.

"Park and recreation facilities" shall mean noncommercial parks, playgrounds, recreation facilities, and open spaces.

"Parking, off-street facilities" shall mean a site or a portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

"Parking, off-street loading facilities" shall mean a site or a portion of a site, including loading berths, aisles, access drives, and landscaped areas, devoted to the loading or unloading of people or materials from motor vehicles or trailers.

"Permitted use" shall mean any use allowed in a land use zoning district and subject to the provisions applicable to that district.

"Personal services" shall mean a commercial land use providing recurrently needed services of a personal nature. Personal services generally include barber and beauty shops, tanning salons, seamstresses, tailors, shoe repair shops, dry cleaning (except bulk processing plants), photocopying, postal and mailing service shops, and self-service laundries.

"Plan line" shall mean official established right-of-way lines for future streets or for the extension or widening of existing streets within which the construction of structures is generally prohibited.

"Planned development" shall mean a type of development characterized by comprehensive planning for the project as a whole, clustering of structures to preserve usable open space and other natural features, and a mixture of housing types within prescribed densities.

"Planning Commission" shall mean the City of Turlock Planning Commission.

"Porch" shall mean a covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of the building.

"Preexisting" shall mean in existence prior to the effective date of the zoning regulations codified in this Code.

"Premises" shall mean a lot, parcel, tract or plot of land, together with the buildings and structures located thereon.

"Principal building" shall mean a building in which the primary use of the lot on which the building is located is conducted.

"Principal use" shall mean the primary or predominant use of any lot, building or structure.

Printing and publishing.

(a) **"Limited"** shall mean the preparation of camera-ready artwork and text, photocopying, printing and binding in a building not exceeding two thousand (2,000) square feet.

(b) **"Unlimited"** shall mean the preparation of camera-ready artwork and text, photocopying, printing and binding in a building exceeding two thousand (2,000) square feet.

"Project" shall mean any proposal for new or changed uses of land, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this title.

Property line. See "Lot line."

"Public buildings and facilities" shall mean a class of uses generally open to the public and maintained and supported by public and nonprofit agencies or organizations and which are of a recreational, educational, religious or cultural nature.

"Rebuild" shall mean to undertake construction within and/or on an existing building which has a valid construction permit with a construction value greater than fifty (50%) percent of the replacement cost of the existing building being rebuilt. The permit value is valid for a twelve (12) month period beginning on the date of permit issuance.

"Recreational vehicle" shall mean a vehicular unit not exceeding forty (40') feet in overall length, eight (8') feet in width, or thirteen and one-half (13 1/2') feet in overall height, primarily designated as a temporary living quarters for recreational, camping, or travel use; it either has its own motive power or is designed to be mounted on or drawn by an automotive vehicle. The term "recreational vehicle" shall include motor homes, travel trailers, pick-up campers, camping trailers, converted trucks or buses, boats and boat trailers and all-terrain vehicles. See TMC 9-2-114, Permitted locations of mobile homes, recreational vehicles, and campers.

"Recycling center" shall mean a facility that is not a junkyard and in which recoverable resources, such as newspapers, plastic, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building for transfer to another facility for processing into raw materials or other recycled materials.

"Recycling collection center" shall mean an incidental use and operation that serves as a neighborhood drop-off and collection point for temporary storage of recoverable

and recycled materials. No processing of such items would be carried out and the facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as churches and schools.

"Recycling processing facility" shall mean a facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, cardboard, and other previously used paper products; plastic materials; glass; metal cans; and other similar products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

"Rental storage facility" shall mean a facility consisting of individual, compartmentalized stalls located entirely within an enclosed building or group of buildings with controlled access. Stalls are rented or leased for the storage of customers' goods, wares or archival files, and which may include an on-site manager's quarters, but excludes any outside storage, warehousing storage or wholesale distribution.

"Research and development services" shall mean establishments primarily engaged in industrial or scientific research, including limited product testing.

Residential care facility.

(a) **"Large"** shall mean any family home, group care facility or similar facility providing twenty-four (24) hour nonmedical services, supervision or assistance for seven (7) or more people essential for sustaining the activities of daily living or for the protection of the individual. "Large residential care facility" includes shelters, board and care facilities, halfway houses, and like uses, but does not include any facility not specifically preempted from the State of California Welfare and Institutions Code and the State of California Health and Safety Code.

(b) **"Small"** shall mean any family home, group care facility or similar facility providing twenty-four (24) hour nonmedical services, supervision or assistance for six (6) or fewer people essential for sustaining the activities of daily living or for the protection of the individual. "Small residential care facility" includes any facility not specifically preempted from the State of California Welfare and Institutions Code and the State of California Health and Safety Code.

"Restaurant" shall mean a business establishment whose principal business is the selling of meals to guests for consumption on the premises and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods. The food is served in individual servings and the guest generally consumes these foods while seated at tables or counters located within the building or a specially designed outdoor dining area.

"Restaurant, drive-in" shall mean a business establishment that delivers prepared food, frozen desserts, and/or beverages in a ready-to-consume state to customers while sitting in motor vehicles, regardless of whether or not it also serves prepared foods

and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises. Vehicles are located in parking stalls in a drive-in facility.

"Restaurant, fast food" shall mean a business establishment whose principal business is the quick selling of foods, frozen desserts, or beverages in ready-to-consume individual servings for consumption either on or off premises. This facility offers quick service, which is accomplished through a limited menu of items already prepared and held for service, or which are prepared quickly. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers. A fast food restaurant may or may not include a drive-through facility.

"Retail sales" shall mean the retail sales of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, and businesses retailing goods such as the following: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, electronic equipment, audio and video sales and rentals, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, new automotive parts and accessories (excluding service and installation), and the like. See also "Discount store" as defined by this section.

"Right-of-way" shall mean a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special uses.

"Roadside stand" shall mean a temporary structure designed or used for the display or sale of produce grown or raised on the same premises that the structure is placed.

"Salvage and wrecking yards" shall mean the use of a lot, or contiguous lots, or any portion thereof, for the storage of junk, including scrap materials, and/or for the dismantling or wrecking of salvaged equipment including, but not limited to, building materials, heavy machinery, and vehicles.

"Satellite dish antenna" shall mean an apparatus designed to receive or transmit communications to and from a satellite.

"School" shall mean an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

"Screening" shall mean the method by which a view of one (1) site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

"Secondhand store" shall mean any premises used for the sale or handling of used goods. "Secondhand store" includes establishments for the sale or trade of used clothing, furniture and appliances. "Secondhand store" does not include establishments selling used jewelry, old coins, stamps, or antiques.

"Setback" shall mean the minimum horizontal distance between the lot or property line and the nearest front, side, street side, or rear line of the building or structure (as the case may be), including balconies, terraces, or any covered building projection thereof, excluding steps.

"Shopping center" shall mean a grouping of retail businesses and service uses, located within a building or a group of buildings, oriented or arranged on one (1) or more parcels, sharing common parking and vehicle and pedestrian circulation amenities.

"Sign" shall mean a structure or device designed for the purpose of conveying information or attracting the attention of the public. See Article 5 of Chapter 9-2 TMC, Signs, for further reference.

"Site plan" shall mean a plan, to scale, showing all of the existing and proposed buildings and structures for a lot, and may require building elevations, floor plans, landscaping, and/or fencing details depending upon the nature of the proposed development.

"Specific plan" shall mean a plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the City, consistent with the General Plan and the provisions of Government Code Section 65450 et seq.

"Speculative building" shall mean a permanent structure for which the specified use or uses are not known at the time application is made for building construction permits.

"Stacking line" shall mean an area for temporary waiting of motor vehicles while obtaining a service or other activity.

"Story" shall mean that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six (6') feet above the average level of the finished grade adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

"Street" shall mean a public or private right-of-way, usually for vehicular travel, which provides a primary means of access to abutting property. The term shall include, but not be limited to, avenue, drive, circle, road, parkway, boulevard, highway, throughway, or any similar term.

"Structural alteration" shall mean any change in the supporting members of a building or structure such as bearing walls, columns, beams, girders, or rafters.

"Structure" shall mean anything constructed or erected which requires location on the ground, including, but not limited to, a building or a swimming pool, but not including fences or walls eighty-four (84") inches or less in height.

"Supportive housing" shall mean housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community, as defined in California Health and Safety Code 50675.14.

"Swimming pools, hot tubs, and spas" shall mean an accessory structure intended for swimming or recreational bathing that contains water over eighteen (18") inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

"Temporary use" shall mean any use conducted on an intermittent or one-time basis for a specified period, not intended to become permanent. Such use shall not necessarily be listed as a permitted use in a zoning district in which it is located.

"Transfer station" shall mean a facility where waste and refuse materials are collected, unloaded, pumped, packaged, temporarily stored, and loaded for transfer to a landfill or processing facility designated to ultimately receive such materials.

"Transitional housing" shall mean buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months, as defined in California Health and Safety Code Section 50675.2.

"Truck terminal" shall mean a facility for the loading and/or unloading of fuel, food products, materials or freight merchandise on trucks. Truck terminals may include related fueling facilities, traffic routing offices, temporary truck storage areas, restaurants, wash racks, minor repair facilities and related business offices and motels.

"Truck yard" shall mean a facility used exclusively for breaking down and assembling tractor-trailer transport vehicles, or for the parking of heavy vehicles for short periods of time. "Truck yard" does not include facilities for the loading and unloading of shipments to or from an individual business.

"Turlock General Plan" shall mean the long-range and comprehensive plan for orderly growth and development of Turlock, including text, maps and amendments, adopted by the Turlock City Council in accordance with the laws of the State of California. Also referred to as the "General Plan."

"Use" shall mean the purpose for which land or a building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained. "Use" also means the activity conducted on the land or in the building.

Utilities.

(a) **"Major"** shall mean generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, refuse collection, processing, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communication facilities, and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.

(b) **"Minor"** shall mean utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines and underground water and sewer lines.

"Variance" shall mean a permit which grants a property owner relief from development standards to the zoning regulations of this Code when, because of a particular physical or topographical condition of the property, compliance would result in undue hardship on the owner (as distinguished from a mere inconvenience or desire to make more money).

"Vehicle, abandoned" shall mean any dismantled or partially dismantled vehicle which requires major repairs to render it operable and which has remained within a public street in excess of seventy-two (72) hours.

"Vehicle, disassembled" shall mean a vehicle without hoods, doors, fenders, or body panels, headlights, trunk lid, tires, wheels, windows, engine or transmission when such items are normally part of a vehicle.

"Vehicle, dismantling and wrecking" shall mean a facility or business that involves the dismantling or wrecking of used motor vehicles or trailers, which may or may not include the sale of reclaimed parts.

"Vehicle, inoperable" shall mean any vehicle rendered inoperable or lacking valid registration.

"Vocational school" shall mean a commercial land use that involves the instruction to students of special skills, knowledge, or techniques that are generally related to furthering a specific vocation or professional occupation. Vocational schools would include trade schools, business schools, cosmetology schools, and schools for self-improvement.

"Warehouse, limited" shall mean a building primarily devoted to the storage of materials, but may also include office and maintenance areas, and not usually accessible to the general public and shall have a limited number of truck trips per day.

"Warehouse, wholesale distribution" shall mean a building or group of buildings used for storage and distribution of wholesale goods without direct public access.

"Xeriscape" shall mean landscaping design utilizing plants which flourish and are adapted for dry, hot climates.

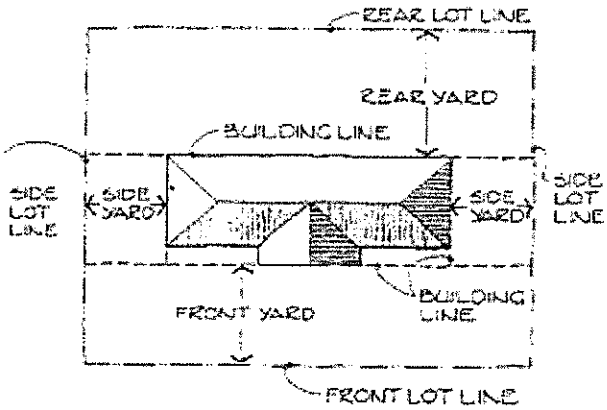
"Yard" shall mean an open space on the same site as a structure, unoccupied and unobstructed by structures or parking from the ground upward except as otherwise provided for in this titllefor landscaping and accessory structures, that includes a front yard, side yard, street side yard, or rear yard. The classifications of yards are:

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

(b) **"Rear"** shall mean the area between the rear lot line and the principal building which extends across the full width of the lot and measured perpendicular to the building at its closest point to the rear lot line.

(c) **"Side"** shall mean the area between the front yard and the rear yard between the principal building and the side lot line, measured perpendicular from the side lot line to the closest point of the principal building.

(d) **"Street side"** shall mean a side yard on the street side of a corner lot which is not a front yard, measured perpendicular from the street side lot line to the closest point of the principal building. A corner lot abutting two (2) streets may not have more than one (1) street side yard.



"Zone" or **"zoning district"** shall mean a section of the City described in the text of the zoning regulations of this Code and delineated on the zoning maps of the City. The text sets forth the requirements for the use of the land as well as improvements and development standards.

SECTION 3. ADDITION: Title 9, Chapter 2, is hereby added to read as follows:

Chapter 9-2
REGULATIONS APPLYING TO ALL DISTRICTS

Sections:

Article 1. Special Provisions Applying to All or Several Districts

9-2-101 Accessory buildings or structures.

9-2-102 Adult entertainment facilities.

9-2-103 Affordable housing density bonus.

9-2-104 Automobile service stations, repair and washing.

9-2-105 Building projections into yards.

9-2-106 Development on existing lots of record.

9-2-107 Development on lots divided by district boundaries.

9-2-108 Exceptions to height limits.

9-2-109 Landscaping and irrigation.

9-2-110 Family day care home.

9-2-111 Mobile home development.

9-2-112 Outdoor storage.

9-2-113 Planned developments.

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

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

9-2-116 Recycling facilities.

9-2-117 Salvage and wrecking operations.

9-2-118 Screening of mechanical equipment.

9-2-119 Second dwelling units.

9-2-120 Underground utilities.

9-2-121 Neighborhood stores.

9-2-122 Rental storage facility.

9-2-123 Equipment sales, service and rentals.

9-2-124 Mobile food facilities.

9-2-125 Cargo containers.

9-2-126 Electrified fences.

9-2-127 Drive-through facilities.

Article 2. Off-Street Parking and Loading Regulations

9-2-201 Specific purposes.

9-2-202 Application of provisions to uses.

9-2-203 Off-street parking required: Availability and maintenance.

9-2-204 Off-street parking: Reconstructed buildings.

9-2-205 Off-street parking for existing buildings and uses.

9-2-206 Off-street parking: Location.

9-2-207 Parking in the R District.

9-2-208 Border barricades, screening, and landscaping.

9-2-209 Off-street parking: Spaces required.

9-2-210 Parking spaces for people with disabilities.

9-2-211 Bicycle parking.

9-2-212 Off-street parking districts.

9-2-213 Parking configuration and aisle dimensions.

9-2-214 Parking lot design standards.

9-2-215 Driveway and corner visibility.

9-2-216 Parking lot landscaping.

9-2-217 Parking access from street.

9-2-218 Location and design of off-street loading spaces.

9-2-219 Parking area plan required.

Article 3. Noise Standards

9-2-301 Specific Purposes.

9-2-302 Definitions.

9-2-303 General noise regulations.

9-2-304 Preliminary action.

9-2-305 Factors of determination.

9-2-306 Noise measurement procedure.

9-2-307 Noise Limits.

9-2-308 Maximum permissible sound levels by receiving land uses.

9-2-309 Prohibited acts.

9-2-310 Emergency exemptions.

9-2-311 Miscellaneous exemptions.

9-2-312 Federal and State preempted activities.

9-2-313 Special variances.

9-2-314 Variance from time to comply.

9-2-315 Appeals.

Article 4. Nonconforming Structures and Uses

9-2-401 Specific purposes.

9-2-402 Nonconforming Uses.

9-2-403 Nonconforming Structures.

9-2-404 Loss of Nonconforming Status.

9-2-405 Discontinuance.

9-2-406 Replacement and repairs due to damage.

9-2-407 Repairs and maintenance.

9-2-408 Exceptions to provisions.

Article 5. Signs

9-2-501 Purpose.

9-2-502 Interpretation.

9-2-503 Definitions.

9-2-504 Permits required.

9-2-505 Sign classifications.

9-2-506 Sign standards.

9-2-507 Nonconforming signage.

9-2-508 Unsafe and unlawful signs.

9-2-509 Compliance with chapter provisions: Nuisances: Abatement

9-2-510 Noncompliance.

9-2-511 Removal, Costs, and Enforcement.

9-2-512 Appeals by persons aggrieved.

Article 6. Wireless Communication Facilities

9-2-601 Purpose.

9-2-602 Definitions.

9-2-603 Compliance with applicable codes.

9-2-604 Permits required.

9-2-605 Application requirements.

9-2-606 Height.

9-2-607 Location.

9-2-608 Residential (R) Districts.

9-2-609 Visual compatibility and screening.

9-2-610 Discontinuance of use.

Article 1. Special Provisions Applying to All or Several Districts

9-2-101 Accessory buildings or structures.
Accessory buildings or structures include both those that are permanent and temporary. The purpose of the specific limitations as to the height, number or size of accessory buildings and structures contained within this section are intended to ensure adequate light, air and privacy for residential properties and compatibility with permitted structures. Second dwelling units (TMC 9-2-119) are not defined as accessory buildings and structures.

(a) **Building permit required.** A building permit from the Turlock Building and Safety Division is required for all accessory buildings and structures that are 120 square feet in size or larger.

(b) **Accessory buildings and structures in Agricultural (A) and residential (R) districts.** Accessory buildings and structures may be erected upon lots in the A and R districts subject to the following conditions when the use thereof is clearly incidental and secondary to the primary use of the property:

(1) **Maximum height.** The height of an accessory building or structure may not exceed fifteen (15') feet in overall height measured from the existing or finished grade, whichever is lower, to the highest portion of the structure.

(2) **Lot coverage.** The combined maximum square footage of all detached accessory structures exceeding seven (7') in height shall not exceed 1,000 square feet.

(3) **Attached accessory buildings and structures.** When an accessory structure is not "detached" as defined in following subsection, it shall be considered an attached accessory building or structure. When the accessory building or structure is attached to the primary building on the property, it shall:

(i) be made structurally a part of the main building (see also TMC 9-1-202 defining "attached"); and

(ii) share compatible architecture, materials, and surface textures with the primary building; and

(iii) comply in all other respects with the development standards and requirements of this title applicable to the primary building.

(4) **Detached accessory buildings and structures.** An accessory building or structure is defined as "detached" when any portion of the accessory building or structure is located a minimum of six (6') feet from any dwelling unit or the main

building on the same lot. When the accessory building or structure is detached from the primary dwelling or main building on the property, it shall comply with the following standards:

(i) **Yard setback measurement.** Yard setbacks shall be measured from that portion of the building or structure that is closest to a property line.

(ii) **Accessory structures** greater than seven (7') feet in height, measured from the tallest point of the building or structure.

(aa) **Yard setbacks except Residential Estate (R-E) district.** The accessory building or structure shall be located a minimum of, except when located in the R-E district:

1. **Rear yard**: 5 feet from the property line
2. **Interior side yard:** 5 feet from the property line
3. **Corner side yard:** As required by the applicable zoning district.
4. **Front yard:** As required by the applicable zoning district.

(bb) **Yard setbacks in R-E district.** In the R-E district, the accessory building or structure shall be located a minimum of:

1. **Rear yard:** 10 feet from the property line
2. **Interior side yard:** 10 feet from the property line
3. **Corner side yard:** As required by the applicable zoning district.
4. **Front yard:** As required by the applicable zoning district.

(cc) **Design standards.** The accessory building or structure shall be constructed of compatible architecture, materials, and surface textures with the primary building.

(dd) **Rear yard exception for public alleys.** When a detached accessory structure taller than seven (7') feet abuts a twenty (20') foot public alley, the rear yard may be reduced to zero (0') feet for a length not to exceed one-third (⅓) of the width of the parcel.

(iii) **Accessory structures seven (7') feet in height or less, measured from the tallest point of the building or structure.** An accessory building or structure seven (7') feet in height or less shall not be subject to the setback and design standards contained in subsection (ii) above when:

(aa) located behind the front yard setback for the applicable zoning district; and

(bb) screened by a solid, visually impenetrable fence or wall at least seven (7') feet in height from all adjoining properties and the public right-of-way.

(iv) **Front yard exception for entry features.** Entry features, such as arbors, arches, trellises, or the like may be permitted in the front yard setback when:

(aa) The entry feature is not attached to the primary building; and

(bb) The entry feature is covering a walkway emphasizing the entry to the front door of a residence; and

(cc) The entry feature is not constructed of solid materials and shall not constitute a safety/visibility hazard to pedestrians or vehicles; and

(dd) The entry features do not exceed an overall height of eight (8') feet or a width of seven (7') feet; and

(ee) The total of all entry features does not cover more than twenty-five (25) square feet in area.

(5) **Swimming pools, hot tubs, and spas.** Swimming pools, hot tubs and spas may not be located within the front or corner side yards. Any swimming pool, hot tub or spas greater than seven (7') in height shall be subject to the requirements and conditions in subsection (4) above.

(6) **Exceptions to accessory building and structure requirements.**

(i) **Residential (R) districts.** In R districts, an exception to the requirements of this section may be permitted upon approval of a conditional use permit by the Planning Commission issued in accordance with TMC 9-5-600ART (Condition Use Permits and Variances).

(ii) **Agricultural (A) district.** In the A district, an exception to the requirements of this section may be permitted upon approval of a minor discretionary permit issued in accordance with TMC 9-5-300ART (Minor Administrative & Minor Discretionary Permits).

(c) **Nonresidential accessory structures in commercial, industrial, and P-S districts.** Accessory structures shall comply with all regulations applicable to the principal building or structure on a site. Off-site accessory uses shall be allowed only upon approval of a minor administrative approval.

(1) **Roof-mounted antennas**. Satellite dish antennas shall be located on the roof of a structure whenever possible, providing the dish is not visible from public roadways or can be adequately screened from view of public roadways.

(2) **Ground-mounted antennas**. If it is determined that installation of a satellite dish antenna is not feasible for location on a roof, a ground-mounted antenna shall be permitted when all of the following conditions are met:

(i) The antenna shall be located directly adjacent to the building.

(ii) The antenna shall be located in the rear or interior side yard areas; and

(iii) The antenna shall be screened from view from the front of the building and public roadways.

(3) **Location prohibited.** No satellite dish antennas shall occupy a required parking space or adversely impact any vehicle circulation.

(4) **Maximum height.** The maximum overall height for any satellite dish antenna shall be twenty (20') feet. The overall height shall be determined by measuring from ground or roof level immediately under the antenna to the highest point of the antenna or any appurtenance attached thereto.

(5) **Permit required.** A Minor Administrative Approval issued in accordance with TMC 9-5-300ART (Minor Administrative & Minor Discretionary Permits), shall be for all satellite dish antennas greater than three (3') feet in height in any C, I or PS district.

9-2-102 Adult entertainment facilities.
(a) **Purpose.** The purpose of this section is to regulate adult businesses which, unless closely regulated, may have serious secondary effects on the community. These secondary effects include, but are not limited to, the following: depreciation of property values, deterioration of neighborhoods, increases in vacancy rates in residential and commercial areas, increases in incidence of criminal activity, increases in litter, noise, and the interference with residential property owners enjoyment of their property in the vicinity of such businesses.

It is the Council's intent to prevent community-wide adverse impacts which can be brought about by the concentration of adult businesses in close proximity to each other or in proximity to incompatible uses such as schools, churches, parks, public facilities and buildings and residentially zoned uses. The Council finds that it has been demonstrated in various communities that the concentration of adult businesses causes adverse impacts described above and can cause businesses and residents to move elsewhere. It is, therefore, the further purpose of this section to establish reasonable and uniform regulations to prevent the concentration of adult businesses or their close proximity to incompatible uses, while permitting the location of adult businesses in certain areas.

(b) **Definitions.**

(1) **"Adult businesses"** shall include the following:

(i) Any business conducted for the entertainment of adults, engaged in the selling, renting, or displaying of publications depicting the specified anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature. Included in the definition is any business, that as substantial or significant course of conduct, sells, offers for sale, rents, exhibits, shows or displays publications depicting the anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature. Also included in this definition is any business selling, renting, or displaying sexually oriented devices intended for use in the specified sexual activities.

(ii) A particular business at a particular location that sells, offers for sale, rents, exhibits, shows or displays specified anatomical areas or specified sexual activities in the form of a book, magazine, newspaper, pamphlet, film video or any other form or medium, or sexually oriented devices intended for use in the specified sexual activities, which receives twenty-five (25%) percent or more of the gross revenue from, or devotes twenty-five (25%) percent or more of the stock on hand or twenty-five (25%) percent or more of the gross floor area to such activity, is presumed to be engaging in "substantial or significant" conduct with respect to such activity.

(iii) Any business wherein the selling of any food or beverage served by employees engaged in partial or total nudity or exposed specified anatomical areas.

(iv) Any business conducted for the entertainment of adults wherein an employee, patron or any other person engages in or are shown specified sexual activities or exhibit or engage in partial or total nudity or otherwise expose specified anatomical areas.

(v) Any business, which as a substantial or significant portion of its business, provides live, filmed or televised entertainment wherein specified anatomical areas of the human anatomy are exposed.

(2) **"Specified anatomical areas"** include any of the following, whether actual or simulated:

(i) Less than completely and opaquely covered: (1) human genitals or pubic region, (2) buttock, and (3) female breast below a point immediately above the top of the areola; or

(ii) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(3) **"Specified sexual activities"** means and includes any of the following:

(i) The fondling or sexual touching of human genitals, pubic regions, buttocks, anus, or female breasts; or

(ii) Sex acts, normal or deviant, actual or simulated, including intercourse, oral copulation, or sodomy; or

(iii) Masturbation, actual or simulated; or

(iv) Excretory functions as part of, or in connection with, any of the activities set forth above.

(c) **Location and Site requirements.**

(1) Adult businesses shall not be located within five hundred (500') feet of the following whether or not located within the city:

(i) Any real property located in a residential, commercial or industrial district, including the Agricultural (A), Residential Estate (R-E), Low Density Residential (R-L), Medium Density Residential (R-M), High Density Residential (R-H), Community Office (C-O), Planned Development (PD), Community Commercial (C-C), Heavy Commercial/Light Industrial (C-H), zoning districts; and

(ii) Any public or private school; and

(iii) Any church, chapel, or other publicly recognized place of worship; and

(iv) Any park or building used by the public and owned by a public entity; and

(v) Any residence in any zoning district; and

(vi) Any parcel of land owned by a school district, church, chapel, or public entity.

(2) Adult businesses shall not be located within one thousand (1,000') feet of any other adult business.

(3) Adult businesses may be located in the I (Industrial) zoning district; and

(4) The distances specified in this section shall be measured in a straight line, without regard to intervening structures, or geological features from the nearest point of the property line in which the proposed adult business is to be established to the nearest property line of a use or zoning district listed above.

(d) **Development and performance standards.**

(1) The following development standards shall apply to all adult businesses:

(i) No adult business shall be located in any temporary or portable structure.

(ii) Trash dumpsters shall be enclosed by a screening enclosure so as not to be accessible to the public.

(iii) Off-street parking shall be as specified in Article 2 of this chapter.

(iv) The entire exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times.

(v) Any signage shall conform to the requirements of Article 5 of this chapter, and shall not contain sexually oriented photographs, silhouettes, or other pictorial representations.

(vi) All entrances to an adult business shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises.

(vii) No residential structure or any other nonconforming structure shall be converted for use as an adult business.

(viii) No residence, apartment, living quarters or mobile home shall be located on the parcel where an adult business is located.

(2) The following performance standards shall apply to all adult businesses:

(i) California Code of Regulations, Title 4, Article 22, Sections 143.2, 143.3 and 143.4 or its successors are hereby adopted and shall regulate the attire and conduct of employees and entertainers; including visual displays.

(ii) The adult business shall not conduct or sponsor any special events, promotions, festivals, concerts, or similar activities which would create a demand for parking spaces beyond the number of spaces required for the business.

(iii) The traffic generated by the adult business shall not overload the capacity of the surrounding street system and shall not create a hazard to public safety, as determined by the City of Turlock Police Department. .

(iv) No adult business shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to "specified sexual activities" or "specified anatomical areas", inside the premises, 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.

(v) No loudspeakers or sound equipment shall be used by an adult business for the amplification of sound to a level audible beyond the walls of the building in which the business is located.

(vi) All exterior areas of the adult business, including buildings, landscaping, and parking areas shall be kept free of trash and debris and maintained in a clean and orderly manner at all times.

(vii) Hours of operation shall be from 6:00 a.m. to 2:00 a.m.

(viii) Each adult business shall conform to all applicable laws and regulations, including obtaining a City business license.

(e) **Adult business permit; required**. No adult business shall commence operation until an application for a Minor Discretionary Permit (Adult Business Permit) is approved by the Development Services Director or designee following the procedures set out in the following sections, and those contained in Section 9-5-307 through Section 9-5-315, of the Turlock Municipal Code.

(f) **Adult business permit application: Contents.** An application for an adult business permit shall include the following:

(1) Name, permanent address and telephone number of applicant.

(2) The name, business address and telephone number for the applicant. 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 and residence address of each of the officers, directors, and each stockholder owning twenty-five (25%) percent or more of the stock of the corporation. If the applicant is a partnership, the application shall show the name and residence address of each of the members, including limited partners.

(3) Name(s) and address(es) of the property owner(s).

(4) Assessor's parcel number(s).

(5) Legal description of the property.

(6) A site development plan drawn at the scale specified by the Community Development Director, which includes the following information:

(i) Location of all existing buildings, structures, and improvements on the property;

(ii) Location of all proposed buildings, structures, and improvements on the property;

(iii) Existing and proposed streets and highways bordering and within the boundaries of the property;

(iv) Location of existing and proposed parking areas;

(v) Proposed landscaping;

(vi) North arrow;

(vii) Scale.

(7) Elevations and floor plans of proposed buildings or structures including any existing or proposed signs related to the adult business drawn to scale.

(8) A narrative description of the proposed use or development including:

(i) Description of the nature of the proposed use or development and an explanation of how the proposed business will satisfy the applicable requirements set forth in this chapter.

(9) A letter of consent signed and notarized from all property owners.

(10) A vicinity map showing specific land uses (houses, churches, public buildings, parcel lines, parcel sizes, etc.) for a 1,500 foot radius of the subject site.

(11) The fee prescribed by the City Council of the City of Turlock by ordinance or resolution for processing the application.

(g) **Adult business permit application: Review and approval.**

(1) Once an application has been accepted as complete, the Development Services Director or designee shall take action within sixty (60) days.

(2) For purposes of application processing, any application for a permit pursuant to this chapter is considered to be a ministerial permit and, as such, is not subject to the time frames specified in Section 65950 et seq. of the California Government Code, or the California Environmental Quality Act.

(3) Once an application has been accepted as complete, the Development Services Director or designee shall transmit the relevant parts of the permit application to all affected City departments and outside agencies for review, comments, and condition requirements.

(4) In considering an application for a permit pursuant to this section, the Community Development Director or designee shall approve the permit only if it makes the following findings:

(i) The adult business is consistent with the location, requirements and development and performance standards contained in this chapter; and

(ii) The adult business is located in a zoning district which lists adult businesses as a permitted use; and

(iii) The zoning district classification for the property is consistent with the applicable General Plan or Specific Plan designation for the property; and

(iv) The adult business structure does not contain any apartments or other living quarters.

(5) A permittee shall not transfer ownership or control of an adult business permit to any other person or entity. All changes in ownership shall require a new permit application and approval.

(6) Permit issuance or non-issuance of application may be appealed pursuant to Title 1, Chapter 4, of the Turlock Municipal Code.

(7) Approval of the Minor Discretionary Permit (Adult Business Permit) does not relieve the permittee from the requirement to obtain any other permits, or approvals, necessary to insure operation of the use in conformance with the requirements of the Turlock Municipal Code.

(h) **Adult business permit; transfer.**

(1) A permittee shall not operate an adult business under the authority of an adult business permit at any place other than the address of the adult business stated in the application for the permit.

(2) A permittee shall not transfer ownership or control of an adult business or transfer an adult business permit to another person unless and until the transferee obtains an amendment to the permit from the Development Services Director, or designee, stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Development Services Director, or designee, in accordance with the requirements of this section, accompanies the application with a transfer fee in an amount set by resolution of the City Council, and the Development Services Director determines that the transferee would be entitled to the issuance of an original permit.

(3) No permit may be transferred when the Development Services Director has notified the permittee that the permit has been or may be suspended or revoked.

(4) Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void, and the permit shall be deemed revoked.

(i) **Suspension or revocation of adult business permits.** An adult business permit may be suspended or revoked in accordance with the procedures and standards of this section.

(1) On determining that grounds for permit revocation exist, the Police Chief shall furnish written notice of the proposed suspension or revocation to the permittee. Such notice shall set forth the time and place of a hearing, and the ground or grounds upon which the hearing is based, the pertinent Code sections, and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the permittee, or shall be delivered to the permittee personally, at least ten (10) days prior to the hearing date. Hearings shall be conducted in accordance with procedures established by the Police Chief, but at a minimum shall include the following:

(i) All parties involved shall have a right to offer testimonial, documentary, and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness.

(2) A permittee may be subject to suspension or revocation of the permit, or be subject to other appropriate disciplinary action, for any of the following causes arising from the acts or omissions of the permittee, or an employee, agent, partner, director, stockholder, or manager of an adult business:

(i) If the building, structure, equipment, or location used by the adult business fails to comply with all applicable building, fire, electrical, plumbing, health, and zoning requirements of the Turlock Municipal Code, all applicable State and federal requirements of a similar nature which are customarily enforced by the City, and all provisions of these regulations and this Code relating to adult businesses, including the Adult Business Development and Performance Standards contained in this section.

(ii) The permittee has knowingly made any false, misleading or fraudulent statement of material facts in the application for a permit, or in any report or record required to be filed with the City.

(iii) The permittee, employee, agent, partner, director, stockholder, or manager of an adult business has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult business:

(aa) any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation.

(ab) use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation occur.

(ac) any conduct constituting a criminal offense which requires registration under Section 290 of the California Penal Code.

(ad) the occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of Sections 315, 316, or 318 or Subdivision b of Section 647 of the California Penal Code.

(ae) any act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including but not limited to Sections 311 through 313.4.

(af) any conduct prohibited by this chapter.

(iv) Failure to abide by any disciplinary action previously imposed by an appropriate City official.

(3) After holding the hearing in accordance with the provisions of this section, if the Police Chief finds and determines that there are grounds for disciplinary action, based upon the severity of the violation, the Police Chief shall impose one (1) of the following:

(i) A warning;

(ii) Suspension of the permit for a specified period not to exceed six (6) months;

(iii) Revocation of the permit.

(j) **Appeal**. The decision of the Police Chief may be appealed as provided by Title 1, Chapter 4 of this Code.

9-2-103 Affordable housing density bonus.
(a) **Purpose**. The purpose of the affordable housing density bonus is to:

(1) Establish procedures and criteria for use in the consideration of density bonuses for lower income housing developments as defined in Section 65915 of the California Government Code;

(2) Establish procedures for requesting developer incentives or concessions for the production of housing units and child care facilities as prescribed in Section 65915 of the California Government Code; and

(3) Provide a significant contribution to the economic feasibility of lower income housing in proposed housing developments.

(b) **General provisions.** The criteria and procedures set forth in Section 65915 of the California Government Code shall be applied to requests for density bonuses for affordable housing unless amended in this section.

(c) **Application procedures.** The application for a density bonus, incentive or concession shall be submitted with the first application for approval of a housing development and shall be processed concurrently with any other planning permit required for the housing development. The application shall be submitted on form and contain such information and support data as prescribed by the Community Development Director. The application shall contain sufficient information to make the required determinations and findings defined in Section 65915 of the Government Code.

(d) **Fees.** The City Council shall set the amount of the fees for the application required and authorized by this section.

9-2-104 Automobile service stations, repair and washing.

The following supplementary development regulations shall apply to the automobile service station, automobile repair, and automobile washing use classifications:

(a) **Lot size.**

(1) The minimum lot frontage along a public street shall be one hundred twenty five (125') feet.

(2) The minimum lot depth shall be one hundred (100') feet.

(b) **Curb cuts.**

(1) The minimum width of any curb cut shall be twenty five (25') feet.

(2) The maximum width of any curb cut shall be thirty five (35') feet.

(3) The total aggregate amount of curb cuts shall not exceed forty (40%) percent of the lot frontage.

(c) **Landscaping.**

(1) All service stations shall provide minimum landscaping as required by this chapter (also see Section 9-2-109) and the following:

(i) There shall be a minimum planter with a net width of five (5') feet along all street frontages except at driveway openings. All planting areas shall have an "in place" irrigation system and shall be protected with six (6") inch wide concrete curbs.

(ii) Landscaping along street frontages shall provide screening to a height of three (3') feet.

(d) **Service lanes.**

(1) The outside service lane or the lane closest to the street line shall have a minimum width of fifteen (15') feet as measured from the face of the planter to the face of the pump island.

(2) Service lanes between two (2) pump islands shall have a minimum width of twenty (20') feet as measured from the inside face of the first pump island to the face of the second pump island.

(3) The service lane between the pump island and the building shall have a minimum width of fifteen (15') feet as measured from the face of the pump island to the face of the building sidewalk.

(e) **Activities.**

(1) Unless otherwise permitted in the district in which the automobile service station is located, automobile service stations shall be limited to the sale of motor vehicle fuels and lubricants, tires, batteries, accessory items and minor motor vehicle repair.

(2) All servicing shall be conducted in an enclosed building except that the following is permitted outside an enclosed building: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.

(3) Any automobile washing, drying or vacuuming done by mechanical means shall not be located any closer than one hundred (100') feet from an R District without a Minor Discretionary Permit obtained as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

(4) All automobile service stations, repair and washing shall comply with the noise standards contained in Article 3 of this chapter: Noise Standards.

(f) **Outdoor storage.** The outside storage or display of merchandise or equipment shall be prohibited, except that the following shall be permitted:

(1) **Tire display.** One (1) display rack per automobile service station. A maximum of twelve (12) tires may be displayed on a service station site.

(2) **Wiper display**. Two (2) such wiper racks per automobile service station.

(3) **Lubricant display.** One (1) lubricant display per pump island.

(4) **Vending machines.** Three (3) per automobile service station.

(g) **Signs.** All signing and outside advertising shall be in accordance with Article 5 of this chapter (Signs), provided that automobile service stations and convenience gas markets shall be permitted to display the following additional signs:

(1) **Price signs.** A maximum of one (1) double-faced price sign per street frontage, of not more than twenty-five (25) square feet per face, and having a maximum height of six (6') feet. Such signs may only be used to indicate the actual current price of fuel.

(2) **Pump-topper signs.** A single or double-faced sign of not more than twelve (12") inches by twenty (20") inches, constructed of motionless materials and mounted to the top of a fuel pump and used for identifying products or services available on the premises. No more than one (1) pump-topper sign per pump shall be allowed.

(3) **Island canopy sign.** A sign, affixed to a canopy or other rigid roof structure directly above a pump island, the area of which shall not exceed fifteen (15) square feet per face. Island canopy signs shall be limited to one (1) such sign per automobile service station.

9-2-105 Building projections into yards.
Buildings, except accessory buildings or structures, may project into the required yards as follows:

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

(b) **Terraces, platforms, decks and subterranean garages**. Six (6') feet into a front or rear yard and two (2') feet into a side yard. The length of any projection exceeding twenty-five (25%) percent of the building length for that area may be allowed only upon approval of a minor exception as defined in Chapter 5 of this TMC 9-5-400ART.

(c) **Cornices, eaves, awnings and ornamental features.** Two and one-half (2.5') feet.

(d) **Balconies and protruding windows.** Five (5') feet into a front or rear yard and two (2') feet into a side yard, when constructed at least two (2') feet above grade.

(e) **Stairs.** Two and one-half (2.5') feet into a side yard and three (3') feet into a rear yard.

(f) **Minimum setback and other limitations.** Building projections shall not encroach any closer than five (5') feet to a rear or front property line. At no time shall any portion of a building be allowed to project or extend into or over any required easement area.

9-2-106 Development on existing lots of record.
(a) Any lot or parcel of land under one (1) ownership and of record on the date of adoption of this title that has a width, depth, or area less than required for the district in which it is located, where no adjoining land is owned by the same person, may be developed subject to the same property development regulations as a standard lot.

(b) Any lot or parcel of land legally created after the date of adoption of this title that has a width or area less than required for the district in which it is located may be developed subject to the same property development standards as a standard lot.

(c) No substandard lot as set forth above shall be further reduced in area or width.

9-2-107 Development on lots divided by district boundaries.
Where a district boundary line divides a single parcel, the regulations applicable to each district shall be applied to the area of the parcel within that district. Uses and development regulations permitted in one (1) district may be extended into the portion of the parcel in the other district if authorized by an approved Minor Discretionary Permit as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

9-2-108 Exceptions to height limits.
(a) **In any R District.**

(1) Spires, cupolas, chimneys, radio and television antennas, and similar accessory structures shall be subject to setback regulations for the zoning district in which they are located. When such structure complies with the other development regulations

stated for the zoning district and which do not exceed twenty-five (25%) percent of the district height limit or fifty (50') feet, whichever is greater, may be allowed upon obtaining an approved minor administrative approval (MAA) as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

(2) Towers, water tanks, flagpoles and other necessary mechanical appurtenances covering not more than ten (10%) percent of the ground area covered by the structure to which they are accessory may be permitted provided they do not exceed twenty-five (25%) percent of the district height limit or fifty (50') feet, whichever is greater, upon obtaining an approved minor administrative approval (MAA) as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

(3) Any structure in an R District exceeding twenty-five (25%) percent of the district height limit or fifty (50') feet, whichever is greater, may be permitted only upon approval of a Conditional Use Permit by the Planning Commission.

(b) **In any C or I district.**

(1) A structure may exceed the district height limit by twenty-five (25%) percent subject to approval of a minor discretionary permit as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits). Any approval of such permit is subject to finding that adjoining properties will not be adversely affected by blockage of light, air or the intrusion on privacy.

(2) Any structure in a C or I district exceeding twenty-five (25%) percent of the district height limit may be permitted upon approval of a conditional use permit by the Planning Commission as set forth in TMC 9-5-600ART (Conditional Use Permits).

9-2-109 Landscaping and irrigation.
The following City of Turlock landscape and irrigation ordinance shall be used in conjunction with the "State of California Water Efficient Landscape Ordinance" enacted pursuant to California Code of Regulations Title 23, Waters Division 2, Department of Water Resources Chapter 2.7, "Model Water Efficient Landscape Ordinance". The City shall implement the ordinance and shall maintain an adapted version of the State ordinance for public distribution.

(a) **Purpose and intent.** The purpose and intent of this section is to establish landscaping regulations that are intended to:

(1) Enhance the aesthetic appearance of development in all areas of the City by providing standards relating to quality, quantity and functional aspects of landscaping and landscape screening.

(2) Increase compatibility between residential and abutting commercial and industrial uses.

(3) Reduce the heat and glare generated by development.

(4) Establish a water conservation plan to reduce water consumption in the landscape environment using conservation principles.

(5) Protect public health, safety, and welfare by minimizing the impact of all forms of physical and visual pollution, controlling soil erosion, screening incompatible land uses, preserving the integrity of neighborhoods, and enhancing pedestrian and vehicular traffic and safety.

(b) **Applicability.** All development in the City requiring a land use permit shall comply with the provisions of this section which establishes the criteria for the preparation of landscape and irrigation plans required by this ordinance. All required landscaping shall be installed by the developer and approved by the Planning Division prior to the occupancy of any building, unless other arrangements are agreed to by the Director.

(c) **Statutory authority in case of conflicting provisions**. Nothing in this section shall be deemed to affect, annul or abrogate any other laws or ordinances pertaining or applicable to the properties and areas affected by this section.

(d) **Water conservation definition**. "Water conservation" shall mean a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including appropriate low water using plants, nonliving groundcover, a low percentage of turf coverage, permeable paving and water conserving irrigation techniques and systems.

(e) **Process.** The Development Services Director shall establish a format for plans and any other procedural guidelines for submittal as deemed necessary.

(1) **Plans required**. Plans for the development of required landscaping shall be submitted to the Engineering Services Division for review and approval prior to the issuance of any building permit. (The plan shall be prepared by a person authorized by the State of California to sign and stamp landscape design drawings or the contractor completing the work.) Where special conditions of design warrant, modifications may be submitted for consideration.

(2) **Plan review and approval.** The Development Services Department shall review each project and proposed landscape plan for compliance with the landscape and water conservation requirements.

(3) **Alternative means of compliance.** The Development Services Director may allow alternative means of complying with the requirements in this section provided the alternative achieves results comparable to those achieved through strict application of the provisions of this section.

(f) **Development standards.**

(1) **Required.** In the following designated districts, not less than the stipulated percent of gross site area shall be landscaped in accordance with this section:

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

(a) In multiple-family developments of twelve (12) or more dwelling units, ten (10%) percent of the total building site shall be set aside and landscaped for the purposes of common recreational open space. Such ten (10%) percent may be included in the general landscaping requirements.

(b) This requirement may be waived by the Development Services Director for remodeling, alterations, or renovations to existing buildings and developments on parcels or building sites where an existing building occupies a substantial portion of the site and there are no front yard or corner street side yard setback areas.

(c) In commercial and industrial districts, where a lot larger than 10,000 square feet is to be developed in phases, the Development Services Director may determine that only the developed portion of the site need be landscaped. Provision shall be made, however, to insure that the landscape requirement can still be met upon full development of the site. This exception shall not apply to any setback along a public street which shall be landscaped upon the initial development of the site. Unlandscaped areas shall be continuously maintained free of weeds, litter and debris, and shall not become a source of nuisance to adjoining property.

(d) A required "landscape strip" (per the City General Plan "Typical Street Elements and Widths"), abutting the front or corner side yard may be counted toward the landscaping requirement when maintained by the private property owner. Commercial districts shall maintain a minimum landscaped building setback of ten (10') feet from the back of the public sidewalk when the lot is adjacent to a public street, except as otherwise provided in an applicable specific or master plan.

(2) **Determination of landscaped areas.** In determining landscaped areas, landscaped areas in the setback, private patios and all other areas not occupied by buildings, parking lots, vehicle storage areas, and driveways shall be included. Areas occupied by clubhouses, recreation buildings, pools, saunas, inter walkways, and similar amenities may be included as landscaped areas. In industrial zoning districts, areas planted along a public right-of-way shall qualify as one and one-half (1.5) times the area toward the overall required landscaping area. Planned landscaping areas within the public right-of-way may be included in the landscaped area provided the landscaped area is maintained as part of the property and abuts landscaped area located on the property.

(3) **Landscape materials and placement.** All landscape areas shall demonstrate a recognizable pattern or theme for the overall development. To accomplish this, new landscaping and landscape areas shall conform to the following:

(i) Plant materials shall be selected for maintenance efficiency, drought tolerance and adaptability and relationship to Turlock's environment and climate. Trees and shrubs in reasonable numbers shall be used in the landscape design; ground cover alone shall not be acceptable. No one (1) species of plant shall exceed twenty (20) percent of the plant material. Landscaped areas shall incorporate a minimum of two (2) of the following plantings: (1) grasses and ground covers, (2) shrubs, and (3) trees.

