

Zoning Ordinance

City of Tulare

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Chapter 10.02

GENERAL PROVISIONS

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10.02.010 Adoption.

A zoning ordinance for the City of Tulare, State of California, which is a part of the Tulare Municipal Code, has been adopted, as provided in this title.

10.20.020 Purposes and objectives.

The zoning ordinance is adopted to preserve, protect, and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the citizens of Tulare. More specifically, the zoning ordinance is adopted to achieve the following objectives:

- A. Provide a Zoning Map and associated regulations to guide the physical development of the City in such a manner as to progressively achieve the general arrangement of the land uses described and depicted in the Tulare General Plan.
- B. Ensure that new development is logical, desirable, and in conformance with the objectives and policies of the General Plan.
- C. Provide standards for the orderly development of Tulare; conserve natural resources.
- D. Maintain and protect the value of property.
- E. Promote a safe and effective traffic circulation system.
- F. Ensure the provision of adequate open space for light, air, and recreation.
- G. Promote the economic stability of existing land uses that conform to the General Plan and protect them from intrusions by inharmonious or harmful land uses.

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- H. Permit the development of residential, office, commercial, and industrial land uses in accordance with the General Plan to strengthen Tulare’s economic base.
- I. Protect the character of Tulare’s downtown and its residential neighborhoods.
- J. Provide the private sector with a document upon which it can base investment decisions.
- K. Inform the public where certain types of development will occur in the community as well as the development standards to which they will develop.
- L. Coordinate with the County of Tulare in regard to the use of land within Tulare’s General Plan planning area, and the standards to which development will conform if it occurs outside the city limits.

10.02.030 Short title.

This title shall be known as the “zoning ordinance.” The words “code” and “ordinance,” as used in this title, shall have the same meaning.

10.02.040 Components.

The zoning ordinance shall consist of a Zoning Map designating certain districts and a set of regulations controlling land uses, population density, structures’ uses and locations, and the height and bulk of structures. It shall also consist of the open spaces about structures; the appearance of certain uses and structures; the areas and dimensions of sites; the location, size, and illumination of signs; the number and design of off-street parking and off-street loading facilities; and the process for approving discretionary land use actions. The Zoning Map will delineate Tulare’s zone districts.

10.02.050 Authority.

This title is adopted pursuant to the provisions of the Planning and Zoning Law, Title 7 of Government Code Section 65000 of the State of California.

- A. The Community Development Director (Director) shall resolve any questions that involve the interpretation or application of this title. The Director may seek the advice of the City Attorney before deciding on any interpretation. The Director’s opinion on any provision of this title may be appealed to the Planning Commission. The Planning Commission shall review the provision of this title in question and shall set forth its findings as a resolution. This finding shall govern unless appealed to the City Council.
- B. From time to time, persons may wish to use the property for purposes that, while consistent with provisions of the district in which the property is located, may, in the findings of the Director, violate the purpose and objectives of this title. When such findings are made, the Director may inform the person that the proposed use of the property is not permitted and shall subsequently report the findings to the Planning Commission for their review, findings, and recommendation.

10.02.060 Relationship to the General Plan.

The zoning ordinance is the primary tool used to implement the goals and policies contained within the General Plan. All matters governed by this title shall substantially conform to the purposes, intent, or provisions of the General Plan. Any recommendations for zone changes, if found to be not in conformance with the General Plan and its phrasing, shall not be permitted unless it is also

found that the General Plan is in error or need of change. In this situation, the General Plan must also be amended to maintain consistency between the General Plan and the zoning ordinance.

10.02.070 Relationship to specific plans.

Specific plans are designed to meet the requirements of the State Government Code and the General Plan. All uses, buildings, or structures located within a specific plan area shall comply with the provisions of the applicable specific plan. Where such provisions conflict with the zoning ordinance, the requirements of the adopted specific plan shall take precedence over the zoning ordinance. In instances where the specific plan is silent, the provisions of the zoning ordinance shall prevail.

10.02.080 Relationship to design guidelines.

Design guidelines, which can be adopted by the City Council, are intended to supplement the general design and development regulations located in the zoning ordinance. Design guidelines represent the City’s preferences and provide examples of appropriate, quality design that positively contribute to the character of the community, but they are not intended to preclude alternatives or restrict imagination. In the event there is a conflict between the zoning ordinance and the design guidelines, the regulations in the zoning ordinance shall prevail.

10.02.090 Relationship to other titles of the Municipal Code.

No provision of this title is intended to abrogate, repeal, annul, impair, or interfere with any existing ordinance of the City. Where this title imposes greater restrictions or regulations than are imposed or required by an existing ordinance, deed restriction, covenant, easement, or agreement between parties, this title shall control.

10.02.100 Conflict between other regulations.

Any conflicts between the requirements of this title, or between this title and other regulations, shall be resolved as follows:

- A. In the event of any conflict between the provisions of this title, the most restrictive requirement shall control.
- B. In the event of any conflict between the requirements of this title and standards adopted as part of any development agreement or specific plan, the requirements of the development agreement or specific plan shall control.
- C. In the event of any conflict between the requirements of this title and other regulations of the City, the most restrictive requirement shall control, as determined by the City.
- D. It is not intended that the requirements of this title shall interfere with, repeal, abrogate, or annul any easement, covenant, or other development agreement that existed when this zoning ordinance became effective. This zoning ordinance applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than an applicable private agreement or restriction, without affecting the applicability of any agreement or restriction. The City will not enforce any private covenant or agreement unless the City is a party to the covenant or agreement. Where a requirement of a private covenant or agreement directly conflicts with a requirement in this title, the City will enforce the requirements of this title.

10.02.110 Application.

To the extent permitted by applicable law, this title shall apply to all property, whether owned by private persons, firms, corporations, or organizations; by the United States of America or any of its agencies; by the State or any of its agencies or political subdivisions; by any county or city, including the City of Tulare, or any of its agencies; or by any authority or district organized under the laws of the State, except for exemptions specifically allowed by State and federal law or amendments thereto. Lands that are exempt from these regulations are:

- A. Public streets and alleys.
- B. Railroad rights-of-way.

10.02.120 Enforcement.

- A. The Director of the Community Development Department shall be responsible for enforcing the provisions of this title, including objectives, conditions, development standards, and processing procedures, issuing citations, and making arrests pursuant to Cal. Penal Code Section 836.5.
- B. All or any part of any real property, structure, or use which is established, operated, erected, moved, altered, enlarged, or maintained, contrary to the provisions of this title, is hereby declared to be unlawful and a public nuisance and shall be subject to the remedies and penalties set forth in this chapter and/or revocation procedures contained in other chapters of this title.
- C. Any permit, certificate, or license issued subsequent to the effective date of and in conflict with this title shall be null and void.
- D. In the discharge of enforcement duties, authorized persons shall have the right to enter any site or structure for the purpose of investigation and inspection. The right of entry shall be exercised only at reasonable hours and only with the consent of the owner or tenant unless a written order from the court has been issued.
- E. Any person violating any provisions of this title shall be guilty of an infraction pursuant to Cal. Penal Code Section 19(c) and upon conviction thereof shall be subject to the general penalty provisions of this chapter. A person shall be deemed guilty of a separate offense for each day during any portion of which a violation of this title is committed, continued, or permitted by the person, and shall be punishable by the person as herein provided.
- F. Any structure or part of a structure erected, moved, altered, enlarged, or maintained, and any use of a site contrary to the provisions of this title is hereby declared to be unlawful and a public nuisance, and the City Attorney shall immediately institute necessary legal proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant the relief as will remove or abate the structure or use and restrain or enjoin the person from erecting, moving, altering or enlarging the structure or using the site contrary to the provisions of this title.
- G. All remedies provided for herein shall be cumulative and not exclusive.
- H. Any person, partnership, organization, firm, or corporation, whether as principal, agent, employee, or otherwise, violating any provision(s) of this title or any condition imposed on an entitlement, permit, or license, or violating or failing to comply with any order made hereunder,

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shall be guilty of an infraction or a misdemeanor and, upon conviction thereof, shall be punished by:

1. A fine not exceeding \$50 for a first violation.
 2. A fine not exceeding \$100 for the second violation of the same provision of this title within one year.
 3. A fine not exceeding \$250 for each subsequent violation of the same provision of this title within one year.
 4. The phrase “violation of the same provision,” as used in this section, means and refers to a violation of the same numbered section of the Tulare zoning ordinance. In addition, each day such violation continues shall be regarded as a new and separate offense.
- I. The City may impose fees on applicants to cover the full costs incurred by the City for the monitoring and enforcement of the requirements of this title as well as those conditions and mitigation measures imposed on an approved permit or license.

10.02.130 Issuance of permits, certificates, and licenses.

- A. All officials, departments, and employees of the City vested with the authority or duty to issue permits, certificates, or licenses shall comply with the provisions of this title and the rest of the Tulare Municipal Code and shall issue no permit, certificate, or license that conflicts with the provisions of this title. Any permit, certificate, or license issued in error that is in conflict with the provisions of this title shall, upon its issuance, be void.
- B. A business license for any new business or for a new location for any existing business activity shall not be issued until the Director or designee has determined that the conduct of the business activity is not in violation of any provision of this title.

Chapter 10.04

CONSTRUCTION AND TERMINOLOGY

Sections:

- 10.04.010 Construction.**
- 10.04.020 General terminology of persons and entities.**
- 10.04.030 Rules of interpretation.**
- 10.04.040 Rules of measurement.**

10.04.010 Construction.

The following rules shall apply in this title, unless inconsistent with the plain meaning of the context of this chapter:

- A. The present tense includes the past and future tenses, and the future tense includes the present.
- B. Words used in the singular shall include the plural, and words used in the plural shall include the singular.
- C. In the event there is any conflict or inconsistency between the heading of a chapter, section, or subsection of this title and the context thereof, such heading shall not be deemed to affect the scope, meaning, or intent of such context.
- D. The words “shall,” “will,” “is to,” and “are to” are always mandatory. “Should” is not mandatory but is strongly recommended. “May” is permissive. “Shall not” and “may not” are always restrictive.
- E. The words “zone district,” “zoning district,” and “zone” shall have the same meaning.
- F. Whenever the number of days is specified in this title or in any permit, condition of approval, or notice issued or given as provided in this title, the number of days shall be construed as calendar days unless business days are specified. Time limits will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business, except as otherwise provided for by other State and federal laws, regulations, and agencies.
- G. Whenever a time limit in this title is specified in months, the number of months shall be deemed to be consecutive months.
- H. When a provision of this title refers to a requirement elsewhere, the subject of the cross-reference is assumed to be another chapter, section, or subsection of this title or another provision within the same section or chapter unless the title of another document is provided.
- I. The provisions of this title are held to be minimum requirements, except where they are expressly stated to be otherwise.

10.04.020 General terminology of persons and entities.

- A. “Applicant” means the property owner or their authorized agent or contractor who is requesting approval of a project.
- B. “Building Official” means the Building Official of the City of Tulare or his/her designee.
- C. “City” means the City of Tulare, California.
- D. “City Council” and “Council” mean the City Council of the City of Tulare.
- E. “City Engineer” means the City Engineer of the City of Tulare or his/her designee.
- F. “Director” means the Community Development Director of the City of Tulare or his/her designee.
- G. “Planning Commission” means the Planning Commission of the City of Tulare.
- H. “Person” means person, firm, corporation, or organization.

10.04.030 Rules of interpretation.

- A. The Director shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this title.
- B. A request for an interpretation or determination shall be filed with the Director and shall include all information required by the City.
- C. The Director has the option of forwarding any determination of the meaning or applicability of any provision of this title to the Planning Commission for consideration and decision.
- D. Any affected person may appeal the interpretation of the Director or the Planning Commission to the City Council. If appealed, the City Council shall then make the final interpretation.

10.04.040 Rules of measurement.

- A. For all measurements and calculations, the applicant or property owner shall be responsible for supplying drawings accurately illustrating the measurements that apply to a project. These drawings shall be drawn to scale and shall include sufficient detail to allow easy verification upon inspection by the City.
- B. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement shall be made at the closest or shortest distance between the two objects.
- C. Distances are measured along a horizontal plane unless otherwise specified.
- D. Measurements involving a structure are made to the closest wall of the structure unless otherwise specified.
- E. When measuring the distance between two land uses, the measurement shall be made from the closest lot line to the lot line.
- F. When measuring height, the measurement shall be the vertical distance from the highest point to the ground level directly below, unless otherwise specified; provided, however, the provisions of this section shall not apply to the height of any structure necessary for public safety or as required by any law or regulation of the State or an agency thereof.

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- G. Where there is a grade difference on either side of a fence or wall, the height of the fence or wall shall be measured on the higher side.
- H. Minimum lot width shall be measured at the front setback line, or from the front property line if there is no required setback, as determined by the zoning of the lot.
- I. Lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.
- J. Required building setback area shall be measured as the minimum horizontal distance from the property line of the site or street line to a line parallel thereto on the site; provided, however, where a precise street plan has been adopted by the City Council, required front building setback area shall be measured from the precise street plan line.
- K. Where a site abuts a street having only a portion of its required width dedicated or reserved for street purposes, the site area and required building setback areas shall be measured from a line representing the boundary of the additional width required for street purposes abutting the site.

Chapter 10.06

ZONE DISTRICTS AND ZONING MAP

Sections:

- 10.06.010 Purpose.**
- 10.06.020 Applicability.**
- 10.06.030 Establishment of zone districts.**
- 10.06.040 Establishment of Zoning Map.**
- 10.06.050 Interpretation of zone boundary lines.**
- 10.06.060 Zone changes.**
- 10.06.070 Prezoning.**
- 10.06.080 Right-of-way abandonment.**

10.06.010 Purpose.

The purpose of this chapter is to establish zone districts and a Zoning Map to classify, regulate, restrict, and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, to regulate the area of yards and other open spaces about buildings, and to regulate the density of population.

10.06.020 Applicability.

The zoning districts are applicable in all areas of the City.

10.06.030 Establishment of zone districts.

- A. Base zone districts establish the basic land use and property development regulations applicable to all property within the City, as provided in Section 10.02.110. Overlay zone districts provide additional regulations that are to be exercised over certain lands within the overlay zone to meet special community health, safety, welfare, environmental, or development objectives described by the General Plan or a specific plan. Overlay zone district regulations apply in addition to base zone district regulations and other regulations of this chapter.
- B. The base zoning districts are hereby established as follows:
 - 1. Rural Residential zone, abbreviated R-1-20.
 - 2. Residential Estate zone, abbreviated R-1-12.5
 - 3. Low Density Residential zone, abbreviated as R-1 (R-1-4 & R-1-6).
 - 4. Medium Density Residential zone, abbreviated as R-M.
 - 5. High Density Residential zone, abbreviated as R-H (R-H-14 & R-H-20).
 - 6. Neighborhood Commercial zone, abbreviated as C-1.
 - 7. Office Commercial zone, abbreviated as C-2.

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8. Retail Commercial zone, abbreviated as C-3.
 9. Service Commercial zone, abbreviated as C-4.
 10. Light Industrial zone, abbreviated as M-1.
 11. Heavy Industrial zone, abbreviated as M-2.
 12. Public Lands zone, abbreviated as PL.
 13. Parks and Recreation zone, abbreviated as PR.
 14. Agricultural/Open Space zone, abbreviated as A.
- C. The overlay zoning districts are hereby established as follows:
1. Historic Site and Historic Neighborhood Overlay zone, abbreviated as H.
 2. Planned Unit Development Overlay zone, abbreviated as PD.
 3. Downtown Design Overlay zone, abbreviated as D.
 4. Airport Overlay zone, abbreviated as AP.
 5. Mixed-Use Overlay zone, abbreviated as MU.

10.06.040 Establishment of Zoning Map.

- A. To ensure that comprehensive zoning regulations may be applied uniformly to all incorporated territories upon adoption of this title, a Zoning Map is hereby established to delineate the location and boundaries of zone districts within the City. The Zoning Map is incorporated into this title by this reference with the same force and effect as if the boundaries, together with any notations, references, and information shown on the Zoning Map, were specifically stated and described in this title.
- B. The Zoning Map, together with such additional maps as may be adopted in accordance with the provisions of this title, shall be collectively known as the “City of Tulare Zoning Map.”
- C. The official copy of the Zoning Map shall be kept, maintained, and made available to the public by the Tulare Community Development Department. The Zoning Map may be maintained in hard copy and/or electronic formats.
- D. All property within the incorporated territory shall be delineated within a zoning district on the Zoning Map.
- E. The location of zoning districts on the Zoning Map shall be consistent with the applicable policies and land use designations set forth in the General Plan.

10.06.050 Interpretation of zone boundary lines.

Whenever any uncertainty exists as to the boundary line between two zoning districts shown on the Zoning Map, the following interpretations shall control:

- A. Where a zoning boundary line is indicated as following a street, alley, railroad right-of-way, drainage channel, or other watercourse, the center line of such street, alley, railroad right-of-way, drainage channel, or other watercourse shall be the boundary line.
- B. Where a zoning boundary line is indicated as following a lot line or property line, the boundary line shall be construed as following such lot line or property line.

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- C. Where a zoning boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property line, the zoning boundary line shall be determined by the Director utilizing the scale designated on the Zoning Map.
- D. Where further uncertainty exists, the Planning Commission, upon a written application from the owner of the property in question or upon its own motion, shall determine the location of the zoning boundary line in question, giving due consideration to the location indicated on the Zoning Map, the purposes and objectives of the zoning ordinance, and the applicable policies set forth in the General Plan.

10.06.060 Zone changes.

- A. Changes to the Zoning Map shall be approved by the ordinance of the City Council in accordance with Chapter 10.86.
- B. When the Director determines that there is a technical error on the Zoning Map, the Zoning Map may be corrected to remove the technical error without the approval of an ordinance.

10.06.070 Prezoning.

Territories proposed for annexation into the City shall be prezoned concurrent with the City Council initiation of annexation proceedings, in accordance with Chapter 10.86.

10.06.080 Right-of-way abandonment.

When a public street, alley, or railroad right-of-way is abandoned, the abandoned territory shall be immediately, and without any further action, included in the zoning district of the adjacent territory.

Chapter 10.08

LAND USE TABLES

Sections:

- 10.08.010** Land use restriction.
- 10.08.020** Residential land use table.
- 10.08.030** Commercial, industrial, public, and open space zone use table.
- 10.08.040** Addition of a use to land use tables.

10.08.010 Land use restriction.

No structure, or any part thereof, shall be erected or enlarged, nor shall any site or structure be used, designated, or intended to be used for any purpose or in any manner other than is included among the uses listed in the land use tables in this chapter as permitted, administratively permitted, or conditionally permitted in the zone district in which such structure, land, or site is located, except as otherwise authorized by this title.

10.08.020 Residential land use table.

- A. The following table identifies which land uses are permitted by right, require a conditional use permit, or are not allowed in the R-1, R-M, and R-H zones.
- B. A “P” means that the use is permitted by right in that zone. A “C” means the use requires a conditional use permit in that zone. An “A” means the use requires an administrative use permit in that zone. A “T” means the use requires a temporary use permit in that zone. A blank box means the use is not allowed in that zone.
- C. Land uses are grouped generally by type of use, and then listed alphabetically. The land use groups are Residential Uses; Accessory and Support Uses; and Other Uses. The use of the word “or” can mean either or both uses.
- D. Land uses with specific land use standards shall meet the requirements found in the identified section in the last column of the table.
- E. If two or more land uses are permitted in the same zone, those land uses may coexist on the same site.

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**Table 10.08.020-1
Residential Zone Use Table**

P = Use is Permitted by Right C = Use Requires Conditional Use Permit
 A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit
 Blank = Use is Not Allowed

Land Uses		Residential Zones					Specific Land Use Standards (See identified Section)
		R-1-20	R-1-12.5	R-1-4 & R-1-6	R-M	R-H-14 & R-H-20	
	Residential Uses						
1	Assisted living, skilled nursing, or hospice facility (6 or fewer residents)	P	P	P	P	P	
2	Assisted living, skilled nursing, or hospice facility (more than 6 residents)	C	C	C	P	P	
3	Bed and breakfast inn	C	C	C	C	C	10.60.070
4	Boarding house or rooming house					P	
5	Emergency shelter				P	P	
6	Employee housing, small (6 or fewer employees)	P	P	P	P	P	
7	Employee housing, large (more than 6 employees)	C	C	C	C	C	
8	Hotel or motel				C	C	Only as part of a mixed-use development
9	Low Barrier Navigation Center				P	P	
10	Manufactured home not within a mobile home park, more than 10 years old	P					10.60.120

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**Table 10.08.020-1
Residential Zone Use Table**

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Blank = Use is Not Allowed

Land Uses		Residential Zones					Specific Land Use Standards (See identified Section)
		R-1-20	R-1-12.5	R-1-4 & R-1-6	R-M	R-H-14 & R-H-20	
11	Manufactured home not within a mobile home park, less than 10 years old	P	P	P			10.60.120
12	Mobile home or manufactured home park	C	C	C	C		10.60.130
13	Multi-family dwelling, 2 units per building (duplex)				P	P	
14	Multi-family dwelling, 3 or 4 units per building (triplex or fourplex)				P	P	
15	Multi-family dwelling, 5 or more units per building				P	P	
16	Recreational vehicle park	C					
17	Residential care facility, 6 or fewer residents	P	P	P	P	P	
18	Residential care facility, more than 6 residents	C	C	C	C	C	
19	Single-family dwelling, attached	C	C	P	P		
20	Single-family dwelling, detached	P	P	P	C		
21	Single-family dwelling or duplex that meets the requirements of Government Code Section 65852.21 (SB 9)	P	P	P			
22	Single-room occupancy (SRO)				P	P	

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**Table 10.08.020-1
Residential Zone Use Table**

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Blank = Use is Not Allowed

Land Uses		Residential Zones					Specific Land Use Standards (See identified Section)
		R-1-20	R-1-12.5	R-1-4 & R-1-6	R-M	R-H-14 & R-H-20	
23	Supportive housing	P	P	P	P	P	
24	Transitional housing	P	P	P	P	P	
Residential Accessory and Support Uses							
30	Accessory dwelling unit	P	P	P	P	P	10.60.030
31	Junior accessory dwelling unit	P	P	P	P	P	10.60.040
32	Building ancillary to the main residential use	P	P	P	P	P	
33	Cottage food operation	A	A	A	A	A	10.60.080
34	Expansion of existing non-conforming residential use	A	A	A	A	A	
35	Home occupation	A	A	A	A	A	Chapter 10.78
36	Keeping of household pets	P	P	P	P	P	Title 6 Chapter 6.12
37	Raising of fruit, vegetables, and horticultural specialties for personal use	P	P	P	P	P	
38	Temporary caretaker’s dwelling	T	T	T	T	T	

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**Table 10.08.020-1
Residential Zone Use Table**

P = Use is Permitted by Right C = Use Requires Conditional Use Permit
 A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit
 Blank = Use is Not Allowed

Land Uses		Residential Zones					Specific Land Use Standards (See identified Section)
		R-1-20	R-1-12.5	R-1-4 & R-1-6	R-M	R-H-14 & R-H-20	
39	Temporary materials storage yard	T	T	T	T	T	
40	Temporary residential sales office	T	T	T	T	T	
41	Other accessory or ancillary use or structure that the Director determines is customarily associated with, and subordinate to, a primary permitted use.	P	P	P	P	P	
Other Uses							
50	Assembly facility (e.g. meeting facilities, churches, community centers)	C	C	C	C	C	
51	Cannabis Cultivation for Personal Use per Proposition 64 Guidelines (Indoor)	P	P	P	P	P	
52	Cannabis Cultivation for Personal Use per Proposition 64 Guidelines (Outdoor)	P	P	P			
53	Cannabis deliveries (Receiving)	P	P	P	P	P	
54	Community center or facility (5,000 square feet or less)	P	P	P	P	P	
55	Community center or facility (over 5,000 square feet)	C	C	C	C	C	
56	Daycare, adult	P	P	P	P	P	
57	Daycare, small family	P	P	P	P	P	

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**Table 10.08.020-1
Residential Zone Use Table**

P = Use is Permitted by Right C = Use Requires Conditional Use Permit
A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit
Blank = Use is Not Allowed

Land Uses		Residential Zones					Specific Land Use Standards (See identified Section)
		R-1-20	R-1-12.5	R-1-4 & R-1-6	R-M	R-H-14 & R-H-20	
58	Daycare, large family	P	P	P	P	P	
59	Daycare center	C	C	C	C	C	
60	Electrical transmission and distribution substation, gas regulator station, communications equipment building, public service pumping station, or elevated pressure tank	C	C	C	C	C	
61	Golf Course	C	C				
62	Kennel	C					
63	Mixed-Use				C	C	10.46
64	Mobile vendor or food truck						
65	Outdoor Assembly	C					10.60.150
66	Outdoor storage that is visible from a public right-of-way						
67	Park or playground	P	P	P	P	P	
68	School, private (kindergarten to 12 th grade)	C	C	C	C	C	
69	School, public (kindergarten to 12 th grade)	P	P	P	P	P	

**Table 10.08.020-1
Residential Zone Use Table**

P = Use is Permitted by Right C = Use Requires Conditional Use Permit
 A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit
 Blank = Use is Not Allowed

Land Uses	Residential Zones					Specific Land Use Standards (See identified Section)
	R-1-20	R-1-12.5	R-1-4 & R-1-6	R-M	R-H-14 & R-H-20	
70 School; charter, trade, vocational, art, business, or professional						
71 Self-storage facility or mini-warehouse						
72 Storm drainage basin, with or without a park	P	P	P	P	P	
73 Land uses listed in the Commercial, Office, and Industrial Zone Use Table (Section 10.08.030) that are not listed in this Residential Zone Use Table						

10.08.030 Commercial, industrial, public, and open space zone use table.

- A. The following table identifies which land uses are permitted by right, require a use permit, or are not allowed in the C-1, C-2, C-3, C-4, M-1, M-2, PL, PR, and A zones.
- B. A “P” means that the use is permitted by right in that zone. A “C” means the use requires a conditional use permit in that zone. An “A” means the use requires an administrative use permit in that zone. A “T” means the use requires a temporary use permit in that zone. A blank box means the use is not allowed in that zone.
- C. Land uses are grouped generally by type of use, and then listed alphabetically. The land use groups are Accessory and Support Uses; Eating and Drinking Establishment Uses; Education and Assembly Uses; Manufacturing and Processing Uses; Office and Medical Uses; Public and Quasi-Public Uses; Recreation Uses; Residential Uses; Retail Uses; Service Uses; Transportation and Storage Uses; and Other Uses.
- D. Land uses with specific land use standards shall meet the requirements found in the identified Section in the last column of the table.
- E. If two or more land uses are permitted in the same zone, those land uses may coexist on the same site.

City of Tulare Municipal Code Title 10 – Zoning Ordinance

<p align="center">Table 10.08.030-1 Commercial, Industrial, Public, and Open Space Zone Use Table</p> <p align="center">P = Use is Permitted by Right C = Use Requires Conditional Use Permit A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed</p>											
Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
	Accessory and Support Uses										
A1	Automated teller machine (ATM)	P	P	P	P	P	P				
A2	Caretaker residence or quarters	C	P	P	P	P	P	P	P	P	
A3	Cottage food operation	A	A	A	A						10.60.080
A4	Daycare primarily for children of employees on the same site as a permitted use	P	P	P	P	P	P	P		P	
A5	Drive-thru pick-up window meeting all standards of 10.60.090	C	C	P	P	P	C				10.60.090
A6	Drive-thru pick-up window not meeting all standards of 10.60.090	C	C	C	C	C	C				10.60.090
A7	Electric vehicle recharging facility	P	P	P	P	P	P	P	P	P	
A8	Food service primarily for employees on the same site as a permitted use	P	P	P	P	P	P	P	P	P	
A9	Home occupation	A	A	A	A					A	Chapter 10.78

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**Table 10.08.030-1
Commercial, Industrial, Public, and Open Space Zone Use Table**

P = Use is Permitted by Right C = Use Requires Conditional Use Permit
A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit
Blank = Use is Not Allowed

Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
A10	Keeping of household pets	P	P	P	P					P	Title 6 Chapter 6.12
A11	Mobile vendor or food truck	C	C	C	C	C	C	C			Title 5 Chapter 5.92
A13	Outdoor storage ancillary to and on the same site as a permitted use				P	P	P	P	P	P	10.60.180
A14	Solar that is placed upon an existing structure or carport with energy produces only being used for offset.	P	P	P	P	P	P	P	P	P	
A15	Ground-mounted Solar energy system, less than 10,000 sq. ft.				C	P	P	P	P		
A16	Ground-mounted Solar energy system, more than 10,000 sq. ft.					C	C	C			
A17	Temporary materials and/or equipment storage yard	T	T	T	T	T	T	T			
A18	Temporary outdoor sales (including parking lot)	T	T	T	T	T	T	T	T	T	10.60.170
A19	Vending machines	P	P	P	P	P	P	P	P	P	10.60.240

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<p align="center">Table 10.08.030-1 Commercial, Industrial, Public, and Open Space Zone Use Table</p> <p align="center">P = Use is Permitted by Right C = Use Requires Conditional Use Permit A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed</p>											
Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
	Eating and Drinking Establishment Uses										
B1	Artisan food and beverage production and sales	P	P	P	P	P	P			P	
B2	Bar, nightclub, or lounge	C	C	C	C						10.60.050
B3	Brewpub	C	C	C	C	C	C				10.60.050
B4	Microbrewery	C	C	C	C	C	C				10.60.050
B5	Restaurant, full service	P	P	P	P	C	C				
B6	Restaurant, limited service with drive-thru pickup window meeting all standards of 10.60.090	C	P	P	P	C	C				10.60.090
B7	Restaurant, limited service with drive-thru pickup window not meeting all standards of 10.60.090	C	C	C	C	C	C				10.60.090
B8	Restaurant, limited service without drive-thru pickup window	P	P	P	P	C	C				

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**Table 10.08.030-1
Commercial, Industrial, Public, and Open Space Zone Use Table**

P = Use is Permitted by Right C = Use Requires Conditional Use Permit
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Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
	Education and Assembly Uses										
C1	Assembly facility (e.g., meeting facilities, churches, community centers)	C	C	C	C	C	C	C			
C2	Auditorium or theater (live or movie) capacity up to 2,500 persons	P	P	P	P			P	P		
C3	Auditorium or theater (live or movie) capacity over 2,500 persons	C	C	C	C			P	P		
C4	Card room				C	C	C				
C5	Club, lodge, or private meeting hall	P	P	C	P						
C6	Carnival or circus	T	T	T	T	T	T	T	T	T	
C7	College or university, public or private	C	C	C	C	C	C	P			
C8	Convention or conference center		P	P	P	C	C	C			
C9	Funeral home or mortuary		C	C	P						
C10	Library, museum, or cultural facility	P	P	P	P	C	C	P	C	C	

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Table 10.08.030-1

Commercial, Industrial, Public, and Open Space Zone Use Table

P = Use is Permitted by Right C = Use Requires Conditional Use Permit
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 Blank = Use is Not Allowed

Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
C11	Pool hall or billiard parlor		C	P	P						
C12	School, private (kindergarten to 12 th grade)	C	P	P	C			C			
C13	School, public (kindergarten to 12 th grade)	P	P	P	P			P			
C14	School; charter, trade, vocational, art, business, or professional	C	P	P	P	P	C	P			
C15	Studio for martial arts, music, dance, yoga, exercise, gymnastics, or similar	P	P	P	P	P	P	P			
Manufacturing and Processing Uses											
D1	Agricultural crop production					C	C	A	C	P	
D2	Agricultural products packing, packaging, preparing, or processing					C	P			P	
D3	Animal raising							A		P	
D4	Brewery, winery, or distillery		C	C	C	C	C	C		C	10.60.050
D5	Hazardous waste facility										

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**Table 10.08.030-1
Commercial, Industrial, Public, and Open Space Zone Use Table**

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Blank = Use is Not Allowed

Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
D6	Assembling, cleaning, manufacturing, processing, repairing or testing products primarily outdoors. (Unless otherwise listed)					C	C				
D7	Assembling, cleaning, manufacturing, processing, repairing or testing of products primarily within an enclosed structure. (Unless otherwise listed)				C	P	P				
D8	Drop forges						C				
D9	Explosives storage, manufacturing, and processing, including fireworks						C				
D10	Fertilizer Manufacturing						C				
D11	Petroleum products manufacturing, processing and storage, including oils, gasoline, paints, and tar						C				
D12	Incinerators						C				
D13	Metal industries (ores reduction, refining, smelting, and alloying)						C				

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Blank = Use is Not Allowed

Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
D14	Paper Mills						C				
D15	Textile Mills						C				
D16	Chemical Manufacturing						C				
D17	Rubber Manufacturing						C				
D18	Meat packing or slaughterhouse						C				
D19	Mining, quarry, or sand and gravel excavation						C			C	
D20	Research and development facility		P	C	P	P	P	P		P	
Office and Medical Uses											
E1	Call center		P		P	P					
E2	Communications broadcasting or media studio		P	P	P	P	P	C			
E3	Laboratory; general, medical, or dental		P	P	P	P	C	P			
E4	Hospital, general, or psychiatric		C	C	C			P			

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**Table 10.08.030-1
Commercial, Industrial, Public, and Open Space Zone Use Table**

P = Use is Permitted by Right C = Use Requires Conditional Use Permit
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Blank = Use is Not Allowed

Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
E5	Office; medical, dental, or optometry	P	P	P	P						
E6	Office; professional or commercial	P	P	P	P						
E7	Pharmacy	P	P	P	P						
E8	Urgent care center or other walk-in clinic	P	P	P	P						
Public and Quasi-Public Uses											
F1	Cemetery							C			
F2	Community center or facility	P	P	P	P			P	P		
F3	Community garden	P	P	P	P	A	A	P	P	P	
F4	Electrical substation, gas regulator station, communications equipment building, public service pumping station, or elevated pressure tank	C	C	C	C	C	C	P	C	C	
F5	Fairgrounds	C	C	C	C	P		P		C	

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**Table 10.08.030-1
Commercial, Industrial, Public, and Open Space Zone Use Table**

P = Use is Permitted by Right C = Use Requires Conditional Use Permit
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Blank = Use is Not Allowed

Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
F6	Government office; local, state, or federal	P	P	P	P	P	P	P	P		
F7	Post office	P	P	P	P	P	P	P	P		
F8	Public corporation yard, utility yard, or vehicle and heavy equipment maintenance and storage yard				C	P	P	P	C		
F9	Public safety facility or station	C	C	C	P	P	P	P			
F10	Social service office, assistance center, or guidance center	P	P	P	P	P	P	P			
F11	Storm drainage basin, with or without a park	P	P	P	P	P	P	P	P	P	
F12	Wireless communication facility (WCF)	C	C	C	C	P	P	P		C	Chapter 10.68
Recreation Uses											
G1	Athletic complex or ball field	C		C				P	P	P	
G2	Commercial recreation facility, indoor	C	P	P	P	C		C			
G3	Commercial recreation facility, outdoor		C	P	P	C		C	C		

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<p align="center">Table 10.08.030-1 Commercial, Industrial, Public, and Open Space Zone Use Table</p> <p align="center">P = Use is Permitted by Right C = Use Requires Conditional Use Permit A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed</p>											
Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
G4	Golf course or country club			C	C			C	P	C	
G5	Health or fitness facility, large		C	P	P	C		C			
G6	Health or fitness facility, small	P	P	P	P	P		P			
G7	Park or playground	P	P	P	P			P	P	P	
Residential Uses											
H1	Assisted living, skilled nursing, or hospice facility		C	C	P						
H2	Bed and breakfast inn			C	C					C	10.60.070
H3	Boarding or rooming house			C	C						
H4	Emergency shelter				P	P		P			
H5	Employee housing (including farmworker housing), small (6 or fewer employees)		P							P	Chapter 10.14
H6	Employee housing, large (including farmworker housing) (more than 6 employees)		C							P	Chapter 10.14

City of Tulare Municipal Code Title 10 – Zoning Ordinance

**Table 10.08.030-1
Commercial, Industrial, Public, and Open Space Zone Use Table**

P = Use is Permitted by Right C = Use Requires Conditional Use Permit
A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit
Blank = Use is Not Allowed

Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
H7	Hotel or motel		C	P	P	C					
H8	Live/work facility	P	P	P	P	C					
H9	Low Barrier Navigation Center	P	P	P							
H10	Manufactured home not within a mobile home park, more than 10 years old										10.60.120
H11	Manufactured home not within a mobile home park, less than 10 years old							P	P	P	10.60.120
H12	Mobile home or manufactured home park				C						10.60.130
H13	Multi-family dwelling	C	C	C							Only as part of a mixed-use development. Chapter 10.16 or 10.18
H14	Recreational vehicle park				C	C					
H15	Residential care facility, up to 6 persons		P	P	P						

City of Tulare Municipal Code Title 10 – Zoning Ordinance

**Table 10.08.030-1
Commercial, Industrial, Public, and Open Space Zone Use Table**

P = Use is Permitted by Right C = Use Requires Conditional Use Permit
A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit
Blank = Use is Not Allowed

Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
H16	Residential care facility, 7 or more persons		C	C	P						
H17	Residential dwelling located in same building with office or commercial use	C	P	P	P						
H18	Single-family dwelling, attached									C	
H19	Single-family dwelling, detached									P	
H20	Single-room occupancy (SRO)			P	C						
H21	Supportive housing		C		P	P		P			
H22	Transitional housing				P	P		P			
Retail Uses											
I1	Adult entertainment establishment				A	A	A				Chapter 10.62
I2	Auction or sales house			P	P	C	C				
I3	Auction or sales yard				C	C	P			C	
I4	Automobile and pick-up sales, new and used			C	P	C	C				10.60.200

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**Table 10.08.030-1
Commercial, Industrial, Public, and Open Space Zone Use Table**

P = Use is Permitted by Right C = Use Requires Conditional Use Permit
A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit
Blank = Use is Not Allowed

Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
I5	Automobile and pick-up sales, used only			C	P	C	C				10.60.200
I6	Boat, recreational vehicle (RV), and truck sales			C	C	P	C				
I7	Building materials and supply or home improvement store			P	P	P	P				
I8	Convenience store, with or without fuel sales	P	P	P	P	P	C				10.60.210
I9	Farm or construction equipment sales or service			C	C	P	P			C	
I10	Farmers market	A	A	A	A			A	A	A	
I11	Feed and seed store	C		P	P	P	C			P	
I12	Food market	P	P	P	P	C				C	
I13	Food produce stand	A	A	A	A	A	A	A	A	P	
I14	Fuel sales, fleet or cardlock			C	P	P	P	P		C	10.60.210
I15	Fuel sales, retail	C		C	C	C	C				10.60.210
I16	Garden shop	P		P	P	C	C			P	

City of Tulare Municipal Code Title 10 – Zoning Ordinance

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Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
I17	Landscape nursery	C		P	P	P	P			P	
I18	Liquor store	C		C	C	C	C				
I19	Manufactured home sales yard				C	C	C				
I20	News, magazine or flower stand, outdoor	P	P	P	P	P	P			A	
I21	Pawn shop			C	C	C					
I22	Pet store	P	P	P	P						
I23	Retail sales store, less than 10,000 square feet	P	P	P	P	P					
I24	Retail sales store, more than 10,000 square feet	P	P	P	P	P	P				
I25	Retail sales solely via internet, direct mail, or telephone	P	P	P	P	P				P	
I26	Secondhand or thrift store	P	P	P	P						
I27	Swap meet or flea market (Outdoor)					C	C	C	C	C	
I28	Tobacco, smoke, or vape shop	P	P	P	P	P					

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Blank = Use is Not Allowed

Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
	Service Uses										
J1	Ambulance service		C		P	C	C	C			
J2	Bank or credit union	P	P	P	P	P					
J3	Barbershop, hair salon, nail care, or day spa	P	P	P	P						
J4	Massage Therapy	A	A	A	A						Title 5 Chapter 5.104
J5	Car wash, automatic or full-service	C		P	P	P	C				
J6	Car wash, self-service			C	P	P	P				
J7	Carpet cleaning				P	P	P				
J8	Construction materials recycling						C				
J9	Copy, printing, or mailing service	P	P	P	P	P	P				
J10	Crematorium						C				

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Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
J11	Dry cleaning or laundromat	P		P	P						
J12	Equipment rental yard			C	P	P	P				
J13	Exterminator or pest control service			C	P	P	P				
J14	Food catering	C	P	P	P	P					
J15	Fortune telling		C	C	P						
J16	Fuel distributing				P	P	P				
J17	Kennel or animal boarding	C	C	C	P	C	P			P	
J18	Linen, diaper, or uniform supply service				P	P	P				
J19	Motor vehicle repair or service, major			C	P	P	P				
J20	Motor vehicle repair or service, minor	C		P	P	P	P				
J21	Payday lenders or check cashing establishment			P	P	P	P				
J22	Pet grooming	P	P	P	P	P	P				

City of Tulare Municipal Code Title 10 – Zoning Ordinance

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Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
J23	Photography studio	P	P	P	P	P	P				
J24	Recycling, small collection facility (CRV only)	P	P	P	P	P	P	P			10.60.190
J25	Recycling, large collection facility				C	P	P				10.60.190
J26	Recycling, processing, or sorting facility					C	P				
J27	Repair shop, large appliance or equipment				P	P	P				
J28	Repair shop, small appliance or equipment	C	P	P	P	P	P				
J29	Shooting range, indoor				C	C	P	C			
J30	Shooting range, outdoor						C				
J31	Specialty construction or trade service				P	P	P				
J32	Tailoring or clothing alterations	P	P	P	P						
J33	Tattooing or body art	C	C	P	P	P	C				
J34	Veterinary clinic or office	P	P	P	P	P	P			P	

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<p align="center">Table 10.08.030-1 Commercial, Industrial, Public, and Open Space Zone Use Table</p> <p align="center">P = Use is Permitted by Right C = Use Requires Conditional Use Permit A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed</p>											
Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
J35	Veterinary hospital			C	C	P	P			P	
	Transportation and Storage Uses										
K1	Airport or heliport							P		C	
K2	Bus, transit, or train station	C	P	P	P			P			
K3	Cold storage or ice house				C	P	P				
K4	Food locker			C	P	P	P				
K5	Junk yard, wrecking yard, or salvage facility						C				
K6	Mini-warehouse or self-storage facility				C	P	P				
K7	Parking facility, off-site		C	C	C	C	P	P			
K8	Truck stop or travel center				C	C	C				10.60.210
K9	Trucking or transportation terminal				C	C	P				
K10	Vehicle impound yard				P	P	P	P			

City of Tulare Municipal Code Title 10 – Zoning Ordinance

**Table 10.08.030-1
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P = Use is Permitted by Right C = Use Requires Conditional Use Permit
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Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
K11	Warehouse or distribution center					P	P				
	Other Uses										
L1	Cannabis Cultivation (Indoor)										
L2	Cannabis Cultivation (Mixed Light)										
L3	Cannabis deliveries (Receiving)	P	P	P	P	P	P	P	P	P	Title 5 Chapter 5.96
L4	Cannabis distribution										
L5	Cannabis laboratory testing										
L6	Cannabis manufacturing										
L7	Cannabis processing										
L8	Cannabis product labeling										
L9	Cannabis retail			P	P						Title 5 Chapter 5.96

City of Tulare Municipal Code Title 10 – Zoning Ordinance

<p align="center">Table 10.08.030-1 Commercial, Industrial, Public, and Open Space Zone Use Table</p> <p align="center">P = Use is Permitted by Right C = Use Requires Conditional Use Permit A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed</p>											
Land Uses		Commercial Zones				Industrial, Public, and Open Space Zones					Specific Land Use Standards (See identified Section)
		C-1	C-2	C-3	C-4	M-1	M-2	PF	PR	A	
L10	Daycare, adult	P	P	P	P	C		P			
L11	Daycare, small family	P	P	P				P		P	
L12	Daycare, large family	P	P	P				P		P	
L13	Daycare center	C	P	P	P	P		P			
L14	Other uses not listed that are determined by the Director to be similar in nature to a listed use that is permitted in the same zone	P	P	P	P	P	P	P	P	P	
L15	Other uses not listed that are determined by the Director to be similar in nature to a listed use that requires an administrative use permit in the same zone	A	A	A	A	A	A	A	A	A	
L16	Other uses not listed that are determined by the Director to be similar in nature to a listed use that requires a conditional use permit in the same zone	C	C	C	C	C	C	C	C	C	

10.08.040 Addition of a use to land use tables.

Upon an application or on its own initiative and pursuant to Chapter 10.86, the City Council may add a use to the land use tables established in this chapter if the Council makes all the following findings:

- A. That the addition of the use to the land use table will be in accordance with the purposes of this title and of the zone district or districts in which the use will be permitted.
- B. That the zone district or districts in which the use is to be permitted has similar basic characteristics as the present uses allowed in the district or districts.
- C. That the use will not generate a noticeably greater amount of odor, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence or hazard than the amount normally created by any of the other uses permitted in the district or districts in which the use will be permitted.
- D. That the establishment of the use in the zone district or districts in which it will be permitted will not be detrimental to the public health, safety, or welfare.

Chapter 10.10

RURAL RESIDENTIAL ZONE

Sections:

- 10.10.010 Purpose and application.**
- 10.10.020 Permitted uses.**
- 10.10.030 Lot area.**
- 10.10.040 Lot dimensions.**
- 10.10.050 Dwelling units per lot.**
- 10.10.060 Coverage.**
- 10.10.070 Building setback areas.**
- 10.10.080 Distance between structures.**
- 10.10.090 Height of structures.**
- 10.10.100 Driveways.**
- 10.10.110 Accessory structures.**
- 10.10.120 Other setback standards.**
- 10.10.130 Off-street parking.**
- 10.10.140 Usable open space.**
- 10.10.150 Landscaping.**
- 10.10.160 Screening, fences, and walls.**
- 10.10.170 Signs.**
- 10.10.180 General provisions and standards.**

10.10.010 Purpose and application.

This chapter shall apply to all land within the Rural Residential (R-1-20) zone. The purpose of the R-1-20 zone is to provide living areas within the City where development is limited to very low density concentrations of one-family dwellings at a density of zero to two dwellings per gross acre, where mini-farms or ranchettes may be developed with the allowance for limited numbers of livestock to be raised and crops to be grown.

10.10.020 Permitted uses.

Uses shall be permitted or not permitted, conditionally permitted, administratively permitted, or temporarily permitted as prescribed in the land use table in Section 10.08.020.

10.10.030 Lot area.

The minimum lot area shall be 20,000 square feet, except that a municipal water well site shall have a minimum lot area of 2,000 square feet.

10.10.040 Lot dimensions.

- A. The minimum lot frontage shall be 40 feet on a public street.
- B. The minimum lot width shall be 100 feet.

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- C. The minimum lot depth shall be 100 feet.
- D. A municipal water well site shall not be subject to minimum lot dimension standards.

10.10.050 Dwelling units per lot.

Not more than one dwelling unit shall be allowed on each lot unless approved as an accessory dwelling unit in accordance with Section 10.60.030.

10.10.060 Coverage.

The maximum coverage of a lot in the R-1-20 zone shall be 50 percent of the area of the lot.

10.10.070 Building setback areas.

- A. No structure shall be placed within a building setback area.
- B. The front building setback area shall be a minimum of 30 feet from the front lot line.
- C. For single-family dwellings that include a usable front porch measuring at least 10 feet in width by five feet in depth, the front yard setback may be reduced by five feet.
- D. The rear building setback shall be a minimum of 15 feet from the rear lot line.
- E. The side building setback area shall be a minimum of 15 feet from a side lot line.
- F. A garage or carport facing the street shall be set back at least 20 feet from the property line. If the garage does not face the street, the garage may be set back the required minimum distance listed in divisions (A) through (E) above.
- G. Structures used for the purpose of housing livestock or for processing, packing, or storing agricultural produce shall be at least 50 feet away from the front property line, at least 25 feet from the street side of a corner lot, and at least 100 feet from any public parks, schools, hospitals, or similar institution.

10.10.080 Distance between structures.

- A. The minimum distance between structures shall be 10 feet, except as provided by the building code.
- B. The minimum distance between residential structures and structures used for the purpose of housing livestock or for processing, packing, or storing agricultural produce shall be 30 feet.

10.10.090 Height of structures.

The maximum structure height shall be 35 feet unless approved up to 50 feet with a conditional use permit in accordance with Chapter 10.80.

10.10.100 Driveways.

- A. The width of a driveway and any paved area shall not cumulatively exceed 40 percent of the width of the lot's street frontage on which the driveway and any paved area face. In the case of "L" or "U" shaped driveways or other configurations besides perpendicular driveways, the paved area of these driveways shall not exceed 50 percent of the front building setback area.
- B. On corner lots, the driveway shall be located on the side of the lot adjacent to the interior lot line.

- C. On key lots, the driveway shall be located on the side of the lot that is not adjacent to the rear lot line of the adjacent reverse corner lot.

10.10.110 Accessory structures.

Accessory structures may be located within a required rear or side building setback area subject to all of the following:

- A. The walls shall be at least five feet from the rear and side lot lines.
- B. The accessory structure shall be separated from other structures by a minimum of 10 feet.
- C. This section does not apply to an accessory dwelling unit (as defined in Section 65852.2 of the California Government Code) which is instead regulated by 10.60.030.

10.10.120 Other setback standards.

- A. Mechanical equipment shall be located a minimum of three feet from a side lot line that adjoins a neighboring side lot line.
- B. Above- or below-ground swimming pools shall be set back three feet from all lot lines.
- C. Architectural features, including eaves, sills, chimneys, and cornices, may extend up to 30 inches into a required side yard or space between structures and up to 36 inches into a required front or rear yard.
- D. Uncovered, unenclosed porches, platforms, or landing places that do not extend above the level of the first floor of the building may extend up to six feet into a required front, side, or rear yard, or into a space between buildings. Railing up to 30 inches tall may be installed on any such porch, platform, or landing.

10.10.130 Off-street parking.

- A. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 10.54.
- B. Single-family dwellings shall provide a minimum of two covered parking spaces. Each space shall measure a minimum of nine feet in width and 20 feet in depth. All parking spaces and driveways shall be surfaced with asphalt concrete, chip seal, or other suitable all-weather surfacing. Where a carport or garage is open to a public street, a driveway length of at least 20 feet shall be provided between the parking structure and the front property line.
- C. Required parking spaces may not be provided within any front, side, or rear building setback area except that garages or carports opening onto an alley shall be set back five feet, provided that the structure, including roof overhang, shall not extend into the alley right-of-way.
- D. The exterior siding and roofing materials utilized on garages and carports shall match the design and materials of any single-family dwelling on the same lot. New two-car carports may be utilized in place of a two-car garage only if located at least 20 feet behind the front building setback line and must be connected to the main dwelling, have a similar roof pitch as the main dwelling, use similar roofing material as the main dwelling, and have support beams or posts that are decorative in style.
- E. No recreation vehicle, including, without limitation, camping trailer, boat trailer, utility trailer, boat, pickup camper, motor home, dune buggy, or similar vehicle/trailer shall be stored or parked, except within a fenced side or rear yard or within a garage or carport.

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- F. No recreational vehicle or trailer shall be used as a residence.
- G. All motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space, garage, or carport.
- H. Repair of vehicles owned by the resident of the property and storage of parts shall be within an enclosed garage or carport if no garage exists. Vehicle repair and storage of parts are prohibited in a driveway and the front or street side building setback areas.
- I. Driveways shall be designed so that vehicles are not required to back out onto collector or arterial streets.

10.10.140 Usable open space.

There is no open space requirement in the Rural Residential zone.

10.10.150 Landscaping.

- A. Landscaping shall be provided for each use as prescribed in Chapter 10.52 standards.
- B. Except for driveways and approved parking areas, all setback areas visible from the street(s) shall be landscaped with live plant materials and ornamentation, or up to 100 percent of the yard and setback area may be landscaped with artificial turf and other permeable surfaces.
- C. Required landscaping is to be installed prior to occupancy and continually maintained pursuant to Chapter 10.52. The Director may grant an exception to this section to avoid planting in inclement weather.
- D. Landscaped areas are not to be used or converted to parking areas or any other use which results in the damage or removal of the landscaping. However, the widening of an existing paved driveway perpendicular to the street is permitted if the total width of the existing paving and the new paving does not exceed 50 percent of the lot frontage along the street.

10.10.160 Screening, fences, and walls.

Fences, walls, and hedges in the R-1-20 zone shall conform to the design standards in Section 10.50.040 and the following:

- A. These regulations do not apply to fences or walls required by regulations of a State or federal agency, or by the City for reasons of public safety, or to retaining walls that adjoin land uses.
- B. Fences, walls, and hedges may be erected and properly maintained to the heights identified below and measured from the highest adjoining finish grade:
 - 1. Fences, walls, and hedges shall not exceed four feet in height in a required front yard, and in the street side yard of a corner lot, provided that the top one foot shall be of a see-through material such as wrought iron. Hedges up to three feet tall are also permitted in a required front yard.
 - 2. Fences and walls shall not exceed seven feet in height in any rear or side yard or other areas outside a required front yard.
 - 3. On corner lots, a fence may not exceed four feet in height in the street corner area of the parcel formed by a right triangle with the right angle at the street corner property lines and its right-angle sides measuring 25 feet. The top one foot of the fence shall be of a see-through material (such as wrought iron).

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4. Walls along arterial and collector streets shall be installed and maintained equal to a minimum of six feet and a maximum of seven feet in height.
 5. Walls greater than seven feet in height may be permitted, if approved by the Planning Commission, to mitigate noise impacts identified in the Tulare General Plan.
- C. All fences shall be limited to the following materials or a combination of materials:
1. Front and street side yards:
 - a. Concrete/block/brick.
 - b. Latticework fencing.
 - c. Wood (excluding plywood, OSB, or other wood not typically designed or used for fencing).
 - d. Wrought iron.
 - e. Vinyl.
 - f. Chain link fencing.
 2. Rear and interior side yards:
 - a. Concrete/block.
 - b. Latticework fencing.
 - c. Wood (excluding plywood, OSB, or other wood not typically designed or used for fencing).
 - d. Vinyl.
- D. Perimeter walls around residential subdivisions shall be of neutral color and shall be textured with stone, brick, stucco, or other surface finish. Walls shall incorporate vertical elements (e.g., pilasters, indentations) of differing colors and/or materials at least every 50 feet.
- E. Temporary fencing may be necessary to protect archaeological or historic resources and/or trees during site preparation and construction. Temporary fencing for these purposes shall be subject to the review and approval of the Director.
- F. Swimming pools shall be entirely enclosed by structures, fences, or walls in compliance with California Government Code Section 115920 - The Swimming Pool Act.
1. Pool fences shall have a minimum height of five feet. Such fences shall be substantial and shall be constructed so there are no openings greater than four inches when all gates are closed. All gates, five feet or less in width, in enclosing fences shall be self-closing and self-latching. All gates greater than five feet in width shall be provided with a means of latching said gate closed. All latches on gates in enclosing fences shall be a minimum of 60 inches above grade. No pool shall be filled with water until the enclosing fence has been constructed and approved by the building inspector. Surrounding structures, existing fences, and gates shall suffice for this requirement if they comply with all requirements of this section as determined by the building inspector.
- G. The City reserves the right to remove, at the expense of the owner of the property or properties enclosed by the fence, any fence in a public easement in any emergency.

10.10.170 Signs.

Signs placed in the Rural Residential zone shall be subject to the requirements and standards prescribed in Chapter 10.56.

10.10.180 General provisions and standards.

The following standards apply to all single-family dwellings, including manufactured homes, developed in the R-1-20 district:

- A. The minimum width of a primary one-family dwelling or manufactured home shall be 20 feet.
- B. All residential units shall be attached to a permanent foundation, pursuant to the State’s Health and Safety Code.
- C. Roofing material shall be composed of composition shingles, ceramic tile, wood shakes, wood shingles, or other materials consistent with the Uniform Building Code.
- D. Exterior siding material shall be composed of, or resemble, wood, masonry, or plaster.
- E. Siding shall extend to the ground, except when a solid concrete or masonry perimeter foundation or retaining wall is used, in which case the material need only extend to the top of the foundation or wall.
- F. Manufactured homes must be certified under the National Manufactured Home Construction and Safety Standards Act of 1974.

Chapter 10.12

RESIDENTIAL ESTATE ZONE

Sections:

10.12.010	Purpose and application.
10.12.020	Permitted uses.
10.12.030	Lot area.
10.12.040	Lot dimensions.
10.12.050	Dwelling units per lot.
10.12.060	Coverage.
10.12.070	Building setback areas.
10.12.080	Distance between structures.
10.12.090	Height of structures.
10.12.100	Driveways.
10.12.110	Accessory structures.
10.12.120	Other setback standards.
10.12.130	Off-street parking.
10.12.140	Usable open space.
10.12.150	Landscaping.
10.12.160	Screening, fences, and walls.
10.12.170	Signs.
10.12.180	General provisions and standards.

10.12.010 Purpose and application.

This chapter shall apply to all land within the Residential Estate (R-1-12.5) zone. The purpose of the R-1-12.5 zone is to provide areas for large lot, single-family estate dwellings at a density of 2.1 to three dwellings per gross acre.

10.12.020 Permitted uses.

Uses shall be permitted or not permitted, conditionally permitted, administratively permitted, or temporarily permitted as prescribed in the land use table in Section 10.08.020.

10.12.030 Lot area.

The minimum lot area shall be 12,500 square feet, except that a municipal water well site shall have a minimum lot area of 2,000 square feet.

10.12.040 Lot dimensions.

- A. The minimum lot frontage shall be 40 feet on a public street.
- B. The minimum lot width shall be 90 feet for interior lots and 100 feet for corner lots.
- C. The minimum lot depth shall be 100 feet.
- D. A municipal water well site shall not be subject to minimum lot dimension standards.

10.12.050 Dwelling units per lot.

Not more than one dwelling unit shall be allowed on each lot unless approved as an accessory dwelling unit in accordance with Section 10.60.030.

10.12.060 Coverage.

The maximum coverage of a lot in the R-1-12.5 zone shall be 50 percent of the area of the lot.

10.12.070 Building setback areas.

- A. No structure shall be placed within a building setback area.
- B. The front building setback area shall be a minimum of 20 feet from the front lot line.
- C. For single-family dwellings that include a usable front porch measuring at least 10 feet in width by five feet in depth, the front yard setback may be reduced by five feet.
- D. The rear building setback shall be a minimum of 10 feet from the rear lot line for one-story buildings and a minimum of 15 feet for multi-story buildings.
- E. The interior side building setback area shall be a minimum of 7.5 feet from an interior side lot line. The side yard on the street side of a corner lot shall be a minimum of 10 feet.
- F. A garage or carport facing the street shall be set back at least 20 feet from the property line. If the garage does not face the street, the garage may be set back the required minimum distance listed in divisions (A) through (E) above.

10.12.080 Distance between structures.

The minimum distance between structures shall be 10 feet, except as provided by the building code.

10.12.090 Height of structures.

The maximum structure height shall be 35 feet unless approved up to 50 feet with a conditional use permit in accordance with Chapter 10.80.

10.12.100 Driveways.

- A. The width of a driveway and any paved area shall not cumulatively exceed 40 percent of the width of the lot's street frontage on which the driveway and any paved area face. In the case of "L" or "U" shaped driveways or other configurations besides perpendicular driveways, the paved area of these driveways shall not exceed 50 percent of the front building setback area.
- B. On corner lots, the driveway shall be located on the side of the lot adjacent to the interior lot line.
- C. On key lots, the driveway shall be located on the side of the lot that is not adjacent to the rear lot line of the adjacent reverse corner lot.

10.12.110 Accessory structures.

Accessory structures may be located with a required rear or side building setback area subject to all of the following:

- A. The walls shall be at least five feet from the rear and side lot lines.
- B. The accessory structure shall be separated from other structures by a minimum of 10 feet.

- C. This section does not apply to an accessory dwelling unit (as defined in Section 65852.2 of the California Government Code) which is instead regulated by 10.60.030.

10.12.120 Other setback standards.

- A. Mechanical equipment shall be located a minimum of three feet from a side lot line that adjoins a neighboring side lot line.
- B. Above- or below-ground swimming pools shall be set back three feet from all lot lines.
- C. Architectural features, including eaves, sills, chimneys, and cornices, may extend up to 30 inches into a required side yard or space between structures and up to 36 inches into a required front or rear yard.
- D. Uncovered, unenclosed porches, platforms, or landing places that do not extend above the level of the first floor of the building may extend up to six feet into a required front, side, or rear yard, or into a space between buildings. Railing up to 30 inches tall may be installed on any such porch, platform, or landing.

10.12.130 Off-street parking.

- A. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 10.54.
- B. Single-family dwellings shall provide a minimum of two covered parking spaces. Each space shall measure a minimum of nine feet in width and 20 feet in depth. All parking spaces and driveways shall be surfaced with asphalt concrete, chip seal, or other suitable all-weather surfacing. Where a carport or garage is open to a public street, a driveway length of at least 20 feet shall be provided between the parking structure and the front property line.
- C. Required parking spaces may not be provided within any front, side, or rear building setback area except that garages or carports opening onto an alley shall be set back five feet, provided that the structure, including roof overhang, shall not extend into the alley right-of-way.
- D. The exterior siding and roofing materials utilized on garages and carports shall match the design and materials of any single-family dwelling on the same lot. New two-car carports may be utilized in place of a two-car garage only if located at least 20 feet behind the front building setback line and must be connected to the main dwelling, have a similar roof pitch as the main dwelling, use similar roofing material as the main dwelling, and have support beams or posts that are decorative in style.
- E. No recreation vehicle, including, without limitation, camping trailer, boat trailer, utility trailer, boat, pickup camper, motor home, dune buggy, or similar vehicle/trailer shall be stored or parked, except within a fenced side or rear yard or within a garage or carport.
- F. No recreational vehicle or trailer shall be used as a residence.
- G. All motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space, garage, or carport.
- H. Repair of vehicles owned by the resident of the property and storage of parts shall be within an enclosed garage or carport if no garage exists. Vehicle repair and storage of parts are prohibited in a driveway and the front or street side building setback areas.

- I. Driveways shall be designed so that vehicles are not required to back out onto collector or arterial streets.

10.12.140 Usable open space.

There is no open space requirement in the Residential Estate zone.

10.12.150 Landscaping.

- A. Landscaping shall be provided for each use as prescribed in Chapter 10.52 standards.
- B. Except for driveways and approved parking areas, all setback areas visible from the street(s) shall be landscaped with live plant materials and ornamentation, or up to 100 percent of the yard and setback area may be landscaped with artificial turf and other permeable surfaces.
- C. Required landscaping is to be installed prior to occupancy and continually maintained pursuant to Chapter 10.52. The Director may grant an exception to this section to avoid planting in inclement weather.
- D. Landscaped areas are not to be used or converted to parking areas or any other use which results in the damage or removal of the landscaping. However, the widening of an existing paved driveway perpendicular to the street is permitted if the total width of the existing paving and the new paving does not exceed 50 percent of the lot frontage along the street.

10.12.160 Screening, fences, and walls.

Fences, walls, and hedges in the R-1-12.5 zone shall conform to the design standards in Section 10.50.040 and the following:

- A. These regulations do not apply to fences or walls required by regulations of a State or federal agency, or by the City for reasons of public safety, or to retaining walls that adjoin land uses.
- B. Fences, walls, and hedges may be erected and properly maintained to the heights identified below and measured from the highest adjoining finish grade:
 - 1. Fences, walls, and hedges shall not exceed four feet in height in a required front yard, and in the street side yard of a corner lot, provided that the top one foot shall be of a see-through material such as wrought iron. Hedges up to three feet tall are also permitted in a required front yard.
 - 2. Fences and walls shall not exceed seven feet in height in any rear or side yard or other areas outside a required front yard.
 - 3. On corner lots, a fence may not exceed four feet in height in the street corner area of the parcel formed by a right triangle with the right angle at the street corner property lines and its right-angle sides measuring 25 feet. The top one foot of the fence shall be of a see-through material (such as wrought iron).
 - 4. Walls along arterial and collector streets shall be installed and maintained equal to a minimum of six feet and a maximum of seven feet in height.
 - 5. Walls greater than seven feet in height may be permitted, if approved by the Planning Commission, to mitigate noise impacts identified in the Tulare General Plan.
- C. All fences shall be limited to the following materials or a combination of materials:
 - 1. Front and street side yards:

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- a. Concrete/block/brick.
 - b. Latticework fencing.
 - c. Wood (excluding plywood, OSB, or other wood not typically designed or used for fencing).
 - d. Wrought iron.
 - e. Vinyl.
 - f. Chain link fencing.
2. Rear and interior side yards:
- a. Concrete/block.
 - b. Latticework fencing.
 - c. Wood (excluding plywood, OSB, or other wood not typically designed or used for fencing).
 - d. Vinyl.
- D. Perimeter walls around residential subdivisions shall be of neutral color and shall be textured with stone, brick, stucco, or other surface finish. Wall shall incorporate vertical elements (e.g., pilasters, indentations) of differing colors and/or materials at least every 50 feet.
- E. Temporary fencing may be necessary to protect archaeological or historic resources and/or trees during site preparation and construction. Temporary fencing for these purposes shall be subject to the review and approval of the Director.
- F. Swimming pools shall be entirely enclosed by structures, fences, or walls in compliance with California Government Code Section 115920 - The Swimming Pool Act.
1. Pool fences shall have a minimum height of five feet. Such fences shall be substantial and shall be constructed so there are no openings greater than four inches when all gates are closed. All gates, five feet or less in width, in enclosing fences shall be self-closing and self-latching. All gates greater than five feet in width shall be provided with a means of latching said gate closed. All latches on gates in enclosing fences shall be a minimum of 60 inches above grade. No pool shall be filled with water until the enclosing fence has been constructed and approved by the building inspector. Surrounding structures, existing fences, and gates shall suffice for this requirement if they comply with all requirements of this section as determined by the building inspector.
- G. The City reserves the right to remove, at the expense of the owner of the property or properties enclosed by the fence, any fence in a public easement in any emergency.

10.12.170 Signs.

Signs placed in the Residential Estate zone shall be subject to the requirements and standards prescribed in Chapter 10.56.

10.12.180 General provisions and standards.

The following standards apply to all single-family dwellings, including manufactured homes, developed in the R-1-12.5 district:

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- A. The minimum width of a primary one-family dwelling or manufactured home shall be 20 feet.
- B. All residential units shall be attached to a permanent foundation, pursuant to the State’s Health and Safety Code.
- C. Roofing material shall be composed of composition shingles, ceramic tile, wood shakes, wood shingles, or other materials consistent with the Uniform Building Code.
- D. Exterior siding material shall be composed of, or resemble, wood, masonry, or plaster.
- E. Siding shall extend to the ground, except when a solid concrete or masonry perimeter foundation or retaining wall is used, in which case the material need only extend to the top of the foundation or wall.
- F. Manufactured homes must be certified under the National Manufactured Home Construction and Safety Standards Act of 1974.
- G. Installation of a manufactured home is prohibited if more than 10 years have elapsed between the date of the manufacture and the date of the application for the issuance of a permit to install the manufactured home.
- H. Entryways for new subdivisions of 10 or more units fronting an arterial street shall be delineated and enhanced with the incorporation of at least two of the following:
 - 1. Enhanced paving treatment with patterned and/or colored pavers, brick, or decorative colored and scored concrete a minimum of 20 feet deep and spanning the width of the entry roadway.
 - 2. A monument sign or place name incorporated into a wall.
 - 3. Enhanced landscaping that incorporates features such as arbors, trellises, and hedges.
 - 4. A landscaped median at least six feet wide and 50 feet long in the middle of the entry roadway.
 - 5. An expansion of the landscaped area by a minimum of five feet in depth spanning a minimum of 10 feet on each side of the entry roadway.
- I. Where new streets are proposed, the ends of new streets shall align with existing streets or paseos in adjacent blocks.
- J. The maximum allowable length of closed-end streets (cul-de-sacs) in residential developments shall be 500 feet.
- K. Where cul-de-sacs exist, pedestrian linkages are required and shall provide direct connections to adjacent streets or public areas.
- L. Single-family subdivisions over 160 acres must include at least four points of access to connect with arterials, collectors, or other neighboring developments.
- M. Within a subdivision, including home plans, homes built on side-by-side lots shall not repeat the floor plan unless the front elevation has a substantially different appearance and color.
- N. Single-family homes proposed in a subdivision of eight or more homes shall include at least two of the following design features:
 - 1. Tile roofing.

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2. A garage subordinate design on at least 50 percent of the available floor plans.
3. Three-color exterior paint.
4. Architectural elements, including window shutters, decorative moldings, gable decorations, or decorative molding.
5. Stone, rock, or brick elevation treatments at the base of ground floor front street-facing facades.
6. A concrete or stone walkway from the sidewalk to the front door exclusive of the driveway.
7. Front yard porch or courtyard of at least 25 square feet with no dimension measuring less than five feet wide.

Chapter 10.14

LOW DENSITY RESIDENTIAL ZONE

Sections:

- 10.14.010 Purpose and application.**
- 10.14.020 Permitted uses.**
- 10.14.030 Lot area.**
- 10.14.040 Lot dimensions.**
- 10.14.050 Dwelling units per lot.**
- 10.14.060 Coverage.**
- 10.14.070 Building setback areas.**
- 10.14.080 Distance between structures.**
- 10.14.090 Height of structures.**
- 10.14.100 Driveways.**
- 10.14.110 Accessory structures.**
- 10.14.120 Other setback standards.**
- 10.14.130 Off-street parking.**
- 10.14.140 Usable open space.**
- 10.14.150 Landscaping.**
- 10.14.160 Screening, fences, and walls.**
- 10.14.170 Signs.**
- 10.14.180 General provisions and standards.**

10.14.010 Purpose and application.

This chapter shall apply to all land within the Low Density Residential (R-1) zone. The purpose of the R-1 zone is to provide residential neighborhoods of mostly, but not exclusively, single-family homes at a density of 3.1 to seven dwellings per gross acre. In order to adequately plan for single-family development of various densities, the R-1 district is further subdivided into the following sub-districts: R-1-4 and R-1-6.

10.14.020 Permitted uses.

Uses shall be permitted or not permitted, conditionally permitted, administratively permitted, or temporarily permitted as prescribed in the land use table in Section 10.08.020.

10.14.030 Lot area.

- A. The minimum lot area shall be 4,000 square feet for the R-1-4 district.
- B. The minimum lot area shall be 6,000 square feet for the R-1-6 district.
- C. A municipal water well site shall have a minimum lot area of 2,000 square feet.
- D. The minimum lot area in the R-1-4 district may be reduced to 3,200 square feet with the approval of a planned unit development application for a Small Lot Residential development.

10.14.040 Lot dimensions.

- A. The following standards apply to the R-1-4 district:
1. The minimum lot frontage shall be 40 feet on a public street.
 2. The minimum lot width shall be 40 feet for interior lots and 50 feet for corner lots. The minimum lot width may be reduced to 30 feet if there is an alley.
 3. The minimum lot depth shall be 65 feet for lots fronting on a local street and 100 feet for lots fronting on collector or arterial streets.
- B. The following standards apply to the R-1-6 district:
1. The minimum lot frontage shall be 40 feet on a public street.
 2. The minimum lot width shall be 60 feet for interior lots and 70 feet for corner lots.
 3. The minimum lot depth shall be 100 feet for lots fronting on a local street and 120 feet for lots fronting on collector or arterial streets.
- C. New subdivisions shall not place the front lot line of new lots along arterial or collector streets.
- D. A municipal water well site shall not be subject to minimum lot dimension standards.

10.14.050 Dwelling units per lot.

Not more than one dwelling unit shall be allowed on each lot unless approved as an accessory dwelling unit in accordance with Section 10.60.030.

10.14.060 Coverage.

The maximum coverage of a lot shall be 60 percent.

10.14.070 Building setback areas.

- A. No structure shall be placed within a building setback area.
- B. The front building setback area shall be a minimum of 15 feet from the front lot line to the structure's living space unless reduced to 10 feet in the R-1-6 district or eight feet in the R-1-4 district with a conditional use permit in accordance with Chapter 10.80.
- C. The rear building setback shall be a minimum of five feet from the rear lot line.
- D. The interior side building setback area shall be a minimum of five feet.
- E. The street side building setback area shall be a minimum of 10 feet.
- F. A garage or carport facing the street shall be set back at least 20 feet from the property line. If the garage does not face the street, the garage may be set back the required minimum distance listed in divisions (A) through (E) above.

10.14.080 Distance between structures.

The minimum distance between structures shall be 10 feet, except as provided by the building code.

10.14.090 Height of structures.

The maximum structure height shall be 35 feet unless approved up to 45 feet with a conditional use permit in accordance with Chapter 10.80.

10.14.100 Driveways.

- A. The width of a driveway and any paved area shall not cumulatively exceed 40 percent of the width of the lot's street frontage on which the driveway and any paved area face.
- B. In the case of "L" or "U" shaped driveways or other configurations besides perpendicular driveways, the paved area of these driveways shall not exceed 50 percent of the front building setback area.
- C. On corner lots, the driveway shall be located on the side of the lot adjacent to the interior lot line.
- D. On key lots, the driveway shall be located on the side of the lot that is not adjacent to the rear lot line of the adjacent reverse corner lot.
- E. Each alley or private drive shall be 20 feet in width with an approved turning radius to accommodate garbage trucks. Each alley or private drive shall be designed to allow for the exiting of garbage trucks.

10.14.110 Accessory structures.

Accessory structures may be located within a required rear or side building setback area subject to all of the following:

- A. The walls shall be at least five feet from the rear and side lot lines.
- B. The accessory structure shall be separated from other structures by a minimum of 10 feet.
- C. This section does not apply to an accessory dwelling unit (as defined in Section 65852.2 of the California Government Code) which is instead regulated by 10.60.030

10.14.120 Other setback standards.

- A. Mechanical equipment shall be located a minimum of three feet from a side lot line that adjoins a neighboring side lot line.
- B. Above- or below-ground swimming pools shall be set back three feet from all lot lines.
- C. Architectural features, including eaves, sills, chimneys, and cornices, may extend up to 30 inches into a required side yard or space between structures and up to 36 inches into a required front or rear yard.
- D. Uncovered, unenclosed porches, platforms, or landing places that do not extend above the level of the first floor of the building may extend up to six feet into a required front, side, or rear yard, or into a space between buildings. Railing up to 30 inches tall may be installed on any such porch, platform, or landing.

10.14.130 Off-street parking.

- A. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 10.54.
- B. Single-family dwellings shall provide a minimum of two covered parking spaces. Each space shall measure a minimum of nine feet in width and 20 feet in depth. All parking spaces and driveways shall be surfaced with asphalt concrete, chip seal, or other suitable all-weather surfacing. Where a carport or garage is open to a public street, a driveway length of at least 20 feet shall be provided between the parking structure and the front property line.

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- C. Required parking spaces may not be provided within any front, side, or rear building setback area except that garages or carports opening onto an alley shall be set back five feet, provided that the structure, including roof overhang, shall not extend into the alley right-of-way. Each garage facing a courtyard shall have an apron of not less than six feet or more than 18 feet.
- D. The exterior siding and roofing materials utilized on garages and carports shall match the design and materials of any single-family dwelling on the same lot. New two-car carports may be utilized in place of a two-car garage only if located at least 20 feet behind the front building setback line and must be connected to the main dwelling, have a similar roof pitch as the main dwelling, use similar roofing material as the main dwelling, and have support beams or posts that are decorative in style.
- E. No recreation vehicle, including, without limitation, camping trailer, boat trailer, utility trailer, boat, pickup camper, motor home, dune buggy, or similar vehicle/trailer shall be stored or parked, except within a fenced side or rear yard or within a garage or carport.
- F. No recreational vehicle or trailer shall be used as a residence.
- G. All motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space, garage, or carport.
- H. Repair of vehicles owned by the resident of the property and storage of parts shall be within an enclosed garage or carport if no garage exists. Vehicle repair and storage of parts are prohibited in a driveway and the front or street side building setback areas.
- I. Driveways shall be designed so that vehicles are not required to back out onto collector or arterial streets.

10.14.140 Usable open space.

There is no open space requirement in the R-1 zone.

10.14.150 Landscaping.

- A. Landscaping shall be provided for each use as prescribed in Chapter 10.52 Landscape Standards.
- B. Except for driveways and approved parking areas, all yard areas and setback areas visible from the street(s) shall be landscaped with live plant materials and ornamentation common to the area, or up to 100 percent of the yard and setback area may be landscaped with artificial turf and other permeable surfaces.
- C. Required landscaping is to be installed prior to occupancy of the residence and continually maintained pursuant to Chapter 10.52. The Director may grant an exception to this section to avoid planting in inclement weather.
- D. Landscaped areas are not to be used or converted to parking areas or any other use which results in the damage or removal of the landscaping. However, the widening of an existing paved driveway perpendicular to the street is permitted if the total width of the existing paving and the new paving does not exceed 40 percent of the lot frontage along the street.

10.14.160 Screening, fences, and walls.

Fences, walls, and hedges in the R-1 zone shall conform to the design standards in Section 10.50.040 and the following:

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- A. These regulations do not apply to fences or walls required by regulations of a State or federal agency, or by the City for reasons of public safety, or to retaining walls that adjoin land uses.
- B. Fences, walls, and hedges may be erected and properly maintained to the heights identified below and measured from the highest adjoining finish grade:
 - 1. Fences, walls, and hedges shall not exceed four feet in height in a required front yard and in the street side yard of a corner lot, provided that the top one foot shall be of a see-through material such as wrought iron. Hedges up to three feet tall are also permitted in a required front yard.
 - 2. Fences and walls shall not exceed seven feet in height in any rear or side yard or other areas outside a required front yard.
 - 3. On corner lots, a fence may not exceed four feet in height in the street corner area of the parcel formed by a right triangle with the right angle at the street corner property lines and its right-angle sides measuring 25 feet. The top one foot of the fence shall be of a see-through material (such as wrought iron).
 - 4. Walls along arterial and collector streets shall be installed and maintained equal to a minimum of six feet and a maximum of seven feet in height.
 - 5. Walls greater than seven feet in height may be permitted, if approved by the Planning Commission, to mitigate noise impacts identified in the Tulare General Plan.
- C. Allowable fence materials. All fences constructed or installed within the City shall be limited to the following materials or a combination of materials:
 - 1. Front and street side yards:
 - a. Concrete/block/brick.
 - b. Latticework fencing.
 - c. Wood (excluding plywood, OSB, or other wood not typically designed or used for fencing).
 - d. Wrought iron.
 - e. Vinyl.
 - f. Chain link fencing.
 - 2. Rear and interior side yards:
 - a. Concrete/block.
 - b. Latticework fencing.
 - c. Wood (excluding plywood, OSB, or other wood not typically designed or used for fencing).
 - d. Vinyl.
- D. Perimeter walls around residential subdivisions shall be of neutral color and shall be textured with stone, brick, stucco, or other surface finish. Walls shall incorporate vertical elements (e.g., pilasters, indentations) of differing colors and/or materials at least every 50 feet.

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- E. Walls for residential developments along arterial or collector roadways shall be designed to provide pedestrian access between the arterial or collector to the residential development.
- F. Temporary fencing may be necessary to protect archaeological or historic resources and/or trees during site preparation and construction. Temporary fencing for these purposes shall be subject to the review and approval of the Director.
- G. Swimming pools shall be entirely enclosed by structures, fences, or walls in compliance with California Government Code Section 115920 - The Swimming Pool Act.
 - 1. Pool fences shall have a minimum height of five feet. Such fences shall be substantial and shall be constructed so there are no openings greater than four inches when all gates are closed. All gates, five feet or less in width, in enclosing fences shall be self-closing and self-latching. All gates greater than five feet in width shall be provided with a means of latching said gate closed. All latches on gates in enclosing fences shall be a minimum of 60 inches above grade. No pool shall be filled with water until the enclosing fence has been constructed and approved by the building inspector. Surrounding structures, existing fences, and gates shall suffice for this requirement if they comply with all requirements of this section as determined by the building inspector.
- H. The City reserves the right to remove, at the expense of the owner of the property or properties enclosed by the fence, any fence in a public easement in any emergency.

10.14.170 Signs.

Signs placed in the R-1 zone shall be subject to the requirements and standards prescribed in Chapter 10.56.

10.14.180 General provisions and standards.

The following standards apply to all single-family dwellings, including manufactured homes, developed in the R-1-4 and R-1-6 districts:

- A. The minimum width of a primary one-family dwelling or manufactured home shall be 20 feet.
- B. Orientation and appearance of all single-family dwellings shall be consistent and compatible with other dwelling units in the surrounding area.
- C. All residential units shall be attached to a permanent foundation, pursuant to the State's Health and Safety Code.
- D. Roofing material shall be composed of composition shingles, ceramic tile, wood shakes, wood shingles, or other materials consistent with the Uniform Building Code.
- E. Exterior siding material shall be composed of, or resemble, wood, masonry, or plaster.
- F. Siding shall extend to the ground, except when a solid concrete or masonry perimeter foundation or retaining wall is used, in which case the material need only extend to the top of the foundation or wall.
- G. Manufactured homes must be certified under the National Manufactured Home Construction and Safety Standards Act of 1974.
- H. Installation of a manufactured home is prohibited if more than 10 years have elapsed between the date of the manufacture and the date of the application for the issuance of a permit to install the manufactured home.

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- I. Entryways for new subdivisions of 10 or more units, fronting on an arterial street shall be delineated and enhanced with the incorporation of at least two of the following:
 - 1. Enhanced paving treatment with patterned and/or colored pavers, brick, or decorative colored and scored concrete a minimum of 20 feet deep and spanning the width of the entry roadway.
 - 2. A monument sign or place name incorporated into a wall.
 - 3. Enhanced landscaping that incorporates features such as arbors, trellises, and hedges.
 - 4. A landscaped median at least six feet wide and 50 feet long in the middle of the entry roadway.
 - 5. An expansion of the landscaped area by a minimum of five feet in depth, spanning a minimum of 10 feet on each side of the entry roadway.
- J. Where new streets are proposed, the ends of new streets shall align with existing streets or paseos in adjacent blocks.
- K. The maximum allowable length of closed-end streets (cul-de-sacs) in residential developments shall be 500 feet.
- L. Where cul-de-sacs exist, pedestrian linkages are required and shall provide direct connections to adjacent streets or public areas.
- M. Residential developments over 50 units shall be designed with at least two points of access to connect with arterials, collectors, or other neighboring developments.
- N. Single-family subdivisions over 160 acres must include at least four points of access to connect with arterials, collectors, or other neighboring developments.
- O. Single-family homes proposed in a subdivision of eight or more homes shall include at least two of the following design features:
 - 1. Tile roofing.
 - 2. A garage subordinate design on at least 50 percent of the floor plans.
 - 3. Three-color exterior paint.
 - 4. Architectural elements, including window shutters, decorative moldings, gable decorations, or decorative molding.
 - 5. Stone, rock, or brick elevation treatments at the base of ground floor front street-facing facades.
 - 6. A concrete or stone walkway from the sidewalk to the front door exclusive of the driveway.
 - 7. Front yard porch or courtyard of at least 25 square feet with no dimension measuring less than five feet wide.

Chapter 10.16

MEDIUM DENSITY RESIDENTIAL ZONE

Sections:

10.16.010	Purpose and application.
10.16.020	Permitted uses.
10.16.030	Lot area.
10.16.040	Lot dimensions.
10.16.050	Site area per dwelling unit.
10.16.060	Coverage.
10.16.070	Building setback areas.
10.16.080	Distance between structures.
10.16.090	Height of structures.
10.16.100	Driveways.
10.16.110	Accessory structures.
10.16.120	Other setback standards.
10.16.130	Off-street parking.
10.16.140	Usable open space.
10.16.150	Landscaping.
10.16.160	Screening, fences, and walls.
10.16.170	Signs.
10.16.180	General provisions and design standards.

10.16.010 Purpose and application.

This chapter shall apply to all land within the Medium Density Residential (R-M) zone. The purpose of the R-M zone is to provide areas for living areas within the City where development is permitted at relatively dense concentrations of dwellings between 7.1 and 14 units per acre. The objectives of the R-M district are:

- A. The development of a suitable environment for family life, recognizing that a significant part of the multiple-family population is adults, including older adults.
- B. The creation of vibrant residential neighborhoods that exhibit high standards of design, including the following features:
 - 1. Attractive, tree-lined streets, which emphasize and encourage walking and bicycling as well as efficient automobile transit. In such neighborhoods, the sidewalk will be set back from the street, providing space for a tree-lined parking strip.
 - 2. Multiple-family units designed in a manner that encourages human activity in the front yard by placing front doors facing the street, providing front porches, and reducing the dominance of parking facilities as a prominent feature in the front yard.

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- C. To provide for limited commercial uses on the same site of multiple-family developments. The commercial uses shall be operated as a subordinate part of the multiple-family development. This type of land use arrangement will work to reduce the need for residents to travel to off-site stores for basic consumer needs.
- D. To provide space for community facilities needed to complement urban residential areas and for institutions that require a residential environment.
- E. To minimize traffic congestion while providing an efficient circulation system.

10.16.020 Permitted uses.

Uses shall be permitted or not permitted, conditionally permitted, administratively permitted, or temporarily permitted as prescribed in the land use table in Section 10.08.020.

10.16.030 Lot area.

The minimum lot area shall be 6,000 square feet, except that a municipal water well site shall have a minimum lot area of 2,000 square feet.

10.16.040 Lot dimensions.

- A. The minimum lot frontage shall be 40 feet on a public street.
- B. The minimum lot width shall be 50 feet for interior lots and 60 feet for corner lots.
- C. The minimum lot depth shall be 100 feet for lots fronting on a local street and 120 feet for lots fronting on collector or arterial streets.
- D. A municipal water well site shall not be subject to minimum lot dimension standards.

10.16.050 Site area per dwelling unit.

The minimum site area per dwelling unit shall be 3,000 square feet of area.

10.16.060 Coverage.

The maximum coverage of a lot shall be determined by the combined building setback area requirements, accessory structure limitations, open space requirements, and off-street parking requirements. These requirements shall not reduce the maximum lot coverage below 60 percent of the overall lot.

10.16.070 Building setback areas.

- A. No structure shall be placed within a building setback area.
- B. The front building setback area shall be a minimum of 15 feet from the front lot line for livable building space and 20 feet for garages, carports, and other non-livable building space.
- C. The rear building setback area shall be a minimum of five feet per story.
- D. The side building setback area shall be five feet per story from an interior side lot line and 10 feet from a street side property line. For a reverse corner lot, the street side setback shall be one-half the required front yard setback of the lot to the rear.

10.16.080 Distance between structures.

The minimum distance between structures shall be 10 feet, except as provided by the building code.

10.16.090 Height of structures.

The maximum structure height shall be 35 feet. No portion of a structure that is within 30 feet of an interior property line shall be higher than 25 feet.

10.16.100 Driveways.

- A. The width of a driveway and any paved area shall not cumulatively exceed 40 percent of the width of the lot's street frontage on which the driveway and any paved area faces. In the case of "L" or "U" shaped driveways or other configurations besides perpendicular driveways, the paved area of these driveways shall not exceed 50 percent of the front building setback area.
- B. Driveways shall be designed so that vehicles are not required to back out onto collector or arterial streets.
- C. On corner lots, the driveway shall be located on the side of the lot adjacent to the interior lot line.
- D. On key lots, the driveway shall be located on the side of the lot, which is not adjacent to the rear lot line of the adjacent reverse corner lot.

