

TITLE 15 AMENDMENTS - ORDINANCE NO. 3232

The Fullerton City Council approved the following amendments to Title 15 (Zoning Code) of the Municipal Code on August 16, 2016. This document represents only the new components that have been added or amended in Title 15 and does NOT represent the complete Title.

The Fullerton Municipal Code (FMC) is hereby amended as follows:

Chapter 15.04, INTERPRETATION AND DEFINITIONS:

DANCE OR DANCING means movement of the human body accompanied by music or rhythm

FITNESS FACILITY, SMALL means a facility which is less than 4,000 square feet in size and which provides instruction and/or equipment designed to promote or improve the health of its users through exercise. Examples of fitness activities include, but are not limited to dance, yoga, martial arts, spin, personal training and functional fitness workouts.

LIVE ENTERTAINMENT includes, but is not limited to, musical performances (non-ambient, live or recorded), any act, play, revue, pantomime scene, dance act, DJ, karaoke, strolling musician or any combination thereof, performed by one (1) or more persons whether or not they are compensated for their performance.

MINOR EXCEPTION means a minor deviation in certain specified development standards which are consistent with the intent and purpose of Title 15.

PRIVATE ENTERTAINMENT means entertainment which is limited to those persons individually invited, to which no admission charge is made, or entertainment conducted by a bona fide club, society or association, or organization incorporated for benevolent, charitable, dramatic, literary, recreational or entertainment purposes having an established membership, and which holds meetings other than such entertainment at regular stated intervals, and when the proceeds, if any, of such entertainment are used only for the purposes of such club, society, association or organization.

RESTAURANT (EATING ESTABLISHMENT), TAKE-OUT means any restaurant serving specialty food items such as ice cream, yogurt, pizza, donuts, or deli sandwiches, where only a limited number of seats (twelve or less) are available.

SCHOOL, TRADE / VOCATIONAL SCHOOL means any business which offers special instruction, tutorial, or training to a group of people for the purposes of learning a specific trade or vocation. Trade/Vocational schools include, but are not limited to: medical assistant, computer programming, carpentry, equipment operation or repair, plumbing, accounting, dental hygienist, veterinary technician and welding.

SHARED PARKING ANALYSIS means the preparation of a study utilizing methodology established by the Urban Land Institute (ULI) and Institute of Transportation Engineers (ITE) to justify a reduction in the overall number of parking spaces required in a mixed-use development where peak parking requirements are varied.

STUDIO means the workplace of one (1) or more individuals who are engaged in the production of works of art or handcrafts for a living, including, but not limited to, painting, sculpture, music, photography, ceramics and glass works. Such studios may also offer instruction in any of these activities.

VARIANCE means a limited waiver of specified development standards allowed by the zoning ordinance when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. A variance shall not be granted for a use or activity which is not otherwise expressly permitted in that zone.

TUTORING CENTER means a tutoring center is an educationally oriented facility that provides personalized academic assistance on a relatively low teacher to student ratio up to and including one-on-one tutoring. Examples of tutoring centers include, but are not limited to: math, reading, writing and language learning. These facilities are considered separate from public or private schools.

ACCESSORY BUILDING OR STRUCTURE means a detached building or structure, part of a building or structure that is incidental or subordinate to the main structure or building or use on the same lot or parcel of land, without cooking facilities and is used exclusively by the occupant of the main building. Examples include, but are not limited to garages, carports, patio covers, storage sheds, outdoor fireplaces or barbecues, or greenhouses.

ALLEY means a public or private thoroughfare or way having a width of not more than thirty feet that affords only a secondary means of access to an abutting property.

ANTIQUES AND COLLECTIBLES DEALER means a business that primarily offers for sale furniture, decorative items, clothing, memorabilia and other items that were in style or fashion, or that represent objects, from a former time, which are of good quality, and which are not being held as collateral for a loan.

BAR (also TAVERN or COCKTAIL LOUNGE) means a commercial establishment whose primary use is the sale of alcoholic beverages for consumption on the premises, with or without food service, from which minors are excluded by law and which requires a "public premises"-type license issued by the California Department of Alcoholic Beverage Control.

BUILDING HEIGHT means the vertical distance measured from the ground to the highest point of the building or structure.

CENTRAL BUSINESS DISTRICT means the zoning applied to a defined area specifically described in the Fullerton CBD design guidelines, adopted by City Council.

DWELLING, LIMITED SECOND means an attached or detached residential dwelling unit which provides complete independent living accommodations and facilities for one or more persons, which includes permanent provisions for living, sleeping, eating, cooking, and sanitation, on the same parcel as a legally established single-family dwelling. It shall have the same meaning as "Second Unit" as that term is defined in California Government Code Section 65852.2(i)(4), as it may be amended from time to time.

FITNESS FACILITY means a facility providing instruction and/or equipment designed to promote or improve the health of its users through exercise.

EDUCATIONAL INSTITUTION means colleges or universities supported wholly or in part by public funds, and other colleges, universities or other schools giving general academic instruction, as determined by the Education Code of the State of California and whether operated for profit or not.

OPEN SPACE, USABLE, means an outdoor area on the ground, or on a roof, balcony, deck, porch, patio or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but excluding parking facilities, driveways, utility or service areas, an outdoor area that is less than 10 feet in any direction is considered visual open space and the area may be given 1/3 credit for meeting the usable open space requirements.

PRINCIPAL USE means the primary or predominant use to which the property is devoted, and to which all other uses on the premises are accessory.

RESTAURANT (EATING ESTABLISHMENT) means a commercial establishment whose primary use is the sale and service of meals on-site to guests and which has suitable kitchen facilities containing the necessary appliances required for cooking unpackaged foods, and which complies with all of the requirements of the local department of health and the California Department of Alcoholic Beverage Control for a bona fide public eating place pursuant to the Section 23038 of the California Business and Professions Code.

YARD, FRONT means an area extending across the full width of the lot and lying between the lot front line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed in each zone. In the case of a corner lot and reverse corner lot, the lot front line shall be the line separating the narrowest street frontage of the lot from the street.

Chapter 15.08, ZONE CLASSIFICATIONS

In Section 15.08.020, Zone classifications are proposed to be amended as follows:

COMMERCIAL ZONE CLASSIFICATIONS

O-P	Office Professional
C-G	Commercial Greenbelt
C-3	Central Business District Commercial
C-M	Commercial, Manufacturing
G-C	General Commercial

SPECIAL ZONE CLASSIFICATIONS

ES	Emergency Shelter Overlay Zone
LCO	Life Care Overlay
O-S	Open Space
P	Residential Preservation Zone
ROD	Restaurant Overlay District
RS-PC	Rural Street Overlay Zone – Pico-Carhart

2. All other uses are less restrictive in the order they are first permitted in the zones in the following sequence: PRD, R-2P, R-2, R-G, R-3R, R-3P, R-3, R-4, R-5, O-P, C-G, C-3, C-M, M-P, and M-G.

15.08.050. Required lot area shown on Zoning Map.

Where a number follows the zoning symbol on the Zoning Map, it shall represent the number of thousands of square feet of area required in lieu of the minimum areas established in each zone as herein defined. Pursuant to §15.17.050 no new lot shall be created in any R-1 or R-1P zone which is less in area than the minimum lot size indicated on the city's official Zoning Map for the area in which it is located, except as provided in Title 16 of the Fullerton Municipal Code. If no number follows the zoning symbol, the areas prescribed in the chapter governing such zone shall apply. The minimum lot sizes as shown on the Zoning Map are further defined as follows:

- R-1-6 – minimum lot size of 6,000 square feet.
- R-1-7.2 – minimum lot size of 7,200 square feet.
- R-1-8 – minimum lot size of 8,000 square feet.
- R-1-8.5 – minimum lot size of 8,500 square feet.
- R-1-9 – minimum lot size of 9,000 square feet.
- R-1-10 – minimum lot size of 10,000 square feet.
- R-1-12 – minimum lot size of 12,000 square feet.
- R-1-13 – minimum lot size of 13,000 square feet.
- R-1-15 – minimum lot size of 15,000 square feet.
- R-1-20 – minimum lot size of 20,000 square feet.
- R-1-40 – minimum lot size of 40,000 square feet.
- M-P-30 – minimum lot size of 30,000 square feet.
- M-P-40 – minimum lot size of 40,000 square feet.
- M-P-80 – minimum lot size of 80,000 square feet.
- M-P-100 – minimum lot size of 100,000 square feet.
- M-P-200 – minimum lot size of 200,000 square feet.

Chapter 15.17, RESIDENTIAL ZONE CLASSIFICATIONS

Chapter 15.17 is proposed to be amended as follows:

15.17.015. Residential Zones.

The following residential zones are established:

A. R-1 (single-family residential) is designed for neighborhoods of single-family type residences on individual lots. Minimum lot sizes within the R-1 zone are further described in §15.08.080 and as they appear on the Zoning Map.

15.17.020. Permitted uses.

C. Any activity or use not specifically listed in Table 15.17.020.A shall be considered an unpermitted use unless determined by the Community Development Director to be similar to a listed permitted use in the zone and consistent with the zone's purpose.

