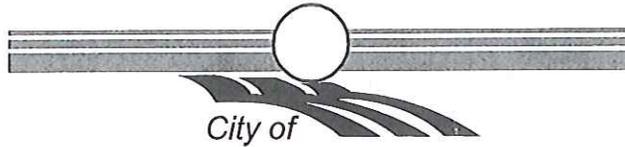


Mayor  
Willard Rodarmel  
Mayor Pro Tem  
John Plourde  
Councilmembers  
John Gordon  
John Murray  
William Siegel



Planning  
Department  
711 Cinnamon  
Lemoore, CA 93245  
Phone (559) 924-6740  
FAX (559) 924-6708

## LEMOORE CALIFORNIA

Item 6

### Planning Commission Staff Report

**To:** Lemoore Planning Commission  
**From:** Holly Smyth, Planning Director *HS*  
**Period:** May 10, 2012 through June 18, 2012  
**Subject:** Activity Update - items not on Planning Commission or City Council agendas

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#### Plans

- Updated pages of the Zoning & Development Code with grammar or internal consistency conflicts pointed out by the codifier Sterlings and resolved per the intent of the overall Ordinance (replacement pages provided herein)
- Updated pages of the General Plan Amendment from Spring time adoption (replacement pages provided herein)

#### Meetings / Events

- Planning Commissioners Workshop - Friday May 18, 2012 in Visalia (update from Dave Brown)

#### Home Occupations

- Josue Garcia Orozco - 457 Warren Drive - web design and web housing service
- Paul Homan - 330 Seminole Way - online booking of HHG'S shipments on D.O.D.
- Ryan Murphy - 505 West Gate Place - office for online sales of clothing.
- John Grafton - 333 Cinnamon Dr., Apt 295 - dispatching of his jobs
- Ted A. Johnston - 133 Hamlet Street - Private Investigation business
- Clara A. Jones - at 333 N. Olive Street, #17, - office for Avon business
- David W. Jacobs - 1477 Persimmon Street - online sales of auto products
- Eric Minor - 417 Bush Street - office for lawn care service
- Brian Moreno - 1514 Cedar Ave - office for his electrical company
- Stephen J. Woodcock, Jr. - 721 Madrid - office for his pool service

#### Signs/ Sign Modifications

- 7-11 sign application packet for wall signs at 1790 W. Bush Bush Street
- St. Peters Church - sign application for wall sign at 870 Lemoore Avenue
- Rena's Mexican Restaurant - sign application for a non-conforming roof sign at 333 "G" Street
- Jay's Construction - Modifying the applicability of Sign Ordinance to reuse wall sign at 25 'C' St.
- Family Dollar - Modifying the applicability of wall sign at 1148 W. Lemoore Avenue
- Signaturez Clothing - sign application for a window sign at 329 Heinlen St.
- Diocese of Fresno - sign application for a wall sign at 884 N. Lemoore Ave.

#### Architectural Design Review Committee

- As of May 18, 2012, design review is assign to the Planning Commission

#### PLANNING COMMISSIONERS

Chairperson - Ronald E. Meade Vice-Chair - Jeff Garcia  
David Brown, Bob Clement, Jim Marvin, Calvin Monreal, Bill Wynne

### **Violations**

- Letter to D. Hernandez regarding extension granted to the remove POD/storage container
- Letter to Thai Day Spa regarding extension granted to have banner at 222 Heinlen Street up until May 25, 2012 and formal sign application submitted prior to this date
- Letter to Emily's Deli regarding vertical banner to be removed
- Letter to T Michalski regarding solid wooden fence less than 3 ft. behind the back of sidewalk
- Letter to Fastrup regarding banner tied from tree light pole
- Letter to Thai Day Spa regarding final extension for banner
- Letter to Billingsley Trust regarding POD/ Storage Container Violation- 755 Country Club Drive
- Verbal with manager of 7-11 – 1790 W. Bush regarding A frame, vertical banners and Pole Signs
- Verbal with owner of Canine Corner – old sign removal – 55 D Street
- Letter to Big 'G' Jewelry Exchange – Banner violation – 55 D Street, Suite G

### **Assigned Addresses**

- Address assigned to Meter Box at 2400 W. Bush Street

### **Plot Plan Review**

- Returned for corrections plot plan for Lots 21, 26, 28, 29, and 30 Tract 783 Country Club Villas II by Raven Homes, missing approval from the Home Owner's Association
- Approved Lots 37, 38, 39, 71, 72, & 73 at Tract 791 Wathen Castanos
- Approved Lots 21, 26, 28, 29, & 30 at Tract 783 Country Club Villas for Raven Homes
- Approved Lot 30, 37, 45, & 63 at Tract 838 Silva 10 for Daley Homes

### **Administrative Review**

- Review for Lemoore Chief Petty Officers firework stand- 1290 N. Lemoore Ave.
- Review for Lemoore Senior Center firework stand – 789 S. 18<sup>th</sup> Ave.
- Review for Last Days Ministries firework stand – 215 w. Hanford-Armona Road
- Review for Assembly of God Lifeway Church firework stand – 65 W. Hanford-Armona Road
- Review for Lemoore Church of Nazarene firework stand – 726 'D' Street
- Review for Lily of the Valley Youth firework stand – 820 N. Lemoore Ave.
- Review for Lemoore Soccer League firework stand – 1125 w. Bush
- Review for Kings Christian firework stand – 1089 Lemoore Ave.
- Review for Lemoore School Boosters firework stand – 101 E. Bush
- Review for Kings County Fire Dept. #7 firework stand – 321 S. Lemoore Ave.
- Review for Little League firework stand – 375 S, Lemoore Ave.
- Review for Association Of Aviation Ordinance men firework stand – 788 D Street
- Letter to 7-11 regarding missing landscape improvements and 7-11 – 1790 W. Bush
- Review of Rose bouquet selling – 130 Hanford- Armona Road

### **Other**

- Attached May 2012 Building Department Reports Summary
- Attached May 2012 Building month end report – Issued Permits

prepared and made part of the permanent file of the case. Any hearing may be continued. If the hearing is not continued to a specific date/time, then the hearing shall be re-noticed.

**E. Appeals**

Decisions of the designated approving authority may be appealed as provided below. These provisions are consistent with the procedures provided in section 9-2A-8 (appeals) of this code.

1. **Appeal Applicability and Authority.** Any person dissatisfied with a determination or action of the planning director or planning commission made pursuant to this chapter may appeal such action to the designated appeal authority listed in table 8-7B-4-1 (appeal authority) below, within ten (10) days from the date of the action, or as otherwise provided by this chapter or the Subdivision Map Act. Actions by the city council are final, and no further administrative appeals are available.

TABLE 8-7B-4-1 – APPEAL AUTHORITY		
Approving Authority for Action Being Appealed	Appeal Authority	
	Planning Commission	City Council
Planning Director	x	
Planning Commission		x

2. **Filing an Appeal.** All appeals shall be submitted in writing, identifying the determination or action being appealed and specifically stating the basis or grounds of the appeal. Appeals shall be filed within ten (10) days following the date of determination or action for which an appeal is made, or as otherwise provided by this chapter or the Subdivision Map Act. The appeal shall be accompanied by a filing fee established by resolution of the city council. The appeal shall be submitted to the city clerk. The filing of an appeal shall stay the issuance of any necessary subsequent permit(s) associated with any right or entitlement that will be subject of the appeal (e.g., building permits).
3. **Notice and Schedule of Appeal Hearings.** Unless otherwise agreed upon by the person filing the appeal and the applicant, appeal hearings should be conducted within forty-five (45) days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of subsection 8-7B-4-D (public hearing and public notice).
4. **Appeal Hearing and Action.** Each appeal shall be considered a de novo (new) hearing, and the appeal authority may reverse, modify, or affirm the decision of the approving authority in whole or in part. In taking its action on an appeal, the appeal authority shall state the basis for its action. The appeal authority may modify, delete, or add such conditions as it deems necessary. The appeal authority may also refer the matter back to the approving authority for further action. The action of the appeal authority is final on the date of decision and, unless expressly provided by the chapter, may not be further appealed. A person may seek judicial review of a final decision of the city in accordance with applicable sections of the California Government Code or Code of Civil Procedures.

**F. Effective Date**

Decisions on subdivision permits shall become effective on the eleventh (11<sup>th</sup>) day after the date of action, immediately following expiration of the ten (10) day appeal period. This is consistent with the procedures provided in subsection 9-2A-6-E (action/determination procedures). All other decisions shall become effective upon approval.

## **8-7B-5 Interpretation**

If ambiguity arises concerning the meaning or applicability of the provisions of this chapter, it shall be the responsibility of the planning director to review pertinent facts, determine the intent of the provision, and issue an administrative interpretation of said provision(s) as specified in this section.

### **A. Rules of Interpretation**

1. **Terminology.** When used in this chapter, the following rules apply to all provisions of this title:
  - a. **Language.** The words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory. “Should” is not mandatory but is strongly recommended, and “may” is permissive.
  - b. **Tense and number.** The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.
  - c. **Conjunctions.** “And” indicates that all connected items or provisions shall apply. “Or” indicates that the connected items or provisions may apply singly or in any combination. “Either...or” indicates that the connected items and provisions shall apply singly but not in combination. “Includes” and “including” shall mean “including but not limited to...”
2. **Number of Days.** Whenever the number of days is specified in this chapter, or in any permit, condition of approval, or notice issued or given as provided in this chapter, the number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or city holiday, time limits shall extend to the end of the next working day.
3. **Minimum Requirements.** When interpreting and applying the regulations of this chapter, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

### **B. Record of Interpretation**

Whenever the planning director determines that an ambiguity in a subdivision regulation exists or when an applicant requests an interpretation based on his or her judgment or understanding of this chapter, the planning director shall issue an official interpretation. The procedure for preparation, content, procedure, and keeping of official interpretations shall be as provided for official zoning interpretations in section 9-2B-8 (official zoning interpretation) of this code.

### **C. Appeals**

Interpretations may be appealed as specified in subsection 8-7B-4-E (appeals) of this code.

## **8-7B-6 Enforcement**

### **A. Generally**

Except as otherwise provided herein, the planning director, public works director, and city engineer are authorized and directed to enforce the provisions of this title and the Subdivision Map Act for subdivisions within the city. The city attorney is authorized on behalf of the city of Lemoore to file a suit in a superior court of competent jurisdiction to restrain or enjoin any attempted or proposed subdivision or sale, lease, or financing in violation of the Subdivision Map Act, this chapter, or the conditions and term of approvals granted thereunder.

### **B. Certificates of Compliance**

Applications for certificates of compliance shall be filed with the planning department. The city engineer shall be responsible for their issuance and recordation. The form of the application and requirements for a certificate of compliance shall be prescribed by the city. A nonrefundable fee in the amount established by resolution of the city council for each lot or parcel for which a certificate is sought shall accompany the application.

### **C. Illegal Subdivisions**

No board, commission, officer or employee of the city shall issue any certificate or permit, or grant any approval necessary to develop any real property within the city that has been divided, or which resulted from a division, in violation of the provisions of the Subdivision Map Act or of this chapter.

Whenever the city has knowledge that real property has been divided in violation of the Subdivision Map Act or this chapter, the city engineer shall, upon receipt of information of such violation, file the notices required by §66499.36 of the Subdivision Map Act and thereafter follow the procedures set forth in that section.

## **8-7B-7 Certificate of Compliance**

### **A. Purpose**

This section describes the procedures and processing for certificates of compliance, consistent with the requirements of §66499.35 the Subdivision Map Act.

### **B. Applicability**

A certificate of compliance is a document, recorded by the county recorder, which acknowledges that a parcel or lot of real property (hereinafter parcel) is considered by the city to be a legal parcel or lot of record. Any person owning real property, or a purchaser of the property in a contract of sale of the property, may request a certificate of compliance from the city.

### **C. Application**

A certificate of compliance application shall be made on a form provided by the planning department and submitted to the department. The form shall be accompanied by an application deposit or fee as established by resolution of the city council. The application shall also include a chain of title, consisting of copies of deeds beginning before the division of the property and running through to the time of application for the certificate of compliance, unless the parcel(s) in question was created through a recorded subdivision map.

### **D. City Review and Action**

The application for certificate of compliance shall be reviewed and acted upon as provided below.

1. **Planning Director Review.** The planning director, in consultation with the city engineer, shall review the request and make a determination on the application as follows:
  - a. If the planning director makes a determination that the parcel(s) complies with the Subdivision Map Act and this chapter, the planning director shall cause a certificate of compliance to be filed for record with the county recorder. The form of the certificate shall be as described below.
  - b. If the planning director determines that the parcel(s) does not comply with the provisions of the Subdivision Map Act or this chapter, the planning director shall issue a

conditional certificate of compliance. The city may, as a condition to granting a conditional certificate of compliance, impose any conditions that would have been applicable to the division of the property at the time the applicant acquired their interest in the property and that had been established at that time by the Subdivision Map Act and this chapter. Upon making a determination and establishing conditions, the planning director shall file a conditional certificate of compliance for record with the county recorder. The certificate shall serve as notice to the property owner who has applied for the certificate, a grantee of the property owner, or any subsequent transferee to assignee of the property, that the fulfillment and implementation of the conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property. Compliance with the conditions shall not be required until a permit or other grant of approval for development of the property is issued.

2. **Form of Certificate.** The certificate of compliance shall identify the property, shall state that the division complies with the provisions of the Subdivision Map Act and this chapter, and shall include all information required under §66499.35 of the Subdivision Map Act.
3. **Effective Date.** A certificate of compliance shall not become final until the document has been recorded by the county recorder.
4. **Recorded Final Map or Parcel Map.** A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described in the final or parcel map.

### **8-7B-8 Definition of Specific Terms**

For the purposes of this chapter, the following terms, phrases, and words shall have the following definitions:

#### **A. "A" Definitions**

**Alley.** A public or private way providing a secondary means of vehicular access to abutting property.

#### **B. "B" Definitions**

**Building Site.** The same as "lot," as defined in title 9 (zoning).

#### **C. "C" Definitions**

**CEQA.** Refers to the California Environmental Quality Act, Public Resources Code §21000, et seq., and the state CEQA guidelines.

**City Engineer.** The engineer of the city of Lemoore, or his or her designee.

**County.** The county of Kings.

#### **D. "D" Definitions**

**Designated Remainder.** Any unit or units of improved or unimproved land not divided for the purpose of sale, lease, or finance and designated as remainder by a subdivider for purposes of §66424.6 of the Subdivision Map Act.

**Drip Line.** A line which may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.

**Dwelling Unit.** A group of rooms or a single room with kitchen facilities occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone, irrespective of the age of the occupant or occupants. See title 9 (zoning).

**E. "E" Definitions**

**Easement.** A right-of-way offered or dedicated to the city or other public entity or a public utility for purposes of providing access to a division of land, for placing utilities, or for any other specific purpose.

**F. "F" Definitions**

**Final Map.** A map showing a subdivision of five (5) or more parcels for which a tentative and final map are required by the Subdivision Map Act and this title, prepared in accordance with the provisions of the Subdivision Map Act and this title, and designed to be filed for recordation in the office of the county recorder.

**Fire Protection.** Such fire hydrants and other protective measures as may be reasonably required by the city fire marshal for protection of property to be located within a subdivision.

**Flood Hazard.** A hazard to land or improvements due to seasonal inundation or to overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

**Frontage Road.** A street lying adjacent and approximately parallel to and separated from a freeway or other public street and which affords access to abutting property.

**G. "G" Definitions**

**General Plan.** The general plan of the city of Lemoore.

**Geological Hazard.** A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements due to the movement, failure, or shifting of earth.

**H. "H" Definitions**

**Highway.** A roadway defined as a freeway in §23.5 of the Streets and Highways Code of the state of California.

**I. "I" Definitions**

**Improvement Plans.** The plans, profiles, cross sections, and specifications for all proposed improvements. Improvement plans are often referred to as civil plans.

**Improvement Standards.** The requirements for design and construction of improvements established by the city council as set forth in the city's "Standard Specifications for Public Works Improvements."

**Inundation.** Pondered water or water in motion of sufficient depth to damage property due to the presence of the water or to deposits of alluvium.

**J. "J" Definitions**

*Reserved for future use.*

**K. "K" Definitions**

*Reserved for future use.*

**L. "L" Definitions**

**Loop-Out Street.** A street formed by the intersection of two streets where one street curves into another to form a two-way intersection. The outside curb flares out, or loops out, to provide sufficient turning space for larger vehicles, such as fire and solid waste.

**Lot.** A parcel of land which is identified on a final map or parcel map recorded in the office of the county recorder of Kings county with a separate and distinct number or letter. See "lot" as defined in title 9 (zoning).

**Lot, Flag.** A parcel of land shaped like a flag as defined in title 9 (zoning).

**Lot Line Adjustment.** The relocation of an interior lot line between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.

**Lot, Through.** A lot having frontage on two parallel or approximately parallel streets, as defined in title 9 (zoning).

**M. "M" Definitions**

**Merger.** The joining of two (2) or more contiguous parcels of land under one ownership into one parcel.

**Mobile Home Space.** Any space designated, designed, or usable for the occupancy of one mobile home on a temporary, semi-permanent, or permanent basis.

**Multiple-Family Dwelling.** A building or portion thereof designed for occupancy by three (3) or more families living independently of each other, but under one roof. See "dwelling, multi-family" defined in title 9 (zoning).

**N. "N" Definitions**

*Reserved for future use.*

**O. "O" Definitions**

*Reserved for future use.*

**P. "P" Definitions**

**Parcel Map.** A map showing a subdivision of four (4) or fewer parcels, as required by the Subdivision Map Act and this chapter, prepared in accordance with the provisions of the Subdivision Map Act and this chapter, and designed to be filed for recordation in the office of the county recorder. This excludes a remainder parcel and may be greater than four (4) parcels if certain exceptions apply.

**Planned Development.** A subdivision consisting of one or more planned developments as said term is defined in Business and Professions Code §11003.

**Planning Director.** The planning director of the city of Lemoore, or his or her designee.

**Private Road Easement.** A parcel of land not dedicated as a public street, over which a private easement for road purposes is proposed to be or has been granted to the owners of property contiguous or adjacent thereto which intersects or connects with a public street, or a private street; in each instance

the instrument creating such easement shall be or shall have been duly recorded or filed in the office of the county recorder.

**Public Facilities Maintenance District.** Any assessment district formed for the purposes of financing the maintenance of public facilities, as provided in chapter 7-10 (city maintenance districts).

**Public Way.** Any street, highway, alley, pedestrian way, equestrian or hiking trail, biking path, channel, viaduct, subway, tunnel, bridge, easement, right-of-way, or other way in which the public use has a right of use.

**Public Works Director.** The public works director of the city of Lemoore, or his or her designee.

#### **Q. "Q" Definitions**

*Reserved for future use.*

#### **R. "R" Definitions**

**Roadway.** That portion of a right-of-way for a street, highway, or alley designed or used predominately to accommodate the movement of motor vehicles.

#### **S. "S" Definitions**

**Single-Family Dwelling Unit.** A detached building designed exclusively for occupancy by one family. See "dwelling, single-family" as defined in title 9 (zoning).

**Specific Plan.** A plan for a specific plan as described in title 9 (zoning).

**Street, Arterial.** A street that is used or is intended to be used as the principal route of traffic flow, connecting areas of major traffic generation to highways and county roads.

**Street, Collector.** A street that is used or is intended to be used for the principal purpose of collecting traffic from local streets and transferring it to arterial streets or highways.

**Street, Cul-de-sac.** A street that terminates in a permanent turnaround and which by design is not intended to continue beyond its terminal point.

**Street, Dedicated.** A right-of-way dedicated to the city and legally accepted by the city council for public use as a street.

**Street, Local.** Any street other than a collector street, arterial, or freeway that provides direct access to abutting properties and serves local versus through traffic. Also used to mean a street that is used or is intended to be used for the principal purpose of serving as access to abutting properties.

**Street, Private.** A street privately owned and maintained (e.g., by a homeowners association) and approved by the city council for street purposes, which has not been dedicated or accepted as a public street and which connects parcels or lots with a public street.

**Street, Public.** Any street which is dedicated or proposed to be dedicated for public use and is maintained or proposed to be maintained by the city or the county or the state.

**Street, Stub.** A street that terminates at the boundary line of a subdivision but is intended and designed to be extended at a later date to provide access to abutting parcels or lots.

**Subdivider.** A person, firm, corporation, partnership, or association, as defined in §66423 of the Subdivision Map Act, who proposes to divide, divides, or causes to be divided real property into a subdivision for himself and/or for others.

**Subdivision.** The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, as defined in §66424 of the Subdivision Map Act.

**Subdivision Map Act.** Refers to the Subdivision Map Act of the state of California, Government Code §66410 et seq., inclusive, as that act currently provides or is subsequently amended.

#### **T. "T" Definitions**

**Temporary Turnaround.** A paved area for turning vehicles at the end of a dead-end street, which is constructed either within the dedicated right-of-way or upon a temporary easement and which is intended to be replaced or removed after a period of time.

**Tentative Map.** A map made for the purpose of showing the design improvements of the proposed subdivision and the existing conditions in or around it. See article 8-7F (tentative maps) of this chapter.

**Two-Family Dwelling Unit.** A detached building designed exclusively for occupancy by two families living independently of each other, but under one roof. See "dwelling, two-family" as defined in title 9 (zoning).

#### **U. "U" Definitions**

*Reserved for future use.*

#### **V. "V" Definitions**

**Vehicular Access Rights.** The right of vehicular access of owners or occupants of abutting lands to a public way.

**Vesting Tentative Map.** A tentative map which shall have printed conspicuously on its face the words "vesting tentative map" at the time it is filed, in accordance with article 8-7H (vesting tentative maps) of this chapter. Consistent with §§66498.1(b) and 66474.2(a) of the Subdivision Map Act, approval of a vesting tentative map confers a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map application is complete.

#### **W. "W" Definitions**

**Water Supply.** Such water supply and distribution facilities as are necessary to provide a reliable and adequate water supply for appropriate residential, commercial, and industrial use and for public and private fire protection purposes.

#### **X. "X" Definitions**

*Reserved for future use.*

#### **Y. "Y" Definitions**

*Reserved for future use.*

or approve such permits with conditions, on the basis of ordinances, policies, and standards in effect at the time the application was determined to be complete pursuant to §65943 of the Subdivision Map Act.

**B. Disclaimers**

1. This article does not enlarge, diminish, or alter the power of the city to deny approval of the requested project or any part thereof, or to impose conditions on the approval of a project.
2. Nothing in this article removes, diminishes, or affects the obligation of any subdivider or local agency to comply with the conditions and requirements of any state or federal laws, regulations, or policies.
3. In the event that §66474.2 of the Subdivision Map Act is repealed, any subsequent approvals of vested maps shall confer a vested right to proceed with development in substantial compliance with ordinances, policies, and standards in effect at the time the vesting map is approved or conditionally approved, rather than at the time the application was determined to be complete.
4. Notwithstanding this article, the city may condition or deny a permit, extension, or entitlement, including, but not limited to, final maps and building permits, if it determines any of the following:
  - a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both;
  - b. The condition or denial is required in order to comply with state or federal law.

**8-7H-6 Filing and Processing of Final Vesting Map**

A final vesting map shall be filed and processed in the same manner, form, and content, and shall be subject to the same fees prescribed for final maps and parcel maps as required by this chapter. The “initial life” for vesting tentative maps shall be the same as for tentative maps as provided in this chapter, and the life of a vesting tentative map may be extended as provided by this chapter.

**8-7H-7 Administration of Vested Rights**

**A. Concurrent Approvals**

Approval of a vesting tentative map applies only to actions considered and approved by the designated approving authority. If the vesting tentative map was approved with conditions, the approval is subject to those conditions. If related applications for discretionary permits were approved in conjunction with the vesting tentative map, the approvals are subject to applicable ordinances, policies, and standards granting those entitlements, including any conditions thereof.

**B. Initial Life of Vested Rights**

The rights conferred by a vesting tentative map as provided by this article shall last for an initial period of one (1) year after recording of the final map. This period may be extended as provided below.

**C. Extension of Vested Rights Through Recording of a Final Map**

Where several final maps or final parcel maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map or final parcel map for that phase is recorded. When several final maps are recorded on various phases of a project covered by a single vesting tentative map, the initial vesting period shall begin for each phase on the date the final map for that phase is recorded.

**D. Extension of Vested Rights Through Period for Subsequent Approvals**

The initial time period shall be automatically extended by any time used by the local agency for processing a complete application for a grading permit or for design or architectural review, if the time used by the local agency to process the application exceeds thirty (30) days from the date that a complete application is filed.

**E. Extension of Vested Rights by Moratorium or Stay**

Vesting rights shall automatically be extended at any time during which a development moratorium or stay on the project is in effect.

**F. Automatic Extension of Vested Rights**

Vesting rights shall automatically be extended by any time used by a city department for processing a complete application for a grading permit or for design or architectural review, if the time used by the city exceeds thirty (30) days from the date a complete application is filed.

**G. Extension of Vested Rights Through Building Permit**

If the subdivider submits a complete application for a building permit during the periods of time specified above, the rights conferred by this article shall continue until the expiration of that permit, or any extension of that permit granted by the city.

**H. Termination of Vested Rights**

Vested rights that have been conferred shall end on the occurrence of the following, whichever comes first:

1. A final map is not recorded within the initial life of the vesting tentative map unless a longer period is provided by state law or an extension is granted as provided by this chapter.
2. If a final map is recorded, the vesting rights shall end one (1) year after the date of final map recordation as provided in section B above.
3. The expiration of a building permit, including extension, issued pursuant to a vesting tentative map, and issued during the time vesting rights are valid.

## **Chapter 7: Land Division**

### **Article K: Survey and Monuments**

#### *Sections:*

- 8-7K-1 Purpose
- 8-7K-2 Survey Procedure and Practice
- 8-7K-3 Survey and Monumentation Standards

#### **8-7K-1 Purpose**

The purpose of this article is to provide the requirements and standards for survey work of, and placement of monumentation within, subdivisions at the time of final map or parcel map recordation.

#### **8-7K-2 Survey Procedure and Practice**

The procedure and practice for the survey of any land subject to a final map or parcel map shall conform to the standard practices and principles of land surveying, the California Land Surveyor's Act, and the requirements listed below.

##### **A. Preparation of Survey and Documentation**

All documents related to the survey shall be signed by a California-registered civil engineer or licensed land surveyor.

##### **B. Survey Monuments**

Whenever the city has established a system of coordinates that is within a reasonable distance of the proposed subdivision, as determined by the city, the field survey shall be tied to the established monumentation system.

##### **C. Transverse**

The **transverse** of the exterior boundaries of the subdivision computed from field measurements of the ground must close within a limit of error of one foot to ten thousand feet (1' to 10,000') of perimeter before balancing the survey.

##### **D. Field Documentation**

When required by the city, the project engineer or surveyor preparing the survey shall prepare and submit to the city complete field notes, in a form satisfactory to the city engineer, showing references, ties, locations, elevations, and other necessary data relating to monuments.

#### **8-7K-3 Survey and Monumentation Standards**

In surveying the subdivision, the engineer or surveyor shall set sufficient monuments so that any part of the survey may be readily retraced. Survey monuments shall be set by the engineer or surveyor for all new subdivisions requiring a final map or parcel map, unless waived by the city engineer, in compliance with this section.

##### **A. Boundary Monuments**

1. Boundary monuments shall be set on the exterior boundary of the subdivision at all corners, angle points, beginnings and ends of curves. The locations of inaccessible points may be established by ties and shall be so noted on the final map or parcel map.

2. All exterior boundary monuments shall be set prior to recordation of the final map or parcel map, or as certified on the final map or parcel map.

#### **B. Interior Monuments**

Whenever interior monuments are required, the monuments shall be set at:

1. All block and lot corners and angle points;
2. The beginnings and ends of curves;
3. Points of intersection with centerlines of other existing and proposed streets and alleys; and
4. The points of intersection with the exterior boundary lines.

#### **C. Monument Type and Position**

All monuments set in the course of the survey shall be as specified by the city engineer and shall be set to the depth and in the manner prescribed by the city engineer.

#### **D. Identification of Monuments**

All monuments shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor who signs the engineer's or surveyor's certificate and under whose supervision the survey is made.

#### **E. Replacement of Damaged or Destroyed Monuments**

Any monument which is damaged or destroyed before acceptance of all improvements by the city shall be replaced by the surveyor/engineer of record.

#### **F. Timing of Monument Installation**

The timing of the installation of a monument shall be in compliance with the §66496 of the Subdivision Map Act.

#### **G. Notice of Completion**

Within five (5) days after all monuments have been set, the engineer or surveyor shall give written notice to the developer and the city engineer that the final monuments have been set. Verification of payment to the engineer or surveyor shall be filed as required by §66497 of the Subdivision Map Act. The cost of setting monuments shall be included in the engineer's estimate for improvements in compliance with subsection 8-7M-2-C of this chapter. If security is provided for monumentation, this amount of the security may be released upon verification of the setting of the monuments by the city.

#### **H. Inspection and Approval**

All monuments shall be subject to the inspection and approval of the city engineer.

#### **I. Survey Information to Be Shown on Final Map or Parcel Map**

The following survey information shall be shown on each final map or parcel map for which a field survey was made in compliance with this chapter.

1. Stakes, monuments (together with their precise position and description), or other evidence found on the ground, to determine the boundaries of the subdivision.
2. Corners of all adjoining properties identified by lot and block numbers, subdivision names, numbers and pages of record, or by section, township, and range, or other proper designation.

