

**PROPOSED ISSUES WITH THE 2012 ZONING ORDINANCE – TITLE 9**

ZONING SECTION	ISSUE	SOLUTION
Table 9-2A-6-1 Planning Permit & Entitlements...	-Table does not give code reference sections to quickly find the descriptive info for staff of the public	-Should add a column that includes “Section Reference” and then add all the references to each of the permit types
Table 9-2A-6-1 Planning Permit & Entitlements...	-Planning Director approval not always needed and could be Building Department for simple items like setback determination	-Should add footnote #4 to Planning Director column with the following language added “ <b>4. Approvals for Zoning Clearance, Reasonable Accommodation and Minor Deviation categories can also be done by the building official or designee in lieu of the Planning Director if design standards are not a critical component.</b> ”
Table 9-2A-6-1 Planning Permit & Entitlements...	-There are too many processes outlined as well as some things are too high of a clearance level and should be modified and/or streamlined	-Zoning Clearances should only include those things that we do not charge for or take a separate application for as it is confusing to the public.  - Signs should not be grouped with zoning clearance but Administrative Use Permit due to similar approval times and process  -Home occupation permits, large daycare, signs, and semi-permanent mobile food vending should be rolled under Administrative Use Permit (minor and major) process in the table and in the zoning text and have only one application form with check boxes at the bottom with the “standards” still called out separately  -Signs in Downtown should be moved from Minor site plan & architectural review to Administrative Use Permit Process to reduce fees and use the same process and fees as regular signs. <b>-Should remove the Public Hearing requirement Major Site Plan and architectural review as it is unnecessarily noticing to the newspaper and adjacent neighbors which increases the approval time period and costs</b>
Table 9-2A-6-1 Planning Permit & Entitlements...	Each of the permit types do not list example types that are included and should be clarified in the footnotes	-Should remove the parenthesis at the top portions and add various footnotes to clarify the type of approvals that are included in the permits potentially as follows:  -Zoning Clearance footnote “ Includes structures that require building permits, business license, planning entitlements that ensure meeting applicable conditions, encroachment permits, grading permits, and similar city applications”

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		-Administrative Use Permit footnote “Includes home occupation, large child/family day care in home, large; second dwellings, assembly uses, semi-permanent mobile food vending, etc...”
9-2A-7-B2 Recommending, Approval, and Appeal Authority	-Just because a complex project is bumped up to Planning Commission, shouldn't mean that a public hearing should be required.	Should modify this section as follows: "2. Public Hearing: An elevated application shall <del>be considered at a noticed</del> <u>not require a public hearing.</u> "
9-2A-9C-1 Permit Time Limits, Extensions and Expiration	Code does not clarify maximum time frame, but in context of the initial approval plus extension should be 5 year total life. Additionally, does not include language of time limits should Council separately extend time periods or moratoriums put in place	Should add clarifying language that “for a maximum total project life of 5 years. Should Council unilaterally extend time frame or put a moratorium in place, those additional time frames shall be added to this maximum period.”
9-2B-3 B-B4 Zoning Clearance Applicability	Should identify the two most common examples	-Should add “(i.e. landscape and civil plans)
9-2B-3 Approving Authority & Procedure	Planning director should not be the only approving authority, especially when just issuing simple building permits	-Should modify subsection C and E for approvals to not only be the Planning Director but add “or City designee”
9-2B-4 Temporary Use Permit	<b>This newly created process should be further tweaked to allow “nonconforming” or “interim uses” longer use of property in a normally non-legal use, which is more business/property owner friendly, while getting gradual long-term improvements so long as they do not affect surrounding “legal” sensitive uses as they are constructed</b>	-Section A remove “and” between activities and to ensure  -Allow “transitional” uses that will lead to long-term site enhancements  -Simplify the number of findings from 7 to no more than 3  -Clarify “immediate” improvements to solve issues between legal and non-legal neighbors  -Give an example and timeline for immediate and phased permanent improvements that could be contained in a deferral agreement if no sensitive uses are located immediately adjacent to the “interim” use
9-2B-6 Reasonable Accommodation	-Too many “processes” -Planning director should not be the only approving authority, especially when it may be more related to the Building Department	-Should roll most of process under Administrative Use Permit, and then just keep the standards in another section -Should modify to have approval by “Planning Director or City Designee”

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9-2B-7 Similar Use Determination	-One Similar Use Determination process carried out by Planning Director regarding Taxi locations which was then sent to City Manager and Taxi Businesses to answer a question that came up at City Council.	-Should clarify in section E who receives copies of determination to be consistent with “Official Zoning Interpretation” procedure listing under 9-2B-8-D1 and include “Planning Commission” so that folks are aware.
9-2B-8 Official Zoning Interpretation	-One Interpretation carried out by Planning Commission on 75’ Flag pole in Mixed-Use Zone District with Council getting a copy of the decision and suggested future modifications so that suggested changes could be grouped together and changed once a year to save on public hearing and publication costs for insignificant items while providing an interim determination	-Suggested zone changes stemming from the flag pole issue are incorporated at the bottom of this matrix.  -Action by Planning Director should include notification to the Planning Commission
9-2B-9 Home Occupation Permit	-Home Occupation section has similar staff time to approve, similar anticipated fee, and similar process as an Administrative Use Permit.	-Should roll whole section into Section 9-2-B-10 Administrative Use Permit to simplify and use same single application form and fee, and
9-2B-10A Administrative Use Permit	-Purpose statement does not specify the types of operating characteristics and needs to be clarified  -Applicability section does not show semi-permanent mobile food vending and signs should be moved from Zoning Clearance process to here	-Should clarify that “The purpose of an administrative use permit is to allow for the individual review of land uses having unique or unusual site development features or operating characteristics <u>generally within existing buildings</u> ....” -Add semi-permanent mobile food vending and signs to the list of examples to be more complete and not have to depend on another code section and remove sign approval confusion -Given the proposed uses we are rolling into this section , it needs to break out “minor” versus “major” administrative use permits, which determines if the neighbors get notified or not. Majors would be the current major home occupations, minor deviations, sign programs, large daycare, semi-permanent mobile food vending that are being rolled into this section
9-2B-10E.1 Approval Findings	-Difficult to determine what applicable provisions the code is referring to	-Towards the end of item 1. should add “generally discussed in Section 9-5A, but could also include those items in 9-6-3 if located in Downtown or in 9-7-6 if in a mixed use district.”
9-2B-11B Minor Deviation	-Sometimes the 10% maximum deviation is not practical to implement when talking about a 10’ sideyard setback requirement as 10” doesn’t allow much flexibility so long as the request is compatible with other code provisions. -Need fewer application procedure sections in the code	-Should modify language to allow deviations to “not <u>generally</u> exceed ten percent (10%) of the respective development standards....” -Should roll this section into Section 9-2-B-10 Administrative Use Permit “major” to simplify and use the same single application form and fee
9-2B-	-Preliminary Site Plan Review (PSPR) process was previously available to developers if they wanted to get input from all departments prior to submitting formal applications, however	-Should add process so that developers have the option of meeting with all applicable department heads in less than 2 weeks with the fee paid counting wards the formal full Site

