

EXHIBIT A

HUGHSON MUNICIPAL CODE TITLE 17

Chapter 17.01

GENERAL PROVISIONS

Sections:

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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.

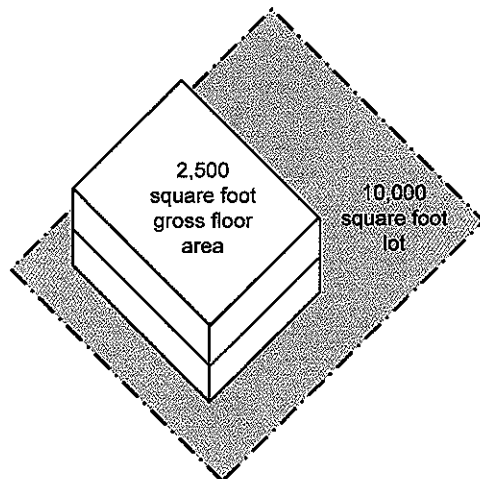
11. Food and beverage production. A manufacturing plant that produces or processes foods and beverages for human consumption and primarily for wholesale or distribution purposes.

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.

7. Hotel or motel. "Hotel" or "motel" means a building or portion thereof or a group of attached or detached buildings containing individual guest rooms or suites where lodging is provided for transients for compensation.

8. "Household" means one or more persons sharing a dwelling unit in a living arrangement that includes the sharing of living expenses, such as rent or mortgage payments, food costs and utilities; the maintenance of a single lease or rental agreement for all persons sharing the dwelling unit; or other characteristics indicative of a single household.

I. Definitions, "I".

1. Improvement, substantial. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

2. Industrial land. "Industrial land" means all that real property within the boundaries of the City of Hughson used for industrial operations.

3. Industrial operation. "Industrial operation" means and includes, but is not limited to, light manufacturing, heavier industrial land uses and industrial parks, as well as lighter industrial uses such as automobile dealerships and repair shops, building materials sales, distribution, warehousing and wholesaling.

4. Instructional or production studio. "Instructional or production studio" means a small-scale establishment for the instruction or production of art, including but not limited to dance, painting, photography, music, sculpture and related arts, and that accommodates only a small number of students or artists at any one time. The term "instructional or production studio" also includes studios for gymnastics, martial arts or similar activities, provided that they do not also offer fitness equipment similar to a gym.

J. Definitions, "J".

None.

K. Definitions, "K".

1. Kiosk. "kiosk" means a small, free-standing open structure used as a newsstand; retail

sales, refreshment, and/or information/service booth; and/or upon which temporary information and/or posters, notices, and announcements are posted.

L. Definitions, "L".

1. Landscaping. "Landscaping" means plantings, including but not limited to trees, shrubs, lawn, flowers and groundcovers, suitably designed, selected, installed and maintained. "Landscaping" may include rock, fountains, pools, screens, walls, fences, benches, walkways and concrete plazas.

2. Library or museum. "Library or museum" means a public or quasi-public facility such as an aquarium, art gallery, library, museum or zoo.

3. Living area. "Living area" means the interior habitable area of a dwelling unit, including basements and attics with a finished floor and a ceiling height of at least six feet. Living area shall not include a garage or any accessory structure.

4. Loading space. "Loading space" means an off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

5. Lot. "Lot" means a parcel of land shown on a subdivision map, parcel map or record of survey map or described by metes and bounds and recorded in the office of the county recorder of Stanislaus County, and/or a building site in one ownership having an area for a building or buildings, together with such yards, open spaces, lot width, and lot areas as are required by this title and having frontage upon a public street, road or highway (other than an alley), unless otherwise approved.

6. Lot area. "Lot area" means the total horizontal net area within the lot lines of a lot or parcel exclusive of streets, highways, roads and alleys.

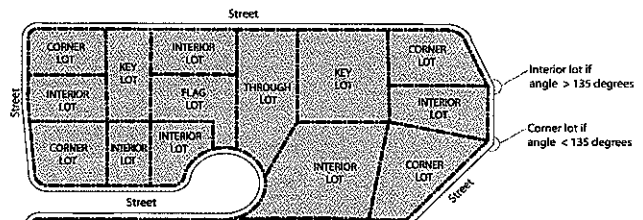


Figure 17.01.090.2. Lot Types.
(NOTE: Some lots can be defined as more than one type of lot.)

7. Lot, corner. "Corner lot" means a lot situated at the intersection of two or more streets

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.

