

4.2 Commercial Land Use Element

4.3.1 Commercial Development and Uses

At present, few commercial uses exist within the Dry Creek Preserve. Existing commercial uses include numerous examples of commercial agriculture, a veterinary clinic, a nursery, equestrian center, and several cottage industry uses. All of these uses were/are properly permitted under Fresno County, and are permissible uses under the County's Rural Residential designation. Many of these are mixed uses, wherein the business owners reside at their place of business. Most exist under existing County RR-2acre-minimum zoning.

Several of the Clovis Guiding Principles attend to the idea that Clovis desires to recruit new businesses and associated jobs. The Dry Creek Preserve can be an acceptable location for some types of new businesses, provided consistency exists between the types, modes and hours of business and the broader, longer term objectives for the area related to public recreation and maintenance of rural character.

When queried, residents of the area strongly preferred that further commercial development not be permitted within the Dry Creek Preserve boundaries. However, they were more accepting of commercial businesses which provide services to DCP recreationists or which are in some way related to the open space theme of the DCP. In particular, they objected to particular types of commercial use (e.g., strip malls, liquor stores, tattoo parlors, convenience markets, car washes, adult bookstores, and other typically urban uses), which have no apparent relationship to the DCP or its intended purposes, and which would materially alter the area character. Several landowners did express interest in very low intensity commercial enterprises; including a small church, a bed and breakfast, a winery, a home garage-based ag welding shop, a commercial community gardening enterprise, along with the several existing commercial uses already noted above. In general, these lower intensity types of uses were viewed more favorably by residents, provided they do not expand above 5 acres in size, and they do not add substantial traffic, noise, illumination, odors or other adverse impacts, affecting the intended rural character and long-term open space.

Accordingly, this Specific Plan provides for low intensity commercial uses of appropriate size, construction design, buffering capability and operational scope. All new commercial uses would be subject to continuing Conditional Use Permits, to assure that compliance with the conditions continues for the life of the business/use. It is intended that these uses only be located along major through streets and in designated commercial use areas, where modest additional traffic, noise, etc. will be more manageable.

The following policies shall guide land use planning, rezoning, and permitting decisions affecting the DCP area.

The following policy objectives are intended to guide development, in order to avoid adverse impacts of development upon the core values, residents, and long-term recreational use objectives of the DCP. As such, the following objectives shall be implemented in all decisions regarding DCP area rezoning, permitting, or other land use decisions.

4.3.2 DCP Commercial Use Objectives:

- A. Allow carefully designed and rural-compatible commercial development within designated road-adjacent areas of the DCP in support of the general economy of the Community of Clovis.
- B. The focus of new commercial development within the DCP is intended to recognize and support/promote the unique historical or open space values of the DCP and to support or encourage public use and enjoyment of those values. Such businesses will be typified by low traffic loads, low noise levels, typical daytime-only business hours or active work periods, and a rural-compatible appearance. Urban or urban-appearing types of uses will generally not be allowed, where they could alter the area's rural character/appearance or promote urban, rather than rural uses or appearances.
- C. All commercial development within the DCP must be designed and operated in a manner that is compatible with the DCP's intended, eventual open space and park-like setting, and does not obstruct, intrude upon, visually diminish, or preclude the long-term objectives of protecting open space character and gradually producing an open space reserve and park-like recreational setting.
- D. Land use and other decisions shall require commercial architectural styles to complement, rather than modify the DCP's historical and/or rural open space character. For example: farm house appearing structures rather than strip mall appearing structures.

- E. Land use actions shall encourage commercial development types which serve, conform/relate to and/or support the rural uses and appearance of the DCP area. Examples of acceptable businesses are included in Table _____. (This is to be narrowly interpreted; for example, a “big box” store which sells bicycles and/or farm products, along with almost everything else would be unacceptable.)

- F. New commercial development within the DCP shall be maintained under Conditional Use Permits, to assure that they do not change in type, character or scope, once constructed and operated or in the event they change ownership.

- G. Commercial developments which have potential to significantly increase DCP area traffic, noise, lighting, or general disturbance, or would affect pedestrian or bicycle safety or require the development of substantial new utilities, City services, infrastructure or resident fees or costs are not allowed unless these impacts are fully mitigated. Table ___, below provides examples of various mitigated commercial uses, along with levels of required local permitting within the Dry Creek Preserve.

