

Series 100: Introductory Provisions

Chapter 100 Title, Components, and Purposes

Sections:

100.01	Title and Authority
100.02	Purpose
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100.01 Title and Authority

Chapter 21 of the Porterville City Code shall be known and cited as the "Porterville Development Ordinance," "Development Ordinance of the City of Porterville," "Development Ordinance," or "Chapter."

The Porterville Development Ordinance is adopted pursuant to the authority contained in Section 65850 of the California Government Code. In addition, the provisions of this chapter relating to the regulation and control of subdivisions are adopted pursuant to the authority contained in Title 7, Division 2 of the California Government Code, commencing with Section 66410, hereinafter referred to as the "Subdivision Map Act," as may be amended from time to time.

100.02 Purpose

The purpose of this chapter is to implement the City's General Plan and to protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, this chapter is adopted to achieve the following objectives:

- (a) To provide a precise guide for the physical development of the City in a manner as to progressively achieve the arrangement of land uses depicted in the Porterville General Plan, consistent with the goals and policies of the General Plan.
- (b) To foster a harmonious, convenient and workable relationship among land uses and ensure compatible infill development, consistent with the General Plan.
- (c) To support economic development and job creation.
- (d) To provide for the housing needs of all economic segments of the community.

- (e) To promote high quality architecture and design, consistent with the General Plan.
- (f) To promote the stability of existing land uses that conform with the General Plan, protecting them from incompatible development.
- (g) To promote a safe and efficient traffic circulation system, foster the provision of adequate off-street parking and off-street loading facilities, bicycle facilities and pedestrian amenities, and support a multi-modal transportation system.
- (h) To facilitate the appropriate location of community facilities, institutions, parks, and other recreational areas.
- (i) To protect and enhance real property values.
- (j) To safeguard and enhance the appearance of the City.
- (k) To define duties and powers of administrative bodies and officers responsible for implementation of this chapter.

100.03 Structure of Zoning Regulations

- (a) **Organization of Regulations.** This chapter consists of seven Series:

100 Series: Introductory Provisions

200 Series: Base Districts

300 Series: Additional Use and Development Regulations

400 Series: Land Divisions

500 Series: Overlay Districts

600 Series: Administration and Permits

700 Series: General Terms

- (b) **Types of Regulations.** Four types of zoning regulations control the use and development of property:

- (1) ***Land Use Regulations.*** These regulations specify land uses permitted, conditionally permitted or specifically prohibited in each zoning district, and include special requirements, if any, applicable to specific uses. Land use regulations for base zoning districts are in the 200 Series of this chapter and in the 500 Series of this chapter for overlay district regulations. Certain regulations, applicable in some or all of the districts, and performance standards which govern special uses, are in the 300 Series of this chapter.

- (2) ***Development Regulations.*** These regulations control the height, bulk, location and appearance of structures on development sites. Development regulations for base zoning districts are in the 200 Series of this chapter. The regulations for overlay districts are in the 500 Series of this chapter. Certain development regulations, applicable to some or all districts, are in the 300 Series of this chapter. These include regulations for specific uses,

development and site regulations, performance standards, parking, signs, antennas and wireless communications, and nonconforming uses.

- (3) **Subdivision Regulations.** These regulations control the division of land and specify the design, improvement, and survey data of subdivisions as well as the procedures to be followed to secure final approval for subdivision maps. Subdivision regulations are in the 400 Series of this chapter.
- (4) **Administrative Regulations.** These regulations contain detailed procedures for the administration of this chapter, and include common procedures, processes and standards for discretionary entitlement applications and other permits. Administrative regulations are in the 600 Series of this chapter.
- (5) **General Terms and Use Classifications.** The 700 Series of this chapter provides a list of use classifications and a list of terms and definitions used in this chapter.

