

LEMOORE PLANNING COMMISSION
Regular Meeting
AGENDA
Lemoore City Council Chambers
429 C Street
Monday, August 26, 2013 at 7:00p.m.

1. Pledge of Allegiance and Roll Call
2. Public Comments and Inquiries

If you wish to comment on an item, which is not on the agenda, you may do so under "Public Comment." In order to allow time for all public comments, each individual's comments are limited to five minutes. When addressing the Commission, you are requested to come forward to the speaker's microphone, state your name and address, and then proceed with your presentation.

3. Approval – Minutes – Special Meeting August 19, 2013
4. Discussion – Zoning Code Proposed Revisions – Chapters 1, 4A, 4B, 4C, 4D, 5F, and 12
5. Planning Director's Report
6. Commission's Report and Request for Information
7. Adjournment

Tentative Future Agenda Items

Public Hearing – Approval – Abandon the Westerly Portion of Bush Street West of West Hills College and the Marsh Drive Alignment

Notice of ADA Compliance: If you or anyone in your party needs reasonable accommodation to attend, or participate in, any City Council Meeting, please make arrangements by contacting City Hall at least 24 hours prior to the meeting. They can be reached by calling 924-6700, or by mail at 119 Fox Street, Lemoore, CA 93245.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter at City Hall located at 119 Fox Street, Lemoore, CA during normal business hours. In addition, most documents will be posted on the City's website at www.lemoore.com.

CERTIFICATION OF POSTING

I, Kristie R. Baley, Board Clerk, do hereby declare that the foregoing Agenda for the Lemoore Planning Commission Regular Meeting of Monday, August 26, 2013 at 5:00 p.m. was posted on the outside bulletin board located at City Hall, 119 Fox Street in accordance with applicable legal requirements. Dated this 23rd day of August 2013.

//s//
Kristie R. Baley, Board Clerk

Minutes of the
Special Meeting of the
LEMOORE PLANNING COMMISSION
August 19, 2013

MEETING CALLED TO ORDER:

At 7:00 p.m. the meeting was called to order.

ATTENDANCE:

Vice-Chairman Garcia, Commissioners Clement, Dow, Marvin, Monreal; City Planner Brandt, Planning Director Wlaschin, Project Manager Holwell, Board Clerk Baley

ABSENT:

Chairman Meade, Commissioner Wynne

PUBLIC COMMENT:

Connie Wlaschin requested an update concerning funds budgeted for Zoning Code revisions.

City Planner Brandt provided the update.

MINUTES – REGULAR MEETING JULY 22, 2013:

It was moved by Commissioner Marvin and seconded by Commissioner Clement, and carried to approve the Minutes of the Planning Commission Regular Meeting of July 22, 2013.

Ayes: Marvin, Clement, Dow, Garcia Absent: Wynne, Meade
Abstain: Monreal

DISCUSSION – ZONING CODE PROPOSED REVISIONS:

Vice Chairman Garcia suggested that the Commission address the review by section to expedite the process. The Commission agreed to comment by section and determine which recommendations were either acceptable or in need of further clarification.

City Planner Brandt provided a short introduction and explained to the Commission that he directed his review toward those items that he found confusing and should be relocated or removed.

There was considerable discussion concerning Landscape and Parking Standards in Chapters 5D1 and 5D2. The Commission unanimously agreed to consolidate the Parking Standards Section.

Planning Director Wlaschin requested that the Code provide clarification concerning the parking and storage of vehicles “for sale” on public property. He also showed concern and requested clarification in the Code for the storing and parking of vehicles and trailers within the setback and covered parking structures on private property.

The Commission discussed Chapter 6 and agreed to remove Street Lights in the Public Right of Way from the Zoning Code, acknowledging that those requirements should be addressed in the Public Works Improvement Standards. However, the Commission agreed to leave Downtown Historic Lighting requirements in the Zoning Code.

Due to a scheduling conflict, Brandt requested that the Regular Meeting on August 26th begin at 5:00 p.m. Commissioner Marvin stated he would not be able to attend, but requested the Commission move forward with the time change. The Commission agreed to hold the meeting at 5:00 p.m.

PLANNING DIRECTOR'S REPORT

Planning Director Wlaschin reported on the traffic challenges encountered near West Hills College the first day of the Fall Semester. He explained that due to the Highway 198 Interchange Project, 19th Avenue north and south will be closed for approximately a month, but that the project is on schedule.

Wlaschin also reported that staff is working with developers on the 19 ½ Avenue apartment project known as "The Grove" as well as CalTrans and the Railroad for safe routes to school. So far the City's requests seem to be acceptable and staff is merely waiting for documents to be signed.

COMMISSIONER REPORTS AND REQUESTS FOR INFORMATION:

There were none.

ADJOURNMENT:

At 8:13 p.m. the meeting adjourned.

Approved the 26th day of August, 2013.

Full digital audio recording is available.

Dr. Ronald Meade, Chairman

Attest:

Kristie R. Baley, Board Clerk

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



**Public Works/
Planning**

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Staff Report

ITEM 4

To: Lemoore Planning Commission
From: Steve Brandt, City Planner
Date: August 23, 2013
Subject: Zoning Code Revisions

Discussion

This discussion continues from the previous Planning Commission meetings. The sections evaluated this time are Chapters 1, 4A, 4B, 4C, 4D, 5F, and 12. These chapters (or at least a portion of the chapters where there are comments) are included as attachments. Chapters 3, 5G, 8, 9A, 9B, and 9C were also reviewed but there are no specific changes recommended. (These chapters are not included as attachments.) There may be a need to reorganize the order of these chapters, but that will not affect their regulations.

Attached are 1, 4A, 4B, 4C, 4D, 5F, and 12 with comments in the right column (or at least the portion that has comments). These comments are Staff recommendations and are meant for discussion purposes. If the Commission agrees with the approach proposed in a comment, then revised text in underline/~~striketrough~~ format can be prepared so the Commission can see the actual proposed text changes. Tonight's meeting is meant to review the general approach to making the Zoning text changes, and to build upon the previous meetings in a similar style of discussion.

The recommendations in these chapters generally fall into the following categories:

1. Reorganizing code sections to group related codes closer together
2. Eliminating codes that are stated more than once
3. Removing language that does not contain code requirements or standards
4. Restating codes with more understandable wording
5. Moving codes out of the Ordinance and into a Guidelines document
6. Revising codes that may be overly burdensome to the property owner or developer

Categories 1 through 4 do not change any code requirements. They just make them more understandable. Categories 5 and 6 involve actual changes in the City's policies.

Generally, there are a number of sections that are being recommended for removal because they are not needed, or because they would be better suited as informal information than required policy. For example, the section in the downtown design

"In God We Trust"

standards regarding street design is recommended for removal because all the streets in the downtown area are already built, and any modification to them that might occur in the future would be under the full control of the city. Also, the non-street tree and shrub lists are really more for guidance to landscapers than as a requirement. They can be moved out of the Code and into a handout that would be available to the public.

Recommendation

It is recommended that the Commission review the proposed comments in the right column of the attached Zoning Code chapters and accept, modify, or redirect the direction that Staff wants to take in making modifications. Any direction from the Commission to Staff at this time is not yet final. The final recommendation would be made at a future public hearing where the actual text changes are shown.

Attachments:

Zoning Code Chapters 1, 4A, 4B, 4C, 4D, 5F, and 12 with comments

number of days shall be construed as calendar days, unless business days are specified. Time limits will extend to the following business day where the last of the specified number of days falls on a day that the city is not open for business.

3. Minimum Requirements: All provisions of this code are considered to be minimum requirements, unless specifically stated otherwise.
4. Calculations; Rounding: Where any provision of this code requires calculation to determine applicable requirements, any fractional/decimal results of the calculation shall be rounded to the nearest whole number (0.5 or more is rounded up, less than 0.5 is rounded down).
5. Exclusive Listings: Any list of any item, including zones or uses, is exclusive. If a use or other item is not listed, it is not permitted, unless the use is determined to be similar to a listed use or use category.
6. Zone Boundaries: Where uncertainty exists with respect to the boundaries of the various zones as shown on the zoning map, the provisions of subsection 9-3-3E, "Zoning Map Interpretation", of this title shall apply.

C. Official Zoning Interpretations: Official interpretations shall be prepared whenever an ambiguity in a zoning regulation exists, or a formal request for an interpretation is made by an applicant, property owner, or interested party to the planning director. The procedure for an official zoning interpretation shall be as provided in section 9-2B-8, "Official Zoning Interpretation", of this title. (Ord. 2012-01, 4-17-2012)

Comment [SB1]: Change to "may". This gives the City staff flexibility to decide when an ambiguous situation warrants an Official Zoning Interpretation.

9-1-4: ENFORCEMENT LEGAL PROCEDURES AND PENALTIES:

- A. Purpose: Provisions within this section are intended to ensure compliance with the requirements of this title and any conditions of land use permits to promote the city's planning efforts and for the protection of the public health, safety, and welfare of the city.
- B. Authority To Enforce: The city manager, planning director, code enforcement officer, or designees may issue citations for any violations of the zoning code pertaining to the use of any land and the addition, alteration, construction, conversion, erection, moving, reconstruction, or use of any structure. Other officials of the city charged by the law with the general duty of enforcing city ordinances shall also enforce the provisions of this title.
- C. Zoning Code Applicability: No person shall erect, construct, alter, maintain, or use any building or structure or shall use, divide, or transfer any land in violation of this title or any amendment thereto, except as otherwise provided in chapter 2, article C, "Nonconforming Uses, Structures, And Properties", of this title. All departments, officials, and public employees of the city who are assigned the authority or duty to issue permits or licenses shall comply with the provisions of this zoning code. The following actions are determined to conflict with this code:
 1. Permits for uses or structures that would be in conflict with the provisions of this zoning code shall not be issued.
 2. Any permit issued in conflict with the provisions of this zoning code shall be deemed void.

provisions prevail. See chapter 9, "Overlay Zoning Districts", of this title for more information.

6. Similar Uses: When a use is not specifically listed in this code, it shall be understood that the use may be permitted if the planning director determines that the use is substantially similar to other uses listed based on established criteria and required findings outlined in section 9-2B-7, "Similar Use Determination", of this title. It is further recognized that every conceivable use cannot be identified in this title and, anticipating that new uses will evolve over time, the planning director may make a similar use determination to compare a proposed use and measure it against those uses listed. (Ord. 2012-01, 4-17-2012)

9-4A-3: ALLOWED LAND USES:

Zoning district allowed uses and corresponding requirements for entitlements are listed in section 9-4B-2, table 9-4B-2, "Allowed Uses And Required Entitlements For Base Zoning Districts", of this chapter for all of the city's base zoning districts. Generally, a use is either allowed by right, allowed through issuance of a permit, or not permitted. In addition to the requirements for planning entitlements of this title, other permits may be required prior to establishment of the use (e.g., building permit or permits required by other agencies). The requirements for planning entitlements identified in section 9-4B-2, table 9-4B-2 of this chapter include:

- A. Permitted (P): A land use shown with a "P" indicates that the land use is permitted by right in the designated zoning district, subject to compliance with all applicable provisions of this title (e.g., development standards) as well as state and federal law.
- B. Administratively Permitted (A): A land use shown with an "A" indicates that the land use is permitted in the designated zoning district upon issuance of an administrative use permit from the designated approving authority, subject to compliance with all applicable provisions of this zoning code (e.g., development standards), as well as state and federal law.
- C. Home Occupation Permit (H): A land use shown with an "H" indicates that the land use is permitted in the designated zoning district upon issuance of a home occupation permit from the designated approving authority, subject to compliance with all applicable provisions of this zoning code (e.g., development standards), as well as state and federal law.
- D. Conditional Permitted (C): A land use shown with a "C" indicates that the land use is permitted in the designated zoning district upon issuance of a conditional use permit from the designated approving authority, subject to compliance with all applicable provisions of this zoning code (e.g., development standards), as well state and federal law.
- E. Not Permitted (N): A land use shown with an "N" in the table is not allowed in the applicable zoning district. Additionally, uses not shown in the table are not permitted, except as otherwise provided for in this title. (Ord. 2012-01, 4-17-2012)

Comment [SB1]: Move home occupations out of the matrix. They can be defined elsewhere.

9-4A-4: TEMPORARY USES:

On occasion, property will be used for an event, activity, or use on a short term basis. Such use is considered a temporary use. Temporary uses of property are not regulated through section 9-4B-2, table 9-4B-2, "Allowed Uses And Required Entitlements For Base Zoning Districts", of this

ARTICLE B. ALLOWED USES AND REQUIRED ENTITLEMENTS

9-4B-1: PURPOSE:

9-4B-2: ALLOWED USES AND REQUIRED ENTITLEMENTS; BASE ZONING DISTRICTS:

9-4B-1: PURPOSE:

The purpose of this article is to establish allowed land uses and requirements for planning entitlements for each of the city's base zoning districts. Allowed uses herein are consistent with and implement the city's general plan corresponding land use designations as shown in section 9-4B-2, table 9-4B-2, "Allowed Uses And Required Entitlements For Base Zoning Districts", of this article. (Ord. 2012-01, 4-17-2012)

9-4B-2: ALLOWED USES AND REQUIRED ENTITLEMENTS; BASE ZONING DISTRICTS:

A. Table 9-4B-2, "Allowed Uses And Required Entitlements For Base Zoning Districts", of this section identifies allowed uses and corresponding requirements for land use permits and entitlements for all base zoning districts within the city of Lemoore. Definitions for the land uses listed herein (use classifications) are provided in section 9-4A-5, "Description Of Land Uses", of this chapter. See additional use requirements in article D, "Special Use Standards", of this chapter. Uses are organized into common categories as follows:

1. Residential uses;
2. Agricultural and animal related uses;
3. Recreation, resource preservation, open space, education, and public assembly uses;
4. Utility, transportation, public facility, and communication uses;
5. Retail, service, and office uses;
6. Automobile and vehicle uses;
7. Industrial, manufacturing, and processing uses; and
8. Temporary uses.

B. Zoning district names for the zoning district symbols used in the table are as follows:

1. Residential zoning districts:
 - a. AR = Agriculture and rural residential;
 - b. RVLD = Very low density residential;
 - c. RLD = Low density residential;
 - d. RN = Traditional neighborhood residential;
 - e. RLMD = Low-medium density residential;

f. RMD = Medium density residential;

g. RHD = High density residential.

2. Mixed use zoning districts:

a. DMX-1 = Downtown mixed use, core;

b. DMX-2 = Downtown mixed use, auto oriented;

c. DMX-3 = Downtown mixed use, transitional;

d. MU = Mixed use.