- c. Changes in corporate boundaries. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.
5. **Documentation of Floodplain Development.** Obtain and maintain for public inspection and make available as needed the following:
  - a. Certification required by subsection 8-8-6-A-3-a (residential construction) and subsection 8-8-6-D (standards for manufactured homes);
  - b. Certification required by subsection 8-8-6-A-3-b (elevation and flood-proofing, nonresidential construction);
  - c. Certification required by subsection 8-8-6-A-3-c (flood openings);
  - d. Certification of elevation required by subsection 8-8-6-C-1-c (standards for subdivisions and other proposed development);
  - e. Certification required by subsection 8-8-6-F-2 (floodways); and
  - f. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
6. **Map Determination.** Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection 8-8-5-B (appeals).
7. **Remedial Action.** Take action to remedy violations of this chapter as specified in subsection 8-8-4-C (compliance).
8. **Biennial Report.** Complete and submit biennial report to FEMA.
9. **Planning.** Assure the city's general plan is consistent with floodplain management objectives herein.

#### **8-8-4 General Provisions**

##### **A. Lands to Which This Chapter Applies**

This chapter shall apply to all areas of special flood hazards within the city of Lemoore.

##### **B. Basis for Establishing the Areas of Special Flood Hazard**

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for Kings County, California, and Incorporated Areas dated June 16, 2009," with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated June 16, 2009, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council by the floodplain administrator. The study, FIRMs, and FBFMs are on file at the public works building department at the city of Lemoore.

### **C. Compliance**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation.

### **D. Abrogation and Greater Restrictions**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **E. Interpretation**

In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the city council; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

### **F. Warning and Disclaimer of Liability**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city council, any officer or employee thereof, the state of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

## **8-8-5 Development Permit**

### **A. Development Permit**

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in subsection 8-8-4-B (basis for establishing the areas of special flood hazard). Application for a development permit shall be made on forms furnished by the city of Lemoore. The applicant shall provide the following minimum information:

1. Plans in duplicate, drawn to scale, showing:
  - a. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment, and their location;
  - b. Proposed locations of water supply, sanitary sewer, and other utilities;
  - c. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
  - d. Location of the regulatory floodway when applicable;

## Chapter 1: Zoning Purpose and Administration

### Sections:

- 9-1-1 Purpose and Authority
- 9-1-2 Zoning Administration
- 9-1-3 Interpretation
- 9-1-4 Enforcement, Legal Procedures, and Penalties

### 9-1-1 Purpose and Authority

#### A. Title

This title shall be known as the Lemoore zoning code, hereafter referred to as the zoning code.

#### B. Purpose of the Zoning Code

This title establishes regulations governing the development and use of land in accordance with the city of Lemoore general plan in a manner that protects the public health, safety, comfort and convenience, and welfare of residents and businesses of Lemoore. The zoning code provides information to facilitate the efficient review of development proposals, while providing opportunity for public review and comment for proposals that may have a significant impact on the community. Further, the zoning code:

1. Supports the general plan's goals, policies, and land use framework through:
  - a. Compact urban form as depicted on the general plan land use diagram;
  - b. Promotion of small-town character;
  - c. Accommodation of economic development and jobs through adequately zoned properties;
  - d. Integration of neighborhoods and neighborhood centers;
  - e. Enhancement of community character and aesthetics;
  - f. Promotion of an interconnected network of open space and parks;
  - g. Support for a complete roadway system;
  - h. Promotion of a range of commercial and retail opportunities; and
  - i. Support for adequate, flexible school sites.
2. Creates a comprehensive and stable pattern of land uses to help ensure the provision of adequate water, sewage, transportation, drainage, parks, open space, and other public facilities and services.
3. Protects and promotes appropriately located commercial and industrial activities in order to preserve and strengthen the city's economic base.
4. Fosters a wholesome, serviceable, and attractive living environment, the beneficial development of areas that exhibit conflicting patterns of use, and the stability of existing land uses that conform with objectives, policies, principles, and standards of the general plan.

5. Provides a guide for the rezoning of properties within the sphere of influence in conjunction with the potential annexation proceedings, as provided by law.
6. Conserves and protects the city's natural resources and features such as canals, significant trees, and historic and environmental resources in accordance with the policies of the general plan.
7. Requires that permitted uses and development provide reasonable protection from fire, flood, landslide, erosion, or other man-made or natural hazards.
8. Ensures compatibility between residential and nonresidential development and land uses.

#### **C. Authority**

This title is enacted based on the authority vested to the city of Lemoore by the state of California, including, but not limited to, Article XI, §7 of the state Constitution; the Planning and Zoning Law (Government Code §65000 et seq.); and the California Environmental Quality Act (California Public Resources Code §21000 et seq.).

#### **D. Applicability of Regulations**

This title applies to all land uses, structures, subdivisions, and development within the city of Lemoore, including:

1. **Relationship to Prior Code.** The provisions of this title, as it existed prior to the effective date of the ordinance enacting this title, are repealed and superseded as provided in ordinance number 2012-01. No provision of this title shall validate or legalize any land use or structure established, constructed, or maintained in violation of the title as it existed prior to its repeal by ordinance number 2012-01.
2. **Prior Rights and Violations.** The enactment of this title shall not terminate or otherwise affect vested land use development permits, approvals, or agreements authorized under the provisions of any ordinance, nor shall violation of prior ordinance be excused by the adoption of this title.
3. **New or Altered Land Uses or Structures.** Compliance with this title is required to lawfully establish, construct, reconstruct, alter, or replace any use of land or structure.
4. **Land Use Permits (Entitlements).** Land use permits are required when a development as defined by this title is proposed. No person shall initiate a development requiring a land use permit, and the city shall not issue any other permit related to the development, until a land use permit has been approved and the appeals period has expired.
5. **Existing Uses and Structures.** An existing land use or structure is lawful only when it was legally established and is operated and maintained in compliance with all applicable provisions of this code. A land use or structure that was lawfully established before this title was enacted, or before enactment of any applicable amendment to this title, may continue except as provided in section 9-1-5 (nonconforming uses, structures, and properties). No expansion or modification to a pre-existing legal nonconforming use or structure shall be permitted except as allowed by section 9-1-5 (nonconforming uses, structures, and properties)
6. **Minimum Requirements.** The provisions of this title shall be the minimum to ensure the public health, safety, and welfare. For discretionary actions, city officials or bodies have the ability to impose more stringent requirements than set forth in this title as may be necessary to promote orderly land use development.

## **Chapter 2: Procedures and Entitlements**

### **Article A: General Application Processing Procedures**

#### *Sections:*

- 9-2A-1 Purpose
- 9-2A-2 Overview of Processing Procedures
- 9-2A-3 Consolidated Review
- 9-2A-4 Pre-Application Conference
- 9-2A-5 Application Requirements and Process
- 9-2A-6 Public Notice, Hearings, and Decisions
- 9-2A-7 Recommending, Approval, and Appeal Authority
- 9-2A-8 Appeals
- 9-2A-9 Permit Time Limits, Extensions, and Expiration

#### **9-2A-1 Purpose**

This article describes the general procedures that apply to land use entitlement applications. The implementation of these procedures is consistent with the requirements of the California Government Code, including chapter 2.7 (public hearings), chapter 3 article 6 (preparation, adoption, and amendment of the general plan), chapter 3 article 8 (specific plans), chapter 4 (zoning regulations), and chapter 4.5 (review and approval of development projects, also known as the Permit Streamlining Act), and division 13 of the California Public Resources Code (the California Environmental Quality Act).

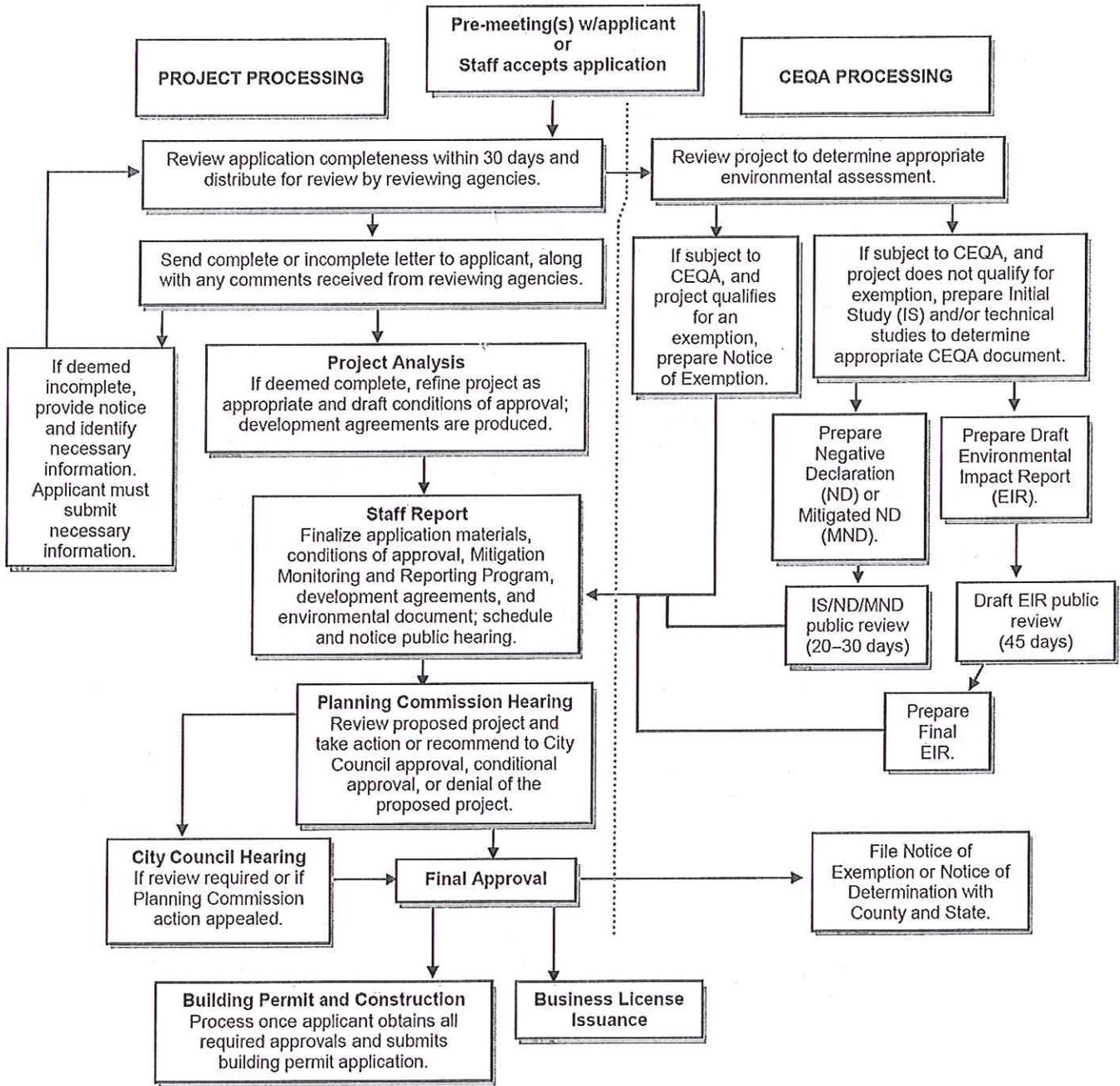
#### **9-2A-2 Overview of Processing Procedures**

##### **A. Overview of Process**

The entitlement procedures provided in this article are described according to the various stages of the application review process. First, a pre-application meeting may be held between the project applicant and city staff for preliminary review of the project merits and details prior to submittal of a complete application. From there, an application is formally submitted to the city, the application is reviewed by staff for compliance with adopted plans and policies, environmental review is completed, a public hearing is held on the project (with public notice provided) if required, and a decision is made by the designated approving authority. Unless the decision is final with the city council, there is an opportunity to appeal the decision of the designated approving authority.

While the details of this process vary between the types of planning permits and entitlements, figure 9-2A-2-1 (general development review process) illustrates the overall steps in the process in a flowchart. The intent of this figure is to help in the understanding of the steps in the process and is not meant to supersede the provisions of this article. It is purely for illustrative purposes.

Figure 9-2A-2-1:  
GENERAL DEVELOPMENT REVIEW PROCESS



### **B. Types of Planning Permits and Entitlements**

Each planning permit or entitlement administered by the city is categorized as one of three types. These types are listed below. Table 9-2A-6-1 (planning permit and entitlements and review and appeal authority) lists the various planning permits and entitlements in Lemoore, identifies the type of permit required, and lists the designated approving authority and appeal authority for each.

1. Administrative decisions are those that require limited or no interpretation or exercise of judgment in evaluating approval criteria because the decision is made according to specific criteria. Examples include zoning clearance for consistency with adopted zoning regulations as part of an application for a building permit. Administrative permits include, but are not limited to, zoning clearance, temporary use permits, reasonable accommodation, similar use determination, official zoning interpretation, and minor and major home occupation permit.
2. Quasi-judicial decisions typically involve some level of discretion or policy determination on the part of the approval authority and generally require findings to be made in order to approve planning permits or entitlements. A public hearing is held, evidence is weighed, and conclusions are drawn. Quasi-judicial permits and entitlements include, but are not limited to, conditional use permit, major site plan and architectural review, variance, public convenience and necessity, and highway-oriented sign permit.
3. Legislative decisions 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. Legislative decisions include, but are not limited to, planned unit development, specific plan, development agreement, zoning amendment, rezoning, and general plan amendment.

## **9-2A-3 Consolidated Review**

### **A. Multiple Planning Permits and Entitlements**

Where a proposal involves more than one planning permit or entitlement for the same property, the application shall be reviewed and approved, conditionally approved, or denied by the highest approving authority. For example, a conditional use permit and site plan and architectural review are both decided by the planning commission. However, when combined with a rezone request that requires city council decision, the planning commission shall provide a recommendation for the city council to make the final decision on all three permits or entitlements together.

### **B. Planning Permit or Entitlement and Subdivision Permit**

When a planning application is accompanied concurrently with an application for a subdivision permit (e.g., lot line adjustment, tentative subdivision map, tentative parcel map, vesting tentative map) as provided in chapter 8-7 (land division), all of the applications shall be processed concurrently and final action shall be taken by the highest-level designated approving authority for all such requested permits.

## **9-2A-4 Pre-Application Conference**

### **A. Requirement for Pre-Application Conference**

A pre-application conference is required prior to application submittal for quasi-judicial and legislative planning permits and entitlements. Pre-application conferences are not required for administrative decisions made by the planning director.

**B. Purpose of Pre-Application Conference**

The purpose of the pre-application conference is to acquaint applicants with the requirements of this code, the general plan, and other relevant criteria and to have a preliminary discussion about the merits and details of a proposed project. Additionally, this process serves to outline the city's entitlement process, identify possible project alternatives or modifications, identify the information and materials the city will require with the application, and delineate any necessary technical studies and information required relative to the environmental review of the project.

**C. Scheduling of Pre-Application Conference**

To schedule a pre-application conference, the applicant shall submit a written request and corresponding materials as required on application forms provided by the planning department. The planning director shall schedule the pre-application conference with planning staff or with a project review team composed of department and/or agency representatives as appropriate.

**D. Effect of Conference**

Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application or project by any city staff. Any failure by city staff to identify all required studies or all applicable requirements does not constitute a waiver of those requirements.

**9-2A-5 Application Requirements and Process**

All applications for planning permits and entitlements shall be submitted to the planning department with the following materials and are subject to the procedures listed below.

**A. Application Contents**

Form shall include applicant signature(s), agent authorization (as appropriate), and property ownership certification. Application form shall be submitted along with:

1. Any fee or deposit for services based on the entitlement(s) requested as adopted by resolution of the city council;
2. Plans, maps, and any other information deemed necessary by the city to provide the approving authority with adequate information to make informed decisions; and
3. Materials listed on the planning permit or entitlement application form related to the requested entitlement(s).

**B. Determination of Application Completeness**

1. **Application Completeness with Notification.** Within thirty (30) days of application submittal, the planning director shall determine whether or not the application is complete and shall notify the applicant that either:
  - a. All the submittal requirements have been satisfied and the application has been accepted as complete; or
  - b. Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with city standards and requirements.
2. **Application Completeness Without Notification.** If the written determination is not made within thirty (30) days after receipt, the application shall be deemed complete for purposes of this section.

### **E. Approval Findings**

An administrative use permit shall be granted only when the designated approving authority determines that the proposed use or activity complies with all of the following findings:

1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title; and
2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.

### **F. Post-Approval Implementation**

An administrative use permit is ministerial in nature. As such, the planning director may not impose conditions on the issuance of the permit. However, the applicant may be provided with a list of items necessary for compliance and conformance with this title and the general plan. Conditions may only be imposed in the event the necessary findings cannot be made without the conditions and only after a public hearing by the planning commission.

## **9-2B-11 Minor Deviation**

### **A. Purpose**

The purpose of the minor deviation is to allow some flexibility in project design with regard to specific development standards.

### **B. Applicability**

To achieve more flexible standards, the designated approving authority may grant minor deviations to the building height, setback, lot coverage, and parking provisions, not to exceed ten percent (10%) of the respective development standards in the underlying zoning district for the subject parcel. All other deviations require approval of a variance application. Minor deviations do not apply to the use of property.

### **C. Approval Authority**

The designated approving authority for minor deviations is the planning director.

### **D. Process**

No public hearing or notice is required for a minor deviation unless elevated to the planning commission as provided in subsection 9-2A-7-B (elevation).

### **E. Approval Findings**

A minor deviation shall be granted only when the designated approving authority makes all of the following findings:

1. The deviation(s) improve the site, architectural, and/or overall project design; and
2. The deviation(s) are materially consistent with the project and are compatible with surrounding uses and structures.

### **F. Post-Approval Implementation**

A minor deviation is ministerial in nature. As such, the planning director may not impose conditions on the issuance of the permit. However, the applicant may be provided with a list of items necessary for

compliance and conformance with this title and the general plan. Conditions may only be imposed in the event the necessary findings cannot be made without the conditions and only after a public hearing by the planning commission.

## **9-2B-12 Minor Site Plan and Architectural Review**

### **A. Purpose**

The purpose of minor site plan and architectural review is 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 prior to the issuance of subsequent permits, such as improvement plans and building permits.

### **B. Applicability**

Minor site plan and architectural review shall be required prior to the issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., conditional use permit, variance).

1. **Review Required.** Minor site plan and architectural review is required for all of the following activities:
  - a. New nonresidential or mixed-use developments of less than ten thousand (10,000) gross square feet;
  - b. Additions of less than ten thousand (10,000) square feet to existing commercial, office, and industrial buildings;
  - c. Custom single-family homes in the Neighborhood Residential (RN) district and within planned unit developments; and
  - d. Changes to the exterior façade of existing buildings (other than single-family residential) anywhere in the city (including downtown), such building materials and structural changes effecting at least fifty percent (50%) of the façade;
  - e. The establishment of new signs in the downtown as required by subsection 9-6-3-E (signs).
  - f. Painting outside the historic color palette within the downtown.
  - g. Conceptual plan for a mixed use center as required by chapter 9-7 (mixed use development standards).
2. **Exemptions.** The following activities are specifically exempt from minor site plan and architectural review. However, such structures may require additional permits, such as a ministerial building permit, to ensure compliance with adopted building code standards and applicable zoning regulations.
  - a. Single-family custom homes, except in the Neighborhood Residential (RN) zoning district or within planned unit developments;
  - b. Additions to or the exterior remodels of single-family residential homes within normal setbacks;
  - c. Accessory structures consistent with the provisions of section 9-5A-8 (residential accessory structures);

### 9-4A-5 Description of Land Uses

This section provides a listing and definition of all the land uses referred to elsewhere in this chapter. The uses are organized alphabetically for ease of use.

#### A. "A" Definitions

**Adult Day Health Care Center.** A facility, as defined under Health and Safety Code §1570.7, that provides nonmedical care and supervision for adult health care, including organized day program of therapeutic, social, and skilled nursing health activities and services to elderly persons or adults with disabilities with functional impairments, either physical or mental, for the purpose of restoring or maintaining optimal capacity for self-care. Programs offered are on a less than twenty-four (24) hour basis. State law does not limit the city's ability to regulate these uses.

**Agricultural Products Processing.** The act of changing an agricultural crop after harvest from its natural state to the initial stage of processing in order to prepare it for market and for further processing at an off-site location. Examples of this processing include nut hulling and shelling, bean cleaning, corn shelling and sorting, grape sorting and crushing, primary processing of fruits to juice and initial storage of the juice, without fermentation, and cleaning and packing of fruits. More comprehensive processing facilities (e.g., raw milk processed to cheese) are considered food and beverage manufacturing and, as such, are included under the definition of manufacturing, minor.

**Agricultural Tourism.** Establishments that cater to tourists and provide agricultural products either produced on the site or within the community. Such uses include but are not limited to wineries with tasting rooms and permanent roadside crop stands or fruit stands.

**Airport.** A facility where aircraft such as airplanes can take off and land. An airport minimally consists of one runway but other common components are hangars and terminal buildings.

**Alcoholic Beverage Sales, Off-Site.** The retail sale of beer, wine, and/or other alcoholic beverages for off-premises consumption.

**Alcoholic Beverage Sales, On-Site.** See "bar/nightclub" and "restaurant."

**Ambulance Service.** Emergency medical care and transportation, including incidental storage and maintenance of vehicles.

**Animal Husbandry.** Raising and breeding of animals or production of animal products. Typical uses include grazing, ranching, dairy farming, poultry farming, beekeeping, and enclosed fisheries, but exclude slaughterhouses and feedlot operations. This classification includes accessory agricultural buildings accessory to such uses. Animal sales, boarding, and grooming are defined separately under "animal sales and grooming." Keeping of animals is defined separately under "animal keeping."

**Animal Keeping.** The keeping of farm animals, including, but not limited to, cows, horses, goats, sheep, and fowl or poultry (except roosters). Does not include the keeping of common household pets, which are separately defined.

**Animal Sales and Grooming.** Retail sales of domestic and exotic animals, bathing and trimming services, and boarding of said animals for a maximum period of seventy-two (72) hours conducted entirely within

an enclosed building with no outdoor use. Grooming as part of a veterinary facility is included under that use listing.

**Art, Antique, Collectable.** Retail sales uses including antique shops, art galleries, curio, gift, and souvenir shops, and the sales of collectible items including sports cards and comic books. Stores selling handcrafted items that are produced on the site are defined separately as artisan shops.

**Artisan Shop.** Retail stores selling art glass, ceramics, jewelry, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

**Assembly Uses.** Include any of the following uses:

1. Meeting facilities for organizations including facilities for business associations, civic, social, and fraternal organizations, labor unions and similar organizations, political organizations, professional membership organizations, and other membership organizations;
2. Churches and other religious institutions, including living quarters for ministers and staff, but excluding other establishments maintained by religious organizations such as educational institutions and day care, which are separately regulated; and
3. Community centers and other multipurpose meeting and recreational facilities that include one or more meeting or multipurpose facilities, kitchens, and outdoor barbecue facilities available for use by various groups for meetings, parties, receptions, dances, etc.

**Auto and Vehicle Rental.** Retail establishments renting automobiles, trucks, vans, and large farm equipment (e.g., combines, tractors). This use listing includes the rental of recreation vehicles, motorcycles, and boats. May also include repair shops (for rental vehicles only) and the sales of parts and accessories, incidental to vehicle rental activities.

**Auto and Vehicle Sales.** Retail establishments selling automobiles, trucks, vans, and large farm equipment (e.g., combines, tractors). This use listing includes the sales of recreation vehicles, motorcycles, and boats. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. It does not include the sale of auto parts/accessories separate from a vehicle dealership (see "auto parts sales"), bicycle and moped sales (see "retail, general"), tire recapping establishments (see "vehicle services – major"), businesses dealing exclusively in used parts (see "recycling facility – scrap and dismantling"), or fueling station, all of which are separately defined.

**Auto and Vehicle Sales, Wholesale.** Wholesale establishments selling new and used vehicles and used vehicle parts. This use is normally developed as part of an auto wrecking, junkyard, or salvage yard. Conventional automobile dealerships are listed under auto and vehicle sales and rental.

**Auto and Vehicle Storage.** Facilities for the storage of operative and inoperative vehicles for limited periods of time. Includes but is not limited to storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, and recreation vehicles. Does not include vehicle dismantling (see "auto vehicle dismantling") or retail sales (see "auto and vehicle sales").

**Auto Parts Sales.** Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "vehicle services"). Does not include tire recapping establishments, which are

**Interim Agricultural Use.** The use of property for crop production or other agricultural use on a temporary basis until such time as it is economically viable to develop the property to the highest and best use as defined by the general plan. Interim agricultural uses are considered temporary uses regulated by article 9-4C (temporary uses). These uses involve commercial agricultural operations, including aspects such as mechanized commercial equipment, and are different from community-based operations described in community gardens.

**J. "J" Definitions**

*Reserved for future use.*

**K. "K" Definitions**

**Kennel.** Facility providing for the boarding of animals as the primary use of the facility. May also include day-time boarding and activity for animals (e.g., "doggie day care") and ancillary grooming facilities. A kennel as part of a veterinary facility is included under that use listing.

**L. "L" Definitions**

**Library/Museum.** Public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums.

**Live-Work Facility.** A structure or portion of a structure:

1. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household;
2. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and
3. Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

**M. "M" Definitions**

**Maintenance and Repair of Small Equipment.** Establishments providing on-site repair and accessory sales of supplies for appliances, office machines, home electronic/mechanical equipment, bicycles, tools, or garden equipment, conducted entirely within an enclosed building. This classification does not include maintenance and repair of vehicles.

**Manufactured Home.** See "dwelling, single-family."

**Manufacturing, Major.** Manufacturing, fabrication, processing, and assembly of materials in a raw form. Uses in this category typically create greater than usual amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site. Uses include but are not limited to batch plants, rendering plants, aggregate processing facilities, plastics and rubber products manufacturing.

**Manufacturing, Minor.** Manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be noxious to persons conducting business on-site or on an adjacent site. Uses

include but are not limited to furniture manufacturing and cabinet shops, laundry and dry cleaning plants, metal products fabrication, and food and beverage manufacturing (e.g., raw milk processed to cheese).

**Manufacturing, Small-Scale.** Establishments manufacturing and/or assembling small products primarily by hand, including but not limited to jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

**Massage Therapy.** Establishment where customers can receive a massage. See specific use regulations in chapter 4-7 (massage establishments and therapists).

**Medical Marijuana Dispensary.** Any facility or location, whether fixed or mobile, where medical marijuana is made available to, distributed by, or distributed to one or more of the following as defined in California Health and Safety Code §11362.7:

1. A qualified patient;
2. A person with an identification card; or
3. A primary caregiver.

**Medical Services.** Facilities that provide medical services as further defined as follows:

1. **Extended Care.** Residential facilities providing nursing and health-related care as a primary use with inpatient beds, such as board and care homes, convalescent and rest homes, extended care facilities, and skilled nursing facilities. Long-term personal care facilities that do not include medical treatment are included under “residential care homes” and “residential care facilities.”
2. **General.** Facility primarily engaged in providing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including medical and dental laboratories, medical, dental and psychiatric offices, optometrist, outpatient care facilities, and other allied health services. Counseling services by other than medical doctors or psychiatrists are included under “office, business and professional.”
3. **Hospital.** Hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment (with overnight stay capabilities), including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories.

**Mobile Home.** See “dwelling, single-family.”

**Mobile Home Park.** Consistent with Government Code §65852.7, any site that is planned and improved to accommodate two (2) or more mobile homes used for residential purposes, or on which two (2) or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

**Mortuary/Funeral Home.** Funeral homes and parlors, where the deceased are prepared for burial or cremation and funeral services may be conducted.

