

**ORDINANCE NO. 0004-2023**

**AN ORDINANCE OF THE CITY OF MCFARLAND AMENDING MCFARLAND MUNICIPAL CODE CHAPTERS 17.04, 17.72, 17.76, 17.80 AND 17.152 OF TITLE 17 ZONING .**

**Section 1. Recitals.**

**WHEREAS**, The City of McFarland (“City”) desires to codify its Municipal Code Chapter related to permitted uses within the zoning ordinance;

**WHEREAS**, the City Council desires to amend Sections 17.04, 17.72, 17.76 and 17.80 of Title 17 Zoning; and

**WHEREAS**, on April 18th, 2023 at after a duly noticed public hearing, the Planning Commission considered the Proposed Amendments, including presentations from City staff, oral testimony, and written testimony; and

**WHEREAS**, after the above-mentioned public hearing, the Planning Commission approved Resolution No. 2023-0002PC, which recommended that the City Council adopt this Ordinance; and

**WHEREAS**, on April 27th, 2023, the City Council conducted a duly noticed public hearing regarding this Ordinance, where it received presentations from City staff, oral and written testimony from members of the public; and

**WHEREAS**, after the above-mentioned City Council public hearing, the City Council now desires to amend Title 17, “Zoning”; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MCFARLAND DOES ORDAIN AS FOLLOWS:

**Section 2.** The Recitals set forth above are true and correct and incorporated herein.

**Section 3.** Chapter 17.04 of the McFarland Municipal Code is hereby amended and adopted to add a definition Sections 17.04.095, 17.04.105, and 17.04.475, to read as follows:

“17.04.095 – Bar

“Bar” means a structure, or part of a structure, used primarily for the sale of dispensing of liquor by the drink.

17.04.105 – Bed and Breakfast Inn

“Bed and breakfast inn” means a structure or structures which contain a maximum of five (5) individual sleeping or living units which are rented out to the transient public and in which meals are served to guests.

17.04.475 – Massage Therapy

“Massage Therapy” means a type of integrative medicine in which a licensed massage therapist rubs and kneads skin, muscles, tendons, and ligaments.”

**Section 4.** Chapters 17.72, 17.76, and 17.80 of the McFarland Municipal Code is hereby amended and adopted, to read as follows in “Exhibit A”.

**Section 5.** Chapter 17.152 Conditional Use Permits of the McFarland Municipal Code is hereby amended and adopted to read as follows in “Exhibit B”.

**Section 6. NOTICE.** The City clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be posted within 15 days after its passage, in accordance with Section 36933 of the Government Code.

**Section 7. Severability.** If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of McFarland hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

**Section 8. Effective Date.** This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

**Section 9. Certification; Publication.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

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**INTRODUCED**, at a Regular meeting of the City Council of the City of McFarland, California on April 27, 2023.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of McFarland, California on the 11<sup>rd</sup> day of May 2023, by the following vote:

	<b>Aye</b>	<b>Nae</b>	<b>Abstain</b>	<b>Absent</b>
<b>Saul Ayon</b>	X			
<b>Ricardo Cano</b>	X			
<b>Amador Ayon</b>	X			
<b>Anita Gonzales</b>	X			
<b>Maria Perez</b>	X			

\_\_\_\_\_  
Saul Ayon, Mayor

I hereby certify that the foregoing Ordinance was duly and regularly introduced/adopted by the City Council of the City of McFarland by a regular meeting thereof held on May 11, 2023.

ATTEST:

Francisca Alvarado  
Francisca Alvarado, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Nathan M. Hodges, City Attorney

Posted: May 21, 2023



## NOTICE OF PUBLIC HEARING

### **Ordinance Amendment to Title 17 Zoning subject to Amending Sections 17.04, 17.72, 17.76, 17.80, and 17.152 at City Council Chambers (103 Sherwood Ave, McFarland)**

Notice is hereby given that the City Council of the City of McFarland will conduct a public hearing, at which time you may be heard to consider the following:

- Consideration and adoption of an Resolution of the McFarland Planning Commission Recommending Amendments to Sections 17.04, 17.72, 17.76, 17.80, and 17.152 of Title 17 Zoning in the McFarland Municipal Code to the City Council.

