This meeting will be conducted pursuant to the provisions of Paragraph 11 of the Governor’s Executive Order N-25-20 which suspends certain requirements of the Ralph M. Brown Act, and as a response to mitigating the spread of COVID-19, the meeting will not be open to the public. The telephone number listed below will provide access to the City Council meeting via teleconference.

Please note: when joining the meeting you will be asked your name which will be used to identify you during any public comment period.

Telephone Number: 978-990-5175
Meeting ID: 494026#

It is requested that any member of the public attending while on the teleconference to have his/her/their phone set on “mute” to eliminate background noise or other interference from telephonic participation.

1. Meeting Called to Order

2. Roll Call

3. Swearing-In of newly appointed Commissioner, Adriana Prado and Cesar Rodriguez.

4. Public Presentation – (This portion of the meeting reserved for persons desiring to address the Commission on any matter not on this agenda. Presentations are limited to five minutes per person and no more than 15 minutes per topic).

5. Approval of minutes for January 7, 2021 meeting.

6. Consideration of request for a discretionary extension of time for Conditional Use Permit No. 17-03, which permitted the construction of a 7.96-acre travel center, 10,000 square foot truck tire repair, lube, and wash building, a 4,627 square foot dine-in restaurant, two (2) restaurants with drive throughs, 4,378 and 3,116 square feet in size, and a 120-room, four-story hotel, at 2747 East Manning Avenue (APN: 345-180-03)

Consider Adoption of Resolution No. 656 Resolution approving an extension of time for Conditional Use Permit Application 17-03, before the Planning Commission of the City of Fowler, County of Fresno, State of California.

7. Communication
   A. Audit Report for Zoning Ordinance
8. Adjournment

Next Resolution No.: 657

CERTIFICATION: I, Sennaida Zavala, Planning Secretary for the City of Fowler, California, hereby certify that the foregoing agenda was posted for public review on, Monday, March 1, 2021.

Sennaida Zavala
Planning Secretary
Chairman Mellon called the meeting to order at 6:30 p.m. Roll call was taken.

Commissioners Present: Mellon, Kandarian, Fernandez, Hammer

Commissioners Absent: None

City Staff Present: City Manager Davis, City Attorney Cross, Planning Consultant Marple, Public Works Director Dominguez City Building Official Baxa Planning Secretary Zavala

AGENDA ITEM NO. 4
Reorganization of Planning Commission: Election of Chairman and Vice Chairman
Commissioner Hammer made motion, seconded by Commissioner Kandarian, to nominate Craig Mellon for Chairman. The motion carried by the following roll call vote: Ayes: Mellon, Fernandez, Hammer, Kandarian.

Commissioner Fernandez made motion, seconded by Chair Mellon, to nominate Kevin Kandarian for Vice Chairman. The motion carried by the following roll call vote: Ayes: Mellon, Fernandez, Hammer, Kandarian.

AGENDA ITEM NO. 7
Public hearing to consider Conditional Zoning Ordinance Amendment (Rezone) Application No. 20-01 an Site Plan Review Application No. 20-08, filed by Ray Duran, to rezone a 14,000 square foot lot from R-1-5 to RM-2-A, at 704 East Main Street (APN: 343-110-13)

Ms. Marple presented the project. Clarification was made that the correct rezone is R-1-6 to PM-2-A. The proposed project currently has a legal nonconforming multifamily use. Research shows that the property has received several building permits allowing the creation and maintenance of dwelling units on the property. There are four dwelling units currently on the property, whereas the City only has record of three being permitted. The applicant requested a Rezone to the RM-2-A zone district, which would allow for the additional unit. The General Plan Land Use Designation of Medium Density Residential allows densities up to 13.5 dwelling units per acre, or one dwelling unit per 3,226 square feet of land area. The RM-2-A zone district allows up to one per 3,500 square feet of land area, for a maximum density of 12.4 dwelling units per acre. Since the property is 14,000 square feet in size, this would allow for exactly four (4) multifamily dwelling units. Therefore, approval of the Rezone would resolve the nonconformities with the property and allow the property owner to move forward with improvements on the 4th unit.

10 Letters were turned in to the City of Fowler not in favor of the proposed project.

Commission had questions in regards to the authorization of the property going from single family to multifamily, water-meters, health and safety and other building activities the parcel has conducted. Staff advised the Commission that the only record on file was from a conversion of a garage, and water meters were on site but an accurate check on how many was not conducted.
Public Presentation
Mr. Cortez, Fowler Resident, questioned if PG&E would keep record of the meters installed. Commission advised Mr. Cortez that they do, but the City does not have access to the records. Mr. Cortez also asked if the building number can change if approved, Ms. Marple advised him that the approval of zoning amendment only allows 4 units.

Mr. Hernandez, Fowler Resident, questioned in regards to parking and permits being required. Staff advised him that the property is required to have seven parking stalls with half being a covered parking and if approved building permits will be needed to make the unit legal.

Mr. Brock, Fowler Resident, shared her concern for this project being approved in hoped that the Commission would deny the recommendation.

Commission shared concerns about the letters sent in from the public and the safety of the units.

Vice Chairman Kandarian made a motion to recommend denial of Resolution 654 rezoning of application 20-01, motion Seconded by Commissioner Fernandez. Motion carried by unanimous vote. Ayes: Mellon, Kandarian, Fernandez, Hammer. Noes: None.

Vice Chairman Kandarian made a motion to recommend denial of Resolution 655 approval Site Plan Review 20-08, motion Seconded by Commissioner Fernandez. Motion carried by unanimous vote. Ayes: Mellon, Kandarian, Fernandez, Hammer. Noes: None.

AGENDA ITEM NO 6
Communication
Chairman Mellon had questions in regards to parking of cars and RVs. Staff advised him to call PD for illegal paring and RV parking is allowed due to current pandemic.

Commissioner Fernandez submitted his letter of resignation.

Ms. Marple gave an update on 600 N 8th Street. The non-use of approved use has caused the approved CUP to expire. A letter has been sent out. City Building Official has been citing the property owner.

Ms. Marple gave an update on General Plan Update. There will be one more workshop via Zoom sometime in April.

Chairman Mellon made a Motion to adjourn, seconded by Vice Chairman Kandarian. Motion carried by a unanimous voice vote and meeting was adjourned at 7:53 PM.
TO: City of Fowler Planning Commission
FROM: Dawn E. Marple, City Planner
DATE: March 4, 2021
SUBJECT: Consideration of request for a discretionary extension of time for Conditional Use Permit No. 17-03, which permitted the construction of a 7.96-acre travel center, 10,000 square foot truck tire repair, lube, and wash building, a 4,627 square foot dine-in restaurant, two (2) restaurants with drive throughs, 4,378 and 3,116 square feet in size, and a 120-room, four-story hotel, at 2747 East Manning Avenue (APN: 345-180-03)

I. Recommendation
Staff recommends that the Commission approve the request to extend the expiration date of Conditional Use Permit (CUP) Application No. 17-03 to January 9, 2023. The decision of the Planning Commission is final unless appealed to the City Council.

II. Background & Project Description
The City of Fowler Planning Commission, by a vote of 5-0, approved Conditional Use Permit No. 17-03 on January 9, 2020, which requested to develop, in six phases, the following:
- A 7.96-acre travel center (sometimes referred to as a “travel stop”) located between Buford Drive and Golden State Boulevard containing the following:
  - Eight diesel fueling dispensers (includes diesel, diesel exhaust fluid, and bio diesel) with a 3,280-square-foot diesel fuel canopy
  - Six gas fueling dispensers (12 fueling positions) for automobiles with a 3,440-square-foot gas canopy
  - A propane gas tank not exceeding 1,000 gal., available to the public
  - A weigh station consisting of one truck scale
  - 97 total truck parking stalls: 89 uncovered and 8 under canopy
  - 63 total auto parking stalls: 51 uncovered and 12 under canopy
  - One 9,000-square-foot building that will include:
    i. A driver’s lounge, game room, ATMs, Check Cashing, and wi-fi
    ii. Restroom facilities that include showers and laundry
    iii. Two quick service restaurants
  - Construction of Buford Drive
  - Access via an entrance-only driveway from westbound Manning Avenue, five driveways connecting to Buford Drive, and one driveway connecting to Golden State Boulevard
  - Construction of a stormwater ponding (retention) basin on approximately 1.57 acres.
- A 10,000-square foot truck tire repair, lube, and wash building with three (3) vehicle bays and 11 auto parking stalls.
- A 4,627-square foot dine-in restaurant and 58 auto parking stalls.
- A 4,378-square foot restaurant with a drive through with 51 auto parking stalls.
- A 3,116-square foot restaurant with a drive through with 35 auto parking stalls.
A four-story, 123-room hotel with a building area of approximately 40,000 square feet with 118 auto parking stalls and 8 RV parking stalls.

