



Title 9: Zoning

Public Draft Dated
October 31,
2011

Chapter 5: Site, Development, and Operational Standards

This chapter provides standards to ensure that properties are developed consistent with the General Plan vision of a safe, functional, and visually appealing built environment, vibrant neighborhoods, successful commercial centers, and integrated and accessible public spaces (open space, parks, plaza, etc.). The chapter includes standards related to site design, building architecture, landscaping, parking, loading, lighting, public spaces, and accessory structures.

This page intentionally left blank.

Title 9, Chapter 5

Table of Contents

Article A. General Development Rules for All Development and Land Uses

9-5A-1	Purpose and Applicability	9-5A-1
9-5A-2	Height Limits and Exceptions.....	9-5A-2
9-5A-3	Setback Determination and Requirements	9-5A-2
9-5A-4	Noise, Odor, Vibration, and Maintenance Performance Standards.....	9-5A-4
9-5A-5	Property and Utility Improvements.....	9-5A-7
9-5A-6	Outdoor Lighting.....	9-5A-8
9-5A-7	Fences and Walls	9-5A-11
9-5A-8	Residential Accessory Structures.....	9-5A-15
9-5A-9	Screening	9-5A-19
9-5A-10	Outdoor Display, Sales, and Storage	9-5A-20
9-5A-11	Carts.....	9-5A-22

Article B. Development Standards by Zoning District

9-5B-1	Purpose.....	9-5B-1
9-5B-2	General Zoning District Development Standards	9-5B-1
9-5B-3	Urban-Rural Edge.....	9-5B-5

Article C. Architectural and Site Design Standards

9-5C-1	Purpose and Applicability	9-5C-1
9-5C-2	Design Concepts	9-5C-1
9-5C-3	Design Standards for Residential Projects.....	9-5C-2
9-5C-4	Design Standards for Commercial, Office, and Mixed-Use Projects	9-5C-9
9-5C-5	Design Standards for Industrial Projects	9-5C-16

Article D1. Landscaping Standards

Held for future release.

Article D2. Landscape Water Reporting Requirements

Held for future release.

Article E. Off-Street Parking and Loading

9-5E-1	Purpose.....	9-5E-1
9-5E-2	Applicability and Permit Requirements.....	9-5E-1
9-5E-3	General Parking Regulations.....	9-5E-2
9-5E-4	Required Off-Street Parking	9-5E-3
9-5E-5	Design and Development Standards for Off-Street Parking Areas.....	9-5E-9
9-5E-6	Off-Street Loading Standards	9-5E-12
9-5E-7	Bicycle Parking Requirements	9-5E-15

Article F. Signage

Held for future release.

Article G. Affordable Housing Incentives (Density Bonus)

9-5G-1	Purpose	9-5G-1
9-5G-2	Eligibility for Density Bonus and Incentives and Concessions	9-5G-1
9-5G-3	General Provisions for Density Bonus and Incentives and Concessions	9-5G-2
9-5G-4	Number and Types of Density Bonuses and Incentives and Concessions.....	9-5G-3
9-5G-5	Location of Density Bonus Units.....	9-5G-7
9-5G-6	Continued Availability.....	9-5G-7
9-5G-7	Process for Approval or Denial	9-5G-8

Chapter 5: Site, Development, and Operational Standards

Article A: General Development Rules for All Development and Land Uses

Sections:

- 9-5A-1 Purpose and Applicability
- 9-5A-2 Height Limits and Exceptions
- 9-5A-3 Setback Determination and Requirements
- 9-5A-4 Noise, Odor, Vibration, and Maintenance Performance Standards
- 9-5A-5 Property and Utility Improvements
- 9-5A-6 Outdoor Lighting
- 9-5A-7 Fences and Walls
- 9-5A-8 Residential Accessory Structures
- 9-5A-9 Screening
- 9-5A-10 Outdoor Display, Sales, and Storage
- 9-5A-11 Carts

Draft Zoning Code Changes:

- *The rules related to height limits and setbacks have been updated and clarified.*
- *The existing noise standards have been kept, and new performance standards for dust and vibration have been added.*
- *New requirements for outdoor lighting and screening have been added pursuant to the General Plan's dark skies requirement.*
- *The standards for fences and walls and residential accessory structures have been consolidated into common sections, rather than being listed by zoning district.*
- *New standards for outdoor display, sales, and storage have been added.*
- *New standards for shopping carts have been added.*

9-5A-1 Purpose and Applicability

The purpose of this article is to provide development standards related to all properties within Lemoore regardless of underlying zoning designation or land use. These regulations address building height determination and exceptions, setback measurements, overall development performance standards (e.g., noise, vibration, odor), property and utility improvement requirements, outdoor lighting, fences and walls, and residential accessory structures. Additional standards for landscaping, parking, and signage are listed in subsequent articles of this chapter.

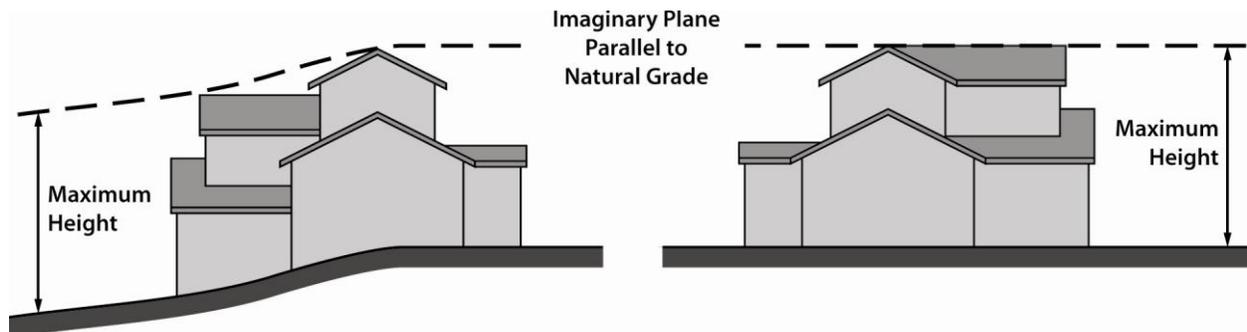
9-5A-2 Height Limits and Exceptions

The following rules apply to the calculation and determination of height of structures within the city. The intent of these regulations is to provide for compatibility in the measure of building height under a variety of circumstances (e.g., sloped site).

A. Height Measurement

The height of a structure shall be measured as the vertical distance from the finish grade of the site to an imaginary plane located the allowed number of feet above and parallel to the finish grade.

Figure 9-5A-2-A1
MEASUREMENT OF HEIGHT



B. Height Limits and Exceptions

Height limits are established throughout this code. Primarily, height limits are listed in article 9-5B (development standards by zoning district), where they are listed by zoning district. Additional height limits are established for outdoor lighting (section 9-5A-6), fences and walls (section 9-5A-7), residential accessory structures (section 9-5A-8), and signs (article 9-5F).

Exceptions to height regulations are as follows:

1. Towers, penthouses, and other roof structures for the purpose of shelter for mechanical equipment, cupolas, water tanks, church steeples, radio/television antennas, and similar structures and necessary mechanical appurtenances may be erected on a building to a height greater than the limit otherwise established.
2. Telecommunication facilities may be authorized to exceed the height limit established for the applicable zoning district as provided in section 9-4D-13 (telecommunication facilities).
3. Fire or parapet walls in nonresidential zoning districts may extend up to four feet (4') above the allowable height limit of the structure.

9-5A-3 Setback Determination and Requirements

A. Purpose and Applicability

1. **Purpose.** The purpose of this section is to establish requirements for yard areas, setbacks, and encroachments. These requirements, in conjunction with other applicable requirements, are intended to ensure open areas around primary structures, maintain clear visibility for traffic

safety and pedestrian access, buffer between various land uses, establish natural and visual light, establish air space privacy, and provide for landscaping, and recreation areas.

2. **Applicability.** The rules for measurement of setbacks, yard areas, and encroachments apply to all properties in the city and shall be in addition to any other applicable development standards and measurement rules contained elsewhere within this title.

B. General Yard and Setback Regulations

1. **Required Yard Area.** Except as otherwise specified in this title, required yard areas shall be kept free of buildings and structures.
2. **Exclusivity of Required Yard Area.** No yard or other open space provided around any building for the purpose of complying with this title shall be considered as providing a yard or open space for any other building or structure.
3. **Vertical Clearance.** Except as otherwise provided in this title, every part of a required yard shall be open from its lowest point to the sky unobstructed. Building overhangs, bay windows, and other such elements may intrude as permitted, pursuant to subsection 9-5A-3-D (allowed encroachments or projections into required yards).
4. **Corner Lots.** In the case of a lot abutting two (2) or more streets, the main buildings and accessory buildings shall be erected so as not to encroach upon the required front and street side yards.
5. **Double-Frontage Lots.** Where a double-frontage lot has a depth of one hundred twenty-five feet (125') or more, such lot may be treated as two (2) lots, with the rear line of each approximately equidistant from the front lot lines, provided all the yard requirements are met.
6. **Flag lots.** The front setback for a flag lot shall be measured from the property line that abuts the access corridor, not from where the access corridor meets the public street.
7. **Lot Area, Depth, Width, and Setback Reduction.** Where a lot area or a lot width, depth, or setback has been reduced for an existing legally created lot by not more than fifteen percent (15%) as a result of acquisition of dedication for a highway, road, drain, or other public purpose, as a result of dedication pursuant to a condition of approval, the lot area or yard so reduced may be included in determining compliance with lot area or yard requirements in the same manner as if the acquisition or dedication has not taken place.
8. **Setback Measurement.**
 - a. **Generally.** The setback of all buildings and structures shall be measured at a right angle from the property line and determined by the exterior boundaries of the streets and highways and their proposed widening and extensions as indicated on the circulation plan, planned improvements map of the city's general plan. Except as permitted in section 9-5A-3-D (allowed encroachments or projections into required yards), or as otherwise specified in this title for specific types of structures (e.g., accessory structures, signs) or through the issuance of a variance, structures shall not extend beyond required setback lines.
 - b. **Lots on Loop-Out and Cul-De-Sac Streets.** The front setback for lots on loop-out and cul-de-sac streets shall be measured from an imaginary line drawn parallel to the property line along the street that has a minimum length equal to the minimum frontage.

C. Residential Yard and Setback Regulations

In addition to the setback standards for single-family residential development listed in table 9-5B-2 (development standards for base zoning districts), the following standards shall apply:

1. **Front Yard Variation.** In any full block of lots, the front yards may be varied so that the required yard depth is not reduced more than five feet (5'), the average of all lots equals the required yard depth, and the corner lot yards are not reduced.
2. **Yard Exceptions for Infill Development.** On a site situated between sites improved with buildings where said buildings are set back less than the minimum distance required by this subsection, the minimum front yard shall be the average depth of the front yards on the improved sites immediately adjoining the side lines of the site.
3. **Deviations for Lots Recorded Prior to 1987.** In case of irregular or wedge shaped lots and lots in subdivisions recorded prior to 1987, the planning director may grant setback variances up to fifteen percent (15%) of the stated requirements

D. Allowed Encroachments or Projections Into Required Yards

In addition to the structures listed in section 9-5A-7 (fences and walls) and section 9-5A-8 (residential accessory structures), the following structures and architectural features attached to the main building may project into the required yards as depicted in table 9-5A-3-D1 (encroachments and projections into required yards).

TABLE 9-5A-3-D1 – ENCROACHMENTS AND PROJECTIONS INTO REQUIRED YARDS		
Structural Component	Encroachment Distance	
	Required Front Yard	All Other Required Yards
Bay windows, cornices, canopies, attached decks and patios, eaves, fireplaces, roof overhangs, and similar architectural features	6'	24"

Notes

1. All encroachments shall comply with required fire safety standards as provided in the city-adopted building and fire codes.

9-5A-4 Noise, Odor, Vibration, and Maintenance Performance Standards

A. Purpose and Applicability

1. **Purpose.** The purpose of this section is to provide performance standards for all permanent and temporary land uses within the city relative to noise, odor, and vibration. The intent is to provide compatibility between neighboring land uses by minimizing various potential operational impacts.
2. **Applicability.** The standards of this chapter apply to all new and existing land uses within the city, unless otherwise exempted. Existing uses shall not be modified in conflict with the provisions of this chapter.

B. Noise Standards

1. **Applicability.** In addition to the provision contained within this section, all uses shall comply with the noise standards set forth in the city’s general plan and in chapter 5-6 (noise). Unless otherwise specified in this section or the general plan, all noise measurements shall be based upon the community noise equivalent level (CNEL).
2. **Generally.** No use, activity, or process shall exceed the maximum allowable noise levels established by this section, except for the following noise sources:
 - a. Public safety warning devices (e.g., ambulance, fire, and police sirens), sound for alerting persons to the existence of an emergency, or the performance of authorized emergency work;
 - b. Any activity regulated by state or federal law;
 - c. Construction, maintenance, and/or repair operations by public agencies and/or utility companies or their contractors that are serving public interests, and/or protecting the public health, safety, and general welfare;
 - d. Public agency sanctioned recreational activities and programs conducted in public parks; and
 - e. The authorized collection of solid waste.
3. **Maximum Allowable Noise Levels**
 - a. The city’s noise standards for land use compatibility are listed in table 9-5A-4-B1 (land use with noise standards). These standards shall be adhered to and implemented during the review of all proposed development projects. Necessary measures shall be incorporated into all development projects to attenuate exterior and/or interior noise levels to acceptable levels.

Land Use	Noise Standards (dB CNEL)	
	Interior Noise	Exterior Noise
Residential Uses	45	65 ¹
Residential Uses in Mixed Use Zones	45	70
Commercial	-	70
Office	50	70
Industrial	55	75
Public Facilities	50	70
Parks	-	70
Schools	50	65

Notes

1. In outdoor living areas, e.g., back yards.
 - b. If the measured ambient noise level exceeds the applicable noise level standard in any category, the applicable standards shall be adjusted to equal the ambient noise level.
 - c. Notwithstanding the above requirements, no person shall allow or cause the generation of any noise of a type, volume, pitch, tone, repetition, or duration that would be found

to be a nuisance by a reasonable person beyond the boundaries of the property where the noise is generated

4. **Acoustical Analysis Required.** Where the planning director determines that a proposed project may generate noise in excess of any limit established above, and/or where the use may generate noise in outdoor areas in excess of sixty decibels (60 dB CNEL), the land use permit application for the use shall include an acoustical analysis by a qualified professional approved by the planning director. The following measure shall be considered where feasible to reduce noise level below acceptable standards:
 - a. Site layout, including setbacks, open space separation, and shielding of noise-sensitive uses with non-noise-sensitive uses;
 - b. Acoustical treatment of buildings; or
 - c. Structural measures such as constructed of earth berms and/or wood or concrete barriers or masonry walls.
5. **Limitation on Hours of Construction.** In order to allow construction schedules to take advantage of the weather and normal daylight hours, and to ensure that nearby residents as well as nonresidential activities are not disturbed by the early morning or late night activities, the city has established the following limits on construction
 - a. Monday through Saturday, seven o'clock (7:00) A.M. to eight o'clock (8:00) P.M.
 - b. Extended construction hours may only be allowed by the review authority through conditions of approval between eight o'clock (8:00) P.M. and ten o'clock (10:00) P.M.
 - c. On Sundays and national holidays, construction activities may only be allowed by the review authority through conditions of approval between nine o'clock (9:00) A.M. and five o'clock (5:00) P.M.
6. **Limitation on Truck Deliveries.** Truck deliveries to a commercial or industrial parcel adjacent to a conforming residential use shall be limited to the hours between seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., unless the planning director authorizes other delivery times based on the determination that there is either no feasible alternative, or there are overriding transportation and traffic management benefits to scheduling deliveries at night.
7. **Locating a New Sensitive Land Use.** Where noise-sensitive land use is proposed in an area exposed to existing or projected noise levels in excess of sixty-five decibels (65dB CNEL), the city may at the discretion of the planning director require an acoustical analysis so that noise reduction measures may be included in the project design.
8. **Sound Amplifiers.** No person shall use or cause to be used at any place in the city, whether on public property or private property, any sound amplifying device or equipment without first having secured a amplified sound permit as described in chapter 5-6 (noise).
9. **Noise Easement Required.** All new subdivisions of land through tentative map as provided in article 8-7F (tentative maps) shall be required as a condition of approval to record at time of final or parcel map a noise easement on all lots created. Such easement shall identify the presence of aircraft and industrial uses in the vicinity of the lot and be in a form satisfactory to the city.

C. Odors, Particulate Matter, and Air Contaminants Standards

1. **Odor.** No obnoxious odors or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.
2. **Particulate Matter and Air Contaminants.** The operation of facilities shall not directly or indirectly discharge air contaminants into the atmosphere, including smoke, sulfur compounds, dust, soot, carbon, noxious acids, gases, mist, odors, or particulate matter, or other air contaminants or combinations which exceed any local, state, or federal air quality standards. Particulate matter shall not be discharged into the atmosphere in excess of the standards of the federal Environmental Protection Agency, the California Air Resources Board, or the regional air quality management district.
3. **Odor Easement Required.** All new subdivisions of land through tentative map as provided in article 9-7F (tentative maps) shall be required as a condition of approval to record at time of final or parcel map an odor easement on all lots created. Such easement shall identify the presence of industrial uses in the vicinity of the lot and be in a form satisfactory to the city.

D. Vibration Standards

Uses that generate vibrations that may be considered a nuisance or hazard on any adjacent property shall be cushioned or isolated to prevent generation of vibrations. Uses shall be operated in compliance with the following provisions:

1. Uses shall not generate ground vibration that is perceptible without instruments by the average person at any point along or beyond the property line of the parcel containing the activities;
2. Uses, activities, and processes shall not generate vibrations that cause discomfort or annoyance to reasonable persons of normal sensitivity or which endanger the comfort, repose, health, or peace of residents whose properties abut the property lines of the subject parcel;
3. Uses shall not generate ground vibration that interferes with the operations of equipment and facilities of adjoining parcels; and
4. Vibrations from temporary construction/demolition and vehicles that leave the subject parcel (e.g., trucks, trains, and aircraft) are exempt from the provisions of this section.

E. Maintenance

1. All property shall be maintained in accordance with chapter 4-4 (property maintenance).
2. Each exterior of a building or other structure must be kept in a good state of repair, and the exterior finish must be clean and well maintained.
3. The entire site, including paved, unpaved, and landscaped areas, must be kept in a neat and orderly manner, free of junk, debris, abandoned vehicles, weeds, loose trash, and other litter.

9-5A-5 Property and Utility Improvements

A. Purpose

The purpose of this section is to establish rules and regulations that govern the installation of curbs, gutters, and sidewalks and the undergrounding of all utilities in the city. These requirements, in conjunction with other applicable requirements of this code, are intended to establish the applicability of said requirements of development in all new industrial, commercial, residential subdivisions, and infill projects. This section addresses the applicability of public utility improvements and is not intended to supersede the city's construction improvement standards.

B. Curbs, Gutters, and Sidewalks

Installation of curbs, gutters, and sidewalks shall be required for all new development projects. Such improvements shall be provided at the location of the ultimate right-of-way width as established under the general plan, or other location as approved by the city as part of tentative map or site plan and architectural review.

C. Underground Utility Requirements and Applicability

The requirements listed below govern the undergrounding of utilities, including telephone facilities, electrical (70kVA or less), fire alarm conduits, street lighting wiring, cable television and other wiring conduits, and similar facilities.

