

Chapter 17.01

GENERAL PROVISIONS

Sections:

17.01.010	Title of provisions.
17.01.020	Adoption.
17.01.030	Purpose.
17.01.040	Application and interpretation.
17.01.050	Content of zoning ordinance.
17.01.060	Coordination of review, decision making and information.
17.01.070	Severability.
17.01.080	Rules of interpretation.
17.01.090	Definitions.

17.01.010 Title of provisions.

This title, Title 17 of the Municipal Code of the City of Hughson, shall be known as, and may be cited as, the Zoning Ordinance of the City of Hughson, California.

17.01.020 Adoption.

There is adopted, as provided in this title, a zoning ordinance for the City. The ordinance is intended to be a precise and detailed plan for the use of land based on the General Plan of the City. The ordinance shall at all times be consistent with the General Plan of the City.

17.01.030 Purpose.

The zoning ordinance is enacted to promote the public health, safety, comfort and general welfare of the City, and of the public generally. It is also enacted to provide a plan for the sound and orderly growth and development of the city and to ensure social and economic stability within the various zones established by the provisions of this title.

17.01.040 Application and interpretation.

The provisions of this title shall apply to all land and all owners of land within the incorporated limits of the City. It shall be applicable not only to private persons, agencies, and organizations but also to all public agencies and organizations to the full extent that such provisions may now or hereafter be enforceable in connection with the activities of any such public agency or organization. In their interpretation and application, the provisions of this title shall be held to be minimum requirements. No provision of this title is intended to abrogate, repeal, annul, or interfere with any existing regulations of the City or deed restriction, covenant, easement, or other agreement between parties except as specifically stated herein. Where the provi-

sions of this title impose greater restrictions or regulations, those provisions shall control.

17.01.050 Content of Zoning Ordinance.

The Zoning Ordinance shall consist of the officially adopted zoning map or maps of the City designating certain districts. It also includes regulations governing a range of other development controls including, but not limited to, the following: the uses of land, the density of population, the uses and locations of structures, the height and bulk of structures, the open spaces surrounding structures, the external appearance of certain uses and structures, the areas and dimensions of sites, and requiring the provisions of off-street parking, off-street loading facilities and landscaping.

17.01.060 Coordination of review, decision-making and information.

The Planning Officer shall be responsible for the coordination of review and decision making and the provision of information regarding the status of all applications and permits for all development covered by this title.

17.01.070 Severability.

If any provision of this title or the application of this title to any person or circumstance is held invalid, the remainder of this title or the application of a provision to other persons or circumstances shall not be affected.

17.01.080 Rules of interpretation.

For the purposes of this title, the following rules of interpretation shall apply unless inconsistent with the plain meaning of the context of the provisions of this title:

A. Words used in the present tense include the future tense.

B. Words used in the singular include the plural, and words used in the plural include the singular.

C. The word "shall" is mandatory; the word "may" is permissive.

D. The word "used" includes the words "arranged for," "designed for," "occupied or intended to be occupied for."

E. Procedures for interpretations. The Planning Officer shall respond in writing to any written request for interpretation of the regulations set forth in this title.

1. The written request shall state which provision is to be interpreted, and it shall provide any information that the Planning Officer deems necessary to assist in the review.

2. The Planning Officer shall respond to an interpretation request within 30 days of receiving the request. As an alternative to issuing an official interpretation, the Planning Officer may refer any request for interpretation to the Planning Commission for a determination.

3. Whenever the Planning Officer determines that the meaning or applicability of any of the requirements set forth in these regulations is subject to interpretation generally or as applied to a specific case, the Planning Officer shall issue an official interpretation. Official interpretations shall be:

a. In writing, and shall quote the provisions of the regulations set forth in this article that are being interpreted and explain their meaning or applicability in the particular or general circumstances that caused the need for interpretation; and

b. Maintained on file by the Planning Officer.

4. Any interpretation by the Planning Officer of the regulations set forth in this article may be appealed as provided in Hughson Municipal Code Section 17.04.004 (D).

17.01.090 Definitions.

For the purposes of this title, certain terms and words are herewith defined to clarify their use. Where a definition is not given or where a question of interpretation is raised, the definition shall be the normal meaning of the word within the context of its use, or as determined in accordance with Section 17.01.080 of this Chapter.

A. Definitions, "A".

1. **Abut.** Two adjoining parcels of property, with a common property line, are considered in this title as one parcel "abutting" the other, except where two or more lots adjoin only at a corner or corners, then they shall not be considered abutting unless the common property line between the two parcels measures eight feet or more in a single direction.

2. **Access or accessway.** "Access" or "accessway" means the place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress to and egress from a property or use as required by this title.

3. **Accessory building.** "Accessory building" means a detached building located on the same lot with the principal (main) building, the use of which is normally incidental and entirely secondary to that of the principal (main) building. A detached building shall be one that does not have a common wall with the principal (main) building on the same lot.

4. **Accessory use.** "Accessory use" means a use incidental to, related to, appropriate to, and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot.

5. **Adjacent.** "Adjacent" means near, close, or abutting. For example, an industrial district across the street or highway from a residential district shall be considered as "adjacent."

6. **Administrative permit.** An "administrative permit" is a permit for a specified land use, building or structure that is issued as a ministerial function by the Planning Officer, rather than requiring the review of the Planning Commission or City Council. The process for an administrative permit is outlined in Section 17.04.008 of this Title.

7. **Adult-oriented businesses.** "Adult-Oriented Businesses" means any one of the following:

a. **Adult arcade.** The term "adult arcade," is an establishment where, for any form of consideration, one or more still or motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions, 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

b. **Adult bookstore, adult novelty store or adult video store.** This term means a commercial establishment which, as a regular and substantial course of conduct, offers for sale or rental for any form of consideration any one or more of the following:

i. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, any material in digital format (including, but not limited to, compact disc [CD] or digital video disc [DVD]), slides, or other visual representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;

ii. Instruments, devices, or paraphernalia, except for clothing, which are designed for use in connection with specified sexual activities, or

iii. Matter that, because of its sexually explicit nature, may, pursuant to state law, be offered only to persons over the age of 18 years.

c. **Adult cabaret.** The term "adult cabaret" means a nightclub, restaurant, or similar business establishment which: (1) regularly fea-

tures live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/or (2) which regularly features persons who appear nude or semi-nude; and/or (3) shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

d. Adult hotel/motel. The term “adult hotel/motel” means a hotel or motel or similar business establishment offering public accommodations for any form of consideration which, (1) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and (2) rents, leases, or lets any room for less than a six hour period, or rents, leases, or lets any single room more than twice in a 24-hour period.

e. Adult motion picture theater. The term “adult motion picture theater” is a business establishment, not an adult arcade, where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

f. Adult theater. The term “adult theater” means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.

8. Adult-oriented business operator. “Adult-Oriented Business Operator” means a person who supervises, manages, inspects, directs, organizes, controls or in any other way is responsible for or in charge of the premises of an Adult-Oriented Business or the conduct or activities occurring on the premises thereof.

9. Agricultural land. “Agricultural land” means all land used for an agricultural operation.

10. Agricultural operation. “Agricultural operation” means and includes, but is not limited to, the cultivation and tillage of the soil; dairying; the production, irrigation, frost protection, cultiva-

tion, growing, harvesting and processing of any agricultural commodity, including but not limited to viticulture, horticulture, timber or apiculture; the raising of livestock, fur bearing animals, fish or poultry; and any commercial agricultural practices performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market, but not including slaughterhouses, fertilizer yards, bone yards or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

11. Alcoholic beverage sales. The retail sale of beer, wine or distilled spirits for on-premise or off-premise consumption.

12. Alley. “Alley” means a public or private thoroughfare generally less than 30 feet in width, which affords only a secondary means of access to abutting property.

13. Amendment. “Amendment” means a change in the wording, context or substance of any provision in this title, an addition or deletion or a change in the zone district boundaries or classification upon the zoning map.

14. Animal keeping. The keeping of animals as provided in Chapter 6.24 of this Hughson Municipal Code.

15. Apartment. One “dwelling unit in an apartment house.”

16. Apartment house. See “dwelling, multiple-family.”

17. Applicant. An applicant is a person who is required to file an application for a permit under this title, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a business.

18. Area of special flood hazard. “Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

19. Attached building. “Attached Building” means a building which has a common wall with the principal (main) building. “Common wall” means a single wall which serves simultaneously as a wall for the principal (main) building and the attached building. “Wall” means one of the sides of a building connecting floor and ceiling, or foundation and roof.

B. Definitions, “B”.

1. Bank or financial service. A financial institution such as a bank, credit agency or lending institution. A check cashing store shall be considered a moderate-impact personal service rather than a bank or financial service.

2. Basement. "Basement" means a story partly or wholly underground. See also "story."

3. Bed and breakfast. A residential structure with one family or manager in permanent residence and up to five bedrooms rented for overnight lodging, and where meals may be provided subject to applicable Health Department regulations. A bed and breakfast with more than five guest rooms shall be considered a hotel or motel, as applicable.

4. Boarding or rooming house. "Boarding or rooming house" means a dwelling where rooms are rented to paying guests, who may be provided with meals. The term "boardinghouse" includes "roominghouse."

5. Building. "Building" means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or property.

6. Building, height of. "Height of building" means the vertical distance measured from the ground to the highest point of the structure, exclusive of chimneys and ventilators; provided, however, that where buildings are set back from the street line, the height shall be measured from the average elevation of the finished grade at the front of the building as shown in Figure 17.03.020.1.

7. Building inspector. "Building inspector" means the building official, or his or her designee.

8. Building supply. A retail establishment that sells lumber, wallboard, fixtures and similar large building materials to the general public.

9. Business support service. An establishment primarily within a building that provides services that are necessary to other businesses, such as blueprinting, computer rental and repair, mailing and mailbox services, copying and other services of like kind or character.

C. Definitions, "C".

1. Car wash. An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. A facility of this type may be able to accommodate more than one vehicle at the same time.

2. Catering service. A business that prepares food for consumption on the premises of a client, and that is not part of a restaurant. A restaurant that provides catering shall not be considered a catering service.

3. Cemetery. Any place for the burial, disposal or long-term storage of human remains, including but not limited to a columbarium, crematory or mausoleum.

4. Chief of Police. The "Chief of Police" of the City of Hughson or the authorized representatives thereof.

5. Child or family-oriented business. The term "child or family-oriented business" means a business establishment which has as its primary clientele children or families with children, such as, but not limited to, toy stores, children's clothing stores, family amusement arcades, or family recreation facilities.

6. Church. The term "church" is a structure or leased portion of a structure which is used primarily for religious worship and related religious activities.

7. City. "City" means the City of Hughson.

8. City Council. "City Council" means the City Council of the City of Hughson.

9. Clearing. "Clearing" means any activity that removes vegetation from the vegetative surface cover.

10. Collection facility, small. For the purposes of this section, "small collection facility" means a center for the acceptance of donation, redemption, or purchase, of recyclable material from the public, which occupies an area of not more than 500 square feet.

11. Commercial recreational facility. Any establishment that provides entertainment activities or services for a fee or admission charge, including but not limited to bowling alleys, electronic game arcades, billiard rooms, miniature golf courses, sports clubs, amusement parks, amphitheaters, stadiums and other uses of like kind or character.

12. Commercial vehicle. "Commercial vehicle" means and includes any vehicle registered for commercial purposes pursuant to the applicable provisions of the California Vehicle Code and having a manufacturer's gross vehicle weight of 10,000 pounds or more, and any trailer or semi-trailer designed to be drawn by such vehicle.

13. Conditional use permit. "Conditional use permit" means a permit approved by the Planning Commission for any use listed as a conditional use in that zone.

14. Condominium. "Condominium" means real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on the real property.

15. Construction office. "Construction office" means a temporary structure or trailer placed on or adjacent to a project site for the duration of construction. It may include a construction materials yard.

16. Court. “Court” means an open unoccupied space, on the same lot with a building or buildings and bordered on two or more sides by such building or buildings.

D. Definitions, “D”.

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

2. Day care, child. “Child day care” means a facility licensed to regularly provide care, protection and supervision in a facility which is not the provider's home for periods of less than 24 hours, while the parents or guardians are away; that does not qualify as a small or large home day care; and that meets the licensing requirements of the State.

3. Day care, home—large. In accordance with Section 1596.78(b) of the Health and Safety Code, “large home day care” means a home that regularly provides care, protection and supervision for 77 children.

4. Day care, home—small. In accordance with Section 1596.78(c) of the Health and Safety Code, “small home day care” means a home that regularly provides care, protection and supervision of eight or fewer children.

5. Density. “Density” means the ratio between dwelling units and land, expressed as the number of dwelling units per net acre, or as square feet of land required per dwelling unit.

6. Density bonus. “Density bonus” means an increase in the allowable residential density over the otherwise allowable residential density in that zone. See Hughson Municipal Code 17.03.016.

7. Development. “Development” means any man-made 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.

8. Development incentive. “Development incentive” means any concession given by the City to an applicant that results in a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the standards in this title, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions. It may also include other regulatory incentives or concessions

that result in identifiable, financially sufficient and actual cost reductions.

9. Distinguished or characterized by an emphasis upon. The term “distinguished or characterized by an emphasis upon” shall mean and refer to the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon” the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See *Pringle v. City of Covina*, 115 Cal.App.3d 151 (1981).

10. District. See “zone.”

11. Drive-through establishment. “Drive-through establishment” means a building where a customer is permitted or encouraged, either by the design of physical facilities or by the service procedures offered, to be served while remaining seated within a vehicle, including but not limited to drive-through restaurants.

12. Dwelling. “Dwelling” means any building or portion thereof designed or used exclusively for residential occupancy.

13. Dwelling, duplex. “Duplex dwelling” means a building on a single parcel of land designed for occupancy by, or occupied by, two households living independently of each other, and having separate kitchen and toilet facilities for each household.

14. Dwelling, multiple-family. “Multiple-family dwelling” means a building or portion thereof on a single parcel of land designed for occupancy by, or occupied by, three or more households living independently of each other, and having separate kitchen and toilet facilities for each household.

15. Dwelling, single-family detached. “Single-family detached dwelling” means a detached building designed exclusively for occupancy by one family.

16. Dwelling unit. “Dwelling unit” means one or more rooms and a single kitchen area designed for occupancy by one family for living and sleeping purposes.

E. Definitions, “E”.

1. Emergency housing. “Emergency housing” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person and that is not withheld due to a client's inability to pay.

2. Entertainer, Adult oriented business. “Adult oriented business entertainer” means any

person who performs live entertainment for patrons of an adult-oriented business whether such person is an employee or independent contractor of the adult-oriented business, including persons providing such services without any compensation or other form of consideration.

3. Equipment and machinery sales or rental. Any establishment that sells or rents large construction equipment, such as bulldozers, ditch diggers, tractors, industrial generators, water tankers or similar items.

4. Erosion control. "Erosion control" means a measure that prevents erosion.

5. Erosion control plan. An "erosion control plan" indicates the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

F. Definitions, "F".

1. Factory-built home. See "home, manufactured".

2. Figure model. "Figure model" means any person who, for pecuniary compensation, consideration, hire or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed or otherwise depicted.

3. Finding. "Findings" are determinations necessary to approve certain types of requested permits or proposed development projects. Findings establish a factual basis explaining why a decision was made to approve or disapprove an application. For example, approval of a Variance application requires the decision-making body to make five separate findings, including that the Variance "will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or the zone in which the subject property is located." If the decision-making body cannot determine that this statement—along with the four other Variance findings—is true, the Variance request must be denied. It is the designated decision-making body (Planning Commission, City Council, or Planning Official) which must make the required findings.

4. Flood or flooding. "Flood or flooding" means:

a. 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; or mudslides (i.e., mudflows) which are proximately caused by flooding as defined herein and are akin to a river of liquid flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusual and unforeseeable event which results in flooding as defined in this definition.

5. Flood, base. "Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year. Base flood is the term used throughout this ordinance.

6. Floodplain. "Floodplain" means any land area susceptible to being inundated by water from any source - see "Flooding".

7. Floodplain Administrator. "Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

8. Floor area, gross. "Gross floor area" means the total interior floor area of all stories of a building or structure, including basements, as well as aboveground stories, interior balconies and mezzanines.

9. Floor area, net. "Net floor area" means the total interior floor area of all stories of a building or structure, excluding corridors, hallways, stairways, balconies, breezeways, elevators, restrooms, closets, vaults, garages, carports, and other similar space used by all occupants of a building rather than by an individual occupant.

10. Floor area ratio. "Floor area ratio" is the ratio of the total gross floor area of all buildings on a lot, excluding structured parking areas, divided by the total lot area. For example, as shown in Figure 17.01.090.1, if a 10,000 square foot lot has one two-story building, and the gross floor area of each story is 2,500 square feet, the lot has a total gross floor area of 5,000 square feet and an FAR of 0.5.

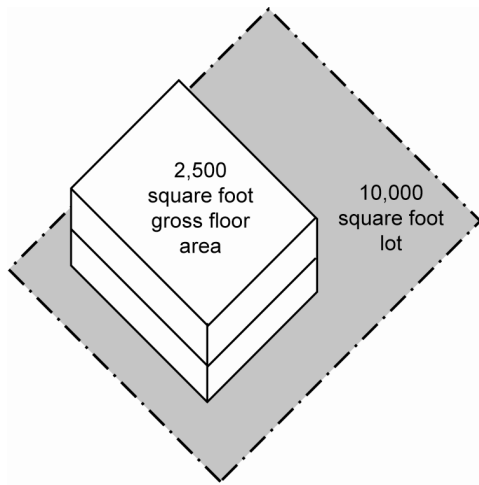
11. Food and beverage production. A manufacturing plant that produces or processes foods and beverages for human consumption and primarily for wholesale or distribution purposes.

12. Food and beverage sales. A retail establishment in which the majority of the floor area open to the public is occupied by food or beverage products, not including alcoholic beverages, that are packaged for consumption away from the store.

13. Foster home. "Foster home" means a facility licensed to regularly provide care, protection and supervision to children in the licensee's home on a 24-hour basis for varying periods of time. See also "residential care home."

14. Frontage. "Frontage" means the property line of a site abutting on a street.

G. Definitions, "G".



$$(2 \times 2,500) / 10,000 = 0.5 \text{ FAR}$$

Figure 17.01.090.1. Floor Area Ratio

1. Garage, patio, rummage or yard sale. "Garage, patio, rummage or yard sale" means a sale allowed to be conducted from any location on the premises of a residence in any kind of residential zone for the purpose of permitting occupants of that residence to dispose of their personal property accumulated during the course of ordinary residential living.

2. Garage, repair. "Repair garage" means a building, or portion thereof, used for the commercial repair, maintenance or painting of motor vehicles.

3. General retail. A retail establishment that sells a variety of merchandise and is not otherwise identified in this article as a unique retail use, including but not limited to antique stores, bookstores, drugstores, hobby shops, secondhand stores, retail bakeries, hardware stores, appliance and electronics stores and any use of like kind or character.

4. Governing body. "Governing body" is the local governing unit, i.e. county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

5. Government facility. Any facility owned and operated by the City, county, State or federal government, regardless of the use. Any use that is listed as an allowed use for a given district may be provided as a government facility, even if the district does not list "government facility" as an allowed use.

6. Grading. The alteration of the slope and/or elevation of a ground surface, paving, or sidewalk, including excavation or fill of material.

7. Guest house. "Guest house" means living quarters within an accessory building for use by temporary guests of the occupants of the premises. It shall have no kitchen or cooking facilities and shall not be rented or otherwise used as a separate dwelling.

8. Gym. "Gym" means a fitness center or health club that provides facilities including but not limited to exercise machines, free weights, instruction facilities, swimming area for use by clients.

H. Definitions, "H".

1. Home and garden supply facility. "Home and garden supply facility" means a facility for the sale of home, lawn, and garden supplies; landscaping materials, plants, brick, lumber, and other similar materials. This use may include the outside storage of materials.

2. Home, manufactured. "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."

3. Home occupation. "Home Occupation" means the gainful employment of the occupant of a dwelling in a limited commercial activity, with such employment activity being subordinate to the residential use of the property.

4. Home occupation, low-impact. A "low-impact home occupation" means a home occupation conducted entirely within a dwelling or accessory building with no external alteration of the appearance of the dwelling in which a home occupation is conducted. Low-impact home occupations involve no storage of equipment or supplies other than samples in an accessory structure or outside the dwelling. A low impact home occupation shall not involve the use of any material, other than craft or art supplies, or mechanical equipment other than customarily incidental to domestic use. No advertising signs shall be placed in the yard or on the house or any part of the property.

5. Home occupation, moderate-impact. A "moderate-impact home occupation" means a home occupation that does not qualify as a low-impact home occupation as defined above. See Section 17.03.044 of this Title for specific moderate-impact home occupation restrictions.

6. Hospital. "Hospital" means a facility or portion thereof, used or designed for the therapeutic treatment of the sick and injured.

having an angle of intersection of not more than 135 degrees, as shown in Figure 17.01.090.2.

8. Lot coverage. “Lot coverage” means that portion of a lot occupied by any building or structure, excepting paved areas, walks and swimming pools, as shown in Figure 17.01.090.3.

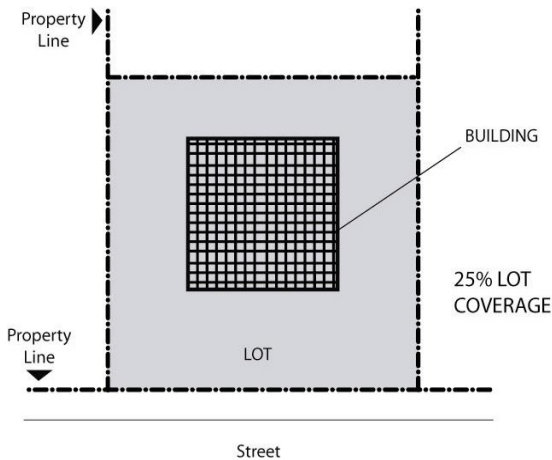


Figure 17.01.090.3. Lot Coverage.

9. Lot, deep. A “deep lot” in the R-1 or R-2 zone is any lot which has an average depth in excess of 125 feet.

10. Lot depth. “Lot depth” means the horizontal distance between the front and rear lot lines measured on the longitudinal centerline.

11. Lot, flag. “Flag lot” means a lot so shaped and designed that the main building site area does not have street frontage, but is connected to the street by a strip of land which is used for access purposes, as shown in Figure 17.01.090.2.

12. Lot, interior. “Interior lot” means a lot other than a corner lot, as shown in Figure 17.01.090.2.

13. Lot, key. “Key lot” means an interior lot that abuts the rear lot line of a corner lot, as shown in Figure 17.01.090.2.

14. Lot line. “Lot line” means any line bounding a lot as defined in this section.

15. Lot line, front. “Front lot line” means, in the case of an interior lot, the street line separating the lot from the street. In the case of a corner lot, the owner may designate on which street the lot fronts. If such designation is made, then the line is the street line separating the designated street from the lot. If no such designation is made, then the line is the street line separating the narrowest street frontage of the lot from the street. Once the choice of frontage has been made, it cannot be changed

unless all requirements for yard space are complied with.

16. Lot line, rear. “Rear lot line” means a lot line which is opposite and most distant from the front lot line or, in the case of an irregular or triangular lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

17. Lot line, side. “Side lot line” means any lot boundary line not a front lot line or a rear lot line.

18. Lot, through. “Through lot” means a lot having frontage on two parallel or approximately parallel streets, as shown in Figure 17.01.090.2.

19. Lot width. “Lot width” means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear property lines.

20. Lower-income household. Lower-income household means households whose income does not exceed the low income limits applicable to Stanislaus County, as published and periodically updated by the State Department of Housing and Community Development pursuant to the applicable sections of the California Health and Safety Code.

M. Definitions, “M”.

1. Manufactured home. See, “home, manufactured”.

2. Manufactured home park or subdivision. “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.

3. Manufacturing. “Manufacturing” means the conversion of raw materials or assembly of parts into new products that are primarily sold off-site.

4. Medical marijuana dispensary. “Medical marijuana facility” means any facility or location where marijuana is made available for medical purposes in accordance with Health and Safety Code Section 11362.5, or where a primary caregiver intends to make available, sell, transmit, give, or otherwise provide medical marijuana to two or more of the following: a qualified patient, or a person with an identification card, or a primary caregiver in strict accordance with Health and Safety Code Section 11362.5 et seq, including but not limited to Health and Safety Code Section 11362.7(d)(2) and (3). The terms “primary caregiver,” “qualified patient,” and “person with an identification card” shall be as defined in Health and Safety Code Section 11362.5 et seq.

5. Meeting facility. "Meeting facility" means any facility for public or private meetings, excluding commercial entertainment facilities. Meeting facilities include community centers, clubs, lodges, houses of worship, auditoriums, union halls and other uses of like kind or character.

6. Metalwork. "Metalwork" means any manufacturing or repair use that involves the production, assembly or dismantling of metal parts, including but not limited to machine shops, welding shops and sheet metal shops.

7. Mini-storage/warehouse facility. "Mini-storage/warehouse facility" means a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of customer's goods or wares.

8. Mobile home. "Mobile home" means a transportable structure built on a chassis for future movement, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and intended for occupancy by one family. No such structure shall be deemed to be a mobile home if it is less than eight feet in width, and less than 32 feet in length, when assembled for use as a dwelling.

9. Mobile home park. "Mobile home park" means a facility designed and equipped in accordance with the requirements of Hughson Municipal Code Section 17.03.052 and applicable state laws for the accommodation of occupied mobile homes.

10. Mobile home supplemental housing. "Mobile home supplemental housing" means a mobile home used to provide supplemental housing for the care of the ill or the infirm.

11. Modeling studio. "Modeling studio" means a business or facility owned, operated, or maintained by an individual artist or group of artists for the purpose of observing, sketching, photographing, painting or sculpting figure models, so long as such facility does not provide, permit, or make available "specified sexual activities." A "modeling studio" does not include a business which provides, for pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration.

12. Moderate income household. "Moderate income household" means households whose income does not exceed the moderate income limits applicable to Stanislaus County, as published

and periodically updated by the State Department of Housing and Community Development pursuant to the applicable sections of the California Health and Safety Code.

13. Mortuary. "Mortuary" means a facility where bodies are prepared for burial or cremation, which may include areas for embalming, performing of autopsies, and the storage of funeral supplies and vehicles, as well as facilities for funeral services. A "mortuary" does not include facilities for the cremation or interment of bodies on site.

N. Definitions, "N".

1. Nonconforming building. "Nonconforming building" means a building or structure or portion thereof lawfully existing at the time of the adoption of this title, and which does not conform to the applicable regulations of this title. "Nonconforming building" includes any building or structure or portion thereof lawfully existing in an area annexed to the City at the time of such annexation, and which does not conform to the applicable regulations of this title.

2. Nonconforming use. "Nonconforming use" means a use which lawfully occupies a building or land at the time of the adoption of this title, and which does not conform to the applicable regulations of this title. "Nonconforming use" includes any use which lawfully occupies any building or land in an area annexed to the city at the time of such annexation, and which does not conform to the applicable regulations of this title.

3. Nudity or a state of nudity. "Nudity or a state of nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, and/or the showing of the female breast with less than a fully opaque covering of any part of the nipple or areola.

4. Nursing and convalescent home. "Nursing and convalescent home" means a facility providing bed care, or chronic or convalescent care for persons who by reason of illness, physical infirmity, or age are unable to properly care for themselves. A facility shall be deemed to be a "nursing and convalescent home" for the purpose of this title, notwithstanding the designation applied to the facility by the operator, or any federal, State or local regulatory agency, such as "hospital" or "rest home," so long as the facility provides care as described in this section, and does not qualify as a "hospital" as defined in this chapter.

O. Definitions, "O".

1. Office, professional. A building or portion of a building that is designed, constructed for, used or usable by professional persons, includ-

ing but not limited to accountants, architects, dentists, doctors, engineers, lawyers and other persons who provide services that require a state license or certificate, such as realtors and beauticians. The term “professional office” shall not include any facility that provides intensive medical treatment or overnight lodging for persons, such as a hospital, or any facility that provides permanent or temporary boarding of animals, such as a veterinary office or kennel.

2. Open space, usable. “Usable open space” means outdoor space, including but not limited to natural and landscaped ground areas, pools, patios, decks and balconies designed for active or passive recreational use and which is accessible to the occupants of a building on the same lot.

3. Operate an adult-oriented business. “Operate an Adult-Oriented Business” means the supervising, managing, inspecting, directing, organizing, controlling or in any way being responsible for or in charge of the conduct of activities of an Adult-Oriented Business or activities within an Adult-Oriented Business.

4. Orchard. “Orchard” means an area of land devoted to the cultivation of fruit or nut trees.

5. Orchard tree. “Orchard tree” means a fruit or nut tree that is part of an orchard.

P. Definitions, “P”.

1. Parcel Size, Net. Total area of a parcel measured in a horizontal plane within the lot lines bounding the parcel. The following features do not contribute to the net of the parcel area: The area within easements for streets, driveways, parking, pedestrian, bicycle access ways and navigation channels which are not for the exclusive use of the parcel on which any such easement is located.

2. Park or playground. “Park or playground” means a public outdoor recreational facility that provides active or passive recreational opportunities.

3. Parking area. “Parking area” means a permanently surfaced open area, other than a street or alley, used for the parking of motor vehicles, either free, for compensation, or as an accommodation for residents, clients or customers. See Hughson Municipal Code 17.03.060.

4. Parking garage. “Parking garage” means any building or structure, other than a garage on the premises of and used exclusively by a single-family dwelling, that is used for the parking or storage of vehicles, whether for free or for compensation.

5. Parking lot. “Parking lot” means any property used temporarily or permanently for parking or storage of vehicles of any type in exchange for compensation, or as an accommodation for pa-

trons, customers, or clientele of a business, professional office, or other commercial enterprise.

6. Parking space. “Parking space” means a permanently surfaced space, directly accessible to a driveway, street or alley, exclusive of access, driveways, ramps or maneuvering areas, designed or used for the parking of one motor vehicle. See Hughson Municipal Code 17.03.060.

7. Permitted uses. “Permitted uses” includes principal, conditional and accessory uses.

8. Person. “Person” means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.

9. Personal services establishment. “Personal services establishment” means an establishment (other than a professional office) that provides services to individuals as a primary use, and that may provide accessory retail sales of products related to the services provided.

10. Personal services establishment—low-impact. A “low-impact personal services establishment” means an establishment that tends to create minimal adverse impacts for its surroundings, including but not limited to clothing rental, laundromats, tailors, tanning salons and other uses of like kind or character.

11. Personal services—moderate-impact. A “moderate-impact personal services” establishment is one that may tend to create blight and deterioration in its surroundings and that may need to be dispersed in order to reduce the potential impacts, including but not limited to check-cashing stores, pawnshops, tattoo and body piercing parlors and other uses of like kind or character.

12. Plan lines. “Plan lines” means officially established right-of-way lines for future streets or for the extension or widening of existing streets within which the construction of structures is prohibited.

13. Planned unit development. “Planned unit development” means an integrated development as allowed by Hughson Municipal Code 17.02.028 consisting of a building or group of buildings situated on a site in such a manner that each unit may be sold separately from all other units, and where all owners of units may also own an interest in recreation facilities, parking facilities, open space, or any combination thereof along with appurtenant facilities.

14. Planning Officer. “Planning Officer” means that officer of the City or their designee designated from time to time to perform the duties of review set forth in this title.

15. Property line. "Property line." See "lot line."

16. Public safety facility. "Public safety facility" means a facility operated by a public agency for the purpose of protecting public safety, including but not limited to fire stations and other fire-fighting facilities, police stations and ambulance dispatch facilities.

176. Public and quasi-public uses. "Public and quasi-public uses" include such uses as cemeteries, churches, corporation yards, fire stations, hospitals, parks, public utility distribution substations, schools, communication equipment buildings; it excludes street tree areas.

Q. Definitions, "Q".

None.

R. Definitions, "R".

1. Recreational vehicle (RV) park. "Recreational vehicle park" means a facility designed and equipped in accordance with the requirements of Hughson Municipal Code 17.03.052 and applicable State laws, for the accommodation of motor homes and recreational vehicles on a temporary basis.

2. Regularly features. The term "regularly features" with respect to an adult theater or adult cabaret means a regular and substantial course of conduct. The fact that live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two or more occasions within a 30 day period; three or more occasions within a 60 day period; or four or more occasions within a 180 day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.

3. Repair service. "Repair Service" means any service or facility where electrical, electronic or mechanical equipment are repaired away from the premises of the customer.

4. Research laboratory. "Research laboratory" means a facility for scientific research, including but not limited to pharmaceutical, chemical and biotechnology research, or the design, development and testing of electrical, electronic, magnetic, optical, computer or telecommunications components.

5. Residential care home. "Residential care home" means a state authorized, certified or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children on a 24-hour basis.

6. Restaurant or café. "Restaurant or café" means any retail business that sells ready-to-

eat food or beverages for on-premise or off-premise consumption.

S. Definitions, "S".

1. Satellite receiving dish. "Satellite receiving dish" means a device or instrument designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite. It may be solid, open mesh, or bar configured structure in the shape of a shallow dish or parabola.

2. School. The term "school" as used in this ordinance, means an institution of learning for minors, whether public or private, offering a regular course of instruction, such as, but not limited to, those courses of study required by the California Education Code, or any child or day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

3. Second dwelling unit. "Second dwelling unit" means an attached or detached dwelling unit which provides complete, independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel or parcels as the primary residential unit. It shall not be sold as an individual unit separate from the primary residential unit, but may be rented.

4. Semi-nude. "Semi-nude" means a state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.

5. Service station. "Service station" means any building, structure, premise or other place used primarily for the retail sale and dispensation of motor fuels, lubricants and motor vehicle accessories, and the rendering of services and minor repairs to such vehicles, not including painting, body work or fender work.

6. Shopping center. "Shopping center" means a primarily retail-oriented commercial site with at least three separate businesses that share common pedestrian and parking areas.

7. Shrub. "Shrub" means a woody perennial plant smaller than a tree, usually having permanent stems branching from or near the ground.

8. Sign, attached. "Attached sign" means a sign that is permanently affixed to a building, including but not limited to a wall sign, pro-

jecting sign, marquee sign, canopy sign or awning sign.

9. Sign, A-frame. See “portable sign”.

10. Sign, awning. “Awning sign” means a sign that is attached to, painted on, hung from or supported by an awning, as shown in Figure 17.01.090.4.



Figure 17.01.090.4. Awning signs painted on an awning (left) and hanging from an awning (right).

11. Sign, banner. “Banner sign” means a sign that is made of fabric, cloth or any other loosely-draping material, including any flag, as shown in Figure 17.01.090.5.



Figure 17.01.090.5. Banner sign.

12. Sign, monument. “Monument sign” means a detached sign that is placed on the ground on a foundation or bearing surface and is not supported by poles, braces or similar structures, as shown in Figure 17.01.090.6.



Figure 17.01.090.6. Monument sign.

13. Sign, outdoor “Outdoor sign” means any card, cloth, paper, metal, painted glass, wooden, plaster, stone, or other sign of any kind or character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. This term includes erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever.

14. Sign, portable. “Portable sign” or “A-frame sign” means an on-site, non-illuminated sign used to advertise the location, goods or services offered on the premises.

15. Sign, projecting. A “Projecting sign” means a sign that is attached to a building and that projects outward from the building, as shown in Figure 17.01.090.7.

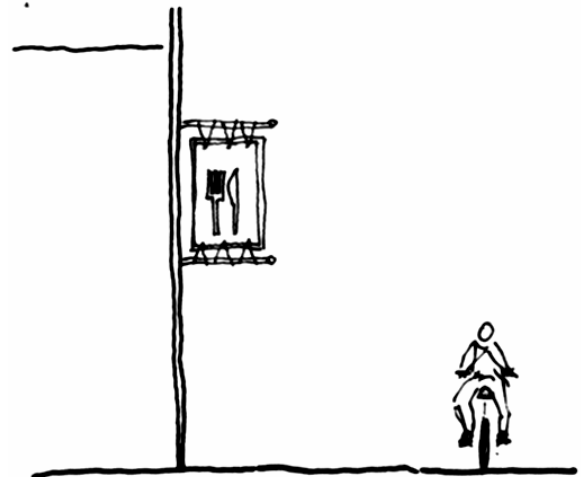


Figure 17.01.090.7. Projecting sign.

16. Sign, reader board. “Reader board sign” means a sign with detachable letters, numbers or other characters that allows its message to be changed without replacing or covering the sign face.

17. Sign, roof. "Roof sign" means a sign erected on or above the roof or parapet of a building or structure, as shown in Figure 17.01.090.8.



Figure 17.01.090.8. Roof Sign

18. Sign, temporary. "Temporary sign" means a sign generally constructed of paper, cardboard, cloth, canvas, plastic, synthetic, fabric or other similar lightweight materials used to provide information on events or conditions of a short and limited time duration.

19. Sign, wall. "Wall sign" means a sign that is affixed to the wall of a building and is essentially parallel to the wall, as shown in Figure 17.01.090.9.