In accordance with the City of Fowler Zoning Ordinance Section 9-5.414, Conditional Use Permits, when no expiration date is specified in the approval, must be exercised within one (1) year or else the Conditional Use Permit expires. Prior to the expiration date, the project applicant, Mr. Tom Buford, submitted a request for an extension of the Conditional Use Permit.

The project applicant has been diligently pursuing the project. He has been working with Caltrans and the City to implement some of the project design features and mitigation measures; however, due to the complexity of these features and measures, has not begun the building permit process. Furthermore, the COVID-19 pandemic has caused considerable delays to all parties necessary to the design and review process, including CalTrans approval.

Pursuant to Section 9-5.415 of the City of Fowler Zoning Ordinance upon showing of good cause by the applicant prior to expiration of the approval of the use permit, the Commission may grant an extension of time within which to exercise the rights granted. Due to this extraordinary circumstance, staff recommends Planning Commission extend the deadline to exercise the Conditional Use Permit by two (2) years to January 9, 2023.

Figure 1 (Site Plan) depicts the proposed phased development. Figure 2 depicts the aerial photo of the site; Figure 3 is the zoning map and Figure 4 is the general plan map. The site is located in Fowler’s C-3 (General Commercial) Zone District, surrounded by M-1 (Light Industrial) to the west, C-3 (General Commercial) to the north and south, and C-2 (Community Commercial) to the east.

III. Environmental Review
An Environmental Impact Report (EIR) was adopted by the City of Fowler Planning Commission, in addition to a Findings of Fact and a Statement of Overriding Considerations. No further environmental analysis in needed.

IV. Attachments
A. Resolution 656
RESOLUTION NO. 656
RESOLUTION BEFORE THE PLANNING COMMISSION
OF THE CITY OF FOWLER
COUNTY OF FRESNO, STATE OF CALIFORNIA

RESOLUTION APPROVING
AN EXTENSION OF TIME FOR
CONDITIONAL USE PERMIT APPLICATION NO. 17-03

WHEREAS, Conditional Use Permit (“CUP”) 17-03 was approved by the Planning Commission of the City of Fowler on January 9, 2020; and

WHEREAS, CUP 17-03 was subject to expiration deadline of January 9, 2021; and

WHEREAS, the beneficiary of CUP 17-03 submitted a written request to extend the deadline of Conditional Use Permit 17-03; and

WHEREAS, the applicant has diligently pursued the project approved by CUP 17-03, but extensive design and review of public improvements are required to exercise CUP 17-03, and other factors such as COVID-19 have caused delay in this process; and

WHEREAS, the Planning Commission reviewed the proposes extension at a regular meeting on March 4, 2021; and

WHEREAS, the Planning Commission reviewed the staff report prepared pursuant to the request, which is herein incorporated by this reference, and considered all submissions, testimony, and evidence found in the record.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Fowler, based on the entire record of proceedings, finds and resolves:

1. That the applicant has shown good cause for CUP 17-03 to be extended.

2. That the expiration deadline of CUP 17-03 is hereby extended by two (2) years to January 9, 2023.

Attest:

______________________________
Secretary of the Planning Commission

I, Sennaida Zavala, Secretary of the Planning Commission, do hereby certify that the foregoing resolution was
adopted at a meeting of the Planning Commission of the City of Fowler, on the motion of Commissioner ____________________________ and seconded by Commissioner ____________________________ on the 4th day of March 2021, by the following vote to wit:

AYES: Commissioners: ____________________________

NAYS: Commissioners: ____________________________

ABSTAIN: Commissioners: ____________________________

ABSENT: Commissioners: ____________________________

______________________________
Chairman of the Planning Commission
I. Recommendation
Staff recommends that the Planning Commission receive the report and presentation and provide feedback on the City of Fowler Audit Report.

II. Background & Purpose
The City of Fowler has initiated a comprehensive zoning code update. The primary role of the Zoning Code is to implement the goals and policies established in the General Plan. The Code establishes the regulations and procedures that guide development and ensure that it is consistent with the General Plan vision. Upon completion of the Code update, these regulations will be user-friendly and help the City and applicants to achieve the goals and policies of the General Plan.

The City of Fowler adopted its current Zoning Code in March of 2009 and last updated the Code in June of 2017. While there have been some updates since the code was originally adopted, these updates have been drafted on a case-by-case basis in response to particular issues, resulting in several instances of similar yet conflicting regulations and internal inconsistencies. These inconsistencies have made the Code complicated for the public to navigate and difficult for City staff and decision makers to administer. The Code update will focus on streamlining the development process, adding clarity to established procedures, and ensuring compliance with recent legislative updates as well as the City’s Housing Element.

An Audit Report was completed for the Fowler Zoning Code Update. This report analyzes the existing Fowler Zoning Code and makes recommendations on how the existing code can be improved upon. Through observation and analysis, the report is able to put together an idea of what a revised Fowler Zoning Code would look like. Based on the recommendations provided by the Audit Report, two outlines were created. An outline for a revision of Title 9 (Zoning Code) and a new Title 11 (Subdivision Code) were drafted. These outlines will serve as roadmaps for the revision and creation of their respective Titles. The outlines would guide the update process but would allow for adjustment as needed if issues arise during the process.

III. Next Steps
The Audit Report along with feedback received from the Planning Commission and public on these items, will be presented to City Council for consideration. Confirmation of the Audit Report by the City Council will confirm how the existing code can be improved and initiate the next phase of work, Phase 3: Drafting. The consultant team will work on defining the rules and regulations of
the City into a new document that is easier for the user to use and will streamline the process of searching for information within the City code. A draft form of the proposed items will be presented in a public hearing in late summer of 2021 and be presented for adoption in the fall of 2021.

IV. Attachments
   A. Audit Report
   B. Title 9 Zoning Code Outline
   C. Title 11 Subdivision Code Outline
CITY OF FOWLER
California

ZONING CODE UPDATE
AUDIT REPORT

FEBRUARY 2021

Prepared For:
CITY OF FOWLER PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
128 S. 5TH STREET
FOWLER, CA 93625

Prepared By:
P&P PLANNING
PROVOST & PRITCHARD CONSULTING GROUP
286 W. CROMWELL AVENUE
FRESNO, CA 93711
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INTRODUCTION AND PURPOSE

The City of Fowler has initiated a comprehensive zoning code update. The primary role of the Zoning Code is to implement the goals and policies established in the General Plan. The Code establishes the regulations and procedures that guide development and ensure that it is consistent with the General Plan vision. Upon completion of the Code update, these regulations will be user-friendly and help the City and applicants to achieve the goals and policies of the General Plan.

The City of Fowler is currently undergoing a general plan update. The update process is estimated to be complete in 2022 and will be a comprehensive update, replacing all current General Plan elements as well as adding additional elements and policies to reflect necessary legislative updates. The Zoning Code may ultimately need to be updated after the General Plan update is complete. However, updates to the Code implemented during this update process will lay the foundation for future amendments to the Code, should they be required for consistency with the goals and policies of the updated General Plan.

WHAT IS THE ZONING CODE?