Land Use/ Zoning District	Residential Zoning Districts							Mixed Use Zoning Districts					Office, Commercial, and Industrial Zoning Districts						Special Purpose Zoning Districts			
	AR	RVLD	RVD	RN	RVLD	RMD	RHD	DMX-1	DMX-2	DMX-3	MU	NC	RC	PO	ML	MH	W	AG	PR	CF		
<b>Residential Uses</b>																						
Caretaker Housing	C	P	P	P	P	P	P	P	P	P	P	C	C	P	P	C	N	C	C	C		
Child Day Care																						
Facility – Family Day Care Home, Large <sup>1</sup>	N	A	A	A	A	A	A	A	A	A	A	N	N	N	N	N	N	N	N	N		
Child Day Care Facility – Family Day Care Home, Small	N	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N		
Dwelling, Multi- Family	N	N	N	N	N	N	N	P <sup>2</sup>	P	P	P	P <sup>27</sup>	N	C	N	N	N	N	N	N		
Dwelling, Second Unit <sup>3</sup>	N	A	A	A	A	A	A	N	A	A	N	N	N	N	N	N	N	N	N	N		
Dwelling, Single- Family	P	P	P	P	P	P	N	N	A	P	N	N	N	N	N	N	N	N	N	N		
Dwelling, Two- Family	N	N	A	P	P	P	N	N	P	P	N	N	N	N	N	N	N	N	N	N		
Emergency Shelter	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	P		
Employee Housing, Large	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
Employee Housing, Small	P	P	P	P	P	P	N	N	P	P	N	N	N	N	N	N	N	N	N	N		
Gated Residential Community	C	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N		

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**Table 9-4B-2: ALLOWED USES AND REQUIRED ENTITLEMENTS FOR BASE ZONING DISTRICTS**

Land Use/ Zoning District	Residential Zoning Districts							Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts						Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	DMX-1	DMX-2	DMX-3	MU	NC	RC	PO	ML	MH	W	AG	PR	CF	
Group Residential	N	N	N	N	N	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	C
Guest House	P	P	P	P	P	P	N	P	P	P	N	N	N	N	N	N	N	N	N	N	N
Home Occupation <sup>4</sup>	H	H	H	H	H	H	H	H	H	H	N	N	N	N	N	N	N	N	N	N	N
Live-Work Facility <sup>5</sup>	N	N	N	N	N	N	A	A	A	A	A	A	N	N	N	N	N	N	N	N	N
Mobile Home Park <sup>6</sup>	N	C	C	C	C	A	A	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Recreational Vehicle Park <sup>24</sup>	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	N	N	N	N	N	N
Residential Care Facility <sup>25</sup>	N	N	N	N	C	C	P	N	N	N	C	C	N	N	N	N	N	N	N	N	N
Residential Care Home	N	P	P	P	P	P	P	C	P	P	P	N	N	N	N	N	N	N	N	N	N
Single-Room Occupancy (SRO) Facility	N	N	N	N	N	N	P	C	C	C	N	N	N	N	N	N	N	N	N	N	N
Supportive Housing	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N
Transitional Housing	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N
<b>Agricultural and Animal-Related Uses</b>																					
Agricultural Tourism	P	N	N	N	N	N	N	N	C	C	N	N	N	N	P	P	N	N	N	P	P
Animal Husbandry	C	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	P	N	N	N
Animal Keeping	P	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N
Animal Sales and Grooming	N	N	N	N	N	N	N	P	P	P	P	P	P	N	N	N	N	N	N	N	N
Crop Production	P	C	A <sup>7</sup>	N	N	N	N	N	N	N	N	N	N	N	A	A	N	P	N	N	N

P = Permitted by right | A = Administrative Use Permit required | H = Home Occupation Permit required | C = Conditional Use Permit required | N = Not Permitted

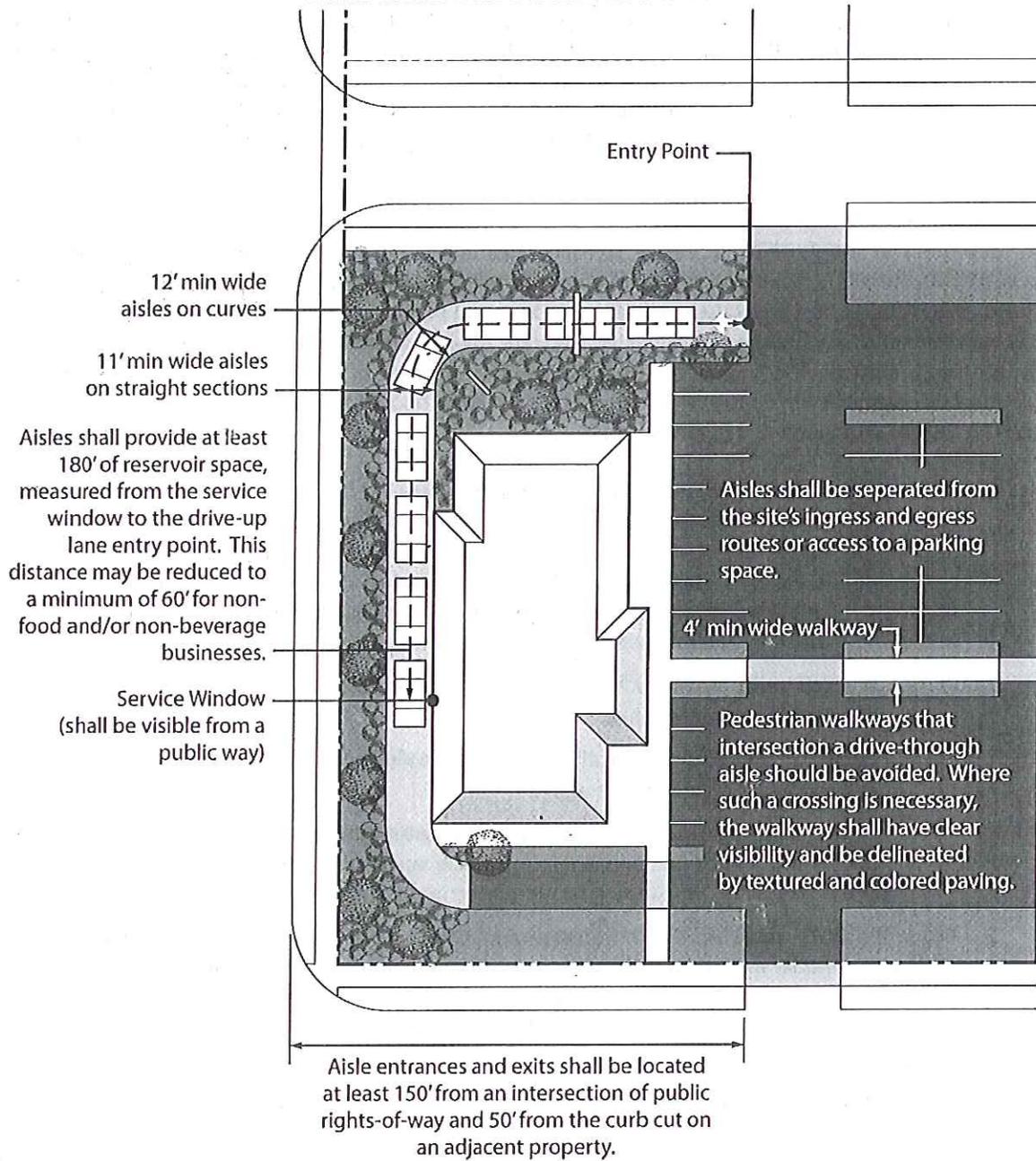
Land Use/ Zoning District	Residential Zoning Districts							Mixed Use Zoning Districts			Office, Commercial, and Industrial Zoning Districts						Special Purpose Zoning Districts			
	AR	RVL	RLD	RN	RLMD	RMD	RHD	DMX-1	DMX-2	DMX-3	MU	NC	RC	PO	ML	MH	W	AG	PR	CF
Child Day Care	N	N	N	C	C	A	A	C	N	P	P	P	P	P	N	N	N	N	N	N
Facility – Child Day Care Center <sup>25</sup>	N	N	N	N	N	N	N	P <sup>15</sup>	C <sup>15</sup>	N	C	P	P	P	N	N	N	N	N	N
Consignement Store	N	N	N	N	N	N	N	P <sup>15</sup>	P <sup>15</sup>	C <sup>15</sup>	P	P	P	P	N	N	N	N	N	N
Convenience Store	N	N	N	N	N	N	N	P <sup>15</sup>	P <sup>15</sup>	C <sup>15</sup>	P	P	P	P	N	N	N	N	N	N
Drive-in and Drive- through Sales and Service <sup>16</sup>	N	N	N	N	N	N	N	N	N	N	N	C	A	N	N	N	N	N	N	N
Equipment Sales and Rental	N	N	N	N	N	N	N	N	N	N	N	N	C	N	P	P	N	N	N	N
Garden Center/ Plant Nursery	N	N	N	N	N	N	N	P <sup>15</sup>	P <sup>15</sup>	N	N	P	P	N	N	N	N	N	N	N
Grocery Store/ Supermarket	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	N	N
Hookah Parlor	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Hotel and Motel	N	N	N	N	N	N	N	P	N	N	P	P	P	P	N	N	N	N	N	N
Maintenance and Repair of Small Equipment	N	N	N	N	N	N	N	P <sup>15</sup>	P <sup>15</sup>	C <sup>15</sup>	C	P	P	P	P	P	N	N	N	N
Massage Therapy <sup>17</sup>	N	N	N	N	N	N	N	A	N	N	A	A	A	N	N	N	N	N	N	N
Medical Marijuana Dispensary	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Medical Services, Extended Care	N	N	N	N	N	N	N	C	C	C	P	P	P	P	N	N	N	N	N	N

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Land Use/ Zoning District	Residential Zoning Districts							Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RID	RN	R&MD	RMD	RHD	DMX-1	DMX-2	DMX-3	MU	NC	RC	PO	ML	MH	W	AG	PR	GF		
Medical Services, General	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	N	N	N	N	N		
Medical Services, Hospital <sup>25</sup>	N	N	C	C	C	C	C	N	N	N	C	C	P	P	C	N	N	N	N	N		
Mortuary/Funeral Home	N	N	N	N	N	N	N	C	C	C	C	P	P	P	N	N	N	N	N	N		
Neighborhood Market	N	N	N	N	N	N	N	A	A	N	P	P	P	N	N	N	N	N	N	N		
Office, Accessory	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	N	N	P	P		
Office, Business and Professional	N	N	N	N	N	N	N	P	P	P	P	A	A	P	N	N	N	N	N	N		
Pawn Shop	N	N	N	N	N	N	N	C	C	N	N	P	P	N	N	N	N	N	N	N		
Personal Services	N	N	N	N	N	N	N	P	P	P	P	P	P	N	N	N	N	N	N	N		
Restaurant	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	N	N	N	N	N		
Retail, Accessory	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	N	N	N	N		
Retail, General	N	N	N	N	N	N	N	P <sup>11</sup> , P <sup>15</sup>	P <sup>11</sup> , P <sup>15</sup>	P <sup>11</sup> , P <sup>15</sup>	P <sup>18</sup>	P <sup>18</sup>	P	N	N	N	N	N	N	N		
Retail, Warehouse Club	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N		
Semi-Permanent Mobile Food Vehicle <sup>19</sup>	N	N	N	N	N	N	N	N	N	N	A	A	A	N	A	N	N	N	N	N		
Sexually Oriented Business <sup>20</sup>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N		
Smoke Shop	N	N	N	N	N	N	N	C	N	N	C	C	P	N	N	N	N	N	N	N		

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Figure 9-4D-4-C-1  
DRIVE-IN AND DRIVE-THROUGH FACILITIES



### 9-4D-5 Home Occupations

#### A. Purpose and Applicability

The regulations contained in this section shall apply to home occupations to ensure the compatibility of the home occupations with the principal residential uses in order to protect the integrity and character of neighborhoods.

### **B. Approval Process**

Home occupations are a permitted use as part of all residential uses. Prior to the establishment of a home occupation, the proprietor of a home occupation shall first obtain a home occupation permit and a business license from the city. The procedures for submittal, review, and approval of the home occupation permit shall be as described in article 9-2B (planning permits and entitlements). No business license shall be issued until a home occupation permit is first issued. Business licenses shall be reviewed and issued consistent with the provisions of title 3 (business, license, and permit regulations) of this municipal code.

### **C. Categories of Home Occupations**

As described in article 9-2B (planning permits and entitlements), there are two types of home occupations permits – major and minor. Major permits are discretionary in nature and are reserved for those activities that may generate significant vehicular and pedestrian traffic and thereby may adversely impact residential neighborhoods. Minor permits are ministerial and are for those activities that have little or no impact on the neighborhood. Examples of each kind of activity are described below. The planning director shall have the authority to determine if a proposed activity is a major or minor activity, or is an activity prohibited as a home occupation.

1. **Minor Home Occupation.** Minor home occupations are characterized as small-scale operations that blend in with the surrounding residential neighborhood and are not immediately discernable. These types of occupations do not generate higher levels of traffic than that customarily found in a residential neighborhood, involve limited interaction with goods and materials for retail trade, and are uses where no customers visit the home. Examples include, but are not limited to, the following types of occupations:
  - a. Art and craft work such as ceramics, flower arranging, jewelry making, painting, sculpting, and photography;
  - b. Electronic and other “by mail” commerce involving the storage and shipping of goods and products from the home and
  - c. Office uses such as an office for a tax preparer, contractor, architect, attorney, consultant, counselor, engineer, insurance agent, planner, tutor, data and or word processing, and real estate agent where no customers come to the home.
2. **Major Home Occupation.** Major home occupations are more intensive operations that may have a noticeable impact on surrounding residential land uses as a result of increased traffic (vehicular and pedestrian), the shipment of goods beyond those customary for a residential neighborhood, or noise or odor. Examples include, but are not limited to, the following types of occupations:
  - a. Furniture stripping and refurbishing;
  - b. Mobile clinics; and
  - c. Office uses such as an office for a contractor, architect, attorney, consultant, counselor, engineer, insurance agent, planner, tutor, data and or word processing, and real estate agent where fewer than five (5) customers come to the home per day.

### **D. Activities Prohibited as Home Occupations**

The following activities are specifically prohibited as home occupations:

### C. Development Standards

Semi-permanent mobile food vendors shall comply with all of the following development standards:

1. The vehicle must be located on a private "developed site" (as defined in chapter 9-12) zoned neighborhood commercial (NC), regional commercial (RC), mixed use (MU), or light industrial (ML), subject to the following:
  - a. The owner(s) of the property shall give permission to use the site and required restroom facilities for food service workers within two hundred feet (200') of the vehicle and access to such must be available during the mobile vehicle's business hours. Portable toilets shall not be allowed.
  - b. Vendor shall not use or permit use of parking spaces on the site if doing so will adversely affect the on-site parking available for the primary use of the site as determined by the city.
  - c. Vendor cannot interfere with or create hazards for vehicular or pedestrian access, aisles, circulation, driveways, or fire lanes and hydrants.
  - d. Tables, chairs, shade structures, and trash cans for patrons shall be maintained in a safe and clean manner at all times and removed nightly if used.
  - e. Hours of operation at an approved semi-permanent location shall be no earlier than seven o'clock (7:00) A.M. and no later than ten o'clock (10:00) P.M., and the vehicle shall be moved each night to an area not open to public view.
  - f. Food products must be stored at a commissary (as defined in chapter 9-12) approved by the Kings county health department.
  - g. Vendor shall have adequate lighting to ensure customer safety either on the vehicle or at the location of the vehicle during business hours.
  - h. There shall be no more than one other semi-permanent mobile food vendor or permanently located vendor of produce, prepared, or prepackaged food located within one thousand feet (1,000') of the site.
2. Vendor shall obtain, display, and keep a current city of Lemoore business license and comply at all times with this section as well as title 3, chapter 5 (food handling) and title 6, chapter 4 (stopping, standing or parking), including section 6-4-10 (peddlers and vendors), of this municipal code, and all other applicable federal, state, and local laws and regulations.
3. Mobile food vehicle shall be entirely self-sufficient in regard to gas, water, and telecommunications. Should any utility hookups or connections to on-site utilities be required, the vendor shall be required to apply for appropriate permits to ensure building and public safety and consistency with applicable building and zoning regulations. Any cords or plugs used from the vehicle to electrical sources shall be appropriately covered or tied down so as to not cause trip hazards and may not be strung across parking lots.
4. All Kings county health department permits/licenses must be obtained, displayed, and kept current at all times and submitted with the administrative review application.
5. Applicants and the subject mobile food vehicles shall comply with all California retail food code provisions (California Health and Safety Code §113700 et seq.), including more specifically, but not limited to, chapter 10, mobile food facilities, of such code and Health and Safety Code

§114250.1 regarding the availability of adequate toilet facilities for use by food service personnel within two hundred feet (200') of unit location.

6. Vendor shall display, in plain view and at all times, current permits and licenses in or on the mobile food vehicle.
7. Daily cleanup and disposal of waste products shall be done at an approved commissary with proof of such being provided when renewing the annual business license. The vendor shall not discharge or allow discharge of items from any mobile food vehicle onto the sidewalk, gutter, storm inlets, or streets. The vendor shall not dispose or allow the disposal of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of such vendor. At least two (2) such vendor-provided trash containers shall be available on site. Violation of this provision can lead to the suspension and/or revocation of the permit to do business pursuant to section 3-5-11 of this code.
8. The vendor shall install and maintain signage in a visible location indicating that loitering is not permitted and that customers may only remain on the site to pick up and, if applicable, consume their orders. The vendor shall be responsible for ensuring that customers comply with this no loitering provision.
9. In approving an application for a semi-permanent mobile food vehicle, the planning director shall impose on the vendor such conditions and requirements as may be necessary to ensure compliance with the standards, conditions, and requirements in this subsection 9-4D-11-D and other provisions of this title.

#### **9-4D-14 Sexually Oriented Businesses**

##### **A. Purpose and Intent**

It is the purpose and intent of this section to regulate sexually oriented businesses, including the regulation of live nude and live semi-nude entertainment, in order to promote the health, safety, and general welfare of the citizens of the city and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the city, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The city council finds that among these secondary effects are increased incidents of unlawful conduct and disorderly behavior, generating a disproportionate demand for police responses; depreciated property values; vacancy problems; blighted conditions; and interference with neighbors' enjoyment of property due to debris, noise, vandalism, and depreciated property values. The city council in adopting this section takes legislative notice of the existence and content of the following studies that substantiate the adverse secondary effects of sexually oriented businesses: (1) Garden Grove, California, 1991; (2) city of Austin, Texas, May 1986; (3) city of Los Angeles, California, June 1977; (4) city of St. Paul, Minnesota, 1987, and Supp., 1988; and (5) Final Report of the Attorney General's Commission on Pornography, 1986. The provisions of this section have neither the purpose nor the effect of imposing a limitation or restriction on the content of any non-obscene communicative materials, including non-obscene sexually oriented materials. Similarly, it is neither the intent nor the effect of this section to restrict or deny access by adults to non-obscene sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of non-obscene sexually oriented entertainment to their intended market. Neither is it the intent nor is it the effect of this section to condone or legitimize the distribution of obscene material or material harmful to minors.

floor space, a film, videocassette, digital video disk, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

1. Upon application for a sexually oriented conditional use permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted to enter. A manager's station may not exceed thirty-two (32) square feet of floor area, with no dimensions greater than eight feet (8'). The diagram shall also designate the place at which the conditional use permit, if granted, will be conspicuously posted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale with marked dimensions sufficient to show the various internal dimension of all areas of the interior of the premises to an accuracy of plus or minus six inches (6"). The city manager, or his or her designee, may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since the previously submitted diagram was prepared.
2. The application shall be sworn to be true and correct by the applicant.
3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the city or its designee.
4. It is the duty of the owner or owners and the operator or operators of the premises to ensure that at least one (1) employee is on duty and situated at each manager's station at all times that any patron is present inside the premises.
5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video viewing capability. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
6. It shall be the duty of the owner or owners and the operator or operators, and it shall also be the duty of any agents and employees present on the premises, to ensure that the view area specified in subsection 5. above remains at all times unobstructed by any doors, walls, merchandise, display racks, or other materials and to ensure that no patron is permitted access to any area of the premises which has been designated in the application filed pursuant to subsection 1 of this section as an area in which patrons will not be permitted to enter.
7. No viewing room may be occupied by more than one (1) person at any one time.
8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than two (2) foot-candles as measured at the floor level.

9. It shall be the duty of the owner or owners and the operator or operators and it shall also be the duty of any agents and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises.

#### **G. Inspection**

1. The operator shall permit representatives of the code enforcement office, the county health department, and the fire department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or at any time it is open for business.
2. It is unlawful and a person who operates a sexually oriented business or his, her, or its agent or employee commits a misdemeanor if he, she, or it refuses to permit such lawful inspection of the premises at any time that it is occupied or at any time that it is open for business.

#### **H. Violations and Defense to Prosecution**

1. A person commits a misdemeanor if he, she, or it operates, allows to be operated, or causes to be operated a sexually oriented business outside of the restrictions of this section.
2. It is unlawful and a person commits a misdemeanor if he, she, or it operates or causes to be operated a sexually oriented business, and knowingly or with reasonable cause to know, permits, suffers, or allows any one or more of the following to occur:
  - a. Admittance of any person under eighteen (18) years of age to the business premises; or
  - b. A person under eighteen (18) years of age to remain at the business premises; or
  - c. A person under eighteen (18) years of age to purchase goods or services at the business premises; or
  - d. A person who is under eighteen (18) years of age to work at the business premises as an employee.
3. Injunction and Criminal Remedies for Violation. A person who operates or causes to be operated a sexually oriented business in violation of section 9-4D-14 i (sexually oriented business) shall be subject to injunctive and other remedies as provided by law. In addition, a violation may be prosecuted as a misdemeanor. Unless otherwise specified by law, a misdemeanor offense shall be punishable pursuant to §19 of the California Penal Code.
4. It is a defense to prosecution under this section if a person appearing in a state of nudity does so in a modeling class operated in compliance with both of the following criteria:
  - a. That the class is operated either by a proprietary school, licensed by the state of California; a college, junior college, or university supported entirely or partly by taxation or by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; and
  - b. That the class is operated entirely within a structure:
    - i. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
    - ii. Where, in order to participate in a class a student is customarily required to enroll in advance of the class (though late registrations may be allowable by the institution offering the class); and

3. Emergency lighting erected for official purposes by local, state, or federal agencies.
4. Lighting for temporary uses and special events permitted consistent with this title.
5. Street lights in accordance with city standards.

#### **B. Prohibited Lighting**

The following types of lighting are prohibited:

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

#### **C. General Lighting Requirements**

The requirements listed below shall apply to all outdoor lighting:

1. **Nuisance Prevention.** All outdoor lighting shall be designed, located, installed, directed downward or toward structures, fully shielded, and maintained in order to prevent glare, light trespass, and light pollution.
2. **Maintenance.** Fixtures and lighting shall be maintained in good working order and in a manner that serves the original design intent.
  - a. Burnt out and broken light bulbs shall be replaced.
  - b. Lighting fixtures shall remain free of graffiti and rust.
  - c. Painted light fixtures shall be maintained to minimize chipping or peeling.
3. **Lighting Study Required for Limited Land Uses.** A lighting study or plan (often referred to as a photometric study or plan) shall only be required for those land uses that are most likely to have a negative impact on surrounding sensitive receptors, such as residential dwellings. As such, a lighting study or plan shall only be required for fueling stations, apartment complexes, and uses with parking lots that contain more than one hundred (100) spaces.
4. **Shielding.** Except as otherwise exempt, all outdoor lighting shall be recessed and/or constructed with full downward shielding in order to reduce light and glare impacts on trespass to adjoining properties and public rights-of-way. Each fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no light fixture directly illuminates an area outside of the project site intended to be illuminated. See figure 9-5A-6-C1 (shielding and maximum height of freestanding outdoor light fixtures).

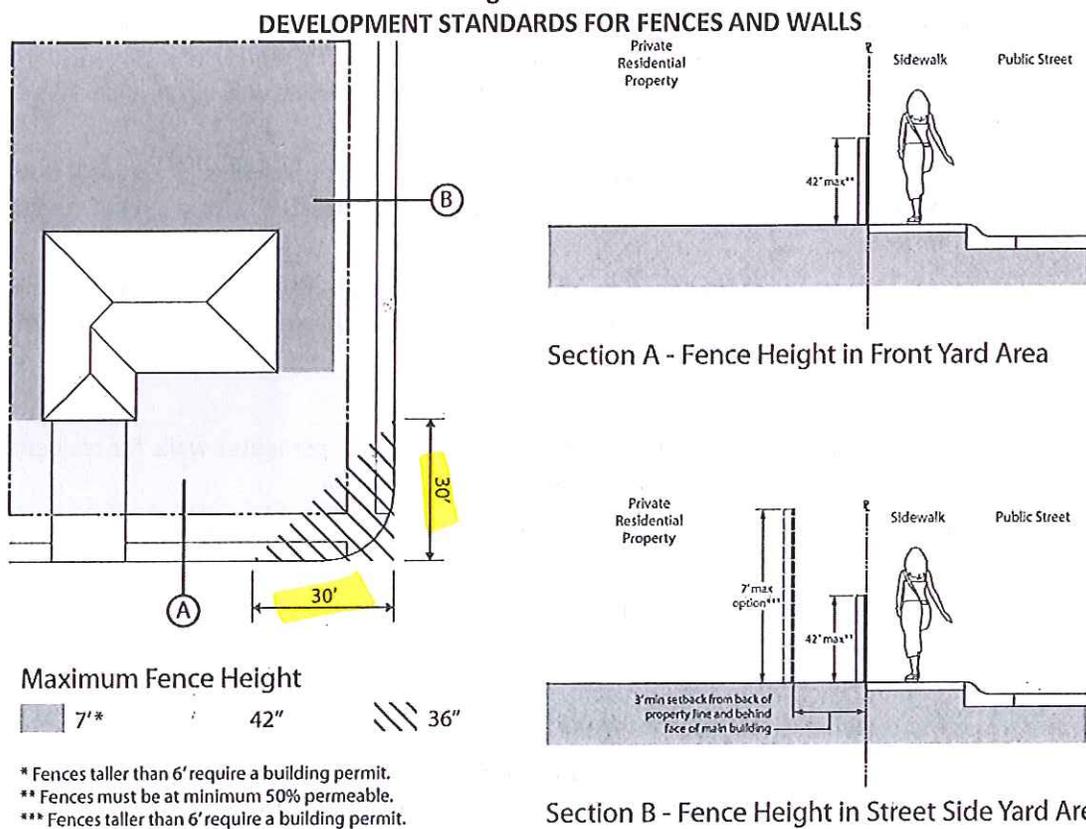
5. **Level of Illumination.** Outdoor lighting shall be designed to illuminate at the minimum level necessary for safety and security and to avoid harsh contrasts in lighting levels between the project site and adjacent properties. Illumination requirements are as follows and shall be verified through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

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

**Notes:**

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

Figure 9-5A-7-E1



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

#### **F. Fence and Wall Design Standards**

1. **Open View Fencing.** Where fencing is proposed along public frontages of nonresidential and multi-family projects, such fencing shall be open view unless otherwise required to be solid for noise attenuation. Open view fencing shall also be required when located adjacent to open space areas.
2. **Fencing Materials.** Fences and walls shall be constructed of long-lasting materials. Unless approved as a condition of approval or in conjunction with another planning permit or entitlement, fences or walls of sheet or corrugated iron, steel, concertina wire, or aluminum are prohibited, with the exception of ornamental fences. Barbed wire fencing shall not be constructed or placed on top of a fence except in agricultural, open space, or industrial areas. Minor site plan and architectural review is required for barbed wire fencing abutting residential or commercial areas. Chain-link fences are prohibited in the front and street side yards of residential property.
3. **Graffiti-Resistant Surface.** When required by the city or through conditions of approval due to the location and nature of the wall, masonry walls shall be treated with a graffiti-resistant aesthetic surface.
4. **Landscaping.** All required street side yard areas between the back of sidewalk and fence/retaining wall shall be landscaped and continuously maintained in accordance with article 9-5D1 (landscaping standards).