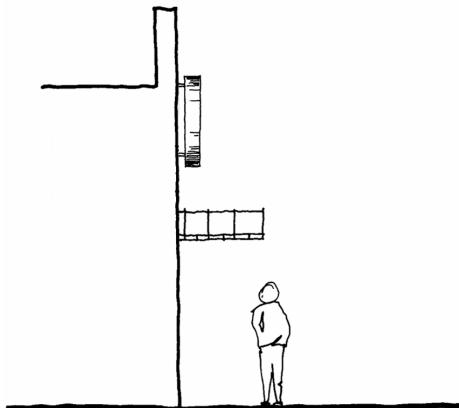


Figure 17.01.090.9. Wall sign.

20. Sign, window. "Window sign" means a sign that is affixed to the inside or outside of a window or located within three feet of the window, and that is visible from the outside of the window, as shown in Figure 17.01.090.10.

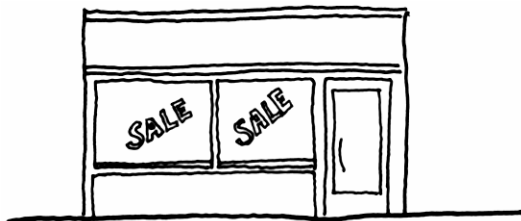


Figure 17.01.090.10. Window sign.

21. Site, grading. "Grading site" means a parcel of land or a contiguous combination of such parcel, where grading work is performed as a single unified operation.

22. Specified anatomical areas. "Specified anatomical areas." as used herein shall mean and include any of the following: less than completely and opaquely covered human (1) genitals or pubic region; (2) buttocks; and (3) female breast below a point immediately above the top of the areola.

23. Specified sexual activities. "Specified sexual activities." as used herein, shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; sex acts, actual or simulated, including but not limited to intercourse, oral copulation, or sodomy;

(2) Masturbation, actual or simulated; excretory functions as part of or in connection with any of the other activities found in this definition.

24. Story. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the ceiling or roof above it. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story, as shown in Figure 17.01.090.11.

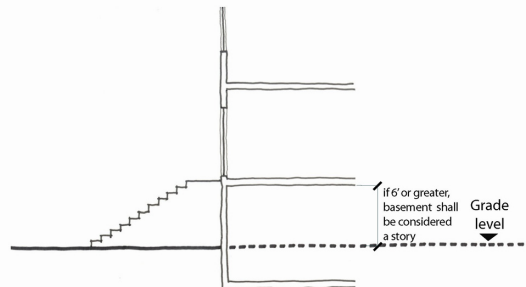


Figure 17.01.090.11. Basement Story.

25. Street. "Street" means a public or private thoroughfare 30 feet or more in width, other than an alley, which affords the principal means of access to abutting property.

26. Street line. "Street line" means the boundary line between the right-of-way or easement for a street, and the abutting property.

27. Street tree. "Street tree" means any tree planted, caused to be planted and/or maintained within a "street tree area."

28. Street tree area. "Street tree area" means the street right-of-way and five feet either side thereof or to the edge of a planting area within the public right-of-way.

29. Structural alterations. "Structural alterations" means any change in the supporting members of a building or structure such as bearing walls, columns, beams, girders or rafters.

30. Structure. "Structure" means anything constructed or erected which requires location on the ground or attached to something having location on the ground, including swimming pools, but not including fences or walls used as fences. For the purposes of the floodplain ordinance, "structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

31. Structure, historic. "Historic structure" means any structure that is:

a. 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;

b. 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;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

d. 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 with approved programs.

T. Definitions, "T".

1. Target unit. "Target unit" means a dwelling unit within a housing development which will be reserved for sale or rent to, and is made available at an affordable rent or affordable ownership cost to, very low, low, or moderate income households, or is a unit in a senior citizen housing development.

2. Temporary tract office. "Temporary tract office" means a temporary sales office located on the site of a new development, usually in a

model home, and operated until sales are completed.

3. Transitional housing. "Transitional housing" means housing with supportive services that is limited to occupancy of up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goals of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons.

4. Tree. "Tree" means a woody perennial plant characterized by having a main stem or trunk, or a multi-stemmed trunk system with a more or less definitely formed crown. It is usually over ten feet high at maturity. This definition shall not include trees planted, grown and held for sale by licensed nurseries or the first removal or transplanting of such trees pursuant to and as part of the operation of a licensed nursery business.

5. Tree removal. "Tree removal" means the elimination of a tree by cutting to the ground, complete extraction, or killing by spraying, girdling, or any other means.

6. Tree, significant. "Significant tree" means any tree which measures three inches or more in Diameter at Breast Height (DBH) (four and one-half feet above natural grade) or immediately below the lowest branch, whichever is lower.

U. Definitions, "U".

1. Use. "Use" means the purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered or enlarged.

2. Use, accessory. "Accessory use" means a use incidental and accessory to the principal use of a lot or building located on the same lot.

3. Use, conditional. "Conditional use" means a use which may be suitable only in specific locations in a zoning district or only if such use is designed or laid out on the site in a particular manner. A conditional use requires a conditional use permit.

4. Use, principal permitted. "Principal permitted use" means a permitted use not requiring a conditional use permit in that zone.

5. Use, temporary. "Temporary use" means a short-term activity that may or may not meet the normal development or use standards of the applicable zoning district, but that occurs for a limited period of time, typically no longer than 60

days, and that does not permanently alter the character or physical facilities of a property.

6. Utility building or substation. "Utility building or substation" means any facility that is used for production, distribution or processing related to a public utility that involves the use of direct physical connections, such as water, sewage, electricity, natural gas or telecommunications services.

V. Definitions, "V".

1. Vehicle. "Vehicle" means any device by which any person or property may be propelled, moved or drawn, except a device moved by human power or used exclusively upon stationary rails or tracks.

2. Vehicle, recreational (RV). "Recreational vehicle (RV)" means a vehicle which is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. Designed to be self propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

3. Vehicle depot. "Vehicle depot" means a facility that is used primarily for the storage of operative vehicles in a fleet, including but limited to associated repair facilities for temporarily inoperative vehicles.

4. Very-low-income. "Very-low-income" household means households whose income does not exceed the very low income limits applicable to Stanislaus County, as published and periodically updated by the State Department of Housing and Community Development pursuant to the applicable sections of the California Health and Safety Code.

W. Definitions, "W".

1. Warehousing. "Warehousing" means the provision of facilities used primarily for the storage of commercial goods, including documents. "Warehousing" does not include mini-storage facilities or facilities used primarily for wholesaling and distribution.

2. WECS, dominant wind direction. WECS, "dominant wind direction" means the direction from which 80 percent of the energy contained in the wind flows.

3. WECS, overspeed control. WECS, "overspeed control" means a mechanism used to limit the speed of blade rotation to below the design limits of the WECS.

4. WECS, swept area. WECS, "swept area" means the largest area of the WECS which

extracts energy from the wind stream. In a conventional propeller-type WECS there is a direct relationship between swept area and the rotor diameter.

5. WECS, total height. WECS, "total height" means the height of the tower and the furthest vertical extension of the WECS.

6. Wholesaling and distribution. "Wholesaling and distribution" means the provision of facilities used primarily for selling or distributing goods to retailers, contractors, commercial purchasers or other wholesalers, or to the branch or local offices of a company or organization.

7. Wind energy conversion system (WECS). "Wind energy conversion system (WECS)" means a machine that converts the kinetic energy in the wind into a usable form of electrical or mechanical energy (commonly known as a wind turbine or windmill). The WECS includes all parts of the system except the tower and the transmission equipment.

X. Definitions, "X".

None.

Y. Definitions, "Y".

1. Yard. "Yard" means an open space other than a court on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

2. Yard, front. "Front yard" means a yard extending across the full width of the lot measured between the front property line and the nearest vertical support or wall of the main building.

3. Yard, rear. "Rear yard" means a yard extending across the full width of the lot measured between the rear property line and the nearest vertical support or wall of the main building.

4. Yard, side. "Side yard" means a yard extending from the front yard to the rear yard measured between the side lot line and the nearest vertical support or wall of the main building.

Z. Definitions, "Z".

1. Zone. "Zone" means a portion of the territory of the city within which certain uniform regulations and requirements, or various combinations thereof apply, pursuant to the provisions of this title.

Chapter 17.02**ZONING DISTRICTS**

Sections:

17.02.004	Establishment and designation of zones.
17.02.008	Residential zones.
17.02.012	Commercial zones.
17.02.016	I Industrial zone.
17.02.020	Public use zones.
17.02.024	Specific Plan zone.
17.02.028	Planned development overlay zone.
17.02.032	Uses allowed in each district.

17.02.004. Establishment and designation of zones.

A. Designation of zones. The zones hereby established and into which the city is divided are designated as follows:

- R-1 Low Density Residential
- R-2 Medium Density Residential
- R-3 High Density Residential
- R-ARural Residential
- C-1 Neighborhood Commercial
- C-2 General Commercial
- C-3 Service Commercial
- I Industrial
- P Public Facility
- O-S Park/Open Space
- S-P Specific Plan
- P-D Planned Development Overlay

B. Zoning maps. The designations, locations, and boundaries of the zones listed in subsection (A) above are set forth on the officially adopted zoning map or maps of the city on file in the office of the City Clerk. The zoning map or maps and all notations, references, data and other information shown thereon and this title shall together constitute the zoning ordinance.

C. Classification of territory. All territory within the city shall be classified as a part of that zoning district recommended by the Planning Commission and adopted by the City Council in accordance with the General Plan. All territory shall retain its classification unless and until it is otherwise zoned in the manner prescribed by law. The City may prezone unincorporated territory adjoining the city for the purpose of determining the zoning that will apply to such territory in the event of subsequent annexation to the city. The procedure for such rezoning shall be as prescribed in Hughson Municipal Code 17.04.048 (D), and

such rezoning shall become effective upon annexation of the territory to the city.

D. Conformance with zoning regulations. Except as otherwise provided in this title:

1. No building or part thereof or other structure shall be erected, altered, added to or enlarged nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose, or in any manner other than as included among the uses listed in this title as permitted in the zone in which such building, land or premises is located.

2. No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit designated in this title for the zone in which the building is located.

3. No building or part thereof or other structure shall be erected, nor shall any existing building be altered, enlarged, rebuilt, or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations designated in this title for the zone in which such building or open space is located.

4. No yard or other open space, off-street parking space, garage space, or loading space provided about any building for the purpose of complying with the provisions of this title shall be considered as a yard or open space, off-street parking space, garage space, or loading space for any other building, and no yard or other open space, off-street parking space, garage space or loading space on one building site shall be considered as providing a yard or other open space, off-street parking space, garage space, or loading space for any other building site, except as otherwise provided in this title.

E. Zoning district boundary determination. Where any uncertainty exists as to the boundaries of a zoning district as shown on the zoning map, the following rules shall apply:

1. Streets or alleys. Where a zoning boundary line is indicated as following a street or alley, the centerlines of such streets or alleys shall be construed to be the boundaries of such zones.

2. Lot lines. Where a zoning boundary line follows or coincides approximately with a lot line or a property ownership line, it shall be construed as following the lot line or property ownership line.

3. Zoning map. 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 ownership line,

the to-scale officially adopted zoning map shall be used to determine the precise location of the zoning boundary line.

4. Further zoning boundary uncertainties. Where further uncertainty exists, the Planning Commission, upon receiving written application or upon its own motion, shall determine the location of the zoning boundary in question giving due consideration to the location indicated on the zoning map, the objectives of the zoning ordinance, the purposes set forth in the zoning district regulations and any previous actions of the City Council or the Planning Commission.

F. Limitation of land use. No building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose except as specifically allowed in the zone in which the building or land is located. It shall be unlawful for any person or entity to own, manage, conduct or operate any Medicinal Marijuana Dispensary in any zone or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any Medical Marijuana Dispensary in the City of Hughson.

G. Unlisted uses not allowed. If a proposed use of land is not allowed as of right or allowed subject to a permit, according to the regulations set forth in this article for the applicable zone, the use shall not be allowed, except as follows:

1. The Planning Officer may determine that a proposed use not listed for any zoning district is allowable as of right, subject to a zoning clearance, or that it is allowable subject to an administrative permit or use permit, if all of the following findings are made:

a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the allowable uses for the zoning district.

b. The proposed use will not involve a higher level of activity, density or intensity than the allowable uses for the district.

c. The proposed use will meet the purpose and intent of the applicable zoning district.

d. The proposed use will be consistent with the goals, objectives and policies of the General Plan.

2. When the Planning Officer determines that a proposed use is equivalent to a listed use, the proposed use shall be treated in the same manner as the listed use for the purposes of determining where it is allowed, what permits are required and what other requirements of this article apply. A record of the determination shall be made

in accordance with the procedures set forth in Hughson Municipal Code 17.01.080(E).

1. Water Allocation. All uses shall be subject to the City's water allocation policy. A Conditional Use Permit shall be required for all uses which need to demonstrate compliance with this policy.

17.02.008. Residential zones.

A. General requirements.

1. All uses are subject to the provisions of this title.

2. Zoning clearance required. Zoning clearances are required for all uses requiring a building permit or occupancy permit, subject to the requirements of Hughson Municipal Code 17.04.052. Administrative permits or conditional use permits may also be required subject to the requirements of this article.

3. Animals. No person, whether owner or occupant, shall permit animals, except as allowed in Chapter 6.08 Hughson Municipal Code, to reside, be placed on, located on property or in structures which are subject to this section, except as otherwise provided in this section

4. Deep lot development. The R-1 and R-2 zones permit single-family homes on a single parcel. The city recognizes, however, that these regulations may be a hardship on the owners of those lots which exceed 120 feet in depth. It is also recognized that the location of existing buildings, the lack of sufficient lot area, street frontage or surrounding development make it difficult to further subdivide the property in order to adhere to the coverage and setback requirements provided by this title. In such cases, the Planning Commission is authorized to approve additional dwelling units on the property subject to development conditions listed in Hughson Municipal Code 17.03.072. In addition, those additional units will be subject to all of the regulations governing residential development outlined in this title, as well as the following additional regulations:

a. Restrictions. No deep lot may be developed with additional dwelling units if the property is physically capable of further subdivision with public streets and standard size lots. The property on which the development is constructed shall remain as one unsubdivided parcel.

b. Development standards. The total number of units permitted on the property shall not exceed the density permitted for the zone in which the units are to be located, including any existing dwelling units on the property.

c. Access. An access or driveway not less than 10 feet in width shall be provided for single-family units. The Planning Commission may waive this requirement if unusual circumstances prohibit a driveway of this width. Alternative means of vehicular access must be approved by the Fire Department.

d. Conditional use permit required. Development of deep lot properties under the provisions of this subsection shall require a conditional use permit.

B. Allowed uses. The uses allowed in residential districts shall be as provided in Table 17.02.032.1.

C. Development standards. The development standards for residential districts shall be as provided in Table 17.02.008.1. Additional development requirements for each residential category are defined in subsections (D), (E), (F), and (G), below.

D. R-1 Low density residential.

1. Purpose. The purpose of the R-1 low density residential zone is to provide living areas where development is limited to low density single-family and duplex housing; to ensure adequate light, air, privacy and open space for each dwelling; to provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment.

2. Density of residential infill area. Properties within the Infill Boundary designated by the City and found in Figure LU-5 of the General Plan are permitted to develop at higher densities than those found outside of the boundary. The maximum allowable density within the infill area shall be 7.0 dwelling units per net acre, except where higher densities are permitted subject to the requirements of Hughson Municipal Code 17.03.016 or Hughson Municipal Code 17.02.028.

3. Density of new subdivisions. Properties outside of the Infill Boundary that are newly subdivided shall develop at a maximum density of 5.0 dwelling units per net acre, except where higher densities are permitted subject to the requirements of Hughson Municipal Code 17.03.016 or Hughson Municipal Code 17.02.028. Lots shall vary in size, and the average lot size shall total 8,500 square feet.

4. Design of new subdivisions and residential units. Applicants for new single-family units and residential neighborhoods shall submit a completed self-certification checklist from the City's Design Expectations as part of their subdivision application.

5. Duplexes. Duplexes in this zone shall have only one entrance visible from the street per street frontage and shall be permitted only on corner lots, with each unit and its entrances facing a separate street.

E. R-2 medium density residential.

1. Purpose. The purpose of the R-2 medium density residential zone is to provide living areas where a compatible mixture of single-family, duplex, triplex, fourplex and townhouse housing will provide a suitable environment for family living; to ensure adequate light, air, privacy and open space for each dwelling; to provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment. This zone provides a transition between R-1 and R-3 districts.

2. Design. Applicants for new residential neighborhoods shall submit a completed self-certification checklist from the City's Design Expectations to the extent that it is relevant to the project, or any other relevant guidelines adopted by the City Council.

3. Mixture of housing types. New development within this zone of five or greater units shall provide a mix of housing types resulting in the total density permitted by this subsection. Development in this zone may include a maximum of 25 percent single-family detached houses. No more than 50 percent of the total development shall be made up of any one type of housing.

F. R-3 high density residential.

1. Purpose. The purpose of the R-3 high density residential zone is to provide residential areas which can accommodate a suitable mixture of more intensive land uses, including multiple-family dwellings, community facilities, retail establishments, medical facilities, and offices, compatible with the surrounding area and consistent with the General Plan.

2. Design. Applicants shall comply with any relevant guidelines adopted by the City Council, and the following minimum standards:

a. Buildings should be oriented toward the street with entrances on the street side of the building and parking primarily out of site in the rear of the building. Units within the buildings should be oriented either toward the street or common areas within the building.

b. Buildings shall be visually broken into smaller segments and distinguish units from one another with added texture or additional materials. Multi-family residential buildings shall appear from the street to be a grouping of individual dwelling units rather than a single monolithic

**Table 17.02.008.1
Residential Zone Development Standards**

Development Standard	Requirements By Zoning District				Related Regulations
	R-1	R-2	R-3	R-A	
Density (dwelling units per net acre)	maximum 7.0 in infill area maximum 5.0 in new subdivisions	minimum 5.1 maximum 14.0	minimum 10.1 maximum 27.0	maximum 2.0	Except where higher densities are permitted subject to the requirements of HMC 17.03.016 or HMC 17.02.028.
Average parcel size (square feet)	8,500 in new subdivisions	–	–	–	–
Intensity for non-residential uses (floor area ratio)	–	–	0.6	–	–
Minimum Setbacks (feet)					
Front ^a	15 (20 for garage)	20	15	30	
Side(s)	8 (for one story) 5 in infill area 10 (for two story) 7 in infill area	5 (for one story) 7 (for two story)	5 (for one story) 7 (for two story)	10	See HMC 17.03.020 (C) and (D) for exceptions.
Street side of corner lot	15	15	10	20	
Rear	10	10	10	40	
Minimum lot width (feet)	65 (corner; single-family) 60 (other; ^a single-family) 70 (duplex)	65 (corner; single-family) 55 (other; ^a single-family) 70 (duplex or multi-family)	65	120	Any lot facing a cul-de-sac or a curved street having a radius of less than 100 feet at the property line may reduce the required lot width on the street frontage by 10 feet.
Lot coverage (%) ^c	40	45	50	20	–
Minimum length of driveway (feet)	20	20	–	–	Duplexes shall have one driveway on each street-side frontage
Maximum height (feet)	35	35	45	35	See HMC 17.03.020 (B) for exceptions.
Signs	See HMC 17.03.080				
Parking	See HMC 17.03.060				
Landscaping	See HMC 17.03.048				
Lighting	See HMC 17.03.056				
Zone-specific regulations	Duplexes permitted only on corner lots	–	–	–	–

^a Porches and balconies are exempt from the front setback.

^b Other lots include interior, through, and key lots as defined in this title. Flag lots are also subject to these regulations and shall provide access to the street of not less than 10 feet in width.

^c Lot coverage means that portion of a lot occupied by any building or structure, excepting paved areas, walks and swimming pools, as shown in Figure 17.01.090.3.

structure. This requirement may be waived by the Planning Commission through the development review process if unusual circumstances renders implementation undesirable and/or impracticable, and waiving the requirement would still result in a project consistent with the General Plan, the purpose of the zoning district, and would not be injurious to adjacent properties or the neighborhood.

c. Facades should have three-dimensional elements to break up large wall surfaces.

d. Distances between structures shall provide for adequate fire and emergency access.

3. Open space. Buildings should provide a minimum of 200 square feet of usable open space per unit as defined in this title.

G. R-A rural residential.

1. Purpose. The purpose of the R-A zone is to provide living areas at the fringe of the City's incorporated area which combine certain advantages of both urban and rural location by limiting development to very low density concentrations of one-family dwellings and permitting limited numbers of animals and fowl to be kept for pleasure or hobbies, free from activities of a commercial nature. Animals shall be permitted in the R-A zone as specified in Hughson Municipal Code Chapter 6.08.

2. Design of new subdivisions and residential units. Applicants for new single-family units and residential neighborhoods shall submit a completed self-certification checklist from the City's Design Expectations.

17.02.012. Commercial zones.

A. General requirements.

1. All uses are subject to the provisions of this title.

2. Zoning clearance required. Zoning clearances are required for all uses requiring a building permit, subject to the requirements of Hughson Municipal Code 17.04.052. Administrative permits or conditional use permits may also be required subject to the requirements of this article.

3. Animals. No person, whether owner or occupant, shall permit animals, except household pets as defined in Chapter 6.08 Hughson Municipal Code, to reside, be placed on, located on property or in structures which are subject to this article.

4. Economic analysis report. For new commercial structures greater than 10,000 square feet the applicant shall submit an economic analysis report identifying potential economic impacts to downtown businesses which could result from the

proposed project. The form and content of this report shall be as required by the Planning Officer. The report shall be considered by the Planning Commission during the Development Review process to determine project consistency with all applicable General Plan policies.

B. Allowed uses. The uses allowed in commercial districts shall be as provided in Table 17.02.032.1.

1. Exceptions.

a. Car washes are only allowed with recycled water systems.

b. Drive through windows for restaurants are prohibited.

C. Development standards. The development standards for commercial districts shall be as provided in Table 17.02.012.1 and in subsections (D), (E), and (F), below.

D. C-1 Neighborhood commercial.

1. Purpose. The purpose of the C-1 neighborhood commercial zone is to provide neighborhood shopping areas where retail business or service establishments supply commodities or perform services to meet the daily needs of the residential neighborhood but not to permit commercial uses which would be more appropriate in the C-2 or C-3 zones. The CN-1 zone is intended to provide an area for resident-serving commercial establishments which enable Hughson residents to remain in the city for their daily shopping needs.

2. Performance standards. Structures and uses within this district shall meet the following performance standards:

a. Additional landscaping, subject to the requirements of Hughson Municipal Code 17.03.048 shall be provided to improve compatibility with neighboring residential areas.

b. All uses or activities shall be conducted wholly within completely enclosed buildings, except for service stations, home and garden supply, off-street parking and loading facilities, temporary outdoor uses, outdoor dining facilities for restaurants or where, in the opinion of the Planning Commission, the use is incidental to a principal use on the premises and the proposed outside use is in character and harmony with the surrounding area.

c. All uses to be located, oriented and designed so as to be compatible with the neighboring residential area.

d. Hours of operation (open to public) shall not begin before 7:00 a.m. nor extend beyond 10:00 p.m.

e. Maximum noise level at property lines not to exceed 65 dBA Ldn.

**Table 17.02.012.1
Commercial and Industrial Development Standards**

Development Standards	Requirements By Zoning District			Related Regulations	
	C-1	C-2 ^a	C-3		I
Density (dwelling units per net acre)	0	Downtown 30.0 Non-Downtown 0	0	0	Except where higher densities are permitted subject to the requirements of HMC 17.03.016 or HMC 17.02.028
Intensity for non-residential uses (floor area ratio)	0.6	Downtown 1.8 Non-Downtown 0.5	0.5	0.6	–
Setbacks (feet)	Minimum setbacks required. See HMC 17.03.020 (C) and (D) for exceptions.				
Front		8 ^b	8	8	
Side(s)	Same as adjacent residential zone; most restrictive applies if adjacent to more than one residential zone.	None, except same as adjacent residential zone if applicable	None, except same as adjacent residential zone if applicable	None, except same as adjacent residential zone if applicable	
Street side of corner lot		Same as front	Same as front	Same as front	Subject to cross-visibility area in HMC 17.03.048
Rear		None, except 10 when adjacent to residential use	None, except 10 when adjacent to residential use	None, except 10 when adjacent to residential use	
Maximum height (feet)	30	75	65	75; ^c additional height may be allowed with a conditional use permit	See HMC 17.02.016 (D) and 17.03.020 (B) for exceptions.
Signs	See HMC 17.03.080				
Parking	See HMC 17.03.060				
Landscaping	See HMC 17.03.048				
Lighting	See HMC 17.03.056				

^a C-2 regulations specific to the “Downtown” apply to land that is designated “Downtown Commercial” in the Hughson General Plan. C-2 regulations specific to the “Non-Downtown” areas apply to land designated General Commercial in the Hughson General Plan.

^b Porches and balconies are exempt from the front setback when associated with residential development.

f. Outside storage of solid wastes and containers for solid waste, containers, merchandise, or other items or goods awaiting pickup, sale, or other disposition shall be prohibited except where screened to the satisfaction of the Planning Commission.

g. Neighborhood commercial buildings adjacent to residentially zoned or used properties shall conform to the relevant residential setback. If adjacent to more than one residential zone, the most restrictive setbacks shall apply.

E. C-2 General commercial.

1. Purpose. The purpose of the C-2 general commercial zone is to provide a general commercial area for the sale of commodities or the performance of services to serve the entire community. Downtown Hughson, defined as the area designated as Downtown Commercial in the Hughson General Plan, is given priority by the community as that area where commercial uses should be focused prior to developing other land zoned C-2.

2. Performance standards. Buildings within this district shall meet the following additional performance standards:

a. All uses or activities shall be conducted wholly within completely enclosed buildings, except for service stations, home and garden supply, off-street parking and loading facilities, temporary outdoor uses, vehicle leasing sales and service, or where, in the opinion of the Planning Commission, the use is incidental to a principal use on the premises and the proposed outside use is in character and harmony with the surrounding area.

b. All uses adjacent to residential zones shall be located, oriented and designed so as to be compatible with those residential zones.

c. Maximum noise level at property lines not to exceed 65 dBA Ldn.

d. Outside storage of solid wastes and containers for solid waste, containers, merchandise, or other items or goods awaiting pickup, sale, or other disposition shall be prohibited except where screened to the satisfaction of the Planning Commission.

F. C-3 Service commercial.

1. Purpose. The purpose of the C-3 service commercial zone is to provide areas for heavy commercial uses along major arterial streets where a mixture of commercial and light industrial activities is appropriate. This zone permits commercial uses generally not appropriate to the central commercial area in addition to retail stores and offices and is intended to provide for the continuance of established uses. C-3 zones are to be applied to areas of two acres or more.

2. Performance standards. Buildings within this district shall meet the following additional performance standards:

a. All uses or activities shall be conducted wholly within completely enclosed buildings, except for service stations, home and garden supply, off-street parking and loading facilities, temporary outdoor uses, vehicle leasing sales and service, or where, in the opinion of the Planning Commission, the use is incidental to a principal use on the premises and the proposed outside use is in character and harmony with the surrounding area.

b. All uses adjacent to residential zones shall be located, oriented and designed so as to be compatible with those residential zones.

c. Maximum noise level at property lines not to exceed 65 dBA Ldn.

d. Outside storage of solid wastes and containers for solid waste, containers, merchandise, or other items or goods awaiting pickup, sale or other disposition shall be prohibited except where screened to the satisfaction of the Planning Commission.

e. Landscaping improvements shall be as required in Section 17.03.048 of this title.

G. Small collection facilities.

1. The purpose of this subsection is to permit small collection facilities in commercial zones as an accessory use to retail stores and shops subject to certain restrictions designed to protect the character of commercial zones and the peace, health, safety, and general public welfare of persons and businesses within such zones.

2. For the purposes of this section, "small collection facility" means a center for the acceptance of donation, redemption, or purchase, of recyclable material from the public, which occupies an area of not more than 500 square feet. A small collection facility may include:

a. A mobile unit;

b. Reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;

c. Kiosk-type units which may include permanent structures; and

d. Unattended containers placed for the donation of recyclable materials.

3. A small collection facility may be permitted in any commercial zone upon a finding by the Planning Officer that the facility is an accessory use to a retail store or shop which is in compliance with the zoning, building, and fire codes of the city and that the facility's operation is compatible with the retail store or shop and the neighbor-

hood, and provided the facility complies with the following conditions:

a. The facility shall be no larger than 500 square feet.

b. The facility shall accept only glass, metals, plastic containers, papers, and reusable items. Used motor oil may be accepted with permission of the Planning Officer and Director of Public Works.

c. The facility shall have a container for waste and/or rejected beverage containers.

d. The facility should be located in a surplus parking area and shall occupy no more than five parking spaces not including space needed periodically for the removal of materials or exchange of containers. Occupation of parking spaces by the facility and by the attendant parking shall not reduce required parking for the principal use by more than three spaces. The applicant shall demonstrate to the satisfaction of the Planning Officer that the facility will not eliminate required parking for the principle use.

e. The facility shall be set back at least 10 feet from any street line and shall not obstruct pedestrian or vehicular circulation.

f. The facility shall not remove handicap parking spaces.

g. The facility shall use no power-driven processing equipment except for reverse vending machines.

h. The facility shall be accessible for truck collection.

i. The facility shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule. The facility shall be painted and designed to blend in with the surrounding area.

j. The facility shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present. No bulk storage of material shall be allowed.

k. The facility shall be neat and attractive and shall be maintained free of litter and any other undesirable materials. Daily cleanup shall be required. Mobile facilities at which trucks or containers are removed at the end of each collection day shall be swept at the end of each such day.

l. The facility shall not exceed noise levels of 60 dBA as measured at the property line of residentially zoned or occupied property;

otherwise, the noise levels shall not exceed 70 dBA.

m. The facility shall be located no closer than 50 feet from a residentially zoned or occupied property unless separated by a masonry noise wall or building.

n. Attended facilities located within 100 feet of a residentially zoned or occupied property shall operate only during the hours between 9:00 a.m. and 7:00 p.m.

o. Containers shall be clearly marked to identify the type of material which may be deposited.

p. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.

q. The facility may have signs that conform to the provisions of this title, state signing requirements, and, if appropriate, the comprehensive sign plan for the shopping center where the facility is located.

r. The facility shall not occupy or otherwise impair any existing landscaping.

s. Reverse vending machines shall be single-feed only (no bulk-feed machines).

t. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.

u. Evidence of authorization of use of the facility site by the landowner or legal operator of the facility is required.

4. Site plan approval is required for all small collection facilities.

5. Small collection facilities shall require a business license and electrical permit.

6. There shall be no fee for processing applications for small collection facilities.

17.02.016 I – Industrial zone.

A. Purpose. The purpose of the I industrial zone is to encourage appropriate industrial development by providing areas exclusively for such development subject to regulations necessary to insure the protection of adjoining uses.

B. General requirements.

1. All uses are subject to the provisions of this title.

2. Animals. No person, whether owner or occupant, shall permit animals, to reside, be placed on, located on property or in structures which are subject to this section, except as otherwise provided in this section.

3. Zoning clearance required. Zoning clearances are required for all uses requiring a building permit, subject to the requirements of Hughson Municipal Code 17.04.052. Administrative permits or conditional use permits may also be required subject to the requirements of this article.

4. Allowed uses. The uses allowed in industrial districts shall be as provided in Table 17.02.032.1.

5. Development standards. The development standards for industrial districts shall be as provided in Table 17.02.012.1, as well as subsection (C), below.

C. Performance standards.

1. Front landscaping area shall extend to the valley gutter.

2. A conditional use permit shall be required for assembly, fabricating, manufacturing, processing or storage of goods, materials or products in buildings or enclosed yards which may create dust, fumes, noise, odors, smoke or vibration in volumes to be offensive or objectionable beyond the premises.

3. Outside storage of solid wastes and containers for solid waste, containers, merchandise, or other items or goods awaiting pickup, sale, or other disposition shall be prohibited except when screened to the satisfaction of the commission.

4. Landscaping improvements shall be as required in Section 17.03.048 of this title.

D. Height Exception. The Planning Commission may approve a structure in the Industrial zoning district that exceeds the maximum permitted building height as identified in Table 17.02.012.1 if the following findings can be made:

1. The proposed project is consistent with the General Plan, any applicable specific plans and this chapter of the Hughson Municipal Code.

2. The height exception does not adversely impacts adjacent properties, the immediate neighborhood or the community in whole.

3. The height exception is necessary to accommodate a new use or the expansion or modification of an existing use.

17.02.020 Public use zones.

A. General requirements.

1. All uses are subject to the provisions of this title.

2. Animals. No person, whether owner or occupant, shall permit animals, except household pets as defined in Chapter 6.08 Hughson Municipal Code, to reside, be placed on, located on property or in structures which are subject to this section, except as otherwise provided in this section.

3. Zoning clearance required. Zoning clearances are required for all uses requiring a building permit, subject to the requirements of Hughson Municipal Code 17.04.052. Administrative permits or conditional use permits may also be required subject to the requirements of this article.

4. Allowed uses. The uses allowed in public use districts shall be as provided in Table 17.02.032.1.

5. Development standards. The development standards for public use districts shall be as provided in Table 17.02.020.1, and in subsections (B) and (C), below.

B. P – Public facilities. The public facilities zoning district is intended to provide land area for governmental, public, public utility and educational facilities of a public and quasi-public nature. It is intended to provide flexibility for government agencies to provide adequate services to the people of the City of Hughson.

1. Neighborhood compatibility. All structures shall be designed to compatible with neighboring uses.

C. O-S – open space. The purpose of the O-S zone is to preserve open space recreation areas, areas of historical and cultural value, areas devoted to the enjoyment of scenic beauty and conservation of natural resources, and landscaped areas. Such open space areas may be for active or passive use, may be targeted to both local and regional users, and may include both public and private facilities.

17.02.024 Specific plan zone.

A. Purpose. The purpose of the S-P zone is to identify those areas within the City's adopted Sphere of Influence where a Specific Plan will need to be prepared in advance of annexation into the City. The permitted land uses are intended to remain in effect until a Specific Plan is adopted and the area included in the Specific Plan is annexed into the City with specified zoning districts. Once annexed into the City, the S-P zone designates areas subject to an adopted Specific Plan. The Specific Plan will determine appropriate zoning.

B. General requirements.

1. All uses are subject to the provisions of this title.

2. Allowed uses and development standards. Development and land uses in the Specific Plan district shall be limited to uses as specified in the R-A zone.

3. Specific Plan required prior to annexation. A Specific Plan is required for properties in this district prior to annexation. The Specific Plan shall be prepared as provided by Hughson

**Table 17.02.020.1
Development Standards for Public Use and Open Space Zones**

Development Feature	Requirements By Zoning District		Related Regulations
	P	O-S	
Intensity (floor area ratio)	No maximum	0.1	
Setbacks (feet)			
Front	Same as adjacent zone; most restrictive applies if adjacent to more than one zone.	35	See HMC 17.03.020 (C) and (D) for exceptions.
Side(s)		10	
Street side of corner lot		20	
Rear		40	
Maximum height (feet)	Same as adjacent zone; most restrictive applies if adjacent to more than one zone.	30	See HMC 17.03.020 (B) for exceptions.
Signs		See HMC 17.03.080	
Parking		See HMC 17.03.060	
Landscaping		See HMC 17.03.048	
Lighting		See HMC 17.03.056	

Municipal Code 17.04.040 except for the following:

- a. It shall include a plan for annexation following the processes provided by Hughson Municipal Code 17.04.048 (D) and 17.04.048 (E).
- b. It shall indicate the zoning districts to be in effect upon annexation of the properties within the plan area. They may do this in one of two ways:
 - i. By assigning each parcel within the Specific Plan area to a zoning district from this title.
 - ii. By assigning development standards to each parcel that provide information equivalent to the development standards in this title and to the satisfaction of the City Council.

17.02.028 Planned development overlay zone.

A. Purpose. The purpose of the P-D planned development overlay zone is to encourage a creative and more efficient approach to the use of land and to provide for greater flexibility in the design of integrated developments than otherwise possible through strict application of zoning regulations.

B. Location. The P-D overlay zone may be applied to parcels of land of any size in any zone that are found by the Planning Commission to be suitable for the proposed development

C. Permitted uses. The permitted uses of land in a P-D zone shall be any use or combination of uses and densities shown on the approved development plan which are so arranged and designed to provide a development which is in conformity with the General Plan and which is consistent with the

requirements of this article. Additional residential density may be approved through the planned development process, but total additional density allowed by this section and the required density bonuses provided in Hughson Municipal Code 17.03.016 shall not total more than 35 percent of the base density allowed by the underlying residential or commercial zoning designation.

D. Development standards. All uses shall conform to the area, heights, lot width and yard regulations required in the underlying zone except where the Planning Commission finds that the total development will be improved by a deviation from such regulations. Maximum increased density shall not exceed 25 percent of the standard density permitted in the zone, except as otherwise permitted by state law.

