



Title 9: Zoning

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Chapter 12: Glossary of Terms

This chapter establishes definitions for specific, unique terms used throughout this title.

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Title 9, Chapter 12

Table of Contents

9-12-1 Purpose and Organization	9-12-1
9-12-2 Affordable Housing Incentives (Density Bonus) Terms	9-12-1
9-12-3 Lighting Terms.....	9-12-5
9-12-4 Lot Type, Yard, and Setback Terms.....	9-12-6
9-12-5 Residential Accessory Structure Terms.....	9-12-11
9-12-6 Sexually Oriented Business Terms	9-12-12
9-12-7 Sign Terms.....	9-12-14
9-12-8 Telecommunication Facility Terms	9-12-14
9-12-9 General Terms.....	9-12-15

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Chapter 12: Glossary of Terms

Sections:

- 9-12-1 Purpose and Organization
- 9-12-2 Affordable Housing Incentives (Density Bonus) Terms
- 9-12-3 Lighting Terms
- 9-12-4 Lot Type, Yard, and Setback Terms
- 9-12-5 Residential Accessory Structure Terms
- 9-12-6 Sexually Oriented Business Terms
- 9-12-7 Sign Terms
- 9-12-8 Telecommunication Facility Terms
- 9-12-9 General Terms

Draft Zoning Code Changes:

- *The definitions from chapter 9-2 of the existing code have been relocated to this new chapter.*
- *Updates have been made to existing definitions consistent with changes elsewhere in the code.*
- *The chapter has been structured to list definitions by theme. For example, all of the sign-related definitions are in one section.*
- *New definitions have been added consistent with the new regulations found throughout the code.*

9-12-1 Purpose and Organization

The purpose of this chapter is to provide definitions for unique terms used throughout this title. These definitions are organized alphabetically based upon common subject. For instance, all terms specific to signage are listed in section 9-12-7 (sign terms). All other general terms are defined in section 9-12-8 (general terms).

9-12-2 Affordable Housing Incentives (Density Bonus) Terms

The following are definitions for unique terms used in this title relative to affordable housing incentives (density bonus) as regulated in article 9-5G (affordable housing incentives (density bonus)).

Affordable Rent. Affordable rent means monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low or lower income households, not exceeding the following calculations:

1. Very low income: Fifty percent of the area median income for Kings County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12).

2. Lower income: Eighty percent of the area median income for Kings County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12).

Affordable Sales Price. Affordable sales price means a sales price at which lower or very low income households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the development.

Child Care Facility. Child care facility means a facility installed, operated, and maintained for the nonresidential care of children as defined under applicable state licensing requirements for the facility. Such facilities include, but are not limited to, infant centers, preschools, extended day care facilities, school-age child care centers, or family day care homes as defined in this title.

Common Interest Development. As defined in California Civil Code §1351, means any of the following:

1. A community apartment project;
2. A condominium project;
3. A planned development; and
4. A stock cooperative..

Community Apartment Project. Community apartment project means a development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon

Condominium Project. Condominium project means a development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. The description of the unit may refer to (1) boundaries described in the recorded final map, parcel map, or condominium plan, (2) physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof, (3) an entire structure containing one or more units, or (4) any combination thereof. The portion or portions of the real property held in undivided interest may be all of the real property, except for the separate interests, or may include a particular three-dimensional portion thereof, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. An individual condominium within a condominium project may include, in addition, a separate interest in other portions of the real property

Density Bonus. Density bonus means a density increase over the otherwise maximum allowable residential density under the applicable zoning district and the land use element of the general plan.

Density Bonus Housing Agreement. Density bonus housing agreement means a legally binding agreement between a developer and the city to ensure that the requirements of this title are satisfied.

Density Bonus Units. Density bonus units means those residential units granted pursuant to the provisions of this title which exceed the otherwise maximum residential density for the development site.

Equivalent Financial Incentive. Equivalent financial incentive means a monetary contribution, based upon a land cost per dwelling unit value, equal to one of the following:

1. A density bonus and an incentive(s); or
2. A density bonus, where an incentive(s) is not requested or is determined to be unnecessary.

Housing Cost. Housing cost means the sum of actual or projected monthly payments for all of the following associated with for-sale target units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities. Adjustments should be made as necessary for down payment assistance.

Housing Development. Housing development means one or more groups of projects for residential units planned for construction in the city. It includes a subdivision or common interest development as defined in §1351 of the Civil Code, residential units or unimproved residential lots, the rehabilitation of existing multi-family dwellings where the rehabilitation would result in a net increase in available units, and the conversion and rehabilitation of an existing commercial building to residential use.

Incentive and Concession. Incentive and concession means such regulatory concessions as specified in subdivision (I) of Government Code §65915 which include, but are not limited to, the following:

1. The reduction of site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable financially sufficient and actual cost reductions;
2. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located;
3. Direct financial assistance; and/or
4. Other regulatory incentives or concessions which result in identifiable cost reductions or avoidance.

Lower Income Household. Lower income household means households whose income does not exceed the lower income limits applicable to Kings County (<80% of median adjusted for household), as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code §50079.5

Maximum Residential Density. Maximum residential density means the maximum number of residential units permitted by the city's general plan land use element and the applicable zoning district at the time of application.

Moderate Income Household. Moderate income household means households whose income does not exceed the moderate income limits applicable to Kings County (80-120% of median adjusted for household), as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code §50093.

Non-Restricted Unit. Non-restricted unit means all units within a housing development excluding the target units.

Planned Development. Planned development means a development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features:

1. The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.
2. A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separate interests in accordance with section 1367 or 1367.1 of the Civil Code

Persons and Families of Moderate Income. Persons and families of moderate income shall mean households whose income does not exceed the moderate limits applicable to Kings County (80-120% of median adjusted for household), as published and periodically updated by the State Department of Housing and Community Development pursuant to §50093 of the California Health and Safety Code.

Qualifying Housing Development. Qualifying housing development is a housing development where the applicant or developer of the housing development agrees to provide one or more of the following:

1. At least ten percent (10%) of the total units of the housing development as target units affordable to lower income households;
2. At least five percent (5%) of the total units of the housing development as target units affordable to very low income households;
3. At least ten percent (10%) of the total dwelling units in a common interest development project (as defined by subsection f of §1351 of the California Civil Code) or in a planned development (as defined in subsection k of §1351 of the California Civil Code) for persons of moderate income; or
4. Senior citizen housing.

Qualifying Senior Resident. Qualifying senior resident means senior citizens or other persons eligible to reside in a senior citizen housing development.

Senior Citizen Housing Development. Senior citizen housing development means a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least thirty five (25) dwelling units and complies with the requirements of §51.3 of the California Civil Code.

Special Needs Population. Special needs population means persons identified as having special needs related to any of the following:

1. Mental health;
2. Physical disabilities;
3. Developmental disabilities, including, but not limited to, mental retardation, cerebral palsy, epilepsy, and autism;
4. The risk of homelessness; or
5. Persons eligible for mental health services funded in whole or in part by the Mental Health Services Fund, created by §5890 of the Welfare and Institutions Code.

