

# Planning Commission Meeting Agenda



February 5, 2026

6:00 PM

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California

Commission Chair  
**Constance Anderson**

Commission Members

**Matthew Davis**  
**Sukhminder Deol**  
(Vice Chair)

**Ray Souza**  
**Bryan Saint**  
**Jim Reape**  
**Bryan Tribble**  
(Alternate)

Planning Manager  
**Katie Quintero**

**NOTICE REGARDING NON-ENGLISH SPEAKERS:** The Turlock Planning Commission meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

**EQUAL ACCESS POLICY:** If you have a disability which affects your access to public facilities or services, please contact the Planning Division at (209) 668-5640. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

**NOTICE:** Pursuant to California Government Code Section 54954.3, any member of the public may directly address the Planning Commission on any item appearing on the agenda, including Consent Calendar and Public Hearing items, before or during the Planning Commission's consideration of the item. Members of the public will be allowed three (3) minutes for comments.

**AGENDA PACKETS:** Prior to the Planning Commission meeting, a complete Agenda Packet is available for review on the City's website at [www.cityofturlock.org](http://www.cityofturlock.org) and in the Planning Office at 156 S. Broadway, Suite 120, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Commission after distribution of the Agenda Packet are also available for public inspection in the Planning Division Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

1. **CALL TO ORDER**
2. **SALUTE TO THE FLAG**
3. **ROLL CALL, DECLARATION OF CONFLICTS OF INTEREST, AND DISCLOSURE OF EX PARTE COMMUNICATIONS**
4. **ANNOUNCEMENTS AND UPDATES**
5. **PUBLIC PARTICIPATION**

This is the time set aside for members of the public to directly address the Planning Commission on any item of interest to the public that is within the subject matter jurisdiction of the Planning Commission and to address the Commission on any item on tonight's agenda, including Consent Calendar items. You will be allowed three (3) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Commission

**CITY OF TURLOCK  
PLANNING COMMISSION  
REGULAR MEETING AGENDA  
Thursday, February 5, 2026**

addresses the matter. Pursuant to California Government Code Section 54954.2(a)(3), no action or discussion may be undertaken on any item not appearing on the posted agenda, except that the Planning Commission, or its staff, may briefly respond to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda.

**6. CONSENT CALENDAR**

Information concerning the consent items listed herein below has been forwarded to each Commissioner prior to this meeting for study. Unless the Chair, a Commissioner or member of the audience has questions concerning the Consent Calendar, the items are approved at one time by the Commission. The action taken by the Commission in approving the consent items is set forth in the explanation of the individual items.

- A. Motion: Accepting the Minutes of the January 15, 2026 Special Meeting
- B. Motion: Waiving Reading of Title and Text of All Ordinances Included in the Agenda

**7. PUBLIC HEARINGS**

- A. Ordinance Amendment 2026-01 (OA 2026-01): The Planning Commission will hold a public hearing to consider a recommendation to the City Council to amend and modify various sections of Title 9 (Zoning Regulations) of the Turlock Municipal Code (TMC). Changes include repealing TMC Section 9-2-110 (Family Day Care Home), amendments to Title 9, Chapter 2, Article 3 (Nonconforming Structures and Uses), and amendments to Chapter 9-5 (Administration) governing permits and certificates.
- B. Ordinance Amendment 2026-02 (OA 2026-02): The Planning Commission will hold a public hearing to consider a recommendation to the City Council to amend and modify Title 9 (Zoning Regulations) of the Turlock Municipal Code (TMC) by adding Article 9 (Smoke Shops) to Title 9, Chapter 2, and by amending Chapter 3, Article 302 and 402 (Use Classifications) and Chapter 4 Article 103 (Use Classifications) to address smoke shops in the use charts.

**8. SCHEDULED MATTERS**

**A. STANISLAUS COUNTY REFERRALS**

*This section allows staff to update the Commission on proposed projects in the unincorporated area within or surrounding the City of Turlock. These items are presented for information only. No action will be taken on these items. Members of the public interested in these projects should contact the County Planning and Community Development Department at (209) 525-6330 to obtain information or provide comments.*

**9. COMMISSIONER'S COMMENTS AND ANNOUNCEMENTS**

Commissioners may provide a brief report on notable topics of interest. The Brown Act does not allow discussions or action by the Commission.

**10. ADJOURNMENT**

**--APPEAL--**

**CITY OF TURLOCK  
PLANNING COMMISSION  
REGULAR MEETING AGENDA  
Thursday, February 5, 2026**

Anyone who is dissatisfied with the action(s) of the Planning Commission may file an appeal within **TEN (10) DAYS** following the decision of the Planning Commission. The appeal must be written and filed with the Turlock City Clerk. Appeal Application Forms are available in both the City Clerk and Planning Division Offices, 156 South Broadway, Turlock. There is a \$550.00 filing fee for the Appeal Application. If an Appeal Application is filed, a Public Hearing will be scheduled by the City Council to consider the appeal.

**--CONTINUANCE--  
-- APPLICANT REQUESTS--  
-- EFFECTIVE NOVEMBER 27, 1989--**

An applicant may request the continuance of a pending application or scheduled matter set for consideration by the Planning Commission by filing a request for a continuance not less than three (3) hours prior to the scheduled consideration of the application pursuant to City Council Resolution No. 89-248. The request must be written and filed with the City of Turlock Planning Division. Continuance Request Application Forms are available in both the City Clerk and Planning Division Offices, 156 South Broadway, Turlock. There is a \$390.00 Filing Fee Deposit for the Continuance Request Application.

**The granting of a request for a continuance of a pending application is discretionary on the part of the City of Turlock. The applicant's compliance with the regulations does not imply, guarantee, or otherwise supersede the City of Turlock's authority to deny the request.**

Thursday, January 15, 2026  
6:00 p.m.  
City of Turlock Yosemite Room  
156 S. Broadway, Turlock, California

## 1. CALL TO ORDER

Chair Anderson called the meeting to order at 6:00 p.m.

## 2. SALUTE TO THE FLAG

Chair Anderson led those in attendance in the Pledge of Allegiance.

## 3. ROLL CALL, DECLARATION OF CONFLICTS OF INTEREST & DISCLOSURE OF EX PARTE COMMUNICATIONS

Present: Commissioners Patrick Shields, Matthew Davis, Constance Anderson, Jim Reape, Sukhminder Deol, Bryan Saint, Bryan Tribble

Absent: Commissioners Ray Souza

Commissioner Shields	Commissioner Tribble	Commissioner Davis	Commissioner Reape	Commissioner Deol	Commissioner Saint	Chair Anderson
None	7.A	None	None	None	None	None

## 4. ANNOUNCEMENTS & UPDATES & APPOINTMENTS

### A. Election of Officers

Commissioner Tribble nominated Commissioner Anderson for Planning Commission Chair for 2026, seconded by Commissioner Reape. Motion carried 7/0 by the following vote

Commissioner Shields	Commissioner Tribble	Commissioner Davis	Commissioner Reape	Commissioner Deol	Commissioner Saint	Chair Anderson
Yes	Yes	Yes	Yes	Yes	Yes	Yes

Commissioner Shields nominated Commissioner Deol for Planning Commission Vice Chair for 2026, seconded by Commissioner Reape. Motion carried 7/0 by the following vote

Commissioner Shields	Commissioner Tribble	Commissioner Davis	Commissioner Reape	Commissioner Deol	Commissioner Saint	Chair Anderson
Yes	Yes	Yes	Yes	Yes	Yes	Yes

Planning Manager Katie Quintero welcomed new Planning Commissioner Patrick Shields.

She informed the Commission that a new Brown Act handout was placed at the dais for the Commissioners' reference.

She also announced that an email would be sent regarding the upcoming Planning Commission Academy, scheduled for March 11–13 in Anaheim. Due to budget constraints only two commissioners would be able to attend and first preference would be given to those that have not previously participated.

Planning Manager Quintero announced that a new Principal Planner will begin work next week and that second-round interviews are in process for the Assistant Planner position.

**5. PUBLIC PARTICIPATION**

Chair Anderson opened the floor for public participation.

Hearing no one, Chair Anderson closed the floor for public participation.

**6. CONSENT CALENDAR**

- A. Motion: Accepting the Minutes of the November 6, 2025 Regular Meeting
- B. Motion: Accepting the Minutes of the December 4, 2025 Regular Meeting
- C. Motion: Waiving Reading of All Ordinances of the Agenda, Except by Title

**Motion:**

Commissioner Reape moved, seconded by Commissioner Davis to approve waiving reading of all ordinances of the agenda, except by title. Motion carried 7/0 by the following vote:

Commissioner Shields	Commissioner Tribble	Commissioner Davis	Commissioner Reape	Commissioner Deol	Commissioner Saint	Chair Anderson
Yes	Yes	Yes	Yes	Yes	Yes	Yes

**7. PUBLIC HEARINGS**

Chair Anderson noted there were two items.

Commissioner Tribble exited the room at 6:06 p.m. due to a conflict of interest associated with Public Hearing Item 7.A.

**A. Conditional Use Permit 2025-01 Amendment (Adult Day Care Center):** Assistant Planner Kate Bailey presented the staff report. She explained that the applicant is requesting modifications to the previously approved Adult Day Care Center (CUP 25-01) project. The revised proposal includes changes to the overall site layout, updated building elevations, and a reconfigured parking lot. Additionally, the applicant is proposing to install a new security gate to provide controlled access for their company vehicles. The project will be completed in two phases: Phase 1 will include a 11,500 sq. ft. main facility with communal spaces, activity rooms, dining areas, and administrative offices to support social engagement and specialized care services. Phase 2, to commence within 24 months from issuance or granting of the CUP, will add a 10,000 sq. ft. expansion with additional program spaces, therapy rooms, and recreational areas. The site will feature perimeter fencing, a gated transportation area, and on-site improvements such as paving, curbing, lighting, parking, a trash enclosure, and landscaping. Off-site improvements will include new curb, gutter, and sidewalk installations.

**Public Participation**

Chair Anderson opened the floor for public hearing.

Hearing no one, Chair Anderson closed the floor for public participation.

**Motion:**

Commissioner Reape moved, seconded by Commissioner Davis determining Conditional Use Permit No. 2025-01 Amendment is Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 and grant the amendment to Conditional Use Permit 2025-01 having determined that the appropriate findings can be made, subject to the conditions of approval contained in draft Planning Commission Resolution No. 2026-01. Motion carried by a 6/0 vote.

Commissioner Reese	Commissioner Tribble	Commissioner Davis	Commissioner Reape	Commissioner Deol	Commissioner Saint	Chair Anderson
Yes	Not Participating	Yes	Yes	Yes	Yes	Yes

Commissioner Tribble was reseated at the dais at 6:11 p.m.

**B. Ordinance Amendment 2026-01 (OA 2026-01):** Planning Manager Quintero stated that staff is requesting the item be continued to the next regularly scheduled Planning Commission meeting on February 5, 2026, as the amendment is primarily

being prepared by the City Attorney’s Office and additional time is needed to complete the amendment sections.

**Public Participation**

Chair Anderson opened the floor for public hearing.

Milt Trieweiler asked what was going to be changed and the reason for it.

Planning Manager Quintero said that the public notice identifies various sections of the Turlock Municipal Code, Title 9, proposed for amendment and modification, which fall within the Planning Commission’s purview to make recommendations to the City Council. She noted that once the staff report is prepared, the specific details will be included and the proposed changes will be available when the next agenda is published.

Hearing no one else, Chair Anderson closed the floor for public participation.

**Motion:**

Commissioner Reape moved, seconded by Commissioner Davis to continue Ordinance Amendment 2026-01 to the next scheduled Planning Commission meeting on February 5, 2026. Motion carried by a 7/0 vote.

Commissioner Shields	Commissioner Tribble	Commissioner Davis	Commissioner Reape	Commissioner Deol	Commissioner Saint	Chair Anderson
Yes	Yes	Yes	Yes	Yes	Yes	Yes

**8. SCHEDULED MATTERS**

There were none.

**9. COMMISSIONER’S COMMENTS AND ANNOUNCEMENTS**

*Commissioners may provide a brief report on notable topics of interest. The Brown Act does not allow discussion or action by the Commission.*

Commissioner Patrick Shields introduced himself and said he was excited for the opportunity to be on the Planning Commission. He thanked everyone for the warm welcome.

The Commissioners welcomed Commissioner Shields again.

## 10. ADJOURNMENT

Having no further business, Chair Anderson asked for a motion to adjourn the meeting. Motion by Commissioner Reape. Motion carried unanimously by a voice vote. The meeting was adjourned at: 6:16 p.m.

RESPECTFULLY SUBMITTED

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Constance Anderson  
Planning Commission Chair

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Katie Quintero  
Planning Manager

# **Planning Commission Staff Report**

## **February 5, 2026**



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From: George Petrulakis, City Attorney  
Prepared by: Adrienne Werner, Development Services Director  
Agendized by: Adrienne Werner, Development Services Director

### **1. ACTION RECOMMENDED:**

1. Repeal TMC Section 9-2-110 (Revoking family day care home). Removing discretionary provisions related to family day care is a result of the Housing Element process.
2. Repeal and replace TMC Sections 9-2-301 through 9-2-305 (Nonconforming Structures And Uses). Revisions to these sections modernize the City's Municipal Code related to nonconforming uses.
3. New Amended TMC Section 9-5-604 (Conditional use permits: Granting); New Amended TMC Section 9-5-606 (Conditional use permits: Denial); New Amended TMC Section 9-5-611 (Conditional use permits: Renewal and discontinuance); and New (Added) TMC Section 9-5-611.5 (Conditional use permits: Discontinuance). Revisions to these sections modernize the City's Municipal Code related to conditional use permits.

### **2. NARRATIVE:**

The City Attorney's Office and the Development Services Department are presenting a package of zoning code text amendments for the Planning Commission to review and provide a recommendation to the City Council. The amendments address several different code topics and are intended to modernize various provisions, improve internal consistency, clarify standards and procedures, and reflect the first update arising from the City's Housing Element process.