E. Application requirements.

1. Procedure. An application for the establishment of a P-D overlay zone shall also include an application for a conditional use permit for all proposed developments within the zone. The conditional use permit application shall be considered concurrently with the zoning request and shall be approved subject to the approval of the zoning request. An additional conditional use permit filing fee shall not be required in such event and the combined application shall be processed pursuant to the provisions of Hughson Municipal Code 17.04.048.

2. Submittals. The application shall include the information deemed necessary by the Planning Officer.

F. Standards and criteria. The following typical kinds of deviations from the standards applying to the underlying zone may be approved by the Planning Commission if one or more of the findings in subsection (G) can be made:

1. Mixed uses (residential/non-residential) and mixtures of housing types when compatible with each other and the surrounding properties.

2. Increased densities, off-street parking, setback and sign variations.

G. Required findings. The Planning Commission must find that any proposed development plan containing any modification in or deviations from the standards required in the underlying zone will result in an improved project which is consistent with the General Plan, including at least one of the following findings:

1. Larger and more desirable open space is being provided, other than that required for public facilities such as storm drain retention basins.

2. Housing for very low-income, lower-income, moderate-income and senior households is provided that meets the affordability requirements and development standards found in Hughson Municipal Code 17.03.016.

3. The project will provide for a greater diversity of housing types including duplex and multi-family residences.

4. Provision of infrastructure or land for the provision of needed public facilities approved by the City Council beyond what would have been required for the development under the site's underlying zoning district(s).

17.02.032 Uses allowed in each district.

The uses permitted in each district are as described in this article and in Table 17.02.032.1.

Chapter 17.03

CITYWIDE REGULATIONS AND SPECIAL PROVISIONS

Sections:

- 17.03.004 Accessory buildings.
- 17.03.008 Adult-oriented businesses.
- 17.03.012 Alternate energy sources.
- 17.03.016 Bonus incentive projects.
- 17.03.020 Exceptions.
- 17.03.024 Exemption from solar shade control act.
- 17.03.028 Fences.
- 17.03.032 Floodplains.

- 17.03.036 Grading.
- 17.03.040 Historic preservation.
- 17.03.044 Home occupations.
- 17.03.048 Landscaping.
- 17.03.052 Mobile homes, manufactured homes, and recreational vehicles.
- 17.03.056 Outdoor lighting.
- 17.03.060 Parking.
- 17.03.064 Right-to-farm.
- 17.03.068 Right-to-industry.
- 17.03.072 Secondary dwelling units.
- 17.03.076 Sidewalks, curbs and gutters.
- 17.03.080 Signs.
- 17.03.084 Telecommunications facilities.
- 17.03.088 Temporary uses and buildings.
- 17.03.092 Trees.
- 17.03.096 Truck loading and unloading.

17.03.004 Accessory buildings.

A. Purpose. To provide for the creation and use of buildings whose uses are accessory as defined in this title.

B. Requirements. Accessory buildings shall meet the following requirements:

1. Any accessory building in a residential zone, including guest houses, shall conform to the front and side setbacks of the applicable district. Patios, sunshades and similar structures shall also meet rear yard setback requirements. See Section 17.03.020 D.3 for exceptions.

2. Any detached accessory building in a nonresidential zone shall be located at least 10 feet from any building on the lot and shall conform to all setback requirements for that zone.

3. On a corner lot the accessory building shall not project beyond the front yard required on the adjacent lot.

4. Accessory buildings shall not occupy more than 30 percent of the required rear yard.

5. An accessory building in a residential zone shall not exceed the height of the principal structure on the site, or 16 feet, whichever is lower.

6. The total area of floor space for a detached second unit shall not exceed 1,200 square feet.

7. Accessory buildings associated with historic buildings or structures shall be subject to the requirements of Hughson Municipal Code 17.03.040.

8. Accessory uses shall be permitted where they are clearly incidental to the permitted use.

9. Number of accessory units. A maximum of one accessory unit of each type shall be constructed on any parcel.

Table 17.02.032.1
Allowed Uses In Zoning Districts

	R-1	R-2	R-3	R-A	C-1	C-2	C-3	I	P	O-S	S-P	Related Regulations
Residential												
Single-family dwellings	P	P	P	P	–	–	–	–	–	–	*	
Duplexes	P	P	P	–	–	–	–	–	–	–	*	17.02.008
Multiple family dwellings		P	P	–	–	C	–	–	–	–	*	17.02.008
Secondary dwelling unit	P	P	P	P	–	–	–	–	–	–	*	17.03.072
Guest houses	C	C	C	C	–	–	–	–	–	–	*	17.03.004
Boarding and rooming houses	–	–	C	–	–	C	–	–	–	–	*	
Emergency housing	–	–	P	–	–	–	–	C	–	–	*	
Transitional housing	–	–	P	–	–	–	–	C	–	–	*	
Home day care, small	P	P	P	P	–	P	–	–	–	–	*	17.03.044 (G)
Home day care, large	A	A	A	A	–	C	–	–	–	–	*	17.03.044 (G)
Residential care homes	C	C	C	C	–	–	–	–	–	–	*	
Nursing and convalescent homes	–	–	C	–	–	C	–	–	–	–	*	
Low-impact home occupations	P	P	P	P	–	–	–	–	–	–	*	17.03.044
Moderate-impact home occupations	A	A	A	A	–	–	–	–	–	–	*	17.03.044
Mobile home parks	C	C	C	C	–	–	–	–	–	–	*	17.03.052
Mobile home supplemental housing	C	C	C	C	–	–	–	–	–	–	*	17.03.052
Mobile homes on permanent foundations	P	P	P	P	–	–	–	–	–	–	*	17.03.052
Temporary real estate office	A	A	A	A	A	A	A	A	–	–	*	17.03.088
Temporary RV	A	A	A	A	A	A	A	A	A	A	*	17.03.052
Accessory buildings and uses	P	P	P	P	P	P	P	P	P	P	*	17.03.004
Public Assembly												
Commercial recreational facility—indoor, 10,000 square feet or less of gross floor area	–	–	–	–	C	P	P	C	–	–	*	
Commercial recreational facility—indoor, more than 10,000 square feet of gross floor area	–	–	–	–	–	C	C	C	–	–	*	
Commercial recreational facility—outdoor	–	–	–	–	–	C	C	C	–	–	*	
Gym	–	–	–	–	C	P	P	C	–	–	*	
Instructional or production studio	–	–	–	–	P	P	P	P	–	–	*	
Library or museum	P	P	P	P	P	C	C	C	P	P	*	
Meeting facility—10,000 square feet or less of gross floor area	C	C	C	C	C	C	C	C	–	–	*	

**Table 17.02.032.1
Allowed Uses In Zoning Districts**

	R-1	R-2	R-3	R-A	C-1	C-2	C-3	I	P	O-S	S-P	Related Regulations
Meeting facility—more than 10,000 square feet of gross floor area	C	C	C	C	–	C	C	C	–	–	*	
Park or playground	P	P	P	P	P	P	P	C	P	P	*	
Restaurant or café - New	–	–	–	–	P	P	P	A	–	–	*	
Restaurant or café – Conversion of existing or previously-existing other use	–	–	–	–	A	A	A	A	–	–	*	
School, private	C	C	C	C	–	C	–	–	–	–	*	
School, public	P	P	P	P	P	P	P	P	P	–	*	
University, college, post-high school educational facility, private	–	–	–	–	–	C	C	–	–	–	*	
University, college, post-high school educational facility, public	P	P	P	P	P	P	P	P	P	–	*	
Retail												
Adult-oriented business	–	–	–	–	–	–	–	C	–	–	*	17.03.008
Alcoholic beverage sales	–	–	–	–	C	C	C	–	–	–	*	
Building supply	–	–	–	–	–	P	P	P	–	–	*	
Carnivals, circuses, fairs, races, concerts, bazaars, farmer’s markets and similar events, for a maximum of five days in any 30-day period	A	A	A	A	A	A	A	A	A	A	*	17.03.088
Drive-through establishment	–	–	–	–	C	C	C	C	–	–	*	
Equipment and machinery sales or rental	–	–	–	–	–	C	C	P	–	–	*	
Food and beverage sales—10,000 square feet or less of gross floor area	–	–	–	–	P	P	P	A	–	–	*	
Food and beverage sales—more than 10,000 square feet of gross floor area	–	–	–	–	C	P	P	C	–	–	*	
Home and garden supply—10,000 square feet or less of gross floor area	–	–	–	–	P	P	P	A	–	–	*	
Home and garden supply—more than 10,000 square feet of gross floor area	–	–	–	–	C	P	P	C	–	–	*	
General retail—10,000 square feet or less of gross floor area	–	–	–	–	P	P	P	A	–	–	*	
General retail—more than 10,000 square feet of gross floor area	–	–	–	–	C	P	P	C	–	–	*	
Seasonal holiday products	–	–	–	–	A	A	A	A	–	–	*	17.03.088

Table 17.02.032.1
Allowed Uses In Zoning Districts

	R-1	R-2	R-3	R-A	C-1	C-2	C-3	I	P	O-S	S-P	Related Regulations
Service station	-	-	-	-	-	C	C	C	-	-	*	
Shopping center	-	-	-	-	C	C	C	-	-	-	*	
Temporary retail	-	-	-	-	A	A	A	-	-	-	*	17.03.088
Vehicle sales—automobile, new	-	-	-	-	-	C	P	-	-	-	*	
Vehicle sales—all other	-	-	-	-	-	-	C	-	-	-	*	
Services												
Animal keeping	-	-	-	A	A	A	A	C	-	-	*	Chapter 6.24
Bank or financial service	-	-	-	-	P	P	P	-	-	-	*	
Bed and breakfast	-	-	-	C	C	C	C	-	-	-	*	
Business support service	-	-	-	-	P	P	P	-	-	-	*	
Car wash	-	-	-	-	A	A	A	A	-	-	*	
Catering service	-	-	-	-	P	P	P	C	-	-	*	
Child day care--non-residential	-	-	-	-	C	C	C	-	-	-	*	
Collection facility, small	-	-	-	-	A	A	A	-	-	-	*	17.02.012(G)
Hospital	-	-	-	-	-	C	C	-	-	-	*	
Hotel or motel	-	-	-	-	C	P	P	-	-	-	*	
Mortuary	-	-	-	-	C	C	C	-	-	-	*	
Office—professional	-	-	-	-	P	P	P	A	-	-	*	
Office—all other	-	-	-	-	P	P	P	A	-	-	*	
Personal services—low-impact	-	-	-	-	P	P	P	-	-	-	*	
Personal services—moderate-impact	-	-	-	-	C	C	C	-	-	-	*	
Manufacturing, Wholesale, Repair and Storage												
Food or beverage production	-	-	-	-	-	-	C	P	-	-	*	
Manufacturing—20,000 square feet or less of gross floor area	-	-	-	-	-	-	C	P	-	-	*	
Manufacturing—more than 20,000 square feet of gross floor area	-	-	-	-	-	-	C	C	-	-	*	
Metalwork—20,000 square feet or less of gross floor area	-	-	-	-	-	-	C	P	-	-	*	
Metalwork—more than 20,000 square feet of gross floor area	-	-	-	-	-	-	C	C	-	-	*	
Repair service—20,000 square feet or less of gross floor area	-	-	-	-	C	C	P	P	-	-	*	
Repair service—more than 20,000 square feet of gross floor area	-	-	-	-	-	C	C	C	-	-	*	

Research laboratories	-	-	-	-	-	C	C	P	-	-	*
Warehousing**	-	-	-	-	-	-	C	P	-	-	*
Wholesaling and distribution	-	-	-	-	-	-	-	P	-	-	*
Transportation and Infrastructure											
Cemetery	-	-	-	-	-	-	-	-	C	-	*
Government facility	C	C	C	C	C	C	C	C	P	-	*
Parking garage or lot as primary use	-	-	-	-	-	C	C	C	-	-	*
Public safety facility	C	C	C	C	C	C	C	C	P	-	*
Utility building or substation	C	C	C	C	C	C	C	C	P	-	*
Public Vehicle depot	C	C	C	C	C	C	C	C	P	-	*

Key:

- P Permitted use, subject to Zoning Clearance.
- C Conditional Use Permit required.
- A Administrative Permit required.
- * To be determined by during the Specific Plan process (HMC 17.02.024).
- ** Requires CUP in all zones if warehousing is unrelated to primary retail use.
- Not permitted.

10. No accessory building shall project into the front yard beyond the main buildings of adjacent lots on either side.

17.03.008 Adult-oriented businesses.

A. Purpose. It is the purpose of this ordinance to regulate adult-oriented businesses in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City of Hughson. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. Neither is it the intent or effect of this ordinance to condone or legitimize the distribution of obscene material.

It is also intended to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of adult-oriented businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, churches, child or family-oriented business and residentially zoned districts or uses. The City Council finds that it has been demonstrated in various communities that the concentration of adult-oriented businesses causes an increase in crime, and in addition to the effects described above can

cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this section to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their close proximity to incompatible uses, while permitting the location of adult-oriented businesses in certain areas.

B. Establishment of an adult-oriented business. As used herein, to “establish” an adult-oriented business shall mean and include any of the following:

1. The opening or commencement of any adult-oriented business as a new business.
2. The conversion of an existing business, whether or not an adult-oriented business, to any adult-oriented business defined herein.
3. The addition of any of the adult-oriented businesses defined herein to any other existing adult-oriented business; or
4. The relocation of any such adult-oriented business.

C. Applicability. This section shall apply to businesses that meet one or all of the following criteria:

1. The business devotes more than 30 percent of its retail inventory (not measured by the number of items but rather by the cost to the business owner of the inventory) to merchandise distinguished or characterized by an emphasis upon Specified Sexual Activities or Specified Anatomical Areas.
2. The business devotes more than 30 percent of the retail floor area to merchandise that is distinguished or characterized by an emphasis

upon Specified Sexual Activities or Specified Anatomical Areas.

3. The retail value of merchandise that is distinguished or characterized by an emphasis upon Specified Sexual Activities or Specified Anatomical Areas exceeds 30 percent of the total retail value of inventory offered in any of the following categories: (a) books, (b) magazines, (c) video tapes or any material in digital format (including, but not limited to, compact disc (CD) or digital video disc (DVD), for sale or rental, (d) novelties and devices, and (e) on-premises viewing of images, films, and or videos.

4. Gross revenue derived from merchandise that is distinguished or characterized by an emphasis upon Specified Sexual Activities or Specified Anatomical Areas exceeds thirty percent of the total gross revenue for the category.

5. There is a rebuttable presumption that a business constitutes an Adult Bookstore, Adult Novelty Store or Adult Video Store where the business:

a. Offers or advertises merchandise that is distinguished or characterized by an emphasis upon Specified Sexual Activities or Specified Anatomical Areas; and

b. Fails to make revenue and inventory related business records available to the City upon reasonable advance notice.

D. Business License and conditional use permit required. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City of Hughson the operation of an adult-oriented business unless the person first obtains and continues to maintain in full force and effect a Business License from the City of Hughson as required by Hughson Municipal Code Chapter 5.04 and as required by this section. At the same time as a the Business License is obtained, a conditional use permit shall be obtained, following the procedures in Hughson Municipal Code Section 17.04.012.

E. Additions to Business License application. In addition to the application requirements of Hughson Municipal Code Chapter 5.04, the application shall include the following information:

1. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the adult-oriented business. The sketch or diagram must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

2. An accurate straight-line drawing prepared within thirty days prior to application

depicting the building and the portion thereof to be occupied by the adult-oriented business:

a. The property line of any other adult-oriented business within 1,000 feet of the primary entrance of the adult-oriented business for which a Business License is requested; and

b. The property lines of any church, school, park, child or family-oriented business, residential zone or use within 500 feet of the primary entrance of the adult-oriented business.

3. A diagram of the off-street parking areas and premises entries of the adult-oriented business showing the location of the lighting system required by this section.

4. A statement describing how the adult-oriented business will meet the development and performance standards described in subsection (L) of this section.

F. Investigation and action on application. Applications for a Business License by adult-oriented businesses shall be submitted to and processed by the Chief of Police and shall follow the process described below.

1. Upon receipt of a completed application and payment of the application and License fees, the Chief of Police shall immediately stamp the application as received and promptly investigate the information contained in the application to determine whether the applicant shall be issued a Business License for an adult-oriented business.

2. Within 30 days of receipt of the completed application, the Chief of Police shall complete the investigation, grant or deny the application in accordance with the provisions of this section, and so notify the applicant as follows:

a. The Chief of Police shall write or stamp "Granted" or "Denied" on the application and date and sign such notation.

b. If the application is denied, the Chief of Police shall attach to the application a statement of the reasons for denial.

c. If the application is granted, the Chief of Police shall attach to the application a Business License.

d. The application as granted or denied and the License, if any, shall be placed in the United States mail, first class postage prepaid, addressed to the applicant at the address stated in the application.

e. The Chief of Police shall grant the application and issue the Business License, unless the application is denied for one or more of the reasons set forth in subsection (G) of this section.

G. Business License denial. The Chief of Police shall deny the application if any of the following situations exist:

1. The applicant, his or her employee, agent, partner, director, officer, shareholder or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for Business License.
2. An applicant is under 18 years of age.
3. The required application fee has not been paid.
4. The adult-oriented business does not comply with the zoning ordinance locational standards set forth in Table 17.02.032.1.

H. Transfer of Business License for adult-oriented businesses. Holders of Business Licenses for adult-oriented businesses shall be subject to the transferability restrictions listed in Hughson Municipal Code 5.04.150, except that no Business License may be transferred when the Chief of Police has notified the licensee that the License has been or may be suspended or revoked. Any attempt to transfer a License either directly or indirectly in violation of this section is hereby declared void, and the License shall be deemed revoked.

I. Registration of new employees.

1. As a further condition of approval of every Business License for an adult-oriented business issued pursuant to this section and Hughson Municipal Code Chapter 5.04, every owner or operator shall register every employee with the Police Department within five business days of the commencement of the employee's period of employment at the adult-oriented business.

2. Each employee shall be required to provide two recent color passport-quality photographs and shall be fingerprinted by the Police Department for purposes of identification. In addition, each new employee shall provide the following information on a form provided by the Police Department:

- a. Name, current resident address, telephone number.
- b. Date of birth.
- c. Social security number.
- d. Height, weight, color of eyes and hair.
- e. Stage name (if applicable) and other aliases used within the previous two years.

3. The information provided for purposes of this section shall be maintained by the Police Department as confidential information, and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction.

4. Each owner or operator of an adult-oriented business shall maintain a current register of the names of all employees currently employed by the adult-oriented business, and shall disclose such registration for inspection by any Police Officer for purposes of determining compliance with the requirements of this section.

5. Failure to register each new employee within five days of the commencement of employment, or to maintain a current register of the names of all employees shall be deemed a violation of the conditions of the Business License and may be considered grounds for suspension or revocation of the Business License.

J. Suspension or revocation of Business License for adult-oriented business. A Business License for an adult-oriented business may be suspended or revoked in accordance with the procedures and standards set forth in Hughson Municipal Code Chapter 5.04, or if any of the following has occurred:

1. The licensee, employee, agent, partner, director, stockholder, or manager of an adult-oriented business has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult-oriented business:

a. Any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation.

b. Use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur.

c. Any conduct constituting a criminal offense which requires registration under Section 290 of the California Penal Code.

d. The occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of Sections 315, 316, or 318 or Subdivision b of Section 647 of the California Penal Code.

e. Any act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including but not limited to Sections 311 through 313.4.

f. Any conduct prohibited by this section.

2. Failure to abide by any disciplinary action previously imposed by an appropriate City official.

K. Appeal of denial, suspension or revocation. Decisions may be appealed as provided in Hughson Municipal Code Section 17.04.004.

L. Adult-oriented business development and performance standards.

1. Maximum occupancy load, fire exits, aisles and fire equipment shall be regulated, designed and provided in accordance with the Hughson Fire Protection District and building regulations and standards adopted by the City of Hughson.

2. Whether or not engaged in the operation of an adult-oriented business, no person shall maintain a business or use in any manner that permits the observation of any material or activities depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas from any public way or from any location outside the building or area of such business or use. This provision shall apply to any display, decoration, sign, show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business or use is open, and any exterior windows shall be covered with opaque covering at all times.

3. All off-street parking area and premise entries of the adult-oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one-foot candle of light on the parking surface and/or walkways. The required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the adult-oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.

4. The premises within which the adult-oriented business is located shall provide sufficient sound-absorbing insulation so that noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way or within any other building or other separate unit within the same building.

5. An adult-oriented business shall be open for business only between the hours of 9 a.m. and midnight on any particular day.

6. The building entrance to an adult-oriented business shall be clearly and legibly posted with a notice indicating that persons under 18 years of age are precluded from entering the premises. Said notice shall be constructed and posted to the satisfaction of the Chief of Police or designee. No person under the age of 18 years shall be permitted within the premises at any time.

7. For commercial establishments not defined by this title as an adult-oriented business, any portion of retail floor area distinguished or characterized by an emphasis upon Specified Sexual Activities or Specified Anatomical Areas shall

be physically separated from the general non-sexual floor area. Inventory and content in the sexually-oriented section shall not be visible from the general area at all times, and the entrance to this area shall be clearly and legibly posted with a notice indicating that persons under 18 years of age are precluded from entering.

8. All indoor areas of the adult-oriented business within which patrons are permitted, except restrooms, shall be open to view by the management at all times.

9. Any adult-oriented business which is also an "adult arcade" shall comply with the following provisions:

a. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain television monitors or other motion picture or video projection, recording or reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be direct line of sight from the manager's station.

b. No patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

c. No viewing room may be occupied by more than one person at any one time.

d. The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times, with no holes between any two such rooms such as would allow viewing from one booth into another or such as to allow physical contact of any kind between the occupants of any two such booths or rooms.

e. Customers, patrons or visitors shall not be allowed to stand idly by in the vicinity of any such video booths, or to remain in the common area of such business, other than the restrooms, who are not actively engaged in shopping for or reviewing the products available on display for purchaser viewing. Signs prohibiting loitering shall be posted in prominent places in and near the video booths.

f. The floors, seats, walls and other interior portions of all video booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any such booths shall be evidence of

improper maintenance and inadequate sanitary controls; repeated instances of such conditions may justify suspension or revocation of the owner and operator's license to conduct the adult-oriented establishment.

10. All indoor areas of the adult-oriented business shall be illuminated at a minimum of the following foot-candles, minimally maintained and evenly distributed at ground level:

Area	Foot-Candles
Bookstores and Other Retail Establishments	20
Theaters and Cabarets	5 (except during performances, at which times lighting shall be at least 1.25-foot candles.)
Arcades	10
Motels/Hotels	20 (in public areas)

11. The adult-oriented business shall provide and maintain separate restroom facilities for male patrons and employees, and female patrons and employees. Male patrons and employees shall be prohibited from using the restroom(s) for females, and female patrons and employees shall be prohibited from using the restroom(s) for males, except to carry out duties of repair, maintenance and cleaning of the restroom facilities. The restrooms shall be free from any Adult Material. Restrooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. The foregoing provisions of this paragraph shall not apply to an adult-oriented business which deals exclusively with sale or rental of Adult Material which is not used or consumed on the premises, such as an Adult Bookstore or Adult Video Store, and which does not provide restroom facilities to its patrons or the general public.

12. The following additional requirements shall pertain to adult-oriented businesses providing live entertainment depicting Specified Anatomical Areas or involving Specified Sexual Activities, except for businesses regulated by the Alcoholic Beverage Control Commission:

a. No person shall perform live entertainment for patrons of an adult-oriented business except upon a stage at least 18 inches above the level of the floor which is separated by a distance of at least ten feet from the nearest area occupied by patrons, and no patron shall be permitted within ten feet of the stage while the stage is occupied by an entertainer.

b. The adult-oriented business shall provide separate dressing room facilities for entertainers which are exclusively dedicated to the entertainers' use.

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

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

e. No entertainer, before, during or after performances, shall have physical contact with any patron and no patron shall have physical contact with any entertainer before, during or after performances by such entertainer. This subsection shall only apply to physical contact on the premises of the adult-oriented business.

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

g. No patron shall directly pay or give any gratuity to any entertainer and no entertainer shall solicit any pay or gratuity from any patron.

h. No owner or other person with managerial control over an adult-oriented business (as that term is defined herein) shall permit any person on the premises of the adult-oriented business to engage in a live showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque coverage, and/or the female breast with less than fully opaque coverage over any part of the nipple or areola.

i. Adult-oriented businesses shall employ security guards in order to maintain the public peace and safety, based upon the following standards:

ii. Adult-oriented businesses featuring live entertainment shall provide at least one security guard at all times while the business is open. If the occupancy limit of the premises is greater than 35 persons, an additional security guard shall be on duty.

iii. Security guards for other adult-oriented businesses may be required if it is determined by the Chief of Police that their presence is necessary in order to prevent any of the

conduct listed in subsection (J) of this section from occurring on the premises.

iv. Security guard(s) shall be charged with preventing violations of law and enforcing compliance by patrons of the requirements of these regulations. Security guards shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state law. No security guard required pursuant to this subsection shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard.

M. Employment of and services rendered to persons under the age of 18 years prohibited.

1. It shall be unlawful for any licensee, operator, or other person in charge of any adult-oriented business to employ, or provide any service for which it requires such permit, to any person who is not at least 18 years of age.

2. It shall be unlawful for any licensee, operator or other person in charge of any adult-oriented business to permit to enter, or remain within the adult-oriented business, any person who is not at least 18 years of age.

N. Inspection. An applicant or licensee shall permit representatives of the Police Department, Fire Department, Planning Department or other City Departments or Divisions to inspect the premises of an adult-oriented business for the purpose of insuring compliance with the law and the development and performance standards applicable to adult-oriented businesses at any time it is occupied or opened for business. A person who operates an adult-oriented business or his or her agent or employee is in violation of the provisions of this section if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

O. Regulations nonexclusive. The provisions of this section regulating adult-oriented businesses are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as adopted by the City Council of the City of Hughson.

P. Separate offense for each day. Any person who violates any provision of this section shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be punished accordingly.

Q. Public nuisance. Any use or condition caused or permitted to exist in violation of any of the provisions of this section shall be and is hereby

declared a public nuisance and may be summarily abated by the City pursuant to Chapter 8.08 (Nuisances) of the Hughson Municipal Code.

R. Criminal penalties. Any person who violates, causes, or permits another person to violate any provision of this section commits a misdemeanor.

S. Civil injunction. The violation of any provision of this section shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.

T. Administrative remedies. In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this section may be subject to administrative remedies, as set forth by City ordinance.

U. Minimum proximity requirements. No adult-oriented business shall be established or located in any zone in the City other than Industrial (I), or within certain distances of certain specified land uses or zones as set forth below:

1. No such business shall be established or located within 100 feet of any other adult-oriented business.

2. No such business shall be established or located within 500 feet of any existing residential zone or use, park, church, school or child or family-oriented business as defined in this title.

3. The distances set forth above shall be measured as a radius from the primary entrance of the adult-oriented business to the property or lease lines of the property so zoned or used without regard to intervening structures.

4. Any of the above proximity requirements shall not be enforced if it has the effect of totally banning adult-oriented businesses within the City.

17.03.012 Alternate energy sources.

A. Purpose. The purpose of this section is to encourage and promote the use of alternate energy sources by providing solar and wind access protection.

B. Solar energy collection systems. A solar energy collection system must be issued a nondiscretionary building permit if it complies with the requirements of 1 through 4 below.

1. When a solar energy collection system is installed on a lot, any accessory structure or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of the solar collector that is protected is that portion which:

a. Is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a

hypothetical 12-foot obstruction located on the lot line; and

b. Has an area of not greater than one-half of the heated floor area of the structure, or the largest of the structures served.

2. This subsection does not apply to accessory structures or vegetation existing on an abutting lot at the time of installation of the solar energy collection system, or on the effective date of the ordinance codified in this section, whichever is later. This section controls any accessory structure erected on, or vegetation planted on, abutting lots after the installation of the solar energy collection system.

3. A copy of the building permit for the solar energy collection system shall be kept on file with the building division. The solar facility must be completed and have a final inspection, approved by the building inspector, within one calendar year from the date the building permit is issued.

4. A solar energy system for heating water shall be certified by the Solar Rating Certification Corporation (SRCC) or other nationally recognized agency.

C. Clotheslines. It shall be unlawful to establish any private covenant or restriction which prohibits the installation and/or use of a clothesline in any residential zone;

D. Wind Energy Conversion Systems (WECS). Wind energy conversion systems shall be permitted in all zones subject to the following requirements:

1. Building Permit application for a WECS. A WECS will require approval of a building permit, as regulated in Hughson Municipal Code Title 15. In addition to standard submittal requirements for building permits, applications for a wind energy conversion system shall be accompanied by a plot plan drawn in sufficient detail to clearly describe the following:

a. Property line and physical dimensions of the site;

b. Locations, dimensions, and types of existing structures and uses on-site;

c. Location of the proposed WECS;

d. Location of all aboveground utility lines on-site or within one radius of the total height of the WECS;

e. Location and size of the largest structure taller than 35 feet or tree which may potentially grow taller than 35 feet during the lifetime of the WECS within a 500-foot radius of the proposed WECS; and

f. All information necessary to show compliance with the California Building Code.

g. All information necessary to show compliance with the applicable requirements of the National Electrical Code.

2. Installation requirements. Installation of all wind energy conversion systems shall comply with the following requirements, as well as the code compliance and safety features identified in subsection (D):

a. Zoning clearance. Prior to installation, the applicant shall obtain a Zoning Clearance from the Planning Officer, subject to the requirements of Hughson Municipal Code Section 17.04.052.

b. Size. This section covers those WECS whose swept area is 500 square feet or less. For conventional propeller WECS, this is equivalent to approximately 25 feet in diameter. Systems with a swept area greater than 500 square feet are not permitted under this section.

c. Rotor safety. Each wind energy conversion system must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a California-registered engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. The engineer should also certify the compatibility of possible towers with available rotors. That certification can be supplied by the manufacturer.

d. Guy wires. Anchor points for guy wires shall be located within property lines and not on or across any aboveground electric transmission or distribution line. Guy wires shall be enclosed by a fence six feet high or the WECS shall be set back from the property line the total height of the WECS.

e. Tower access. Lattice towers capable of being climbed shall be enclosed by a locked, protective fence at least six feet high located not closer than eight feet from the ground. Other towers should have either: (i) tower-climbing apparatus located not closer than 12 feet from the ground; (ii) a locked anticlimb device installed on the tower; or (iii) the tower shall be completely enclosed by a locked, protective fence at least six feet high.

f. Noise. The WECS shall meet the requirements of the noise element of the general plan.

g. Electromagnetic interference. A wind energy conversion system shall comply with the provisions of Title 47 of the Code of Federal Regulations, Parts 15 and 18. The wind energy conversion system shall be operated such that no

harmful interference is caused. When notified by a city building inspector that a wind energy conversion system is causing harmful interference, the owner or operator shall promptly take steps to eliminate the harmful interference.

h. Signs. At least one sign shall be posted at the base of the tower warning of high voltage. The sign shall be consistent with the requirements of Hughson Municipal Code Section 17.03.080 and shall include:

i. Emergency phone number;
and
ii. Emergency shutdown procedures.

i. Utility notification. No wind turbine shall be interconnected with a utility company's grid until said company has been notified in accordance with procedures established by the California Public Utilities Commission.

j. Height. The minimum height of the lowest part of the WECS shall be either 30 feet above the highest structure allowed under the local zoning requirement or potential tree height, whichever is higher, if it is within a 200-foot radius. If an obstruction is within a 201- to 500-foot radius, the lowest part of the WECS shall be 10 feet above it.

k. Setbacks. The WECS shall be located such that the furthest extension of the apparatus does not cross any property lines.

l. Abatement. If a wind energy conversion system or systems are not maintained in operational condition and pose a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. The City reserves the authority to abate any hazardous situation and to pass the cost of such abatement on to the owner or operator of the system. If the City determines that the WECS has been abandoned, the system shall be removed within 30 days of written notice to the owner or operator of the system.

m. Liability Insurance. The applicant, owner, lessee, or assignee shall maintain a current insurance policy which will cover installation and operation of the wind energy conversion system at all times. The policy shall provide a minimum of \$500,000 property and personal liability coverage.

17.03.016 Bonus incentive projects.

A. Purpose. The provisions of this section are intended to implement and supplement the requirements of Section 65915 of the Government Code providing incentives for the production of housing for very low-income, lower-income, moderate-income and senior households. In the event of any conflict between this section and Section

65915 of the Government Code, the provisions of the Government Code shall apply.

B. General provisions.

1. Eligibility. The City shall grant a density bonus and a development incentive or incentives to an applicant or developer of a housing development with five or more dwelling units, excluding any units permitted by the density bonus awarded pursuant to this section, who provides any of the following:

a. At least ten percent of the total units of the housing development as target units affordable to lower-income households, as defined in Section 50079.5 of the Health and Safety Code;

b. At least five percent of the total units of the housing development as target units affordable to very-low income households, as defined in Section 50105 of the Health and Safety Code;

c. Ten percent of the total dwelling units in a common interest development, as defined in Section 1351 of the Civil Code, as target units affordable to moderate-income households, provided all units are offered to the public for purchase; or

d. A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

2. Number of density bonus units. In determining the number of density bonus units to be granted in subsection (B)(1), the maximum residential density shall be multiplied by 0.20 for subsections (B)(1)(a), (b), and (d) of this section and by 0.05 for subsection (B)(1)(c) of this section, unless a lesser number is selected by the developer, in which case the amount of the density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the established percentage.

3. When a developer is willing to provide additional units beyond the percentages specified in subsection (B)(1) of this section, the following rules shall apply:

a. For a housing development that provides more than ten percent of the total units as target units for lower-income households, each one percent increase shall increase the density bonus by 1.5 percent;

b. For a housing development that provides more than five percent of the total units as target units for very low-income households, each

one percent increase shall increase the density bonus by 2.5 percent;

c. For a common interest development, as defined in Section 1351 of the Civil Code, that provides more than ten percent of the total units as target units for moderate-income households, each one percent increase shall increase the density bonus by one percent;

4. The density bonus units shall not be included when determining the number of target units required to qualify for a density bonus. When calculating the required number of target units, any calculations resulting in fractional units shall be rounded to the next larger integer.

5. The developer may request a lesser density bonus than the project is entitled to, but no reduction will be permitted in the number of required target units pursuant to subsection (B) above. Regardless of the number of target units, no housing development may be entitled to a density bonus of more than 35 percent.

6. Density bonus provisions are summarized in Table 17.03.016.1. A sample worksheet showing set-aside very low-income affordable units, density bonus units and total project units for a 10-unit project is provided in Table 17.03.016.2.

7. Justification for incentives. In addition to all other application requirements, an applicant requesting a density bonus, concession, or incentive shall also show, using one of the following methods, that the waiver or modification is necessary to make the target units economically feasible:

a. A development pro forma with the capital costs, operating expenses, return on investment, loan-to-value ratio and the debt coverage ratio including the contribution(s) provided by any applicable subsidy program(s), and the economic effect created by the minimum 30 year use and income restrictions on the affordable housing units;

b. An appraisal report indicating the value of the density bonus and of the incentive(s)/concession(s); or

c. A use of funds statement identifying the projected financing gap for the project with the affordable housing units. The analysis shall show how much of the funding gap is covered by the density bonus and how much by the incentive(s)/concession(s).

C. Child day care facilities. If a housing development is otherwise eligible for a density bonus under the provisions of this section; the development includes a child day care facility other than a family day care home, including but not limited to an infant center, preschool, extended day care facil-

ity or school-age child care center, that will be located on the premises of, as part of or adjacent to the development; and the City does not find, based upon substantial evidence, that the community has adequate child care facilities, the City shall grant one of the following:

1. An additional density bonus that is a number of square feet of residential space equal to or greater than the number of square feet in the child care facility; or

2. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

D. Target units. All target units built under the provisions of this section shall meet the following requirements:

1. Concurrency. Target units shall be built concurrently with non-restricted units unless the City and the applicant agree within the density bonus housing agreement to an alternative schedule for development.

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

3. Unit size. Where feasible, the number of bedrooms of the target units shall be equivalent to the bedroom mix of the housing development's other units, except that the developer may include a higher proportion of target units with more bedrooms.

