LEMOORE PLANNING COMMISSION
Regular Meeting
AGENDA
Lemoore Council Chambers
429 C Street
Monday, November 25, 2013 at 7:00 p.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 – Regular Meeting October 28, 2013
4. Public Hearing – Resolution 2013-06 – Recommending Amendments to the City of Lemoore Zoning Code and an Ordinance(s) Repealing and Re-adopting Lemoore Municipal Code Chapter 9, Titles 1-12 (Zoning)
5. Planning Director's Report
6. Commission's Report and Request for Information
7. Adjournment

Tentative Future Items

December 9th

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, Planning Commission Secretary, do hereby declare that the foregoing Agenda for the Lemoore Planning Commission Regular Meeting of Monday, November 25, 2013 at 7:00 p.m. was posted on the outside bulletin board located at City Hall, 119 Fox Street in accordance with applicable legal requirements. Dated this 21st day of November 2013.

//s//

Kristie R. Baley, Planning Commission Secretary

Item 3

Minutes of the
Regular Meeting of the
LEMOORE PLANNING COMMISSION
October 28, 2013

MEETING CALLED TO ORDER:

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

ATTENDANCE:

Chairman Meade; Vice-Chairman Garcia; Commissioners Clement, Dow, Monreal, Wynne; Planning Director Wlaschin; Project Manager Holwell; City Planner Brandt; Planning Commission Secretary Baley

ABSENT:

Commissioner Marvin

PUBLIC COMMENT:

There was no Comment.

APPROVAL – MINUTES – REGULAR MEETING OCTOBER 14, 2013:

It was moved by Commissioner Garcia, seconded by Commissioner Clement, and carried to approve the Minutes of the Planning Commission Regular Meeting of October 14, 2013.

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

PUBLIC HEARING – REPORT AND RECOMMENDATION TO APPROVE RESOLUTION NO. 2013-04 – RECOMMENDING APPROVAL OF (1) NEGATIVE DECLARATION – (2) TENTATIVE SUBDIVISION MAP (CAPISTRANO, PHASE V) 2013-02 – (3) PLANNED UNIT DEVELOPMENT 2013-01 – SUBDIVISION OF 4.5 ACRES LOCATED ON THE EAST SIDE OF BARCELONA DRIVE, APPROXIMATELY 150 FEET NORTH OF TOLEDO STREET INTO 20 SINGLE-FAMILY LOTS:

Chairman Meade opened the public hearing at 7:04 p.m.

Capistrano Developer Mitch Covington introduced himself to the Commission.

Chairman Meade asked Mr. Covington to comment on how staff handled the project thus far.

Mr. Covington said that Holly Smyth was the point of contact at the onset of the project and he expected a fiasco with the sudden staff change, but has been pleasantly surprised with the current staff.

Mr. Covington and Planning staff answered questions.

Resident John Mayfield voiced concern for an increase in traffic issues that the area is already experiencing and requested that undulations for Bush Street be included in the PUD.

Public Works/Planning Director Wlaschin explained that undulations slow down emergency response times and therefore must meet certain criteria. He stated that undulations are approved by the Police Department and residents are required to share the cost for installation.

Commissioners agreed that undulations are a separate project initiated by residents through the Police Department.

Mr. Mayfield voiced concern for the width of Barcelona with the added traffic and suggested the median on that street be removed. He also voiced concern for the upkeep of the current subdivision sign/wall at the entrance of the subdivision.

It was decided that the median is a City issue and not a deciding factor in the approval of the item being discussed.

Mr. Covington stated that although maintenance is not the responsibility of the developer; he would agreed to work with the City to make needed cosmetic repairs to the current subdivision entrance sign/walls.

Chairman Meade closed the public hearing at 7:31 p.m.

It was moved by Commissioner Garcia, seconded by Commissioner Wynne, and carried to approve Resolution 2013-04 – Recommending Approval of (1) Negative Declaration – (2) Tentative Subdivision Map (Capistrano, Phase V) 2013-02 – (3) Planned Unit Development 2013-01 - Subdivision of 4.5 Acres Located on the East Side of Barcelona Drive, Approximately 150 Feet North of Toledo Street into 20 Single-Family Lots.

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

PUBLIC HEARING – REPORT AND RECOMMENDATION TO APPROVE RESOLUTION 2013-05 – RECOMMENDING APPROVAL OF (1) NEGATIVE DECLARATION – (2) GENERAL PLAN AMENDMENT 2013-01 – REQUEST TO REMOVE COLLECTOR STREET AND BIKEWAY STATUS FROM WEST BUSH STREET, WEST OF MARSH DRIVE – (3) ZONE CHANGE 2013-01 – REQUEST TO CHANGE THE ZONING MAP FROM LOW DENSITY RESIDENTIAL AND PARKS AND RECREATION TO PUBLIC SERVICES AND COMMUNITY FACILITIES OF APPROXIMATELY 53 ACRES LOCATED AT THE NORTHWEST AND SOUTHWEST CORNERS OF WEST BUSH STREET AND MARSH DRIVE:

Chairman Meade opened the public hearing at 7:33 p.m.

There was no public comment.

Chairman Meade closed the public hearing at 7:34 p.m.

City Planner Brandt discussed the history of the project.

Discussion commenced among the Commissioners and staff.

It was moved by Commissioner Monreal, seconded by Commissioner Garcia, and carried to approve Resolution 2013-05 – Recommending approval of (1) Negative Declaration – (2) General Plan Amendment 2013-01 – Request to Remove Collector Street and Bikeway Change 2013-01 – Request to Change the Zoning Map from Low Density Residential and Approximately 53 Acres located at the Northwest and Southwest Corners of West Bush Street and Marsh Drive.

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

PLANNING DIRECTORS REPORT:

Finalizing the Zoning Code changes and presentation of the changes to the public was discussed.

City Planner announced there would not be a meeting on Veterans Day, November 11, 2013.

REPORTS AND REQUESTS FOR INFORMATION:

Commissioner Wynne asked if anyone had information about a micro-brewery interested in opening in Lemoore.

Chairman Meade said he heard a micro-brewery was looking for a location downtown some time ago. He has not heard anything since.

Project Manager Holwell reported that she heard the same thing. She also reported that the company was particularly interested in the Leoni's Pharmacy building, but that the concrete was not suited for the micro-brewery equipment.

Commissioner Dow said that he believes the company moved their operation to El Paso.

Commissioner Clement agreed the company is up and running in El Paso.

ADJOURNMENT:

At 7:51 p.m. the meeting adjourned.

Approved the 25th day of November, 2013.

Full digital audio recording is available.

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Dr. Ronald E. Meade, Chairman

Attest:

_____
Kristie R. Baley, Planning Commission Secretary

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

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CALIFORNIA

Public Works/ Planning

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Staff Report

ITEM 4

To: **Lemoore Planning Commission**

From: **Steve Brandt, City Planner**

Date: **November 21, 2013**

Subject: **Public Hearing Resolution No. 2013-06 Recommending Approval of Zoning Ordinance Revisions**

Summary Discussion

The City Council initiated changes to the City Zoning Ordinance in Spring 2013. The goals of the proposed changes were to make the Ordinance easier to understand and administer, as well as to find ways to make the Ordinance more business-friendly while still maintaining a high standard for land use compatibility and design in Lemoore.

Two committees were formed to further refine the goals for the Ordinance changes. They met a number of times to discuss changes. Then the Planning Commission reviewed most of the Zoning Ordinance chapters in five study sessions, which were held on June 24, July 8, July 22, August 19, and August 26 of 2013. Finally, an initial draft of the changes was reviewed at a joint study session with the City Council and the Planning Commission on October 8, 2013.

There are two versions of the proposed Ordinance attached to this report. Both show the same proposed changes, except that one is a clean version that shows how the Ordinance would look with all the changes incorporated. The other is a “Track Changes” version that uses strikeout, underline, and margin comments to identify where and why the proposed changes have been made. The “Track Changes” version does not show every change, but only those that actually change policy. Changes that simply make the Ordinance easier to read are not called out specifically in the Track Changes version. An example of this type of change would be that the definitions of the different types of signs were moved from Chapter 12 (Definitions) to Chapter 5F (Signs) to be more accessible to the reader.

The proposed changes generally fall into the following four categories:

1. Reorganizing code sections to group related codes closer together.
2. Eliminating codes that are stated more than once or that contain unnecessary language, like commentary or guidance for City staff.
3. Restating codes with more understandable wording that is more easily interpretable.

4. Revising codes in such a way that they affect adopted City policy. This is because the code may be overly burdensome to the property owner or developer, or may be overly burdensome for the City to effectively enforce.

The first three categories do not actually affect City policy, but they will make the process easier to understand for both the public and the City. These are the types of changes that are not specifically called out in the Track Changes version.

The fourth category of changes does affect City policy. Most of the changes serve to reduce red tape, simplify processes, reduce staff review time, and create more opportunities for property owners (both commercial and residential) to make their own decisions about their property. The changes that fall into the fourth category are listed at the end of this report with page and section numbers identifying their location.

None of the changes affect the locations of the zones on the Zoning Map. The changes also do not affect allowed densities, and do not make alterations to the list of allowed uses, other than a few minor, technical changes. All proposed changes remain consistent with the City's General Plan. Therefore, the project to review and approve these changes has been found to be Categorically Exempt from CEQA under CEQA Guidelines Section 15305 (Minor Alterations to Land Use Limitations.)

Further Discussion

While every proposed change to the Ordinance is important, some are more important and will be more visible to the public than others. The following is a summary evaluation on a number of these key proposed changes:

1. **Parking** – Section 9-5E-4 has been rewritten to standardize the number of parking requirements for the different uses. Previously, the number of parking spaces required was specified to be very close to the typical demand for that type of use. This results in many different parking standards. While that type of specificity works well for new development projects, it creates a lot of difficulty when a new type of use moves into an existing building. In some cases, just moving into an existing building might have required rebuilding the parking lot to get more spaces. The proposed revisions group many similar uses that might conceivably occupy the same type of buildings and requires the same parking space requirements for each of them. For example, all of the uses that are allowed in the downtown zone will now have the same parking standard. That way, if a retail business moves out and a restaurant replaces it, the restaurant will not have to find a way to provide more parking.

2. **Pets** – In most suburban cities, the number and type of pets that can be kept in residential areas eventually results in a conflict between neighbors somewhere. Often, the City becomes the referee in an argument between neighbors. The current standards about number and type of pets were not specific enough for the City to clearly state its position about pets. The revised wording allows each residence to have up to four pets. If they want more, the Planning Commission could approve more with a conditional use permit. Chickens and pot bellied pigs would be considered pets, but roosters would not.

3. **Planned Unit Developments for New Subdivisions** – The current regulations requirement every new residential subdivision to obtain a planned unit development permit. They also require that subdivisions be pre-plotted, which means that each type and size of new house is determined in advance. Pre-plotting was accepted by developers when the housing market was very strong and home buyers were literally lined up to take whatever home was available. The much slower market has resulted in subdivisions changing developers two and sometimes three times. Subsequently, each new developer has to revise the pre-plotting plan and throw out the previous one, which adds to developer expense and can be confusing for City staff. The proposed change would eliminate the requirement to pre-plot homes. The requirement for planned unit developments is not being removed because it still needs to be the administrative tool to govern the other design standards that are still required. However, with the changes to the six-pack rule (No. 4 below) and the residential design standards (No. 7 below) there will likely be less requirements that must be added to the PUD conditions.

4. **Six-Pack Rule** – The current requirement for new single-family homes is that no two adjacent homes of the same floor plan or elevation (front façade) may be the same. Because adjacent was defined to mean the homes on either side and the three homes across the street, this requirement became known as the six-pack rule. The rule is proposed to be modified to no longer place any limitation on similar floor plans since it is the elevation plan of the home that determines whether homes look similar from the street. An exception is also proposed that would allow one similar home in a six-pack area if the exterior colors were substantially different and 4 out of 5 other detail elements of the home's elevation were different. This exception will give the home buyer more flexibility in choosing the type of home to buy, while still providing for standards that avoid identical looking homes from being built near each other. These changes, combined with the elimination of pre-plotting requirements will serve to streamline the new home building plan approval process.

5. **Heritage Trees on Private Property** – At the joint study session held October 8th, the Council and Planning Commission discussed the possibility of removing all requirements pertaining to regulation of trees on private property. After the study session, City staff reviewed the General Plan wording and determined that it would not be consistent with the General Plan to eliminate policies that protect heritage trees. However, the current regulations can be interpreted to mean that the City can protect all trees. The sections about trees have been scaled back considerably. The proposed wording only protects five specific species of heritage trees that are more than 12 inches in diameter. There are provisions that allow removal for public health and safety reasons.

6. **Permit Processing Rules and Procedures** – A number of permit processing procedures have been modified to make the process clearer and more certain for the public. In a number of instances, permits that could have been approved by the planning director could have been "elevated" to the Planning Commission for them to review. There were no standards for when or why the proposal should be elevated. This has the potential to cause uncertainty for developers and other applicants who are trying to obtain entitlements to build their project. The ability to elevate permits is proposed to be removed. Also, planned unit developments

are proposed to be approved by the Planning Commission. The City Council would not review them unless they are appealed.

7. **Revised Design Standards for New Development** – There are many development standards that describe how residential, commercial, and industrial buildings should be designed. They apply in all areas of the city, but may be different depending on the zone or area that the building is in. While many of the design standards are proposed to remain, a number of them are proposed to be modified or completely removed. Some standards, like roadway width standards in downtown, are not needed because all the roads are already built and the City would have full authority to regulate their modification anyway.

8. **Other Changes** – There are many other changes that have the effect of making development review more streamlined and/or relaxing design standards. However, there are still enough standards remaining in the revised Zoning Ordinance to ensure that new and redeveloped projects are built to a high-quality standard. The complete list of proposed changes is shown on the following pages with references to the page number that it occurs.

Current Project Proposals

There are two projects that are waiting for the proposed changes to be made so that they may take advantage of them. The first is a new minimart/restaurant being proposed on Lemoore Avenue on the former Whiskey Shoppe site. The current code would require that the building be built at the front of the lot with parking behind the building. While this would be appropriate in a downtown setting, it is not the best design option for this site. The revised code would allow the parking to be in front of the building so that there are eyes on the parking area from the street.

The second proposal is for three industrial buildings at the corner of Commerce Way and Enterprise Drive. Without a reduction in the required parking spaces for industrial buildings, the site would only hold two buildings, instead of the desired three buildings.

Organization of Zoning Ordinance

One critique of the current version of the Zoning Ordinance is that the topics "jump around too much," requiring that reader to go to a number of places in the document to get a full understanding of the topic the reader is looking for. While it is difficult to completely avoid this with a document like a Zoning Ordinance that addresses such a variety of topics, the revised Ordinance does make some structural changes that should make it easier to find the desires topic. The revised Ordinance is divided into three main sections: entitlement processes, zoning and uses, and design standards. Below is a summary of the topics in each of the chapters:

INTRODUCTION

Chapter 1: Zoning Purpose and Intent provides an introduction to the Ordinance and sets basis ground rules on how it is to be interpreted.

ENTITLEMENT PROCESSES

Chapter 2A: General Application Processing Procedures sets the basic procedures for applying and reviewing the requests for entitlement applications that are described in the Zoning Ordinance.

Chapter 2B: Planning Permits and Entitlements describes each type of planning entitlement permit and sets out the particular procedures that apply to each.

Chapter 2C: Nonconforming Uses, Structures, and Properties describes how to deal with uses and structures that do not comply with some part of the Zoning Ordinance because that existed before the Ordinance was put in place.

ZONING DISTRICTS AND USES

Chapter 3: Zoning District and Map describes the different types of zones and their purpose. It also describes how to use the Zoning Map.

Chapter 4A: Use Classification System establishes that land uses can either be permitted, administratively permitted, conditionally permitted, temporary, or not permitted. This chapter also provides a definition for a wide variety of land uses.

Chapter 4B: Allowed Uses and Required Entitlements uses large tables to show which uses are permitted in each zone.

Chapter 4C: Temporary Uses describes the policies and procedures for uses that are temporary, such as an event or gathering that takes place in a large parking lot.

Chapter 4D: Special Uses Standards sets design and operating standards for a selected list of land uses so as to mitigate potential negative impacts of these uses.

DESIGN STANDARDS

Chapter 5A: Setback, Height, and Coverage Standards establishes the basic building form regulations, which are building placement (setback), building height, and building size (coverage).

Chapter 5B: Development Standards by Zoning District establishes standards to protect adjacent properties from excessive noise, odor, and vibration. It also sets the standards for utility improvements, outdoor lighting, fences, and screening.

Chapter 5C: Architectural and Site Design Standards sets minimum design criteria for new and redesign sites and buildings. This section does not apply to the downtown or mixed use zones; those standards are found in Chapters 6 and 7, respectively.

Chapter 5D1 and 5D2: Landscape Standards sets the minimum requirement for landscaped areas. Some sections of these chapters are required by State law to encourage water conservation.

Chapter 5E: Off Street Parking and Loading establishes standard for the number and design of off street parking spaces.

Chapter 5F: Signage sets the standards for signs.

Chapter 5G: Affordable Housing Incentives sets the City's policies for allowing greater residential densities for affordable housing projects. This is a State requirement.

Chapter 6: Downtown Development Standards sets the sets minimum design criteria for new and redesign sites and buildings located in the downtown zones.

Chapter 7: Mixed Use Development Standards sets the sets minimum design criteria for new and redesign sites and buildings located in the mixed use zones.

Chapters 9A, 9B, and 9C: Overlay Zoning Districts establish special standard and reporting techniques for planned unit development overlay zones and the Naval Air Station Overlay zone.

GLOSSARY

Chapter 12: Glossary of Terms provides definitions for many of the terms used throughout the Zoning Ordinance.

Note that Chapter 8 has been removed in the revised Ordinance. It had previously dealt with standards for Specific Plans; those requirements have been incorporated in Chapter 2B of the revised Ordinance without changing City policy. Also, there is no Chapter 10 or 11 in the current or revised Ordinance.

List of Changes

The following list summarizes the proposed changes that would have an effect on the policy of the City.

The corresponding comment number and page number in the Track Changes version is shown. The comment numbers correspond to the comments in the right column of the Track Changes version. The page number of the clean version is also listed.

Chapter 1 ADMINISTRATION				
Section	**Edits Version Comment No.**	**Edits Version Page No.**	**Clean Version Page No.**	**Change Being Proposed**
9-1-3 C	1	7	7	Change "shall" to "may" so that planning director is not required to make an official interpretation in every instance.

Chapter 2A PROCEDURES AND ENTITLEMENTS				
Section	**Edits Version Comment No.**	**Edits Version Page No.**	**Clean Version Page No.**	**Change Being Proposed**
9-2A-4 A	2	12	12	Remove requirement to hold a pre-application meeting. Could still be done if requested by the applicant.
9-2A-5 B1b	3	13	12	Remove evaluation of application by staff before it is complete.
9-2A-5 C	4	14	13	Remove entire subsection, taking away completeness evaluation on ministerial actions.
9-2A-5 E	5	14	14	Change policy so that applicant does not need permission from planning director to withdraw applications.
9-2A-7 A1b	6	16	15	Remove the "public hearing only if requested" option for entitlements.
9-2A-7 B	7	16	N/A	Remove procedures allowing the planning director to elevate decision making authority from the planning director to the planning commission.
9-2A-7 table	8	17	16	Change Highway Oriented Signs to a Ministerial Action.
9-2A-7 table	9	18	17	Change Major Home Occupations Signs to a Quasi-judicial

				action requiring a CUP.
9-2A-8 D1	10	19	18	Provide more flexibility when an appeal hearing must be held.
9-2A-8 D5	11	20	18	Clarify that the Council should consider the Planning Commission's recommendation, while still retaining final authority.
9-2A-9	12	20	19	Make clarifying edits to Permit time limits and extension procedures.
Chapter 2B ENTITLEMENT PROCEDURES				
Section	**Edits Version Comment No.**	**Edits Version Page No.**	**Clean Version Page No.**	**Change Being Proposed**
9-2B-3	13	25	22	Clarify when Zoning Clearance is needed.
9-2B-4	14	26	23	Clarify how to make approval findings for temporary use permits.
9-2B-5	15	27	23	Revise tree removal permit requirements to only apply to heritage trees and those required to be protected due to mitigation requirements. This means that not every tree needs a removal permit.
9-2B-6	16	28	24	Revise process for evaluating Reasonable Accommodation Requests to allow more flexibility.
9-2B-7	17	30	26	Revise to give the planning director the option to prepare a formal similar use interpretation or not.
9-2B-8	18	31	27	Revise to give the planning director the option to prepare a formal zoning interpretation or not.
9-2B-9 B2	19	32	28	Change major home occupation procedures to be similar to use permit procedures.
9-2B-11 F	20	35	30	Remove the ability of the planning director to condition a minor deviation. It is either approved or it isn't.
9-2B-12	21, 22	36	30	Remove the requirement that façade changes and downtown color changes require minor site plan review. Instead, they would not be reviewed by the city, except for building code compliance.

9-2B-13	23	38	32	Remove the ability of the planning director to condition a sign program. It is either approved or it isn't.
9-2B-15	24	39	33	Remove requirement to pre-plot single-family homes in new residential subdivisions.
9-2B-18	25	42	37	Change procedures for approval of highway oriented signs to a ministerial action like all other sign permits. No change to design standards.
9-2B-19	26	44	38	Change Planned Unit Development (PUD) approval authority from the City Council to the Planning Commission. Interested persons could still appeal the Commission's decision to Council.
9-2B-19	27	44	38	Remove the finding requirement that PUDs have standards that are superior to what is in the Ordinance.
9-2B-20	28	47	38	Allow specific plans to have policies that are less restrictive than the Zoning Ordinance, if that is what is desired.
9-2B-21	29	47	40	Simplify wording about Development Agreements.
9-2B-22	30	49	41	Simplify wording about Zone Changes.
9-2B-24 C	31	50	42	Allow general plan amendments whenever desired, instead of only 4 times per year.

Chapter 2C NONCONFORMING USES

Section	**Edits Version Comment No.**	**Edits Version Page No.**	**Clean Version Page No.**	**Change Being Proposed**
9-2C-6 C	32	54	46	Change procedure to reestablish a discontinued nonconforming use from temporary use permit to conditional use permit. This means that once approved they won't automatically expire or have to be reapproved.

Chapter 3 ZONING DISTRICTS AND MAP

No changes proposed to Chapter 3.

Chapter 4A USE CLASSIFICATION SYSTEM
Chapter 4B ALLOWED USES AND REQUIRED ENTITLEMENTS

Section	Edits Version Comment No.	Edits Version Page No.	Clean Version Page No.	Change Being Proposed
9-4A-3 9-4B-2 C	33, 36	64, 87	55	Home Occupations removed from the Zoning Matrix. They aren't needed there, and can be better identified elsewhere.
9-4A-5-H	34	69	61	Add a definition for Cottage Food Operation. This is to comply with new state law.
9-4A-5 H 9-4-B-2 table	35	73, 89,98	64, 82, 90	Change definition of "household pet." 4 or less would be allowed. More than 4 could be approved with a CUP.

Chapter 4C TEMPORARY USES

No changes proposed to Chapter 4C.

Chapter 4D SPECIAL USE STANDARDS

Section	Edits Version Comment No.	Edits Version Page No.	Clean Version Page No.	Change Being Proposed
9-4D-2 B	37	114	105	Remove requirement for all alcoholic sales to get a CUP. This would be governed by the zoning matrix in Chapter 4B.
9-4D-2 D	38	114	105	Change separation of alcohol sales from schools, churches, parks from 1,000 feet to 500 feet. This is consistent with state law.

9-4D-5	39	118	108	Revise home occupation procedures and standards to be clearer and to allow for cottage food establishments. A new state law requires that cities approve them if requested.
9-4D-5 E	40	119	110	Modify wording for home occupation standards to be more clear.
9-4D-6	41	121	112	Provide greater flexibility for site designing of fueling stations.
9-4D-9	42	124	114	Remove requirements for massage therapists that are already covered in Title 4, Chapter 7 of the Municipal Code.
9-4D-13 C1h	43	132	122	KEEP required distance between semipermanent mobile food vendors at 1,000 feet, per direction from joint study session.
9-4D-15	44	142	130	Revise standards for and reduce landscaping requirements around cellular towers.
9-4D-17 B1	45	146	134	Remove site plan review requirement for outdoor vending machines.
9-4D-17 D3	46	148	134	Simplify placement standards for outdoor vending machines.
9-4D-18	47	149	136	Modify residential Accessory Structures requirements.
Chapter 5A SETBACK, HEIGHT, AND COVERAGE STANDARDS				
Section	**Edits Version Comment No.**	**Edits Version Page No.**	**Clean Version Page No.**	**Change Being Proposed**
9-5A-2 A1	48	155	139	Clarify how to measure exceptions to height regulations for towers, cupolas, steeples, etc.
9-5A-3 8b	49	156	141	Simplify the method for measuring building setbacks on cul-de-sacs.
95A-3 C1	50	156	141	Revise front yard setback variation for single-family neighborhoods to only apply when they have been specifically set up in a PUD.

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

Section	Edits Version Comment No.	Edits Version Page No.	Clean Version Page No.	Change Being Proposed
9-5B-1	51	162	147	Reorganize Chapter 5B to put as many of the development standards in one place as possible.
9-5B-2 B6	52	164	149	Changes authority to expand delivery times from "city" to planning director.
9-5B-2 E	53	165	N/A	Remove maintenance requirements that are already covered by Title 4, Chapter 4 of the Municipal Code.
9-5B-4	54	167-170	151-153	Make a number of modifications to lighting requirements to make simpler to enforce while still providing necessary protection from nuisance.
9-5B-5 C	55	170	153	Remove requirement that fences over 6 feet need to go to site plan review. Add requirement that fences in a city right of way or easement must get an encroachment permit.
9 5B-5 E	56	172	154	Remove unneeded wording about retaining wall height.
9-5B-5 F2	57	173	155	Allow planning director to approve barbed wire in commercial zones without having to go through site plan review.
9-5B-5 F3	58	173	155	Remove prohibition of 42" chain link fences in front yards of residences.
9-5B-5 G1a	59	173	155	Increase vertical elements on walls from every 50 feet to every 100 feet.
9-5B-5 G1d	60	174	155	Change minimum block wall height from 7 feet to 6 feet, 8 inches. This is because concrete blocks are 8 inches tall, so walls are either 6 feet 8 inches or they are 7 feet, 4 inches. They are never exactly 7 feet tall.
9-5B-5 G2	61	174	155	Remove fencing requirements for livestock in agricultural zones.
Former 9-5A-11	62	176-178	N/A	Remove section on regulating shopping carts. The City already has procedures for dealing with abandoned shopping carts in Title 4, Chapter 5 of the Municipal Code.

Chapter 5C ARCHITECTURAL AND SITE DESIGN STANDARDS				
Section	**Edits Version Comment No.**	**Edits Version Page No.**	**Clean Version Page No.**	**Change Being Proposed**
9-5C-1 B	63	179	158	Clarify that Chapter 5C only applies to new development projects.
9-5C-3 A4	64	182	157	Provide more flexibility for garage design on new single-family homes.
9-5C-3 A4c	65	183	161	Revise maximum garage width ratio to provide more flexibility.
9-5C-3 B2	66	184	163	Modify the six-pack rule so that only the front façade must be different, not the front façade AND the floor plan. Also, an exception is added so that one similar facade can be adjacent (within the six-pack) if the color scheme and 4 out of 5 detail elements are distinctly different from each other.
9-5C-3 B3	67	186	164	Simplify front door design requirements.
9-5C-3 B4b(2)	68	187	165	Remove wood and wood shakes as allowable roofing materials for new homes.
9-5C-3 C	69	188	166	Expand the ability to deviate from standards through the site plan review process when it is appropriate.
9-5C-4	70	189-195	166-172	Simplify shopping center design requirements, with ability to deviate from standards through Site Plan and Architectural Review process.
9-5C-5	79	195-197	172-173	Simplify industrial building design requirements, with ability to deviate from standards through Site Plan and Architectural Review process..

Chapter 5D1 LANDSCPAPE STANDARDS

Section	Edits Version Comment No.	Edits Version Page No.	Clean Version Page No.	Change Being Proposed
9-5D1-2 C2	72	200	176	Remove requirements that some of the required trees be evergreen trees.
9-5D1-2 C3	73	200	176	Add new requirement for root barriers to be installed when trees are planted less than 5 feet from the street curb.
9-5D1-2 D4	74	201	177	Modify planting of vines for block walls to be 5 feet apart instead of 2 feet apart.
9-5-D1-2 E	75	201-203	177	Remove street and sidewalk design standards. These are specified in City Improvement Standards.
9-5D1-2 E1a	76	203	177	Increase planting distance of new trees from utility facilities to 5 feet.
9-5-D1-2 E1a	77	204	178	Prohibit turf in street median islands.
9-5-D1-2 E4	78	204	178	Remove pervious surface requirements
9-5-D1-2 7, 8	79	207	N/A	Remove different landscape standards to cell towers and fueling stations.
9-5D1-4	80	209-212	182-184	Because there is a General Plan policy that protects heritage trees, this section cannot be removed without amending the General Plan. Therefore, the section has not been removed, but instead has been modified to only apply specifically to the listed heritage trees when they are over 12 inches in diameter. Other modifications have been made to streamline the protection process. General Plan Policy CD-I-11 says that the City will protect heritage trees, not all trees.
9-5D1-4	81	212-225	184-186	Recommend keeping street tree list in the Code because they become responsibility of the City and the types of trees that are appropriate is more limited. However, recommend that the shade tree, shrub, and vine lists be removed, and made available on request as a helpful guide instead of a requirement.

Chapter 5D2 LANDSCAPE WATER REPORTING REQUIREMENTS

No changes proposed to Chapter 5D2

Chapter 5E PARKING STANDARDS

Section	Edits Version Comment No.	Edits Version Page No.	Clean Version Page No.	Change Being Proposed
9-5E-2 A	82	237	198	Change wording to prevent a use becoming non-conforming just because it does not meet current parking standards.
9-5E-4 C	83	240	200	Modify wording for provision of excessive parking. It appears this is intended to only apply to review of new development, but it is currently worded to apply to existing parking lots as well. It also appears that this was intended to be 25%, not 125%.
9-5E-4 E	84	240-251	201-206	Make numerous changes to the minimum parking ratio standards. The changes simplify the standards so that similar uses have similar parking ratio standards. For example, practically all retail uses will now have a similar standard. This means that fewer uses will have parking requirement issues when they move into existing buildings. Also, provide a shopping center standard so all the uses in a shopping center won't have to be calculated separately.
9-5E-5 B	85	253-257	208-211	Modify parking lot design standards.
9-5E-7	86	259-261	213	Simplify and revise bicycle parking standards since there are now standards built into the new California building code.

Chapter 5F SIGN STANDARDS

Section	Edits Version Comment No.	Edits Version Page No.	Clean Version Page No.	Change Being Proposed
9-5F-1 thru -8	87	262	214	Make a number of minor changes to the sign standards that clarify or simplify design standards for signs.

Chapter 5G AFFORDABLE HOUSING INCENTIVES (DENSITY BONUS)

No changes proposed to Chapter 5G.

Chapter 6 DOWNTOWN DEVELOPMENT STANDARDS

Section	Edits Version Comment No.	Edits Version Page No.	Clean Version Page No.	Change Being Proposed
9-6-1 D	88	310	258	Allow deviations through the Site Plan Review process for public buildings.
9-6-2	89	312	259	Change building setbacks on alleys to be 0 feet in the DMX-1 and DMX-2 zone in all cases. This is more consistent with existing buildings.
9-6-4 C	90	326	268	Review of color schemes removed. Instead historic colors are said to be "preferred."
9-6-4 F	91	329	270	Remove standards for pedestrian pathways in downtown.
9-6-5	92	337	272	Remove "Arcade" as a possible building type frontage because it allowed upper floors of buildings to be built in the public right of way, which is not acceptable practice.
9-6-5	93	340	275	Remove "Civic" as a possible building type frontage. Either the City controls the design, or as in the case of state and federal buildings, they have no authority to regulate.
9-6-5	94	341-343	277-278	Combine "Gallery-Deck" and "Gallery-Roof" frontage types.
9-6-5	95	347	280	Remove "Neighborhood Yard" as a possible building type frontage because there are no required standards that go with it.
9-6-6	96	351-358	N/A	Remove street and pedestrian way standards because all the streets in the downtown are already built. If they are ever modified, the City would have full control to regulate.
9-6-6	97	358-362	284-286	Modify special design standards to simplify code.
9-6-7	98	363-364	287	This section is new and was added to provide standards for the conversion of historic homes into offices and other non-residential uses. The new standards provide special setback and parking standards.

Chapter 7 MIXED USE ZONE DEVELOPMENT STANDARDS				
Section	**Edits Version Comment No.**	**Edits Version Page No.**	**Clean Version Page No.**	**Change Being Proposed**
9-7-1B	99	366	288	This addition gives flexibility to allow exemptions to the requirements when there are special circumstances. For example, the former Whiskey Shoppe site is proposing new commercial building. Since the site is landlocked between two existing developments, it is more appropriate to give some exemptions to building placement standards in order to allow the new building to fit in with the existing buildings, while still providing to integration in the future.
9-7-3	100	368	290	Add provision that allows the planning director to waive the requirement for a mixed use zone conceptual plan when the proposed development is replacing or expanding existing development.
9-7-5	101	371-375	292-295	Simplify standards for new public and private streets in mixed use developments.
9-7-6	102	375-381	295-300	Add a provision allowing the planning director to waive development standards in the mixed use zone when the proposed development is replacing or expanding existing development.
9-7-7	103	382	301	Simplify pedestrian way standards.

Chapter 9A PURPOSE AND INTENT OF OVERLAY ZONING DISTRICTS
No changes proposed to Chapter 9A.

Chapter 9B UNIT DEVELOPMENT OVERLAY ZONING DISTRICTS				
Section	**Edits Version Comment No.**	**Edits Version Page No.**	**Clean Version Page No.**	**Change Being Proposed**
9-9B-2 B5	104	385	303	Remove requirement for pre-plotting.

Chapter 9C NAVAL AIR STATION LEMOORE OVERLAY ZONE
No changes proposed to Chapter 9C.
Chapter 12 GLOSSARY OF TERMS
No changes proposed to Chapter 12 that affects City policy.

Attachments: Ordinance Revisions – Clean Version (330 pages)
Ordinance Revisions – Track Changes Version (413 pages)

Budget Impact

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

Recommendation

Following a public hearing, City staff recommends that Planning Commission adopt Resolution No. 2013-06 recommending the revised Zoning Ordinance to the City Council.

CHAPTER 1:

ZONING PURPOSE AND ADMINISTRATION

9-1-1: PURPOSE AND AUTHORITY:
9-1-2: ZONING ADMINISTRATION:
9-1-3: INTERPRETATION:
9-1-4: ENFORCEMENT, LEGAL PROCEDURES, AND PENALTIES:

9-1-1: PURPOSE AND AUTHORITY:

A. Title: This title shall be known as the LEMOORE ZONING CODE, hereafter referred to as the zoning code.

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

1. Supports the general plan's goals, policies, and land use framework through:

a. Compact urban form as depicted on the general plan land use diagram;

b. Promotion of small town character;

c. Accommodation of economic development and jobs through adequately zoned properties;

d. Integration of neighborhoods and neighborhood centers;

e. Enhancement of community character and aesthetics;

f. Promotion of an interconnected network of open space and parks;

g. Support for a complete roadway system;

h. Promotion of a range of commercial and retail opportunities; and

i. Support for adequate, flexible school sites.

2. Creates a comprehensive and stable pattern of land uses to help ensure the provision of adequate water, sewage, transportation, drainage, parks, open space, and other public facilities and services.

3. Protects and promotes appropriately located commercial and industrial activities in order to preserve and strengthen the city's economic base.

4. Fosters a wholesome, serviceable, and attractive living environment, the beneficial development of areas that exhibit conflicting patterns of use, and the stability of existing land uses that conform to objectives, policies, principles, and standards of the general plan.

5. Provides a guide for the prezoning of properties within the sphere of influence in conjunction with the potential annexation proceedings, as provided by law.

6. Conserves and protects the city's natural resources and features such as canals, significant trees, and historic and environmental resources in accordance with the policies of the general plan.

7. Requires that permitted uses and development provide reasonable protection from fire, flood, landslide, erosion, or other manmade or natural hazards.

8. Ensures compatibility between residential and nonresidential development and land uses.

C. Authority: This title is enacted based on the authority vested to the city of Lemoore by the state of California, including, but not limited to, article XI, section 7 of the state constitution; the planning and zoning law[1]; and the California environmental quality act[2].

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

1. Relationship to Prior Code: The provisions of this title, as it existed prior to the effective date of the ordinance enacting this title, are repealed and superseded as provided in Ordinance 2013-___. No provision of this title shall validate or legalize any land use or structure established, constructed, or maintained in violation of the title as it existed prior to its repeal by Ordinance 2013-___.

2. Prior Rights and Violations: The enactment of this title shall not terminate or otherwise affect vested land use development permits, approvals, or agreements authorized under the provisions of any ordinance, nor shall violation of prior ordinance be excused by the adoption of this title.

3. New or Altered Land Uses or Structures: Compliance with this title is required to lawfully establish, construct, reconstruct, alter, or replace any use of land or structure.

4. Land Use Permits (Entitlements): Land use permits are required when a "development" as defined by this title is proposed. No person shall initiate a development requiring a land use permit, and the city shall not issue any other permit related to the development, until a land use permit has been approved and the appeals period has expired.

5. Existing Uses and Structures: An existing land use or structure is lawful only when it was legally established and is operated and maintained in compliance with all applicable provisions of this code. A land use or structure that was lawfully established before this title was enacted, or before enactment of any applicable amendment to this title, may continue except as provided in chapter 2, article C, "Nonconforming Uses, Structures, and Properties", of this title. No expansion or modification to a preexisting legal nonconforming use or structure shall be permitted except as allowed by chapter 2, article C, "Nonconforming Uses, Structures, and Properties", of this title.

6. Minimum Requirements: The provisions of this title shall be the minimum to ensure the public health, safety, and welfare. For discretionary actions, city officials or bodies have the ability to impose more stringent requirements than set forth in this title as may be necessary to promote orderly land use development.

7. Effect of Zoning Code Changes on Projects in Process: The enactment of this title or amendments to its requirements may have the effect of imposing different standards on new land uses, development, and/or structures than those that applied to existing land uses, development, and/or structures. Following the effective date of this title, or any amendments to this title, the following provisions shall apply:

   a. Pending Applications: All land use permit applications that are active and that have been determined by the planning department to be complete before the effective date of this title or any amendment, will be processed according to the regulations in effect when the application was accepted as complete.

   b. Approved Projects Not Yet Under Construction: Any structure authorized by a conditional use permit, site plan and architectural review, temporary use permit, or variance, for which construction has not begun as of the effective date of this title or any amendment, may still be constructed in compliance with the approved permit, as long as construction is completed and the approved land use is established before the expiration of the permit or, where applicable, before the expiration of any approved time extension.

   c. Projects Under Construction: A structure that is under construction pursuant to a valid building permit on the effective date of this title or any amendment, may be completed and need not be changed to satisfy any new or different requirements of this title as long as construction is beyond the approval of the first inspection on the effective date of this title or any amendment, and provided that construction is diligently pursued to completion. Such a structure shall be deemed to be a lawfully existing building.

8. Conflicting Requirements: Wherever conflict occurs between the provisions of this title and any other provision of law, the more restrictive of any such provisions shall apply.

   a. Municipal Code Provisions: If conflicts occur between requirements of this title and other portions of the municipal code, or between this title and other plans and policies adopted by the city, the most restrictive shall apply.

   b. General Plan: If conflict occurs between the requirements of this title and the adopted city general plan, the requirements of the general plan shall govern.

c. Specific Plan: If conflict occurs between the requirements of this title and any adopted specific plan, the requirements of the specific plan shall govern.

d. Development Agreements: If conflicts occur between the requirements of this title and standards adopted as part of any development agreement, the requirements of the development agreement shall govern.

e. Private Agreements: This title applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs) without affecting the applicability of any agreement or restriction. The city shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

9. Other Requirements/Permits: Nothing in this title eliminates the need for obtaining any other permits required by the city, or any permit, approval, or entitlement required by the regulations of any regional, state, or federal agency.

10. Public Nuisance: Neither the provisions of this title nor any permit or other approval authorized by this title shall authorize the maintenance of any public nuisance as defined in the municipal code.

11. Code Violations: No development shall be permitted and no permits shall be issued for the division, improvement, or use of land that has been divided or otherwise developed in violation of this title.

12. Severability: If any portion of this title is for any reason held by a court of competent jurisdiction to be invalid, unconstitutional, or unenforceable, such decision shall not affect the validity of the remaining portions of this title. The city council hereby declares that this title and each chapter, article, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof is adopted, irrespective of the fact that one or more portions of this title may be declared invalid, unconstitutional, or unenforceable. (Ord. 2013-___, __-__-2013)

9-1-2: ZONING ADMINISTRATION:

A. Purpose: The purpose of this section is to establish administrative responsibilities and to describe which review body (e.g., planning director, planning commission, or city council) makes recommendations or final decisions on various types of land use permit applications.

B. Planning Agency: California Government Code section 65100 requires each jurisdiction to establish a planning agency to carry out the land use and planning functions of the jurisdiction. The functions of the planning agency, as designated by this title, may be carried out by the following bodies. In the absence of an assignment, the city council shall retain responsibility and authority as the legislative body of the city.

1. Planning Director: The planning director, or designee, shall have the responsibility and authority to administer and enforce this title as follows:

a. Maintain this title, the zoning map, and all record of zoning actions and interpretations;

b. Advise the city council, city manager, and planning commission on planning matters;

c. Pursuant to section 65900 of the Government Code, serve as the administrative zoning body and decide land use entitlements as provided in chapter 2, "Procedures and Entitlements", of this title;

d. Provide staff at meetings and provide administrative services for the planning commission;

e. Direct or prepare planning related policy amendments and special studies as necessary;

f. Conduct administrative functions authorized by this title, including, but not limited to, distribution and receipt of entitlement applications and corresponding fees, application review and public noticing, determination and issuance of administrative entitlements and approvals;

g. Prepare staff reports with recommendations, proposed findings, and proposed conditions for actions for the planning commission, city council, and other designated review bodies;

h. Provide information to the public and facilitate public participation on planning matters;

i. Exercise such other powers and duties as are prescribed by state law, local ordinance, or as directed by the city manager.

2. City Manager: The city manager shall oversee the work of the planning director and shall exercise such other powers and duties as are prescribed by state law or local ordinance, or as directed by the city council.

3. Planning Commission: Pursuant to section 65101 of the Government Code, and as provided in title 2, chapter 1, "Planning Commission", of this code, there is established a planning commission for the city. The planning commission shall have the following land use responsibilities:

a. Hear and decide applications for entitlements as provided in chapter 2, "Procedures and Entitlements", of this title, including, but not limited to, conditional use permit, major site plan and architectural review, variance, and highway oriented sign permit;

b. Initiate studies of amendments to this title and make recommendations to the city council for amendments as provided in chapter 2, "Procedures and Entitlements", of this title and in section 65853 of the Government Code;

c. Hear and make recommendations to the city council on applications for zoning amendments, the general plan and amendments thereto, specific plans, prezoning, and other related planning studies;

d. Exercise such other powers and duties as are prescribed by state law, local ordinance, or as directed by the city council.

4. City Council: The city council is the legislative body of the city and shall have the following land use responsibilities:

a. Hear and decide appeals of the decisions of the planning director and the planning commission;

b. Hear and decide applications for entitlements as listed in chapter 2, "Procedures and Entitlements", of this title, including, but not limited to, planned unit development, specific plan, development agreement, zoning amendment (including rezoning), prezoning, and general plan amendment. In the event that applications for other land use permits are requested in conjunction with these entitlements, the city council shall also be the final decision making body for all related land use entitlements;

c. Direct planning related policy amendments and special studies as necessary or desired; and

d. Exercise such other powers and duties as are prescribed by state law or local ordinance. (Ord. 2013-___, __-__-2013)

9-1-3: INTERPRETATION:

A. Purpose: The zoning administrator has the authority to interpret the zoning code on a regular basis. Certain interpretation may be elevated when necessary to the planning commission to make formal interpretations that may have a significant impact on the community at large. This section provides the framework for interpretations and clarifies the use of some basic terms.

B. Rules of Interpretation: The planning director shall have the authority and responsibility to interpret terms, provisions, and requirements of this title according to the following:

1. Terminology: The following rules apply to all provisions of this title:

a. Language: The words "shall", "will", "is to", and "are to" and similar words and phrases are always mandatory. "Should" is not mandatory but is strongly recommended and "may" is permissive.

b. Tense and Number: The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural, and plural numbers include the singular unless the natural construction of the word indicates otherwise.

c. Conjunctions: "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including, but not limited to".

2. Number of Days: Whenever a number of days is specified in this code, or in any entitlement, condition of approval, or notice issued or given as provided in this code, the

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 may 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. 2013-___, __-__-2013)

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.

3. Any action taken by an official or public employee of the city in conflict with the provisions of this zoning code shall be deemed void.

D. Addressing Violations: Any structure constructed or maintained contrary to the provisions of this title and any use of land or structure operated or maintained contrary to the provisions of this title are hereby declared to be a public nuisance.

1. Public Nuisance: Any structure or use which is altered, constructed, or established contrary to the provisions of this title or any applicable condition of approval imposed on a permit is unlawful and a public nuisance, and shall be subject to the remedies and penalties identified in this chapter, the municipal code, and other remedies available to the city.

2. Infractions: It is an infraction for any person to do any act forbidden or fail to perform any act required by this title. Penalties for infractions shall be in compliance with state law and title 1, chapter 4 of the Lemoore municipal code.

3. Stop Work Order: Any construction in violation of this title or any conditions imposed on a permit shall be subject to the issuance of a stop work order.

4. Remedies: Each day any violation of this title continues is a new and separate offense. Each violation of this title is considered a separate offense. Should a person be convicted for violation of this zoning code, whether as an infraction or a misdemeanor, pursuant to title 1, chapter 4 of the Lemoore municipal code or as otherwise provided by state law, the conviction shall not prevent the city from pursuing any other available remedy to correct the violation.

E. Inspections: City officials are authorized to perform inspections related to permit issuance, as follows:

1. Preapproval Inspections: Every applicant seeking a permit or any other action in compliance with this title shall allow the city officials handling the application access to any premises or property which is the subject of the application.

2. Postapproval Inspections: If the permit or other action in compliance with this title is approved, the owner or applicant shall allow city officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

F. Permit Revocation Or Modification: This subsection provides procedures for securing revocation or modification of previously approved land use permits or entitlements.

1. Revocations: The city's action to revoke an entitlement shall have the effect of terminating the entitlement and denying the privileges granted by the original approval.

2. Modifications: The city may choose to allow the modification of the operational characteristics instead of revoking an entitlement. These modifications may include operational aspects, including, but not limited to, buffers, duration of the entitlement, hours of operation, landscaping, lighting, parking, performance guarantees, property maintenance, signs, surfacing, and traffic circulation.

3. Hearings and Notice: The appropriate review authority shall hold a public hearing to revoke or modify an application, entitlement, or permit granted in compliance with the provisions of this title. A notice shall be delivered in writing to the applicant and/or owner of the property for which the permit was granted.

4. Review Authority Action and Findings: A land use entitlement or permit may be revoked or modified by the review authority which originally approved the entitlement if any of the following findings can be made:

a. Circumstances under which the entitlement or permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be met;

b. The entitlement or permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the entitlement or permit;

c. One or more of the conditions of the permit have not been substantially fulfilled or have been violated;

d. The use or structure for which the permit was granted has ceased to exist or has lost its legal nonconforming use status;

e. The improvement authorized in compliance with the permit is in violation of any code, law, ordinance, regulation, or statute; or

f. The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare, or the manner of operation constitutes or is creating a public nuisance.

G. Enforcement Action: This subsection describes the procedures for initiating enforcement action in cases where the planning director, or other city official, has determined that real property within the city is being used in violation of the provisions of this title.

1. Notice to Responsible Parties: The planning director shall provide the record owner of the subject site and any person in possession or control of the site with a written notice of violation, which shall include the following information:

a. A description of the violation and citations of applicable zoning code provisions being violated;

b. A time limit for correcting the violation;

c. A statement that the city intends to charge the property owner for all administrative costs associated with the abatement of the violation;

d. A statement that the property owner may request and be provided a meeting with the director or designee to discuss possible methods and time limits for the correction of the violations.

2. Time Limit for Correction: The notice of violation shall state that the violations shall be corrected within thirty (30) days from the date of the notice to avoid further enforcement action by the city. The thirty (30) day time limit may be extended by the city upon determining that the responsible party will likely correct the violations within a reasonable time period. The city may also require through the notice of violation that the correction occur within less than thirty (30) days if the violation constitutes a hazard to public health or safety.

3. Use of Other Enforcement Procedures: Failure to remedy the violation within the time limit for correction shall constitute a violation of this title and shall entitle the city to pursue criminal and civil remedies as provided by law and title 1, chapter 4 of the Lemoore municipal code.