Specifically, the attached amendment packet contains proposed amendments to various portions of Title 9 (Zoning Ordinance) of the Turlock Municipal Code, including:

1. Repealing TMC Section 9-2-110 (Family day care home). The revocation of this section is in response to the Housing Element process since family day care homes can no longer be singled out under state law. Additional provisions will be presented to the City Council that will adjust the use charts in the zoning ordinance to reflect the necessary revisions.
2. Adopting new and comprehensive nonconforming use and structure regulations in TMC Sections 9-2-301 through 9-2-305 (Nonconforming Structures And Uses), including purpose and applicability language and clearer rules addressing

continuation, alteration, expansion, change, and discontinuance/abandonment of nonconforming uses.

3. Revising the Conditional Use Permit (CUP) findings framework in TMC Section 9-5-604 (Conditional use permits: Granting) by clarifying Planning Commission actions and distinguishing findings applicable to residential versus non-residential CUPs (including a reference that residential findings shall be updated as necessary upon certification/adoption of the 2031 Housing Element (6th Cycle)).
  
4. Revising the CUP denial provision in TMC Section 9-5-606 (Conditional use permits: Denial) to align denial with the inability to make the required findings in TMC Section 9-5-604 (Conditional use permits: Granting).
  
5. Adding a new discontinuance/abandonment process in TMC Section 9-5-611.5 (Conditional use permits: Discontinuance), including a noticed public hearing process and findings to support abandonment, recordation authority for termination documentation, and provisions addressing extension and tolling under specified circumstances. Also, TMC Section 9-5-611 (Conditional use permits: Renewal and discontinuance) is adjusted to conform with the new section.

The Planning Commission's action on this item is advisory in nature and will forward the Commission's recommendation to the City Council for final consideration and adoption.

**3. FISCAL IMPACT / BUDGET AMENDMENT:**

None

**4. ENVIRONMENTAL DETERMINATION:**

The proposed zoning text amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the "common sense" exemption (CEQA Guidelines section 15061(b)(3)), as it establishes regulations and standards and will not directly result in physical development or a reasonably foreseeable significant effect on the environment.

**5. ATTACHMENTS:**

1. Attachment 1 Draft Zoning Amendments for Title 9
2. Exhibit A OA 2026-01 Draft Planning Commission Resolution
3. Attachment A OA 2026-01 Ordinance

**New Amended TMC Section 9-2-110:  
(Revoking Family Day Care Provisions-Result of Housing Element  
Process)**

Attached:

Text of "Repealed" Section 9-2-110  
Strikeout Text of Current Section Being Repealed

**New Amended TMC Section 9-2-110:  
(Revoking Family Day Care Provisions-Result of Housing Element Process)**

"§ 9-2-110 Family day care home" is revoked and replaced with the following:

**"§ 9-2-110 Repealed."**

**This is the section being repealed:**

~~§ 9-2-110 Family day care home.~~

~~(a) **Small family day care home.** No permit is required to operate a small family day care home and the use shall be considered an accessory use to a residence.~~

~~(b) **Large family day care home.** A permit shall be issued by the Development Services Director or his/her designee to operate a large family day care home upon the issuance of a minor administrative approval, as set forth in Article 3 of Chapter 9-5 TMC (Minor Administrative and Minor Discretionary Permits) upon finding that:~~

~~(1) **Residency.** The site is the principal residence of the operator and the day care is clearly incidental and secondary to the use of the property for residential purposes.~~

~~(2) **General Plan and zoning compliance.** The property complies with all applicable General Plan policies and zoning regulations established in the Turlock Municipal Code (TMC).~~

~~(3) **Spacing and concentration.** The property is located at least three hundred (300') feet from any other State licensed large family day care home on the same street, or a street that is aligned and connected with that street unless bisected by an arterial street or expressway.~~

~~(4) **Traffic control.** The family day care home would not adversely affect traffic and circulation of the neighborhood, including but not limited to blocking driveways or requiring double parking to load and unload guests.~~

~~(5) **Building modifications.** The residential character and appearance of the dwelling does not have to be altered in any way to accommodate the family day care use.~~

~~(6) **Outdoor play areas.** All outdoor play areas are clearly delineated through the use of fences, landscaping, or other materials constructed in accordance with applicable laws and regulations.~~

~~(7) Operator agrees to the following additional conditions of approval:~~

- ~~(i) **Fire clearance.** Prior to commencing the use, the operator shall obtain certification by Turlock Fire Department that the facility complies with the standards established by the State Fire Marshal as set forth in Title 24 of the California Code of Regulations.~~
- ~~(ii) The operator agrees not to erect any off- or on-premises signs for the family day care home except as set forth in Article 5 of this chapter (Signs).~~
- ~~(iii) **Noise control.** The family day care home shall be operated in compliance with the City of Turlock noise regulations, Article 3 of this chapter (Noise Standards).~~
- ~~(iv) **Outdoor play areas.** The operator agrees to keep all activities related to the operation of the family day care on-site at all times.~~
- ~~(v) **Access to inspect.** The property owner and/or operator shall allow the City to enter the property to determine compliance with the conditions of the large family day care permit during normal operating hours of the family day care home.~~
- ~~(vi) **Compliance with laws and regulations.** The day care operator acknowledges and agrees to comply with all applicable State, Federal and local laws and regulations. The operator shall provide evidence of compliance with State Department of Social Services requirements by providing a copy of the approved family day care license to the City prior to commencing operation of the family day care home. Upon revocation or denial of the State license, the permit issued pursuant to this section shall be automatically terminated.~~

~~(c) **Conditional use permit.** When the findings set forth in this section for the issuance of a large family day care permit cannot be made, an application for a conditional use permit may be made as set forth in Article 6 of Chapter 9-5 TMC (Conditional Use Permits and Variances), subject to the conditions of approval listed in this section and any other conditions established by the Planning Commission and/or City Council.~~

~~(d) **Use of residential garage.** Family day care operations are not permitted in the garage area of a residence, except when the garage has been properly~~

~~converted to habitable space through the issuance of a building permit and the space has met all applicable laws and regulations. Prior to finalizing the building permit, the property owner shall record a restrictive use covenant stating that the converted garage shall be returned to its original state upon the cessation of the family day care use and/or the sale of the dwelling unit.~~

~~###~~

**New Amended TMC Sections 9-2-301 through 9-2-305  
(Non-Conforming Uses)**

Attached:

Text of New TMC Sections 9-2-301 through 9-2-305  
Copy of Current TMC Sections 9-2-301 through 9-2-305  
[No Compare Version as Revisions Too Extensive]

**New Amended TMC Sections 9-2-301 through 9-2-305  
(Non-Conforming Uses)**

**§ 9-2-301 Purpose and Applicability of Nonconforming Use and Structure Regulations.**

**(a) Purpose.**

The provisions of this Article are intended to regulate the continuation, alteration, and eventual elimination of land uses, buildings, and structures that were lawfully established but that no longer conform to the use regulations or development standards of this Code due to subsequent changes in zoning, land use regulations, or other applicable laws.

The City recognizes that nonconforming situations may arise through no fault of the property owner; however, it is the policy of the City that such nonconformities are inconsistent with the long-term planning objectives of the General Plan and this Code and should be discouraged and eliminated over time, subject to reasonable limitations consistent with state law.

**(b) Distinction Between Nonconforming Uses and Nonconforming Structures.**

For purposes of this Article, nonconformities are categorized as follows:

- (1) *Nonconforming uses*, which involve the nature or type of activity conducted on a site or within a structure that is not permitted by the zoning district in which it is located; and
- (2) *Nonconforming structures*, which involve the physical characteristics, location, or dimensions of a building or structure that do not comply with applicable development standards, regardless of whether the use conducted therein is conforming or nonconforming.

Nonconforming uses and nonconforming structures are separate and independent concepts, and the regulations applicable to each are intended to operate independently except where expressly stated otherwise in this Article.

**(c) Intent Regarding Nonconforming Uses.** Nonconforming uses are recognized as a temporary accommodation and not as a vested entitlement to continued operation indefinitely. It is the intent of this Article to:

- (1) Allow the limited continuation of nonconforming uses under defined conditions;
- (2) Prevent the expansion, intensification, enlargement, or re-establishment of nonconforming uses, except where expressly authorized by this Code;

- (3) Encourage the conversion of nonconforming uses to conforming uses; and
- (4) Provide for the eventual elimination of nonconforming uses through abandonment, discontinuance, amortization, redevelopment, or other lawful means.

**(d) Intent Regarding Nonconforming Structures.** Nonconforming structures may be permitted to remain, subject to reasonable regulation, in order to avoid unnecessary hardship or constitutional infirmity. It is the intent of this Article to:

- (1) Allow ordinary repair and maintenance of nonconforming structures;
- (2) Regulate the enlargement, alteration, reconstruction, or replacement of nonconforming structures in a manner that reduces nonconformity where feasible; and
- (3) Avoid conferring any right to perpetuate, expand, or intensify structural nonconformity beyond that which lawfully existed.

**(e) No Enlargement of Rights.** Nothing in this Article shall be construed to:

- (1) Authorize the establishment of any new nonconforming use or structure;
- (2) Create a vested right to expand, intensify, or continue a nonconforming use or structure except as expressly allowed herein; or
- (3) Limit the City's authority to enforce this Code, abate nuisances, or exercise its police powers in a lawful manner consistent with state law.

**(f) Applicability and Interpretation.** This Article shall be interpreted narrowly in favor of conformity with current zoning regulations. In the event of ambiguity, the interpretation that most closely advances the reduction of nonconformity and the elimination of nonconforming uses shall be favored, to the extent consistent with state law and constitutional protections.

### § 9-2-302 Nonconforming Uses.

**(a) Applicability.** This section governs the continuation, change, enlargement, intensification, abandonment, and discontinuance of nonconforming uses of land or of structures or of both. The provisions of this section apply regardless of whether the structure in which the nonconforming use is located is conforming or nonconforming, except as expressly provided otherwise in this Code.

**(b) Continuation of Nonconforming Uses.** A nonconforming use that was lawfully established may be continued subject to the limitations of this Article; however, such continuation is permitted only to the extent necessary to avoid undue hardship and shall

not be construed as authorization to expand, intensify, or perpetuate the use indefinitely.

**(c) Expansion or Intensification Prohibited.** Except as expressly authorized by this Code:

- (1) A nonconforming use shall not be enlarged, expanded, extended, or intensified, whether by increase in area devoted to the use, hours of operation, production or activity, occupancy, or any other means that results in a greater degree of nonconformity;
- (2) A nonconforming use shall not be extended to occupy land, floor area, or portions of a site or structure not lawfully devoted to such use at the time it became nonconforming; and
- (3) No action shall be taken that has the effect of prolonging or enhancing the economic life or operational scale of a nonconforming use.

**(d) Change or Substitution of Nonconforming Use.**

- (1) A nonconforming use may be changed to a conforming use, and once so changed, the nonconforming use shall not thereafter be resumed;
- (2) A nonconforming use shall not be changed to another nonconforming use unless expressly authorized by this Code; and
- (3) Any permitted change of use shall not increase the degree of nonconformity or create new nonconforming conditions.

**(e) Abandonment or Discontinuance.** A nonconforming use shall be deemed abandoned and shall lose its legal nonconforming status when the use ceases or is discontinued for a continuous period of six (6) months, regardless of intent to resume the use, or when replaced by a conforming use.

**(f) Resumption Prohibited.** A nonconforming use that has been abandoned or discontinued shall not be resumed, re-established, or reinstated.

**(g) Temporary Suspension.** A temporary cessation of a nonconforming use directly caused by events beyond the control of the property owner shall not constitute abandonment, provided the use is resumed within a reasonable time and in no event later than twelve (12) months from the date of cessation.

**(h) Effect of Demolition or Removal of Structure.** If a nonconforming use is conducted within or upon a structure, and that structure is demolished or removed, the nonconforming use shall not thereafter be resumed, except where reconstruction is expressly permitted under § 9-2-306.

### § 9-2-303 Nonconforming Structures.

**(a) Applicability.** This section governs buildings and structures that were lawfully established but that do not comply with current development standards of this Code.

**(b) Continuation.** A nonconforming structure may be continued subject to the limitations of this Article.

**(c) Repair and Maintenance.** Ordinary repair, maintenance, and interior remodeling of a nonconforming structure may be performed, provided such work does not increase the degree of nonconformity. Repairs required to comply with health and safety codes shall be permitted.

#### **(d) Enlargement or Alteration.**

- (1) Minor enlargement or alteration not exceeding one thousand (1,000) square feet or twenty-five percent (25%) of existing gross floor area may be approved through a minor discretionary permit;
- (2) Larger enlargements or alterations may be approved only through a conditional use permit and shall reduce or not increase the degree of nonconformity to the maximum extent feasible.

**(e) Demolition and Reconstruction.** Demolition and reconstruction of nonconforming structures shall be governed by § 9-2-306.

### § 9-2-304 Loss of Nonconforming Status.

**(a) Loss of Nonconforming Use Status.** A nonconforming use shall lose its legal nonconforming status upon abandonment or discontinuance pursuant to § 9-2-302, conversion to a conforming use, replacement by another use, or demolition or removal of the structure in which it is conducted, except where reconstruction is expressly permitted under § 9-2-306.

**(b) Preservation of Structural Status.** Loss of nonconforming use status shall not, by itself, result in loss of nonconforming structural status.

**(c) Vacancy.** Vacancy or non-occupancy shall not constitute loss of nonconforming structural status.

**(d) Burden of Proof.** The burden of establishing the lawful existence and continuation of a nonconforming use or structure shall be upon the property owner.

### § 9-2-305 Discontinuance and Amortization of Nonconforming Uses.

**(a) Purpose.** This section provides for the lawful discontinuance of nonconforming uses following a reasonable amortization period.

**(b) Applicability.** This section applies only to nonconforming uses and does not apply to nonconforming structures. Nothing in this section shall be construed to require amortization as a prerequisite to the termination of a nonconforming use that has been abandoned or discontinued pursuant to §§ 9-2-302 and 9-2-304.

**(c) Amortization Authority.** The City may require the discontinuance of a nonconforming use after a reasonable amortization period based on consideration of the nature of the use, its impacts, investment-backed expectations, and other relevant factors.

