

**EXETER PLANNING COMMISSION  
SEPTEMBER 15, 2022**

**A-1 Call to Order**

The City of Exeter Planning Commission met in a regular session on Thursday, September 15, 2022, at 5:30 p.m.

**A-2 Roll Call**

Roll call showed present for the meeting Commissioners Lopez, Riddle, and Vice Chair Stewart present. City Planner Greg Collins and Assistant City Planner Tristan Suire were also present.

**A-3 Minutes of Meeting July 21, 2022**

Commissioner Riddle moved and Commissioner Lopez seconded a motion to approve the minutes of July 21, 2022, as presented.

AYES: Riddle; Lopez; and Stewart

ABSENT: Whitmire; and Bonner

**A-4 Public Comment**

Vice Chair Stewart opened the floor for the public comment portion of the meeting. City Clerk Shonna Oneal reported there were no public comments. There being no public comments this portion of the meeting was closed.

**B-1 PUBLIC HEARING to consider adopting Resolution 2022-07 approving Conditional Use Permit 2022-04, a Martial Arts Studio within the C-S (Service Commercial) District, at a property located on the northeast side of F Street, southeast of E. Maple Street at 221 S. F Street (APN: 135-122-016). - Assistant Planner Tristan Suire**

Assistant City Planner Tristan Suire provided a report for the Commission's review and consideration highlighting the proposed project and recommended conditions of approval. Vice Chair Stewart opened the public hearing at 5:37 p.m., receiving no public comment, Vice Chair Stewart closed the public hearing at 5:37 p.m. It was moved by Commissioner Riddle, seconded by Commissioner Lopez to adopt Resolution 2022-07 as presented.

AYES: Riddle; Lopez; and Stewart

ABSENT: Whitmire; and Bonner

**B-2 PUBLIC HEARING to consider adopting Resolution 2022-08 approving Conditional Use Permit 2022-03 amending Conditional Use Permit 2018-02 to expand outdoor operations within the CC (Central Commercial) District, at a property located on the west side of N. E Street, north of E. Pine Street (APN 138-102-019) for Bellcraft Brew Co., an existing business located at 130 N. E Street. - Assistant Planner Tristan Suire**

Assistant City Planner Tristan Suire provided a report for the Commission's review and consideration highlighting the proposed project and recommended conditions of approval. Vice Chair Stewart opened the public hearing at 5:51 p.m., receiving no public comment, Vice Chair Stewart closed the public hearing at 5:51 p.m. Commissioners posed questions and Mr. Suire and City Administrator Adam Ennis provided responses thereto. Following discussion, it was moved by Commissioner Riddle, seconded by Commissioner Lopez to adopt Resolution 2022-08 as presented.

AYES: Riddle; Lopez; and Stewart

ABSENT: Whitmire; and Bonner

**B-3 PUBLIC HEARING to receive public comment and consider text amendments to sections 17.20.02, 17.22.02, 17.24.02, 17.26.02, 17.30.02, 17.32.02, 17.40.02, and 17.64.1 of the Exeter Zoning Ordinance to add "Mobile food vendors" to the list of permitted uses in non-residential districts and add "Mobile Food Vendors" as a section of the Special Uses Chapter, for future recommendation of approval to the Exeter City Council. - Assistant Planner Tristan Suire**

Assistant City Planner Tristan Suire reviewed the draft Food Truck Ordinance with the Commissioner's and sought feedback. Vice Chair Stewart opened the public hearing at 7:02 p.m. Kristy McGill addressed the Commissioners to express concerns with a Food Truck Ordinance because of the potential impacts to local businesses. Receiving no further public comment, Vice Chair Stewart closed the public hearing at 7:03 p.m. Commissioners posed questions and Mr. Suire, City Planner Greg Collins, and City Administrator Adam Ennis provided responses thereto. Commissioners provided feedback as to what details they would like to see included in the Food Truck Ordinance

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and directed staff to revise the draft ordinance to be brought back at a future meeting and conduct further outreach to the surrounding businesses regarding the pending ordinance.

**C- Director's Report-**

Assistant City Planner Tristan Suire provided an update on City projects, developments, and permits.

City Administrator provided an update on City projects and developments.

**D-Adjournment-** The Planning Commission meeting adjourned at 7:22 p.m.

Planning Commission Secretary, Hilary Robello

# City of Exeter Agenda Item Transmittal

Date: October 20, 2022

**Agenda Item Number:** B1

**Wording for Agenda:** PUBLIC HEARING to receive public comment and consider text amendments to sections 17.20.02, 17.22.02, 17.24.02, 17.26.02, 17.30.02, 17.32.02, 17.40.02, and 17.64.1 of the Exeter Zoning Ordinance to add "Mobile food vendors" to the list of permitted uses in non-residential districts and add "Mobile Food Vendors" as a section of the Special Uses Chapter, for future recommendation of approval to the Exeter City Council.

**Submitting Department:** Planning Department  
**Contact Name and Phone Number:** Greg Collins, City Planner  
Tristan Suire, City Planner  
**Phone:** 559-734-8737  
**Email:** [greg@weplancities.com](mailto:greg@weplancities.com), [tristan@weplancities.com](mailto:tristan@weplancities.com)

**For action by:**

City Council  
 Planning Comm.

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

**Review:**

**City Administrator  
(Initials Required)**

AE

**Department Recommendation:**

Staff recommends that the Planning Commission receive public comment and consider text amendments to sections 17.20.02, 17.22.02, 17.24.02, 17.26.02, 17.30.02, 17.32.02, 17.40.02, and 17.64.1 of the Exeter Zoning Ordinance to add "Mobile food vendors" to the list of permitted uses in non-residential districts and add "Mobile Food Vendors" as a section of the Special Uses Chapter, for future recommendation of approval to the Exeter City Council.

**Summary:**

The Planning Commission has directed staff to research and draft an ordinance to address the operation of mobile food vendors within the City of Exeter. Currently, food trucks operate in the public right-of-way, however there are no provisions within the Exeter Municipal Code to regulate the administration, location, or operations of mobile food vendors. The text amendment would add a new section to the Exeter Municipal Code Chapter 17.64, "Special Uses", to establish the requirements that the City deems appropriate to impose on these businesses. The draft ordinance specifies different regulations based on zoning district and provides a permitting pathway for prospective food truck operators to follow. The draft ordinance was revised per the direction given to staff at the last public hearing on September 15, 2022 and now includes a number of changes which require public input and consideration.