3. Office, commercial, and industrial zoning districts:

a. NC = Neighborhood commercial;

b. RC = Regional commercial;

c. PO = Professional office;

d. ML = Light industrial;

e. MH = Heavy industrial.

4. Special purpose zoning districts:

a. W = Wetlands;

b. AG = Agricultural;

c. PR = Parks and recreation/ponding basin;

d. CF = Public services and community facilities.

C. Any land use shown with a "P" indicates that the land use is permitted by right; an "A" indicates that the land use is permitted in the designated zoning district upon issuance of an administrative use permit (pursuant to chapter 2, article B of this title); an "H" indicates that the land use is permitted in the designated zoning district upon issuance of a home occupation permit (pursuant to chapter 2, article B of this title); a "C" indicates that the land use is permitted in the designated zoning district upon issuance of a conditional use permit (pursuant to chapter 2, article B of this title); and an "N" indicates that the use is not allowed. Except as otherwise provided for in this title, uses not shown in the table are not permitted. (Ord. 2012-01, 4-17-2012)

Comment [s1]: Revise if no longer using "H" designation. Home occupations shall be subject to either a minor or major Home Occupation Permit (9-2B-9). Minimum standards should be required to limit impacts to neighborhoods.

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

P = Permitted by right	H = Home occupation permit required	N = Not permitted
A = Administrative use permit required	C = Conditional use permit required	

Comment [SB2]: Revise Table to be more readable on an 8.5x11 page. This will likely require that it be divided into two tables, which is not uncommon in zoning codes.

Comment [SB3]: Remove Home Occupations from Matrix and reorganize similar to Temporary Uses.

Land Use/ Zoning District	Residential Zoning Districts							Mixed Use Zoning Districts				Office, Commercial, And Industrial Zoning Districts					Special Purpose Zoning Districts			
	A R	R V L D	R L D	R N	R L M D	R M D	R H D	D M X-1	D M X-2	D M X-3	M U	N C	R C	P O	M L	M H	W	A G	P R	C F
Residential uses:																				
Caretaker housing	C	P	P	P	P	P	P	P	P	P	P	C	C	P	P	P	C	N	C	C
Child daycare facility-family daycare home, large ¹	N	A	A	A	A	A	A	A	A	A	A	N	N	N	N	N	N	N	N	N
Child daycare facility-family daycare home, small	N	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N

CHAPTER 4

ARTICLE C TEMPORARY USES

9-4C-1: PURPOSE:

9-4C-2: PERMIT REQUIREMENTS AND EXEMPTIONS:

9-4C-3: GENERAL DEVELOPMENT STANDARDS FOR TEMPORARY USES:

9-4C-4: STANDARDS FOR SPECIFIC TEMPORARY USES:

9-4C-5: TEMPORARY IMPROVEMENTS TO PROPERTY:

9-4-C-1: PURPOSE:

The purpose of this article is to establish development standards for temporary activities, such as special events and uses, to ensure the overall health, safety, and general welfare of the community is maintained. (Ord. 2012-01, 4-17-2012)

9-4-C-2: PERMIT REQUIREMENTS AND EXEMPTIONS:

Uses of property (including land, buildings, and structures) and activities that are temporary in nature shall comply with the permit requirements described below. The process for application for and review and issuance of a temporary use permit shall be as described in section 9-2B-4, "Temporary Use Permit", of this title.

A. Temporary Uses Exempt From Permit Requirements: The following temporary activities and uses are allowed by right and expressly exempt from the requirement of first obtaining a temporary use permit, provided they conform to the listed development standards. Uses that fall outside of the categories defined shall be required to obtain a temporary use permit.

1. Car washes of a temporary nature (e.g., school fundraisers).
2. Construction yards, storage sheds, and construction offices (on site) in conjunction with an approved construction project where the yard and/or shed are located on the same site as the approved project.
3. Emergency public health and safety facilities established by a public agency.
4. Entertainment and assembly events held within auditoriums, stadiums, or other public assembly facilities, provided the proposed use is consistent with the intended use of the facility.
5. Entertainment and assembly events as part of an allowed permanent use (e.g., race at a raceway).
6. Events held exclusively on city property.
7. Events held exclusively on school grounds and that are in conjunction with the school use.
8. Events held exclusively on church grounds and that are in conjunction with the church use.

9. Garage and yard sales held on private property and when occurring no more than three (3) consecutive days two (2) times per calendar year.

Comment [SB1]: Not needed. This limit is more specifically called out below.

10. Outdoor promotional events and seasonal sales related to an existing business with temporary outdoor display and sales of merchandise and seasonal sales in conjunction with an established commercial business that holds a valid business license and is in compliance with the development standards of this title.

11. Seasonal sales involving fireworks, as these uses are permitted through existing state processes and city business license.

12. Storage containers not in conjunction with an approved construction project when:

a. Located on residential property for periods less than seventy two (72) hours, and

b. Located on nonresidential property for periods of no more than forty five (45) days.

13. Temporary land uses in a zoning district that allows that land use on a permanent basis.

14. Temporary community food banks held for no more than twelve (12) days per year.

B. Temporary Use Permit Required: The following temporary activities and uses may be allowed, subject to the issuance of a temporary use permit prior to the commencement of the activity or use. Activities or uses that do not fall within the categories defined below, and are not otherwise exempted in subsection A of this section, shall comply with the use and development regulations and permit requirements that otherwise apply to the property.

1. Construction yards, storage sheds, and construction offices (off site) in conjunction with an approved construction project, where the yard is located on a site different from the site of the approved construction project.

2. Entertainment and assembly events, including carnivals, circuses, concerts, fairs, festivals, food events, fundraisers, haunted houses, outdoor entertainment/sporting events, and similar events designed to attract large crowds and when not otherwise part of or consistent with a permitted use (e.g., race at a raceway).

3. Extension of nonconforming period as provided in subsection 9-2C-6C, "Extension Of Nonconforming Period", of this title.

4. Farmers' markets, as defined in this chapter, held on private property.

5. Interim agricultural uses, as defined in this chapter.

6. "Swap meets", as defined in this chapter, including flea markets, rummage sales, and similar events held on private property.

7. Seasonal sales as defined in this chapter (e.g., Halloween, Christmas), including temporary residence/security trailers, except when related to an existing business (see subsection A10 of this section).

8. Temporary sales offices as defined in this chapter.

ARTICLE D. SPECIAL USE STANDARDS

9-4D-1: PURPOSE:

9-4D-2: ALCOHOLIC BEVERAGE SALES:

9-4D-3: COMMUNITY GARDEN:

9-4D-4 : DRIVE-IN AND DRIVE-THROUGH FACILITIES:

9-4D-5: HOME OCCUPATIONS:

9-4D-6: FUELING STATIONS:

9-4D-7: LARGE FAMILY DAYCARE HOMES:

9-4D-8: LIVE-WORK FACILITIES:

9-4D-9: MASSAGE THERAPY:

9-4D-10: MOBILEHOME PARKS:

9-4D-11: RECREATIONAL VEHICLE PARKS:

9-4D-12: SECOND DWELLING UNITS:

9-4D-13: SEMIPERMANENT MOBILE FOOD VENDORS:

9-4D-14: SEXUALLY ORIENTED BUSINESSES:

9-4D-15: TELECOMMUNICATION FACILITIES:

9-4D-16: THRIFT STORES:

9-4D-1: PURPOSE:

The purpose of this article is to establish site planning, development, and/or operating standards for certain land uses. It is the city's intent in establishing these standards to mitigate the potential adverse impacts of these uses and activities on adjacent and surrounding land uses by applying special design requirements, regulating activities within the use, and establishing special setback and other development standards.

The regulations and standards contained within this article shall apply only to those uses specifically listed in the corresponding section and shall be in addition to any other development standards and regulations contained elsewhere within this title (e.g., lighting, landscaping, parking, signage). These uses may only be located in those zoning districts as described in, and shall only be authorized in concert with, the permit requirements of article B, "Allowed Uses And Required Entitlements", of this chapter. Where the special standards in this article conflict with the standards of the underlying base zoning district, the special standards in this article shall prevail. (Ord. 2012-01, 4-17-2012)

9-4D-2: ALCOHOLIC BEVERAGE SALES:

- A. Purpose And Applicability: The purpose of these regulations is to regulate the location of commercial retail sales of alcoholic beverages for specific types of on site and off site consumption through the application of development standards to minimize the potential public health and safety effects on the community. These standards shall apply to the sale of alcoholic beverages for on site consumption when not associated with eating places (e.g., restaurants) and for off site consumption.
- B. Allowed Use Regulations: The sale of alcoholic beverages for both on site and off site consumption shall only be permitted in compliance with the allowed use and permit requirements listed in article B, "Allowed Uses And Required Entitlements", of this chapter. Sale of alcoholic beverages for on site and off site consumption shall only be allowed after issuance of a conditional use permit. Note that the requirement for a conditional use permit is in addition to any requirement that the state department of alcohol beverage control may

Comment [D1]: Some uses, like a restaurant that serves alcohol, are allowed uses. Therefore, this is not consistent. Is the intent that every business that sells alcohol get a use permit?

impose under section 23958.4 of the Business And Professions Code for a letter of public convenience or necessity (see section 9-2B-17 of this title).

C. Special Application Materials: In addition to completing a permit application for a conditional use permit as required by this title, an application for a use permit for on site and off site sales of alcoholic beverage as regulated by this section shall also include the following information:

1. The distance to the nearest park;
2. The distance to the nearest school;
3. The distance to the nearest church; and
4. A listing of all existing sales of alcoholic beverages within one mile of the proposed location.

D. Development Standards: Unless otherwise allowed through subsection E of this section, all sales of alcoholic beverages for on site or off site consumption as regulated by this section shall comply with the following development standards:

1. No establishment shall be within one thousand feet (1,000') of a church, school, or park;
2. There shall be no more than one establishment within any single shopping center;
3. No more than two (2) establishments shall be located within one thousand feet (1,000') of a major roadway intersection.

Comment [D2]: Review distance requirement and compare to other jurisdictions issues.

Comment [D3]: ABC requires a minimum of 600' from structure to structure of school. Suggest revising to 600' from new structure to property line of park or school.

Comment [D4]: Yes for off-site consumption, not ideal for on-site consumption.

E. Deviations From Development Standards: Establishments selling alcoholic beverages for on site or off site consumption as regulated by this section may be allowed to deviate from the development standards listed in subsection D, "Development Standards", of this section if the approving authority makes all of the following findings:

1. The location of the use will not result in adverse impacts on park facilities, school facilities, existing religious land uses, and/or existing residential land uses.
2. The traffic increases associated with the use will not result in potential hazards to existing pedestrian and/or vehicular traffic.
3. The development conforms to all applicable provisions of this zoning code. (Ord. 2012-01, 4-17-2012)

9-4D-3: COMMUNITY GARDEN:

A. Purpose: The purpose of these regulations is to ensure that community gardens are operated and maintained in a manner compatible with surrounding (primarily residential) development.

B. Development Standards: Community gardens shall comply with all of the following development standards:

1. Use: Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity.
2. Animal Keeping: The keeping of livestock and animals is prohibited.
3. Setbacks: Accessory buildings and structures shall comply with the accessory structure setback requirements listed in section 9-5A-8, "Residential Accessory Structures", of this title. Crop areas must be set back at least three feet (3') from all property lines.
4. Height: Garden and farm related buildings and structures may not exceed twenty feet (20') in height.
5. Fencing: Fencing shall be provided around the site consistent with the standards of section 9-5A-7, "Fences And Walls", of this title.
6. Use Of Chemicals: The use of commercial grade pesticides as part of a community garden is prohibited.
7. Harvest Sales: A maximum of four (4) harvest sales shall be allowed annually from the garden site. (Ord. 2012-01, 4-17-2012)

9-4D-4: DRIVE-IN AND DRIVE-THROUGH FACILITIES:

Comment [SB5]: Remove. There are no standards related to drive-ins.

- A. Purpose: The purpose of this section is to regulate drive-through windows and remote tellers with development standards that address the mitigation of traffic, congestion, excessive pavement, pedestrian connections, litter, and noise.
- B. Applicability: Development standards herein shall apply to all new facilities with drive-in and drive-through sales and services and will be reviewed in conjunction with the required conditional use permit and/or site plan and architectural review application.
- C. Development And Design Standards: The following standards shall be the minimum requirements for all drive-in and drive-through facilities. Deviations to these provisions may be considered through the issuance of a site plan and architectural review permit.
 1. Aisles: The minimum standards for drive-through aisles are as follows:
 - a. Width: Aisles shall have a twelve foot (12') minimum width on curves and an eleven foot (11') minimum width on straight sections.
 - b. Reservoir Space: Aisles shall provide at least one hundred eighty feet (180') of reservoir space for each facility, as measured from the service window to the entry point into the drive-up lane. Nonfood and/or nonbeverage businesses may reduce the stacking space to a minimum of sixty feet (60'). Exceptions may be granted by the designated approving authority when an applicant demonstrates that the required reservoir space is unnecessary.
 - c. Entrances And Exits: Aisle entrances and exits shall be at least one hundred fifty feet (150') from an intersection of public rights of way, measured at the closest intersecting curbs, and at least fifty feet (50') from the curb cut on an adjacent

property. Exceptions may be granted by the designated approving authority when aisle pullout spaces are provided.

d. Separation: Aisles shall be separated from the site's ingress and egress routes or access to a parking space.

e. Landscaping Of Drive-Through Aisles: Landscaping of drive-through aisles shall be consistent with the requirements for landscaping of parking lots as provided in subsection 9-5D1-2E6, "Landscaping Of Parking Lots", of this title to screen vehicles.

Comment [D6]: Text not needed, already known to review landscaping requirement for all projects.

f. Passing Lane: Where two (2) drive-through service windows are provided, the aisle shall be designed with a passing lane to allow customers that complete their transaction at the first window to pass customers that are waiting at the second window.

2. Pedestrian Access And Crossings: Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous, minimum four foot (4') wide sidewalk or delineated walkway. Generally, pedestrian walkways should not intersect the drive-through aisles, but where they do the walkways shall have clear visibility and shall be delineated by textured and colored paving and shall be clearly signed to alert vehicles in the drive-through aisles.

3. Parking: Drive-up windows, remote tellers, and drive-through aisles shall be designed and constructed to be consistent with the requirements of chapter 5, article E, "Off Street Parking And Loading", of this title. The placement of drive-up windows, remote tellers, and drive-through aisles shall not be considered as justification for reducing the number of parking spaces that are otherwise required.

Comment [D7]: Text not needed, already known to review off street parking and loading for all projects.