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	<p>didn't get rolled into new Ordinance. Additionally, in the past a separate fee was paid for PSPR and full Site Plan Review.</p>	<p>Plan Review to give applicant many answers up front by all departments.</p>
<p>9-2B-12B-1 for Minor Site Plan and Architectural Review (cont.)</p>	<p>-Unclear what a "New nonresidential or mixed-use development" includes based on definition of development in section 9-12 –Glossary.</p> <p>-Section d &amp; f projects are too costly to the applicant/developers for the staff work needing to be done to qualify as a Minor Site Plan and is more similar to a "major" Administrative Use Permit</p> <p>-Section e requires Downtown signs to go through minor site plan review which is extremely costly but does not take more time than a regular sign approval and therefore should be folded into Administrative Use Permit application process of regular signs</p>	<p>-Should modify to read as follows: "New nonresidential or mixed-use developments that include new structures and/or buildings of less than ten thousand (10,000) gross square feet as it better explains where other sections of the code lack</p> <p>-Should move sections d &amp; f and fold into the Administrative Use Permit "major" process instead of Site Plan Review which will reduce costs</p> <p>-Should move subsection e from this section and fold into the Administrative Use Permit "minor" process which will reduce costs and greatly simplify process</p>
<p>9-2B-12B-2 Exemptions to Minor Site Plan and Architectural Review</p>	<p><u>a. Exempt car ports</u></p> <p><u>a. Accessory structures consistent with the provisions of section 9-5A-8 (residential accessory structures); (For Detached Only that meet the standards or for attached also that meet the standards???????)</u></p> <p>-Section d very hard to understand as written and does not clarify which portions of a building façade should be used as the baseline to determine the 50% threshold. The intent was only to count visible façade areas. Section also is not clear that any development, even those exempt from approval, are subject to the base development standards in section 9-6-3.</p> <p>-Section f seems a little redundant and should be cut down.</p> <p>- Section g does not address interior changes to historic buildings which has been problematic, in that certain coverings over interior brick contribute to deterioration of older mortars as</p>	<p><u>a. Exempt car ports</u></p> <p><u>b. Accessory structures consistent with the provisions of section 9-5A-8 (residential accessory structures); (For Detached Only that meet the standards or for attached also that meet the standards???????)</u></p> <p>-Section d should be modified to read as follows: "Changes to existing non-single family residential exterior building <u>façades</u> less than fifty percent (50%) anywhere in the city (<del>including downtown</del>), such as building materials and structural changes effecting of the <u>façade in conformity with Section 9-6-3 Downtown Development Standards</u>. The baseline <u>façade should only count those façades which are visible from public streets;</u><del>((other than single-family residential))</del></p> <p>-Section f should be modified to read as follows: "Repairs and maintenance to the site or structure that do not <del>add to, enlarge, or</del> expand the area occupied by the land use, or the floor area of the structure and that employ the same materials and design as the original construction;"</p> <p>-Section g should read as follows: Interior alterations that do not increase the gross floor area within the structure, or</p>

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	determined by the building department which affect the structural integrity of the building. Therefore these types of building interiors should be reviewed and included in the text.	change/expand the permitted use of the structure (including solar collectors); <u>or change the interior historic character of a listed historic property;</u> and
9-2B-12-E	-Difficult to determine what applicable zoning the project is subject to, whereas the old zoning code listed out the various categories that were looked at.	-At the end of item e should add <u>“as generally discussed in Section 9-5A, but could also include those items in 9-6-3 if located in Downtown or in 9-7-6 if in a mixed use district.”</u>
9-2B-13 Sign Program	-Should be located with other sign processes to reduce the number of processes	-Should incorporate this section into the Administrative Use Permit “major” category
9-2B-15B-D Major Site Plan.....Public Hearing and Notice	-Public hearing and notice are required for a major site plan and architectural review pursuant to section 9-2A-6 (Public notice, hearings, and decisions) <b>which doesn't make much sense and involves cost to publish in the newspaper at about \$140 each. It would make sense to downgrade to just include notification to 300' neighbors which is less costly</b> as only larger projects under CEQA would require hearing and publication????	-Should not require “public hearing” component and alter this section accordingly to reduce newspaper publication cost as we did not do under the old Zoning Code unless CEQA triggered it. Should modify as follows: “D. <u>No Public Hearing required, only a 300' adjacent property owner.</u> <u>And Notice: Public hearing and notice is required for a major site plan and architectural review pursuant to section <u>9-2A-6</u>, "Public Notice, Hearings, And Decisions", of this chapter.</u>
9-2B-15B-E Approval Findings	-Again the code under item 1 here does not specify what provisions are applicable and should clarify where to find.  -Should clarify parking under #3, rather than relying on #1 to better “group” topical relationship.	-After “applicable zoning regulations” should add the following: <u>“as generally discussed in Section 9-5A, but could also include those items in 9-6-3 if located in Downtown or in 9-7-6 if in a mixed use district.”</u>  -Should modify #3 as follows: “3. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation <u>and will provide parking to meet City standards</u> ”
9-2B-16 Variance... Purpose and Applicability	-As written, a variance cannot be granted to 4 types of activity. Not sure that item #1 doesn't fly in the face of the Temporary Use Permit procedure.  -Can't tell if #4 “waive or modify a procedural requirement” could included what used to be done in our old “modifying sign provisions” section or if it could refer to what is able to be done under Minor Deviation process.	- <b>Need attorney clarification</b> and may want to modify or delete Items #1 & #4 all together as they may be opposing other Zoning provisions. If #4 is talking about a Zone Amendment to text it should say so.
9-2B-18 Highway Oriented Sign Permit	-Should be wrapped not be a separate section as it is very similar to a Major Site Plan Review Process. Should have sign application include a box for this at the bottom of the form.	-Should fold this section into the Major Site Plan Review Process rather than a stand alone.
9-2B-23 Prezoning & potential 9-2B-25	-When processing a prezone this year the annexation process	<b>-Need to have the attorney propose clarifying language</b> to talk

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	through the LAFCO and the City was very awkward. Don't believe City really realized annexation was occurring and that new streets would have to be maintained and the City's responsibility.	about the filing of an annexation application with the City concurrent with the prezone with the City submitting formal annexation to LAFCO after Council takes action.
9-2C-6-A Abandonment of Discontinuance of Nonconforming Use	-Seems like there is a lot of confusion about what constitutes an "abandoned" or "discontinued" use  -Confusion about the valid business license reference, which the attorney clarified after a public hearing that having a business license alone does not determine that a use has continued, and another section of the Municipal Code requires that all businesses in Lemoore have a Valid Business license	-Should consider clarifying one sentence in the middle of the first paragraph to read as follows: "A determination that a use has been abandoned requires both: 1) evidence of an intention to abandon, and 2) an act or failure to act which shows or implies that the owner does not continue to claim or retain an interest in the nonconforming use. Evidence may include, but is not limited to, removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation (i.e. <u>valid city business license</u> ). Maintenance of a valid business license shall <u>in and of itself</u> not be considered a continuation of the use. Without further action by the city, any subsequent use of the site or structure shall comply with all of the regulations of the applicable zoning district and all other applicable provisions of this zoning code.
9-4A-1 Purpose	NOTE: code no longer talks of accessory or minor uses which should be <50% floor area????	
9-4A-2.1 Classification of Land Uses	1. Special Use Regulations. Additional use regulations for special land uses are listed in Article 9-4D (special use standards) NOTE: Accessory use discussion	
9-4A-3 Allowed Land Uses	Item #3 Home Occupation Permit should be removed as staff suggests rolling into the Administratively Permitted use to reduce the number of processes.	Suggest the removal of item #3 Home Occupation Permit (H) here
9-4A-5 Description of Land Uses	-Future Agricultural Tourism opportunities should be able to incorporate limited farm animals so long as they are not a nuisance to adjacent neighbors via smell or noise.  -Wine tasting rooms should be encouraged and should not be required to have a Conditional Use Permit, similar to restaurants.	-Should modify description as follows: Agricultural Tourism. Establishments that cater to tourists and provide agricultural products either produced on the site or within the community= <u>and may incorporate limited farm animals so long as they do not create a nuisance.</u> Such uses include but are not limited to wineries with tasting rooms ( <u>without the requirement of a Conditional Use Permit</u> ) and permanent roadside crop stands or fruit stands <u>with ancillary crop production allowed.</u>
9-4A-5 Description of Land Uses	-Implementation of Animal Keeping regulations have been difficult on City Animal Control as it is not as specific as the old	-Should modify description as follows: "ANIMAL KEEPING: The keeping of farm animals, including, but not limited to,