**Background and Discussion:**

Staff has prepared a draft ordinance based on direction from the Planning Commission during the meeting on September 15<sup>th</sup>, which follows the revised draft based on direction from the Planning Commission on July 21<sup>st</sup>. The initial direction included, but was not limited to, the following topics: Exemptions for lemonade stands and girl scout cookie style operations, providing proof of insurance as part of the permitting process, hours of operation by district, time limits on parking stalls, recycling and green waste requirements, and distance required between sensitive groups. The current draft ordinance attempts to address these topics, and focusses on three areas; permitting pathways, operational standards, and renewal/enforcement protocols. There are two permitting pathways provided, one for special events and one for regular operations, both are processed administratively, however in the case of special events, vendors would be exempt from the provisions of the Mobile Food Vendor ordinance and subject to case-

by-case review. Operational Standards are designed to define where, when, and how food trucks are permitted to operate, and create rules to ensure that brick and mortar establishments are not negatively impacted by mobile food vendors. Finally, renewal and enforcement protocols detail the term limits, revocation process, and how decisions can be appealed.

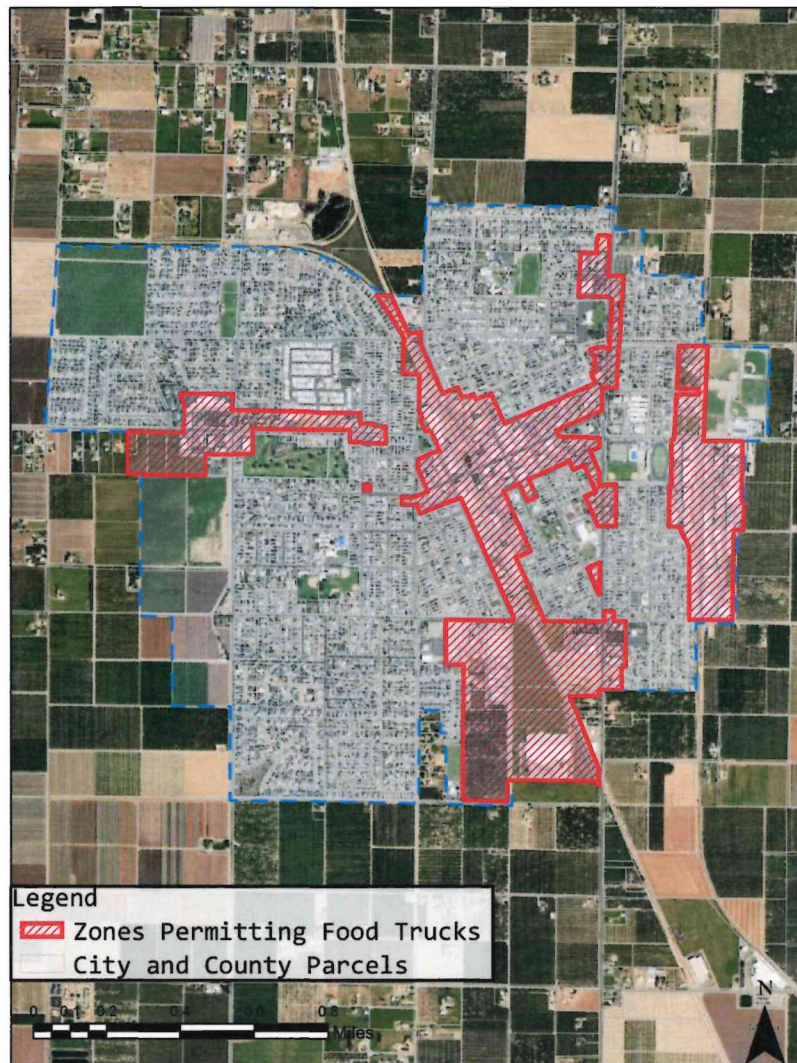
The permitting pathways provided in the draft ordinance allow the applicants to distinguish themselves based on the duration of the business they intend to operate. For temporary operations, specifically associated with a holiday, event, or other gathering, a Special Events Permit will be required. These permits will require an applicant to enter into an agreement with the City to ensure that all regulations are followed, and that the operations are conducted in a safe and orderly fashion. Alternatively, applicants that wish to regularly operate within certain areas of the city will require a Mobile Food Vendor Permit. These permits will require an applicant to submit plans and an operational statement to staff, which will be reviewed for consistency with the operational standards included in the draft ordinance.

The operational standards provided in the draft ordinance are designed to ensure safety, health, and welfare of the residents of Exeter, and would represent the considerations staff would be making in determining whether to approve a given permit. There are some general standards that would apply to all mobile food vendors, regardless of district, for example, a health department certificate and business license/sellers permit on display, no canopies or seating permitted, and the necessity for waste disposal including separate bins for compostable material and recycling. Besides the general standards, additional standards apply to certain mobile food vendors depending on the zoning district they operate within, for example, prohibition of streetside/public right-of-way service in residential districts, hours of operation regulations in commercial districts, and a required minimum distance between vendors and brick and mortar restaurants. Compliance with these operational standards would be monitored by Code Enforcement and reviewed annually at a minimum when the permit is renewed.

The renewal and enforcement protocols detail how compliance with operational standards is maintained. The Mobile Food Vendors Permit will lapse after a period of one year and can be renewed on the same schedule as a business license. Should a permit holder allow their permit to lapse or should Code Enforcement determine that they are operating out of compliance with operational standards, then the permit will be revoked. The decision to revoke a Mobile Food Vendors Permit can be appealed by the applicant or interested parties to the Planning Commission, which must hold a public hearing to determine the status of the permit and provide a final decision on the outcome of the appeal. The Planning Director is also given the authority to refer the initial review of the Mobile Food Vendors Permit for consideration before the Planning Commission consistent with the procedure for a Conditional Use Permit, in the interest of preempting any usually problematic projects.

During the public hearing held in September the Planning Commission requested that staff generate a map which outlines the parcels which are currently zoned for one of the districts impacted by the zoning ordinance amendment as proposed. This map only shows properties zoned for districts (non-residential zones) which may permit mobile food vendors and does not account for other locational requirements such as presence of improvements, minimum distance from sensitive groups, and available parking stalls. See below shaded in red all areas zoned for districts impacted by the proposed amendment.