Stock Cooperative. Stock cooperative means a development in which a corporation is formed or availed of, primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. The owners' interest in the corporation, whether evidenced by a share of stock, a certificate of membership, or otherwise, shall be deemed to be an interest in a common interest development and a real estate development for purposes of subdivision (f) of Section 25100 of the Corporations Code. A "stock cooperative" includes a limited equity housing cooperative which is a stock cooperative that meets the criteria of Section 817 of the Civil Code

Target Unit. Target unit means a dwelling unit within a housing development which will be reserved for sale or rent to, and affordable to, very low or lower income households or qualifying senior residents.

Very Low Income Household. Very low income household means households whose income does not exceed the very low income limits applicable to Kings County (<50% of area median income adjusted for household), as published and periodically updated by the State Department of Housing and Community Development pursuant to §50105 of the California Health and Safety Code.

9-12-3 Lighting Terms

The following are definitions for unique terms used in this title relative to outdoor lighting as regulated in section 9-5A-6 (outdoor lighting).

Foot Candle. Foot candle shall mean a unit of illumination produced on a surface, all points of which are one foot from a uniform point of one candle.

Full Shielding. Full shielding shall mean a technique or method of construction where the fixture completely conceals and recesses the light source from all viewing positions except those positions permitted to receive illumination.

Glare. Glare shall mean light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and, in extreme cases, causing momentary blindness.

Light Pollution. Light pollution shall mean artificial light that causes a detrimental effect on the environment, astronomical research, or enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent property.

Light Trespass. Light trespass shall mean the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Luminaire. Luminaire shall mean a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts. The pole, post, or bracket is not considered a part of the luminaire.

Shielding. Shielding shall mean a technique or method of construction to block the light from illuminating certain distant surfaces.

9-12-4 Lot Type, Yard, and Setback Terms

The following are definitions for unique terms used in this title relative to lot types and setbacks as regulated in section 9-5A-3 (setbacks determination and requirements) and as used throughout this title.

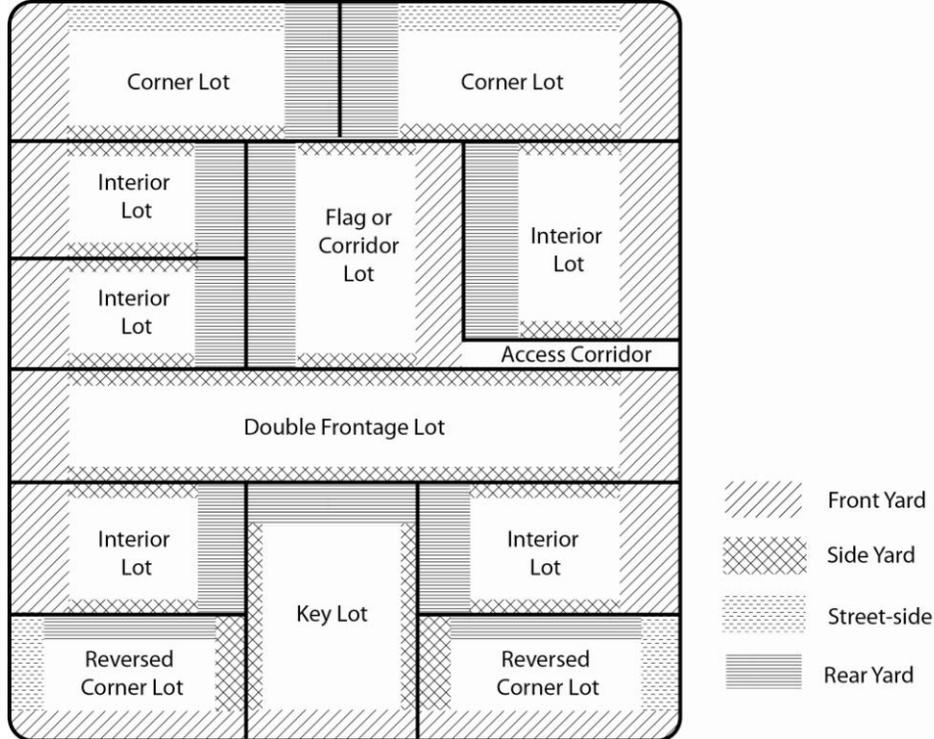
Floor Area Ratio (FAR). Floor area ratio (FAR) shall mean the ratio between gross floor area of the primary structure(s) on a site and gross site area. It includes all occupy-able floors of a building, making it a three-dimensional unit of measure. For example, a multi-story building with a total floor area of one hundred thousand (100,000) square feet on a fifty thousand (50,000) square foot lot will have a FAR of 2.0.

Lot. Lot shall mean a parcel of land shown on a subdivision map, parcel map, certificate of compliance, or a record of survey map or described by metes and bounds and recorded in the office of the county recorder of Kings county; a part of a single parcel of land when such part is used as though a separate lot for all purposes and under all of the requirements of this title; and includes two (2) or more abutting lots when combined and used as though a single lot.

Types of lots include the following (see figure 9-12-4-1):

1. Lot, Corner. A lot situated at the intersection of two (2) or more public streets having an angle of intersection of not more than one hundred thirty five degrees (135°).
2. Lot, Flag or Corridor. A parcel of land shaped like a flag; the staff (access corridor) is a narrow strip of land providing vehicular and pedestrian access to the street with the bulk of the property lying to the rear of other lots.
3. Lot, Interior. A lot other than a corner lot or reverse corner lot.
4. Lot, Key. The first lot to the rear of a reversed corner lot, whether or not separated by an alley.
5. Lot, Reverse Corner. A corner lot, the street side of which is substantially a continuation of the front lot line of the lot upon which it rears.
6. Lot, Through or Double Frontage. A lot having a frontage on two (2) parallel or approximately parallel streets.

**Figure 9-12-4-1:
LOT TYPES**



Lot Area. Lot area shall mean the total horizontal area within the lot lines of a lot.