H. Cost Recovery: The city has the authority to recover costs related to enforcement actions as follows:

1. Cost Recovery Where No Permit Is Required: The city shall be reimbursed for administrative costs, including, but not limited to, staff and city attorney time expended on the enforcement of the provisions of this title, in cases where no permit is required in order to correct a violation.

a. Record of Cost: The planning department shall maintain records of all administrative costs incurred by responsible city departments and associated with the processing of violations and enforcement of this title, and the city shall be entitled to recover costs from the property owner.

b. Notice: Upon investigation and a determination that a violation of any of the provisions of this zoning code is found to exist, the planning director or designee shall notify the record owner or any person having possession or control of the property by mail of the existence of the violation and the department's intent to charge the property owner for all administrative costs associated with enforcement.

c. Summary of Costs: At the conclusion of the case, the planning director shall send a summary of costs associated with enforcement to the owner and/or persons having possession or control of the property by certified and first class mail.

d. Actions That Require A Permit: Any person who alters or establishes any land use or structure without first obtaining any permit required by this title shall pay the additional permit processing fees as established by the city that result from this action.

2. Inspection Fee: An inspection fee as established by the city may be imposed on each person who receives a notice of violation, notice and order, or letter of correction of any provision of this title, adopted building code, or state law. The fee may be assessed for each inspection or reinspection conducted when the particular violation is not fully abated or corrected as directed. (Ord. 2013-___, __-__-2013)

CHAPTER 2:

PROCEDURES AND ENTITLEMENTS

ARTICLE A. GENERAL APPLICATION PROCESSING PROCEDURES

9-2A-1: PURPOSE:
9-2A-2: OVERVIEW OF PROCESSING PROCEDURES:
9-2A-3: CONSOLIDATED REVIEW:
9-2A-4: PREAPPLICATION CONFERENCE:
9-2A-5: APPLICATION REQUIREMENTS AND PROCESS:
9-2A-6: PUBLIC NOTICE, HEARINGS, AND DECISIONS:
9-2A-7: RECOMMENDING, APPROVAL, AND APPEAL AUTHORITY:
9-2A-8: APPEALS:
9-2A-9: PERMIT TIME LIMITS, EXTENSIONS, AND EXPIRATION:

9-2A-1: PURPOSE:

This article describes the general procedures that apply to land use entitlement applications. The implementation of these procedures is consistent with the requirements of the California Government Code, including chapter 2.7 (public hearings), chapter 3 article 6 (preparation, adoption, and amendment of the general plan), chapter 3 article 8 (specific plans), chapter 4 (zoning regulations), and chapter 4.5 (review and approval of development projects, also known as the permit streamlining act), and division 13 of the California Public Resources Code (the California environmental quality act). (Ord. 2013-___, __-__-2013)

9-2A-2: OVERVIEW OF PROCESSING PROCEDURES:

A. Overview of Process: The entitlement procedures provided in this article are described according to the various stages of the application review process.

B. Types of Planning Permits and Entitlements: Each planning permit or entitlement administered by the city is categorized as one of three (3) types. These types are listed below. Section 9-2A-7, table 9-2A-7-1, "Planning Permit and Entitlements and Review and Appeal Authority", of this article lists the various planning permits and entitlements in Lemoore, identifies the type of permit required, and lists the designated approving authority and appeal authority for each.

1. Administrative decisions are those that require limited or no interpretation or exercise of judgment in evaluating approval criteria because the decision is made according to specific criteria.

2. Quasi-judicial decisions typically involve some level of discretion or policy determination on the part of the approval authority and generally require findings to be made in order to approve planning permits or entitlements.

3. Legislative decisions must be made by the city council. Legislative land use decisions apply to the general population and prescribe policy and require the greatest amount of discretion and evaluation. (Ord. 2013-___, __-__-2013)

9-2A-3: CONSOLIDATED REVIEW:

A. Multiple Planning Permits and Entitlements: Where a proposal involves more than one planning permit or entitlement for the same property, the application shall be reviewed and approved, conditionally approved, or denied by the highest approving authority.

B. Planning Permit Or Entitlement and Subdivision Permit: When a planning application is accompanied concurrently with an application for a subdivision permit (e.g., lot line adjustment, tentative subdivision map, tentative parcel map, vesting tentative map) as provided in title 8, chapter 7, "Land Division", of the municipal code all of the applications shall be processed concurrently and final action shall be taken by the highest level designated approving authority for all such requested permits. (Ord. 2013-___, __-__-2013)

9-2A-4: PREAPPLICATION CONFERENCE:

A. Optional Preapplication Conference: A preapplication conference is not required but may be requested by the applicant prior to application submittal for quasi-judicial and legislative planning permits and entitlements. The purpose of the preapplication conference is to acquaint applicants with the requirements of this code, the general plan, and other relevant criteria and to have a preliminary discussion about the merits and details of a proposed project. (Ord. 2013-___, __-__-2013)

9-2A-5: APPLICATION REQUIREMENTS AND PROCESS:

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

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

1. Any fee or deposit for services based on the entitlement(s) requested as adopted by resolution of the city council;

2. Plans, maps, and any other information deemed necessary by the city to provide the approving authority with adequate information to make informed decisions; and

3. Materials listed on the planning permit or entitlement application form related to the requested entitlement(s).

B. Determination of Application Completeness:

1. Application Completeness with Notification: Within thirty (30) days of application submittal, the planning director shall determine whether or not the application is complete and shall notify the applicant that either:

a. All the submittal requirements have been satisfied and the application has been accepted as complete; or

b. Specific information is still necessary to complete the application

2. Application Completeness without Notification: If the written determination is not made within thirty (30) days after receipt, the application shall be deemed complete for purposes of this section.

3. Resubmittal: Upon receipt and resubmittal of any incomplete application, a new thirty (30) day period shall begin during which the planning director shall review materials and determine the completeness of the application.

4. Incomplete Application: If additional information or submittals are required and the application is not made complete within six (6) months of the completeness determination letter, the city shall have the discretion to deem the application as withdrawn. No further action will be taken on the application. Unexpended fees, as determined by the city, will be returned to the applicant. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans, exhibits, and other materials, must then be filed in compliance with this code.

5. Right to Appeal: The applicant may appeal the determination in accordance with section 9-2A-8, "Appeals", of this article and the permit streamlining act[1].

C. Environmental Assessment:

1. Completion of Environmental Review: The City of Lemoore shall be the lead agency for the review of projects under the California Environmental Quality Act (CEQA) that are required as a result of this title.

D. Application Review, Report, Determination, and Conditions:

1. Review: The planning director, or designee, shall review all applications to determine compliance with provisions of this title and other applicable provisions (e.g., subdivision code, other sections of the municipal code, general plan).

2. Project Routing: The planning director shall route the project to other departments and outside agencies as appropriate prior to the preparation of a staff report.

3. Staff Report: When this code requires planning commission and/or city council action, the planning director shall provide a written recommendation to the approving authority to approve, deny, or approve with conditions the requested entitlement.

a. Each staff report shall be furnished to the applicant and property owner when it is provided to the review authority prior to consideration of the entitlement request.

b. The staff report may be amended as necessary at any time prior to the hearing to address issues or information not reasonably known at the time the report is due.

4. Determination: The designated approving authority shall notice and hold a public hearing (if required) and take action to approve, deny, or conditionally approve the land use permit or entitlement.

5. Conditions of Approval: The approving authority shall have the authority to impose reasonable conditions of approval to ensure that all applicable criteria are, or can be, met. Failure to comply with any condition of approval shall be grounds for revocation of the planning permit(s) or entitlement(s) and grounds for instituting code enforcement proceedings.

E. Withdrawal of Application::

1. Request: An applicant or property owner may withdraw any application at the request of the applicant, prior to the final written decision on the entitlement.

2. Fees Refunded: Fees for withdrawn applications shall be refunded, less the actual costs incurred by the city in processing the application through the date of withdrawal.

F. Modification:

1. Any person holding a permit granted under this code may request a modification or amendment to that permit. For the purpose of this section, the modification of a permit may include modification of the terms of the permit itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit.

2. If the city determines that a proposed project action is not in substantial conformance with the original approval, the applicant shall be notified of the requirement to submit a permit modification application for consideration and action by the same approving authority as the original permit.

3. A permit modification may be granted only when the approving authority makes all findings required for the original approval and the additional finding that there are changed circumstances sufficient to justify the modification of the approval. (Ord. 2013-___, __-__-2013)

9-2A-6: PUBLIC NOTICE, HEARINGS, AND DECISIONS:

A. Notice of Hearing: When this title requires a public hearing before either the planning commission or city council, notice shall be provided pursuant to Sections 65090 through 65096 of the California Government Code.

B. Requests for Notification: Any person who requests to be on a mailing list for notice of hearing shall submit such request in writing to the city clerk. The city may impose a reasonable fee for the purpose of recovering the cost of such notification.

C. Receipt of Notice: Failure of any person or entity to receive any properly issued notice required by law for any hearing required by this code shall not constitute grounds for any court to invalidate the actions of a designated approving authority for which the notice was given.

D. Hearing Procedure: Hearings as provided for in this article shall be held at the date, time, and place for which notice has been given as required. The approving authority shall conduct the public hearing and hear testimony from interested persons. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued to a date certain. If the hearing is not continued to a specific date/time, then the hearing shall be renoticed.

E. Action/Determination Procedures:

1. Recommendation: Where the planning commission makes a recommendation to the city council, the recommendation shall be recorded in a resolution of the recommending body. The recommendation shall include all required findings for final action.

2. Decision: The approving authority shall declare and document their decision by either resolution or ordinance.

3. Notice of Decision: After final action has been taken by the approving authority, notice of the decision shall be mailed to the applicant and to the property owner, as applicable.

4. Effective Date: A decision of the approving authority is final and effective on the eleventh day following the decision unless an appeal is filed. (Ord. 2013-___, __-__-2013)

9-2A-7: RECOMMENDING, APPROVAL, AND APPEAL AUTHORITY:

A. Authorities: Table 9-2A-7-1, "Planning Permit and Entitlements and Review and Appeal Authority", of this section summarizes the recommending, approving, and appeal authorities for the various planning permits and entitlements listed in article B, "Planning Permits and Entitlements", of this chapter. It also identifies the type of permit or entitlement as described in subsection 9-2A-2B, "Types of Planning Permits and Entitlements", of this article.

The terms in the table have the following meaning:

1. Notice/Hearing Requirement:

a. "None" indicates that no hearing or notice is required.

b. "Public hearing" indicates that a hearing and public hearing notice as described in subsection 9-2A-6A, "Notice of Hearing for Quasi-Judicial and Legislative Permits and Entitlements", of this article is required.

2. Authority:

a. "Recommending" means that the identified authority makes a recommendation on the application to another body.

b. "Final" means that the identified authority is the designated approving authority for the application.

c. "Appeal" means that 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 article.

TABLE 9-2A-7-1
PLANNING PERMIT AND ENTITLEMENTS AND
REVIEW AND APPEAL AUTHORITY[1]

Planning Permit Or Entitlement	Notice/Hearing Requirement	Authority		
		Planning Director	Planning Commission	City Council
Administrative permits:				
Zoning clearance (e.g., building permit, signs, business license)	None	Final	-	Appeal
Temporary use permit	None	Final	-	Appeal
Tree permit for trees on private property	None	Final		Appeal
Reasonable accommodation	None	Final	-	Appeal
Similar use determination	None	Final	-	Appeal
Official zoning interpretation	None	Final	-	Appeal
Minor home occupation permit	None	Final	-	Appeal
Highway oriented sign permit	None	Final	-	Appeal
Administrative use permit	None	Final	-	Appeal
Minor deviation	None	Final	-	Appeal
Minor site plan and architectural review	None	Final	-	Appeal
Sign program	None	Final	-	Appeal
Quasi-judicial permits and entitlements:				
Conditional use permit	Public hearing	Recommending	Final	Appeal[2]

Planning Permit Or Entitlement	Notice/Hearing Requirement	Authority		
		Planning Director	Planning Commission	City Council
Major home occupation permit	Public hearing	Recommending	Final	Appeal
Major site plan and architectural review	Public hearing	Recommending	Final	Appeal[2]
Variance	Public hearing	Recommending	Final	Appeal[2]
Public convenience or necessity	Public hearing	Recommending	Final	Appeal[2]
Legislative approvals:				
Planned unit development	Public hearing[3]	Recommending	Recommending	Final
Specific plan	Public hearing[3]	Recommending	Recommending	Final
Development agreement	Public hearing[3]	Recommending	Recommending	Final
Zoning amendment	Public hearing[3]	Recommending	Recommending	Final
Prezoning	Public hearing[3]	Recommending	Recommending	Final
General plan amendment	Public hearing[3]	Recommending	Recommending	Final

Notes:
1. Also see title 8, chapter 7, "Land Division", of the municipal code for subdivision permits.
2. The appeal for this permit requires a noticed public hearing.
3. A noticed public hearing shall be held for both the planning commission and city council review. (Ord. 2013-___, __-__-2013)

9-2A-8: APPEALS:

This section establishes procedures for the appeal of planning permits and entitlements. Planning permits and entitlements that are eligible for appeal and the corresponding appeal authority are listed in section 9-2A-7, table 9-2A-7-1, "Planning Permit and Entitlements and Review and Appeal Authority", of this article.

A. Standing to File an Appeal: An appeal may be filed by any of the following persons:

1. Any person affected by a determination where an appeal is available as indicated in section 9-2A-7, table 9-2A-7-1 of this article, including the applicant; or

2. Any person who, in person or through a representative, presented testimony at a public hearing in connection with the decision being appealed, or who otherwise informed the city in writing of the nature of their concerns prior to the hearing.

B. Timing and Form of Appeal: Appeals shall be filed with the planning department within ten (10) calendar days following the final date of the determination being appealed. All appeals shall be submitted in writing, together with the name, address, phone number, and signature of the appellant, and the required filing fee. The written appeal shall specifically state the pertinent facts of the case and the basis for the appeal.

C. Multiple Actions: In the event an appeal is filed regarding a decision on one of multiple planning permits or entitlements granted concurrently for a single project, all concurrently granted planning permits or entitlements for the project shall be automatically appealed and shall be considered and acted upon together in compliance with this section.

D. Processing:

1. Scheduling and Notice of Hearing: After an appeal has been received, the matter shall be scheduled for the next available regular meeting according to the procedure for public notice and hearing listed in section 9-2A-6, "Public Notice, Hearings, and Decisions", of this article, unless the planning director, the applicant, and the appellant agree on an alternative meeting date.

2. Report: After the hearing has been scheduled, the planning director shall prepare a report on the matter and forward the report to the appropriate appeal authority.

3. Consolidation of Multiple Appeals: If more than one party files an appeal on a land use action, the appeals shall be consolidated and noticed and heard as one proceeding.

4. Withdrawal of An Appeal: An appeal may be withdrawn by an appellant at any time prior to the rendering of a final decision. The appeal proceedings shall terminate as of the date the withdrawal request is received by the city.

5. Appeal Hearing and Review: The appeal authority shall review the matter in full as though it were being reviewed and decided for the first time, while also taking into consideration that findings of the original decision.

6. Decision: After a public hearing, the appeal authority may:

a. Approve, modify, or disapprove the planning permit or entitlement, either in whole or in part, based on the record and the evidence received at the hearing;

b. Adopt additional conditions of approval deemed reasonable and necessary; or

c. Disapprove the planning permit or entitlement approved by the approving authority, even if the request was to modify the project or to modify or eliminate one or more of the conditions of approval.

d. When the appeal authority is the city council, the appeal authority may, in its sole discretion, refund any appeal fees or deposit paid by the appellant if such a request is made by the appellant.

E. Rights: Pending a decision on an appeal, all rights emanating from the planning permit or entitlement, including licenses, building permits, or other city action, that is the subject of the appeal and all relevant time periods shall be suspended. (Ord. 2013-___, __-__-2013)

9-2A-9: PERMIT TIME LIMITS, EXTENSIONS, AND EXPIRATION:

A. Exercising Permits:

1. The exercise of a permit occurs when the applicant or property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon such permit(s). A permit may be otherwise exercised pursuant to a condition of the permit or corresponding legal agreement that specifies that other substantial efforts or expenditures constitutes exercise of the permit.

2. Any deviations from the approvals shall require an amendment to the prior approvals or approval of a new permit or entitlement(s) as determined by the city

B. Time Limits to Exercise Permit:

1. Unless a condition of approval establishes a different time limit, any administrative or quasi-judicial planning permit or entitlement not exercised within two (2) years of approval shall expire and become void, except where an extension of time is approved in compliance with subsection C, "Permit Extensions", of this section.

2. Permits or entitlements that are approved together with a subdivision or parcel map in accordance with the Subdivision Ordinance shall expire and become void at the same time as the subdivision or parcel map expires.

C. Permit Extensions:

1. The same approving authority that took final action in granting the original permit may extend the expiration date for two (2) years from the original permit date.

2. The applicant or property owner may file a request for extension prior to the expiration date of the permit, along with appropriate fees and application submittal materials. The filing of an application for an extension shall stay the expiration, but no subsequent permits (e.g., building permit) shall be issued during the stay period.

3. The same approving authority that took final action in granting the original permit shall consider extending the period within which the exercise of a permit must occur. Notice and public hearing shall be provided in the same manner as for the original permit.

4. An extension may be granted only when the designated approving authority finds that the original permit findings can be made and there are circumstances that warrant such extension.

5. The permit, as extended, may be conditioned to comply with any development standards that may have been enacted since the permit was initially approved.

D. Expiration:

1. If a permit or entitlement has not been exercised and the time limits are reached with no extension requested, or a requested extension is denied or expires, then the permit or entitlement shall expire.

2. If a use authorized by a permit or entitlement that has been exercised within the allowed time limit is discontinued or abandoned for a continuous period of twelve (12) months, then the permit or entitlement shall expire.

E. Revocation:

1. Revocation of a previously approved planning permit or entitlement may be considered in the event an applicant, or the applicant's successor in interest, fails to comply with any of the conditions of entitlement approval.

2. The city council or planning commission may institute revocation proceedings.

3. Revocation of a previously approved entitlement shall be considered and decided by the city council.

4. A permit or entitlement shall only be revoked upon findings that:

   a. One or more conditions of approval have not been implemented;

   b. One or more conditions of approval have been violated; or

   c. The activities, or the use itself, are substantially different from what was approved.

F. Permit To Run with Land, Transfer of Approval Rights:

1. Unless stated otherwise in the city's entitlement decision, any approval granted under this title runs with the land and is transferred with ownership of that land. Any conditions, time limits, or other restrictions imposed with a planning permit or entitlement approval shall bind all subsequent owners of the property for which the entitlement was granted. (Ord. 2013-___, __-__-2013)

CHAPTER 2:

PROCEDURES AND ENTITLEMENTS

ARTICLE B. PLANNING PERMITS AND ENTITLEMENTS

9-2B-1: PURPOSE AND APPLICABILITY:
9-2B-2: APPLICATION PROCESSING PROCEDURE:
9-2B-3: ZONING CLEARANCE:
9-2B-4: TEMPORARY USE PERMIT:
9-2B-5: TREE PERMIT FOR TREES ON PRIVATE PROPERTY:
9-2B-6: REASONABLE ACCOMMODATION:
9-2B-7: SIMILAR USE DETERMINATION:
9-2B-8: OFFICIAL ZONING INTERPRETATION:
9-2B-9: HOME OCCUPATION PERMIT:
9-2B-10: ADMINISTRATIVE USE PERMIT:
9-2B-11: MINOR DEVIATION:
9-2B-12: MINOR SITE PLAN AND ARCHITECTURAL REVIEW:
9-2B-13: SIGN PROGRAM:
9-2B-14: CONDITIONAL USE PERMIT:
9-2B-15: MAJOR SITE PLAN AND ARCHITECTURAL REVIEW:
9-2B-16: VARIANCE:
9-2B-17: PUBLIC CONVENIENCE OR NECESSITY:
9-2B-18: HIGHWAY ORIENTED SIGN PERMIT:
9-2B-19: PLANNED UNIT DEVELOPMENT:
9-2B-20: SPECIFIC PLAN:
9-2B-21: DEVELOPMENT AGREEMENT:
9-2B-22: ZONING AMENDMENT:
9-2B-23: PREZONING:
9-2B-24: GENERAL PLAN AMENDMENT:

9-2B-1: PURPOSE AND APPLICABILITY:

The purpose of this article is to establish procedures for administering all planning related permits and entitlements required and regulated by the city.

Each permit and entitlement type is described in this article in terms of purpose and applicability, approving authority, and processing provisions. Exemptions to permit requirements are listed throughout. General processing procedures are established in article A, "General Application Processing Procedures", of this chapter. (Ord. 2013-___, __-__-2013)

9-2B-2: APPLICATION PROCESSING PROCEDURE:

The procedure for processing each planning permit and entitlement listed in this article shall be

as provided in article A, "General Application Processing Procedures", of this chapter, unless otherwise specified herein.(Ord. 2013-___, __-__-2013)

9-2B-3: ZONING CLEARANCE:

A. Purpose: The purpose of the zoning clearance process is to ensure that all new and modified uses and structures comply with applicable provisions of this title using administrative procedures.

B. Applicability: Zoning clearance is required for the following actions:

1. All structures that require a building permit (e.g., new structures greater than 120 square feet) except permits for interior work only;

2. Signs;

3. Business licenses; and

4. Other city applications that may be subject to the provisions of this title, including, but not limited to, encroachment permits and grading and improvement plans as deemed necessary.

C. Approving Authority and Procedure: The planning director shall be the designated approving authority for zoning clearance. The procedures shall be as follows:

1. Generally: No application form is necessary for zoning clearance. This process will be conducted by the planning director as part of the building permit application review. Zoning clearance shall be granted only when the planning director finds the proposal to be in conformance with all applicable provisions of this title. The planning director may modify plans in whole or in part to ensure compliance with applicable provisions of this title. Building permits shall not be issued without approval of zoning clearance.

2. Signs: The process for reviewing signs shall be as generally provided above, except that additional information describing the existing signs on the project site and the new proposed signs shall be required on a form provided by the planning department.

D. Public Hearing and Notice: Public notice and public hearing is not required for zoning clearance.

E. Approval Findings: Zoning clearance shall be granted only when the planning director finds the proposal to be in conformance with all applicable provisions of this title. Any permit or application listed in subsection B, "Applicability", of this section shall not be issued without approval of zoning clearance. (Ord. 2013-___, __-__-2013)

9-2B-4: TEMPORARY USE PERMIT:

A. Purpose: A temporary use permit provides a mechanism for administrative review and determinations for proposed and qualifying short term activities and to ensure that such activities are consistent with the general plan and provisions of this title.

B. Applicability: A temporary use permit is required for short term activities listed in chapter 4, article C, "Temporary Uses", of this title.

C. Approving Authority: The designated approving authority for temporary use permits shall be the planning director.

D. Public Hearing and Notice: The issuance of a temporary use permit is an administrative function of the planning director, and no public hearing or notice is required.

E. Approval Findings: The planning director shall make all of the following findings to approve or conditionally approve a temporary use permit:

1. The use is a temporary use and will be limited to a specific duration of time, as established in the temporary use permit.

2. The use, as described and conditionally approved, will not be detrimental to the health, safety, or general welfare of persons, property, or improvements in the vicinity of the proposed use, or to the general welfare of the city.

3. The use, as described and conditionally approved, will not function or be located in a manner that restricts access to required parking areas.

4. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this title.

5. The approval includes provisions to ensure that each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use.

6. The use is consistent with the general plan, applicable specific plans, and the provisions of this title.

F. Conditions of Approval: The planning director may place conditions on the temporary use permit, including, but not limited to, buffers, hours of operation, landscaping and maintenance, lighting, offsite improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, and traffic circulation. Conditions must be deemed reasonable and necessary to the specific temporary use permit request. (Ord. 2013-___, __-__-2013)

9-2B-5: TREE PERMIT FOR TREES ON PRIVATE PROPERTY:

A. Purpose: The purpose of a tree permit for trees on private property (hereinafter referred to as a "tree permit") is to provide a process for the review and consideration of the removal of protected trees on private property. The city has a desire to protect trees on private property

through the development review process and require mitigation for the loss of heritage trees as established in the General Plan.

B. Applicability: A tree permit shall be required prior to work within the critical root zone or the cutting down, removal, topping, or relocation of a protected tree on private property as defined in section 9-5D1-4B, "Tree Preservation: Protected Trees", of this title that are not exempt per Section 9-5D1-4C.

C. Approving Authority: The designated approving authority for tree permits shall be the planning director.

D. Public Hearing and Notice: The issuance of a tree permit is an administrative function of the planning director, and no public hearing or notice is required.

E. Approval Findings: The planning director shall make all of the following findings to approve or conditionally approve a tree permit:

1. For a development project, every effort has been made to incorporate the tree(s) into the design of the project and the only appropriate alternative is the removal of the tree;

2. For requests not associated with a development project, the tree presents a threat to public health and safety and must be removed; and

3. The removal of the tree will not have a negative impact on the health, safety, or viability of surrounding trees, nor will it negatively impact the aesthetics or general welfare of the surrounding area.

F. Mitigation: Mitigation for the loss of the tree as allowed under an approved tree permit shall be mitigated in accordance with the requirements of this title, specifically including section 9-5D1-4F, of this title. (Ord. 2013-___, __-__-2013)

9-2B-6: REASONABLE ACCOMMODATION:

A. Purpose: The purpose of allowing reasonable accommodation is to provide a process for individuals with disabilities to make requests for reasonable accommodation for relief from the various provisions of this title It is the policy of the city, pursuant to the federal fair housing act (as amended) and the California fair employment and housing act, to provide persons with disabilities reasonable accommodation in rules, policies, and procedures that may be necessary to ensure equal access to housing.

B. Requesting Reasonable Accommodation:

1. A disabled person or representative may request reasonable accommodation(s) relating to the various land use, zoning, or rules, policies, practices, and/or procedures of the city.

2. A request for reasonable accommodation(s) with regard to city regulations, rules, policies, practices, and/or procedures may be filed on an application form provided by the city at the time that the accommodation may be necessary to ensure equal access to housing.

C. Approval Authority:

1. The planning director shall have the authority to consider and take action on requests for reasonable accommodation. The planning director shall issue a written determination of his or her action within fifteen (15) days of the date of receipt of a completed application and may:

   a. Grant or deny the accommodation request; or

   b. Grant the accommodation request subject to specified nondiscriminatory condition(s).

2. If necessary to reach a determination or action on the request for reasonable accommodation, the planning director may request further information from the applicant specifying in detail what information is required. In the event a request for further information is made, the fifteen (15) day period to issue a written determination shall be stayed until the applicant fully and sufficiently responds to the request.

D. Considerations: The city may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability a reasonable accommodation::

1. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability;

2. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation;

3. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants;

4. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting;

5. Whether the requested accommodation would fundamentally alter the character of the neighborhood;

6. Whether the accommodation would result in a substantial increase in traffic or insufficient parking;

7. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan;

8. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

E. Approval Findings: In making a determination regarding the reasonableness of a requested reasonable accommodation, the approving authority shall make the following findings:

1. The subject site of the request for reasonable accommodation will be used for an individual protected under the fair housing act.

2. The request for reasonable accommodation is necessary to make specific housing available to an individual protected under the fair housing act.

3. The requested reasonable accommodation does not impose an undue financial or administrative burden on the city and does not fundamentally alter city zoning, development standards, policies, or procedures.

4. The requested accommodation will not result in a fundamental alteration in the nature of the city's zoning, as "fundamental alteration" is defined in fair housing laws and interpretive case law.

5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or physical damage to neighboring property. (Ord. 2013-___, __-__-2013)

9-2B-7: SIMILAR USE DETERMINATION:

A. Purpose and Applicability: All possible land uses may not be listed within the provisions of this title, and new uses may evolve over time. When a particular use is not specifically listed in this zoning code the planning director determines that an official interpretation is needed, the provisions established in this section allow the approving authority, by 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.

B. Approving Authority: The planning director shall be the designated approving authority for similar use determinations.

C. Public Hearing and Notice: The issuance of a similar use determination is an administrative function of the planning director, and no public hearing or notice is required.

D. Approval Findings: In determining "substantial similarity", the approving authority shall make all of the following findings:

1. The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher level of activity or population density than the uses listed in the zoning district (e.g., traffic, hours of operation, intensity of use, population density);

2. The proposed use will be consistent with the purposes of the applicable zoning district; and

3. The proposed use will be consistent with the general plan, any applicable specific plan, and this zoning code.

E. Documentation of Determinations: Determinations shall be made in writing and shall contain the facts that support the determination.

F. Keeping of Similar Use Determinations: The planning director shall maintain a complete record of all similar use determinations available for public review. (Ord. 2013-___, __-__-2013)

9-2B-8: OFFICIAL ZONING INTERPRETATION:

A. Applicability and Authority To Prepare: Whenever the planning director determines that an ambiguity in a zoning regulation exists that requires a formal decision to serve as precedent, or a formal request for an interpretation is made by an applicant, property owner, or interested party to the planning director, an official zoning interpretation shall be prepared as described herein.

B. Official Zoning Interpretation Defined; Threshold For Preparation of Official Zoning Interpretation: An "official zoning interpretation" is a recorded decision on the meaning and/or application of the development standards, allowed use regulations, or other standards contained within this title. C. Content of Official Zoning Interpretation: Official zoning interpretations shall be prepared by the planning director, in writing, and shall cite the provisions being interpreted, together with any explanation of the meaning or applicability of the provision(s) in the particular or general circumstances that caused the need for the interpretation.

C. Procedure for Interpretations: Official zoning interpretations shall be prepared as follows:

1. Action by The Planning Director: The planning director shall prepare an official zoning interpretation within ten (10) days from the date of request. A copy of the official zoning interpretation shall be provided to the city manager, city attorney, city council, and to the applicant, property owner, or interested party requesting the interpretation..

2. Referral to The Planning Commission: The planning director may, in his or her sole discretion, refer a request for an official zoning interpretation to the planning commission for review and interpretation.

D. Keeping of Official Zoning Interpretations: The planning director shall maintain a complete record of all official interpretations available for public review, indexed by the chapter number of this title that is the subject of the interpretation.

E. Codification of Official Zoning Interpretations: To the extent practical, official zoning interpretations shall be incorporated into this title by amendment as soon as is practical. (Ord. 2013-___, __-__-2013)

9-2B-9: HOME OCCUPATION PERMIT:

A. Purpose: The purpose of the home occupation permit is to provide a process for the review and permitting of home occupations prior to their establishment.

B. Applicability: All home occupations as described in chapter 4, "Use Regulations", of this title shall obtain a home occupation permit prior to the issuance of a business license and the

establishment of the home occupation. There are two (2) types of home occupation permits as follows:

1. Minor Home Occupation Permit: A minor home occupation permit is a ministerial approval that is conducted to ensure home occupations are conducted consistent with the development standards of section 9-4D-5, "Home Occupations", of this title.

2. Major Home Occupation Permit: A major home occupation permit is intended for the review and discretionary approval of those home occupations that may generate more vehicular and pedestrian traffic than a typical residential use and thereby have the potential to adversely impact the surrounding residential neighborhood.

C. Approval Authority: The designated approving authority for home occupation permits shall be the planning director.

D. Public Notification: The public notification of an application for a home occupation permit shall be made as follows:

1. Minor Home Occupation Permit: Minor home occupation permits are ministerial in nature. No public notification shall be required.

2. Major Home Occupation Permit: Public hearing and notice are required for a major home occupation permit pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

E. Approval Findings: A home occupation permit shall be granted only when the designated approving authority determines that the proposed home occupation complies with all of the following findings:

1. The proposed home occupation is consistent with the general plan, any applicable specific plan, and all applicable provisions of this title (e.g., section 9-4D-5 of this title); and

2. The establishment, maintenance, or operation of the home occupation applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.

F. Postapproval Implementation: Requirements for implementation of an approved home occupation permit shall be provided as follows:

1. Minor Home Occupation Permit: A minor home occupation permit is ministerial in nature. As such, the planning director may not impose conditions on the issuance of the permit. However, the applicant may be provided with a list of items necessary for compliance and conformance with this title and the general plan.

2. Major Home Occupation Permit: The designated approving authority may impose conditions and/or require guarantees in order to ensure compliance with this title and to

prevent adverse or detrimental impact to the surrounding neighborhood. (Ord. 2013-___, __-__-2013)

9-2B-10: ADMINISTRATIVE USE PERMIT:

A. Purpose: 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 to ensure consistency with this title and the general plan. These land uses benefit from focused, administrative review outside of the general business license and zoning clearance process.

B. Applicability: An administrative use permit is required prior to the establishment of any use for which an administrative use permit is required by this title. See section 9-4B-2, table 9-4B-2, "Allowed Uses and Required Entitlements for Base Zoning Districts", of this title, which identifies specific land uses that require an administrative use permit prior to issuance of subsequent permits (e.g., building permit, business license). Examples include, but are not limited to, child daycare facility - family daycare home, large; dwelling, second unit in the DMX-2 zoning district; dwelling, two-family in the RLD zoning district; crop production in the RLD zoning district; and assembly uses.

C. Approval Authority: The planning director shall be the designated approving authority for administrative use permits.

D. Process: No public hearing or notice is required for an administrative use permit unless elevated to the planning commission as provided in subsection 9-2A-7B, "Elevation", of this chapter.

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

1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title; and

2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.

F. Postapproval Implementation: An administrative use permit is ministerial in nature. As such, the planning director may not impose conditions on the issuance of the permit. (Ord. 2013-___, __-__-2013)

9-2B-11: MINOR DEVIATION:

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

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

C. Approval Authority: The designated approving authority for minor deviations is the planning director.

D. Process: No public hearing or notice is required for a minor deviation unless elevated to the planning commission as provided in subsection 9-2A-7B, "Elevation", of this chapter.

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

1. The deviation(s) improves the site, architectural, and/or overall project design; and

2. The deviation(s) is materially consistent with the project and is compatible with surrounding uses and structures.

F. Postapproval Implementation: A minor deviation is ministerial in nature. As such, the planning director may not impose conditions on the issuance of the permit. (Ord. 2013-___, __-__-2013)

9-2B-12: MINOR SITE PLAN AND ARCHITECTURAL REVIEW:

A. Purpose: The purpose of minor site plan and architectural review is for the review of the design and layout of new development in the city to ensure that it is consistent with the regulations of this title prior to the issuance of subsequent permits, such as improvement plans and building permits.

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

1. Review Required: Minor site plan and architectural review is required for all of the following activities:

a. New nonresidential or mixed use developments of less than ten thousand (10,000) gross square feet;

b. Additions of less than ten thousand (10,000) square feet to existing commercial, office, and industrial buildings;

c. Custom single-family homes in the neighborhood residential (RN) district and within planned unit developments;

d. Conceptual plan for a mixed use center as required by chapter 7, "Mixed Use Development Standards", of this title.

2. Exemptions: The following activities are specifically exempt from minor site plan and architectural review.

a. Single-family custom homes,;

b. Additions to or the exterior remodels of single-family residential homes within normal setbacks;

c. Accessory structures consistent with the provisions of section 9-5A-8, "Residential Accessory Structures", of this title;

d. Changes to the exterior facade of existing buildings;

e. Painting existing buildings in the DMX zoning districts with historic color palettes as described in subsection 9-6-4C, "Colors and Painting", of this title;

f. Repairs and maintenance to the site or structure that do not add to, enlarge, or 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;

g. Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure (including solar collectors); and

h. Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments.

C. Approval Authority: The designed approval authority for minor site plan and architectural design review shall be the planning director.

D. Process: No public hearing or notice is required for a minor site plan and architectural review unless elevated to the planning commission as provided in subsection 9-2A-7B, "Elevation", of this chapter.

E. Approval Findings: A minor site plan and architectural review permit, or any modification thereto, shall be granted only when the designated approving authority makes a finding that the proposed project is consistent with the objectives of the general plan and complies with applicable zoning regulations, specific plan provisions, and improvement standards adopted by the city.

F. Postapproval Implementation: A minor site plan and architectural design review permit is ministerial in nature. As such, the planning director may not impose conditions on the issuance of the permit. However, the applicant may be provided with a list of items necessary for compliance and conformance with this title and the general plan. Conditions may only be imposed in the event the necessary findings cannot be made without the

conditions and only after a public hearing by the planning commission. (Ord. 2013-___, __-__-2013)

9-2B-13: SIGN PROGRAM:

A. Purpose: 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 city sign standards are allowed through a uniform sign program.

B. Applicability: 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.

C. Specific Application Requirements: As part of the application, the applicant shall submit a draft sign program that shall include criteria for building-attached signs, freestanding building signs, and the integrated development itself to establish consistency of sign type, location, center logo, and/or letter height, lines of copy, illumination, and construction details of signs for the project.

D. Approval Authority: The designated approving authority for sign programs shall be the planning director.

E. Public Hearing and Notice: No public hearing or notice is required for a sign program unless elevated to the planning commission as provided in subsection 9-2A-7B, "Elevation", of this chapter.

F. Approval Findings: A sign program or revisions thereto may be approved only when the designated approving authority makes all of the following findings:

1. That the proposed sign program is consistent with the development standards for signs as provided in chapter 5, article F, "Signage", of this title; and

2. The design, location, and scale of proposed signs for the integrated development are in keeping with the architectural character of the development.

G. Postapproval Implementation: A sign program is ministerial in nature. As such, the planning director may not impose conditions on the issuance of the permit. (Ord. 2013-___, __-__-2013)

9-2B-14: CONDITIONAL USE PERMIT:

A. Purpose: The purpose of a conditional use permit is for the individual review of uses, typically having unique or unusual site development features or operating characteristics. A use permit is intended to ensure compatibility with surrounding areas and uses where such uses are deemed essential or desirable to the various elements or objectives of the general plan.

B. Applicability: A conditional use permit is required prior to the establishment of any use for which a conditional use permit is required by this title.

C. Approval Authority: The planning commission shall be the designated approving authority for conditional use permits.

D. Public Hearing and Notice: Public hearing and notice are required for a conditional use permit pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

E. Approval Findings: A conditional use permit shall be granted only when the designated approving authority determines that the proposed use or activity complies with all of the following findings:

1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title;

2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city;

3. The site of the proposed use is physically suitable for the type, density, and intensity of the use and related structures being proposed; and

4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation, and service facilities in the vicinity.

F. Conditions of Approval: The designated approving authority may impose conditions and/or require guarantees in order to ensure compliance with this title and to prevent adverse or detrimental impact to the surrounding neighborhood. (Ord. 2013-___, __-__-2013)

9-2B-15: MAJOR SITE PLAN AND ARCHITECTURAL REVIEW:

A. Purpose: The purpose of major site plan and architectural review is for the review of the design and layout of new development in the city to ensure that it is consistent with the regulations of this title and will not result in a detriment to the city or the environment. The city desires to maintain and enhance Lemoore's sense of place; design commercial and mixed use centers to be of pedestrian scale so people can feel comfortable and congregate in these areas; promote visually appealing architecture and high quality developments that promote a small town atmosphere; and protect and accentuate Lemoore's environmental assets, its surrounding natural landscape, agricultural farmland, open canals, and wetlands.

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

1. Review Required: A major site plan and architectural review is required for the following items:

a. New nonresidential or mixed use developments of ten thousand (10,000) gross square feet or more;

b. Additions of ten thousand (10,000) square feet or more to existing commercial, office, and industrial buildings;

c. New multi-family residential developments (e.g., apartments, condominiums, townhomes);

d. Any new construction of buildings (e.g., new stores) of any size in the downtown;

e. The design and layout of new residential subdivisions as part of the tentative subdivision map process as provided in title 8, chapter 7, "Land Division", of the municipal code;

f. Demolition or exterior alterations and additions to nonresidential buildings that are more than seventy five (75) years old.

2. Exemptions: Those activities exempt from minor site plan and architectural design review as provided in subsection 9-2B-12B2 of this article shall also be exempt from major site plan and architectural design review.

C. Approval Authority: The designed approval authority for major site plan and architectural design review shall be the planning commission.

D. 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", of this chapter.

E. Approval Findings: A major site plan and architectural review permit, or any modification thereto, shall be granted only when the designated approving authority makes all of the following findings:

1. The proposed project is consistent with the objectives of the general plan and complies with applicable zoning regulations, specific plan provisions, and improvement standards adopted by the city;

2. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community;

3. The architecture, character, and scale of the building and the site are compatible with the character of buildings on adjoining and nearby properties;

4. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and

5. In the case of proposed alterations, additions, or demolitions to nonresidential buildings that are more than seventy five (75) years old:

a. Alterations and Additions: The alteration or addition is compatible with the downtown revitalization plan.

b. Demolitions: The applicant has demonstrated that the existing use cannot generate a reasonable rate of return; the existing building constitutes a hazard to public safety and is economically infeasible to rehabilitate, the design quality of the replacement building will be superior to the existing building and will be compatible with adjacent buildings and the character of downtown Lemoore, or the proposed demolition or removal is necessary to allow a project that will have public benefits outweighing the public benefits of retaining the existing building.

F. Conditions of Approval: The designated approving authority may impose conditions and/or require guarantees in order to ensure compliance with this title and to prevent adverse or detrimental impact to the surrounding neighborhood. (Ord. 2013-___, __-__-2013)

9-2B-16: VARIANCE:

A. Purpose and Applicability: In accordance with California Government Code section 65906, variances provide relief from the strict application of development standards and provisions of this title if specified findings can be made. A variance from the zoning code may not be granted to:

1. Allow a land use not otherwise permitted in the zoning district;

2. Increase the maximum allowed residential density except as allowed by state law;

3. Waive or reduce parking requirements by more than thirty percent (30%); or

4. Waive or modify a procedural requirement.

B. Approving Authority: The designated approving authority for a variance shall be the planning commission. The planning director provides a recommendation and the planning commission approves, conditionally approves, or denies the variance in accordance with the requirements of this title.

C. Public Hearing and Notice: Public hearing and notice are required for a variance pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

D. Approval Findings: The approving authority may approve and/or modify any variance application in whole or in part, with or without conditions, only if the applicant can demonstrate that the circumstances of their particular case can justify making all of the following findings:

1. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this

zoning code denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;

2. Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought;

3. Granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question; and

4. The variance is consistent with the general plan, any applicable specific plan or development agreement, and the intent of this title.

E. Conditions of Approval: In approving a variance, the designated approving authority:

1. Shall impose conditions to ensure that the variance does not grant special privileges inconsistent with the limitation on other properties in the vicinity and the zoning district in which the property is located;

2. May impose any reasonable conditions (e.g., the placement, height of structures, buffers, landscaping and maintenance, offsite improvements, performance guarantees, screening, surfacing, hours of operation) to ensure that the approval complies with the findings required by this section. (Ord. 2013-___, __-__-2013)

9-2B-17: PUBLIC CONVENIENCE OR NECESSITY:

A. Purpose and Applicability: Pursuant to section 23958.4 of the Business and Professions Code the purpose of this section is to establish a procedure for processing and considering requests for determinations of public convenience or necessity for issuance of such licenses.

Any person whose application for any alcohol license is subject to a determination of public convenience or necessity by the city pursuant to section 23958.4 of the Business and Professions Code shall submit an application to the city for a determination whether or not the public convenience and necessity would be served by the granting of such license.

B. Approving Authority: Determinations of whether public convenience or necessity would be served by issuance of those alcoholic beverage licenses specified in paragraph (b)(2) of section 23958.4 of the Business and Professions Code shall be made by the planning commission.

C. Process: A public hearing before the designated approving authority shall be required prior to determining if the application provides for the public convenience or necessity. Notice of the hearing shall be provided as described in section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

D. Review of Applications: The designated approving authority shall review the application, along with all information submitted by the applicant, as well as the recommendations of the chief of police, the planning director, and other departments of the city. The designated approving authority shall consider all other relevant documents and other written information

submitted by the applicant or other interested persons, shall receive, hear and consider relevant oral and written testimony by the applicant and other interested persons; and shall consider any other information, including, without limitation, written or oral testimony, that the designated approving authority deems necessary to make the determination of public convenience or necessity. (Ord. 2013-___, __-__-2013)

9-2B-18: HIGHWAY ORIENTED SIGN PERMIT:

A. Purpose: The purpose of the highway oriented sign permit is to provide a process for the review approval of commercial signs that are oriented to the highway as defined in this title. The intent of review is to ensure that the siting, size, and design of a highway oriented sign is in keeping with the character of the surrounding environment, that it does not create an unsafe condition for motorists, and that it does not create a public nuisance.

B. Applicability: A highway oriented sign permit shall be obtained prior to the establishment of a "highway oriented sign" as defined in this title and as provided in chapter 5, article F, "Signage", of this title.

C. Approval Authority: The designated approving authority for a highway oriented sign permit is the planning director.

D. Public Hearing and Notice: andA public hearing is not required for this permit.

E. Approval Findings: In approving a highway oriented sign permit, the designated approving authority shall make all of the following findings:

1. The proposed sign is consistent with the general plan and all applicable provisions of this title;

2. The establishment, maintenance, or operation of the highway oriented sign will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use, or the general welfare of the city;

3. Should the applicant request, and the approving authority grant, additional height beyond that allowed in subsection 9-5F-5D, "Highway Oriented Signs", of this title to a maximum of eighty feet (80'), the approving authority shall also make the following additional findings:

   a. That the additional height is necessary to ensure safe viewing from the highway; and

   b. That approval of the additional height will not be contrary to the specific intent of the signage regulations established in chapter 5, article F, "Signage", of this title.

4. Should the applicant request, and the approving authority grant, a reduced spacing of signs than that required in subsection 9-5F-5D, "Highway Oriented Signs", of this title, the approving authority shall also make the following additional finding:

a. The reduced distance between highway oriented signs will not cause a safety impact or create sign clutter contrary to a small town atmosphere. (Ord. 2013-___, __-__-2013)

9-2B-19: PLANNED UNIT DEVELOPMENT:

A. Purpose: The purpose of the planned unit development is to provide a process to allow diversity in the relationship between buildings and open spaces to create interesting physical environments and to maximize the development potential of underutilized or problematic land areas. This land use entitlement is intended to demonstrate that the development plan with any proposed deviations is consistent with the general plan and will result in a quality project that is compatible with surroundings, preserves site resources, minimizes hazards, and provides a public benefit.

B. Applicability: To qualify for a planned unit development designation, projects must include developed or undeveloped property with one or more contiguous parcels totaling a minimum of two (2) acres in size. Projects of less than two (2) acres may be considered when determined that the development area is underutilized (e.g., infill, reuse, redevelopment) and that the surrounding area will be better served by the project.

C. Approving Authority: The designated approving authority for a planned unit development is the planning commission.

D. Public Hearing and Notice: Public hearing and notice are required for adoption and amendments to planned unit developments pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

E. Deviations From Development Standards: The approving authority may grant requests to deviate from the development standards (e.g., minimum lot area, yard requirements, building heights), but shall not grant exceptions to the allowed land use or density of the base zoning district. Physical development standards may be modified if the plan includes examples of superior design, environmental preservation, and public benefit amenities, and the approving authority makes all of the required findings herein.

F. Approval Findings: The approving authority shall make the following findings to approve a planned unit development application:

1. The proposed project does not exceed the total density allowed under the base zoning district or the general plan land use designation.

2. The proposed project shall not be substantially detrimental to adjacent property, and will not materially impair the purposes of this title or the public interest.

G. Delineation Of Planned Unit Development Areas: On the zoning map, a planned unit development shall be delineated as an overlay zoning district and shall be listed in this title as provided in chapter 9, article B, "Planned Unit Development (PUD) Overlay Zoning Districts", of this title. (Ord. 2013-___, __-__-2013)

9-2B-20: SPECIFIC PLAN:

A. Purpose: The purpose of a specific plan is to provide a vehicle for implementing the city's general plan on an area specific basis. The specific plan is intended to serve as a regulatory document, consistent with the general plan. In the event there is an inconsistency or conflict between an adopted specific plan and comparable provisions of this title, the specific plan shall prevail. This section is consistent with California Government Code section 65450 et seq. This section describes the process for adopting and amending specific plans, and approving subsequent development under a specific plan.

B. Applicability: The city's general plan encourages preparation of specific plans and identifies certain areas of the city which require specific plans for development. Specific plan zoning may be considered for other areas of the city.

C. Approval Authority: The designated approving authority for specific plans or amendments to specific plans is the city council.

D. Specific Application Requirements: In addition to the minimum content requirements of California Government Code section 65451, the specific plan application shall include the following items:

1. Statement of the relationship of the specific plan to the general plan;

2. Policies for development and standards for regulating development within the plan area;

3. The proposed land uses for all areas covered by the plan;

4. The types and configurations of buildings to be included in all developments within the plan area;

5. The location of and types of streets;

6. Public facilities and infrastructure required to serve developments within the specific plan area;

7. A parking and circulation plan for off street parking areas showing the location of parking lots, the approximate number of spaces, and the approximate location of entrances and exits;

8. Proposed conservation, open space, and/or recreation areas, if any; and

9. Any other programs, guidelines, or standards appropriate for the area covered by the plan.

E. Public Hearing and Notice: Public hearing and notice are required for a specific plan pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

F. Approval Findings: Specific plans and any amendment thereto shall be approved only when the city council makes all of the following findings:

1. Is consistent with the objectives, policies, and general land uses specified in the general plan;

2. Is compatible and in conformity with public convenience, general welfare, and good land use and zoning practice;

3. Will not be detrimental to the health, safety, and general welfare of the city;

4. Will not adversely affect the orderly development of property or the preservation of property values.

G. Adoption: Adoption of the specific plan shall be by ordinance of the city council and shall constitute final action and approval of the specific plan. Authorization for construction in accordance with the specific plan may only be granted after the effective date of the adoption.