10.16.110 Accessory structures.

Accessory structures may be located with a required rear or side building setback area subject to all of the following:

- A. The floor area shall be a maximum of 300 square feet.
- B. The walls shall be at least three feet from the rear and side lot lines.
- C. The roof eaves shall be at least two feet from the rear and side lot lines.
- D. The accessory structure shall be separated from other structures by a minimum of 10 feet.
- E. The maximum height shall be 20 feet.
- F. This section does not apply to an accessory dwelling unit (as defined in Section 65852.2 of the California Government Code) which is instead regulated by 10.60.030.

10.16.120 Other setback standards.

- A. Mechanical equipment shall be located a minimum of five feet from a side lot line that adjoins a neighboring side lot line.
- B. Above- or below-ground swimming pools shall be set back three feet from all lot lines.
- C. Architectural features, including eaves, sills, chimneys, and cornices, may extend up to 30 inches into a required side yard or space between structures and up to 36 inches into a required front or rear yard.
- D. Uncovered, unenclosed porches, platforms, or landing places that do not extend above the level of the first floor of the building may extend up to six feet into a required front, side, or rear yard, or into a space between buildings. Railing up to 30 inches tall may be installed on any such porch, platform, or landing.

10.16.130 Off-street parking.

- A. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 10.54.
- B. Each space shall measure a minimum of nine feet in width and 20 feet in depth. All parking spaces and driveways shall be surfaced with asphalt concrete, chip seal, or other suitable all-weather surfacing. Where a carport or garage is open to a public street, a driveway length of at least 20 feet shall be provided between the parking structure and the front property line.
- C. Required parking spaces may not be provided within any front, side, or rear building setback area except that garages or carports opening onto an alley shall be set back five feet, provided that the structure, including roof overhang, shall not extend into the alley right-of-way. Each garage facing a courtyard shall have an apron of not less than six feet or more than 18 feet.
- D. No recreation vehicle, including, without limitation, a camping trailer, boat trailer, utility trailer, boat, pickup camper, motor home, dune buggy, or similar vehicle/trailer shall be stored or parked, except within an enclosed side or rear yard or within a garage or carport.
- E. No recreational vehicle or trailer shall be used as a residence.
- F. All motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space, garage, or carport.
- G. Repair of vehicles owned by the resident of the property and storage of parts shall be within an enclosed garage or carport if no garage exists. Vehicle repair and storage of parts are prohibited in a driveway and the front or street side building setback areas.

10.16.140 Usable open space.

Each lot shall provide for a usable open space area of a minimum of 300 square feet per dwelling unit. Each open space area shall be a minimum of 15 feet wide.

10.16.150 Landscaping.

- A. Landscaping shall be provided for each use as prescribed in Chapter 10.52 Landscape Standards.
- B. Except for driveways and approved parking areas, all yard areas and setback areas visible from the street(s) shall be landscaped with live plant materials and ornamentation common to the area or with artificial turf and other permeable surfaces.
- C. Required landscaping is to be installed prior to occupancy of the residence, apartment, or office and continually maintained pursuant to Chapter 10.52. The Director may grant an exception to this section to avoid planting in inclement weather.
- D. Landscaped areas are not to be used or converted to parking areas or any other use which results in the damage or removal of the landscaping. However, the widening of an existing paved driveway perpendicular to the street is permitted if the total width of the existing paving and the new paving does not exceed 40 percent of the lot frontage along the street.

10.16.160 Screening, fences, and walls.

Fences, walls, and hedges in the R-M zone shall conform to the design standards in Section 10.50.040 and the following:

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- A. These regulations do not apply to fences or walls required by regulations of a State or federal agency, or by the City for reasons of public safety, or to retaining walls that adjoin land uses.
- B. Fences, walls, and hedges may be erected and properly maintained to the heights identified below and measured from the highest adjoining finish grade:
 - 1. Fences, walls, and hedges shall not exceed four feet in height in a required front yard and in the street side yard of a corner lot, provided that the top one foot shall be of a see-through material such as wrought iron. Hedges up to three feet tall are also permitted in a required front yard.
 - 2. Fences and walls shall not exceed seven feet in height in any rear or side yard or other areas outside a required front yard.
 - 3. On corner lots, a fence may not exceed four feet in height in the street corner area of the parcel formed by a right triangle with the right angle at the street corner property lines and its right-angle sides measuring 25 feet. The top one foot of the fence shall be of a see-through material (such as wrought iron).
 - 4. Walls along arterial and collector streets shall be installed and maintained equal to a minimum of six feet and a maximum of seven feet in height.
 - 6. Walls greater than seven feet in height may be permitted, if approved by the Planning Commission, to mitigate noise impacts identified in the Tulare General Plan.
- C. Allowable fence materials. All fences constructed or installed within the City shall be limited to the following materials or a combination of materials:
 - 1. Front and street side yards:
 - a. Concrete/block.
 - b. Latticework fencing.
 - c. Wood (excluding plywood, OSB, or other wood not typically designed or used for fencing).
 - d. Wrought iron.
 - e. Vinyl.
 - f. Chain-link fencing.
 - 2. Rear and interior side yards:
 - a. Concrete/block.
 - b. Latticework fencing.
 - c. Wood (excluding plywood, OSB, or other wood not typically designed or used for fencing).
 - d. Vinyl.
- D. Perimeter walls around residential subdivisions shall be of neutral color and shall be textured with stone, brick, stucco, or other surface finish. Walls shall incorporate vertical elements (e.g., pilasters, indentations) of differing colors and/or materials at least every 50 feet.

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- E. Walls for residential developments along arterial or collector roadways shall be designed to provide pedestrian access between the arterial or collector to the residential development.
- F. Temporary fencing may be necessary to protect archaeological or historic resources and/or trees during site preparation and construction. Temporary fencing for these purposes shall be subject to the review and approval of the Director.
- G. Swimming pools shall be entirely enclosed by structures, fences, or walls in compliance with California Government Code Section 115920 - The Swimming Pool Act.
 - 1. Pool fences shall have a minimum height of five feet. Such fences shall be substantial and shall be constructed so there are no openings greater than four inches when all gates are closed. All gates, five feet or less in width, in enclosing fences shall be self-closing and self-latching. All gates greater than five feet in width shall be provided with a means of latching said gate closed. All latches on gates in enclosing fences shall be a minimum of 60 inches above grade. No pool shall be filled with water until the enclosing fence has been constructed and approved by the building inspector. Surrounding structures, existing fences, and gates shall suffice for this requirement if they comply with all requirements of this section as determined by the building inspector.
- H. The City reserves the right to remove, at the expense of the owner of the property or properties enclosed by the fence, any fence in a public easement in any emergency.

10.16.170 Signs.

Signs placed in the R-M zone shall be subject to the requirements and standards prescribed in Chapter 10.56.

10.16.180 General provisions and design standards.

The following standards apply to all development occurring within the RM district and are intended to promote high standards of design.

- A. All multiple-family dwellings shall provide one storage area per unit, including a minimum of 50 square feet of area per unit, devoted to secured storage space, exclusive of habitable area. The space may be located within a garage if parking and driveway access are not encumbered.
- B. An on-site manager shall be required for all multiple-family projects of 16 or more dwelling units.
- C. An annual inspection by the City of Tulare shall be conducted on all multiple-family dwellings of four units or more to ascertain compliance with fire and building codes and City standards and conditions, including conditions of approval of the applicable planning permit.
- D. Residential developments over 50 units shall be designed with at least two points of access to connect with arterials, collectors, or other neighboring developments.
- E. Building facades shall be designed utilizing varying setbacks, projections, and balconies, and by varying the pattern and location of windows and doors on the building face. Requirements include:
 - 1. The primary exterior siding material for buildings shall be wood, stone, brick, stucco, fiber cement, composite wood, or stone.

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2. For every 100 feet of building length, there shall be a plane break along the facade comprised of an offset of at least five feet in depth by 25 feet in length. The offset shall extend from grade to the highest story.
 3. All sides of a building shall include at least two forms of architectural detailing. Architectural detailing includes railings, trellises, trim, cornices, or similar architectural elements. One or more accent materials, such as glass, tile, brick, stone, concrete, or plaster, which differs from the primary exterior siding material, shall be incorporated to highlight building features.
 4. Windows shall either be recessed at least two inches from the plane of the surrounding exterior wall or shall have a trim or windowsill at least two inches in depth.
 5. Individual residential unit entrances located on the ground floor shall include a porch, stoop, patio, terrace, forecourt, or courtyard. Entrances shall have either a projected sheltering element or be recessed from the facade; the projection or recess shall have a minimum depth of 24 inches.
 6. Exterior stairways shall be designed as an integral part of the overall structure and shall incorporate materials used in the main building.
 7. Where residential units are designed as townhomes or rowhomes, individual units shall be distinguished. This may be accomplished through the use of at least two of the following:
 - a. Change in wall plane.
 - b. Change in color.
 - c. Change in roof form.
- F. Parking lots, driveways, and entries should be designed to blend in with the overall project:
1. Parking rows shall be broken up with a landscape island every eight spaces.
 2. Project entryways for developments of 16 units or more shall be delineated and enhanced with the incorporation of at least two of the following:
 - a. Enhanced paving treatment with patterned and/or colored pavers, brick, or decorative colored and scored concrete a minimum of 12 feet deep and spanning the width of the driveway.
 - b. A monument sign or place name incorporated into a wall.
 - c. Enhanced landscaping that incorporates features such as arbors, trellises, and hedges.
 - d. An expansion of the landscaped area by a minimum of five feet in depth, spanning a minimum of 10 feet on each side of the driveway or pedestrian entrance.
 3. Parking areas shall be screened from view from adjoining properties and street rights-of-way by means of a solid fence, wall, landscaping, or architectural feature.
- G. A children's play yard with play equipment shall be required for all multiple-family projects of 10 units or more and must be reviewed and approved by the Director. This condition shall not apply to senior citizen housing.
- H. Wherever multiple-family residential uses abut commercial uses, industrial uses, or other undesirable features such as freeways, a solid seven-foot-tall block wall and at least five feet

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of dense landscaping shall be provided along abutting property lines. The location and orientation of the residential structures shall be placed to minimize any harmful effects created by nearby non-residential uses. Along streets designated as arterial or primary thoroughfares, the Planning Commission may require proposed uses to back up to the roadway.

- I. Adequate on-site lighting shall be required for safety and security. All on-site lighting shall be directed away from abutting properties to reduce glare. Adjustment of lighting fixtures may be required after they have been installed.
- J. All trash disposal containers shall be surrounded and screened by a solid six-foot-tall fence, wall, or similar architectural feature. The enclosure shall incorporate the same materials and colors as the primary building design. Additional treatments, such as landscaping, a trellis, or an arbor are encouraged. All multiple-family dwellings shall provide one storage area per unit, including a minimum of 50 square feet of area per unit, devoted to secured storage space, exclusive of habitable area. The space may be located within a garage if parking and driveway access are not encumbered.

Chapter 10.18

HIGH DENSITY RESIDENTIAL ZONE

Sections:

- 10.18.010 Purpose and application.**
- 10.18.020 Permitted uses.**
- 10.18.030 Lot area.**
- 10.18.040 Lot dimensions.**
- 10.18.050 Site area per dwelling unit.**
- 10.18.060 Coverage.**
- 10.18.070 Building setback areas.**
- 10.18.080 Distance between structures.**
- 10.18.090 Height of structures.**
- 10.18.100 Driveways.**
- 10.18.110 Accessory structures.**
- 10.18.120 Other setback standards.**
- 10.18.130 Off-street parking.**
- 10.18.140 Usable open space.**
- 10.18.150 Landscaping.**
- 10.18.160 Screening, fences, and walls.**
- 10.18.170 Signs.**
- 10.18.180 General provisions and standards.**

10.18.010 Purpose and application.

This chapter shall apply to all land within the High Density Residential (R-H) zone. The purpose of the R-H zone is to encourage a variety of multi-family residential uses in a density range from 14.1 to 29 dwelling units per gross acre. In order to adequately plan for multi-family development of various densities, the R-H zone is further subdivided into the following sub-districts: R-H-14 and R-H-20.

10.18.020 Permitted uses.

Uses shall be permitted or not permitted, conditionally permitted, administratively permitted, or temporarily permitted as prescribed in the land use table in Section 10.08.020.

10.18.030 Lot area.

- A. The minimum lot area shall be 6,000 square feet.
- B. Existing lots of less than 6,000 square feet may be developed in accordance with the specifications of this section.

10.18.040 Lot dimensions.

- A. The minimum lot frontage shall be 20 feet on a public street.

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- B. The minimum lot width shall be 30 feet for interior lots and 40 feet for corner lots.
- C. The minimum lot depth shall be 50 feet.
- D. Lots developed adjacent to an arterial or collector street are to be designed as walled back-on or side-on lots.

10.18.050 Site area per dwelling unit.

- A. The minimum site area per dwelling unit shall be 2,000 square feet for the R-H-14 district.
- B. Multi-family residential uses in the R-H-14 district shall be developed with a minimum density of 14.1 dwelling units per gross acre.
- C. The minimum site area per dwelling unit shall be 1,500 square feet for the R-H-20 district.
- D. Multi-family residential uses in the R-H-20 district shall be developed with a minimum density of 20 dwelling units per gross acre.

10.18.060 Coverage.

The maximum coverage of a lot shall be determined by the combined building setback area requirements, accessory structure limitations, open space requirements, and off-street parking requirements. These requirements shall not reduce the maximum lot coverage below 60 percent of the overall lot.

10.18.070 Building setback areas.

- A. No structure utilized as living space shall be placed within a building setback area.
- B. The front building setback area shall be a minimum of 15 feet from the front lot line for livable building space and 20 feet for garages, carports, and other non-livable building space.
- C. The rear building setback area and interior side setback area shall be a minimum of five feet per story.
- D. The side building setback area shall be 10 feet from a street side property line. For a reverse corner lot, the street side setback shall be one-half the required front yard setback of the lot to the rear.

10.18.080 Distance between structures.

The minimum distance between structures shall be 10 feet, except as provided by the building code.

10.18.090 Height of structures.

- A. The maximum structure height shall be 50 feet. No portion of a structure that is within 30 feet of an interior property line adjacent to a single-family zoned property shall be higher than 25 feet.
- B. Buildings over 50 feet may be erected upon approval of a conditional use permit in accordance with Chapter 10.80.

10.18.100 Driveways.

- A. The width of a driveway and any paved area shall not cumulatively exceed 40 percent of the width of the lot's street frontage on which the driveway and any paved area faces. In the case

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of “L” or “U” shaped driveways or other configurations besides perpendicular driveways, the paved area of these driveways shall not exceed 50 percent of the front building setback area.

- B. Driveways shall be designed so that vehicles are not required to back out onto collector or arterial streets.
- C. On corner lots, the driveway shall be located on the side of the lot adjacent to the interior lot line.
- D. On key lots, the driveway shall be located on the side of the lot, which is not adjacent to the rear lot line of the adjacent reverse corner lot.

10.18.110 Accessory structures.

Accessory structures may be located with a required rear or side building setback area subject to all of the following:

- A. The floor area shall be a maximum of 300 square feet.
- B. The walls shall be at least three feet from the rear and side lot lines.
- C. The roof eaves shall be at least two feet from the rear and side lot lines.
- D. The accessory structure shall be separated from other structures by a minimum of 10 feet.
- E. The maximum height shall be 20 feet.
- F. This section does not apply to an accessory dwelling unit (as defined in Section 65852.2 of the California Government Code) which is instead regulated by 10.60.030.

10.18.120 Other setback standards.

- A. Mechanical equipment shall be located a minimum of five feet from an interior side lot line.
- B. Above- or below-ground swimming pools shall be set back three feet from all lot lines.
- C. Architectural features, including eaves, sills, chimneys, and cornices, may extend up to 30 inches into a required side yard or space between structures and up to 36 inches into a required front or rear yard.
- D. Uncovered, unenclosed porches, platforms, or landing places that do not extend above the level of the first floor of the building may extend up to six feet into a required front, side, or rear yard, or into a space between buildings. Railing up to 30 inches tall may be installed on any such porch, platform, or landing.

10.18.130 Off-street parking.

- A. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 10.54.
- B. Each space shall measure a minimum of nine feet in width and 20 feet in depth. All parking spaces and driveways shall be surfaced with asphalt concrete, chip seal, or other suitable all-weather surfacing. Where a carport or garage is open to a public street, a driveway length of at least 20 feet shall be provided between the parking structure and the front property line.
- C. Required parking spaces may not be provided within any front setback area. Parking shall be setback a minimum of 10 feet from any side or rear property line except that garages or carports opening onto an alley shall be set back five feet, provided that the structure, including roof

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overhang, shall not extend into the alley right-of-way. Each garage facing a courtyard shall have an apron of not less than six feet or more than 18 feet.

- D. No recreation vehicle, including, without limitation, a camping trailer, boat trailer, utility trailer, boat, pickup camper, motor home, dune buggy, or similar vehicle/trailer shall be stored or parked in a location visible from the street so as not to detract from the neighborhood. All recreational vehicles must be operable.
- E. No recreational vehicle or trailer shall be used as a residence.
- F. All motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space, garage, or carport. Vehicles with custom-fitted covers may be stored in an open area when it does not create a nuisance or safety problem as determined by the Director, cause complaints from neighbors, or violate any section of this code.

10.18.140 Usable open space.

- A. Lots with four or fewer dwelling units shall provide for a usable open space area of a minimum of 200 square feet per dwelling unit. The open space shall be a minimum of 15 feet wide.
- B. Lots with five or more dwelling units shall provide for a usable open space area equal to five percent of the lot area. Where multiple lots together make up a single development site, the required open space may be combined into common open space areas that are accessible to all residents of the site.

10.18.150 Landscaping.

- A. Landscaping shall be provided for each use as prescribed in Chapter 10.52 Landscape Standards.
- B. Except for driveways and approved parking areas, all yard areas and setback areas visible from the street(s) shall be landscaped with live plant materials and ornamentation common to the area or with artificial turf and other permeable surfaces.
- C. Required landscaping is to be installed prior to occupancy of the residence, apartment, or office and continually maintained pursuant to Chapter 10.52. The Director may grant an exception to this section to avoid planting in inclement weather.
- D. Landscaped areas are not to be used or converted to parking areas or any other use which results in the damage or removal of the landscaping.

10.18.160 Screening, fences, and walls.

Fences, walls, and hedges in the R-H zone shall conform to the design standards in Section 10.50.040 and the following:

- A. These regulations do not apply to fences or walls required by regulations of a State or federal agency, or by the City for reasons of public safety, or to retaining walls that adjoin land uses.
- B. Fences, walls, and hedges may be erected and properly maintained to the heights identified below and measured from the highest adjoining finish grade:
 - 1. Fences, walls, and hedges shall not exceed four feet in height in a required front yard and in the street side yard of a corner lot, provided that the top one foot shall be of a see-through

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- material such as wrought iron. Hedges up to three feet tall are also permitted in a required front yard.
2. Fences and walls shall not exceed seven feet in height in any rear or side yard or other areas outside a required front yard.
 3. On corner lots, a fence may not exceed four feet in height in the street corner area of the parcel formed by a right triangle with the right angle at the street corner property lines and its right-angle sides measuring 25 feet. The top one foot of the fence shall be of a see-through material (such as wrought iron).
 4. Walls along arterial and collector streets shall be installed and maintained equal to a minimum of six feet and a maximum of seven feet in height.
 5. Walls greater than seven feet in height may be permitted, if approved by the Planning Commission, to mitigate noise impacts identified in the Tulare General Plan.
- C. Allowable fence materials. All fences constructed or installed within the City shall be limited to the following materials or a combination of materials:
1. Front and street side yards:
 - a. Concrete/block.
 - b. Latticework fencing.
 - c. Wood.
 - d. Wrought iron.
 2. Rear and interior side yards:
 - a. Concrete/block.
 - b. Latticework fencing.
 - c. Wood.
- D. Perimeter walls around residential developments shall be of neutral color and shall be textured with stone, brick, stucco, or other surface finish. A wrought-iron fence is also acceptable. Walls and/or fences shall incorporate vertical elements (e.g., pilasters, indentations) of differing colors and/or materials at least every 50 feet.
- E. Walls for residential developments along arterial or collector roadways shall be designed to provide pedestrian access between the arterial or collector to the residential development. Access points shall be provided no more than 200 feet apart.
- F. Temporary fencing may be necessary to protect archaeological or historic resources and/or trees during site preparation and construction. Temporary fencing for these purposes shall be subject to the review and approval of the Director.
- G. Swimming pools shall be entirely enclosed by structures, fences, or walls in compliance with California Government Code Section 115920 - The Swimming Pool Act.
1. Pool fences shall have a minimum height of five feet. Such fences shall be substantial and shall be constructed so there are no openings greater than four inches when all gates are closed. All gates, five feet or less in width, in enclosing fences shall be self-closing and

self-latching. All gates greater than five feet in width shall be provided with a means of latching said gate closed. All latches on gates in enclosing fences shall be a minimum of 60 inches above grade. No pool shall be filled with water until the enclosing fence has been constructed and approved by the building inspector. Surrounding structures, existing fences, and gates shall suffice for this requirement if they comply with all requirements of this section as determined by the building inspector.

H. The City reserves the right to remove, at the expense of the owner of the property or properties enclosed by the fence, any fence in a public easement in any emergency.

10.18.170 Signs.

Signs placed in the R-H zone shall be subject to the requirements and standards prescribed in Chapter 10.56.

10.18.180 General provisions and standards.

The following standards apply to all development occurring within the R-H district and are intended to promote high standards of design.

- A. All multiple-family dwellings shall provide one storage area per unit, including a minimum of 50 square feet of area per unit devoted to secured storage space, exclusive of habitable area. The space may be located within a garage if parking and driveway access are not encumbered.
- B. An on-site manager shall be required for all multiple-family projects of 16 or more dwelling units.
- C. An annual inspection by the City of Tulare shall be conducted on all multiple-family dwellings of four units or more to ascertain compliance with fire and building codes and City standards and conditions, including conditions of approval of the applicable planning permit.
- D. Residential developments over 50 units shall be designed with at least two points of access to connect with arterials, collectors, or other neighboring developments.
- E. Building facades shall be designed utilizing varying setbacks, projections, and balconies, and by varying the pattern and location of windows and doors on the building face. Requirements include:
 - 1. The primary exterior siding material for buildings shall be wood, stone, brick, stucco, fiber cement, composite wood, or stone.
 - 2. For every 100 feet of building length, there shall be a plane break along the facade comprised of an offset of at least five feet in depth by 25 feet in length. The offset shall extend from grade to the highest story.
 - 3. All sides of a building shall include at least two forms of architectural detailing. Architectural detailing includes railings, trellises, trim, cornices, or similar architectural elements. One or more accent materials, such as glass, tile, brick, stone, concrete, or plaster, which differs from the primary exterior siding material, shall be incorporated to highlight building features.
 - 4. Windows shall either be recessed at least two inches from the plane of the surrounding exterior wall or shall have a trim or windowsill at least two inches in depth.

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5. Individual residential unit entrances located on the ground floor shall include a porch, stoop, patio, terrace, forecourt, or courtyard. Entrances shall have either a projected sheltering element or be recessed from the facade; the projection or recess shall have a minimum depth of 24 inches.
6. Exterior stairways shall be designed as an integral part of the overall structure and shall incorporate materials used in the main building.
7. Where residential units are designed as townhomes or rowhomes, individual units shall be distinguished. This may be accomplished through the use of at least two of the following:
 - a. Change in wall plane.
 - b. Change in color.
 - c. Change in roof form.
- F. Parking lots, driveways, and entries should be designed to blend in with the overall project:
 1. Parking rows shall be broken up with a landscape island every eight spaces.
 2. Project entryways for developments of 16 units or more shall be delineated and enhanced with the incorporation of at least two of the following:
 - a. Enhanced paving treatment with patterned and/or colored pavers, brick, or decorative colored and scored concrete a minimum of 12 feet deep and spanning the width of the driveway.
 - b. A monument sign or place name incorporated into a wall.
 - c. Enhanced landscaping that incorporates features such as arbors, trellises, and hedges.
 - d. An expansion of the landscaped area by a minimum of five feet in depth spanning a minimum of 10 feet on each side of the driveway or pedestrian entrance.
 3. Parking areas shall be screened from view from adjoining properties and street rights-of-way by means of a solid fence, wall, landscaping, or architectural feature.
- G. A children's play yard with play equipment shall be required for all multiple-family projects of 10 units or more and must be reviewed and approved by the Director. This condition shall not apply to senior citizen housing.
- H. Wherever multiple-family residential uses abut commercial uses, industrial uses, or other undesirable features such as freeways, a solid seven-foot-tall block wall and at least five feet of dense landscaping shall be provided along abutting property lines. The location and orientation of the residential structures shall be placed to minimize any harmful effects created by nearby non-residential uses. Along streets designated as arterial or primary thoroughfares, the Planning Commission may require proposed uses to back up to the roadway.
- I. Adequate on-site lighting shall be required for safety and security. All on-site lighting shall be directed away from abutting properties to reduce glare. Adjustment of lighting fixtures may be required after they have been installed.
- J. All trash disposal containers shall be surrounded and screened by a solid six-foot-tall fence, wall, or similar architectural feature. The enclosure shall incorporate the same materials and

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colors as the primary building design. Additional treatments, such as landscaping, a trellis, or an arbor are encouraged.

Chapter 10.20

NEIGHBORHOOD COMMERCIAL ZONE

Sections:

10.20.010	Purpose and application.
10.20.020	Permitted uses.
10.20.030	Site area.
10.20.040	Lot dimensions.
10.20.050	Coverage.
10.20.060	Building setback areas.
10.20.070	Distance between structures.
10.20.080	Height of structures.
10.20.090	Driveways.
10.20.100	Off-street parking.
10.20.110	Usable open space.
10.20.120	Landscaping.
10.20.130	Screening, fences, and walls.
10.20.140	Signs.
10.20.150	General provisions and standards.

10.20.010 Purpose and application.

This chapter shall apply to all land within the Neighborhood Commercial (C-1) zone. The purpose of the C-1 zone is to provide for areas of primarily small-scale, low-intensity neighborhood commercial uses and services that serve surrounding, adjacent residential neighborhoods throughout the community. The objectives of the C-1 zone are:

- A. The development of a limited range of commercial uses that cater to the daily needs of residents.
- B. The development of commercial buildings that are compatible with the aesthetic character and quality of residential neighborhoods.
- C. Attractive, tree-lined streets, which emphasize and encourage walking and bicycling as well as efficient automobile transit, to serve the commercial developments. In such neighborhoods, the sidewalk will be setback from the street, providing space for a tree-lined parking strip.
- D. Commercial buildings designed in a manner that encourages human activity on the street, by placing main entrances facing the street, and reducing the dominance of parking facilities as a prominent visual street feature. Where possible and practicable, parking lots shall be placed to the rear or to the side of buildings.
- E. To ensure that commercial buildings are designed in a manner that minimizes the impact to the adjacent residential development through sensitive design that considers the impacts of noise, traffic, and lighting sources.

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F. To minimize traffic congestion, while providing an efficient circulation system.

10.20.020 Permitted uses.

- A. Uses shall be permitted or not permitted, conditionally permitted, administratively permitted, or temporarily permitted as prescribed in the land use table in Section 10.08.030.
- B. Residential uses shall be subject to the development and design standards of the residential zone that are consistent with the density of the residential development. Thus, a multi-family development with a density of 12 units per acre would be subject to the development and design standards of the R-M zone. These standards include but are not limited to setbacks, height limitations, and open space.

10.20.030 Site area.

- A. The minimum site area shall be 6,000 square feet. The site area may be divided into multiple separate lots of less than 6,000 square feet each if a reciprocal use agreement for shared street access and parking is recorded in conjunction with the subdivision of the lots.
- B. Existing sites of less than 6,000 square feet may be developed in accordance with the specifications of this section.
- C. The maximum site area shall be three acres.

10.20.040 Lot dimensions.

The minimum lot frontage shall be 40 feet unless a reciprocal use agreement for shared access and parking is recorded.

10.20.050 Coverage.

The maximum coverage of a lot shall be 60 percent.

10.20.060 Building setback areas.

- A. No structure shall be placed within a building setback area.
- B. The minimum front building setback shall be five feet.
- C. The minimum rear building setback shall be 10 feet.
- D. The minimum side building setback area shall be five feet.

10.20.070 Distance between structures.

There is no minimum distance between structures required, except that all building code requirements shall be met.

10.20.080 Height of structures.

The maximum structure height shall be 30 feet.

10.20.090 Driveways.

- A. Wherever possible, developments shall share driveways to minimize the number of access points on public streets.
- B. New driveways near street corners shall be located a minimum of 50 feet from the radius curve of the curb unless otherwise specifically approved by the City Engineer.

10.20.100 Off-street parking.

Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 10.54.

10.20.110 Usable open space.

There is no minimum requirement for usable open space.

10.20.120 Landscaping.

- A. Landscaping shall be provided for each use as prescribed in Chapter 10.52 Landscape Standards.
- B. A minimum of five percent of the gross lot area shall be landscaped. All exterior areas not devoted to parking, storage, driveways, walkways or loading areas shall be landscaped.
- C. Required landscaping shall be installed prior to final occupancy and continually maintained pursuant to Chapter 10.52.

10.20.130 Screening, fences, and walls.

Fences, walls, and hedges in the C-1 zone shall conform to the design standards provided in section 10.50.040 and to the following standards:

- A. A seven-foot solid masonry wall shall be required along any side or rear property line abutting residential zone district, except in required front and corner side yards where the maximum height shall be three feet. On a reversed corner lot where the district boundary line is adjacent to the front yard of a neighboring property, the required wall shall be reduced in height to four feet within 15 feet of a street property line.
- B. The Director may allow fence and wall heights to be increased to mitigate noise problems documented by a noise study.
- C. Allowable fence materials. All fences, constructed or installed within the City shall be limited to the following materials or a combination of materials:
 - 1. Front and street side yards:
 - a. Concrete/block/brick.
 - b. Latticework fencing.
 - c. Wood.
 - d. Wrought iron.
 - 2. Rear and Interior side yards:
 - a. Concrete/block/brick.
 - b. Latticework fencing.
 - c. Wood.
 - d. Wrought iron
- D. The outdoor storage of materials and equipment attendant to a use shall be permitted only within an area surrounded or screened with a six-foot solid wall or chain-link fence with slats

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and landscaping, except as may be modified under site plan review. Such storage shall not be visible above the fence or wall.

10.20.140 Signs.

Signs placed in the C-1 zone shall be subject to the requirements and standards prescribed in Chapter 10.56.

10.20.150 General provisions and standards.

- A. All businesses, services, and processes shall be conducted entirely within a completely enclosed permanently fixed structure, except where specifically permitted by this title.
- B. Mechanical equipment shall be located a minimum of 15 feet from a rear or side lot line abutting a residential zone district unless there is a parapet wall that shields the mechanical equipment.
- C. New development shall be required to install public infrastructure necessary to adequately serve the project, based on requirements of the City Engineer, including sewer, water, storm drainage lines, curbs, gutters and sidewalks, street paving, street lighting, and trash enclosure. These improvements shall be constructed consistent with requirements shown in the City of Tulare Standards and Specifications and shall be installed prior to occupancy of any structures on the site.
- D. All development in the C-1 zone shall be designed consistent with the requirements and standards prescribed in Chapter 10.50 Development Standards.

Chapter 10.22

OFFICE COMMERCIAL ZONE

Sections:

10.22.010	Purpose and application.
10.22.020	Permitted uses.
10.22.030	Site area.
10.22.040	Lot dimensions.
10.22.050	Coverage.
10.22.060	Building setback areas.
10.22.070	Distance between structures.
10.22.080	Height of structures.
10.22.090	Driveways.
10.22.100	Off-street parking.
10.22.110	Usable open space.
10.22.120	Landscaping.
10.22.130	Screening, fences, and walls.
10.22.140	Signs.
10.22.150	General provisions and standards.

10.22.010 Purpose and application.

This chapter shall apply to all land within the Office Commercial (C-2) zone. The purpose of the C-2 zone is to provide areas for professional and non-retail commercial offices and businesses in close relationship with one another. The objectives of the C-2 zone are:

- A. The development of a variety of office uses including professional, administrative, business, finance, and medical.
- B. The development of office buildings and complexes that exhibit high standards of design, including:
 - 1. Attractive, tree-lined streets, which emphasize and encourage walking and bicycling as well as efficient automobile transit, to serve the office developments. In such neighborhoods, the sidewalk may be setback from the street, providing space for a tree-lined landscaped area.
 - 2. Office buildings and complexes that include generous amounts of landscaping, including parking lots designed so that they do not dominate the street scene and buildings that complement one another with tasteful design features.
- C. To ensure that office buildings are designed in a manner that minimizes the impact to the adjacent residential development through sensitive design that considers the impacts of noise, traffic, and lighting sources.

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- D. To provide for the sensitive conversion of single-family homes into offices, with special attention being given to facade elevations, parking lots, signage, and lighting.
- E. To minimize traffic congestion, while providing an efficient circulation system.

10.22.020 Permitted uses.

- A. Uses shall be permitted or not permitted, conditionally permitted, administratively permitted, or temporarily permitted as prescribed in the land use table in Section 10.08.030.
- B. Residential uses shall be subject to the development and design standards of the residential zone that are consistent with the density of the residential development. Thus, a multi-family development with a density of 12 units per acre would be subject to the development and design standards of the R-M zone. These standards include but are not limited to setbacks, height limitations, and open space.

10.22.030 Site area.

The minimum site area shall be 3,000 square feet.

10.22.040 Lot dimensions.

The minimum lot frontage shall be 40 feet, except that where there is a recorded reciprocal use agreement for shared common access and parking areas, no minimum frontage is required.

10.22.050 Coverage.

The maximum building coverage of a lot shall be 80 percent.

10.22.060 Building setback areas.

- A. No structure shall be placed within a building setback area.
- B. The front building setback area shall be a minimum of 10 feet, except where an office is being developed within an existing residential neighborhood between existing residences and buildings on the block have a front yard setback greater than 10 feet, the setback for the unit being converted shall be average of the other buildings on the block.
- C. There shall be no required rear building setback, except where a site abuts a residentially zoned parcel in which case the setback shall be 10 feet.
- D. There shall be no required side building setback, except where a site abuts a residentially zoned parcel in which case the setback shall be five feet.

10.22.070 Distance between structures.

There is no minimum distance between structures required, except that all building code requirements shall be met.

10.22.080 Height of structures.

- A. The maximum structure height shall be 30 feet.

10.22.090 Driveways.

- A. Wherever possible, developments shall share driveways to minimize the number of driveways on public streets.

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- B. New driveways near street corners shall be located a minimum of 150 feet from the radius curve of the curb unless otherwise specifically approved by the City Engineer.
- C. Sites with alleys shall utilize alley access to minimize driveways on streets as long as it is possible and practicable.

10.22.100 Off-street parking.

- A. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 10.54.
- B. Parking areas shall not be closer than 15 feet to any front or street side lot line. The area between the lot line and the parking area shall be landscaped.
- C. New parking areas shall be located behind or to the side of buildings, not between buildings and the street unless it is not possible or practicable. Refer to Chapter 10.52 for Landscape Standards for parking areas.

10.22.110 Usable open space.

There is no minimum requirement for usable open space.

10.22.120 Landscaping.

- A. Landscaping shall be provided for each use as prescribed in Chapter 10.52 Landscape Standards.
- B. A minimum of five percent of the gross lot area shall be landscaped. All exterior areas not devoted to parking, storage, driveways, walkways or loading areas shall be landscaped.
- C. Required landscaping shall be installed prior to final occupancy and continually maintained pursuant to Chapter 10.52.

10.22.130 Screening, fences, and walls.

Fences, walls, and hedges in the C-2 zone shall conform to the design standards provided in Section 10.50.040 and to the following standards:

- A. These regulations do not apply to fences or walls required by regulations of a State or federal agency, or by the City for reasons of public safety, or to retaining walls that adjoin land uses.
- B. A seven-foot solid masonry wall shall be required along any side or rear property line abutting residential zone district, except in required front and street side yards where the maximum height shall be three feet. On a reversed corner lot where the district boundary line is adjacent to the front yard of a neighboring property, the required wall shall be reduced in height to four feet within 15 feet of a street property line.
- D. Walls along arterial and collector streets. If a wall is required, or if the developer of a site located along either an arterial or collector street chooses to install a wall, the wall shall be installed and maintained equal to a minimum of six feet and a maximum of seven feet in height.
- E. Allowable fence materials. All fences, constructed or installed within the City shall be limited to the following materials or a combination of materials:
 - 1. Front and street side yards:
 - a. Concrete/block/brick.

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- b. Latticework fencing.
 - c. Wood.
 - d. Wrought iron.
2. Rear and Interior side yards:
- a. Concrete/block.
 - b. Latticework fencing.
 - c. Wood.
 - d. Wrought iron
- F. Temporary fencing. Temporary fencing may be necessary to protect archaeological or historic resources and/or trees during site preparation and construction. Temporary fencing for these purposes shall be subject to the review and approval of the Director.
- G. The City reserves the right to remove, at the expense of the owner of the property or properties enclosed by the fence, any fence in a public easement in any emergency.

10.22.140 Signs.

Signs placed in the C-2 zone shall be subject to the requirements and standards prescribed in Chapter 10.56.

10.22.150 General provisions and standards.

- A. All businesses, services, and processes shall be conducted entirely within a completely enclosed permanently fixed structure, except where specifically permitted by this title.
- B. Mechanical equipment shall be located a minimum of 15 feet from a rear or side lot line that abuts a residential zone district unless there is a parapet wall that shields the mechanical equipment.
- C. New development shall be required to install public infrastructure necessary to adequately serve the project, based on requirements of the City Engineer, including sewer, water, storm drainage lines, curbs, gutters and sidewalks, street paving, street lighting, and trash enclosure. These improvements shall be constructed consistent with requirements shown in the City of Tulare Standards and Specifications and shall be installed prior to occupancy of any structures on the site.
- D. All development in the C-2 zone shall be designed consistent with the requirements and standards prescribed in Chapter 10.60 Development Standards.

Chapter 10.24

RETAIL COMMERCIAL ZONE

Sections:

10.24.010	Purpose and application.
10.24.020	Permitted uses.
10.24.030	Site area.
10.24.040	Lot dimensions.
10.24.050	Coverage.
10.24.060	Building setback areas.
10.24.070	Distance between structures.
10.24.080	Height of structures.
10.24.090	Driveways.
10.24.100	Off-street parking.
10.24.110	Usable open space.
10.24.120	Landscaping.
10.24.130	Screening, fences, and walls.
10.24.140	Signs.
10.24.150	General provisions and standards.

10.24.010 Purpose and application.

This chapter shall apply to all land within the Retail Commercial (C-3) zone. The purpose of the C-3 zone is to provide for a wide variety of commercial and office uses that serve the general commercial needs of the residents of Tulare. The objectives of the C-3 zone are:

- A. The development of a variety of retail commercial uses in buildings and complexes that exhibit high standards of design, including:
 - 1. Attractive, tree-lined streets, that emphasize and encourage walking and bicycling as well as efficient automobile transit. In such districts, the sidewalk may be setback from the street, providing space for a tree-lined landscaped area.
 - 2. Commercial buildings and complexes that include generous amounts of landscaping, including parking lots designed so that they do not dominate the street scene and buildings that complement one another with tasteful design features.
- B. To provide areas for the development of shopping facilities that:
 - 1. Are convenient to all members of the community.
 - 2. Aid in building Tulare’s sales tax base and prevent leakage of sales tax revenues to other communities.

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- C. To ensure that commercial buildings are designed in a manner that minimizes the impact to the adjacent residential development through sensitive design that considers the impacts of noise, traffic, and lighting sources.
- D. To minimize traffic congestion, while providing an efficient circulation system.

10.24.020 Permitted uses.

- A. Uses shall be permitted or not permitted, conditionally permitted, administratively permitted, or temporarily permitted as prescribed in the land use table in Section 10.08.030.
- B. Residential uses shall be subject to the development and design standards of the residential zone that are consistent with the density of the residential development. Thus, a multi-family development with a density of 12 units per acre would be subject to the development and design standards of the R-M zone. These standards include but are not limited to setbacks, height limitations, and open space.

10.24.030 Site area.

There is no minimum site area.

10.24.040 Lot dimensions.

The minimum lot frontage shall be 40 feet unless a reciprocal use agreement for shared access and parking is recorded.

10.24.050 Coverage.

The maximum coverage of a lot shall be 80 percent.

10.24.060 Building setback areas.

- A. No structure shall be placed within a building setback area.
- B. The minimum front building setback shall be 10 feet, except where a parcel fronts on a major arterial or a residential zone district then the minimum setback shall be 20 feet.
- C. There shall be no required rear building setback, except where the rear lot line abuts a major arterial or a residentially zoned parcel then the minimum rear building setback shall be 10 feet.
- D. There shall be no required side building setback, except where the side lot line abuts a major arterial or a residentially zoned parcel then the minimum side building setback area shall be 10 feet.

10.24.070 Distance between structures.

There is no minimum distance between structures required, except that all building code requirements shall be met.

10.24.080 Height of structures.

- A. The maximum structure height shall be 30 feet.
- B. Structures up to 60 feet may be erected upon approval of a conditional use permit in accordance with Chapter 10.80.

10.24.090 Driveways.

- A. Wherever possible, developments shall share driveways to minimize the number of access points on public streets.
- B. New driveways near street corners shall be located a minimum of 150 feet from the radius curve of the curb unless otherwise specifically approved by the City Engineer.
- C. Sites with alleys shall utilize alley access to minimize driveways on streets as long as it is possible and practicable.

10.24.100 Off-street parking.

- A. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 10.54.

10.24.110 Usable open space.

New developments over one acre in size shall provide a common outdoor, shaded sitting area for use by customers. The size of the shaded sitting area shall be a minimum of 250 square feet per acre of site area.

10.24.120 Landscaping.

- A. Landscaping shall be provided for each use as prescribed in Chapter 10.52 Landscape Standards.
- B. A minimum of five percent of the gross lot area shall be landscaped. All exterior areas not devoted to parking, storage, driveways, walkways or loading areas shall be landscaped.
- C. Required landscaping shall be installed prior to final occupancy and continually maintained pursuant to Chapter 10.52.

10.24.130 Screening, fences, and walls.

- A. The fences in the C-3 zone shall conform to the design standards provided in Section 10.50.040.
- B. These regulations do not apply to fences or walls required by regulations of a State or federal agency, or by the City for reasons of public safety, or to retaining walls that adjoin land uses.
- C. Fences, walls, and hedges may be erected and properly maintained to the heights identified below and measured from the highest adjoining finish grade:
 - 1. Fences, walls, and hedges shall not exceed three feet in height in the front yard area unless otherwise specifically required by this title.
 - 2. Where a commercially-zoned site adjoins a site that is residentially zoned, a seven-foot-tall solid wall and a 10-foot landscape buffer shall separate the commercial development from the adjoining residential district.
- D. Walls along arterial and collector streets. If a wall is required, or if the developer of a site located along either an arterial or collector street chooses to install a wall, the wall shall be installed and maintained equal to a minimum of six feet and a maximum of seven feet in height.
- E. Allowable fence materials. All fences, constructed or installed within the City shall be limited to the following materials or a combination of materials:

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1. Front and street side yards:
 - a. Concrete/block/brick.
 - b. Latticework fencing.
 - c. Wood.
 - d. Wrought iron.
 2. Rear and Interior side yards:
 - a. Concrete/block.
 - b. Latticework fencing.
 - c. Wood.
 - d. Wrought Iron
- F. Temporary fencing. Temporary fencing may be necessary to protect archaeological or historic resources and/or trees during site preparation and construction. Temporary fencing for these purposes shall be subject to the review and approval of the Director.
- G. The City reserves the right to remove, at the expense of the owner of the property or properties enclosed by the fence, any fence in a public easement in any emergency.

10.24.140 Signs.

Signs placed in the C-3 zone shall be subject to the requirements and standards prescribed in Chapter 10.56.

10.24.150 General provisions and standards.

- A. All businesses, services, and processes shall be conducted entirely within a completely enclosed permanently fixed structure, except where specifically permitted by this title.
- B. Mechanical equipment shall be located a minimum of 15 feet from a rear or side lot line that abuts a residential zone district unless there is a parapet wall that shields the mechanical equipment.
- C. New development shall be required to install public infrastructure necessary to adequately serve the project, based on requirements of the City Engineer, including sewer, water, storm drainage lines, curbs, gutters and sidewalks, street paving, street lighting, and trash enclosure. These improvements shall be constructed consistent with requirements shown in the City of Tulare Standards and Specifications and shall be installed prior to occupancy of any structures on the site.
- D. All development in the C-3 zone shall be designed consistent with the requirements and standards prescribed in Chapter 10.60 Development Standards.

Chapter 10.26

SERVICE COMMERCIAL ZONE

Sections:

10.26.010	Purpose and application.
10.26.020	Permitted uses.
10.26.030	Site area.
10.26.040	Lot dimensions.
10.26.050	Coverage.
10.26.060	Building setback areas.
10.26.070	Distance between structures.
10.26.080	Height of structures.
10.26.090	Driveways.
10.26.100	Off-street parking.
10.26.110	Usable open space.
10.26.120	Landscaping.
10.26.130	Screening, fences, and walls.
10.26.140	Signs.
10.26.150	General provisions and standards.

10.26.010 Purpose and application.

This chapter shall apply to all land within the Service Commercial (C-4) zone. The purpose of the C-4 zone is to provide areas primarily for wholesale and heavy commercial uses and service establishments that are not suited for other commercial zones. It also provides areas for certain light industrial uses that manufacture, assemble, or package products within buildings and which do not emit fumes, odor, dust, smoke, or gas. The objectives of the C-4 zone are:

- A. The development of a variety of wholesale and heavy commercial and service uses, which are not suited to other commercial zones.
- B. Service commercial uses shall be developed in buildings and complexes that exhibit high standards of design, including:
 - 1. Attractive, tree-lined streets, which accommodate a variety of vehicles typically involved in service commercial activities.
 - 2. Commercial buildings and complexes that include generous amounts of landscaping, including parking lots designed so that they do not dominate the street scene and buildings that complement one another with tasteful design features.
 - 3. Outdoor storage of materials and outdoor repair activities conducted in screened areas.
- C. To ensure that commercial buildings are designed in a manner that minimizes the impact to the adjacent residential development through sensitive design that considers the impacts of noise, traffic, and lighting sources.

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D. To minimize traffic congestion, while providing an efficient circulation system.

10.26.020 Permitted uses.

- A. Uses shall be permitted or not permitted, conditionally permitted, administratively permitted, or temporarily permitted as prescribed in the land use table in Section 10.08.030.
- B. Residential uses shall be subject to the development and design standards of the residential zone that are consistent with the density of the residential development. Thus, a multi-family development with a density of 12 units per acre would be subject to the development and design standards of the R-M zone. These standards include but are not limited to setbacks, height limitations, and open space.

10.26.030 Site area.

- A. The minimum site area for new lots that are created by subdivision map or parcel map shall be 6,000 square feet unless a smaller site is approved with a conditional use permit in accordance with Chapter 10.80.
- B. Existing sites of less than 6,000 square feet may be developed in accordance with the specifications of this section.

10.26.040 Lot dimensions.

The minimum lot frontage shall be 40 feet unless a reciprocal use agreement for shared access and parking is recorded.

10.26.050 Coverage.

The maximum coverage of a lot shall be 80 percent.

10.26.060 Building setback areas.

- A. No structure shall be placed within a building setback area.
- B. The minimum front building setback shall be 10 feet, except where a parcel fronts on a major arterial or a residential zone district then the minimum setback shall be 20 feet. Except that driveways, canopies, parking lots, and roof overhangs may extend into a front yard by 50 percent.
- C. There shall be no required rear building setback, except where the rear lot line abuts a major arterial or a residentially zoned parcel then the minimum rear building setback shall be 10 feet.
- D. There shall be no required side building setback, except where the side lot line abuts a major arterial or a residentially zoned parcel then the minimum side building setback area shall be 10 feet.

10.26.070 Distance between structures.

There is no minimum distance between structures required, except that all building code requirements shall be met.

10.26.080 Height of structures.

- A. The maximum structure height shall be 30 feet.
- B. Structures up to 60 feet may be erected upon approval of a conditional use permit in accordance with Chapter 10.80.

10.26.090 Driveways.

- A. Wherever possible developments shall share driveways to minimize the number of driveways on public streets.
- B. New driveways near street corners shall be located a minimum of 150 feet from the radius curve of the curb unless otherwise specifically approved by the City Engineer.
- C. Sites with alleys shall utilize alley access to minimize driveways on streets as long as it is possible and practicable.

10.26.100 Off-street parking.

Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 10.54.

10.26.110 Usable open space.

There is no minimum requirement for usable open space.

10.26.120 Landscaping.

- A. Landscaping shall be provided for each use as prescribed in Chapter 10.52 Landscape Standards.
- B. A minimum of five percent of the gross lot area shall be landscaped. All exterior areas not devoted to parking, storage, driveways, walkways or loading areas shall be landscaped.
- C. Required landscaping is to be installed prior to occupancy and continually maintained pursuant to Chapter 10.52.

10.26.130 Screening, fences, and walls.

- A. Fences in the C-4 zone shall conform to the design standards provided in Section 10.50.040.
- B. These regulations do not apply to fences or walls required by regulations of a State or federal agency, or by the City for reasons of public safety, or to retaining walls that adjoin land uses.
- C. Fences, walls, and hedges may be erected and properly maintained to the heights identified below and measured from the highest adjoining finish grade:
 - 1. Fences, walls, and hedges shall not exceed three feet in height in the front yard area unless otherwise specifically required by this title.
 - 2. Where a commercially-zoned site adjoins a site that is residentially zoned, a seven-foot-tall solid wall and a 10-foot landscape buffer shall separate the commercial development from the adjoining residential district.
- D. Walls along arterial and collector streets. If a wall is required, or if the developer of a site located along either an arterial or collector street chooses to install a wall, the wall shall be installed and maintained equal to a minimum of six feet and a maximum of seven feet in height.
- E. Allowable fence materials. All fences, constructed or installed within the City shall be limited to the following materials or a combination of materials:
 - 1. Front and street side yards:

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- a. Concrete/block.
 - b. Latticework fencing.
 - c. Wood.
 - d. Wrought iron.
2. Rear and Interior side yards:
- a. Concrete/block.
 - b. Latticework fencing.
 - c. Wood.
 - d. Wrought Iron
 - e. Chain link
- F. Temporary fencing. Temporary fencing may be necessary to protect archaeological or historic resources and/or trees during site preparation and construction. Temporary fencing for these purposes shall be subject to the review and approval of the Director.
- G. The City reserves the right to remove, at the expense of the owner of the property or properties enclosed by the fence, any fence in a public easement in any emergency.

10.26.140 Signs.

Signs placed in the C-4 zone shall be subject to the requirements and standards prescribed in Chapter 10.56.

10.26.150 General provisions and standards.

- A. All businesses, services, and processes shall be conducted entirely within a completely enclosed permanently fixed structure, except where specifically permitted by this title.
- B. Mechanical equipment shall be located a minimum of 15 feet from a rear or side lot line that abuts a residential zone district unless there is a parapet wall that shields the mechanical equipment.
- C. New development shall be required to install public infrastructure necessary to adequately serve the project, based on requirements of the City Engineer, including sewer, water, storm drainage lines, curbs, gutters and sidewalks, street paving, street lighting, and trash enclosure. These improvements shall be constructed consistent with requirements shown in the City of Tulare Standards and Specifications and shall be installed prior to occupancy of any structures on the site.
- D. All development in the C-4 zone shall be designed consistent with the requirements and standards prescribed in Chapter 10.60 Commercial District Design Standards.

Chapter 10.28

LIGHT INDUSTRIAL ZONE

Sections:

10.28.010	Purpose and application.
10.28.020	Permitted uses.
10.28.030	Site area.
10.28.040	Lot dimensions.
10.28.050	Coverage.
10.28.060	Building setback areas.
10.28.070	Distance between structures.
10.28.080	Height of structures.
10.28.090	Driveways.
10.28.100	Off-street parking.
10.28.110	Usable open space.
10.28.120	Landscaping.
10.28.130	Screening, fences, and walls.
10.28.140	Signs.
10.28.150	General provisions and standards.

10.28.010 Purpose and application.

This chapter shall apply to all land within the Light Industrial (M-1) zone. The purpose of the M-1 district is to provide areas for light manufacturing, wholesale, and storage activities; protect industrial areas from the intrusion of incompatible types of land uses; adhere to performance standards provided for the protection of Tulare residents and the environment, and to provide industrial employment opportunities for residents of the City of Tulare. The objectives of the M-1 district are:

- A. The development of a variety of light industrial and service commercial and service uses, which are not suited to other commercial zones, in buildings and complexes that exhibit high standards of design, including:
1. Industrial buildings and complexes that include generous amounts of landscaping, and buildings that complement one another with tasteful design features.
 2. Outdoor storage of materials and outdoor repair activities conducted in screened areas.
 3. To ensure that commercial buildings are designed in a manner that minimizes the impact to adjacent non-industrial uses through sensitive design that considers the impacts of noise, traffic, and lighting sources.
 4. To minimize traffic congestion, while providing an efficient circulation system.

10.28.020 Permitted uses.

Uses shall be permitted or not permitted, conditionally permitted, administratively permitted, or temporarily permitted as prescribed in the land use table in Section 10.08.030.

10.28.030 Site area.

- A. The minimum site area for new lots shall be 10,000 square feet except for City water well sites which shall have a minimum parcel size of 1,000 square feet. A conditional use permit for smaller lots may be approved, in accordance with Chapter 10.80.
- B. Existing sites of less than 10,000 square feet may be developed in accordance with the requirements of this chapter.

10.28.040 Lot dimensions.

The minimum lot frontage shall be 80 feet, except that where there is a recorded reciprocal use agreement for shared common access and parking areas, no minimum frontage is required.

10.28.050 Coverage.

The maximum building coverage of a lot shall be 75 percent.

10.28.060 Building setback areas.

- A. No structure shall be placed within a building setback area.
- B. The front building setback area shall be a minimum of 10 feet.
- C. There shall be no required rear building setback except where the rear lot line abuts a residentially zoned parcel or sensitive receptor then the setback shall be a minimum of 250 feet.
- D. There shall be no required interior side building setback, except where the side lot line abuts a residentially zoned parcel or sensitive receptor then the minimum side building setback area shall be 250 feet.
- E. The street side building setback area shall be a minimum of 10 feet except within a corner cutoff area.
- F. Truck loading bays shall be located a minimum of 500 feet from the property line of the nearest sensitive receptor to the nearest truck loading bay opening using a direct straight-line method.

10.28.070 Distance between structures.

There is no minimum distance between structures required, except that all building code requirements shall be met.

10.28.080 Height of structures.

The maximum structure height shall be 75 feet, except that accessory structures up to a height of 120 feet may be permitted in accordance with Chapter 10.60.

10.28.090 Driveways.

- A. Wherever possible, developments shall share driveways to minimize the number of driveways on public streets.

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- B. New driveways near street corners shall be located a minimum of 150 feet from the radius curve of the curb unless otherwise specifically approved by the City Engineer.
- C. Gated entrances shall be set back at least 100 feet from the public right-of-way unless a shorter distance is approved by the City Engineer.

10.28.100 Off-street parking.

Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 10.54.

10.28.110 Usable open space.

There is no minimum requirement for usable open space.

10.28.120 Landscaping.

- A. Landscaping shall be provided for each use as prescribed in Chapter 10.52 Landscape Standards.
- B. A minimum of five percent of the gross lot area shall be landscaped. All setback areas visible from a public right-of-way, not devoted to parking, storage, driveways, walkways or loading areas shall be landscaped.
- C. Required landscaping is to be installed prior to occupancy and continually maintained pursuant to Chapter 10.52.

10.28.130 Screening, fences, and walls.

- A. Fences and walls in the M-1 zone shall conform to the design standards provided in Section 10.50.040.
- B. Fences, walls, and hedges in the M-1 zone shall conform to the following standards:
 - 1. Where an industrially-zoned site adjoins a site that is residentially zoned, a minimum seven-foot-tall solid wall shall separate the industrial development from the adjoining residential district. The Director may allow fence and wall heights to be increased in order to mitigate noise problems documented by a noise study.
 - 2. No fence or wall shall be placed in front of or within any landscaped area located next to a street.
 - 3. The open storage of materials and equipment attendant to a use shall be permitted only within an area surrounded or screened from view with a seven-foot-tall solid wall or fence, except as may be modified under site plan review. Such storage shall not be visible above the fence or wall.
 - 4. Razor wire, monitored electrified security fences, and similar security devices are only allowed on a permanent basis in the M-1 zone district with approval by the Director, provided that it is not located adjacent to a residence or residential district, subject to the design guidelines set forth in Chapter 10.50.100.

10.28.140 Signs.

Signs placed in the M-1 zone shall be subject to the requirements and standards prescribed in Chapter 10.56.

10.28.150 General provisions and standards.

- A. Mechanical equipment shall be located a minimum of 250 feet from a rear or side lot line that abuts a residentially zoned property or sensitive receptor.
- B. All open and non-landscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash, and debris.
- C. New development may be required to install public infrastructure necessary to adequately serve the project, based on requirements of the City Engineer, including sewer, water, and storm drainage lines, curbs, gutters and sidewalks, street paving, street lighting, and trash enclosures. These improvements shall be constructed consistent with requirements shown in the City of Tulare Standards and Specifications Manual and shall be installed prior to occupancy of any structures on the site.
- D. No use shall be permitted and no process, equipment, or material shall be employed that is found by the City to be injurious to persons residing or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, noise, vibrations, illumination, glare or heavy truck traffic, or to involve any hazard of fire, explosion, hazardous or toxic waste, or radioactivity or to emit electrical disturbances which adversely affect commercial or electronic equipment outside the boundaries of the site.
- E. No solid or liquid waste shall be discharged into a natural watercourse, nor into a public or private sewage disposal system except in compliance with the applicable regulations of the Central Valley Regional Water Quality Control Board and City ordinances and policies.
- F. Structures and the use of structures or land shall be subject to the requirements and standards prescribed in Chapter 10.50.

Chapter 10.30

HEAVY INDUSTRIAL ZONE

Sections:

- 10.30.010 Purpose and application.**
- 10.30.020 Permitted uses.**
- 10.30.030 Site area.**
- 10.30.040 Lot dimensions.**
- 10.30.050 Coverage.**
- 10.30.060 Building setback areas.**
- 10.30.070 Distance between structures.**
- 10.30.080 Height of structures.**
- 10.30.090 Driveways.**
- 10.30.100 Off-street parking.**
- 10.30.110 Usable open space.**
- 10.30.120 Landscaping.**
- 10.30.130 Screening, fences, and walls.**
- 10.30.140 Signs.**
- 10.30.150 General provisions and standards.**

10.30.010 Purpose and application.

This chapter shall apply to all land within the Heavy Industrial (M-2) zone. The purpose of the M-2 district is to provide locations for heavy industrial uses unsuited to other locations in the community; protect industrial areas from the intrusion of incompatible types of land uses; adhere to performance standards provided for the protection of Tulare residents and the environment, and to provide industrial employment opportunities for residents of the City of Tulare. The objectives of the M-2 district are:

- A. The development of a variety of heavy industrial uses, which are not suited to other commercial zones, in buildings and complexes that exhibit high standards of design, including:
 - 1. Industrial buildings and complexes that include generous amounts of landscaping; complexes that include generous amounts of landscaping, and buildings that complement one another with tasteful design features.
 - 2. Outdoor storage of materials and outdoor repair activities conducted in screened areas.
- B. To ensure that industrial buildings are designed in a manner that minimizes the impact to adjacent non-industrial uses through sensitive design that considers the impacts of noise, traffic, and lighting sources.
- C. To minimize traffic congestion, while providing an efficient circulation system.

10.30.020 Permitted uses.

Uses shall be permitted or not permitted, conditionally permitted, administratively permitted, or temporarily permitted as prescribed in the land use table in Section 10.08.030.

10.30.030 Site area.

- A. The minimum site area for new lots shall be 40,000 square feet except for City water well sites which shall have a minimum parcel size of 1,000 square feet. A conditional use permit for smaller lots may be approved, in accordance with Chapter 10.80.
- B. Existing sites of less than 40,000 square feet may be developed in accordance with the requirements of this chapter.

10.30.040 Lot dimensions.

The minimum lot frontage shall be 80 feet, except that where there is a recorded reciprocal use agreement for shared common access and parking areas, no minimum frontage is required.

10.30.050 Coverage.

The maximum building coverage of a lot shall be 75 percent.

10.30.060 Building setback areas.

- A. No structure shall be placed within a building setback area.
- B. The front building setback area shall be a minimum of 25 feet.
- C. There shall be no required rear building setback except where the rear lot line abuts a residentially zoned parcel or sensitive receptor then the setback shall be a minimum of 250 feet.
- D. There shall be no required interior side building setback, except where the side lot line abuts a residentially zoned parcel or sensitive receptor then the minimum side building setback area shall be 250 feet.
- E. The street side building setback area shall be a minimum of 15 feet.
- F. Truck loading bays shall be located a minimum of 500 feet from the property line of the nearest sensitive receptor to the nearest truck loading bay opening using a direct straight-line method.

10.30.070 Distance between structures.

There is no minimum distance between structures required, except that all building code requirements shall be met.

10.30.080 Height of structures.

The maximum structure height shall be 75 feet, except that accessory structures up to a height of 120 feet may be permitted in accordance with Chapter 10.60.

10.30.090 Driveways.

- A. Wherever possible, developments shall share driveways to minimize the number of driveways on public streets.
- B. New driveways near street corners shall be located a minimum of 150 feet from the radius curve of the curb unless otherwise specifically approved by the City Engineer.

- C. Gated entrances shall be set back at least 100 feet from the public right-of-way unless a shorter distance is approved by the City Engineer.

10.30.100 Off-street parking.

Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 10.54.

10.30.110 Usable open space.

There is no minimum requirement for usable open space.

10.30.120 Landscaping.

- A. Landscaping shall be provided for each use as prescribed in Chapter 10.52 Landscape Standards.
- B. A minimum of five percent of the gross lot area shall be landscaped. All setback areas visible from a public right-of-way, not devoted to parking, storage, driveways, walkways or loading areas shall be landscaped.
- C. Required landscaping shall be installed prior to final occupancy and continually maintained pursuant to Chapter 10.52.

10.30.130 Screening, fences, and walls.

- A. Fences and walls in the M-2 zone shall conform to the design standards provided in Section 10.50.040.
- B. Fences, walls, and hedges in the M-2 zone shall conform to the following standards:
 - 1. Where an industrially-zoned site adjoins a site that is residentially zoned, a minimum seven-foot-tall solid wall shall separate the industrial development from the adjoining residential district. The Director may allow fence and wall heights to be increased in order to mitigate noise problems documented by a noise study.
 - 2. No fence or wall shall be placed in front of or within any landscaped area located next to a street.
 - 3. The open storage of materials and equipment attendant to a use shall be permitted only within an area surrounded or screened from view with a seven-foot-tall solid wall or fence, except as may be modified under site plan review. Such storage shall not be visible above the fence or wall.
 - 4. Razor wire, monitored electrified security fences, and similar security devices are only allowed on a permanent basis in the M-2 zone district with approval by the Director, provided that it is not located adjacent to a residence or residential district, subject to the design guidelines set forth in Chapter 10.50.100.

10.30.140 Signs.

Signs placed in the M-2 zone shall be subject to the requirements and standards prescribed in Chapter 10.56.

10.30.150 General provisions and standards.

- A. Mechanical equipment shall be located a minimum of 250 feet from a rear or side lot line that abuts a residentially zoned property or sensitive receptor.
- B. All open and non-landscaped portions of any lot shall be maintained in good condition free from weeds, dust, trash, and debris.
- C. New development may be required to install public infrastructure necessary to adequately serve the project, based on requirements of the City Engineer, including sewer, water, and storm drainage lines, curbs, gutters and sidewalks, street paving, street lighting, and trash enclosures. These improvements shall be constructed consistent with requirements shown in the City of Tulare Standards and Specifications Manual and shall be installed prior to occupancy of any structures on the site.
- D. No use shall be permitted and no process, equipment, or material shall be employed that is found by the City to be injurious to persons residing or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, noise, vibrations, illumination, glare or heavy truck traffic, or to involve any hazard of fire, explosion, hazardous or toxic waste, or radioactivity or to emit electrical disturbances which adversely affect commercial or electronic equipment outside the boundaries of the site.
- E. No solid or liquid waste shall be discharged into a natural watercourse, nor into a public or private sewage disposal system except in compliance with the applicable regulations of the Central Valley Regional Water Quality Control Board and City ordinances and policies.
- F. Structures and the use of structures or land shall be subject to the requirements and standards prescribed in Chapter 10.50.

Chapter 10.32

PUBLIC LANDS ZONE

Sections:

- 10.32.010 Purpose and application.**
- 10.32.020 Permitted uses.**
- 10.32.030 Site area.**
- 10.32.040 Lot dimensions.**
- 10.32.050 Coverage.**
- 10.32.060 Building setback areas.**
- 10.32.070 Distance between structures.**
- 10.32.080 Height of structures.**
- 10.32.090 Driveways.**
- 10.32.100 Other setback standards.**
- 10.32.110 Off-street parking.**
- 10.32.120 Usable open space.**
- 10.32.130 Landscaping.**
- 10.32.140 Screening, fences, and walls.**
- 10.32.150 Signs.**
- 10.32.160 General provisions and standards.**

10.32.010 Purpose and application.

This chapter shall apply to all land within the Public Lands (PL) zone. The purpose of the PL zone is to provide locations for public and private institutional uses, including, but not limited to, community facilities, school facilities, libraries, cemeteries, wastewater treatment facilities, storm drainage basins, water recharge areas, public safety facilities (fire and police), public transportation and public works facilities, the Tulare Airport, and other similar public uses and facilities on property owned and/or operated by a local, State or federal agency.

10.32.020 Permitted uses.

Uses shall be permitted or not permitted, conditionally permitted, administratively permitted, or temporarily permitted as prescribed in the land use table in Section 10.08.030.

10.32.030 Site area.

The minimum site area is 3,000 square feet.

10.32.040 Lot dimensions.

There are no minimum lot dimensions.

10.32.050 Coverage.

There is no maximum coverage requirement.

10.32.060 Building setback areas.

- A. No structure shall be placed within a building setback area.
- B. The front building setback area shall be a minimum of 10 feet from the front lot line when located in a residential neighborhood.
- C. The rear building setback shall be a minimum of five feet from the rear lot line, except where the rear lot line abuts an R-1, R-M, or R-H zone district, the rear building setback shall be a minimum of 10 feet.
- D. The side building setback area shall be a minimum of five feet from an interior side lot line and a minimum of 10 feet from a street side property line.

10.32.070 Distance between structures.

The minimum distance between structures shall be five feet, except as provided by the building code.

10.32.080 Height of structures.

The maximum structure height shall be 35 feet, except that a height up to 100 feet may be permitted in accordance with Chapter 10.60 Conditional Use Permits.

10.32.090 Driveways.

- A. Wherever possible, developments shall share driveways to minimize the number of driveways on public streets.
- B. New driveways near street corners shall be located a minimum of 150 feet from the radius curve of the curb unless otherwise specifically approved by the City Engineer.
- C. Gated entrances shall be set back at least 30 feet from the public right-of-way unless a shorter distance is approved by the City Engineer.

10.32.100 Other setback standards.

Mechanical equipment shall be located a minimum of five feet from every lot line, except the setback shall be a minimum of 10 feet from a lot line abutting a residential or commercial zone, or a shall be a minimum of 25 feet when the mechanical equipment is not enclosed to mitigate noise on adjacent uses.

10.32.110 Off-street parking.

- A. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 10.54.
- B. Required parking spaces may not be provided within any front, side, or rear building setback area.

10.32.120 Usable open space.

There is no required usable open space.

10.32.130 Landscaping.

- A. Landscaping shall be provided for each use as prescribed in Section 10.52 Landscape Standards.
- B. All building setback areas visible from a public street shall be landscaped, except for driveways and approved parking areas.

10.32.140 Screening, fences, and walls.

- A. The fences in the PL zone shall conform to the design standards provided in Section 10.50.040.
- B. Fences, walls, and hedges in the PL zone shall conform to the following standards:
 - 1. Fences, walls, and hedges not exceeding seven feet in height shall be permitted except that in a required front yard, or a required side yard on a corner or side on a cul-de-sac lot, a fence, wall, or hedge shall not exceed four feet in height except as allowed by subsections 2 and 3 below.
 - 2. A block wall with a minimum height of seven feet shall be provided along any side or rear lot line that abuts any residential zone.
 - 3. The open storage of materials and equipment attendant to a use shall be permitted only within an area surrounded or screened from view with a seven-foot-tall solid wall or fence, except as may be modified under site plan review. Such storage shall not be visible above the fence or wall.

10.32.150 Signs.

Signs placed in the PL zone shall be subject to the requirements and standards prescribed in Chapter 10.56.

10.32.160 General provisions and standards.

Structures and the use of structures or land shall be subject to the requirements and standards prescribed in Chapter 10.50.

Chapter 10.34

PARKS AND RECREATION ZONE

Sections:

- 10.34.010 Purpose and application.**
- 10.34.020 Permitted uses.**
- 10.34.030 Lot area.**
- 10.34.040 Lot dimensions.**
- 10.34.050 Coverage.**
- 10.34.060 Building setback areas.**
- 10.34.070 Distance between structures.**
- 10.34.080 Height of structures.**
- 10.34.090 Driveways.**
- 10.34.100 Other setback standards.**
- 10.34.110 Off-street parking.**
- 10.34.120 Usable open space.**
- 10.34.130 Landscaping.**
- 10.34.140 Screening, fences, and walls.**
- 10.34.150 Signs.**
- 10.34.160 General provisions and standards.**

10.34.010 Purpose and application.

This chapter shall apply to all land within the Parks and Recreation (PR) zone. The purpose of the PR zone is to provide areas for outdoor recreation facilities that serve local and regional users, including, but not limited to, pocket, neighborhood, community, regional, and natural parks, as well as other outdoor recreation facilities such as golf courses, trails, and habitat preserves.

10.34.020 Permitted uses.

Uses shall be permitted or not permitted, conditionally permitted, administratively permitted, or temporarily permitted as prescribed in the land use table in Section 10.08.030.

10.34.030 Lot area.

There is no minimum lot area.

10.34.040 Lot dimensions.

There are no minimum lot dimensions.

10.34.050 Coverage.

There is no maximum coverage requirement.

10.34.060 Building setback areas.

- A. No structure shall be placed within a building setback area.
- B. The front building setback area shall be a minimum of 20 feet from the front lot line.
- C. The rear building setback shall be a minimum of 10 feet from the rear lot line.
- D. The side building setback area shall be a minimum of 10 feet from an interior side or street side property line.

10.34.070 Distance between structures.

The minimum distance between structures shall be 10 feet, except as provided by the building code.

10.34.080 Height of structures.

The maximum structure height shall be 30 feet, except that a height up to 100 feet may be permitted in accordance with Chapter 10.60 Conditional Use Permits.

10.34.090 Driveways.

Driveways should be minimized to protect the maximum amount of open space. Driveways shall be the minimum width and length necessary to support the use, as determined by the Director.

10.34.100 Other setback standards.

Mechanical equipment shall be located a minimum of five feet from every lot line, except the setback shall be a minimum of 25 feet from a lot line abutting a residential or commercial zone.

10.34.110 Off-street parking.

- A. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 10.54.
- B. No parking spaces shall be provided within any front, side, or rear building setback area.

10.34.120 Usable open space.

There is no required usable open space.

10.34.130 Landscaping.

Areas around buildings and parking areas that have been disturbed from their natural state shall be landscaped with natural landscape plants and materials that blend in with the natural environment on the site.

10.34.140 Screening, fences, and walls.

- A. A minimum six-foot-tall solid wood or masonry fence shall be provided along any lot line that abuts any residential zoned property to separate the site development from the adjoining residential district. A three-foot wall shall be permitted in the front yard area.
- B. The outdoor storage of equipment or materials shall be screened from view from any adjoining public right-of-way with a seven-foot-tall solid fence, wall, or chain-link fence with slats and landscaping.

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C. Fences and walls shall be provided on the site for each use in accordance with Sections 10.50.040.

10.34.150 Signs.

Signs placed in the OS zone shall be subject to the requirements and standards prescribed in Chapter 10.56.

10.34.160 General provisions and standards.

Structures and the use of structures or land shall be subject to the requirements and standards prescribed in Chapter 10.50.

Chapter 10.36

AGRICULTURE/OPEN SPACE ZONE

Sections:

- 10.36.010 Purpose and application.**
- 10.36.020 Permitted uses.**
- 10.36.030 Lot area.**
- 10.36.040 Lot dimensions.**
- 10.36.050 Coverage.**
- 10.36.060 Building setback areas.**
- 10.36.070 Distance between structures.**
- 10.36.080 Height of structures.**
- 10.36.090 Driveways.**
- 10.36.100 Other setback standards.**
- 10.36.110 Off-street parking.**
- 10.36.120 Accessory structures.**
- 10.36.130 Usable open space.**
- 10.36.140 Landscaping.**
- 10.36.150 Screening, fences, and walls.**
- 10.36.160 Signs.**
- 10.36.170 General provisions and standards.**

10.36.010 Purpose and application.

This chapter shall apply to all land within the Agriculture/Open Space (A) zone. The purpose of the A zone is to provide areas for agriculture and agriculture-related uses. The objectives of the A zone are:

- A. To prevent the intrusion of urban development into undeveloped/agricultural areas.
- B. To provide appropriate areas for certain predominately open space uses of land that are not injurious to agricultural/open space uses but which may not be harmonious with urban uses.
- C. To preserve in agricultural use/open space land suited for eventual development into other uses until such time as streets, utilities, and other infrastructure may be provided in order to ensure the orderly conversion of the lands from agriculture to urban use.

10.36.020 Permitted uses.

Uses shall be permitted or not permitted, conditionally permitted, administratively permitted, or temporarily permitted as prescribed in the land use table in Section 10.08.030.

10.36.030 Lot area.

The minimum lot area is 10 acres.

10.36.040 Lot dimensions.

There are no minimum lot dimensions.

10.36.050 Coverage.

The maximum coverage of a lot shall be no more than 10 percent for permitted uses and no more than 20 percent for conditional uses.

10.36.060 Building setback areas.

- A. No structure shall be placed within a building setback area.
- B. The front building setback area shall be a minimum of 35 feet from the front lot line.
- C. The rear building setback shall be a minimum of 15 feet from the rear lot line.
- D. The side building setback area shall be a minimum of 15 feet from an interior side or street side property line.
- E. Any structure used to contain animals or fowl shall be set back at least 200 feet from any residential or commercial zoned parcel or any school or institution used for human care.

10.36.070 Distance between structures.

The minimum distance between structures shall be 10 feet, except as provided by the building code.

10.36.080 Height of structures.

The maximum structure height shall be 35 feet, except that a height up to 75 feet may be permitted in accordance with Chapter 10.60 Conditional Use Permits.

10.36.090 Driveways.

Driveways should be minimized to protect the maximum amount of open space. Driveways shall be the minimum width and length necessary to support the use, as determined by the Director.

10.36.100 Other setback standards.

Mechanical equipment shall be located a minimum of 25 feet from every lot line.

10.36.110 Off-street parking.

- A. Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 10.54.

10.36.120 Accessory structures.

- A. Agricultural accessory structures shall, unless otherwise regulated by this title, be permitted in the agriculture and rural residential zone districts and these same districts when attached to an overlay zone.
- B. Development standards:
 - 1. Maximum height: 80 feet.
 - 2. Setback: The following are setback standards for agriculture accessory structures unless otherwise stipulated in this chapter:

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- a. Front yard setback: same as front yard setback for the district in which the accessory structure is being placed.
 - b. Rear yard setback: accessory structures that do not exceed six feet in height may be located in any rear yard area so long as the area of the structure does not exceed 50 square feet. In the case where the accessory structure will not exceed 12 feet in height, the rear yard setback shall be three feet.
 - c. Side yard setback: same as the side yard setback for the district in which the accessory structure is being placed, except in the case where the accessory structure will not exceed 12 feet in height, the side yard setback shall be three feet.
 - d. Side yard, street side setback: accessory structures that do not exceed six feet in height may be located in any street side yard area so long as the area of the structure does not exceed 50 square feet.
- C. Distance between structures: the distance between a structure used for human habitation and a structure used for livestock shall be 40 feet.

10.36.130 Usable open space.

There is no required usable open space.

10.36.140 Landscaping.

Areas around buildings and parking areas that have been disturbed from their natural state shall be landscaped with natural landscape plants and materials that blend in with the natural environment on the site.

10.36.150 Screening, fences, and walls.

Fences and walls shall be provided on the site for each use in accordance with Section 10.50.040.

10.36.160 Signs.

Signs placed in the A zone shall be subject to the requirements and standards prescribed in Chapter 10.56.

10.36.170 General provisions and standards.

Structures and the use of structures or land shall be subject to the requirements and standards prescribed in Chapter 10.50.

Chapter 10.38

HISTORIC SITE AND HISTORIC NEIGHBORHOOD OVERLAY ZONE

Sections:

- 10.38.010 Purpose.**
- 10.38.020 Definitions.**
- 10.38.030 Duties and powers of the Planning Commission.**
- 10.38.040 Designation criteria.**
- 10.38.050 Designation process.**
- 10.38.060 Historic resources.**
- 10.38.070 Local historic districts.**
- 10.38.080 National Register historic districts or structures.**
- 10.38.090 Adoption by Council.**
- 10.38.100 Amendment or rescission of designation.**
- 10.38.110 Local Register of Historic Resources.**
- 10.38.120 Deletion of demolished, relocated, or rescinded designated historic resources.**
- 10.38.130 Historic resource permit review process.**
- 10.38.140 Historic district permit review process.**
- 10.38.150 Conditional uses.**
- 10.38.160 Appeal procedure.**
- 10.38.170 Finality of decision.**
- 10.38.180 Substandard buildings.**
- 10.38.190 Advice and guidance to property owners.**
- 10.38.200 Property owned by public agencies.**
- 10.38.210 Fire and building codes.**
- 10.38.220 Minimum maintenance.**
- 10.38.230 Status of properties previously designated.**
- 10.38.240 Civil and criminal penalties.**
- 10.38.250 Severability.**

10.38.010 Purpose.

- A. The purpose of this chapter is to continue to preserve, promote, and enhance the historic resources and designated historic districts of the City for the educational, cultural, economic, and general welfare of the public; to continue to protect and review changes to these resources and districts which have a distinctive character or a special historic, architectural, aesthetic or cultural value to this City, State, and nation; to continue to safeguard the heritage of this City by preserving and regulating its historic buildings, structures, objects, sites, and districts which reflect elements of the City’s historic, cultural, social, economic, political and architectural history; to continue to preserve and enhance the environmental quality and safety of these

landmarks and districts; to continue to establish, stabilize and improve property values and to foster economic development.

- B. The Council finds that the City has played an important role in the development of the San Joaquin Valley of California and that this history is evidenced today through its historic buildings, structures, objects, and districts representing the commercial, industrial, social, economic, political and architectural development of the City. The Council finds that the distinctive and significant character of the City can best be maintained by protecting and enhancing its historic, architectural, aesthetic, and cultural heritage and by preventing unnecessary injury or destruction of its historic resources and districts which are important community assets.
- C. The Council finds that this chapter benefits all of the residents of the City and all owners of the property and declares as a matter of public policy that the preservation, protection, and use of historic resources and districts are a public necessity because of their character and their value as visible reminders of the history and heritage of this City and State. The Council declares as a matter of public policy that this chapter is required in the interest of the health, prosperity, safety, welfare, and economic well-being of the people. The designation and preservation of historic resources and districts and the regulation of alterations, additions, repairs, signs, removal, demolition, or new construction to ensure the perpetuation of their historic character is hereby designated to be a public purpose.

10.38.020 Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter, and, except to the extent that a particular word or phrase is otherwise specifically defined in this section, the definitions, and provisions contained in Section 10.98 shall also govern the construction, meaning, and application of words and phrases used in this chapter. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is a derivative, as the case may be.

“Alteration” means any change or modification requiring a City permit, through public or private action, of any designated historic resource or any property located within a designated historic district, including, but not limited to, exterior changes to or modification of structural details, architectural details or visual characteristics such as doors, windows, surface materials and texture, grading or surface paving; addition of new structures; cutting or removal of important landscape features such as mature trees or other natural features; and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories compromising the exterior visual qualities of the resource or property.

“Architectural design review committee” means the entity created to make recommendations to the Planning Commission regarding new development, modifications, or alterations to resources within the district.

“Building” means any construction created primarily to shelter any form of human activity, including accessory structures and garages.

“California Register of Historical Resources” means the authoritative guide in California to be used by State and local agencies, private groups, and citizens to identify the State’s historical

resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial change.

“Commission” means the City of Tulare Planning Commission.

“Contributor to a local historic district” means an individual historic resource that contributes to the significance of a Locally Designated Historic District (LHD) under the criteria set forth in this chapter.

“Contributor to a National Register Historic District” means an individual historic resource that contributes to the significance of a National Register Historic District (NRD) under the criteria set forth in this chapter.

“Cultural” means, as used in this chapter, shall include traditional cultures, including, but not limited to, Native American or other identifiable ethnic groups.

“Demolition” means the act that destroys in whole or in part a designated historic resource.

“Exterior architectural feature” means the architectural elements embodying style, design, general arrangement, and components of all of the outside surfaces of a building, structure, or object, including, but not limited to, the type of building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such building, structure or object.

“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

“Historic resource” means any building, structure, object, or site that has been in existence for more than 45 years and possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and is associated with events that have made a significant contribution to the broad patterns of our history, or is associated with the lives of persons significant in our past, or embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master or possesses high artistic values; or has yielded, or may be likely to yield, important information in prehistory or history; and has been designated as such by the Council pursuant to the provisions of this chapter.

“Landscaping” means designed and non-designed landscapes, including vegetation, natural features, structures, objects, roads, or waterways, designed, shaped, or modified by human activity. Such landscaping is recognized as significant or identified within a nomination as significant in reference to the primary resource; and has been designated as such by the Council pursuant to the provisions of this chapter.

“Local register of historic resources” means the inventory of buildings, structures, objects, sites, and districts designated by the Council as historic resources or historic districts pursuant to the provisions of this chapter.

“Local Historic District (LHD)” means any finite group of resources related to one another in a clearly distinguishable way or any geographically definable area that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. The Local Historic District must be significant as well as identifiable and it must meet the criteria of the California Register of Historic Resources.

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“National Register of Historic Places” means the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, engineering, and culture as authorized by the National Historic Preservation Act of 1966.

“National Register Historic District (NRD)” means any finite group of resources related to one another in a clearly distinguishable way or any geographically definable area that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. The National Register Historic District must be significant as well as identifiable and it must meet National Register criteria for listing on that Register.

“Non-contributor” means any building, structure, object, or site that does not contribute to the significance of the historic district in which it is located.

“Object” means any construction that is primarily artistic in nature or is relatively small in scale and simply constructed. Although an object may be, by nature or design, movable, it is associated with a specific site or environment, such as a fountain or sign.

“Preservation” means the act or process of applying measures to sustain the existing form, integrity, and material of a historic property. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

“Preservation/District Plan” means the plan adopted after the formation of a historic district, which shall govern the manner in which the preservation objectives of the district will be attained.

“Reconstruction” means the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specified period of time.

“Regulated permits” means any permit issued for any work on a historic resource or within any historic district.

“Rehabilitation” means the act or process of making a compatible use of a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values.

“Restoration” means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

“Secretary” means the Director or his or her designee.

“Secretary of the Interior’s Standards” means The Secretary of the Interior’s Standards for the Treatment of Historic Properties published by the U.S. Department of the Interior.

“Site” means the location of a significant event, a prehistoric or historic occupation, or an activity where the location itself possesses historical, cultural, or archaeological value regardless of the value of any existing structure, including, but not limited to, a designed landscape or the ruins of a building or structure.

“Specialist” means a person or person designated by the Director to serve as a preservation specialist to assist the City.

“Stabilization” means the act or process of applying measures designed to reestablish a weather-resistant enclosure or the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

“State Historic Building Code” means Title 24, Building Standards, Part 8, California Code of Regulations.

“Structure” means Any construction created for purposes other than creating human shelter, including, but not limited to, a bridge or water tower.

“Survey” means historic resource surveys conducted under the auspices of the City.

“Unreasonable economic hardship” means facts and circumstances that establish that there are no feasible measures that can be taken that will enable the property owner to make reasonable beneficial use of the property or derive a reasonable economic return from the property in its current form.

10.38.030 Duties and powers of the Planning Commission.

A. In regard to this chapter, the primary duties of the Planning Commission shall be:

1. The identification, designation, and preservation of historic resources and historic districts owned by the City or located within the city limits.
2. The regulation of exterior alterations visible from a public right-of-way, including demolition, relocation, new construction, and interior alterations, which would affect the significance of historic resources or historic districts.

B. The Commission shall have the following additional duties and powers:

1. Conduct studies and evaluations of applications requesting the designation of historic districts and make determinations and recommendations as appropriate for consideration of such applications in order to effectuate the purposes of this chapter.
2. Adopt specific guidelines for the designation of historic resources, historic districts, and heritage properties as it deems necessary to effectuate the purposes of this chapter.
3. Maintain a current listing and description of designated historic resources and historic districts and transmit copies and updates of such listings to all appropriate City agencies and departments as determined by the Secretary to the Commission.
4. Develop and recommend the adoption of a Historic Preservation Element for the General Plan of the City.
5. Participate in environmental review procedures called for under this chapter or under the California Environmental Quality Act (CEQA) or under the National Environmental Protection Act (NEPA) by providing review and comments on permit actions affecting designated historic resources and historic districts as the Commission deems appropriate.
6. Review and comment upon the conduct of land use, housing, redevelopment, municipal improvement, and other types of planning and programs undertaken by any agency or department of the City, County, or State as they relate to designated historic resources and historic districts as the Commission deems appropriate.
7. Establish criteria and conduct or cause to be conducted historical resource surveys of properties within the city limits in accordance with State survey standards and procedures;

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submit completed surveys to the Council for official adoption; and submit adopted surveys to the Office of Historic Preservation for integration into the Historic Property Data File for Tulare County maintained by that office.

8. Recommend internal procedures to facilitate the use of such adopted historical resource surveys in planning and development processes by all relevant City agencies and departments.
9. Publicize, maintain, and periodically update such historical resource surveys in accordance with State survey standards and procedures.
10. Adopt procedural rules for the systematic review of such historical resource surveys to determine if designation proceedings should be initiated on appropriate sites. Provide for the removal of sites not found qualified for designation from the survey and from the Historic Property Data File for the City of Tulare maintained by the State Office of Historic Preservation if included therein.
11. Review and make recommendations on nominations for inclusion in the California Register of Historical Resources.
12. Review and make recommendations on any applications to participate in local historic preservation incentive programs established in order to effectuate the purposes of this chapter.
13. Adopt, promulgate, amend, and rescind, from time to time, such rules, guidelines, and regulations as the Commission may deem necessary to effectuate the purposes of this chapter.
14. Provide a suitable sign, plaque, or other marker at public or private expense on or near the historic resource or district (LHD or NRD), indicating that the resource or district (LHD or NRD) has been so designated. The sign, plaque, or other marker shall contain information and data deemed appropriate by the Commission, and its placement shall be at the discretion of the owner.
15. Keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, and decisions as a matter of public record.
16. Render advice and guidance, upon the request of a property owner or tenant, on the financial and physical aspects of the restoration, alteration, rehabilitation, landscaping, or maintenance of any historic resource or any contributor to any historic district (LHD or NRD).
17. Investigate and report to the Council on the use of various federal, State, local, or private funding sources and mechanisms available to promote historic resource preservation in the City.
18. Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to historic resources and provide for public participation in all aspects of the City's historic preservation programs.

