

**CITY OF TAFT PLANNING COMMISSION
REGULAR MEETING AGENDA
WEDNESDAY, NOVEMBER 16, 2016
CITY HALL COUNCIL CHAMBERS
209 E. KERN ST., TAFT, CA 93268**

AS A COURTESY TO ALL - PLEASE TURN OFF CELL PHONES

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda are made available for public inspection in the lobby at Taft City Hall, 209 E. Kern Street, Taft, CA during normal business hours (SB 343).

REGULAR MEETING

6:00 P.M.

Pledge of Allegiance
Invocation

Roll Call: Chairman Orrin
 Vice Chair Jones
 Commissioner Leikam
 Commissioner Livingston
 Commissioner Thompson

1. CITIZEN REQUESTS/PUBLIC COMMENTS

THIS IS THE TIME AND PLACE FOR THE GENERAL PUBLIC TO ADDRESS THE COMMISSION ON MATTERS WITHIN ITS JURISDICTION. STATE LAW PROHIBITS THE COMMISSION FROM ADDRESSING ANY ISSUE NOT PREVIOUSLY INCLUDED ON THE AGENDA. COMMISSION MAY RECEIVE COMMENT AND SET THE MATTER FOR A SUBSEQUENT MEETING. PLEASE LIMIT COMMENTS TO FIVE MINUTES.

2. MINUTES

October 19, 2016 Regular

Recommendation – Approve as submitted.

3. ZONING ORDINANCE AMENDMENT – HOME OCCUPATION PERMITS

Recommendation – This is an information item only, the Planning Commission will act on final draft at a future public hearing.

4. ZONING ORDINANCE AMENDMENT – DRIVE-THROUGH BUSINESSES

Recommendation – This is an information item only, the Planning Commission will act on final draft at a future public hearing.

5. DISCUSSION ON CONSIDERATION OF CANCELLING THE PLANNING COMMISSION REGULAR MEETING DATE FOR DECEMBER AND SCHEDULING A SPECIAL MEETING

6. PLANNING DIRECTOR REPORT

7. CITY ATTORNEY STATEMENTS

8. COMMISSIONER COMMENTS

9. IDENTIFICATION OF REPRESENTATIVE TO THE CITY COUNCIL

ADJOURNMENT

AMERICANS WITH DISABILITIES ACT

(Government Code Section 54943.2)

The City of Taft City Council Chamber is accessible to persons with disabilities. Disabled individuals who need special assistance (including transportation) to attend or participate in a meeting of the Taft City Planning Commission may request assistance at the Office of the City Clerk, City of Taft, 209 E. Kern Street, Taft, California or by calling (661) 763-1222. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting material available in alternative formats. Requests for assistance should be made five (5) working days in advance of a meeting whenever possible.

AFFIDAVIT OF POSTING

I, Brenda Johns, declare as follows:

That I am the Recording Secretary for the City of Taft; that an agenda was posted on a public information bulletin board located near the door of the Civic Center Council Chamber on November 10, 2016, pursuant to 1987 Brown Act Requirements.

I declare under penalty of perjury that the foregoing is true and correct.

Executed November 10, 2016, at Taft, California.

Date/Time _____ Signature _____

**CITY OF TAFT PLANNING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, OCTOBER 19, 2016**

REGULAR MEETING

6:00 P.M.

The October 19, 2016 regular meeting of the Planning Commission of the City of Taft, held in the City of Taft Council Chamber at 209 E. Kern Street, Taft CA 93268, was opened by Chairman Orrin at [6:05:40 PM](#). The Pledge of Allegiance was led by Commissioner Jerry Livingston. An invocation was given by Bob Jordan of the Lighthouse Foursquare Church.

PRESENT: Chairman Ron Orrin, Vice Chair Shannon Jones
Commissioners Jerry Livingston and Robert Thompson
Planning and Community Development Director Mark Staples
City Attorney Jason Epperson and Recording Secretary Brenda Johns

ABSENT: Leikam

1. CITIZEN REQUESTS/PUBLIC COMMENTS

Bob Jordan, representative for the West Side Christian Ministers Association (WSCMA) and for the Kern County Elections Department:

- Informed everyone the WSCMA will hold a Christmas Community Service on December 18th, 4pm at Taft Union High School.
- Reminded everyone October 20th would be the last day to submit a vote by mail ballot, and encouraged all to vote.

2. MINUTES

September 21, 2016 Regular

Motion: Moved by Thompson seconded by Jones to approve the Minutes as submitted.

AYES: Jones, Livingston, Thompson, Orrin

PASSED: 4-0

ABSENT: Leikam

3. PUBLIC HEARING – ZONING ORDINANCE AMENDMENT NO. 2016-21

Planning Director Staples presented his staff report and recommendation to amend Zoning Ordinance No. 2016-21 an Amendment of Section 6-12-24 of Title 6 of the Taft Municipal Code.

Livingston clarified the proposed amendment required installation of one Electrical Vehicle Charge stations (EVC) for every four new fuel pumps installed.