H. Designation: Specific plans shall be delineated on the zoning map in a manner similar to that of any other zoning district, except that each specific plan zoned area shall also bear a name, number, symbol, or other delineation, as determined by the planning director, which distinguishes it from other specific plan zones, base zoning districts, or overlay zones. The assignment of the specific plan zone designation serves to provide a reference to the corresponding specific plan zoning document adopted by ordinance of the city council. Applicable zoning regulations and standards applicable to the land area are provided in the specific plan zones document, as adopted by reference in this title.

I. Application of Specific Plan Development Requirements: Where conditions of the specific plan differ from the zoning code development standards, the conditions of the specific plan shall apply. Where a standard is not addressed in the specific plan, the zoning code shall apply. (Ord. 2013-___, __-__-2013)

9-2B-21: DEVELOPMENT AGREEMENT:

A. Purpose: This section establishes procedures and requirements for the review and approval of development agreements when applied for as part of a land use entitlement in compliance with the provisions of California Government Code sections 65864 through 65869.5.

B. Applicability of Regulations: Only a qualified applicant, a person who has legal or equitable interest in the real property which is the subject of the development agreement (or his or her authorized agent), may submit an application for a development agreement.

C. Approving Authority: The designated approving authority for development agreements is the city council.

D. Flexibility of Development Regulations: To the extent permitted by law, any development agreement if adopted by the city may modify 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. Nothing contained in these regulations shall prevent the developer or the city from proceeding with normal tentative map or final map processes on

any phase of a development which is the subject of a development agreement at any time during its term.

E. Application Contents: The contents of a development agreement shall be as set forth in Government Code sections 65865.2, 65867.5(c) if applicable, and 65868.5.

F. Public Hearing and Notice: Public hearing and notice are required for a development agreement pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

G. Approval Findings: A development agreement may only be granted when the city council makes all of the following findings specifying that the development agreement:

1. Is consistent with the objectives, policies, and general land uses specified in the general plan and any applicable specific plans;

2. Is compatible and in conformity with public convenience, general welfare, and good land use and zoning practice;

3. Will not be detrimental to the health, safety, and general welfare of the city;

4. Will not adversely affect the orderly development of property or the preservation of property values.

H. Amendment and Cancellation of Agreement: Any party to the agreement may propose an amendment to or cancellation in whole or part of the development agreement, the procedure for which is the same as the procedure for entering into the agreement initially. Notice of intention to amend or cancel any portion of the development agreement shall be given as provided in section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

I. Recordation: Within ten (10) days after the city enters into the development agreement or any amendment thereof, the city clerk shall cause the agreement or amendment to be recorded with the county recorder. Additionally, the city clerk shall be the official custodian of the development agreement file. Said file shall include an executed copy of the agreement and the originals of all exhibits, reports of periodic review, amendments, and/or cancellations to the development agreement.

J. Periodic Review: The planning director shall review the development agreement every twelve (12) months from the date the development agreement is entered into and provide a written report to the city council. The applicant shall provide necessary information verifying good faith compliance with the terms of the development agreement. The applicant shall also bear the cost of such review in accordance with the fee established by city council resolution. If the planning director finds that any aspect of the development project is not in good faith compliance with the terms of the development agreement, the planning director may schedule the matter before the appropriate approving authority for review for possible amendment or revocation. (Ord. 2013-___, __-__-2013)

9-2B-22: ZONING AMENDMENT:

A. Purpose: The purpose of a zoning amendment is to allow modification to any provisions of this title (including the adoption of new regulations or deletion of existing regulations), or to rezone or change the zoning designation on the zoning map for any parcel(s). This section is consistent with California Government Code section 65853.

B. Approval Authority: The designated approving authority for zoning amendments is the city council.

C. Initiation of Amendment: A zoning amendment to this title may be initiated by motion of the planning commission or city council, or by application by property owner(s) of parcel(s) to be affected by zoning amendment. When an application is filed by a property owner (or authorized representative), the submittal requirements for applications of subsection 9-2A-5A, "Application Contents", of this chapter shall be observed. This includes a completed application on a form as prescribed by the planning director, any required information listed on the application form for the type of permit, an application fee as established by city council resolution, and any other relevant information as may be requested by the planning director in order to provide the designated approving authority with adequate information on which to base a decision.

D. Public Hearing and Notice: Public hearing and notice are required for a development agreement pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

E. Approval Findings: Zoning amendments shall be granted only when the city council finds that the zoning amendment (text or map) is consistent with the general plan goals, policies, and implementation programs.

F. Adoption: Adoption of the zoning amendment by ordinance of the city council shall constitute final action and approval of the amendment. Authorization for construction or occupancy in accordance with the amendment may only be granted upon or after the effective date of the action. (Ord. 2013-___, __-__-2013)

9-2B-23: PREZONING:

A. Purpose: The purpose of prezoning is to establish the designation of land use by zoning district for unincorporated property adjoining the city, within the sphere of influence, prior to annexation.

B. Process: The method of accomplishing prezoning shall be the same as for zoning amendment as provided in section 9-2B-22, "Zoning Amendment", of this article. Such zoning shall become effective at the time annexation becomes effective. (Ord. 2013-___, __-__-2013)

9-2B-24: GENERAL PLAN AMENDMENT:

A. Purpose: The purpose of a general plan amendment is to allow for modifications to the general plan text (e.g., goals, policies, or implementation programs) or to change the general plan land use designation on any parcel(s).

B. Approval Authority: The designated approving authority for general plan amendments is the city council.

C. Frequency of Amendment: .There is no limit to the frequency of Amendments to the General Plan.

D. Initiation of Amendment: A general plan amendment may be initiated by the planning commission or city council, or by application by property owner(s) of parcel(s) to be affected by the general plan amendment. When an application is filed by a property owner (or authorized representative), the submittal requirements for applications of subsection 9-2A-5A, "Application Contents", of this chapter shall be observed. This includes a completed application on a form as prescribed by the planning director, any required information listed on the application form for the type of permit, an application fee as established by city council resolution, and any other relevant information as may be requested by the planning director in order to provide the designated approving authority with adequate information on which to base a decision.

E. Public Hearing and Notice: The city shall provide notice and a public hearing for the approval, modification, revocation, or appeal of an application for a general plan amendment in accordance with section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

F. Approval Findings: The city council may approve a general plan amendment upon finding that the amendment is in the public interest and that the general plan as amended will remain internally consistent.

G. Adoption: Adoption of the general plan amendment by the city council shall constitute final action and approval of the amendment. (Ord. 2013-___, __-__-2013)

CHAPTER 2:

PROCEDURES AND ENTITLEMENTS

ARTICLE C. NONCONFORMING USES, STRUCTURES, AND PROPERTIES

9-2C-1: PURPOSE AND APPLICABILITY:
9-2C-2: DECLARATION OF NONCONFORMING:
9-2C-3: CONTINUATION:
9-2C-4: MAINTENANCE:
9-2C-5: MODIFICATION AND EXPANSION:
9-2C-6: ABANDONMENT OR DISCONTINUANCE OF NONCONFORMING USE:
9-2C-7: RESTORATION OF DAMAGED USES AND STRUCTURES:
9-2C-8: NONCONFORMING SIGNS:

9-2C-1: PURPOSE AND APPLICABILITY:

This article establishes special regulations for nonconforming land uses and structures that were lawful before the adoption or amendment of this zoning code, but which would be prohibited, regulated, or restricted differently under the current terms of this zoning code or future amendments. It is the intent of these regulations to allow the continuation of nonconformities under limited conditions outlined herein and reconstruction in the event of natural disaster. (Ord. 2013-___, __-__-2013)

9-2C-2: DECLARATION OF NONCONFORMING:

A. Nonconforming Use: Any use that 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 article or any subsequent ordinance, shall be deemed to be a nonconforming use.

B. Nonconforming Structure: Any structure, including signs, that 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 article or any subsequent ordinance, shall be deemed to be a nonconforming structure.

C. Nonconforming Property: Any property or lot that is less than the minimum lot size required by this title, or has less than the minimum lot dimensions required by this title, shall be deemed to be a nonconforming property.

D. Legally Nonconforming: A use, structure, or property shall be deemed to be legal nonconforming if the use, structure, or property was legally established prior to the change in this title that made it nonconforming. (Ord. 2013-___, __-__-2013)

9-2C-3: CONTINUATION:

A. Use: A nonconforming use may continue to operate in perpetuity, be transferred, or be sold, provided that the use shall not be enlarged or intensified, nor be expanded to occupy a greater area than it lawfully occupied before becoming nonconforming. Likewise, plans for any use approved as of the date the ordinance codified in this chapter becomes effective may be carried out as approved. Any extension of such approval for which the applicant was entitled to apply as of the effective date may be granted according to the regulations in effect prior to the effective date; if granted, such extension will be considered the same as an approval granted before the effective date. The person asserting the nonconforming use must present evidence that the use existed before the enactment of the zoning code provision prohibiting the use.

B. Structure: A structure lawfully occupying a site on the effective date of this title, or of amendments hereto, which does not conform with the standards of coverage, front yard, side yards, rear yard, or distances between structures prescribed in the regulations for the district in which the structure is located shall be deemed to be a nonconforming structure and may be used and maintained, except as otherwise provided in this article.

C. Property: Except as otherwise provided in this article, a property or site having an area, frontage, width, or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was of record prior to the adoption of this title, and which had a legal area, frontage, width, and depth at the time that the subdivision map, deed, or contract of sale was recorded, may be used for any permitted use listed for the district in which the site is located, but shall be subject to all other regulations for such district. (Ord. 2013-___, __-__-2013)

9-2C-4: MAINTENANCE:

A nonconforming structure or site may be maintained or improved as follows:

A. Maintenance and Repair: A nonconforming structure may be maintained and repaired. Maintenance may include repair work necessary to keep the building or structure in sound condition, but maintenance shall not include the replacement of a building or structure.

B. Seismic Retrofitting and Building Code Compliance: Repairs, alterations, or reconstruction to reinforce unreinforced masonry structures or to comply with building code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards and the building code.

C. Safety Improvements: Structural alteration of a nonconforming structure to improve safety or to reduce fire hazard. (Ord. 2013-___, __-__-2013)

9-2C-5: MODIFICATION AND EXPANSION:

A. Use: A nonconforming use shall not be expanded or modified.

B. Structure: No nonconforming structure shall be altered, enlarged or reconstructed so as to increase the discrepancy between existing conditions and the standards of coverage, front

yard, side yards, rear yard, height of structure, or distances between structures prescribed in the regulations for the district in which the structure is located. No nonconforming structure shall be moved unless the new location shall conform to the standards prescribed in the regulations prescribed for the district in which the structure is located. (Ord. 2013-___, __-__-2013)

9-2C-6: ABANDONMENT OR DISCONTINUANCE OF NONCONFORMING USE:

A. Abandonment Or Discontinuance Generally: Whenever a nonconforming use has become abandoned or discontinued for a continuous period of twelve (12) months, the nonconforming use shall not be reestablished and the use of the site or structure thereafter shall be in conformity with the regulations for the district in which it is located; provided, however, that a similar type nonconforming use may be established within the twelve (12) month period. 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. Maintenance of a valid business license shall of itself 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.

It is the intent of this section to prohibit the addition of a new nonconforming use with functions and characteristics which clearly are different from those of the preexisting nonconforming use. The term "similar type" means similarity in type and intensity of operations or activities and shall not be construed so as to allow uses which would be more incompatible with conforming uses within the vicinity. As examples, one type of business use may be permitted to replace another type of business use, and one type of contracting service may be allowed to replace another type of contracting service; provided, that such uses are of same or less general intensity as to traffic generation and other operational characteristics associated with the previous nonconforming use.

B. Extension of Residential Uses In Nonresidential Zoning Districts: The city recognizes that there are existing single-family residential uses in nonresidential zoning districts. It is the intent of the city that, in the future, property owners will proceed with development of their property consistent with the general plan and this title at such time as they choose. Until such time, should an existing legal nonconforming single-family residential dwelling in a nonresidential zoning district become vacated for more than twelve (12) months, the dwelling may be reoccupied upon issuance of a temporary use permit as provided in section 9-2B-4, "Temporary Use Permit", of this chapter.

C. Extension of Nonconforming Period: A legal nonconforming use may be reestablished after twelve (12) months of discontinuance upon approval of a temporary use permit as provided in section 9-2B-14, "Conditional Use Permit", of this chapter. Approval of the conditional use permit shall be conditioned upon the physical improvement of the property to bring it into conformance with the requirements of the general plan and this title, including, but not limited to, necessary right of way dedications and streetscape improvements. (Ord. 2013-___, __-__-2013)

9-2C-7: RESTORATION OF DAMAGED USES AND STRUCTURES:

Whenever a nonconforming use or a nonconforming structure is damaged or destroyed by fire or other calamity, or by an act of God, or by public enemy, the following standards shall apply. The extent of damage to any structure shall be determined by the building official and shall be based upon the ratio of the estimated cost of restoring the use or structure to its condition prior to such damage to the estimated cost of duplicating the entire structure as it existed prior thereto.

A. Less Than Seventy Five Percent Damage: To the extent that less than seventy five percent (75%) of the structure is damaged or destroyed, the structure may be restored and the nonconforming use may be resumed, provided that restoration is started within one year and diligently pursued to completion.

B. At Least Seventy Five Percent Damage: To the extent that seventy five percent (75%) or more of the structure is damaged or destroyed, or shall be voluntarily razed, or shall be required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the nonconforming structure or use shall not be resumed. (Ord. 2013-___, __-__-2013)

9-2C-8: NONCONFORMING SIGNS:

Standards for nonconforming signs are provided in subsection 9-5F-2F, "Nonconforming Signs", of this title. (Ord. 2013-___, __-__-2013)

CHAPTER 3

ZONING DISTRICTS AND MAP

9-3-1: PURPOSE:
9-3-2: ZONING DISTRICTS ESTABLISHED:
9-3-3: MAP ESTABLISHED:

9-3-1: PURPOSE:

This chapter establishes the framework of zoning districts within the city of Lemoore and their relationships to the city's general plan land use categories. This chapter also establishes the zoning map as the official designation of zoning district boundaries. (Ord. 2013-___, __-__-2013)

9-3-2: ZONING DISTRICTS ESTABLISHED:

Zoning districts are established in order to classify, regulate, designate, and distribute the uses of land and buildings; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces around buildings; and to regulate the density of population.

The city of Lemoore is divided into zoning districts that are grouped into two (2) categories: a) base zoning districts, and b) overlay zoning districts. These districts conform to and implement the city's general plan land use categories as described in Table 9-3-2, "Zoning Districts", of this section. Chapter 4, "Use Regulations", of this title identifies the allowed uses and requirements for planning entitlements. Chapter 5, article B, "Development Standards By Zoning District", of this title identifies development standards unique to each zoning district.

A. Base Zoning Districts: The base zoning district is the primary zoning district that applies to a property. Every parcel throughout the city has a base zoning district that establishes the primary land use type, density, intensity, and site development regulations. Base districts are grouped into five (5) categories as follows:

1. Residential zoning districts;

2. Mixed use zoning districts;

3. Office, commercial, and industrial zoning districts;

4. Special purpose zoning districts; and

5. Specific plan zoning districts.

B. Overlay Zoning Districts: The overlay zoning districts function to supplement the base zoning district for one or more of the following purposes:

1. To allow more flexibility from the standard provisions of the underlying base zone;

2. When special provisions are needed to protect unique site features or implement location specific provisions; and/or

3. To specify a particular standard or guideline for an area.

In the event of a conflict between the regulations of the base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply.

TABLE 9-3-2
ZONING DISTRICTS

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented By Zoning District
Residential zoning districts:		
AR	Agriculture and rural residential. This district is designated for single-family detached residential development in areas with rural and semirural characteristics. Parcel sizes are greater than 40,000 square feet. Residential density is typically provided at 0.05 units per gross acre (1 unit per 20 acres), with a maximum density of 0.2 units per gross acre (1 unit per 5 acres).	Agriculture/rural residential
RVLD	Very low density residential. This district is designated to provide transition between semirural residential and single-family detached residential areas. Lot sizes are between 15,000 and 40,000 square feet. Residential density for this designation ranges from a minimum of 1 to a maximum 3 units per gross acre.	Very low density residential
RLD	Low density residential. This district is designated for single-family residential subdivisions at a range from a minimum of 3 to a maximum of 7 units per gross acre. Lot sizes range from 7,000 to 15,000 square feet.	Low density residential
RN	Traditional neighborhood residential. This district is designated for older, historic neighborhoods in central Lemoore and new development that is designed with similar characteristics. Development features single-family residential homes at a density range from a minimum of 7 to a maximum of 12 units per gross acre with lot sizes between a minimum of 3,600 and a maximum of 7,500 square feet. The fronts of homes are typically accessed from the public street, while garages and services (e.g., trash) are accessed from the rear of the lot via a public or	Low-medium density residential

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented By Zoning District
	private alley.	
RLMD	Low-medium density residential. This district is designated for higher density single-family residential development including small lot single-family, attached single-family and duplexes, triplexes, fourplexes, and townhomes. Typical residential density for this designation ranges from a minimum of 7 to a maximum of 12 units per gross acre. The lot sizes range from 3,000 to 7,000 square feet.	Low-medium density residential
RMD	Medium density residential. This district is designated for multi-family residential development, including apartments and townhomes. Development is typically 2 and sometimes 3 stories, with balconies, common area open space, and shared amenities. Residential densities range from a minimum of 12 to a maximum of 17 units per gross acre. Lot size to unit ratio is between 2,500 and 3,600 square feet.	Medium density residential
RHD	High density residential. This zoning district is designated for multi-family apartments and condominium development. Residential densities range from a minimum of 17 to a maximum of 25 units per gross acre. High density residential development is best suited along arterials and around the downtown. Lot size to unit ratio is between 1,700 and 2,500 square feet.	High density residential
Mixed use zoning districts:		
DMX-1	Downtown mixed use, core. This district comprises the historical center of the downtown. The district is designated for retail, commercial, professional office, second story residential, public, and institutional uses. Retail and restaurant uses are generally the primary use at the site. Where there is residential development, densities range between 12 and 20 units per gross acre.	Mixed use
DMX-2	Downtown mixed use, auto oriented. This district comprises the area of the downtown more oriented around the use of the automobile. The district is designated to facilitate the natural transition of the existing structures and uses to more intensive uses at the desire of the property owner. This district allows for retail, commercial, professional office, high density residential or live/work studios, public, and institutional uses. Where there is residential development, densities range between 12 and 17	Mixed use, low density residential, low-medium density residential, neighborhood commercial, professional

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented By Zoning District
	units per gross acre.	office, light industrial, community facilities
DMX-3	Downtown mixed use, transitional. This district comprises a combination of light office and low to medium density residential uses. The district is designated for a continuation of the current design pattern with enhancements in the level of architectural design and detailing. The DMX-3 zone completes the transition from the downtown to the surrounding residential properties by utilizing some of the building siting qualities of the adjacent residential development. This district allows for professional office and medium density residential, with small scale support commercial uses, as well as bed and breakfast. Where there is residential development, densities range between 3 and 17 units per gross acre.	Mixed use, low density residential, low-medium density residential, professional office, community facilities
MU	Mixed use. This district is designated to provide for retail, residential, office, business and personal services, public, and institutional uses in neighborhood oriented centers in a variety of mixed use configurations, such as ground floor commercial with residential or office uses above, or collocation of buildings with different single uses on a contiguous mixed use area. Development is pedestrian oriented to enhance street life and the vibrancy of neighborhoods. Residential density ranges from 8 to 20 units per gross acre.	Mixed use
Office, commercial, and industrial zoning districts:		
NC	Neighborhood commercial. This district is designated for small scale commercial uses that primarily provide convenience, personal services, and social services such as small scale retail, eating and drinking establishments, commercial recreation, and professional office as a secondary use. It is designed to foster a pedestrian setting along public streets.	Neighborhood commercial
RC	Regional commercial. This district is designated for large scale commercial development that serves local and regional needs. Sites are easily accessible from freeways and may contain a variety of goods and services, such as large format retail, department stores, eating and drinking establishments, hotels, and motels.	Regional commercial

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented By Zoning District
PO	Professional office. This district is designated for professional offices, which typically include administrative, financial, business, professional, medical, dental, and public uses. Churches and places for religious assembly and compatible multi-family housing also are allowed (density range from a minimum of 17 to a maximum of 25 units per gross acre). Complementary support services, such as business support services and restaurants, also are permitted.	Professional office
ML	Light industrial. This district is designated for manufacturing, warehousing, storage, distribution, sales, and services with ancillary commercial and office space. Freestanding retail stores are not permitted.	Light industrial
MH	Heavy industrial. This district is designated for manufacturing, refining, packaging, processing, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution uses, with support commercial services and ancillary office space. No retail uses are allowed.	Heavy industrial
Special purpose zoning districts:		
W	Wetlands. This district is designated for the preservation and protection of existing and recreated wetland areas; for the protection of wildlife, hydrological, and biological resources; and for the preservation of open space lands and natural protection areas.	Wetlands
AG	Agricultural. This district is designated solely for agricultural activities (e.g., crop production, animal keeping) on parcels larger than 40,000 square feet.	Agricultural
PR	Parks and recreation/ponding basin. This district is designated for improved and unimproved park facilities, including neighborhood, community, and regional parks; public golf courses; and recreational facilities that provide visual open space and serve the outdoor recreational needs of the community. Also includes ponding basins and other drainage facilities.	Parks/recreation greenway/ detention basin
CF	Public services and community facilities. This district is designated for lands owned by public entities, including schools, administrative offices, corporation yards, and public facilities,	Community facilities

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented By Zoning District
	including trash collection and solid waste facilities, sewage treatment ponds, and fire stations.	
Specific plan zoning districts:		
SP	Specific plan zoning district. This zoning district designates areas for master planning with unique zoning and design standards through adoption of a specific plan to govern development of land within the plan area. While the city does not currently have an adopted specific plan, the framework is provided for future use consistent with state law.	All
Overlay zoning districts:		
PUD	Planned unit development overlay zoning district. This district is applied to developments that are approved through the planned unit development (PUD) permit process. Through approval of a PUD, the designated approving authority may authorize modifications in development regulations such as setbacks, height, or density, consistent with the general plan, or may establish special design requirements, such as architectural detailing for structures.	All
NASL	Naval Air Station Lemoore overlay zone. This district is applied to lands generally west of State Highway 41 and south of the city limits within the military influence area of Naval Air Station Lemoore. The intent of this overlay is to recognize the potential adverse impacts on the population from Naval Air Station Lemoore and establish special development regulations to ensure public health, safety, and welfare.	All

(Ord. 2013-___, __-__-2013)

9-3-3: MAP ESTABLISHED:

The city council hereby adopts the city of Lemoore zoning map (hereafter referred to as the zoning map) as the official designation of zoning district boundaries on real property within the city. The zoning map shall be regulated as set forth below.

A. Incorporated By Reference: The zoning map is hereby incorporated into this zoning code by reference as though it were fully included.

B. Map Amendments: Amendments to the zoning map shall follow the zoning amendment process established in Chapter 2, Article B, "Planning Permits and Entitlements", of this title.

C. Relationship to General Plan and Other Plans: The zoning map shall implement and shall be consistent with the city's adopted general plan. The zoning map shall be specifically consistent with the general plan land use plan and the roadway sizing diagram, and any adopted specific plans, special planning areas, or master plans.

D. Zoning District Symbol: Zoning districts shall be illustrated on the zoning map as follows:

1. Each base zoning district shall be described on the zoning map by use of its identified zoning district symbol, as listed in Section 9-3-2, Table 9-3-2, "Zoning Districts", of this chapter.

2. Each specific plan zoning district shall be delineated with a name, number, symbol, or other delineation, as determined by the planning director, which distinguishes it from other special purpose zones, base zoning districts, or overlay zones. The assignment of the special purpose designation serves to provide a reference to the corresponding special purpose zoning document (e.g., specific plan) adopted by ordinance of the city council.

3. Overlay zoning districts shall be designated by their representative symbol in conjunction with the base zoning district in a format determined by the planning director (e.g., RLD-PUD).

E. Zoning Map Interpretation: If there is uncertainty about the location of any zoning district boundary shown on the zoning map, the precise location of the boundary shall be determined by the planning director as follows:

1. The boundaries of a zoning district shall be the centerlines of streets, alleys, railroad right of way, drainage channel, or other watercourse, or the parcel lines of real property, unless otherwise shown. Where a district's boundaries approximately follow centerlines or plot lines, those lines shall be interpreted as the district boundaries.

2. If a district boundary divides a parcel and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary shall be determined by using the scale appearing on the zoning map. Except as otherwise provided by this code through integrated development, each portion of the property shall be developed to the standards and allowed use provisions of the applied zoning district and any applied overlay zone(s).

3. Where the street layout on the ground or the parcel lines differ from such layout or lines shown on the zoning map, the planning director shall determine the exact boundary and the map shall be amended to conform to the layout on the ground.

4. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley shall be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley, unless the abandonment shifts from the centerline, which it will then follow. (Ord. 2013-___, __-__-2013)

CHAPTER 4

ARTICLE A. USE CLASSIFICATION SYSTEM

9-4A-1: PURPOSE:
9-4A-2: CLASSIFICATION OF LAND USES:
9-4A-3: ALLOWED LAND USES:
9-4A-4: TEMPORARY USES:
9-4A-5: DESCRIPTION OF LAND USES:

9-4A-1: PURPOSE:

The purpose of this article is to establish the system for classifying land uses within the city. This article defines the various land uses referred to elsewhere in this chapter. (Ord. 2013-___, __-__-2013)

9-4A-2: CLASSIFICATION OF LAND USES:

Land uses listed in this article and throughout this title have been grouped into general categories on the basis of common function, product, or compatibility characteristics. These allowed use categories are called use classifications. Use classifications describe one or more uses having similar characteristics but do not list every use or activity that may appropriately be within the classification. Each land use is described in article B, "Allowed Uses and Required Entitlements", of this chapter.

A. The following rules apply to use classifications:

1. Special Use Regulations: Additional use regulations for special land uses are listed in article D, "Special Use Standards", of this chapter.

2. Uses Not Listed: Land uses that are not listed in the zoning district tables are not allowed, except as otherwise provided for in this title.

3. Illegal Uses: No use that is illegal under local, state, or federal law shall be allowed in any zoning district within the city.

4. Specific Plan Zoning District: When a property is located within a specific plan zoning district, the allowed use provisions of that specific plan zoning district shall govern. If a specific plan zoning district refers back to, utilizes, or defers to one or more of the city's base zoning districts, the allowed use provisions in those base zoning districts shall apply. If there are any conflicts between a base zoning district and a specific plan zoning district, the specific plan zoning district shall prevail. See chapter 8, "Specific Plan Zoning Districts", of this title for more information.

5. Overlay Zoning District: When a property is located within an overlay zoning district, the allowed use provisions of that overlay zoning district shall prevail. When an overlay

zoning district is silent on allowed use provisions, it defers the allowed use provisions to the base zoning district. Only where there is a conflict do the overlay zoning district 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 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. (Ord. 2013-___, __-__-2013)

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. 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.

D. 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. 2013-___, __-__-2013)

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 chapter. Rather, the provisions of article C, ñTemporary Usesò, of this chapter provide the regulations for these uses, including development standards and time limits. Temporary uses may be listed in section 9-4B-2, table 9-4B-2 of this chapter as a convenience to the reader, but allowed use provisions are not listed; a reference to article C of this chapter is provided in its place. (Ord. 2013-___, __-__-2013)

9-4A-5: DESCRIPTION OF LAND USES:

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

A. "A" Definitions:

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

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

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

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

ALCOHOLIC BEVERAGE SALES, OFF SITE: The retail sale of beer, wine, and/or other alcoholic beverages for off premises consumption.

ALCOHOLIC BEVERAGE SALES, ON SITE: See "bar/nightclub" and "restaurant".

AMBULANCE SERVICE: Emergency medical care and transportation, including incidental storage and maintenance of vehicles.

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

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

ANIMAL SALES AND GROOMING: Retail sales of domestic and exotic animals, bathing and trimming services, and boarding of said animals for a maximum period of seventy two

(72) hours conducted entirely within an enclosed building with no outdoor use. Grooming as part of a veterinary facility is included under that use listing.

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

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

ASSEMBLY USES: Include any of the following uses:

1. Meeting facilities for organizations including facilities for business associations, civic, social, and fraternal organizations, labor unions and similar organizations, political organizations, professional membership organizations, and other membership organizations;

2. Churches and other religious institutions, including living quarters for ministers and staff, but excluding other establishments maintained by religious organizations such as educational institutions and daycare, which are separately regulated; and

3. Community centers and other multipurpose meeting and recreational facilities that include one or more meeting or multipurpose facilities, kitchens, and outdoor barbecue facilities available for use by various groups for meetings, parties, receptions, dances, etc.

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

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

AUTO AND VEHICLE SALES, WHOLESALE: Wholesale establishments selling new and used vehicles and used vehicle parts. This use is normally developed as part of an auto wrecking, junkyard, or salvage yard. Conventional automobile dealerships are listed under auto and vehicle sales and rental.

AUTO AND VEHICLE STORAGE: Facilities for the storage of operative and inoperative vehicles for limited periods of time. Includes, but is not limited to, storage of towed vehicles, impound yards, and storage lots for automobiles, trucks, buses, and recreation vehicles. Does not include vehicle dismantling (see "auto vehicle dismantling") or retail sales (see "auto and vehicle sales").

AUTO PARTS SALES: Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "vehicle services"). Does not include tire recapping establishments, which are found under "vehicle services - major" or businesses dealing exclusively in used parts, which are included under "auto and vehicle sales, wholesale".

AUTO VEHICLE DISMANTLING: Establishment for the dismantling of automobile vehicles, including the dismantling or wrecking of automobiles or other motor vehicles, and/or the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking. Retail sales are included under the definition of "auto and vehicle sales, wholesale".

B. "B" Definitions:

BANKS AND FINANCIAL SERVICES: Financial institutions such as banks and trust companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, and investment companies. Also includes automated teller machines (ATM).

BAR/NIGHTCLUB: Any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (e.g., music and/or dancing, comedy) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include the brewing of beer as part of a brewpub or microbrewery. Bars and nightclubs may include outdoor food and beverage areas consistent with the standards of this title and state regulations. This use specifically includes on site sales of alcohol.

BED AND BREAKFAST INN: Residential structures with one family in permanent residence with up to five (5) bedrooms rented for overnight lodging, where meals may be provided subject to applicable health department regulations. A bed and breakfast inn with more than five (5) guestrooms is considered a hotel or motel and is included under the definition of "hotel and motel".

BROADCASTING AND RECORDING STUDIO: Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of "telecommunication facility".

BUILDING MATERIALS STORE/YARD: Retail establishments selling lumber, steel, and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, and fixtures. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready mix concrete operations. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "storage, warehouse" and "wholesaling and distribution". Hardware stores are listed in the definition of "retail, general", even if they sell some building materials.

BUS AND TRANSIT SHELTER: A small structure designed for the protection and convenience of waiting transit passengers and that has a roof and usually two (2) or three (3) sides.

BUSINESS SUPPORT SERVICES: Establishments primarily within buildings, providing other businesses with services such as maintenance, repair and service, testing, rental, etc. Support services include, but are not limited to:

1. Equipment repair services (except vehicle repair, see "vehicle services");
2. Commercial art and design (production);
3. Computer related services (rental, repair);
4. Copying, quick printing, and blueprinting services (other than those defined as "printing and publishing");
5. Equipment rental businesses within buildings (rental yards are defined under "storage, yard");
6. Film processing laboratories;
7. Heavy equipment repair services where repair occurs on the client site;
8. Janitorial services;
9. Mail advertising services (reproduction and shipping);
10. Mailbox services and other heavy service business services;
11. Outdoor advertising services; and
12. Photocopying and photofinishing.

C. "C" Definitions:

CALL CENTER: An office equipped to handle a large volume of calls, especially for taking orders or servicing customers.

CAR WASHING AND DETAILING: Permanent, drive-through, self-service, and/or attended car washing establishments, including fully mechanized facilities and detailing services. Temporary car washes (e.g., fundraising activities generally conducted at a service station or other automotive related business, where volunteers wash vehicles by hand, and the duration of the event is limited to 1 day) are not part of this use classification.

CARD ROOM: A gambling establishment that offers card games for play by the public.

CARETAKER HOUSING: A permanent residence that is accessory to a site with a nonresidential primary use and that is needed for security, twenty four (24) hour care or supervision, or monitoring of facilities, equipment, or other conditions on the site.

CEMETERY/MAUSOLEUM: Land used for the burial of the dead, and dedicated for cemetery purposes, including columbaria and mausoleums.

CHECK CASHING BUSINESS: An establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving a similar purpose. Also includes establishments primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks. This classification does not include a state or federally chartered bank, savings association, credit union or similar financial institution (see "banks and financial services").

CHILD DAYCARE FACILITY: Facility that provides nonmedical care and supervision of minor children for periods of less than twenty four (24) hours for an individual child. These facilities include the following, all of which are required to be licensed by the state:

1. Child Daycare Center: Commercial or nonprofit child daycare facility operated outside of a

home, typically able to accommodate fifteen (15) or more children, including infant centers, preschools, sick child centers, daycare centers, and school age daycare facilities. These may be operated in conjunction with a school or church facility, apartment complex, or as an independent land use. Also includes employer sponsored childcare centers.

2. Family Daycare Home, Large: A single-family residence that provides daycare for seven (7) to fourteen (14) children, inclusive, including children under the age of ten (10) years who reside at the home. This description is consistent with section 1596.78 of the Health and Safety Code.

3. Family Daycare Home, Small: A single-family residence that provides daycare for eight (8) or fewer children, including children under the age of ten (10) years who reside at the home. Per state law, these uses may not be regulated differently than single-family dwellings. This description is consistent with section 1596.78 of the Health and Safety Code.

COMMUNITY FOOD BANK: Any place where food is served or dispensed and the operation is conducted as a nonprofit, charitable operation, including mission food banks, soup kitchens, church organization food outlets, and charitable rehabilitation centers.

COMMUNITY GARDEN: A site used for growing plants for food, fiber, herbs, or flowers, which is shared and maintained by city residents or as part of a co-op.

CONSIGNMENT STORE: A retail store where goods are placed on "consignment", which is the act of placing goods in the hands of another, while still retaining ownership, until the goods are sold.

CONSTRUCTION YARD/STORAGE SHED: The temporary storage of materials and equipment, including the use of storage sheds, as part of a construction project. Construction yards/storage sheds are considered temporary uses regulated by article C, "Temporary Uses", of this chapter.

CONVENIENCE STORE: Easy access retail stores of five thousand (5,000) square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a fueling station or an independent facility. Larger stores or stores oriented toward the daily shopping needs of residents are separately defined as "neighborhood market" and "grocery store/supermarket".

COTTAGE FOOD OPERATION: An enterprise at a private home where specific food products defined by the California Department of Public Health as ñon-potentially hazardousò are prepared and/or packaged for sale to consumers.

CREMATORY: An establishment or furnace that cremates dead human bodies.

CROP PRODUCTION: Raising and harvesting of plants, tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing. Includes horticulture establishments engaged in the cultivation of flowers, fruits, vegetables, or ornamental trees and shrubs for wholesale and incidental retail sales. This classification includes agricultural buildings accessory to such uses and roadside stands for display/sale of agricultural products grown on the premises. Excludes uses for which other garden, nursery, or landscape merchandise are stored and sold on the site.

D. "D" Definitions:

DRIVE-IN AND DRIVE-THROUGH SALES AND SERVICE: Facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast food restaurants, drive-through coffee, dairy products, photo stores, etc.

DWELLING, MULTI-FAMILY: A building designed and intended for occupancy by three (3) or more families living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord (e.g., apartment, apartment house, townhouse, condominium).

DWELLING, SECOND UNIT: An attached or detached dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation sited on the same parcel as the primary dwelling unit. This definition includes granny flats.

DWELLING, SINGLE-FAMILY: A building designed exclusively for occupancy by one family on a single lot. This classification includes factory built, modular housing units constructed in compliance with the city adopted building code and mobilehomes/manufactured housing on permanent foundations[1], and model homes for the first sale of homes within the subdivision.

DWELLING, TWO-FAMILY: An attached building (e.g., duplex, halfplex) designed for occupancy by two (2) 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".

E. "E" Definitions:

EMERGENCY SHELTER: Any facility, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for specific populations of the homeless.

EMPLOYEE HOUSING: Consistent with Health and Safety Code section 17008, property used temporarily or seasonally (not more than 180 days in any calendar year[2]) for the residential use of unrelated persons/families employed to perform agricultural or industrial labor either on or off site of agricultural activities. The accommodations may consist of any living quarters, dwelling, boarding house, tent (only temporary occupancy), bunkhouse (only temporary occupancy), mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations maintained in one or more buildings, or one or more sites, and the premises upon which they are situated, including area set aside for parking of mobilehomes or camping of employees by the employer. Employee housing may also involve permanent residency if the housing accommodation is a mobilehome, manufactured home, travel trailer, or recreational vehicle. Specifically, there are two (2) types of employee housing as follows:

1. Employee Housing, Large: Employee housing that serves more than six (6) employees and consists of no more than thirty six (36) beds in group quarters or twelve (12) units or spaces designed for use by a single family or household.

2. Employee Housing, Small: Employee housing that serves six (6) or fewer employees.

ENTERTAINMENT AND ASSEMBLY EVENTS: The temporary gathering of people, either out of doors or within a structure, for entertainment or assembly events in a way that deviates or is in addition to the common use of the property on a day to day basis. Examples include, but are not limited to, carnivals, concerts, and fairs. Entertainment and assembly events are considered temporary uses regulated by article C, "Temporary Uses", of this chapter.

EQUESTRIAN FACILITY, COMMERCIAL: Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals, and paddocks accessory and incidental to these uses.

EQUESTRIAN FACILITY, HOBBY: Stables, corrals, and paddocks used by the individual homeowners of corresponding property and their animals.

EQUIPMENT SALES AND RENTAL: Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental (e.g., construction equipment).

F. "F" Definitions:

FARMERS' MARKET: The temporary sale of farm fresh produce and other goods. Farmers' markets are generally held out of doors in public spaces and are considered temporary uses regulated by article C, "Temporary Uses", of this chapter. For permanent uses, see "convenience store", "neighborhood market", or "grocery store/supermarket".

FREIGHT YARD/TRUCK TERMINAL: Transportation establishments furnishing services incidental to air, motor freight, and rail transportation including freight forwarding services, freight terminal facilities, joint terminal and service facilities, packing, crating, inspection, and weighing services, postal service bulk mailing distribution centers, transportation arrangement services, truck repair, truck terminals, trucking facilities including transfer and storage.

FUEL STORAGE AND DISTRIBUTION: A large scale facility where fuel (such as propane and gasoline) is stored and distributed without retail sales.

FUELING STATION: A retail business selling gasoline, diesel, or other motor vehicle fuels. Vehicle services which are incidental to fuel services are included under "vehicle services - minor".

G. "G" Definitions:

GARAGE/YARD SALE: A temporary sales event associated with a residential use. Garage/yard sales are considered temporary uses regulated by article C, "Temporary Uses", of this chapter.

GARDEN CENTER/PLANT NURSERY: Establishments providing for the cultivation and sale of trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment.

GATED RESIDENTIAL COMMUNITY: Any single-family or multi-family development that is

gated and restricts public access into the development.

GROCERY STORE/SUPERMARKET: A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. These full service businesses do not typically have limited hours of operation.

GROUP RESIDENTIAL: Shared living quarters without separate kitchen and/or bathroom facilities for each room or unit. This classification includes residential hotels, dormitories, fraternities, sororities, convents, rectories, and private residential clubs but does not include living quarters shared exclusively by a family. This category includes "boarding houses", which are defined as a building other than a hotel or restaurant where meals or lodging or both meals and lodging are provided for compensation for four (4) or more persons.

GUESTHOUSE: A detached structure accessory to a single-family dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.

H. "H" Definitions:

HELIPORT: A facility, other than an emergency medical services (EMS) landing site as defined in the California Code of Regulations title 21 section 3527, for the landing and takeoff of one or more helicopters. Such facilities may include, but are not limited to, and are not required to have, the following: designated marked landing areas; storage structure(s) and/or tie downs; refueling facilities; and other support services. This use listing specifically includes agricultural heliports, public use heliports, heliports at hospitals, personal use heliports, and temporary helicopter landing sites, all as defined in California Code of Regulations title 21 section 3527.

HOME OCCUPATION: The conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property. Examples include, but are not limited to, accountants, financial advisors, architects, artists, attorneys, notaries, offices for construction businesses (without equipment or material storage), gardening service, and real estate sales.

HOOKAH PARLOR: Any facility or location whose business operation, whether as its primary use or as an accessory use, is denoted by the smoking of tobacco or other substances through one or more pipes (commonly known as a hookah, waterpipe, shisha, or narghile) designed with a tube passing through an urn of water that cools the smoke as it is drawn through it, including, but not limited to, establishments known variously as hookah bars, hookah lounges, or hookah cafes. Hookah parlors are prohibited in all zoning districts.

HOTEL AND MOTEL: Facility with guestrooms or suites, provided without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guestrooms from an interior walkway and typically include a variety of services in addition to lodging, for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guestrooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc. Hotels and motels that provide full kitchen facilities are listed under "group residential".

HOUSEHOLD PET: The keeping, primarily for a personôs company, of birds, cats, dogs,

chickens, or pot bellied pigs. The definition also includes and other small, caged animals that do not generate odor of noise that is noticeable at the site property line. The definition specifically does not include roosters.I. "I" Definitions:

INDOOR AMUSEMENT/ENTERTAINMENT FACILITY: Establishments providing indoor amusement and entertainment services for a fee or admission charge, including dance halls and ballrooms, and electronic game arcades, as primary uses. Four (4) or more electronic games or coin operated amusements in any establishment, or a premises where fifty percent (50%) or more of the floor area is occupied by amusement devices, are considered an electronic game arcade; three (3) or less machines are not considered a land use separate from the primary use of the site.

INDOOR FITNESS AND SPORTS FACILITY: Predominantly participant sports and health activities conducted entirely within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice/roller skating rinks, indoor racquetball courts, indoor climbing facilities, soccer areas, gymnastic studios, athletic clubs, and health clubs.

INTERIM AGRICULTURAL USE: The use of property for crop production or other agricultural use on a temporary basis until such time as it is economically viable to develop the property to the highest and best use as defined by the general plan. Interim agricultural uses are considered temporary uses regulated by article C, "Temporary Uses", of this chapter. These uses involve commercial agricultural operations, including aspects such as mechanized commercial equipment, and are different from community based operations described in community gardens.

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

K. "K" Definitions:

KENNEL: Facility providing for the boarding of animals as the primary use of the facility. May also include daytime boarding and activity for animals (e.g., "doggie daycare") and ancillary grooming facilities. A kennel as part of a veterinary facility is included under that use listing.

L. "L" Definitions:

LIBRARY/MUSEUM: Public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums.

LIVE-WORK FACILITY: A structure or portion of a structure:

1. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household;

2. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and

3. Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

M. "M" Definitions:

MAINTENANCE AND REPAIR OF SMALL EQUIPMENT: Establishments providing on site repair and accessory sales of supplies for appliances, office machines, home electronic/mechanical equipment, bicycles, tools, or garden equipment, conducted entirely within an enclosed building. This classification does not include maintenance and repair of vehicles.

MANUFACTURED HOME: See "dwelling, single-family".

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

MANUFACTURING, MINOR: Manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be noxious to persons conducting business on site or on an adjacent site. Uses include, but are not limited to, furniture manufacturing and cabinet shops, laundry and dry cleaning plants, metal products fabrication, and food and beverage manufacturing (e.g., raw milk processed to cheese).

MANUFACTURING, SMALL SCALE: Establishments manufacturing and/or assembling small products primarily by hand, including, but not limited to, jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

MASSAGE THERAPY: Establishment where customers can receive a massage. See specific use regulations in title 4, chapter 7, "Massage Establishments and Therapists", of the municipal code.

MEDICAL MARIJUANA CULTIVATION - COLLECTIVE OR COOPERATIVE: The indoor growing and cultivating of marijuana by a group of medical marijuana cardholders or their caregivers, without any compensation being given to anyone, within an enclosed building in the light industrial zone district. All persons who associate together for the collective or cooperative cultivation must participate in the cultivation and the cultivation must occur solely among members of the association. No employees, independent contractors, or other persons may be utilized for the cultivation. No member may compensate any other member to cultivate on his/her behalf. This type of cultivation shall be subject to requirements of title 4, chapter 8 of the municipal code.

MEDICAL MARIJUANA CULTIVATION - PERSONAL USE: The indoor growing and cultivating of marijuana within a private residence, in an attached garage, or in an accessory building if the property is a detached single-family residence by an individual qualified patient or person with a medical marijuana identification card. A primary caregiver shall only cultivate medical marijuana at the residence of a qualified patient or person with an identification card for whom he/she is the primary caregiver. Medical marijuana cultivation for personal use shall be subject to requirements of title 4, chapter 8 of the municipal code.

MEDICAL MARIJUANA DISPENSARY: Any facility or location, whether fixed or mobile, where medical marijuana is made available to, distributed by, or distributed to more than three (3) of the following: 1) a qualified patient, 2) a person with a medical marijuana identification card, or 3) a primary caregiver. All three (3) of these terms are defined in strict accordance with California Health and Safety Code sections 11362.5 and 11362.7 et seq. Unless otherwise regulated by this code or applicable law, a "medical marijuana dispensary" shall not include the following uses: a clinic licensed pursuant to chapter 1 of division 2 of the Health and Safety Code, a healthcare facility licensed pursuant to chapter 2 of division 2 of the Health and Safety Code, a residential care facility for persons with chronic life threatening illness licensed pursuant to chapter 3.01 of division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to chapter 3.2 of division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to chapter 8 of division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code sections 11362.5 and 11362.7 et seq. Medical marijuana dispensaries where medical marijuana is distributed by, distributed to, or made available to any combination of three (3) or more qualified patients, persons with an identification card, or primary caregivers as defined by California Health and Safety Code section 11362.5 et seq., are prohibited in all zone districts.

MEDICAL SERVICES: Facilities that provide medical services as further defined as follows:

1. Extended Care: Residential facilities providing nursing and health related care as a primary use with inpatient beds, such as board and care homes, convalescent and rest homes, extended care facilities, and skilled nursing facilities. Long term personal care facilities that do not include medical treatment are included under "residential care homes" and "residential care facilities".

2. General: Facility primarily engaged in providing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including medical and dental laboratories, medical, dental and psychiatric offices, optometrist, outpatient care facilities, and other allied health services. Counseling services by other than medical doctors or psychiatrists are included under "office, business and professional".

3. Hospital: Hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment (with overnight stay capabilities), including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete healthcare, and may include on site accessory clinics and laboratories.

MOBILEHOME: See "dwelling, single-family".

MOBILEHOME PARK: Consistent with Government Code section 65852.7, any site that is planned and improved to accommodate two (2) or more mobilehomes used for residential purposes, or on which two (2) or more mobilehome lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobilehomes used for residential purposes.

MORTUARY/FUNERAL HOME: Funeral homes and parlors, where the deceased are

prepared for burial or cremation and funeral services may be conducted. (Ord. 2012-01, 4-17-2012; amd. Ord. 2012-05, 11-20-2012)

N. "N" Definitions:

NEIGHBORHOOD MARKET: A pedestrian oriented grocery/specialty market store offering food products packaged for preparation and consumption away from the site of the store and oriented to the daily shopping needs of surrounding residential areas. Neighborhood markets are less than fifteen thousand (15,000) square feet in size and operate less than eighteen (18) hours per day. For larger stores, see "grocery store/supermarket". Neighborhood markets may include deli or beverage tasting facilities that are ancillary to the market/grocery portion of the use.

O. "O" Definitions:

OFFICE, ACCESSORY: Offices that are incidental and accessory to another business or sales activity that is the primary use. Incidental offices that are customarily accessory to another use are allowed as part of an approved primary use. The qualification criteria for this definition is that the floor area of the accessory office use shall not exceed twenty five percent (25%) of the total tenant floor area.

OFFICE, BUSINESS AND PROFESSIONAL: This use listing includes offices of administrative businesses providing direct services to consumers (e.g., insurance companies, utility companies), government agency and service facilities (e.g., post office, civic center), professional offices (e.g., accounting, attorneys, employment, public relations), and offices engaged in the production of intellectual property (e.g., advertising, architectural, computer programming, photography studios). This use does not include medical offices (see "medical services"), temporary offices, or offices that are incidental and accessory to another business or sales activity that is the primary use (see "office, accessory"). These facilities typically operate during normal business hours, Monday through Friday, seven o'clock (7:00) A.M. to six o'clock (6:00) P.M.

OUTDOOR COMMERCIAL RECREATION: Facility for various outdoor participant sports and types of recreation where a fee is normally charged for use, including, but not limited to, amphitheaters, amusement and theme parks, golf courses, golf driving ranges, health and athletic club outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, racetracks, swim and tennis clubs, tennis courts, water slides, and zoo.

P. "P" Definitions:

PARK AND RIDE FACILITY: A designated area where a vehicle may be left in order to carpool with other commuters or to ride public transit.

PARK/PUBLIC PLAZA: Public parks including playgrounds and athletic fields/courts and public plazas and outdoor gathering places for community use. If privately owned and restricted to the public (e.g., require payment of fee), the same facilities are included under the definition of "outdoor commercial recreation".

PARKING FACILITY: A parking lot or parking structure used for parking motor vehicles where the facility is the primary use of the site. Parking structures and lots that are developed in conjunction with another primary use of the site to satisfy the onsite parking

requirements for the development are not included in this definition.