4. Noise: Drive-up windows and their order stations shall be located such that impacts to sensitive receptors (neighbors) are minimized.

Comment [D8]: Handled through the Site Plan Review. Text not needed.

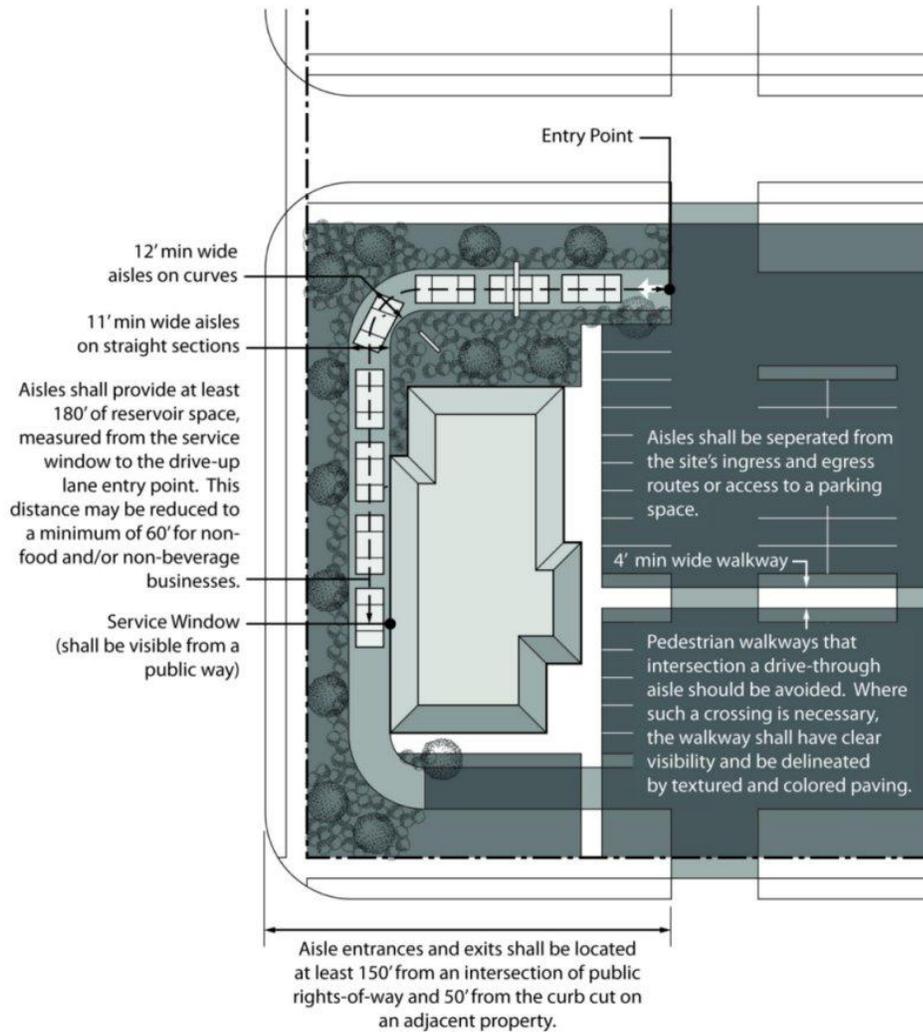
5. Signs: Signage for drive-up windows and remote tellers shall be consistent with the requirements of chapter 5, article F, "Signage", of this title.

Comment [D9]: Text not needed, refer to Signage like all projects.

6. Drive-Through Service Windows: Drive-through windows shall be visible from a public way to ensure that all activity can be viewed from an adjacent street.

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

Comment [SB10]: Remove



(Ord. 2012-01, 4-17-2012)

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 chapter 2, article B, "Planning Permits And Entitlements", of this title. 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 the municipal code.

C. Categories Of Home Occupations: As described in chapter 2, article B, "Planning Permits And Entitlements", of this title, there are two (2) 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 discernible. 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.

Comment [SB11]: It appears that the real differences when differentiating between Minor and Major Home Occupations are: traffic same as residential use vs. more traffic than typical residential use, no customers vs. customers, and not noticeable vs. noticeable. Revise these sections to say this more clearly.

Comment [SB12]: Do we want to allow Home Occupations that generate noise or odor?

D. Activities Prohibited As Home Occupations: The following activities are specifically prohibited as home occupations:

1. Ambulance service;
2. Ammunition reloading, including custom reloading;
3. Boarding house, bed and breakfast, hotel, timeshare condominium;
4. Carpentry, cabinetmakers;
5. Ceramics (kiln of 6 cubic feet or more);
6. Firearms repair or sales;
7. Health salons, gyms, dance studios, aerobic exercise studios;
8. Massage therapy;
9. Medical, dental, chiropractic, or veterinary clinics (including boarding);
10. Mortician, hearse service;
11. Palm reading and fortune telling;
12. Private clubs;
13. Repair or reconditioning of boats or recreation vehicles;
14. Restaurants or taverns;
15. Retail sales from site (except direct distribution of artist's originals and electronic and mail order commerce);
16. Storage, repair, or reconditioning of major household appliances;
17. Storage, repair, or reconditioning of motorized vehicles or large equipment on site other than personal use;
18. Tattoo service;
19. Tow truck service; and
20. Welding service.

E. Performance Standards: It is the intent of the following standards to reduce the impact of the home occupation to the degree that its effects on the neighborhood are undetectable from normal and usual residential activity. These standards shall apply to both major and minor home occupation permit applications. Failure to comply with these standards will result in revocation of the home occupation permit and/or business license.

Comment [SB13]: The intent above seems to imply that these standards could be exceeded by Major Home Occupations. What is the true intent?

1. Number Of Home Occupations: There is no limit on the number of home occupations at a residence provided that the performance standards identified in this section are met.
2. Employees: Off site employees or partners are not permitted. Only occupants of the home may work on site.
3. Habitable Floor Area: The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. Not more than one hundred fifty (150) square feet or fifteen percent (15%) of the floor area of the dwelling, whichever is less, shall be used in the home occupation.
4. Off Site Effects: There shall be no mechanical equipment or operation used which creates or makes dust, odor, vibration, or other effects detectable at the property line. No process shall be used which is hazardous to public health, safety, morals, or welfare.
5. Sales:
 - a. On Site Sales: There shall be no products sold on the premises except artist's originals or products individually made to order on the premises.
 - b. Off Site Sales: Off site sales, including electronic and mail order commerce, shall be permitted.
6. Display: There shall be no display of products produced by occupants of the dwelling which are visible in any manner from the outside of the dwelling unit.
7. Traffic: The use shall not generate pedestrian or vehicular traffic beyond that which is normal in a residential district nor in any case require the parking of more than two (2) additional vehicles at any one time.
8. Vehicles: One truck or van, not more than three-quarters (3/4) ton capacity, may be kept on or adjacent to the premises associated with the home occupation. No campers or semitrailers incidental to the home occupation shall be kept on the premises.
9. Storage: There shall be no storage of material or supplies out of doors.
10. Exterior Appearance: There shall be no remodeling or construction of facilities especially for the home occupation which changes the external appearance of the neighborhood from a residential to a more commercial look when viewed from the front of the building.
11. Signs: Signs shall be allowed for the home occupation in accordance with chapter 5, article F, "Signage", of this title.
12. Visitors And Customers: Visitors and customers shall not exceed those normally and reasonably occurring for a residence, including not more than eight (8) a day, during the hours of eight in the morning (8:00 A.M.) to seven in the evening (7:00 P.M.).
13. Deliveries: Deliveries shall not exceed those normally and reasonably occurring for a residence. Deliveries of materials for the home occupation shall not involve the use of commercial vehicles except for FedEx, UPS, or USPS type home pick ups and deliveries.

14. Hazardous Materials: Storage of hazardous materials is limited to below those thresholds as established by the fire department to not require any special permits or licenses. (Ord. 2012-01, 4-17-2012)

9-4D-6: FUELING STATIONS:

A. Purpose And Intent: The purpose of this section is to establish requirements for the location and construction of new fueling stations. The intent of these provisions is to ensure that new fueling stations are compatible with surrounding uses and activities by mitigating associated problems with traffic, congestion, excessive pavement and lighting, litter, and hazardous materials.

B. Applicability: The regulations contained in this section shall apply to fueling stations as defined in section 9-4A-5, "Description Of Land Uses", of this chapter. The establishment of new fueling stations shall be consistent with the allowed use provisions of article B, "Allowed Uses And Required Entitlements", of this chapter and the standards contained within this section, as well as other development standards as required by this code.

C. Development And Design Standards: The following special standards apply to all new fueling stations and qualifying expansions/improvements to existing fueling stations. Fueling stations shall also comply with all applicable state and federal regulations regarding site design, pricing signs, containment, maintenance, and operations.

1. Frontage: The minimum public street frontage shall be one hundred thirty five feet (135') on each public street for all new fueling stations.

Comment [D14]: Remove text, this is always applied unless adopted city requirements that modify state/federal regulations.

2. Access Driveways: Driveway design shall be consistent with the city's improvement standards, except that the minimum width for driveways shall be thirty five feet (35'). The width shall be expanded to forty five feet (45') whenever the driveway accesses a street with a width of, or with a planned ultimate width of, eighty four feet (84') or greater. Driveways shall be no closer than one hundred fifty feet (150') from the nearest intersecting point of street right of way lines, or as otherwise determined by the public works director for traffic safety.

Comment [D15]: This should be removed. During Site Plan Review, the committee can work out any design issues on the site relating to circulation.

3. Landscaping: Landscape shall be provided consistent with the provisions of chapter 5, article D1, "Landscaping Standards", of this title.

Comment [D16]: Remove, as this type of standard can be worked out during Site Plan Review or as Engineering Details have been adopted.

4. Signs: Signs shall be consistent with the standards of chapter 5, article F, "Signage", of this title.

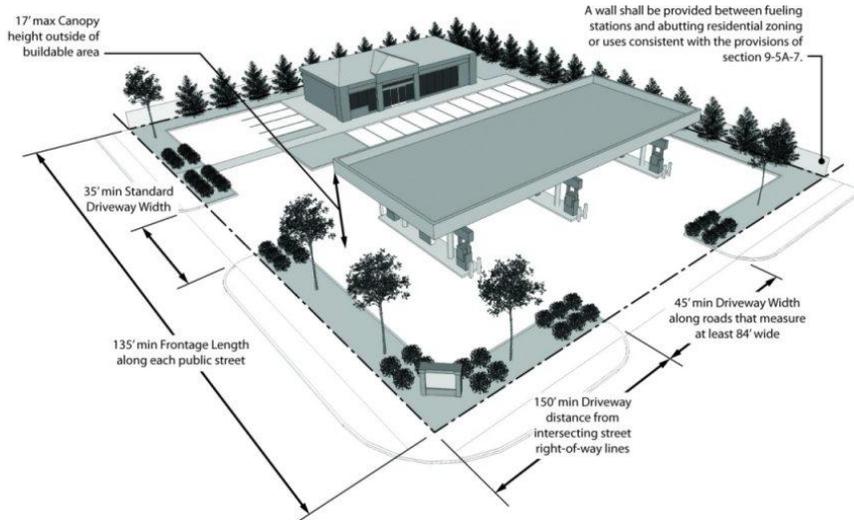
Comment [D17]: Removal of text as this is standard procedure for all projects.

5. Fences And Walls: A wall shall be provided between fueling stations and abutting residential zoning or uses consistent with the provisions of section 9-5A-7, "Fences And Walls", of this title.

Comment [SB18]: Remove. This is already required in 9-5A-7.

6. Structure Height: Structures shall observe the height limits of the underlying zoning district, except that canopies constructed over pump islands located outside the buildable area of the lot shall not exceed a maximum height of seventeen feet (17'). Deviations from these standards may be allowed in conjunction with site plan and architectural review.

FIGURE 9-4D-6-C-1
FUELING STATIONS



(Ord. 2012-01, 4-17-2012)

9-4D-7: LARGE FAMILY DAYCARE HOMES:

The regulations contained in this section shall apply to large family daycare homes as defined in article A, "Use Classification System", of this chapter. The establishment of new large family daycare homes shall be consistent with the allowed use provisions of article B, "Allowed Uses And Required Entitlements", of this chapter and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply.

- A. Location: A large family daycare home facility shall not be located within one thousand feet (1,000') of an existing like facility.
- B. Loading And Unloading Area: A safe off street area, a minimum of ten feet (10') wide and twenty feet (20') long, shall be provided on the subject property for loading and unloading children from vehicles.
- C. Hours Of Operation: The daycare home operation shall be restricted to the period of six o'clock (6:00) A.M. to seven o'clock (7:00) P.M.
- D. Sound Levels: The applicant shall be responsible for maintaining low sound levels on the property. The exterior noise level produced by the operation, measured at the property line, shall not exceed sixty (60) dBA.

E. Parking: At least one off street parking space for employee(s) shall be provided in addition to the two (2) parking spaces required for the dwelling residents, if the employee is not a resident of the subject dwelling.

F. Occupancy Required: The proprietor of the daycare home shall be a resident of the home. (Ord. 2012-01, 4-17-2012)

9-4D-8: LIVE-WORK FACILITIES:

A. Purpose And Applicability: The regulations contained in this section shall apply to live-work facilities as defined in article A, "Use Classification System", of this chapter. The establishment of new live-work facilities shall be consistent with the allowed use provisions of article B, "Allowed Uses And Required Entitlements", of this chapter and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply.

Comment [D19]: Remove text, already known process to follow.

B. Limitations On Use: The nonresidential component of a live-work facility shall be a use allowed within the applicable zoning district; however, the uses and activities described below shall be prohibited:

1. Any automobile and vehicle uses as listed in article B, "Allowed Uses And Required Entitlements", of this chapter.
2. Any industrial, manufacturing, and processing uses as listed in article B, "Allowed Uses And Required Entitlements", of this chapter.
3. Any activity which involves:
 - a. Storage of flammable liquids or hazardous materials beyond those normally associated with a residential use; or
 - b. Welding, machining, or any open flame work.
4. Any other activity or use, as determined by the city as incompatible with residential activities or have the possibility of affecting the health or safety of live-work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or that would be hazardous because of materials, processes, products, or wastes.

C. Density: Live-work units shall comply with the density regulations of the applicable zoning district.

D. Design Standards:

1. Floor Area Requirements: No more than fifty percent (50%) of the ground floor area shall be reserved for living space. Up to one hundred percent (100%) of the ground floor area may be dedicated to working space.
2. Separation And Access: Each live-work unit shall be separated from other units and other uses in the structure. Access to each unit shall be provided from common access areas,

corridors, or halls, and the access to each unit shall be clearly separate from other live-work facilities or other uses within the same structure.

