

ORDINANCE NO. 2012-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMOORE
AMENDING VARIOUS TITLES AND CHAPTERS OF
THE LEMOORE MUNICIPAL CODE
FOR CONSISTENCY WITH THE 2030 GENERAL PLAN
(ZONE CHANGE #2010-01)**

WHEREAS, on May 6, 2008, the City Council adopted Resolution #2008-27, A Resolution of the City Council of the City of Lemoore Adopting the City of Lemoore 2030 General Plan; and

WHEREAS, Government Code §65860 requires that city zoning ordinances be consistent with the general plan of the city §65860(c) requires that if a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended; and

WHEREAS, on March 16, 2010, the City Council initiated a comprehensive update to the City's Zoning and Development Code; and

WHEREAS, the City held eight public workshops concerning the development and content of the new Zoning and Development Code on May 8, 2010, June 28, 2010, August 23, 2010, November 8, 2010, January 10, 2011, October 10, 2011, November 14, 2011, and December 12, 2011; and

WHEREAS, Government Code §65854 requires that the planning commission hold a public hearing on the proposed zoning ordinance or amendment to a zoning ordinance and that the hearing be publicly noticed as required by §65090; and

WHEREAS, Government Code §65855 requires that at the conclusion of the planning commission hearing, the planning commission make a written recommendation to the legislative body concerning the adoption of the zoning ordinance, including the reasons for the recommendation and the relationship of the proposed ordinance or amendment to the applicable general plan policies; and

WHEREAS, a public notice of the Planning Commission hearing was provided and published consistent with the requirements of Government Code §65090 on January 7, 2012; and

WHEREAS, on January 23, 2012, the Planning Commission held a public hearing to review and consider the draft Zoning and Development Code and consider all of the information presented by staff and public testimony presented in writing and at the meeting and at the conclusion of this meeting voted 7-0 to pass Resolution #2012-04, making recommendation to the city council regarding adoption of the draft zoning and development codes; and

WHEREAS, a public notice of the City Council hearing was provided and published consistent with the requirements of Government Code §65090 on February 11, 2012; and

WHEREAS, on February 21, 2012, the City Council held a public hearing to review and consider the draft Zoning and Development Code and consider all of the information presented by staff and public testimony presented in writing and at the meeting and continued that hearing to a date certain of March 20, 2012; and

WHEREAS, on March 20, 2012, the City Council continued the public hearing, considered additional revisions, and accepted additional public comment;

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

Section 1. REPEAL

The following portions of the Lemoore Municipal Code are hereby repealed:

- Chapter 2-2 (Board of Zoning Adjustment);
- Chapter 4-3 (Alcoholic Beverage License; Public Convenience or Necessity);
- Chapter 7-3 (Street Naming);
- Chapter 7-10 (City Maintenance Districts);
- Chapter 8-7 (Subdivisions);
- Chapter 8-8 (Flood Damage Prevention);
- Chapter 8-9 (Housing Incentives); and
- Title 9 (Zoning), including the Official Zoning Map.

Section 2. ADOPTION

The following, are hereby adopted into the Lemoore Municipal Code:

- Chapter 5-6 (Noise);
- Chapter 7-3 (Street Naming);
- Chapter 7-10 (City Maintenance Districts);
- Chapter 7-12 (Encroachments);

- Chapter 8-7 (Land Division) (*excluding Article 8-7E for future use*);
- Chapter 8-8 (Flood Damage Prevention); and
- Title 9 (Zoning), including the Official Zoning Map –Exhibit 3

Section 3. FINDINGS

The City Council adopts this Ordinance based upon the following findings:

California Environmental Quality Act

Finding: The proposed amendments to the City of Lemoore Municipal Code, as described herein, are exempt from the California Environmental Quality Act pursuant to section 15183 of the State CEQA Guidelines (Division 6 of Chapter 3 of Title 14, of the California Code of Regulations).

Evidence: The proposed Zoning and Development Codes are an implementation of the General Plan goals, policies, and action items and, as such, are consistent with the General Plan. State CEQA Guidelines provides an exemption from CEQA for projects that are consistent with a General Plan for which an EIR was prepared. Specifically, State Guidelines section 15183 provides that “if an impact is not peculiar to...the project, has been addressed as a significant effect in the prior EIR...then an additional EIR need not be prepared for the project solely on the basis of that impact.” Because the attached Zoning and Development Codes are consistent with the General Plan, their adoption qualifies for the Section 15183 exemption and no further environmental review is required.