PAWNSHOP: Any room, store, building, or other place in which the business of pawn brokering, or the business of lending money upon personal property, pawns or pledges, or the business of purchasing articles from vendors or their assignees at prices agreed upon at or before the time of such purchase, is engaged in, carried on, or conducted.

PERSONAL SERVICES: Establishments providing nonmedical services as a primary use, including, but not limited to, barber and beauty shops, clothing rental, day spas (excluding massage therapy), dry cleaning stores with limited on site cleaning (see "manufacturing, minor" for larger operations), home electronics and small appliance repair, laundromats (self-service laundries), shoe repair shops, and tailors. These uses may also include accessory retail sales of products related to the services provided, and tanning salons.

PRINTING AND PUBLISHING: Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying, and other establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books, and periodicals, and establishments manufacturing business forms and binding devices. Does not include quick printing services or desktop publishing, which are included in "business support services".

PUBLIC SAFETY FACILITY: Facility operated by public agencies including fire stations, other fire prevention and firefighting facilities, and police and sheriff substations and headquarters, including interim incarceration facilities. (Ord. 2012-01, 4-17-2012; amd. Ord. 2012-04, 8-7-2012)

Q. "Q" Definitions: Reserved for future use.

R. "R" Definitions:

RECREATIONAL VEHICLE PARK: A site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tent trailers. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve park patrons only. These facilities are not intended for long term stay or residency.

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. 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 section 14500 et seq., a recycling collection facility shall be located within a one-half ($^1/_2$) mile radius of a grocery store (referred to as the convenience zone under section 14509.4).

RECYCLING FACILITY - PROCESSING: A recycling facility located in a building or enclosed space and used for the collection and processing of recyclable materials. "Processing" means the preparation of material for efficient shipment or to an end user's specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Collection of recycling materials as the sole activity is included in the definition of "recycling facility - collection".

RECYCLING FACILITY - SCRAP AND DISMANTLING: Uses engaged in the assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials. This use does not include landfills or other terminal waste disposal sites. Also see "auto vehicle dismantling" for related use for automobiles. These facilities may also be used for collection of recycling materials where the collection is incidental to the scrap and dismantling operation.

RESEARCH AND DEVELOPMENT: Indoor facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes, but is not limited to, chemical and biotechnology research and development. Does not include computer software companies (see "office, business and professional"), soils and other materials testing laboratories (see "business support services"), or medical laboratories (see "medical services, general").

RESIDENTIAL CARE FACILITY: Consistent with the definitions of state law[3], a residential care facility is a facility that provides twenty four (24) hour nonmedical care for more than six (6) persons eighteen (18) years of age or older, or emancipated minors, with chronic, life threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California.

RESIDENTIAL CARE HOME: Consistent with the definitions of state law[4], a residential care home is a home that provides twenty four (24) hour nonmedical care for six (6) or fewer persons eighteen (18) years of age or older, or emancipated minors, with chronic, life threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California. Per state law, these uses may not be regulated differently than single-family dwellings. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of "medical services, extended care".

RESOURCE PROTECTION AND RESTORATION: Activities and management of an area to preserve, re-create, and enhance natural resource such as fish and wildlife habitat, rare and endangered plants, vernal pools, erosion control, wetlands, and floodwater conveyance.

RESOURCE RELATED RECREATION: Facility related to passive recreation in open space areas including bicycle and pedestrian trails, picnic areas, parking areas, and interpretive centers.

RESTAURANT: A retail business selling food and beverages prepared and/or served on the site, for on or off premises consumption, from a permanent structure. Includes eating establishments where customers are served from a walk-up ordering counter for either on or off premises consumption and establishments where most customers are served food at tables for on premises consumption, but may include providing food for takeout. Also includes coffeehouses and accessory cafeterias as part of office and industrial uses. This use specifically includes on site sales of alcohol.

RETAIL, ACCESSORY: The retail sales of various products (including food service) in a store or similar facility that is located within a healthcare, hotel, office, or industrial complex. These uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, office, and industrial complexes. This use category also includes retail associated with industrial uses for the products sold, distributed, or manufactured on site. Such retail area shall not exceed twenty five percent (25%) of the total square footage for each tenant space.

RETAIL, GENERAL: The retail sales of merchandise not specifically listed under another use classification. This classification includes department stores; drugstores; furniture, furnishings, and appliance stores; dry goods; clothing stores; fabric and sewing supplies; home improvement supplies; florists (except that nurseries are separately defined); and businesses retailing goods such as the following: toys, hobby materials, handcrafted items, jewelry, cameras and electronic equipment, audio and video sales and rental, sporting goods, kitchen utensils, art supplies, and similar activities.

RETAIL, WAREHOUSE CLUB: Retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

S. "S" Definitions:

SCHOOL: A facility that provides for the education and/or training of individuals or groups as further defined as follows:

1. Academic - Private and Charter: Any privately owned and operated elementary school, middle school, secondary school, high school, or other institution providing academic instruction for students from kindergarten through twelfth grade. This listing also includes a private school operating under a charter from the local school district and not managed directly by the governing body of the public school district (e.g., school board).

2. Academic - Public: Public elementary schools, middle schools, secondary schools, high schools, and any other public school providing academic instruction for students from kindergarten through twelfth grade.

3. Colleges and Universities - Private: Any privately owned college or university, including medical schools, law schools, and other instruction of higher education, including dorms, offices, facility maintenance yards, offices, and similar supportive functions.

4. Colleges and Universities - Public: Public community colleges, colleges, and universities, including dorms, offices, facility maintenance yards, offices, and similar supportive functions.

5. Equipment/Machinery/Vehicle Training: Facilities and programs for training students in the

repair and maintenance of various equipment, machinery, and vehicles which tend to have a more industrial nature to them. Examples include, but are not limited to, maintenance of business equipment and consumer products (e.g., computers and other electronic equipment, appliance repair, upholstery and furniture repair), trade schools (e.g., metal work/welding), and vehicle repair and maintenance (e.g., repair, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, motorcycles, trucks, recreational vehicles, boats, and other vehicles).

6. Specialized Education and Training/Studios: Specialty schools for instructing and training students in a variety of specialized programs, including, but not limited to, the following:

a. Computers and electronics training schools;

b. Drama schools;

c. Driver educational schools;

d. Language schools;

e. Music schools;

f. Professional, vocational, and trade schools of a nonindustrial nature (e.g., culinary, cosmetology, arts and media, accounting and finance, health and dental including nursing, legal, psychology, and technology); and

g. Studio style facilities including, but not limited to, dance/ballet, art, photography, yoga, martial arts (e.g., karate, kung fu, judo, tae kwon do, jujitsu), and fitness studios other than "indoor fitness and sports facilities".

SEASONAL SALE: The retail sale of goods related to seasonal holidays, including, but not limited to, Christmas tree sales, pumpkin sales, and fireworks stands.

SEMIPERMANENT MOBILE FOOD VEHICLE: Any vehicle as defined in section 670 of the California Vehicle Code, which is equipped and used for retail sales of prepared, prepackaged, or unprepared, unpackaged food or foodstuffs of any kind that parks for more than twenty (20) minutes daily for more than fourteen (14) days in one calendar year at one or more locations within the city. For the purposes of this title, a mobile food vehicle shall also include any trailer or wagon equipped and used as described in this definition and pulled by a vehicle. Excluded from this category are:

1. Any person engaged in vending conducted in connection with:

a. The operations of a state certified farmers' market,

b. An event authorized by a special event permit or other permit or entitlement issued by the city of Lemoore, such as an authorized street fair, or

c. An event at a sports complex, little league facility, school facility, or recreational facility if the vendor is in partnership with the organization conducting the event and is located on the site of the event; or

2. Any person not exceeding the time thresholds listed in the first sentence of this definition.

SEXUALLY ORIENTED BUSINESS: Any business that, for any form of consideration, as a regular and substantial portion of conduct, offers its patrons products, merchandise, services, or entertainment that, because of its sexually explicit nature, may, pursuant to state law or local regulatory authority, be offered only to persons over the age of eighteen (18) years. A regular and substantial portion of conduct shall mean that either: 1) fifteen percent (15%) or more of the business's gross revenue is derived from merchandise, services, or entertainment that is of a sexually explicit nature; or 2) fifteen percent (15%) or more of the floor space of the area of the building open to the public is used for the display of products, merchandise, services, or entertainment that is of a sexually explicit nature. Examples include, but are not limited to, the following:

1. Adult Bookstore: An establishment that has fifteen percent (15%) or more of its stock in books, magazines, periodicals, or other printed matter, or of photographs, films, motion pictures, videocassettes, slides, tapes, records, or other form of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and/or specified anatomical areas as defined in this title.

2. Adult Cabaret: An establishment that, for any form of consideration, as a regular and substantial course of conduct presents live performances that are characterized by an emphasis upon specified sexual activities (as defined in this title) or feature any seminude person.

3. Adult Hotel/Motel: A hotel or motel or similar business establishment offering public accommodations for any form of consideration which: a) provides patrons with closed circuit television transmissions, films, computer generated images, motion pictures, videocassettes, slides, or other photographic reproductions fifteen percent (15%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined in this title); and b) rents, leases, or lets any room for less than a six (6) hour period, or rents, leases, or lets any single room more than twice in a twenty four (24) hour period.

4. Adult Motion Picture Theater: An establishment that, for any form of consideration, as a regular and substantial course of conduct offers to show films, computer generated images, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas as defined in this title.

5. Adult Retail Store: An establishment that, for any form of consideration, as a regular and substantial course of conduct (15 percent or more of the stock) offers for sale, rent, or viewing either adult entertainment material, adult entertainment merchandise, or both.

SINGLE ROOM OCCUPANCY (SRO) FACILITY: A room or efficiency unit, as defined by Health and Safety Code section 17958.1, intended or designed to be used, or which is used, rented, or hired out, to be occupied, or which is occupied, as a primary residence, by guests. It is a multi-unit housing facility that typically consists of a single room and shared bath. It may also include a shared common kitchen and common activity area. SROs may be restricted to seniors or be available to persons of all ages. Dormitories are separately defined under "group residential".

SMOKE SHOP: An establishment that either devotes more than fifteen percent (15%) of its total floor area to smoking, drug, and/or tobacco paraphernalia, or devotes more than a ten foot by five foot (10' x 5') (2 feet in depth maximum) section of shelf space for display for sale of smoking, drug, and/or tobacco paraphernalia.

SOLAR POWER STATION: A facility that is the primary use of the site, where solar energy is collected and converted into electrical energy (e.g., solar farms).

STORAGE, PERSONAL STORAGE FACILITY: A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces, as well as ancillary RV and vehicle storage, and characterized by low parking demand.

STORAGE, WAREHOUSE: Facility for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or ministorage facilities offered for rent or lease to the general public (see "storage, personal storage facility") or warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "wholesaling and distribution").

STORAGE, YARD: The storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

SUPPORTIVE HOUSING: Housing that is linked with on or off site services that assist the resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community. Per state law, these uses may not be regulated differently than other dwellings. In accordance with Health and Safety Code section 50675.14, there is no limit on the length of stay and such facilities are occupied by a target population that includes, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people who are:

1. Low income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions; or

2. Individuals eligible for services provided under the Lanterman Development Disabilities Services Act[5].

SWAP MEETS: The temporary gathering of people and secondhand goods for the sale or trade of those products, whether out of doors or within a structure. Swap meets are considered temporary uses regulated by article C of this chapter.

T. "T" Definitions:

TATTOO PARLOR: Any establishment that engages in the business of tattooing including permanent makeup services.

TELECOMMUNICATION FACILITY: Facility designed and/or used for the purpose of transmitting, receiving, or relaying voice and/or data signals from various wireless communication devices, including transmission tower, antenna, and/or other facility

designed or used for that purpose. Telecommunication facilities are divided into two (2) types as follows:

1. Telecommunication Facility - Major: A communication facility that:

a. Is a freestanding ground mounted facility; or

b. Is a structure or roof mounted facility that is more than ten feet (10') above the structure roofline; and

c. Is not specifically identified as a minor facility herein.

Examples include, but are not limited to, the following:

a. Telecommunication towers (cellular towers);

b. Satellite earth station (SES) antennas that are more than two meters (2 m) in diameter; and

c. Parabolic antennas, direct broadcast satellite (DBS) antennas, and multipoint distribution service (MDS) antennas that are more than one meter (1 m) in diameter.

2. Telecommunication Facility - Minor: Any wireless communication facility that is either: a) operated exclusively as part of a public safety network, or b) specifically exempt from local regulation by state or federal law or rule (including, but not limited to, the telecommunications act of 1996 and 47 CFR section 1.4000). Examples include, but are not limited to, the following:

a. Amateur radio transmission facilities which comply with the standards of section 9-4D-15, "Telecommunication Facilities", of this chapter;

b. Satellite earth station (SES) antennas that are two meters (2 m) in diameter or less;

c. Parabolic antennas, direct broadcast satellite (DBS) antennas, and multipoint distribution service (MDS) antennas that are one meter (1 m) in diameter or less.

TEMPORARY CONSTRUCTION OFFICE: An office established for purposes of a construction project, usually contained within a trailer or other mobile structure. Temporary construction offices are considered temporary uses regulated by article C, "Temporary Uses", of this chapter.

TEMPORARY SALES OFFICE: An office established for purposes of selling lots or homes as part of new residential subdivisions and located within the subdivision for which the sales are occurring. Temporary sales offices may be located within a trailer or other mobile structure or within a model home or other structure. Temporary sales offices are considered temporary uses regulated by article C, "Temporary Uses", of this chapter.

THEATER/AUDITORIUM: Indoor facilities for public assembly and group entertainment, other than sporting events (e.g., civic theaters, facilities for live theater and concerts, exhibition and convention halls, motion picture theaters, auditoriums). Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor

facilities for sporting events; see "outdoor commercial recreation".

THRIFT STORE: A retail establishment selling secondhand goods donated by members of the public.

TRANSIT FACILITY: Maintenance and service centers for the vehicles operated in a mass transportation system. Includes buses, taxis, railways, etc. Note that taxi operations are subject to police department review as identified in section 3-6A-6 of the municipal code.

TRANSIT STATION/TERMINAL: Passenger stations for vehicular and rail mass transit systems.

TRANSITIONAL HOUSING: Housing containing sleeping, kitchen, and bathroom facilities that are used to ease the transition of homeless individuals (including aged out foster children) to independent living within twenty four (24) months. Usually provided with supportive services to assist in finding and keeping permanent housing. Per state law, these uses may not be regulated differently than other dwellings. (Ord. 2012-01, 4-17-2012; amd. Ord. 2012-04, 8-7-2012)

U. "U" Definitions:

UTILITY FACILITY AND INFRASTRUCTURE: Includes the following:

1. Fixed Base Structures and Facilities: Facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code section 53091: electrical substations and switching stations; natural gas regulating and distribution facilities; public water system wells, treatment plants, and storage; telephone switching facilities; and wastewater treatment plants, settling ponds, and disposal fields. These uses do not include office or customer service centers (classified in "offices") or equipment and material storage yards.

2. Transmission Lines and Pipelines: Pipelines for potable water, reclaimed water, natural gas, and sewage collection and disposal, and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television, and other communications transmission facilities utilizing direct physical conduits.

V. "V" Definitions:

VEHICLE SERVICES - MAJOR: The repair, alteration, restoration, towing, painting, cleaning (e.g., self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats, farm equipment, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major repair and body work repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments.

VEHICLE SERVICES - MINOR: Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick lube, smog check). Does not include repair shops that are part of a vehicle dealership on the same site (see "auto and vehicle

sales") or automobile dismantling yards, which are included under "recycling facility - scrap and dismantling".

VETERINARY FACILITY: Veterinary facility that is primarily enclosed, containing only enough cage arrangements as necessary to provide services for domestic and exotic animals requiring acute medical or surgical care with accessory outdoor use that provides long term medical care. Grooming and boarding of animals is allowed only if accessory to the facility use.

W. "W" Definitions:

WHOLESALING AND DISTRIBUTION: Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers, and associations engaged in the cooperative marketing of farm products, merchant wholesalers, and stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

X. "X" Definitions: Reserved for future use.

Y. "Y" Definitions: Reserved for future use.

Z. "Z" Definitions: Reserved for future use. (Ord. 2013-___, __-__-2013)

CHAPTER 4

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. 2013-___, __-__-2013)

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; and

7. Industrial, manufacturing, and processing 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. Special purpose zoning districts:

a. W = Wetlands;

b. AG = Agricultural;

c. PR = Parks and recreation/ponding basin;

d. CF = Public services and community facilities.

3. 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.

4. 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.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); 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. 2013-___, __-__-2013)

TABLE 9-4B-2

ALLOWED USES AND REQUIRED ENTITLEMENTS FOR BASE ZONING DISTRICTS

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

Land Use/ Zoning District	**Residential Zoning Districts**							**Special Purpose Zoning Districts**			
	AR	**RVLD**	**RLD**	**RN**	**RLMD**	**RMD**	**RHD**	**W**	**AG**	**PR**	**CF**
Residential uses:											
Caretaker housing	C	P	P	P	P	P	P	C	N	C	C
Child daycare facility-family daycare home, large[1]	N	A	A	A	A	A	A	N	N	N	N
Child daycare facility-family daycare home, small	N	P	P	P	P	P	P	N	N	N	N
Dwelling, multi-family	N	N	N	N	P	P	P	N	N	N	N
Dwelling, second unit[3]	N	A	A	A	A	A	A	N	N	N	N
Dwelling, single-family	P	P	P	P	P	P	N	N	N	N	N
Dwelling, two-family	N	N	A	P	P	P	N	N	N	N	N
Emergency shelter	N	N	N	N	N	N	N	N	N	N	P
Employee housing, large	C	C	N	N	N	N	N	N	N	N	N
Employee housing, small	P	P	P	P	P	P	N	N	N	N	N
Gated residential community	C	C	C	C	C	C	C	N	N	N	N
Group residential	N	N	N	N	N	P	P	N	N	N	C
Guesthouse	P	P	P	P	P	P	N	N	N	N	N

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF
Live-work facility[5]	N	N	N	N	N	N	A	N	N	N	N
Medical marijuana cultivation - personal use	P[28]	P[28]	P[28]	P[28]	P[28]	P[28]	P[28]	N	N	N	N
Mobilehome park[6]	N	C	C	C	C	A	A	N	N	N	N
Recreational vehicle park[24]	N	N	N	N	N	N	N	N	N	N	N
Residential care facility[25]	N	N	N	N	C	C	P	N	N	N	N
Residential care home	N	P	P	P	P	P	P	N	N	N	N
Single room occupancy (SRO) facility	N	N	N	N	N	N	P	N	N	N	N
Supportive housing	P	P	P	P	P	P	P	N	N	N	N
Transitional housing	P	P	P	P	P	P	P	N	N	N	N
Agricultural and animal related uses:											
Agricultural tourism	P	N	N	N	N	N	N	N	N	N	P
Animal husbandry	C	N	N	N	N	N	N	N	P	N	N
Animal keeping	P	P	N	N	N	N	N	N	P	N	N
Animal sales and grooming	N	N	N	N	N	N	N	N	N	N	N
Crop production	P	C	A	N	N	N	N	N	P	N	N
Equestrian facility, commercial	P	N	N	N	N	N	N	N	N	P	N
Equestrian facility, hobby	C	P	N	N	N	N	N	N	N	C	C

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF
Household pets ï 4 or less	P	P	P	P	P	P	P	N	N	N	N
Household pets ï More than 4	C	C	C	C	C	C	C	N	N	N	N
Kennel	P	N	N	N	N	N	N	N	N	N	N
Veterinary facility	P	N	N	N	N	N	N	N	N	N	N
Recreation, resource preservation, open space, education, and public assembly uses:											
Assembly uses	A	N	C	C	A	A	A	N	N	A	A
Cemetery/mausoleum	C	N	N	N	N	N	N	N	N	C	P
Community food bank	N	N	C[26]	C[26]	C[26]	C[26]	N	N	N	A	A
Community garden[9]	A	A	A	A	A	A	A	N	N	A	A
Indoor amusement/entertainment facility[10]	N	N	N	N	N	N	N	N	N	P	P
Indoor fitness and sports facility	N	N	N	N	N	N	N	N	N	P	P
Library/museum	N	N	N	N	N	N	N	N	N	P	P
Outdoor commercial recreation	N	N	N	N	N	N	N	N	N	P	P
Park/public plaza	N	P	P	P	P	P	P	N	N	P	P
Resource protection and restoration	P	N	N	N	N	N	N	P	N	P	P

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF
Resource related recreation	P	N	N	N	N	N	N	P	N	P	P
School, academic - private and charter	N	N	C	C	C	C	C	N	N	N	P
School, academic - public	P	P	P	P	P	P	P	P	N	P	P
School, colleges and universities - private	N	N	N	N	N	N	N	N	N	N	P
School, colleges and universities - public	P	P	P	P	P	P	P	P	N	P	P
School, equipment/machinery/ vehicle training	N	N	N	N	N	N	N	N	N	N	P
School, specialized education and training/studio	N	N	N	N	N	N	N	N	N	N	N
Theater/auditorium	N	N	N	N	N	N	N	N	N	P	P
Utility, transportation, public facility, and communication uses:											
Airport	N	N	N	N	N	N	N	N	N	N	N
Ambulance service	N	N	C	N	N	N	N	N	N	N	N
Broadcasting and recording studio	N	N	N	N	N	N	N	N	N	N	N
Bus and transit shelter	P	P	P	P	P	P	P	P	N	P	P
Fuel storage and distribution	N	N	N	N	N	N	N	N	N	N	N
Heliport	N	N	N	N	N	N	N	N	N	N	N

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF
Park and ride facility	N	N	N	N	N	N	N	N	N	P	P
Parking facility	N	N	N	N	N	N	N	N	N	N	N
Public safety facility	P	P	P	P	P	P	P	P	N	P	P
Solar power station	C	N	N	N	N	N	N	N	N	N	C
Telecommunication facility - major[12]	N	N	N	N	N	N	N	N	N	C[13]	C[13]
Telecommunication facility - minor[12]	P	P	P	P	P	P	P	P	N	P	P
Transit facility	N	N	N	N	N	N	N	N	N	N	P
Transit station/terminal	N	N	N	N	N	N	N	N	N	N	P
Utility facility and infrastructure	P	P	P	P	P	P	P	P	N	P	P
Retail, service, and office uses:											
Adult day healthcare facility	N	N	N	N	N	N	C	N	N	N	N
Alcoholic beverage sales, off site[14]	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage sales, on site[14]	See "bar/nightclub" and "restaurant"										
Art, antique, collectible	N	N	N	N	N	N	N	N	N	N	N
Artisan shop	N	N	N	N	N	N	N	N	N	N	N
Banks and financial services	N	N	N	N	N	N	N	N	N	N	N

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF
Bar/nightclub[14]	N	N	N	N	N	N	N	N	N	N	N
Bed and breakfast inn	N	N	N	N	N	N	N	N	N	N	N
Building materials store/yard	N	N	N	N	N	N	N	N	N	N	N
Business support services	N	N	N	N	N	N	N	N	N	N	N
Call center	N	N	N	N	N	N	N	N	N	N	N
Card room	N	N	N	N	N	N	N	N	N	N	N
Check cashing business	N	N	N	N	N	N	N	N	N	N	N
Child daycare facility - child daycare center[25]	N	N	N	C	C	A	A	N	N	N	N
Consignment store	N	N	N	N	N	N	N	N	N	N	N
Convenience store	N	N	N	N	N	N	N	N	N	N	N
Crematory	N	N	N	N	N	N	N	N	N	N	N
Drive-in and drive-through sales and service[16]	N	N	N	N	N	N	N	N	N	N	N
Equipment sales and rental	N	N	N	N	N	N	N	N	N	N	N
Garden center/plant nursery	N	N	N	N	N	N	N	N	N	N	N
Grocery store/supermarket	N	N	N	N	N	N	N	N	N	N	N
Hookah parlor	N	N	N	N	N	N	N	N	N	N	N
Hotel and motel	N	N	N	N	N	N	N	N	N	N	N

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF
Maintenance and repair of small equipment	N	N	N	N	N	N	N	N	N	N	N
Massage therapy[17]	N	N	N	N	N	N	N	N	N	N	N
Medical marijuana dispensary	N	N	N	N	N	N	N	N	N	N	N
Medical services, extended care	N	N	N	N	N	N	N	N	N	N	N
Medical services, general	N	N	N	N	N	N	N	N	N	N	N
Medical services, hospital[25]	N	N	C	C	C	C	C	N	N	N	N
Mortuary/funeral home	N	N	N	N	N	N	N	N	N	N	N
Neighborhood market	N	N	N	N	N	N	N	N	N	N	N
Office, accessory	N	N	N	N	N	N	N	N	N	P	P
Office, business and professional	N	N	N	N	N	N	N	N	N	N	N
Pawnshop	N	N	N	N	N	N	N	N	N	N	N
Personal services	N	N	N	N	N	N	N	N	N	N	N
Restaurant	N	N	N	N	N	N	N	N	N	N	N
Retail, accessory	N	N	N	N	N	N	N	N	N	N	N
Retail, general	N	N	N	N	N	N	N	N	N	N	N
Retail, warehouse club	N	N	N	N	N	N	N	N	N	N	N
Semipermanent mobile food vehicle[19]	N	N	N	N	N	N	N	N	N	N	N

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF
Sexually oriented business[20]	N	N	N	N	N	N	N	N	N	N	N
Smoke shop	N	N	N	N	N	N	N	N	N	N	N
Tattoo parlor	N	N	N	N	N	N	N	N	N	N	N
Thrift store[21]	N	N	N	N	N	N	N	N	N	N	N
Automobile and vehicle uses:											
Auto and vehicle rental	N	N	N	N	N	N	N	N	N	N	N
Auto and vehicle sales	N	N	N	N	N	N	N	N	N	N	N
Auto and vehicle sales, wholesale	N	N	N	N	N	N	N	N	N	N	N
Auto and vehicle storage	N	N	N	N	N	N	N	N	N	N	N
Auto parts sales	N	N	N	N	N	N	N	N	N	N	N
Auto vehicle dismantling	N	N	N	N	N	N	N	N	N	N	N
Car washing and detailing	N	N	N	N	N	N	N	N	N	N	N
Fueling station[22]	N	N	N	N	N	N	N	N	N	N	N
Vehicle services - major	N	N	N	N	N	N	N	N	N	N	N
Vehicle services - minor	N	N	N	N	N	N	N	N	N	N	N
Industrial, manufacturing, and processing uses:											
Agricultural products processing	C	N	N	N	N	N	N	N	N	N	N

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF
Freight yard/truck terminal	N	N	N	N	N	N	N	N	N	N	N
Manufacturing, major	N	N	N	N	N	N	N	N	N	N	N
Manufacturing, minor	N	N	N	N	N	N	N	N	N	N	N
Manufacturing, small scale	N	N	N	N	N	N	N	N	N	N	N
Medical marijuana cultivation - collective or cooperative cultivation; dispensary	N	N	N	N	N	N	N	N	N	N	N
Printing and publishing	N	N	N	N	N	N	N	N	N	N	N
Recycling facility - collection	N	N	N	N	N	N	N	N	N	N	N
Recycling facility - processing	N	N	N	N	N	N	N	N	N	N	N
Recycling facility - scrap and dismantling	N	N	N	N	N	N	N	N	N	N	N
Research and development	N	N	N	N	N	N	N	N	N	N	N
Storage, personal storage facility	N	N	N	N	N	N	N	N	N	N	N
Storage, warehouse	N	N	N	N	N	N	N	N	N	N	N
Storage, yard	N	N	N	N	N	N	N	N	N	N	N
Wholesaling and distribution	N	N	N	N	N	N	N	N	N	N	N
Temporary uses:	See article C, "Temporary Uses", of this chapter										
Nonconforming uses:	See chapter 2, article C, "Nonconforming Uses, Structures, and Properties", of this title										

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
Residential uses:									
Caretaker housing	P	P	P	P	C	C	P	P	P
Child daycare facility-family daycare home, large[1]	A	A	A	A	N	N	N	N	N
Child daycare facility-family daycare home, small	P	P	P	P	N	N	N	N	N
Dwelling, multi-family	P[2]	P	P	P	P[27]	N	C	N	N
Dwelling, second unit[3]	N	A	A	N	N	N	N	N	N
Dwelling, single-family	N	A	P	N	N	N	N	N	N
Dwelling, two-family	N	P	P	N	N	N	N	N	N
Emergency shelter	N	N	N	N	N	N	N	C	N
Employee housing, large	N	N	N	N	N	N	N	N	N
Employee housing, small	N	P	P	N	N	N	N	N	N
Gated residential community	N	N	N	N	N	N	N	N	N
Group residential	P	P	P	P	N	N	N	N	N
Guesthouse	N	P	P	N	N	N	N	N	N
Live-work facility[5]	A	A	A	A	A	N	N	N	N
Medical marijuana cultivation - personal use	N	N	N	N	N	N	N	N	N
Mobilehome park[6]	N	N	N	N	N	N	N	N	N

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
Recreational vehicle park[24]	N	N	N	N	N	C	N	C	N
Residential care facility[25]	N	N	N	C	C	N	N	N	N
Residential care home	C	P	P	P	N	N	N	N	N
Single room occupancy (SRO) facility	C	C	C	N	N	N	N	N	N
Supportive housing	P	P	P	P	N	N	N	N	N
Transitional housing	P	P	P	P	N	N	N	N	N
Agricultural and animal related uses:									
Agricultural tourism	N	C	C	N	N	N	N	P	P
Animal husbandry	N	N	N	N	N	N	N	C	C
Animal keeping	N	N	N	N	N	N	N	N	N
Animal sales and grooming	P	P	P	P	P	P	N	N	N
Crop production	N	N	N	N	N	N	N	A	A
Equestrian facility, commercial	N	N	N	N	N	N	N	N	N
Equestrian facility, hobby	N	N	N	N	N	N	N	N	N
Household pets ï 4 or less	P	P	P	P	N	N	N	N	N
Household pets ï More than 4	C	C	C	C	N	N	N	N	N
Kennel	N	N	N	N	N	C[8]	C[8]	P	N

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
Veterinary facility	P	P	P	P	P	P	P	P	N
Recreation, resource preservation, open space, education, and public assembly uses:									
Assembly uses	A	A	A	A	A	A	P	C	N
Cemetery/mausoleum	N	N	N	N	N	N	N	N	N
Community food bank	C	A	N	C	N	N	N	N	N
Community garden[9]	A	A	A	N	N	N	A	N	N
Indoor amusement/ entertainment facility[10]	P	P	C	P	P	P	N	C	N
Indoor fitness and sports facility	P	P	C	P	P	P	C	C	N
Library/museum	P	P	P	C	N	C	P	N	N
Outdoor commercial recreation	P[11]	P[11]	P[11]	N	N	N	N	C	N
Park/public plaza	P	P	P	P	P	P	P	P	P
Resource protection and restoration	N	N	N	N	N	N	N	N	N
Resource related recreation	N	N	N	N	N	N	N	N	N
School, academic - private and charter	N	N	N	C	N	N	N	N	N
School, academic - public	P	P	P	P	P	P	P	P	P

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
School, colleges and universities - private	N	N	N	C	N	N	P	C	N
School, colleges and universities - public	P	P	P	P	P	P	P	P	P
School, equipment/ machinery/vehicle training	N	N	N	N	N	N	N	P	C
School, specialized education and training/studio	P	P	C	P	P	P	P	C	N
Theater/auditorium	P	C	C	P	P	P	N	N	N
Utility, transportation, public facility, and communication uses:									
Airport	N	N	N	N	N	N	N	N	N
Ambulance service	N	N	N	N	N	P	P	P	N
Broadcasting and recording studio	P[11]	P[11]	C[11]	C	C	P	P	P	N
Bus and transit shelter	P	P	P	P	P	P	P	P	P
Fuel storage and distribution	N	N	N	N	N	N	N	C	C
Heliport	N	N	N	N	N	C	C	C	C
Park and ride facility	P	P	N	P	P	P	P	P	P
Parking facility	P	P	C	P	P	P	P	P	P
Public safety facility	P	P	P	P	P	P	P	P	P

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
Solar power station	N	N	N	N	N	N	N	C	C
Telecommunication facility - major[12]	C[13]	C[13]	N	C[13]	C[13]	C[13]	N	C[13]	C[13]
Telecommunication facility - minor[12]	P	P	P	P	P	P	P	P	P
Transit facility	N	N	N	N	N	N	N	P	P
Transit station/terminal	P	N	N	P	P	P	C	P	P
Utility facility and infrastructure	N	N	N	P	P	P	P	P	P
Retail, service, and office uses:									
Adult day healthcare facility	N	C	C	C	C	C	P	N	N
Alcoholic beverage sales, off site[14]	C	C	C	C	C	C	C	C	N
Alcoholic beverage sales, on site[14]	See "bar/nightclub" and "restaurant"								
Art, antique, collectible	P[15]	P[15]	P[15]	P	P	P	N	N	N
Artisan shop	P[15]	P[15]	P[15]	P	P	P	N	N	N
Banks and financial services	P[15]	P[15]	P[15]	P	P	P	P	N	N
Bar/nightclub[14]	C	C	N	C	C	C	N	N	N
Bed and breakfast inn	N	P	P	P	C	N	N	N	N

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
Building materials store/yard	P[11,15]	P	N	C	P	P	N	N	N
Business support services	P[15]	P[15]	C	P	P	P	P	N	N
Call center	N	N	N	N	P	N	P	C	N
Card room	C[15]	C[15]	N	N	N	C	N	N	N
Check cashing business	N	N	N	N	C	C	N	N	N
Child daycare facility - child daycare center[25]	C	N	P	P	P	P	P	N	N
Consignment store	P[15]	C[15]	N	C	P	P	P	N	N
Convenience store	P[15]	P[15]	C[15]	P	P	P	P	N	N
Crematory	N	N	N	N	N	C	N	C	P
Drive-in and drive-through sales and service[16]	N	N	N	N	C	A	N	N	N
Equipment sales and rental	N	N	N	N	N	C	N	P	P
Garden center/plant nursery	P[15]	P[15]	N	N	P	P	N	N	N
Grocery store/supermarket	N	N	N	N	P	P	N	N	N
Hookah parlor	N	N	N	N	N	N	N	N	N
Hotel and motel	P	N	N	P	P	P	P	N	N
Maintenance and repair of small equipment	P[15]	P[15]	C[15]	C	P	P	P	P	P
Massage therapy[17]	A	N	N	A	A	A	N	N	N

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
Medical marijuana dispensary	N	N	N	N	N	N	N	N	N
Medical services, extended care	C	C	C	P	P	P	P	N	N
Medical services, general	P	P	P	P	P	P	P	N	N
Medical services, hospital[25]	N	N	N	C	C	P	P	C	N
Mortuary/funeral home	C	C	C	C	P	P	P	N	N
Neighborhood market	A	A	N	P	P	P	N	N	N
Office, accessory	P	P	P	P	P	P	P	P	P
Office, business and professional	P	P	P	P	A	A	P	N	N
Pawnshop	C	C	N	N	P	P	N	N	N
Personal services	P	P	P	P	P	P	P	N	N
Restaurant	P	P	P	P	P	P	P	P	N
Retail, accessory	P	P	P	P	P	P	P	P	P
Retail, general	P[11,15]	P[11,15]	P[11,15]	P[18]	P[18]	P	N	N	N
Retail, warehouse club	N	N	N	N	N	P	N	N	N
Semipermanent mobile food vehicle[19]	N	N	N	A	A	A	N	A	N
Sexually oriented business[20]	N	N	N	N	N	N	N	C	C

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
Smoke shop	C	N	N	C	C	P	N	N	N
Tattoo parlor	C	C	N	N	C	C	N	N	N
Thrift store[21]	C	C	N	N	A	A	N	N	N
Automobile and vehicle uses:									
Auto and vehicle rental	N	N	N	P	N	P	P	P	P
Auto and vehicle sales	N	N	N	N	N	P	N	C	N
Auto and vehicle sales, wholesale	N	N	N	N	N	N	N	P	P
Auto and vehicle storage	N	N	N	N	N	N	N	P	P
Auto parts sales	N	P[11,15]	N	N	P	P	P	P	P
Auto vehicle dismantling	N	N	N	N	N	N	N	C	P
Car washing and detailing	N	P	N	N	C	P	N	P	P
Fueling station[22]	N	C	N	N	C	A	A	A	A
Vehicle services - major	N	C	N	C	N	N	N	P	P
Vehicle services - minor	N	C[23]	N	C	C[23]	C[23]	N	C[23]	C[23]
Industrial, manufacturing, and processing uses:									
Agricultural products processing	N	N	N	N	N	N	N	P	P

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
Freight yard/truck terminal	N	N	N	N	N	N	N	P	P
Manufacturing, major	N	N	N	N	N	N	N	C	P
Manufacturing, minor	N	N	N	N	N	N	C	P	P
Manufacturing, small scale	N	N	N	N	N	N	P[23]	P	P
Medical marijuana cultivation - collective or cooperative cultivation; dispensary	N	N	N	N	N	N	N	P[28]	N
Printing and publishing	N	C[11]	N	N	P	P	P	P	P
Recycling facility - collection	N	C	N	P	P	P	N	P	P
Recycling facility - processing	N	N	N	N	N	N	N	C	P
Recycling facility - scrap and dismantling	N	N	N	N	N	N	N	C	P
Research and development	N	N	N	N	N	N	P[23]	P	P
Storage, personal storage facility	N	N	N	C	N	N	N	P	P
Storage, warehouse	N	N	N	N	N	N	N	P	P
Storage, yard	N	N	N	N	N	N	N	P	P
Wholesaling and distribution	N	N	N	N	N	N	N	P	P
Temporary uses:	See article C, "Temporary Uses", of this chapter								

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
Nonconforming uses:	See chapter 2, article C, "Nonconforming Uses, Structures, and Properties", of this title								

Zoning Table Notes:

1. See additional regulations for large family daycare homes in section 9-4D-7 of this chapter.

2. Only permitted on the first floor when located along an alley or side street; otherwise must be on an upper floor.

3. See additional regulations for second dwelling units in section 9-4D-12 of this chapter.

4. Reserved.

5. See additional regulations for live-work facilities in section 9-4D-8 of this chapter.

6. See additional regulations for mobilehome parks in section 9-4D-10 of this chapter.

7. Minimum lot size shall be 20,000 square feet.

8. All activities and storage shall be located within an enclosed structure(s).

9. See additional regulations for community gardens in section 9-4D-3 of this chapter.

10. See special permit requirements in title 3, chapter 4, article C of the municipal code.

11. Maximum tenant space shall be 10,000 square feet.

12. See additional regulations for telecommunication facilities in section 9-4D-15 of this chapter.

13. Facilities less than 75 feet tall are permitted by right, except that major site plan and architectural review is still required. Otherwise, a conditional use permit is required in addition to major site plan and architectural review.

14. See additional regulations for alcoholic beverage sales in section 9-4D-2 of this chapter.

15. Use is permitted by right when located on the ground floor. Otherwise, a conditional use permit is required.

16. See additional regulations for drive-in and drive-through facilities in section 9-4D-4 of this chapter.

17. See additional regulations for massage therapy in section 9-4D-9 of this chapter. Additionally, see additional permit requirements in title 4, chapter 7 of the municipal code.

18. Maximum tenant space shall be 30,000 square feet; however, store size may be larger upon approval of an administrative use permit.

19. See additional regulations for semipermanent mobile food vendors in section 9-4D-13 of this chapter.

20. See additional regulations for sexually oriented businesses in section 9-4D-14 of this chapter.

21. See additional regulations for thrift stores in section 9-4D-16 of this chapter.

22. See additional regulations for fueling stations in section 9-4D-6 of this chapter.

23. Use is permitted by right when located more than 500 feet from a residential use or district.

24. See additional regulations for recreational vehicle parks in section 9-4D-11 of this chapter.

25. This "sensitive receptor" use shall not be located within:

    a. 500 feet of a freeway, urban roads carrying 100,000 vehicles per day, or rural roads carrying 50,000 vehicles per day.

    b. 1,000 feet of a distribution center (that accommodates more than 100 trucks a day, more than 40 trucks with operating transport refrigeration units [TRUs] a day, or where TRU operation exceeds 300 hours per week).

    c. 300 feet of any dry cleaning operation that uses toxic chemicals. For operations with 2 or more machines, a minimum 500 feet shall be provided. For operations with 3 or more machines, a larger distance may be required based upon consultation with the Kings County air district.

    d. 300 feet of a "large gas station", defined as a facility with a throughput of 3.6 million gallons or more per year.

26. If developed incidental to an existing charitable operation, this use is allowed subject to approval of an administrative use permit.

27. Permitted on second floors above retail and neighborhood serving office when ancillary in size and does not interfere with primary retail use.

28. Must be in conformity with the land use definitions in this chapter and title 4, chapter 8 of the municipal code as well as the Health and Safety Code section 11362.768 (which imposes additional requirements).

(Ord. 2013-___, __-__-2013)

CHATPER 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:

9-4C-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. 2013-___, __-__-2013)

9-4C-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.

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.

9. Other temporary activities that the city determines are similar in nature and intensity to those identified above. (Ord. 2013-___, __-__-2013)

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

Standards for height, off street parking spaces, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the subject parcel shall apply to all temporary activities. Requirements for long term improvements that exceed the duration of the temporary use, including, but not limited to, landscaping and paving of parking lots, shall not be imposed. (Ord. 2013-___, __-__-2013)

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

The following standards shall apply to the specific temporary uses described below:

A. Construction Yard/Storage Shed and Temporary Construction Office: Any temporary use permit for a construction yard, storage shed, or temporary construction office shall expire upon completion of the construction project, or the expiration of the accompanying building permit or improvement permit authorizing construction, whichever occurs first.

B. Entertainment and Assembly Events: Entertainment and assembly events when not part of or consistent with a permitted use shall not be permitted for periods of longer than seven (7) days.

C. Extension of Nonconforming Period: As provided in subsection 9-2C-6C, "Extension of Nonconforming Period", of this title, the twelve (12) month nonconforming period for nonconforming uses provided in chapter 2, article C, "Nonconforming Uses, Structures, and Properties", of this title, may be extended upon issuance of a temporary use permit. All approved extensions shall comply with the following standards:

1. Public Improvements: The city may, as part of the approval of the extension of the nonconforming use period, require the completion of improvements to the adjacent public right of way consistent with the requirements of this title.

2. Time Period: The designated approving authority shall establish a maximum time period for the extension of the legal nonconforming use status. In no event shall the extension be longer than twenty four (24) months.

D. Farmers' Market: Farmers' markets shall not be held for more than two (2) consecutive days per week at the same location.

E. Garage/Yard Sale: Garage sales, yard sales, and similar activities shall not occur more than two (2) times per year, with no sale exceeding three (3) consecutive days.

F. Interim Agricultural Use: Interim agricultural uses, as defined in this chapter and of a commercial operation (e.g., using mechanized commercial equipment) shall only be allowed on vacant property a minimum of one thousand feet (1,000') from an existing residential use. No buildings or structures, other than wells, structures for conservation and drainage protection, and unpaved roads shall be permitted. Operation may include the use of commercial agricultural equipment. Access to the use shall be reviewed and approved by the public works director prior to issuance of the temporary use permit.

G. 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.

H. Swap Meet: Swap meets and similar activities shall only be allowed on nonresidential property or on vacant residentially zoned property that is a minimum of one thousand feet (1,000') from an existing residential use. The maximum period for swap meets shall be two (2) consecutive days per sale. No more than four (4) such activities shall be allowed for a property within a twelve (12) month period.

I. Temporary Sales Office: Temporary sales offices shall be solely for the sale of homes in the project within which they are located and may be kept until the project is sold out. (Ord. 2013-___, __-__-2013)

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

A. Temporary Improvements Allowed: The city may, on a case by case basis, allow for the improvement to property at a level less than what is required by this title to support operations of the property on a limited term basis yet still ensure public health, safety, and general welfare. This allowance shall not be used to circumvent or deviate from the requirements for public improvements required at the time of subdivision of property as required by the subdivision map act and title 8, chapter 7, "Land Division", of the municipal code.

B. Permit Process and Requirements: Such approval shall be conducted through the temporary use permit process and the permit shall clearly identify what improvements are to be completed and what requirements are being set aside for a limited period of time, as well as the time period for which the permit is valid. The city shall only approve the permit if the improvements to be completed are those minimally necessary to ensure public health, safety, and welfare.

C. Requirements at Conclusion of Temporary Period: At the conclusion of the period authorized by the permit, either the property shall be brought into compliance with the requirements of this title or use of the property shall cease. (Ord. 2013-___, __-__-2013)

CHAPTER 4

ARTICLE D. SPECIAL USE STANDARDS

9-4D-1: PURPOSE:
9-4D-2: ALCOHOLIC BEVERAGE SALES:
9-4D-3: COMMUNITY GARDEN:
9-4D-4: 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-17: OUTDOOR DISPLAY, SALES, AND STORAGE:

9-4D-1: PURPOSE:

A. 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.

B. 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. 2013-___, __-__-2013)

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 onsite and offsite 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 onsite consumption when not associated with eating places (e.g., restaurants) and for offsite 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.

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 five hundred feet (500') 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) off site sales establishments shall be located within five hundred feet (500') of a major roadway intersection.

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. 2013-___, __-__-2013)

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. 2013-___, __-__-2013)

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

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. 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.

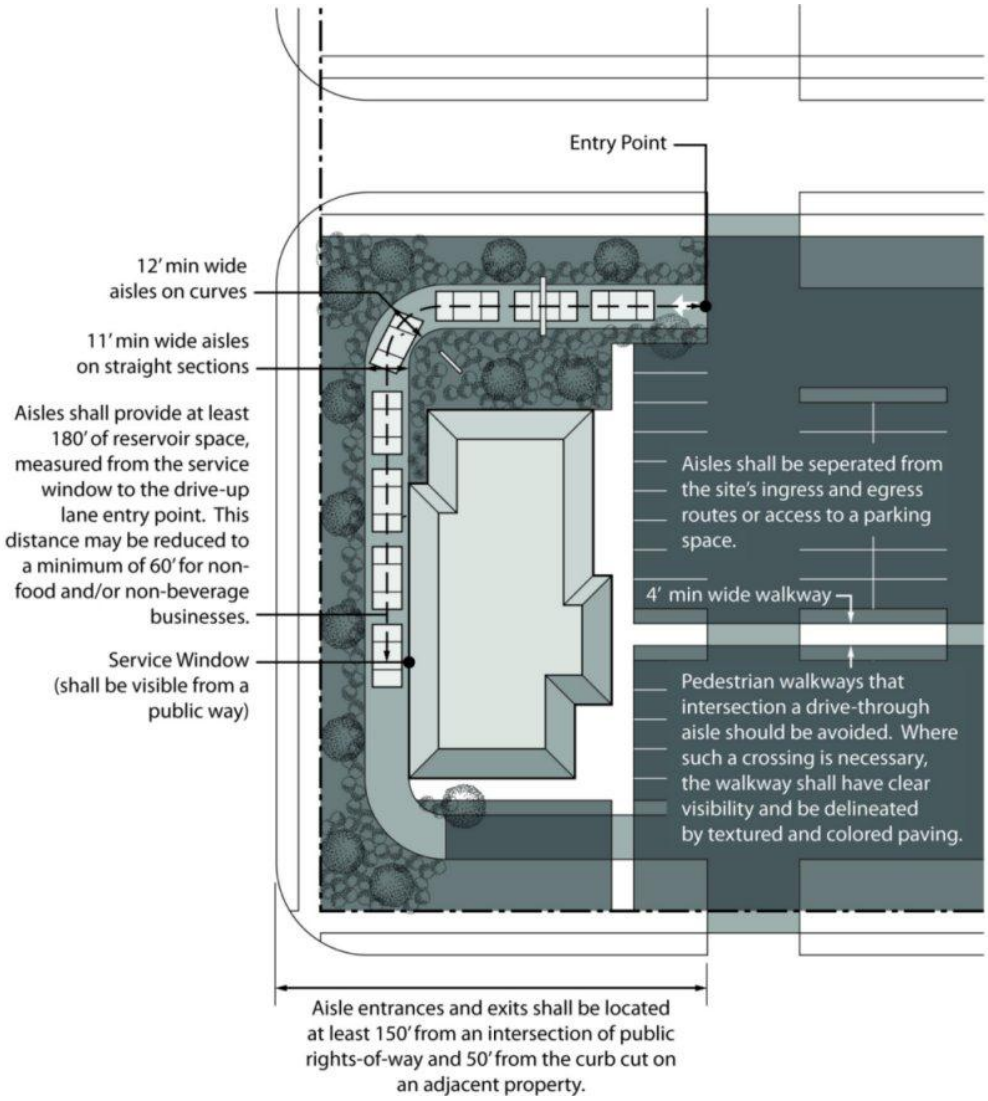
2. Pedestrian Access and Crossings: Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous, minimum four foot (4') wide sidewalk or delineated walkway. Generally, pedestrian walkways should not intersect the drive-through aisles, but where they do the 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: 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.

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

5. 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-THROUGH FACILITIES



(Ord. 2013-___, __-__-2013)

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:. 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 vehicular and pedestrian traffic and that 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 home occupations that do not generate higher levels of traffic than that customarily found in a residential neighborhood, do not have customers visiting the home, and which do not have a noticeable appearance. 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.

d. Cottage food operations that are established per California Government Code Section 51035.

