

AMEND INDEX FOR CHAPTER 9-2 (REGULATIONS APPLYING TO ALL DISTRICTS) AND AMEND ARTICLE 4 TO ARTICLE 3

Chapter 9-2 REGULATIONS APPLYING TO ALL DISTRICTS

Article 1. Special Provisions Applying to All or Several Districts

- [9-2-101](#) Accessory buildings or structures.
- [9-2-102](#) Adult entertainment facilities.
- [9-2-103](#) Affordable housing density bonus.
- [9-2-104](#) Automobile service stations, repair, and washing.
- [9-2-105](#) Building projections into yards.
- [9-2-106](#) Development on existing lots of record.
- [9-2-107](#) Development on lots divided by district boundaries.
- [9-2-108](#) Exceptions to height limits.
- [9-2-109](#) Landscaping and irrigation.
- [9-2-110](#) Family day care home.
- [9-2-111](#) Mobile home development.
- [9-2-112](#) Outdoor storage.
- [9-2-113](#) Planned developments.
- [9-2-114](#) Permitted locations of recreational vehicles and campers.
- [9-2-115](#) Recycling and solid waste disposal regulations.
- [9-2-116](#) Recycling facilities.
- [9-2-117](#) Salvage and wrecking operations.
- [9-2-118](#) Screening of mechanical equipment.
- [9-2-119](#) Second dwelling units.
- [9-2-120](#) Underground utilities.
- [9-2-121](#) Neighborhood stores.
- [9-2-122](#) Rental storage facility.
- [9-2-123](#) Equipment sales, service, and rentals.
- [9-2-124](#) Mobile food facilities.
- [9-2-125](#) Cargo containers.
- [9-2-126](#) Electrified fences.

[9-2-127](#) Drive-through facilities.

Article 2. Off-Street Parking and Loading Regulations

[9-2-201](#) Specific purposes.

[9-2-202](#) Application of provisions to uses.

[9-2-203](#) Off-street parking required: Availability and maintenance.

[9-2-204](#) Off-street parking: Reconstructed buildings.

[9-2-205](#) Off-street parking for existing buildings and uses.

[9-2-206](#) Off-street parking: Location.

[9-2-207](#) Parking in the R districts.

[9-2-208](#) Border barricades, screening, and landscaping.

[9-2-209](#) Off-street parking: Spaces required.

[9-2-210](#) Parking spaces for people with disabilities.

[9-2-211](#) Bicycle parking.

[9-2-212](#) Off-street parking districts.

[9-2-213](#) Parking configuration and aisle dimensions.

[9-2-214](#) Parking lot design standards.

[9-2-215](#) Driveway and corner visibility.

[9-2-216](#) Parking lot landscaping.

[9-2-217](#) Parking access from street.

[9-2-218](#) Location and design of off-street loading spaces.

[9-2-219](#) Parking area plan required.

Article 3. Reserved

Article 4. Nonconforming Structures and Uses

~~[9-2-401](#)~~ ~~[301](#)~~ Specific purposes.

~~[9-2-402](#)~~ ~~[9-2-302](#)~~ Nonconforming uses.

~~[9-2-403](#)~~ ~~[9-2-303](#)~~ Nonconforming structures.

~~[9-2-404](#)~~ ~~[9-2-304](#)~~ Loss of nonconforming status.

~~[9-2-405](#)~~ ~~[9-2-305](#)~~ Discontinuance.

~~[9-2-406](#)~~ ~~[9-2-306](#)~~ Replacement and repairs due to damage.

~~[9-2-407](#)~~ ~~[9-2-307](#)~~ Repairs and maintenance.

~~9-2-408~~ ~~9-2-308~~ Exceptions to provisions.

Article 4. Sign Regulations for Public Property

9-2-401 Purpose.

9-2-402 Interpretation.

9-2-403 Definitions.

9-2-404 Permits required.

~~Article 5. Signs~~ Article 5. Sign Regulations for Private Property

~~9-2-501 Purpose.~~

~~9-2-502 Interpretation.~~

~~9-2-503 Definitions.~~

~~9-2-504 Permits required.~~

~~9-2-505 Sign classifications.~~

~~9-2-506 Sign standards.~~

~~9-2-507 Nonconforming signage.~~

~~9-2-508 Unsafe and unlawful signs.~~

~~9-2-509 Compliance with article provisions: Nuisances: Abatement.~~

~~9-2-510 Noncompliance.~~

~~9-2-511 Removal, costs, and enforcement.~~

~~9-2-512 Appeals by persons aggrieved.~~

9-2-501 Short title and authority.

9-2-502 Regulatory scope.

9-2-503 Legislative findings.

9-2-504 Purpose and intent.

9-2-505 Severability.

9-2-506 Message substitution.

9-2-507 Policies for sign regulation.

9-2-508 Diagrams.

9-2-509 Definitions.