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Animal Keeping	code and is a little confusing. Need to add clarifying language to Animal Keeping and state that it is only allowed in AR, RVLC, and AG zoning districts and should be allowed in limited basis if related to Agricultural Tourism.	cows, horses, goats, sheep, and fowl or poultry ( <u>except prohibited roosters</u> ). Does not include the keeping of common household pets, which are separately defined. <u>Allowed in the AR, RVLC, and AG zoning districts and in limited amounts if tied to agricultural tourism or special events. See household pets for animal allowances in residential zone districts.</u>
9-4A-5 Description of Land Uses c Uses	-The way Assembly Uses is defined it makes small incidental churches/bible studies and other incidental Assembly uses that “share” an existing building with a use that predominately uses the building subject to an Administrative Use Permit. These types of uses that are less than 8 hours a week should not need a special approval process.	-Should modify description as follows “Assembly Uses. Include any of the following uses: 1. Meeting facilities <u>predominately used</u> for organizations including facilities for business associations, civic, social, and fraternal organizations, labor unions and similar organizations, political organizations, professional membership organizations, and other membership organizations; <u>(excludes incidental use of shared space)</u> 2. Churches and other religious institutions, including living quarters for ministers and staff, but excluding other establishments maintained by religious organizations such as educational institutions and day care, which are separately regulated; and <u>(excludes incidental use of shared space)</u> 3.....”
9-4A-5 Description of Land Uses Auto and Vehicle Rental	-Was confusion as to where taxi cab businesses could be located and what land use description was most similar. It was determined that the “Auto and Vehicle Rental” use was the most similar regarding potential parking/storage of vehicles, dispatch office needs, and light vehicle upkeep and therefore it should be allowed in the same districts as “Auto and Vehicle Rental” use would.	-Should amend description as follows: Auto and Vehicle Rental. Retail establishments renting automobiles, trucks, vans, and large farm equipment (e.g., combines, tractors). This use listing includes the rental of recreation vehicles, motorcycles, and boats. May also include repair shops (for rental vehicles only), <u>taxi services</u> , and the sales of parts and accessories, incidental to vehicle rental activities.”
9-4A-5 Description of Land Uses Auto Part Sales	-There is confusion and ambiguity in the Auto Parts Sales definition that one of the attorneys clarified and therefore clarifying language should be added.  -Minor parts installation that is listed in the definition was also confusing as to how much could be allowed, and therefore clarification from attorney stated it needed to be the primary use to be applied.  -The term recapping has been confusing, and probably should be removed.	-Should modify description as follows: “Auto Parts Sales. Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation ( <del>see “vehicle services”</del> <u>that is not included in either “Minor Vehicle Service” or “Major Vehicle Service” categories, so long as sales is the predominate use.</u> Does not include tire <del>recapping</del> establishments, which are found under “vehicle services – major” or businesses dealing exclusively in used parts, which are included under “auto and vehicle sales, wholesale.” Sales must be the predominate use).

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9-4A-5 Description of Land Uses Dwelling, Two-Family	-A Low-medium density residential (RLMD) zoning district is intended for duplexes, triplexes, fourplexes, and townhomes which are traditionally rental properties. This district allows for attached two-family dwellings and two single family housing units (referred to as secondary dwelling units) which requires a recorded self-certification that the property owner will live in one of the two houses in order to discourage single family neighborhoods from becoming unattended rental properties. Should allow for two single family units in higher density residential zone districts without requiring residency in one of the units by the property owner.	-Should modify land use description as follows: “Dwelling, Two-Family. An attached building (e.g., duplex, halfplex) designed for occupancy by two families living independently of each other, where both dwellings are located on a single or adjacent lots. More than one two-family dwelling may be located on a single lot consistent with the density provisions of the general plan. Does not include second dwelling units, which are separately described as “dwelling, second unit” <u>(this could include two separate buildings in RLMD and RMD zoning districts.</u>
9-4A-5 Description of Land Uses Emergency Shelter	-In talking with United Way we may want to modify either the definition or the permitted zone districts for Emergency homeless shelters so there is not a proliferation.	-Not sure yet, need further input from others.
9-4A-5 Description of Land Uses Garage/Yard Sale	-It is frustrating that this section does not call out the limitation that is already defined in another portion of the code and should be either referenced or called out as the ordinance already defines.	-Should modify land use description as follows: “Garage/Yard sale. Temporary sales event associated with a residential <u>or non-profit</u> use. Garage/yard sales are considered temporary uses regulated by article 9-4C (temporary uses) <u>as well as article 3-8 which allows 2 sales per year with the maximum period of 3-days per sale per location.</u> ”
9-4A-5 Description of Land Uses Household Pet	-Implementation of Household Pet regulation is not working for Police Departments Animal Control unit as it is not specific enough as the old code and the new code no longer references the total maximum of animals and PD has asked that it be put back.  <u>-May also review the entire section 5-1 to make sure there are no further missing portions between the two code sections.</u>	Should modify land use description as follows: Household Pet. The keeping and/or raising of birds, cats, dogs, or other common household pets. See specific regulations in chapter 5-1 (animal control) of this municipal code. <u>Animals or birds ordinarily permitted in dwellings and kept only for the company or pleasure provided to the occupants. Rodents and rabbits shall not exceed four (4) per property or dwelling. Not more than three (3) in number of any combination of dogs and/or cats and/or miniature potbelly pigs of four (4) months of age or older shall be kept per dwelling. Household pets shall not include horses, cows, goats, sheep, other equine, bovine, ovine or ruminant animals, pigs other than miniature potbelly pigs, predatory wild animals, chickens, ducks, geese, turkeys, pigeons, game birds, fowl which normally constitute an agricultural use, poisonous reptiles and bees.</u>
9-4A-5 Description of Land Uses	Kennel. Facility does not reference the existing animal control section that exists in the Municipal code and should be added.	Should modify land use description as follows: “Kennel. Facility providing for the boarding of animals as the primary

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Kennel		use of the facility. May also include day-time boarding and activity for animals (e.g., “doggie day care”) and ancillary grooming facilities. A kennel as part of a veterinary facility is included under that use listing. <u>Also see chapter 5-1 (animal control) for further regulation by animal control.”</u>
9-4A-5 Description of Land Uses Medical Marijuana Dispensary	<p>Medical Marijuana Dispensary. Any facility or location, whether fixed or mobile, where medical marijuana is made available to, distributed by, or distributed to <del>one</del> <u>three</u> or more of the following as defined in California Health and Safety Code §11362.7: <u>(See update per ordinance 2012-05)</u></p> <ul style="list-style-type: none"> <li><u>A qualified patient;</u></li> <li><u>A person with an identification card; or</u></li> <li><u>A primary caregiver.</u></li> </ul>	-Recently modified version on the website looks far longer than I remember it being, will need to look into further.
9-4A-5 Description of Land Uses Pawn Shop	-It is unclear if a Pawn Shop includes the gold exchange places, which some jurisdictions are having problems with.	-Should add gold exchange place within the description.
9-4A-5 Description of Land Uses Recycling Facility	<p>-Had a difficulty approving a Recycling Facility – Collection that was more than ½ from a grocery store. When talking to the State, they said if it was located outside the convenience zone, they weren’t going to necessarily deny the approval by the State however they would not be eligible for certain funding reimbursements if they were located outside the zone. In reviewing records there were other recycle collection facilities that were located outside the convenience zones.</p> <p>-Was not clear about the 500 square foot limitation if that was for the site or the buildings on the site and should be clarified.</p>	<p>Recycling Facility – Collection. A recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that does not occupy more than five hundred (500) square feet <u>of enclosed building</u>. This classification may include a mobile unit, kiosk-type units that may include permanent structures, and unattended containers placed for the donation of recyclable materials. This also includes reverse vending machines, an automated mechanical device that accepts one or more types of empty beverage containers including, but not limited to, aluminum cans, glass bottles and plastic bottles, and issues a cash refund or a redeemable credit slip with value of not less than the container’s redemption value as determined by the state. As required under California Public Resources Code §14500, et seq., a recycling collection facility shall be located within a one-half (½) mile radius of a grocery store <u>in order to be eligible for some of the funding stream</u> (referred to as the convenience zone under §14509.4). <u>If located outside this radius, the City shall obtain a copy of the State’s approval before considering</u></p>