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), that may have up to five (5) customers come to the home per day, and that send or receive goods beyond those customary for a residential neighborhood. Examples include, but are not limited to, the following types of occupations:

a. Furniture stripping and refurbishing;

b. Mobile clinics; and

c. Office uses such as an office for a contractor, architect, attorney, consultant, counselor, engineer, insurance agent, planner, tutor, data and/or word processing, and real estate agent where fewer than five (5) customers come to the home per day.

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

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, food prepared at a cottage food operation, 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: The following standards shall apply to all minor home occupation permit applications. The standards may be modified by the approving authority for major home occupations.

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: Offsite 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. Offsite 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. Onsite Sales: There shall be no products sold on the premises except artist's originals or products individually made to order on the premises.

   b. Offsite Sales: Offsite 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.

15. Notwithstanding the foregoing standards, a cottage food operation may have one (1) employee who does not live at the site, and may sell goods at the site.

F. Failure to comply with these standards may result in revocation of the home occupation permit and/or business license. (Ord. 2013-___, __-__-2013)

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.

1. Access Driveways: 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.

2. 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.

(Ord. 2013-___, __-__-2013)

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. 2013-___, __-__-2013)

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.

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. 2013-___, __-__-2013)

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 title 4, chapter 7, "Massage Establishments and Therapists", of the municipal codeand and(Ord. 2013-___, __-__-2013)

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 law[1]. 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 this section. No mobilehome or incidental structure shall be located in any required yard space, except that tow bars may extend into such yard space.

TABLE 9-4D-10-B-1
CLEARANCES, SETBACKS, AND YARD SPACES FOR
MOBILEHOME PARKS AND MOBILEHOME SITES

Standard		Measurement
Mobilehome park:		
	Front yard	20 feet
	Interior side yard	10 feet
	Street side yard	10 feet
	Interior rear yard	10 feet
	Street rear yard	20 feet
Mobilehome sites:		
	Front yard	10 feet
	Side yard	5 feet
	Rear yard	10 feet

3. Patios and Pads:

a. Each mobilehome site shall have a hard surfaced patio area of not less than two hundred (200) square feet. A permanent porch greater than twenty (20) square feet in area may be counted as part of the required patio area.

b. Each mobilehome site shall have a support pad of concrete or asphalt concrete laid over a compacted surface base which, in combination, will be adequate to support the mobilehome on a level plane.

4. Parking:

a. Not less than one parking space shall be provided within each mobilehome site.

b. Not less than one guest parking space shall be provided for each mobilehome site at a location central to each four (4) contiguous mobilehome sites, provided that guest

parking shall not be required for mobilehome sites along a collector street constructed to the width prescribed under subsection B5 of this section.

c. Parking shall be provided for central recreation buildings, park offices and other similar buildings at a ratio of one parking space for each four hundred (400) square feet of gross floor space.

d. Supplemental parking for pleasure boats, recreation vehicles and nonoccupied travel trailers shall be provided at a ratio of one parking space for each ten (10) mobilehome sites and shall be used only by mobilehome tenants. Said parking shall be clustered, easily accessible via interior drives and shall be screened from view by means of solid ornamental fence or wall and landscaping.

e. All parking areas and spaces shall be designed and constructed in accordance with the provisions of chapter 5, article E, "Off Street Parking and Loading", of this title.

5. Streets:

a. Entrance streets shall be located in alignment with or be offset from public street intersections by at least one hundred fifty feet (150').

b. Minor streets within the mobilehome park shall be a minimum of thirty feet (30') of paved width; collector streets shall be a minimum of thirty six feet (36') of paved width. Paving shall be AC type.

c. Streets shall be constructed to effect positive drainage; concrete curbs and gutters may be required by the city engineer; rolled concrete curbs and gutters or their equivalent are required as a minimum.

d. Parallel parking shall be permitted on both sides of a collector street and on only one side of a minor street. Such on street parking shall be in addition to off street parking requirements of this section.

6. Driveways, Street Signs, Lighting, Storm Drainage, Water and Sewer Systems: Driveways for individual mobilehome sites, street signs, interior street lighting, storm drainage facilities, and water and sewer systems shall be installed subject to approval of the city engineer.

7. Underground Utilities: All public utilities shall be installed underground, including electrical, telephone, street lighting cable, community television antenna connections, and ducts for cable television. A community television antenna with underground ducts and connections to each mobilehome site shall be provided.

8. Recreation Areas and Pedestrianways:

a. Common recreation area in an aggregate total equal to ten percent (10%) of the gross area of the mobilehome park shall be provided at a location or locations which are easily accessible and convenient to park residents.

b. Recreation areas shall be landscaped and maintained, with all landscaped areas to be irrigated by an underground sprinkler system.

c. Pedestrianways shall be provided throughout the mobilehome park, connecting all mobilehome sites with each other and with common recreation areas. Such pedestrianways shall be provided where possible at locations away from the interior street system to avoid conflict in pedestrian and vehicle traffic.

d. Common recreation areas shall not include yard areas, pedestrianways, management offices, laundry and tenant storage areas, and parking areas shall not be included.

9. Signs: No more than one identification sign shall be erected displaying the name of the mobilehome park. Such signs shall be located near the park entrance drive and shall not exceed forty (40) square feet in total readable surface area or ten feet (10') in height. Such sign shall be installed within the front yard area of the mobilehome park, parallel to the abutting street, with landscaping at its base. Additional directional and identification signs may be installed within the mobilehome park subject to the approval of the planning commission.

10. Landscaping and Screening: Mobilehome parks shall provide permanently maintained landscaped areas and site screening as follows:

a. A landscaped border along the entire street frontage yard area and along the rear yard if such yard is adjacent to a public street.

b. Ornamental screen wall or fencing, seven feet (7') in height, along all interior side property lines and along all rear property lines that do not abut a public street.

c. Ornamental screen wall or fencing seven feet (7') in height along street side yard and street front yard setback lines.

11. Other Facilities Required: Each mobilehome park shall provide the following additional facilities:

a. A laundry building for clothes washing and drying.

b. An outdoor drying yard for clothes drying screened from view from other areas of the mobilehome park by an ornamental screen fence or wall and landscaped area.

c. Trash enclosures at locales along the interior street system which are convenient to all residents and to municipal refuse trucks, integrated with guest parking areas.

12. Placement and Sales of Mobilehomes:

a. At the time of placement on the site, all mobilehomes shall be fitted with appropriate skirts to obscure stands, pads, and undercarriage equipment.

b. Mobilehomes may be displayed and sold within a mobilehome park similar to the sale of mobilehomes within a residential subdivision; provided that such mobilehomes are not sold for delivery to any location other than within the park in which sold; provided further that all mobilehomes are placed on mobilehome sites and connected to all utility services. No more than four (4) mobilehomes shall be offered for sale at any one time, and advertising for such sale shall be limited to one nonilluminated sign not

exceeding four (4) square feet in area on the site of each mobilehome offered for sale. (Ord. 2013-___, __-__-2013)

9-4D-11: RECREATIONAL VEHICLE PARKS:

A. Purpose and Applicability: This section applies to recreational vehicle parks within the city as defined in this chapter. The purpose of these regulations is to provide appropriate space is provided within recreational vehicle parks to ensure the public health and safety of occupants and users.

The regulations contained in this section shall apply to recreational vehicle parks as defined in section 9-4A-5, "Description of Land Uses", of this chapter. The establishment of new recreational vehicle 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 by this code.

B. Development Standards: New recreational vehicle parks shall comply with the development standards for mobilehome parks provided in section 9-4D-10, "Mobilehome Parks", of this article subject to the following exceptions:

1. The minimum area of a recreational vehicle park shall be two and one-half ($2^1/_2$) gross acres; except that the park may be reduced to one acre if developed in conjunction with a motel or other permitted use within the RC zoning district.

2. The maximum density shall be fifteen (15) recreational vehicle sites per gross acre.

3. Each recreational vehicle site shall be not less than one thousand (1,000) square feet in area, nor less than twenty five feet (25') in width.

4. Each recreational vehicle site shall have a minimum front, side, and rear yard area of five feet (5') in width.

5. Each recreational vehicle site shall have a hard surfaced patio area of not less than one hundred (100) square feet.

6. Not less than one guest parking space shall be provided for each ten (10) recreational vehicle sites.

7. No recreational vehicles shall be parked or displayed for the purposes of sale or rent within a recreational vehicle park.

8. No mobilehome shall be permitted within a recreational vehicle park except as required for occupancy by the park manager.

9. No recreational vehicle shall be allowed to be parked or stored on a public street more than seventy two (72) hours in any thirty (30) day period unless approval to do so has been first obtained from the chief of police pursuant to subsection 6-4-4H of the municipal code. (Ord. 2013-___, __-__-2013)

9-4D-12: SECOND DWELLING UNITS:

A. Purpose and Applicability: This section applies to second dwelling units within the city. Second dwelling units are permitted upon issuance of an administrative use permit in the agricultural and residential zoning districts subject to the standards of this section. The purpose of this section is to regulate second dwelling units in residential zoning districts and on residential property consistent with state law[2]. Implementation of this section is intended to expand housing opportunities for low income and moderate income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.

B. Development Standards: Pursuant to Government Code section 65852.2, second units shall be permitted on agricultural and residential parcels when the following conditions are met:

1. Second units shall only be located on lots with an area of five thousand (5,000) square feet or larger.

2. Second units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit.

3. No more than one second unit shall be allowed per parcel.

4. The property owner shall occupy either the primary unit or second unit. The property owner shall record a declaration acknowledging owner occupancy, recorded with the property as a condition of the administrative permit.

5. A second unit shall not exceed:

   a. Thirty percent (30%) of the existing living area of the primary dwelling when attached to the primary dwelling. For purpose of this standard, "living area" shall mean the interior habitable area of a dwelling unit, including basements, attics, bedrooms, kitchens, living room, etc. It does not include a garage or any accessory structure; or

   b. One thousand two hundred (1,200) square feet when detached from the primary dwelling.

6. Building setbacks for attached second units shall comply with all required building setbacks for the primary unit.

7. The maximum height of a detached second unit shall not exceed the height of the primary dwelling unit.

8. No second unit may be sold separately from the primary dwelling unit.

9. Second dwelling units are not permitted within planned unit development (PUD) overlay zoning districts unless specifically authorized by the overlay zoning district. (Ord. 2013-___, __-__-2013)

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

A. Purpose: The city finds that the vending of produce, prepared or prepackaged foods, goods, wares, and/or services at semipermanent locations on public streets, sidewalks, or alleys and on private property may, under certain circumstances, pose unsafe conditions and special dangers to the public health, safety, and welfare of the residents of the city. It is a purpose of this section to provide regulations and standards governing these types of vending operations to prevent safety, traffic, and health hazards, as well as to preserve the peace, safety, and welfare of the city and its residents and to prevent the unregulated proliferation of too many vendors near one location, thus negatively impacting traffic and pedestrian safety.

B. Applicability: The provisions of this section shall apply to all semipermanent mobile food vendors as described in this chapter. This includes any vehicle as defined in section 670 of the California Vehicle Code, which is equipped and used for retail sales of prepared, prepackaged, or unprepared, unpackaged food or foodstuffs of any kind that parks for more than twenty (20) minutes daily for more than fourteen (14) days in one calendar year at one or more locations within the city.

The following are not subject to this section:

1. Any person engaged in vending conducted in connection with:

    a. The operations of a state certified farmers' market;

    b. An event authorized by a special event permit or other permit or entitlement issued by the city of Lemoore, such as an authorized street fair;

    c. An event at a sports complex, little league facility, school facility, or recreational facility if the vendor is in partnership with the organization conducting the event and is located on the site of the event.

2. Any person not exceeding the time thresholds established in the description of a semipermanent mobile food vendor.

C. Development Standards: Semipermanent mobile food vendors shall comply with all of the following development standards:

1. The vehicle must be located on a private "developed site" (as defined in chapter 12 of this title) zoned neighborhood commercial (NC), regional commercial (RC), mixed use (MU), or light industrial (ML), subject to the following:

    a. The owner(s) of the property shall give permission to use the site and required restroom facilities for food service workers within two hundred feet (200') of the vehicle and access to such must be available during the mobile vehicle's business hours. Portable toilets shall not be allowed.

    b. Vendor shall not use or permit use of parking spaces on the site if doing so will adversely affect the onsite parking available for the primary use of the site as determined by the city.

    c. Vendor cannot interfere with or create hazards for vehicular or pedestrian access, aisles, circulation, driveways, or fire lanes and hydrants.

d. Tables, chairs, shade structures, and trash cans for patrons shall be maintained in a safe and clean manner at all times and removed nightly if used.

e. Hours of operation at an approved semipermanent location shall be no earlier than seven o'clock (7:00) A.M. and no later than ten o'clock (10:00) P.M., and the vehicle shall be moved each night to an area not open to public view.

f. Food products must be stored at a commissary approved by the Kings County Health Department.

g. Vendor shall have adequate lighting to ensure customer safety either on the vehicle or at the location of the vehicle during business hours.

h. There shall be no more than one other semipermanent mobile food vendor or permanently located vendor of produce, prepared, or prepackaged food located within one thousand feet (1,000') of the site.

2. Vendor shall obtain, display, and keep a current city of Lemoore business license and comply at all times with this section as well as title 3, chapter 5, "Food Handling", and title 6, chapter 4, "Stopping, Standing Or Parking", including section 6-4-10, "Peddlers and Vendors", of the municipal code, and all other applicable federal, state, and local laws and regulations.

3. Mobile food vehicle shall be entirely self-sufficient in regard to gas, water, and telecommunications. Should any utility hookups or connections to on site utilities be required, the vendor shall be required to apply for appropriate permits to ensure building and public safety and consistency with applicable building and zoning regulations. Any cords or plugs used from the vehicle to electrical sources shall be appropriately covered or tied down so as to not cause trip hazards and may not be strung across parking lots.

4. All permits/licenses must be obtained, displayed, and kept current at all times and submitted with the administrative review application.

5. Applicants and the subject mobile food vehicles shall comply with all California retail food code provisions3, including more specifically, but not limited to, chapter 10, mobile food facilities, of such code and Health And Safety Code section 114250.1 regarding the availability of adequate toilet facilities for use by food service personnel within two hundred feet (200') of unit location.

6. Vendor shall display, in plain view and at all times, current permits and licenses in or on the mobile food vehicle.

7. Daily cleanup and disposal of waste products shall be done at an approved commissary with proof of such being provided when renewing the annual business license.

8. The vendor shall not discharge or allow discharge of items from any mobile food vehicle onto the sidewalk, gutter, storm inlets, or streets. The vendor shall not dispose or allow the disposal of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of such vendor. At least two (2) such vendor provided trash containers shall be available

on site. Violation of this provision can lead to the suspension and/or revocation of the permit to do business pursuant to section 3-5-11 of the municipal code.

9. The vendor shall install and maintain signage in a visible location indicating that loitering is not permitted and that customers may only remain on the site to pick up and, if applicable, consume their orders. The vendor shall be responsible for ensuring that customers comply with this no loitering provision.

10. In approving an application for a semipermanent mobile food vehicle, the planning director shall impose on the vendor such conditions and requirements as may be necessary to ensure compliance with the standards, conditions, and requirements in this subsection and other provisions of this title. (Ord. 2013-___, __-__-2013)

9-4D-14: SEXUALLY ORIENTED BUSINESSES:

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

B. Applicability:

1. This section shall apply to those activities described as sexually oriented businesses as described in section 9-4A-5, "Description of Land Uses", of this chapter and further defined in chapter 12, "Glossary of Terms", of this title including adult arcades, adult bookstores, adult cabarets, adult motels, adult theaters and motion picture theaters, adult novelty stores, and adult video stores.

2. The following definitions shall apply to this chapter:

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.

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

a. The opening or commencement of any business as a new business subsequent to the effective date hereof; or

b. 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

c. The addition of any sexually oriented business, as defined in this chapter, to any other existing sexually oriented business; or

d. The relocation of any sexually oriented business.

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.

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).

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.

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

a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below the top of the areola; or

b. 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:

a. Fondling, including:

1) 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

2) The fondling or other intentional touching of the buttock of any nude or seminude person; or

b. 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

c. 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

d. 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

e. 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

f. 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.

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.

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

a. The sale, lease, or sublease of the business; or

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

c. 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.

C. Location Regulations:

1. Zoning: Sexually oriented uses shall only be established consistent with the allowed use and permit requirements of article B, "Allowed Uses and Required Entitlements", of this chapter.

2. Distance: Sexually oriented businesses are permitted subject to compliance with all of the following conditions:

a. Such use is located more than five hundred feet (500') from another sexually oriented business;

b. Such use is located more than five hundred feet (500') from any religious institution, school, regularly established boys' club or girls' club, or public building regularly frequented by children, public park, or public building;

c. Such use is located more than three hundred feet (300') from any residential zone.

d. No more than one sexually oriented business shall be located within a single building, or portion thereof.

3. Nonconforming Use Based Upon Distance Requirements: A sexually oriented business hereinafter lawfully established and operating as a conforming use is not rendered a nonconforming use by the location, subsequent to its establishment, of a religious institution, school, public park, or public building regularly frequented by children within three hundred feet (300') of the sexually oriented business.

D. Measurement of Distance: For purposes of subsection C, "Location Regulations", of this section, the distance between any two (2) sexually oriented businesses or between a sexually oriented business and a religious institution, school, regularly established boys' or girls' club, public building regularly frequented by children, public park, public building, or residential zone shall be measured in a straight line, without regard to intervening structures or topography, from the nearest point on the property line of the property on which the one sexually oriented business is located to the nearest point on the property line of the property on which the other sexually oriented business, or the religious institution, school, regularly established boys' club or girls' club, public building regularly frequented by children, public park, public building, or residential zone is located.

E. Development and Performance Standards: All sexually oriented businesses shall comply with the following development and performance standards:

1. Entrances:

a. A permitted use shall have a separate business entrance adjacent to the required parking area, and no other nonadult use shall be permitted in the same building when a sexually oriented business is operated.

b. The building entrance to a sexually oriented business shall be clearly and legibly posted by a notice indicating that minors (persons under 18 years of age) are excluded from entering the premises.

2. Exterior Improvements and Requirements:

a. Illumination: All off street parking areas and entrances to the premises of a sexually oriented business shall be illuminated from dusk until at least the closing hour of operation with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.

b. Sound: No loudspeakers or sound equipment shall be used in a sexually oriented business for the amplification of any sound to a level discernible by the public beyond the walls of the building in which such use is conducted.

3. Hours of Operation:

a. It is unlawful and a person commits a misdemeanor if he, she, or it operates, permits, or causes to be operated a sexually oriented business, where that person operates or permits or causes such business to remain open for business, or permits or causes any employee to engage in a performance, to solicit a performance, to make a sale, to solicit a sale, to provide a service, or to solicit a service, between the hours of one o'clock (1:00) A.M. and nine o'clock (9:00) A.M. of any day.

b. It is unlawful and a person commits a misdemeanor if, working as an employee of a sexually oriented business, said employee engages in a performance, solicits a performance, makes a sale, solicits a sale, provides a service, or solicits a service between the hours of one o'clock (1:00) A.M. and nine o'clock (9:00) A.M. of any day.

4. Advertising Regulations:

a. It is unlawful and a person commits a misdemeanor if he, she, or it operates or causes to be operated a sexually oriented business and advertises the presentation of any activity prohibited by any applicable state statute or local ordinance.

b. It is unlawful and a person commits a misdemeanor if he, she, or it operates or causes to be operated a sexually oriented business and displays or otherwise exhibits the materials or performances of such sexually oriented business in any advertising. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business.

5. Display of Goods: Goods and products of a sexually oriented nature, regardless if the business meets the definition of a sexually oriented business, shall not be displayed in the front of the store where visible to passersby. Stores that are dedicated solely to the sale of sexually oriented products shall be designed such that these products are not immediately visible upon entering the store.

F. Regulations Pertaining To Exhibition of Sexually Explicit Films Or Videos In Video Booths: A person who operates or causes to be operated a sexually oriented business, other than an adult motel which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, videocassette, digital video disk, or other video

reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

1. Upon application for a sexually oriented conditional use permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted to enter. A manager's station may not exceed thirty two (32) square feet of floor area, with no dimensions greater than eight feet (8'). The diagram shall also designate the place at which the conditional use permit, if granted, will be conspicuously posted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale with marked dimensions sufficient to show the various internal dimension of all areas of the interior of the premises to an accuracy of plus or minus six inches (.6"). The city manager, or his or her designee, may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since the previously submitted diagram was prepared.

2. The application shall be sworn to be true and correct by the applicant.

3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the city or its designee.

4. It is the duty of the owner or owners and the operator or operators of the premises to ensure that at least one employee is on duty and situated at each manager's station at all times that any patron is present inside the premises.

5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video viewing capability. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

6. It shall be the duty of the owner or owners and the operator or operators, and it shall also be the duty of any agents and employees present on the premises, to ensure that the view area specified in subsection F5 of this section remains at all times unobstructed by any doors, walls, merchandise, display racks, or other materials and to ensure that no patron is permitted access to any area of the premises which has been designated in the application filed pursuant to subsection F1 of this section as an area in which patrons will not be permitted to enter.

7. No viewing room may be occupied by more than one person at any one time.

8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than two (2) foot-candles as measured at the floor level.

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

G. Inspection:

1. The operator shall permit representatives of the code enforcement office, the county health department, and the fire department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or at any time it is open for business.

2. It is unlawful and a person who operates a sexually oriented business or his, her, or its agent or employee commits a misdemeanor if he, she, or it refuses to permit such lawful inspection of the premises at any time that it is occupied or at any time that it is open for business.

H. Violations and Defense To Prosecution:

1. Noncompliance with Section: A person commits a misdemeanor if he, she, or it operates, allows to be operated, or causes to be operated a sexually oriented business outside of the restrictions of this section.

2. Under Eighteen Years of Age: It is unlawful and a person commits a misdemeanor if he, she, or it operates or causes to be operated a sexually oriented business, and knowingly or with reasonable cause to know, permits, suffers, or allows any one or more of the following to occur:

   a. Admittance of any person under eighteen (18) years of age to the business premises; or

   b. A person under eighteen (18) years of age to remain at the business premises; or

   c. A person under eighteen (18) years of age to purchase goods or services at the business premises; or

   d. A person who is under eighteen (18) years of age to work at the business premises as an employee.

3. Injunction and Criminal Remedies For Violation: A person who operates or causes to be operated a sexually oriented business in violation of this section shall be subject to injunctive and other remedies as provided by law. In addition, a violation may be prosecuted as a misdemeanor. Unless otherwise specified by law, a misdemeanor offense shall be punishable pursuant to section 19 of the California Penal Code.

4. Defense: It is a defense to prosecution under this section if a person appearing in a state of nudity does so in a modeling class operated in compliance with both of the following criteria:

   a. That the class is operated either by a proprietary school, licensed by the state of California; a college, junior college, or university supported entirely or partly by

taxation or by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; and

b. That the class is operated entirely within a structure:

(1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(2) Where, in order to participate in a class a student is customarily required to enroll in advance of the class (though late registrations may be allowable by the institution offering the class); and

(3) Where no more than one nude model is on the premises at any one time.

I. Criminal Penalties and Additional Legal, Equitable and Injunctive Relief: In addition to whatever penalties are applicable under the California Penal Code, if any person fails or refuses to obey or comply with or violates any of the criminal provisions of this section, such person, upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished by a fine established by resolution of the city council or by imprisonment not to exceed sixty (60) days in the Kings County Jail, or both, in the discretion of the court. Each violation or noncompliance shall be considered a separate and distinct offense. Further, each day of continued violation or noncompliance shall be considered a separate offense. Nothing herein contained shall prevent or restrict the city from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. All remedies and penalties provided for in this section shall be cumulative and independently available to the city, and the city shall be authorized to pursue any and all remedies set forth in this section to the full extent allowed by law.

J. Immunity From Prosecution: The city and its designees, including the police department and all other departments, agencies, and other city officers, agents, and employees charged with enforcement of state and local laws and codes, shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon a sexually oriented business while acting within the scope of authority conferred by this section. (Ord. 2013-___, __-__-2013)

9-4D-15: TELECOMMUNICATION FACILITIES:

A. Purpose and Intent: This section establishes standards for placement of wireless telecommunications facilities within the city and regulates the installation of antennas and other wireless communication facilities consistent with federal law. This section is intended to promote and protect the public safety and public welfare of residents as well as containing regulations to minimize potential impacts of the installation of wireless communication facilities.

B. Applicability: Wireless communication facilities shall be subject to the following regulations in this section to the extent that such requirements: 1) do not unreasonably discriminate among providers of functionally equivalent services, or 2) do not have the effect of prohibiting personal wireless services, as defined by the Telecommunications Act of 1996.

C. Permit Requirements:

1. Wireless telecommunication facilities (major and minor, as defined in section 9-4A-5, "Description of Land Uses", of this chapter) shall be subject to the permit requirements identified in article B, "Allowed Uses and Required Entitlements", of this chapter for the underlying zoning district. Regardless of any permit requirements listed in article B of this chapter, all telecommunication facilities shall comply with the applicable development standards of this section and are subject to site plan and architectural review.

2. The establishment of collocation facilities for major wireless telecommunication facilities is not subject to conditional use permit approval, provided the facility satisfies all requirements set forth in Government Code section 65850.6. Such facilities are subject to zoning clearance.

D. Application Requirements: When a conditional use permit is required for a wireless telecommunication facility, the application shall include the following information, in addition to all other information required by the city for a conditional use permit or site plan and architectural review application:

1. Visual simulations showing what the proposed facility will look like from the surrounding area as viewed from residential properties and public rights of way..

2. Narrative description and map showing the coverage area and location of the provider's existing wireless communication facilities and the proposed coverage area of the specific site that is the subject of the application.

3. Description, site plan, and other illustrative materials showing the probable future phasing (and full build-out) for the addition of subsequent providers. 4. Technical information explaining the reasons that a permit is being sought (e.g., whether a new antenna is necessary to accommodate increased demand or to fill a "dead zone" in the provider's coverage area).

E. Development Standards:

1. Standards for Major Wireless Telecommunication Facilities: The following general development standards shall apply to all major wireless telecommunication facilities:

a. Major wireless telecommunication facilities shall be collocated with existing facilities, with other planned new facilities, and with other facilities such as water tanks, light standards, and other utility structures to the extent feasible.

b. The height limit for towers shall be seventy five (75) feet, except that a conditional use permit may be granted for additional height when the designated approving authority finds that reasonable alternatives do not exist to provide the necessary service.

c. Towers shall not be located in any required front or street side yard in any zoning district.

d. The setback distance from any abutting street right of way, residential property line, or public trail shall be equal to the height of the facility (tower and related equipment).

e. The minimum setback distance from non-residential property lines shall be twenty percent (20%) of the height of the tower.

f. All wireless communication facilities shall comply with the noise standards of section 9-5A-4, "Noise, Odor, Vibration, and Maintenance Performance Standards", of this title.

g. Facilities shall have subdued colors and comprise nonreflective materials which blend with the materials and colors of the surrounding area or building.

h. All facilities shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions which would result in hazardous conditions, visual blight, or attractive nuisances.

i. Lighting: Towers and related equipment shall be unlit except as provided below:

(1) A manually operated or motion detector controlled light above the equipment shed door may be provided. Such light shall remain off except when personnel are present on site at night.

(2) The minimum tower lighting required under federal aviation administration regulation.

(3) Where tower lighting is required, such lighting shall be shielded or directed downward to the greatest extent possible to ensure that such light does not spill over onto abutting properties, especially residential zoning districts or uses.

j. Where appropriate, wireless communication facilities shall be installed in a manner that maintains and enhances existing landscaping on the site, including trees, foliage, and shrubs, whether or not utilized for screening. Additional landscaping shall be planted around the tower and related equipment to buffer abutting residential zoning districts or uses, and to buffer public trails

k. The tower and related equipment shall not bear any signs or advertising devices other than certification, warning, or other required seals or signs

2. Standards for Minor Wireless Telecommunication Facilities.

a. Ground mounted equipment shall be situated as close to the ground as feasible to reduce visual impact without compromising their function and all portions of the antenna shall be set back a minimum of five feet (5') from any property line. Ground mounted minor wireless telecommunication facilities shall be screened from view from the public right of way to a height of roughly seven (7) feet.

b. Wall mounted equipment shall be flush mounted and painted or finished to match the building with concealed cables.

c. In commercial and office zoning districts, roof mounted equipment shall be screened from view of public rights of way by locating the antenna below the roofline, parapet wall, or other roof screen and by locating the equipment as far away as physically feasible and aesthetically desirable from the edge of the building.

d. Equipment shall have subdued colors and comprise nonreflective materials which blend with the materials and colors of the surrounding area or building.

e. The maximum height t for ground mounted equipment shall be equal to the horizontal distance between the equipment and the nearest property line, or twenty-five (25) feet above the maximum building height of the zone district, whichever is less.

3. Development Standards for Amateur Radio Antennas:

a. Height Limits: Amateur radio antennas in any zone district may extend to a maximum height of seventy five feet (75'), provided that the tower is equipped with a lowering device (motorized and/or mechanical) capable of lowering the antenna to the maximum height permitted in the zone district when not in operation.

b. Location Parameters: All antenna structures shall be located outside of required front and street side yard areas. Antenna structures shall also be set back a minimum distance of five feet (5') from interior property lines.

c. Tower Safety: All antennas shall be located within an enclosed fenced area or have a minimum five foot (5') high tower shield at the tower base to prevent climbing. All active elements of antennas shall have a minimum vertical clearance of eight feet (8'). (Ord. 2013-___, __-__-2013) (Ord. 2013-___, __-__-2013)**9-4D-16: THRIFT STORES:**

A. Purpose and Applicability: The purpose of these regulations is to limit the overconcentration of thrift stores within the city by applying minimum distance standards between thrift stores and ensuring compatibility with surrounding uses by requiring special standards for collection/receiving and refuse areas and requiring additional property maintenance.

The regulations contained in this section shall apply to new and qualifying expansion of existing thrift stores as defined in article A, "Use Classification System", of this chapter. The establishment of new thrift stores 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.

B. Location: Thrift stores shall not be located closer than five hundred feet (500') from another thrift store.

C. Development Standards: All new thrift stores shall observe all development standards of the underlying zoning district, except that they shall also comply with the following additional standards:

1. Enclosed Activities: All activities shall be completely enclosed within the building for the use.

2. Collection/Receiving Area: The collection area shall be located on the side or rear of the building. Adequate directional signage shall be provided from the main entrance to the use to direct individuals to the collection area. The collection area shall be noticed to prohibit depositing goods when the store is closed.

3. Property Maintenance: Management shall be responsible for the removal of litter from the subject property, adjacent property, and streets that results from the thrift store (with adjacent property owner consent). (Ord. 2013-___, __-__-2013)

9-4D-17: OUTDOOR DISPLAY, SALES, AND STORAGE:

A. Purpose: The purpose of this section is to regulate permanent and temporary outdoor display and storage uses. The intent of these regulations is to encourage outdoor displays and activities that are compatible with associated and nearby uses and do not obstruct pedestrian or vehicle circulation or create an unsightly appearance of unrestricted clutter.

B. Permit Requirements and Exemptions: The following outdoor activities shall be subject to the permit requirements listed herein:

1. Permanent Outdoor Display and Sales: Permanent outdoor display and sales (excluding vending machines) shall require administrative site plan and architecture review approval prior to establishment. All related activities shall be developed and operated consistent with the standards of this section.

2. Temporary Outdoor Display and Sales: Temporary outdoor display and sales shall comply with the standards for temporary uses as provided in chapter 4, article C, "Temporary Uses", of this title and, if required, first obtain a temporary use permit. Temporary outdoor display and sales shall comply with the development standards listed in this section in addition to the requirements of chapter 4, article C of this title.

3. Permanent Outdoor Storage: Permanent outdoor storage is permitted as a specified land use (storage yards). If not part of the original development permit for the principal use, permanent outdoor storage may be permitted in mixed use, automotive and industrial, and public/quasi-public zoning districts subject to site plan and architectural review approval. In all cases, permanent outdoor storage shall be consistent with the development standards of this chapter.

4. Temporary Outdoor Storage: Temporary outdoor storage shall comply with the standards for temporary uses as provided in chapter 4, article C, "Temporary Uses", of this title and, if required, first obtain a temporary use permit. Temporary outdoor storage shall comply with the development standards listed in this section in addition to the requirements of chapter 4, article C of this title.

C. Development Standards: The following general development standards apply to all outdoor display, sales, and storage activities.

1. Location: Outdoor activities shall not be located within any public right of way (unless an encroachment permit has been issued), in required parking spaces, within designed vehicle drive aisles, or within required landscape planter areas. Outdoor activities shall also not disrupt or impede required pedestrian circulation paths.

2. Hours of Operation: Except as otherwise provided, hours of operation for outdoor activities shall be consistent with those for the corresponding primary use.

3. Noise: Any noise generated by the outdoor activity shall be consistent with subsection 9-5A-4B, "Noise Standards", of this article.

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D. Standards for Outdoor Display and Sales: The following development standards shall apply to all permanent and temporary outdoor display and sales activities and are in addition to those standards listed in subsection C, "Development Standards", of this section:

1. Associated with the Primary Use: All outdoor display and sales activities shall be associated with the primary use of the property. Only those goods and services associated with the primary use may be stored, sold, or displayed. All outdoor display and sales activities that are independent of the primary use shall be considered their own primary use and regulated as such (e.g., seasonal sales as a temporary use requiring a temporary use permit).

2. Maximum Area: Unless otherwise approved in conjunction with development permits, the area used for permanent outdoor display and sales of materials shall not exceed ten percent (10%) of the gross floor area of the corresponding commercial building. When a permitted use, vehicle and equipment sales and rentals (e.g., automobile, boat, RV, construction equipment) are exempt from the ten percent (10%) limitation, provided storage and display is limited to vehicles offered for sale or rental only.

3. Performance Standards: Vending machines and outdoor display and sales shall meet the following requirements:

a. Placement shall be adjacent to a building wall and under a roof overhang (if available).

b. Placement shall not reduce the width of a paved clear space for the passage of pedestrians to less than four feet (4'). Clear space shall be counted as that space exclusive of vehicle overhang as provided in subsection 9-5E-5B11 of this chapter.

c. Placement shall not be closer than five feet (5') to a fire department or utility connection (e.g., fire door, gas meter, electric meter).

d. Placement shall not have exposed conduits, piping, or overhead utility connections.

E. 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 C, "Development Standards", of this section:

1. Location: Outdoor storage may not be located within any required front or street side yard for the underlying zoning district within which the activity is located. No pedestrian paths shall be obstructed. A paved clear space for the passage of pedestrians, no less than five feet (5') wide shall be maintained.

2. Windows: Outdoor storage areas shall not block the view from any windows.

3. Height Limitation: The height of stacked materials and goods shall be no greater than that of any building, wall, fence, or gate enclosing the storage area.

4. Screening of Outdoor Storage: Outdoor storage (including all dumpsters, commercial items, commercial construction, or industrial related materials and equipment within

commercial zones) shall be screened from any abutting right of way, trail, or property. Methods to achieve screening may include, but not be limited to, fences, walls, landscaping, or earthen berms (Ord. 2013-___, __-__-2013)

9-4D-18: RESIDENTIAL ACCESSORY STRUCTURES:

A. Purpose: The purpose of this section is to regulate certain types of residential accessory structures. These standards are intended to complement the requirements and standards of the city adopted building code and fire code with respect to accessory structures on residential property.

B. Permit Requirements and Exceptions: Generally, no special planning permit or entitlement shall be required for accessory structures that are consistent with the standards herein, except that zoning plan check shall be conducted in the event that a building permit is required. and

C. Development Standards:

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.

   a. No accessory structure shall be placed within an established easement.

   b. Construction Phasing: Accessory structures may be constructed only in conjunction with or after construction of the primary building(s) on the site.

   c. Ingress/Egress into Back Yard: A minimum three foot (3') ingress/egress pathway into a back yard shall be maintained for fire access.

2. Development Standards by Type of Accessory Structure: Table 9-4D-18-C1, "Development Standards for Residential Accessory Structures in Residential Zones", of this section establishes development standards based on the type of accessory structure as defined in this title.

TABLE 9-4D-18-C1
DEVELOPMENT STANDARDS FOR
RESIDENTIAL ACCESSORY STRUCTURES IN RESIDENTIAL ZONES

Accessory Structure	Development Standard				
	Minimum Setback Distance From Property Line			Minimum Distance Between Structures	Maximum Height
	Front	Street Side	Interior Side and Rear		
Building, 120 square feet or less:					
8 feet tall or less:	Same minimum as for primary structure	10 feet	No minimum	No minimum	8 feet
Greater than 8 feet tall:		15 feet	53 feet	10 feet	16 feet
Building, greater than 120 square feet:					
Fully enclosed	Same minimum as for primary structure	15 feet	5 feet	10 feet	16 feet
Limited/no enclosure		15 feet	53 feet	10 feet	16 feet
Garden structure:					
<8 feet ft. tall	12 feet	No minimum	No minimum	No minimum	8 feet
Ó8 feet ft. tall	12 feet	15 feet	5 feet	10 feet	16 feet

Carports:					
Combustible and/or portable	Set back even with or behind the front of the house	Not permitted on the street side of a corner lot	5 feet	10 feet	Height of house primary structure
Noncombustible and permanent	4 feet behind the sidewalk and outside of public right of way and clear visibility area.		No minimum	10 feet	Height of house main structure
Pool/spa (built-in):	Same as for primary structure	5 feet	5 feet	3 feet	Not applicable
Deck:	No minimum	No minimum	No minimum	No minimum	2 feet
Play equipment:	Same as primary structure	15 feet	5 feet	No minimum	Same as for primary structure

(Ord. 2013-___, __-__-2013)

CHAPTER 5:

ARTICLE A. AREA, SETBACK, HEIGHT AND COVERAGE STANDARDS

9-5A-1: PURPOSE AND APPLICABILITY:
9-5A-2: HEIGHT LIMITS MEASUREMENT AND EXCEPTIONS:
9-5A-3: SETBACK DETERMINATION AND REQUIREMENTS:
9-5A-4: GENERAL ZONING DISTRICT DEVELOPMENT STANDARDS:

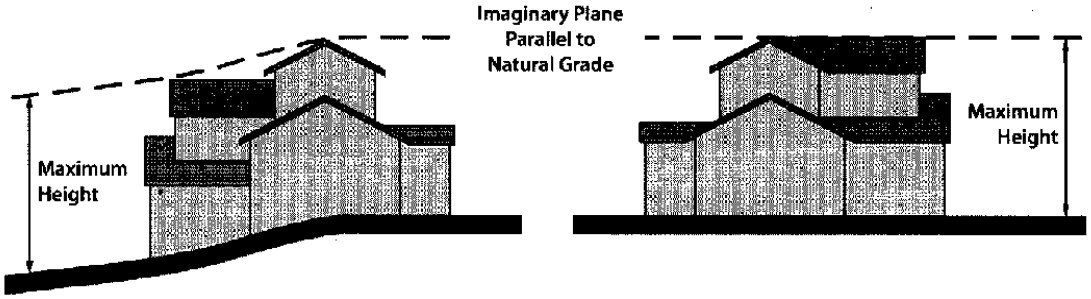
9-5A-1: PURPOSE AND APPLICABILITY:

The purpose of this article is to provide development standards related to all properties within Lemoore regardless of underlying zoning designation or land use. The purpose of this article is to establish development standards for lot area, allowed density, building setbacks, height, and lot coverage as appropriate for each of the city's base zoning districts. (Ord. 2013-___, __-__-2013)

9-5A-2: HEIGHT LIMITS MEASUREMENT AND EXCEPTIONS:

A. Height Measurement: The height of a structure shall be measured as the vertical distance from the finish grade of the site to an imaginary plane located the allowed number of feet above and parallel to the finish grade.

FIGURE 9-5A-2-A1
MEASUREMENT OF HEIGHT



andExceptions to height regulations are as follows:

1. Towers, penthouses, and other roof structures for the purpose of shelter for mechanical equipment, cupolas, water tanks, church steeples, and similar structures and necessary mechanical appurtenances may be erected up to twenty-five feet (25') above the allowable height limit of the structure.

2. Telecommunication facilities height limits are established in section 9-4D-15, "Telecommunication Facilities", of this title.

3. Fire or parapet walls in nonresidential zoning districts may extend up to four feet (4') above the allowable height limit of the structure. (Ord. 2013-___, __-__-2013)

9-5A-3: SETBACK DETERMINATION AND REQUIREMENTS:

A. Purpose and Applicability:

1. Purpose: The purpose of this section is to establish requirements for yard areas, setbacks, and encroachments. These requirements, in conjunction with other applicable requirements, are intended to ensure open areas around primary structures maintain clear visibility for traffic safety and pedestrian access, buffer between various land uses, establish natural and visual light, establish airspace privacy, and provide for landscaping and recreation areas.

2. Applicability: The rules for measurement of setbacks, yard areas, and encroachments apply to all properties in the city and shall be in addition to any other applicable development standards and measurement rules contained elsewhere within this title.

B. General Yard and Setback Regulations:

1. Required Yard Area: Except as otherwise specified in this title, required yard areas shall be kept free of buildings and structures.

2. Exclusivity of Required Yard Area: No yard or other open space provided around any building for the purpose of complying with this title shall be considered as providing a yard or open space for any other building or structure.

3. Vertical Clearance: Except as otherwise provided in this title, every part of a required yard shall be open from its lowest point to the sky unobstructed. Building overhangs, bay windows, and other such elements may intrude as permitted, pursuant to subsection D, "Allowed Encroachments Or Projections Into Required Yards", of this section.

4. Corner Lots: In the case of a lot abutting two (2) or more streets, the main buildings and accessory buildings shall be erected so as not to encroach upon the required front and street side yards.

5. Double Frontage Lots: Where a double frontage lot has a depth of one hundred twenty five feet (125') or more, such lot may be treated as two (2) lots for the purpose of determining yard setbacks.

6. Flag Lots: The front setback for a flag lot shall be measured from the property line that abuts the access corridor, not from where the access corridor meets the public street.

7. Lot Area, Depth, Width, and Setback Reduction: Where a lot area or a lot width, depth, or setback has been reduced for an existing legally created lot by not more than fifteen percent (15%) as a result of acquisition of dedication for a highway, road, drain, or other public purpose, or as a result of dedication pursuant to a condition of approval, the lot area or yard so reduced may be included in determining compliance with lot area or yard requirements in the same manner as if the acquisition or dedication has not taken place.

8. Setback Measurement:

a. Generally: The setback of all buildings and structures shall be measured at a right angle from the property line and determined by the exterior boundaries of the streets and highways and their proposed widening and extensions as indicated on the circulation plan, planned improvements map of the city's general plan. Except as permitted in subsection D, "Allowed Encroachments Or Projections Into Required Yards", of this section, or as otherwise specified in this title for specific types of structures (e.g., accessory structures, signs) or through the issuance of a variance, structures shall not extend beyond required setback lines.

b. Lots on Loop Out and Cul-De-Sac Streets: The minimum front setback for lots on loop out and cul-de-sac streets shall be five (5) feet less than the otherwise established minimum front setback.

C. Residential Yard and Setback Regulations: In addition to the setback standards for single-family residential development listed in section 9-5B-2, table 9-5B-2, "Development Standards For Base Zoning Districts", of this chapter, the following standards shall apply:

1. Front Yard Variation: In any full block of lots established through a Planned Unit Development, the front yards may be varied so that the required yard depth is not reduced more than five feet (5'), the average of all lots equals the required yard depth, and the corner lot yards are not reduced.

2. Yard Exceptions for Infill Development: On a site situated between sites improved with buildings where said buildings are set back less than the minimum distance required by this subsection, the minimum front yard shall be the average depth of the front yards on the improved sites immediately adjoining the side lines of the site.

3. Deviations for Lots Recorded Prior to 1987: In case of irregular or wedge shaped lots and lots in subdivisions recorded prior to 1987, the planning director may grant setback deviations up to fifteen percent (15%) of the stated requirements.

D. Allowed Encroachments or Projections into Required Yards: Bay windows, cornices, canopies, attached decks and patios, eaves, fireplaces, roof overhangs, and similar architectural features may encroach up to six (6) feet into the required front yard and up to two (2) feet into all other required yard areas. (Ord. 2013-___, __-__-2013)

9-5A-4: GENERAL ZONING DISTRICT DEVELOPMENT STANDARDS:

A. Table 9-5A-4A, "Development Standards for Residential Zoning Districts" and Table 9-5A-4B ñDevelopment Standards for Commercial, Office, Industrial, Special Purpose Zoning Districtsò, of this section establishes the lot area, allowed density, building setbacks, height, and lot coverage requirements, as defined in this title, for each of the city's base zoning districts, except the mixed use zoning districts. Development standards and design provisions for the downtown mixed use zones (DMX-1, DMX-2, and DMX-3) are addressed in Chapter 6, "Downtown Development Standards", of this title. Development standards and design provisions for the mixed use zone (MU) are addressed in Chapter 7, "Mixed Use Development Standards", of this title. Zoning district names for the zoning district symbols used in the table are the same as those used in Section 9-4B-2.

TABLE 9-5A-4A
DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

Measurement/ Zoning District	Residential Zoning Districts						
	AR	**RVLD**	**RLD**	**RN**	**RLMD**	**RMD**	**RHD**
Density range (du/acre, minimum and maximum)	-	1-3	3-7	7-12	7-12	12-17	17-25
Lot dimensions:							
Lot size, minimum (square feet)	40,000	15,000	7,000	3,000	3,000	2,000	2,000
Lot size, maximum (square feet)	No max.	40,000	15,000	7,000	7,000	5,000[1]	No max.
Lot width, minimum[10]	150'	150'	60'	50'	60'	60'	60'
Lot depth, minimum	200'	150'	100'	90'	90'	80'	80'
Setbacks, minimum:							
Front yard:							
Generally[2,12]	60'	40'	18'	15'	20'	20'	20'
To garage, front facing	-	-	20'	20'	20'	20'	20'
To garage, side load	-	-	15'	-	-	-	-
To porch	-	-	12'	12'	12'	12'	-

Measurement/ Zoning District	Residential Zoning Districts						
	AR	**RVLD**	**RLD**	**RN**	**RLMD**	**RMD**	**RHD**
Side yard:							
Interior side	15'	10'	5' [4]	5' [4]	5'	10'	10'
Street side[12]	25'	15'	15'	15'	15'	15'	15'
Combined both sides	-	-	10'	10'	10'	-	-
Rear yard:							
Generally	10' [4]	10' [4]	10' [4]	10' [4]	10'	10'	10'
To detached alley loaded garage	5ô	5ô	5ô	0'	0ô	0ô	0ô
Abutting a street[11]	20'	20'	20'	20'	20'	-	-
Separation between buildings,, minimum[7]	10'	10'	10'	10'	10'	10'	10'
Height, maximum:	40'	40ô	35ô	35ô	35ô	45ô	60ô

TABLE 9-5A-4A
DEVELOPMENT STANDARDS FOR OFFICE, COMMERCIAL, INDUSTRIAL, AND SPECIAL PURPOSE ZONING DISTRICTS

Measurement/ Zoning District	Office, Commercial, and Industrial Zoning Districts					Special Purpose Zoning Districts			
	NC	RC	PO	ML	MH	W	AG	PR	CF
Residential Density range (du/acre, minimum and maximum)	-	-	17-25	-	-	-	-	-	-
Lot dimensions:									
Lot size, minimum (square feet)	-	-	20,000	20,000	20,000	-	-	-	-
Lot depth, minimum	-	-	100'	100'	100'	-	-	-	-
Setbacks:									
Front yard:									
Generally[2,12]	0'	0'	25'	25'	25' [3]	0'	0'	0'	25'
To garage, front facing	15'	0'	-	-	-	-	-	-	-
Side yard:									
Interior side	5'	0' [5]	0' [5]	0' [5]	0' [6]	0'	0'	0'	0'
Street side[12]	10'	10'	10'	10'	10'	0'	0'	0'	10'
Rear Yard:	5'	0' [5]	0' [5]	25'	25'	0'	0'	0'	25'
Separation between buildings, minimum[7]	10'	10'	10'	-	-	0'	0'	0'	10'

Measurement/ Zoning District	Office, Commercial, and Industrial Zoning Districts					Special Purpose Zoning Districts			
	NC	RC	PO	ML	MH	W	AG	PR	CF
Lot coverage, maximum percent of lot area[8]:	80%	80%	65%	-	-	-	-	-	-
Floor area ratio (FAR):									
Minimum	0.10	0.10	0.10	0.10	0.10	-	-	-	-
Maximum	0.60	0.60	0.60	0.60	0.60	-	-	-	-
Height, maximum:	-	-	35'	60' [9]	60' [9]	30'	65'	30'	45'

Notes:

1. Larger lot sizes may be permitted through site plan and architectural review for condominiums, townhomes, and similar attached developments.

2. For single-family residential subdivisions, the front yard setback of adjacent homes shall have a minimum 2 foot stagger between adjacent lots. Reduced setbacks may be approved as part of a planned unit development overlay zoning district or master home plan approval as a way to provide varied setbacks.

3. For every 1 foot in additional height, an additional 1 foot in setback is required.

4. Additional 5 feet is required for each additional story.

5. Required setback is 10 feet when adjacent to any residential zoning district.

6. Required setback is 15 feet when adjacent to any residential or mixed use zoning district.

7. Separation requirements apply to buildings on the same site as well as separation between buildings on adjacent parcels.

8. Also see subsection 9-5D1-2E, "Special Landscape Requirements", of this chapter for corresponding minimum landscaping and pervious surface requirements.

9. Additional building height may be allowed through site plan and architectural review when additional height is necessary for mechanical equipment as part of an industrial operation.