The Zoning Code is one of the primary implementing documents of the General Plan, as it establishes standards for the creation of new parcels, the types of buildings and uses that are allowed on parcels, and the physical and operational standards that buildings and uses must comply with.

What Zoning Codes Do

As the primary implementing tool for the General Plan, the Zoning Code establishes regulations and procedures guiding development and ensuring consistency with the General Plan vision. Zoning codes:

☑ Establish zones. Each land use designation identified in the General Plan needs at least one implementing zone. The zone dictates how a property can be used and developed. It is the primary implementation tool for determining consistency with the intent of the General Plan land use designations. Zones are applied to properties and approved on a zoning map as part of a zoning ordinance.

☑ Determine what uses can go on a property. Each zone has a list of allowed uses that are permitted within that zone. The allowed use listings also determine the type of approval that is required prior to establishing a particular use.

☑ Define application procedures. The processing procedure for each type of application is established so users of the code, including the public, City staff, and decision-makers, understand the expectations and requirements associated with development review and approval.

☑ Establish standards of development. Standards of development include both physical property development standards (e.g., setbacks, height, parking requirements) and operational standards (e.g., hours of operation, lighting standards, noise impacts) of permitted uses on a property. The standards can be designated by zone, general use type (e.g., residential, commercial, industrial), or by specific use type (e.g., accessory dwelling units, manufactured housing, temporary uses).
What Zoning Codes Don’t Do
Understanding what zoning codes don’t do is equally important as understanding their purpose. Zoning codes:

* Do not establish the vision or policies for the community. These are determined through the General Plan process.

* Do not change policies of the General Plan. The processes and regulations established in the ordinances must be consistent with the General Plan.

* Do not change the zoning requirements adopted in specific plan areas. Specific plans are tools used to allow a customized set of development standards to be legally adopted for a specific property or area. As such, specific plans are adopted with their own standards for development. Changes to the zoning code would not affect previously adopted specific plans unless the plans require compliance with regulations in place at the time of proposed development. Currently, there are no specific plans adopted in Fowler.

* Do not contain guidelines. Zoning codes are local laws that establish objective and enforceable rights, responsibilities, standards, requirements, and procedures. They are required and compulsory. Guidelines, while very useful and important in the development review and approval process, are subjective statements of preference and desirable and negotiable outcomes, not compulsory standards and requirements.

WHY IS THE ZONING CODE BEING UPDATED?

The City of Fowler adopted its current Zoning Code in March of 2009 and last updated the Code in June of 2017. While there have been some updates since the code was originally adopted, these updates have been drafted on a case-by-case basis in response to particular issues, resulting in several instances of similar yet conflicting regulations and internal inconsistencies. These inconsistencies have made the Code complicated for the public to navigate and difficult for City staff and decision makers to administer. The Code update will focus on streamlining the development process, adding clarity to established procedures, and ensuring compliance with recent legislative updates as well as the City’s Housing Element.

WHAT ARE THE OBJECTIVES OF THE ZONING CODE UPDATE?

The Zoning Code update was initiated to revise the regulations affecting land use and development consistent with the General Plan. Specifically, the objectives of this update are to:

- Prepare codes that are user-friendly and easy to navigate.
- Implement programs that encourage and streamline housing production.
- Streamline and define development review processes.
- Comply with State law.
APPROACH AND ORGANIZATION

This Audit Report (Report) presents an analysis of the existing Zoning Code. The analysis included here represents summary observations of the existing code, with recommendations that identify a preferred approach in preparing the Draft Zoning Code.

More detailed analysis will be conducted during preparation of the Code. Consultation with City staff will occur as specific issues arise. Staff may consult with City decision-makers, as needed, during preparation of the Draft Zoning Code as well.

CONSIDERATIONS IN THE AUDIT REPORT ANALYSIS

The analysis conducted as part of this Report considered many inputs including key updates cited in a recent SB 2 funding program application, updates required for consistency with the adopted General Plan, a review for compliance with State and Federal law, as well as best practices. These considerations informed the summary observations included in this Report and the recommendations for moving forward in the Code update process. Additional stakeholder input will be gathered during subsequent steps of the update process.

General Plan Consistency

As the primary implementation document of the general plan, it is necessary to ensure the zoning code contains standards consistent with the general plan. Zoning code consistency with the general plan is also legally required by Government Code Section 65860. In the event the zoning code becomes inconsistent due to an amendment of the general plan, local jurisdictions must reflect those changes in the zoning code within a “reasonable” timeframe. Fowler’s Zoning Code will be reviewed for consistency with existing General Plan policies, land use designations, and density and intensity standards to ensure consistency moving forward.

Compliance with State and Federal Law

In California, it is generally left to cities and counties to determine how to best regulate land uses and development in their jurisdiction. However, there are certain exceptions that require local regulations to be either consistent with or preempted by State or Federal law. Updates to permit procedures, zones and allowed uses, definitions, general development regulations, and specific use regulations will be required for consistency with applicable laws and will be addressed as part of the Code update process.
Best Practices
Many of the observations and recommendations included in this Report are reflective of best practices in preparing and administering codes. These are primarily exhibited in the organizational recommendations and will be considered during drafting of the Code.

AUDIT REPORT ORGANIZATION
This Report summarizes general observations and identifies a set of recommendations organized around the following topics:

- Code usability and accessibility
- Permit processing and administration
- Zones
- General development regulations
- Specific use regulations
- Compliance with State and Federal law

HOW WILL THIS AUDIT REPORT BE USED?
This Audit Report is a key step towards updating the Zoning Code. This Report will be distributed to the Planning Commission and presented at a City Council hearing. An Annotated Outline will be prepared based on the recommendations contained in this Report and will be the basis for preparation of the Draft Zoning Code. Staff may consult with decision-makers during preparation of the Code. The Draft Zoning Code will be presented to the public and decision-makers for review and comment as part of the update process prior to adoption.

AUDIT REPORT ANALYSIS

CODE USABILITY AND ACCESSIBILITY
Rules and regulations are not effective if people cannot find the information they are looking for or if they do not understand the rules and regulations. Given zoning's central role in shaping the community, the Zoning Code should be logically organized, well-formatted, and easy to use.

A user-friendly document should have the following minimum features:

- A table of contents that provides descriptive chapter and section titles, so a user can quickly find the information they are looking for. Chapters are generally organized by topic.
- Headers and footers that allow readers to navigate the document.
- A consistent organizational structure across chapters, creating predictability and increased awareness of where to find similar information across like chapters or sections.
- An index of terms that is generally consolidated in one location for easy reference with cross-references for specialty terms defined elsewhere in the code.
This section contains general observations about the existing organization, format, and usability, as well as strategies for improving these aspects in the Code update.

**Summary Observations**

**Observation 1: Lack of Tables and Graphics**

The existing Zoning Code includes very limited tables and graphics. Most of the information is currently presented in text and list format, including allowed use listings and development standards. Much of this information can be condensed into table format or would benefit from the use of a graphic to illustrate the meaning or intent of a standard or defined term.

Tables are useful for minimizing redundant information by consolidating repetitive items, such as allowed use listings and development standards (e.g., setbacks, height limits) across many zones. By providing information in a table form, consistency and differentiation across zones is easier to compare, understand and maintain. Consolidating information in one location also minimizes the opportunity for inconsistencies to arise over time, as focused amendments are made to a use or standard in one location of the Code, rather than having to amend the standard in multiple locations throughout.

Incorporating graphics which illustrate design standards are very useful in showing the intent of defined terms, especially those related to building form, and make the Zoning Code and easier to understand. Graphics may include plan views, elevations, or isometric views.

**Observation 2: Disjointed Chapter Groupings**

The organization of chapters does not prioritize accessibility and does not present information in an intuitive manner. The Zoning Code update process provides an opportunity to bring a predictable structure and logical progression to the Code.

A typical code structure includes the following hierarchical organization:

- **Title.** The Municipal Code is comprised of individual ordinances, or titles. Title numbering will be dictated by the existing Municipal Code organization.

