

Mayor
William Siegel
Mayor Pro Tem
Lois Wynne
Council Members
John Gordon
Eddie Neal
Willard Rodarmel



**Public Works/
Planning**

711 Cinnamon Drive
Lemoore • CA 93245
Phone • (559)924-6704
FAX • (559)924-6708

Staff Report

ITEM 6

To: Lemoore City Council and Planning Commission *JB*
From: Steve Brandt, City Planner
Date: October 1, 2013
Subject: Zoning Code Update

Summary Discussion

The City Council initiated changes to the City Zoning Code in the spring of 2013. The goals of the proposed changes were to make the Code easier to understand and administer, as well as to find ways to make the Code more business-friendly while still maintaining a high standard for land use and design in Lemoore. Two committees were formed to further refine the goals for the Zoning Code changes. Then the Planning Commission went through most of the chapters in five study sessions, which were held on June 24, July 8, July 22, August 19, and August 26 of 2013.

There are two versions of the proposed Code attached to this report. One is a clean version that shows how the Code would look with all the changes incorporated. The other is a "Track Changes" version that uses strikeout and underline to identify where the proposed changes have been made. The proposed changes generally fall into the following categories:

1. Reorganizing code sections to group related codes closer together.
2. Eliminating codes that are stated more than once or that contain unnecessary language, like commentary or guidance for City staff.
3. Restating codes with more understandable wording.
4. Revising codes in such a way that they affect adopted City policy. This is because the code may be overly burdensome to the property owner or developer, or may be overly burdensome for the City to effectively enforce.

The first three categories do not actually affect City policy, but they will make the process easier to understand for both the public and the City. There were numerous changes made, and it would be tedious to go through each one. However, they are shown in the redlined version.

The fourth category of changes does affect City policy. Most of the changes serve to reduce red tape, simplify processes, and create more opportunities for property owners (both commercial and residential) to make their own decisions about their property. The

changes that fall into the fourth category are each listed below in the Further Discussion section with their section and page number.

Budget Impact

The proposed changes will not directly affect the City budget. However, there will likely be cost savings over time due to work efficiencies gained from use of the revised Zoning Code. The amount of savings cannot be estimated.

Recommendation

Staff recommends that the Council and the Planning Commission review the following list and the attached changes, and make a list of comments or questions that can be addressed at the study session. Staff does not plan to go through each change at the study session; we will only discuss the changes generally with some examples, and will review questions and comments.

This study session is the last informal step to review the changes and make comments. Once staff hears the comments, we will incorporate them into a proposed Code that will be taken up first at a Planning Commission public hearing, and then at a Council public hearing for adoption. Changes may also be made at these meetings with the consensus of the respective bodies.

Further Discussion

The following list summarizes the proposed changes that would have an effect on the policy of the City. This list does not include changes that were made that did not have an effect on policy. For example, putting all the parking requirements into the Parking chapter makes the Code easier to understand but does not change any parking policies.

The Edits column refers to the page number in the redlined version. The Clean column refers to the page number in the clean version.

Chapter 1 ADMINISTRATION

Section	Edits	Clean	Comment
9-1-3 C	7	7	Change “shall” to “may” so that planning director is not required to make an official interpretation in every instance.

Chapter 2A GENERAL PROCEDURES

Section	Edits	Clean	Comment
9-2A-4 A	14	12	Remove requirement to hold a pre-application meeting. Could still be done if requested by the applicant.
9-2A-5 B1b	15	13	Remove evaluation of application by staff before it is complete.
9-2A-5 C	16	13	Remove entire subsection, taking away completeness evaluation on ministerial actions.
9-2A-5 E	18	14	Change policy so that applicant does not need permission from planning director to withdraw applications.
9-2A-7 A1b	19	15	Remove the “public hearing only if requested” option for entitlements.

9-2A-7 B	20	16	Remove procedures allowing the planning director to elevate decision making authority from the planning director to the planning commission.
9-2A-8 D	23	18	Provide more flexibility when an appeal hearing must be held.