**(d) Effect.** Upon expiration of the amortization period, the nonconforming use shall be discontinued and shall not be resumed.

**(e) Findings.** Any requirement for discontinuance of a nonconforming use pursuant to this section shall be supported by written findings demonstrating that the amortization period provided is reasonable in light of the factors considered.

###

## Title 9. Zoning Ordinance

### Chapter 9-2. REGULATIONS APPLYING TO ALL DISTRICTS

#### Article 3. Nonconforming Structures And Uses

##### § 9-2-301. Specific purposes.

This article limits the number and extent of nonconforming uses by limiting their enlargement, their reestablishment following abandonment, their alteration, their relocation, and their restoration. This article, while permitting the use and maintenance of nonconforming structures, limits their restoration, alteration, enlargement, or relocation upon the site in any manner that would increase the discrepancy between the standards contained in this article and the conditions existing on the subject property.

It is recognized that nonconforming uses and structures generally persist and their appearance gradually deteriorates when the standards for repair and improvement are too restrictive. It is the intent of this article to provide limited but reasonable opportunity for nonconforming uses and structures that are not a public nuisance to be repaired and improved if it is in the public interest. This article also provides for the removal of nonconforming uses and structures or change to conforming uses and structures when such uses and structures are a public nuisance.

(Formerly 9-2-401; 1207-CS, Rep&ReEn, 05/28/2015; 1237-CS, Amended, 12/28/2017)

##### § 9-2-302. Nonconforming uses.

(a) **Defined.** A nonconforming use is a lawful use of land that does not comply with the current use regulations for its zoning district but which complied with the applicable regulations at the time the use was established. A nonconforming use includes those that operate without a structure.

(b) **Regulations.**

(1) The reestablishment of a legal nonconforming use or the substitution of a nonconforming use of another nonconforming use of the same or more restrictive classification may be made upon approval of a minor discretionary permit in accordance with Article 3 of Chapter 9-5 TMC (Minor Administrative and Minor Discretionary Permits). The new nonconforming use must have a similar or less severe impact on its surroundings in terms of noise, traffic, parking, hours of operation, and visual incompatibility. Nonconforming uses not meeting these requirements may be allowed upon approval of a conditional use permit in accordance with Article 6 of Chapter 9-5 TMC (Conditional Use Permits and Variances).

(2) The repair, maintenance, remodel, alteration, and replacement of a structure used for a nonconforming use (and/or site improvements) may be allowed so long as there is no increase in the operation or floor area devoted to the use, or change in the size or location of any structures. The structural and/or site improvements described above may be approved if it can be determined that they do not adversely affect neighboring properties, that they do not increase the degree of nonconformity, and are in the public interest.

(3) The expansion or enlargement of a structure used for a nonconforming use and/or site improvements may be allowed as follows:

(i) Structural improvements that enlarge or expand an existing structure used for a nonconforming use and/or the expansion or enlargement of the site by more than one thousand (1,000) square feet, or more than twenty-five (25%) percent of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a conditional use permit in accordance with Article 6 of Chapter 9-5 TMC (Conditional Use Permits and Variances).

(ii) Structural improvements that enlarge or expand an existing structure used for a nonconforming use and/or the expansion or enlargement of the site by no more than one thousand (1,000) square feet or no more than twenty-five (25%) percent of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a minor discretionary permit in accordance with Article 3 of Chapter 9-5 TMC (Minor Administrative and Minor Discretionary Permits).

(iii) The structural and/or site improvements described above may be approved if it can be determined they will not adversely affect neighboring properties, and are in the public interest.

(iv) The expansion or enlargement of nonconforming residences in nonresidential zoning districts shall comply with the development standards established for the applicable residential zoning district, not the zoning district in which it is located.

(Formerly 9-2-402; 1207-CS, Rep&ReEn, 05/28/2015; 1237-CS, Amended, 12/28/2017)

## § 9-2-303. Nonconforming structures.

(a) **Defined.** A nonconforming structure is any building or structure that does not comply with one (1) or more of the regulation limitations on size, height, and location on a lot, or the applicable zoning district in which such building or structure is located (refer to TMC 9-2-520, Nonconforming signs).

(b) **Regulations.**

(1) The repair, maintenance, remodel, alteration, and replacement of a nonconforming structure where the level of nonconformity is maintained so long as there is no increase in the operation or floor area devoted to the use, or change in the size or location of any structures. The structure improvements described above may be approved if it can be determined they will not adversely affect neighboring properties, and are in the public interest.

(2) The expansion or enlargement of a nonconforming structure used may be allowed as follows:

(i) Structural improvements that enlarge or expand an existing structure by more than one thousand (1,000) square feet, or more than twenty-five (25%) percent of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a conditional use permit in accordance with Article 6 of Chapter 9-5 TMC (Conditional Use Permits and Variances).

(ii) Structural improvements that enlarge or expand an existing structure by no more than one thousand (1,000) square feet or no more than twenty-five (25%) percent of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a minor discretionary permit in accordance with Article 3 of Chapter 9-5 TMC (Minor Administrative and Minor Discretionary Permits).

(iii) The structural improvements described above may be approved if it can be determined that they do not adversely affect neighboring properties, are in the public interest, and are necessary to ensure visual compatibility with the existing structure.

(iv) The expansion or enlargement of nonconforming residences in nonresidential zoning districts shall comply with the development standards established for the applicable residential zoning district, not the zoning district in which it is located.  
(Formerly 9-2-403; 1207-CS, Rep&ReEn, 05/28/2015; 1237-CS, Amended, 12/28/2017)

## § 9-2-304. Loss of nonconforming status.

A nonconforming use which ceases or a nonconforming structure that is unoccupied for a continuous period of twelve (12) months shall lose its legal nonconforming status. The premises on which the nonconforming use is located shall then be used for conforming uses and the nonconforming structure shall be removed or altered to conform unless a conditional use permit is obtained in accordance with Article 6 of Chapter 9-5 TMC (Conditional Use Permits and Variances).

(Formerly 9-2-404; 1207-CS, Rep&ReEn, 05/28/2015; 1237-CS, Amended, 12/28/2017)

## § 9-2-305. Discontinuance.

(a) **Declaration of unlawful uses or structures.** It is hereby declared that nonconforming uses of land or nonconforming structures within the City of Turlock as set forth in this article that are found to be a public nuisance are detrimental to the orderly development of the City and as detrimental to the health, safety, peace, comfort, and general welfare of persons and property within the City of Turlock. It is further declared to be the policy of the City that such nonconforming uses or structures shall be eliminated as rapidly as may be done without infringing upon the constitutional rights of the owners of such nonconforming property.

(b) **Procedures to determine time for discontinuance.** A nonconforming use or structure that is determined to be a public nuisance and a serious detriment to the health, safety, peace, comfort, and general welfare of persons and property within the surrounding area may be administratively ordered to discontinue upon determination by the Development Services Director, or designee. A nonconforming use or structure shall be discontinued within the following time frame:

(1) A nonconforming use which does not involve the use of a structure shall be discontinued in five (5) years.

(2) A nonconforming use which does involve the use of a structure shall be discontinued in ten (10) years.

(3) A nonconforming structure shall be abandoned or removed in ten (10) years.

(c) **Appeals.** Should an owner of property upon which a nonconforming use has been administratively ordered discontinued disagree with such order, such owner may appeal as provided in Chapter 1-4 TMC.

(Formerly 9-2-405; 1207-CS, Rep&ReEn, 05/28/2015; 1237-CS, Amended, 12/28/2017)

**New Amended TMC Section 9-5-604:  
(Conditional Use Permits Granting)**

Attached:

Text of New TMC Section 9-5-604  
Copy of Current TMC Section 9-5-604  
Compare Version of New v. Current

**New Amended TMC Section 9-5-604:  
(Conditional Use Permits Granting)**

**§ 9-5-604 Conditional use permits: Granting.**

**(a) Actions by Planning Commission.** All actions of the Planning Commission relating to findings and recommendations shall be in accordance with the provisions of this article.

**(b) Residential Permits.** The Planning Commission shall authorize the granting of the conditional use permit for a residential use if it makes all of the findings listed below, provided, however, that upon certification and adoption of the 2031 Housing Element (6<sup>th</sup> Cycle), such findings shall be amended as necessary to achieve consistency with the certified Housing Element. The findings are:

- (1) That the site for the proposed use is adequate in size and shape to accommodate such uses, all yards, open spaces, wall, fences, parking, loading, landscaping, and other features required by the Municipal Code, or the Planning Commission to make sure such use is compatible with the land and uses in the vicinity;
- (2) That the site for the proposed use is related properly to streets and highways to carry the quantity and kind of traffic generated by the proposed use;
- (3) That the proposed use will not adversely affect the abutting property or the permitted use thereof with the provisions of conditions; and
- (4) That the site for the proposed use is in conformance with the General Plan.

**(c) Non-Residential Permits.** The Planning Commission shall authorize the granting of the conditional use permit for a non-residential use if it makes all of the following findings:

- (1) That the site for the proposed use is adequate in size and shape to accommodate such use or uses and is otherwise physically suitable for the type and intensity of the proposed development; and is adequate to accommodate all yards, open spaces, walls, fences, parking, loading, landscaping, and other features required by the Municipal Code, or as additionally required by the Planning Commission, to ensure such use is compatible with the land and uses in the vicinity;
- (2) That the proposed use will not adversely affect adjacent structures and uses or adversely affect structures or uses in the neighborhood;
- (3) That the site for the proposed use is related properly to streets and highways and can carry the quantity and kind of traffic generated by the proposed use

and that the proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic in the immediate area;

- (4) That the proposed site and use have adequate utilities, including without limitation, sanitation, wastewater service, water supply, drainage, and other utilities, and adequate facilities for all of these;
- (5) That the proposed use will not create a demand for additional parking which cannot be met safely and efficiently on the site;
- (6) That the proposed use will not be detrimental to the public health, safety, or welfare of adjacent residents, employees, businesses, properties, the neighborhood, and the community;
- (7) That the proposed use will not otherwise constitute a nuisance to adjacent residents, employees, businesses, properties, the neighborhood, or the community; and
- (8) That the site for the proposed use and the proposed use are in conformance with the General Plan, any Specific Plan or Master Plan, any other applicable plan adopted by the City, and this Title 9.

###

City of Turlock, CA  
Friday, January 30, 2026

## Title 9. Zoning Ordinance

### Chapter 9-5. ADMINISTRATION

#### Article 6. Conditional Use Permits And Variances

##### § 9-5-604. Conditional use permits: Granting.

All actions of the Planning Commission relating to findings and recommendations shall be in accordance with the provisions of this article. The Planning Commission shall authorize the granting of the conditional use permit if it finds as follows:

- (a) That the site for the proposed use is adequate in size and shape to accommodate such uses, all yards, open spaces, wall, fences, parking, loading, landscaping, and other features required by the Municipal Code or the Planning Commission to make sure such use is compatible with the land and uses in the vicinity;
- (b) That the site for the proposed use is related properly to streets and highways to carry the quantity and kind of traffic generated by the proposed use;
- (c) That the proposed use will not adversely affect the abutting property or the permitted use thereof with the provisions of conditions; and
- (d) That the site for the proposed use is in conformance with the General Plan.  
(1207-CS, Rep&ReEn, 05/28/2015)

**Current TMC Section 9-5-604  
(Conditional Use Permits Granting)**

**§ 9-5-604 Conditional use permits: Granting.**

All actions of the Planning Commission relating to findings and recommendations shall be in accordance with the provisions of this article. The Planning Commission shall authorize the granting of the conditional use permit if it finds as follows:

- (a) That the site for the proposed use is adequate in size and shape to accommodate such uses, all yards, open spaces, wall, fences, parking, loading, landscaping, and other features required by the Municipal Code or the Planning Commission to make sure such use is compatible with the land and uses in the vicinity;
- (b) That the site for the proposed use is related properly to streets and highways to carry the quantity and kind of traffic generated by the proposed use;
- (c) That the proposed use will not adversely affect the abutting property or the permitted use thereof with the provisions of conditions; and
- (d) That the site for the proposed use is in conformance with the General Plan.

**###**

**CurrentNew Amended TMC Section 9-5-604:**  
**(Conditional Use Permits Granting)**

**§ 9-5-604 Conditional use permits: Granting.**

**§ 9-5-604 Conditional use permits: Granting.**

**(a) Actions by Planning Commission.** All actions of the Planning Commission relating to findings and recommendations shall be in accordance with the provisions of this article. The Planning Commission shall authorize the granting of the conditional use permit if it finds as follows:

**(b) Residential Permits.** The Planning Commission shall authorize the granting of the conditional use permit for a residential use if it makes all of the findings listed below, provided, however, that upon certification and adoption of the 2031 Housing Element (6<sup>th</sup> Cycle), such findings shall be amended as necessary to achieve consistency with the certified Housing Element. The findings are:

- (a)(1) That the site for the proposed use is adequate in size and shape to accommodate such uses, all yards, open spaces, wall, fences, parking, loading, landscaping, and other features required by the Municipal Code, or the Planning Commission to make sure such use is compatible with the land and uses in the vicinity;
- (b)(2) That the site for the proposed use is related properly to streets and highways to carry the quantity and kind of traffic generated by the proposed use;
- (c)(3) That the proposed use will not adversely affect the abutting property or the permitted use thereof with the provisions of conditions; and
- (d) (4) That the site for the proposed use is in conformance with the General Plan.