- **Article.** The Titles are divided into articles that cover various topics. Articles may be adopted formally with assigned numbering within the overall code structure, but it is not necessary to do so. Regardless of how articles are treated within the code, they provide important structure for how chapters of the code are organized. The article name identifies the topic around which like chapters are organized.

- **Chapter.** Articles are divided into chapters. It is useful to group chapters that address like topics together so that they may be numbered and listed consecutively in the table of contents. For example, all residential zones should be grouped consecutively, followed by all commercial zones, so on and so forth. This prevents chapters from getting "lost" in the overall structure of the code.
and provides a more user friendly and efficient experience for both applicants and staff. The numbering of chapters ideally reserves space to accommodate new chapters as additions to the Code are adopted. Although this is not mandatory, it does help ensure that the organizational structure of the code is not disrupted as new chapters may be adopted in the future.

- **Section.** Chapters are divided into sections. Section titles should be descriptive enough to allow for easy navigation of content.

Fowler’s Zoning Code does not follow this hierarchy. Instead, articles function as chapters. In addition, the Zoning Code is separated from the rest of the municipal code. One goal of this update is to reorganize information to follow the preferred hierarchy listed above.

**Observation 3: Inconsistent Formatting**

A large portion of the Code features inconsistent chapter and section formatting. This provides little predictability for the user, making it difficult to find the information they seek, and to understand if certain standards or procedures apply, or if they were left out deliberately. In a user-friendly code, section numbering is standardized across like chapters, ensuring the same topics are covered in the same order, leading to predictability and intuitive navigation of the Zoning Code. Since Fowler’s Code sections are not currently structured with much, if any, consistency, it is difficult to navigate to the relevant section and creates uncertainty for the user.

**Example:**

Articles 25 and 28 both cover permit procedures: Conditional Use Permits and Site Plan Review, respectively. However, the section organization is inconsistent across chapters.

- Different topics are covered in each Article. Article 25 covers eight topics while Article 26 covers 11.
- Different section numbers reference the same information. Appeals are referenced in section five of Article 25 while Article 26 discusses appeals in section three.

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<td>Unclassified Conditional Uses</td>
<td>Street Deductions and Improvements</td>
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<td>.08</td>
<td>Conditional Use Permits for Liquor Stores, Bars, Night Clubs, Convenience Stores, Retail Uses Selling Alcoholic Beverages for Consumption Either Non-Site or Off-Site; Book, Magazine, and Stationary Stores; Theaters and Auditoriums; Tattoo Parlors</td>
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<td>Site Plan to Run with the Land</td>
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</table>
PERMIT PROCESSING AND ADMINISTRATION

An effective Zoning Code provides predictability in how permits are processed. This includes identifying specific procedures for each permit type, as well as identifying common processing procedures that may apply to all or most types of permit. Identifying common processing procedures in one location eliminates redundancy, makes changes to those procedures easier to implement, and creates consistency for the user. Each step in the process should be clearly outlined so there is no ambiguity in the requirements.

The level of review required for each permit type also greatly influences how much time (and therefore, effort and money) will be expended to approve a proposed development. Approvals that can be completed at the counter (e.g., building permit or business license approvals) are generally the simplest and least expensive reviews. Next are the staff level reviews (i.e., permits that may be approved by the Community Development Director, which are not immediately handled at the counter but don’t require a public hearing. Procedures that require public hearings before the Planning Commission or City Council take the longest. However, even the simplest approvals can become complicated without a clear procedure or standards to guide review and decision-making.

The City of Fowler has the following decision-making bodies and officers established.

- **Community Development Director.** The Community Development Director may take final action on ministerial and administrative permits. No public hearings are required. Discretionary decisions approved by the Community Development Director are subject to appeal to the Planning Commission.

- **Planning Commission.** The Planning Commission is the decision-making body for most discretionary permits (e.g., conditional use permits and variances), among other permit types. Public hearings are required for Planning Commission decisions. Planning Commission decisions are subject to appeal to the City Council. The Planning Commission also reviews and makes recommendations to the City Council on tentative tract maps, general plan amendments and zoning ordinance amendments.
City Council. The City Council generally delegates authority for implementation of the Zoning Ordinance to either the Planning Commission or Community Development Director. However, it retains final decision-making authority for legislative decisions such as general plan amendments and zoning ordinance amendments, upon recommendation from the Planning Commission. The City Council also hears appeals on actions by the Planning Commission. Public hearings are required.

This section contains general observations about the existing permitting procedures and administration of regulations, as well as strategies for improving these aspects in the Code update.

Summary Observations
Observation 1: Lack of Clear Administrative Responsibilities
Administrative responsibilities are not comprehensively discussed in Fowler’s Zoning Code. The only discussion of administrative responsibility is found in Article Four, which outlines the Planning Commission’s scope of authority. Not clearly identifying administrative duties requires applicants to read through all procedures, in various locations in the Code, to understand what decision-making body or officer is responsible for processing their application.

In addition, the lack of clarity around administrative duties contributes to inconsistency in the way applications are processed and approved. In other terms, current practice is not always consistent with the responsibilities outlined in the Code. Consolidating the discussion of administrative duties and aligning approval procedures with current practice will ensure that City staff can accurately process applications and that applicants have a clear understanding of what the review process will look like before the application is submitted.

Observation 2: Permitted Uses Require Discretionary Actions
Generally, cities and counties employ two types of approval processes: ministerial approvals and discretionary approvals. The desired uses for each zone are allowed as permitted uses, often referred to as “by-right” uses. This means they typically require ministerial approvals whereby the necessary permits are issued upon demonstration of compliance with objective standards (e.g., setbacks, height, parking requirements). These uses are generally approved by the Community Development Director. The premise is that the zone is intended and designed to accommodate the permitted uses, which makes approval easy and objective, with a low level of review.

Discretionary approvals, whereby the approving authority may consider factors other than minimum compliance with objective standards, typically focus on two aspects of a proposed development: 1) the physical design and improvements; and, 2) the operational characteristics of the use. The discretionary aspect of such approvals generally requires more scrutiny, more in-depth review and analysis, and instills a level of uncertainty in the approval process, thereby increasing risk and cost for such development.
In Fowler, every new use established requires a Site Plan Review, with some limited exceptions. As a result, the establishment of a permitted use is subject to a discretionary action, which is typically reserved for more complicated development applications. A review of how permitted uses are processed is necessary in order to streamline application reviews while still ensuring consistency with Code requirements and providing appropriate levels of notification.

In addition, while it is generally left to local jurisdictions to determine what type of action is required for various permit types, there are several uses regulated at higher levels of government that are required to be approved through a ministerial process. Accessory dwelling units and some communications uses are examples of such uses. In Fowler, these uses also require Site Plan Review prior to approval. Since Site Plan Reviews are discretionary, the City lacks an appropriate permit review process for those uses required to be ministerial actions. A truly ministerial review process should be established.

**Observation 3: Applicability for Permits is Unclear**

Most articles pertaining to planning applications do not include clear applicability thresholds. This is demonstrated in Article 26, Site Plan Review, which outlines application requirements and timelines, but does not explicitly state when a Site Plan Review is required by an applicant. This is also the case in the remainder of the articles covering permit procedures (Articles 22-28) including, administrative approvals, conditional use permits, variances and minor deviations, and planned unit developments.

Alternatively, site plan review applicability thresholds are often found in the zone regulations themselves. While this does establish applicability thresholds, it is not an intuitive location and leads to confusion and unnecessary time spent determining when a site plan review applies to a project. In both instances, either lack of or improperly located applicability thresholds can lead to confusion in determining the type of application required for a project.

**Observation 4: Some Chapters Contain Optional Guidelines**

Ordinances are local laws that establish objective and enforceable rights, responsibilities, standards, requirements, and procedures. The regulations contained in ordinances are required and compulsory. Guidelines, while very useful and important in the development review and approval process, are subjective statements of preference and desirable and negotiable outcomes, not compulsory standards and requirements. Article 16, Design Review, contains suggested design guidelines for multifamily, residential, and commercial uses, rather than compulsory regulations. Including such guidelines in a Zoning Code is not a best practice. Typically, such optional guidelines are contained in a separate document that may be referenced by the Zoning Ordinance.