Table 3. Permissible Commercial Use Examples Within the Dry Creek Preserve

Activity or Use	Existing	By Right	By CUP*	Prohibited
Church < 5 ac w/ off-street parking	X		X	
Church > 5 ac in size				X
Sports complex or arena				X
Art Gallery			X	
Boutique Winery	X		X	
Hotel / Motel > 10 rooms				X
Bed and Breakfast < 10 rooms			X	
Commercial well drilling shop			X	
Commercial Orchard	X	X		
Contractor working from home	X	X		
Commercial Aquaculture			X	
Poultry farm >150 birds				X
Commercial Apiary	X	X		
Home Dog Breeding facility				X
Cell Phone Tower, natural appearance			X	
Equestrian center	X		X	
Commercial truck storage >1 trucks	X		X	
Veterinary Clinic	X		X	
Gas Station or Convenience Store				X
Nursery	X		X	
Trail-side Ice Cream Parlor			X	
Commercial Community Gardening				
Onsite parking		X		
On-street parking			X	
Senior Living Facility			X	
Home Dog training	X	X		
Restaurant > 5 tables				X
< 5 tables			X	
Bank or Savings/Loan				X
Home based Attorney	X	X		
Home based CPA	X	X		
Fruit stand or outdoor food market			X	
Medical clinic				X
Golf Course			X	
Hardware or other storefront				X
In home hair-dresser		X		
Home Cabinet Shop - 0 employees		X		
< 2 employees			X	
2 or more employees				X
Home Ag Welding shop) empl.	X	X		
<2 employees			X	
2 or more employees				X
Home craft business	X	X		

* Conditional Use Permit

4.3.1.1 Commercial Use Design and Operational Standards

In order to protect the rural neighborhood character and open space recreation values of the DCP and mitigate adverse impacts upon residential property owners, the following design and operational standards will be required for all commercial uses applying for Conditional Use Permits or other County or City Use permits after adoption of this Specific Plan.

- a) **Parking associated with commercial uses will be located on the subject parcels and is prohibited on or along adjacent streets, roads or trails.**
- b) **Commercial facilities for parking of more than five visitor cars at one time must have parking areas screened from public view; either by structures, fences, vegetation or other visual screening methods.**
- c) **Commercial facilities, with limited exceptions (below), shall operate only between the hours of sunrise and the onset of darkness. Commercial operations requiring external lighting are prohibited within the DCP, except as follows. Exceptions may be approved on a case-by-case basis by the Planning Director for uses, such as wine tasting facilities, veterinary clinics, bed and breakfast facilities, or other low-intensity, low noise, low traffic events or operations. All commercial external lighting allowed by exception above, must be properly shrouded to prevent occult light from extending beyond the property boundaries.**
- d) **Noise associated with commercial operations within the DCP shall not exceed 40 decibels, as measured at the property line. Exceptions may be granted for specific one-time events on a case-by-case basis, by the Planning Director.**
- e) **Landscaping within around commercial facilities must utilize plants species which are non-toxic to livestock. Toxic plants such as Oleander are strictly prohibited.**
- f) **Commercial facilities will not be allowed to operate using wells as their only water source, or individual septic systems for effluent disposal.**

4.4 Industrial Use Element

Industrial uses are typically very difficult to accommodate within residential neighborhoods. As such the standards above should be stringently applied, with assurances that the businesses will not adversely alter the neighbor character or appearance. Issues typically involve noise, odors, hours of operation, lighting, traffic, or commercial- appearing structures, which are, in general,

distasteful to homeowners residing nearby and area visitors. In order for an industrial business to be sited with the DCP, all of these and other identified impacts must be fully mitigated.

It is recognized that some existing residents specifically chose to live within a Rural Residential neighborhood because they are allowed to have low-intensity, non-commercial industrial activities (e.g., farm welding, mechanical repairs, fabrication, woodworking, etc.), as a part of their farming uses or hobbies. These pre-existing, non-commercial industrial uses will continue, subject to City and County zoning allowances and compliance with other laws and regulations. Limited commercial industrial uses, such as those listed in Table __ may also be directly allowed or permitted, subject to Special Use Permits, Other Permits, or Zoning Variances.

4.4.1 DCP Industrial Use Objectives

The following policy objectives are intended to guide development, in order to avoid adverse impacts of development upon the core values, residents, and long-term recreational use objectives of the DCP. As such, the following objectives shall be implemented in all decisions regarding DCP area rezoning, permitting, or other land use decisions.