100.04 General Rules for Applicability of Zoning Regulations

- (a) **Applicability to Property.** The Porterville Development Ordinance shall apply, to the extent permitted by law, to all property within the corporate limits of the City of Porterville and to property for which applications for annexation and/or subdivisions have been submitted to the City of Porterville, including all uses, structures and land owned by any private person, firm, corporation or organization, or the City of Porterville or other local, State or federal agencies. Any governmental agency shall be exempt from the provisions of this chapter only to the extent that such property may not be lawfully regulated by the City of Porterville.
- (b) **Compliance with Regulations.** No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished or moved in any zoning district, except in accordance with the provisions of this chapter.
- (c) **Relation to Other Regulations**
 - (1) **General.** The regulations of this chapter and requirements or conditions imposed pursuant to this chapter shall not supersede any other regulations or requirements adopted or imposed by the Porterville City Council, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this chapter. All uses and development authorized by this chapter shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the chapter and any other city Ordinance, chapter, resolution, guideline or regulation, the more restrictive provisions shall control, unless otherwise specified. Where conflicts occur between the articles of this chapter, the specific shall supersede the general provision. In the case of any remaining uncertainty, the Zoning Administrator shall make a determination to resolve the conflict.
 - (2) **Permit Streamlining Act.** It is the intent of this chapter that all actions taken by the decision-making body pursuant to this chapter that are solely adjudicatory in nature be within a time frame consistent with the provisions of Government Code Section 65920 et. seq. (the Permit Streamlining Act).

Nothing in this chapter shall be interpreted as imposing time limits on actions taken by the decision-making body pursuant to this chapter that are legislative in nature or that require both adjudicatory and legislative judgments.

- (d) **Relation to Private Agreements.** This chapter shall not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where this chapter imposes greater restriction than imposed by an easement, covenant, or agreement, this chapter shall control.
- (e) **Relation to Prior Ordinance.** The provisions of this chapter supersede all prior Ordinances and any amendments of the City of Porterville. No provision of this chapter shall validate any land use or structure established, constructed or maintained in violation of the prior Ordinance, unless such validation is specifically authorized by this chapter and is in conformance with all other regulations.
- (f) **Application During Local Emergency.** The City Council may authorize a deviation from a provision of this chapter during a local emergency declared and ratified under the Porterville Municipal Code. The City Council may authorize a deviation by resolution without notice or public hearing.

100.05 Consistency with the General Plan

Any permit, license or approval issued pursuant to this chapter must be consistent with the Porterville General Plan and all applicable specific plans. In any case where there is a conflict between this chapter and the General Plan, the General Plan shall prevail.

100.06 Effect on Previously Approved Projects and Projects in Progress

The City Council shall adopt, by resolution, policies that detail the transitional implementation of the Porterville Development Ordinance for previously approved projects and projects in progress. All other projects must comply with this chapter.

100.07 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The Porterville City Council hereby declares that it would have passed the Porterville Development Ordinance, and each section, subsection, sentence, clause and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

100.08 Fees

The City Council shall establish by resolution, and may amend and revise from time to time, fees for processing the discretionary entitlement applications and other permits authorized or required by this chapter. All fees shall be paid at the time an application is filed, and no processing shall commence until the fees are paid in full.

Chapter 101 Zoning Districts, Zoning Map, and Boundaries

Sections:

- 101.01 Districts Established
- 101.02 Official Zoning Map and District Boundaries

101.01 Districts Established

The City shall be classified into districts or zones, the designation and regulation of which are set forth in this chapter and as follows.

- (a) **Base Zoning Districts.** Base zoning districts into which the City is divided are established as follows:

<i>Short Name/ Map Symbol</i>	<i>Full Name</i>
Agriculture/Rural/Conservation Districts	
AC	Agricultural/Conservation
RR	Rural Residential
Residential Districts	
RS-1	Very Low Density Residential
RS-2	Low Density Residential
RM-1	Low-Medium Density Residential
RM-2	Medium Density Residential
RM-3	High Density Residential
Downtown Districts	
DR-N	Downtown Retail – North of Olive Avenue
DR-S	Downtown Retail – South of Olive Avenue
DR-D	Downtown Retail – D Street Corridor
D-MX	Downtown Mixed-Use
D-CG	Downtown General Commercial
D-PO	Downtown Professional Office
D-PS	Downtown Public and Semi-Public
DRM-2	Downtown Medium Density Residential
DRM-3	Downtown High Density Residential
Commercial Districts	
CN	Neighborhood Commercial
CR	Retail Centers
CG	General and Service Commercial
CMX	Commercial Mixed-Use