#### **Regular McFarland Planning Commission Public Hearing Information**

**Date:** April 18, 2023

**Time:** 6:00 PM

**Place:** City of McFarland Council Chambers, 103 W. Sherwood Avenue, McFarland, CA 93250

**Join on-line:** Facebook Webpage at:

<https://www.facebook.com/cityofmcfarland/>

Notice is further given that the City Council of the City of McFarland, California, will conduct a public hearing, at which time you may be heard to consider the following:

- Consideration and adoption of an Ordinance of the City Council of the City of McFarland Approving Amendment of Sections 17.04, 17.72, 17.76, 17.80, and 17.152 of Title 17 Zoning in the McFarland Municipal Code to the City Council.

#### **Regular McFarland City Council Public Hearing Information**

**Date:** April 27, 2023

**Time:** 6:00 PM

**Place:** City of McFarland Council Chambers, 103 W. Sherwood Avenue, McFarland, CA 93250

**Join on-line:** Facebook Webpage at:

<https://www.facebook.com/cityofmcfarland/>

Notice is hereby given that the City Council of the City of McFarland will conduct a public hearing, at which time you may be heard to consider the following:

- Consideration and adoption of an Ordinance of the City Council of the City of McFarland Approving Amendment of Sections 17.04, 17.72, 17.76, 17.80, and 17.152 of Title 17 Zoning in the McFarland Municipal Code to the City Council.

**Regular McFarland City Council Public Hearing Information**

**Date:** May 11, 2023

**Time:** 6:00 PM

**Place:** City of McFarland Council Chambers, 103 W. Sherwood Avenue, McFarland, CA 93250

**Join on-line:** Facebook Webpage at:

<https://www.facebook.com/cityofmcfarland/>

These meetings shall be held in person at the City of McFarland Council Chambers, located at 103 W. Sherwood Avenue, McFarland, CA 93250. Additionally, these meetings shall be broadcast for listening and/or viewing purposes only via Facebook. To access the meetings for viewing or listening purposes only, please use the following information:

**Join on-line:** Facebook Webpage at: <https://www.facebook.com/cityofmcfarland/>

Members of the public are encouraged to participate by providing public comment at the meetings. The agenda of the Regular City Council Meeting will be posted at least 72 hours prior to the meeting. The meeting the agendas will be posted at <https://www.mcfarlandcity.org/AgendaCenter>. Please check the agendas for any modifications to how the meetings may be conducted and for ways in which the public can participate.

**Description of Project:**

The City of McFarland staff conducted an analysis of commercial uses within the McFarland Municipal Code and is recommending an amendment to reconstruct the types of uses each zone contains. This analysis was completed by the City Planner and Community Development Director. Staff has met with City Manager, Interim Chief of Police, and Public Policy Standing Committee to gain guidance and address any possible deficiencies that may become of the possible use in each zone. Staff took into consideration possible future locations that may become with annexations. The provided draft amendment was created with the best intentions for the City of McFarland and to help provide the city with a foundation for Commercial growth within the city.

Additional information on the proposed project and proposed environmental finding may be obtained from the City of McFarland, City Hall, 401 W. Kern Avenue, McFarland, CA 93250, or the City's web site at [www.mcfarlandcity.org](http://www.mcfarlandcity.org).

All persons interested in this topic who have questions, would like to provide feedback, or who have comments are invited to attend. If you challenge the approval or denial of these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk, at or prior to, the public hearing. Address any communications or comments regarding the project to Francisca Alvarado, City Clerk, at 401 W. Kern Avenue, McFarland, CA 93250, (661) 792-3091, [falvarado@mcfarlandcity.org](mailto:falvarado@mcfarlandcity.org)

# Exhibit A

## Title 17 - ZONING Chapter 17.72 - C-O ZONE

### Sections:

#### 17.72.010 - Applicability.

The regulations set forth in this chapter shall apply in the C-O professional office zone unless otherwise provided in this title.