10.38.040 Designation criteria.

- A. Historic resources. Any building, structure, object, or site may be designated as a historic resource if it is found by the Commission and Council to meet the following criteria:
1. It has been in existence for more than 50 years, and it possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and:
 - a. It is associated with events that have made a significant contribution to the broad patterns of our history.
 - b. It is associated with the lives of persons significant in our past.
 - c. It embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values.
 - d. It has yielded or may be likely to yield, information important in prehistory or history.
 2. It has been in existence less than 50 years; it meets the criteria of division (A)(1) above and is of exceptional importance within the appropriate historical context, local, State, or national.
- B. Local historic districts. Any finite group of resources (buildings, structures, objects, or sites) may be designated as a local historic district if it meets the definition set forth in Section 10.38.020, its designation is consented to by the majority of the property owners within the local historic district, at least 50 percent of the resources within the proposed local historic district are 50 years of age or older, and it is found by the Commission and Council to meet one or more of the following criteria:
1. It exemplifies or reflects special elements of the City’s cultural, social, economic, political, aesthetic, engineering, or architectural heritage.
 2. It is identified with a person or group that contributed significantly to the culture and development of the City.
 3. It embodies distinctive characteristics of a style, type, period, or method of construction or is a valuable example of the use of indigenous materials or craftsmanship.
 4. Structures within the area exemplify a particular architectural style or way of life important to the City.
 5. The area is related to a designated historic resource or district in such a way that its preservation is essential to the integrity of the designated resource or local historic district.
 6. The area has the potential to yield information of archaeological interest.
- C. National Register historic districts. The nomination of any finite group of resources (buildings, structures, objects, or sites), including any local historic district, to the National Register of Historic Places as a National Register historic district may be recommended under this chapter if the nomination is supported by more than 50 percent of the property owners within the proposed National Register historic district.
- D. Contributors to historic districts. Any building, structure, object, or site may be designated as a contributor to a local historic district or a proposed National Register historic district if it contributes to the significance of the specific historic district under the criteria set forth above in this section.

10.38.050 Designation process.

- A. Buildings, structures, objects, sites, and districts may be considered for designation as historic resources, local historic districts, or National Register historic district under this chapter as set forth in Sections 10.38.060, 10.36.070, and 10.38.080.
- B. Historic resources and districts shall be adopted by ordinance pursuant to Chapter 10.86, Zoning Ordinance Amendments. In the case of historic resources, the resource shall be designated on the Official Zoning Map with the base zone district followed by the Historic Site And Historic Neighborhood Overlay zone notation (H). For example, a single-family property that is designated a historic resource shall have the notation R-1-6(H).
- C. In the case of the historic districts, the boundaries of the district will be adopted by ordinance but will not be designated with the H overlay. In the historic district, all historic resources, and contributing resources shall be subject to the historic district permit review process.

10.38.060 Historic resources.

- A. Requests for designation. Designation of a historic resource may be initiated by the Council, the Commission, the Secretary, the property owner, or an authorized representative of the owner. The application for designation consideration shall be filed with the City, using a form approved by the Secretary and shall include the following information:
 - 1. The Assessor’s parcel number for the property containing the building, structure, object, or site proposed for designation, along with the name and address of the current owner(s) of record and a copy of the deed granting title to the owner(s).
 - 2. Whether the proposed historic resource takes the form of a building, structure, object, or site, as defined in this chapter.
 - 3. A description of the specific building, structure, object, or site proposed for designation, including, but not limited to, its dates of construction, significant alterations, and architectural style.
 - 4. The manner in which the proposed building, structure, object, or site meets the criteria for designation contained in Section 10.38.040.
 - 5. Current photographs of all aspects of the proposed historic resource, supplemented by sketches, drawings, or other descriptive materials.
 - 6. A description of the physical condition and appearance of the proposed historic resource.
 - 7. If the designation proposal is not being submitted by the owner, a statement acknowledging whether the owner has consented to submission of the proposal is in opposition to the submission or has declined to state a position on the issue; however, this language shall not be interpreted as requiring owner consent to the designation of an individual resource under this section.
 - 8. Completed California Department of Parks and Recreation Primary Record and Building, Structure, and Object #523 forms for the proposed historic resource.
- B. Procedural requirements in advance of the hearing.
 - 1. The application and supporting information shall be reviewed by the Department for adequacy and completeness under the requirements of this section. A hearing on the

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application will be scheduled when the Department determines that the application is complete.

2. Notice of the time, place, and purpose of such hearing will be mailed to the owner of the property proposed for designation at the address shown on the latest assessment roll and published once in a local newspaper of general circulation not less than 10 days prior to the date of the hearing. The Secretary may also give such additional notices as he or she deems desirable and practicable.
3. The property owner and/or any authorized representative shall be prohibited from undertaking any alteration, construction, grading, demolition, or removal of such property, and no permit to undertake such work shall be issued by the City for 90 days from the date the Department mails the notice of hearing to determine historic resource designation to the property owner and/or any authorized representative. If no final action has been taken as to the historic resource designation within the 90-day period, said restrictions shall be removed unless the Commission, with the consent of the property owner and/or any authorized representative, elects to continue its consideration of the property for historic resource designation. If the Commission, with the consent of the owner and/or any authorized representative, makes such an election, said restrictions shall remain against the property until final action and the Department shall notify the appropriate City officials of said restrictions. Nothing in this provision shall be construed as a prohibition or infringement on the legal use of a property pending consideration by the Commission.
4. The provisions of this section shall not apply to the construction, grading, alteration, demolition, or removal of any structure or other feature, where a permit for the performance of such work was issued prior to the date of notice of hearing to consider the designation of the historic resource, and where such permit has not expired or been canceled or revoked, provided that construction is started and diligently pursued to completion in accordance with the building code.
5. Prior to the Commission's hearing on the designation of the property, upon application by the property owner and/or any authorized representative, the Secretary may approve a permit for alterations, construction, or reconstruction consistent with the ordinary maintenance and repair of the property, to the extent that such work does not adversely affect the exterior architectural features of the property.

C. Commission hearing.

1. The Commission shall review all materials prepared and submitted and vote on the designation recommendation.
2. At the conclusion of the hearing, the Commission shall make a recommendation to the City Council for approval, disapproval, or modification of the historic designation and make findings in support of that recommendation; or the Commission may continue the hearing.
3. An affirmative roll call vote of a majority of the Commission is required for a recommendation to the City Council.
4. Within 45 days of the final Commission action, the Secretary shall send a copy of the recommendation, findings, and all submitted materials to the City Clerk. The City Clerk shall place the Commission's recommendation for Council consideration on the agenda of

the Council. The owner of the property shall thereafter be given notice of the time and place of the Council hearing at least 10 days prior to the hearing date.

10.38.070 Local historic districts.

- A. Requests for designation. Designation of a local historic district may be initiated by the Council, the Commission, or property owners within the proposed district and shall consist of an initial, preliminary submission and if recommended by the Commission, a subsequent, formal submission.
- B. Initial application.
 - 1. The initial application shall be filed with the Secretary using the form(s) approved by the Secretary and shall include the following information:
 - a. Proposed district boundaries.
 - b. A statement of how the proposed local historic district meets the designation criteria of Section 10.36.040.
 - 2. The initial application shall be the subject of a staff report and will be scheduled for a determination by the Commission as to whether the initial application should proceed to a formal application. If the Commission so recommends, a formal application shall be developed and submitted for Commission consideration at a future meeting. If the Commission does not so recommend, no further action shall be taken with respect to the proposed local historic district.
- C. Formal application. The formal application for local historic district designation consideration must have written consent from a majority of the property owners within the proposed district for the application to be considered complete. For purposes of determining whether a majority of property owners have consented, each property owner is entitled to one vote. Owners of more than one property within the proposed district are entitled to one vote per property, and multiple owners of a single property are collectively entitled to one vote. A formal application shall be filed by the applicant with form(s) approved by the Secretary, which shall include the following information:
 - 1. A clearly defined and explained boundary for the proposed district is shown on an assessor's map or maps.
 - 2. A concise description of the general physical or historical elements (buildings, structures, objects, and sites) and qualities that make this area a local historic district with a description of building types, architectural styles, and periods represented in the proposed district.
 - 3. A concise statement that clearly documents why the proposed district has significance (areas of significance that reflect the proposed district's historic importance), the period of time for which it is significant, why it substantially meets local historic district criteria for listing as set forth in Section 10.38.040(B) and, if applicable, why it substantially meets National Register historic district criteria for listing as set forth in Section 10.38.040(C).
 - 4. A definition of what types of buildings contribute and do not contribute to the significance of the proposed local historic district as well as an estimate of the percentage of buildings within the proposed district that do not contribute to its significance.

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5. A map illustrating all buildings in the proposed district with an identification of contributing and non-contributing resources.
 6. Photographs of streetscapes in the proposed district and the contributing and non-contributing resources.
 7. Completed Department of Parks and Recreation #523 forms for each building, structure, object, or site within the proposed local historic district, which also identify the potential contributors and non-contributors to the district.
 8. Whether the application is seeking the designation of a National Register historic district or only the designation of a local historic district.
 9. The signed property owners' consent form, which shall clearly indicate the name, district property address, district property parcel number, and mailing address of each consenting property owner.
- D. Procedural requirements in advance of the hearing.
1. The formal application and all supporting information shall be reviewed by the Secretary for adequacy and completeness under the requirements of this section. The Commission shall be responsible for determining whether the formal application has been consented to by a majority of the property owners within the proposed district as required by this chapter. A hearing on the application will be scheduled by the Secretary after it has been determined that the application is adequate and complete.
 2. A hearing notice shall be mailed to the owners of all properties within the proposal district at the addresses shown on the latest assessment roll and published once in a local newspaper of general circulation not less than 10 days prior to the date of the hearing. The Secretary may also give such additional notices as he or she deems desirable and practicable.
 3. No permit shall be issued by the City for the undertaking of any alteration, construction, grading, demolition, or removal of any property within a proposed historic district, and all property owners and/or their representatives shall be prohibited from undertaking any such work for 90 days from the date the Commission Secretary mails the initial notice of hearing to determine local historic district designation to the property owners and/or their authorized representatives. If no final action has been taken as to the proposed local historic district designation within the 90-day period, said restrictions shall be removed, unless the Commission, with the consent of the property owners and/or their authorized representatives, elects to continue its consideration of the local historic district designation. If the Commission, with the consent of the property owners and/or their authorized representatives, makes such an election, said restrictions shall remain against the properties in the proposed local historic district until final action. Nothing in this provision shall be construed as a prohibition or infringement on the legal use of properties within the proposed historic district pending consideration by the Commission.
- E. The provisions of this section shall not apply to the construction, grading, alteration, demolition, or removal of any structure or other feature, where a permit for the performance of such work was issued prior to the date of notice of hearing to consider the designation of the local historic district, and where such permit has not expired or been canceled or revoked,

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provided that construction is started and diligently pursued to completion in accordance with the building code.

F. Commission hearing.

1. The Commission shall review all materials prepared and submitted and may vote on the designation recommendation.
2. Any property owner or his or her representative may make a presentation to the Commission on the issue of whether his or her property should be considered as a contributor or non-contributor to the proposed district and on the issue of whether or not the district should be formed.
3. At the conclusion of the hearing, the Commission shall recommend to the Council approval, disapproval, or modification of the proposal for local historic district designation; make findings in support of that recommendation; make findings on issues or concerns raised by any individual property owner; identify any property owner objecting to the inclusion of their property within the district; or the Commission may continue the hearing.
4. An affirmative roll call vote of a majority of the Commission is required for a recommendation to the Council.
5. Within 45 days of the final Commission action, the Secretary shall send a copy of the recommendation, findings, and all submitted materials to the City Clerk. The City Clerk shall place the Commission's recommendation for Council consideration on the agenda of the Council. The owners and/or authorized representatives of all of the properties within the proposed local historic district boundaries shall thereafter be given notice of the time and place of the Council hearing at least 10 days prior to the hearing date.

G. Adoption of a Preservation/District Plan. After the adoption of the designation for a historic district by the Council pursuant to Section 10.36.080, the applicant(s) shall have 90 days to develop a Preservation/District Plan which will set forth the manner in which the preservation objectives of the local historic district will be met. The Plan must include but is not limited to:

1. A statement of significance that includes a description of contributing resources and significant elements.
2. The goals and objectives of the proposed district.
3. The means by which preservation objectives will be enforced:
 - a. A proposed Design Review Committee with all conditions for formation, membership, and operations specified.
 - b. The Planning Commission serving as the Design Review Committee for the local historic district.
 - c. An Architectural Plan Design Review Committee with all conditions for formation, membership, and operations specified.
4. Identification of the standards and guidelines that will be applied to design review within the district.
5. The activities regulated by the Preservation/District Plan that shall exclude activities determined exempt under this chapter.

6. The provision of an annual report to the Commission on compliance with and implementation of the Preservation/District Plan.

10.38.080 National Register of historic districts or structures.

- A. Requests for recommendation. Recommendation to designate a local historic district or a structure to the National Register of Historic Places may be requested by more than 50 percent of the property owners within such historic district or by the Commission or Council.
- B. Procedural requirements in advance of the hearing.
 1. An application and all supporting information shall be reviewed by the Secretary for adequacy and completeness under the requirements of this chapter and the National Register of Historic Places.
 2. Notice of the time, place, and purpose of such hearing will be mailed to the owners of all properties within the designated local historic district or structure proposed for recommendation as a National Register Historic District at the addresses shown on the latest assessment roll and published once in a local newspaper of general circulation not less than 10 days prior to the date of the hearing. The Secretary may also give such additional notices as deemed necessary.
 3. The Secretary shall prepare a staff report addressing the consequences and procedural requirements of listing a local historic district or structure on the National Register of Historic Places.
- C. Commission hearing.
 1. The Commission shall review all materials prepared and submitted and may vote on the district recommendation.
 2. At the conclusion of the hearing, the Commission shall recommend to the Council approval, disapproval, or modification of the proposal for the National Register historic district or structure and make findings in support of that recommendation.
 3. Within 30 days of the final Commission action, the Secretary shall send a copy of the recommendation, findings, and all submitted materials to the City Council.
 4. The owners of all properties within the proposed National Register historic district boundaries shall thereafter be given notice of the time and place of the Council hearing at least 10 days prior to the hearing date.

10.38.090 Adoption by Council.

- A. The sole authority to declare historic resources or historic districts and to endorse local historic districts or structures to the National Register of Historic Places shall be vested in the City Council and shall be exercised only after completion of the Commission's responsibilities under the designation process set forth above in Section 10.38.050.
- B. Within 30 days following receipt by the City Clerk of the Commission's recommendations or as soon thereafter as is practicable, a hearing shall be set by the Clerk and held by the City Council. Following such hearing, the City Council shall adopt, modify, or reject the designation recommended by the Commission and, in the instance of a district designation, make findings as to which properties shall be considered contributors and non-contributors to

the district. In the alternative, the City Council may continue its consideration of the matter or, in the event that new information is presented, refer the proposed designation to the Commission for further hearings, consideration, or study within a period of time designated by the City Council. Adoption of the designation shall be made by resolution, which shall contain findings of fact.

- C. Within 10 days of the Council’s decision, notice thereof shall be mailed by the Secretary to the owner of record of each property proposed for designation at the address shown on the latest assessment roll and to such other persons that the Secretary may deem appropriate.
- D. No proposal for designation once considered and disapproved by the Council shall be reconsidered except upon the affirmative vote of four Council members. Any decision to reconsider shall be treated as a new proposal for designation pursuant to Sections 10.36.060, 10.36.070, or 10.36.080.

10.38.100 Amendment or rescission of designation.

The City Council may amend or rescind any designation of a historic resource, a historic district, a contributor to a historic district, or a non-contributor to a historic district in the same manner and procedure as was followed in the original designation. This action shall result from new information, the discovery of earlier misinformation, or a change of circumstances, conditions, or factors that justified the change in the designation of the resource or district.

10.38.110 Local Register of Historic Resources.

Ordinances adopting designations of historic resources and local historic districts shall collectively be known as the Local Register of Historic Resources. The local register shall be kept on file with the Secretary, who shall transmit copies to the various City officers.

10.38.120 Deletion of demolished, relocated, or rescinded designated historic resources.

When a designated historic resource has been demolished or relocated outside the city limits or when its designation has been rescinded pursuant to the provisions of this chapter, the Secretary, upon notice thereof, shall cause such resource to be deleted from the Local Register of Historic Resources and from the Historic Property Data File for the City of Tulare maintained by the State Office of Historic Preservation (SHPO). Upon such deletions and such rescission, the provisions of this chapter shall not be deemed to encumber or otherwise restrict the use of such property.

10.38.130 Historic resource permit review process.

- A. It shall be unlawful for any person, corporation, association, partnership, or other legal entity to directly or indirectly alter, remodel, demolish, grade, remove, construct, reconstruct, or restore any historic resource without first obtaining a City permit and the approval of the Planning Commission.
- B. Upon receipt of an application or proposal for a demolition, grading, removal, or building permit for any historic resource, the City department or agency receiving same shall, within five calendar days, notify the Secretary and forward said permit application or proposal and accompanying documentation to the Secretary and shall not process the application or proposal without the authorization of the Commission. The Commission may approve non-substantial alterations to the historic resource based on the application presented.

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- C. Any application or proposal that proposes the substantial alteration of a historic resource shall also be referred to the Secretary or his or her designee for review.
- D. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any historic resource covered by this chapter that does not involve a change in design, materials, or external appearance.
- E. Nothing in this section shall be construed to prevent the Secretary from issuing a building permit if he or she determines that demolition, removal, or substantial alteration of the historic resource is immediately necessary to protect the public health, safety, or general welfare.
- F. After consideration of all evidence and testimony, the Commission shall have the authority to approve, deny or approve with modifications, any application or proposal.
- G. No application or proposal shall be approved or approved with modifications unless the Commission makes the following findings:
 - 1. The proposed work is found to be consistent with the purposes of this chapter and the Secretary of the Interior's Standards, and not detrimental to the special historical, architectural, or aesthetic interest or value of the historic resource.
 - 2. The action proposed is necessary to correct an unsafe or dangerous condition on the property.
 - 3. Denial of the application will result in unreasonable economic hardship to the owner. In order to approve the application, the Commission must find facts and circumstances, not of the applicant's own making, which establish that there are no feasible measures that can be taken that will enable the property owner to make a reasonable, economically beneficial use of the property or derive a reasonable economic return from the property in its current form.
 - 4. The site is required for public use, which will directly benefit the public health, safety, and welfare and will be of more benefit to the public than the historic resource.
 - 5. For applications for relocation of a historic resource, the Commission shall find that one or more of the above conditions exist, that relocation will not destroy the historical, architectural, or aesthetic value of the resource, and that the relocation is part of a definitive series of actions which will assure the preservation of the resource.
- H. Any finding that denial of the application or proposal will result in unreasonable economic hardship to the owner, pursuant to this section, may be based on the following factors:
 - 1. An economic feasibility analysis conducted pursuant to this section shall include the determination of an "after-rehabilitation" value of the property calculated on an income approach utilizing the capitalization rate determined appropriate by the City. This "after-rehabilitation" value shall be determined in the following manner:
 - a. The potential residential or commercial rental rate(s) that the property could generate after an appropriate rehabilitation shall be determined by a review of current market rates for comparable properties within comparable neighborhoods.
 - b. The potential annual net income that could be generated by the property after an appropriate rehabilitation, taking into consideration standard vacancy and expense factors, shall be determined.

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- c. The appropriate capitalization rate shall be applied to the potential annual net income to determine the “after-rehabilitation” value of the property.
 2. The fair market value of the land, exclusive of improvements and without development restrictions pursuant to this chapter, shall be determined by a standard appraisal.
 3. The monetary cost of an appropriate rehabilitation of the resource, in accordance with the standards of this chapter, shall be determined by professionals qualified to make such a determination.
 4. If the fair market value of the land, combined with the costs of rehabilitation, exceeds the “after-rehabilitation” value of the property by more than 20 percent, the Commission shall find that denial of the application will result in an unreasonable economic hardship to the owner.
- I. If the Commission determines a permit should not be issued for the demolition, alteration, relocation, or new construction, or the Council on appeal concurs, a new application affecting the same property may be submitted during the 12-month period after the disapproval only if a substantial change is made in the plans for the project.
 - J. The Commission shall give written notice of the decision regarding the regulated permit to the property owner/applicant and to the City. The notice shall contain the Commission’s findings in support thereof.

10.38.140 Historic district permit review process.

- A. It shall be unlawful for any person, corporation, association, partnership, or other legal entity to directly or indirectly alter, remodel, demolish, grade, remove, construct, reconstruct, or restore any property within any historic district without first obtaining a City permit and written approval of the Planning Commission.
- B. Upon receipt of an application or proposal for a demolition, grading, removal, or building permit for any property within any historic district, the City department or agency receiving same shall, within five calendar days, notify the Secretary and forward said permit application or proposal and accompanying documentation to the Secretary and shall not process the permit or proposal without the authorization of the Commission. The Commission may approve non-substantial alterations to the property based on the application presented.
- C. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, materials, or external appearance.
- D. Nothing in this section shall be construed to prevent the Director from issuing a building permit if it is determined that demolition, removal, or substantial alteration of a property within any historic district is immediately necessary to protect the public health, safety, or general welfare.
- E. After consideration of the final environmental document, all evidence, and testimony, the Commission shall have the authority to approve, deny, or approve, with modifications, any proposed application or permit application.
- F. No application shall be approved with modifications unless the Commission makes the following findings:

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1. For a contributor to any historic district, the proposed work is found to be consistent with the general purposes of this chapter and the Secretary of the Interior's Standards, not detrimental to the special historical, architectural, or aesthetic interest or value of the Contributor or the respective historic district in general and consistent with the district's adopted design standards.
 2. For a non-contributor to any historic district, the proposed work is found not detrimental to the historical or architectural values of the respective historic district in general and consistent with the district's adopted design standards.
 3. For new in-fill construction within any historic district, the proposed work is found not detrimental to the historical or architectural values of the respective historic district in general and consistent with the district's adopted design standards.
 4. The action proposed is necessary to correct an unsafe or dangerous condition on the property.
 5. Denial of the application will result in unreasonable economic hardship to the owner. In order to approve the application, the Commission must find facts and circumstances, not of the applicant's own making, which establish that there are no feasible measures that can be taken that will enable the property owner to make a reasonable, economically beneficial use of the property or derive a reasonable economic return from the property in its current form.
 6. For applications for relocation of a contributor from any historic district, the Commission shall find that one or more of the above conditions exist, that relocation will not destroy the historical, architectural, or aesthetic value of the resource, and that the relocation is part of a definitive series of actions which will assure the preservation of the resource.
- G. Any finding that denial of the permit application will result in unreasonable economic hardship to the owner, pursuant to division (F)(5) above, may be based upon the application of the following factors:
1. An economic feasibility analysis conducted pursuant to this section shall include the determination of an "after-rehabilitation" value of the property calculated on an income approach utilizing the capitalization rate determined appropriate by the Development Services. This "after-rehabilitation" value shall be determined in the following manner:
 - a. The potential residential or commercial rental rate(s) that could be generated by the property after an appropriate rehabilitation shall be determined by a review of current market rates for comparable properties within comparable neighborhoods.
 - b. The potential annual net income that could be generated by the property after an appropriate rehabilitation, taking into consideration standard vacancy and expense factors, shall be determined.
 - c. The appropriate capitalization rate shall be applied to the potential annual net income to determine the "after-rehabilitation" value of the property.
 2. The fair market value of the land, exclusive of improvements and without development restrictions pursuant to this chapter, shall be determined by a standard appraisal.

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3. The monetary cost of an appropriate rehabilitation of the resource, in accordance with the standards of this chapter, shall be determined by professionals qualified to make such a determination.
 4. If the fair market value of the land, combined with the costs of rehabilitation, exceeds the “after-rehabilitation” value of the property by more than 20 percent, the Commission shall find that denial of the application will result in an unreasonable economic hardship to the owner.
- H. A decision relating to the approval with modifications or disapproval of an application for any permit may be appealed pursuant to Section 10.36.160.
- I. If the Commission determines a permit should not be issued for the demolition, alteration, relocation, or new construction, or the City Council on appeal concurs, a new application affecting the same property may be submitted during the 12-month period after the disapproval only if a substantial change is made in the plans for the project.
- J. The Secretary shall give written notice of the decision regarding the regulated permit to the property owner/applicant. The notice shall contain the Commission’s findings in support thereof.

10.38.150 Conditional uses.

- A. Conditional uses in the Historic Site and Historic Neighborhood Overlay zone shall include all uses that are conditional in the base zoning district or are listed as follows:
1. Art and antique shops.
 2. Art and craft schools.
 3. Art supply and hobby shops.
 4. Bed and breakfast establishments.
 5. Beauty salons and barber shops.
 6. Floral shops.
 7. Gift and souvenir stores.
 8. Meeting halls.
 9. Multi-family dwellings, not exceeding one unit per 3,000 square feet.
 10. Music or dance studios.
 11. Photography studios.
 12. Offices.
 13. Restaurants.
 14. Stamp and coin stores.
 15. Shoe repair shop.
 16. Travel bureaus.
 17. Any other use deemed appropriate by the Planning Commission.

- B. The above conditional uses are allowed in residential zones subject to securing a conditional use permit pursuant to Chapter 10.80.

10.38.160 Appeal procedure.

All appeals shall be considered pursuant to Chapter 10.70.

10.38.170 Finality of decision.

Any decision of the Council under this chapter shall be final. Any decision of the Commission under Sections 10.36.130 or 10.36.140 shall become final if no appeal is taken from such order or decision within the time limits prescribed by the applicable appeal provision of this chapter. No permit regulated by the provisions of this chapter shall be issued, nor shall any rights vest therein, until the decision of the Commission is final or any appeal therefrom is disposed of in the manner prescribed by this chapter.

10.38.180 Substandard buildings.

- A. The Building Official shall notify the Secretary whenever such official declares a historic resource or any structure within a historic district to be substandard or unsafe pursuant to the California Building Code.
- B. Where any historic resource has been declared substandard and must be demolished for health and safety reasons, the Secretary shall notify the Planning Commission and cause such resource to be removed from any historic list.

10.38.190 Advice and guidance to property owners.

- A. The Commission may render advice and guidance with respect to any proposed work not requiring a City permit on any designated historic resource or any property within any historic district.
- B. Examples of work referred to above are painting and repainting of exterior surfaces, fencing, landscaping, and installation of lighting fixtures. In rendering such advice and guidance, the Commission shall be guided by the purposes and standards of this chapter.

10.38.200 Property owned by public agencies.

- A. The Commission shall take appropriate steps to notify all public agencies and public utilities that own or may acquire property, including easements and public rights-of-way, in the City about the existence and character of designated historic resources and historic districts, and the Commission shall cause a current record of such resources and districts to be maintained with each such public agency and public utility. All such designated resources and districts shall be subject to the provisions of this chapter regardless of ownership.
- B. In the case of publicly owned properties that are not subject to the permit review procedures of the City, including this chapter, but are more than 50 years of age or are located within any historic district, the agency owning the said property is encouraged to seek the advice of the Commission prior to approval or authorization of any construction, alteration, or demolition thereon, including the use and placement of street furniture, signs, lighting, and landscaping; and, the Commission shall render a report to the owner as expeditiously as possible, based on the purposes and standards in this chapter. If the Commission review of a public project involving construction, alteration, or demolition of any building, structure, object, or site is

required under any other law, the Commission may render the report referred to in this section to such public agencies without specific request therefor.

10.38.210 Fire and building codes.

Issuance of a permit in conformance with this chapter shall not alter conformance requirements with the other standards and requirements of this chapter. The Director and the Fire Marshal shall liberally construe and apply all pertinent codes, including the State Historical Building Code and the California Building Code so as to effectuate the purposes of this chapter.

10.38.220 Minimum maintenance.

- A. All designated historic resources, including contributors to any historic district, shall be preserved against decay and deterioration, kept in a state of good repair, and free from structural defects. The purpose of this section is to prevent an owner or other person having legal custody and control over a property from facilitating the demolition of a historic resource by neglecting it and by permitting damage to it by weather and vandalism.
- B. Consistent with all other State and City codes requiring that buildings and structures be kept in good repair, the owner or other person having legal custody and control of a property shall repair such building or structure if it is found to have any of the following defects:
 - 1. Building elements so attached that they may fall and injure members of the public or property.
 - 2. Deteriorated or inadequate foundation.
 - 3. Defective or deteriorated flooring.
 - 4. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
 - 5. Members of ceilings, roofs, ceiling or roof supports, or other horizontal members that sag, split, or buckle due to defective materials or deterioration.
 - 6. Fireplaces or chimneys that list, bulge, or settle due to defective material or deterioration.
 - 7. Deteriorated, crumbling, or loose exterior plaster.
 - 8. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
 - 9. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
 - 10. Any fault, defect, or deterioration in the building that renders it structurally unsafe or not properly watertight.

10.38.230 Status of properties previously designated.

- A. All historic properties previously designated under this chapter shall remain unless otherwise removed as a historic property.
- B. All existing “H” overlay properties shall be considered historic resources.

10.38.240 Civil and criminal penalties.

It shall be unlawful for any person to permit or maintain violations of any of the provisions of this chapter by undertaking the alteration, grading, removal, demolition, or partial demolition of a historic resource or a building, structure, object, or site within a historic district without first obtaining the written approval of the Secretary, Commission or Council as provided in this chapter, or to defy any order or decision rendered by the Commission or Council. Any violations of this chapter may be enforced as provided in this code, except in the case of administrative citations issued pursuant to Chapter 1.61 of the Municipal Code. As part of any enforcement proceeding, violators may be required to reasonably restore the building, structure, object, or site to its appearance or condition prior to the violation under the guidance of the Community Development Department.

10.38.250 Severability.

If any section, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this chapter. The Council hereby declares that it would have passed this chapter and adopted this chapter and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Chapter 10.40

PLANNED UNIT DEVELOPMENT OVERLAY ZONE

Sections:

- 10.40.010 Purpose.**
- 10.40.020 Application procedure.**
- 10.40.030 Allowed planned unit developments.**
- 10.40.040 Prohibited planned unit developments.**
- 10.40.050 Site area.**
- 10.40.060 Small Lot Residential PUD.**
- 10.40.070 Findings.**
- 10.40.080 Conditions of approval.**
- 10.40.090 Notice of decision.**
- 10.40.100 Appeals.**
- 10.40.110 Life of permits and extensions of time.**
- 10.40.120 Revocation.**

10.40.010 Purpose.

A planned unit development (PUD) can achieve a more functional, aesthetically pleasing, and harmonious living and working environment within the city that otherwise might not be possible by strict adherence to the provisions of this title. The Planned Unit Development Overlay zone is designed to produce a comprehensive development that is equal to or better than that resulting from residential development developed under more traditional zoning regulations.

10.40.020 Application procedure.

A. Applications for a planned unit development shall be processed consistent with Chapter 10.86, Zoning Ordinance Amendments. Any single-family residential zone district contained in this chapter may be combined with the Planned Unit Development Overlay zone. The tentative subdivision map or residential development plan that accompanies an application for reclassification shall be reviewed by the Director to determine consistency with the provisions of this chapter. The map or plan shall include the following information:

1. Legal description and boundary survey map of the exterior boundaries of the parcel to be developed.
2. Plot plan of land to be developed, showing residential uses by type, number and size; residential lots by type, number and size; open space uses; streets, rights-of-way and easements; and proposed on-site and off-site improvements, including landscaping, walls and fences, street and sidewalk improvements, lighting and infrastructure.
3. A grading and drainage plan, showing elevations, directions of water flow, and storm drainage improvements.
4. Concept plans that demonstrate the overall scope of the residential development.

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5. A preliminary utilities and title report.
 6. The anticipated timing of each development phase.
 7. Elevation drawings of residential structures in the development.
- B. Zone districts that are combined with the Planned Unit Development Overlay zone shall be designated on the Official Zoning Map with the base zone district followed by the Planned Unit Development Overlay zone notation (PUD).

10.40.030 Allowed planned unit developments.

A planned unit development may be utilized to achieve one or more of the following objectives:

- A. To permit development intensity greater than would otherwise be permitted by the implementation of the standards of the zone district in which the site is located.
- B. To permit the lot patterns of size, shape, and layout that would otherwise not be permitted by the standards of the zone district in which the site is located and allow for averaging of lot sizes to create greater flexibility in subdivision design.
- C. To modify the required building setbacks, distances between structures, and landscaped areas that would otherwise be required by this title.
- D. To permit Small Lot Residential developments in accordance with 10.40.060 below.
- E. To permit a site within more than one zone district to mix the permitted or conditionally permitted land uses of both zones within the site without regard to the zone district boundary.
- F. Allow for the placement of duplexes on corner lots within single-family residential developments.
- G. Provide for the integration of neighborhood parks.
- H. To permit variations to the standard local street cross-sections within private gated neighborhoods subject to the review and approval of the City Engineer.
- I. To permit private streets, residential lots fronting on a private street, and gated neighborhoods.
- J. To reduce the amount of required parking spaces when spaces are shared among multiple land uses.

10.40.040 Prohibited planned unit developments.

A planned unit development is prohibited from being used to achieve one or more of the following:

- A. To add land uses that are not otherwise permitted in the zone district in which the PUD is located.
- B. To increase residential densities beyond the maximum allowed by the General Plan.
- C. To modify sign standards or provisions in Chapter 10.56.
- D. To modify parking and loading standards or provisions in Chapter 10.54, except as stated in Section 10.40.030.

10.40.050 Site area.

- A. The minimum site area for a planned unit development shall be four acres, except that there shall be no minimum site area requirements if the site is an infill development site.
- B. The site area may be made up of more than one parcel, however, all parcels in the site area shall be contiguous.

10.40.060 Small Lot Residential PUD.

- A. The purpose of the Small Lot Residential PUD is to provide living areas within the City where development is proposed to achieve compact development with lot sizes in the range of 3,200 square feet to 4,000 square feet.
- B. The objectives of the Small Lot Residential PUD are:
 - 1. The development of compact single-family residential neighborhoods at densities typically in the six to eight units per acre range.
 - 2. The development of compact residential neighborhoods that exhibit high standards of design and are within close proximity to private or public parks or amenities.
 - 3. To provide for a compact development with narrow lot widths that minimize the dominant characteristics of garages on the streetscape.
 - 4. To provide for an additional housing type and address issues of affordability.
- C. A Small Lot Residential development may be located on any land designated R-1-4, low density residential, on the Official Zoning Map.
- D. Each small lot residential development shall submit a PUD application for approval by the Planning Commission.
- E. Development standards shall be as follows:
 - 1. Minimum site area: 3,200 square feet.
 - 2. Minimum lot width: 40 feet if there is no alley, but 30 feet if there is an alley.
 - 3. Minimum lot depth: 65 feet.
 - 4. Density: no more than one dwelling shall be located on each parcel with the exception of ADUs consistent with Section 10.60.030.
 - 5. Lot coverage: 60 percent maximum including the dwelling and the garage. Porches, driveways, patios, and other non-landscaped areas are excluded.
 - 6. Front building setback: no less than seven feet and no more than 12 feet. Garages. Porches cannot encroach into the minimum front setback area.
 - 7. Rear building setback: a minimum of four feet, except no rear yard is required if the rear property line abuts an ally.
 - 8. Interior side building setback: a minimum of 4 feet on each side to provide a minimum of eight feet of separation between buildings. Zero lot lines can be approved with an eight-foot separation. An additional two feet of setback shall be provided for each additional story of building height.

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9. Street side yard setbacks on corner lots shall comply with front yard setbacks.
 10. Building height: the maximum height of a permitted use and its accessory structures is 30 feet. A maximum height of 40 feet may be approved through a conditional use permit.
 11. Fences, walls, and hedges shall be the same as required in the R-1-4 zone.
 12. Off-street parking:
 - a. Each unit shall provide for a two-car garage. Each garage shall have a minimum depth of 20 feet and a minimum width of 18 ft. All parking spaces and driveways shall be paved in accordance with Chapter 10.54.
 - b. A garage facing an alley shall have a four-foot apron.
 - c. A garage facing a courtyard shall have an apron of not less than six feet or more than 18 feet.
 - d. A garage facing a street shall be setback 20 feet from the property line and shall be recessed at least five feet from the front building elevation (including porches). If development establishes private streets or sidewalks, garages facing a street shall provide a 20 ft. apron. The 20 ft. apron shall not include any part of the sidewalk. The garage shall not extend more than 50 percent of the lot width.
 13. New development is required to install the public infrastructure necessary to adequately serve the project, based on requirements of the City Engineer, including sewer, water, storm drainage facilities lines, curbs, gutters, sidewalks, street paving, and street lighting. These improvements shall be constructed consistent with requirements shown in the City of Tulare Standards and Specifications and shall be installed prior to occupancy of any structures on the site.
 14. Alley/driveways: each alley or private driveway shall be 20 feet in width with an approved turning radius to accommodate garbage trucks. Each alley/driveway shall be designed to allow for the exiting of garbage trucks.
- F. Design standards shall be as follows:
1. Horizontal and vertical relief shall be provided for the second and third floors. Acceptable elements include recessed stories, awnings, recessed wall planes, and architectural details that break up flat elevation expanses.
 2. Mirror house plans shall not be provided on consecutive lots.
 3. Guest parking shall be provided on-site for the development of 20 units or more at a ratio of one guest space per five units. Parking areas in driveways shall not be counted as guest parking.
 4. No carports are allowed as garages.
 5. If off-street parking is provided on the driveways, parking shall be designed as to not interfere with pedestrian circulation along the sidewalk.
 6. Each unit that proposes a “common” wall with an adjacent unit shall have attic separation and independent water meters and sewer laterals.
 7. Utility infrastructure shall be located in areas that are not highly visible from public streets.

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8. Private streets may be allowed with 36 feet curb to curb and a six-foot adjacent sidewalk for a total right-of-way of 48 feet.
9. Where private streets and common areas are proposed, a Home Owners Association (HOA) or similar entity shall be established.
10. Small lot residential developments accessing a central courtyard area serving no more than six units shall provide a driveway width of 20 feet in addition to any garage apron and landscape setback.
11. When the garage is provided in the front, two houses shall not be designed to have their garages abutting each other and therefore having a common wall. Mirror house plans shall never be provided in consecutive lots.
12. The garage, whether located in the front or the rear, shall always be designed as an enclosed building unit, with a designed door that has a similar architectural detail as the main elevation's theme.
13. The garage roof design shall have a similar architectural appearance and the same building materials as the house roof.
14. All garages in the rear shall be provided with automatic doors to facilitate security of residents.

G. Open Space design standards shall be as follows:

1. An area of 325 sq. ft. per dwelling unit is required, with a minimum size of one-half acre. When the overall development area is elongated or otherwise very irregular, the required open space can be split into two or more small open spaces.
2. Open space areas shall be centrally located and accessible through pedestrian trails, bike paths, streets, etc. Average walking distance for amenities shall be a quarter mile or less.
3. Areas of open space shall be regular and geometrically defined areas that are usable and where the community can locate tot lots, picnic areas, recreational activities, etc. Areas leftover of subdivision design (comer areas, areas otherwise not usable for residential, etc.) do not count as open space. Lots that were designed for residential use cannot be eliminated and simply assumed as open space to meet the open space criteria.
4. Water retention basins and drainage retention areas may be incorporated as controlled recreational-visual areas within the open space when designed accordingly and not as squared-fenced isolated water bodies.
5. Required open space may be either private or public open space maintained by an HOA or through the creation of a Landscape/Lighting District or other City approved maintenance entity.
6. All developments shall provide open space as required by this section and shall provide in-lieu fees for any remaining Quimby requirement. Open space provided as part of the development will be credited toward fulfillment of the subdivision's Quimby Act requirement.

H. Street Design standards shall be as follows:

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1. Street design shall foster the interconnectivity of streets and blocks to favor both automobile and pedestrian circulation.
 2. All streets shall be provided with sidewalks.
 3. The right-of-way of local streets shall meet the adopted City standard.
 4. Travel lanes shall be in compliance with adopted City standards.
 5. Landscape provided along local roads shall be designed with trees specified in the adopted street tree species list.
- I. Alley Design standards shall be as follows:
1. Alleys shall be designed with a minimum clearance of 20 feet for free circulation of utility trucks.
 2. Alleys may have a landscape and apron area with access to the garage that shall not exceed four feet wide.
 3. Landscape provided in the alley shall be of species whose foliage grows vertically so the free access of utility trucks and cars is not impeded.
 4. On-street parking in the alley is prohibited.
 5. A lighting plan shall be provided with alley design submittals.
- J. Streetscape Design standards shall be as follows:
1. Each subdivision shall have at least three different floor plans with three elevations each.
 2. Not two identical elevations can be adjacent to each other, and elevations that mirror to each other shall not be placed consecutively.
 3. The roof design of each house shall include various volumetric elements that compose the entire elevation.
 4. The landscape strip along streets shall be provided with at least one tree per dwelling unit.

10.40.070 Findings.

- A. Before a planned unit development can be approved, all of the following findings shall be made by the reviewing authority identified in Chapter 10.70:
1. That the proposed project is consistent with the purpose and objectives of this chapter and the zone district in which the project is located.
 2. That the proposed project is consistent with the Tulare General Plan.
 3. The PUD is being proposed to achieve one or more of the objectives identified in Section 10.40.030.
 4. The location and design of the PUD and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
 5. The location and design of the PUD will not generate more traffic than the streets in the vicinity can carry without congestion, and will not overload utilities.

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6. That PUD’s population density, site area and dimensions, site coverage, yard spaces, height of structures, distances between structures, off-street parking and off-street loading facilities, landscaped areas, and street design will produce an environment of stable and desirable character consistent with the purpose of this title.
 7. The combination of different dwelling types, architectural appearance, and/or varieties of land uses in the development will complement each other and will harmonize with the existing and proposed land uses in the vicinity.
- B. A PUD may be denied if the reviewing authority finds one or more of the findings in this section cannot be made.

10.40.080 Conditions of approval.

The reviewing authority may place conditions of approval on the planned unit development that promote well-planned neighborhoods, protect the public interests, health, safety, convenience, or welfare of the city, or that mitigate any impacts to surrounding properties.

10.40.090 Notice of decision.

A notice of decision of a planned unit development permit shall be processed consistent with Chapter 10.70.

10.40.100 Appeals.

Appeals to a decision of the reviewing authority of a planned unit development permit shall be submitted and processed consistent with the procedures in Chapter 10.70.

10.40.110 Life of permits and extensions of time.

The initial life and subsequent extensions of time for a PUD shall be per Chapter 10.70, except that when any PUD is approved in conjunction with a tentative subdivision map or parcel map pursuant to Title 16, the PUD shall not expire unless the tentative subdivision map or parcel map also expires, and an extension of the tentative subdivision map or parcel shall be deemed to be an extension of the PUD.

10.40.120 Revocation.

Revocation of an approved PUD shall be conducted consistent with procedures and notice requirements in Chapter 10.70.

Chapter 10.42

DOWNTOWN OVERLAY ZONE

Sections:

- 10.42.010 Purpose.**
- 10.42.020 Application.**
- 10.42.030 Permitted & Conditional Uses.**
- 10.42.040 Development standards.**
- 10.42.050 Off-Street parking.**
- 10.42.060 Landscaping.**
- 10.42.070 Screening, fences, and walls.**
- 10.42.080 Signs.**
- 10.42.090 Design standards.**

10.42.010 Purpose.

The purpose of the Downtown Overlay zone is to ensure that Tulare’s Downtown can attract and retain businesses that appeal to residents and visitors alike and create a welcoming and unique environment that represents the community of Tulare. The objectives of the Downtown Overlay zone are:

- A. Enhance efforts aimed at economic development by fostering an environment conducive to business success in the downtown area.
- B. Generate pride and confidence in the downtown area.
- C. Create an attractive environment that is active throughout the day and evening.
- D. Establish downtown development and design standards that will create a unified, yet distinctive, and attractive urban character that respects the historical context that has been established and serves the city for the long term.
- E. Present a recognizable, cohesive theme within the downtown with enhanced streetscapes, distinct landscaping, wayfinding features, and branding to define the identity of the downtown.
- F. Encourage pedestrian activity by facilitating building design that places retail, restaurant, and entertainment uses on the ground floor.

10.42.020 Application.

- A. This chapter shall apply to all land within the Downtown Overlay zone, as defined on the Zoning Map.
- B. The requirements of this chapter shall be considered in conjunction with the requirements of any base zone district. If a conflict exists between the requirements of the base zone district and this chapter, the requirements of this chapter shall apply.

10.42.030 Permitted & Conditional Uses.

A. Permitted uses in the Downtown Overlay zone shall include all uses that are permitted in the base zoning district. The following uses are permitted in the Downtown Overlay zone, regardless of the base zoning:

1. A combination of permitted uses on one parcel or in shared buildings.

B. Conditional uses in the Downtown Overlay zone shall include all uses that are conditional in the base zoning district. The following uses are allowed with the approval of a conditional use permit in the Downtown Overlay zone, regardless of the base zoning:

1. Multi-family housing development with an overall density of at least eight but no more than 29 units per acre.

2. Mixed-use developments that include both commercial and residential uses on the same parcel.

3. Adjoining parcels with differing base zoning districts or a single parcel with existing split zoning may be developed as one project that includes permitted and conditional uses from both base zoning districts without regard to district boundaries.

10.42.040 Development standards.

The following development standards shall apply to all land and structures within this district.

A. There shall be no required minimum site area.

B. There shall be no minimum frontage width or depth requirement.

C. There shall be no maximum lot coverage.

D. Setbacks. To the extent practical, new construction shall follow the prevailing building pattern where buildings are constructed at the front of the lot with parking situated to the rear or side, as follows:

1. Buildings shall be designed so that at least one-half of the parcel frontage shall abut a building wall.

2. There shall be no required side building setback, except that buildings located on corner lots shall be designed so that at least one-half of the side lot line abuts a building wall.

3. There shall be no required rear building setback.

4. There is no minimum distance between structures required, except that all building code requirements shall be met.

5. The maximum structure height shall be 60 feet.

10.42.050 Off-street parking.

Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 10.54. Parking lots shall be developed as identified below:

A. To the extent practical, parking lots shall be located as much as possible to the rear of buildings.

B. Parking lots located between the front property line and the primary entrance are prohibited.

- C. Parking lots constructed adjacent to any street right-of-way shall be set back a minimum of five feet from the property line. The parking lot shall be screened by a minimum four-foot-tall solid wall and landscaping.

10.42.060 Landscaping.

- A. Landscaping shall be provided for each new use as prescribed in Chapter 10.52 Landscape Standards.
- B. Required landscaping shall be installed prior to final occupancy and continually maintained pursuant to Chapter 10.52.

10.42.070 Screening, fences, and walls.

- A. The fences in the Downtown Overlay zone shall conform to the design standards provided in Section 10.50.040.
- B. These regulations do not apply to fences or walls required by regulations of a State or federal agency, or by the City for reasons of public safety, or to retaining walls that adjoin land uses.
- C. Fences, walls, and hedges may be erected and properly maintained to the heights identified below and measured from the highest adjoining finish grade:
 - 1. Maximum fence height shall be seven feet, except for walls constructed in pedestrian plazas.
 - 2. Materials and colors used for fences and walls shall be complementary to the materials and colors used in buildings located on the site.
 - 3. Walls: walls up to 30 inches tall (which can be used for sitting) may be located on the property line for restaurants or other uses utilizing the plaza for retailing or other similar outdoor uses.
- D. The City reserves the right to remove, at the expense of the owner of the property or properties enclosed by the fence, any fence in a public easement in any emergency.

10.42.080 Signs.

Signs placed in the Downtown Overlay zone shall be subject to the requirements and standards prescribed in Chapter 10.56.

10.42.090 Design standards.

- A. Storefront construction. Ground-floor storefronts should have a minimum of 60 percent transparent space (windows).
- B. Side walls. Blank, solid end walls, or side walls visible from public view are discouraged. If the walls are necessary (based on interior design), the structure wall shall receive some form of articulation or “add-on” elements such as awnings, cornice bands, murals, etc.
- C. Facade. The facade appearance of adjacent structures shall be considered in the design of new buildings to avoid clashes in architectural style and materials.
- D. Roofline. The roofline of buildings shall be considered an important element in the overall building design. Decorative embellishments at the roofline such as cornices, or changes in height, material, color, or shape are encouraged.

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E. Canopies and awnings.

1. Canopies and awnings shall respect the character and style of the structure on which they are located, particularly in the material, color, and size.
2. Canopies shall be sized so that they do not obscure significant architectural features or cover transom windows above the canopy.
3. The minimum clearance of a canopy or awning (including any attached hanging signs) shall be eight feet from the lowest point to the sidewalk.

F. Doors and windows.

1. The design and location of doors and windows shall consider the architectural character of the surrounding area. The use of simple wood and glass doors and windows is encouraged. Where aluminum is used, a dark anodized or baked enamel finish shall be used.
2. Clear glass should be used on ground floor windows to promote window shopping, visual displays, and pedestrian activity. Tinted glass allowing a minimum 50 percent light transmission will be considered only for use in second-floor windows and above on an individual case basis. The use of reflective glass is prohibited.
3. Storefront windows should be as large as possible while maintaining height standards for bulkheads. Maximum bulkhead height for new construction shall be 42 inches, and minimum bulkhead height shall be 24 inches. Bulkheads should be accented with decorative tile, finished stone, or other distinctive material.
4. Replacement windows must always fill the entire opening and duplicate original patterns.
5. Window patterns in new buildings shall respect existing window patterns where a distinctive rhythm has been established.

G. Plaza provisions. Plazas shall be developed as identified below:

1. A plaza shall have a minimum size of 10 feet deep and the width of the entire storefront, or an area incorporating at least 650 square feet.
2. A minimum of 80 percent of the area shall be paved in a decorative paver or textured, colored concrete. Asphalt paving is prohibited as a plaza paving material.

H. Lighting.

1. All exterior lighting fixtures shall be designed as part of the overall architectural theme. Fixtures, standards, and all exposed accessories shall be harmonious with the building design, the lighting design of adjacent public spaces, and the overall visual environment of the downtown.
2. Night lighting of buildings shall be selective and focused; exterior lighting of entire building faces is generally not desirable. Lighting should highlight entrances, dramatize special architectural features, keynote repeated features, and use the play of light and shadow to articulate the facade.
3. Entrances of buildings and parking areas shall be well-illuminated to enhance safety, identification, and convenience.
4. Recessed building entryways should be illuminated by downlights.

Chapter 10.44

AIRPORT OVERLAY ZONE

Sections:

10.44.010	Purpose and application.
10.44.020	Definitions.
10.44.030	Permitted Uses.
10.44.040	Overlay zone formation.
10.44.050	Airport Overlay zones.
10.44.060	Airport Zoning Map.
10.44.070	Use restrictions.
10.44.080	Administration and enforcement.
10.44.090	Variances.

10.44.010 Purpose and application.

- A. This chapter shall apply to all land within the Airport Overlay (AP) zone, as defined on the Zoning Map. The purpose of this chapter is to protect the public health, safety, and welfare in the vicinity of the airport by minimizing exposure to potential airplane crashes and significant noise levels. Further, to identify those uses that are compatible in the Airport Overlay zone and to establish development standards to which development will conform. This chapter is adopted pursuant to the Airport Approaches Zoning Law of the State of California (commencing at Cal. Gov't Code § 50485) and the Planning and Zoning Law of the State of California (commencing at Cal. Gov't Code § 65000).
- B. The requirements of this chapter shall be considered in conjunction with the requirements of any base zone district. If a conflict exists between the requirements of the base zone district and this chapter, the requirements of this chapter shall apply.
- C. If there is a conflict between this chapter and any other regulations contained in this title that are applicable to the same area or parcel of land, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

10.44.020 Definitions.

“Airport” means any area of land designated and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes, a map of which has been or is hereafter included as a part of the Zoning Map of the City of Tulare.

“Airport elevation” means the elevation of the highest point on the usable or designed runway as established by the City Engineer.

“Airport hazard” means any structure, tree, or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

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“Airport reference point” means the point established at the approximate geographic center of the airport landing area and so designated.

“Height” means used for the purpose of determining height limits in all zones set forth in this chapter, the vertical elevation in feet above the established airport elevation unless otherwise stated.

“Heliport primary surface” means the area of the primary surface coincides in size and shape with the designated landing and takeoff area of a heliport (runway). This surface is a horizontal plane at the elevation of the established heliport elevation.

“Landing area” means the area of an airport used, or to be used, for the landing, taking off, or taxiing of aircraft.

“Non-conforming use” means any structure, tree, or use of land that does not conform to the provisions of this chapter at the time this chapter is made applicable to a particular airport.

“Person” means any individual, firm, co-partnership, corporation, company association, joint stock association, city, county, or district, and includes any trustee, receiver, assignee, or other similar representative thereof.

“Primary surface” means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 250 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on a primary surface is the same as the elevation of the nearest point on the runway centerline.

“Runway” means the paved surface of an airport landing area designated for the landing or taking off of an aircraft.

“STOL primary surface” means any imaginary plane, 300 feet wide, centered on the runway. Its length extends 100 feet beyond each runway end. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

“Structure” means any object constructed, installed, or placed on real property by humans including, but not limited to buildings, towers, smokestacks, and overhead lines.

“Utility runway” means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 lbs. maximum gross weight and less.

“Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approval airport layout plan, a military service’s approved military airport layout plan or by any planning document submitted to the FAA by a competent authority.

10.44.030 Permitted Uses.

A. Permitted uses in the Airport Overlay zone shall include all uses that are permitted in the base zoning district.

- B. Conditional uses in the Airport Overlay zone shall include all uses that are conditional in the base zoning district.

10.44.040 Overlay zone formation.

- A. The Airport Overlay zone may be combined with any other zone district contained on the Official Zoning Map. Zone districts that are combined with the Airport District shall be designated on the Official Zoning Map with the base zone district followed by the Airport Overlay zone notation (AP). For example, land that is zoned Public Lands and is in the Airport Overlay zone will have the notation PL-(AP).
- B. The Airport Zoning Map, which is a part of the Official Zoning Map, will delineate the different zones that are associated with the Airport Overlay zone. The classification of property to the Airport Overlay zone shall be processed consistent with Chapter 10.86, Zoning Ordinance Amendments, with the Airport Overlay zone. Any zone district contained in this title may be combined with the Airport Overlay zone.

10.44.050 Airport Overlay zones.

- A. In order to carry the provisions of this chapter, are hereby created and established certain airport zones that include all of the land lying within the Airport Overlay zone including, approach zones, transitional zones, horizontal zones, and conical zones. An area located in more than one of the following zones is considered to be only the zone with a more restrictive height limitation.
- B. Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this chapter to a height in excess of the applicable height limits herein established for the zone. The applicable height limitations are hereby established for each zone in question as follows:
 - 1. Utility Runway Visual Approach zone. The inner edge of this approach zone coincides with the width of the primary surface and shall have a width as specified on the Airport Zoning Map. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface at a slope upward of 25 feet horizontally for each foot vertically. The slope begins at the end of and at the same elevation as the primary surface and extends to a horizontal distance of 5,000 feet along the extended runway centerline.
 - 2. Heliport Visual Flight Rules (VFR) Approach zone. The inner edge of this approach zone coincides with the width of the primary surface and shall have a width as specified on the Airport Zoning Map. The approach zone expands outward uniformly to a width of 500 feet at a horizontal distance of 4,000 feet from the primary surface at a slope upward of 25 feet horizontally for each foot vertically. The slope begins at the end of and at the same elevation as the primary surface and extends to a horizontal distance of 5,000 feet along the extended runway centerline.
 - 3. Transitional zones (LT). These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping upward

and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as the precision instrument runway approach surface and extending to a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

4. Heliport VFR Transitional zones. These zones extend from the sides of the primary surface and the approach zones a horizontal distance of 250 feet from the primary surface centerline and the extended primary surface centerline and slope upward and outward two feet horizontally for each foot vertically. The slope begins at the sides of and at the same elevation as the primary surface and the approach surfaces and extends a distance of 250 feet measured horizontally from 90-degree angles to the primary surface centerline and extended centerline.
5. Horizontal zone (H). The horizontal zone is hereby established by swinging arcs of radii specified on the Airport Zoning Map from the centerline of each end of the primary surface of each runway and connecting to the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone extends at an elevation of 150 feet above the airport elevation, however, it does not include the approach and transitional zones. The radius of each arc is 5,000 feet for all runways designated as utility or visual.
6. Conical zone (C). The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet. The conical zone slopes upward and outward 25 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation. The conical zone does not include the precision instrument approach zones and the transitional zones.
7. Primary Surface zone (L). The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is 250 feet for utility runways having only visual approaches.
8. Approach Surface zone (AA). An approach surface is applied to each end of each runway based on the type of approach available or planned for that runway end. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 1,250 feet for that end of a utility runway with only visual approaches. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 25 feet to one for all utility and visual runways.

10.44.060 Airport Zoning Map.

The several zones established by this chapter shall be shown and delineated on the Airport Zoning Map of the City of Tulare. This map, for convenience and identification, is divided into parts corresponding to the operational areas of the respective airports included within the provisions of this chapter. Additional parts of the Airport Zoning Map may be adopted from time to time by ordinance. Each part of the Airport Zoning Map shall be described by a descriptive title sufficient to identify the subject and the location and shall contain a map and diagrams including a plot plan of the subject airport showing the location, direction, and dimensions of all runways, the locations

and dimensions of all zones described in this chapter and the specific values applied to said zones in accordance with the formulas established for the regulation of heights described in this chapter.

10.44.070 Use restrictions.

Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

10.44.080 Administration and enforcement.

- A. The Planning Commission is hereby designated as the agency for the administration and enforcement of this chapter.
- B. The City’s Building Inspector shall not issue building permits for the construction, reconstruction or structural alteration of any structure within any of the zones established by this chapter if the construction, reconstruction, or structural alteration would result in violation of the restrictions imposed on the zones by this chapter. Any building permit issued in violation of the provisions of this division shall be null and void.
- C. The Planning Commission shall not take any actions regarding the administration of this chapter without the prior review and recommendation by the City of Tulare Aviation Commission.

10.44.090 Variances.

- A. If practical difficulties, unnecessary hardship, or results inconsistent with the general purpose of this chapter result through the strict and literal interpretation and enforcement of this chapter, then the Planning Commission shall have the authority to process a variance consistent with Chapter 10.84, Variances.
- B. Any variance granted pursuant to Chapter 10.84, Variances, may be allowed subject to any reasonable conditions that the Planning Commission may deem necessary to effectuate the purpose of this chapter and reasonable under the circumstances. Any such variance may be so conditioned as to require the owner of the structure or tree to permit the appropriate airport management at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. Any variance that is granted, subject to any conditions, shall be deemed to be automatically revoked if any of the conditions are violated.

Chapter 10.46

MIXED-USE OVERLAY ZONE

Sections:

10.46.010	Purpose.
10.46.020	Application.
10.46.030	Definitions.
10.46.040	Mixed-Use Development Plan.
10.46.050	Required findings.
10.46.060	Permitted & Conditional Uses.
10.46.070	Development standards.
10.46.080	Design standards.
10.46.090	Architectural standards.
10.46.100	Maintenance of common areas.
10.46.110	Variances.

10.46.010 Purpose.

The purpose of the Mixed-Use Overlay (MU) zone is to provide a tool to encourage and facilitate the development of certain areas by allowing a variety of commercial and residential uses that can be developed in a compatible manner within the same building or site. The objectives of the MU Overlay zone are:

- A. Provide for a set of regulations to allow for the integration of commercial, office, and residential use in close proximity to one another.
- B. Provide for a set of standards that clearly show the relationship of commercial, office, and residential within one developed site or building.
- C. Ensure that the mix of uses will be integrated successfully into a desirable, cohesive district.
- D. Encourage medium to high-density residential development to occur in areas in close proximity to the downtown area or the redevelopment of aging outlying commercial areas.
- E. Establish sites of sufficient size to allow flexibility in achieving the standards of this chapter.

10.46.020 Application.

- A. The MU Overlay zone may be combined with any R-H, C-2, C-3, or C-4 zone.
- B. The requirements of this chapter shall be considered in conjunction with the requirements of any base zone district. If a conflict exists between the requirements of the base zone district and this chapter, the requirements of this chapter shall apply.
- C. Any parcel included in the City’s Housing Element Sites Inventory must be developed with the number of units identified within the Housing Element.

10.46.030 Definitions

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“Mixed-use development” means a single building containing more than one type of land use or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

“Special use permit” means a permit issued to establish conditions of approval for an otherwise permitted or conditional use within a Mixed-Use Overlay zone.

10.46.040 Mixed-Use Development Plan.

- A. Applications for incorporation into the Mixed-Use Overlay zone shall be processed consistent with Chapter 10.86, Zoning Ordinance Amendments.
- B. Zone districts that are combined with the Mixed-Use Overlay zone shall be designated on the Official Zoning Map with the base zone district followed by the Mixed-Use Overlay zone notation (MU).

10.46.050 Required findings.

A mixed-use development may be approved upon making the following findings:

- A. That the site for the proposed development is adequate in size and shape to accommodate the uses, densities, and intensities of development and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscape, and other features required.
- B. That the traffic generated by the proposed development and the public services and facilities required can be provided by existing and planned infrastructure.

10.46.060 Permitted & Conditional Uses.

A. Permitted uses:

- 1. Townhouses.
- 2. Apartments.
- 3. Condominiums.
- 4. Bed and breakfast.
- 5. Mixed-use building or development.
- 6. Open space or plazas.
- 7. Public parks.
- 8. All permitted uses in the C-2 and C-3 Zone districts.

B. Conditional uses:

- 1. All conditional uses in the C-2 and C-3 Zone district.
- 2. Sale of alcohol, on-sale or off-sale

C. Uses not permitted:

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1. Automobile repair.
2. Auto, boat and RV Sales.
3. Sale of gasoline.
4. Single-family detached housing.

10.46.070 Development standards.

A. Development standards shall be as follows:

1. Minimum site area: none.
2. Minimum lot width: 18 feet.
3. Minimum lot depth: none.
4. Minimum residential density:
 - a. If housing is a part of a mixed-use development, dwellings are permitted on and above the second floor of commercial uses with no minimum density.
 - b. Freestanding residential building density of 12 dwelling units per residential acre.
 - c. Notwithstanding a) an b), any parcel proposed for mixed use development which is zoned RH-20 shall develop no less than 22 units per acre.
5. Maximum residential density: 29 dwelling units per net residential acre, either in freestanding residential buildings or in mixed-use buildings on and above the second floor.
6. Minimum front building setback: none for mixed-use, commercial uses, or other. No less than five feet for residential uses.
7. Maximum front building setback: 10 feet.
8. Minimum street side and rear building setback: five feet, except where common walls for attached residential or commercial development are proposed, or existing buildings that are already constructed to the property line.
9. Interior side building setback: a minimum of four feet on each side to provide a minimum of eight feet of separation between buildings. Zero lot lines can be approved with an eight-foot separation. An additional two feet of setback shall be provided for each additional story of building height.
10. Building height: the maximum is five stories.
11. Building height transition: development in the Mixed-Use Overlay zone shall provide for a building height transition when adjacent to an existing single-family residential zone district to provide compatible scale and privacy between developments. Buildings in the Mixed-Use Overlay zone, taller than 22 feet exclusive of any parapet walls, shall provide one foot of separation from the single-family zoned district for each foot of the building height.

10.46.080 Design standards.

A. The following design standards shall apply:

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1. All ground-floor tenant spaces with at least 25 feet of frontage facing a public, or private streets shall have at least one building entrance oriented to the adjacent street. Such an entrance shall open directly to the outside and shall not require a pedestrian to first pass through a garage, parking lot, or loading area to gain access to the entrance from the street, but the entrance may include architectural features such as arcades, anti-chambers, porticos, and the like without being in violation of this provision. If a building has frontage on more than one street, the building shall provide a main building entrance oriented to one of the streets or a single entrance to the corner where the two streets intersect. Where one single tenant has 200 feet or more of frontage on public or private streets, one additional entrance shall be provided for each 200 feet of frontage on one of the public or private streets. Freestanding banking institutions and restaurants located in the Mixed-Use Overlay zone are exempt from the provisions contained in this division and may locate the primary building entrance on any facade of the structure. A clear internal site pedestrian sidewalk or pathway shall be provided to the building entrance from all public or private street sidewalks. A building may have more building entrances than required by this section oriented to a public or private street and may have secondary entrances facing off-street parking areas and loading areas.
2. Residential dwellings fronting on a public or private street shall have a main entrance to the dwelling opening onto the front of the dwelling at the ground floor level. Such an entrance shall open directly to the outside and shall not require passage through a garage to gain access to the doorway. The doorway may be above the final grade where a porch, stoop, portico, anti-chamber, wheelchair ramp, or similar architectural feature is included in the design. Ground floor single-family attached housing or townhouse, condominium residential units fronting on a public or private street shall have separate entries directly from the major pedestrian route.
3. Ground floor and upper story residential units in a multi-family building fronting on a public or private street may share one or more entries accessible directly from the street.
4. Residential building facades over 150 feet in length facing a street shall provide two or more main building entrances.
5. Entryways into mixed-use buildings containing residential units shall be clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.
6. Bicycle parking spaces shall be sited so as not to occupy space within, reduce the size of, or impede the use of required sidewalks, pedestrian ways, curbside landscape strips, landscape buffers, or unable open spaces. All bicycle parking must be easily accessible and shall be equipped or located so as to allow the bicycle to be conveniently and securely locked to a parking device or within a secured bicycle parking area. Covered bicycle parking shall be provided. Covered bicycle parking may be provided within a parking structure, garage, under a separate roof within a bicycle locker, or in a designated area within a building or residential complex. A covered bicycle structure may occupy two of the required on-site parking spaces.
7. Surface parking areas shall provide perimeter parking lot landscaping adjacent to a street that meets one of the following standards: a five-foot wide planting strip between the right-of-way and the parking area shall be provided for streets designated collector or local. A

10-foot-wide planting strip between the right-of-way and parking area shall be provided for streets designated arterial.

10.46.090 Architectural standards.

A. The following design standards shall apply:

1. Mixed-use buildings with ground-level commercial or office use shall conform to the design standards in Section 10.46.080.
2. All development shall provide ground floor windows on the building facade facing and adjacent to a public street, or facing onto a park, plaza, or other public outdoor space. Required windows shall provide a lower sill no more than three feet above grade; except where interior floor levels prohibit such placement, the sill may be located not less than two feet above the finished floor level to a maximum sill height of five feet above exterior grade.
3. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground-floor windows required under this provision except where the closest face of the building to the nearest edge of the sidewalk within a public right-of-way or private street parallel and adjacent to the building is greater than 50 feet.
4. Building frontages along streets shall break any flat, monolithic facade by including architectural elements such as bay windows, recessed entrances, or other articulation so as to provide pedestrian scale to the first floor.
5. Where ground floor windows are required by this section on public, institutional office, and commercial structures, exterior walls facing a public street, public open space, pedestrian walkway, and/or transit station shall have windows, display areas, or doorways for at least 50 percent of the length and 50 percent of the area of the ground level wall area, which is defined as the area to the finished ceiling height of the fronting space or 15 feet above finished grade, whichever is less.

B. Building step-back requirements.

1. Step-back requirements help assure a comfortable street environment by preventing fortress-like facades, providing light and air at the street level, and providing features of interest to pedestrians along streets in mixed-use districts. The following design standards shall apply:
 - a. Step-back requirements shall be achieved, at the option of the applicant, by one of two methods:
 - Floors above the second floor shall be stepped back a minimum of five feet for the first story above two, and an additional five feet for floors above three. The maximum step-back under this method shall not exceed 15 feet.
 - A building shall be stepped back by an appropriate amount from the plane of the street so as to maintain an angle not greater than 60 degrees between the top of the building facade fronting onto the street and the back of the sidewalk of the opposite side of the same street.

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- b. Upon petition of the applicant, the Planning Commission may waive the building step-back requirements of this section provided that the applicant clearly demonstrates the proposed project:
 - Includes window treatments, entry placement, facade relief, and other architectural treatments to provide visual interest and pedestrian-sensitive design at the street level and to maintain a human scale in the streetscape.
 - Extends the same architectural features above the ground floor level through variations in design, detail, and proportion, and by avoiding designs featuring a monolithic street facade.
 2. Where step-back requirements are not required, the above design standards shall be adhered to for multi-story buildings.
- C. Architectural design requirements. The following design requirements shall apply:
1. Buildings shall promote and enhance a pedestrian scale and orientation on the facade facing the public street. Street side building facades and dwelling units within the Mixed-Use Overlay zone shall be varied and articulated to provide visual interest to pedestrians and avoid a flat appearance. In addition, development proposals shall make provisions and include designs consistent with the following:
 - a. All new commercial, public/institutional, mixed-use, and residential buildings constructed within the Mixed-Use Overlay zone shall demonstrate that it promotes and enhances a pedestrian scale and orientation on any facade facing a public or private street and it incorporates discernible and architecturally appropriate features; such as, but not limited to, cornices, bases, fenestration, fluted masonry, bays, recesses, arcades, display windows, unique entry areas or other treatments for visual interest, to create community character and to promote a sense of pedestrian scale. The design shall recognize that the simple relief provided by window cutouts or sills on an otherwise flat facade, in and of themselves, does not meet the requirements of this section.
 - b. All residential dwellings, of any type, constructed within the Mixed-Use Overlay zone shall be constructed with exterior building materials and finishes of high quality to convey an impression of permanence durability. Materials such as, including masonry, stucco, stone, terra cotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow-course horizontal boards or siding, authentic vertical board and batten siding/articulated architectural concrete masonry units (CMU), and similar durable architectural materials are allowed. Materials such as and including, T-111 siding, plain or plain painted plywood and strandboard sheets, concrete or cinder block, smooth surface concrete panels, and similar quality and non-durable material are prohibited.
 2. Commercial buildings and sites shall be organized to group the utilitarian functions away from the public view. Delivery and loading operations, HVAC equipment, trash compacting collection, and other utility and service functions shall be incorporated into the overall design of the building (s) and the landscaping. The visual and acoustic impacts of these functions, along with all wall-or ground-mounted mechanical, electrical, and communications equipment shall be out of view from adjacent properties and public streets, and screening materials and landscape screens shall be architecturally with and not inferior to the principal materials of the buildings and primary landscaping. The visual and acoustic

aspects of roof-mounted equipment behind parapets, within architectural screening, roof-top screening, and deadening the sound of such equipment.

10.46.100 Maintenance of common areas.

Property owner association, a landscape and lighting district, or other similar mechanism for the maintenance of common open space, private streets, or other improvements shall be set up as a condition of approval.

10.46.110 Variances.

- A. A variance may be granted to any development regulation or design standard contained in this chapter provided the Planning Commission finds that by granting the variance:
 - 1. The adjustment will equally or better meet the purposes of the Mixed-Use Overlay zone and of the regulation to be modified.
 - 2. The variance or cumulative variance adjustments result in a project that is still consistent with the overall purpose and intent of the district.
- B. The Planning Commission may approve a variance from the architectural standards if the project meets the following criteria.
 - 1. Multiple main building entrances are required to be oriented to the street. Variances may be granted to allow a single secured entrance to an establishment upon a finding that the internal security measures, which are standard operating procedures of the applicant would be irreparably harmed by this requirement; except in no case shall there be less than one main entrance oriented to a public or private street unless otherwise authorized by an exception contained in this section.
 - 2. Ground floor windows. A variance to the percentage of window area required for ground floor windows in building facades where required by this section may be allowed upon findings that:
 - a. Such windows would unavoidably compromise necessary personal privacy or security within the building (for example, privacy in a clinic examination room, security in a pharmacy storeroom, or security and privacy in a research and development laboratory).
 - b. Due to the design of the structure or other demonstrable restrictions or constraints, the required personal privacy or security cannot otherwise be provided.
 - c. The loss of the window area cannot be recaptured elsewhere on the facade.

Chapter 10.48

FLOODPLAIN MANAGEMENT

Sections:

- 10.48.010** **Statutory authorization; findings of fact; statement of purpose.**
- 10.48.020** **Methods of reducing losses.**
- 10.48.030** **Definitions.**
- 10.48.040** **General provisions.**
- 10.48.050** **Administration.**
- 10.48.060** **Provisions for flood hazard reduction.**
- 10.48.070** **Variance procedures.**

10.48.010 **Statutory authorization; findings of fact; statement of purpose.**

- A. Statutory authorization. The Legislature of the State of California has in Cal. Gov't Code Sections 65302, 65560, and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Tulare does hereby adopt the following floodplain management regulations.
- B. Findings of fact.
 - 1. The flood hazard areas of the City of Tulare are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - 2. These flood losses are caused by uses that are inadequately elevated, flood-proofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities also contributes to the flood loss.
- C. It is the purpose of this chapter to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - 1. Protect human life and health.
 - 2. Minimize expenditure of public money for costly flood control projects.
 - 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
 - 4. Minimize prolonged business interruptions.
 - 5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in areas of special flood hazard.

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6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage.
7. Ensure that potential buyers are notified that the property is in an area of special flood hazard.
8. Ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

10.48.020 Methods of reducing losses.

In order to accomplish its purposes, this chapter includes methods and provisions to:

- A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
- D. Control filling, grading, dredging, and other development which may increase flood damage.
- E. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards in other areas.

10.68.030 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Accessory structure” means a structure that is either:

1. Solely for the parking of no more than two cars.
2. A small, low-cost shed for limited storage, less than 150 square feet, and \$1,500 in value.

“Accessory use” means a use that is incidental and subordinate to the principal use of the parcel of land on which it is located.

“Alluvial fan” means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high-velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

“Apex” means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

“Appeal” means a request for a review of the Floodplain Administrator’s interpretation of any provision of this chapter.

“Area of shallow flooding” means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. The flooding is characterized by ponding or sheet flow.

“Area of special flood hazard” See “Special flood hazard area.”

“Base flood” means a flood that has a one percent chance of being equaled or exceeded in any given year (also called the 100-year flood). “Base flood” is the term used throughout this chapter.

“Base Flood Elevation (BFE)” is the elevation shown on the Flood Insurance Rate Map for zones AE, AH, and A1-30 that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

“Basement” means any area of the building having its floor subgrade i.e., below ground level on all sides.

“Building” See “Structure.”

“Development” means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain which may impede or alter the flow capacity of a floodplain.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community (July 5, 1983).

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood,” “Flooding,” or “Flood water”:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows).
2. The condition resulting from flood-related erosion.

“Flood Boundary and Floodway Map (FBFM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

“Flood Hazard Boundary Map” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

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“Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

“Floodplain” or “Flood-prone area” means an area susceptible to being inundated by water from any source. See “Flooding.”

“Floodplain administrator” means the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain management regulations” means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power that control development in flood-prone areas. This term describes federal, State, or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improve real property, water, and sanitary facilities, structures, and their contents. (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet floodproofing.)

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

“Floodway fringe” means the area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

“Fraud” and “Victimization,” as related to Section 10.48.070 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Tulare City Council will consider the fact that every newly constructed building adds to government responsibilities and remains part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

“Functionally dependent use” means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

“Governing body” means the local governing unit, i.e., the City of Tulare, that is empowered to adopt and implement regulations to provide for the public health, safety, and general welfare of its citizenry.

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“Hardship,” as related to Section 10.48.070 of this chapter, means the exceptional hardship that would result from a failure to grant the requested variance. The City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

“Highest Adjacent Grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on a State inventory of historic places in states with historic preservation programs that have been approved by the Secretary of Interior.
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved State program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

“Levee” means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

“Levee system” means a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area, including the basement (see Basement definition.)

1. An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
 - a. The wet floodproofing standard in Section 10.48.060(A)(3)(c).
 - b. The anchoring standards in Section 10.48.060(A)(1).
 - c. The construction materials and methods standards in Section 10.48.060(A)(2).
 - d. The standards for utilities in Section 10.48.060(B).

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2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see “basement” definition). This prohibition includes below-grade garages and storage areas.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market value” is determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation that has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the Floodplain Administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if the factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

“Mean sea level” for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“Mudslide” means a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

“Mudslide (i.e., mudflow) prone area” means an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

“New construction” for floodplain management purposes means structures for which the “start of construction” commenced on or after the effective date of floodplain management regulations adopted by this community (July 5, 1983) and includes any subsequent improvements to the structures.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community (July 5, 1983).

“Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

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“One-hundred-year flood” or “100-year flood” See “Base flood.”

“Public safety and nuisance” as related to Section 10.48.070 of this chapter means that the granting of a variance must not result in anything that is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational vehicle” means a vehicle which is:

1. Built on a single chassis.
2. Four hundred square feet or less when measured at the largest horizontal projection.
3. Designed to be self-propelled or permanently towable by a light-duty truck.
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

“Remedy a violation” means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing State or federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Sheet flow area” See “area of shallow flooding.”

“Special Flood Hazard Area (SFHA)” means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO, A1-A30, AE, A99 or AH.

“Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The “ACTUAL start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. “Permanent construction” does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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“Structure” means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. The watercourse includes specifically designated areas in which substantial flood damage may occur.

10.48.040 General provisions.

- A. Lands to which this chapter applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Tulare.
- B. The basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated January 5, 1983, and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated July 5, 1983, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas that allow implementation of this chapter and which are recommended to the City Council by the Floodplain Administrator. The study, FIRMs, and FBFMs are on file at 411 East Kern Avenue, Community Development Department.

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- C. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.
- D. Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:
 - 1. Considered as minimum requirements.
 - 2. Liberally construed in favor of the City Council.
 - 3. Deemed neither to limit nor repeal any other powers granted under State statutes.
- F. Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City Council, any officer or employee thereof, the State of California, or the Federal Insurance Administration, Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
- G. Severability. This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

10.48.050 Administration.

- A. Establishment of development permit. A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 10.48.040(B). Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required.
 - 1. Site plan, including, but not limited to:
 - a. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site.
 - b. Proposed locations of water supply, sanitary sewer, and utilities.

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- c. If available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map.
 - d. If applicable, the location of the regulatory floodway.
 2. Foundation design detail, including, but not limited to:
 - a. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
 - b. For a crawlspace foundation, location and total net area of foundation openings as required in Section 10.48.060(A)(3)(c) hereof and FEMA Technical Bulletins 1-93 and 7-93.
 - c. For foundations placed on fill, the location and height of fill and compaction requirements (compacted to 95 percent using the Standard Proctor Test method).
 3. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed, as required in Section 10.48.060(A)(3)(b) hereof and FEMA Technical Bulletin TB 3-93.
 4. All appropriate certifications are listed in Section 10.48.050(C)(4) hereof.
 5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- B. Designation of the Floodplain Administrator. The Community Development Director is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions.
- C. Duties and responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to, the following:
 1. Permit review. Review all development permits to determine that:
 - a. The permit requirements for this chapter have been satisfied.
 - b. All other required State and federal permits have been obtained.
 - c. The site is reasonably safe from flooding.
 - d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined, but a floodway has not been designated. For purposes of this chapter, adversely affects means that the cumulative effect of the proposed development, when combined with all other existing and anticipated developments, will increase the water surface elevation of the base flood by more than one foot at any point.
 2. Review, use, and development of other base flood data.
 - a. When base flood elevation data has not been provided in accordance with Section 10.48.040(B), the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or State agency or other source in order to administer Section 10.48.060. Any such information shall be submitted to the City Council for adoption.

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- b. If no base flood elevation data is available from a federal or State agency or other source, then a base flood elevation shall be obtained using one of two methods from the FEMA publication Managing Floodplain Development in Approximate Zone A Areas - A Guide for Obtaining and Developing Base (100-year) Flood Elevations dated July 1995 in order to administer Section 10.48.060.
 - c. Simplified method.
 - One-hundred-year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication or the discharge drainage area method.
 - Base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA.
 - d. Detailed method.
 - One-hundred-year or base flood discharge shall be obtained using the U.S. Army Corps of Engineers' HEC-HMS computer program.
 - Base flood elevation shall be obtained using the U.S. Army Corps of Engineers' HEC-RAS computer program.
3. Notification of other agencies. Alteration or relocation of a watercourse.
 - a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation.
 - b. Submit evidence of such notification to the Federal Insurance Administration and Federal Emergency Management Agency.
 - c. Assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.
 4. Base flood elevation changes due to physical alterations.
 - a. Within six months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or assure that the permit application submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
 - b. All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.
 - c. Such submissions are necessary so that upon confirmation of the physical changes affecting flood conditions, risk premium rates and floodplain management requirements are based on current data.
 5. Changes in corporate boundaries. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

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6. Documentation of floodplain development. Obtain and maintain for public inspection and make available as needed the following:
 - a. Certification required by Sections 10.48.060(A)(3)(a) and 10.48.060(D) (lowest floor elevations).
 - b. Certification required by Section 10.48.060(A)(3)(b) (elevation or floodproofing of non-residential structures).
 - c. Certification required by Section 10.48.060(A)(3)(c) (wet floodproofing standard).
 - d. Certification of elevation required by Section 10.48.060(C)(2) (subdivision standards).
 - e. Certification required by Section 10.48.060(F)(1) (floodway encroachments).
 7. Map determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided herein.
 8. Remedial action. Take action to remedy violations of this chapter as specified in Section 10.48.040(C).
- D. Appeals. The City Council of Tulare shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

10.48.060 Provisions for flood hazard reduction.

- A. Standards of construction. In all areas of special flood hazards, the following standards are required:
1. Anchoring:
 - a. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. All manufactured homes shall meet the anchoring standards of Section 10.48.060(D).
 2. Construction materials and methods. All new construction and substantial improvement shall be constructed:
 - a. With flood-resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage.
 - b. Using methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.
 - d. Within zones AH or AO, there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

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3. Elevation and floodproofing. (See Section 10.48.030, definitions for “basement,” “lowest floor,” “new construction,” “substantial damage,” and “substantial improvement.”)
 - a. Residential construction, new or substantial improvement, shall have the lowest floor, including basement:
 - In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified. (The State of California recommends that in AO zones without velocity, the lowest floor be elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least two feet or elevated at least four feet above the highest adjacent grade if no depth number is specified.)
 - In an A zone, elevated to or above the base flood elevation; said base flood elevation shall be determined by one of the methods in Section 10.48.050(C)(2). (The State of California recommends the lowest floor be elevated at least two feet above the base flood elevation, as determined by the community.)
 - In AE, AH, and A1-30 zones, elevated to or above the base flood elevation. (The State of California recommends the lowest floor be elevated at least two feet above the base flood elevation.)

Upon the completion of the structure, the elevation of the lowest floor, including the basement, shall be certified by a registered professional engineer or surveyor and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

- b. Non-residential construction, new or substantial improvement, shall either be elevated to conform with Section 10.48.060(A)(3)(a) or together with attendant utility and sanitary facilities:
 - Be floodproofed below the elevation recommended under Section 10.48.060(A)(3)(a) so that the structure is watertight with walls substantially impermeable to the passage of water.
 - Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - Be certified by a registered professional engineer or architect that the standards of this division are satisfied. The certification shall be provided to the Floodplain Administrator.
- c. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking vehicles, building access, or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB 7-93, and must exceed the following minimum criteria:
 - Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped

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with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

- Be certified by a registered professional engineer or architect.

d. Manufactured homes shall also meet the standards in Section 10.48.060(D).

B. Standards for utilities.

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
 - a. Infiltration of flood waters into the systems.
 - b. Discharge from the systems into flood waters.
2. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

C. Standards for subdivisions and other proposed development.

1. All preliminary subdivision proposals or other developments greater than 50 lots or five acres, whichever is less, shall:
 - a. Identify the special flood hazard areas (SFHA) and base flood elevation (BFE).
 - b. Identify the elevations of the lowest floors of all proposed structures and pads on the final plans.
 - c. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
 - Lowest floor elevation.
 - Pad elevation.
 - Lowest adjacent grade.
2. All subdivision proposals shall be consistent with the need to minimize flood damage.
3. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
4. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

D. Standards for manufactured homes.

1. All manufactured homes that are placed or substantially improved, within zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, on sites located:
 - a. Outside of a manufactured home park or subdivision.
 - b. In a new manufactured home park or subdivision.
 - c. In an expansion to an existing manufactured home park or subdivision.
 - d. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, it shall be elevated on a permanent foundation such that the lowest floor of the manufactured

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- home is elevated to or above the base flood elevation (the State of California recommends at least two feet above the base flood elevation) and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 10.48.060(D)(1) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
 - a. Lowest floor of the manufactured home is at or above the base flood elevation (the State of California recommends at least two feet above the base flood elevation).
 - b. Manufactured home chassis are supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.
 - c. Upon the completion of the structure, the elevation of the lowest floor, including the basement, shall be certified by a registered professional engineer or surveyor and verified by the community building inspector to be properly elevated. The certification and verification shall be provided to the Floodplain Administrator.
- E. Standards for recreational vehicles. All recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's Flood Insurance Rate Map will either:
1. Be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use - a recreational vehicle is ready for highway use if it is on its wheels or jacking system, and is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
 2. Meet the permit requirements of Section 10.48.050 and the elevation and anchoring requirements for manufactured homes in Section 10.48.060(D)(1).
- F. Floodways. Located within areas of special flood hazard established in Section 10.48.040(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:
1. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development, unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in [the base] flood elevation during the occurrence of the base flood discharge.
 2. If Section 10.48.060(F)(1) is satisfied, all new construction, substantial improvement, and other proposed new developments shall comply with all other applicable flood hazard reduction provisions of Section 10.48.060.

10.48.070 Variance procedures.

A. Nature of variances.

1. The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance

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may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

2. It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling, and the implications of the cost of insuring a structure built below flood level are so serious that variances in flood elevation or other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

B. Appeal Board.

1. In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
 - a. Danger that materials may be swept onto other lands to the injury of others.
 - b. Danger of life and property due to flooding or erosion damage.
 - c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property.
 - d. Importance of the services provided by the proposed facility to the community.
 - e. Necessity to the facility of a waterfront location, where applicable.
 - f. Availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
 - g. Compatibility of the proposed use with existing and anticipated development.
 - h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - i. Safety of access to the property in time of flood for ordinary and emergency vehicles.
 - j. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
2. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage.