9-2-510 Sign measurements.

9-2-511 General development standards.

9-2-512 Sign design standards.

- [9-2-513](#) [Prohibited signs.](#)
- [9-2-514](#) [Exempt signs.](#)
- [9-2-515](#) [Permit requirements and review procedures.](#)
- [9-2-516](#) [Comprehensive sign program.](#)
- [9-2-517](#) [Temporary signs.](#)
- [9-2-518](#) [Permanent on-site signs.](#)
- [9-2-519](#) [Maintenance, abandonment, and removal of signs.](#)
- [9-2-520](#) [Nonconforming signage.](#)
- [9-2-521](#) [Removal of non-permitted temporary signs.](#)
- [9-2-522](#) [Unsafe and unlawful signs.](#)

Article 6. Wireless Communication Facilities

- [9-2-601](#) Purpose.
- [9-2-602](#) Definitions.
- [9-2-603](#) Compliance with applicable codes.
- [9-2-604](#) Permit requirements.
- [9-2-605](#) Application requirements.
- [9-2-606](#) Height.
- [9-2-607](#) Setbacks.
- [9-2-608](#) Visual compatibility and screening.
- [9-2-609](#) Discontinuance of use.

AMEND ARTICLE 4

Article ~~4~~³. Nonconforming Structures and Uses

~~9-2-401~~³⁰¹ Specific purposes.

This article limits the number and extent of nonconforming uses by limiting their enlargement, their re-establishment following abandonment, their alteration, their relocation, and their restoration. This article, while permitting the use and maintenance of nonconforming structures, limits their restoration, alteration,

enlargement, or relocation upon the site in any manner that would increase the discrepancy between the standards contained in this article and the conditions existing on the subject property.

It is recognized that nonconforming uses and structures generally persist and their appearance gradually deteriorates when the standards for repair and improvement are too restrictive. It is the intent of this article to provide limited but reasonable opportunity for nonconforming uses and structures that are not a public nuisance to be repaired and improved if it is in the public interest. This article also provides for the removal of nonconforming uses and structures or change to conforming uses and structures when such uses and structures are a public nuisance.

9-2-~~402~~302 Nonconforming uses.

(a) **Defined.** A nonconforming use is a lawful use of land that does not comply with the current use regulations for its zoning district but which complied with the applicable regulations at the time the use was established. A nonconforming use includes those that operate without a structure.

(b) **Regulations.**

(1) The re-establishment of a legal nonconforming use or the substitution of a nonconforming use of another nonconforming use of the same or more restrictive classification may be made upon approval of a minor discretionary permit in accordance with Article 3 of Chapter [9-5](#) TMC (Minor Administrative and Minor Discretionary Permits). The new nonconforming use must have a similar or less severe impact on its surroundings in terms of noise, traffic, parking, hours of operation, and visual incompatibility. Nonconforming uses not meeting these requirements may be allowed upon approval of a conditional use permit in accordance with Article 6 of Chapter [9-5](#) TMC (Conditional Use Permits and Variances).

(2) The repair, maintenance, remodel, alteration, and replacement of a structure used for a nonconforming use (and/or site improvements) may be allowed so long as there is no increase in the operation or floor area devoted to the use, or change in the size or location of any structures. The structural and/or site improvements described above may be approved if it can be determined that they do not adversely affect neighboring properties, that they do not increase the degree of nonconformity, and are in the public interest.

(3) The expansion or enlargement of a structure used for a nonconforming use and/or site improvements may be allowed as follows:

(i) Structural improvements that enlarge or expand an existing structure used for a nonconforming use and/or the expansion or enlargement of the site by more than one thousand (1,000) square feet, or more than twenty-five (25%) percent of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a conditional use permit in accordance with Article 6 of Chapter [9-5](#) TMC (Conditional Use Permits and Variances).

(ii) Structural improvements that enlarge or expand an existing structure used for a nonconforming use and/or the expansion or enlargement of the site by no more than one thousand (1,000) square feet or no more than twenty-five (25%) percent of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a minor discretionary permit in accordance with Article 3 of Chapter [9-5](#) TMC (Minor Administrative and Minor Discretionary Permits).

(iii) The structural and/or site improvements described above may be approved if it can be determined they will not adversely affect neighboring properties, and are in the public interest.

(iv) The expansion or enlargement of nonconforming residences in nonresidential zoning districts shall comply with the development standards established for the applicable residential zoning district, not the zoning district in which it is located.

9-2-403-303 Nonconforming structures.

(a) **Defined.** A nonconforming structure is any building or structure that does not comply with one (1) or more of the regulation limitations on size, height, and location on a lot, or the applicable zoning district in which such building or structure is located (refer to TMC [9-2-507](#), Nonconforming signage).