<i>Short Name/ Map Symbol</i>	<i>Full Name</i>
Employment Districts	
PO	Professional Office
IP	Industrial Park
IG	General Industrial
IA	Airport Industrial
Public and Open Space Districts	
PS	Public and Semi-Public
PK	Parks and Public Recreation Facilities
REC	Commercial Recreation
Other Base Districts	
RN	Residential Neighborhood
PD	Planned Development

- (b) **Overlay Zoning Districts.** Overlay zoning districts, one or more of which may be combined with a base district, are established as follows:

<i>Short Name/ Map Symbol</i>	<i>Full Name</i>
AE	Airport Environs
HZ	Hillside Development Zone
S	Single Story

- (c) **References to Classes of Base Districts.** Throughout this chapter, the following references apply:

- (1) “R district” or “residential district” means one or more of the following districts: RS-1 Very Low Density Residential, RS-2 Low Density Residential, Low-Medium Density Residential RM-1, Medium Density Residential RM-2, and High Density RM-3.
- (2) “D district” or “downtown district” means one or more of the following districts: DR-N Downtown Retail – North of Olive Avenue, DR-S Downtown Retail – South of Olive Avenue, DR-D Downtown Retail – D Street Corridor, D-MX Downtown Mixed-Use, D-PO Downtown Professional Office, D-CG Downtown General and Service Commercial, D-PS Downtown Public and Semi Public, DRM-2 Downtown Medium Density Residential, and DRM-3 Downtown High Density Residential.
- (3) “C district” or “commercial district” means one or more of the following districts: CN Neighborhood Commercial, CR Retail Centers, CG General and Service Commercial, and CMX Commercial Mixed-Use.
- (4) “E district” or “employment district” means one or more of the following: PO Professional Office, IP Industrial Park, IG General Industrial, and IA Airport Industrial.

101.02 Official Zoning Map and District Boundaries

The boundaries of the zoning districts established by this chapter are not included in this chapter but are shown on the Official Zoning Map maintained by the Community Development Department. The Official Zoning Map, together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the maps, have been adopted by the Council and are hereby incorporated into the Porterville Development Ordinance by reference, together with any amendments previously or hereafter adopted, as though they were fully included here.

- (a) **Application of Pre-Annexation Zoning.** The City may apply pre-annexation zoning to unincorporated property located within the Planning Area Boundary consistent with the Porterville General Plan. The pre-annexation zoning process shall comply with the provisions of Chapter 608, Amendments to Zoning Map and Text. The zoning provisions and requirements so established shall become applicable at the same time that the annexation of such territory becomes effective.
- (b) **Uncertainty of Boundaries.** If uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:
 - (1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams or railroads shall be construed to follow such centerlines.
 - (2) Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries.
 - (3) In the case of un-subdivided property or where a district boundary divides a lot and no dimensions are indicated, the following shall apply.
 - a. **Lots Greater than One Acre.** The location of such boundary shall be determined by the use of the scale appearing on the Official Zoning Map.
 - b. **Lots Less than One Acre.** The lot shall be deemed to be included within the zone which is the more restrictive.
 - (4) In the case of any remaining uncertainty, the Zoning Administrator shall determine the location of boundaries.
 - (5) Where any public street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
 - (6) Where any private right-of-way or easement of any railroad, railway, transportation or public utility company is vacated or abandoned and said property is unclassified, said property shall be automatically classified as being in the Public and Semi-Public (PS) District.

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Chapter 102 Rules for Construction of Language

Sections:

102.01	Purpose
102.02	Rules for Construction of Language
102.03	Rules of Interpretation

102.01 Purpose

The purpose of this chapter is to provide precision in the interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this chapter apply throughout the chapter, except where the context indicates a different meaning.