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

5. Development standards. Housing developments shall comply with all applicable development standards, except those that may be modified as provided by this section

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

E. Donations of land. When a developer of a housing development donates land to the City as provided for in this section, the developer shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable zoning district. For each one percent increase above the minimum ten percent land donation described in this section, the density bonus shall be increased by one percent, up to a maxi-

Table 17.03.016.1
Density Bonus Summary Table

Target Group	Minimum % Target Units	Bonus Granted	Additional Bonus for Each 1% Increase in Target Units	% Target Units Required for Maximum 35% Bonus
Very Low-Income	5%	20%	2.5%	11%
Lower-Income	10%	20%	1.5%	20%
Moderate Income (Condo or PD only)	10%	5%	1%	40%
Senior Citizen Housing Development	100%	20%	--	--

Table 17.03.016.2
Sample Set-Aside Units and Density Bonus for 10-Unit Building Targeting Very Low-Income Households

Set-Aside Units For Very Low-Income Households			Bonus Units		
Percent Affordable	Calculation	Affordable Units	Calculation	Units	Total Project Units
5%	5% x 10 = .50	1	20% x 10 = 2.00	2	12
6%	6% x 10 = .60	1	22.5% x 10 = 2.25	3	13
7%	7% x 10 = .70	1	25% x 10 = 2.50	3	13
8%	8% x 10 = .80	1	27.5% x 10 = 2.75	3	13
9%	9% x 10 = .90	1	30% x 10 = 3.00	3	13
10%	10% x 10 = 1.0	1	32.5% x 10 = 3.25	4	14
11%	11% x 10 = 1.1	2	35% x 10 = 3.50	4	14

imum of 35 percent. This increase shall be in addition to any increase in density allowed by subsection (B) of this section, up to a maximum combined density bonus of 35 percent if a developer seeks both the increase required pursuant to this subsection and subsection (B) of this section. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded to the next larger integer. All land donated for the purpose of constructing housing for very low-income households under the provisions of this subsection shall meet the following requirements:

1. Contribution toward construction. The applicant shall provide a financial contribution toward the cost of constructing very low-income housing units on the site donated that are equivalent to those required by subsection (D) of this section.

2. Date of transfer. The applicant shall donate and transfer the land no later than the date of approval of the final subdivision map, parcel map or residential development application.

3. Developable acreage. The developable acreage of the land being transferred shall be

sufficient to permit construction of units affordable to very low-income households in an amount not less than ten percent of the number of residential units in the proposed development.

4. Minimum size. The transferred land shall have an area sufficient to permit development of at least 40 units.

5. Appropriate regulations and infrastructure. The transferred land shall have the appropriate General Plan land use designation, zoning and development standards to make the development of affordable units feasible, and it shall have existing or planned public facilities and infrastructure that are adequate to support the development.

6. Entitlements. No later than the date of approval of the final subdivision map, parcel map or residential development application, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, except that the City may subject the proposed development to design review to the extent authorized by subdivision (i) of Section 65583.2 of the Government Code if the

design is not reviewed by the City prior to the time of transfer.

7. Deed restriction. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the requirements of this section. The restriction shall be recorded on the property at the time of dedication.

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

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

F. Condominium conversions.

1. The City shall grant either a density bonus or other incentives of equivalent financial value if the applicant for a conversion of existing rental apartments to condominiums agrees to provide 33 percent of the total units of the proposed condominium project as target units affordable to lower- or moderate-income households, or to provide 15 percent of the total units in the condominium conversion project as target units affordable to lower-income households. All such target units shall remain affordable for the period specified in subsection (G) of this section.

2. For purposes of this section, a “density bonus” means an increase in units of 25 percent over the number of apartments to be provided within the existing structure or structures proposed for conversion.

3. No condominium conversion shall be eligible for a density bonus if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were previously provided pursuant to this article or the applicable sections of State Planning Law.

G. Affordability requirements.

1. Rental. Target units offered for rent to lower-income and very low-income households shall be made available for rent at an affordable rate and shall remain restricted and affordable to the designated income group for a minimum period of 30 years. A longer period of time may be specified if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the housing development.

2. For sale. Target units offered for sale to very low-, lower-, or moderate-income households in condominiums and planned developments

shall be sold at an affordable ownership cost. The seller of the unit shall retain the market value at the time of sale of any capital improvements made by the seller, the down payment, and the seller's proportionate share of appreciation. Because this subsection limits the seller's appreciation, the seller's proportionate share of appreciation is 100 percent. The maximum resale price shall be the lower of:

a. Fair market value; or

b. The seller's initial purchase price, increased by the lesser of:

i. The rate of increase of area median income during the seller's ownership; or

ii. The rate at which the consumer price index increased during the seller's ownership.

H. Development incentives.

1. Incentives permitted. Incentives shall be permitted for the development of target units so long as the applicant can demonstrate to the satisfaction of the Planning Officer that the concession or incentive is required in order to provide for affordable housing costs or rents for the targeted units to be set as specified in subsections (B)(7) and (D);

2. Number of incentives. When a developer seeks a density bonus, the City shall grant the following number of incentives to assist with the development of the target units:

a. One incentive for projects that include at least ten percent of the total units for lower-income households, at least five percent for very low-income households, or at least ten percent for persons and families of moderate income in a common interest development as defined in Section 1351 of the Civil Code.

b. Two incentives for projects that include at least 20 percent of the total units for lower-income households, at least ten percent for very low-income households, or at least 20 percent for persons and families of moderate income in a common interest development as defined in Section 1351 of the Civil Code.

c. Three incentives for projects that include 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 as defined in Section 1351 of the Civil Code.

d. Each housing development is entitled to only one density bonus, which may be selected based on the percentage of either very low-income target units, lower-income target units, or moderate income target units, or the project's status as a senior citizen housing development.

Density bonuses from more than one category may not be combined.

e. In accordance with state law, neither the granting of a concession or incentive nor the granting of a density bonus shall be interpreted, in and of itself, to require a General Plan Amendment, zoning change, or other discretionary approval.

3. Incentive for day care facility. If the applicant proposes to include a child day care facility in the project, in accordance with the requirements of this section, the applicant may choose to request an additional incentive instead of a density bonus. The additional incentive shall be required to contribute significantly to the economic feasibility of the construction of the child care facility.

4. Additional incentives. The City may, at its discretion, grant additional incentives to increase the number of target units provided or to increase the affordability of the target units.

5. Available incentives. Incentives or concessions may include, but are not limited to, the following:

- a. A reduction of site development standards, or a modification of zoning or architectural design requirements.
- b. Reduced minimum lot sizes or dimensions.
- c. Reduced minimum lot setbacks.
- d. Reduced minimum outdoor and/or private outdoor space.
- e. Increased maximum lot coverage.
- f. Increased maximum building height and/or number of stories.
- g. Reduced parking ratios.
- h. Reduced minimum building separation requirements.
- i. An increased density bonus.
- j. The waiver, reduction or deferral of planning, plan check, construction permit and/or development impact fees.
- k. Direct financial aid, such as a redevelopment set-aside or community development block grant funding, in the form of a loan or grant to subsidize or provide low-interest financing for on-site or off-site improvements, land or construction costs.
- l. Other regulatory incentives or concessions that result in identifiable, financially sufficient and actual cost reductions.

I. Waivers of development standards. Applicants who request an incentive that involves the waiving or modification of development or zoning standards shall show that the waiver or modifica-

tion is necessary to make the housing units economically feasible and that it would result in identifiable, financially sufficient and actual cost reductions.

J. Provision of incentives. The City shall provide the specific incentive or incentives requested by an applicant, unless the City makes a written finding, based upon substantial evidence, of any of the following:

1. The incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in this section.

2. The incentive would have a specific adverse impact, as defined in paragraph (2) of subsection (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to lower-income and moderate-income households.

K. Application and review.

1. Application. A developer seeking approval of a density bonus and an additional incentive or incentives shall file an application with the Planning Officer. The Planning Officer shall process the application concurrently with any other application required for the housing development. The form and content of the application shall be as specified by the Planning Officer and may be subject to a fee established by resolution of the City Council.

2. Hearing process. The application shall be heard and decided by the Planning Commission or City Council, whichever is responsible for approval as determined under subsection (K)(3) of this section. The procedure for giving notice of the application shall be as specified for a use permit, except that the notice shall also identify the density bonus and additional incentive or incentives requested for the project. The Planning Commission's decision may be appealed as provided in Hughson Municipal Code 17.04.004.

3. Approval process. The Planning Commission and City Council shall be authorized to approve development incentives as follows:

a. The Planning Commission shall be authorized to approve development incentives that include the modification of site development standards, or the modification of zoning or architectural design requirements.

b. Approval by the City Council shall be required for all other development incentives.

L. Density bonus housing agreement.

1. Agreement required. As a condition for the approval of a density bonus and additional incentive or incentives pursuant to this section, the applicant shall agree to enter into a density bonus housing agreement with the City. The executed density bonus housing agreement shall be recorded on the parcel or parcels designated for the construction of target units, or donated for the purpose of constructing housing units as specified in this section. The approval and recordation shall occur prior to final map approval or, where a map is not being processed, prior to the issuance of building permits for the parcels or units. The density bonus housing agreement shall be binding upon all future owners and successors in interest.

2. Content of agreement. The density bonus housing agreement shall, at a minimum, include all of the following:

a. The total number of units approved for the housing development, including the number of target units;

b. A description of the household income group to be accommodated by the housing development, as outlined in this section, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost;

c. The location, unit size in square feet and number of bedrooms of each target unit;

d. The location and square footage of any land being donated for the purpose of constructing housing units that are affordable to very low-income households;

e. The location and square footage of any child day care facility for which a density bonus or additional incentive is being granted;

f. Provisions to ensure affordability of target units, and units built on donated land, in accordance with the requirements of this section;

g. A schedule for the completion and occupancy of target units;

h. A description of the additional incentive or incentives being provided by the City;

i. A description of remedies for breach of the agreement by either party, including the provision that tenants or qualified purchasers are third-party beneficiaries under the agreement; and

j. Other provisions as appropriate to ensure implementation and compliance with this section's requirements for density bonuses and additional incentives.

3. For-sale requirements. In the case of for-sale housing developments, excluding target units for moderate-income households, the density bonus housing agreement shall provide for the following requirements during the use restriction period:

a. Target units shall be owner-occupied by eligible very-low, lower-, or moderate-income households, or by qualified residents in the case of senior citizen housing developments.

b. The purchaser of each target unit shall execute an instrument approved by the City and to be recorded against the parcel including such provisions the City may require to ensure continued compliance with this section.

4. Rental requirements. In the case of rental housing developments, the density bonus housing agreement shall provide for the following requirements during the use restriction period:

a. Rules and procedures for qualifying each tenant, determining affordable rents, filing vacancies and retaining target units for qualified tenants.

b. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this section.

c. Provisions requiring owners to submit an annual report to the City, including the name, address and income of each person occupying a target unit and the bedroom size and monthly rent or cost of each target unit.

5. Day care facility requirements. In the case of child day care facilities for which a density bonus or additional incentive is being granted, the density bonus housing agreement shall provide for the following requirements:

a. Operating duration requirements for the child day care facility, such that the child day care facility shall remain in operation for as long as or longer than the period of time during which the density bonus units are required to remain affordable.

b. Provisions requiring that for children who attend the child day care facility, the percentage of children from the income group associated with the development's target units shall be equal to or greater than the minimum percentage of target units that must be provided for that income group in order to receive a density bonus, pursuant to the requirements of this section.

17.03.020 Exceptions.

A. Purpose. The purpose of this section is to provide exceptions to the provisions of this title where such are necessary for the practical and uniform application of its regulations.

B. Exceptions to height limit.

1. Height measurement. Building height is the vertical distance from the average level of the natural ground surface under the building to the highest point of the building or structure. To determine the height of a building, the highest and lowest points of contact with the natural grade are identified and the average of these two elevations is the point from which the permitted maximum height is measured, as shown in Figure 17.03.020.1. The highest and lowest points of contact are determined where the maximum vertical projections of the perimeter walls of the building contact the natural grade.

2. Exceptions to height limit. The following shall be permitted to exceed the height limit in all zoning districts:

a. Barns, silos or other farm buildings or structures on farms, provided that these are located not less than 50 feet from every lot line.

b. Chimneys, vents, stacks, ducts and skylights provided such projections do not extend more than five feet above the permitted height in the District.

c. Belfries, church spires, cupolas and domes, distribution and transmission facilities, wireless communication facilities, fire and hose towers, flagpoles, radio and television aerials, smoke stacks, towers, water tanks, and elevator shafts may exceed the allowable height in all zoning districts by 15 feet.

d. Wind Energy Conversion Systems (WECS) may exceed the allowable height as allowed by Hughson Municipal Code Section 17.03.012.

e. Parapet walls extending not more than four feet above the limiting height of the building.

f. A drive-in theater screen, provided that such screen contains no permanent advertising matter.

g. For public buildings, schools or hospitals that exceed the height limit of the zone in which it is located, all setbacks shall increase by one for each foot that the structure exceeds the maximum allowable height for the applicable zoning district.

h. One standard television receive-only nonparabolic antenna and one vertical whip antenna may extend no more than 25 feet above the roofline, provided that they are not located between the face of the main building and any public street or in any required front or side yard setback.

C. Setback exceptions.

1. Setback dimensions. Setbacks specified elsewhere in this title shall be subject to the following exceptions and modifications:

a. Side yard setback width may be varied where the side wall of a residence is not parallel with the side lot line or is broken or otherwise irregular. In such case the average width of the setback shall not be less than the otherwise required width; provided, however, that such setback shall not be less at any point than one-half the otherwise required width.

b. The side yard setback width may be reduced when authorized by the Planning Officer to a width not less than three feet, provided the sum of the widths of the two setbacks is not less than the required minimum, and further provided the distance between the proposed dwelling and another dwelling, existing or proposed, on an adjacent lot is not less than that required elsewhere in this title. Such reduction may be authorized only when the Planning Officer finds that the reduced setback does not diminish the overall purpose of providing physical and visual space between structures.

c. Front porches shall be exempt from front setback width requirements.

d. Industrial zone setbacks may be utilized for railroad spurs except when the setback adjoins a residential or commercial zone.

D. Projections into setbacks. Certain architectural features may project into required setbacks as follows:

1. Canopies, chimneys, cornices, eaves, rain gutters, air conditioner units, water softener units, and architectural features supported from the structure, may project 24 inches into a required yard or court provided they are not within 36 inches of the side property line.

2. Balconies, fire escapes, handicapped ramps and outside stairways projecting into a required setback may be permitted by the Planning Officer when located so as to not obstruct light and ventilation and provided they are not within 30 inches of the side property line.

3. Patio covers, sunshades and similar structures, which are not enclosed on the sides except for required roof supports, may utilize up to 30 percent of the rear yard but may be no closer than 5 feet to the rear property line. Side yard setbacks are the same as the main structure. For the purposes of this section, setbacks are measured to the furthest extent of the roof.

4. Swimming pool equipment shall be a minimum of five feet from property lines unless a sound attenuation cover is installed that is recognized by a national testing agency.

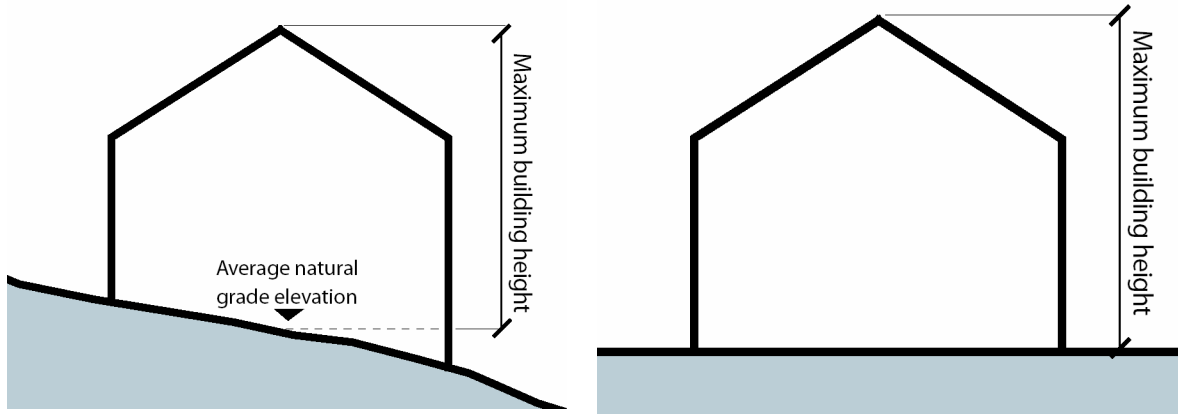


Figure 17.03.020.1. Measurement of building height.

17.03.024 Exemption from solar shade control act.

In accordance with California Public Resources Code Section 25985, the provisions of the Solar Shade Control Act, Section 25980 et seq. of the California Public Resources Code, shall not apply to the City of Hughson.

17.03.028 Fences.

A. General.

1. Fences, walls and hedges. For the purpose of this section, the term “fence” shall include fences, walls, hedges or structures designed to act as an enclosure or barrier constructed of wood, posts, or other similar materials. All fences shall conform to standards as outlined in this section under fence standards.

2. Setbacks. All fences over three feet six inches in height shall conform to the front and side building setback requirements for the zone in which they are located.

B. Fence height.

1. No fence shall be erected to a height greater than six feet, as measured from the base of the fence, except as provided for in this section. If a fence is constructed atop a retaining wall, fence height shall be measured from adjacent grade on high side of wall. Measurement of fence heights for typical lots are shown in Figure 17.03.028.1. A one foot extension may be added to the height of fences in side yards up to the front yard setback or rear yards of residential zones, provided that the extension provides 50% or greater visibility i.e. lattice or trellis.

2. No fence shall be erected to a height greater than three feet six inches in the front setback, or in a rear or side setback that is adjacent to a street, as shown in Figure 17.03.028.2.

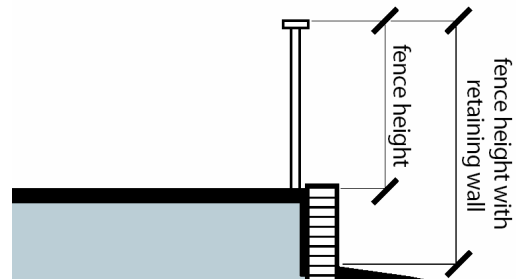


Figure 17.03.028.1. Measurement of fence height.

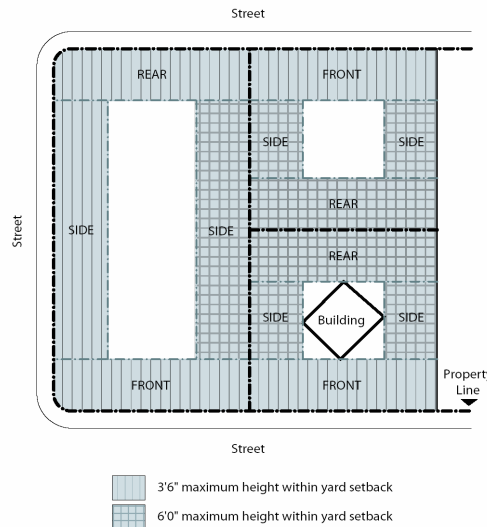


Figure 17.03.028.2. Maximum fence heights.

3. No fence shall interfere with the landscaping cross visibility area as required in Hughson Municipal Code Section 17.03.048.

C. Swimming pool fences.

1. Swimming pools shall comply with the California Swimming Pool Safety Act, California Health and Safety Code Section 115920 *et seq.*

D. Noise attenuation walls. Walls, fences, berms, and/or landscaping for the purpose of noise attenuation shall be avoided where possible. They may be required in any zone adjacent to a high noise generator such as a major roadway or railroad. Where sound walls are required they shall be built of high quality materials and designed to provide visual relief through a mixture of materials, landscaping and walkways and greenbelts. Noise attenuation requirements will be developed in response to the noise level and source affecting specific property. Height restrictions for walls may be waived by the Planning Commission as required for effective noise reduction.

E. Tennis courts. The Planning Commission may waive fence height limits set by this section for tennis courts, as long as the tennis court is located in the rear yard and open-type fencing materials are used.

F. Levees or canals. The height of any fence located at the top of a levee or canal may be increased subject to the review and approval of the Planning Commission if it finds that the increase in height is necessary for public safety.

G. Fences adjacent to "restricted" or "nonaccess property." A fence up to seven feet in height may be constructed at the property line when that line is shown as "restricted" or "nonaccess" on a recorded map, subject to the review and approval of the Planning Commission.

H. Reduction in setback for fences in developed areas. The minimum required setback to locate a fence over three feet six inches high in a front or street side yard setback may be reduced to the average setback of the applicable yard where more than 50 percent of the block is developed with fences over three feet six inches high in the front and side setbacks and upon review and approval of the Planning Commission. All fences used in computing the average existing setback shall be legally, or legally nonconforming, established fences.

I. Entry structures. One entry gate, trellis or other entry structure may be permitted in the required front or side setback area of each lot provided the maximum height of the structure does not exceed eight feet and the width does not exceed one foot greater than the driveway width. Entry structures may not interfere with or obstruct visibility for vehicles entering or exiting the driveway from the public right-of-way.

J. Exceptions for fences in industrial areas.

1. Taller fences. Fencing over three feet six inches is permitted in the front and side setback so long as it is constructed of woven wire, wrought iron or other similar material that allows some visual access to the site.

2. Security fences. Barbed wire or security fencing not to exceed two feet in height may be located on top of a fence or wall, so long as it is not adjacent to a residential zoning district or land in residential use.

3. Visual screen. The requirement of this section shall not apply to uses permitted in any industrial zone which are required by this title or the City Council to maintain visual screens to a height greater than specified in this title.

K. Fence construction.

1. Fence materials. Fences shall be constructed of chain link, wood, wrought iron, brick, split rails, new plastic technology fencing products, or a combination of these, except for the following:

a. Chain-link fences shall be prohibited on residentially zoned or developed property in a front or side setback or a rear setback facing a street right-of-way, except for temporary fencing associated with construction, and

b. Barbed wire, razor wire, and electric fences are prohibited, except as provided for in section J.

2. Side-yard gates shall have a 42-inch minimum clear opening. Gate shall swing outward (toward street) and shall be self-closing and self-latching. For new construction, a continuous concrete path from driveway to side-yard gate, a minimum of 36 inches in width, shall be provided. In the event of a conflict between this section and the state law, state law shall take precedence.

L. Plantings. Plantings adjacent to fences shall conform to the requirements of Hughson Municipal Code Section 17.03.048.

17.03.032 Floodplains.

A. Purpose. It is the purpose of this section to promote the 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;

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 property is in an area of special flood hazard; and

8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

B. Applicability. This ordinance shall apply to all areas identified as flood-prone within the jurisdiction of the City of Hughson.

C. General Provisions.

1. Basis for establishing flood-prone areas. The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood data available from federal or State agencies or other source to identify flood-prone areas within the jurisdiction of the City of Hughson. This data will be on file at the City of Hughson, Department of Public Works, 7018 Pine Street, Hughson, CA 95326.

2. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this section 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.

3. Abrogation and greater restrictions. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

4. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed to carry out the purpose of this section; and
- c. Deemed neither to limit nor repeal any other powers granted under State statutes.

5. Warning and disclaimer of liability. The degree of flood protection required by this section 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

man-made or natural causes. This section 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 section shall not create liability on the part of 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 section or any administrative decision lawfully made hereunder.

D. Administration.

1. Establishment of floodplain development permit. A floodplain development permit shall be obtained for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may be determined whether such construction or other development is within flood-prone areas.

2. Designation of the Floodplain Administrator. The Director of Public Works is hereby appointed to administer, implement, and enforce this section by granting or denying a floodplain development permits in accord with its provisions.

3. Duties and responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

- a. Permit review. Review all floodplain development permit applications to determine:
 - i. Permit requirements of this ordinance have been satisfied;
 - ii. All other required state and federal permits have been obtained; and
 - iii. The site is reasonably safe from flooding.
- b. Review and use of any other base flood data. The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood data available from other federal or State agency or other source.

E. Provisions for flood hazard reduction.

1. Standards of construction. If a proposed building site is in a flood-prone area, all new construction and substantial improvements, including manufactured homes, shall:

- a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
- b. Be constructed:
 - i. With materials and utility equipment resistant to flood damage;

ii. Using methods and practices that minimize flood damage; and

iii. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Standards for subdivisions or other proposed new development. If a subdivision proposal or other proposed new development, including manufactured home parks or subdivisions, is in a flood-prone area, any such proposals shall be reviewed to assure that:

a. All such proposals are consistent with the need to minimize flood damage within the floodprone area;

b. All public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

c. Adequate drainage is provided to reduce exposure to flood hazards.

3. Standards for utilities. 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; and

c. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

17.03.036 Grading.

A. Purpose. During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this section is to safeguard persons, protect property, and prevent damage to the environment in the City of Hughson. This section will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City of Hughson.

B. Applicability. All development projects that disturb the soil shall be subject to the require-

ments of this section, except for those projects specifically exempted below:

1. Grading not required to have a grading permit by the California Building Code.

2. Excavation below finished grade for a structure authorized by a building permit conditioned with erosion control requirements.

3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells.

6. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay, where established and provided for by law provided such operations do not affect the lateral pressure support or increase the stresses in or pressure upon any adjacent or contiguous property.

7. Exploratory excavations under the direction of a civil engineer, geotechnical engineer, or engineering geologist.

C. Application requirements. All projects subject to this section shall require a grading permit and shall submit the information required to show compliance with the provisions of this section, and any information required by the Planning Officer. The application process shall be subject to the same requirements as provided in Hughson Municipal Code Section 17.04.008 for administrative permits.

D. General provisions. Grading and drainage plans for development projects subject to this section shall be subject to the following requirements.

1. Preparation by a licensed civil engineer depicting design for the line, grade, on and off-site drainage control measures, structural sections for the streets and all public improvements serving the development, including land use, infrastructure, circulation and streetscapes, public/park facilities, landscaping and trails, design expectations and environmental mitigation components.

2. Best Management Practices (BMPs) for erosion and dust control, and immediate revegetation of the site as needed for erosion control.

3. Preparation of a drainage improvement plan by a licensed civil engineer detailing installation of on-site storm water retention and percolation facilities designed to retain and percolate all on-site flows for up to a 100-year storm and depicting all final grades and on-site drainage control measures.

4. Preparation of a Dust Emission Control Plan requiring that contractor work specifications shall include provisions for adequate water to be applied during construction in order to control dust disturbance resulting from grading operations.

Dust control measures shall be applied in accordance with all ordinances, rules and regulations of the Stanislaus County Water Resources Agency regarding use of reclaimed or other sub-potable water for compaction or dust control purposes. Additionally, the Plan will be reviewed to assure compliance with applicable air quality programs, such as those related to particulate emissions, overseen by the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD).

5. Between October 15 and April 15, Best Management Practices (BMPs) shall be maintained and in place for all areas that have been graded or disturbed and for all materials, equipment and/or operations that need protection. Removal of BMPs that must be temporarily removed during construction activities shall be completed at the end of each working day when there is a forecast of rain within the next five days, by the National Weather Service or whenever rain is imminent.

6. Between April 16 and October 14, BMPs shall be maintained and in place for all areas that have been graded, or disturbed and for all material, equipment and/or operations that need protection within 24 hours of a forecast of rain within the next 5 days by the National Weather Service or whenever rain is imminent.

7. Prior to commencement of any grading or other subdivision improvements, the applicant shall provide proposed trucking routes for all equipment and material deliveries. The City shall, at the applicant's expense, establish preconstruction conditions. Damage to any public improvements, on or off site caused by construction operations, during construction on the subject property shall be repaired to the satisfaction of the Planning Officer. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.

8. A qualified professional geotechnical engineer shall perform on-site monitoring of all grading and excavation activities on the project site. Evidence of an agreement with a geotechnical engineer shall be submitted for review and approval of the Planning Officer prior to commencement of any grading activities or any underground work. The geotechnical engineer shall submit evidence that grading and excavation were performed consistent with the recommendations of the geotechnical investigation. Evidence shall be submitted prior to issuance of building permits for each individual lot.

E. Storm Water Pollution Prevention Plan. Projects that will disturb over one acre of soil are required to prepare and implement a Storm Water

Pollution Prevention Plan (SWPPP). Projects that disturb less than one acre of soil shall require a SWPPP if the Planning Officer determines that unusual circumstances are present which require special measures to minimize construction-related storm water pollution. A SWPPP shall be subject to the following requirements:

1. The Planning Officer shall approve the SWPPP and enforcement shall be as provided in Hughson Municipal Code Section 17.04.004.

2. The SWPPP shall describe the Best Management Practices that will be used during construction to reduce the sources of potential pollution, control sediments and educate construction workers.

3. The applicant shall submit a Notice of Intent (NOI) and fee to the Central Valley Regional Water Quality Control Board, which shall send back a notice with the project's Waste Discharge Identification (WDID) number; this information shall be included in the grading permit application.

17.03.040 Historic preservation.

A. Purpose. This section is intended to safeguard the historic character of Hughson by providing for the identification, protection, enhancement, perpetuation and use of historic resources within the City that reflect special elements of Hughson's architectural, artistic, cultural, political and social heritage. Specific goals of this section include the following:

1. To safeguard the City's heritage by encouraging the protection of landmarks representing significant elements of its history.

2. To foster civic and neighborhood pride and a sense of identity based on an appreciation of the City's past and the recognition and use of historic resources.

3. To enhance the visual character of the City by preserving diverse architectural styles reflecting various phases of the City's history, and by encouraging complementary design and construction for contemporary buildings.

4. To strengthen the economy of the City by protecting and enhancing the City's historic attractions for residents and visitors.

5. To stabilize and improve property values within the City by recognizing historic landmarks and by protecting areas of historic buildings from encroachment by incompatible designs.

6. To promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the City.

7. To integrate the preservation of historic resources, and the consideration of relevant information about these resources, into public and

private land management and development processes.

8. To conserve valuable building materials and energy resources by ongoing use and maintenance of the existing built environment.

B. Authority. Unless otherwise stated, all responsibilities outlined in this section shall be carried out by the Planning Commission. The Planning Commission may obtain guidance from third parties, including architects, urban planners and City commissions or staff, as to whether the application conforms to the requirements of this section. These third parties shall be qualified by reason of their relevant training or experience. Any guidance they provide shall be submitted to the Planning Commission in writing and included in the Planning Officer's report on the application.

C. Applicability.

1. The guidelines set forth in this section shall apply to the following:

a. The demolition, exterior renovation, expansion or any other physical modification to the exterior of buildings or structures deemed historic per the guidelines in subsection (E) of this section.

b. New construction within blocks deemed historic per the guidelines in subsection (E) of this section.

c. The provisions of this section shall not apply to the demolition, renovation or expansion of non-historic buildings that are located within historic blocks.

D. Application. Development applications as identified in subsection (C) of this section shall submit the information deemed necessary by the Planning Officer, shall submit an application fee as set by the City Council, and shall follow the development review process in subsection (F) of this section.

E. Historic designation. The guidelines set forth in this section shall apply to buildings, structures, or blocks if the Hughson City Council finds that one of the following apply:

1. Landmarks. Any building, structure or site that is designated as a California Historical Landmarks, or is listed on the California Register of Historic Resources, or is listed on the National Register of Historic Places, is designated as a landmark;

2. Locally significant. Any building, structure, or site that is significant in the history of Hughson; or

3. Historic blocks. City blocks in which at least 40 percent of structures are designated historic according to the provisions of Subsections (1) and (2).

F. Development review. Development projects associated with all buildings, structures, or blocks designated historic under the provisions of this section shall be subject to development review as required by Section 17.04.020 of this Code, except that consideration shall also be given to the guidelines in subsection (G) of this section.

G. Guidelines for preservation and adaptive reuse.

1. Purpose. Preservation and rehabilitation efforts should work to protect the essential architectural features of a structure that help to identify its individual style and thereby further its contribution to the historic character of the surrounding neighborhood. The guidelines below are intended to ensure that new infill development is compatible in terms of character, scale and treatment with nearby historic structures. On an historic block, new buildings and structures, as well as existing buildings, structures, and appurtenances that are moved, reconstructed, materially altered, or repaired, must be visually compatible with buildings and places to which they are visually related.

2. Criteria for evaluating new construction and additions to existing structures. The Planning Commission, in considering the appropriateness of the reconstruction, alteration, or maintenance of any landmark, or the construction of a new structure on an historic block as described in subsection (C) of this section, shall require that this work be done in a manner that will preserve the historical and architectural integrity of the building, structure, site or surroundings. In evaluating the historic and architectural character, the Commission shall consider, among other things, the following:

a. The purposes of this section;

b. The historical and architectural value and significance of the building, structure, block or site;

c. The compatibility and significance of additions, alterations, details, materials, or other non-original elements, including walls, fences, light fixtures, steps, paving, and signs, which may be of a different style and construction date than the original;

d. The texture, material, style, and detailing of the building, structure, site or new adjacent construction;

e. The continued preservation and protection of original or otherwise significant structure, material, and ornamentation, as well as the compatibility of new structures thereto; and

f. The position of the building or structure in relation to the street, public right-of-way and to other buildings and structures.

3. General rehabilitation principles:
a. Historic structures should be recognized for their own time and style. Rehabilitation should not try to create a preconceived concept of history, but should reuse existing or appropriate features.

b. Rehabilitation of historic structures should try to retain and restore original elements first. If damage or deterioration is too severe, the element should be recreated using original materials to match the color, design, texture, and any other important design features.

c. When replacement is necessary and original material cannot be obtained, substitution material should incorporate the color, design, and texture that conveys the visual appearance of the original material. If a material needs to be removed, repaired or copied, that material should be repaired or replaced in accordance with the standards set forth in the most recent versions of the Standards for the Treatment of Historic Properties, published by the Technical Preservation Service of the National Park Service.

4. Site plan considerations:

a. New development should continue the functional, on-site relationships of the surrounding neighborhood. For example, common patterns that should be continued are entries facing the public right-of-way, front porches, and garages/parking areas located at the rear of the parcel.

b. Front setbacks for new infill development on historic blocks should follow either of the following criteria:

i. Equal to the average front setback of all structures on both sides of the street within 100 feet of the property lines of the new project; or

ii. Equal to the average front setback of the two immediately adjoining structures on each side of the new project.

iii. In cases where averaging between two adjoining existing structures is chosen, the new structure may be averaged in a stepping pattern. This method can work especially well where it is desirable to provide a large front porch along a portion of the front facade.

5. Guidelines for specific building elements:

a. Doors.

i. The shape, size, and style of doors are an important feature of all historical architectural styles and the original design should be maintained.

ii. Original doors that have fallen into disrepair should be repaired in-place whenever possible. When replacement is neces-

sary, the replacement door should match the original design and materials as close as possible.

iii. If a building's original door is missing, a replacement door should be selected that is similar in design and materials to doors of buildings of a similar age and style in the surrounding neighborhood.

b. Exterior Materials.

i. The original exterior building materials should be retained whenever possible. It is not desirable to use mismatched materials of different finishes, shapes, sizes, or textures.

ii. Structures with original wood siding should not be stuccoed in an attempt to achieve a more modern appearance. Likewise, plastic shingles should not be used to replace wood siding or shingles.

iii. Replacing wood siding with aluminum siding is permissible, provided that the new siding is of the same shape and size as the original siding and closely approximates the texture and appearance of the previous siding.

iv. Brick surfaces should not be sandblasted in an attempt to remove old paint because sandblasting tends to damage the natural fired surface of the brick, and compromises its water-repellent qualities. Also, mechanical grinders can damage the brick surrounding the joint and should not be used to remove mortar.

c. Ornamentation and trim. Most often it is the authentic decoration and trim on a structure that lends character and identifies the structure with its particular architectural style. Original ornamentation should be preserved whenever possible.

d. Porches and stairs.

i. During rehabilitation efforts, the design integrity of the front porch should not be compromised. Front porches should not be enclosed with walls or windows.

ii. If enclosing the porch is the only viable means of adding needed space, care should be taken to use doors, siding materials, trim details, windows and other details that match the facade of the structure surrounding the porch.

e. Windows.

i. Most structures built before World War II had wood framed windows that were either casement, double hung, or fixed. The shape, size, and style of windows should be maintained to the greatest extent possible.

ii. When window replacement is necessary, the new window should match the original as closely as possible.

iii. Aluminum or plastic frame windows should not be used in an historic structure.

f. Roofs.

i. Great care should be taken to ensure that roof design, pitch, materials and color are compatible with those of the roof of the original structure.

ii. It should be recognized that fire safety requirements may preclude re-roofing a structure in its original material, particularly if the original roof was made of wood shingles or shakes. In this case, the determination of what material to use should be based on compatibility with the colors and materials used elsewhere on the structure.

g. Second-story additions. Because adding an additional story to an existing structure will always change the proportions of the structure, such additions should be carefully designed to follow similar two-story examples of the particular style that may be found in the surrounding neighborhood.

H. Accessory structures.

1. New accessory structures and secondary dwelling units that are visible from the public right-of-way should incorporate the distinctive distinguishing architectural features of the main structure. Relevant features may include materials, paint color, ornamentation, trim details and roof pitch, among others.

2. Design features should be applied with less detail on the accessory structure so that it does not compete with the main structure and is clearly subordinate to it.

I. Adaptive reuse.

1. The adaptive reuse of historic structures, involving uses not otherwise allowed through the base zone, may be allowed subject to the approval of a Conditional Use Permit, in compliance with Hughson Municipal Code Section 17.04.012, and provided that the Planning Commission can make at least one of the following additional findings:

a. The proposed adaptive reuse enhances, perpetuates, preserves, protects, or restores those historic blocks, neighborhoods, sites, structures, and zoning districts which contribute to the aesthetic and cultural benefit of the city;

b. The proposed adaptive reuse stabilizes and improves the economic value of historic districts, neighborhoods, sites, structures, and zoning districts;

c. The proposed adaptive reuse preserves diverse architectural design reflecting phases of the city's history, and encourages design styles and construction methods and materials that

are compatible with the surrounding neighborhood(s); and

d. The proposed adaptive reuse prevents the abandonment of privately owned and occupied structures.