#### 17.72.020 -Uses permitted.

The uses permitted in the C-O zone are as follows:

##### A. COMMERCIAL USES

##### 1. Offices

- Advertising Agencies
- Business or Professional
- Financial institution, including bank, savings and loan, or credit union
- Public and private utilities administration
- Real estate
- Research and development
- Title and escrow offices

##### 2. General Retail Sales

- Art gallery
- Book stores

##### 3. Services

- Artist studio
- Barber or beauty shop

- Confectionery stores
- Chiropractic or massage therapy
- Clinic, medical or physical therapy, out-patient only
- Computer programming and data processing studios
- Consumer credit reporting and collection services
- Day Care Nursery
- Detective and security system services
- Direct mail advertising services
- Employment Agency and help supply services
- Engineering, surveying, architectural and environmental planning services
- Family and social services, clinics and centers
- Health club – Indoor only
- Insurance services
- Interior decorator, provided there is no on-site sale of merchandise
- Laboratory, medical, dental, optical, or biological
- Legal services
- Management and public relations services
- Medical, dental, psychiatric and other health practitioner offices and clinics, including chiropractic, acupuncture, massage therapy and blood banks.
- Medical and dental laboratories
- Mortgage, loan and person credit institution
- Packaging and mailing services

- Palm reading, fortune telling, astrologic and psychic services
- Pharmacies, in conjunction with medical clinics
- Photography studio
- Post office and other courier or parcel delivery services
- Secretarial and court reporting services
- Telecommunication services
- Telegraph
- Television, radio and cable broadcasting stations
- Ticket agency
- Travel agency
- Trust and investment agencies

B. UTILITY AND COMMUNICATIONS FACILITIES

- Transmission lines and supporting towers, poles, pipelines, and underground facilities for gas, water, electricity, telephone, or telegraph service owned and operated by a public utility company under the jurisdiction of the California Public Utilities Commission pursuant to Section 19.08.090 of this title

C. INSTITUTIONAL USES

- Church
- Community or senior citizens center
- Government office or building for administrative purposes
- Library
- Museum, indoor only

D. EDUCATIONAL INSTITUTIONS AND SCHOOLS

1. General

- Preschool
- Elementary school
- Junior high school
- Senior high school

2. Specialized Schools

- Art, craft, or music school
- Business or trade school, provided that all instruction is conducted within a building and that there is no outside storage of materials or supplies associated with the school.
- Dance school
- Driving school
- Martial arts school
- Swim school

E. MISCELLANEOUS USES

- Accessory buildings and structures necessary to such use located on the same lot or parcel of land
- Automobile parking areas when developed as required in Section 17.104.020 if adjacent to a residential zone
- Construction trailer, temporary, during construction activity only
- Day-care center, without extended overnight services
- Drainage sump, if proposed and approved as part of a tentative subdivision map or tentative parcel map, or if accessory to a permitted use

- Studio, radio, television, or broadcasting
- Water storage or groundwater recharge facility
- Water system, small or large

**17.72.030 – Signs.**

Any exterior sign displayed shall pertain to a use conducted within the building; shall be attached flat against a wall of the building and parallel with its horizontal dimension and shall front the principal street, a parking area in the rear, or in the case of a corner building, on that portion of the side street wall within fifty feet of the principal street. In no case shall a sign project above the roof line.

**17.72.040 - Building height.**

Four stories and not to exceed forty-five feet.

**17.72.050 - Front yard.**

- A. **Front Yard.** The front-yard minimum setback for all buildings shall be as follows:
1. Forty (40) feet from the legal centerline of any existing or proposed public or private local street and access easement.
  2. Forty-five (45) feet from the legal centerline of any existing or proposed secondary highway.
  3. Fifty-five (55) feet from the legal centerline of any existing or proposed major highway.

**17.72.060 - Side yard.**

No side yard is required.

**17.72.070 - Rear yard.**

- A. **Rear Yard.** There shall be a rear yard of not less than twenty (20) feet, except that no rear yard shall be required where a public alley exists adjacent to the rear property line. The Planning Commission may reduce rear yard requirements by Variance in accordance with the Kern County Fire Code if written approval is obtained from the Kern County Fire Chief.

**17.72.080 - Area requirements.**

No lot created within the C-2 District shall contain less than seven thousand five hundred (7,500) net square feet, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company, or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone.

**17.72.090 - Distance between buildings on same lot.**

There are no requirements.