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- b. The construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Tulare County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
 3. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.
- C. Conditions for variances.
 1. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 10.48.070(C)(4) and 10.48.070(C)(5) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
 2. Variances may be issued for the repair or rehabilitation of “historic structures” (as defined in Section 10.48.030 hereof) upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
 4. Variances shall only be issued upon a determination that the variance is the “minimum necessary” considering the flood hazard, to afford relief. Minimum necessary means to afford relief with a minimum deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.
 5. Variances shall only be issued upon a:
 - a. Showing of good and sufficient cause.
 - b. Determination that failure to grant the variance would result in exceptional “hardship” (as defined in Section 10.48.030 hereof) to the applicant.
 - c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 10.48.030), cause fraud or victimization (as defined in Section 10.48.030) of the public, or conflict with existing local laws or ordinances.
 6. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 10.48.060(C)(1) through 10.48.070(C)(5) are satisfied and that the structure or other development is protected by methods that minimize

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flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

7. Upon consideration of the factors of Section 10.48.070(B)(1) and the purposes of this chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

Chapter 10.50

DEVELOPMENT STANDARDS

Sections:

- 10.50.010 Purpose.**
- 10.50.020 Applicability.**
- 10.50.030 Standards that apply in all zones.**
- 10.50.040 Fences, walls, and hedges in all zones.**
- 10.50.050 Outdoor lighting standards.**
- 10.50.060 Exceptions in building setback area limitations.**
- 10.50.070 Exceptions to height limitations.**
- 10.50.080 Property maintenance.**
- 10.50.090 Standards that apply in all Commercial zones.**
- 10.50.100 Standards that apply in all Industrial zones.**

10.50.010 Purpose.

The purpose of this chapter is to establish development standards to preserve, protect, and promote the public health, safety, and general welfare of the city and to minimize environmental impacts and land use conflicts.

10.50.020 Applicability.

This chapter shall apply to uses within all zone districts unless specifically stated otherwise.

10.50.030 Standards that apply in all zones.

- A. Air pollution. No emission shall be permitted that exceeds the requirements of the San Joaquin Valley Air Pollution Control District or the requirements of any air quality plan adopted by the City of Tulare.
- B. Combustibles and explosives. The use, handling, storage, and transportation of combustibles and explosives shall comply with the Uniform Fire Code and California Code of Regulations Title 19.
- C. Discharge of materials. No use shall discharge at any point into any public or private street, public sewer, storm drain, private stream, body of water, or into the ground, any material that can contaminate any water supply, interfere with bacteriological processes in sewerage treatment, or otherwise cause the emission of dangerous or offensive elements, except according to the standards approved by the California Department of Public Health, or any other federal, State or local government agency.
- D. Ground vibration. No use shall be permitted to cause a steady state, earth-borne oscillation beyond the project site. Ground vibration caused by moving vehicles, trains, aircraft, or temporary construction or demolition is exempt from this requirement.

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- E. Odorous gases and matter. No use shall be permitted that emits odorous gases or other odorous matter in such quantities as to be dangerous, harmful, noxious, or otherwise objectionable at a level that is detectable with or without the aid of instruments at or beyond the project site boundary.
- F. Property Development. New development shall be required to install the public infrastructure necessary to adequately serve the project, based on requirements of the City Engineer, including sewer, water, and storm drainage lines, curbs, gutters, sidewalks, street paving, and street lighting. These improvements shall be constructed consistent with requirements shown in the City of Tulare Standards and Specifications Manual and shall be installed prior to occupancy of any structures on the site.
- G. Rooftop equipment. All mechanical equipment located on the roof of any building shall be screened from adjacent views and contained within a completely enclosed penthouse or portion of the same building having walls and roofs with construction and appearance similar to the building.
- H. Trash collection areas. Suitable area shall be provided on-site for collection of trash and recyclable materials for all multi-family residential, mixed-use, commercial, office, public facility and industrial uses. Refuse storage areas shall be adequately screened from view. The refuse area enclosure shall be designed to meet the minimum recommended dimensional standards as determined by the City Engineer and shall provide direct stab access as determined by the City's Solid Waste Manager.
- I. Through lots. A front building setback area shall be provided on each frontage of a through lot, except where access to one of the frontages has been waived or is otherwise prohibited.
- J. Waste materials. Waste materials that are associated with any use that causes fumes or dust, that may be a fire hazard, or that are edible by, or otherwise attractive to, rodents or insects, shall be stored in closed containers.

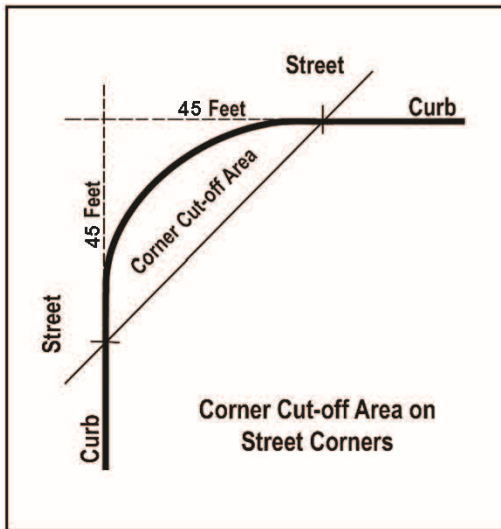
10.50.040 Fences, walls, and hedges in all zones.

- A. No fence or wall shall be placed within the public right-of-way.
- B. A masonry fence exceeding three feet in height shall require engineered footings and a building permit. All other fencing exceeding seven feet in height shall require engineered post footings and a building permit.
- C. Corner Cutoff Areas. The following regulations shall apply at all intersections of streets, alleys, or private driveways in all zoning districts in order to provide adequate visibility for vehicular traffic. There shall be no visual obstruction within the cutoff areas established herein.
 - 1. There shall be a corner cutoff area at all intersecting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of 45 degrees, with the side, front, or rear property line, as the case may be. It shall pass through the points located on both the side and front (or rear) property lines at a distance of 45 feet from the intersection of such lines or their projections at the corner of a street or highway.
 - 2. There shall be a corner cutoff area on each side of any private driveway intersecting a street or alley. The cutoff lines shall be in a horizontal plane, making an angle of 45 degrees with the side, front, or rear property line, as the case may be. They shall pass through a point at a distance determined by the AASHTO 7th Edition Highway and Street Design (Green

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Book), but in no case not less than ten feet, from the edges of the driveway where it intersects the street or alley right-of-way.

3. Where, due to an irregular lot shape, a line at a 45-degree angle does not provide for intersection visibility, said corner cutoff shall be defined by a line drawn from a point on the front (or rear) property line and through a point on the side property line from said intersection of the side and front (or rear) property lines at a distance determined by the AASHTO 7th Edition Highway and Street Design (Green Book).



- D. Allowable fence materials. All fences constructed or installed within the City shall be limited to the materials specified for each zoning district.
- E. All fences and walls shall be constructed of new or good used material, and all fences and walls shall be kept in good repair and adequately maintained. Any dilapidated, dangerous, or unsightly fences or walls shall be removed unless otherwise required, or repaired.
- F. The provisions of this title regarding fences or walls shall not apply to a fence or wall necessary for public safety or as required by any law or regulation of the State, or any agency thereof.
- G. The City reserves the right to remove, at the expense of the owner of the property or properties enclosed by the fence, any fence in a public easement or public right of way in any emergency.
- H. Temporary fences. The use of temporary fences is allowed subject to the following requirements:
 1. A temporary fence may be constructed of chain link or other such material approved by the Director and shall not be permanently affixed to the site.
 2. A temporary fence shall be located on the site in such a manner as not to impede pedestrian or automobile traffic adjacent to the site unless approved by the Director or City Engineer.
 3. A temporary fence placed to secure a construction, rehabilitation, or demolition project on the site shall be removed when the project is completed.

4. A temporary fence placed for a reason other than to secure a construction, rehabilitation, or demolition project on the site shall be removed after 90 days unless a temporary use permit is issued in accordance with Chapter 10.76 which allows a longer period of time.

10.50.050 Outdoor lighting standards.

The following requirements and standards shall apply in all zone districts for the installation and use of outdoor lighting fixtures:

- A. All lights and light fixtures, except public streetlights and solar-powered lights of five watts or less per fixture, shall be located, aimed, or shielded so as to minimize light trespassing across property boundaries or skyward.
- B. No lights or light fixtures shall flash, revolve, blink, or otherwise resemble a traffic control signal or operate in such a fashion as to create a hazard for passing traffic.
- C. Building-mounted lighting fixtures shall be attached only to the walls of the building. The top of a light fixture attached to a building wall shall not be higher than the top of the building parapet or the top of the roof eave, whichever is lower.
- D. Light fixtures under ceiling canopies shall be recessed, or the sides of the lens area shall be shielded to eliminate the emission of horizontal light.

10.50.060 Exceptions in building setback area limitations.

- A. Architectural features, including without limitation, sills, chimneys, fireplaces, cornices, and eaves, may extend into a required side building setback area, a required rear building setback area, or a space between structures, not more than 36 inches, and a porch may extend into a required front building setback area not more than six feet. Where an architectural feature extends more than 24 inches into a required side building setback area, such extension shall meet all fire and building code requirements. No building or projection thereof may extend into a public easement or right-of-way.
- B. Open, unenclosed, uncovered metal fire escapes and depressed ramps or stairways may project into any required yard or space between buildings not more than four feet; and planter boxes attached to a building may be extended into a required front building setback area by not more than three feet.
- C. Fences, walls, hedges, garden structures, walks, driveways, and retaining walls may occupy any required building setback area or other open space, subject to the limitations prescribed in this title.
- D. When more than 60 percent of the linear frontage of lots improved with residential buildings within any street block is comprised of lots with less than the minimum front building setback requirements, the minimum front building setback for proposed new buildings in such block shall be the average of the actual front building setback of the main buildings on either side of the proposed new building.

10.50.070 Exceptions to height limitations.

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, air-conditioning equipment, or similar equipment required to operate and maintain buildings, and fire and parapet walls, skylights, towers, spires, cupolas, road signs (where permitted), flagpoles,

chimneys, smokestacks, television and radio masts, or similar structures may be erected above the height limit but shall not be allowed for the purpose of providing additional floor space.

10.50.080 Property maintenance.

It is a public nuisance for any person owning, leasing, renting, occupying, or having possession of any real property to maintain said real property in a manner in which any of the following conditions are found to exist:

- A. The real property or any buildings, structures, or improvements located thereon which violate one or more of the following:
 - 1. The California Building Standards Code, California Code of Regulations, Title 24, and any and all amendments, thereto, published by the California Building Standards Commission.
 - 2. Any provision of the Tulare Municipal Code.
 - 3. Any other law or regulation, such violations including, without limitation, violations that create a fire hazard, endanger human life, or are hazards to the public health, safety, and general welfare of the citizens of the city, including without limitation, real property, structures or other improvements that are in disrepair or are not properly maintained as determined by the Chief Building Official.
- B. Outdoor storage of personal property of any type or design in any unscreened/unfenced areas fronting any alley, street, or other public right-of-way.
- C. The outside placement, parking, storage, or stockpiling of equipment, materials, vehicles, furnishings, or commodities, not associated with the normal use, maintenance, or repair of a residential dwelling or its accessory structures, including, but not limited to, farm equipment, porta-potties, picking ladders, agricultural produces, produce boxes and bins, trucks larger than one ton, scrap materials, inoperable vehicles, and appliances or furniture.
- D. Real property or structures or improvements thereon not properly maintained so as to constitute a fire hazard by reason of weeds, grass, rank overgrowth, or accumulations of debris or which could harbor rats or other vermin, create an unsightly appearance, or create conditions which are detrimental to neighboring properties.
- E. Broken windows or other structural defects in the real property or any structures or improvements that create hazardous conditions and invite trespassing and malicious mischief including unsafe structural supports, boarded doorways and windows, dry rot, termites, and similar hazards.
- F. Clotheslines visible from a public street.
- G. Garbage cans and garbage receptacles stored in locations on a lot that are visible from the public street or neighboring properties except that, the Enforcement Officer may determine that circumstances involving the property or its occupants make it difficult or impossible to place the garbage cans and receptacles out of public view. If the Enforcement Officer makes such a determination, the Enforcement Officer shall designate a location on the property for the storage of the garbage cans and receptacles even though such location may allow the garbage cans and receptacles to be visible from the public street or neighboring properties.
- H. Failure to maintain any wall, fence, or hedge as to constitute a hazard to persons or property or which creates an unsightly appearance.

- I. Failure to maintain required landscaping and trees and/or removal, destruction, or severe pruning of required landscaping or trees.
- J. Installation of newspaper/magazine racks, overnight/postal drop boxes, or other items of personal property in the public right-of-way without first obtaining an encroachment permit from the City and/or failure to properly maintain said items.

10.50.090 Standards that apply in all Commercial zones.

The following standards apply to all development occurring within the C districts and are intended to facilitate high-quality development that complements the character of Tulare.

- A. Site design. Design and placement of new buildings must consider the existing built environment of the surrounding area, in particular existing setbacks, building size and massing, and color and materials. Toward this end, the following objectives shall be considered:
 - 1. Structures shall be sited in a manner that complements adjacent structures. Where applicable, single and multi-structure sites shall be clustered to create plazas or pedestrian malls. Where clustering is not possible, a visual link between separate structures shall be established, by various means, including stamped concrete walkways, arcade systems, trellises, or other open structures.
 - 2. Structures shall be sited to minimize conflicts between pedestrians and vehicle traffic. Structures can be linked to adjoining street sidewalks with textured paving, landscaping, and trellises.
 - 3. Outdoor spaces between buildings shall be used to provide important pedestrian amenities such as benches, trellises, fountains, artwork, etc.
 - 4. Freestanding commercial structures shall be oriented with the main entry towards the street and should have the main facade parallel to the street, to the extent possible.
 - 5. Loading facilities shall be located to the side or rear of commercial buildings and shall be screened from view to the extent possible.
- B. Parking and circulation. Design considerations for parking and circulation shall include the location of ingress and egress points, pedestrian and vehicle conflicts, on-site circulation patterns, and service vehicle functions.
 - 1. Safe pedestrian circulation systems shall be provided in the design of parking facilities. Pedestrian linkages between buildings in commercial developments should be strongly emphasized.
 - 2. Provide on-site vehicle circulation, which utilizes main entrances and avoids awkward turning movements.
 - 3. Common driveways are encouraged to provide access to adjacent sites and improve on-site circulation.
 - 4. Parking areas shall be generously landscaped to provide interior and perimeter treatments.
 - 5. Parking lots shall be separated from buildings by raised sidewalks or curbing, in conjunction with landscaping where appropriate.

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6. Parking driveways (access points) shall be located as far as possible from street intersections to avoid traffic problems. The number of access points shall be limited to the minimum amount necessary to provide adequate circulation.
7. Parking lots shall be screened from adjoining streets by the use of low earth berms, walls, landscaping, or a combination of these methods.

C. Landscaping.

1. Landscaping for commercial uses shall be used to define specific areas by helping to focus on entrances to buildings and parking lots, define the edges of various land uses, provide a transition between neighboring properties, and provide screening for loading and equipment areas.
2. Landscaping around the entire base of structures is recommended to soften the edge between the parking lot and the building.
3. Trees shall be located throughout parking lots not simply at the ends of aisles.
4. Landscaping must be protected from vehicle encroachment by means of raised planting areas, walls, and curbs.

D. Walls and fences.

1. To the extent possible, walls shall be designed to blend with the overall architectural character of the site, including material, color, and texture. Where possible, landscaping should be used to soften the appearance of walls.
2. Walls shall not be blank, long surfaces, but rather should be articulated with intervening pillars, alternating heights, offsetting sections, and materials that provide variety, including material texturing (as with plaster treatments).
3. Screening fences shall be compatible with the overall site design. Chain link fencing with slats is acceptable for areas not visible from the street. Exterior storage shall be limited to portions of the site least visible to public view.

E. Building design.

1. Consideration should be given to the height and scale of buildings so that they are compatible with that of surrounding development. The height of new buildings shall transition from adjoining buildings to the maximum building height of the new structure.
2. Large buildings shall be designed to avoid the appearance of a box-like structure. Methods to achieve this objective include:
 - a. Vary the planes of the exterior walls. Walls should not run in one direction for more than 50 feet without an offset.
 - b. Vary the height of buildings so that they appear to be divided into distinct massing elements.
 - c. Articulate the different parts of a building's exterior by use of color and material changes, trim accents, window placement, and other facade elements.
 - d. Use of landscaping, including climbing vines, can work to reduce the bulky appearance of buildings.

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- e. All building faces shall receive architectural treatment, not just the street face of the building. Walls and roof lines should have varied planes.
3. Rooflines should not run in a continuous plane for more than 50 feet without offsetting or jogging the roof plane.
4. All roof-mounted equipment shall be screened from public view by materials similar to those used in the overall structure. Mechanical equipment should be located below the highest vertical element of the building.
5. Where appropriate, the use of awnings is encouraged. Awning color and form should be consistent. Plexiglas, metal, and glossy vinyl awnings are discouraged, while canvas, fabric, and matte finish vinyl awnings are encouraged.
6. The following standards for building color should be observed:
 - a. Where possible, the number of colors appearing on exterior walls should be minimized. Most structures should use no more than three colors.
 - b. Large areas of white should be avoided. The use of a subdued dominating color is encouraged, however a bright trim color may be appropriate.
 - c. Colors used on new buildings should be complementary to colors used on surrounding existing development unless surrounding buildings use colors that strongly conflict with these standards.

F. Lighting.

1. Exterior lighting is required to provide illumination for the security and safety of on-site areas such as parking, loading, shipping and receiving, pathways, and other work areas.
2. The design of light fixtures should be architecturally compatible with on-site buildings.
3. All light fixtures must be shielded to confine the spread of light within the boundaries of the site, particularly where uses sensitive to exterior lighting are located in close proximity.

G. Driveways.

1. Driveways shall conform to city commercial driveway approach standards.
2. Entrance driveways to major activity centers shall be no closer than 200 feet from the adjacent intersection of a collector or arterial street, measured from the end of the curb return to the nearest edge of the driveway. Entrance driveways for service stations, small commercial properties, or neighborhood shopping centers shall be no closer than 50 feet from the adjacent intersection, measured from the end of the curb return to the nearest edge of the driveway.
3. Service driveways, or private alleys, provided at the rear of commercial buildings for delivery of goods shall have a minimum width of 25 feet. The City Engineer shall approve all service driveways or private alleys located within 50 feet of a street intersection (measured from the end of the curb return to the nearest edge of the driveway) or other commercial driveway.
4. All entrance driveways for major shopping centers that provide for left and right turning movements on arterial streets shall have a driveway throat of 100 feet.

10.50.100 Standards that apply in all Industrial zones.

The following guidelines apply to all development occurring within the M districts and are intended to facilitate high-quality development that complements the character of Tulare.

A. Site design.

1. For industrial complexes that include multiple buildings (such as an industrial campus), the placement of structures that create opportunities for plazas, courts, or gardens is encouraged. Setback areas may be used to provide space for employee lunch/break areas.
2. Where industrial uses are adjacent to non-industrial uses, buffering techniques such as setbacks, screening, and landscaping shall be provided to reduce/eliminate any negative impacts of industrial operations.

B. Parking and circulation. Important design considerations for parking and circulation include the location of ingress and egress points, on-site pedestrian and vehicle traffic circulation patterns, and service functions. The purpose is to ensure efficient circulation, safety, and visual quality.

1. Site access and internal circulation should be designed in a manner that emphasizes safety and efficiency. Consideration should be given to the separation of employee/customer parking and commercial vehicle operations (trucking, delivery, etc.).
2. Parking facilities shall be designed so that vehicles can move from one area to another on the same site without entering the street.
3. Separate vehicle and pedestrian circulation systems should be considered in the design of parking facilities. Pedestrian linkages between buildings in multi-structure industrial developments should be strongly emphasized. To improve vehicle circulation, parking aisles should be aligned with vehicle circulation routes.
4. Common driveways are encouraged to provide access to adjacent sites and improve on-site circulation.
5. Parking driveways (access points) shall be located as far as possible from street intersections to avoid traffic problems. The number of access points shall be limited to the minimum amount necessary to provide adequate circulation.
6. Parking lots shall be screened from adjoining streets by the use of low earth berms, walls, landscaping, or a combination of these methods.
7. Industrial sites shall be designed to accommodate all parking needs generated by the use. The use of the public street for parking and staging of trucks is not permitted.
8. Parking lots shall be designed to accommodate solid waste pick-up service without excessive backing-up of service trucks.

C. Loading facilities.

1. Loading facilities shall be located out of sight of the public-of-way, to the extent possible. Loading docks are most appropriately located at the rear of buildings, however when the rear of buildings is adjacent to noise-sensitive land uses, loading dock locations should be planned to minimize associated noise impacts on surrounding land uses .

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2. Highly visible loading facilities shall be screened from view particularly if it is not possible to locate them at the rear of the building.
3. For industrial sites within 500 feet of sensitive receptors, heavy-duty trucks shall have a separate entrance accessible via a truck route, arterial road, major thoroughfare, or a local road that predominantly serves commercial oriented uses.
4. Truck entry, exit, and internal circulation shall be located away from sensitive receptors. Heavy-duty diesel truck drive aisles shall be prohibited from being used on sides of the building that are directly adjacent to a sensitive receptor property line.
5. Loading facilities shall be located so that vehicles are not required to use public streets backing into loading docks.

D. Building design.

1. Avoid long, blank building facades, particularly on walls visible from the public right-of-way. Facades with varied setbacks are encouraged. If possible, wall planes should not run in one continuous direction for more than 50 feet without an offset.
2. All elevations to a building should be architecturally treated to avoid monotonous overall design.
3. Window and doors are key elements of a structure's form and should relate to the scale of the facade on which they appear. Windows and doors can help establish character by their rhythm, spacing, and variety. Recessed openings further work to provide depth and contrast on elevation planes.
4. Metal buildings should be architecturally designed, providing variety and visual interest to the streetscape.
5. All roof-mounted equipment shall be screened from public view by materials similar to those used in the overall structure. Mechanical equipment should be located below the highest vertical element of the building.
6. Design elements that are undesirable and should be avoided include:
 - a. Highly reflective surfaces.
 - b. Large blank, unarticulated wall surfaces.
 - c. Exposed, treated block walls.
 - d. Poorly designed mansard roofs on a portion of the roofline.
 - e. Materials with high maintenance requirements, such as stained wood or shingles.

E. Lighting.

1. The design of light fixtures should be architecturally compatible with on-site buildings.
2. All light fixtures must be shielded to confine the spread of light within the boundaries of the site, particularly where uses sensitive to exterior lighting are located in close proximity.

F. Driveways.

1. Driveways shall conform to city industrial driveway approach standards.

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2. Driveways designed for heavy truck usage shall not exceed 60 feet in width without approval from the City Engineer.
3. Minimum separation between on-site driveways shall be 100 feet.

G. Monitored electrified security fences.

1. ‘Monitored electrified security fence’ means a perimeter alarm system with an assembly of battery-powered equipment, including, but not limited to, a monitored alarm device and an energizer which is intended to periodically deliver pulses to a security fence, a battery charging device used exclusively to charge the system's battery, and other integrated components.
2. The monitored perimeter security fence system shall transmit a signal to an alarm monitoring business in response to an intrusion or burglary. The system shall not directly connect to or call law enforcement. The business must first verify the alarm event prior to requesting the deployment of law enforcement.
3. The design, construction, and use of monitored electrified security fences shall be allowed, subject to the following requirements:
 - a. IEC Standard 60335-2-76. Unless otherwise specified herein, Monitored Electrified Security Fences shall be constructed and operated in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard No. 60335-2-76, current edition.
 - b. Power source. The energizer for monitored electrified security fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery is charged by a solar panel.
 - c. Perimeter barrier. Monitored electrified security fences shall be installed behind a minimum five-foot-high, maximum seven-foot-high, non-electrified perimeter barrier. On all new fencing, a minimum of six feet high shall apply.
 - d. Emergency gate access. Before a monitored perimeter security fence is activated, a Knox device shall be approved by the Fire Department. The Knox device will be installed at the main entry gate and fully functional at all times when the monitored electrified security fence is operational.
 - e. Setback. The monitored electrified security fence shall be setback four inches to 12 inches from the non-electrified perimeter barrier.
 - f. Height. Monitored electrified security fences shall be a minimum of two feet above the non-electrified perimeter barrier, but in no event, more than 10 feet in height.
 - g. Warning signs. Monitored electrified security fences shall be clearly identified with warning signs that read: ‘Warning-Electric Fence’ at intervals of not less than 30 feet.
4. It shall be unlawful for any person to install, maintain, or operate a monitored electrified security fence in violation of this chapter.

Chapter 10.52

LANDSCAPE STANDARDS

Sections:

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10.52.020	Objectives.
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10.52.100	Soil Management Report.
10.52.110	Landscape design plan.
10.52.120	Irrigation design plan.
10.52.130	Grading design plan.
10.52.140	Certificate of Completion.
10.52.150	Development standards.
10.52.160	Irrigation scheduling.
10.52.170	Landscape and irrigation maintenance scheduling.
10.52.180	Irrigation audit, irrigation survey, and irrigation water use analysis.
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10.52.200	Recycled water and graywater systems.
10.52.210	Stormwater management and rainwater retention.
10.52.220	Public education.
10.52.230	Environmental review.
10.52.240	Provisions for existing landscapes.
10.52.250	Existing landscape areas.
10.52.260	Water waste prevention.
10.52.270	Effective precipitation.
10.52.280	Appendices.
10.52.290	Enforcement and penalties.

10.52.010 Purpose.

A. The State Legislature has found:

1. That the waters of the State are of limited supply and are subject to ever-increasing demands.
2. That the continuation of California’s economic prosperity is dependent on the availability of adequate supplies of water for future uses.

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3. That it is the policy of the State to promote the conservation and efficient use of water and to prevent the waste of this valuable resource.
 4. That landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development.
 5. That landscape design, installation, maintenance, and management can and should be water efficient.
 6. That Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served, and the right does not and shall not extend to waste or unreasonable methods of use.
- B. Consistent with these legislative findings, the purpose of this chapter is to:
1. Promote the values and benefits of landscaping practices that integrate and go beyond the conservation and efficient use of water.
 2. Establish a structure for planning, designing, installing, maintaining, and managing water-efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that requires the cross-sector collaboration of industry, government, and property owners to achieve the many benefits possible.
 3. Establish provisions for water management practices and water waste prevention for existing landscapes.
 4. Use water efficiently without waste by setting a maximum applied water allowance as an upper limit for water use and reducing water use to the lowest practical amount.
 5. Promote the benefits of consistent landscape ordinances with neighboring local and regional agencies.
 6. Encourage the use of economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure.
 7. Encourage cooperation between the City of Tulare and other local agencies to implement and enforce this chapter.
- C. Landscapes that are planned, designed, installed, managed, and maintained with the watershed-based approach can improve California’s environmental conditions, provide benefits, and realize sustainability goals. Such landscapes will make the urban environment resilient in the face of climatic extremes. Consistent with the legislative findings and purposes of this chapter, conditions in the urban setting will be improved by:
1. Creating the conditions to support life in the soil by reducing compaction, incorporating organic matter that increases water retention, and promoting productive plant growth that leads to more carbon storage, oxygen production, shade, habitat, and esthetic benefits.
 2. Minimizing energy use by reducing irrigation water requirements, reducing reliance on petroleum-based fertilizers and pesticides, and planting climate-appropriate shade trees in urban areas.

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3. Conserving water by capturing and reusing rainwater and graywater wherever possible and selecting climate-appropriate plants that need minimal supplemental water after establishment.
4. Protecting air and water quality by reducing power equipment use and landfill disposal trips, selecting recycled and locally sourced materials, and using compost, mulch, and efficient irrigation equipment to prevent erosion.
5. Protecting existing habitat and creating new habitat by choosing locally native plants, climate-adapted non-natives, and avoiding invasive plants. Utilizing integrated pest management with the least toxic methods as the first course of action.

10.52.020 Objectives.

The objective of this chapter is to establish landscaping regulations that achieve the following:

- A. Conserve water through the selection of plants consistent with Tulare’s Mediterranean climate and the design of water-efficient landscapes.
- B. Enhance the aesthetic appearance of the City by promoting development that is well-landscaped, properly irrigated, and effectively maintained. Further, encourage a landscaping scheme that facilitates the following design concepts, where possible:
 1. Extensive use of vines on bare walls and fences.
 2. Use of plantings to create shadows and patterns against walls.
 3. Use of trees to create canopies and shade, especially in parking lots.
 4. Use of flowering trees in informal groups to provide color and a focal point.
 5. Use of informal massing or colorful plantings to create visual interest.
 6. Use of berms, hedges, low walls, and landscaping to screen parking areas, trash enclosures, and utility areas from public rights-of-way.
 7. Use of space between buildings and streets for landscaping with a hierarchy of plants, including trees, shrubs, and turf or groundcover.
 8. Use of a colorful landscaped edge at the base of buildings to avoid pavement being located at the base of structures.
- C. Reduce ambient temperatures along streets, in parking lots, and around buildings in an effort to conserve energy that is related to cooling.
- D. Preserve the integrity of residential neighborhoods by using landscaping to screen incompatible uses, provide shade for pedestrian and vehicular traffic, and enhance the beauty of the residential setting.
- E. Provide for both solar access for energy generation and for winter warming by properly placing trees in locations that encourage such purposes.

10.52.030 Definitions.

The terms used in this chapter have the meaning set forth below:

“Applied water” means the portion of water supplied by the irrigation system to the landscape.

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“Automatic irrigation controller” means a timing device used to remotely control valves that operate an irrigation system. Automatic Irrigation Controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

“Backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

“Certificate of Completion” means the document required under Section 10.52.140.

“Certified Irrigation Designer” means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization, or other program such as the US Environmental Protection Agency’s WaterSense irrigation designer certification program and Irrigation Association’s Certified Irrigation Designer program.

“Certified Landscape Irrigation Auditor” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization, or another program such as the U.S. Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor program.

“Check valve” or “Anti-drain valve” means a valve located under a sprinkler head or other location in the irrigation system to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

“Common interest developments” means community apartment projects, condominium projects, planned developments, and stock cooperatives per Cal. Civil Code Section 1351.

“Compost” means the safe and stable product of controlled biological decomposition of organic materials that is beneficial to plant growth.

“Conversion Factor (0.62)” means the number that converts acre-inches per acre per year to gallons per square foot per year.

“Distribution Uniformity” means the measure of the uniformity of irrigation water over a defined area.

“Drip Irrigation” means any non-spray low-volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low-volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

“Ecological Restoration Project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

“Effective precipitation” or “Usable rainfall” (Eppt) means the portion of total precipitation that becomes available for plant growth.

“Emitter” means a drip irrigation emission device that delivers water slowly from the system to the soil.

“Established landscape” means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

“Establishment period of the plants” means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are

established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.

“Estimated Total Water Use (ETWU)” means the total water used for the landscape as described in Section 10.52.090.

ET Adjustment Factor (ETAF)” means a factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for a new and existing (non-rehabilitated special landscape area shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

“Evaporation rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

“Flow rate” means the rate at which water flows through pipes, valves, and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

“Flow sensor” means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to the flow rate. Flow sensors must be connected to an automatic irrigation controller or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.

“Friable” means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

“Fuel Modification Plan Guideline” means guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.

“Graywater” means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. Graywater includes but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs but does not include wastewater from kitchen sinks or dishwashers. (Cal. Health and Safety Code Section 17922.12)

“Hardscapes” means any durable material (pervious and non-pervious).

“Hydrozone” means a portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

“Infiltration rate” means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

“Invasive plant species” means Species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive Species may be regulated by county agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

“Irrigation audit” means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes but is not

limited to inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association’s Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency “WaterSense” labeled auditing program.

“Irrigation Efficiency (IE)” means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation Efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this chapter is 0.75 for overhead spray devices and .81 for drip systems.

“Irrigation survey” means an evaluation of an irrigation system that is less detailed than an irrigation audit. An Irrigation Survey includes but is not limited to inspection, system tests, and written recommendations to improve the performance of the irrigation system.

“Irrigation water use analysis” means an analysis of water use data based on meter readings and billing data.

“Landscape Architect” means a person who holds a license to practice landscape architecture in the Cal. Business and Professions Code Section 5615.

“Landscape area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance calculation. The Landscape Area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

“Landscape contractor” means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

“Landscape documentation package” means the documents required under Section 10.52.060.

“Landscape project” means the total area of landscape in a project as defined in “landscape area” for the purposes of this chapter, meeting requirements under Section 10.52.090.

“Landscape water meter” means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.

“Lateral line” means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

“Local Agency” means a city or county, including a charter city or charter county, that is responsible for adopting and implementing the ordinance. The Local Agency is also responsible for the enforcement of this chapter, including, but not limited to, approval of a permit and plan check or design review of a project.

“Local Water Purveyor” means any entity, including a public agency, city, county, or private water company that provides retail water service. The Local Water Purveyor in the City of Tulare is the City.

“Low-volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and

bubblers. Low-volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

“Main Line” means the pressurized pipeline that delivers water from the water source to the valve or outlet.

“Master shut-off valve” means an automatic valve installed at the irrigation supply point, which controls water flow into the irrigation system. When this valve is closed, water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.

“Maximum Applied Water Allowance (MAWA)” means the upper limit of annual applied water for the established landscaped area as specified in Section 10.52.090. It is based on the area’s reference evapotranspiration, the ET adjustment factor, and the size of the landscape area. The estimated total water use shall not exceed the maximum applied water allowance. Special landscape areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0. $MAWA = (E_{to}) (0.62) [(ETAF \times LA) + ((1 - ETAF) \times SLA)]$.

“Median” means an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.

“Microclimate” means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

“Mined-Land Reclamation Projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

“Mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

“New construction” means for the purposes of this chapter, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

“Non-residential landscape” means landscapes in commercial, institutional, industrial, and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest for developments with designated recreational areas.

“Operating pressure” means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

“Overhead sprinkler irrigation systems” means systems that deliver water through the air (e.g., spray heads and rotors).

“Overspray” means the irrigation water which is delivered beyond the target area.

“Permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

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“Pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.

“Plant factor” or “Plant water use factor” means a factor that, when multiplied by *eto*, estimates the amount of water needed by plants. For purposes of this chapter, the plant factor range for very low water-use plants is 0 - 0.1, and the plant factor range for low water-use plants is 0.2 to 0.3. The plant factor range for moderate water-use plants is 0.4 to 0.6, and the Plant Factor range for high water-use plants is 0.7 to 1.0. plant factors cited in this chapter are derived from the publication “Water Use Classification of Landscape Species.” Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

“Project applicant” means the individual or entity submitting a Landscape Documentation Package required under Section 10.52.060 to request a permit, plan check, or site plan review from the City of Tulare. A project applicant may be the property owner or his or her designee.

“Rain sensor” or “Rain sensing shutoff device” means a component that automatically suspends an irrigation event when it rains.

“Record drawing” or “As-builts” means a set of reproducible drawings that show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

“Recreational area” means areas, excluding private single-family residential areas, designated for active play, recreation, or public assembly in parks, sports fields, picnic grounds, amphitheaters, or golf courses - tees, fairways, roughs, surrounds, and greens.

“Recycled water,” “Reclaimed water,” or “Treated Sewage Effluent Water” means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

“Reference Evapotranspiration” or “ET_o” means a standard measurement of environmental parameters that affect the water use of plants. ET_o is expressed in inches per day, month, or year as represented for the State of California in Appendix A of the Model Water Efficient Landscape Ordinance, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well- watered. Reference Evapotranspiration is used as the basis for determining the maximum applied water allowance so that regional differences in climate can be accommodated. The ET_o for the City of Tulare is 50.7.

“Regional Water Efficient Landscape Ordinance” means a local ordinance adopted by two or more local agencies, water suppliers, and other stakeholders for implementing a consistent set of landscape provisions throughout a geographical region. Regional ordinances are strongly encouraged to provide a consistent framework for the landscape industry and applicants to adhere to.

“Rehabilitated landscape” means any re-landscaping project that requires a permit, plan check, or site plan review, meets the requirements of Section 10.52.040, and the modified landscape area is equal to or greater than 2,500 square feet.

“Residential landscape” means landscapes surrounding single or multi-family homes.

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“Runoff” means water that is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

“Soil moisture sensing device” or “Soil moisture sensor” means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

“Soil Texture” means the classification of soil based on its percentage of sand, silt, and clay.

“Special Landscape Area (SLA)” means an area of the landscape dedicated solely to edible plants, recreational areas, and areas irrigated with recycled water.

“Sprinkler head” means a device that delivers water through a nozzle.

“Static water pressure” means the pipeline or municipal water supply pressure when water is not flowing.

“Station” means an area served by one valve or by a set of valves that operate simultaneously.

“Swing joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and prevent equipment damage.

“Submeter” means a metering device to measure water applied to the landscape that is installed after the primary utility water meter.

“Turf” means a groundcover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue, and tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

“Valve” means a device used to control the flow of water in the irrigation system.

“Water Conserving plant species” means a plant species identified as having a very low or low plant factor.

“Water feature” means a design element where open water performs an aesthetic or recreational function. Water Features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

“Watering window” means the time of day irrigation is allowed.

“Wucols” means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension and the Department of Water Resources.

10.52.040 Applicability.

A. After December 1, 2015, and consistent with Executive Order No. B-29-15, this chapter shall apply to all of the following landscape projects:

1. New development projects with an aggregate landscape area equal to or greater than 500 square feet require a building or landscape permit, plan check, or site plan review.

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2. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet require a building or landscape permit, plan check, or site plan review.
 3. Existing landscapes limited to Sections 10.52.240, 10.52.250, and 10.52.260.
 4. Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 10.52.090, 10.52.170, and 10.52.180; and existing cemeteries are limited to Sections 10.52.240, 10.52.250, and 10.52.260.
- B. Any project with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of this chapter or conform to the prescriptive measures contained in Section 10.52.080(A).
- C. For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than 2,500 square feet of landscape and meets the lot or parcel's landscape water requirement (estimated total water use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to Section 10.52.080 (A)(5).
- D. This chapter does not apply to:
1. Registered local, State, or federal historical sites.
 2. Ecological restoration projects that do not require a permanent irrigation system.
 3. Mined-land reclamation projects that do not require a permanent irrigation system.
 4. Plant collections, as part of botanical gardens and arboretums open to the public.

10.52.050 Designation of responsibilities.

The City of Tulare designates the Community Services Department and the Planning Division of the Community Development Department to implement the requirements contained in this chapter.

10.52.060 Compliance with Landscape Documentation Package.

Prior to construction, the City of Tulare shall:

- A. Provide the project applicant with this chapter and procedures for permits, plan checks, or site plan reviews.
- B. Review the Landscape Documentation Package submitted by the project applicant.
- C. Approve or deny the Landscape Documentation Package.
- D. Issue a permit or approve the plan check or site plan review for the project applicant.
- E. Provide inspection of the irrigation system and plant species as approved under division (B).
- F. Upon filing a certificate of completion by the project applicant, the project shall be accepted as complete.

10.52.070 Penalties.

The City of Tulare may identify penalties to the project applicant for non-compliance with this chapter per the penalties enumerated in Section 10.52.290.

10.52.080 Elements of the Landscape Documentation Package.

- A. Projects 2,500 square feet or less. Projects 2,500 square feet or less may comply with the requirements of this chapter by conforming to the prescriptive measures below. Compliance with all of the following items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option:
1. Submit a Landscape Documentation Package that includes the following elements:
 - a. Date.
 - b. Project applicant.
 - c. Project address (if available, parcel and/or lot number(s)).
 - d. Total landscape area (square feet), including a breakdown of turf and plant material.
 - e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed).
 - f. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well.
 - g. Contact information for the project applicant and property owner.
 - h. Applicant signature and date with the statement, “I agree to comply with the requirements of the prescriptive compliance option of the MWEL0.”
 - i. Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into the landscape area (unless contraindicated by a soil test).
 2. Plant material shall comply with all of the following:
 - a. For residential areas, install climate-adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75 percent of the plant area excluding edibles and areas using recycled water; for non-residential areas, install climate-adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100 percent of the plant area excluding edibles and areas using recycled water.
 - b. A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
 3. Turf shall comply with all of the following:
 - a. Turf shall not exceed 25 percent of the landscape area in residential areas, and there shall be no turf in non-residential areas.
 - b. Turf shall not be planted on sloped areas that exceed a slope of one-foot vertical elevation change for every four feet of horizontal length.
 - c. Turf is prohibited in parkways less than 10 feet wide unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.
 4. Irrigation systems shall comply with the following:

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- a. Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data.
 - b. Irrigation controllers shall be of a type that does not lose programming data in the event the primary power source is interrupted.
 - c. Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturer’s recommended pressure range.
 - d. Manual shut-off valves (such as gate valves, ball valves, or butterfly valves) shall be installed as close as possible to the point of connection to the water supply.
 - e. All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014, “Landscape Irrigation Sprinkler and Emitter Standard.” All sprinkler heads installed in the landscape must document a distribution uniformity of a low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
5. At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule, and a schedule of landscape and irrigation maintenance.
- B. Any project over 2,500 square feet. The Landscape Documentation Package shall include the following six elements:
1. Project information:
 - a. Date.
 - b. Project applicant.
 - c. Project address (if available, parcel and/or lot number(s)).
 - d. Total landscape area (square feet).
 - e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed).
 - f. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well.
 - g. Checklist of all documents in the Landscape Documentation Package.
 - h. Project contacts to include contact information for the project applicant and property owner.
 - i. Applicant signature and date with the statement, “I agree to comply with the requirements of the water-efficient landscape ordinance and submit a complete Landscape Documentation Package.”
 2. Water Efficient Landscape Worksheet:
 - a. Hydrozone information table.
 - b. Water budget calculations:
 - Maximum applied water allowance (MAWA).
 - Estimated total water use (ETWU).
 - Soil management report.
 - Landscape design plan.

- Irrigation design plan.
- Grading design plan.

10.52.090 Water Efficient Landscape Worksheet

A. A project applicant shall complete the Water Efficient Landscape Worksheet in Appendix A, attached to Ordinance 15-11 and incorporated by reference as if set forth in full herein, which contains information on the plant factor, irrigation method, irrigation efficiency, and the area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.55 for residential areas and 0.45 for non-residential areas, exclusive of special landscape areas. The ETAF for a landscape project is based on the plant factors and irrigation methods selected. The maximum applied water allowance is calculated based on the maximum ETAF allowed (0.55 for residential areas and 0.45 for non-residential areas) and expressed as annual gallons required. The estimated total water use (ETWU) is calculated based on the plants used and the irrigation method selected for the landscape design. ETWU must be below MAWA.

1. In calculating the maximum applied water allowance and estimated total water use in the City of Tulare, a project applicant shall use 50.6 as the ETo value.

B. Water budget calculations shall adhere to the following requirements:

1. The plant factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources (DWR). The plant factor ranges from 0 to 0.1 for very low water using plants, 0.2 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
2. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
3. All special landscape areas shall be identified and their water use calculated as shown in Appendix A, attached to Ordinance 15-11 and incorporated by reference as if set forth in full herein.
4. ETAF for new and existing (non-rehabilitated special landscape areas shall not exceed 1.0).

10.52.100 Soil Management Report.

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

A. Submit soil samples to a laboratory for analysis and recommendations.

1. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
2. The soil analysis shall include:
 - a. Soil texture.
 - b. Infiltration rate determined by laboratory test or soil texture infiltration rate table.
 - c. pH.
 - d. Total soluble salts.

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- e. Sodium.
 - f. Percent organic matter.
 - g. Recommendations.
3. In projects with multiple landscape installations (i.e., production home developments), a soil sampling rate of one in seven lots or approximately 15 percent will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to one in seven lots.
- B. The project applicant, or his or her designee, shall comply with one of the following:
1. If significant mass grading is not planned, the soil analysis report shall be submitted to the City of Tulare Community Development Department as part of the Landscape Documentation Package.
 2. If significant mass grading is planned, the soil analysis report shall be submitted to the City of Tulare Community Development Department as part of the certificate of completion.
- C. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.
- D. The project applicant, or his or her designee, shall submit documentation verifying the implementation of soil analysis report recommendations to the City of Tulare with a Certificate of Completion.

10.52.110 Landscape design plan.

- A. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.
1. Plant material.
 - a. Any plant may be selected for the landscape, providing the estimated total water use in the landscape area does not exceed the maximum applied water allowance. To encourage the efficient use of water, the following is highly recommended:
 - Protection and preservation of native species and natural vegetation.
 - Selection of water-conserving tree and turf species, especially local native plants.
 - Selection of plants based on local climate suitability, disease, and pest resistance.
 - Selection of trees based on applicable local tree ordinances or tree shading guidelines; and size at maturity as appropriate for the planting area.
 - Selection of plants from local and regional landscape program plant lists.
 - Selection of plants from local Fuel Modification Plan Guidelines.
 - b. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 10.52.120.
 - c. Plants shall be selected and planted appropriately based on their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:

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- Use the Sunset Western Climate Zone System, which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate.
 - Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines), and allow for adequate soil volume for healthy root growth.
 - Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
- d. Turf is not allowed on slopes greater than 25 percent where the toe of the slope is adjacent to an impermeable hardscape and where 25 percent means one foot of vertical elevation change for every four feet of horizontal length (rise divided by run x 100 = slope percent).
 - e. High-water plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.
 - f. A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Cal. Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches. Refer to the local Fuel Modification Plan guidelines.
 - g. The use of invasive plant species, such as those listed by the California Invasive Plant Council, is strongly discouraged.
 - h. The architectural guidelines of common interest development that include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.
2. Water features.
 - a. Recirculating water systems shall be used for water features.
 - b. Where available, recycled water shall be used as a source for decorative water features.
 - c. Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.
 - d. Pool and spa covers are highly recommended.
 3. Soil preparation, mulch, and amendments.
 - a. Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need to meet this requirement.
 - b. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected.
 - c. For landscape installations, compost at a rate of a minimum depth of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches

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into the soil. Soils with greater than six percent organic matter in the top six inches of soil are exempt from adding compost and tilling.

- d. A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to five percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
 - e. Stabilizing mulching products shall be used on slopes that meet current engineering standards.
 - f. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.
 - g. Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan guidelines or other applicable local ordinances.
- B. The landscape design plan, at a minimum, shall:
1. Delineate and label each hydrozone by number, letter, or other method.
 2. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation.
 3. Identify recreational areas.
 4. Identify areas permanently and solely dedicated to edible plants.
 5. Identify areas irrigated with recycled water.
 6. Identify type of mulch and application depth.
 7. Identify soil amendments, type, and quantity.
 8. Identify type and surface area of water features.
 9. Identify hardscapes (pervious and non-pervious).
 10. Identify location and installation details, as well as 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project applicants shall refer to the local agency or regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the landscape design plan, and examples are provided in Section 10.52.210.
 11. Identify any applicable rain harvesting or catchment as discussed in Section 10.52.210 and their 24-hour retention or infiltration capacity.
 12. Identify any applicable graywater discharge piping, system components, and area(s) of distribution.

13. Contain the following statement: “I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan.”
14. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Cal. Business and Professions Code, Section 832.27 of Title 16 of the Cal. Code of Regulations, and Section 6721 of the Cal. Food and Agriculture Code.)

10.52.120 Irrigation design plan.

A. This section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers’ recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

1. System.

- a. Landscape water meters, defined as either a dedicated water service meter or private submeter shall be installed for all non-residential irrigated landscapes of 1,000 square feet but not more than 5,000 square feet (the level at which Water Code 535 applies) and residential irrigated landscapes of 5,000 square feet or greater.
 - A customer service meter dedicated to landscape use provided by the local water purveyor.
 - A privately owned meter or submeter.
- b. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.
- c. If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer’s recommended pressure range for optimal performance.
 - If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
 - Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, they shall be conducted at installation.
- d. Sensors (rain, freeze, wind, etc.). either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

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- e. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a mainline break) or routine repair.
- f. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.
- g. Flow sensors that detect high flow conditions created by system damage or malfunction are required for all non-residential landscapes and residential landscapes of 5,000 square feet or larger.
- h. Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low-pressure shut-down features.
- i. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- j. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
- k. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
- l. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 10.52.090 regarding the maximum applied water allowance.
- m. All irrigation emission devices must meet the requirements set out in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
- n. It is highly recommended that the project applicant or local agency inquire with the City of Tulare Water Utility about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.
- o. In mulched planting areas, the use of low-volume irrigation is required to maximize water infiltration into the root zone.
- p. Sprinkler heads and other emission devices shall have matched precipitation rates unless otherwise directed by the manufacturer's recommendations.
- q. Head-to-head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.
- r. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high-traffic areas or turf grass.

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- s. Check valves or anti-drain valves are required on all sprinkler heads where low-point drainage could occur.
 - t. Areas less than 10 feet in width in any direction shall be irrigated with subsurface irrigation or other means that produce no runoff or overspray.
 - u. Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low-flow non-spray technology. The setback area may be planted or implanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
 - The landscape area is adjacent to permeable surfacing and no runoff occurs.
 - The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.
 - The irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section 10.52.120(A)(1)(h). Overspray and runoff prevention must be confirmed during the irrigation audit.
 - v. Slopes greater than 25 percent shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology as part of the Landscape Documentation Package and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.
2. Hydrozone.
- a. Each valve shall irrigate a hydrozone with a similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
 - b. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
 - c. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The nature, size, and extent of the root zone shall be considered when designing irrigation for the tree.
 - d. Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:
 - Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor.
 - The plant factor of the higher water-using plant is used for calculations.
 - e. Individual hydrozones that mix high- and low-water use plants shall not be permitted.
 - f. On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table (see Appendix B Section A). This table can also assist with the irrigation audit and programming of the controller.

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- B. The irrigation design plan, at a minimum, shall contain:
1. Location and size of separate water meters for landscape.
 2. Location, type, and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices.
 3. Static water pressure at the point of connection to the public water supply.
 4. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station.
 5. Recycled water irrigation systems as specified in Section 10.52.200.
 6. The following statement: “I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan.”
 7. The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Cal. Business and Professions Code, Section 832.27 of Title 16 of the Cal. Code of Regulations, and Section 6721 of the Cal. Food and Agricultural Code.)

(Ord. 15-11, passed 12-15-2015; Ord. 10-24, passed 12-21-2010)

10.52.130 Grading design plan.

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

- A. The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area, including:
1. Height of graded slopes.
 2. Drainage patterns.
 3. Pad elevations.
 4. Finish grade.
 5. Stormwater retention improvements, if applicable.
- B. To prevent excessive erosion and runoff, it is highly recommended that project applicants:
1. Grade so that all irrigation and normal rainfall remains within property lines and does not drain onto non-permeable hardscapes.
 2. Avoid disruption of natural drainage patterns and undisturbed soil.
 3. Avoid soil compaction in landscape areas.
- C. The grading design plan shall contain the following statement: “I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the

grading design plan” and shall bear the signature of a licensed professional as authorized by law.

10.52.140 Certificate of Completion.

- A. The certificate of completion (see Appendix B, attached to Ordinance 15-11 and incorporated by reference as if fully set forth herein, for a sample certificate) shall include the following six elements:
1. Project information sheet that contains:
 - a. Date.
 - b. Project name.
 - c. Project applicant name, telephone, and mailing address.
 - d. Project address and location.
 - e. Property owner name, telephone, and mailing address.
 2. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package:
 - a. Where there have been significant changes made in the field during construction, these “as-built” or record drawings shall be included with the certification.
 - b. A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.
 3. Irrigation scheduling parameters used to set the controller (see Section 10.52.160).
 4. Landscape and irrigation maintenance schedule (see Section 10.52.170).
 5. Irrigation audit report (see Section 10.52.180).
 6. Soil analysis report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section 10.52.100).
- B. The project applicant shall:
1. Submit the signed certificate of completion to the City of Tulare for review.
 2. Ensure that copies of the approved certificate of completion are submitted to the City of Tulare Water Utility and property owner or his or her designee.
- C. The City of Tulare shall:
1. Receive the signed certificate of completion from the project applicant.
 2. Approve or deny the certificate of completion. If the certificate of completion is denied, the City of Tulare shall provide information to the project applicant regarding a reapplication, appeal, or other assistance.

10.52.150 Development standards.

All projects that require a landscaping and irrigation plan pursuant to this chapter shall comply with the following development standards.

A. General standards.

1. All landscape development over 500 square feet (new) or 2,500 square feet (rehabilitated) that requires a permit, plan check, or site plan review shall meet the water efficiency and site design requirements detailed in other sections of this chapter. The project applicant, and owner (if different) shall sign the Landscape Documentation Package as required in Section 10.52.080(B)(1)(i).
2. All exterior areas not devoted to parking, storage, driveways, walkways, or loading areas shall be landscaped. A minimum of five percent of the gross lot area shall be landscaped unless the district in which the project is located does not require yard areas in which case only street trees are required.
3. Landscaping shall be used to screen storage areas, trash enclosures, parking, public utilities, and other similar elements. The landscaping shall screen these elements within three years of installation.
4. Planting and irrigation shall conform to the water use efficiency sections of this code in such a manner that the site-wide estimated total water use (ETWU) will be less than the maximum applied water allowance (MAWA). Landscape plans shall document compliance with the ordinance by submitting a Landscape Documentation Package and providing supporting documentation as required in the ordinance.
5. All landscaping on the City-owned property shall conform to City landscaping and irrigation standards, including the City Services Department Improvements Standards; City of Tulare Parking Lot Tree Shading Design and Maintenance Guidelines; area-specific plans and other applicable documents, as may be updated from time to time.
6. Certain landscapes (see Section 10.52.040) are exempt from the water efficiency documentation requirements of this section. These landscapes must still comply with the development standards in Section 10.52.150 as much as is practical.

B. Trees.

1. Fifteen-gallon street trees shall be planted in the right-of-way along all public streets. The number of street trees required shall be determined by dividing the total street frontage measured at the property line by 30. Round up to whole trees. Actual spacing of trees can vary to accommodate driveways, buried and overhead utilities, and other obstructions. Trees shall be spaced at reasonable mature canopy width.
2. Street tree location can be in the landscape parkway between the curb and sidewalk, in tree wells if approved in the site plan, or on the property side of the sidewalk as appropriate for the particular situation. The species selection shall respect the available root area in the planting zone.
3. The front, rear, and side setbacks facing public streets shall be planted with trees and shrubs to provide an attractive buffer between the building and/or parking and the adjacent roadways and shade for walks and parking lots.

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4. Trees in the setback area, yards, and around the parking lot shall be 15 gallons or larger.
5. Trees planted near sidewalks, curbs, or another hardscape shall be appropriately sized for the root area of the trees and shall be irrigated on a dedicated irrigation valve. If the center of the trunk of the tree is within eight feet of a curb, sidewalk, building, trash enclosure, or other hardscape improvement the tree shall be installed with an 18-inch by 10-foot root barrier installed in a linear fashion adjacent to the concrete improvement.
6. Trees shall be planted in locations where they do not interfere with service lines, basic property rights of adjacent owners, or the right to solar access.

C. Shrubs.

1. Shrubs and living ground covers shall be used in the City right-of-way in lieu of turf. Spacing of shrubs shall not exceed 120 percent of the mature size stated for the shrubs in the current edition of the Sunset Western Garden Book.
2. Front, side, and rear setback areas that abut public streets shall be planted with a combination of shrubs, groundcovers, and mulches in such a manner that the landscape meets the water efficiency requirements elsewhere in this section.
3. Shrubs and ground covers in setbacks shall be spaced at no more than 120 percent of the mature size stated in the current edition of the Sunset Western Garden Book.
4. Unplanted mulch areas may comprise no more than 30 percent of the planter area. Tree canopy over unplanted mulch areas is encouraged.
5. Fifty of the shrubs and ground covers shall be five-gallon containers or larger; the remainder shall be from one-gallon containers.
6. Vines that self-cling shall be planted on all frontage masonry walls for graffiti control.

D. Turf.

1. Turf (as defined in Section 10.52.030) is only allowable in cases where the water budget will demonstrate that adequate irrigation water is available.
2. Concrete mow strips shall separate all turf areas from planter beds on City-owned property.
3. Turf beds shall be a minimum of 10 feet in width unless irrigated with subsurface irrigation; turf may not be used in storm drainage ponds with slopes steeper than 1:6 or on mounds or berms with slopes steeper than 1:8, except as provided for by the City Services Department.
4. Use of artificial turf on City-owned property may be used subject to approval by the Community Services Director.

E. Irrigation.

1. All components of the irrigation system and the irrigation design must meet the water efficiency requirements elsewhere in this section, including:
 - a. Low-volume systems (drip, low-volume sprays, or individual bubblers) shall be used whenever feasible. In City-owned shrub areas low-volume irrigation shall be installed using hard pipe underground with low-volume sprays or bubblers above grade.
 - b. Irrigation for sports turf and recreational turf may use overhead irrigation subject to the restrictions elsewhere in this chapter.

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- c. All irrigation systems shall be equipped with an automatic Smart-controller with Et sensing, weather-sensing and multiple cycle capabilities, and a flexible calendar program.
- d. Plants shall be grouped into hydrozones of like water requirements.
- e. Sprinkler heads must have matched application rates within each control valve.
- f. Sprinkler head spacing shall be designed for head-to-head coverage and placed at a maximum of 50 percent of the diameter of the throw for square spacing and 60 percent for triangular spacing.
- g. Overhead sprays shall not throw water onto hardscape, bare ground areas, or other non-planted areas, including sidewalks between landscaped areas. Irrigation water must stay in landscape areas and not drain off to storm drains or gutters.
- h. Pop-up sprinklers must have a six-inch pop-up height and must clear all plant material and obstacles in their throw zone.
- i. Automatic rain shut-off devices shall be required on all irrigation systems.
- j. One valve shall be dedicated to tree irrigation and shall be able to run independently of any other irrigation valve.

F. Mulch.

- 1. As required elsewhere in this chapter, a minimum of three inches of mulch is required in all non-turf planters.
- 2. Mulch may be organic (such as bark, compost, or straw) or mineral (such as cobble or decomposed granite).
- 3. Mulch on City-owned property must be coarse ground cedar or redwood bark product. Dyed products are prohibited.
- 4. Plastic or other non-porous sheeting is prohibited in City-owned landscape and lighting district planters and discouraged elsewhere.

G. Mounding.

- 1. Mounds that contain turf or groundcover shall be no steeper than 1:8 and 1:5, respectively. Slopes steeper than 1:8 may contain shrubs if this material is irrigated with a drip or other low-volume system.
- 2. Incorporate compost into the mounds prior to compaction per Section 10.52.110 (A)(3). Mounds shall be compacted prior to planting.

H. Corner lots. Landscape and irrigation plans for any development involving corner lots at project entries shall include additional special design requirements, including, but not limited to, the following:

- 1. Incorporate significant landscape or hardscape features, including specimen trees; wall breaks, angled walls or walls with different material treatments; special signing or lighting or statue.
- 2. Specimen trees.

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3. Corner landscape and irrigation plans shall be designed so that proper sight lines across the corner are maintained consistent with the Traffic Safety Sight Area as defined in Section 10.52.030 (Definitions).
- I. Walls. Plans for development project walls facing public streets should include the following special design requirements, including, but not limited to, the following:
 1. Wall material should vary. Caps, pilasters, or corner segments of the wall should vary in appearance from the primary portion of the wall.
 2. Masonry walls shall be planted with vines in order to soften the appearance of the wall and discourage graffiti.
 3. Non-masonry fences facing public streets or property shall be set back from the back of walk a minimum of three feet and planted with shrubs or other plant materials.
- J. Parking lots. Parking lot plans for non-residential developments serving 20 parking stalls or greater should include the following design requirements. These requirements will promote an attractive visual environment, promote a transition between land uses, reduce energy consumption in buildings adjacent to parking lots, and decrease glare and high summer temperatures community-wide by reducing the amount of exposed pavement.
 1. A combination of landscaping and/or low walls and/or mounding shall be installed between the parking lot and the street to screen the parking lot from view from the public right-of-way.
 2. All parking lots with a capacity of 20 cars or more shall contain shade trees, which within 10 years from installation, shall shade 50 percent of the parking lot. All surfacing on which a vehicle can drive is subject to shade calculation, including parking stalls, drive aisles, and all maneuvering areas. Guidelines for shade calculations and a list of approved parking lot trees are contained in the Parking Lot Tree Shading Design Manual.
 3. For each 10 parking spaces, a minimum of one 15-gallon or larger shade tree shall be installed, but more may be required to meet the 50 percent shading requirement. Trees shall be contained in tree wells or planters with an outside measurement of not less than five feet by five feet that are enclosed with a concrete curb not less than six inches high. Continuous planting islands between rows of cars are encouraged to allow for multiple tree plantings and increased soil volume for tree roots.
 4. Shade trees planted within a parking lot should be evenly distributed throughout the lot.
 5. Shrubs and trees shall be planted in locations that do not conflict with the front of cars that extend into a planter area. If within eight feet of the curb, trees shall be located aligned with parking lot stripes and shall be provided with root barriers as in division (B)(5) above.

10.52.160 Irrigation scheduling.

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

- A. Irrigation scheduling shall be regulated by automatic irrigation controllers.

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- B. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- C. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission devices, flow rate, and current reference evapotranspiration. so that applied water meets the estimated total water use. Total annual applied water shall be less than or equal to the maximum applied water allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
- D. Parameters used to set the automatic controller shall be developed and submitted for each of the following:
 - 1. The plant establishment period.
 - 2. The established landscape.
 - 3. Temporarily irrigated areas.
- E. Each irrigation schedule shall consider for each station all of the following that apply:
 - 1. Irrigation interval (days between irrigation).
 - 2. Irrigation run times (hours or minutes per irrigation event to avoid runoff).
 - 3. Number of cycle starts required for each irrigation event to avoid runoff.
 - 4. Amount of applied water scheduled to be applied on a monthly basis.
 - 5. Application rate setting.
 - 6. Root depth setting.
 - 7. Plant type setting.
 - 8. Soil type.
 - 9. Slope factor setting.
 - 10. Shade factor setting.
 - 11. Irrigation uniformity or efficiency setting.

10.52.170 Landscape and irrigation maintenance scheduling.

- A. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
- B. A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost; replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing obstructions to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

- C. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.
- D. A project applicant is encouraged to implement established landscape industry sustainable best practices for all landscape maintenance activities.

10.52.180 Irrigation audit, irrigation survey, and irrigation water use analysis.

- A. All landscape irrigation audits shall be conducted by a local agency landscape irrigation auditor or a third-party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
- B. In large projects or projects with multiple landscape installations (i.e., production home developments), an auditing rate of one in seven lots, or approximately 15 percent, will satisfy this requirement.
- C. For new construction and rehabilitated landscape projects installed after December 1, 2015, as described in Section 10.52.040:
 - 1. The project applicant shall submit an irrigation audit report with the certificate of completion to the City of Tulare that may include, but is not limited to inspection, system tune-up, system test with distribution uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming:
 - 2. The City of Tulare shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the maximum applied water allowance.

10.52.190 Irrigation efficiency.

For the purpose of determining estimated total water use, average irrigation efficiency is assumed to be 1.75 for overhead spray devices and 0.81 for drip system devices.

10.52.200 Recycled water and graywater systems.

- A. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water.
- B. All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State laws.
- C. Landscapes using recycled water are considered special landscape areas. The ET adjustment factor for new and existing (non-rehabilitated special landscape areas shall not exceed 1.0.
- D. Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to Cal. Plumbing Code (Title 24, Part 5, Chapter 16) and any applicable local ordinance standards. Refer to Section 10.52.040 (C) for the applicability of this chapter to landscape areas less than 2,500 square feet, with the estimated total water use met entirely by graywater.

10.52.210 Stormwater management and rainwater retention.

- A. Stormwater management practices minimize runoff and increase infiltration, which recharges groundwater and improves water quality. Implementing stormwater best management

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practices into the landscape and grading design plans to minimize runoff and increase on-site retention and infiltration are encouraged.

- B. Project applicants shall refer to the City of Tulare or the Regional Water Quality Control Board for information on any applicable stormwater technical requirements.
- C. All planted landscape areas are required to have friable soil to maximize water retention and infiltration. Refer to Section 10.52.110(A)(3).
- D. It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) from either the one-inch, 24-hour rain event or the 85th percentile, 24-hour event, and/or additional capacity as required by any applicable local, regional, State or federal regulation.
- E. It is recommended that stormwater projects incorporate any of the following elements to improve on-site stormwater and dry weather runoff capture and use:
 - 1. Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.
 - 2. Minimize the area of impervious surfaces such as paved areas, roofs, and concrete driveways.
 - 3. Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff.
 - 4. Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.
 - 5. Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.
 - 6. Incorporate infiltration beds, swales, basins, and dry wells to capture stormwater and dry weather runoff and increase percolation into the soil.
 - 7. Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

10.52.220 Public education.

- A. Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management, and maintenance that save water is encouraged in the community.
 - 1. The City of Tulare shall provide information to owners of permitted renovations and new, single-family residential homes regarding the design, installation, management, and maintenance of water-efficient landscapes based on a water budget.
- B. Model homes. All model homes shall be landscaped and shall use signs and written information to demonstrate the principles of water-efficient landscapes described in this chapter.
 - 1. Signs shall be used to identify the model as an example of a water-efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water-efficient theme. Signage shall include information about the site water use as designed per the local ordinance; specify who designed and installed the water-efficient landscape and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.

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2. Information shall be provided about designing, installing, managing, and maintaining water-efficient landscapes.

10.52.230 Environmental review.

The City of Tulare must comply with the California Environmental Quality Act (CEQA), as appropriate.

10.52.240 Provisions for existing landscapes.

The City of Tulare may, by mutual agreement, designate another agency to implement some or all of the requirements contained in this chapter. The City of Tulare may collaborate with other agencies to define each entity's specific responsibilities relating to this chapter.

10.52.250 Existing landscape areas.

- A. This section shall apply to all existing landscapes that were installed before December 1, 2015, and are over one acre in size.
 1. For all landscapes in division (A) that have a water meter, the City of Tulare shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the maximum applied water allowance for existing landscapes. The maximum applied water allowance for existing landscapes shall be calculated as $MAWA = (0.8) (E_{to})(LA)(0.62)$.
 2. For all landscapes in division (A), that do not have a meter, the City of Tulare shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.
- B. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

10.52.260 Water waste prevention.

- A. The City of Tulare shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage and overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties are as defined in Section 10.52.290.
- B. Restrictions regarding overspray and runoff may be modified if:
 1. The landscape area is adjacent to permeable surfacing and no runoff occurs.
 2. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

10.52.270 Effective precipitation.

The City of Tulare may consider effective precipitation (25 percent of annual precipitation) in tracking water use and may use the following equation to calculate the maximum applied water allowance: $MAWA = (E_{to} - E_{ppt}) (0.62) [(0.55 \times LA) + (.45 \times SLA)]$ for residential areas. $MAWA = (E_{to} - E_{ppt}) (0.62) [(0.45 \times LA) + (.55 \times SLA)]$ for non-residential areas. The effective precipitation in the City of Tulare shall be considered to be 7.55.

10.52.280 Appendices.

The City of Tulare hereby incorporates herein by reference Appendix A: Sample Water Efficient Landscape Worksheet and Appendix B: Sample Certificate of Completion attached to Ordinance No. 15-11.

10.52.290 Enforcement and penalties.

- A. No certificate of occupancy shall be issued for any development project for which a landscaping and irrigation plan is required pursuant to this chapter until all improvements shown on the plan have been installed and the certificate of completion has been accepted by the City. The Community Development Department may issue a temporary certificate of occupancy, where completion of the improvements has been delayed because of adverse weather. An extension may be granted upon execution of an agreement with the City and providing a cash deposit or letter of credit in an amount equal to the cost of completing the work.
- B. Violations of the provisions of this chapter shall be subject to an administrative citation (Chapter 1.61).

Chapter 10.54

PARKING AND LOADING STANDARDS

Sections:

10.54.010	Purpose.
10.54.020	Application.
10.54.030	General location and use of parking areas.
10.54.040	Number of parking spaces required.
10.54.050	Exceptions to required number of spaces.
10.54.060	Joint use of parking.
10.54.070	Director modification.
10.54.080	Location of parking spaces.
10.54.090	Standards for off-street parking facilities.
10.54.100	Parking dimensions.
10.54.110	Off-street loading facilities required.
10.54.120	Standards for off-street loading facilities.
10.54.130	Replacement of off-street parking and off-street loading facilities.
10.54.140	Landscaping of parking areas.
10.54.150	Parking for bicycle and low-emission vehicles.
10.54.160	Garage conversions of required parking to living space.
10.54.170	Unimproved lots.

10.54.010 Purpose.

The purpose of this chapter is to provide parking and loading regulations for new development and uses that are established in Tulare.

The objectives of this chapter are:

- A. To provide for accessible, attractive, secure, properly lighted, and well-maintained and screened off-street parking facilities and off-street loading facilities.
- B. To provide for parking and loading facilities that are designed to reduce traffic congestion and hazards.
- C. To minimize the impact of new development on parking and loading facilities on surrounding properties.
- D. To ensure the maneuverability of emergency vehicles in parking facilities.
- E. To provide for loading and delivery services in proportion to the needs generated by the proposed land use which are clearly compatible with adjacent parcels and the surrounding neighborhood.

10.54.020 Application.

The parking and loading standards in this chapter shall apply to all zone districts unless otherwise specified.

10.54.030 General location and use of parking areas.

The land areas set aside for parking to meet the provisions of this chapter shall be usable and accessible for the type of off-street parking that is required. Off-street vehicle parking is restricted to only approved off-street parking facilities as designed and developed in accordance with this chapter.

10.54.040 Number of parking spaces required.

- A. At the time of initial occupancy of a site or any existing structure, or of the construction of a building, or of a major alteration or expansion of a site or building, or a change in the use of property that requires additional parking spaces, the number of off-street parking facilities for automobiles shall be provided in accordance with Table 10.54.040-1.
- B. For the purposes of this section, square feet shall mean the gross square feet of a building. Employees shall mean the expected number of employees determined at the time a use commences.
- C. For uses not listed under this chapter, the Director shall determine parking and loading space requirements based on the standards for comparable uses and based upon the particular characteristics of the subject use.
- D. If, in the application of the requirements of this section, a fractional number is obtained, one parking space shall be provided for a fraction of one-half or more, and no parking space shall be required for a fraction of less than one-half.

**Table 10.54.040-1
Number of Parking Spaces**

Land Use	Tulare Proposed Parking Space Requirement
Assisted living, skilled nursing, or hospice facility; residential care facility	1 space per dwelling unit or 1 space for every 6 beds, plus one space per employee on the largest shift
Single-family dwelling	2 covered spaces per dwelling unit
Multi-family dwelling, no bedroom (i.e., studio or SRO)	1 space per dwelling unit unless located in Downtown Overlay zone or TOD area

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Land Use	Tulare Proposed Parking Space Requirement
Multi-family dwelling, 1, 2, or more bedrooms	1 bedroom: 1 covered space per dwelling unit 2 or more bedrooms: 2 spaces per unit, of which at least 1 shall be covered, plus 1 uncovered guest space per 5 dwelling units unless located in Downtown Overlay zone or TOD area
Single- or multi-family dwelling specifically for seniors 55 years of age or older	1 space per dwelling unit plus 1 uncovered guest space per 10 units unless located in Downtown Overlay zone or TOD area
Boarding house or rooming house, lodging	1 space per 2 beds
Motel, hotel, or bed and breakfast inn	1 space per guest room, plus 1 space per employee on evening shift, plus 50% of the parking requirements for associated on-site uses, such as restaurants and banquet rooms
Live/work facility	2 covered parking spaces, plus one space for each employee that does not live within the home unless located in Downtown Overlay zone or TOD area
Retail store; shopping center	1 space per 300 square feet
Retail store selling large items (appliances, furniture, hardware); food locker	1 space per 500 square feet
Bank	1 space per 300 square feet of building area
Fuel sales	spaces required by accompanying on-site uses (retail, service, restaurant) with a minimum of 2 spaces Spaces at pump islands may be counted, but not to exceed four spaces, provided that at least five on-site spaces are not located at pump islands.
Indoor commercial recreation facility; health or fitness facility	1 space per 300 square feet
Restaurant, bar, nightclub, lounge, brewpub	1 space per 150 square feet

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Land Use	Tulare Proposed Parking Space Requirement
Microbrewery	1 space per 150 square feet open to the public
Artisan food, beverage production, and sales	1 space per 150 square feet open to the public
All office and medical uses, except call center, hospital, and pharmacy	1 space per 250 square feet plus 5 spaces for each professional (e.g., RN, PA, MD, DO, DDS, LCSW, PsyD, etc.) that sees patients or clients on an appointment basis
Call center	1 space per employee; otherwise, 1 space per 250 square feet
Hospital	1 space per 3 beds plus 2 spaces for every 3 employees of the maximum working shift, including doctors
Pharmacy	1 space per 300 square feet
Government office; social service office, assistance center, or guidance center	1 space per 250 square feet unless located in Downtown Overlay zone or TOD area
All Service commercial uses	1 space per 300 square feet plus additional parking spaces prescribed by the Director or Site Plan Review Committee
Studio for martial arts, music, dance, yoga, exercise, gymnastics, or similar	1 space per employee, plus 1 space per 2 students at maximum occupancy unless located in Downtown Overlay zone
All manufacturing and processing uses except agricultural food production and animal raising; cold storage or ice house	1 parking space for each employee during the shift of maximum employment, plus 1 parking space for each vehicle used in conjunction with the use
Mini-warehouse or self-storage	1 space per 250 square feet of office space, plus 1 space per caretaker residence
Commercial and industrial uses conducted primarily outside of buildings, including junk yard, wrecking yard, or salvage facility, and vehicle impound yard	1 parking space for each employee on the maximum shift plus additional parking spaces prescribed by the Director or Site Plan Review Committee

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Land Use	Tulare Proposed Parking Space Requirement
Auditorium; card room; club, lodge, or private meeting hall; funeral home or mortuary; religious institution or facility; theater; community center or facility	1 space per 4 fixed seats; or 1 space for each 35 square feet of non-fixed seating area in the principal sanctuary, conference space, or auditorium, whichever is greater
All recreation uses except indoor commercial recreation facility, small health or fitness facility, and park or playground	As prescribed by the Director or Site Plan Review Committee
School; public, private, or charter (kindergarten to 8 th grade)	<p>Kindergarten and nursery schools: 1 parking space for each employee plus one parking space for each 10 children</p> <p>Elementary and junior high schools: 2 parking spaces for each classroom, plus the number of additional spaces prescribed by the Director</p>
School; public, private, or charter (9 th to 12 th grade)	<p>Kindergarten and nursery schools: 1 parking space for each employee plus one parking space for each 10 children</p> <p>Elementary and junior high schools: 2 parking spaces for each classroom, 2 spaces per classroom plus 1 space for each employee, plus the number of additional spaces prescribed by the Director</p>
School; trade, vocational, art, business, or professional	1 space per employee plus 10 spaces per classroom, plus 1 space per 300 square feet of administrative office use, plus additional parking for either stadium or auditorium or as approved by conditional use permit
College or university	1 space per employee plus 10 spaces per classroom, 5 spaces per classroom plus 1 space per 300 square feet of administrative office use, plus additional parking for either stadium or auditorium or as approved by conditional use permit
Daycare center	1 space per employee plus on-site drop-off area

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Land Use	Tulare Proposed Parking Space Requirement
Library, museum, cemetery, fairgrounds, public building, and grounds other than offices and educational uses	1 space per 300 square feet of gross floor area unless located in Downtown Overlay zone or TOD area
Mobile home park	1 covered space in conjunction with each mobile home, plus 1 space for each 10 mobile home sites for guest parking.
Recreational vehicle park	1 space per employee of the maximum working shift
Airport, heliport, bus, transit, or train station	As prescribed by the Director or Site Plan Review Committee
Truck stop or travel center, trucking or transportation terminal	1 space per employee of the maximum working shift plus the number of additional spaces prescribed by the Director or Site Plan Review Committee
Warehouse or distribution center	1 space for each 1,000 square feet of gross floor area for the first 20,000 square feet and 1 space for each 5,000 square feet thereafter, plus 1 per 250 square feet of office.
Emergency Shelter	As prescribed by the Director or Site Plan Review Committee (Any requirement to be consistent with the requirements of AB 2339)
Post office	1 space per 500 square feet plus 1 space per employee of the maximum working shift
Public corporation yard, utility yard, or vehicle and heavy equipment maintenance and storage yard; public safety facility or station	1 space per employee of the maximum working shift plus the number of additional spaces required by the Director based on trip generation
Adult entertainment establishment	Director shall determine parking and loading space requirements based on the standards for comparable uses and based on the particular characteristics of the subject use
Uses not specifically described in this table	Director shall determine parking and loading space requirements based on the standards for

Land Use	Tulare Proposed Parking Space Requirement
	comparable uses and based on the particular characteristics of the subject use

10.54.050 Exceptions to required number of spaces.

- A. No additional parking spaces shall be required for a change in use or a building enlargement of less than 1,000 square feet in an existing building located within the Downtown Overlay zone.
- B. In the event a change in use requires an increase of two or less off-street parking spaces, no additional parking spaces shall be required.
- C. No additional off-street parking facilities shall be required solely because of the remodeling of an existing use or building unless there is a change in use or increase in floor area or another unit of measurement as the result of such remodeling.
- D. The total requirements for off-street parking facilities for a mixed-use development on the same site shall be 90 percent of the sum of the parking space requirements for the various uses.
- E. No existing land use or structure shall be deemed to be a non-conforming use solely because of the lack of off-street parking or off-street loading facilities prescribed in this chapter.
- F. For uses located in Downtown Overlay zone or TOD area, the Director may reduce parking and loading space requirements by up to 50 percent. Reductions beyond 50 percent may be approved by Variance in accordance with Chapter 10.84.

10.54.060 Joint use of parking.

- A. Where two or more non-residential uses share a single parking lot, the number of required parking spaces may be reduced by a maximum of 20 percent, as long as the total number of spaces is not less than the required for the use requiring the largest number of spaces.
- B. Where non-residential uses share a single parking lot and it can be demonstrated that the uses operate at different times of the day (an evening use versus a day-time use), the required number of parking spaces may be reduced by up to 50 percent of the combined parking requirements of the two uses.
- C. Where two nearby uses have distinct and differing peak parking demands (an evening use versus a day-time use), or where it can be demonstrated that one site has an excess supply of parking spaces that will not be used in the foreseeable future, the required number of parking spaces may be reduced through minor deviation, provided that the parking lots of each use are located within 200 feet of each other (as measured along the most direct pedestrian path). The amount of reduction may be up to 50 percent of the amount of spaces required for the most intensive of the two uses sharing the parking.

10.54.070 Director modification.

Parking space requirements of this chapter may be modified through minor deviation approval based upon specific findings that the characteristics of a use or its immediate vicinity do not necessitate the number of parking spaces required and that reduced parking will be adequate to

accommodate all parking needs generated by the use. To grant a modification, the Director must make the following findings:

- A. That neither present nor anticipated future traffic volumes generated by the use of the site in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
- B. That the granting of the modification will not create a safety hazard or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
- C. That the granting of the modification will not create a safety hazard or any other condition inconsistent with the objectives of this title.

10.54.080 Location of parking spaces.

- A. Off-street parking and off-street loading shall be located on the same site as the use for which they are required or within 100 feet of the business, except that within the Downtown Overlay/ /TOD/Mixed-Use Overlay zone may locate required off-street parking within 400 feet of the use for which the spaces are required, measured by the shortest route of pedestrian access.
- B. All parking spaces, whether required by this chapter or in addition to that which is required, shall be located outside of a street side yard setback.

10.54.090 Standards for off-street parking facilities.

Off-street parking facilities shall conform to the following standards and be approved by the Director in accordance with Chapter 10.54:

- A. Parking areas shall be designed to the City’s standard specifications and approval by the City Engineer.
- B. All parking areas shall have ingress and egress to and from a street or alley as required by the City’s standard specifications.
- C. Accessible parking spaces shall be provided and designed as required by the Americans with Disabilities Act.
- D. Sufficient room for turning and maneuvering vehicles shall be provided on the site, including fire and refuse collection vehicles; backing onto a public street is to be avoided.
- E. Developed parking areas are to be utilized by all vehicles associated with or visiting the site.
- F. Entrances and exits to parking lots and other parking facilities shall be provided only at locations approved by the Director.
- G. Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be in scale with the height and use of the structure. Lighting shall be installed so as not to cause a nuisance to adjoining properties. Off-site illumination shall be limited to 0.5 foot-candles where adjacent property is residential.
- H. Concrete curbing at least six inches tall and six inches wide shall be provided around all perimeter areas and around all landscape areas to define the edges of the parking lot and to protect landscaping. Wheel stops are required to protect walkways when a vehicle overhang of two feet would result in less than 48 inches of clear path of travel on adjacent sidewalks, or when required to protect structures or adjacent facilities.

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- I. Parking spaces shall be clearly marked with paint striping a minimum of four inches in width. Other markings and signage shall be provided to show circulation patterns. All paint striping shall be maintained by the property owner.
- J. All commercial parking lots shall be landscaped and shall be provided with pedestrian-oriented circulation patterns.
- K. Tandem parking is allowed in mobile home parks, commercial parking structures with valet parking, single-family homes, and up to 20 percent of required parking for multi-family housing.
- L. Parking lots for commercial development should have pedestrian-oriented circulation patterns.
- M. No commercial repair work or servicing of vehicles shall be conducted in a parking area.
- N. The storage of abandoned, dismantled, wrecked, inoperative vehicles or parts thereof within setback areas is prohibited.
- O. Parking areas, aisles, and access drives shall be paved with a solid material so as to provide a durable, dustless surface and shall be graded and drained so as to dispose of surface water without drainage onto any sidewalk or adjacent property. Long-term storage areas for vehicles in the C-S and I districts accessed by a paved drive aisle may be surfaced with rock, gravel, or granite with Director approval. The parking of vehicles on lawn, landscaped areas, or other areas not designed for parking is prohibited.
- P. All vehicle parking areas within single-family zones shall occur on approved paved surfaces such as concrete or asphalt, except for vehicles parked in side yard setback areas and back yards which are enclosed by a six-foot high solid fence, such that the vehicles are not visible from the adjacent street or alley.

10.54.100 Parking dimensions.

- A. A standard parking space for a 90° stall shall not be less than 20 feet in length and nine feet in width, exclusive of aisles and access drives.
- B. Wheel stops are required for a standard 90° stall to protect walkways when a vehicle overhang of 2 feet would result in less than 48 inches of clear path of travel on adjacent sidewalks, or when required to protect structures or adjacent facilities.
- C. Where wheel stops are not required and vehicles have space to over-hang by a minimum of 2 feet, standard 90° parking stall length may be reduced to 18 feet.
- D. A compact parking space shall not be less than 16 feet in length and nine feet in width and marked for compact cars. Parking lots with 10 or more spaces may substitute up to 10 percent of all parking spaces in a parking lot or parking structure with compact parking spaces. There shall be no more than two compact spaces adjacent to each other
- E. Motorcycle spaces shall be a minimum size of four feet by eight feet. Parking lots with 40 or more spaces may substitute up to 2.5 percent of all standard parking spaces with motorcycle spaces if they are located within 150 feet of a building entry.
- F. The dimensions, design, and construction of parking spaces reserved for individuals with disabilities shall meet the latest adopted California Uniform Building Code and Americans with Disabilities Act.

G. Driveways for commercial/industrial/multiple-family residential uses:

1. Minimum width.
 - a. One-way circulation: 15 feet.
 - b. Two-way circulation: 25 feet.
2. The location of driveways to and from the public right-of-way shall be determined by the City Engineer and Director. For corner lots, driveways shall be no closer than five feet to the street radius.

H. The layout of a parking lot shall meet the dimensions of the Parking Standards of the City of Tulare Improvement Standards.

10.54.110 Off-street loading facilities required.

At least one off-street loading space shall be provided in connection with a building having a gross floor area of 10,000 square feet or more and intended for a use that typically receives or delivers goods. Buildings over 25,000 square feet shall provide at least one off-street loading space plus additional spaces as determined by the Director. This requirement shall not apply to a building adjacent to a public alley. The Director may waive this requirement for buildings located within the Mixed-Use Overlay District.

10.54.120 Standards for off-street loading facilities.

Off-street loading facilities shall conform to the following standards:

- A. Commercial, industrial, office, institutional, and public uses exceeding 10,000 square feet in size shall be required to install an off-street loading facility unless the Director finds that due to the operational nature of the use, none or more than one off-street loading space should be required.
- B. To the extent possible, loading facilities shall be located at the rear or side of the building that they are to serve.
- C. Streets and alleys shall not be used as loading or unloading areas, nor shall trucks use streets and alleys for maneuvering trailers into a loading space.
- D. Loading facilities, at a minimum, shall have a length of 25 feet, a width of 12 feet, and an overhead clearance of 14 feet. All loading surfaces shall be paved to provide a durable, dustless surface and shall be graded to properly dispose of surface water.
- E. Where a loading facility is near or adjacent to a residential district or other noise-sensitive land uses, noise-attenuating design measures will be incorporated into the project. These design measures could include increased setback distances, the construction of a seven-foot solid block wall, landscaping, or locating the loading facilities away from noise-sensitive land uses.
- F. Loading areas shall be lighted to provide adequate illumination for security and safety. Lighting fixtures shall be in scale with the size and use of the structure. Any illumination shall be installed so as not to cause a nuisance to adjoining properties.

10.54.130 Replacement of off-street parking and off-street loading facilities.

Unless specifically stated otherwise in this title, no off-street parking or off-street loading facility provided per this chapter shall be reduced in capacity or in an area without sufficient additional capacity or additional area being provided to comply with the requirements of this chapter.

10.54.140 Landscaping of parking areas.

Parking lot landscaping shall be designed and constructed in accordance with Chapter 10.52 Landscaping Standards.

10.54.150 Parking for bicycle and low-emission vehicles.

- A. Parking for bicycles and low-emission vehicles shall be provided in accordance with the latest adopted version of the California Building Code.
- B. Lots with 40 or more spaces may substitute a bicycle rack providing space for at least five bicycles at a ratio of one bicycle rack for each 40 spaces. One parking space may be subtracted for each five-space bicycle rack provided above what is required by the California Building Code.

10.54.160 Garage conversions of required parking to living space.

- A. It is the purpose of this section to allow, in certain cases and subject to specific design requirements, the conversion of garages and carports for living space in circumstances where the provisions of Section 10.54.140 cannot be met post-conversion.
- B. Garage conversions are allowed if the following requirements are met:
 - 1. The area converted shall be subject to all applicable building code requirements.
 - 2. The garage door shall either be removed from the structure and replaced with a wall, or a wall shall be constructed behind the pre-existing garage door with the garage door remaining in place. The exterior elevation of the conversion shall be compatible in design with the existing dwelling.
 - 3. Required parking shall be replaced for garage conversions unless the conversion leads to an ADU as defined in Section 65852.2 of the California Government Code.

10.54.170 Unimproved lots.

Vacant or unimproved lots shall not be used as vehicle parking facilities and/or outdoor storage of equipment, construction equipment, and similar uses unless fenced appropriately, as determined by the Site Plan Review Committee per Chapter 10.72.

Chapter 10.56

SIGNS AND OUTDOOR ADVERTISING STRUCTURES

Sections:

10.56.010	Purpose.
10.56.020	Applicability and severability.
10.56.030	No discrimination against non-commercial speech.
10.56.040	Exempt signs.
10.56.050	Prohibited signs.
10.56.060	Permits required.
10.56.070	Sign design principles.
10.56.080	Rules for sign measurement.
10.56.090	Sign standards on developed sites by zone district.
10.56.100	Mixed-Use Overlay zone.
10.56.110	Freeway-Oriented Signs.
10.56.120	Pole signs.
10.56.130	Additional shopping center signs.
10.56.140	Temporary building sign standards.
10.56.150	Temporary freestanding sign standards.
10.56.160	Illumination standards for signs.
10.56.170	Sign regulations on undeveloped or developing sites.
10.56.180	Signs placed in windows.
10.56.190	Signs in public right-of-way.
10.56.200	Comprehensive master sign program.
10.56.210	Offsite temporary signs for residential subdivisions.
10.56.220	Historic signs.
10.56.230	Signs with manual changeable copy.
10.56.240	Signs with electronic changeable copy.
10.56.250	Digital display signs.
10.56.260	Flags and flagpoles.
10.56.270	Search lights and klieg lights.
10.56.280	Wall murals.
10.56.290	Off-premises signs in City right-of-way.
10.56.300	Non-conforming signs.
10.56.310	Billboards.
10.56.320	Maintenance of signs.
10.56.330	Hazardous signs.
10.56.340	Abandoned or obsolete signs.
10.56.350	Illegal signs.
10.56.360	Enforcement.
10.56.370	Definitions.