10. For flag lots, the minimum width for the access corridor shall be 10 feet. The lot width shall be measured from the front property line as described in section 9-5A-3, "Setback Determination and Requirements", of this chapter.

11. See section 9-5B-3, "Urban-Rural Edge", of this article.

12. 15 foot landscape buffer required along arterial and collector streets in addition to minimum setback. These 2 standards are not cumulative and may overlap. See subsection 9-5D1-2E2, "Landscape Buffers Required Along Arterial and Collector Streets", of this chapter.

(Ord. 2013-___, __-__-2013)

CHAPTER 5:

ARTICLE B. DEVELOPMENT STANDARDS BY ZONING DISTRICT

9-5B-1: PURPOSE:
9-5B-2: NOISE, ODOR, AND VIBRATION PERFORMANCE STANDARDS:
9-5B-3: PROPERTY AND UTILITY IMPROVEMENTS:
9-5B-4: OUTDOOR LIGHTING:
9-5B-5: FENCES AND WALLS:
9-5B-6: SCREENING:
9-5B-7: URBAN-RURAL EDGE:

9-5B-1: PURPOSE

The purpose of this chapter is to provide performance standards for all permanent and temporary land uses within the city relative to noise, odor, and vibration, property and utility improvement requirements, outdoor lighting, fences and walls, and screening. The intent is to provide compatibility between neighboring land uses by minimizing various potential impacts.

9-5B-2: NOISE, ODOR, AND VIBRATION PERFORMANCE STANDARDS:

A. Purpose and Applicability:

1. Purpose: The purpose of this section is to provide performance standards for all permanent and temporary land uses within the city relative to noise, odor, and vibration. The intent is to provide compatibility between neighboring land uses by minimizing various potential impacts.

2. Applicability: The standards of this chapter apply to all new and existing land uses within the city, unless otherwise exempted. Existing uses shall not be modified in conflict with the provisions of this chapter.

B. Noise Standards:

1. Applicability: In addition to the provision contained within this section, all uses shall comply with the noise standards set forth in the city's general plan and in title 5, chapter 6, "Noise", of the municipal code. Unless otherwise specified in this section or the general plan, all noise measurements shall be based upon the community noise equivalent level (CNEL).

2. Generally: No use, activity, or process shall exceed the maximum allowable noise levels established by this section, except for the following noise sources:

   a. Public safety warning devices (e.g., ambulance, fire, and police sirens), sound for alerting persons to the existence of an emergency, or the performance of authorized emergency work;

b. Any activity whose noise levels are regulated by state or federal law;

c. Construction, maintenance, and/or repair operations by public agencies and/or utility companies or their contractors that are serving public interests, and/or protecting the public health, safety, and general welfare;

d. Public agency sanctioned recreational activities and programs conducted in public parks; and

e. The authorized collection of solid waste.

3. Maximum Allowable Noise Levels:

a. No use shall exceed the standard noise levels established in table 9-5B-2-B1, "Land Use Noise Standards" of this section. Necessary measures shall be incorporated into all development projects to attenuate exterior and/or interior noise levels to these standards.

TABLE 9-5B-2-B1
LAND USE NOISE STANDARDS

Land Use	**Noise Standards (dB CNEL)**	
	Interior Noise	**Exterior Noise**
Residential uses	45	65[1]
Residential uses in mixed use zones	45	70
Commercial	-	70
Office	50	70
Industrial	55	75
Public facilities	50	70
Parks	-	70
Schools	50	65

Note:
1. In outdoor living areas, e.g., back yards.

b. Notwithstanding the above requirements, if the measured ambient noise level exceeds the applicable noise level standard in any category, the applicable standards shall be the ambient noise level.

c. Notwithstanding the above requirements, no person shall allow or cause the generation of any noise of a type, volume, pitch, tone, repetition, or duration that

would be found to be a nuisance by a reasonable person beyond the boundaries of the property where the noise is generated.

4. Acoustical Analysis Required: Where the city determines that a proposed project may generate noise in excess of any limit established above, and/or where the use may generate noise in outdoor areas in excess of sixty decibels (60 dB CNEL), the land use permit application for the use shall include an acoustical analysis by a qualified professional approved by the city. The following measure shall be considered where feasible to reduce noise level below acceptable standards:

   a. Site layout, including setbacks, open space separation, and shielding of noise sensitive uses with non-noise sensitive uses;

   b. Acoustical treatment of buildings; or

   c. Structural measures such as constructed of earth berms and/or wood or concrete barriers or masonry walls.

5. Limitation On Hours of Construction: To ensure that nearby residents as well as nonresidential activities are not disturbed by noise from early morning or late night activities, the following limits on construction are established:

   a. Monday through Saturday, six o'clock (6:00) A.M. to eight o'clock (8:00) P.M.

   b. Extended construction hours may only be allowed by the review authority through conditions of approval between eight o'clock (8:00) P.M. and ten o'clock (10:00) P.M.

   c. On Sundays and national holidays, construction activities may only be allowed by the review authority through conditions of approval between nine o'clock (9:00) A.M. and five o'clock (5:00) P.M.

6. Limitation On Truck Deliveries: Truck deliveries to a commercial or industrial parcel adjacent to a conforming residential use shall be limited to the hours between seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., unless the planning director authorizes other delivery times based on the determination that there is either no feasible alternative, or there are overriding transportation and traffic management benefits to scheduling deliveries at night.

7. Locating A New Sensitive Land Use: Where noise sensitive land use is proposed in an area exposed to existing or projected noise levels in excess of sixty five decibels (65 dB CNEL), the city may require an acoustical analysis so that noise reduction measures may be included in the project design.

C. Odors, Particulate Matter, and Air Contaminants Standards:

1. Odor: No obnoxious odors or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.

2. Particulate Matter and Air Contaminants: The operation of facilities shall not directly or indirectly discharge air contaminants into the atmosphere, including smoke, sulfur compounds, dust, soot, carbon, noxious acids, gases, mist, odors, or particulate matter,

or other air contaminants or combinations which exceed any local, state, or federal air quality standards. 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 regional air quality management district.

3. Odor Easement Required: All new subdivisions of land through tentative map as provided in title 8, chapter 7, article F, "Tentative Maps", of the municipal code shall be required as a condition of approval to record at time of final or parcel map an odor easement on all lots created. Such easement shall identify the presence of industrial uses in the vicinity of the lot and be in a form satisfactory to the city.

D. Vibration Standards: Uses that generate vibrations that may be considered a nuisance or hazard on any adjacent property shall be cushioned or isolated to prevent generation of vibrations. Uses shall be operated in compliance with the following provisions:

1. Uses shall not generate ground vibration that is perceptible without instruments by the average person at any point along or beyond the property line of the parcel containing the activities;

2. Uses, activities, and processes shall not generate vibrations that cause discomfort or annoyance to reasonable persons of normal sensitivity or which endanger the comfort, repose, health, or peace of residents whose properties abut the property lines of the subject parcel;

3. Uses shall not generate ground vibration that interferes with the operations of equipment and facilities of adjoining parcels; and

4. Vibrations from temporary construction/demolition and vehicles that leave the subject parcel (e.g., trucks, trains, and aircraft) are exempt from the provisions of this section. (Ord. 2013-___, __-__-2013)

9-5B-3: PROPERTY AND UTILITY IMPROVEMENTS:

A. Purpose: The purpose of this section is to establish rules and regulations that govern the installation of curbs, gutters, and sidewalks and the undergrounding of all utilities in the city. These requirements, in conjunction with other applicable requirements of this code, are intended to establish the applicability of said requirements of development in all new industrial, commercial, residential subdivisions, and infill projects. This section addresses the applicability of public utility improvements and is not intended to supersede the city's construction improvement standards.

B. Curbs, Gutters, and Sidewalks: Installation of curbs, gutters, and sidewalks shall be required for all new development projects except rural subdivisions. Such improvements shall be provided at the location determined by the public works director.

C. Underground Utility Requirements and Applicability: The requirements listed below govern the undergrounding of utility lines, including telephone facilities, electrical (less than 70 kVA), fire alarm conduits, street lighting wiring, cable television and other wiring conduits, and similar facilities.

1. New Developments: In new development areas of the city, all onsite utilities shall be installed underground, if feasible.

2. Existing Developments: In existing areas of the city where utility lines have not been undergrounded, the requirements listed below shall apply.

   a. For an existing development that is either: 1) being comprehensively redeveloped or 2) undergoing an addition or renovation of more than two hundred fifty thousand dollars ($250,000.00), all utilities on the project site shall be placed underground. All existing overhead utilities that cross or abut the subject property are also required to be placed underground. "Comprehensively redeveloped" shall mean any instance where a demolition permit has or would be issued for a minimum of fifty percent (50%) of the existing building area.

   b. For development with less than five hundred feet (500') of public frontage or where utilities are located within a dedicated public utility easement, the applicant may be permitted by the public works director to pay an in-lieu fee to be used by the City to underground utilities, provided the project has been designed to the satisfaction of the public works director and the project is accessible and can be easily improved at such time as the utilities are undergrounded.

   c. Nothing in this section shall limit the ability of the city and applicant to enter into a deferred improvement agreement for the conversion to underground utilities at a later point in time.

   d. When the city determines that undergrounding is impractical, an in-lieu fee shall be paid. An in-lieu fee shall be based on the number and type of utility lines and type of surface area being distributed and shall be paid prior to the recordation of a final or parcel map for the subdivision, or the issuance of any building permit, as applicable. The in-lieu fees shall be used by the city to fund underground activities.

   3. Waiver Of Undergrounding Requirement: Aboveground meters, transformers, condensers, switches, and other related equipment may be allowed above ground if approved by the public works director if it is determined that the equipment in unobtrusive or is adequately screened from public view.as part of the site development review process. If the applicant demonstrates that the city's undergrounding requirement has the effect of prohibiting the requirement of telecommunications facilities, the approving authority shall waive the undergrounding requirement. Conditions for approval of aboveground equipment include, but are not limited to, (Ord. 2013-___, __-__-2013)

9-5B-4: OUTDOOR LIGHTING:

The purpose this section is to balance the safety and security needs for lighting with the city's desire to preserve dark skies and to ensure that light trespass and glare have negligible impact on surrounding property (especially residential uses) and roadways.

A. Exempt Lighting: The following items shall be exempt from the requirements of this chapter:

1. All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas fixtures.

2. Temporary lights used for holiday decorations.

3. Emergency lighting erected for official purposes by local, state, or federal agencies.

4. Lighting for temporary uses and special events permitted consistent with this title.

5. Streetlights in accordance with city standards.

B. Prohibited Lighting: The following types of lighting are prohibited:

1. Neon tubing or band lighting along buildings and/or structures as articulation, except as approved through site plan and architectural review;

2. Searchlights, laser source lights, or any similar high intensity light;

3. Lighting fixtures operated in such a manner as to constitute a hazard or danger to persons or to safe vehicular travel;

4. Illumination of entire buildings; and

5. Moving, flashing, or animated lighting except as allowed for signs as provided in article F, "Signage", of this chapter.

C. General Lighting Requirements: The requirements listed below shall apply to all outdoor lighting:

1. Nuisance Prevention: All outdoor lighting shall be designed, located, installed, and maintained in order to prevent glare, light trespass, and light pollution.

3. Lighting Study Required For Limited Land Uses: A lighting study or plan (often referred to as a photometric study or plan) shall only be required for those land uses that are most likely to have a negative impact on surrounding sensitive receptors, such as residential dwellings. As such, a lighting study or plan shall only be required for fueling stations, apartment complexes, and uses with parking lots that contain more than one hundred (100) spaces.

2. Shielding: Except as otherwise exempt, all outdoor lighting shall be recessed and/or constructed with full downward shielding in order to reduce light and glare impacts on trespass to adjoining properties and public rights of way. Each fixture shall be directed downward and away from adjoining properties and public rights of way, so that no light fixture directly illuminates an area outside of the project site.

3. Level of Illumination: Outdoor lighting shall be designed to illuminate at the minimum level necessary for safety and security and to avoid harsh contrasts in lighting levels between the project site and adjacent properties

4. Maximum Height of Freestanding Outdoor Light Fixtures: The maximum height of freestanding outdoor light fixtures less than 10 feet from a property line abutting residential development shall be eighteen feet (18'). Otherwise, the maximum height for freestanding outdoor light structures shall be twenty four feet (24'). Height shall be measured from the finish grade, inclusive of the pedestal, to the top of the fixture. The

designated approving authority may allow greater heights upon finding that there are special circumstances that affect the feasibility of meeting this standard.

5. Energy Efficient Fixtures Required: Outdoor lighting shall utilize energy efficient fixtures and lamps, such as high pressure sodium, metal halide, low pressure sodium, hard wired compact fluorescent, or other lighting technology that is of equal or greater efficiency. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than ten thousand (10,000) hours.

6. Accent Lighting: Architectural features may be illuminated by uplighting, provided that the lamps are low intensity to produce a subtle lighting effect and no glare or light trespass is produced. Wherever feasible, solar powered fixtures should be used. (Ord. 2013-___, __-__-2013)

9-5B-5: FENCES AND WALLS:

A. Purpose: The purpose of this section is to establish development standards and regulations for fences and walls. The intent of these regulations is to provide for adequate air and light permeability onto lots, for adequate buffering between and screening of uses and activities, and for the mitigation of noise.

B. Applicability and Exemptions: Except as provided below, the requirements of this chapter apply to all fences and walls.

1. Fences that are required by federal or state law or regulation, or which are required by the city for public safety (e.g., temporary construction site fencing) are exempt from this section.

2. Walls that are required by mitigation measure and designed and approved through a tentative subdivision map, tentative parcel map, or site plan and architecture review for noise attenuation are exempt from this section.

C. Permit Requirements: Except as provided below, no special planning permit or entitlement shall be required for fences or walls, except that zoning plan check shall be conducted in the event that a building permit is required.

1. Building Permit Required: A building permit is required for all fences that exceed six (6) feet in height.

2. Encroachment Permit Required: Fences located within a city maintained public utility easement as provided in title 7, chapter 12, "Encroachments", of the municipal code

2. Retaining Walls: Retaining walls, as defined in this title, may only be constructed as part of an approved grading permit for the site at the time of initial development, as part of a roadway improvement project, or as part of the necessary stabilization of soil for the primary intended use of the property as determined by the public works director.

D. Measurement of Fence and Wall Height: Fence and wall height shall be measured as the vertical distance between the lowest finished grade at the base of the fence and the top edge of the fence material. When a fence or wall is placed atop a "landscape wall" (as

defined in this title), the height of the landscape wall shall be considered as part of the fence or wall for purposes of determining the height of the fence or wall.

E. Fence and Wall Height Limits in Required Yard Areas:

1. General Standards: All fences and walls built within required yard areas or within a clear visibility area shall comply with the height limits shown in table 9-5B-5-E1, "Development Standards for Fences and Walls", of this section. Minimum permeability refers to the amount of surface area of the fence or wall that shall be open to the passage of light and air.

TABLE 9-5B-5-E1
DEVELOPMENT STANDARDS FOR FENCES AND WALLS

Location of Fence Or Wall	Maximum Height	Minimum Permeability[1]
Within required front yard setback[2]	3.5 feet	50%
Within required street side yard setback[2,]		
Less than 3 feet from back of sidewalk	3.5 feet	50%
3 feet or greater from back of sidewalk and in front of the front face of the main building	3.5 feet	50%
3 feet or greater from back of sidewalk and behind the front face of the main building	7 feet[4]	0%
Interior side yard and rear yard setback:	7 feet[4]	0%
Within the clear visibility area at the intersection of streets, alleys, and driveways	3 feet	50%

2. Landscape Walls: Landscape walls within required yard areas shall be constructed to a maximum height of three (3) feet. Landscape walls shall not be used to alter the finish grade of the lot.

F. Fence and Wall Design Standards:

1. Fencing Materials: Fences and walls shall be constructed of long lasting materials. Unless approved as a condition of approval or in conjunction with another planning permit or entitlement, fences or walls of sheet or corrugated iron, steel, , or aluminum are prohibited, with the exception of ornamental fences.

2.Barbed or concertina wire fencing shall not be constructed or placed on top of a fence except in agricultural, open space, or industrial zones. The planning director may approve barbed or concertina wire fencing in a commercial zone upon finding that there is a special need for security and that the fencing will be unobtrusive or shielded from public view.

3. Chainlink fences taller than 42 inches are prohibited in the front and street side yards of residential property.

G. Special Fence and Wall Requirements:

1. Perimeter Walls for Residential Subdivisions: Where provided, perimeter walls for residential subdivisions shall comply with the following standards:

a. The walls shall be of a decorative design consistent with the following:

(1) Walls shall have vertical elements (e.g., pilasters, indentations) of differing colors and/or materials at least every one-hundred (100) feet;

(2) Walls shall include capstones (with limited overhang) of a coordinating color, material, and style as the rest of the wall;

(3) Walls shall be of neutral color and shall be textured with stone, brick, stucco, or other surface finish..

b. Periodic breaks shall be provided in the wall to provide pedestrian and bicycle connectivity between the subdivision and the adjoining collector or arterial street.

c. Walls shall be constructed along the property line between the residential units and the required landscape easement along the collector or arterial street.

d. The wall height shall be a minimum of six (6) feet, eight (8) inches or as otherwise required to adequately attenuate noise of the abutting collector or arterial street or state highway.

e. Walls shall not be located inside of the required clear visibility area at the intersections of streets.

2. Special Fencing for Commercial, Industrial, and Multi-family Zones Abutting Residential and Agricultural-Residential Zones: Commercial, industrial and multi-family zone districts shall be screened from abutting residential and agricultural-residential zone districts by a masonry wall or similar solid wall with a minimum height of six (6) feet.

3. Temporary Fences: Nothing in this section shall be deemed to prohibit the erection of a temporary fence around construction projects in compliance with the California building code and other applicable provisions of the city's municipal code. (Ord. 2013-___, __-__-2013)

9-5B-6: SCREENING:

A. Purpose: This section establishes screening standards for mechanical equipment, refuse areas, and outdoor storage in all zoning districts and land uses.

B. Screening of Mechanical Equipment: All exterior roof and ground mounted mechanical equipment, including, but not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, duct work, and transformers, shall be screened from public view from abutting public streets and abutting area(s) zoned for residential or open space uses. Screening of mechanical equipment shall be compatible with other on site development in terms of colors, materials, and/or architectural styles.

C. Screening of Refuse Areas:

1. Refuse areas shall be screened from public view and adjoining public streets and rights of way and residential zoned areas.

2. The method of screening shall be architecturally compatible with other on site development in terms of colors, materials, and architectural style. Exceptions may be permitted for sites with unique characteristics (e.g., shallow lot depth, adjacency to single-family residential) in conformance with section 4-1-4 of the municipal code. (Ord. 2013-___, __-__-2013)

9-5B-7: URBAN-RURAL EDGE:

A. Consistent with the policies of the general plan, development along the urban edge of the city shall incorporate the following design requirements. These standards shall specifically apply to development along Marsh Drive, the Lemoore Canal, and portions north of Glendale Avenue, portions of Belle Haven Drive, Industry Way, Idaho Avenue, Jackson Avenue, and other areas as depicted in figure 3-1 of the general plan.

1. A minimum fifty foot (50') setback from the roads identified above;

2. Design and construction of a minimum thirty foot (30') wide landscaped buffer within the public right of way or landscape easement (see figure 9-5B-7-1 of this section);

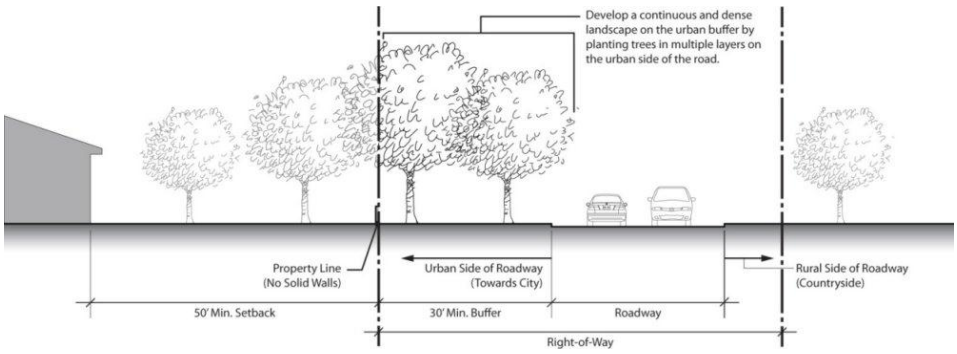
3. Planting multiple layers of trees closely for visual impermeability, and using drought resistant indigenous trees where appropriate;

4. Providing only minimal street lighting, at a rate that is fifty percent (50%) of comparable city standard;

5. Prohibiting the use of solid walls along these edges (all fences must be visually permeable); and

6. Ensuring the scale and character of development does not overwhelm the surroundings by stepping down building heights at the edges.

FIGURE 9-5B-7-1
TYPICAL SETBACK AND LANDSCAPE BUFFER ALONG URBAN-RURAL EDGE



CHAPTER 5

ARTICLE C. ARCHITECTURAL AND SITE DESIGN STANDARDS

9-5C-1: PURPOSE AND APPLICABILITY:
9-5C-2: DESIGN CONCEPTS:
9-5C-3: DESIGN STANDARDS FOR RESIDENTIAL PROJECTS:
9-5C-4: DESIGN STANDARDS FOR COMMERCIAL, OFFICE, AND MIXED USE PROJECTS:
9-5C-5: DESIGN STANDARDS FOR INDUSTRIAL PROJECTS:

9-5C-1: PURPOSE AND APPLICABILITY:

A. Purpose: This article establishes design standards to guide discretionary review decisions related to various development types.

B. Applicability: The provisions within this section apply to all projects subject to site plan and architectural review as described in section 9-2B-12, "Minor Site Plan and Architectural Review", and 9-2B-15, ñMajor Site Plan and Architectural Reviewò of this title that are not located within a mixed use or a downtown mixed use zone. Development standards and design provisions for the downtown mixed use zones (DMX-1, DMX-2, and DMX-3) are addressed in Chapter 6, "Downtown Development Standards", of this title. Development standards and design provisions for the mixed use zone (MU) are addressed in Chapter 7, "Mixed Use Development Standards", of this title. This chapter does not apply to existing buildings and site legally established prior to the adoption of this chapter. (Ord. 2013-___, __-__-2013)

9-5C-2: DESIGN CONCEPTS:

A. General: All projects subject to site plan and architectural review are expected to implement the following design concepts:

1. Provide high quality site planning, architecture, and landscape design;

2. Enhance the character of the city and/or implement specific design attributes identified in various subareas;

3. Ensure physical, visual, and functional compatibility between uses; and

4. Protect land values by ensuring that proper attention is paid to site and architectural design.

B. Neighborhood Design: The following design concepts apply to the subdivision of land and to larger residential, commercial, and industrial projects that create a private street network, with the overall intent of visually and functionally interconnecting neighborhoods with commercial and employment centers.

1. Provide a balanced mix of land uses including housing, schools, parks, commercial, and employment areas.

2. Provide pedestrian friendly neighborhoods which are walkable and provide easy access to destinations that residents will travel to on a daily basis.

3. Organize new housing in identifiable neighborhoods and provide diversity of housing types, sizes, and densities.

4. Provide multimodal connectivity throughout neighborhoods and between neighborhoods and commercial and employment centers.

5. Incorporate landscaping to minimize urban runoff.

6. Create pedestrian friendly streets that include building orientation to public streets and/or parks and open space.

C. Architectural Design:

1. Provide authentic architectural styles. Particular attention should be paid to the design of all front elevations and side elevations facing a street or open space.

2. Include a diversity of commercial building and housing types by size and mass, elevation, orientation, and setback to avoid repetition. The intent is to create visual variation and interest throughout the community.

3. Design buildings that have a variety in mass and scale to avoid large featureless walls. (Ord. 2013-___, __-__-2013)

9-5C-3: DESIGN STANDARDS FOR RESIDENTIAL PROJECTS:

The standards contained in this section shall apply to new residential development, including single-family residential subdivisions, master home plans, and multi-family residential developments. These standards are intended to implement the design concepts described above.

A. Site Design:

1. Circulation: Create an circulation system that provides for the safe and efficient movement of all transportation modes:

   a. Provide internal streets, driveways, and sidewalks that allow residents to park once and easily navigate the entire project site on foot.

   b. Use special paving to identify unique pedestrian areas.

   c. Provide connections between the public street and the front door of single-family residential dwellings and multi-family buildings. Design solutions may include, but are not limited to, dedicated pedestrian paths and driveways.

   d. Utilize maximum block lengths of five hundred feet (500'), except for blocks with single-family residential uses, which may be up to six hundred feet (600') long or seven hundred fifty feet (750') when developed with mid block pedestrian connections.

e. All new streets and alleys must connect to other streets and alleys to form a continuous vehicular and pedestrian network. Local, internal streets should be narrow and designed with traffic calming features to control speed.

f. Limit the use of cul-de-sacs to no more than ten percent (10%) of the length of all streets in a subdivision map, where constrained by surrounding land attributes.

g. Encourage loop out streets rather than cul-de-sacs.

h. Also see title 8, chapter 7, article J, "Subdivision Design Standards", of the municipal code for additional subdivision design requirements.

2. Building Placement and Orientation: Create diverse residential streetscapes that facilitate interaction between residents and include homes and residential structures that orient to the street.

a. For single-family residential subdivisions, the front yard setback of adjacent homes shall have a minimum two foot (2') stagger between adjacent lots.

b. Multi-unit residential buildings (e.g., townhomes, condominiums, apartments) shall be designed with different building setbacks and facade variations when multiple buildings are provided.

c. Orient home and building sites to take advantage of solar heating and opportunities for solar energy generation.

d. Residential development adjacent to open space/parks and other public spaces shall maintain visual access from residential units and common buildings to provide "eyes on the street" surveillance opportunities.

e. Buildings shall be designed with structural and spatial variety along the front facades to avoid monotonous appearance.

3. Public Space/Pedestrian Amenities: Create attractive and active environments for the enjoyment of residents within residential projects.

a. Provide common open spaces within one thousand feet (1,000') of each residential unit.

b. Multi-family project shall provide one or more amenities for residents as listed below:

(1) Tot lot/play structure;

(2) Community garden;

(3) Picnic tables with barbecue area (with shade structure);

(4) Swimming pool; and

(5) Indoor recreation facility.

4. Garage Placement and Design: Create residential developments where the garage is subordinate to the main home/building.

a. The garage shall not extend more than five feet (5') beyond the front of the home. On at least 50% of the master plan home designs within a single-family residential subdivision, , b. All garages are required to minimize the negative visual impact of the garage door. Options to achieving this requirement include, but are not limited to, the following:

(1) Place the garage at the rear of lot away from public view (e.g., alley load);

(2) Recess the garage behind the living area of the home;

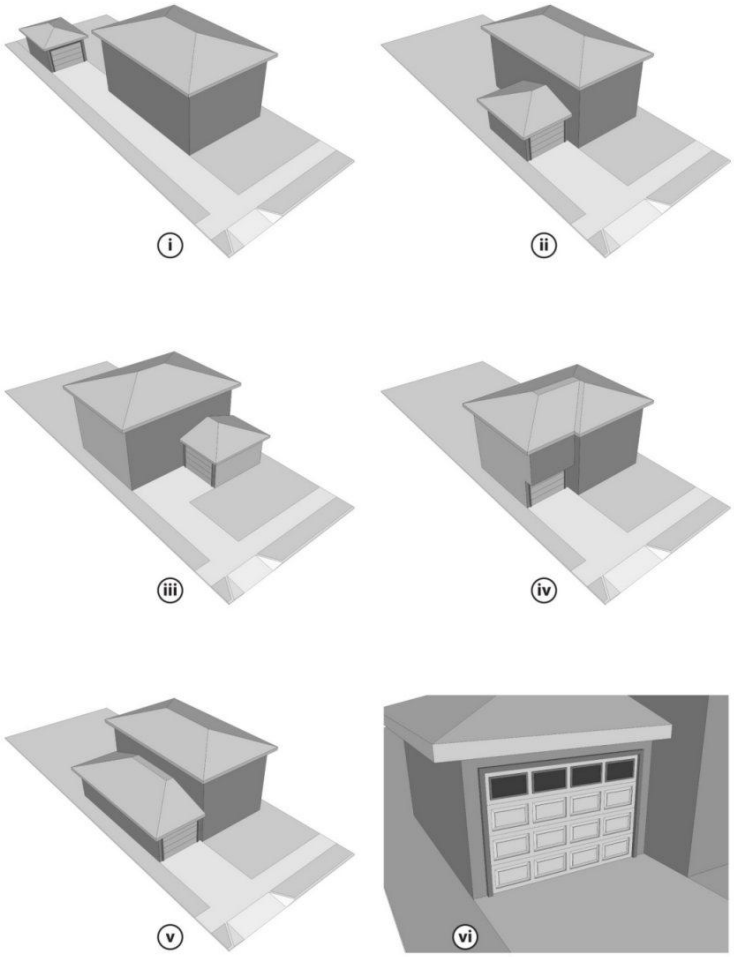
(3) Utilize side-on garages where garage door is perpendicular to the street (e.g., "swing garage";

(4) Cantilever the second story over the garage;

(5) Utilize a tandem garage;

(6) Articulate garage doors with windows, paneling, recesses, and other details.

FIGURE 9-5C-3-A2
SINGLE-FAMILY GARAGE PLACEMENT OPTIONS



c. Garages facing the street on single-family lots that are less than 50 feet wide shall not exceed sixty percent (60%) of the width of the home.

B. Architectural Design:

1. Massing, Scale, and Form:

a. The structural mass of larger residential buildings shall be broken down into smaller component parts representative of individual dwelling units by:

(1) Using dormers, overhangs, balconies, wall projections, and/or porches;

(2) Using varied roof forms as appropriate to the architectural style;

(3) Utilizing changes in materials to create variations;

(4) For multi-unit buildings, staggering the facade of each unit to create different widths along continuous facades, with no building façade width exceeding one hundred twenty five (125) feet.

b. Attached product (e.g., townhomes or multi-family buildings) shall be designed to look like individual units through the use of clearly identified entries, styles, and design details and a variety of roof forms.

c. Master home plans shall include "antimonotony" provisions, as follows:

(1) Design rooflines with changes in ridgeline direction and configuration;

(2) A minimum of one home plan within each master plan series shall be one story (this only applies to single-family developments);

(3) All homes shall be oriented to the street with garages deemphasized and living areas placed toward the front of homes;

(4) A minimum of twenty five percent (25%) of all home designs shall include an option for an outdoor living area such as a porch or courtyard that is at least five (5) feet in depth to allow for seating.

2. Style and Design Provisions:

a. For single-family residential subdivisions and master home plans, no two (2) identical looking front facades/ elevations shall be placed on lots within a group of five (5) adjacent lots. For purposes of this section, "adjacent lots" shall mean those lots on either side of a subject lot and those three (3) lots directly across the street from the subject lot (referred to as a "six pack").

(1) The front façade designs of home plans in residential subdivisions shall, by look and appearance, be substantially different from one another. The planning director shall determine which master home plan façade designs are substantially different from each other when they are submitted to the building department.

(2) Notwithstanding subsection (a) above, up to one additional home with the same front façade design may be placed on an adjacent lot if the home has a different exterior color scheme and four of the five following detail elements are distinctly different from the other home with the same front façade design:

(a) Roofing material or color

(b) Front door style

(c) Carriage lights style

(d) Garage door window style

(e) Front walkway layout from front door to driveway or sidewalk.

b. For multi-family projects, no two (2) identical elevations shall be placed next to each other. Alternatives include, but are not limited to, rotating the buildings so different elevations are next to each other or utilizing a different building/elevation design. The intent is to limit the monotony of design within multi-family complexes.

c. Elevations facing public streets or public open space areas, shall:

(1) Wrap facade materials along the side yard elevations to the fence line;

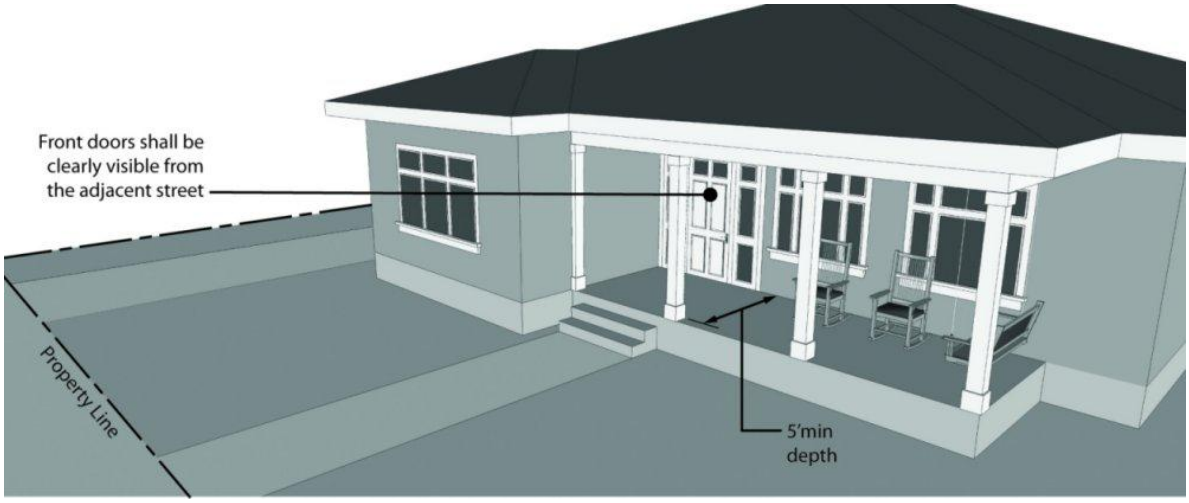
(2) Provide architectural features to articulate facades such as trim around doors and windows with substantial depth and detail, window boxes, brackets, overhangs, trellises, and/or lattice.

d. Entry features from a public or common sidewalk shall be provided.

(1) When provided, porches shall provide functional seating areas with a minimum depth of five (5) feet;

(2) Front doors shall be visible from the street;

FIGURE 9-5C-3-B1
MINIMUM DEPTH OF A FUNCTIONAL FRONT PORCH



e. Windows and doors shall use window molding, shaped frames, and sills to provide architectural relief;

f. Upper story balconies shall have a minimum depth of six (6) feet.

g. Side facades facing public areas (public or internal streets and sidewalks, open space areas, etc.) shall provide a similar level of design detail as front facades when visible.

3. Entries: Primary residential entries shall create an inviting transition between the public and private realm, as follows:

a. Separate private entries from the public sidewalk with a semiprivate transition area, such as a porch, terrace, stoop, or similar element, or;

b. Provide weather protection over each primary entry extending a minimum of four (4) feet from the building facade.

4. Single-Family and Mobilehome Development: New single-family and mobilehome developments shall comply with the following specific design criteria in addition to the other standards of this section.

a. Siding Material: All main buildings and all detached garages shall consist of wood, masonry, concrete, stucco, masonite, brick, or metal lap.

b. Roofs: The following roof design standards shall apply:

(1) Roof Overhang: All main buildings shall have a minimum twelve inch (12") roof overhang on each of the dwelling's perimeter walls such that the roof overhang is architecturally integrated into the design of the dwelling unit.

(2) Roofing Material: All main buildings and all detached garages and carports located on the front half of the lot shall have a roof constituted of asphalt or composition shingles, clay, concrete or metal tiles, slate or built up materials. All housing units shall have pitched roofs.

c. Foundations: All main buildings shall be placed on a permanent foundation which meets applicable city adopted building code requirements and/or section 18551 of the Health and Safety Code, such that the floor elevation of the proposed unit is compatible with the floor elevation of the surrounding dwelling units.

5. Multi-Family Development: New multi-family residential development shall meet all of the following specific design criteria in addition to the other standards of this section:

a. There shall be a minimum twenty (20) foot deep landscaped area between a public street and parking areas.

b. Parking frontages limited to no more than twenty five percent (25%) of street frontages.

c. Carport and garage designs that match building designs.

d. Carport locations restricted such that they are not highly visible from public streets; portable carport covers shall be prohibited.

e. Open landscape area such that each dwelling unit has at least four hundred (400) square feet of onsite open space, which may be private open space provided by balconies or patios, or common open space.

f. At least thirty-two (32) square feet in floor area of private storage space apart from interior closet space shall be provided for each unit.

g. Buffer landscaping, at least ten (10) feet deep shall be provided along the project perimeter where adjacent to sensitive uses.

h. Architecturally interesting buildings that are not bulky and "boxlike". This can be created by requiring variable roof forms in building designs and limiting the dimension of any single building to one-hundred twenty-five (125) feet.

i. Building entries to have roofed projections or recessed entries.

j. Pedestrian access provided by walkways to link residential units with other units and with recreational and other facilities within a project.

k. Multi-family project developments with twenty-five (25) units or more shall provide at least one onsite recreational area of at least ten thousand (10,000) square feet in size, or five percent (5%) of the overall site, whichever is greater.

l. Except for senior housing developments, multi-family developments shall provide one play area (e.g., tot lot) for every forty (40) dwelling units in the project. Each play area size shall be a minimum of seven-hundred fifty (750) square feet and shall be equally spaced from each other. Each play area shall be fenced and include play equipment. (Ord. 2013-___, __-__-2013)

C. Deviations: Deviations from one or more of the development/architectural standards in this section is allowed through the Site Plan and Architectural Review process on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity.

9-5C-4: DESIGN STANDARDS FOR COMMERCIAL, OFFICE, AND MIXED USE PROJECTS:

A. Site Design:

1. Circulation: The design of access and circulation on project sites should tie the development into the overall neighborhood. In some instances, the internal circulation may extend the public street system into the project site as private streets and drive aisles.

a. For auto dependent uses (e.g., car sales lots, gas stations, drive-through restaurants), the building shall be designed to maximize pedestrian safety and convenience.

(1) Place a portion of the building at the building setback line with a building entrance facing the sidewalk; or

(2) Create a continuous pedestrian path between the primary building entrance and the sidewalk along the street.

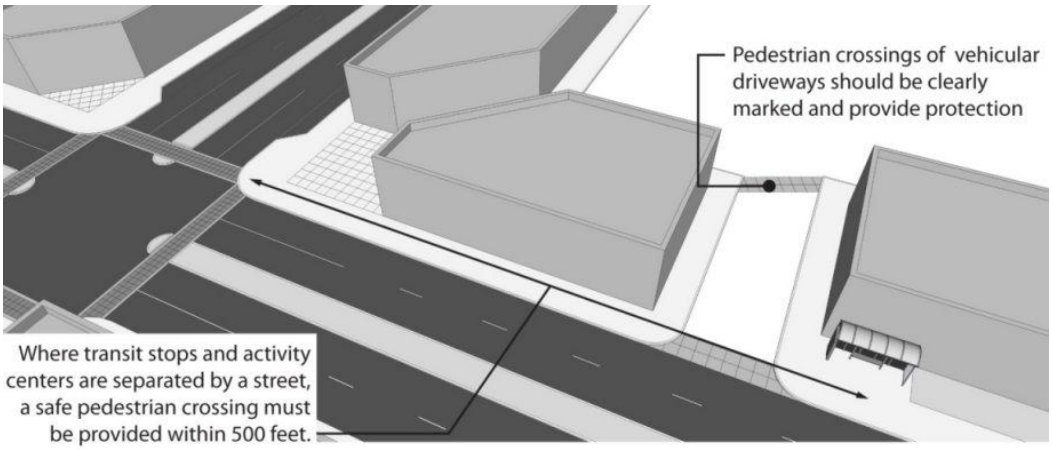
b. Commercial and employment areas shall be linked to adjacent neighborhoods with continuous pedestrian pathways.

c. When transit stops are provided, they shall be fully integrated into the project site and/or at the focal point of the development. The following situations are strictly prohibited:

(1) Pedestrian crossings of vehicular driveways without clear marking and protections;

(2) Street crossings between transit stops and activity centers without a safe pedestrian crossing within five hundred feet (500').

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



2. Public Spaces and Pedestrian Amenities: All development shall be pedestrian oriented with design components and amenities, as follows:

a. Sites over fifteen (15) acres in size include common areas, such as plazas or gardens.

b. Uses such as restaurants may front onto plazas or a public sidewalk and may incorporate outdoor seating and/or dining.

c. Seating areas that are hidden from view behind buildings or landscaping are prohibited.

3. Building Placement and Orientation: Design and construct buildings to create safe, pleasant, and active environments:

a. For project sites over fifteen (15) acres in size, buildings shall be placed and oriented to create a "main street" environment.

b. All buildings shall be placed and oriented as follows:

(1) Front doors of commercial buildings shall orient to streets or pedestrian oriented areas.

(2) Ground floor commercial shall have at least one building entrance for each facade. For buildings facing two (2) streets, a corner entry is acceptable.

(3) If a separation is provided between the public street and building (e.g., for parking or a drive aisle), the area shall include significant pedestrian features to create a strong connection between the public sidewalk and primary building entry, such as:

(A) Landscaped plaza;

(B) Bicycle parking area;

(C) Landscaped promenade;

(D) Continuous trellis feature;

(E) Other amenities;

c. Loading and delivery areas shall not be located within a required front or side setback area. When provided, they shall be screened with architectural wing walls and landscaping.

B. Architectural Design:

1. Massing, Scale, and Form: Commercial and mixed use structures should be designed to contribute to an active, human scaled environment and should complement adjoining properties.

a. Multilevel buildings shall incorporate:

(1) Building designs that have a visually distinct "base" and "cap".

(2) Upper story elements which overlook the street (windows, balconies, terraces).

(3) Separate entrances for residential uses, when provided.

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

b. Building walls shall be articulated to break up the apparent mass of large building with one of the following techniques a minimum of every thirty (30) feet, as illustrated in Figure 9-5C-4-B2 ñTechniques to Break Up Long Building Wallsò

(1) Offsets;

(2) Recesses;

(3) Changes in plane;

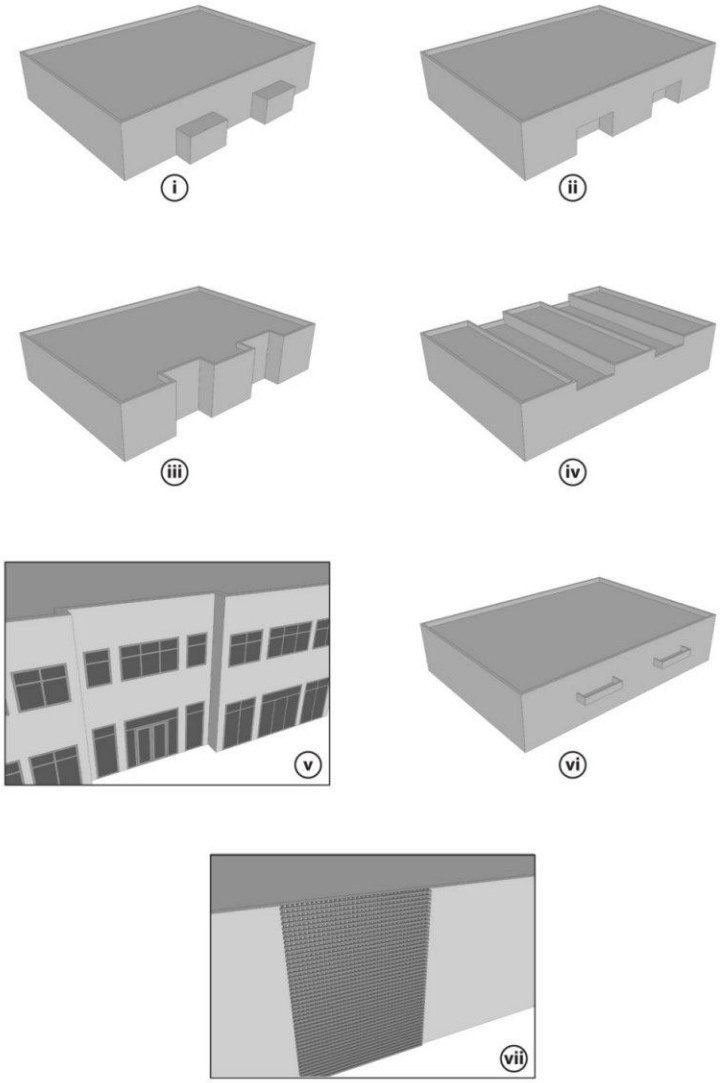
(4) Changes in height;

(5) Use of windows and doors;

(6) Projections such as balconies; and

(7) Use of trellis and similar features.

FIGURE 9-5C-4-B2
TECHNIQUES TO BREAK UP LONG BUILDING WALLS



c. Buildings and building walls shall be articulated with the use of engaged columns or other expressions of the structural system.

d. Horizontal and vertical divisions shall be provided through changes in color, texture, and/or material.

e. Long commercial facades shall be divided into storefronts with visually separate displays.

f. Roof design shall incorporate the following:

(1) Variations in rooflines shall be provided with the use of dormers, windows, overhangs, arches, gables, or similar details.

(2) Sloped roofs shall include eaves that overhang a minimum of one and one-half feet (11/2').

2. Style and Design Details: Commercial facades should appear open, inviting, and engaging to the passerby.

a. Storefronts shall provide the following:

(1) Weather protection at building entries and extending along the facade (e.g., overhangs, canopies, awnings, building recesses).

(2) Transparent surfaces to allow a view into and out of buildings from the public sidewalk. A minimum of fifty percent (50%) of primary storefront facades shall be open and transparent to the outside. If window tinting is used, it shall permit a minimum of eighty percent (80%) light transmission.

FIGURE 9-5C-4-B3
PRIMARY STOREFRONT DESIGN

b. Primary entries shall be clearly visible from the street and provide visual interest, with at least three (3) of the following:

(1) Differentiated roof, awning, or portico;

(2) Trim detail to accentuate the openings;

(3) Project or recess entries from their surrounding building facades;

(4) Detailed doors and doorway with ornate hardware, transoms, sidelights, trim details, and framing;

(5) Windows within entry doorways equivalent to fifty percent (50%) of door surface area;

(6) Decorative lighting.

c. Secondary entries shall have minor detailing that adds architectural distinction to the facade.

d. Use windows to create an open and inviting atmosphere, as follows:

(1) Multiple windows shall be provided on the front facade above the main floor in a uniform pattern for all buildings over one story in height.

(2) Frame openings with trim and/or recess windows in from the building facade. The trim and/or recess shall be a minimum of four inches (4").

3. The city shall not require more than twenty percent (20%) of the construction costs for the building to be toward architectural detailing. It shall be the responsibility of the applicant to provide documentation to the city showing the cost of the detailing relative to the overall cost of the structure in order to seek relief from this code. Such information shall be provided as part of the site plan and architectural design review process. (Ord. 2013-___, __-__-2013)

C. Deviations: Deviations from one or more of the development/architectural standards in this section through the Site Plan and Architectural Review process on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed building will be compatible and harmonious with existing structures in the vicinity.

9-5C-5: DESIGN STANDARDS FOR INDUSTRIAL PROJECTS:

A. Site Design: The intent of design standards within this section is to provide for the appropriate functional and aesthetic arrangement of buildings and site components for industrial developments.

1. Circulation: Develop a circulation system that minimizes conflicts between automobiles, large trucks, and other modes of travel.

a. Primary entry drives for automobiles, particularly for visitors arriving by car, shall be enhanced with at least two (2) of the following:

(1) Ornamental landscaping;

(2) Low decorative wall;

(3) Monument sign; and

(4) Decorative paving.

b. Separation shall be provided between vehicle parking/loading areas and pedestrian areas (e.g., access paths to buildings from the public sidewalk, pedestrian plazas, transit stops).

2. Building Placement and Orientation: Industrial projects should present an attractive appearance to the public and minimize any adverse impacts on adjacent properties.

a. At least one building on each site should have a public entrance that is a visual focus of the building and have a strong orientation to the street.

b. A continuous pedestrian path shall be provided between the public street and the primary building.

c. Outside storage areas that are visible from a public right of way shall be screened by use of solid fences, solid masonry walls, berms, landscaping, and/or a combination thereof. Screening shall be a minimum of six (6) feet in height or at least as high as the stored materials.

g. Long expanses of fence or screen walls shall be architecturally designed with offsets and other techniques to prevent monotony.

3. Landscaping: Provide for attractive and functional landscaping for purposes of screening, buffering, and softening of various site elements.

B. Architectural Design: The intent of the following design provisions is to encourage projects that contribute positively to the community.

1. Entries: Entries into industrial buildings shall convey a sense of entry and architectural primacy along the facade while maintaining an architectural relationship to the overall building composition.

2. Materials: Metal buildings shall only be used for primary site buildings if exterior surfaces include some stucco, plaster, glass, stone, brick, decorative masonry, or contrasting metal trim and columns. The facade shall be broken up through the use of colors, textures, break lines, detail metal, or other similar architectural treatments.

D. The city shall not require more than twenty percent (20%) of the construction costs for the building to be toward architectural detailing. It shall be the responsibility of the applicant to provide documentation to the city showing the cost of the detailing relative to the overall cost of the structure in order to seek relief from this code. Such information shall be provided as part of the site plan and architectural design review process. (Ord. 2013-___, __-__-2013)

E. Deviations: Deviations from one or more of the development/architectural standards in this section through the Site Plan and Architectural Review process on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed building will be compatible and harmonious with existing structures in the vicinity.