15.17.030. Conditions of permitted uses.

R. Outdoor recreational facilities:

1. A swimming pool, spa, tennis court, play apparatus, or similar recreational facility for the sole use of the occupants of the premises and their guests is allowed in any residential zone, provided that:

m. Lighting for any outdoor recreational facility, such as a tennis or basketball court shall be designed in accordance with the following standards:

- i. Light poles for game court lighting may not exceed fifteen (15) feet above the ground surface.
- ii. All exterior lighting visible from off-site must be equipped with motion detectors and all decorative lighting and game court lighting must be equipped with automatic timer switches to ensure that the lighting is turned off when not in use.
- iii. No exterior lighting may be directed off site and shall be shielded to direct light away from any adjacent property.

15.17.050. Site development standards for R-1, R-1P, R-2 and R-2P zone classifications.

B. Building setbacks:

4. The following are exemptions, possible reductions or allowable encroachments to the required building setback:

a. A reduction in the building setback not exceeding 20 percent of the requirements in Table 15.17.050.A may be allowed with approval of a Minor Exception pursuant to Chapter 15.66 of this title. A request for a greater building setback reduction shall be reviewed as a variance pursuant to Chapter 15.68 of this title.

15.17.060. Additional site development standards and review for residential preservation zone classifications (R-1P, R-2P and R-3P).

B. All proposed development shall be subject to the following types of review and approval. Routine maintenance of existing improvements (e.g., repainting of a structure, duplicating damaged or deteriorated exterior architectural features) is exempt from these review procedures as long as the original design is retained.

2. Those projects listed below will be reviewed by the Design Review Committee as a Development Project:

a. Any proposed development found by the Community Development Director to be inconsistent with the design criteria and standards established for the residential preservation zones.

3. Those projects listed below will be reviewed by the Landmarks Commission as a Development Project:

a. Any proposed development found by the Design Review Committee to be inconsistent with the design criteria and standards established for the residential preservation zones.

E. Notwithstanding the requirements for R-1P, R-2P and R-3P zones, the Design Review Committee, upon application from a property owner and upon review of the application, facts, and consideration of alternatives at a noticed public hearing, may waive on a selective and limited basis the "preservation" requirements of this section that cause undue hardship.

Chapter 15.30, COMMERCIAL ZONE CLASSIFICATIONS

Chapter 15.30 is proposed to be amended as follows:

15.30.020. Commercial zones.

The following commercial zones are established:

A. Office-professional (O-P): To provide for business and professional offices, social services, hospitals and related business activities.

B. General commercial (G-C): To provide for a wide range of commercial goods and services.

C. Central business district commercial (C-3): To provide for a highly concentrated business district that includes mixed residential and commercial use, primarily for the downtown area.

D. Commercial, manufacturing (C-M): To provide for selected areas where on-premises retail sales and services along with the related assembling, processing and manufacturing can be carried out.

(Ord. 3066, (part), 2005; Ord. 2982, 2001)

15.30.030.1 Permitted uses in the O-P Zoning District.

A. The following uses are permitted in the O-P zoning district:

1. Automotive wholesaler or broker with no car display
2. Communication facility, non-commercial subject to FMC 15.55.020.C
3. Copy shop, retail
4. Financial institution
5. Fitness facility, small
6. Internet or cyber café, including computer lounge or internet arcade subject to FMC 15.30.040.H
7. Office, general
8. Office, medical
9. Personal services facilities (includes barbershops, beauty shops, etc.)
10. Recycling facility; Reverse vending subject to FMC 15.30.090.D
11. Satellite dish antennae
12. Special event subject to FMC 15.55.020.D
13. Temporary commercial use subject to FMC 15.55.020.E
14. Tutoring Center

B. The following uses are permitted in the O-P zoning district subject to the approval of a conditional use permit (CUP) pursuant to FMC 15.70:

1. Car rental agency
2. Child care center
3. Fitness facility
4. Health facility (24-hour care)
5. Heliport
6. Human service agency
7. Large group home subject to FMC 15.55.030.G
8. Mortuary
9. Parking lot (exclusive use) or Parking structure

10. Pharmacy
11. Religious institution subject to FMC 15.55.030.D
12. Residential care facility for the elderly subject to FMC 15.55.030.G
13. Restaurant, with the exception that restaurants serving alcohol pursuant to an on-premise liquor sales license issued by the State Department of Alcoholic Beverage Control must also obtain an Administrative Restaurant Use Permit subject to FMC 15.30.040.I and FMC 15.71.
14. Retirement Complex Types III, IV, V and VI subject to FMC 15.55.030.H
15. School, private subject to FMC 15.55.030.D
16. Social service facility subject to FMC 15.55.030.D

C. The following uses are permitted in the O-P zoning district subject to the approval of a minor site plan (MSP) pursuant to FMC 15.47:

1. Communication facility, commercial subject to FMC 15.55.020.
2. School, Trade/Vocational School

15.30.030.2 Permitted Uses in the G-C Zoning District

A. The following uses are permitted in the G-C zoning district:

1. Retail and service uses (subject to further conditions for those listed below)
2. Automotive wholesaler or broker with no car display
3. Club or lodge, without living quarters
4. Communication facility, non-commercial subject to FMC 15.55.020.C
5. Copy shop, retail
6. Financial institution
7. Fitness facility, small
8. Furniture upholstery shop
9. Home improvement center; hardware store
10. Internet or cyber café, including computer lounge or internet arcade subject to FMC 15.30.040.H
11. Nursery
12. Office, general
13. Office, medical
14. Personal service facilities (includes barbershops, beauty shops, etc.)
15. Pharmacy
16. Poolroom subject to FMC 3.54
17. Public amusement room subject to FMC 3.54
18. Recycling facility: Reverse vending subject to FMC 15.30.090.A
19. Restaurant, with the exception that restaurants serving alcohol pursuant to an on-premise liquor sales license issued by the State Department of Alcoholic Beverage Control must also obtain an Administrative Restaurant Use Permit subject to FMC 15.30.040.I and FMC 15.71.
20. Satellite dish antennae subject to 15.55.020.C
21. Special event subject to FMC 15.55.020.D
22. Studio
23. Tattoo parlor subject to FMC 15.55.020.F
24. Temporary commercial use subject to FMC 15.55.020.E
25. Theater, live and movie, excluding drive-in theaters and adult uses
26. Tutoring Center

B. The following uses are permitted in the G-C zoning district subject to the approval of a conditional use permit (CUP) pursuant to FMC 15.70:

1. Agriculture
2. Animal hospital
3. Automobile service station subject to FMC 15.30.040.D
4. Automotive parts, including installation
5. Automotive (including motorcycle, boat, trailer and equipment) storage, service or repair
6. Automotive (including automobile "single or multiple car display" dealer, boat, motorcycle, trailer and equipment) sales subject to FMC 15.30.040.G
7. Bar subject to FMC 15.30.040.I
8. Bed and breakfast inn subject to FMC 15.55.030.A
9. Car rental agency
10. Car wash subject to FMC 15.30.040.D
11. Caretaker's unit subject to FMC 15.55.030.B
12. Child care center subject to FMC 15.55.030.E
13. Dancing as an ancillary use to a Restaurant subject to FMC 15.30.040.I
14. Fitness facility
15. Fortuneteller
16. Health facility
17. Hotel subject to FMC 15.55.030.F
18. Human service agency
19. Large group home subject to FMC 15.55.030.F
20. Live entertainment as an ancillary use to a Restaurant subject to FMC 15.30.040.I
21. Massage establishment subject to FMC 3.24
22. Mortuary
23. Motel subject to FMC 15.55.030.F
24. Parking lot (exclusive use) or Parking structure
25. Pawnshop
26. Reception hall, banquet facility, dance hall or related use subject to FMC 15.30.040.I
27. Recreation, commercial
28. Recycling facility; Large collection subject to FMC 15.30.090.C
29. Religious institution subject to FMC 15.55.030.D
30. Residential care facility for the elderly subject to FMC 15.55.030.G
31. Retirement complex Types III, IV, V and VI subject to FMC 15.55.030.H
32. School, private subject to FMC 15.55.030.D
33. Single room occupancy (SRO) residential hotel subject to FMC 15.30.090
34. Social service facility subject to FMC 15.55.030.D

C. The following uses are permitted in the G-C zoning district subject to the approval of a minor site plan (MSP) pursuant to FMC 15.47:

1. Communication facility, commercial subject to FMC 15.55.020.B
2. Recycling facility: Small collection subject to FMC 15.30.090.B
3. School, trade/Vocational school