3. Facilities To Accommodate Commercial Or Industrial Activities: A live-work facility shall be designed to accommodate commercial or industrial uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.
4. Integration Of Living And Working Space: Areas within a live-work unit that are designated as living space shall be an integral part of the live-work unit and not separated (or occupied and/or rented separately) from the work space, except that mezzanines and lofts may be used as living space subject to compliance with the other provisions of this section, and living and working space may be separated by interior courtyards or similar private space. Exceptions to this requirement may be allowed when the city adopted building code requires specific occupancy separation.
5. Parking: Each live-work facility shall comply with the parking standards of chapter 5, article E, "Off Street Parking And Loading", of this title.

E. Nonresident Employees: Up to two (2) persons who do not reside in the live-work unit may work in the unit at any one time. Additional employment may be permitted through issuance of an administrative use permit based on findings that the employment will not adversely affect traffic and parking conditions in the vicinity of the site.

F. Changes In Use: After approval, a live-work facility shall not be converted to entirely residential use, nor shall the ratio of living space to working space be changed, unless authorized through administrative use permit approval. As part of the approval of the administrative use permit, the designated approving authority must find that the exclusive residential use will not impair the ability of nonresidential uses on and adjacent to the site to continue operating because of potential health or safety concerns or nuisance complaints raised by the exclusively residential use and/or its occupants. (Ord. 2012-01, 4-17-2012)

9-4D-9: MASSAGE THERAPY:

A. Purpose And Intent: The purpose of this section is to establish regulations to allow massage therapy activity to occur. Regulations in this section are intended to reduce impacts to the degree so as to minimize any potential adverse effect such uses have on surrounding commercial or industrial uses.

B. Applicability: The regulations and standards contained in this section shall apply to the establishment of any "massage therapy" as defined by section 9-4A-5, "Description Of Land Uses", of this chapter in the city and shall be in addition to any other development standards and regulations contained elsewhere within this title. The establishment of any massage therapy use shall include the opening of such a business as a new business, the relocation of such a business, or the conversion of an existing business location to any massage therapy use.

C. Permit Requirements: Massage therapy establishments regulated by this section shall only be permitted in accordance with article B, "Allowed Uses And Required Entitlements", of this

chapter and subject to the special regulations outlined in this section. These requirements are in addition to other permits of certificates required by law.

D. Special Standards: Prior to the establishment of massage therapy uses, the following requirements shall be met:

1. Permit Required: In accordance with title 4, chapter 7, "Massage Establishments And Therapists", of the municipal code, a permit approving the massage therapy business is required prior to establishment of the use.
2. Permit Posted: A copy of the massage therapy permit shall be posted in plain view within the establishment.
3. Operation Under Name On Permit: No person who is granted a permit issued pursuant to this section shall operate under any name or conduct his or her business under any designation not specified in his or her permit.
4. Employee Registration Required: All employees must be registered with the city as required in section 4-7-7-1, "Certified Massage Therapist Registration Requirements", of the municipal code. (Ord. 2012-01, 4-17-2012)

Comment [D20]: Remove. This is repeating what is already in the Muni Code Title 4 Chapter 7.

9-4D-10: MOBILEHOME PARKS:

- A. Purpose And Applicability: This section applies to mobilehome parks within the city. The purpose of this section is to regulate mobilehome parks in residential zoning districts consistent with state law¹. The establishment of new mobilehome parks shall be consistent with the allowed use provisions of article B, "Allowed Uses And Required Entitlements", of this chapter and the standards contained within this section, as well as other development standards as required in the underlying zoning district. Mobilehome parks are also subject to major site plan and architectural review.
- B. Development Standards: All mobilehome parks shall comply with the development standards imposed by the state of California as provided in chapter 2 of title 25 of the California Code Of Regulations. Additionally, all mobilehome parks shall comply with the following to the extent consistent with state law:
1. Park Area, Density, And Site Area:
 - a. The minimum area of a mobilehome park shall be five (5) acres. The first phase of mobilehome park development shall be not less than five (5) acres and shall include all required recreational and service amenities.
 - b. The maximum density shall be eight (8) mobilehome sites per gross acre.
 - c. Each mobilehome site shall be not less than three thousand (3,000) square feet in area, including pad, parking, private access, landscaping and private storage areas.
 - d. No mobilehome site shall be less than thirty feet (30') in width.
 2. Clearances, Setbacks, And Yard Spaces: Mobilehome parks and the mobilehome sites within parks shall comply with the setback standards identified in table 9-4D-10-B-1 of

ARTICLE F. SIGNAGE

Comment [SB1]: Except for the few comments below, the Sign Code's standards appear to be okay. However, the chapter is difficult to read and find the specific requirement being looked for. Recommend reorganizing the code without making substantial changes to the requirements.

9-5F-1: PURPOSE:

9-5F-2: ADMINISTRATIVE PROVISIONS:

9-5F-3: GENERAL SIGN PROVISIONS:

9-5F-4: DESIGN STANDARDS FOR SIGNS:

9-5F-5: STANDARDS FOR PERMANENT ON SITE SIGNS:

9-5F-6: STANDARDS FOR TEMPORARY ON SITE SIGNS:

9-5F-7: STANDARDS FOR OFF SITE SIGNS:

9-5F-8: STANDARDS FOR SIGNS ON CITY PROPERTY:

9-5F-1: PURPOSE:

A. The purpose of this article is to establish regulations for signs. These regulations are intended to protect the public health, safety, and welfare and provide for the integrity of the community's aesthetics. The city recognizes that signs and other graphics are an essential element of a community's visual appearance and provide a means to identify and promote businesses, provide useful information to the public, and should not become visual distractions along public roadways. Consequently, the purpose of this chapter is to provide sign regulations for signs on private property that are consistent with the goals and objectives of the city's general plan and the community's visual and aesthetic goals. In addition, these regulations are intended to:

1. Promote an economically stable and visually attractive community;
2. Promote signs and graphics that are attractive, pleasing, and harmonized with the physical character of the building and environment surrounding properties;
3. Prevent an inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message;
4. Encourage individuality among businesses through signage;
5. Improve traffic safety and the smooth and efficient flow of pedestrians and vehicles to their destinations; and
6. Direct persons to various activities and enterprises, in order to provide for maximum public convenience. (Ord. 2012-01, 4-17-2012)

9-5F-2: ADMINISTRATIVE PROVISIONS:

This section describes the administrative provisions for signage regulation, including permit requirements and review procedures, policies for review of signs, signs exempt from permit requirements, and prohibited signs.

A. Permit Required: The following permits or entitlements shall be required for signs:

1. Zoning Clearance Required: Zoning clearance shall be required for all permanent signs (building-attached or freestanding) prior to erection, relocation, alteration, or replacement of a sign, unless otherwise exempted by this article. Zoning clearance is conducted as

part of the review of the building permit as provided in section 9-2B-3, "Zoning Clearance", of this title. No planning approvals shall be required for general maintenance of existing conforming signs or the replacement of a conforming sign face (including message) when the area of the sign is not being changed and a building permit is not required (e.g., the replacement of a sign face on a legal conforming sign). A sign permit is also not required for the establishment of temporary signs; however, such signs shall be consistent with the development standards and time duration limits established in this article.

2. Sign Program: A sign program shall be required for all new multi-tenant shopping centers, office parks, and other multi-tenant, mixed use, or otherwise integrated developments of three (3) or more separate tenants/uses that share buildings, public spaces, landscape, and/or parking facilities. A sign program provides a process for the city's review of, and decisions related to, requests for signs for multi-tenant projects. The intent of a sign program is to allow for the integration of a project's signs with the design of the structures to achieve a unified architectural statement and to approve common sign regulations for multi-tenant projects. No deviations from the sign standards are allowed through a sign program. The process for application, review, and decision regarding a sign program shall be as established in section 9-2B-13, "Sign Program", of this title.
3. Highway Oriented Sign Permit: A highway oriented sign permit shall be required for all highway oriented signs as provided in this article. The process for application, review, and decision regarding a highway oriented sign permit shall be as established in section 9-2B-18, "Highway Oriented Sign Permit", of this title.
4. Variances: Applications for a variance from the terms of this article shall be reviewed according to the variance procedures set forth in section 9-2B-16, "Variance", of this title.

B. Review Procedures:

1. Method Of Application: An application for a sign permit, sign programs, highway oriented sign permit, or variance shall be made on the form(s) prescribed by the planning department. The application shall be accompanied by any fees as specified by city council resolution. The required contents of the application shall be as specified in chapter 2, article B, "Planning Permits And Entitlements", of this title.
2. Application Review Procedures, Decisions, And Appeals: The application review procedures, decisions, and appeals of decisions for sign permits, sign programs, highway oriented sign permits, or variances shall be as provided in chapter 2, article B, "Planning Permits And Entitlements", of this title.

C. Policies For Signage Regulations: The following policies regarding signage in the city are established:

1. Regulatory Interpretations: The requirements of this article shall not be interpreted to nullify any easements, covenants, or other private agreements that provide for more restrictive sign regulations than are required by this article.
2. Message Neutrality: It is the city's policy and intent to regulate both commercial and noncommercial signs in a viewpoint neutral and/or content neutral manner. The

message of the sign shall not be reviewed except to the minimum extent necessary to identify the type of sign.

3. Message Substitution: Subject to the property owner's consent, a noncommercial message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is authorized pursuant to this article, without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this requirement is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. In addition, any on site commercial message may be substituted, in whole or in part, for any other on site commercial message, provided that the sign structure or mounting device is authorized pursuant to this article, without consideration of message content. This requirement does not create a right to increase the total amount of signage on a parcel, lot, or land; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; and does not allow for the substitution of an off site commercial message in the place of an on site commercial or noncommercial message.
 4. On Site/Off Site Distinction: Within this article, the distinction between on site and off site signs applies only to commercial messages.
 5. General Prohibition: Permanent signs not expressly permitted by this article are prohibited.
 6. Exceptions To Limitations: Any exception to the limitations listed herein shall require a variance pursuant to section 9-2B-16, "Variance", of this title. However, consideration of the variance request shall not evaluate the message or graphic design of the sign.
 7. Indecent Or Obscene Matter: To the extent allowed by law, signs with any statements or words of an obscene, indecent, or immoral character, or any picture or illustration of any human figure in such detail as to offend public morals or decency, or any other matter or thing of an obscene, indecent, or immoral character shall be prohibited.
- D. Exemptions From Permit Requirements: The following sign types are expressly exempted from the permit requirements of this article but still must satisfy any and all other applicable permit requirements when necessary (e.g., building, electrical, plumbing, grading, encroachment).
1. Exempt Signs Without Limitations: The following signs are exempt from sign permit and city review requirements:
 - a. Change of copy that does not alter the size, location, or illumination of a conforming sign.
 - b. All devices which are excluded from the definition of a "sign" as set forth in this title.
 - c. Official traffic signs or other municipal governmental signs, legal notices, advertisements prescribed by law and placed by governmental entities, and signs indicating the location of buried utility lines or any notice posted by a governmental officer in the scope of his or her duties.

- d. Direction, warning, or information signs or structures required or authorized by law, or by federal, state, county, or city authority, including, but not limited to, traffic control signs (e.g., stop, yield), highway route number signs, and construction zone signs.
 - e. Noncommercial utility company signs identifying cables, conduits, and dangerous situations.
 - f. Street address signs on buildings and building identification signs consistent with the city adopted building code or relevant provisions of the city municipal code. Notwithstanding anything in this section, street address signs may be illuminated and may contain reflective paint or material.
 - g. Tablets and plaques, installed by the city or a historical organization, including names of buildings and date of erection.
 - h. Signs and advertising for the California state lottery as authorized by California Government Code section 8880 et seq.
 - i. Gas pricing signs, as required by state law, which identify the brand, types, octane rating, etc., of gasoline for sale within the city¹. This does not limit the approval and design requirement for permanent or temporary placement and approval provisions listed herein.
 - j. Signs on vehicles and vessels, including license plates, license plate frames, registration insignia, noncommercial messages, messages relating to the business for which the vehicle or vessel is an instrument or tool (not including general advertising, such as mobile billboards), and messages relating to the proposed sale, lease, or exchange of the vehicle or vessel.
2. Exempt Signs With Limitations: The following signs are exempt from sign permit and city review, provided that they meet the size, height, duration, and/or maximum number limitations listed:
- a. Window signs in conformity with this article.
 - b. Temporary signs in conformity with this article.
 - c. Flags, provided they meet the following requirements:
 - (1) Flagpoles shall be located a minimum of ten feet (10') from the public right of way.
 - (2) The maximum height for flagpoles is twenty five feet (25').
 - (3) The maximum size for any one flag is twenty five (25) square feet.
 - d. Signs on property undergoing construction or remodeling not exceeding thirty two (32) square feet each in area and limited to one sign for each street frontage. Such signs shall not be illuminated. Such signs shall be removed within thirty (30) days of the earliest of the following events: final building inspection approval, issuance of a valid

Comment [SB2]: Does the Commission still want to enforce these standards?

certificate of occupancy, opening for business to the public, or expiration of the building permit.

e. Signs on property for sale, lease, or rental as follows:

(1) On residential property, one sign not exceeding eight (8) square feet and not exceeding a height of five feet (5'). On weekends and holidays, up to four (4) signs to direct traffic to the subject property are allowed, provided each sign does not exceed eight (8) square feet in area and three and one-half feet (3 1/2') in height. A sign shall not be placed on the sidewalk or street or where it creates a safety hazard. The sign shall not be illuminated.

(2) On nonresidential, downtown, and mixed use property, one sign per street frontage, not exceeding thirty (30) square feet in area or ten feet (10') in height. The sign shall not be illuminated.

f. Signs on property where there is a garage, yard, or estate sale taking place. Such signs may be posted for no more than forty eight (48) hours and must be removed at the end of the sale. A maximum of six (6) square feet is allowed per sign. For further information, see section 3-8-4, "Advertising Signs", of the municipal code.

g. On site directional signs, such as exit, entrance, or other on site traffic directional signs. The maximum height of any directional sign shall be forty two inches (42") and the maximum size shall be six (6) square feet. No advertising or message other than for traffic direction shall be displayed.

h. Noncommercial signs, as defined in this title, consistent with the following requirements:

(1) Six (6) square feet of signage, set back at least five feet (5') from the public right of way and not projecting above the roofline of any structure.

(2) During the time period beginning ninety (90) days before a special, general, or primary election and ending three (3) weeks after such election, the total allowed sign area for noncommercial signs may be increased by an additional thirty (30) square feet in area (for a total of 36 square feet). The same setback and height restrictions listed above shall apply to this additional area.