Staples stated correct.

Orrin asked how many EVC stations City Hall currently had and if there was a fee to use the station.

Staples noted City Hall had one charging station and currently there was no fee.

Jones asked if an existing service station replaced fuel pumps or expanded, would they be required to provide EVC stations.

Staples stated yes, they would be required to provide one EVC station for every four new pumps replaced or installed.

The Public Hearing was opened at [6:07:58 PM](#) to receive testimony from proponents and opponents. Seeing none the public hearing was closed.

Motion: Moved by Thompson seconded by Jones to adopt **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TAFT RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONING ORDINANCE AMENDMENT NO. 2016-21, AN AMENDMENT OF SECTION 6-12-24 OF TITLE 6 OF THE TAFT MUNICIPAL CODE, ESTABLISHING REGULATIONS FOR THE INSTALLATION OF EV CHARGING STATIONS AT NEW SERVICE STATIONS.***(Resolution No. 2016-14)*

AYES:	Jones, Thompson,
NOES	Livingston, Orrin
FAILS:	2-2
ABSENT	Leikam

4. PLANNING DIRECTOR REPORT

Director Staples announced:

- The bid package for the Taft Transit Center will be announced in papers on Friday. The bids will be due the Tuesday before Thanksgiving at 2p.m.
- The Taft Transit Center Groundbreaking will be held November 9, 2016 at 10:30 A.M.
- Staples gave information regarding Proposition 53 and Proposition 54.

5. CITY ATTORNEY STATEMENTS

No Statement.

6. COMMISSIONER COMMENTS

Jones announced:

- Next Monday the Chamber along with Kern Green will hold an energy presentation at the Taft Best Western.
- The annual Trout Derby November 19th.
- The Christmas parade theme will be Christmas in Candyland.

- Rails to Trails Ribbon Cutting will be October 26th.
- Yogolicious's grand opening will be October 29th.
- Taft Transit Center Groundbreaking will be November 9th @10:30 a.m.

7. IDENTIFICATION OF REPRESENTATIVE TO THE CITY COUNCIL

Commissioner Livingston volunteered to be the representative to the City Council on November 1, 2016 meeting.

ADJOURNMENT

With no further business to conduct it was moved by Livingston seconded by Thompson and approved unanimously, to adjourn the meeting at [6:41:00 PM](#)

Brenda Johns, Recording Secretary

Ron Orrin, Chairman



City of Taft Planning Commission Staff Report

Agenda Item #3

DATE: November 16, 2016

TO: Chairman Orrin and Members of the Planning Commission

FROM: Mark Staples, Director
Planning and Development Services

SUBJECT: Zoning Ordinance Amendment – Home Occupation Permits

RECOMMENDATION: This is an information item only; the Planning Commission will act on a final draft at a future public hearing.

LOCATION: Citywide

PROJECT ANALYSIS:

As part of the ongoing process of amending the Zoning Ordinance, City staff will find inconsistencies that need to be addressed. Home Occupation Permits are an additional business license application review for individuals that wish to operate a business out of their residence. Home occupations are intended to provide an at home option of operating a business without altering the residential character of the home. Allowable home occupation uses are typically limited to office type uses, with some commercial uses allowed such as online sales of goods.

Attached is a draft resolution, along with copies of the current Home Occupations standards adopted in 2008 and the standards that were effective prior to the 2008 amendment to the entire Zoning Ordinance. The pre-2008 standards have been attached to the Home Occupation Permit application and referenced well beyond the 2008 amendment. This inconsistency was recently discovered, but both versions have similar standards. However, the current standards lack a description of the application process and lack a list of prohibited home occupation uses. The Draft Resolution attempts to blend the two standards into one consistent ordinance.

At this time, the Draft Ordinance is only open for discussion, comments, and suggested edit, but is not to be acted upon by the Planning Commission. A final draft will be presented at a future public hearing.

CEQA:

The project is exempt from the requirements of the California Environmental Quality Act (CEQA) as set forth in Section 15061(b)(3) of the CEQA Guidelines as the proposed amendment will have no significant effect on the environment.

ATTACHMENTS:

1. Draft Resolution
2. Section 6-12-18: Home Occupations (2008 Zoning Ordinance)
3. Home Occupation Permit Application, with Section 6-5-12(B) HOME OCCUPATIONS (Pre-2008 Zoning Ordinance)

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TAFT RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONING ORDINANCE AMENDMENT NO. 2016-19, AN AMENDMENT OF SECTION 6-12-18 OF TITLE 6 OF THE TAFT MUNICIPAL CODE REGARDING HOME OCCUPATIONS

WHEREAS, California Government Code Section 65800 provide for the adoption and administration of zoning laws, ordinances, rules and regulations by counties and cities; and

WHEREAS, the City of Taft is responsible for continually reviewing and updating the adopted Zoning Ordinance to address changing conditions within the City; and