**Observation 5: Minimal Flexibility in Code Requirements**

There are very limited provisions in place to review and approve minor exceptions to code requirements or confirm conformance with previous approvals at the staff level. Formalizing procedures that allow for some flexibility in code requirements is a best practice that allows staff to respond to special circumstances and changing markets without requiring amendments to the code. Procedures that are typically included are:
- **Similar Use Determinations.** Allows for uses not listed on the allowed use table to be added and processed without requiring a text amendment. Fowler does not have a process for determining similar uses.

- **Minor Exceptions or Deviations.** Allows for minor exceptions (typically a deviation of 10% or less) to select development standards to reasonably accommodate projects without requiring a variance. Fowler’s Zoning Code addresses minor deviations in Article 27, Section 8. Under current procedures, minor deviations are discretionary acts carried out by the Community Development Director. Should an application for minor deviation be denied, the applicant may apply for Variance.

- **Substantial Conformance Determinations.** Allows for minimal changes in project designs to occur under a previously approved permit without requiring an applicant to start over with a new application. Fowler’s Code does allow the Community Development Director to authorize minor modifications to approved Site Plan Reviews, however it is recommended that a universal substantial conformance determination process be implemented to help streamline the approval process across all permit types.

- **Code Interpretations.** Allows for a designated review authority to make an official interpretation of the code without the need for an amendment to the code. Section 9-5.103 of Fowler’s Zoning Code outlines procedures for code interpretations, stating that Planning Commission makes findings and recommendations to City Council for action. Requiring code interpretations to be made by the City Council does not provide flexibility at the staff level for responding to changing markets nor does it offer a meaningful alternative to a Zoning Code amendment, which also requires City Council review and approval.

### Recommendations

1. Reorganize and consolidate common permit procedures and approval authority in one location.
2. Identify clear applicability standards for each type of permit.
3. Determine which permit types and procedures can be eliminated, amended, or confirmed to reflect current practice.
4. Review approval types to determine appropriate level of review and make approvals ministerial where appropriate.
6. Establish or revise existing procedures that add flexibility to the Code for determination at staff level.

### ZONES

The Fowler General Plan has 13 land use designations, each with a description of the types of uses and development intended for the designation (see
Appendix A). As the primary implementing tool, the Zoning Code needs to identify at least one implementing zone per General Plan land use designation. The General Plan land use designation description and density and intensity standards serve as the basis for the allowed uses and development standards in the implementing zone. Each zone establishes development standards and identifies the uses allowed within that zone. There are currently 21 different zones on the Fowler Zoning Map.

The following figure provides an illustration of the relationship of a General Plan land use designation to an implementing zone.

This section contains general observations about the existing zones, allowed uses, and development standards, as well as strategies for improving these aspects in the Code update.

Summary Observations
Observation 1: Zone Districts Should be Reviewed for Consistency with the General Plan.
The Fowler General Plan features a General Plan/Zoning Consistency Table as part of its land use element, which outlines each general plan land use designation, along with intended density and intensity standards, and its corresponding zone district. Ideally, land use designations found in the General Plan should have at least one equivalent implementing zone district. The following zoning districts referenced by the General Plan are not present in the existing Code:

- R-MP (Residential Mobile Home Park)
- MP (Business Park)

New zones will be established to implement General Plan land use designations not currently implemented. Each zone will have a stated purpose, allowed use listing, and development standards that are directly related to the description and density/intensity standards adopted for the General Plan land use designation.

There are also zone districts established within the Code that are not referenced by the General Plan. These zones will be reviewed and revised if necessary.

- P (Off Street Parking District)
- Form Based Code Area
In addition, each zone will be reviewed for compliance with the intent of the land use designation outlined in the General Plan. A review of how density is calculated will be completed to ensure each zone’s development standards are consistent with land use designations.

**Observation 2: Allowed Use Listings are Too Specific**
There are allowed use listings that appear to be unnecessarily specific (e.g., ice dispensers, poultry and rabbit butcher shops, luggage stores, scientific instrument stores, stamp and coin stores, etc.). Many of these uses have no functional or operational difference from broader terms, such as general retail, offices or manufacturing. Allowed use listings should be general enough to minimize specificity where possible. Uses that require special considerations or that have special permitting requirements or standards attached (e.g., through the specific use regulations) may be listed but should generally be limited.

The allowed use listings will be reviewed to add or delete uses, consolidate uses, and determine appropriate level of approval.

**Observation 3: Allowed Use Listings are Repetitive with Minor Distinctions**
In addition to being overly specific, the uses listed in the Code tend to be repetitive, with minor nuances that do not make them functionally different. This often leads to the same type of use falling within two different use listings, often with conflicting permit requirements. For example, “entertainment centers” and “gaming and entertainment centers” are functionally the same use; however, entertainment centers are permitted in the C-2 (Community Commercial) district while gaming and entertainment centers require a conditional use permit in the same zone. All uses should be reviewed to add, delete, or consolidate uses where possible to avoid redundancy and inconsistency.

**Observation 4: Certain Uses Have Conflicting Permit Requirements**
There are a handful of similar uses found to have different permitting requirements, even within the same zone district. This occurs even when there is no difference in the wording of allowed uses. For example, private lodges and clubs are listed as both a conditional and administrative use in the RM (Residential Multifamily) district.

Inconsistencies like this are prevalent, with conflicts occurring throughout several zone districts. Conflicting permitting requirements make it difficult or impossible for applicants to anticipate the time and cost associated with developing their project without seeking confirmation on the appropriate process directly from the City. Uses should be reviewed to determine appropriate approval type and inconsistencies should be eliminated.

**Recommendations**

1. Establish new zones as needed to implement the General Plan Consistency Matrix.
2. Review zone districts for consistency with General Plan policies.
3. Review and amend the allowed use listings for each zone.
4. Eliminate antiquated, unused, and unnecessarily detailed use listings.
5. Organize allowed uses into comprehensive tables for ease of reference, comparison, modification, and maintenance.
6. Review permitting requirements for each use and eliminate inconsistencies.
GENERAL DEVELOPMENT REGULATIONS

Clear, detailed site planning and development standards are an important component of every zoning code. General development regulations augment the site-specific development standards associated with individual zones (e.g., lot size, height, setbacks).

This section contains observations about existing regulations relative to general development standards, as well as strategies for improving these aspects in the Code update.

Summary Observations

Observation 1: Development Standards Can be Consolidated for Ease of Reference
The current Zoning Code contains development standards and operational standards in multiple locations throughout the Code. General development standards that apply to multiple zones should be consolidated, ensuring repetition of standards is minimized. Cross-references should provide the link between the allowed uses in each zone and the applicable general development standards.

Observation 2: Not all General Plan Policies are Well Implemented
Fowler’s General Plan contains many policies which impact the Zoning Code. Generally, these policies focus on density and intensity standards, community design, downtown preservation, economic development, and land use compatibility.

Many of these concepts are carried out in the Zoning Code:

- Density and intensity standards in the Code are generally consistent with the General Plan land use designations.
- Community design and downtown preservation are addressed through the HB (Highway Beautification) zone as well as the Form Based Code Area.
- The Form Based Code Area fosters downtown preservation by setting controls on building form in order to create an economically viable downtown.
- Land use compatibility is addressed through buffer and screening requirements around potentially harmful uses.

One policy area that is not fully implemented is economic development. The structure of the Zoning Code, including poor organization and inconsistent allowed uses and permitting requirements contribute to unpredictability in the development process, which can inhibit economic development.

Moving forward, General Plan policies will be addressed, and Code regulations will be reviewed and updated as needed to ensure the intent of the General Plan is being implemented.