102.02 Rules for Construction of Language

In interpreting the various provisions of the chapter, the following rules of construction shall apply:

- (a) The particular controls the general.
- (b) Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - (1) “And” indicates that all connected words or provisions shall apply.
 - (2) “And/or” indicates that the connected words or provisions may apply singly or in any combination.
 - (3) “Or” indicates that the connected words or provisions may apply singly or in any combination.
 - (4) “Either . . . or” indicates that the connected words or provisions shall apply singly but not in combination.
- (c) In case of conflict between the text and a diagram or graphic, the text controls.
- (d) All references to departments, committees, commissions, boards, or other public agencies are to those of the City of Porterville, unless otherwise indicated.
- (e) All references to public officials are to those of the City of Porterville, and include designated deputies of such officials, unless otherwise indicated.
- (f) All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the City offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period.
- (g) The words “shall,” “will,” “must” and “is to” are always mandatory and not discretionary. The words “should” or “may” are permissive.
- (h) The present tense includes the past and future tenses, and the future tense includes the past.

- (i) The singular number includes the plural, and the plural, the singular.
- (j) Words used in the masculine gender include the feminine and the feminine the masculine.
- (k) Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

102.03 Rules of Interpretation

The Zoning Administrator shall make the interpretation for any definition not expressly identified in this section or provide clarification and determination of these rules.

Chapter 103 Rules of Measurement

Sections:

103.01	Purpose
103.02	General Provisions
103.03	Fractions
103.04	Measuring Distances
103.05	Measuring Height
103.06	Measuring Lot Width and Depth
103.07	Determining Average Slope
103.08	Determining Floor Area
103.09	Determining Floor Area Ratio
103.10	Determining Lot Coverage
103.11	Determining Lot Frontage
103.12	Determining Setbacks (Yards)
103.13	Measuring Signs

103.01 Purpose

The purpose of this chapter is to explain how various measurements referred to in this chapter are to be calculated.

103.02 General Provisions

For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Zoning Administrator.

103.03 Fractions

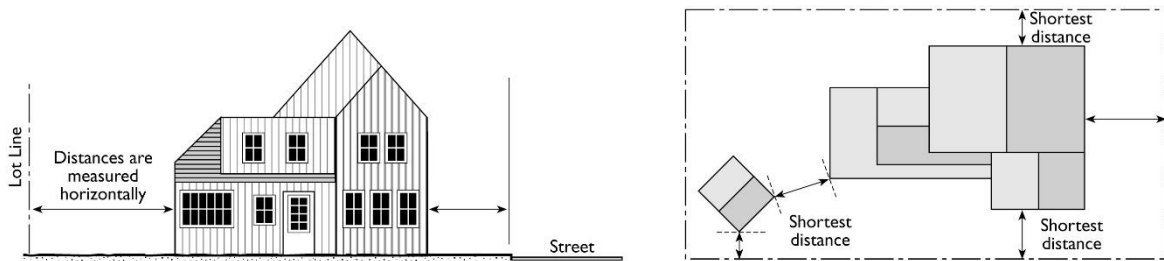
Whenever this chapter requires consideration of distances, parking spaces, dwelling units or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

- (a) **General Rounding.** Fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
- (b) **Exception for State Affordable Housing Density Bonus.** For projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statute, and Chapter 302, Affordable Housing Density Bonus and Other Incentives, any fractional number of permitted bonus density units shall be rounded up to the next whole number.

103.04 Measuring Distances

- (a) **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.
- (b) **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.
- (c) **Measurements Involving a Structure.** Measurements involving a structure are made to the outside edge of the foundation for the closest support wall of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.
- (d) **Measurements Involving Land Uses.** Unless otherwise dictated by a state agency regulating such land use, measurements involving distances between land uses are made from property line to property line at the nearest distance between the two parcels. Property lines for this purpose shall be as identified on the Tulare County Assessor's with an individual parcel number.
- (e) **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.
- (f) **Measuring Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project.