1. **New Developments.** In new development areas of the city, all on-site utilities shall be installed underground, if feasible.
2. **Existing Developments.** In existing areas of the city where utilities have not been undergrounded, the requirements listed below shall apply.
 - a. For an existing development that is either being comprehensively redeveloped or undergoing an addition of building square footage totaling twenty-five percent (25%) or more of the existing gross floor area within any five (5) year period, all utilities on the project site shall be placed underground. All existing overhead utilities that cross or abut the subject property are also required to be placed underground. “Comprehensively redeveloped” shall mean any instance where a demolition permit has or would be issued for a minimum of fifty percent (50%) of the existing building area.
 - b. For development with less than five hundred feet (500') of public frontage or where utilities are located within a dedicated public utility easement, the applicant may be permitted by the public works director to pay an in-lieu fee, provided the project has been designed to the satisfaction of the public works director and the project is accessible and can be easily improved at such time as the utilities are undergrounded.
 - c. Nothing in this section shall limit the ability of the city and applicant to enter into a deferred improvement agreement for the conversion to underground utilities at a later point in time.
3. **Waiver of Undergrounding Requirement.** Above-ground meters, transformers, condensers, switches, and other related equipment may be allowed if approved as part of the site development review process. If the applicant demonstrates that the city’s undergrounding requirement has the effect of prohibiting the requirement of telecommunications facilities, the approving authority shall waive the undergrounding requirement. Conditions for approval of above-ground equipment include, but are not limited to, enclosure in a building other than the principal building of the development, screening with the use of walls, partial subsurface locations, screening with landscaping, and other architectural treatment consistent with the design of the development.

9-5A-6 Outdoor Lighting

The purpose of the requirements within this section is to balance the safety and security needs for lighting with the city’s desire to preserve dark skies and to ensure that light trespass and glare have negligible impact on surrounding property (especially residential) and roadways.

A. Exempt Lighting

The following items shall be exempt from the requirements of this chapter:

1. All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas fixtures.
2. Temporary lights used for holiday decorations.
3. Emergency lighting erected for official purposes by local, state, or federal agencies.
4. Lighting for temporary uses and special events permitted consistent with this title.

B. Prohibited Lighting

The following types of lighting are prohibited:

1. Neon tubing or band lighting along buildings and/or structures as articulation, except as approved through site plan and architectural review;
2. Search lights, laser source lights, or any similar high-intensity light, except for emergency use by police or fire personnel or at their discretion, or for approved temporary lighting for a special event approved by the city;
3. Lighting fixtures operated in such a manner as to constitute a hazard or danger to persons or to safe vehicular travel;
4. Illumination of entire buildings;
5. Roof-mounted lighting except for security purposes; and
6. Moving, flashing, or animated lighting except as allowed for signs as provided in article 9-5F (signs).

C. General Lighting Requirements

The requirements listed below shall apply to all outdoor lighting:

1. **Nuisance Prevention.** All outdoor lighting shall be designed, located, installed, directed downward or toward structures, fully shielded, and maintained in order to prevent glare, light trespass, and light pollution.
2. **Maintenance.** Fixtures and lighting shall be maintained in good working order and in a manner that serves the original design intent.
 - a. Burnt out and broken light bulbs shall be replaced.
 - b. Lighting fixtures shall remain free of graffiti and rust.
 - c. Painted light fixtures shall be maintained to minimize chipping or peeling.
3. **Lighting Study Required for Limited Land Uses.** A lighting study or plan (often referred to as a photometric study or plan) shall only be required for those land uses that are most likely to have a negative impact on surrounding sensitive receptors, such as residential dwellings. As such, a lighting study or plan shall only be required for fueling stations, apartment complexes, and uses with parking lots that contain more than one hundred (100) spaces.
4. **Shielding.** Except as otherwise exempt, all outdoor lighting shall be recessed and/or constructed with full downward shielding in order to reduce light and glare impacts on trespass to adjoining

properties and public rights-of-way. Each fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no light fixture directly illuminates an area outside of the project site intended to be illuminated. See figure 9-5A-6-C1 (shielding and maximum height of freestanding outdoor light fixtures).

5. **Level of Illumination.** Outdoor lighting shall be designed to illuminate at the minimum level necessary for safety and security and to avoid harsh contrasts in lighting levels between the project site and adjacent properties. Illumination requirements are as follows and shall be verified through a lighting study or plan when required by this section:
 - a. Public, civic, and religious buildings are permitted to be fully illuminated during hours of operation. After hours of operation, lighting may be dimmed or turned off such that only lighting essential for security or safety shall be maintained.
 - b. In general, parking lots, driveways, trash enclosures/areas, public phones, and group mailboxes shall be illuminated with a minimum maintained one (1) foot-candle of light and an average not to exceed four (4) foot-candles of light. Parking lots for banks, convenience stores, card rooms, check cashing businesses, and emergency shelters shall provide a minimum level of illumination of one and one-half (1½) foot-candles across the parking lot during operating hours.
 - c. Pedestrian walkways intended for use after dark shall be illuminated with a minimum maintained one-half (1½) foot-candles of light and an average not to exceed two (2) foot-candles of light.
 - d. Entryways and exterior doors of nonresidential structures shall be illuminated during the hours of darkness, with a minimum maintained one (1) foot-candle of light, measured within a five foot (5') radius on each side of the door at ground level.
 - e. To minimize light trespass on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon's potential ambient illumination of one-tenth (0.1) foot-candle.
 - f. Sports fields/outdoor activity areas. Where playing fields or other specialty activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that the light falls within the primary playing area and no significant off-site light trespass is produced. Additionally, the lights shall be turned off within one (1) hour after the end of the event.
6. **Maximum Height of Freestanding Outdoor Light Fixtures.** The maximum height of freestanding outdoor light fixtures abutting residential development shall be eighteen feet (18'). Otherwise, the maximum height for freestanding outdoor light structures shall be twenty-four feet (24'). Height shall be measured from the finish grade, inclusive of the pedestal, to the top of the fixture. See figure 9-5A-6-C1 (shielding and maximum height of freestanding outdoor light fixtures).

Figure 9-5-A6-C1
SHIELDING AND MAXIMUM HEIGHT OF FREESTANDING OUTDOOR LIGHT FIXTURES



* Outdoor lighting shall be constructed with full shielding and/or recessed to reduce light trespass to adjoining properties.

7. **Energy-Efficient Fixtures Required.** Outdoor lighting shall utilize energy-efficient fixtures and lamps, such as high-pressure sodium, metal halide, low-pressure sodium, hard-wired compact fluorescent, or other lighting technology, that is of equal or greater efficiency. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than ten thousand (10,000) hours.
8. **Accent Lighting.** Architectural features may be illuminated by uplighting, provided that the lamps are low intensity to produce a subtle lighting effect, and no glare or light trespass is produced. Wherever feasible, solar-powered fixtures should be used.

D. Alternative Designs, Materials, and Installations

The designated approving authority may grant approval of alternatives to this section as part of site plan and architectural review.

9-5A-7 Fences and Walls

A. Purpose

The purpose of this section is to establish development standards and regulations for fences and walls. The intent of these regulations is to provide for adequate air and light permeability onto lots, for adequate buffering between and screening of uses and activities, and for the mitigation of noise.

B. Applicability and Exemptions

Except as provided below, the requirements of this chapter apply to all fences and walls.

1. Fences that are required by federal or state law or regulation, or which are required by the city for public safety (e.g., temporary construction site fencing) are exempt from this section.
2. Walls that are required by a mitigation measure and designed and approved through a tentative subdivision map, tentative parcel map, or site plan and architecture review for noise attenuation are exempt from this section.

C. Permit Requirements

Except as provided below, no special planning permit or entitlement shall be required for fences or walls, except that zoning plan check shall be conducted in the event that a building permit is required.

1. **Site Plan and Architectural Review Required.** A minor site plan and architectural review permit is required for all fences that exceed the standards of this section.
2. **Retaining Walls.** Retaining walls, as defined in this title, may only be constructed as part of an approved grading permit for the site at the time of initial development, as part of a roadway improvement project, or as part of the necessary stabilization of soil for the primary intended use of the property as determined by the public works director.

D. Measurement of Fence and Wall Height

Fence and wall height shall be measured as the vertical distance between the lowest finished grade at the base of the fence and the top edge of the fence material. The finished grade shall be that as shown on the approved grading plan for the site at the time of initial development of the residential subdivision, multi-family development, or nonresidential development. In cases where a retaining wall does not require the approval of a grading plan, the finished grade shall be as determined by the public works director.

1. **Landscape Walls.** When a fence or wall is placed atop a landscape wall (as defined in this title), the height of the landscape wall shall be considered as part of the fence or wall for purposes of determining the height of the fence or wall.
2. **Retaining Walls.** When a fence or wall is placed atop a retaining wall, the height of the fence shall be determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finished grade.

E. Height Limits

1. **General Standards.** All fences and walls (except fencing in agricultural and agricultural residential zoning districts as described in subsection 9-5A-7-E-2) shall comply with the height limits shown in table 9-5A-7-E1 (development standards for fences and walls).

TABLE 9-5A-7-E1– DEVELOPMENT STANDARDS FOR FENCES AND WALLS

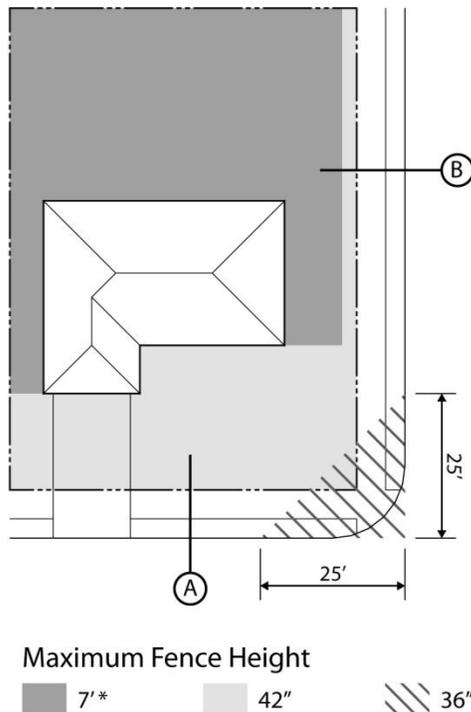
Location of Fence or Wall	Maximum Height	Minimum Permeability ¹
Within required front yard setback ^{2,3}	42"	50%
Within required street side yard setback ^{2,3}		
≤3 feet from back of sidewalk	42"	50%
>3 feet from back of sidewalk and in front of the front face of the main building	42"	50%
>3 feet from back of sidewalk and behind the front face of the main building	7' ⁴	0%
Along interior and rear property lines, and all other portions of the property	7' ⁴	0%
Within the clear visibility area at the intersection of streets, alleys, and driveways	36"	50%

Notes:

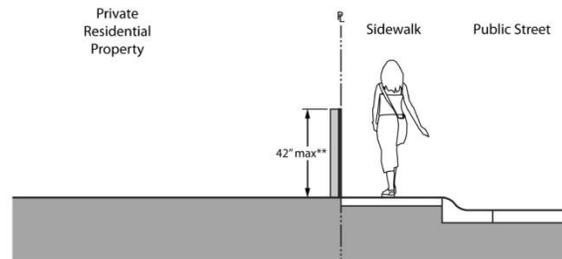
1. Minimum permeability refers to the amount of surface area of the fence or wall that shall be open to the passage of light and air.
2. Fences within the required front and street side yard may require the issuance of an encroachment agreement if located within a city-maintained public utility easement as provided in chapter 7-12 (encroachments).
3. Chain link fences shall not be allowed in this area.
4. Fences taller than six feet (6') require a building permit.

Figure 9-5A-7-E1:

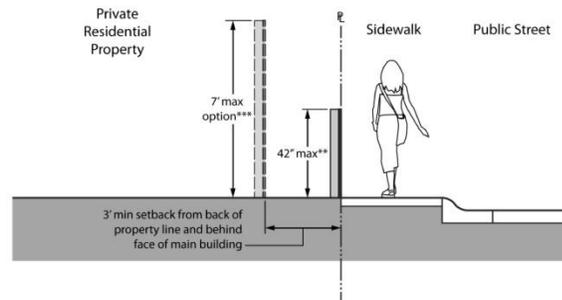
DEVELOPMENT STANDARDS FOR FENCES AND WALLS



* Fences taller than 6' require a building permit.
 ** Fences must be at minimum 50% permeable.
 *** Fences taller than 6' require a building permit.



Section A - Fence Height in Front Yard Area



Section B - Fence Height in Street Side Yard Area

2. **Landscape Walls.** Landscape walls within required yard areas shall be constructed to a maximum height of thirty-six inches (36"). Landscape walls shall not be used to alter the finish grade of the lot.
3. **Retaining Walls**
 - a. Timing of construction. As provided in subsection 9-5A-7-B above, retaining walls shall only be constructed as part of an approved grading plan for the site at the time of initial development of the residential subdivision, multi-family development, or nonresidential development, as part of a roadway improvement project, or as part of the necessary stabilization of the soil for the primary intended use of the property as determined by the public works director.
 - b. Height limit. The height of retaining walls shall be limited to that height reasonably necessary to support and retain the soil for the property.

F. Fence and Wall Design Standards

1. **Open View Fencing.** Where fencing is proposed along public frontages of nonresidential and multi-family projects, such fencing shall be open view unless otherwise required to be solid for noise attenuation. Open view fencing shall also be required when located adjacent to open space areas.
2. **Fencing Materials.** Fences and walls shall be constructed of long-lasting materials. Unless approved as a condition of approval or in conjunction with another planning permit or entitlement, fences or walls of sheet or corrugated iron, steel, concertina wire, or aluminum are prohibited, with the exception of ornamental fences. Barbed wire fencing shall not be constructed or placed on top of a fence except in agricultural, open space, or industrial areas. Minor site plan and architectural review is required for barbed wire fencing abutting residential or commercial areas. Chain link fences are prohibited in the front and street side yards of residential property.
3. **Graffiti-Resistant Surface.** When required by the planning director or through conditions of approval due to the location and nature of the wall, masonry walls shall be treated with a graffiti-resistant aesthetic surface.
4. **Landscaping.** All required street side yard areas between the back of sidewalk and fence/retaining wall shall be landscaped and continuously maintained in accordance with article 9-5D (landscaping).

G. Special Fence and Wall Requirements

1. **Perimeter Walls for Residential Subdivisions.** Where provided, perimeter walls for residential subdivisions shall comply with the following standards:
 - a. The walls shall be of a decorative design to the satisfaction of the planning director consistent with the following:
 - i. Walls shall have vertical elements (e.g., pilasters, indentations) of differing colors and/or materials at least every fifty feet (50');
 - ii. Walls shall include capstones of a consistent color, material, and style as the rest of the wall;
 - iii. Walls shall be of neutral color and shall be textured with stone, brick, stucco, or other surface finish as approved by the planning director.

- b. Periodic breaks shall be provided in the wall to provide pedestrian and bicycle connectivity between the subdivision and the adjoining collector or arterial street.
 - c. Walls shall be constructed along the property line between the residential units and the required landscape easement along the collector or arterial street.
 - d. The wall height shall be a minimum of seven feet (7') or as otherwise required to adequately attenuate noise of the abutting collector or arterial street or state highway.
 - e. Walls shall be located outside of the required clear visibility area at the intersections of streets.
2. **Special Fencing for Agricultural Uses Zones.** All fences that enclose livestock in areas zoned for agriculture shall be constructed of an adequate height and shall be designed so as to control and contain such livestock at all times.
 3. **Special Fencing for Commercial and Industrial Uses Abutting Residential and Agricultural-Residential Zones and Uses.** Commercial and industrial uses shall be screened from abutting residential and agricultural-residential zones and uses by a masonry wall or similar solid wall with a minimum height of six feet (6') to screen the commercial use. This requirement is not intended to preclude the development of pedestrian/bicycle access points between commercial and residential or agricultural zones.
 4. **Special Fencing for Multi-family Uses Abutting Residential and Agricultural-Residential Zones and Uses.** Multi-family uses shall be screened from abutting residential and agricultural-residential zones and uses by a solid wall with the exception of street frontages. The design and material of the solid wall shall be determined during the site plan and architectural review process.
 5. **Temporary Fences.** Nothing in this section shall be deemed to prohibit the erection of a temporary fence around construction projects in compliance with the California Building Code and other applicable provisions of the city's municipal code.
 6. **Maintenance.** Fences and walls shall be continuously maintained in an orderly and good condition, at no more than their maximum allowed height.

9-5A-8 Residential Accessory Structures

A. Purpose

The purpose this section is to regulate certain types of residential accessory structures. These standards are intended to complement the requirements and standards of the city-adopted building code and fire code with respect to accessory structures on residential property.

B. Permit Requirements and Exceptions

Generally, no special planning permit or entitlement shall be required for accessory structures that are consistent with the standards herein, except that zoning plan check shall be conducted in the event that a building permit is required. Even if a building permit is not required, certain structures may require site plan and architectural review, variance, or other permits or entitlements as specified in article 9-2B (planning permits and entitlements).

C. Development Standards

1. **Development Standards for All Accessory Structures.** The development standards in this section shall apply only to detached accessory structures. Primary structures, and any other feature attached to the primary structure (e.g., attached patio cover), are subject to the setback, height, and other requirements for the zoning district in which they are located.
 - a. Setback measurement. Minimum setback distances for accessory structures from property lines and between accessory structures shall be measured to any portion of the structure(s), inclusive of any overhangs, projections, and railings, etc.
 - b. Construction phasing. Accessory structures may be constructed only in conjunction with or after construction of the primary building(s) on the site.
 - c. Ingress/egress into backyard. A minimum three foot (3') ingress/egress pathway into a backyard shall be maintained for fire access.
2. **Development Standards by Type of Accessory Structure.** Table 9-5A-8-C1 (development standards for residential accessory structures) establishes development standards based on the type of accessory structure as defined in this title.

TABLE 9-5A-8-C1 –DEVELOPMENT STANDARDS FOR RESIDENTIAL ACCESSORY STRUCTURES
Development Standard

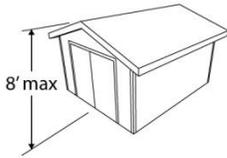
Accessory Structure	Minimum Setback Distance from Property Line ¹			Minimum Distance Between Structures ²	Maximum Height
	Front	Street Side	Interior (including rear)		
Building, ≤120 sf					
< 8 ft. tall	Same as for Primary Structure	No minimum	No minimum ³	0'	8'
≥ 8 ft. tall	Same as for Primary Structure	15'	5'	10'	16'
Building, >120 sf					
Fully Enclosed	Same as for Primary Structure	15'	5'	10'	16'
Limited/No Enclosure	Same as for Primary Structure	15'	5'	10'	16'
Garden Structure					
< 8 ft. tall	12'	0'	0'	10'	8'
≥ 8 ft. tall	12'	15'	5'	10'	16'
Carports ⁴					
Combustible and/or Portable	Set back even or behind the front of the house	Not permitted on the street-side of a corner lot	5'	10'	Height of house
Non-Combustible and Permanent	No minimum ⁵	Not permitted on the street-side of a corner lot	No minimum ³	10'	Height of house
Pool/Spa (built-in)	Same as for Primary Structure	5'	5'	3'	2'
Deck (detached)	No minimum	No minimum	No minimum ²	No minimum	12'
Play Equipment	Same as for Primary Structure	15'	5'	10'	16'

Notes

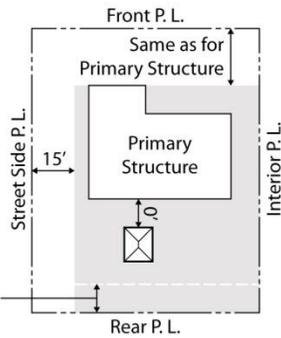
1. No accessory structure shall be permitted within an established easement.
2. A lesser or greater distance between structures may be permitted or required under the city-adopted building code/fire code.
3. When a rear yard abuts a public street, structure must be on the interior side of the lot.
4. See section 9-5C-3-B-4 for design requirements for carports.
5. Shall be located a minimum of four feet (4') behind the sidewalk outside of public right-of-way and outside of the clear visibility area.