(ii) In all C and I Districts, plant materials shall be sized and spaced to achieve immediate effect and shall normally not be less than twenty-four (24") inch box for parking lot shade trees, fifteen (15) gallon container for trees, five (5) gallon container for shrubs, and a one (1) gallon container for mass planting. Non-turf areas, such as shrub beds, shall be top dressed with a bark chip mulch or approved alternative.

(iii) Turf shall be limited to twenty-five (25) percent of the total landscaped area in all C and I Districts. In residential districts turf shall not exceed fifty (50%) percent of the total landscaped area.

(aa) **"Permeable paving"** shall mean a paving material that permits water penetration to a soil depth of eighteen (18") inches or more, including non-porous surface material poured or laid in sections not exceeding one (1) square foot in area and collectively comprising less than two-thirds of the total surface area of the lot and loosely laid materials such as crushed stone or gravel.

(ab) **"Hardscape"** shall mean areas covered with non-permeable paving, including buildings and other structures, parking lots, driveways, and walkways.

(4) **Landscape irrigation.** Provisions shall be made for a permanent "in place" irrigation system to all landscaped areas required herein, including street tree wells. All new irrigation systems shall use Xeriscape principles including such techniques and materials as low precipitation sprinkler heads, bubblers, drip irrigation systems, timing devices and moisture sensors. All irrigation systems must be designed to minimize overspray onto impervious surfaces, such as building, sidewalks, parking areas, etc., through the use of such techniques as low-trajectory spray nozzles or underground low volume applicators. All irrigation system controllers shall be set in compliance with the day and hour watering requirements of the City of Turlock and shall be designed to minimize water use by installing automatic systems such as multi-start controllers and soil moisture sensors.

(5) **Site preparation and installation.**

(i) Prior to the planting of any materials, the compacted soils surrounding a building site will be returned to a friable condition. Friable condition shall mean returning the soil to an easily crumbled or loosely compacted condition down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded. The soil must be returned to a friable condition to a minimum depth as required for the planting material.

(ii) Trees should be adequate in trunk diameter to support the top area of the tree. Trees planted in landscaped less than ten (10') feet in diameter shall be planted using a deep root planter in accordance with the adopted Turlock Standards, Specifications and Drawings. Trees, shrubs, and vines should have body and fullness that is typical of the species.

(iii) All ground cover should be healthy, densely foliated, and well rooted cuttings, or one-gallon container plants.

(iv) The spacing of trees and shrubs should be appropriate to the species used. The plant materials should be spaced so that they do not interfere with the adequate lighting of the premises or restrict access to emergency apparatus such as fire hydrants or fire alarm boxes. Proper spacing should also insure unobstructed access for vehicles and pedestrians in addition to providing clear vision of the intersections from approaching vehicles. Plant material should conform to the following spacing standards:

(aa) A minimum of twenty-five (25') feet from the property corner at a street intersection to the center of the first tree or large shrub.

(ab) A minimum of fifteen (15') feet between center of trees and large shrubs to light standards.

(ac) A minimum of fifteen (15') feet between center of trees or large shrubs and fire hydrants.

(ad) A minimum of fifteen (15') feet from the intersection of a driveway with a street right-of-way to the center of any tree having a diameter larger than eighteen (18") inches at maturity or large shrub.

(6) **Protective barrier**. All planting areas abutting a paved or concrete surface shall be protected with raised concrete curbs. All planting areas abutting undeveloped areas shall be protected by either a raised concrete or timber barrier.

(7) **Maintenance.** Required planting areas shall be permanently maintained. As used in this section, "maintained" includes: watering, weeding, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials.

(8) **Parking lot landscaping.** Parking lots and parking structures shall be landscaped in accordance with TMC 9-2-200ART.

(9) **Landscaping in rights-of-way.** All land area within the public right-of-way adjoining all sides of any parcel or building site that is not otherwise covered with a building, structure, paving, or similar impervious surface shall be landscaped and maintained in conjunction with the landscaping installed on the adjoining property as regulated in this section. Landscaping within the right-of-way shall not be used when determining the required percentage of landscaping as required in this article.

(i) **Design.** The design of the landscaping of the public right-of-way shall be included in the landscape plan and meet the requirements set forth in this section. Adequate space shall be provided in the landscape area to allow free, unrestricted growth and development of the landscaping and street trees.

(ii) **Street trees.** Street trees shall be planted in accordance with the Theme Street List or as otherwise set forth in Article 5 of Chapter 7-7 of this Code relating to street trees and in accordance with the street tree planting standards as established by the City Engineer.

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

(11) **Landscaping along walls**. All solid walls over three (3') feet in height that are adjacent to public streets or right-of-ways shall comply with one (1) of the following:

(i) Be fully landscaped with vines and/or other plant materials to prevent the placement of graffiti. All landscaping shall include the installation of a permanent irrigation system.

(ii) If not landscaped, shall be constructed of split-face concrete, brick or some other type of material that will discourage the placement of graffiti.

(12) **Landscape screening of R properties.** Where a commercial or industrial site adjoins an R District, screening which is at least seventy-five (75%) percent opaque shall be provided. Where fences are required, such fencing shall be landscaped as appropriate.

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

(14) **Model homes**. To promote landscape water conservation through education, all single family residential developments with more than two (2) model homes to be constructed by a developer, shall provide for landscaping the models entirely with water saving landscaping and irrigation in accordance with the following requirements:

(i) **Plant Materials.** Each "water saving" model home to be landscaped shall contain exclusively low water use plant materials as identified on a suggested planting list available from the Development Services Department or approved by the Development Services Director.

(ii) **Irrigation System.** Each "water saving" model home shall contain exclusively an irrigation system that provides a high efficiency in water application according to site conditions. (Drip or trickle may not be used in turf areas).

(iii) **Signs.** Each development with "water saving" model homes shall provide the following information to potential buyers:

(aa) **Front Yard Sign**. A four (4) square foot sign shall be located in the front yard of each "water saving" model such that it is clearly visible to buyers. The sign shall indicate that the model features a water saving landscape and irrigation design.

(ab) **Interior Display.** A drawing, or combination of drawings, shall be displayed inside each "water saving" model or the sales office which provides a schematic of the landscape. These drawings shall include a key identifying

the common name of the plants used in the "water saving" model yards. A brochure with the same information may be distributed with the sales information to potential buyers to satisfy this requirement.

(iv) **Literature.** Additional literature describing water conserving landscaping and irrigation shall also be made available to the potential buyer and displayed.

(15) **Landscaping along Highway 99.** Wherever property abuts Highway 99, a minimum ten-(10) foot-deep landscaped bed shall be installed. In cases where the property is part of an approved Master or Specific Plan, the Plan document takes precedence over the standards contained in this landscape ordinance. In all cases, the landscaped bed shall include a combination of trees, shrubs, and groundcover.

9-2-110 Family day care home.
(a) **Small family day care home.** No permit is required to operate a small family day care home and the use shall be considered an accessory use to a residence.

(b) **Large family day care home.** A permit shall be issued by the Development Services Director or his/her designee to operate a large family day care home upon the issuance of a minor administrative approval, as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits), upon finding that:

(1) **Residency.** The site is the principal residence of the operator and the day care is clearly incidental and secondary to the use of the property for residential purposes.

(2) **General Plan and zoning compliance.** The property complies with all applicable General Plan policies and zoning regulations established in the Turlock Municipal Code (TMC).

(3) **Spacing and concentration.** The property is located at least three hundred (300') feet from any other State licensed large family day care home on the same street, or a street that is aligned and connected with that street unless bisected by an arterial street or expressway.

(4) **Traffic control.** The family day care home would not adversely affect traffic and circulation of the neighborhood, including but not limited to blocking driveways or requiring double parking to load and unload guests.

(5) **Building modifications.** The residential character and appearance of the dwelling does not have to be altered in any way to accommodate the family day care use.

(6) **Outdoor play areas**. All outdoor play areas are clearly delineated through the use of fences, landscaping or other materials constructed in accordance with applicable laws and regulations.

(7) Operator agrees to the following additional conditions of approval:

(i) **Fire clearance.** Prior to commencing the use, the operator shall obtain certification by the Turlock Fire Department that the facility complies with the standards established by the State Fire Marshal as set forth in Title 24 of the California Code of Regulations.

(ii) **Signage.** The operator agrees not to erect any off- or on-premises signs for the family day care home except as set forth in TMC 9-2-500ART (Signs).

(iii) **Noise control.** The family day care home shall be operated in compliance with the City of Turlock noise regulations, TMC 9-2-300ART (Noise Standards).

(iv) **Outdoor play areas**. The operator agrees to keep all activities related to the operation of the family day care on site at all times.

(v) **Access to inspect.** The property owner and/or operator shall allow the City to enter the property to determine compliance with the conditions of the Large Family Daycare permit during normal operating hours of the family day care home.

(vi) **Compliance with laws and regulations**. The day care operator acknowledges and agrees to comply with all applicable State, Federal and local laws and regulations. The operator shall provide evidence of compliance with State Department of Social Services requirements by providing a copy of the approved family day care license to the City prior to commencing operation of the family day care home. Upon revocation or denial of the State license, the permit issued pursuant to this section shall be automatically terminated.

(c) **Conditional use permit.** When the findings set forth in this section for the issuance of a Large Family Daycare permit cannot be made, an application for a conditional use permit may be made as set forth in TMC 9-5-600ART (Conditional Use Permits and Variances), subject to the conditions of approval listed in this section and any other conditions established by the Planning Commission and/or City Council.

(d) **Use of residential garage.** Family day care operations are not permitted in the garage area of a residence, except when the garage has been properly converted to habitable space through the issuance of a building permit and the space has met all applicable laws and regulations. Prior to finalizing the building permit, the property owner shall record a restrictive use covenant stating that the converted garage shall be returned to its original state upon the cessation of the family day care use and/or the sale of the dwelling unit.

9-2-111 Mobile home development.
(a) Purpose. The purpose of this section is to establish the basis for evaluating the adequacy of a mobile home park in residential areas. Provisions are intentionally general with the intent of allowing flexibility and further detailed evaluation on a case-by-case basis.

(b) **Permit required.** Mobile home parks shall be deemed permitted land uses in all land planned and zoned for residential land uses as designated by the Turlock General Plan, except that a conditional use permit must first be obtained in accordance with TMC 9-5-600ART (Conditional Use Permits and Variances).

(c) **General requirements.**

(1) A mobile home park shall not be less than one (1) acre in size.

(2) A mobile home park development shall meet or exceed the minimum standards set forth in the zoning district in which it is located. This includes, but is not limited to, density consistent with the Turlock General Plan, yards, distance between structures, height, usable open space, fences and walls, off-street parking and loading, signs, outdoor facilities, refuse storage areas, performance standards, nonconforming uses, and recreational vehicle storage, except that such standards may be changed to allow for unique site design requirements for mobile home parks.

9-2-112 Outdoor storage.
(a) **Vacant lots.** No outdoor storage shall occur on any vacant parcel. No vehicles may be stored or displayed for sale on any vacant lot or at any vacant business location. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.

(b) **Residential districts.** There shall be no visible storage of motor vehicles, trailers, airplanes, boats, or their composite parts unless in accordance with Section 9-2-114: Permitted locations of mobile homes, recreational vehicles, and campers. Loose rubbish, garbage, junk, or other receptacles; tents; or building or manufacturing materials in any portion of a residential lot shall not be permitted.

(c) **Commercial districts.** Unless otherwise permitted in this section, outdoor storage and display of merchandise, materials, or equipment, or the conduct of business outdoors, is prohibited unless authorized by a minor discretionary permit issued in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits). Unless specifically authorized, outdoor facilities shall not be located within the public right-of-way.

(d) **Permitted exceptions.** Outdoor storage or display of the following merchandise, materials, or equipment, or the conduct of business outdoors, is permitted subject to the following standards and conditions:

(1) **Automobiles, boats, recreational vehicles and motorcycles.** Outdoor storage and display shall be limited to vehicles or equipment offered for sale or rent only, excepting such vehicles in R Districts in accordance with Section 9-2-114: Permitted locations of mobile homes, recreational vehicles, and campers.

(e) **Screening.** A solid fence or wall shall be required for all uses requiring a screen. The height of merchandise, materials, and equipment stored or displayed shall not exceed the height of the screening fence or wall. The Development Services Director

may require additional screening in highly visible areas and may impose reasonable restrictions on the type of storage or display or the location of outdoor storage and display areas to avoid adverse visual effects. All solid walls or fencing shall be landscaped in accordance with Section 9-2-109: Landscaping and irrigation.

9-2-113 Planned developments.

(a) **Purpose.** The purpose of the planned development standards and procedures is:

(1) To ensure orderly and thorough planning and review procedures that will result in quality urban design;

(2) To encourage variety and avoid monotony in developments by allowing greater freedom and flexibility with the use of alternative development standards;

(3) To provide a mechanism whereby the City may authorize desirable developments consistent with the Turlock General Plan;

(4) To encourage allocation and improvement of common open space in residential areas, and provide for maintenance of the open space at the expense of those who will directly benefit from it;

(5) To encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended; and

(6) To encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

(b) **Applicability.** No uses or structures shall be permitted except the uses and structures approved under the planned development. Specifically, building elevations and detailed site plans including, but not limited to, the location of all proposed buildings, open space, landscaping, and parking areas shall be submitted with the application.

(c) **Permit required.** All planned developments shall be required to rezone the property to the appropriate Planned Development (PD) designation as provided in TMC 9-5-101 et seq.

(d) **Conditions of approval.** In granting any planned development district, the City of Turlock may impose conditions deemed necessary or desirable to maintain neighborhood compatibility and to protect the public health, safety, and welfare. The conditions of approval shall be imposed by resolution of the City Council upon a recommendation by the Planning Commission in conjunction with the planned development approval.

(e) **Development regulations.** Property development regulations applicable to each district shall govern as baseline regulations. Development may vary from the baseline provided all of the following findings can be made:

(1) Building and site designs are consistent with the Turlock General Plan and any other applicable plans and policies adopted by the Turlock City Council;

(2) The proposed changes are compensated for or mitigated by higher building or site development standards elsewhere on the site; and

(3) The proposed changes will not adversely affect adjoining properties.

(f) **Development schedules (P-D).** An application for a planned development district shall be accompanied by a development schedule indicating the anticipated date when construction of the project can be expected to begin, the anticipated rate of development, and the completion date. For good cause shown by the applicant, the Planning Commission may extend the time limits imposed by the development schedule.

(g) **Expiration.** Upon expiration of the approved development schedule for any planned development or one (1) year from the date of enactment if no schedule has been approved, the development rights and planned development zoning designation for the property shall be deemed expired and the designation shall automatically be rezoned to its underlying base zoning district.

(1) A planned development is valid as long as:

(i) The use has commenced; or

(ii) A building or construction permit has been issued by the Building Official or City Engineer and construction has started and diligently pursued toward completion of the project; or

(iii) Other equivalent permit activity has occurred which, in the opinion of the Development Services Director, demonstrates a good-faith effort to initiate construction or operation of the approved use.

(h) **Amendments to planned developments.** Amendments to an approved planned development shall be authorized as follows:

(1) Amendments involving minor site plan modifications, no expansions, and/or no changes in use shall be reviewed by the Development Services Director.

(2) Amendments involving major site modifications, expansions of up to twenty-five (25%) percent of gross land area or floor area, changes in use resulting in equal or lesser intensity than previously approved, time extensions, and/or a change in conditions from a conditional use permit approved by the Planning Commission pursuant to TMC 9-5-600ART (Conditional Use Permits and Variances).

(3) Amendments involving expansions that are greater than twenty-five (25%) percent of gross land area or floor area, changes in use resulting in greater intensity

than previously approved, and changes that will result in a significant impact upon adjacent properties shall be reviewed by the City Council, upon a recommendation of a conditional use permit by the Planning Commission, pursuant to TMC 9-5-600ART (Conditional Use Permits and Variances).

9-2-114 Permitted locations of mobile homes, recreational vehicles, and campers. (a) For the purposes of this section, unless otherwise apparent from the context, the following words and phrases are defined as follows:

(1) **"Utility trailer"** shall mean and include a vehicle without motive power, not exceeding twenty (20') feet in length, eight (8') feet in width, and thirteen and one-half (13-1/2') feet in overall height, designed so that it can be drawn behind a motor vehicle in accordance with the California Vehicle Code. A private utility trailer, as defined herein, is considered incidental to the owners residential use of a property. It is not intended to mean truck trailers that would be a single or double trailer to be pulled behind a commercial vehicle or similar tractor-truck vehicle.

(2) **"Boat"** shall mean a vehicle for traveling in or on water, not exceeding forty (40') feet in body length, eight (8') feet in width, or thirteen and one half (13-1/2') feet in overall height. The height shall include the trailer if the boat is mounted on a trailer. A vehicle meeting this definition, except for size, shall not be deemed to be incidental to a dwelling unit and not permitted to park in residential areas except as allowed herein.

(b) **Mobile homes - permitted locations.** A mobile home is permitted to be placed, kept, maintained or occupied, within the City in the following areas or locations:

(1) Within all residential areas of the City: only within a recognized mobile home development.

(2) Within all nonresidential areas of the City: only within a mobile home park or trailer park, except for accessory storage, sale, or business uses as permitted in such zone.

(c) **Recreational vehicles, utility trailers, boats and boat trailers - permitted locations.** A recreational vehicle, utility trailer, or boat and boat trailer is permitted to be placed, kept, and maintained, within the City in the following areas or locations:

(1) **In all residential zones.**

(i) Parking is permitted inside any enclosed accessory structure or carport, which structure otherwise conforms to the zoning requirements of the particular R zone where located.

(ii) Parking shall take place upon a paved driveway or pad designed and installed for such intended use that complies with the requirements, restrictions, and conditions constructed in accordance with TMC 9-2-207: Parking in the R District.

(iii) Parking is permitted outside in the interior side yard or rear yard provided it is not closer than four (4') feet to any parcel line or lot line and does not block the only window that can be opened or door of a room used for human habitation. Recreational vehicles, utility trailers, boats, boat trailers, and campers under seven (7') feet in height are not subject to this limitation when they are not located in the front yard and are screened by a solid fence seven (7') feet in height.

(iv) Parking is permitted outside within the front yard when the following conditions exist:

(aa) Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard (a corner lot is always deemed to have reasonable access to the rear yard and a fence is not necessarily deemed to prevent reasonable access); or

(ab) Interior parking is not possible anywhere on the property.

(ac) In such cases, the following regulations shall govern the front yard parking of such a vehicular unit:

1. No part of the unit shall impede safe pedestrian circulation on the public sidewalk or public thoroughfare (right-of-way) or block corner visibility for pedestrians or motorists; and

2. The unit shall be owned by the resident on whose property the unit is parked for storage; and

3. The unit shall be no closer than two and one-half (2.5') feet to any parcel line or lot line.

(2) **In all nonresidential areas.**

(i) Only within an existing mobile home or travel trailer park development, except for commercial storage, sale, or business uses, as permitted in such nonresidential zone.

(d) **Recreational vehicles, boat and boat trailers - temporary occupancy, uses or parking.** The temporary occupancy, use, or parking of any recreational vehicle, boat and boat trailer beyond that described above shall only be permitted in the City as described below:

(1) Temporary overnight sleeping is permitted within a recreational vehicle on property in a residential area for a maximum of fourteen (14) days in any one (1) calendar year provided, however, cooking shall not be permitted at any time. Any temporary occupancy of a utility trailer is prohibited at all times.

(2) Any temporary connections to electrical utilities or water service for such units is permitted only for charging batteries and water tanks for a period not to exceed forty-eight (48) hours or other incidental or temporary uses as permitted herein. Any permanent connections to sewer lines, water lines, or electricity is prohibited.

(3) The temporary parking for such a unit anywhere on the premises is permitted during active loading or unloading, including the temporary use of electricity or propane fuel, when it is necessary to prepare such a unit for a temporary recreational use, but not to exceed forty-eight (48) hours.

(e) **Owner permission required.** Notwithstanding the provisions of subsection (c), herein, it shall be unlawful for any person to place, keep, maintain, or occupy, or permit to be placed, kept, maintained, or occupied, any mobile home, recreational vehicle, utility trailer, boat or boat trailer, or camper upon any lot, piece, parcel of land or upon any street, highway or other public right-of-way without the permission of the private property owner or prior written permission of the public entity.

(f) **Occupancy on public streets, alleys, or rights of way prohibited.** It shall be unlawful for any person to occupy, or permit to be occupied for dwelling purposes any mobile home, recreational vehicle, travel trailer, camp car, or camper upon any street, highway or other public right-of-way without the prior written permission of the Chief of Police, or his or her designee.

9-2-115 Recycling and solid waste disposal regulations.
(a) **Purpose.** The purpose of the recycling and solid waste disposal regulations is to:

(1) Ensure the provision of adequate locations, compatible with surrounding land uses, for the collection, separation, processing and shipping of recyclable materials including newspapers, plastic, glass and aluminum;

(2) Regulate the location of recycling and trash containers and enclosures in order to provide adequate, convenient space for the collection, storage, and loading of recycled materials at multifamily residential, commercial, and industrial land use sites;

(3) Increase the recycling of reusable materials consistent with statewide goals to reduce solid waste disposal; and

(4) Decrease the impact of the consumption of renewable and nonrenewable resources on the environment.

(b) **Applicability.**

Applicability of Recycling and Solid Waste Disposal Regulations	
Zoning District	**Applicability**
R	4 or more dwelling units

C	All development (a)
I	All development
PS	All development

(a) For residential development in C Districts, applies only to 4 or more multifamily dwellings

(c) **New development regulations.**

(1) **Materials, construction, design and location.**

(i) The enclosure shall comply with the City of Turlock Standards and Specifications for construction and materials.

(ii) Each recycling and trash enclosure shall be designed to allow walk-in access without having to open the main enclosure gate.

(iii) The property owner shall supply and maintain adequate bins and containers for recycling and waste disposal.

(iv) Whenever feasible, the recycling collection area and the trash collection area shall be adjacent to one another and in one (1) enclosure.

(2) **Landscaping.** A two (2') foot perimeter surrounding each recycling and trash enclosure, exclusive of access to the enclosure, shall be planted with landscaping and vines to discourage graffiti.

(3) **Setbacks.** No recycling or trash enclosures shall be located in any front or corner side yard.

(4) **Deviation from standards.** The Development Services Director may permit deviations from these standards, when the application of these standards prevents development of the parcel, upon approval of a minor administrative approval in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

(d) **Existing development guidelines.** The following guidelines shall apply to all existing development in R, C, I and PS Districts.

(1) **Existing trash enclosures.** If existing development has an existing trash enclosure, any recycling containers shall be located inside the trash enclosure. If it is not possible to locate the required recycling containers in the trash enclosure, the recycling containers shall be located adjacent to the trash enclosure and shall be appropriately screened.

(2) **No existing trash enclosures.** If the existing development does not have an existing trash enclosure, any recycling containers shall be located adjacent to the existing trash facilities and shall be appropriately screened in accordance with Subsection (c)(1), above.

(3) **Waiver of parking, landscaping areas or open space requirement.** In order to meet any recycling and trash enclosure requirements, an existing development may use one (1) parking space, landscaping area or open space for the location of the recycling containers if the Development Services Director can find that the loss of parking, landscaping area or open space will not have any adverse effect on the need for such areas or the aesthetics of the existing development. Such a waiver shall be granted upon approval of a minor administrative approval in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

(4) **Setbacks.** No recycling or trash enclosures shall be located in any front or corner side yard.

(e) **Exceptions.** The Development Services Director may grant exceptions to this section when the Director finds that existing conditions prevent its practical application upon approval of a minor administrative approval in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

9-2-116 Recycling facilities.
(a) **Purpose.** The purpose of the recycling facilities standards and regulations is to establish regulations governing recycling, consistent with the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986 and its amendments.

(b) **Definitions.**

(1) Bulk reverse vending machine shall mean a reverse vending machine designed to accept more than one (1) container at a time and to compute the refund or credit due on the basis of weight.

(2) Collection facility, large shall mean a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public occupying more than five hundred (500) square feet and may include permanent structures as well as mobile units, bulk reverse vending machines, and Kiosk-type units.

(3) Collection facility, small shall mean a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public occupying less than five hundred (500) square feet which may include:

(i) A mobile unit;

(ii) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet;

(iii) Kiosk-type units that may include permanent structures; or

(iv) Unattended containers placed for the donation of recyclable materials.

(4) Processing facility shall mean a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, or remanufacturing.

(5) Processing facility, heavy shall mean a processing facility other than a light-processing facility.

(6) Processing facility, light shall mean a processing facility occupying less than 50,000 square feet and including equipment for bailing, briquetting, crushing, compacting, grinding, shredding or sorting of source-separated recyclable materials, except ferrous metals other than food and beverage containers, and repairing of reusable materials.

(7) Recyclable material shall mean material including, but not limited to metals, glass, plastic and paper which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials, but may include used motor oil collected and transported in accordance with Section 25250.11 of the California Health and Safety Code.

(8) Recycling facility shall mean a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. On-site storage containers or processing facilities used solely for the recycling of material generated by residential property, business or manufacturer are not recycling centers for the purposes of this section.

(9) Reverse vending machine shall mean an automated mechanical device that accepts at least one (1) or more types of empty beverage containers including aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine.

(10) Single-fee revenue vending machine shall mean a reverse vending machine designed to accept individual containers one (1) at a time.

(c) **Permits required.** No person shall permit the placement, construction, or operation of any recycling facility without first obtaining a permit as follows:

Recycling Facility Permit Requirements

Type of Facility	Districts Permitted	Permit Required
Bulk reverse vending	All C, I and PS	Zoning Clearance
machine	CH and I	Minor Discretionary Permit
and small collection	I	Minor Discretionary Permit
Large collection	I	Conditional Use Permit
Light processing		
Heavy processing		

(d) **Permits for multiple sites.** The Development Services Director may grant a single Site Plan Permit in accordance the procedures for a minor administrative approval as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits) to allow more than one (1) bulk reverse vending machine or small collection facility located on different sites under the following conditions:

(1) The operator of each of the proposed facilities is the same;

(2) The proposed facilities are determined by the Director to be similar in nature, size and intensity of activity; and

(3) All the applicable criteria and standards set forth in this section are met for each proposed facility.

(e) **Design criteria and standards.**

(1) **Reverse vending machines.**

(i) No machine shall obstruct pedestrian or vehicular circulation.

(ii) No required parking space shall be occupied.

(iii) Each machine shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

(iv) The maximum sign area is four (4) square feet per machine, exclusive of operating instructions.

(v) Adequate nighttime lighting shall be provided.

(vi) No machine located within three hundred (300') feet of an R District shall be visible from residences or public right-of-way located in an R District.

(2) **Small collection facilities.**

(i) Small collection facilities shall be no larger than five hundred (500) square feet, shall be set back at least ten (10') feet from a front or side property line, and shall not obstruct pedestrian or vehicular circulation.

(ii) No power-driven processing equipment shall be used except for reverse vending machines.

(iii) All containers shall be constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected.

(iv) All recyclable material shall be stored in containers or in a mobile unit vehicle.

(v) Attended facilities located within one hundred (100') feet of the boundary of an R District shall operate only between 9:00 a.m. and 7:00 p.m.

(vi) Containers shall be clearly marked to identify the type of material that may be deposited. The facility shall be clearly marked identifying the name and telephone number of the facility operator, the hours of operation, and a notice stating that no material shall be left outside the recycling containers.

(vii) The maximum sign area shall be sixteen (16) square feet exclusive of informational requirements and operational instruction. Directional sign bearing no advertising message may be installed with the approval of the Development Services Director if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

(viii) No additional parking spaces will be required for customers of a small collection facility located at the established site of a host use. One (1) space will be provided for the attendant, if needed.

(ix) No required parking spaces shall be occupied by the facility.

(3) **Large collection facilities.**

(i) A large collection facility shall be located at least three hundred (300') feet from an R District.

(ii) Each facility shall be in an enclosed building or within an area enclosed by a solid masonry wall at least eight (8') feet in height with landscaping.

(iii) Six (6) parking spaces shall be for customers and one (1) parking space shall be provided for each commercial vehicle operated by the recycling facility.

(iv) Power-driven processing, including aluminum foil and can compacting, bailing, plastic shredding, or other light-processing activities necessary for

efficient temporary storage and shipment of material may be allowed if noise mitigation and other conditions are met.

(4) **Processing facilities (light- and heavy-processing).**

(i) Processors will operate in a wholly enclosed building except for incidental storage, or within an area enclosed on all sides by an opaque fence or wall not less than eight (8') feet in height and landscaped on all street frontages and shall be located at least five hundred (500') feet from an R District except that such facilities may be located closer provided a Conditional Use Permit is obtained in accordance with TMC 9-5-600ART (Conditional Use Permits and Variances).

(ii) Power-driven processing shall be permitted provided all noise-level requirements are met in accordance with TMC 9-2-300ART (Noise Standards). Light-processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials.

(5) **All collection and processing facilities.**

(i) No facility shall occupy a required front or corner side yard, and all regulations applicable to the principal structure on the site shall apply to collection and processing facilities except as provided in this section.

(ii) Facilities shall be designed to be compatible with the architectural character of adjacent structures.

(iii) A large collector or processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.

(iv) All exterior storage of material shall be in sturdy containers or enclosures that are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. Any outdoor storage containers or materials shall not exceed the height of any screening fence or wall within seventy-five (75') feet of such fence or wall.

(v) All facilities shall be administered by on-site personnel during hours the facility is open. If a processing facility is located within five hundred (500') feet of an R District, it shall not be in operation between 7:00 p.m. and 7:00 a.m. unless such operating hours are extended by a conditional use permit issued in accordance with TMC 9-5-600ART (Conditional Use Permits and Variances).

(vi) Any containers provided for after-hours donation of recyclable materials shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.

(vii) Containers shall be clearly marked to identify the type of material that may be deposited. There shall be displayed a notice stating that no material shall be left outside the recycling containers. All materials shall be kept in the containers to prevent creating a litter nuisance at the site or on any adjacent properties.

(viii) Sign requirements shall be those provided for in the zoning district in which the facility is located. In addition, each facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.

9-2-117 Salvage and wrecking operations.
(a) **Purpose.** The purpose of the salvage and wrecking operations standards and regulations is to provide opportunities for locating salvage and wrecking operations in industrial areas so as not to have an adverse impact on adjacent land uses or groundwater supplies.

(b) **Design criteria and standards.**

(1) Salvage and wrecking operations shall not be located any closer than five hundred (500') feet from any A, R, C (except CH) or PS District or any such land so designated in the Turlock Area General Plan.

(2) Salvage and wrecking operations shall be conducted wholly within an area enclosed by a solid masonry wall at least eight (8') feet in height unless located on an industrial zoned property that abuts industrial zoned properties on all sides.

(3) Any outdoor storage shall not exceed the height of the solid masonry wall within seventy-five (75') feet of such wall.

(4) No hazardous substances or hazardous wastes, as defined in 42 U.S.C. Section 9601 (14), shall be released on, under or about the site and no material shall be discharged on, under or about the site that could affect the quality of the ground or surface waters within the meaning of the California Porter-Cologne Water Quality Act, as amended, Water Code Section 13000, et seq. For the purpose of this section, "release" shall have the meaning provided for in 42 U.S.C. Section 9601 (22).

9-2-118 Screening of mechanical equipment.
Exterior mechanical equipment, except solar collectors affixed to the roof and residential utility meters, shall be screened from public view on all sides. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, duct work, and transformers. Satellite dish antennas and microwave equipment shall be screened in accordance with TMC 9-2-101: Accessory buildings or structures.

9-2-119 Second dwelling units.
A second dwelling unit on a single or multi-family residential zoned lot may be permitted subject to first securing a ministerial approval from the Development Services Director or his/her designee in each case and when the following conditions are met:

(a) The lot must contain an existing single-family dwelling.

(b) One (1) additional off-street parking space meeting City standards shall be required. Off-street parking spaces for a second dwelling unit may be provided with tandem parking.

(c) The second dwelling unit shall conform to all height, setback, lot coverage, architectural review, site plan review, density, fees, charges, and other zoning requirements applicable.

(d) The second dwelling unit may be occupied by a renter, but shall not be independently sold.

(e) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code, are permitted as a second dwelling unit pursuant to compliance with the provisions of this section.

(f) The second dwelling unit is subject to architectural review to ensure compatibility with the main dwelling unit and surrounding dwelling units in terms of scale, height, and exterior design and treatment as provided in the design guidelines. More specifically, the second dwelling unit shall incorporate compatible architectural characteristics including roof pitch and style, window and door detailing, exterior materials, textures, colors, and finishes.

9-2-120 Underground utilities.
All electrical, gas, telephone, cable television, and similar distribution lines, including existing distribution lines, providing immediate service to a development site shall be installed underground within the site, except:

(a) Above ground installation shall be allowed in Agriculture Districts; or

(b) The Development Services Director may waive the undergrounding requirement if it can be demonstrated to the Director that site conditions make underground placement impractical.

9-2-121 Neighborhood stores.
Development standards for neighborhood stores in residential districts shall be as follows:

(a) Neighborhood stores shall be located on corner lots only. No store shall be located within 1,000 feet of another commercial facility.

(b) On-site parking shall be provided at a minimum of one (1) space per three hundred (300) square feet of gross floor area with a maximum of one (1) space per two hundred (200) square feet of gross floor area. Parking shall not face directly onto adjoining streets or right-of-ways. Any existing alleyway may be utilized for access.

(c) On-site loading and unloading shall be provided in accordance with Section 9-2-218: Location and design of off-street loading spaces. Parking area driveways may be utilized where they meet the standards of Article 2 of this chapter.

(d) The maximum sign area allowed is one-half (1/2) square foot of sign area per one (1) lineal foot of building frontage. Freestanding signs shall not be permitted. Signs shall be designed in accordance with the sign design guidelines contained in Article 3 of this chapter.

(e) Neighborhood stores shall be separated from adjoining residential uses by a solid masonry wall. All masonry walls shall comply with all height and location standards for fencing in the applicable residential district.

(f) A minimum of ten (10%) percent of lot area shall be provided in landscaping. All landscaping shall comply with the standards in Section 9-2-109.

9-2-122 Rental storage facility.
A rental storage facility is subject to the following development standards:

(a) A minimum fifteen (15') feet wide landscape strip shall be installed along any street frontage. All landscaping and irrigation system shall be installed in accordance with the TMC 9-2-109: Landscaping and irrigation.

(b) The site shall be entirely paved, except for structures and landscaping.

(c) The elevation of any structure facing a street or fully visible to the public shall include architectural treatment such as stucco, brick, or wood finish, and articulated walls and rooflines.

(d) Structures located on a property line adjacent to residential property shall not exceed a height of eight (8') feet. Otherwise the setback and height standards apply as set forth in TMC 9-3-300ART and TMC 9-3-400ART.

(e) The floor area ratio requirement of TMC 9-3-300ART and TMC 9-3-400ART does not apply but is determined by setback, aisle width, parking and landscaping requirements.

(f) One (1) residential unit may be provided for a caretaker that is responsible for security, maintenance or management of the facility. The residential unit shall be a permanent structure that is architecturally compatible with the storage facility and must be clearly accessory to the storage facility.

(g) A minimum seven (7) on-site parking spaces shall be provided adjacent to the office. Two (2) additional parking spaces shall be provide for the caretaker.

(h) A minimum six (6') foot high decorative fence or wall shall be installed around the perimeter of the site. A minimum seven (7') foot high decorative solid wall shall be provided along property lines adjacent to properties zoned for residential use.

(i) All security gates that are automated shall be provided with equipment that can be activated by the Fire Department Opticom system. The driveway serving a security gate shall be designed to allow vehicles to turn around without backing out into the street.

(j) The drive aisle throughout the complex with shall be a minimum twenty (20') feet to provide safe and unobstructed circulation.

(k) No flammable or otherwise hazardous materials shall be stored on the site.

(l) Security lighting shall be provided for the exterior of the buildings, parking areas, driveways, and aisles. Lighting shall be located or shielded so as to not produce glare on adjacent properties.

(m) Only freestanding monument signs are permitted and shall be of a low profile design not to exceed four (4') feet in height, externally illuminated, and incorporate the design, materials, textures, and colors used in the building. All building signage shall be composed of individual pan channel letters or equivalent. Exposed raceways, cabinet signs, and changeable copy are prohibited. All other applicable sign standards apply in accordance with TMC 9-2-500ART (Signs).

(n) A minimum of one (1) trash receptacle shall be provided on the site. The trash receptacle shall be located and enclosed consistent with city standards.

(o) All storage shall be located within a fully enclosed structure except for recreation vehicles. Recreation vehicles shall be screened from public view and shall not be stored adjacent to residential properties.

(p) No business activity shall be conducted other than the rental of storage spaces for inactive storage use.

9-2-123 Equipment sales, service and rentals.
(a) **Equipment sales, service and rentals defined.** Equipment Sales, Service and Rentals shall mean the sales, services and rental of construction or agricultural equipment only. It shall not pertain to the outdoor storage of vehicles, boats, and other large items not normally stored indoors that may be for sale or rent.

(b) **Permits required.** Unless located on a property previously authorized for such use, no equipment sales, service and rental facility shall operate without first obtaining a minor discretionary permit as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits) and with the provisions of the this section.

(c) **Conditions and restrictions pertaining to equipment sales, service and rentals**. An equipment sales, service and rental facility is subject to the following development standards:

(1) The entire length of all street frontages, including along State Highway 99, shall be landscaped. Except where previously approved and developed, such landscape planters shall be a minimum of ten (10') feet in width. Under no circumstance shall any required landscape planter along State Highway 99 be less than ten (10') feet in width on average.

(2) All landscaping and irrigation systems shall be designed and installed in accordance with the TMC 9-2-109.

(3) An average four (4') foot high compact, dense evergreen landscape hedge screen shall be installed along all street frontages, including along State Highway 99.

(4) Street trees shall be installed at forty (40') feet intervals, except that along State Highway 99 required street trees may be dispersed into distinct groups to afford views into the site from the public right-of-way.

(5) Landscaping shall be installed in accordance with the Northwest Triangle Specific Plan, Beautification Master Plan and all other applicable plans, policies, and ordinances of the City of Turlock.

(6) A minimum six (6') foot high decorative fence (wrought iron or approved alternate) shall be installed along the primary street frontage. On a previously developed site, chain link fencing may be acceptable if appropriately landscaped. A minimum seven (7') foot high decorative solid wall shall be provided along property lines adjacent to properties zoned for residential use.

(7) All chain link fencing shall include privacy slats or be landscaped with vines.

(8) All equipment shall be arranged in a structured and orderly manner on the site, and shall not encroach into any required setback or landscape area.

(9) Boom lifts, scissor lifts, loaders, backhoes and similar extendable equipment shall not be stored in an upright or extended position to exceed twenty (20') feet in height.

(10) At the discretion of the Development Services Director, heavy equipment and heavy vehicles may be stored on unpaved areas. However, all such areas shall be adequately covered with gravel, crushed base rock or approved equivalent to create an all-weather driving surface and to eliminate dust and mud. Notwithstanding this provision, the site shall be entirely paved, except for structures and landscaping.

(11) Customer and employee parking areas, including drive aisles, shall be paved.

(12) Adequate customer and employee parking shall be provided pursuant to TMC 9-2-200ART. The number of parking spaces shall be determined by the floor area of

on-site structures or as determined by the Development Services Director pursuant to TMC 9-2-200ART.

(13) A paved drive aisle shall be provided throughout the facility with a minimum width of twenty (20') feet to provide safe and unobstructed circulation and reduce entrained dust.

(14) Exterior security lighting shall be provided. Lighting shall be installed and maintained so that it will not cast direct light or glare on adjacent properties or public rights-of-way.

(15) All freestanding signs shall incorporate the design, materials, textures, and colors used in the building. Except for freeway-oriented signage permitted under TMC 9-2-506(j)(4), all freestanding signs shall be of a low profile monument design not to exceed four (4') feet in height. All building signage shall be composed of individual pan channel letters or equivalent. Cabinet signs, and changeable copy are prohibited. All other applicable sign standards apply in accordance with TMC 9-2-500ART.

(16) Freeway-oriented signage permitted under TMC 9-2-506(j)(4) shall be designed to incorporate the design, materials, textures, and colors used in the building. Pole signs, as defined by TMC 9-2-503, composed of an unadorned, plain metal pole and/or a sign cabinet are prohibited. However, the Development Services Director may approve a freeway-oriented pole sign where the pole or poles incorporate the design, materials, textures of the main building and the cabinet has a translucent background with opaque lettering. Changeable copy is prohibited on any freeway-oriented sign.

(17) A minimum of one (1) trash receptacle shall be provided on the site. The trash receptacle shall be located and enclosed consistent with city standards.

(18) No business activity shall be conducted other than the sales, service or rental of construction or agricultural equipment unless such business activity is clearly incidental to the primary authorized use.

9-2-124 Mobile food facilities.
(a) **Purpose.** The purpose of this section is to allow mobile food facilities to operate within the City through an expedited permitting process that ensures that such uses are operated in a manner that is safe and secure, and will not create adverse impacts to either the property on which they are located or to the immediate neighborhood.

(b) **Mobile food facility permit required.** Any person must obtain a mobile food facility permit prior to operating a mobile food facility on private property within the City. The approval shall be specific to a location and shall not be transferable to other locations or operators. Operation of a mobile food facility shall not be permitted on public property under this section. An application for a permit shall be submitted for approval of a mobile food facility permit not less than fifteen (15) days before the use is intended to begin. The application shall be on a form prescribed for that purpose, and shall include

the written consent of the owner of the property on which the use is to be located and, if different, the business owner providing restroom facilities within two hundred (200') feet as prescribed by the California Health and Safety Code, Section 114250.1

(c) **Mobile food facility permit application: Review and approval.**

(1) Once an application has been accepted as complete, the Development Services Director or designee shall take action within fifteen (15) days.

(2) Once an application has been accepted as complete, the Development Services Director or designee shall refer the permit application to City departments and any other agencies deemed appropriate by the Development Services Director.

(3) In considering an application for a permit pursuant to this section, the Development Services Director or designee shall approve the permit only if it makes the following findings and subject to the limitations and conditions of this section:

(i) The proposed location is on an improved property that is entirely paved and shall not interfere with the operation of any approved uses on the site;

(ii) The site is adequate to support the operation of the mobile food facility and the mobile food facility will not adversely affect adjacent structures and uses, or the surrounding neighborhood;

(iii) The proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic in the immediate area;

(iv) The proposed use will not create a demand for additional parking which cannot be met safely and efficiently in existing parking areas;

(v) The proposed use will not conflict with the terms or intent of any planned unit development permit or conditional use permit currently in effect on the property;

(vi) The proposed use and location complies with all applicable requirements of the Turlock Municipal Code, the California building and fire codes, and any other applicable local, regional, State or Federal laws or regulations; and

(vii) The proposed use will not otherwise constitute a nuisance or be detrimental to the public welfare of the community.

(d) **Limitations of use by zoning district.** A mobile food facility may be permitted to operate on any property zoned for commercial or industrial uses, except the CO Commercial Office district, and the DC Downtown Core, DCT Downtown Core Transition, and OR Office Residential Overlay districts.

(e) **Limitation on number and concentration of mobile food facilities.** On properties of less than one (1) acre in size, no more than one (1) mobile food facility shall be permitted at one (1) time.

(f) **Mobile food facility permit and renewals.** The mobile food facilitypermit shall expire on December 31 each calendar year. Applications received after October 1st of each calendar year shall be given a renewal date that ends on December 31 of the following year. Each renewal shall be subject to the findings and conditions outlined in this section. There shall be no limit on the number of renewals that may be granted.

(g) **Conditions.** In authorizing an application for a mobile food facility permit, the Development Services Director shall include as conditions of approval, the following minimum provisions:

(1) The use shall be conducted entirely upon private property and not within any public right-of-way;

(2) The use shall conform to all applicable building, electrical, fire, plumbing, engineering, solid waste, wastewater, water quality, and environmental regulations and laws;

(3) No permanent structures may be constructed on the site to support the operation of the mobile food facility;

(4) No signs, balloons, or flags may be displayed on or off the site to promote the mobile food facility except those permanently affixed to the mobile food vehicle/trailer;

(5) No outdoor music, live or amplified, is permitted;

(6) Temporary canopies or tents less than one hundred twenty (120) square feet may be erected but must be removed at the end of each business day;

(7) No more than two (2) small tables seating up to a total of ten (10) people may be permitted and must be removed at the end of each business day;

(8) Vehicle and temporary canopies or tents shall not be located closer than twenty (20') feet to a building or structure;

(9) Vehicle and any temporary canopies or tents shall not be located on the same parcel, or closer than one hundred (100') feet from the lot line of an adjacent parcel, on which a flammable, combustible, or liquid petroleum gas dispensing or storage container is located;

(10) Provisions for fire protection and fire vehicle access shall be made as prescribed by the Fire Marshal;

(11) The site shall be continuously maintained free of weeds, litter and debris;

(12) Within three (3) days after ceasing operation of the mobile food facility at any location, the site shall be completely cleaned; all trash, debris, signs, sign supports, and temporary electrical service will be removed;

(13) The mobile food facility operator shall obtain and maintain a valid Turlock business license at all times;

(14) An agreement for the use of properly operating restroom facilities within two hundred (200') feet of the vehicle's location shall be maintained at all times; and

(15) Any additional limitations or conditions as required by the Development Services Director as conditions of approval.

(h) **Fee.** A fee shall be paid by the applicant to cover the costs of processing and administering the mobile food facility permit application. Such fee shall be set by City Council resolution, and may be amended from time to time.

(i) **Suspension or revocation of mobile food facility permit.** Any mobile food facility permit may be suspended or revoked in accordance with the procedures and standards of TMC 9-5-1100ART (Enforcement). The permit shall be automatically suspended and may be revoked when the permit issued by the Stanislaus County Environmental Resources Department is suspended or revoked for any reason.

(j) **Appeal.** The decision of the Development Services Director may be appealed as provided by Chapter 1-4 TMC.

9-2-125 Cargo containers.
(a) **Purpose.** The purpose of this section is to allow cargo containers to be placed on private property in a manner that is safe and secure, will not create adverse impacts to either the property on which they are located or to the immediate neighborhood, will achieve community architectural and design standards, and will not become a nuisance to the community.

(b) **Permit requirements and exceptions.**

(1) **Temporary use.**

(i) No cargo container permit shall be required when the cargo container is used during construction and a valid building permit is active for the property provided that all applicable conditions in Section 9-2-125(d)(1) subsections (i) through (iv) are met.

(ii) No cargo container permit shall be required to place a cargo container on private property for a period of three (3) months or less provided that all applicable conditions of approval applicable to the zoning district listed in Section 9-2-125(d) are met. For residential uses only, such cargo containers may be placed in the front yard on a paved driveway so long as the cargo container does not encroach into the landscaped areas, onto sidewalks, or into public rights-of-

way, and there is sufficient room to open the garage door to allow access and egress in case of emergency.

(iii) A temporary use of land permit shall be obtained pursuant to Article 5 of Chapter 9-5 TMC (Temporary Uses of Land) for a period of greater than three (3) months but no more than one (1) year provided that all of the conditions of approval applicable to the zoning district listed in Section 9-2-125(d) are met, with the exception that cargo containers screened from public view from the public right-of-way or an adjacent property shall not be required to meet the requirements of Section 9-2-125(d)(1)(x).

(iv) The cargo container must be removed immediately upon completion of the temporary term or upon expiration or finalization of the building permit.

(2) **Permanent use.**

(i) A cargo container permit shall be required prior to placing a cargo container on private property for more than one (1) year. The approval shall be specific to a location and shall not be transferrable to other locations or property. An application for a permit shall be submitted for approval of a cargo container permit not less than thirty (30) days before the use is intended to begin. The application shall be on a form prescribed for that purpose by the Development Services Director, and shall include the written and notarized consent of the owner of the property on which the use is to be located.