**17.72.100 - Parking requirements.**

For all professional offices, not less than the same area of parking shall be provided on the same site as there is floor space in the office building.

**Chapter 17.76 - C-1 ZONE**

**Sections: 17.76.010 - Applicability.**

The regulations set forth in this chapter shall apply in the C-1 neighborhood commercial zone unless otherwise provided in this title.

**17.76.020 - Uses permitted.**

The uses permitted in the C-1 zone are as follows:

A. Any use permitted in a C-O zone.

1. Any of the following uses:

A. RESIDENTIAL USES

— Bed and breakfast inn

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

— Health club (indoor and outdoor)

- Pool or billiard parlor
- Tennis or swim club, indoor only
- Video games arcade

C. COMMERCIAL USES

1. General Retail Sales

- Antiques, with no outside storage
- Appliances, including service and repair, provided there is no outside storage
- Art gallery
- Auto parts and accessories
- Bicycle, including rental and service
- Bookstore, general
- Christmas tree, temporary
- Clothing and apparel
- Department stores.
- Dress or millinery shops.
- Drugs and pharmaceuticals
- Fireworks stand, temporary
- Florist
- Gift and card
- Hardware, general, excluding lumber sales and outside storage of materials
- Ice vending machine
- Ice storage houses of not more than five-ton capacity.
- Lawnmower, including repair, when located entirely within a

building

- Locksmith or key and lock shop
- Music stores, excluding instrument repair
- Newspaper or magazine stand
- Pet food stores.
- Shoes
- Stationery and office supply
- Tailor, clothing or wearing apparel shops.
- Variety
- Video and audio tape sales and rentals

2. Food and Beverage Retail Sales

- Bakery, small
- Convenience market
- Drive-in food market or dairy
- Foodstore
- Specialized, including meat, vegetables, health foods, or candy

3. Eating and Drinking Establishments

- Ice cream parlor
- Restaurant, cafe, or coffee shop
- Restaurant, fast-food

4. Services

- Auto service station, small
- Bath house, including sauna, spa, Turkish, steam, or tanning

- Electric appliance stores and repairs (not furniture stores).
- Interior decorator
- Jewelry stores.
- Laundromat, self-service
- Laundry, drop off and pick up only
- Cleaning and pressing establishments using nonflammable and nonexplosive cleaning fluid.
- Pet grooming
- Shoe repair
- Shoe-shine stand
- Tailor or dressmaker
- Tanning salons
- Taxidermist
- Smog inspection station
- Veterinary, household pets only, provided there are no outside kennels
- Automobile parking areas when developed as required in Section 17.104.020 if adjacent to a residential zone.

D. UTILITY AND COMMUNICATIONS FACILITIES

- Utility substation

E. INSTITUTIONAL USES

- Charitable or public service organization, office only
- Post office
- Public agency or utility buildings or facilities

2. The above-specified stores, shops or businesses shall be retail establishments selling new merchandise exclusively and shall be permitted only under the following conditions:
  - a. Such stores, shops or businesses shall be conducted entirely within an enclosed building.
  - b. Products made incidental to a permitted use shall be sold at retail on the premises.
  - c. All public entrances to such stores, shops or businesses shall be from the principal street upon which the property abuts or within fifty feet thereof, except that a rear or side entrance from the building to a parking area may be provided.
  - d. Except as hereinafter provided, any exterior sign displayed shall pertain only to a use conducted on the premises, shall not exceed a height of twenty-four feet above the ground level, shall not project into a street or alley more than twelve inches beyond any property line, and any sign projecting beyond a property line shall have a clearance of not less than ten feet between the bottom of the sign and the ground level.

#### **17.76.030 - Building height.**

The following height limits apply in the C-1 District:

- A. Buildings shall not exceed four (4) stories or forty-five (45) feet.
- B. Detached accessory structures shall not exceed three (3) stories or forty-five (45) feet.
- C. Radio and television antennae, communication towers, chimneys, and other similar structures shall not exceed ninety (90) feet.