**Figure 9-5A-8-C1:
DEVELOPMENT STANDARDS FOR RESIDENTIAL ACCESSORY STRUCTURES**

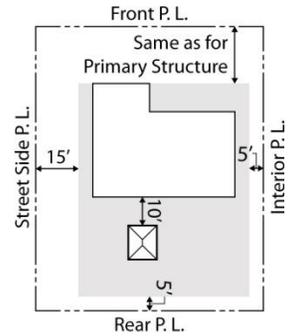
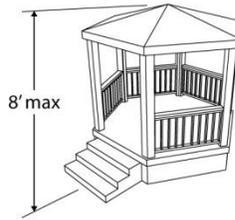
**Building,
≤120 sf and < 8 ft. tall**



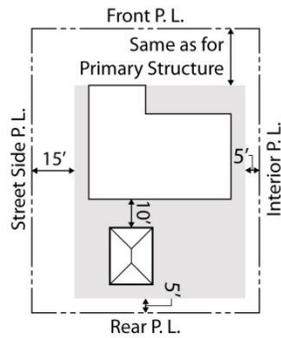
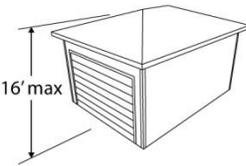
10' setback where public street abuts Rear Yard



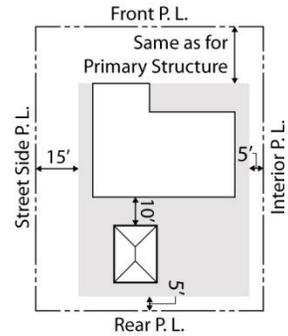
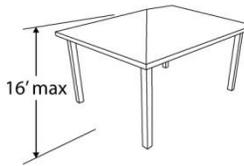
**Building,
≤120 sf and ≥ 8 ft. tall**



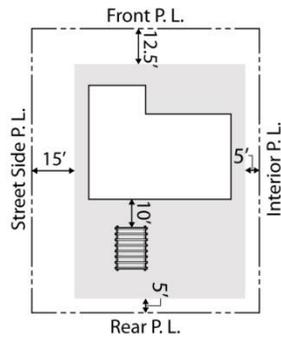
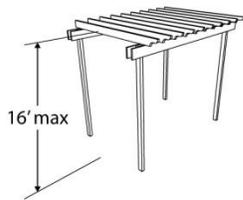
**Building,
>120 sf, Fully Enclosed**



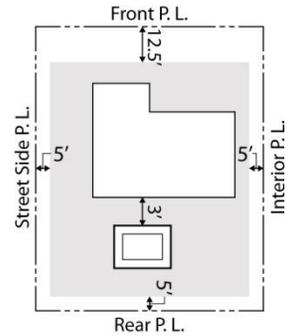
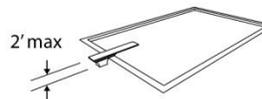
**Building,
>120 sf, Limited/No Enclosure**



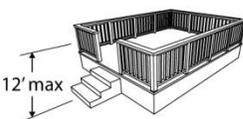
**Garden Structure,
> 8' ft. tall**



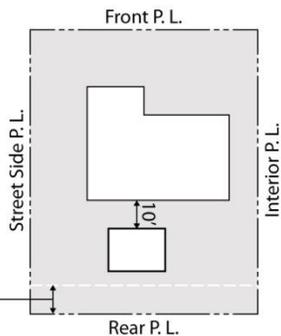
**Pool/Spa
(built-in)**



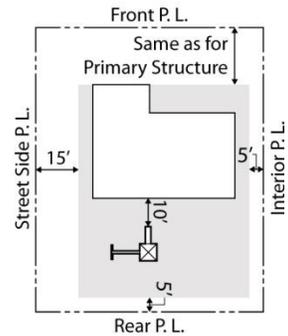
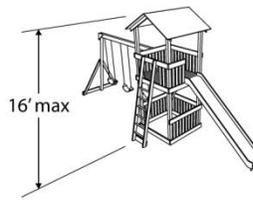
**Deck
(detached)**



10' setback where public street abuts Rear Yard

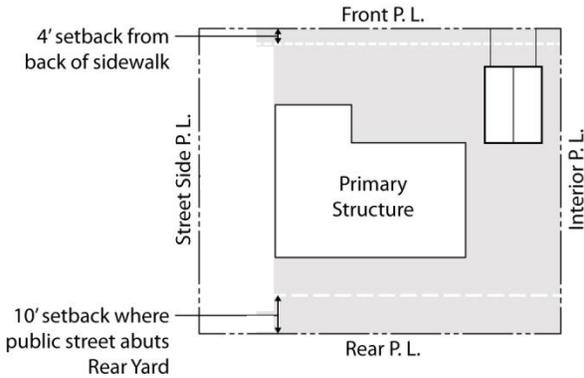


Play Equipment

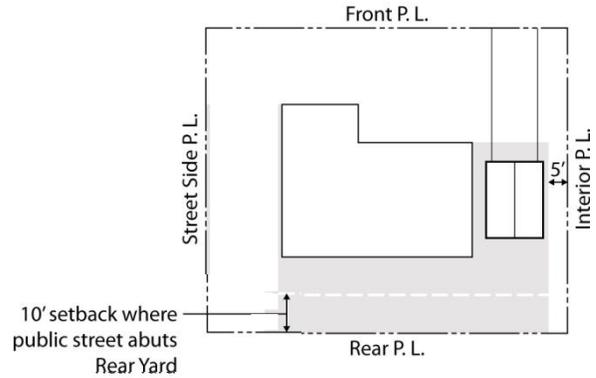


**Figure 9-5A-8-C2:
DEVELOPMENT STANDARDS FOR CARPORTS**

Permanent Carports constructed from non combustible materials



Permanent Carports constructed from combustible materials and Temporary Carports



9-5A-9 Screening

A. Purpose

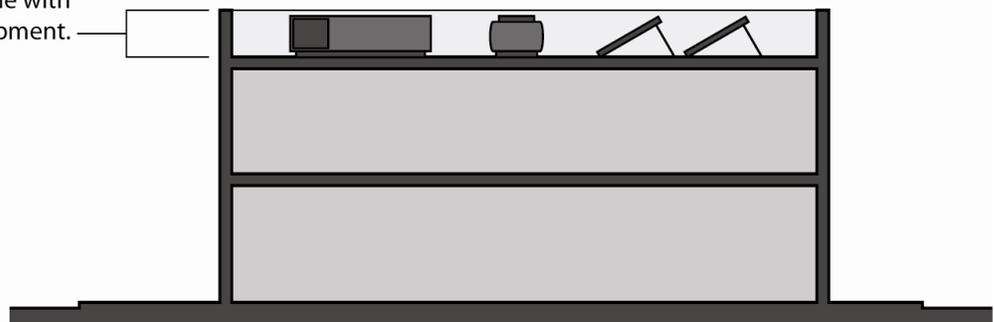
This section establishes screening standards for mechanical equipment, refuge areas, and outdoor storage in all zoning districts and land uses.

B. Screening of Mechanical Equipment

All exterior roof- and ground-mounted mechanical equipment, including, but not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, duct work, and transformers, shall be screened from public view from abutting public streets and abutting area(s) zoned for residential or open space uses. Screening of mechanical equipment shall be compatible with other on-site development in terms of colors, materials, and/or architectural styles.

**Figure 9-5A-9-B1:
SCREENING OF ROOF-MOUNTED EQUIPMENT**

Mechanical Equipment shall be screened with concrete, wood, or other opaque material. This method of screening shall be architecturally compatible with other on-site development.



C. Screening of Refuse Areas

1. Refuse areas shall be screened from public view and adjoining public streets and rights-of-way and residential zoned areas.

2. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style. Exceptions may be permitted for sites with unique characteristics (e.g., shallow lot depth, adjacency to single-family residential).

D. Screening of Outdoor Storage

Outdoor storage (including all dumpsters, commercial items, commercial construction, or industrial-related materials and equipment within commercial zones) shall be screened from any abutting right-of-way, trail, or property. Such screening shall be in a manner that is attractive and complementary to the principal use and/or structure that it serves. Methods to achieve screening may include, but not limited to, fences, walls, landscaping, or earthen berms.

9-5A-10 Outdoor Display, Sales, and Storage

A. Purpose

The purpose of this section is to regulate permanent and temporary outdoor display and storage uses. The intent of these regulations is to encourage outdoor displays and activities that are compatible with associated and nearby uses and do not obstruct pedestrian or vehicle circulation or create an unsightly appearance of unrestricted clutter.

B. Permit Requirements and Exemptions

The following outdoor activities shall be subject to the permit requirements listed herein:

1. **Permanent Outdoor Display and Sales.** Permanent outdoor display and sales (including vending machines) shall require administrative site plan and architecture review approval prior to establishment. All related activities shall be developed and operated consistent with the standards of this section.
2. **Temporary Outdoor Display and Sales.** Temporary outdoor display and sales shall comply with the standards for temporary uses as provided in article 9-4C (temporary uses) and, if required, first obtain a temporary use permit. Temporary outdoor display and sales shall comply with the development standards listed in this section in addition to the requirements of article 9-4C.
3. **Permanent Outdoor Storage.** Permanent outdoor storage is permitted as a specified land use (storage yards). If not part of the original development permit for the principal use, permanent outdoor storage may be permitted in mixed-use, automotive and industrial, and public/quasi-public zoning districts subject to site plan and architectural review approval. In all cases, permanent outdoor storage shall be consistent with the development standards of this chapter.
4. **Temporary Outdoor Storage.** Temporary outdoor storage shall comply with the standards for temporary uses as provided in article 9-4C (temporary uses) and, if required, first obtain a temporary use permit. Temporary outdoor storage shall comply with the development standards listed in this section in addition to the requirements of article 9-4C.

C. Development Standards

The following general development standards apply to all outdoor display, sales, and storage activities and are in addition to those standards required in sections D and E:

1. **Location.** Outdoor activities shall not be located within any public right-of-way (unless an encroachment permit has been issued), in required parking spaces, within designed vehicle drive aisles, or within required landscape planter areas. Outdoor activities shall also not disrupt or impede required pedestrian circulation paths.

2. **Hours of Operation.** Except as otherwise provided, hours of operation for outdoor activities shall be consistent with those for the corresponding primary use.
3. **Noise.** Any noise generated by the outdoor activity shall be consistent with subsection 9-5A-4-B (noise standards).
4. **Signs.** All signage shall be consistent with the requirements of article 9-5F (signage).
5. **Maintenance.** Outdoor activity areas shall be kept free of garbage and other debris.

D. Standards for Outdoor Display and Sales

The following development standards shall apply to all permanent and temporary outdoor display and sales activities and are in addition to those standards listed in section C:

1. **Associated with the Primary Use.** All outdoor display and sales activities shall be associated with the primary use of the property. Only those goods and services associated with the primary use may be stored, sold, or displayed. All outdoor display and sales activities that are independent of the primary use shall be considered their own primary use and regulated as such (e.g., seasonal sales as a temporary use requiring a temporary use permit).
2. **Maximum Area.** Unless otherwise approved in conjunction with development permits, the area used for permanent outdoor display and sales of materials shall not exceed ten percent (10%) of the gross floor area of the corresponding commercial building. When a permitted use, vehicle and equipment sales and rentals (e.g., automobile, boat, RV, construction equipment) are exempt from the ten percent (10%) limitation, provided storage and display is limited to vehicles offered for sale or rental only.
3. **Performance Standards.** Vending machines and outdoor display and sales shall meet the following requirements:
 - a. Shall be placed adjacent to a building wall and under a roof overhang (if available).
 - b. Placement shall not reduce the width of a paved clear space for the passage of pedestrians to less than four feet (4'). Clear space shall be counted as that space exclusive of vehicle overhang as provided in section 9-5E-5-B-11.
 - c. Shall not be placed closer than five feet (5') to a fire department or utility connection (e.g., fire door, gas meter, electric meter).
 - d. Shall not be placed closer than five feet (5') from a bicycle rack.
 - e. The total window transparency shall not fall below seventy-five percent (75%), leaving a total of twenty-five percent (25%) of the window area that can be blocked with signs, vending machines, shelving, and other view obstructions. The view from the outside of the building to the cashier shall not be blocked under any circumstance.
 - f. No more than twenty percent (20%) or forty feet (40'), whichever is less, of the total façade may be occupied by all vending and display areas combined. For example, a fifty (50) lineal feet long façade shall have no more than ten (10) lineal feet of outdoor display.
 - g. Outdoor vending machines shall not be installed so that a customer has to stand in a public right-of-way or private street or drive-aisle to use them.

- h. Placement shall not cause an unsafe situation (e.g., blocking vehicular traffic or creating view obstructions).
- i. Outdoor vending and display shall be ancillary to an approved primary use and may not be located on an unimproved location.
- j. Machine installations shall not have exposed conduits, piping, or overhead utility connections.

E. Standards for Outdoor Storage

The following development standards shall apply to all permanent and temporary outdoor storage activities and are in addition to those standards listed in section C:

- 1. **Location.** Outdoor storage may not be located within any required front or street side yard for the underlying zoning district within which the activity is located. No pedestrian paths shall be obstructed. A paved clear space for the passage of pedestrians, no less than five feet (5') wide shall be maintained.
- 2. **Windows.** Outdoor storage areas shall not block the view from any windows.
- 3. **Height Limitation.** The height of stacked materials and goods shall be no greater than that of any building, wall, fence, or gate enclosing the storage area.
- 4. **Screening.** Screening of outdoor storage shall be consistent with subsection 9-5A-9-D (screening of outdoor storage).

9-5A-11 Carts

A. Purpose and Applicability

The following standards provide for the regulation and maintenance of carts as defined in this Title to ensure that carts do not become a nuisance to the public. The requirements of this section shall be applicable to all new uses that include the use of carts, including grocery stores, laundromats, and similar establishments. Existing uses with carts shall not be required to conform to these standards until substantial improvements or changes to the property are conducted, including significant interior remodel, changes to the exterior architecture, or reconfiguration of parking areas (other than simple repavement and restriping).

B. Shopping Cart Identification Required

Every cart provided by any owner must have a sign permanently affixed to the cart that contains all of the following information:

- 1. The identity of the owner of the cart;
- 2. The address and phone number of the owner or retailer for cart return;
- 3. A statement that the removal of the cart from the premises is a violation of state law and this section; and
- 4. The procedure for authorized removal of the cart from the premises.

C. Abandoned Shopping Cart Prevention Plan Required

Every owner who allows or intends to allow the use of shopping carts outside a building or enclosed area of a business shall develop, implement, and comply with an abandoned shopping cart prevention plan. The plan must include, at a minimum, the following information:

1. The name of the business, address and phone number of the premises where the business is conducted, and the address and phone number of the cart owner, if different.
2. A procedure for providing notification to customers that removal of carts from the premises is prohibited and a violation of State and local law in addition to the notice required under subsection D. This notice may be provided in the form of flyers, warnings on shopping bags, or any form of written notification that will effectively notify customers of the prohibition.
3. A description of the physical measures that will be implemented to prevent the removal of carts from the premises. Physical measures may include, but are not limited to:
 - a. Devices on carts that prevent their removal from the premises;
 - b. Posting of a designated employee or security guard to deter and stop customers from removing carts from the premises; and
 - c. Prohibiting carts outside the building of the business unless accompanied by an employee.
4. A procedure for the retrieval of abandoned carts by its employees, or proof that the owner has entered into a contract for cart retrieval services that has been approved by the planning director.
5. Two (2) or more businesses may collaborate and submit a single plan.

D. Abandoned Shopping Cart Prevention Plan Approval

1. Each owner shall submit a proposed abandoned cart prevention plan to the planning director prior to issuance of the business license for the establishment.
2. The planning director shall approve or reject the proposed abandoned cart prevention plan within thirty (30) days of the plan's submission. The planning director may deny a plan based upon any of the following grounds:
 - a. Implementation of the plan violates any provision of the municipal code or any county, State, or federal law that substantially affects public health, welfare, or safety;
 - b. The plan fails to include all of the information required by this section;
 - c. The plan is insufficient or inadequate to prevent removal of carts from the premises;
 - d. The plan fails to address any special or unique conditions due to the geographical location of the premises as they relate to cart retention and prevention efforts;
 - e. Implementation of the plan violates a term or condition of a plan or other requirement of this Title; and/or
 - f. The owner knowingly makes a false statement of fact or omits a fact required to be revealed in an application for the plan, or in any amendment or report or other information required to be made.

3. If the plan is rejected as incomplete or inadequate, the planning director shall indicate areas that are incomplete or inadequate.
4. Once approved, the measures included in the plan shall be implemented no later than thirty (30) days of the plan's approval.
5. Any owner that fails to submit a plan, implement the plan measures, or implement any required modifications to the plan within the time frames specified in this section shall be required to keep all carts inside the building or enclosed areas of the business.
6. Any owner who is required to but fails to keep all carts inside the building or enclosed area of the premises in violation of subsection 5 of this section shall be subject to the penalties provided in chapter 1-4.
7. The planning director's decision to deny a plan may be appealed to the city manager or the city manager's designee. A written notice of appeal must be submitted to the planning director within ten (10) days of the denial of the plan and accompanied by a copy of the plan. The city manager or designee shall review the plan under the grounds for denial set forth in subsection 2 of this section and provide a decision approving or denying the plan within thirty (30) days of receipt of the notice of appeal.
8. Even though approved, a plan may be reevaluated at any time by the planning director if operation of the plan demonstrates the plan's insufficiency or inadequacy in preventing removal of carts from the premises.
9. If an owner desires to modify the plan, the revisions shall be submitted to the planning director for review and approval prior to implementation. The procedure for review and approval of modifications shall be the same as for initial approval.

Chapter 5: Site, Development, and Operational Standards

Article B: Development Standards by Zoning District

Sections:

- 9-5B-1 Purpose
- 9-5B-2 General Zoning District Development Standards
- 9-5B-3 Additional Standards for Multi-Family Developments

Draft Zoning Code Changes:

- *This is a new section of the code that consolidates many existing development standards into one location instead of have them listed within each separate zoning district.*
- *Provisions have also been simplified to ensure consistent application across all zoning districts.*

9-5B-1 Purpose

The purpose of this article is to establish development standards for lot area, allowed density, building setbacks, height, and lot coverage as appropriate for each of the city's base zoning districts.