## City of Exeter: Mobile Food Vendor Zones



Items which still require discussion include, but are not limited to, the need for a fee or other cost recovery measures for staff time spent reviewing applications or enforcing operational standards, the exact minimum distance required from the front door of a brick-and-mortar restaurant, further time limitations by district (i.e., prohibition on food trucks in Central Commercial district during lunchtime hours [11:00 AM – 2:00 PM]), required use of commissaries, and other considerations.

### **Conclusion:**

Staff recommends that the Exeter Planning Commission review and consider the draft Ordinance and provide further direction for revisions. The draft Ordinance is not yet finalized for review by the City Council, and Planning Commission should direct staff to return with a revised draft to further consider the details of the proposed ordinance.

### **Facts:**

Applicant: Planning Department Staff

Location: Citywide

Request: Staff is requesting to amend the Zoning Ordinance to provide a permitting pathway and address the operation of mobile food vendors within the city.

- Design:** No project specific designs have been proposed, specific applicants will be required to submit staging plans for review to prevent design issues.
- Historic Use:** Historically, food trucks have operated within the City subject only to State regulations and operating only with a business license permit.
- Site:** No project specific site is proposed. The foregoing ordinance amendment would apply to properties within the City Limits zoned for non-residential uses.
- Zone:** The Zoning Ordinance Amendment would apply to the following zone districts: Professional Office, Neighborhood Commercial, Central Commercial, Service Commercial, Highway Commercial, Industrial, and Public Facilities
- Gen. Plan:** The General Plan allows for commercial activity in commercial districts. The proposed Zoning Ordinance Amendment is consistent with the General Plan.
- Land Use:** No project specific site is proposed. Mobile Food Vendors are only to be permitted to operate on lots with existing development.
- Infrastructure:** No project specific site is proposed, no water supply, wastewater, or water runoff demands are anticipated, and mobile food vendors will be required to properly dispose of all wastewater without City services.
- Landscaping:** No project specific site is proposed, landscaping is not required for operation of a mobile food vendor business.
- CEQA:** The proposed project is categorically exempt under the California Environmental Quality Act Cal. Code of Regs. Tit. 14, Section 15061(b)(3).

**Prior Council/Board Actions:** None

**Attachments:** Draft Ordinance

**Recommended motion to be made by the Planning Commission:** I move to direct staff to revise the draft ordinance regarding text amendments to sections 17.20.02, 17.22.02, 17.24.02, 17.26.02, 17.30.02, 17.32.02, 17.40.02, and 17.64.1 of the Exeter Zoning Ordinance, based on Planning Commission direction and return at an upcoming regularly scheduled Planning Commission meeting for consideration of the revised draft ordinance.

ORDINANCE \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF EXETER AMENDING TITLE 17 - ZONING, OF THE EXETER MUNICIPAL CODE, BY ADDING A TEXT AMENDMENT TO SECTIONS 17.20.02, 17.22.02, 17.24.02, 17.26.02, 17.30.02, 17.32.02, 17.40.02, AND 17.64.1- PERMITTED USES SECTIONS FOR THE PROFESSIONAL OFFICE, NEIGHBORHOOD COMMERCIAL, CENTRAL COMMERCIAL, HIGHWAY COMMERCIAL, INDUSTRIAL, AND PUBLIC FACILITIES DISTRICTS, AS WELL AS ADDING A NEW SECTION ENTITLED “MOBILE FOOD VENDORS” TO THE SPECIAL USES CHAPTER**

**The City Council of the City of Exeter does ordain as follows:**

Section 1. The City Council of the City of Exeter hereby amends Title 17 – Zoning, of the Exeter Municipal Code, by amending the text of the following sections of the Zoning Ordinance: 17.20.02, 17.22.02, 17.24.02, 17.26.02, 17.30.02, 17.32.02, 17.40.02, and 17.64.14; and

Section 2. The City Council of the City of Exeter has determined that the proposed amendment to the Municipal Code is consistent with the General Plan; and

Section 3. All ordinances and parts thereof of the City of Exeter Municipal Code in conflict herewith are hereby repealed; and

Section 4. This ordinance shall take effect (30) days after adoption. Prior to the expiration of fifteen (15) days from the passage hereof, this Ordinance shall be published once in a local paper of general circulation and delivered within Exeter, together with the names of the members of the City Council voting for and against the matter; and

Section 5. Each of the provisions of this ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions or this ordinance; and

Section 6. The decision to amend the zoning ordinance does not constitute a “project” under the California Environmental Quality Act (CEQA), because it is categorically exempt under CEQA Section 15061 (b)(3), the “Common Sense” exemption; and,

Section 7. The City Council of the City of Exeter hereby codifies the amendments made to Chapter 17.20 of Title 17 (PO Zone (Professional Office)), Chapter 17.22 of Title 17 (CN Zone (Neighborhood Commercial)), Chapter 17.24 of Title 17 (CC Zone (Central Commercial)), Chapter 17.26 of Title 17 (CS Zone (Service Commercial)), Chapter 17.30 of Title 17 (CH Zone (Highway Commercial)), Chapter 17.32 of Title 17 (I Zone (Industrial)), Chapter 17.40 of Title 17 (PF Zone (Public Facilities)), and Chapter 17.64 of Title 17 (Special Uses), which are attached in Exhibit “A” of this Ordinance. Text additions are shown in underline format. Text deletions are shown in ~~strikeout~~ format (i.e., ~~strikeout~~). Changes in text are shown in **bold**.

The foregoing Ordinance \_\_\_\_\_ was considered by the City Council of the City of Exeter upon a motion of Council member \_\_\_\_\_, second by Council member \_\_\_\_\_ at a regular meeting of the Exeter City Council on the \_\_\_\_ of November 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_

Mayor

ATTEST: \_\_\_\_\_

Secretary



Exhibit "A"

Section 1. Section 17.20.02 (Permitted Uses) of the Exeter Municipal Code is amended as follows:

"17.20.02 Permitted Uses

A. Offices which deal primarily with professional services, in which goods, wares and merchandise are not commercially created, sold, or exchanged, including medical offices, engineering, architecture, planning and landscape consulting, law, accounting, bookkeeping, and brokerage offices.