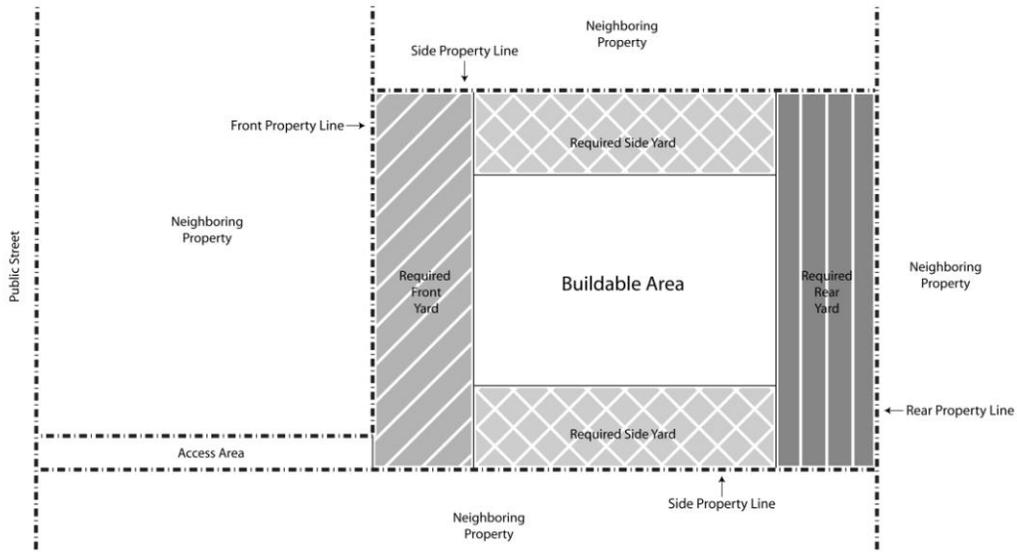
Lot Coverage. Lot coverage shall mean that portion of a lot or building site which is occupied by any building or structure, including uncovered paved areas, walks, and swimming pools, regardless of whether said building or structure is intended for human occupancy. It is a ratio or percent of the site encumbered by structures that only looks at the footprint of structures relative to the lot, making it a two-dimensional unit of measure.

Lot Depth. Lot depth shall mean the horizontal distance between the front and rear lot lines measured on the longitudinal center line.

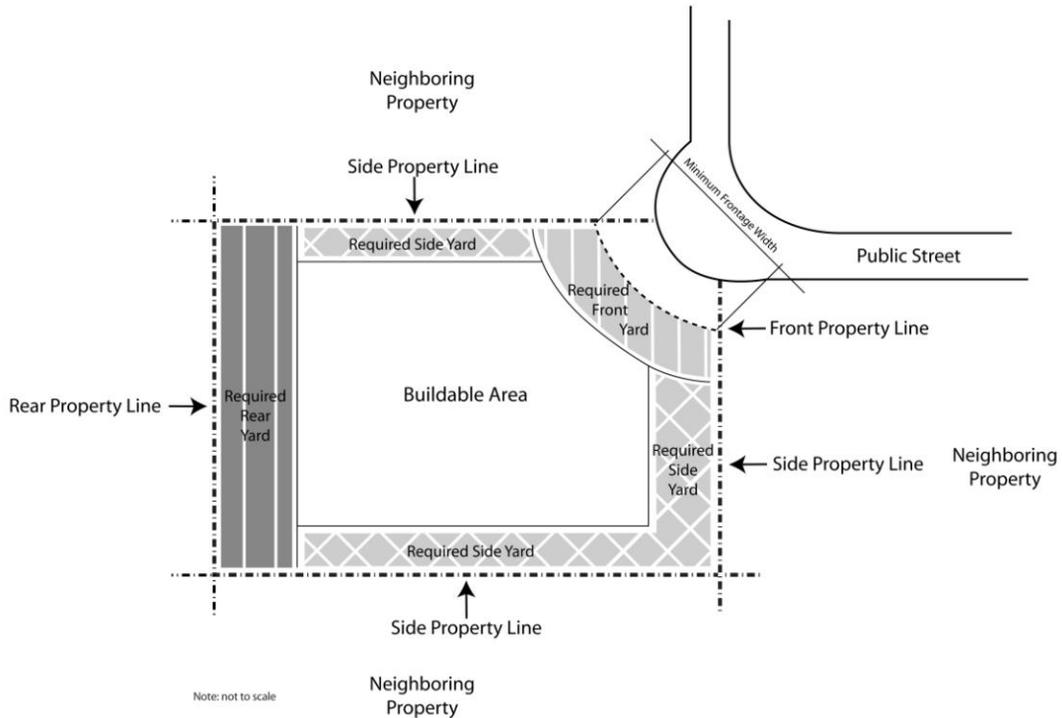
Lot Frontage. Lot frontage shall mean the portion of a property that abuts one side of a public street which allows access to the property.

Lot Line, Front. Front lot line shall mean, in the case of an interior lot, a line separating the lot from the street; in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street. In the case of a flag lot, it shall be the property line that abuts the access corridor (see figure 9-12-4-2). In the case of lots along cul-de-sacs, elbows, or other similar roadways where the property does not comply with the minimum frontage requirements of this title, the front lot line for purposes of determining setbacks shall be measured from an imaginary line drawn parallel to the property line along the street and with a minimum length equal to the minimum frontage (see figure 9-12-4-3).

**Figure 9-12-4-2
FLAG LOT**

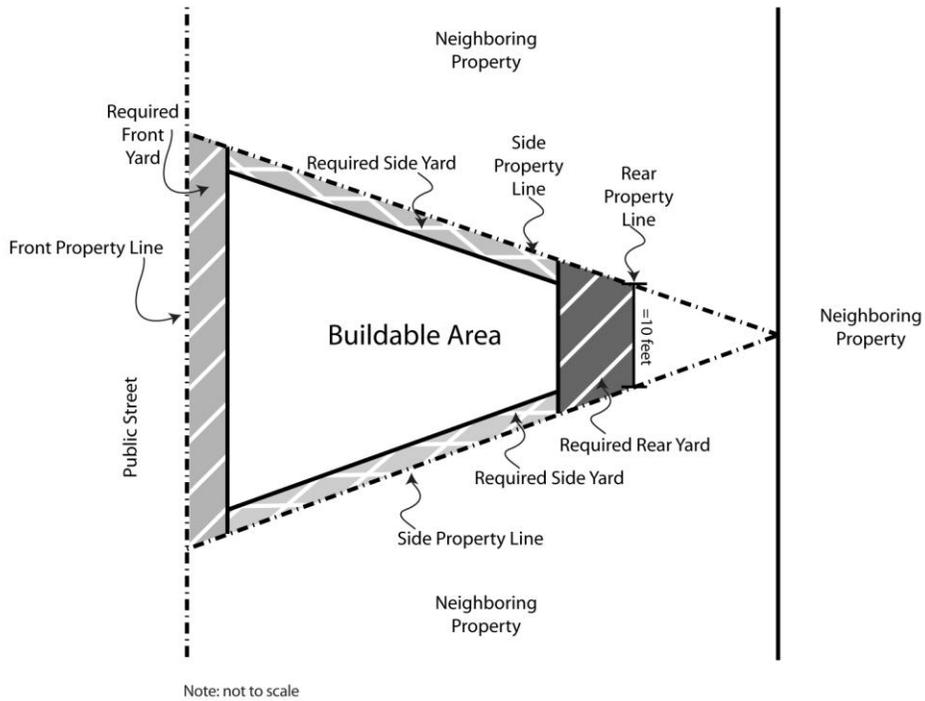
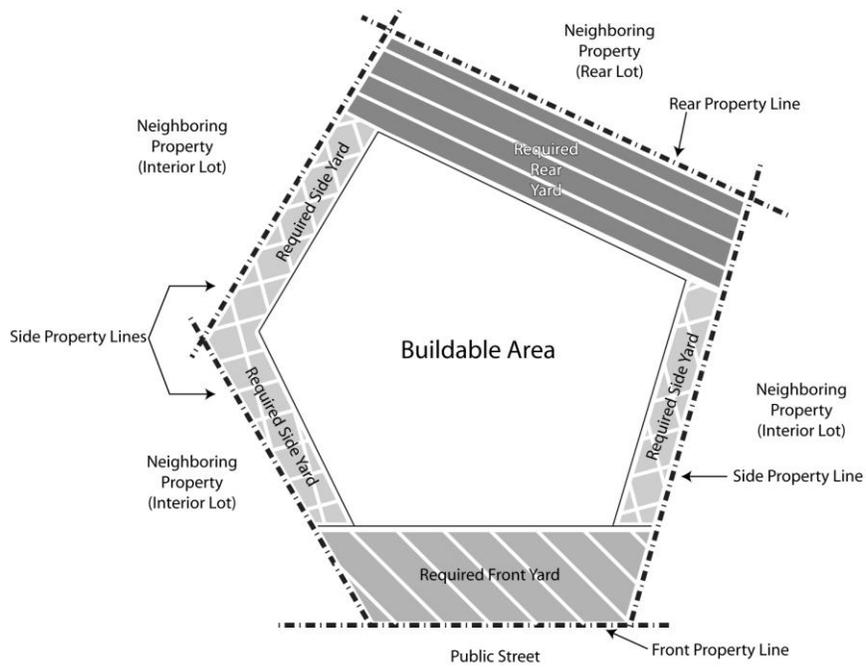