Finding of Consistency with the General Plan

Finding: The proposed amendments to the City of Lemoore Municipal Code, as described herein, are consistent with the City’s General Plan.

Evidence: The intent of the Zoning and Development Codes Update is to comprehensively update the City’s Municipal Code for consistency with the General Plan. To that end, the proposed code amendments establish and provide consistency with the General Plan in the following ways:

1. *Revising existing and establishing new Zoning districts that mirror the General Plan land use designations, including setting appropriate land use densities and development standards to ensure compliance with the General Plan (LU-I-6).*

The new Zoning Code includes a comprehensive update to the zoning districts. Specifically, the names, symbols, and development standards have been updated based upon the policies, allowed density, and floor area ratios provided in the General Plan. Further, the allowed use regulations for each district have been reviewed and updated to address specific policy direction (see additional discussion below) in the General Plan and to reflect the land use classification discussion in the Land Use Element.

2. *Establishing provisions for providing density bonuses consistent with State law (LU-I-16).*

Existing chapter 8-9 (Housing Incentives) of the Municipal Code is to be repealed and replaced with new article 9-5G (Affordable Housing Incentives (Density Bonus)), which reflects the minimum requirements for providing density bonus for residential development as provided in §65915, et seq. of the Government Code.

3. *Requiring pedestrian-oriented design and gathering spaces in neighborhood centers to facilitate a small town atmosphere (LU-I-21).*

Article 9-5C (Architecture and Site Development Standards) provides standards and requirements for commercial centers. Specifically, it requires public spaces and pedestrian amenities including plazas, landscaping, seating, and building entrances oriented to the street.

4. *Allowing residential above retail and neighborhood serving offices in neighborhood centers (LU-I-22).*

As provided in the updated allowed uses listing (Table 9-4B-2), retail and neighborhood serving office uses are allowed in the neighborhood commercial zoning district.

5. *Facilitating the revitalization of existing blighted commercial/industrial areas by allowing mixed uses, infill, and/or increased density on site (LU-I-23).*

Through the updated allowed uses listing and the rezoning of commercial properties to the new neighborhood and regional commercial zoning districts, as well as the mixed use zoning district, existing commercial centers are presented with more opportunities for a range of uses, including mixes with residential and office uses, and higher floor area ratios.

6. *Allowing office uses in regional commercial shopping centers (LU-1-24).*

As provided in the updated allowed uses listing (Table 9-4B-2), office uses are allowed in the regional commercial zoning district.

7. *Establishing regulations and development standards for mixed use centers (LU-I-25 through 27).*

Chapter 9-7 provides development standards for properties within the mixed use zoning district and General Plan land use category. Specifically, the chapter

establishes setback, height, parking location, and street/drive aisle design standards. It also addresses encroachments into pedestrian pathways. Chapter 9-7 also establishes a requirement for conceptual planning of access into mixed use centers. Article 9-5C (Architecture and Site Design) provides design requirements for all development types.

8. *Establishing the DMX-1 through 3 zones and providing unique development standards for the Downtown (LU-I-28 through 30).*

The Zoning Code establishes the DMX-1 through 3 zones as the base zoning districts for the Downtown. Chapter 9-6 (Downtown Development Standards) provides the development standards for these zones and includes standards for setback, height, building design, parking, signage, and outdoor spaces. These standards are presented in the format of the form-based code and are unique and separate for the other development standards elsewhere in the Code.

9. *Allowing accessory office uses and employee-serving amenities in industrial area (LU-I-35).*

As provided in the updated allowed uses listing (Table 9-4B-2), accessory office uses and employee-serving amenities are allowed in the industrial zoning districts.

10. *Requiring street landscaping in the form of parkways and medians (CD-I-6 and 7).*

Article 9-5D establishes landscaping requirements for new streets. Specifically, section 9-5D1-2-E-1 (Typical Street Elements and Widths) specifies the streetscape landscaping, including parkways and medians where specified by street type.

11. *Establishing setback and landscaping standards for development along the urban/rural edge (CD-I-1).*

Section 9-5B-3 establishes the urban-rural edge requirement and the setback requirements thereof, consistent with the General Plan.

12. *Establishing landscaped setbacks along arterial and collector streets (CD-I-8).*

Section 9-5D-1-2-E-2 establishes landscape buffer requirements for multi-family, commercial, office, and industrial developments. Buffers are required to be a minimum of 15 feet in width along arterial and collector streets.