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<p>9-4A-5 Description of Land Uses Restaurant</p> <p>9-4A-5 Description of Land Uses Solar Power Station</p>	<p>-There has been some confusion as to when the City needs or should be conducting a public necessity determination when an establishment involves alcohol sales, which we may want to clarify here so that there is less confusion.</p> <p>-There has been some confusion if a commercial use is putting solar power on their roof if they follow the Solar Power Station use table. Should clarify in this definition that it is applicable to solar power when it is used “off-site”</p>	<p><u>an Administrative Use Permit.</u></p> <p>-Should add to the end of the Restaurant description something like <u>“,however ABC may require public necessity determination if the location is in a State defined area of over-concentration.”</u></p> <p>Solar Power Station. A facility that is the primary use of the site, where solar energy is collected and converted into electrical energy <u>for use off-site</u> (e.g., solar farms).</p>
<p>9-4A-5 Description of Land Uses Vehicle Services-Major</p>	<p>-The term “recapping” is confusing in the definition of Vehicle Services – Major</p>	<p>-Should strikethrough the term “recapping”</p>
<p><b>9-4-B</b></p>	<p><b>-It is not clear that all development has development standards to be followed when a “P” is used in the land use matrix.</b></p>	<p><b>-Should add clarifying language at the end of 9-4B-2-4 after the paragraph as follows: “Any land use shown with a “P” indicates that the land use is permitted by right <u>for existing buildings or uses</u>; an “A” indicates that the land use is permitted in the designated zoning district upon issuance of an administrative use permit (pursuant to <u>chapter 2, article B</u> 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 <u>chapter 2, article B</u> 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 <u>chapter 2, article B</u> 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) <u>All new construction must conform to the Development Standards in Section 9-5 and if applicable Section 9-6 in Downtown or 9-7 in Mixed Use Districts.</u></b></p>
<p>TABLE 9-4B-2 Allowed Uses Table</p>	<p>-As we have been using the land use table, some categories haven’t seemed appropriate and should be modified, some items need to be added all together, and some footnotes need to be modified</p>	<p>See marked up Table Attachment (Holly to clean up and go back over the one in her book, but will send scanned one to Jeff)</p>

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	<b>JEFF - NEED TO CONTINUE WORKING THROUGH THE BELOW NOTES WHICH WERE JUST TRANSFERS FROM ALL PLANNING COPIES OF THE MARKED UP CODE BOOKS</b>	
9-4C- USE REGULATIONS Temporary Uses	Need to Tweek (ALSO SEE 9-2B-4 TEMPORARY USE PERMIT) See 9-4C-4 Standards for specific temporary uses.	
9-4C-2	-Reader and staff do not realize there is a non-planning section that needs to be complied with in 3-8.  -No reference to where in the City code the fireworks regulations are located	Should modify #9 to read as follows “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 <u>in conformity with Municipal Code Section 3-8</u> ” -Should add reference to end of #11 to state “... <u>per Section 9-1E-4-1 of the Municipal Code</u> ”
9-4C-4G Seasonal Sale	Seasonal sales shall only be allowed on nonresidential property. The maximum period for seasonal sales shall be forty-five (45) days per sale. No more than two (2) such activities shall be allowed for a property within a twelve (12) month period. (NOTE: some churches are on residential property which would conflict with 9-4C-2-A-8)	
9-4D-5C Categories of Home Occupations	Minor Home Occupation. Minor home occupations are characterized as small-scale operations that blend in with the surrounding residential neighborhood and are not immediately discernable. These types of occupations do not generate higher levels of traffic than that customarily found in a residential neighborhood, involve limited interaction with goods and materials for retail trade, and are uses where no customers visit the home. Examples include, but are not limited to, the following types of occupations:  Art and craft work such as ceramics, flower arranging, jewelry making, painting, sculpting, and photography;  Electronic and other “by mail” commerce involving the storage and shipping of goods and products from the home and  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	

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	<p>come to the home.</p> <p>d. <u>Cottage Food Operations where no customers come to the home. (contact Kings County Environmental Health first)</u></p> <p>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:</p> <p>a. Furniture stripping and refurbishing;</p> <p>b. Mobile clinics; and</p> <p>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.</p> <p>d. <u>Cottage Food Operations where fewer than five customers come to the home per day. (contact Kings County Environmental Health first)</u></p>	
9-4D-5E Performance Standards	<p>7. Traffic. The use shall not generate pedestrian or vehicular traffic beyond that which is normal in a residential district nor in any case required the parking of more than two (2) additional vehicles at any one time.</p> <p>8. Vehicles. One truck or van, not more than three-quarter (3/4) ton capacity, may be kept on or adjacent to the premises associated with the home occupation. No campers or semi-trailers incidental to the home occupation shall be kept on the premises. (NOTE: 7 &amp; 8 conflict)</p> <p>12. Visitors and Customers. Visitors <del>and customers</del> shall not exceed those normally and reasonably occurring for a</p>	

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	<p>residence, including <del>not more than eight (8) a day</del>, <u>fewer than five (5) customers a day for the major home occupation</u>, during the hours of eight in the morning (8:00 A.M.) to seven in the evening (7:00 P.M.).</p> <p>(SEE 9-4D-5C Major Home Occupation Item C above)</p>	
<p>9-4D-7 Large Family Day Care Home`</p>	<p><u>Add footnote to table 9-4B regarding 300 ft. radius for Large Family Day Care Home</u></p> <p><u>Public Notification: The public notification of an application for Large Family Day Care Home shall be made as follows: The Planning Department shall mail written notices to the property owners within three hundred feet (300') of the subject property informing them about the applicant's request. This notification shall state that unless any written objection is filed with the planning department within ten (10) days, the department may grant the large family day care application. If no written objection to the applicant's request is received within the stated period and the application meets all the standards stated in subsection 9-4D-7, the planning director shall grant the application. If written objection from any property owner within three hundred feet (300') of the subject property is received within the stated period, the application shall, thereupon, be elevated to the planning commission for review and decision, subsequent to public notice being provided as described in section 9-2A-6 (public notice, hearings, and decisions).</u></p> <p><u>(NOTE: Add Large Family Day Care to table 9-2A-6-1 pg 9-2A-10)</u></p>	
<p>9-4D-13B Applicability</p>	<p>See section: NOTE: doesn't identify specific zone district or get into where they can park. What about across from schools?</p>	
<p>9-4D-16 Thrift Stores</p>	<p>See section: NOTE: Dale doesn't think reallocating space in existing space would not trigger CUP</p>	
<p>PROPOSED CHANGES TO ZONING TITLE 9 CHAPTER 5</p>		
<p>Table 9-5A-7-E1 Development</p>	<p>Notes:  <u>5. If lot is a reverse corner lot, a solid &gt;42" fence can only be</u></p>	