E. Prohibited Signs: The signs listed in this subsection are inconsistent with the purposes and requirements of this chapter as described below and as such are prohibited in all zoning districts, unless specifically authorized by another requirement of this article.

1. Any sign not specifically in accordance with the requirements of this chapter.

2. Billboards (off site signs with commercial message), as defined in this title. The city prohibits the construction, erection, or use of any billboards other than those that legally exist in the city, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. No permit shall be issued for any billboard which violates this policy, and the city will take immediate enforcement or abatement action against any billboard constructed or maintained in violation of this policy.

3. Can signs, as defined in this title.
4. Roof signs or signs placed above the roofline.
5. Animated, flashing, scrolling, or video screen signs (e.g., electronic reader board sign) where the message changes more frequently than once every seven (7) seconds. Other types of signs such as barber poles or electronic reader board signs that change message less frequently than once every seven (7) seconds may be permitted consistent with the requirements of this article.
6. Pennants, pinwheels, and other signs that utilize two (2) or more light bulbs in a wire string; paraphernalia composed of paper unless displayed inside a window; or signs displayed outdoors that are composed of paper or other lightweight material that could not be securely anchored, would easily degrade, or could not withstand limited exposure to the elements (e.g., a paper sign whose writing would become illegible if exposed to water, or a cardboard sign taped to a building exterior that could easily blow away).
7. Pole signs, as defined in this title. Note that freestanding signs constructed with poles as the substructure where the poles are encased to incorporate design features are not considered pole signs.
8. Signs which are mobile, rotate, or move.
9. Signs placed on the public right of way or affixed to an element or structure on the public right of way, or located on a publicly owned tree, fence, or utility pole or otherwise posted on public property, except where required by a governmental agency; and signs on private property affixed to a fence; or signs affixed to a tree, shrub, rock, or other natural object on private property.
10. Inflatable balloon signs, including, but not limited to, individual balloons, balloon strings, and other inflatable objects made of a flexible material and inflated so as to be lighter than air.
11. Signs painted upon a fence.
12. Signs affixed to vehicles or trailers that advertise or promote a business. This prohibition does not apply to signs permanently affixed to the side of a business or commercial vehicle or to signs required by state or federal law (e.g., contractor's license number) as exempted in the definition of a sign.
13. Signs attached to light standards (poles) unless part of a sign program or street banner program.
14. Signs affixed to a structure or property not owned by the person installing the signs without the written consent of an owner.
15. Signs that are dilapidated, abandoned, or in disrepair or dangerous condition.
16. Signs displaying any statements or words of an obscene, indecent or immoral character, or any picture or illustration of any human figure in such detail as to offend public morals

Comment [SB3]: These are sometimes used for special events. Do you want to still prohibit?

or decency, or any other matter or thing of an obscene, indecent or immoral character to the extent allowed by law.

F. Nonconforming Signs: Except as otherwise provided by this section, all existing signs which do not meet the requirements of this article shall be deemed nonconforming signs and shall either be removed or brought into compliance with the city's municipal code when a substantial alteration to the sign is made. Change of copy shall not be deemed a substantial alteration. For purposes of this section, a "substantial alteration" shall be defined as repair or refurbishing of any sign that alters its physical dimensions or height, or replaces any integral component of the sign including, but not limited to, alterations to exterior cabinets, bases, or poles. Customary maintenance, such as repainting the sign text, cabinet, or other component of the sign, or routine replacement of border and trim with substantially the same colors and materials, in its existing approved physical configuration and size dimensions at the specific location approved by the city shall not constitute substantial alteration.

G. Abandoned Signs: "Abandoned signs" shall be those signs left after the close of a business and which have not been updated upon occupancy of a new business at the same location. The following standards shall apply to conforming and nonconforming abandoned signs:

1. If a sign is maintained, the sign copy shall be replaced with blank sign copy within ninety (90) days of the close of the business (e.g., no utility service, not open for more than 2 weeks).
2. A sign that is maintained with blank copy shall only be allowed to remain for nine (9) months (for a total of 12 months from business closure). At the conclusion of this time period, if a new business that utilizes the nonconforming sign structure has not been established, the sign shall be removed.
3. Abandoned signs that are not maintained or removed consistent with the requirements of this section may be abated by the city and reimbursed by the property owner. (Ord. 2012-01, 4-17-2012)

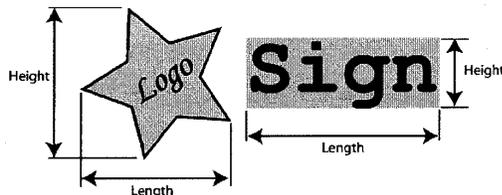
Comment [SB4]: Consider adding a provision that states that the Planning Director may extend the time period if the property owner requests an extension in writing and provides evidence of on-going attempts to locate a new tenant to occupy the site.

9-5F-3: GENERAL SIGN PROVISIONS:

This section describes the procedures for measurement of signs (including area and height) and construction and maintenance requirements.

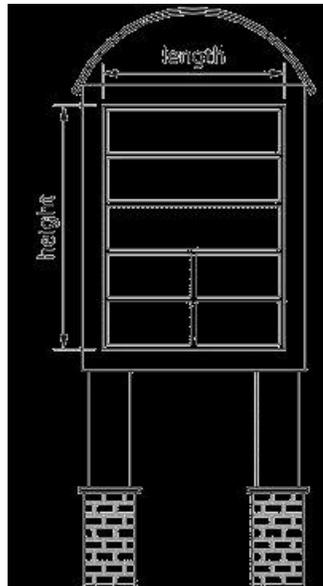
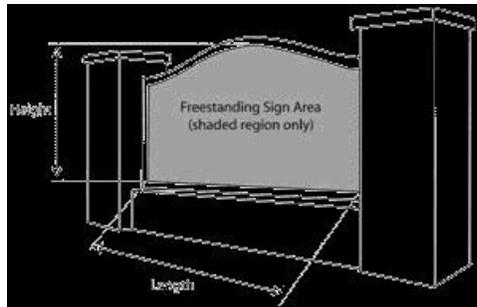
A. Sign Area Measurement Procedures: Generally, the area of a sign shall be measured as the overall length of the sign multiplied by the overall height of each segment of copy or logo. See figure 9-5F-3-A1, "Sign Area", of this section.

FIGURE 9-5F-3-A1
SIGN AREA



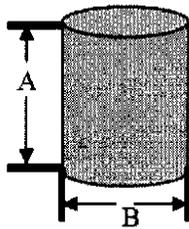
1. Awning Or Canopy Signs: Sign copy which is applied to an awning or canopy shall be computed at one hundred percent (100%) of the area within a single rectangle enveloping the sign copy.
2. Freestanding Signs: Freestanding signs are to be computed as total height by the total length of the sign for one side regardless if it is single or double face, excluding framework of separate single wood post or masonry column and single wood or masonry beam. The base of a monument sign is not part of the sign. See figure 9-5F-3-A2, "Freestanding Sign Area", of this section.

FIGURE 9-5F-3-A2
FREESTANDING SIGN AREA



3. Three-Dimensional Objects: Where a sign consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculptures, or statuelike trademarks), the sign area shall be measured as their maximum visible surface area from any vantage point. See figure 9-5F-3-A3, "Area Of Three-Dimensional Objects", of this section.

FIGURE 9-5F-3-A3
AREA OF THREE-DIMENSIONAL OBJECTS



$$\text{TOTAL AREA} = (A) (B)$$

- B. Sign Height Measurement: Sign height shall be measured from the uppermost part of the sign used in determining the area of the sign to the lowest elevation at the base of the sign.
- C. Construction Requirements: Every sign and all parts, portions, and materials thereof shall be manufactured, assembled, and erected in compliance with all applicable state, federal, and city laws and regulations, including the locally adopted building code. All signs shall comply with the following criteria:
1. All transformers, equipment, programmers, and other related items shall be screened and/or painted to match the building or shall be concealed within the sign.
 2. All permanent signs shall be constructed of quality, low maintenance materials such as metal, concrete, natural stone, glass, and acrylics. Techniques shall be incorporated during construction to reduce fading and damage caused by exposure to sunlight or degradation due to other elements.
 3. All freestanding signs that incorporate lighting shall have underground utility service.
 4. All temporary signs and banners shall be made of a material designed to maintain an attractive appearance for as long as the sign is displayed.
- D. Clearance From Public Utility Facilities: The person erecting a sign and the owner of the premises shall maintain any legally required clearance from communications and electric facilities. A sign may not be constructed, erected, installed, maintained, or repaired in any manner that conflicts with a rule, regulation, or order of the California public utilities commission pertaining to the construction, operation, and maintenance of public utilities facilities.
- E. Interference With Motorist Field Of Vision:

1. No sign shall be located in a manner which may obstruct or interfere with the view of a traffic signal or other traffic regulatory signs. No sign shall, as determined by the public works director, be so located as to create a hazard to the life or property of any person using the public right of way.
2. Any required landscaping may be trimmed as needed to provide maximum visibility of the sign or signs.
3. Signs shall not be located within the clear visibility area.

F. Sign Siting:

1. Location Of Building-Attached Signs: Building signs may be located along any frontage of a building that faces directly onto a public right of way or an internal circulation path of the site. Orientation of signs such that they face directly onto residential property is to be avoided and is allowed only when there is no practical alternative and the visibility of the sign from the residence is minimized and not illuminated.
2. Setback And Spacing Of Freestanding Signs:
 - a. The minimum setback distance for freestanding signs shall be measured from the back of the public right of way or side of a driveway. Unless an encroachment permit is granted, all freestanding signs shall be located outside of the public right of way and any required clear visibility area.

- b. The minimum spacing distance between permanent freestanding signs, excluding on site directory and menu/order board signs, shall be two hundred fifty feet (250'), except that highway oriented signs shall be separated a greater distance as described in subsection 9-5F-5D, "Highway Oriented Signs", of this article. The designated approving authority will review a proposed sign location on a case by case basis to ensure the sign is located outside the required clear visibility area and does not otherwise inhibit motorist safety.

Comment [SB5]: Revise so that this does not prohibit signs where a site's narrow frontage makes compliance impossible.

Comment [SB6]: Delete. Already covered in 2a above.

G. Maintenance Requirements: Every sign and all parts, portions, and materials thereof shall be maintained and kept in proper repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy, or other nonmaintained or damaged portions of a sign shall be repaired or replaced within thirty (30) days following notification by the city. Noncompliance with such a request will constitute a nuisance condition and zoning violation and will be enforced as such.

H. Sign Removal Or Replacement: When a sign is removed or replaced, all brackets, poles, and other structural elements that support the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure. This requirement does not apply to routine maintenance. (Ord. 2012-01, 4-17-2012)

9-5F-4: DESIGN STANDARDS FOR SIGNS:

A. General Sign Design Requirements: The following criteria shall be utilized for permanent on site signs. Signs shall comply with general design standards as provided here in addition to

design standards applicable only to unique sign types as provided in subsection B, "Design Standards For Specific Sign Types", of this section.

1. Design Compatibility With Building: Signs shall be compatible with the architectural style of the main building or buildings upon the site where the sign is located. The applicant shall consider construction materials, color, letter style, and other design details in designing an architecturally compatible sign. Multiple signs on any building, or on buildings within the same development, shall have the same primary type of building-attached sign. Signs located on commercial sites but in a predominantly residential area shall be unobtrusive and designed to be compatible with such residential area.
2. Sign Illumination: The artificial illumination of signs, either from an internal or external source, shall be designed so as not to cast stray light on surrounding rights of way and properties. The following requirements shall apply to all illuminated signs:
 - a. External light sources shall be directed and shielded to limit direct illumination of an object other than the sign;
 - b. The light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impacts on residential properties in direct line of sight to the sign;
 - c. Unless otherwise permitted by another requirement of this article, signs shall not have blinking, flashing, or fluttering lights, or other illumination devices that have a changing light intensity, brightness, or color;
 - d. Colored lights shall not be used at a location or in a manner so as to be confused or constructed as traffic control devices; and
 - e. Light sources shall utilize energy efficient fixtures to the greatest extent possible and shall comply with title 24 of the California Code Of Regulations.

3. Sign Copy: The maximum coverage of copy allowed on a sign shall be eighty percent (80%) of the sign face.

4. Sign Structure: The sign's supporting structure shall be simple, yet adequate for supporting the sign face.

Comment [SB7]: Signs that are channel letters cannot comply with this provision. Appears that this is only meant to apply to monument signs. Move.

B. Design Standards For Specific Sign Types: In addition to the general sign design requirements in subsection A, "General Sign Design Requirements", of this section, the following requirements shall apply to the specific sign types:

1. A-Frame Signs: A-frame signs, where permitted under section 9-5F-6, "Standards For Temporary On Site Signs" of this article, shall be placed at least fifteen feet (15') behind the face of curb and outside the city right of way; except that in the downtown they may be located on the sidewalk in front of the business. No A-frame signs may be placed where they may obstruct vision or create other public safety hazards or ADA obstruction. A-frame signs shall be removed during all times when the business is closed.
2. Awning And Canopy Signs: Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied and shall be

**Chapter 12
GLOSSARY OF TERMS**

9-12-1: PURPOSE AND ORGANIZATION:

9-12-2: GLOSSARY OF TERMS USED IN THIS TITLE:

9-12-1: PURPOSE AND ORGANIZATION:

The purpose of this chapter is to provide definitions for unique terms used throughout this title that are technical or specialized in nature. Where any definition in this chapter may conflict with definitions in other titles of the Lemoore municipal code, the definition herein shall prevail for the purposes of this title. If a word is not defined in this chapter, or in other provisions of the Lemoore municipal code, the most common dictionary definition is presumed to be correct. Terms are organized alphabetically. (Ord. 2012-01, 4-17-2012)

9-12-2: GLOSSARY OF TERMS USED IN THIS TITLE:

A. "A" Terms:

A-FRAME SIGN: See definition of Portable Sign.

ABANDONED SIGN: Those signs left after the close of a business and which have not been updated upon occupancy of a new business at the same location or within twelve (12) months of business closure. See section 9-5F-2G, "Abandoned Signs", of this title.

ACCESSORY BUILDING: A detached structure ten (10) square feet in size or greater. Such structures are broken down into one of the following three (3) categories:

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

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

ACCESSORY USE: A land use that is in addition to, secondary and incidental to, and

commonly associated with the primary use.

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

ADMINISTRATIVE USE PERMIT: See definition of Use Permit.

AFFORDABLE RENT: Monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low or lower income households, not exceeding the following calculations:

1. Very low income: Fifty percent (50%) of the area median income for Kings County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12).
2. Lower income: Eighty percent (80%) of the area median income for Kings County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12).