#### **G. Special Fence and Wall Requirements**

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

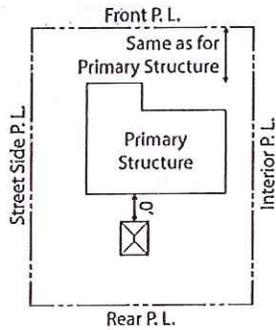
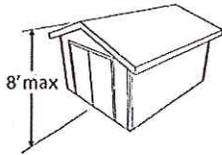
TABLE 9-5A-8-C1 – DEVELOPMENT STANDARDS FOR RESIDENTIAL ACCESSORY STRUCTURES					
Accessory Structure	Development Standard Minimum Setback Distance from Property Line <sup>1</sup>			Minimum Distance Between Structures <sup>2</sup>	Maximum Height
	Front	Street Side	Interior (including rear)		
Building, ≤120 sf					
< 8 ft. tall	Same as for Primary Structure	No minimum	No minimum <sup>3</sup>	0'	8'
≥ 8 ft. tall		15'	5'	10'	16'
Building, >120 sf					
Fully Enclosed	Same as for Primary Structure	15'	5'	10'	16'
Limited/No Enclosure		15'	5'	10'	16'
Garden Structure					
< 8 ft. tall	12'	0'	0'	10'	8'
≥ 8 ft. tall	12'	15'	5'	10'	16'
Carpports <sup>4</sup>					
Combustible and/or Portable	Set back even with or behind the front of the house	Not permitted on the street-side of a corner lot	5'	10'	Height of house
Non-Combustible and Permanent	No minimum <sup>5</sup>		No minimum <sup>3</sup>	10'	Height of house
Pool/Spa (built-in)	Same as for Primary Structure	5'	5'	3'	2'
Deck (detached)	No minimum	No minimum	No minimum <sup>2</sup>	No minimum	2'
Play Equipment	Same as for Primary Structure	15'	5'	10'	16'

**Notes**

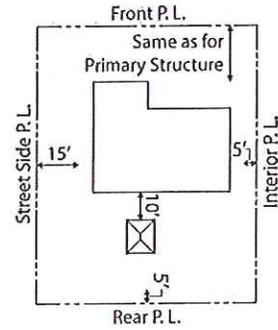
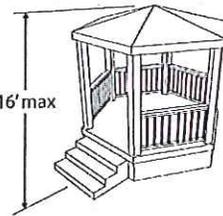
1. No accessory structure shall be permitted within an established easement.
2. A lesser or greater distance between structures may be permitted or required under the city-adopted building code/fire code.
3. When a rear yard abuts a public street, structure must be on the interior side of the lot.
4.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

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

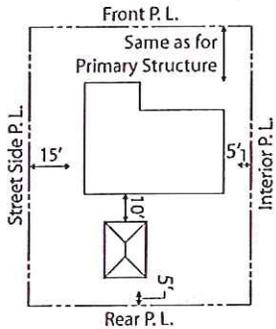
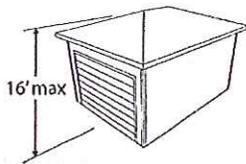
Building,  
≤120 sf and < 8 ft. tall



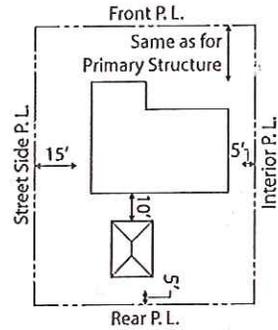
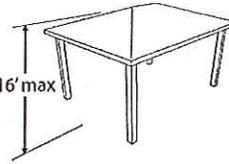
Building,  
≤120 sf and ≥ 8 ft. tall



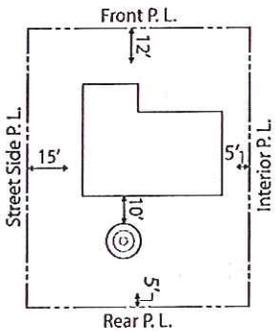
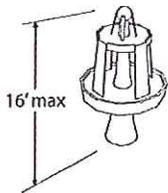
Building,  
>120 sf, Fully Enclosed



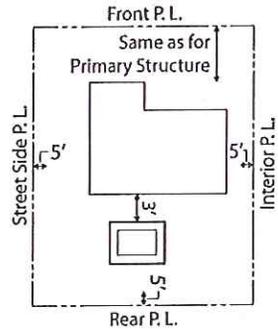
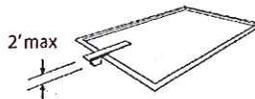
Building,  
>120 sf, Limited/No Enclosure



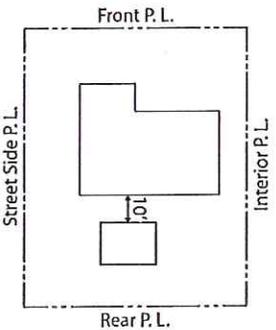
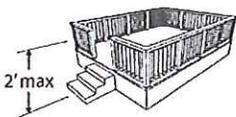
Garden Structure,  
≥ 8' ft. tall



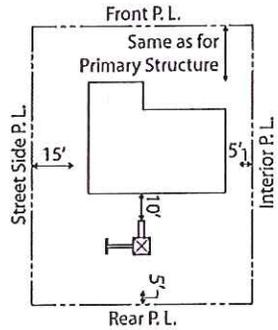
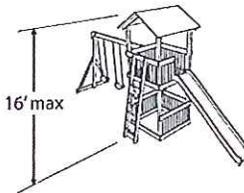
Pool/Spa  
(built-in)



Deck  
(detached)

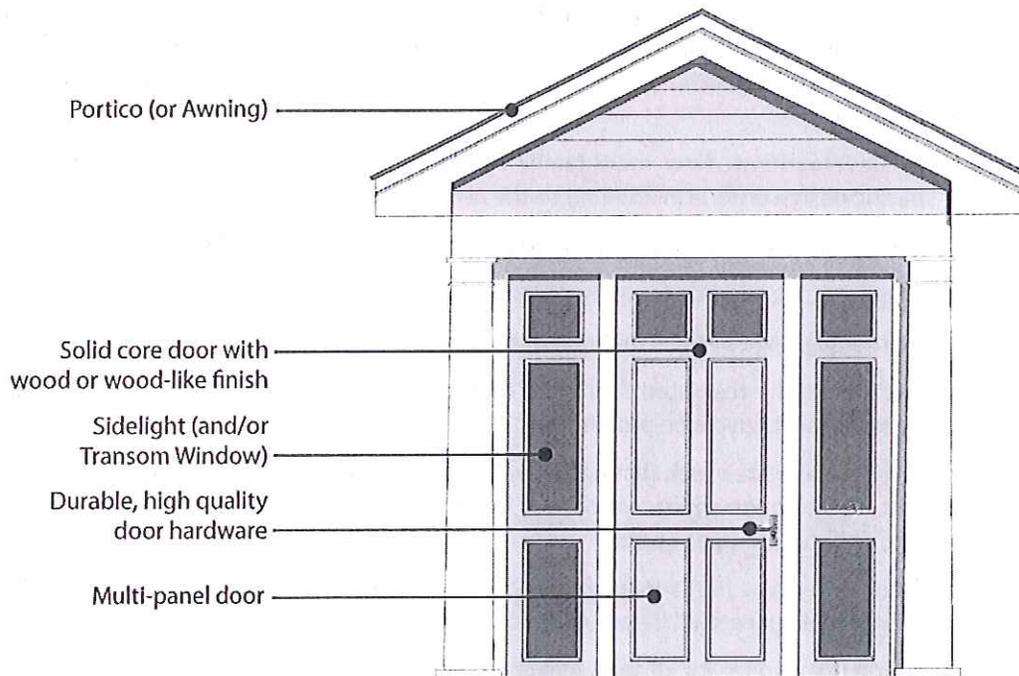


Play Equipment



- a. Separate private entries from the public sidewalk with a semi-private transition area, such as a porch, terrace, stoop, or similar element.
- b. Provide weather protection over each primary entry extending a minimum of four feet (4') from the building façade.
- c. Primary residential entries shall have at least two of the following characteristics:
  - i. Awning or portico;
  - ii. Multi-panel door;
  - iii. Transom windows and/or sidelights;
  - iv. Durable, high-quality door hardware;
  - v. Solid core door with wood or wood-like finish.

Figure 9-5C-3-B2  
CHARACTERISTICS OF A PRIMARY ENTRY (SINGLE-FAMILY AND MULTI-FAMILY)

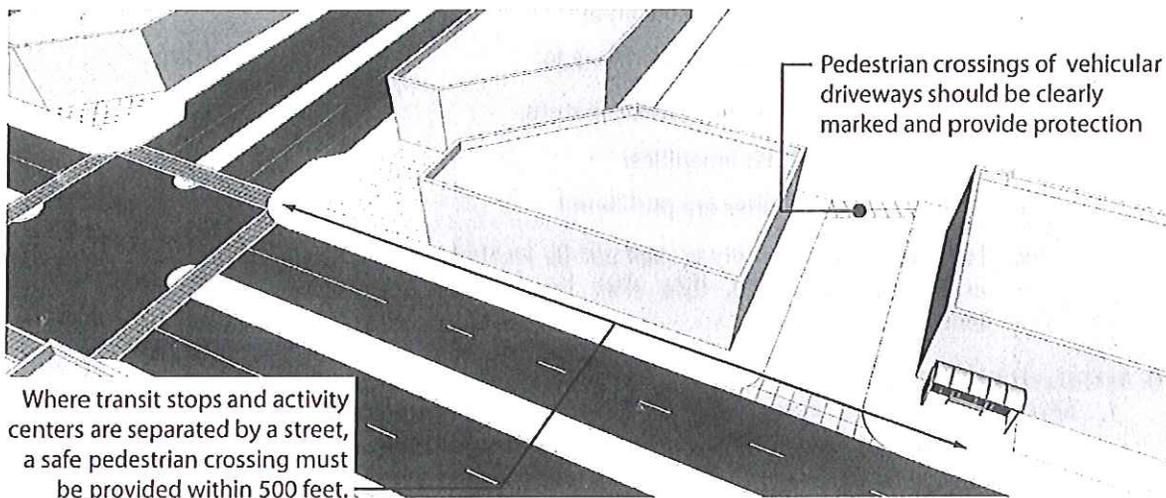


4. **Single-Family and Mobile Home Development.** New single-family and mobile home development shall comply with the following specific design criteria in addition to the other standards of this section.
  - a. **Siding material.** All main buildings and all detached garages located on the front half shall consist of either wood, masonry, concrete, stucco, masonite, or metal lap. The exterior siding material shall extend to ground level; except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

- b. Roofs. The following roof design standards shall apply:
    - i. Roof overhang: All main buildings shall have a minimum twelve inch (12") roof overhang on each of the dwelling's perimeter walls such that the roof overhang is architecturally integrated into the design of the dwelling unit.
    - ii. Roofing material: All main buildings and all detached garages and carports located on the front half of the lot shall have a roof constituted of wood shakes, asphalt, composition or wood shingles, clay, concrete or metal tiles, slate or built-up materials. All housing units shall have pitched roofs.
  - c. Foundations. All main buildings shall be placed on a permanent foundation which meets applicable city-adopted building code requirements and/or §18551 of the Health and Safety Code, such that the floor elevation of the proposed unit is compatible with the floor elevation of the surrounding dwelling units.
  - d. Deviations. The planning director may approve deviations from one or more of the development/architectural standards in this section for single-family and mobile home development on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the planning director may be appealed to the city council in accordance with section 9-2A-8 (appeals) of this title.
5. **Multi-Family Development.** New multi-family residential development shall meet all of the following specific design criteria in addition to the other standards of this section:
- a. Minimum twenty-foot (20') landscaped yards between streets and parking areas.
  - b. Parking frontages limited to no more than twenty-five percent (25%) of street frontages.
  - c. Carport and garage designs that match building designs.
  - d. Carport locations restricted such that they are not highly visible from public streets; portable carport covers be prohibited.
  - e. Open landscape area such that each dwelling unit has at least four hundred (400) square feet of on-site open space, which may be private open space provided by balconies or patios, or common open space.
  - f. At least thirty-two (32) square feet in floor area of private storage space apart from interior closet space shall be provided for each unit.
  - g. Common open space for all ages, including tot lots.
  - h. Buffer landscaping, at least ten feet (10') deep shall be provided along the project perimeter where adjacent to sensitive uses (usually referred to as a "buffer area").
  - i. Architecturally interesting buildings that are not bulky and "box-like." This can be created by requiring variable roof forms in building designs and limiting the dimension of any single building to one hundred twenty-five feet (125').
  - j. Building entries to have roofed projections or recessed entries.
  - k. Roof-mounted mechanical equipment should be screened or incorporated into a roof design or, if this cannot be done, such equipment must be ground-mounted on the interior side or in the rear of the lot.

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

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



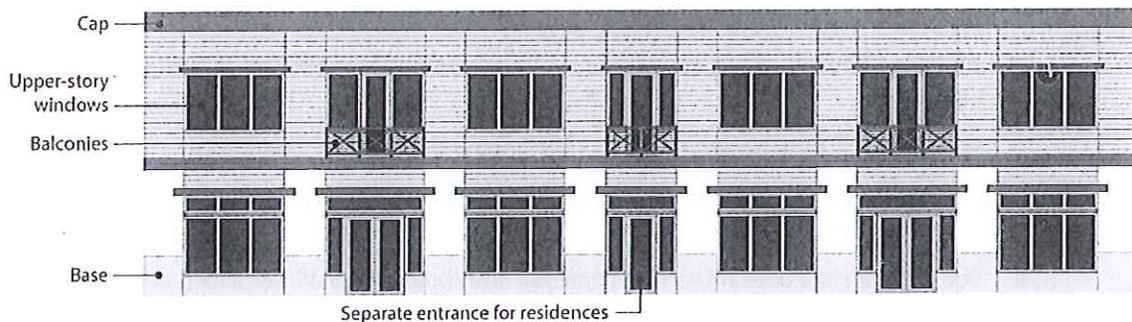
2. **Public Spaces and Pedestrian Amenities.** All development shall be pedestrian oriented with design components and amenities, as follows:
  - a. Sites over fifteen (15) acres in size include plazas and gardens where people can gather.
  - b. Uses such as restaurants shall front onto plazas or a public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

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

#### B. Architectural Design

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

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



- b. Building walls shall be articulated to break up the apparent mass of large building with one of the following techniques a minimum of every thirty feet (30'):

within one (1) year. Minimum planter width for ground cover is two feet (2'), with the exception of sod, which requires a minimum planter width of eight feet (8').

4. **Vines.** Vines are normally planted to provide landscaping screening of a wall or as part of a trellis to screen other site improvements that require screening. Where provided, vines shall be planted every two feet (2') on center in a planter with a minimum width of two feet (2').

**E. Special Landscape Requirements**

In addition to the general requirements above, the following requirements apply to the special types of landscaping.

1. **Streetscape Landscaping.** Consistent with the city's general plan and improvement standards, landscaping shall be provided along all public streets within city right-of-way maintained by the adjacent owner. Depending upon the classification of the street, landscaping shall be required in a parkway between the front of sidewalk and the back of curb and within a planted median (where designated by the general plan). The form, width, and quantity of landscaping shall be consistent with the following standards:
  - a. **Elements and widths.** Landscaping within rights-of-way shall be provided consistent with the standards of table 9-5D1-2-E1 (typical street elements and widths). The designated approving authority may allow for deviations from these standards through the tentative map process or site plan review process to appropriately tie into adjacent existing conditions.

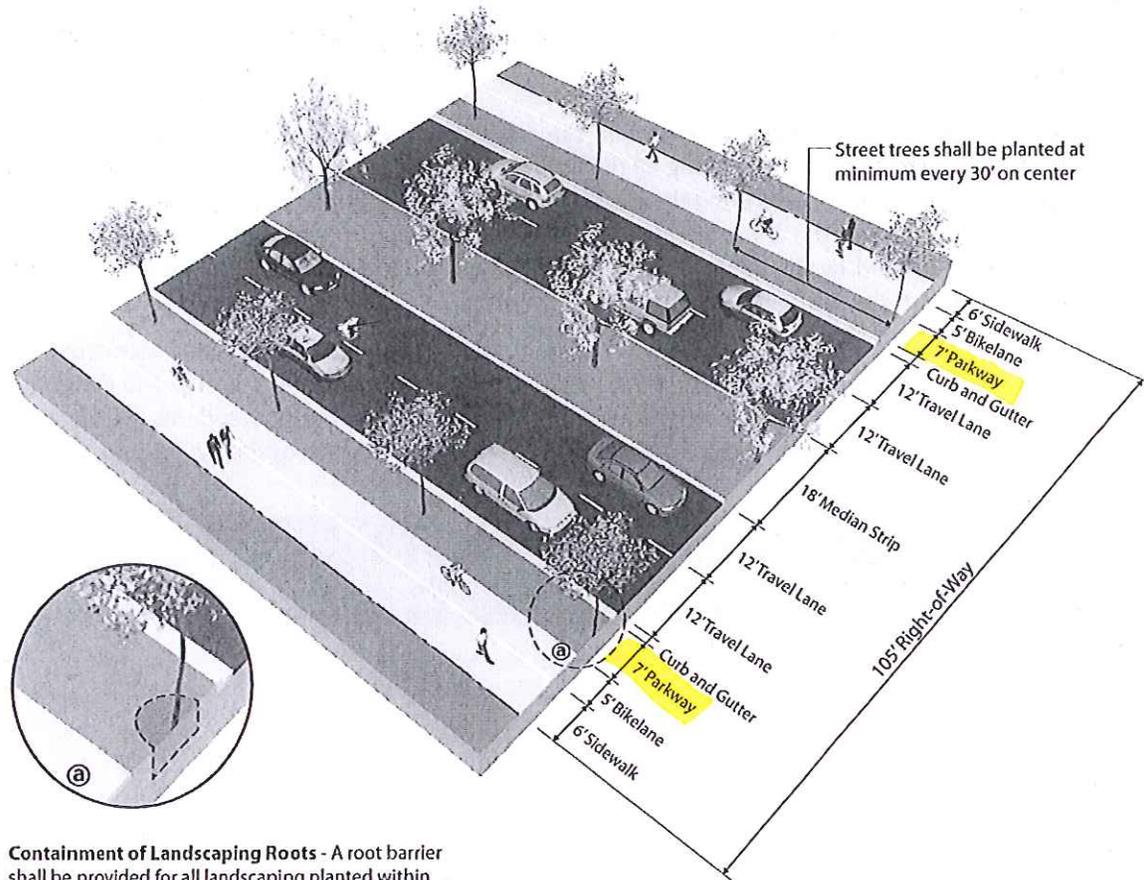
TABLE 9-5D1-2-E1 – TYPICAL STREET ELEMENTS AND WIDTHS			
Street Classification	Median Strip	Parkway (each side)	Sidewalks (each side)
Arterial	None	7'	6' <sup>1</sup>
Median Parkway	18'	7'	6' <sup>1</sup>
Collector			
No on-street parking	None	7'	6'
With on-street parking	None	7'	6'
Downtown Street		See chapter 9-6	
Local Residential Street	None	5' <sup>4, 5, 6</sup>	5'
Cul-de-Sac or other dead-end street serving <10 homes	None	5' <sup>4, 5, 6</sup>	5' <sup>2</sup>
Rural Street	None	None <sup>3</sup>	None <sup>3</sup>

**Notes**

1. Where inadequate room exists to provide safe bike travel in the street, large sidewalks of at least ten feet (10') in width shall be installed to protect children and allow bicycles on the sidewalk.
2. May be eliminated at bulb.
3. Shall be a dirt/gravel road shoulder.
4. Parkway not required along industrially designated properties.
5. Exceptions may be allowed to better tie into adjacent properties with existing improvements or where existing conditions are undersized.
6. Street trees shall be provided along local streets at a rate of one tree per single family dwelling or

every thirty feet (30') for other uses. The tree shall be located either within the parkway, behind the sidewalk within the utility easement, or in the front yard setback at the choice of the developer/property owner.

**Figure 9-5D1-2-E1**  
**TYPICAL STREET ELEMENTS AND WIDTHS AS SHOWN FOR A MEDIAN PARKWAY STREET**



**Containment of Landscaping Roots** - A root barrier shall be provided for all landscaping planted within parkways and median strips

- b. Landscape design. Landscaping within parkways and medians shall be consistent with the following:
  - i. Street trees. Street trees shall be provided a minimum of every thirty feet (30') on center. Tree species shall be approved by the city as part of the improvement plan review process and shall be selected from a city-approved tree list. Trees shall be planted ten feet (10') away from alleys, driveways, fire hydrants, water lines, and sewer lines and three feet (3') from gas, electrical, telephone, cable television, and adjoining property lines. They shall also be planted a minimum of twenty feet (20') from city street lights. Ultimate planting locations shall be subject to city review and approval based upon field conditions.
  - ii. Ground cover. Ground cover shall be provided within all parkways and medians as follows:

gallon size covering a minimum planter area depth of five feet (5') around the facility. Trees and shrubs shall be planted no farther apart on center than the mature diameter of the proposed species.

9. **On-Site Pedestrian Pathways.** Pedestrian pathway landscaping shall include shade trees placed so as to cover sixty percent (60%) of the total pathway area with tree canopies within fifteen (15) years of securing building permit.
10. **Canals.** To the extent that landscaping or planting is required or provided along canals, such landscaping shall be native plants.
11. **Public Spaces.** Pedestrian space landscaping shall include a combination of shade trees and pedestrian shading devices (e.g., canopies, awnings, and umbrellas) placed so as to cover sixty percent (60%) of the total space with a shade canopy within fifteen (15) years of securing building permit.
12. **Signs.** Landscaping shall be provided at the base of the supporting structure of freestanding signs equal to twice the area of one face of the sign. For example, fifty (50) square feet of sign area requires one hundred (100) square feet of landscaped area.
13. **Existing Trees.** Existing mature trees on the site in good health shall be preserved whenever possible.

**F. Removal and Replacement of Landscaping and Trees from Approved Plans**

All plant material removed from a project in which the city has approved the landscape plan shall be replaced with the following replacement sizes:

1. Shrubs shall be replaced with five (5) gallon size plants.
2. Ground cover shall be replaced with flats.
3. Trees shall be replaced based upon the schedule described in table 9-5D1-2-F1 (tree replacement schedule). Trees removed or severely and improperly pruned shall be replaced per the schedule.

TABLE 9-5D1-2-F1 – TREE REPLACEMENT SCHEDULE	
Size of Damaged/Removed Tree (DBH <sup>1</sup> )	Replacement Tree Required
2 inches	15-inch box
4 inches	24 inch box
6 inches or greater	36-inch box

**Notes**

1. Diameter at Breast Height

**9-5D1-3 Landscape Care and Maintenance**

**A. Irrigation**

1. All new single-family and multi-family development, excluding additions and infill development, shall comply with the following requirements.
  - a. Sprinklers and sprays shall not be used in areas less than eight feet (8') wide.

- b. Sprinkler heads with a precipitation rate of .85 inches per hour or less shall be used on slopes exceeding fifteen percent (15%) or on slopes exceeding ten percent (10%) within ten feet (10') of hardscapes to minimize runoff.
  - c. Valves and circuits shall be separated based on water use.
  - d. Drip or bubbler irrigation systems are required for trees. Bubblers shall be used that do not exceed one and one-half (1½) gallons per minute per device.
  - e. Sprinkler heads must have matched precipitation rates within each control valve circuit.
  - f. Check valves are required where elevation differences may cause low head drainage.
  - g. Sprinkler head spacing shall be designed for head-to-head coverage. The system should be designed for minimum runoff and overspray onto nonirrigated areas.
  - h. All irrigation areas shall be equipped with a controller capable of dual or multiple programming. Controllers must have multiple cycle start capacity and a flexible calendar program.
  - i. All irrigation systems shall be equipped with rain shut-off devices.
2. All other development not addressed above, including but not limited to new nonresidential development, mixed-use development, infill development, and additions to existing development, shall comply with the following:
- a. A low-pressure irrigation system (e.g., drip system) shall be provided for all landscape areas other than turf.
  - b. Automatic programmable controllers with check valves shall be installed in sloping areas with elevation differences of more than five feet (5') as defined from the toe to the top of slope.
  - c. Landscape materials with the same watering needs shall be grouped together and irrigated through separate control valves.
  - d. Irrigation systems shall be designed to avoid runoff, excessive low head drainage, overspray, or other similar conditions where water flows or drifts onto adjacent property, nonirrigated areas, walks, roadways, or structures.
  - e. The annual maintenance program with seasonal watering schedule shall be laminated and permanently posted in or near the control box on-site.

#### **B. Maintenance of Required Planting Areas**

Required planting areas shall be permanently maintained by water, clearing debris and litter, weeding, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials. All landscaping shall be maintained in such a manner as to not restrict designated pedestrian access. All trees, shrubs, and plants which, due to accident, damage, disease, or other cause, fail to show a healthy growth shall be replaced, in kind, pursuant to the approved landscape plans within thirty (30) days from the identified damage date.

#### **9-5D1-4 Tree Preservation**

##### **A. Purpose and Applicability**

This section implements the general plan policy of protecting and preserving significant trees within the community. This section includes provisions that preserve existing trees on private property through the

- e. A 60-inch box = three inch (3") dbh
- f. A 72-inch box = four inch (4") dbh

**4. Replanting Security for Trees Planted as Mitigation**

- a. Any tree mitigation plan shall include a financial guarantee of the applicant's compliance with tree protection and preservation provisions. Security may also be required at the discretion of the approving body to ensure the completion of any additional work specified as a condition of permit approval or other approvals.
- b. The security shall be in the amount of one hundred percent (100%) of the estimated cost of the required work. The applicant shall include the cost estimate as part of the tree mitigation plan for planning director review and approval. The terms and conditions of the security shall be reviewed and approved by the planning director prior to approval of the tree mitigation plan.
- c. The security may be in the form of a letter of credit, cash deposit, a combination thereof, or other acceptance method of security by the city and shall be approved by the city attorney.
- d. Security posted on actual work required shall be maintained for a minimum of five (5) years. The city may require additional length of security of up to ten (10) years when larger trees are being planted and/or site conditions warrant.
- e. Any interest gained on security posted by requirement of the city shall accrue to the applicant or his or her designee.

**9-5D1-5 Preferred Plant List**

**A. Street Trees**

Table 9-5D1-5-A1 (street trees) lists the city's approved master list of trees for use in parkways, medians, and other street landscaping (between the sidewalk and a single-family home). The table lists the botanical and common name of each species, the type of tree (evergreen or deciduous), the size, and appropriate planting location (within the parkway and/or between the sidewalk and a single-family home).

**TABLE 9-5D1-5-A1 – STREET TREES**

Botanical Name	Common Name	Type (Evergreen or Deciduous)	Tree Size (Height, Spread)	Planting Location	
				Parkway	Located minimum 5' from sidewalk on house side
Geijera purviflora	Australian Willow	Evergreen	20'-30'	Yes	Yes
Pyrus calleryana	Bradford Pear	Deciduous	30', 20' spread	No	Yes
Pinus halepensis 'Brutia'	Brutia Pine <sup>1</sup>	Evergreen	30'-60' 25' spread	No	Yes
Pinus canariensis	Canary Island Pine <sup>1</sup>	Evergreen	60'-80' columnar	No	Yes
Pistacia chinensis	Chinese Pistache <sup>1</sup>	Deciduous	60', 50' spread	Yes	Yes
Quercus agrifolia	Coast Live Oak	Evergreen	30'-70', greater spread	Yes	Yes
Lagerstroemia indica	Crape Myrtle <sup>1</sup>	Deciduous	6' 30', equal spread	No	Yes
Pyrus kawakamii	Evergreen Pear	Deciduous	15'-25', 20'	Yes	Yes
Koelreuteria Paniculata	Golden Rain <sup>1</sup>	Deciduous	20'-30'	Yes	Yes
Laurus nobilis	Grecian Laurel	Evergreen	20'-25', 15' spread	Yes	Yes
Quercus ilex	Holly Oak <sup>1</sup>	Evergreen	40'-70', equal spread	Yes	Yes
Pinus pinea	Italian Stone Pine	Evergreen	40'-80', equal spread	No	Yes
Ginko biloba	Maidenhair Tree	Deciduous	35'-50', lesser spread	Yes	Yes
Nyssa sylvatica	Pepperidge Tupelo	Deciduous	30'-50'	Yes	Yes
Quercus palustris	Pin Oak	Deciduous	50' +	Yes	Yes
Quercus rubra	Red Oak	Deciduous	50' +	Yes	Yes
Zelkova serrata	Sawleaf Zelkova	Deciduous	60', equal spread	Yes	Yes
Fraxinus uhdei 'Majestic Beauty'	Shamel Ash	Deciduous	40'-60', lesser spread	No	Yes
Liquidamber styraciflua	Sweet Gum	Deciduous	To 60', 20'-25' spread	No	Yes
Quercus lobata	Valley Oak <sup>1</sup>	Deciduous	60'-80' spread	No	Yes

**Notes**

1. Drought tolerant

**B. Shade Trees**

Table 9-5D1-5-B1 (shade trees) lists the city's preferred trees for general use throughout the city, including, but not limited to, parking lot shade and landscaping trees and other landscaping areas because they are compatible with Lemoore's climate conditions and high water table. The table lists the botanical name, common name, type (deciduous or evergreen), tree size, minimum planter well width, minimum parkway width, and root damage potential.

spaces). Where two or more uses are located on the same premises, the number of loading area spaces required is the sum of the spaces required for each use.