FIGURE 103.04: MEASURING DISTANCES

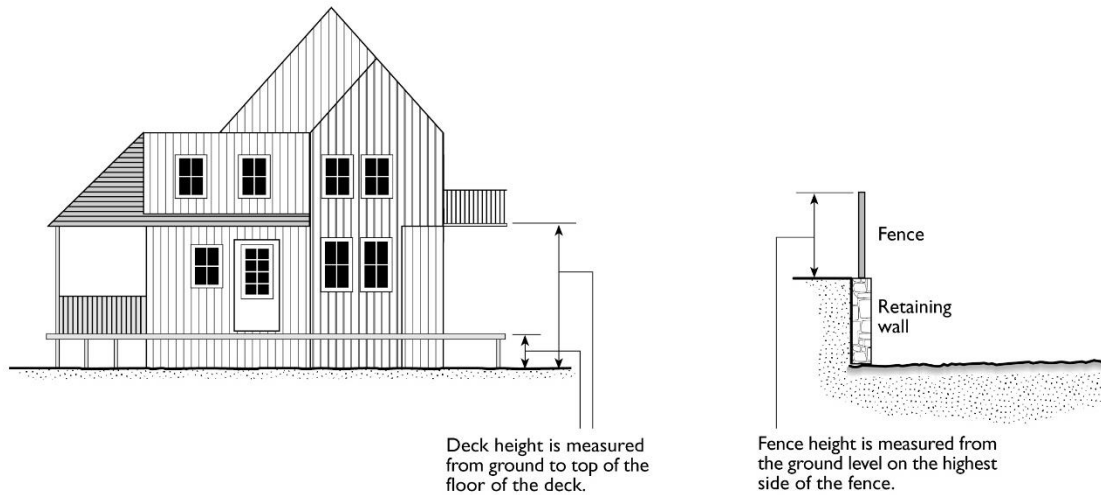


103.05 Measuring Height

- (a) **Measuring Building Height.** Building height is measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof ridge, or parapet wall.

- (b) **Measuring Height of Other Structures.** The height of other structures, such as fences, is the vertical distance from the ground level immediately under the structure to the top of the structure. Special measurement provisions are also provided below.
- (1) **Measuring the Height of Fences on Retaining Walls.** The height of a fence that is on top of a retaining wall is measured from the ground level on the highest side of the fence and wall.
 - (2) **Measuring the Height of Decks.** Deck height is determined by measuring from the ground to the top of the floor of the deck.

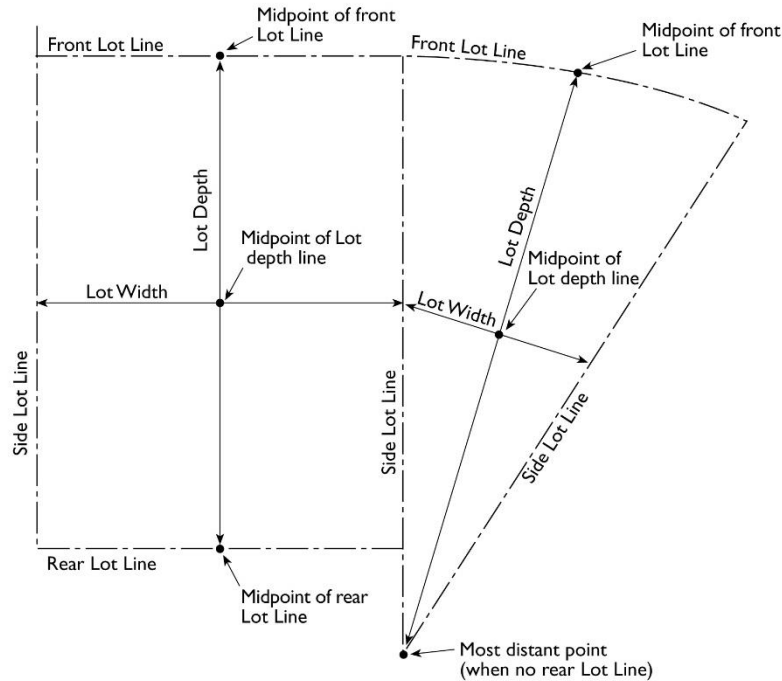
FIGURE 103.05: MEASURING HEIGHT



103.06 Measuring Lot Width and Depth

- (a) **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- (b) **Lot Depth.** Lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

FIGURE 103.06: MEASURING LOT WIDTH AND DEPTH



103.07 Determining Average Slope

The average slope of a parcel is calculated using the following formula: $S = 100(I)(L)/A$, where:

- (a) S = Average slope (in percent)
- (b) I = Contour interval (in feet)
- (c) L = Total length of all contour lines on the parcel (in feet)
- (d) A = Area of subject parcel (in square feet)