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Standards For Fences and Walls	<p><u>used if setback 10' from property line.</u></p> <p>(see notes: Doesn't state if this only applies to residential or all fencing areas)</p> <p>Per Frank: should add back in reference to reverse corner lot.</p>	
9-5A-8C Development Standards	<p>1. Development Standards for All Accessory Structures. The development standards in this section shall apply only to detached accessory structures. Primary structures, and any other feature attached to the primary structure (e.g., attached patio cover), are subject to the setback, height, and other requirements for the zoning district in which they are located. <u>(Zoning Clearance for detached greater then see article 9-2B-3 )</u>  <u>Need a footnote to this</u>            (NOTES: Old code was this way too.) (If PUD overlay exists, those policies trump these setbacks?????????????) <u>(shouldn't the title be for detached accessory structures only)</u></p> <p>2. Development Standards by Type of Accessory Structure <u>(shouldn't that also be for detached)</u></p>	
TABLE 9-5A-8-C1 Development Standards for Residential Accessory Structures	<p>Should read: Table 9-5A-8-C1 Development Standards for <u>Detached Residential Accessory Structures (IF IN PUD, PUD setbacks prevail see 9-9B-3-1)</u>            (NOTES: See table on page 9-5A-17 for proposed changes)</p>	
Figure 9-5A-8-C1 Development Standards For Residential Accessory Structures	<p>Should read: Development Standards For <u>Detached Residential Accessory Structures</u>            (NOTES: See table on page 9-5A-8-C1 for proposed changes)            (what about flag poles, antenna, etc.) <u>IF IN PUD, PUD setbacks prevail see 9-9B-3-1)</u></p>	
Figure 9-5A-8-C2 Development Standards For Carports	<p>Permanent Carports constructed from combustible materials and <del>temporary</del> <u>portable</u> carports            Delete: <del>40' setback where public street abuts Rear yard.</del>  <u>Show 5' rear P.L. as per table changes</u></p>	
9-5A-9D Screening of Outdoor Storage	<p>Outdoor storage (including all dumpsters, commercial items, commercial construction, or industrial related materials and equipment within commercial zones) shall be screened from any</p>	

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	abutting right-of-way, trail, or property. Such screening shall be in a manner that is attractive and complementary to the principal use and/or structure that it serves. Methods to achieve screening may include, but not limited to fences, walls, landscaping, or earthen berms. (NOTE: Does not consider dealership)	
9-5A-10C Development Standards	<i>Note: Recycle Bins??????</i>	
9-5A-10E Standards for Outdoor Storage	The following development standards shall apply to all permanent and temporary outdoor storage activities and are in addition to those standards listed in subsection 9-5A-10-C (development standards) ( NOTE: doesn't discuss dealerships)	
9-5A-11C-4 Abandoned Shopping Cart Prevention Plan Required	A description of the physical measures that will be implemented to prevent the removal of carts from the premises. Physical measures may include, but are not limited to: a. Installing devices on carts that prevent their removal from the premises. All new establishments of ten thousand (10,000) square feet or more and having more than fifty (50) carts shall install a wheel lock containment system. b. Posting of a designated employee or security guard to deter and stop customers from removing carts from the premises. c. Prohibiting cars outside the building of the business unless accompanied by an employee. (NOTES: May want to better list)	
Table 9-5B-2 Development Standards for Base Zoning Districts	See table for changes proposed	
Figure 9-5C-3-A2 Single Family Garage Placement Options	c. Garage doors ( <u>Frontage instead</u> ) facing the street shall not exceed fifty percent (50%) of the width of the home. Subdivisions with lots that are less than fifty feet (50') wide may increase this maximum to sixty percent (60%). Duplexes, triplexes, etc., are permitted to exceed this percentage.	
9-5C-3-B-4	Modify this section to better explain carport design criteria	
9-5C-4A-3 Building Placement and Orientation	a. For project sites over fifteen (15) <u>contiguous</u> acres in size, buildings shall be placed and oriented to create a "main street" environment.	
9-5D1-2E-6e.	e. Landscaping within the interior of each outdoor parking area	

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Landscaping of Parking Lots	<p>as follows:</p> <p>i. Five percent (5%) of the gross surface area of the parking lot, exclusive of the required perimeter landscaping, shall be landscaped.</p> <p>ii. Trees shall be planted throughout the parking area at a minimum ratio of one (1) tree for each six (6) double-loaded parking spaces or one (1) tree for each three (3) single-loaded or side-loaded parking spaces.</p> <p>(NOTES: This doesn't work in downtown rear parking scenario)</p>	
9-5E-3B-6 General Requirements	<p>6. Existing parking shall not be reduced below the minimum requirements <del>of this section.</del> <u>on the originally approved site plan.</u></p>	
Table 9-5E-4-A1 Required Minimum Parking Ratios	<p>+ Guest parking <del>0.5 per unit</del> <u>0.10</u> per unit</p>	
Table 9-5E-4-A1 Required Minimum Parking Ratios (pg 9-5E-7)	<p>Foot Notes</p> <p>1. If seating is not identified or if seating is not fixed, parking shall be based on a ratio of <b>33</b> spaces per 1,000 sf. In the case of assembly uses or instructional uses, this shall be the square footage of the largest assembly or instruction area. In the case of restaurants, schools, and similar uses, it shall be based upon gross square feet. (33 typo)</p> <p><u>4. One space of required parking per unit must be covered per 9-5E-5-D1.</u></p>	
9-5E-5D Standards for Off-Street Parking for Private Residences	<p>NOTE: No carports required for apartments???????????????</p>	
9-5F-2D-2 Exempt Signs with Limitations	<p>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 in <u>the table</u>:</p> <p>(NOTE: Confirmed that it is ok to regulate reasonable time/place/manner)</p> <p>a. Window signs in conformity with this article.</p> <p>b. Temporary <u>and portable</u> signs in conformity with this article.</p> <p>c. Flags, provided they meet the following requirements:</p>	

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9-5F-2-D-2-d	<p>i. Flag poles shall be located a minimum of ten feet (10') from the public right-of-way.</p> <p>ii. The maximum height for flag poles is twenty-five feet (25').</p> <p>iii. The maximum size for any one flag is twenty-five (25) square feet.</p> <p>Note: No longer have maximum number of flags?</p> <p>e. Signs on property for sale, lease, or rental as follows:</p> <p>i. On residential property, one (1) 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 ½') 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. (Note: apartment complexes?)</p> <p>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 <u>or after the public works director notifies the owner/contractor of</u>: final building inspection approval, issuance of a valid certificate of occupancy, opening for business to the public, or expiration of the building permit.</p> <p>Need to include something regarding temporary banners and stick signs in Highway Commercial areas per your conversation with owner of the tracker business on Iona Avenue</p>	
9-5F-2E-5 Prohibited Signs	<p>5. Animated, flashing, scrolling, or video screen signs (e.g., electronic readerboard sign) where the message changes more frequently than once every seven (7) seconds. Other types of signs such as barber poles or electronic readerboard or <u>“Open”</u> <u>“Close”</u> signs that change message less frequently than once every seven (7) seconds may be permitted consistent with the requirements of this article.</p> <p><u>NOTE: See definition “Animated Sign”</u></p>	
	9. Signs placed on the public right-of-way (except in	