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

**D. Off-Street Loading Standards**

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

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

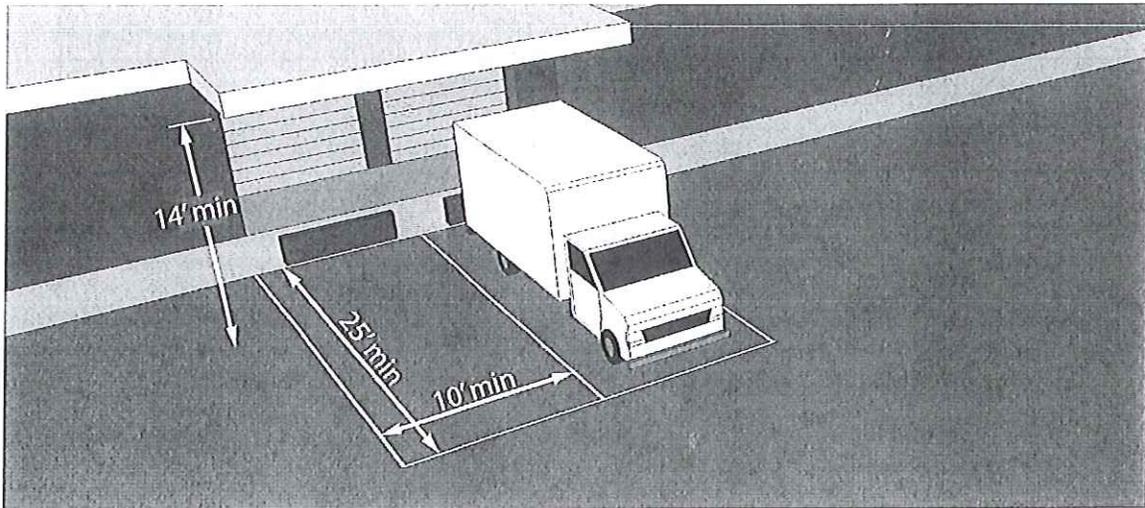
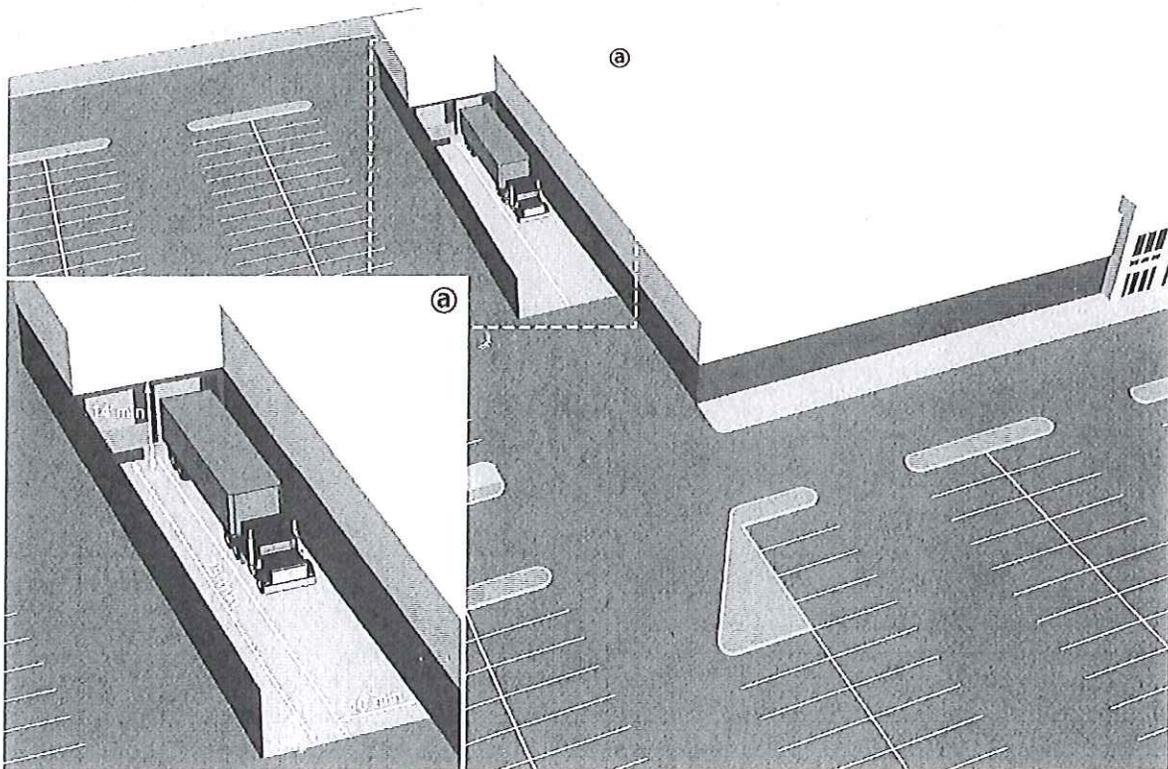


Figure 9-5E-6-C2  
TYPICAL LOADING AREA – SIDE LOAD



**E. Location of Required Loading Facilities**

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

**9-5E-7 Bicycle Parking Requirements**

**A. Applicability**

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

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

**B. Required Number of Bicycle Parking Spaces**

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

**C. Rental or Lease of Spaces Not Permitted**

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

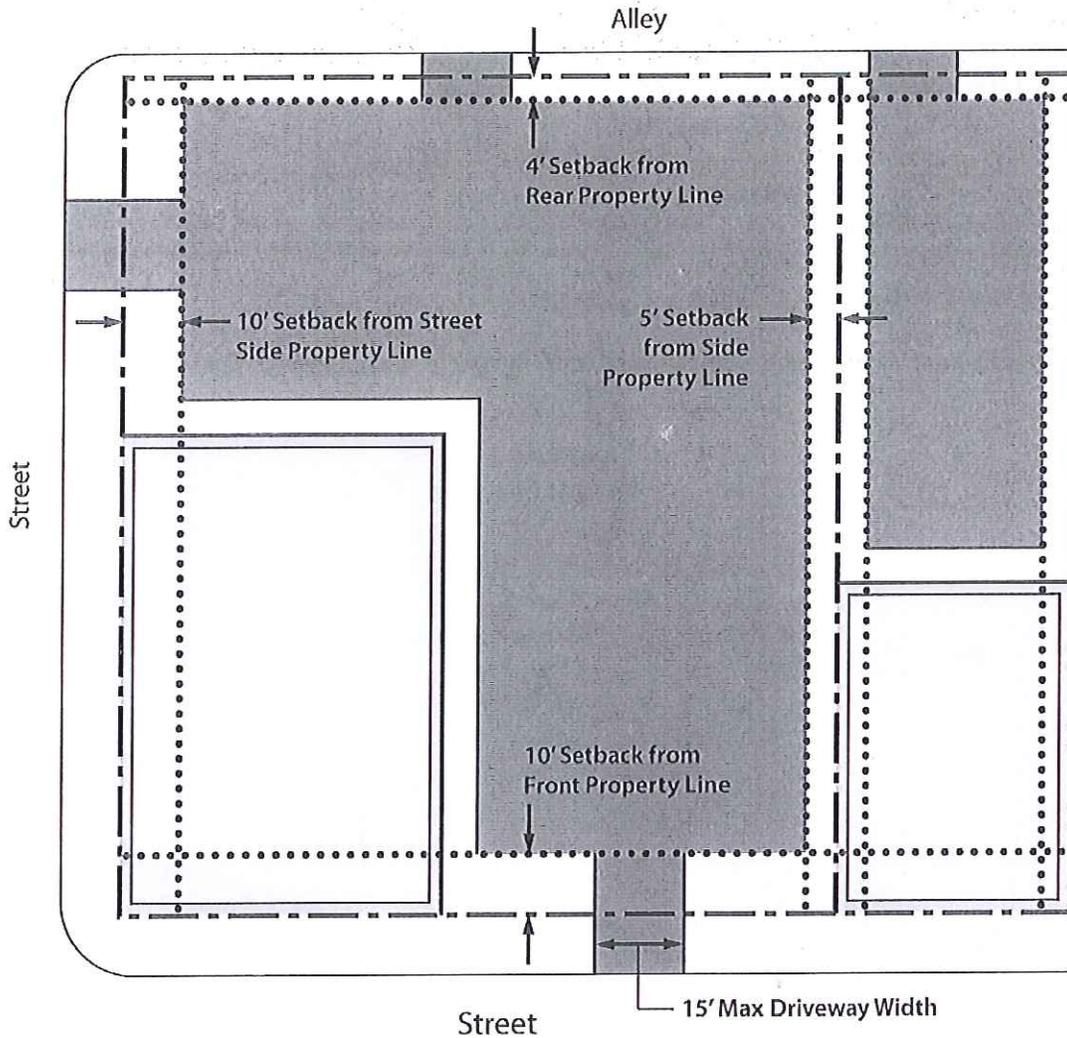
**D. Design Standards for Bicycle Parking Facilities**

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

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

TABLE 9-5F-5-B2 – ALLOWED TYPES OF PERMANENT ON-SITE SIGNS BY ZONING DISTRICT									
Sign Type	Nonresidential Uses in Residential and Special Purpose Districts	Zoning District					Maximum Height		
		DMX	MU	NC	RC	PO		ML MH	
<b>Building Attached<sup>2, 5</sup></b>									
Awning	A <sup>3</sup>	See Chapter 9-6	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	N	N	Roofline	
Can	N		N	N	N	N	N	Roofline	
Channel Letter	A <sup>4</sup>		A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A	Roofline	
Marquee/ Changeable Copy Sign (non-electric)	A <sup>3</sup>		A <sup>3, 6</sup>	A <sup>3, 6</sup>	A <sup>3, 6</sup>	N	N	Roofline	
Marquee/ Changeable Copy Sign (electric)	N		N	A <sup>3, 6</sup>	A <sup>3, 6</sup>	N	N	Roofline	
Projecting	A <sup>3</sup>		A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	N	N	Roofline	
Pushpin	A		A	A	A	A	A	Roofline	
Reverse Channel Letter	A		A	A	A	A	A	Roofline	
Vinyl	A		A	A	A	A	A	Roofline	
Wall	A <sup>4</sup>		A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>	Roofline	
Window	A		A	A	A	A	A	Roofline	
<b>Freestanding<sup>2</sup></b>									
Monument	A		A	A	A	A	A	4'	
Pole	N	N	N	N	N	N	-		
Pylon	N	See Chapter 9-6	N	A	A	N	A	Height of tallest building on site or 40', whichever is less	
w/ Marquee/ Changeable Copy Sign (non-electric)	N		A <sup>6</sup>	A <sup>6</sup>	A <sup>6</sup>	N	N	Height of monument or pylon sign	

Figure 9-6-3-C1  
LOCATION OF PARKING AREAS



Note: Setback varies in DMX-3 zone

**D. Encroachments**

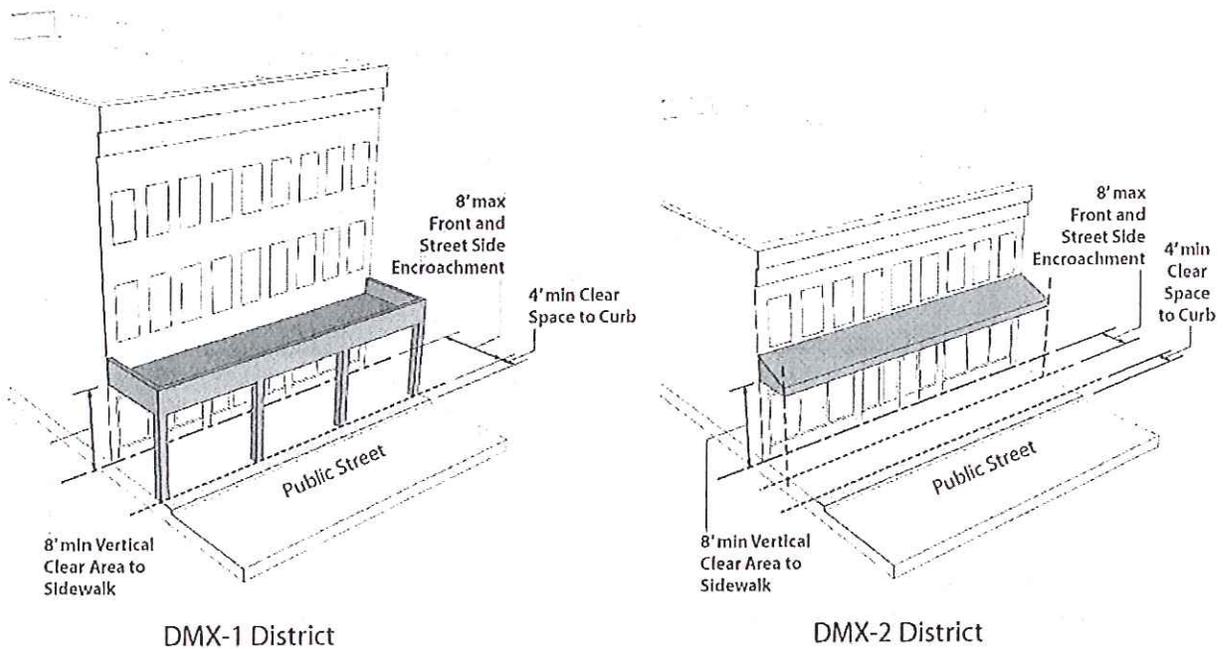
Generally, the city permits development to occur on private property and not within the public right-of-way. However, the city will permit permanent structures or improvements, including but not limited to planter boxes, seating, arcades, galleries, and awnings, within the public right-of-way within the DMX-1 and DMX-2 districts with approval of an encroachment agreement. Encroachments into the public right-of-way shall be in conformance with the standards in table 9-6-3-D1 (encroachments) and shown in figures 9-6-3-D1 (encroachments) and 9-6-3-D2 (sidewalk clearance). Requests for encroachment will be reviewed for compliance with the standards below and to ensure consistency with the character of the downtown.

Development Standard	Measurement		
	DMX-1	DMX-2	DMX-3
<b>Encroachment Location</b>			
Front and Street Side (maximum encroachment distance)	8'	8'	Permanent encroachments not allowed in the DMX-3 district.
Clear Space to Curb (minimum distance to maintain clear at all times)	4'	4'	
Clear Walk Path <sup>1</sup> (minimum distance to maintain clear at all times)	4'	4'	
Vertical Clear Area to Sidewalk (minimum distance to maintain clear at all times)	8'	8'	

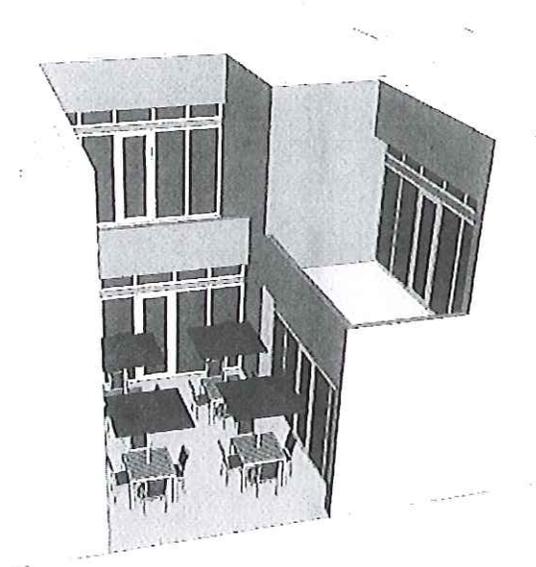
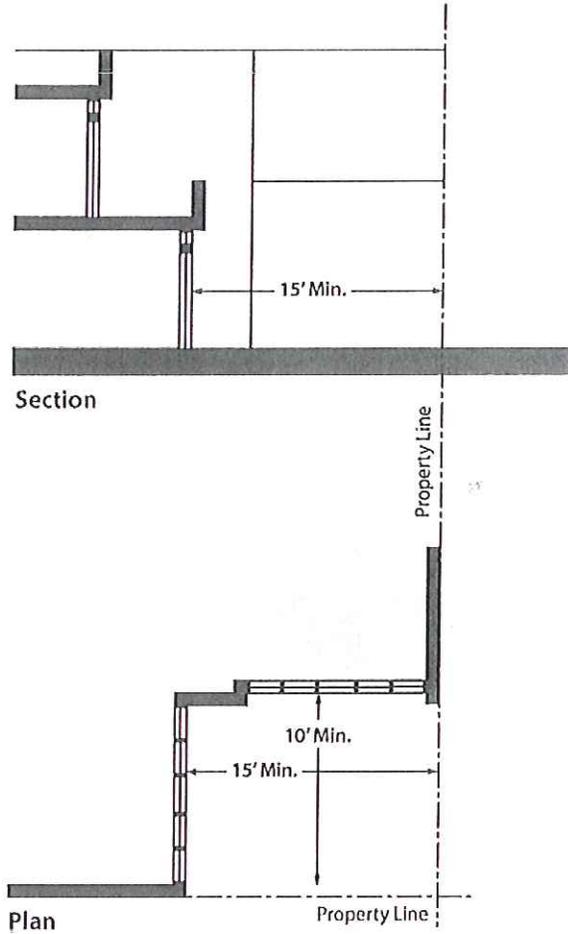
**Notes**

1. Clear walk path is intended to comply with the standards of the Americans with Disabilities Act.

**Figure 9-6-3-D1  
ENCROACHMENTS**



**Alley/Paseo – Active**

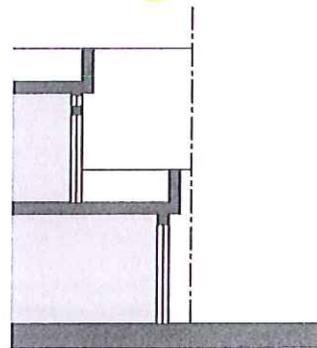


Oblique View

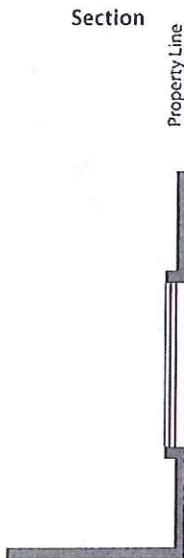
**Alley/Paseo – Active Description.** The active alley/paseo frontage is the development of the rear of a building abutting an alley with an active pedestrian area. Examples include patio seating for restaurants, primary entrances for ground-floor businesses, and other gathering spaces for pedestrians. While alleys are typically used as the service areas for buildings (e.g., trash collection, utility service), the city recognizes that parcels in the downtown have substantial depth and present an opportunity for property owners to create multiple tenant spaces at both ends of their buildings.

Dimensions	
Development Standard	Measurement
Pedestrian Area	
Width	10' min.
Depth	15' min.

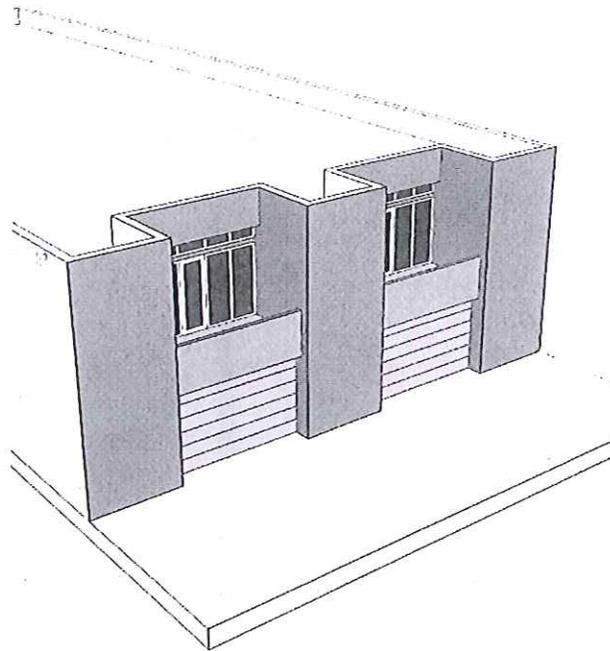
**Alley/Paseo – Non-Active**



Section



Plan



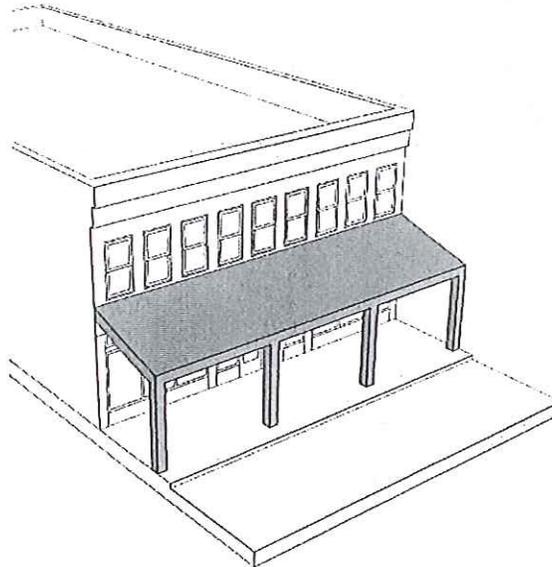
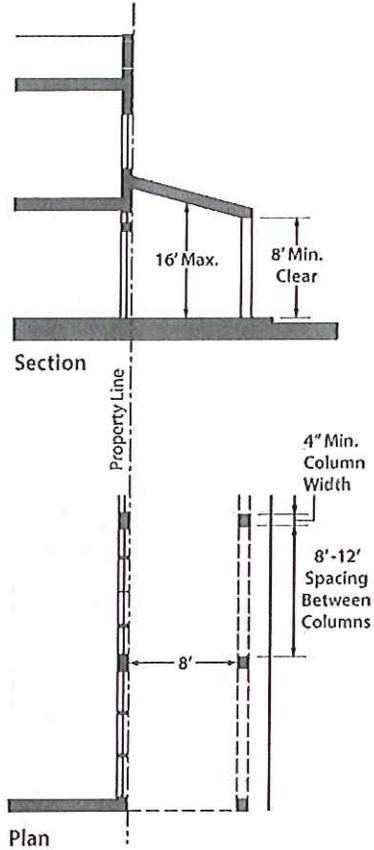
Oblique View

**Alley/Paseo – Non-Active Description.** The non-active alley/paseo frontage is the development of a building directly abutting the rear property line where there is an alley. This type of frontage may have secondary/emergency access to the building, along with utility and service access. This type of frontage is appropriate for retail and office buildings throughout the downtown, as well as row houses with alley-access garages. This frontage type does allow for a balcony or balconies to be built along the frontage, provided the balcony does not encroach into the alley.

Dimensions	
Development Standard	Measurement

There are no specific development standards for the alley/paseo – non-active building and frontage beyond the building placement and height standards in section 9-6-3 (base development standards).

**Gallery-Roof**



Oblique View

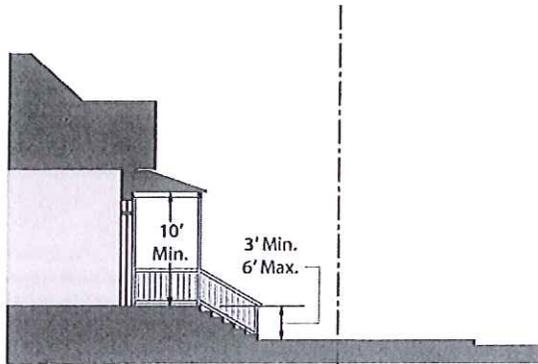
**Gallery – Roof Description.** A gallery – roof frontage is characterized by a façade which is aligned close to or directly on the build-to line with the building entrance at the sidewalk grade and with an attached colonnade roof that projects over the public sidewalk and encroaches into the public right-of-way. The sidewalk must be fully absorbed within the colonnade so that a pedestrian may not bypass it. The colonnade may project over the public sidewalk, provided that the upper stories of the building do not also project over the public sidewalk. This frontage is typically appropriate for retail use. An encroachment agreement is needed to construct this frontage type.

Dimensions	
Development Standard	Measurement
Depth	8' <sup>1</sup>
Height (base to sidewalk)	8' min. clear 16' max.
Percentage of Building Front	100%
Spacing Between Columns	8' min. to 12' max.
Minimum Column Width	4"
Doorways (Allowed Ranges)	
Doorway Inset	0' to 12'
Doorway Width	5' to 11'
Ground-Floor Windows (Allowed Ranges)	
Window Width	5' to 7'
Window Height	6' to 7'

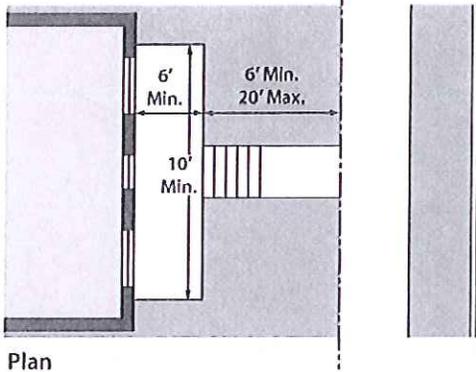
**Notes**

1. The arcade shall fully encumber the sidewalk while maintaining the minimum four foot (4') clear space to curb. A depth of less than eight feet (8') shall be allowed through site plan and design review when the sidewalk is less than twelve feet (12') wide.

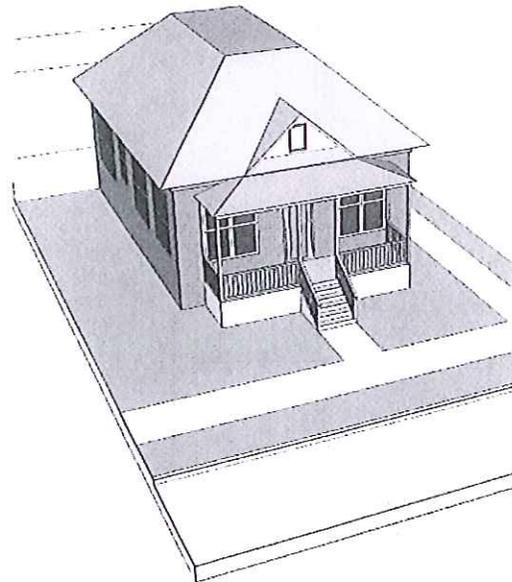
**Historic Home/Office Conversion**



Section



Plan



Oblique View

**Historic Home/Office Conversion Description.** The historic home/office conversion frontage is the reuse of an existing home for a nonresidential use (typically office or general medical service), or the development of a new structure to resemble a historic home that has been converted to an office use.

Dimensions	
Development Standard	Measurement
Setback	20' max.
Distance to Porch	6' min. 20' max.
Porch Height Above Sidewalk Grade	3' min. 6' max.
Porch Width	10' min.
Porch Depth	6' min.
Clearance Above Porch to Roof	10' min.

**Notes:**

1. ADA ramp(s) shall be located to connect to the side of the porch. Ramps are exempt from setback standards.

### 9-7-6 Development Standards

All proposed development and redevelopment of property within the mixed use district shall comply with the base development standards listed in this section.

#### A. Building Placement

Each proposed structure shall comply with the build-to line, setback, and buildable area requirements listed in table 9-7-6-A1 (building placement) and shown in figure 9-7-6-A1 (building placement). Setbacks and build-to lines shall be measured from the back of the property line when along a public street or from a sidewalk when along an internal, private drive.

TABLE 9-7-6-A1 - BUILDING PLACEMENT	
Development Standard	Measurement
<b>Build-to Line</b>	
Front	
Minimum	0'
Maximum	10' <sup>1</sup>
Street Side, corner lot	
Minimum	0' <sup>1</sup>
Maximum	10'
Side	0'
Rear	
Adjacent to residential property	10' <sup>2</sup>
Adjacent to any other use	10'
Adjacent to alley	10' <sup>2</sup>
<b>Minimum Building Frontage</b>	
Primary Street	50%
Secondary Street	40%
<b>Notes</b>	
1. The building façade along a street may be recessed to create inviting pedestrian spaces such as entries, courtyards, and patios.	
2. Residential dwellings may be developed with no rear yard setback and no alley setback as part of site plan and design review.	
3. Additional setbacks may be provided through regulating plan approval to allow for the creation of pedestrian plazas.	
4. Buildings, including awnings, arcades, galleries, and other architectural features, are allowed to encroach over and into sidewalks that are not part of the public right-of-way, provided a minimum four foot (4 ') clear walk path is provided.	