13. Preserving and protecting heritage trees (CD-I-11).

The Zoning Code establishes a Tree Permit requirement for removal or work in the critical root zone of protected “heritage trees.” The requirements are imposed as part of the development review process. Section 9-5D1-4 establishes the specific protection and mitigation requirements for tree removal.

14. Updating parking lot screening requirements (CD-I-12).

Section 9-5E-5-B-12 of the Zoning Code establishes a screening requirement for parking lots, requiring a minimum screening height of three feet. Additionally, provisions in article 9-5D1 require landscaping along the boundary of parking lots.

15. Establishing design standards and architectural guidelines for all forms of development in the City (CD-I-15, 16, 20, 34, 36, 37, 38, 39, 40, 43, 45, 46, & 48).

Article 9-5C (Architecture and Site Design), along with chapter 9-6 (Downtown Development Standards), establishes architectural and site design standards for all types of development in the City.

16. Update of the signage regulation to cover all commercial signs, temporary signs, and highway-oriented signs, and prohibit billboards (CD-I-18).

The signage regulations, found in Article 9-5F, have been comprehensively updated and include regulations for all types of commercial signs, temporary signs, and highway-oriented signs. The regulations specifically prohibit billboards, defined as any off-site commercial message.

17. Establish special development and design standards for the Downtown (CD-I-23, 24, 25, 29, & 30).

The Zoning Code establishes the DMX-1 through 3 zones as the base zoning districts for the Downtown. Chapter 9-6 (Downtown Development Standards) provides the development standards for these zones and includes standards for setback, height, building design, parking, signage, and outdoor spaces. These standards are presented in the format of the form-based code and are unique and separate for the other development standards elsewhere in the Code.

18. *Establish design and landscaping requirements for retail centers (CD-I-31, 32, 33, 34, 35, & 36).*

Articles 9-5C (Architecture and Site Design) and 9-5D1 (Landscaping Standards) establish architecture, site design, and landscaping standards for commercial development.

19. *Establish design standards for mixed use centers (CD-I-37, 38, & 39).*

Chapter 9-7 (Mixed Use Development Standards) and article 9-5C (Architecture and Site Design) establish design standards for mixed use centers, including site layout, architecture, drive aisle design and character, parking layout, and pedestrian amenities.

20. *Establish design standards for professional office and industrial development (CD-I-40).*

Article 9-5C (Architecture and Site Design) establishes architecture and site design requirements for professional office and industrial development.

21. *Update permit requirements so that the Planning Commission reviews new construction and alterations to existing commercial and industrial buildings (CD-I-43).*

Chapter 9-2 establishes the City's planning permit and entitlements and identifies the approving authority for each permit. The Planning Commission has been identified as the approval authority for major site plan and architectural reviews, conditional use permits, and variances.

22. *Establish development standards for new neighborhoods (CD-I-44).*

Article 8-7J (Subdivision Design Standards) provides the design standards for new neighborhoods and other subdivisions of land. These standards have been updated based upon the policies of the General Plan.

23. *Update standards for carports and temporary car shelters (CD-I-49).*

Section 9-5A-8 (Residential Accessory Structures) includes setback and height limits for carports and other temporary car shelters.

24. *Include standards for fences and walls (CD-I-56).*

Section 9-5A-7 provides standards for fences and walls. This section specifically includes design requirements, including types of materials allowed, requirement

for graffiti-resistant surface, landscaping, perimeter walls for residential subdivisions, and fencing for commercial, industrial, and multi-family uses.

25. Establish outdoor lighting standards (CD-I-63 & 64).

Section 9-5A-6 (Outdoor Lighting) provides standards for outdoor lighting, including prohibition on certain types of lighting, maximum lighting levels, and requirements for the preparation of a lighting study for specific types of uses that are most likely to impact the small-town character of the community. The standards address the “dark skies” goal of the General Plan.

26. Require bicycle parking facilities at commercial and industrial sites, including racks and lockers that are integrated into the overall site and building design (C-I-30).

Section 9-5E-7 establishes parking requirements for nonresidential and multi-family uses. It specifically requires bike parking at a ratio of 10% of the total vehicular parking provided, with no less than two spaces. It also provides design standards for bike parking facilities.

27. Include standards for pedestrian circulation in commercial development (C-I-34).

Sections 9-5E-5 and 9-5D1-2-E-9 establish pedestrian circulation requirements for parking lots. Additionally, site design standards are provided in article 9-5C (Architecture and Site Design).

28. Update minimum parking requirements and provide opportunities for parking reductions for large developments and shared parking (C-I-35 through 38).

