

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning & Community Development
Urgent _____ Routine X
CEO Concurs with Recommendation YES _____ NO _____
(Information Attached)

BOARD AGENDA # *D-4
AGENDA DATE: September 14, 2004
4/5 Vote Required YES _____ NO X

SUBJECT:

APPROVAL TO SET A PUBLIC HEARING ON SEPTEMBER 28, 2004 AT 9:30 A.M. TO CONSIDER THE INTRODUCTION, WAIVING OF THE READING, AND ADOPTION OF PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT ORDINANCE AMENDMENT NO. 2004-02 AN ORDINANCE AMENDING TITLE 21 OF THE STANISLAUS COUNTY CODE RELATING TO LARGE SCALE RETAIL BUSINESSES.

STAFF RECOMMENDATIONS:

1. SET A PUBLIC HEARING ON SEPTEMBER 28, 2004 AT 9:30 A.M. TO CONSIDER THE INTRODUCTION, WAIVING OF THE READING, AND ADOPTION OF PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT ORDINANCE AMENDMENT NO. 2004-02 AN ORDINANCE AMENDING TITLE 21 OF THE STANISLAUS COUNTY CODE RELATING TO LARGE SCALE RETAIL BUSINESSES.
2. AUTHORIZE THE CLERK OF THE BOARD TO PUBLISH NOTICE OF THE HEARING AS REQUIRED BY LAW

FISCAL IMPACT:

No fiscal impact will be associated with setting the public hearing. Fiscal impacts to the ordinance will be discussed in the Board item for September 28, 2004.

BOARD ACTION AS FOLLOWS:

No. 2004-688

On motion of Supervisor Simon, Seconded by Supervisor Paul
and approved by the following vote,
Ayes: Supervisors: Paul, Mayfield, Grover, Simon, and Chairman Caruso
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied;
- 3) _____ Approved as amended
- 4) _____ Other:

MOTION:

ATTEST: Christine Ferraro
CHRISTINE FERRARO TALLMAN, Clerk

ORDINANCE NO. C.S. _____

AN ORDINANCE RELATING TO LARGE SCALE RETAIL BUSINESSES

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Section 21.12.515 is added to of the Stanislaus County Code to read as follows:

“21.12.515 Retail Business.

“An establishment engaged in selling goods to the ultimate consumer. The allowed area of a retail store shall include both the interior space within the structure and any outdoor area use to display or store goods for sale.”

Section 2. Sections 21.12.627 and 21.12.628 are added to of the Stanislaus County Code to read as follows:

“21.12.627 Wholesale and Distribution.

“Establishments engaged in selling merchandise to retailers; to commercial, industrial, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for selling merchandise to such persons or companies. Includes such establishments as: agents, merchandise or commodity brokers, commission merchants, assemblers, merchant wholesalers stores primarily selling electrical, plumbing, heating and air conditioning and equipment.

“21.12.628 Wholesale Retail Stores.

“Stores that emphasize the packing and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.”

Section 3. Section 21.48.020 of the Stanislaus County Code is amended to read as follows:

"21.48.020 Permitted Uses.

"The following uses are permitted subject to all provisions of this chapter including the development standards listed in Section 21.48.040:

- "Amusement arcade;
- "Art gallery;
- "Automobile agency;
- "Automobile repair (excluding body and paint) shop;
- "Bakery shop;
- "Billiard parlor;
- "Botanical garden;
- "Catering service;
- "Clinics (medical; small animal when entirely enclosed by a building);
- "Clubhouse;
- "Christmas tree sales lots which provide at least ten accessible and usable off-street parking spaces in addition to one space per employee on a maximum shift; are limited to two double-faced signs not to exceed twelve square feet each; and are not established prior to November 15 of any year and are removed and properly returned to its original condition prior to January 1;
- "Church (excluding tent and open air churches);
- "Convention center;
- "Crop farming;
- "Dance studio;
- "Day care center;
- "Facilities for public utility;
- "Financial institution;
- "Fireworks stands which provide at least five accessible and usable off-street parking spaces in addition to one per employee on a maximum shift. Such stands shall meet all the requirements of the department of fire safety and shall be erected and removed within the time period prescribed by that department;
- "Greenhouse;
- "Laboratory;
- "Lodge;
- "Mini-warehouse;
- "Mobile home (when accessory to a permitted use which has substantial outside storage);
- "Museum;
- "Office (administrative, business and professional);
- "Parking lot and garage;
- "Personal service establishment;
- "Public building and park;

- “Radio and television studio;
- “Restaurant without bar services;
- “Retail and wholesale retail store when conducted entirely within a building and less than 65,000 square feet of building and sales area;
- “School (commercial, technical, trade, academic);
- “Service station;
- “Single-family dwelling or one apartment if it is accessory to a permitted commercial use;
- “Skating rink;
- “Social hall;
- “Theater, indoor;

“Other uses which the planning director may deem to be similar in character and purpose to those enumerated in this section.”

Section 4. Section 21.48.030 of the Stanislaus County Code is amended to read as follows:

“21.48.030 Uses Requiring Use Permit.