B. Prescription pharmacies in connection with a medical office building, medical clinic or hospital.

C. Medical and dental laboratories and clinics

D. Single and multi-family residential uses in accordance with the RM-3 district.

E. Utility and infrastructure improvements including water wells, communication equipment buildings, above ground water tanks, and storm drainage basins.

F. Public parks.

**G. Mobile food vendors subject to the provisions of Section 17.64.14 of this Title.**

~~G.~~ **H.** Accessory uses"

Section 2. Section 17.22.02 (Permitted Uses) of the Exeter Municipal Code is amended as follows:

"17.22.02 Permitted Uses

The following uses are permitted in the CN district.

A. Professional offices.

B. Retail stores and service establishments that supply commodities or services that meet the convenience needs of residents from one or more neighborhoods.

C. Bakery.

D. Bank.

E. Barber and beauty shops.

F. Drug stores.

G. Dry cleaning establishments.

H. Gift shops.

I. Medical clinics.

J. Food stores, delicatessens, and convenience stores.

K. Newsstand and magazine stores.

L. Restaurants.

M. Self-service laundry and dry-cleaning establishments.

N. Drainage basins, water well sites, and utility facilities, including electrical substations, elevated pressure tanks, and communication equipment buildings.

**O. Mobile food vendors subject to the provisions of Section 17.64.14 of this Title.**

~~O.~~ **P.** Other uses that are added to this list by the Planning Director consistent with Chapter 17.02 General Provisions.”

Section 3. Section 17.24.02 (Permitted Uses) of the Exeter Municipal Code is amended as follows:

“17.24.02 Permitted Uses

A. Professional offices.

B. Parking lots.

C. Retail stores and service establishments.

D. Apparel, shoe, and jewelry stores.

E. Art and antique stores; art galleries, art supply stores, and art and craft schools

F. Automobile sales, new vehicles.

G. Automobile supply stores.

H. Bakery, food, and dairy product stores.

I. Banks and other lending institutions.

J. Barber and beauty shops.

K. Coffee, candy, florist, tobacco and health food stores.

L. Department, drug and appliance stores.

M. Fire and police stations.

N. Hardware stores

O. Hotels and motels

P. Liquor stores and bars

Q. Locksmiths

R. Florists

S. Farm equipment sales and service

T. Mortuaries

U. Restaurants, coffee shops and delicatessens

V. Theaters and auditoriums

**W. Mobile food vendors subject to the provisions of Section 17.64.14 of this Title.**

X. Garden shops

Y. Music and dance studios

Z. Reproduction and printing centers

AA. Glass stores with incidental repair and service

BB. Apartments over or behind permitted uses consistent with the standards of the RM-1.5 district.

CC. Other uses that are added to this list by the Planning Director consistent with Chapter 17.02 General Provisions.”

Section 4. Section 17.26.02 (Permitted Uses) of the Exeter Municipal Code is amended as follows:

“17.26.02 Permitted Uses

- A. Auto repair garages and associated operations
- B. Glass shops
- C. Gun shops
- D. Heating, air conditioning and sheet metal shops
- E. Household and office equipment and machinery repair
- F. Laundries and linen supply services
- G. Mobile food vendors subject to the provisions of Section 17.64.14 of this Title.**
- H. Lumber yards
- I. Machinery sales and rentals
- J. Motorcycle sales and repair
- K. Nurseries and garden supply stores
- L. Plumbing and sheet metal shops
- M. Printing, lithographic and engraving
- N. Public utility yards
- O. Refrigeration equipment sales and service
- P. Rug and carpet cleaning
- Q. Safe and vault manufacturing and repair
- R. Sign painting shops
- S. Stone and monument yards
- T. Storage garages and yards, warehouses and mini-storage facilities
- U. Tire sales and service, upholstery shop, radiator shops, body and fender shops
- V. Welding and blacksmith shops
- W. Wholesale establishments
- X. Offices and retail stores incidental to and on the same site with a service commercial establishment.
- Y. Utility and water works facilities
- Z. Other uses that are added to this list by the Planning Director consistent with Chapter 17.02 General Provisions.”

Section 5. Section 17.30.02 (Permitted Uses) of the Exeter Municipal Code is amended as follows:

“17.30.02 Permitted Uses

- A. Bus depots and transit stations
- B. Convenience stores
- C. Fruit stand
- D. Hotels and motels
- E. Parking lots
- F. Public utility structures, services, and facilities, including gas and electrical distribution and transmission substations, gas regulator stations and public service pumping stations
- G. Private clubs and lodges
- H. Repair garages associated with a service station
- I. Restaurants, including drive-in restaurants
- J. Service stations

**K. Mobile food vendors subject to the provisions of Section 17.64.14 of this Title.**

~~K. L.~~ Other uses that are added to this list by the Planning Director, which are consistent with Chapter 17.02 General Provisions”

Section 6. Section 17.32.02 (Permitted Uses) of the Exeter Municipal Code is amended as follows:

“17.32.02 Permitted Uses

- A. All uses permitted in the service commercial district.
- B. Agricultural packing houses, cold storage, box manufacturing and growing/harvesting of crops.
- C. Assembly of appliances, equipment, and other goods.
- D. Manufacturing of equipment, ceramic products, merchandise, food products, and other chemicals.
- E. Engine repair, paint and machine shops.
- F. Public utility and public service structures and facilities such as communication equipment buildings, electric distribution substations, electric transmission substations, gas regulator stations, public utility service yards, reservoir, and storage tanks.
- G. Lumber yards, feed and seed stores, and general storage yards.
- H. Sexually oriented businesses pursuant to Chapter 17.65 Sexually Oriented Businesses.
- I. Food lockers
- J. Food products manufacturing
- K. Cogeneration facility
- L. Gasoline service stations, including dispensing of diesel fuel and truck service.
- M. Recycling facilities.

**N. Mobile food vendors subject to the provisions of Section 17.64.14 of this Title.**

~~N. O.~~ Offices, retail stores and living quarters incidental to and on the same site as the industrial or service commercial use.

~~O. P.~~ Other uses that are added to this list by the Planning Director consistent with Chapter 17.02 General Provisions.”