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	encroachment section in Downtown) 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 sign on private property affixed to a fence; or signs affixed to a tree, shrub, rock, or other natural object on private property.	
9-5F-3A-2 Sign Area Measurement Procedure	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 <u>of separate</u> (out?)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-5-A2 (freestanding sign area).	
9-5F-4B-2 Design Standards for Specific Sign Types	<p>1. 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 considered wall signs for signage area calculation purposes. The following requirements shall apply:</p> <p>Lettering shall be located within the middle seventy percent (70%) of the awning area, not to exceed twenty-five percent (25%) of the total surface area.</p> <ul style="list-style-type: none"> <li>b. Only permanent signs that are an integral part of the awning or architectural projection shall be allowed. Temporary signs shall not be placed on awnings.</li> <li>c. Awning signs shall only be allowed for first- and second-story occupancies.</li> <li>d. Awnings shall not be lighted from under the awning (backlit) so that the awning appears internally illuminated. Lighting directed downward that does not illuminate the awning is allowed.</li> </ul> <p>Flags????????????</p>	2.
Table 9-5F-5-B1 Signage Standards for Permanent On-Site Signs by Zoning District (Pg	<p>See Chapter 9-6 (downtown development standards <u>and Table 9-6-3-E1</u>)</p> <p>Notes:</p> <p>1. Establishments with a secondary frontage along a public street or parking lot shall be allowed an addition 1.0 sf/1lf of</p>	

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9-5F-14)	secondary building frontage <del>and</del> <u>up to</u> an additional 50 sf of maximum allowed signage. (building Frontage)??????	
Table 9-5F-5-B1 Signage Standards For Permanent On-Site Signs by Zoning District	Notes: 1. Establishments with a secondary frontage along a public street or parking lot shall be allowed an additional 1.0 sf/1lf of secondary building frontage and an (intent is “up to an”) additional 50 sf of maximum allowed signage. 2. Building-attached signs shall be in scale with the overall building. Signage on any frontage should generally not take up more than ten (10%) (future 15%?????) percent of the height of the building.	
Table 9-5F-5-B2 Allowed Types Of Permanent On-Site Signs by Zoning District (pg 9-5F-16)	See proposed changes to table  Under Notes: 4. No illumination shall be allowed if the sign is <del>facing</del> <u>directly adjacent to</u> a residential uses. (fronting single family???????)  7. Home occupation wall signs shall be permitted in residential districts up to two (2) square feet.	
9-5F-6A-1 Time Duration	1. Generally. Display periods for temporary on-site signs shall be limited to a maximum of thirty (30) days, provided that the same type of temporary sign (excluding A-Frame sign) was not located on the site for a minimum of thirty (30) days prior to display and the same type of temporary sign will not be displayed for a minimum of thirty (30) days after unless described otherwise in this section.	
Table 9-5F-6-D1 Allowed Temporary On-Site Sign Standards	On-site Subdivision signs or New/Substantially Renovated Apartment Complexes Change: 20 sf/pole to <u>25 sf/pole</u> All Other Uses ADD: <u>garage Sale signs</u> Flags (Like old 9-14-4-5J) A-frame signs allowed not temporary sign?????????????????  Notes: 3. Should exclude downtown, which is covered in Section 9-6. 4. Excludes A-frame sign from 30 day but includes A-frame if for special non commercial events (recreation, etc.)	

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9-5F-8F Street Banner/Sign Program	<p>1. The street banner/sign program is limited to signs, banners, or other displays placed by the City, <u>Chamber or non-profit organization or Church</u> <del>and/or redevelopment agency</del> over or on city streets, relating to any civic or public events or activities.</p> <p>2. For purposes of this section “civic event or activity” shall mean the following: any event or activity organized or sponsored by the <u>City, Chamber, non-profit organization or Church</u> <del>or redevelopment agency</del>, including but not limited to:</p> <ul style="list-style-type: none"> <li>a. Any public program or educational activity; and</li> <li>b. The commemoration or celebration of any historical date, event or person, holiday, or persons or events of local, state, or national significance.</li> </ul> <p>3. For purposes of this section, “sponsored by” shall mean the City, Chamber, non-profit organization or Church <del>and/or redevelopment agency</del> <del>is</del>:</p> <p>5. Street signs shall be located so as not to obscure vision or create other public safety hazards as determined by the public works director <del>or police chief or their designee</del>.</p> <p>NOTE: Intent for specific “non-profits’ is events usually occur only few times/year and benefit larger community not an individual business.</p>	
<b>PROPOSED CHANGES TO ZONING TITLE 9 CHAPTER 6</b>		
9-6-1C Applicability of Standards	<p>As established in chapter 9-3 (zoning districts and map) of this title, downtown Lemoore is broken down into three zoning districts: downtown mixed use – core (DMX-1), downtown mixed use – auto-oriented (DMX-2), and downtown mixed use – transitional (DMX-3). Chapter 9-4 (use regulations) identifies the allowed uses within each of these districts. This chapter identifies the development standards and design requirements for all new development (<u>“buildings” and “structures”</u>) and remodels of existing development within these districts. Unless otherwise exempted, all development and redevelopment in the DMX-1, 2, and 3 districts shall comply with the standards in this chapter and shall be reviewed for consistency as part of site plan and architectural review and zoning plan review.</p>	
Table 9-6-3-A1	NOTES: General Plan Page 2-12 Floor area ratio 20-100%	

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Building Placement	(25% typical) in mixed use 10-60% (25%typical) in PO	
Figure 9-6-3-A1 Building Placement in the DMX-1 and DMX-2 Districts	Remove: Alley from DMX-1/DMX-2 property (third example)	
Figure 9-6-3-A2 Building Placement in the DMX-3 District	Remove: Alley from DMX-3 Property (third example) Add: (Not on an alley) in the fourth example	
TABLE 9-6-3-B1 Height	General Height Standards (Maximum Height) <del>Structure</del> <u>Building</u> Height  Architectural Features Colonnade, Gallery & Awning * Similar to Carport	
Figure 9-6-3-B1 Height	Structure in first example DMX-1 District (change to Building?????)	
Table 9-6-3-C1 Parking	Parking <del>Lot</del> <u>Area</u> Location (Minimum Setback)  Parking <del>Lot</del> <u>Area</u> Access (Ingress/Egress)	
Figure 9-6-3-C1 Location of Parking Areas ( <u>Lot</u> ??????)	See notes on Page 9-6-11	
9-6-3E-1 Signs	1. Permit Requirements. No sign shall be established in the downtown without <del>minor site plan and design</del> <u>zoning</u> <u>clearance</u> review approval as provided in section <del>9-2-12</del> <del>(minor site plan and architectural review)</del> <u>9-5F-2</u> , except that the following signs are specifically exempt:  a. Those signs listed in article 9-5F- <u>2D</u> (signage) as being exempt from permit requirements; and  b. Temporary signs complying with the following limitations: i. One sign per public frontage, limited to one (1) square foot of sign per one (1) linear foot of primary building frontage, not to exceed one hundred (100) square feet in total; ii. One temporary sign ( <u>as described in Table 9-5F-6-D1</u>	2.