**###**

**(c) Non-Residential Permits.** The Planning Commission shall authorize the granting of the conditional use permit for a non-residential use if it makes all of the following findings:

- (1) That the site for the proposed use is adequate in size and shape to accommodate such use or uses and is otherwise physically suitable for the type and intensity of the proposed development; and is adequate to accommodate all yards, open spaces, walls, fences, parking, loading, landscaping, and other features required by the Municipal Code, or as additionally required by the Planning Commission, to ensure such use is compatible with the land and uses in the vicinity;

- (2) That the proposed use will not adversely affect adjacent structures and uses or adversely affect structures or uses in the neighborhood;
- (3) That the site for the proposed use is related properly to streets and highways and can carry the quantity and kind of traffic generated by the proposed use and that the proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic in the immediate area;
- (4) That the proposed site and use have adequate utilities, including without limitation, sanitation, wastewater service, water supply, drainage, and other utilities, and adequate facilities for all of these;
- (5) That the proposed use will not create a demand for additional parking which cannot be met safely and efficiently on the site;
- (6) That the proposed use will not be detrimental to the public health, safety, or welfare of adjacent residents, employees, businesses, properties, the neighborhood, and the community;
- (7) That the proposed use will not otherwise constitute a nuisance to adjacent residents, employees, businesses, properties, the neighborhood, or the community; and
- (8) That the site for the proposed use and the proposed use are in conformance with the General Plan, any Specific Plan or Master Plan, any other applicable plan adopted by the City, and this Title 9.

###

**New Amended TMC Section 9-5-606  
(Conditional Use Permits Denial)**

Attached:

New Text of TMC Section 9-5-606  
Copy of Current TMC Section 9-5-606  
Compare Version of New v. Current

**New Amended TMC Section 9-5-606:  
(Conditional Use Permits Denial)**

**§9-5-606 Conditional use permits; Denial.**

If the Planning Commission cannot make, based on the record, the findings required by TMC Section 9-5-604, the Planning Commission shall deny the conditional use permit application.

**###**

**Current TMC Section 9-5-606  
(Conditional Use Permits Denial)**

**§ 9-5-606 Conditional use permits: Denial.**

If because of the size or character of the use proposed on a particular site, its location, or its relationship to adjoining parcels and uses, the Planning Commission is unable to make the findings set forth in TMC 9-5-504, the Planning Commission shall disapprove the conditional use permit application.

###

**CurrentNew Amended TMC Section 9-5-606:  
(Conditional Use Permits Denial)**

~~§ 9-5-606 Conditional use permits: Denial.~~

§ 9-5-606 Conditional use permits; Denial.

~~If because of the size or character of the use proposed on a particular site, its location, or its relationship to adjoining parcels and uses, the the Planning Commission is unable to cannot make, based on the record, the findings set forth in required by TMC Section 9-5-504604, the Planning Commission shall disapprove deny the conditional use permit application.~~

###

**New Amended TMC Section 9-5-611  
(Conditional Use Permits Renewal and Discontinuance)**

**and**

**New (Added) TMC Section 9-5-611.5:  
(Conditional Use Permits Discontinuance)**

Attached:

Text of Amended TMC Section 9-5-611  
Text of New [Added] TMC Section 9-5-611.5  
Copy of Current TMC Section 9-5-611  
Compare Version of New v. Current in Section 9-5-611  
[No Compare Version of Section 9-5-111.5 as New]

**New Amended TMC Section 9-5-611:  
(Conditional Use Permits Renewal and Discontinuance)**

**§ 9-5-611 Conditional Use Permits: Renewal.**

If an application for renewal is filed prior to expiration, a conditional use permit may be renewed for an additional one (1) year period. The acting agency may grant or deny an application for renewal in the same manner as set forth for the original application. A conditional use permit that has been abandoned pursuant to Section 9-5-611.5 shall not be eligible for renewal.

**New (Added) TMC Section 9-5-611.5:  
(Conditional Use Permits Discontinuance)**

**§ 9-5-611.5 Conditional Use Permits: Discontinuance and Abandonment**

**(a) Discontinuance of Use.** Where a conditional use authorized by a valid conditional use permit has been discontinued for a continuous period of nine (9) months after the use has commenced, the conditional use permit may be subject to abandonment pursuant to this section.

**(b) No Automatic Termination.** Discontinuance of a conditional use shall not automatically terminate a conditional use permit. A conditional use permit shall remain valid unless and until abandonment is determined in accordance with this section.

**(c) Initiation of Abandonment Review.** Upon a determination by the Director that a conditional use appears to have been discontinued for the period specified in subsection (a), the Director shall provide written notice to the permit holder and the property owner of record stating that the City intends to consider whether the conditional use permit has been abandoned.

**(d) Notice and Hearing.** Abandonment of a conditional use permit shall be determined only after a noticed public hearing before the Planning Commission, conducted in the same manner as hearings for the original conditional use permit.

**(e) Findings Required.** The Planning Commission may determine that a conditional use permit has been abandoned only if it finds, based on substantial evidence in the record, that:

- (1) The conditional use was lawfully commenced;
- (2) The conditional use has been discontinued for a continuous period of nine (9) months; and

(3) The discontinuance was not temporary in nature and was not caused by circumstances beyond the reasonable control of the permit holder.

**(f) Effect of Abandonment.** Upon a determination of abandonment, the conditional use permit shall be deemed terminated and void. Any subsequent use of the property shall require a new conditional use permit or other applicable land use entitlement.

**(g) Appeal.** A determination of abandonment may be appealed in the same manner as other Planning Commission decisions under this title.

**(h) Recordation of Termination.** Upon expiration, revocation, or a final determination of abandonment of a conditional use permit, the Director is authorized to record a notice or certificate of termination of the conditional use permit with the County Recorder. The notice or certificate shall identify the permit, the property, and the basis for termination and shall be for informational purposes only. Failure to record such notice shall not affect the validity of the termination.

**(i) Extension of Discontinuance Period.** Prior to the expiration of the nine (9) month discontinuance period described in subsection (a), the permit holder may request a one-time extension of up to nine (9) additional months. The Planning Commission may grant such extension upon a finding that the discontinuance is temporary in nature and that reasonable efforts are being made to reestablish the approved conditional use.

**(j) Tolling During Permitted Construction.** The discontinuance period described in this section shall be tolled during any period in which the conditional use is unable to operate due to active construction or remodeling conducted pursuant to a valid building permit or other City approval, provided that work is proceeding with reasonable diligence.

###

**Current TMC Section 9-5-611  
(Conditional Use Permits Renewal)**

**§ 9-5-611 Conditional Use Permits: Renewal.**

If an application for renewal is filed prior to expiration, a conditional use permit may be renewed for an additional one (1) year period. The acting agency may grant or deny an application for renewal in the same manner as set forth for the original application.

###

~~Current~~New Amended TMC Section 9-5-611  
(Conditional Use Permits Renewal)

§ 9-5-611 Conditional Use Permits: Renewal.

If an application for renewal is filed prior to expiration, a conditional use permit may be renewed for an additional one (1) year period. The acting agency may grant or deny an application for renewal in the same manner as set forth for the original application. A conditional use permit that has been abandoned pursuant to Section 9-5-611.5 shall not be eligible for renewal.

#####

**DRAFT  
RESOLUTION NO. 2026-02**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF TURLOCK  
RECOMMENDING THE CITY COUNCIL  
APPROVE ORDINANCE AMENDMENT 2026-01 (AMENDMENTS TO THE TURLOCK  
MUNICIPAL CODE RELATED TO FAMILY DAY CARE HOME, NONCONFORMING  
STRUCTURES AND USES, AND ADMINISTRATION GOVERNING PERMITS AND  
CERTIFICATES)**

**WHEREAS**, repealing a section of Title 9 (Zoning Ordinance) is required to bring the Ordinance into compliance with changes in State law as they relate to regulations for Family Day Care Homes; and

**WHEREAS**, amendments to Title 9 (Zoning Ordinance) regarding the regulation of Nonconforming structures and uses to have clearer regulations; and

**WHEREAS**, amendments to Title 9 (Zoning Ordinance) regarding the administration governing permits and certificate are recommended to have clearer regulations;

**WHEREAS**, pursuant to the California Environmental Quality Act (“CEQA”), CEQA Guidelines Section 15061(b)(3) of Title 14 of the California Code of Regulations, CEQA does not apply to a project where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment; and

**WHEREAS**, after public hearing held on February 5, 2026, the Planning Commission determined as follows:

1. That the public necessity, convenience and general welfare support the proposed amendments.
2. That the proposed amendments are consistent with the Turlock General Plan.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission does hereby:

**SECTION 1.** Find the proposed project “Exempt” from the provisions of the California Environmental Quality Act, pursuant to Public Resources Code Sections 21065 and CEQA Guidelines Section 15061(b)(3) of Title 14 of the California Code of Regulations.

**SECTION 2.** Recommend that the City Council adopt the amendments to the Turlock Municipal Code attached hereto as Attachment A.

**I HEREBY CERTIFY** that the foregoing Resolution was duly and regularly adopted by the Planning Commission of the City of Turlock at a regular meeting of said Planning Commission held on the 5<sup>th</sup> day of February, 2026, by the following vote:

**AYES:**

**NOES:**

**ABSTAINED:**

**NOT PARTICIPATING:**

**ABSENT:**

**ATTEST:** \_\_\_\_\_  
Katie Quintero,  
Planning Manager & Secretary of the  
Planning Commission for the  
City of Turlock

Attachment A: Ordinance

**BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK**

<b>IN THE MATTER OF REPEALING</b>	}	<b>ORDINANCE NO. - CS</b>
<b>TURLOCK MUNICIPAL TITLE 9, CHAPTER</b>	}	
<b>2, ARTICLE 1, SECTION 10 REGARDING</b>	}	
<b>FAMILY DAY CARE HOME; REPEALING</b>	}	
<b>AND REPLACING TITLE 9 CHAPTER 2</b>	}	
<b>ARTICLE 3 SECTION 01 THROUGH 05;</b>	}	
<b>REGARDING NONCONFORMING</b>	}	
<b>STRUCTURES AND USES; AMENDING</b>	}	
<b>TITLE 9, CHAPTER 5 ARTICLE 6 SECTION</b>	}	
<b>4 REGARDING CONDITIONAL USE</b>	}	
<b>PERMIT GRANTING; AMENDING TITLE 9,</b>	}	
<b>CHAPTER 5 ARTICLE 6 SECTION 6</b>	}	
<b>REGARDING CONDITIONAL USE PERMIT</b>	}	
<b>DENIAL, AMENDING TITLE 9, CHAPTER 5</b>	}	
<b>ARTICLE 6 SECTION 11 REGARDING</b>	}	
<b>CONDITIONAL USE PERMIT RENEWAL;</b>	}	
<b>ADDING TITLE 9 CHAPTER 5 ARTICLE 6</b>	}	
<b>SECTION 11.5 REGARDING</b>	}	
<b>CONDITIONAL USE PERMIT</b>	}	
<b><u>DISCONTINUANCE AND ABANDONMENT</u></b>	}	

**WHEREAS**, the State of California has passed changes to California law regarding regulations for large family day care homes, therefore TMC 9-2-110 needs to be repealed in order to comply with current State law; and

**WHEREAS**, the current Turlock Municipal Code regarding Non-conforming structures and uses is being amended to create clearer regulations; and

**WHEREAS**, various section of Title 9 Chapter 5 are proposed to be amended to provide additional clarity regarding administration of permits and certificates; and

**BE IT ORDAINED**, the City Council of the City of Turlock as follows:

**SECTION 1. FINDINGS:** The City Council of the City of Turlock hereby finds the public necessity, convenience and general welfare support the proposed amendment and the proposed amendment is consistent with the Turlock General Plan.

**SECTION 2. REPEALING:** Title 9, Chapter 2 Article 1 Section 10 “Family Day Care homes” is hereby repealed as follows:

~~9-2-110 Family day care home.~~

~~(a) Small family day care home. No permit is required to operate a small family day care home and the use shall be considered an accessory use to a residence.~~

~~(b) Large family day care home.~~ A permit shall be issued by the Development Services Director or his/her designee to operate a large family day care home upon the issuance of a minor administrative approval, as set forth in Article 3 of Chapter 9-5 TMC (Minor Administrative and Minor Discretionary Permits) upon finding that:

~~(1) Residency.~~ The site is the principal residence of the operator and the day care is clearly incidental and secondary to the use of the property for residential purposes.

~~(2) General Plan and zoning compliance.~~ The property complies with all applicable General Plan policies and zoning regulations established in the Turlock Municipal Code (TMC).

~~(3) Spacing and concentration.~~ The property is located at least three hundred (300') feet from any other State licensed large family day care home on the same street, or a street that is aligned and connected with that street unless bisected by an arterial street or expressway.

~~(4) Traffic control.~~ The family day care home would not adversely affect traffic and circulation of the neighborhood, including but not limited to blocking driveways or requiring double parking to load and unload guests.

~~(5) Building modifications.~~ The residential character and appearance of the dwelling does not have to be altered in any way to accommodate the family day care use.

~~(6) Outdoor play areas.~~ All outdoor play areas are clearly delineated through the use of fences, landscaping, or other materials constructed in accordance with applicable laws and regulations.

~~(7) Operator agrees to the following additional conditions of approval:~~

~~(i) Fire clearance.~~ Prior to commencing the use, the operator shall obtain certification by Turlock Fire Department that the facility complies with the standards established by the State Fire Marshal as set forth in Title 24 of the California Code of Regulations.

~~(ii)~~ The operator agrees not to erect any off- or on-premises signs for the family day care home except as set forth in Article 5 of this chapter (Signs).

~~(iii) Noise control.~~ The family day care home shall be operated in compliance with the City of Turlock noise regulations, Article 3 of this chapter (Noise Standards).

~~(iv) Outdoor play areas.~~ The operator agrees to keep all activities related to the operation of the family day care on site at all times.