15.30.030.3 Permitted Uses in the C-3 Zoning District

A. The following uses are permitted in the C-3 zoning district:

1. Retail and service uses (subject to further conditions for those listed below)

2. Automotive wholesaler or broker with no car display
3. Car rental agency with less than 10 vehicles
4. Club or lodge without living quarters
5. Communication facility, noncommercial subject to FMC 15.55.020.C
6. Copy shop, retail
7. Dwelling units, as part of a mixed-use development subject to FMC 15.30.040.E
8. Financial institution
9. Fitness facility, small
10. Furniture upholstery shop
11. Home improvement center; hardware store
12. Internet or cyber café, including computer lounge or internet arcade subject to FMC 15.30.040.H
13. Massage establishment subject to FMC 3.24
14. Office, general
15. Office, medical
16. Personal service facilities (includes barbershops, beauty shops, etc.)
17. Pharmacy
18. Poolroom subject to FMC 3.54
19. Public amusement room subject to FMC 3.54
20. Public parking area
21. Recycling facility: Reverse vending subject to FMC 15.30.090.D
22. Restaurant, with the exception that restaurants serving alcohol pursuant to an on-premise liquor sales license issued by the State Department of Alcoholic Beverage Control must also obtain an Administrative Restaurant Use permit subject to FMC 15.30.040.I and FMC 15.71
23. Satellite dish antennae subject to FMC 15.55.020.C
24. Special event subject to FMC 15.55.020.D
25. Studio
26. Tattoo parlor subject to FMC 15.55.020.F
27. Temporary commercial use subject to FMC 15.55.020.E
28. Theater, live and movie, excluding drive-in theaters and adult uses
29. Tutoring Center

B. The following uses are permitted subject to the approval of a conditional use permit (CUP) pursuant to FMC 15.70:

1. Agriculture
2. Animal hospital
3. Automobile service station subject to FMC 15.30.040.D
4. Automotive parts, including installation
5. Automotive (including automobile "single or multiple car display" dealer, boat, motorcycle, trailer and equipment) sales subject to FMC 5.30.040.F
6. Bar subject to FMC 15.30.040.I
7. Bed and breakfast inn subject to FMC 15.55.030.A
8. Car rental agency with more than 10 10 vehicles
9. Dancing as an ancillary use to a Restaurant subject to FMC 15.30.040.I
10. Fitness facility
11. Fortuneteller
12. Hotel subject to FMC 15.55.030.F
13. Live entertainment as an ancillary use to a Restaurant subject to FMC 15.30.040.I
14. Mortuary

15. Motel subject to FMC 15.55.030.F
16. Parking lot (exclusive use) or Parking structure
17. Pawnshop
18. Reception hall, banquet facility, dance hall or related use subject to FMC15.30.040.I
19. Recreation, commercial
20. Religious institution subject to FMC 15.55.030.D
21. Residential care facility for the elderly
22. School, private subject to FMC 15.55.030.D
23. Single room occupancy (SRO) residential hotel subject to FMC 15.30.090
24. Social service facility subject to FMC 15.55.030.D

C. The following uses are permitted in the C-3 zoning district subject to the approval of a minor site plan (MSP) pursuant to FMC 15.47:

1. Communication facility, commercial subject to FMC 15.55.020.B
2. Recycling facility: Small collection subject to FMC 15.30.090.B
3. School, trade/Vocational school

15.30.030.4 Permitted Uses in the C-M Zoning District

A. The following uses are permitted in the C-M zoning district:

1. Automotive parts, including installation
2. Automotive wholesaler or broker with no car display
3. Car rental agency with 10 or less vehicles
4. Communication facility, non-commercial subject to FMC 15.55.020.D
5. Copy shop, retail
6. Copy shop, industrial
7. Emergency shelter for homeless subject to FMC 15.42
8. Furniture refinishing shop
9. Furniture upholstery shop
10. Fitness facility, small
11. Home improvement center; hardware store
12. Interior designer office including showroom and sales
13. Internet or cyber café, including computer lounge or internet arcade subject to FMC 15.30.040.H
14. Manufacturing, processing, assembling of materials and products along with offices and storage incidental thereto as well as sales and repairs of products manufactured and materials directly related thereto
15. Massage establishment subject to FMC 3.24
16. Multi-service center for homeless subject to FMC 15.42
17. Personal service facilities (includes barbershops, beauty shops, etc.)
18. Photo studio, industrial
19. Poolroom subject to FMC 3.54
20. Public amusement room subject to FMC 3.54
21. Recording studio
22. Recycling facility: Reverse vending subject to FMC 15.30.090.A
23. Restaurant, with the exception that restaurants serving alcohol pursuant to an on-premise liquor sales license issued by the State Department of Alcoholic Beverage Control must also obtain an Administrative Restaurant Use permit subject to FMC 15.30.040.I and FMC 15.71
24. Satellite dish antennae subject to FMC 15.55.020.C

25. Special event subject to FMC 15.55.020.D
26. Studio
27. Tattoo parlor subject to FMC 15.55.020.F
28. Temporary commercial use subject to FMC 15.55.020.E
29. Tutoring Center

B. The following uses are permitted in the C-M zoning district subject to the approval of a conditional use permit (CUP) pursuant to FMC 15.70:

1. Adult use subject to FMC 7.95
2. Agriculture
3. Automotive (including automobile (single or multiple car display: dealer, boat, motorcycle, trailer and equipment) sales subject to FMC 15.30.040.F
4. Car rental agency with 10 or more vehicles
5. Caretaker's unit subject to FMC 15.55.030.B
6. Financial institution
7. Fitness facility
8. Human service agency
9. Mortuary
10. Office, general
11. Office, Medical
12. Parking lot (exclusive use) or Parking structure
13. Pawnshop
14. Reception hall, banquet facility, dance hall or related use subject to FMC 15.30.040.I
15. Recycling facility: Large collection subject to FMC 15.30.090.C
16. Recycling facility: Light processing subject to FMC 15.30.090.D
17. Religious institution subject to FMC 15.55.030.D
18. Residential care facility for the elderly subject to FMC 15.55.030.G
19. School, private subject to FMC 15.30.040.F
20. Self-service storage facility subject to FMC 15.30.040.F
21. Swimming pools, sales and service

C. The following uses are permitted in the C-M zoning district subject to the approval of a minor site plan (MSP) pursuant to FMC 15.47:

1. Communication facility, commercial subject to FMC 15.55.020.B
2. School, trade/Vocational school

15.30.031 . Any commercial activity or use not specifically listed above shall be considered an unpermitted use unless determined by the Community Development Director to be similar to a listed permitted use in that zone and consistent with the purpose of the commercial zone classifications.

(Ord. 3189 § 2, 2013; Ord. 3144, (part), 2010; Ord. 3113, (part), 2008; Ord. 3066, (part), 2005; Ord. 2982, 2001; Ord. 3022, 2002).

15.30.040. Limitations on permitted uses.

A. Retail businesses are those in which sales are made to the ultimate consumer for their own use. Sales to institutional, industrial, commercial, contractors and professional consumers will be considered as wholesale transactions. If retail and wholesale activities are intermingled, the activity deriving the majority of the total gross annual receipts will predominate and be used to determine the principal business classification.

B. No manufacturing, processing, assembling or warehousing is permitted except as incidental to a retail sales or service activity, as determined by the Community Development Director, and those uses listed for the C-M zone.

D. Service station and car wash locations:

1. Service station and car wash sites shall be located at the intersection of two arterial-width highways or at the intersection of a freeway or flood-control channel abutting a freeway and an arterial-width highway unless the service station or car wash is an accessory use and an integral part of the operation of a department store, membership warehouse, hotel or other similar facility.

2. A Service station and/or car wash site may be approved administratively by the Community Development Director if it complies with the development standards for the zone in which it is located and will operate as an accessory use to a department store, membership warehouse, hotel or other similar facility and will not be detrimental to the public health, safety or welfare.

F. Automotive (including automobile "single or multiple car display" dealer, boat, motorcycle, trailer and equipment) sales:

Proposals to create new, expand, or substantially remodel existing automobile dealerships will be subject to the following review procedures:

1. All automobile dealerships shall comply with the development standards for the commercial zone in which it is located and additional development standards for automobile dealerships.

2. Development standards for automobile dealerships include but are not limited to the following the conformity to which will be considered in review of the request:

a. Parking and vehicle storage: The minimum required off-street parking spaces shall be provided as follows in addition to the area used for the exterior display of vehicles:

Showroom and office - one space per 400 sq. ft. of floor area.

Exterior display area - one space per 2,000 sq. ft.

Parts department - one space per 250 sq. ft. of floor area.

b. Landscaping: Except for driveways and walkways used for street access, all required street setback areas shall be landscaped to a depth of 10 feet. A reduction to five feet will be considered based on existing conditions, site constraints, and surrounding land uses.

c. Lighting: All outdoor lighting shall be shielded and directed away from surrounding uses residential uses. Such lighting shall not exceed 0.5 foot-candles of illumination beyond the property line of the automotive dealership.

d. Loading and Unloading of Vehicles: Loading and Unloading shall occur on private property either on or off-site and shall not block the ingress or egress of any property. Loading and unloading occurring on any public street will require approval from the Engineering Department. The dealership operator shall be responsible and liable for any activities of a common carrier, operator, or other person controlling such loading or unloading activities to the extent any such activities violate the provisions of this subsection.

e. Repair of Vehicles: Vehicle repair is permitted as accessory use to the automotive dealership shall only occur in a building enclosed on at least three sides. The service bay entrance shall not face an adjacent residentially zoned property. Screening from surrounding properties or public rights-of-way shall be provided for vehicles awaiting body repair work. The noise generated by the repair operations as measured from an adjacent residentially zoned property shall comply with Subsection 15.90.030.

I. Businesses selling alcohol for consumption on the premises (On-Sale Establishment) in any zone, including Specific Plan areas, are required to obtain an ARUP.