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	<p><u>excluding A-frame or portable signs</u>) shall be permitted for a maximum of thirty (30) days. After the thirty (30) day period, another type of temporary signage may be placed for a maximum thirty (30) day period. Not more than one type of temporary signage shall be allowed at one time. A maximum of two (2) temporary signs shall be permitted for a maximum of thirty (30) days prior to the display and the same type of temporary sign will not be displayed for a minimum of thirty (30) days after.</p> <p>iii. Signs shall be constructed of long-lasting materials, such as canvas, cloth, or vinyl plastic, and may not be constructed of cardboard or paper.</p> <p><u>iv. See Table 9-5F-6-D1 for placement of temporary signs.</u></p> <p>(NOTES: Remove “A-frame out of “temporary definition)</p>	
<p>9-6-3E-5 Signage Standards by Sign Type</p>	<p>a. Awning sign</p> <p>i. Lettering shall only be allowed on valance flaps ?????? and shall not exceed ten inches (10”) in height; it shall also be located within the middle seventy percent (70%) of the valance area.</p> <p>ii. Logs, symbols, and graphics are allowed on the shed (slope) portion of an awning, not exceeding nine (9) square feet. ???????????????</p> <p>continued 9-6-3E-5 below</p> <p>b. Bracket sign, marquee sign, and projecting sign</p> <p>i. <del>These signs shall not be longer than eight feet (8') and shall not be taller than four feet (4').</del> <u>These signs shall maintain a minimum vertical clear space to sidewalk of eight feet (8').</u></p> <p>ii. <del>These signs shall maintain a minimum vertical clear space to sidewalk of eight feet (8').</del> <u>These signs shall not be longer than eight feet (8') and shall not be taller than four feet (4'). (size of sign depends on location)</u></p> <p>iii. An encroachment agreement is required when this sign is placed over the public sidewalk. These signs shall maintain a minimum two foot (2') clear space to curb. (encroachment</p>	

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	<p><u>agreement and fee from Public Works)</u></p> <p>iv. These signs may be internally or externally illuminated; however, internally illuminated signs shall be designed so that only the letters, logos, numbers, or symbols appear illuminated. The background of the sign shall not be illuminated, such as with a can sign.</p> <p>v. Marquee and projecting signs shall not be attached to the sloping face of mansard overhangs or other architectural devices intended to resemble or imitate roof structures.</p> <p>d. Portable sign</p> <p>ii. the maximum size for portable signs shall be eight (8) square feet. The maximum height allowed shall be <del>four feet (4')</del> <u>five feet (5')</u>. (per page 9-5-F-20)</p> <p>iv. Portable signs in downtown shall be removed nightly or close of business.</p> <p>v. <u>Portable signs may be placed</u> ??????????????</p> <p>e. Window sign. A window sign shall not make up more than twenty-five percent (25%) of the window area. <u>Not included in 10% height limitation cumulatively</u>?????????</p>	
<p>9-6-4 Architectural Design Standards</p>	<p>This section includes architectural design standards for all new buildings (structures????), renovated buildings, and remodels (that affect the building exterior only????) within the downtown. These standards incorporate and supersede the Downtown Lemoore Architectural Design Guidelines adopted in 1996, supplementing the guidelines with additional information and direction for property owners, merchants, and their designers regarding architectural design parameters within the downtown.</p> <p>The city shall not require more than twenty percent (20%) of the construction costs for the building (Structures ???? ) to be towards architectural detailing. Documentation showing the cost of the detailing relative to the overall cost of the structure will only be needed to be submitted by the applicant if they seek relief as part of the site plan and architectural design review process.</p>	

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	<p>NOTES: 9-6-3 says all proposed development subject to base development standards.</p>	
<p>9-6-4A Architectural Details</p>	<p>1. Buildings within the downtown shall include architectural detailing consistent with the design character of the DMX district within which it is located. Design features include, but are not limited to, the following concepts identified below and illustrated in figure 9-6-4-A1 (design concepts)</p> <p>NOTES: doesn't state how much, so it is assumed it will contain at least one</p> <p>2. The physical design of buildings facades shall vary every twenty (20) to thirty (30) linear feet.</p>	
<p>9-6-4B1 and 2 Building Materials</p>	<p>1. The following materials are encouraged:</p> <p>a. Roofs</p> <p><u>(6) dimensional Composition shingles or residential style buildings.</u></p> <p>NOTE: Roofs should be addressed in roof form section 9-6-4G</p> <p>2. The following materials are prohibited:</p> <p><u>(2) Wood shingles and shake roofs. in DMX-1 and DMX-2 districts</u></p>	
<p>Figure 9-6-4-B1 Building Materials</p>	<p>Composition ????????????</p>	
<p>9-6-4C Colors and Painting</p>	<p>Color is an important aspect of the overall building design and character. Palettes shall be balanced, using the correct proportions between the lighter base colors and the brighter accent colors. Building color shall be reviewed as part of site plan and design review for all new <del>construction.</del> <u>construction.</u> When building colors are to be modified, the proposed change shall require minor site plan and design review; except that if colors are chosen from the city-adopted historic color palette, the color modification shall be exempt from review. The city's adopted historic color <del>palette</del> <u>palette</u> is the Benjamin Moore Historic Colors palette, the America's Colors palette, and the Ready Mixed Colors palette. See figure 9-6-4-C-1 (building</p>	

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	color).	
9-6-4E Lighting	<p>Lighting can be used to enhance the architectural details of a building, such as spotlighting for a shadow effect, to provide security to a building and to indicate whether a business is open. In addition to the requirements of section 9-5A-6 (outdoor lighting), development within the downtown shall comply with the following lighting standards:</p> <p>Note: development as defined in glossary can apply to already constructed buildings</p> <p>6. Street lighting shall be provided (when?????) consistent with the city’s improvement standards and other adopted lighting standards for the downtown, including specifically the type and style of historic light fixture similar to those existing in downtown. See figure 9-6-4-E1 (street lighting) for an example.</p> <p>F. Pedestrian Paths The following standards shall apply to pedestrian paths [also see figure 9-6-4-F1 (pedestrian paths)]: Note: confusing from other pedestrian ways in 9-6-6</p> <p>3. Hardscape materials used in pedestrian-oriented spaces such as plazas, paths, and sidewalks (?????????) shall be attractive durable, slip-resistant, of high quality, and compatible in color and pattern with a project’s design. Surfaces in pedestrian circulation areas shall be constructed from materials that provide a hard, stable surface and that permit maneuverability for people of all abilities.</p>	
9-6-4E continued	<p>4. Pedestrian pathways crossing an on-site vehicle drive aisle, loading area, or parking area shall be made identifiable by the use of an alternative hardscape material such as pavers or patterned, stamped, or colored concrete. (???????????? Why)</p> <p>5. The primary hardscape materials used for pedestrian spaces shall be high-quality poured-in-place concrete. ( As opposed to asphalt)</p>	
9-6-4I Windows, Doors, and	1. Recess doors and windows to give the appearance of traditional, thick masonry walls <u>with their design</u> consistent with	

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Awnings	architecture of the early 1900s and to produce interesting shadows.	
Table 9-6-5-B1 Allowed Buildings and Frontages	Gallery – Deck    N Gallery – Roof    N    (Why not many do have)	
9-6-5C Building and Frontage Definitions and Standards	<p>Neighborhood Yard                      Neighborhood Yard Description. A neighborhood yard frontage is characterized by deep front yard setbacks. The building façade is set back <u>substantially</u> (???) from the front property line. The resulting front yard is unfenced and is visually continuous with adjacent yards, supporting a common landscape.</p> <p>Minor Street                      Component                      Planter spa?ing</p> <p>Parking                      Parallel                      Stall ?o curb</p> <p>Travel Lanes                      Numbe? Of ?anes                      Lane? width</p>	
9-6-5D Improvement Requirements for New Development and Renovation  (Note of Exterior)	<p>Therefore, as identified as part of project review, development (Not clear when looking at definition) applicants shall be responsible for completing upgrades to the public street frontage immediately adjacent to the subject property, consistent with the development standards in this chapter, when the existing improvements are not consistent with these standards. <u>Brick stamping improvements shall only be required if repairing or replacing sidewalks.</u> It is anticipated that in many cases this will involve repair of tree planters and tree irrigation and replacement of dead, dying, diseased, or otherwise unsafe street trees. In limited cases, it may involve repairs or replacement to the public sidewalk to correct uneven pavement or insufficient width.</p> <p>NOTE: No discussion on renovations of existing historic structures in downtown or anywhere else in town per General</p>	