~~(v) Access to inspect.~~ The property owner and/or operator shall allow the City to enter the property to determine compliance with the conditions of

~~the large family day care permit during normal operating hours of the family day care home.~~

- ~~(vi) **Compliance with laws and regulations.** The day care operator acknowledges and agrees to comply with all applicable State, Federal and local laws and regulations. The operator shall provide evidence of compliance with State Department of Social Services requirements by providing a copy of the approved family day care license to the City prior to commencing operation of the family day care home. Upon revocation or denial of the State license, the permit issued pursuant to this section shall be automatically terminated.~~

~~(c) **Conditional use permit.** When the findings set forth in this section for the issuance of a large family day care permit cannot be made, an application for a conditional use permit may be made as set forth in Article 6 of Chapter 9-5 TMC (Conditional Use Permits and Variances), subject to the conditions of approval listed in this section and any other conditions established by the Planning Commission and/or City Council.~~

~~**Use of residential garage.** Family day care operations are not permitted in the garage area of a residence, except when the garage has been properly converted to habitable space through the issuance of a building permit and the space has met all applicable laws and regulations. Prior to finalizing the building permit, the property owner shall record a restrictive use covenant stating that the converted garage shall be returned to its original state upon the cessation of the family day care use and/or the sale of the dwelling unit.~~

**SECTION 3. REPEAL AND REPLACE:** Title 9, Chapter 2 Article 3 Section 01 through 05 “Non-Conforming Uses” is hereby repealed and replaced as follows:

~~**§ 9-2-301. Specific purposes.**~~

~~This article limits the number and extent of nonconforming uses by limiting their enlargement, their reestablishment following abandonment, their alteration, their relocation, and their restoration. This article, while permitting the use and maintenance of nonconforming structures, limits their restoration, alteration, enlargement, or relocation upon the site in any manner that would increase the discrepancy between the standards contained in this article and the conditions existing on the subject property.~~

~~It is recognized that nonconforming uses and structures generally persist and their appearance gradually deteriorates when the standards for repair and improvement are too restrictive. It is the intent of this article to provide limited but reasonable opportunity for nonconforming uses and structures that are not a public nuisance to be repaired and improved if it is in the public interest. This article also provides for the removal of nonconforming uses and structures or change to conforming uses and structures when such uses and structures are a public nuisance. (Formerly 9-2-401; 1207-CS, Rep&ReEn, 05/28/2015; 1237-CS, Amended, 12/28/2017)~~

~~**§ 9-2-302. Nonconforming uses.**~~

~~(a) **Defined.** A nonconforming use is a lawful use of land that does not comply with the current use regulations for its zoning district but which complied with the applicable regulations at the time the~~

use was established. A nonconforming use includes those that operate without a structure.

**(b) Regulations.**

~~(1) The reestablishment of a legal nonconforming use or the substitution of a nonconforming use of another nonconforming use of the same or more restrictive classification may be made upon approval of a minor discretionary permit in accordance with Article 3 of Chapter 9-5 TMC (Minor Administrative and Minor Discretionary Permits). The new nonconforming use must have a similar or less severe impact on its surroundings in terms of noise, traffic, parking, hours of operation, and visual incompatibility. Nonconforming uses not meeting these requirements may be allowed upon approval of a conditional use permit in accordance with Article 6 of Chapter 9-5 TMC (Conditional Use Permits and Variances).~~

~~(2) The repair, maintenance, remodel, alteration, and replacement of a structure used for a nonconforming use (and/or site improvements) may be allowed so long as there is no increase in the operation or floor area devoted to the use, or change in the size or location of any structures. The structural and/or site improvements described above may be approved if it can be determined that they do not adversely affect neighboring properties, that they do not increase the degree of nonconformity, and are in the public interest.~~

~~(3) The expansion or enlargement of a structure used for a nonconforming use and/or site improvements may be allowed as follows:~~

~~(i) Structural improvements that enlarge or expand an existing structure used for a nonconforming use and/or the expansion or enlargement of the site by more than one thousand (1,000) square feet, or more than twenty-five (25%) percent of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a conditional use permit in accordance with Article 6 of Chapter 9-5 TMC (Conditional Use Permits and Variances).~~

~~(ii) Structural improvements that enlarge or expand an existing structure used for a nonconforming use and/or the expansion or enlargement of the site by no more than one thousand (1,000) square feet or no more than twenty-five (25%) percent of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a minor discretionary permit in accordance with Article 3 of Chapter 9-5 TMC (Minor Administrative and Minor Discretionary Permits).~~

~~(iii) The structural and/or site improvements described above may be approved if it can be determined they will not adversely affect neighboring properties, and are in the public interest.~~

~~(iv) The expansion or enlargement of nonconforming residences in nonresidential zoning districts shall comply with the development standards established for the applicable residential zoning district, not the zoning district in which it is located.~~

**~~§ 9-2-303. Nonconforming structures.~~**

~~(a) **Defined.** A nonconforming structure is any building or structure that does not comply with one~~

~~(1) or more of the regulation limitations on size, height, and location on a lot, or the applicable zoning district in which such building or structure is located (refer to TMC 9-2-520, Nonconforming signs).~~

**~~(b) Regulations.~~**

~~(1) The repair, maintenance, remodel, alteration, and replacement of a nonconforming structure where the level of nonconformity is maintained so long as there is no increase in the operation or floor area devoted to the use, or change in the size or location of any structures. The structure improvements described above may be approved if it can be determined they will not adversely affect neighboring properties, and are in the public interest.~~

~~(2) The expansion or enlargement of a nonconforming structure used may be allowed as follows:~~

~~(i) Structural improvements that enlarge or expand an existing structure by more than one thousand (1,000) square feet, or more than twenty-five (25%) percent of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a conditional use permit in accordance with Article 6 of Chapter 9-5 TMC (Conditional Use Permits and Variances).~~

~~(ii) Structural improvements that enlarge or expand an existing structure by no more than one thousand (1,000) square feet or no more than twenty-five (25%) percent of the existing structure's floor area or lot area, whichever is greater, may be allowed upon approval of a minor discretionary permit in accordance with Article 3 of Chapter 9-5 TMC (Minor Administrative and Minor Discretionary Permits).~~

~~(iii) The structural improvements described above may be approved if it can be determined that they do not adversely affect neighboring properties, are in the public interest, and are necessary to ensure visual compatibility with the existing structure.~~

~~(iv) The expansion or enlargement of nonconforming residences in nonresidential zoning districts shall comply with the development standards established for the applicable residential zoning district, not the zoning district in which it is located.~~

**~~§ 9-2-304. Loss of nonconforming status.~~**

~~A nonconforming use which ceases or a nonconforming structure that is unoccupied for a continuous period of twelve (12) months shall lose its legal nonconforming status. The premises on which the nonconforming use is located shall then be used for conforming uses and the nonconforming structure shall be removed or altered to conform unless a conditional use permit is obtained in accordance with Article 6 of Chapter 9-5 TMC (Conditional Use Permits and Variances).~~

**~~§ 9-2-305. Discontinuance.~~**

~~(a) Declaration of unlawful uses or structures. It is hereby declared that nonconforming uses of land or nonconforming structures within the City of Turlock as set forth in this article that are found to be a public nuisance are detrimental to the orderly development of the City and as detrimental to the health, safety, peace, comfort, and general welfare of persons and property within the City of~~

~~Turlock. It is further declared to be the policy of the City that such nonconforming uses or structures shall be eliminated as rapidly as may be done without infringing upon the constitutional rights of the owners of such nonconforming property.~~

~~(b) **Procedures to determine time for discontinuance.** A nonconforming use or structure that is determined to be a public nuisance and a serious detriment to the health, safety, peace, comfort, and general welfare of persons and property within the surrounding area may be administratively ordered to discontinue upon determination by the Development Services Director, or designee. A nonconforming use or structure shall be discontinued within the following time frame:~~

~~(1) A nonconforming use which does not involve the use of a structure shall be discontinued in five (5) years.~~

~~(2) A nonconforming use which does involve the use of a structure shall be discontinued in ten (10) years.~~

~~(3) A nonconforming structure shall be abandoned or removed in ten (10) years.~~

~~(c) **Appeals.** Should an owner of property upon which a nonconforming use has been administratively ordered discontinued disagree with such order, such owner may appeal as provided in Chapter 1-4 TMC.~~

### § 9-2-301 Purpose and Applicability of Nonconforming Use and Structure Regulations.

#### (a) Purpose.

The provisions of this Article are intended to regulate the continuation, alteration, and eventual elimination of land uses, buildings, and structures that were lawfully established but that no longer conform to the use regulations or development standards of this Code due to subsequent changes in zoning, land use regulations, or other applicable laws.

The City recognizes that nonconforming situations may arise through no fault of the property owner; however, it is the policy of the City that such nonconformities are inconsistent with the long-term planning objectives of the General Plan and this Code and should be discouraged and eliminated over time, subject to reasonable limitations consistent with state law.

#### (b) Distinction Between Nonconforming Uses and Nonconforming Structures.

For purposes of this Article, nonconformities are categorized as follows:

(1) *Nonconforming uses*, which involve the nature or type of activity conducted on a site or within a structure that is not permitted by the zoning district in which it is located; and

(2) *Nonconforming structures*, which involve the physical characteristics, location, or dimensions of a building or structure that do not comply with applicable development standards, regardless of whether the use conducted therein is conforming or nonconforming.

Nonconforming uses and nonconforming structures are separate and independent concepts, and the regulations applicable to each are intended to operate independently except where expressly stated otherwise in this Article.

**(c) Intent Regarding Nonconforming Uses.** Nonconforming uses are recognized as a temporary accommodation and not as a vested entitlement to continued operation indefinitely. It is the intent of this Article to:

- (1) Allow the limited continuation of nonconforming uses under defined conditions;
- (2) Prevent the expansion, intensification, enlargement, or re-establishment of nonconforming uses, except where expressly authorized by this Code;
- (3) Encourage the conversion of nonconforming uses to conforming uses; and
- (4) Provide for the eventual elimination of nonconforming uses through abandonment, discontinuance, amortization, redevelopment, or other lawful means.

**(d) Intent Regarding Nonconforming Structures.** Nonconforming structures may be permitted to remain, subject to reasonable regulation, in order to avoid unnecessary hardship or constitutional infirmity. It is the intent of this Article to:

- (1) Allow ordinary repair and maintenance of nonconforming structures;
- (2) Regulate the enlargement, alteration, reconstruction, or replacement of nonconforming structures in a manner that reduces nonconformity where feasible; and
- (3) Avoid conferring any right to perpetuate, expand, or intensify structural nonconformity beyond that which lawfully existed.

**(e) No Enlargement of Rights.** Nothing in this Article shall be construed to:

- (1) Authorize the establishment of any new nonconforming use or structure;
- (2) Create a vested right to expand, intensify, or continue a nonconforming use or structure except as expressly allowed herein; or
- (3) Limit the City's authority to enforce this Code, abate nuisances, or exercise its police powers in a lawful manner consistent with state law.

**(f) Applicability and Interpretation.** This Article shall be interpreted narrowly in favor of conformity with current zoning regulations. In the event of ambiguity, the interpretation that most closely advances the reduction of nonconformity and the elimination of nonconforming uses shall be favored, to the extent consistent with state law and constitutional protections.

**§ 9-2-302 Nonconforming Uses.**

**(a) Applicability.** This section governs the continuation, change, enlargement, intensification, abandonment, and discontinuance of nonconforming uses of land or of structures or of both. The provisions of this section apply regardless of whether the structure in which the nonconforming use is located is conforming or nonconforming, except as expressly provided otherwise in this Code.

**(b) Continuation of Nonconforming Uses.** A nonconforming use that was lawfully established may be continued subject to the limitations of this Article; however, such continuation is permitted only to the extent necessary to avoid undue hardship and shall not be construed as authorization to expand, intensify, or perpetuate the use indefinitely.

**(c) Expansion or Intensification Prohibited.** Except as expressly authorized by this Code:

- (1) A nonconforming use shall not be enlarged, expanded, extended, or intensified, whether by increase in area devoted to the use, hours of operation, production or activity, occupancy, or any other means that results in a greater degree of nonconformity;
- (2) A nonconforming use shall not be extended to occupy land, floor area, or portions of a site or structure not lawfully devoted to such use at the time it became nonconforming; and
- (3) No action shall be taken that has the effect of prolonging or enhancing the economic life or operational scale of a nonconforming use.

**(d) Change or Substitution of Nonconforming Use.**

- (1) A nonconforming use may be changed to a conforming use, and once so changed, the nonconforming use shall not thereafter be resumed;
- (2) A nonconforming use shall not be changed to another nonconforming use unless expressly authorized by this Code; and
- (3) Any permitted change of use shall not increase the degree of nonconformity or create new nonconforming conditions.

**(e) Abandonment or Discontinuance.** A nonconforming use shall be deemed abandoned and shall lose its legal nonconforming status when the use ceases or is discontinued for a continuous period of six (6) months, regardless of intent to resume the use, or when replaced by a conforming use.

**(f) Resumption Prohibited.** A nonconforming use that has been abandoned or discontinued shall not be resumed, re-established, or reinstated.

**(g) Temporary Suspension.** A temporary cessation of a nonconforming use directly caused by events beyond the control of the property owner shall not constitute abandonment, provided the use is resumed within a reasonable time and in no event later than twelve (12) months from the date of cessation.

**(h) Effect of Demolition or Removal of Structure.** If a nonconforming use is conducted within or upon a structure, and that structure is demolished or removed, the nonconforming use shall not thereafter be resumed, except where reconstruction is expressly permitted under § 9-2-306.

**§ 9-2-303 Nonconforming Structures.**

**(a) Applicability.** This section governs buildings and structures that were lawfully established but that do not comply with current development standards of this Code.

**(b) Continuation.** A nonconforming structure may be continued subject to the limitations of this Article.

**(c) Repair and Maintenance.** Ordinary repair, maintenance, and interior remodeling of a nonconforming structure may be performed, provided such work does not increase the degree of nonconformity. Repairs required to comply with health and safety codes shall be permitted.

**(d) Enlargement or Alteration.**

- (1) Minor enlargement or alteration not exceeding one thousand (1,000) square feet or twenty-five percent (25%) of existing gross floor area may be approved through a minor discretionary permit;**
- (2) Larger enlargements or alterations may be approved only through a conditional use permit and shall reduce or not increase the degree of nonconformity to the maximum extent feasible.**

**(e) Demolition and Reconstruction.** Demolition and reconstruction of nonconforming structures shall be governed by § 9-2-306.

**§ 9-2-304 Loss of Nonconforming Status.**

**(a) Loss of Nonconforming Use Status.** A nonconforming use shall lose its legal nonconforming status upon abandonment or discontinuance pursuant to § 9-2-302, conversion to a conforming use, replacement by another use, or demolition or removal of the structure in which it is conducted, except where reconstruction is expressly permitted under § 9-2-306.

**(b) Preservation of Structural Status.** Loss of nonconforming use status shall not, by itself, result in loss of nonconforming structural status.