Recommendations

1. Consolidate all general development standards into one location for ease of reference and to minimize redundancy.
2. Review existing standards for consistency with the intent of General Plan goals and policies.
SPECIFIC USE REGULATIONS

Zoning codes often provide additional site planning, development, and operational standards for a variety of specific land uses. Specific uses may warrant additional regulations for a variety of reasons, including compliance with State and federal laws, local preference on how specific uses are developed or operated, or in response to addressing issues in how specific uses are operated and maintained.

Specific use regulations are used as a strategy to increase predictability in the development review process and project implementation. Consistent development and operational standards applied to specific uses may also facilitate review of certain projects at a lesser level of review (e.g., Community Development Director review instead of Planning Commission review) or transition projects from a discretionary approval to a ministerial approval. This approach can reduce the administrative burden on the City staff and elected officials while still achieving the desired outcome and protections for specific uses and surrounding uses.

Summary Observations

Observation 1: Not All State Regulated Specific Uses are Covered in the Existing Code

As described above, specific use regulations are used to increase predictability in the development process. In addition to uses which may be of special importance locally, there are many uses which are also regulated at higher levels of government. The State of California regulates specific uses including accessory dwelling units, telecommunication facilities, and supportive housing. While design standards for these types of uses may be regulated at the state level, it is still beneficial for local ordinances to address them as well in order to clarify procedural process. Fowler’s Code regulates several specific uses which are regulated by the State of California, including:

- Attached housing
- Mobile Home Parks
- Accessory and Junior Accessory Dwelling Units
- The keeping of pigeons
- Telecommunication facilities
- Manufactured Homes

These uses will be reviewed for consistency with State regulations, including allowed design standards and approval type (ministerial versus discretionary).

In addition, there are several State regulated uses not addressed in the existing Code. A review of these uses will occur and will be integrated as specific uses into the Code update.

Observation 2: Specific Uses Should be Considered as a Method to Streamline Approvals

Fowler’s Zoning Code identifies several specific uses which are not regulated at the state level, including bed and breakfasts and mobile food vendors. These are examples which have been determined at the local level to require additional operational oversight or specialized design standards. In doing so, it is possible to implement additional oversight while simultaneously increasing the level of predictability for the
applicant and decreasing the level of review required for approval. This is beneficial because predictable standards and lower levels of approval are typically faster and less costly than the alternative. Moving forward, uses currently identified as conditional or administrative uses may will be reviewed to determine which may benefit from having specific use regulations established.

**Recommendations**

1. Review specific uses for consistency with State regulations, and integrate additional State regulated uses into the Code as necessary.
2. Determine which allowed uses may benefit from specific use standards.

**COMPLIANCE WITH STATE AND FEDERAL LAW**

In California, it is generally left to cities and counties to determine how to best regulate land uses and development in their jurisdiction. However, there are certain exceptions that require local regulations to be either consistent with or preempted by State or Federal law. Based on a preliminary review of the existing Code regulations, following are the items that will require updates of existing regulations or preparation of new regulations for consistency with applicable laws and will be addressed as part of the update process. Some of the items identified below are currently included Fowler’s Zoning Code; however, reviews will be conducted of all existing language to ensure it reflects the latest legislative requirements.

Additional items may be addressed during a more detailed review of existing regulations and preparation of the Draft Zoning Code

**Items to be Addressed**

**Definitions.** Definitions of various terms shall be updated for consistency with State and Federal law, including “accessory dwelling unit”, “efficiency unit”, “employee housing”, “family”, “mobile home unit”, “multifamily residential unit”, “single-family residential unit”, “single room occupancy unit”, “transitional and supportive housing”, and “target population”.

**Reasonable accommodation procedure.** Local jurisdictions are required to provide a process to make reasonable accommodations in rules, policies, practices, or services when such accommodations are necessary to afford an equal opportunity to use and enjoy a dwelling.

**Solar energy systems.** Local jurisdictions are required to have a permit procedure in place that expedites small residential rooftop solar energy systems. These are typically limited to ministerial approvals, unless a finding can be made based on substantial evidence that a specific, adverse impact on public health or safety would result. Approvals of solar energy systems for agricultural or commercial use are also required to be non-discretionary.

**Permit streamlining.** Local jurisdictions may not enact growth management policies or prohibit or render infeasible housing development projects without making very specific findings. Local jurisdictions may hold no more than five hearings for certain applications and appeals.

**Density bonus provisions.** Jurisdictions are required to allow density bonuses for affordable housing developments. Specific guidance on allowances are provided.

**Water efficient landscaping.** Local jurisdictions are required to adopt the state’s model water efficient landscape ordinance (WELO) or a local version in compliance with the WELO.
**Transitional and supportive housing.** Transitional and supportive housing shall be allowed in all zones that allow residential uses in the same manner as other residential uses are allowed in those zones.

**Residential care facilities.** Residential care facilities serving six or fewer clients shall be a by-right (ministerial) use allowed in all residential zones.

**Employee Housing Act.** Employee housing that serves six or fewer persons shall be treated as a single-family structure and shall be allowed in the same manner as other single-family structures in the same zones and in the same manner of approval. Employee housing that consists of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use and shall be treated in the same manner as other agricultural activities in the same zone.

** Manufactured homes and mobile homes.** Local jurisdictions shall allow the installation of certified manufactured homes on a foundation system on lots zoned for conventional single-family structures.

**Accessory dwelling units (ADUs).** Accessory dwelling units are required to be ministerial and recent legislation has further refined the allowances for local jurisdictions to regulate such units, including restrictions on required parking if the ADU meets certain criteria, standards for lot coverage, and lot size. The time to process an application has been reduced from 120 to 60 days. Additionally, SB 68 now requires that one ADU and one Junior ADU be allowed per lot with a single-family dwelling, if certain requirements are met.

**Adult-oriented business.** Local jurisdictions may regulate adult-oriented businesses, including adopting specific standards that regulate the time, place, and manner of operation of sexually oriented businesses. Specific guidance on what the ordinance may limit is provided.

**Large family day care homes.** Large family day care homes shall be allowed in any zone where residential uses are allowed. A permit may be required by the local jurisdiction but must be reasonable and are limited in the scope of issues that can be regulated.

**Single room occupancy (SRO) units.** Local jurisdictions shall allow for the development of single room occupancy units.
APPENDIX A