2. Compliance with parking standards. The above listed uses shall be provided with off-street parking in compliance with the requirements of Hughson Municipal Code Section 17.03.060. However, properties may be granted a reduction in minimum parking requirements by the Planning Commission if, in its estimation, meeting the required minimum parking requirement would otherwise compromise the historic integrity of the structure.

17.03.044 Home occupations.

A. Purpose. This section is intended to describe the types of occupations that can be undertaken within dwellings in the City and to establish standards and regulations to ensure that home occupations do not result in adverse impacts to residential neighborhoods.

B. Applicability. The guidelines set forth in this section shall apply to the following:

1. Low-impact home occupations, as defined in this title; and

2. Moderate-impact home occupations, as defined in this title.

All other home occupations shall be prohibited.

C. Low-impact home occupations.

1. A low-impact home occupation, as defined in this title, that is clearly incidental to the use of the structure or dwelling and meets the performance requirements of this subsection shall be permitted without an administrative permit but shall be required to obtain a Zoning Clearance subject to the requirements of Hughson Municipal Code Section 17.04.052.

2. No more than one low-impact home occupation shall be permitted in any dwelling unit, except that the Planning Officer may, at his or her sole discretion, allow more than one upon making a finding that the provisions of this section will not be otherwise violated.

3. Such use must be conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof. If the inhabitants do not own the property, the zoning certificate application must also contain the signature of the owner of the property.

4. There shall be no storage of equipment or supplies other than samples in an accessory structure.

5. There shall be no external alteration of the appearance of the dwelling in which a home occupation is conducted.

6. A low-impact home occupation shall not involve the use of any material, other than craft or art supplies, or mechanical equipment other than customarily incidental to domestic use.

7. No advertising signs shall be placed in the yard or on the house or any part of the property.

D. Moderate-impact home occupations.

1. Administrative permit required. Any home occupation that does not qualify as a low-impact home occupation, but that otherwise meets the requirements of this section, shall be considered a moderate-impact home occupation and shall be required to obtain an administrative permit. If the inhabitants do not own the property, the administrative permit application must also contain the signature of the owner of the property.

2. Conditions. An administrative permit for a moderate-impact home occupation shall be granted subject to the requirements of Hughson Municipal Code Section 17.04.008, except that the following additional conditions shall apply:

a. The administrative permit shall be valid only as to the occupation and residence for which it is issued; and

b. The administrative permit shall be revoked if the occupation for which the permit is granted has been discontinued for at least one year.

E. Requirements for all allowed home occupations. All home occupations shall be subject to the following requirements:

1. Home occupations shall comply with all federal, State, county and local regulations, statutes and provisions.

2. The area primarily dedicated to a home occupation shall not exceed 20 percent of the primary living area or 400 square feet, whichever is less. No storage of materials and products is allowed.

3. The home occupation shall not generate pedestrian or vehicular traffic that will cause a disturbance in the district in which it is located.

4. There shall be no excessive or unsightly storage of materials or supplies, either indoors or outdoors.

5. Signage identifying or advertising the business is prohibited.

6. The home occupation shall employ at least one resident of the dwelling unit and shall not employ more than a total of two persons.

7. No home occupation shall involve the elimination of required off-street parking spaces.

F. Uses not allowed as home occupations. The following uses are not permitted as home occupations:

1. Those which do not meet the provisions of subsections (C) and (D) of this section.

2. Those which entail the repair, manufacture, processing or alteration of goods, materials or objects, intended for sale where equipment or process is used which creates an adverse impact on the neighborhood.

3. Those which entail the harboring, training or raising of dogs, cats, birds or other animals.

4. Those which entail vehicle painting, repair and/or body and fender work.

5. Barbershops, beauty parlors, nail salons, music schools, dancing schools, business schools or schools of any kind with organized classes.

6. Those uses which involve retail sales, rental or display of goods or products at the home if such sales, rentals or display will create an adverse impact upon residential uses within 300 feet of the proposed home occupation by causing an increase in traffic, whether vehicular or pedestrian, which unreasonably interferes with parking and/or use of the streets and sidewalks by residents within 300 feet of the proposed home occupation.

7. Gun sales are prohibited in residential zones except for existing permitted uses as of the date of adoption of this ordinance.

G. Home day care facilities. Home day care facilities as defined in this title shall not be subject to the other subsections of this section. Small home day care facilities shall be permitted as of right in all residential zones and in single family and multiple family dwellings that are found in commercial zoning districts. Large home day care facilities in residential zones and in single family and multiple family dwellings that are found in commercial zoning districts shall be subject to an administrative permit. The administrative permit shall be based upon the following findings:

1. The proposed use is either located on a lot zoned for single-family dwellings or meets a minimum standard of 75 square feet of outdoor activity space for each child who is not an infant. The outdoor area must be owned or leased by the applicant and cannot be shared with other property owners unless written permission is granted by the owner of the adjoining property.

2. The proposed use is located more than 500 feet from any other large home day care facility or child day care center.

3. The proposed use has adequate vehicular access to the residence to provide a safe

drop-off and pick-up area with minimal disruption to local traffic and circulation.

4. The proposed use complies with General Plan noise requirements for residential uses and the provisions of Hughson Municipal Code Chapter 9.30 relating to noise.

5. The proposed use complies with any standards promulgated by the State Fire Marshal relating to the subject of fire and life safety in large home day care facilities.

17.03.048 Landscaping.

A. Purpose. The purpose of this section is to establish the necessary criteria, standards and limits for landscaping and to maximize the value of this land use along public rights-of-way and within specified portions of private property. The provisions of this section are intended to accomplish the following:

1. To provide a transition between land uses;
2. To promote an attractive visual environment;
3. To promote visual order;
4. To encourage visual harmony between the landscape and development;
5. To reduce air, noise and visual pollution; and
6. To promote water conservation by use of appropriate plants and conservative irrigation systems.

B. Applicability.

1. The requirements in this section apply to all new residential and non-residential construction except for the following:

- a. Dwellings of two units or less on one parcel of land; and
- b. Additions to structures, except additions to dwellings that exceed 40 percent of the gross floor area or 2,000 square feet, whichever is greater. All additions will accumulate to determine eligibility under this requirement.

2. Landscaping on existing private property shall not be subject to the requirements of this section, except as required in subsection (B)(1) of this section, but is subject to the requirements of Hughson Municipal Code Section 8.08.020.

C. Official Landscaping Requirements. The Planning Commission shall prepare and maintain official landscaping requirements for the City of Hughson. The Planning Officer shall require that all new landscaping shall be in accordance with the official landscaping requirements and this section. If existing landscaping is removed, it shall be replaced with landscaping which conforms to the official landscaping requirements.

D. Application. Applications for development that meet the requirements of subsection (B) of this section shall include landscaping information indicating compliance with the requirements of this section in the form deemed necessary by the Planning Officer with their applications for Administrative Permit, Conditional Use Permit or Zoning Clearance.

E. Requirements for all landscaping.

1. Percent cover. Vegetative matter shall cover 75 percent of the landscaped area required by this section.

2. Planting requirements. All planting shall meet the following minimum requirements.

a. Trees shall be equivalent to five-gallon can size or larger when planted and shall be subject to the requirements of the City's Street Tree Plan.

b. Shrubs shall be a minimum one-gallon can size or larger.

c. Ground cover such as rock, bark, chips or bricks may be used as an accent material or for weed control, but not as a total landscaping theme or in lieu of living plant material.

3. Irrigation. Irrigation for all landscaping subject to this section shall meet the following requirements:

a. To the extent possible, drought resistant plant material shall be used.

b. All landscaped areas shall be served by a permanent irrigation system, such as an automatic sprinkler or drip irrigation system. The irrigation system shall include timers and rain shut-off devices to prevent excessive and unnecessary watering.

c. The Planning Officer may waive this subsection's irrigation requirements for specified landscape areas upon finding the following:

i. The landscaping in the specified areas is composed of drought-tolerant vegetation or other plant materials that do not require permanent irrigation to remain in healthy condition.

ii. The specified areas will receive adequate temporary irrigation to allow the plants to become established.

iii. There are no considerations of public health, safety or welfare, including aesthetic considerations, that require installation of a permanent irrigation system.

4. Exceptions permitted. Landscape designs which do not meet the specific regulations of this section may be approved by the Planning Commission if, in its opinion, the design meets the intent and purpose of this section.

5. Replacement planting must conform to the original intent of the landscape design.

6. Exceptions:

a. Properties located within zones that allow zero lot-line buildings shall be exempt from this requirement.

b. The width of landscaping adjacent to public the right-of-way may be reduced to no less than four feet when in the opinion of the Planning Commission the following conditions are met:

- i. The total square footage of landscaped area remains constant;
- ii. This landscaping will not be counted toward the landscaping requirements outside of the public the right-of-way; and
- iii. The reduction in the required width is consistent with the purposes of the landscape regulations of this section.

7. Issuance of certificate of occupancy.

For all structures subject to this section’s landscaping requirements, no certificate of occupancy shall be issued until landscape plans have been carried out, and all the improvements described in such plans have been completed; nothing herein contained shall prevent the building official issuing a temporary certificate of occupancy where completion of the landscaping work is delayed either because of the season of the year or adverse weather.

8. Maintenance. All landscaping subject to this section as well as that which would have been had proper permits been acquired shall provide for ongoing maintenance subject to the following requirements:

a. Landscape structural features shall be maintained in sound structural and attractive condition.

b. Landscaping materials shall be contained so as not to spill into the public right-of-way.

c. Landscaped areas shall be continually maintained in good condition and shall be kept clean and weeded. Maintenance shall include but not be limited to:

- i. Cultivation of planting beds, and mowing to maintain grassy areas;
- ii. Pruning of plants as necessary to control and direct growth;
- iii. Replacement of dead or unhealthy plant material in accordance with the approved landscaping plan;
- iv. Fertilization as needed to ensure proper plant growth; and
- v. Repair or replacement of irrigation system components and irrigation drain-

age components, as needed, to maintain the system in good working condition.

9. Replacements and modifications. Landscaping subject to this section may be modified or replaced with alternative plantings subject to the approval of the Planning Officer.

F. Landscaping in parking lots. See regulations in Section 17.03.060 of this title.

G. Landscaping adjacent to the public right-of-way.

1. There shall be a landscaped area eight feet wide along portions of parcels fronting the public right-of-way.

2. Street trees shall be planted subject to the requirements of the City’s official Street Tree Plan and Hughson Municipal Code Section 17.03.092.

3. Visibility shall be maintained adjacent to the right-of-way. No landscaping shall interfere with viewing between three feet six inches and seven feet in height in the following places, as shown in Figure 17.03.048.1.

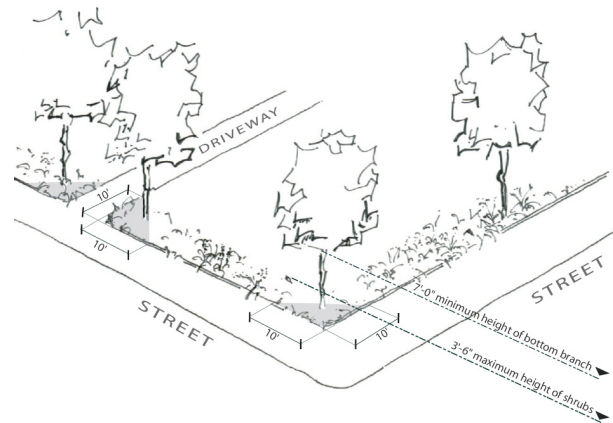


Figure 17.03.048.1. Cross visibility area at street and driveway intersections.

- a. Along a public sidewalk;
- b. Within a triangle formed by drawing lines from the point of intersection of a driveway with the public right of way and to points ten feet away along the driveway and public right-of-way, with the third side formed by a line connecting the two points; and

c. Within a triangle formed by drawing lines from the point of intersection of a corner lot adjacent to the public right of way and to points along the property line ten feet away, with the third side formed by a line connecting the two points.

17.03.052 Mobile homes, manufactured homes, and recreational vehicles.

A. Purpose. The purpose of this section is to provide requirements for temporary and permanent mobile homes within the City of Hughson and to ensure that they conform to the provisions of the following laws:

1. The Mobile Home Residency Law, Chapter 2.5 of Title 2, Part 2, Division 2 of the California Civil Code (commencing with Section 798);

2. The Recreational Vehicle Park Occupancy Law, Chapter 2.6 of Title 2, Part 2, Division 2 of the California Civil Code (commencing with Section 799.20);

3. The Mobile Home-Manufactured Housing Act of 1980, Part 2 of Division 13 of the California Health & Safety Code (commencing with Section 18000);

4. The Mobile Home Parks Act, Part 2.1 of Division 13 of the California Health & Safety Code (commencing with Section 18200);

5. The Manufactured Housing Community Act, Part 2.2 of Division 13 of the California Health & Safety Code (commencing with Section 18800); and

6. The following chapters of the California Code of Regulations, Title 25, Division 1:

a. Chapter 2, Mobile Home Parks Act;

b. Chapter 3, Factory Built Housing and Mobile Homes;

c. Chapter 4, Manufactured Housing Sales, Occupational Licensing and Education; and

d. Chapter 5, Manufactured Home, Mobile Home and Commercial Coach Registration and Titling.

B. Mobile home parks.

1. Mobile home parks shall meet the requirements of the District in which they are located and shall be a minimum of five acres in size.

2. A conditional use permit shall have been obtained from the Planning Commission.

C. Recreational vehicle parks. Recreational vehicle parks shall meet the requirements of the District in which they are located and the following minimum requirements:

1. A recreational vehicle park shall accommodate recreational vehicles only;

2. Toilets and lavatories for the exclusive use of the occupants shall be provided on the basis of one toilet for each sex, for each 15 spaces or fraction thereof;

3. A recreational vehicle shall not be located closer than three feet from a property line or lot line; and

4. Each space in a recreational vehicle park shall have direct access to a roadway, either a public street or a private driveway.

D. Storage. One mobile home, camper, motor home or trailer may be stored off the street and on a property, provided that no living quarters shall be maintained or any business conducted in connection therewith while such vehicle is so parked or stored, except as otherwise provided in this section.

E. Mobile homes (manufactured homes) in residential zones.

1. Eligibility. A mobile home shall only be permitted in a residential zone if it:

a. Is to be occupied only for residential purposes;

b. Conforms to all of the residential use development standards for single-family structures applicable to the zone;

c. Is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, and has been constructed after June 15, 1976; and

d. Is attached to a permanent foundation system approved by the Planning Officer.

e. It meets the design requirements of subsection (F) of this section.

F. Design. A mobile home shall be found to be compatible if it meets the following design guidelines:

1. It is a double-wide or larger multisectional unit (minimum width of 20 feet);

2. It is covered with an exterior material commonly found on new conventionally built residential structures in the surrounding area;

3. The exterior covering material extends to the ground. If a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation;

4. The roofing material is composition shingles or other materials commonly found on conventionally built residential structures in the surrounding area;

5. The roof has a pitch of not less than either two inches of vertical rise for each 12 inches of horizontal run or the pitch commonly found on conventionally built residential structures in the surrounding area, whichever is greater;

6. The roof has eave and gable overhangs of not less than one-foot measured from the vertical side of the mobile home, or not less than that commonly found on conventionally built resi-

dential structures in the surrounding area, whichever is greater;

7. It has an enclosed garage or a carport if either is commonly found with new conventionally built structures in the surrounding area. Otherwise the parking requirements shall be the same as those in the District in which it is located; and

8. The finished floor is a maximum of 24 inches above the exterior finish grade of the lot measured at the foundation.

G. Temporary use of recreational vehicles in residential zones. A recreational vehicle may be used as a single-family dwelling unit on a property zoned for single-family residential use for a period of time not to exceed the time required to complete the project. An administrative permit shall be required for such Recreational Vehicles, subject to the following additional requirements:

1. There is an existing single-family dwelling unit on the site that cannot be occupied until repairs are completed, and a valid building permit has been issued to make all repairs required to make the dwelling unit habitable.

2. The occupied recreational vehicle is not placed within a required setback, with the exception of a designated driveway that conforms to the standards of the District in which the Recreational Vehicle is located.

3. Recreational vehicles shall be located in a designated area within the parcel as approved by the Planning Officer. Recreational vehicles shall be located so as to minimize their visibility from the public right-of-way or adjacent properties.

H. Mobile homes as supplemental housing. Mobile homes may be permitted on property located in any residential zone necessary to provide supplemental housing for the care of the ill or the infirm and may be used by either those providing care or receiving care. A conditional use permit shall be required for such mobile homes, subject to the following additional requirements:

1. The mobile home shall be supplemental to an existing residential unit. Approval shall be given only upon finding that the proposal is consistent with the availability of adequate sewer and water facilities, a provision of vehicular access and off-street parking.

2. Not more than one such mobile home shall be permitted on any one parcel.

3. The dwelling unit to which the mobile home is accessory shall be occupied by persons who are related by blood or marriage to an occupant of the single-family home to which the mobile home is accessory.

4. An approved conditional use permit for the mobile home shall become invalid if the

parcel on which it is located is sold or leased to persons not meeting the requirements of subsection (3) of this subsection.

5. The mobile home shall be removed from the premises and the Planning Officer notified when the need to provide care no longer exists.

6. Applicants shall provide verification from a medical doctor certifying that the illness or infirmity is sufficiently serious to require personal care by someone living on the property. Verification shall be made on forms provided by the Planning Officer. It shall be the option of the Planning Officer to determine if medical verification is required for permit renewals.

7. Approval shall be for a period of one year and may be renewed each year by reaffirmation of the need to provide care and the payment of a renewal fee in the amount set by resolution of the City Council.

17.03.056 Outdoor lighting.

A. Purpose. To minimize the impact of outdoor lighting on adjacent properties, as well and minimize energy use, all outdoor lighting on private property shall conform to the following requirements.

B. Height. Light fixtures at driveway approaches shall have a maximum height of four feet. All other light fixtures, excluding illuminated signs, shall have a maximum height of 14 feet above grade, or the height of the nearest building on the site, whichever is less.

C. Energy-saving. Lighting shall be provided with energy-saving fixtures and lamps to the extent practicable.

D. Shielding. All light sources shall include appropriate shielding to direct light away from the sky, surrounding properties and streets. Reflections or glare outside of the subject property shall be minimized.

E. Maximum illumination. Excluding illuminated signs, no light source shall produce an illumination level greater than one-quarter footcandle at any point measured 25 feet horizontally from the subject property.

F. Exception for adult businesses. Lighting for adult businesses shall be as required in Hughson Municipal Code Section 17.03.008.

17.03.060 Parking.

A. Purpose. The purpose of this section is to provide accessible off-street parking facilities for the parking of self-propelled motor vehicles and bicycles on public or private property in connection with the erection or major alteration, extension or change of use of any building or structure, unless

otherwise stipulated, in the amounts as specified in this section.

B. General provisions.

1. Parking requirements for new development. New development shall comply with the off-street parking requirements identified in subsection (C) of this section.

2. Parking requirements for changes to existing development. Whenever a building is increased in size, whether by units or dimensions, or is moved from one lot to another, the following shall apply:

a. Parking based on square feet of building. Any building that is remodeled, altered, or enlarged, thereby increasing its gross floor area so that it equals or exceeds any minimum areas established for off-street facilities, shall provide off-street facilities as required in subsection (C) of this section for the entire building. For projects adding 15 percent or less of the original gross floor area, no additional parking facilities shall be required provided that the applicant demonstrates to the Planning Officer's satisfaction that the additional floor area will not generate additional demand for on-site parking.

b. Parking based on units. Any building that is remodeled, altered or enlarged so as to provide more units, shall be required to provide and maintain off-street parking facilities for the additional units, as required in subsection (C) of this section, unless said units constitute 15 percent or less of the original total units in which case no additional parking facilities shall be required.

c. Parking requirement for buildings or structures moved from one lot to another. Any building or structure which is moved from one lot to another shall provide parking in the amount required by this section for a new building or structure.

3. Changes in use for existing buildings. The Planning Commission (or, for buildings existing on January 1, 1983, the Planning Officer) may waive or modify any of the provisions of this section, provided the following findings are made:

a. That such action would not be detrimental to any surrounding property or use;

b. That adequate on-street legal parking exists to accommodate the proposed use of the site;

c. That such action would not create a traffic hazard;

d. That such action applies to a proposed use in an existing building; and

e. In situations where a new building or an addition to an existing building of over 15 percent of the floor area of the building is pro-

posed, the Planning Commission may waive or modify the parking space requirements if such required spaces are provided on another parcel within 200 feet of the proposed building. In lieu of providing spaces, the property owner may pay a fee for each space, as determined by the City Council by resolution or ordinance, with the fee to be placed in a fund for use by the City for providing parking in the area.

4. Existing facilities.

a. Existing off-street parking facilities shall not be eliminated nor reduced to an amount less than that required for new buildings.

b. Where a parking plan includes access driveways or curb cuts that would cause one or more existing marked, on-street parking spaces or bicycle parking spaces to be eliminated, the off-street parking requirement shall be increased by the number of on-street parking spaces that are to be eliminated.

5. Loading spaces. Loading space, exclusive of driveways and/or corridors leading thereto, shall not be considered as supplying off-street parking space, nor shall anything in this section prevent the provision of parking space in excess of the amount specified.

6. Historic buildings. As provided by Hughson Municipal Code Section 17.03.040, exceptions to the requirements of this section for historic buildings may be granted by the Planning Commission.

C. Parking requirements by use.

1. Minimum parking requirements.

a. The vehicular parking requirements in Table 17.03.060.1 shall be considered minimum requirements in all districts, except as provided otherwise by this section. Parking requirements shall be cumulative whenever more than one use is present on the site, except as otherwise provided by this section.

b. Where the application of these standards would result in a fractional number of spaces, any fraction less than one-half shall be disregarded, and fractions of one-half or greater shall require one parking space.

c. For uses that are allowed but are not specified in Table 17.03.060.1 and must be approved by the Planning Commission, the parking requirement shall be determined by the Planning Commission; in all other cases, the parking requirement shall be determined by the Planning Officer.

d. For the purposes of interpreting these requirements, each 1.5 linear feet of a bench shall be counted as one seat.

Table 17.03.060.1
Minimum Vehicular Parking Requirements

Land Use	Minimum Vehicular Parking Requirements
Residential	
Single-family dwellings	2 garage spaces for each dwelling unit
Duplexes	2 garage spaces for each dwelling unit
Multiple family dwellings	a. Studio or one bedroom: 1 space for each dwelling unit b. Two or more bedrooms: 2 spaces for each dwelling unit c. Plus, 1 additional space for each 4 dwelling units
Secondary dwelling unit	1 space for each dwelling unit
Guest houses	None beyond requirement for main dwelling unit
Boarding and rooming houses	1 space for each bedroom
Home day care, small	None beyond requirement for dwelling unit
Home day care, large	2 spaces in addition to those required for the dwelling unit
Residential care homes	a. If six units or fewer: same as requirements for applicable type of dwelling unit b. If six units or more: 1 space for each 3 beds
Nursing and convalescent homes	1 space for each 3 beds
Home occupations	None beyond requirement for dwelling unit
Mobile home parks	2 spaces for each dwelling unit; may be tandem
Mobile home supplemental housing	1 space for each dwelling unit
Temporary real estate office	2 temporary spaces, preferably constructed of compacted gravel or similar pervious surface
Public Assembly	
Commercial recreational facility—indoor	a. Arcade or amusement center: 1 space for each 300 square feet of floor area b. Bowling alley: 2 spaces for each lane c. Skating rink: 1 space for each 300 square feet of rink area d. Theater: 1 space for each 5 fixed seats, or 1 space for each 100 square feet of floor area if no fixed seats; exceptions may be provided for theaters with more than 500 seats, subject to a Conditional Use Permit
Commercial recreational facility—outdoor	Determined by Conditional Use Permit
Gym	1 space for each 200 square feet of floor area
Instructional or production studio	1 space for each 300 square feet of floor area
Library or museum	1 space for each 300 square feet of floor area
Meeting facility—10,000 square feet or less of gross floor area	1 space for each 5 fixed seats, or 1 space for each 100 square feet of floor area if no fixed seats
Meeting facility—more than 10,000 square feet of gross floor area	Determined by Conditional Use Permit
Restaurant or café	1 space for each 100 square feet of floor area
School – elementary or middle	a. Private: 1.25 space for each classroom b. Public: to be determined by school district
School – high school	a. Private: 7 spaces for each classroom b. Public: to be determined by school district
Retail	
Adult-oriented business	1 space for each 100 square feet of floor area

Table 17.03.060.1
Minimum Vehicular Parking Requirements

Land Use	Minimum Vehicular Parking Requirements
Alcoholic beverage sales	a. Off-site consumption: 1 space for each 300 square feet of floor area b. On-site consumption: 1 space for each 100 square feet of floor area
Building supply	1 space for each 2,000 square feet of storage space, plus 1 space for each 300 square feet of other floor area
Carnivals, circuses, fairs, races, concerts, bazaars, farmer's markets and similar events, for a maximum of five days in any 30-day period.	1 space for each 5 fixed seats, or 1 space for each 5 persons expected as average attendance. Previous attendance records shall be provided as required for documentation
Drive-through establishment	1 space for each 250 square feet of floor area
Equipment and machinery sales or rental	1 space for each 2,000 square feet of storage space, plus 1 space for each 300 square feet of other retail/office floor area.
Food and beverage sales	1 space for each 300 square feet of floor area
Home and garden supply	1 space for each 300 square feet of floor area
General retail	1 space for each 300 square feet of floor area
Seasonal holiday products	Determined by Administrative Permit
Service station	1 space for each 200 square feet of retail floor area, and 1 space for each service bay
Shopping center	To be determined as part of the Conditional Use Permit process. Parking requirements may be less than what would be required for each individual use combined if it can be shown that due to the parking operation of the various uses that parking spaces can be shared
Vehicle sales	1 space for each 2,000 square feet of site area to be dedicated for customer and employee parking; this does not include the parking necessary for inventory storage
Services	
Animal keeping	To be determined as part of the Administrative or Conditional Use Permit
Bank or financial service	1 space for each 250 square feet of floor area
Bed and breakfast	1 space for each guest room plus 1 extra space for any resident manager
Business support service	1 space for each 300 square feet of floor area
Car wash	a. Self-wash: 2 spaces in addition to the parking space provided in the wash bays b. Hand-wash: ½ space per employee
Catering service	1 space for each 300 square feet of floor area
Child day care	1.25 spaces per employee based on the maximum permitted number of children and State staffing requirements
Hospital	To be determined as part of the Conditional Use Permit process
Hotel or motel	1 space for each guest room
Mortuary	To be determined as part of the Conditional Use Permit process
Office	1 space for each 300 square feet of floor area
Personal services	1 space for each 300 square feet of floor area
Manufacturing, Wholesale, Repair and Storage	
Manufacturing	1 space for each 1,000 square feet of floor area; minimum of 2 spaces
Metalwork	1 space for each 1,000 square feet of floor area; minimum of 2

**Table 17.03.060.1
Minimum Vehicular Parking Requirements**

Land Use	Minimum Vehicular Parking Requirements
	spaces
Research laboratories	1 space for each 300 square feet of floor area
Warehousing	1 space for each 2,000 square feet of storage space, plus one space for each 300 square feet of other floor area
Wholesaling and distribution	1 space for each 1,000 square feet of floor area; minimum of 2 spaces
Transportation and Infrastructure	
Cemetery	To be determined by Conditional Use Permit
Government facility	To be determined by public agency
Public safety facility	To be determined by public agency
Utility building or substation	To be determined by public agency
Public Vehicle depot	To be determined by public agency

e. Truck loading spaces and bicycle parking shall be provided as required by subsections (H) and (I) of this section.

2. Maximum vehicular parking.

a. The maximum number of off-street vehicular parking spaces allowed as of right shall be 200 percent of the minimum number specified in this subsection.

b. An administrative permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 300 percent of the minimum specified in this section. The exact percentage shall be specified in the administrative permit, which shall be processed in accordance with the requirements of Hughson Municipal Code Section 17.04.008. The Planning Officer shall grant the administrative permit subject to the following findings:

i. The proposed use will endanger the public health, safety or welfare or create significant conflicts with surrounding uses unless the maximum parking requirement is increased.

ii. The proposed increase in parking is no greater than necessary to avoid these conflicts and protect the public health, safety or welfare.

D. Location of off-site parking facilities.

1. Off-site parking facilities may be permitted with Planning Commission approval of a Conditional Use Permit subject to the following conditions:

a. If any portion of the off-site parking area is established to meet the minimum amounts specified for any major land use under this section, the off-site parking area shall be pro-

vided and maintained in the same ownership as that of the property on which the major land use is located, or if under different ownership, the applicant shall enter into a legally binding contract, approved by the Planning Officer, committing to the owner of the parking area to retain that property as parking as long as needed to maintain the minimum parking requirement for the major land use.

b. The required parking space(s) must be located on an adjacent parcel or site that is readily accessible to the site containing the building, structure, improvement, or use requiring the parking space(s).

E. Minimum dimensions – Off-street parking areas.

1. All off-street parking facilities provided under the terms of this section shall comply with the following minimum dimensions for off-street parking and maneuvering space:

a. Ninety-degree angle parking. Each parking space shall be not less than nine feet wide nor less than 19 feet in length. Maneuvering space shall be not less than 24 feet in width. Total minimum width of parking area: 43 feet.

b. Sixty-degree angle parking. Each parking space shall be not less than nine feet wide perpendicular to the parking angle nor less than 21 feet in length; measured at right angles to the building, curb or bumper line. Maneuvering space shall be not less than 18 feet in width perpendicular to the building or parking line. Total minimum width of parking area: 39 feet.

c. Forty-five-degree angle parking. Each parking space shall be not less than nine feet wide perpendicular to the parking angle nor less than 19 feet 10 inches in length when measured at

right angles to the building, curb or bumper line. Maneuvering space shall be not less than 13 feet in width perpendicular to the building or parking line. Total minimum width of parking area: 32 feet 10 inches.

d. Thirty-degree angle parking. Each parking space shall be not less than nine feet wide perpendicular to the parking angle nor less than 17 feet four inches in length when measured at right angles to the building, curb or bumper line. Maneuvering space shall be not less than 11 feet in width perpendicular to the building or parking line. Total minimum width of parking area: 28 feet four inches.

2. The Planning Commission shall have the authority to establish and/or approve parking stall and maneuvering area dimensions for parking angles other than those specified herein.

3. When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.

4. A walkway, if provided, shall be in addition to the minimum requirement for parking and maneuvering space herein required.

5. Where off-street parking facilities are provided in excess of the amounts herein specified, or when off-street parking facilities are provided, but not required by this section, the off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space herein specified.

F. Development and maintenance of off-street parking areas. Every parcel of land hereafter used as a public or private off-street parking area, as required by this section, shall be developed and maintained as follows:

1. Every parking area shall be paved and maintained so as to eliminate dust or mud. All parking areas shall be graded and drained to provide for the on-site disposal of all surface water where no city storm drains are available. In no case shall such drainage be allowed to cross sidewalks. Best Management Practices (BMPs) shall be incorporated to manage the water quality of runoff from parking lots.

2. Every parking area not separated by a fence from any street or alley property line upon which it abuts shall be provided with a suitable concrete curb or timber barrier not less than six inches in height located not less than two feet from such street or alley line. Such curb or barrier shall be securely installed and maintained. No such curb or barrier shall be required across any driveway or entrance to the parking area.

3. Every non-residential parking area abutting property zoned for residential use shall be separated from such property by a solid wall, view-obstructing fence or hedge of not less than six feet, except within front setback areas where the fence shall be reduced to three and one-half feet.

4. The Planning Commission may grant a reduction in the total number of required parking spaces when the application of these standards and regulations to an existing parking area would result in a number of parking spaces less than that required in Table 17.03.060.1.

5. Parking areas shall be used for automobile parking only. Other activities, including but not limited sales, dead storage, repair work, dismantling or servicing of any kind, shall not be permitted within parking areas;

6. If lighting is provided it shall be arranged to reflect away from the residential area, also from any public street or highway;

7. Within required front yard setback areas vehicles shall be parked only in paved parking areas which meet the parking area development standards outlined in this subsection. Vehicles may be parked in non-paved areas outside of the front setback with Planning Official determination that such a parking arrangement will not conflict with the purpose of this subsection.

8. Parking areas shall not be located in the front of buildings in downtown Hughson, as designated in the Hughson General Plan as Downtown Commercial. Parking shall be located either to the side or to the rear of the building.

9. Parking lots in front yard areas shall be separated from the sidewalk by screen planting or as provided in landscaping regulations.

10. If desired, up to 20 percent of the parking spaces provided may be designated as compact car spaces measuring a minimum of seven feet by 13 feet. The small car spaces shall be identified by painting "compact" on the pavement of said spaces.

11. Handicapped Parking. Parking spaces shall be provided in all parking areas for use by handicapped persons only, as required by Hughson Municipal Code Title 15.

G. Landscaping in parking lots. The following requirements shall apply to all open off-street parking areas:

1. At least 2 trees shall be provided for every ten parking spaces. The trees shall be planted in tree wells measuring at least six feet by six feet and shall be evenly dispersed throughout the parking lot.

2. At least 60 percent of the paved surface of a parking lot shall be shaded by tree cano-

pies at high noon within 15 years after acquiring building permits for the parking lot. The trees to be planted to develop such a canopy shall be in accordance with Hughson Municipal Code Section 17.03.092 and the City’s Street Tree Plan. Plans submitted for development review shall show the estimated tree canopies after 15 years of growth and the total area in square feet of the area shaded by tree canopies. To determine the area shaded by canopies, the following method shall be used:

- a. Determine the total area of the parking lot, deducting any areas covered by structures;
- b. Measure the shaded area as the area projected to be directly under each tree canopy after 15 years, including both paved areas and landscape planters; and
- c. All landscaping shall be protected by front wheel retention strips.

H. Truck loading and unloading space. Requirements for truck loading and unloading spaces shall be as provided in Hughson Municipal Code Section 17.03.096.

I. Bicycle parking.

1. All non-residential uses and multiple-family residential uses shall provide at least two bicycle parking spaces, or one bicycle parking space for every 20 required motor vehicle parking spaces, whichever is greater.

2. In addition to any requirements in the City Construction Specifications, each bicycle parking space shall provide a securely-anchored, stationary parking device that is adequate to lock and secure a six foot long bicycle.

3. All bicycle parking spaces shall be conveniently located to the buildings that they serve, and pedestrian walkways shall be provided between the bicycle parking spaces and the nearest building entrance.

4. For multi-family residential uses that are required to provide bicycle parking, all required bicycle parking spaces shall be located in permanently covered areas, either inside or outdoors, that are designed to protect the bicycle from rainfall.

J. Off-street parking reduction opportunities.

1. On-street parking. In non-residential districts where on-street parking is available, where the entirety of a marked, on-street parking space or bicycle parking space is adjacent to a particular site, the on-street parking space may be counted towards any off-street parking requirement for that site.

2. Shared parking.

a. Downtown. For development within the Hughson Downtown, as designated in the Hughson General Plan as Downtown Commer-

cial, the off-street parking requirements may be reduced or waived by the Planning Commission if there is an adopted Downtown Parking Plan and the developer pays the fee set by the City Council for participating in the Downtown Parking Plan.

b. Non-downtown areas.

i. Where vehicular parking spaces are shared and cooperatively operated by more than one use and there is a parking plan, the parking requirement for those uses may be eligible for reduction if either of the following circumstances apply:

a. The uses attract vehicular traffic at different hours of the day or on different days of the week. Table 17.03.060.2 shows a number of uses that can effectively share parking based on this criteria.

**Table 17.03.060.2
Peak Parking Demand for Example Land Uses**

Weekday Day-time Peaks	Evening Peaks	Weekend Peaks
Banks	Auditoriums	Churches and other places for worship
Schools	Bars and dance halls	Parks
Wholesaling and distribution	Meeting facilities	Shopping malls
Factories	Restaurants	
Medical clinics	Theaters	
Offices		
Professional services		

b. Visitors to the site are likely to park their cars once and visit more than one of the uses.

ii. Any person seeking a shared parking reduction shall apply for an administrative permit, in accordance with the requirements of Hughson Municipal Code Section 17.04.008, which shall be granted by the Planning Officer subject to the following findings:

a. The applicant has shown the times that each use will make peak demand upon the parking lot.

b. The applicant has demonstrated that the parking requirements of the uses do not conflict with one another.

c. The applicant and any other parties with an interest in the parking lot have signed and recorded a legally-binding agreement approved by the Planning Officer governing the shared use of the parking lot.

iii. In no case shall a shared parking reduction be granted such that the number of shared parking spaces to be provided is less than the largest number of spaces required for any one of the individual uses that will share the parking spaces.