**Figure 9-12-4-3
CUL-DE-SAC, ELBOW, AND SIMILAR LOTS**



Lot Line, Rear. Rear lot line shall mean a lot line which is opposite and most distant from the front lot line and, in case of an irregular, triangular, or gore-shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line (see figure 9-12-4-4).

Figure 9-12-4-4
IRREGULAR AND CONVERGING LOTS



Lot Line, Side. Side lot line shall mean any lot boundary line not a front lot line or a rear lot line.

Lot Line, Street Side. Street side lot line shall mean a side lot line that abuts a public street.

Lot Width. Lot width shall mean the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Property Line. See Lot Line.

Setback. Setback shall mean the minimum distance between a structure and a property line of the lot, measured at a right angle from the designated property line.

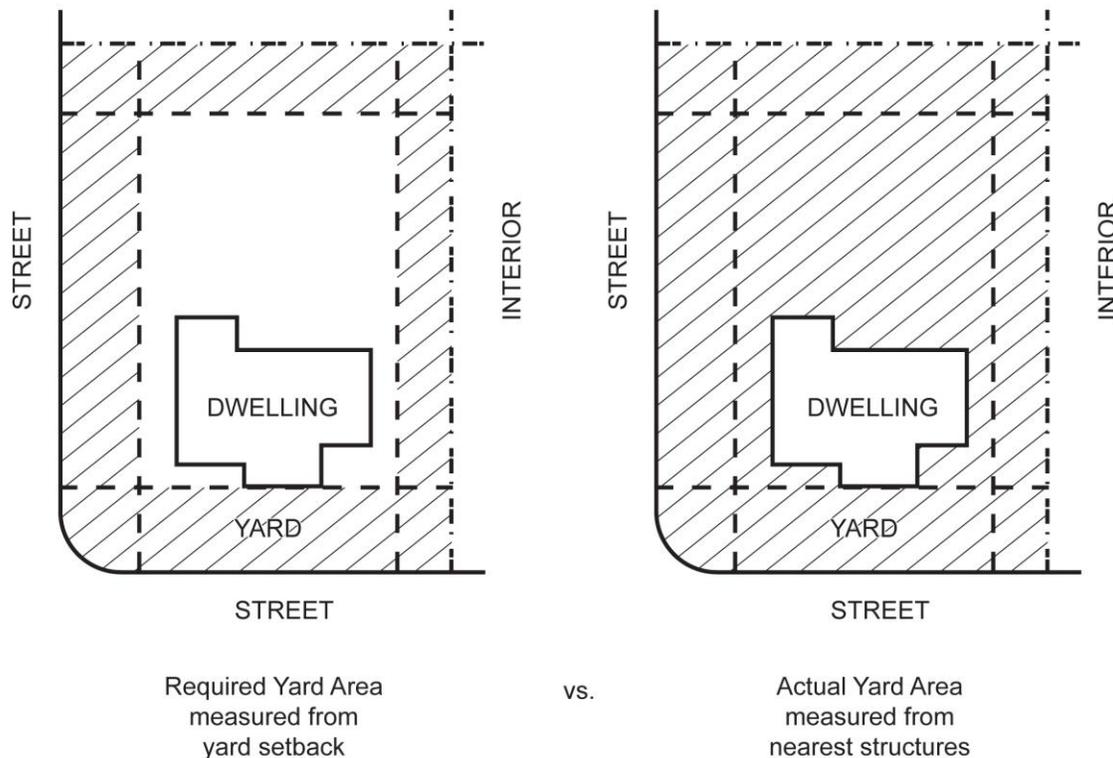
Yard. Yard shall mean an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title. Types of yards include the following:

1. **Yard, Front.** Front yard shall mean a yard extending across the full width of the lot between the front of the main building and the front lot line. The depth of the required front yard shall be measured horizontally between the nearest part of the closest building and the nearest point of the front lot line.
2. **Yard, Rear.** Rear yard shall mean a yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.
3. **Yard, Side.** Side yard shall mean a yard, between a building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the closest building.
4. **Yard, Side Street.** Street side yard shall mean a yard, between a building and the side lot line adjacent to the street right-of-way, extending from the front yard to the rear yard. The depth of the required side street yard shall be measured horizontally between the nearest part of the closest building and the nearest point of the side lot line adjacent to the street.

Yard Area, Actual. Actual yard area shall mean the area of a lot that is unencumbered by structures and not a required yard area.

Yard Area, Required. Required yard area shall mean the required yard area (front, interior side, street side, and/or rear) of a lot is the horizontal area between the property line and the minimum setback distance for the respective yard pursuant to article 9-5B.

**Figure 9-12-4-5:
Actual and Required Yard Area**



9-12-5 Residential Accessory Structure Terms

The following are definitions for unique terms used in this title relative to accessory structures as regulated in section 9-5A-8 (residential accessory structures).

Accessory Building. Accessory building means a detached structure ten square feet in size or greater. Such structures are broken down into one of the following three categories:

1. Fully Enclosed. Structures that are enclosed with walls for at least fifty percent (50%) of the perimeter of the building. These include but are not limited to garages, greenhouses, poolhouses, sunrooms, workshops, storage sheds, barns, windmills, water towers, and other agricultural outbuildings;
2. Limited/No Enclosure. Structures that are substantially open on all sides (less than fifty percent (50%) of the perimeter is enclosed), including:
 - a. With solid roofs. These include but are not limited to carports, solid roofed patio covers and gazebos, and lean-tos and similar agricultural outbuildings with solid roof construction; and
 - b. With substantially open roofs. These include trellis patio covers, arbors, pergolas, and similar structures constructed with a lattice-like roof structure. For purposes of this

definition “substantially open” shall mean a minimum of fifty percent (50%) of the covered area is open to light and air.