GENERAL PLAN LAND USE DESIGNATION DESCRIPTIONS

<table>
<thead>
<tr>
<th>General Plan Land Use Designation/Description</th>
<th>Density /Intensity</th>
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</thead>
<tbody>
<tr>
<td><strong>Low Density Residential</strong></td>
<td>0.0-3.5 du/ac</td>
</tr>
<tr>
<td>Low density residential is characterized by larger lots for single family residential development. Minimum lot size would be 10,000 square feet with lot sizes ranging from 10,000 to 12,000 square feet and larger. It is not envisioned that lots greater than one acre in size would be appropriate within the City limits.</td>
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<tr>
<td><strong>Medium Low Density Residential</strong></td>
<td>3.7-5.5 du/ac</td>
</tr>
<tr>
<td>Medium low density residential is characterized primarily by single family homes with a minimum lot size of 7,000 square feet ranging to 10,000 square feet.</td>
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</tr>
<tr>
<td><strong>Medium Density Residential</strong></td>
<td>5.6-13.5 du/ac</td>
</tr>
<tr>
<td>Lots as small as 5,000 square feet would be permitted. Mobile home parks and apartments within this density range will meet the needs of many households without the financial means or the desire to be homeowners. The most compatible zone districts are R-1-5, R-1-6, R-1-7, R-2-A, and R-MP.</td>
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<tr>
<td><strong>High Density Residential</strong></td>
<td>13.6-21.8 du/ac</td>
</tr>
<tr>
<td>13.6 - 21.8 units per gross acre. The high-density land use category provides for the highest residential densities permitted in the City. It is intended that this category utilize innovative site planning, provide on-site recreation, and be located near major community facilities, business centers and streets of at least collector capacity. Greater density for senior’s housing only may be achieved subject to a Conditional Use Permit. The most compatible zone districts are R-2, R-3-A, and R-3.</td>
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<tr>
<td><strong>Neighborhood Commercial</strong></td>
<td>40%</td>
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<tr>
<td>Neighborhood commercial provides for a 10-acre or smaller cluster of commercial uses serving convenience and commercial needs, but also offering general merchandise, variety, and specialty items. The neighborhood commercial center is intended to serve the smaller market area surrounding the site.</td>
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<tr>
<td><strong>Community Commercial</strong></td>
<td>40%</td>
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<tr>
<td>The community commercial designation provides an activity center oriented towards the downtown as permitted in the C-2 district. The designation is also appropriate outside the downtown in primary commercial districts where a range of retail, financial, governmental, and entertainment activities occur. Community Commercial land use areas outside the downtown should be developed as unified commercial centers, except where the existing development pattern or parcelization makes it impractical. Mixed use residential uses are also encouraged in Community Commercial locations by Conditional Use Permit where appropriate.</td>
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<tr>
<td><strong>General Commercial</strong></td>
<td>40%</td>
</tr>
<tr>
<td>This designation provides for commercial areas with a wide range of retail and service activities along major traffic corridors as permitted in the C-3 district. Highway commercial uses as permitted in the C-H district are permitted at the interchange of major streets with</td>
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<tr>
<td>General Plan Land Use Designation/Description</td>
<td>Density /Intensity</td>
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<tr>
<td>Highway 99 and Golden State Boulevard and are intended to provide for visitor-serving uses, including restaurants, lodging, and gasoline.</td>
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<tr>
<td><strong>Office Commercial</strong></td>
<td>50%</td>
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<tr>
<td>This designation provides for office development as permitted in the C-1 and C-2 zone districts. Commercial uses contemplated as part of this category include business support services and support restaurant and medical services.</td>
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<tr>
<td><strong>Light Industrial</strong></td>
<td>60%</td>
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<tr>
<td>This category establishes light industrial areas where uses such as fabricating, assembly, research and development, electronics, low intensity warehousing and other such similar industrial uses are appropriate. All work, materials, and equipment storage are generally conducted indoors. Special landscaping, enclosures and other site development standards are appropriate. Industrial park development is intended on larger parcels to create distinct districts of industrial, office, and support uses. The M-1 and M-P districts are most consistent with this designation.</td>
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<tr>
<td><strong>Heavy Industrial</strong></td>
<td>60%</td>
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<td>The heavy industrial category allows those uses which require exposed or unenclosed processing and storage of uncovered materials or equipment. The designation provides for manufacturing, fabrication, processing, assembling, wholesale and storage uses, trucking terminals, and quasi-public and utility services structures and facilities. The M-2 designation in most consistent with this designation.</td>
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<tr>
<td><strong>Agriculture</strong></td>
<td>Not Stated</td>
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<tr>
<td>This designation provides sites for permanent agriculture, as well as areas reserved for long term urbanization.</td>
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<tr>
<td><strong>Public Facility</strong></td>
<td>Not Stated</td>
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<tr>
<td>This designation indicates areas owned and maintained by public or institutional agencies such as facilities owned by the city, schools, hospitals, and other facilities.</td>
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<tr>
<td><strong>Parks &amp; Open Space</strong></td>
<td>Not Stated</td>
</tr>
<tr>
<td>This designation determines areas of permanent open spaces, parks and/or areas precluded from major development.</td>
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</table>
CONSIDERATIONS FOR OUTLINE ORGANIZATION AND CONTENT

The following considerations informed the organization and general content of this outline. These considerations were derived from some of the recommendations included in the Audit Report.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Consideration</th>
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<tbody>
<tr>
<td>Code Usability and Accessibility</td>
<td>- Use tables and graphics to minimize redundancies and illustrate application and standards and defined terms.</td>
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<td>- Organize chapters in groups by topic.</td>
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<td>- Use cross references to minimize redundancies.</td>
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<td>- Incorporate new regulations as needed for compliance with applicable State and Federal laws.</td>
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<tr>
<td>Permit Processing and Administration</td>
<td>- Establish common application processing procedures.</td>
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<td>- Consolidate and organize permit procedures.</td>
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<tr>
<td>Zones</td>
<td>- Consolidate zones where feasible.</td>
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<td>- Organize similar zones into related groups (e.g., residential, commercial, industrial).</td>
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<tr>
<td></td>
<td>- Organize allowed uses and development standards into comprehensive tables for ease of reference, comparison, modification, and maintenance.</td>
</tr>
<tr>
<td>General Development Regulations</td>
<td>- Consolidate all general development standards into one location for ease of reference and to minimize redundancies.</td>
</tr>
<tr>
<td></td>
<td>- Identify additional general development standards that should be addressed in the Code update to reflect the needs of Fowler.</td>
</tr>
<tr>
<td>Specific Use Regulations</td>
<td>- Consolidate all special use regulations into one location for ease of reference and to minimize redundancies.</td>
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<tr>
<td></td>
<td>- Identify additional specific uses that should be addressed in the Code update to reflect the needs of Fowler.</td>
</tr>
<tr>
<td>Compliance with State and Federal Law</td>
<td>- Provide Definitions.</td>
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<td>- Ensure that the code meets the requirements of state and federal legislation.</td>
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# Fowler Development Code Update

## Title 9 – Chapter Outline

**Updated 2-4-2021**

## TITLE 9: PLANNING AND ZONING

### Article 1: General Provisions (4 Chapters)

#### Chapter 9.05: Purpose and Applicability
This chapter will explain the purpose of the Zoning Code, authority relative to the Government Code, and applicability of regulations (e.g., new use/structure, change in use, existing development).

#### Chapter 9.10: Administrative Responsibility
This chapter will identify the City’s designated planning agencies (e.g., City Council, Planning Commission, City Manager, and Community Development Director) and establishes responsibility for administering the code. Committee responsibilities will be handled separately.

#### Chapter 9.15: Rules and Interpretation
This chapter explains what the general rules of interpretation are (e.g., rounding of numbers, shall vs. should). This chapter also includes Code Interpretation process.

#### Chapter 9.20: Enforcement
This chapter will include all rules, responsibilities, and procedures relative to the enforcement of provisions in the Zoning Code.

### Article 2: Administration, Permits, and Procedures (16 Chapters)

Procedures are listed in alphabetical order. These chapters will describe purpose, applicability, project review and action, required findings, expiration, appeals, amendments to applications, and other relevant sections. Sections will reference the procedures in Chapter 9.30 when common application processing procedures apply.

#### Chapter 9.25: Land Use and Development Approval Requirements
This chapter will include general requirements for development and new land uses, identify allowable land uses and requirements for permits and entitlements, and list exemptions from requirements for permits and entitlements.

#### Chapter 9.30: Common Application Processing Procedures
This chapter will explain each component of the permit and entitlement process in general terms. At a minimum, components would include: Application Filing and Fees, Determination of Completeness, Application Review and Report, Public Hearing and Public Notice, Approving Authority, Appeals, Effective Date, New Application, Approvals to Run with Land, Time Limits and Extensions, Modification and Revocation.

#### Chapter 9.35: Conditional Use Permit - Major and Minor (New)
Minor CUPs will replace Administrative Use Permits moving forward.

#### Chapter 9.40: Development Agreement (New)

#### Chapter 9.45: General Plan Amendment (New)

#### Chapter 9.50: Home Occupation Permit
Will include standards for home occupations.

#### Chapter 9.55: Minor Deviation
Allows for minor exceptions (typically a deviation of 10% or less) to select development standards to reasonably accommodate projects without requiring a variance.

#### Chapter 9.60: Planned Unit Development
This chapter shall cover permitted uses, standards, and regulations for PUD’s, as well as the permit process involved when processing a PUD.