(ii) **Residential districts.** The cargo container permit shall be issued in accordance with the criteria and procedures for a minor administrative approval as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits) and shall meet all applicable standards and conditions in subsection (d).

(iii) **Commercial, industrial, public, and Downtown overlay districts.** The cargo container permit shall be issued in accordance with the criteria and procedures for a Minor Discretionary Permit as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits) and shall meet all applicable standards and conditions in subsection (d).

(3) **Exceptions.** Exceptions to the standards in this section may be granted by the Planning Commission upon approval of a conditional use permit pursuant to TMC 9-5-600ART (Conditional Use Permits and Variances).

(4) **Public right-of-way restriction.** No cargo container may be placed in the public right-of-way unless approved through the issuance of an encroachment permit by both the Engineering Division and the Fire Department.

(5) **Limitations of use by zoning district**. Cargo containers may only be stored for resale or rental purposes in the Industrial (I) zoning district in accordance with all

permitting requirements and standards of TMC 9-3-400ART, and are subject to the standards specified in this section and TMC 9-2-112 (Outdoor Storage).

(c) **Cargo container permit application: Review and approval.**

(1) Once an application has been accepted as complete, the Development Services Director or designee shall take action within twenty (21) working days. A notice shall be sent to the applicant if the application is deemed incomplete. If no response is provided by the applicant within six (6) months of receiving an incomplete notice, the application shall be expired and the applicant will be required to submit a new application and fee.

(2) For purposes of application processing, any application for a cargo container permit is considered to be a ministerial permit and, as such, is not subject to the time frames specified in Section 65950 et seq. of the California Government Code, or the California Environmental Quality Act.

(3) Once an application has been accepted as complete, the Development Services Director or designee shall refer the permit application to City departments and any other agencies deemed appropriate by the Development Services Director.

(4) In considering an application for a permit pursuant to this section, the Development Services Director or designee shall approve the permit only if the following findings are made and subject to the limitations and conditions of this section:

(i) The proposal is consistent with the General Plan, the Zoning Ordinance, the Design Guidelines, and any other applicable plans or standards applicable to the property; and

(ii) The proposal meets all of the applicable design standards and provisions of this section; and

(iii) The proposal is in harmony with the existing or proposed development in the general area or neighborhood and will be compatible with adjacent structures and uses, including those on adjoining properties; and

(iv) That the site for the proposed use is adequate in size and shape to accommodate such uses, all yards, open spaces, walls, fences, parking, loading, landscaping and other features required by the Turlock Municipal Code or the Planning Commission to make sure such use is compatible with the land and uses in the vicinity; and

(v) Any structural element contained within the proposal is of high quality design consistent with the intent of the City Design Element of the Turlock General Plan

and the exterior design, appearance, materials, and colors will not cause the nature of the neighborhood to materially depreciate; and

(vi) The proposal will not otherwise constitute a nuisance or be detrimental to the public safety, health, and welfare of the neighborhood and community.

(d) **Conditions of approval.**

(1) **Conditions applicable in all zoning districts.** In authorizing any permit for a cargo container, the Development Services Director shall include as conditions of approval, the following minimum provisions:

(i) **Height.** Cargo container(s) shall not be stacked and shall not be greater than ten (10) feet in height including the foundation system, as measured from the property grade.

(ii) **Setbacks.** Cargo container(s) shall meet all applicable setback requirements and are not permitted in front yard setback area unless provided otherwise in TMC 9-2-125(d)(2).

(iii) **Location.** The proposed location shall not interfere with other uses, clear vision triangle, pedestrian/vehicular visibility, required parking, landscaping, or circulation on the property, or create any other safety problem. The cargo container(s) shall not be placed in a "fire lane" or other fire access lanes. The cargo container(s) must be accessible by a paved drive aisle.

(iv) **Contents.** No hazardous materials, or combustible or flammable liquids may be stored in the container.

(v) **Screening.** Cargo container(s) shall be screened from view from the public right-of-way and from view of adjacent residential uses or districts using methods such as, but not limited to, line of sight behind buildings or walls with landscaping and construction of walls with vines.

(vi) **Number and size:** Cargo containers shall be allowed pursuant to the number and size limitations and allowances listed below:

(aa) Residential (R-E, R-L, R-M, R-H) districts. The number shall be limited to one (1) container no greater than 120 square feet in area and the dimension may not exceed fifteen (15') in length.

(ab) Commercial (C-C, C-H, C-T, TC overlay district), industrial (I, I-BP, IR overlay district), and Public/Semi-Public (P-S) zones when adjacent to a residential use or a Residential (R-E, R-L, R-M, R-H) zone; the Office Residential (OR) and Downtown Core Transition (DCT) overlay districts; and the Commercial Office (C-O) zone. The number shall be limited to one (1) container no greater than ten (10%) percent of the total gross floor area of the

existing buildings or 120 square feet in area, whichever is less, and may not exceed fifteen (15') feet in length.

(ac) Community Commercial (C-C), Heavy Commercial (C-H), and Commercial Thoroughfare (C-T) districts; and the Downtown Core (DC) and Transitional Commercial (TC) overlay districts. If not otherwise restricted, the number shall be limited to one (1) container no greater than five (5%) percent of the total gross floor area of the existing buildings or 320 square feet in area, whichever is less, and may not exceed forty (40') feet in length.

(ad) Industrial (I), Industrial Business Park (I-BP), and Public & Semi-public (P-S) districts, and the Industrial Residential (IR) Downtown overlay district, less than one (1) acre in size. If not otherwise restricted, the number shall be limited to one (1) container no greater than five (5%) percent of the total gross floor area of the existing buildings or 320 square feet in size, whichever is less, and may not exceed forty (40') feet in length.

(ae) Industrial (I), Industrial Business (I-BP) park, and Public & Semi-public (P-S) districts, and the Industrial Residential (IR) Downtown overlay district, one (1) acre or more in size. If not otherwise restricted, the total floor area of cargo containers may not exceed five (5%) percent of the total gross floor area of existing buildings on the same property and must meet the floor area limitation of the applicable zoning district.

(vii) **Signs.** No advertising or directional signs shall be mounted, painted, or displayed on the container except that temporary containers may display the rental or leasing company name and/or logo permanently affixed or painted on the container.

(viii) **Building permit.** A building permit shall be required for any cargo container greater than 120 square feet in size unless otherwise determined by the Chief Building Official. Doors shall not be modified to restrict persons from freely exiting the cargo container.

(ix) **Foundation system.** The foundation system shall be reviewed and approved by the Chief Building Official. Cargo container(s) may be placed on a paved surface upon approval of the Chief Building Official. In industrial districts, when containers are the item being stored, cargo container(s) may be placed on a paved or all-weather surface upon approval of the Chief Building Official.

(x) **Design.** All applicable development standards and design guidelines for the zoning district shall apply. When not located within the public view from the public right-of-way or an adjacent property, the cargo container may be painted to match the primary building to achieve architectural compatibility.

(xi) **Property owner written consent required.** A tenant shall obtain the prior written and notarized consent of the property owner before placing a cargo container on any property.

(2) **Exceptions to setback requirements.** Exceptions to the setback requirements may be granted by the Development Services Director upon the issuance of the minor exception pursuant to TMC 9-5-400ART and upon providing a notification to adjoining properties of not less than ten (10) calendar days. Any comments received during this notification process shall be considered in making the findings for approval for the Minor Exception.

(e) **Fee.** A fee shall be paid by the applicant to cover the costs of processing and administering the permit application. Such fee shall be set by City Council resolution, and may be amended from time to time.

(f) **Suspension or revocation of cargo container permit.** A cargo container permit may be suspended or revoked in accordance with the procedures and standards of TMC 9-5-1100ART (Enforcement).

(g) **Appeal.** The decision of the Development Services Director may be appealed as provided by Chapter 1-4 TMC.

9-2-126 Electrified fences.
Purpose. The purpose of this section is to allow electrified fences to be placed on private property in a manner that is safe and secure, will not create adverse impacts to either the property on which they are located or to the immediate neighborhood, will be compatible with community design standards, and will not become a nuisance to the community.

(a) **Permit required.** Electrified fences are allowed in IBP (Industrial Business Park) and I (Industrial) districts upon the approval of a minor administrative approval as set forth in TMC 9-5-300 (Minor Administrative and Minor Discretionary Permits), subject to the standards and conditions contained in this section.

(b) **Location**. The fence shall be located at least fifty (50') feet from a residence, school, day care facility, or park land, or any property zoned for such uses.

(c) **Perimeter fence required.** The electrified fence may not be used as a perimeter fence. A non-electrified fence shall completely surround the electrified fence. The electrified fence shall be set back at least twelve (12") inches from a non-electrical perimeter fence.

(d) **Setbacks.** The fence shall not be located within required setback areas (front, side, or rear).

(e) **Height.** The maximum height shall be ten (10') feet.

(f) **Construction.** The fence shall be constructed of horizontal wires with minimal vertical support to minimize visual impact.

(g) **Energy source.** The energy source shall not exceed 12 volts.

(h) **Warning signs.** Warning signs, a minimum of 36 square inches in size, shall be mounted every fifty (50') feet, with a minimum of one (1) per side, no higher than five (5') feet from the ground, or in accordance with the California Building Code, whichever is more stringent.

(i) **Compliance with all laws and regulations**. The electrified fence shall meet all California Building Code, California Fire Code, Fire Department, and Police Department requirements, as well as all applicable federal, State, and local laws throughout the construction, installation and operation of the electrified fence.

(j) **Hold harmless agreement.** The applicant and property owner shall enter into an agreement holding the City of Turlock harmless from all legal actions that relate directly or indirectly to the electrified fence. The agreement shall be recorded with the property and shall release the City of Turlock from any and all liability.

(k) **Ongoing maintenance required.** The area around the electrified fence shall be kept clear of all vegetation and litter to avoid fires.

9-2-127 Drive-through facilities.
In addition to any other permitting requirements, any use that includes a drive-through facility shall also meet all of the following development standards:

(a) No more than two (2) lanes are permitted per drive-through facility.

(b) Lane(s) shall be located at least 100 feet from a residential district.

(c) Lane(s) shall be oriented to reduce light and glare onto adjacent residences and public rights-of-way.

(d) Lane(s) shall be screened with a decorative masonry wall landscaped with vines, landscaped berm, or a landscaped hedge, or any combination thereof, at least three (3') feet in height to minimize visibility to the public right-of-way.

(e) No more than two (2) menu boards are permitted per lane.

(f) Lane(s) shall provide a minimum stacking distance of at least four (4) vehicles between the entrance to the lane and the menu board closest to the pick-up window, and between the closest menu board to the pick-up window and the pick-up window. When no menu board is used, the lane(s) shall provide a minimum stacking distance for six (6) vehicles between the entrance to the lane and the pick-up window.

(g) Lane(s) shall be designed to avoid stacking in a driveway or parking lot drive aisle that directly connects to a public street.

Article 2. Off-Street Parking and Loading Regulations

9-2-201 Specific purposes.
In addition to the general purposes listed in Chapter 9-1-100 et. seq., the specific purposes of the off-street parking and loading regulations are to:

(a) Ensure that off-street parking and loading facilities are provided for new land uses, and for major alterations and enlargements of existing uses in relation to the need for these facilities created by each use; and

(b) Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety, and insulate surrounding land uses from adverse impacts.

9-2-202 Application of provisions to uses.
The provisions of this article shall apply to all uses set forth in this article even though the use may be a nonconforming use and even though a variance may have been granted for the establishment of such nonconforming use.

9-2-203 Off-street parking required: Availability and maintenance.
Every building erected shall be provided with parking spaces as required by the provisions of this article. Such parking spaces shall be made permanently available and shall be permanently maintained for parking purposes. A paved driveway, driveway approach, and/or drive aisle shall be provided to connect parking spaces to the public street. Such driveways shall comply with the development standards contained in Section 9-2-207.

9-2-204 Off-street parking: Reconstructed buildings.
Every building reconstructed, remodeled, or structurally altered shall be provided with parking spaces to compensate for the additional parking demand, if any, created by such remodeling, reconstruction or structural alteration.

9-2-205 Off-street parking for existing buildings and uses.
Off-street parking spaces which are maintained in connection with existing buildings, structures, and uses, and under the same ownership, shall be maintained as long as such buildings, structures, and uses remain, unless an equivalent number of such spaces is provided in accordance with the requirements of this article. The provisions of this article shall not require the maintenance of more parking spaces than are required for new buildings or structures similar in use and purpose to such existing buildings or structures.

9-2-206 Off-street parking: Location.
All required parking spaces shall be located on the same lot as the primary structure or located within a radius of five hundred (500') feet from the property. These parking spaces shall be maintained during the life of the building or until equivalent parking is

provided by other means. Should it be necessary to replace the required parking area; the owner, lessee, or assignee shall provide and maintain other parking facilities sufficient to comply with the requirements of this article.

9-2-207 Parking in the R Districts.
All parking areas in R Districts shall be subject to the same restrictions for accessory buildings according to the applicable zoning district. In addition, all parking areas in R Districts shall be subject to the following additional provisions:

(a) **Paved driveway and parking space required.** All parking spaces and driveways shall be paved. All vehicles, trailers and campers shall park on a paved driveway or parking space. When a covered garage or carport will not be provided for the required parking spaces of a residential structure, the required spaces shall be paved and located so that an enclosed structure could be constructed at a future date.

(b) **Parking incidental to residential use.** Required parking areas shall be incidental and accessory to a use permitted in the district in which the property is located. Parking areas incidental to and accessory to a commercial or industrial use located in an adjacent C or I District may be allowed subject to obtaining an approved conditional use permit from the Planning Commission.

(c) **Use of parking space.** All parking areas shall be used solely for the parking of private passenger vehicles except as provided in Section 9-2-114.

(d) **Front yard setback restriction.** No required parking shall take place in the front yard setback area of any residence.

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

(1) **Driveway width.** Driveways may range from a minimum of ten (10') feet (for single vehicles) to a maximum of thirty (30') feet (for three vehicles) in width. The width shall be determined based on the number of garage door openings (or the equivalent in covered or open parking areas).

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

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

(4) **Circular driveways.** Circular driveways with a secondary driveway approach may be permitted for lots with more than sixty-five (65') feet of lot frontage. That portion of the circular driveway that does not lead to the required parking space(s) shall be no greater than ten (10') feet in width. To determine the width and outer

edge for a ribbon driveway, the width and outer edge shall be determined using the center line of the ribbon driveway. The closest edge of the circular driveway shall be no closer than two and one-half (2.5') feet to a side property line. The curve radius of the driveway shall be no less than twenty-five (25') feet. At least twenty-two (22') feet of frontage shall be provided between the inner edges of the two driveway approaches, measured at the curb.

(5) **Lot frontage restrictions.** All driveways shall be constructed with a driveway approach approved by the Engineering Division. Driveway approach(es) shall not utilize more than forty (40%) percent of the lot frontage.

(6) **Front yard coverage.** The total paved area for all driveways and other vehicle storage areas shall not utilize more than fifty-five (55%) percent of the area of the front yard area. The front yard area shall be calculated as the area between the property line and the required front yard setback and the two side property lines.

(f) **Land use permit required.** Prior to constructing a circular driveway or widening a driveway pursuant to subsection (3), the property owner shall obtain approval of a minor administrative approval pursuant to TMC 9-5-300ART (Minor Administrative and Discretionary Permits).

9-2-208 Border barricades, screening, and landscaping.
(a) When a fence does not separate a parking area or drive aisle from any street or alley, a concrete curb or barrier not less than six (6") inches in height shall be located not less than two (2') feet from the street or alley line. The curb or barrier shall be securely installed and maintained.

(b) Every parking area abutting property located in the R District shall be separated from such property by a solid wall, view-obstructing fence, or compact evergreen hedge six (6') feet in height.

(c) Any parking areas or drive aisles visible from a public street shall be screened with landscaping to a height of three (3') feet.

(d) Any lights used to illuminate any parking area or car sales area shall be arranged to reflect light away from any premises on which a dwelling is located.

9-2-209 Off-street parking: Spaces required.
(a) **Uses enumerated.** Except as otherwise provided in this article, the number of off-street parking spaces required shall be as follows:

Off-Street Parking Space Requirements	
Use	**Space Requirement**
Assembly places including	1 space per 50 square feet of assembly area

churches, clubs and lodges	
Business, professional and financial offices	1 space per 250 square feet of gross floor area
Cafes, restaurants and other eating establishments	1 space per 3 seats or 1 space per 100 square feet of gross floor area when the number of seats is not known
Convalescent, nursing and group homes	1 space per 400 square feet of gross floor area
Industrial, manufacturing and warehousing	1 space per 1,000 square feet of gross floor area
Medical offices	1 space per 200 square feet of gross floor area
Motels, hotels	1 space per sleeping unit
Public facilities	1 space per 400 square feet of gross floor area
Recreational and health facilities	1 space per 100 square feet of gross floor area
Residential: Single-family Multifamily	 2 spaces per dwelling unit 1.5 spaces per dwelling unit plus 1 guest space per 4 dwelling units
Retail commercial uses	1 space per 300 square feet of gross floor area
Schools and classrooms	1 space per 200 square feet of gross floor area

(b) **Alternative methods for determining parking space requirements.** For developments with a known occupant and use, the Development Services Director may utilize alternative methods, such as the Institute of Transportation Engineers Parking Generation manual, parking surveys conducted at similar locations by the occupant, parking ratios used by other jurisdictions, and other studies, to establish the number of off-street parking spaces required for a particular use.

(c) **Undetermined uses.** In the event it is not possible to determine the number of parking spaces required for a particular use, the Development Services Director shall determine an adequate number of parking spaces based upon the standards and requirements for the most comparable use. Determination by the Development Services Director shall be permitted upon approval of a minor discretionary permit in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

(d) **Shared parking.** Parking facilities may be shared if multiple uses cooperatively establish and operate the facilities, and if the uses are open during substantially different days or hours of the week and/or if one (1) use has a surplus of parking. Shared parking may be approved by the Development Services Director if:

(1) A sufficient number of parking spaces are provided to participating uses in accordance with this section;

(2) The applicant provides documentation substantiating the reasons for the requested parking reduction. The documentation should at least describe the nature of the uses, number of existing and proposed parking spaces, and the times when the uses operate to demonstrate the lack of conflict between the uses; and

(3) Additional documents, covenants, deed restrictions, or other agreements as deemed necessary by the Development Services Director are executed to assure that the required parking spaces and access are provided for the life of the uses and other similar future uses. A document shall be recorded to assure shared maintenance of the parking facilities.

9-2-210 Parking spaces for people with disabilities.
All parking facilities shall comply with the requirements of the California Building Code and with the sign requirements of the California Vehicle Code. One (1) parking space shall be provided for each dwelling unit designed for people with disabilities. Parking for people with disabilities shall be provided for all projects on the basis of total parking provided on-site.

9-2-211 Bicycle parking.
(a) **Where Required.** Bicycle parking spaces shall be provided for all commercial, industrial, public and semipublic uses in accordance with this section and the California Building Code and Green Building Standards Code. Where these codes are more stringent, the codes shall prevail over the standards in this section. Bicycle parking shall be in addition to automobile parking spaces.

(b) **Number Required.**

(1) **Commercial and industrial use classifications:** The number of bicycle parking spaces provided shall be a minimum of ten (10%) percent of the number of automobile parking spaces, with a minimum of one (1) two-bike capacity rack. In addition, for buildings with over 10 tenant-occupants that add 10 or more vehicular parking spaces, secure bicycle parking for 5% of additional motorized vehicle parking spaced shall be provided, with a minimum of one space. Acceptable secure parking facilities shall be constructed in accordance with the California Green Building Standards Code and the City of Turlock Standard Specifications and Drawings.

(2) **Public and semipublic use classifications:** The number of bicycle parking spaces shall be provided as specified by a minor administrative permit issued in

accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

(c) **Design Requirements.** For each bicycle parking space required, a secure bike rack shall be provided to which a user can secure the bicycle. The stationary object may be either a freestanding bicycle rack or a wall-mounted bracket, provided that it complies with the City of Turlock Standard Specifications and Drawings. Bicycle parking shall be provided in an open area near the building entrance(s) that allows public access to the bicycle rack and shall not interfere with pedestrian or vehicular circulation.

9-2-212 Off-street parking districts.
Any property located within an off-street parking district created under the general laws of the State shall be credited with its pro rata share of the off-street parking spaces being provided by the district when computing the number of off-street parking spaces required for any new construction, reconstruction, remodeling, or structural alteration of such property.

9-2-213 Parking configuration and aisle dimensions.
Parking spaces, driveways, and drive aisles shall be designed in accordance with the City of Turlock Standard Specifications and Drawings. When an applicant can demonstrate to the satisfaction of the Development Services Director that variations on the dimensions required in these standards are necessary, a specific parking area design may be approved, subject to a minor administrative approval obtained in accordance with TMC 9-5-300ART, provided that the parking area design will not impede the flow of vehicles, reduce pedestrian safety, or hinder loading or unloading.

9-2-214 Parking lot design standards.
Parking lots for commercial, multi-family residential, industrial, and public uses shall have paving, drainage, wheel stops, curbing, lighting, space marking, and directional signs, which shall be subject to approval of the Development Services Director or designee. In reviewing the design of parking structures, the Development Services Director or the Planning Commission, as the case may be, shall consider the compatibility of the design with adjacent buildings or uses. The review of the parking lot design shall be incorporated into the applicable development review process, whenever possible.

The parking lot shall meet the following minimal design standards, as applicable:

(a) Driveways shall be provided between parking spaces and the street. A driveway approach shall be required for all driveway connections to the street unless exempted by the City Engineer. All driveways shall be paved. Permeable surfaces may be used if the City Engineer determines that the surface is structurally equivalent to a paved surface.

(b) Driveway approaches shall meet City of Turlock standards.

(c) Drive aisles providing internal circulation from the driveway to, and between, parking spaces shall be paved.

(d) Drive aisles within approved outdoor storage areas may be constructed of an all-weather surface when appropriate markings delineating drive aisles and/or parking spaces are provided and access by the general public is restricted by a permanent barrier.

(e) Wheel stops shall be installed to prevent vehicular encroachment into the public right-of-way, pedestrian paths and sidewalks, and to prevent collision with any above-ground obstacles.

(f) Raised concrete curbing shall be provided to prevent vehicular encroachment into landscaping,

(g) Parking spaces in Industrial Districts may be constructed of an all-weather surface when appropriate markings delineating aisles and spaces are provided.

(h) A maximum of thirty (30%) percent of the total parking spaces may be constructed as compact spaces.

(i) Parking spaces shall be located no closer than three (3') feet to any building, above-ground equipment, or any other obstacle. A three-foot (3') area surrounding the obstacle shall be striped. Bollards or wheel stops shall be provided in parking spaces adjacent to the obstacle to prevent vehicles from entering the striped area.

(j) The preferred parking space marking is double-striping to improve the efficiency of the parking area; however, single striping may be used.

(k) The parking area shall meet any additional requirements required by the California Building Code and/or the City of Turlock Standard Specifications and Drawings.

9-2-215 Driveway and corner visibility.
Street corners and driveways connecting with a public street shall be maintained as areas of unrestricted visibility ("clear vision zones") in accordance with the latest version of the City of Turlock Standard Specifications and Drawings.

9-2-216 Parking lot landscaping.
Parking lots and parking structures shall have interior and perimeter landscaping areas as prescribed by the following:

(a) Parking lots or parking structures adjoining street property lines or public streets shall have a perimeter landscape buffer with a minimum width as follows:

(1) If abutting an expressway: twenty (20') feet

(2) If abutting an arterial: fifteen (15') feet

(3) If abutting a collector: fifteen (15') feet

(4) If abutting a local collector: ten (10') feet

(5) If abutting a local street: five (5') feet

(b) Vehicle overhangs may encroach a maximum of two (2') feet into landscape areas which are a minimum of ten (10') feet wide.

(c) An average three (3') foot high [minimum two and one-half (2.5') foot and maximum three and one-half (3.5') foot] continuous screen shall be installed between all parking areas and public streets. A screen shall consist of one (1) or any combination of the following:

(1) **Walls.** A wall shall consist of concrete, concrete block, stone, brick, tile or similar type of solid masonry material.

(2) **Berms.** A berm shall be constructed of earthen materials and it shall be landscaped.

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

(4) **Plant materials.** Vegetation, consisting of trees or shrubs.

(d) Interior landscaped areas shall be a minimum of five (5') feet in width and length (minimum of 25 square feet for tree wells), exclusive of curbs.

(e) The end of each row of parking stalls shall be separated from aisleways by a landscaped planter or sidewalk.

(f) In all parking lots with a capacity of five (5) parking spaces or more, a minimum of one (1) shade tree for every five (5) spaces shall be provided in landscape islands within the parking lot. Tree spacing shall be such that every designated parking space is within thirty (30') feet of the trunk of a tree.

(g) All planting areas within or abutting a parking lot shall be protected with raised concrete curbs.

9-2-217 Parking access from street.
All spaces in a parking facility, except single family and multifamily dwellings with up to two (2) dwellings, shall be accessible and all circulation shall be internal without re-entering a public right-of-way unless it is determined by the Development Services Director to be physically impossible to provide for such access. However, an alley may be used as maneuvering space for access to off-street parking.

9-2-218 Location and design of off-street loading spaces.
On every lot in any C or I district on which is conducted any commercial use permitted in that district, there shall be provided space for the loading and unloading of goods and materials. These loading spaces shall not be less than fifteen (15') feet in width, nor less than twenty-five (25') feet in length, nor less than fourteen (14') feet in height. Required

spaces shall not be within a building, but shall be on the site of the use served or on an adjoining site. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the Development Services Director. A required loading space shall be accessible without backing a truck across a street property line unless the Development Services Director determines that provision of turn-around space is infeasible and approves alternative access. An occupied loading space shall not prevent access to a required off-street parking space. A loading area shall not be located in a required front or corner front yard. Except in a CH or I district, a loading area visible from a street shall be screened on three (3) sides by a fence, wall, or hedge at least six (6') feet in height.

9-2-219 Parking area plan required.
Prior to the construction of an off-street parking area for a non-residential use or a multi-family dwelling with more than four (4) units, a plan shall be submitted to the Development Services Director for the purpose of indicating compliance with the provisions of this article. The plan shall be reviewed and approved in accordance with the procedures for a minor administrative approval as set forth in TMC 9-5-300ART (Minor Administrative & Minor Discretionary Permits). This plan shall include:

(a) The location and placement of required landscaped areas and irrigation layout, including a computation of the required area;

(b) A planting plan including a list of plants by name and size keyed to their location on the parking area;

(c) Location and description of fencing and architectural screen walls;

(d) Location and placement of parking stalls, including bumpers, striping and circulation, and directional signs, with all dimensions to permit comparison with approved parking standards;

(e) Placement and illumination data of parking area lights; and

(f) Method of drainage.

Article 3. Noise Standards

9-2-301 Specific Purposes.
In order to control unnecessary, excessive, and annoying noise and vibration on the City, it is hereby declared to be the policy of the City to prohibit such noise and vibration generated from or by all sources as specified in this article. It shall be the policy of the City to maintain quiet in those areas which exhibit low noise levels and to implement programs aimed at reducing noise in those areas within the City where noise levels are above acceptable values.

It is determined that certain noise levels and vibrations are detrimental to the public health, welfare, and safety and are contrary to the public interest. Therefore, the Council does ordain and declare that creating, maintaining, or causing, or allowing to be

created, caused, or maintained, any noise or vibration in a matter prohibited by, or not in conformity with, the provisions of this article is a public nuisance and shall be punishable as such.

9-2-302 Definitions.
For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

"A weighted sound level" shall mean the sound level in decibels as measured on a sound level meter using the A weighting network weighted to the range of human hearing. The level so read is designated dB(a) or dBA.

"Ambient noise" shall mean all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. For the purpose of this article, the ambient noise level is the level obtained when the noise level is averaged over a period of fifteen (15) minutes without the inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made.

"Commercial area" shall mean any commercial area as defined in the General Plan and zoning provisions and designated by a "C" prefix in the zoning provisions and on the zoning map.

"Construction" shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action for or on public or private rights of way, structures, utilities, or similar property.

"Cumulative period" shall mean any additive period of time composed of individual time segments which may be continuous or interrupted.

"Decibel" shall mean a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

"Emergency work or action" shall mean work or action made necessary to restore property to a safe condition after a public calamity, or work required to protect persons or property from imminent exposure to danger or damage, or work by public or private utilities to restore utility service.

"Fixed noise source" shall mean a stationary device which creates sounds while fixed or motionless, including, but not limited to, residential, agricultural, industrial, and commercial machinery and equipment, pumps, fans, compressors, air conditioners, and refrigeration equipment.

"Impulsive sound" shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

"Industrial area" shall mean any industrial area as defined by the General Plan and zoning provisions and designated by an "I" prefix in the zoning provisions and on the zoning map.

"Intrusive noise" shall mean that noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or informational content, as well as the prevailing ambient noise level.

"Licensed" shall mean the possession of a formal license or a permit issued by the appropriate jurisdictional authority or, where no permits or licenses are issued, the sanctioning of the activity by the jurisdiction as noted in public records.

"Mobile noise source" shall mean any noise source other than a fixed noise source.

"Motor vehicle" shall mean and include any and all self-propelled vehicles as defined in the Vehicle Code of the State of California, including all on highway type motor vehicles subject to registration under said code and all off highway type motor vehicles subject to identification under said code.

"Muffler or sound dissipative device" shall mean a device consisting of a series of chambers or baffle plates, or other mechanical design, for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.

"Noise Control Officer" shall mean the City of Turlock code enforcement officer. The Noise Control Officer shall be empowered to enforce the provisions of this article.

"Noise disturbance" shall mean any sound which:

(1) Endangers or injures the safety or health of human beings or animals; or

(2) Annoys or disturbs a reasonable person of normal sensitivities; or

(3) Endangers or injures personal or real property.

"Noise level" shall mean a weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty (20) micropascals. The unit of measurement shall be designated as dBA.

"Noise sensitive zone" shall mean any area so designated for the purpose of ensuring exceptional quiet, for example, a hospital zone, nursing home, or family care home.

"Noise zone" shall mean any defined area or region of a generally consistent land use wherein the ambient noise levels are within a range of five (5) dB.

"Person" shall mean a person, firm, association, partnership, joint venture, corporation, or any entity, public or private in nature.

"Public right of way" shall mean any street, avenue, boulevard, highway, sidewalk, alley, or similar place which is owned or controlled by a governmental entity.

"Public space" shall mean any real property, or structure thereon, which is owned or controlled by a governmental entity.

"Pure tone" shall mean any sound which can be judged as audible by the Noise Control Officer as a single pitch or a set of single pitches.

"Real property boundary" shall mean an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra building real property divisions.

"Residential area" shall mean any residential area as defined in the General Plan and zoning provisions and designated by an "R" prefix in the zoning provisions and on the zoning map.

"Sound amplifying equipment" shall mean any device for the amplification of the human voice, music, or any other sound, excluding standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed, and, as used in this article, warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

"Sound level meter" shall mean an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S1A meters in the American National Standards Institute Specifications for sound level meters, S1.4 1971, or the most recent revision thereof.

"Sound truck" shall mean any motor vehicle, regardless of motive power, whether in motion or stationary, having mounted thereon or attached thereto any sound amplifying equipment.

"Vibration perception threshold" shall mean the minimum ground or structure borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or the visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of .005 in/sec over the range of one to 100 Hz.

"Zone" shall mean any of the zones specified in this Code as such zones are presently identified there and as they may be subsequently modified or altered.

9-2-303 General noise regulations.
Notwithstanding any other provision of this article, and in addition thereto, it shall be unlawful for any person to willfully or negligently make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. Noncommercial public

speaking and public assemble activities conducted on any public space or public right of way shall be exempt from the operation of this article.

9-2-304 Preliminary action.
If it is determined by the responding agency that a sound level in excess of the levels prescribed by this article exists, the following procedures shall be followed:

(a) A written warning shall be issued by the Noise Control Officer or his agent to the person responsible for the event causing the disturbance.

(b) If the disturbance persists for more than fifteen (15) minutes following the notice, or recurs within an eight (8) hour period, then the person responsible for the event causing the disturbance shall be guilty of a violation of this article. Any such violation shall be an infraction.

9-2-305 Factors of determination.
The factors which will be considered in determining whether a violation of the provisions of this article exists shall include, but not be limited to the following:

(a) The sound level of the alleged objectionable noise;

(b) The sound level of the ambient noise;

(c) The proximity of the noise to residential sleeping facilities;

(d) The nature and zoning of the area within which the noise emanates;

(e) The number of persons affected by the noise source;

(f) The time of day or night the noise occurs;

(g) The duration of the noise and its tonal, musical, or informational content; and

(h) Whether the noise is continuous, recurrent, or intermittent.

9-2-306 Noise measurement procedure.
Upon the receipt of a complaint from a citizen, the Noise Control Officer or his agent, equipped with a sound level meter, shall investigate the complaint. The investigation shall consist of a measurement taken according to the Enforcement Manual and the gathering of data to adequately define the noise problem and shall include the following:

(a) **Non-acoustic data.**

(1) The type of the noise source;

(2) The location of the noise source relative to the complainant's property;

(3) The time period during which the noise source is considered by the complainant to be intrusive;

(4) The total duration of the noise produced by the noise source; and

(5) The date and time of the noise measurement survey.

(b) **Acoustic data**. Utilizing the A weighting scale of the sound level meter and the "slow" meter response, the Noise Control Officer or his agent shall measure the sound level at any point on the receiver's property.

9-2-307 Noise Limits.
The provisions of this section address noise intrusions over and above the noise normally associated with a given location (intrusions over the ambient level). The ambient noise varies throughout the community, depending upon proximity to highways, population density, and land use. Difference standards are set for various segments of the community which reflect the existing day and nighttime ambient noise levels.

The ambient noise level is defined in terms of statistical parameters which describe the total noise occurring over any hourly time period.

A noise intrusion is judged by comparing such noise statistics with the noise source on, versus such statistics with the noise source off (the ambient). Violations of the provisions of this article may be cited in terms of particular levels exceeded or in terms of the length of time the intrusive noise exceeded such standards. Compliance with the noise emission standards as set forth in this section shall constitute the elimination of a noise disturbance.

(a) **Exterior noise standards.**

Exterior Noise Limits (Levels Not To Be Exceeded More Than 30 Minutes in Any Hour)				
Receiving Land Use Category	Time Period	Noise Level (dBA) Noise Zone Classification		
		Rural/Suburban	Suburban	Urban
Residential				
One & Two-Family	10:00 p.m. - 7:00 a.m.	40	45	50
	7:00 a.m. - 10:00 p.m.	50	55	60
Multiple Dwelling	10:00 p.m. - 7:00 a.m.	45	50	55
	7:00 a.m. - 10:00 p.m.	50	55	60
Public Space	7:00 a.m. - 10:00 p.m.	50	55	60
Limited Commercial	10:00 p.m. - 7:00 a.m.		55	
Multiple Dwellings	7:00 a.m. - 10:00 p.m.		60	
	10:00 p.m. - 7:00 a.m.		60	

Commercial **Light Industrial** **Heavy Industrial**	7:00 a.m. - 10:00 p.m. Any Time Any Time		65 70 75	

(1) The classification of different areas of the community in terms of environmental noise zones shall be determined by the Noise Control Officer, based upon the assessment of the community noise survey data and noise contours established by the Noise Element of the General Plan. Additional area classifications should be used as appropriate to reflect both lower and higher existing ambient levels than those shown. Industrial noise limits are intended primarily for use at the boundaries of industrial zones rather than for noise reduction within the zone.

(2) Maximum permissible sound levels for churches and similar organizations using amplified bells, chimes or other similar devices. Any church or similar organization using amplified bells, chimes or other similar devices shall only use same during the time period reflected herein below and shall not exceed the following maximum permissible sound level nor shall the playing period exceed more than thirty (30) minutes in any one hour:

Amplified Bells or Chimes (Not to exceed 30 minutes in one hour)			
Noise Zone	Receiving Land Use Category	Time Period	Maximum Permissible Sound Level (dBA)
All Noise Zones as specified in TMC §9-2-307(a)	All Receiving Land Use Categories as specified in TMC §9-2-307(a)	8:00 a.m. - 10:00 p.m.	60 dBA

(b) **Interior noise standards.**

Maximum Permissible Dwelling Interior Sound Levels			
Noise Zone	Type of Land Use	Time Interval	Allowable Interior Noise Level (dBA)
All	Residential	10:00 p.m. - 7:00 a.m. 7:00 a.m. - 10:00 p.m.	35 45

(1) The interior noise standards for multi-family residential dwellings as set forth in this section shall apply, unless otherwise specifically indicated, within all such dwellings with windows in their normal seasonal configuration.

(2) No person shall operate, or cause to be operated, within a dwelling unit any source of sound or allow the creation of any noise which causes the noise level when measured inside a neighboring receiving dwelling unit to exceed:

(i) The noise standard as specified in this section for a cumulative period of more than five (5) minutes in any hour; or

(ii) The noise standard plus five (5) dB for a cumulative period of more than one minute in any hour; or

(iii) The noise standard plus ten (10) dB or the maximum measured ambient for any period of time.

9-2-308 Maximum permissible sound levels by receiving land uses.
The maximum sound levels shall be determined as follows:

(a) The noise standards for the various categories of land use identified by the Noise Control Officer as set forth in TMC 9-2-307, unless otherwise specifically indicated, shall apply to all such property within a designated zone.

(b) No person shall operate, or cause to be operated, any source of sound at any location within the incorporated City, or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level, when measured on any other property, either incorporated or unincorporated, to exceed:

(1) The noise standard for that land use as specified in TMC 9-2-307 for a cumulative period of more than thirty (30) minutes in any hour; or

(2) The noise standard plus five (5) dB for a cumulative period of more than fifteen (15) minutes in any hour; or

(3) The noise standard plus ten (10) dB for a cumulative period of more than five (5) minutes on any hour; or

(4) The noise standard plus fifteen (15) dB for a cumulative period of more than one minute in any hour; or

(5) The noise standard plus twenty (20) dB or the maximum measured ambient level for any period of time.

(c) If the measured ambient level differs from that permissible within any of the first four (4) noise limit categories set forth in subsection (b) of this section, the allowable noise exposure standard shall be adjusted in five (5) dB increments in each category as appropriate to encompass or reflect such ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under such category shall be increased to reflect the maximum ambient noise level.

(d) If the measurement location is on a boundary between two (2) different zones, the noise level limit applicable to the lower noise zone, plus five (5) dB, shall apply.

(e) If possible, the ambient noise shall be measured at the same location along the property line utilized in subsection (b) of this section, with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, the ambient noise shall be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the noise from the source is at least ten (10) dB below the ambient in order that only the ambient level is measured. If the difference between the ambient and the noise source is five (5) to ten (10) dB, then the level of the ambient itself can be reasonably determined by subtracting a one decibel correction to account for the contribution of the source.

(f) In noise sensitive zones the maximum permissible sound level shall be exceeded by:

(1) Creating or causing the creation of any sound within any noise sensitive zone so as to exceed the specified land use noise standards set forth in TMC 9-2-307 provided conspicuous signs are displayed indicating the presence of the zone; or

(2) Creating or causing the creation of any sound within or adjacent to any noise sensitive zone containing a hospital, nursing home, school, court, or other designated area so as to interfere with the functions of such activity or annoy the occupancy in the activity provided conspicuous signs are displayed indicating the presence of the zone.

9-2-309 Prohibited acts.
The following acts are hereby prohibited:

(a) **Radios, television sets, musical instruments, and similar devices**. Operating, playing, or permitting the operation or playing of any radio, television set, phonograph, drum, musical instrument, or similar device which produces or reproduces sound in such a manner as to create a noise disturbance, except for activities for which a variance has been issued by the Noise Control Officer;

(b) **Loudspeakers (amplified sound).** Using or operating for any purpose any loudspeaker, loudspeaker system, or similar device such that the sound therefrom creates a noise disturbance, except for any activity, special event or time period for which a variance or permit has been issued by the Noise Control Officer;

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

(2) **Exception.** Amplified sound shall be allowed at Central Park between the hours of 8:00 a.m. and 10:00 p.m. in accordance with the provisions of this article.

(c) **Yelling and shouting.** Loud or raucous yelling, shouting, whistling, or singing so as to cause a noise disturbance;

(d) **Street sales.** The solicitation, sale, or advertising of any product or service by shouting or outcry within any residential or commercial area or noise sensitive zone of the City, except by variance issued by the Noise Control Officer;

(e) **Animals.** Keeping or maintaining, or permitting to be kept or maintained, upon any premises owned, occupied, or controlled by any person any animal which, by any frequent or long continued noise, shall cause annoyance or discomfort to two (2) or more reasonable persons of normal sensitiveness who reside in separate residences (including apartments and condominiums). However, the Noise Control Officer or his agent may proceed on the basis of a complaint of only one person if circumstances are determined to exist whereby a noise disturbance caused by an animal affects only one individual. Any noise which is audible continuously for ten (10) minutes or intermittently for thirty (30) minutes shall be prima facie evidence of such annoyance or discomfort. Factors which can be used to evaluate excessive animal noise include, but are not limited to, (a) the time of day; (b) the pitch; (c) the pattern; (d) the duration; and (e) the frequency of occurrence;

(f) **Loading and unloading.** Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential real property line;

(g) **Construction or demolition.**

(1) **Hours of operation.** Operation or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work between weekday hours of 7:00 p.m. and 7:00 a.m. or (8:00 p.m. and 9:00 a.m. on weekends or holidays) such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work or public service utilities or by variance issued by the Noise Control Officer; and

(2) **Noise restrictions at affected properties.** Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum sound levels at affected properties will not exceed those listed in the following schedule:

(i) **Mobile equipment.** Maximum sound levels for nonscheduled, intermittent, short term operation (less than ten (10) days per month) of mobile equipment:

Mobile Construction Equipment			
Time Interval	One and Two Family Residential	Multiple Family Residential	Commercial & Industrial
Daily 7:00 a.m. - 7:00 p.m.	75	80	85
Weekends/Holidays 9:00 a.m. - 8:00 p.m.	60	65	70

(ii) **Stationary equipment.** Maximum sound levels for repetitively scheduled and relatively long term operation (periods of ten (10) days or more per month) of stationary equipment:

Stationary Construction Equipment			
Time Interval	One and Two Family Residential	Multiple Family Residential	Commercial & Industrial
Daily 7:00 a.m. - 7:00 p.m.	60	65	70
Weekends/Holidays 9:00 a.m. - 8:00 p.m.	50	55	60

(h) **Vibration.** Operating or permitting the operation of any device which creates a vibration which annoys or disturbs at least two (2) or more reasonable persons of normal sensitivity who reside in separate residences (including apartments and condominiums) at or beyond the property boundary of the source, on private property, or at least 150 feet (forty six (46) meters) from the source, on a public space or public right of way;

(i) **Motor vehicle noise limits.**

(1) **Motor vehicles.** It shall be the policy of the City to enforce those sections of the Vehicle Code of the State of California regarding motor vehicle noise limits and equipment violations which create noise problems, motor vehicle horns, sound levels emitted from off highway vehicles operating off the public right of way, and successors thereof. Commercial maintenance equipment and machinery shall be equipped with proper mufflers and air-intake silencers in good working order.

(2) **Refuse collection vehicles.** No person shall collect refuse with a refuse collection vehicle between the hours of 6:00 p.m. and 5:00 a.m. of the following day in a residential area.

(3) **Vehicle, motorboat, and aircraft repair and testing.** No person shall repair, rebuild, modify, or test any motor vehicle, motorboat, or aircraft in such a manner as to create a noise disturbance across a residential real property line or at any time to violate the provisions of this article;

(j) **Powered model vehicles.** Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of this article;

(k) **Emergency signaling devices.**

(1) The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling

device, except for emergency purposes or for testing as provided in subsection (2) of this subsection;

(2) Sound testing.

(i) Testing of a stationary emergency signaling device shall not occur before 7:00 a.m. or after 7:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty (60) seconds; and

(ii) Testing of the complete emergency signaling system, including the functioning of the signaling device, and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 7:00 a.m. or after 10:00 p.m. The time limit specified in subsection (i) of this subsection shall not apply to such complete system testing; and

(3) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is terminated within fifteen (15) minutes after any single security violation or false alarm.

(l) **Domestic power tools, machinery, heating, venting, or air conditioning (HVAC) equipment.**

(1) Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool between 10:00 p.m. and 7:00 a.m. on weekdays (or 8:00 p.m. and 9:00 a.m. on weekends and legal holidays) so as to create a noise disturbance across a residential or commercial real property line; and

(2) Any motor, machinery, or pump, such as swimming pool or HVAC equipment and the like, installed or replaced after October 11, 1984, shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance across a residential or commercial real property line;

(m) **Places of entertainment.** Operating or permitting the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound which exceeds ninety-five (95) dBA as read on the scale of a sound level meter in any place of public entertainment at any point normally occupied by a customer without a conspicuous and legible sign stating "Warning Sound Levels Within May Cause Hearing Impairment"; and

(n) **Tampering.** The removal or rendering inoperative, other than for purposes of maintenance, repair, or replacement, of any noise control device, or element thereof, of any product required to meet specified noise emission limits under Federal, State, or local laws and the use of such product after its noise control device has been removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement.

9-2-310 Emergency exemptions.
The provisions of this article shall not apply to:

(a) The emission of sound for the purpose of alerting persons to the existence of an emergency; or

(b) The emission of sound in the performance of emergency work.

9-2-311 Miscellaneous exemptions.
(a) **Warning devices.** Warning devices necessary for the protection of the public safety, as, for example, police, fire, and ambulance sirens, shall be exempted from the provisions of this article.

(b) **Outdoor activities.** The provisions of this article shall not apply to occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided such events are conducted pursuant to a permit or license issued by the City relative to the staging of such events.

(c) **Agricultural operations.** All mechanical devices, apparatus, or equipment associated with acceptable agricultural operations or practices conducted on agricultural property shall be exempt from the provisions of this article. If, however, the operation is in the vicinity of residential land uses, and/or in operation for less than one year, a variance permit shall be required to operate noise producing devices, with the following conditions:

(1) That operations do not take place between 8:00 p.m. and 5:00 a.m.; or

(2) That such operations and equipment are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions; or

(3) That such operations and equipment are associated with agricultural pest control through pesticide applications provided the applications are made in accordance with permits issued by or regulations enforced by the Country Agricultural Commissioner; and

(4) That such devices utilized for pest control which incorporate stationary or mobile noise sources (electro mechanical bird scare devices and the like) are operated only by a permit issued by the Noise Control Officer. The allowable hours and days for the operation of such devices will be specified in the permit; and

(5) That all equipment and machinery powered by internal combustion engines shall be equipped with a proper muffler and air intake silencer in good working order.

(d) **Churches and other similar organizations.** Any church or other similar organization which use unamplified bells, chimes or other similar devices are exempt from the provisions of this article so long as said church or other similar organization plays such between the time period of 8:00 a.m. and 10:00 p.m. and the playing period does not exceed thirty (30) minutes in any one (1) hour.

9-2-312 Federal and State preempted activities.

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

9-2-313 Special variances.
(a) The Planning Commission is authorized to grant variances for exceptions from any provision of this article, subject to limitations as to area, noise levels, time limits, and other terms and conditions as the Planning Commission determines are appropriate to protect the public health, safety, and welfare from the noise emanating therefrom. This section shall in no way affect the duty to obtain any permit or license required by law for such activities.