Accessory Structure. Accessory structure means a detached structure or building which is subordinate to, and the use of which is subordinate to, and whose use is customarily incidental to, that of the main building, structure, or use on the same or attached/adjacent lot. Accessory structures include accessory buildings, landscape features, pool/spas, deck, and play equipment.

Deck. Deck means an exterior floor supported by posts, piers, or other independent supports. As an accessory structure, a deck is not attached by an adjacent structure (e.g., dwelling).

Landscape Feature. Landscape feature means a detached decorative structure that is placed outside of any other structure. Such features are sometimes used in conjunction with plant materials for aesthetic enhancement. This definition includes trellises and vertical lattice structures less than ten square feet in size, statues, fountains/water features, and similar features.

Play Equipment. Play equipment means any structure used for recreational purposes including play structures, jungle gyms, and swings, as defined in the California Building Code.

Pool/Spa. Pool/spa, as defined in the city adopted building code, any structure intended for swimming or recreational bathing that contains water over eighteen inches (18”) deep. This includes in-ground, aboveground, and on-ground swimming pools, hot tubs, and spas. Also includes incidental equipment and housing (e.g., pumps, heating equipment, etc).

9-12-6 Sexually Oriented Business Terms

The following are definitions for unique terms used in this title relative to sexually oriented businesses as regulated in chapter 9-4 (use regulations).

Employee. For purposes of a sexually oriented business, employee shall mean a person who works or performs in and/or for a "sexually-oriented business", regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.

Establishing. For purposes of a sexually oriented business, establishing shall mean and includes any of the following:

1. The opening or commencement of any business as a new business subsequent to the effective date of the ordinance codified herein; or
2. The conversion of any existing business (whether or not a "sexually-oriented business") to a "sexually-oriented business", as defined in this chapter, subsequent to the effective date of the ordinance codified herein; or
3. The addition of any "sexually-oriented business", as defined in this chapter, to any other existing "sexually-oriented business"; or
4. The relocation of any "sexually-oriented business".

Nude, Nudity, or State of Nudity. Nude, nudity, or state of nudity shall mean the appearance or showing of the human bare buttock, anus, male genitals, female genitals, areola or nipple of the female breast, pubic hair, or pubic region.

Sexually-Oriented Materials. Sexually-oriented materials shall mean any physical object or visual image, however stored, recorded, or manifested, that is offered for sale, rental or viewing and that simulates, depicts or describes "specified anatomical areas" or that is offered for sale or rental for use in "specified sexual activities" (other than condoms sold in conformity with laws otherwise applicable).

Significant Or Substantial Portion. For purposes of a sexually oriented business, significant or substantial portion shall mean that fifteen percent (15%) or more of interior floor space or display space is devoted to depiction of "specified sexual activities" or "sexually-oriented materials", or that fifteen percent (15%) or more of actual stock in trade regularly displayed and immediately available for use, rental, purchase, viewing or perusal is comprised of "sexually-oriented materials", as defined in this section.

Specified Anatomical Area. Specified anatomical area shall mean and includes any one or more of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activity. Specified sexual activity shall mean and includes without limitation any of the following:

1. Fondling, including:
 - a. The fondling or other intentional touching of one's own or another's human genitals, pubic region, pubic hair, perineum, anus, or female breast, whether the person so touched is nude, semi-nude, or clothed or covered; or
 - b. The fondling or other intentional touching of the buttock of any nude or semi-nude person; or
2. Sex acts, normal or perverted, actual or simulated, whether the actor or actors is or are nude, semi-nude, or clothed or covered, including actual or simulated vaginal intercourse, anal intercourse, oral copulation, sodomy, oral-anal copulation, bestiality, flagellation or masochism or torture in the context of a sexual act, anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, or sapphism; or
3. Whether the actor is nude, semi-nude, or clothed or covered, acts of human masturbation, actual or simulated; animal masturbation, actual or simulated; erotic or lewd touching of an animal, actual or simulated; or human or animal ejaculation, actual or simulated; or
4. Human genitals in a state of sexual stimulation, arousal or tumescence discernible to any other person or male genitals in a discernibly turgid state, even if completely and opaquely covered; or
5. The display or showing of excretory, urinary, or female menstrual functions or vaginal or anal irrigation as part of or in connection with any of the activities set forth in subsections 1 through 4 of this definition; or

6. Dancing by one or more live persons in a manner that exposes to the view of any other person a "specified anatomical area" or that constitutes the public simulation by a clothed person of any "specified sexual activity".

Substantial Enlargement of a Sexually Oriented Business. Substantial enlargement of a sexually oriented business shall mean an increase in the floor areas occupied by the business by more than fifteen percent (15%) as the floor areas exists on June 7, 1996.

Transfer of Ownership or Control of a Sexually Oriented Business. Transfer of ownership or control of a sexually oriented business shall mean and includes any of the following:

1. The sale, lease or sublease of the business; or
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
3. The establishment of a trust, gift or other similar legal devise which transfers ownership or control of the business, except for transfer by request or other operation of law upon the death of a person possessing the ownership or control.

9-12-7 Sign Terms

Held for future release.

9-12-8 Telecommunication Facilities Terms

The following are definitions for unique terms used in this title relative to telecommunication facilities as regulated in chapter 9-4 (use regulations).

Antenna. Antenna shall mean any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure, or is portable or movable. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

Antenna, Amateur Radio. Amateur radio antenna shall mean any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Antenna, Building-Mounted. Building-mounted antenna shall mean any antenna directly attached or affixed to a building, tank, tower, or other structure. Building-mounted antenna are identified in two distinct categories herein as follows:

1. Wall-mounted. Attached or affixed to the elevation of the structure; and
2. Roof-mounted. Attached or affixed to the rooftop or top of the structure.

Antenna, Directional (also known as a panel antenna). Directional antenna shall mean an antenna that transmits and/or receives radio frequency signals in a directional pattern of less than three hundred and sixty degrees (360°).

Antenna, Ground-Mounted. Ground-mounted antenna shall mean any antenna with its base (either single or multiple posts) placed directly on the ground or a mast twelve feet (12') or less in height and six inches (6") in diameter.

Antenna, Parabolic (also know as satellite dish antenna). Parabolic antenna shall mean any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl, or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern from orbiting satellites or ground transmitters. This definition is meant to include what are commonly referred to as television receive only (TVRO) and satellite microwave antennas.

Collocation. Collocation shall mean a wireless communication facility owned and operated by a communication service provider which is located on the same tower, building, accessory structure, or property as another communication facility owned or operated by a different communication service provider.