10.56.010 Purpose.

- A. The purpose of this chapter is to regulate signs as an information system that preserves and enhances the aesthetic character and environmental values of Tulare, its residential neighborhoods, its downtown, and its commercial and industrial areas, while also providing an effective means for the public to express themselves through the display of signs. These regulations recognize both the importance of business activity to the economic vitality of Tulare and the need to protect the visual environment. Specifically, these regulations are intended to:
1. Provide standards to safeguard life, health, property, public welfare, and traffic safety by controlling the quality of materials, construction, illumination, size, location, and maintenance of signs and sign structures.
 2. Ensure that the design of signs is compatible with the overall streetscape design and preserve the visual order and attractiveness of the city for residents, businesses, and visitors.
 3. Protect and enhance property values and community appearance by encouraging signs that are compatible with the architectural style, character, and scale of the building to which they relate, and with adjacent buildings and businesses.
 4. Restrict signs that may create visual clutter or a nuisance to nearby properties, violate privacy, or create safety hazards or unreasonable distractions for pedestrians and drivers of vehicles.
 5. Prohibit signs that may interfere with ingress and egress.
 6. Provide adequate opportunity for the exercise of free speech by display of a message or image on a sign, while balancing that opportunity with other community and public interests.
 7. Ensure that commercial signs are accessory or auxiliary to a principal business or establishment on the same premises, rather than functioning as general advertising for hire.
- B. It is the City of Tulare’s policy to regulate signs in a constitutional manner that is content neutral as to messages, which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.

10.56.020 Applicability and severability.

This chapter regulates signs that are located or mounted within the jurisdictional boundaries of Tulare, California not otherwise regulated by State or federal law. The provisions in this chapter apply in all zoning districts within the City. No sign within the regulatory scope of this chapter shall be erected or maintained anywhere in the City of Tulare except in conformance with this chapter. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this chapter is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the chapter.

10.56.030 No discrimination against non-commercial speech.

Subject to the property owner’s consent, a non-commercial message of any type may be substituted, in whole or in part, for any commercial message or any other non-commercial message provided that the sign structure or mounting device is legal without consideration of message

content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this title. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech or favoring of any particular non-commercial message over any other non-commercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

10.56.040 Exempt signs.

- A. The following signs are exempt from the permit requirements of this chapter and do not count toward the total sign area limit for a site, provided that they conform to applicable standards:
1. One permanent sign per residence or business premises, mounted on a wall and not exceeding two square feet in area.
 2. Street address numbers shall not count toward the number or amount of signage allowed on a site.
 3. Barber poles, not exceeding 18 inches in height, located in a non-residential zone district, and containing no lettering.
 4. Signs on vehicles, provided that the sign does not utilize changeable copy or special illumination.
 5. Holiday and cultural observance decorations on private property that do not include commercial advertising. This exemption includes strings of lights associated with a holiday decoration.
 6. Official notices issued by a court or public agency and posted in the performance of a public duty; notices posted by a utility or other quasi-public agency; signs erected by a governmental agency to direct or regulate pedestrian or vehicular traffic; non-commercial bus stop signs erected by a public transit agency, or other signs required or authorized by law. This exemption also covers signs and banners provided or approved by the City for special civic events erected by the City, which may be displayed in public rights-of-way.
 7. Memorial signs and plaques installed by a civic organization recognized by the Council.
 8. Directional and/or information signs bearing no advertising message and located on the site may be erected when necessary to facilitate circulation within the site, facilitate egress and ingress, or facilitate a public need, such as identification of restrooms, public telephones, walkways, and similar features and facilities. Directional signs shall not exceed four square feet in area.
 9. Signs that are located entirely within a building or enclosed structure and are not visible from the public right-of-way.
 10. Signs located on a private area of a lot that is not accessible by the general public, such as a backyard, and are not visible from the public right-of-way.
 11. Signs fixed to mobile vending carts, up to a maximum of eight square feet of sign area.
 12. Signs that are part of a vending machine, fuel pump, or similar structure.

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13. Signs mounted on carrier vehicles such as buses, taxicabs, mobile vendors, and limousines that legally pass through the City.
14. Window signs:
 - a. That conform to the standards of Section 10.56.180.
 - b. Not exceeding three square feet and limited to business identification, hours of operation, address, and emergency information including use permit information.
- B. Exempt signs that have electrical connections or engineered supports shall obtain the appropriate building permit, as required by the California Building Code.
- C. This chapter shall not prohibit or limit a public agency (City, County, School District, etc.) from placing signs on their public property for a public purpose.

10.56.050 Prohibited signs.

The following signs shall be prohibited in all zones:

- A. Signs located, placed, or erected in or upon any public right-of-way, except as specifically allowed by this chapter.
- B. Any sign unlawfully installed, erected, or maintained.
- C. Signs illuminated with red, green, or amber lights placed in such a position that it could reasonably be perceived to interfere with, or be confused with any official traffic control device, traffic signal, or official directional guide sign.
- D. Signs placed within the “Corner Cutoff” area adjacent to a public street intersection as defined in Tulare Municipal Code Section 10.50.19, except for signs erected by a governmental agency to direct or regulate pedestrian or vehicular traffic.
- E. Signs placed in a location that would prevent free ingress and egress from any door, window, or fire escape.
- F. Outdoor advertising structures located on a site other than the site on which the advertised commercial use is located or on which the advertised commercial product is produced.
- G. Building signs extending above the peak of a pitched roof, or the parapet line of a flat roof.
- H. Reflecting, flashing, sparkling, glittering, twinkling, or shimmering signs.
- I. Signs with open letters that can be viewed from the reverse side.
- J. Streamers, balloons, blimps, or other floating, inflatable, or hanging devices secured with a rope or string, unless specifically permitted with a temporary use permit.
- K. Signs located, placed, or attached upon any tree, utility pole, or fence, except as specifically allowed by this chapter.
- L. Signs placed on private property without permission of the property owner.
- M. Non-conforming signs and sign structures associated with an activity, business, product, event, or service that has not been sold, produced, provided, or conducted on the premises for a period of 90 days.
- N. Signs that revolve or are animated, except barber poles.

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- O. Signs containing statements, words, symbols, or characters of an obscene nature. Obscene nature will be determined by the Director using the three-part obscenity test established in *Miller v. California*, 413 U.S. 15 (1973).
- P. Signs emitting sound.
- Q. Signs located within five feet of a fire hydrant, traffic control sign, or traffic signal.
- R. Signs within 10 feet of a driveway or alleyway entrance or exit from the public street.

10.56.060 Permits required.

- A. No sign shall be erected, altered, reconstructed, or relocated without a sign permit. A permit is not required for ordinary maintenance and repairs to signs and for temporary signs on private property that conform to the standards of this chapter. The Director will review all applications for sign permits for consistency with this chapter. Signs that do not conform may apply for a variance in accordance with Chapter 10.82.
- B. Signs that project over or extend into a public street or sidewalk shall also require approval of an encroachment permit or license agreement by the City Engineer.
- C. Consent of the property owner and business owner is required before any sign permit may be approved.
- D. Appeals shall be processed in accordance with Chapter 10.70.

10.56.070 Sign design principles.

The following sign design principles should be used as criteria for the review and approval of sign permits and master sign programs. Applications for sign permits or master sign programs that are determined by the Director to be substantially inconsistent with these sign design principles may be denied.

- A. **Architectural Compatibility.** A sign, including its supporting structure, if any, should be designed as an integral design element of a building's architecture and be architecturally compatible, including color and scale, with any building to which the sign is to be attached. A sign that covers a window or that spills over "natural" boundaries or architectural features and obliterates parts of upper floors of buildings is considered detrimental to the visual order and attractiveness of the city. Common indicators of compatibility are quality sign design and construction, proportional size and scale, and use of materials, shapes, textures, and colors that complement the building's architectural style and the surrounding environment.
- B. **Legibility.** The size and proportion of the elements of the sign's message, including logos, letters, icons, and other graphic images, should be based on the average distance and average travel speed of the viewer. Sign messages oriented toward pedestrians should typically be smaller than those oriented toward automobile drivers. Colors chosen for the sign text and/or graphics should have sufficient contrast with the sign background to be easily read during both day and night. Symbols and logos can be used in place of words. Signs deemed too difficult to read based on one or more of these criteria may be considered detrimental to public safety.
- C. **Placement.** Often, a building's architectural details create logical places for signage. Signs should not cover or interrupt architectural details or ornaments of a building's façade. On buildings with a monolithic or plain façade, signs should establish or continue appropriate design rhythm, scale, and proportion. Well-designed and well-located retail signs create visual

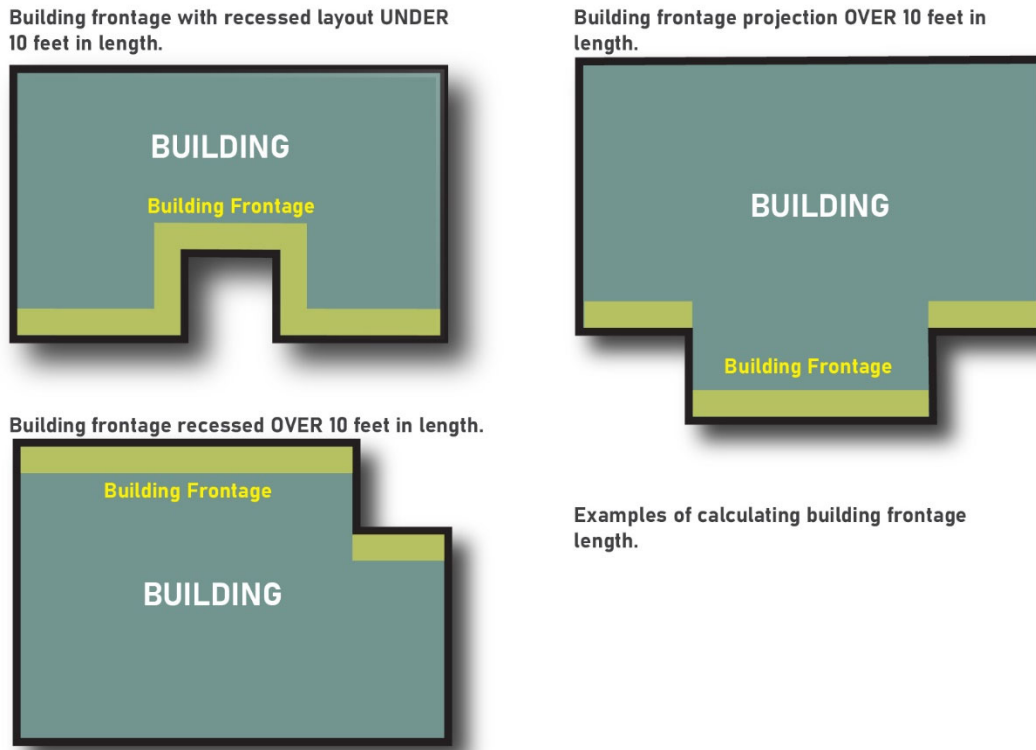
interest and continuity with other storefronts on the same or adjacent buildings. Signs deemed to be architecturally incompatible based on their placement on the building may be considered detrimental to visual order and attractiveness of the City. Signs should not obstruct windows or doors except as allowed by this chapter.

- D. Materials. Signs shall be made of sturdy, durable materials. Paper, cardboard, or other material subject to rapid deterioration can only be used for signs that comply with applicable requirements for temporary signs. Fabric signs are restricted to awnings, canopies, flags, temporary building signs, and temporary freestanding signs. Signs deemed to not be made of durable materials may be considered detrimental to both public safety and visual order and attractiveness of the City.

10.56.080 Rules for sign measurement.

- A. For the purposes of this chapter, lot frontage shall be calculated as follows:
 - 1. If a lot fronts on two streets (excluding alleyways), both frontages shall be used to determine the allowable sign placement area.
 - 2. If a lot fronts on three or more streets (excluding alleyways), the length of only two contiguous sides shall be added together to determine allowable sign placement area.
- B. The building frontage shall be the building facade in which main customer access is provided to the establishment. Building frontage is considered continuous if projections or recesses in the building facade do not exceed 10 feet in any direction. For buildings with two or more frontages, the length of the building frontage and allowable sign placement area shall be calculated separately for each building frontage. See Figure 10.56.080-1.

**Figure 10.56.080-1
Building Frontage Calculation Examples**

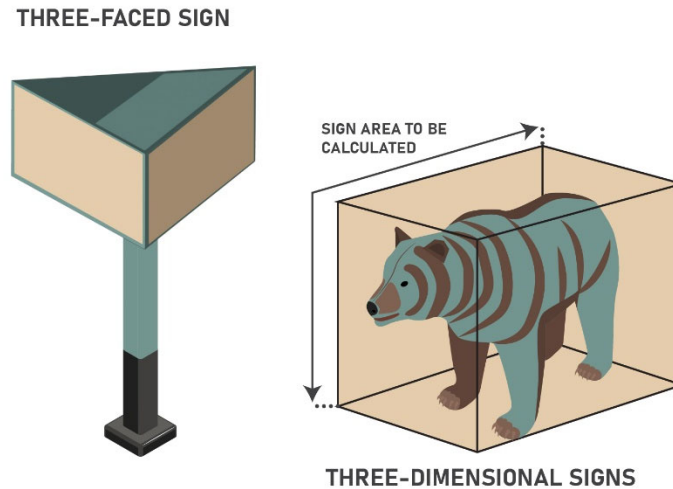


C. The area of an individual sign shall be calculated as follows.

1. Sign area shall include the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. Supporting structures such as sign bases and columns are not included in the sign area provided that they contain no lettering or graphics.
2. Where two faces of a double-faced sign are located two feet or less from one another at all points or located at an interior angle of 45 degrees or less from one another, the sign area shall be calculated as the area of one face. Where the two faces are not equal in size, the larger sign face shall be used. Where two faces of a double-faced sign are located more than two feet or 45 degrees from one another, both sign faces shall be counted toward the sign area.
3. On a three-faced sign, where at least one interior angle is 45 degrees or less, the sign area shall be calculated as the sum of the largest and the smallest face. In all other situations involving a sign with three or more sides, the sign area shall be calculated as the sum of all faces.
4. Three-Dimensional Signs. The size of signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or

statue-like trademarks), shall be calculated as the square footage of the largest face of the smallest theoretical cube that would encompass the sign. See Figure 10.56.080-2.

Figure 10.56.080-2
Illustration of three-faced and three-dimensional signs

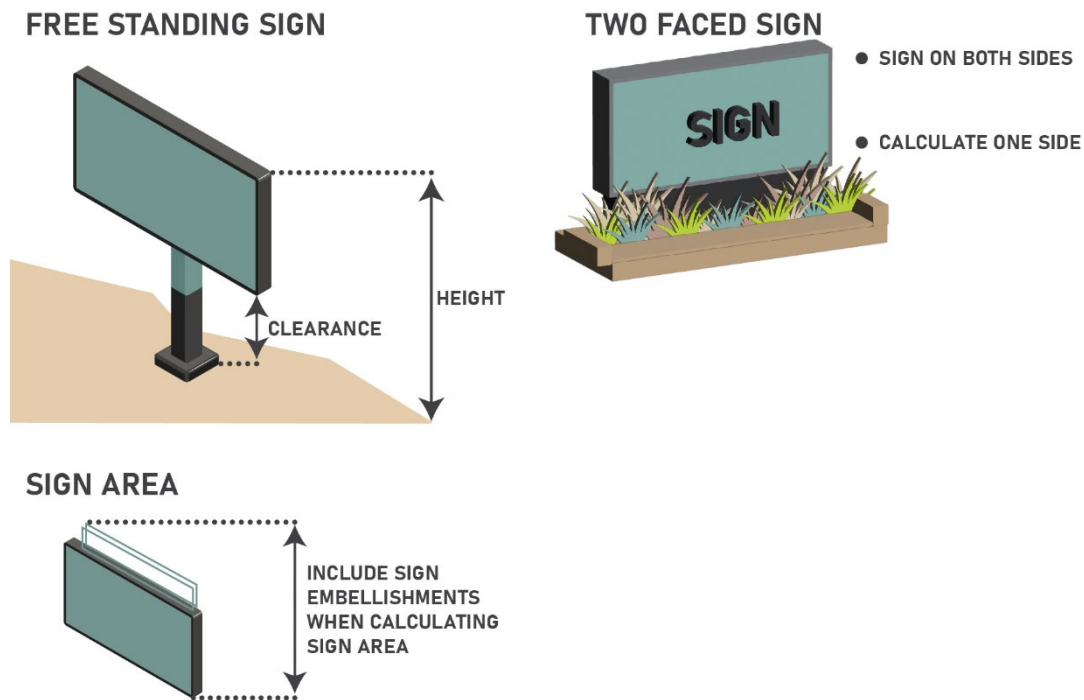


D. The height of a sign shall be calculated as follows.

1. Building sign height. The height of a building sign shall be the vertical distance measured from the ground level directly beneath the sign to the highest point at the top of the sign, including any structural or architectural components of the sign.
2. Freestanding sign height. The height of a freestanding sign shall be measured as the vertical distance from grade at the edge of the right-of-way along which a freestanding sign is placed to the highest point of the freestanding sign, including any structural or architectural components of the sign. When the grade at the edge of the right-of-way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the right-of-way shall not be included in determining the freestanding sign's overall height. Freestanding signs oriented towards a freeway shall be measured from the site's finished grade or pad, whichever is lower.
3. Freestanding sign height clearance. Sign clearance shall be measured as the smallest vertical distance between the finished grade and the lowest point of the sign, including any framework or other embellishments.
4. Shopping center signs. For the purpose of determining the allowed number and size of signs, an integrated shopping center shall be considered as one site.

E. Illustrations of rules for sign measurement are shown in Figure 10.56.080-3. If an interpretation discrepancy exists between the illustrations and the text of this section, the text shall prevail.

**Figure 10.56.080-3
Illustration of Rules for Sign Calculation & Height Measurement**



10.56.090 Sign standards on developed sites by zone district.

- A. For the purpose of this chapter, signs are grouped into four types: permanent building signs, permanent freestanding signs, temporary building signs, and temporary freestanding signs. Figure 10.56.090-1 illustrates the types of signs. The sign types are also defined in Section 10.56.370 Definitions.
- B. This section establishes standards for the number of signs, size of signs, placement of signs, and illumination of signs for developed sites based on the zone district in which the signs are located. New signs placed on private property shall conform to these standards.
 - 1. Table 10.56.090-1 establishes sign standards for residential uses in all zones.
 - 2. Table 10.56.090-2 establishes sign standards for commercial and office uses in residential zones.
 - 3. Table 10.56.090-3 establishes sign standards for commercial and office uses in Commercial zones.
 - 4. Table 10.56.090-4 establishes sign standards for commercial and office uses in the Downtown Overlay zone.
 - 5. Table 10.56.090-5 establishes sign standards for commercial and office uses in the Public Lands and Parks and Recreation zones.
 - 6. Table 10.56.090-6 establishes sign standards for commercial, office, and industrial uses in the Agricultural/Open Space zone.

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7. Table 10.56.090-7 establishes sign standards for commercial, office, and industrial uses in all industrial zones.
8. For the purpose of the tables identified in this section, uses that are not considered residential, office, or industrial shall be considered commercial uses. This includes public assembly and community uses.
9. Sign standards for uses within a Planned Unit Development overlay zone shall be those standards in the tables in this section established for the site's base zoning. Special standards for signs may be established with the adoption of the Planned Unit Development overlay zone that modify and supersede the standards in this section.

**Figure 10.56.090-1
Illustration of Types of Signs**



**Table 10.56.090-1
Sign Standards for Residential Uses in all Zones**

Use	Type of Sign	Number of Signs	Maximum Size of Sign Face	Maximum Sign Placement	Type of Illumination
Applicable zone districts: All zones (Rural Residential, Residential Estate, Low Density Residential, Medium Density Residential, High Density Residential, Neighborhood Commercial, Office Commercial, Retail Commercial, Service Commercial, Public Lands, Parks and Recreation, Agricultural/Open Space, Light Industrial, and Heavy Industrial)					
One to four residences on the parcel	Permanent Building Sign	1 per residence	2 square feet	8 feet	External illumination or internal illumination allowed in accordance with Section 10.56.160
	Permanent Freestanding Sign	No permanent freestanding signs allowed	N/A	N/A	N/A
	Temporary Building Sign	1 per parcel	12 square feet	2 feet below bottom of roofline	No illumination
	Temporary Freestanding Sign	Up to 1 per unit on the property	Up to 4 square feet	Up to 2 feet high	No illumination
More than four residences on the parcel	Permanent Building Sign	1 for each street frontage that is longer than 25 feet, up to a maximum of 2 signs, plus 1 additional sign if cumulative street frontage is more than 400 feet	24 square feet per sign	20 feet above base of building	External & internal illumination allowed in accordance with Section 10.56.160
	Permanent Freestanding Sign	1 per public driveway entrance. The sign must be a monument sign.	24 square feet	6 feet except no higher than 4 feet if it is inside the Corner Cutoff Area	External & internal illumination allowed in accordance with Section 10.56.160
	Temporary Building Sign	Up to 2 per parcel	16 square feet cumulative of all temporary signs	2 feet below bottom of roofline	No illumination
	Temporary Freestanding Sign	Up to 5 per parcel	1 sign up to 16 square feet, all others up to 4 square feet	1 sign up to 5 feet high, all others up to 3 feet high	No illumination

**Table 10.56.090-2
Sign Standards for Commercial and Office Uses in All Residential Zones**

Use	Type of Sign	Number of Signs	Maximum Size of Sign Face	Maximum Sign Placement	Type of Illumination
Applicable zone districts: Rural Residential, Residential Estate, Low Density Residential, Medium Density Residential, and High Density Residential					
Commercial and office uses*	Permanent Building Sign	1 per building frontage.	1 square foot per lineal building frontage on the main frontage, and 1/2 square foot per lineal building frontage on other allowed building frontages	2 feet below height of building wall	External & internal illumination allowed in accordance with Section 10.56.160
	Permanent Freestanding Sign	1 per parcel. The sign must be a monument sign.	24 square feet	6 feet except no higher than 4 feet if it is inside the Corner Cutoff Area	External & internal illumination allowed in accordance with Section 10.56.160
	Temporary Building Sign	1 sign regardless of number of residential units on the parcel	4 square feet	2 feet below bottom of roofline	No illumination
	Temporary Freestanding Sign	1 per parcel	4 square feet	3 feet high	No illumination

*Does not apply to Home Occupations

**Table 10.62.090-3
Sign Standards for Commercial and Office Uses in Commercial zones**

Use	Type of Sign	Number of Signs	Maximum Size of Sign Face	Maximum Sign Placement	Type of Illumination
Applicable zone districts: Neighborhood Commercial, Office Commercial, Retail Commercial, and Service Commercial					
Commercial and office uses	Permanent Building Sign	No maximum number.	1.5 square foot per 1 lineal foot on the main building frontage up to a maximum of 500 square feet, and 1/2 square feet per 1 lineal foot on other allowed building frontages up to a maximum of 300 square feet	2 feet below height of building	External & internal illumination allowed in accordance with Section 10.56.160
	Permanent Freestanding Signs *See notes below.	1 per each street frontage longer than 25 feet.	40 square feet per face.	8 feet except no higher than 4 feet if it is inside the Corner Cutoff Area	External & internal illumination allowed in accordance with Section 10.56.160
	Temporary Building Sign	1 for each business establishment or separate use with an exterior building wall	16 feet per sign	2 feet below bottom of roofline or parapet	External illumination allowed in accordance with Section 10.56.160
	Temporary Freestanding Sign	1 for each business establishment or separate use with an exterior building wall; if there are more than 4 businesses on the site, then 1 additional sign for every street frontage	4 square feet for each separate business; 32 square feet for the 1 additional sign for each street frontage	3 feet high for each separate business sign; 8 feet for the 1 additional sign for each street frontage	External illumination allowed in accordance with Section 10.56.160

NOTE: In addition to the above, “Pole Signs” and “Shopping Center Signs” are allowed per the provisions of Section 10.56.120 and 10.56.130.

**Table 10.56.090-4
Sign Standards for Commercial and Office Uses in the Downtown Design Overlay Zone**

Use	Type of Sign	Number of Signs	Maximum Size of Sign Face	Maximum Sign Placement	Type of Illumination
Applicable zone districts: Downtown Design Overlay zone					
Commercial and office uses, i.e., all non-residential uses	Permanent Building Sign	1 per building frontage that does not face a residential use (excluding blade signs). New can or cabinet signs are not allowed as a sign type	1 square foot per 1 lineal foot of building up to a maximum of 75 square feet;	1 foot below height of building	External & internal illumination allowed in accordance with Section 10.56.160
	Permanent Freestanding Sign	No permanent freestanding signs allowed	No permanent freestanding signs allowed	No permanent freestanding signs allowed	No permanent freestanding signs allowed
	Temporary Building Sign	1 per tenant	16 square feet	2 feet below bottom of roofline or parapet	No illumination
	Temporary Freestanding Sign	Not allowed unless within Downtown overlay zone; See Section 10.56.090	4 square feet per side	6 feet	External illumination allowed in accordance with Section 10.56.160

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**Table 10.56.090-5
Sign Standards* for Commercial and Office Uses in Public Lands and Parks and Recreation zones**

Use	Type of Sign	Number of Signs	Maximum Size of Sign Face	Maximum Sign Placement	Type of Illumination
Applicable zone districts: Public Lands and Parks and Recreation					
Commercial and office uses	Permanent Building Sign	1 per building plus 1 for each tenant with more than 20 feet of building frontage. New can or cabinet signs are not allowed as a sign type.	35 square feet per sign, or 50 square feet if two or more allowed signs are combined into 1 shared sign	4 feet below height of building	External illumination allowed in accordance with Section 10.56.160
	Permanent Freestanding Sign	1 per driveway entrance. The sign must be a monument sign.	24 square feet	6 feet except no higher than 4 feet unless it is outside the Corner Cutoff Area	External & internal illumination allowed in accordance with Section 10.56.160
	Temporary Building Sign	No specific limit – As needed to perform public functions	No specific limit – As needed to perform public functions	2 feet below bottom of roofline or parapet	No illumination
	Temporary Freestanding Sign	No specific limit – As needed to perform public functions	No specific limit – As needed to perform public functions	No specific limit – As needed to perform public functions	No illumination

*Standards do not apply to City of Tulare signage.

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**Table 10.56.090-6
Sign Standards for Commercial, Office, and Industrial Uses in the Agricultural/Open Space Zone**

Use	Type of Sign	Number of Signs	Maximum Size of Sign Face	Maximum Sign Height	Type of Illumination
Applicable zone districts: Agricultural/Open Space					
Commercial, office, and industrial uses	Permanent Building Sign	1 per building	25 square feet	8 feet	External & internal illumination allowed in accordance with Section 10.56.160
	Permanent Freestanding Sign	1 per parcel. The sign must be a monument sign.	24 square feet	6 feet except no higher than 4 feet if it is inside the Corner Cutoff Area	External illumination allowed in accordance with Section 10.56.160
	Temporary Building Sign	1 for each business establishment or separate use with an exterior building	16 square feet per sign	2 feet below bottom of roofline or parapet	No illumination
	Temporary Freestanding Sign	1 for each business establishment or separate use with an exterior building wall. If there are more than 4 businesses on the site, then 1 additional sign for every street frontage.	4 square feet for each separate business. 32square feet for the 1 additional sign for each street frontage	3 feet high for each separate business sign. 8 feet for the 1 additional sign for each street frontage	No illumination

**Table 10.56.090-7
Sign Standards for Commercial, Office, and Industrial Uses in All Industrial Zones**

Use	Type of Sign	Number of Signs	Maximum Size of Sign Face	Maximum Sign Height	Type of Illumination
Applicable zone districts: Light Industrial, Heavy Industrial					
Industrial, Commercial, and office uses, i.e., all non-residential uses	Permanent Building Sign	Up to 3 per building	1 square foot for each lineal foot of street frontage up to a maximum of 500 square feet; maximum size is for the sum of all signs	2 feet below height of building	External & internal illumination allowed in accordance with Section 10.56.160
	Permanent Freestanding Sign	1 per driveway entrance. The sign must be a monument sign.	24 square feet	10 feet except no higher than 4 feet if it is inside the Corner Cutoff Area	External & internal illumination allowed in accordance with Section 10.56.160
	Temporary Building Sign	1 for each business establishment or separate use with an exterior building wall	16 square feet per sign	2 feet below bottom of roofline or parapet	No illumination
	Temporary Freestanding Sign	1 for each business establishment or separate use with an exterior building wall; if there are more than 4 businesses on the site, then 1 additional sign for every street frontage	4 square feet for each separate business; 32 square feet for the 1 additional sign for each street frontage	3 feet high for each separate business sign; 8 feet for the 1 additional sign for each street frontage.	No illumination

10.56.100 Mixed-Use Overlay zone.

- A. The sign standards for non-residential uses in Section 10.56.090 are superseded by this section for parcels located within the Mixed-Use Overlay zone.
- B. In place of signs allowed in Section 10.56.090, this section establishes standards for the number of signs, size of signs, placement of signs, and illumination of signs for non-residential uses in the Mixed-Use Overlay zone. Table 10.56.100-1 establishes specific regulations for non-residential uses for permanent building signs, permanent freestanding signs, temporary building signs, and temporary freestanding signs.
- C. In addition to signs allowed in Section 10.56.090, one additional permanent building sign oriented to pedestrians may be allowed up to 10 square feet. The sign type is limited to a projecting sign or an arcade or hanging sign. A minimum 8-foot clearance shall be provided under signs hanging over pedestrian paths of travel.
- D. In addition to signs allowed in Section 10.56.090, window signs placed on the inside of the window are allowed. Signs shall not cover more than 20 percent of the window.
- E. Blade signs are counted towards the maximum allowed permanent building sign area for a particular parcel. Blade signs may be permitted in the Mixed-Use Overlay zone, by an application for administrative staff review through the planning department, if the following requirements are met:
 - 1. A blade sign must have a vertical clearance of eight feet above the sidewalk or other public right-of-way and cannot exceed a height of more than six feet above the height of the entryway of the building on which the sign is mounted or as otherwise approved by the planning commission through the approval of a comprehensive master sign program.
 - 2. A blade sign shall not exceed five square feet of signage per side, shall be placed at least six inches away from the building wall and the edge of the sign nearest the building, and shall not project more than 42 inches from the building wall on which it is mounted.
 - 3. A blade sign must be attached by a wrought iron or similar metal framework to the building wall. Materials, color, and arrangement of the sign shall be compatible and consistent with the building and neighboring structures.

**Table 10.56.100-1
Sign Standards for Non-residential uses in the Mixed-Use Overlay Zone**

Type of Sign	Number and Type of Signs	Maximum Size of Sign Face	Maximum Sign Height	Type of Illumination
Applicable to non-residential uses in Mixed-Use Overlay zone.				
Permanent Building Sign	Maximum size of sign per frontage is cumulative and may be 1 sign or divided into multiple signs. New can or cabinet signs are not allowed as a sign type. Signs may include awning signs, blade signs in accordance with Section 10.62.120(E), or canopy-mounted signs	1 square foot per 1 lineal foot of building frontage if a multi-story building contains non-residential uses in one of the upper floors, the maximum sizes shall be increased by 50 percent	2 feet below the roofline or parapet for single-story buildings; No more than 15 feet above the roofline for multi-story buildings	Internal illumination allowed in accordance with Section 10.56.160
Permanent Freestanding Sign	1 permanent freestanding signs allowed only if the building does not directly front on the public sidewalk	24 square feet	6 feet except no higher than 4 feet if it is inside the Corner Cutoff Area	Internal illumination allowed in accordance with Section 10.56.160
Temporary Building Sign	1 per business; all corners of the signs shall be attached to the building	16 square feet	2 feet below the roofline or parapet for single-story buildings; 30 feet for multi-story buildings	No illumination
Temporary Freestanding Sign	1 per business; sign type limited to A-frame or structurally similar type of sign placed on the site or adjacent sidewalk within 15 feet of the building entrance; sign shall be placed so that a minimum 4-foot-wide pedestrian path of travel is maintained on the sidewalk	4 square feet per side	6 feet	No illumination

10.56.110 Freeway-Oriented Signs.

- A. The sign standards in Section 10.56.090 are modified in accordance with this section for parcels with a commercial use located within 300 feet of Highway 99 (State Route 99) right-of-way in the C-3, C-4, M-1, or M-2 zone with approval of a conditional use permit.
- B. Establish a pole sign or a pylon sign consistent with the following standards:
 - 1. There shall be a maximum of one such pole or pylon sign per parcel.
 - 2. The sign shall have a maximum of two sides.
 - 3. The sign area permitted is generally two square feet of area per lineal foot of parcel frontage facing towards the highway but shall be established by the Planning Commission with a maximum of 500 square feet.
 - 4. The maximum height shall be established by the Planning Commission but not to exceed 100 feet measured from the crown of the highway (facing perpendicular to the site of the sign) when the crown of the highway is above ground level of the sign, otherwise, the sign height is measured from ground level at the site of the sign.
 - 5. The sign shall be set back a minimum of 10 feet from all property lines and rights-of-way.
 - 6. The sign shall be set back a minimum of 40 feet from any residential zone district.
 - 7. The sign shall be located in a landscaped planter at least three feet wider than the base of the sign on all sides. The planter may encroach into the required minimum sign setback areas.
- C. In lieu of the single sign allowed in subsection B above, up to six multiple commercial uses that are located on the same parcel or uses that are located on adjacent parcels may, upon issuance of a freeway-oriented sign permit, establish a pylon sign consistent with the following standards:
 - 1. There shall be a maximum of one pylon sign per parcel.
 - 2. The sign shall have a maximum of two sides.
 - 3. The maximum combined size shall be 100 square feet per commercial use per side.
 - 4. The maximum height shall be established by the Planning Commission but not to exceed 100 feet measured from the crown of the highway (facing perpendicular to the site of the sign) when the crown of the highway is above ground level of the sign, otherwise, the sign height is measured from ground level at the site of the sign.
 - 5. The sign shall be set back a minimum of 15 feet from all property lines and rights-of-way.
 - 6. The sign shall be set back a minimum of 80 feet from any residential zone district.
 - 7. Signs 70 feet in height or greater shall contain a City of Tulare identification. The design of the identification shall be approved by the Planning Commission.
 - 8. The sign shall be located in a landscaped planter at least five feet wider than the base of the sign on all sides. The planter may encroach into the required minimum sign setback areas.

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- D. Freeway-oriented signs may be internally lit but shall not be externally lit. Signs must be compliant with all applicable California Department of Transportation (CALTRANS) regulations and Chapter 2 of the California Manual on Uniform Traffic Control Devices (MUTCD) which contains guidance for signs on highways and private roads.

10.56.120 Pole signs.

- A. The sign standards in Section 10.56.090 are modified in accordance with this section to allow for a pole sign for parcels with a commercial use located in the C-1, C-2, C-3, C-4, M-1, M-2, or PL zone in the following circumstances:
1. Any parcel with 200 feet or more of street frontage.
 2. An office complex with eight or more suites.
 3. A shopping center with more than four tenants that does not qualify for an additional shopping center sign as outlined in Section 10.56.130.
 4. A pole sign may be permitted as part of a master sign program as outlined in Section 10.56.200.
- B. Pole signs are subject to the following standards:
1. Maximum height of twenty feet.
 2. Maximum size of one square foot of sign area for each linear feet of parcel frontage.
 3. No pole sign may be erected closer than five feet to any property line or closer than five feet to any driveway, alley or point of ingress/egress.

10.56.130 Additional shopping center signs.

- A. Shopping centers or office complexes with a mix of retail and/or professional office tenants having a combined total of 25,000 square feet or more of gross floor area and located within a commercial zone may be allowed an additional permanent freestanding or permanent building sign beyond what is allowed in Section 10.56.090 if the sign conforms to the following provisions:
1. The shopping center sign may advertise the name of the center, the tenants in the center, or both the center and tenant names. Tenant advertising on a shopping center sign is not counted as part of the overall sign area permitted by Table 10.56.090-3. The area of the name of the shopping center is in addition to the permitted copy area. Only advertising for businesses located on the parcel is allowed.
 2. The sign may be illuminated unless adjacent to residential uses, in which case the Director may require conditions on the type of illumination to protect against negative effects on the adjacent residential uses. The sign must be constructed of a material that is compatible with the texture and materials of the shopping center buildings. Individual letters and logos may be internally illuminated.
 3. Materials, color, and arrangement shall be compatible and consistent with the shopping center buildings.
 4. A maximum of two shopping center signs on one arterial street may be allowed. At least 400 feet of combined arterial street frontage is required to qualify for one sign, except that shopping centers existing at the time of adoption of this section meeting all other

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requirements of this section are not bound by this requirement. An additional 800 feet of frontage is required for a second sign.

5. The maximum height and size allowances for shopping center signs are determined by zone. See Table 10.56.130-1 below:

**Table 10.56.130-1
Shopping Center Sign Size**

	Neighborhood Commercial/ Downtown Commercial/Mixed-Use Overlay zone	Service Commercial/ Retail Commercial zone
Maximum Height (as measured from top of sidewalk or curb)	12.5 feet plus 2 feet for appurtenances	25 feet high plus 3 feet for appurtenances
Structure Area	12.5 feet high maximum by 8 feet wide maximum. 100 square feet per face maximum.	20 feet high maximum by 13 feet wide maximum. 260 square feet per face maximum.
Sign Area	50% of Structure Area, not to exceed 50 square feet per face	50% of Structure Area, not to exceed 130 square feet per face

6. A minimum of 10 square feet is required for each tenant displayed on a shopping center sign.
 7. The width of the foundation base of a shopping center permanent freestanding sign shall be a minimum of 80 percent of the sign face.
 8. The sign structure shall have a minimum three-foot setback from any property line.
 9. A building permit application to construct a shopping center sign shall be signed by all property owners of the shopping center.
- B. With the adoption of a comprehensive master sign program in accordance with Section 10.56.200, a shopping center or office complex with a mix of retail and/or professional office tenants may be eligible for “bonus” sign area greater than allowed under an overall sign area permitted by Section 10.56.090.
1. A “bonus” of up to 30 percent shall be granted if a permanent copy is included on the shopping center sign that states “City of Tulare,” “Welcome to Tulare,” or equivalent language, as approved by the Planning Commission.
 2. A “bonus” of up to 60 percent may be granted, pending approval by the planning commission, if enhanced design features (such as additional landscaping, water features, decorative artwork, seating areas, etc.) are incorporated into the shopping center.
 3. A “bonus of up to 70 percent may be granted if the criteria of both “a” or “b” above are met.
 4. A “bonus” that would allow a “changeable copy sign” of no more than 50 percent of the total sign area to be incorporated into the shopping center sign; and if the owner agrees to allow the City to advertise City or community/City-sponsored events, at the discretion of

the City, on the sign on a continuous and ongoing basis as part of a continuous rotation of advertising or as otherwise defined by the Planning Commission. The Planning Commission may increase the total sign area and/or reduce the amount of City advertising for unique circumstances, such as motion picture/performing arts theaters. Other than those City events above, the changeable copy sign shall not advertise any business, commodity, service, industry, or other activity, that is not sold, offered, or conducted on the premises upon which the sign is located or affixed.

5. A “bonus” consisting of an increased maximum allowable height of a shopping center sign, not to exceed 50 percent of the maximum allowable height spelled out in Table 10.56.130-1, may be granted, pending approval by the Planning Commission, if the criteria for either “a” or “b” above are met and/or if the shopping center is located on the corner of two arterial streets, as defined in the Tulare General Plan.

10.56.140 Temporary building sign standards.

- A. Temporary building signs in non-residential zones shall only be allowed for a total of three months in any 12-month period for any single parcel or business.
- B. Temporary building signs in non-residential zones over four square feet in size that will be in place for more than 30 days shall require a temporary sign permit. With such a permit, the signs may be up to 30 square feet in size and may be in place for up to six months.
- C. Feather banners, balloons, and banners shall not be used as permanent signs.
- D. Temporary building signs shall not be internally illuminated.

10.56.150 Temporary freestanding sign standards.

- A. Feather banners are not to be on display in excess of 20 days per year.
- B. Feather banners and balloons shall not be used as permanent signs.
- C. Banners and feather banners shall be constructed of durable, weather-resistant materials not subject to rapid deterioration or fading and shall be professional in appearance. Acceptable materials include but are not limited to vinyl, nylon-reinforced vinyl, polyethylene or polyester-like materials, or durable fabric.
- D. A balloon or blimp, not to exceed 20 feet in length and five feet in width or diameter may be utilized by a business not to exceed 15 days per quarter with a minimum 30-day break in between. The balloon or blimp must be connected to a cord or cable so that it does not exceed 100 feet from the ground to the top of the balloon/blimp. A permit shall be obtained from the Planning and Building Department prior to the use of any balloon/blimp. The applicant for use of a balloon/blimp shall assume all liability associated with its use. The requirement for a permit shall not apply to special public events such as the Farm Show and County Fair.
- E. Temporary freestanding signs in non-residential zones shall not be placed in the following locations:
 1. In any public right-of-way, including sidewalks, except as allowed by Section 10.56.100 in the Mixed-Use Overlay zone.
 2. In parking lot driving lanes, drive aisles, or parking spaces.

3. On multi-use trails or sidewalks on private property if they would block a four-foot-wide pedestrian path of travel.
 4. Any location where the sign would block the pedestrian path of travel or access to a building or reduce a pedestrian path of travel to less than four feet wide.
 5. Within 20 feet on either side or in front of a permanent freestanding sign.
 6. Within 20 feet of an adjoining property line.
 7. Within 20 feet from any other temporary freestanding sign.
 8. Within five feet of a public right-of-way.
- F. Temporary freestanding signs shall be affixed to supporting structures made of a durable, rigid material such as, without limitation, wood, plastic, or metal. Freestanding signs placed on hard surfaces in conformance with this chapter are exempt from this subsection provided they have a weight and mass that makes them difficult to inadvertently move and they do not block a four-foot-wide pedestrian path of travel, do not have any motorized or another such mechanism to cause them to move or flutter, and are only displayed between one hour before and one hour after the site's establishment is open for business.

10.56.160 Illumination standards for signs.

The illumination of signs, from either an internal or external source, must be designed to avoid negative impacts on surrounding rights-of-way and properties. The following standards apply to all illuminated signs:

- A. Sign lighting shall not be of an intensity or brightness that will create a nuisance for residential uses in a direct line of sight to the sign. Light sources shall be shielded from all adjacent buildings and streets. The lighting shall not create excessive glare to pedestrians and/or motorists and will not obstruct traffic control or any other public informational signs. Illuminated signs located adjacent to any residential area shall be controlled by a rheostat or other acceptable method to reduce glare.
 1. Illumination of signs shall be limited to a maximum illumination of 465 lumen per square foot (or 5,000 nits) during daylight hours and a maximum illumination of 47 lumen per square foot (or 500 nits) between dusk to dawn as measured from the sign's face. It is strongly recommended that automatic dimmers be installed in the sign.
 2. Signs in residential zones may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., and shall not flash, blink, or fluctuate. Illuminated signs in residential zones must also be located on an Arterial or collector street.
- B. Internally illuminated signs shall be designed with an opaque, semi-opaque, or matte finish background on the sign face. Internally illuminated signs shall only be located on arterial or collector streets. Internally illuminated signs must not be located within 100 feet of a residential zone.
- C. Light sources for externally illuminated signs shall meet the following standards:
 1. Low-pressure sodium lighting is the preferred light source to minimize undesirable light in the night sky.

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2. High-pressure sodium, metal halide, fluorescent, quartz, LED, and incandescent light sources shall be fully shielded.
 3. Metal halide and fluorescent light sources shall be filtered. Most glass, acrylic, or translucent enclosures satisfy these filter requirements.
 4. Mercury vapor light sources shall be prohibited.
- D. External conduits, boxes, and other connections related to the function of a sign and associated lighting shall not be exposed nor pass through a public right-of-way.

10.56.170 Sign regulations on undeveloped or developing sites.

- A. Undeveloped sites shall be allowed a maximum of two temporary freestanding signs with a maximum size of 32 square feet each. The maximum height shall be 10 feet. Signs shall be set back at least 10 feet from all property lines and the public right-of-way. Illumination of the sign is prohibited.
- B. Developing sites, i.e., construction sites, shall be allowed a maximum of two temporary freestanding signs or temporary building signs with a maximum size of 32 square feet each. The maximum height shall be 10 feet. Signs shall be set back at least 10 feet from all property lines and the public right-of-way. Illumination is prohibited. Temporary signs that are not visible from any public right-of-way shall not be counted in the maximum number or size of signs.
- C. In addition to any sign permitted pursuant to subsection B above, residential subdivision sites where 10 or more new residences are offered for sale shall be allowed one temporary building sign or freestanding sign of a maximum size of 32 square feet. Illumination of the sign is prohibited. The maximum height shall be 10 feet. Additional temporary signs, temporary freestanding signs, and flags may be maintained within the boundaries of a residential subdivision provided that they are not visible from outside the residential subdivision and do not create a safety hazard by obstructing the clear view of pedestrian and vehicular traffic.
- D. Construction locations (example: remodel of a building) Signs may be placed during a construction event pursuant to the conditions of a permit issued by the City on the lot. Construction events begin on the date of the local structural permit approval and end on the date the permit is final or expires.

10.56.180 Signs placed in windows.

- A. Signs affixed to windows shall not cover more than 20 percent of each window and shall be placed so that there is an unobstructed view of the interior of the premises.
- B. Signs in windows shall not be counted toward the maximum allowable temporary or permanent building sign size.

10.56.190 Signs in public right-of-way.

Only a governmental agency with authority over public right-of-way may place signs in the public right-of-way, with the following specific exceptions:

- A. Building signs may be located in the Downtown Overlay zone that projects into the public right-of-way, provided that the width of the projecting sign is a maximum of four feet and that

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the bottom of the sign is eight feet above the sidewalk or finished grade below it. An encroachment permit or licensing agreement is required.

- B. Building signs located on or under awnings in the Downtown Overlay zone that meet the provisions of this chapter.
- C. Temporary freestanding signs placed on the public sidewalk in the Downtown Overlay zone that meet the provisions of this chapter and when a minimum four-foot-wide clear path of travel is provided.
- D. Government agencies, public institutions, and non-profit organizations may place banners on existing light poles in the public right-of-way, subject to an administrative use permit issued by the Development Services Director and, if deemed necessary, an encroachment permit/license agreement issued by the City Engineer.

10.56.200 Comprehensive master sign programs.

- A. The purpose of the comprehensive master sign program provisions is to provide a coordinated and flexible design approach to signage for Tulare’s commercial districts, industrial districts, and office parks. A master sign program is required for any site that contains more than three commercial establishments in a shopping center, industrial park, or office park.
- B. The comprehensive master sign program shall consist of all permanent building signs and permanent freestanding signs on the premises that can be viewed from a public street. The comprehensive master sign program shall establish a comprehensive design theme and set forth size, location, illumination, materials, and other design requirements for all signs.
- C. A comprehensive master sign program may be approved by the Community Development Director as an administrative use permit. The Planning Commission may approve a master sign program when it is proposed with a development project that requires a conditional use permit if the information is available at the time of conditional use permit issuance. Otherwise, the Director may approve with an administrative use permit.
- D. A comprehensive master sign program shall not be used to grant a special privilege nor provide more visibility or exposure than is available to similarly situated properties.
- E. Comprehensive master sign programs shall feature a unified and coordinated approach to the materials, color, size, type, placement, and general design of signs proposed for a project or property.
- F. Reasonable conditions of approval may be imposed to achieve the purposes of this section and ensure internal sign design consistency on the site.
- G. After approval of a comprehensive master sign program, no sign shall be erected, placed, painted, or maintained, except in conformance with such program, and such program shall be enforced in the same way as any provision in this section.
- H. The master sign program and all conditions of approval applicable to a site shall be included with lease agreements for all leasable space subject to the comprehensive master sign program.
- I. Approval of a comprehensive master sign program does not waive the permit requirements for individual signs that are subject to the program.

- J. The Community Development Director may approve amendments to a comprehensive master sign program or at the Director’s discretion, may be referred to the original approving body.
- K. Proposed amendments to a comprehensive master sign program shall include written concurrence by the affected property owners.

10.56.210 Offsite temporary signs for residential subdivisions.

- A. Residential subdivision sites where 10 or more new residences are offered for sale shall be allowed up to four offsite temporary freestanding signs with a size not to exceed 32 square feet each and a height not to exceed 10 feet. Signs shall be located on private, non-residential zoned parcels, or on private, residential zoned parcels that are part of a residential subdivision under construction, vacant, and otherwise free from any structures or buildings. Banners and flags with or without an advertising message shall not be permitted offsite.
- B. In addition to any sign permitted pursuant to subsection A above, up to four non-illuminated offsite temporary freestanding signs in an A-frame configuration, with a size not to exceed 12 square feet per face or four feet in height, may be permitted per residential subdivision. A-frame signs shall be located on private, non-residential property or on public property behind any existing sidewalks, and in such a manner so as not to create a safety hazard by obstructing the clear view of, or otherwise hinder or impede, pedestrian and vehicular traffic. A-frame signs may only be displayed during operating hours for the residential subdivision sales office and shall be located no further than 1,500 feet from the subject residential subdivision entry.

10.56.220 Historic signs.

- A. Notwithstanding any other provision of this chapter, a sign which has been designated a historic resource shall not be subject to the requirements of this chapter, other than the requirement to obtain applicable building permits.
- B. The Planning Commission may allow or require specific refurbishment or alteration of the sign designated as a historic resource. The applicant shall provide illustrations to satisfactorily describe how the sign will look after refurbishment.
- C. The Planning Commission may approve a change to the sign copy of a sign designated as a historic resource if it finds that the sign will retain its general historic appearance.

10.56.230 Signs with manual changeable copy.

- A. Manual changeable copy is allowed on signs in residential zones or in conjunction with residential uses in non-residential zones. (Examples of uses that may need such signs are public assembly, schools, multi-family, etc.)
- B. Manual changeable copy shall represent no more than 20 percent of the total allowable sign area on commercial signs in commercial or industrial zones.
- C. This section shall not apply to signs that indicate the price of motor vehicle fuel in conformance with the State Business and Professions Code that otherwise are in conformance with the other sections of this title. Motor vehicle fuel price signs in conformance with State law shall be allowed and are exempt from size, height, and other requirements in this Ordinance that might interfere with them meeting the requirements of State law as regards to visibility, the prices being posted for all fuel types, the prices being visible from the public rights-of-way.

10.56.240 Signs with electronic changeable copy.

- A. Electronic changeable copies may be allowed on signs in residential zones or in conjunction with residential uses in non-residential zones. (Examples of uses that may need such signs are public assembly, schools, multi-family, etc.)
- B. Electronic changeable copy is allowed as a display medium on freestanding signs in the commercial and industrial zone districts if the sign face changes less than once per minute. This includes signs that indicate the price of motor vehicle fuel in conformance with the State Business and Professions Code that otherwise are in conformance with the other sections of this title.
- C. Electronic changeable copy is allowed as a display medium on freestanding signs with a conditional use permit issued pursuant to this title where the electronic copy changes more than once per minute.
- D. Signs with an electronic changeable copy shall meet the following standards:
 - 1. The electronic sign face shall be directed in a manner that is not visible from the front or side of residential properties located in a residential zone district.
 - 2. The electronic sign face shall be an integral part of the remainder of the sign area.
 - 3. Electronic copy shall be limited to a maximum illumination of 465 lumen per square foot (or 5,000 nits) during daylight hours and a maximum illumination of 47 lumen per square foot (or 500 nits) between dusk to dawn as measured from the sign's face. It is strongly recommended that automatic dimmers be installed in the sign.
 - 4. No portion of the electronic changeable copy shall change more frequently than once per minute. The maximum electronic changeable copy can be allowed once every eight seconds with an administrative use permit. Scrolling, flashing, or other moving messages are not allowed.
 - 5. The electronic sign shall not emit any audible sound, buzz, or noise.
 - 6. Sign copy or electronic picture displays shall be limited to advertising related to the use(s) on the premises on which the freestanding sign is located, except for message substitution, as allowed in Section 10.56.030.
 - 7. No change of lighting intensity may occur during a display or between displays except to respond to a change in ambient lighting conditions.

10.56.250 Digital display signs.

- A. Digital display signs are allowed on freestanding signs with a conditional use permit issued pursuant to this title.
- B. Digital display signs shall meet the following standards:
 - 1. The digital display sign face shall be directed in a manner that is not visible from the front or side of residential properties located in a residential zone district.
 - 2. The digital display sign face shall be an integral part of the remainder of the sign area and shall be framed with a sign structure border that is a minimum of three inches wide around the edge of the digital display area.

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3. The digital display sign shall be limited to a maximum illumination of 465 lumen per square foot (or 5,000 nits) during daylight hours and a maximum illumination of 47 lumen per square foot (or 500 nits) between dusk to dawn as measured from the sign's face. It is strongly recommended that automatic dimmers be installed in the sign.
4. No portion of the digital display sign face shall change more frequently than once every eight seconds. No portion of the digital display sign face shall flash, blink, or include a video display.
5. The electronic sign shall not emit any audible sound, buzz, or noise.
6. Sign copy shall be limited to advertising related to the use(s) on the premises on which the freestanding sign is located, except for message substitution, as allowed in Section 10.56.030.
7. No change of lighting intensity may occur during a display or between displays except to respond to a change in ambient lighting conditions.

10.56.260 Flags and flagpoles.

- A. Flags that do not include commercial advertising on flagpoles shall not count toward the maximum sign area.
- B. Flagpoles shall not be located within any required interior side or rear building setback areas. Flagpoles may be mounted on the ground or on the roof or wall of a building.
 1. The maximum height of a flagpole shall be as follows:
 2. Flagpoles located in residential zone districts shall have a maximum height of 35 feet.
 3. Flagpoles located in non-residential zones shall have a maximum height of 50 feet if mounted on the ground, or 20 feet plus the height of the building if mounted on a building. The maximum height may be increased to 100 feet if the flagpole is located at least 200 feet from any property line or public right-of-way.
- C. Flags may be illuminated, provided the lighting is energy-efficient, stationary, and spotlighted only on the flag. Lighting shall not spill onto adjoining properties or the public rights-of-way and shall be turned off when the flag is not present.

10.56.270 Search lights and klieg lights.

Search lights and klieg lights are prohibited, except when used for public safety purposes or when specifically approved with a temporary use permit for a special event.

10.56.280 Wall murals.

The City Council, Planning Commission, or other Commission may authorize a wall mural. When authorized, a mural would not be considered a sign for the purposes of this chapter. A wall mural is to be public art, not for the purpose of identifying, advertising, or drawing attention to a particular business, service, or economic activity. Wall murals are subject to the following:

- A. Murals shall be located on the sides of buildings and walls within the Downtown District and any other commercially or industrially zoned property within the City of Tulare.
- B. Prior to painting, installation, and execution of a mural, an application shall be submitted to the Community Development Department. The application shall include a detailed drawing or

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sketch of the mural plus other details as prescribed on the application or deemed by Community Development Department staff to be pertinent. The Community Development Department shall forward the application, with a recommendation to the Community Development Director, Tulare Downtown Association Director, and Executive Director Economic Development & Redevelopment, hereinafter known as the Mural Committee (MRC). The MRC shall review and approve or deny the application as submitted or approve the submitted application subject to modifications.

- C. Less than five percent of the size of the mural may be used to identify the sponsor of the mural.
- D. Mural design amendment.
 - 1. Prior to amending an approved mural design (whether painted or not painted), that has been approved by the MRC an application for an amendment shall include a detailed drawing or sketch of the mural, plus other details as prescribed on the application or deemed by Community Development Department staff to be pertinent.
 - 2. The Community Development Department shall forward the application, with a recommendation, to the MRC. The MRC shall review and approve or deny the application as submitted or approve the submitted application, subject to modifications.
- E. In the case that a mural is specifically identifying, advertising, or drawing attention to a particular business, the mural would be counted toward the allowable signage area for the business or activity and shall be subject to a sign permit.
- F. Criteria for design of murals. The following criteria shall apply to the design of murals submitted for approval:
 - 1. The subject matter shall be of historical significance regarding the growth and development of the City of Tulare and its surrounding environs or be of such high quality as to be appropriate.
 - 2. The paint to be used shall be appropriate for use in an outdoor locale, for an artistic rendition, and shall be of a permanent, long-lasting variety.
 - 3. The mural shall be designed and painted by qualified mural artists with sufficient knowledge in the design and painting of such projects and the application of paints for such projects.
 - 4. To the extent feasible, the mural shall be vandal and graffiti-resistant.
- G. Approval of a mural design shall occur only after public notice is posted at City Hall and an opportunity is provided to any interested party to present any appropriate comments, considerations, and/or concerns, either in writing or orally, to the MRC.
- H. Any interested party may appeal a decision of the MRC regarding a mural application. The appeal must be in writing and must be received by the Community Development Department within five days of the action by the MRC. The appeal shall be considered by the City Council, following a notice posted at City Hall and a hearing before the City Council. Action of the City Council shall be considered final.
- I. Violation of this chapter shall constitute a misdemeanor punishable by a fine of not more than \$500 or by imprisonment in the Tulare County Jail not to exceed six months, or by both such fine and imprisonment.

10.56.290 Off-premises signs in City right-of-way.

Notwithstanding any other provisions of this title, the City Council may approve, through a special right-of-way leasing agreement, the erection of an off-premises sign within the City right-of-way. It must be deemed under the City Council to provide community benefit as defined and be under all the following circumstances:

- A. The sign shall be for a land use that addresses specific community benefits or priorities (i.e., the provision of groceries in a USDA-defined “food desert,” affordable housing, the provision of needed services within an income-qualified Census Tract, etc.).
- B. The size, location, height, and other design standards for the sign shall be determined on a case-by-case basis through the licensing agreement.
- C. The sign may incorporate a “changeable copy sign” of no more than 50 percent of the total actual sign area unless otherwise approved by the City Council.
- D. The owner of the land use that provides the community benefits shall erect the sign and maintain it at their sole expense.
- E. The owner shall agree to allow the City to advertise City or community/City-sponsored events or emergency messages (traffic advisories, amber alerts, etc.), at the discretion of the City, on the sign on a continuous and ongoing basis as part of a continuous rotation of advertising or as otherwise defined by the City Council.
- F. Other than those City events above and the land use above that provides community benefits, the changeable copy sign shall not advertise any business, commodity, service, industry, or other activity that is not sold, offered, or conducted on the premises upon which the sign is located or affixed.

10.56.300 Non-conforming signs.

- A. A sign of any character lawfully occupying a site prior to the adoption of this chapter or on the effective date of applicable amendments to this chapter that, as a result of the adoption or amendment to, does not conform with the standards for the zone in which it is located, shall be deemed to be a non-conforming sign, and may be displayed and maintained in said zone subject to the following provisions:
 - 1. Non-conforming signs in existence beyond what provisions are provided for in subsection A above, are hereby declared illegal signs and a public nuisance and shall be abated as provided for in Chapter 10.92 Property Maintenance and Abatement Procedures.
 - 2. Modifications to non-conforming signs may be allowed if they do not increase the non-conformance, are not structurally altered so as to extend its useful life, are not expanded, moved, or relocated.
 - 3. Sign copy and sign faces may be changed on non-conforming signs when there is no change in use of the site or when only a portion of a multiple-tenant sign is being changed.
 - 4. A requirement for a non-conforming sign to be removed or altered so as to comply with the requirements of this Ordinance may be imposed as a condition on the approval of a subdivision, conditional use permit, variance, or other discretionary development approval. In addition, ministerial approval may also require removal or alteration of the non-

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conforming sign as a condition of approval when in conjunction with a substantial improvement of said property.

5. Legal non-conforming wall signs shall not prevent the installation of conforming freestanding signs, nor shall legal non-conforming freestanding signs prevent the installation of conforming wall signs.
6. Legal non-conforming signs shall be made to conform with this chapter when there is an improvement or expansion of 25 percent of the assessed valuation of the site on which the sign is located.

10.56.310 Billboards.

- A. Billboards may be permitted with a conditional use permit issued pursuant to this title.
- B. Billboards shall meet the following standards:
 1. Maximum height: Not to exceed 70 feet.
 2. Permitted zones: M-1, M-2, C-3, and C-4.
 3. Location: Within 300 feet of State Route 99, south of Paige Avenue and north of Cartmill Avenue.
 4. Density: Billboards are to be located no closer in distance than 1000 feet apart, irrespective of ownership.
 5. Billboards shall not be located in, nor project over public property or public right-of-way.
 6. The sign shall be set back a minimum of 500 feet from any residential zone district.
 7. The sign shall be set back a minimum of 25 feet from adjacent property lines except those fronting public streets where no setback is required.
 8. Billboards may be illuminated provided no lighting is directed onto adjacent properties or public rights-of-way and, where applicable, have approval from the California Highway Patrol.
 9. Billboards shall have City of Tulare branding on each side that contains advertising.
- C. Design guidelines: All visible sign support columns shall be concealed with approved architectural embellishments. The materials used in the sign support embellishments shall be primarily natural stone, brick, approved masonry panels, stucco, or architectural metal.
- D. Electronic message display and LED billboard signs are permitted but must have clearance or necessary approvals in writing from Caltrans Outdoor Advertising and FAA where applicable. Electronic message rotation shall comply with Caltrans safety standards.
- E. The owner of LED billboard sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts, alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
- F. The owner of LED billboard sign shall provide to the City of Tulare Chief Building Official 24 hour contact information for a person who has the authority and ability to turn off the electronic sign promptly after a malfunction occurs. Any sign not properly functioning needs

to be repaired to the city's satisfaction within 60 days of a written notice or be subject to CUP revocation process.

10.56.320 Maintenance of signs.

- A. All signs and associated supporting structures shall be maintained in like-new condition, without rips, tears, fading, and similar damage that inevitably occurs as a result of normal wear and aging.
- B. All signs shall be reasonably free from deterioration, rot, rust, and loosening so that they do not create a hazard to persons or property or constitute a nuisance.
- C. Any sign or sign structure that is sagging, leaning, fallen, decayed, broken, deteriorated, ripped, torn, faded, or other deteriorating or dilapidated condition shall be promptly repaired to the satisfaction of the City or removed in accordance with Section 10.02.120.
- D. Graffiti on a sign shall be removed by the property owner (or designee) within two days of notice of its placement on such sign. If graffiti is not removed, it will be subject to Section 10.02.120.

10.56.330 Hazardous signs.

Whenever any sign, by virtue of its physical nature and condition, is deemed by the Director, Chief Building Official, City Engineer, or Public Works Director to be an immediate and serious threat to public safety, City personnel may remove the sign or repair the physical deficiency to the extent necessary to protect the public safety. The cost of such removal or repair shall be assessed against the sign owner and/or property owner.

10.56.340 Abandoned or obsolete signs.

An on-premises sign advertising an activity, business, service, or product must be removed within 90 days following the actual discontinuance of the activity, business, service, or product. If the sign is not so removed, the Director may have the sign removed in accordance with the public nuisance abatement provisions of this title. A sign structure is not required to be removed, however, the sign face shall be removed or replaced with a blank face or other sign face consistent with this chapter.

10.56.350 Illegal Signs.

Any sign, banner, or sign structure not erected, constructed, or located in conformance with this chapter and not classified as a legal non-conforming sign is an illegal sign and is subject to abatement in accordance with the public nuisance abatement procedures of Chapter 7.28 of the Tulare Municipal Code.

10.56.360 Enforcement.

Signs erected after the effective date of this chapter that either do not conform to the provisions of this chapter or are erected without obtaining a required permit are declared to be unlawful and a public nuisance. All signs declared to be unlawful by this chapter and all persons erecting or maintaining them shall be subject to the provisions of Section 10.02.120 of this title. The remedies provided for in this section are cumulative and non-exclusive.

10.56.370 Definitions.

The following terms are defined for this chapter. Illustrations of rules for sign measurement are shown in Figure 10.56.080-1. The accompanying images and Figure 10.56.370-1 are intended to illustrate some of the sign types that are defined in this section. If an interpretation discrepancy exists between the illustrations and the text of this section, the text shall prevail.

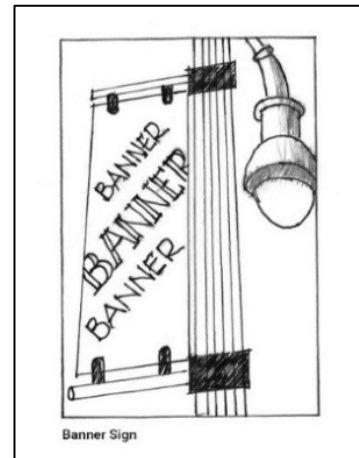
“A-Frame sign” means a sign made of wood, plastic, or other lightweight and rigid material having the capability to stand on its own support(s) and being portable and movable.



“Animated sign” means a sign with action or motion, whether by flashing lights, color changes, wind, rotation, movement of any parts of the sign or letters or parts of the sign structure, or other motion.

“Arcade sign” means a sign suspended from the ceiling of a covered pedestrian walkway, which is attached to the building and oriented perpendicular to the building face to which the covered walkway is attached.

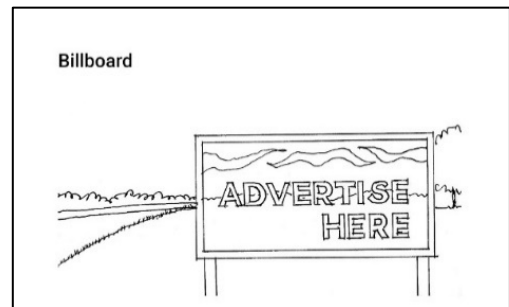
”Awning sign” means a sign placed on a shelter supported entirely from the exterior wall of a building and composed of a frame covered with non-rigid material.



“Banner” means any flexible material, such as cloth, plastic, vinyl, paper, cardboard, or thin metal, with or without a “message”, attached outdoors to a building, structure, or mounting device, or attached indoors to a building, structure, or mounting device so as to be visible from the exterior of a building, or structure. This definition includes a pennant, scroll, or bunting.

“Barber pole” means a pole with diagonal stripes of red and white or of red, white, and blue used as a sign for a barbershop that may or may not rotate.

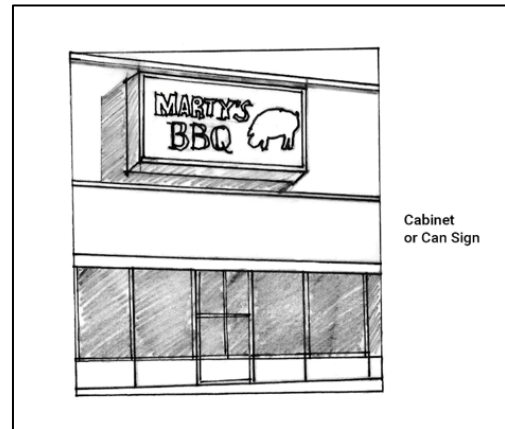
”Billboard” means a sign that directs attention to a business, community service, or entertainment not exclusively related to the premises where such sign is located.



“Blade sign” means a pedestrian-oriented, non-internally illuminated double-faced sign, comprised of one individual panel, projecting from the building wall on which it is mounted.

“Business premises” means a specific business occupancy within a building or upon a parcel of land, typically having a specific address and discrete entrance(s) and exit(s).

”Can or cabinet sign” means a sign that contains all the text and/or logo symbols within a single enclosed box-shaped cabinet where the translucent face of the sign can be interchanged to change the sign message without having to remodel the cabinet. It is mounted to a wall or other surface and illuminated from within the cabinet.



“Changeable copy, electronic” or “electronic changeable copy sign” means the display of a message that can change by means of electronic lights, light emitting diodes, video screens, or other illuminated electronic or electric format.

“Changeable copy, manual” or “manual changeable copy sign” means the display of a message that can change by manually arranging and attaching individual letters, numbers, or symbols.

“Electronic digital display sign” means a sign that displays images with or without a message through the use of grid lights, cathode ray projections, light emitting diode displays, plasma screens, liquid crystal displays, fiber optics, or other similar electronic media that may be changed remotely through electronic means.

“Erect” means and includes erect, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, maintain, and display.

“Externally illuminated sign” means a sign that has light cast on its surface from an artificial exterior source installed for the purpose of illuminating the sign.

“Flag” means a flat piece of cloth, with distinctive colors, patterns, or symbols used to represent a country or group, having one end of the cloth attached to a vertical staff (directly or by a rope and pulley mechanism) and all other ends freely flowing under the natural movement of wind.

“Freestanding sign” means a sign that is permanently supported on the ground by one or more uprights, braces, poles, or other similar structural components that are not attached to any building. This category includes both monument and pole signs.

“Frontage, building” means the distance between the two most distant corners of a building measured in a straight line along the building face.

“Frontage, street” means the distance between the two most distant corners of a site along a single street measured in a line along the street curb, including drive approaches, but excluding curb returns at street intersections.

“Height” means the distance measured vertically from grade to the highest point or portion of the object to be measured.

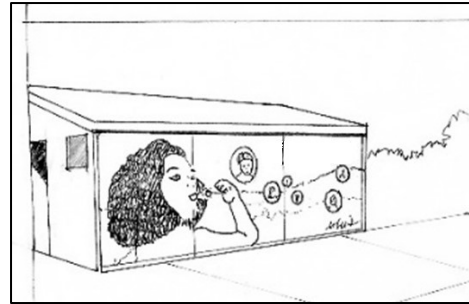
“Internally illuminated sign” means any sign whose illumination originates from within the structure of the sign and the source of which is not visible from the exterior of the sign.

“Install” or “installation” means the act by which a sign is constructed or placed on land or a structure, or the act of attaching, painting, printing, producing, or reproducing, or using any other method or process by which a visual message is presented or placed upon a surface.

“Message” means any form of visual communication presented on any type of media. It is not material whether the communication has any logical, practical, literary, or artistic significance or not. It includes any form or combination of letters, graphics, symbols, or designs. The term is not intended to include mono-color paint applied to the exterior, trim, fascia, or other architectural elements of a building for protection against the elements.

”Monument sign” means a low-profile freestanding sign supported by a structural base or other solid structural features other than support poles and may contain signage on more than one side.

“Mural” means a sign painted on the exterior wall of a building consisting of graphics or images, either alone or in combination with letters.



“Off-site”, “off-site sign”, or “off-premises sign” refers to a sign or banner that promotes or advertises goods, services, or activities located or offered on a business premises or parcel that is separate from the parcel where the sign is located, even if the two sites or parcels are contiguous to each other.

“On-site”, “on-site sign”, or “on-premises sign” refers to a sign or banner that promotes or advertises goods, services, or activity located or offered on the business premises or parcel of property where the sign is located.

“Outdoors” means a location on undeveloped property or to the exterior of a building or structure.

“Outdoor advertising” refers to the placement of a message on signs or banners located outdoors or located indoors in a manner such that the message is visible from the exterior of a building or structure.

“Outdoor advertising structure” means a structure erected or maintained for the main purpose of displaying commercial outdoor advertising and located on a site other than the site on which the advertised commercial use is located or on which the advertised commercial product is produced.

“Painted Sign” refers to a sign that comprises only paint applied on a building or structure.

“Parapet wall” means an exterior wall that extends vertically above the roofline.

“Parcels” or “property” or similar references or descriptions shall refer to parcels defined or delineated by assessor parcel numbers maintained by the County tax assessor or as defined in Chapter 10.98 of this Code.

“Pedestrian access” means a doorway that has been designed for the primary use of the patrons or customers of that particular use.

“Permanent sign” means a sign that is solidly attached to a building, structure, or the ground by means of mounting brackets, bolts, welds, or other combination of attachment methods, thereby rendering the sign non-moveable or difficult to reposition without the use of machinery, cutting devices, or mechanical devices. See also “temporary sign.”

”Placed” includes constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.

“Pole sign” means a permanently mounted, freestanding sign that is supported above the ground by one or more uprights, braces, poles, or other similar structural components.

“Roofline” means the highest point of a parapet wall or the main roof structure or the highest point of a parapet wall other than such architectural features as cupolas, pylons, projections, or raised portions of the roof.

“Rooftop or roof-mounted sign” means a sign that extends above the ridgeline of the roof of a building, or a sign attached to any portion of the roof of a building. Rooftop or roof-mounted signs are not allowed.

“Sign” means any letter or symbol made of cloth, metal, paint, paper, wood, or other material of any kind whatsoever placed for advertising, identification, written expression, or other similar purposes on the ground or on any wall, post, fence, building, structure, vehicle, or on any place whatsoever.

“Sign area” means the geometric area of a sign including all elements such as board or frames, perforated or solid background, ornamental embellishments, arrows, or other sign media. For the purposes of a freestanding sign the structural elements necessary to support the sign are included in the sign area.

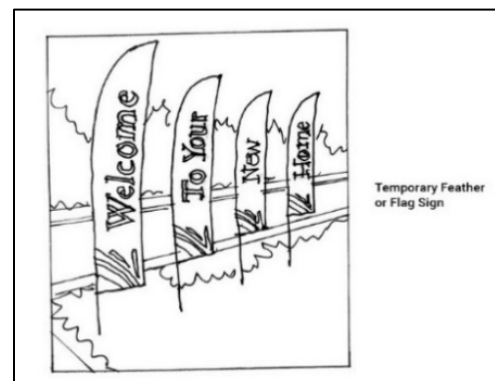
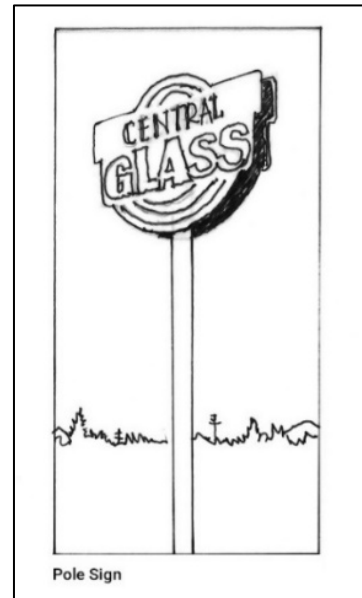
“Sign copy” means any words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign face and/or its structure with the purpose of attracting attention to the subject matter.

“Sign face” means the panel surface of a sign that carries the advertising, information, or identification message.

”Sign structure” means any structure that supports or is capable of supporting a sign. A sign structure may or may not be an integral part of a building. For the purpose of a freestanding sign, the sign structure shall include the aggregate area of the sign including the sign copy and all structural elements of the sign.

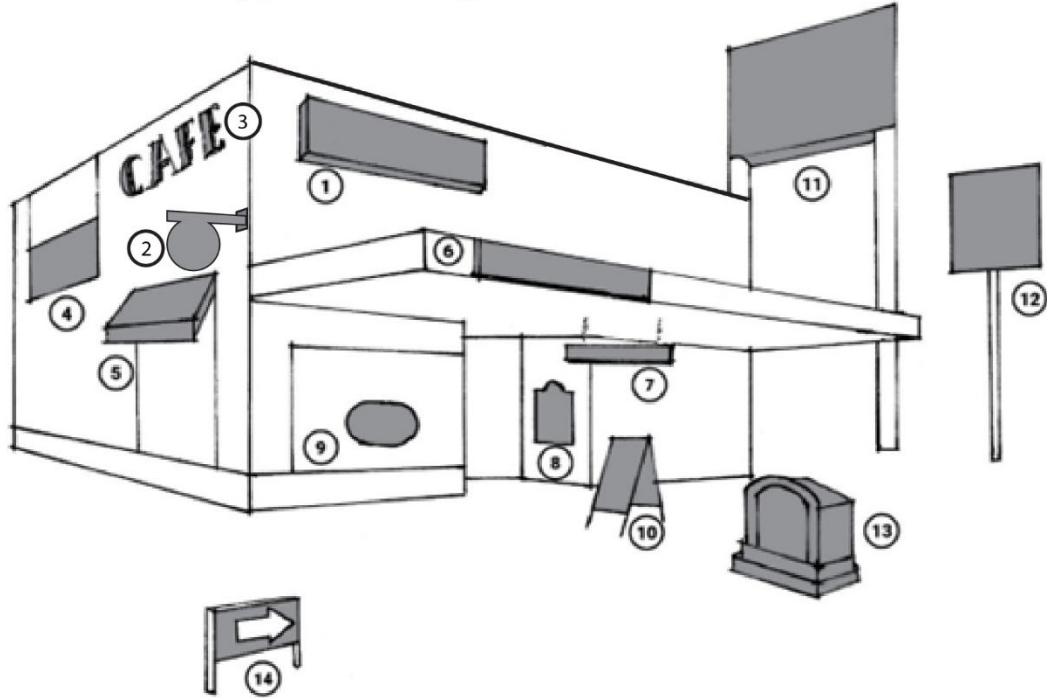
“Structural alteration” means any change to the sign structure.

“Temporary sign” means a sign that is easily moveable, and which is not attached to a building, structure, or the ground in such a manner as to be rendered a permanent sign.



**Figure 10.56.370-1
Illustration of Sign Types**

Different Types of Signs



1. Permanent Building Sign (can or cabinet sign)	2. Permanent Building Sign (blade/projecting sign)	3. Permanent Building Sign (channel letter sign)	4. Temporary Building Sign (banner)
5. Permanent Building Sign (awning sign)	6. Permanent Building Sign (canopy-mounted sign)	7. Permanent Building Sign (arcade or hanging sign)	8. Permanent Building Sign (directory sign)
9. Temporary Building Sign (window sign)	10. Temporary Freestanding Sign (A-frame sign)	11. Permanent Freestanding Sign (pylon sign)	12. Permanent Freestanding Sign (pole sign)
13. Permanent Freestanding Signs (monument sign)	14. Permanent Building Sign (directional sign)		

Chapter 10.58

SIDEWALK VENDING AND STATIONARY MOBILE VENDORS

Sections:

10.58.010	Purposes.
10.58.020	Definitions.
10.58.030	Permit required.
10.58.040	Vending on private property.
10.58.050	Sidewalk vending requirements.
10.58.060	Specific requirements for roaming sidewalk vendors.
10.58.070	Specific requirements for stationary sidewalk vendors and stationary mobile vendors.
10.58.080	Permit process.
10.58.090	Special limitations.
10.58.100	Insurance or bond requirements.
10.58.110	Permit revocation.
10.58.120	Appeal process.
10.58.130	Term.
10.58.140	Enforcement.
10.58.150	Penalty.
10.58.160	Severance clause.

10.58.010 Purposes.

The primary purpose of this chapter is to apply reasonable standards for the outside sale of food and merchandise and to protect pedestrian and vehicle circulation. In addition, standards based on the health, safety, and welfare of the general public are significant issues to be addressed in the issuance of a vending permit. Access to and use of the public sidewalks for vending and selling of merchandise, which does not unduly interfere with the pedestrian traffic, promotes the public interest by contributing to an attractive pedestrian environment and increasing sales activities within the City of Tulare. Nothing in this chapter shall prevent the lawful operation of itinerant vending when associated with special civic events such as the County Fair and downtown events such as a farmers market.

10.58.020 Definitions.

For purposes of this chapter, the following words and phrases shall have the meaning as set forth herein below:

“City business license” means a business license as is required by Tulare Municipal Code Chapter 5.04.070. Sidewalk vendors are required to obtain both a business license and a sidewalk vendor permit to operate.

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“Permitted special event” means an event, whether annual or one-time, that has an approved special event permit issued by the office of the City Clerk, or granted approval by the Director of Community Services or Director of Community Development. Such events can include but are not limited to downtown civic events and events held at the Tulare County Fairgrounds or International Agri-Center.

“Private sidewalks” or “Private Yards” refers to private property suitable for stationary vending stands which is not encumbered by parking spaces, driveways, vehicular pathways, landscape areas, and building sites.

“Public sidewalk” means areas or properties owned or held by the City of Tulare that are open to the general public for pedestrian travel.

“Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and stops only to complete a transaction. A roaming sidewalk vendor does not include a peddler or solicitor who makes uninvited entry onto private property for the purpose of selling goods or services or requesting/collecting donations.

“Sidewalk vendor” means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance or from one person upon a public sidewalk or other pedestrian path. As described in this chapter, sidewalk vendors can be classified as roaming vendors or stationary vendors.

“Sidewalk vendor permit” means the permit issued by the City of Tulare under this chapter and required for a sidewalk vendor to operate within the city limits. This type of permit is not the same permit required for door-to-door peddlers/solicitors that are permitted/licensed under separate provisions of the Tulare Municipal Code, nor the same type of permit for stationary mobile vendors, which require a conditional use permit. Sidewalk vendors are required to obtain both a City of Tulare business license and a sidewalk vendor permit to operate. For stationary sidewalk vendors, the permit shall describe the specific site location used by the stationary sidewalk vendor, what the stationary sidewalk vendor will be placed in the public right-of-way, the area the stationary sidewalk vendor is required to keep free from debris and trash, and an acknowledgment by the stationary sidewalk vendor that they are subject to closure if the City requires the use of the space for a municipal purpose.

“Special event” means a parade, march, procession, pageant, review, ceremony, festival, assembly, or exhibition consisting of persons, animals, or vehicles, or a combination thereof which is conducted in, or would impact, any portion of any City street, sidewalk, alley, or other public right-of-way, or other property owned or controlled by the City that required or involved the issuance of a permit for such usage by the City.

“Stationary cart” or “Vendor stand” means equipment used for vending that has no motorized wheels and is not otherwise mobile once it has been transported and is set in a location for vending. This includes any table, bench, rack, hand cart, or push cart. The term stationary does not include trailers that are pulled by a motorized vehicle and licensed by the Department of Motor Vehicles; this type of equipment shall be considered a stationary mobile vendor.

“Stationary mobile vendor” as used in this chapter means soliciting, displaying, or offering produce, fruits, vegetables, prepared food, pre-packaged food, or non-food sundries of any kind for sale or barter or exchange from a mobile vending vehicle on private property within the City of Tulare and includes the standing of a mobile vending vehicle or trailer for the purpose of

obtaining or soliciting retail sales of produce, fruits, vegetables, prepared food, pre-packaged food or non-food sundries, including, but not limited to, goods, wares, or merchandise.

“Stationary sidewalk vendor” means a sidewalk vendor who vends from a fixed location. This does not include restaurants or businesses at fixed locations that, pursuant to applicable rules and regulations for food safety and right-of-way encroachment, set up temporary outdoor sales at their locations.

“Vendor” means an individual, including any employee or agent of a group of individuals, partnership, non-profit organization, or corporation, who sells or offers to sell food, beverages, goods, or merchandise from a stationary vendor stand on any public sidewalk or private sidewalk open to the public.

10.58.030 Permit required.

It shall be unlawful, and no vendor shall offer for sale, or sell from any stationary vendor stand located on a public sidewalk, park, or private sidewalk/yard open to public use, or from their person if they are a roaming sidewalk vendor, any merchandise, food or beverage without first obtaining a sidewalk vendor stand permit in addition to a City business license, and in the case of a stationary mobile vendor, a conditional use permit. If a vendor intends to sell food, the vendor must obtain all applicable licenses required to safely sell and serve food as required by State and local law.

10.58.040 Vending on private property.

Vending on private sidewalks or yards shall be permitted, subject to the limitations of this chapter and subject to the submittal to the Community Development Department of written authorization by the property owner. Vending shall not be allowed on any required parking spaces or required landscaping and may not interfere with the safe movement of pedestrians and motor vehicles.

10.58.050 Sidewalk vending requirements.

The following requirements apply to both stationary and roaming sidewalk vendors:

- A. Sidewalk vending is prohibited within 1,000 feet of any special event that is operating pursuant to a permit issued by the City of Tulare. This prohibition shall only be in effect during the duration of the special event permit and does not apply to sidewalk vendors that are selling food or merchandise with the permission of the special event applicant and are specified as part of the special event permit. The special event applicant must provide the City with the locations of the stationary sidewalk vendors and the routes of roaming sidewalk vendors that will be permitted by the special event applicant prior to the issuance of a special event permit. Roaming sidewalk vendors during special events must carry a copy of the permission from the special event applicant with them at all times during the special event.
- B. Sidewalk vending is prohibited within 1,000 feet from the exterior boundary of any property used or occupied by any high school, middle school, or elementary school for the period of one hour before the school is in session, while the school is in session, and one hour after the school day ends. This provision does not apply if the vendor is present at the invitation of the school.
- C. Sidewalk vending on trails or parkways that are operated by the City of Tulare for pedestrian/bicycle usage is prohibited in order to ensure the public’s use and enjoyment of the natural resources and recreational opportunities provided by these trails. In addition, prohibiting sidewalk vending on these trails would ensure that the health, safety, and welfare

of the general public using the trails is not compromised due to obstruction and interference of sidewalk vendors with walking, jogging, and cycling activities on these active use trails.

- D. Recognizing that many non-profit recreational leagues operate concession stands as primary fundraising for such leagues, which provide recreational opportunities to the public, sidewalk vendors, roaming or stationary, are prohibited within 1,000 feet of any events put on by non-profit recreational leagues that are operating concession stands as fundraising sources.
- E. Sidewalk vendors must, at all times during operations on a public sidewalk or pedestrian path, maintain a minimum width of five feet of unobstructed sidewalk for pedestrian traffic and must also meet all other requirements for pedestrian travel that are required pursuant to the Americans with Disabilities Act or other access standards for persons with disabilities.
 - 1. In places where the sidewalk is less than five feet wide, sidewalk vending stands shall be not less than four consecutive feet of sidewalk width to every point from said stationary vendor stand, which is clear and unimpeded for pedestrian traffic.
 - 2. Sidewalk vendors may not be located within five feet of any pedestrian ramps, driveways, and trash cans within the public right-of-way, drinking fountains, push buttons for traffic signals, or another right-of-way element that requires pedestrian access. If lines of customers block or interfere with any pedestrian ramps, driveways, trash cans within the public right-of-way, drinking fountains, push buttons for traffic signals, bus stops, or another right-of-way element that requires pedestrian access, then the sidewalk vendor must relocate to another sidewalk location to avoid such interference. This rule is to provide adequate space for disability access within the public right-of-way. This rule shall not apply to roaming sidewalk vendors making a sale to a bona fide purchaser during the allotted time period, although the vendor shall make all reasonable efforts to comply with requests from pedestrians to move out of the way as soon as possible and not obstruct the sidewalk. Failure by a sidewalk vendor to move or cease business when they are not providing the minimum width of unobstructed sidewalk for pedestrian traffic shall be deemed a violation of this chapter.
 - 3. In areas where the street contains striped diagonal or vertical parking stalls (not including spaces that are parallel with a sidewalk), sidewalk vendors must maintain a minimum width of five feet of unobstructed sidewalk from the curb to allow for persons or passengers exiting or entering the vehicles parked in such stalls sufficient space for directly accessing the sidewalk from the vehicle and not be required to travel in the street to reach the sidewalk.
- F. Sidewalk vending is prohibited within 10 feet from entrances of businesses and bus stops to prevent obstructing access and to allow pedestrians adequate space in the public right-of-way to reach destinations.
- G. The City Council may, by resolution adopted during a public meeting, prohibit sidewalk vending in specific areas within the city limits upon a finding that sidewalk vending should be prohibited in such areas due to health, safety, or welfare concerns. Such findings may include but are not limited to, situations involving areas with both substantial vehicle traffic and substantial pedestrian traffic in locations presenting risks of pedestrians improperly crossing streets or entering the street when sidewalks are blocked. If any such resolutions are adopted,

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then the locations of prohibited vending shall be indicated and provided to sidewalk vendor permit applicants.