17.03.064 Right-to-farm.

A. Purpose and findings.

1. It is a goal of the City of Hughson General Plan to work cooperatively with Stanislaus County to protect agricultural lands in and around Hughson. It is the policy of the City of Hughson to discourage the premature conversion of agricultural land to urban use, to direct growth away from areas established as Prime Farmland and/or under Williamson Act contracts, and to minimize conflicts between agriculture and urban uses. One purpose of this law is to reduce the loss of agricultural resources by limiting the circumstances under which agricultural operations may be deemed a nuisance.

2. It is also the intent of the City of Hughson to require new development adjacent to agricultural land to include deed restrictions recognizing the right to farm on neighboring parcels currently under agricultural production. A purpose of the notification requirement is to promote a good neighbor policy by informing prospective purchasers and tenants of non-agricultural land of the effects associated with living close to agricultural land, as defined in Hughson Municipal Code Section 17.01.090, and operations. Such concerns may include, but are not limited to, the noises, odors, dust, chemicals, smoke and hours of operation that may accompany agricultural operations. It is intended that, through mandatory disclosures, purchasers and users will better understand the impact of living near agricultural operations, as defined in Hughson Municipal Code Section 17.01.090, and be prepared to accept attendant conditions as the natural result of living in or near rural areas.

3. This section is not to be construed as in any way modifying or abridging state law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Division 7 of the Water Code, or any other applicable provision of state law relative to nuisances; rather it is only to be utilized in the interpretation and enforcement of the provisions of this code and city regulations.

B. Nuisance. No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained on agricultural lands for commercial purposes and both necessary and reasonable for said activity, and in a manner consis-

tent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality, shall be deemed a nuisance, private or public, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

C. Deed restriction. As a condition of approval of a discretionary development permit found in either Hughson Municipal Code Title 16 or Hughson Municipal Code Title 17, including but not limited to tentative, vesting tentative, final, and parcel maps, conditional use permits, rezoning and pre-zoning, the owner(s) of the subject property shall be required to insert the deed restriction recited below. The deed restriction shall be recorded by the owner(s) and run with the land.

RIGHT TO FARM DEED RESTRICTION

Properly conducted agricultural operations are permitted within Stanislaus County, within the City of Hughson, and its Sphere of Influence. You are hereby notified that the property you are purchasing is in an agricultural area. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facilities operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents and/or the operations of machinery (including aircraft) during any 24 hour period. One or more of the inconveniences described may occur as a result of agricultural operations which are in compliance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. Lawful ground rig or aerial application of pesticides, herbicides and fertilizers occur in farming operations. Should you be concerned about spraying, you may contact the Stanislaus County Agricultural Commission.

The City of Hughson Right to Farm Ordinance does not exempt farmers, agricultural processors or others from compliance with law. Should a farmer, agricultural processor or other person not comply with appropriate State, federal or local laws, legal recourse is possible by, among other ways, contacting the appropriate agency. This Right to Farm Deed Restriction shall be included in all subsequent deeds and leases for this property until such time as the City Council shall determine that such a restriction is no longer necessary.

D. Notification to Buyers. Every transferor of property subject to the notice recorded pursuant to subsection (C) of this section shall provide to any transferee in writing the Notice of Right to Farm recited below. The Notice of Right to Farm shall be contained in each offer for sale, counter offer for sale, agreement of sale, lease, lease with an option to purchase, deposit receipt, exchange agreement, rental agreement, or any other form of agreement or contract for the transfer of property; provided that the Notice need be given only once in any transaction. The transferor shall acknowledge delivery of the notice and the transferee shall acknowledge receipt of the notice.

The form of Notice of Right to Farm is as follows:

NOTICE OF RIGHT TO FARM

Properly conducted agricultural operations are permitted within Stanislaus County and within the City of Hughson Sphere of Influence. You are hereby notified that the property you are purchasing/leasing/renting is in an agricultural area. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facilities operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents and/or the operation of machinery (including aircraft) during any 24 hour period. One or more of the inconveniences described may occur as a result of agricultural operations which are in compliance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. Lawful ground rig or aerial application of pesticides, herbicides and fertilizers occur in farming operations. Should you be concerned about spraying, you may contact the Stanislaus County Agricultural Commission.

The City of Hughson Right to Farm Ordinance does not exempt farmers, agricultural processors or others from compliance with law. Should a farmer, agricultural processor or other person not comply with appropriate state, federal or local laws, legal recourse is possible by, among other ways, contacting the appropriate agency. This notification is given in compliance with Hughson Municipal Code Section 17.03.064. By initialing below, you are acknowledging receipt of this notification.

Transferor's Initials

Transferee's Initials

The failure to include the foregoing notice shall not invalidate any grant, conveyance, lease or encumbrance. The notice required by this Section shall be included in every agreement for transfer entered into after the effective date of this section, including property subject to the deed restriction cited in subsection (C) of this section.

E. Right-to-farm notice.

1. To provide all affected property owners with constructive notice of the City of Hughson's right-to-farm policy a right-to-farm notice shall be mailed to all property owners. The right-to-farm notice shall contain and be substantially in the form of the following:

**CITY OF HUGHSON
RIGHT-TO-FARM NOTICE**

The City of Hughson recognizes and supports the right to farm agricultural lands in a manner consistent with accepted customs and standards. Residents of property in the City should be prepared to accept the inconveniences or discomforts associated with agricultural operations, including but not limited to noise, odors, flies, fumes, dust, the operation of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. The City of Hughson has determined that inconveniences or discomforts associated with such agricultural operations shall not be considered to be a nuisance if such operations are consistent with accepted customs and standards. If you have any questions concerning this policy, please contact the City of Hughson Planning Officer.

2. For all discretionary approvals of parcel maps or final maps involving agricultural land, or real property located adjacent to agricultural land, the Planning Officer shall include as a condition of approval that the final recorded map shall contain the following statement:

All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with agricultural operations, such as noise, odors, flies, dust or fumes. The City of Hughson has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards.

3. All building permits for new residential construction or mobile home placement shall be accompanied by a "right-to-farm notice" in substantially the form provided in subsection (1) of this section.

F. Penalty for violation. Failure to comply with any provision of this section shall not prevent the recording of any document, nor shall it affect title to real property or any mortgage or deed of trust made in good faith or for value. However, any person who violates any provision of this section is subject to the provision of Hughson Municipal Code Section 17.04.004. This section is in no way intended to limit damages that may be awarded in nuisance suits.

G. Resolution of disputes. Any dispute or controversy that arises regarding any inconveniences or discomforts occasioned by agricultural or agricultural processing operations or facilities should be settled by direct negotiation of the parties involved. Any such dispute or controversy that cannot be settled by direct negotiation of the parties involved should be submitted to a private mediator, a community mediation service, or another agency which provides dispute resolution services prior to the filing of any court action. Any costs associated with negotiation, mediation or dispute resolution pursuant to this section shall be borne by the parties.

17.03.068 Right-to-industry.

A. Purpose and findings.

1. The City of Hughson encourages industry that is compatible with the policies in the General Plan. It is a declared policy of the City of Hughson that new development be compatible with surrounding land uses. Industrial and other land uses, in particular residential land uses, may be difficult to harmonize and are often considered incompatible. It is the purpose of this section to minimize conflicts between industrial and other urban uses. Another purpose of this section is to reduce the loss of industry by limiting the circumstances under which industrial operations may be deemed a nuisance.

2. It is also the intent of the City of Hughson to require new development adjacent to industrial land, as defined in Hughson Municipal Code Section 17.01.090, to include deed restrictions recognizing the right to industry on neighboring parcels currently being used for industrial operations, as defined in Hughson Municipal Code Section 17.01.090. A purpose of the notification requirement is to promote a good neighbor policy by informing prospective purchasers and tenants of non-industrial land of the effects associated with living

close to industry. Such concerns may include, but are not limited to, the noises, odors, dust, chemicals, smoke and hours of operation that may accompany industrial operations. It is intended that, through mandatory disclosures, purchasers and users will better understand the impact of living near industrial operations and be prepared to accept attendant conditions as the natural result of living in or near industrial areas.

3. This section is not to be construed as in any way modifying or abridging state law as set out in the California Civil Code, Health and Safety Code, Division 7 of the Water Code, or any other applicable provision of state law relative to nuisances; rather it is only to be utilized in the interpretation and enforcement of the provisions of this code and city regulations.

B. Nuisance. No industrial activity, operation, or facility, or appurtenances thereof, conducted or maintained on industrial lands for commercial purposes, and in a manner consistent with proper and accepted customs and standards as established and followed by similar industrial operations in the same locality, shall be or become a nuisance, private or public, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

C. Deed restriction. As a condition of approval of a discretionary development permit found in either Hughson Municipal Code Title 16 or Hughson Municipal Code Title 17, including but not limited to tentative, vesting tentative, final and parcel maps, use permits, rezoning and pre-zoning, the owner(s) of the subject property shall be required to insert the deed restriction recited below. The deed restriction shall be recorded by the owner(s) and run with the land.

RIGHT TO INDUSTRY DEED RESTRICTION

The City of Hughson permits operation of properly conducted industrial operations within the City of Hughson. You are hereby notified that the property you are purchasing is in or near an industrial area. You may be subject to inconvenience or discomfort from lawful industrial operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, and/or the operations of machinery during any 24 hour period. One or more of the inconveniences described may occur as a result of industrial operations which are in compliance with existing laws and regulations and accepted customs and standards. If you live near an industrial area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with an active industrial sector.

The City of Hughson Right to Industry Ordinance does not exempt industrial operators or others from compliance with law. Should an industrial operator or other person not comply with appropriate state, federal or local laws, legal recourse is possible by, among other ways, contacting the appropriate agency. This Right-to-Industry Deed Restriction shall be included in all subsequent deeds and leases for this property the City Council shall determine that such a restriction is no longer necessary.

D. Notification to buyers. Every transferor of property subject to the notice recorded pursuant to subsection (C) of this section shall provide to any transferee in writing the Notice of Right to Industry recited below. The Notice of Right to Industry shall be contained in each offer for sale, counter offer for sale, agreement of sale, lease, lease with an option to purchase, deposit receipt, exchange agreement, rental agreement, or any other form of agreement or contract for the transfer of property; provided that the Notice need be given only once in any transaction. The transferor shall acknowledge delivery of the notice and the transferee shall acknowledge receipt of the notice.

The form of Notice of Right to Industry is as follows:

NOTICE OF RIGHT TO INDUSTRY

The City of Hughson permits operation of properly conducted industrial operations within the City of Hughson. You are hereby notified that the property you are purchasing/leasing/renting is in or near an industrial area. You may be subject to inconvenience or discomfort from lawful industrial operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, and/or the operation of machinery during any 24 hour period. One or more of the inconveniences described may occur as a result of industrial operations which are in compliance with existing laws and regulations and accepted customs and standards. If you live near an industrial area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with an active industrial sector.

The City of Hughson Right to Industry Ordinance does not exempt industrial operators or others from compliance with law. Should an industrial operator or other person not comply with appropriate state, federal or local laws, legal recourse is possible by, among other ways, contacting the appropriate

agency. This notification is given in compliance with Hughson Municipal Code Section 17.03.068. By initialing below, you are acknowledging receipt of this notification.

Transferor's Initials

Transferee's Initials

The failure to include the foregoing notice shall not invalidate any grant, conveyance, lease or encumbrance. The notice required by this section shall be included in every agreement for transfer entered into after the effective date of this section, including property subject to the deed restriction cited in subsection (C) of this section.

E. Right-to-industry notice.

1. To provide all affected property owners with constructive notice of the City of Hughson's right-to-industry policy a right-to-industry notice shall be mailed to all owners of property. The right-to-industry notice shall contain and be substantially in the form of the following:

**CITY OF HUGHSON
RIGHT-TO-INDUSTRY DISCLOSURE NOTICE**

The City of Hughson recognizes and supports the right to industry in a manner consistent with accepted customs and standards. Residents of property in the City should be prepared to accept the inconveniences or discomforts associated with industrial operations, including but not limited to noise, odors, fumes, dust, the operation of machinery of any kind during any 24-hour period.

The City of Hughson has determined that inconveniences or discomforts associated with such industrial operations shall not be considered to be a nuisance if such operations are consistent with accepted customs and standards. If you have questions about this policy please contact the City of Hughson Planning Officer.

2. For all discretionary approvals of parcel maps or final maps involving industrial land, or real property located adjacent to industrial land, the Planning Officer shall include as a condition of approval that the final recorded map shall contain the following statement:

All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with industrial operations, such as noise, odors, dust or fumes. The City of Hughson has determined that such inconveniences shall not be considered to be a nuisance

if industrial operations are consistent with accepted customs and standards.

3. All building permits for new residential construction or mobile home placement shall be accompanied by a "right-to-industry notice" in substantially the form provided in subsection (1) of this subsection.

F. Penalty for violation. Failure to comply with any provision of this section shall not prevent the recording of any document, nor shall it affect title to real property or any mortgage or deed of trust made in good faith or for value. However, any person who violates any provision of this section is subject to the provisions of Hughson Municipal Code Section 17.04.004. This section is in no way intended to limit damages that may be awarded in nuisance suits.

G. Resolution of disputes. Any dispute or controversy that arises regarding any inconveniences or discomforts occasioned by industrial uses or facilities should be settled by direct negotiation of the parties involved. Any such dispute or controversy that cannot be settled by direct negotiation of the parties involved should be submitted to a private mediator, a community mediation service, or another agency which provides dispute resolution services prior to the filing of any court action. Any costs associated with negotiation, mediation or dispute resolution pursuant to this section shall be borne by the parties.

17.03.072 Secondary dwelling units.

A. Purpose. To provide for the creation of one new secondary dwelling unit, consistent with the General Plan and all relevant provisions of State law, on lots already containing a legally-created single-family detached unit in all residential districts where permitted.

B. Requirements. Secondary dwelling units shall meet the following requirements:

1. Maximum number of units. Secondary dwelling units shall not be constructed on any lot that is already developed with more than one dwelling unit; and

2. Maximum size. The total floor area for a detached second dwelling unit shall not exceed 1,200 square feet or a maximum of 30 percent of the primary dwelling unit's living area, whichever is greater; and

3. Sale or lease. The unit is not intended for sale and may be rented.

C. Efficiency units. Notwithstanding any other provision of this section, an attached unit that qualifies as an efficiency unit, as defined in Section

17958.1 of the Health and Safety Code, shall be allowed regardless of the size of the unit.

D. Development standards. Second dwelling units shall conform to all development requirements for the applicable district, including but not limited to the following:

1. The combined lot coverage of the primary dwelling unit, the secondary dwelling unit and any accessory structures on the parcel shall not exceed the maximum allowable lot coverage.

2. A second dwelling unit shall be subject to the same development standards as the primary dwelling unit, and this building shall be subject to the development standards of the applicable district.

3. Off-street parking shall be provided in accordance with the provisions of Hughson Municipal Code Section 17.03.060.

4. The construction of second dwelling units shall comply with all City building requirements as described in Hughson Municipal Code Title 15 and any other relevant codes in effect at the time of construction.

5. Secondary dwellings associated with historic buildings or structures shall be subject to the requirements of Hughson Municipal Code Section 17.03.040.

6. Exterior materials and colors shall match those existing on the primary dwelling unit. Roof pitch and style shall be consistent with that of the main dwelling unit. Variations in roof line may be permitted if the design is necessary to meet certain Building Code requirements such as minimums for living area ceiling heights.

E. Fees. The construction of second units shall be subject to the payment of all fees applicable to the construction of a single-family dwelling on the same property.

F. Approval.

1. Provided that all requirements of this section are met, the Planning Officer shall approve the application for a secondary dwelling unit and issue a zoning clearance.

2. The secondary dwelling unit shall be exempt from the calculation of density under the requirements of the relevant zoning district.

17.03.076 Sidewalks, curbs and gutters.

A. Purpose. The purpose of this section is to correct any deficiencies that exist in curbs, gutters, sidewalks in the city, to ensure that pedestrians can walk separated from vehicular traffic and to ensure proper drainage.

B. General regulations.

1. Sidewalks, curbs and gutters shall be required of all lot owners to whom a building permit is granted, except in the following cases:

a. The expansion of a structure by less than 20 percent of the existing floor area or 400 square feet, whichever is less. This exemption shall not apply where two or more permits are obtained for the same structure which, together, increase the floor area of that building by more than 20 percent of the existing floor area or 400 square feet within a three-year period.

b. Remodel of a single-family dwelling involving the demolition of less than 50 percent of the exterior walls.

c. Reconstruction of a building that has been damaged by fire or natural calamity involving the addition of no more than 1,000 square feet beyond the original floor area.

d. Minor improvements including but not limited to the installation of swimming pools, open patio covers, decks, signs, fireplaces, fish ponds, gas tanks, flagpoles, re-roofing and window changes.

e. Lot owners obtaining building permits for the construction of a second dwelling unit in a residential zoning district, so long as the second unit is less than 400 square feet or 50 percent of the primary residence, whichever is less.

2. Sidewalks, curbs, and gutters shall be constructed and maintained as described in Hughson Municipal Code Chapter 12.28 and in accordance with plan lines established by the City of Hughson Streets Master Plan.

17.03.080 Signs.

A. Purpose. The purpose of this section is to provide minimum standards to safeguard the life, health, property, and public welfare and to enhance the aesthetic character of development in the City, by regulating and controlling the design, number, area, height, quality of materials, construction, illumination, location and maintenance of all signs and sign structures and to implement the purposes, policies and programs of the General Plan.

This section is intended to ensure that signs effectively attract and direct persons to various activities and enterprises, thereby providing for maximum public convenience and promoting the economic viability of businesses, while safeguarding the following City goals:

1. To promote and enhance the character of residential neighborhoods and property values by prohibiting obtrusive and incompatible signs;

2. To limit visual clutter; and

3. To encourage signs which are well designed and pleasing in appearance and to provide incentive and latitude for variety, good design relationship, spacing, and location.

B. Applicability. This section shall apply to all permanent and temporary signs as defined in Hughson Municipal Code Section 17.01.090, including those within buildings that are visible from the street, except the following:

1. Official signs. Official signs posted pursuant to and in the discharge of any governmental function by public officials in the performance of their duties (including traffic and street name signs, as well as notices, emblems, or other forms of identification and signs required by law).

2. Interior signs. Signs located in the enclosed lobby or court of any building or group of buildings, which are not visible from or located within the public right-of-way.

3. Window signs. The size of signs in windows shall not be restricted.

4. Informational signs. Signs for the safety and convenience of the public such as "restrooms," "telephone," "danger," "impaired clearance," "no smoking," and other signs of a similar nature, up to two square feet per sign, unless a larger sign is otherwise required by State or federal law.

5. Temporary political signs. Nonilluminated signs intended to influence the vote for the passage or defeat of a measure, or nomination, election or defeat of a candidate in any governmental elections are permitted in any number, either freestanding or attached, limited to a total sign area of six square feet per sign in residential zones and not exceeding 32 square feet in other zones. Any such sign shall be erected not earlier than 90 days prior to an election and shall be removed within 10 days after such election. No such sign shall be erected on private property without the property owner's consent. No such sign shall be located within 100 feet of a polling place.

6. Nameplates, street addresses, and building directories. Street addresses and nameplates not exceeding two square feet in area for single-family or duplex structures and four square feet per sign for all other uses, and displaying only the name of the premises upon which it is displayed; the name of the owner or lessee of such premises; and/or the address of such premises. Buildings with more than five occupants may have building directories not to exceed nine square feet, affixed flat against the wall of a building, or as a ground or monument sign, which only show the name and/or address of the persons or entity occupying the building.

7. Seasonal decorations. Holiday greetings, decorations, and displays, such as those which relate to any religious or legal holiday, excluding advertising signs disguised as seasonal decorations.

8. Plaques. Solid metal plaques or cut inscriptions, either erected by recognized historical agencies, or which show names of buildings and dates of construction, provided the sign does not exceed four square feet in area.

9. Flags. The flag of the United States of America, a state, county, city, school, or duly constituted governmental body, or charitable, civic, or nonprofit organization, when not intended to be displayed for advertising purposes.

10. Artwork. Any sculpture, display or decoration clearly intended to be a work of art rather than related to the use of the property, as determined by the Planning Officer. Any decision of the Planning Officer relative to artwork may be appealed as provided in Hughson Municipal Code Section 17.04.004.

11. Bulletin boards. Bulletin boards not over 24 square feet in area and no higher than the lowest point of the roofline of the nearest structure on or off the property, for public, charitable or religious institutions when the bulletin boards are located on the premises of such institutions.

12. Religious symbols. Nonilluminated, religious symbols on the site of a religious institution, as long as the symbol is not higher than the overall height of the building on the same site, except as may be permitted by Planning Commission approval.

13. Real estate signs.

a. One non-illuminated sign on each street frontage for any lot or building which serves solely to advertise the sale, lease or rental of or an offer to build to suit on the premises where the sign is located, provided the sign does not exceed 24 square feet in area and 10 feet in height if the sign is in a commercial or industrial zone, or six square feet in area and four feet in height if the sign is in a residential zone.

b. Three non-illuminated open house directional signs, each not exceeding three square feet in area and 42 inches in height, which shall be permitted during daylight hours only in the general vicinity of the open house, provided they do not contain any advertising message other than the real estate office and that such signs are located on private property with permission of the property owner.

14. Garage sale signs. Three signs may be permitted to advertise said sale, which sign shall be displayed only at the sale, only during the

date or dates and hours of said sale, not to exceed six square feet in area nor six feet in height, provided the resident has obtained any permit that may be required by Hughson Municipal Code Section 17.03.088. Placement of signs within the public right-of-way shall not be allowed.

C. Application requirements. Permanent signs regulated by this section shall require an administrative permit, subject to the requirements of Hughson Municipal Code Section 17.04.008 and this section. Temporary signs shall require a zoning clearance, subject to the requirements of Hughson Municipal Code Section 17.04.052 and this section. Applicants for both shall submit materials showing how they have met the requirements of this section and any information deemed necessary by the Planning Officer. Applications shall be accompanied by a fee as determined by the City Council.

D. General standards for permanent signs. General requirements for permanent signs as defined in Hughson Municipal Code Section 17.01.090 shall be as follows:

1. Materials and Structural Components.

a. All outdoor signs shall be constructed of durable, weatherproof materials.

b. All materials, structural components, and methods of illumination shall meet the applicable requirements of Hughson Municipal Code Title 15.

2. Lighting.

a. Any sign that includes lighting shall conform to the lighting performance standards in Hughson Municipal Code Section 17.03.056.

b. Any conduits or wires that are connected to a sign's lighting source shall be screened or hidden from view where practical.

3. Location.

a. On-site location required. All signs shall be located on the same site as the use with which they are associated, except as provided otherwise in this section.

b. Placement for public safety. No sign shall be placed in a location where the sign would obstruct an entry or exit to a building or a safety device such as a fire alarm. In addition, no sign shall be located so as to obstruct a required sight distance area.

c. General placement requirements. The permitted signs for a use shall be located on the street-facing portion of the building or site where that use is located, except as follows:

i. Where a building is located on a one-way street, or where public visibility of the front face or front entrance of the building is

limited or impaired, permitted signs may be placed on the side or rear portion of the building or site, provided that the signs conform to all applicable requirements for the size and number of signs.

ii. Where a use is in a multi-tenant building and has no street-facing, ground-level frontage, signs for the use shall be limited to a building directory sign placed at the building entrance, or on a multi-tenant monument sign if that type of sign is allowed, except as provided elsewhere in this section.

d. Frontage on multiple streets. On lots where a building has frontage on multiple streets, signs may be placed on any street frontage. The permitted sign area for each building frontage shall not be transferred between the frontages.

4. Area. The area of a sign shall be calculated as follows, and as shown in Figure 17.03.080.1:



Figure 17.03.080.1. Measurement of sign area.

a. The area of each face of a sign shall be measured as the area of the smallest rectangle or circle that encloses all of the following:

- i. Any words, characters, symbols and images on the sign face.
- ii. Any border or frame around the information on the sign face.
- iii. Any background color on the sign face.

b. The area of a sign with two parallel faces of different sizes, such as a projecting sign, shall be measured as the area of the largest face, as shown in Figure 17.03.080.2.

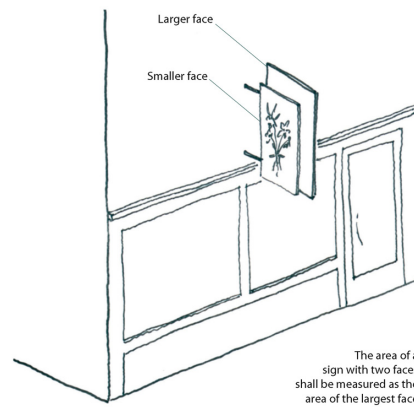


Figure 17.03.080.2. Measurement of area of signs with two parallel faces of different sizes.

c. The area of a spherical, conical, cylindrical or other non-rectangular three-dimensional sign shall be measured as the maximum projection of that sign onto a vertical plane, as shown in Figure 17.03.080.3.

5. Height. The height of a sign shall be measured from the ground level or grade at which the sign is placed to the highest point of the sign, including any decorative or supporting structures associated with the sign.

6. Vertical clearance. All signs shall provide a minimum vertical clearance of 14 feet above vehicular circulation areas and eight feet above pedestrian circulation areas; provided, however, that awnings shall have a minimum vertical clearance of seven feet above pedestrian circulation areas.

7. Maintenance. All signs, together with all of their supporting structural elements, shall be kept in a state of good repair at all times. Failure to comply with this requirement shall be considered a violation of this section.

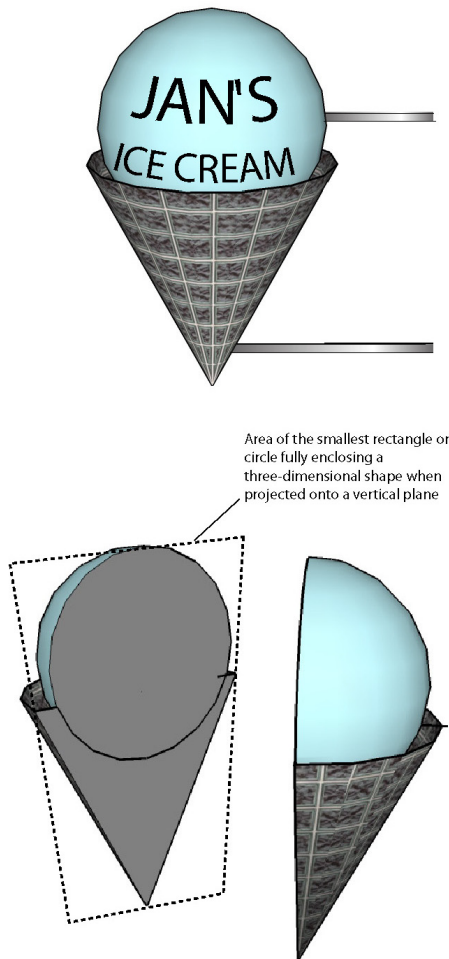


Figure 17.03.080.3. Measurement of three-dimensional signs.

E. Standards for specific types of permanent signs.

1. Awning signs. Awning signs shall meet the requirements listed below and shall be as illustrated in Hughson Municipal Code Section 17.01.090:

- a. May be placed at the sides or ends of the awning and shall not project from the surface of the awning.
- b. Shall cover no more than 50 percent of any side of the awning.

2. Freestanding signs. Freestanding signs shall meet the requirements below as illustrated in Hughson Municipal Code Section 17.01.090:

- a. Shall not be placed adjacent to any building frontage that measures less than 75

feet in width, or with a building with a setback of less than 25 feet.

- b. A minimum distance of 75 feet shall separate any two freestanding signs.
- c. Where practical, freestanding signs shall be placed so that the sign face is perpendicular to the adjacent right-of-way.
- d. The maximum width of a freestanding sign shall be one-quarter of its height.
- e. No portion of a freestanding sign shall be placed on or project above a public right-of-way.
- f. Freestanding signs are not permitted to obstruct traffic visibility.
- g. The maximum height of freestanding signs is six feet, and the maximum allowable sign area is eight square feet.

3. Monument signs. Monument signs shall meet the requirements below, as shown in Figure 17.03.080.4 and shall be as illustrated in Hughson Municipal Code Section 17.01.090:

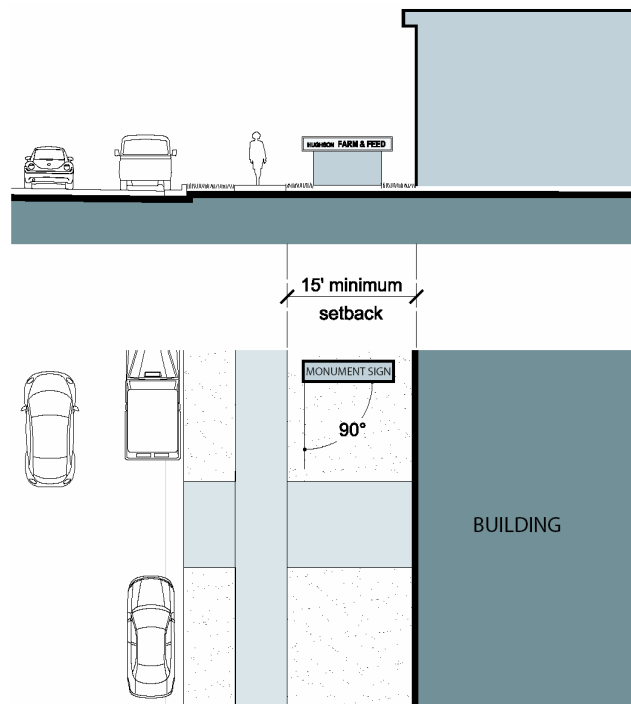


Figure 17.03.080.4. Location of monument signs.

- a. Monument signs shall not be placed adjacent to any building frontage with a setback of less than 15 feet from the public right-of-way.

- b. A minimum distance of 50 feet shall separate any two monument signs.

c. Where practical, monument signs shall be placed so that the sign face is perpendicular to the adjacent right-of-way.

d. The maximum height of a monument sign shall be eight feet, except as provided otherwise in this section.

4. Projecting signs. Projecting signs shall meet the requirements below and shall be as illustrated in Hughson Municipal Code Section 17.01.090:

a. Projecting signs may be provided only for uses located on the ground floor of a building.

b. A projecting sign may include a projection above a maximum of five feet of the width of a public right-of-way, provided that the sign includes the minimum vertical clearance specified by subsection (D) (6) of this section and provides a two-foot horizontal clearance from the curb face.

c. In a multi-story building, projecting signs shall be placed at or below the sill of the second-floor windows in a multi-story building.

d. No part of a projecting sign shall extend more than one-third of the sign height or eight feet, whichever is less, above the top of the portion of the building facade that is adjacent to the sign.

e. Where practical, projecting signs shall be placed so that the sign face is perpendicular to the adjacent right-of-way.

f. The total area of a projecting sign shall not exceed 50 square feet.

g. The thickness of any projecting sign shall not exceed one-foot.

5. Reader boards. Reader boards, as defined in Hughson Municipal Code Section 17.01.090, shall meet the requirements below:

a. May be provided as part of any allowed sign.

b. The area of a reader board shall be counted toward the total allowed area of the sign and shall not exceed 40 square feet on any one face; in no case shall a reader board be provided on more than two faces of a sign.

6. Wall signs. Wall signs shall meet the requirements below and shall be as illustrated in Hughson Municipal Code Section 17.01.090.

a. No part of a wall sign shall extend more than one-third of the sign height or eight feet, whichever is less, above the top of the portion of the building facade that is adjacent to the sign.

b. The thickness of any wall sign shall not exceed one-foot.

7. Permanent signs for single family homes in residential districts.

a. One unlighted nameplate not more than two square feet in area announcing the name of an on-site business is permitted, providing that a home occupancy permit has been approved for the occupants of the dwelling.

b. For single-family residential subdivisions, one monument sign identifying the name of the development may be permitted on each side of the main entrance. The sign, or lettering on a wall or fence, may not exceed 20 square feet in area. The sign shall be located in a landscaped common or dedicated area, and shall not be permitted to obstruct traffic visibility. Property owners shall make provisions for the ongoing maintenance of the sign and landscaping.

8. Permanent signs for multi family homes in residential districts. One attached, project identification ground or monument sign per street frontage is permitted, not to exceed 20 square feet per face. For projects with 30 or more dwelling units, additional ground or monument project identification signs may be permitted if warranted, at the discretion of the Planning Officer.

9. Permanent signs for retail and commercial districts. The following regulations apply to single occupant buildings, or multiple occupant buildings located on sites less than one acre in size. Shopping centers, single occupant and multi-occupant commercial buildings located on sites more than one acre in size are described in subsection (E)(10) of this section.

a. Any number of attached signs are permitted, as long as the total area does not exceed one square foot of sign area per lineal foot of primary street frontage, and one-half square foot of sign area per lineal foot of secondary street frontage. However, no sign shall be required to be smaller than 50 square feet of total sign area.

b. Awning, canopy and marquee signs are allowed and considered as attached signs. These signs may project over the public right-of-way, to be maintained a minimum of eight feet clearance above the sidewalk and two feet from the face of the curb.

c. One ground or monument sign is permitted, not to exceed 25 square feet in area and six feet in height.

d. In addition to the allowable signs noted above, one freestanding or attached menu board may be permitted for uses with drive-through windows, subject to the approval of the Planning Officer. These signs may not be located within any required setback, may not be located along the primary street frontage, and may not be permitted to obstruct traffic visibility. The main function of

this type of sign is for customer convenience rather than business advertisement.

10. Permanent signs for shopping centers, single-occupant and multi-occupant commercial and industrial buildings on sites over one acre in size.

a. Freestanding center identification signs: In addition to the occupant identification signs permitted in this section, business centers located on sites greater than one acre may have a maximum of one freestanding center identification sign not exceeding 150 square feet per side, or one-half square foot of sign area per lineal foot of street frontage, whichever is less. On business centers over five acres in size that have frontage on more than one street, two such signs, one for each frontage, are permitted. These signs may not exceed a maximum height of 25 feet. Freestanding center identification signs shall be located in a landscaped portion of the front setback.

b. In addition to other signs allowed by this section, one ground or monument sign identifying the name of the development may be permitted on each side of the main entrance. The sign, or lettering on a wall, may not exceed 30 square feet in area. The signs shall be located in a landscaped planter or setback, and shall not be permitted to obstruct traffic visibility.

11. Permanent signs for industrial uses. Awning, canopy and marquee signs are allowed and considered as attached signs. These signs may project over the public right-of-way, to be maintained a minimum of eight feet above the sidewalk and two feet from the face of the curb.

a. Any number of attached signs are permitted, as long as the total area does not exceed one square foot of sign area per lineal foot of primary street frontage, and one-half square foot of sign area per lineal foot of secondary street frontage, provided that the maximum area per sign does not exceed 100 square feet.

b. Awning, canopy and marquee signs are allowed and considered as attached signs. These signs may project over the public right-of-way, to be maintained a minimum of eight feet above the sidewalk and two feet from the face of the curb.

c. One ground or monument sign is permitted, not to exceed 30 square feet in area and six feet in height.

F. General requirements for temporary signs. All temporary signs, as defined in Hughson Municipal Code Section 17.01.090 and allowed by this section shall be free of lighting or illumination of any kind and shall not include any permanent construction. Temporary signs shall be permitted to

provide information on events and conditions of a short and limited time duration. Temporary signs shall be allowed for a specified period of time as determined by the Planning Officer. Permitted temporary signs include but are not limited to residential development sale signs, grand opening signs, construction signs, sale and promotion signs, going out of business signs, and temporary business identification signs for use prior to the installation of permanent business identification signage.

G. Standards for specific types of temporary signs. Other types of signs shall be subject to the general requirements of subsection (F) of this section and the rest of this section unless the Planning Officer determines that they shall be exempt.

1. Portable or "A-frame" signs. Portable signs shall be allowed in non-residential districts, subject to the following requirements:

a. A business may display one portable sign, with a maximum area of eight square feet on each face and a maximum of two faces. The sign shall be displayed on the premises of, or on a sidewalk adjacent to, the property on which the business is located. These signs may only be displayed during the hours of operation of the business.

b. Portable signs shall have a maximum height of three feet and a maximum width of two feet, and they shall occupy no more than three square feet of ground area.

c. No portable sign shall be placed within ten feet of any other portable sign.

d. No portable signs shall be placed where they would obstruct the movement of pedestrians.

e. Portable signs located on a public sidewalk shall be subject to an administrative permit conditioned upon the owner assuming all liability for the sign and indemnifying the City for any liability arising out of the sign's location on a public sidewalk.

f. For shopping centers, office complexes and any other development where multiple tenants share a building or complex of buildings, a maximum of one portable sign for each three tenants may be displayed at any given time, up to a maximum total of four portable signs.

2. Food merchants. Food merchants may post signs made of paper or cardboard, which are affixed to the merchant's building for a period not to exceed 365 days.