(b) **Regulations.**

(1) The repair, maintenance, remodel, alteration, and replacement of a nonconforming structure where the level of nonconformity is maintained so long as there is no increase in the operation or floor area devoted to the use, or change in the size or location of any structures. The structure improvements described above may be approved if it can be determined they will not adversely affect neighboring properties, and are in the public interest.

(2) The expansion or enlargement of a nonconforming structure used may be allowed as follows:

(i) Structural improvements that enlarge or expand an existing structure by more than one thousand (1,000) square feet, or more than twenty-five (25%) percent of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a conditional use permit in accordance with Article 6 of Chapter [9-5 TMC](#) (Conditional Use Permits and Variances).

(ii) Structural improvements that enlarge or expand an existing structure by no more than one thousand (1,000) square feet or no more than twenty-five (25%) percent of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a minor discretionary permit in accordance with Article 3 of Chapter [9-5 TMC](#) (Minor Administrative and Minor Discretionary Permits).

(iii) The structural improvements described above may be approved if it can be determined that they do not adversely affect neighboring properties, are in the public interest, and are necessary to ensure visual compatibility with the existing structure.

(iv) The expansion or enlargement of nonconforming residences in nonresidential zoning districts shall comply with the development standards established for the applicable residential zoning district, not the zoning district in which it is located.

~~9-2-404~~ 304 Loss of nonconforming status.

A nonconforming use which ceases or a nonconforming structure that is unoccupied for a continuous period of twelve (12) months shall lose its legal nonconforming status. The premises on which the nonconforming use is located shall then be used for conforming uses and the nonconforming structure shall be removed or altered to conform unless a conditional use permit is obtained in accordance with Article 6 of Chapter [9-5 TMC](#) (Conditional Use Permits and Variances).

~~9-2-405~~ 305 Discontinuance.

(a) **Declaration of unlawful uses or structures.** It is hereby declared that nonconforming uses of land or nonconforming structures within the City of Turlock as set forth in this article that are found to be a public nuisance are detrimental to the orderly development of the City and as detrimental to the health, safety, peace, comfort, and general welfare of persons and property within the City of Turlock. It is further declared to be the

policy of the City that such nonconforming uses or structures shall be eliminated as rapidly as may be done without infringing upon the constitutional rights of the owners of such nonconforming property.

(b) **Procedures to determine time for discontinuance.** A nonconforming use or structure that is determined to be a public nuisance and a serious detriment to the health, safety, peace, comfort, and general welfare of persons and property within the surrounding area may be administratively ordered to discontinue upon determination by the Development Services Director, or designee. A nonconforming use or structure shall be discontinued within the following time frame:

(1) A nonconforming use which does not involve the use of a structure shall be discontinued in five (5) years.

(2) A nonconforming use which does involve the use of a structure shall be discontinued in ten (10) years.

(3) A nonconforming structure shall be abandoned or removed in ten (10) years.

(c) **Appeals.** Should an owner of property upon which a nonconforming use has been administratively ordered discontinued disagree with such order, such owner may appeal as provided in Chapter [1-4](#) TMC.

~~9-2-406-306~~ Replacement and repairs due to damage.

(a) If at any time any nonconforming residential building is damaged or destroyed by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God, such building may be rebuilt within one (1) year to total floor area not exceeding that which such building originally contained and such building may continue as set forth in this article for nonconforming uses and buildings.

(b) Any nonconforming commercial or industrial building or structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God to such an extent that repairs or replacements are required, the cost of which exceeds sixty (60%) percent of its current appraised value for tax purposes at the time of damage, exclusive of the foundation, shall not be restored or reconstructed and used as before such happening. If such building is less than sixty (60%) percent damaged above the foundations, it may be restored, reconstructed, or used as before; provided, however, the restoration or reconstruction shall be substantially completed within one (1) year of such happening.

~~9-2-407-307~~ Repairs and maintenance.

Such repairs and maintenance work as required to keep a nonconforming building or structure in sound condition may be made; provided, however, no structural alterations shall be made except as are required by law or authorized by the Planning Commission as a conditional use pursuant to the provisions of Article 6 of Chapter [9-5](#) TMC (Conditional Use Permits and Variances). Except as otherwise provided in this article, the total structural repairs and alterations which may be made to a nonconforming building or structure shall not, during its life subsequent to the date of its becoming a nonconforming use, exceed fifty (50%) percent of its then appraised value for tax purposes unless such building or structure is changed to a conforming use.

~~9-2-408-308~~ Exceptions to provisions.

The provisions of this article shall not require any change in the overall layout, plans, construction, size, or designated use of any development, building, or structure, or part thereof, where official approvals and required building permits have been granted before the effective date of the ordinance codified in this title, or of any amendment to the provision of this article, the construction of which building, conforming with such plans, shall have been started prior to the effective date of the ordinance codified in this title, and the completion thereof carried on in a normal manner within the subsequent six (6) month period and not discontinued until completion except for reasons beyond builder's control.