(b) Any person seeking a variance pursuant to this section shall file an application with the Planning Commission. The application shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. The application shall be accompanied by a fee in the amount of Fifty and no/100ths ($50.00) Dollars. A separate application shall be filed for each noise source; provided, however, several mobile sources under common ownership, or several fixed sources on a single property, may be combined into one application. Notice of an application for a variance shall be published according to this Code. Any individual who claims to be adversely affected by the allowance of the variance may file a statement with the Planning Commission containing any information to support his claim. If at any time the Planning Commission finds that a sufficient controversy exists regarding an application, a public hearing will be held.

(c) In determining whether to grant or deny the application the Planning Commission shall balance the hardship of not granting the variance on the applicant, the community, and other persons against the adverse impact on the health, safety, and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the variance. Applicants for variances and persons contesting variances may be required to submit such information as the Planning Commission may reasonably require. In granting or denying an application, the Planning Commission shall keep on public file a copy of the decision and the reasons for denying or granting the variance.

(d) Variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance and subject the person holding it to those provisions of this article for which the variance was granted.

(e) A variance shall not exceed 365 days after the date in which it was granted. Applications for the extension of the time limits specified in variances or for the modification of other substantial conditions shall be treated like applications for initial variances under subsection (b) of this section.

(f) The Planning Commission shall issue guidelines defining the procedures to be followed in applying for a variance and the criteria to be considered in deciding whether to grant a variance.

9-2-314 Variance from time to comply.
On or before January 9, 1985, the owner of any commercial or industrial source of sound may apply to the Planning Commission for a variance in time to comply with the provisions of this article. The Planning Commission shall have the authority, consistent with this section, to grant a variance [not to exceed five (5) years form the effective date of this chapter]. The same procedures and considerations by the Planning Commission as followed under Section 9-2-313 of this article shall likewise apply.

9-2-315 Appeals.
Appeals of an adverse decision of the Planning Commission shall be made to the Council. Reviews by the Council shall be as specified in this Code.

Article 4. Nonconforming Structures and Uses

9-2-401 Specific purposes.
This article limits the number and extent of nonconforming uses by limiting their enlargement, their re-establishment following abandonment, their alteration, their relocation, and their restoration. This article, while permitting the use and maintenance of nonconforming structures, limits their restoration, alteration, enlargement, or relocation upon the site in any manner that would increase the discrepancy between the standards contained in this article and the conditions existing on the subject property.

It is recognized that nonconforming uses and structures generally persist and their appearance gradually deteriorates when the standards for repair and improvement are too restrictive. It is the intent of this article to provide limited but reasonable opportunity for nonconforming uses and structures that are not a public nuisance to be repaired and improved if it is in the public interest. This article also provides for the removal of nonconforming uses and structures or change to conforming uses and structures when such uses and structures are a public nuisance.

9-2-402 Nonconforming Uses.
(a) **Defined.** A nonconforming use is a lawful use of land that does not comply with the current use regulations for its zoning district but which complied with the applicable regulations at the time the use was established. A nonconforming use includes those that operate without a structure.

(b) **Regulations.**

(1) The re-establishment of a legal nonconforming use or the substitution of a nonconforming use of another nonconforming use of the same or more restrictive classification may be made upon approval of a minor discretionary permit in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits). The new nonconforming use must have a similar or less severe impact on its surroundings in terms of noise, traffic, parking, hours of operation and visual

incompatibility. Nonconforming uses not meeting these requirements may be allowed upon approval of a conditional use permit in accordance with TMC 9-5-600ART (Conditional Use Permits).

(2) The repair, maintenance, remodel, alteration, and replacement of a structure used for a nonconforming use (and/or site improvements) may be allowed so long as there is no increase in the operation or floor area devoted to the use, or change in the size or location of any structures. The structural and/or site improvements described above may be approved if it can be determined that they do not adversely affect neighboring properties, that they do not increase the degree of nonconformity, and are in the public interest.

(3) The expansion or enlargement of a structure used for a nonconforming use and/or site improvements may be allowed as follows:

(i) Structural improvements that enlarge or expand an existing structure used for a nonconforming use and/or the expansion or enlargement of the site by more than one thousand (1,000) square feet, or more than twenty-five (25%) of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a conditional use permit in accordance with TMC 9-5-600ART (Conditional Use Permits and Variances).

(ii) Structural improvements that enlarge or expand an existing structure used for a nonconforming use and/or the expansion or enlargement of the site by no more than one thousand (1,000) square feet or no more than twenty-five (25%) percent of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a minor discretionary permit in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

(iii) The structural and/or site improvements described above may be approved if it can be determined they will not adversely affect neighboring properties, and are in the public interest.

(iv) The expansion or enlargement of nonconforming residences in nonresidential zoning districts shall comply with the development standards established for the applicable residential zoning district, not the zoning district in which it is located.

9-2-403 Nonconforming Structures.

(a) **Defined**. A nonconforming structure is any building or structure that does not comply with one or more of the regulation limitations on size, height, and location on a lot, or the applicable zoning district in which such building or structure is located (refer to TMC 9-2-507 (Nonconforming signage).

(b) **Regulations.**

(1) The repair, maintenance, remodel, alteration, and replacement of a nonconforming structure where the level of nonconformity is maintained so long as there is no increase in the operation or floor area devoted to the use, or change in

the size or location of any structures. The structure improvements described above may be approved if it can be determined they will not adversely affect neighboring properties, and are in the public interest.

(2) The expansion or enlargement of a nonconforming structure used may be allowed as follows:

i) Structural improvements that enlarge or expand an existing structure by more than one thousand (1,000) square feet, or more than twenty-five (25%) of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a conditional use permit in accordance with TMC 9-5-600ART (Conditional Use Permits and Variances).

(ii) Structural improvements that enlarge or expand an existing structure by no more than one thousand (1,000) square feet or no more than twenty-five (25%) percent of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a minor discretionary permit in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

(iii) The structural improvements described above may be approved if it can be determined that they do not adversely affect neighboring properties, are in the public interest, and are necessary to ensure visual compatibility with the existing structure.

(iv) The expansion or enlargement of nonconforming residences in nonresidential zoning districts shall comply with the developments standards established for the applicable residential zoning district, not the zoning district in which it is located.

9-2-404 Loss of Nonconforming Status.
A nonconforming use which ceases or a nonconforming structure that is unoccupied for a continuous period of twelve (12) months shall lose its legal nonconforming status. The premises on which the nonconforming use is located shall then be used for conforming uses and the nonconforming structure shall be removed or altered to conform unless a conditional use permit is obtained in accordance with TMC 9-5-600ART (Conditional Use Permits and Variances).

9-2-405 Discontinuance.
(a) **Declaration of unlawful uses or structures.** It is hereby declared that nonconforming uses of land or nonconforming structures within the City of Turlock as set forth in this article that are found to be a public nuisance are detrimental to the orderly development of the City and as detrimental to the health, safety, peace, comfort, and general welfare of persons and property within the City of Turlock. It is further declared to be the policy of the City that such nonconforming uses or structures shall be eliminated as rapidly as may be done without infringing upon the constitutional rights of the owners of such nonconforming property.

(b) **Procedures to determine time for discontinuance.** A nonconforming use or structure that is determined to be a public nuisance and a serious detriment to the

health, safety, peace, comfort, and general welfare of persons and property within the surrounding area may be administratively ordered to discontinue upon determination by the Development Services Director, or designee. A nonconforming use or structure shall be discontinued within the following time frame:

(1) A nonconforming use which does not involve the use of a structure shall be discontinued in five (5) years.

(2) A nonconforming use which does involve the use of a structure shall be discontinued in ten (10) years.

(3) A nonconforming structure shall be abandoned or removed in ten (10) years.

(c) **Appeals.** Should an owner of property upon which a nonconforming use has been administratively ordered discontinued disagree with such order, such owner may appeal as provided in Title 1, Chapter 4 of the Turlock Municipal Code.

9-2-406 Replacement and repairs due to damage.
(a) If at any time any nonconforming residential building is damaged or destroyed by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God, such building may be rebuilt within one (1) year to total floor area not exceeding that which such building originally contained and such building may continue as set forth in this article for nonconforming uses and buildings.

(b) Any nonconforming commercial or industrial building or structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God to such an extent that repairs or replacements are required, the cost of which exceeds sixty (60%) percent of its current appraised value for tax purposes at the time of damage, exclusive of the foundation, shall not be restored or reconstructed and used as before such happening. If such building is less than sixty (60%) percent damaged above the foundations, it may be restored, reconstructed, or used as before; provided, however, the restoration or reconstruction shall be substantially completed within one (1) year of such happening.

9-2-407 Repairs and maintenance.
Such repairs and maintenance work as required to keep a nonconforming building or structure in sound condition may be made; provided, however, no structural alterations shall be made except as are required by law or authorized by the Planning Commission as a conditional use pursuant to the provisions of TMC 9-5-600ART (Conditional Use Permits and Variances). Except as otherwise provided in this article, the total structural repairs and alterations which may be made to a nonconforming building or structure shall not, during its life subsequent to the date of its becoming a nonconforming use, exceed fifty (50%) percent of its then appraised value for tax purposes unless such building or structure is changed to a conforming use.

9-2-408 Exceptions to provisions.
The provisions of this article shall not require any change in the overall layout, plans, construction, size, or designated use of any development, building, or structure, or part

thereof, where official approvals and required building permits have been granted before the effective date of this ordinance, or of any amendment to the provision of this article, the construction of which building, conforming with such plans, shall have been started prior to the effective date of this ordinance, and the completion thereof carried on in a normal manner within the subsequent six (6) month period and not discontinued until completion except for reasons beyond builder's control.

Article 5. Signs

9-2-501 Purpose.
The purpose of this article is to provide minimum standards to safeguard the life, health, property, and public welfare in keeping with the character of the City by regulating and controlling the size, height, structural design, quality of materials, construction, location, electrification, and maintenance of all signs and sign structures not located within a building (except temporary unlighted signs attached to or affixed upon windows) and to accomplish the following results:

(a) To promote and enhance the character of residential neighborhoods and property values by prohibiting obtrusive and incompatible signs; and

(b) To protect and maintain healthy commercial centers and property values for the effective communication of the nature of goods and services and the avoidance of wasteful, ugly, and unsightly competition in signs; and

(c) To provide a reasonable and comprehensive system of controls of signs; and

(d) To encourage a desirable urban character, which has a minimum of overhead clutter; and

(e) To encourage signs which are well designed and pleasing in appearance and to provide incentive and latitude for variety, good design relationship, spacing, and location; and

(f) To attract and direct persons to various activities and enterprises in order to provide for the maximum public convenience; and

(g) To enhance the economic value of the community, and each area of it, through the regulation of the size, location, design, and illumination of signs.

9-2-502 Interpretation.
Whenever a reference in this article is made to "this article," such reference shall refer to the requirements of the sign regulations. Any ambiguity with other sections of this Code will be resolved by the Planning Commission. The diagrams used in this article are for illustrative purposes only. All text shall take precedence over any illustrations in the event of a conflict. When a conflict with local, Federal, or State regulations occurs, the more restrictive regulations shall govern.

9-2-503 Definitions.

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

"Animated sign" shall mean a sign with motion, flashing lights, or changes in color or intensity utilizing electricity or other sources of energy. This definition shall not include a sign which tells only time and temperature in alternating sequences.

"Architectural projection" shall mean any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building and shall include mansard roofs.

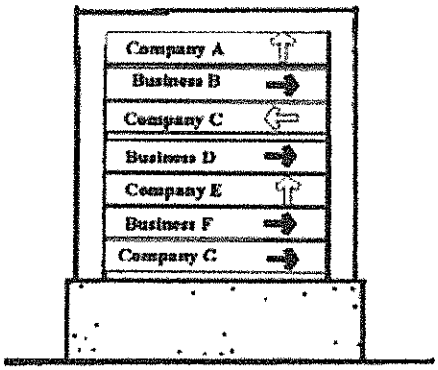
"Banner, flag, pennant or balloon" shall mean any cloth, bunting, plastic, paper, lightweight fabric or similar material that is mounted to a pole or a building for commercial or advertising purposes. This definition shall include captive balloons and inflatable signs but shall not include national flags, state flags, municipal flags, the official flags of foreign nations, or the flags of nationally or internationally recognized organizations.

"Building facade - building wall" shall mean that portion of any exterior elevation of a building extending from grade to the top of the parapet wall, or eaves, parallel to the street and extending the entire width of the building.

"Building frontage" shall mean the length of the side of a building which faces directly upon a public street. For the purpose of this article, "faces directly upon a public street" shall mean the area formed by extending perpendicular lines to the street from the two (2) building sides. This definition does not include any portion of a building which intersects any portion of another structure fronting onto an adjacent street or any portion of another lot.

If a building is curved or triangular, the building frontage shall be the shortest distance between the points on the outside extremity of the building elevation measured parallel to the public street upon which the building fronts.

"Business identification sign" shall mean signage that is limited to the name of the tenant, type of business, and logo of the tenant or business where the logo does not contain product information.



DIRECTORY

"Changeable copy sign" shall mean a sign designed to allow the changing of copy through manual, mechanical, or electrical means. A sign on which the message changes more than eight times per day shall be considered an animated sign. This definition does not include a sign which displays only time and temperature in alternating sequences.

"Civic sign" shall mean a sign, other than a commercial sign, posted to advertise a civic event, public agency, school, church, civic-fraternal organization or similar noncommercial organization.

"Commercial speech" shall mean speech that proposes or invites a commercial transaction primarily aimed at the monetary gain or advertising interest of the advertiser or sponsor.

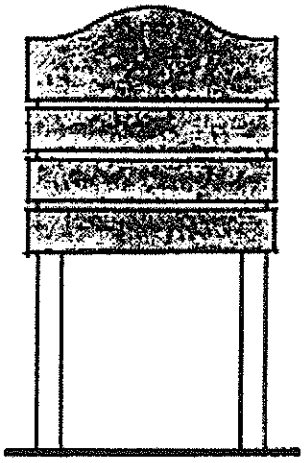
"Common signage program" shall mean a coordinated signage plan for a shopping center or group of individual businesses, whether or not located on a single lot. The common signage plan specifies standards for consistency among all signs on the properties governed by the plan.

"Detached sign." See "Freestanding sign" in this section.

"Erect" shall mean to build, construct, attach, hang, place, suspend, paint, or affix but shall not include change of copy on a sign.

"Flashing sign." See "Animated sign" in this section.

"Freestanding sign" shall mean a sign which is supported by one or more columns, uprights, or is braced in or upon the ground and is not attached to any building.



FREESTANDING

"Freeway" shall mean a highway to which the owners of abutting property have no right or easement of access to or from their property, and which is declared to be such in compliance with the California Streets and Highways Code.

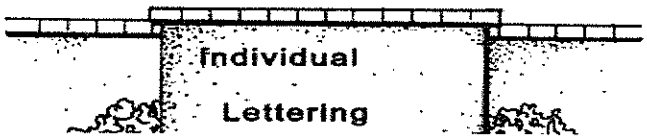
"Historic sign" shall mean a sign which exceeds 30 years in age and exhibits historic, cultural or aesthetic qualities that embody or represent the character of the city.

"Identification sign" shall mean a sign identifying an apartment, residence, school, church, or other nonbusiness use or a use allowed on a lot in a residential zone.

"Illuminated sign" shall mean a sign which is made readable by a source of light, including internally and/or externally lighted signs, and reflectored, glowing, or radiating signs.

"Incidental sign" shall mean a sign that has a purpose secondary to the use of the property where it is located. Generally informational, these signs include posting of "no parking," "entrance," "loading only," and other similar directives. No sign with a legible commercial message shall be considered incidental.

"Individual lettering" shall mean the integration of signage into a building, wall or other architectural feature where the letters are not framed with a background or cabinet.



"Integral roof sign" shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design. No part of the sign shall

extend vertically above the highest portion of the roof and no part of the sign shall be separated from the rest of the roof by a space of more than 6 inches.

"Logo" shall mean an established trademark or symbol identifying a product or use.

"Marquee" shall mean a permanent roofed structure attached to and supported by a building and may project over a public right-of-way.

"Marquee sign - canopy sign" shall mean a sign attached to or constructed on or under a marquee or a canopy.

"Master sign plan" shall mean a coordinated sign plan of one or more signs for an individual building or building complexes with multiple tenants. The plan provides an inventory of approved signage and information including the type, location, height, area and number of signs.

"Miscellaneous sign" shall mean any sign not defined in this section.

"Monument sign" shall mean an independent sign structure supported on a solid base pedestal which is fixed to the ground.

"Nonconforming sign" shall mean a sign which does not conform with the provisions of this chapter, but which:

(1) Was lawfully in existence and in use in the City on the effective date of this ordinance, including signs erected pursuant to variances granted by the City:

(2) Was lawfully in existence and in use on property outside the City on the effective date of annexation to the city, including signs erected pursuant to variances granted by the County; or

(3) Was lawfully in existence and in use in the City on the effective date of any amendment to this chapter that causes the sign to become nonconforming.

"Off-Premise signs" shall mean any sign that advertises goods, products, services or facilities not sold, produced, manufactured or furnished on the premises on which the sign is located. These signs are also known as outdoor advertising signs, billboards, poster panels and snipe signs.

"Permanent sign" shall mean every sign except temporary signs as defined in this section.

"Pole sign" shall mean a freestanding sign independently supported by one or more poles.

"Political sign" shall mean a temporary sign designed for the purpose of expressing support for, or opposition to, a political candidate, campaign issue, or proposition at a public election.

"Portable sign" shall mean an advertising device which is located on the ground, is easily movable, not permanently attached thereto and which is usually two-sided. This definition includes "A" frame signs, swinger signs, sandwich signs, menu boards, and similar signs. This excludes such signs when attached to a vehicle or trailer.

"Projecting sign" shall mean a single- or multiple-faced sign which projects from a building wall farther or covers more space than a shingle sign, as defined in this section, and uses a building wall for support.

"Promotional sign" shall mean any sign erected on a temporary basis to promote or advertise the sale of new products, new management, new business, new hours of operation, a new service or to promote a special sale. Promotional signage also includes banners and portable signs.

"Revolving sign" shall mean a sign which rotates in either part of or a full circle.

"Refacing" shall mean the replacement of the display surface of an existing sign.

"Roof sign" shall mean any sign erected and constructed wholly on and over the roof of a building supported by the roof structure and extending vertically above the highest portion of the roof.

"Shingle sign" shall mean any non-internally illuminated sign which projects eighteen (18") inches or less from the front of the building where the advertised use is located and does not exceed three (3) square feet on each side.

"Shopping center identification sign" shall mean a freestanding sign used to identify a shopping center or group of businesses which function as an integral unit and does not reference or advertise any individual tenant.

"Sign" shall mean any visual device or representation designed and used for the purpose of communicating a message or identifying or attracting attention to a lot, product, service, person, or event. The term "sign" shall include, but is not limited to, banners, pennants, streamers, whirligigs, unusual paint, color, nonstructural displays, and architectural projections, and shall include displays of merchandise or objects indicative of goods or services available if such displays are primarily designed or used, or intended to be used, for sign purposes and located outside of the building.

"Sign face" shall mean the visible surface of a sign, excluding the essential structural elements which are not an integral part of the display. A sign consisting of one or more three (3) dimensional objects, such as balls, cubes, or clusters of objects, shall be deemed to have four (4) sign faces.

"Sign area (surface)" shall mean the number of square feet of the smallest rectangular figure within which a sign face can be enclosed.

"Sign design guidelines" shall mean the adopted principles and standards for the appearance of signs within the City of Turlock which have been incorporated into the City Design Guidelines Handbook.

"Snipe sign" shall mean signs of a temporary nature advertising a specific event or product and which are posted to trees, posts, poles, stakes, fences or similar support structures.

"Temporary sign" shall mean any sign approved for a limited period of time.

"Time and temperature sign" shall mean a sign or the portion of any sign that displays the current time and temperature in alternating sequence.

"Wall sign" shall mean a single-faced sign which is affixed in any manner to or painted on any exterior wall of a building or structure.

"Window sign" shall mean any sign, picture, symbol, or combination thereof, that is placed inside or upon a window with the intent to communicate information about an activity, business, commodity, event, sale, or service.
(Ord. 983-CS, Amended, 07/11/2002)

9-2-504 Permits required.
Except as otherwise provided in this article, it shall be unlawful for any person to erect, alter, reface, or relocate or cause to be erected, altered, refaced, or relocated, within the City any sign without first obtaining a permit to do so from the Development Services Director and paying the required fee. It shall be unlawful for any person to maintain, or cause to be maintained, any sign within the City for which a permit has not been obtained, unless otherwise exempted pursuant to this article.

(a) **Applications.** Applications for the permits required by this article shall be made to the Development Services Director on forms provided by the City, shall be accompanied by a permit fee, and shall comply with all submittal requirements for each individual permit type as outlined in Chapter 9-5 TMC.

(b) **Master or common signage plan.** No permit shall be issued for an individual sign requiring a permit unless and until a Master or Common Signage Plan for the lot on which the sign will be erected has been approved by the Development Services Director as conforming with this section. A Master or Common Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.

(1) **Master signage plan.** A Master Signage Plan shall be established for each property at the time an initial application for signage (See TMC 9-2-505 for application type) is submitted. For any lot on which the owner proposes to erect two (2) or more signs requiring a permit, unless such lot is included in a common signage plan, the owner shall submit the following information for evaluation to the Development Services Director:

(i) A completed plot plan of the lot accurately scaled.

(ii) Location of the buildings, parking lots, driveways, and landscaped areas on such lot.

(iii) Computation of the total sign area, the total area for each individual sign, the height of all signs and the number of each type of sign included in the plan.

(iv) An accurate indication on the plot plan of the proposed location for each present and proposed sign of any type.

(2) **Common signage plan.** An application for a Common Signage Plan may be submitted by the owner(s) of two (2) or more contiguous lots or a single lot with more than one (1) building. The application for a Common Signage Plan shall contain all of the information required for a Master Signage Plan and shall also specify standards for consistency among all signs on the lots affected by the plan with regard to:

(i) Color scheme;

(ii) Lettering or graphic style;

(iii) Location of each sign on each building;

(iv) Material; and

(v) Sign proportions.

For those lots included in a Common Signage Plan, a twenty-five (25%) percent increase in the maximum total sign area shall be allowed for each lot. This bonus shall be allocated within each zone lot as the owner(s) elects. The number of freestanding signs permitted under a Common Signage Plan shall be limited to a total of one (1) for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs.

(3) **Binding effect.** After approval of a Master or Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan. In case of any conflict between the provisions of such a plan and any other provisions of this title, the title shall prevail.

(4) **Amendments to master or common signage plans.** A Master or Common Signage Plan may be amended by filing a new Master or Common Signage Plan that conforms with all requirements of the title then in effect.

(c) **Sign permit.** An application for a sign permit shall be required for all signage determined as being required pursuant to TMC 9-2-505. Signage shall be consistent with the approved master or common signage program, where applicable. The

Development Services Director shall check the application to assure compliance with all the provisions of this article and may issue the sign permit upon determining that the proposed signage either conforms with the standards of the master or common signage program or the standards and provisions of this article.

(d) **Permits issued in error.** If a sign permit is issued in error by the Development Services Director, and the sign does not comply with all of the requirements of this article and all other laws and ordinances of the City, the sign permit shall be null and void, and no rights or privileges shall be conferred upon the permittee by such permit.

9-2-505 Sign classifications.

Sign Classifications **E-Exempt SP-Sign Permit** **NP-Not Permitted MAA-Minor Administrative Approval** **MDP-Minor Discretionary Permit CUP-Conditional Use Permit NA-Not Applicable**							
Sign Type	**Zoning District**						
	All-R	**C-O**	**C-C**	**C-H**	**C-T**	**I**	**I-BP**
Animated signs (11)	NP	NP	NP	NP	NP	NP	NP
Changeable copy sign	NP	NP	MDP	MDP	MDP	MDP	MDP
Civic signs	MAA	MAA	MAA	MAA	MAA	MAA	MAA
Common sign program	NA	MDP	MDP	MDP	MDP	MDP	MDP
Flashing signs (11)	NP	NP	NP	NP	NP	NP	NP
For sale, rent or lease signs located on the available property (6), (8), (12)	E	E	E	E	E	E	E
Freestanding signs not projecting over public rights-of-way, which do not exceed 3 feet in height	MAA	MAA	MAA	MAA	MAA	MAA	MAA
Freestanding signs not projecting over public rights-of-way, which exceed 3 feet in height	MDP	MDP	MDP	MDP	MDP	MDP	MDP
Freestanding signs which project over public	NP	NP	NP	NP	NP	NP	NP

rights-of-way, except as provided for in this chapter							
Historical signs	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Illuminated signs (1)	MAA	MAA	MAA	MAA	MAA	MAA	MAA
Incidental signs	SP	SP	SP	SP	SP	SP	SP
Marquee signs – canopy signs	MAA	MAA	MAA	MAA	MAA	MAA	MAA
Memorial signs or tablets which display names of buildings, and dates of erection	E	E	E	E	E	E	E
Miscellaneous signs	CUP	MDP	MDP	MDP	MDP	MDP	MDP
No trespassing signs (2)	E	E	E	E	E	E	E
Off-premises signs	NP	NP	NP	NP	NP	NP	NP
Official Federal, State, or municipal governmental flags, emblems, and historical markers	E	E	E	E	E	E	E
Official Federal, State, or municipal governmental traffic, directional, and informational signs	E	E	E	E	E	E	E
Political signs (3)	E	E	E	E	E	E	E
Portable signs	NP	MDP	MAA	MAA	MAA	MAA	MAA
Projecting signs (4)	NP	MAA	MAA	MAA	MAA	MAA	MAA
Professional occupation signs (5)	E	E	E	E	E	E	E
Reface of an existing conforming sign	SP	SP	SP	SP	SP	SP	SP
Replacement, relocation, or other modification of an existing conforming sign	MAA	MAA	MAA	MAA	MAA	MAA	MAA
Revolving signs	NP	NP	NP	NP	NP	NP	NP
Roof signs	NP	NP	NP	NP	NP	NP	NP

Shingle signs	MAA	SP	SP	SP	SP	SP	SP
Signs or sign programs which do not conform to the area, location, height, or other provisions set forth in this chapter	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Subdivision signs: off-premises (6)	MAA	MAA	MAA	MAA	MAA	MAA	MAA
Temporary construction signs (6)	E	E	E	E	E	E	E
Temporary holiday decorations	E	E	E	E	E	E	E
Temporary non-commercial speech signs on private property (7)	E	E	E	E	E	E	E
Temporary promotional signs (11)	NP	SP	SP	SP	SP	SP	SP
Temporary warning signs (9)	E	E	E	E	E	E	E
Time and temperature signs	NP	NP	MDP	MDP	MDP	MDP	MDP
Traffic or municipal signs, legal notices, railroad crossing signs, public telephone signs, signs marking underground utility facilities, and other safety signs	E	E	E	E	E	E	E
Wall signs (including integral roof signs) (10)	MAA	MAA	MAA	MAA	MAA	MAA	MAA
Window signs	E	E	E	E	E	E	E

(1) Internally illuminated signs located within a residential district or within one hundred fifty (150') feet of the boundary of a residential district shall not be permitted, except when the sign is composed of translucent individual copy letters with an opaque background. The measurement shall be taken from the location of the sign to the nearest residential zoning district, not from the property line of the site where the sign is located.

(2) "No trespassing" signs shall be no larger than three (3) square feet in size and placed in compliance with the requirements of State laws.

(3) Political signs must comply with the height, location, and safety requirements of this article and Code. To be exempt political signs shall not be displayed on traffic or street signs, utility poles, public property, parks, or rights-of-way or on private property without the owners' permission and shall be removed within five (5) days after the election. Signs placed in violation of the provisions of this subsection may be removed without notice.

(4) Projecting signs shall not exceed the height of the wall, parapet wall, or architectural projection; provided, however, the maximum height shall not exceed the limits imposed for the district in which the sign is located.

(5) A sign shall be designated as professional occupational when denoting only the name and profession of an occupant in a commercial building or public institutional building. The area of a professional occupational sign shall not exceed three (3) square feet for each occupant therein. In residential districts, signs denoting the resident of a dwelling shall not exceed one (1) square foot of sign area.

(6) Not to exceed thirty-two (32) square feet for the indication of the owner, builder, architect, sale or lease, and pertinent data regarding building construction on the site during construction only. Separate signs advertising two (2) or more separate subdivisions may be co-located upon a single directory-type sign; in such instances, the overall sign area shall be limited to fifty (50) square feet per side, not to exceed one hundred (100) square feet in total sign area. In no case shall there be more than one (1) off-premises sales sign of any type per lot frontage. No sign shall exceed an overall height of twelve (12) feet in any district.

(7) Such signs shall be displayed for a period not to exceed twenty (20) days. Only one (1) such sign shall be permitted to face onto each street adjacent to the property where the sign is located. Such signs may be single- or double-faced and shall be limited to six (6) square feet per face or less, and shall comply with the height, location, and safety requirements of this chapter and Code.

(8) Such signs may be single- or double-faced and shall be limited to six (6) square feet per face or less on property in residential districts.

(9) Includes signs warning of construction, excavations, or similar hazards so long as the hazard exists, which does not exceed twelve (12) square feet per sign face.

(10) Wall signs shall not exceed the outside wall height of the building. The maximum height shall not exceed the limits imposed for the district in which the sign is located.

(11) Banners, pennants, flags, sno-cones, buntings and the like for new or used retail vehicle sales may be allowed in proportion to the size of the site subject to an annual sign permit review by the Planning Division. The locations of such devices shall be limited to light poles or similar anywhere on the site, except where it may constitute a vision or public safety hazard. The devices shall be maintained in a clean, neat and untattered condition with replacement as necessary to ensure they do not become dirty, loose or tattered. Non-metallic helium balloons and other inflatables may be displayed on weekends (Friday 12:00 noon through Sunday 12:00 midnight), provided they do not exceed fifty (50') feet in height or project over the public right-of-way.

(12) For sale, rent or lease signs that are thirty-two (32) square feet or less in size are Exempt; those from thirty-three (33) to one hundred (100) square feet require a Minor Discretionary Permit; and those larger than one hundred (100) square feet require a Conditional Use Permit.

9-2-506 Sign standards.

Sign Characteristics							
Characteristic	Zoning District						
	All-R	C-O	C-C	C-H	C-T	I	I-BP
Maximum sign area (square feet) (1)	12(2)	0.5:1	1:1	1:1	1:1	1:1	1:1
Sign area for signs composed solely of individual lettering	12(2)	0.75:1	1.25:1	1.25:1	1.25:1	1.25:1	1.25:1
Overall sign height (feet)	6	12	20	20	20	20	12

(1) Ratios are based on the number of square feet of sign area per lineal foot of building frontage.

(2) For multi-family dwellings containing five (5) to twenty-nine (29) units, the maximum area is twenty-five (25) square feet. For multi-family dwellings containing thirty (30) or more units, the maximum area is thirty (30) square feet per street frontage with a maximum of two (2) signs.

(a) **Sign height.** Sign height shall be measured from the curb or center line of the adjacent street to the highest point of the sign structure.

(b) **Sign area.** The sign area consists of the entire face of a sign, including the surface and any framing, projections, or molding, but not including the support structure. Individual lettering mounted on a building or structure shall be determined by the smallest rectangle enclosing the sign copy.

Sign Area = X * Y

Sign Copy = (A * B) + (C * D)

(c) **Multiple signs.** Except as otherwise provided in this article, when more than one sign is located on property, the area of all signs, except temporary signs, shall be included in determining the total sign area allowed for the property on which such signs are located.

(d) **Double-faced signs.** When a sign has two (2) or more faces, the area of all faces shall be included in determining the area of a sign. Both faces shall be parallel, and the distance between faces shall not exceed two (2') feet. Both faces of a double-faced sign shall be considered in determining the sign area.

(e) **Three-dimensional objects.** When a sign consists of three-dimensional objects which do not exceed two (2') feet in diameter, depth, or dimension, the area of only one face shall be considered in determining the sign area. If the diameter, depth, or dimension exceeds two (2') feet, the area of all faces shall be included in determining the area of the sign.

(f) **Single sign.** No single sign shall exceed three hundred (300) square feet in area, nor shall there be in excess of three hundred (300) square feet of sign area on any lot, except as provided for in this article.

(g) **Freestanding sign.** A freestanding sign, which is limited to business identification only, may be allowed provided it does not exceed a total sign area of one hundred (100) square feet, and does not exceed fifty (50) square feet on any side, and does not exceed the sign height restrictions for the district or exceed other provisions of this chapter. Freestanding signs which exceed these standards may be allowed subject to the requirement of first obtaining a conditional use permit pursuant to TMC 9-5-600ART (Conditional Use Permits and Variances).

(h) **Exceptions.** Exceptions to the sign area regulations set forth in this article may be first obtaining a conditional use permit pursuant to TMC 9-5-600ART (Conditional Use Permits and Variances).

(i) **Prohibited signs.**

(1) **Obscene matter.** It shall be unlawful for any person to display or post any sign which communicates obscene, indecent, or immoral matter.

(2) **Signs advertising "adult entertainment."** No sign advertising "adult entertainment" (as defined in the Turlock Municipal Code) shall be allowed within five hundred (500') feet of any school facility.

(3) **Snipe signs.** Temporary signs posted to posts, trees, utility poles, fences or similar support structures for the purpose of advertising an event or product not located on the property shall be prohibited. Any sign posted illegally as such may be removed without notice by the Development Services Director or his/her designee.

(j) **Sign locations.**

(1) **Location required by Codes.** The location of each sign shall be in compliance with the Building, Electrical, Sign, and Fire Codes and the zoning regulations and other laws of the City and State as they now exist or may hereafter exist.

(2) **Signs over public rights-of-way.** Signs shall not extend over public rights-of-way or over areas within official plan lines for streets which have been adopted or which hereafter may be adopted, except in the Commercial District. In a Commercial District, signs may be permitted to extend over a street or other public right-of-way subject to the following:

(i) The sign may extend over the street or right-of-way two-thirds (2/3) the distance from the property line to the curb face, or six and one-half (6-1/2') feet, whichever is less.

(ii) Signs which project into a street or public right-of-way more than (2") inches shall have a minimum clearance of eight (8') feet above the public right-of-way.

(iii) Every sign which projects into a street or right-of-way more than one foot shall be multi-faced and fully enclosed.

(3) **Signs on public property.** Any sign erected or placed upon public property in violation of the provisions of this article may be summarily removed or destroyed by the Development Services Director.

(4) **Freeway-oriented signs.** Freeway-oriented signs to advertise a commercial business located on properties within 750 feet of a freeway may be permitted subject to obtaining an approved Minor Discretionary Permit in accordance with Section 9-5-307 et. seq. The maximum height for freeway signs is subject to the standards for the district it is located in, but may be measured from the center line of the overpass. The maximum sign area permitted for an individually-mounted pole sign with freeway orientation is one hundred (100) square feet. If a freeway-oriented sign is not mounted individually on a pole, the maximum sign area allowed is three hundred (300) square feet.

(5) **Overlay Districts.** All signage located within an established overlay district shall comply with the requirements established for such district.

(6) **Prohibited locations.** No sign shall be erected or maintained in the following locations:

(i) At the intersection of any streets or driveway approach in such a manner as to obstruct the free and clear vision of pedestrians or vehicular traffic; or

(ii) At any location where, by reason of the position, shape, color, words, phrases, symbols, or for any other reason, the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.

(k) **Temporary signs.** Temporary signs may be erected any place a permanent sign may be located and at locations approved by the Development Services Director. All temporary signs shall comply with the height, location, and area requirements of this article. Temporary signs may be permitted subject to first obtaining a sign permit and complying with the following conditions:

(1) A sign permit shall have been obtained from the Development Services Director who, prior to the issuance of such permit, shall have determined that the proposed location, method of installation, and support of the temporary sign will not endanger the public health, welfare, or safety.

(2) A temporary sign to advertise a commercial business or activity shall be allowed on any commercially zoned property not to exceed a total of sixty (60) days in one calendar year.

(3) Banners or similar temporary signs which announce a civic or charitable activity may be allowed in the public right-of-way with the consent and subject to the conditions of the Community Development Director.

(4) A temporary sign advertising a religious, charitable, cultural, or educational organization or activity in a residential district shall be allowed provided:

(i) The total display service area of the sign does not exceed thirty-six (36) square feet;

(ii) The sign does not exceed six (6') feet in height; and

(iii) The sign is located at least five (5') feet inside the property line in residentially zoned areas and at least two (2') feet inside the property line in other areas.

(l) **Portable signs.** One portable frame sign constructed of permanent materials may be allowed for each business location under the following conditions:

(1) The business is not part of a shopping center complex, multi-unit commercial development, or office complex, consisting of two or more units.

(2) The sign does not exceed two (2') feet in width by four (4') feet in height.

(3) The sign is permitted as part of the Master Signage Plan for the location.

(4) The sign is not located in the public right-of-way, or the clear vision triangle near a driveway or road intersection as determined in TMC 9-2-215.

(m) **Promotional signage.** Each commercial business shall be allowed exterior promotional displays (including banners) equal to a maximum of 10 percent of the otherwise allowable sign area for the location when:

(1) Placed in a location where approved as part of a Master Signage Plan for the property.

(2) No more than one such display is used.

(3) They are displayed no more than 14 days in a row and 60 days in a calendar year.

(n) **Incidental signs.** Incidental signs are limited to a maximum of one sign per entrance to the property with no more than two permitted per business.

(o) **Design, construction and maintenance.** All signs shall be designed, constructed and maintained in accordance with the following standards:

(1) All signs shall comply with applicable provisions of the California Building Code and the electrical code of the City at all times;

(2) Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, building or other structure by direct attachment to a rigid wall, frame or structure.

(3) All signs, parts, portions, units, and materials composing the sign, together with the frame, background, supports, or anchorage, shall be maintained in proper repair by the owner of the sign and/or the owner of the property on which the sign is located.

(4) All signs erected in the City shall be subject to inspection by the Development Services Director to assure compliance with all the provisions of this article and all other laws and ordinance of the City. Signs incorporating electrical wiring shall be inspected and approved by the Chief Building Official prior to erection, unless such sign bears the seal of approval of the National Board of Fire Underwriters.

9-2-507 Nonconforming signage.
A nonconforming sign shall not be replaced, refaced, altered, reconstructed, relocated, or expanded in any manner unless and until the sign is made to conform with the provisions of this article. Ordinary maintenance and minor repairs which will not increase the normal life of the sign and which are required for safety purposes will be permitted. Structural alterations to a nonconforming sign shall be prohibited, except to make such sign conforming.

(a) **Conformance.** No nonconforming sign shall be required to conform with the provisions of this article, except on the occurrence of any of the following events:

(1) **Discontinuance of use.** If the use of a nonconforming sign for the business advertised by a nonconforming sign is discontinued for a period of three (3) months or longer, such sign shall not thereafter be used unless and until the sign is made to conform to this article; or

(2) **New construction or change in use.** The occurrence of any of the events specified in TMC 7-2-202 requiring public improvements and dedications pursuant to said section.

9-2-508 Unsafe and unlawful signs.
If the Development Services Director shall find that any sign regulated by this article is unsafe or insecure, or is a menace to the public, or is in a dilapidated, decayed, or neglected state, or has been constructed or erected or is being maintained in violation of the provisions of this article, the Planning Director shall give written notice to the permittee or owner thereof and/or the owner of the property upon which the sign is located. If the permittee or owner and/or owner of the property on which the sign is located fails to remove or alter the structure so as to comply with the standards set forth in this article within (10) days after such notice, such sign may be removed or altered to comply by the Development Services Director, and any expense incidental thereto shall

be paid by the permittee or owner of the sign and/or owner of the property on which the sign is located.

(a) **Immediate peril.** Any sign found to be unsafe and to be an immediate peril to persons or property may be removed summarily and without notice by the Development Services Director. The cost of such removal shall be paid by the permittee and/or sign owner and/or assessed against the owner of the property on which the sign is located and made a lien on such property.

9-2-509 Compliance with chapter provisions: Nuisances: Abatement.
The Council hereby determines that the public peace, safety, morals, health, and welfare require that all signs heretofore constructed or erected in violation of any law or ordinance of the City in effect at the time such sign was constructed or erected be and they are hereby made subject to the provisions of this article, and shall conform and comply with such requirements forthwith, and that all signs which shall hereafter be constructed or erected in violation of the provisions of this article shall be and they are hereby declared public nuisances to be removed and abated in the manner provided in this article.

9-2-510 Noncompliance.
Noncompliance with the provisions of this ordinance shall be defined as the following:

(a) Failure to obtain the necessary permits or other approvals as set forth in this article and title;

(b) Exempt signs displayed, created, or sized, incorrectly;

(c) Any sign constructed or erected in violation of the provisions of this article and title, and the other provisions of this Code as may be applicable.

9-2-511 Removal, Costs, and Enforcement.
It shall be the duty of the Neighborhood Preservation Officer, the Chief of Police, and the Development Services Director to enforce the provisions of this article. Any violation of this article shall be deemed a nuisance and enforcement proceedings shall be pursuant to Article 3 of Chapter 5-5: Nuisance Abatement Procedures.

9-2-512 Appeals by persons aggrieved.
Any person aggrieved by any decision or order of the Development Services Director pursuant to this article may appeal such decision or order to the Planning Commission in the manner set forth in Chapter 4 of Title 1 of the Code.. Appeals of Planning Commission decisions may be made as set forth in TMC 9-5-130: Appeals: Authorized.

Article 6. Wireless Communication Facilities

9-2-601 Purpose.
With the rapid growth of the telecommunications industry and subsequent development of wireless communication facilities, the purpose of this article is to:

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

(b) Define the development standards for the placement and construction of wireless communication facilities consistent with the Federal Telecommunications Act of 1996.

(c) Minimize the proliferation of these facilities by encouraging co-location.

(d) Minimize the visual impacts these facilities can create in the community by promoting well-designed, inconspicuous, and appropriately placed facilities.

9-2-602 Definitions.
For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

(a) **Antenna.** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or receiving of electromagnetic radio frequency waves.

(1) **Building mounted.** An antenna which is affixed to or supported by the roof or exterior wall of a building or other structure.

(2) **Ground mounted.** An antenna which is fully or partially supported by a platform, framework, pole, or other structural system that is affixed to or placed directly on or in the ground.

(b) **Co-location.** The location of two or more wireless communication facilities on a single support structure or otherwise sharing a common location. For the purposes of this article, co-location shall also include the location of wireless communication facilities with other facilities such as light standards, and other utility facilities and structures.

(c) **Communication tower.** Any structure which is used to transmit or receive electromagnetic radio frequency waves or that supports such a device.

(d) **Electromagnetic radio frequency waves.** Waves of electric and magnetic energy radiating away from a transmission source to be picked up by a receiving antenna for the purpose of communicating information.

(e) **Stealth facility.** Any communication facility which is designed to blend into the surrounding environment, and is visually unobtrusive Examples of stealth facilities may include architecturally screened roof-mounted antennas, facade mounted antennas painted and treated as architectural elements to blend with an existing building, facilities designed to mimic trees (palms, pines, and the like), flag poles, church steeples, signs, and other similar structures.

(f) **Wireless communication facility.** A facility containing communication towers and/or antennas and any related equipment for the purpose of transmitting or receiving electromagnetic radio frequency waves.

9-2-603 Compliance with applicable codes.
Every wireless communication facility constructed within the City of Turlock shall comply with all safety standards of the American National Standards Institute, Institute of Electrical and Electronic Engineers, Public Utilities Commission, Federal Communications Commission, California Building Code, National Electrical Code, the Turlock Municipal Code and any other codes and standards as applicable.

9-2-604 Permits required.
All wireless communication facilities shall be subject to the following permitting:

(a) **Exempt.** New wireless communication facilities which will be co-locating on or within an existing approved tower or facility shall be exempt. New facilities must incorporate the same stealthing technique as utilized on the existing wireless communication facility.

(b) **Minor Discretionary Permit.** The following facilities require a Minor Discretionary Permit:

(1) All building mounted facilities, located in industrial or the Heavy Commercial (C-H) zoning districts (including Planned Developments of an industrial or heavy commercial nature), which comply with the regulations contained in this article including, but not limited to height, location and screening.

(2) All ground mounted facilities located in an industrial zoning district (including Planned Developments of an industrial nature), which are located at least 500 feet from a residential zoning district or the boundary of the Beautification Master Plan Area, and comply with the height, location, and screening requirements contained within this article. An application for a Minor Discretionary Permit for a wireless communication facility may be granted as provided in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits), and if it is found that all of the following additional findings can be made:

(i) The design and placement of the wireless communication facility, including support equipment and structures, will not adversely impact the use of the property, other buildings and structures located on the property, or the surrounding area or neighborhood.

(ii) The applicant has demonstrated that the wireless communication facility will have the least possible visual impact on the environment taking into account technical, engineering, economic and other relevant factors.

(iii) The wireless communication facility complies with the height, screening, and visual compatibility requirements contained within this article.

(c) **Conditional Use Permit.** The facilities that require a conditional use permit include:

(1) All ground mounted facilities that are located in an industrial zoning district, but are within 500 feet of the Beautification Master Plan area or a residential zoning district.

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

(3) Facilities in residential (R) zoning districts. Only facilities which are building mounted, entirely stealthed, or totally enclosed within a building shall be permitted in any residential district. Building mounted facilities in a residential district shall be located or screened so as to prevent any public view or architecturally designed to appear as an integral part of the building on which it is attached. Only residentially zoned properties one (1) acre in size, or larger, shall be considered for freestanding wireless communication facilities, unless the applicant can substantiate that the facility is designed to minimum visual impact to neighboring properties.

(4) For those facilities where it is determined the project may create a significant impact to the neighborhood.

(5) An application for a conditional use permit for a wireless communication facility may be granted as provided in TMC 9-5-600ART, and if it is found that the following additional findings can be made:

(i) The design and placement of the wireless communication facility, including support equipment and structures, will not adversely impact the use of the property, other buildings and structures located on the property, or the surrounding area of neighborhood.

(ii) The applicant has demonstrated that the wireless communication facility will have the least possible visual impact on the environment taking into account technical, engineering, economic and other relevant factors.

(iii) The approval of the proposed wireless communication facility will not affect the purposes of this article as defined in TMC 9-2-601.

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

9-2-605 Application requirements.
Prior to application submittal, applicants shall meet with Planning staff concerning the proposed project to review potential sites based upon the applicant's geographic service area and to determine the appropriate review process based upon the location and type of proposed facility.

(a) **Additional materials required.** In addition to the other information and materials required as part of a Minor Discretionary Permit or Conditional Use Permit application, any application for a Wireless Communication Facility shall also provide the following:

(1) **Base Map.** The map must show parcel boundaries with the subject property highlighted and all zoning districts within 500 feet of the subject property clearly noted.

(2) **Master Propagation Plan.** The Master Propagation Plan shall include a narrative, in lay terms, and graphic representation showing the location and type of all existing facilities, plus the applicant's proposed facilities during the next twelve (12) calendar months, within the boundaries of the City and the surrounding one-half (1/2) mile thereof.

(3) **Site Justification Study.** All applicants shall complete a site justification study, and include the following information:

(i) **Rationale.** Site location; site description; top three alternate locations; radio frequency cluster map and search ring for proposed site; reasons for choosing final location; how site design minimizes impact on surrounding land uses; site demand (capacity/coverage);

(ii) **Co-location.** Is site suitable for future co-location and why or why not; could site be collocated at existing nearby site and why or why not.

(iii) **Height.** Using non-technical language, describe the reasoning for the requested height of the proposed facility.

(iv) **Equipment.** Describe the potential to place all support equipment underground.

(v) **Use of site.** Provide a statement of intent on whether there will be any excess space available and if it may be leased.

(vi) **Contact person.** If the applicant's representative is not the contact person, an individual or individuals who are available to meet with or respond to questions and concerns from residents, business or property owners regarding the proposed facility.