1. In addition to the land use regulations specified by the Zoning Code, the following uses in the Transportation Center Specific Plan, CBD and C-3 zone shall require a conditional use permit (CUP), and shall be subject to additional requirements as more fully set forth below:

- a. Bars or cocktail lounges;
- b. Reception halls, banquet facilities, dance halls, or related uses.
- c. Establishments that allow or permit a dance floor(s), whether temporary or permanent, where food or beverages are served, and which are open to the public.

2. In addition to the land use regulations specified by the Zoning Code, the following uses in the Fullerton Transportation Center Specific Plan, CBD and C-3 zone shall require an administrative restaurant use permit (ARUP), pursuant to Chapter 15.71 of this Code, subject to additional requirements as more fully set forth below:

15.30.045. Site Plan Review.

Proposed construction in any commercial zone is subject to review as a Site Plan pursuant to Chapter 15.47 of this title.

15.30.050. Site Development Standards

C. Setbacks:

1. Building setbacks are prescribed in Table 15.30.050.A. Fence and wall height and location restrictions are found in Subsection 15.30.050.F of this chapter.

Table 15.30.050.A Building Setbacks for Commercial Zone Classifications					
Minimum setback from a property line...	Reference	O-P	G-C	C-3	C-M
...along a public street:					
Building wall or parking area	2, 3	15	10	10	10
Garage door		25	25	25	25
...along a public alley:					
Building wall or parking area		0	0	0	0
Garage door		5	5	5	5

...along an interior lot line:					
Building wall or parking area*	4, 5	0	0	0	0
<p>Notes: All measurements are in feet. See Subsection 15.30.050.F for fence and wall setback and height regulations. * See Subsection 15.30.050B for a wall setback along a property line with a residential zone.</p>					

2. For properties zoned either G-C or C-3, the required ten-foot building setback along any public street may be waived, as provided by the Fullerton CBD Design Guidelines, adopted by City Council.

D. Permitted site coverage:

1. Within the commercial zone classifications there is no maximum site coverage requirement.
2. On a property with an office-professional (O-P) zone, all buildings including accessory buildings and structures and any area used to provide parking or vehicular access shall not cover more than 75 percent of the lot or building site. In addition, see Subsection 15.30.050.E of this chapter for floor/area ratio restrictions.
3. Within the commercial zone classifications any area not covered by buildings or required paving shall be landscaped.

E. Floor/area ratio (FAR) and requirement for a traffic study:

1. All proposed new development or expansion of existing development, with the exception of low-traffic conditionally permitted residential uses such as residential care facilities for the elderly, retirement complexes and single-room occupancy (SRO) residential hotels, shall be subject to the floor/area ratio (FAR) restrictions contained in Table 15.30.050.B.

Table 15.30.050. B Floor/Area Ratios for Commercial Zone Classifications	
Zone Classification	Floor / Area Ratio
O-P	.35
G-C	.35
C-3	.90 (2.0 within a downtown parking district or within ¼ mile from a transit station)
C-M	.35

F. Location of parking:

1. All required on-site parking spaces shall be located on the same lot or building site, except that such spaces may be permitted at other locations when and as authorized by a Conditional Use Permit when and if authorized for restaurants within the Restaurant Overlay District as set forth by Chapter 15.67.

2. Parking shall not be located within any setback area.

3. Required parking spaces may overhang two feet over landscaped areas and walkways, other than street rights-of-way, provided the total depth of any such landscaped area or walkway is at least six feet.

4. All required parking spaces shall have separate access to a public street or alley.

5. Each right angle parking space or angled parking space with an angle greater than 60 degrees having direct access to an abutting alley, 20 feet wide or less, shall be separated or set back from said alley right-of-way line by a minimum of five feet.

6. Mechanical parking devices may be used in any commercial zone classification provided the devices are enclosed within a building designed for such use and served by a parking attendant. Such devices may be used outside of a building on an interim basis, subject to the approval of a Conditional Use Permit.

G. Mixed-use occupancies and joint use of parking

1. The total on-site parking spaces required on any property when more than one class of use is proposed (for either the same property or within the same occupancy) shall be equal to the sum of the spaces required in this title for each of such separate classes of use.

2. A Minor Exception may be granted to reduce the required parking for mixed-use occupancies (i.e., a joint use of parking), based upon the submission of Shared Parking Analysis as defined in Chapter 15.04 and enforceable documents guaranteeing that the uses will be operating during mutually exclusive hours, and upon such other circumstances or criteria as the Planning Commission, or City Council on appeal, may require.

3. The Planning Commission or City Council/Redevelopment Agency shall consider the following when evaluating joint use parking applications:

a. The nature and location within the development of the proposed uses, as well as their size compared to that of the overall development.

b. Assurances as to the non-overlapping nature of the non-retail and retail peak-activity periods.

c. The provision of peak-hour parking beyond the property boundaries.

d. The location and adequacy of the parking in the particular portion of the development wherein joint use of parking is proposed.

H. Parking requirement for change of use:

In the case of a proposed change of use for an existing building where the parking does not meet current standards for the proposed use, so long as the proposed use is permitted by right in the zone, no expansion is being made to the building envelope and the property does not have any open Code Enforcement cases, no increase in parking will be required.

Chapter 15.40, INDUSTRIAL ZONE CLASSIFICATIONS

Chapter 15.40 is proposed to be amended as follows:

15.40.040. C Permitted building height

1. The maximum height of any building with an industrial zone classification shall be 45 feet.

5. Where it can be shown that the parking required under this section will substantially exceed the actual peak parking demand, such excess parking may be provided as permanent groundcover landscaping, subject to the approval of a Conditional Use Permit.

15.40.050. D Mixed-use occupancies and joint use of parking

1. The total on-street parking spaces required on any property when more than one class of use is proposed for either the same property or within the same occupancy shall be equal to the sum of the spaces required for each of such separate classes of use.

2. A Minor Exception may be granted to reduce the required parking for mixed-use occupancies (i.e., a joint use of parking), based upon the submission of a Shared Parking Analysis as defined in Chapter 15.04 and enforceable documents guaranteeing that the uses will be operating during mutually exclusive hours, and upon such other circumstances or criteria as the Zoning Administrator or Planning Commission, on appeal, may require.

Chapter 15.44, RURAL STREET DESIGN GOALS

Chapter 15.44 is proposed to be amended as follows:

b. New homes or additions to homes are reviewed administratively by staff for compliance with the adopted neighborhood goals. Proposals that the Community Development Director ~~of~~ determines do not meet the design goals may be referred to the Design Review Committee (DRC).

c. The Community Development Director, Design Review Committee and the Planning Commission may impose conditions and standards, in addition to the conditions in the underlying zone, as will ensure the design goals specified above are met. A decision by the Community Development Director decision may be appealed to the ~~R~~DRC. A ~~R~~DRC decision may be appealed to the Planning Commission. A Planning Commission decision may be appealed to the City Council.

Chapter 15.46, DESIGN REVIEW COMMITTEE

Chapter 15.46 is proposed to be amended as follows:

Sections:

- 15.46.010. Intent and purpose.
- 15.46.030. Design Review Committee.
- 15.46.040. Requirements and procedure for review.

15.46.010. Intent and purpose.

The purpose of the Design Review Committee shall be to:

A. Review any requests for development within a Preservation Zone pursuant to 15.17.060.B.2; or

B. When specified as the review body within Title 15 or applicable Specific Plan.

D. All development projects located within the boundaries of the Fullerton Transportation Center (FTC) Specific Plan shall be subject to the procedures and criteria as set forth in the FTC Specific Plan, including but not limited to the review of development projects by a Town Architect, and subsequent approval by the Community Development Department Director, Planning Commission or City Council. The Design Review Committee (DRC), as specified in this Chapter, shall be responsible for interviewing and approving FTC Specific Plan Town Architects.

15.46.030. Design Review Committee.

A. The Design Review Committee shall be permanent and consist of at least five members, to be appointed by the City Council.

B. The Design Review Committee shall meet regularly at times convenient to expeditiously review applicable requests for development.

C. A majority of the total membership shall be a quorum required for conducting business and a majority of said quorum shall be required for acting on motions.

D. The Committee shall establish rules of procedure for conducting its business that may be needed in addition to those stated herein.

E. The Committee shall afford itself of the opportunity to consult with designers, cultural groups and business organizations to ensure that its ongoing deliberations reflect the tone of the community.

F. The Design Review Committee may be called upon by the Community Development Director, Planning Commission or City Council to review any other development plans for which design review comments are desired excluding projects which meet the criteria of Section 15.42.050.

15.46.040. Requirements and procedure for review.

A. A request of a Development Project shall include a site plan, floorplan and such elevations and renderings as necessary to portray the basic bulk of new construction and a landscaping concept plan to depict the basic landscaping theme of the development. The Community Development Director shall prescribe the form in which an application shall be made for review of a Development Project. The owner, his agent, an optionee or lessee of the subject property may make an application, but in all cases the owner(s) of record of the

subject property(s) shall have signed the application. The application shall be filed with the Community Development Department, along with payment of a filing fee established by City Council resolution.