Section 6. Section 17.40.02 (Permitted Uses) of the Exeter Municipal Code is amended as follows:

“17.40.02 Permitted Uses

- A. Recreation areas, parks, public open spaces, and playgrounds.
- B. Flood control channels, water pumping stations and reservoirs, irrigation ditches and canals; and storm water basins.
- C. Botanical Gardens
- D. School farms

**E. Mobile food vendors subject to the provisions of Section 17.64.14 of this Title.**

~~E. F.~~ Dog Parks”

Section 7. Chapter 17.64 (Special Uses) of the Exeter Municipal Code is amended as follows:

**“17.64.14 Mobile Food Vendors**

The purpose of this section is to establish procedures and operational standards for mobile food vendors in Exeter. The City Council finds that the operation of mobile food vendors can provide a benefit to the community by increasing local access to alternative food retailers, which in turn stimulates community and economic activity. However, mobile food vendors also pose various potential hazards to the public health, safety, and welfare of the residents of the City. Therefore, the intent of the City Council, by enacting this Section, is to provide businesses and persons engaged with mobile food vending operations with clear regulations to preserve the health, safety, and welfare of the community.

A. Definitions –

1. “Mobile food vendor” – means a person who is engaged in the service of a food facility, upon which prepackaged or non-prepackaged food and/or drinks are sold, offered for sale, or otherwise distributed as retail, not within the confines of an enclosed structure on a permanent foundation, specifically including sales from moveable, wheeled equipment or vehicles (i.e., trucks, trailers, bicycles, etc.).

B. Exemptions –

1. Catering trucks or personal vehicles used as a facet of an existing brick and mortar restaurant or Cottage Foods Operation (i.e., delivery services).
2. Lemonade stands
3. Nonprofit groups which engage in door-to-door solicitation of pre-packaged food products (i.e., The Girls Scouts of America)
4. Operations permitted by Special Events Permit and operating for a duration of no longer than 12 hours in a given week.

C. Mobile Food Vendor Permit –

1. Applicability - No mobile food vendor shall operate, manage, lease, prepare food from, or otherwise engage in a mobile food vending business without an approved mobile food truck permit, in accordance with the provisions of this section, in addition to any and all other licenses or permits required under any other chapter of this Code.
2. Term and Renewal – All mobile food vending permits, unless suspended or revoked, shall lapse, and become void after a period of one (1) year from the date of approval. Upon expiration, the permittee must renew the permit by submitting new applications in conformance with this section, together with such renewal fees as may be established by resolution of the City Council.
3. Application and Fee – An application for mobile food vending permit shall be made to the Planning Department on a form prescribed by the Planning Department. A fee as set by resolution of the City Council shall accompany the application. The application shall include the following information:

- a. Name and mailing address of applicant.
- b. Statement that the applicant is the owner of the property or is the authorized agent of the property owner.
- c. An accurate, scale drawing of the staging plan for operations, which shall include the following:
  - i. Location of food preparation and point of sale area.
  - ii. Location of trash receptacles or other litter abatement means.
  - iii. Location of nearest restrooms.
  - iv. Location and dimensions of signs.
  - v. Driver's license for motor vehicles used for mobile food vending, state verified ID for all other forms of transportation.
  - vi. Proof of business insurance and commercial automobile insurance.
  - vii. Proof that any vehicles used in the operation of a mobile food vending business are registered with the State of California.
4. Permit Authority – No person shall hire or allow other to use their equipment or vehicles for mobile food vending within the City, unless that other person, whether as an employee, licensee, or independent contractor holds a valid mobile food vendor permit and complies with all provisions of this code.
5. Approval – The City Planner and/or their designee is authorized to review applications and to issue ministerial approval of Mobile Food Vendor Permits herein described.
6. Planning Commission Review – The City Planner and/or their designee is authorized to refer any application for Mobile Food Vendor Permit which is determined to be under unusual or exceptional circumstances to the Planning Commission for their discretionary review consistent with the procedures contained in Chapter 17.49 Conditional Use Permits.
7. Appeals – All decisions made by the City Planner and/or their designee may be appealed to the Planning Commission consistent with the procedures contained in Chapter 17.06 Appeals.

**D. Location Requirements –**

1. Zones – Subject to the requirements of this Section, mobile food vendors with an approved mobile food vending permit are allowed in the following zoning classifications: Professional Office, Neighborhood Commercial, Central Commercial, Highway Commercial, Industrial, and Public Facilities
2. Hours of Operation by district:
  - a. Professional Office – No operation between the hours of 12:00 AM and 6:00 AM
  - b. Neighborhood Commercial – No restrictions on hours of operation
  - c. Central Commercial – No operation between the hours of 4:00 AM and 8:00 PM
  - d. Highway Commercial – No restrictions on hours of operation
  - e. Industrial – No restrictions on hours of operation

**f. Public Facilities – No operation between the hours of 12:00 AM and 6:00 AM**

- 3. Private Property – Mobile food vendors are permitted to operate on private property only with written authorization of the landowner to be submitted to the City at the time that an application is filed. Mobile food vendors may only operate during the active business hours of the site's primary use (mobile food vending shall be an ancillary use to the primary business on-site).**
- 4. Improvements – Mobile food vendors shall operate only from sites with full public improvements (curb, gutter, sidewalk, access drive, etc.), and only on paved surfaces.**
- 5. Parking – Mobile food vendors shall operate only from valid parking stalls and shall park in a manner than the customer transaction area is not on a street, thoroughfare, drive aisle, or lane in which motor vehicles operate.**
- 6. Minimum Distance from Restaurants – No mobile food vendor may operate within five hundred (500) feet from the front door of any open restaurant during the hours of operation of that restaurant without approval of a Special Events Permit.**
- 7. Minimum Distance from Residential – No mobile food vendor may operate within three hundred (300) feet from properties that are used for residential purposes without approval of a Special Events Permit.**
- 8. Minimum Distance from Schools - No mobile food vendor may operate within three hundred (300) feet from a public-school property without approval of a Special Events Permit.**
- 9. ADA Requirements – All ADA required parking stalls and pedestrian paths of travel shall not be impeded by the operations of any mobile food vender.**