CHAPTER 5

ARTICLE D1. LANDSCAPING STANDARDS

9-5D1-1: PURPOSE, APPLICABILITY, AND REVIEW:
9-5D1-2: LANDSCAPE STANDARDS:
9-5D1-3: LANDSCAPE CARE AND MAINTENANCE:
9-5D1-4: TREE PRESERVATION:
9-5D1-5: PREFERRED PLANT LIST:

9-5D1-1: PURPOSE, APPLICABILITY, AND REVIEW:

A. Purpose: This article establishes minimum landscape requirements to enhance the appearance of developments, reduce heat and glare, control soil erosion, conserve water, improve air quality, ensure ongoing maintenance, and ensure that landscape installations do not create hazards for motorists or pedestrians.

B. Applicability of Standards: The regulations of this article apply to new and existing development, as follows. Deviations from the development standards of this article may be allowed on a case by case basis by the designated approving authority through site plan and architectural review.

1. New Projects: New commercial, industrial, mixed use, multi-family residential, and single-family residential subdivisions shall be reviewed by the designated approving authority to ensure landscaping is provided in compliance with the requirements of this article.

2. Existing Development: Where an existing nonresidential, mixed use, and/or multi-family residential project requests an amendment that increases the building square footage by ten percent (10%) or more, the designated approving authority shall evaluate the existing landscape to ensure compliance with applicable requirements of this article.

C. Submittal Requirements: When this article is applicable to new projects or existing development, preliminary and final landscape plans shall be submitted as follows and review of such plans shall be conducted as part of the site plan and architectural review process.

1. Preliminary Landscape Plan: A preliminary landscape plan shall be submitted as part of the site plan and architectural design review application. This plan must show conceptual locations for trees, shrubs, ground cover, and other landscape components, quantity, and size. Plans for the retention and/or removal of existing trees shall also be included.

2. Final Landscape Plan: A final landscape plan shall be submitted in conjunction with site improvement plans. The final landscape plans shall be in substantial compliance with the approved preliminary landscape plan. Final plans shall show the exact location of and irrigation for trees, shrubs, and ground cover and shall include, at a minimum, plant name, plant quantity, plant size, location of impervious surfaces, utilities and lighting,

and irrigation system. Existing trees to be removed or retained shall also be included. The final plan should include a water budget that includes the estimated water use (in gallons), the irrigated area (in square feet), precipitation rate, and flow rate in gallons per minute. If landscaping is not exempt from the water efficient landscape requirements developed by the state, those items listed in article D2, "Landscape Water Reporting Requirements", of this chapter will also be required.

D. Review Process: When the requirements of this article are applicable, the following landscape plan review process shall be conducted in conjunction with site plan and architectural review for the proposed project, pursuant to the requirements of section 9-2B-12, "Minor Site Plan and Architectural Review", of this title.

1. Approving Authority: The designated approving authority shall be the same as the designated approving authority of the entitlement for new projects or existing development.

2. Approval of Plans: The designated approving authority shall review the preliminary landscape plan. Upon approval of the preliminary landscape plan, a final landscape plan shall be submitted and must be approved with building permits or planning entitlements for new projects or applicable expansions to existing development as established above.

3. Approval Required: The landscaping shall not be installed until the applicant receives approval of the final landscape and irrigation plan by the approving authority and any applicable permits have been issued.

4. Changes To Final Plans: Changes to the approved final landscape plans that affect the character or quantity of the plant material or irrigation system design are required to be resubmitted for review and approval prior to installation. (Ord. 2013-___, __-__-2013)

9-5D1-2: LANDSCAPE STANDARDS:

A. General Location For Landscape Improvements: Landscaping shall be provided in the following locations, unless the designated approving authority determines that the required landscape is not necessary to fulfill the purposes of this article. Nothing in this article is intended to discourage landscape areas outside and beyond the minimum requirements listed herein.

1. Setbacks/Buffers: All setback and buffer areas required by this title shall be landscaped in compliance with this article except where a required setback is occupied by a sidewalk or driveway, or is enclosed and screened from abutting public rights of way.

2. Unused Areas: All areas of a project site not intended for a specific use or purpose in conjunction with a current application, including pad sites being held for future development, shall be landscaped in compliance with this article.

3. Parking Areas: Within parking lots, landscaping shall be used for shade and climate control, to enhance project design, and to screen the visual impact of vehicles and large expanses of pavement consistent with the requirements of this article.

4. Streetscape (Parkway) Landscaping: As part of new subdivisions or nonindustrial projects, landscaping along public streets in the form of parkways and medians shall be provided consistent with the requirements of the general plan and this article.

B. Landscape Design: Landscaping shall be designed as an integral part of the overall site plan with the purpose of enhancing building design and public views and spaces, and providing buffers, transitions, and screening. At a minimum, the following landscape design requirements shall apply:

1. Planting design shall have focal points at project entries, plaza areas, and other areas of interest using distinct planting and/or landscape features.

2. As appropriate, building and site design shall include the use of pots, vases, wall planters, and/or raised planters, as well as flowering vines, both on walls and on arbors.

3. Landscaping shall be designed with pedestrian paths throughout the landscape areas connecting designated on site pedestrian circulation.

4. Amenities such as seating areas shall be incorporated. Entry plazas, bicycle parking, and transit shelters are allowed within landscape areas.

C. Plant Type: Landscape planting shall emphasize drought tolerant and native species (especially along natural, open space areas), shall complement the architectural design of structures on the site, and shall be suitable for the soil and climatic conditions specific to the site.

1. Planting Layout and Plant Diversity: Plant selection shall vary in type and planting pattern. Informal planting patterns are preferred over uniform and entirely symmetrical planting patterns. Use of deciduous flowering trees and shrubs and colorful plantings is encouraged in conjunction with evergreen species. Groupings of shrubs shall contain multiple plant types, interspersed with varying heights and blooming seasons for year round interest.

2. Street and Parking Lot Trees: Street and parking lot trees shall be selected from the city's adopted master list of street trees and parking lot trees

3. Tree Root Barriers: Trees planted within five feet (5') of a street, sidewalk, paved trail, curb, or walkway shall be separated from hardscapes by a root barrier to prevent physical damage to public improvements.

4. Turf Limitations For Residential Uses: High water use turf grasses and other similar plantings shall only be utilized in high use areas with high visibility or functional needs and shall be limited to twenty five percent (25%) of all irrigated, landscape areas. The designated approving authority may grant an exception to this limitation when only drought tolerant turf grasses are used.

5. Turf Limitations For Commercial, Industrial, and Mixed Uses: The use of drought tolerant turf grass shall be required for all proposed turf areas.

D. Planting Size, Spacing, and Planter Widths: In order to achieve an immediate effect of a landscape installation and to allow sustained growth of planting materials, minimum plant

material sizes, plant spacing, and minimum planter widths (inside measurements) are as follows:

1. Trees: The minimum planting size for trees shall be fifteen (15) gallon, with twenty five percent (25%) of all trees on a project site planted at a minimum twenty four inch (24") box size. For commercial, office, community/civic, and industrial development, tree spacing within perimeter planters along streets and abutting residential property shall be planted no farther apart on center than the mature diameter of the proposed species. Minimum planter widths shall be five feet (5').

2. Shrubs: Shrub planting shall be a minimum five (5) gallon size, with a fifteen (15) gallon minimum size required where an immediate landscape screen is conditioned by the designated approving authority (e.g., screening of headlights from drive-through aisles). The minimum planter width for planters with only shrubs (no trees) is four feet (4').

3. Ground Cover: Plants used for mass planting may be grown in flats of up to sixty four (64) plants or in individual one gallon containers. Rooted cuttings from flats shall be planted no farther apart than one foot (1') on center, and containerized woody, shrub ground cover plantings shall be planted no farther apart than three feet (3') on center in order to achieve full coverage within one year. Minimum planter width for ground cover is two feet (2'), with the exception of sod, which requires a minimum planter width of eight feet (8').

4. Vines: Vines are normally planted to provide landscaping screening of a wall or as part of a trellis to screen other site improvements that require screening. Where provided, vines shall be planted every five feet (5') on center in a planter with a minimum width of two feet (2').

E. Special Landscape Requirements: In addition to the general requirements above, the following requirements apply to the special types of landscaping:

1. Streetscape Landscaping: Consistent with the city's general plan and improvement standards, landscaping shall be provided along all public streets within city right of way maintained by the adjacent owner. Depending upon the classification of the street, landscaping shall be required in a parkway between the front of sidewalk and the back of curb and within a planted median (where designated by the general plan). The form, width, and quantity of landscaping shall be consistent with the following standards:

a. Landscape Design: Landscaping within parkways and medians shall be consistent with the following:

(1) Street Trees: Street trees shall be provided a minimum of every thirty feet (30') on center. Tree species shall be approved by the city as part of the improvement plan review process and shall be selected from a city approved tree list. Trees shall be planted ten feet (10') away from alleys, driveways, fire hydrants, water lines, and sewer lines and five feet (5') from gas, electrical, telephone, cable television, and adjoining property lines. They shall also be planted a minimum of twenty feet (20') from city streetlights. Ultimate planting locations shall be subject to city review and approval based upon field conditions.

(2) Ground Cover: Ground cover shall be provided within all parkways and medians as follows:

(A) Parkways: Ground cover in parkways shall consist of a variety of low growing, low maintenance plantings to withstand the local climate and potential pedestrian traffic. Turf is not allowed if width available is less than eight feet (8').

(B) Medians: Landscaping in medians shall consist of low growing plantings (e.g., shrubs, grasses). Turf is prohibited.

(3) Irrigation: Irrigation shall be provided for all street landscape areas. The design of the irrigation system shall meet the requirements of subsection 9-5D1-3A, "Irrigation", of this article.

b. Maintenance: Maintenance of street landscape areas shall be as follows, unless otherwise encumbered by a city public facilities district:

(1) Median landscaping shall be the responsibility of the city or other delegated agency.

(2) Parkway landscaping shall be the responsibility of the adjacent property owner. Parkways shall be maintained consistent with the requirements of section 9-5D1-3, "Landscape Care and Maintenance", of this article.

2. Landscape Buffers Required Along Arterial and Collector Streets:

a. Multi-family, commercial, office, and industrial developments shall provide a landscape buffer between the parking lot and the public right of way (behind the sidewalk) in addition to any parkway required by subsection E1 of this section. The minimum depth of this buffer area shall be fifteen feet (15') along arterial and collector streets (excluding drive approaches) and along the property frontage to shield parking spaces or on site circulation. The design of the landscaping shall be compatible with the other on site landscaping and at a minimum include trees and ground cover.

b. Single-family residential subdivisions shall incorporate buffers between the sidewalk and perimeter wall. Landscaping shall be provided such that fifty percent (50%) of the wall shall be covered by landscape material within five (5) years. The landscaping shall include trees, shrubs, and ground cover that provide for a quality aesthetic condition.

3. Buffering Between Uses: A landscape buffer shall be provided between residential and nonresidential uses and between single-family uses and multi-family uses containing three (3) or more units. Buffer areas shall include a minimum ten foot (10') wide perimeter planter strip with shrubs and both deciduous and evergreen trees planted a maximum of thirty feet (30') on center.

5. Project Entry Landscaping: Entries to multi-tenant projects (both residential and nonresidential) shall be designed as a special statement reflective of the character and

scale of the project to establish identity for tenants, visitors, and patrons. Flowering accent plantings and specimen trees shall be used to reinforce the entry statement.

6. Landscaping of Parking Lots: Parking lots, except those specifically exempted in subsection 9-5E-4B, "Not Considered Parking", of this chapter, shall be landscaped as follows:

a. Landscape Planter Minimum Dimensions: Where provided, the width of the planter area shall be five feet (5'). Where turf is provided, the minimum width shall be eight feet (8').

b. Pedestrian Path: A pedestrian path leading from the parking field to the main building(s) shall be provided for every two hundred (200) spaces. The pedestrian path shall be a minimum of six feet (6') wide and it shall be flanked on either side by a planter of at least five feet (5') in width.

c. Drive Aisles: Drive aisles shall be separated from parking spaces with a landscape planter at the end of each aisle. The planter shall be a minimum width of five feet (5').

d. Landscaping Within Parking Lots: Landscaping within parking lots shall meet the following requirements:

(1) Landscape Materials: Landscaping shall be provided throughout the parking lot as a combination of ground cover, shrubs, and trees.

(2) Protective Curbing: Planting areas shall be bordered by a concrete curb at least six inches (6") high and six inches (6") wide. The designated approving authority may approve an alternative barrier design to protect landscaped areas from damage by vehicles and/or to provide for the infiltration of water runoff from paved surfaces.

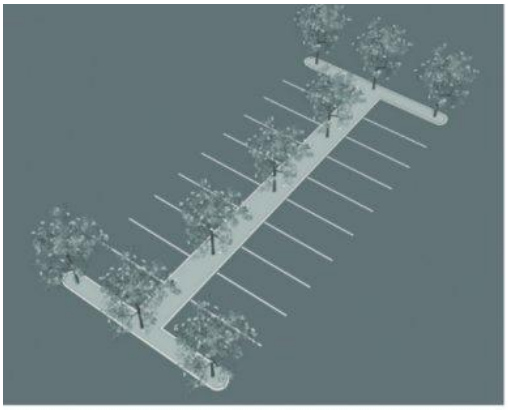
(3) Adjacent To Side Or Rear Property Lines: Parking areas for nonresidential uses shall provide a perimeter landscape strip at least eight feet (8') wide (inside dimension) where the parking area adjoins a side or rear property line. The requirement for a landscape strip may be satisfied by a setback or buffer area that is otherwise required. Trees shall be provided at the rate of one for each twenty five (25) linear feet of landscaped area.

e. Landscaping Within Interior of Parking Area: Landscaping within the interior of each outdoor parking area as follows:

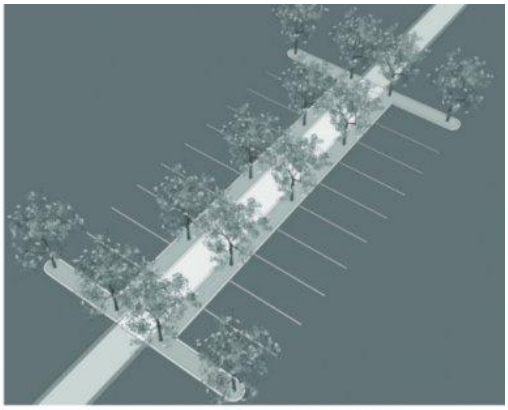
(1) Five percent (5%) of the gross surface area of the parking lot, exclusive of the required perimeter landscaping, shall be landscaped.

(2) Trees shall be planted throughout the parking area at a minimum ratio of one tree for each six (6) double loaded parking spaces or one tree for each three (3) single loaded or side loaded parking spaces.

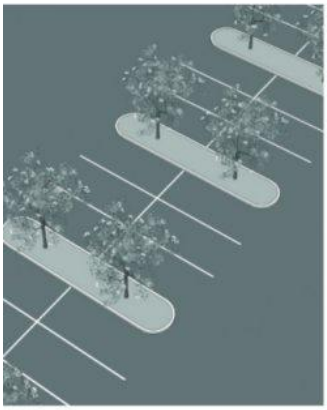
FIGURE 9-5D1-2-E2
EXAMPLE PARKING LOT LANDSCAPING



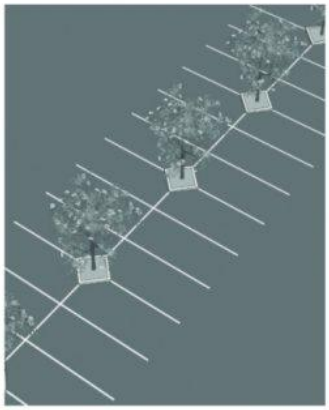
Planter Median



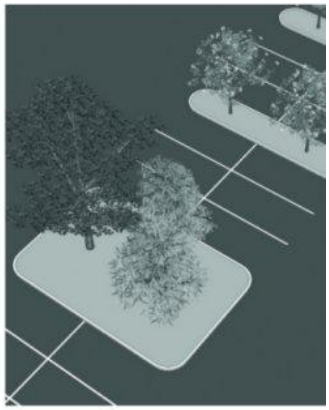
Planter Median with Pedestrian Pathway



Planter Island



Diamond Planter



Incorporate Existing Vegetation

7. Onsite Pedestrian Pathways: Pedestrian pathway landscaping shall include shade trees placed so as to cover sixty percent (60%) of the total pathway area with tree canopies within fifteen (15) years of securing building permit.

8. Canals: To the extent that landscaping or planting is required or provided along canals, such landscaping shall be native plants.

9. Public Spaces: Pedestrian space landscaping shall include a combination of shade trees and pedestrian shading devices (e.g., canopies, awnings, and umbrellas) placed so as to cover sixty percent (60%) of the total space with a shade canopy within fifteen (15) years of securing building permit.

10. Signs: Landscaping shall be provided at the base of the supporting structure of freestanding signs equal to twice the area of one face of the sign. For example, fifty (50) square feet of sign area requires one hundred (100) square feet of landscaped area.

11. Existing Trees: Existing mature trees on the site in good health shall be preserved whenever possible.

F. Removal and Replacement of Landscaping and Trees from Approved Plans: All plant material removed from a project in which the city has approved the landscape plan shall be replaced with the following replacement sizes:

1. Shrubs shall be replaced with five (5) gallon size plants.

2. Ground cover shall be replaced with flats.

3. Trees shall be replaced with 15-inch box tree. (Ord. 2013-___, __-__-2013)

9-5D1-3: LANDSCAPE CARE AND MAINTENANCE:

A. Irrigation:

1. All new single-family and multi-family development, excluding additions and infill development, shall comply with the following requirements:

   a. Sprinklers and sprays shall not be used in areas less than eight feet (8') wide.

   b. Sprinkler heads with a precipitation rate of 0.85 inch per hour or less shall be used on slopes exceeding fifteen percent (15%) or on slopes exceeding ten percent (10%) within ten feet (10') of hardscapes to minimize runoff.

   c. Valves and circuits shall be separated based on water use.

   d. Drip or bubbler irrigation systems are required for trees. Bubblers shall be used that do not exceed one and one-half ($1^1/_2$) gallons per minute per device.

   e. Sprinkler heads must have matched precipitation rates within each control valve circuit.

   f. Check valves are required where elevation differences may cause low head drainage.

   g. Sprinkler head spacing shall be designed for head to head coverage. The system should be designed for minimum runoff and overspray onto nonirrigated areas.

   h. All irrigated areas shall be equipped with a controller capable of dual or multiple programming. Controllers must have multiple cycle start capacity and a flexible calendar program.

   i. All irrigation systems shall be equipped with rain shutoff devices.

2. All other development not addressed above, including, but not limited to, new nonresidential development, mixed use development, infill development, and additions to existing development, shall comply with the following:

   a. A low pressure irrigation system (e.g., drip or bubbler system) shall be provided for all landscape areas other than turf.

   b. Automatic programmable controllers with check valves shall be installed in sloping areas with elevation differences of more than five feet (5') as defined from the toe to the top of slope.

c. Landscape materials with the same watering needs shall be grouped together and irrigated through separate control valves.

d. Irrigation systems shall be designed to avoid runoff, excessive low head drainage, overspray, or other similar conditions where water flows or drifts onto adjacent property, nonirrigated areas, walks, roadways, or structures.

e. The annual maintenance program with seasonal watering schedule shall be laminated and permanently posted in or near the control box on site.

B. Maintenance of Required Planting Areas: Required planting areas shall be permanently maintained by watering, clearing debris and litter, weeding, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials. All landscaping shall be maintained in such a manner as to not restrict designated pedestrian access. All trees, shrubs, and plants which, due to accident, damage, disease, or other cause, fail to show a healthy growth shall be replaced, in kind, pursuant to the approved landscape plans within thirty (30) days from the identified damage date. (Ord. 2013-___, __-__-2013)

9-5D1-4: TREE PRESERVATION:

A. Purpose and Applicability: This section implements the General Plan policy protecting and preserving heritage trees within the community. This section includes provisions that preserve existing heritage trees on private property through the development review process and subsequent activities such as work within the canopy or within the critical root zone of trees and provide a process for replacement in instances where preservation is not reasonably possible.

The requirements of this section, and corresponding permit requirements as described in section 9-2B-5, "Tree Permit for Protected Trees on Private Property", shall only apply to protected trees that are located on private property. It shall not apply to trees on public property or within the public right of way, which are covered in title 7, chapter 5, "Street Trees", of the municipal code.

B. Protected Trees: The following trees shall not be removed without city approval:

1. Heritage Tree: The following species of trees with a diameter at breast height of twelve inches (12") or greater, or multitrunked trees with a combined diameter at breast height of twelve inches (12") or greater, are considered heritage trees:

a. Valley oak (Quercus lobata);

b. Magnolia ash (Magnolia macrophylla subsp. ashei);

c. California sycamore (Platanus racemosa);

d. Modesto ash (Fraxinus velutina);

e. Italian stone pine (Pinus pinea); and

f. California fan palm (Washingonia filifera).

2. Habitat For Special Status Species: Trees that a biological study identifies as habitat for special status species (e.g., Swainson's hawk).

3. Mitigation Trees: Trees that were planted during the development process as required mitigation for the removal of protected or special status trees.

C. Work Requiring a Tree Permit for Trees on Private Property: No person shall conduct work within the critical root zone, cut down, remove, top, or relocate any protected tree unless a valid tree permit for protected trees on private property has been approved. Exemptions to this requirement are provided in subsection D of this section.

D. Exemptions from Tree Permit Requirement: The following types of work are exempt from requiring a tree permit prior to initiation of the work:

1. Work involving heritage trees on undeveloped private property;

2. Removal and pruning work by utility providers for all types of trees; and

3. In case of emergency caused by the tree being in a hazardous or dangerous condition requiring immediate action for the safety of human life or buildings or structures, such tree may be removed by the property owner.

E. Tree Permit for Trees on Private Property Application Processing: Tree permits for trees on private property shall be processed as provided in chapter 2, "Procedures and Entitlements", of this title.

F. Mitigation Required for Removal of Protected Trees on Private Property: As part of the approval of a tree permit, or other entitlement request related to the removal of a protected tree, mitigation is required.

1. Mitigation Standards: When tree removal is authorized as part of issuance of a valid tree permit, mitigation for the loss shall be provided as follows:

a. New trees of an equivalent species shall be provided at a ratio of one new inch (1") diameter at breast height (dbh) for each one inch (1") dbh lost (1:1 ratio).

b. The applicant shall prepare a tree mitigation plan for review and approval by the planning director.

2. Mitigation Options: The city allows all of the following mitigation options, subject to review and approval by the planning director, as part of a tree mitigation plan:

a. Onsite or Offsite Replacement: The plan shall specify where the tree(s) shall be planted and how the tree(s) shall be monitored and maintained for a minimum of five (5) years. The city may require the establishment of a performance bond or other surety as a way to ensure that the replacement trees survive for the minimum establishment period of five (5) years.

b. Onsite or Offsite Relocation: The tree mitigation plan may include the relocation of trees, include specification regarding where the trees will be moved to, and how the tree will be monitored and maintained for a minimum of five (5) years. The city may

require the establishment of a performance bond or other surety to ensure that the tree becomes well established.

c. The city will allow the use of onsite trees planted under a mitigation plan as a way to meet any other onsite landscaping requirement, including parking lot shading, street landscaping, and street trees on residential lots.

3. Mitigation Equivalents: As an alternative to actual measurement, the following equivalent sizes shall be used to calculate mitigation ratios:

a. A one gallon container or seedling sized containerized tree equals one inch (1") dbh.

b. A fifteen (15) gallon container equals one and one-half inch (11/2") dbh.

c. A twenty four inch (24") box equals two inch (2") dbh.

d. A thirty six inch (36") box equals three inch (3") dbh.

e. A sixty inch (60") box equals three inch (3") dbh.

f. A seventy two inch (72") box equals four inch (4") dbh.

(Ord. 2013-___, __-__-2013)

9-5D1-5: PREFERRED PLANT LIST:

A. Street Trees: Table 9-5D1-5-A1, "Street Trees", of this section lists the city's approved master list of trees[1] for use in parkways, medians, and other street landscaping (between the sidewalk and a single-family home). The table lists the botanical and common name of each species, the type of tree (evergreen or deciduous), the size, and appropriate planting location (within the parkway and/or between the sidewalk and a single-family home). Other trees may be used with prior approval by the planning director.

TABLE 9-5D1-5-A1
STREET TREES

Botanical Name	Common Name	Type (Evergreen Or Deciduous)	Tree Size	Planting Location	
				Parkway	Located Minimum 5' From Sidewalk On House Side
Geijera purviflora	Australian	Evergreen	20' - 30'	Yes	Yes

	willow				
Pyrus calleryana	Bradford pear	Deciduous	30', 20' spread	No	Yes
Pinus halepensis "brutia"	Brutia pine[1]	Evergreen	30' - 60', 25' spread	No	Yes
Pinus canariensis	Canary Island pine[1]	Evergreen	60' - 80' columnar	No	Yes
Pistacia chinesis	Chinese pistache[1]	Deciduous	60', 50' spread	Yes	Yes
Quercus agrifolia	Coast live oak	Evergreen	30' - 70', greater spread	Yes	Yes
Lagerstroemia indica	Crape myrtle[1]	Deciduous	6' - 30', equal spread	No	Yes
Pyrus kawakamii	Evergreen pear	Deciduous	15' - 25', 20' spread	Yes	Yes
Koelreuteria paniculata	Golden rain[1]	Deciduous	20' - 30'	Yes	Yes
Laurus nobilis	Grecian laurel	Evergreen	20' - 25', 15' spread	Yes	Yes
Quercus ilex	Holly oak[1]	Evergreen	40' - 70', equal spread	Yes	Yes
Pinus pinea	Italian stone pine	Evergreen	40' - 80', equal spread	No	Yes
Ginkgo biloba	Maidenhair tree	Deciduous	35' - 50', lesser spread	Yes	Yes

Nyssa sylvatica	Pepperidge tupelo	Deciduous	30' - 50'	Yes	Yes
Quercus palustris	Pin oak	Deciduous	50'+	Yes	Yes
Quercus rubra	Red oak	Deciduous	50'+	Yes	Yes
Zelkova serrata	Sawleaf zelkova	Deciduous	60', equal spread	Yes	Yes
Fraxinus uhdei "majestic beauty"	Shamel ash	Deciduous	40' - 60', lesser spread	No	Yes
Liquidamber styraciflua	Sweet gum	Deciduous	To 60', 20' - 25' spread	No	Yes
Quercus lobata	Valley oak[1]	Deciduous	60', 80' spread	No	Yes

Note:
1. Drought tolerant.

(Ord. 2013-___, __-__-2013)

CHAPTER 5

ARTICLE D2. LANDSCAPE WATER REPORTING REQUIREMENTS

9-5D2-1: PURPOSE:
9-5D2-2: APPLICABILITY:
9-5D2-3: REPORTING REQUIREMENTS:

9-5D2-1: PURPOSE:

The purpose of this article is to adopt, by reference, the state of California model water efficient landscape ordinance (hereinafter the "model ordinance"). This ordinance establishes specific reporting requirements for water usage of landscape areas in public and private development. As provided in the water conservation in landscaping act of 2006 (assembly bill 1881, Laird), all cities and counties in California are required to adopt the model ordinance. (Ord. 2013-___, __-__-2013)

9-5D2-2: APPLICABILITY:

A. As provided in the state model ordinance, the requirements of this article and the model ordinance shall be imposed as follows:

1. After January 1, 2010, this article shall apply to all of the following landscape projects:

a. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than two thousand five hundred (2,500) square feet requiring a building or landscape permit, plan check, or site plan and architectural review.

b. New construction and rehabilitated landscapes which are developer installed in single-family and multi-family projects with a landscape area equal to or greater than two thousand five hundred (2,500) square feet requiring a building or landscape permit, plan check, or site plan and architectural review.

c. New construction landscapes which are homeowner provided and/or homeowner hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than five thousand (5,000) square feet requiring a building or landscape permit, plan check, or site plan and architectural review.

d. Existing landscapes over one acre in size, with review limited to an irrigation audit, irrigation survey, and irrigation water use analysis as provided in subsection 9-5D2-3H of this article.

e. Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to review of a water budget calculation as provided in subsection 9-5D2-3B of this article and a maintenance schedule as

provided in subsection 9-5D2-3G of this article. Existing cemeteries have review limited to an irrigation audit, irrigation survey, and irrigation water use analysis as provided in subsection 9-5D2-3H of this article.

2. This article does not apply to:

a. Registered local, state, or federal historical sites.

b. Ecological restoration projects that do not require a permanent irrigation system.

c. Mined land reclamation projects that do not require a permanent irrigation system.

d. Plant collections as part of botanical gardens and arboretums open to the public. (Ord. 2013-___, __-__-2013)

9-5D2-3: REPORTING REQUIREMENTS:

Unless exempt from the requirements of this article and the model ordinance, all landscape plans shall address the submittal requirements and standards outlined below and provided in the model ordinance.

A. Landscape Documentation Package: The landscape documentation package shall include, at a minimum, the following components:

1. Project information as described in the forms available from the planning department.

2. Water efficient landscape worksheet, as provided by the planning department, including hydrozone information table and water budget calculations including the following information as further described in this article:

a. Maximum applied water allowance (MAWA);

b. Estimated total water use (ETWU);

c. Soil management report;

d. Landscape design plan;

e. Irrigation design plan; and

f. Grading design plan.

3. Certificate of completion, as provided by the planning department, including scheduling parameters used to set the irrigation controller, landscape and irrigation maintenance schedule, and irrigation audit report.

B. Water Budget Calculations: The water budget calculations included in the landscape documentation package shall adhere to the following requirements:

1. Plant Factor: The plant factor used shall be from the "Water Use Classification of Landscape Species" (WUCOLS) published by the University of California Cooperative Extension, the department of water resources, and the bureau of reclamation (2000).

The plant factor ranges from zero (0.0) to three-tenths (0.3) for low water use plants, from four-tenths (0.4) to six-tenths (0.6) for moderate water use plants, and from seven-tenths (0.7) to one (1.0) for high water use plants.

2. Water Features: All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.

3. Special Landscape Areas: All special landscape areas shall be identified and their water use calculated as described below.

4. ETAF For Special Landscape Areas: ETAF for special landscape areas shall not exceed one (1.0).

5. Maximum Applied Water Allowance: The maximum applied water allowance shall be calculated using the equation MAWA = (ETo) (0.62) [(0.7 x LA) + (0.3 x SLA)], where:

a.	MAWA	=	Maximum applied water allowance (gallons per year)
b.	ETo	=	Reference evapotranspiration (inches per year) (see table 9-5D2-3-I1, "Reference Evapotranspiration (ETo) Table", of this section)
c.	0.62	=	Conversion factor (to gallons)
d.	0.7	=	ET adjustment factor (ETAF)
e.	LA	=	Landscape area including SLA (square feet)
f.	0.3	=	Additional water allowance for SLA
g.	SLA	=	Special landscape area (square feet)

6. Estimated Total Water Use: The estimated total water use shall be calculated using the equation below.

$$ETWU = ETo \times 0.62 \times \frac{PF \times HA}{IE} + SLA.$$

The sum of the estimated total water use calculated for all hydrozones shall not exceed MAWA. The symbols in the equation shall mean:

a.	ETWU	=	Estimated total water use per year (gallons)
b.	ETo	=	Reference evapotranspiration (inches) (see table 9-5D2-3-I1, "Reference Evapotranspiration (ETo) Table", of this section)
c.	PF	=	Plant factor from WUCOLS
d.	HA	=	Hydrozone area (high, medium, and low water use areas) (square feet)
e.	SLA	=	Special landscape area (square feet)
f.	0.62	=	Conversion factor
g.	IE	=	Irrigation efficiency (minimum 0.71)

C. Soil Management Report: In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant or his/her designee. The report shall contain the following information:

1. Submit soil samples to the laboratory for analysis and recommendations.

a. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

b. Soil analysis shall include:

(1) Soil texture;

(2) Infiltration rate determined by laboratory test or soil infiltration rate table;

(3) pH;

(4) Total soluble salts;

(5) Sodium;

(6) Percent organic matter; and

(7) Recommendations.

2. The project applicant, or his/her designee, shall comply with one of the following:

a. If significant mass grading is not planned, the soil analysis report shall be submitted to the planning department as part of the landscape documentation package; or

b. If significant mass grading is planned, the soil analysis report shall be submitted to the city as part of the certificate of completion.

3. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

4. The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the city with certificate of completion.

D. Landscape Design Plan: The content and form of the landscape design plan shall meet the landscape design requirements provided in article D1, "Landscaping Standards", of this chapter and the following submittal requirements as provided in the model ordinance:

1. Delineate and label each hydrozone by number, letter, or other method.

2. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation.

3. Identify recreational areas.

4. Identify areas permanently and solely dedicated to edible plants.

5. Identify areas irrigated with recycled water.

6. Identify type of mulch and application depth.

7. Identify soil amendments, type, and quantity.

8. Identify type and surface area of water features.

9. Identify hardscapes (pervious and nonpervious).

10. Identify location and installation details of any applicable stormwater best management practices that encourage on site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan, and examples include, but are not limited to:

a. Infiltration beds, swales, and basins that allow water to collect and soak into the ground;

b. Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and

c. Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete) that minimize runoff.

11. Identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns).

12. Contain the following statement:

I have complied with the provisions of the city landscape water conservation regulations and applied them for the efficient use of water in the landscape design plan.

13. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape.

E. Irrigation Design Plan: An irrigation design plan shall accompany the landscape design plan. The irrigation design plan shall meet the landscape design requirements provided in article D1, "Landscaping Standards", of this chapter and the following submittal requirements as provided in the model ordinance:

1. System Requirements: For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturer's recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the landscape documentation package:

a. Dedicated landscape water meters are highly recommended on landscape areas smaller than five thousand (5,000) square feet to facilitate water management.

b. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.

c. The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

(1) If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure regulating devices such as in-line pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

(2) Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

d. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

e. Manual shutoff valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

f. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. The project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.

g. High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.

h. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto nontargeted areas, such as adjacent property, nonirrigated areas, hardscapes, roadways, or structures.

i. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

j. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

k. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria regarding the maximum applied water allowance.

l. It is highly recommended that the project applicant or local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

m. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

n. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

o. Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

p. Swing joints or other riser protection components are required on all risers subject to damage that are adjacent to high traffic areas.

q. Check valves or antidrain valves are required for all irrigation systems.

r. Narrow or irregularly shaped areas, including turf, less than eight feet (8') in width in any direction shall be irrigated with subsurface irrigation or low volume irrigation system.

s. Overhead irrigation shall not be permitted within twenty four inches (24") of any nonpermeable surface. Allowable irrigation within the setback from nonpermeable surfaces may include drip, drip line, or other low flow nonspray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

(1) The landscape area is adjacent to permeable surfacing and no runoff occurs; or

(2) The adjacent nonpermeable surfaces are designed and constructed to drain entirely to landscaping.

t. The irrigation designer specifies an alternative design or technology, as part of the landscape documentation package and clearly demonstrates strict adherence to irrigation system design criteria to prevent overspray and runoff.

u. Slopes greater than twenty five percent (25%) shall not be irrigated with an irrigation system with a precipitation rate exceeding three-fourths (3/4) of an inch per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the landscape documentation package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

2. Hydrozone Requirements:

a. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

b. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

c. Where feasible, trees shall be placed on separate valves from shrubs, ground covers, and turf.

d. Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

(1) Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

(2) The plant factor of the higher water using plant is used for calculations.

e. Individual hydrozones that mix high and low water use plants shall not be permitted.

f. On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the hydrozone information table. This table can also assist with the irrigation audit and programming the controller.

3. Design Plan Contents: The irrigation design plan, at a minimum, shall contain:

a. Location and size of separate water meters for landscape;

b. Location, type, and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;

c. Static water pressure at the point of connection to the public water supply;

d. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;

e. Recycled water irrigation systems;

f. The following statement: "I have complied with the provisions of the city landscape water conservation regulations and applied them accordingly for the efficient use of water in the irrigation design plan"; and

g. The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system.

F. Grading Design Plan: For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the landscape documentation package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.

1. The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:

a. Height of graded slopes;

b. Drainage patterns;

c. Pad elevations;

d. Finish grade; and

e. Stormwater retention improvements, if applicable.

2. To prevent excessive erosion and runoff, it is highly recommended that project applicants:

a. Grade so that all irrigation and normal rainfall remains within property lines and does not drain onto nonpermeable hardscapes;

b. Avoid disruption of natural drainage patterns and undisturbed soil; and

c. Avoid soil compaction in landscape areas.

3. The grading design plan shall contain the following statement: "I have complied with the provisions of the city landscape water conservation regulations and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

G. Landscape and Irrigation Maintenance Schedule:

1. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the certificate of completion.

2. A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing any obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

3. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.

4. A project applicant is encouraged to implement sustainable or environmentally friendly practices for overall landscape maintenance.

H. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis:

1. For new construction and rehabilitated landscape projects installed after the effective date of this article:

   a. The project applicant shall submit an irrigation audit report with the certificate of completion to the planning director that may include, but is not limited to, inspection, system tune up, system test with distribution uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule;

   b. The city shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the maximum applied water allowance.

2. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

I. Reference Evapotranspiration (ETo) Table: Table 9-5D2-3-I1 of this section describes the adopted reference evapotranspiration values for use in calculating water efficiency as required by this article.

TABLE 9-5D2-3-I1
REFERENCE EVAPOTRANSPIRATION (ETo) TABLE

Month	ETo Value
January	0 .9
February	1 .5

March	3 .4
April	5 .0
May	6 .6
June	7 .7
July	8.3
August	7 .3
September	5 .4
October	3 .4
November	1 .4
December	0 .7
Annual	51 .7

(Ord. 2013-___, __-__-2013)

CHAPTER 5

ARTICLE E. OFF STREET PARKING AND LOADING

9-5E-1: PURPOSE:
9-5E-2: APPLICABILITY AND PERMIT REQUIREMENTS:
9-5E-3: GENERAL PARKING REGULATIONS:
9-5E-4: REQUIRED OFF STREET PARKING:
9-5E-5: DESIGN AND DEVELOPMENT STANDARDS FOR OFF STREET PARKING AREAS:
9-5E-6: OFF STREET LOADING REQUIREMENTS:
9-5E-7: BICYCLE PARKING REQUIREMENTS:

9-5E-1: PURPOSE:

This article establishes standards for the development (including amount and location) of motor vehicle parking, bicycle parking, and on site loading areas. The purpose of the standards is to provide for safe vehicular parking, vehicular circulation, and loading supportive of a variety of uses in an increasingly pedestrian and bicycle friendly and transit oriented community. (Ord. 2013-___, __-__-2013)

9-5E-2: APPLICABILITY AND PERMIT REQUIREMENTS:

A. Applicability: The provisions of this article shall apply to new development and reuse of existing development. Every use shall have appropriately maintained off street parking and loading areas in compliance with the standards and requirements of this article. However, existing uses shall not be considered non-conforming if the only nonconformance is lack of required parking. .

B. Permit Requirements: New parking lots and modifications or expansions to existing parking lots require the following permits:

1. Building Permit: New parking lot design and modifications to existing parking lots in conjunction with a substantial change in use to an existing structure shall be reviewed in conjunction with the building permit and any other land use or development permit required for the project.

2. Zoning Clearance: Substantial modification or improvement to an existing parking lot that impacts the parking space layout, configuration, number of stalls, landscape planters, etc., shall require zoning clearance to authorize the change as consistent with this zoning code, concurrent with any required improvement plan approvals.

C. Exempt Activities: The parking lot improvements listed below are considered minor in nature, meaning that they do not alter the number or configuration of parking stalls. Such improvements shall be exempt from Zoning Clearance requirements and the requirements of this title.

1. Repairing any defects in the surface of the parking area, including holes and cracks;

2. Resurfacing, slurry coating, and restriping of a parking area with identical delineation of parking spaces;

3. Repairing or replacing in the same location damaged planters and curbs; and

4. Working in landscape areas, including sprinkler line repair, replacement of landscape materials, or refurbishment. (Ord. 2013-___, __-__-2013)

9-5E-3: GENERAL PARKING REGULATIONS:

A. Calculations:

1. If the calculation for parking needs results in the requirement for a fraction of a parking space, the value shall be rounded to the nearest whole number.

2. Seating capacity shall be based upon the actual number of seats or one seat per eighteen inches (18") of bench or pew length and one seat per twenty four inches (24") of booth length for dining.

B. General Requirements:

1. All vehicular parking areas shall be maintained by the owner of the property.

2. Required off street parking spaces and parking areas shall be used only for parking operable vehicles of residents, employers, employees, customers, and visitors unless specifically allowed by a temporary or conditional use permit.

3. Required off street parking space shall not be used for the storage of vehicles or materials,

4. No sales, storage, repair work, dismantling, or servicing of any kind shall be permitted in parking spaces without necessary permits for such use.

5. All required off street parking shall be kept clear of temporary or permanent obstructions.

6. Existing parking shall not be reduced below the minimum requirements of this section.

7. Living, sleeping, or housekeeping in any vehicle, trailer, or vessel is prohibited, with the following exceptions:

   a. In residential districts, occupancy shall be permitted by right for a maximum of seventy two (72) hours. A longer period may be permitted upon approval from the police department.

   b. In commercial districts, a maximum of seventy two (72) hours is permitted, provided on site security is provided.

8. For residential tenant and guest parking, the spaces must be marked per the required minimum standards for tenant and guest parking.

C. Location Requirements for Parking Areas:

1. Parking may not occur within any required "clear visibility area" as defined by this title.

2. Parking spaces shall not preclude direct and free access to stairways, walkways, elevators, any pedestrian accessway, or fire safety equipment. Such access shall be a clear minimum width of forty four inches (44"), no part of which shall be within a parking space.

3. For single-family homes, duplexes, triplexes, and similar uses, parking shall be provided on the same lot as the home and shall not be located within the required yard area setbacks, except for approved driveways and carports as allowed by section 9-5A-8, "Residential Accessory Structures", of this chapter.

4. For multi-family residential, parking shall be provided within two hundred feet (200') of the unit(s) they intend to serve.

5. For nonresidential uses, parking shall be located outside of required landscape areas as required by section 9-5D1-2, "Landscape Standards", of this chapter. Parking shall be located on the same parcel as the uses served, except that parking may be located on a parcel adjacent to, or within five hundred feet (500') of, the use served. In such cases, a permanent covenant shall be recorded on the subject properties with the Kings County Recorder guaranteeing that the required parking would be maintained exclusively for the use or activity served. The agreement shall be approved by the planning director in a form approved by the city attorney, and a copy shall be filed with the planning department.

6. Parking within the downtown and mixed use districts shall be located as required in chapters 6, "Downtown Development Standards" and 7, "Mixed Use Development Standards", of this title. (Ord. 2013-___, __-__-2013)

9-5E-4: REQUIRED OFF STREET PARKING:

A. Minimum Requirements: Minimum vehicle parking space requirements are listed in table 9-5E-4-A1, "Required Minimum Parking Ratios", of this section. Where the parking ratio is listed based upon square feet, it shall mean the gross square feet of the building (including public and private areas). Calculations of minimum requirements shall be rounded up to the next whole number.

B. Not Considered Parking: For the purpose of calculating parking ratios, the following types of parking are considered outdoor storage and are not considered parking:

1. Fleet vehicle and equipment parking; and

2. Parking for vehicles that are for sale, lease, or rent.

C. Provision of Excessive Parking: Site Plans including proposed new parking areas that exceed minimum vehicle parking requirements by more than twenty five percent (25%) shall demonstrate how the property can be developed in the future to utilize the additional parking areas for structures, landscaping, plazas, or other active use.

D. Similar Use: For a use not listed in table 9-5E-4-A1, "Required Minimum Parking Ratios", of this section, the required vehicle and bicycle parking shall be the same as for the most similar use listed, as determined by the planning director.

E. Parking Requirements In Downtown Mixed Use Districts: In the downtown mixed use zoning districts (DMX-1, DMX-2, and DMX-3), parking shall be provided as established in chapter 6, "Downtown Development Standards", of this title, rather than as provided in table 9-5E-4-A1 of this section. Parking lot design and construction shall be as provided in this article.

TABLE 9-5E-4-A1
REQUIRED MINIMUM PARKING RATIOS

	Land Use	Minimum Required Parking Spaces
Residential and overnight stay uses:		
	Caretaker housing	1 per bedroom
	Child daycare facility - family daycare home, large	1 additional beyond dwelling
	Child daycare facility - family daycare home, small	0 additional beyond dwelling
	Dwelling, multi-family ï studio and 1 bedroom units	1.5 per unit
	Dwelling, multi-family - 2 or more bedrooms	2 per unit
	Dwelling, second unit	No additional beyond primary dwelling
	Dwelling, single-family	2 per unit
	Dwelling, single- or multi-family in the DMX-1 or DMX-2 zoning district	1 per unit
	Group housing	2 per unit
	Home occupation	No additional beyond

Land Use		Minimum Required Parking Spaces
		dwelling
	Hotel, Motel, or Bed and Breakfast Inn	1 per room
	Live-work facility	1.5 per unit
	Mobilehome park or recreational vehicle park	2 per unit
	Residential care home or extended care facility	1 per 4 beds
	Senior Housing	1 per unit
	Single room occupancy (SRO) facility	0.5 per unit
	Supportive or transitional housing	1 per 4 beds
Education, public assembly, and recreation uses:		
	Assembly uses ï theater, auditorium, amphitheater, church, mosque, temple, synagogue, religious facility, club, hall, conference center, funeral home, or similar assembly facility	1 per 4 seats if seating is fixed; 25 per 1,000 square feet of main assembly room if seating is not fixed
	Indoor amusement/entertainment facility	4 per 1,000 square feet
	Library	3.5 per 1,000 square feet
	Outdoor commercial recreation (not including stadiums)	4 per acre of active recreation area
	School, elementary or middle ï public, private or charter	2 per classroom

Land Use		Minimum Required Parking Spaces
	School, high ï public or private	9 per classroom
	School, colleges and universities ï public and private	Parking study required
	School, specialized education and training	5 per 1000 square feet of classroom or teaching area
Utility, transportation, public facility, and communication uses:		
	Airport, heliport, transit station, or transit terminal	Parking study required
	Ambulance service	3.5 per 1,000 square feet
	Broadcasting and recording studio	3.5 per 1,000 square feet
	Fuel storage and distribution	3.5 per 1,000 square feet
	Public safety facility	Parking study required
	Telecommunication or utility infrastructure facility	0.5 per employee (minimum 1 space)
Retail, service, and office uses:		
	Animal sales, grooming, kennel, or veterinary facility	3.5 per 1,000 square feet
	Bank, financial service, check cashing, or business support service	3.5 per 1,000 square feet

Land Use		Minimum Required Parking Spaces
	Building materials yard, garden center, or plant nursery	1 per 1,000 square feet
	Call center	6 per 1,000 square feet
	Daycare facility, commercial ï child or adult	3.5 per 1,000 square feet
	Equipment sales and rental	3.5 per 1,000 square feet
	Furniture store, consignment store, or similar store with bulky items	2.5 per 1,000 square feet
	Healthcare facility, massage therapy, medical office or clinic	4 per 1,000 square feet
	Hospital	Parking study required
	Maintenance or repair shop - small equipment	2.5 per 1,000 square feet
	Office ï business or professional	4 per 1,000 square feet
	Personal service - barber shop, beauty shop, health spa, indoor fitness, gym, laundry, or tattoo parlor	3.5 per 1,000 square feet
	Restaurant, fast-food, bar, or nightclub	5 per 1,000 square feet
	Retail store ï general retail, alcoholic beverage sales, convenience store, grocery store, supermarket, antique store, pawnshop, thrift store, stand-alone big box store	3.5 per 1,000 square feet

Land Use		Minimum Required Parking Spaces
	Semipermanent mobile food vehicle	8 per vehicle
	Shopping Center with mix of retail, restaurant, and/or office uses	4.25 per 1,000 square feet
Automobile and vehicle uses:		
	Auto and vehicle sales or rental, service, storage, or parts sales	3.5 per 1,000 square feet of sales and office area
	Car washing or detailing	2 per 1,000 square feet
	Fueling station	None additional beyond affiliated uses, i.e. auto service or convenience store
Industrial, manufacturing, and processing uses:		
	Agricultural products processing	2 per 1,000 square feet
	Manufacturing facility	1.5 per 1,000 square feet
	Printing and publishing	1.5 per 1,000 square feet
	Recycling facility ï collection, processing, etc.	1 per 2 employees
	Research and development facility	3.5 per 1,000 square feet
	Storage, personal storage facility	2 per 1,000 square feet of office space, plus 1

Land Use		Minimum Required Parking Spaces
		per caretaker dwelling
	Storage yard, freight yard, truck terminal, warehouse, or wholesale distribution	4 per 1,000 square feet of office space
	Any Non-residential use in the DMX-1, DMX-2, or DMX-3 zoning district (not withstanding other above ratios)	
	New building or development of more than 1,000 square feet of building space	4 per 1,000 square feet; may be waived by paying in-lieu fee
	Existing building or use; change in or remodel that adds less than 1,000 square feet to building	No additional parking required

F. Reductions and Exceptions To Minimum Parking Requirements: The following are exceptions or reductions to the minimum parking requirements established in table 9-5E-4-A1, "Required Minimum Parking Ratios", of this section that are available:

1. Parking District Waiver: Minimum off street parking requirements may be waived for properties that have access to public parking facilities. The waiver may be granted by the planning director.

