

RESOLUTION #2012-11

**A RESOLUTION OF THE LEMOORE PLANNING COMMISSION
OFFICIAL ZONING INTERPRETATION #2012-01 REGARDING
FLAG POLES IN EXCESS OF 25' OR FLAGS LARGER THAN 25 SQUARE FEET IN SIZE
APPLICATION BY LUCY JONES, OWNER OF THE VINEYARD RESTAURANT**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on August 27, 2012 at 7:00 p.m. on said day, it was moved by Commission member _____, seconded by Commission member _____ and carried that the following Resolution be adopted:

WHEREAS, the applicant wants to install a 75' flag pole with a 20' x 30' American flag in the parking lot area of the Vineyard Inn Restaurant

WHEREAS, "Section 9-5F-2D-2c Exempt Signs with Limitations" which states that flags are exempt from sign permit and city review provided they are i) located a minimum of ten feet (10') from the public right of way, ii) the maximum height for flag poles is twenty-five feet (25') and iii) the maximum size for any one flag is twenty-five (25) square feet; and

WHEREAS, an application for Official Zoning Interpretation #2012-01 was submitted to address the Zoning Code silence on larger flag poles or larger flags being allowed and if so what the approval process should be used and what height is appropriate; and

WHEREAS, a duly noticed public hearing was published in the Hanford Sentinel at least 10 days before the meeting and a public hearing was held to take public testimony; and

WHEREAS, a City staff report was prepared highlighting various provisions of the Zoning Code to discern the overall intent and recommends that future amendments be considered to clarify definitions and modify the exemption section to address poles taller than 25' in height as discussed in the staff report in order to remove the ambiguity that currently exists; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore does hereby:

- I Interpret the overall intent of the Zoning Code was to allow flag poles taller than 25' but does not outline the process to do so as well as the appropriate height/size.
- II. Interpret the overall intent of the Code is that structures like antennae and poles less than 40' are allowed in all Zoning Districts so long as building permits are pulled to insure structural stability of the pole with no Planning approval needed.
- III. Determine that structures like antennae or poles between 40-75' could be allowed in DMX-1, DMX-2, MU, NC, RC, ML, MH, PR, and CF Zone districts after getting major site plan and architectural review approval from Planning Commission.
- IV. Believe the Zoning Code needs to be modified in the future when practical to remove the current ambiguity as follows:

Code Section	Proposed text additions and deletions
9-5F-2 -D2c.iv	<u>iv. Flag poles between 25'– 40' in height shall require a building permit.</u> <u>v. Flag poles between 40-75' in height shall require major site plan and architectural review process and must be located in the MU, NC, RC, ML, or MH zone districts and pull building permits after approval.</u>
9-12 Glossary of Terms	Flag. any fabric or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning <u>containing no commercial messages.</u>
9-12	Sign. any device, structure, fixture, or placard displaying graphics, symbols, and/or written copy for the primary purpose of advertising, promoting or attracting the attention of communicating with the public...

"In God We Trust"

- V Approve the request for a 75' flag pole with up to a 20' x 30' flag at the current site in the location shown on the attached exhibit with the following conditions of approval pertaining thereto:
1. The pole shall only be used for "flags" as defined by the zoning code and not for any commercial messaging.
 2. Building Department must be contacted at (559) 924-6730 or in person at 711 Cinnamon Drive in Lemoore prior to the installation of any signs to obtain any necessary approval and building permits and shall be installed per City standards and Building Codes.
 3. The installing company must contact the Business License Department at (559) 924-6710 or in person at 119 Fox Street to obtain any necessary business licenses prior to the installation.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on _____, 2012, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Ronald E. Meade, Chairman

ATTEST:

Holly P. Smyth, Secretary

As Required by Section 9-2B-8, a copy of this Official Zoning Interpretation shall be forwarded to the city manager, city attorney, city council, and to the applicant, property owner, or interested party requesting the interpretation within five (5) days of approval. An appeal may be filed by any person affected by a determination or any person who presented testimony at the public hearing or in writing prior to the hearing as outlined in Section 9-2A-8 Appeals section of the Zoning Code.

CERTIFICATE

**STATE OF
CALIFORNIA)
COUNTY OF KINGS) ss.
CITY OF LEMOORE)**

I, Holly P. Smyth, Secretary of the City of Lemoore’s Planning Commission, do hereby certify the foregoing Resolution of the Planning Commission of the City of Lemoore was duly passed and adopted at a Regular Meeting of the Planning Commission held on _____2012.

DATED: _____, 2012

**Holly P. Smyth, Secretary
Lemoore Planning Commission**