**(c) Vacancy.** Vacancy or non-occupancy shall not constitute loss of nonconforming structural status.

**(d) Burden of Proof.** The burden of establishing the lawful existence and continuation of a nonconforming use or structure shall be upon the property owner.

**§ 9-2-305 Discontinuance and Amortization of Nonconforming Uses.**

(a) Purpose. This section provides for the lawful discontinuance of nonconforming uses following a reasonable amortization period.

(b) Applicability. This section applies only to nonconforming uses and does not apply to nonconforming structures. Nothing in this section shall be construed to require amortization as a prerequisite to the termination of a nonconforming use that has been abandoned or discontinued pursuant to §§ 9-2-302 and 9-2-304.

(c) Amortization Authority. The City may require the discontinuance of a nonconforming use after a reasonable amortization period based on consideration of the nature of the use, its impacts, investment-backed expectations, and other relevant factors.

(d) Effect. Upon expiration of the amortization period, the nonconforming use shall be discontinued and shall not be resumed.

(e) Findings. Any requirement for discontinuance of a nonconforming use pursuant to this section shall be supported by written findings demonstrating that the amortization period provided is reasonable in light of the factors considered.

**SECTION 4. Amending:** Title 9, Chapter 5 Article 6 Section 04 is hereby amended as follows:

§ 9-5-604 Conditional use permits: Granting.

(a) Actions by Planning Commission. All actions of the Planning Commission relating to findings and recommendations shall be in accordance with the provisions of this article. The Planning Commission shall authorize the granting of the conditional use permit if it finds as follows:

(b) Residential Permits. The Planning Commission shall authorize the granting of the conditional use permit for a residential use if it makes all of the findings listed below, provided, however, that upon certification and adoption of the 2031 Housing Element (6<sup>th</sup> Cycle), such findings shall be amended as necessary to achieve consistency with the certified Housing Element. The findings are:

(a)(1) That the site for the proposed use is adequate in size and shape to accommodate such uses, all yards, open spaces, wall, fences, parking, loading, landscaping, and other features required by the Municipal Code, or the Planning Commission to make sure such use is compatible with the land and uses in the vicinity;

(a)(2) That the site for the proposed use is related properly to streets and highways to carry the quantity and kind of traffic generated by the proposed use;

(a)(3) That the proposed use will not adversely affect the abutting property or the permitted use thereof with the provisions of conditions; and

(a) (4) That the site for the proposed use is in conformance with the General Plan.

(c) Non-Residential Permits. The Planning Commission shall authorize the granting of the conditional use permit for a non-residential use if it makes all of the following findings:

- (1) That the site for the proposed use is adequate in size and shape to accommodate such use or uses and is otherwise physically suitable for the type and intensity of the proposed development; and is adequate to accommodate all yards, open spaces, walls, fences, parking, loading, landscaping, and other features required by the Municipal Code, or as additionally required by the Planning Commission, to ensure such use is compatible with the land and uses in the vicinity;
- (2) That the proposed use will not adversely affect adjacent structures and uses or adversely affect structures or uses in the neighborhood;
- (3) That the site for the proposed use is related properly to streets and highways and can carry the quantity and kind of traffic generated by the proposed use and that the proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic in the immediate area;
- (4) That the proposed site and use have adequate utilities, including without limitation, sanitation, wastewater service, water supply, drainage, and other utilities, and adequate facilities for all of these;
- (5) That the proposed use will not create a demand for additional parking which cannot be met safely and efficiently on the site;
- (6) That the proposed use will not be detrimental to the public health, safety, or welfare of adjacent residents, employees, businesses, properties, the neighborhood, and the community;
- (7) That the proposed use will not otherwise constitute a nuisance to adjacent residents, employees, businesses, properties, the neighborhood, or the community; and
- (8) That the site for the proposed use and the proposed use are in conformance with the General Plan, any Specific Plan or Master Plan, any other applicable plan adopted by the City, and this Title 9.

**SECTION 5. Amending:** Title 9, Chapter 5 Article 6 Section 06 is hereby amended as follows:

**9-5-606 Conditional use permits; Denial.**

~~If because of the size or character of the use proposed on a particular site, its location, or its relationship to adjoining parcels and uses, the~~ the Planning Commission ~~is unable to~~cannot make, ~~based on the record,~~ the findings ~~set forth in~~required by TMC ~~Section 9-5-504604,~~ the Planning Commission shall ~~disapprove~~deny the conditional use permit application.

**SECTION 6. Amending:** Title 9, Chapter 5 Article 6 Section 11 is hereby amended as follows:

9-5-611 Conditional use permits: Renewal.

If an application for renewal is filed prior to expiration, a conditional use permit may be renewed for an additional one (1) year period. The acting agency may grant or deny an application for renewal in the same manner as set forth for the original application. A conditional use permit that has been abandoned pursuant to Section 9-5-611.5 shall not be eligible for renewal.

**SECTION 7. ADDITION:** Title 9, Chapter 5 Article 6 Section 11.5 is hereby added as follows:

**9-5-611.5 Conditional use permits: Discontinuance and Abandonment**

**(a) Discontinuance of Use.** Where a conditional use authorized by a valid conditional use permit has been discontinued for a continuous period of nine (9) months after the use has commenced, the conditional use permit may be subject to abandonment pursuant to this section.

**(b) No Automatic Termination.** Discontinuance of a conditional use shall not automatically terminate a conditional use permit. A conditional use permit shall remain valid unless and until abandonment is determined in accordance with this section.

**(c) Initiation of Abandonment Review.** Upon a determination by the Director that a conditional use appears to have been discontinued for the period specified in subsection (a), the Director shall provide written notice to the permit holder and the property owner of record stating that the City intends to consider whether the conditional use permit has been abandoned.

**(d) Notice and Hearing.** Abandonment of a conditional use permit shall be determined only after a noticed public hearing before the Planning Commission, conducted in the same manner as hearings for the original conditional use permit.

**(e) Findings Required.** The Planning Commission may determine that a conditional use permit has been abandoned only if it finds, based on substantial evidence in the record, that:

- (1) The conditional use was lawfully commenced;
- (2) The conditional use has been discontinued for a continuous period of nine (9) months; and
- (3) The discontinuance was not temporary in nature and was not caused by circumstances beyond the reasonable control of the permit holder.

**(f) Effect of Abandonment.** Upon a determination of abandonment, the conditional use permit shall be deemed terminated and void. Any subsequent use of the property shall require a new conditional use permit or other applicable land use entitlement.

**(g) Appeal.** A determination of abandonment may be appealed in the same manner as other Planning Commission decisions under this title.

**(h) Recordation of Termination.** Upon expiration, revocation, or a final determination of abandonment of a conditional use permit, the Director is authorized to record a notice or certificate of termination of the conditional use permit with the County Recorder. The notice or certificate shall identify the permit, the property, and the basis for termination and shall be for informational

purposes only. Failure to record such notice shall not affect the validity of the termination.

(i) Extension of Discontinuance Period. Prior to the expiration of the nine (9) month discontinuance period described in subsection (a), the permit holder may request a one-time extension of up to nine (9) additional months. The Planning Commission may grant such extension upon a finding that the discontinuance is temporary in nature and that reasonable efforts are being made to reestablish the approved conditional use.

(j) Tolling During Permitted Construction. The discontinuance period described in this section shall be tolled during any period in which the conditional use is unable to operate due to active construction or remodeling conducted pursuant to a valid building permit or other City approval, provided that work is proceeding with reasonable diligence.

**SECTION 7. VALIDITY:** If any section, subsection, sentence, clause, word, or phrase of this ordinance is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance. The Turlock City Council hereby declares that they would have passed this ordinance, and each section, subsection, sentence, clause, word, or phrase thereof, irrespective of the fact that one or more section, subsection, sentence, clause, word, or phrase be declared invalid or unconstitutional.

**SECTION 8. ENACTMENT:** Prior to the expiration of fifteen (15) days from the passage and adoption thereof, this ordinance shall be published in a newspaper of general circulation printed and published in the County of Stanislaus, State of California, together with names of the members of the City Council voting for and against the same.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Turlock this \_\_\_\_ day of \_\_\_\_\_, 2026, by the following vote:

AYES:	( )
NOES:	( )
NOT PARTICIPATING:	( )
ABSENT:	( )

ATTEST:

\_\_\_\_\_  
Nichole Fiez, City Clerk,  
City of Turlock, County of Stanislaus,  
State of California

# **Planning Commission Staff Report**

## **February 5, 2026**



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From: George Petrulakis, City Attorney  
Prepared by: Adrienne Werner, Development Services Director  
Agendized by: Adrienne Werner, Development Services Director

**1. ACTION RECOMMENDED:**

Staff recommend that the Planning Commission adopt a resolution recommending City Council adoption of the zoning text amendment regulating smoke shops, determining that the project is exempt from CEQA, and finding that the project is consistent with the General Plan.

**2. NARRATIVE:**

On January 13, 2026, the City Council adopted Ordinance No. 1340-C.S., establishing a 45-day moratorium on the establishment of new smoke shops and on the relocation or physical expansion of existing smoke shops within the City of Turlock. The moratorium was adopted to allow time for staff and the City Attorney’s Office to evaluate existing regulations and prepare a comprehensive zoning text amendment to address the location, concentration, and operational standards for smoke shops consistent with the City’s land use and public welfare goals.

The full proposed ordinance amends the Turlock Municipal Code to classify smoke shops as a distinct land use and to regulate their location and operation as well as establish a licensing requirement and regulation for the operation of smoke shops within the City of Turlock. The attached portion of the ordinance only covers the zoning aspect. The ordinance modifies zoning use classification tables to specify the zoning districts in which smoke shops are permitted and those in which they are prohibited, and establishes objective location standards, including minimum separation distances from specified sensitive uses and from other smoke shops. The ordinance also requires smoke shops to obtain and maintain a Smoke Shop Permit in addition to any required land use approvals, the Smoke Shop permit will be established in Title 5 of the Municipal Code and will be administered by the Police Department. The ordinance further provides for the continued operation of existing, lawfully established smoke shops, subject to permitting requirements and limitations on expansion and discontinuance.

**3. FISCAL IMPACT / BUDGET AMENDMENT:**

None

**4. ENVIRONMENTAL DETERMINATION:**

The zoning text amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to the “common sense” exemption (CEQA Guidelines § 15061(b)(3)), as it establishes regulations and standards and will not directly result in physical development or a reasonably foreseeable significant effect on the environment.

**5. ATTACHMENTS:**

1. Exhibit A OA 2026-02 Draft Planning Commission Resolution
2. Attachment A OA 2026-02 Draft Ordinance

**DRAFT  
RESOLUTION NO. 2026-03**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF TURLOCK  
RECOMMENDING THE CITY COUNCIL  
APPROVE ORDINANCE AMENDMENT 2026-02 (AMENDMENTS TO THE TURLOCK  
MUNICIPAL CODE RELATED SMOKE SHOPS)**

**WHEREAS**, the City protects the public health, safety, and welfare of the community through numerous avenues, including by establishing and enforcing zoning, licensing, and health and safety regulations on specified commercial activities; and

**WHEREAS**, the City has seen smoke shops within the City that engage in illegal sales and activity; and

**WHEREAS**, the City is concerned about locations of smoke shops, illegal sales and activity at smoke shops, and the harmful effects of tobacco on the health, safety, and welfare of City residents, especially the youth; and

**WHEREAS**, many state laws have been adopted, which acknowledge the public health impacts of tobacco, especially flavored tobacco products, and specifically its effect on minors. For example, state law prohibits public school students from smoking or using tobacco products while on campus, while attending school-sponsored activities, or while under the supervision or control of school district employees. State law also prohibits smoking in playgrounds. State law also prohibits smoking within twenty (20) feet of the main entrances and exits of public buildings; and

**WHEREAS**, on November 8, 2022, California voters approved Proposition 31 to uphold the state law (“SB 793”) prohibiting a tobacco retailer, or any of the tobacco retailer’s agents or employees, from selling, offering for sale, or possessing with the intent to sell or offer for sale, most flavored tobacco products including flavored e-cigarettes and menthol cigarettes, as well as tobacco product flavor enhancers in retail locations; and

**WHEREAS**, on October 7, 2023, Governor Newsom signed into law AB 935, strengthening the enforcement of the flavored tobacco retail law and broadening the definition of retail location; and

**WHEREAS**, in September 2024, Governor Newsom signed into law AB 3218 and SB 1230, furthering the regulation of flavored tobacco products; and

**WHEREAS**, on October 3, 2025, Governor Newsom signed into law AB 573, increasing state licensing fees for retailers; and

**WHEREAS**, the City has no specific regulations for smoke shops aimed at protecting minors, such as distance requirements from schools and/or youth-oriented areas; and

**WHEREAS**, the City seeks to modernize and strengthen the City's regulatory approach to Tobacco Retailer Businesses and Smoke Shop uses (together, "Smoke Shops") in order to address evolving public health concerns, land-use impacts, and enforcement challenges associated with such businesses, and to ensure that local regulations are current, effective, and aligned with state law and community standards; and

**WHEREAS**, Smoke Shops have been found to be affiliated with the sale of illegal products and drug paraphernalia. Smoke Shops have also been seen to encourage illegal activity; and

**WHEREAS**, on December 17, 2025, the Turlock Police Department, through its Street Crimes Unit ("SCU"), in coordination with the California Department of Tax and Fee Administration ("CDTFA"), conducted a City-led, multi-agency operation addressing Smoke Shops operating within the City; and

**WHEREAS**, the SCU is a specialized unit composed entirely of sworn Turlock Police Department officers and conducted the operation as part of the City's ongoing local enforcement efforts; and

**WHEREAS**, during that operation, three Smoke Shop locations were inspected and each location was found to be offering for sale substantial quantities of prohibited or unlawfully regulated products, including flavored tobacco products, flavored nicotine products, vaping products, chemical flavor-enhancer additives; and

**WHEREAS**, during that operation, locations were also found to be offering for sale products marketed or labeled as containing tetrahydrocannabinol ("THC") or THC analogs, including vape pens and cartridges, despite not being licensed cannabis retailers under state law; and