WHEREAS, the City of Taft welcomes and encourages a variety of commercial businesses and services, including individuals that are entrepreneurs and independent contractors that do not require commercial tenant space, but prefer to work out of their home; and

WHEREAS, Home Occupation businesses shall not alter the exterior or interior appearance of the home, and shall not result in a nuisance with excessive noise, lighting, and excessive traffic to and from the residence; and

WHEREAS, the Planning Commission reviewed and commented on a draft ordinance amending Section 6-12-18 of Title VI of the Taft Municipal Code at its regular meeting on **November 16, 2016**; and

WHEREAS, the Planning Commission studied and considered the written findings for approval of Zoning Ordinance Amendment No. **2016-19**, City Staff's written and oral reports, and all public testimony before making a decision on this request; and

WHEREAS, the laws and regulations relating to the preparation and adoption of environmental documents, as set forth in the State Guidelines Implementing the California Environmental Quality Act have been adhered to; and

WHEREAS, the Planning Commission has fully considered this request and the potential environmental effects.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE, RESOLVE, AND RECOMMEND AS FOLLOWS:

1. The proposed amendment is consistent with the goals, objectives, policies, and programs of the General Plan and is necessary and desirable to implement the provision of the General Plan; and
2. The proposed amendment will not adversely affect the public health, safety, and welfare or result in an illogical land use pattern; and
3. The proposed amendment is consistent with the purpose and intent of the remainder of this Zoning Ordinance not under consideration; and

4. The potential environmental impacts of the proposed amendment are insignificant, have been mitigated, or there are overriding considerations that outweigh the potential impacts; and
5. The proposed amendment is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines because the Code Amendment will have no significant effect on the environment.

SECTION 1. The following amendment of Section 6-12-18, of Title VI, shall be recommended to the City Council of the City of Taft as follows:

6-12-18: HOME OCCUPATIONS:

- (A) Permitted: Home occupations are intended to provide for commercial uses associated with a residence in those cases where that use will clearly not alter the character or the appearance of the residential environment. "Home occupations", as defined in section 6-1-19 of this title, shall be permitted in any residential district, subject to the process required within the district and the following regulations of this section.
- (B) Conditions: Prior to approving a request for a home occupation, the applicant shall complete and submit a home occupation application to the planning department. The planning director shall find that the proposed use meets the following conditions prior to approval of any such home occupation permit:
 1. Employees: All employees shall be members of the resident family and shall reside on the premises.
 2. Sales Prohibited: There will be no direct sales of products or merchandise.
 3. Traffic: Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.
 4. Commercial Vehicles: The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.
 5. Percentage Of Use: Up to twenty five percent (25%) of the living space or two hundred fifty (250) square feet, whichever is greater, of the home may be used for storage of materials and supplies related to the home occupation.
 6. Outdoor Storage: There shall be no outdoor storage of materials or equipment, nor shall merchandise be visible from outside the home.
 7. Conducted Within Main Building: The home occupation shall be confined within the main building. A garage shall be considered as part of the main building.

8. Appearance: The appearance of the structure shall not be altered, nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, signs or the emissions of sounds, noises, vibrations, dust, electrical interference, fire hazard, glare or nuisance to any greater extent than normally found in a residential area.
9. Utilities, Common Facilities: The use of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.

(C) Noncompliance; Void: The reviewing authority, pursuant to section 6-2-20, "Revocation Of Permits", of this title, may void any permit for a home occupation for noncompliance with conditions set forth in the approving permit. Notice shall be given to the permittee prior to any such action taking place. (Ord. 76808, 8192008)

SECTION 4. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections of this Resolution. The Planning Commission hereby declares that it would have passed this Resolution, and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

~~**BE IT FURTHER RESOLVED** that a copy of this Resolution be delivered forthwith by the City Clerk to the City Council of the City of Taft.~~

~~**PASSED AND ADOPTED** on this 16th day of November, 2016.~~

ATTEST

Brenda Johns, Recording Secretary

Ron Orrin, Chairman

CERTIFICATION

~~I, Brenda Johns, hereby certify that the foregoing resolution was passed and adopted by the Planning Commission of the City of Taft at a specially scheduled meeting held on the 16th day of November, 2016, by the following vote~~

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Brenda Johns, Recording Secretary

6-12-18: HOME OCCUPATIONS:

- (A) Permitted: Home occupations are intended to provide for commercial uses associated with a residence in those cases where that use will clearly not alter the character or the appearance of the residential environment. "Home occupations", as defined in section [6-1-19](#) of this title, shall be permitted in any residential district, subject to the process required within the district and the following regulations of this section.
- (B) Conditions: Prior to approving a request for a home occupation, the applicant shall complete and submit a home occupation application to the planning department. The planning director shall find that the proposed use meets the following conditions prior to approval of any such home occupation permit:
1. Employees: All employees shall be members of the resident family and shall reside on the premises.
 2. Sales Prohibited: There will be no direct sales of products or merchandise.
 3. Traffic: Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.
 4. Commercial Vehicles: The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.
 5. Percentage Of Use: Up to twenty five percent (25%) of the living space or two hundred fifty (250) square feet, whichever is greater, of the home may be used for storage of materials and supplies related to the home occupation.
 6. Outdoor Storage: There shall be no outdoor storage of materials or equipment, nor shall merchandise be visible from outside the home.
 7. Conducted Within Main Building: The home occupation shall be confined within the main building. A garage shall be considered as part of the main building.
 8. Appearance: The appearance of the structure shall not be altered, nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, signs or the emissions of sounds, noises, vibrations, dust, electrical interference, fire hazard, glare or nuisance to any greater extent than normally found in a residential area.
 9. Utilities, Common Facilities: The use of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.
- (C) Noncompliance; Void: The reviewing authority, pursuant to section [6-2-20](#), "Revocation Of Permits", of this title, may void any permit for a home occupation for noncompliance with conditions set forth in the approving permit. Notice shall be given to the permittee prior to any such action taking place. (Ord. 768-08, 8-19-2008)



Planning Department
209 E. Kern Street
Taft, California 93268
(661) 763-1222 Ext. 15

OFFICE USE ONLY

Application No: _____ Date Received: _____ Fee Paid \$: 60.00
Receipt No: _____ Received by: _____

APPLICATION FOR HOME OCCUPATION PERMIT

Applicant: _____ Phone No: _____
Mailing Address: _____ Cell No: _____
Property Owner: _____ Phone No: _____
Mailing Address: _____ Cell No: _____

Home Occupation Site Information

Home Occupation Address: _____
Assessor's Parcel Number(s): _____
General Plan Land Use Designation: _____
Zoning District: _____
Name of Proposed Home Occupation (Business Name): _____
Describe Business in Detail: _____

Please provide the following information:

Days per week of home occupation: _____
Hours per day of home occupation: _____
Name and number of employees (including self): _____

Number of deliveries of goods or materials to home (week/month): _____

Number of customer visits to home per week: _____

Machinery, equipment, and tools used: _____

Location and types of materials stored and used: _____

Vehicle and trailers used (number, type and size): _____

Processing: Upon submittal of a complete application and payment of fee, staff will process this application in accordance with City Codes. Upon approval, applicant will be required to sign the acceptance portion of this application and obtain a City Business License (if applicable).

6-5-12(B) HOME OCCUPATIONS

1. Purpose:

The regulations set out in this subsection (B) are designed to establish criteria under which residents can operate a home occupation. In order to establish a home occupation, the applicant shall submit a home occupation permit application for approval by the Planning and Building Director. The Director will determine if that operation of a home occupation is consistent with the requirements of the Taft Zoning Ordinance and is in accordance with the procedures herein set forth.

2. Application Contents:

An application for a home occupation permit shall include the following:

- Name and address of the applicant.
-
- Name(s) and address(es) of the property owner(s).
-
- Assessor's parcel number(s)
-
- Description of the home occupation including:

- (1) Trade name of business title;
- (2) Resale number, if any;
- (3) Detailed description of the proposed occupation; and
- (4) Tools, machinery or equipment required or used in the practice of the home occupation commercial vehicles normally associated with residential uses.

3. General Standards:

All home occupations shall adhere to the following standards:

- The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.

- The home occupation shall be confined to an enclosed structure.
- Use of utilities and community facilities shall be limited to that normally associated with residential purposes.
- The home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance.
- No sign, other than real estate tract offices, golf courses, or country clubs, shall be permitted as set forth in subsection 6-5-2(F) of the Taft Zoning Ordinance.
- If the home occupation is to be operated by a tenant of the property, notarized written permission from the property owner for the use of the property for the home occupation shall be submitted.
- Storage or use of chemicals, solvents, mixtures, or materials that are corrosive, toxic, flammable, an irritant, a strong sensitized of other similar materials shall not be allowed as part of a home occupational.
- Public advertising (e.g. handbills) shall only list a phone number, home occupation operator's name, post office box, and description of business or service. Location information shall be limited to the City of Taft. Business address or location is not allowed in any public advertising.
- Operation hours of a home occupation shall be between 7:00 A.M. and 8:00 P.M. the home occupation shall be conducted by appointment only.
- All employees, partners, or operators of the home occupation shall be members of the resident family and shall reside on the premises.
- Up to 25 percent or 250 square feet, whichever is greater, of the total floor area of the dwelling unit and related accessory structures may be used for storage of materials and supplies related to the home occupation. Outside storage of any kind related to the home occupation shall not be permitted.
- The home occupation is subject to inspection by code enforcement personnel of the City of Taft, and other authorized personnel, during regular operating hours of the business.

4. Prohibited Uses:

The following uses, by their operation or nature, may interfere with residential welfare and diminish the convenience intended for commercial zones and are, therefore, not permitted as home occupations:

- Motor vehicle repair or service.
- Hairdressers for men and/or women.
- Gun or ammunition sales, including by mail order.
- Any use precluded by subsections (B) 3. (d) And (B) 3.(g) of this application.