#### **17.76.040 - Front yard.**

- A. **Front Yard.** The front-yard minimum setback for all buildings shall be as follows:
  1. Forty (40) feet from the legal centerline of any existing or proposed public or private local street and access easement.
  2. Forty-five (45) feet from the legal centerline of any existing or proposed secondary highway.
  3. Fifty-five (55) feet from the legal centerline of any existing or proposed major highway.

**17.76.050 - Side yard.**

None, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone.

**17.76.060 - Rear yard.**

- A. **Rear Yard.** There shall be a rear yard of not less than twenty (20) feet, except that no rear yard shall be required where a public alley exists adjacent to the rear property line. The Planning Commission may reduce rear yard requirements by Variance in accordance with the Kern County Fire Code if written approval is obtained from the Kern County Fire Chief.

**17.76.070 - Area requirements.**

No lot created within the C-2 District shall contain less than seven thousand five hundred (7,500) net square feet, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company, or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone.

**17.76.080 - Distance between buildings on same lot.**

Minimum distance between structures in the C-1 District shall be as follows:

- A. None required for nonresidential buildings.
- B. There shall be a minimum distance of ten (10) feet between residential buildings.
- C. There shall be a minimum distance of six (6) feet between a residential building and an accessory building or between accessory buildings.

**Chapter 17.80 - C-2 ZONE**

Sections:

**17.80.010 - Applicability.**

The regulations set forth in this chapter shall apply in the C-2 commercial zone unless otherwise provided in this title.

**17.80.020 - Uses permitted.**

The uses permitted in the C-2 zone are as follows:

- A. Any use permitted in the C-O and C-1 zones.
- B. Any of the following uses:

- A. RESIDENTIAL USES

- Community care facility
- Emergency shelter

- B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

- Batting cage
- Bowling alley
- Dance hall, ballroom, or discotheque
- Golf driving range
- Hotel or motel
- Miniature golf course
- Movie theater, walk-in
- Skateboard arenas, enclosed
- Skating rink, roller or ice
- Tennis or swim club
- Theater, live

- C. COMMERCIAL USES

- 1. General Retail Sales

- Auto leasing
- Auto, new
- Auto tire, including service,
- Auto, used
- Boat, including service and parts when incidental to sales
- Computer, including service and repair
- Electric appliances, including service and repair
- Electric equipment, including service and repair
- Feed, provided there is no outside storage
- Floor covering, drapery, or upholstery
- Fruit stand
- Furniture
- Gardening and landscaping supply, provided there is no outside storage
- Gun, including repair
- Hardware, general, including lumber sales, provided areas devoted to outside storage of materials are screened from public view
- Hobby supplies
- Home or office furnishings
- Jewelry and watches
- Lapidary
- Leather goods and luggage
- Military surplus, provided there is no outside storage
- Mobilehome, rental and services
- Motorcycles, including service and repair
- Musical instruments (including repair)

- Nursery, plant
- Office machines and equipment
- Paint and wallpaper
- Pawn shop
- Pet store
- Photographic supply or camera
- Plumbing supply, provided there is no outside storage
- Pottery
- Recreational vehicles, including service
- Sporting goods and athletic equipment
- Tobacco
- Toys
- Truck, including rental
- Used clothing and household goods, provided there is no outside storage

2. Food and Beverage Retail Sales

- Bakery
- Catering
- Farmers' market
- Liquor store

3. Eating and Drinking Establishments

- Bar, tavern, or cocktail lounge

4. Services

- Ambulance

- Appliance repair
- Auto body repair and painting
- Auto rental
- Auto service or repair
- Auto service station
- Auto wash
- Auto wash, self-service
- Blueprinting or photostating shops.
- Carpet cleaning
- Equipment, small, rental
- Furniture cleaning, refinishing, or upholstery
- Janitorial service
- Laboratory, testing, classifying, or experimental, not involving the use of explosives or hazardous materials
  
- Mini-warehouse, for storage of personal household goods, provided there is no outside storage; excludes cargo containers and other temporary storage structures
- Mortuary or funeral parlor
- Pest control, administrative offices only
- Picture framing
- Printing, lithography, or blueprinting
- Tattoo parlor and body piercing
- Truck fueling station, without repair facilities
- Wedding chapel