**WHEREAS**, at one inspected Smoke Shop location, enforcement personnel documented approximately forty-two (42) packages of flavor-enhancer additives, fifteen (15) vaping products, eighteen (18) packages of THC products, and approximately thirty (30) packages of flavored tobacco products; and

**WHEREAS**, at a second inspected Smoke Shop location, enforcement personnel documented approximately seventeen (17) packages of flavor-enhancer additives, forty-four (44) THC products including vape pens and cartridges, and approximately fifty-seven (57) packages of flavored tobacco products; and

**WHEREAS**, at a third inspected Smoke Shop location, enforcement personnel

documented hundreds of packages of flavor-enhancer and flavored tobacco, more than two hundred fifty (250) individual flavored nicotine cartridges, and approximately twenty (20) packages of THC products; and

**WHEREAS**, the quantities and variety of products documented during the enforcement operation reflected commercial-scale retail distribution rather than isolated or inadvertent noncompliance, and enforcement personnel collected approximately thirty (30) evidence boxes of prohibited products in a single day; and

**WHEREAS**, during the same enforcement operation, enforcement personnel attempted to inspect additional Smoke Shop locations within the City, but two known Smoke Shop establishments were found to be closed during normal business hours, limiting the ability of City and state agencies to assess compliance at those locations; and

**WHEREAS**, the City finds that the sale of flavored tobacco products, flavored nicotine products, and THC-containing or THC-labeled products in Smoke Shops presents heightened risks to public health and safety, particularly with respect to youth access, and creates significant enforcement challenges for City and state agencies; and

**WHEREAS**, the City further finds that the documented enforcement conditions identified through City-led operation demonstrate the need for the City to study and adopt appropriate zoning, licensing, and operational standards applicable to Smoke Shops; and

**WHEREAS**, the City further finds that allowing the establishment of additional Smoke Shops or the relocation or physical expansion of existing Smoke Shops during the pendency of that study would likely exacerbate existing enforcement difficulties, increase the availability of prohibited products, strain limited City resources, and undermine the City's ability to protect the public health, safety, and welfare; and

**WHEREAS**, the City, through its police power, is authorized to regulate local zoning to promote public health, safety, and welfare; and

**WHEREAS**, the City, through its police power, is authorized to require the licensing of a specific class of business in order to promote public health, safety, and welfare; and

**WHEREAS**, staff recommends requiring a permit to sell tobacco products and smoke paraphernalia in the City, due to the potential to create significant negative effects on the community and surrounding properties; and

**WHEREAS**, staff additionally recommends amending the Zoning Code to prohibit the establishment of smoke shops within certain sensitive areas and locations; and

**WHEREAS**, the proposed Code text amendments are exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The City currently does not regulate the number, location, or operating standards of smoke shops, and the proposed Ordinance would place limits on the number, location, and operating standards of smoke shops, which will limit their environmental impact in comparison to the status quo. Accordingly, it can be seen with certainty that there is no possibility that the proposed action may result in a significant effect on the environment, and the proposed revisions to the Municipal Code are exempt from further review under CEQA; and

**WHEREAS**, the Planning Commission of the City of Turlock recommends the City Council amend Title 9, Chapter 3, Article 3, Section 302 of the Turlock Municipal Code to add Smoke Shop to the commercial zoning chart; and

**WHEREAS**, the Planning Commission of the City of Turlock recommends the City Council amend Title 9, Chapter 3, Article 4, Section 402 of the Turlock Municipal Code to add Smoke Shop to the industrial zoning chart; and

**WHEREAS**, the Planning Commission of the City of Turlock recommends the City Council amend Title 9, Chapter 3, Article 5, Section 502 of the Turlock Municipal Code to add Smoke Shop to the public and semipublic district zoning chart; and

**WHEREAS**, the Planning Commission of the City of Turlock further recommends the City Council amend Title 9, Chapter 4, Article 1, Section 103 of the Turlock Municipal Code to add Smoke Shop to the downtown overlay district zoning chart; and

**WHEREAS**, the Planning Commission of the City of Turlock further recommends the City Council add Article 9 “Smoke Shops,” to Chapter 2, Land Use Regulations, of Title 9, Zoning Regulations, of the Turlock Municipal Code, requiring certain location and proximity requirements; and

**WHEREAS**, after public hearing held on February 5, 2026, the Planning Commission determined as follows:

1. That the public necessity, convenience and general welfare support the proposed amendments.
2. That the proposed amendments are consistent with the Turlock General Plan.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission does

hereby:

**SECTION 1.** Find the proposed project “Exempt” from the provisions of the California Environmental Quality Act, pursuant to Public Resources Code Sections 21065 and CEQA Guidelines Section 15061(b)(3) of Title 14 of the California Code of Regulations.

**SECTION 2.** Recommend that the City Council adopt the amendments to the Turlock Municipal Code attached hereto as Attachment A.

**I HEREBY CERTIFY** that the foregoing Resolution was duly and regularly adopted by the Planning Commission of the City of Turlock at a regular meeting of said Planning Commission held on the 5<sup>th</sup> day of February, 2026, by the following vote:

**AYES:**

**NOES:**

**ABSTAINED:**

**NOT PARTICIPATING:**

**ABSENT:**

ATTEST: \_\_\_\_\_  
Katie Quintero,  
Planning Manager & Secretary of the  
Planning Commission for the  
City of Turlock

Attachment A: Ordinance

DRAFT  
BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ADOPTING AN ORDINANCE  
OF THE CITY COUNCIL OF THE CITY OF  
TURLOCK AMENDING TITLE 9, CHAPTER 3,  
ARTICLE 3, SECTION 302 OF THE TURLOCK  
MUNICIPAL CODE TO ADD SMOKE SHOP TO  
THE COMMERCIAL USE CLASSIFICATION  
CHART, AMENDING TITLE 9, CHAPTER 3,  
ARTICLE 4, SECTION 402 OF THE TURLOCK  
MUNICIPAL CODE TO ADD SMOKE SHOP TO  
THE INDUSTRIAL USE CLASSIFICATION CHART,  
AMENDING TITLE 9, CHAPTER 3, ARTICLE 5,  
SECTION 502 OF THE TURLOCK MUNICIPAL  
CODE TO ADD SMOKE SHOP TO THE PUBLIC  
AND SEMIPUBLIC USE CLASSIFICATION CHART,  
AMENDING TITLE 9, CHAPTER 4, ARTICLE 1,  
SECTION 103 OF THE TURLOCK MUNICIPAL  
CODE TO ADD SMOKE SHOP TO THE  
DOWNTOWN OVERLAY DISTRICT USE  
CLASSIFICATION CHART, AMENDING TITLE 9  
OF THE TURLOCK MUNICIPAL CODE TO ADD  
CHAPTER 2, ARTICLE 9, "SMOKE SHOPS,"

ORDINANCE NO. -CS

**WHEREAS**, the City protects the public health, safety, and welfare of the community through numerous avenues, including by establishing and enforcing zoning, licensing, and health and safety regulations on specified commercial activities; and

**WHEREAS**, the City has seen smoke shops within the City that engage in illegal sales and activity; and

**WHEREAS**, the City is concerned about locations of smoke shops, illegal sales and activity at smoke shops, and the harmful effects of tobacco on the health, safety, and welfare of City residents, especially the youth; and

**WHEREAS**, many state laws have been adopted, which acknowledge the public health impacts of tobacco, especially flavored tobacco products, and specifically its effect on minors. For example, state law prohibits public school students from smoking or using tobacco products while on campus, while attending school-sponsored activities, or while under the supervision or control of school district employees. State law also prohibits smoking in playgrounds. State law also prohibits smoking within twenty (20) feet of the main entrances and exits of public

buildings; and

**WHEREAS**, on November 8, 2022, California voters approved Proposition 31 to uphold the state law (“SB 793”) prohibiting a tobacco retailer, or any of the tobacco retailer’s agents or employees, from selling, offering for sale, or possessing with the intent to sell or offer for sale, most flavored tobacco products including flavored e-cigarettes and menthol cigarettes, as well as tobacco product flavor enhancers in retail locations; and

**WHEREAS**, on October 7, 2023, Governor Newsom signed into law AB 935, strengthening the enforcement of the flavored tobacco retail law and broadening the definition of retail location; and

**WHEREAS**, in September 2024, Governor Newsom signed into law AB 3218 and SB 1230, furthering the regulation of flavored tobacco products; and

**WHEREAS**, on October 3, 2025, Governor Newsom signed into law AB 573, increasing state licensing fees for retailers; and

**WHEREAS**, the City has no specific regulations for smoke shops aimed at protecting minors, such as distance requirements from schools and/or youth-oriented areas; and

**WHEREAS**, the City Council seeks to modernize and strengthen the City’s regulatory approach to Tobacco Retailer Businesses and Smoke Shop uses (together, “Smoke Shops”) in order to address evolving public health concerns, land-use impacts, and enforcement challenges associated with such businesses, and to ensure that local regulations are current, effective, and aligned with state law and community standards; and

**WHEREAS**, Smoke Shops have been found to be affiliated with the sale of illegal products and drug paraphernalia. Smoke Shops have also been seen to encourage illegal activity; and

**WHEREAS**, on December 17, 2025, the Turlock Police Department, through its Street Crimes Unit (“SCU”), in coordination with the California Department of Tax and Fee Administration (“CDTFA”), conducted a City-led, multi-agency operation addressing Smoke Shops operating within the City; and

**WHEREAS**, the SCU is a specialized unit composed entirely of sworn Turlock Police Department officers and conducted the operation as part of the City’s ongoing local enforcement efforts; and

**WHEREAS**, during that operation, three Smoke Shop locations were inspected and each location was found to be offering for sale substantial quantities of prohibited or unlawfully regulated products, including flavored tobacco products, flavored nicotine products, vaping products, chemical flavor-enhancer additives; and

**WHEREAS**, during that operation, locations were also found to be offering for sale products marketed or labeled as containing tetrahydrocannabinol (“THC”) or THC analogs, including vape pens and cartridges, despite not being licensed cannabis retailers under state law; and

**WHEREAS**, at one inspected Smoke Shop location, enforcement personnel documented

approximately forty-two (42) packages of flavor-enhancer additives, fifteen (15) vaping products, eighteen (18) packages of THC products, and approximately thirty (30) packages of flavored tobacco products; and

**WHEREAS**, at a second inspected Smoke Shop location, enforcement personnel documented approximately seventeen (17) packages of flavor-enhancer additives, forty-four (44) THC products including vape pens and cartridges, and approximately fifty-seven (57) packages of flavored tobacco products; and

**WHEREAS**, at a third inspected Smoke Shop location, enforcement personnel documented hundreds of packages of flavor-enhancer and flavored tobacco, more than two hundred fifty (250) individual flavored nicotine cartridges, and approximately twenty (20) packages of THC products; and

**WHEREAS**, the quantities and variety of products documented during the enforcement operation reflected commercial-scale retail distribution rather than isolated or inadvertent noncompliance, and enforcement personnel collected approximately thirty (30) evidence boxes of prohibited products in a single day; and

**WHEREAS**, during the same enforcement operation, enforcement personnel attempted to inspect additional Smoke Shop locations within the City, but two known Smoke Shop establishments were found to be closed during normal business hours, limiting the ability of City and state agencies to assess compliance at those locations; and

**WHEREAS**, the City Council finds that the sale of flavored tobacco products, flavored nicotine products, and THC-containing or THC-labeled products in Smoke Shops presents heightened risks to public health and safety, particularly with respect to youth access, and creates significant enforcement challenges for City and state agencies; and

**WHEREAS**, the City Council further finds that the documented enforcement conditions identified through City-led operation demonstrate the need for the City to study and adopt appropriate zoning, licensing, and operational standards applicable to Smoke Shops; and

**WHEREAS**, the City Council further finds that allowing the establishment of additional Smoke Shops or the relocation or physical expansion of existing Smoke Shops during the pendency of that study would likely exacerbate existing enforcement difficulties, increase the availability of prohibited products, strain limited City resources, and undermine the City's ability to protect the public health, safety, and welfare; and

**WHEREAS**, the City, through its police power, is authorized to regulate local zoning to promote public health, safety, and welfare; and

**WHEREAS**, the City, through its police power, is authorized to require the licensing of a specific class of business in order to promote public health, safety, and welfare; and

**WHEREAS**, staff recommends requiring a permit to sell tobacco products and smoke paraphernalia in the City, due to the potential to create significant negative effects on the community and surrounding properties; and

**WHEREAS**, staff additionally recommends amending the Zoning Code to prohibit the

establishment of smoke shops within certain sensitive areas and locations; and

**WHEREAS**, the proposed Code text amendments are exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The City currently does not regulate the number, location, or operating standards of smoke shops, and the proposed Ordinance would place limits on the number, location, and operating standards of smoke shops, which will limit their environmental impact in comparison to the status quo. Accordingly, it can be seen with certainty that there is no possibility that the proposed action may result in a significant effect on the environment, and the proposed revisions to the Municipal Code are exempt from further review under CEQA; and

**WHEREAS**, the City Council of the City of Turlock now desires to amend Title 9, Chapter 3, Article 3, Section 302 of the Turlock Municipal Code to add Smoke Shop to the commercial zoning chart; and

**WHEREAS**, the City Council of the City of Turlock further desires to amend Title 9, Chapter 3, Article 4, Section 402 of the Turlock Municipal Code to add Smoke Shop to the industrial zoning chart; and

**WHEREAS**, the City Council of the City of Turlock further desires to amend Title 9, Chapter 3, Article 5, Section 502 of the Turlock Municipal Code to add Smoke Shop to the public and semipublic district zoning chart; and

**WHEREAS**, the City Council of the City of Turlock further desires to amend Title 9, Chapter 4, Article 1, Section 103 of the Turlock Municipal Code to add Smoke Shop to the downtown overlay district zoning chart; and

**WHEREAS**, the City Council of the City of Turlock further desires to add Article 9 “Smoke Shops,” to Chapter 2, Land Use Regulations, of Title 9, Zoning Regulations, of the Turlock Municipal Code, requiring certain location and proximity requirements; and

**NOW, THEREFORE, THE CITY COUNCIL OF TURLOCK DOES ORDAIN AS FOLLOWS:**

**SECTION 1. RECITALS.**

The recitals above are true and correct and hereby made a part of this Ordinance by reference.