5. Permit Revocation:

Noncompliance with the general standards, as outlined in subsection (B) 3. of this application, may be cause to revoke the home occupation permit in question, pursuant to section 6-28-1 of this Taft Zoning Ordinance.

6. Agreement of applicant to conditions of this permit:

I, the undersigned, understand that any permit issued pursuant to this application does not grant any right or privilege to use any building or land contrary to the provisions of the City Municipal Code. I will comply with the provisions of the Taft Zoning Ordinance, as set forth in this application. I hereby certify that the information provided in this application is to the best of my knowledge, true and correct.

Applicant's Signature

Date

Owner's Signature

Date

Applicant's signature and date indicates that the applicant has read the regulations set forth in this application and agrees to abide by all of them. Any violation of these regulations will result in making null and void any city approvals for the subject Home Occupation.

Staff Comments (for office use only):



City of Taft Planning Commission Staff Report

Agenda Item #4

DATE: November 16, 2016

TO: Chairman Orrin and Members of the Planning Commission

FROM: Mark Staples, Director, Planning and Development Services

SUBJECT: Zoning Ordinance Amendment – Drive-Through Businesses

RECOMMENDATION: This is an information item only; the Planning Commission will act on a final draft at a future public hearing.

LOCATION: Citywide

PROJECT ANALYSIS:

As part of the ongoing process of amending the Zoning Ordinance, City staff will find inconsistencies that need to be addressed. The standards for a business that utilizes a drive-through lane for providing their service, such as a restaurant or bank is found in a couple different sections in the Zoning Ordinance. Section 6-12-15 provides standards for Drive-In, Drive-Through, Fast Food and Take Out Restaurants. Table 5.A within Section 6-5-3 for Use Regulations in Commercial Zone District lists Restaurants, other than fast food, a by right permitted use so long as there is no entertainment and/or serving of alcohol. The reference to “other than fast food” directs you to Section 6-12-15, but there is not listing of a fast food restaurant use in Table 5.A. However, within Table 5.A Drive-in/through businesses, including theaters and restaurants, is listed on its own as requiring a Conditional Use Permit without a reference to Section 6-12-15.

This item is being presented before the Planning Commission to have a thorough discussion on businesses with drive-throughs as part of their services. Drive-through are typically regulated with the use of a Conditional Use Permit application, process, and development standards that are similar and often more intensive than those in Section 6-12-15. Depending on the orientation of the building and entrance to the drive-through lane, there have been instances of on-site parking flow and spilling out into roadway traffic. These will be items to consider while discussing this item. Other considerations could include only requiring the CUP application for restaurants, but not on banks or pharmacies; or removing the CUP requirement altogether, but keeping the development standards in Section 6-12-15.

At this time, the Draft Ordinance is only open for discussion, comments, and suggested edit, but is not to be acted upon by the Planning Commission. A final draft will be presented at a future public hearing.

CEQA:

The project is exempt from the requirements of the California Environmental Quality Act (CEQA) as set forth in Section 15061(b)(3) of the CEQA Guidelines as the proposed amendment will have no significant effect on the environment.

ATTACHMENTS:

1. Draft Resolution
2. Municipal Code Section 6-12-15: Drive-In, Drive-Through, Fast Food and Take Out Restaurants
3. Municipal Code Section 6-5-3: Use Regulations (for Commercial Zone Districts)

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
TAFT RECOMMENDING APPROVAL TO THE CITY COUNCIL OF
ZONING ORDINANCE AMENDMENT NO. 2016-19, AN AMENDMENT
OF SECTION 6-12-18 OF TITLE 6 OF THE TAFT MUNICIPAL CODE
REGARDING DRIVE-THROUGH BUSINESSES**

WHEREAS, California Government Code Section 65800 provide for the adoption and administration of zoning laws, ordinances, rules and regulations by counties and cities; and

WHEREAS, the City of Taft is responsible for continually reviewing and updating the adopted Zoning Ordinance to address changing conditions within the City; and

WHEREAS, a drive-through or drive-thru lane provides another level of added convenience for customers of a commercial business; and

WHEREAS, drive-through lanes require design and development standards that result in avoiding nuisance issues, such as sufficient lane length that provide sufficient queuing space that does not block parking lot traffic or stacks a lane beyond the limits of the property and into traffic lanes of an adjacent street or onto adjacent property; and

WHEREAS, the Planning Commission reviewed and commented on a draft ordinance amending Section 6-12-18 of Title VI of the Taft Municipal Code at its regular meeting on **November 16, 2016**; and

WHEREAS, the Planning Commission studied and considered the written findings for approval of Zoning Ordinance Amendment No. **2016-19**, City Staff's written and oral reports, and all public testimony before making a decision on this request; and

WHEREAS, the laws and regulations relating to the preparation and adoption of environmental documents, as set forth in the State Guidelines Implementing the California Environmental Quality Act have been adhered to; and

WHEREAS, the Planning Commission has fully considered this request and the potential environmental effects.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE, RESOLVE, AND RECOMMEND AS FOLLOWS:

1. The proposed amendment is consistent with the goals, objectives, policies, and programs of the General Plan and is necessary and desirable to implement the provision of the General Plan; and
2. The proposed amendment will not adversely affect the public health, safety, and welfare or result in an illogical land use pattern; and
3. The proposed amendment is consistent with the purpose and intent of the remainder of this Zoning Ordinance not under consideration; and

4. The potential environmental impacts of the proposed amendment are insignificant, have been mitigated, or there are overriding considerations that outweigh the potential impacts; and
5. The proposed amendment is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines because the Code Amendment will have no significant effect on the environment.