- A. Industrial uses within the DCP area will be designed and operated to occupy small acreages (i.e., < 3 acres), and avoid adverse impacts upon area neighboring residents, natural resources, or the broader open space and recreational goals for the area.
- B. Commercial industrial uses only of types that relate to, conform to or otherwise support the rural character and open space appearance and values of the DCP area will be considered.
- C. Commercial industrial uses will not be considered for permitting, if they do not include architectural and other development standards to assure that industrial uses remain visually and operationally compatible with adjacent residential uses and that the DCP-wide public open space values remain protected.

4.4.2 Industrial Permissible Uses, Standards, Design Guidelines, and Required Mitigation Measures

The following standards and regulations will implement the above Industrial Use Objectives, and the other objectives and goals of this Specific Plan.

1. Commercial industrial uses within the DCP area shall require Conditional Use Permits to be issued by the City of Clovis, or County of Fresno, as applicable..
2. Industrial uses in excess of three (3) acres in size, or which have potential to contaminate ground water, create noise above 40db (measured at property boundary), create occult night lighting, create traffic congestion, create odors, involve construction of buildings in excess of 30 ft. in height, involve heavy truck traffic, or otherwise create serious disturbance to residents or users of the DCP or degradation of recreational open space value are prohibited.
3. Structural features such as block walls, sidewalks, curbs, gutters, unsightly facilities, visible parking lots, lighting that can be seen beyond the property boundaries, etc. which are not visually compatible with the overall DCP's intended rural visual quality are prohibited.
4. Conditional Use Permits shall prohibit commercial industrial uses from significantly increasing DCP area traffic, noise, lighting, or general disturbance.
5. Commercial industrial projects shall not be approved if they require the ancillary development and associated costs of substantial new utilities, City services, infrastructure, or would result in involuntary new and additional resident fees or costs.
6. Commercial industrial developments with potential to adversely affect air quality, ground or surface water quality are prohibited.
7. Parking associated with industrial uses will be located on the subject parcels and is prohibited on or along adjacent streets or roads.
8. Industrial facilities with parking for more than five visitor or employee vehicles at one time must have parking areas screened from public view; either by structures, fences, vegetation or other visual screening methods.
9. Industrial facilities shall operate only between the hours of 7:00 A.M. and 7:00 P.M.
10. External operational lighting at industrial facilities is prohibited. Minimum necessary security lighting is permissible, but must be shrouded to prevent occult light from extending past property boundaries.
11. Without exception, industrial traffic moving to and from industrial facilities must take place between the hours of 7:00 A.M. to 7:00 P.M.
12. Noise associated with industrial operations within the DCP shall not exceed 40 decibels, as measured at the property line.

13. Industrial materials stored at facilities within the DCP must be stored in locations that are screened from street view or view from neighboring properties.
14. Industrial operations must operate in a manner which avoids any contamination of surface or groundwater, and complies with all air quality (dust, etc.) regulations.
15. Landscaping within around industrial facilities must utilize plants species which are non-toxic to livestock. Toxic plants such as Oleander are strictly prohibited.
16. Industrial facilities will not be allowed to operate using wells as their only water source, or individual septic systems for effluent disposal.

4.4.2.1 Permissible Industrial Uses (examples)

- Nurseries or home-based landscape contractors
- Local agricultural product processing, harvesting, etc.
- Small-scale landscape material suppliers (< 2 ac.)
- Tree or other landscape services
- Agricultural equipment repair shops
- Cell phone relay towers, only if designed to resemble natural features
- Above-ground or underground utility lines or cables
- Well drilling or maintenance shops or equipment storage
- Solar “farms” of less than 5 acres and attendant electrical equipment (except reflectors)
- Other uses that are compatible with the above objectives, as judged by the planning Director

4.4.2.2 Strictly Prohibited Industrial Uses (examples)

- **Trucking Companies (except resident owner-operators with no more than one truck)**
- **Large equipment storage yards consisting of more than three large pieces of equipment**
- **Equipment rentals facilities**
- **Recycling or Solid Waste processing or transfer stations**
- **Rock and gravel mining or storage operations exceeding 2-acres in size.**
- **Mining operations, except by Planning Director Review and Approval.**
- **Any operation which is visually disruptive of the neighborhood character or open space visual quality.**
- **Solar reflectors intended to concentrate solar energy for collection by photovoltaic panels or other appurtenances.**

- **Any other industrial operation which creates adverse noise, lighting, dust, odors, traffic, or otherwise adversely affects the DCP rural neighborhood quality or open space recreational values.**

Intentionally left blank for Fig 30 Ag use Map and Irrigation Facilities