**E. Operational Requirements –**

- 1. Time Limits – Mobile food vendors located in the public right-of-way, except those operating as part of an approved Special Events Permit, may remain parked in a given location for the posted limit of the parking stall or four hours, whichever is less. Mobile food vendors located on private property must remove all equipment and vehicles associated with operation of the mobile food vending business from the property when not in operation, or during set-up and break-down. No mobile food vending equipment or vehicles may remain on the same property as their operation overnight.**
- 2. Equipment – Mobile food vendors are prohibited from including as part of their operations any equipment not recognized as part of the preparation, service, or transport of the mobile food vending business, including furniture (tables and chairs), shade structures (except awnings), and freestanding signage. Trash receptacles are required to be provided within fifteen (15) feet of the customer transaction area.**
- 3. Generators – All generators must be located a minimum distance of ten (10) feet from existing structures, vehicles, and any public right-of-way. Generators may not be located in a drive aisle or parking stall.**

4. **Per Site Maximum- One mobile food vendor is allowed per site with the exception of operations conducted under an approved Special Events Permit.**
5. **Permit Display - Mobile food vendors must display at all times during operation both the approved Mobile Food Vendor Permit and permit from the Tulare County Environment Health Division.**
6. **Alcoholic Beverages – Mobile food vendors are prohibited from selling or providing alcoholic beverages as part of their operation, except in direct association with a bone fide and approved Special Events Permit in conjunction with the City of Exeter.**
7. **Noise – Mobile food vendors are prohibited from providing amplified noise, speakers, or music and/or audio.**
8. **Lighting – Mobile food vendors shall provide lighting for operations after dusk. All lighting shall be hooded and shall not be directed toward any public right-of-way. Lighting used as advertisement or signage is prohibited.**
9. **Signage- Mobile food vendors must obtain a sign permit consistent with the procedures contained in Chapter 69 Signs.**
10. **Litter Abatement – Mobile food vendors shall have adequate trash receptacles to separately contain recycling, compostable waste, and other refuse available at all times during operation and shall keep the site being occupied free and clear of all trash and litter of any kind.**
11. **Discharge – Mobile food vendors shall not discharge any liquid or dissolved substances into any site, or any drop inlet, gutter, or other component of the City’s wastewater infrastructure.**
12. **Special Events – Nothing in this Section shall be interpreted to prevent a special event from being established through a Special Events Permit, temporary Conditional Use Permit, or similar process.**



# City of Exeter Agenda Item Transmittal

Date: October 20, 2022

**Agenda Item Number:** B2

**Wording for Agenda:** PUBLIC HEARING to consider a text amendment to Section 17.24.02 and Section 17.24.04 of the Exeter Zoning Ordinance to add "M (Medicinal) – Type 12 Microbusiness, Medical Cannabis Treatment Center consistent with all provisions of Section 8.50 of the Exeter Code of Ordinances" to the permitted use list of the CC (Central Commercial) district and remove "marijuana dispensaries" from the list of prohibited uses and replace it with "marijuana/cannabis uses not expressly authorized and regulated by the City of Exeter Code of Ordinances"; and Adopt Resolution 2022-09 recommending approval of Zoning Ordinance Amendment 2022-06, to the Exeter City Council.

**Submitting Department:** Planning Department  
**Contact Name and Phone Number:** Greg Collins, City Planner  
Tristan Suire, City Planner  
**Phone:** 559-734-8737  
**Email:** [greg@weplancities.com](mailto:greg@weplancities.com), [tristan@weplancities.com](mailto:tristan@weplancities.com)

**Department Recommendation:**

Staff recommends that the Planning Commission adopt Resolution 2022-09 recommending approval of Zoning Ordinance Amendment 2022-06, text amendments to Sections 17.24.02 and 17.24.04 of the Exeter Municipal Code to add "M (Medicinal) – Type 12 Microbusiness, Medical Cannabis Treatment Center consistent with all provisions of Section 8.50 of the Exeter Code of Ordinances" to the permitted use list of the CC (Central Commercial) district, and to remove "marijuana dispensaries" from the list of prohibited uses and replace it with "marijuana/cannabis uses not expressly authorized and regulated by the Zoning Ordinance and/or City of Exeter Code of Ordinances", to the Exeter City Council.

**Summary:**

The City has received a request to operate a treatment center providing medically prescribed cannabis products to terminally ill children and disadvantaged adults. Currently, medical cannabis treatment centers are not permitted in the CC (Central Commercial) district, and specifically "marijuana dispensaries" are prohibited. Therefore, the applicant has requested text amendments to the Zoning Ordinance to add the use "M (Medicinal) – Type 12 Microbusiness, Medical Cannabis Treatment Center consistent with all provisions of Section 8.50 of the Exeter Code of Ordinances" to the list of permitted uses in the CC (Central Commercial) district. The intent of the amendment is to allow the applicant to process their request for a treatment center located on property currently zoned for Central Commercial uses, by filing for a business license and a Cannabis Regulatory Permit. The Central Commercial district is intended to serve as the financial, government, retail, and entertainment center of Exeter.

**Background and Discussion:**

The City staff initiated the text amendment to the Zoning Ordinance in order to allow the permitted use "M (Medicinal) – Type 12 Microbusiness, Medical Cannabis Treatment Center consistent with all provisions of Section 8.50 of the Exeter Code of Ordinances" within the Central Commercial district. The amendment would allow the applicant to submit an application for a Cannabis Regulatory Permit and business license to operate a treatment center within the Central Commercial district. The Central Commercial district does not currently permit cannabis

**For action by:**

City Council  
 Planning Comm.