Figure 9-7-6-A1  
BUILDING PLACEMENT

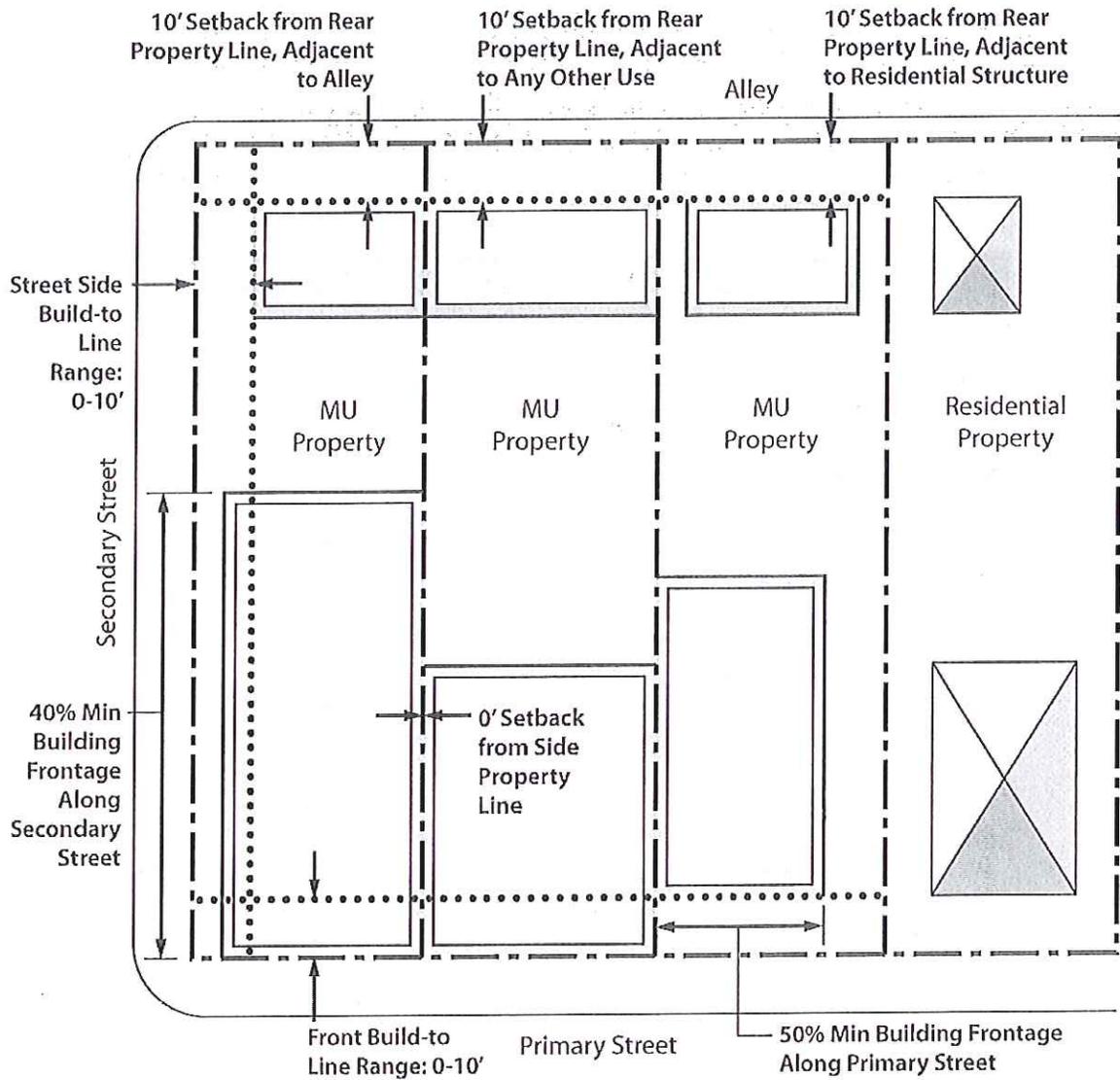
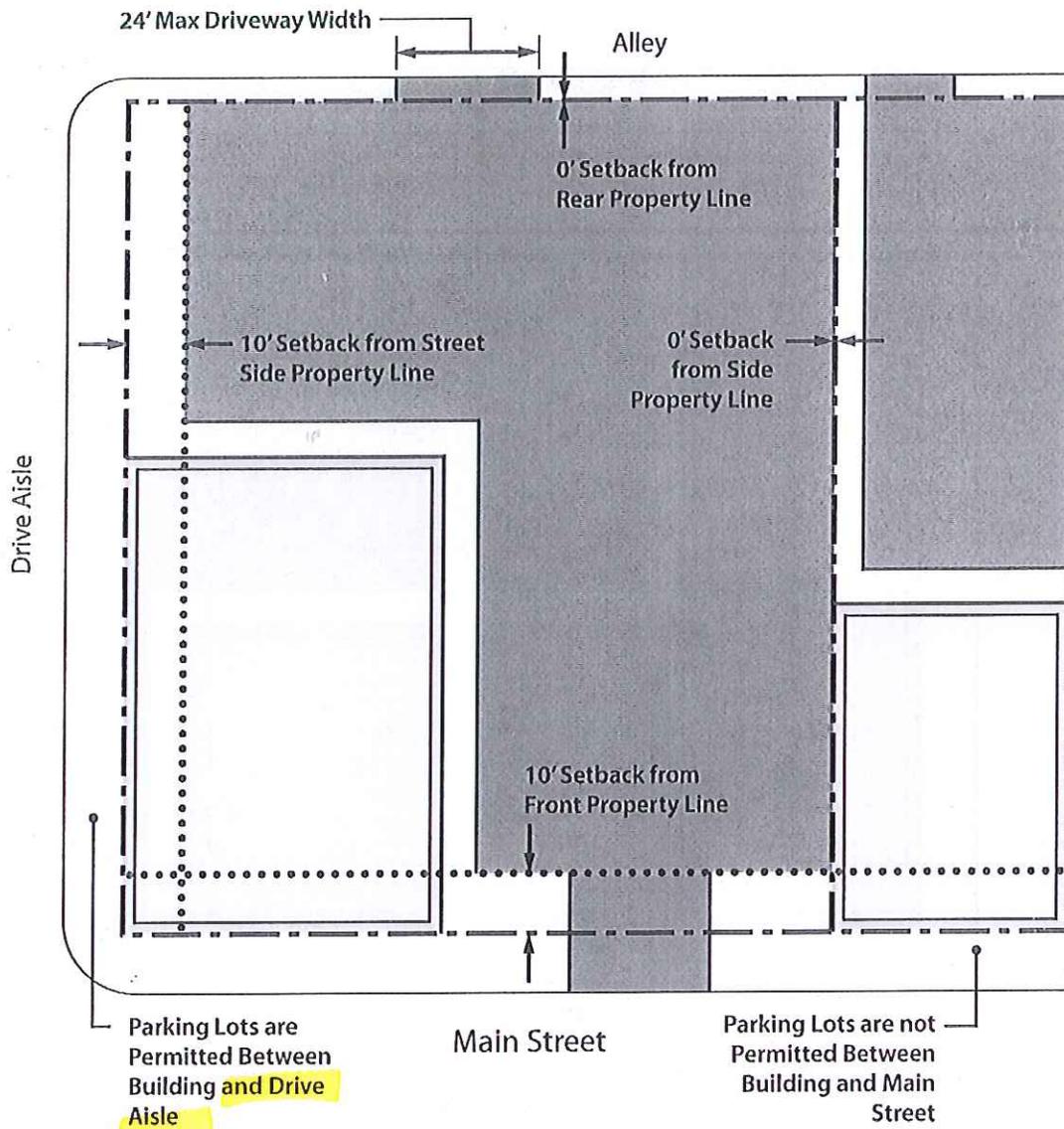
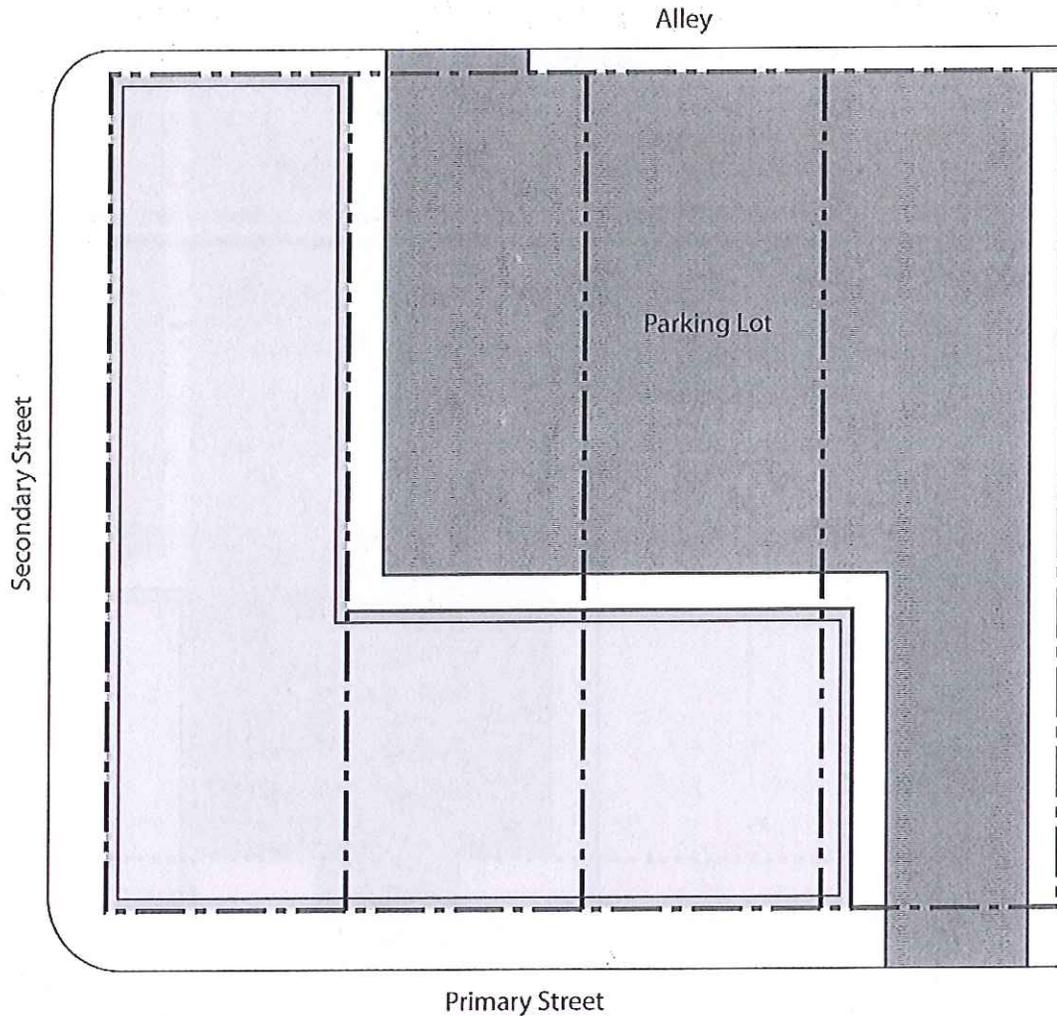


Figure 9-7-6-C1  
PARKING LOT LOCATION



3. **Number of Required Parking Spaces.** The number of parking spaces required for mixed-use centers shall be based upon the standards listed in article 9-5E (off-street parking and loading). The required parking shall be calculated based upon the range of uses developed within the center by type of use during the peak parking period.
4. **Location of Parking Spaces.** The parking required for each individual use need not be provided on the same parcel or immediately adjacent to the use generating the required parking. Rather, the required parking just needs to be provided somewhere within the center.

Figure 9-7-6-D2  
SHARED PARKING CONCEPT



The parking required for each individual use need not be provided on the same parcel or immediately adjacent to the use generating the required parking. Rather, the required parking just needs to be provided somewhere within the center.

**D. Signs**

Signs in the mixed use district shall comply with article 9-5F (signage) of this title.

## Chapter 9: Overlay Zoning Districts

### Article A: Purpose and Intent of Overlay Zoning Districts

#### Sections:

- 9-9A-1 Purpose and Intent
- 9-9A-2 Designation on Zoning Map
- 9-9A-3 Applicability of Standards

#### **Draft Zoning Code Changes:**

- *This article establishes the overall intent and function of the city's overlay zoning districts. Each overlay district is then established in articles b and c.*

#### **9-9A-1 Purpose and Intent**

This chapter establishes a series of overlay zoning districts. These overlay zoning districts supplement the land use regulations and/or development standards of the corresponding underlying base zoning district by recognizing distinct areas of the city that have special, unique, or important social, architectural, site, neighborhood, environmental, or compatibility issues or characteristics that, because of their nature, require special considerations not otherwise adequately provided by the underlying base zoning district applicable to the property.

#### **9-9A-2 Designation on Zoning Map**

As described in chapter 9-3 (zoning districts and map), overlay zoning districts shall be designated on the city zoning map by their representative symbol along with the base zoning district in a format determined by the planning director. For example, a planned development overlay zoning district combined with a medium-density residential base zoning district would be shown on the zoning map with the medium-density residential shown as the underlying district and the overlay shown with an outline.

#### **9-9A-3 Applicability of Standards**

The provisions of this chapter shall apply to all parcels of land located within the **designated** boundaries of an overlay district as illustrated on maps contained on the city zoning map. In the event of a conflict with the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply. Where an overlay zoning district is silent, the regulations of other sections of this title shall apply.

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Figure 9-12-2-2  
CHANNEL LETTER SIGN



**Child Care Facility.** 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.

**City.** The city of Lemoore, California.

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

**City Engineer.** The city engineer of the city of Lemoore.

**City Manager.** The city manager of the city of Lemoore.

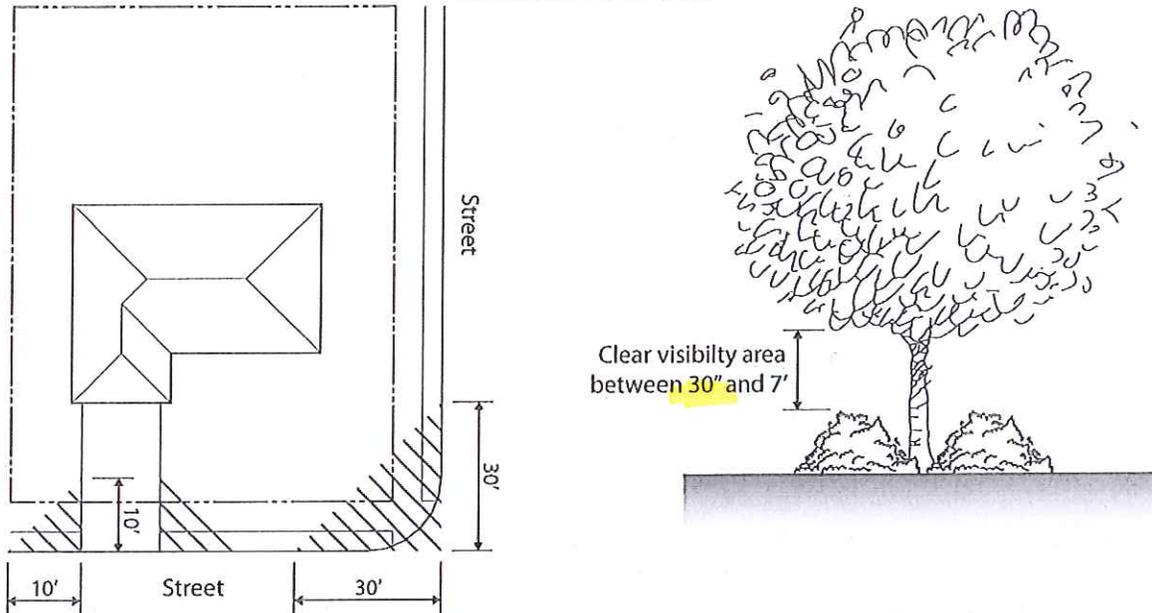
**City Property.** Land or other property in which the city of Lemoore holds a present right of possession and control, plus all public rights-of-way, plus public parks, regardless of ownership. Schools, even if publicly owned or operated, are not within this definition.

**Clear Visibility Area.** 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 9-12-2-3  
CLEAR VISIBILITY AREA



**Collocation.** 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.

**Commercial Vehicle.** 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, flatbed 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.** 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.

**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.

**Maximum Residential Density.** 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.

**Menu/Order Board Sign.** A sign installed in a drive-through facility and oriented so as to be visible primarily by drive-through customers.

**Minor Deviation.** A planning permit allowing flexibility in project design with regard to specific development standards by allowing deviations not to exceed ten percent (10%) in building height, setback, lot coverage, and parking.

**Mitigated Negative Declaration.** 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.

**Moderate-Income Household.** Households whose income does not exceed the moderate income limits applicable to Kings county (eighty to one hundred twenty percent (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.

**Monument Sign.** A sign constructed upon a solid-appearing base or pedestal (typically stone, brick, or concrete), the total width of which is at least fifty percent (50%) of the overall height of the sign.

Figure 9-12-2-9  
MONUMENT SIGN



**Moving Sign.** Any sign of which all or any part thereof revolves or moves in any fashion whatsoever.

**N. "N" Terms**

**Negative Declaration.** 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.** Sound of any kind.

**Nonconforming Structure.** 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.** 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).** Electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.

**Non-Restricted Unit.** All units within a housing development excluding the target units.

**Notice of Determination, CEQA.** 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.** 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.

**Nude, Nudity, or State of Nudity.** 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.

**O. "O" Terms**

**Odor.** Fumes emitted that are perceptible without instruments by a reasonable person at the lot line of the site.

**Official Zoning Interpretation.** The process for clarification of ambiguity in the regulations of this title in order to provide consistent interpretation and application. See section 9-2B-8 (official zoning interpretation).

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

**Overlay Zoning District.** 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).

**P. "P" Terms**

**Parking Facility.** A public or shared parking lot.

See *Chapter 3: Community Design* for additional policies on site and building design for neighborhood retail centers.

### *Regional Shopping Centers*

LU-I-24 Allow office uses with walk-in clientele that are associated with complementary commercial service businesses in regional commercial areas.

*Real estate firms, travel agencies, financial advisors, accountants would be permitted, as would second-story offices. A limit on the total square footage of ground floor office use could be established in the Zoning Ordinance.*

See *Chapter 3: Community Design* for additional policies on site and building design for regional shopping centers, and policies on design review requirements for exterior alterations and additions, as well as new construction.

### *Mixed Use Centers*

LU-I-25 Establish use regulations and development standards for Mixed Use Centers that allow a range of uses in the Zoning Ordinance.

LU-I-26 Establish an incentive program for mixed-use development including FAR bonuses for uses that contribute to public benefit and shared parking arrangements.

*Uses that contribute to public benefit include workforce or subsidized housing, daycare centers, and small scale commercial uses such as drycleaners, delicatessens and banks.*

LU-I-27 Create guidelines and a Best Practices Manual for mixed-use development to educate local builders and developers about the types of mixed-use areas the City desires.

See *Chapter 3: Community Design* for additional policies on site and building design for mixed-use areas.

### *Downtown*

LU-I-28 Establish Downtown Mixed Use Zones (DMX1, DMX2 and DMX3) in the Zoning Ordinance with the following land use requirements:

- DMX1 will allow retail, commercial, professional office, second-story residential, public and institutional uses, provided retail and restaurant uses are retained as a primary use at the site. Typical new buildings will require a minimum height of at least 16', with exceptions for uses with special needs (e.g. cinemas). Service Commercial types of uses may be allowed when deemed appropriate through a Conditional Use Permit.
- DMX2 will allow retail, commercial, professional office, high-density residential or live/work studios, public and institutional uses.

- DMX3 will allow professional office and medium-density residential, with small-scale support commercial uses, with bed-and-breakfast use an option.

*The design of all new buildings, including elements such as lot width and setback, must respect the character of Downtown and surrounding neighborhoods by following requirements set out in the Downtown Design Guidelines.*

LU-I-29 Allow a balanced and diverse mix of compatible uses to create a vibrant, 24-hour Downtown, such as:

- *Mixed Use:* Encourage a mix of uses in Downtown.
- *Housing:* Promote the development of a variety of housing options within Downtown and in adjacent areas, including higher density near the Depot.
- *Retail:* Promote the development of street-level, consumer-oriented retail establishments.
- *Community Facilities:* Promote high-quality, public development projects that can serve as demonstrations of appropriate downtown urban design principles.
- *Change of Use:* Allow existing units to remodel or upgrade to accommodate new uses, provided they do not change the primary retail character in Downtown or negatively affect historical buildings.
- *Infill:* Provide incentives for infill and development on underutilized land, mixed-use credit for adjacent on-street parking and exemptions for small ground floor retail and restaurant uses.

*Incentives may include, but are not limited to: use of Redevelopment Agency façade improvement program, rebate or reduction in development fees, adjustments in parking requirements, reductions to building height restrictions, expedited applications, and assistance with infrastructure or site improvements.*

LU-I-30 Establish incentives for new retail uses to be located at specific parts of downtown to maximize foot traffic and interest.

*New retail uses can act as circulation nodes and attract people to move from one point to another. The Zoning Ordinance will allow height bonuses, floor area or streamlined review to facilitate such developments.*

LU-I-31 Promote pedestrian-oriented amenities near Downtown such as outdoor seating, plazas, public art, weather protection, and waiting areas to reinforce Lemoore's small-town character and provide areas for people to congregate.

LU-I-32 Promote the rehabilitation of historic structures in Downtown in order to preserve the historic identity of the City for future generations.

LU-I-33 In partnership with the Chamber of Commerce, cinema, downtown store owners, local hotels and the municipal golf course, support parades, festivals, farmers markets, celebrations, promotional sales, and sport events that will draw visitors to Downtown.

See *Chapter 3: Community Design* for additional policies on site and building design for Downtown and other mixed-use areas, and *Chapter 7: Conservation and Open Space* for additional policies related to the preservation and restoration of historic buildings.

## 2.6 EMPLOYMENT AREAS

Policies in this section relate to the following land uses:

- Professional Office;
- Industrial areas; and
- Business, Technology, and Industrial Reserve Area.

### PROFESSIONAL OFFICE

The Professional Office land use designation is intended to accommodate offices for professional persons and other related uses, encourage and sustain Lemoore's economic growth, and provide professional services to the community and the region. The General Plan Diagram provides sites for both large and small office uses. Larger sites are envisioned as office complexes that draw employees from a wider area. Smaller sites are typically expected to be local-serving professional and administrative offices providing medical, real estate, or financial services.

Offices are also permitted in Downtown or Neighborhood Commercial areas. This can be a very effective use of land where new office uses are located above the first floor or as a secondary use in multi-tenant buildings in order to promote retail continuity at the street level.

### INDUSTRIAL USES

This designation provides for automobile-related sales and service, commercial service uses, manufacturing, agriculture-related production, truck terminals, utility operations, warehousing, food-processing, and other industrial uses. Large retailers of appliances, heavy equipment rental, and sale of mobile homes or fabricated housing will also go into this area. Heavy industrial uses are only allowed along a small portion of 19<sup>th</sup> Avenue, south of Iona Avenue. Due to potential land conflicts with residential areas, industrial land is planned only at the edges of the urban area. Buffers and other mitigation devices will be required if development occurs next to agricultural land or residential areas. City policy requires that residential uses located within one mile of industry must sign a noise-odor easement.



Industries will be located in the northwest and southern portion of City, away from residential areas.

## **BUSINESS, TECHNOLOGY, AND INDUSTRIAL RESERVE AREA**

The Business, Technology and Industrial Reserve Area is a sub-area located in the southwest quadrant of the intersection of SR-41 and SR-198. The area will be reserved for employment purposes and will not be developed until planned industrial, business and other employment generating land uses allocated for the area north of SR-198 in the General Plan is at least 75 percent developed. Development of the reserve area will require the creation of a specific plan specifying land use, infrastructure, financing, and other planning attributes. When fully developed, the area is expected to provide more than 1.5 million square feet of employment space and 3,500 jobs.

### **GUIDING POLICIES**

- LU-G-9 Provide appropriately located areas for a broad range of employment generating uses to strengthen the City's economic base and provide employment opportunities for residents to achieve a jobs-housing balance.*
- LU-G-10 Foster high quality professional office and industrial areas and ensure developments are self sufficient, with appropriate infrastructure, community facilities, and open space for employees.*
- LU-G-11 Protect desirable industrial uses from encroachment by subsequent incompatible residential and commercial uses.*

### **IMPLEMENTING ACTIONS**

- LU-I-34** Provide sites for employment generating businesses, technology-based businesses, light industrial, professional offices, and other businesses wishing to locate in Lemoore.  
*Locations for these sites are shown on the Land Use Diagram.*
- LU-I-35** Allow offices as a secondary use in Industrial areas, upon finding that such use is compatible with the primary use and will not adversely affect the traffic-carrying capacity of adjacent streets.
- LU-I-36** Allow advanced educational or workforce training uses, such as commuter colleges and technology teaching institutes, in Professional Office areas.  
*Educational or training facilities are complementary to Professional Office uses as they facilitate training as well as research.*
- LU-I-37** Allow employee-serving amenities and services such as restaurants, cafes, dry cleaners, and other complementary uses in Professional Office areas.
- LU-I-38** Establish setback, landscaping, and screening requirements for Professional Office and Industrial land uses and ensure adequate buffering between incompatible land uses.
- LU-I-39** Adopt planning practices that support development of employment-generating land uses and help the City achieve a jobs-housing balance.

*Measures include establishing a timetable for annexation, land preparation and extension of infrastructure, creating an inventory of “ready-to-go” sites, and providing a streamlined permit approval process for substantial projects.*

- LU-I-40 Allow up to 1.5 million square feet of non-residential development in the Business, Technology & Industrial Reserve Area, with up to 60 percent industrial, 35 percent office flex/R&D space/support services, and 15 percent retail space. A specific plan, including a financing plan for public facilities and services must be prepared prior to consideration of any development proposals. More non-residential space may be permitted under an approved specific plan only if the City determines that acceptable levels of service would be maintained on the Marsh Drive interchange at SR-198 and other access roads. The specific plan is at a minimum to provide for:
- Road connections and traffic capacity to accommodate planned development;
  - Infrastructure necessary to support the area and benefit the City;
  - Development and design program, including standards and guidelines for building scale and location, landscaping, parking design and location, undergrounding of utilities, and signs.
  - Open space protection program, including designation of permanent open space and buffers adjacent to farmlands and the freeway corridors.
  - Implementation program, including Zoning Ordinance amendments (if required), cost and responsibility for necessary capital and other improvements, phasing of development financing measures, plan administration and enforcement.

*The 400-acre Business, Technology and Industrial Reserve Area, located in the southwest quadrant of the SR-198/SR-41 interchange, with access from Marsh Drive, is intended for long-term development. Planning for this area is not likely to be initiated before 2020, at a time when at least 75 percent of the planned development north of SR-198 has occurred. This space will not be needed to achieve the community jobs-housing balance within the General Plan 2030 horizon.*

See *Chapter 3: Community Design* for additional policies on site and building design for employment areas, and *Chapter 8: Safety and Noise* for additional policies on noise mitigation for development west of SR-41.

## **2.7 AGRICULTURE**

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While agriculture and rural residential land use classifications appear on the General Plan Land Use Diagram, these land uses are not proposed for future land within the UGB and are not a part of the long term development plan for the City of Lemoore. Rather, agricultural land in the Planning Area is considered a natural resource and a traditional economic engine for the region, and as such this land outside the UGB is targeted for conservation through

General Plan policies when at all possible. Policies for conservation of agricultural land uses and retention of a green buffer around the City are included in *Chapter 7: Conservation and Open Space* and pertain to both active farming and to species and habitats that exist in both active and fallow agricultural land.

## **2.8 PUBLIC AND COMMUNITY FACILITIES**

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Public facilities such as City Hall, Police, Fire, water and sewerage facilities, transportation terminals are intended to serve the general public (Schools and Parks are discussed under a separate category). These facilities are scattered throughout the City.

Community facilities such as childcare services, schools and libraries are common indicators that measure a community's quality of life and social well being. Some facilities including residential care, day care, elderly care, and alcoholism or drug abuse recovery or treatment facilities, are allowed within neighborhoods because they are considered "protected" facilities and local zoning cannot exclude them as long as specified standards and licensing requirements are met. In contrast, large scale community facilities are more appropriate in mixed-use neighborhood centers, on commercial sites, and in Downtown.

Houses of worship and other places for religious assembly as well as private schools and colleges are permitted in residential, professional office, and commercial areas, subject to appropriate location and development standards and conditional-use permit requirements.

### **GUIDING POLICIES**

*LU-G-12 Provide appropriate settings for a diverse range of civic, institutional and community land uses.*

### **IMPLEMENTING ACTIONS**

- LU-I-41 Ensure adequate elementary and high school sites are reserved in new subdivisions, consistent with the Land Use Diagram and State law.
- LU-I-42 Designate land for public uses to be maintained through capital projects for parks and open spaces, police and fire services, water and sanitary facilities, infrastructure and other City services.
- LU-I-43 Promote the development of community facilities accessible to both vehicles and pedestrians.

For additional policies related to public and community facilities, please see *Chapter 5: Parks, Schools, and Community Facilities*, and *Chapter 6: Public Utilities*.

- Planting multiple layers of trees closely for visual impermeability, and using drought resistant indigenous trees where appropriate;
- Providing only minimal street lighting, at a rate that is 50 percent of comparable City standard;
- Prohibiting the use of solid walls along these edges (all fences must be visually permeable); and
- Ensuring the scale and character of development does not overwhelm the surroundings by stepping down building heights at the edges.

CD-I-2 Maintain views into the agricultural lands on the rural side of the roadways by not planting within the right-of-way and spacing trees farther apart.

CD-I-3 Work with the Lemoore Canal and Irrigation Company and other canal companies to retain open canals and restore the Lemoore Canal to its natural appearance, and study the possibility of providing a bicycle trail along the canal.



*The Lemoore Canal historically has formed the eastern edge of the City and is an important landmark of Lemoore. However, annual dredging activity by the Lemoore Canal and Irrigation Company and a fence erected along its length prevent public enjoyment of this resource. To accomplish this policy, the City will need to revise their contract with the Lemoore Canal Company which requires the undergrounding of all canals as development takes place. Where undergrounding of a canal is required to accommodate development, the City will strive for trail access.*

The Lemoore Canal has untapped potential as a trail park with bikeways.

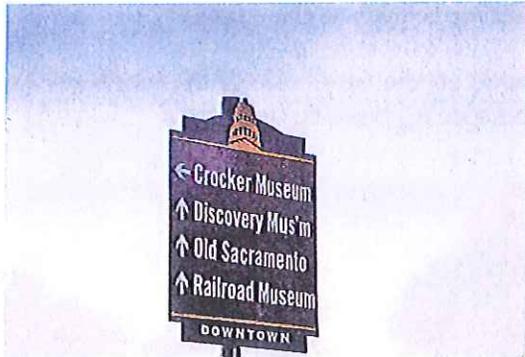
CD-I-4 Maintain scenic vistas to the Coalinga Mountains, other natural features, and landmark buildings.

### *Gateways and Entries*

CD-I-5 Create entry gateways at the intersection of SR-198 and Houston Avenue, the SR-41 off ramp at Bush Street, the intersection of SR-41 and Hanford Armona Road, along SR-41 south of Idaho Avenue, and the off-ramp at SR-198 near Marsh Drive with distinctive features, as follows:

- *Intersection of SR-198 and Houston Avenue.* This entry is located at an area where the two roads merged to form a triangular piece of land where commercial uses are existing. Placing vehicle-oriented street lights with welcoming signs attached on each side will accentuate both the City gateway and the development nearby. Lush trees planted closely on each side of the street will provide another transitional element as one enters from the rural area where the roads are marked with fewer trees.

- *SR-41 off ramp at Bush Street.* Regional retail planned around this area will attract traffic from SR-41 to the City. The exit will be clearly marked with regular highway signage at least half a mile in advance of the off-ramp (indicating major resources to be found at this exit), and additional local signage will be placed on Bush Street to direct vehicles to City attractions, such as Downtown and City Hall. (See Figure 3-5 and Figure 3-6)



An example of a way-finding sign that directs vehicles to City attractions.



Trees and landscaped/decorative medians near the entrance of Bush Street and SR-41 will improve the look of this major

- *Intersection of SR-41 and Hanford Armona Road.* Low density residential developments are planned around this intersection. The natural gas booster station should be camouflaged with heavy landscaping on chain link fence area. Densely landscaped trees on both sides of the street and a welcoming sign will announce the entry into the City.
- *SR-41 south of Idaho Ave.* Industrial development is proposed at this gateway. Improvements to the Lemoore Midget Raceway will be needed if it remains. Landscaping and signage will announce entry to the City.
- *SR-198 near Marsh Drive.* Regional retail is proposed at the northeastern corner to take advantage of the area's high visibility. A welcoming sign, consistent with Caltrans standards, will be placed in the right-of-way or on the Marsh Drive turn-out. A landscaped greenway at the northern edge of SR-198 will create an attractive buffer as well as accommodate storm detention needs. Rural edge treatment will also be provided at the western side of Marsh Drive.

### *State Routes 41 and 198*

Lemoore owes much of its historic growth and prosperity to the intersection of two highways, SR-41 and SR-198. While their importance as circulation corridors is indisputable, the two routes also divide the City into different quadrants. As such, the design of SR-41 and SR-198 not only has significant impact on the City's overall identity as main entryways to Lemoore, but also vehicular and pedestrian connections that cross them. The General Plan envisions upgrading the appearance of these corridors, improving cross street connections, and reducing their adverse impacts on surrounding neighborhoods.

### *Median Parkways*

Median Parkway function as both visual corridors and traffic arteries. A Median Parkway street has trees on both sides of the street and a wide landscaped median. The median provides shade and reduces the perceived width of the road, heightening the sense of privacy and inducing traffic to reduce speed.

In Lemoore, a major Median Parkway street is planned to serve new development in the western portion of the Planning Area. The parkway will begin at Bush Street, next to the proposed Wal-Mart at Semas Drive, and end at the proposed SR-198 exit at Marsh Drive. A landscaped roundabout is also planned at the south end of Semas Drive to facilitate cross-street circulation and foster visual interest.