9-5B-2 General Zoning District Development Standards

Table 9-5B-2 (development standards for base zoning districts) includes lot area, allowed density, building setbacks, height, and lot coverage requirements, as defined in this title, for each of the city's base zoning districts. Zoning district names for the zoning district symbols used in the table are as follows:

1. Residential Zoning Districts
 - a. AR = Agricultural and Rural Residential
 - b. RVLD = Very Low Density Residential
 - c. RLD = Low Density Residential
 - d. RN = Traditional Neighborhood Residential
 - e. RLMD = Low-Medium Density Residential
 - f. RMD = Medium Density Residential
 - g. RHD = High Density Residential
2. Mixed Use Zoning Districts
 - a. DMX-1 = Downtown Mixed Use, Core
 - b. DMX-2 = Downtown Mixed Use, Auto-Oriented
 - c. DMX-3 = Downtown Mixed Use, Transitional

- d. MU = Mixed Use
- 3. Office, Commercial, and Industrial Zoning Districts
 - a. NC = Neighborhood Commercial
 - b. RC = Regional Commercial
 - c. PO = Professional Office
 - d. ML = Light Industrial
 - e. MH = Heavy Industrial
- 4. Special Purpose Zoning Districts
 - a. W = Wetlands
 - b. AG = Agriculture
 - c. PR = Parks and Recreation
 - d. CF = Public Services and Community Facilities

Table 9-5B-2: DEVELOPMENT STANDARDS FOR BASE ZONING DISTRICTS

Measurement/Zoning District	Residential Zoning Districts							Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts					Special Purpose Zoning Districts					
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	DMX-1	DMX-2	DMX-3	MU	NC	RC	PO	ML	MH	W	AG	PR	PS		
Residential Density																						
Density Range (du/acre)	-	2-3	3-7	7-12	7-12	12-17	17-25					-	-	-	-	-	-	-	-	-		
Lot Dimensions																						
Lot Size, minimum (square feet)	40,000	15,000	7,000	3,000	3,000	2,000	2,000					-	-	20,000	20,000	20,000	-	-	-	-		
Lot Size, maximum (square feet)	No max	40,000	15,000	7,000	7,000	5,000 ¹	No max					-	-	-	-	-	-	-	-	-		
Lot Width, minimum ¹⁰	150'	100'	60'	50'	60'	60'	60'					-	-	-	-	-	-	-	-	-		
Lot Depth, minimum	200'	150'	100'	90'	90'	80'	80'					-	-	100'	100'	100'	-	-	-	-		
Setbacks																						
Front Yard																						
Generally ²	60'	40'	20'	15'	20'	20'	20'					0'	0'	25'	25'	25' ³	0'	0'	0'	25'		
To garage, front facing	-	-	18'	20'	20'	20'	20'					15'	0'	-	-	-	-	-	-	-		
To garage, swing	-	-	15'	-	-	-	-					-	-	-	-	-	-	-	-	-		
To porch	-	-	12'	12'	12'	12'	-					-	-	-	-	-	-	-	-	-		
Side yard																						
Interior Side	15'	10'	5' ⁴	5' ⁴	5'	5'	5'	See Chapter 9-6 (Downtown Development Standards)		See Chapter 9-7 (Mixed-Use Development Standards)		5'	0' ⁵	0' ⁵	0' ⁵	0' ⁶	0'	0'	0'	0'		
Street Side	25'	15'	15'	15'	15'	15'	15'					10'	10'	10'	10'	10'	10'	0'	0'	0'	0'	10'
Combined both sides	-	-	10'	10'	10'	10'	10'					-	-	-	-	-	-	-	-	-	-	-
Rear Yard																						
Generally	10' ⁴	10' ⁴	10' ⁴	10' ⁴	10'	10'	10'					5'	0' ⁵	0' ⁵	25'	25'	0'	0'	0'	25'		
To detached alley-loaded garage	-	-	-	0'	-	-	-					-	-	-	-	-	-	-	-	-		
Abutting a street ¹¹	20'	20'	20'	20'	20'	-	-					-	-	-	-	-	-	-	-	-		
Separation, minimum ⁷	10'	10'	10'	10'	10'	10'	10'					10'	10'	10'	-	-	0'	0'	0'	10'		
Residential Accessory Structures	See section 9-5A-8 (Residential Accessory Structures)																					
Coverage																						
Lot Coverage, maximum percent of lot area ⁸																						
Generally	75%	75%	75%	75%	75%	-	-					80%	80%	65%	-	-	-	-	-	-		
Front yard	60%	60%	60%	60%	60%	-	-					-	-	-	-	-	-	-	-	-		
Floor Area Ratio (FAR)																						
Minimum	-	-	-	-	-	-	-					0.10	0.10	0.10	0.10	0.10	-	-	-	-		
Typical	-	-	-	-	-	-	-					0.20	0.30	0.25	0.20	0.20	-	-	-	-		
Maximum	-	0.25	0.40	0.40	0.60	0.80	-					0.60	0.60	0.60	0.60	0.60	-	-	-	-		
Height Limits																						
Height, maximum	30'	30'	30'	30'	35'	45'	60'					-	-	35'	60' ⁹	60' ⁹	30'	65'	30'	45'		

- Notes**
- Larger lot sizes may be permitted through site plan and architectural review for condominiums, townhomes, and similar attached developments.
 - For single-family residential subdivisions, the front yard setback of adjacent homes shall have a minimum two foot (2') stagger between adjacent lots.
 - For every one foot (1') in additional height, an additional one foot (1') in setback is required.
 - Additional five feet (5') is required for each additional story.
 - Required setback is ten feet (10') when adjacent to any residential zoning district.
 - Required setback is fifteen feet (15') when adjacent to any residential or mixed-use zoning district.
 - Separation requirements apply to buildings on the same site as well as separation between buildings on adjacent parcels.
 - Also see section 9-5D1-E (special landscape requirements) for corresponding minimum landscaping and pervious surface requirements.
 - Additional building height may be allowed through site plan and architectural review when additional height is necessary for mechanical equipment as part of an industrial operation.
 - For flag lots, the minimum width for the access corridor shall be ten feet (10'). The lot width shall be measured from the front property line as described in section 9-5A-3 (setback determination and requirements).
 - See section 9-5B-3 (urban-rural edge)

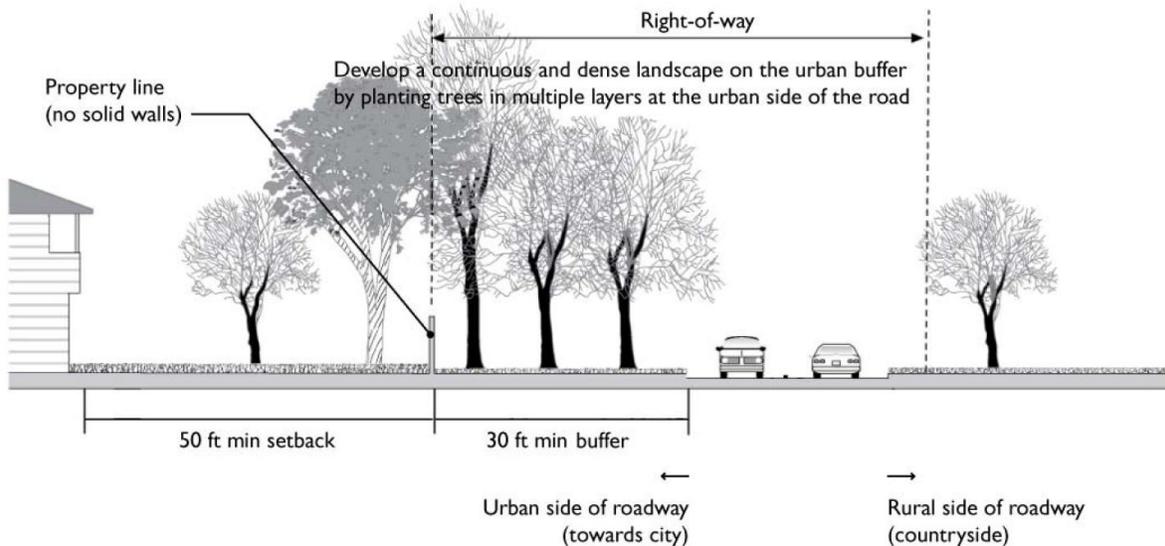
This page intentionally left blank.

9-5B-3 Urban-Rural Edge

Consistent with the policies of the general plan, development along the urban edge of the city shall incorporate the following design requirements. These standards shall specifically apply to development along Marsh Drive, the Lemoore Canal, and portions north of Glendale Avenue, portions of Belle Haven Drive, Industry Way, Idaho Avenue, Jackson Avenue, and other areas as depicted in figure 3-1 of the general plan.

1. A minimum fifty foot (50') setback from the roads identified above;
2. Design and construction of a minimum thirty foot (30') wide landscaped buffer within the public right-of-way or landscape easement (see figure 9-5B-3-1);
3. Planting multiple layers of trees closely for visual impermeability, and using drought resistant indigenous trees where appropriate;
4. Providing only minimal street lighting, at a rate that is fifty percent (50%) of comparable city standard;
5. Prohibiting the use of solid walls along these edges (all fences must be visually permeable); and
6. Ensuring the scale and character of development does not overwhelm the surroundings by stepping down building heights at the edges.

**Figure 9-5B-3-1
TYPICAL SETBACK AND LANDSCAPE BUFFER ALONG URBAN-RURAL EDGE**



This page intentionally left blank.

Chapter 5: Site, Development, and Operational Standards

Article C: Architectural and Site Design Standards

Sections:

- 9-5C-1 Purpose and Applicability
- 9-5C-2 Design Concepts
- 9-5C-3 Design Standards for Residential Projects
- 9-5C-4 Design Standards for Commercial, Office, and Mixed-Use Projects
- 9-5C-5 Design Standards for Industrial Projects

Draft Zoning Code Changes:

- *New chapter which creates new and consolidate existing design provisions in one place.*

9-5C-1 Purpose and Applicability

A. Purpose

This article establishes design standards to guide discretionary site plan and architectural review decisions related to various development types.

B. Applicability

The provisions within this section apply to all projects subject to site plan and architectural review as described in section 9-2B-13 (site plan and architectural review). Development standards and design provisions for the downtown mixed-use zones (DMX-1, DMX-2, and DMX-3) are addressed in chapter 9-6 (downtown development standards).

9-5C-2 Design Concepts

A. General

All projects subject to site plan and architectural review are expected to implement the following design concepts:

1. Provide high-quality site planning, architecture, and landscape design;
2. Enhance the character of the city and/or implement specific design attributes identified in various sub-areas;
3. Ensure physical, visual, and functional compatibility between uses; and
4. Protect land values by ensuring that proper attention is paid to site and architectural design.

B. Neighborhood Design

The following design concepts apply to the subdivision of land and to larger residential, commercial, and industrial projects that create a private street network, with the overall intent of visually and functionally interconnecting neighborhoods with commercial and employment centers.

1. Provide a balance mix of land uses including housing, schools, parks, commercial, and employment areas.
2. Provide pedestrian-friendly neighborhoods which are walkable and provide easy access to destinations that residents will travel to on a daily basis.
3. Organize new housing in identifiable neighborhoods and provide diversity of housing types, sizes, and densities.
4. Provide multimodal connectivity throughout neighborhoods and between neighborhoods and commercial and employment centers.
5. Maintain significant natural features to minimize urban runoff.
6. Create pedestrian-friendly streets that include building orientation to public streets and/or parks and open space.

C. Architectural Design

1. Provide authentic architectural styles. Particular attention should be paid to the design of all front elevations and side elevations facing a street or open space.
2. Include a diversity of commercial building and housing types by size and mass, elevation, orientation, and setback to avoid repetition. The intent is to create visual variation and interest throughout the community.
3. Design buildings that have a variety in mass and scale to avoid large featureless walls.

9-5C-3 Design Standards for Residential Projects

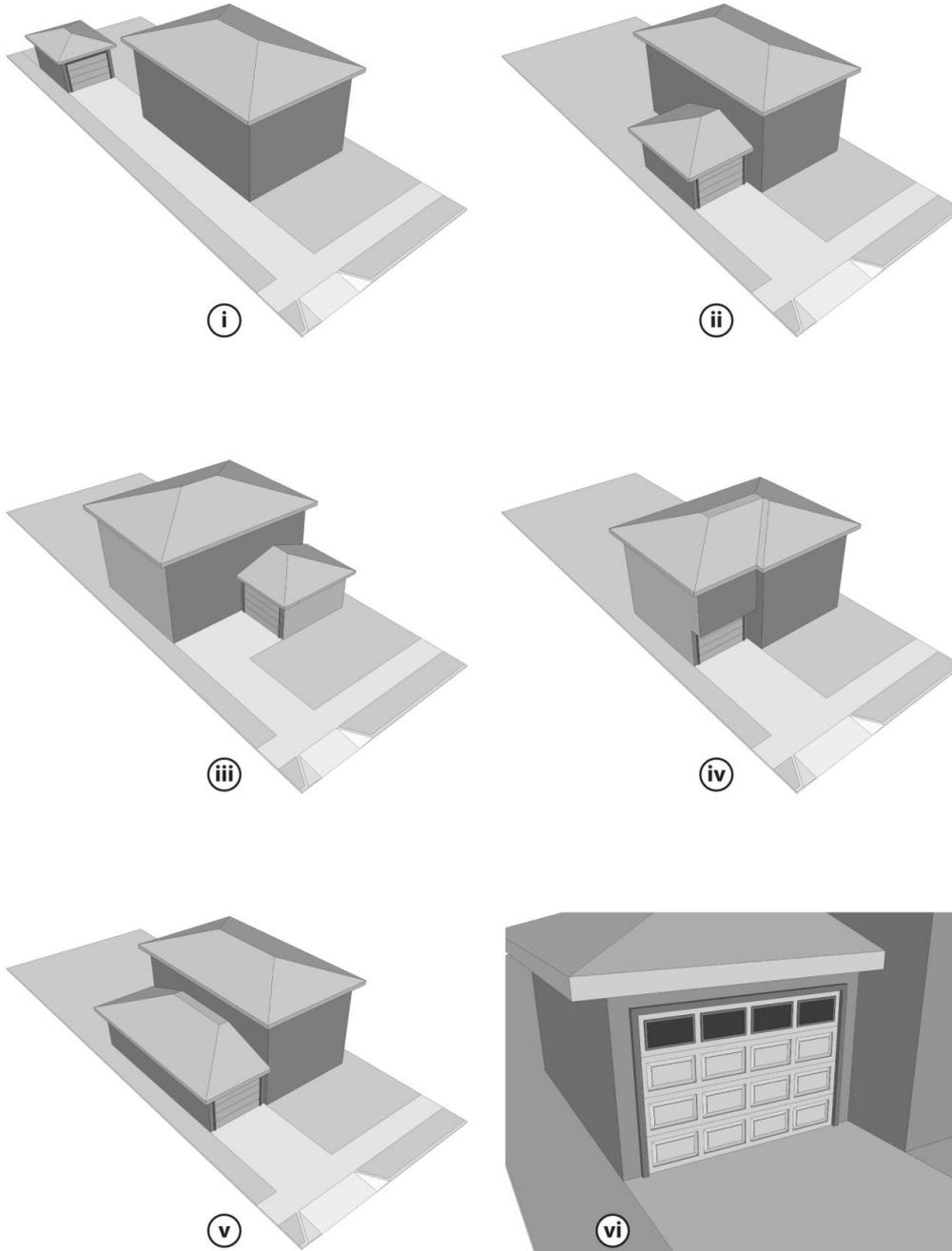
The standards contained in this section shall apply to new residential development, including single-family residential subdivisions, master home plans, and multi-family residential developments. These standards are intended to implement the design concepts described above.

A. Site Design

1. **Circulation.** Create an on-site circulation system that provides for the safe and efficient movement of all transportation modes:
 - a. Provide internal streets, driveways, and sidewalks that allow residents to park once and easily navigate the entire project site on foot.
 - b. Use special paving to identify pedestrian areas.
 - c. Provide connections between the public street and the front door of single family residential dwellings and multifamily buildings.
 - d. Utilize maximum block lengths of five hundred feet (500'), except for blocks with single-family residential uses, which may be up to six hundred feet (600') long or seven hundred fifty feet (750') when developed with mid-block pedestrian connections.
 - e. All new streets and alleys must connect to other streets and alleys to form a continuous vehicular and pedestrian network. Local, internal streets should be narrow and designed with traffic calming features to control speed.
 - f. Limit the use of cul-de-sacs to no more than ten percent (10%) of the length of all streets in a subdivision map, where constrained by surrounding land attributes.

- iv. Cantilever the second story over the garage;
- v. Utilize a tandem garage;
- vi. Articulate garage doors with windows, paneling, and other details.

Figure 9-5C-3-A2
SINGLE-FAMILY GARAGE PLACEMENT OPTIONS



- c. Garage doors facing the street shall not exceed fifty percent (50%) of the width of the home. Subdivisions with lots that are less than fifty feet (50') may increase this maximum to sixty percent (60%). Duplexes, triplexes, etc., are permitted to exceed this percentage.
- d. No more than one in seven home plans may utilize a swing garage design.

B. Architectural Design

Neighborhoods should incorporate identifiable architectural styles. Residential buildings should be designed to avoid long featureless facades and fit the neighborhood context.

1. Massing, Scale and Form

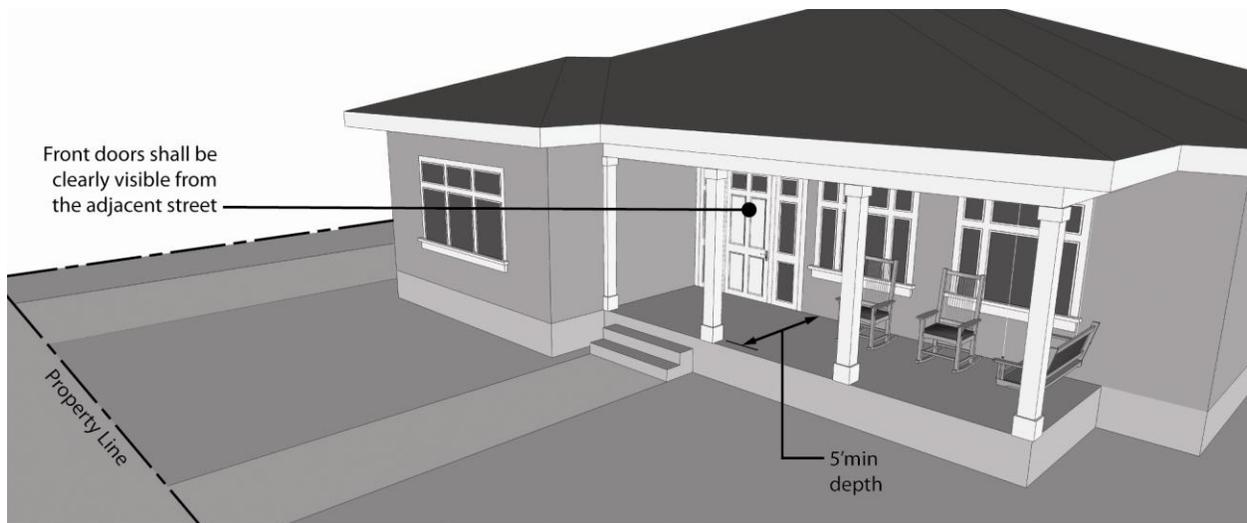
- a. The structural mass of larger residential buildings shall be broken down into smaller component parts representative of individual dwelling units by:
 - i. Using dormers, overhangs, balconies, wall projections, and/or porches;
 - ii. Use varied roof forms as appropriate to the architectural style;
 - iii. Utilize changes in materials to create variations;
 - iv. For multi-unit buildings, stagger the façade of each unit to create different depths along continuous façades, with no total building length exceeding one hundred twenty five feet (125').
- b. Attached product (e.g., townhomes or multi-family buildings) shall be designed to look like individual units through the use of clearly identified entries, styles, and design details and a variety of roof forms.
- c. Master home plans shall include “anti-monotony” provisions, as follows:
 - i. Design rooflines with changes in ridgeline direction and configuration;
 - ii. A minimum of one (1) home plan within each master plan series shall be one story (this only applies to single-family developments);
 - iii. All homes shall be oriented to the street with garages de-emphasized and living areas placed toward the front of homes;
 - iv. A minimum of twenty five percent (25%) of all home designs shall include an outdoor living area such as a porch or courtyard that is at least five feet (5') in depth to allow for seating.

2. Style and Design Provisions

- a. For single-family residential subdivisions and master home plans, no two (2) identical looking floor plans and elevations shall be placed on lots within a group of five adjacent lots. For purposes of this section, “adjacent lots” shall mean those lots on either side of a subject lot and those three lots directly across the street from the subject lot (referred to as a “six pack”).
 - i. As described herein, building facades shall include distinctive architectural features like windows, chimneys, and other such elements, Use articulation of building massing to reveal internal organization of building elements such as stairs and atriums, internal gathering spaces, and major interior spaces.

- ii. Designs of homes in residential subdivisions should be substantially different from one another so that no plan/elevation should look similar to another.
- b. For multi-family projects, no two (2) identical elevations shall be placed next to each other. Alternatives include, but are not limited to, rotating the buildings so different elevations are next to each other or utilizing a different building/elevation design. The intent is to the limit monotony of design within multifamily complexes.
- c. Elevations facing public streets or public open space areas, shall:
 - i. Wrap façade materials along the side yard elevations to the fence line;
 - ii. Provide architectural features to articulate facades such as trim around doors and windows with substantial depth and detail, window boxes, brackets, overhangs, trellises, and/or lattice.
- d. Entry features from a public or common sidewalk shall be provided that:
 - i. When provided, porches shall provide functional seating areas with a minimum depth of five feet (5');
 - ii. Front doors shall be clearly visible from the street;
 - iii. Architectural elements and material shall be used to denote a primary entrance, including use of a higher-quality door and hardware.