**Regular Session:**

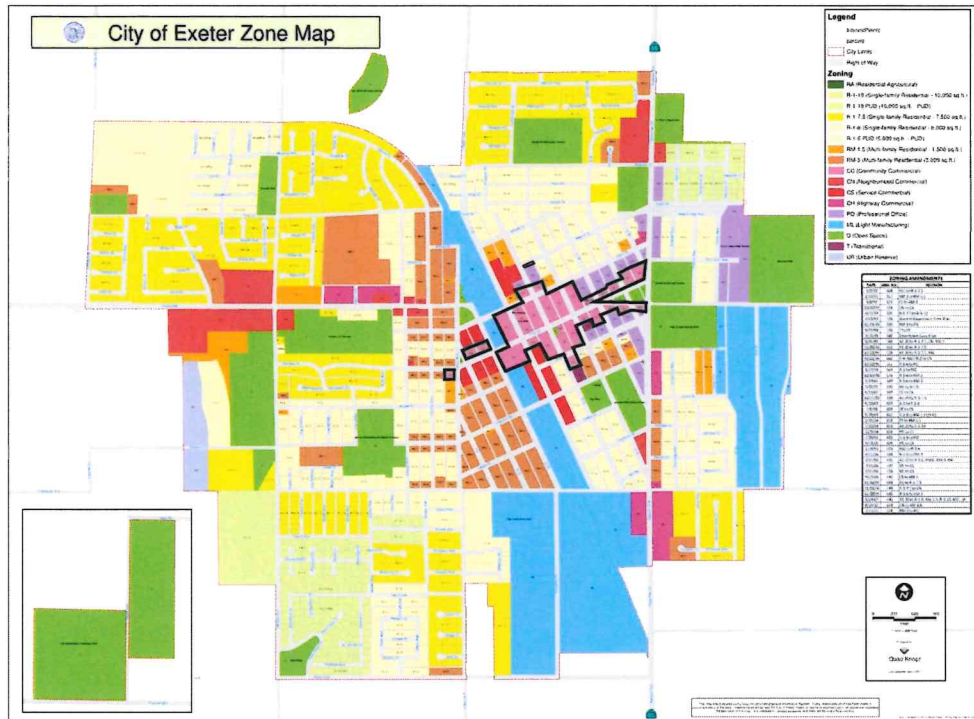
Consent Calendar  
 Regular Item  
 Public Hearing

**Review:**

**City Administrator  
(Initials Required)**

AE

treatment centers, nor are cannabis treatment centers permitted in any other district within the City of Exeter. The proposed text amendment will also distinguish cannabis treatment centers from “Medical clinics” which are already permitted within the CN (Neighborhood Commercial) district. See below, outlined in black the existing Service Commercial districts within the City.



The Central Commercial district is located in the urban center of the city and is bounded by property zoned CS (Service Commercial), west and south. To the east is property zoned O (Open Space). Property to the north and south is zoned for PO (Professional Office) use, as well as residential zoning of various densities.

**Conclusion:**

Staff recommends that the Exeter Planning Commission approve Resolution 2022-09, recommending approval of the Zoning Ordinance Amendment 2022-06 to the Exeter City Council. This will allow the applicant to pursue a Cannabis Regulatory Permit to allow operations of a cannabis treatment center within the Central Commercial district.

**Facts:**

- Applicant: City of Exeter Staff
- Location: The Zoning Ordinance Amendment will impact all properties zoned for CC (Central Commercial) use within the City.
- Request: The applicant is requesting a text amendment to the zoning ordinance to add “M (Medicinal) – Type 12 Microbusiness, Medical Cannabis Treatment Center consistent with all provisions of Section 8.50 of the Exeter Code of Ordinances” to the list of permitted uses in the CC (Central Commercial) district.
- Design: This action does not entail any development or alteration of existing design of any property located within the City of Exeter.

**Use:** The Central Commercial district is characterized by a variety of retail, restaurants and office uses.

**Site:** The zoning ordinance amendment would apply to all seventy-three (73) lots zoned for Central Commercial uses within the City, primarily located along Pine, Maple, and Palm Streets in the downtown heart of the city, just northeast of the City's geographic center.

See pictured from above (Central Commercial outlined in red):



**Zone:** The current zoning is CC (Central Commercial), development standards for this district are as follows:

Front Yard:	0 feet
Side Yard:	0 feet
Rear Yard:	0 feet
Parking:	based on land use

**Gen. Plan:** The area zoned Central Commercial is also largely designated "Central Commercial" by the Land Use Element.

**Land Use:** The land use varies, many properties in the CC district are developed and used for commercial purposes including various restaurants and bars, antique stores, medical offices, and banks.

**Infrastructure:** The area zoned Central Commercial includes an 8" water line along Pine and Palm Streets, and 6" sewer lines located along F Street and through several alleys. Curb,

gutter, and sidewalk improvements along the public right-of-way on all major streets, with drop inlets at the corners of most blocks to an 18” storm drain pipeline underneath F Street.

**Landscaping:** The area zoned Central Commercial includes street trees and other landscape features especially along E, Pine, and Maple Streets. The proposed zoning ordinance amendment would not have any impact on existing or proposed landscaping.

**CEQA:** The proposed project is categorically exempt under the California Environmental Quality Act Cal. Code of Regs. Tit. 14, Section 15061(b)(3).

**Prior Council/Board Actions:** None

**Attachments:** Resolution 2022-09  
Draft Ordinance

**Recommended motion to be made by the Planning Commission:** I move to adopt Resolution 2022-09 recommending approval of Zoning Ordinance Amendment 2022-06, text amendments to Sections 17.24.02 and 17.24.04 of the Exeter Municipal Code to add “M (Medicinal) – Type 12 Microbusiness, Medical Cannabis Treatment Center consistent with all provisions of Section 8.50 of the Exeter Code of Ordinances” to the permitted use list of the CC (Central Commercial) district, and removing “marijuana dispensaries” from the list of prohibited uses and replacing with “marijuana/cannabis uses not expressly authorized and regulated by the City of Exeter Code of Ordinances,” to the Exeter City Council.

**RESOLUTION 2022-09**

**A RESOLUTION BEFORE THE PLANNING COMMISSION OF THE CITY OF EXETER RECOMMENDING APPROVAL OF A ZONING ORDINANCE AMENDMENT TO THE CITY COUNCIL OF THE CITY OF EXETER, AMENDING THE LIST OF PERMITTED USES WITHIN THE CC (CENTRAL COMMERCIAL) DISTRICT, TO ADD “M (MEDICINAL) – TYPE 12 MICROBUSINESS, MEDICAL CANNABIS TREATMENT CENTER CONSISTENT WITH ALL PROVISIONS OF SECTION 8.50 OF THE EXETER CODE OF ORDINANCES” TO EXETER MUNICIPAL CODE SEC. 17.24.02, AND REMOVE “MARIJUANA DISPENSARIES” FROM THE LIST OF PROHIBITED USES AND REPLACE WITH “MARIJUANA/CANNABIS USES NOT EXPRESSLY AUTHORIZED AND REGULATED BY THE CITY OF EXETER CODE OF ORDINANCES” TO EXETER MUNICIPAL CODE SEC. 17.24.04**

**WHEREAS**, the City of Exeter (“City”) controls the discretionary review of all uses on the permitted and conditional use lists of Exeter’s zone districts through the Site Plan Review process, pursuant to Chapter 17.54 of the Exeter Municipal Code; and