### *Intersections/ Traffic Circles/ Roundabouts*

Intersections, traffic circles and other improvements in the Bush Street corridor and the Westside will enhance connectivity. Specific proposals, shown in Figure 3-6, also include pedestrian and bikeway improvements.

## GUIDING POLICIES

*CD-G-4 Create a well-connected hierarchy of streets that serve existing and planned neighborhoods, and strengthen the visual and aesthetic character of the City.*

*CD-G-5 Create a comfortable street environment for motorized and non-motorized users.*

## IMPLEMENTING ACTIONS

### *Streetscapes*

CD-I-6 Require landscaping in center medians and at major intersections. Provide medians for:

- Fox Street from Cinnamon Drive to E Street;
- Cedar Lane from Lemoore Avenue to 19 ½ Avenue, in addition to dual parkway strips adjacent to the existing sidewalks;
- Hanford Armona Road from 19th Avenue to intersection of SR-41;
- Bush Street from 19th Avenue to Marsh Drive; and
- Semas Drive from Bush Street to Marsh Drive.

*Center medians should not include grass, but rather trees and brick stamping and possibly low maintenance plants. If the medians contain plants, they should also use drip irrigation rather than regular sprinklers.*

- CD-I-7 Provide parkway strips with large canopy trees and other planting as needed along arterial, parkway, and collector (no on-street parking) streets between the road and sidewalk to buffer pedestrians from traffic and help define residential and commercial streets.

*Parkway strips would not be required in industrial areas or where existing monolithic sidewalk conditions would make it inappropriate.*

- CD-I-8 Require a 15-foot landscaped front setback area along all arterial and collector streets outside Downtown, as sites are developed or major renovations undertaken.

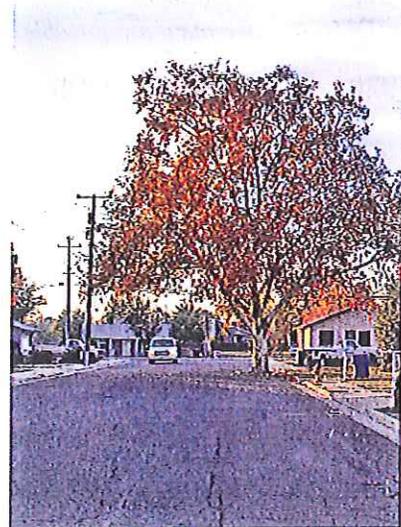
- CD-I-9 Revise right-of-way and pavement standards to reflect adjacent land use and/or anticipated traffic, and permit reduced right-of-way dimensions where necessary to reduce traffic speed and maintain neighborhood character.

- CD-I-10 Incorporate roundabouts as an alternative to signals and stop signs, and provide landscaping and other aesthetically appealing features in them where appropriate.

- CD-I-11 Preserve and protect heritage trees:

- Adopt a Tree Protection Ordinance;
- Require developers to preserve protected trees and submit an inventory and a site plan showing the location of all trees prior to any grading, demolition, or site work. Cutting of protected trees will require a permit and will only be allowed if trees are diseased, dying, or pose a danger to human activity; and
- Require developers replace a similar tree of like size and species within 50 feet of its original location if a protected tree is removed during construction.

*The Tree Protection Ordinance will also stipulate which trees qualify as heritage trees by type and size, permit application details, inventory requirements, and violation fines, and may also include maximum number of tree cuttings allowed per acreage of development, and different standards pertaining to heritage trees, old oak trees, riparian vegetation, and trees of community interest. These trees typically include Valley Oak, Magnolia Ash, California Sycamore, Modesto Ash, Italian Stone Pine, and California Fan Palm. Cottonwood and Eucalyptus trees shall generally be exempt from the Tree Protection Ordinance, unless they qualify as habitat for special status species.*



A heritage Sycamore tree is preserved on Larish Street.

CD-I-12 Update parking lot landscaping standards to increase the screening of parking lots from the streets and reduce heat build-up from pavement.

*Standards will address the minimum size and location of interior and perimeter landscaping, appropriate level of screening consistent with security considerations, and type and shade coverage required of parking lot trees. A minimum of 1 tree per 6 stalls for double-loaded bays, and 1 tree per 3 stalls for single-loaded or side-loaded bays will be required of parking lot shade trees.*

CD-I-13 Upgrade City bus stops to provide adequate shelter from sun, rain, and wind, and to provide durable, vandalism-resistant seating that is aesthetically pleasing.

CD-I-14 Continue the City’s utility undergrounding program to replace existing wooden utility poles and overhead lines with underground utility lines along major thoroughfares, and require undergrounding of utilities in all new development.

*Where power lines are too large to put underground, they should be incorporated into the street system such that easy access is maintained.*

Additional policies on neighborhood streets and connectivity are in *Chapter 4: Circulation*. Details on street size, level of service, parking, and other improvements can be found there.



Fox Street north of Cinnamon Drive is one of the best looking streets in Lemoore with its lush parkways and landscaped median.



Parkways such as the one shown in this photo make roads more hospitable for pedestrians, enrich neighborhood character, and create a greener city.

**State Routes 41 and 198**

CD-I-15 Establish design standards and architectural guidelines for non-residential development facing SR-41 and SR-198. Design guidelines should address the following:

- Building facades, roofing and façade materials, and colors;
- Use of focal elements (such as articulated rooflines or towers) to serve as visual landmarks;

## 2030 Lemoore General Plan

- Screening of truck loading and refuse collection areas; and
- Commercial or retail signs and logos.

*The sign ordinance will be updated to ensure that the size, height, and placement of signs and logos convey a positive image of the City.*

- CD-I-16 Require “street friendly” designs in new and transitioning commercial developments along SR-41.

*The typical commercial development is designed with parking in front. New development should reflect a positive orientation to the street, with the active ground floor uses and parking areas screened from view, and provide for new uses which can more fully contribute to the vitality, attractiveness and overall viability of the area.*

- CD-I-17 Work with Caltrans to identify needed improvements to its highway facilities. Improvements include:

- Creating a green buffer along parts of SR-198 and SR-41 adjoining residential land;
- Improving connections to local streets through improvements to off-ramps, through-streets, traffic signs, and signals;
- Improving the safety and aesthetics of fencing structures on bridges;
- Establishing aesthetic standards for the design and color of concrete highway dividers and walls; and
- Establishing standards for streetscape improvements, including tree planting along highways, and adding landscaping, artwork, or stamped concrete for future medians.

*Standards will include type and spacing of trees, shrubs, and setbacks. A minimum 30 feet between the property lines to the edge of the highway should be set aside for trees and landscaping purposes.*

to improve upon these earlier plans, taking advantage of existing strengths and weaknesses to further enhance Lemoore’s Downtown.

The Land Use Element identifies three distinct mixed-use zones in Downtown to encourage a mix of uses, particularly retail, residential, and professional office uses. For the most part, the following guiding and implementing policies will apply to Downtown Mixed-Use Zone 1, as it encompasses the majority of the historical core of the downtown area.



The Downtown is typified by continuous storefronts, with new and old development directly adjacent to each other. Infill projects on vacant sites will improve pedestrian continuity.



Murals and wall art shown above help improve the look of blank walls and can be used as a design fix if buildings with blank walls are already pre-existing. The best solution, however, is not to have blank walls at all – by requiring buildings with high quality architecture that response to the context

## GUIDING POLICIES

*CD-G-6 Improve streetscapes within Downtown and connections to surrounding areas.*

## IMPLEMENTING ACTIONS

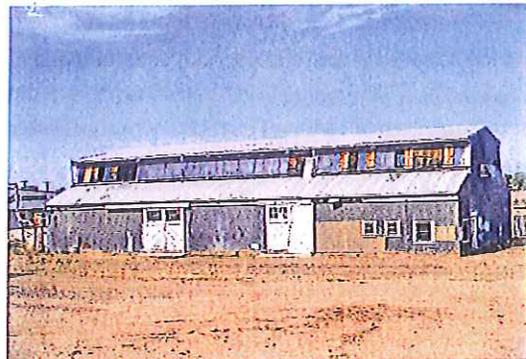
**CD-I-23** Continue to implement the Downtown Revitalization Plan and require use of the design standards provided in the Zoning Code throughout the Downtown Mixed Use Zones.

**CD-I-24** Require site and building design be consistent with Downtown's historic character:

- *Design:* All new and renovated buildings must follow the traditional design patterns found along D Street, with large window openings on the lower floor for retail, and regularly spaced windows in upper floors.
- *Massing:* Buildings must follow the rhythm of bays found in the district, each spaced approximately 20 to 30 feet apart.
- *Setbacks:* Buildings must be built to the property line to create a uniform edge and a continued pedestrian path. They may include recessed entry doors.
- *Access:* All new buildings must be orientated to face primary streets and be accessible by a pedestrian entry. Access for loading and unloading may be via the rear of the building only.
- *Corners:* Vertical volumes and changes in height to break up long facades are encouraged at corners. Corner buildings may be provided with special architectural features, including but not limited to: Larger towers, gables, and turrets, a rounded or angled facet, pilasters, overhangs, a corner entrance, corner arcades, or street furniture.
- *Landscaping:* Visible setbacks must be paved or landscaped, and parking lot landscaping will require canopy shade trees.

**CD-I-25** Amend the Zoning Ordinance to require all new Downtown buildings to have a minimum 20-foot street elevation, and allow three story buildings with residential uses above the ground level.

*Existing standards limit building height to two-story or 25 feet and below. This restricts the amount of mixed-uses that can occur.*



The old downtown area adjacent to the railroad had packing buildings similar to this one which should be incorporated.

**CD-I-26** Create a pedestrian and bike-friendly environment on Fox Street, E Street, F Street, and Follett Street (north of the railroad) linking Downtown to adjacent residential neighborhoods.

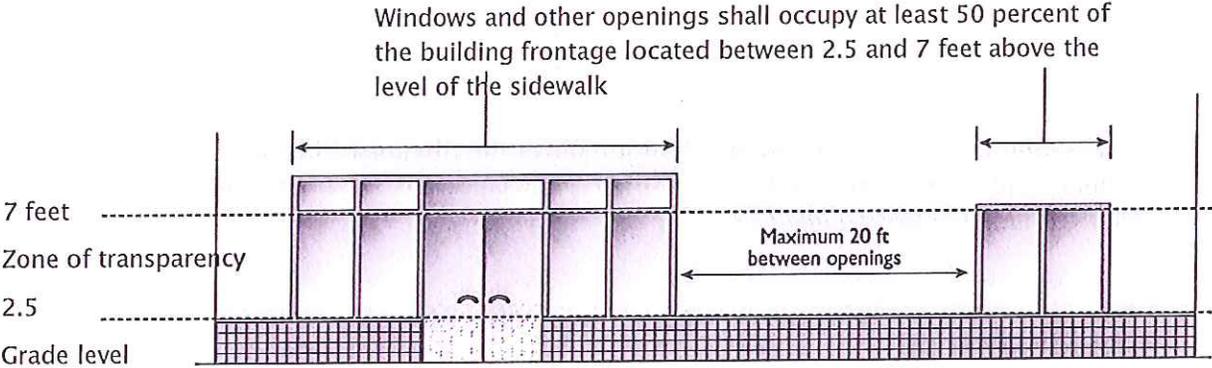
CD-I-29 Continue to install street trees along F, D, E, C, and B Streets, as well as along Fox, Follett, Heinlen, Armstrong Streets and Hill Street south of E Street, to create a unified landscape theme in Downtown.

*Unique or specimen trees will be used near places of interest, public plazas, or street junctions. Trees shall be of medium size and spaced closed together to provide shade to pedestrians. They may be provided with tree grates to prevent roots from damaging sidewalks.*

CD-I-30 Continue to install lighting and street furniture that reflect a unique 'turn-of-the-century' design theme.

*Street furniture shall include seating, bicycle racks, trash containers, special paving, and bus-stop shelters. They should be safe and generally maintenance-free.*

Figure 3-10 Window Details



The Downtown is characterized by turn-of-the-century one-two story buildings. Any new infill construction or renovation of older structures should be compatible with the existing architecture.



New buildings should exhibit the same height-to-width proportions and maintain the rhythm of window openings along the street

### 3.5 ACTIVITY CENTERS

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To make new centers of development (as described in the chapter on Land Use) vibrant and livable, they will be planned as pedestrian-oriented, landscaped “activity centers”. Three types of commercial centers are identified in land use diagram:

- **Regional Commercial Shopping Centers** along major roadways. These centers will consist of large-format retail establishments that serve a regional need, are car-oriented, usually under unified ownership, and offer numerous service-related job opportunities for local residents. A regional shopping center is proposed near the intersection of SR-41 and Bush Street and at SR-198 and Marsh Drive.
- **Neighborhood Commercial Centers** planned at strategic locations near residential areas. These centers are envisioned as “Village Centers” to reflect the small town character of Lemoore. They contain smaller stores (an individual store size of approximately 5,000 sq. ft., except grocery stores which may be approximately 40,000 sq. ft.), and have a street-level, pedestrian orientation. By locating them close to residential areas, open space, schools, and community facilities, a sense of place can be achieved in new neighborhoods.
- **Mixed-use Centers** located close to commercial areas or roadway interchanges. These centers will adopt flexible zoning to allow a variety of activities and a mix of tenants, including retail, commercial, professional office, or residential uses.

This section focuses on community design policies for Regional Shopping, Neighborhood Centers, and Mixed-use Centers. Additional guidance on land use and development standards is in *Chapter 2: Land Use*.

#### GUIDING POLICIES

##### *Neighborhood and Regional Commercial Shopping Centers*

CD-G-7 *Ensure that new shopping centers support Lemoore’s small-town character and provide convenient pedestrian access to adjacent residential neighborhoods.*

##### *Mixed-use Centers*

CD-G-8 *Promote site sensitive design and pedestrian-oriented amenities in mixed-use centers.*

#### IMPLEMENTING ACTIONS

##### *Regional Commercial Shopping Centers*

CD-I-31 Reduce the impact of site and building design of regional shopping centers on surrounding uses by:

- Providing access for pedestrians and bicyclists directly from surrounding neighborhoods;

*Visual buffering of loading and parking areas will be carried out by planting trees or landscaping, and not by erecting a row of sound walls. Where building exceed a certain height, additional setbacks or upper story step-backs will be required.*

- CD-I-41 Require publicly accessible open space to be integrated into large-scale office and industrial developments.

*Open space areas will provide a public gathering space or opportunities for passive or active recreation. This requirement would not apply to locations that are within walking distance of public parks.*

- CD-I-42 Require landscaped buffers and screening along the perimeter of industrial areas abutting residential areas, major streets, and edge of town.

*The requirement will include a 15-foot wide landscaped buffer adjacent to the public right-of-way on private property between Iona Avenue and the existing industrial areas.*

- CD-I-43 Require façade review of all new construction and visible exterior alterations of commercial and industrial buildings.

*Any new non-residential construction or remodeling of an existing building where exterior work alters more than 50 percent of a visible building façade, including exterior surface improvement such as painting, sand blasting, veneer or stucco resurfacing will be subjected to a façade review.*

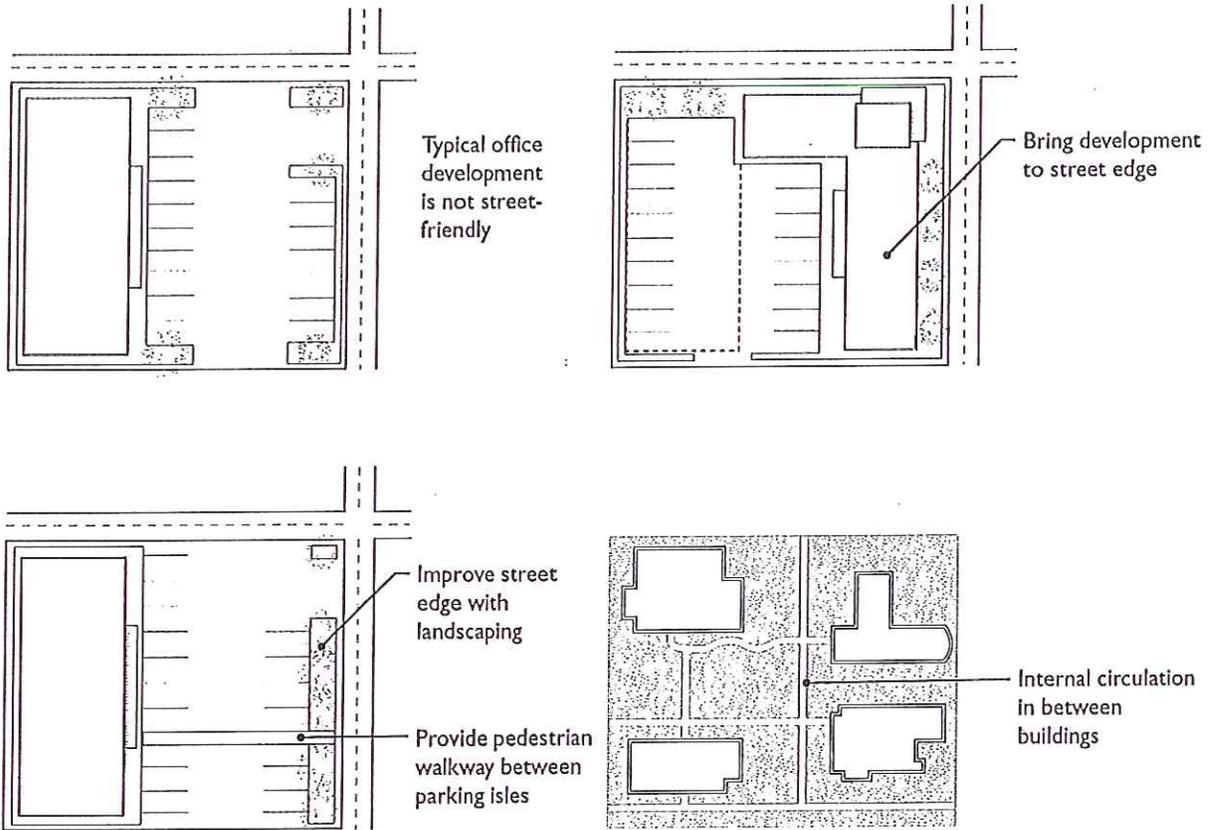


*Desirable:* A system of hard-surface internal walkways at least 4 feet wide that connect buildings to each other, to onsite automobile and bicycle parking areas, and to any recreation or open space areas.



*Desirable:* Landscaped setback of parking areas from the street with double rows of trees.

Figure 3-14 Professional Office Development Standards



- CD-I-47 Discourage gated communities that restrict public access to multi-family and single family residential areas but permit only if they do not result in cutting off critical access between neighborhoods in accordance with thresholds, standards, and design criteria and conditional use permit process described in the Zoning Ordinance consistent with other General Plan policies. Small town character should remain an important factor throughout the design of any proposed gated community.

*Developers build gated communities to appeal to buyers' desire for security and prestige. However, studies indicate that safety in gated communities is more illusion than reality. Crime rates in gated communities are not necessarily lower than non-gated communities. Gated communities are also criticized by sociologists as being exclusionary and reinforcing differences along class or racial lines. In addition, having physical barriers placed between different neighborhoods often impairs bicycle and pedestrian connectivity.*

- CD-I-48 Minimize the visual dominance of garages by establishing specific standards in the Zoning Ordinance, including:

- Limiting the front width of a house that can be occupied with a garage to be no more than one-half the building width;
- Encourage garage setbacks from the front façade, permitting a range of setbacks none of which may extend more than 5 feet in front of the building;
- Requiring additional setback or off-setting of such garages if more than a two-car garage entrance is provided;
- Encouraging use of alleys in new development, with garages accessed from the rear, yet maintain backyards; and
- Incorporating design elements on the second level above the garages such as accessory dwelling units, bay windows or balconies.

*Figure 3-15 shows the housing typologies envisioned for this plan, including ideas about how to address garage location. Up to 25 percent of homes may have street-facing garages that extend in front of the home, but they may not occupy more than 45 percent of the building's street frontage, and the overall project designs must include a range of home/garage designs.*

- CD-I-49 One permanent carport structure may be allowed per dwelling unit in front yard setback areas, with the exception of corner lots, so long as their design in the front of the house matches that of the housing unit structure and is at least 4' in back of the sidewalk.

- CD-I-50 Require all new multi-family developments submit plans for trash enclosures for design review approval.

*Trash enclosure walls should be of a block or masonry material and designed to match the building where it is located. The enclosure should be accessible to residents and businesses, yet located away from main entries. Trash enclosures within developments of two-story or more should incorporate a trellis cover or a roof design to screen views from above. Landscaping around the enclosure is highly recommended. The size and number of enclosures needed should be such that the type of use of the project would adequately be served.*

- CD-I-51 Require residential neighborhoods to incorporate architecture and site plan considerations into the design and location of cluster mailboxes to ensure design compatibility and increase social contact in the neighborhood.

*Developers are to submit architectural drawings or sketches illustrating the proposed structures as part of the design review process. Mailboxes should not be installed in the parkway strip between sidewalk and street.*



- CD-I-52 Amend the Zoning Ordinance to prohibit outdoor storage containers in residential areas which are in place more than 72 hours.

Outdoor storage containers will not be allowed in residential areas for more than 72

### *Street/Building Relationship*

- CD-I-53 Require new housing to provide transitions between the street and building, with variable front setbacks, building articulation and massing.

*Elements such as porches, bay windows, and landscaping can be designed to create a transition between public and private spaces.*

- CD-I-54 Design local streets not only to accommodate traffic, but also to serve as comfortable pedestrian environments. These should include, but not be limited to:

- Along Arterial, Parkway, and Collector Streets, street tree planting adjacent to curb between the street and sidewalk (the “parkway strip”) to provide a buffer between the pedestrian and the automobile, as well as in the landscaped buffer between the sidewalk and adjacent buildings/walls, where appropriate.
- Along Local Streets, provide a landscape parkway between the curb and back of walk. Additionally, provide a street tree at the rate of one per single family dwelling unit or 30 feet for other uses. This street tree may be located either within the parkway, behind the sidewalk within the utility easement, or in the front yard setback at the choice of the developer or property owner.
- Sidewalks on both sides of streets.

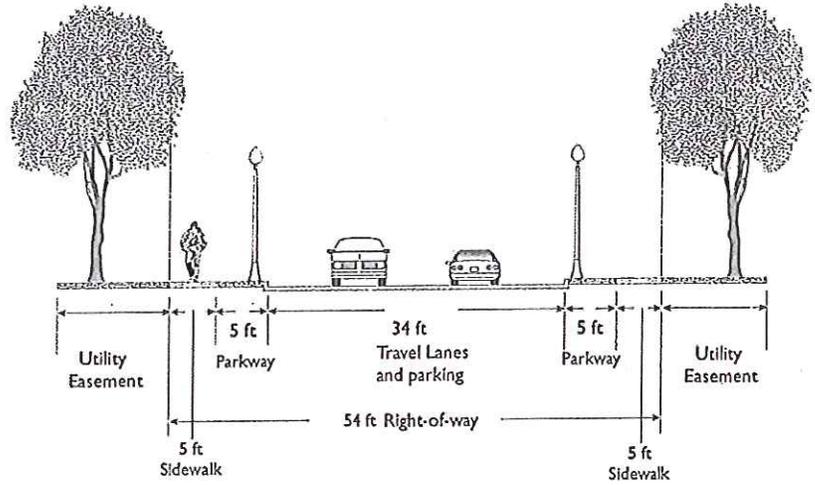
### *Neighborhood Identity and Boundaries*

- CD-I-55 Promote use of design elements that signify neighborhood identity.

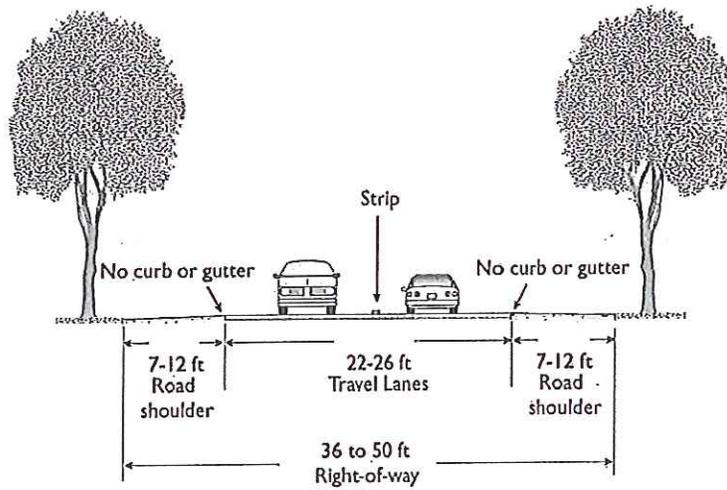
*Elements such as a name plaque in a central open space and street lights with signs attached to them on a neighborhood commercial street can instill a sense of neighborhood identity*

LOCAL STREET

*The general proposed street width from curb- to-curb should be 34', however the Planning Commission and/or the City Council can modify the size based on the street and neighborhood characteristics.*



RURAL STREET



**Table 4.4 Typical Street Elements and Widths**

<i>Street Classification</i>	<i>Right-of-Way Width</i>	<i>Curb-to-Curb Width</i>	<i>Travel Lanes: Number</i>	<i>Parking Lanes: Number</i>	<i>Bicycle Lanes: (each side)</i>	<i>Median Strip</i>	<i>Parkway (each side)*</i>	<i>Sidewalks (each side)</i>
<i>Arterial</i>	84-100 ft	56-75 ft	4-5	None	6 ft	None	7 ft	6 ft
<i>Parkway</i>	105 ft	69 ft	4	None	5 ft	18 ft	7 ft	6 ft
<i>Collector: without on-street parking</i>	74 ft	48 ft	2-3	None	6 ft	None	7 ft	6 ft
<i>Collector: with on-street parking</i>	78 ft	52 ft	2	2	6 ft	None	7 ft	6 ft
<i>Downtown Street</i>	80-86 ft	Approx. 60 ft	2	2 (Diagonal Parking)	None	None	10-12 ft combined width of sidewalks and planter strip or tree wells	
<i>Local Residential Street</i>	54 ft	34 ft	Parking lanes on each side, and one shared central travel lane.		None	None	5 ft	5 ft
<i>Cul-de-sac or other dead-end Street serving less than 10 homes</i>	52-54 ft	36 ft	2	2	None	None	5 ft	5 ft, which may have option to eliminate at bulb
<i>Rural Street</i>	36-50 ft	22-26 ft	2	None	None	None	Dirt/gravel road shoulder	

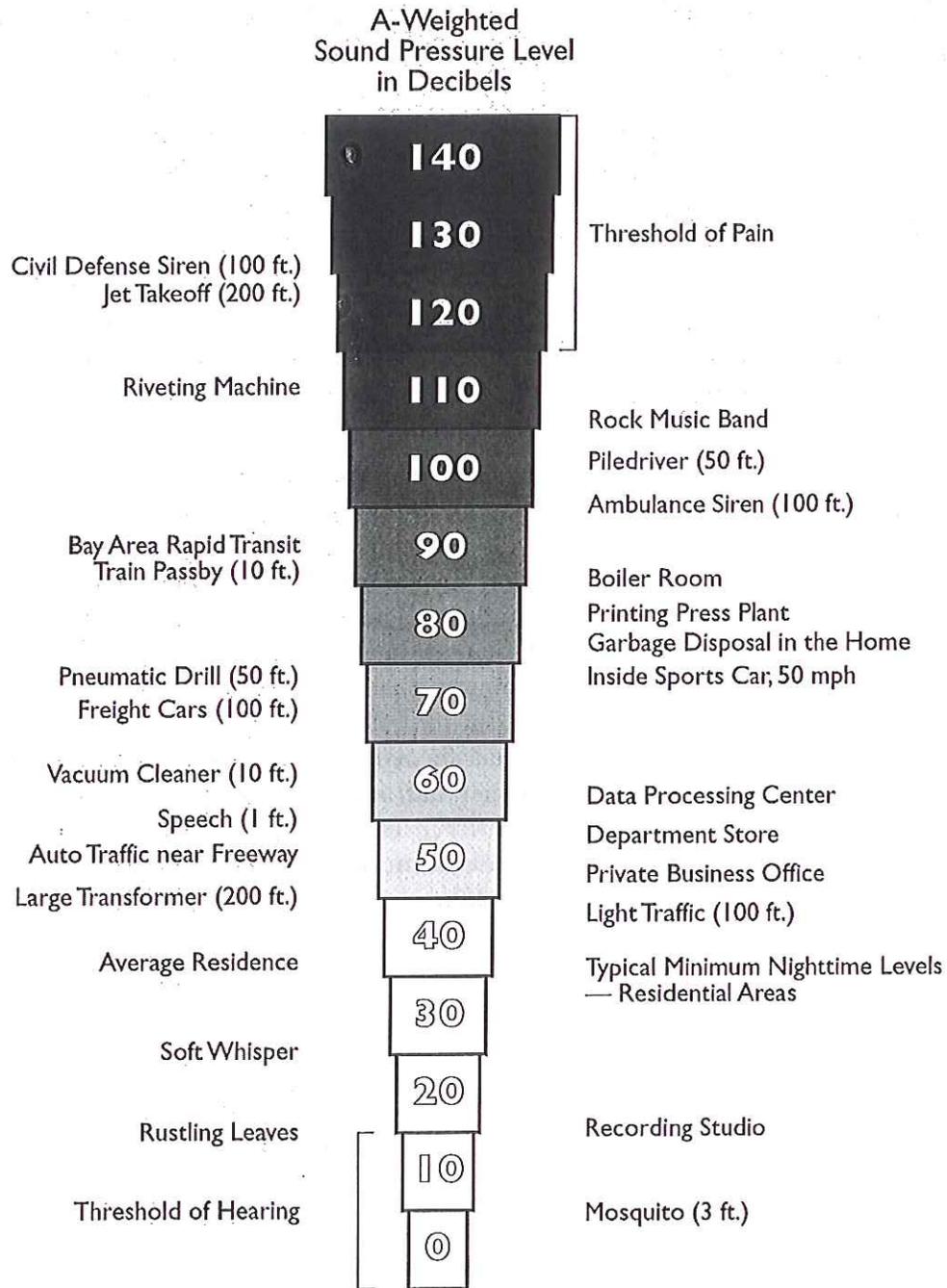
Notes: All dimensions shown are approximate only and should be adjusted to suit site conditions and functional need.