103.08 Determining Floor Area

Floor area is the horizontal area (usually expressed in square feet) of all floors included within a building or buildings, according to the following rules:

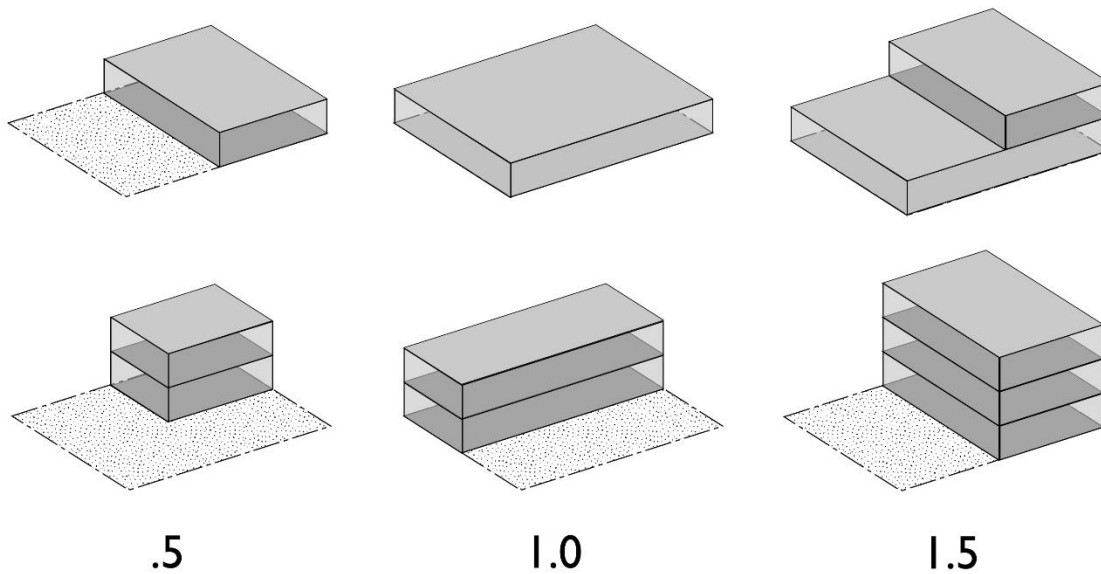
- (a) **Included in Floor Area.** Floor area is deemed to include:
 - (1) The floor of atrium and lobby areas;
 - (2) Storage and equipment spaces that are roofed and enclosed on all sides;
 - (3) Enclosed and roofed halls, stairways, and elevator shafts;
 - (4) Enclosed and roofed porches and balconies;

- (5) Portions of basements and attics that meet Building Code height requirements for habitable space; and
 - (6) The actual floor space of mezzanines, interior balconies, lofts, closets and all habitable rooms.
- (b) **Excluded from Floor Area.** Floor area does not include:
- (1) Garages, carports or other areas used for parking and loading, or vehicular access to parking and loading spaces;
 - (2) Unenclosed exterior balconies, decks, porches and stairs; and
 - (3) Substandard height portions of attics and basements not used as habitable space (per Building Code).

103.09 Determining Floor Area Ratio

Floor Area Ratio (FAR) is the ratio of the floor area of all principal and accessory buildings on a lot to the lot area. To calculate FAR, floor area is divided by lot area, and typically expressed as a decimal. For example, if the floor area of all buildings on a lot totals twenty thousand (20,000) square feet, and the lot area is ten thousand (10,000) square feet, the FAR is expressed as 2.0.