AFFORDABLE SALES PRICE: A sales price at which lower or very low income households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the development.

ANIMATED SIGN: Any sign which uses mechanical or electrical movement or change of lighting, either natural or artificial, to depict action or to create visual motion or the appearance thereof.

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

ANTENNA, AMATEUR RADIO: Any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the federal communications commission.

ANTENNA, BUILDING MOUNTED: Any antenna directly attached or affixed to a building, tank, tower, or other structure. Building mounted antennas are identified in two (2) distinct categories herein as follows:

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

ANTENNA, DIRECTIONAL (Also Known As A PANEL ANTENNA): An antenna that transmits and/or receives radio frequency signals in a directional pattern of less than three hundred sixty

degrees (360°).

ANTENNA, GROUND MOUNTED: Any antenna with its base (either single or multiple posts) placed directly on the ground or a mast twelve feet (12') or less in height and six inches (6") in diameter.

ANTENNA, PARABOLIC (Also Known As SATELLITE DISH ANTENNA): Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl, or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern from orbiting satellites or ground transmitters. This definition is meant to include what are commonly referred to as television receive only (TVRO) and satellite microwave antennas.

APPEAL AUTHORITY: The identified authority is the designated appeal authority for the application in the event that an appeal is filed pursuant to section 9-2A-8, "Appeals", of this title.

APPLICANT: The owner(s) or proponent(s) with a controlling interest in the proposed project and any successors in interest.

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

AWNING: A rooflike cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

AWNING OR CANOPY SIGN: A sign that is part of or attached to an awning, canopy, or other material, or structural protective cover over a door, entrance, window, or outdoor service area.

B. "B" Terms:

BALLOON SIGN: Any sign that uses blown air or a gas to remain inflated.

BANNER: Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. Flags shall not be considered banners (see definition of Flag).

BASE ZONING DISTRICT: The primary zoning district that applies to a property as listed in chapter 3, "Zoning Districts And Map", of this title.

BILLBOARD: A permanent structure sign which is used for the display of off site commercial messages. The permanent structure of the sign constitutes a principal, separate or secondary use, as opposed to an accessory use, of the parcel on which it is located. It is a sign used as advertising for hire (e.g., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel [not including those who rent space from the sign owner, when such space is on the same parcel or is the same development as the sign], in exchange for a rent, fee or other consideration). Billboards are located off site of the location of topic being advertised or identified.

BUILD-TO LINE: A distance dimension that delineates the maximum distance from the property line that a front or street side building facade can be placed. A distance other than the number

listed is not allowed.

BUILDING: Any structure having a roof, columns, walls, and foundation.

BUILDING-ATTACHED SIGN: A sign placed on a wall, awning, canopy, parapet, or a blade bracket. Also see wall sign, canopy sign, window sign, or projecting sign.

BUILDING HEIGHT: The vertical distance from the ground to the highest point on the structure. See section 9-5A-2, "Height Limits And Exceptions", of this title for an explanation of how to determine height.

BUILDING OFFICIAL: The chief building official of the city of Lemoore.

C. "C" Terms:

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA): Section 21000 et seq., as amended, of the California Public Resources Code.

CAN SIGN: A sign which contains all the text and/or logo symbols within a single enclosed box cabinet that is mounted to a wall or other surface. It specifically does not include the sign cabinet that is part of a freestanding sign.

FIGURE 9-12-2-1
CAN SIGN



CHANNEL LETTER SIGN: A sign made up of individual letters that are independently mounted to a wall or other surface. The "airspace" between the letters is not part of the sign structure but rather the building facade. A logo may also be considered a channel letter provided it is clearly distinguishable from other sign elements.

FIGURE 9-12-2-2
CHANNEL LETTER SIGN



CHILDCARE 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 daycare facilities, school age childcare centers, or family daycare 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 1 and 2 of this title.

CITY ENGINEER: The city engineer of the city of Lemoore.

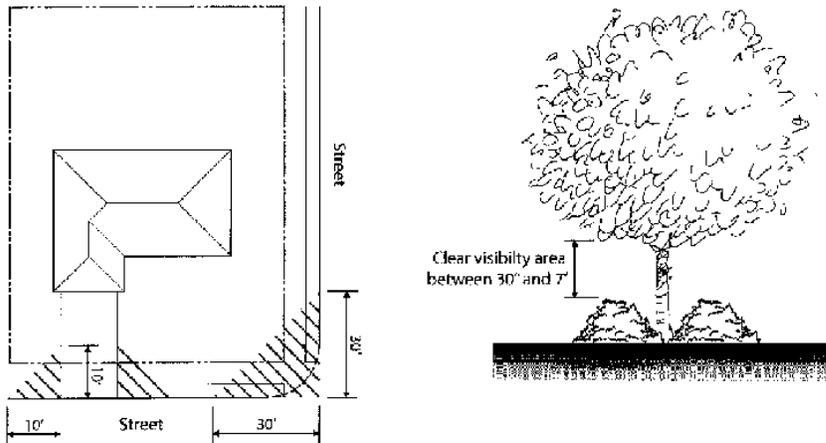
CITY MANAGER: The city manager of the city of Lemoore.

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 (2) 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 (2) ends.
2. At any corner formed by the intersecting streets, the cross visibility area shall be a triangle having two (2) 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 (2) ends.

FIGURE 9-12-2-3
CLEAR VISIBILITY AREA



Unobstruction

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 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 semitrailers, 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 section 1351, means any of the following:

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

COMMUNITY APARTMENT PROJECT: A development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon.

COMMUNITY NOISE EQUIVALENT LEVEL (CNEL): Weighted average of sound levels gathered throughout a twenty four (24) hour period.

CONCERTINA WIRE: A type of barbed wire or razor wire that is formed into large coils that usually sit atop another type of fencing.

CONDITIONAL USE PERMIT: See definition of Use Permit.

CONDITIONS OF APPROVAL: Those conditions placed on the approval of a planning permit or entitlement that are reasonable and necessary in order to ensure compliance with this title and to prevent adverse or detrimental impact to the surrounding neighborhood.

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

CONSTRUCTION SIGN: See subsection 9-5F-2D2d of this title.

CUSTOM HOME: A home whose floor plan is only used once in a subdivision.

D. "D" Terms:

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

DENSITY BONUS: A density increase over the otherwise maximum allowable residential density under the applicable zoning district and the land use element of the general plan.

DENSITY BONUS HOUSING AGREEMENT: A legally binding agreement between a developer and the city to ensure that the requirements of this title are satisfied.

DENSITY BONUS UNITS: Those residential units granted pursuant to the provisions of this title which exceed the otherwise maximum residential density for the development site.

DEVELOPED SITE: A site that has paved concrete or asphalt parking surfaces and paved ingress and egress as well as landscaping that meets city standards.

DEVELOPMENT: A proposed or already constructed building or group of buildings.

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

DIRECT BROADCAST SATELLITE SERVICE (DBS): A system in which signals are transmitted directly from a satellite to a small home receiving dish.

DIRECTIONAL SIGN: An on site sign containing no commercial message, directing pedestrians or vehicles into or out of driveways, parking areas or other areas of the site on which the sign is located.

DISTRICT OR ZONE: A portion of the city within which certain uses of land and buildings are permitted or prohibited, certain yards and other open spaces are required, and certain height limits are established for buildings.

E. "E" Terms:

ELECTION SIGN: See subsection 9-5F-2D2h of this title.

ELECTROMAGNETIC: An electrical wave propagated by an electrostatic and magnetic field of varying intensity.

EMPLOYEE: For purposes of a sexually oriented business, a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage, or other compensation by the operator of said business.

ENVIRONMENTAL IMPACT REPORT (EIR): As defined in section 21061, as amended, of the California Public Resources Code, a detailed report providing information or data relevant to determining the effect a proposed project is likely to have on the environment and ways in which the significant effects of such a project might be minimized.

EQUIVALENT FINANCIAL INCENTIVE: A monetary contribution, based upon a land cost per dwelling unit value, equal to one of the following:

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

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

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

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

F. "F" Terms:

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

FINAL AUTHORITY: The identified authority is the designated approving authority for the application.

FLAG: Any fabric or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

FLOOR AREA RATIO (FAR): The ratio between gross floor area of the primary structure(s) on a site and gross site area. It includes all occupiable floors of a building, making it a three-dimensional unit of measure. For example, a multi-story building with a total floor area of one hundred thousand (100,000) square feet on a fifty thousand (50,000) square foot lot will have a FAR of 2.0.

FOOT-CANDLE: A unit of illumination produced on a surface, all points of which are one foot (1') from a uniform point of one candle.

FORM BASED ZONING: Provides a method of regulating development to achieve a desired urban form characterized by a uniform street and circulation system, building typologies, and street frontage requirements. Form based provisions address the relationship between building facades and the public realm (e.g., streets and sidewalks), the form and mass of buildings, and the size, character, and type of streets and blocks.

FREESTANDING SIGN: A permanent sign that is self-supporting in a fixed location and not attached to a building. A freestanding sign can be connected or attached to a sign structure or

wall that is not an integral part of a building. Freestanding signs include, but are not limited to, monument signs and pylon signs.

FULL SHIELDING: A technique or method of construction where the fixture completely conceals and recesses the light source from all viewing positions except those positions permitted to receive illumination.

G. "G" Terms:

GARDEN STRUCTURE: A detached decorative structure that is placed outside of any other structure. Such features are sometimes used in conjunction with plant materials for aesthetic enhancement. This definition includes trellises and vertical lattice structures less than ten (10) square feet in size, statues, fountains/water features, and similar features.

GAS PRICING SIGNS: Any sign identifying the brand, types, octane rating, etc., of gasoline for sale, as required by state law.

GATEWAY ENTRY SIGNS: A sign located at a major entrance into the city as described in the general plan.

GENERAL PLAN AMENDMENT: A planning process for approving an amendment to the general plan of the city of Lemoore, including the land use map.

GLARE: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and, in extreme cases, causing momentary blindness.

GOVERNMENTAL SIGN: Any temporary or permanent sign erected and maintained by or required by the city of Lemoore, the county of Kings, state of California, or federal government for the purpose of providing official governmental information to the general public, including, but not limited to, traffic direction, city entrance, or for designation of direction to any school, hospital, historical site, or public service, property, or facility.

GRADE: The lowest point of elevation of the finished surface of the ground.

GRADE, EXISTING: The natural grade in place prior to the preparation of property for development.

GRADE, FINISH: The final contour of the ground surface of a site that conforms to the approved grading plan.

H. "H" Terms:

HIGHWAY ORIENTED SIGN: A freestanding sign structure with multi-tenant identification located within one thousand feet (1,000') of a state highway and which is not considered a "billboard".

HIGHWAY ORIENTED SIGN PERMIT: That discretionary permit for the approval of commercial signs that are oriented to the highway as defined in this title.

HOME OCCUPATION PERMIT: A permit for the operation of a home occupation.

HOME OCCUPATION SIGN: A sign located at a residence advertising a business or profession legally conducted in the residence.

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

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

I. "I" Terms:

INCENTIVE AND CONCESSION: Such regulatory concessions as specified in subdivision (I) of Government Code section 65915 which include, but are not limited to, the following:

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

INCIDENTAL SIGN: A sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, including, but not limited to, restrooms, phones, credit cards, or hours of business.

J. "J" Terms: Reserved for future use.

K. "K" Terms:

KIOSK SIGN: A freestanding sign structure that provides removable panel inserts that each contain directional information. A kiosk is located off site from the location it is providing information to.

KITCHEN: A room or space within a building used or intended to be used for the cooking or preparation of food, which includes at a minimum:

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

L. "L" Terms:

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

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

LIGHT POLLUTION: Artificial light that causes a detrimental effect on the environment, astronomical research, or enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent property.

LIGHT TRESPASS: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

LOOP OUT LOT: A lot along the outside curve (or knuckle) of two (2) intersecting streets where one street curves into another to form a two-way intersection.

LOT: A parcel of land shown on a subdivision map, parcel map, certificate of compliance, or a record of survey map or described by metes and bounds and recorded in the office of the county recorder of Kings County; a part of a single parcel of land when such part is used as though a separate lot for all purposes and under all of the requirements of this title; and includes two (2) or more abutting lots when combined and used as though a single lot. Types of lots include the following (see figure 9-12-2-4 of this definition):

Lot, Corner: A lot situated at the intersection of two (2) or more public streets having an angle of intersection of not more than one hundred thirty five degrees (135°).

Lot, Flag Or Corridor: A parcel of land shaped like a flag; the staff (access corridor) is a narrow strip of land providing vehicular and pedestrian access to the street with the bulk of the property lying to the rear of other lots.

Lot, Interior: A lot other than a corner lot or reverse corner lot.

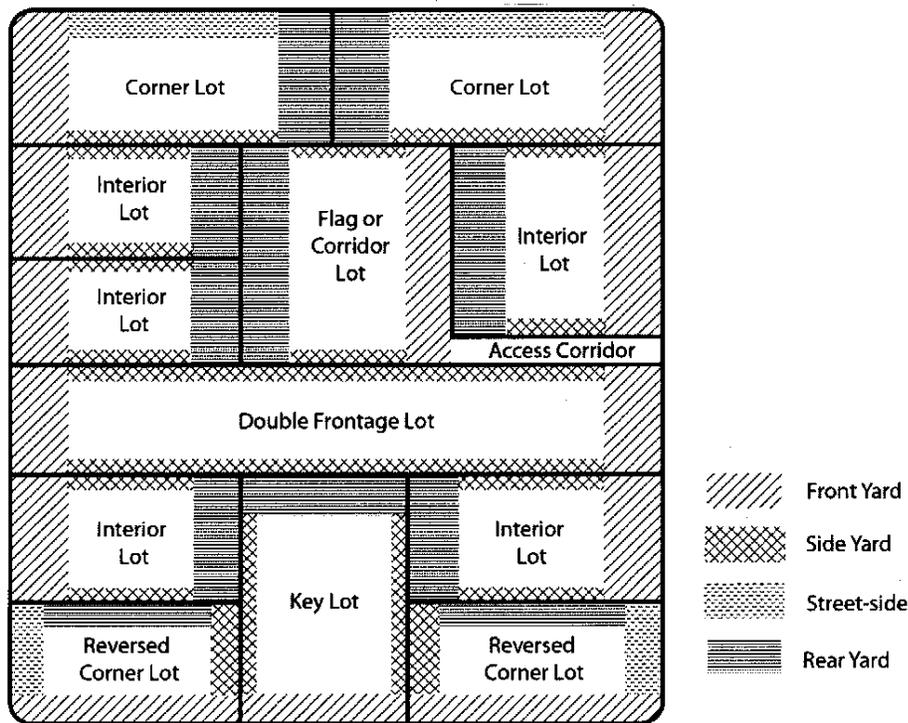
Lot, Key: The first lot to the side of a reversed corner lot, whether or not separated by an alley.