Direct Broadcast Satellite Service (DBS). Direct broadcast satellite service shall mean a system in which signals are transmitted directly from a satellite to a small home receiving dish.

Electromagnetic. Electromagnetic shall mean an electrical wave propagated by an electrostatic and magnetic field of varying intensity.

Satellite Earth Station. Satellite earth station shall mean a facility consisting of more than a single satellite dish or parabolic antenna that transmits to and/or receives signals from an orbiting satellite.

Tower. Tower shall mean a mast, pole, monopole, lattice tower, or other structure designed and primarily used to support antennas. This definition includes ground-mounted structures twelve feet (12') or greater in height and building-mounted structures that extend above the roofline, parapet wall, or other roof screen with a mast greater than six inches (6") in diameter

9-12-9 General Terms

The following are definitions for unique general terms used throughout this title.

Accessory Use. Accessory use shall mean a land use that is in addition to, secondary and incidental to, and commonly associated with the primary use.

Administrative Decisions. Administrative decisions means decisions that require limited interpretation or exercise of policy or legal judgment in evaluating approval criteria because the decision is made according to specific criteria where little to no discretion is involved. Examples include zoning clearance as part of an application for a building permit.

Administrative Use Permit. See use permit.

Appeal Authority. Appeal authority means that the identified authority is the designated appeal authority for the application in the event that an appeal is filed pursuant to section 9-2A-7 (appeals).

Applicant. Applicant shall mean the owner(s) or proponent(s) with a controlling interest in the proposed project and any successors in interest.

Arcade. Arcade shall mean a continuously covered public space open on the sides, except for structural columns or piers, adjacent to and extending along the facade of a building. The space may be located between the facade and a sidewalk or another public space, or it may replace a sidewalk along a private street where no building setback is present.

Awning. Awning shall mean a roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Base Zoning District. Base zoning district shall mean the primary zoning district that applies to a property as listed in chapter 9-3 (zoning districts and map).

Building Height. Building height means the vertical distance from the ground to the highest point on the structure. See section 9-5A-2 for an explanation of how to determine height.

Building Official. Building official shall mean the chief building official of the city of Lemoore.

Building. Building means any structure having a roof, columns, walls, and foundation.

Build-To-Line. Build-to-line shall mean a distance dimension that delineates the maximum distance from the property line that a front or street side building façade can be placed. A distance other than the number listed is not allowed.

California Environmental Quality Act (CEQA). California environmental quality act (CEQA) shall mean §21000, et seq., as amended, of the California Public Resources Code.

City. City shall mean the city of Lemoore, California.

City Council. City council shall mean the city council of the city of Lemoore, which is the legislative body of the city and who has those duties as provided in chapters 9-1 and 9-2 of this title.

City Engineer. City engineer shall mean the city engineer of the city of Lemoore.

City Manager. City manager shall mean the city manager of the city of Lemoore.

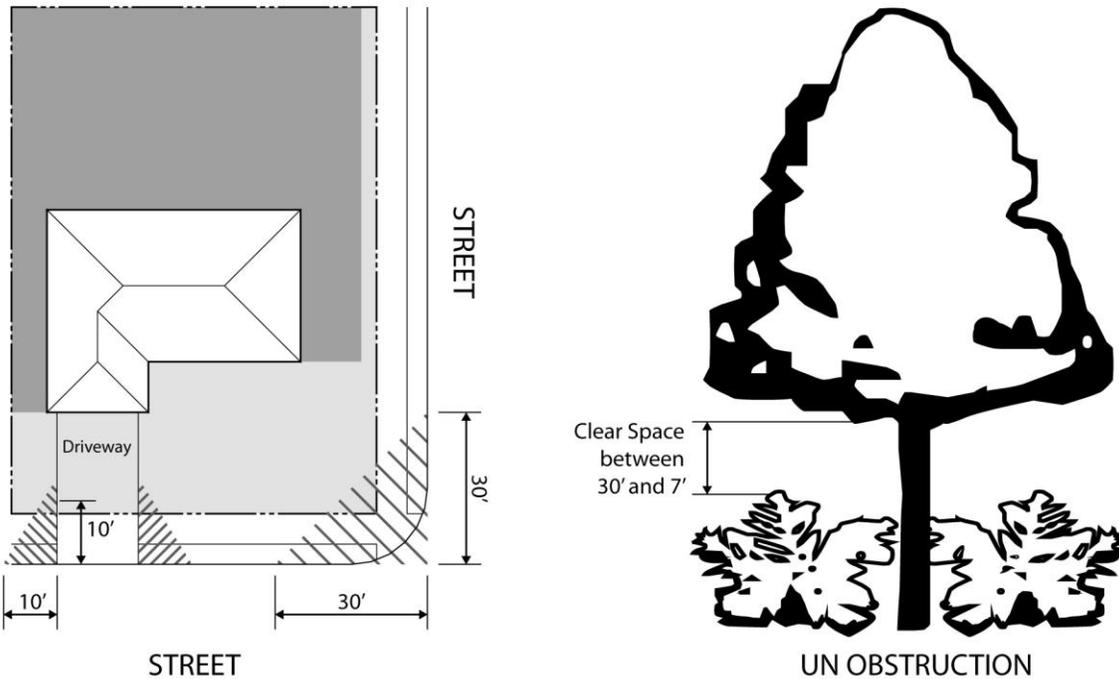
City Property. City property means land or other property in which the city of Lemoore holds a present right of possession and control, plus all public rights-of-way, plus public parks, regardless of ownership. Schools, even if publicly owned or operated, are not within this definition.

Clear Visibility Area. Clear visibility area shall mean a triangular-shaped area on corner lots or where driveways exit onto public streets. This area shall be kept unobstructed by any structure or landscape between thirty inches (30") and seven feet (7') above the surface of the public sidewalk as follows:

1. At any corner formed by the intersection of a driveway/alley and street, the cross-visibility area shall be a triangle having two sides ten feet (10') long and running along the driveway/alley edge and curb line of street, said length beginning at their intersection and the third side formed by a line connecting the two ends.

2. At any corner formed by the intersecting streets, the cross-visibility area shall be a triangle having two sides thirty feet (30') long and running along each curb line, said length beginning at their intersection and the third side formed by a line connecting the two ends.

**Figure 9-12-8-1:
CLEAR VISIBILITY AREA**



Commercial Vehicle. Commercial vehicle shall mean a motor vehicle used for commercial, industrial, or agricultural purposes and rated more than one (1) ton capacity. Examples of commercial use vehicles include, but are not limited to, tow trucks, flat-bed trucks, mobile food preparation vehicles including large trucks converted to food vehicles (e.g., ice cream truck), street sweepers, buses, utility trucks with hydraulic arms or lifts, and tractors and semi-trailers, etc.

Commissary. Commissary means a food facility approved by the Kings County public health department that services mobile food vehicles where any of the following occur: 1) food, containers or supplies are stored, 2) food is prepared or prepackaged for sale or service at other locations, 3) utensils are cleaned, and/or 4) liquid and solid wastes are disposed of or potable water is obtained.