Chapter 2B ENTITLEMENT PROCEDURES

Section	Edits	Clean	Comment
9-2B-5	30	23	Remove tree removal permit requirements.
9-2B-6	31	23	Revise process for evaluating Reasonable Accommodation Requests to allow more flexibility.
9-2B-7	34	25	Revise to give the planning director the option to prepare a formal similar use interpretation or not.
9-2B-8	35	26	Revise to give the planning director the option to prepare a formal zoning interpretation or not.
9-2B-9 D2	36	27	Change major home occupation procedures to be similar to use permit procedures.
9-2B-11	38	29	Remove the ability of the planning director to condition a minor deviation. It is either approved or it isn't.
9-2B-12	39	30	Remove the requirement that façade changes and downtown color changes require minor site plan review. Instead, they would not be reviewed by the city, except for building code compliance.
9-2B-13	41	31	Remove the ability of the planning director to condition a sign program. It is either approved or it isn't.
9-2B-15	43	33	Remove requirement to pre-plot single-family homes in new residential subdivisions.
9-2B-18	46	36	Change procedures for approval of highway oriented signs to a ministerial action like all other sign permits. No change to design standards.
9-2B-19	47	37	Change Planned Unit Development (PUD) approval authority from the City Council to the Planning Commission. Interested persons could still appeal the Commission's decision to Council.
9-2B-19	48	37	Remove the finding requirement that PUDs have standards that are superior to what is in the Ordinance.
9-2B-20	50	38	Allow specific plans to have policies that are less restrictive than the Zoning Ordinance, if that is what is desired.
9-2B-24 C	54	42	Allow general plan amendments whenever desired, instead of only 4 times per year.

Chapter 2C NONCONFORMING USES

Section	Edits	Clean	Comment
9-2C-6 C	57	45	Change procedure to reestablish a discontinued nonconforming use from temporary use permit to conditional use permit.

Chapter 4A USE CLASSIFICATION DEFINITIONS

Section	Edits	Clean	Comment
9-4A-5 H	76	64	Change definition of "household pet" to include 4 or less chickens, 2 or less potbellied pigs, and other small, normally caged animals that do not generate noticeable noise or odor for neighbors.

Chapter 4D SPECIAL USE STANDARDS

Section	Edits	Clean	Comment
9-4D-2-D	119	104	Change separation of alcohol sales from schools, churches, parks from 1,000 feet to 500 feet. This is consistent with state law.
9-4D-5	122	107	Revise home occupation procedures and standards to be more clear and to allow for cottage food establishments. A new state law requires that cities approve them if requested.
9-4D-6	126	111	Provide greater flexibility for site designing of fueling stations.
9-4D-9	129	113	Remove requirements for massage therapists that are already covered in Title 4, Chapter 7 of the Municipal Code.
9-4D-13 C1h	137	121	Reduce required distance between semipermanent mobile food vendors from 1,000 to 300 feet.
9-4D-15	145	129	Reduce landscaping requirements around cellular towers.
9-4D-17	152	133	Simplify placement standards for outdoor vending machines.

Chapter 5A SETBACK, HEIGHT, AND COVERAGE STANDARDS

Section	Edits	Clean	Comment
9-5A-2 A1	161	139	Clarify how to measure exceptions to height regulations for towers, cupolas, steeples, etc.
9-5A-3 8b	162	140	Simplify the method for measuring building setbacks on cul-de-sacs.

Chapter 5B DEVELOPMENT STANDARDS (for all zones except downtown and mixed use zones)

Section	Edits	Clean	Comment
9-5B-4 C3	177	151	Remove requirement to always require a lighting study to evaluate the appropriateness of outdoor lighting, and remove specific illumination requirements.
9-5B-5 C	180	151	Remove requirement that fences over 6 feet need to go to site plan review. Add requirement that fences in a city right of way or easement must get an encroachment permit.
9-5B-5 F2	183	153	Allow planning director to approve barbed wire in commercial zones without having to go through site plan review.
9-5B-5 F3	183	153	Remove prohibition of 42" chain link fences in front yards of residences.
9-5B-5 G1d	183	153	Change minimum block wall height from 7 feet to 6 feet, 8 inches. This is because concrete blocks are 8 inches tall, so walls are either 6 feet 8 inches or they are 7 feet, 4 inches. They are never exactly 7 feet tall.
9-5B-5 G2	184	153	Remove fencing requirements for livestock in agricultural zones.
9-5A-11	191	N/A	Remove section on regulating shopping carts. The City already has procedures for dealing with abandoned shopping carts in Title 4, Chapter 5 of the Municipal Code.