9-2-606 Height.
All wireless communication equipment, antennas, poles, or towers shall be constructed at the minimal functional height. Building mounted facilities shall not exceed fifteen (15') feet in height greater than the maximum height permitted for the district in which it is located. Height limits for all ground mounted facilities shall be subject to the following standards:

Maximum Height for Ground Mounted Facilities	
Distance from a residential (R) district*	**Maximum Height**
Between 0-25 feet	1 foot per 1 foot of distance from a residential district
Between 25-50 feet	25 feet
Between 50-150 feet	35 feet
Greater than 150 feet	50 feet

** Distance is measured from the proposed facility to the nearest R district boundary.*

9-2-607 Location.
(a) New wireless communication facilities shall be co-located with other existing or planned facilities where feasible or where found to minimize visual impact.

(b) No facility that is readily visible from off-site shall be installed closer than any other facility that is readily visible, unless it utilizes stealth technology in its design.

(c) At a minimum, all new facilities shall comply with the following setback requirements: For every one (1) foot in height of the proposed facility, the facility shall be setback one (1) foot from any street frontage.

9-2-608 Residential (R)districts.
Only those facilities which are building mounted, entirely stealthed, or totally enclosed within a building shall be permitted in any residential district.

9-2-609 Visual compatibility and screening.
(a) All wireless communication facilities shall be screened or camouflaged so as to not be readily visible from off-site. Existing site features shall be used to screen the facility, including equipment panels or structures, where possible. Such screening shall include dense evergreen landscaping, solid fencing, or a combination of both.

(b) All towers, antennae, equipment structures or panels must be architecturally and visually compatible with surrounding buildings, structures, vegetation and/or uses in the area.

(c) All antennas, towers or related equipment shall be coated with a non-reflective finish or paint consistent with the background area where the facility is to be placed.

(d) Building-mounted antennas and all other equipment shall be in scale and architecturally integrated with the building design in such a manner as to be visually unobtrusive.

9-2-610 Discontinuance of use.
The service provider of a wireless communication facility shall notify the City of the intent to discontinue operation no less than thirty (30) days before discontinuance. Upon the discontinuance of use, all related equipment shall be removed and the property restored to the pre-construction condition within ninety (90) days of the cessation of operation.

SECTION 4. ADDITION: Title 9, Chapter 3, is hereby added to read as follows:

Chapter 9-3
BASE DISTRICT REGULATIONS

Sections:

Article 1. Agricultural District (A)

9-3-101 Specific purposes.

9-3-102 Use classifications.

9-3-103 Property development regulations.

Article 2. Residential Districts (R-E, R-L, R-L4.5, R-M, R-H)

9-3-201 Specific purposes.

9-3-202 Use classifications.

9-3-203 Property development regulations.

Article 3. Commercial Districts (C-O, C-C, C-T, C-H)

9-3-301 Specific purposes.

9-3-302 Use classifications.

9-3-303 Property development regulations.

Article 4. Industrial Districts (I-BP & I)

9-3-401 Specific purposes.

9-3-402 Use classifications.

9-3-403 Property development standards.

Article 5. Public & Semipublic District (P-S)

9-3-501 Specific purposes.

9-3-502 Use classifications.

9-3-503 Development regulations.

Article 1. Agricultural District (A)

9-3-101 Specific purposes.
In addition to the purposes listed in TMC 9-1-103, the specific purposes of the Agricultural District regulations are to preserve and protect agricultural land from urban development; and in certain instances, permit agriculture as an interim use until development occurs.

9-3-102 Use classifications.
In the following schedule, the letter "P" designates use classifications permitted in A Districts, the letters "NP" designate use classifications not permitted, the letters "MAA" designate use classifications allowed on approval of a minor administrative approval, the letters "MDP" designate use classifications allowed on approval of a minor discretionary permit, and the letters "CUP" designate use classifications allowed on approval of a conditional use permit. All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule.
All new or expanded uses of a site or structure, except a single-family dwelling, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, are subject to design review in accordance with Article 10 of Chapter 9-5 TMC. New or expanded uses subject to design review shall obtain an MDP design review permit. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all commercial developments subject to design review.

Any change in use or business within an existing structure that is permitted or, in the opinion of the Development Services Director, is suitable to the site and structures in which it is located and does not increase the intensity or impact of its prior use, shall obtain a zoning certificate in accordance with Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Development Services

Director or designee.

A DISTRICT (Agricultural District)
USE CLASSIFICATIONS
P Permitted
NP Not Permitted
MDP Minor Discretionary Permit
MAA Minor Administrative Approval
CUP Conditional Use Permit

	A	**Additional Use Regulations**
Agricultural uses	P	
Residential Uses		
Family day care homes		
Large	MAA	(1)
Small	P	
Group Quarters		
Large	MDP	
Small	P	
Home occupations	P	(2)
Emergency shelter	NP	

Manufactured housing	MAA	(9)
Single-family dwellings	P	
Second dwellings	P	(3) (7) (8)
Public and Semipublic Uses		
Religious assembly	CUP	
Utilities		
Major	CUP	
Minor	P	(6)
Accessory Structures and Uses	P	(4)
Domesticated animals	P	(5)
Temporary Uses	See TMC 9-5-500ART (Temporary Uses of Land)	
Nonconforming Uses and Structures	See TMC 9-2-400ART (Nonconforming Structures and Uses)	

(1) See TMC 9-2-110, Family day care home.

(2) See TMC 9-5-200ART (Zoning Certificates and Home Occupation Permits).

(3) See TMC 9-2-119, Second dwelling units.

(4) See TMC 9-2-101, Accessory buildings or structures.

(5) The keeping of domesticated animals is subject to TMC 6-1-105. Livestock and domestic farm animals, used interchangeably in the Turlock Municipal Code, may be kept as an accessory use to a residence only in the following zoning districts: (Agriculture (A) and Estate Residential (R-E)).

(6) Minor utilities shall not interfere with the use, enjoyment or aesthetics of adjacent uses.

(7) Employee, supportive, and transitional housing serving six (6) or fewer people is permitted by right. Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(8) Any employee housing consisting of no more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces designed for use by a single family or household shall be deemed an agricultural use and subject to the same permitting requirements.

(9) Manufactured housing shall be subject to architectural review to ensure compatibility with adjacent residential buildings in terms of scale, height, and exterior design and treatment as provided in the design guidelines, including but not limited to roof pitch and style, window and door detailing, exterior materials, textures, colors, and finishes.

9-3-103 Property development regulations.
The following schedule prescribes development regulations for the Agricultural (A) District. Deviations from the setback and height requirements for the purpose of providing accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to TMC 9-5-300ART.

A DISTRICT (Agricultural District) **PROPERTY DEVELOPMENT REGULATIONS**		
	A	**Additional Regulations**
Lot area (acres)	5	(1)
Lot area per unit (acres)	5	
Lot width (ft.)	200	
Yards:		(2)
Front (ft.)	50	
Side (ft.)	50	
Corner side (ft.)	50	
Rear (ft.)	50	
Maximum height (ft.)	50	(3)
Fences and walls	All fences and walls shall be subject to the driveway visibility requirements of TMC 9-2-215 (Driveway and corner visibility). Barbed wire and electrified fences may be utilized to contain livestock. Razor wire is prohibited.	
Additional Regulations	See TMC 9-2-200ART (Off-street parking and loading regulations).	
	See TMC 9-2-215 (Driveway and corner visibility).	
	See TMC 9-2-500ART (Signs).	
	See TMC 9-2-112 (Outdoor storage).	
	See TMC 9-2-101 (Accessory buildings or structures).	
	See TMC 9-2-120 (Underground utilities).	
	See TMC 9-2-400ART (Nonconforming Structures and Uses).	

	See TMC 9-2-114 (Permitted locations of mobile homes, recreational vehicles, and campers.)

(1) See TMC 9-2-106 (Development on existing lots of record). See TMC 9-2-107 (Development on lots divided by district boundaries). Minimum lot sizes may be reduced when the exclusive use of such lots is intended for utility substations, pumping stations, and similar facilities.

(2) See TMC 9-2-105 (Building projections into yards).

(3) See Section 9-2-108 (Exceptions to height limits).

Article 2. Residential Districts (R-E, R-L, R-L4.5, R-M, R-H)

9-3-201 Specific purposes.
In addition to the purposes listed in TMC 9-1-103, the specific purposes for the regulations of each Residential District are to:

(a) **Residential estate (R-E).**

(1) Provide living areas which combine certain advantages of both urban and rural location by limiting development to very low density concentrations of one (1) family dwellings;

(2) Provide transition or buffer areas between intense residential urban uses and agricultural preserves to avoid or lessen conflicts of use.

(b) **Low density residential (R-L and R-L4.5).**

(1) Provide appropriately located areas for single-family dwellings that are consistent with the General Plan and with standards of public health and safety established by the Turlock Municipal Code;

(2) Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, population density, traffic congestion and other adverse environmental impacts;

(3) Achieve design compatibility through the use of site development standards.

(c) **Medium density residential (R-M).**

(1) To limit the expansion of the City in order to preserve agricultural lands and maintain a compact urban form, while responding to many households' preference for single-family units;

(2) Provide appropriately located areas for single-family and medium density multifamily dwelling units consistent with the General Plan and with standards of public health and safety established by the Turlock Municipal Code;

(3) Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, population density, traffic congestion and other adverse environmental impacts;

(4) Achieve design compatibility with adjacent uses through the use of site development standards.

(d) **High density residential (R-H).**

(1) Provide appropriately located areas for high density multiple-family dwelling units consistent with the General Plan and with standards of public health and safety established by the Turlock Municipal Code;

(2) Provide affordable housing for all economic segments of the community and conserve land while maintaining a compact urban form;

(3) Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, population density, traffic congestion and other adverse environmental impacts;

(4) Achieve design compatibility through the use of site development standards.

9-3-202 Use classifications.
In the following schedule, the letter "P" designates use classifications permitted in R Districts, the letters "NP" designate use classifications not permitted, the letters "MAA" designate use classifications allowed on approval of a minor administrative approval, the letters "MDP" designate use classifications allowed on approval of a minor discretionary permit, and the letters "CUP" designate use classifications allowed on approval of a conditional use permit.

All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule. Any change in use or business within an existing structure which does not require an approved conditional use permit shall obtain a zoning certificate in accordance with Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Development Services Director or designee.

R DISTRICTS (Residential Districts)
USE CLASSIFICATIONS
P Permitted
NP Not Permitted
PD Planned Development
CUP Conditional Use Permit
MDP Minor Discretionary Permit
MAA Minor Administrative Approval

	R-E	R-L	R-L4.5	R-M	R-H	Additional Use Regulations
Agricultural Uses						
Community garden	CUP	CUP	CUP	CUP	CUP	(1)
Crop production	P	P	P	P	P	(1)
Domesticated animals	P	P	P	P	P	(2)
Residential Uses						
Condominiums	PD	PD	PD	PD	PD	
Family day care home						
Small	P	P	P	P	P	(3) (13)
Large	MAA	MAA	MAA	MAA	MAA	(3) (13)
Group homes	P	P	P	P	P	(9)
Group quarters	NP	CUP	CUP	MDP	MDP	
Emergency shelter	NP	CUP	CUP	CUP	CUP	
Home occupations	P	P	P	P	P	(4)
Manufactured housing	P	P	P	MDP	CUP	(15)
Mobile home parks	NP	CUP	CUP	CUP	CUP	(8)
Multi-family dwellings	NP	NP	NP	MDP	MDP	(10)
Residential care facilities						
Large	CUP	CUP	CUP	CUP	CUP	

Small	P	P	P	P	P	(9)
Second dwellings	P	P	P	P	P	(5)
Single-family dwellings	P	P	P	P	P	(10)
Commercial Uses						
Neighborhood store	NP	MDP	MDP	MDP	MDP	
All other commercial uses	NP	NP	NP	NP	NP	
Public and Semipublic Uses						
Airports and heliports	CUP	NP	NP	NP	NP	
Cemeteries/crematories	CUP	CUP	CUP	CUP	CUP	
Religious assembly	CUP	CUP	CUP	CUP	CUP	(12)
Convalescent hospitals	NP	NP	NP	MDP	MDP	
Cultural institutions	NP	NP	NP	NP	NP	
Day care centers	CUP	CUP	CUP	CUP	CUP	
Golf course/driving range	CUP	CUP	CUP	CUP	CUP	
Park and recreation facilities	MDP	MDP	MDP	MDP	MDP	
Public buildings and facilities	MDP	MDP	MDP	MDP	MDP	
Schools, public or private	CUP	CUP	CUP	CUP	CUP	
Utilities						
Major	CUP	CUP	CUP	CUP	CUP	
Minor	MAA	MAA	MAA	MAA	MAA	
Industrial Uses	NP	NP	NP	NP	NP	
Accessory Structures						

and Uses						
Accessory buildings and structures	P	P	P	P	P	(6)
Animals, household	P	P	P	P	P	(2) (7)
Kennels	MDP	NP	NP	NP	NP	(11)
Temporary Uses	See TMC 9-5-500ART (Temporary Uses of Land). Construction trailers and sales office trailers may be located on the project site after required planning permits and approvals have been obtained. The trailer(s) must be removed upon completion of the applicable construction project. For sales office trailers, 1) landscaping shall be provided around the base of the trailer and between the public right-of-way and the trailers location; and 2) parking spaces shall be paved.					

1) See TMC 9-1-202 (Definitions).

(2) The keeping of domesticated animals may be kept as an accessory use to a residence, subject to the requirements of TMC 6-1-105.1 (Other domesticated animals), only in the following zoning districts: (Agriculture (A) and Residential Estate (R-E)).

(3) See TMC 9-2-110 (Family day care home).

(4) See TMC 9-5-200ART (Zoning Certificates and Home Occupation Permits).

(5) See TMC 9-2-119 (Second dwelling units). In the R-M and R-H Districts, a second unit may be constructed to the R-L standards when only one other dwelling (i.e., the primary residence) is located on the same property.

(6) See TMC 9-2-101 (Accessory buildings or structures). Accessory structures will require a minor administrative or minor discretionary permit if required by the principal use.

(7) The keeping of household pets is subject to TMC 6-1-105.

(8) See TMC 9-2-111 (Mobile home development).

(9) State-licensed group homes, foster homes, residential care facilities, and similar State-licensed facilities, regardless of the number of occupants, are deemed permitted by right in a residential zoning district, pursuant to State and Federal law.

(10) Employee, supportive, and transitional housing serving six (6) or fewer people is permitted as a single-family dwelling. Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(11) Kennels are subject to TMC 6-1-105.

(12) A structure allowed as a religious assembly building may be used for a temporary homeless shelter if the following requirements are met:

(i) There is a valid conditional use permit for the structure used for religious assembly purpose;

(ii) No rent or fees of any kind are charged for the service offered to homeless persons;

(iii) The facility that is used to house homeless persons accommodates a maximum of six (6) persons at any one (1) time;

(iv) Homeless persons reside at the facility a maximum of sixty (60) days;

(v) Occupancy by homeless persons at the facility commences upon the religious assembly use receiving a certificate of occupancy.

(13) The garage of a single-family residence, which is considered the required parking spaces for such use, may be converted into habitable space as defined by the California Building Code to accommodate the use of the dwelling as a large family day care upon satisfying the findings and conditions set forth in TMC 9-2-110. The condition may remain until such time as the dwelling unit is no longer used for day care, residential care, or other similar uses licensed by the State of California (Community Care Licensing). Upon cessation of that use, or prior to the dwelling unit being sold, the converted garage shall be returned to its original state so that off-street parking is provided pursuant to TMC 9-2-209.

(14) Minor utilities shall not interfere with the use, enjoyment or aesthetics of adjacent uses.

(15) Manufactured housing shall be subject to architectural review to ensure compatibility with adjacent residential buildings in terms of scale, height, and exterior design and treatment as provided in the design guidelines, including but not limited to roof pitch and style, window and door detailing, exterior materials, textures, colors, and finishes.

9-3-203 Property development regulations.
The following schedule prescribes the development regulations for each Residential District. Deviations from the setback and height requirements for the purpose of providing accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to TMC 9-5-300ART.

R DISTRICTS (Residential Districts) **PROPERTY DEVELOPMENT REGULATIONS**						
	R-E	**R-L**	**R-L4.5**	**R-M**	**R-H**	**Additional Regulations**
Minimum lot size (sf)	14,500	5,000	4,500	6,000	7,500	(1)(5)

Lot density ranges (unit/acre)	0.2 – 3.0	3.0 – 7.0	5.0 – 10.0	7.0 – 15.0	15.0 – 30.0	
Lot area per unit (sf)	14,500	5,000	4,500	NA	NA	(5)
Units per min. lot size	2	2	2	3	4	
Area per unit above min.	NA	NA	NA	2,000	1,200	
Lot dimensions (ft.)						
Width	100	55	40	60	75	(2)
Corner lots	60	60	45	65	80	
Depth	100	90	80	100	100	
Frontage	60	35	35	40	45	(16)
Yards						(3)
Front (ft.)	30	15	15	20	20	(7)(9)(14)
Side (ft.)	10	5	0 – 10	10 – 20	10 – 20	(7)(8)(11)(15)
Corner side (ft.)	30	15	15	15	20	(6)(9)(21)
Rear (ft.)	20	10	10	10/story	10/story	(7)(12)(15)(18)(19)(20)(22)
Maximum height (ft.)	35	35	35	35	40	(4)
Distance between structures (ft.)	10	6	6	10	10	(7)
Driveway length (from p/l)	30	20	20	20	20	(23)
Usable open space (sf) per unit	NA	NA	900	500	500	(13)
Common	NA		10%	10%	10%	(17)

recreational open space						
Landscaping	NA	30%	30%	30%	30%	(17)
Fences and walls	See (8) below.					
Additional Standards	See TMC 9-2-200ART (Off-Street Parking and Loading Regulations). See TMC 9-2-215 (Driveway and corner visibility). See TMC 9-2-500ART (Signs). See TMC 9-2-112 (Outdoor storage). See TMC 9-2-101 (Accessory buildings or structures).					
	See TMC 9-2-118 (Screening of mechanical equipment). See TMC 9-2-115 (Recycling and solid waste disposal regulations). Trash and refuse containers shall not be stored within the front yard or corner street yard setback areas. See TMC 9-2-120 (Underground utilities). See TMC 9-2-400ART (Nonconforming Structures and Uses). See TMC 9-2-114 (Permitted locations of mobile homes, recreational vehicles, and campers). See TMC 9-2-107 (Development on lots divided by district boundaries).					

(1) See TMC 9-2-106 (Development on existing lots of record). See TMC 9-2-107 (Development on lots divided by district boundaries). Minimum lot sizes may be reduced when the exclusive use of such lots is intended for utility substations, pumping stations, and similar facilities.

(2) Lot width for lots located on a cul-de-sac is calculated at the front yard setback point.

(3) See TMC 9-2-105 (Building projections into yards).

(4) See TMC 9-2-108 (Exceptions to height limits).

(5) See TMC 9-2-103 (Affordable housing density bonus).

(6) Any corner side yard may be reduced to ten (10') feet if it does not abut the front yard of an adjacent lot.

(7) See TMC 9-2-101 (Accessory buildings or structures). For main structures, the minimum distance between structures shall increase five (5') feet per story, excluding accessory structures. Canopy structures, typically used to shade vehicles, in residential districts are prohibited in the twenty (20') foot front yard setback area. Canopies erected/installed prior to July 31, 2003, shall be allowed upon proof of date of installation; however, such canopies must be removed upon sale of the residence.

(8) The maximum height of a fence or wall shall be seven (7') feet with the following exceptions:

(i) The maximum height of a fence or wall in a required front or corner side yard shall be three (3') feet for a solid fence and four (4') feet for nonsolid fences, as long as such taller fences do not constitute a safety/visibility hazard to pedestrians or vehicles. A fence may be constructed at the back of the sidewalk within the public right-of-way with the provision that the City of Turlock or other utility may summarily remove it without compensation.

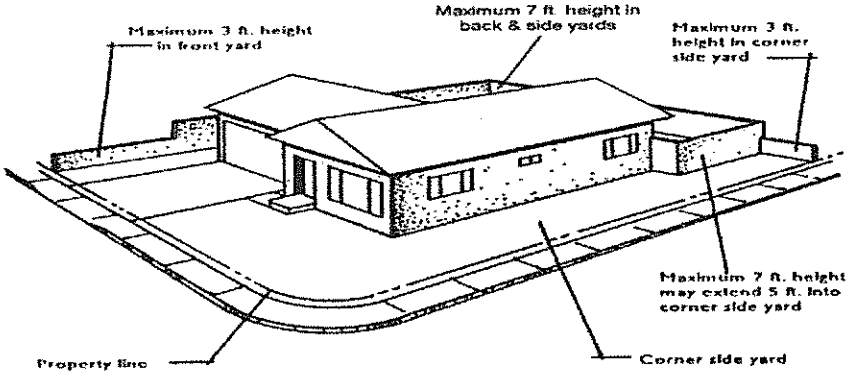
(ii) A maximum seven (7') foot fence or wall may extend five (5') feet into a corner side yard if it does not abut the front yard of an adjacent lot.

(iii) The Development Services Director may allow fence and wall heights to be increased in order to mitigate noise problems documented by a noise study. Barbed wire, razor wire, electrified fencing, and similar security devices are prohibited. In addition, all fences and walls shall be subject to the driveway visibility requirements of TMC 9-2-215 (Driveway and corner visibility).

(iv) To improve security in residential districts only, the Development Services Director may permit a fence or wall located on the rear property line to be increased by up to ten (10') feet when the property abuts a property owned and maintained by public utility upon approval of a minor administrative approval as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits). This exception shall not be applied to a rear property line that abuts a public street or sidewalk.

(9) Front or corner side yard setback may be reduced to the average of the two (2) adjoining lots, when the adjoining lots have already been developed. In no case shall any portion of any building in a residential district be located within a public utility easement (PUE), or closer to the front property line than ten (10') feet or twenty (20') feet for garages/carports.

(10) Vehicular access. For all uses, there shall be vehicular access to the off-street parking and loading facilities from a dedicated street or alley.



FENCE HEIGHTS & SETBACKS
(This diagram is illustrative)

(11) In the R-L4.5 District, one (1) side yard may be eliminated if the opposite side yard is ten (10') feet. A five (5') foot wide easement on the lot adjacent to the eliminated side yard shall be required for building overhang, encroachments and access for building maintenance. Such easement shall be recorded prior to the recording of the final map or the issuance of any building permit, whichever occurs first. Otherwise both side yards shall be a minimum of five (5') feet. In no case shall any structure be closer than ten (10') feet from a structure on an adjoining property. In the R-L4.5 District those units which abut lots in a different zoning district shall maintain a five (5') foot adjoining side yard.

(12) In the R-L4.5 District, the rear yard may be reduced to five (5') feet for a length not to exceed one-third (1/3) of the width of the parcel.

(13) Multifamily dwelling projects (except senior housing) with twenty (20) or more units shall include an additional nine hundred (900) square feet of children's play area designed and equipped for children through the age of nine (9) years.

(14) A through lot is considered to have two (2) front yards, both of which shall be landscaped upon development of the lot. Municipal code standards for front yards (setbacks, fencing, and the like) apply to both street frontages. On a through lot that is simultaneously a corner lot, the property owner may designate the corner side yards.

(15) In the R-M and R-H Districts, a minimum side and rear yard setbacks shall be ten (10') feet for a one story building. These setbacks shall be increased by five (5') per story to a maximum of twenty (20') feet when the property abuts a R-L District. In these cases, these setbacks shall be increased to fifteen (15') feet for a two-story building and to twenty (20') feet for a building that is three stories or more in height.

(16) Minimum lot frontage dimension applies only to lots fronting on curvilinear streets or cul-de-sacs, and may not be used to create flag lots.

(17) See TMC 9-2-109 (Landscaping and irrigation).

(18) In the R-L Zoning District, the rear yard may be reduced to five (5') feet for a length not to exceed one-third (1/3) of the width of the parcel if the rear yard abuts a public alley.

(19) A residential lot located at the end of an open-ended cul-de-sac may consider the side yard abutting the public right-of-way at the end of the open-ended cul-de-sac as an interior yard for purposes of setback measurements. Because of visibility constraints, this provision may not apply when the side yard of the lot abuts the front yard of an adjacent lot.

(20) In R-L and R-L4.5 Zoning Districts, and for single story structures in the R-M and R-H Zoning Districts, a building projection may not encroach any closer than five (5') feet to the rear property line. The width of the projection may not exceed twenty-five (25%) percent of the allowed building width. For two (2) story structures in the R-M and R-H Zoning Districts, building projections may extend up to six (6') feet into the rear yard, reducing the minimum rear yard to fourteen (14') feet, instead of the requisite twenty (20') feet .

(21) Where two (2) corner lots abut each other ("back-to-back") in the R-E Zoning District, a twenty (20') foot corner side yard setback is required. This provision does not apply to reverse corner lots, where the rear of the lot abuts the side yard of the adjoining lot. In this circumstance, the typical thirty (30') foot setback shall apply.

(22) Single-family homes located in the R-M Zoning District are not subject to the ten (10') foot per story setback regulations.

(23) A twenty (20') foot driveway is not required when a garage is accessed off a public alley. Detached garages are subject to the accessory building provisions of TMC 9-2-101 (Accessory Buildings or Structures) for both setbacks and height limitations. Attached garages are considered part of the main dwelling units and are, therefore, subject to the rear and/or side yard setbacks normally established for that particular zoning district.

Article 3. Commercial Districts (C-O, C-C, C-T, C-H)

9-3-301 Specific purposes.
In addition to the general purposes listed in TMC Chapter 9-1 (General Provisions), the specific purposes of the Commercial District regulations are to:

(a) Provide appropriately located areas consistent with the General Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the City and region;

(b) Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities;

(c) Create suitable environments for various types of commercial uses, and protect them from the adverse effects of incompatible uses;

(d) Minimize the impact of commercial development on adjacent residential districts;

(e) Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located;

(f) Provide opportunities for residential development on the site of commercial development or on separate sites in certain commercial districts;

(g) Ensure the provision of adequate off-street parking and loading facilities; and

(h) Provide sites for public and semipublic uses complementary to commercial development or compatible with a commercial environment.

(i) The additional purposes of each C District are as follows:

(1) **CO Commercial Office District.** To provide a transitional zone between commercial and residential uses with areas for business and professional offices.

(2) **CC Community Commercial District.** To provide a wide range of retail stores, restaurants, hotels and motels, commercial recreation, personal services, business services and financial services and for limited office and residential uses.

(3) **CT Commercial Thoroughfare District.** To provide areas for uses required by the traveling public such as hotels and motels, service stations and restaurants, with immediate access to Highway 99.

(4) **CH Heavy Commercial/Light Industrial District.** To provide for the full range of retail, wholesale and service businesses not generally suitable in other commercial districts because they attract heavy automobile and truck traffic or have certain adverse impacts; and to provide opportunities for certain limited manufacturing uses that have impacts comparable to those of retail and service.

9-3-302 Use classifications.
In the following schedule, the letter "P" designates use classifications permitted in C Districts, the letters "NP" designate use classifications not permitted, the letters "MAA" designate use classifications allowed on approval of a minor administrative approval, the letters "MDP" designate use classifications allowed on approval of a minor discretionary permit, and the letters "CUP" designate use classifications allowed on approval of a conditional use permit.

All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule.

All new or expanded uses of a site or structure, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, are subject to design review in accordance with TMC 9-5-1000ART. New or expanded uses subject to design review shall obtain an MDP design review permit. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all commercial developments subject to design review.

Any change in use or business within an existing structure that is permitted or, in the opinion of the Development Services Director, is suitable to the site and structures in which it is located and does not increase the intensity or impact of its prior use, shall

obtain a zoning certificate in accordance with TMC 9-5-200ART (Zoning Certificates and Home Occupation Permits). The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Development Services Director or designee.

C-O, C-C, C-T and C-H DISTRICTS (Commercial)
USE CLASSIFICATIONS
P Permitted
NP Not Permitted
MDP Minor Discretionary Permit
MAA Minor Administrative Approval
CUP Conditional Use Permit

	C-O	C-C	C-H	C-T	Additional Use Regulations
Agricultural Uses					
Community garden	MDP	MDP	MDP	MDP	
Crop production	P	P	P	P	
Residential Uses					
Family day care					
Large	MAA	NP	NP	NP	(1)
Small	P	NP	NP	NP	(1)
Group quarters					
Large	MDP	NP	NP	NP	(2)
Small	P	NP	NP	NP	(2)
Emergency shelter	CUP	CUP	CUP	NP	(2) (25)
Caretaker unit	NP	NP	CUP	NP	(18)
Public and Semipublic Uses					
Clubs and lodges	MDP	MDP	CUP	NP	

Convalescent hospitals	MDP	NP	NP	NP	
Cultural institutions	P	P	P	NP	
Day care centers	MDP	MAA	MAA	NP	
Government offices	P	P	P	NP	
Hospitals	CUP	CUP	CUP	NP	
Parking lots	MDP	MDP	MDP	CUP	
Public assembly	NP	MDP	MDP	CUP	
Public buildings and facilities	MDP	MDP	MDP	CUP	
Public utility service yards	NP	NP	MDP	NP	
Religious assembly	MDP	MDP	MDP	CUP	
Schools					
Trade	MDP	MDP	MDP	NP	
Public or private	MDP	MDP	MDP	NP	
Utilities					
Major	NP	NP	CUP	NP	
Minor	MAA	MAA	MAA	MAA	(3)
Commercial Uses					
Adult entertainment facilities	NP	NP	NP	NP	(4)
Animal services					
Animal boarding	CUP	MDP	MDP	MDP	(24)
Animal grooming	MDP	P	P	MDP	(24)
Animal hospitals	CUP	MDP	MDP	MDP	(24)
Animal retail sales	NP	P	P	MDP	(23)(24)
Antique shops	NP	P	P	MDP	(24)
Artists' studios	MDP	P	P	MDP	(19)(24)
Auto repair					
Major	NP	MDP	MAA	MDP	(6)(7)

Minor	NP	MAA	P	P	(6)(7)
Auto sales and service	NP	MAA	MAA	MAA	(6)(7)
Automobile service stations	NP	MAA	MAA	MAA	(6)(7)
Automobile storage	NP	NP	MAA	NP	(6)(7)
Automobile washing	NP	MDP	MAA	MAA	(6)(7)
Bakeries					
Retail	MDP	P	P	MDP	(24)
Wholesale	NP	NP	MDP	NP	
Bar	NP	CUP	CUP	CUP	(24)
Building materials and services	NP	MDP	MAA	CUP	(8)(13)(24)
Catering services	NP	P	P	NP	
Clinics	MDP	MDP	P	MDP	(24)
Commercial filming	NP	MDP	P	NP	
Commercial recreation and entertainment	NP	CUP	CUP	CUP	(5)
Convenience gas mart	NP	MDP	MDP	MDP	
Discount club	NP	CUP	CUP	CUP	(21)(22)
Discount store	NP	MDP	MDP	CUP	(21)(22)
Discount superstore	NP	NP	NP	NP	(21)(22)
Entertainment, live (excluding adult entertainment)	NP	MDP	MDP	CUP	(14)(24)
Equipment sales, service and rentals	NP	NP	MAA	NP	(13)
Financial services	CUP	MDP	MAA	MDP	(24)
Food and beverage sales					
Neighborhood store <2,500 sf	CUP	MAA	MAA	MDP	(24)
Between 2,500 and 10,000 sf	NP	MDP	MDP	MDP	(24)
Larger than 10,000 sf	NP	MDP	MDP	CUP	(21)(22)

Fortune telling	NP	CUP	NP	NP	(9)
Funeral and internment services	MDP	MAA	MAA	NP	
Health/recreation center	NP	MAA	MAA	CUP	(24)
Hotels and motels	NP	MAA	MAA	MAA	(16)
Laboratories	MAA	MAA	MAA	NP	
Laundries					
Limited	MAA	P	P	NP	
Unlimited	NP	NP	P	NP	
Maintenance and repair services					
Major	NP	NP	MDP	NP	(13)
Minor	NP	MAA	MAA	MDP	(13)(24)
Nightclub	NP	CUP	CUP	CUP	(24)
Nurseries	NP	MAA	MAA	NP	
Nursing homes	MDP	MDP	NP	NP	
Offices					
Business and professional	P	P	MAA	NP	
Medical and dental	P	P	MAA	MDP	(24)
Outdoor storage	NP	MDP	MDP	CUP	(13)
Personal services	MAA	P	P	MDP	(24)
Printing and publishing					
Limited	MDP	MAA	P	NP	
Unlimited	NP	NP	MDP	NP	
Recycling facility					
Collection facility, large	NP	NP	MDP	NP	(17)
Collection facility, small	NP	P	P	MDP	(17) (24)
Processing facility	NP	NP	NP	NP	(17)
Rental storage facility	NP	NP	MDP	NP	(20)

Research and development services	MDP	MDP	MDP	NP	
Restaurant	CUP	MAA	MAA	MAA	
Restaurant, drive-in	NP	MDP	MDP	MDP	
Restaurant, fast food	NP	MDP	MDP	MDP	
Retail sales	CUP	P	P	MDP	(10)(21)(22)(24)
Shopping center	NP	MDP	MDP	MDP	
Travel trailer park	NP	NP	MDP	MDP	(16)
Truck terminal	NP	NP	MDP	CUP	
Industrial uses					
Commissary	NP	NP	MDP	NP	
Industry					
Limited	NP	NP	MDP	NP	
General	NP	NP	NP	NP	
Salvage and wrecking operations					
Motor vehicle	NP	NP	CUP	NP	(15)
Non-vehicular	NP	NP	CUP	NP	(15)
Warehouse					
Limited	NP	NP	MDP	NP	
Wholesale distribution	NP	NP	MDP	NP	
Accessory Structures and Uses	P	P	P	P	(11)(13)
Temporary Uses	P	P	P	P	(12)
Nonconforming Uses	See TMC 9-2-400ART (Nonconforming Structures and Uses).				

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

(2) Small residential care facilities and interim housing serving six (6) or fewer people are considered accessory to a residence. Such facilities shall be designed to accommodate a group living environment.

(3) Minor utilities shall not interfere with the use, enjoyment or aesthetics of adjacent uses. All utilities shall be screened from view from public right-of-way using landscaping, a berm, a solid

masonry fence, or other visually attractive method. The area surrounding the minor utility shall be landscaped.

(4) See TMC 9-2-102 (Adult entertainment facilities). Adult bookstores shall be subject to the same supplemental regulations applicable to adult entertainment facilities.

(5) Commercial recreation and entertainment uses less than two thousand (2,000) square feet in floor area are allowed with a zoning certificate issued in accordance with TMC 9-5-200ART (Zoning Certificates and Home Occupation Permits).

(6) See TMC 9-2-112 (Outdoor storage). In the C-C and C-T Districts, automobile servicing shall be conducted wholly within an enclosed building.

(7) See TMC 9-2-104 (Automobile service stations, repair and washing).

(8) Building materials and service uses shall not abut an R District unless accessory to a retail use.

(9) No fortune telling use shall be located any closer than within seven hundred fifty (750') feet of another fortune telling use.

(10) Retail sales in the C-O District shall be limited to pharmacies and/or the sale of medical and/or dental products.

(11) See TMC 9-2-101 (Accessory buildings or structures).

(12) See TMC 9-5-500ART (Temporary Uses of Land). Construction trailers may be located on the project site after required planning permits and approvals have been obtained. The trailer(s) must be removed upon completion of the applicable construction project.

(13) See TMC 9-2-112 (Outdoor storage) and TMC 9-5-500ART (Temporary Uses of Land).

(14) A conditional use permit issued in accordance with TMC 9-5-600ART (Conditional Use Permits and Variances), shall be obtained if the live entertainment is located within three hundred (300') feet of a residential use or an R District. In the C-T District, live entertainment, excluding adult entertainment, may be allowed as an accessory use.

(15) See TMC 9-2-117 (Salvage and wrecking operations).

(16) A conditional use permit issued in accordance with TMC 9-5-600ART (Conditional Use Permits and Variances), shall be required if a hotel, motel or travel trailer park abuts an R District.

(17) See TMC 9-2-116 (Recycling facilities).

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

(19) Artists' studios in the downtown area may also be a place of residence for the artist as a secondary use. Artists' studios must be compatible with adjacent uses and shall not be a nuisance regarding noise and dust.

(20) See TMC 9-2-122 (Rental storage facility).

(21) See TMC 9-1-202 for the definitions of "Discount store," "Discount superstore," and "Discount club."

(22) Except for a "Discount store" as defined by TMC 9-1-202, which shall require a conditional use permit issued in accordance with TMC 9-5-600ART (Conditional Use Permits and Variances).

(23) Retail sale of dogs and cats is prohibited in accordance with TMC 6-1-703.

(24) Applies to uses in the C-T district only. The designated permitting process applies only to uses developed as part of a shopping center as defined under in TMC 9-1-200ART (Establishment of Definitions). Uses shall not be permitted (i.e., are designated NP) as a stand-alone business.

(25) Where the emergency shelter is proposed in a location that falls within the Emergency Shelter overlay district, the permitting requirements contained in Article 2 of this chapter shall prevail.

9-3-303 Property development regulations.
The following schedule prescribes development regulations for the C (Commercial) Districts. Development in these districts is also subject to the specific standards as contained in any applicable overlay district. Deviations from the setback and height requirements for the purpose of providing accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

C-O, C-C, C-T and C-H DISTRICTS (Commercial) **PROPERTY DEVELOPMENT REGULATIONS**					
	C-O	**C-C**	**C-H**	**C-T**	**Additional Regulations**
Yards					(1)(7)(8)
Front (ft.)	10	10	15	15	(2)(5)(9)
Side (ft.)	0	0	0	0	(3)
Corner side (ft.)	10	10	15	15	(2)(5)(9)
Rear (ft.)	10	0	0	0	(3)
Maximum height (ft.)	35	35	None	None	(3)(4)
Typical FAR	0.35	0.25	0.35	0.35	
Landscaping standards (% of lot area)	15	10	7.5	7.5	(5)(6)(8)
Residential	Where permitted, residential uses may be developed independently				

development	or in combination with commercial uses in accordance with the R-H District regulations.
Fences and walls	A seven (7') foot solid masonry wall shall be required along any property line abutting an R District, except in required front and corner side yards where the maximum height shall be three (3') feet. The Community Development Director may allow fence and wall heights to be increased in order to mitigate noise problems documented by a noise study. Razor wire, electrified fencing, and similar security devices are prohibited. Barbed wire may be used on a limited basis for security or safety purposes with a MAA issued in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits), provided that the barbed wire is not visible from the public right-of-way and is not located adjacent to a residence or Residential District. In addition, all fences and walls shall be subject to the driveway visibility requirements of TMC 9-2-215 (Driveway and corner visibility).
Additional standards	TMC 9-2-200ART (Off-street parking and loading regulations). TMC 9-2-215 (Driveway and corner visibility). TMC 9-2-500ART (Signs). TMC 9-2-112 (Outdoor storage). TMC 9-2-101 (Accessory buildings or structures). TMC 9-2-118 (Screening of mechanical equipment). TMC 9-2-120 (Underground utilities).
	TMC 9-2-115 (Recycling and solid waste disposal regulations). TMC 9-2-400ART (Nonconforming Structures and Uses). TMC 9-2-122 (Rental storage facility).

(1) See TMC 9-2-105 (Building projections into yards).

(2) Front or corner side yard setback may be reduced to the average distance of existing buildings from their front property line on the two (2) abutting lots adjoining the front property line.

(3) Structures shall not intercept a forty-five (45°) degree inclined plane inward from a height of ten (10') feet above existing grade at the R District boundary line. Single story structures and ground level parking may encroach a maximum of five (5') feet into required side and rear yards.

(4) See TMC 9-2-108 (Exceptions to height limits).

(5) Any area between a property line adjacent to the street and the building, exclusive of driveways, shall be landscaped.

(6) See TMC 9-2-109 (Landscaping and irrigation).

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

(8) See TMC 9-2-122 (Rental storage facility).

(9) The required "landscape strip" in the public right-of-way (located behind the public sidewalk and adjacent to the private property line) may be counted toward the required building front yard and corner side yard setback, when constructed per City standard as defined in the Turlock General Plan and the landscape strip is maintained by the private property owner.

Article 4. Industrial Districts (I-BP & I)

9-3-401 Specific purposes.
In addition to the general purposes listed in TMC Chapter 9-1 (General Provisions), the specific purposes of the Industrial District regulations are to:

(a) Provide appropriately located areas consistent with the General Plan for a broad range of manufacturing and service uses;

(b) Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities; and

(c) Minimize the impact of industrial uses on adjacent residential and commercial districts.

(d) The additional purposes of each I District are as follows:

(1) **I-BP Business Park District.** To provide sites with high architectural and landscape standards for industrial office centers, limited manufacturing, warehousing and large-scale, single destination retail and other limited retail uses which may not be appropriate in retail areas.

(2) **I General Industrial District.** To provide for the full range of manufacturing, industrial processing, general service, and distribution uses deemed suitable for location in Turlock; and to protect Turlock's general industrial areas from competition for space from unrelated uses that could more appropriately be located elsewhere in the City.

9-3-402 Use classifications.
In the following schedule, the letter "P" designates use classifications permitted in C Districts, the letters "NP" designate use classifications not permitted, the letters "MAA" designate use classifications allowed on approval of a minor administrative approval, the letters "MDP" designate use classifications allowed on approval of a minor discretionary permit, and the letters "CUP" designate use classifications allowed on approval of a conditional use permit.

All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule.

All new or expanded uses of a site or structure, involving an expansion of floor area of five thousand (5,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, are subject to design review in accordance with TMC 9-5-1000ART. New or expanded uses subject to design review shall obtain an MDP design review permit. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all industrial developments subject to design review.

Any change in use or business within an existing structure that is permitted or, in the opinion of the Development Services Director, is suitable to the site and structures in which it is located and does not increase the intensity or impact of its prior use, shall obtain a zoning certificate in accordance with TMC 9-5-200ART (Zoning Certificates and Home Occupation Permits). The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Development Services Director or designee.

I-BP and I DISTRICTS (Industrial)
USE CLASSIFICATIONS
P Permitted
NP Not Permitted
MDP Minor Discretionary Permit
MAA Minor Administrative Approval
CUP Conditional Use Permit

	I-BP	**I**	**Additional Use Regulations**
Agricultural Uses			

Community garden	MDP	MDP	
Crop production	P	P	
Other agricultural uses	MDP	MDP	
Public and Semipublic Uses			
Airports and heliports	CUP	CUP	
Day care centers	MDP	MDP	
Government offices	MDP	MDP	
Parking lots	MDP	MDP	
Public buildings and facilities	MDP	MDP	
Religious assembly	CUP	CUP	
Schools, trade	MDP	MDP	
Utilities			
Major	CUP	MDP	
Minor	P	P	(13)
Commercial Uses			
Adult entertainment facilities	MDP	MDP	(1)
Ambulance services	MDP	MDP	
Animal services			
Animal boarding	MDP	MDP	
Animal hospitals	MDP	MDP	
Artists' studios	MDP	MDP	
Automobile service stations	MDP	MDP	(2)
Automobile storage	MDP	MDP	(2)
Automobile washing	NP	MDP	(2)
Bakeries, wholesale	MDP	MDP	
Building materials and services	NP	MDP	(3)
Commercial recreation and	MDP	MDP	

entertainment			
Communications facilities	MDP	MDP	
Eating and drinking establishments	CUP	CUP	
Equipment sales, service and rentals	MDP	MDP	(12)
Financial services	MDP	MDP	(4)
Health/recreation centers	MDP	MDP	
Laboratories	MDP	MDP	
Labor camps	NP	CUP	
Maintenance and repair services			
Major	NP	MDP	(5)
Minor	MDP	MDP	(5)
Motor vehicle repair			
Major	NP	MDP	(2)
Minor	MDP	MDP	(2)
Offices			
Business and professional	MDP	CUP	
Medical and dental	MDP	CUP	
Printing and publishing			
Limited	MDP	MDP	
Unlimited	MDP	MDP	
Research and development services	MDP	MDP	
Restaurant	CUP	CUP	
Retail sales	MDP	MDP	(6)
Industrial Uses			
Chemical mfg./processing	NP	CUP	

Commissary	NP	MDP	
Industry			
General	CUP	MDP	
Limited	MDP	MDP	
Hazardous waste transfer stations	NP	CUP	
Salvage and wrecking operations	NP	CUP	(7)
Speculative buildings	MDP	MDP	
Transfer stations	NP	MDP	
Truck terminal	NP	MDP	(10)
Truck yard	NP	MDP	
Warehouse			(8)
Limited	MDP	MDP	
Wholesale distribution	CUP	MDP	
Accessory Structures and Uses	P	P	(5)(8)(9)
Caretaker unit	MDP	MDP	(11)
Temporary Uses	P	P	(9)
Nonconforming Uses	See TMC 9-2-400ART (Nonconforming Structures and Uses).		
Recycling Facilities	See TMC 9-2-116 (Recycling facilities).		

(1) See TMC 9-2-102 (Adult entertainment facilities).

(2) See TMC 9-2-104 (Automobile service stations, repair and washing).

(3) Building materials and service uses shall not adjoin any R District. See TMC 9-2-112 (Outdoor storage).

(4) Only automatic teller machines are allowed.

(5) See TMC 9-2-112 (Outdoor storage).

(6) In an I District only ancillary retail sales limited to thirty (30%) percent of the total square footage of buildings used to manufacture products on the site, or two thousand five hundred (2,500) square feet, whichever is less, shall be allowed. Goods being sold at retail must be directly related to approved and permitted uses of the site. Large-scale, single destination retail uses may be allowed

in the I-BP District, provided a conditional use permit is obtained in accordance with TMC 9-5-600ART (Conditional Use Permits and Variances).

(7) Salvage and wrecking operations shall not adjoin an arterial street or Highway 99. See TMC 9-2-117 (Salvage and wrecking operations).

(8) See TMC 9-2-101 (Accessory buildings or structures).

(9) See TMC 9-5-500ART (Temporary Uses of Land). Construction trailers may be located on the project site after required planning permits and approvals have been obtained. The trailer(s) must be removed upon completion of the applicable construction project.

(10) See TMC 9-2-122 (Rental storage facility).

(11) A caretaker unit may be provided in conjunction with an industrial use for a caretaker that is responsible for security, maintenance or management of the facility. The unit shall be a permanent structure that is architecturally compatible with the main industrial buildings and must be clearly accessory to the industrial use.

(12) See TMC 9-2-123 (Equipment sales, service and rentals).

(13) Minor utilities shall not interfere with the use, enjoyment or aesthetics of adjacent uses. All utilities shall be screened from view from public right-of-way using landscaping, a berm, a solid masonry fence, or other visually attractive method. The area surrounding the minor utility shall be landscaped.

9-3-403 Property development standards.
The following schedule prescribes development regulations for the I (Industrial) Districts. Deviations from the setback and height requirements for the purpose of providing accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

I-BP and I DISTRICTS (Industrial) **PROPERTY DEVELOPMENT REGULATIONS**			
	I-BP	**I**	**Additional Use Regulations**
Lot size (sf)	15,000	15,000	(1)
Lot width (ft.)	150	150	
Lot depth (ft.)	150	150	
Lot frontage (ft.)	100	100	
Yards			(7)

Front (ft.)	20	20	(2)(3)(4)(8)
Side (ft.)	0	0	(4)
Corner side (ft.)	20	20	(3)(4)(8)
Rear (ft.)	0	0	(4)
Maximum height (ft.)	None	None	
Typical FAR	0.60	0.60	(7)
Landscaping standards	7.5	5	(5)(6)(7)
Fences and walls	A seven (7') foot solid masonry wall shall be required along any property line abutting an R, C, or PS District. The Community Development Director may allow fence and wall heights to be increased in order to mitigate noise problems documented by a noise study. Barbed wire and razor wire, and other similar devices may be used on a limited basis for security or safety purposes with an MAA issued in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits), provided that the device is not visible from the public right-of-way and is not located adjacent to a residence or Residential District.. Electrified fences may be permitted in accordance with TMC 9-2-126. In addition, all fences and walls shall be subject to the driveway visibility requirements of TMC 9-2-215 (Driveway and corner visibility).		
Additional standards	See TMC 9-2-200ART (Off-Street Parking and Loading Regulations). See TMC 9-2-215 (Driveway and corner visibility. See TMC 9-2-500ART (Signs). See TMC 9-2-112 (Outdoor storage). See TMC 9-2-118 (Screening of mechanical equipment). See TMC 9-2-120 (Underground utilities). See TMC 9-2-400ART (Nonconforming Structures and Uses).		