Community Noise Equivalent Level (CNEL). Community noise equivalent level (CNEL) means weighted average of sound levels gathered throughout a twenty four (24) hour period.

Concertina Wire. Concertina wire shall mean a type of barbed wire or razor wire that is formed into large coils that usually sit atop another type of fencing.

Conditional Use Permit. See use permit.

Conditions of Approval. Conditions of approval shall mean those conditions placed on the approval of a planning permit or entitlement that are reasonable and necessary in order to ensure compliance with this title and to prevent adverse or detrimental impact to the surrounding neighborhood.

Custom Home. Custom home means a home whose floor plan is only used once in a subdivision.

Development. Development shall mean a proposed or already constructed building or group of buildings.

Development Agreement. Development agreement shall mean an agreement between the city and a property owner and/or developer for purposes of modifying development rules, regulations, and policies governing permitted uses of land and density, and governing design, improvements, construction standards and specifications, and phasing applicable to development of the property involved in the agreement as provided in §65864 through §65869.5, as amended, of the California Government Code.

Developed Site. Developed site means a site that has paved concrete or asphalt parking surfaces and paved ingress and egress as well as landscaping that meets city standards.

District or Zone. District or zone means a portion of the city within which certain uses of land and buildings are permitted or prohibited, certain yards and other open spaces are required, and certain height limits are established for buildings.

Environmental Impact Report (EIR). Environmental impact report (EIR) shall mean, as defined in §21061, as amended, of the California Public Resources Code, a detailed report providing information or data relevant to determining the effect a proposed project is likely to have on the environment and ways in which the significant effects of such a project might be minimized.

Establishment. Any non-residential use of land involving structures, as defined in the Building Code, and the presence of human beings during normal hours of operation. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices, and libraries, but does not include power transformer or other utility facilities at which human beings are usually not present, single-family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums.

Fence and/or Wall. Fence and/or wall means a vertical structure used to prevent the passage of people and animals or obstruct views, air, or light. This does not include structures or portions of structures designed to support a roof, awning, or other horizontal structure, such as the wall of a building. Wing walls or other extensions of a building wall that do not support the building shall be included in the definition of a fence for purposes of this title.

Final Authority. Final authority means that the identified authority is the designated approving authority for the application.

Form Based Zoning. Form based zoning provides a method of regulating development to achieve a desired urban form characterized by a uniform street and circulation system, building typologies and street frontage requirements. Form based provisions address the relationship between building facades

and the public realm (e.g., streets and sidewalks), the form and mass of buildings, and the size, character, and type of streets and blocks.

General Plan Amendment. General plan amendment means a planning process for approving an amendment to the General Plan of the city of Lemoore, including the land use map.

Grade, Existing. Existing grade shall mean the natural grade in place prior to the preparation of property for development.

Grade, Finish. Finish grade shall mean the final contour of the ground surface of a site that conforms to the approved grading plan.

Grade. Grade shall mean the lowest point of elevation of the finished surface of the ground.

Highway Oriented Sign Permit. Highway oriented sign permit shall mean that discretionary permit for the approval of commercial signs that are oriented to the highway as defined in this title.

Home Occupation Permit. Home occupation permit shall mean a permit for the operation of a home occupation.

Kitchen. Kitchen shall mean a room or space within a building used or intended to be used for the cooking or preparation of food, which includes at a minimum:

1. A stove, oven, range top, or provisions for future installation of a stove, oven, or range top including a 220 volt outlet or gas piping stub out; and
2. At least one of the following:
 - a. A dishwasher, or
 - b. A kitchen sink that meets the definition of a “Kitchen, domestic sink” with a drainage fixture unit value of two (2.0) as described in the California Plumbing Code, as now existing or hereafter amended. A microwave alone shall not constitute a stove, oven, or range top for the purposes of this definition.

Landscape Wall. Landscape wall means a wall of stone, brick, block, wood, or similar material used to retain soil for purposes of creating a landscape area raised above the finish grade of the lot. A landscape wall does not function as a retaining wall as defined by this title.

Legislative Decisions. Legislative decisions means decisions that must be made by the city council. Legislative land use decisions apply to the general population and prescribe policy and require the greatest amount of discretion and evaluation of subjective approval criteria. A public hearing is required.

Master Home Plan. Master home plan means a home plan where the plan/home is being used multiple times within a single subdivision. Includes all variants of the same (or mirrored) floor plan where the exterior design has been altered to reflect a different architectural style but the interior floor plans are substantially the same.

Minor Deviation. Minor deviation shall mean a planning permit allowing flexibility in project design with regard to specific development standards by allowing deviations of up to ten percent (10%) in building height, setback, lot coverage, and parking.

Mitigated Negative Declaration. Mitigated negative declaration shall mean, as defined in § 21064.5 of the California Public Resources Code, a negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but

1. Revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and
2. There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

Negative Declaration. Negative declaration shall mean, as defined in §21064 of the California Public Resources Code, a written statement briefly describing the reasons that a proposed project will not have a significant effect on the environment and does not require the preparation of an environmental impact report.

Noise. Noise shall mean sound of any kind.

Nonconforming Structure. Nonconforming structure shall mean a structure (including signs) which is not permitted under the provisions of this title (or any amendments thereto) but was legally in place, with licenses and permits in current status, at the effective date of the ordinance codified in this chapter or any subsequent ordinance.

Nonconforming Use. Nonconforming use shall mean a use which is not permitted under the provisions of this title (or any amendments thereto) but was legally in place, with licenses and permits in current status, at the effective date of the ordinance codified in this chapter or any subsequent ordinance.

Non-ionizing Electromagnetic Radiation (NIER). Non-ionizing electromagnetic radiation, or NIER, shall mean electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.

Notice of Determination, CEQA. Notice of determination, as used in CEQA, shall mean, as defined in §15373 of Title 14 of the California Code of Regulations, a brief notice to be filed by a public agency after it approves or determines to carry out a project which is subject to the requirements of CEQA.

Notice of Exemption. Notice of exemption shall mean, as defined in §15374 of Title 14 of the California Code of Regulations, a brief notice which may be filed by a public agency after it has decided to carry out or approve a project and has determined that the project is exempt from CEQA as being ministerial, categorically exempt, an emergency, or subject to another exemption from CEQA.

Odor. Odor shall mean fumes emitted that are perceptible without instruments by a reasonable person at the lot line of the site.

Official Zoning Interpretation. Official zoning interpretation means the process for clarification of ambiguity in the regulations of this title in order to provide consistent interpretation and application. See section 9-2B-7 (official zoning interpretations).

Open View Fencing. Open view fencing shall mean fencing that does not create a solid visual barrier, such as wrought iron or tubular steel.

Overlay Zoning District. Overlay zoning district shall mean that/those supplemental zoning district(s) that apply to a property in addition to the base zoning district as listed in chapter 9-3 (zoning districts and map).

Parking Facility. Parking facility shall mean a public or shared parking lot.