#### Chapter 9.65: Sign Permit

#### Chapter 9.70: Similar Use Determination (New)
Allows for uses not listed on the allowed use table to be added and processed without requiring a text amendment.
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Chapter 9.75 Site Plan Review - Major & Minor (New)
Chapter 9.80: Specific Plan (New)
Chapter 9.85: Temporary Use Permit
Chapter 9.90: Variance
Chapter 9.95: Zone Clearance (New)
This chapter will establish a ministerial, streamlined review process for permitted uses.
Chapter 9.100: Zoning Code/Map Amendment
Will include pre-zone/annexation, and rezoning/text amendments.

Article 3: Zones (6 Chapters)
Base zone chapters will describe purpose, description and intent, allowed uses and permit requirements, and development standards. Each chapter will include:

- A single allowed use matrix with all of the land use classifications in the left column and all of the City’s base zone districts across the top row. The table will be populated with permit types for each allowed use (e.g., plot plan, conditional use permit, not permitted). References to the applicable specific use regulations chapters will be included, as applicable, in the table.
- A single development standard matrix with all of zone development standards (e.g., setbacks, height, lot size) in the left column and all of the City’s base zone districts across the top row. The table will be populated with the applicable measurement of development standard. References to the applicable general development standards chapters will be included, as applicable, in the table.

Individual zones within each use zone category will be determined based on the consistency analysis.

Chapter 9.105: Establishment of Zones
This chapter will establish the City’s Zoning Districts (consistent with the General Plan) and references the Zoning Map for designation and distribution of the City’s Zoning Districts. Zoning Districts are listed and described in terms of base districts, overlay zoning districts, and any other special districts. This chapter may also include a General Plan and Zoning Consistency Table. This chapter will also include the process of adopting a zoning map and the use of a land use classification system.

Chapter 9.110: Residential Zones
Chapter 9.115: Commercial Zones
Includes form based codes.

Chapter 9.120: Industrial Zones

Chapter 9.125: Ag, Public Facilities, Parks, and Open Space

Chapter 9.130: Overlay Zones
This chapter will reiterate the purpose of establishing overlay zones and will list all of the City’s overlay zones (e.g., Highway Beautification Overlay Zone) along with any special/unique allowed use and/or development standards applicable to each overlay district.

Article 4: Site Development Regulations and Performance Standards (12 Chapters)
The following general development standard chapters will describe purpose, applicability, permit requirements and exemptions, development standards. Development standards will generally be organized by standards applicable to all zones and standards applicable by zone category (e.g., Residential, Commercial, Industrial, Agriculture, Public Facilities, Parks and Open Space, Overlay).

Chapter 9.135: General Development Standards
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This chapter will describe general development standards in terms of building site requirements, height measurements and exceptions, and setback requirements and exceptions.

Chapter 9.140: Accessory Structures and Uses
- Include sale of produce on agricultural properties.
- Incidental uses (office and retail)

Chapter 9.145: Dedications and Improvements

Chapter 9.150: Densit Bonuses, Incentives, and Concessions

Chapter 9.155: Fences, Walls, and Screening

Chapter 9.160: Landscaping Standards

Chapter 9.165: Outdoor Lighting Standards

Chapter 9.170: Parking and Loading Standards

Chapter 9.175: Performance Standards

Chapter 9.180: Signs Regulations

Chapter 9.185: Waste Facilities

Chapter 9.190: Utilities

Article 5: Specific Use Regulations (13 Chapters)
The following specific use regulation chapters will describe purpose, applicability, permit requirements and exemptions, development standards, and operational requirements. Additional findings for approval may also be identified along with other relevant sections as appropriate.

Chapter 9.195: Abandoned Service Stations

Chapter 9.200: Accessory Dwelling Units

Chapter 9.205: Adult Business Use

Chapter 9.210: Alcohol Beverage Sales and Consumption

Chapter 9.215: Auto-related Uses
Includes auto repair shops and mobile food vending.

Chapter 9.220: Drive-in and Drive-Through Uses

Chapter 9.225: Farmer’s Market

Chapter 9.230: Cannabis Cultivation/Manufacturing and Sale

Chapter 9.235: Mobile Homes and Mobile Home Parks

Chapter 9.240: Outdoor Sales, Display and Seating

Chapter 9.245: Outdoor Storage

Chapter 9.250: Recycling Facilities

Chapter 9.255: Telecommunication Facilities

Article 6: Nonconforming Uses (1 Chapter)

Chapter 9.260: Non-conforming Uses and Structures
This chapter will establish City policy for treatment of legal non-conforming uses and structures, including limited expansion and the process to request special consideration.

Article 7: Definitions (1 Chapter)

Chapter 9.265: Universal Definitions
This chapter will include all specialized terms used throughout the Code (not otherwise defined in one of the previous chapters).

Total (53 Chapters)
CONSIDERATIONS FOR OUTLINE ORGANIZATION AND CONTENT

The following considerations are recommended in order to create a new Title for Subdivisions that would optimize efficiency, ease of use, and reduce redundancy across the overall Fowler Municipal Code. These considerations were derived from some of the recommendations included in the Audit Report.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>- Use tables and graphics to minimize redundancies and illustrate application and standards and defined terms.</td>
</tr>
<tr>
<td></td>
<td>- Organize chapters in groups by topic.</td>
</tr>
<tr>
<td></td>
<td>- Use cross references to minimize redundancies.</td>
</tr>
<tr>
<td></td>
<td>- Incorporate new regulations as needed for compliance with applicable State and Federal laws.</td>
</tr>
</tbody>
</table>

TITLE 11: SUBDIVISIONS

Procedure chapters (Article 2 and Article 3) will generally describe purpose, applicability, submittal requirements, review and action, findings, appeals, revisions, substantial conformance, and amendments, expiration and extensions, and other application-specific requirements. Sections will reference the procedures in Title 9 (Planning and Zoning) as appropriate to minimize redundancies in procedures.

**Article 1: General Provisions (4 Chapters)**

**Chapter 11.05: Purpose and Applicability**
This chapter will explain the purpose of the Subdivision Code, authority relative to the Government Code as well as conformance to the General Plan, and applicability of regulations, including exceptions.

**Chapter 11.10: Administrative Responsibility**
This chapter will identify the responsible authorities for implementing the regulations, procedures, and general application processing.

**Chapter 11.15: Rules of Interpretation**
This chapter explains what the general rules of interpretation are.

**Chapter 11.20: Enforcement**
This chapter will include all rules, responsibilities, and procedures relative to the enforcement of provisions in the Subdivision Code.

**Article 2: Maps Required (4 Chapters)**

**Chapter 11.25: Tentative Maps**

**Chapter 11.30: Vesting Maps**

**Chapter 11.35: Common Interest Subdivisions**
Includes condominiums.

**Chapter 11.40: Final Maps and Parcel Maps**

**Article 3: Certificates, Adjustments, and Mergers (4 Chapters)**

**Chapter 11.45: Certificates of Compliance**
<table>
<thead>
<tr>
<th>Chapter 11.50: Lot Line Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 11.55: Lot Merger</td>
</tr>
<tr>
<td>Chapter 11.60: Reversion to Acreage</td>
</tr>
</tbody>
</table>

Article 4: Subdivision Design, Dedication, and Improvement Standards (4 Chapters)

Chapter 11.65: Design Standards
This chapter will cover applicability and exclusions, general design requirements, street design, grades, alignments, intersections, alleys, lot and block design, required access, energy conservation, and other relevant design requirements.

Chapter 11.70: Dedications and Fees
This chapter will cover applicability, easements, waiver of access, title insurance requirements for dedications, park and recreation fees and dedications (as applicable to subdivisions), and payment of other fees and credits as they relate to subdivisions.

Chapter 11.75: Parkland Dedication and Fees

Chapter 11.80: Improvements
This chapter will cover applicability, required improvements (including off-site improvements), design and access, commencement of improvements, improvement plans, agreement, security required, acceptance, deferral and phasing of improvements, and substantial conformance. Release of securities will also be covered.

Article 5: Definitions (1 Chapter)

Chapter 11.85: Definitions
This chapter will include definitions/descriptions of all applicable terms in Title 11.

Total (17 Chapters)