D. INSTITUTIONAL USES

- Auditorium, public
- Club or lodge
- Convalescent hospital
- Fire or police station
- Government office or building
- Hospital
- Labor union hall
- Rehabilitation facilities
- Sanitarium

E. MISCELLANEOUS USES

- Adult day-care
- Automobile parking areas.
- Construction trailer, temporary, during construction activity only
- Day-care center, without extended overnight services
- Drainage sump, if proposed and approved as part of a tentative subdivision map or tentative parcel map, or if accessory to a permitted use
- \_\_\_ Furniture warehouses for storing personal household goods.
- \_\_\_ Refrigerated lockers.
- Revival, temporary, not to exceed fourteen (14) days
- Studio, radio, television, recording, or movie
- Water storage or groundwater recharge facilities
- Water system, small or large

- C. The accessory buildings and structures necessary to such uses located on the same lot or parcel of land.

- D. Emergency shelters, provided that they comply with all the applicable development standards required by Chapter 17.134, Development Standards.

**17.80.022 - Uses permitted subject to a conditional use permit.**

- A. Single room occupancies (SRO's) provided they comply with all the applicable development standards required by Chapter 17.134, Development Standards.

**17.80.030 - Building height.**

The following height limits apply in the C-2 District:

- A. Buildings and structures shall not exceed six (6) stories or seventy-five (75) feet, unless the building is set back from each street, alley, and lot line at least one (1) foot for each three (3) feet of height above six (6) stories or seventy-five (75) feet.
- B. No building or structure shall exceed ten (10) stories or one hundred and thirty-five (135) feet.

**17.80.040 - Front yard.**

- A. **Front Yard.** The front-yard minimum setback for all buildings shall be as follows:
  - 1. Forty (40) feet from the legal centerline of any existing or proposed public or private local street and access easements.
  - 2. Forty-five (45) feet from the legal centerline of any existing or proposed secondary highway.
  - 3. Fifty-five (55) feet from the legal centerline of any existing or proposed major highway.

**17.80.050 - Side yard.**

None, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone.

**17.80.060 - Rear yard.**

- A. **Rear Yard.** There shall be a rear yard of not less than twenty (20) feet, except that no rear yard shall be required where a public alley exists adjacent to the rear property line. The Planning Commission may reduce rear yard requirements by Variance in accordance with the Kern County Fire Code if written approval is obtained from the Kern County Fire Chief.

**17.80.070 - Area requirements.**

No lot created within the C-2 District shall contain less than seven thousand five hundred (7,500) net square feet, excepting in the case of the conveyance to or from a governmental agency, public entity, public utility, community water company, or mutual water company for public purposes, public utility purposes, or for rights-of-way or well sites. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone.

**17.80.080 - Distance between buildings on same lot.**

None, except that all buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone.

# **Exhibit B**

## **Chapter 17.152 - CONDITIONAL USE PERMITS**

### **17.152.010 - Regulations generally.**

- A. The regulations in this chapter shall apply to the granting of conditional use permits.
- B. Certain uses may be permitted by the planning commission and the city council in zones in which they are not permitted by this title where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the comprehensive general plan. The procedure for filing of applications, filing fees, investigations, notices, public hearings, findings and appeal shall be the same as provided in this title to variances, except that the planning commission may waive public hearings on an application for conditional use permits for public utility or public service uses or public buildings, when found to be necessary for the public health, safety, convenience or welfare.

### **17.152.020 - Uses permitted in any zone.**

The following uses may be permitted in any zone upon the granting of a conditional use permit:

- A. Airports or aircraft landing fields.
- B. Cemeteries, columbariums, crematories, mausoleums, mortuaries and funeral parlors.
- D. City, county, state and federal enterprises, including buildings, facilities and uses of departments or institutions thereof which are necessary or advantageous to the general welfare of the community.
- E. Establishments or enterprises involving large assemblages of people or automobiles, including: amusement parks, expositions, fairgrounds, open air theatres, race tracks, recreational sport centers.
- F. Institutions of a philanthropic or eleemosynary nature.
- G. Natural resources development, together with the necessary apparatus or appurtenances incident thereto, except drilling for or removal of oil, gas or other hydrocarbon substances.