- B. The procedure for the review of a Development Project shall be determined by the Community Development Director.
- C. Development Projects required pursuant to 15.17.060.B.2 shall be reviewed for compliance with the Design Guidelines for Residential Preservation zones and applicable sections of Chapter 15.17
- D. Development Projects pursuant to 15.46.030.F or when specified as the review body in Title 15 shall be reviewed for compliance with applicable Design Criteria specified in 15.47.060 of Chapter 15.47.
- E. A decision by the Design Review Committee may be appealed to the Planning Commission pursuant to the procedures identified in Section 15.70.060 of Chapter 15.70.
- F. Notification of the application, together with the date of the decision by the Design Review Committee, shall be mailed to all property owners and occupants adjacent to the subject property for which the Development Project is requested at least ten (10) days prior to the determination by the Design Review Committee.
- G. The Community Development Director may approve minor modifications to an approved Development Project, but major modifications shall require rehearing by the same process utilized to originally approve the Development Project.
- H. An approval of a Development Project becomes null and void if not exercised within the time specified in said approval, or if no date is specified, 24 months from the date of approval of the Development Project, Upon written request of the applicant, the authority that gave final approval to the original application may extend the time at which such approval expires. An appeal to the decision of such request may be filed pursuant to Chapter 15.76 of this title.

Chapter 15.47, SITE PLAN REVIEW

Chapter 15.47 is proposed to be amended as follows:

Sections:

- 15.47.010. Intent and purpose.
- 15.47.020. Applicability
- 15.47.025. Determining a Minor or Major Site Plan
- 15.47.040. Requirements and procedure for review.
- 15.47.050. Development standards.
- 15.47.060. Design Review Criteria.
- 15.47.010. Intent and purpose.

These regulations are intended to provide for the development of property in accordance with the general purposes of this chapter, as well as determine compliance with the property development standards stated in the chapter.

15.47.020. Applicability

For the purposes of this chapter, the following types of projects shall be reviewed as a Site Plan:

- 1) Any new use of vacant land; or
- 2) New construction, rehabilitation which alters the exterior façade, or expansion of more than 25 percent of the existing square footage in any commercial or industrial zone classifications; or
- 3) New construction, rehabilitation which alters the street-facing elevation, or expansion of more than 50 percent of the existing square footage in a residential zone; or
- 4) The construction of a new second floor addition regardless of the square footage in a residential zone; or
- 5) A subdivision of land pursuant to Title 16.

15.47.025 Determining a Minor or Major Site Plan

A. Notwithstanding any other provisions of this chapter, a Site Plan shall be considered Minor if:

1. The project qualifies for an exemption (Categorical or Statutory) from the requirements of CEQA; and
2. The project does not require a discretionary action (CUP, Variance, Minor Exception, etc.).

B. A Site Plan shall be considered Major if:

1. The Project does not qualify for an exemption (Categorical or Statutory) from the requirements of CEQA; and
2. The project requires a discretionary action (CUP, Variance, Minor Exception, etc.).

15.47.040. Requirements and procedure for review.

A. A Minor or Major Site Plan application shall include a site plan, floor plan elevations, and a landscaping concept plan which depicts the basic landscaping theme of the development. The Community Development Director shall prescribe the form in which an application shall be made for review of a Site Plan. The owner, his agent, an optionee or lessee of the subject property may make an application, but in all cases the owner(s) of record of the subject property(s) shall sign the application. The application shall be filed with the Community Development Department, along with payment of a filing fee established by City Council resolution.

B. The procedure for the review of a Site Plan shall be determined by the Community Development Director using one of the following types of applications.

1. Minor Site Plan:

- a. The following criteria shall apply to all projects reviewed as a Minor Site Plan:
 - i. The project/use is permitted in the zoning classification
 - ii. The project meets all applicable development standards
 - iii. The project meets all design criteria as specified in Section 15.47.060
- b. The Community Development Director may approve, conditionally approve, deny or refer the application to the Planning Commission, pursuant to Chapter 15.70, for review and decision.

b. A decision by the Community Development Director may be appealed pursuant to Chapter 15.76 of this Title.

2. Major Site Plan:

- a. Projects which meet the applicability pursuant to Section 15.47.020 of this chapter but do not meet the criteria for a Minor Site Plan shall be reviewed as a Major Site Plan.
- b. The following criteria shall apply to all projects reviewed as a Major Site Plan:
 - i. The project/use is permitted or conditionally permitted in the zoning classification
 - ii. The project meets all applicable development standards
 - iii. The project meets all design criteria as specified in Section 15.47.060

b. A Major Site Plan shall be subject to staff review before being set for hearing before the Planning Commission.

c. The decision of the Planning Commission shall be final unless appealed pursuant to Chapter 15.76 of this Title.

C. The Planning Commission may impose such conditions and standards, in addition to the conditions and standards required in the underlying zone, as will ensure adequate ingress and egress without an undue number of driveways on major streets; public right-of-way and improvements; and reasonable compatibility with the surrounding area.

D. The Community Development Director may approve minor modifications to an approved Site Plan, but major modifications shall require rehearing by the same process utilized to approve the original Site Plan.

H. No building permit shall be issued for any private improvement until the Community Development Director determines that the plans for such improvement substantially comply with the requirements of the approved Site Plan.

15.47.050. Development standards.

A. No specific zoning standards shall be established by this chapter. Rather, the development standards of the underlying zone shall be used as a guideline for a review of the proposed Site Plan.

B. In addition to the Design Criteria specified in Section 15.47.060, consideration shall be given to use, parcel size and shape, setbacks from all property lines, land coverage, building height and bulk, landscaping, access, parking, circulation, and compatibility with surrounding properties in the evaluation of a proposed Site Plan.

15.47.060. Design Review Criteria.

The following criteria shall be used to review and evaluate the appropriateness of a Site Plan and shall form the basis for a recommendation on the plan.

Chapter 15.48, PROVISIONS AND CONDITIONS FOR SPECIAL USES

Sections 15.48.070 and 15.46.080 are proposed to be amended as follows:

C. All proposed development for a designated "Historical Landmark" or a property within a designated "Landmark District" will be subject to the following types of review and approval. Routine maintenance of existing improvements (e.g., repainting of a structure, duplicating damaged or deteriorated exterior architectural features) is exempt from these review procedures as long as the original design is retained.

1. Those projects listed below which are consistent with the design criteria of the Secretary of the Interior's "Standards for Rehabilitation of Historic Properties" and the State Historic Building Code may be reviewed and approved by the Community Development Department:

a. Minor alterations, including the addition, change, or removal of exterior architectural features and existing hardscape.

b. Minor improvements such as air conditioning units, skylights, solar panels, greenhouse windows, roof mounted equipment, arbors and fences.

c. All development wherein a landmark building or structure is being enlarged by less than 10 percent of the existing floor area and such addition is not readily visible from the public street.

d. The construction or demolition of accessory structures which have a floor area less than 500 square feet.

2. Those projects listed below will be reviewed and approved by the Design Review Committee (DRC) as a Development Project:

a. Any proposed development found by the Community Development Director to be inconsistent with the design criteria of the Secretary of Interior's "Standards for Rehabilitation of Historic Properties" and/or the State Historic Building Code.

b. Any proposed development that involves the construction of a new, detached building or structure on the lot which has a floor area of 500 square feet or more.

c. Any combination of alterations and additions which result in a landmark building being enlarged by more than 10 percent but less than 50 percent of the existing floor area and does not exceed 500 square feet.

d. Any addition to a landmark building or structure wherein such an addition is readily visible from the public street.

3. Those projects listed below will be reviewed and approved by the Landmarks Commission as a Development Project. The Design Review Committee (DRC), or such similar body serving as an architectural review board in the future, will first review the project, with its recommendations forwarded to the Landmarks Commission:

a. On appeal, any proposed development found by the DRC to be inconsistent with the design criteria of the Secretary of Interior's "Standards for Rehabilitation of Historic Properties" and/or the State Historic Building Code.

15.48.080 Procedures for review of proposals of an identified "Significant Property."

B. A proposal to alter, add, reconstruct, rehabilitate or restore a designated "Significant Property" shall be subject to a review by the Community Development Director. Routine maintenance of existing improvements and minor alterations or additions that are out of public view (e.g., the re-roofing of a structure, the replacement of damaged or deteriorated exterior architectural features; the construction of an accessory structure at the rear of the property) may be approved by the Director without further review. A proposal that in the opinion of the Director would substantially change the architectural style of the building or would create a condition or design feature that subsequently could not easily be removed or altered shall be submitted for review and approval to the Design Review Committee.

Chapter 15.56, GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONS

Chapter 15.56 is proposed to be amended as follows:

Any request to develop property in the city may be subject to a review by the Design Review Committee if the Community Development Director determines that there are significant design issues that require a review to serve the public interest. The Community Development Director, the Planning Commission or the City Council will consider the recommendations and comments of the Design Review Committee, as applicable, prior to making a decision on the particular request.