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	Plan policy COS-I-36	
9-6-7 Special Design and Operational Standards	The following are special development standards for the downtown pertaining to <del>outdoor dining, sales, storage, and</del> trash enclosures and utilities. These standards are intended to ensure that services for properties within the downtown are planned and developed in a manner that is consistent with the overall character of the area.	
9-6-7C3-b Outdoor Storage and Sales (Permanent)	b. In all other areas of the lot (e.g., areas that are not highly visible to the public, such as alleys), there is no requirement for decorative fencing. The maximum allowed fence height is six feet (6'). Fencing shall be of a solid surface, blocking all views into the storage space, such as CMU block (required to be treated with a graffiti-resistant material) and solid wood. (Notes: Doesn't address slated chair link)	
PROPOSED CHANGES TO ZONING TITLE 9 CHAPTER 7, CHAPTER 9 AND CHAPTER 12		
Figure 9-7-6-B1 Height	What about flag poles???????????	
9-9B-4 Special Development Standards for Specific Planned Unit Developments	In an effort to provide design flexibility and consistency with the architectural standards historically required for planned unit developments, as well as the standards provided in this title, the city has approved special setback standards for some planned unit developments. Table 9-9B-4-1 (development standards for planned unit development overlay zones) identifies the standards for each planned unit development where they deviate from the requirements of this title. (with the exception of ???) The city may approve special setbacks for new planned unit developments, subject to an amendment to this table to include the special standards.	
Table 9-9B-3-1 Planned Unit Development Overlay Zones	2004-03 Phase II <b>Add Woodside Homes</b> 2006-02 <b>Add Wathen Castanos</b>	
Table 9-9B-4-1 Development Standards for Planned Unit Development Overlay Zones	<b>***Country Club Villas 2, Jonathan Homes Tract 783 (Recently modified CC &amp; R's to allow architectural features but not sheds and allows 10' for accessory structures. Change 2002-01 in table 9-9B-4-1 to reflect change and add footnote.)</b>  <b>***2000-02 Coker Ellsworth Fairway Homes, Tract 758 I and II</b> <b>***2004-04 Coker Ellsworth, Tract 752</b>	

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ZONING SECTION	ISSUE	SOLUTION
	<p><b>2006-02 Badasci, Tract 872 <u>(add footnote 4) Should be Wathen Castenos.</u></b>  <b><u>2004-03 should be Woodside Homes for 37 lots</u></b></p> <p><b>*** CC and R's also may apply and are enforced by the homeowners not the city.</b></p> <p><b>Notes:</b>  <b>2. <del>20' amended</del> Resolution 9224 <del>to</del> allows architectural features in 20' clear area. <u>if subdivision amends their CC &amp;Rs to allow through proper process.</u></b></p> <p><b><u>4. PUD allows secondary dwelling units to Tract 872 once Daphne Lane is connected to Bush over Railroad. (add and add as footnote)</u></b></p> <p><b><u>For discussion about removing setback requirements and going to detached accessory table as per discussion with building.</u></b></p>	
<p>9-12-2 Glossary of Terms</p>	<p>Add <u>Abutting</u>:</p> <p>Accessory Building. A detached structure ten square feet in size or greater. Such structures are broken down into one of the following three categories:</p> <p>2. Limited/No Enclosure. Structures that are substantially open on all sides (<del>less than fifty percent (50%) of the perimeter is enclosed</del>), Permeability is the intent including:</p> <p>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 <u>but are not limited to</u> accessory buildings, landscape features, pool/spas, deck, and play equipment. (and others like flag poles????)</p> <p>Add <u>Architectural Features</u>:</p>	

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ZONING SECTION	ISSUE	SOLUTION
		<p>Building. Any structure having a roof, columns, walls, and foundation. <u>(also see accessory building)</u></p> <p><u>Carport, Permanent: A permanent structure, shall not exceed height of house, open on two (2) or more sides designed for the storage of motor vehicles, without full enclosure, attached to a fixed foundation or approved surface. Carports shall not have sidewalls which block visibility if located in the front yard. (see Table 9-5A-8-C for standards) See Section 9-5C-3-B-4 for design standards.</u></p> <p><u>Carport, Portable: a temporary shelter open on two (2) or more sides, not attached to a fixed foundation, and made with nonrigid shade material to cover stored vehicles. Allowed in side yards and backyards behind solid fences, and must be secured to withstand wind, and shall be set back five feet (5') from the property line if made from a combustible material thereby meeting building and fire codes. (see Table 9-5A-8-C for requirements) See Section 9-5C-3-B-4 for design standards)</u></p> <p><u>Add Compatible:</u></p> <p>Development. A proposed or already constructed building or group of buildings. <u>(what about portables? Or construction????)</u></p> <p><u>Add Façade:</u></p> <p>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. <u>This includes illuminated “Open” and “Closed” signs.????????????</u></p> <p>Flag. Any fabric or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning. <u>(not a sign no commercial message?????)</u></p>

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ZONING SECTION	ISSUE	SOLUTION
		<p>Floor Area Ratio (FAR). The ratio between gross floor area of the primary structure(s) on a site and gross site area. It includes <u>but not limited to</u> 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.</p> <p>Add Frontage (site and building, primary and secondary)</p> <p><u>(Garden structure should be before Gas Pricing signs not in alphabetical order)</u></p> <p>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.</p> <p><u>Household Pets: Household Pet. The keeping and/or raising of birds, cats, dogs, or other common household pets. See specific regulations in chapter 5-1 (animal control) of this municipal code. Animals or birds ordinarily permitted in dwellings and kept only for the company or pleasure provided to the occupants. Household pets shall not include horses, cows, goats, sheep, other equine, bovine, ovine or ruminant animals, pigs other than miniature potbelly pigs, predatory wild animals, chickens, ducks, geese, turkeys, pigeons, game birds, fowl which normally constitute an agricultural use, poisonous reptiles and bees. Rodents and rabbits shall not exceed four (4) per property or dwelling. Not more than three (3) in number of any combination of dogs and/or cats and/or miniature potbelly pigs of four (4) months of age or older shall be kept per dwelling.</u></p> <p>See <u>figure 9-12-2-4</u>: (Note: is the definition or this correct???????)</p> <p>Add Parking Lot</p>

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ZONING SECTION	ISSUE	SOLUTION
		<p>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. (conflicts with temporary sign definition should delete this)</p> <p>Projecting Sign. A sign that projects perpendicular from a structure (bracket sign) or is hung beneath a <u>pedestrian canopy</u> (blade sign). (seems to conflict with awning canopy sign definition)</p> <p>Remodel????</p> <p>Renovation???</p> <p>Lot, Reversed Corner: A corner lot, the street side of which is substantially a continuation of the front lot line of the lot up which it rears.</p> <p>    Add definition and include language from old zoning regarding reverse corner lots. Add to table 9-5C-3B-4</p> <p>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. (top of ridge?????)</p> <p>Sign. Any device, structure, fixture, or placard displaying graphics, symbols, and/or written copy for the primary purpose of communicating <u>commercial advertisement</u> with the public. Notwithstanding the foregoing, the following do not fall within the definition of a sign: (flags???)</p> <p>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, <u>carports</u> and signs. All buildings are considered structures but not all structures are considered buildings.</p> <p>Temporary Sign. A sign not constructed or intended for long-term use. Typically, temporary signs are not physically suitable for</p>

**PROPOSED ISSUES WITH THE 2012 ZONING ORDINANCE – TITLE 9**

ZONING SECTION	ISSUE	SOLUTION
		<p>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 <b>A-frame signs</b>. (conflict with portable sign need to remove????)</p> <p>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. <u>(Also see 9-5F-4-B-8)</u></p>

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ZONING SECTION	ISSUE	SOLUTION
9-2B-3 B Applicability	Does this include attached and detached Patios ?? or are all attached structures under this as per (detached if larger than table) See 9-12B-12B-2c.	

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