### **17.152.030 - Uses permitted in specific zones.**

The following uses may be permitted in the zones indicated in this section upon the granting of a conditional use permit:

#### **17.152.030(1) - C-O Zones:**

- A. RESIDENTIAL USES

1. Community care facility

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

1. Swimming pool, public, indoor only

2. Tennis club, indoor only

C. COMMERCIAL USES

1. Eating and Drinking Establishments

A. cafe, or coffee shop

2. Services

B. Ambulance

C. Placing, storing or maintaining chemical toilets of the type normally transported by semitrailers

D. TRANSPORTATION FACILITIES

1. Auto parking garage or lot

2. Heliport

E. UTILITY AND COMMUNICATIONS FACILITIES

1. Radio, television, microwave, or commercial communications transmitter, receiver, or translator

2. Utility substation

F. INSTITUTIONAL USES

1. Cemetery, mausoleum, columbarium, or mortuary

2. Charitable or public service organization

3. Club or lodge

4. Convalescent hospital

5. Crematory, when in conjunction with a cemetery, mausoleum, columbarium, or mortuary

6. Fire or police station

7. Hospital

8. Labor union hall

9. Post office

10. Public agency or utility buildings and facilities

11. Rehabilitation facilities

12. Sanitarium

G. WASTE FACILITIES

1. Community septic disposal system

2. Sewage treatment plant

H. MISCELLANEOUS USES

1. Day-care center, with extended overnight services

2. Drainage sump

3. Flood control facilities

4. Water treatment plant

5. Beverage container recycling facilities

**17.152.030(2) - C-1 Zones:**

A. RESIDENTIAL USES

1. Community care facility

2. Condominium

3. Duplex
4. Emergency Shelter
5. Fraternity or sorority house
6. Residential hotel

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

1. Golf course
2. Movie theater, walk-in
3. Park or playground
4. Swimming pool, public, outdoor only
5. Tennis club, outdoor only
6. Theater, live

C. COMMERCIAL USES

1. General Retail Sales
  - A. Nursery, plant
2. Services
  - A. Ambulance
  - B. Auto wash
  - C. Auto wash, self-service
  - D. Mini-warehouse, for storage of personal household goods, provided there is no outside storage; excludes cargo containers and other temporary storage structures
  - E. Printing, lithography or blue-printing
  - F. Tattoo parlor and body piercing

G. Veterinary, including veterinary hospital

H. Placing, storing or maintaining chemical toilets of the type normally transported by semitrailers

D. TRANSPORTATION FACILITIES

1. Auto parking garage or lot

2. Heliport

E. UTILITY AND COMMUNICATIONS FACILITIES

1. Radio, television, microwave, or commercial communications transmitter, receiver, or translator

F. INSTITUTIONAL USES

1. Cemetery, mausoleum, columbarium, or mortuary

2. Charitable or public service organization

3. Club or lodge

4. Convalescent hospital

5. Crematory, in conjunction with a cemetery, mausoleum, columbarium, or mortuary

6. Fire or police station

7. Hospital

8. Labor union hall

9. Museum, with outdoor exhibits

10. Rehabilitation facilities

11. Sanitarium

G. WASTE FACILITIES

1. Community septic disposal system

2. Sewage treatment plant
3. Transfer station, small volume

H. MISCELLANEOUS USES

1. Day-care center, with extended overnight services
2. Drainage sump
3. Flood control facilities
4. Water treatment plant
5. Beverage container recycling facilities

**17.152.030(3)- C-2 Zones:**

A. RESIDENTIAL USES

1. Residential hotel

B. RECREATION, ENTERTAINMENT, AND TOURIST FACILITIES

1. Amusement park
2. Card room
3. Movie theater, drive-in
4. Park or playground
5. Racetrack or test track, automobile, motorcycle, or horse
6. Shooting range or gun club
7. Skateboard arenas, unenclosed
8. Sports arena, indoor
9. Sports arena, outdoor

10. Swimming pool, public

11. Trade fairs and exhibitions, temporary (fourteen- (14-) day maximum), excluding flea markets and swap meets

C. COMMERCIAL USES

A. Services

1. Mini-warehouse, for storage of personal household goods and vehicles, including outside storage
2. Veterinary, including veterinary hospital
3. Advertising sign boards or structures
4. Placing, storing or maintaining chemical toilets of the type normally transported by semitrailers