Chapter 15.58, SPECIAL EVENTS ON PRIVATE PROPERTY

Chapter 15.58 is proposed to be amended to add provisions regarding special events on private property in a new Section 15.95 and as follows:

Sections:

15.58.010. Intent and purpose.

15.58.020. Definitions.

15.58.025 Applicability

15.58.030. Permit required.

15.58.040. Application for permit and fees.

15.58.050. Requirements and provisions for approval of permit.

15.58.060. Procedure for review of application.

15.58.070. Decision on the application and appeal of decision.

15.58.080. Suspension of permit.

15.58.090. Business licenses.

15.58.095. Temporary Commercial Use on Private Property

15.58.020. Definitions.

A. A SPECIAL EVENT (PRIVATE PROPERTY) means an event that is conducted outdoors on private property by a private entity and is open to the general public (admitted or invited). Examples of such events include: carnivals, festivals, car show, circus, auction or a similar kind of temporary outdoor exhibition or performance.

B. A SPECIAL EVENT (PUBLIC PROPERTY) means an event that is conducted outdoors on public streets, public parking lots, public parks or public facilities.

15.58.025 Applicability.

A. Special Events (Private Property) shall be subject to the review and approval process specified in this Chapter.

B. Special Events (Public Property) shall be subject to review and approval from the Public Works Department and/or Parks and Recreation Department.

C. A Temporary Commercial Activity, such as a sidewalk or parking lot sale shall be subject to the provisions of Section 15.58.095 and shall not be considered a Special Event for purposes of this Chapter.

15.58.030. Permit required.

A. A special event shall be prohibited on private property unless a properly issued special event permit is first issued to the applicant. An application for a special event on private property shall be filed with the Community Development Department.

B. An application for a special event in a public park shall be filed with the Director of Parks and Recreation in accordance with Chapter 9.12 of the Fullerton Municipal Code.

C. An application for a special event using a public street, parking lot or a public facility shall be filed with the Director of Public Works in accordance with Chapter 8.71 of the Fullerton Municipal Code.

15.58.040. Application for permit and fees.

A. A complete application for a special event permit must be received by the Community Development Department no later than 30 days before the scheduled special event. The City Council may, by resolution, set appropriate fees for the filing of the application.

B. An application for a special event permit shall be on a form provided by the City and shall provide the information necessary to make recommendations and/or provisions for approval. At a minimum, the following information shall be provided:

1. The applicant's identity and the identity of a responsible person who will serve as the primary interface for communications.

2. A Site Plan of the proposed special event area that clearly identifies the following:

- a. The geographical boundaries of the event;
- b. The location of any temporary buildings or structures, including any stages, tents, canopies, toilets or vendor's booths;
- c. The current land uses on adjacent properties to the proposed location;
- d. Location of fire hydrants and fire access lanes;
- e. Location of all proposed toilets, trash disposal and water facilities that will be provided; and
- f. Location of proposed on-site parking and number of spaces provided.

3. A description of the type of special event to be held including:

- a. The hours of operation of the activities;
- b. The expected number of participants, assistants, workers, and spectators to be involved in the special event;
- c. All proposed security measures;
- d. Parking management and directional signage for the event;
- e. Setup and cleanup plan.

4. If parking is proposed on another property, written approval from that property owner permitting the use of said parking is required.

15.58.050. Requirements and conditions for approval of permit.

A. Requirements and conditions shall be imposed on any special event permit to protect the public health, safety and welfare. At a minimum, said conditions shall include the following:

1. Signs shall be posted onsite to clearly and conspicuously indicate the geographical boundaries of the special event.
2. All equipment, stages, rides or any other loud noise emitting apparatuses shall maintain a minimum 20-foot setback from any property line abutting a residential use.
5. The special event permit holder shall ensure that on-site circulation and access to parking is maintained throughout the event. The use of traffic and parking directional signs, or other measures, are required.

6. The special event permit holder shall provide sanitation, trash collection/disposal measures for the special event and agrees to clean up no later than one day following the completion of the event.
7. Hours of operation for the event shall be limited to 10:00 a.m. to 11:00 p.m. Monday through Saturday and 11:00 a.m. to 9:00 p.m. on Sunday.
8. Noise sources associated with the construction, dismantling of equipment, cleaning, deliveries and rides, shall be permitted provided said activities do not take place between the hours of 8:00 p.m. and 7:00 a.m. on weekdays, Saturday or Sunday.
9. Documentation maintained on site that any required building, electrical or plumbing permits and associated inspections have been completed.
10. The special event permit holder shall make sufficient arrangements to provide adequate parking for the people attending the event. If parking is proposed on another property, written approval from that property owner permitting the use of said parking is received.
11. Compliance with any additional requirements or conditions specified by the City to ensure the health, safety and welfare of the community during the event.

15.58.060. Procedure for review of application.

A decision to approve an application for a special event permit on private property shall be made by the Community Development Director or their designee.

A. A permit for a special event may be approved and issued if all provisions and requirements as stated in this chapter are satisfied. Prior to acting on the application, the Community Development Director or their designee shall do the following:

1. Consult with other applicable city departments and review available records on the request.
2. Review city records and comments received from the public regarding the events compliance with conditions/requirements from previous events if any have occurred at this location previously.
3. Notification shall be mailed to adjacent properties no later than five (5) days before the event. If off-site parking is proposed, notice shall also be mailed to properties adjacent to the off-site parking location. The notice shall contain at a minimum:
 - a. A map showing the proposed location of the event;
 - b. A brief description of the event including dates, times and any setup and/or clean up requirements;
 - c. Contact information to submit comments/concerns to the City prior to the event; and
 - d. Contact information and process to submit comments/concerns during or after the event.

15.58.070. Decision on the application.

A. Within 10 business days after receipt of a complete application, the Community Development Director or their designee shall notify the applicant in writing of the decision that approves the request, conditionally approves the request, or denies the request with the reasons for denial stated.

15.58.080. Suspension of permit.

A. The Community Development Director and/or the Chief of Police shall have the power to suspend, and shall suspend, any special event permit if the applicant has done any of the following:

1. Violated any provision or requirement of approval imposed upon the permit.

2. Violated any provisions of the law.

3. With the actual conduct of the activity, threatened the preservation of the public peace, safety or general welfare, or unreasonably interfered with the use and enjoyment of other property in the immediate vicinity of the activity.

B. The Community Development Director and/or the Chief of Police shall give the applicant written notice of the suspension, and immediately upon the giving of the notice of the order of suspension all activities under the permit shall forthwith cease. The decision of the Community Development Director and/or the Chief of Police to suspend a permit shall be final and conclusive.

15.58.095 Temporary commercial use on private property

A. Property with a residential, commercial or industrial zone classification may conduct a temporary commercial use such as a Christmas tree lot, pumpkin patch or agricultural stand on an intermittent, seasonal or promotional basis in accordance with the following:

B. Such a business activity may operate for a maximum time period of 90 calendar days from the time setup begins to the time all removal and clean up must be completed. Extensions beyond this time period shall require approval by the Planning Commission in accordance with Chapter 15.76.

C. The activity shall be allowed on property with an R-1 or R-1P zone only if there is no habitable structure on the premises.

D. The activity shall be allowed only on a property having frontage along an arterial or Collector Street. No direct access from a residential street shall be allowed.

E. The applicant shall provide written consent from the owner of the subject property to conduct the activity prior to any set up on the site.

F. The applicant shall obtain applicable permits from the Community Development and/or Fire Departments and a business license from the Business Registration Department.

G. The sales and other public areas shall be cleared before opening and shall be maintained free of weeds, holes, and other hazards throughout the operation to the satisfaction of the Community Development Department.

H. At least six off-street spaces shall be provided for the use of patrons. In the case of a developed lot, sufficient parking as determined by the Community Development Director shall be retained for the existing uses on site during the temporary business activity.

I. No structure, sign, or merchandise associated with the temporary commercial use shall obstruct a public right-of-way.

J. Advertising signage shall not exceed a collective total of 50 square feet of area, and no sign shall exceed a height of eight feet.

K. "No Smoking" signs shall be posted wherever indicated by the Fire Department. These signs shall meet the specifications stipulated by the Fire Department.

L. Property with a commercial zone classification may conduct a temporary open air marketing activity such as a sidewalk or parking lot sale on an intermittent, seasonal or promotional basis in accordance with the following:

- M. Such an activity shall be subject to the provisions of "c" through "j" in subsection "1" of this section.
- N. Such an activity shall be for the display and sale or merchandise of merchants already operating a business on the premises.
- O. Such an activity shall be no longer than five days in duration and only one such activity shall occur on the property within a thirty day period.
- P. Display and sales areas will not obstruct, delay or interfere with the Fire Department or with the egress of building occupants in the event of the fire, and the layout will otherwise comply with the general safety requirement of the Uniform Fire Code.
- Q. The failure to comply with the provisions specified above shall result in the stoppage of the business activity.

Chapter 15.64, NONCONFORMING LANDS USES, STRUCTURES AND SITES

Chapter 15.64 is proposed to be amended as follows:

15.64.010. Intent and purpose.

This chapter is intended to accomplish the following:

A. To provide for the regulation property which is ~~of~~ nonconforming as to land use, site or structure development standards ~~of~~ performance standards, or any combination thereof, hereinafter referred to as a non-conforming property.

B. To specify the circumstances and conditions under which a nonconforming property may continue.

C. To limit the number and extent of nonconforming properties by prohibiting or limiting their enlargement or extension, their reestablishment after abandonment, and their alteration or restoration after partial or complete destruction.