- H. Sidewalk vendors must maintain sanitary conditions and carry a trash container so customers can deposit waste from sold merchandise or wrappers.
- I. Hours of sidewalk vending shall be the same as those of other businesses operating in the vending area. For sidewalk vendors operating in a park, then the hours shall be the same hours of operation as the park.
- J. Sidewalk vendors are prohibited from operating within streets, medians, crosswalks (although roaming vendors may cross in such areas as other pedestrians), or other areas that are marked closed to pedestrian traffic.
- K. If any type of food or beverage is displayed and/or sold from a stationary vendor stand, the vendor shall have and prominently display any and all valid permits required by the Tulare County Health Department. The revision or expiration of any such required County Health Department permit, or the failure to obtain such a permit within 90 days of the date on which the county commences issuing such permits, shall result in the automatic suspension of the sidewalk vendor permit or use permit issued by the City pursuant to this chapter; in addition, the approved permit must be readily available for inspection by law enforcement or code enforcement officials.
- L. The sidewalk vendor permit issued by the City shall be prominently affixed to the side of the stationary vendor stand which faces inward toward the sidewalk.
- M. No vendor shall use any signs in connection with the sale, display, or offering for sale of items, except for those signs which are affixed to or painted on the sides or canopy of the stationary vendor stand and one sandwich sign located on private property, not exceeding four square feet per sign face.
- N. No vendor shall use any noise-making device in connection with the sale, display, or offering for sale of items.
- O. Sidewalk vendors are subject to all other applicable rules, regulations, and ordinances.

10.58.060 Specific requirements for roaming sidewalk vendors.

In addition to the rules applicable to all sidewalk vendors, the following rules shall specifically apply to roaming sidewalk vendors:

- A. Roaming sidewalk vendors shall remain mobile and may not stand or park at any specific location or place for more than 10 minutes unless the vendor is otherwise stopped as necessary to complete a transaction(s) at the request of a bona fide purchaser(s) that approached the roaming vendor while stopped.
- B. Roaming sidewalk vendors are not permitted to knock on the doors of homes or businesses to vend under a sidewalk vendor permit. Such attempts at peddling or soliciting shall be considered door-to-door sales and require a separate type of permit under the Tulare Municipal Code Section 5.24.
- C. Sidewalk vendor permits issued by the City of Tulare only allow for vending on publicly owned rights-of-way, as limited by this chapter. Roaming sidewalk vendors are not permitted

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on private property without the permission of the property owner and must meet all underlying zoning requirements to operate on private property.

- D. Roaming sidewalk vendors are permitted in areas zoned exclusively for residential use, but hours of operations are limited to between the hours of 9:00 a.m. and one hour prior to sunset or 7:00 p.m., whichever is earlier.
- E. In order to ensure the health, safety, and welfare of pedestrians, mobile carts used by roaming sidewalk vendors are not permitted to be utilized as a cooktop for food preparation when the food being prepared requires the cooking or heating of food in order for it to be consumed.

10.58.070 Specific requirements for stationary sidewalk vendors and stationary mobile vendors.

In addition to the rules applicable to all sidewalk vendors in Section 10.58.050, the following rules shall specifically apply to stationary sidewalk vendors and stationary mobile vendors:

- A. All stationary vendor stands and stationary mobile vending units shall have refuse receptacles large enough to contain all refuse generated by the operation. The operator shall pick up all refuse generated by such operation within a 50-foot radius at the close of the day's operation, and all refuse shall be disposed of at an approved solid waste facility.
- B. No vehicle or stationary vendor stand used for stationary sidewalk vending or stationary mobile vending shall remain on public property during non-operating hours. Overnight parking of mobile vending vehicles on a public street, alley, or private property that does not meet the definition of a commissary in accordance with the California Retail Food Code (Cal. Code) is prohibited. Hours of operation for all stationary vendor stands, or stationary, mobile vending shall be limited to the hours of operation of the business located on the property from which they operate.
- C. Vending shall not be allowed on any required parking spaces or private driveways.
- D. Vendors shall not remove, destroy, or interfere with any required on-site landscaping.
- E. Vending may only occur on paved surfaces.
- F. For stationary, mobile vendors, restroom facilities with running water that are connected to the City's wastewater system shall be readily available during hours of operation.
- G. Stationary mobile vendors shall maintain 500 feet of separation between businesses possessing an on-sale ABC license.
- H. Stationary mobile vendors shall maintain 300 feet of separation from an adjacent stationary mobile vendor.

10.58.080 Permit process.

- A. Stationary sidewalk vendors. Applicants for a sidewalk vendor permit shall submit a written application to the Community Development Director on a City form. The application shall be accompanied by a fee, based on the costs of the application and set by the City Council in resolution. All sidewalk vendor applicants must submit the sidewalk vendor permit application, and copies of insurance certificates, listing the City of Tulare as additional insured that meets the same insurance requirements for encroachment permits to operate within the City of Tulare public right-of-way. The vendor encroachment permit is part of the vendor permit issued to

sidewalk vendors and is not a separate permit, and shall include a proposed site plan showing the planned location and what will be utilized by the stationary vendor in the public right-of-way as the stationary cart/stand. The City may reject stationary vendor site plans that do not allow adequate space for pedestrian access. Stationary sidewalk vendors must acknowledge that they are not permitted to permanently install anything within the public right-of-way and that they do not have permanent rights to utilize public property and are subject to temporary or permanent closure if the City requires the use of the right-of-way for a municipal purpose, which includes but is not limited to usage of the space by persons holding valid rights under franchises, or if another permitted use, other than another sidewalk vendor, requires the space on a temporary basis. Any stationary vendor seeking to utilize park property will also be subject to review by the City Services Director, or that person's designee. Vendor permit applications on park property are subject to denial if the proposed location would interfere with the public's use and enjoyment of natural resources or recreational opportunities, such as blocking equipment, sports fields, or walkways. Vendor permit applications on park property may also be denied if necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park, including negatively impacting the public welfare of park users. The Community Development Director, or his or her designee, and the City Engineer, or his or her designee, shall review the application and the proposed site plan prior to issuance and may require modifications of specific site proposals to meet objective health, safety, or public welfare concerns. A permit shall be granted if it is determined that: the proposed display and sale and proposed location will not significantly interfere with the pedestrian traffic or otherwise constitute a health and safety risk.

- B. Stationary mobile vending. Where a person desires to have a stationary mobile vending unit, the applicant shall obtain a conditional use permit pursuant to Chapter 10.80.
- C. Roaming sidewalk vendor. In addition to the permit process applicable to stationary sidewalk vendors in Section 10.58.080(A), applicants intending to be roaming sidewalk vendors shall include the proposed areas of the City where the vendor intends to operate. Roaming sidewalk vendors are not permitted on private property without the written permission of the property owner. Roaming vendors seeking to utilize park property will also be subject to review by the City Services Director or that person's designee, and vending in certain parks or park locations may be denied or restricted, including limiting the total number of roaming vendors allowed in a specific park, if necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park, including negatively impacting the public welfare of park users.

10.58.090 Special limitations.

- A. Sidewalk vendor permits are an interruptible or terminable privilege. The City shall have the right and power, through the City Manager or his or her designee, to prohibit the operation of a stationary vendor stand at any time because of anticipated or actual problems or conflicts in the use of a public area. Such problems and conflicts may arise from but are not limited to, scheduled festivals and similar events, parades or marches, or repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area.
- B. No sidewalk vendor permits shall be issued for any location:
 - 1. Owned by the City other than the pedestrian right-of-way.

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2. The area east of the Union Pacific Railroad, west of O Street, north of (and including) Inyo Avenue, and south of (and including) the parcels north of Cross Avenue due to an increased and significant risk of pedestrian and vehicular traffic conflicts in order to preserve public health, safety, and welfare.

This shall not apply to any City-approved events in these areas or to businesses that have obtained an outside display and sale of merchandise permit under Chapter 10.60.180.

10.58.100 Insurance or bond requirements.

No permit shall be issued unless the applicant furnishes proof to the City of a public liability bond or insurance policy in an amount not less than \$1,000,000 for property damages and injury, including injury resulting in death, caused by the operation of the vending business. The said insurance bond shall name the City of Tulare and its employees, officers, and agents as additional insureds.

10.58.110 Permit revocation.

A sidewalk vendor permit may be revoked by the City Council, following written notice to the permittee, if one or more of the conditions of the permit or of this chapter have been violated or if the stationary sidewalk vendor stand is being operated in a manner which constitutes a nuisance, or unduly impedes or restricts the movements of pedestrians. Following revocation, the former permit holder shall not be eligible to file for a new permit application for a period of six months.

10.58.120 Appeal process.

An applicant or any other interested party may appeal the granting, denial, or revocation of a permit application. Such an appeal may be made in writing within 10 days of the decision and shall be filed with the City Council. The Council shall hold a public hearing on any such appeal.

10.58.130 Term.

A sidewalk vendor permit is valid for a period of one year from the date of issuance and must be renewed every year. Where a conditional use permit is issued, such permit may be time-limited to require renewal.

10.58.140 Enforcement.

The Community Development Director, his or her designee, or any other person authorized by the City Manager, shall be authorized to enforce the provisions of this chapter and to take such actions as may be necessary to ensure compliance with the regulations, general provisions, and conditions opposed upon any permit issued pursuant to this chapter.

10.58.150 Penalty.

Violations of this chapter are not punishable as an infraction or misdemeanor and persons alleged to violate this chapter shall not be subject to arrest. This section does not prevent code enforcement personnel from taking immediate action, such as seizing items, to abate unsafe and dangerous conditions to the public, which include but are not limited to vendors selling food without proper licensing, and subject to enforcement pursuant to Section 1.61.030 Administrative Citation.

10.58.160 Severance clause.

The provisions of this chapter are declared to be severable and if any section, sentence, clause, or phrase of this chapter shall for any reason be held to be invalid or unconstitutional, such decisions

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shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stay and notwithstanding the validity of any part.

Chapter 10.60

SPECIFIC LAND USE STANDARDS

Sections:

- 10.60.010 Purpose.**
- 10.60.020 Applicability.**
- 10.60.030 Accessory dwelling units.**
- 10.60.040 Accessory dwelling units, junior.**
- 10.60.050 Alcoholic beverages, on-sale and off-sale.**
- 10.60.060 Animals.**
- 10.60.070 Bed and breakfast inns.**
- 10.60.080 Cottage food operations.**
- 10.60.090 Drive-thru pick-up windows.**
- 10.60.100 Emergency shelter.**
- 10.60.110 Garage or yard sales.**
- 10.60.120 Manufactured housing.**
- 10.60.130 Mobile home and Manufactured home parks.**
- 10.60.140 Modular structures**
- 10.60.150 Outdoor assemblies.**
- 10.60.160 Outdoor dining areas.**
- 10.60.170 Outdoor sale of merchandise.**
- 10.60.180 Commercial or industrial outdoor storage areas.**
- 10.60.190 Recycling collection facilities.**
- 10.60.200 Sale of new and used automobiles and trucks.**
- 10.60.210 Sale of vehicle fuel.**
- 10.60.220 Shipping containers.**
- 10.60.230 Swimming pools.**
- 10.60.240 Vending machines.**
- 10.60.250 Wireless communication facilities and towers.**
- 10.60.260 Adult entertainment establishments.**

10.60.010 Purpose.

This chapter requires certain development and operational standards for specific land uses within the City to preserve, protect, and promote public health and safety and to promote orderly growth and aesthetically pleasing urban development. #

10.60.020 Applicability.

Specific land uses covered by this chapter shall conform with the provisions of the section(s) applicable to the specific use, in addition to other applicable provisions of this title, including the standards of the zone district where the use is located.

10.60.030 Accessory dwelling units.

This section provides standards for accessory dwelling units (ADUs) located on the same site as an existing residence located in either the R-1, R-M, or R-H zone districts. All accessory dwelling units as defined in Section 65852.2 of the California Government Code shall meet the following standards:

- A. Number of accessory dwelling units per parcel.
 1. For parcels zoned for and including a proposed or existing single-family home, one accessory dwelling unit shall be allowed for each parcel. Each parcel may also include a junior accessory dwelling unit conforming to the standards set forth in 10.60.040.
 2. For parcels zoned to allow and including an existing multi-family structure(s), two new construction and at least one conversion accessory dwelling unit shall be allowed on each parcel. Up to 25 percent of the number of existing dwellings in the structure may be added as conversion accessory dwelling units. When the 25 percent limit results in a fraction of a unit, the total number of accessory dwelling units that may be added shall be determined by rounding the fraction up to the next whole number.
 3. For the purposes of this section, multi-family structures are those that contain more than one dwelling unit, including, but not limited to, duplexes, triplexes, apartment buildings, and condominium buildings.
- B. No off-street parking shall be required for any accessory dwelling unit. Any parking spaces, covered or uncovered, removed to create an accessory dwelling unit shall not be required to be replaced.
- C. The floor area for all accessory dwelling units shall not exceed 1,200 square feet. If the accessory dwelling unit is attached, the floor area shall not exceed 800 square feet or 50 percent of the existing living area of the principal dwelling unit, whichever is more.
- D. The side and rear setback for an accessory dwelling unit shall be a minimum of four feet regardless of zone. No lot coverage, floor area ratio, open space, minimum lot size requirement, or another development standard shall preclude the construction of an accessory dwelling unit up to 800 square feet.
- E. An accessory dwelling unit may not be constructed unless a main dwelling exists on the site or will be constructed in conjunction with the accessory dwelling unit.
- F. Owner occupancy shall not be required, and no land use agreement requiring owner occupancy shall be recorded or enforced on properties containing accessory dwelling units.
- G. Accessory dwelling units shall be provided with water, sewer, and other utilities as determined by the building official.
- H. The accessory dwelling unit shall meet the requirements of the California Building Standards Code, including the alternative means and methods section as prescribed therein.
- I. Except as specifically set forth in this section, an accessory dwelling unit regulated pursuant to this chapter shall meet all the requirements of the zone district in which the accessory dwelling unit is located, including, without limitation, requirements regarding fences, walls, and hedges; site area, frontage width, and depth of sites; coverage; building setback requirements; height of structures; and distances between structures.

10.60.040 Accessory dwelling units, junior.

- A. Notwithstanding any other regulation or definition of this code, a junior accessory dwelling unit shall be permitted on parcels in zones where single-family dwellings are an allowed use, where single-family structures exist or are proposed on the site, and where the owner of the property occupies the property as their primary place of residence.
- B. For the purposes of this section, “junior accessory dwelling unit” shall have the same meaning as defined in Section 65852.22 of the California Government Code.
- C. Junior accessory dwelling units must be attached to a single-family dwelling, may be created in any part of an existing or proposed single-family dwelling, and may be created in addition to a single-family dwelling.
- D. If the junior accessory dwelling unit includes a garage conversion, the required parking spaces for the primary unit must be replaced on-site.
- E. Junior accessory dwelling units may be no larger than 500 square feet in size.
- F. Junior accessory dwelling units shall contain, at a minimum, the following features:
 - 1. An exterior entrance separate from that of the primary home.
 - 2. A cooking facility with appliances.
 - 3. A food preparation counter and storage cabinets of reasonable size in relation to the size of the junior accessory dwelling unit.
- G. Junior accessory dwelling units may include separate sanitation facilities or may share sanitation facilities with the primary dwelling.
- H. Junior accessory dwelling units that contain all the required features of a dwelling unit will not be required to maintain an interior connection between the junior accessory dwelling unit and the primary dwelling.

10.60.050 Alcoholic beverages, on-sale and off-sale

- A. The Planning Commission shall consider all uses and businesses proposing to sell alcoholic beverages to the public, or in the case of a private club, its members, in accordance with Chapter 10.80, Conditional Use Permits.
- B. The Planning Commission shall consider whether the proposed use or business will detrimentally affect nearby properties or sensitive land uses, including, but not limited to, residential neighborhoods, schools, churches, hospitals, public playgrounds, or other similar uses.
- C. The sale of alcoholic beverages for temporary periods shall not be subject to a conditional use permit but shall be subject to review and approval by the Director and City Police Chief in accordance with Chapter 10.76, Temporary Use Permits.
- D. The provisions of this section do not apply to wholesale businesses providing services to retailers only.

10.60.060 Animals

Animals shall be regulated in accordance with Title 6 of the Tulare Municipal Code in all zones.

10.60.070 Bed and breakfast inns.

- A. Bed and breakfast inns shall be limited to a maximum of six rooms for rent per site. No person who is paying rent in exchange for lodging shall occupy a guest room on the premises for more than 14 consecutive nights.
- B. Food service at bed and breakfast inns shall be allowed for registered guests only unless the use also qualifies as a restaurant.
- C. The scale and appearance of the bed and breakfast inn shall remain primarily residential in character. All buildings and site improvements shall be similar to and compatible in design with the surrounding neighborhood and adjacent residences.

10.60.080 Cottage food operations.

- A. Cottage foods operations operating in accordance with AB 1616 shall be considered a home occupation and shall obtain a home occupation permit in accordance with Chapter 10.78 prior to commencement of the use.
- B. Notwithstanding the provisions of Chapter 10.78, a cottage food operation is allowed to employ one full-time equivalent employee on site.
- C. Notwithstanding the provisions of Chapter 10.78, a cottage food operation may sell food produced on-site directly to consumers at the site.
- D. A cottage food operation shall be conducted in the residence’s existing kitchen.
- E. An approved home occupation permit shall not be effective until the appropriate permit is obtained from the County Health Department and shall automatically expire and be null and void if the County permit or approval expires, is disapproved, or is revoked.

10.60.090 Drive-thru pick-up windows.

- A. All uses with a drive-thru pick-up window shall meet the following standards unless otherwise modified by a conditional use permit issued in accordance with Chapter 10.80:
 - 1. Drive-thru lanes shall be located outside of all building setback areas and all required landscaped areas.
 - 2. Drive-thru lanes shall be designed, located, and constructed in a manner that avoids trapping vehicle emissions in a confined space.
 - 3. Drive-thru lanes shall be located a minimum of 100 feet from existing residential uses and from residential zone districts and must be separated from residential areas by buildings, extensively landscaped areas, or decorative block walls.
 - 4. Drive-thru lanes shall be constructed with the necessary vehicle stacking capacity so that vehicles using the drive-thru lane do not overflow into public streets.
 - 5. Drive-thru lanes shall be shielded in a manner approved by the City to eliminate vehicle headlight glare into adjoining land and on-coming traffic approaching the drive-thru site property.
 - 6. The installation of a drive-thru pick-up window and associated improvements shall not reduce the number of required parking spaces below the minimum zoning requirement for parking upon the drive-thru site property.

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7. Drive-thru lanes shall not block or interfere with access to parking lot spaces and shall function independently of parking lot aisles.
8. Drive-thru lanes shall not extend onto the adjoining property unless the owner of the drive-thru site property obtains a written easement or another irrevocable right from the adjoining landowner to construct improvements upon and use the adjoining property for the drive-thru use, including, without limitations, the stacking of vehicles and the right to maintain, repair, replace, and remove such improvements. The written document shall be executed by the owner of the drive-thru site property and the owner of the adjoining property and recorded against title to the adjoining property prior to the commencement of construction of improvements upon the drive-thru site property.
9. A use with a single drive-thru lane shall accommodate a minimum of six vehicle stacking spaces per lane, with a minimum of four stacking spaces before the ordering speaker and two stacking spaces after the ordering speaker. Each vehicle stacking space in a drive-thru lane shall be a minimum of 20 feet in length. Uses known or anticipated to require additional stacking spaces may be required to provide more than the minimum by the Director.
10. A use with drive-thru lanes on each side of the use (two lanes) shall accommodate a minimum of four vehicle stacking spaces per lane with a minimum of two stacking spaces before the ordering speaker and two stacking spaces after the ordering speaker in each drive-thru lane. Each vehicle stacking space in a drive-thru lane shall be a minimum of 20 feet in length.
11. Speaker noise levels measured at the property line shall not exceed applicable City noise standards.

10.60.100 Emergency shelter.

- A. Emergency shelters shall be limited to the number of beds or clients served by the size of the building and the building code occupancy standards.
- B. Off-street parking shall be based upon demonstrated need and shall be consistent with any pertinent parking requirements of the zone district where the emergency shelter is located.
- C. Each emergency shelter shall have an interior on-site waiting and client intake area sufficient in size as determined by the Director to admit individuals to the shelter.
- D. Each emergency shelter shall have an on-site manager 24 hours a day.
- E. No emergency shelter may be located closer than 300 feet from another similar shelter.
- F. Lighting of the property on which the facility is located should be designed to provide a minimum maintained horizontal illumination of at least one foot-candle of light on the parking surfaces and walkways.

10.60.110 Garage or yard sales.

- A. The sale of personal possessions in outdoor areas or from the garage of a dwelling, commonly referred to as garage or yard sales, within an R-1, R-M, or R-H zone district shall be limited and conducted in accordance with Title 5 of the Tulare Municipal Code.

- B. Materials to be sold shall be personal possessions. No materials shall be offered for sale that have been acquired solely for the purposes of the resale.
- C. The driveway, yard, or other space used for the purposes of the sale shall be restored to its normal residential character at the conclusion of the sale, including the removal of all signs.

10.60.120 Manufactured housing.

The provisions of this section shall apply to all manufactured homes not located in an approved mobile home park:

- A. Manufactured homes with wheels (i.e., mobile homes) are considered mobile homes and are therefore only permitted in mobile home parks.
- B. All manufactured homes shall meet the following site or architectural standards:
 - 1. All manufactured homes are subject to the development standards of the zone district in which they are located.
 - 2. A manufactured home shall not be less than 20 feet wide.
 - 3. The parking requirements of Chapter 10.54 shall apply.
 - 4. All manufactured housing units and garages shall have a pitched roof with a roof overhang on each of the perimeter walls such that the overhang is architecturally integrated into the design of the dwelling unit.
 - 5. All manufactured housing units, garages, and carports located on the lot shall have a roof constituted of asphalt composition, clay, tile, concrete or metal tile or panels, slate, or built-up asphaltic-gravel materials.
 - 6. All manufactured housing units and garages located on the lot shall have similar exterior siding materials consisting of wood, masonry, concrete, stucco, Masonite, or metal lap. The exterior siding material shall extend to the ground level or the top of the foundation when a solid concrete or masonry perimeter foundation is provided.
 - 7. All manufactured housing units, garages, and carports shall be placed on a permanent foundation that meets the applicable building code requirements and/or the provisions of Section 18551 of the State Health and Safety Code such that the floor elevation of the dwelling is reasonably compatible with the floor elevations of the surrounding dwelling units.
 - 8. The manufactured home electrical, gas, water, and drain connections shall be made permanent in a manner applicable to permanent buildings. Gas shut-off valves, meters, and regulators shall not be located beneath the manufactured homes.
 - 9. The Director may approve deviations from one or more of the standards of this section on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity.

10.60.130 Mobile home and Manufactured home parks.

- A. No mobile home shall be parked, occupied, or used for any purposes, including, without limitation, living or sleeping purposes, unless the mobile home is located within a licensed mobile home park, except that a mobile home may be used for the following temporary

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purposes outside of a mobile home park: as an office for a construction project, circus, or carnival; as a residence of a watchman on the site of a construction project or an industrial facility to provide temporary living quarters for personnel in accordance with the provisions of Chapter 10.76.

- B. A mobile home park requires the approval of a conditional use permit in accordance with the procedures of Chapter 10.80.
- C. The site area standards for a mobile home park shall be as follows:
 - 1. The minimum area of a mobile home park shall be five acres. If the area of the mobile home park is greater than five acres, the first phase of mobile home park development shall not be less than five acres and shall include all required recreational and service amenities.
 - 2. The residential unit density shall be consistent with the land use designation of the Tulare General Plan.
 - 3. Each mobile home or manufactured home site shall be not less than 3,000 square feet in area, including pad, parking, private access, landscaping, and private storage area.
- D. The following clearance and setback area requirements shall apply to mobile home parks. No mobile home shall be located in any required building setback area.
 - 1. The front building setback area shall be a minimum of 15 feet.
 - 2. The side and rear building setback areas shall be a minimum of 10 feet, or 15 feet when adjacent to public right-of-way.
- E. The following requirements shall apply to mobile home sites:
 - 1. No mobile home or manufactured home site shall be less than 30 feet in width.
 - 2. The front building setback area shall be a minimum of 10 feet.
 - 3. The side building setback area shall be a minimum of five feet. Patio covers and carport, if open on three sides, may be located within three feet of a side yard property line.
 - 4. The rear building setback areas shall be a minimum of 10 feet.
 - 5. Each mobile home site shall have a hard-surfaced patio area of not less than 200 square feet. A permanent porch greater than 20 square feet in area may be counted as a part of the required patio area.
 - 6. Each mobile home site shall have a support pad of concrete or asphalt concrete laid over a compacted surface base, which, in combination, are adequate to support the mobile home on a level plane.
- F. The following requirements for parking shall apply to mobile home parks.
 - 1. Each mobile home site shall provide parking for two automobiles. Each parking stall shall not be less than 10 feet wide and 20 feet in length. All parking stalls shall be paved consistent with Tulare's Standards and Specifications Manual; tandem parking may be allowed as a condition of the use permit.
 - 2. Not less than one guest stall shall be provided for each five mobile home sites.

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3. Parking shall be provided for park offices at a ratio of one parking space for each 400 square feet of gross floor space.
 4. Supplemental parking for boats, recreation vehicles, and unoccupied travel trailers shall be provided at a ratio of one parking space for each 10 mobile home sites and shall be used only by the mobile home park tenants. Such parking shall be clustered, easily accessible via interior drives, and shall be screened from view by means of a solid ornamental fence or wall and landscaping.
 5. All parking areas and spaces shall be designed and constructed in accordance with the provisions of Chapter 10.54.
- G. The following requirements for on-site streets shall apply to mobile home parks.
1. Entrance streets shall be located to assure safe access to and from the public street system.
 2. Approved street names shall be provided and maintained by the developer.
 3. Minor streets within the mobile home park shall be a minimum of 32 feet of paved width, and collector streets shall be a minimum of 40 feet of paved width. Construction and paving of the streets shall be in accordance with City standards.
 4. Drainage along the street shall be constructed to provide adequate drainage.
 5. Parallel parking shall be permitted on both sides of collector streets and only one side of a minor street. Such on-street parking shall be in addition to the off-street parking requirements of this chapter.
 6. If streets within the mobile home park are to be dedicated to the City, street standards shall be consistent with Tulare’s Standards and Specifications Manual.
- H. Driveways for individual mobile home sites, street signs, interior street lighting, storm drainage facilities, and water and sewer systems shall be installed subject to the approval of the City Engineer and in accordance with City standards.
- I. All public utilities shall be installed underground, including electrical, telephone, street lighting cable, community television antenna connections, and ducts for cable television. Usage of an individual television antenna will be permitted but must be located at the rear of the individual mobile home space and shall project no more than two feet above the roof of the mobile home.
- J. Accessory structures, such as storage buildings and greenhouses, shall not be located within three feet of a side or rear yard property line or six feet from a mobile home.
- K. Landscaping shall be provided in accordance with Chapter 10.52.
- L. The following requirements for recreation areas and pedestrian ways shall apply to mobile home parks.
1. Common recreation areas in an aggregate total equal to 10 percent of the gross area of the mobile home park shall be provided at a location or locations that are easily accessible and convenient to park residents. The calculation of the common recreation areas shall not include yard areas, pedestrian ways, management offices, laundry and tenant storage areas, and parking areas.

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2. Recreation areas shall be landscaped and maintained, with all landscaped areas irrigated by an automatic underground sprinkler system.
 3. Pedestrian walkways shall be provided throughout the mobile home park, connecting all mobile home or manufactured home sites with each other and with common recreation areas. Such pedestrian walkways shall be provided where possible at locations away from the interior street system to avoid conflicts in pedestrian and vehicle traffic.
 4. Common recreation areas may include parks and open space, playgrounds, clubhouses, community centers, and similar recreational uses.
- M. Mobile home parks shall provide permanently maintained landscaped areas and site screening as follows:
1. A landscaped border along the front setback area and along the rear setback area if it is adjacent to a public street.
 2. A seven foot masonry wall shall be provided along all public streets. This wall shall be consistent with the setback distances in division C above. Where the park adjoins land that is designated for residential, commercial, or industrial uses, a wall shall be constructed on the property line.
- N. Each mobile home park shall provide the following additional facilities:
1. A laundry building for clothes washing and drying.
 2. Trash enclosures at locations along the interior street system and integrated with the guest parking areas, which are convenient for all residents and for access by municipal refuse trucks.
- O. At the time of the placement on the site, all mobile homes and manufactured homes shall be fitted with appropriate skirts from the floor level of the mobile home to the ground to obscure stands, pads, and undercarriage equipment.
- P. Mobile homes and manufactured homes may be displayed and sold within a mobile home park similar to the sale of model homes within a residential subdivision, provided such mobile homes are not sold for delivery to any location other than within the park in which sold and are at all times placed on mobile home sites and connected to all utility services. No more than four mobile homes shall be offered for sale at any one time, and advertising for such sales shall be limited to one non-illuminated sign not exceeding four square feet in area on the site of each mobile home or manufactured home offered for sale.

10.60.140 Modular structures.

- A. A modular structure shall mean any designed, manufactured, remanufactured, altered, used, or converted-for-use transportable building or major component of a building designed for use by itself or for on-site incorporation with similar units into a structure for residential, commercial, professional, or industrial use. A modular structure includes all residential units except as defined in Cal. Health and Safety Code Sections 18008 and 18008.5.
- B. A permanent modular structure shall have the same meaning as a modular structure but will exist on a parcel of land for two years or more.

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- C. A temporary modular structure shall have the same meaning as a modular structure but will exist on a parcel of land for less than two years. The Planning Commission may set a time limit of less than two years where it deems appropriate.
- D. A permanent modular structure may be approved by the Planning Commission in accordance with Chapter 10.80, Conditional Use Permits, subject to the following provisions:
 - 1. A conditional use permit shall be filed and approved for each modular structure on a site.
 - 2. Each permanent modular structure shall be placed on a permanent foundation.
 - 3. All permanent modular structures shall be of an architectural style consistent with surrounding structures.
 - 4. Permanent parking spaces shall be provided as required by Chapter 10.54, Parking and Loading.
 - 5. Landscaping shall be provided as required by Chapter 10.52, Landscaping.
 - 6. Permanent modular structures shall comply with all applicable federal, State, and local laws.
- E. A temporary modular structure may be approved by the Planning Commission in accordance with Chapter 10.80, Conditional Use Permits, subject to the following development standards and regulations:
 - 1. All temporary modular structures shall be screened or located to minimize visibility from street frontages.
 - 2. All temporary modular structures shall provide skirting around the structure as required by the Planning Commission.
 - 3. A temporary modular structure shall be removed within 30 days of the expiration of the time period approved by the Planning Commission.
 - 4. A bond in the amount set by the Planning Commission shall be posted and filed with the Planning and Building Department prior to installation of any temporary modular structure. The bond shall be executed by the City of Tulare if the temporary modular structure is not removed after 30 days have lapsed from the expiration of the time limit as approved by the Planning Commission.
 - 5. Each temporary modular structure shall comply with all applicable federal, State, and local laws.

10.60.150 Outdoor assemblies.

- A. A conditional use permit shall be obtained in accordance with the procedures outlined in Chapter 10.116.
- B. Applicant shall provide a detailed site plan depicting areas to be used for seating, parking, driveways, open space areas, and setbacks.
- C. Parking shall be provided at one space per three seats, or if no seats are provided, one space per 40 square feet of area devoted to assembly use. All parking areas shall be improved to include gravel, rock, dust binder, or other surfacing material which will mitigate dust. All parking areas shall be maintained to control dust.

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- D. All outdoor music shall not exceed 65dbA at any property line conterminous with any R-1 zone district.
- E. All public works improvements shall be provided as required by the Public Works Director.
- F. No loudspeaker may be used for an outdoor assembly that produces sounds that will cause a significant noise impact. An applicant who proposes the use of a loudspeaker shall submit a plan to the Planning Commission demonstrating that the use of a loudspeaker will not cause significant noise impacts.
- G. In any residential zone, the property must contain a single-family house that is owner-occupied by the applicant/holder of the use permit.
- H. Hours of operation shall be limited to 9:00 a.m. to 10:00 p.m. The Planning Commission may impose additional requirements by restricting the use to certain days of the week.
- I. The Planning Commission may require a time limit (sunset clause) on any use permit.

10.60.160 Outdoor dining areas.

- A. The purpose of this section is to promote increased business and pedestrian traffic by providing safe and visually appealing opportunities to create outdoor dining areas in public areas.
- B. The following definitions shall apply to this section:
 - 1. “Outdoor dining area” means the use of portions of public sidewalks, public rights-of-way, and common sidewalk areas within a shopping center as identified in this chapter and/or on-site open space used by a dining establishment or drinking establishment for the serving and consumption of food and/or beverages. Pass-through window and sidewalk counter service are also allowed when an outdoor dining area is provided pursuant to this section.
 - 2. “Dining establishment” means a structure whose principal use is the serving of food to the general public.
 - 3. “Drinking establishment” means a structure whose primary use is the serving of alcoholic beverages to the general public, and the serving of food is an accessory use.
- C. Where permissible, all outdoor dining areas must be located and operated adjacent to and incidental to the operation of a dining establishment or drinking establishment. Use of the sidewalk must be confined to the actual sidewalk and public right-of-way frontage of a dining establishment and must not encroach upon adjacent sidewalk or public right-of-way. Subject to the provisions of this section, on-site open space areas may also be used as an outdoor dining area.
 - 1. Outdoor dining enclosures need to enclose the entire outdoor café area, leaving required exit width accommodations for occupancy of the facility.
 - 2. Take-out establishments, where food is purchased inside the building, may have unscreened outdoor dining areas, provided that 48 inches of clear space is maintained at all times for pedestrian movement. Street signage, furniture, and landscaping shall not encroach on this 48 inches of clear space.
 - 3. Outdoor dining behind or to the side of a building is permitted. Outdoor spaces should be buffered from parking areas or drive aisles by low walls, landscaping, or other features to

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clearly define the edges of the space. These outdoor spaces should be accessed from the building they serve.

- D. Required Sidewalk Width. Use of the sidewalk area for an outdoor dining area is permitted only where the sidewalk is wide enough to allow for a minimum of four consecutive feet of sidewalk width at every point in front of the dining establishment, which is clear and unimpeded for pedestrian and wheelchair traffic.
- E. Alcoholic Beverages. The service of alcoholic beverages and consumption by customers in an outdoor dining area shall be restricted as follows:
 - 1. The outdoor dining area must be immediately adjacent to and abutting the dining establishment or drinking establishment.
 - 2. The outdoor dining area, when serving alcohol and when permitted by this section to be located on a sidewalk, must be clearly delineated from pedestrian traffic with a minimum 30-inch to a maximum 36-inch-tall removable open-style railing, fence or roped boundary or plants and flowers in ornamental planter boxes and pots that are architecturally compatible with the structure housing the dining establishment.
 - 3. The operator shall post a written notice to customers as approved by the City, which states that the drinking or carrying of an alcoholic beverage is prohibited and unlawful outside of the outdoor dining area.
 - 4. The service of alcoholic beverages in the outdoor dining area must be licensed by the California Department of Alcoholic Beverage Control and comply with all licensing requirements.
- F. Health Standards. Prior to serving any food or beverage in an outdoor dining area, the outdoor dining area must be inspected and approved by the County Health Department. All exterior surfaces within the outdoor dining area shall be kept clean at all times. Restrooms shall be provided in the adjoining dining establishment or drinking establishment. The operator shall maintain the outdoor dining area, including, without limitation, the sidewalk surface and furniture and adjacent areas, in a clean and safe condition at all times.
- G. Hours of Operation. Hours of operation for outdoor dining areas are to coincide with those of the dining establishment or drinking establishment or the hours of operation set by the Alcohol Beverage Control license if alcohol is served, whichever is more restrictive.
- H. Special Closures. Outdoor dining is an interruptible or terminable privilege. The City shall have the right and power, acting through the City Manager or his or her designee, to prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems and conflicts may arise from but are not limited to, scheduled festivals and similar events, parades or marches, repairs to the street or sidewalk, or demonstrations or emergencies occurring in the area. To the extent possible, the permittee shall be given prior notice of any time period during which the operation of the outdoor dining area will be prohibited by the City.
- I. Permit Issuance, Findings, and Conditions. In order to operate an outdoor dining area, a person must obtain an outdoor dining area permit issued by the Director following review as set forth by the Site Plan Review Committee. The application for an outdoor dining permit shall be processed as an administrative use permit as provided in Chapter 10.74. The application for

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the outdoor dining permit shall be accompanied by a filing fee established by the City Council and an accurate drawing showing the configuration of the outdoor dining area, including, without limitation, table placement and the method of separating the outdoor dining area from pedestrian traffic. The following conditions must be satisfied before an outdoor dining permit can be issued:

1. The proposed operation of the outdoor dining area satisfies all of the applicable provisions of this section.
 2. An outdoor dining area located on a public sidewalk or public right-of-way shall have the same floor elevation as the sidewalk or right-of-way area.
 3. Such other conditions as the City may deem necessary, including, without limitation, conditions to ensure public safety, to protect public improvements, and to provide aesthetic improvements.
 4. No merchandise of any kind shall be displayed in the outdoor dining area except as specifically allowed by the outdoor dining permit.
 5. Upon application being made for an outdoor dining permit, the matter shall also be referred to the City Engineer for consideration of the issuance of an encroachment permit. If required by the City Engineer, the issuance of a permit shall be conditioned upon:
 - a. Execution of an agreement holding the City harmless against claims from the applicant, patrons of the outdoor dining area, and pedestrians in a form acceptable to the City Attorney.
 - b. Applicant's insurance meeting requirements acceptable to the City's Risk Manager. The City shall be listed as additional insured on the endorsement and tied to the permit number to specify the location and circumstances.
 - c. Such other conditions as are necessary for public safety or to protect public improvements, as determined through site plan review.
 - d. Such conditions as are necessary to restore the appearance of the sidewalk to its original condition on termination of use.
- J. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable. All outdoor furniture must be of commercial quality to withstand the wear of outdoor use; plastic tables and chairs are not permitted. Umbrellas must be secured with a minimum base of not less than 60 pounds.
- K. Term. The outdoor dining permit shall run with the land and shall continue to be valid upon a change in ownership of the dining establishment, subject to the conditions of approval.
- L. Violation/Revocation. An outdoor dining permit may be revoked by the City Council following notice to the permittee and a public hearing before the Council. The permit may be revoked if one or more conditions of the permit or of this chapter have been violated if the outdoor dining area is being operated in a manner that constitutes a nuisance, or if the operation of the sidewalk dining area unduly impedes or restricts the movement of pedestrians past the outdoor dining area. Following the revocation of an outdoor dining permit, no application for the same site shall be filed within six months from the date of revocation.

- M. Appeal Procedures. In accordance with the following provisions, any applicant or other interested person dissatisfied with a decision made under this chapter may appeal such decision. The decision of the Site Plan Review Committee may be appealed to the Planning Commission provided such appeal is in writing and filed within 10 days of the Committee's decision. The Planning Commission shall hold a public hearing on any such appeal. The receipt of a written appeal shall stay all actions or put in abeyance all permits or other discretionary approvals which may have been granted, pending the effective date of the decision of the body hearing the appeal. Appeals shall be scheduled for the earliest regular meeting of the Planning Commission, not less than 15 days or more than 45 schedules of the Planning Commission. All appeals shall be accompanied by a fee, set by resolution of the City Council, sufficient to cover the cost of handling the request.
- N. Enforcement. The Director, Zoning Compliance Inspector, police department, or other person authorized by the City Manager, shall be authorized to enforce provisions of this section and to take such action as may be necessary to ensure compliance with this section.

10.60.170 Outdoor sale of merchandise.

- A. The purpose of the regulations and standards in this section is to allow, consistent with public health, safety, and welfare, increased business and pedestrian traffic by providing safe and visually appealing opportunities for outside display and sales of merchandise, in conjunction with an existing, enclosed commercial business activity, in public rights-of-way and private sidewalk areas open to the public, in the City of Tulare. Nothing in this title shall prevent the lawful operation of itinerant sidewalk sales.
- B. Outside display and sale of merchandise shall mean the use of immediately adjacent sidewalks either public or private, open for public use, and public rights-of-way by an existing, enclosed commercial business establishment for the display and sale of merchandise.
- C. Permit required. No outside display and sale of merchandise shall be allowed on sidewalks and public rights-of-way without an outside display and sales permit as set forth in this chapter.
- D. Locations permissible. Outside display and sale of merchandise are not permitted where the speed, volume, or proximity of vehicular traffic is not compatible with such activity or any other element of public safety, health, or welfare. All outside display and sale of merchandise areas must be adjacent to and incidental to the operation of an indoor, enclosed commercial business. Use of the sidewalk must be confined to the actual sidewalk and public right-of-way frontage of the indoor commercial business building and must be clearly delineated from adjacent business and pedestrian traffic, utilizing sidewalk striping or other non-permanent methods.
- E. Required sidewalk width. Outside display and sale of merchandise are permitted only where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the proposed activity. The outside display and sale of merchandise area shall leave not less than four consecutive feet of sidewalk width at every point which is clear and unimpeded for pedestrian traffic.
- F. Hours of operation for outside display and sale of merchandise areas shall coincide with those of the adjacent commercial business activity.
- G. Permit process.

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1. Applicants for outside display and sale of merchandise permits shall submit a written application to the Director on a city form. The application shall be accompanied by a fee set by the City Council by resolution. The Director, or his or her designee, and the City Engineer, or his or her designee, shall review the application and the site. A permit shall be granted if it is determined that:
 - a. The proposed display and sale will not significantly interfere with pedestrian traffic or otherwise constitute a health and safety risk.
 - b. The application complies with all the provisions of this chapter.
 2. Where found necessary and appropriate, conditions may be imposed on the permit, provided such conditions are consistent with this chapter. A blanket temporary permit to be applicable to multiple designated businesses for use in conjunction with a recognized and approved community activity event (such as Camp Town Days, farmers' market, etc.,) may be issued to a single applicant who shall be responsible for compliance with the ordinance by all participating businesses.
- H. Special limitations. An outside display and sales area permit is an interruptible or terminable privilege. The city shall have the right and power, acting through the Community Development Director or his or her designee, to prohibit the operation of an outside display and sales area at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area or any factors that impact public health, safety or welfare. Such problems and conflicts may arise from but are not limited to, scheduled festivals and similar events, or parades or marches, or repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area. To the extent possible, the permittee shall be given prior notice of any time period during which the operation of the outside display and sales area will be prohibited by the city.
- I. Encroachment permit. At the time the outside display and sale of merchandise permit is issued, the City Engineer may require the issuance of an appropriate encroachment permit.
- J. Permit revocation. An outside display and sales permit may be revoked by the Community Development Director, following written notice to the permittee, if one or more of the conditions of the permit or of this chapter have been violated or if the outside display and sales area is being operated in a manner which constitutes a nuisance, or unduly impedes or restricts the movements of pedestrians. Following revocation, no application for the same site shall be filed for a period of six months.
- K. Appeal process. A permittee may appeal a notice of revocation and an applicant or any other interested party may appeal the granting or denial of a permit application. Such an appeal shall be made, in writing, within ten days of the decision and shall be filed with the City Manager.
- L. Term. An outside display and sales of merchandise permit shall run with the adjacent commercial business activity, and the land upon which the business is located, subject to the conditions of approval and the requirements of this chapter; provided that a temporary permit shall expire in one year and must be renewed annually.
- M. Enforcement. The Director, his or her designee, or any other person authorized by the City Manager, shall be authorized to enforce the provisions of this chapter and to take such action as may be necessary to ensure compliance with the regulations, general provisions, and conditions imposed upon any permit issued pursuant to this chapter.

- N. Penalty. Any violation of this chapter shall be treated as a strict liability offense regardless of intent. Any person, firm, and/or corporation that violates any portion of this section shall be subject to prosecution and/or administrative enforcement under Chapters 1.12 and 1.61.
- O. Severance clause. The provisions of this chapter are declared to be severable and if any section, sentence, clause, or phrase of this chapter shall for any reason be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stay and notwithstanding the validity of any part.

10.60.180 Commercial or industrial outdoor storage areas.

In all commercial and industrial zones, outdoor storage of materials or equipment that occupies a volume of more than 60 cubic feet and is visible from any abutting public street or abuts property used for residential purposes meet the following standards. This section does not apply to temporary storage, such as storage during construction.

- A. Outdoor storage areas shall be enclosed by a view-obscuring fence or wall at least six feet in height. All gates provided for ingress and egress in any required fence or wall shall be at least six feet in height and shall be of view-obscuring construction. The use of galvanized chain-link or wood fence material is not allowed, especially adjacent to streets. Chain link with vinyl slats for screening purposes is permitted.
- B. Materials shall be stacked in outdoor storage areas to a height no greater than that of any building, wall, fence, or gate enclosing the storage area. This section shall not apply to a junk yard, wrecking yard, or salvage facility.
- C. No storage shall be permitted in any required front or side yard setbacks adjacent to a public street or highway.

10.60.190 Recycling collection facilities.

- A. Small and large collection recycling facilities shall meet the following standards:
 - 1. Recyclable materials shall be stored in a permanent structure on a foundation.
 - 2. An adequate on-site refuse container for disposal of non-hazardous waste and a container for customers to pour remaining liquids into from their CRV materials shall be provided.
 - 3. The collection facilities and surrounding area shall be cleaned and washed, and all litter surrounding the site removed as needed to maintain a safe and healthy environment.
 - 4. The operator shall post a sign advising that it is illegal to take shopping carts or that possession of stolen shopping carts is a misdemeanor.

10.60.200 Sale of new and used automobiles and trucks.

In all zone districts, the off-site sale of new and used automobiles and trucks is prohibited.

10.60.210 Sale of vehicle fuel.

- A. A conditional use permit is required for a business engaged in the sale of vehicle fuel or diesel fuel.
- B. The following are development standards and location criteria for businesses engaged in the sale of vehicle fuel:

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1. Service stations, convenience stores, and mini-markets shall have a minimum lot size of not less than 15,000 square feet, with not less than 125 feet of frontage on a public street (this requirement shall not apply to the redevelopment of a preexisting service station use).
2. Except for truck refueling stations, service stations, convenience stores, and mini-markets shall be permitted only at the intersection of a major arterial or arterial street as shown on the General Plan, except in the case of an integrated commercial shopping center, where the Planning Commission, at its discretion, may allow the development of a service station, provided that the service station can be made a functional part of the center; that it will blend architecturally with the center; and that it will not disrupt either the internal or external traffic flow in and around the center.
3. Utility trailers and rental trucks may be stored (for rental purposes) on a service station site, provided they are screened from view and adequate space is provided in addition to the minimum size requirement. Utility trailers and other rental equipment shall not be permitted in a C-1 district or in shopping centers.
4. All merchandise shall be stored and displayed within the service station building, with the exception of lubricating items and accessories, which may be displayed and maintained in movable cabinets or racks specially designed for the display of such items.
5. All repair works and servicing operations shall be conducted within a completely enclosed building. No outdoor storage of disabled vehicles, vehicles under repair, automobile parts, or repair equipment shall be allowed at any time. No dismantling of automobiles for the purposes of selling parts shall be allowed.
6. No body or fender work, automobile painting, or tire recapping shall be permitted.

10.60.220 Shipping containers.

- A. Shipping containers, also known as C-trains, may only be used for storage in the C-4, PL, PR, M-1, and M-2 zones, on city-owned sites in any zone, and during construction to temporarily store equipment or material in any zone.
- B. Shipping containers shall be incidental to the primary use of the site and/or shopping center. They are not permitted as an accessory use on a stand-alone parking lot. They are not permitted on vacant property.
- C. The maximum number of shipping containers allowed on a site shall be limited to one per each 20,000 square feet of building area. For buildings less than 20,000 square feet, one shipping container is allowed.
- D. Shipping containers used during construction to temporarily store equipment or material shall be removed upon occupancy of the building and/or expiration of the building permit, whichever occurs first.
- E. Shipping containers shall be located, screened, or painted so as to be difficult to view from a public right-of-way, state highway, or residential zone district to the greatest extent feasible as determined by the Director.
- F. Shipping containers shall be kept in good condition and free of damage, rust, graffiti, signs, banners, etc. Repairs shall be made within 48 hours of being damaged. Graffiti shall be removed within 24 hours.

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- G. Shipping containers may not be used to store flammable liquids or other hazardous materials, as determined by the Fire Chief.
- H. Shipping containers shall not obstruct adequate access or fire clearance as determined by the Fire Chief.
- I. There shall be no utility connections to the shipping container unless specifically allowed through a building permit.
- J. Residential and/or commercial use. Shipping containers converted for residential or commercial use, or any other such occupied space, shall secure all entitlements that are required of conventional structures, shall comply with all provisions of the zone district in which they are located, other applicable provisions of the Municipal Code, and shall secure a building permit.

10.60.230 Swimming pools.

- A. New below-ground swimming pools shall be constructed at least three feet from any property line.
- B. Swimming pools shall be entirely closed by structures, fences, or walls in compliance with California Government Code Section 115920 – The Swimming Pool Act.
- C. Fences and walls used to enclose a swimming pool shall have a minimum height of five feet. Such fences shall be substantial and shall be constructed so there are no openings greater than three inches when all gates are closed. All gates, five feet or less in width, in enclosing fences shall be self-closing and self-latching. All gates greater than five feet in width shall be provided with a means of latching said gate closed. All latches on gates in enclosing fences shall be a minimum of four feet above grade.
- D. No swimming pool shall be filled with water until the enclosing fence or wall has been constructed and approved by the building inspector. Surrounding structures, existing fences, and gates shall suffice for this requirement if they comply with all requirements of this section as determined by the building inspector.

10.60.240 Vending machines.

The preferred location for vending machines is inside buildings. Vending machines installed outdoors shall meet the following requirements:

- A. Outdoor vending machines shall be located along the face of a building or against a structure designed to accommodate them.
- B. A minimum walkway of four feet is required in front of all outdoor vending machines.
- C. Outdoor vending machines shall be an ancillary use to an approved primary use and may not be located on an unimproved lot.
- D. Outdoor vending machines shall not be placed in a location that will block parking areas or create an unsafe situation.
- E. Vending machines are permitted to cover up to a maximum of 10 feet of the length of the primary building frontage, or 20 feet, whichever is less.
- F. Vending machine installations shall not have exposed conduits, piping, or overhead utility connections.

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- G. All outdoor machines shall be maintained in a clean and attractive condition.
- H. Any graffiti on an outdoor vending machine shall be removed within 24 hours.
- I. If the outdoor machine is removed, the area shall be cleaned and restored, including the removal of any conduits or other connection hardware.

10.60.250 Wireless Communication Facilities and Towers.

See Chapter 10.68 for standards for wireless communication facilities and towers.

10.60.260 Adult entertainment establishments.

See Chapter 10.62 for standards for adult entertainment establishments.

Chapter 10.62

ADULT ENTERTAINMENT ESTABLISHMENTS

Sections:

- 10.62.010 Purpose and intent.**
- 10.62.020 Definitions.**
- 10.62.030 Establishment and classification of businesses regulated.**
- 10.62.040 Measurement of distance.**
- 10.62.050 Location of sexually oriented business.**
- 10.62.060 Non-conforming uses.**
- 10.62.070 Injunction.**
- 10.62.080 Exception for certain nude modeling.**

10.62.010 Purpose and intent.

- A. It is the purpose and intent of this chapter to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of Tulare and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the City, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the ordinance to condone or legitimize the distribution of obscene material.
- B. One of the important purposes of the regulations set forth in this chapter is to discourage and minimize the opportunity for criminal conduct. As such, nothing in this chapter shall permit or be interpreted to permit any use, conduct, and/or activity that is specifically prohibited under the following California Penal Code sections, including:
 - 1. Receipt of money for placement of a person for purposes of cohabitation (Penal Code 266d).
 - 2. Purchase of a person for purposes of prostitution or placement of a person for immoral purposes (Penal Code 266e).
 - 3. Sale of a person for immoral purposes (Penal Code 266f).
 - 4. Pimping (Penal Code 266h).
 - 5. Pandering (Penal Code 266i).
 - 6. Lewd or obscene conduct (Penal Code 314).
 - 7. Houses of ill-fame (Penal Code 315).

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8. Disorderly houses which disturb the immediate neighborhood (Penal Code 316).
 9. Places of prostitution (Penal Code 317).
 10. Place of prostitution; place of lewdness; place used as bathhouse permitting conduct capable of transmitting AIDS (Penal Code 11225).
- C. Nothing in this chapter shall be interpreted to permit any use, conduct, and/or activity which violates any federal, State, local law, or regulation.

10.62.020 Definitions.

For the purposes of this chapter, certain terms and words are defined as follows:

“Sexually oriented businesses” are those businesses defined as follows:

1. “Adult arcade” means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, similar machines, or other image-producing machines for viewing by five or fewer persons each, are regularly available or used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
2. “Adult bookstore,” “Adult novelty store,” or “Adult video store” means a commercial establishment that (a) has as a significant or substantial portion of its stock-in-trade, or (b) derives a significant or substantial portion of its revenues, or (c) devotes a significant or substantial portion of its interior floor or display space, or (d) devotes a significant or substantial portion of its business activities or employees’ time, or advertising, to the sale, rental or viewing for any form of consideration, of any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
 - b. Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”
 - c. An establishment may have other significant or substantial business purposes that do not involve the offering for sale, rental, or viewing of materials, depicting or describing “specified sexual activities” or “specified anatomical areas,” and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its significant or substantial business purposes is offering for sale or rental for some form of consideration, the specified materials which depict or describe “specified anatomical areas” or “specified sexual activities.”
3. “Adult cabaret” means a nightclub, bar, restaurant, “bottle club,” or similar commercial establishment, whether or not alcoholic beverages are served that regularly features: (a) persons who appear nude or in a state of nudity or semi-nude; (b) live performances which are characterized by the exposure of “specified anatomical areas,” or by “specified sexual activities,” or (c) films, motion pictures, video cassettes, slides, or other photographic

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

4. “Adult motel” means a motel, hotel, or similar commercial establishment that (a) offers public accommodations for any form of consideration and which regularly provides or makes available to patrons closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or (b) offers a sleeping room for rent for a period of time less than 10 hours, or (c) allows a tenant or occupant to rent or sub-rent the sleeping room for a time period of less than 10 hours.
5. “Adult motion picture theater” means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions depicting or describing “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.
6. “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment which, for any form or consideration, regularly features persons who appear in a state of nudity or live performances that are characterized by exposure of “specified anatomical areas” or by “specified sexual activities.”
7. “Nude model studio” means any place where a person, who appears in a state of nudity or displays “specified anatomical areas” is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This term does not include a modeling class operated by a proprietary school, licensed by the State of California; a college, junior college, or university supported entirely or partly by taxation; by a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing, where in order to participate in a class a student must enroll at least three days in advance of the class, and where no more than one nude model is on the premises at any one time.
8. “Regularly features” or “regularly shown” with respect to an adult cabaret, adult theater, or adult motion picture theater means at least three times within any 30-day period or carried on as part of the business’s routine scheduling of events or activities and not so infrequently as to constitute a single, rare or unusual event or occurrence.
9. “Significant” or “substantial portion” means such a percentage of its activities, space allocation, revenues, advertising targeting, stock in trade, floor or display space, business receipts, revenues, or other business undertakings as to indicate to a reasonable person that a sexually oriented portion of the business is one of its important activities, though not necessarily its only or even primary activity; for this purpose, evidence that 25 percent or more of its revenues are derived from such sexually oriented activities or materials, or that 25 percent or more of its interior floor space or display space is devoted to such sexually

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oriented activities or materials, or that 25 percent or more of its actual stock in trade regularly displayed and immediately available for use, rental, purchase, viewing or perusal is comprised of such sexually oriented materials, all as defined in Section 10.62.02 of this chapter, shall be evidence that a “significant or substantial portion” of the business is devoted to such uses.

“Employee” means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage, or other compensation by the operation of said business.

“Establishment” means and includes any of the following:

1. The opening or commencement of any such business as a new business.
2. The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this chapter.
3. The addition of any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business.
4. The relocation of any such sexually oriented business.
5. The substantial enlargement of any such sexually oriented business.

“Nudity” or “state of nudity” means (a) the appearance or display of a human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast, or (b) a state of dress which fails to opaquely and fully cover a human buttock, anus, male or female genitals, pubic region or areola or nipple of the female breast.

“Operator” means and includes the owner, permit holder, custodian manager, operator, or person in charge of any permitted or licensed premises.

“Permitted or “Unlicensed premises” means any premises that require a license and/or permit that is classified as a sexually oriented business.

“Permittee and/or licensee” means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

“Person” means an individual, proprietorship, partnership, corporation, association or other legal entity.

“Public building regularly frequented by children” means any building owned, leased, or held by the United States, the State, the County, the City, any special district, school district, or any other agency or political subdivision of the State or the United States, which building is used as a library, community center, children’s center, or any other use having special attraction to children, or which building is often visited by children for social activities unaccompanied by their parents or other adult custodians.

“Public park” or “recreation area” means public land that has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, open space wilderness areas, or similar public land within the City which is under the control, operation, or management of the City park and recreation authorities.

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“Religious institution” means any church, synagogue, mosque, temple, or building that is primarily for religious worship and related religious activities, as identified on the latest equalized tax roll.

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

“Semi-nude” means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

“Sensitive land uses” means residences and residential neighborhoods, child daycare facilities, cemeteries, religious institutions, schools, boys’ clubs, girls’ clubs, or similar existing youth organizations, public parks, or any public building regularly frequented by children.

“Sexually oriented business” means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor, sexual encounter establishment, escort agency, or nude model studio.

“Specified anatomical areas” as used in this chapter means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

“Specified sexual activities” as used in this chapter, means and includes any of the following:

1. The fondling or other intentional touching of buttocks for the purpose of sexual arousal, or fondling or other intentional touching of human genitals, pubic region, anus, or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
3. Masturbation, actual or simulated.
4. Human genitals in a state of sexual stimulation, arousal, or tumescence.
5. Excretory functions as part of or in connection with any of the activities set forth in subsections 1 through 4 of this subsection.

“Substantial enlargement of a sexually oriented business” means an increase in the floor areas occupied by the business as the floor areas existed on the affected date of this chapter.

“Transfer of ownership or control of a sexually oriented business” means and includes any of the following:

1. The sale, lease, or sublease of the business.
2. The transfer of securities that constitute a controlling interest in the business, whether by sale, exchange, or similar means.

10.62.030 Establishment and classification of businesses regulated.

The establishment of any sexually oriented business shall be permitted only in the zone district permitted and shall be subject to the following restrictions: No person shall cause or permit the establishment of any sexually oriented businesses, as defined above, within 1,000 feet of any sensitive land use, as defined above. These limitations apply to sexually oriented businesses classified as follows:

- A. Adult arcade.
- B. Adult bookstore, adult novelty store, or adult video store.
- C. Adult cabaret.
- D. Adult motel.
- E. Adult motion picture theater.
- F. Adult theater.
- G. Nude model studio.

10.62.040 Measurement of distance.

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

10.62.050 Location of sexually oriented business.

The City of Tulare’s zoning ordinance requires that sexually oriented businesses shall be allowed only in a zone where such uses are specifically permitted. Permits for sexually oriented businesses shall be required and governed by the procedures and policies specified in the City of Tulare Municipal Code. In addition, any sexually oriented business shall be subject to the following restrictions:

- A. The person commits a misdemeanor if he operates, or causes to be operated, a sexually oriented business outside of a permitted zone.
- B. The person commits a misdemeanor if he operates, or causes to be operated, a sexually oriented business within 1,000 feet of any sensitive land use, as defined above.

10.62.060 Non-conforming uses.

- A. Any sexually oriented businesses operating at the effective date of this ordinance that is in violation of Sections 10.62.030 shall be deemed a non-conforming use. A non-conforming use will be permitted to continue for a two-year period, with possible extensions for extenuating circumstances to be granted by the City Council only upon a convincing showing of extreme financial hardship. Such extensions shall not exceed a total of three years in addition to the initial amortization period. Any such non-conforming business loses its right to operate as a non-conforming use if, for any reason, it voluntarily discontinues its business operation for a period of 30 days or more or if its license to operate is revoked, and such revocation is not overturned by a court of competent jurisdiction. Such non-conforming uses, while non-conforming, shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use.

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- B. A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location subsequent to the grant or renewal of the sexually oriented business permit and/or license within 1,000 feet of a sensitive land use. This provision applies only to the renewal of a valid permit and/or license, but this provision does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.
- C. Abandonment. Notwithstanding the above, any discontinuance or abandonment of the use of any lot or structure as an adult-oriented business shall result in a loss of legal, non-conforming status of such use.
- D. Amortization. Any adult-oriented business which was of legal use at the time of the annexation of the property and which is located in the City but which does not conform to the provisions of Section 10.62.030 shall be terminated within two years of the date of annexation unless an extension of time has been approved by the City Council in accordance with the provisions of Section 10.62.060(A).

10.62.070 Injunction.

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

10.62.080 Exception for certain nude modeling.

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

- A. By a proprietary school licensed by the State of California, a college, junior college, or university supported entirely or partly by taxation.
- B. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
- C. In a structure:
 - 1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing.
 - 2. Where, in order to participate in a class, a student must enroll at least three days in advance of the class.
 - 3. Where no more than one nude model is on the premises at any one time.

Chapter 10.64

RIGHT TO FARM

Sections:

10.64.010	Purpose.
10.64.020	Objectives.
10.64.030	Definitions.
10.64.040	Nuisance.
10.64.050	Disclosure statement.
10.64.060	Responsibility.

10.64.010 Purpose.

The purpose of this chapter is to reduce conflicts between urbanization in the City of Tulare and adjacent agricultural operations.

10.64.020 Objectives.

The objectives of this chapter are as follows:

- A. Protect the economic viability of agricultural operations that surround and are located in the City of Tulare.
- B. Reduce conflicts between urban and agricultural uses.
- C. Notify persons about the inherent nature and potential problems associated with living near or owning land adjacent to farming operations.

10.64.030 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“Adjacent to” means properties that are next to each other sharing a common property line.

”Agricultural land” are those lands within the City of Tulare that are zoned as Agriculture (A) or Rural Residential (R-A) or lands within the unincorporated areas of Tulare County that are zoned to an agricultural zone district.

“Agricultural operations” shall mean, but shall not be limited to, the cultivation and tillage of soil, dairying, the production, irrigation, frost protection, cultivation, growing, spraying, harvesting and processing of any agricultural commodity, including timber, viticulture, agriculture or horticulture, the raising of livestock, fur-bearing animals, fish or poultry, and any commercial practices incidental to, or in conjunction with, such agricultural operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

“Inherent problems” are problems associated with agricultural operations, including, but not limited to, noise, odors, dust, chemicals, smoke, and extended hours of operation.

“Urbanization” means the development of land for non-agricultural purposes, including, but not limited to, residential, commercial, industrial, and institutional land uses.

10.64.040 Nuisance.

No agricultural operation, conducted or maintained for commercial purposes, and in a manner consistent with the property and accepted customs and standards established and followed by similar agricultural operations in the same locality, shall be or shall become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years, if it was not a nuisance at the time it began.

10.64.050 Disclosure statement.

- A. Upon the division of any land by parcel map or subdivision map, where the subject land is adjacent to agricultural operations, a disclosure statement, as prescribed by the Department, shall be recorded at the time of recording the map and shall become a permanent disclosure statement on the deed to the owner or prospective owner stating that the subject property is adjacent to farming operations and, if operated consistent with this title, the farming operations have the right to continue.
- B. The disclosure statement shall read as follows: “If the property in which you are taking an interest is located adjacent to agricultural lands or operations, or is included within an area zoned for agricultural purposes, you may be subject to inconveniences or discomfort arising from such operations including, but not limited to, noise, odors, fumes, dust, smoke, insects, operations of machinery (including aircraft) during any 24-hour period, storage and disposal of manure, and the application (by spraying or otherwise) of chemical fertilizers, soil amendments, herbicides, and pesticides. One or more of the inconveniences described herein may occur as a result of any such agricultural operation that is in conformance with existing laws and regulations and accepted customs and standards. If you live adjacent to an agricultural operation, you should be prepared to accept such inconveniences and discomfort as a normal and necessary aspect of living in a city with a strong rural character and an active agricultural sector in the region.”

10.64.060 Responsibility.

- A. It shall be the responsibility of the City of Tulare to require compliance with this chapter by applying, as conditions of approval of any division or land pursuant to the Subdivision Map Act.
- B. It shall be the responsibility of the property owner of the property being subdivided to record a disclosure statement as outlined in Section 10.64.050.

Chapter 10.66

FARMLAND MITIGATION

Sections:

10.66.010	Title.
10.66.020	Purpose and intent.
10.66.030	Objectives.
10.66.040	Definitions.
10.66.050	Mitigation obligation.
10.66.060	Optional mitigation alternatives.
10.66.070	Requirements for mitigation land and agricultural conservation easements.
10.66.080	Requirements for qualified entities.
10.66.090	Approval and completion.
10.66.100	Miscellaneous.

10.66.010 Title.

This chapter may be cited as the “Farmland Mitigation Ordinance” of the City of Tulare.

10.66.020 Purpose and intent.

The purpose of this chapter is to set forth the specific criteria and guidelines consistent with the City of Tulare (Tulare) General Plan policies for the mitigation of agricultural land converted to non-agricultural uses within the City’s urban development boundary (UDB) and outside the city limits. The intent of this chapter is to protect the City of Tulare’s agricultural lands from conversion to non-agricultural uses.

10.66.030 Objectives.

The objectives of this chapter are as follows:

- A. Protect agriculture as a crucial component of Tulare’s economy and cultural heritage.
- B. Protect and preserve agricultural lands from the effects of urban encroachment.
- C. Balance the need for agricultural land conservation with other public goals in Tulare, including the need for housing, commercial, industrial, and infrastructure development.
- D. Foster coordination and cooperation by the City of Tulare with the County of Tulare, Local Agency Formation Commission, and neighboring cities, including the City of Visalia, to facilitate an integrated and comprehensive regional approach to agricultural land conservation.

10.66.040 Definitions.

Except where the context of this chapter otherwise expressly requires, the following definitions shall govern the construction of this chapter. Furthermore, the definition of a word or phrase applies to any of that word’s or phrase’s variants. For the purpose of this chapter, the following definitions shall apply.

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“Adjustment for inflation” for costs other than the purchase price of agricultural conservation easements, adjustment for inflation refers to adjustments to reflect increases in the Consumer Price Index applicable to Tulare. For the purchase price of agricultural conservation easements, adjustment for inflation refers to adjustment to reflect increases in the House Price Index applicable to Tulare, as compiled by the Office of Federal Housing Enterprise Oversight.

“Agricultural conservation easement” means a perpetual easement or servitude, comparable to a conservation easement, as provided for in Sections 815 to 816 of the Cal. Civil Code, or an open space easement, provided for in Sections 51070 to 51097 of the Cal. Gov’t Code, limiting the use of the encumbered land to agricultural and accessory uses, which easement or servitude is used to satisfy the mitigation obligation imposed by this chapter.

“Agricultural designation” means land that is within the City of Tulare or within the City of Tulare’s Urban Development Boundary and is labeled as Open Space/Agriculture per the latest City of Tulare General Plan Land Use Map, or land within the County of Tulare designated for agricultural use in the latest Tulare County General Plan Land Use Map.

“Agricultural land” means land, residing within the UDB of the City of Tulare, but outside the City’s incorporated limits, which is either currently in agricultural use or substantially undeveloped and capable of agricultural use.

“Agricultural use” means use of land to produce food, fiber, or livestock for commercial purposes.

“Agricultural zone” means land that is within the City of Tulare and is labeled as Open Space/Agriculture per the latest City of Tulare Zoning Map, or land within the County of Tulare zoned for agricultural use in the latest Tulare County Zoning Map.

“Applicant” means any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, or organization seeking approval or authorization from the City of Tulare on an application or permit for property that is outside the Tulare city limits at the time the ordinance codified in this chapter becomes effective.

“Chapter” includes all sections and provisions within this Farmland Mitigation Ordinance.

“City Council” means The City Council of the City of Tulare.

“Conversion” means those conversions of land requiring mitigation as identified in Section 10.66.040.

“Critical farmland” means land designated “Prime,” “Farmland of Statewide Importance,” “Unique Farmland,” or “Grazing Land” by the California Department of Conservation as shown on their latest Important Farmland Map.

“Legal parcel” means a parcel of land lawfully subdivided in accordance with the Subdivision Map Act, whether or not a Certificate of Compliance has been issued for the parcel. The existence of a distinct Assessor’s Parcel Number for a parcel does not, by itself, demonstrate that it is a legal parcel.

“Legislative body” means a jurisdiction’s decision-making body.

“Mitigation land” means land encumbered by an agricultural conservation easement or under an alternative mitigation option approved by the legislative body pursuant to Section 10.66.060 to satisfy the mitigation obligation imposed by this chapter.

“Qualified entity” means an entity qualified and approved to hold agricultural conservation easements in compliance with Section 10.66.080 of this chapter.

10.66.050 Mitigation obligation.

This chapter and the following mitigation obligations shall apply to the conversion to a non-agricultural use of one or more acres of Critical farmland, as defined in this chapter, regardless of the General Plan land use designation or zoning applicable to the land.

- A. As mitigation for the conversion of critical farmland, the applicant shall arrange for the imposition of an agricultural conservation easement on no less than one acre of mitigation land for each acre of land proposed for conversion. The applicant shall convey, or arrange for the conveyance of, such agricultural conservation easement to a qualified entity. The mitigation land shall be comparable to the land proposed for conversion, as provided in Section 10.66.070 of this chapter.
- B. For the purposes of calculating the mitigation obligation under Section 10.66.050(A), the area requiring mitigation shall be the full area of the legal parcel affected by conversion and not merely any lesser portion of the parcel that may be sought to be developed or converted to another use at the time conversion is proposed.
- C. The applicant shall pay to the qualified entity an administrative fee sufficient to compensate for all administrative costs reasonably necessary for the qualified entity to acquire and hold the agricultural conservation easement and implement this chapter, including all of the following:
 1. Establishment of an endowment to provide for monitoring, administration, enforcement, and all other services necessary to ensure that the conservation purposes of the agricultural conservation easement are maintained in perpetuity.
 2. The qualified entity’s administrative costs in evaluating the mitigation land and reviewing and accepting the agricultural conservation easement.
- D. It is the applicant’s responsibility to identify, propose for approval mitigation land, and arrange for imposition of an agricultural conservation easement that satisfies the requirements in Section 10.66.070 of this chapter.
- E. Nothing in this chapter shall be construed to compel an applicant for conversion to convey to the City of Tulare or to a qualified entity an agricultural conservation easement in property owned by the applicant.
- F. The mitigation obligation set forth in this chapter shall not apply to a legal parcel that is less than one acre in area. However, this exemption shall not apply to a parcel that is one phase or portion of a larger project. The City of Tulare may disallow the use of this exemption if it finds that the subject property has been subdivided into one-acre or smaller parcels in whole or in part to avoid the mitigation obligation.
- G. The following public uses are exempt from the mitigation obligation imposed by this chapter: public parks or public recreational facilities, permanent natural open space, and trails and developed open space that are open to the public.
- H. Projects designed solely to preserve, create, or enhance wildlife habitat on agricultural land shall be exempt from the mitigation obligation in this chapter.

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- I. At its sole option, an applicant may choose to arrange for the imposition of an agricultural conservation easement on a larger area of land than the area of land proposed for conversion and thereby generate a mitigation credit equal to the excess net acreage encumbered with the easement.
- J. Any excess area encumbered with the agricultural conservation easement shall fully comply with all requirements of this chapter and shall be comparable to the land proposed for conversion to the same degree as the portion of the land offered to satisfy the mitigation obligation in this chapter, including, but not limited to, the requirements for mitigation land in Section 10.66.070 and the review and approval process in Section 10.66.090.
- K. The administrative fee paid by an applicant choosing to create mitigation credits shall include the acreage covered by the mitigation credits. The applicant may pass that fee through to a later purchaser of the credits.
- L. Mitigation credits created under this chapter may be conveyed and used as provided in Section 10.66.060.
- M. The qualified entity shall maintain a ledger indicating:
 - 1. The amount of credits created under this section.
 - 2. The holder of those credits.
 - 3. The administrative fees paid by the creator of the credits attributable to the mitigation land covered by the credits.
 - 4. Any subsequent transactions involving those credits.

10.66.060 Optional mitigation alternatives.

As an alternative to providing the mitigation required by this chapter, the applicant may choose to seek approval to implement one of the following alternative mitigation options.

- A. As authorized by the City of Tulare, an applicant for conversion of critical farmland may satisfy the mitigation obligation set forth in this chapter by paying to a qualified entity a fee in lieu (“in-lieu fee”) of conveying an agricultural conservation easement.
- B. Payment of an in-lieu fee is available only for the conversion of legal parcels that are smaller than 20 acres.
- C. To obtain authorization to pay an in-lieu fee, the applicant must also demonstrate one of the following:
 - 1. No qualified entity exists.
 - 2. The applicant has met with all qualified entities and all such entities have certified in writing to the City of Tulare that they are unable or unwilling to assist with the acquisition of an agricultural conservation easement.
 - 3. Working with a qualified entity, the applicant has made at least one good-faith offer to purchase an agricultural conservation easement, but all such offers have been declined by the potential seller or sellers.
- D. Any in-lieu fee shall include each of the following components:

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1. The purchase price of an agricultural conservation easement in mitigation land that complies with all of the requirements in Section 10.66.070. This component shall be adjusted for inflation based on the estimate of the time required to acquire mitigation land following payment of the fee.
 2. All transaction costs associated with the acquisition of the agricultural conservation easement.
 3. An amount sufficient to endow the cost of monitoring, administering, and enforcing the agricultural conservation easement in perpetuity.
 4. The applicant's pro rata share of the qualified entity's administrative costs in implementing the in-lieu fee program.
 5. A reasonable amount to cover additional contingencies.
- E. In no event shall the in-lieu fee established pursuant to this section exceed a reasonable estimate of the total of:
1. The cost of acquiring and managing the agricultural conservation easement that the applicant would otherwise be required to create to satisfy its mitigation obligation under this chapter.
 2. The cost of administering the in-lieu fee.
- F. In-lieu fees received by the qualified entity shall be expended solely for the purpose of acquiring and managing agricultural conservation easements in mitigation land that meets the criteria set forth in Section 10.66.070 and funding the qualified entity's cost of implementing the in-lieu fee program.
- G. If authorized by the City of Tulare, an applicant for conversion of critical farmland may satisfy the mitigation obligation set forth in this chapter by acquiring mitigation credits created under Section 10.66.050(I), (J), and (K), which are permitted to be passed through to another purchaser.
- H. The City, in conjunction with a qualified entity, shall make available to any applicant who requests it, the ledger of mitigation credits provided for in Section 10.66.050(M). The City of Tulare shall have no further responsibility for facilitating any private transaction involving mitigation credits.
- I. Mitigation credits may be used to satisfy the mitigation obligation created by this chapter only after the City Council has made the findings required by Section 10.66.070 with respect to the land proposed for conversion and the mitigation land covered by the mitigation credits.
- J. An applicant choosing to use mitigation credits to comply with this chapter shall pay the qualified entity administering the credits a fee in the amount equivalent to the inflation adjustment on the administrative fee that the creator of the mitigation credits originally paid pursuant to Section 10.66.050(K) if in fact, the creator of the mitigation credits passed through the administrative fee for the creation of the credits to a future purchaser of those credits.
- K. An applicant proposing conversion of critical farmland may propose an alternative method of mitigation for review and approval by the City Council subject to satisfying all of the following criteria:

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1. The proposed mitigation must result in permanent protection of mitigation land.
 2. The applicant must bear all costs of reviewing, approving, managing, and enforcing the mitigation.
 3. The proposed mitigation must be in substantial compliance with the requirements for mitigation land and agricultural conservation easements set forth in Section 10.66.070.
 4. The proposed mitigation must be in all respects at least as protective of agricultural land as the mitigation required by this chapter.
- L. The mitigation obligation imposed by this chapter is set forth in Section 10.66.050. Each alternative mitigation option in this section (Section 10.66.060) is wholly optional and made available solely for the applicant’s convenience. Under no circumstances shall the City of Tulare require any applicant to implement any such alternative mitigation option, if the applicant is willing to implement the mitigation obligations imposed in Section 10.66.050.

10.66.070 Requirements for mitigation land and agricultural conservation easements.

- A. Agricultural conservation easements in mitigation land shall be held in perpetuity by a qualified entity as defined in Section 10.66.080.
- B. Mitigation land shall be comparable in nature to the agricultural land proposed for conversion. A mitigation land is deemed comparable in nature if it complies with the below requirement under Section 10.66.070(C).
- C. The City Council shall not approve the proposed mitigation for conversion of Critical Farmland unless it finds that the mitigation land complies with each of the following requirements:
 1. The mitigation land is located in the San Joaquin Valley, outside of any city’s limits or sphere of influence, with preference given to mitigation land within 10 miles of the city limits.
 2. The legislative body having jurisdiction where the mitigation land is located has adopted a resolution approving the use of the land as mitigation.
 3. The mitigation land is subject to an agricultural designation in the General Plan and zoned for agricultural use. Any legal non-conforming use of the mitigation land has been or will be abandoned prior to execution of the agricultural conservation easement, or if maintained, will not interfere with the agricultural use of the mitigation land.
 4. The mitigation land consists of one or more legal parcels of at least 10 net acres in size, exclusive of the area occupied by any existing home and the area of any road or right-of-way easement unless the land proposed for conversion is smaller than 10 acres.
 5. An appraisal shows that the value of the agricultural conservation easement in the mitigation land is at least as high as that of an agricultural conservation easement in the land proposed for conversion. Appraisal shall be prepared by a licensed appraiser with experience in agricultural land appraisal.
 6. The soil quality of the mitigation land has an agricultural productive capacity at least equal to that of the critical farmland proposed for conversion.
 7. The available water supply for the mitigation land is at least equal to that of the land proposed for conversion in terms of quantity, quality, and security.

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8. The mitigation land is not already subject to an encumbrance or interest that would legally or practicably prevent converting the land, in whole or in part, to a non-agricultural use, such as a conservation easement, open space easement, flowage easement, avigation easement, long term agricultural lease, profit, or an interest in the subsurface estate that would preclude development of the surface estate. A contract entered pursuant to the Land Conservation Act, Cal. Gov't Code Section 51200 et seq. (Williamson Act) shall not constitute an encumbrance for purposes of this section.
 9. There are no physical conditions or contamination on the mitigation land that would legally or practicably prevent converting the land, in whole or in part, to a non-agricultural use.
 10. The mitigation land has no existing home unless the land proposed for conversion includes an existing home.
 11. The mitigation land is not owned by any public agency.
- D. The City Council shall not approve proposed mitigation unless it finds that the agricultural conservation easement complies with each of the following requirements:
1. The type of agricultural-related activity allowed on the mitigation land is specified in the easement and is at least as restrictive as the requirements of the City of Tulare's Open Space/Agriculture (A) zoning district.
 2. The agricultural conservation easement prohibits all residential, commercial, or industrial development and any other land uses or activities that substantially impair or diminish the agricultural productive capacity of the mitigation land or that are otherwise inconsistent with the conservation purposes of this chapter.
 3. The agricultural conservation easement prohibits the landowner from entering into any additional easement, servitude, or other encumbrance that could prevent or impair the potential agricultural use of the mitigation land.
 4. The agricultural conservation easement limits the construction of structures to those designed to facilitate agricultural use of the property, except that this division shall not prohibit the replacement of an existing home allowed by Section 10.66.070(C)(10).
 5. The easement provides that the mitigation land will retain water rights at least equal to that of the land proposed for conversion in terms of quantity, quality, and security.
 6. The agricultural conservation easement will be either obtained from a willing seller or voluntarily conveyed by the applicant.
 7. Any existing easement, other than a right-of-way easement, deed of trust, or other servitude or encumbrance on the mitigation land shall be subordinated to the agricultural conservation easement.
 8. The agricultural conservation easement shall be approved by the qualified entity that will hold the easement and executed by all parties with an interest in the mitigation land.
 9. The agricultural conservation easement is in recordable form and contains an accurate legal description of the mitigation land.
 10. The agricultural conservation easement names the qualified entity as an intended beneficiary and authorizes it to enforce all terms of the easement.

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11. The agricultural conservation easement recites that it is intended to satisfy the mitigation obligation imposed by this chapter and that it is subject to the requirements set forth in this chapter.
 12. If the agricultural conservation easement is an instrument other than a conservation easement created under Sections 815 to 816 of the Cal. Civil Code or an open space easement created under Sections 51070 to 51097 of the Cal. Gov't Code, both the qualified entity and the City of Tulare have certified that the easement will run with the land and bind successor owners of the mitigation land in perpetuity.
 13. The agricultural conservation easement provides that if the qualified entity holding the easement ceases to exist, ownership of the easement shall pass to another qualified entity.
 14. The agricultural conservation easement has been approved as to form by the City of Tulare.
- E. Division (D) does not prevent inclusion in an agricultural conservation easement of requirements that are more protective of agricultural use than the requirements set forth in that division.
- F. Before approving any alternative mitigation option, the City Council shall determine that such option is consistent with the requirements in Section 10.66.070(C) and Section 10.66.070(D).
- G. After the City Council has approved an agricultural conservation easement, the easement shall not be amended without further approval by the City Council and compliance with any approval requirements imposed by the Attorney General of the State of California for the amendment.
- H. If a court issues a judgment declaring that the purposes of this chapter and of an agricultural conservation easement can no longer be fulfilled by enforcement of that easement, the qualified entity holding that easement may extinguish the easement by selling it to the fee owner of the mitigation land, if the following requirements are met:
1. Either the action was contested and the judgment was not entered pursuant to stipulation, or the City of Tulare was a party to the action and stipulated to the judgment.
 2. The qualified entity shall use the proceeds of sale to acquire an agricultural conservation easement in other mitigation land in compliance with this chapter.

10.66.080 Requirements for qualified entities.

- A. To be considered a qualified entity, an entity must be a non-profit public benefit corporation, operating within the State of California, that is qualified to hold conservation easements under Section 815.3 of the Cal. Civil Code and in compliance with the requirements of Section 65965 et seq. of the Cal. Gov't Code, and be approved by the City Council for the purpose of holding and managing agricultural conservation easements.
- B. In considering whether to approve an entity as a qualified entity, the City Council shall consider the following criteria:
1. Whether the entity's principal purpose includes holding and administering easements for the purposes of conserving and maintaining lands in agricultural production.
 2. Whether the entity has an established record of holding and administering easements for the purposes of conserving and maintaining lands in agricultural production.

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3. The extent and duration of the entity’s involvement in agricultural land conservation within the San Joaquin Valley, specifically Tulare County.
 4. Whether the entity has been accredited by the Land Trust Accreditation Commission.
 5. Whether the entity is a member in good standing of an established and widely recognized California statewide association of land trusts.
 6. Any other information or requirements the City finds relevant under given circumstances.
- C. No qualified entity shall sell, lease, hypothecate, or encumber any interest in any mitigation land without the prior approval of the City Council.
- D. A qualified entity shall use fees provided by an applicant solely for purposes of acquiring, administering, monitoring, and enforcing agricultural conservation easements acquired pursuant to this chapter.
- E. If a qualified entity intends or reasonably expects to cease operations, it shall assign any agricultural conservation easements it holds to another qualified entity.
- F. The qualified entity shall monitor the use of all mitigation land subject to agricultural conservation easements held by the entity and enforce compliance with the terms of those agricultural conservation easements.
- G. On or before December 31 of each year after a qualified entity is approved by the City Council, the entity shall provide to the City of Tulare Planning Division an annual report describing the activities undertaken by the entity under this chapter. That report shall describe the status of the mitigation land and/or agricultural conservation easements held by the entity, including a summary of all action taken to enforce its agricultural conservation easements, and an accounting of the use of administrative and in-lieu fees remitted to it by applicants.

10.66.090 Approval and completion.

- A. All mitigation proposed by an applicant to comply with this chapter, including any alternative mitigation option proposed by the applicant, shall be reviewed by the Planning Commission for consistency with the terms and purposes of this chapter. The Planning Commission shall recommend approval, conditional approval, or disapproval to the City Council. The Planning Commission shall not recommend approval of the proposed mitigation unless it finds that mitigation to be consistent with the requirements for mitigation land and agricultural conservation easements set forth in Section 10.66.070.
- B. The City Council shall consider the Planning Commission’s recommendation and shall either approve, conditionally approve, or disapprove the proposed mitigation.
- C. The City of Tulare shall not issue any permit or other approval for any project involving a conversion subject to the mitigation obligation under this chapter unless the City Council has previously approved proposed mitigation in compliance with this chapter. Issuance of any such permit or approval shall be conditioned on the applicant’s completion of mitigation in compliance with Section 10.66.090(D) and (E).
- D. The applicant for conversion must complete all required mitigation prior to the earliest of either:
1. Approval of any parcel map or final subdivision map.

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2. Issuance of any building, grading, or encroachment permit.
- E. Mitigation shall be deemed complete when the approved agricultural conservation easement has been recorded and the applicant has paid the required administrative fee. However, if the applicant elects to seek approval of an alternative mitigation option, mitigation shall be deemed complete when the City of Tulare provides the applicant with a letter indicating that mitigation is complete.

10.66.100 Miscellaneous.

- A. The provisions of this chapter shall only apply to the extent that their application would not violate the constitution or laws of the United States, or of the State of California. The City Council shall apply the chapter to avoid such unconstitutionality or illegality.
- B. If any portion of this chapter is held to be unconstitutional, such a decision shall not affect the validity of the remaining portions of this chapter. The City Council declares that it would have enacted this chapter and each section, division, paragraph, sentence, clause, or phrase thereof even if a portion of the chapter were declared unconstitutional.
- C. Nothing in this chapter shall be construed to abridge or narrow the City of Tulare’s police powers. The City Council retains its full power and discretion in its ability to deny a proposed conversion on the basis that the proposed conversion is inconsistent with the public health, safety, or welfare because of the loss of agricultural land or otherwise, which the City is tasked with safeguarding.