FIGURE 103.09: DETERMINING FLOOR AREA RATIO

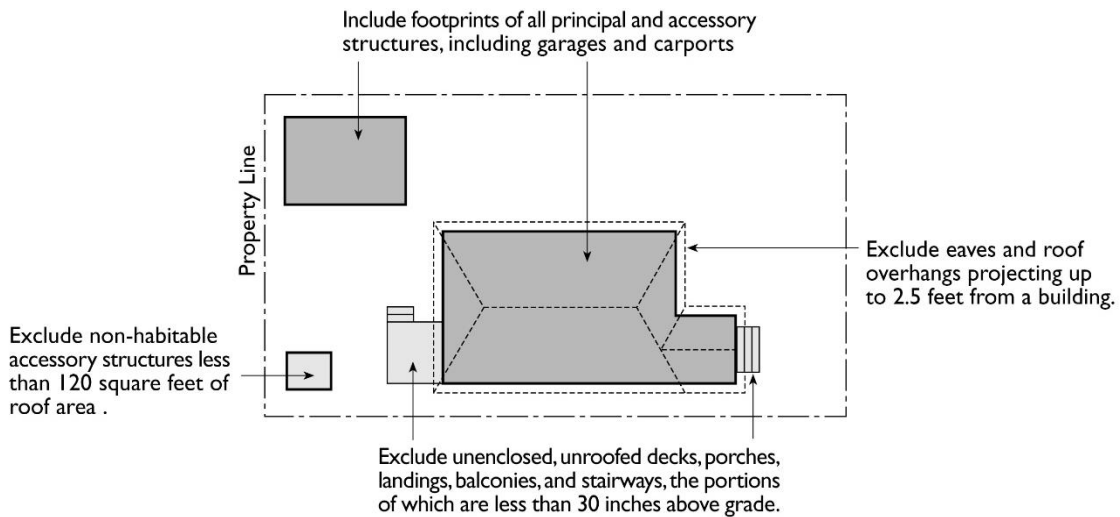


103.10 Determining Lot Coverage

Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches, shall be summed in order to calculate lot coverage. The following structures shall be excluded from the calculation:

- (a) Unenclosed and unroofed decks, uncovered patio slab, porches, landings, balconies and stairways less than six (6) feet in height;
- (b) Eaves and roof overhangs projecting up to two-and-a-half feet from a wall;
- (c) Trellises and similar structures that do not have solid roofs;
- (d) Swimming pools and hot tubs that are not enclosed in roofed structures or decks; and
- (e) One small, non-habitable accessory structure under one hundred twenty (120) square feet. Structures above quantity of one shall be included in lot coverage.

FIGURE 103.10: DETERMINING LOT COVERAGE



103.11 Determining Lot Frontage

- (a) **Corner Lot.** The front of a lot is the narrowest dimension of the lot with street frontage.
- (b) **Through Lot (Double Frontage Lot).** The front yard borders the street primarily used as frontage by neighboring lots.

103.12 Determining Setbacks (Yards)

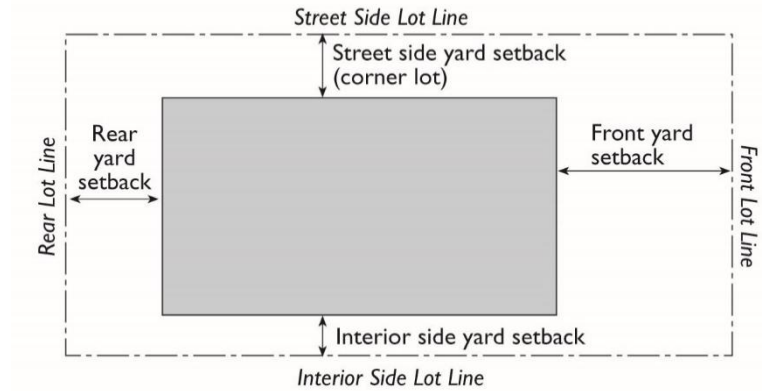
A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear property line. The following special regulations for determining yards apply when a lot abuts a proposed street or alley.

- (a) **Yards Abutting Planned Street Expansions.** If a property abuts an existing or proposed street for which the existing right-of-way is narrower than the right-of-way ultimately required for the street, the required setback shall be established from the future right-of-way rather than the property line.

(b) **Yards on Alleys**

- (1) If a side lot line abuts an alley, the yard shall be considered an interior side yard rather than a corner side yard.
- (2) In computing the minimum yard for any lot where such yard abuts an alley, no part of the width of the alley may be considered as part of the required yard.

FIGURE 103.12: DETERMINING SETBACKS



103.13 Measuring Signs

The height of signs is measured in the same method as the height of other structures (See Subsection 103.05(b), Measuring Height of Other Structures). Calculation of sign area is described in Chapter 305, Signs.

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