Parking requirements for all use types have been updated and are located in Table 9-5E-4-A1. Additionally, section 9-5E-4-F provides a process for reducing or exempting development from the minimum parking requirements based upon a parking district or special parking reduction program, including special vehicles, secured bike parking, proximity to major transit stops, property enhancements, shower/locker facilities, carpool/vanpool parking, and electric vehicle charging stations.

29. Establish a goal of six acres of parkland per thousand residents (PSCF-I-1).

Article 8-7N (Dedications of Land for Parks and Recreation Facilities) codifies the City’s 6 acres per 1,000 persons parkland requirement and establishes the process for calculating parkland and dedication and in-lieu fee procedures.

30. Protect lands designated for Agricultural/Rural/Conservation uses with appropriate zoning consistent with the General Plan (COS-I-1).

The Zoning Code establishes both Agricultural (AG) and Agriculture and Rural Residential (AR) zoning districts. The allowed uses for both districts reflect the differences between the zones – mainly that the AG district restricts the application of residential development.

- 31. Promote use of native vegetation, drought tolerant plants, recycled water irrigation, and other water-saving devices in City open spaces for ease of maintenance and environmental sustainability (COS-I-4).*

Landscaping requirements are established in Article 9-5D. While these regulations apply to both public and private developments, they encourage the use of native and drought tolerant plantings. Article 9-5D2 specifically adopts the State of California's Model Water Efficient Landscaping Ordinance, which sets water budgets and reporting requirements for water usage in landscaping areas.

- 32. Establish a design review process for demolitions and exterior alterations and additions to non-residential buildings that are more than 75 years old with the Planning Commission as the approving authority (COS-I-37).*

The requirements of policy COS-I-37 have been incorporated into the applicability and processes for major Site Plan and Architectural Review, which requires Planning Commission approval.

- 33. Utilize more plants and trees in public area landscaping (COS-I-45).*

Landscaping requirements are established in Article 9-5D. While these regulations apply to both public and private developments, they establish requirements for more landscaping within or close to the City rights-of-way than the City has historically required (while reducing the overall landscape percentages) which is an implementation of this policy.

- 34. Require odor easements for new development within one mile of industrial land uses. The easement shall attest the presence of nearby industrial uses and acknowledge the right of said industry to emit odors that are not a threat to human health (COS-I-49).*

Section 9-5A-4-C specifically establishes an odor easement requirement for all new subdivisions, as required by this policy.

- 35. Enact a noise control ordinance with specific noise measurement standards, required noise insulation standards for new residential development exposed to aircraft and other noise sources, and enforcement procedures (SN-I-31).*

The City's noise regulations have been updated and are located in two places in the Codes. First chapter 5-6 (Noise) establishes limitations on noise generation,

violations and enforcement procedures, and carries forward the City's existing sound amplifier permit implemented by the Police Department. Section 9-5A-4 establishes noise standards for new development based upon the General Plan policies and goals. It specifically includes procedures for acoustical analysis and a noise easement for new subdivisions, notifying future land owners about the presence of aircraft and industrial uses in the vicinity of the lot. Finally, article 9-9-C (Naval Air Station Lemoore Overlay Zone) establishes construction requirements for development within the overlay zone where aircraft noise exceeds 65 dB CNEL.

Section 4. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the City of Lemoore, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with Government Code Section 36933. Any summary of this Ordinance must be approved by the City Attorney before its publication. The City Clerk is further directed to cause this Ordinance to be codified after its adoption.

Section 5. This Ordinance shall take effect thirty (30) days after its adoption.

The foregoing Ordinance was introduced at a Regular Meeting of the City Council of the City of Lemoore held on the 20th day of March, 2012 and was passed and adopted at a Regular Meeting of the City Council held on the 17th day of April, 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Willard J. Rodarmel, Mayor

ATTEST:

Nanci C.O. Lima, MMC
City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) SS
CITY OF LEMOORE)

I, Nanci C.O. Lima, City Clerk of the City of Lemoore do hereby certify the forgoing Ordinance was introduced at a Regular Meeting of the City Council of the City of Lemoore held on the 20th day of March, 2012 and was passed and adopted at a Regular Meeting of the City Council held on the 17th day of April, 2012.

Date: _____, 2012

Nanci C. O. Lima, MMC
City Clerk

ATTACHMENT B - Exhibit 1
Zoning and Development Code
(Excluding Section 8-7E)

ATTACHMENT B - Exhibit 3

Revised Official Zoning Map