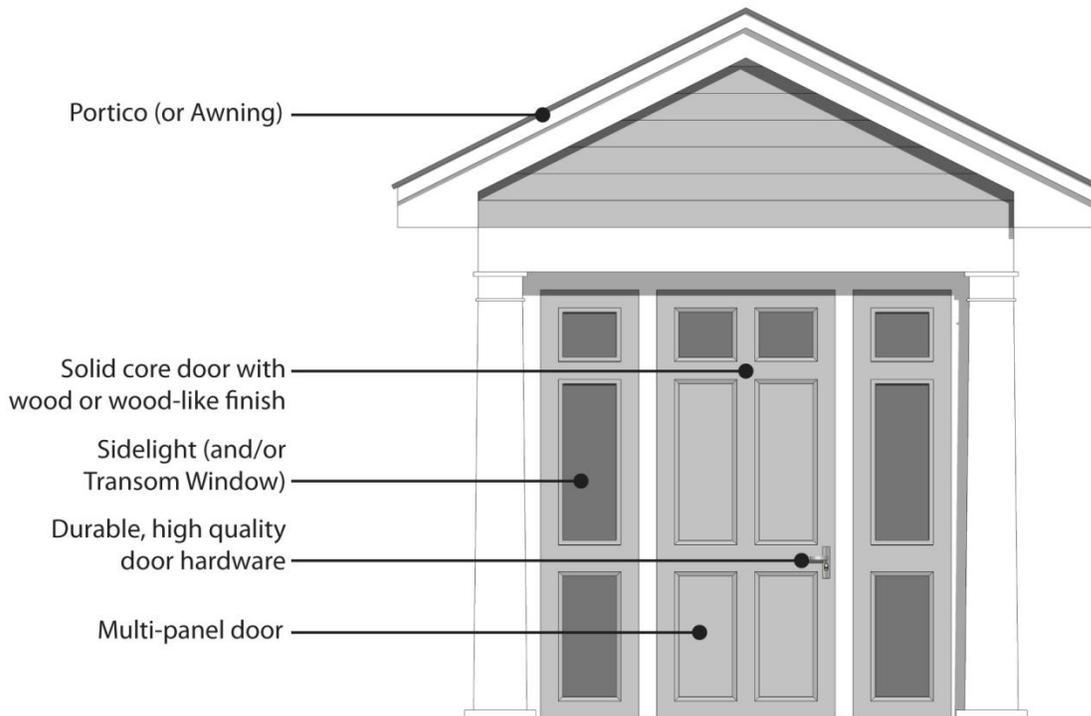
Figure 9-5C-3-B1
MINIMUM DEPTH OF A FUNCTIONAL FRONT PORCH



- e. Windows and doors shall:
 - i. Use window molding, shaped frames, and sills to provide architectural relief;
 - ii. Frame all windows with a minimum of four inch (4") trim and/or inset into façade to provide depth and shadow lines.
- f. Upper story balconies shall have a minimum depth of six feet (6').

- g. Side façades facing public areas (public or internal streets and sidewalks, open space areas, etc.) shall match the level of design detail on front façades when visible.
- 3. **Entries.** Primary residential entries shall create an inviting transition between the public and private realm, as follows:
 - a. Separate private entries from the public sidewalk with a semi-private transition area, such as a porch, terrace, stoop, or similar element.
 - b. Provide weather protection over each primary entry extending a minimum of four feet (4') from the building façade.
 - c. Primary residential entries shall have at least two of the following characteristics:
 - i. Awning or portico;
 - ii. Multi-panel door;
 - iii. Transom windows and/or sidelights;
 - iv. Durable, high-quality door hardware;
 - v. Solid core door with wood or wood-like finish.

Figure 9-5C-3-B1
CHARACTERISTICS OF A PRIMARY ENTRY (SINGLE-FAMILY AND MULTI-FAMILY)



- 4. **Single-Family and Mobile Home Development.** New single-family and mobile home development shall comply with the following specific design criteria in addition to the other standards of this section.

- a. **Siding Material:** All main buildings and all detached garages located on the front half consisting of either wood, masonry, concrete, stucco, masonite, or metal lap. The exterior siding material shall extend to ground level; except, that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.
 - b. **Roofs.** The following roof design standards shall apply:
 - i. **Roof Overhang:** All main buildings shall have a minimum twelve inch (12") roof overhang on each of the dwelling's perimeter walls such that the roof overhang is architecturally integrated into the design of the dwelling unit.
 - ii. **Roofing Material:** All main buildings and all detached garages and carports located on the front half of the lot shall have a roof constituted of wood shakes, asphalt, composition or wood shingles, clay, concrete or metal tiles, slate or of built-up materials. All housing units shall have pitched roofs.
 - c. **Foundations.** All main buildings shall be placed on a permanent foundation which meets applicable city-adopted Building Code requirements and/or section 18551 of the Health and Safety Code, such that the floor elevation of the proposed unit is compatible with the floor elevation of the surrounding dwelling units.
 - d. **Deviations:** The planning director may approve deviations from one or more of the development/architectural standards in this section for single-family and mobile home development on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the planning director may be appealed to the city council in accordance with section 9-2A-8 of this Title.
5. **Multi-Family Development.** New multi-family residential development shall meet all of the following specific design criteria in addition to the other standards of this section:
- a. Minimum twenty-foot (20') landscaped yards between streets and parking areas.
 - b. Parking frontages limited to no more than twenty five percent (25%) of street frontages.
 - c. Carport and garage designs that match building designs.
 - d. Carport locations restricted such that they are not highly visible from public streets; and portable carport covers be prohibited.
 - e. Open space such that each dwelling unit has at least four hundred (400) square feet of on-site open space, which may be private open space provided by balconies or patios, or common open space.
 - f. At least thirty two (32) square feet in floor area of private storage space apart from interior closet space, shall be provided for each unit.
 - g. Common open space for all ages, including tot lots.
 - h. Buffer landscaping, at least ten feet (10') deep shall be provided along the project perimeter where adjacent to sensitive uses (usually referred to as a 'buffer area').

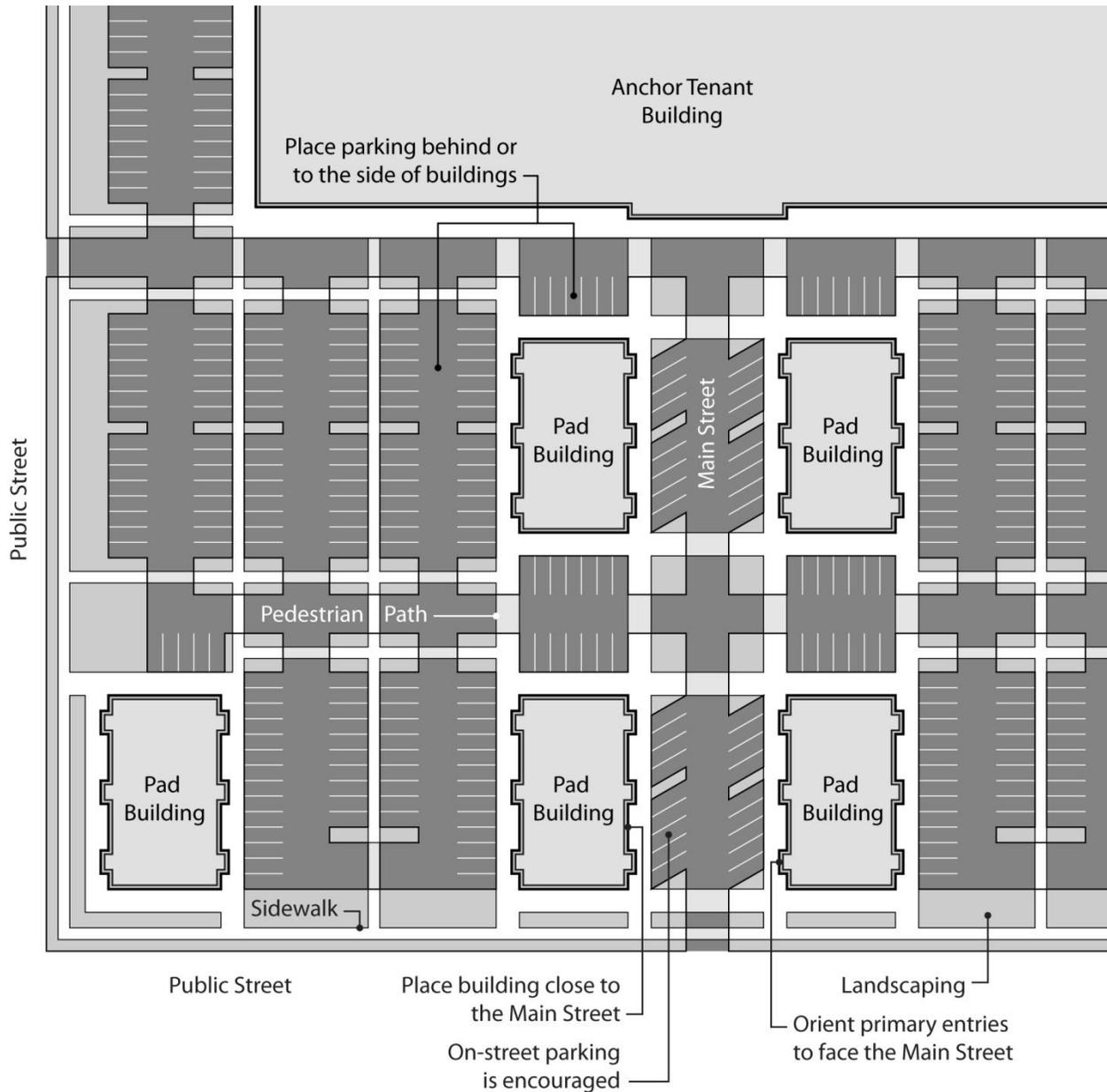
- i. Architecturally interesting buildings that are not bulky and “box-like.” This can be created by requiring variable roof forms in building designs and limiting the dimension of any single building to one hundred twenty five feet (125’).
- j. Building entries to have roofed projections or recessed entries.
- k. Roof-mounted mechanical equipment should be screened or incorporated into a roof design or, if this cannot be done, such equipment must be ground-mounted on the interior side or in the rear of the lot.
- l. Pedestrian access provided by walkways to link residential units with other units and with recreational and other facilities within a project.
- m. Multi-family projects developments with twenty-five (25) units or more shall provide at least one (1) on-site recreational area of at least ten thousand (10,000) square feet in size, or five percent (5%) of the overall site, whichever is greater. This requirement is waived for development in the downtown.
- n. Except for senior housing developments, multi-family developments shall provide one (1) play area (e.g., tot lot) for every forty (40) dwelling units in the project. Each play area shall be a minimum of seven hundred fifty (750) square feet in area and shall be equally spaced from each other. Each play area shall be fenced and include play equipment with at least five activities.

9-5C-4 Design Standards for Commercial, Office, and Mixed-Use Projects

A. Site Design

1. **Circulation.** The design of access and circulation on project sites should tie the development into the overall neighborhood. In some instances, the internal circulation may extend the public street system into the project site as private streets and drive aisles.
 - a. For project site over fifteen (15) acres in size, primary access streets shall be design as “main streets” with the following characteristics:
 - i. Place building close to the main street with primary entries facing toward this street;
 - ii. Place parking fields behind or to the side of buildings and/or provide on-street parking.

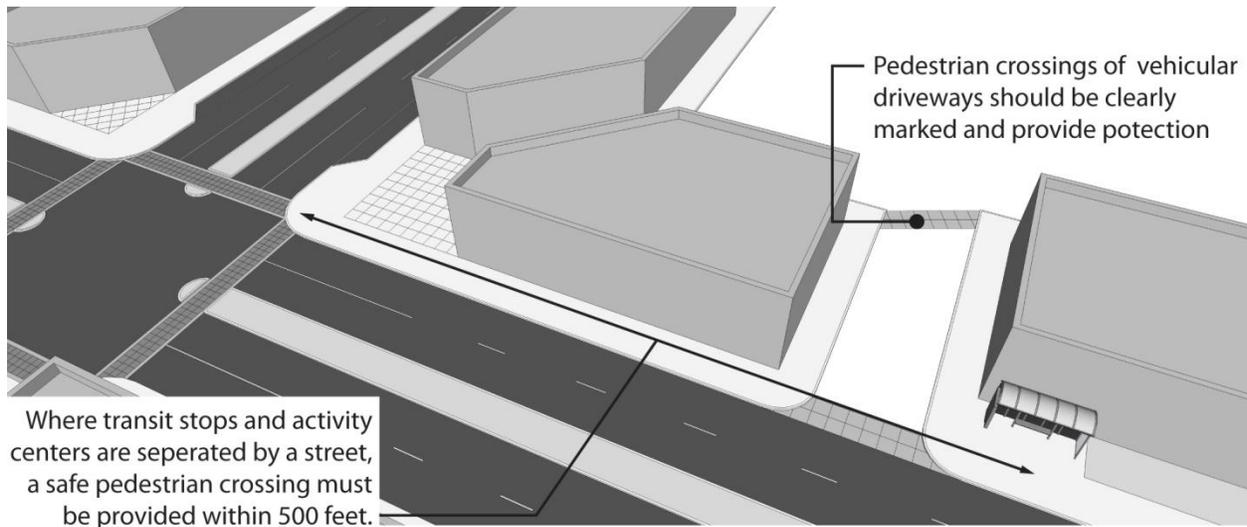
**Figure 9-5C-4-A1
MAIN STREET CHARACTERISTICS**



- b. For auto-dependent uses (e.g., car sales lots, gas stations, drive-through restaurants), the building shall be designed to maximize pedestrian safety and convenience:
 - i. Place a portion of the building at the building setback line with a building entrance facing the sidewalk; or
 - ii. Create a continuous pedestrian path between the primary building entrance and the sidewalk along the street; and
- c. Commercial and employment areas shall be linked to adjacent neighborhoods with continuous pedestrian pathways.

- d. When transit stops are provided, they shall be fully integrated into the project site and/or at the focal point of the development. The following situations are strictly prohibited:
 - i. Pedestrian crossings of vehicular driveways without clear marking and protections;
 - ii. Street crossings between transit stops and activity centers without a safe pedestrian crossing within five hundred feet (500').

Figure 9-5C-4-A2
INTEGRATING TRANSIT STOPS INTO PROJECT SITES



- 2. **Public Spaces and Pedestrian Amenities.** All development shall be pedestrian oriented with design components and amenities, as follows:
 - a. Sites over fifteen (15) acres in size include plazas, gardens where people can gather.
 - b. Uses such as restaurants shall front onto plazas or a public sidewalk, and may incorporate outdoor seating and/or dining.
 - c. Outside areas shall be designed with a combination of landscape and hardscape materials to create inviting outdoor pedestrian environments.
 - d. Buildings located at street corners shall include building entries, public plazas, and/or small parks.
 - e. Seating areas that are hidden from view behind buildings or landscaping are prohibited.
- 3. **Building Placement and Orientation.** Design and construct buildings to create safe, pleasant, and active environments:
 - a. For project sites over fifteen (15) acres in size, buildings shall be placed and oriented to create a “main street” environment.
 - b. All buildings shall be placed and oriented as follows:

- i. Front doors of commercial buildings shall orient to streets or pedestrian-oriented areas.
- ii. Ground-floor commercial shall have at least one building entrance for each façade. For buildings facing two (2) streets, a corner entry is acceptable.
- iii. If a separation is provide between the public street and building (e.g., for parking or a drive-aisle), the area shall include a significant pedestrian features to create a strong connection between the public sidewalk and primary building entry, such as:
 1. Landscaped plaza;
 2. Bicycle parking area;
 3. Landscaped promenade;
 4. Continuous trellis feature;
 5. Other amenities;
 6. Utilities are prohibited.
- c. Loading and delivery areas shall not be located within a required front or side setback area. When provided, they shall be screened with architectural wing walls and landscaping.

B. Architectural Design

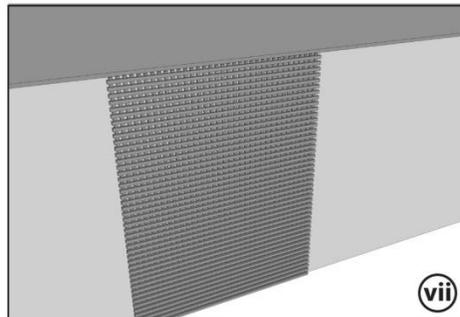
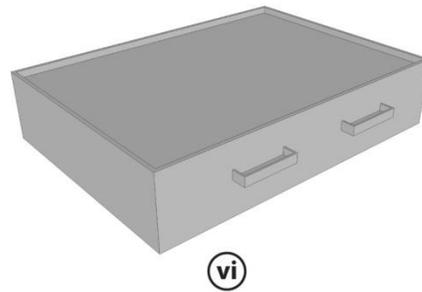
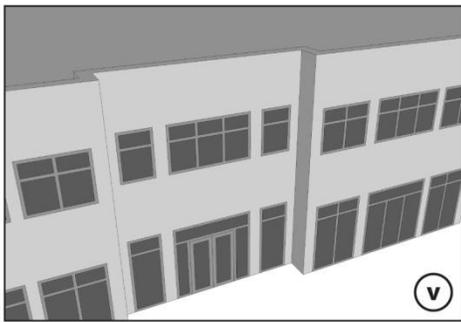
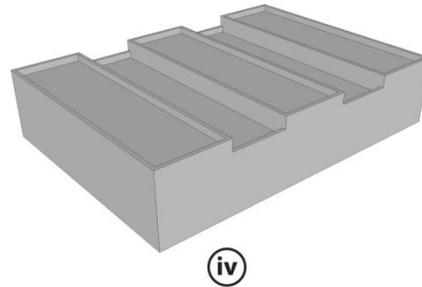
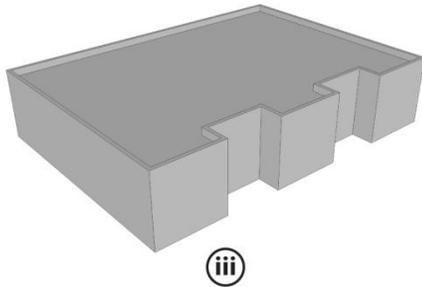
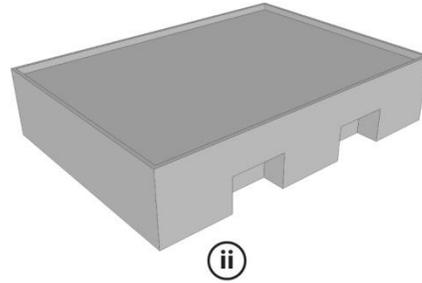
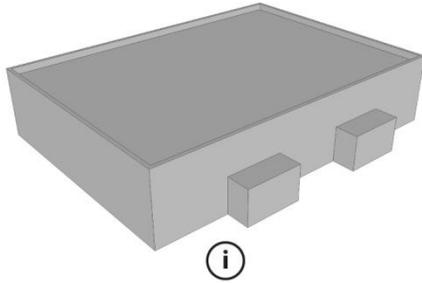
1. **Massing, Scale, and Form.** Commercial and mixed-use structures should be designed to contribute to an active, human-scaled environment and should complement adjoining properties.
 - a. Multi-level buildings shall incorporate:
 - i. Building designs that have a visually distinct “base” and “cap.”
 - ii. Upper-story elements which overlook the street (windows, balconies, terraces).
 - iii. Separate entrances for residential uses, when provided.

Figure 9-5C-4-B1
DESIGN OF MULTI-STORY BUILDINGS



- b. Building walls shall be articulate to break-up the apparent mass of large building with one of the following techniques a minimum of every thirty feet (30'):
 - i. Offsets;
 - ii. Recesses,
 - iii. Changes in plane;
 - iv. Changes in height;
 - v. Use of windows and doors;
 - vi. Projections such as balconies; and
 - vii. Use of trellis and similar features.
- c. Buildings and building walls shall be articulated with the use of engaged columns or other expressions of the structural system.
- d. Horizontal and vertical divisions shall be provided through changes in color, texture, and/or material.
- e. Long commercial façade shall be divided into storefronts with visually separate displays.
- f. Roof design shall incorporate the following:
 - i. Variations in rooflines shall be provided with the use of dormers, windows, overhangs, arches, gables, or similar details.
 - ii. Sloped roofs shall include eaves that overhang a minimum of one and one-half feet (1½').
 - iii. Flat roofs shall be screened with parapets on all sides that are a minimum height of one and one-half feet (1½') (see also the required screening of mechanical equipment in section 9-5A-9).