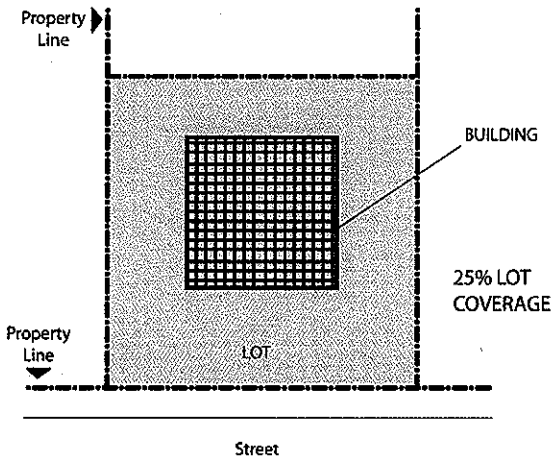


Figure 17.01.090.3. Lot Coverage.

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.

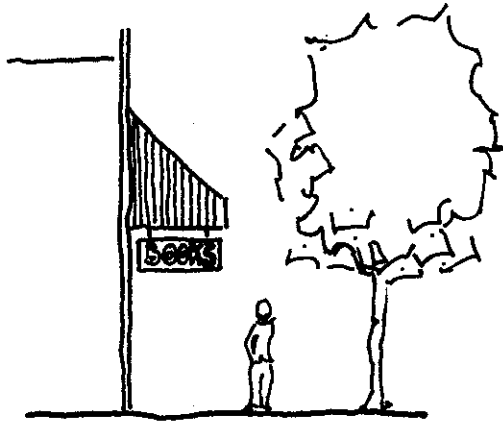


Figure 17.01.090.4. Awning signs painted on an awning (left) and hanging from an awning (right).

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.

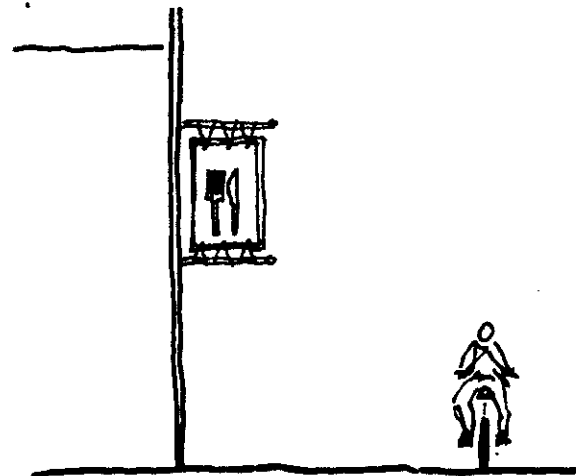


Figure 17.01.090.7. Projecting sign.

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.

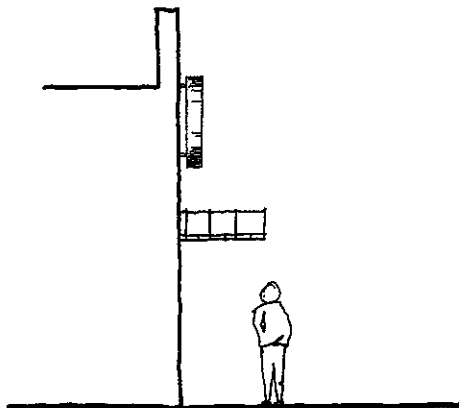


Figure 17.01.090.9. Wall sign.

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.

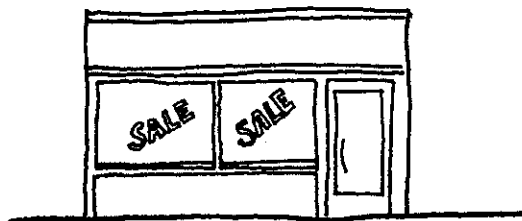


Figure 17.01.090.10. Window sign.

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.

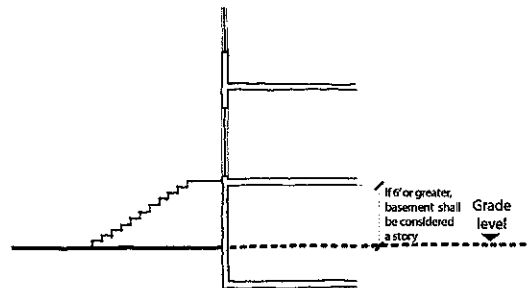


Figure 17.01.090.11. Basement Story.

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-A Rural 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 prezoning shall be as prescribed in Hughson Municipal Code 17.04.048 (D), and

such prezoning 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.

1. 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.

2. It shall be unlawful for any person or entity to locate or operate in any zone in the City any use which is illegal under State or federal law.

3. 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).

I. 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; ^b 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				
Side(s)	Same as adjacent residential zone; most restrictive applies if adjacent to more than one residential zone.	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	Subject to cross-visibility area in HMC 17.03.048
Street side of corner lot	Same as front	Same as front	Same as front	Same as front	
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	None, except 10 when adjacent to residential use	
Maximum height (feet)	30	75	65	75; 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