“Uses permitted subject to first securing a use permit in each case and subject to all provisions of this chapter, including the development standards listed in Section 21.48.040:

- “Ambulance and armored car service;
- “Apartment house when connected to public sewer and water systems;
- “Boarding and rooming house;
- “Body and paint shop;
- “Bowling alley;
- “Bus terminal;
- “Coin-operated car wash;
- “Dwelling group when connected to public sewer and water systems;
- “Driving range;
- “Drive-in theater;
- “Dry cleaning outlet;
- “Duplex;
- “Golf course;
- “Hospital;
- “Hotel;
- “Household appliance repair;
- “Laundromat;
- “Machine shop;
- “Miniature golf course;
- “Mobile home parks where connected to both public sewer and water systems;
- “Mortuary;
- “Motel;

“Motorcycle shop;
“Nursery;
“On-sale liquor establishment;
“Plumbing and heating establishment;
“Restaurant with bar service;
“Retail and wholesale retail store 65,000 square feet or greater in building and sales area;
“Sheet metal shop;
“Skateboard park;
“Taxi terminal;
“Truck terminal;
“Warehouse;
“Waterslide;

“Other uses which the planning director may deem to be similar in character and purpose to those enumerated in this section.”

Section 5. Section 21.52.020 of the Stanislaus County Code is amended to add Subdivision N to read as follows:

“N. Retail and wholesale retail stores with a gross building/sales area less than 65,000 square feet.”

Section 6. Section 21.52.030 of the Stanislaus County Code is amended to add Subdivision B to read as follows:

“B. Retail and wholesale retail stores with a gross building/sales area of 65,000 square feet or greater.”

Section 7. Subdivisions C and D of Section 21.56.020 of the Stanislaus County Code are amended to read as follows:

“C. Facilities for public utilities, administrative offices, art galleries, botanical gardens, business and professional offices, clinics, laboratories, bakery shops, billiard parlors, candy stores, financial institutions, music and dance schools, personal service establishments, real estate offices, restaurants, and service stations;

“D. Retail and wholesale retail stores with a gross building/sales site less than 65,000 square feet, mini-warehouses and storage within a building, except the storage of explosives;”

Section 8. Section 21.56.030 of the Stanislaus County Code is amended to add Subdivision H to read as follows:

“H. Retail and wholesale retail stores with a gross building and sales area of 65,000 square feet or greater.”

Section 9. Subdivision A of Section 21.60.020 of the Stanislaus County Code is amended to read as follows:

“A. Wholesale and distribution establishments, service establishments, public and quasi-public buildings; junkyards, wrecking yards and auto dismantling yards; and all uses permitted in the C districts except dwelling units of any kind unless otherwise specifically permitted in this zone;”

Section 10. Section 21.60.020 of the Stanislaus County Code is amended to add Subdivision L to read as follows:

“L. All retail stores and wholesale retail stores which have a building and sales area less than 65,000 square feet or greater.”

Section 11. Section 21.60.030 of the Stanislaus County Code is amended to add Subdivision H to read as follows:

“H. All retail stores and wholesale retail stores with a gross building and/or sales area of 65,000 square feet or greater.”

Section 12. Subdivision M of Section 21.64.020 of the Stanislaus County Code is amended to read as follows:

“M. Wholesale and distribution establishments and storage warehouse.”

Section 13. Section 21.64.030 of the Stanislaus County Code is amended to add Subdivision D to read as follows:

“D. Wholesale retail stores with a gross building and/or sales area of 65,000 square feet or greater.”

Section 14. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

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Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the _____ day of _____, 2004, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:


ABSENT: Supervisors:

Paul Caruso, Chair of the Board of Supervisors of the County of Stanislaus, State of California

ATTEST:
CHRISTINE FERRARO TALLMAN
CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

By _____
Deputy

APPROVED AS TO FORM:
MICHAEL H. KRAUSNICK
COUNTY COUNSEL

By 
John P. Doering
Assistant County Counsel

NOTICE OF PUBLIC HEARING FOR
ORDINANCE AMENDMENT NO. 2004-02
LARGE SCALE RETAIL BUSINESS

NOTICE IS HEREBY GIVEN that on September 28, 2004 at 9:30 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider the introduction, waiving of the reading, and adoption of an ordinance amending the Stanislaus County Zoning Ordinance to require a use permit for approval of "retail stores" and/or "wholesale retail stores" with buildings and/or sales areas equal to or greater than 65,000 square feet in size in five separate zoning districts. New definitions for "retail store", "wholesale retail store", and wholesale and distribution are also provided.

Specific amendments are proposed for Chapter 21.48- Highway Commercial, Chapter 21.52 - Neighborhood Commercial, Chapter 21.56 - General Commercial, Chapter 21.60 - Industrial, Chapter 21.64 - Limited Industrial and Chapter 21.12 - Definitions. This project is exempt from CEQA.

NOTICE IS FURTHER GIVEN that the proposed ordinance is available for review in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: September 14, 2004

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.



BY: _____
Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am the printer And Principal clerk of the publisher of **THE MODESTO BEE**, printed and Published in the City of **MODESTO**, County Of **STANISLAUS**, State of California, daily, For which said newspaper has been adjudged a Newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue thereof on the following dates, to wit:

SEPTEMBER 18, 2004

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at **MODESTO**, California on

SEPTEMBER 18, 2004


(Signature)

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DATED: September 14, 2004

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY: /s/ Elizabeth A. King

Elizabeth A. King, Assistant Clerk