	See TMC 9-2-115 (Recycling and solid waste disposal regulations). See TMC 9-2-122 (Rental storage facility).

(1) Minimum lot sizes are not applicable when done in conjunction with an approved planned development proposal. See TMC 9-2-106 (Development on existing lots of record).

(2) Double-frontage lots shall provide front yards on each frontage except in the case of public alleys.

(3) Front and corner side yards may be reduced to ten (10') feet in I Districts on lots which do not front on arterial streets.

(4) A thirty (30') foot side, front and rear yard adjoining any R District and structures shall not intercept a forty-five (45°) degree inclined plane inward from a height of ten (10') feet above existing grade at the R District boundary line.

(5) See TMC 9-2-109 (Landscaping and irrigation).

(6) Any area between the front (and street side) property line and the building, exclusive of driveways and walkways, shall be landscaped.

(7) See TMC 9-2-122 (Rental storage facility).

(8) The required "landscape strip" in the public right-of-way (located behind the public sidewalk and adjacent to the private property line) may be counted toward the required building front yard and corner side yard setback, when constructed per City standard as defined in the Turlock General Plan and the landscape strip is maintained by the private property owner.

Article 5. Public & Semipublic District (P-S)

9-3-501 Specific purposes.
In addition to the general purposes listed in TMC Chapter 9-1 (General Provisions), the specific purposes of the Public and Semipublic District regulations are to:

(a) Allow consideration of a large public or semipublic use separately from regulations for an underlying base zoning district that may or may not be appropriate in combination with the public or semipublic use;

(b) Allow consideration of establishment or expansion of a large public or semipublic use at rezoning hearings rather than at conditional use permit hearings only, and to give public notice of the extent of a site approved for a large public or semipublic use by delineating it on the Zoning Map; and

(c) Allow the Planning Commission and City Council to consider the most appropriate use of a site following discontinuance of a large public or semipublic use without the encumbrance of a base zoning district that may or may not provide appropriate regulations for reuse of the site.

9-3-502 Use classifications.
In the following schedule, the letter "P" designates use classifications permitted in PS Districts, the letters "NP" designate use classifications not permitted, the letters "MAA" designate use classifications allowed on approval of a minor administrative approval, the letters "MDP" designate use classifications allowed on approval of a minor discretionary permit, and the letters "CUP" designate use classifications allowed on approval of a conditional use permit.

All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule.

All new or expanded uses of a site or structure, involving an expansion of floor area of five thousand (5,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, are subject to design review in accordance with TMC 9-5-1000. New or expanded uses subject to design review shall obtain an MDP design review permit. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all industrial developments subject to design review.

Any change in use or business within an existing structure that is permitted or, in the opinion of the Development Services Director, is suitable to the site and structures in which it is located and does not increase the intensity or impact of its prior use, shall obtain a zoning certificate in accordance with TMC 9-5-200ART (Zoning Certificates and Home Occupation Permits). The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Development Services Director or designee.

P-S DISTRICT (Public and Semipublic District)
USE CLASSIFICATIONS
P Permitted
NP Not Permitted
MDP Minor Discretionary Permit
MAA Minor Administrative Approval
CUP Conditional Use Permit

	P-S	**Additional Use Regulations**
Agricultural Uses		
Community garden	MDP	

Crop production	P	
Other agricultural uses	CUP	(7)
Commercial Uses		
Commercial recreation and entertainment	CUP	(1)
Outdoor storage	CUP	(2)
Public and Semipublic Uses		
Airports	CUP	
Cemeteries	P	
Clubs and lodges	MDP	
Convalescent facilities	MDP	
Corporation yards	MDP	(4)
Cultural institutions	MDP	
Day care centers	MDP	
Government offices	MDP	
Heliports	MDP	(3)
Hospitals	CUP	
Open space	P	
Parking lots	P	
Park and recreation facilities	MDP	
Public buildings and facilities	MDP	
Public assembly	CUP	
Schools, public or private	MDP	
Storm drainage basins	P	(6)
Utilities		
Major	MDP	
Minor	P	(5)

Accessory Structures and Uses	See TMC 9-2-101 (Accessory buildings or structures).
Temporary Uses	See TMC 9-5-500ART (Temporary Uses of Land). Construction trailers may be temporarily located on a project site after required planning permits and approval have been obtained. The trailer(s) must be removed upon completion of the applicable construction project.
Nonconforming Uses and Structures	See TMC 9-2-400ART (Nonconforming Structures and Uses).

(1) See also TMC 9-2-112 (Outdoor storage) and TMC 9-2-120 (Underground utilities).

(2) See TMC 9-2-112 (Outdoor storage) and TMC 9-5-500ART (Temporary Uses of Land).

(3) Must be more than one thousand (1,000') feet from an R District; heliport permit from the California Department of Transportation, Division of Aeronautics required.

(4) Maintenance and repair service uses are limited to those of a public and semipublic nature.

(5) Minor utilities shall not interfere with the use, enjoyment, or aesthetics of adjacent uses. All utilities shall be screened from view from public right-of-way using landscaping, a berm, a solid masonry fence, or other visually attractive method. The area surrounding the minor utility shall be landscaped.

(6) Storm drainage basins shall be landscaped.

(7) The permitting process may be reduced to a Minor Discretionary Permit when the property is surrounded on all sides by industrial zones.

9-3-503 Development regulations.
Development regulations shall be as specified by a conditional use permit issued in accordance with TMC 9-5-600ART (Conditional Use Permits and Variances), or as required by a minor discretionary permit issued in accordance with TMC 9-5-300 (Minor Administrative and Minor Discretionary Permits). The Development Services Director, Planning Commission, and/or City Council, as the case may be, shall be guided by those regulations of the zoning district within closest proximity or a zoning district intended for uses similar to those proposed in the PS District. Deviations from the setback and height requirements for the purpose of providing accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

P-S DISTRICT (Public and Semipublic District)
PROPERTY DEVELOPMENT REGULATIONS

	P-S	Additional Use Regulations
Yards		(1)(5)
Front (ft.)	10	(2)(4)
Side (ft.)	0	(3)
Corner side (ft.)	10	(2)(4)
Rear (ft.)	10	(3)
Maximum height (ft.)	None	
Landscaping	Landscaping shall be provided consistent with the standards for the abutting properties. See TMC 9-2-109 (Landscaping and irrigation)	
Fences and walls	A seven (7') foot solid masonry wall shall be required along any property line abutting an R, C or PS District. The Community Development Director may allow fence and wall heights to be increased in order to mitigate noise problems documented by a noise study. Razor wire, electrified fencing, and similar security devices are prohibited. Barbed wire may be used on a limited basis for security or safety purposes with a MAA issued in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits), provided that the barbed wire is not visible from the public right-of-way and is not located adjacent to a residence or Residential District. In addition, all fences and walls shall be subject to the driveway visibility requirements of TMC 9-2-215 (Driveway and corner visibility).	
Additional regulations	See TMC 9-2-200ART (Off-Street Parking and Loading Regulations). See TMC 9-2-215 (Driveway and corner visibility). See TMC 9-2-500ART (Signs). See TMC 9-2-112 (Outdoor storage). See TMC 9-2-118 (Screening of mechanical equipment). See TMC 9-2-120 (Underground utilities).	

	See TMC 9-2-400ART (Nonconforming Structures and Uses). See TMC 9-2-115 (Recycling and solid waste disposal regulations).

(1) See TMC 9-2-105 (Building projections into yards).

(2) Front or corner side yard setback may be reduced to the average distance of existing buildings from their front property line on the two (2) abutting lots adjoining the front property line.

(3) Structures shall not intercept a forty-five (45°) degree inclined plane inward from a height of ten (10') feet above existing grade at the R District boundary line. Single story structures and ground level parking may encroach a maximum of five (5') feet into required side and rear yards.

(4) Any area between a property line adjacent to the street and the building, exclusive of driveways, shall be landscaped.

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

SECTION 5. ADDITION: Title 9, Chapter 4, is hereby added to read as follows:

Chapter 9-4
OVERLAY DISTRICT REGULATIONS

Sections:

Article 1. Downtown Overlay Regulations

9-4-101 Downtown overlay regulations and purpose.

9-4-102 Regulations applicable to all Downtown Overlay districts.

9-4-103 Use Classifications.

9-4-104 Downtown Core (DC).

9-4-105 Downtown Core Transition (DCT).

9-4-106 Transitional Commercial (TC)

9-4-107 Industrial Residential (IR)

9-4-108 Office Residential (OR)

Article 2. Emergency Shelter Regulations

9-4-201 Purpose.

9-4-202 Emergency shelter permit required.

9-4-203 District cap on number of beds that may be permitted.

9-4-204 Nondiscretionary emergency shelter permit application: review and approval.

9-4-205 Conditions.

9-4-206 Application processing fee.

9-4-207 Suspension or revocation of emergency shelter permit.

9-4-208 Appeal.

Article 1. Downtown Overlay Regulations

9-4-101 Downtown overlay regulations and purpose.
Downtown Overlay District Regulations apply specifically to the downtown area as defined in the Turlock Downtown Design Guidelines and Zoning Regulations document. These regulations in some cases modify the base district regulations for the purposes set forth herein. However, these regulations are not all inclusive and therefore must be used in concert with the balance of the City of Turlock zoning regulations. Wherever there is a conflict or contradiction in the overlay district and base district regulations, the overlay district regulations set forth herein shall apply.

In addition to the purposes listed in TMC 9-1-103, and elsewhere in each of the base district regulations, the purpose of the Downtown Overlay Regulations are to:

(a) Maintain and further enhance a prominent pedestrian oriented environment throughout all the regulation districts of the Downtown;

(b) Promote and encourage economic investment in the Downtown area;

(c) Protect and preserve the City's historic architectural character of the Downtown Core and immediately surrounding areas;

(d) Acknowledge the distinct opportunities that exist in the Downtown; and

(e) Ensure the economic vitality of the Downtown as the "heart" of Turlock for years to come.

9-4-102 Regulations applicable to all Downtown overlay districts.
(a) Minimum lot size and dimensions. Minimum lot size and dimensions shall be determined using the base zoning district that corresponds to the proposed use. For residential uses, the minimum lot size and dimension for the R-H zoning district shall

apply. For commercial and mixed uses, the following minimum lot size and dimensions apply:

Minimum Dimensions	DC	DCT	TC	IR	OR
Lot size (sf)	3000	5000	5000	7500	7500
Lot width (ft.)	25	50	50	75	75
Lot depth (ft.)	75	100	100	100	100
Lot frontage (ft.)	25	50	50	75	75

(b) **Accommodation for disabled access.** Deviations from the setback and height requirements to accommodation for disabled access to an existing structure may be permitted upon approval of a minor administrative approval pursuant to TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

(c) **Security devices. Razor wire, electrified fencing, and similar security devices are prohibited.** Barbed wire may be used on a limited basis for nonresidential uses located in the IR overlay district for security or safety purposes with a minor administrative approval issued in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits), provided that the barbed wire is not visible from the public right-of-way and is not abutting a residence or Residential district.

9-4-103 Use Classifications.
In the following schedule, the letter "P" designates use classifications permitted in a District, the letters "NP" designate use classifications not permitted, the letters "MAA" designate use classifications allowed on approval of a minor administrative approval, the letters "MDP" designate use classifications allowed on approval of a minor discretionary permit, and the letters "CUP" designate use classifications allowed on approval of a conditional use permit. All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule.

All new or expanded uses of a site or structure, except a single-family dwelling, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, or the conversion of an existing residential structure to a nonresidential use, are subject to design review in accordance with TMC 9-5-1000ART. New or expanded uses subject to design review shall obtain a MDP design review permit. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted citywide Design Guidelines and the Downtown Design Guidelines of the City of Turlock is mandatory for all commercial developments subject to design review.

Alterations or modifications to a developed site or the exterior of an existing structure are subject to review in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits). The review is to ensure compliance with the established policies, standards and guidelines adopted by the Turlock City Council.

Any change in use or business within an existing structure that is permitted or, in the opinion of the Development Services Director, is suitable to the site and structures in which it is located and does not increase the intensity or impact of its prior use, shall obtain a zoning certificate in accordance with TMC 9-5-200ART (Zoning Certificates and Home Occupation Permits). The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Development Services Director or designee.

Downtown Overlay District Use Classifications **P Permitted** **NP Not Permitted** **CUP Conditional Use Permit** **MDP Minor Discretionary Permit**		**Downtown Overlay Districts**				
		DC	**DCT**	**TC**	**IR**	**OR**
RESIDENTIAL USES						
	Emergency shelter[1]	NP	NP	CUP	CUP	CUP
	Family day care home – small	P	P	P	P	P
	Family day care home – large	MAA	MAA	MAA	MAA	MAA
	Group quarters – small	NP	NP	NP	P	P
	Group quarters – large	CUP	CUP	CUP	CUP	CUP
	Mobile home parks	NP	NP	NP	NP	NP
	Residential – single/multifamily	P	P	P	P	P
COMMERCIAL USES						
	Adult entertainment facilities	NP	NP	NP	NP	NP
	Ambulance services	NP	NP	CUP	MDP	NP
	Animal boarding	CUP	CUP	MDP	MDP	CUP

[1] Where the emergency shelter is proposed in a location that falls within the Emergency Shelter overlay district, the permitting requirements contained in Article 2 of this chapter shall prevail.

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

[2] *Retail sale of dogs and cats is prohibited in accordance with TMC 6-1-703.*
[3] Indoor studios

Downtown Overlay District Use Classifications **P Permitted** **NP Not Permitted** **CUP Conditional Use Permit** **MDP Minor Discretionary Permit**		**Downtown Overlay Districts**				
		DC	**DCT**	**TC**	**IR**	**OR**
	Entertainment live (excluding adult entertainment)	CUP	NP	MDP	NP	NP
	Equipment sales, service & rentals	NP	NP	CUP	CUP	NP
	Financial services <=5,000 sf	P	P	P	NP	MDP
	Financial services > 5,000 sf	P	P	P	NP	CUP
	Food and beverage sales <= 2,500 sf	P	MDP	P	CUP	CUP
	Food and beverage sales >2,500 and <= 10,000 sf	MDP	CUP	P	NP	NP
	Food and beverage sales > 10,000 sf	MDP	CUP	MDP	NP	NP
	Fortune telling	CUP	NP	MDP	NP	NP
	Funeral & internment services	MDP	MDP	P	CUP	NP
	Health & recreation center <= 3,000 sf	MDP	MDP	MAA	CUP	NP
	Health & recreation center > 3,000 sf	CUP	NP	MAA	NP	NP
	Hotels & motels	MAA	NP	MAA	NP	NP
	Laboratories	MAA	NP	MAA	NP	NP
	Laundries – limited	P	MAA	P	NP	NP
	Laundries – unlimited	NP	NP	NP	MDP	NP
	Maintenance & repair services – minor	CUP	NP	NP	MDP	MDP
	Maintenance & repair services – major	NP	NP	NP	CUP	NP
	Mobile food facilities[4]	NP	NP	P	P	NP
	Nurseries	MAA	MAA	MAA	P	MAA
	Office – business & professional	P	P	P	P	P

[4] Subject to the requirements of TMC 9-2-124 (Mobile food facilities)

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

Downtown Overlay District Use Classifications **P Permitted** **NP Not Permitted** **CUP Conditional Use Permit** **MDP Minor Discretionary Permit**		**Downtown Overlay Districts**				
		DC	**DCT**	**TC**	**IR**	**OR**
	Industry – limited	NP	NP	NP	P	NP
	Hazardous waste transfer station	NP	NP	NP	NP	NP
	Salvage & wrecking operations	NP	NP	NP	NP	NP
	Speculative buildings	NP	NP	NP	MDP	NP
	Transfer stations	NP	NP	NP	NP	NP
	Truck yard	NP	NP	NP	CUP	NP
	Warehouse - limited	NP	NP	NP	CUP	NP
	Warehouse - wholesale	NP	NP	NP	CUP	NP
PUBLIC & SEMIPUBLIC USES						
	Clubs & Lodges <= 2,500 sf	P	CUP	MDP	CUP	CUP
	Clubs & Lodges > 2,500 sf	CUP	CUP	MDP	CUP	CUP
	Convalescent hospitals (including nursing homes and assisted living facilities)	NP	NP	CUP	NP	CUP
	Cultural Institutions	P	P	P	P	P
	Day care centers	MAA	P	P	MDP	P
	Government offices	P	P	P	P	P
	Hospitals	CUP	CUP	CUP	CUP	CUP
	Parking lots	MDP	MDP	MDP	MDP	MDP
	Public buildings & facilities	MDP	MDP	MDP	MDP	CUP
	Public utility service yards	NP	NP	NP	P	NP
	Religious assembly					
	Religious assembly <= 2,500 sf	P	CUP	MDP	CUP	CUP
	Religious assembly > 2,500 sf	CUP	CUP	MDP	CUP	CUP
	Schools – trade	MDP	MDP	MDP	MDP	MDP
	Schools – public/private	MDP	MDP	MDP	CUP	MDP
	Utilities – minor	MDP	MDP	MDP	MDP	MDP
	Utilities – major	NP	NP	NP	CUP	NP

9-4-104 Downtown Core (DC).
The Downtown Core is the historic focal point of Downtown Turlock. It's a place where shopping, dining, and entertainment is encouraged and is an area where buildings shall be high density in order to achieve an urban appearance. Buildings shall range from two (2) to four (4) stories in height in order to encourage a mix of commercial, office, and residential uses. The design and look of the Core communicates the historic character of the City through the use of architecture and streetscape design. The following is intended to preserve and enhance the historic character of the Downtown Core and the quality of public realm (streetscape, public parking, plazas, etc.) improvements. This overlay district accomplishes this through specific use requirements and development standards:

(a) **Specific purposes.**

(1) To ensure the current and future success of the Downtown Core by preserving and enhancing its unique historic character and to encourage future development and land uses that are compatible with the overall character of the Downtown Core;

(2) Protect and enhance the pedestrian environment and accessibility in and around the Downtown Core area;

(3) Promote re-use and renovation of historic buildings in Downtown while promoting new investment and construction;

(4) Encourage mixed-use development in the Downtown Core supporting residences and offices on the upper floors;

(5) Encourage ground floor retail and restaurants.

(b) **Development standards.**

Category	Regulation
Land Use	
Applicable Base Zone	C-C
Maximum Lot Coverage	100% *Intensity of the allowable building coverage of the lot area. See Design Guidelines for how to handle frontage treatments.
Typical Floor Area Ratio	3.0 for Mixed Use 1.0 for Retail Commercial *Floor Area Ratio (FAR) is the ratio of building area to parcel

	area.
Setbacks	
Front Yard	Zero (0') feet maximum* *Except for plazas, courtyards, entries or outdoor dining; for a single family residential unit, the front yard setback shall be fifteen (15') for the residence and twenty (20') feet for a garage or carport.
Side Yard	Zero (0') feet maximum
Rear Yard	Zero (0') feet maximum
Corner Side Yard	Zero (0') feet maximum
Building Massing	
Building Height	Sixty (60') feet maximum
Landscaping	Zero (0%) percent of lot area *may include hardscape, plazas, courtyards, and planters
Parking	
Parking Requirements	Off-street parking not required in the Downtown Core
Signage	
Signage in accordance with TMC 9-2-500ART (Signs) except:	
Freestanding Signs	No freestanding signs are permitted, except for tenant directory signs which may be placed within a courtyard, plaza, or entry. Any freestanding signs shall be single sided, shall be limited to six (6') feet in overall height, shall not exceed three (3') feet in width, shall be placed within a landscaped bed, and shall be made from the same materials as other signs on the site.
Restaurant Menu Signs	Restaurant menu signs shall be permitted and shall be located in a permanently mounted display box on the surface of the building adjacent to the entry. Taping a menu to a box is not an appropriate menu sign. The allowable area for restaurant menu signs shall be a maximum of six (6) square feet. For special

	circumstances in which restaurants occupy a considerable amount of window space, menus are to be decoratively displayed in the window adjacent to the entry. Such signs will not be included in the sign area calculation for the business.
Wall Signs	Wall signs shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal illumination. Cabinet signs are prohibited.
Projecting Signs	Projecting signs shall not exceed two (2') feet by two (2') feet in size and shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal illumination. Cabinet signs are prohibited. Projecting signs shall not be included in the sign area calculation for the building.
A-Frame Signs	A-Frame signs shall be permitted, provided the sign complies with the following size and design requirements: • No A-Frame sign shall have more than two (2) sides • The overall size of the sign, including frame, shall not exceed two (2') feet in width and four (4') feet in height • The sign shall be constructed of materials similar to those found on the building and/or the wall signs • The sign shall not be placed on the public sidewalk in such a manner as to obstruct public access, including ADA accessibility requirements A-Frame signs shall not be included in the sign area calculation for the building
Other	
Design	Compliance with the Downtown Design Guidelines and Zoning Regulations is required

9-4-105 Downtown Core Transition (DCT).

The Downtown Core Transition district is a contrast to the historic urban feel of the Downtown Core with ample setbacks, mature trees lining the streets, and low-intensity residential and office structures. Yet, located along the East Main corridor, this district is an important link and gateway opportunity for the Downtown Core. The Downtown Core Transition district's residential scale is to be preserved while creating a unifying streetscape character that ties this area to the Downtown Core. Consideration of gateway features and strengthened pedestrian orientation are priorities for this district. All new uses, construction, reconstruction, and remodels shall be subject to these regulations.

(a) **Specific purposes.**

(1) Preserve the lower intensity residential scale character of this transition area while maintaining the importance of this link to the Downtown Core.

(2) Encourage mixed use development and land uses that are appropriate for the existing structures and character of this district.

(3) Encourage pedestrian accessibility and orientation.

(b) **Development standards.**

Category	**Regulation**
Land Use	
Applicable Base Zone	C-O
Maximum Lot Coverage	Sixty (60%) percent *Intensity of the allowable building coverage of the lot area
Typical Floor Area Ratio	1.0 *Floor Area Ratio (FAR) is the ratio of building area to parcel area
Front Yard	Ten (10') feet minimum**
Side Yard	Five (5') feet minimum*
Rear Yard	Ten (10') feet minimum*
Corner Side Yard	Ten (10') feet minimum
* When adjacent to residential zoning districts, a seven (7') foot tall decorative masonry	

wall is required along the property line ** For a single family residential unit, the front and corner side yard setbacks shall be fifteen (15') for the residence and twenty (20') feet for a garage or carport.	
Building Massing	
Building Height	Forty-five (45') feet maximum
Landscaping	Fifteen (15%) percent of the lot area *may include hardscape, plazas, courtyard areas, and planters
Parking	
Parking Requirements	Fifty (50%) percent of the parking requirements as set forth in TMC 9-2-209
	Parking shall be located at rear of lot and access from alley unless the applicant can demonstrate it is infeasible to do so.
Signage	
Signage in accordance with TMC 9-2-500ART (Signs) except:	
Freestanding Signs	Freestanding signs shall not exceed six (6') feet in overall height, measured from grade, may be internally illuminated, but external illumination is preferred, installed within a landscaped bed, and constructed of materials designed to complement the primary structure
Wall Signs	Wall signs shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal illumination. Cabinet signs are prohibited
A-Frame Signs	A-Frame signs shall be permitted, provided the sign complies with the following size and design requirements: • No A-Frame sign shall have more than two (2) sides • The overall size of the sign, including frame, shall not exceed two (2') feet in width and four (4') feet in height • The sign shall be constructed of materials similar to those found on the building and/or the wall signs

	• The sign shall not be placed on the public sidewalk in such a manner as to obstruct public access, including ADA accessibility requirements A-Frame signs shall not be included in the sign area calculation for the building
Other	
Design	Compliance with the Downtown Design Guidelines and Zoning Regulations is required

9-4-106 Transitional Commercial (TC).
The Transitional Commercial areas lay north, south, and west of the Downtown Core. These areas contain office and commercial buildings that cater to the auto-oriented consumer. These areas also serve as the main gateways into the Downtown Core and shall be designed to establish a good first impression of the downtown area. This can be accomplished by incorporating gateway signage and landscaping, providing a unified streetscape design, regulating signage, and screening parking. The following regulations are set forth to encourage a community character that will support the charm and character of the Downtown Core.

(a) **Specific purposes.**

(1) Allow for a variety of commercial uses and an architectural character consistent with a predominantly automobile oriented commercial district with appropriately scaled architecture;

(2) Enhance aesthetics through improved landscaping and architectural forms;

(3) Create a pedestrian friendly and accessible commercial district environment.

(b) **Development standards.**

Category	Regulation
Land Use	
Applicable Base Zone	C-C
Maximum Lot Coverage	Forty-five (45%) percent *Intensity of the allowable building coverage of the lot area.

Typical Floor Area Ratio	1.5 *Floor Area Ratio (FAR) is the ratio of building area to parcel area.
Setbacks	
Front Yard	Ten (10') feet minimum**
Side Yard	Five (5') feet minimum*
Rear Yard	Ten (10') feet minimum*
Corner Side Yard	Ten (10') feet minimum
	*When adjacent to residential zoning districts, a seven (7') foot tall decorative masonry wall is required along the property line ** Except for plazas, courtyards, entries or outdoor dining; for a single family residential unit, the front and corner yard setbacks shall be fifteen (15') for the residence and twenty (20') feet for a garage or carport.
Building Massing	
Building Height	Forty-five (45') feet maximum
Landscaping	Ten (10%) percent of the lot area *may include hardscape, plazas, courtyard areas, and planters
Parking	
Parking Requirements	Refer to TMC 9-2-200ART.
Signage	
Signage in accordance with TMC 9-2-500ART except:	
Sites that support an auto-serving use, such as automobile fueling/convenience gas mart, auto sales, auto repair, and the like may incorporate freestanding monument signs within the required landscaping. Such signs shall not exceed six (6') feet in overall height, measured from grade, and may be internally illuminated. All materials for the sign shall be complementary to the primary structure. Otherwise, all signs within this district shall be permanently affixed to the wall of the primary structure. All wall or projecting signs shall be placed on the building in such a manner as to enhance, not	

detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal illumination. Cabinet signs are prohibited. A-Frame style signs are not permitted.	
Other	
Design	Compliance with the Downtown Design Guidelines and Zoning Regulations is required

9-4-107 Industrial Residential (IR).
The Industrial/Residential areas lie in the southwest section of the downtown. This is a unique opportunity area to capitalize on the industrial character of the existing agriculturally related buildings. Many vacant and underutilized sites currently occupy this district, however, multifamily infill buildings, mixed use building, and enhanced streetscapes will help to liven up the area. There is also an opportunity to create an industrial gateway to the Downtown Core by providing gateway signage and improved landscaping along South Golden State Boulevard. The following district regulations address the unique land use opportunities in this area by providing for market forces to work while addressing inherent land use conflicts.

(a) **Specific purposes.**

(1) Encourage economically viable re-use of existing agricultural/industrial buildings;

(2) Create opportunities for the market to determine appropriate land uses while preventing inherent land use conflicts.

(b) **Development standards.**

Category	**Regulation**	
Land Use	**Industrial**	**Residential**
Applicable Base Zone	I	R-H
Maximum Lot Coverage	60%	100%
Typical Floor Area Ratio	0.60	1.5
	*Floor Area Ratio (FAR) is the ratio of building area to parcel area.	

Setbacks	**Industrial**	**Residential**
Front Yard	Ten (10') feet minimum	Ten (10') feet minimum**
Side Yard	Five (5') feet minimum*	Five (5') feet minimum*
Rear Yard	Ten (10') feet minimum*	Ten (10') feet minimum*
Corner Side Yard	Ten (10') feet minimum	Ten (10') feet minimum
	* When adjacent to residential, a seven (7') foot decorative masonry wall is required along the property boundary ** For a single family residential unit, the front and corner side yard setbacks shall be fifteen (15') for the residence and twenty (20') feet for a garage or carport.	
Building Massing		
Building Height	Fifty (50') feet	
Landscaping	Ten (10%) percent	
Parking		
Parking Requirements	Refer to TMC 9-2-200ART (Off-Street Parking and Loading Regulations).	
Signage		
Signage in accordance with TMC 9-2-500ART (Signs)		
Freestanding signs	Freestanding signs shall not exceed six (6') feet in overall height, measured from grade, may be internally illuminated, but external illumination is preferred, installed within a landscaped bed, and constructed of materials designed to complement the primary structure	
Wall Signs	Wall signs shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material is preferred over internal illumination. Cabinet signs are prohibited	
A-Frame Signs	Not permitted	

Other	
Design	Compliance with the Downtown Design Guidelines and Zoning Regulations is required

9-4-108 Office Residential (OR).
The intent of the office/residential district is to preserve the character of the traditional residential neighborhoods while providing for the orderly and logical conversion or transition to compatible office uses as the market allows. The office/residential district area shall maintain its character as a traditional residential neighborhood through the preservation of historic residential structures and the establishment of guidelines for new construction, remodels and renovation that will ensure a residential scale and character. The pedestrian friendly environment in this area is also a priority. Unifying the streets with street trees and continuous sidewalks will further enhance the pedestrian friendly environment. Streetscape elements consistent with the Downtown Core elements such as street lights, trash receptacles, and benches placed in appropriate locations will visually unify and tie together this district to the Core.

(a) **Specific purposes.**

(1) Preserve historic character of buildings and residential character of the District.

(2) Promote residential scale design for new office development.

(3) Maintain and enhance a pedestrian friendly environment.

(b) **Development standards.**

Category	**Regulation**	
Land Use	**Office or Residential**	**Mixed Use**
Applicable Base Zone	C-O (for office uses) or R-H (for residential uses or mixed uses)	
Maximum Building Lot Coverage	Sixty (60%) percent *Intensity of the allowable building coverage of the lot area	
Floor Area Ratio	.6	.8
	*Floor Area Ratio (FAR) is the ratio of building area to parcel area.	
Setbacks		
Front Yard	Ten (10') feet minimum**	

Side Yard	Five (5') feet minimum*	
Rear Yard	Ten (10') feet minimum*	
Corner Side Yard	Ten (10') feet minimum	
	* When adjacent to residential zoning districts, a seven (7') foot tall decorative masonry wall is required along the property line ** For a single family residential unit, the front and corner side yard setbacks shall be fifteen (15') for the residence and twenty (20') feet for a garage or carport.	
Building Massing		
Building Height	Forty (40') feet maximum	
Landscaping	Fifteen (15%) percent of the lot area	
Parking		
Parking Requirements	Office: Fifty (50%) percent of the required parking spaces. On-street parking directly abutting property may be applied to meet office parking requirements. All other uses as set forth in TMC 9-2-200ART (Off-Street Parking and Loading Regulations).	Residential: As set forth in TMC 9-2-200ART (Off-Street Parking and Loading Regulations)
Signage		
Signage in accordance with TMC 9-2-500ART except:		
Freestanding Signs	Freestanding signs shall not exceed four (4') feet in overall height, measured from grade, may be externally illuminated, installed within a landscaped bed, and constructed of materials designed to complement the primary structure	
Wall Signs	Wall signs shall be placed on the building in such a manner as to enhance, not detract or hide, architectural features of the building. External illumination using appropriate lighting material	

	is preferred over internal illumination. Cabinet signs are prohibited
A-Frame Signs	Not permitted
Other	
Design	Compliance with the Downtown Design Guidelines and Zoning Regulations is required

Article 2. Emergency Shelter Regulations

9-4-201 Purpose.
The purpose of this article is to establish a nondiscretionary process for emergency shelters that will be permitted within a zoning overlay district to meet the requirements of Senate Bill 2 enacted on October 13, 2007.

9-4-202 Emergency shelter permit required.
Prior to operating an emergency shelter, a nondiscretionary permit shall be obtained and all other applicable local, State and federal laws, regulations and codes shall be met. The approval shall be specific to a location and shall not be transferable to any other location. The application shall be on a form prescribed for that purpose, and shall include the written consent of the owner of the property on which the shelter is to be located. The permit shall be recorded on the property and shall run with the land.

9-4-203 District cap on number of beds that may be permitted.
The Turlock City Council shall establish the cap on the number of beds that may be permitted under this nondiscretionary permit process. The cap shall be reviewed annually by the Turlock City Council at a formal public hearing.

9-4-204 Nondiscretionary emergency shelter permit application: review and approval.
(a) Once an application has been accepted as complete, the Development Services Director or designee shall take action within thirty (30) days.

(b) Once an application has been accepted as complete, the Development Services Director or designee shall refer the permit application to City departments and any other agencies deemed appropriate by the Development Services Director.

(c) In considering an application for a permit pursuant to this section, the application shall meet all of the following standards:

(1) The application shall be for an emergency shelter as defined in the California Health and Safety Code.

(2) The property must be located within the emergency shelter zoning overlay district adopted by the Turlock City Council and located within a Heavy Commercial (CH), Community Commercial (CC), Industrial (I), Downtown Industrial Residential (IR), or Downtown Transitional Commercial (TC) zoning district. In no case shall an emergency shelter permit be issued for a property located in a residential district as defined in Articles 1 and 2 of Chapter 9-3 TMC or the Downtown core overlay district defined in TMC 9-4-102.

(3) Approving the application shall not result in the number of beds within the overlay zoning district exceeding the district cap or the property-specific cap established by the Turlock City Council established pursuant to TMC 9-4-203 or TMC 9-4-205(a), respectively.

(d) The permit shall not be deemed to be a discretionary act within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

9-4-205 Conditions.
In authorizing an application for a nondiscretionary emergency shelter permit, the Community Development Director shall include as conditions of approval, the following minimum provisions:

(a) The maximum number of beds on a property shall not exceed the following levels:

(1) Forty (40) beds in the Community Commercial (CC) and Downtown Transitional Commercial (TC) districts;

(2) Seventy-five (75) beds in the Heavy Commercial (CH) zoning district; and

(3) One hundred (100) beds in the Industrial (I) and Downtown Industrial Residential (IR) zoning districts.

(4) The number of beds shall not exceed the district cap established in TMC 9-4-203.

(b) The development of the property shall be consistent with the General Plan; the Turlock Municipal Code including, but not limited to, this title; the Turlock Standard Specifications and Drawings; the City of Turlock Design Guidelines; and all other State

and federal codes, laws and regulations. Design review required pursuant to TMC 9-5-1000ART shall apply and shall be performed in conjunction with review of this permit.

(c) If located within one hundred fifty (150') feet of a residential zoning district, outdoor activity and intake areas shall be screened from public view and from the view of adjacent properties.

(d) Adequate lighting shall be provided in all parking, pedestrian paths, and entry areas. Lights shall be shielded and reflected away from adjacent uses.

(e) Off-street parking shall be provided at a rate of one (1) vehicle parking space per employee (by shift) plus one (1) vehicle parking space for every ten (10) beds. Bicycle parking shall be provided at a rate of one (1) space for every three (3) beds and shall meet the California Building Code requirements. Off-street parking within five hundred (500') feet devoted to the shelter during its operating hours by formal contractual agreement between the shelter operator and the property owner may be approved by Planning Division as satisfying the off-street parking requirement. Parking available on-street along the street frontage of the property on which the shelter is located may also be counted toward satisfying the off-street parking requirement.

(f) Adequate management, support staff and security must be present during the hours of operation of the facility. A minimum of one (1) supervisory level staff member must be present on the site during hours of operation. Operator(s) must ensure that loitering does not occur on the property during off-hours and must ensure that clients are not loitering, littering, or otherwise creating a nuisance to the neighborhood. A security plan shall be submitted to the Turlock Police Department for approval and must be approved before the facility begins operation and annually thereafter. If a client is socially disruptive or is responsible for creating any type of nuisance to the neighborhood or facility, the operator must discharge the client and notify the Turlock Police Department.

(g) The security plan prepared under subsection (f) of this section must include the hours of operation and intake period and must provide at least one (1) employee or volunteer of the same sex as clients. Alcohol, weapons and illegal substances shall not be allowed on the site at any time. The operator must comply with all laws and shall notify the Police Department of all crimes in accordance with the security plan.

(h) If twenty-six (26) or more beds are included in the permit, a security guard or security officer must be provided during the intake period. If fifty-one (51) or more beds, a second security guard or security officer must be provided during the intake period. Security guards must be licensed through the State of California Department of Consumer Affairs Bureau of Security and Investigative Services.

(i) The maximum length of stay shall be no longer than that established by the California Health and Safety Code for emergency shelters.

(j) The shelter shall have set hours of operation and the hours shall be posted in a publicly visible and accessible location on a sign that is no larger than one (1) square foot.

(k) Outdoor activity shall be allowed only during the hours of 8:00 a.m. to 10:00 p.m. The shelter shall comply with TMC 9-2-300ART (Noise Standards) at all times.

(l) Pets may be allowed on site. For purposes of this section, "pets" means dogs and cats only. All pets must be kept within an enclosed crate that shall be maintained and cleaned by the operator of the emergency shelter. All pets shall be housed within the emergency shelter and shall be leashed at all times when not housed in the crate. No limit shall be placed on the number of pets that can be maintained. All dogs shall be properly licensed and vaccinated for parvo, distemper, bordetella and any other applicable diseases. No unaltered pets or puppies/ kittens under the age of four (4) months shall be permitted. No sick or aggressive animals shall be permitted. Pet owners and emergency shelter operators are required to dispose of animal feces as outlined in TMC 6-1-116. Each pet owner shall provide the shelter operator with the name of an emergency contact person to house the pet in the event that the owner is unable to care for the pet. All animal storage facilities will be properly cleaned daily. The shelter shall be subject to obtaining an initial permit that shall be reviewed and renewed annually. A fee shall be set by City Council resolution for the initial permit and annual compliance inspections, and may be amended from time to time.

9-4-206 Application processing fee.
A fee shall be paid by the applicant to cover the costs of processing and administering the nondiscretionary emergency shelter permit application. Such fee shall be set by City Council resolution, and may be amended from time to time.

9-4-207 Suspension or revocation of emergency shelter permit.
An emergency shelter permit may be suspended or revoked in accordance with the procedures and standards TMC 9-5-1100ART (Enforcement).

9-4-208 Appeal.
The decision of the Development Services Director may be appealed as provided by TMC 1-4 (Appeals).

SECTION 6. ADDITION: Title 9, Chapter 5, is hereby added to read as follows:

Chapter 9-5
ADMINISTRATION

Sections:

Article 1. Permit Applications, Hearings, Amendments, and Appeals

9-5-101 Applications: Form.

9-5-102 Applications: Accompanying maps and data.

9-5-103 Applications: Investigations.

9-5-104 Applications: Hearings

9-5-105 Application Fees.

9-5-106 Application Expiration.

9-5-107 Permits: Expiration.

9-5-108 Permits: Renewal.

9-5-109 Permits, certificates, and licenses: Validity.

9-5-110 Permits and variances: Revocation or modification: Grounds.

9-5-111 Permits and variances: Suspension and revocation.

9-5-112 Amendments: Authorized.

9-5-113 Amendments: Initiation.

9-5-114 Amendments: Applications.

9-5-115 Amendments: Hearings.

9-5-116 Hearings: Scope of provisions.

9-5-117 Hearings: Time and place.

9-5-118 Hearings: Notices: Form.

9-5-119 Hearings: Notices: Publication.

9-5-120 Hearings: Notices: Posting and mailings.

9-5-121 Hearings.

9-5-122 Hearings: Transcripts.

9-5-123 Hearings: Continuance.

9-5-124 Commission hearings: Commission recommendations.

9-5-125 Commission hearings: Transmittal of resolutions.

9-5-126 Commission hearings: Records.

9-5-127 Council hearings: Council decisions.

9-5-128 Council hearings: Transmittal of resolutions and ordinances.

9-5-129 Council hearings: Records.

9-5-130 Appeals: Authorized.

9-5-131 Permits and variances: New applications.

Article 2. Zoning Certificates and Home Occupation Permits

9-5-201 Zoning certificates: Purpose.

9-5-202 Zoning certificates: Required.

9-5-203 Zoning certificates: Application.

9-5-204 Zoning certificates: Applications: Departmental approval.

9-5-205 Zoning certificates: Denial.

9-5-206 Zoning certificates: Effective date.

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9-5-208 Home occupation permits: Required.

9-5-209 Home occupation permit: Applications.

9-5-210 Home occupation permits: Conditions: Issuance.

9-5-211 Home occupation permits: Denial.

9-5-212 Home occupation permits: Term.

9-5-213 Home Occupation Permits: Revocation.

Article 3. Minor Administrative & Minor Discretionary Permits

9-5-301 Minor administrative approval (MAA): Purpose and intent.

9-5-302 Minor administrative approval: Applicability.

9-5-303 Minor administrative approval: Application.

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

9-5-305 Minor administrative approval: Expiration.

9-5-306 Minor administrative approval: Fee.

9-5-307 Minor discretionary permits: Purpose and intent.

9-5-308 Minor discretionary permit: Authorized.

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

9-5-310 Minor discretionary permit: Review.

9-5-311 Minor discretionary permit: Notice.

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

9-5-313 Minor discretionary permit: Fee.

9-5-314 Minor discretionary permit: Violation: Penalty.

9-5-315 Minor discretionary permit: Time limits for development of property and uses.

9-5-316 Outdoor dining defined.

9-5-317 Outdoor dining permit required.

9-5-318 Authority to issue outdoor dining permits.

9-5-319 Application for outdoor dining permit.

9-5-320 Issuance of outdoor dining permit.

9-5-321 Conditions and restrictions pertaining to outdoor dining.

9-5-322 Insurance.

9-5-323 Alcoholic beverage restrictions.

9-5-324 Outdoor dining permit not deed or easement.

9-5-325 Suspension or revocation of outdoor dining permit.

9-5-326 Protest issuance of permit.

9-5-327 Denial of permit.

9-5-328 Penalties.

9-5-329 Removal of tables and chairs.

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9-5-403 Applicability.

9-5-404 Findings.

9-5-405 Burden of proof.

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Article 5. Temporary Uses of Land

9-5-501 Temporary uses.

9-5-502 Application.

9-5-503 Approval.

9-5-504 Findings.

9-5-505 Conditions.

9-5-506 Fee.

Article 6. Conditional Use Permits and Variances

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9-5-602 Conditional use permits: Required: Purposes.

9-5-603 Conditional use permits: Applications: Hearings.

9-5-604 Conditional use permits: Granting.

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9-5-607 Conditional use permits: Issuance.

9-5-608 Conditional use permits: Effective date.

9-5-609 Conditional use permits: Time limits for development of property and uses.

9-5-610 Conditional use permits. Expiration.

9-5-611 Conditional use permits: Renewal.

9-5-612 Conditional use permits: New applications.

9-5-613 Variances: Authorized.

9-5-614 Variances: Applications.

9-5-615 Variances: Applications: Hearings.

9-5-616 Variances: Granting.

9-5-617 Variances: Granting: Conditions.

9-5-618 Variances: Denial.

9-5-619 Variances: Granting or denial: Transmittal of resolution.

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9-5-802 Historical site contract.

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Article 9. Development Agreements

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9-5-902 Authority and purpose.

9-5-903 Forms and information.

9-5-904 Qualifications of applicants.

9-5-905 Form of development agreement.

9-5-906 Duty to give notice.

9-5-907 Contents of development agreements.

9-5-908 Determinations by the Planning Commission.

9-5-909 Council hearings.

9-5-910 Initiation of amendments or cancellation.

9-5-911 Recordation of agreements, amendments, or cancellation.

9-5-912 Review of agreements.

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9-5-1001 Purpose.

9-5-1002 Applicability.

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Article 11. Enforcement

9-5-1101 Purpose.

9-5-1102 Permits, licenses, certificates, and approvals.

9-5-1103 Violation.

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Article 1. Permit Applications, Hearings, Amendments, and Appeals

9-5-101 Applications: Form.

The Development Services Director shall prescribe the form in which applications shall be made for the reclassification of property, permits, amendments, and appeals. In addition to any other information required in connection with applications, a map shall be submitted with each application showing the boundaries of the subject parcel and each parcel within an area defined by TMC 9-5-120 for mailing notices of hearings. This map shall include the Assessor's block and lot numbers of each parcel so shown. A list shall accompany the map giving the names and addresses of the property owners of the subject parcels. No application shall be accepted unless it is complete and complies with such requirements. The acceptance of an application shall not constitute any indication of approval.

The application shall be made on forms furnished by the Development Services Department and shall be full and complete. All applications shall include data such as building and site plans and other information necessary to assure the presentation of all pertinent facts for the permanent record and to assist in determining the validity of the request.

9-5-102 Applications: Accompanying maps and data.
An application for a permit, reclassification of land, amendment or appeal shall be accompanied by maps, drawings, and data as necessary to evaluate the proposed request for conformance with the General Plan and the provisions of this chapter.

9-5-103 Applications: Investigations.
The responsible official shall make, or cause to be made, an investigation of the facts bearing on the case to provide the information necessary to assure action consistent with the intent of this chapter and the Turlock Area General Plan and its amendments. A written report of such investigation shall be presented to the bodies charged with the responsibility of dealing with the specific action.

9-5-104 Applications: Hearings.
Upon the receipt of a complete and verified application, a reasonable time and place for a public hearing with the appropriate deciding body shall be established. The hearing shall be held in accordance with the procedures and requirements set forth in this article.

9-5-105 Application fees.
(a) **Applications and permits.** The City Council shall, by resolution, fix the amount of the fees for the applications and permits required and authorized by the provisions of this chapter. Before accepting any application, the established fee shall be charged and collected.

(b) **Special reports and consultants.** Before accepting any application for filing, the estimated costs of any special report or consultant's fee determined to be necessary shall be charged and collected. Any actual cost that is more than that paid by the

applicant shall be collected from the applicant prior to the issuance of the permit, and any estimated cost collected from the applicant that is more than the actual cost shall be returned to the applicant at the time of the issuance of the permit.

(c) **Waivers.** Any fee required by the provisions of this chapter may be waived for any public body, district, or agency of the Federal, State, County, or municipal government.

9-5-106 Application expiration.
The application shall expire after one (1) year from the date of submittal or if the applicant fails to respond to an incomplete letter from the Planning Division within six (6) months of transmittal.

9-5-107 Permits: Expiration.
Any permit issued shall expire if the use permitted has not commenced within one (1) year of the date of approval or as otherwise specified in the permit. A use shall be deemed to have commenced upon issuance of a building permit, construction, the issuance of a Certificate of Occupancy from the Building Division, or approval of other permits deemed equivalent by the Development Services Director.

9-5-108 Permits: Renewal.
Any permit may be renewed for an additional period of one (1) year, provided an application for the renewal of the permit is filed with the acting agency prior to the expiration of the permit. The acting agency may grant or deny an application for renewal in the same manner as set forth in this article for the specific action in the original application.

9-5-109 Permits, certificates, and licenses: Validity.
Any permit, certificate, or license issued in conflict with the provisions of this article shall be null and void.