SECTION 1. The following amendment of Section 6-12-18, of Title VI, shall be recommended to the City Council of the City of Taft as follows:

6-12-15: DRIVE-IN, DRIVE-THROUGH, FAST FOOD AND TAKE OUT RESTAURANTS:

(A) Intent: This section is intended to ensure that drive-in, drive-through, fast food and take out restaurants do not create adverse impacts on adjacent properties and residents or on surrounding neighborhoods due to customer and employee parking demand, traffic generation, noise, light and litter.

(B) Applicability:

1. Specified: The provisions of this section shall apply to all new drive-in, drive-through, fast food and take out restaurants and to the expansion of twenty percent (20%) or more of the gross floor area or an increase in the number of seats in any existing restaurant that results in a drive-in or drive-through facility.
2. Exception: Floor area added for the purpose of compliance with state or local health laws or access requirements of the disabled shall not be included in floor area calculations of purposes of determining applicability of this section.

(C) Development Standards:

1. Hours Of Operation: When located on a site adjacent to or separated by an alley from any residentially zoned property, a drive-in, drive-through, fast food or take out restaurant shall not open prior to six o'clock (6:00) A.M., nor remain open after twelve o'clock (12:00) midnight, unless otherwise approved by the planning commission.
2. Driveways:
 - (a) Drive-in and drive-through restaurants shall have driveways which shall provide for both ingress and egress, in all instances, and these driveways shall provide stacking space adequate for a minimum of six (6) vehicles waiting for service.
 - (b) Each drive-through lane shall be separated from the area of vehicle circulation necessary for ingress and egress to any parking space. Each drive-through lane shall be striped, marked or otherwise distinctly delineated.

3. Parking: A parking and vehicular circulation plan encompassing adjoining streets and alleys shall be submitted for review and approval by the city engineer.
4. Refuse Storage Area: On site outdoor trash receptacle shall be provided at a rate of one trash receptacle for every ten (10) required parking spaces. One outdoor trash receptacle shall be provided on site adjacent to each driveway exit or as otherwise approved by the planning director. (Ord. 768-08, 8-19-2008)

SECTION 4. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections of this Resolution. The Planning Commission hereby declares that it would have passed this Resolution, and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

~~**BE IT FURTHER RESOLVED** that a copy of this Resolution be delivered forthwith by the City Clerk to the City Council of the City of Taft.~~

~~**PASSED AND ADOPTED** on this 16th day of November, 2016.~~

ATTEST

Brenda Johns, Recording Secretary

Ron Orrin, Chairman

CERTIFICATION

~~I, Brenda Johns, hereby certify that the foregoing resolution was passed and adopted by the Planning Commission of the City of Taft at a specially scheduled meeting held on the 16th day of November, 2016, by the following vote~~

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Brenda Johns, Recording Secretary

6-12-15: DRIVE-IN, DRIVE-THROUGH, FAST FOOD AND TAKE OUT RESTAURANTS:

- (A) Intent: This section is intended to ensure that drive-in, drive-through, fast food and take out restaurants do not create adverse impacts on adjacent properties and residents or on surrounding neighborhoods due to customer and employee parking demand, traffic generation, noise, light and litter.
- (B) Applicability:
1. Specified: The provisions of this section shall apply to all new drive-in, drive-through, fast food and take out restaurants and to the expansion of twenty percent (20%) or more of the gross floor area or an increase in the number of seats in any existing restaurant that results in a drive-in or drive-through facility.
 2. Exception: Floor area added for the purpose of compliance with state or local health laws or access requirements of the disabled shall not be included in floor area calculations of purposes of determining applicability of this section.
- (C) Development Standards:
1. Hours Of Operation: When located on a site adjacent to or separated by an alley from any residentially zoned property, a drive-in, drive-through, fast food or take out restaurant shall not open prior to six o'clock (6:00) A.M., nor remain open after twelve o'clock (12:00) midnight, unless otherwise approved by the planning commission.
 2. Driveways:
 - (a) Drive-in and drive-through restaurants shall have driveways which shall provide for both ingress and egress, in all instances, and these driveways shall provide stacking space adequate for a minimum of six (6) vehicles waiting for service.
 - (b) Each drive-through lane shall be separated from the area of vehicle circulation necessary for ingress and egress to any parking space. Each drive-through lane shall be striped, marked or otherwise distinctly delineated.
 3. Parking: A parking and vehicular circulation plan encompassing adjoining streets and alleys shall be submitted for review and approval by the city engineer.
 4. Refuse Storage Area: On site outdoor trash receptacle shall be provided at a rate of one trash receptacle for every ten (10) required parking spaces. One outdoor trash receptacle shall be provided on site adjacent to each driveway exit or as otherwise approved by the planning director. (Ord. 768-08, 8-19-2008)