D. To discourage the continuation of nonconforming properties where they adversely affect the intent and purpose of this title and the general plan or the maintenance, development, use, enjoyment or economic value of other property in the vicinity.

15.64.020. Definitions.

The following definitions of a nonconforming land use shall apply:

A. Nonconforming development standards:

Development sites and structures are subject to numerous standards, most of which are defined in physical terms and subject to measurement. A nonconforming standard of development occurs when a use or structure that was previously lawful no longer complies with certain standards, either as of the effective date of this title or as a result of subsequent applicable amendments. The applicable development standards are:

15.64.030. Calculation of time periods.

Unless otherwise excepted, all time periods affecting a nonconforming property shall begin on the effective date of this or prior code amendments, or subsequent amendments thereto, or a change in the zoning map, whichever is the cause of such nonconforming use.

15.64.040. Continuation.

A nonconforming property may be continuously maintained provided there is no structural alteration or addition to any structure which results in the enlargement of area, space or volume to the nonconforming property, except as otherwise provided in this title.

15.64.050. Maintenance.

Ordinary repairs, maintenance and remodeling may be made to a structure of a nonconforming property, subject to the following provisions:

A. The maintenance shall not include structural alterations resulting in the enlargement of area, space or volume, except those required by law, or except those to make the structure and use conform to the standards and use regulations of the zone in which it is located.

15.64.060. Enlargement, extension or relocation.

A. A structure with a nonconforming use shall not be enlarged in volume nor increased in area. However, in the case of a structure that is nonconforming to development standards only:

2. The Community Development Director may administratively allow an increase in area or length to the structure if this increase is not more than ten percent of the existing structure, provided that all other regulations of the zone are met.

B. When the use is nonconforming due to parking requirements, the structure subject to the nonconforming use may not be enlarged or altered to create additional dwelling area, guest rooms, seating capacity or floor area, unless additional parking is provided to meet current parking requirements except as otherwise provided in FMC 15.30.060.E The foregoing shall not restrict the expansion of a single-family residence in any residential zone that is nonconforming only by virtue of less than the currently required garage, provided that the residence was legally constructed and has since been legally maintained with less than the current requirement.

15.64.065. Prior construction in excess of development standards.

Any development constructed in excess of development standards at the time of its construction, yet meeting current development standards, may not be, expanded or extended if it would create a nonconforming situation with regard to the current development standards.

15.64.070. Change of use.

A nonconforming use shall not be changed to any other use except to one that is permitted in the zone in which the property is located. No use shall be changed to another use that would create or increase a nonconforming situation in parking standards except as otherwise provided in FMC 15.30.060.E.

Chapter 15.66, MINOR EXCEPTIONS

Chapter 15.66 is proposed to be amended to as follows:

15.66.010. Intent and purpose.

A. There is created a separate category of application pursuant to Government Code 65900 to provide a simplified means for considering, for practical reasons, certain minor requests consistent with the intent and purpose of this title.

B. Minor deviations from certain development standards set forth in this title shall be termed Minor Exceptions. Unless otherwise provided by amendment to this chapter, said Minor Exceptions shall consist of the following, where it can be determined that the project is exempt from CEQA.

1. A decrease of not more than five percent in parking space dimensions;
2. A decrease of not more than 20 percent of required setbacks;
3. An increase of not more than 20 percent of maximum wall heights; and
4. A deviation of not more than ten percent of all other mathematically measured or computed standards in this title.

C. Any request for a Minor Exception that is of significant enough nature such that it constitutes a project pursuant to CEQA (Public Resources Code Section §21065) and does not qualify for a Categorical or Statutory Exemption shall be required to apply as a variance and shall not be eligible for a Minor Exception pursuant to this Chapter.

15.66.020. Zoning Administrator.

A. The office of Zoning Administrator is created in this chapter pursuant to Section 65900 of the California Government Code. The Community Development Director or their designee is authorized to act as the Zoning Administrator.

B. The Zoning Administrator shall process and act on a request for a Minor Exception as defined in Section 15.66.010, and other minor requests as identified elsewhere in this title.

15.66.030. Application and fees.

A. An application of a Minor Exception shall be filed only by, or by written authorization from, the legal owner of real property(ies) of the parcel(s) subject to the Minor Exception request.

B. An application of a Minor Exception shall be made upon a form to be provided by the Community Development–Department, together with any applicable environmental information forms and plans explaining the requested deviation.

C. A fee, as prescribed by resolution of the City Council, shall accompany an application of a Minor Exception.

15.66.040. Public notification.

A. Notice of the application, together with the date of the impending decision by the Zoning Administrator, shall be mailed to all property owners adjacent to the subject property for which the Minor Exception is requested at least ten (10) days prior to the determination by the Zoning Administrator.

B. The public hearing notice shall be provided in accordance with Section 15.76.040

15.66.050. Zoning Administrator action and required findings.

A. At least ten (10) days following the mailing of the notice provided for in Section 15.66.040, the Zoning Administrator shall act upon the requested Minor Exception. The Zoning Administrator may approve, conditionally approve, deny or refer the application to the Planning Commission pursuant to Chapter 15.70.

B. In order to grant the Minor Exception, if the Zoning Administrator shall first make the following findings in addition to any findings specifically referenced in this Title for the requested Minor Exception:

1. The Minor Exception is consistent with the purpose and intent of the Zoning Code.

2. The same or similar result cannot be achieved by using provisions in the Zoning Code that do not require a Minor Exception.

3 The Minor Exception will not produce a result that is out of character or detrimental to the neighborhood.

4. The project demonstrates compliance with applicable Design Criteria contained in 15.47.060.

D. The Zoning Administrator's determination on a requested Minor Exception shall become final and effective ten days following the date of final decision unless an application for appeal of such decision is filed with the Community Development Department, pursuant to Section 15.66.070 of this chapter. The applicant and any other interested party requesting such notice shall be notified of said appeal.

E. The Community Development Department shall keep a permanent record of all decisions of the Zoning Administrator, as well as the ultimate disposition of those applications that are appealed. The record shall be available for public review.

15.66.060. Time limits.

A. Any minor exception granted by the Zoning Administrator shall become null and void if not exercised within 12 months from the date of approval.

B. Prior to the date of expiration of the approved minor exception, and upon written request pursuant to Section 15.76.120 of Chapter 15.76, the time at which such application expires may be extended by the Zoning Administrator for a period or periods not exceeding 12 months for a total of two years.

15.66.070. Appeals.

A. Within ten working days of the Zoning Administrator's final decision, the applicant or any aggrieved party may file an appeal of that decision by filing with the Community Development Department a letter of appeal stating the reasons therefore and an appeal fee as set forth by resolution of the City Council. If the tenth working day falls on a weekend or holiday, an appeal may be filed on the next working day.

Chapter 15.70, CONDITIONAL USE PERMITS

Chapter 15.70 is proposed to be amended as follows:

15.70.010. Intent and purpose.

A. The Planning Commission may grant a Conditional Use Permit upon application for such matters as required to be reviewed by this title.

B. No Conditional Use Permit shall be granted by the Planning Commission unless findings for said Conditional Use Permit can be made pursuant to Section 15.70.040.D.

15.70.020. Application and fees.

A. An application for a Conditional Use Permit shall be filed only by, or by written authorization from, the legal owner of real property(ies) of the parcel(s) subject to the Conditional Use Permit request.

B. An application for a Conditional Use Permit shall be made upon a form to be provided by the Community Development Department, and shall be accompanied by the following:

1. A completed Preliminary Environmental Description form.
2. Maps, drawings, plans, tabulations, and other documents completely describing the request.
3. The required fee, as prescribed by resolution of the City Council.

15.70.030. Public notification of Planning Commission hearing.

Public hearing notice shall be provided in accordance with Section 15.76.040.

15.70.040. Planning Commission decision and required findings.

A. The action by the Planning Commission upon a Conditional Use Permit shall be by a majority vote of the quorum present, except that a tie vote shall constitute a denial of the Conditional Use Permit. Upon a majority vote therefore, the Commission may, before the adjournment of any meeting, set aside any action taken at such meeting.

B. The order of the Planning Commission in granting or denying a Conditional Use Permit shall become final and effective ten days after the rendering of its resolution unless within such ten day period an appeal in writing is filed with the Community Development Department in accordance with Section 15.70.060 of this chapter.

D. In order to grant the Conditional Use Permit, the Planning Commission shall first make the following findings in addition to any findings referenced for the specific conditional use permit requested in other sections of this Code:

1. That the proposed use is conditionally permitted in the zone and complies with all applicable zoning standards.
2. That the proposed use is consistent with the goals and policies of the general plan of the city or any specific plan applicable to the area of the proposed use; and
3. That the proposed use as conditioned will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity; and
4. That the project or use demonstrates compliance with the Design Criteria specified in Section 15.47.060 of Chapter 15.47.

F. The Community Development Department shall keep a permanent record of all decisions of the Planning Commission, as well as the ultimate disposition of those applications that are appealed. The record shall be available for public review.

15.70.050. Time limits.

A. The order of the Planning Commission in granting or denying a Conditional Use Permit shall become final and effective ten working days after the rendering of its resolution unless within such ten day period an appeal in writing is filed with the Community Development Department in accordance with Section 15.70.060 of this chapter.