9-5-110 Permits and variances: Revocation or modification: Grounds.
Unless otherwise specifically provided in this article, the acting agency may revoke or modify any permit or variance on one (1) or more of the following grounds:

(a) That the approval was obtained by fraud;

(b) That the use for which the approval was granted is not being exercised;

(c) That the granted permit or variance is being, or recently has been, exercised contrary to the terms and conditions of approval or in violation of any statute, ordinance, law, or regulation;

(d) That the use for which the approval was granted is being exercised in a manner that is detrimental to the public health or safety or constitutes a nuisance; or

(e) That the continued exercise of the use for which the approval was granted appears to be detrimental or contrary to the public welfare.

9-5-111 Permits and variances: Suspension and revocation.
Upon determining the violation of any applicable permit or variance granted according to the provisions of this chapter, the Development Services Director may automatically suspend that permit. The property owner will be notified immediately upon suspension. All operations of the use may be ordered to cease during the time of suspension if it is determined necessary in order to protect the health, safety and general welfare of the public. A public hearing shall be held within sixty (60) days of notification of suspension. If, at this hearing, it is determined that the regulations, general provisions and conditions are not being complied with, the permit or variance may be revoked or action may be taken to ensure compliance.

9-5-112 Amendments: Authorized.
This chapter may be amended by changing the boundaries of districts, the classification of land, any regulations, or other provisions if required for the public necessity, convenience, or general welfare. Amendments may be authorized by the City Council upon a recommendation from the Planning Commission. The procedures and requirements set forth in this article shall govern all actions on amendments.

9-5-113 Amendments: Initiation.
Amendments may be initiated as follows:

(a) By a resolution of intention of the Council;

(b) By a resolution of intention of the Commission;

(c) By the application of any interested person or the Development Services Director for an amendment involving the classification of any use not listed in this chapter or to change the classification of any listed use where it is alleged that change in processes, procedures, or methods of operation or serving the public warrant such change.

9-5-114 Amendments: Applications.
The application for an amendment shall be filed with the Secretary of the Planning Commission by the applicant. The applicant shall submit all the required data in accordance with the provisions of this article.

9-5-115 Amendments: Hearings.
All applications for amendment shall be reviewed at a public hearing before the Planning Commission in accordance with the provisions of this article. The City Council shall take action on the proposed amendment at a public hearing subsequent to review and recommendation by the Planning Commission.

9-5-116 Hearings: Scope of provisions.

The procedures and requirements in TMC 9-5-121 through TMC 9-5-130 shall govern the action on matters requiring public hearings.

9-5-117 Hearings: Time and place.
The Secretary of the Commission or the Clerk of the Council shall set a reasonable time and place for public hearings. Hearings shall be held not less than fifteen (15) nor more than one hundred (100) days after the receipt of a completed application including all necessary documents or studies, unless different time limits are specified in this article for the specific actions.

9-5-118 Hearings: Notices: Form.
The notice of a public hearing shall include the description of the property, the nature of the proposal, the time and place at which the public hearing will be held.

9-5-119 Hearings: Notices: Publication.
All notices of public hearings before the Planning Commission or the City Council shall be published in a newspaper of general circulation in the community not less than ten (10) days before the hearings.

9-5-120 Hearings: Notices: Posting and mailing.
All notice of public hearings before the Planning Commission shall be posted and mailed or published, in accordance with the following requirements:

(a) **Posting.** Not less than one (1) notice giving the time, date and location of the hearing shall be posted in a location that is visible to the general public. Such notices shall be posted not less than seventy-two (72) hours prior to the hearing.

(b) **Mailing.** Letter or postal card notices shall be mailed to property owners within a five hundred (500') foot radius of the subject property not less than ten (10) days before the hearing. The applicant may furnish a certified copy of the names and addresses of the property owners as shown on the latest equalized assessment role. The failure to send a notice by mail to any property owner, where the address is not a matter of public record, shall not invalidate any proceedings in connection with any action.

(c) **On-site posting.** Within ten (10) days of filing an application for a permit for a project requiring a public hearing before the Planning Commission, the applicant shall post an approximately four (4') foot by six (6') foot sign, containing both a written description and an illustration of the proposed project, on the subject property in a location visible to the public or other location approved by the Development Services Director.

(d) **Publication.** When a large number of parcels of land are to be rezoned to conform to the General Plan, all notices may be given by publication in a newspaper of general circulation in the City and in the County. There shall be a minimum of two (2)

publications at least five (5) days apart, and the last publication shall be at least ten (10) days prior to the hearing.

9-5-121 Hearings.
The Planning Commission or City Council shall review the application or proposed action and any evidence or reports pertinent to any action to be taken. The Planning Commission or City Council shall hear all persons wishing to be heard on the subject for the public hearing. The applicant or appellant may appear in his own behalf or be represented by other authorized representatives.

9-5-122 Hearings: Transcripts.
Any person interested in an application, appeal, or proposed action may request a copy of the recorded tapes, if any, within two (2) weeks of the hearing date. Any request shall be submitted in writing, and the person making the request shall agree to pay all the costs involved in obtaining a copy of the tapes. Nothing in this section shall prevent any interested person from employing a stenographic reporter of his own if he so chooses.

9-5-123 Hearings: Continuance.
If, for any reason, a public hearing cannot be held on the date set, the Planning Commission may reschedule the hearing to a later date. When rescheduled to within thirty (30) days of the original hearing date, the Planning Commission may publicly announce the time, place and location of the rescheduled hearing and additional notice will not be required. Otherwise, if the hearing is rescheduled beyond thirty (30) days, additional public notice will be required in accordance with TMC 9-5-117 through TMC 9-5-120.

9-5-124 Commission hearings: Commission recommendations.
The Planning Commission shall provide its recommendations to the project applicant within ten (10) days after the conclusion of the public hearing. Such action shall be by resolution which shall set forth the findings of the Planning Commission and any recommended conditions and any specific findings or recommendations specified in this article for the specific action thereon. The action shall be by a majority vote of all the voting members.

9-5-125 Commission hearings: Transmittal of resolutions.
Not later than ten (10) days following the rendering of a decision or recommendation, a copy of the resolution shall be sent by mail to the applicant at the address shown on the application filed with the Secretary of the Planning Commission. Other copies of the resolution shall be mailed or filed as specified in this article for the specific action thereon.

9-5-126 Commission hearings: Records.
The Secretary of the Planning Commission shall maintain a record of the evidence presented at such public hearing. If the Planning Commission recommends the approval of the application or the proposed action, the Secretary of the Planning

Commission shall transmit the complete record of the case to the City Council. In the case of an appeal on a Planning Commission decision, the Secretary of the Planning Commission shall transmit the complete record of the case to the City Council immediately after the appeal is filed.

9-5-127 Council hearings: Council decisions.
The City Council shall take action on recommendations from the Planning Commission by approving, conditionally approving or disapproving proposed applications. City Council action shall be taken by resolution or, in the case of amendment to the zoning regulations, by ordinance. Such resolution shall set forth the findings of the City Council and any required conditions, including the time limits and the guarantees necessary to insure compliance with the provisions of this chapter and the General Plan.

9-5-128 Council hearings: Transmittal of resolutions and ordinances.
Not later than ten (10) days following the rendering of a decision, a copy of the resolution or ordinance shall be forwarded to the Secretary of the Planning Commission by the City Clerk.

9-5-129 Council hearings: Records.
The City Clerk shall make a record of the evidence presented at the public hearing. The record, together with the resolution or ordinance announcing the findings of the public hearing, shall be maintained as a part of the permanent records of the City.

9-5-130 Appeals: Authorized.
Any action or decision of the Planning Commission rendered pursuant to the provisions of this Chapter may be appealed as provided by Chapter 4 of Title 1 of this Code. Any action of the Development Services Director made hereunder, may be appealed to the Planning Commission in the same manner as provided by Chapter 4 of Title 1 of this Code.

9-5-131 Permits and Variances: New Applications.
Following the denial or revocation of any permit or variance, an application for the same, or similar use on the same site, shall not be accepted for submittal to the acting agency within a one (1) year period after the date of denial or revocation.

Article 2. Zoning Certificates and Home Occupation Permits

9-5-201 Zoning certificates: Purpose.
The purpose of a zoning certificate is to provide a preliminary review for proposed business uses to determine consistency and conformance with requirements of the applicable zoning district.

9-5-202 Zoning certificates: Required.
A zoning certificate shall be required prior to the commencement of any new business use or change of ownership upon application for a business license. A zoning certificate shall not be required for the renewal of a business license for existing businesses.

9-5-203 Zoning certificates: Application.
An application for a zoning certificate may be made at the same time the application for a business license is made. The acceptance of an application shall not constitute any indication of approval.

9-5-204 Zoning certificates: Applications: Departmental approval.
The Development Services Director shall check the application to assure compliance with all the provisions of this chapter and may issue the zoning certificate upon determining that proposed use either conforms with the standards of the applicable zoning district or constitutes a previously conforming use.

9-5-205 Zoning certificates: Denial.
Should the Development Services Director determine that the proposed use does not conform to the standards of the zoning district or constitute a previously existing conforming use, approval of the zoning certificate application shall be denied.

9-5-206 Zoning certificates: Effective date.
The zoning certificate shall become effective immediately after the issuance of such certificate by the Development Services Director. However, the approved use shall not commence until a Certificate of Occupancy has been issued by the Building and Safety Division.

9-5-207 Zoning certificates: Expiration.
The zoning certificate shall expire six (6) months after the effective date if the use has not commenced within this time. If the approved use has commenced within six (6) months of the effective date, the zoning certificate shall expire concurrently with the expiration of any associated Business License.

9-5-208 Home occupation permits: Required.
No home occupation shall be established in a residence until a home occupation permit is approved by the Secretary of the Planning Commission.

9-5-209 Home occupation permit: Applications.
An application for a home occupation permit shall be submitted to the Secretary of the Planning Commission by the person responsible for the operation of any home occupation. If the applicant is not the owner of the property involved, the applicant shall have a "consent of owner" form signed by the owner or his authorized representative.

9-5-210 Home occupation permits: Conditions: Issuance.
(a) **Conditions.** No home occupation permit shall be issued unless the use applied for meets the following standards and conditions:

(1) The permit is only valid for the person(s) and location identified in the application and shall not be transferrable to another person(s) or location.

(2) The home occupation shall be conducted entirely within the residential dwelling or approved accessory structure that complies with Section 101 of Chapter 2 or Title 9 of the Turlock Municipal Code [Section 9-2-101: Accessory Buildings or Structures]. Outside activity, storage, or display is prohibited.

(3) The floor area used for such occupation or profession shall not exceed 400 square feet in any case.

(4) The proposed occupation shall clearly be incidental and secondary to the residential use of the dwelling, and shall not change the residential character of the dwelling.

(5) Window displays, "show windows", or other exterior display to attract customers, clients, or the general public are prohibited. No exterior sign, except a professional occupation sign one foot by one foot is size, announcing the name and home occupation affixed to a wall of the primary dwelling.

(6) Exterior alterations of residential dwellings, for the purpose of drawing attention to the business, or in association with the operation of the business, are prohibited.

(7) Operation of the business shall not generate vehicular traffic that is not normally associated with residential or agricultural uses.

> (i) Deliveries to the home occupation shall be limited to no more than two (2) deliveries per day. No delivery shall be by vehicles larger than a typical delivery van (Fed Ex, UPS, etc.)
>
> (ii) No more than one (1) standard pick up or van, and one (1) utility trailer, as defined and in accordance with the Turlock Municipal Code, Section 9-2-114, specifically designated to be used for the home occupation shall park at the subject residence at any time.
>
> (iii) Must comply with Turlock Municipal Code, Section 4-7-1008 concerning the parking of commercial vehicles in residential districts.
>
> (iv) In the event outside persons are employed to perform functions of this business away from the premises, parking or storage of employees' vehicles in the neighborhood is prohibited.
>
> (v) At least one (1) on-site parking space shall be provided for customers to the business. For the purposes of this Section only, parking in a driveway shall meet the definition of a parking space.

(8) Such occupation of profession shall be conducted by the residents of the premises.

(9) The proposed home occupation business shall be limited to no more than two (2) customers at a time and no more than six (6) customers per day, arriving no earlier than 7:00 a.m. and leaving no later than 7:00 p.m.

(10) Storage of goods that are not produced on the premises shall be limited to 100 cubic feet (approximately the size of a typical residential bedroom closet).

(11) The proposed occupation shall only involve the use of power-driven equipment or chemicals normally incidental to the residential use.

(12) The applicant shall not list or advertise the residence address in the commercial telephone directory, newspaper, radio, or television in connection with the proposed occupation or profession.

(13) The proposed occupation shall not create a nuisance by reason of noise, odor, dust, vibration, fumes, smoke, electrical interference, or other causes.

(14) Any other conditions that the Development Services Director, or designee, deem necessary to protect the health, safety, and welfare of the residents in the surrounding neighborhood.

(b) **Indemnification.** In the event the city determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the city, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the city should otherwise agree with applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails on every issue in the enforcement proceeding.

(c) **Compliance with all other laws and regulations.** Business operations conducted at this residence shall comply with all local, state, and federal laws and regulations, including, but not limited to, building, fire, and ADA accessibility requirements.

(d) **Issuance.** The Secretary of the Planning Commission shall analyze all the facts presented and, if the use applied for meets each and every one of the required conditions and standards, shall issue the home occupation permit within ten (10) days.

9-5-211 Home occupation permits: Denial.
A home occupation permit issued pursuant to the provisions of this article shall not include commercial photograph studios, beauty parlors, barber shops, or any similar service enterprises, that do not comply with the provisions of TMC 9-5-210 (Home Occupation Permits: Conditions: Issuance). Retail sales (except for goods produced on the premises), music schools, dancing schools. business schools, or other schools of any kind with organized classes, retail motor vehicle sales or repair or any similar activities are prohibited.

If the use applied for does not meet the required conditions and standards, the Secretary of the Planning Commission shall deny the application.

9-5-212 Home occupation permits: Term.
A home occupation permit shall not expire unless revoked; however, the permit is not transferrable to a different permittee, location, or use.

9-5-213 Home Occupation Permits: Revocation.
The Home Occupation Permit granted under this article shall be subject to revocation by the Development Services Director, or designee, when the permittee violates any of the restrictions and conditions set forth in this article.

Article 3. Minor Administrative & Minor Discretionary Permits

9-5-301 Minor administrative approval (MAA): Purpose and intent.
Minor Administrative Approvals are those which are routine in nature and do not require a public hearing, but may require an administrative interpretation regarding compliance with established policies, standards and guidelines adopted by the Turlock City Council. The purpose of Minor Administrative Approvals is to provide speedy approval over the counter or within a time period of no more than five (5) working days, depending on the complexity of the specific proposal. They are distinct from "ministerial" approvals which are "non-discretionary" actions permitted upon a determination that the standards established by City Ordinance for the proposal are met.

9-5-302 Minor administrative approval: Applicability.
Only those uses, activities, or permits as specifically enumerated in the zoning districts or other articles of this chapter as requiring a Minor Administrative Approval may be approved and issued following the administrative discretion of the Development Services Director or his/her designee according to the provisions contained in this article.

9-5-303 Minor administrative approval: Application.
Applications for Minor Administrative Approval shall be made to the Development Services Department on a form prescribed by the Department and shall include all requisite materials and payment of applicable filing fee.

9-5-304 Minor administrative approval: Review: Approval.
All applications for a Minor Administrative Approval must first be approved in writing by the Development Services Director or his/her designee before such use or activity commences. All applications and proposed uses shall be reviewed for compliance with the applicable policies, standards and guidelines which shall be adopted by resolution of the Planning Commission or City Council, as may be amended from time to time.

The Development Services Director may approve, conditionally approve, or disapprove an application for such permit.

9-5-305 Minor administrative approval: Expiration.
If requested prior to expiration, the Minor Administrative Approval may be extended by the Development Services Director upon a finding of just cause.

9-5-306 Minor administrative approval: Fee.
A fee shall be paid by the applicant to cover the costs of processing and administering the Minor Administrative Approval application service as established by the City Council as set forth in Article 3 of Chapter 3 of Title 3 of this Code. Such fee shall be set by City Council resolution, and may be amended from time to time.

9-5-307 Minor discretionary permits: Purpose and intent.
Minor Discretionary Permits require administrative discretion in determining compliance with adopted policies, codes and standards of the City and require public notice prior to approval. Minor Discretionary Permits may be authorized by the Development Services Director within a typical time frame of three (3) to four (4) weeks.

9-5-308 Minor discretionary permit: Authorized.
Only those uses, activities, or permits specifically enumerated in the applicable zoning districts as requiring a Minor Discretionary Permit may be approved and issued upon administrative discretion of the Development Services Director or his/her designee according to the provisions contained in this article.

9-5-309 Minor discretionary permit: Application. Completeness.
(a) Applications for Minor Discretionary Review shall be submitted to the Development Services Department including all required materials and the written consent of the property owner of the proposed location. All materials must be clear, legible and of sufficient clarity to allow other interested agencies and interested property owners to understand the proposal.

(b) No later than five (5) days following submittal of an application for Minor Discretionary Permit, the application and all related materials will be reviewed for completeness. The applicant will be notified immediately if an application is found to be incomplete, and the additional information needed to complete the application will be identified. The applicant is responsible to provide any missing information and/or revised plans as may be necessary and resubmit the materials. Once resubmitted, the application will again be reviewed for completeness as described above.

(c) Once an application has been deemed complete, the Development Services Director or his/her designee shall transmit the relevant parts of the permit application to all affected City departments for review, comments, and condition requirements. All comments will be returned to the Development Services Director within ten (10) working days.

9-5-310 Minor discretionary permit: Review.

The Development Services Director shall consider the following aspects of each Minor Discretionary Permit application to the extent they are applicable to the proposal:

(a) Relationship to the character of the neighborhoods in which the site is located, the appearance and harmony of proposed buildings and/or their use with adjacent development and the surrounding natural features.

(b) Review of site layout, considering the orientation and location of buildings and open spaces in relation to physical characteristics of the site.

(c) Review of the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

(d) Review of buildings for scale, mass, proposition, articulation of facades, use of materials, overall composition of design and harmony with surrounding buildings.

(e) Review of location height, and materials of fences, walls and screen plantings to ensure harmony with adjacent development and adequate screening of storage and nuisance activities.

(f) Review of colors and materials in relationship to adjacent architectural and natural elements.

(g) Review subdivision designs to ensure that developments are in harmony with established neighborhoods or surrounding natural features.

(h) Review of landscape plans for placement and selection of all plant materials with emphasis on variety and hardiness of Turlock's climatic conditions.

(i) Review of location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures, in relation to traffic hazards and appearance and harmony with the environment.

(j) All other relevant comments from affected City departments and other agencies.

9-5-311 Minor discretionary permit: Notice.
(a) The Development Services Director shall give notice of the proposed request, by mail or delivery, to all adjacent property owners not less than ten (10) days prior to the date on which the administrative decision will be made. Adjacent property owners shall include those abutting all sides of the property upon which the request is made, including those across any abutting public or private street or others the Director determines should receive public notice. Property owner and address information used by the City shall be based on the latest equalized assessment role.

(b) If no hearing is requested by the applicant or other affected person, or if no responses are received in opposition to the request within the prescribed time period,

then the Development Services Director or his/her designee may take action on the Minor Discretionary Permit application.

(c) If a hearing is requested by the applicant or other affected person or agency, or if any responses are received in opposition to the request, the Development Services Director shall forward the application to the Planning Commission for formal public hearing and consideration. When the application is forwarded to the Planning Commission, the applicant shall be responsible for the payment of additional application processing fees necessary to cover the costs of this additional review and public notice. The applicant may also be asked to supplement the permit application materials as determined by the Development Services Director.

9-5-312 Minor discretionary permit: Approval: Findings: Conditions.
(a) The Development Services Director or his/her designee may approve, conditionally approve, or disapprove an application for a Minor Discretionary Permit. In approving a Minor Discretionary Permit application, the Development Services Director or his/her designee shall find that the following are fulfilled or shall impose reasonable conditions to ensure that they are fulfilled:

(1) The proposal is consistent with the Turlock General Plan, the Zoning Ordinance and all other adopted plans for the site;

(2) The proposal is in harmony with the existing or proposed development in the general area or neighborhood and will be compatible with adjacent structures and uses, including those on adjoining properties;

(3) The proposal is consistent with the development plan, terms, conditions, and/or intent of any planned development or conditional use permit currently in effect on the property;

(4) Any structural elements contained within the proposal is of high quality design consistent with the intent of the City Design Element of the Turlock General Plan and the exterior design, appearance, materials, and colors will not cause the nature of the neighborhood to materially depreciate;

(5) The proposal will not otherwise constitute a nuisance or be detrimental to the public safety, health, and welfare of the neighborhood and community.

9-5-313 Minor discretionary permit: Fee.
A fee shall be paid by the applicant to cover the costs of processing and administering the Minor Discretionary Permit application service as established by the City Council as set forth in Article 3 of Chapter 3 of Title 3 of this Code. Such fee shall be set by Council resolution, and may be amended from time to time.

9-5-314 Minor discretionary permit: Violation: Penalty.

Any person who undertakes, operates or maintains a use of land in any district other than in strict compliance with the provisions of this title or the terms and conditions of any written approval granted, shall be subject to the penalties set forth in this chapter.

9-5-315 Minor discretionary permit: Time limits for development of property and uses.
The Community Development Director may establish a time limit for development of the subject property and use. The time limit set by the Development Services Director shall be reasonable, based upon the size and nature of the proposed development. Such time limit may be extended by the Development Services Director for good cause when the applicant presents proof of unusual conditions not of his own making.

9-5-316 Outdoor dining defined.
Outdoor dining entails the use of City sidewalks and public rights-of-way for the consumption of food or beverages in conjunction with the operation of a bona fide food service establishment properly licensed for such service and which provides on-premises customer seating.

9-5-317 Outdoor dining permit required.
No owner or operator of a business establishment shall occupy any portion of a public sidewalk, court, plaza, alley, or street with tables and chairs for outdoor dining without first obtaining a minor discretionary permit in accordance with TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits) and with the provisions of this article.

9-5-318 Authority to issue outdoor dining permits.
The Development Services Director, or his or her designated representative, is hereby authorized to issue outdoor dining permits, revocable at will, to owners or operators of business establishments for the placement of tables and chairs in the public sidewalk, court, alley or street adjacent to and incidental to the operation of a food service establishment, according to the procedures as set forth in this article. An outdoor dining permit will not be issued where, in the opinion of the Community Development Director, or his or her designated representative, the speed, volume or nearness of vehicular traffic is not compatible with outdoor dining. Issuance will not be unreasonably withheld.

9-5-319 Application for outdoor dining permit.
Every owner or operator of a business establishment desiring to place tables and chairs in a public sidewalk, court, alley or street shall first submit an application for the issuance of such a permit to the Development Services Department. Each application shall state the name of the applicant, the name and address of the establishment, the proposed area to be occupied by the tables and chairs, and the hours and days that the area is to be so occupied. The application shall be accompanied by a space-use plan which indicates the location, number and arrangement of the tables and chairs to be used, the location of the entrance to the establishment, and the location of any existing

sidewalk obstructions in the proposed area to be occupied by the tables and chairs. Trees, traffic signs, benches and all similar obstacles shall constitute obstructions.

9-5-320 Issuance of outdoor dining permit.
If the proposed design and location of the tables and chairs to be used for outdoor dining, as described in the application, conforms to those guidelines set forth by the Development Services Director, or his or her designated representative, an outdoor dining permit shall be issued to the applicant.

No permit shall be issued until the applicant has paid a one-time fee for the permit. The amount of the permit fee is in an amount as shall be set forth from time to time by resolution of the City Council.

9-5-321 Conditions and restrictions pertaining to outdoor dining.
The issuance of permits by the Development Services Director for the use of City sidewalks and public rights-of-way for the consumption of food or beverages in front of business establishments are subject to the following:

(a) The outdoor dining area shall leave not less than four (4') consecutive feet of sidewalk width to ensure adequate space for pedestrian traffic on the adjacent sidewalk. The minimum width stated above must be free of all obstacles and obstructions for a clear path of travel. For the purpose of minimum clear path, traffic signs, trees and all similar obstacles shall constitute obstructions. It is the responsibility of the permittee to keep this sidewalk pedestrian zone clear and unimpeded for pedestrian movement.

(b) Outdoor dining areas may not intrude on pedestrian "clear vision zones" at corners and thus must be set back a minimum of six (6') feet from any crosswalk. The outdoor dining area must not interfere with curbs, ramps or driveways. No element of the outdoor dining area may interfere with access to any building including all paths of travel or exit.

(c) When the sidewalk is not in use for seating and service, all removable fixtures (i.e., chairs, planters, tables, etc.) shall be stored inside the restaurant premises.

(d) The outdoor dining area must remain clear of litter at all times. The permittee shall maintain the tables and chairs in the permitted outdoor dining area in a clean condition at all times.

(e) Outdoor dining areas must conform to and comply with all relevant regulations in this Code and all applicable building laws including State laws and regulations.

(f) Tables, chairs, and customers shall be confined to the area shown on the application submitted by the permittee.

9-5-322 Insurance.

Each outdoor dining permittee shall provide the City Clerk with evidence of insurance coverage in the amount and form as approved by the City Attorney or his/her designee. Such amounts shall be set forth from time to time by resolution of the City Council. The required insurance shall be maintained in a current status throughout the use of the public right-of-way, and a copy of the insurance renewal shall be provided to the City Clerk and/or the Planning Division upon renewal.

9-5-323 Alcoholic beverage restrictions.
The service of alcoholic beverages shall be restricted solely to on-premises consumption by customers within the outdoor dining area. Each of the following standards apply to outdoor dining areas which provide alcoholic beverage service:

(a) The outdoor dining area must be clearly and physically separated from pedestrian traffic. All barriers, railings, fences or planters placed around a sidewalk cafe whether moveable or permanent, affixed, and contiguous to the sidewalk and in place during hours of operation to clearly define the area. The spacing, if any, between barriers, railings, fences, or planters must prevent pedestrian traffic through them. Landscaping can be either in planters or planted in the ground. In order to maximize visual access and pedestrian safety, the height of the railing, barrier or planter, with its planted material, shall not be less than three (3') feet;

(b) The business operator shall post a written notice to customers that the drinking or carrying of an open container of alcohol is prohibited outside the outdoor dining area;

(c) The outdoor dining area operation must be duly licensed by the State Department of Alcoholic Beverage Control, and the City of Turlock requirements and restrictions for the service of alcoholic beverages in outdoor dining areas shall not be less than those required by the State Department of Alcoholic Beverage Control; and

(d) Any and all exits from the bona fide food service establishment to be used for the service of alcoholic beverages to the outdoor dining area must be included in the outdoor dining permit issued pursuant to this section.

9-5-324 Outdoor dining permit not deed or easement.
Permission to encroach upon a portion of a public sidewalk with tables and chairs granted under this section shall not constitute a deed or grant of an easement by the City.

9-5-325 Suspension or revocation of outdoor dining permit.
The outdoor dining permit granted under this chapter shall be subject to suspension or revocation by the Development Services Director when the permittee violates any of the restrictions and conditions set forth in this section, or any rule or regulation of the Development Services Director adopted in pursuance of the provisions of this section. The outdoor dining permit shall be automatically suspended upon the termination of the insurance required under TMC 9-5-322. Upon termination of the insurance required

under TMC 9-5-322, permittee agrees to indemnify and hold the City of Turlock, its officers, agents and employees free and harmless from any and all damages, costs, charges or liability of any kind or character that may arise out of, relate to, or in any way be connected with the exercise of the rights granted pursuant to the issuance of the encroachment permit.

The City of Turlock must notify the State Department of Alcoholic Beverage Control of any suspension or revocation of an outdoor dining permit granted under this section.

9-5-326 Protest issuance of permit.
Any person or persons who deem their interests or property, or that of the general public, will be adversely affected by the occupancy of a public sidewalk, court, alley or street with tables and chairs for outdoor dining and for which permission has been applied for under the provisions of this chapter, may protest the issuance of said permit by writing to the Development Services Director within thirty (30) calendar days after the permit has been approved. Upon receipt of any such protest, the Development Services Director will schedule a hearing to hear all protests or oppositions to the issuance of an outdoor dining permit.

9-5-327 Denial of permit.
Upon denial of a permit by the Development Services Director, an applicant may, within ten (10) calendar days following notification of such denial, file a notice of appeal to the City Council, who shall then hear all appeals concerning the application for permit.

9-5-328 Penalties.
The placement of tables and chairs on a public sidewalk or other public right-of-way without a permit issued in compliance with this chapter shall constitute an infraction punishable by a fine of One Hundred and no/100ths ($100.00) Dollars. The nonpayment of such fine, or the continued existence of a condition in violation of this section, shall be grounds for the Development Services Director to prohibit placement of tables and chairs by the responsible owner or operator of the fronting business establishment until such penalty has been paid or the condition corrected.

9-5-329 Removal of tables and chairs.
Any tables and chairs placed in or upon the public sidewalk or rights-of-way without a validly issued permit may be seized and removed pursuant to this section. The City of Turlock shall issue a notice to the owner or operator of the business establishment fronting on the sidewalk from which the tables and chairs are to be removed before such tables and chairs are seized. The owner or operator of the business establishment shall be given ten (10) business days in which to remedy the violation. If the responsible party does not remedy the violation and apply for and obtain an outdoor dining area permit within the time prescribed, the City may seize and remove the tables and chairs.

Any other provisions of this section notwithstanding, if tables and chairs are placed in the public sidewalk or in or upon the public sidewalk or rights-of-way in such a manner as to pose an immediate and serious danger to persons or property, the City may seize such tables and chairs without prior notice to the person responsible for such tables and chairs if it is impractical to remedy the danger by moving the tables and chairs to another point on the sidewalk or public right-of-way.

The responsible party shall be notified promptly of such seizure of tables and chairs and shall have the right to request an informal hearing before a designated City official within ten (10) business days after such notification to determine whether the seizure was proper. All tables and chairs seized pursuant to this section shall be retained by the City and may be recovered as provided herein.

As a condition of recovering outdoor dining tables and chairs properly seized pursuant to this section, the person responsible for such tables and chairs shall pay an impound fee covering the actual cost to the City of transporting and storing the outdoor dining tables and chairs.

Article 4. Minor Exceptions

9-5-401 Purpose.
These provisions shall ensure the following:

(a) Minor adjustments from standards contained in this title of the Turlock Municipal Code shall be granted only when, because of special circumstances applicable to the property, the strict application deprives such property of privileges enjoyed by other property in the vicinity and under identical land use districts.

(b) Any minor exception granted shall be subject to such conditions as will ensure that the minor adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is situated.

9-5-402 Application.
An application for a minor exception shall be filed in a manner consistent with the requirements contained in Article 3 of this chapter for minor discretionary permits.

9-5-403 Applicability.
The Development Services Director may grant a minor exception up to a maximum of ten (10%) percent governing only the following measurable design/site considerations:

(a) Distance between structures;

(b) Lot dimensions;

(c) On-site parking, loading and landscaping;

(d) Setbacks;

(e) Structure heights.

Any minor exception request which exceeds the prescribed limitations outlined in this section shall require the filing of a variance application pursuant to Article 6 of this Chapter. Minor exceptions may be approved by the Development Services Director only if no other entitlements are required. If other approvals are necessary, the minor exception shall be filed concurrently.

9-5-404 Findings.
The Development Services Director may approve and/or modify an application in whole or in part, with or without conditions, only if all of the following findings are made:

(a) That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this code deprives such property of privileges enjoyed by other property in the vicinity;

(b) That granting the minor exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and land use district and denied to the property for which the minor exception is sought;

(c) That granting the minor exception will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;

(d) That granting the minor exception does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is located;

(e) That granting the minor exception does not exceed ten (10%) percent of the standards being modified, or allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and

(f) That granting the minor exception will not be inconsistent with the General Plan.

9-5-405 Burden of proof.
The burden of proof to establish the evidence in support of the findings as required by TMC 9-5-404, above, is the responsibility of the applicant.

9-5-406 Precedents.
The granting of a minor exception is not admissible as evidence for the granting of a new minor exception.

9-5-407 Minor exception: Expiration.

A minor exception approval shall expire after one (1) year if construction has not begun or the use commenced. If requested prior to expiration, the minor exception may be extended upon a finding of just cause.

Article 5. Temporary Uses of Land

9-5-501 Temporary uses.
Certain land uses of a temporary nature as defined in TMC 9-1-202 (Definitions), may be authorized by the Development Services Director pursuant to the proper application process and subject to the limitations and standards contained herein. Temporary land uses otherwise regulated by the Turlock Municipal Code (Christmas tree sales, fireworks stands, parking lot sales, and other similar uses) shall be exempt from this article.

(a) **Limitations of use by zoning district.**

(1) **Commercial/Industrial Districts and Planned Development Districts.** Temporary uses of land may include, but are not limited to: sales office trailers, storage yards, parking lots, parking lot sales, outside sales of seasonal merchandise (produce, pumpkins, and the like), special events and displays of community interest in which the temporary use is intended to be operated as defined in TMC 9-1-202 (Definitions). Temporary outside sales conducted by itinerant vendors are also subject to the regulations of Chapter 17 of Title 5 of this Code. No temporary use of land permit shall be required for a parking lot sale in an organized shopping center when: 1) all of the participants are permitted uses in the center; 2) the event is held on the improved portion of the site; and 3) adequate parking is provided.

(2) **Residential and Residential Planned Development Districts.** Temporary uses of land may include, but are not limited to: contractor storage yards, model homes, and tract sales offices, when the temporary uses are incidental and accessory to the primary land uses permitted in the residential zoning district. This limitation shall not apply to accessory uses that are otherwise permitted and regulated by other sections of this Code (examples: home occupations, residential garage/yard sales).

(b) **Duration of temporary uses.** The temporary use of land for those activities permitted herein may be authorized for a limited and specified period of time not to exceed one (1) year in duration as set by the Development Services Director within the terms and conditions of each particular temporary use of land permit. The Development Services Director may consider and take appropriate action on a request for an extension of a temporary use of land for one (1) additional one (1) year period, upon review of a written request submitted no later than thirty (30) days prior to the expiration of the approved temporary use of land permit. In regards to the following specific temporary land uses, these time periods shall apply:

(1) **Outside sales of seasonal merchandise (Christmas trees, pumpkins, and the like).** The outside sale of seasonal merchandise and produce in one (1) location may be permitted up to a maximum of ninety (90) days within a calendar year on a single property, with a limitation of no more than three (3) non-consecutive separate events of a maximum of thirty (30) days per each event.

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

(i) When located within an organized shopping center, commercial businesses that are not permitted uses in the center may be permitted for up to six (6) such special events per calendar year. Each separate temporary outdoor promotional/sales event shall not exceed seventy-two (72) hours in length.

(ii) For commercial business(es) that are part of an organized shopping center, there is no limit on the number or duration of the promotional or sales events when: 1) any or all tenants or owners within the center participate; 2) adequate parking is provided on site; and 3) the property owner has provided written permission for the event, if applicable.

(3) **Itinerant vendors.** No temporary use of land permit shall be required for any itinerant vendor that vends on the improved portion of a commercial or industrial property for a period of less than thirty (30) minutes during a twenty-four (24) hour period so long as the vendor does not relocate within one thousand (1,000) feet of such location. "Mobile food facilities" are regulated pursuant to TMC 9-2-124 and shall not be required to obtain a temporary use of land permit. All other itinerant vendors may be permitted up to a maximum of seventy-two (72) hours on a single property, with a limitation of no more than six (6) events of any type in any one (1) year at any single location.

(c) **Signing**.

(1) All signing related to an authorized temporary use of land shall comply with the temporary sign regulations in TMC 9-2-500ART (Signs). A temporary sign permit shall first be obtained from the City prior to the installation of any temporary signage.

(2) Noncommercial signing, which may include balloons, pennants, and special displays, may be permitted as part of an approved temporary land use permit as specified above. Such noncommercial signs must be securely fastened or attached so as not to create any type of public safety hazard.

(d) **Maximum number of temporary uses per lot.** On properties less than one (1) acre in size, no more than one (1) temporary use may be permitted at any one (1) time. Exceptions to this provision may be made by the Director if it is determined that all of the findings in TMC 9-5-504 can be made. At no time shall two (2) similar temporary uses be permitted on any property less than one (1) acre in size.

(e) **Maximum number and locations of temporary uses per applicant.** No single organization or individual may conduct more than six (6) events of any type in any one (1) year at any single location. Furthermore, no single organization or individual may conduct events at more than three (3) locations in any one (1) year. For the purposes of this article, an "event" is a single occurrence of any temporary activity on a particular lot.

9-5-502 Application.
Any person may apply to the Development Services Department for approval of a temporary use of land not less than fifteen (15) days before the use is intended to begin. Such application shall be on a form prescribed for that purpose, and shall include the written consent of the owner of the property on which the use is to be located.

9-5-503 Approval.
(a) All applications for a temporary use of land permit must first be approved in writing by the Development Services Director before such use commences. The Development Services Director may approve, conditionally approve, or disapprove an application for such use.

(b) The Development Services Director may require a conditional use permit as provided in Article 6 of this chapter, to allow for Planning Commission review and action on a temporary use of land permit request where a determination is made that the proposed use may be of particular interest or concern to surrounding property owners or to the public at large. A conditional use permit must be required for those uses which would require such a permit under other provisions in this title.

9-5-504 Findings.
The Development Services Director may approve an application for a temporary use of land for a period of time as specified in this chapter only upon making all of the following findings:

(a) The proposed use will not adversely affect adjacent structures and uses or the surrounding neighborhood;

(b) The proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic in the immediate area;

(c) The proposed use will not create a demand for additional parking which cannot be met safely and efficiently in existing parking areas;

(d) The proposed use will not conflict with the terms or intent of any planned unit development permit or conditional use permit currently in effect on the property;

(e) The proposed use will not otherwise constitute a nuisance or be detrimental to the public welfare of the community.

9-5-505 Conditions.

(a) In authorizing an application for a temporary use of land permit, the Development Services Director shall include as conditions of approval, the following minimum provisions:

(1) The use will be limited to the dates and times (or period of time), nature and extent prescribed by the Development Services Director;

(2) All work, including building, electrical, and plumbing will conform to all requirements of applicable codes;

(3) Provisions for fire protection and fire vehicle access will be made as prescribed by the Fire Chief;

(4) Signing will be limited to that approved by the Development Services Director;

(5) The site will be continuously maintained free of weeds, litter and debris;

(6) Within three (3) days after removal of the temporary use, the site will be completely cleaned; all trash, debris, signs, sign supports, and temporary electrical service will be removed;

(7) Any additional limitations or conditions as required by the Development Services Director as conditions of approval.

(b) For applications for temporary use of land permits which allow for an itinerant vendor, the following minimum provisions and conditions shall also be applicable:

(1) An itinerant vendor sales stand and/or use shall not be located upon the paved or any unpaved portion of a public right-of-way nor impede the free and unobstructed use of any sidewalk. Push carts may use the public sidewalk so long as the cart does not impede the movement of pedestrians.

(2) The itinerant vendor sales activity, including the display of all related merchandise or products for sale, shall be limited to the immediate confines of the temporary street side stand, trailer, vehicle, or other enclosure approved as part of the permit.

(3) All uses shall be located in such a manner that will not impede the normal use of driveways serving the property where the use is proposed nor in such a manner that encourages customers to stop in the street or driveway to obtain vendor service.

(4) Uses providing for temporary street side stands, trailers, or vehicles shall comply with the setback/yard provisions of the specific commercial or industrial zone the use is proposed to be located in.

(5) Uses providing for temporary street side stands, trailers, or vehicles shall not reduce the number of off-street parking spaces below the minimum number specified for the zone district the use is proposed to be located in.

9-5-506 Fee.
A fee shall be paid by the applicant to cover the costs of processing and administering the temporary use of land permit application. Such fee shall be set by City Council resolution, and may be amended from time to time.

Article 6. Conditional Use Permits and Variances

9-5-601 Conditional use permits: Authorized.
Upon acceptance of an application, the Planning Commission may grant a conditional use permit for a use allowed conditionally in the respective zoning district.

9-5-602 Conditional use permits: Required: Purposes.
(a) **Required**. No conditional use shall be located in any district unless and until a conditional use permit is granted in accordance with the procedure set forth in this article.

(b) **Purpose.** The purpose of a conditional use permit is to evaluate the site features, operating characteristics, and design of a proposed use to ensure compatibility with other uses in the general area.

9-5-603 Conditional use permits: Applications: Hearings.
At the time an application for a conditional use permit is deemed complete, the Secretary of the Planning Commission shall set the date of hearing in the manner prescribed by law.

9-5-604 Conditional use permits: Granting.
All actions of the Planning Commission relating to findings and recommendations shall be in accordance with the provisions of this article. The Planning Commission shall authorize the granting of the conditional use permit if it finds as follows:

(a) That the site for the proposed use is adequate in size and shape to accommodate such uses, all yards, open spaces, wall, fences, parking, loading, landscaping and other features required by the Municipal Code or the Planning Commission to make sure such use is compatible with the land and uses in the vicinity;

(b) That the site for the proposed use is related properly to streets and highways to carry the quantity and kind of traffic generated by the proposed use;

(c) That the proposed use will not adversely affect the abutting property or the permitted use thereof with the provisions of conditions; and

(d) That the site for the proposed use is in conformance with the General Plan.

9-5-605 Conditional use permits: Granting: Conditions.
(a) **Imposition of conditions.** In authorizing a conditional use permit, the Planning Commission may require that the use conform with the site plan, architectural drawings, or statements submitted in support of the application necessary to protect the public health, safety, and general welfare and secure the objectives of the General Plan. The Commission may also impose such other conditions necessary to achieve these purposes, including, but not limited to, the following:

(1) Special yards, open spaces, and buffers;

(2) Fences and walls;

(3) The provision and surfacing of parking areas;

(4) Street dedications and improvements, including the provision of service roads or alleys where practical and necessary;

(5) The regulation of points of vehicular ingress and egress;

(6) The regulation of signs;

(7) Landscaping and the maintenance;

(8) The maintenance of the grounds;

(9) The control of noise, vibration, odors, and other potentially dangerous and objectionable elements;

(10) Limits on the time for conducting certain activities;

(11) The time period within which the proposed use shall be developed; and

(12) Any other conditions that will promote the development of the City in an orderly and efficient manner and in conformity with the intent and purpose set forth in this article and the General Plan.

(b) **Guarantees of compliance with conditions.** The Planning Commission may require reasonable guarantees that such conditions will be complied with.

(c) **Yard, height, and area requirements**. Unless otherwise approved by resolution, the provisions for required front, rear, and side yards and the requirements for height and area applicable to the specific district shall prevail.

(d) **Off-street parking and loading requirements.** The provision of off-street parking and loading applicable to the particular use shall prevail unless otherwise approved by resolution.

9-5-606 Conditional use permits: Denial.

If because of the size or character of the use proposed on a particular site, its location, or its relationship to adjoining parcels and uses, the Planning Commission is unable to make the findings set forth in Section 9-5-504, the Planning Commission shall disapprove the conditional use permit application.

9-5-607 Conditional use permits: Issuance.
Immediately following the Planning Commission approval of a conditional use permit application, the Secretary of the Planning Commission shall cause a formal conditional use permit to be issued to the applicant.

9-5-608 Conditional use permits: Effective date.
The conditional use permit shall become effective on the eleventh calendar day after the date of approval, unless appealed on or before the tenth day.

9-5-609 Conditional use permits: Time limits for development of property and uses.
The Planning Commission may establish a time limit for development of the subject property and use. The time limit set by the Planning Commission shall be reasonable, based upon the size and nature of the proposed development. Such time limit may be extended by the Planning Commission for good cause when the applicant presents proof of an unusual condition not of his own making.

9-5-610 Conditional use permits. Expiration.
If no specific time is specified, any permit granted by the Planning Commission or Council shall become null and void within one year after the effective date of such permit. The permits shall not become null and void if:

(a) The use has commenced; or

(b) A building permit has been issued for the project by the Building Inspector and construction has begun with continuous progress toward completion maintained; or

(c) A certificate of occupancy has been issued by the Building Inspector for the use or structure.

9-5-611 Conditional use permits: Renewal.
If an application for renewal is filed prior to expiration, a conditional use permit may be renewed for an additional one year period. The acting agency may grant or deny an application for renewal in the same manner as set forth for the original application.

9-5-612 Conditional use permits: New applications.
Following the denial or revocation of a conditional use permit, an application for the same, or similar use on the same site, shall not be accepted for submittal to the Planning Commission within a one year period after the date of denial or revocation.

9-5-613 Variances: Authorized.

The Planning Commission shall have the authority to investigate and hear an application for variance from the provisions of this article when a practical difficulty, unnecessary hardship or inconsistent result is alleged due to the strict and literal interpretation of this article. Upon hearing the application, the Planning Commission may grant, conditionally grant or deny the following applications for variance:

(a) To vary any of the requirements of this article in the case of a parcel which is exceptionally narrow, shallow, of unusual shape, unusual topographic conditions or due to other exceptional existing conditions that limit the practical use of the parcel; and

(b) To permit modifications of the requirements of this article for the practical use of a parcel where a legal nonconforming use or structure exists.

9-5-614 Variances: Applications.
Completed applications and filing fees for a variance shall be submitted to the Secretary of the Commission.

9-5-615 Variances: Applications: Hearings.
Upon receipt of a completed variance application, the Secretary of the Planning Commission shall set a hearing in the manner prescribed by law.

9-5-616 Variances: Granting.
All actions of the Planning Commission relating to findings and recommendations shall be in accordance with the provisions of this article. The Planning Commission shall grant, or conditionally grant, the requested variance upon determining at the public hearing, that the following findings are established beyond reasonable doubt:

(a) That there are exceptional or extraordinary circumstances or conditions applying to the property or the intended use, which do not apply to other properties or uses in the same district;

(b) That, due to these exceptional or extraordinary circumstances, the literal enforcement of the provisions of this article would result in a practical difficulty or unnecessary hardship;

(c) That a variance is necessary for the preservation of a substantial property right possessed by other properties in the same district;

(d) That the granting of a variance will not be materially detrimental to the public welfare, injurious to property or improvements in the vicinity or district where the property is located;

(e) That granting a variance will not constitute a special privilege inconsistent with the limitations on other properties classified in the same zoning district; and

(f) That granting a variance will be in harmony with the general purpose and intent of the provisions of this article and the General Plan.

9-5-617 Variances: Granting: Conditions.
(a) **Imposition of conditions.** In granting a variance, the Planning Commission may require that the use conform to the site plan, architectural drawings, or statements submitted in support of the application as necessary to protect the public health, safety, and general welfare and secure the objectives of this article and the General Plan. The Commission may also impose other conditions necessary to achieve such purposes as:

(1) Special yards, open spaces, and buffers;

(2) Fences and walls;

(3) The provision and surfacing of parking areas;

(4) Street dedications and improvements, including the provision of service roads or alleys where practical and necessary;

(5) The regulation of vehicular ingress, egress and circulation;

(6) The regulation of signs;

(7) The provision and maintenance of landscaping;

(8) Maintenance of grounds;

(9) The control of noise, vibration, odors

(10) Limits on the time for conducting certain activities;

(11) The time period within which the proposed use shall be developed; and

(12) Any other conditions that will promote the development of the City in an orderly and efficient manner and in conformity with the intent and purposes set forth in this article and the General Plan.

(b) **Guarantees of compliance with conditions.** The Planning Commission may require reasonable guarantees that these conditions will be complied with.

9-5-618 Variances: Denial.
If, because of the size or character of the site, its location, or its relationship to adjoining parcels and uses, the Planning Commission is unable to make the findings set forth in Section 9-5-616, the Planning Commission shall disapprove the granting of the variance.

9-5-619 Variances: Granting or denial: Transmittal of resolution.

In addition to the requirements of this article, a copy of the resolution granting or denying the variance shall be filed with the City Clerk, and a copy shall be sent to the Building Inspector by the Secretary of the Planning Commission.