**WHEREAS**, Zoning Ordinance Amendment 2022-06 is a request submitted by City staff, to add to the list of permitted uses of the CC (Central Commercial) district, the use of “M (Medicinal) – Type 12 Microbusinesses, Medical Cannabis Treatment Center consistent with all provisions of Section 8.50 of the Exeter Code of Ordinances”; and

**WHEREAS**, the CC (Central Commercial) district does not currently permit cannabis treatment centers. Zoning Ordinance Section 17.24.02 (CC) allows the Planning Director or Planning Commission to add to the use list to accommodate uses that are substantially similar in character, intensity, and compatibility to the uses on the permitted or conditional use list; and

**WHEREAS**, from a land use perspective, the proposed use is consistent with other conditionally permitted uses, such as “Coffee, candy, florist, tobacco, and health food stores”, in terms of visual character and impact on the environment; and

**WHEREAS**, the City of Exeter Planning Commission did, on October 20<sup>th</sup>, hold a duly noticed public hearing for review of a staff-initiated request to consider a Zoning Ordinance Amendment for the addition of “M (Medicinal) – Type 12 Microbusinesses, Medical Cannabis Treatment Center consistent with all provisions of Section 8.50 of the Exeter Code of Ordinances” to the list of conditionally permitted uses in the CC (Central Commercial) district; and

**WHEREAS**, a public hearing notice was published in the local paper a minimum of 10 days prior to said public hearing, pursuant to Exeter Municipal Code Sec. 17.48.04; and

**WHEREAS**, the subject site is zoned CC, Central Commercial, the purpose of which is defined by Section 17.24.01 of the Exeter Municipal Code partly as “to serve as the central district of Exeter... as well as serving as the financial, government, retail and entertainment center of Exeter”; and

**WHEREAS**, pursuant to the California Public Resources Code §21067 and the State CEQA Guidelines (Cal. Code of Regs., tit. 14 §15000 et seq.) section 15051, the City of Exeter is the lead agency for the proposed project; and

**WHEREAS**, the project has been determined exempt from the requirements of the California Environmental Quality Act (CEQA) per the common sense exemption (CEQA Guidelines 15061(b)(3)); and

**WHEREAS**, the City has endeavored to take all steps and impose all conditions necessary to ensure that impacts to the environment would not be significant; and,

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission determined the following findings:

1. The above recitations are true and correct and are incorporated herein by this reference.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves Resolution 2022-09 recommending approval of Zoning Ordinance Amendment 2022-06 to the Exeter City Council. The foregoing resolution was adopted upon a motion by Commission member \_\_\_\_\_, seconded by Commission member \_\_\_\_\_ at a regular meeting of the Exeter Planning Commission on October 20, 2022, and carried by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Chairperson, Planning Commission

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Secretary

ORDINANCE \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF EXETER AMENDING TITLE 17 - ZONING, OF THE EXETER MUNICIPAL CODE, BY ADDING TEXT AMENDMENTS TO SECTIONS 17.24.02 AND 17.24.04 – C-C, CENTRAL COMMERCIAL DISTRICT**

**The City Council of the City of Exeter does ordain as follows:**

Section 1. The City Council of the City of Exeter hereby amends Title 17 – Zoning, of the Exeter Municipal Code, by amending the text of Chapter 17.24, Sections 17.24.02 Permitted Uses and 17.24.04 Prohibited Uses; and

Section 2. The City Council of the City of Exeter has determined that the proposed amendment to the Municipal Code is consistent with the General Plan; and

Section 3. All ordinances and parts thereof of the City of Exeter Municipal Code in conflict herewith are hereby repealed; and

Section 4. This ordinance shall take effect (30) days after adoption. Prior to the expiration of fifteen (15) days from the passage hereof, this Ordinance shall be published once in a local paper of general circulation and delivered within Exeter, together with the names of the members of the City Council voting for and against the matter.

Section 5. Each of the provisions of this ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions or this ordinance.

Section 6. The City Council of the City of Exeter hereby codifies the amendments made to Chapter 17.24 of Title 17 (CC Zone (Central Commercial)) attached in Exhibit “A” of this Ordinance. Text additions are shown in underline format. Text deletions are shown in ~~strikeout~~ format (i.e., ~~strikeout~~). Changes in text are shown in **bold**.

The foregoing Ordinance \_\_\_\_\_ was considered by the City Council of the City of Exeter upon a motion of Council member \_\_\_\_\_, second by Council member \_\_\_\_\_ at a regular meeting of the Exeter City Council on the \_\_\_ of November 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Secretary



## Exhibit "A"

### "17.24.02 Permitted Uses

- A. Professional offices.
- B. Parking lots.
- C. Retail stores and service establishments.
- D. Apparel, shoe, and jewelry stores.
- E. Art and antique stores; art galleries, art supply stores, and art and craft schools.
- F. Automobile sales, new vehicles.
- G. Automobile supply stores.
- H. Bakery, food, and dairy product stores.
- I. Banks and other lending institutions.
- J. Barber and beauty shops.
- K. Coffee, candy, florist, tobacco and health food stores.
- L. Department, drug, and appliance stores.
- M. Fire and police stations.
- N. Hardware stores.
- O. Hotels and motels.
- P. Liquor stores and bars.
- Q. Locksmiths.
- R. Florists.
- S. Farm equipment sales and service.
- T. Mortuaries.

U. Restaurants, coffee shops and delicatessens.

V. Theaters and auditoriums.

X. Garden shops.

Y. Music and dance studios.

Z. Reproduction and printing centers.

AA. Glass stores with incidental repair and service.

BB. Apartments over or behind permitted uses consistent with the standards of the RM-1.5 district.

**CC. M (Medicinal) – Type 12 Microbusiness, Medical Cannabis Treatment Center consistent with all provisions of Section 8.50 of the Exeter Code of Ordinances.**

**DD.** Other uses that are added to this list by the Planning Director consistent with Chapter 17.02 General Provisions.”

“17.24.04 Prohibited Uses

A. Adult book stores.

**B. ~~Marijuana dispensaries.~~ Marijuana/cannabis uses not expressly authorized and regulated by the City of Exeter Code of Ordinances.**

C. Sexually-oriented businesses.

D. Tattoo parlors.

E. Palm readers and fortune tellers.”