Figure 9-5C-4-B2
TECHNIQUES TO BREAK UP LONG BUILDING WALLS



2. **Style and Design Details.** Commercial façades should appear open, inviting, and engaging to the passerby.
 - a. Storefronts shall provide the following:
 - i. Weather protection at building entries and extending along adjacent (e.g., overhangs, canopies, awnings, building recesses).
 - ii. Transparent surfaces to allow a view into and out of buildings from the public sidewalk. A minimum of fifty percent (50%) of primary storefront façades shall be open and transparent to the outside. If window tinting is used it shall permit a minimum of eighty percent (80%) light transmission.

**Figure 9-5C-4-B3
PRIMARY STOREFRONT DESIGN**



- b. Primary entries shall be clearly visible from the street and provide visual interest, with at least three (3) of the following:
 - i. Differentiated roof, awning, or portico;
 - ii. Trim detail to accentuate the openings;
 - iii. Project or recess entries from their surrounding building façades;
 - iv. Detailed doors and doorway with ornate hardware, transoms, sidelights, trim details, and framing;
 - v. Windows within entry doorways equivalent to fifty percent (50%) of door surface area;
 - vi. Decorative lighting.
- c. Secondary entries shall have minor detailing that adds architectural distinction to the façade.
- d. Use windows to create an open and inviting atmosphere, as follows:
 - i. Ground-floor storefront glazing along the primary façade should comprise a minimum of fifty percent (50%) of the main floor's overall exterior surface wall area (display window may also be used to satisfy this criteria).
 - ii. Multiple windows shall be provided on the front façade above the main floor in a uniform pattern for all buildings over one story in height.

- iii. Frame openings with trim and/or recess windows in from the building façade. The trim and/or recess shall be a minimum of four inches (4').

3. Mechanical Equipment Screening Design Standards

- a. Roof-mounted mechanical equipment shall be screened from view by:
 - i. Raising the parapet to the maximum height of the equipment; or
 - ii. Providing a secondary screen that hides the maximum height of the equipment; and
 - iii. If a secondary screen is use, it shall be architecturally compatible with the building, and shall not use chain-link, wood, plastic, or similar fencing material.
- b. Ground-mounted mechanical units (e.g., condensers, generators, backflow devices, utility boxes) shall be screened from view with wing walls, landscaping, or a combination.

9-5C-5 Design Standards for Industrial Projects

A. Site Design

The intent of design standards within this section is to provide for the appropriate functional and aesthetic arrangement of buildings and site components for industrial developments.

- 1. **Circulation.** Develop a circulation system that minimizes conflicts between automobiles, large trucks, and other modes of travel
 - a. Primary entry drives for automobiles, particularly for visitors arriving by car, shall be enhanced with at least two (2) of the following:
 - i. Ornamental landscaping;
 - ii. Low decorative wall;
 - iii. Monument sign; and
 - iv. Decorative paving.
 - b. Separation shall be provided between vehicle parking areas, truck loading areas, and pedestrian areas (e.g., access paths to buildings from the public sidewalk, pedestrian plazas, transit stops).
 - c. Loading area shall be located in the rear of buildings least visible from public rights-of-way.
- 2. **Building Placement and Orientation.** Industrial projects should present an attractive appearance to the public and minimize any adverse impacts on adjacent properties.
 - a. At least one building on each site should have a public entrance that is a visual focus of the building and have a strong orientation to the street.
 - b. A continuous pedestrian path shall be provided between the public street and the primary building.
 - c. Screen all mechanical equipment from view of the public street, through the use of screen walls, landscaping, and site placement.

- d. Provide screening between industrial development and adjacent nonindustrial land uses.
 - e. Industrial buildings with bays and loading docks shall orient the bays and loading docks away from the primary street and shall be screened from view of the street and adjacent residential areas.
 - f. Outside storage areas that are visible from a public right-of-way shall be screened by use of solid fences, solid masonry walls, berms, landscaping, and/or a combination thereof. Screening shall be a minimum of six feet (6') in height or at least as high as the stored materials.
 - g. Long expanses of fence or screen walls shall be architecturally designed with offsets and other techniques to prevent monotony.
3. **Public Spaces and Amenities.** Outdoor spaces with amenities should be provided for benefit of employees. At least one of the following shall be provided and sized based on the size and demand of the facility:
- a. Plaza, patio, or courtyard;
 - b. Linear promenade;
 - c. Walking/jogging paths;
 - d. Terraces; and
 - e. Usable landscape area.
4. **Landscaping.** Provide for attractive and functional landscaping for purposes of screening, buffering, and softening of various site elements.
- a. Provide landscaping along all site frontages to create attractive landscape areas between the public street and parking areas and/or building walls.
 - b. Provide enhanced landscaping at primary entrances into the site.
 - c. Use vines along long expanses of wall to deter graffiti and soften the appearance of long blank walls.
 - d. When industrial uses are located adjacent to less intense non-industrial uses, additional landscaping shall be provided along the property line.

B. Architectural Design

The intent of the following design provisions is to encourage projects that contribute positively to the community.

1. Entries

- a. Entries into industrial buildings shall convey a sense of entry and architectural primacy along the façade while maintaining an architectural relationship to the overall building composition.

2. Building Form and Massing

- a. No wall surface shall exceed seventy-five feet (75') without interruption in the horizontal plane by a minimum of ten percent (10%).

3. **Style and Details.** Ensure that buildings with expansive façades incorporate design elements and details to provide visual variety and interest.
 - a. Front and side façades visible from adjacent streets or adjacent nonindustrial property shall include architectural features such as reveals, windows and openings, trellises, changes in color, texture, and material to add interest to the building elevation and reduce its visual mass.
 - b. Use alterations of colors and materials to create visual interest and diversity.
 - c. Use siding materials to produce effects of texture and relief to create architectural interest.
 - d. Metal buildings shall only be used for primary site buildings if exterior surfaces include some stucco, plaster, glass, stone, brick, decorative masonry, or contrasting metal trim and columns. The façade shall be broken up through the use of colors, textures, break-lines, detail metal, or other similar architectural treatments.

Chapter 5: Site, Development, and Operational Standards

Article D1: Landscaping Standards

Sections:

- 9-5D1-1 Purpose, Applicability, and Review
- 9-5D1-2 Landscaping Standards
- 9-5D1-3 Landscape Care and Maintenance
- 9-5D1-4 Tree Preservation
- 9-5D1-5 Preferred Plant List

Draft Zoning Code Changes:

Held for future release.

Held for future release.

This page intentionally left blank.

Chapter 5: Site, Development, and Operational Standards

Article D2: Landscape Water Reporting Requirements

Sections:

- 9-5D2-1 Purpose
- 9-5D2-2 Applicability
- 9-5D2-3 Reporting Requirements

Draft Zoning Code Changes:

Held for future release.

Held for future release.

This page intentionally left blank.

Chapter 5: Site, Development, and Operational Standards

Article E: Off-Street Parking and Loading

Sections:

- 9-5E-1 Purpose
- 9-5E-2 Applicability and Permit Requirements
- 9-5E-3 General Parking Regulations
- 9-5E-4 Required Off-Street Parking
- 9-5E-5 Design and Development Standards for Off-Street Parking Areas
- 9-5E-6 Off-Street Loading Standards
- 9-5E-7 Bicycle Parking Requirements

Draft Zoning Code Changes:

- *Parking ratios and allowable reductions to parking standards have been updated consistent with best planning practice.*
- *Standards have been added for bicycle parking, parking lot design, and loading areas.*

9-5E-1 Purpose

This article establishes standards for the development (including amount and location) of motor vehicle parking, bicycle parking, and on-site loading areas. The purpose of the standards is to provide for safe vehicular parking, vehicular circulation, and loading supportive of a variety of uses in an increasingly pedestrian- and bicycle-friendly and transit-oriented community.

9-5E-2 Applicability and Permit Requirements

A. Applicability

The provisions of this article shall apply to new development and reuse of existing development. Every use shall have appropriately maintained off-street parking and loading areas in compliance with the standards and requirements of this article. A new use or structure shall not be occupied until the requirements of this article are satisfied.

B. Permit Requirements

New parking lots and modifications or expansions to existing parking lots require the following permits:

1. **Building Permit.** New parking lot design and modifications to existing parking lots in conjunction with a substantial change in use to an existing structure shall be reviewed in conjunction with the building permit and any other land use or development permit required for the project.
2. **Zoning Clearance.** Modification or improvement to an existing parking lot that impacts the parking space layout, configuration, number of stalls, landscape planters, etc., shall require zoning clearance to authorize the change as consistent with the zoning code, concurrent with any required improvement plan approvals.

C. Exempt Activities

The parking lot improvements listed below are considered minor in nature, meaning that they do not alter the number or configuration of parking stalls. Such improvements shall be exempt from permit requirements and the requirements of this title.

1. Repairing any defects in the surface of the parking area, including holes and cracks;
2. Resurfacing, slurry coating, and restriping of a parking area with identical delineation of parking spaces;
3. Repairing or replacing in the same location damaged planters and curbs; and
4. Working in landscape areas, including sprinkler line repair, replacement of landscape materials, or refurbishment.

9-5E-3 General Parking Regulations

A. Calculations

1. If the calculation for parking needs results in the requirement for a fraction of a parking space, the value shall be rounded to the nearest whole number.
2. Seating capacity shall be based upon the actual number of seats or one seat per eighteen inches (18") of bench or pew length and one seat per twenty-four inches (24") of booth length for dining.

B. General Requirements

1. All vehicular parking areas shall be maintained by the owner of the property, such as being kept free of damage to asphalt or concrete surface, damage to landscape areas or curbing, garbage and debris.
2. Required off-street parking spaces and parking areas shall be used only for parking operable vehicles of residents, employers, employees, customers, and visitors as appropriate to the allowed uses of the applicable zone.
3. Required off-street parking space shall not be used for the storage of vehicles or materials, or for the parking of trucks used in conducting business or sale of vehicles other than authorized dealerships. Parking spaces not needed to meet the minimum requirement may be used for alternative uses subject to the provisions of this title (e.g., temporary use permit, permanent or semi-permanent display of merchandise).
4. No sales, storage, repair work, dismantling, or servicing of any kind shall be permitted in parking spaces without necessary permits for such use.
5. All required off-street parking shall be kept clear of temporary or permanent obstructions.
6. Existing parking shall not be reduced below the minimum requirements of this section.
7. Living, sleeping, or housekeeping in any vehicle, trailer, or vessel is prohibited.
8. For residential tenant and guest parking, the spaces must be marked per the required minimum standards for tenant and guest parking.

C. Location Requirements for Parking Areas

1. Parking may not occur within any required clear visibility area as defined by this title.

2. Parking spaces shall not preclude direct and free access to stairways, walkways, elevators, any pedestrian accessway, or fire safety equipment. Such access shall be a clear minimum width of forty-four inches (44"), no part of which shall be within a parking space.
3. For single-family homes, duplexes, triplexes, and similar uses, parking shall be provided on the same lot as the home and shall not be located within the required setbacks, except for approved driveways. The required parking shall not be located within the required yard area.
4. For multi-family residential, parking shall be provided within two hundred feet (200') of the unit(s) they intend to serve.
5. For nonresidential uses, parking shall be located outside of required landscape areas as required by section 9-5D-2 (landscaping standards). Parking shall be located on the same parcel as the uses served, except that parking may be located on a parcel adjacent to, or within five hundred feet (500') of, the use served. In such cases, a permanent covenant shall be recorded on the subject properties with the Kings county recorder guaranteeing that the required parking would be maintained exclusively for the use or activity served. The agreement shall be approved by the planning director in a form approved by the city attorney, and a copy shall be filed with the planning department.
6. Parking within the downtown and mixed-use districts shall be located as required in chapter 9-6 (downtown development standards) and chapter 9-7 (mixed-use development standards).

9-5E-4 Required Off-Street Parking

A. Minimum Requirements

Minimum vehicle and parking space requirements are listed in table 9-5E-4-A1 (required minimum parking ratios). Where there is more than one parking ratio listed in the table, the greater of the two applies. Where the parking ratio is listed based upon square feet, it shall mean the gross square feet of the building (including public and private areas).

B. Not Considered Parking

For the purpose of calculating parking ratios, the following types of parking are considered outdoor storage and are not considered parking:

1. Fleet vehicle parking; and
2. Parking for vehicles that are for sale, lease, or rent.

C. Provision of Excessive Parking

Parking areas that exceed minimum vehicle parking requirements by more than one hundred twenty-five percent (125%) shall demonstrate how the property can be developed in the future to utilize the additional parking areas for structures, landscaping, plazas, or other active use.

D. Similar Use

For a use not listed in table 9-5E-4-A1 (required minimum parking ratios), the required vehicle and bicycle parking shall be the same as for the most similar use listed, as determined by the planning director.

E. Parking Requirements in Downtown Mixed Use Districts

In the downtown mixed-use zoning districts (DMX-1, DMX-2, and DMX-3), parking shall be provided as established in chapter 9-6 (downtown development standards), rather than as provided in table 9-5E-41. Parking lot design and construction shall be as provided in this article.

TABLE 9-5E-4-A1 – REQUIRED MINIMUM PARKING RATIOS

Land Use	Vehicle Parking
Residential Uses	
Caretaker Housing	1 per bedroom
Child Day Care Facility – Family Day Care Home, Large	1 additional
Child Day Care Facility – Family Day Care Home, Small	0 additional
Dwelling, Multi-Family	
Studio and one bedroom	1.5 per unit
Two and more bedrooms	2 per unit
+ Guest parking	0.5 per unit
Dwelling, Second Unit	None beyond primary dwelling
Dwelling, Single-Family	2 per unit
Dwelling, Two-Family	2 per unit
Group Residential	None beyond single-family
Home Occupation	No Additional beyond dwelling
Live-Work Facility	2 per unit (+0.5 for guests)
Mobile Home Park	2 per unit
Recreational Vehicle Parks	2 per unit
Residential Care Facility	1 per 4 beds
Residential Care Home	1 per 4 beds
Single Room Occupancy (SRO) Facility	0.5 per unit
Supportive Housing	1 per 4 beds
Transitional Housing	1 per 4 beds
Agricultural and Animal-Related Uses	
Animal Sales and Grooming	3.5 per 1,000 sf
Equestrian Facility, Commercial	1 per 4 stables
Equestrian Facility, Hobby	0
Kennel	3.5 per 1,000 sf
Veterinary Facility	3.5 per 1,000 sf

TABLE 9-5E-4-A1 – REQUIRED MINIMUM PARKING RATIOS

Land Use	Vehicle Parking
Recreation, Resource Preservation, Open Space, Education, and Public Assembly Uses	
Assembly Uses	1 per 3 seats (highest occupancy) ¹
Cemetery/ Mausoleum	1 per 3 seats (highest occupancy) ¹
Community Garden	5 per acre (on-street parking credit)
Indoor Amusement/ Entertainment Facility	4 per 1,000 sf
Indoor Fitness and Sports Facility	3.5 per 1,000 sf
Library/Museum	3.5 per 1,000 sf
Outdoor Commercial Recreation	4 per acre (based on active recreation area only)
Park/Public Plaza (5 acres or less)	No minimum ²
Park/Public Plaza (greater than 5 acres)	4 per acre (based on active recreation area only, on-street parking credit) ²
School, Academic-Private and Charter	1 per employee or 1 per 3 seats in largest assembly space (at highest occupancy) ¹
School, Academic-Public	1 per employee plus 1 per 3 seats in largest assembly space (at highest occupancy) ¹
School, Colleges and Universities-Private	Parking study required
School, Colleges and Universities-Public	Parking study required
School, Equipment/ Machinery/ Vehicle Training	1 per 200 sf (classroom or other teaching areas)
School, Specialized Education and Training/Studio	1 per 200 sf (classroom or other teaching areas)
Theater/Auditorium	1 per 3 seats ¹
Utility, Transportation, Public Facility, and Communication Uses	
Airport	Parking study required
Ambulance Service	3.5 per 1,000 sf
Broadcasting and Recording Studio	3.5 per 1,000 sf
Fuel Storage and Distribution	3.5 per 1,000 sf
Heliport	1 per landing pad
Public Safety Facility	3.5 per 1,000 (occupied areas only)
Telecommunication Facility	0.5 per 1 employee (minimum 1 space)
Transit Station/Terminal	Parking study required
Utility Facility and Infrastructure	0.5 per 1 employee

TABLE 9-5E-4-A1 – REQUIRED MINIMUM PARKING RATIOS

Land Use	Vehicle Parking
Retail, Service, and Office Uses	
Adult Day Health Care Facility	None beyond multi-family dwelling requirement
Alcoholic Beverage Sales	4 per 1,000 sf
Art, Antique, Collectable	4 per 1,000 sf
Artisan Shop	4 per 1,000 sf
Banks and Financial Services	3.5 per 1,000 sf
Bar/Nightclub	5 per 1,000 sf
Bed and Breakfast Inn	1 per room
Building Materials Store/ Yard	1 per 1,000 sf
Business Support Services	3.5 per 1,000 sf
Call Center	6 per 1,000 sf
Card Room	4 per 1,000 sf
Crematory	4 per 1,000 sf (occupied space only)
Check Cashing Business	4.5 per 1,000 sf
Child Day Care Facility – Child Day Care Center	3.5 per 1,000 sf
Consignment Store	4 per 1,000 sf
Convenience Store	4 per 1,000 sf
Drive-In and Drive-Through Sales and Service	1 addition per lane ³
Equipment Sales and Rental	4 per 1,000 sf
Garden Center/Plant Nursery	1.5 per 1,000 sf
Grocery Store/Supermarket	4 per 1,000 sf
Hotel and Motel	1 per room
Maintenance and Repair of Small Equipment	3.5 per 1,000 sf
Massage Therapy	4 per 1,000 sf
Medical Services, Extended Care	1 per 3 beds
Medical Services, General	4 per 1,000 sf
Medical Services, Hospital	2 per bed + 2 per 1,000 sf (support areas)
Mortuary/Funeral Home	1 per 3 seats in assembly area
Neighborhood Market	3 per 1,000 sf
Office, Accessory	3 per 1,000 sf
Office, Business and Professional	3 per 1,000 sf
Pawn Shop	4 per 1,000 sf
Personal Services	4 per 1,000 sf
Restaurant	5 per 1,000 sf
Retail, Accessory	4 per 1,000 sf
Retail, General	4 per 1,000 sf
Retail, Warehouse Club	3.5 per 1,000 sf
Semipermanent Mobile Food Vehicle	8 per vehicle
Sexually Oriented Business	See similar use (e.g. bar, retail, etc.)
Smoke Shop	4 per 1,000 sf
Tattoo Parlor	4 per 1,000 sf
Thrift Store	4 per 1,000 sf

TABLE 9-5E-4-A1 – REQUIRED MINIMUM PARKING RATIOS

Land Use	Vehicle Parking
Automobile and Vehicle Uses	
Auto and Vehicle Rental	3.5 per 1,000 sf
Auto and Vehicle Sales	3.5 per 1,000 sf (sales/office area)
Auto and Vehicle Sales, Wholesale	3.5 per 1,000 sf
Auto and Vehicle Storage	3.5 per 1,000 sf
Auto Parts Sales	4 per 1,000 sf
Auto Vehicle Dismantling	1.5 per 1,000 sf
Car Washing and Detailing	4-space minimum + 2 per bay
Fueling Station	1 per 2 employees
Vehicle Services – Major	1 per 2,000 sf
Vehicle Services – Minor	1 per 2,000 sf
Industrial, Manufacturing, and Processing Uses	
Agricultural Products Processing	2 per 1,000 sf
Freight Yard/Truck Terminal	3.5 per 1,000 sf (occupied space only)
Manufacturing, Major	2 per 1,000 sf
Manufacturing, Minor	2 per 1,000 sf
Manufacturing, Small-Scale	2.5 per 1,000 sf
Printing and Publishing	2 per 1,000 sf
Recycling Facility – Collection	1 per 2 employees
Recycling Facility – Processing	1 per 2 employees
Recycling Facility – Scrap and Dismantling	1 per 2 employees
Research and Development	3.5 per 1,000 sf
Storage, Personal Storage Facility	2 per 1,000 sf + office space at 3.5 per 1,000 sf
Storage, Warehouse	1 per 1,000 sf + office space at 3.5 per 1,000 sf
Storage, Yard	3.5 per 1,000 sf occupied space only
Wholesaling and Distribution	1 per 1,000 sf
Notes	

1. If seating is not identified or if seating is not fixed, parking shall be based on a ratio of 33 spaces per 1,000 sf. In the case of assembly uses or instructional uses, this shall be the square footage of the largest assembly or instruction area. In the case of restaurants, schools, and similar uses, it shall be based upon gross square footage.
2. On-street parking spaces adjacent to park property may be credited toward parking requirements.
3. Parking based on primary use (e.g., restaurant, bank) plus additional parking based on a ratio of additional employees per drive-through lane.