B. Utilization and Extension of Conditional Use Permits

1. A conditional use permit shall not be deemed valid until all of the conditions as approved by the decision body have been complied with and released by the Community Development Director. A conditional use permit approved in accordance with the procedures and considerations as provided in this chapter, shall automatically become void after 24 months from the effective date of such approval when the owner fails to institute an action to erect, build, alter, move or maintain the use of the property as specified in the terms and conditions of the conditional use permit; however, at the initial hearing the decision body may provide, by appropriate condition of approval, for extensions of time beyond the two-year period.

2. A conditional use permit shall automatically become void after 24 consecutive months of inactivity from the effective date of such approval.

3. Acceptable action shall be considered to be actual construction, alteration, repairs and use of structures and land. Preparation of plans, financial negotiations, estate settlements, or change of property owners are not considered sufficient evidence of an action.

4. Requests for extensions shall be pursuant to 15.76.120.

15.70.060. Appeals.

A. Within ten working days of the Planning Commission's final decision, the applicant or any aggrieved party may file an appeal of that decision by filing with the Community Development Department a letter of appeal stating the reasons therefor and by submitting an appeal fee as set forth by resolution of the City Council. If the tenth working day falls on a weekend or holiday, an appeal may be filed on the next working day.

D. Upon receipt of a written appeal filed with the Community Development Department by the applicant, or opponent, as provided in this chapter, the Secretary of the Planning Commission shall advise the City Clerk and shall transmit all pertinent data of the case for review by the City Council.

15.70.090. Revocation.

A. Upon violation of any provision of this chapter, or upon failure to comply with the conditions of approval, or if the use has become a nuisance, or in the event that a conditionally-permitted use is not used or is found to be voluntarily abandoned for a six-month period, the Community Development Department shall serve the property owner with a notice of intent to revoke the Conditional Use Permit.

Chapter 15.71, ADMINISTRATIVE RESTAURANT USE PERMITS

Chapter 15.71 is proposed to be amended as follows:

15.71.010. Intent and Purpose.

A. Restaurants, as defined in §15.04, wishing to sell alcohol for consumption on the premises pursuant to a liquor sales license issued by the State Department of Alcoholic Beverage Control (ABC) must obtain an Administrative Restaurant Use Permit (ARUP) prior to beginning such alcohol sales. The Zoning Administrator may approve the (ARUP) with standard conditions as provided for in Sections 15.30.030 and 15.30.040 of this code.

15.71.020. Application.

An application for an ARUP or an amendment to an ARUP shall include the following materials, in addition to the application requirements of Section 15.70.020 of Chapter 15.70, provided that the Director of Community Development or his/her designee may waive submission of items deemed unnecessary:

15.71.030. Public notification and determination.

An (ARUP) or an amendment to an (ARUP) shall be reviewed and approved by the Zoning Administrator according to the following procedure:

B. Administrative Restaurant Use Permits (ARUP) Public Hearing:

1. At least ten business days prior to the public hearing, notice of the hearing shall be mailed to the applicant and all owners of property within three hundred (300) feet of the boundaries of the site, as shown on the last equalized assessment roll or, alternatively, from such other records as contain more recent addresses;

2. At least ten business days prior to the public hearing, a notice of the hearing shall be posted at the project site in clear public view;

3. The notice of the public hearing by the Zoning Administrator shall contain:

- a. A description of the location of the project site and the requested determination;
- b. A statement of the purpose of the proposed administrative decision;
- c. The date and time of the public hearing;
- d. A reference to application materials on file for detailed information;
- e. A statement regarding rights of appeal.

4. The application to the Zoning Administrator may be approved with conditions or denied. Approvals shall be subject to the standard development standards contained within Section 15.30.040.I.5, and standard conditions contained within sections 15.30.040.I.6 and 15.30.040.I.7, when applicable, and those conditions the Director finds necessary to ensure compatibility with the surrounding area and the Fullerton General Plan.

C. Decisions of the Zoning Administrator or his/her designee shall be final, unless appealed. (Ord. 3114 (part), 2008)

15.71.050. Expiration.

Any ARUP granted in accordance with the terms of this chapter shall automatically expire within twelve (12) months from the date of approval unless a license has been issued or

transferred by the California State Department of Alcoholic Beverage Control prior to the expiration date. The Planning Commission, or the Director of Community Development or his/her designee, as the case may be, may grant a time extension for a use permit for an alcoholic beverage outlet for a period or periods not to exceed twelve (12) months. An application for a time extension shall be made in writing to the Director of Community Development or his/her designee no less than thirty (30) days or more than ninety (90) days prior to the expiration date.

Chapter 15.76, PROCEDURES, HEARINGS, NOTICES AND FEES

Chapter 15.76 is proposed to be amended as follows:

Sections:

- 15.76.010. Application and fees.
- 15.76.020. Fees.
- 15.76.030. Setting public hearings.
- 15.76.040. Procedure for noticing public hearings.
- 15.76.050. Contents of notices.
- 15.76.060. Number of hearings required and Concurrent Processing.
- 15.76.070. Establishment of rules for conduct of hearings.
- 15.76.080. Hearings may be continued without public notice.
- 15.76.090. Permanent files shall include summary of testimony.
- 15.76.100. Modification to the conditions of approval.
- 15.76.110. Expiration.
- 15.76.120. Renewal / Extension.
- 15.76.130. Refiling.
- 15.76.140. Withdrawal.
- 15.76.150. Refund of fees.
- 15.76.160. Automatic withdraw of applications.
- 15.76.170. Appeals

15.76.010. Application and fees.

A. An application for a Minor Exception, Conditional Use Permit, Variance, Subdivision, Site Plan and Development Project shall be filed only by, or by written authorization from, the legal owner of real property(ies) of the parcel(s). An application for an Amendment of this title shall be filed pursuant to 15.72.020.

B. An application shall be made upon a form to be provided by the Community Development Department, and shall be accompanied by the following:

1. A completed Preliminary Environmental Description form.
2. Maps, drawings, plans, tabulations, and other documents completely describing the request.
3. The required fee, as prescribed by resolution of the City Council.

C. An application filed pursuant to this title shall be numbered consecutively in the order of their filing, and shall become a part of the permanent official records of the agency to which the request was made, and there shall be attached thereto and permanently filed therewith copies of all notices and actions with certificates or affidavits of posting, mailing or publication pertaining thereto.

D. With the exception of applications for an Amendment, General Plan Revision, or other legislative changes., not later than 30 calendar days after receipt, or as otherwise amended by Government Code Section 65920 et seq., the Community Development Department shall make an investigation of the application and shall determine, in writing, whether the application is complete and shall immediately transmit the determination to the applicant. If the application is determined not to be complete, the determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of specific information needed to complete the

application. The applicant shall submit materials to the public agency in response to the list and description.

E. Upon determination that the application is complete for processing purposes, the Community Development Department shall make an investigation of the application, and following any environmental review process required under CEQA, shall prepare a written report that shall be made available to the applicant(s) prior to the public hearing. The Community Development Department may consult with other City departments in its investigation.

15.76.060. Number of hearings required and Concurrent Processing.

A. An Amendment shall require a minimum of one hearing by the Planning Commission and one hearing before the City Council. A zone boundary change or reclassification shall require a minimum of one hearing by the Planning Commission, and, if recommended for approval by the Commission, a minimum of one hearing before the Council. A request for a zone boundary change or reclassification that has been recommended for denial by the Planning Commission shall not be considered by the City Council at a public hearing unless:

1. The applicant or an interested party requests an appeal hearing by filing a written request with the Community Development Department; or
2. The request is accompanied by an application for a General Plan Revision.

B. An application for a Variance, Conditional Use Permit, Major Site Plan, Tentative Parcel Map and Tract Map shall require a minimum of one hearing before the Planning Commission.

C. Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or denied by the highest review authority designated by the Title for any of the applications (i.e., a project for which applications for a Conditional Use Permit and an Amendment are filed shall have both applications decided by the City Council, instead of the Planning Commission acting on the Conditional Use Permit only).

15.76.120. Renewal / Extension.

A. Upon a request of the applicant, filed prior to the expiration of the approved request, the time at which such approval expires may be extended by the Zoning Administrator or Planning Commission for a period or periods not exceeding a total of two years.

B. If the Planning Commission denies the request for an extension, the applicant may appeal to the City Council within ten days after the Planning Commission has denied the extension.

15.76.150. Refund of fees.

When an applicant files a written request with the Community Development Department for the dismissal or withdrawal of any request, all proceedings thereon shall be terminated. Except for the amount already incurred by the City for review, all such fees paid to file such application shall be refunded.

15.76.160. Automatic withdrawal of applications.

Any application which is deemed incomplete pursuant to Section 15.76.025 for which the specific information needed to complete the application is not provided within 180 days of the written determination will be deemed stale. A written notice will be provided to the applicant advising that the application will be deemed withdrawn if the specific information is not provided within 30 days. Fees will be refunded as specified elsewhere in this title.

15.76.170. Appeals

Decisions of the Community Development Director may be appealed to the Planning Commission, and decisions of the Planning Commission may be appealed to the City Council. Procedures for appeals shall be as prescribed by Section 15.70.060 of Chapter 15.70.