3. Development signs. Temporary development signs, such as those identifying a subdivision and providing sales, shall be allowed subject to the following requirements:

a. A maximum of two on-site, non-illuminated double-faced signs advertising a residential subdivision are permitted, limited to 32 square feet per side, two side maximum, and eight feet in height, located a minimum of 10 feet from the street right-of-way. These signs shall be removed not later than two years from the recording date of the subdivision, except that the Planning Officer may grant one-year time extensions until 90 percent occupancy is reached.

b. Two non-illuminated off-site subdivision sales signs identifying the location of a residential subdivision shall be permitted, limited to 32 square feet per side, two side maximum, and eight feet in height. The sign shall be located on private property, a minimum of 10 feet from the street right-of-way, where it shall not constitute a traffic hazard. These signs shall be removed, no later than two years from the recording date of the subdivision, except that the Planning Officer may grant one-year extensions until 90 percent occupancy is reached.

c. Additional on-site signs containing information about the model name or number, floor plan, area or price are permitted in residential subdivisions provided there is not more than one such sign for each model. Signs concerning models shall not have an area exceeding three square feet nor a height of more than three feet, and shall be located immediately adjacent to the model to which they refer. Signs authorized under this section shall not be erected until the subdivision map is recorded and building permits are issued for the construction of the project.

d. One banner for grand openings not to exceed 72 square feet in area or 20 feet in height may be permitted within the boundaries of the recorded subdivision. In addition, a maximum of four flags not to exceed 20 feet in height and eight square feet in area may be permitted within the subdivision.

e. One non-illuminated sales office sign which shall not exceed 12 square feet in area, may be permitted to be attached to the model home or temporary trailer, and shall not be higher than the plane surface to which it is attached.

f. Temporary development signs shall be removed within 30 days of the completion of construction or the sale of all available parcels or units, as applicable.

4. Grand opening and special event signs. Temporary signs used in conjunction with a grand opening and/or special event are permitted as long as the grand opening or special event does not exceed 30 calendar days. Signs displayed in conjunction with permits issued for temporary uses as

described in Hughson Municipal Code Section 17.03.088 shall specify the number and area of signs and permit their use for the duration of the permit.

5. Construction signs. One such sign not to exceed 40 square feet in area and eight feet in height is permitted per building site, located a minimum of 10 feet from the street right-of-way line. No construction sign shall be erected prior to the issuance of a building permit, and must be removed upon expiration of a building permit or occupancy of the completed structure. In addition to information on the new building(s), and/or identification of architects, engineers, contractors and financiers, the sign may include a sketch or architectural rendering of the building under construction.

H. Sign programs.

1. Purpose. Sign programs are specifically intended to address the unique needs of certain uses and properties that include multiple uses on one site, or multiple signs for uses with special sign needs. Sign programs shall be used to achieve aesthetic compatibility between the signs within a project and provide flexibility in the number, size, location and type of signs.

2. Applicability. Sign programs are permitted, and may be required by the Planning Commission when issuing a conditional use permit or as a condition of development review, specifically for the following:

a. The Downtown district, as shown in Figure LU-1 of the City's General Plan.

b. Shopping centers, and any other building or complex of buildings that contain multiple tenants on one or more contiguous sites.

c. Automobile or other vehicle sales.

d. All uses within a Planned Development District.

3. Modification of standards. A sign program may modify any of the following standards of this section:

a. The number of signs allowed.

b. The size allowed for an individual sign; provided, however, that the total area of all signs in the sign program shall not exceed the total area allowed by this section by more than ten percent.

c. The maximum height of monument and freestanding signs that display information for multiple tenants; provided, however, as follows:

i. The height shall not exceed 15 feet.

ii. The maximum height shall not be increased for signs in a residential district.

d. The location and type of signs allowed; provided, however, as follows:

i. A sign program shall allow no more than one sign to be placed off-site, in addition to any off-site signs that may be allowed by this section.

ii. A sign program shall not include a prohibited sign.

4. Design requirements.

a. Sign programs shall be designed so that all signs have visually compatible themes and placement.

b. Signs shall draw from a common palette of materials, colors, shapes, lettering types and sizes, and illumination methods. This common palette shall be compatible with the architecture and scale of the site's buildings, as well as the architecture and design of buildings and signs on other nearby properties.

5. Review of sign programs. All sign programs shall be subject to development review, in accordance with the requirements of Hughson Municipal Code Section 17.04.020 and the requirements of this section. Development review of a sign program shall be limited to consideration of the following issues:

a. Whether the signs included in the sign program have one or more common design elements, such as their placement, colors, materials, illumination, sign type, sign shape, letter size and lettering type.

b. Whether the colors, materials, size and placement of the signs included in the sign program are compatible with the materials, architecture and scale of the buildings and signs on the site, and on other sites in the area.

c. Whether the number and placement of signs included in the sign program is similar or dissimilar to the number and placement of signs on other nearby properties.

d. Whether the signs included in the sign program conform to the requirements of this section, as well as any applicable specific plan or design guidelines adopted by the City.

I. Violations.

1. If the Planning Officer shall find that any sign which has been constructed or erected or is being maintained in violation of the provisions hereof, written notice shall be given of such conditions to the permittee or in the event no valid permit exists, to the owner thereof. If the permittee fails to remove or alter the sign so as to comply with the standards herein set forth, within 30 days after such notice, such sign may be removed or altered to comply when so directed by the Planning Officer and such cost shall be at the expense of the

permittee or the owner of the property upon which the sign is located.

2. Any sign found to be unsafe and an immediate peril to persons or property may be removed summarily and without notice when so directed by the Planning Officer. The cost of such removal shall be assessed against the owner of the sign removed.

3. Any sign erected upon public property in violation of the provisions hereof may be removed or destroyed when so directed by the Planning Officer.

4. The cost of removal or alteration of any sign and any expense incident thereto which by the terms of this section shall be paid by a permittee, sign owner, property owner or any other person, shall become a debt owing the City. The City may initiate civil action in its own name for collection of the debt.

J. Prohibited signs. Except as otherwise provided in this section, the signs described in this subsection are prohibited:

1. Signs constituting a potential traffic hazard by being placed in such a manner as to obstruct free and clear vision of pedestrian or vehicular traffic, or signs which simulate in size, color, lettering or design any traffic sign or signal. Any sign erected, posted or displayed by any private person or entity, without authorization as provided in Hughson Municipal Code Title 10, which purports to regulate or control parking on public streets or use of the public ways or streets, shall be immediately removed, and, the erection, posting, or displaying of any such sign shall be a misdemeanor.

2. Signs within the public right-of-way, including those on street trees, utility poles, street signals, street light, street name signs, or traffic warning signs, except signs permitted by the following:

a. Temporary signs may be posted on any publicly-owned kiosk that provides space intended for the posting of signs.

b. Official signs posted or required by a government agency, or a public utility or service, may be affixed to structures in the public right-of-way.

3. Signs consisting of any moving, swinging, rotating, flashing, blinking, or otherwise animated components, with the exception of barber poles, clocks or thermometers and time-temperature signs.

4. Windblown devices and signs whose movement is designed to attract attention, such as pennants, flags, inflatable signs or balloons, inflatable animals or similar signs, with the exception of

those specifically permitted or exempted by this section.

5. Vehicle signs or signs painted or affixed to vehicles which are parked on the premises for a period in excess of 24 hours shall be considered signs within the meaning of this section and shall be specifically prohibited except such signs as are normally displayed on business vehicles.

6. Portable signs or freestanding signs not permanently affixed, anchored, or secured to the ground or structure on the lot it occupies, unless specifically allowed by this section.

7. Obstructing signs or signs erected, constructed and maintained upon or over the roofline of any building.

8. Roof signs, or any signs erected, constructed and maintained upon or over the roofline of any building.

9. Any sign located on vacant or unoccupied property that was erected for a business which has since vacated the premises.

10. Signs that bear or contain obscene or indecent statements, words, or pictures that offend public morals or decency. Whether this provision is applicable in regard to a sign shall be determined by the Planning Officer. Any decision of the Planning Officer in regard to such signs may be appealed as provided in Hughson Municipal Code Section 17.04.004.

K. Nonconforming and obsolete signs.

1. Obsolete signs. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business it advertises is no longer on the premises. If the owner or lessee fails to remove the sign after the business has been discontinued, the Planning Officer shall issue the owner a citation. If the sign is not removed within 90 days after the citation has been issued, the sign shall be deemed in violation of this section and shall be removed as provided in subsection (J).

2. Allowances and requirements for conformance. Existing, nonconforming signs shall be allowed to remain in use, except as follows:

a. Any structural modifications to a nonconforming sign shall require immediate conformance with the requirements of this section.

b. If a business or use for which the nonconforming sign is provided has been discontinued for a continuous period of more than 90 days, the sign and its associated structures shall be removed or brought into conformance with the requirements of this section.

c. If more than 50 percent of a nonconforming sign is destroyed, and structural repairs are required to restore the sign to good condition,

the sign shall be removed or brought into conformance with the requirements of this section.

3. Exceptions:

a. If, in the opinion of the Planning Commission, the provisions of this section would seriously hamper a business because of the impossibility of locating a new sign in a position where it would not be completely obstructed by existing signs, the Planning Commission may grant a variance allowing a nonconforming sign to be retained or modified, or a new nonconforming sign to be erected.

b. Lawfully-erected off premises signs, including billboards, shall be required to be removed in accordance with the provisions of Section 5412 et seq of the Business and Professions Code.

c. A sign that is part of a historic building or structure, as described in Hughson Municipal Code Section 17.03.040, shall be deemed nonconforming only if at least one of the following conditions applies:

i. The sign does not contribute to the historic significance of the historic building or structure.

ii. The sign poses an immediate threat to public safety. If the sign is deemed nonconforming solely because it threatens public safety, the sign shall be repaired or modified, if possible, rather than removed.

17.03.084 Telecommunications facilities.

A Purpose.

1. To permit reasonable use by property owners of their property while protecting the rights of neighbors and others within the community from unsightly intrusion associated with telecommunications facilities; and

2. To provide specific regulations regarding telecommunications facilities, as allowed by federal law, to facilitate orderly and aesthetically pleasing development within the City.

B. Applicability. Telecommunications facilities, including but not limited to satellite receiving dishes and wireless telecommunications facilities, are subject to the requirements of this section, to the extent permitted by the federal Telecommunications Act of 1996. Nothing in this section shall be construed to preempt any State or federal statute or the order, rule or regulation of any State or federal regulatory agency empowered to make any such order, rule or regulation. Radio and television antennas that do not exceed the height limits described in Hughson Municipal Code Section 17.03.020 are not further regulated by this section.

C. Application. Satellite dishes subject to the requirements of this section shall require an administrative permit and shall follow the process described in Hughson Municipal Code Section 17.04.008, except as required otherwise by this section. Wireless communication facilities subject to the requirements of this section shall require a conditional use permit and shall follow the process described in Hughson Municipal Code Section 17.04.012, except as required otherwise by this section. Applications shall indicate how the facilities will meet the requirements of this section and shall include the information deemed necessary by the Planning Officer.

D. Satellite dishes. The following regulations apply to satellite dishes of any size:

1. All electrical and antenna wiring shall be placed underground or otherwise obscured from view.

2. All dishes shall be neutral in color and bear no advertising emblem or information other than the name of the manufacturer in letters not to exceed two inches in height.

3. Satellite dishes that are not in use shall be removed within 30 days of the date of final use.

E. Requirements for satellite dishes less than or equal to one meter (39.37 inches) in diameter. Satellite dishes less than or equal to one meter (39.37 inches) in diameter shall not require an administrative permit, but shall require a zoning clearance, in addition to meeting all applicable requirements of this section.

F. Requirements for satellite dishes larger than one meter (39.37 inches) in diameter. The following additional regulations apply to dishes larger than one meter (39.37 inches) in diameter:

1. The City shall encourage ground-level installation of all satellite dishes.

2. The satellite dish shall be obscured from view of any public right-of-way to the extent possible. Any dish which cannot meet this requirement may nevertheless be permitted if the Planning Commission shall approve it.

3. The satellite dish shall be placed a minimum of five feet from any property line.

4. The satellite dish shall be securely mounted and anchored to the ground in accordance with the requirements of the manufacturer and the building code.

5. The satellite dish shall not be permitted in front yards or, in the case of corner lots, a side yard.

6. All satellite dishes to be installed in nonresidential zones shall be reviewed and ap-

proved by the Planning Commission under the provisions of a conditional use permit.

7. Satellite dishes shall be effectively screened by a fence, wall or dense screen hedge subject to the requirements of Hughson Municipal Code Section 17.03.028.

G. Requirements for wireless telecommunications facilities.

1. Location requirements:

a. Location preference for wireless communications facilities should be given to publicly used structures, co-location and shared-location sites, and industrial or commercial sites.

b. Monopoles for new wireless communications facilities should avoid sites within residential, agricultural, or designated open space or conservation areas unless sufficient technical and other information is provided to demonstrate to the satisfaction of the Planning Commission that the following findings can be made:

i. The location of the proposed facility site is essential to meet the service demands of the carrier and, and no other alternative facility site or type of antenna support structure is feasible; and

ii. The use of a monopole for the proposed facility by itself or in combination with other existing, approved, and proposed facilities will avoid or minimize adverse effects related to land use compatibility, visual resources, and public safety.

c. Wireless communications facilities shall be attached or sited adjacent to existing structures unless the applicant demonstrates to the satisfaction of the Planning Commission that no other technically feasible site exists or that construction of a freestanding facility on or at a distant location from an existing structure will minimize adverse effects related to land use compatibility, visual resources, public safety, and other environmental factors addressed by the environmental review process. Appropriate types of existing structures include buildings, water tanks, telephone and utility poles, signage and sign standards, traffic signals and light standards.

2. Design requirements:

a. Based on potential aesthetic impact, the order of preference for facility type is: façade mounted, roof mounted, ground mounted, and freestanding tower. If a ground-mounted or freestanding tower is proposed, the application must include an explanation as to why other facility types are not feasible.

b. All facilities shall be designed and located to minimize their visibility to the greatest extent feasible, considering technological

requirements, by means of placement, screening, and camouflage. The applicant shall use the smallest and least visible antennas feasible to accomplish the applicant's coverage objectives.

c. Roof-mounted wireless telecommunications facilities shall be located in an area of the roof where the visual impact is minimized.

d. When wireless telecommunications facilities are co-located, the Planning Commission may limit the number of antennas with related equipment and providers to be located at any site and adjacent sites in order to prevent negative visual impacts associated with multiple facilities. Architectural and other camouflaging treatment shall be coordinated between all users on each site.

3. Height requirements. Wireless telecommunications facilities shall be subject to the height limits of the district in which they are located, except for the exceptions listed in Hughson Municipal Code Section 17.03.020.

H. Findings. In order to approve a telecommunications facility pursuant to this section, the Planning Commission must make the following findings:

1. The facility is in compliance with all applicable State and federal laws; and
2. The design, location, and height is as unobtrusive as possible, while meeting the applicant's communications needs.

17.03.088 Temporary uses and buildings.

A. Applicability. All temporary uses and buildings are required to obtain either an administrative permit following the requirements of Hughson Municipal Code Section 17.04.008 or a conditional use permit following the requirements of Hughson Municipal Code Section 17.04.012, except as provided in this section.

B. Uses allowed as of right. The following temporary uses and buildings are permitted as of right, provided that they comply with all other applicable regulations:

1. The use of a facility as a polling or voting place for an election conducted by the City or other government agency.
2. The conducting of a garage, patio, rummage or yard sale on a residential property, or a block sale held on several residential properties. In order to protect the character of residential zones and the peace, privacy, safety and general public welfare of persons within such zones, garage, yard or rummage sales may be conducted only as follows:

a. No more than two sales may be conducted in any one calendar year, except that churches, charitable organizations, schools and other nonprofit organizations may hold no more than ten sales in any one calendar year.

b. Each sale shall last no more than two consecutive days beginning each day no earlier than 8:00 a.m. and ending no later than 8:00 p.m., and shall be held no sooner than 90 calendar days after a prior sale.

c. Only a temporary advertising sign conforming to the requirements of Hughson Municipal Code Section 17.03.080 shall be permitted, and posting the sign earlier than one day prior to the sale or for more than one day after the sale shall be prohibited.

d. Personal property sold at a sale shall not include secondhand goods obtained for purposes of resale.

3. A temporary outdoor sale conducted adjacent to, and in conjunction with, an approved commercial use.

4. A car or vehicle wash for which compensation is collected, provided that:

a. The car or vehicle wash is held by a charitable organization for fundraising purposes and proceeds are used solely for charitable purposes, not for the private gain of any person.

b. The car or vehicle wash is held for no more than two days within a three-month period.

c. All activity is conducted on private property outside of the public right-of-way.

5. An on-site construction yard, construction office, scaffolding, material yard or debris container, in conjunction with an approved building permit so long as all conditions associated with City permits are followed.

6. The use of an unimproved property in a non-residential zoning district as a parking lot, provided that the use continues no longer than 30 days in any one-year period.

7. A temporary emergency shelter that is needed to ameliorate the effects of a declared emergency or disaster, provided that the shelter facilities are approved by the Planning Officer and Fire Marshal prior to use and no other emergency shelter is operated within 500 feet.

C. Uses subject to administrative permit.

1. The following temporary uses and buildings are required to obtain an administrative permit as provided in Hughson Municipal Code Section 17.04.008:

a. A temporary retail use, provided that:

- i. The retail use occupies an area no larger than 100 square feet;
- ii. The retail use is on the same property as an approved commercial use; and
- iii. The retail use does not conflict with any other regulation or permit.

b. Carnivals, circuses, fairs, races, concerts, bazaars, farmer's markets and similar events, for a maximum of five days in any 30-day period.

c. A temporary real estate office.

d. The sale of seasonal holiday products, including but not limited to Christmas trees, pumpkins and fireworks in a non-residential district, provided that the sales activity does not continue for more than 45 days.

2. Duration of use. The length of time for temporary uses shall be as specified in this subsection or as required by the administrative permit. The Planning Officer may authorize a longer duration if it is determined that a longer duration would not adversely impact adjacent properties or the general public.

3. Temporary occupancy of an recreational vehicle in a residential zone, subject to the requirements listed in Hughson Municipal Code Section 17.03.052 (G).

D. Uses subject to conditional use permit.

1. Mobile homes as supplemental housing. Mobile homes as supplemental housing for persons suffering from serious illness or infirmity are subject to the requirements of Hughson Municipal Code Section 17.03.052 (H).

E. Cleanup required. Each site occupied by a temporary use shall be cleared of debris, litter or any other evidence of the temporary use upon the completion or removal of the use.

17.03.092 Trees.

A. Purpose. The City of Hughson recognizes the historical, environmental and aesthetic importance of its tree population and orchards. The City Council finds that Hughson's rural attractiveness and visual character is closely tied to the City's established larger trees, street trees and orchards; that these trees provide shade and cooling during Hughson's hot summers; and that the preservation of such trees is necessary to prevent erosion of topsoil, protect against flood hazards, counteract pollutants in the air, and decrease wind velocities.

To complement and strengthen zoning, subdivision and other land use standards and regulations, while at the same time recognizing the privileges of private property ownership, the City Council adopts this section to establish basic standards and measures for the preservation, removal, and re-

placement of trees. Thus, this section is designed to enhance the unique aesthetic character and environment of Hughson.

B. Applicability. The provisions of this section shall apply to all public property and new development within the City of Hughson, and to private property where noted in this section. No portion of this section shall be interpreted to limit the ability of farmers to remove trees or other vegetation as part of normal farming operations.

C. Official Street Tree Plan. The Planning Commission shall prepare and maintain an official Street Tree Plan for the Hughson. The Planning Officer shall require that all new planting of street trees shall be in accordance with the official Street Tree Plan of Hughson and this section. If existing street trees are removed, they shall be replaced with trees which conform to the official street tree plan.

D. Requirements for street tree planting.

1. Permission to plant required. No trees or shrubs shall be planted in any street tree area or other public place without permission of the Planning Officer.

2. Planting of street trees in new development. Before any street improvements in any new subdivision of real property in the City are accepted by the City Council, the subdivider shall pay to the City the total cost of planting all the required street trees or shall have the street trees planted to conform to the provisions of the official Street Tree Plan. If payment for planting the street trees is made by the subdivider to the City, the City shall plant the trees at the proper time and conform to the official Street Tree Plan. Watering and care of the trees thereafter shall be the responsibilities of the subdivider or the purchasers of the property.

E. General requirements for new subdivisions.

1. Preservation of existing trees. The location, size, accurate driplines and species of existing trees shall be shown on a tree survey in the same scale as development plans submitted for development review. All trees proposed for removal shall be identified. If there is disturbance proposed within the dripline of a significant tree, a certified arborist's assessment and protection measures must be provided with the development application. If significant trees are proposed for removal on development plans, the applicant shall replace them with trees whose size, number, and planting location shall be determined by the Planning Officer before final occupancy is granted to any new residents. The size and age of the tree will determine how many new trees may be substituted for the removed tree but, at a minimum, three new

trees will replace one tree removed. The ratio may be increased at the discretion of the Planning Officer.

2. Preservation of orchard trees. Where orchard trees are to be cut down, removed or relocated as part of new development, the Planning Commission or Planning Officer shall require the retention of selected orchard trees within the new development or subdivision that are representative of the land's agricultural heritage. For orchards in productive use for at least five years prior to the new development, a minimum of ten percent of the existing orchard trees shall be preserved.

3. Protection of trees during new construction. For the purpose of safeguarding trees during construction the following conditions shall apply to all existing trees within a subdivision area:

a. Oil, gasoline, chemicals and other construction materials shall not be stored within the dripline of any tree.

b. All compaction of soils, construction of building walls, or placement of impermeable surfaces must be setback a minimum of six feet from all significant trees.

c. No wires, signs or other similar items shall be attached to trees during construction.

d. Wherever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots.

e. Trimming cuts shall conform to arboricultural standards and shall be made along the branch bark ridge.

4. In construction cases where trenching around trees is necessary, the pathway of the trench shall be dug making every reasonable effort to avoid the tree's dripline. In those cases where an alternative trenching route is not possible, tunneling under woody roots rather than cutting such roots shall be required to preserve roots two inches or greater in diameter. When roots must be cut, sharp saws shall be used to make clean, non-frayed cuts, under the supervision of the Director of Public Works.

5. Planting of trees in new development. The City Council may require the planting of trees within public areas other than street tree areas that are part of new development or subdivision that appears before City Council for approval.

F. Dangerous trees. Any tree or shrub growing in a street tree area or public place or in private property which is endangering or which in any way may endanger the security or usefulness of any public street or sidewalk is declared to be a public nuisance, and the City may remove or trim such tree or shrub, or may permit any public utility to do

so or may require the property owner to remove or trim any such tree or shrub on private property or on a parking strip abutting upon such owner's property. Failure of the property owner or his or her duly authorized agent to remove or trim such tree or shrub after 30 days' notice by the Planning Officer, his or her duly authorized representative, shall be deemed to be a violation of this section, and the Planning Officer may then remove or trim the tree or shrub and assess the cost against the property.

G. Administrative permit required for trimming or removal.

No person, firm, or corporation shall cut, trim, prune, plant, remove, injure, or interfere with any tree, shrub, or plant upon any street tree area or other public place of the City without prior permission and approval therefore from the Planning Officer. No permission shall be valid for a longer period than 30 days after its issuance. Exception is made to public utility companies who regularly need to trim trees to protect their facilities, and under emergency conditions as explained in subsection (H) of this section. These utility companies shall be required to secure annual permits to remove, trim, or prune trees which create a hazard to their facilities.

H. Emergency tree removal or alteration. If personal injury or property damage is imminently threatened, the Fire Chief, the Chief of Police, the Planning Officer or duly authorized representative may authorize the removal or alteration of a tree without compliance with other provisions of this ordinance. The removal or alteration of a tree under emergency conditions shall be reported to the Planning Officer on the first business day following the emergency tree work.

I. Removal of trees. The Director of Public Works or his or her duly authorized representative may cause to be trimmed, pruned, or removed, any trees, shrubs, plants, or vegetation in any street tree area or other public place.

J. License to engage in commercial tree pruning, trimming or removal. Any person, firm, or corporation engaged in the business of pruning, trimming, or removing of ~~city~~ trees within a street tree area or on public property shall hold a Business License from the City of Hughson permitting the holder to engage in commercial tree pruning, trimming or removal. The Business License shall be obtained as described in Hughson Municipal Code Chapter 5.04.

K. Prohibited trees. The Planning Officer may prohibit trees that he or she deems likely to interfere with public safety or to interfere with pub-

lic services, including but not limited to public sidewalks and sewers.

L. Tree maintenance.

1. Trees or shrubs on private property, which abut, overhang, or otherwise interfere with adjoining property shall be maintained, trimmed and otherwise managed so as to avoid creating a private nuisance to adjoining property owners. Failure to maintain, trim, or otherwise manage trees or shrubs on private property, where such failure creates a private nuisance shall be deemed to be a violation of this section, and the Planning Officer may then remove or trim the tree or shrub and assess the cost against the property.

2. Any tree required by the provisions of this section shall be maintained in good health. If any such tree should die within two years of completion of the development project, the property owner shall replace it with a similar approved tree.

M. Abuse or mutilations of trees prohibited. It is a violation of this section to abuse, destroy, or mutilate any tree, plant, or shrub in a street tree area or any other public place, or to attach or place any rope, wire (other than one used to support a young or broken tree), sign, poster, handbill, or other things to or on any tree growing in a public place or to cause or permit any wire charged with electricity to be placed or attached to any such tree, or allow any gaseous, liquid, or solid substances which are harmful to such trees to come in contact with their roots or leaves.

N. Appeals. Appeals shall follow the process provided in Hughson Municipal Code Section 17.04.004.

O. Violations.

1. Any person who violates any of the provisions of this section or any of the conditions of any permit issued hereunder is guilty of a misdemeanor.

2. Violation of this article resulting in unauthorized removal, destruction or disfigurement of trees, the responsible person may be liable for a civil penalty equal to the value of the removed, destroyed or disfigured tree as set forth in the current edition of The Guide for Plant Appraisal as published by the International Society of Arboriculture (ISA) or other approved method. The City Attorney is authorized to bring a civil action in any court of competent jurisdiction to recover such civil penalties and associated costs for the City. Penalties can be met through a combination of replacement trees and/or in-lieu payments to the City, as approved by the Planning Officer.

3. Whenever any construction work is being performed contrary to the provisions of this section, including failure to protect or maintain

trees on construction or demolition sites, the Planning Officer may issue a written notice to the responsible party to stop work on the project on which the violation has occurred or upon which the danger exists. The notice shall state the nature of the violation or danger, and no work shall be allowed until the violation or danger has been rectified and approved by the Planning Officer.

P. Enforcement. The Planning Officer shall be charged with the enforcement of this section, and shall have the right to determine whether any specific woody plant shall be considered a tree or a shrub. Such determination shall be final and not subject to appeal.

17.03.096 Truck loading and unloading.

A. Purpose. On the same premises with every building devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale and manufacturing trade, hotels, hospitals, laundry, dry cleaning establishments or other buildings where large amounts of goods are received or shipped, erected in any zone after the date of adoption of this title, there shall be provided loading and unloading space as follows:

B. Spaces. One permanently maintained truck loading and unloading space for buildings having a gross floor area of 7,500 square feet or more, plus one additional space for each additional 20,000 square feet or major fraction thereof.

C. Dimensions. Each loading space shall be not less than 10 feet in width, 25 feet in length, and 14 feet in height.

D. Landscaping. All off-street loading areas are subject to the same landscape requirements as off-street parking lots as described in Hughson Municipal Code Section 17.03.060.

E. Location. Loading spaces shall be located and designed as follows:

1. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;

2. Situated to ensure that the loading facility is screened from adjacent streets as much as possible;

3. Situated to ensure that loading and unloading takes place on-premises and in no case within adjacent public rights-of-way or other traffic circulation areas on-premises;

4. Situated to ensure that vehicular maneuvers occur on-premises; and

5. Situated to avoid adverse impacts upon neighboring residential properties.

F. Downtown Loading Plan. All truck loading and unloading activities shall be conducted in accordance with the officially adopted Downtown

Loading Plan. The downtown area shall be as designated in the Hughson General Plan as Downtown Commercial.

Chapter 17.04

PROCESS

Sections

17.04.004	Administration and enforcement.
17.04.008	Administrative permits.
17.04.012	Conditional use permits.
17.04.016	Development agreements.
17.04.020	Development review
17.04.024	Floodplain development permits.
17.04.028	Grading permits.
17.04.032	Nonconforming uses, buildings, and structures.
17.04.036	Plan lines.
17.04.040	Specific Plans.
17.04.044	Variances.
17.04.048	Zone changes, rezoning, and amendments.
17.04.052	Zoning clearances.

17.04.004 Administration and enforcement.

A. Administration. This title shall be administered by the Planning Officer who shall forward applications and appeals as required to the Planning Commission and City Council.

B. Interpretations. The interpretation and application of this title shall be in a manner consistent with Section 17.10.040. In the event of a difference or conflict between the text of this title and the zoning districts shown on the official zoning map, the designations on the map shall govern. In the event public streets or alleys or public property are vacated or abandoned or become private property or are leased for private use, this property shall be classified by the Planning Commission at the time of change of status. In the event that any public property is not indicated as being zoned on the zoning map, it shall not be used for private purpose until it has been classified as to zone.

1. Additions authorized. Land uses not listed as allowed as-of-right or allowed with a use permit in Table 17.02.032.1 shall not be permitted unless otherwise allowed by subsection (2) of this subsection.

2. Findings. No such use shall be determined to be permitted, accessory or conditional unless the applicable provisions of this title dealing with the subject zone reasonably allow the Planning Officer to make the required findings in Hughson Municipal Code Section 17.02.004(G) or,

upon appeal, reasonably allow the Planning Commission or City Council to make the required findings.

3. Zoning boundary lines. The City Council, upon recommendation of the Planning Commission and after notice to the owners of the affected properties, may interpret the zoning maps and make minor adjustments in the zone boundaries in such a way as to carry out the objectives and purposes of these regulations.

C. Enforcement.

1. It shall be the duty of the Building Inspector to enforce any portion of this title relative to building construction, and it shall be the duty of the Planning Officer and the Planning Commission to enforce all other provisions of this title. No oversight or dereliction on the part of the Building Inspector, Planning Officer, or any authorized assistants of any official or employee of the City vested with the duty or authority to issue permits or licenses shall legalize, authorize, waive or excuse the violation of any provision of this title. Any permit or license so issued shall be null and void.

2. In the event any person, firm or corporation should erect, construct, move or alter any building or structure in violation of any provision of this title, or make any use of any property in a manner contrary to the provisions of this title, such action or use shall be, and the same is declared to be unlawful and a public nuisance.

3. When a violation of this title occurs or is alleged to have occurred, any person may file a written or oral complaint with the Planning Officer. Action or proceedings for the abatement, removal, and enjoinder thereof shall immediately commence as provided for in this section, or in accordance with other enforcement provisions set forth in the Hughson Municipal Code.

4. Any person, firm or corporation violating any provisions of this title shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as set forth in Hughson Municipal Code Chapter 1.12.

D. Appeals process. When this title provides for an appeal of an action, the appeals process shall be as follows:

1. Appeal of Planning Officer actions to Planning Commission:

a. Notice of appeal. If the applicant or any other affected person is dissatisfied with a decision made by the Planning Officer, such person may appeal to the Planning Commission. Planning Officer decisions which may be appealed include determinations on the meaning or applicability of the provisions of this Title, determinations that an application or submittal information is incomplete

pursuant to California Government Code Section 65943, and any decision to approve or disapprove a Zoning Clearance, Minor Variance or Administrative Permit. Any such appeal must be in writing, stating the specific reasons for the appeal and the grounds asserted for relief. The appeal must be filed with the Planning Officer no later than ten calendar days after the date of the action being appealed, along with the filing fee, as established by the City Council. The appeal shall include all information deemed necessary by the Planning Officer, who shall review it for completeness and notify the appellant if additional information is required. If the appeal is not filed within 10 days or by a specified date exceeding 10 days, the appeal will not be reviewed.

b. Hearing. At its next regular meeting after the filing of the appeal, the Planning Commission shall set a date for a public hearing, which shall occur within 60 days from the date of receipt of the request for appeal. Notice of the hearing shall be given as provided in subsection (F) of this section. The Planning Commission's decision shall be based solely on facts and information relevant to the subject appeal.

c. Planning Commission action. At the conclusion of the public hearing the Planning Commission shall grant or deny or conditionally grant the appeal. A copy of the written decision, findings and conditions shall be provided to the appellant and the project applicant, within ten days of the action taken.

2. Appeal of actions to City Council.

a. Notice of appeal. If the applicant or any other affected person is dissatisfied with decision made by the Planning Commission pertaining to the provisions contained in this Title, such person may appeal to the City Council. Any such appeal must be in writing, stating the specific reasons for the appeal and the grounds asserted for relief. The appeal must be filed with the Planning Officer no later than ten calendar days after the date of the action being appealed, along with the filing fee, as established by the City Council. The appeal shall include all information deemed necessary by the Planning Officer, who shall review it for completeness and notify the appellant if additional information is required. If the appeal is not filed within the time or in the manner prescribed, the appeal will not be reviewed.

b. Hearing. At its next regular meeting after the filing of the appeal, the City Council shall set a date for a public hearing, which shall occur within 30 days from the date of receipt of the request for appeal. Notice of the hearing shall be given as provided in subsection (F) of this section.

c. City Council action. At the conclusion of the public hearing the City Council may grant, deny or conditionally grant the appeal. A copy of the written decision, findings and conditions shall be provided to the appellant and the project applicant, within 10 days of the action taken. The decision of the City Council shall be final. The City Council's decision shall be based solely on facts and information relevant to the subject appeal and whether the Planning Commission acted properly in its decision.

E. Limitation on time for challenging decisions. Any action or proceeding to attack, review, set aside, void, or annul any decision made pursuant to this title, or concerning any of the proceedings, acts, or determinations taken, done, or made prior to such decision, or to determine the reasonableness, legality, or validity of any condition attached thereto, shall be subject to the limitation contained in Government Code Section 65009, as it is now amended.

F. Public notice and hearings.

1. Public Notice. Notice of a public hearing before Planning Commission or City Council shall be given in accordance with California Government Code Section 65090 *et seq.*, and as follows:

a. Content. In addition to any other information required by law, notice of a public hearing shall include, but not be limited to: the date, time and place of the hearing; the name of hearing body; a general explanation of the matter to be considered; and a description of the location of the real property that is the subject of the hearing. If a proposed Negative Declaration, a final Environmental Impact Report, or any other appropriate environmental document has been prepared for the project pursuant to California Environmental Quality Act (CEQA), the hearing notice shall include a statement that the hearing body will also consider approval/certification of such document(s).

2. Method of notice distribution.

a. Notice shall be published at least once in a local newspaper of general circulation in the City, at least 10 days before the hearing; and

b. Notice shall be mailed or delivered at least 10 days before the hearing to:

i. The owner(s) of the property being considered, or the owner's agent, and the applicant;

ii. Each local agency expected to provide water, schools, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;

iii. All owners of real property, at the address as shown on the City's latest equalized assessment roll, within 300 feet of the property which is the subject of the hearing; and

iv. Any person who has filed a written request for notice with the Planning Officer.

c. If the number of property owners to whom notice would be mailed is more than 1,000, the Director may choose to provide an alternate notice through the placement of at least a one-eighth page display advertisement in a local newspaper of general circulation within the City.

d. Failure to receive notice. Failure of any person to receive notice required to be given in compliance with this chapter shall not affect the validity of the hearing or any action taken.

e. Additional notice. In addition to the types of notice required by subsection (B) of this subsection, the Planning Officer may provide any additional notice with content or using a distribution method as the Planning Officer determines is necessary or desirable.

3. Hearings. Public hearings shall provide an opportunity for the public to provide testimony and shall be conducted as required by the Ralph M. Brown Act (Government Code Section 54950 et. seq.).

17.04.008 Administrative permits.

A. Purpose. The purpose of this section is to provide a process whereby permits for specific land uses, buildings or structures can be issued as a ministerial function based on the specifications in this title, rather than through a legislative action.

B. Application required. Actions shall be required to obtain an administrative permit as specified elsewhere in this title, including but not limited to:

1. Allowed uses. Permits for uses identified as requiring an Administrative Permit in Table 17.02.032.1.

2. Temporary uses. Permits for temporary uses are required as described in Hughson Municipal Code 17.03.088.

3. Home occupations. Permits for moderate-impact home occupations are required as described in Hughson Municipal Code 17.03.044.

4. Tree trimming or removal. Permits for tree trimming or removal are required as described in Hughson Municipal Code 17.03.092.

C. Application requirements.

1. Application for an administrative permit shall be made in a form prescribed by the Planning Officer and accompanied by a fee established by resolution of the City Council. If the ap-

plicant does not own the property for which a permit is requested, the application shall be accompanied by a letter of permission from the owner of the property.

2. Fee. The filing and investigation fee shall be as prescribed by City Council resolution.

D. Review by Planning Officer. Within five days of deeming the application complete, the Planning Officer shall distribute the application materials to all City departments. City departments shall submit any comments on the application within 14 days after the application materials are distributed.

E. Approval or disapproval by Planning Officer. The Planning Officer may issue an administrative permit only upon finding that the proposed use or structure complies with all applicable standards and regulations contained in the Hughson Municipal Code.