Street trees shall be provided along local streets at a rate of one tree per single family dwelling or every 30 feet for other uses. The tree shall be located either within the parkway, behind the sidewalk within the utility easement, or in the front yard setback at the choice of the developer/property owner.

Source: Dyett & Bhatia, 2007.

- A 10 dB increase is subjectively heard as an approximate doubling in loudness and almost always causes an adverse community response.

**Figure 8-3 Noise Levels of Common Sounds**



(n ft.) = Distance in feet between source and listener

### Criteria for Significance

The following noise exposure criteria will be used to evaluate proposed residential and mixed-use development within the City of Lemoore:

- The California Building Code requires that habitable rooms in multi-family dwellings with an exterior DNL or CNEL noise exposure above 60 dB receive an acoustical analysis to ensure a maximum interior noise level of 45 dB<sup>1</sup>;
- State and federal agencies set the 65 db exterior CNEL noise exposure as the maximum normally acceptable level above which residential uses may be incompatible if not acoustically treated<sup>2</sup>;
- The State Office of Noise Control in coordination with the Governor's Office of Planning and Research has published guidelines showing residential noise compatibility "Conditionally Acceptable" in areas of DNL or CNEL noise exposure between 55 dB and 70 dB, and "Normally Unacceptable" in areas between 70 dB and 75 dB<sup>3</sup>; and
- The Navy's Air Installations Compatible Use Zones (AICUZ) land use compatibility guidelines for aircraft noise zones state that residential uses are not compatible and should be "discouraged in areas of DNL or CNEL noise exposure in DNL 65-69 and strongly discouraged in DNL 70-74"<sup>4</sup>. The Navy's instructions for AICUZ studies, such as are currently being undertaken by NAS Lemoore, go on to state that:

"The absence of viable alternative development options should be determined and an evaluation should be conducted locally prior to local approvals indicating that a demonstrated community need for the residential use would not be met if development were prohibited in these Zones. Where the community determines that these uses must be allowed, measures to achieve an outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB in DNL 65-69 and NLR of 30 dB in DNL 70-74 should be incorporated into building codes and be in individual approvals; for transient housing a NLR of at least 35 dB should be incorporated in DNL 75-79. Normal permanent construction can be expected to provide a NLR of 20 dB, thus the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation, upgraded Sound Transmission Class (STC) ratings in windows and doors and closed windows year round. Additional consideration should be given to modifying NLR levels based on peak noise levels and vibrations"<sup>5</sup>.

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<sup>1</sup> California Building Code, Division II—Sound Transmission Control, Annex Chapter 12, 1208A.8.3 Airport Noise Sources, 1998.

<sup>2</sup> Table 7c, Noise Compatibility Criteria Alternatives – New Residential Land Uses, California Airport Land Use Planning Handbook, January 2002.

<sup>3</sup> Guidelines for the Preparation and Content of Noise Elements of the General Plan, Office of Noise Control and Governors Office of Planning and Research, 1976.

<sup>4</sup> Pg. 20, OPNAC Instruction 11010.36B, *AICUZ Program Procedures and Guidelines*, Department of the Navy Office of the Chief of Naval Operations, December 19, 2002.

<sup>5</sup> *Ibid.*

## NOISE GENERATION IN LEMOORE

The major noise sources in Lemoore are related to vehicle traffic on highways and major arterial roads, and secondarily, aircraft based at the Naval Air Station Lemoore (NAS Lemoore). Other noise sources include rail transportation, industrial activities, and the Lemoore Midget Raceway.

### Traffic Noise

Traffic noise depends primarily on the speed of traffic and the percentage of truck traffic. The primary source of noise from automobiles is high frequency tire noise, which increases with speed. In addition, trucks and older automobiles produce engine and exhaust noise, and trucks also generate wind noise. While tire noise from cars is generally located at ground level, truck noise sources can be located as high as ten to fifteen feet above the roadbed due to tall exhaust stacks and higher engines. Sound walls are not effective for mitigating such noise unless they are very tall.

Noise exposure contours for Lemoore were modeled by Charles Salter Associates by applying the Federal Highway Administration's noise modeling procedure. These noise contours are conservative, meaning that the contours are modeled with minimal noise attenuation by natural barriers, buildings, etc. The noise level measured at a specific location may be lower than what is shown on the noise contour map. An 8 foot tall block masonry wall constructed along the length of the highway can provide a noise reduction of around 5 dB. Landscaping and trees can also provide an additional degree of shielding and noise reduction.

### Noise from Trains along the San Joaquin Valley Railroad

The San Joaquin Railroad provides east-west train services on land owned by Union Pacific Railroad on an average of two trips a day. The trains generally travel with speeds ranging from 10 to 40 miles per hour, depending if they make a stop in Lemoore on that particular trip. The trains currently stop on-demand only, providing service for industrial and agricultural shippers in the city. However, there is a possibility of expanding the service to include passenger rail in the future (for a discussion on this, refer to the Circulation Element). As trains approach railroad crossings in the City, they blow their horns to signal their arrival. The noise generated by a typical diesel operated train (with horn and without horn), at 10 mph with 15 cars is shown in the table below. The corresponding noise contours generated are shown in Figure 8-4.

**Table 8.5 Typical Noise Generated by a Train**

<i>Noise Level (dB)</i>	<i>Distance heard without horn (feet)</i>	<i>Distance heard with horn (feet)</i>
55	113.0	821.0
60	35.7	259.6
65	11.3	82.1
70	3.6	26.0

Source: Charles Salter Associates, 2007.

### Noise from Industrial Zones

There are two industrial zones in Lemoore with the potential to cause noise hazards. The first is located south of Iona Avenue along both sides of 19<sup>th</sup> Avenue, and the second is located northwest between the San Joaquin Railroad tracks and SR-41. Activities carried out in both of these areas are primarily related to food processing and light manufacturing. At full buildout of the General Plan, more industries are expected to locate in both areas, adding to the number of noise sources.

To minimize noise impacts to surrounding residents, industrial uses are usually separated from residential areas by a road or other physical element. The amount of noise present will depend on the type of industrial activity carried out, and is not expected to be as severe as noise from vehicular traffic or airplanes.

### Noise from Lemoore Raceway

The Lemoore Raceway, located at the southwest corner of SR-41 and Idaho Avenue is another source of noise in the City. The raceway operates on most Saturdays from April through October from 3:00 p.m. to midnight. The track is a 1/5+ mile semi-banked oval, with wide corners and straight-aways with a clay racing surface. It accommodates ¼ midget junior sprints, restrictor plate 600s, stock 600s, and 600 modified winged midget racecars. Engines range from 100s motorcycle engines to multi-cylinder 4-cycle engines pulling 619 cc's. Generators are occasionally brought to the site by race crews. During race nights, noise measurements can range from 80 dB to 102 dB when measured 50 feet away from the edge of the track, and up to 81 dB when measured at 150 feet.<sup>6</sup>

Due to the infrequency of races and its location amid industrial properties, this use is not expected to cause noise disturbance to residents.



Aerial view showing Lemoore Raceway south of Idaho Avenue.



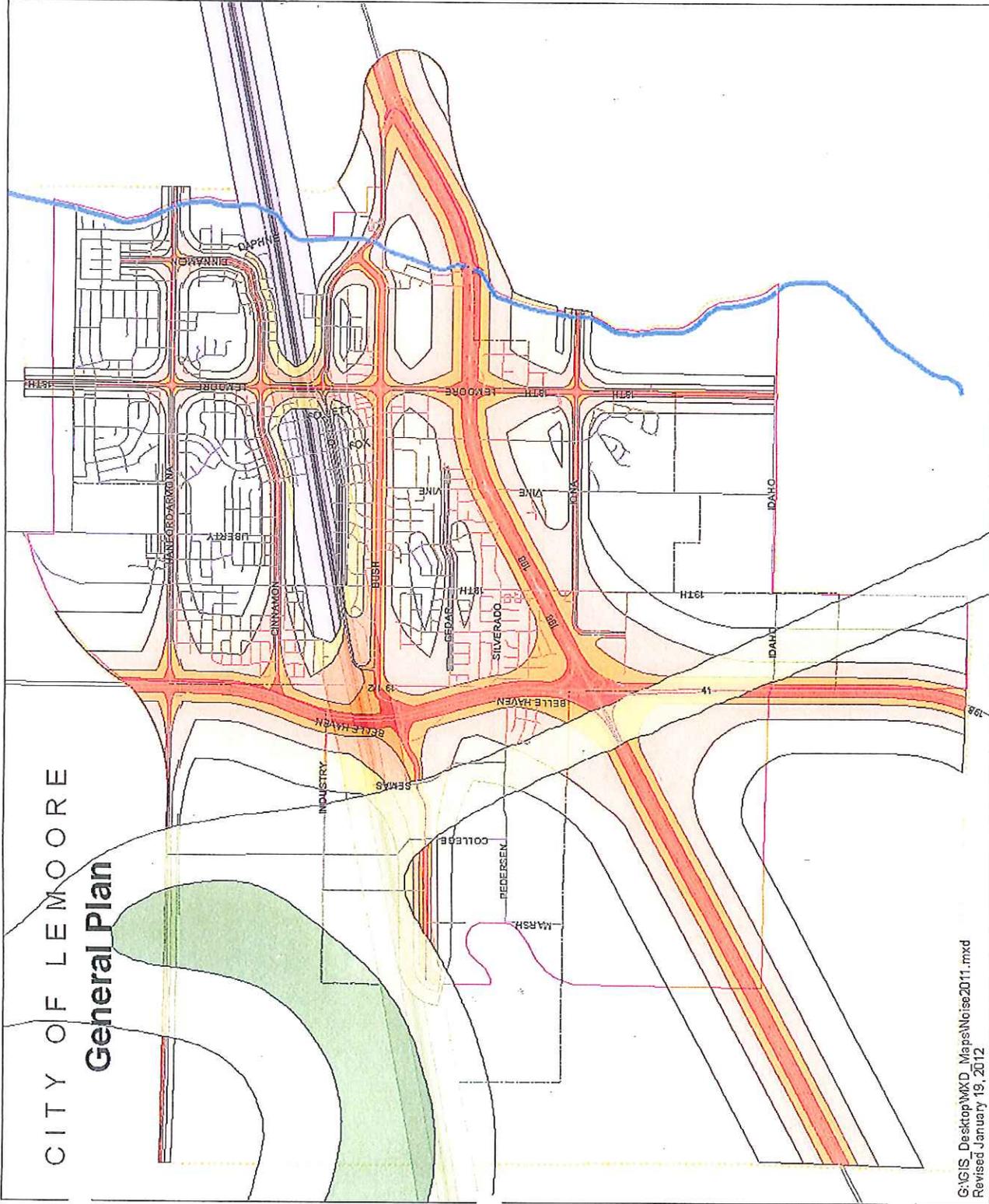
The Lemoore Raceway is a source of noise for the City on race nights.

<sup>6</sup> Readings taken by the City of Lemoore during the races of junior sprint cars, 600 stocks, and 600 multis on 28 October 2007.

Figure 8-4

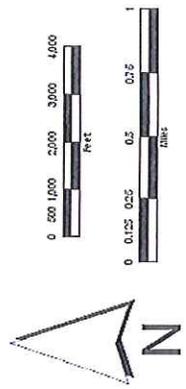
# Future Noise Contours

- Streets
- Lemoore Naval Air Station
  - 60-64 dBA CNEL
  - 65-69 dBA CNEL
- Roadway Noise
  - 55 dBA CNEL
  - 60 dBA CNEL
  - 65 dBA CNEL
  - 70 dBA CNEL
- Railroad Noise
  - 55 dB
  - 60 dB
  - 65 dB
  - 70 dB
- City Limits
- Lemoore UGB
- Planning Area



CITY OF LEMOORE  
General Plan

Source: NASL 2020 Prospective AICUZ  
Charles Sailer Associates, 2007





## **SUBDIVISION REGULATIONS**

No subdivision of land may be approved under California law and the City's subdivision regulations unless its design and proposed improvements are found to be consistent with the General Plan. Dedication of land for park facilities is required for subdivisions above a certain size, consistent with the policies and standards prescribed by the General Plan. The precise threshold will be established on a case-by-case basis and depends on whether there are neighborhood parks in the vicinity which can serve new residents. The subdivision regulations also can require dedication of land for riparian habitat and reservation of land for fire stations, libraries, bike paths, transit facilities, and other public facilities.

After adoption of the General Plan, the City's subdivision regulations will need to be amended to conform to Plan policies and explicitly require findings of consistency with the General Plan as a condition of approving major and minor subdivisions. Reservation requirements for bus turnout facilities and bike and pedestrian facilities also will need to be added to carry out Plan policies. The subdivision ordinance should require connection between new streets and existing streets, wherever possible, and allow for reduced, right-of-way dimensions to maintain neighborhood character. Consideration of passive solar energy techniques in street and lot layout and landscaping will also be required and the ordinance may require access easements in new subdivisions.

## **BUILDING AND HOUSING CODES**

No building permit may be issued under California law (Gov. Code Section 65567) unless the proposed development is consistent with the City's open space plan and conforms to the policies of the Conservation and Open Space Element. To provide an administrative mechanism to ensure consistency, it may be appropriate to require applicants for building permits and grading permits to secure a "zoning certificate" or other form of zoning clearance before these permits can be issued.

## CONSISTENCY BETWEEN THE GENERAL PLAN AND THE ZONING ORDINANCE

Lemoore will implement many General Plan policies through the City's Zoning Ordinance. Zoning must be consistent with the General Plan if the City's land use, housing, and open space policies are to be realized. A fundamental link between the General Plan and zoning is land use/zoning consistency. Table 9.1 shows how zoning districts in Lemoore are consistent with the land use designations of this General Plan. In some areas, new zoning districts are needed. In others, the existing zoning will need to be amended, as prescribed by the implementing policies in this Plan.

<i>General Plan Land Use Designations</i>	<i>Zoning District</i>
<b>Residential</b>	
Agricultural/Rural	AR
Very Low Density Residential	RVLD
Low Density Residential	RLD (also DMX-2 and DMX-3 in the Downtown)
Low-Medium Density Residential	RLMD, RN (also DMX-2 and DMX-3 in the Downtown)
Medium Density Residential	RMD
High Density Residential	RHD
<b>Mixed Use</b>	
Mixed Use (in the Downtown)	DMX-1, DMX-2, DMX-3
Mixed Use (elsewhere)	MU
<b>Office, Commercial, Industrial</b>	
Neighborhood Commercial	NC (also DMX-2 in the Downtown)
Regional Commercial	RC
Office/Professional	PO (also DMX-2 and DMX-3 in the Downtown)
Light Industrial	ML (also DMX-2 in the Downtown)
Heavy Industrial	MH
Business, Technology and Industrial Reserve	(I)
<b>Other</b>	
Wetlands	W
Agriculture	AG
Parks/Recreation/Greenway/Detention Basin	PR
Community Facilities	CF (also DMX-1, DMX-2 and DMX-3 in the Downtown)

<sup>1</sup> Only applies to lands outside of the City Limits.

<sup>2</sup> This list only includes base zoning districts. Generally, overlay districts are consistent with all General Plan land use categories and may be restricted to certain base zoning districts as stipulated in adopting ordinances.

Source: Dyett & Bhatia, 2007.

CITY OF LEMOORE  
BUILDING INSPECTION PERMITS REPORT

Description	PERMITS ISSUED			VALUATION		
	Current Month	Current Year to Date		Current Month	Year to Date	
Res. Single Family - New	8	63		\$ 1,109,154.86	\$ 7,564,754.72	
Res. Condo./PUD - New	0	0		\$ -	\$ -	
Res. Multi-Family - New	0	1		\$ -	\$ 6,125,600.00	
Apartment - New	0	0		\$ -	\$ -	
Commercial / Industrial - New	0	3		\$ -	\$ 547,692.00	
Alterations - Residential	30	246		\$ 160,825.00	\$ 1,684,940.37	
Alterations - Commercial / Industrial	7	69		\$ 22,880.00	\$ 2,393,987.67	
Swimming Pool	2	9		\$ 19,127.00	\$ 156,350.00	
Bldg. Moved or Demolished	0	5		\$ -	\$ -	
<b>TOTALS</b>	<b>47</b>	<b>396</b>		<b>\$ 1,311,986.86</b>	<b>\$ 18,473,324.76</b>	

DWELLING UNITS

Description	Current Month	Current Year to Date	Location of Multi-Fam. Units	Last Year to Date
Single Family	8	63		18
Condo/PUD	0	0		0
Multi-Family	0	80	80 UNITS AT 335 CINNAMON DRIVE	0
Apartments	0	0		0
<b>TOTALS</b>	<b>8</b>	<b>143</b>		<b>18</b>

City of Lemoore  
New Permit Issued Report  
May 2012

PermitNu/A.P.N.	Owner Information	Address	Work Description	Valuation	Bldg	Plumb	Elect	Mech	Sesmic
1201-015	024-370-031 BLUM, MIKE T	970 PARADISE DR	RESIDENTIAL SWIMMING POOL	8,370.00	230.00	0.00	0.00	0.00	0.84
1203-038	021-380-015 CALPAC REAL ESTATE LLC	1029 LEMOORE AVE	NEW ELECTRICAL FOR PIZZA HUT	0.00	0.00	0.00	23.25	0.00	0.00
1204-014	023-280-025 HUTCHISON, F M & CHERYL S H/W	957 TAMMY LN	REMODEL DUE TO FIRE	18,000.00	263.00	0.00	0.00	0.00	1.80
1204-018	021-360-010 BARR, GLORIA 66.66%	775 N LEMOORE AVE	DESTROY (1) GROUNDWATER MONITORING WELL AND ENCROACHMENT PERMIT	0.00	0.00	20.00	0.00	0.00	0.00
1204-024	021-150-045 PEREZ, JOHNNY P & AGRIPINA C H/W	870 BANYAN DR	ROOM ADDITION	24,500.00	350.50	41.00	50.00	22.00	2.45
1204-053	023-620-012 LENNAR-FRESNO, INC	285 AUGUSTA ST	SFD, PLAN 155, 2, 223 SQ FT, WITH OPTION, 2-CAR GARAGE,	164,309.02	1,220.00	132.00	92.81	30.00	16.43
1204-054	023-620-035 LENNAR-FRESNO, INC	1560 ATLANTIC AVE	SFD, PLAN 130, 1905 SQ FT, TAHOE, NO OPTIONS, 2-CAR GARAGE	140,562.12	1,100.00	132.00	81.68	30.00	14.06
1204-055	023-620-036 LENNAR-FRESNO, INC	1572 ATLANTIC AVE	SFD, PLAN 129, 1694 SQ FT, SEQUOIA, NO OPTIONS, 2 CAR GARAGE	127,002.08	1,030.00	111.00	74.29	30.00	12.70
1204-056	021-750-038 PEREZ, PIEDAD R	1579 PEACHWOOD	PATIO	2,475.00	125.00	0.00	0.00	0.00	0.50
1205-003	021-280-005 CLABEAUX, ASHLEY & GLENN W/H	1556 N LEMOORE AVE	TEAR OFF, RESHEET, 30 YR DIMENSIONAL	8,600.00	105.00	0.00	0.00	0.00	0.86
1205-004	021-360-017 CITY OF LEMOORE	41 CINNAMON DR	DESTROY 15 GROUNDWATER MONITORING WELLS	0.00	0.00	20.00	0.00	0.00	0.00
1205-006	021-220-061 JENSEN TRUST	258 E SPRING LN	AC CONDENSOR CHANGE OUT - 2 TON - FRIGIDAIRE MODEL J5FBDO24KB 13 SEER	2,150.00	0.00	0.00	0.00	35.15	0.00
1205-007	023-610-044 LEMOORE EAST VILLAGE 791 LP	564 SIENA WY	SINGLE FAMILY RESIDENCE, PLAN 143, 1,434 SQ. FT., 2-CAR GARAGE, ELEV. A, BAY WINDOW OPTION	110,533.06	950.00	101.00	65.23	25.00	11.05
1205-008	023-610-057 LEMOORE EAST VILLAGE 791 LP	649 FIRENZE ST	SINGLE FAMILY RESIDENCE, PLAN 184, 1,848 SQ FT, 2-STORY, 2-CAR GARAGE, ELEV. A, NO OPTIONS	138,312.70	1,090.00	122.00	79.68	30.00	13.83
1205-009	021-150-036 AGUINIGA, MANUEL & MAYRA A MORALES	938 BANYAN DR	SERVICE PANEL CHANGEOUT 100 AMP TO 125 AMP	0.00	0.00	0.00	33.50	0.00	0.00
PermitNu/A.P.N.	Owner Information	Address	Work Description	Valuation	Bldg	Plumb	Elect	Mech	Sesmic

City of Lemoore  
New Permit Issued Report  
May 2012

PermitNu	A.P.N.	Owner Information	Address	Work Description	Valuation	Bldg	Plumb	Elect	Mech	Sesmic
1205-010	020-054-003	SALAS, REYNA	333 E ST	TEAR OFF, RE-ROOF, RESHEATHING, INSTALL 3-PLY HOT MOP AND 2-PLY ON INSIDE WALLS. INSTALL LANDMARK SILVER BIRCH FIBER GLASS. COMMERCIAL BUILDING,	22,880.00	105.00	0.00	0.00	0.00	4.80
1205-011	021-180-060	JOAQUIN, FLORANTE S & ERLINDA S J H/W	1333 BELINDA DR	TEAR OFF, RESHEET, LIFETIME	10,500.00	105.00	0.00	0.00	0.00	1.05
1205-012	023-360-083	PATTERSON, DALE L & LAURA A H/W	1606 BIG SUR DR	PATIO COVER (PERGOLA)	8,250.00	125.00	0.00	0.00	0.00	0.83
1202-013	021-090-046	BOLES, ROBERT & EILEEN H/W	1405 ASHWOOD CT	SOLAR ARRAY PHOTOVOLTAIC SYSTEM	25,000.00	125.00	0.00	33.50	0.00	2.50
1205-015	021-180-076	SOLIS, MAVILDE	794 ELDERWOOD	TEAR OFF, RESHEET, 30 YR	9,500.00	105.00	0.00	0.00	0.00	0.95
1205-020	020-182-016	MURPHY, SARAH A 50%	26 S HAMLET ST	Demo Fire Damage Asbestos Removal	0.00	0.00	0.00	0.00	0.00	0.00
1205-021	023-370-023	WILLIAMS, BRENDA S	644 CONTENTA CT	HVAC CHANGEOUT, 5 TON 13	0.00	0.00	0.00	0.00	65.00	0.00
1205-022	020-203-023	FINLEY, JOEL T	61 ACACIA DR	A/C CHANGEOUT, 3.5 TON, 14	0.00	0.00	0.00	0.00	65.00	0.00
1205-025	021-280-005	CLABEAUX, ASHLEY & GLENN W/H	1556 N LEMOORE AVE	SERVICE PANEL UPGRADE TO 200 AMP	0.00	0.00	0.00	33.50	0.00	0.00
1205-026	020-162-007	COBOS, SYLVIA S & J VICENTE W/H	440 SKAGGS ST	SERVICE PANEL UPGRADE TO 200 AMP	0.00	0.00	0.00	33.50	0.00	0.00
1205-027	023-390-012	STERLING, Q ROD & CHARLOTTE Y H/W	512 PUFFIN LN	HVAC CHANGEOUT, 13 SEER, 3 TON	0.00	0.00	0.00	0.00	65.00	0.00
1205-028	021-410-022	STORMENT, THOMAS L & NANCY C H/W	1450 ANTELOPE DR	WATER HEATER CHANGEOUT LOCATED IN GARAGE, 40	0.00	0.00	27.00	0.00	0.00	0.00
1205-029	021-440-082	COSTA, SHAWN A & KAREN A H/W	299 SPRUCE PL	SERVICE PANEL CHANGEOUT FROM 100 AMP TO 200 AMP	0.00	0.00	0.00	33.50	0.00	0.00
1205-030	023-370-013	MOHAMED, RASHAD A	1400 CHERRY LN	INTERIOR WALL AND SOME	4,500.00	100.50	0.00	2.25	0.00	0.50
1205-031	020-054-003	SALAS, REYNA	333 E ST	ADDING LIGHTS TO KITCHEN AND DINING AREA	0.00	0.00	0.00	30.00	0.00	0.00
1205-032	023-160-028	GONZALEZ, MANUEL	642 CABRILLO ST	SOLAR 3.500 PHOTOVOLTAIC SYSTEM, ROOF MOUNT	18,000.00	125.00	0.00	33.50	0.00	1.80
1205-036	023-610-071	WATHEN-CASTANOS HYBRID HOMES INC	650 FIRENZE ST	SINGLE FAMILY RESIDENCE, PLAN 220, 2202 SQ FT, 2-CAR & 1-CAR GARAGE,	166,441.94	1,230.00	143.00	92.07	30.00	16.64
1205-037	023-610-072	WATHEN-CASTANOS	664 FIRENZE ST	SINGLE FAMILY RESIDENCE, PLAN 184, 1,848 SQ FT, 2-STORY, 2-CAR GARAGE, ELEV. &/OR OPTIONS??)	138,312.70	1,090.00	122.00	79.68	30.00	13.83

City of Lemoore  
New Permit Issued Report  
May 2012

1205-041	021-480-023	RUIZ, VICTOR M	387 CANTEBURY	SWIMMING POOL	10,757.00	230.00	0.00	0.00	0.00	0.00	0.00	1.08
1205-044	021-090-036	PERALTA, MARIA L	1395 PINE DR	TEAR OFF, RESHEET,	0.00	105.00	0.00	0.00	0.00	0.00	0.00	0.50
1205-046	023-380-041	ARDEESER, KYMBERLY	522 FAIRVIEW DR	TEAR OFF, RESHEET, 30 YR	7,600.00	105.00	0.00	0.00	0.00	0.00	0.00	0.76
1205-047	021-440-071	KURTZ, CLINTON A & DOLORES H/W JT	1437 ANTELOPE DR	SEWER LATERAL REPLACEMENT	0.00	0.00	35.00	0.00	0.00	0.00	0.00	0.00
1205-048	020-031-021	LAMBERT, HOWARD L TRUSTEE	404 N LEMOORE AVE, #A	WATER HEATER CHANGEOUT TO 30 GALLON NATURAL GAS LOCATED IN THE LAUNDRY ROOM	0.00	0.00	27.00	0.00	0.00	0.00	0.00	0.00
1205-049	020-061-005	SOUTHERN PACIFIC RR	400 E ST	A/C CHANGEOUT, 3 TON, 13	0.00	0.00	0.00	0.00	0.00	65.00	0.00	0.00
1205-051	021-440-059	COLE FAMILY TRUST THE	290 W HAZELWOOD DR	TEAR OFF, RESHEET, LIFETIME COMP	7,300.00	105.00	0.00	0.00	0.00	0.00	0.00	0.73
1205-053	021-180-021	CERDA, ROY & GEORGIA R H/W	1522 MAPLE CT	TEAR OFF, RESHEET, 30 YR COMP	7,700.00	105.00	0.00	0.00	0.00	0.00	0.00	0.77
1205-054	023-150-007	ESPINOZA, JOHNNY R & CARMEN H/W	715 S CHAMPION ST	TEMPORARY POWER - FIRE DAMAGE	0.00	0.00	0.00	30.00	0.00	0.00	0.00	0.00
1205-055	020-212-043	FOLKS, B SCOTT & CHRISTY E H/W CP	1379 ACACIA CT	TEAR OFF, RESHEET,	6,750.00	105.00	0.00	0.00	0.00	0.00	0.00	0.68
1205-056	023-610-073	WATHEN-CASTANOS	678 FIRENZE ST	SINGLE FAMILY RESIDENCE, PLAN 164, 1,640 SQ FT, 2-CAR GARAGE, ELEV. A & OPTIONAL PATIO	123,681.24	1,015.00	101.00	72.40	30.00	0.00	12.37	
1205-064	020-113-016	HEATH, THOMAS J & MERIAM R H/W	285 E D ST	MECHANICAL HVAC CHANGE OUT 3 TON, 14 SEER	0.00	0.00	0.00	0.00	65.00	0.00	0.00	0.00
1205-065	021-380-015	CALPAC REAL ESTATE LLC	1029 LEMOORE AVE	INSTALLATION OF A HAND SINK	0.00	0.00	27.00	0.00	0.00	0.00	0.00	0.00
1205-066	023-610-018	WATHEN-CASTANOS	526 CANTERA AVE	TEMP POWER POLE	0.00	0.00	0.00	30.00	0.00	0.00	0.00	0.00
					1,311,986.86	11,344.00	1,161.00	1,004.34	617.15	134.31		