This section has been affected by a recently passed ordinance, 822 - RESIDENTIAL DENSITIES. [Go to new ordinance.](#)

6-5-3: USE REGULATIONS:

Identified on table 5.A of this section are those land uses or activities that may be permitted in each commercial zone district, permitted subject to an approved conditional use permit or prohibited. This table also indicates the development procedure and the approval type by which each listed land use or activity may be permitted in each commercial zone district. (Ord. 805-14, 7-1-2014)

TABLE 5.A
USES PERMITTED WITHIN COMMERCIAL ZONE DISTRICTS

Legend:

P = Permitted subject to consistency assessment

C = Permitted subject to approval of a conditional use permit application

X = Not permitted in this district

Use	MU	GC	DC
Accessory uses:			
Accessory uses and structures located on the same site as a permitted use	P	P	P
Accessory uses and structures located on the same site as a use permitted subject to a conditional use permit	C	C	C
Commercial uses:			
Adult entertainment	X	X	X
Agricultural	X	X	X
Ambulance service	P	C	X
Antique shops	P	P	P
Apparel stores (sales)	P	P	P
Appliance stores and repair	P	P	P
Arcades	C	C	C
Art galleries, music, dance studios, photographic studios and supply stores	P	P	P
Auction houses	X	C	X
Auto supply store	P	P	P
Automobile repair	C	C	C
Automotive and light truck sales/service	C	P	C

Automotive dealerships subject to section 6-12-10 of this title	C	P	X
Automotive paint and body	X	C	X
Automotive rental agencies (excluding outdoor storage)	P	P	P
Automotive rental agencies (including outdoor storage)	C	C	C
Automotive washing (self- or full service)	X	P	X
Bail bond services	P	P	X
Bakeries (retail)	P	P	P
Barber and beauty shops	P	P	P
Bicycle shops (nonmotorized)	P	P	P
Blueprint and photocopy services	P	P	P
Boat and RV (sales only)	C	P	X
Book, gifts and stationery stores	P	P	P
Building materials sales/home improvement (indoors)	P	P	P
Building materials sales/outdoor storage (masonry, sand, gravel)	C	C	C
Camera shops	P	P	P
Candle shops	P	P	P
Candy stores and confectioneries	P	P	P
Catering establishments	P	P	P
Cemetery (human)	X	X	X
Cleaning and pressing establishments	P	P	P
Clothing and costume rental	P	P	P
Cocktail lounge/bar, including upgrading an existing ABC license (e.g., beer and wine to a hard liquor license) (refer to section 6-12-5 of this title)	C	C	C
Commercial recreational facilities (indoor)	P	P	P
Commercial recreational facilities (outdoor)	C	C	C
Communication and telecommunication facilities (radio and television)	C	C	C
Convenience store (including alcohol sales)	C	C	C
Convenience store (no alcohol sales)	P	P	P
Dairy products stores	P	P	P
Department stores	P	P	P
Drapery and decorating shops	P	P	P

Dress making shops	P	P	P
Drive-in/through businesses, including theaters and restaurants	C	C	C
Driving schools	P	P	P
Drugstore/pharmacy	P	P	P
Electronic coin operated games (commercial operated) 5 or more games (subject to section 6-12-9 of this title)	C	C	C
Electronic coin operated games (commercial operated) less than 5 games	P	P	P
Feed and tack stores	P	P	P
Fireworks stand, subject to the provisions of section 6-12-17 of this title	P	P	P
Floor covering stores (may include incidental repair)	P	P	P
Floral shops	P	P	P
Food stores and supermarkets	P	P	P
Furniture stores, repair and upholstery	P	P	P
General retail stores	P	P	P
Hardware stores (no outdoor storage)	P	P	P
Hardware stores (outdoor storage)	C	C	C
Health clubs, dance studios, martial arts, weight training and similar uses	P	P	P
Hobby shops	P	P	P
Home improvement (indoor)	P	P	P
Home improvement (outdoor)	C	C	C
Hookah lounges	X	X	X
Hotels and motels	P	P	C
Insurance services	P	P	P
Internet cafe	P	P	P
Janitorial services and supplies	P	P	P
Jewelry stores	P	P	P
Kiosks (parking lot film processing and key shops)	P	P	P
Laundry pick up and delivery agencies and self-service laundries (includes diaper service)	P	P	P
Liquor stores	C	C	C
Locksmith shops	P	P	P