F. Public notice. Public notice shall be given as required by Section 17.04.004.F of the Hughson Municipal Code.

G. Effective date. The Administrative Permit shall become effective after the notice of permit approval has been posted on site for the required 10-day appeal period.

H. Enforcement. The Planning Officer may revoke any administrative permit that has been granted pursuant to the provisions of this section upon finding any of the following:

1. Any of the terms or conditions of the permit have been violated;

2. A law, including any requirement in this title, has been violated in connection with the permit; or

3. The permit was obtained by fraud.

I. Appeals process. Appeals to the Planning Officer's actions shall follow the process described in Hughson Municipal Code 17.04.004 (D).

17.04.012 Conditional use permits.

A. Purpose. Conditional use permits provide an opportunity to review the location, site development or conduct of certain land uses, activities and structural features that generally have a distinct impact on the area in which they are located or are capable of creating special problems for bordering properties unless given careful attention. Use permits may be granted by the Planning Commission under the provisions of this section.

B. Application required. A conditional use permit shall be required for all uses listed as conditional uses in this title, including but not limited to:

1. Allowed uses. Permits for uses identified as requiring a Conditional Use Permit in Table 17.02.032.1.

2. Adaptive reuse. Permits for adaptive reuse are required as described in Hughson Municipal Code 17.03.040.

3. Mobile homes. Permits for mobile homes are required as described in Hughson Municipal Code 17.03.052.

4. Parking. Permits for parking are required as described in Hughson Municipal Code 17.03.060.

C. Application requirements.

1. Filing. Application shall be made in writing by the property owner or his or her authorized agent on forms provided by the Planning Officer. The application shall include all of the information deemed necessary by the Planning Officer.

2. Fee. The filing and investigation fee shall be as prescribed by City Council resolution.

D. Procedure. The Planning Commission shall hold a public hearing on any proposed conditional use permit. Notice of the hearing shall be given in accordance with Hughson Municipal Code 17.04.004 (F). Failure to receive the notice required by this section shall not invalidate the action of the Planning Commission.

E. Approval or Disapproval by Planning Commission.

1. The Planning Commission may approve, conditionally approve or deny an application for a conditional use permit. In authorizing a conditional use, it may impose requirements and conditions as deemed necessary for the protection of adjacent properties and the public interest, when reasonably related to the use of the property. Before granting any conditional use permit the Planning Commission shall be satisfied that the proposed structure or use conforms to the requirements and the intent of this title and the General Plan. If the proposed use includes the construction of any new buildings or structures, the Planning Commission shall establish a timeline within which the construction shall be completed.

2. Expiration.

a. A conditional use permit shall become null and void without further action in the event the Planning Commission finds that the approved use has not been established within one year. If circumstances have not changed, the Planning Commission may, upon written request of the permittee, extend the approval of a conditional use permit once for up to one additional year, with the same conditions of approval. The written request must be filed with the City 45 days prior to the expiration of the use permit. For the purposes of this section, "Established" shall mean the issuance of building permits.

b. A conditional use permit shall become null and void if the use has remained vacant for more than six months.

c. Planned unit developments. For conditional use permits approved concurrently with a planned unit development application, the Planning Commission shall establish a timeline with specified dates by which specified phases of development shall be completed. Failure to comply with this timeline will render the conditional use permit null and void.

d. Whenever any use of land, building or premises established under a conditional use permit is discontinued for a period of six months or more, it shall be unlawful to reestablish such use unless a new conditional use permit is approved in accordance with the provisions of this section.

F. Issuance. No conditional use permit which has been approved by the Planning Commission shall be issued prior to the expiration of the appeal period as set forth in Hughson Municipal Code 17.04.004 (D) or the final action on an appeal to the City Council.

G. Enforcement. Where the conditions of a conditional use permit have not been, or are not being, complied with, or where the use to which the permit applies has been, or is being, conducted in a manner detrimental to the public health, safety and general welfare, the Planning Officer or Building Department shall give the permittee written notice of an intent to revoke the permit. The Planning Commission will review the matter at a public meeting. The Permit holder shall be notified of this hearing no less than 10 days prior to the hearing date. At the conclusion of its review, the Planning Commission may revoke the permit. Alternately, the Planning Commission may modify the permit if the grounds which would otherwise justify revocation can be corrected or cured by new or additional conditions.

H. Appeals process. Appeals follow the process described in Hughson Municipal Code 17.04.004 (D).

17.04.016 Development agreements.

A. Purpose. The purpose of this section is to implement the provisions of State law (Article 2.5 of Chapter 4 of Division 1 of Title 7, commencing with Section 65864 of the Government Code). This section is intended to provide guidance for the City and for landowners when they choose to enter into a Development Agreement and includes procedures and minimum requirements for the review, consideration, approval, and modification of Development Agreements upon application by, or on behalf of, property owners or other persons having a legal

or equitable interest in the property proposed to be subject to the agreement.

B. Annexation.

1. Agreements for unincorporated areas. The City may enter into a Development Agreement with any person having a legal or equitable interest in real property in an unincorporated area within the City's sphere of influence, or their legal representative. However, the agreement shall only become effective upon the recordation of the Local Agency Formation Commission (LAFCO) Certificate of Completion annexing the property into the City. If the annexation is not completed within the time specified in the agreement, or any extension of the agreement, the agreement shall be deemed void.

2. Agreements with the County. Any Development Agreement which has been entered into by the County before the effective date of the annexation and which meets the requirements of State law (Government Code Section 65865.3) shall:

a. Remain valid for the duration of the agreement, or eight years from the effective date of annexation, whichever first occurs. The holder of the agreement and the City may, by mutual consent, extend the life of the agreement up to 15 total years from the effective date of the annexation; or

b. Be subject to modification or suspension by the City of the provisions of the agreement if the City determines that failure to do so would place the residents of the subject property and/or the residents of the City in a condition which is dangerous to their health or safety, after a noticed hearing in compliance Hughson Municipal Code 17.04.004 (F).

C. Initiation. A Development Agreement may be initiated in the following manner:

1. City Council. By the City Council with referral to the Planning Commission, provided that the person having a legal or equitable interest in the property or their legal representative has provided a written statement of consent;

2. Planning Commission. By an affirmative vote of the Planning Commission, provided the person having a legal or equitable interest in the property or their legal representative has provided a written statement of consent; or

3. Property owner. By the property owner or their legal representative, provided ownership can be demonstrated to the satisfaction of the Planning Officer.

D. Application requirements. A Development Agreement application shall include the information deemed necessary by the Planning Officer and

shall be accompanied by a fee set by the City Council by resolution.

E. Planning Officer review. The Planning Officer shall review the Development Agreement for completeness and shall request review by the City Attorney and other departments within the City. The Planning Officer shall prepare a report summarizing the results of his or her review and that of the other departments and forward it to the Planning Commission and the applicant. The Planning Officer shall ensure that all applications related to the same development are scheduled for concurrent hearings to the extent practicable.

F. Planning Commission review. The Planning Commission shall hold a public hearing, which shall be noticed according to Hughson Municipal Code 17.04.004 (F) to review the Development Agreement and shall recommend approval, approval with modifications, or disapproval to the City Council, based on the findings in subsection (H) of this subsection. The Planning Commission's report shall be made in writing.

G. City Council approval or disapproval. The City Council shall hold a public hearing, which shall be noticed according to Hughson Municipal Code 17.04.004 (F) to review the Development Agreement and the recommendations of the Planning Commission. It may not approve the Development Agreement unless it can make the findings in subsection (H) of this subsection. The Development Agreement shall be adopted by ordinance.

H. Findings. It is the responsibility of the applicant to establish evidence in support of the required findings. The Development Agreement shall:

1. Be in the best interests of the City;
2. Comply with this Development Code and other applicable ordinances and regulations;
3. Be consistent with the general land uses, objectives, policies, and programs of the General Plan, any applicable Specific Plan;
4. Not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare;
5. Comply with the conditions, requirements, restrictions, and terms of this section; and
6. Comply with the provisions of the California Environmental Quality Act (CEQA).

I. Execution and recordation.

1. Execution. If the applicant has not executed the Development Agreement and returned the executed agreement to the City Clerk within 30 days following the date of the City Council decision to approve the agreement, the Development Agreement application shall be deemed withdrawn. If this occurs the City Council shall not adopt the

ordinance and the City Manager shall not execute the agreement. The Council may extend the 30-day period if a written request is filed before the expiration.

2. Effective date. If approved by ordinance of the Council, the Development Agreement shall become effective upon notarized execution by the authorized representatives of all parties, but no sooner than the 30th day following the date the public decision is rendered by the City Council, or after any appeals filed have been acted upon, whichever is later.

3. Mutual consent. A Development Agreement may be executed only on the mutual consent of each party to the agreement.

4. Other permits or entitlements. The provisions of this section shall not be interpreted to prohibit the Planning Officer, Planning Commission, or City Council from conditioning the approval of other discretionary permits or entitlements after the execution of a Development Agreement, where the conditions are otherwise authorized by law.

5. Recordation. A Development Agreement shall be recorded by the City Clerk with the County Recorder's Office no later than 10 days after it is executed, in compliance with State law (Government Code Section 65868.5). Any cost for recordation shall be paid by the applicant.

J. Periodic review.

1. Subject to periodic review. Every Development Agreement, approved and executed in compliance with this section, shall be subject to periodic review of the applicant's compliance with the agreement, by the Planning Commission, during the full term of the agreement, as specified in the agreement, but in no case less frequently than once every 12 months. Fees set by the City Council by resolution shall be collected from the applicant.

2. Purpose of review. The purpose of the periodic review shall be to determine whether the applicant and/or the successor(s)-in-interest has complied in good faith with the terms and/or conditions of the Development Agreement. The burden of proof shall be on the applicant and/or the successor(s)-in-interest to demonstrate compliance, to the full satisfaction of, and in a manner specified by, the City.

3. Result of review. If, as a result of a periodic review in compliance with this Section, the Planning Commission finds and determines, on the basis of substantial evidence, that the applicant and/or the successor(s)-in-interest, as applicable, has not complied in good faith with the terms or conditions of the agreement, the Planning Officer shall notify the applicant and/or their successor(s)-

in-interest of the findings by certified mail. The notification shall state that failure to comply within a period specified, but in no event less than 30 days, may result in legal action to enforce compliance, termination, or modification of the Development Agreement.

4. Duty of the applicant. It is the duty of the applicant and/or the successor(s)-in-interest to provide evidence of good faith compliance with the agreement to the Planning Commission's satisfaction at the time of the review. Refusal by the applicant and/or the successor(s)-in interest to provide the required information shall be deemed grounds for termination of the Development Agreement.

5. Modification or termination of the agreement. If, at the end of the time period established by the Planning Officer, the applicant and/or the successor(s)-in-interest has failed to comply with the terms of the agreement:

a. Planning Commission's notification. The Planning Commission shall notify the City Council of its findings, recommending action as it deems appropriate.

b. City Council's action. If the Planning Commission reports a violation of a Development Agreement, the City Council may take one or more of the following actions:

i. Approve the recommendation of the Planning Commission instructing that appropriate action be taken in cases other than a recommendation to terminate or modify an agreement;

ii. Refer the matter back to the Planning Commission for further proceedings with or without instructions; or

iii. Schedule the matter for hearing before the City Council where termination or modification of an agreement is recommended. The conduct of the hearing shall be in compliance with Hughson Municipal Code 17.04.004 (F).

K. Modification or termination. A Development Agreement may be modified or terminated, in whole or in part, by mutual consent of all parties to the agreement or the successor(s)-in-interest in compliance with State law (Government Code Section 65868).

L. Compliance.

1. Performance guarantees. The applicant/owner shall provide adequate performance security for the faithful performance of the implementation of a portion(s) of the agreement if the Planning Officer determines any such portion(s) may be implemented at a later specified date.

2. Interpreting the provisions. A recorded Development Agreement and any terms, conditions, maps, notes, reference, or regulations

which are a part of the Development Agreement shall be considered enforceable elements of the Municipal Code. In interpreting the provisions of any Development Agreement entered into in compliance with this Division, those provisions shall be read to fully effectuate, and to be consistent with, the language of this section, State law (Article 2.5 of the Government Code, commencing at Section 65864), and the agreement itself.

3. Apparent discrepancies. Should any apparent discrepancies between the meaning of these documents arise, reference shall be made to the following documents in the following order:

- a. The plain terms of the Development Agreement itself;
- b. The provisions of this section;
- c. The provisions of State law (Article 2.5 of the Government Code, commencing at Section 65864).

M. Enforcement.

1. Enforceability. Unless and until amended or canceled, in whole or in part, in compliance with subsection (K) of this section, a Development Agreement shall be enforceable by any party to the agreement, notwithstanding any change in the General Plan or any applicable Specific Plan, zoning, subdivision, or building regulations adopted by the City which alters or amends the rules, regulations, or policies specified in the Development Agreement.

2. Injunctive relief. If the City Council finds that significant public harm would result from noncompliance with the terms and conditions of a Development Agreement by the applicant or successor(s)-in-interest and further finds that the potential harm to the public outweighs any potential harm to the applicant or their successor(s)-in-interest so that injunctive relief is the most appropriate way to protect against public harm, the City may, in addition to any other remedy or relief provided by law, enforce an adopted Development Agreement and any of its terms by a temporary, preliminary, or permanent injunctions issued by a court of competent jurisdiction.

N. Benefits and burdens to successors. The burden of a Development Agreement shall be binding upon, and the benefits of the Development Agreement shall inure to, all successor(s)-in-interest to the parties to the agreement.

17.04.020 Development review.

A. Purpose. Development Review is intended to promote orderly, attractive, and harmonious development, recognize environmental limitations on development, stabilize land values and invest-

ments, and promote the general welfare. The Development Review process aims to achieve these goals by preventing uses or structures which would not meet the specific intent, clauses or performance standards of this title or which would not properly relate to their sites, surroundings, traffic circulation, or environmental setting. Applicants should refer to the provisions of this section, the City of Hughson Design Expectations manual related to single-family residential development, and any other design documents adopted by resolution of the City Council. The City Council reserves the right to adopt additional design expectations or guidelines by resolution.

B. Application required.

1. Building permit. Development Review shall be required for all development projects requiring a building permit except for the following:

- a. Interior building renovations that do not expand the building envelope or add more than ten percent of the floor area of the structure.
- b. Repair and maintenance of parking structures or areas.

2. Other projects. The following projects shall at all times require Development Review:

- a. Conversion of single-family dwellings to nonresidential uses, including offices, retail stores and bed and breakfast establishments.
- b. Conversion of apartments, office, commercial or industrial buildings into condominiums.

c. Any project involving an intensification of land use, including conversion of service commercial or industrial uses to a retail commercial use.

3. Historic buildings. All construction, alteration, remodeling, reconstruction and modification of historic buildings or structures as defined by Hughson Municipal Code Section 17.03.040 shall be subject to Development Review as provided in this section, except that consideration shall also be given to the guidelines in Hughson Municipal Code 17.04.040 (G).

4. Representative samples. For any residential development, the design of detached single-family dwelling units may be evaluated on the basis of representative examples, provided that the design of all such dwelling units conforms substantially to the examples.

5. In advance of construction plans. Development Review shall occur prior to the approval of construction plans required for the issuance of a building permit, and applicants must provide evidence that review has been completed and modifi-

cations or conditions that result from Development Review have been incorporated into the building permit plans. Construction or installation of improvements shall be completed pursuant to an approved site plan prior to the issuance of a building occupancy permit.

C. Application requirements.

1. Filing. Application shall be made in writing by the property owner or his or her authorized agent on forms provided by the Planning Officer. Applications shall include the following information:

- a. Completed and signed application form including name, address and telephone number of applicant.
- b. Application fee as established by resolution of the City Council.
- c. A copy of all entitlements granted for the property by the city, including conditions of approval and the environmental documentation.
- d. A copy of all required state and federal permits.
- e. Site plan.
- f. Building design plans, including floor plans and elevations.
- g. Material samples and color board.
- h. A self-certification checklist.
- i. Other material and information as requested by the Planning Officer or by the Planning Commission.

2. Fee. The filing and investigation fee shall be as prescribed by City Council resolution.

D. Decision-making authority. The City of Hughson Planning Officer shall serve as the Development Review decision-making authority for exterior modification requiring a building permit to an existing single-family home, or a new single-family home that was not previously reviewed as part of a tentative parcel map, vesting tentative parcel map, tentative subdivision map or vesting tentative subdivision map. All other projects requiring Development Review subject to subsection (B) of this section shall be reviewed by the Planning Commission. The Planning Commission shall also hear appeals of Planning Officer Development Review decisions.

E. Planning Commission review. The Planning Commission shall hold a public hearing for any Development Review application requiring Planning Commission approval. The Planning Commission Development Review hearings shall be noticed in accordance with Hughson Municipal Code 17.04.004 (F). Failure to receive the notice

required by this section shall not invalidate the action of the Planning Commission.

1. Application review. The Planning Officer shall review applications requiring Planning Commission approval to determine whether the proposal meets the requirements for the zone, and whether more stringent regulations are necessary to guarantee the adequacy and appropriateness of the following:

- a. Landscaping.
- b. Parking requirements, including type of surface material.
- c. On-site and off-site drainage improvements and/or fees.
- d. Fencing requirements.
- e. Hours of operation.
- f. Location and position of uses and buildings on property.
- g. Noise level limitations.
- h. Access location and encroachment standards.
- i. Building design, for buildings subject to the City Design Expectations or other design documents adopted by the City Council.
- j. Grading requirements.
- k. Signage.
- l. Lighting.
- m. Historic structures, buildings and sites.
- n. Other department or agency requirements.
- o. Other requirements deemed necessary and proper to protect the health, safety, and welfare of the residents of the city.

2. Guidance from third parties. The Planning Officer may obtain guidance from third parties, including architects, urban planners and City commissions or other staff, as to whether the application conforms to the requirements of this section. These third parties shall be qualified by reason of their relevant training or experience. Any guidance they provide shall be submitted to the Planning Commission in writing and included in the Planning Officer's report on the application.

3. Report. The Planning Officer shall prepare a report based on his or her investigation and forward it to the Planning Commission. The report shall include the Planning Officer's recommendation for approval, disapproval or conditional approval.

F. Approval or disapproval by Planning Officer. All decisions made by the Planning Officer shall be in writing and mailed to the applicant within 10 days of the decision. The Planning Officer shall have the authority to approve, conditionally approve, or deny projects. To approve the pro-

posed project the Planning Officer must find the application consistent with the findings listed in subsection (H) of this section.

G. Approval or disapproval by Planning Commission.

1. Public hearing. All decisions of the Planning Commission shall be made at a public hearing, notice of which shall be given in accordance with Hughson Municipal Code 17.04.004 (F).

2. Special circumstances. Where adjacent land uses, environmental limitations, topography, or traffic circulation are found to so require, the Planning Commission may establish more stringent regulations for any given development proposal than those otherwise specified for the zone.

3. Action. The Planning Commission may approve, conditionally approve, or deny the project based on the recommendation forwarded by the Planning Officer. To approve the proposed project the Planning Commission must find the application consistent with the findings listed in subsection (H) of this section. A copy of the decision, findings and any applicable conditions shall be mailed to the applicant, within ten days of the action taken.

H. Findings. The Planning Commission or Planning Officer shall approve a Development Review application only if the following findings can be made:

1. The proposed project is consistent with the General Plan, any applicable specific plans, any adopted design expectations or design guidelines, and the Hughson Municipal Code.

2. The proposed architecture and site design complements the surrounding neighborhood and/or district.

3. The proposed project is consistent with the general scale of structures and buildings in the surrounding neighborhood and/or district.

I. Issuance. For Development Review applications which are approved or denied by the Planning Officer, the Planning Officer shall render a decision within 30 days of receipt of a completed application, provided he or she is able to make the findings listed in subsection (H) of this section. For approved applications, the applicant or property owner shall post a notice of Development Review approval on the subject property in a location readily visible from the adjacent public right-of-way. The notice shall remain in place for ten calendar days thereafter. The form and content of this notice shall be as required by the Planning Officer. The Development Review approval shall become effective after the notice of permit approval has been

posted on site for the required 10-day appeal period.

J. Enforcement. The enforcement of this section shall be the responsibility of the Planning Officer.

K. Expiration. Any Development Review approval shall expire if a building permit exercising the granted entitlements has not been issued within five years of the effective date of approval. The Planning Commission may extend the five-year period for not longer than an additional six months upon application in writing being made before expiration of the approval.

L. Appeals process. Appeals follow the process described in Hughson Municipal Code 17.04.004 (F).

17.04.024 Floodplain development permits.

Floodplain development permits shall be issued for floodprone areas as provided in Hughson Municipal Code 17.03.032.

17.04.028 Grading permits.

Grading permits shall be issued as provided in Hughson Municipal Code 17.03.036.

17.04.032 Nonconforming uses, buildings and structures.

A. Purpose. The purpose of this section is to provide for the regulation of nonconforming buildings, structures and uses lawfully existing at the time of adoption of this section and to specify those circumstances and conditions under which those nonconforming buildings, structures, and uses shall be permitted to continue.

B. Continuing existing buildings and uses. Except as hereinafter provided, any use of land, building or structure, lawfully existing at the time of the adoption of this section may be continued, even if that use, building or structure may not conform to the provisions of this title of the zone in which it is located.

C. Nonconforming buildings and structures.

1. Renovations, Additions and Enlargements. Non-structural maintenance and repair of a nonconforming structure or building is permitted if repairs do not increase or exacerbate the specific nonconformity. Any structural change to the part of a building or structure which is nonconforming requires Planning Commission approval of a Conditional Use Permit. To approve the Conditional Use Permit the Planning Commission must find the proposal consistent with the requirements of Section 17.04.012(E) and must be able to make the following additional findings:

a. The existing non-conforming structure has not resulted in a notable negative impact or nuisance to the surrounding properties and district.

b. The applicant has reduced the non-conformities to an extent reasonably practicable.

2. Relocation. A nonconforming building shall not be moved to any other lot or to any other portion of the lot on which it is presently located unless, as a result of the move, the building shall conform to the regulations of the zone in which it will be located after the move.

3. Restoration. Whenever a nonconforming structure is damaged for any reason and the extent of the damage is 50 percent or less of the fair market floor area of the structure, the structure may be restored provided that restoration is started within one year of the damage and that the restoration is diligently prosecuted to completion. In the event such damage or destruction exceeds 50 percent of the fair market value floor area of the building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations for new buildings in the zone in which it is located and to the Uniform Building Code. This limitation shall not apply if doing so would decrease the number of low-income rental housing units available in the City.

D. Nonconforming Uses.

1. Extension of Use. Existing structures or premises that are utilized for a nonconforming use may be enlarged, extended, reconstructed or structurally altered only with Planning Commission approval of a Conditional Use Permit. To approve the Conditional Use Permit the Planning Commission must find the proposal consistent with the requirements of Section 17.04.012(E) and must be able to make the following additional findings:

a. The existing non-conforming use has not resulted in a notable negative impact or nuisance to the surrounding properties and district.

b. The non-conforming use will contribute to the social and economic vitality of the district or will otherwise benefit the public health, safety and welfare.

2. Change of use. The nonconforming use of a building may be changed to another nonconforming use, which, in the opinion of the Planning Commission, is of the same or of a more restrictive nature. A change of use shall require Planning Commission approval of a Conditional Use Permit with additional findings specified in subsection (1) of this subsection.

3. Vacancy. Any nonconforming use of land and/or building or structure which becomes vacant and remains unoccupied for a continuous

period of one year shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

E. Enforcement. The provisions of this section shall be enforced by the Planning Officer.

F. Appeals process. Appeals follow the process described in Section Hughson Municipal Code 17.04.004(D).

17.04.036 Plan lines.

A. Purpose. The purpose of this section is to provide for the establishment of plan lines that will be used for the establishment of future streets or for the extension or widening of existing streets and to ensure that the appropriate setbacks are maintained as properties are developed.

B. Setback requirements. On any lot where a plan line for a future street or for the extension of an existing street has been established under this section, or is established after the effective date of this title, required setbacks for buildings and/or structures as designated by the zone in which the property is located, shall be measured from said plan line.

C. Procedure. Proceedings for the establishment of plan lines for future streets or for the extension or widening of existing streets may be initiated before the Planning Commission.

D. Review by Planning Commission.

1. Public hearing. A proposal for the establishment of plan lines, accompanied by a description and map, shall be set for a public hearing before the Planning Commission. Notice of the time and place of the hearing shall be given in accordance with Hughson Municipal Code 17.04.004 (F).

2. Resolution. The Planning Commission shall adopt a resolution recommending action by the City Council based on the results of its hearing.

3. Building permits. Between the time of the adoption of a resolution by the Planning Commission and prior to the time the resolution establishing a future street plan line is acted upon by the City Council, no building permit shall be issued for the erection of any building, structure or improvement within said future street plan lines, or between any future street plan line and the appropriate setback line for the zone in which the property is located.

E. Approval or disapproval by City Council. The City Council, upon receipt of a resolution from the Planning Commission recommending the establishment of said plan lines, shall set the matter for a public hearing. Notice of the time and place of the

hearing shall be given in accordance with Hughson Municipal Code 17.04.004 (F). After the public hearing the City Council may adopt by resolution the proposed plan lines, or any portion thereof, in such form or with such modifications as the City Council may deem to be advisable.

17.04.040 Specific Plans.

A. Purpose. This section is intended to implement the General Plan and the provisions of State law relating to Specific Plans (Article 8 of Chapter 3 of Division 1 of Title 7, commencing with Section 65450 of the Government Code). It outlines the process by which Specific Plans shall be prepared, reviewed, and amended, which shall consist at minimum of a description of the overall development pattern, public facilities and capital infrastructure needed, and development standards for the Specific Plan area.

B. Specific Plan required. Specific Plans shall be prepared if either of the following are true:

1. A Specific Plan is required by the General Plan; or
2. The City Council determines that an area would benefit from a focused planning effort.

C. Initiation of Specific Plan. Specific Plans may be initiated in any of the following ways:

1. By the City Council, based on a recommendation from the Planning Commission; or
2. By a property owner.

D. Preparation of Specific Plan. The City shall be the lead in preparation of the Specific Plan, which shall include the information deemed necessary by the Planning Officer and shall follow the requirements of Government Code Section 65451, and shall include the following at a minimum:

1. Proposed land uses. The distribution, location, extent, and timing and phasing of land uses proposed within the area covered by the Specific Plan, including open space areas;

2. Infrastructure. The proposed distribution, location, extent, and intensity of major components of public and private drainage, energy, sewage, solid waste disposal, circulation/transportation, water, and other essential facilities proposed to be located within the Specific Plan area and needed to support the proposed land uses;

3. Land use and development standards. Standards, criteria, and guidelines by which development would proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;

4. Implementation measures. A program of implementation measures, including regulations, programs, public works projects, and financing

measures necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria;

5. Relationship to General Plan. A discussion of the relationship of the Specific Plan to the objectives, policies, general land uses, and programs of the General Plan; and

6. Additional information. The Specific Plan shall contain any additional information determined to be necessary by the Planning Officer based on the characteristics of the area to be covered by the Specific Plan, applicable policies of the General Plan, a statement of the relationship of the Specific Plan to the General Plan, or any other issue(s) determined by the Planning Officer to be significant.

E. Fees. Specific Plans prepared by the City at the request of a property owner shall be subject to fees set by the City Council by resolution, which shall be sufficient to reimburse the City for the costs of preparation and processing of the Specific Plan.

F. Planning Commission review. The Planning Commission shall hold a public hearing, which shall be noticed according to Hughson Municipal Code 17.04.004 (F) to review the Specific Plan and shall recommend approval, approval with modifications, or disapproval to the City Council, based on the findings in subsection (H) of this section. The Planning Commission's report shall be made in writing.

G. City Council approval or disapproval. The City Council shall hold a public hearing, which shall be noticed according to Hughson Municipal Code 17.04.004 (F) to review the Specific Plan and the recommendations of the Planning Commission. It may not approve the Specific Plan unless it can make the findings in subsection (H) of this section. The Specific Plan shall be adopted by ordinance, or by resolution of the Council, in compliance with State law (Government Code Section 65453) and shall become effective on the 31st day following the date the public decision is rendered by the City Council.

H. Findings. The Specific Plan must be:

1. Consistent with the general land uses, objectives, policies, and programs of the General Plan and other adopted goals and policies of the City; and

2. In compliance with the provisions of the California Environmental Quality Act (CEQA).

I. Implementation and Amendments.

1. Consistency with Specific Plan. All public works projects, tentative maps or parcel maps, and zoning amendments for an area covered by a Specific Plan may only be approved if they

are first found consistent with the adopted Specific Plan.

2. Interpretation. The Planning Officer shall have the authority to interpret the precise language of the Specific Plan to determine if a proposed use, while not specifically listed as an allowable use, would be consistent with and share the same or similar characteristics of an allowed use, identified in the adopted Specific Plan.

3. Amendments. An adopted Specific Plan may only be amended through the same procedure identified by this section for the adoption of a Specific Plan.

17.04.044 Variances.

A. Purpose. The purpose of this section is to allow variations from the rules, regulations and provisions of this title for properties with special circumstance including but not limited to size, shape, topography, location or surroundings, where the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under other identical zoning districts.

B. Applicability. A variance shall not be used to:

1. Reduce the minimum lot area required for a new land division such that the project would increase densities above those specified by the General Plan; or

2. Waive any other requirement of this Title or Hughson Municipal Code Title 16 related to General Plan consistency and other subdivision map requirements; or

3. Authorize land uses other than those identified as allowed in the particular zoning district, as required by California Government Code Section 65906.

C. Minor variances. The Planning Officer shall have review authority over minor variances, which shall include all variances consistent with the requirements of subsection (B) when the requested adjustments are less than or equal to ten percent of the particular standard required by this title. To approve the requested minor variance the Planning Officer must make the necessary findings as stated in subsection (F)(2).

D. Application requirements.

1. Filing. Application for both minor variances and variances shall be made in writing by the property owner or his or her authorized agent, on forms provided by the Planning Officer and accompanied by the necessary data and information to fully describe the request.

2. Fee. The filing and investigation fee shall be as prescribed by City Council resolution.

E. Processing of minor variances. The Planning Officer shall review the application and approve or disapprove of it within 30 days of receipt of a completed application, provided he or she is able to make the findings listed in subsection (F)(2) of this section. Public notice shall be given as required by Section 17.04.004(F) of the Hughson Municipal Code.

F. Processing of variances. Those applications that do not qualify for processing as a minor variance shall be considered by the Planning Commission.

1. Public hearing. Upon the filing of an application for variance, the Planning Commission shall set the matter for a public hearing, and shall hold a public hearing on any proposed variance. Notice of the hearing shall be given in accordance with Section 17.04.004(F) of the Hughson Municipal Code. Failure to receive the notice required by this section shall not invalidate the action of the Planning Commission.

2. Approval or disapproval by Planning Commission or Planning Officer. To approve a proposed variance or minor variance, the Planning Commission or Planning Officer must find the proposal to be consistent with the following requirements:

a. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;

b. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning regulation is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the same zone classification;

c. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or the zone in which the subject property is located;

d. That the granting of such variance will be in conformity with the general purpose and intent of this title and the General Plan; and

e. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property.

G. Issuance. No variance which has been approved by the Planning Commission shall be issued prior to the expiration of the appeal period

as set forth in Hughson Municipal Code 17.04.004 (D) or the final action on an appeal to the City Council.

H. Expiration. Any variance granted or approved by the Planning Commission involving the erection, alteration, or enlargement of a building or structure for which a building permit is required is null and void after the expiration of one year from the date the variance is granted unless the applicant obtains a building permit by that time and thereafter the time provisions of the building permit so secured shall prevail. The Planning Commission for good cause shown, may extend the one-year period for not longer than an additional six months upon application in writing being made before expiration of the variance.

I. Appeals process. Appeals shall follow the process described in Hughson Municipal Code 17.04.004 (D).

17.04.048 Zone changes, rezoning, and amendments.

A. Purpose. The purpose of this section is to provide processes for modifying the provisions of this title, where permitted, by changing or supplementing the regulations, or by changing the zoning of property whenever the public necessity, convenience and general welfare require such amendments.

B. Initiation. Amendment of this title or modification to the zoning of property may be initiated by a resolution of intention by the City Council based on referral from the Planning Commission or by an application of affected property owners or authorized agents of such owners, except where specified otherwise in this section.

C. Rezoning.

1. Application. Application for rezoning shall be made in writing on forms provided by the Planning Officer and accompanied by such data and information as may be prescribed for that purpose. The filing and investigation fee shall be as prescribed by City Council resolution. A rezoning may also be initiated by the City Council.

2. Procedure. The following is the procedure for rezoning property:

a. Planning Commission review. The Planning Commission shall hold a public hearing on any proposed rezoning following the noticing requirements in Hughson Municipal Code 17.04.004 (F).

b. Planning Commission review. After the public hearing, the Planning Commission shall render its decision in the form of a written recommendation to the City Council. If, from the facts presented at the public hearing, the Planning

Commission is satisfied that the proposed change conforms to the general plan, any applicable specific plans, and the findings required in subsection (F) of this section, the Planning Commission may recommend such change to the City Council.

c. City Council review. Upon receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed rezoning; provided, however, if the Planning Commission has recommended against the proposed rezoning the City Council shall not be required to take any further action thereon unless an interested party makes a written request within five days of the Planning Commission decision. Notice of the time and place of the City Council hearing shall be given in the time and manner provided for in Hughson Municipal Code 17.04.004 (F).

d. City Council Action. The City Council may approve, modify or disapprove the recommendation of the Planning Commission. To approve the proposed rezoning the City Council shall make the required findings specified in subsection (F) of this section. Any modification of the rezoning by the City Council not previously considered by the Planning Commission during its hearing shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within 40 days after the reference, or such longer period as may be designated by the City Council, shall be deemed to be approval of the proposed modification.

e. Withdrawal of petition. The Planning Commission or the City Council may permit the withdrawal of any application filed under the provisions of this section. The Planning Commission or the City Council may abandon any proceedings for a rezoning initiated by it, provided that such abandonment may be made only when such proceedings are before such body for consideration; and provided further, that any hearing shall be held for which public notice has been given.

f. Renewal of application. If an application for rezoning is denied by either the Planning Commission or the City Council another application for change to the same zoning district shall not be filed within a period of one year from the date of denial, except upon the initiation of the City Council, or with the permission of or upon the initiation by the Planning Commission after a showing of a change of circumstances which would warrant a renewal.

g. Building permits. No official action such as the issuance of a building permit,

license or other type of permit shall be taken while an appeal or proceeding for a rezoning is pending.

D. Prezoning.

1. Purpose. Unincorporated territory adjoining the City may be prezoned for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the City.

2. Application.

a. Application for prezoning shall be made in writing on forms provided by the Planning Officer and accompanied by such data and information as may be prescribed for that purpose. The filing and investigation fee shall be as prescribed by City Council resolution. A prezoning may be initiated by the Planning Commission or the City Council.

b. Applicants may enter into development agreements with the City prior to annexation, pursuant to the requirements of Section 17.04.016 of this title and Government Code Chapter 4, Article 2.5.

3. Procedure. Prezoning applications shall be processed as provided in subsection (C) of this section for rezoning. To approve the proposed prezoning the City Council shall make the required findings specified in subsection (F) of this section, along with the following additional findings:

a. The prezoning is for an area that is logical for annexation; and

b. Sufficient public utilities with the capacity to serve new development exist in the vicinity or the applicant can demonstrate how sufficient public utilities will be provided if they do not exist at the time of approval.

4. Effective date. Such prezoning shall become effective at the same time the annexation becomes effective.

E. Findings. For the subsections in this section, the following findings must be made to approve any changes:

1. The action is consistent with the General Plan or any applicable specific plan;

2. The action will not be detrimental to the public interest, health, safety, convenience, or welfare of the city; and

3. The site is suitable for the requested land uses, if applicable.

17.04.052 Zoning clearances.

A. Purpose. A zoning clearance verifies that a proposed structure or use meets all of the requirements of this title that apply to that structure or use, including but not limited to development standards and uses or structures allowed as-of-right.

B. Application required.

1. When any provision of this title indicates that a zoning clearance is required for a specified use, the zoning clearance shall be obtained before the City issues any building, grading or construction permit, or any other required authorization, for the proposed use. If no other City authorization is required, the zoning clearance shall be obtained before the use is established.

2. Except for properties in residential districts that are used exclusively for single-family residential purposes, a new zoning clearance shall be obtained for any change of lessee, operator or owner, even when the change does not alter the use or activity being conducted on the property.

C. Application requirements. Application for a zoning clearance shall be made in a form prescribed by the Planning Officer. The application shall be accompanied by any materials that are necessary to verify compliance with this title's requirements, including but not limited to site plans and written descriptions of the proposed uses and activities, as well as any fee established by resolution of the City Council.

D. Approval or disapproval by Planning Officer. The Planning Officer shall approve the zoning clearance upon verifying that the proposed structure or use complies with all applicable requirements of this title.

E. Issuance. A zoning clearance may be issued as a stamp or seal of approval on a set of building plans, a signature on a City approval document, or in another form approved by the Planning Officer.