Chapter 10.68

WIRELESS COMMUNICATION FACILITIES AND TOWERS

Sections:

- 10.68.010 Purpose and application.**
- 10.68.020 Definitions.**
- 10.68.030 Principle or accessory use.**
- 10.68.040 Measurement.**
- 10.68.050 Effect on non-conforming uses.**
- 10.68.060 General standards.**
- 10.68.070 Co-location of facilities.**
- 10.68.080 Exemptions.**
- 10.68.090 Permitted and conditional uses.**
- 10.68.100 Application process.**
- 10.68.110 Review criteria.**
- 10.68.120 Federal and State regulations.**
- 10.68.130 Building codes and safety standards.**
- 10.68.140 Appeals.**
- 10.68.150 Removal of abandoned antennas, towers, supporting equipment, and structures.**

10.68.010 Purpose and application.

The purpose of this chapter is to promote and maintain the purposes and objectives of the City of Tulare zoning ordinance; to ensure the co-location of new and existing tower and antenna sites whenever possible; to ensure the location of towers and antennas are in areas where the adverse impact on the community is minimal; to ensure that towers and antennas are designed in a way that minimizes the adverse visual impact on the community; and to protect the public safety and general welfare of the community.

10.68.020 Definitions.

For the purposes of this chapter, unless otherwise defined, the following words and phrases when used in this chapter are defined as follows:

“Antenna” means a system of poles, panels, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic signals, including, but not limited to, digital signals, analog signals, radio waves (excluding radar signals), wireless telecommunication signals, and microwaves.

“Antenna, amateur radio” means a ground, building, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service and as designated by the Federal Communications Commission (FCC).

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“Antenna array” means one or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include an omnidirectional antenna (rod), directional antenna (panel), and parabolic antenna (disc). The antenna array does not include the support structure as defined below.

“Antenna, building mounted” means an antenna that is fully or partially supported by the roof or exterior wall of a building or structure, and that transmits or receives electromagnetic signals.

“Antenna, direct broadcast satellite service (DBS)” means an antenna that is typically a small home receiving dish designed to receive direct broadcast from a satellite.

“Antenna, Multipoint Distribution Services (MDS)” means an antenna designed to receive video programming services via multipoint distribution services, including multipoint multichannel distribution services, instructional television fixed services, and local multipoint distribution services.

“Antenna structure” means an antenna array and its associated support structure, such as a mast or tower, (but not to include a suspended simple wire antenna) that is used for the purpose of transmitting and/or receiving electromagnetic signals, including, but not limited to, radio waves and microwaves.

“Antenna structure, freestanding” means an antenna structure or mast that is not attached to a building, fence, or other structure. Freestanding antenna structures include, without limitation, communications towers, wooden utility poles, standard or decorative concrete and steel monopoles. If the total height of the structure, including the antenna, exceeds 20 feet, it shall be treated as a monopole.

“Antenna structure, monopole” means an antenna structure, often tubular in shape, made of metal, reinforced concrete, or wood which is at least 20 feet in height.

“Attached Wireless Communication Facility (attached WCF)” means an antenna array that is attached to an existing building or structure (attachment structure), which structures shall include, but not be limited to, utility poles, signs, water towers, with any accompanying pole or device (attachment device) which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside of the attachment structure.

“Co-locate” or “co-location” means use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.

“Equipment facility” means any structure used to contain ancillary equipment for a WCF which includes cabinets, shelters, a buildout of an existing structure, pedestals, and other similar structures.

“FAA” means the Federal Aviation Administration.

“FCC” means the Federal Communications Commission.

“Height” means the distance measured from ground level to the highest point on the WCF, including the antenna array.

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“Pre-existing tower and antenna” means any tower or antenna for which a permit has been properly issued prior to the effective date of the ordinance codified in this chapter.

“Provider” means a person, as defined in Section 1.04.130 of the Tulare Municipal Code, pursuant to the provisions of this chapter.

“Stealth Facility” means any communication facility that is designed to blend into the surrounding environment, and is visibly unobtrusive. Examples of stealth facilities may include architectural screened roof-mounted antennas; facade-mounted antennas painted and treated as architectural elements to blend with existing buildings; and facilities camouflaged as trees or appropriate structures. Also known as concealed telecommunication facilities.

“Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. This definition includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

“Wireless Communication Facility (WCF)” means any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation.

10.68.030 Principle or accessory use.

Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

10.68.040 Measurement.

- A. For purposes of determining compliance with development standards in this title, including, but not limited to, setback requirements, lot coverage requirements, and other applicable requirements, the dimensions of the entire lot shall be considered, even though the antennas or towers may be located on leased areas within such lots.
- B. For the purpose of this section, all distances shall be measured in a straight line without regard to intervening structures, from the nearest point of the proposed major wireless telecommunications facility to the nearest point of another major wireless telecommunications facility. For purposes of measurement, separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries.

10.68.050 Effect on non-conforming uses.

Towers that are constructed, and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a non-conforming use or structure.

10.68.060 General standards.

The following requirements and standards shall apply to the construction and installation of all new WCFs:

- A. All standards as set forth in this chapter.
- B. Any applicable federal, State, and local laws, regulations, and ordinances.

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- C. All applicable provisions of the Tulare Municipal Code, Tulare zoning ordinance, public works improvements standards, and all applicable fees that are not in conflict with the provisions of this chapter.
- D. The Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, where applicable.
- E. All FCC and FAA rules, regulations, and standards.
- F. Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- G. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless telecommunication system in the City have been obtained and shall file a copy of all required franchises with the Director.
- H. The City encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for multiple sites shall be given priority in the review process, in compliance with the Permit Streamlining Act.

10.68.070 Co-location of facilities.

- A. When technically and economically feasible, a new WCF shall be attached to an existing structure (attached WCF), shall co-locate with another WCF, or create sites that will accommodate future co-location of other WCFs in the future.
- B. Any site plan review application proposed in accordance with Chapter 10.72 proposing the construction of a new WCF with a supporting structure shall specifically identify the actions taken by the applicant to locate, construct, and operate the new WCF at a co-location. If co-location is not feasible, the application shall specifically identify the locations considered and the reasons why such locations are unacceptable for the construction and operation of the new WCF.

10.68.080 Exemptions.

- A. The following WCFs shall be exempt from the requirements of Section 10.68.090, and a building permit is not required.
 - 1. Construction of an antenna under a permit issued by the California Public Utilities Commission (CPUC) or a permit issued in accordance with the rules and regulations of the Federal Communications Commission (FCC) that specifically allows for the construction of the antenna.
 - 2. Direct broadcast satellite (DBS) antennas, multipoint distribution services (MDS) antennas, and television broadcast service (TVBS) antennas that are one meter (3 feet 3 3/8 inches) or less in diameter or in diagonal measurement, are located entirely on-site and are not located within the front setback area of the lot on which they are located. This locational requirement is necessary to ensure that such antenna installations do not become attractive nuisances and/or result in safety hazards.
- B. The following WCFs shall be exempt from the requirements of Section 10.68.090 of this chapter, however, a building permit is required.

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1. Satellite Earth Station (SES) antennas that are two meters (6 feet 6 3/4 inches) or less in diameter or in diagonal measurement, are located in a C-4 or M zone district and are located on the top of buildings as far away as possible from the edges of rooftops so that they cannot be viewed from a public right-of-way.
2. Amateur radio antenna structures that are 24 inches or less in diameter or in diagonal measurement, and where no portion of the antenna overhangs any property line.
3. Modification to an existing, approved antenna/tower where the modification does not result in an increase in the height of the existing, approved antenna/tower and does not provide for more than three communication providers on a single antenna/tower.
4. Installation of buildings or other support equipment used with a previously approved WCF antenna/tower that meets all requirements of the zone district in which the building or other support equipment is to be located, and that does not result in an increase in the size of the overall WCF site.

10.68.090 Permitted and conditional uses.

Wireless communications facilities that are not exempt per Section 10.68.080 shall be either permitted or conditional uses in accordance with this section. If this section appears to conflict with the table in Section 10.08.030 then this section shall apply.

- A. The following WCFs shall be permitted uses. Site plan review approval issued in accordance with Chapter 10.72 and a building permit is required.
 1. Installation of a monopole on an existing structure, located in the PF zone district, A zone district, or in any commercial or industrial zone district, where the height of the monopole is not higher than 20 feet above the height of the existing structure and has a 100-foot setback from residential zones.
 2. Installation of buildings or other support equipment used with a previously approved WCF antenna/tower that meets all requirements of the zone district in which the building or other support equipment is to be located, and that results in less than a 30 percent increase in the size of the overall WCF site.
- B. The following WCFs shall obtain a conditional use permit prior to construction or installation in accordance with Chapter 10.80. Site plan review approval issued in accordance with Chapter 10.72 and a building permit is also required:
 1. Installation of a new concealed or disguised stealth antenna located on the ground and/or attached to a building in any zone district where the antenna does not exceed 70 feet in height.
 2. Installation of a new non-camouflaged, free-standing antenna/tower up to 50 feet in height with a 100-foot setback from residential zones.
 3. Installation of a new non-camouflaged free-standing antenna/tower that exceeds 50 feet in height but not greater than 70 feet in height, with a 300-foot setback from residential zones, except where existing tall structures, such as water towers or buildings, utilizing only antenna transmitting or receiving screens or dishes need not comply with the 300-foot setback.

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4. Installation of a new free-standing antenna/tower in any industrial zone district where the antenna exceeds the maximum height limits of the zone district in which it is located up to 150 feet in height, provided the Planning Commission makes the following findings:
 - a. That the additional height is needed for public safety or for radio/television transmission.
 - b. That there is a minimum of 300-foot separation between the antenna and residential zoning.
 - c. That there are special circumstances that justify the additional height of 150 feet at the requested location.
 5. Modification to an antenna/tower approved by conditional use permit where the modification results in an increase of more than 20 percent of the height of the approved antenna/tower.
- C. Administrative adjustment. The Director may allow an increase in the height of any permitted antenna, not to exceed 20 percent above the height limitations described in the chapter, based upon the following findings:
1. There is no feasible alternative to allowing the height increase or the result of not allowing the height increase would result in an increase in the number of antennas necessary.
 2. Approval would not result in a significant negative impact to the immediate neighborhood.
 3. There are other tall structures or trees that require the antenna to be taller to provide service.
- D. Notwithstanding other provisions of this section, a WCF shall obtain a conditional use permit prior to construction or installation in accordance with Chapter 10.80 if it is located in the Airport Overlay District and shall meet all requirements of Chapter 10.42.

10.68.100 Application process.

Every application must include the following information:

- A. Consistent with applicable laws. This section shall apply, to the fullest extent allowed by and consistent with applicable federal, State, and California Public Utility laws and regulations, to all new wireless towers and facilities, including towers and antennas proposed to be located on private or public property, as well as proposed to be located in, along, or across the public right-of-way.
- B. Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the Director an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are in the Tulare Urban Area Boundary (UAB), including specific information about the location, height, and design of each tower. The Director may share such information with other applicants applying for administrative approvals or conditional use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the City, provided, however, that the Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- C. Amateur radio station operators/receive-only antennas. This section shall not govern any tower, or the installation of any antenna, that is under the height limitation of the relevant zone

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and is owned and operated by a federally-licensed amateur radio station operator, or is used exclusively for receive only.

- D. Pre-existing towers or antennas. Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this section unless the applicant proposes to increase the height of the antenna.
1. Type of technology. A written description of the types of technology to be provided to its customers over the next five years, (e.g., Cellular, PCS, ESMR).
 2. Radio frequencies. A description of the radio frequencies to be used for each technology.
 3. Services. The type of consumer services (voice, video, data transmission) and consumer products (mobile phones, laptop PCs, modems) to be offered.
 4. All facilities. Provide a list of all existing, existing to be upgraded or replaced, and proposed cell sites within the City for these services by the company.

10.68.110 Review criteria.

Every application must comply with the following development standards:

- A. Radio Frequency. The applicant must submit documentation demonstrating that use of the WCF will not result in levels of radio frequency emissions that will exceed FCC standards. Such documentation shall not be required for amateur radio antenna structures or for antennas installed for home entertainment purposes.
- B. Structural Integrity. WCF with support structures must be constructed to Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard titled “Structural Standards for Steel Antenna Towers and Antenna Supporting Structures” (or equivalent), as it may be updated or amended. Antenna/towers supported by guy wires are prohibited within the City.
- C. Co-location. Support structures and site areas for wireless telecommunications antenna shall be designed and of adequate size to allow at least one additional wireless service provider to co-locate on the structure. Co-location shall be encouraged in all cases where feasible and reasonable to do so.
- D. Required separation. An antenna shall not be located within 1,000-foot radius of any other co-locatable antenna, measured from the base of the tower to the base of the tower, unless the Director makes the following findings:
1. The granting of the reduction will not substantially impair the intent and purpose of this title or the goals, policies, and objectives of the adopted General Plan.
 2. The reduction is not requested exclusively on the basis of economic hardship to the applicant.
 3. The reduction is necessary and essential to providing the applicant’s wireless service based on the technical constraints and the lack of other available appropriately zoned land outside the radius.
 4. Evidence has been submitted to the satisfaction of the City demonstrating that co-location on existing tower structures is not available or is not technically feasible. Evidence may

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include a written statement from the service provider with the existing facility that co-location is not feasible.

- E. The Planning Commission may impose conditions they believe are reasonable, on any conditionally permitted antenna.
- F. Lighting. WCF shall not be artificially lighted, except for:
 - 1. Security and safety lighting of equipment buildings if such lighting is appropriately shielded to keep light within the boundaries of the site.
 - 2. Lighting of the tower or antenna may be required by the Federal Aviation Administration or other applicable authority. Said lighting is to be installed in a manner to minimize impacts on adjacent properties.
- G. Security. WCF with tower/antenna structures shall be enclosed by a security fence not less than six feet in height and the structure shall be equipped with an appropriate anti-climbing device.
- H. Landscaping shall be in accordance with the requirements combined in Chapter 10.52 Landscape Standards.
- I. Safety. For the protection of emergency response personnel, each telecommunications facility shall have an on-site emergency “kill switch” to de-energize all RD-related circuitry/componentry at the site.
- J. Setbacks. Antennas and accessory structures in compliance with height restrictions of this chapter shall also comply with the required building setbacks for the zoning district in which the facility is located. Antennas shall not be located within the required front yard area of any parcel.
- K. Noise. A description of all audible noise-generating equipment, including the times and decibel levels of the noise that will be produced shall be submitted with the application for the project. No equipment shall be operated at a WCF that produces noise in excess of the applicable noise standards stated in the Tulare Municipal Code. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:00 a.m. and 7:00 p.m.
- L. Painting. All equipment, antennas, poles, or towers shall have a non-reflective finish and shall be painted or otherwise treated to minimize visual impacts. Antennas that will be viewed primarily against the skyline shall be painted light gray, light blue, or other sky-blending color. WCF with tower antenna structures shall be designed and painted to blend in with existing surroundings to the extent feasible as determined by the Community Development Department, including the use of compatible colors. Equipment facilities shall, to the extent practicable, use materials, colors, and textures that will blend with the natural setting and existing building environment.
- M. Fencing. All proposed fencing shall be decorative and compatible with the adjacent buildings and properties within the surrounding area and shall be designed to limit graffiti.
- N. Signage. A permanent, weather-proof identification sign, approximately 16 inches by 32 inches in size, must be placed on the gate of the fence surrounding the facility or, if there is no fence, on the facility itself. The sign must identify the facility operator(s), provide the

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operator's address, and specify a 24-hour telephone number at which the operator can be reached so as to facilitate emergency services.

- O. Traffic. Traffic shall be limited to no more than one round-trip per day on an average annual basis once construction is complete, except for emergency maintenance purposes.

10.68.120 Federal and State regulations.

- A. All towers/antenna structures must meet or exceed current standards and regulations of the FAA, the FCC, the CPUC, and any other agency of the federal or State government with the authority to regulate towers and antennas.
- B. If said standards and regulations are modified or amended and require pre-existing WCFs to comply with the new or amended standards or regulations, the owners and operators of the towers and antennas shall bring their towers and antennas into compliance with the revised standards and regulations within six months of the effective date of the new standards and regulations, unless the new standards or regulations or the applicable federal or State agency identify a different and specific compliance period, in which case the owners and operators of the towers and antennas shall bring their towers and antennas into compliance within that specific compliance period.
- C. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute a violation of this chapter and the City may require removal of the tower or antenna at the owner's expense.

10.68.130 Building codes and safety standards.

- A. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time.
- B. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within 30 days shall constitute grounds for removal of the tower or antenna at the owner's expense.

10.68.140 Appeals.

Appeals to a decision of the reviewing authority of an application shall be submitted and processed consistent with the procedures in Chapter 10.70.

10.68.150 Removal of abandoned antennas, towers, supporting equipment, and structures.

- A. Any antenna, tower, supporting equipment, and structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna tower, or owner of the land on which it is located shall remove said antenna, tower, or supporting equipment within 90 days of receipt of notice from the Director notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the City may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

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- B. If the cost of removal of the antenna or tower is not paid within 30 days after the date on which the notice of request for payment is mailed to the owner of the property, the City Council may direct the county tax assessor to place the unpaid costs, including administrative fees associated with the removal on the county tax roll, as a special assessment against the property pursuant to Section 25845 of the Government Code of the State of California. The assessment shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes shall be applicable to such special assessment.

Chapter 10.70

PERMITS AND APPLICATIONS

Sections:

10.70.010	Permit application and review.
10.70.020	Application form and submittal items.
10.70.030	Authority to file an application.
10.70.040	Applications acceptability of signatures.
10.70.050	Application filing and numbering.
10.70.060	Application withdrawal.
10.70.070	Decision processes for planning applications.
10.70.080	Environmental review.
10.70.090	Hearings.
10.70.100	Notice requirements.
10.70.110	Notice wording.
10.70.120	Hearing rules and procedures.
10.70.130	Continuation of hearing.
10.70.140	Testimony at hearing.
10.70.150	Planning Commission recommendation.
10.70.160	Review authority decision.
10.70.170	Notice of decision.
10.70.180	Effective date of decision.
10.70.190	Refiling of a denied application.
10.70.200	Appeals.
10.70.210	Change of ownership.
10.70.220	Subsequent permits.
10.70.230	Suspension and revocation of approved permit.
10.70.240	Expiration of approved permit.
10.70.250	Extension of expiration date of approved permit.
10.70.260	Succession to a county permit upon annexation.
10.70.270	Minor adjustment to approved permit.
10.70.280	Amendment to approved permit.

10.70.010 Permit application and review.

An application for a permit or other land use matter required by this title shall be filed, processed, heard, and either approved, denied, or approved with conditions in accordance with the provisions of this chapter and the specific chapter within this title related to the processing of that permit.

10.70.020 Application form and submittal items.

A. The Director shall prescribe and make available the form in which applications are made for a permit or other land use matter and maintain a list specifying the materials, information, and

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fees to be submitted with each application for a permit or other land use matter filed in accordance with this title. The list may be revised from time to time to comply with revisions to local, State, or Federal law, regulation, or policy. An application shall be made in the form prescribed by the Director on the date the application is filed unless otherwise specified by this title or State law.

- B. All filing fees required to be paid upon the filing of any application shall be set forth from time to time by City Council resolution.

10.70.030 Authority to file an application.

The following persons shall have the authority to file an application:

- A. The record owner of the real property that is the subject of the permit or other matter.
- B. The property owner's authorized agent.
- C. Any person who can demonstrate a legal right, interest, or entitlement to use the real property subject to the application.
- D. The Director, City Manager, Planning Commission, or City Council.

10.70.040 Applications acceptability of signatures.

If signatures of persons other than the owners of the property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the City as represented by the Planning Commission and the City Council.

10.70.050 Application filing and numbering.

Applications filed pursuant to this title shall become a part of the permanent official records, and there shall be attached thereto and permanently filed copies of all notices and actions, with any certificates and affidavits of applicable posting, mailing, or publication.

10.70.060 Application withdrawal.

Any person authorized to file an application may withdraw an application that has been filed at any time, provided the withdrawal is in writing. If an application is withdrawn after a notice of public hearing has been mailed or posted, the application shall be amended so that the withdrawal of the application can be announced publicly.

10.70.070 Decision processes for planning applications.

- A. Applications for permits or other land use matters identified in this title shall be acted upon in accordance with one of the decision processes depicted in Table 10.70.070-1 (Role of Review Authority Planning Permit Applications). Table 10.70.070-1 determines the role of each review authority in the decision-making process and shall not describe or limit the scope, meaning, or intent of any other provisions of this title. Table 10.70.070-1 only describes the processes that may be required by this title and does not describe other decision processes that may be required by other agencies. Subdivision processes and procedures are identified in Title 16.

**Table 10.70.070-1
Role of Review Authority Planning Permit Applications**

Application Type	Director	Planning Commission	City Council
Non-Discretionary Applications			
Sign Permit	Decision	Appeal	Appeal
Administrative Use Permit	Decision	Appeal	Appeal
Site Plan Review	Decision	Appeal	Appeal
Home Occupation Permit	Decision	Appeal	Appeal
Minor Deviation	Decision	Appeal	Appeal
Interpretation of Ordinance	Decision	Appeal	Appeal
Temporary Conditional Use Permit	Decision	Appeal	Appeal
Discretionary Applications			
Conditional Use Permit	Recommend	Decision	Appeal
Planned Unit Development Permit	Recommend	Recommend	Decision
Variance	Recommend	Decision	Appeal
Zoning Ordinance Amendment/ Zone Change	Recommend	Recommend	Decision
General Plan Amendment/ Specific Plan Amendment	Recommend	Recommend	Decision
Annexation	Recommend	Recommend	Decision
Williamson Act Cancellations	Recommend	Recommend	Decision

- B. All applications heard by the Planning Commission or City Council according to Table 10.70.070-1 shall be at public hearings in accordance with Chapter 10.70.090.
- C. Where a project requires multiple decisions by the Planning Commission and City Council, the Planning Commission decisions on such project shall not be final, but shall be advisory to

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the City Council, which shall be vested with the final decision-making powers pertaining to the project.

10.70.080 Environmental review.

All discretionary applications will be reviewed by the Director to determine if the project is subject to environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, as currently adopted and amended from time to time. All non-discretionary applications are deemed to not be subject to environmental review, pursuant to CEQA Guidelines Section 15268.

10.70.090 Hearings.

A public hearing is a noticed session before the Planning Commission, City Council, or other approval body, as appropriate, to receive original evidence or testimony from the applicant and the general public on discretionary applications regulated by this title.

10.70.100 Notice requirements.

Notice of time and place of public hearings shall be given in the following manner. Noticing may take place earlier than required if other laws or policies require a longer notice period.

- A. A notice of any public hearing shall be given by at least one publication in a newspaper of general circulation in the City not less than 10 days before the date of the public hearing.
- B. A notice of public hearing shall be given by mailing a written notice not less than 10 days prior to the date of such hearing to the applicant and to owners of property within a radius of 300 feet of the exterior boundaries of the property that is the subject of the application, using for this purpose the name and address of such owners and properties, as shown on the latest adopted County tax roll. Notice shall also be mailed to interested persons who have filed a written request for notification with the Director.
- C. In the event that the number of owners of property to whom notice may be sent pursuant to subsection B of this section would result in more than 1,000 notices, notice may alternatively be given at least 10 days prior to the hearing by either of the following procedures:
 1. By placing a display advertisement of at least one-eighth page in a newspaper having general circulation within the area affected by the proposed ordinance or amendment.
 2. By placing a written notice with any generalized mailing sent by the City to property owners in the area affected by the proposed ordinance or amendment, such as billings for City services.

10.70.110 Notice wording.

Public notice of hearings shall begin with the words similar to “Notice of Proposed Change of Zone District” or “Notice of Proposed Variance” or “Notice of Proposed Conditional Use Permit,” as the case may be, and set forth the description of the property under consideration, the nature of the proposed change or use, identification of the hearing body, and the time and place at which the public hearing on the matter will be held.

10.70.120 Hearing rules and procedures.

Public hearings before the City Council and the Planning Commission shall be conducted in accordance with Chapter 10.70.

10.70.130 Continuation of hearing.

If, for any reason, a public hearing cannot be completed on the date set for such hearing, the person presiding at such public hearing may, before adjournment or recess thereof, publicly announce the time and place at which the hearing will be continued, and no further notice shall be required.

10.70.140 Testimony at hearing.

A summary of all pertinent testimony offered at public hearings held in connection with an application filed pursuant to this title and the names of persons testifying shall be recorded and made a part of the permanent files of the application.

10.70.150 Planning Commission recommendation.

For applications requiring a final decision by the City Council, the Planning Commission shall first hold a public hearing on the matter. For such hearing, the Planning Commission shall, by resolution, recommend to the City Council approval or denial of the request, including the findings for the recommendation. Upon receipt of the recommendation from the Planning Commission, the City Council shall hold a public hearing after noticing is completed.

10.70.160 Review authority decision.

The review authority responsible for making a final determination for any application, as identified by Table 10.70.070-1, shall announce its findings by formal resolution, or in the case of a change to the text of this title or to the Zoning Map, by ordinance. Specific plans may be adopted by resolution or by ordinance. Non-discretionary permits may be approved by letter. The resolution shall recite, among other things, the facts and reasons which, in the opinion of the hearing body, make the approval or denial of the permit necessary to carry out the provisions and general purpose of this title, and shall order that the permit or other action be approved, denied, or approved subject to conditions that it may impose.

10.70.170 Notice of decision.

Not later than 10 days following the adoption of a resolution or other applicable document ordering that a permit or other action be approved or denied, a copy of said resolution or other applicable document shall be mailed to the applicant and to any other parties requesting notice of the action. The resolution or other applicable document shall also be filed and maintained as public record by the Director.

10.70.180 Effective date of decision.

The decision of the review authority identified in Table 10.70.070-1 for any permit or other non-legislative decision shall be effective and final 10 days following the adoption of the resolution, unless, within such period of time, the applicant or other interested party files a written appeal of the decision.

10.70.190 Refiling of a denied application.

Where an application has been denied by a review authority and that action has become final, no new application for substantially the same request shall be accepted for filing for a period of one year after the effective date of the denial, unless that reviewing authority specifies in its decision that the denial is made without prejudice.

10.70.200 Appeals.

- A. A decision of the Director may be appealed to the Planning Commission by any interested person within 10 days following the decision of the Director. Any decision of the Planning Commission, including a decision on an appeal, may be appealed to the City Council by any interested person within 10 days following the decision of the Planning Commission.
- B. Appeals to the Planning Commission or to the City Council shall be conducted as a public hearing in accordance with the public hearing noticing and hearing procedures in this chapter.
- C. A decision on an application that has been appealed may be upheld, overturned, or modified. The appeal decision shall be adopted by resolution or other applicable document.

10.70.210 Change of ownership.

Subject to the other provisions of this chapter, a permit that is effective and final pursuant to this chapter shall continue to be valid upon a change of ownership of the site or structure that was the subject of the permit, except for a Home Occupation Permit as determined by Section 10.78.070.

10.70.220 Subsequent permits.

Before any building, grading, encroachment, or other development permit is issued for any building, excavation, or other structures proposed as a part of an approved permit, the Director shall determine that the proposed building location, facilities, and improvements are in substantial conformance with the approved permit and any conditions of approval.

10.70.230 Suspension and revocation of approved permit.

- A. Upon the violation of any applicable provision of this title, the provisions of any conditional use permit, or upon the failure to comply with or satisfy any condition of approval related thereto, the permit or approval issued pursuant to this chapter shall be automatically suspended. Written notice of the suspension shall be sent by the Director to the person to whom the use permit was issued, or to their successor if known, advising them of the suspension and the violations causing the suspension.
- B. No building, grading, encroachment, or other development permit shall be issued for any building, excavation, or other structures proposed as a part of a permit that has been suspended. For any construction activity taking place on the site that is the subject of the suspended permit, the Building Official shall issue a Stop Work order.
- C. The City Council shall hold a public hearing and hear evidence from City staff, the holder of the permit, and other interested persons. Should the City Council find that there has been a violation of this title, the provisions of the permit, or a failure to comply with or satisfy any condition of approval related thereto, the City Council may either revoke the permit or take such other action as the City Council deems necessary to ensure compliance with the provisions of this title, the permit, and the related conditions of approval.

10.70.240 Expiration of approved permit.

- A. An approved permit shall expire and shall become null and void three years after the date of approval unless, prior to expiration, one of the following occurs:

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1. A building permit is issued by the building official and construction is commenced and diligently pursued toward completion on the property that was the subject of the approved permit.
 2. The use for which the permit was approved has commenced.
- B. If a use for which a permit was approved has commenced and then is later abandoned for a continuous period of one year, the permit shall expire and become null and void.

10.70.250 Extension of expiration date of approved permit.

Prior to the expiration of a permit, a person having the authority to file an application may file a written request with the Director for an extension of a permit that may otherwise expire. The request for extension shall be taken to the Planning Commission, which may extend the expiration date of the permit by one year. The Planning Commission may grant up to a total of three one-year extensions.

10.70.260 Succession to a county permit upon annexation.

- A. If a parcel of real property is considered for annexation to the City is subject to a permit previously approved pursuant to the provisions of the Tulare County zoning ordinance and the use has commenced on the date that the City Council initiates annexation, then the City shall succeed to the permit and shall administer and enforce the permit in accordance with the provisions of this chapter.
- B. If a parcel of real property is considered for annexation that is subject to a permit previously approved pursuant to the provisions of the Tulare County zoning ordinance and the use has not yet commenced on the date that the City Council initiates annexation, then the City shall declare in its resolution of annexation initiation whether it will or will not succeed to the permit. If the City declares that it will not succeed to a permit, then the permit shall be deemed null and void on the effective date of annexation.

10.70.270 Minor adjustment to approved permit.

- A. Upon written request by a person having authority to file an application, a permit approved in accordance with this chapter that has not expired may be adjusted by the Director provided that the Director determines that the adjustment is minor, does not contradict the intent of the review authority's approval, does not increase the approved use's impact on adjacent properties, does not increase the intensity or character of the use that was approved, and is consistent with the General Plan.
- B. If the Director determines that the findings in subsection A of this section required to approve a minor adjustment cannot be met, then the applicant may apply for an amendment to the permit.

10.70.280 Amendment to approved permit.

A person having the authority to file an application may apply for an amendment to an approved permit that has not expired. The amendment application shall be processed with the same procedures as if the application were for a new permit.

Chapter 10.72

SITE PLAN REVIEW

Sections:

- 10.72.010 Purpose.**
- 10.72.020 Applicability.**
- 10.72.030 Exemptions.**
- 10.72.040 Site plan application contents.**
- 10.72.050 Site Plan Review Committee.**
- 10.72.060 Administration of site plan approval.**
- 10.72.070 Action of the Site Plan Review Committee.**
- 10.72.080 Appeals to the Planning Commission.**
- 10.72.090 Site plan permit issuance.**
- 10.72.100 Required improvements.**
- 10.72.110 Building Permit.**
- 10.72.120 Lapse of site plan review approval.**
- 10.72.130 Revocation.**
- 10.72.140 Site plan to run with the land.**

10.72.010 Purpose.

The purpose of this chapter is to protect the public health, safety, and general welfare through the review of proposed projects to verify conformity with applicable statutes, ordinances, regulations, and other fixed standards, including, the City’s General Plan, Municipal Code, and policies and improvement standards of the City and the State.

The provisions of this chapter shall apply to any new, expanded or remodeled use/development. The total combined use area shall be subject to site plan permit procedures and all applicable conditions.

10.72.020 Applicability.

The following projects shall be processed through the site plan review process:

- A. Divisions of land or adjustments to property lines.
- B. New construction of multi-family, office, commercial, industrial, or quasi-public development.
- C. Any public development, including but not limited to administration, public safety or recreation buildings; schools; and any County, State, or federal buildings.
- D. Mobile home or trailer parks.
- E. Conversion of single-family dwellings to non-residential uses, including offices, retail stores, and “bed and breakfast” type establishments.
- F. Conversion of apartments, office, commercial, or industrial buildings into condominiums.

- G. Any project involving an intensification of land use, including conversion of service from either commercial or industrial use to a retail commercial use or occupancy of the structure.
- H. Other non-residential improvements to land or buildings subject to the site plan review process.

10.72.030 Exemptions.

Construction of, or additions to, one single-family dwelling shall be exempt from the provisions of this chapter.

10.72.040 Site plan application contents.

- A. Information. The applicant shall submit a minimum of ten prints of the site plan to the Community Development Department. The site plan shall be drawn to a scale that clearly indicates all dimensions and includes all of the following information:
 - 1. Address.
 - 2. Assessor's parcel number.
 - 3. Vicinity map on cover sheet.
 - 4. Scale and north arrow.
 - 5. Dimensions of property.
 - 6. Location of existing and proposed buildings and/or structures, showing dimensions/distance from property lines, and the intended use for each.
 - 7. Location, height, and material of existing and/or proposed fences, walls, and the like.
 - 8. Location of off-street parking. Indicate the number of parking spaces and type of paving, with directional arrows and parking space dimensions.
 - 9. Location and width of drive approaches.
 - 10. Method of on-site drainage.
 - 11. Location of existing and/or proposed public improvements (such as curbs, gutters, sidewalks, utility poles, fire hydrants, street lights, traffic signal devices, etc.).
 - 12. Method of sanitary disposal.
 - 13. Location of signs, their size, height, type of illumination, and type of building material.
 - 14. Location of trash refuse area.
 - 15. Location and type of existing trees.
 - 16. A preliminary or conceptual landscape plan must be submitted for site plan review. A final specific landscape plan must be submitted prior to the issuance of building permits. This plan shall comply with Chapter 10.196 and shall include species, quantity, size, location, and irrigation system.
 - 17. Loading and storage areas, indicating any fences and walls to be used as screening.
 - 18. Location and height of all roof-mounted structures.
 - 19. Lighting, including the location of all exterior fixtures.

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20. Such other data as may be required to permit the Site Plan Review Committee to make the required findings.
 21. Elevations, if required by the nature of the proposed project, to ensure compliance with the development standards found in the City’s Municipal Code.
 22. Additional information as required in order for the Historic Preservation Advisory Board to ensure that the proposed project meets the standards for historic preservation found in the City’s Municipal Code.
- B. Submittal. Plans submitted by 3:00 p.m. on a Thursday shall be reviewed by the Site Plan Review Committee at their regular meeting at 1:30 p.m. on the following Wednesday. Additional time may be required for site plans which must be reviewed by other agencies and/or City committees.
- C. If all of the required information as outlined within this chapter is not submitted, the application shall not be processed by the Community Development Department. Acceptance by staff of the filing shall not be considered approval or confirmation that all required information has been submitted or waiver of any of the requirements of this chapter.

10.72.050 Site Plan Review Committee.

- A. Members. The Site Plan Review Committee shall be comprised of staff representatives of the Fire, Engineering, Traffic, Building, Planning, Solid Waste, Police, and Community Services functions of the City. At Site Plan Review Committee meetings with applicants, the Committee shall be represented by the planning, engineering, and building representatives, or their designees. In addition, the Community Development Director, or his/her designee, may request input from, or attendance by, additional representatives of any other City department or public agency, subject to City Council policies.
- B. Powers and duties. The Site Plan Review Committee shall review and either i) approve, ii) conditionally approve, or iii) deny, any site plan permit application submitted for a development that requires a site plan permit, pursuant to applicable City codes and ordinances.

10.72.060 Administration of site plan approval.

Any project listed in 10.72.020, by which the area of an existing building or lot is being expanded by less than 25 percent, may be processed administratively by the Community Development Director. Within 10 days of approving a site plan, the Community Development Director shall prepare an administrative agreement, consistent with Chapter 10.136, Administrative Approval, which shall include and record the decision of the Director and any conditions of approval. This agreement shall be signed by the applicant and the Director prior to the issuance of a building permit. The Director’s decision shall be final unless appealed to the Planning Commission, consistent with the requirements contained in Chapter 10.20, Appeals.

10.72.070 Action of the Site Plan Review Committee.

- A. Within 30 working days after submission, the Site Plan Review Committee shall either i) approve, ii) conditionally approve, or iii) disapprove the proposed site plan pursuant to the purpose, objectives, and requirements of this chapter. In approving the site plan, the Site Plan Review Committee shall make the following specific findings:

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1. That all applicable provisions of the Municipal Code, General Plan, and applicable state law have been complied with.
 2. That the following elements are designed to conform to the applicable statutes, ordinances, regulations, and other fixed standards, including, the City’s General Plan, Municipal Code, and policies and improvement standards of the City and the State:
 - a. Facilities, improvements, and utilities.
 - b. Vehicular ingress, egress, and internal circulation.
 - c. Setbacks.
 - d. Location of service use areas.
 - e. Walls.
 - f. Landscaping.
- B. In making the required findings, the Site Plan Review Committee shall ensure a project is consistent with established policies and regulations relating to public improvements, as approved and adopted by the City Council, including necessary dedications and traffic safety measures or improvements. The Site Plan Review Committee shall not, through the site plan review process, possess independent authority to create and impose discretionary conditions on a project.
- C. Upon completion of site plan review, Community Development Department staff shall notify the applicant of the approval, conditions of approval, or denial, along with a copy of any final and approved site plan.

10.72.080 Appeals to the Planning Commission.

The applicant, or any interested person, may appeal the decision of the Site Plan Review Committee to the Planning Commission, in writing setting forth the reason for such appeal to the Commission. Such appeal shall be filed with the Community Development Director within ten calendar days after notification of the decision from which the appeal is made. The appeal shall be placed on the agenda for the Commission’s next regular meeting. If the appeal is filed within five calendar days of the next regular meeting of the Commission, the appeal shall be placed on the agenda for the Commission’s second regular meeting following the filing of the appeal. The Commission shall review the site plan and shall approve, approve with conditions, or disapprove, based on the factors set forth in Section 10.72.070. The decision of the Commission shall be final unless appealed to the City Council pursuant to Chapter 10.20.

10.72.090 Site plan permit issuance.

- A. After the final site plan has been approved, the Community Development Department staff shall grant the applicant permission to “Proceed” or “Revise and Proceed” for application of required preliminary permits. If there are no preliminary permits or approvals required at this time, building permits also may be issued. No permits may be issued for the erection or enlargement of any building or structure, and no persons shall perform, or engage in, any development or construction activities on the site unless and until all provisions of this chapter have been complied with.

10.72.100 Required improvements.

- A. The Site Plan Review Committee shall be required to make a finding that the Project includes the construction of any and all improvements required under the applicable statutes, ordinances, regulations, and other fixed standards, including, the City’s General Plan, Municipal Code, and policies and improvement standards of the City and the State.
- B. All improvements shall be to City standards existing at the time the site plan is approved and shall be installed simultaneously with the approved development. Where it is found by the Community Development Director that it is impractical to install any or all improvements simultaneously with the approved development, a written agreement to make such improvements by an identified future date may be accepted in lieu thereof. The terms of any such agreement shall be in conformity with applicable statutes, ordinances, regulations, and other fixed standards, including, the City’s General Plan, Municipal Code, and policies and improvement standards of the City and the State.
- C. Without regard to the timing of the improvements, the applicant shall enter into a written agreement with the City identifying all improvements to be made and memorializing the City’s and applicant’s understanding and agreement, rights, and responsibilities, relating to said improvements before any building permit may be issued.

10.72.110 Building Permit.

Prior to issuance of a building permit for any structure or building for which a site plan has been approved, the Community Development Director, or his/her designee, shall make a finding that any required dedications have been recorded and that the applicant has provided appropriate improvement security (e.g., bond, cash deposit or instrument of credit) to cover the reasonable cost of all proposed off-site improvements.

10.72.120 Lapse of site plan review approval.

- A. A site plan review approval shall lapse and become void three years after the date on which it became effective unless (1) the permit’s conditions provide for a shorter or greater time limit or (2) prior to the expiration of the three years, a building permit is issued by the City, construction is commenced, and completion of construction is being diligently pursued, as determined by the Community Development Department Director, or his/her designee.
- B. An extension of time, up to two additional years, may be granted by the Planning Commission, provided that, prior to the expiration date, a written application for renewal is filed with the Community Development Department. An application of renewal shall identify the reason for any delay in the development of the site, the applicant’s plan and estimated timeline to completion of the development if renewal is granted, and the number of months/years of extension requested.
- C. The Planning Commission may approve, approve with conditions, or deny any application for renewal of a site plan review. The Planning Commission shall only have the ability to condition the granting of a renewal based on the timeline of the project. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section.

10.72.130 Revocation.

Where the City finds that site use, operating under an approved site plan, does not comply with the site plan conditions identified at the time of approval, operation of the non-complying use shall be suspended consistent with the procedures outlined in Chapter 10.208, Enforcement.

10.72.140 Site plan to run with the land.

An approved site plan shall run with the land and shall continue to be valid upon change of ownership of the use, property, or building.

Chapter 10.74

ADMINISTRATIVE USE PERMITS

Sections:

- 10.74.010 Purpose.**
- 10.74.020 Applicability.**
- 10.74.030 Application procedure.**
- 10.74.040 Findings.**
- 10.74.050 Appeals.**
- 10.74.060 Life of permits and extensions of time.**
- 10.74.070 Revocation.**

10.74.010 Purpose.

The purpose of requiring the administrative approval of certain uses is to determine whether or not a particular use meets the standards set forth in this title that are specific to that use, with the intent that uses that meet all of the standards will be approved.

10.74.020 Applicability.

This chapter shall apply to all uses listed as permitted uses subject to administrative approval.

10.74.030 Application procedure.

Applications for an administrative use permit shall be filed pursuant to Chapter 10.70 with the Director and processed consistent with Section 10.70.050 and, if applicable, Section 10.70.060.

10.74.040 Findings.

In order for an application to receive administrative approval, the following findings must be made by the reviewing authority listed in Chapter 10.70:

- A. The use meets the standards and requirements in this title that are specific to that use.
- B. The use would be compatible with existing land uses and future permitted land uses within the zoning district in which the proposed use is to be located.
- C. The use is consistent with the General Plan.
- D. The proposed location, size, design, and operating characteristics of the use would not be detrimental to the public interests, health, safety, convenience, or welfare of the City, and any incompatible impacts of the proposed use are mitigated by conditions of approval.

10.74.050 Appeals.

Appeals to a decision of the reviewing authority of an administrative use permit shall be submitted and processed consistent with the procedures in Section 10.70.200.

10.74.060 Life of permits and extensions of time.

The life and extension of time of an administrative use permit shall be consistent with the requirements in Chapter 10.70.240 and 10.70.250.

10.74.070 Revocation.

Revocation of an administrative use permit shall be conducted consistent with procedures and notice requirements in Chapter 10.70.

Chapter 10.76

TEMPORARY USE PERMITS

Sections:

10.76.010	Purpose.
10.76.020	Temporary uses exempt from permit requirements.
10.76.030	Temporary use permit required.
10.76.040	Development standards.
10.76.050	Temporary improvements on a site.
10.76.060	Findings.
10.76.070	Conditions.

10.76.010 Purpose.

A temporary use permit provides a mechanism for administrative review and determination for proposed and qualifying short-term uses and activities to ensure that such activities are consistent with the General Plan and the provisions of this title. In a review of temporary use permits, the accessibility for persons with disabilities must be a consideration.

10.76.020 Temporary uses exempt from permit requirements.

The following temporary activities and uses are allowed by right and expressly exempt from the requirement of first obtaining a temporary use permit, provided they conform to the listed development standards:

- A. Construction yards, storage sheds, and construction offices (on-site) in conjunction with an approved construction project where the yard and/or shed are located on the same site as the approved project.
- B. Emergency public health and safety facilities established by a public agency.
- C. Entertainment and assembly events held within auditoriums, stadiums, or other public assembly facilities, provided the proposed use is consistent with the intended use of the facility.
- D. Entertainment and assembly events as part of an allowed permanent use (e.g., race at a raceway, concert at a concert venue).
- E. Events held exclusively on City property and that are in conjunction with the City use.
- F. Events held exclusively at a school site that are in conjunction with the school's use.
- G. Events held exclusively on a place of assembly or facility site and that are in conjunction with that place of assembly or facility use.
- H. Garage and yard sales held on private property.

10.76.030 Temporary use permit required.

The following temporary activities and uses may be allowed, subject to the issuance of a temporary use permit prior in accordance with this chapter and Chapter 10.70:

- A. Any use listed in Table 10.08.020 or Table 10.08.030 that is identified as a temporary use.
- B. Construction yards, storage sheds, and construction offices (off-site) in conjunction with an approved construction project, where the yard is located on a site different from the site of the approved construction project.
- C. Entertainment and assembly events, including carnivals, circuses, concerts, fairs, festivals, food events, fundraisers, haunted houses, outdoor entertainment/sporting events, and similar events designed to attract large crowds and when not otherwise part of or consistent with a permitted use (e.g., race at a raceway).
- D. Farmers markets.
- E. Temporary sales, including swap meets, flea markets, rummage sales, and similar events in locations not specifically designed for such events.
- F. Temporary outdoor sales, sidewalk sales, and temporary parking lot sales lasting more than three days in association with a permitted business for which there is an enclosed building. No off-site signs shall be permitted and no more than six of these events will occur on the subject property per calendar year.
- G. Sales of Christmas trees and fireworks stands are reviewed and approved by the Fire Marshal.
- H. Seasonal sales occurring outdoors when not related to an existing business.
- I. Temporary sales offices.
- J. Temporary community food banks.
- K. Other temporary activities that the Director determines are similar in nature and intensity to those identified above.

10.76.040 Development standards.

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

10.76.050 Temporary improvements on a site.

- A. Improvement to property at a level less than what is required by this title may be allowed to support temporary operations on the property yet still ensure public health, safety, and general welfare. This allowance shall not be used to circumvent or deviate from the requirements for public improvements required at the time of subdivision of property.
- B. The allowance described in subsection A shall be conducted through the temporary use permit process. The permit shall clearly identify what improvements are to be completed and what requirements are being waived for a limited period of time, as well as the time period for which the permit is valid. A temporary use permit allowing improvements less than required shall

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only be approved if the improvements to be completed are those minimally necessary to ensure public health, safety, and welfare.

- C. At the conclusion of the period authorized by the temporary use permit, either the property shall be brought into compliance with the requirements of this title or use of the property shall cease.

10.76.060 Findings.

- A. The reviewing authority shall make all of the following findings to approve or conditionally approve a temporary use permit:
1. The use is a temporary use and will be limited to the specific duration of time that is identified in the temporary use permit not to exceed six months unless otherwise extended by the Planning Commission.
 2. The temporary use will not be detrimental to the health, safety, or general welfare of persons, property, or improvements in the vicinity of the proposed use, or to the general welfare of the City.
 3. The site is adequate in size and location and has proper accessibility to accommodate the use and there are adequate public services, including fire protection, water supply, wastewater disposal, and police protection to serve the use.
 4. Egress and ingress and off-street parking facilities are properly designed and adequate to serve the use and the use will not restrict access to required parking areas.
 5. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this title.
 6. The approval includes provisions to ensure that each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use.
 7. The use is consistent with the General Plan, applicable specific plans, and the provisions of this title.

10.76.070 Conditions.

The Director may place conditions on the temporary use permit, including, but not limited to, buffers, hours of operation, maintenance, lighting, improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, and traffic circulation. Conditions must be deemed reasonable and necessary to protect the health, safety, or general welfare.

Chapter 10.78

HOME OCCUPATION PERMITS

Sections:

- 10.78.010 Purpose.**
- 10.78.020 Application.**
- 10.78.030 Prohibited home occupation uses.**
- 10.78.040 Operating standards.**
- 10.78.050 Issuance of Home Occupation Permit.**
- 10.78.060 No transferability.**
- 10.78.070 Revocation.**

10.78.010 Purpose.

The provisions of this chapter provide for the conduct of home occupations inside a residence that are incidental to and compatible with surrounding residential uses. A home occupation represents a legal income-producing activity by the occupant of the dwelling.

10.78.020 Application.

Applications for a home occupation permit shall be filed and processed pursuant to the applicable sections of Chapter 10.70.

10.78.030 Prohibited home occupation uses.

- A. The following uses are, without limitation, examples of land uses that are not incidental to nor compatible with residential activities in residential zones and are prohibited as home occupations:
1. Barbershop, hair salon, nail care, massage therapy, or day spa.
 2. Commercial photography studio.
 3. Organized instruction or school of music or dance.
 4. Fortune telling.
 5. Kennel or animal boarding.
 6. Laboratory, general or medical.
 7. Mini-warehouse or self-storage facility.
 8. Motor vehicle repair or service, minor or major.
 9. Office; medical, dental, or optometry.
 10. Pet grooming.
 11. Repair shop, large appliance or equipment.

12. Specialty construction or trade service where construction activities take place at the site.
 13. Tattooing or body art.
 14. Any other use determined by the Director to be not incidental nor compatible with residential activities.
- B. A home occupation permit may be denied if the Director finds that land use proposed for a home occupation is listed in this section, or that the land use is not incidental nor compatible with residential activities.

10.78.040 Operating standards.

- A. A home occupation shall comply with all of the following operating standards:
1. A home occupation shall not alter the appearance of the dwelling unit as seen from any public right-of-way.
 2. There shall be no window displays or show window identifying the home occupation.
 3. There shall be no signs other than those allowed by Chapter 10.56.
 4. There shall be no advertising in any publication, on the internet, or otherwise, that identifies the home occupation by street address.
 5. The home occupation shall be confined to one room located within the dwelling. A portion of a garage or carport may be used for home occupation purposes if it does not prevent the garage or carport from being used for parking vehicles. Horticulture activities may be conducted outdoors within the rear of the lot only.
 6. Only one vehicle no larger than a three-quarter-ton truck may be used by the occupant directly or indirectly in connection with a home occupation.
 7. The home occupation shall not encroach into any required parking, setback, or open space areas.
 8. There shall be no use of mechanical equipment not recognized as being part of a normal household or hobby use.
 9. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
 10. Utility consumption shall not exceed normal residential usage.
 11. The home occupation shall not create or cause noise, dust, light, vibration, odor, gas, fumes, toxic/hazardous materials, smoke, glare or electrical interference or other hazards or nuisances to an extent that would exceed the conditions of normal residential activities.
 12. Only the occupants of the dwelling may be engaged in the home occupation, except as specifically modified by other sections of this title.
 13. The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the land use district in which it is located.
 14. No home occupation shall commence until a current business license is obtained, pursuant to this title.
 15. No more than one home occupation shall be located within a dwelling unit at one time.

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16. If the home occupation is to be conducted on rental property, the property owner’s written authorization for the proposed use shall be obtained prior to the submittal of a home occupation permit.

17. No space shall be rented out to others in association with a home occupation.

18. A home occupation that is a cottage food operation shall meet the requirements of Section 10.78.

B. The Director may require additional operating standards when approving the home occupation permit if deemed necessary to carry out the intent of this title.

C. A home occupation permit may be denied if the Director finds that there is a failure or inability to meet one or more of the operating standards of this section.

10.78.050 Issuance of Home Occupation Permit.

A. Home occupations may be processed as an administrative matter by the Director, or his/her designee. Following a review of a home occupation application, the Director shall take action on the home occupation. The Director can approve subject to the conditions listed in Section 10.78.040, or deny the home occupation permit. Following a decision by the Director, an administrative agreement shall be prepared that outlines the findings and conditions of the decision.

B. The Director’s decision shall be final unless appealed to the Planning Commission consistent with the procedures in Section 10.70.200.

C. Approval of a home occupation permit will entitle the applicant to secure a City business license for the use for which the permit was issued.

10.78.060 No transferability.

A. Notwithstanding Section 10.70.210, if property ownership changes on property subject to a valid home occupation permit, the home occupation permit shall not be transferable to a new property owner.

B. If the holder of a valid home occupation permit relocates to another site, the home occupation shall not transfer to the new site. A new home occupation permit shall be approved before the use may continue at the new site.

10.78.070 Revocation.

A home occupation permit may be revoked, terminated, or modified in accordance with Section 10.70.230 if any one of the following findings are made:

A. The home occupation has become detrimental to the public health, safety, or traffic, or constitutes a nuisance.

B. The home occupation permit was obtained by misrepresentation or fraud.

C. The condition of the premises, or the area of which it is a part, has changed so that the home occupation is no longer justified under the meaning and intent of this title.

D. One or more of the operating standards of the home occupation permit have not been met.

E. The home occupation violates Federal, State, or local statute, ordinance, law, or regulation.

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- F. The home occupation has ceased for a period of six months.
- G. The applicant who secured the permit has moved from the residence for which the permit was issued.

Chapter 10.80

CONDITIONAL USE PERMITS

Sections:

10.80.010	Purpose.
10.80.020	Application procedure.
10.80.030	Findings.
10.80.040	Conditions of approval.
10.80.050	Notice of decision.
10.80.060	Appeals.
10.80.070	Amendments
10.80.080	Life of permits and extensions of time.
10.80.090	Revocation.

10.80.010 Purpose.

In certain districts, specific uses listed in this title are permitted subject to receiving a conditional use permit. Because of their unusual characteristics, or the unique area in which they are proposed, these uses require special consideration so that they may be located properly with respect to the purpose and objectives of this title and with respect to their effects on surrounding properties.

10.80.020 Application procedure.

Applications for a conditional use permit shall be filed and processed pursuant to the applicable sections of Chapter 10.70.

10.80.030 Findings.

- A. Before a conditional use permit can be approved, all the following findings shall be made by the reviewing authority identified in Chapter 10.70:
1. The proposed use will comply with the purpose and objectives of this title and the purposes of the district in which the subject site is located.
 2. The proposed use would be compatible with existing land uses and future permitted land uses within the zoning district in which the proposed use is to be located.
 3. The site for the proposed use is adequate in size, shape and location to accommodate the use the district for which it is proposed.
 4. The proposed use is consistent with the General Plan.
 5. The proposed use will not have a significant impact on the environment.
 6. The proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience, or welfare of the City or materially injurious to properties or improvements in the vicinity, and that any incompatible impacts of the proposed use are mitigated by conditions of approval.

- B. A conditional use permit may be denied if the reviewing authority finds one or more of the findings in this section cannot be made.

10.80.040 Conditions of approval.

The reviewing authority may place conditions of the approval on the conditional use permit that promote the public interests, health, safety, convenience, or welfare of the City or that mitigate any impacts to surrounding properties. Conditions may involve the operation of the use, and maintenance of the property or specific aspects associated with development, including storage and display of goods; grading, surfacing, and drainage improvements; vehicular ingress and egress; parking and loading; landscaping and irrigation and maintenance thereof; regulation of light, vibration, odors, and noise; appearance of buildings, signs and other structures; and street dedication and improvements. Conditions set forth in a use permit shall pertain to the purpose and objectives of this chapter.

10.80.050 Notice of decision.

A notice of decision of a conditional use permit shall be processed consistent with Chapter 10.70.

10.80.060 Appeals.

Appeals to a decision of the reviewing authority of a conditional use permit shall be submitted and processed consistent with the procedures in Chapter 10.70.

10.80.070 Amendments.

Amendments to an approved conditional use permit shall be subject to the same approval process and findings outlined in this chapter.

10.80.080 Life of permits and extensions of time.

- A. The initial life and subsequent extensions of time for a conditional use permit shall be per Chapter 10.70, except that when any conditional use permit that is approved in conjunction with a tentative subdivision map or parcel map pursuant to Chapter 8.24, the conditional use permit shall not expire unless the tentative subdivision map or parcel map also expires, and an extension of the tentative subdivision map or parcel shall be deemed to be an extension of the conditional use permit.
- B. A conditional use permit shall run with the land and shall continue to be valid upon change of ownership of the property or structure that was the subject of the use permit application.

10.80.090 Revocation.

Revocation of an approved conditional use permit shall be conducted consistent with procedures and notice requirements in Chapter 10.70.

Chapter 10.82

DENSITY BONUS

Sections:

- 10.82.010 Purpose of chapter.**
- 10.82.020 Eligibility for bonus, incentives, or concessions.**
- 10.82.030 Allowed density bonuses.**
- 10.82.040 Allowed incentives or concessions.**
- 10.82.050 Effect on non-conforming uses.**
- 10.82.060 Bonus and incentives for developments with childcare facilities.**
- 10.82.070 Continued availability.**
- 10.82.080 Location and type of designated units.**
- 10.82.090 Density bonus agreement.**
- 10.82.100 Control of resale.**
- 10.82.110 Judicial relief, waiver of standards.**

10.82.010 Purpose of chapter.

As required by Cal. Gov't Code Section 65915, this chapter offers density bonuses and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in Section 10.82.020 Eligibility for bonus, incentives, or concessions below. This chapter is intended to implement the requirements of Cal. Gov't Code Section 65915 et seq. and the Housing Element of the General Plan.

10.82.020 Eligibility for bonus, incentives, or concessions.

In order to be eligible for a density bonus and other incentives or concessions as provided by this chapter, a proposed housing development shall comply with the following requirements and shall satisfy all other applicable provisions of this title, except as provided by Section 10.82.040 Allowed incentives or concessions.

- A. Resident requirements. A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least any one of the following:
 - 1. Ten percent of the total number of proposed units are for lower-income households, as defined in Cal. Health and Safety Code Section 50079.5.
 - 2. Five percent of the total number of proposed units are for very low-income households, as defined in Cal. Health and Safety Code Section 50105.
 - 3. The project is a senior citizen housing development as defined in Cal. Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Cal. Civil Code Sections 798.76 or 799.5.
 - 4. Ten percent of the total dwelling units in a common interest development as defined in Cal. Civil Code Section 4100 is for persons and families of moderate income, as defined in Cal.

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Health and Safety Code Section 50093, provided that all units in the development are offered to the public for purchase.

- B. Applicant selection of basis for bonus. For purposes of calculating the amount of the density bonus in compliance with Section 10.82.030 Allowed density bonuses below, the applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of divisions (A)(1), (2), (3), or (4) above.
- C. Bonus units shall not qualify a project. A density bonus granted in compliance with Section 10.82.030 Allowed density bonuses, below, shall not be included when determining the number of housing units that is equal to the percentages required by division (A) above.
- D. Minimum project size to qualify for density bonus. The density bonus provided by this chapter shall be available only to a housing development of five or more dwelling units.
- E. Condominium conversion projects. A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements specified in Cal. Gov't Code Section 65915.5.

10.82.030 Allowed density bonuses.

The review authority shall determine the amount of a density bonus allowed in a housing development in compliance with this section. For the purposes of this chapter, “density bonus” means a density increase over the otherwise maximum allowable residential density under the applicable General Plan Land Use designation and zone as of the date of application by the applicant to the City.

- A. Density bonus. A housing development that complies with the eligibility requirements specified in Sections 10.82.020(A)(1), (2), (3), or (4) above, shall be entitled to density bonuses as follows unless a lesser percentage is proposed by the applicant.
 - 1. Bonus for units for lower-income households. A housing development that is eligible for a bonus in compliance with the criteria specified in Section 10.82.020(A)(1), (10 percent of units for lower-income households) shall be entitled to a density bonus calculated as follows:

**Table 10.82.030-1
Bonus for Lower-Income Households**

Percentage of Low-Income Units Proposed	Percentage of Density Bonus
10	20
11	21.5
12	23
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

2. Bonus for units for very low-income households. A housing development that is eligible for a bonus in compliance with the criteria specified in Section 10.82.020(A)(2), (five percent of units for very low-income households) shall be entitled to a density bonus calculated as follows:

**Table 10.82.030-2
Bonus for Very Low-Income Households**

Percentage of Very Low-Income Units Proposed	Percentage of Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.2
11	35

3. Bonus for senior citizen development. A housing development that is eligible for a bonus in compliance with the criteria in Section 10.82.020(A)(3), (senior citizen development or mobile home park) shall be entitled to a density bonus of 20 percent.
4. Bonus for moderate-income units in common interest development. A housing development that is eligible for a bonus in compliance with the criteria specified in Section 10.82.020(A)(4), (10 percent of units in a common interest development for persons and families of moderate income) shall be entitled to a density bonus calculated as follows:

**Table 10.82.030-3
Bonus for Moderate-Income Households**

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

5. Density bonus for land donation. When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with this division, the applicant shall be entitled to a density bonus for the entire development, as follows; provided, that nothing in this division shall be construed to affect the authority of the City to require a developer to donate land as a condition of development.
 - a. Basic bonus. The applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable Land Use Plan designation and zone for the entire development, and an additional increase as follows:

**Table 10.82.030-4
Basic Bonuses**

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

- b. Increased bonus. The increase identified in Table 10.82.030-4 above shall be in addition to any increase in density required by divisions (A)(1) through (A)(4), up to a maximum combined mandated density increase of 35 percent if an applicant seeks both the increase required in compliance with this division (A)(5), as well as the bonuses provided by divisions (A)(1) through (A)(4).
- c. Eligibility for increased bonus. An applicant shall be eligible for the increased density bonus provided by this division if all of the following conditions are met:
- The applicant donates and transfers the land no later than the date of approval of the final map, parcel map, or residential development application.
 - The developable acreage and zoning classification of the land being transferred is sufficient to allow construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the proposed development.
 - The transferred land is at least one acre in size, or of sufficient size to allow the development of at least 40 units; has the appropriate Land Use Plan designation; is appropriately zoned for development as affordable housing; and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate

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zoning and development standards to make the development of affordable units feasible.

- No later than the date of approval of the final map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, except that the City may subject the proposed development to subsequent site plan review to the extent authorized by Cal. Gov't Code Section 65583.2(i) if the site plan and associated details have not been reviewed by the City before the time of transfer.
- The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 10.82.070 Continued availability, which shall be recorded on the property at the time of dedication.
- The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the approved housing developer.
- The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.

- B. Greater or lesser bonuses. The City may choose to grant a density bonus greater than provided by this section for a development that meets the requirements of this section or grants a proportionately lower density bonus than required by this section for a development that does not fully comply with the requirements of this section.
- C. Density bonus calculations. The calculation of a density bonus in compliance with this section that results in fractional units shall be rounded up to the next whole number, as required by State law. For the purpose of calculating a density bonus, the residential units do not have to be based on individual subdivision maps or parcels.
- D. Requirements for amendments or discretionary approval. The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.
- E. Location of bonus units. The developer may locate density bonus units in the housing project in areas other than where the units for lower-income households are located.

10.82.040 Allowed incentives or concessions.

A. Applicant request and City approval.

1. An applicant for a density bonus in compliance with this chapter may submit to the City a proposal for the specific incentives or concessions listed in division (C) Type of incentives, below, that the applicant requests in compliance with this section, and may request a meeting with the Director. The applicant may file a request either before filing an application for City approval of a proposed project or concurrently with an application for project approval. The review authority shall grant an incentive or concession request that complies with this section unless the review authority makes either of the following findings in writing, based on substantial evidence:

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- a. The incentive or concession is not required to provide for affordable housing costs, or for rents for the targeted units to be set as specified in Cal. Health and Safety Code Section 50052.5.
 - b. The incentive or concession would have a specific adverse impact, as defined in Cal. Gov't Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
2. The applicant shall show that a waiver or modification of development standards is necessary to make the housing units economically feasible.
- B. Number of incentives. The applicant shall receive the following number of incentives or concessions.
1. One incentive or concession. One incentive or concession for a project that includes at least 10 percent of the total units for lower-income households, at least five percent for very low-income households, or at least 10 percent for persons and families of moderate income in a common interest development.
 2. Two incentives or concessions. Two incentives or concessions for a project that includes at least 20 percent of the total units for lower-income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a common interest development.
 3. Three incentives or concessions. Three incentives or concessions for a project that includes at least 30 percent of the total units for lower-income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families of moderate income in a common interest development.
- C. Type of incentives. For the purposes of this chapter, concession or incentive means any of the following:
1. A reduction in the site development standards of this title (e.g., site coverage limitations, setbacks, reduced parcel sizes, and/or parking requirements) (see also Section 10.82.050 Parking requirements in density bonus projects), or a modification of architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Cal. Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions.
 2. Approval of mixed-use land uses not otherwise allowed by this title in conjunction with the housing development if non-residential land uses will reduce the cost of the housing development, and the non-residential land uses are compatible with the housing project and the existing or planned development in the area where the project will be located.
 3. Other regulatory incentives proposed by the applicant or the City that will result in identifiable, financially sufficient, and actual cost reductions.

- D. Effect of incentive or concession. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

10.82.050 Effect on non-conforming uses.

- A. Applicability. This section applies to a development that meets the requirements of Section 10.82.020 Eligibility for density bonus, incentives, and concessions, above, but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this section in compliance with Section 10.82.040 Allowed incentives or concessions, above.
- B. Number of parking spaces required.
1. At the request of the applicant, the City shall require the following vehicular parking ratios for a project that complies with the requirements of Section 10.82.020 Eligibility for density bonus, incentives, and concessions, above, inclusive of handicapped and guest parking.
 - a. Zero to one bedroom: One on-site parking space.
 - b. Two to three bedrooms: Two on-site parking spaces.
 - c. Four and more bedrooms: Two and one half on-site parking spaces.
 2. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.
- C. Location of parking. For purposes of this section, a development may provide on-site parking through uncovered parking, but not through on-street parking.

10.82.060 Bonus and incentives for developments with childcare facilities.

- A. Housing developments. A housing development that complies with the resident and project size requirements of Section 10.82.020(A) and (B) above, and also includes as part of that development a childcare facility other than a large or small family day care home, that will be located on the site of, as part of, or adjacent to the development, shall be subject to the following additional bonus, incentives, and requirements.
1. Additional bonuses and incentives. The City shall grant a housing development that includes a childcare facility in compliance with this section either of the following:
 - a. An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the childcare facility.
 - b. An additional incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.
 2. Requirements to qualify for additional bonuses and incentives.
 - a. The City shall require, as a condition of approving the housing development, that:
 - The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable in compliance with Cal. Gov't Code Section 65915 as amended.

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- Of the children who attend the childcare facility, the children of very low-income households, lower-income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low-income households, lower-income households, or families of moderate income in compliance with Section 10.82.020(A) Resident requirements, above.
- b. The City shall not be required to provide a density bonus for a childcare facility in compliance with this section if it finds, based on substantial evidence, that the community has adequate childcare facilities.

10.82.070 Continued availability.

The units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available as affordable units in accordance with the requirements, of Cal. Gov't Code Section 65915 as amended.

10.82.080 Location and type of designated units.

- A. Location/dispersal of units. Designated units shall be reasonably dispersed throughout the project where feasible, shall contain on average the same number of bedrooms as the non-designated units in the project, and shall be compatible with the design or use of remaining units in terms of appearance, materials, and finish quality.
- B. Phasing. If a project is to be phased, the density bonus units shall be phased in the same proportion as the non-density bonus units, or phased in another sequence acceptable to the City.

10.82.090 Density bonus agreement.

- A. Agreement required. An applicant requesting a density bonus shall agree to enter into a density bonus agreement (referred to as the “agreement”) with the City in the City’s standard form of agreement. The applicant shall prepare the draft agreement for submission to the City for review.
- B. Agreement provisions.
 - 1. Project information. The agreement shall include at least the following information about the project:
 - a. The total number of units approved for the housing development, including the number of designated dwelling units.
 - b. A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD guidelines.
 - c. The marketing plan for the affordable units.
 - d. The location, unit sizes (square feet), and number of bedrooms of the designated dwelling units.
 - e. Tenure of the use restrictions for designated dwelling units of the time periods required by Section 10.82.070 Continued availability.

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- f. A schedule for completion and occupancy of the designated dwelling units.
 - g. A description of the additional incentives and concessions being provided by the City.
 - h. A description of the remedies for breach of the agreement by the owners, developers, and/or successors-in-interest of the project.
 - i. Other provisions to ensure successful implementation and compliance with this chapter.
2. Minimum requirements. The agreement shall provide, at minimum, that:
- a. The developer shall give the City the continuing right of first refusal to lease or purchase any or all of the designated dwelling units at the appraised value.
 - b. The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the City.
 - c. When providing the written approval, the City shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for low and very low-income households, as published by HUD.
 - d. The City shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households.
 - e. Applicable deed restrictions, in a form satisfactory to the City Council, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the certificate of occupancy.
 - f. In any action taken to enforce compliance with the deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City's costs of action including legal services.
 - g. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.
3. For-sale housing conditions. In the case of a for-sale housing development, the agreement shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable restriction period:
- a. Designated dwelling units shall be owner-occupied by eligible households, or by qualified residents in the case of senior housing.
 - b. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the City which:
 - Restricts the sale of the unit in compliance with this chapter, or other applicable City policy or ordinance, during the applicable use restriction period.
 - Contains provisions that the City may require to ensure continued compliance with this chapter and State law.
 - Shall be recorded against the parcel containing the designated dwelling unit.

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4. Rental housing conditions. In the case of a rental housing development, the agreement shall provide for the following conditions governing the use of designated dwelling units during the applicable restriction period:
 - a. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants.
 - b. Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this chapter.
 - c. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit.
 - d. The applicable use restriction period shall comply with the time limits for continued availability in Section 10.82.070 Continued availability, above.

C. Execution of agreement.

1. Following approval of the agreement, and execution of the agreement by all parties, the City shall record the completed agreement on the parcels designated for the construction of designated dwelling units, at the County Recorder's Office.
2. The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before issuance of building permits for the designated dwelling units.
3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

10.82.100 Control of resale.

In order to maintain the availability of for-sale affordable housing units constructed in compliance with this chapter, the following resale conditions shall apply.

- A. Limits on resale price. The price received by the seller of an affordable unit shall be limited to the purchase price plus an increase based on the local consumer price index, an amount consistent with the increase in the median income since the date of purchase, or the fair market value, whichever is less. Before offering an affordable housing unit for sale, the seller shall provide written notice to the City of their intent to sell. The notice shall be provided by certified mail to the Director.
- B. Units to be offered to the City. Homeownership affordable units constructed, offered for sale, or sold under the requirements of this section shall be offered to the City or its assignee for a period of at least 90 days from the date of the notice of intent to sell is delivered to the City by the first purchaser or subsequent purchasers. Homeownership affordable units shall be sold and resold from the date of the original sale only to households as determined to be eligible for affordable units by the City in compliance with this section. The seller shall not levy or charge any additional fees nor shall any "finder's fee" or other monetary consideration be allowed other than customary real estate commissions and closing costs.
- C. Declaration of restrictions. The owners of any affordable unit shall attach and legally reference in the grant deed conveying the title of the affordable ownership unit a declaration of restrictions provided by the City, stating the restrictions imposed in compliance with this

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section. The grant deed shall afford the grantor and the City the right to enforce the declaration of restrictions. The declaration of restrictions shall include all applicable resale controls, occupancy restrictions, and prohibitions required by this section.

10.82.110 Judicial relief, waiver of standards.

- A. Judicial relief. As provided by Cal. Gov't Code Section 65915(d)(3), the applicant may initiate judicial proceedings if the City refuses to grant a requested density bonus, incentive, or concession.
- B. Waiver of standards preventing the use of bonuses, incentives, or concessions.
 - 1. As required by Cal. Gov't Code Section 65915(e), the City shall not apply a development standard that will have the effect of precluding the construction of a development meeting the criteria of Section 10.82.020(A) Resident requirements, above, at the densities or with the concessions or incentives allowed by this chapter.
 - 2. An applicant may submit to the City a proposal for the waiver or reduction of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements.
 - 3. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.
- C. City exemption. Notwithstanding the provisions of divisions (A) and (B), above, nothing in this section shall be interpreted to require the City to:
 - 1. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have a specific, adverse impact, as defined in Cal. Gov't Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
 - 2. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

Chapter 10.84

VARIANCES AND MINOR DEVIATIONS

Sections:

10.84.010	Purpose.
10.84.020	Prohibited variances or minor deviations.
10.84.030	Application procedure.
10.84.040	Minor deviation findings.
10.84.050	Variance findings.
10.84.060	Notice of decision.
10.84.070	Appeals.
10.84.080	Life of permits and extensions of time.
10.84.090	Revocation.

10.84.010 Purpose.

This section allows variances and minor deviations from the development standards of this title when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical conditions, the strict application of the standards denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district.

10.84.020 Prohibited variances or minor deviations.

A variance or minor deviation may be granted to waive or modify any development standard of this title except to:

- A. Allow a land use not otherwise allowed in the zone district.
- B. Increase the maximum allowed residential density.
- C. Waive a specifically identified prohibition.
- D. Waive or modify a procedural requirement.

10.84.030 Application procedure.

Applications for a variance or minor deviation shall be filed and processed pursuant to the applicable sections of Chapter 10.70.

10.84.040 Minor deviation findings.

- A. Before a minor deviation may be approved, all the following findings shall be made by the reviewing authority identified in Chapter 10.70:
 - 1. The minor deviation is for the adjustment of a measurable development standard.
 - 2. The minor deviation would allow an adjustment to a measurable development standard of not more than 10 percent.

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3. The minor deviation is consistent with the purposes of this title.
 4. The minor deviation will be consistent with the General Plan.
- B. A minor deviation may be denied if the reviewing authority finds one or more of the findings in this section cannot be made.
- C. Any application for a minor deviation that is denied may be reapplied for as a variance.

10.84.050 Variance findings.

- A. Before a variance may be approved, all the following findings shall be made by the reviewing authority identified in Chapter 10.70:
1. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, are such that the strict application deprives such property of privileges enjoyed by other properties in the vicinity that are in the same zone district.
 2. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and that is in the same zone district and denied to the property for which the variance is sought.
 3. The variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and that are in the same zone district in which the property is located.
 4. The variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and that are in the same land use district in which such property is located.
 5. The variance does not allow a use or activity that is prohibited in the zone district where the property is located.
 6. The variance is consistent with the purposes of the zoning ordinance.
 7. The variance will be consistent with the General Plan.
- B. The Commission can approve, approve with conditions, or deny the variance based on the findings listed above. A variance may be denied if the reviewing authority finds one or more of the findings in this section cannot be made.

10.84.060 Notice of decision.

A notice of decision of a variance or minor deviation shall be processed consistent with Chapter 10.70.

10.84.070 Appeals.

- A. Appeals to a decision of the reviewing authority of a variance or minor deviation shall be submitted and processed consistent with the procedures in Chapter 10.70.
- B. When a minor deviation is appealed, the variance findings in Section 10.84.050 shall apply to the appeal of the minor deviation.

10.84.080 Life of permits and extensions of time.

The initial life and subsequent extensions of time for a variance or minor deviation shall be per Chapter 10.70, except that when any variance that is approved in conjunction with a tentative subdivision map or parcel map pursuant to Chapter 8.24, the variance or minor deviation shall not expire unless the tentative subdivision map or parcel map also expires, and an extension of the tentative subdivision map or parcel shall be deemed to be an extension of the variance or minor deviation.

10.84.090 Revocation.

Revocation of an approved variance or minor deviation shall be conducted consistent with procedures and notice requirements in Chapter 10.70.

Chapter 10.86

ZONING ORDINANCE AMENDMENTS

Sections:

- 10.86.010** **Purpose.**
- 10.86.020** **Application procedure.**
- 10.86.030** **Findings.**
- 10.86.040** **Notice of decision.**
- 10.86.050** **Appeals.**
- 10.86.060** **Life of permits and extensions of time.**
- 10.86.070** **Revocation.**
- 10.86.080** **Urgency zoning ordinance amendments.**
- 10.86.090** **Pre-zoning.**

10.86.010 **Purpose.**

The purpose of this section is to provide a uniform procedure for amending the text of this title or the boundaries of the Zoning Map prescribed in this title. This title may be amended by changing the boundaries of districts or by changing any other provision thereof whenever the public necessity and convenience and the general welfare require such amendment by following the procedure set forth in this chapter.

10.86.020 **Application procedure.**

- A. Applications for amendment to this title shall be filed and processed pursuant to the applicable sections of Chapter 10.70.
- B. An amendment or change to the boundaries of a zone district on the Zoning Map (zone change) may only be filed by a property owner or authorized agent of land that is affected by the proposed amendment, or by the Director, City Council, or Planning Commission. If the subject property for which the amendment is proposed involves more than one property owner, all property owners or their authorized agents shall file the application.
- C. An amendment or change to the text of this title (text amendment) may only be initiated by the Director, City Council, or the Planning Commission. The Planning Commission may initiate such an amendment or change upon a written request to the Director with application fee by an interested person.

10.86.030 **Findings.**

- A. Before a zone change or text amendment may be approved, all the following findings shall be made by the reviewing authority identified in Chapter 10.70:
 - 1. The amendment is internally consistent with the goals, objectives, and policies of the General Plan and this title.

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2. The amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.
 3. The amendment would maintain the appropriate balance of land uses within the City.
 4. The anticipated land uses on the subject site would be compatible with existing and future surrounding uses.
 5. The proposed amendment will not have a significant impact on the environment.
- B. A zone change or text amendment may be denied if the reviewing authority finds one or more of the findings in this section cannot be made.

10.86.040 Notice of decision.

A notice of decision of a zone change or text amendment shall be processed consistent with Chapter 10.70.

10.86.050 Appeals.

The decision of the City Council regarding a zone change or text amendment is final.

10.86.060 Life of permits and extensions of time.

A zone change or text amendment is final upon its effective date and does not expire.

10.86.070 Revocation.

A zone change or text amendment may not be revoked, except by filing a new application in accordance with Chapter 10.70.

10.86.080 Urgency zoning ordinance amendments.

To protect the public interest, health, safety, convenience or welfare, the City Council may adopt an urgency zoning ordinance amendment limiting the use of property that may be in conflict with a general plan, specific plan or zoning amendment that is being contemplated by the Planning Commission or City Council. The following regulations shall govern the procedures for an urgent zoning ordinance amendment.

- A. Adoption of an urgency zoning ordinance amendment shall require a four-fifths vote of the City Council.
- B. The urgency ordinance shall not be binding 45 days from its adoption except under the following conditions.
 1. Subject to a public hearing, the City Council may extend the urgency ordinance amendment for ten months and 15 days.
 2. An urgency ordinance amendment may be extended for an additional year, subject to a four-fifths vote by the City Council.
 3. Ten days prior to the expiration or extension of an urgency ordinance, the City Council shall issue a written report describing the measures being taken to alleviate the condition that led to the adoption of the urgency ordinance.

10.86.090 Pre-zoning.

The City may pre-zone unincorporated territory to delineate the zoning of the subject territory in the event of annexation to the City. The procedure for pre-zoning shall be consistent with the requirements outlined in this chapter.

Chapter 10.88

GENERAL PLAN AND SPECIFIC PLAN AMENDMENTS

Sections:

- 10.88.010** **Purpose.**
- 10.88.020** **Application process.**
- 10.88.030** **Findings.**
- 10.88.040** **Notice of decision.**
- 10.88.050** **Appeals.**
- 10.88.060** **Life of permits and extensions of time.**
- 10.88.070** **Revocation.**

10.88.010 **Purpose.**

The purpose of a general plan amendment is to allow for modifications to the Tulare General Plan text (e.g., goals, policies, or implementation programs), the General Plan Land Use Map, the General Plan Circulation Map, or other elements of the Tulare General Plan. The purpose of a specific plan amendment is to adopt a new or modify an existing, approved specific plan.

10.88.020 **Application process.**

- A. Applications for a general plan or specific plan amendment shall be filed and processed pursuant to the applicable sections of Chapter 10.70.
- B. A general plan amendment affecting the General Plan Land Use Map or other map in the General Plan may be filed by a property owner or authorized agent of land that is affected by the proposed amendment.
- C. A specific plan amendment may be filed by a property owner or authorized agent of land that is affected by the proposed amendment.
- D. A general plan or specific plan amendment may be initiated by the City Council or the Planning Commission. Either authority may initiate such an amendment upon a written request by the Director or upon a written request with application fee by an interested person.

10.88.030 **Findings.**

- A. Before a general plan or specific plan amendment may be approved, all the following findings shall be made by the reviewing authority identified in Chapter 10.70:
 - 1. The amendment is internally consistent with the goals, objectives, and policies of the General Plan and this title.
 - 2. The amendment would not be detrimental to the public health, safety, or welfare of the community.
 - 3. The amendment would maintain the appropriate balance of land uses within the City.

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4. The anticipated land uses on the subject site would be compatible with existing and future surrounding uses.

B. A general plan or specific plan amendment may be denied if the reviewing authority finds one or more of the findings in this section cannot be made.

10.88.040 Notice of decision.

A notice of decision of a general plan or specific plan amendment shall be processed consistent with Chapter 10.70.

10.88.050 Appeals.

The decision of the City Council regarding a general plan or specific plan amendment is final.

10.88.060 Life of permits and extensions of time.

A general plan or specific plan amendment is final upon its effective date and does not expire.

10.88.070 Revocation.

A general plan or specific plan amendment may not be revoked, except by filing a new application in accordance with Chapter 10.70.

Chapter 10.89

DEVELOPMENT AGREEMENTS

Sections:

- 10.89.010 Purpose.**
- 10.89.020 Objective.**
- 10.89.030 Definitions.**
- 10.89.040 Development agreement requirements.**
- 10.89.050 Development agreement contents.**
- 10.89.060 Application.**
- 10.89.070 Hearings and notice.**
- 10.89.080 Report and findings.**
- 10.89.090 Action of City Council.**
- 10.89.100 Initiation of amendment or cancellation.**
- 10.89.110 Recordation of development agreement.**
- 10.89.120 Review of development agreement.**

10.89.010 Purpose.

The purpose of this chapter is to provide a mechanism that assures the applicant of a development project that upon approval, the applicant may proceed with the project in accordance with existing policies, rules, regulations, and conditions that were applicable at the time of project approval, and in a manner consistent with Cal. Gov't Code Sections 65864 et seq.

10.89.020 Objective.

The objective of a development agreement is to strengthen the public planning process, encourage private participation in comprehensive planning, reduce the economic costs of development, and promote the construction of public improvements by the private sector by providing for provisions in the agreement whereby the applicant is reimbursed over time for the financing of the public improvements.

10.89.030 Definitions.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

“Development agreement” means a contract duly executed and legally binding between the City of Tulare and a developer(s) that delineates the terms and conditions agreed upon by two or more parties.

10.89.040 Development agreement requirements.

To enter into a development agreement, the City shall find that:

- A. A person has a legal or equitable interest in real property for the development of such property.

- B. The development project is consistent with the Tulare General Plan and any applicable specific plan.

10.89.050 Development agreement contents.

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 or facilities for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements shall not prevent development of the land for uses and to the density or intensity of development set forth in the agreement. The agreement may require that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time.

10.89.060 Application.

An application for a development agreement shall be made to the Community Development Department on a form prescribed by the Department. The application shall be accompanied by a fee set by resolution of the City Council.

10.89.070 Hearings and notice.

Upon receipt of a development agreement application, the Community Development Department shall prepare a notice for a public hearing consistent with the requirements contained in Chapter 10.16, Public Hearings.

10.89.080 Report and findings.

The Community Development Department shall prepare a report on the development agreement application. The Department shall provide a recommendation to the City Council based on the following findings:

- A. Is the project consistent with the Tulare General Plan and any applicable specific plan?
- B. Is the project authorized by the title as it relates to use and development standard regulations?
- C. Will the project be detrimental to the public health, safety, and general welfare?
- D. Will the project provide sufficient benefit to the City to justify entering into the development agreement?
- E. Will the project have a significant impact on the environment?

10.89.090 Action of City Council.

- A. The City Council shall take action on the development agreement. The Council can approve, approve with modifications, or deny the development agreement. Subsequent to a decision by the City Council, one of the following actions shall be initiated.
- B. If the Council approves or approves with modification the development agreement, it shall initiate proceedings to adopt an ordinance. After the ordinance takes effect, the City may enter into the agreement with the applicant.

10.89.100 Initiation of amendment or cancellation.

Either party may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into. If proposed by the applicant the procedure shall be the same as

the procedure for entering into an agreement. However, where the City Council initiates the proposed amendment to or cancellation of the development agreement, it shall first give at least 30 days' notice to the applicant of its intention to initiate such proceedings in advance of giving notice of the public hearing.

10.89.110 Recordation of development agreement.

- A. Within ten days after the City enters into the development agreement, the City shall have the agreement recorded with the County Recorder.
- B. If the parties to the agreement or their successors in interest amend or cancel the agreement, or if the City terminates or modifies the agreement for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City shall have notice of such action recorded with the County Recorder.

10.89.120 Review of development agreement.

- A. The Community Development Department shall review the development agreement at least once every 12 months from the date the agreement is entered into. The Community Development Department shall report the findings to the City Council. The time for review may be modified by agreement between the parties.
- B. Should the Community Development Director find that the developer is in non-compliance or not performing consistently with the development agreement, the Director shall report this finding to the City Council. The City Council may terminate the development agreement consistent with Section 10.89.100 of this chapter.

Chapter 10.90

NON-CONFORMING USES, STRUCTURES, AND LOTS

Sections:

10.90.010	Purpose.
10.90.020	Applicability.
10.90.030	Non-conforming uses.
10.90.040	Non-conforming structures.
10.90.050	Non-conforming lots.
10.90.060	Removal of certain non-conforming uses and structures.
10.90.070	Effect of eminent domain.
10.90.080	Exceptions.

10.90.010 Purpose.

Within the zones established by this title, there exist uses, structures, and lots that were lawful before this title was adopted or amended, but which would now be prohibited under the terms of this title or its future amendments. It is the intent of this title to permit these non-conforming uses to continue until they are terminated, but not to encourage their expansion, and to provide for the modification or removal of these non-conforming uses and structures in an equitable, legally defensible, and timely manner. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building where a building permit has been issued prior to the effective date of this title, provided such permit is diligently carried to completion.

10.90.020 Applicability.

This Chapter applies to uses, structures, and lots that were lawful when they were commenced, constructed, or created, but that do not comply with one or more applicable provisions of this title. This Chapter does not apply to non-conforming signs, which are instead subject to the requirements of Chapter 10.56.

10.90.030 Non-conforming uses.

The regulations that apply to non-conforming uses in Tulare, including provisions that pertain to maintenance, repair, alterations, change in ownership, and termination, are as follows:

- A. Change of ownership, tenancy, or management of a non-conforming use shall not affect its legal, non-conforming status. A non-conforming use may be maintained or repaired except as otherwise provided in this chapter.
- B. Except as otherwise provided in this chapter, no structure that contains a non-conforming use, shall be moved, altered, or enlarged unless required by law or the non-conforming use is eliminated.

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- C. If a non-conforming use is abandoned, discontinued, or changed to a conforming use for a continuous period of six months, the use shall lose its legal, non-conforming status and shall be required to conform to the use and development standard regulations of this title.
- D. Whenever a structure, which contains a non-conforming use, is damaged by fire, flood or other calamity, and the extent of the damage is 50 percent or less of the floor area of the structure or 50 percent or less of the replacement value of the structure, as determined by the Building Official, the structure may be restored and the non-conforming use may be resumed, provided that the restoration is started within six months and is completed within 18 months.
- E. Whenever a structure, which contains a non-conforming use, is damaged by fire, flood, or other calamity, and the extent of the damage is more than 50 percent of the floor area of the structure or 50 percent or more of the replacement value of the structure, as determined by the Building Official, the structure shall not be restored unless in conformity with the use and development standard regulations of this title.
- F. An agricultural crop production use that is non-conforming due to annexation, adoption, or amendment to this title shall be allowed to continue, provided that the intensity of the agricultural crop production use shall not increase.
- G. A non-conforming residential use that is located in a commercial or industrial zone district may be altered or enlarged; provided that a conditional use permit is secured.