F. Reductions and Exceptions to Minimum Parking Requirements

The following are exceptions or reductions to the minimum parking requirements established in table 9-5E-4-A1 (required minimum parking ratios) that are available:

1. **Parking District Waiver.** Minimum off-street parking requirements may be waived for properties that have access to public parking facilities. The waiver may be granted by the planning director.
2. **Parking Reduction.** Parking may be reduced by the designated approval authority according to the following provisions. A combination of the following programs may be utilized; however, the total parking reduction shall not exceed twenty percent (20%) of required parking.

- a. Reduction for special motor vehicles. Up to twenty percent (20%) of the off-street parking may be provided by smaller parking spaces for special or alternative motor vehicles (e.g., golf carts, motorcycles, motorized scooters).
 - b. Reduction for secure bicycle parking. Developments which provide additional secure bicycle parking facilities over and above the minimum requirement of this article may reduce their parking requirement by one (1) vehicle space for every two (2) additional bicycle spaces provided.
 - c. Reduction for parking near major transit stops (e.g., train stations, significant bus facilities). Parking requirements may be reduced by ten percent (10%) when within one-quarter ($\frac{1}{4}$) mile of a major transit stop.
 - d. Reduction for existing uses to enable property enhancements. Parking requirements for existing nonresidential development may be reduced by up to ten percent (10%) if spaces are replaced with either of the following:
 - i. Landscaping; and/or
 - ii. On-site pedestrian plazas, seating areas, shelters, bicycle racks, and/or walkways.
 - e. Shower/locker facilities. Developments with one hundred (100) or more employees may reduce their parking requirement by providing shower and clothing locker facilities for bicycle commuting employees. The maximum reduction allowed is five percent (5%) of required parking.
 - f. Preferred carpool/vanpool parking spaces. Office or industrial developments that guarantee preferred parking spaces (e.g., covered, shaded, or near building entrance) to employees who participate regularly in a carpool or vanpool may reduce their parking requirement by one (1) vehicle space for every one (1) space that is marked and reserved for carpools/vanpools at a preferred location. The maximum reduction allowed is five percent (5%) of required parking.
 - g. Electric vehicle charging station. Mixed-use, commercial, office, and industrial developments that provide parking spaces reserved for electric vehicles and provide electric vehicle charging stations at those spaces may reduce their parking requirement by one (1) vehicle space for every one (1) space that is provided for electric vehicle charging. The maximum reduction allowed is five percent (5%) of required parking.
3. **Joint Vehicle Parking Lot or Structure.** Required parking for two (2) or more freestanding uses on adjacent or nearby sites may be satisfied by the use of a joint vehicle parking facility to the extent that it can be shown by the owners or operators that the demand for parking in the joint facility does not materially overlay (e.g., uses primarily of a daytime versus a nighttime or weekday versus weekend nature) and provided that such right of joint use is evidenced by a deed, parking easement, lease, contract, or similar written instrument upholding such joint use. In this situation, the size of the joint parking lot shall be at least as large as the number of vehicle parking spaces required by the largest user.

9-5E-5 Design and Development Standards for Off-Street Parking Areas

A. General

All vehicular parking spaces shall be on the same lot as the main structure they serve, on an abutting lot, or within one thousand feet (1,000') of the building, subject to the following requirements:

1. There is a safe, direct, attractive, lighted, and convenient pedestrian route between the vehicle parking area and the use being served.
2. There is an assurance in the form of deed, parking easement, lease, contract, or other similar document that the required spaces will continue to be available for off-street parking use according to the required standards.

B. Parking Lot Design

1. **Surfacing and Striping.** Areas used for parking and maneuvering of vehicles shall be paved with a minimum of two inch (2") asphalt, concrete, or equivalent surface. All parking areas shall be appropriately striped, marked, and signed.
2. **Curb Cuts and Driveway Access Points/Locations.** Street access points shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Curb cuts and driveway access points shall be designed as follows:
 - a. For multi-family, commercial, office, and industrial developments:
 - i. A minimum of one hundred fifty feet (150') from the curb return.
 - ii. A minimum of one hundred fifty feet (150') between driveways.
 - iii. Lesser distances may be permitted upon review and approval of the city engineer.
 - iv. Driveways across the street from each other shall be aligned as close as possible. Where offset, the minimum distance required between the curb return of the driveways shall be one hundred fifty feet (150').
 - b. For single-family and duplex developments:
 - i. A minimum of fifty feet (50') from the curb return.
 - ii. A minimum of five feet (5') between the driveway and property line.
3. **Driveways/Driveway Approach Width and Grade.** The minimum driveway width shall comply with public improvement and fire safety standards as follows:
 - a. For multi-family, commercial, office, and industrial developments:
 - i. A minimum width of twenty four feet (24') for collector streets and thirty five feet (35') for arterial streets. A larger width of up to forty five feet (45') may be required by the city based upon the driveway vehicular volume, street geometrics, street vehicular volumes, or other characteristics of the area.
 - ii. A minimum throat depth of twenty feet (20') from the back of the sidewalk, clear of drive aisle or parking spaces. Greater distance for larger projects may be required dependent upon traffic loads.
 - iii. A slope between one percent (1.0%) and two percent (2.0%).

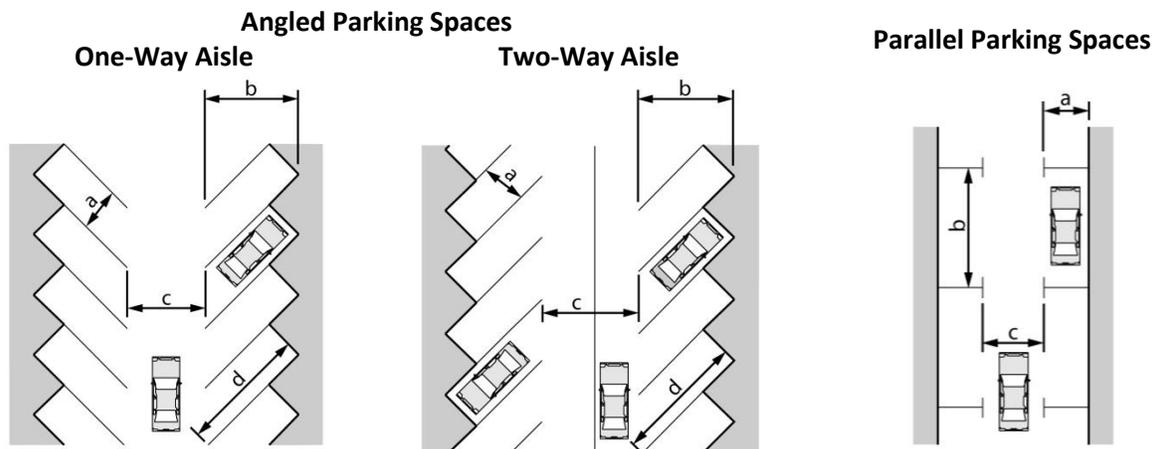
- b. For single-family and duplex developments:
 - i. A minimum width of ten feet (10') and a maximum width of twenty four feet (24'). Wider driveways may be approved on a case-by-case basis.
 - ii. A slope (where necessary) with a rise of no more than eight inches (8") above the back of sidewalk grade at a point seven feet (7') from the back of sidewalk.
- 4. **Back-Out Parking.** With the exception of duplexes and single-family residences, all parking areas shall be designed so that vehicles are not permitted to back out of the parking area onto a public street.
- 5. **Turnaround Areas.** Parking spaces shall be provided with adequate drive aisles or turnaround areas so that all vehicles may enter the street in a forward manner.
- 6. **Setback Restrictions for Parking Spaces and Drive Aisles.** Parking areas including spaces, aisles, and turnaround and maneuvering areas shall not occupy the required setbacks. Driveways shall not occupy a yard setback or buffer except to pass through the yard in order to connect directly to a public street or as necessary for shared driveways and internal access between uses on abutting lots.
- 7. **Cluster of Spaces.** Clusters of auto spaces shall not exceed fifty (50) spaces. Auto parking clusters shall be separated by landscaping as provided in article 9-5D (landscaping) or by buildings.
- 8. **Connect Parking Lots.** Auto parking areas shall be designed to connect with auto parking areas on adjacent sites to eliminate the necessity of utilizing the public right-of-way for cross movements. Joint or shared access, internal circulation, or parking is encouraged with adjacent uses.
- 9. **Minimum Clearance.** Driveways, aisles, turnaround areas, and ramps shall have a minimum vertical clearance of twelve feet (12') for the entire length and width, but such clearance may be reduced in parking structures.
- 10. **Drainage.** Adequate drainage shall be provided to dispose of the runoff generated by the impervious surface area of the parking area. Provision shall be made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property. Design solutions may include, but are not limited to, the use of bio-swales, low-impact design (LID), and other designs that direct runoff into landscape areas.
- 11. **Pedestrian Circulation/Walkways.** Pedestrian circulation/walkways shall be designed to provide circulation through parking lots from public sidewalks to primary building entryways. Sidewalks shall be designed to ensure that vehicles that may overhang or intrude into the sidewalk system do not reduce the minimum required sidewalk width of four feet (4').
- 12. **Screening.** The periphery of all parking lots shall be screened from view from adjacent streets and adjacent residential areas with walls, landscaping, and landscaped berms (or a combination) to a minimum height of three feet (3'). Where provided, landscaping shall be consistent with the standards of subsection 9-5D-2-E-3 (landscaping of parking lots).
- 13. **Landscaping.** Landscaping of parking lots shall be provided as required in subsection 9-5D-2-E-3 (landscaping of parking lots).
- 14. **Lighting.** See outdoor lighting standards in section 9-5A-6 (outdoor lighting).

C. Space and Aisle Standards for Surface Parking Lots

1. **General Space and Aisle Standards.** All surface parking lots shall be designed in accordance with the minimum city standards for stalls and aisles as set forth in table 9-5E-5-C1 (parking space and drive aisle dimensions) and illustrated in figure 9-5E-5-C1 (parking space and drive aisle dimensions).
2. **Compact Car Spaces.** Up to fifteen percent (15%) of the required number of parking spaces may be sized for compact cars. Compact car spaces shall comply with the following standards:
 - a. Compact car parking spaces shall be clearly marked “compact cars only,” “compact,” or “C.”
 - b. Compact car spaces shall be distributed throughout the parking lot.

TABLE 9-5E-5-C1 – PARKING SPACE AND DRIVE AISLE DIMENSIONS					
Minimum Space and Aisle Dimensions					
Stall Type	Stall Width	Stall Length	Stall Depth (aisle to curb)	Drive Aisle Width	
				One-Way	Two-Way
Parallel	9'	20'	24'	12'	24'
45 Degree	9'	20'	20'	14'	24'
60 Degree	9'	20'	21.5'	18'	24'
90 Degree	9'	20'	20'	20'	24'
Compact Stalls, all angles	8'	16'	-	Same as standard stalls per stall type	

**Figure 9-5E-5-C1
PARKING SPACE AND DRIVE AISLE DIMENSIONS**



Key:
 a = Stall width c = Drive aisle width
 b = Stall depth d = Stall length

D. Standards for Off-Street Parking for Private Residences

Off-street parking and driveways for detached dwellings, manufactured homes, single-family attached dwellings, and two-unit attached dwellings shall meet the following requirements:

1. In single-family and two-family dwellings, one space of the required parking per unit must be covered (e.g., garage, carport).
2. Any vehicle, trailer, or vessel which is inoperable and/or without current registration shall be stored entirely within an enclosed structure and shall not be parked or stored in any required front yard within a residential zoning district or neighborhood.
3. Each parking space shall be at least eight and one-half (8½') feet wide by eighteen feet (18') deep.
4. The minimum driveway width shall be ten feet (10').
5. Tandem (end-to-end) parking is allowed to meet the minimum off-street parking requirements.
6. Required parking may be provided in the rear yard only when an alley is available for access.
7. Parking may be provided within the front and street side yard setback, as follows:
 - a. Vehicle parking (including driveways) in residential areas shall be provided on permanent paved surfaces.
 - b. Parking areas shall not exceed the maximum impervious surface allowed on a parcel.
 - c. Parking may not occur within any required clear visibility area on a corner lot.
8. All vehicles are required to be parked on a paved surface. Driveways and driveway approaches shall be paved.
9. Parking of RVs, trailers, and vessels shall conform with the following additional regulations:
 - a. Parking on a hard surface such as concrete, asphalt, or similar durable material is required.
 - b. Parking within the clear visibility area is prohibited.
10. All motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space (e.g., garage).

9-5E-6 Off-Street Loading Requirements

A. Purpose of Loading Area Requirements.

The purpose of these regulations is to provide the number, size, location, and screening requirements for loading areas in mixed-use, commercial, and industrial uses. The intent of these regulations is to minimize disruptions of traffic flow by freight-carrying vehicles blocking the public right-of-way and to minimize impacts to vehicular and pedestrian conflicts.

B. When Loading Regulations Apply

This regulation applies to all nonresidential development in mixed-use commercial and industrial districts, whether or not a permit or other approval is required for the development. Buildings smaller than twenty thousand (20,000) square feet in size are exempt from the requirements of this section.

C. General Loading Area Requirements

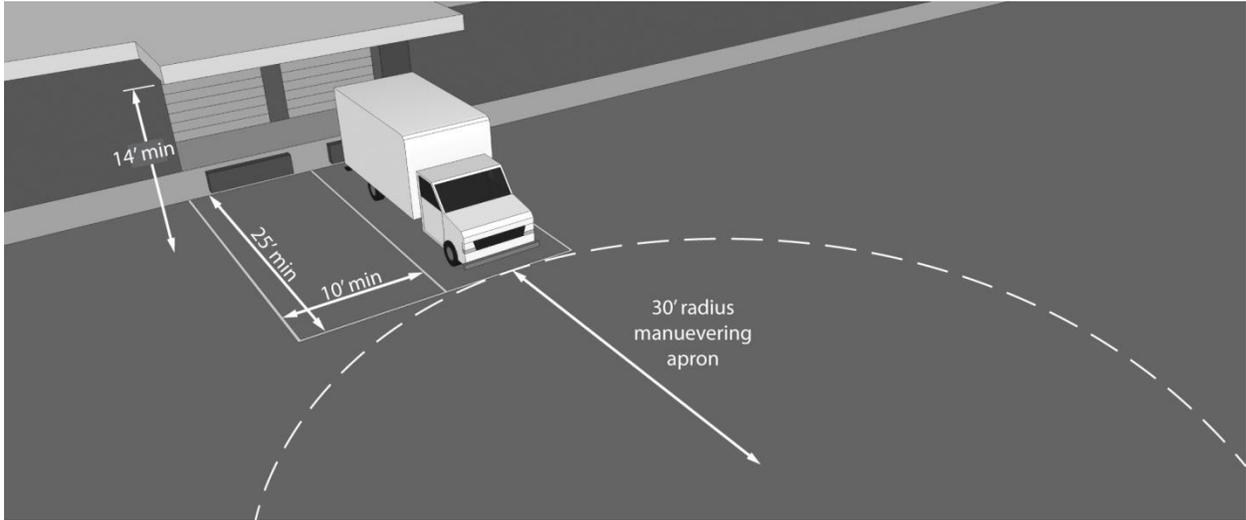
The number of required loading spaces is based on the use of the building and the building size, minus any residential component square footage, as described in table 9-5E-7-C1 (required minimum loading spaces). Where two or more uses are located on the same premises, the number of loading area spaces required is the sum of the spaces required for each use.

TABLE 9-5E-6-C1 – REQUIRED MINIMUM LOADING SPACES	
Land Use	Loading Spaces Required
Industrial Uses	1 per each 20,000 sf or fraction thereof
Commercial, Office, and All Other Uses	1 per each 35,000 sf or fraction thereof

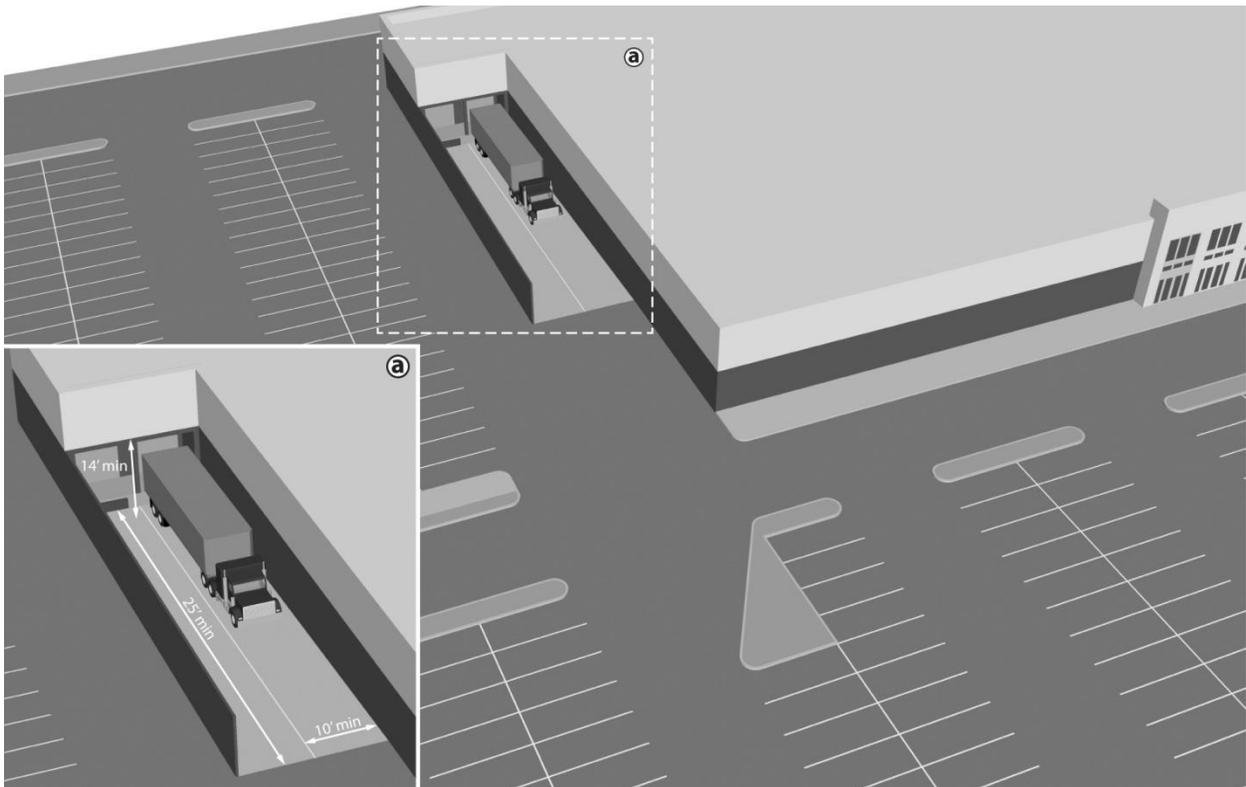
D. Off-Street Loading Standards

1. Dimensions. Loading spaces shall be not less than ten feet (10') in width, twenty five feet (25') in length, with fourteen feet (14') of vertical clear.
2. Loading areas must comply with the setback and perimeter landscaping and screening standards. When parking areas are prohibited or not allowed between a building and a street, loading areas are also not allowed.
3. The provision for maintenance of off-street loading facilities is a continuing obligation of the property owner.
4. Loading and maneuvering areas shall be hard-surfaced unless a permeable surface is required to reduce surface runoff, as determined by the planning director.
5. Parking of passenger vehicles may be allowed in off-street loading areas subject to specific time limits to prevent conflicts with off-street loading activities. If parking is allowed, the parking time limits shall be clearly posted. These parking spaces shall not count toward meeting the general parking requirements.