Particulate Matter and Air Contaminants. Particulate matter and air contaminants shall mean smoke, sulfur compounds, dust, soot, carbon, noxious acids, gases, mist, odors, or particulate matter, or other air contaminants or combination which exceed any local, state, or federal air quality standards or which might be obnoxious or offensive to anyone residing or conducting business either on-site or abutting the subject site. 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 San Joaquin Valley Air Pollution Control District.

Paseo. Paseo shall mean a public space that is located within a block's interior and that connects two streets that are parallel or within forty five degrees (45°) of being parallel to each other

Pedestrian Pathways. Pedestrian pathways shall mean the infrastructure that provides a safe pedestrian circulation system throughout the development site that minimizes the conflict between pedestrians and vehicular traffic at all points, including parking areas and building access points.

Planned Unit Development. Planned unit development shall mean a planning process for the review of development looking at the diversity in the relationship between buildings and open spaces.

Planning Agency. Planning agency shall mean the planning agency of the city of Lemoore as required by §65100 of the California Government Code, including the planning director, city manager, planning commission, and city council.

Planning Commission. Pursuant to §65101 of the California Government Code, the planning commission shall mean the planning commission of the city of Lemoore as established in chapter 2-1 of this municipal code and assigned the duties as provided in chapters 9-1 and 9-2 of this title.

Planning Director. Planning director shall mean the planning director of the city of Lemoore, who oversees, manages, and directs the efforts of the planning department.

Prepared Food. Prepared food means food sold at retail that, prior to such sale, is washed, cooked or combined or otherwise prepared at the vending facility.

Prezoning. Prezoning means a zoning designation, formally adopted by the city, that applies to property outside of the existing limits in advance of annexation of the area into the city. The zoning districts

applied through a rezoning do not take effect until the annexation is approved and recorded by the Kings County Local Agency Formation Commission.

Primary Use. Primary use shall mean the main purpose for which a site is developed and/or used, including the activities that are conducted on the site a majority of the hours during which activities occur. A site may have more than one primary use.

Public Hearing. Public hearing means a meeting held by the designated approving authority (i.e., the planning commission or city council) that is open to the public and at which the approving authority transparently deliberates a planning permit or entitlement and accepts testimony from the public as required by the provisions of this title or state statute. During a public hearing, the applicant for a project and all other persons shall have the right to be represented, provide testimony, and present evidence. Following the completion of testimony at a public hearing, action shall be taken by the approving authority to approve, conditionally approve, deny, continue, or take under advisement the subject of the public hearing. The public shall be provided with advance notice of all public hearings in compliance with state law, as applicable. See section 9-2A-6 (public notice, hearings, and decisions) for more information.

Quasi-Judicial Decisions. Quasi-judicial decisions means decisions typically involving some level of discretion or policy determination on the part of the approving authority's action and involve making a set of findings as part of the approval process. A public hearing is held, evidence is weighed, and conclusions are drawn. The approving authority uses this information as the basis for their decision.

Reasonable Accommodation. Reasonable accommodation, as required by law, means a planning permit that provides a process for individuals with disabilities to make requests for reasonable accommodation for relief from the various land use, zoning, or rules, policies, practices, and/or procedures of the city.

Recommending Authority. Recommending authority means that the identified authority makes a recommendation on the application to another body.

Recreational Vehicles (RV). Recreational vehicle shall mean an enclosed piece of equipment dually used as both a vehicle and a temporary travel home. Travel trailers are included under this definition. RVs are intended for everything from brief leisure activities, such as vacations and camping, to full-time living.

Retaining Wall. Retaining wall means a wall constructed as part of the development of the site through the issuance of a grading permit or as part of a roadway improvement project that is designed and engineered to retain soil for purposes of soil stabilization.

Rezoning. Rezoning means a planning permit that changes the zoning designation on a piece of property within the city as recorded on the zoning map.

Right-of-Way Line. Right-of-way shall mean the future right-of-way line or plan lines of any highway or street as shown on the current circulation plan of the city's general plan.

Roofline. Roofline means the ridge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Sign Program. Sign program shall mean a written description of the signs for new multi-tenant shopping centers, office parks, and other multi-tenant, mixed use, or otherwise integrated developments of three (3) or more separate tenants/uses that share buildings, public spaces, landscape, and/or parking facilities.

Similar Use Determination. Similar use determination shall mean a formal action to determine whether or not a proposed use is similar to a permitted or conditionally permitted use and whether such proposed use may be permitted in a particular zoning district. See section 9-2B-7.

Site Plan and Architectural Review. Site plan and architectural review shall mean that process for the review of the design and layout of new development in the city to ensure that it is consistent with the regulations of this title and will not result in a detriment to the city or the environment.

Specific Plan. Specific plan shall mean a specific plan for the implementation of the city's general plan as provided in §65450 of the California Government Code.

Structure. Structure means anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. Examples include, but are not limited to, buildings, fences and walls, pools, patio covers, decks, and signs. All buildings are considered structures but not all structures are considered buildings.

Temporary Use. Temporary use shall mean a use established for a limited time with the intent to discontinue the use upon expiration of the time period.

Temporary Use Permit. Temporary use permit shall mean an administrative permit, issued by the city, for qualifying short-term activities.

Title. Title shall mean this title of the city of Lemoore municipal code (title 9).

Trailers. Trailers shall mean an unpowered vehicle pulled by a powered vehicle. Commonly, the term trailer refers to such vehicles used for transport of goods and materials. Travel trailers are considered recreational vehicles.

Tree Permit for Trees on Private Property. Tree permit for trees on private property shall mean a permit issued by the city authorizing the removal, relocation, or topping of those trees specific in this title that are on private property.

Use Permit. Use permit means a planning permit issued by the city for the establishment of a specific use of land within the city. In approving the use permit, the city may establish reasonable conditions on the use. There are two types of use permits – administrative use permits, which are reviewed and decided by the planning director; and conditional use permits, which are reviewed and decided by the planning commission.

Use. Use means the purpose for which land or a building thereon is designed, arranged, or intended or for which it is or may be occupied or maintained.

Variance. Variance means a planning permit that approves, based on a quasi-judicial decision at meets findings, exceptions to the development standards and provisions of this title in cases where, because of special circumstances applicable to the property, the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zoning districts.

Vessel. Vessel shall mean watercraft used or capable of being used as a means of transportation on water.

Zoning Code Amendment. Zoning code amendment means a planning process for approving an amendment to this title consistent with the city's general plan and/or specific plans.

Zoning Code. Zoning code shall mean this title of the city of Lemoore municipal code (title 9).

Zoning Map. Zoning Map means the map identifying the designations, locations, and boundaries of the Zoning Districts established by this Title. This map and all notations and information on it are a part of this Title by reference.

Zoning Clearance. Zoning clearance means an administrative process, completed as part of the building permit review or similar administrative permit issuance that ensures the proposed activity or construction is consistent with applicable sections and standards of this title. See section 9-2B-3 (zoning clearance) for more information.