**SECTION 2. FINDINGS.**

Based on the whole of the record related to the Ordinance, including but not limited to, the Recitals above and the Agenda Report related to this Ordinance, the City Council hereby finds and determines as follows:

- A. The requested change will not be detrimental to the public health, safety, or welfare because it establishes reasonable regulations to address illegal activity currently occurring at smoke shops within the City and reduce the negative impacts caused by smoke shops.

- B. The requested change will result in an orderly planned use of land because it limits new smoke shops to certain zoning districts where such uses are appropriate and compatible with other allowed uses, mandates separation between new smoke shops, and requires separation from other sensitive uses.
- C. The requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the amendment is consistent with, and furthers, the goals and policies of the General Plan.

**SECTION 3. AMENDMENT TO TURLOCK MUNICIPAL CODE TITLE 9, CHAPTER 3, ARTICLE 3, SECTION 302 TO ADD SMOKE SHOP TO THE COMMERCIAL ZONING CHART.**

The Turlock Municipal Code is hereby amended by adding Smoke Shop to the Use Classification Chart in TITLE 9, CHAPTER 3, ARTICLE 3, SECTION 302 which shall read as follows:

...

C-O, C-C, C-T, and C-H DISTRICTS (Commercial)					
USE CLASSIFICATIONS					
	P	Permitted			
	NP	Not Permitted			
	MDP	Minor Discretionary Permit			
	MAA	Minor Administrative Approval			
	CUP	Conditional Use Permit			
	C-O	C-C	C-H	C-T	Additional Use Regulations

...

Smoke Shop	NP	P	P	P	(27)
------------	----	---	---	---	------

...

(27) See Article 9 of Chapter 9-2 TMC (Smoke Shops) and Article 1 of Chapter 5-29 TMC (Smoke Shops)

**SECTION 4. AMENDMENT TO TURLOCK MUNICIPAL CODE TITLE 9, CHAPTER 3, ARTICLE 4, SECTION 402 TO ADD SMOKE SHOP TO THE INDUSTRIAL ZONING CHART.**

The Turlock Municipal Code is hereby amended by adding Smoke Shop to the Use Classification Chart in TITLE 9, CHAPTER 3, ARTICLE 4, SECTION 402 which shall read as follows:

...

I-BP and I DISTRICTS (Industrial)			
USE CLASSIFICATIONS			
	P	Permitted	
	NP	Not Permitted	
	MDP	Minor Discretionary Permit	
	MAA	Minor Administrative Approval	
	CUP	Conditional Use Permit	
	<b>I-BP</b>	<b>I</b>	<b>Additional Use Regulations</b>

...

Smoke Shop	NP	NP	(16)
------------	----	----	------

...

(16) See Article 9 of Chapter 9-2 TMC (Smoke Shops) and Article 1 of Chapter 5-29 TMC (Smoke Shops)

**SECTION 5. AMENDMENT TO TURLOCK MUNICIPAL CODE TITLE 9, CHAPTER 3, ARTICLE 3, SECTION 502 TO ADD SMOKE SHOP TO THE PUBLIC AND SEMIPUBLIC DISTRICT ZONING CHART.**

The Turlock Municipal Code is hereby amended by adding Smoke Shop to the Use Classification Chart in TITLE 9, CHAPTER 3, ARTICLE 5, SECTION 502 which shall read as follows:

...

P-S DISTRICT (Public and Semipublic District)		
USE CLASSIFICATIONS		
	P	Permitted
	NP	Not Permitted
	MDP	Minor Discretionary Permit
	MAA	Minor Administrative Approval
	CUP	Conditional Use Permit
	<b>P-S</b>	<b>Additional Use Regulations</b>

...

Smoke Shop	NP	(8)
------------	----	-----

...

(8) See Article 9 of Chapter 9-2 TMC (Smoke Shops) and Article 1 of Chapter 5-29 TMC (Smoke Shops)

**SECTION 6. AMENDMENT TO TURLOCK MUNICIPAL CODE TITLE 9, CHAPTER 4, ARTICLE 1, SECTION 103 TO ADD SMOKE SHOP TO THE DOWNTOWN OVERLAY DISTRICT ZONING CHART.**

The Turlock Municipal Code is hereby amended by adding Smoke Shop to the Use Classification Chart in TITLE 9, CHAPTER 4, ARTICLE 1, SECTION 103 which shall read as follows:

...

Downtown Overlay District					
Use Classifications					
P	Permitted				
NP	Not Permitted				
CUP	Conditional Use Permit				
MDP	Minor Discretionary Permit				
	<b>DC</b>	<b>DCT</b>	<b>TC</b>	<b>IR</b>	<b>OR</b>

...

Smoke Shop <sup>7</sup>	NP	NP	NP	NP	NP
-------------------------	----	----	----	----	----

...

<sup>7</sup> See Article 9 of Chapter 9-2 TMC (Smoke Shops) and Article 1 of Chapter 5-29 TMC (Smoke Shops)

**SECTION 7. ADDING TURLOCK MUNICIPAL CODE TITLE 9 – ADDITION OF TITLE 9, CHAPTER 2, ARTICLE 9.**

The Turlock Municipal Code is hereby amended by adding Article 9, “Smoke Shops,” to Chapter 2, Regulations Applying to All Districts,” of Title 9, “Zoning Ordinance,” to read as follows:

**Article 9. – Smoke Shops**

- 9-2-901 Purpose**
- 9-2-902 Definitions**
- 9-2-903 Location and Minimum Proximity Requirements**
- 9-2-904 Smoke Shop Permit Required**
- 9-2-905 Existing Smoke Shops**
  
- 9-2-901 Purpose**

The purpose of this Article is to regulate the locations in the City where Smoke Shops may be established in order to preserve and protect public health, safety, and welfare.

**9-2-902 Definitions**

- (a) “Existing Smoke Shop” shall mean any Smoke Shop lawfully established with a City business license and all other required permits, licenses, and/or land use entitlements as of \_\_\_\_\_, 2026.
- (b) “Hookah Lounge” shall mean a business establishment that qualifies as a smokers’ lounge, as defined in California Labor Code section 6404.5(e), and in which the entire premises is dedicated exclusively to the Smoking of Shisha or Shisha Tobacco, and which does not sell Tobacco Products for off-site consumption.
- (c) “Premium Cigar Retailer” shall mean a retailer that sells no tobacco products other than premium cigars, looseleaf tobacco, or both as defined under California Health and Safety Code section 104559.5.
- (d) “Smoke Shop” shall mean a retailer or any person that primarily sells, offers for sale, or offers to exchange for any form of consideration Tobacco Products and/or Tobacco Paraphernalia. A retailer or person who is primarily engaged in such activities includes, but is not limited to, a retailer or person that has twenty five percent (25%) or more of the square feet in the establishment, or more than fifteen (15) linear feet of display area projected to the floor (whether contiguous or non- contiguous), used for the sale, distribution, delivery, furnishing, marketing display, or storage of Tobacco Products or Tobacco Paraphernalia. Smoke Shop, for purposes of this Article, does not include a Premium Cigar Retailer, Hookah Lounge, or establishments operating as a Cannabis Dispensary under Title 9, Chapter 2, Article 7 of the Turlock Municipal Code. Nothing herein is intended to permit a Premium Cigar Retailer, Hookah Lounge, or Cannabis Dispensary, except as otherwise authorized by Title 9 of this Code.
- (e) “Smoke Shop Permit” shall mean a permit to operate a Smoke Shop issued by the Chief of Police pursuant to Chapter 5-29 of the Turlock Municipal Code.
- (f) “Tobacco Paraphernalia” shall mean any device, product, equipment, or material of any kind that is intended or designed for use for smoking, inhaling, or ingesting tobacco, notwithstanding that the device, product, equipment, or material may also be used for smoking, inhaling, or ingesting cannabis or and any controlled substance. Tobacco paraphernalia includes, but is not limited to, all of the following: (i) metal, ivory, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured bowls; (ii) water pipes; (iii) bongs; (iv) chillums; (v) ice pipes or chillers; (vi) cigarette papers or wrappers; (vii) cigarette rolling machines; (viii) blunt wraps, as defined in Section 308 of the Penal Code; (ix) hookahs and similar devices constructed with a receptacle or container in which water or some other liquid may be placed into which smoke passes and is cooled in the process of being inhaled or ingested; and (x) any electronic device that delivers nicotine or other vaporized

liquids to the person inhaling from the device, including, but not limited to an electronic cigarette, cigar, pipe, or hookah. Tobacco Paraphernalia shall include any component, part, or accessory of the foregoing, whether or not sold separately.

- (g) “Tobacco Product” shall mean any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, an electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including an electronic cigarette, cigar, pipe, or hookah (with or without flavoring), cigars, little cigars, chewing tobacco, pipe tobacco, or snuff, or vaping accessories. Tobacco Product shall include any component, part, or accessory of the foregoing, whether or not sold separately. Tobacco Product does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes, where the product is marketed and solely for such an approved purpose.
- (h) “Youth facility or center” shall have the same meaning as in Health and Safety Code section 11353.1, as may be amended from time to time: any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

**9-2-903 Location and Minimum Proximity Requirements**

- (a) Smoke Shops are permitted in the zones identified in the zoning charts in Turlock Municipal Code Sections 9-3-302, 9-3-402, 9-3-502, and 9-4-103.
- (b) The following location and proximity requirements shall apply:
  - (1) No Smoke Shop shall be located within six hundred (600) feet, as measured from the nearest property lines, of the following locations:
    - (i) A public or private State-licensed or accredited school providing instruction to students in kindergarten or any grades 1 through 12;
    - (ii) State-licensed childcare center;
    - (iii) Public park, playground, or recreational area, including a trail that is immediately adjacent to a public park or public library;
    - (iv) Youth facility or center; or
    - (v) An alcohol or other drug abuse recovery or treatment facility.
  - (2) No Smoke Shop use shall be located within one thousand (1,000) feet of

any Commercial Cannabis Uses or another Smoke Shop, as measured from the nearest property lines.

- (3) No Smoke Shop use shall be located within one hundred (100) feet of any residential use; this distance shall be measured from any building or structure containing a Smoke Shop use to an existing residential structure used for residential purposes.
- (4) All Smoke Shops shall be in compliance with parking requirements pursuant to Title 9 of the Turlock Municipal Code and California State Law.

**9-2-904 Smoke Shop Permit Required**

- (a) All Smoke Shops permitted by Section 9-2-903 must, prior to establishing and operating any such Smoke Shop use, obtain and maintain at all times a valid Smoke Shop Permit from the City pursuant to Chapter 5-29 of the Turlock Municipal Code.

**9-2-905 Existing Smoke Shops**

- (a) Notwithstanding Sections 9-2-903, 9-3-302, 9-3-402, 9-3-502, and 9-4-103 of the Turlock Municipal Code any existing and lawfully operating Smoke Shop that holds a City business license and all other required permits, licenses, and/or land use entitlements as of \_\_\_\_\_, 2026, may continue to lawfully operate subject to the requirements of this Section.
- (b) All Existing Smoke Shops shall apply for a Smoke Shop Permit pursuant to Chapter 5-29 of the Turlock Municipal Code and comply with all related requirements no later than \_\_\_\_\_, 2026. An Existing Smoke Shop that fails to timely obtain a Smoke Shop Permit and comply with all related requirements shall cease to be an Existing Smoke Shop under Subsection (a) and shall be subject to all requirements of Sections 9-2-903, 9-3-302, 9-3-402, 9-3-502, and 9-4-103 of the Turlock Municipal Code.
- (c) Notwithstanding anything in Section 9-2-302, “nonconforming uses,” to the contrary, any Existing Smoke Shop that ceases to operate for a period of sixty (60) consecutive days shall be discontinued, except that the Development Services Director may extend this period by ninety (90) days if the Director determines that the cessation of the business is due to a cause outside of the preexisting Smoke Shop’s reasonable control, such as a natural disaster or declared emergency.
- (d) Notwithstanding anything in Section 9-2-302, “nonconforming uses,” to the contrary, an Existing Smoke Shop shall not expand the square footage of the establishment or display area dedicated to tobacco products or tobacco paraphernalia as of \_\_\_\_\_, 2026, without first complying with Sections 9-2-903, 9-3-302, 9-3-402, 9-3-502, and 9-4-103 of the Turlock Municipal Code.

**SECTION 8. CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) FINDINGS.**

The City Council has reviewed the proposed activity for compliance with the California Environmental Quality Act (“CEQA”) and determined that the proposed Code text amendments are exempt from the CEQA pursuant to CEQA Guidelines section 15061(b)(3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The City currently does not regulate the number, location, or operating standards of smoke shops, and the proposed Ordinance would place limits on the number, location, and operating standards of Smoke Shops, which will limit their environmental impact in comparison to the status quo. Accordingly, it can be seen with certainty that there is no possibility that the proposed action may result in a significant effect on the environment, and the proposed revisions to the Municipal Code are exempt from further review under CEQA.

**SECTION 9. SEVERABILITY.**

The provisions of this Ordinance are severable, and if any provision, clause, sentence, section, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such holding shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words, or parts thereof, or their applicability to other persons or circumstances.

**SECTION 10. PUBLICATION AND EFFECTIVE DATE.**

This Ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause this Ordinance to be published or be posted in at least three (3) public places in the City in accordance with Section 36933 of the Government Code of the State of California.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Turlock this \_\_\_\_ day of \_\_\_\_\_, 2026, by the following vote:

AYES:

NOES:

NOT PARTICIPATING:

ABSENT:

Signed and approved this \_\_\_\_ day of \_\_\_\_\_, 2026.

SIGNED:

\_\_\_\_\_  
AMY BUBLAK, Mayor

ATTEST:

\_\_\_\_\_  
Nichole Fiez, City Clerk,  
City of Turlock, County of Stanislaus,  
State of California

APPROVED AS TO FORM:

\_\_\_\_\_  
George A. Petrulakis, City Attorney

DRAFT