**Figure 9-5E-6-C1
TYPICAL LOADING AREA – BACK IN**



**Figure 9-5E-6-C2
TYPICAL LOADING AREA – SIDE LOAD**



E. Location of Required Loading Facilities

1. The off-street loading facilities, regardless of the development type, shall be on the same lot or parcel of land as the structure they are intended to serve.
2. The off-street loading facilities shall be designed and located so that loading vehicles are not parked in required setbacks, driveways, or required parking spaces during loading activities.
3. No loading space shall be located so that a vehicle using such loading space projects into any public street.
4. Loading spaces shall be provided with access to an alley when alley access is available.
5. Bays and doors shall be located in a manner that would preclude any possibility for trucks to back into bays from arterial streets.

9-5E-7 Bicycle Parking Requirements

A. Applicability

Bicycle parking facilities in parking lots shall be provided for nonresidential and multi-family uses as provided in this section. The following uses are exempt from bicycle parking requirements:

1. Residential uses other than multi-family residential;
2. Home occupations;
3. Agricultural uses;
4. Mini-storage facilities; and
5. Temporary uses.

B. Required Number of Bicycle Parking Spaces

Unless otherwise noted, bicycle parking shall be provided at a ratio equivalent to ten percent (10%) of the total vehicular parking provided, or no less than two (2) spaces, whichever is greater.

C. Rental or Lease of Spaces Not Permitted

Bicycle parking spaces required by this section may not be rented or leased.

C. Design Standards for Bicycle Parking Facilities

All developments shall meet the following minimum requirements for bicycle parking and design. The purpose of these design standards is to ensure that bicycle parking is visible from the buildings served, is convenient to cyclists, and provides sufficient security from theft and damage.

1. **Use.** Areas set aside for required bicycle parking must be clearly reserved for bicycle parking only.
2. **Location**
 - a. Outdoor bicycle parking shall be located within fifty feet (50') from the primary building entrance.
 - b. Bicycle parking must be visible from within on-site buildings or the street.
 - c. Bicycle parking may be located within a building if access is readily available from an outdoor entrance.

- d. Bicycle parking is prohibited within one hundred feet (100') of a trash or recycling enclosure.
3. **Rack Design.** Bike rack shall be of such design as to hold the bicycle frame (not just the wheel), accommodate a U-shape chackle lock, a wide range of cycle sizes, wheel sizes and types, and covered with a protective powder coated paint material to avoid damaging the bicycle in a complementary color to the adjacent building.
4. **Amenities.** Bicycle parking areas are encouraged to include a bench, water fountain, and/or other amenities.
5. **Pedestrian Conflicts.** Bicycle parking and bicycle racks shall be located to avoid conflicts with pedestrian movement and accessibility requirements.
6. **Sheltered Spaces Required.** Bicycle parking spaces are encouraged to be sheltered from precipitation. Sheltering may be achieved by, but is not limited to, roof extensions, overhangs, awnings, arcades, carports, roofed enclosures, lockers, or indoor bicycle rooms.
7. **Security.** Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (e.g., rack) upon which the bicycle can be locked. Bicycle parking racks, shelters, or lockers must be securely anchored to the ground or to a structure. Bicycle racks must hold bicycles securely by the means of the frame. The frame must be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels.
8. **Minimum Dimensions.** Bicycle parking shall be at least two and one-half feet (2½') wide by six feet (6') long and, when covered, provide a minimum vertical clearance of seven feet (7'). An access aisle of at least five feet (5') wide shall be provided and maintained beside or between each row of bicycle parking. Each required bicycle space must be accessible without moving another bicycle.
9. **Paving.** Paving and surfacing of bicycle parking areas shall be surfaced with hard surfacing of at least two inches (2") minimum (i.e., pavers, asphalt, concrete, or similar material). This surface must be designed to maintain a well-drained condition.

This page intentionally left blank.

Chapter 5: Site, Development, and Operational Standards

Article F: Signage

Sections:

- 9-5F-1 Purpose
- 9-5F-2 Administrative Provisions
- 9-5F-3 General Sign Provisions
- 9-5F-4 Design Standards for Signs
- 9-5F-5 Standards for Permanent On-Site Signs
- 9-5F-6 Standards for Temporary On-Site Signs
- 9-5F-7 Standards for Off-Site Signs
- 9-5F-8 Standards for Signs on City Property

Draft Zoning Code Changes:

Held for future release.

Held for future release.

This page intentionally left blank.

Chapter 5: Site, Development, and Operational Standards

Article G: Affordable Housing Incentives (Density Bonus)

Sections:

- 9-5G-1 Purpose
- 9-5G-2 Eligibility for Density Bonus and Incentives and Concessions
- 9-5G-3 General Provisions for Density Bonus and Incentives and Concessions
- 9-5G-4 Number and Types of Density Bonuses and Incentives and Concessions Allowed
- 9-5G-5 Location of Density Bonus Units
- 9-5G-6 Continued Availability
- 9-5G-7 Process for Approval or Denial

Draft Zoning Code Changes:

- *This article is a relocation of previous provisions from Title 8.*
- *The standards and process for density bonus have been updated consistent with recent changes in state law and to comply with the state-approved housing element.*

9-5G-1 Purpose

The purpose of this article is to provide incentives for the production of housing for very low-income, lower-income, moderate-income, special needs, and senior households in the city of Lemoore and to establish procedures for carrying out the legislative requirements and complying with California Government Code §65915, et seq. In enacting this article, it is the intent of the city to facilitate the development of affordable housing by positively impacting the economic feasibility of providing lower-income housing and implementing the goals, objectives, and policies of the city's housing element.

9-5G-2 Eligibility for Density Bonus and Incentives and Concessions

The city shall grant one (1) density bonus, with concessions or incentives, as specified in section 9-5G-4 (number and types of density bonuses and incentives and concessions allowed), when the applicant for the residential development seeks and agrees to construct a residential development, excluding any units permitted by the density bonus awarded pursuant to this article, that will contain at least one (1) of the following. The units qualifying a development for a density bonus shall be referred to as "target units." The applicant shall specify which of the following is the basis for the density bonus.

1. Ten percent (10%) of the total units of a housing development for lower-income households;
2. Five percent (5%) of the total units of a housing development for very low-income households;
3. A senior citizen housing development or age-restricted mobile home park; or
4. Ten percent (10%) of the total dwelling units in a common interest development as defined in California Civil Code §1351 for persons and families of moderate income, provided that all units in the development are offered to the public for purchase.

9-5G-3 General Provisions for Density Bonus and Incentives and Concessions

The following general requirements apply to the application and determination of all incentives and bonuses:

A. Rounding

All density calculations resulting in fractional units shall be rounded up to the next whole number; except that the percentage of total units proposed to qualify the development for a density bonus shall not be rounded up. For example, for a two hundred (200) unit project that proposes twenty-one (21) lower-income units (or ten and one-half percent (10.5%)), the allowed density bonus would be based on ten percent (10%) lower-income units, not eleven percent (11%).

B. Relation to General Plan, Zoning

The granting of a density bonus, or a concession or incentive, shall not be interpreted, in and of itself, to require a general plan amendment, zoning change (rezone), or other discretionary approval.

C. Density Bonus Excluded in Calculation

The density bonus shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

D. Parking

Upon request by the applicant, the city shall not require that a housing development meeting the requirements of section 9-5G-2 (eligibility for density bonus and incentives and concessions) provide a vehicular parking ratio, inclusive of handicapped and guest parking that exceeds the following:

1. Zero (0) (studio) to one (1) bedroom: one (1) on-site parking space per unit
2. Two (2) to three (3) bedrooms: two (2) on-site parking spaces per unit
3. Four (4) or more bedrooms: two and one-half (2.5) parking spaces per unit.

If the total of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide “on-site parking” through tandem parking or uncovered parking, but not through on-street parking.

E. Waived or Reduced Development Standards

The city shall not apply any development standard that would have the effect of physically precluding the construction of a housing development meeting the requirements of section 9-5G-2 (eligibility for density bonus and incentives and concessions) at the densities or with the incentives or concessions permitted by this article. A proposed waiver or reduction of development standards shall neither reduce nor increase the number of allowable incentives or concessions under section 9-5G-4 (number and types of density bonuses and incentives and concessions allowed).

An applicant may submit to the city a proposal for the waiver or reduction of development standards, when standards would have the effect of physically precluding the proposed development, and may request a meeting with the city. Nothing in this subsection, however, shall be interpreted to require the city to waive or reduce development standards if:

1. The waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of §65589.5 of the California Government Code, upon health and safety or the

physical environment and for which the city determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;

2. This would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or
3. The waiver or reduction would be contrary to state or federal law.

F. Multiple Zoning Districts

If the site of a development proposal is located in two (2) or more zoning districts, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zoning districts based on the site acreage within each zoning district. The permitted number of dwelling units may be distributed within the development without regard to the zone boundaries.

G. City Authority

Nothing in this article shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

H. Agreement Required

1. Prior to the award of a density bonus and any related incentives or concessions, the applicant shall enter into an agreement with the city to ensure the continued affordability of all target units.
2. For all target units, the agreement shall specify the household-income classification, number, location, size, and construction scheduling and shall require target units in a project and phases of a project to be constructed concurrently with the construction of non-target units. The agreement shall include such other provisions as necessary to establish compliance with the requirements of this article.

I. Reports

The applicant shall submit financial or other reports along with the application for the project to establish compliance with this article. The city may retain a consultant to review any financial report (pro forma). The cost of the consultant shall be borne by the applicant, except that if the applicant is a nonprofit organization, the cost of the consultant may be paid by the city upon prior approval of the city council.

J. CEQA Review

Any residential development that qualifies for a density bonus shall not be exempt from compliance with the California Environmental Quality Act.

9-5G-4 Number and Types of Density Bonuses and Incentives and Concessions Allowed

A. Density Bonus

A housing development that satisfies the eligibility requirements in section 9-5G-2 (eligibility for density bonus and incentives and concessions) of this article shall be entitled to the following density bonus:

1. For developments providing ten percent (10%) lower-income target units, the city shall provide a twenty percent (20%) increase above the otherwise maximum allowable residential density as of the date of application, plus a one-and-a-half percent (1.5%) supplemental increase over that base for every one percent (1%) increase in low-income target units above ten percent (10%).

The maximum density bonus allowed including supplemental increases is thirty-five percent (35%).

2. For developments providing five percent (5%) very low-income target units, the city shall provide a twenty percent (20%) increase above the otherwise maximum allowable residential density as of the date of application, plus a two and a half percent (2.5%) supplemental increase over that base for every one percent (1%) increase in very low-income target units above five percent (5%). The maximum density bonus allowed including supplemental increases is thirty-five percent (35%).
3. For senior citizen housing developments, a flat twenty percent (20%) of the number of senior units.
4. For common interest developments providing ten percent (10%) moderate-income target units, the city shall provide a five percent (5%) increase above the otherwise maximum allowable residential density as of the date of application, plus a one percent (1%) increase in moderate-income units above ten percent (10%). The maximum density bonus allowed including supplemental increases is thirty-five percent (35%).

B. Number of Incentives or Concessions

In addition to the density bonus described in this section, an applicant may request specific incentives or concessions. The applicant shall receive the following number of incentives or concessions.

1. One (1) incentive or concession for projects that include at least ten percent (10%) of the total units for lower-income households, at least five percent (5%) for very low-income households, or at least ten percent (10%) for persons and families of moderate income in a common interest development.
2. Two (2) incentives or concessions for projects that include at least twenty percent (20%) of the total units for lower-income households, at least ten percent (10%) for very low-income households, or at least twenty percent (20%) for persons and families of moderate income in a common interest development.
3. Three incentives or concessions for projects that include at least thirty percent (30%) of the total units for lower-income households, at least fifteen percent (15%) for very low-income households, or at least thirty percent (30%) for persons and families of moderate income in a common interest development.
4. The city shall grant the concession or incentive requested by the applicant unless it makes a written finding of either of the following:
 - a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in §50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
 - b. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of §65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
 - c. The concession or incentive would be contrary to state or federal law.

C. Available Incentives and Concessions

1. A reduction in the site development standards or a modification of the requirements of this title that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with §18901) of Division 13 of the Health and Safety Code, including but not limited to a reduction in setback and square footage requirements and in the ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.
2. Approval of mixed-use zoning in conjunction with the housing development if the nonresidential land uses will reduce the cost of the housing development and the nonresidential land uses are compatible with the housing development and existing or planned development in the area in which the housing development will be located.
3. Other regulatory incentives or concessions proposed by the applicant or the city that result in identifiable, financially sufficient, and actual cost reductions.
4. Priority processing of a housing development that qualifies for a density bonus based on income-restricted units.

D. Additional Density Bonus and Incentives and Concessions for Donation of Land to the City

1. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city and agrees to include a minimum of ten percent (10%) of the total units before the density bonus for very low-income households, the applicant shall be entitled to a fifteen percent (15%) increase above the otherwise maximum allowable residential density, plus a one percent (1%) supplemental increase for each additional percentage of very low-income units to a maximum density bonus of thirty-five percent (35%) for the entire development.
2. The density bonus provided in this subsection shall be in addition to any other density bonus provided by this article up to a maximum combined density bonus of thirty-five percent (35%).
3. The applicant shall be eligible for the increased density bonus described in this subsection if all of the following conditions are met:
 - a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;
 - b. The developable acreage and zoning designation of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than ten percent (10%) of the number of residential units of the proposed development;
 - c. The transferred land is at least one (1) acre in size or of sufficient size to permit development of at least forty (40) units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of §65583.2 of the Government Code, and is or will be served by adequate public facilities and infrastructure;
 - d. The transferred land shall have all of the entitlements and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the city may subject the proposed development to subsequent design review to the extent authorized by

- subdivision (i) of §65583.2 of Government Code if the design is not reviewed by the city prior to the time of transfer;
 - e. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the requirements of this article which shall be recorded on the property at the time of the transfer;
 - f. The land is transferred to the city or to a housing developer approved by the city;
 - g. The transferred land shall be within the boundary of the proposed development or, if the city agrees, within one-quarter (¼) mile of the boundary of the proposed development; and
 - h. A proposed source of funding for the very low-income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.
4. Nothing in this subsection shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

E. Additional Density Bonus or Incentives and Concessions for Development of Child Care Facility

1. Housing developments meeting the requirements of section 9-5G-2 (eligibility for density bonus and incentives and concessions) and including a child care facility that will be located on the premises of, as part of, or adjacent to the housing development shall receive either of the following:
 - a. An additional density bonus that is an amount of square footage of residential space that is equal to or greater than the amount of square footage in the child care facility;
 - b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility;
2. The city shall require the following as conditions of approving the housing development:
 - a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable, pursuant to subdivision (c) of §65915 of the Government Code; and
 - b. Of the children who attend the child care facility, the children of very low-income households, lower-income households, or persons or families of moderate income shall equal a percentage that is equal to or greater than the percentage of target units that are required pursuant to section 9-5G-2 (eligibility for density bonus and incentives and concessions).
3. Notwithstanding any other requirements of this section, the city shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities.

F. Condominium Conversion Incentives for Low-Income Housing Development

1. An applicant for approval to convert apartments to a condominium project may submit to the city a preliminary proposal pursuant to this subsection prior to the submittal of any formal requests for subdivision map approvals. The city shall, within ninety (90) days of receipt of a

written proposal, notify the applicant in writing of the manner in which it will comply with this subsection.

- a. When an applicant for approval to convert apartments to a condominium project agrees to the following, the city shall grant either a density bonus of twenty-five percent (25%) over the number of apartments, to be provided within the existing structure or structures proposed for conversion, or provide other incentives of equivalent financial value;
 - b. Provide at least thirty-three percent (33%) of the total units of the proposed condominium project to persons and families of low or moderate income, or provide at least fifteen percent (15%) of the total units of the proposed condominium project to lower-income households; and
 - c. Agree to pay for the reasonably necessary administrative costs incurred by the city.
2. For purposes of this subsection, “other incentives of equivalent financial value” shall not be construed to require the city to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city might otherwise apply as conditions of conversion approval.
 3. Nothing in this subsection shall be construed to require the city to approve a proposal to convert apartments to condominiums.
 4. An applicant shall be ineligible for a density bonus or other incentives under this subsection if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentive was previously provided.

9-5G-5 Location of Density Bonus Units

The location of density bonus units within the housing development may be at the discretion of the developer. However, the target units shall be dispersed throughout the housing development and when feasible shall contain, on average, the same number of bedrooms as the non-target units in the development, and shall be compatible with the design or use of the remaining units in terms of appearance, materials, and quality finish.

9-5G-6 Continued Availability

A. Minimum 30 Years

If a housing development provides low- or very low-income target units to qualify for a density bonus, the target units must remain restricted to lower- or very low-income households for a minimum of thirty (30) years from the date of issuance of the certificate of occupancy by the building official, or longer if required by the project financing.

B. Common Interest Housing

In the case of a common interest housing development providing moderate-income target units to qualify for a density bonus, the initial occupant of the target unit must be a person or family of moderate income. Upon resale, the seller of the target units shall retain the value of any improvements, the down payment, and the seller’s proportionate share of appreciation, and the city shall recapture any initial subsidy and its proportionate share of appreciation which shall then be used within three (3) years for any of the purposes described in subdivision (e) of §33334.2 of the California Health and Safety Code that promote homeownership. The city’s initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the

amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. The city's "proportionate share" shall be equal to the percentage by which the initial sale price to the moderate-income household was less than the fair market value of the home at the time of the initial sale.

C. Direct Financial Contributions

Where there is a direct financial contribution to a housing development pursuant to Government Code §65915, the city shall assure continued availability for low- and moderate-income units for thirty (30) years.

9-5G-7 Process for Approval or Denial

A. Process for Approval

The density bonus and incentive(s) and concession(s) request shall be considered in conjunction with any necessary development entitlements for the project. The designated approving authority for density bonuses, incentives, and concessions shall be the city council. In approving the density bonus and any related incentives or concessions, the city and applicant shall enter into a density bonus agreement.

B. Approval of Density Bonus Required

The city shall grant the density bonus requested by the applicant provided it is consistent with the requirements of this article and state law.

C. Approval of Incentives or Concessions Required Unless Findings Made

The city shall grant the incentive(s) and concession(s) requested by the applicant unless the city makes a written finding, based upon substantial evidence, of any of the following:

1. The incentive or concession is not required in order to provide for affordable housing costs or affordable rent for the target units.
2. The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of §65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which the city determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
3. The concession or incentive would be contrary to state or federal law.

D. Administrative Fee

The city shall charge applicants an administrative fee to cover the city's cost to review all materials submitted in accordance with this article and for ongoing enforcement of this article. The amount of the administrative fee shall be established by city council resolution and updated as required. Fees will be charged for staff time and materials associated with:

1. Review and approval of applications for the proposed development;
2. Project marketing and lease-up; and
3. Long-term compliance of the applicant and successors-in-interest to the applicant, with respect to the affordable housing units.