D. RECREATIONAL, ENTERTAINMENT, AND TOURIST FACILITIES

1. Bingo Parlor

E. TRANSPORTATION FACILITIES

1. Airport, private
2. Airport, public use
3. Auto parking garage or lot
4. Bus depot
5. Heliport
6. Taxi depot, including service and storage

F. UTILITY AND COMMUNICATIONS FACILITIES

1. Radio, television, microwave, or commercial communications transmitter, receiver, or translator

G. WASTE FACILITIES

1. Community septic disposal system
2. Sewage treatment plant
3. Transfer station, small volume
4. Waste-to-energy facility

H. INSTITUTIONAL USES

1. Cemetery, mausoleum, or columbarium
2. Community or regional correctional and similar involuntary detention facilities
3. Crematory, when in conjunction with a cemetery, mausoleum, columbarium, or mortuary
4. Museum, with outdoor exhibits
5. Zoo

I. EDUCATIONAL INSTITUTIONS AND SCHOOLS

1. College or university

J. MISCELLANEOUS USES

1. Day-care center, with extended overnight services
2. Drainage sump
3. Flea market or swap meet, wholly conducted within an enclosed building.
4. Flea market or swap meet, except within an enclosed building pursuant to Subsection 19.32.020.H of this title
5. Flood control facilities
6. Water treatment plant
7. Automobile trailer courts or camps, house or coach trailers, and public camp grounds

8. Beverage container recycling facilities

**17.152.030(4) - A-1 Zones:**

- A. Automobile trailer courts or camps, house or coach trailers, and public camp grounds
- B. Automobile trailer courts or camps, house or coach trailers, and public camp grounds
- C. Dairies and livestock feed yards
- D. Fruit, vegetable and meat packing plants
- E. Mobilehomes (manufactured homes) on property owned and/or leased by a public agency/entity of the state
- F. Secondary residential units

**17.152.030(5) - A-2 Zones:**

- A. Agricultural industries and the processing of agricultural products
- B. Commercial stockyards and animal slaughter
- C. Dumps and refuse disposal areas
- D. Fruit, vegetable and meat packing plants
- E. Hog ranches
- F. Junk, salvage or auto wrecking yards
- G. Sewer farms or sewage disposal plants

**17.152.030(6) - M-1 Zones:**

- A. Automobile trailer courts or camps, house or coach trailers, and public camp grounds
- B. Dwellings
- C. Beverage container recycling facilities

**17.152.030(7) - M-2 Zones:**

- A. Dairies and livestock feed yards
- B. Dwellings
- C. Junk, salvage or auto wrecking yards
- D. Beverage container recycling facilities

**17.152.030(8) - M-3 Zones:**

- A. Commercial stockyards and animal slaughter
- B. Dairies and livestock feed yards
- C. Dumps and refuse disposal areas
- D. Dwellings
- E. Junk, salvage or auto wrecking yards
- F. Sewer farms or sewage disposal plants
- G. Beverage container recycling facilities

**17.152.030(9) - B Zones:**

- A. Automobile trailer courts or camps, house or coach trailers, and public camp grounds

**17.152.030(10) - R Zones:**

- A. Churches and other places used exclusively for religious worship in A-1, A-2, R-1, R-2, R-3, and R-4 zones.
- B. Day nurseries and nursery schools in R zones.
- C. Placing, storing or maintaining chemical toilets of the type normally transported by semitrailers
- D. Placing, storing or maintaining chemical toilets of the type normally transported by semitrailers
- E. Educational institutions including schools, preschool, elementary, junior high, senior high, college or university.
- F. Hospitals, sanitariums and rest homes

- G. Large-scale neighborhood housing projects having a minimum gross area of twenty acres
- H. Libraries, museums and private clubs
- I. Parks, playgrounds and other community buildings
- J. Public utility or public service buildings, structures and uses
- K. Radio and television transmitters
- L. Real estate tract offices and signs
- M. Golf courses and country clubs

**17.152.030(11) - R-1 Zones:**

- A. Secondary residential units

**17.152.030(12) -E Zones:**

- A. Secondary residential units