Chapter 5C ARCHITECTURAL AND SITE DESIGN STANDARDS

Section	Edits	Clean	Comment
9-5C-3 A4	198	157	Provide more flexibility for garage design on new single-family homes.
9-5C-3 B2	201	160	Change the single-family subdivision "six-pack" rule to a "three-pack" rule. This would allow identical homes across the street from each other, but not directly next to each other.

9-5C-3 B2	202	161	Simplify door and window design requirements.
9-5C-3 B3	205	163	Expand the ability to deviate from standards through the site plan review process when it is appropriate.
9-5C-4	205	163	Simplify shopping center design requirements.
9-5C-5	205	163	Simplify industrial building design requirements.

Chapter 5D1 LANDSCAPE STANDARDS

Section	Edits	Clean	Comment
9-5-D1-2 E	221	174	Remove street and sidewalk design standards. These are specified in City Improvement Standards.
9-5-D1-2 E1b	223	175	Prohibit turf in street median islands.
9-5-d1-2 7, 8	226	177	Remove different landscape standards to cell towers and fueling stations.

Chapter 5E PARKING STANDARDS

Section	Edits	Clean	Comment
9-5E-4 E	259	199	Make numerous changes to the minimum parking ratio standards. The changes simplify the standards so that similar uses have similar parking ratio standards. For example, practically all retail uses will now have a similar standard. This means that fewer uses will have parking requirement issues when they move into existing buildings. Also, provide a shopping center standard so all the uses in a shopping center won't have to be calculated separately.
9-5E-7	277	211	Simplify and revise bicycle parking standards since there are now standards built into the new California building code.

Chapter 5 SIGN STANDARDS

Section	Edits	Clean	Comment
9-5F-1 thru -8	281	214	Make a number of minor changes to the sign standards that clarify or simplify design standards for signs.

Chapter 6 DOWNTOWN DEVELOPMENT STANDARDS

Section	Edits	Clean	Comment
9-6-2	339	259	Change building setbacks on alleys to be 0 feet in the DMX-1 and DMX-2 zone in all cases. This is more consistent with existing buildings.
9-6-4 C	359	267	Review of color schemes removed. Instead historic colors are said to be "preferred."
9-6-4 F	362	270	Remove standards for pedestrian pathways in downtown removed.
9-6-5	365	272	Remove "Arcade" as a possible building type frontage because it allowed upper floors of buildings to be built in the public right of way, which is not acceptable practice.
9-6-5	365	272	Remove "Neighborhood Yard" as a possible building type frontage because there are no required standards that go with it.
9-6-6	384	283	Remove street and pedestrian way standards because all the streets in the downtown are already built. If they are ever modified, the City would have full control over the modification.

9-6-8 396 286 This section is new and was added to provide standards for the conversion of historic homes into offices and other non-residential uses. The new standards provide special setback and parking standards.

Chapter 7 MIXED USE ZONE DEVELOPMENT STANDARDS

Section Edits Clean Comment

9-7-3 405 289 Add provision that allows the planning director to waive the requirement for a mixed use zone conceptual plan when the proposed development is replacing or expanding existing development.

9-7-5 407 291 Simplify standards for new public and private streets in mixed use developments.

9-7-6 413 294 Add a provision allowing the planning director to waive development standards in the mixed use zone when the proposed development is replacing or expanding existing development.

9-7-7 420 300 Simplify parking area and pedestrian way standards.

Attachments: Code Revisions – Clean Version (328 pages)
Code Revisions – Redlined Version (460 pages)