10.90.040 Non-conforming structures.

The regulations that apply to non-conforming structures in Tulare, including provisions that pertain to maintenance, repair, alterations, change in ownership, and damage, are as follows:

- A. Change of ownership, tenancy, or management of a non-conforming structure shall not affect its legal, non-conforming status. A non-conforming use may be maintained or repaired except as otherwise provided in this chapter.
- B. A non-conforming structure shall not be moved, altered, or enlarged unless required by law or unless the moving, alteration, or enlargement will result in the elimination of the non-conforming status of the structure.
- C. Whenever a structure is damaged by fire, flood, or another calamity, and the extent of the damage is 50 percent or less of the floor area of the structure or 50 percent or less of the replacement value of the structure, as determined by the Building Official, the structure may be restored and the non-conforming use may be resumed, provided that the restoration is started within six months and is completed within 18 months.
- D. Whenever a structure is damaged by fire, flood, or other calamity, and the extent of the damage is more than 50 percent of the floor area of the structure or 50 percent or more of the replacement value of the structure, as determined by the Building Official, the structure shall not be restored unless in conformity with the use and development standard regulations of this title.
- E. A non-conforming residential structure may be moved, altered, or enlarged; provided, that the alteration or enlargement is consistent with the development standards of the zone district in which the structure is located.

10.90.050 Non-conforming lots.

- A. A lot shall be deemed non-conforming if it was legally created in accordance with the State Subdivision Map Act prior to the adoption or amendment of this title, but which, does not meet all the provisions, standards, and requirements of this title applicable to lots.
- B. A non-conforming lot shall not be subdivided, nor its lot lines adjusted, unless the subdivision or lot line adjustment brings the lot into conformance with the provisions, standards, and requirements of this title applicable to lots or reduces the difference between actual conditions and required standards while not creating a new non-conforming use or structure.
- C. A non-conforming lot may be used for any use allowed in the zone district in which it is located.
- D. A structure conforming to the provisions of this title may be constructed on a non-conforming lot.

10.90.060 Removal of certain non-conforming uses and structures.

- A. Upon receipt of a violation, the following shall be removed within 30 days, unless an alternative deadline is specified in the violation notice.
- B. A non-conforming use that does not occupy a structure or is using a structure having an assessed valuation of less than 1,000 dollars shall be discontinued and completely removed or converted to a conforming status.
- C. Whenever a structure has an assessed value of less than \$500 and does not comply with the development standards of coverage, front yard, side yard, rear yard, height of structures, or distances between structures, for the district in which the structure is located, the structure shall be removed from its site within five years from the effective date of this title.
- D. Existing fences, walls, and hedges that do not conform to the provisions of this title governing the placement of fences, walls, and hedges in relation to street intersections or encroachment into the public right-of-way, shall be removed or modified to conform to the provisions of this title.

10.90.070 Effect of eminent domain.

- A. If the area of the lot is reduced by eminent domain, the provisions for non-conforming lots and structures shall apply, but the provisions for non-conforming uses shall not apply.
- B. If a required yard or setback area is reduced or eliminated by eminent domain, any affected building or structure shall be deemed non-conforming; provided, however, such building or structure may be structurally altered so long as such alterations comply with all the other requirements of the zoning district.
- C. If any required parking space on a lot is reduced or eliminated by eminent domain, the use shall not be deemed non-conforming solely because of the lack of required parking spaces.

10.90.080 Exceptions.

Nothing in this title pertaining to non-conforming structures and uses shall be construed or applied so as to require the termination or discontinuance or removal, or to prevent the expansion, modernization, replacement, repair, maintenance, alteration, reconstruction, or rebuilding, and continued use of any electric distribution substation, electric transmission line, communications

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equipment building, gas regulator station or public utility pumping station; provided that there be no change of use or enlargement of those areas so used.

Chapter 10.92

REASONABLE ACCOMMODATION

Sections:

- 10.92.010 Purpose.**
- 10.92.020 Definitions.**
- 10.92.030 Reasonable accommodation request.**
- 10.92.040 Notice to the public of availability of accommodation process.**
- 10.92.050 Requesting reasonable accommodation.**
- 10.92.060 Medical information.**
- 10.92.070 Application requirements.**
- 10.92.080 Jurisdiction.**
- 10.92.090 Findings for reasonable accommodation.**
- 10.92.100 Appeals.**
- 10.92.110 Fee.**
- 10.92.120 Stay of enforcement.**

10.92.010 Purpose.

In order to make specific housing available to one or more individuals with disabilities, this Chapter implements the policy of the City on requests for reasonable accommodation in its rules, policies, and procedures for persons with disabilities as required by the Fair Housing Act, as amended, 42 U.S.C. Section 3604(f)(3)(B). The policy of the City is to comply fully with the provisions of the Fair Housing Act.

10.92.020 Definitions.

For the purposes of this chapter, unless otherwise defined, the following words and phrases when used in this chapter are defined as follows:

“Fair Housing Act” means The Federal Fair Housing Amendments Act of 1988, as amended.

“Applicant” means any person with disabilities or their representative who is requesting a reasonable accommodation pursuant to this chapter.

“Department” means the Community Development Department of the City of Tulare.

“Dwelling” means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

“Person with disabilities” means any person who, as defined by applicable federal law, has a physical or mental impairment that limits one or more major life activities or anyone who is regarded as having such impairment; or anyone who has a record of such impairment.

10.92.030 Reasonable accommodation request.

- A. Any person with disabilities and eligible under the Fair Housing Act or their representative may request a reasonable accommodation with respect to the various land use or zoning laws, rules, policies, practices, and/or procedures of the City as provided by the Fair Housing Act pursuant to the procedures set out in this chapter.
- B. Nothing in this chapter requires persons with disabilities or operators of group homes for persons with disabilities acting or operating in accordance with applicable zoning, licensing, or land use laws or practices to seek reasonable accommodation under this chapter.

10.92.040 Notice to the public of availability of accommodation process.

The Department shall prominently display a notice at the counter in the Community Development Department and Finance Department advising that persons with disabilities or their representatives may request a reasonable accommodation in accordance with the procedures established in this chapter.

10.92.050 Requesting reasonable accommodation.

- A. A request by an applicant for reasonable accommodation relating to land use or zoning rules, policies, practices, and/or procedures may be made orally or in writing. The Department will assist the applicant with furnishing the Department all information necessary for processing the reasonable accommodation request, including that information which the Department deems necessary to complete a reasonable accommodation request.
- B. The Department will provide the assistance necessary to an applicant in making a request for reasonable accommodation. The Department will provide the assistance necessary to any applicant wishing to appeal a denial of a request for reasonable accommodation to ensure the process is accessible to the applicant. The applicant is entitled to be represented at all stages of the proceedings identified in this chapter by a person designated by the applicant.

10.92.060 Medical information.

- A. Should the information provided by the applicant to the Department include medical information or records of the applicant, including records indicating the medical condition, diagnosis, or medical history of the applicant, the applicant may, at the time of submitting such medical information, request that the Department, to the extent allowed by law, treat such medical information as confidential information of the applicant.
- B. Medical Information. The Department shall provide written notice to the applicant of any request received by the Department for disclosure of the medical information or documentation that the applicant has previously requested to be treated as confidential by the Department. The Department will cooperate with the applicant, to the extent allowed by law, in actions initiated by the applicant to oppose the disclosure of such medical information or documentation.

10.92.070 Application requirements.

- A. The applicant shall submit a request for reasonable accommodation in a form acceptable to the Department. The application shall include the following information:
 - 1. The applicant's name, address, and telephone number.
 - 2. The address of the property for which the request is being made.

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3. The name and address of the property owner, and the owner’s written consent to the application.
 4. The current actual use of the property.
 5. The basis for the claim that the individual is considered disabled under the fair housing laws: identification and description of the disability which is the basis for the request for accommodation, including current, written medical certification and description of disability and its effects on the person’s medical, physical or mental limitations.
 6. The rule, policy, practice, and/or procedure of the City for which the request for accommodation is being made, including the zoning code regulation from which reasonable accommodation is being requested.
 7. The type of accommodation sought.
 8. The reason(s) why the accommodation is reasonable and necessary for the needs of the disabled person(s). Where appropriate, include a summary of any potential means and alternatives considered in evaluating the need for the accommodation.
 9. Copies of memoranda, correspondence, pictures, plans, or other background information reasonably necessary to reach a decision regarding the need for the accommodation.
- B. If the project for which the reasonable accommodation is being requested also requires some other discretionary permit per this title or Chapter 8.24 (Subdivisions), then the reasonable accommodation request shall be acted on before proceeding with the public hearing for the discretionary permit applications.

10.92.080 Jurisdiction.

- A. The Director shall have the authority to consider and act on requests for reasonable accommodation. When a request for reasonable accommodation is filed with the Department, it will be referred to the director/designee for review and consideration. The Director shall issue a written determination within 30 days of the date of receipt of a completed application and may (1) grant the accommodation request, or (2) deny the request, in accordance with federal law. Any such denial shall be in writing and shall state the grounds for denial. All written determinations shall give notice of the right to appeal and the right to request reasonable accommodation in the appeals process. The notice of determination shall be sent to the applicant by certified mail, return receipt requested, and by regular mail.
- B. Requests for Additional Information. If reasonably necessary to reach a determination on the request for reasonable accommodation, the director/designee may, prior to the end of said 30-day period, request additional information from the applicant, specifying in detail what information is required. The applicant shall have 15 days after the date of the request for additional information to provide the requested information. In the event a request for additional information is made, the 30-day period to issue a written determination shall be stayed. The Director shall issue a written determination within 30 days after receipt of the additional information. If the applicant fails to provide the requested additional information within said 15-day period, the Director shall issue a written determination within 30 days after the expiration of said 15-day period.

10.92.090 Findings for reasonable accommodation.

- A. A determination on the following findings shall be made before any action is taken to approve or deny a request for reasonable accommodation and must be incorporated into the record relating to such approval or denial:
 - 1. Whether the housing that is the subject of the request for reasonable accommodation will be used by one or more persons with disabilities protected under federal fair housing laws.
 - 2. Whether the accommodation requested may be necessary to afford one or more persons with disabilities equal opportunity to use and enjoy a specific dwelling.
 - 3. Whether the requested accommodation would require a fundamental alteration to the City’s zoning scheme.
 - 4. Whether the requested accommodation would impose undue financial or administrative burdens on the City.
- B. A request for a reasonable accommodation shall not be denied for reasons that violate the provisions of the Fair Housing Act. This ordinance does not obligate the City to grant any accommodation request unless required by the provisions of the Fair Housing Act or applicable California State law.

10.92.100 Appeals.

- A. The applicant may appeal the decision within 30 days of the date of the mailing of the decision to the applicant.
- B. Appeals shall contain a statement of the grounds for the appeal.
- C. If an applicant needs assistance in appealing a decision, the department will provide the assistance necessary to ensure that the appeal process is accessible to the applicant. All applicants are entitled to be represented at all stages of the appeal proceeding by a person designated by the applicant.
- D. Appeals shall be to the City Council who shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than 30 days after an appeal has been filed. All determinations on appeal shall address and be based upon the findings identified in Section 10.92.090 and shall be consistent with the Fair Housing Act.
- E. An applicant may request reasonable accommodation in the procedure by which an appeal will be conducted.

10.92.110 Fee.

There shall be no fee imposed in connection with a request for reasonable accommodation under the provisions of this chapter or an appeal of the decision. Nothing in this chapter obligates the City to pay an applicant’s attorney fee.

10.92.120 Stay of enforcement.

While an application for reasonable accommodation or appeal of said application is pending before the City, the City will not enforce the subject zoning ordinance against the applicant.

Chapter 10.94

ANNEXATIONS

Sections:

10.94.010	Purpose.
10.94.020	General Provisions.
10.94.030	Applications.
10.94.040	Annexation agreements.
10.94.050	Proposed zoning.
10.94.060	Petitions.
10.94.070	Planning Commission duties.
10.94.080	City Council duties.
10.94.090	Tulare County Local Formation Commission (LAFCO).
10.94.100	Taxation authorization.

10.94.010 Purpose.

The purpose of this chapter is to provide a process for the annexation of land into the city limits. The review process is meant to assure orderly growth and development while weighing the need for services and facilities against the total financial resources available for securing such services and facilities.

10.94.020 General Provisions.

Whether initiated by petition or by resolution for application, the following general provisions will apply with regard to all proposed or requested annexation actions:

- A. Staff is authorized to take all actions and file any protests or notices necessary to protect and preserve City rights and opportunities for further comment or action; whether in connection with LAFCO or any other entity to the extent the City is an "affected city," as defined in Cal. Gov't Code § 56011 or as amended.
- B. The City's adopted General Plan and zoning ordinance reflect the City Council's statement of the city's intentions with regard to future development and expansion. City staff is to work with the County of Tulare and LAFCO to implement the City Council's intent in documents and processes within their jurisdiction and with regard to all actions to achieve consistency with the City's adopted General Plan and zoning ordinance, and existing State and federal law.
- C. Complete applications are required and fees must be paid before processing any annexation request.
- D. The City will seek to recover the costs of facilities and system capacities needed by any annexed properties proposed for annexation in a manner consistent with the City's connection fee and development impact fee programs.

10.94.030 Applications.

- A. An application for an annexation shall be initiated with the City by submission of an application to the Community and Economic Development Department. The Community and Economic Development Director is directed to establish appropriate application forms, fee studies, and processes and to issue administrative guidelines defining a "complete" application and to set the required number of copies. The application materials shall include, but not be limited to, the following:
1. A copy of any annexation or pre-annexation agreement between the party and the City or between the party and the County.
 2. Copies of any known studies or reports by any local governmental agency concerning the condition of the infrastructure and any service deficiencies within the area proposed for annexation.
 3. A statement regarding the nature and extent of existing public safety and emergency services and an evaluation of additional such services required with regard to the area proposed to be annexed.
 4. A statement of the applicant's plans (if any) for extending, financing, and providing municipal services within the area to be annexed.
 5. A summary identifying all existing special districts within the area to be annexed.
 6. A map of the City and adjacent area showing:
 - a. Present and proposed boundaries of the city in the vicinity of the proposed annexation.
 - b. The present streets, major trunk water lines, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation.
 - c. The existing and proposed land use patterns in the areas to be annexed.
 7. A map and legal description of the area proposed to be annexed.
- B. The applicant/petitioner shall be responsible for the cost of preparing all environmental documentation required by the California Environmental Quality Act associated with the proposed annexation.
- C. Only owners of the properties proposed for annexation using the City resolution process permitted under Cal. Gov't Code § 56654, and registered electors within the proposed area proposed for annexation (or an organization lawfully formed by them to represent their interests), may submit an application.
- D. Community and Economic Development Director. The Community and Economic Development Director shall administer all City processes required by either the Act or this chapter in cooperation with department heads from other affected departments. Upon receipt of an application, the Director shall determine if the application is complete and will notify the

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applicant within 30 days if the application is deficient in any manner. Deficient applications will not be processed further until the defects are remedied.

- E. In connection with any LAFCO sphere of influence reviews, LAFCO annexation proceedings, or annexation pre-application (collectively, the action) processes the Director will perform an evaluation identifying potential City issues and will make recommendations with regard to such issues. At a minimum, the following issues will be analyzed:
1. Whether the property meets the statutory requirements for annexation.
 2. Whether the property is within the City of Tulare's sphere of influence as shown on the last adopted City General Plan.
 3. Whether the proposed action is consistent with intergovernmental agreements where the City is a party.
 4. Whether the proposed action creates concerns regarding the City's finances or ability to provide municipal services (including without limitation municipal utility services) to the entire city if the proposed action is approved.
 5. Projects that will be required or impacted if the City supports the proposed action or if it is completed.
 6. City policies that will be affected (such as voting districts, by way of example) if the proposed action is completed.
 - a. Any other foreseeable consequences about which the Planning Commission and City Council should be informed.
- F. In connection with proposed annexations which include inhabited territory, at a minimum, the following additional standards will be applied:
1. The Pavement Condition Index (PCI), as applied to city streets through the City's adopted Transportation System Management Policy will be used to assess the transportation infrastructure and service needs.
 2. The factors specified in Cal. Health and Safety Code §§33030 - 33031 for determining whether "blight" exists and its degree.
 3. Expected specific increases to City general fund and other fund revenues and other articulable expected City benefits are to equal or exceed the expected increased City disbursements and expected adverse City impacts.
- G. Staff decisions are reviewable by the City Manager. All final decisions of the City Manager are appealable to the City Council.

10.94.040 Annexation agreements.

The City may require that applicants requesting a resolution for application from the Council enter into an annexation agreement with the City as a condition to issuing a resolution of application for a proposed annexation. The annexation agreement may contain provisions for zoning of the property, the physical development of the property, the timing of development, the allocation of

the cost of required public improvements and services, and/or other matters relating to the public interest.

10.94.050 Proposed zoning.

- A. The proposed zoning for the area to be annexed may be addressed in an annexation agreement pursuant to § 10.26.040. The annexation agreement may provide for further reorganization to detach the property if, after annexation, the proposed zoning is materially different than that specified in the annexation agreement.
- B. The City may zone the property either concurrent with the proposed annexation or within 90 days of recording of the annexation.

10.94.060 Petitions.

- A. When LAFCO annexation proceedings are initiated by landowner or voter petitions, the City will fully participate in proceedings in a manner consistent with the provisions, purposes, and objectives in this chapter. City staff is directed and authorized to take all actions consistent with these directions. Such participation will include, without limitation, the following:
 - 1. Seeking LAFCO imposition of terms and conditions on any annexations to mitigate adverse impacts and to implement the provisions of this chapter.
 - 2. If preliminary staff analysis demonstrates the potential for significant adverse fiscal or other impacts to the City, staff is directed to take all actions to mitigate such adverse impacts and to fully inform the City Council regarding such events.
 - 3. Pursue formation of improvement districts and Mello-Roos districts and other financing tools to address significant blight, infrastructure deficiencies, and anticipated disproportionately burdensome service costs as terms and conditions for annexation.
 - 4. Negotiate in good faith with the County of Tulare for a property tax transfer agreement based on the anticipated financial impacts to the City.
 - 5. Prepare and publish factual information describing likely impacts to the residents in the proposed annexation area and to the City in connection with the proposed action. Such information should include, but not be limited to, any information that might be helpful with the process and in describing differences between being in the county and being in the city such as the following: tax differences, land use regulation, code enforcement, and animal control ordinance standards, potential effects of the City's water and sewer ordinances, specific City fees, assessments related to indebtedness, procedures and policies defined by this chapter.
- B. Staff will, in all discussions, negotiations, and processes established by the Act or otherwise, seek to cause an application with all related fees and costs and deposits to be filed with the City in order to be able to complete the annexation impact report described in §10.26.060 above and all city reviews allowed by the Act and provided for in this code.
- C. Regardless of whether that occurs, the City's efforts to obtain fair share contributions from the other agencies for impact-related costs and LAFCO-imposed terms and conditions will be the

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same whether the annexation process is commenced by a resolution for application of annexation or by landowner/voter petition directly to LAFCO.

10.94.070 Planning Commission duties.

- A. Public hearing required. Following acceptance of an application, the Planning Commission shall conduct a public hearing for consideration of the application with the following minimum requirements:
1. Notice of a hearing shall be given in accordance with Chapter 10.16 Public Hearings of this code.
 2. The Planning Commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.
 3. Following the conclusion of the public hearing, the Planning Commission shall make written recommendations to the City Council to approve, approve with conditions or modifications, or deny the application as submitted or in modified form and shall make written findings supporting the reasons for the recommendation.

10.94.080 City Council duties.

- A. Public hearing required. After the Planning Commission makes a recommendation on the application, the City Council shall hold a public hearing on the application with the following minimum requirements:
1. Notice of a hearing shall be given in accordance with Chapter 10.16 Public Hearings of this code.
 2. The City Council shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.
 3. Following the conclusion of the public hearing, the City Council shall approve, modify, or reject the Planning Commission's recommendation, provided that a substantial modification not previously considered by the Planning Commission shall be referred to the Planning Commission for a written recommendation prior to consideration of an amendment. Prior to the adoption of an annexation, the City Council shall make written findings supporting the reason for the decision. Approval of the annexations shall be by adoption of a resolution of application.
- B. Property tax exchange resolution. If the City Council adopts a resolution of application in accordance with §56700 of the Cal. Gov't Code, the Council shall also adopt a property tax exchange resolution in accordance with §99 of the Cal. Revenue and Taxation Code establishing the amount of property tax revenues to be exchanged between and among local agencies whose service area or service responsibility will be altered by the amount of, and allocation factors with respect to, property tax revenue estimated from the proposed application.

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C. Filing. The City Council shall direct the City Clerk to file a certified copy of the resolution of application and a copy of the property tax exchange resolution with the executive officer of the Tulare County Local Agency Formation Commission (LAFCO).

10.94.090 Tulare County Local Agency Formation Commission (LAFCO).

Following approval of the resolution of application by the City Council, the applicant shall submit an application to the Tulare County LAFCO in order to initiate annexation proceedings with that agency.

10.94.100 Taxation authorization.

In addition to any and all fees, all property annexed to the City shall be subjected to taxation equally with property within the City, and to pay and bonded indebtedness outstanding or authorized on the effective date of the annexation.

Chapter 10.96

DEFINITION OF LAND USES

Sections:

- 10.96.010 Purpose.**
10.96.020 Land use definitions.

10.96.010 Purpose.

The purpose of this chapter is to establish definitions for the identified land uses in this title.

10.96.020 Land use definitions.

The following land use definitions apply to this title. The item number in parenthesis at the end of the definition is not a part of the definition but refers to the line item of that land use in Table 10.08.020-1 and Table 10.08.030-1.

“Accessory building or structure” means a structure which is subordinate to and the use of which is customarily incidental to, that of the main building, structure, or use on the same site, including patio covers. If any accessory building is attached to the main building by a common wall or a connecting roof, such accessory building shall be deemed to be a part of the main building. This does not include accessory dwelling or junior accessory dwelling units. (42)

“Accessory dwelling unit (ADU)” as set forth in California Government Code Section 65852.2 is a smaller (detached or attached) secondary dwelling unit with complete, independent living facilities (kitchen and bathroom) that is located on the same parcel as a primary dwelling unit (existing or proposed). The ADU can be located within or attached to a single dwelling unit, within a multiple dwelling unit building, or in a separate detached structure. (30)

“Accessory dwelling unit, junior” as set forth in California Government Code Section 65852.22, means a small dwelling unit (500 square feet maximum in size) that is developed within the walls of a single dwelling unit. The Junior ADU must have a separate entrance, an efficiency kitchen, and access to a bathroom either within the Junior ADU or via shared access with the primary dwelling unit. A Junior ADU is allowed only within the single dwelling unit and is not permitted within an accessory structure or multiple dwelling unit development. (31)

“Accessory use” means a use incidental, related, appropriate, and clearly subordinate to the main use of the site or building, and accessory use does not alter the principal use of the site. (42)

Adult day health care center. See Residential care facility. (17) (18) (H15) (H16)

Adult Daycare. See Daycare, Adult (56) (L10)

“Adult entertainment establishment” means any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter establishment, adult model studio, or any other business or establishment that offers its patrons services or entertainment

characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” but not including those uses or activities, the regulation of which is preempted by State law. (I1)

“Agricultural crop production” means the use of land for farming, horticulture, floriculture, viticulture, apiaries, tree and sod farms, animal and poultry husbandry, and accessory activities, including, but not limited to, storage, associated maintenance of equipment, harvesting of crops or feeding of animals and excluding dairying, stockyards, slaughtering or commercial food processing. Pursuant to Health and Safety Code Section 10021.6, any employee housing consisting of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use for zoning purposes. (D1)

“Agricultural products packing, packaging, preparing or processing” means a facility performing any processing or packaging of crops after harvest, whether or not value is added, to prepare them for market on-site or for further processing and packaging elsewhere, including but not limited to alfalfa and hay cubing; corn shelling; drying of corn, rice, hay, fruits or vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables; canning, freezing, or preserving fruits and vegetables; tree nut hulling and shelling; and alcohol fuel production. Any of the above activities performed in the field with mobile equipment not involving permanent buildings are included under “Agricultural crop production.” It includes related accessory uses such as offices, laboratories, retail sales of agricultural products produced on the premises or off-site by the operator, retail sales of agriculture-related promotional and/or educational items, and facility tours. Does not include “wineries,” “commercial cannabis activity,” “cannabis cultivation,” or sorting and packing activities conducted within a permitted roadside stand. (D2)

“Airport or heliport” means an area of land, water, or a structural surface that is used for the landing and takeoff of airplanes and/or helicopters and any appurtenant areas or buildings that are used for maintenance, servicing, or storing of aircraft, and for services provided to pilots or passengers. (K1)

“Ambulance service” means the provision by a licensed ambulance provider of ground transportation of a sick or injured person in a specially designed and equipped vehicle which includes a trained ambulance attendant who is licensed or certified as required by state law. (J1)

“Animal raising” means the care and breeding of domestic agricultural animals such as chickens and other fowl, horses, goats, or cows. (D3)

Art school. See School, charter, trade, vocational, art, business, or professional. (70) (C14)

“Artisan food and beverage production and sales” means small-scale production and/or preparation of food and/or beverages made on-site with minimal automated processes involved and may include direct sales to consumers and product tasting. This definition includes uses such as small-batch food producers and bakeries, small-batch candy shops, cheese makers, and herbal remedies. The definition does not include the production of beer, wine, or other alcoholic beverages. (B1)

“Assembly facility” means:

1. Meeting facilities for organizations including facilities for business associations, civic, social, and fraternal organizations, labor unions and similar organizations, political

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organizations, professional membership organizations, and other membership organizations.

2. Churches and other religious institutions, including living quarters for ministers and staff, but excluding other establishments maintained by religious organizations such as educational institutions and daycare, which are separately regulated.
3. Community centers and other multipurpose meeting and recreational facilities that include one or more meeting or multipurpose facilities, kitchens, and outdoor barbecue facilities available for use by various groups for meetings, parties, receptions, dances, etc. (50) (C1)

“Assisted living, skilled nursing, or hospice facility” means a residential complex providing skilled nursing care on an intermittent, extended, or continuous basis to residents, with staff personnel and programs to assist residents with many activities of daily living. Units may or may not have kitchens, and meals can also be provided in a central location. (1) (2) (H1)

“Athletic complex or ball field” means a field, outdoor court, outdoor swimming pool, stadium, or group of these used for sporting activities such as baseball, softball, football, basketball, swimming, or other sports, and is not operated as a commercial enterprise. (G1)

“Auction or sales house” means a fully enclosed establishment where items are offered for sale through competitive bidding. It does not include foreclosure, real estate, or personal property sales conducted upon the site of the estate, foreclosed or for sale property, or property belonging to the personal property owner. It does not include “Swap meet or flea market” or “Auction or sales yard.” (I2)

“Auction or sales yard” means an outdoor or open-air facility where items are offered for sale through competitive bidding. Items typically include motor vehicles, heavy equipment, items of an industrial nature, livestock, or items not normally found within retail stores. It does not include “Swap meet or flea market.” It may also have an indoor component similar to an Auction or sales house. (I3)

“Auditorium” means a large room or building used for public gatherings typically open to the general public to watch and/or listen to movies, plays, acts, speeches, or concert performances.” (C2) (C3)

“Automated teller machine (ATM)” means a computer terminal that takes the place of a human bank teller and allows the user to access basic bank services, such as making deposits and cash withdrawals, from remote locations. (A1)

“Automobile and pick-up sales, new and used” means an open area that can include buildings, other than a street, used for the display, sale, or rental of new and used automobiles and pick-ups along with repairs and servicing of automobiles or pick-ups. (I4)

“Automobile and pick-up sales, used only” means an open area or building, other than a street, used for the display, sale, or rental of used automobiles and pick-ups and where no repair work is done except minor incidental repairs and servicing of automobiles or pick-ups to be displayed, sold or rented on the premises. (I5)

Automobile service station. See Fuel sales, retail, Motor vehicle repair or service, minor, and Motor vehicle repair service, major. (I15) (J18) (J19)

Automobile wrecking yard. See Junk yard, wrecking yard, or salvage facility. (K5)

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Ball field. See Athletic complex or ball field. (G1)

“Bank or credit union, main branch” means an institution providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, loan services, or merchant banking services. This use excludes a payday lender or check-cashing establishment. For administration, headquarters, or other offices of banks and credit unions without retail banking services with on-site circulation of money see Office, professional or commercial. (J2)

“Bar, nightclub, or lounge” means an establishment that provides alcoholic beverages for consumption on the site and may or may not provide food service, and that may provide live entertainment and/or dancing. This use typically requires an ABC Type 40, 42, 48, 60, or 61 license. (B2)

“Barbershop, hair salon, nail care, massage therapy, or day spa” means an establishment that provides personal care treatments or massage therapy of hair, skin, nails, and/or face where overnight accommodations are not provided. This use includes the application of permanent facial makeup but does not include other forms of tattooing or body art application. (J3)

“Bed and breakfast inn” means a transient lodging establishment that is predominantly residential in character, is primarily engaged in providing overnight or otherwise temporary lodging for the general public, and where a breakfast meal is customarily included in the lodging rate. Alcoholic beverages served to overnight guests typically require an ABC Type 67 license. (3) (H2)

“Boarding house or rooming house” means a building containing a single dwelling unit and provisions for five or more persons, where lodging is provided with or without meals for compensation. This definition does not include assisted living, skilled nursing, or hospice facility, bed and breakfast inn, or residential care facility. (4) (H3)

“Boat, recreational vehicle (RV), and truck sales” means an open area or building, other than a street, used for the display, sale, or rental of new or used boats, campers, camper trailers, recreational vehicles, trucks over one-ton class, and other vehicles or sporting equipment of similar size, and where no repair work is done except minor incidental repairs and servicing of vehicles and equipment to be displayed, sold or rented on the premises. (I6)

“Brewery, winery, or distillery” is an establishment that manufactures beer, wine, distilled spirits, or similar alcoholic beverages, including processing, storage, aging, packaging, bottling, and shipping. Consumption can occur on or off the site in accordance with the establishment’s ABC license restrictions and can include tasting facilities and/or a restaurant. This use typically requires an ABC Type 01, 02, 03, or 04 license. (D4)

“Brewpub” means a restaurant that also brews limited amounts of beer (less than 5,000 barrels) for consumption on the site. This use typically requires an ABC Type 75 license. (B3)

“Building materials and supply or home improvement store” means an establishment selling a mix of lumber, building materials, tools, residential appliances, nursery items, and home furnishings. (I7)

“Bus, transit, or train station” means a terminal facility where transit vehicles load or unload passengers, along with supporting services such as ticket sales and waiting areas. Bus, transit, or train station does not include a transit stop along a route in the public right-of-way where no additional services are provided. (K2)

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Business school. See School, charter, trade, vocational, art, business, or professional. (70) (C14)

“Call center” means an office used primarily for receiving or transmitting a large volume of requests by telephone to administer product support or information inquiries from consumers or to conduct telemarketing, solicitation of charitable or political donations, debt collection, or market research. (E1)

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code. (51-53) (L1-L9)

“Cannabis product” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients; - intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code (as the same may be amended from time-to-time) or pursuant to the Adult Use of Marijuana Act. For purposes of this title, “medical cannabis” does not include industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code. (51-53) (L-1-L-9)

“Cannabis cultivation” means any activity, whether occurring indoors or outdoors, involving the propagation, planting, growing, harvesting, drying, curing, grading, and/or trimming of cannabis plants or any part thereof for any purpose. (51) (52) (L-1) (L-2)

“Cannabis delivery” shall be as defined in the Medical Marijuana Regulation and Safety Act, California Business and Professions Code Section 19300.5(m), as that section may be amended from time to time, and includes the commercial transfer of cannabis or cannabis products from a dispensary as well as the use of any technology platform owned, controlled, and/or licensed by the dispensary, or independently licensed by the state of California under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) that enables anyone to arrange for a commercial transfer, up to an amount determined to be authorized by the state of California, or any of its departments or divisions, to anyone for any purpose. (53) (L3)

“Cannabis dispensary” means a commercial cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale. (L9)

“Cannabis distribution” means the wholesale procurement, and sale, of cannabis or cannabis products between entities licensed pursuant to MAUCRSA, AUMA, and any subsequent state of California legislation regarding the same. (L4)

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“Cannabis laboratory testing” means offering or performing testing and/or activities relating to the evaluation of, or assessing the quality and/or characteristics of, cannabis or cannabis products; carried out by any entity, accredited and licensed by the state of California, bureau of marijuana control, or otherwise accredited by any other independent accrediting body, within a facility or at any other location. (L5)

“Cannabis manufacturing” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product. The manufacturer conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container. (L6)

“Cannabis transporting” means the conveyance by a person, issued a state license authorizing the point-to-point movement of cannabis or cannabis products, in amounts authorized by the state of California, or by one of its departments or divisions under the MAUCRSA and/or AUMA. (53) (L3)

“Car wash, automatic or full service” means a facility for washing vehicles using conveyORIZED and/or mechanized equipment where the washing of the vehicle is performed by equipment, the facility’s employees, or both. (J4)

“Car wash, self-service” means a facility for washing vehicles where the user of the vehicle uses handheld equipment, typically coin-operated, to wash the vehicle. (J5)

“Card room” means an establishment providing legal gambling combined with card games, and can include a restaurant, bar, or other ancillary entertainment. (C4)

“Caretaker residence or quarters” is a residence that is an accessory to a primary use of the site, for housing a person or persons who are tasked with caring for or securing the site on a part-time or full-time basis. Second dwelling unit includes a caretaker residence or quarters in residential zones. (38)(A2)

“Carnival or circus” means a temporary outdoor amusement center, bazaar or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales, or small-scale games. Carnival or circus does not include a non-profit event sponsored by a local school or religious institution. (C6)

“Carpet cleaning and dyeing” means an establishment that provides for the cleaning and dyeing of rugs, carpet, and upholstery. (J6)

“Cemetery” means land and facilities used or intended to be used for the burial or interment of the dead, and includes a columbarium, crematorium, mausoleum and/or mortuary when operated in conjunction with and within the boundary of the facility. (F1)

Charter School. See School, charter, trade, vocational, art, business, or professional. (70) (C14)

Check cashing establishment. See Payday lender or check cashing establishment. (J20)

Child care center. See Daycare Center. (59) (L13)

“Club, lodge, or private meeting hall” means a large room or building used for public gatherings where membership or invitation is typically required to attend. It can include a dance floor, lodge

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rooms, conference rooms, dining rooms, drinking establishments for members and their guests only, and exhibit rooms. Alcoholic beverage service to members and their guests typically requires an ABC Type 51, 52, or 57 license. (C5)

“Cold storage or ice house” means a facility for the storage of food or other items in an artificially cooled place for the purpose of preservation, and/or for producing large amounts of ice. (K3)

“College or university, private or public” means a school or group of schools that provides post-secondary education usually resulting in a degree. (C7)

Clinic, medical. See Urgent Care Center or other walk-in clinic. (E8)

“Commercial recreation facility, indoor” means indoor recreational facilities that are operated as a business and open to the general public for an entry fee or pay per use. Examples include indoor uses such as, but are not limited to, a bowling alley, bounce house, skating rink, batting cage, miniature golf, swimming pool, climbing wall, arcade, and similar uses. Food and beverage service can be provided as an ancillary use. (G2)

“Commercial recreation facility, outdoor” means outdoor recreational facilities that are operated as a business and open to the general public for an entry fee or pay per use. Examples include outdoor uses such as, but are not limited to, a batting cage, miniature golf, water slide, go-cart racing, and similar uses. Food and beverage service can be provided as an ancillary use. (G3)

“Communications broadcasting or media studio” means a facility that is equipped for sound recording, the transmission of radio and television programs, or the production of motion pictures, television programs, videos, music, cellular phone applications or video games. (E2)

“Communications equipment building.” See Electric distribution and transmission substation, gas regulator station, communications equipment building, public service pumping station, or elevated pressure tank. (60) (F4)

“Community center or facility” means an assembly building used typically for non-profit social, recreational, and cultural activities. (62) (F2)

“Community garden” means an area of land managed and maintained by an individual or group to grow and harvest food and horticultural products for personal or group consumption. The garden may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group. (F3)

“Construction materials recycling” means a yard or facility that collects leftover construction materials that may be recycled or reused as an alternative to disposal in a landfill site. Examples of construction materials include lumber, drywall, masonry, cabinets, metals and appliances, cardboard and paper, asphalt roofing, plastic and vinyl, doors and windows, tubs, sinks, and toilets. (J7)

“Convenience store, with or without fuel sales” means an establishment with extended operating hours and in a convenient location, stocking a limited range of household goods and groceries. Retail fuel sales may or may not also be provided. (I8)

“Convention or conference center” means facilities designed and used for conventions, conferences, seminars, trade shows, product displays, and other events in which groups gather to promote and share common interests. Convention centers typically have at least one auditorium and may also contain concert halls, lecture halls, meeting rooms, and conference rooms, as well as

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accessory uses such as facilities for food preparation and serving and administrative offices. Convention or conference center does not include conference rooms that may be an ancillary use in a hotel and motel. (C8)

“Copy, printing, or mailing service” means an establishment providing printing, photocopying, engraving, binding, packaging, mailing, and related services to both businesses and individuals. (J8)

“Cottage food operation” means a home-based business involving the preparation and/or packaging of certain foods in private-home kitchens for sale primarily by the resident family. (33) (A3)

“Crematorium” is a structure or building substantially exposed above ground intended to be used for the cremation and/or interment of the cremated remains of a deceased person or animal. (J9)

“Daycare facility” means a facility providing supervision, feeding, and non-medical care of persons, usually but not necessarily children, for a time period of less than 24 hours. Daycare facilities are further divided into the following categories:

“Daycare, adult” means a facility or program licensed by the State of California provides non-medical care and supervision to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals, in a daycare setting on less than a 24-hour basis. (56) (L10)

“Daycare, large family” means regularly provided care, protection, and supervision of children, in the caregiver's own home, for periods of less than 24 hours per day, while the parents or authorized representatives are away for seven to 14 children. (58) (L12)

“Daycare, small family” means regularly provided care, protection, and supervision of children, in the caregiver's own home, for periods of less than 24 hours per day, while the parents or authorized representatives are away for up to eight children. (57) (L11)

“Daycare center” means any adult or child care facility of any capacity, other than a family care home, in which less than 24-hour per day non-medical care and supervision are provided in a group setting. This classification includes nursery schools, preschools, and daycare facilities for children or adults, and any other daycare facility licensed by the State of California. (59) (A4) (L13)

Day spa. See Barbershop, hair salon, nail care, massage therapy, or day spa. (J3)

“Drive-thru pick-up window” means the ancillary use of a window or other opening in the wall of a building through which goods or services are provided directly to customers in motor vehicles. (A5, A6)(B6)(B7)

“Dry cleaning or laundromat” means an establishment providing laundry, dry cleaning, and other related services for individual customers on a pick-up and drop-off basis or where with coin-operated washing and drying machines are available for customer use. (J10)

Duplex. See Multi-family dwelling. (13, 14, 15, H13) (14) (15) (H13)

Dwelling, accessory. See Accessory dwelling. (30)

Dwelling, multiple-family. See Multi-family dwelling. (13) (14) (15) (H13)

Dwelling, single-family. See Single-family dwelling. (19) (20) (21) (H18) (H19)

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“Electrical distribution and transmission substation, gas regulator station, communications equipment building, public service pumping station, or elevated pressure tank” means the assembly of above-ground buildings or equipment on a separate lot that is part of a system for the distribution or transmission of electric power, natural gas, domestic water, or communications. Wireless communication facilities are not included in this definition. (60) (F4)

“Electric vehicle recharging facility” means one or more publicly available parking spaces served by electric vehicle service equipment and is typically an ancillary use in a parking garage or parking lot. (A7)

Elevated pressure tank. See Electric distribution and transmission substation, gas regulator station, communications equipment building, public service pumping station, or elevated pressure tank. (60) (F4)

“Emergency shelter” means a facility providing housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less where housing is not denied because of an inability to pay. (5) (H4)

“Employee housing” means property used temporarily or seasonally (not more than 180 days in any calendar year) for the residential use of unrelated persons/families employed to perform agricultural or industrial labor either on or off-site of agricultural activities. The accommodations may consist of any living quarters, dwelling, boarding house, tent (only temporary occupancy), bunkhouse (only temporary occupancy), mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodations maintained in one or more buildings, or one or more sites, and the premises upon which they are situated, including an area set aside for parking of mobile homes and manufactured homes or camping of employees by the employer. Employee housing may also involve permanent residency if the housing accommodation is a mobile home, manufactured home, travel trailer, or recreational vehicle pursuant to Health and Safety Code Section 10021.5. Specifically, there are two types of employee housing as follows:

1. Employee Housing, Large: Employee housing that serves more than six employees and consists of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household. (7) (H6)
2. Employee Housing, Small: Employee housing that serves six or fewer employees. The housing may be in a single or multi-family residence. (6) (H5)

“Equipment rental yard” means an establishment offering a wide variety of large equipment or tools for rent, much of which is stored outdoors when not being used. (J11)

“Exterminator or pest control service” means an establishment specializing in the elimination of vermin, insects, or other similar pests from a building or grounds, especially by the controlled application of toxic chemicals. (J12)

“Family” means all persons, related and unrelated, who occupy a single housing unit.

“Fairgrounds” means an area with indoor and outdoor facilities where fairs, circuses, or exhibitions are held. (F5)

“Farmers market” means a facility or area where several farmers or growers gather on a periodic basis to provide fresh fruits, vegetables, or other locally-grown agricultural products directly to consumers. (I10)

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“Feed and seed store” means an establishment that provides feed, seed, and animal and agricultural supplies primarily in bulk quantities. (I11)

“Food catering” means an establishment that prepares and delivers food and beverages for off-site consumption, typically at a special event, without provision for on-site pickup or consumption. This use includes a commissary kitchen. (J13)

“Food locker” means an establishment that rents lockers, compartments, or space for the storage of frozen food. A food locker may also include the preparation or dressing of animal carcasses for consumption but does not include the slaughtering of animals. (K4)

“Food market” means an establishment that provides a wide variety of fresh produce and meat, canned and packaged food items, small household goods, and similar items that are typically consumed and used off-premises. It can also contain a section where prepared foods are sold and consumed on-site. (I12)

“Food produce stand” means an area or building set aside for the sale of agricultural produce that is grown primarily on the site. (I13)

“Fortune telling” means an establishment where people’s fortunes are predicted through the use of astrology, card reading, numerology, etc. (J14)

“Fuel distributing” means a facility that is a base of operations for the bulk distribution of gasoline, propane, butane, or other another site. (J15)

“Fuel sales, fleet, or cardlock” means an establishment that is typically unattended and provides gasoline, propane, diesel fuel, and/or other liquid or gaseous fuels mainly for commercial fleet vehicles. (I14)

“Fuel sales, retail” means an establishment that provides gasoline, propane, diesel fuel, and/or other liquid or gaseous fuels directly to consumers. (I15)

“Funeral home or mortuary” means an establishment where the deceased are prepared for burial or cremation, and funeral services may be conducted. It can include an area where funeral vehicles are stored, and caskets and other funeral supplies are sold. (C9)

“Games of skill or amusement” means machines, devices or apparatus, the operation or use of which is made possible by the deposit or placement of any currency, plate, disc, slug or key into any slot or crevice, for the purpose or use as a game or amusement. This use does not include games, machines, or devices used for a purpose that is prohibited by law. (A9) (A10)

“Garden shop” means an establishment that provides live plants and related products mainly to residential consumers, with a portion of the establishment typically located outdoors. (I16)

Gas regulator station. See Electric distribution and transmission substation, gas regulator station, communications equipment building, public service pumping station, or elevated pressure tank. (60) (F4)

Gas station. See Fuel sales, retail. (I15)

“Golf course or country club” means one or more golf courses, with accessory facilities and uses that can include clubhouses with bar and restaurant, locker and shower facilities; driving ranges; “pro shops” for onsite sales of golfing equipment; and golf cart storage and sales facilities. (61) (G4)

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“Government office; local, state, or federal” means a facility owned or operated by a local, state, or federal government that provides services to the public such as employment assistance, public assistance, motor vehicle registration and licensing services and similar activities commonly accustomed to having sizeable assemblages of people waiting for service, whether pedestrian or vehicular. This use does not include a government-owned facility that is more specifically defined in this chapter, such as fairgrounds, cemetery, post office, or public safety facility. (F6)

“Guest house” means living quarters without a kitchen, located on the same premises with a main residence. (35)

Hair salon. See Barbershop, hair salon, nail care, massage therapy, or day spa. (J3)

“Hazardous waste facility” means all contiguous land and structures, other appurtenances and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal or recycling of hazardous waste, and may consist of one or more treatment, transfer, storage, resource recovery, disposal or recycling hazardous waste management units, or combinations of these units. (See Health and Safety Code Section 25110.1.) (D5)

“Health or fitness facility, large” means a fitness center, gymnasium, health club or athletic club that typically charges a membership fee and includes any of the following: indoor sauna, spa or hot tub facilities; a swimming pool, or a tennis, basketball or handball court. (G5)

“Health or Fitness Facility, small” means a fitness center, health club or athletic club that typically charges a membership fee and does not include any of the following: indoor sauna, spa or hot tub facilities; a swimming pool, or a tennis, basketball or handball court. (G6)

Heliport. See Airport or heliport. (K1)

“Home occupation” means any use conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part; which creates no additional vehicular or pedestrian traffic, requires no additional parking space, generates no noises audible beyond the site, causes no radio or television interference; where no persons are employed other than domestic help, and no mechanical equipment is used other than that necessary for domestic purposes and where no materials, equipment and/or supplies are stored outdoors other than such storage normally associated with the residential use of the property. For purposes of this definition, the storage of not more than one ton capacity shall be deemed as normally associated with residential use of the property. (35) (A9)

“Hospital, general or psychiatric” means a facility that provides medical, psychiatric, or surgical service for sick or injured persons, primarily on an in-patient basis, and including ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration and services to patients, employees, or visitors. (E4)

“Hotel or motel” means a building or group of buildings in one complex consisting of multiple guest rooms intended or designed to be occupied on a temporary basis, and typically providing ancillary services such as a restaurant, lounge, pool or exercise room, meeting rooms, and/or other personal services. Alcoholic beverages served to overnight guests outside of a restaurant or bar/lounge typically require an ABC Type 70 license. (8) (H7)

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“Industrial or manufacturing facility, heavy” means a facility that manufactures products from extracted or raw materials or recycled or secondary materials, or the bulk storage and handling of such products and materials. This use includes operations such as biomass energy conversion; production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; non-metallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; and automotive and heavy equipment manufacturing. This use does not include Agricultural products processing. (D6)

“Industrial or manufacturing facility, light” means a facility that manufactures products from previously prepared materials completely within an enclosed building, and that produces minimal impacts on nearby properties. This use includes the manufacturing of finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; monument works; printing, engraving, and publishing; sign production or manufacturing; machine and electrical shops; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services. The use also includes the preparation and/or packaging of food for off-site consumption. (D7)

Junior accessory dwelling unit. See accessory dwelling unit, junior. (31)

“Junk yard, wrecking yard, or salvage facility” means a facility that accepts, collects, and stores junk, scrap, or salvable material, including junk metals or other scrap materials, and/or that stores, dismantles, wrecks, or allows parts removal of more than three (3) non-operating automobiles, other vehicles, or machinery for a period of more than 30 days. (K5)

“Keeping of household pets” means the keeping, raising, and caring for domesticated animals that are not considered domestic agricultural animals by the definition of Animal raising, and typically including dogs, cats, birds, fish or other similar-sized animals. Also, see Animal raising. (36) (A10)

“Kennel or animal boarding” means any facility where four or more dogs, cats, or other small animals are kept overnight for profit, breeding, care, or exhibiting. This use does not include a pet store. (62) (J16)

“Laboratory, general, medical, or dental” means a facility that conducts scientific or medical experiments, research, or teaching, typically within a completely enclosed building. (E3)

“Landscape nursery” means a facility that grows, maintains, and provides trees, plants, and other nursery products for transplant in another location typically to both retailer and wholesale customers. (I17)

Large Family Daycare. See Daycare, Large Family (58) (L12)

“Library, museum, or cultural facility” means a facility operated entirely on a public or non-profit basis for the purpose of providing education, information, training, and/or entertainment of a civic or cultural nature. (C10)

“Linen, diaper or uniform supply service” means an establishment providing high volume laundry and garment services, including power laundries (family and commercial), garment pressing and dry cleaning, linen supply, diaper service, and industrial laundries. This use does not include dry cleaning or laundromat. (J17)

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“Liquor store” means an establishment that provides for the sale of alcoholic beverages such as beer, wine, and/or distilled spirits for consumption off the site, along with other retail items. This use typically requires an ABC Type 20 or 21 license. Limited consumption on the site can occur only when the appropriate ABC license is obtained, typically an ABC Type 86 license. (I18)

“Live/Work facility” means a building that combines a complete dwelling unit with a commercial or office workspace, with both occupancies used by the same person or family. (H8)

Lodge. See Club, lodge, or private meeting hall (C5)

Lounge. See Bar, nightclub, or lounge. (B2)

Lumberyard. See Building materials and supply or home improvement store. (I7)

“Manufactured home” means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight (8) body feet or more in width, or forty (40) body feet or more in length, in the traveling mode, or, when erected on site, is three hundred twenty (320) or more square feet, and is designed to be used as a single-family dwelling when connected to the required utilities. (10) (11) (H10) (H11)

“Manufactured home sales yard” means an establishment that stores and provides manufactured homes, typically in an open setting with a sales office. (I19)

Massage therapy. See Barbershop, hair salon, nail care, massage therapy, or day spa. (J3)

“Meat packing or slaughterhouse” means a facility used for the killing or dressing of animals, including cattle, sheep, swine, goats, horses, or poultry, and the storage, freezing, curing, or packaging of meat or meat products. (D8)

“Microbrewery” means an establishment that produces small batches of beer for sale on or off of the site and may or may not include food service. Typically, a microbrewery produces fewer than 15,000 barrels of beer or ale per year. This use typically requires an ABC Type 23 license. (B4)

“Mining, quarry, or sand and gravel excavation” means an area of land where rock, ore, stone, and similar materials are excavated and processed for sale for use off-site. (D9)

“Mini-warehouse or self-storage facility” means an establishment providing rental space, such as rooms, lockers, or containers for the storage of goods and materials, typically on a monthly basis. This use does not include Food locker or Warehouse or distribution center. (71) (K6)

“Mixed-use” means an area of land where compatible integration of residential, commercial, office, and/or industrial uses on a single project site. Uses that would not be permitted on their own, can be integrated into a development project. In this case specifically, a hotel or motel can only be allowed in a residential district as part of a mixed-use development. Similarly, residential uses can only be permitted in a commercial district as part of a mixed-use development. (63)

“Mobile home” means a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight (8) body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, and is designed to be used as a single-family dwelling when connected to the required utilities. (10) (H10)

“Mobile home park” means an area of land where two or more mobile home sites are rented or leased, or offered for rent or lease, to accommodate mobile homes or manufactured homes used as a residence. (12) (H12)

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“Mobile vendor or food truck” means an establishment that sells food, drinks, or merchandise by means of a motorized or non-motorized vehicle, such as a wagon, pushcart, handcart, bicycle, motorized cart, or food truck that periodically parks to provide food or other wares to customers. (64) (A11)

Motel. See Hotel or motel. (8) (H7)

“Motor vehicle repair or service, major” means an establishment that provides major repair or servicing of motor vehicles, such as body, chassis, engine, transmission, or exhaust repair or modification. (J18)

“Motor vehicle repair or service, minor” means an establishment that provides minor repair or servicing of motor vehicles, such as the replacement of tires or batteries, smog inspection, window tinting, car stereo installation, oil and filter change, wheel alignment, and fluid flushing, refill, or replacement. (J19)

“Multi-family dwelling” means a building or group of buildings in one complex with multiple separate housing units. A multi-family dwelling can have two units (a duplex,) three units (a triplex,) four units (a fourplex,) or five or more units. Multi-family dwelling includes a mixed-use building that also provides separate space for commercial or office use but does not include an attached single-family dwelling. (13) (14) (15) (H13)

Nail care. See Barbershop, hair salon, nail care, massage therapy, or day spa. (J3)

“News, magazine, or flower stand, outdoor” means an establishment that provides newspapers, magazines, flowers, or other similar goods, typically to pedestrians passing by, in a permanent structure open to the outdoors. This use does not include sales from temporary booths or structures. (I20)

Nightclub. See Bar, nightclub, or lounge. (B2)

“Office; medical, dental, or optometry” means an establishment that provides services, typically by appointment, dealing with human health including dental, chiropractic, medical, optometry, physical therapy, psychology, psychiatry, family counseling, or therapy. This use does not include Barbershop, hair salon, nail care, massage therapy, or day spa. (E5)

“Offices, professional or commercial” means an establishment that provides administrative, clerical, technical, professional or similar business services and typically where products or goods are not provided. Examples include escrow and title, insurance, mortgage, real estate, accounting, architecture, graphic design, finance, consulting, engineering, legal, and similar services. (E6)

“Optical retailer” means an establishment that provides prescription eyeglasses and contact lenses, and where optometry services are not provided on the site. Prescription eyeglasses and contact lenses may be made on the premises. (I24)

“Outdoor advertising structure” means a structure of any kind or character, erected or maintained for outdoor advertising purposes, upon which a sign may be placed that advertises a use, product, or service that is not provided off-site. (A12)

“Outdoor storage” means the storage of goods or materials outside of any building or structure, but not including storage of a temporary or emergency nature. (66) (A13)

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“Park or playground” means an open area typically landscaped and containing play equipment that provides rest and recreation, usually owned by a public agency or homeowner’s association. (67) (G7)

“Parking facility, off-site” means an area, lot, or structure with one or more levels, other than a street or other public right-of-way, that provides for the parking of motor vehicles as a primary use on the site. This use does not include parking areas or lots that are ancillary and specifically intended to provide parking for the primary use on the site. (K7)

“Pawn shop” means an establishment that provides secured loans to customers, with items of personal property used as collateral. (I21)

“Payday lender or check cashing establishment” is an establishment that cashes checks, warrants, or money orders for a fee, and/or provides short-term loans, usually at a high interest rate, that must be paid in full when the borrower receives their next paycheck. This use does not include Bank or credit union. (J20)

“Pet grooming” is a personal service establishment that, for a fee, trims, cleans or curries domestic pets such as dogs and cats and which may sell pet supplies. This use does not include Kennel or animal boarding. (J21)

“Pet store” means an establishment where dogs, cats, or other small animals are kept and offered for sale. (I22)

“Pharmacy” means an establishment that provides prescription drugs under the supervision of a pharmacist and can also provide other retail products. (E7)

“Photography studio” means an establishment where customers can have their portraits taken professionally. (J22)

“Pool hall or billiard parlor” means an establishment where pool and/or billiard games are played for a fee. (C11)

“Post office” means a facility that accepts, processes, and sorts mail, operated by the United States Postal Service. (F7)

Private meeting hall. See Club, lodge, or private meeting hall (C5)

Professional school. See School, charter, trade, vocational, art, business, or professional. (70) (C14)

Produce stand. See Food produce stand. (I13)

“Public corporation yard, utility yard, or vehicle and heavy equipment maintenance and storage yard” means a facility that provides for maintenance, servicing, or storage of fleet vehicles, equipment, or supplies, or for the dispatching of service vehicles; or distribution of supplies or construction materials required in connection with a business activity, public utility service, transportation service, government service, or similar activity. (F8)

“Public safety facility or station” means a facility that is a base for providing public safety and emergency services, including police, fire protection and emergency services. This use does not include Ambulance service. (F9)

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Public service pumping station. See Electric distribution and transmission substation, gas regulator station, communications equipment building, public service pumping station, or elevated pressure tank. (60) (F4)

“Raising of fruit, vegetables, and horticultural specialties for personal use” means garden crops, including fruits, vegetables, and ornamental plants that are not sold or processed for sale. (37)

“Recreational vehicle park” means a lot or area of land where two or more spaces are rented to users of recreational vehicles for overnight parking and use, and that typically provide support services, such as utility hookups and sewer dump facilities. (16) (H14)

“Recycling, processing or sorting facility” means a facility used for the collection, processing and preparation of recyclable material for efficient shipment, or to an end-user's specifications, by such means as bailing, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. (J25)

“Recycling, large collection facility” means a facility located in an area of over 200 square feet and may include a mobile unit, bulk reverse vending machine or a grouping of reverse vending machines, a kiosk type unit which may include a permanent structure or an unattended container placed for the donation of recyclable materials. (J24)

“Recycling, small collection facility” means a collection facility that occupies an area of not more than 200 square feet, and may include a mobile unit, bulk reverse vending machine or a grouping of reverse vending machines, a kiosk type unit which may include a permanent structure or an unattended container placed for the donation of recyclable materials. (J23)

“Repair shop, large appliance or equipment” means an establishment that restores or repairs major appliances or equipment that generally cannot be easily moved by a single person and is typically placed on the floor. This use typically provides all of its service on-site and includes repair of large motorized equipment that are not vehicles. (J26)

“Repair shop, small appliance or equipment” means an establishment that restores or repairs small appliances or equipment that generally can be moved by one person and is typically repaired on a table or workbench. This use typically provides all of its service on-site and includes services such as gunsmithing, lawnmower repair, and home computer repair. (J27)

“Research and development facility” means a facility that is primarily used for the research, design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. This use does not involve the fabrication, mass manufacture, or processing of products. (D10)

“Residential care facility” means a single-family dwelling, group care facility, or similar facility licensed by the State of California for 24-hour non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. (17) (18) (H15) (H16)

“Residential dwelling located in the same building with office or commercial use” means a building that contains a mix of both residential dwelling units and space used for commercial or office uses. (H17)

“Restaurant, full service” means an establishment providing preparation and sale of a variety of food and beverages with full table service by wait staff. Takeout or delivery service and/or live

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entertainment may also be provided. If alcoholic beverages are served, this use typically requires an ABC Type 41 or 47 license. (B5)

“Restaurant, limited service with drive-thru pickup window” means an establishment providing preparation and sale of a variety of food and beverages for consumption on or off the site by ordering and paying at a counter or drive-thru window. Delivery service and/or live entertainment may also be provided. (B6) (B7)

“Restaurant, limited service without drive-thru pickup window” means an establishment providing preparation and sale of a variety of food and beverages by ordering and paying at a counter. Takeout or delivery service and/or live entertainment may also be provided. Drive-thru pickup windows are not provided. If alcoholic beverages are served, this use typically requires an ABC Type 41 or 47 license. (B8)

“Retail sales store” means an establishment providing retail products. This use includes all retail sales establishments that are not more specifically defined in this chapter. (I23) (I24)

“Retail sales solely via internet, direct mail, or telephone” means an establishment providing retail products for sale and delivery only via internet, direct mail, or telephone communication, with a floor space for storage of products of less than 5,000 square feet. This use does not include a Call center or a Warehouse or distribution center. If alcoholic beverages are sold, this use typically requires an ABC Type 85 license. (I25)

Rooming house. See Boarding house or rooming house. (4) (H3)

“School, private (kindergarten to 12th grade)” means a facility owned and/or operated by a private entity that educates minors in courses of study required by the California Education Code. This use includes a kindergarten, elementary school, middle school, high school, special institution of education, or combination of these, and includes a technical, vocational, or art school only when the students are primarily minors. This use does not include homeschooling at a residence. (68) (C12)

“School, public (kindergarten to 12th grade)” means a facility owned and/or operated by a publicly funded school district that educates minors in courses of study required by the California Education Code. This use includes a kindergarten, elementary school, middle school, high school, special institution of education, or combination of these, and includes a technical, vocational, or art school only when the students are primarily minors. This use does not include a charter school. (69) (C13)

“School; charter, trade, vocational, art, business, or professional” means a facility that is operated either with public funds under a charter contract or with private funds, and that offers specific educational instruction to children and/or adults. This use includes charter schools, secretarial schools, beauty and cosmetology schools, modeling schools, language schools, computer or electronics training schools, arts schools, and automotive repair schools, and similar specialized schools. (70) (C14)

Scrap metal processing. See Junk yard, wrecking yard, or salvage yard. (K5)

“Secondhand or thrift store” means an establishment that accepts donations of secondhand items and clothing and is typically operated for charitable purposes. (I26)

Self-storage facility. See Mini-warehouse or self-storage facility (71) (K6)

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Service station. See Fuel sales, retail, and Motor vehicle repair or service, minor. (I15) (J19)

“Shooting range, indoor” means an establishment that is used for archery or firearms practice in a fully enclosed facility. (J28)

“Shooting range, outdoor” means an establishment that is used for archery or firearms practice, either wholly or partially outdoors. (J29)

Sign manufacturing and production. See Industrial or manufacturing facility, light (D7)

“Single-family dwelling, attached” means a building with two residential dwelling units located on portions of two lots with a building firewall along the lot line, such that the dwelling units may be sold separately. (19) (H18)

Single-family dwelling, detached” means a building with one residential dwelling unit located on one lot. (20) (H19)

“Single-room occupancy (SRO)” means a residential facility of two or more separate individual rooms with typically less than 500 square feet of floor space, with or without separate kitchen or bathroom facilities for each room, rented on a weekly or monthly basis. Single-room occupancy does not include Hotel or motel. (22) (H20)

Small family Daycare. See Daycare, small family. (57) (L11)

“Social service office, assistance center, or guidance center” means a facility that provides counseling, guidance, recuperative, or similar services for persons requiring rehabilitation assistance as a result of economic hardship, mental disability, alcoholism, detention, drug addiction, or similar conditions. This use does not include facilities that provide overnight stay. (F10)

“Solar energy system” means any collection of solar panels, connectors, battery banks, controllers, wiring, meters, and switching devices intended to work in combination to convert solar energy to electrical power. (A15) (A16)

“Specialty construction or trade service” means an establishment that provides construction, installation or maintenance services activities that are typically specialized trade activities, and where some of the service may be provided off-site. This use includes establishments that provide services such as plumbing, electrical work, painting, irrigation, heating/air conditioning, and masonry. This use does not include Repair shop or Motor vehicle repair or service. (J30)

“Storm drainage basin, with or without a park” means a facility that collects stormwater from off-site locations into a sunken basin. The facility may be inaccessible to the public or may be designed to provide partial public access for recreational use. (72) (F11)

“Studio for martial arts, music, dance, yoga, exercise, gymnastics or similar” means a facility that provides group or individualized instruction in a specific activity typically related to the arts. This use does not include Health or fitness facility. (C15)

“Supportive housing” is defined in Section 50675.14 of the Health & Safety Code and has no limit on the length of stay, is occupied by a target population as defined in Health & Safety Code Section 53260 (i.e., low-income persons with mental disabilities, AIDS, substance abuse or chronic health conditions or persons whose disabilities originated before the person turned 18), that is linked to onsite or offsite service that assists 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,

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work in the community. Services may include case management, mental health treatment, and life skills. (23) (H21)

“Swap meet or flea market” means a facility that provides typically compartmentalized space, either indoors or outdoors, to vendors who sells or barter merchandise. This use does not include ‘Farmers market,’ ‘Auction or sales house,’ or ‘Auction or sales yard.’ (I27)

“Tailoring or clothing alterations” means an establishment that provides custom making or altering of clothing when not an ancillary use in a clothing store. (J31)

“Tattooing or body art” means an establishment that provides tattooing, body piercing, and other forms of body art allowed by the California Health and Safety Code, except that body art involving ear piercing and permanent cosmetic application are not included and are considered ancillary uses in other establishments. This use does not include any use that is more specifically defined in Section 10.62.020. (J32)

“Temporary materials or equipment storage yard” means a facility that is used to store, park, house, or prepare equipment, dirt, materials, or temporary offices or shops to support a construction or demolition activity occurring on another site. (39) (A17)

“Temporary sales office” means a facility that provides temporary office space to support the sale of residences or other structures and can include related parking. (40) (A18)

“Tobacco, smoke, or vape shop” means an establishment that provides tobacco or vape products or tobacco or vape-related paraphernalia in an area greater than 40 percent of its total available retail floor space. (I28)

Trade school. See School, charter, trade, vocational, art, business, or professional. (70) (C14)

Transit station. See Bus, transit, or train station. (K2)

Travel center. See Truck stop or Travel center. (K8)

“Transitional housing” means any program that is designed to assist homeless persons in obtaining skills necessary for independent living in permanent housing and which includes; comprehensive social service programs consisting of regular individualized case management services such as alcohol and drug abuse counseling, self-improvement education, employment and training assistance services, and independent living skills development, the use of a program unit as a temporary housing unit in a structured living environment which use is conditioned upon compliance with the transitional housing program rules and regulations, and a rule or regulation which specifies an occupancy period of not less than 30 days, but not more than 24 months. This definition includes low-barrier navigation centers. (24) (H22)

“Truck stop or travel center” means an establishment or group of establishments designed to operate together that provide fuel, overnight parking, lodging, food, convenience goods, or other services primarily to truckers and travelers. (K8)

“Trucking or transportation terminal” means a facility designed specifically for large trucks or other vehicles to load, unload, or transfer freight, cargo containers, or other items being shipped, along with associated fueling areas, maintenance facilities, and offices. (K9)

“Urgent care center or other walk-in clinic” means a facility that provides medical treatment of injuries or illnesses that do not require treatment typically provided in an emergency room, typically without an appointment. This use includes urgent care centers, free clinics, hospital-

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based health clinics, and community health clinics, but does not include ancillary retail clinics located within a retail store, food market, or pharmacy. (E8)

“Vehicle impound yard” means a facility that provides temporary storage of vehicles that have been removed or impounded from public or private property at the direction of a peace officer or because of local ordinance or judicial order. (K10)

“Vending machines” means a device that dispenses a product or service upon activation by the receiver of that product or service. Products can include items such as ice; food and beverages, movies and video games, lottery tickets, newspapers, or similar items, but do not include fueling pumps. (A19)

“Veterinary clinic or office” means a facility where animals are examined, diagnosed, or treated, but typically not kept overnight. (J33)

“Veterinary hospital” means a facility where animals are kept for observation, diagnosis, treatment, or medical care, and can include overnight surveillance. (J34)

Vocational school. See School, charter, trade, vocational, art, business, or professional. (70)(C14)

“Warehouse or distribution center” means a facility for storage of goods or materials that will eventually be redistributed to retailers, wholesalers, or directly to consumers. This use does not include Mini-warehouse or self-storage facility. (K11)

Winery. See Brewery or winery. (D4)

“Wireless Communication Facility” means an unstaffed facility that transmits and receives wireless telecommunications, and typically consists of an antenna array, connection cables, and equipment room, and an antenna support structure tower, or pole. (F12)

Chapter 10.98

DEFINITION OF TERMS

Sections:

- 10.98.010** **Applicability.**
10.98.020 **Definition of terms.**

10.98.010 **Applicability.**

The terms, words, and phrases defined in this chapter shall apply to this title.

10.98.020 **Definition of terms.**

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

“Abandoned” means failure to develop, maintain, or use a building, structure, or improvement or failure to conduct a use upon real property for a stated period of time.

“Access” means safe, adequate, and usable ingress or egress to real property, structures, or improvements.

“Action” means the decision made by the review authority on a land use application, including appropriate findings, environmental determination, and conditions of approval, where applicable.

“Addition” means any construction that increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area.

“Alley” is a public thoroughfare for the use of pedestrians and/or vehicles, producing only a secondary means of access to the abutting property.

“Alteration” means any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure or change in the appearance of any building or structure.

“Antenna” means a device for transmitting or receiving radio, television, or any other transmitted signal.

“Applicant” means owner(s) of property, or their agent(s) who are seeking privileges provided by this title.

“Attached” means any structure that has a wall or roof in common with another structure.

“Basement” means a portion of the building partly or wholly underground and having more than one-half of its height below the average level of the adjoining ground.

“Berm” means a mound or embankment of earth.

“Block” means a parcel 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.

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“Building” means a permanently located structure, having a roof, for the housing or enclosure of persons, possessions, or property of any kind. Mobile homes, travel trailers, and other vehicles, even though permanently immobilized, shall not be deemed to be buildings.

“Building area” means the net portion of the lot remaining after deducting all required setbacks from the gross area of the lot.

“Building height” means the vertical distance between the average finished ground surface adjacent to the structure and to the highest point of the structure, excluding architectural features and appurtenances such as, but not limited to, chimneys, vents, antennas, elevators, and similar mechanical equipment.

“Building, main” means a building in which the principal use of the real property is conducted.

“Building setback area, front” means an area extending across the full width of the lot between the front lot line or the existing or future street right-of-way and a structural setback line parallel thereto. On corner lots, the shortest street frontage shall be the front building setback area.

“Building setback area, interior side” means an area extending from the required front building setback area or, where there is no required front building setback area, from the front lot line to the required rear building setback area or, where there is no required rear building setback area, to the rear lot line and from the interior side lot line to a setback line parallel thereto.

“Building setback area, rear” means an area extending across the full width of the lot between the rear lot line and a setback line parallel thereto.

“Building setback area, side” means a building setback area between the side lot line and a line parallel thereto and extending from the front building setback area to the rear building setback area.

“Building setback area, street side” means an area extending from the required front building setback area or, where there is no required front building setback area, from the front lot line to the rear lot line, and from the side street lot line, or the existing or future side street right-of-way (whichever is greater) to a structural setback line parallel thereto.

“Building site” means the ground area of a building together with all open spaces required by this title.

“Carport” means a permanent roofed structure not completely enclosed to be used for vehicle parking.

“City” means the City of Tulare.

“Commercial vehicle” means a vehicle customarily used as part of a business for the transportation of goods or people.

“Commission” means the Planning Commission of the City of Tulare.

“Conditional use” means a use that may be located within a zone only upon taking measures to address issues that may make the use detrimental to the public health, safety, and welfare and will not impair the integrity and character of the zoned district.

“Conditional use permit (CUP)” means a discretionary entitlement which may be granted under the provisions of this title and which when granted authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the entitlement.

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“Construction commencement” means the start of construction of a substantial portion on-site and off-site structural improvements after a building permit has been issued.

“Council” means the City Council of the City of Tulare.

“County” means the County of Tulare.

“Corner cutoff area” means an area at the corner of a street, alley, or private driveway that must remain free of visual obstruction for traffic and pedestrian safety.

“Court” means an open, unoccupied space, other than a yard, unobstructed from ground to sky on the same lot with a building or buildings and which is bounded on two or more sides by the walls of a building.

“Days” means consecutive calendar days unless otherwise stated.

“Decibel (dB/dBA)” is a unit for describing the amplitude of sound, as it is heard by the human ear.

“Density” means the number of dwelling units per gross acre, unless otherwise stated, for residential uses.

“Density Bonus” means an increase in the allowable number of residences granted by the city or county in return for the project’s providing low- or moderate-income housing. A housing development that provides 20 percent of its units for lower-income households, 10 percent of its units for very-low-income households, or 50 percent of its units for seniors is entitled to a density bonus and other concessions (See California Government Code section 65915).

“Design” means the planning and engineering of the following: street alignments, grades, and widths; drainage and sanitary facilities and utilities, including alignment and grades thereof; location and size of all required easements and rights-of-way; fire roads and fire breaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; building, structures and improvements and other such specific physical requirements.

“Detached” means any building or structure that does not have a wall or roof in common with any other building or structure.

“Development” means any change or alteration of real property or its boundary lines, and including, without limitation, the placement or erection of any solid material, structure or improvement thereon; discharge or disposal of any dredged material or any gaseous liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any soil or materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure including any facility of any private, public or municipal utility; and the removal of any major vegetation. As used in this title, “structure” includes but is not limited to any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. A “project,” as defined in Government Code Section 65931, is included with this definition.

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“Development agreement” means a binding contract between a developer and a city or county establishing the conditions under which a particular development may occur. The local government “freezes” the regulations applicable to the site for an agreed-upon period of time. (see California Government Code section 65864)

“Development permit” means a discretionary entitlement which may be granted under the provisions of this title and which when granted authorizes a specific use to be made of specific property, subject to compliance with all terms and conditions imposed on the entitlement.

“Display area” means the area of a building in a retail sales store used to display goods that are for sale.

“Driveway” means a permanently surfaced area providing direct access for vehicles between a street and a permitted off-street parking or loading area.

“Dwelling” or “Dwelling Unit” means a room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), which constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis. A dwelling unit shall have interior access between all habitable spaces, except that a junior accessory dwelling unit containing all facilities necessary for living, sleeping, eating, food preparation, and sanitation need not maintain interior access to the remainder of the dwelling unit.

“Easement” means a grant of property rights by the property owner to the public, or any specific person.

“Electric vehicle” means a vehicle that uses a plug-in battery to provide all or part of the motive power of the vehicle, including battery electric, plug-in hybrid electric, or plug-in fuel cell vehicle.

“Electric vehicle service equipment” means an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle.

“Emergency Shelter” means a structure or building, including a tent, that is utilized for sleeping purposes during a shelter crisis as part of an emergency homeless shelter facility. An emergency homeless shelter is not a dwelling and need not contain all provisions for living and habitation as required for dwellings by state housing law and shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care

“Establishment” means land, buildings, rooms, space, and/or equipment necessary for conducting business.

“Façade” means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

“Family” is one or more individuals living as a single housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house, or institution of any kind.

“Facility” means land, buildings, rooms, space, and/or equipment necessary for doing something.

“FAR (Floor Area Ratio)” is a measure of development intensity. FAR is the ratio of the floor area of a building to the area of its site. For instance, both a two-story building that covers an entire lot and a four-story building that covers half of a lot have a FAR of 2.

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“Fence” means a barrier surrounding or located upon a parcel of real property or a portion thereof and intended to prevent escape or intrusion therefrom or to identify a boundary identity, including without limitation, screened, solid (90 percent) or more closed to air, light and vision), open (50 percent or more), or temporary and which may be constructed from wood, metal or masonry material or any combination thereof.

“Floor area” means the gross area included within the surrounding exterior finish wall surface of a building or portion thereof, exclusive of courtyards.

“Furniture” means the things placed in a room that equip it for living. This normally includes beds, tables, chairs, sofas, desks, and shelves. Home appliances, outdoor/patio furniture, wall cabinets, garage storage units, and home furnishing accessories are excluded from the definition of furniture.

“Garage” means an enclosed building or a portion of an enclosed building used for the parking of vehicles.

“Garage subordinate design” means the garage is set back from the front façade of a home or the entrance to the garage is not a part of the front elevation of a home (such as alley-loaded or side-loaded garages). For the purpose of meeting design standards, the living space shall be at least five feet forward of a front-facing garage.

“General Plan” means a document adopted by the City Council containing a statement of policies, including text and diagrams, setting forth objectives, principles, standards, and plan proposals, for the future physical development of the City of Tulare.

“Glare” means the effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

“Grade” means the degree of rise or descent of a sloping surface.

“Grade, finished” means the final elevation of the ground surface after development.

“Grade, natural” means the elevation of the ground surface in its natural state before man-made alterations.

“Grading” means the stripping, cutting, filling, and stockpiling of earth or land, including the land in its cut or filled condition.

“Gross acreage” means the total area within the lot lines of a lot or parcel of land before public streets, easements, or other areas to be dedicated or reserved for public use are deducted from such lot or parcel and does not include adjacent lands already dedicated for such purposes.

“Hazardous waste” means either of the following:

1. A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:
 - a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.
 - b. Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed.
2. A waste that meets any of the criteria for the identification of a hazardous waste adopted by the State Department of Health Services pursuant to Health and Safety Code Section 25117 or any other federal, State, or local law or regulation.

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3. Resource Conservation and Recovery Act hazardous wastes.
4. Unless expressly provided otherwise, the term “hazardous waste” shall be understood to also include extremely hazardous waste and acutely hazardous waste. (Health and Safety Code Section 25117.)

“Improvement” means any item which becomes part of, placed upon, or is affixed to real estate.

“Infill development site” means a parcel or group of parcels that make up a site that is vacant or underutilized and is surrounded by developed land or parcels on at least 75 percent of its perimeter. Infill development sites include previously developed sites that may/will be redeveloped.

“Integrated shopping center” means a combination of three or more business establishments permitted or conditional permitted in the zone district in which they are located where off-street parking, landscaping, lighting, or other features are developed, managed, and maintained jointly.

“Kitchen” means any room, all, or any part of which is designed and/or used for cooking and the preparation of food.

“Landscaping” means an area devoted to, or developed and maintained predominantly with, native or exotic plant materials including lawn, groundcover, trees, shrubs, and other plant materials; artificial turf and other permeable surfaces; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading or storage areas), and sculptural elements.

“Land use” means a description of how land (real estate) is occupied or utilized.

“Loading Space” means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

“Lot” means a parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon. The classifications of lots are:

1. “Corner” means a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an interior lot.
2. “Flag” means a lot having access or an easement to a public or private street by a narrow, private right-of-way.
3. “Interior” means a lot abutting only one street.
4. “Key” means a lot with a side lot line that abuts the rear lot line of any one or more adjoining lots.
5. “Reverse corner” means a corner lot, the rear of which abuts the side of another lot.
6. “Through” means a lot having frontage on two generally parallel streets, with only one primary access.

“Lot area” means the net horizontal area within bounding lot lines after dedication.

“Lot coverage” means the area of a lot covered by buildings excluding eaves, projecting balconies, ground-level paving, landscaping, and open recreational facilities.

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“Lot depth” is the horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line.

“Lot frontage” means the portion of the lot contiguous to the street.

“Lot line” means any boundary of a lot. The classifications of lot lines are:

1. “Front” means on an interior lot, the line separating the parcel from the street. On a corner lot, the shorter lot line abutting a street. (If the lot lines on a corner lot are equal in length, the front lot line shall be determined by the Director). On a through lot, the lot line abutting the street providing the primary access to the lot.
2. “Interior” means any lot line not abutting a street.
3. “Rear” means a lot line, not intersecting a front lot line, which is most distant from and most closely parallel to the front lot line.

“Lot Width” means the horizontal distance between side lot lines, measured at the front setback line.

“Low Barrier Navigation Center” means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. “Low Barrier” means best practices to reduce barriers to entry, including, but not limited to allowing partners, pets, possessions, and privacy for participants.

“Mall” means a large building or series of connected buildings containing a variety of retail stores, restaurants, and entertainment activities including, but not limited to, such activities as theaters, arcades, amusement rides, rock-climbing, and other indoor recreation opportunities that serve a regional population.

“Median” means a paved or planted area separating a street or highway into two or more lanes of opposite directions of travel.

“Non-conforming lot” means a lot, the area, frontage, or dimensions of which do not conform to the provisions of this zoning code.

“Non-conforming structure” means a structure that was lawfully erected prior to the adoption of this title but does not conform with the development standards of the district in which the structure is located, including coverage, setbacks, height of structures, or distances between structures.

“Non-conforming use” means a use that was lawfully established and maintained prior to the adoption of this title, but does not conform with the use regulations for the zoning district in which it is located or to the provisions of this zoning code.

“Open space” means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Does not include areas covered by buildings or accessory structures (except recreational structures), paved areas (except recreational facilities), proposed and existing public and private streets or driveways, and school sites.

“Open space, usable” means recreational or leisure space for the shared use of residents of a multi-unit development and may include gardens, playgrounds, courtyards, swimming pools, sitting

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areas, court games, recreation rooms, exercise rooms or gyms, spas, community rooms, lawn/turf used for open play, ponds, fountains, atriums, picnic areas, rooftop gardens or green roofs, or similar uses or facilities.

“Overhang” means the part of a roof or wall that extends beyond the façade of a lower wall.

“Overlay district” is a district established by this zoning code which may be applied to a lot or portion thereof only in combination with a base district.

“Parapet” means the extension of the main walls of a building above the roof level.

“Parcel” means a parcel of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the latest recorded map in the County recorder’s office.

“Parking area” means any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

“Parking lot” is an off-street, ground-level area, usually surfaced and improved, for the temporary storage of motor vehicles.

“Parking ratio” means the number of parking spaces provided per 1,000 square feet of floor area.

“Parking, shared” means a public or private parking area used jointly by two or more uses.

“Parking space” is the space marked for the parking of a motor vehicle within a public or private parking area.

“Parking structure or structured parking” means a multi-story car park (also called a parking garage or indoor parking) designed for car parking and where there are a number of floors or levels on which parking takes place.

“Parkway” means that portion of the public street right-of-way between the curb or curb line and the adjacent sidewalk or property line, as applicable, used for or which may be used for the purpose of planting and maintaining street trees, shrubs, hedges, or other plants. In some areas within the city, park strips may extend into a private property’s yard beyond the sidewalk. Park strips may be located on private property or may abut private property.

“Performance standards” means zoning regulations that permit uses based on a particular set of standards of operation rather than on a particular type of use. Performance standards may provide specific criteria to limit noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts, or visual impact of a use.

“Permit” means a written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

“Person” means any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, State of California, and its political subdivisions or instrumentalities, receiver, syndicate or any group or combination thereof, acting as a unit, including any trustee, receiver or assignee.

“Permitted use” means any use allowed in a land use zoning district and subject to the provisions applicable to that district.

“Planned unit development (PUD)” means the development of a parcel(s) or structure(s) with two or more different land uses such as, but not limited to a combination of residential, office,

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manufacturing, retail, public or entertainment in a single or physically integrated group of structures.

“Principal use” means the primary or predominate use of any lot, building or structure.

“Project” means the total development within the boundaries as defined on the development plan.

“Public right-of-way” means a strip of land acquired by reservation, dedication, prescription, voluntary purchase and sale, or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or any other public uses.

“Recreational vehicle” means a vehicle or trailer capable of human habitation or designed or used for recreational camping or travel use, whether self-propelled or mounted on or drawn by another vehicle, or any structure inspected, approved and designated a recreational vehicle and bearing the insignia of the State of California or any other State or federal agency having the authority to approve recreational vehicles. RVs include without limitation, any of the following: camp trailer, as defined by the California Vehicle Code Section 324; house car, as defined by California Vehicle Code Section 362; trailer coach, as defined by California Vehicle Code Section 635; mobile home, as defined by California Vehicle Code Section 396; bus, as defined by California Vehicle Code Section 233, whether altered or unaltered or for commercial or private use; boat, watercraft, and/or trailer for a boat or watercraft; trailers designed to carry persons, property or animals on its own structure and to be drawn by a motor vehicle; and recreational vehicle, as defined by the California Health and Safety Code Section 18010.

“Recyclable material” means reusable material including but not limited to metals, glass, plastic, and paper, which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials but may include used motor oil collected and transported in accordance with Cal. Health and Safety Code Sections 25250.11 and 25143.2(b)(4).

“Recycling” means the process by which waste products are reduced to raw materials and transformed into new reused or reconstructed products that meet the quality standards necessary to be used in the marketplace.

“Review authority” means the person, committee, commission, or council responsible for the review and/or final action on a land use entitlement.

“Right-of-way” means a strip of land acquired by purchase, reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

“Rounding of quantities” means the consideration of distances, unit density, density bonus calculations, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers; the numbers are to be rounded to the nearest highest whole number when the fraction is .5 or more, and to the next lowest whole number when the fraction is .5, except as otherwise provided in this zoning code.

“Screened or screening” means shielded, concealed, and effectively hidden from view by a person standing at ground level on an abutting site, or outside the area, screened by a fence, wall, hedge, berm, or similar architectural or landscape feature that is at least 90 percent view obscuring.

“Setback” means the area between the setback line and property line.

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“Setback line” is a line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures and uses on the lot.

“Shipping container” means a standardized reusable vessel, prefabricated container, or structure originally designed for or capable of being mounted or moved by rail, truck, or ship. This definition includes the terms seatrail, C-Train, C-van, ISO container, and cargo container.

“Sign” means any letter or symbol made of cloth, metal, paint, paper, wood, or other material of any kind whatsoever placed for advertising, identification, or other similar purposes on the ground or on any wall, post, fence, building, structure, vehicle or on any place whatsoever.

“Single-room occupancy (SRO)” means a residential facility of two or more separate individual rooms with typically less than 500 square feet of floor space, with or without separate kitchen or bathroom facilities for each room, rented on a weekly or monthly basis. An SRO may not be occupied by more than one person. Single-room occupancy does not include Hotel or motel.

“Site” the land or area that is the subject of a development project or use and may include more than one lot or parcel.

“Site area” means the net horizontal area included within the boundary lines of a site, not including the area within the established right-of-way of a public street, future public street, or railroad, or any other area dedicated or to be dedicated for a public use.

“Site plan” means a plan, prepared to scale, showing accurately and with complete dimensioning all of the buildings, structures, and uses and the exact manner of development proposed for a specific parcel of land.

“Slope” means the degree of deviation of a surface from the horizontal, usually expressed in percentage or degrees.

“Solar facilities” means the airspace over a parcel that provides access for solar energy system to absorb energy from the sun.

“Specific plan” means 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.

“Story” means that portion of a building included between the surface of any floor and the surface of any floor next above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

“Street” means any public or private thoroughfare with a width of 20 feet or more which affords a primary means of access to abutting property.

“Street, private” means a street in private ownership, not dedicated as a public street, which provides the principal means of vehicular access to a property and is not to be construed to mean driveways, alleys, or parking areas.

“Street, public” is a street owned and maintained by the City, the County, or the State. The term includes streets offered for dedication that have been improved or for which a bonded improvement agreement is in effect.

“Structural Alterations” means any change in the supporting members of a structure such as the bearing walls or partitions, columns, beams, or girders.

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“Structure” means anything constructed or built. An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

“Structure, accessory” means a subordinate building that is incidental and not attached to the main building or use on the same lot. If an accessory building is attached to the main building or if the roof is a continuation of the main building roof, the accessory building shall be considered an addition to the main building. Includes structures regardless of whether a Building Permit is required, including, but not limited to, enclosed and unenclosed patios, barns, guesthouses, accessory dwelling units, garages, carports, storage buildings/sheds, trellis, gazebos, decks, and real or artificial rockscapes.

“Structure, temporary” means a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

“Target population” means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

“Temporary structure” is a structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

“Temporary use” means a use established for a designated period of time, with the intent to discontinue the use at the end of the designated time period.

“Traffic safety sight area” means a space that is set aside on a corner lot in which all visual obstructions, such as structures and plantings, which inhibit visibility and thus cause a hazard to traffic and pedestrian safety are prohibited.

“Transient basis” means a continuous period of two weeks or less.

“Underutilized land” means land with a structure or structures that occupy only a small portion of the land and is being used significantly below its potential use.

“Use” means the purpose (type or extent) for which land or a building is arranged, designed or intended or for which either land or a structure is occupied or maintained.

“Use initiation” means the implementation of a use on a parcel or occupancy of a structure, or construction of substantial site improvements after a building permit has been issued, subject to determination by the Director.

“Use, accessory” means a use which is incidental to, and customarily associated with, a specified principal use and which meets the applicable conditions set forth in this ordinance.

“Use, allowed” means a use listed by the regulation of any particular district as a permitted use within that district and permitted therein as a matter of right when conducted in accord with the regulations established by this Ordinance.

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“Use, conditional” means a use listed by the regulations of any particular district as a conditional use within that district and allowable therein, solely on a discretionary and conditional basis, subject to development/design review or to a Conditional Use Permit, and to all other regulations established by this Code.

“Use, principal” means a use that fulfills a primary function of a household, establishment, institution, or other entity.

“Use, temporary” means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

“Variance” means a discretionary entitlement that permits the departure from the strict application of the development standards contained in this zoning code.

“Vehicle” means a self-propelled device by which persons or property may be moved upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

“Wildlands” means any area of land that is essentially unimproved, in a natural state of hydrology, vegetation and animal life, and not under cultivation.

“Yard” means an open space that lies between the principal or accessory building or buildings and the nearest lot line.

“Zero Lot Line” means the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

“Zoning certificate of occupancy” means a permit issued by the community development department that allows the occupancy of a structure that conforms to all applicable provisions of this chapter and any and all conditions or requirements issued by the City or any of its departments, or by any other federal, State or local agency or body.

“Zoning district” means a portion of the city within which certain uses of land and structures are defined, and regulations are specified.