Lot, Reverse Corner: A corner lot, the street side of which is substantially a continuation of the front lot line of the lot upon which it rears.

Lot, Through Or Double Frontage: A lot having a frontage on two (2) parallel or approximately parallel streets.

FIGURE 9-12-2-4
LOT TYPES

Comment [SB1]: The reverse corner lots are not drawn correctly in this figure. Change.



LOT AREA: The total horizontal area within the lot lines of a lot.

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

LOT DEPTH: The horizontal distance between the front and rear lot lines measured on the longitudinal centerline.

LOT FRONTAGE: The portion of a property that abuts one side of a public street which allows access to the property.

LOT LINE, FRONT: In the case of an interior lot, a line separating the lot from the street; in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street. In the case of a flag lot, it shall be the property line that abuts the access corridor (see figure 9-12-2-5 of this definition). In the case of lots along cul-de-sacs, loop outs (elbows), or other similar roadways where the property does not comply with the minimum frontage requirements of this title, the front lot line for purposes of determining setbacks shall be measured from an imaginary line drawn parallel to the property line along the street and with a minimum length equal to the minimum frontage (see figure 9-12-2-6 of this definition).

Comment [SB2]: This goes beyond defining a front lot line and starts describing how to measure them. That is also be done in Section 9-5A-3. Move there.

Comment [SB3]: Does the Commission want to redcue the front yard setback area for flag lots?

FIGURE 9-12-2-5
FLAG LOT

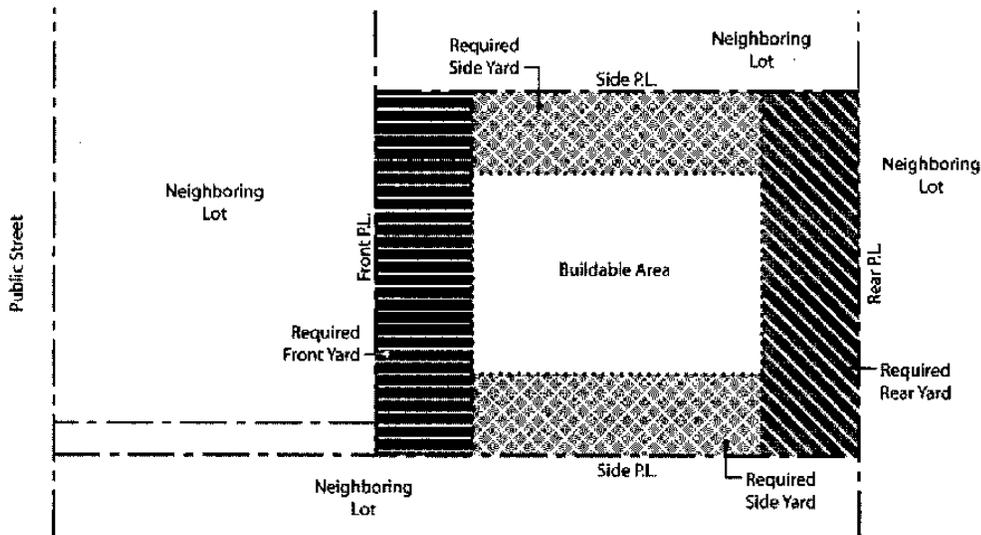
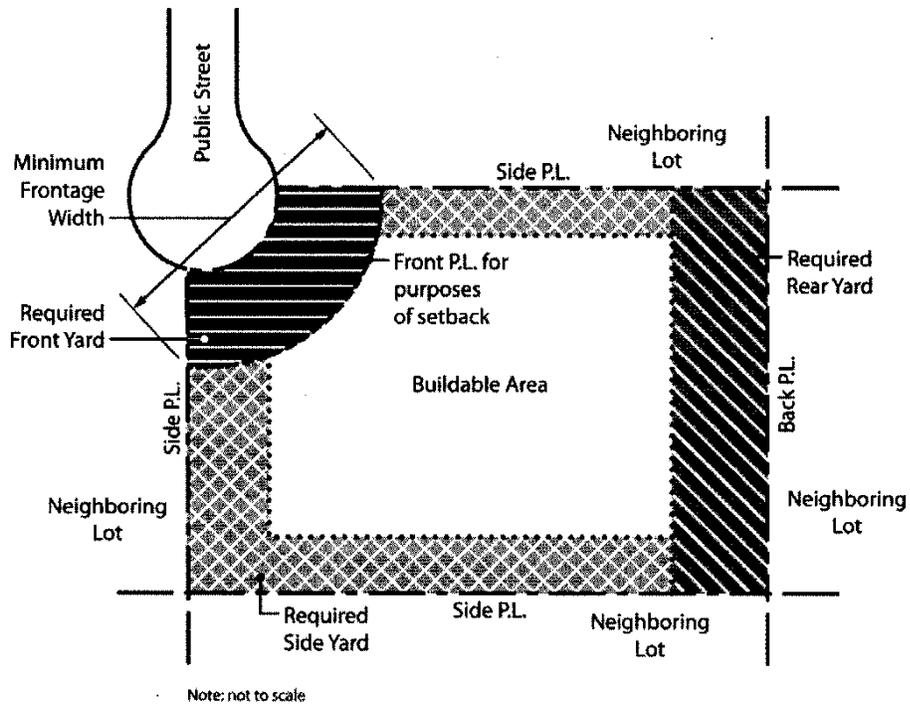
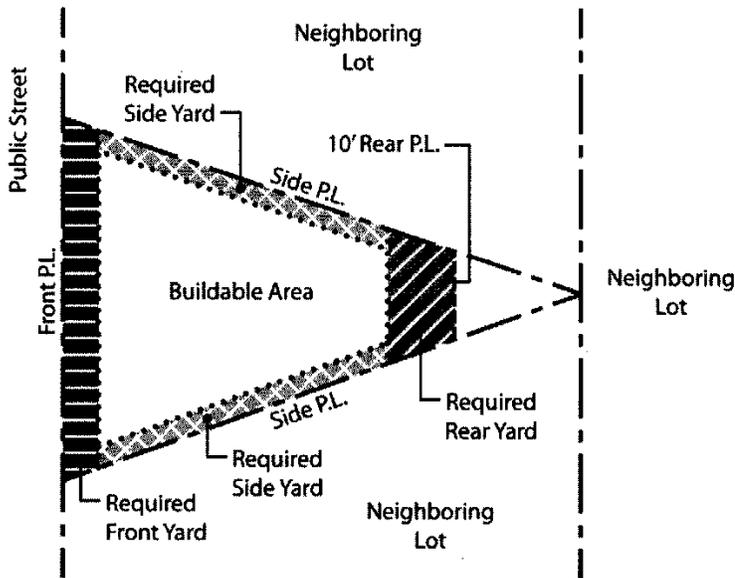
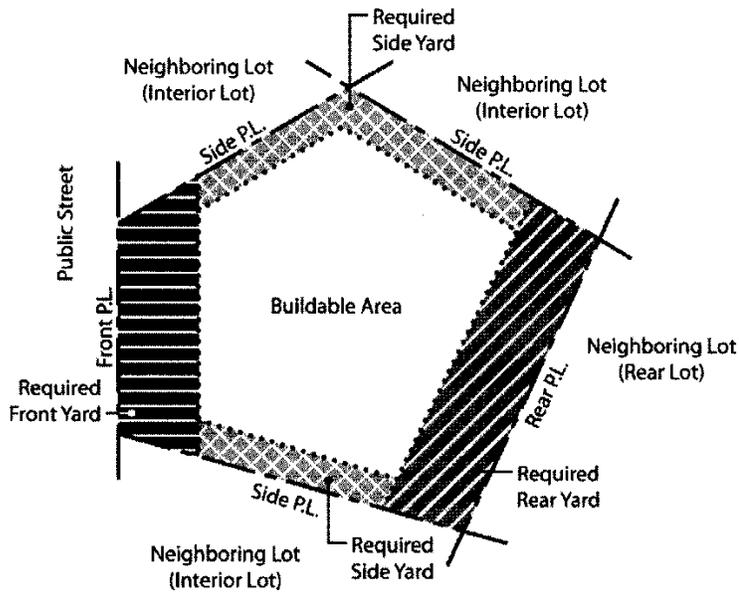


FIGURE 9-12-2-6
CUL-DE-SAC, ELBOW, AND SIMILAR LOTS



LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line and, in case of an irregular, triangular, or gore shaped lot, a line ten feet (10') in length within the lot, parallel to and at the maximum distance from the front lot line (see figure 9-12-2-7 of this definition).

FIGURE 9-12-2-7
IRREGULAR AND CONVERGING LOTS



Note: not to scale

LOT LINE, SIDE: Any lot boundary line not a front lot line or a rear lot line.

LOT LINE, STREET SIDE: A side lot line that abuts a public street.

LOT WIDTH: The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

LOWER INCOME HOUSEHOLD: Households whose income does not exceed the lower income limits applicable to Kings County (less than 80 percent 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 section 50079.5

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

M. "M" Terms:

MARQUEE OR CHANGEABLE COPY SIGN: A sign, or portion thereof, with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or surface of the sign. A sign on which the message or characters change more than twelve (12) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this title.

FIGURE 9-12-2-8
MARQUEE OR CHANGEABLE COPY SIGN



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

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 section 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 (80 to 120 percent 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 section 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 section 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.

Comment [SB4]: Remove. This is defined in State law.

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.

NONIONIZING ELECTROMAGNETIC RADIATION (NIER): Electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.

NONRESTRICTED UNIT: All units within a housing development excluding the target units.

NOTICE OF DETERMINATION, CEQA: As defined in section 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.

Comment [SB5]: Remove. This is defined in State law.

NOTICE OF EXEMPTION: As defined in section 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.

Comment [SB6]: Remove. This is defined in State law.

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", of this title.

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 3, "Zoning Districts And Map", of this title.

P. "P" Terms:

PARKING FACILITY: A public or shared parking lot.

PARTICULATE MATTER AND AIR CONTAMINANTS: Smoke, sulfur compounds, dust, soot, carbon, noxious acids, gases, mist, odors, or particulate matter, or other air contaminants or combination which exceed any local, state, or federal air quality standards or which might be obnoxious or offensive to anyone residing or conducting business either on site or abutting the subject site. Particulate matter shall not be discharged into the atmosphere in excess of the standards of the federal environmental protection agency, the California air resources board, or the San Joaquin Valley air pollution control district.

PASEO: A public space that is located within a block's interior and that connects two (2) streets that are parallel or within forty five degrees (45°) of being parallel to each other.

PEDESTRIAN PATHWAYS: The infrastructure that provides a safe pedestrian circulation system throughout the development site that minimizes the conflict between pedestrians and vehicular traffic at all points, including parking areas and building access points.

PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention.

PERMANENT SIGN: A sign that is entirely constructed out of durable materials, is fixed in place, and is intended to exist for more than thirty (30) days.

PERSONS AND FAMILIES OF MODERATE INCOME: Households whose income does not exceed the moderate limits applicable to Kings County (80 to 120 percent of median adjusted for household), as published and periodically updated by the state department of housing and community development pursuant to section 50093 of the California Health And Safety Code.

PLANNED DEVELOPMENT: A development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features:

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

PLANNED UNIT DEVELOPMENT: A planning process for the review of development looking at the diversity in the relationship between buildings and open spaces.

PLANNING AGENCY: The planning agency of the city of Lemoore as required by section 65100

of the California Government Code, including the planning director, city manager, planning commission, and city council.

PLANNING COMMISSION: Pursuant to section 65101 of the California Government Code, the planning commission of the city of Lemoore as established in title 2, chapter 1 of the municipal code and assigned the duties as provided in chapters 1 and 2 of this title.

PLANNING DIRECTOR: The planning director of the city of Lemoore, who oversees, manages, and directs the efforts of the planning department.

PLAY EQUIPMENT: Any structure used for recreational purposes including play structures, jungle gyms, and swings, as defined in the California building code.

POLE SIGN: An on site freestanding sign, supported by a sign structure from the ground which identifies businesses located on the same parcel or in the same development on which the sign is located. Pole signs are supported by one or more metal or wood posts, pipes, or other vertical supports. When the support structure is not integrated into the overall design of the sign, these are prohibited in all districts.

POOL/SPA: As defined in the city adopted building code, any structure intended for swimming or recreational bathing that contains water over eighteen inches (18") deep. This includes inground, aboveground, and on ground swimming pools, hot tubs, and spas. Also includes incidental equipment and housing (e.g., pumps, heating equipment, etc.).

PORTABLE SIGN: Any sign that is not permanently attached to a building or to the ground and may be easily moved. Portable signs are often configured with an A-frame or T-frame.

FIGURE 9-12-2-10
PORTABLE SIGN



PREPARED FOOD: Food sold at retail that, prior to such sale, is washed, cooked, or combined or otherwise prepared at the vending facility.

PREZONING: A zoning designation, formally adopted by the city, that applies to property outside of the existing limits in advance of annexation of the area into the city. The zoning districts applied through a prezoning do not take effect until the annexation is approved and

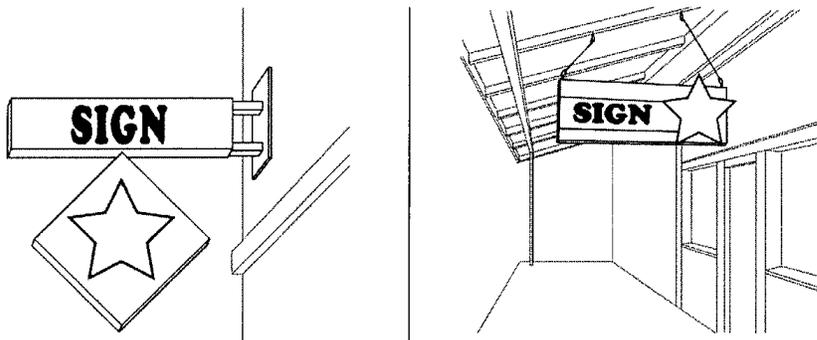
recorded by the Kings County local agency formation commission.

PRIMARY BUILDING FRONTAGE: The building frontage that faces the street. In cases where a building has more than one street frontage, or where a business has no building frontage facing a street, the building frontage with the primary business entrance shall be considered the primary building frontage.

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

PROJECTING SIGN: A sign that projects perpendicular from a structure (bracket sign) or is hung beneath a canopy (blade sign).