Massage therapist (subject to provisions of title IV, chapter 20 of this code)	P	P	P
Meat markets	P	P	P
Medical marijuana dispensaries	X	X	X
Mini-storage (for public use)	C	P	X
Miniature golf courses	C	P	C
Mortgage services	P	P	P
Mortuaries	C	C	C
Motorcycle shops (sales and service)	P	P	C
Music stores	P	P	P
Newspaper and magazine stores	P	P	P
Nurseries and garden supply stores (provided all equipment and supplies are kept within a building or fenced enclosed area)	P	P	P
Office and business machines stores (sales, service and repair)	P	P	P
Paint and wall covering stores	P	P	P
Parking facilities (off site)	C	P	C
Pet shops	P	P	P
Plumbing shops and supplies	P	P	P
Political or philanthropic headquarters	P	P	P
Pottery sales	P	P	P
Printing and copy shops (other than newspaper)	P	P	P
Real estate services	P	P	P
Recycling collection facilities, including reverse vending machines and small collection facilities	P	P	P
Restaurants, other than fast food (refer to section 6-12-5 of this title):			
With entertainment and/or serving alcoholic beverages, including upgrading an existing ABC license (e.g., beer and wine to a hard liquor license)	C	C	C
Without entertainment and/or serving alcoholic beverages	P	P	P
Secondhand stores/pawnshops	P	P	P
Service stations (automotive, with convenience store, with or without alcoholic beverage sales)	C	C	C
Service stations (automotive, without convenience sales) subject to section 6-12-24 of this title	P	P	P

Shoe stores (repairs)	P	P	P
Shopping centers	X	P	X
Sign painting shops within a completely enclosed building	P	P	P
Smoking lounge, private (subject to provisions of section 6-12-29 of this title)	C	C	C
Sporting goods store	P	P	P
Stamp and coin shops	P	P	P
Stationery stores	P	P	P
Statue shops	P	P	P
Surveying services	P	P	P
Swimming pool and spa (sales, service and supply)	P	P	P
Tailor shops	P	P	P
Tattoo parlor	C	C	C
Taxidermists (no processing)	P	P	P
Telegraph offices	P	P	P
Televisions (radio sales and repair)	P	P	P
Theaters, including both motion picture and live performing arts	C	C	C
Tire sales and service	C	C	C
Tobacco shop (subject to provisions of section 6-12-29 of this title)	C	C	C
Toy stores	P	P	P
Travel agencies	P	P	P
Truck storage yard when adjacent to industrial zone district	X	C	X
Upholstering shops (indoor only)	P	P	P
Variety stores	P	P	P
Veterinary offices and animal hospitals, including exterior kennels, pens or runs	X	C	X
Manufacturing uses:			
Oil and gas exploration and production, subject to the provisions of chapter 10 of this title	C	C	C
Office and related uses:			
Administrative and executive offices	P	P	P
Artist and photographic studio, including sale of equipment or supplies	P	P	P

	Clerical and professional offices	P	P	P
	Financial services and institutions	P	P	P
	Medical, dental and related health services for humans, including clinics, laboratories and the sale of articles clearly incidental to services provided	P	P	P
Public and quasi-public uses:				
	Auditoriums	C	C	C
	Churches, synagogues, mosques, temples	C	C	C
	Clubs, lodges, fraternities and sororities	C	C	C
	Communication and telecommunication facilities (not including radio and television)	C	C	C
	Convalescent homes, hospitals	C	C	C
	Convention hall, trade show, exhibit building with incidental food services	C	C	C
	Dances, per title IV, chapter 6 of this title	C	P	C
	Day nurseries, nursery schools and childcare facilities per state law	C	C	C
	Educational institutions (including public or private vocational schools)	C	C	C
	Fire and police stations	P	P	P
	Post offices	P	P	P
	Public administration buildings and civic centers	P	P	P
	Public libraries and museums	P	P	P
	Public parks and recreation facilities (public or private)	P	P	P
	Public utilities and public service substations, reservoirs, pumping plants and similar installations, not including public utility offices, unless project otherwise entails a public hearing, then permitted	C	C	C
	Public utility services offices	P	P	P
	Recreational vehicle parks	C	C	X
	Residential care facility (per state law)	C	C	C
	Transportation facilities	C	C	C
Residential uses:				
	Emergency shelters	X	X	X
	Multi-family residential dwellings	C	C	C
	Residence in conjunction with a business	C	C	C
	Single-family residential dwellings	X	X	X

	Supportive housing	C	C	C
	Transitional housing	C	C	C
Temporary uses:				
	Temporary uses as prescribed in section 6-2-10 of this title, are permitted subject to issuance of a temporary use permit	P	P	P
Other uses similar to, and no more objectionable than, the uses identified above, shall be reviewed per the process required by the similar use, as determined by the planning commission				

(Ord. 805-14, 7-1-2014; amd. Ord. 812-15, 7-7-2015; Ord. 813-15, 7-7-2015; Ord. 814-15, 7-7-2015)