9-5-620 Variances: Issuance.
Immediately following the approval of a variance application, the Secretary of the Planning Commission shall cause a certificate of variance to be issued to the applicant.

9-5-621 Variances: Effective date.
The variance shall become effective on the eleventh day after the copy of the resolution granting the variance is filed with the City Clerk, unless appealed on or before the tenth day.

9-5-622 Variances: Time limits for development of property and uses.
The Planning Commission may establish a time limit for development of the subject property and use. The time limit set by the Planning Commission shall be reasonable, based upon the size and nature of the proposed development. Such time limit may be extended by the Planning Commission for good cause when the applicant presents proof of unusual conditions not of his own making.

9-5-623 Variances: Expiration.
If no time limit is specified, the granted variance shall become null and void within 180 days following the effective date unless:

(a) The use has commenced; or

(b) A building permit has been issued for the project by the Building Inspector and construction has begun toward completion with continuous progress maintained; or

(c) A certificate of occupancy has been issued by the Building Inspector for the use or structure.

9-5-624 Variances: Renewal.
If an application for renewal is filed prior to the expiration, a variance may be renewed for an additional period of 180 days. The Planning Commission may grant or deny an application for the renewal of a variance.

9-5-625 Variances: New applications.
Following the denial or revocation of a variance, an application for the same, or similar request on the site, shall not be filed within one year from the date of denial or revocation of a variance.

Article 7. Prezoning and Annexation

9-5-701 Prezoning of unincorporated land.

(a) The City may prezone unincorporated territory adjoining the City limits for the purpose of establishing the zoning district which will apply in the event of subsequent annexation to the City.

(b) The method and procedure for establishing such prezones shall be in accordance with TMC 9-5-700ART (Prezoning and Annexation) for the establishment of zoning districts and reclassification of land within the City.

(c) Unincorporated territory which has been prezoned shall carry a "P" prefix before the zone classification and shall be so designated on the official zoning map of the City.

(d) The zone classification established through the prezoning procedure shall become effective and enforceable at the time annexation of the territory to the City becomes effective. At this time, the "P" prefix shall be deemed automatically removed from the zone classification.

9-5-702 Prezoning: Purpose.
The purposes of prezoning territory prior to annexation into the City are:

(a) To promote the orderly development and expansion to the boundaries of the City of Turlock; and

(b) To protect, preserve and promote the quality of life in the City by establishing control over the quality, distribution and rate of growth in the City of Turlock.

9-5-703 Prezoning: Exceptions.
The standards established and the process contained in this article shall not be applicable to the following types of annexation proposals to the City of Turlock:

(a) Publicly owned lands and/or facilities;

(b) Lands within unincorporated portions of Stanislaus County which are totally bounded by the Turlock corporate limits (unincorporated islands);

(c) Annexations initiated by the Turlock City Council.

9-5-704 Prezoning and annexation: Applications: Hearings.
Applications for prezoning and annexation of territory to the City of Turlock shall be submitted to the Secretary of the Planning Commission for evaluation. At the time the application is deemed complete, a date of hearing shall be set in the manner prescribed by law and in accordance with Article 1 of this chapter.

9-5-705 Prezoning and annexation: Findings.
Each application submitted to the City of Turlock proposing prezoning and annexation of unincorporated territory shall be reviewed pursuant to the following application criteria:

(a) **Orderly and contiguous development.**

(1) Is the territory proposed for annexation adjacent to existing urban limits of Turlock?

(2) Is the territory located within the primary sphere of influence area of the City of Turlock? A single parcel in which more than fifty (50%) percent of the land area is located within the primary sphere of influence shall be considered to be located within the primary sphere.

(3) Is the development proposed for the unincorporated territory consistent with the land use designations contained within the Turlock Area General Plan?

(b) **Educational facilities.** Has the proposed residential development fully mitigated all potential impacts to the Turlock School Districts?

(c) **Parks and recreation facilities.** Does the proposal include full mitigation of impacts on parks and recreation needs by either land dedication and development or by payment of in lieu development fees at a standard consistent with the Turlock General Plan?

(d) **Public safety facilities**. Does the proposal include full mitigation of impacts to police and fire services including analysis of emergency (CODE I) response times or other innovative techniques?

(e) **Public infrastructure facilities.**

(1) Does the proposal include full mitigation of impacts to needed public infrastructure both on-site and along the project frontage which serve the proposed development without the need for the City to provide supplemental facilities?

(2) Does the proposal have the capability to fully mitigate the impacts associated with its development through the payment of applicable Capital Facility Fees?

(3) Does the proposal include full mitigation that will not worsen the LOS (Level of Service) at any intersection or along any roadway serving or affected by the project (computed for weekday peak hour at full buildout/occupancy) to an unacceptable level?

9-5-706 Prezoning and annexation: Consideration of territory within secondary sphere of influence.

If the territory proposed for annexation does not meet the above standard regarding location within the primary sphere of influence, the applicant has the opportunity to apply for an amendment to the primary sphere of influence line. In considering requests to amend the primary sphere of influence line, the City of Turlock shall be guided by the following standards:

(a) The inventory of available land located within the primary area of influence that has not received prezone approval and/or been annexed to the City is less than 500 acres.

(b) The Turlock City Council, upon recommendation from the Planning Commission, adopts findings that a particular request for an amendment to the primary sphere of influence line is necessary for the protection of the public welfare; the enhancement of the community; and is consistent with and furthers the goals and policies of the Turlock Area General Plan.

9-5-707 Prezoning and annexation: Denial.
If the proposed prezone and annexation application does not meet all of the findings referenced above, the application shall be considered premature and shall be denied.

9-5-708 Prezoning and annexation: Development agreement requirements.
A development agreement may be required for consideration in conjunction with the review of a prezone and annexation proposal when determined appropriate by the City. The application process for a development agreement shall be as specified in Article 9 of this chapter: Development Agreements, and shall include the payment of processing fees as established by City Council resolution which may be amended from time to time.

9-5-709 Prezoning and annexation: Area-wide planning required.
It is the policy of the City of Turlock (Turlock General Plan and Resolution 99-021 as amended from time to time), subject to certain exceptions, that all annexations of land to the City shall be accompanied by an appropriate area-wide plan. This requirement shall be accomplished by either the preparation of a Specific Plan as set forth in Government Code Section 65450 et seq. or by the preparation of a Master Plan as described below. A Master Plan shall be adopted by the procedure set forth in TMC 9-5-700ART (Prezoning and Annexation).

(a) **Master Plan content.** A Master Plan shall address and describe the following, as applicable:

(1) Location and boundaries of the Master Plan area;

(2) Proposed uses of land, including proposed densities and/or intensities, design and development standards;

(3) Proposed prezoning of property, which shall become the zoning upon the effective date of the annexation (or rezoning in the case of any property already in the City);

(4) Proposed location and development standards of major streets and roads (public and private), including traffic control devices needed to maintain the City's established level of service standards;

(5) Proposed location and description of public infrastructure, facilities and utilities needed to support the development of the Master Plan area;

(6) Proposed location of any parks and other public open space;

(7) Proposed location of any public schools;

(8) Identification of the means and methods of financing public improvements, including those funded through the City's development impact fee program and/or any supplemental development impact fee needed to fund needed facilities not included in the City's development impact fee program;

(9) Phasing plan or program (if any), including its relationship to public infrastructure, facilities and utilities, and to any policies affecting the rate and/or timing of growth and development of the City;

(10) Mitigation measures identified in the environmental review process that are needed to reduce and/or eliminate environmental impacts;

(11) Discussion of the consistency of the proposed Master Plan with the Turlock General Plan, including the Housing Element (where applicable); and

(12) Any other such matters or issues that that could affect the orderly development of the Master Plan area.

(b) **Master Plan development standards and review processes.** Unless otherwise specified in the adopted Master Plan, all development in the Master Plan area shall be subject to the applicable review and approval processes and design and development standards of the zoning regulations of this Code. Subject to a Minor Discretionary Permit, the Community Development Director may approve minor modifications, exceptions and waivers to the zoning regulations of this Code to allow for orderly development in the Master Plan area. Modifications or changes considered major (e.g. significant changes in land use/zoning, circulation or public facilities, etc.) may be considered subject to the process and procedures for amending the Code including rezoning (TMC 9-5-112 et seq.).

(c) **Master Plan funding.** A Master Plan may be initiated and prepared by property owners and/or developers in consultation with the City of Turlock or by the City of Turlock at its discretion. When the preparation of a Master Plan is privately initiated, the applicant shall pay all costs associated with the preparation of the Master Plan. The applicant shall submit the draft Master Plan to the Community Development Department for review and pay a processing fee as established by council resolution, as amended from time to time. When the preparation of a Master Plan is initiated and funded by the City of Turlock, the City shall be fully reimbursed for the cost of preparing the Master Plan. The collection of a Master Plan reimbursement fee shall occur in conjunction with

either the issuance of a building permit and/or final subdivision map, as established in conjunction with the approval of the Master Plan. By written agreement with the City, the cost of preparing a Master Plan may be shared between the City and private parties.

Article 8. Historic Site Contracts

9-5-801 Specific purpose.
The provisions and regulations for Historic Site Contracts are hereby established for the following purposes:

(a) For the protection, enhancement, and use of places, sites, buildings, and structures having special historic, architectural, and cultural interest and value;

(b) To impose appropriate and reasonable controls on the appearance and use of these places, sites, buildings, and structures for preserving their character and economic value to the City and its citizens;

(c) For the proper use of places, sites, buildings, and structures that are desirable to the community but require special considerations because of their age, structural nature, or threats from modernization which could have a negative effect on their unique and important character and economic value;

(d) For the protection of substantial public investments in conservation, recreation, aesthetics and the general public health, safety, and welfare; and

(e) For the enhancement of tourism and the economy of the City by protecting and preserving places having special and unique character and interest.

9-5-802 Historical site contract.
(a) **Application**. Upon submittal of an application, the Development Services Director may authorize a Historical Site Contract for places, sites, properties, buildings, structures, and signs found to be qualified as historical buildings or structures. Applications shall be submitted and reviewed pursuant to the minor discretionary permit process as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits) including payment of all applicable processing fees.

(b) **Findings**. In reviewing an application for a Historic Site Contract, the Development Services Director shall consider the following criteria and include those applicable as findings of fact to any approval:

(1) The property, place, site, building, structure, or use has special local historical, architectural, archaeological, or cultural interest that embodies the character and history of the City of Turlock;

(2) The unique character and history of the City of Turlock reflected in the property, place, site, building, structure or use should be preserved as living parts of the community;

(3) The property, place, site, building, structure or use is facing increasing pressures of modernization and may be threatened with demolition or decay;

(4) The request represents an area of special natural beauty, aesthetic interest, or entryway corridors, which would enhance the economy of the City by creating market draws or tourist attractions;

(5) The property is listed on the National Register of Historic Places or any state or county official register of historical or architecturally significant sites, places, or landmarks or should be and by this action is listed on the City of Turlock register of historically or architecturally significant sites, places, or landmarks.

(c) **Terms of the contract.**

(1) The use of the property may be restricted in a manner deemed reasonable to carry out the purpose of this article.

(2) The term of the contract shall be for a minimum period of ten (10) years.

(3) Where applicable, the contract shall provide for the following:

(i) The preservation of qualified historical property and, the restoration and rehabilitation of the property to conform to the rules and regulations of the California Office of Historic Preservation , the United States Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code.

(ii) The periodic examination of the interior and exterior of the premises by the assessor, the California Office of Historic Preservation, and the State Board of Equalization as necessary to determine the owner's compliance with the contract.

(4) The owner or agent of an owner shall provide written notice of the contract to the Office of Historic Preservation within six (6) months of entering into the contract.

(5) Unless a notice of non-renewal has been issued by the City or the owner, a one (1) year renewal period shall be added to the term of the contract on each anniversary date of the execution of the contract.

(6) If the City or the owner desires not to renew the contract, a written notice of non-renewal shall be issued at least ninety (90) days prior to the renewal date by the owner or at least sixty (60) days prior to the renewal date by the City.

(7) Upon receipt of a notice of non-renewal from the City, an owner may submit a written protest of the proposed non-renewal. The City may then withdraw the notice of non-renewal at any time prior to the renewal date.

(8) If either the City or the owner serves a notice of non-renewal, the contract shall remain in effect for the balance of the contract term.

(9) The owner shall furnish the City with any information necessary to determine the eligibility of the property involved.

(10) Within twenty (20) days after the execution of a contract, the Secretary of the Planning Commission shall record a copy of the contract with the county recorder.

(d) **Finding to protect public safety and welfare.** In authorizing a Historic Site Contract, the Development Services Director must find that the granting of the contract, or the authorization of the Chief Building Official to use the State Historic Building Code, will not be detrimental to the public safety and welfare.

9-5-803 Qualified historical building or structure.
For the purpose of this section, pursuant to California Government Code Section 18955 of the Health and Safety Code, a qualified historical building or structure is any structure, collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. This shall include structures on existing or future national, state or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks.

9-5-804 Use of the state historic building code.
Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made as required by the State Historic Building Code, when authorized by the building official, provided that:

(a) Any unsafe or substandard conditions will be corrected in accordance with approved plans;

(b) The restored building or structure will be less hazardous, based on life and fire risk, than the existing building.

9-5-805 Demolition.
No building or structure, or portion thereof, for which a Historic Site Contract has been entered into, shall be removed, relocated, demolished or structurally altered without prior approval from the Development Services Director in the form of a minor

administrative approval as set forth in TMC 9-5-300ART (Minor Administrative and Minor Discretionary Permits).

9-5-806 Cancellation.
The City may cancel a contract if it determines that the owner has breached any of the conditions of the contract or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. The City may also cancel a contract if it determines that the owner has failed to restore or rehabilitate the property in the manner specified in the contract.

Article 9. Development Agreements

9-5-901 Short title.
This article may be referred to as the "Development Agreement Law of the City of Turlock."

9-5-902 Authority and purpose.
This article is adopted pursuant to the provisions of Sections 65864 through 65869.5 of the California Government Code. The purpose of adopting this article is to establish procedures and requirements for the consideration of development agreements in conjunction with specific development plans.

9-5-903 Forms and information.
(a) The Development Services Department shall prescribe the form for each application, notice, and document provided for or required by this article for the preparation and implementation of development agreements.

(b) The Development Services Department may require an applicant to submit such information and supporting data as necessary to process the application.

9-5-904 Qualifications of applicants.
(a) Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement, and an applicant includes an authorized agent.

(b) The Development Services Director may require an applicant to submit proof of his or her legal or equitable interest in the real property and of the authority of the agent to act for the applicant. Before processing the application, the Development Services Director may obtain the opinion of the City Attorney as to the sufficiency of the applicant's interest in the real property to enter into the agreement. The Development Services Director may require the applicant to submit a preliminary title report.

9-5-905 Form of development agreement.
Each application to enter into a development agreement shall be accompanied by the form of standard development agreement established by the City and approved by the

City Council with such additional alternatives or modifications or changes as may be proposed by the applicant. Such alterations or modifications or changes as proposed by the applicant are not binding on the City and may or may not be approved for inclusion by the City Council.

9-5-906 Duty to give notice.
The Development Services Department shall give notice of the City's intention to consider the adoption of a development agreement in conjunction with any other public hearing required by State law or this article at least ten (10) days prior to the hearing date.

(a) **Form of notice.** The form of the notice of intention to consider the adoption of a development agreement shall contain:

(1) The time and place of the hearing;

(2) A general explanation of the matter under consideration, including a general description of the area; and

(3) Other information required by specific provisions of this article or which the Development Services Department considers necessary or desirable.

(b) **Time and manner of notice.** The time and manner of giving notice shall be by both:

(1) Publication. Publication at least once in a newspaper of general circulation published and circulated in the City; and

(2) Mailing. Mailing of the notice to all persons shown on the last equalized assessment roll as owning real property, as per TMC 9-5-120, which is the subject of the proposed development agreement.

9-5-907 Contents of development agreements.
(a) A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes.

(b) The development agreement may also include conditions, terms, restrictions, and requirements for subsequent or concurrent discretionary actions applicable to the project; provided that such conditions, terms, restrictions, and requirements shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement.

(c) The agreement may provide that construction shall commence within a specified time and that the project or any phase thereof be completed within a specified time.

(d) The agreement may also include terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

9-5-908 Determinations by the Planning Commission.
After the hearing held by the Planning Commission, which may be held in conjunction with other required hearings for the project, the Planning Commission shall make its recommendation in writing to the City Council. The recommendation shall include findings on the Planning Commission's determination whether or not the proposed development agreement:

(a) Is consistent with the objectives, policies, general land uses, and programs specified in the General Plan and any applicable Specific Plan;

(b) Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;

(c) Is in conformity with the public convenience and general welfare and good land use practices;

(d) Will be detrimental to the health, safety, and general welfare;

(e) Will adversely affect the orderly development of property or the preservation of property values; and

(f) Will provide sufficient benefit to the City to justify entering into the agreement.

9-5-909 Council hearings.
(a) Following notice pursuant to TMC 9-5-906, the City Council shall hold a public hearing. The City Council may accept, modify, or disapprove the recommendation of the Planning Commission. The City Council shall not approve the development agreement unless the City Council adopts findings to support its action as referenced in TMC 9-5-908.

(b) If the City Council approves the development agreement, it shall do so by the adoption of an ordinance as required by Government Code Section 65867.5. After the ordinance approving the development agreement takes effect, the City may enter into and execute the agreement.

9-5-910 Initiation of amendments or cancellation.
Either party may propose an amendment to or the cancellation, in whole or in part, of a development agreement previously entered into. If proposed by a developer, the procedure for proposing and the adoption of an amendment to or cancellation, in whole or in part, of the development agreement shall follow the same procedures required for entering into the development agreement (Government Code Section 65868). However, where the City initiates a proposed amendment or cancellation of the development

agreement, the City shall provide thirty (30) days advance notice to the property owner of the intention to initiate proceedings.

9-5-911 Recordation of agreements, amendments, or cancellation.
(a) Within ten (10) days after the City enters into the development agreement, the City Clerk shall record the agreement with the County Recorder.

(b) If the parties to the agreement, or their successors in interest, amend or cancel the agreement as provided in Section 65868 of the California Government Code, or if the City terminates or modifies the agreement as provided in Section 65865.1 of the Government Code for the failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall also record notice of such action with the County Recorder.

9-5-912 Review of agreements.
The Development Services Department shall review the development agreement every twelve (12) months after the date the agreement is entered into, until the project is fully implemented. After full project implementation, the City shall review the development agreement as often and in the manner as may be specified within the terms of each specific development agreement.

(a) The Development Services Department shall begin the review proceeding by giving notice to the property owner that the City intends to undertake a periodic review of the implementation of the development agreement. The Department shall give thirty (30) days advance notice of the time when the matter will be considered by the Planning Commission and City Council.

(b) The Planning Commission and City Council shall conduct a public hearing at which the property owner shall demonstrate good faith compliance with the terms of the agreement. The burden of proof on such issue shall be upon the property owner. Notice of the hearing shall be given in conformance with TMC 9-5-118 et.seq.

(c) The City Council, upon the recommendation of the Planning Commission, shall determine whether or not the property owner, for the period under review, has complied in good faith with the terms and conditions of the agreement.

(d) If the City Council finds and determines that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review shall be concluded. If the City Council finds and determines that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the City Council shall order the property owner to cure the default within sixty (60) days. If the property owner fails to do so, the City Council may modify or terminate the agreement.

Article 10. Design Review

9-5-1001 Purpose.
The purposes for establishing design review are as follows:

(a) Effective implementation of the objectives and goals in the General Plan.

(b) Standards and policies to promote and enhance quality architectural design, good site planning and the preservation of property values throughout the City.

(c) Enhancement of the orderly and harmonious appearance of new development.

(d) To compliment the mandatory property development regulations contained in Title 9 of this Code by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations.

(e) Maintenance of the public health, safety, general welfare and property throughout the City by avoiding and preventing possible deterioration in the form of:

(1) The appearance of open spaces, buildings and related structures visible from public streets having a substantial effect on property values and the taxable value of property in the City.

(2) Poor planning, neglect of proper design standards, and the construction of buildings and structures unsuitable and incompatible with the character of the neighborhood.

(f) To protect the general health, welfare and safety of the residents of the City.

9-5-1002 Applicability.
Design guidelines are advisory for permitted uses. However, the design guidelines should be incorporated as applicable in all development subject to a Minor Administrative Permit, Minor Discretionary Permit, Conditional Use Permit or planned development proposal, to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. Exceptions include: single-family residences on in-fill sites, interior remodels, or interior tenant improvements.

9-5-1003 Findings.
Upon receipt of an application, the Development Services Director or designee shall review the proposed project and determine the project adequately meets the following findings:

(a) The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, will not result in vehicular and/or pedestrian hazards and provides a desirable environment for occupants, visitors and neighbors.

(b) The architectural design of the proposed project is compatible with the character of the surrounding neighborhood and will implement the General Plan by insuring harmonious, orderly and attractive development.

Article 11. Enforcement

9-5-1101 Purpose.
Enforcement of the provisions of this code shall be diligently pursued in order to provide for their effective administration, to ensure compliance with any conditions of approval, to promote the City' s planning efforts and for the protection of the public health, safety and welfare of the City.

9-5-1102 Permits, licenses, certificates, and approvals.
All persons empowered with the authority to issue permits, licenses, certificates, or other approvals, shall comply with the provisions of this title and grant no permit, license, certificate, or approval in conflict with these provisions. Any permit, license, certificate, or approval granted in conflict with any provision of this title shall be void.

9-5-1103 Violation.
It shall be unlawful to violate or fail to perform any condition, requirement or restriction placed on any permit, Planned Development zone, variance or other similar action.

9-5-1104 Enforcement.
It shall be the duty of the Neighborhood Preservation Officer, the Chief of Police, and the Development Services Director to enforce the provisions of this title. In addition to all other actions and/or remedies provided by this Code, any violation of this title shall be deemed a nuisance and enforcement proceedings shall be pursuant to Article 3 of Chapter 5-5 (Nuisance Abatement Procedures), Article 1 of Chapter 4-16 (Cost Recovery), and/or Article 1 of Chapter 2-11 (Administrative Citations).

SECTION 7. VALIDITY: If any section, subsection, sentence, clause, word, or phrase of this ordinance is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance. The Turlock City Council hereby declares that they would have passed this ordinance, and each section, subsection, sentence, clause, word, or phrase thereof, irrespective of the fact that one or more section, subsection, sentence, clause, word, or phrase be declared invalid or unconstitutional.

SECTION 8. ENACTMENT: Prior to the expiration of fifteen (15) days from the passage and adoption thereof, this ordinance shall be published in a newspaper of general circulation printed and published in the County of Stanislaus, State of California, together with names of the members of the City Council voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 13th day of January, 2015, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

Signed and approved this 13th day of January, 2015.

_____
Gary Soiseth, Mayor

ATTEST:

_____
Kellie E. Weaver, City Clerk,
City of Turlock, County of Stanislaus,
State of California

8A

Council Synopsis

January 13, 2015

From: Michael G. Pitcock, P.E.
Director of Development Services /City Engineer

Prepared by: Anthony R. Orosco, P.E., Senior Civil Engineer

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Accepting a project status update on construction activities for Project 0804A, "Turlock Public Safety Facility – Off-Site Improvements," and Project 0804B, "Turlock Public Safety Facility"

Resolution: Authorizing the transfer of $150,000 from Fund 305 CFF (Police) Reserve to account number 305-40-441.51270 "Construction Project"

2. DISCUSSION OF ISSUE:

On April 22, 2008, Council approved an agreement with WLC Architects, Inc. for consultant services for design and project management services for the Turlock Public Safety Facility. The scope of this project consists of all necessary off-site and on-site improvements and a two-story building for the Police Department and Fire Administration consisting of approximately 57,570 square feet on a 4.6 acre site located in close proximity to the downtown business district and is bordered by North Broadway, West Olive Street, North Laurel Street, and Florence Street.

On February 1, 2011, Council awarded Project No. 0804A, "Turlock Public Safety Facility, Off-site Improvements," a single-prime contract that includes all necessary off-site improvements, and Project No. 0804B, "Turlock Safety Facility," a multi-prime project that includes 16 contracts for the various trades and specialties necessary for the construction of the building and the on-site improvements, totaling $23,770,080 for all 17 contracts.

The following Table 1 shows the overall project budget, inclusive of all construction, management, testing, inspection and contingency costs, as presented to Council on February 1, 2011, along with the January 22, 2013 approved budget and the actual cost through November 30, 2014:

Table 1

Project Costs	As Approved 2/1/2011	As Approved 1/22/2013	Actual to 11/30/2014
Total of Construction Contracts	$23,770,080	$23,770,080	$23,741,694
Construction Management - WLC	$1,897,283	$1,897,283	$1,897,283
Additional Time Extension cost - WLC		$331,392	$191,250
Construction Contingency	$211,100	$211,100	
Total of all soft costs	$3,255,318	$3,255,318	$3,255,318
Additional time extension soft costs		$281,892	$281,892
Soft Cost Contingency	$60,739	$60,739	
Miscellaneous Project Contingency	$68,520	$68,520	$62,712
Value Engineering cost savings	$(966,671)	$(613,168)	$(613,168)
Contract Change Orders to date		$526,471	$553,627
Total Project Costs	**$28,296,369**	**$29,789,627**	**$29,370,608**

Funding sources utilized to pay for all costs of the project as of November 30, 2014, are identified in Table 2:

Table 2

Funding Source	As Approved 2/1/2011	Actual to 11/30/2014
Current RDA TI	3,861,479	3,512,949
RDA Bond Proceeds - 2006	0	654,846
RDA Bond Proceeds - 2011	13,551,743	13,562,332
Additional RDA / Successor Agency	0	3,749,204
CFF Contingency	4,000,000	4,000,000
Prop 1B	1,100,000	1,255,896
Funds from WQC and Carnegie projects	0	67,579
Palm St. Property Sales Proceeds	2,500,000	
Loan against Police and Fire CFF	4,188,474	2,567,802
Total Revenue Available	**29,201,696**	**29,370,608**

It should be noted that the City withheld retention from many of the contract trades totaling $72,905 for punch list items that were not completed in the allowed time. In addition, the City is also holding the last payment to WLC Architects for amendment #3 to their contract in the amount of $63,580 until project completion. These obligations may become due if the various contract trades complete their work or if the work is awarded and completed by other contractors. City Staff ask that $150,000 (CFF Police Reserve) be made available under the project line item so these obligations can be paid when the work is completed by the contract trades or by other contractors that are awarded and complete the work.

3. BASIS FOR RECOMMENDATION:

A) Installation of these improvements is consistent with the Police Department Strategic Plan and Growth projections

B) The City has contractual obligations to pay withheld retention once work is completed either by the trade contractors or by others.

Strategic Plan Initiative C. PUBLIC SAFETY

Goal(s): b Police Department
ii. Complete construction and transition into new Public Safety Facility

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impacts

- Transfer $150,000 from Fund 305 CFF (Police) to line item 305-40-441.51270, "Construction Project"

5. CITY MANAGER'S COMMENTS:

Recommend approval.

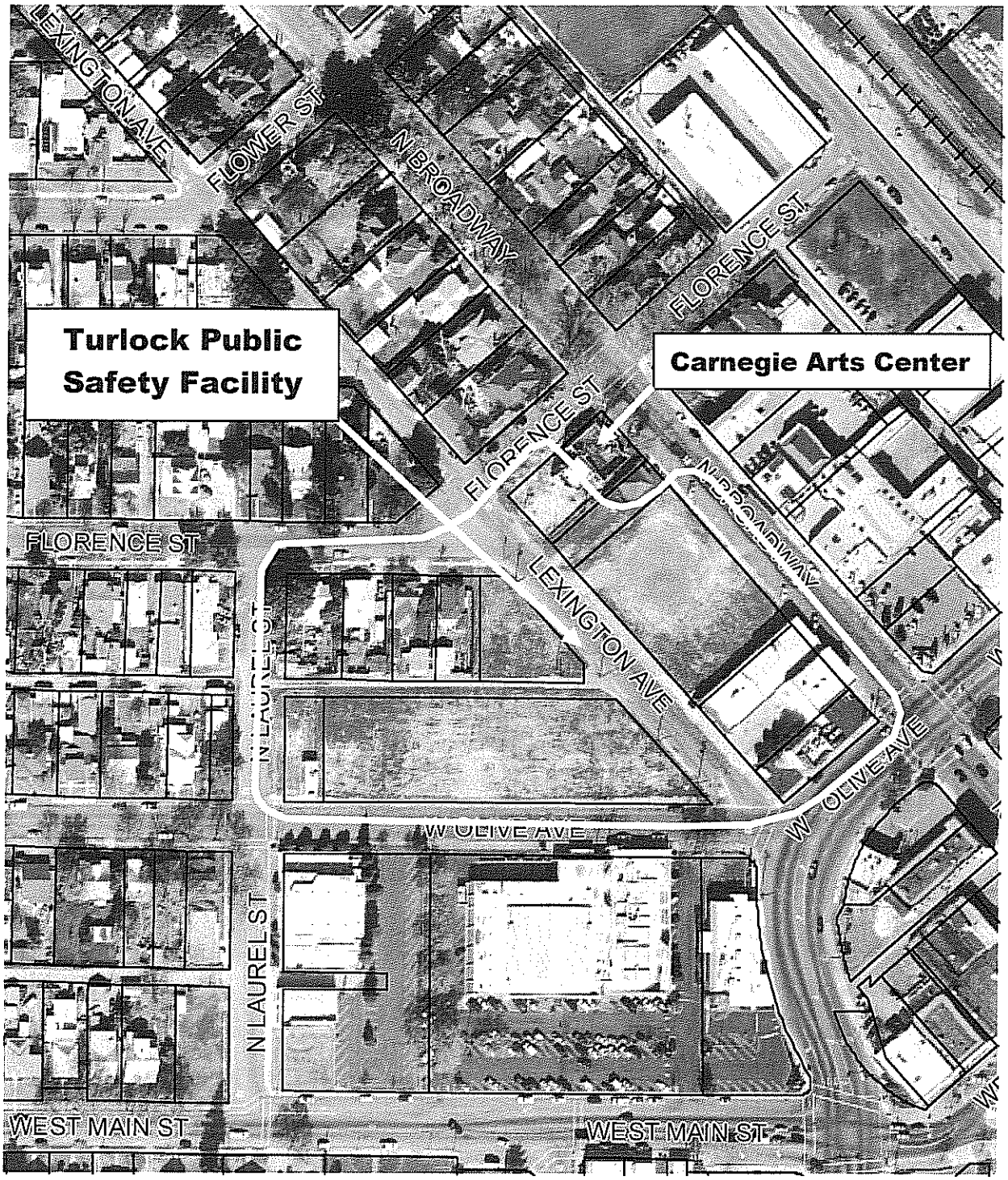
6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

A. Not accept the project status update and the associated resolution. This is not recommended as the City has contractual obligations to pay withheld retention once work is completed either by the trade contractors or by others.

TURLOCK PUBLIC SAFETY FACILITY
(Not to scale)



BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF AUTHORIZING THE THE TRANSFER OF $150,000 FROM FUND 305 CFF (POLICE) RESERVE TO ACCOUNT NUMBER 305-40-441.51270 "CONSTRUCTION PROJECT"	}	**RESOLUTION NO. 2015-**

WHEREAS, the City of Turlock desires to complete the construction of the new Public Safety Facility; and

WHEREAS, the scope of the project will consist of all necessary off-site and on-site improvements and a two-story building for the Police Department and Fire Administration consisting of approximately 57,570 square feet on a 4.6 acre site located next to the City's historic Carnegie Library; and

WHEREAS, the various project contracts have been closed, many with credits to the City for non-completed work, and a notice of completion has been filed; and

WHEREAS, the City still has approximately $150,000 in construction obligations and other contractual commitments that are necessary to finish the building; and

WHEREAS, there is $150,000 in Fund 305 (Police) Reserve available for this project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby authorize the transfer of $150,000 from Fund 305 CFF (Police) reserve to account number 305-40-441.51270 "Construction Project."

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 13th day of January, 2015, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____

Kellie E. Weaver, City Clerk,
City of Turlock, County of Stanislaus,
State of California

8B

Council Synopsis

January 13, 2015

From: Robert Jackson, Police Chief

Prepared by: Steven Williams, Police Captain

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Authorizing the approval and execution of an agreement between the City of Turlock and the California Department of Justice for data sharing through Smart Justice

2. DISCUSSION OF ISSUE:

The public safety community is faced with the challenge of easily and accurately monitoring and tracking offender status, statewide. The passage of the Criminal Justice Realignment Act of 2011, has increased the necessity for data sharing between counties and among law enforcement and public safety agencies.

These agencies need the ability to identify offenders returning to their jurisdictions and easily access complete offender profiles. Access to this data will enable agencies to effectively supervise individuals, measure outcomes of re-entry programs and offender services, and properly manage resources. Law enforcement officials who encounter these individuals must have access to up-to-date offender records and conditions of supervision, including information regarding alternative custody arrangements.

Smart Justice is a program facilitated by the California Department of Justice. It consolidates data from numerous sources into one program and makes that information available to law enforcement officials.

3. BASIS FOR RECOMMENDATION:

A. City Council approval is needed to enter into and commit the City of Turlock to agreements.

Strategic Plan Initiative: C. PUBLIC SAFETY.

Goal(s): b-i-b Enhance internal and external communications and teamwork.

4. FISCAL IMPACT:

None.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A.

7. ALTERNATIVES:

A. Council can direct staff not to participate in the Smart Justice Program.

CALIFORNIA

SMARTJUSTICE

Interconnection Agreement

(Multiple Agencies)

Version 1.1 · February 27, 2014

OK for Agenda

Contents

1 Purpose 3
2 Background 3
3 Definitions 3
4 Responsibilities 3
5 Information ownership and release 4
6 Term 4
7 Other 4

1 Purpose

This Interconnection Agreement (ICA) is entered into by and between the California Department of Justice (DOJ), and: *(list all applicable contributing agencies below)*

__Ceres Police Department_____

__CSU Stanislaus Police Department_____

__Modesto Police Department_____

__Turlock Police Department_____

_____

_____

(hereinafter referred to as "agency"), to define the relationship between DOJ and the agency as it relates to the sharing of data between DOJ and the agency.

2 Background

The public safety community is faced with the challenge of easily and accurately monitoring and tracking offender status, statewide. The passage of the Criminal Justice Realignment Act of 2011 (Chapter 15, Statutes of 2011 - Assembly Bill 109), has increased the necessity for data sharing between counties and among law enforcement and public safety agencies. These agencies need the ability to identify offenders returning to their jurisdictions and easily access complete offender profiles. Access to this data will enable agencies to effectively supervise individuals, measure outcomes of re-entry programs and offender services, and properly manage resources. Law enforcement officials who encounter these individuals must have access to up-to-date offender records and conditions of supervision, including information regarding alternative custody arrangements.

3 Definitions

1. All references to "agency" in this ICA shall be deemed a reference to "any agency."
2. All references to "instance" in this ICA shall be deemed a reference to the DOJ SmartJustice.
3. All references to "source agency" in this ICA shall be deemed a reference to the agency that contributed the information to the instance.

4 Responsibilities

1. To provide data to the maximum extent permitted by law, in a mutually agreed upon electronic format.
2. To contribute data and grant view-only access to the instance's participating agencies.

3. Such information may include, but is not limited to, record/case/jail management systems, Supervised Release File, Automated Criminal History System or other DOJ or agency owned information.
4. Compliance with the SmartJustice Policies, Practices and Procedures. For reference, see the following URL: http://clew.doj.ca.gov/

5 Information ownership and release

1. Ownership - Each contributing agency retains control of all information they provide through the instance at all times. An agency is responsible for creating, updating, and deleting records in its system according to its policies. An agency shall ensure the completeness and accuracy of its source data. The information contributed into the instance shall remain the property of the contributing agency.
2. Referral of Information Requests from Third Parties - Any third party request for information authored or originated by another source agency shall be immediately referred to the source agency.
3. Prohibition Against Release of Information to Third Parties - The agency shall not release or make available any information it has accessed to any third party, unless they are the source agency, or as required by law.
4. Subpoenas and Court Orders - The agency may respond to a subpoena or court order for information authored or originated by another source agency after providing the source agency the opportunity to object. The agency shall immediately provide a copy of the subpoena or court order to the source agency.
5. State or Federal Public Record Requests - Upon receipt of a state or federal public record request for information authored or originated by another source agency the agency shall respond to the request by stating that the request will be referred to the source agency for response.

6 Term

This ICA may be terminated upon a 10 working day notice by either agency. In the event of a security incident that necessitates an immediate response, the 10 working day notice is not applicable.

7 Other

1. Should a conflict arise, the agency agrees to fully cooperate and provide all source documents, or other information necessary for investigation.
2. The parties agree this ICA is subject to all applicable federal, state, and local statutes, ordinances, and regulations.
3. An agency is authorized to download their own agency data from the instance.

Agency Name

Agency Head Signature Date

Agency Head (Printed)

Agency Name

Agency Head Signature Date

Agency Head (Printed)

DOJ Signature Date

DOJ (Printed)

8C

Council Synopsis

January 13, 2015

From: Robert Jackson, Police Chief

Prepared by: Steven Williams, Police Captain

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Authorizing the approval and execution of a Memorandum of Understanding between the City of Turlock Police Department, City of Ceres Police Department, City of Modesto Police Department, Stanislaus County Sheriff's Department, City of Oakdale Police Department, City of Newman Police Department, California State University – Stanislaus Police Department, and Stanislaus County Probation Department to work cooperatively to reduce alcohol related traffic collisions in Stanislaus County through the "Avoid the 12" Grant # AL1520 MOU with the California Office of Traffic Safety

2. DISCUSSION OF ISSUE:

"Avoid the 12" is a collaborative project within Stanislaus County to reduce fatal and injury traffic collisions which are alcohol related. The project is sponsored by the State of California Office of Traffic Safety (OTS) and funded by grants from that agency.

Local management of the "Avoid the 12" project rotates among the various Stanislaus County law enforcement agencies. The Turlock Police Department managed the program from October 2010 through September 2012. The Ceres Police Department has been designated as the current local agency manager of the project. This MOU authorizes continued participation in the "Avoid the 12" project.

Agencies participating agree to provide staff, as available, to assist with project related enforcement activities. These activities rotate, on a mutually agreed basis, through the participating jurisdictions as well as mobilize for specific events, with Stanislaus County Fair and CSUS graduation being two local examples.

Activities are funded through the OTS grant. These activities include enforcement, planning, and reporting. In the Turlock Police Department, these activities are normally staffed by members of the Traffic Unit and additional

activities are normally staffed by members of the Traffic Unit and additional officers on a voluntary sign-up basis, coordinated by the Police Sergeant assigned to the Traffic Unit.

3. BASIS FOR RECOMMENDATION:

A. City Council approval is needed to enter into and commit the City of Turlock to contracts and Memorandum of Understandings.

Strategic Plan Initiative: B. FISCAL RESPONSIBILITY

Goal(s): c. Ensure the most efficient use of resources and maximize value with department budgets and develop value-added partnerships with public and private agencies, industry, and educational institutions.

Strategic Plan Initiative: C. PUBLIC SAFETY.

Goal(s): b-i-b Enhance internal and external communications and teamwork.

4. FISCAL IMPACT:

Employee overtime costs related to "Avoid the 12" activities will be reimbursed from OTS grant funds managed by the Ceres Police Department. Initially, funds will be expended from the Overtime AVOID Grant-Ceres account – 266-20-255-359.41100_024 and related benefit expenditure accounts. The MOU provides for reimbursement to the City of Turlock for officer time committed to the event at the overtime rate of one and one-half times the normal rate of pay plus benefits for each officer, reducing the direct fiscal impact to the City to zero.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A.

7. ALTERNATIVES:

A. Council can direct staff not to participate in the "Avoid the 12" project.

Avoid the 12
Grant # AL1520
Memorandum of Understanding

Project Period: 10/01/2014 – 09/30/2015

Project Mission:

We, the undersigned, as representatives of the Ceres Police Department, Stanislaus Sheriff's Department, Modesto Police Department, Turlock Police Department, Oakdale Police Department, Newman Police Department, California State University Stanislaus Police Department, and Stanislaus County Probation Department will work cooperatively to reduce alcohol related fatal and injury traffic collisions in Stanislaus County. In furtherance of that goal, we agree to fully support the goals and objectives of the "Avoid the 12" Project NO. AL1520 agreement with the California Office of Traffic Safety.

The Ceres Police Department agrees to:

1. Administer the project agreement with the California Office of Traffic Safety, including: submitting all required financial and programmatic reports.
2. Reimburse allied agencies promptly when invoiced for project-related costs (Contractual Services). Eligible costs include hourly overtime costs for officers, deputies, corporals, sergeants and any authorized OTS conference attendance related costs up to the standardized amount authorized under the POST guidelines. Administrative overhead and "straight time" (other than for those employees not eligible for overtime) will not be reimbursed.
3. Participate in all project related enforcement activities and take turns hosting enforcement operations on a mutually agreeable rotational basis with the other participating agencies.
4. Schedule project related meetings as needed to coordinate activities.

The Participating Agencies agree to:

1. Assign staff, as available, to assist with all project-related enforcement activities, to include:
   a. Winter Holiday Mobilization
   b. Memorial Day holiday weekend period
   c. Independence Day weekend
   d. Summer Mobilization
   e. Other Special Events such as: Super Bowl Sunday, St Patrick's Day, Cinco de Mayo, Halloween or community events such as X-Fest or Stanislaus County Fair.
2. Take turns coordinating and hosting enforcement operations on a mutually agreeable rotational basis with the other participating agencies.
3. Attend project related meetings to schedule and coordinate activities.
4. Submit "HARD COPY" invoices and proper documentation (copies of salary schedules and overtime payroll records) to the Ceres Police Department. Hard Copies must be received or postmarked *no later than* ***60 days*** *after the date of the detail reimbursement is being requested for.* Requests made after the 60 day limit will be denied. Electronic submittals will not be accepted.

OK for Agenda

5. Acknowledge that officers from participating agencies will perform law enforcement activities across jurisdictional boundaries within Stanislaus County.
6. Collect and submit statistics by due dates on project activities necessary for completion of specific grant reporting requirements prior to being reimbursed for expenses incurred from this grant.
7. Assume responsibility for the conduct and actions of their personnel.
8. Recognize the total amount of reimbursable over-time expenses for all allied agencies for this grant (Contractual Services) shall not exceed $101, 985.00.
9. Details will be posted via email distribution list by the Avoid the 12 Stanislaus coordinator (CPD Traffic Sergeant). Instructions unique to the detail will be provided in the email.
10. Participating employees will be provided the "Avoid the 12 Stanislaus - Expectations" document outlining the duties and expectations for each type of detail. If expectations are continually not met, a supervisor from the subject employee's agency will be notified. That person may be removed from the notification list and unable to participate in Avoid the 12 operations.

For the Ceres Police Department:

10-31-2014

Brent Smith — Date
Acting Chief of Police

For the Modesto Police Department:

11-6-14

Galen Carroll — Date
Chief of Police

For the Stanislaus Sheriff's Department:

Adam Christianson — Date
Sheriff

For the Turlock Police Department:

Robert A. Jackson — Date
Chief of Police

For the Oakdale Police Department:

11-6-14

Lester Jenkins — Date
Chief of Police

For the Newman Police Department:

11-6-14

Randy Richardson — Date
Chief of Police

For the CSUS Police Department:

11-6-14

Andy Roy — Date
Acting Chief of Police

For the Stanislaus Probation Department:

11-6-14

Jill Siva — Date
Chief Probation Officer

8D

Council Synopsis

January 13, 2015

From: Roy W. Wasden, City Manager

Prepared by: Kellie E. Weaver, City Clerk

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Adopting the 2015 City Council Meeting Schedule

2. DISCUSSION OF ISSUE:

The attached Resolution sets the dates for 2015 regular City Council meetings in conformance with the Turlock Municipal Code. Turlock Municipal Code Section 2-1-02 states regular meetings of the Council shall, unless canceled by motion passed by a majority of members present, be held on the second and fourth Tuesdays of each month at the hour of 6:00 p.m., unless such meeting date shall coincide with Christmas Eve (December 24th) or any holiday on which City Offices are closed, in which event the regular meeting shall be held on the third Tuesday of the month in which the holiday falls. Council has traditionally canceled the second regular meeting (fourth Tuesday) in November and December due to the Thanksgiving and Christmas holidays. The attached 2015 City Council Meeting Schedule reflects this past practice and includes only one meeting in both November and December.

In addition to the proposed 2015 regular meeting dates, several special meetings have been scheduled. These meetings are also identified in the attached Resolution.

3. BASIS FOR RECOMMENDATION:

A. Staff's recommendation is based on the requirements of the Turlock Municipal Code and on past preferences expressed by members of the City Council.

Strategic Plan Initiative:

Not specifically identified within the City Strategic Plan as this item pertains to the ongoing operation/function of the City Council/City Government.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: The adoption of this calendar will not impact the adopted budget.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

A. Council may wish to consider scheduling meetings on every 2nd and 4th Tuesday in 2015 as set forth in the Turlock Municipal Code. This option would still allow the Council to cancel the meetings as the dates draw nearer and does not preclude the Council from setting special meetings as necessary.

B. Council may wish to amend the proposed schedule to include additional dates for workshops (i.e. goal setting, commission forums, budget workshops, community meetings, etc.). Adopting the meeting schedule as submitted does not preclude the Council from setting additional special meetings as the need arises.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ADOPTING THE 2015 CITY COUNCIL MEETING SCHEDULE	}	**RESOLUTION NO. 2015-**

WHEREAS, annually, the City Council adopts a calendar establishing the meetings for the year; and

WHEREAS, Exhibit A sets the meeting dates for 2015 in accordance with the requirements of the Turlock Municipal Code Section 2-1-02.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Turlock does hereby adopt the 2015 City Council Meeting Schedule as set forth in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 13th day of January, 2015, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____
Kellie E. Weaver, City Clerk,
City of Turlock, County of Stanislaus,
State of California

EXHIBIT A

2015
CITY OF TURLOCK
CITY COUNCIL MEETINGS

JANUARY 13	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
JANUARY 17	9:00 a.m.	Special City Council Meeting/Workshop
JANUARY 27	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
FEBRUARY 3	6:00 p.m.	Special City Council Meeting/Workshop
FEBRUARY 10	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
FEBRUARY 17	6:00 p.m.	Special City Council Meeting/Workshop
FEBRUARY 24	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
MARCH 3	6:00 p.m.	Special City Council Meeting/Workshop
MARCH 10	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
MARCH 17	6:00 p.m.	Special City Council Meeting/Workshop
MARCH 24	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
MARCH 31	6:00 p.m.	Special City Council Meeting/Workshop
APRIL 7	6:00 p.m.	Special City Council Meeting/Workshop
APRIL 14	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
APRIL 21	6:00 p.m.	Special City Council Meeting/Workshop
APRIL 28	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
MAY 12	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
MAY 26	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
JUNE 9	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
JUNE 23	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
JULY 14	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
JULY 28	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
AUGUST 11	5:00 p.m.	Special Joint Council/Planning Commission Meeting
AUGUST 11	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
AUGUST 25	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
SEPTEMBER 8	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
SEPTEMBER 22	5:00 p.m.	Special Joint Council/Parks, Arts & Recreation Commission Meeting
SEPTEMBER 22	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
OCTOBER 13	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
OCTOBER 27	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
NOVEMBER 10	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
DECEMBER 8	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*

2016

JANUARY 12	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*
JANUARY 26	**6:00 p.m.**	*(also Regular meeting for the SA/PFA)*

Meetings are currently scheduled to be held in the Yosemite Community Room, Turlock City Hall, 156 S. Broadway, Turlock. See meeting agenda for possible changes in location.

01/13/15