FIGURE 9-12-2-11
PROJECTING SIGNS



PROPERTY LINE: See definitions of Lot Line.

PUBLIC FORUM: Public parks, sidewalks which are connected to the city's main pedestrian circulation system, and the pedestrian area immediately surrounding city hall (not including the interior thereof). In consultation with the city attorney, the city shall interpret this phrase in light of relevant court decisions.

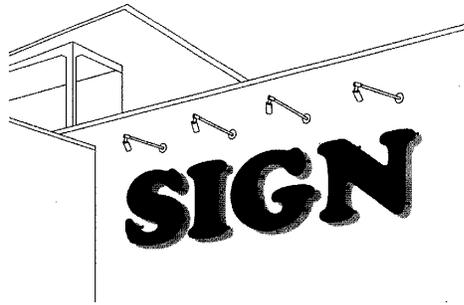
PUBLIC HEARING: A meeting held by the designated approving authority (i.e., the planning commission or city council) that is open to the public and at which the approving authority transparently deliberates a planning permit or entitlement and accepts testimony from the public as required by the provisions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

Comment [SB7]: Remove. This much detail is not needed.

PUSHPIN LETTER SIGN: A sign comprising individual letters that are independently mounted to a wall or other surface. Such sign may be illuminated by an external light source, such as

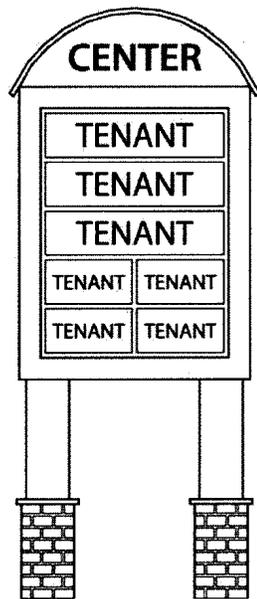
pendant lighting. The "airspace" between the letters is not part of the sign structure but rather the building facade.

FIGURE 9-12-2-12
PUSHPIN LETTER SIGN



PYLON SIGN: An on site freestanding sign, supported by a sign structure from the ground which identifies businesses located on the same parcel or in the same development on which the sign is located. Pylon signs are designed such that the support structure and the sign face are designed as one architecturally unified and proportional element. Also see definitions of Monument Sign and Pole Sign.

FIGURE 9-12-2-13
PYLON SIGN



Q. "Q" Terms:

QUALIFYING HOUSING DEVELOPMENT: A housing development where the applicant or developer of the housing development agrees to provide one or more of the following:

1. At least ten percent (10%) of the total units of the housing development as target units affordable to lower income households;
2. At least five percent (5%) of the total units of the housing development as target units affordable to very low income households;
3. At least ten percent (10%) of the total dwelling units in a common interest development project¹ or in a planned development² for persons of moderate income; or
4. Senior citizen housing.

QUALIFYING SENIOR RESIDENT: Senior citizens or other persons eligible to reside in a senior citizen housing development.

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

R. "R" Terms:

REAL ESTATE SIGN: See subsection 9-5F-2D2e of this title.

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

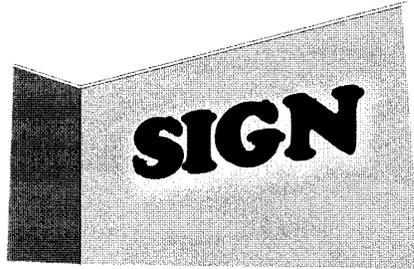
RECOMMENDING AUTHORITY: The identified authority makes a recommendation on the application to another body.

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

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

REVERSE CHANNEL LETTER SIGN: A sign comprising individual letters that are independently mounted to a wall or other surface, with lights mounted behind the letters that face the wall behind. Lights illuminate the space around the channel letters rather than the channel letters themselves, creating a "reverse" lighting effect (e.g., halo effect). The "airspace" between the letters is not part of the sign structure but rather the building facade.

FIGURE 9-12-2-14
REVERSE CHANNEL LETTER SIGN



REZONING: A planning permit that changes the zoning designation on a piece of property within the city as recorded on the zoning map.

RIGHT OF WAY LINE: The future right of way line or plan lines of any highway or street as shown on the current circulation plan of the city's general plan.

ROOFLINE: Either the top of a parapet of a building or, in the case of a building with a shed roof, the bottom of the eave.

S. "S" Terms:

SATELLITE EARTH STATION: A facility consisting of more than a single satellite dish or parabolic antenna that transmits to and/or receives signals from an orbiting satellite.

SENIOR CITIZEN HOUSING DEVELOPMENT: A residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least thirty five (35) dwelling units and complies with the requirements of section 51.3 of the California Civil Code.

SETBACK: The minimum distance between a structure and a property line of the lot, measured at a right angle from the designated property line.

SEXUALLY ORIENTED MATERIALS: Any physical object or visual image, however stored, recorded, or manifested, that is offered for sale, rental, or viewing and that simulates, depicts, or describes specified anatomical areas or that is offered for sale or rental for use in specified sexual activities (other than condoms sold in conformity with laws otherwise applicable).

SHIELDING: A technique or method of construction to block the light from illuminating certain distant surfaces.

SIGN: Any device, structure, fixture, or placard displaying graphics, symbols, and/or written copy for the primary purpose of communicating with the public. Notwithstanding the foregoing, the following do not fall within the definition of a sign:

1. Interior signs. Signs or other visual communicative devices that are located entirely within a building or other enclosed structure or site which is not visible from the exterior thereof, or located at least three feet (3') from the window on the interior of the structure.
2. Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks or moving parts).
3. Symbols embedded in architecture. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a building; the definition also includes foundation stones and cornerstones.
4. Personal appearance. Items or devices of personal apparel, decoration or appearance, including, but not limited to, tattoos, makeup, wigs, costumes, and masks (but not including commercial mascots).
5. Manufacturers' marks. Marks on tangible products that identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale.
6. Fireworks, candles, and artificial lighting. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this title.
7. Mass transit graphics. Graphic images mounted on trains or duly licensed mass transit vehicles that legally pass through the city.
8. Vehicle and vessel insignia. As shown on street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, noncommercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel.
9. Newsracks and newsstands.
10. Shopping carts and golf carts.
11. Vending machines that do not display off site commercial messages or general advertising messages.
12. Graphic images that are visible only from above, such as those visible only from airplanes or helicopters, but only if not visible from the street surface or public right of way.
13. Holiday and cultural observance decorations that are on display for not more than forty five (45) calendar days per year (per parcel or use) and which do not include commercial advertising messages.

Comment [SB8]: Move this out of definitions and into the sign ordinance (Ch 5F)

SIGN FACE: That area or portion of a sign on which copy is intended to be placed.

SIGN PROGRAM: A written description of the signs for new multi-tenant shopping centers, office parks, and other multi-tenant, mixed use, or otherwise integrated developments of three (3) or more separate tenants/uses that share buildings, public spaces, landscape, and/or

parking facilities.

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

SIMILAR USE DETERMINATION: A formal action to determine whether or not a proposed use is similar to a permitted or conditionally permitted use and whether such proposed use may be permitted in a particular zoning district. See section 9-2B-7, "Similar Use Determination", of this title.

SITE PLAN AND ARCHITECTURAL REVIEW: That process for the review of the design and layout of new development in the city to ensure that it is consistent with the regulations of this title and will not result in a detriment to the city or the environment.

SPECIAL NEEDS POPULATION: Persons identified as having special needs related to any of the following:

1. Mental health;
2. Physical disabilities;
3. Developmental disabilities, including, but not limited to, mental retardation, cerebral palsy, epilepsy, and autism;
4. The risk of homelessness; or

Persons eligible for mental health services funded in whole or in part by the mental health services fund, created by section 5890 of the Welfare And Institutions Code.

SPECIFIC PLAN: A specific plan for the implementation of the city's general plan as provided in section 65450 of the California Government Code.

SPECIFIED ANATOMICAL AREA: Shall mean and includes any one or more of the following:

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

SPECIFIED SEXUAL ACTIVITY: Shall mean and includes, without limitation, any of the following:

1. Fondling, including:

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

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

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

SUBDIVISION DIRECTIONAL SIGN: A temporary or otherwise limited term sign for the purpose of providing direction for vehicular and/or pedestrian traffic to the initial home sales of multiple lots with a single builder within a master planned community, including both single-family and multi-family for sale products. All other home sales are included within the definition of "real estate sign".

SUBDIVISION PERMANENT IDENTIFICATION SIGN: A sign located at the entrance to the

subdivision for the purpose of a permanent identification of the subdivision. Such signs are of a permanent nature, usually constructed of long lasting, weather resistant materials such as stone or metal.

SUBDIVISION SIGN: A sign identifying the initial home sale and location of land and/or multiple lots with a single builder within an approved residential subdivision/master planned community, including both single-family and multi-family for sale products, or new/substantially renovated apartment complex of more than twenty five (25) units.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS: An increase in the floor areas occupied by the business by more than fifteen percent (15%) as the floor areas existed on June 7, 1996.

T. "T" Terms:

TARGET UNIT: A dwelling unit within a housing development which will be reserved for sale or rent to, and affordable to, very low or lower income households or qualifying senior residents.

TEMPORARY SIGN: A sign not constructed or intended for long term use. Typically, temporary signs are not physically suitable for display longer than thirty (30) days. If a sign does not qualify as a "structure" under the building code, it is presumably a temporary sign, but subject to the interpretation of the planning director. Examples of temporary signs include banners, vertical banners, stick signs, and A-frame signs.

TEMPORARY USE: A use established for a limited time with the intent to discontinue the use upon expiration of the time period.

TEMPORARY USE PERMIT: An administrative permit, issued by the city, for qualifying short term activities.

TITLE: This title of the city of Lemoore municipal code.

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

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

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS: Shall mean and includes any of the following:

1. The sale, lease, or sublease of the business; or
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or

3. The establishment of a trust, gift or other similar legal devise which transfers ownership or control of the business, except for transfer by request or other operation of law upon the death of a person possessing the ownership or control.

TREE PERMIT FOR TREES ON PRIVATE PROPERTY: A permit issued by the city authorizing the removal, relocation, or topping of those trees specific in this title that are on private property.

U. "U" Terms:

USE: The purpose for which land or a building thereon is designed, arranged, or intended or for which it is or may be occupied or maintained.

USE PERMIT: A planning permit issued by the city for the establishment of a specific use of land within the city. In approving the use permit, the city may establish reasonable conditions on the use. There are two (2) types of use permits - administrative use permits, which are reviewed and decided by the planning director, and conditional use permits, which are reviewed and decided by the planning commission.

V. "V" Terms:

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

VERY LOW INCOME HOUSEHOLD: Households whose income does not exceed the very low income limits applicable to Kings County (less than 50 percent of area median income adjusted for household), as published and periodically updated by the state department of housing and community development pursuant to section 50105 of the California Health And Safety Code.

VESSEL: Watercraft used or capable of being used as a means of transportation on water.

VINYL SIGN: A sign constructed of vinyl or plastic that is affixed to a building with adhesive, bolts, screws, or other similar method.

W. "W" Terms:

WALL SIGN: A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in such a way as to be substantially parallel to such exterior building wall to which it is attached or supported by.

WAYFINDING SIGN: An off site sign that directs pedestrians and vehicular traffic to major destinations in the city.

WINDOW SIGN: A sign attached to, suspended behind, placed, or painted upon the window or glass door of a building and intended for viewing from the exterior of such building. This definition does not include merchandise offered for sale on site, when on display in a window.

Y. "Y" Terms:

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

Yard, Front: Front yard shall mean a yard extending across the full width of the lot between the front of the main building and the front lot line. The depth of the required front yard shall be measured horizontally between the nearest part of the closest building and the nearest point of the front lot line.

Yard, Rear: Rear yard shall mean a yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.

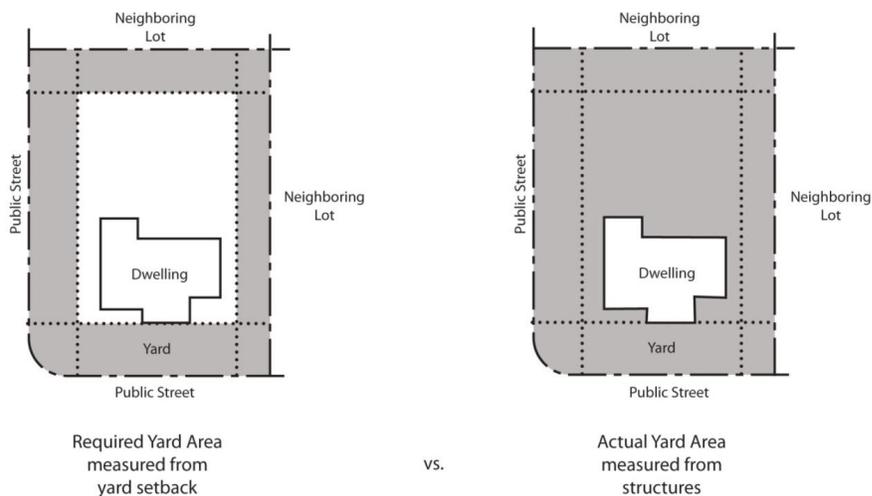
Yard, Side: Side yard shall mean a yard, between a building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the closest building.

Yard, Side Street: Street side yard shall mean a yard, between a building and the side lot line adjacent to the street right of way, extending from the front yard to the rear yard. The depth of the required side street yard shall be measured horizontally between the nearest part of the closest building and the nearest point of the side lot line adjacent to the street.

YARD AREA, ACTUAL: The area of a lot that is unencumbered by structures.

YARD AREA, REQUIRED: The required yard area (front, interior side, street side, and/or rear) of a lot is the horizontal area between the property line and the minimum setback distance for the respective yard pursuant to chapter 5, article B, "Development Standards By Zoning District", of this title.

FIGURE 9-12-2-15
ACTUAL AND REQUIRED YARD AREA



Z. "Z" Terms:

ZONING CLEARANCE: An administrative process, completed as part of the building permit review or similar administrative permit issuance that ensures the proposed activity or construction is consistent with applicable sections and standards of this title. See section 9-2B-3, "Zoning Clearance", of this title for more information.

ZONING CODE: This title of the city of Lemoore municipal code.

ZONING CODE AMENDMENT: A planning process for approving an amendment to this title consistent with the city's general plan and/or specific plans.

ZONING MAP: The map identifying the designations, locations, and boundaries of the zoning districts established by this title. This map and all notations and information on it are a part of this title by reference. (Ord. 2012-01, 4-17-2012)