2. Parking Reduction: Parking may be reduced by the designated approval authority according to the following provisions. A combination of the following programs may be utilized; however, the total parking reduction shall not exceed twenty percent (20%) of required parking.

   a. Reduction For Special Motor Vehicles: Up to twenty percent (20%) of the off street parking may be provided by smaller parking spaces for special or alternative motor vehicles (e.g., golf carts, motorcycles, motorized scooters).

   b. Reduction For Secure Bicycle Parking: Developments which provide additional secure bicycle parking facilities over and above the minimum requirement of this article may reduce their parking requirement by one vehicle space for every two (2) additional bicycle spaces provided.

   c. Reduction For Parking Near Major Transit Stops (E.G., Train Stations, Significant Bus Facilities): Parking requirements may be reduced by ten percent (10%) when within one-fourth ($^1/_4$) mile of a major transit stop.

d. Reduction For Existing Uses To Enable Property Enhancements: Parking requirements for existing nonresidential development may be reduced by up to ten percent (10%) if any of the following are completed:

(1) Landscaping;

(2) On site pedestrian plazas, seating areas, shelters, bicycle racks, and/or walkways; and/or

(3) Comprehensive architectural update to existing structures.

e. Shower/Locker Facilities: Developments with one hundred (100) or more employees may reduce their parking requirement by providing shower and clothing locker facilities for bicycle commuting employees. The maximum reduction allowed is five percent (5%) of required parking.

f. Preferred Carpool/Vanpool Parking Spaces: Office or industrial developments that guarantee preferred parking spaces (e.g., covered, shaded, or near building entrance) to employees who participate regularly in a carpool or vanpool may reduce their parking requirement by one vehicle space for every one space that is marked and reserved for carpools/vanpools at a preferred location. The maximum reduction allowed is five percent (5%) of required parking.

g. Electric Vehicle Charging Station: Mixed use, commercial, office, and industrial developments that provide parking spaces reserved for electric vehicles and provide electric vehicle charging stations at those spaces may reduce their parking requirement by one vehicle space for every one space that is provided for electric vehicle charging. The maximum reduction allowed is five percent (5%) of required parking.

3. Joint Vehicle Parking Lot Or Structure: Required parking for two (2) or more freestanding uses on adjacent or nearby sites may be satisfied by the use of a joint vehicle parking facility to the extent that it can be shown by the owners or operators that the demand for parking in the joint facility does not materially overlay (e.g., uses primarily of a daytime versus a nighttime or weekday versus weekend nature) and provided that such right of joint use is evidenced by a deed, parking easement, lease, contract, or similar written instrument upholding such joint use. In this situation, the size of the joint parking lot shall be at least as large as the number of vehicle parking spaces required by the largest user. (Ord. 2013-___, __-__-2013)

9-5E-5: DESIGN AND DEVELOPMENT STANDARDS FOR OFF STREET PARKING AREAS:

A. General: All vehicular parking spaces shall be on the same lot as the main structure they serve, on an abutting lot, or within one thousand feet (1,000') of the building, subject to the following requirements:

1. There is a safe, direct, attractive, lighted, and convenient pedestrian route between the vehicle parking area and the use being served.

2. There is an assurance in the form of deed, parking easement, lease, contract, or other similar document that the required spaces will continue to be available for off street parking use according to the required standards.

B. Parking Lot Design:

1. Surfacing and Striping: Areas used for parking and maneuvering of vehicles shall be paved with a minimum of two inch (2") asphalt, concrete, or equivalent surface. All parking areas shall be appropriately striped, marked, and signed.

2. Curb Cuts and Driveway Access Points/Locations: Street access points shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. New and modified curb cuts and driveway access points shall be designed as follows:

   a. For multi-family, commercial, office, and industrial developments:

      (1) A minimum of one hundred fifty feet (150') from the curb return.

      (2) A minimum of one hundred fifty feet (150') between driveways.

      (3) Lesser distances may be permitted upon review and approval of the city engineer.

      (4) Proposed driveways across the street from each other that are offset less than one-hundred fifty (150) feet must be approved by the Public Works Director.

   b. For single-family and duplex developments:

      (1) A minimum of fifty feet (50') from the curb return.

      (2) A minimum of five feet (5') between the driveway and property line.

   c. The Public Works Director may approve exceptions to this section.

3.

3. Back Out Parking: With the exception of duplexes and single-family residences, all parking areas shall be designed so that vehicles can exit without backing out of the parking area onto a public street.

8. Connect Parking Lots: Auto parking areas shall be encouraged to connect with auto parking areas on adjacent sites to eliminate the necessity of utilizing the public right of way for cross movements. Joint or shared access, internal circulation, or parking is encouraged with adjacent uses.

9. Minimum Clearance: Driveways, aisles, turnaround areas, and ramps shall have a minimum vertical clearance of twelve feet (12') for the entire length and width, but such clearance may be reduced in parking structures.

10. Drainage: Adequate drainage shall be provided to dispose of the runoff generated by the impervious surface area of the parking area. Provision shall be made for the onsite

collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights of way, and abutting private property. Design solutions may include, but are not limited to, the use of bioswales, low impact design (LID), and other designs that direct runoff into landscape areas.

11. Pedestrian Circulation/Walkways: Pedestrian circulation/walkways shall be designed to provide circulation through parking lots from public sidewalks to primary building entryways. Sidewalks shall be designed to ensure that vehicles that may overhang or intrude into the sidewalk system do not reduce the minimum required sidewalk width of four feet (4').

12. Screening: The periphery of all parking lots shall be screened from view from adjacent streets and adjacent residential areas with walls, landscaping, and landscaped berms (or a combination) to a minimum height of three feet (3'). Where provided, landscaping shall be consistent with the standards of subsection 9-5D1-2E6, "Landscaping of Parking Lots", of this chapter.

13. Landscaping: Landscaping of parking lots shall be provided as required in subsection 9-5D1-2E6, "Landscaping of Parking Lots", of this chapter.

14. Lighting: See outdoor lighting standards in section 9-5A-6, "Outdoor Lighting", of this chapter.

C. Space and Aisle Standards For Surface Parking Lots:

1. General Space and Aisle Standards: All surface parking lots shall be designed in accordance with the minimum city standards for stalls and aisles as set forth in table 9-5E-5-C1, "Parking Space and Drive Aisle Dimensions", of this section and illustrated in figure 9-5E-5-C1, "Parking Space and Drive Aisle Dimensions", of this section.

2. Compact Car Spaces: Up to fifteen percent (15%) of the required number of parking spaces may be sized for compact cars. Compact car spaces shall comply with the following standards:

   a. Compact car parking spaces shall be clearly marked "compact cars only", "compact", or "c".

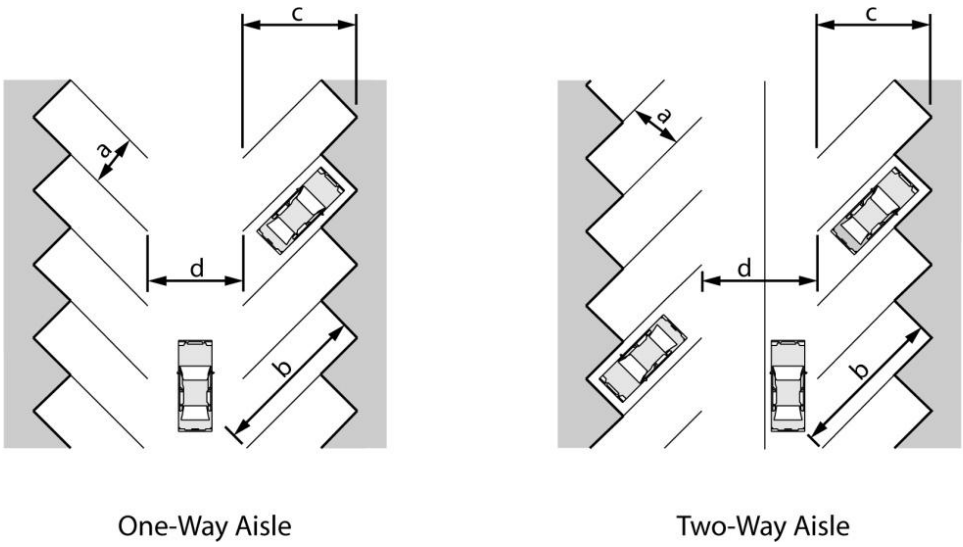
   b. No more than five (5) compact spaces shall be placed next to each other.

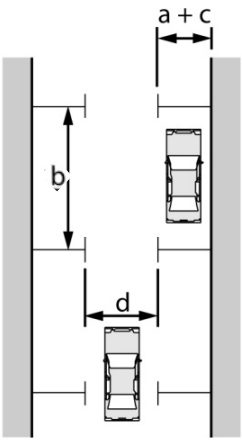
TABLE 9-5E-5-C1
PARKING SPACE AND DRIVE AISLE DIMENSIONS

Stall Type	Minimum Space and Aisle Dimensions

	A Stall Width	B Stall Length	C Stall Depth (Aisle To Curb)	D Drive Aisle Width	
				One-Way	Two-Way
Parallel	9'	20'	Not applicable	12'	24'
45°	9'	20'	20'	14'	24'
60°	9'	20'	21.5'	18'	24'
90°	9'	20'	20'	20'	24'
Compact stalls, all angles	8'	16'	-	Same as standard stalls per stall type	

FIGURE 9-5E-5-C1
PARKING SPACE AND DRIVE AISLE DIMENSIONS





D. Standards For Off Street Parking For Private Residences: Off street parking and driveways for detached dwellings, manufactured homes, single-family attached dwellings, and two-unit attached dwellings shall meet the following requirements:

1. In single-family and two-family dwellings, one space of the required parking per unit must be covered (e.g., garage, carport).

2. All motor vehicles, including vehicles, trailers, or vessels which are inoperable or incapable of movement under their own power and/or without current registration shall be stored entirely within an covered structure and shall not be parked or stored in any required front yard within a residential zoning district or neighborhood.

3. Each parking space shall be at least eight and one-half feet (81/2') wide by eighteen feet (18') deep.

4. The minimum driveway width shall be ten feet (10').

5. Tandem (end to end) parking is allowed to meet the minimum off street parking requirements.

6. Parking may be provided within the front and street side yard setback, as follows:

a. Vehicle parking (including driveways) in residential areas shall be provided on permanent paved surfaces.

.

8. All vehicles are required to be parked on a paved surface. Driveways and driveway approaches shall be paved.

(Ord. 2013-___, __-__-2013)

9-5E-6: OFF STREET LOADING REQUIREMENTS:

A. Purpose of Loading Area Requirements: The purpose of these regulations is to provide the number, size, location, and screening requirements for loading areas in mixed use, commercial, and industrial uses. The intent of these regulations is to minimize disruptions of

traffic flow by freight carrying vehicles blocking the public right of way and to minimize impacts to vehicular and pedestrian conflicts.

B. When Loading Regulations Apply: This regulation applies to all nonresidential development in mixed use, commercial and industrial districts, whether or not a permit or other approval is required for the development. Buildings smaller than twenty thousand (20,000) square feet in size are exempt from the requirements of this section.

C. General Loading Area Requirements: The number of required loading spaces is based on the use of the building and the building size, minus any residential component square footage, as described in table 9-5E-6-C1, "Required Minimum Loading Spaces", of this section. Where two (2) or more uses are located on the same premises, the number of loading area spaces required is the sum of the spaces required for each use.

TABLE 9-5E-6-C1
REQUIRED MINIMUM LOADING SPACES

Land Use	Loading Spaces Required
Industrial uses	1 per each 20,000 square feet or fraction thereof
Commercial, office, and all other uses	1 per each 35,000 square feet or fraction thereof

D. Off Street Loading Standards:

1. Dimensions: Loading spaces shall be not less than ten feet (10') in width and twenty five feet (25') in length, with fourteen feet (14') of vertical clearance.

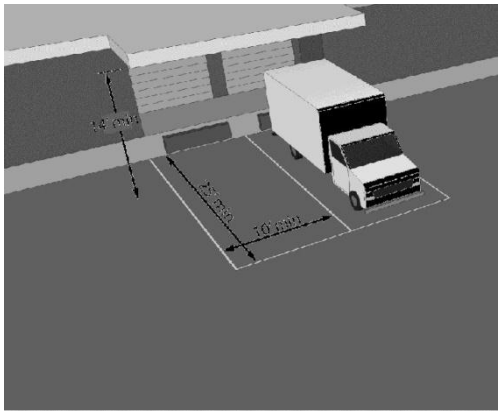
2. Setback and Landscaping: Loading areas must comply with the setback and perimeter landscaping and screening standards. When parking areas are prohibited or not allowed between a building and a street, loading areas are also not allowed.

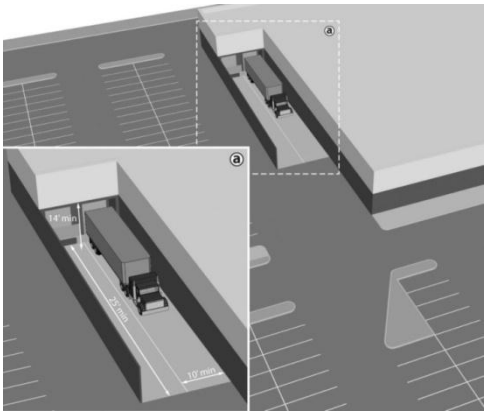
3. Maintenance: The provision for maintenance of off street loading facilities is a continuing obligation of the property owner.

4. Loading and Maneuvering Areas: Loading and maneuvering areas shall be hard surfaced unless a permeable surface is required to reduce surface runoff, as determined by the city.

5. Passenger Vehicle Parking: Parking of passenger vehicles may be allowed in off street loading areas subject to specific time limits to prevent conflicts with off street loading activities. If parking is allowed, the parking time limits shall be clearly posted. These parking spaces shall not count toward meeting the general parking requirements.

FIGURE 9-5E-6-C1
TYPICAL LOADING AREA - BACK IN AND SIDE LOAD





E. Location of Required Loading Facilities:

1. The off street loading facilities, regardless of the development type, shall be on the same lot or parcel of land as the structure they are intended to serve.

2. The off street loading facilities shall be designed and located so that loading vehicles are not parked in required setbacks, driveways, or required parking spaces during loading activities.

3. No loading space shall be located so that a vehicle using such loading space projects into any public street.

4. Loading spaces shall be provided with access to an alley when alley access is available.

5. Bays and doors shall be located in a manner that would preclude any possibility for trucks to back into bays from arterial streets. (Ord. 2013-___, __-__-2013)

9-5E-7: BICYCLE PARKING REQUIREMENTS:

A. Applicability: Bicycle parking facilities in parking lots shall be provided for nonresidential and multi-family uses as provided in this section. Bicycle parking facilities shall comply with the California Building Code.

(Ord. 2013-___, __-__-2013)

ARTICLE F. SIGNAGE

9-5F-1: PURPOSE AND SIGN DEFINITIONS:
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 AND SIGN DEFINITIONS:

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, 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. 2013-___, __-__-2013)

B. The following definitions shall apply to this title:

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.

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.

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.

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).

BILLBOARD: A permanent structure sign which is used for the display of offsite 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.

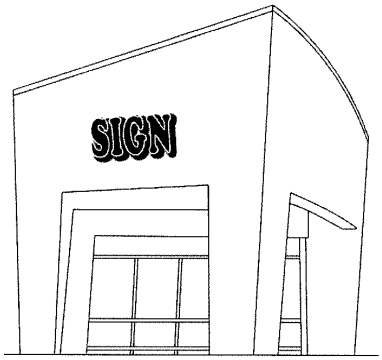
BUILDING-ATTACHED SIGN: A sign placed on a wall, awning, canopy, parapet, or a blade bracket. Also see wall sign, canopy sign, window sign, or projecting sign.

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



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

DIRECTIONAL SIGN: An onsite 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.

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

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.

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.

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.

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.

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

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.

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.

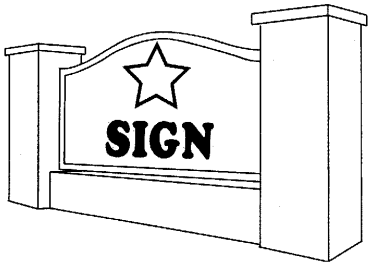
MARQUEE OR CHANGEABLE COPY SIGN: A sign, or portion thereof, with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or surface of the sign. A sign on which the message or characters change more than twelve (12) times per day shall be considered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

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

MENU/ORDER BOARD SIGN: A sign installed in a drive-through facility and oriented so as to be visible primarily by drive-through customers.

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.

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.

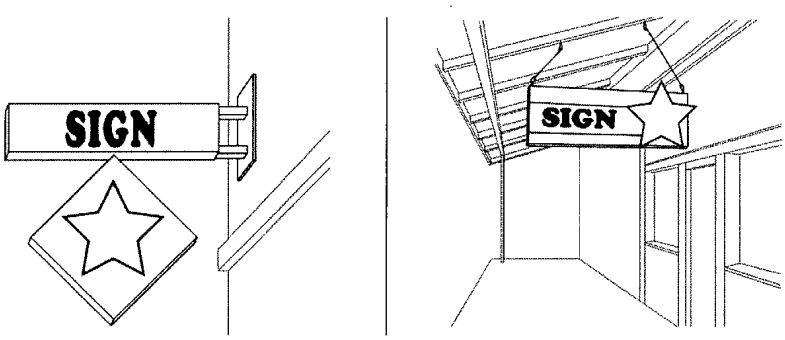
POLE SIGN: An onsite freestanding sign, supported by a sign structure from the ground which identifies businesses located on the same parcel or in the same development on which the sign is located. Pole signs are supported by one or more metal or wood posts, pipes, or other vertical supports. When the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

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

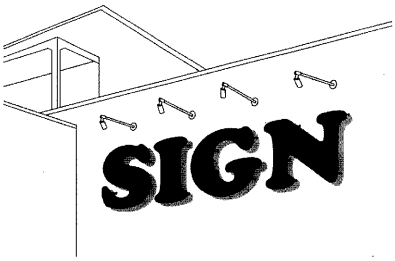
PROJECTING SIGN: A sign that projects perpendicular from a structure (bracket sign) or is hung beneath a canopy (blade sign).

FIGURE 9-12-2-11
PROJECTING SIGNS



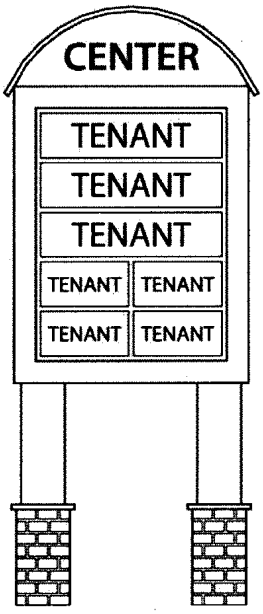
PUSHPIN LETTER SIGN: A sign comprising individual letters that are independently mounted to a wall or other surface. Such sign may be illuminated by an external light source, such as pendant lighting. The "airspace" between the letters is not part of the sign structure but rather the building facade.

FIGURE 9-12-2-12
PUSHPIN LETTER SIGN



PYLON SIGN: An onsite 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

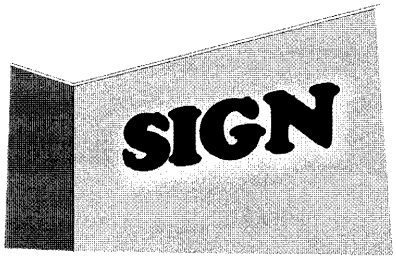


REAL ESTATE SIGN: See subsection 9-5F-2D2e of this title.

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



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.

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.

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.

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.

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

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 offsite 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.

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 a (building-attached, freestanding, and highway-oriented) 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 establish a shared sign design or theme that to which all future tenants must adhere. 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.

and

B. 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 offsite commercial message in the place of an onsite commercial or noncommercial message.

4. Onsite/Offsite 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.

C. 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 city[1]. 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 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 (31/2') 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.

D. 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.

E. 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.

F. 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, the planning director shall send a notice stating that the sign shall be removed.

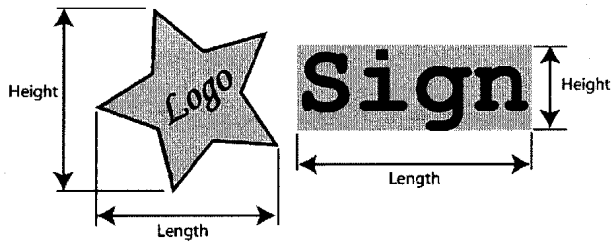
3. Abandoned signs that are not maintained or removed consistent with the requirements of this section may be abated by the city and reimbursed by the property owner. (Ord. 2013-___, __-__-2013)

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.

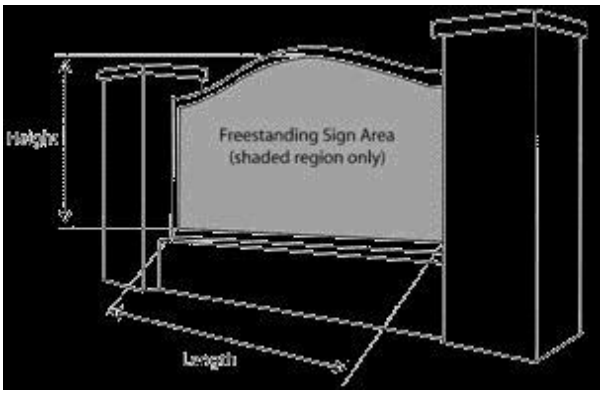
FIGURE 9-5F-3-A1
SIGN AREA

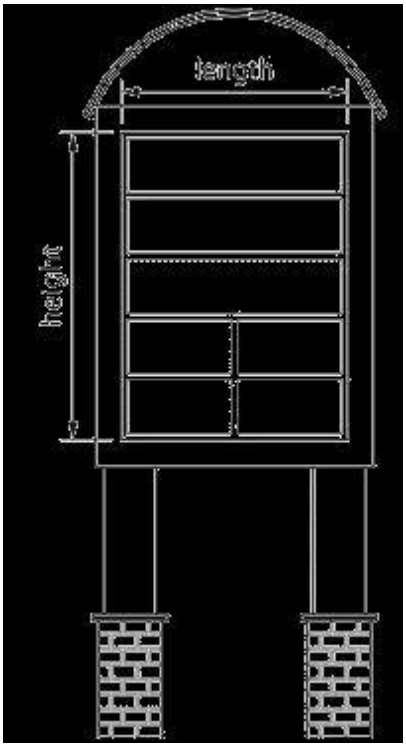


1. Awning or Canopy Signs: Sign copy which is applied to an awning or canopy shall be computed at one hundred percent (100%) of the area within a single rectangle enveloping the sign copy.

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.

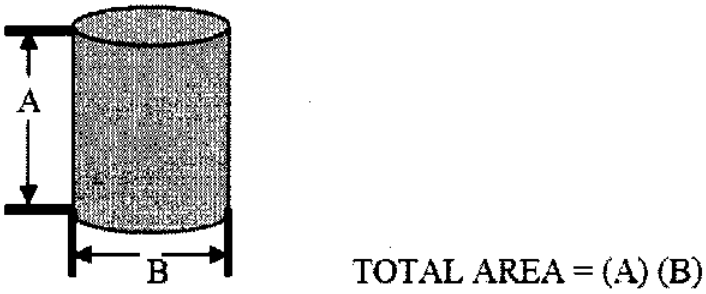
FIGURE 9-5F-3-A2
FREESTANDING SIGN AREA





3. Three-Dimensional Objects: Where a sign consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculptures, or statue-like 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



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 onsite 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. This section shall not be used to deny a site the placement of a freestanding sign.

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. 2013-___, __-__-2013)

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. 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.

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 Onsite 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 considered wall signs for signage area calculation purposes. The following requirements shall apply:

   a. Lettering shall be located within the middle seventy percent (70%) of the awning area.

   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.

   c. Awning signs shall only be allowed for first and second story occupancies.

   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.

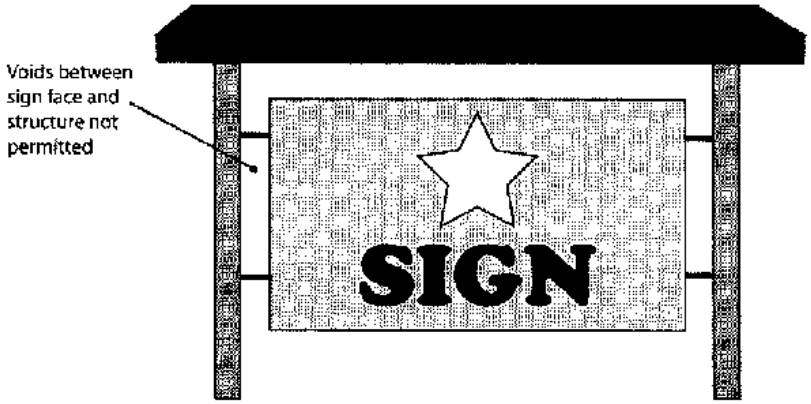
3. Marquee or Changeable Copy Sign: These types of signs shall be considered to be the same as any other type of sign and shall be regulated based on their location; i.e., if located on a wall, they shall be deemed wall signs. There shall be at least seven feet (7')

of clearance between the bottom of the sign and the sidewalk immediately below the sign. No such sign shall project over the public right of way closer than five feet (5') to the curb line of a street or have a sign area exceeding one hundred (100) square feet. Electric (digital) changeable copy signs shall not change message more than one time every seven (7) seconds and intensity shall be adjusted between day and night hours to not be a safety hazard.

4. Freestanding Signs: Freestanding signs, including monument and pylon signs, shall only be permitted as follows:

a. In an effort to promote full architectural integration of signs, voids between the sign face and the sign structure are prohibited. Either the sign face shall utilize the full width of the sign structure or coverings that are architecturally consistent with the rest of the sign shall be used to fill any voids. Monument and pylon signs, as defined in this title, are the preferred sign type for freestanding signs.

FIGURE 9-5F-4-B1
FREESTANDING SIGN WITH VOIDS



d. Freestanding signs may only be constructed as follows:

(1) For sites with less than three hundred feet (300') of street frontage, a monument sign is permitted consistent with the requirements of this article.

(2) For sites with three hundred feet (300') or more of street frontage, a monument or pylon sign is permitted. Multiple adjoining properties that individually do not have at least three hundred feet (300') for frontage may establish a joint use easement to allow sharing of one sign. Such combination shall first require the approval of a sign program for all properties.

5. Projecting Signs: Projecting signs, including, but not limited to, blade signs, bracket signs, and marquee signs, shall be considered wall signs for the purposes of sign area calculations. Projecting signs shall only be permitted as follows:

a. Location: Projecting signs shall be placed only on ground floor facades, except for businesses located above the ground level with direct exterior pedestrian access.

b. Angle of Projection: Projecting signs shall either be located at right angles to the building front along the building facade, or, when located on the corner of a building, at a forty five degree (45°) angle to the corner of the building.

c. Height: The lowest point of a blade or bracket sign shall be a minimum of six feet eight inches (6'8") above grade.

d. Projection: The sign may project a maximum of five and one-half feet (51/2') from the building.

e. Sign Structure: Sign supports and brackets shall be compatible with the design and scale of the sign.

6. Wall Signs:

a. Wall signs shall be compatible with the predominant visual architectural elements of the building facade.

b. Wall signs shall not project more than fourteen inches (14") from the building facade.

c. Wall sign raceways shall be concealed from public view (e.g., within the building wall or otherwise integrated with the design of the sign and building) so as to not detract from the architectural character of the building.

d. Channel letters, reverse channel letters, and pushpin letters are preferred. As described in subsection 9-5F-2E, "Prohibited Signs", of this article, can signs are prohibited.

e. Signage containing multiple elements (e.g., logo and text) on one facade shall be designed so that the multiple elements are located and scaled with relationship to each other and the building they are attached to.

7. Temporary Sign: In addition to the standards of section 9-5F-6, "Standards For Temporary Onsite Signs", of this article, no temporary sign shall be day-glo or fluorescent in color.

8. Window Sign:

a. Window signs shall not take up more than twenty five percent (25%) of the total window area of the establishment.

b. Window signs shall not count toward the overall allowed permanent signage allowed for an establishment but the message may be changed out on a regular basis similar to a temporary sign.

C. Design Standards for Specific Sign Types in the Downtown Mixed Use Zone Districts: 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 located in the Downtown Mixed Use Zone Districts:

a. Awning Sign:

(1) 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.

(2) Logos, symbols, and graphics are allowed on the shed (slope) portion of an awning, not exceeding nine (9) square feet.

(3) Awning signs are only permitted on first and second story occupancies.

(4) Awnings may be illuminated through spot lighting (e.g., pendants) directed at the face of the awning.

b. Bracket Sign, Marquee Sign, and Projecting Sign:

(1) These signs shall not be longer than eight feet (8') and shall not be taller than four feet (4').

(2) These signs shall maintain a minimum vertical clear space to sidewalk of eight feet (8').

(3) 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.

(4) 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.

(5) 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.

c. Channel Letter, Pushpin, Reverse Channel Letter, and Wall Sign:

(1) These signs shall not extend above an eave or parapet. When located along a fascia, they shall not extend beyond the vertical distance of the fascia.

(2) These signs shall be placed flat against the wall and shall not project from the wall more than required for normal construction purposes and in no case more than twelve inches (12"). The designated approving authority may modify this requirement in special circumstances where a projection greater than twelve inches (12") may be desirable to allow the creation of an especially creative and unique sign design.

(3) These signs shall be located within the middle seventy percent (70%) of the building or occupancy frontage.

(4) These signs shall not cover or obstruct any portion of a window or architectural element.

(5) These signs may be internally or externally illuminated; however, internally illuminated signs shall have opaque face panels so that only the letters, logos, numbers, or symbols appear illuminated.

d. Portable Sign:

(1) One portable sign shall be permitted per establishment. In the case of multiple establishments having a common entrance, only one portable sign shall be permitted per entrance. Examples include, but are not limited to, mall buildings.

(2) The maximum size for portable signs shall be eight (8) square feet. The maximum height allowed shall be four feet (4').

(3) Portable signs shall be made of long lasting, durable materials such as wood and metal. Portable signs shall not be made of cardboard or poster board.

e. Window Sign: A window sign shall not make up more than twenty five percent (25%) of the window area.

f. Signs using neon light: Neon light may be used, provided the sign is compatible with the design character of the building. (Ord. 2013-___, __-__-2013)

9-5F-5: STANDARDS FOR PERMANENT ONSITE SIGNS:

The standards of this section provide the regulations for onsite signs on private property, including height, size, placement, and illumination. Regulations are listed based upon zoning district and sign type.

A. Format and Organization of Standards: The signage standards listed below are summarized, where applicable, in table format for ease of use and organization. Concepts described in these tables are as follows:

1. Collective Sign Area: The total sign area allowed herein for each sign type may be distributed among the maximum number of signs permitted for that sign type.

2. Cumulative Sign Area Allowance: Allowable sign area is either a set square footage per establishment or is based on a ratio of allowable sign area to primary building frontage (i.e., 1 square foot of sign per 1 linear foot of primary building frontage, or 1 sf/1 lf). Where a ratio is described, it applies to the maximum sign area listed in table 9-5F-5-B1, "Signage Standards For Permanent Onsite Signs By Zoning District", of this section. The sign area allowed for permanent on site signs shall be independent of the area allowed for temporary signs as provided in section 9-5F-6, "Standards For Temporary Onsite Signs", of this article.

B. General Standards: Except as provided in subsections C, "Menu/Order Board Signs For Drive-Through Uses" and D, "Highway Oriented Signs", of this section, permanent on site signs shall be consistent with the standards listed in table 9-5F-5-B1 of this section as listed by base zoning district. The types of signs permitted in each district are specified in table 9-5F-5-B2, "Allowed Types of Permanent Onsite Signs By Zoning District", of this section. Only those signs specified in the tables shall be permitted.

TABLE 9-5F-5-B1
SIGNAGE STANDARDS FOR PERMANENT
ON SITE SIGNS BY ZONING DISTRICT

Sign Type			Development Standards		
			Maximum Number Permitted	**Maximum Area**	**Maximum Height**
	Residential and special purpose districts (AR, RVLD, RLD, RN, RLMD, RMD, RHD, W, AG, PR, CF):				
	Home occupations:				
		Building-attached sign	1 sign per residence	2 square feet	Roofline
	Permanent subdivision identification signs:				
		Freestanding sign (monument or attached to a masonry wall)	1 per subdivision entrance	30 square feet each, 60 square feet total	10 feet
	Other nonresidential uses:				
		Building-attached sign	1 per establishment	40 square feet	Roofline
		Freestanding sign	1 per site	40 square feet	4 feet
Downtown mixed use districts					

Sign Type			Development Standards		
			Maximum Number Permitted	Maximum Area	Maximum Height
(DMX-1, DMX-2, DMX-3):					
	Building-attached signs		No maximum	2 square foot/1 linear foot on primary frontage and 1.5 square feet/1 linear foot on secondary frontage; maximum 100 square feet per sign and 200 cumulative square feet per establishment	Roofline
Mixed use district (MU):					
	Building-attached signs		No maximum	1.5 square feet/1 linear foot collectively, maximum 150 square feet	Roofline
	Freestanding signs				
		A-frame sign	1 per establishment	8 square feet maximum	5 feet
		Freestanding sign	1 per project entrance	50 square feet per sign	4 feet

Sign Type		Development Standards		
		Maximum Number Permitted	Maximum Area	Maximum Height
Neighborhood commercial district (NC):				
	Building-attached signs	No maximum	2 square feet/1 linear foot collectively, maximum 200 square feet	Roofline
	Freestanding signs	1 per site	50 square feet per sign	4 feet
Regional commercial district (RC):				
	Building-attached signs	No maximum	2.5 square feet/1 linear foot collectively, maximum 400 square feet	Roofline
	Freestanding signs	1 per street frontage	100 square feet per sign	See standards by sign type in table 9-5F-5-B2 of this section

Sign Type		Development Standards		
		Maximum Number Permitted	Maximum Area	Maximum Height
Professional office district (PO):				
	Building-attached signs	1 per establishment	40 square feet per sign	Roofline
	Freestanding signs	1 per street frontage	40 square feet per sign	10 feet
Industrial districts (ML, MH):				
	Building-attached signs	1 per street frontage per establishment	1.5 square feet/1 linear foot collectively, maximum 400 square feet	Roofline
	Freestanding signs	1 per site	100 square feet per sign	See standards by sign type in table 9-5F-5-B2 of this section

TABLE 9-5F-5-B2
ALLOWED TYPES OF PERMANENT ON SITE SIGNS BY ZONING DISTRICT[1]

Sign Type	Zoning District									Max. Height
	Non-residential Uses In AR, RVLD, RLD, RN, RLMD, RMD, RHD, W, AG, PR, CF:	**DMX-1**	**DMX-2**	**DMX-3**	**MU**	**NC**	**RC**	**PO**	**MLMH**	
Building-attached:										
Awning	A	A	A	A	A	A	A	N	N	Roofline
Can	N	N	N	N	N	N	N	N	N	Roofline
Channel letter	A	A	A	A	A	A	A	A	A	Roofline
Marquee/ changeable copy sign (electric)	N	A	N	N	N	A	A	N	N	Roofline
Marquee/ changeable copy sign (nonelectric)	A	A	N	N	A	A	A	N	N	Roofline
Projecting	A	A	A	A	A	A	A	N	N	Roofline
Pushpin	A	A	A	A	A	A	A	A	A	Roofline
Reverse channel letter	A	A	N	N	A	A	A	A	A	Roofline

Sign Type	Zoning District									Max. Height
	Non-residential Uses In AR, RVLD, RLD, RN, RLMD, RMD, RHD, W, AG, PR, CF:	DMX-1	DMX-2	DMX-3	MU	NC	RC	PO	MLMH	
Vinyl	A	N	N	N	A	A	A	A	A	Roofline
Wall	A	A	A	A	A	A	A	A	A	Roofline
Window	A	A	A	A	A	A	A	A	A	Roofline
Freestanding:										
Monument	A	A	A	A	A	A	A	A	A	4 feet
Pole	N	N	N	N	N	N	N	N	N	-
Pylon	N	N	N	N	N	A	A	N	A	Height of tallest building on site or 40 feet, whichever is less
With marquee/ changeable copy sign (nonelectric)	N	N	N	N	A	A	A	N	N	Height of monument or pylon sign

C. Menu/Order Board Signs For Drive-In And Drive-Through Uses: Each drive-in or drive-through use is permitted a maximum of sixty (60) square feet of menu/order board signage. The sign(s) shall not count as a sign for purposes of table 9-5F-5-B1, "Signage Standards

For Permanent Onsite Signs By Zoning District", of this section, either in terms of number or cumulative area. The maximum height for a menu/order board sign shall be six (6) feet.

D. Highway Oriented Signs: Properties in the mixed use, neighborhood commercial, regional commercial, professional office, and industrial zoning districts and within one thousand (1,000) feet of State Highways 41 or 198 may, upon issuance of a highway oriented sign permit, establish a highway oriented sign consistent with the following provisions, in addition to other provisions of this article:

1. Permit Requirements: All highway oriented signs require the approval of a highway oriented sign permit prior to issuance of a building permit. The procedures for application, review, and decision of a highway oriented sign permit are as provided in section 9-2B-18, "Highway Oriented Sign Permit", of this title.

2. Number: One highway oriented sign shall be permitted per either:

a. Integrated developments, as defined in this title, consisting of six (6) or more tenants; or

b. Sites with a single tenant of fifty (50) acres or more.

3. Height: The maximum height of highway oriented signs shall be as follows:

a. For single-tenant signs, a maximum of forty (40) feet;

b. For multi-tenant signs, a maximum of sixty (60) feet;

c. Additional height up to a maximum of eighty (80) feet may as part of the approval of the highway oriented sign permit, provided the designated approving authority makes the following additional findings:

(1) That the additional height is necessary to ensure safe viewing from the highway.

(2) That approval of the additional height will not be contrary to the specific intent of the signage regulations established in this article.

4. Location:

a. Spacing Between Signs: No highway oriented sign shall be located closer than eight hundred (800) feet from any other highway oriented sign. A lesser spacing distance may be allowed through approval of the highway oriented sign permit, provided the designated approving authority makes the following findings:

(1) The reduced distance between highway oriented signs will not cause a safety impact or create sign clutter contrary to a small town atmosphere.

b. Setbacks: All signs must be set back a minimum of ten (10) feet from the highway right of way or other distance as determined by Caltrans. All highway oriented signs must be distanced from any residential district by a minimum of two hundred (200) feet.

c. Visibility: Highway oriented signs shall not be located to inhibit pedestrian or vehicular visibility and more specifically shall not be located within the "clear visibility area" as defined in this title. Illuminated signs shall be directed away from any residentially designed land.

d. Additional Restrictions: See title 7, chapter 4, "Advertising Displays Adjacent To Freeways", of the municipal code for additional citing restrictions along landscaped freeways.

5. Area: Highway oriented signs shall comply with the following limitations on sign area:

a. Generally: The maximum allowed sign area for single tenant highway oriented signs shall be one hundred (100) square feet per side. For multi-tenant signs, the maximum sign area shall be six hundred (600) square feet per side with each tenant space limited to one hundred (100) square feet. Ancillary components of the sign, such as shopping center identification, shall not exceed twenty five percent (25%) of the total sign area and shall be excluded from the calculation of the sign area.

b. Cumulative Sign Area: The area of a highway oriented sign shall not be counted toward the cumulative maximum sign area of the underlying property.

6. Architecture: Highway oriented signs shall be designed as pylon signs. Pole signs are not permitted. Highway oriented signs shall be composed of materials and design that are aligned with the purpose of this chapter and the community design element of the general plan. Examples of exterior sign materials include, but are not limited to, stucco, brick, wood panels, marble, aluminum, and roof structures.

7. Pedestrian Amenities: A highway oriented sign shall provide pedestrian oriented amenities at its base as appropriate to its location (i.e., covered benches, sculptures, artwork, enhanced landscaping, and/or area beautification).

8. Illumination: All highway oriented signs must be internally lit. Signs shall not have blinking, flashing, or fluttering lights or other illuminating devices that have a changing light, brightness, or color. Changeable copy LED lights are allowed to be incorporated into the structure so long as they change no more than every seven (7) seconds and shall adjust intensity between day and night so as to not be a safety hazard.

E. Murals:

1. The city encourages murals as a way to add visual interest to a building or area. As such, murals of a noncommercial nature shall be excluded from the allowed sign area for a property.

2. Murals are allowed on facades of buildings other than the side with the main entrance. The mural may encompass the entire surface area of the wall but shall not project onto the roof.

3. Murals shall be subject to major site plan and architectural review to ensure the scale and character of the mural is in keeping with the surrounding development. (Ord. 2013-___, __-__-2013)

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

This section describes standards for temporary on site signs. Temporary signs may include, but are not limited to, commercial signs for grand openings or for special product, sale, or event advertising. All temporary signs must comply with the standards listed in table 9-5F-6-D1, "Temporary Onsite Sign Allowances and Standards", of this section and are subject to the following:

A. 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 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.

2. Subdivision Signs: All temporary signs for subdivisions shall be removed within ten (10) days after all lots in the subdivision are sold. Subdivision signs at new or substantially renovated apartments shall be removed six (6) months from opening.

3. A-Frame Signs: A-frame signs shall be removed each night at close of business.

B. Illumination: Temporary signs shall not be illuminated.

C. Message: Temporary signs displaying a commercial message shall be limited to one site signage only.

TABLE 9-5F-6-D1
TEMPORARY ON SITE SIGN ALLOWANCES AND DESIGN STANDARDS

Sign Type	Standards			
	Maximum Temporary Number Permitted	Maximum Area	Maximum Height	Minimum Setback From ROW
On site subdivision signs and new/substantially renovated apartment complexes:				
Banner	3	30 square feet each	Roofline	10 feet
Entrance signs	1 per subdivision entrance or 1 per 50 lots whichever is greater, maximum 5	80 square feet each	15 feet	10 feet
Model home sign	1 per model home	15 square feet	5 feet	5 feet
Flags	5 per street frontage, maximum 15 per subdivision	20 square feet	25 feet	10 feet
Commercial uses:				
Banner	1 sign per establishment per street frontage	1 square foot per 1 lineal foot of frontage to a maximum of 100 square feet	Roofline	15 feet behind face of curb, outside of right of way
Vertical banner		1 square foot per 1 lineal foot of frontage to a maximum of 20 square feet	10 feet	
Stick sign	No more than 1 type	5 square feet	5 feet	

	A-frame	per street frontage	10 square feet	5 feet	

(Ord. 2013-___, __-__-2013)

9-5F-7: STANDARDS FOR OFFSITE SIGNS:

A. General Prohibition: Generally, all new offsite commercial signage is prohibited within the city. Existing offsite commercial signs (e.g., billboards) are considered nonconforming signs as regulated by subsection 9-5F-2F, "Nonconforming Signs", of this article. However, consistent with state law, the city does permit offsite subdivision directional signs (subdivision kiosk signs) as provided in this section.

B. Subdivision Kiosk Sign: The purpose of subdivision kiosk signs is to direct the traffic related to new residential subdivisions in a manner that minimizes visual clutter, reduces unnecessary traffic through established neighborhoods, and provides an orderly, attractive, high quality image of the city. When originally placed, kiosk signs will require a sign permit as required by this title and their locations approved within or outside of the city's right of way.

1. Kiosks shall include removable sign panels with no more than one panel per residential subdivision.

2. Kiosks shall not exceed sixty (60) square feet in sign area, twelve feet (12') in height, and five feet (5') in width with signage at least thirty six inches (36") off the ground. Proposed kiosks exceeding these dimensions require approval through the conditional use permit process.

3. No directional kiosk may be located within one thousand five hundred feet (1,500') of another directional kiosk except in the case of signs on different corners of an intersection, unless an unusual situation causes the need for a deviation as determined by the city.

4. All directional kiosk signs placed on private property shall have the written consent of the property owner. All directional kiosk signs placed on city right of way/lighting landscape maintenance district area/public facility maintenance district area shall obtain an encroachment permit.

5. The review of a proposed directional kiosk will include size, height, design, materials, and colors.

6. The directional kiosk sign may only be located in a manner that does not obstruct the view of traffic or safety signs, encroach within the clear visibility area, or otherwise pose a traffic or safety hazard.

7. There shall be no additions, tag signs, streamers, balloons, flags, devices, display boards, or appurtenances added to the subdivision kiosk signs as originally approved.

8. The city may deny an application for a directional kiosk or revoke an existing permit where an applicant, permittee, or developer with a panel on a kiosk fails to comply with these provisions.

9. Panels on directional kiosk signs may not be displayed after a subdivision developer has completed the sale of all units in the development. Each developer shall be responsible for their removal.

(Ord. 2013-___, __-__-2013)

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

A. Purpose and Intent: The purpose of this section is to provide the process and standards for establishing signage on city property. In adopting this section, the city council acts in its proprietary capacity as to "city property", as defined in this title, within the city. This section is adopted pursuant to the city's general powers, property rights, Government Code sections 65850(b), 38774, and 38775, Business and Professions Code section 5200 et seq., and Penal Code section 556 et seq.

B. Intent as to Public Forum: The city declares its intent that not all city property shall function as a designated public forum, unless some specific portion of city property is designated herein as a public forum of one particular type. In such case, the declaration as to public forum type shall apply strictly and only to the specified area and for the specified time period.

C. General Prohibition: Unless specifically authorized by this section, no signs may be displayed on city property by private parties. Any sign posted on city property in violation of this section may be summarily removed by the city as a trespass and a public nuisance.

D. Certain Governmental Signs: The following signs may be erected and displayed on city property:

1. Traffic control and traffic directional signs erected by the city or another governmental unit;

2. Official notices required or authorized by law;

3. Signs placed by the city in furtherance of its governmental functions; and

4. Signs allowable under subsection F of this section.

E. Temporary Signs Displaying Noncommercial Message: In areas qualifying as traditional public forums, private persons may display noncommercial message signs thereon, provided that such signs conform to all of the following:

1. The signs must be personally held by a person or personally attended by one or more persons. "Personally attended" means that a person is physically present within five feet (5') of the sign at all times.

2. The maximum aggregate size of all signs held or personally attended by a single person is six (6) square feet. For purposes of this rule, apparel and other aspects of personal appearance do not count toward the maximum aggregate sign area.

3. The maximum size of any one sign which is held or personally attended by two (2) or more persons is fifty (50) square feet, measured on one side only.

4. The sign must have no more than two (2) display faces and may not be inflatable or air activated.

5. In order to serve the city's interests in traffic flow and safety, persons displaying signs under this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give at least five feet (5') width clearance for pedestrians to pass by. Persons holding signs may not obstruct the "clear visibility area", as defined in this title.

6. The message substitution policy of this chapter applies only to traditional public forum areas.

F. Street Banner/Sign Program:

1. The street banner/sign program is limited to signs, banners, or other displays placed by the city and/or redevelopment agency over or on city streets, relating to any civic or public events or activities.

2. For purposes of this section, "civic event or activity" shall mean the following: any event or activity organized or sponsored by the city or redevelopment agency, including, but not limited to:

   a. Any public program or educational activity; and

   b. The commemoration or celebration of any historical date, event or person, holiday, or persons or events of local, state, or national significance.

3. For purposes of this section, "sponsored by" shall mean the city and/or redevelopment agency is:

   a. Participating in an official capacity in the planning, preparation or promotion of the event or activity; or

   b. Contributing twenty five percent (25%) of the total estimated costs of the civic event or activity, or at least one thousand dollars ($1,000.00), whichever is less. This contribution may take the form of funds, labor, staff time, materials, fee subsidies, or any combination of the foregoing.

4. Street banners shall be allowed to be displayed up to thirty (30) days prior to the event and shall be removed within nine (9) days after the event has ended.

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. (Ord. 2013-___, __-__-2013)

CHAPTER 5

ARTICLE G. AFFORDABLE HOUSING INCENTIVES (DENSITY BONUS)

9-5G-1: PURPOSE:
9-5G-2: ELIGIBILITY FOR DENSITY BONUS AND INCENTIVES AND CONCESSIONS:
9-5G-3: GENERAL PROVISIONS FOR DENSITY BONUS AND INCENTIVES AND CONCESSIONS:
9-5G-4: NUMBER AND TYPES OF DENSITY BONUSES AND INCENTIVES AND CONCESSIONS ALLOWED:
9-5G-5: LOCATION OF DENSITY BONUS UNITS:
9-5G-6: CONTINUED AVAILABILITY:
9-5G-7: PROCESS FOR APPROVAL OR DENIAL:

9-5G-1: PURPOSE:

The purpose of this article is to provide incentives for the production of housing for very low income, lower income, moderate income, special needs, and senior households in the city of Lemoore and to establish procedures for carrying out the legislative requirements and complying with California Government Code section 65915 et seq. In enacting this article, it is the intent of the city to facilitate the development of affordable housing by positively impacting the economic feasibility of providing lower income housing and implementing the goals, objectives, and policies of the city's housing element. (Ord. 2013-___, __-__-2013)

9-5G-2: ELIGIBILITY FOR DENSITY BONUS AND INCENTIVES AND CONCESSIONS:

A. The city shall grant one density bonus, with concessions or incentives, as specified in section 9-5G-4, "Number and Types of Density Bonuses and Incentives and Concessions Allowed", of this article, when the applicant for the residential development seeks and agrees to construct a residential development, excluding any units permitted by the density bonus awarded pursuant to this article, that will contain at least one of the following. The units qualifying a development for a density bonus shall be referred to as "target units". The applicant shall specify which of the following is the basis for the density bonus:

1. Ten percent (10%) of the total units of a housing development for lower income households;

2. Five percent (5%) of the total units of a housing development for very low income households;

3. A senior citizen housing development or age restricted mobilehome park; or

4. Ten percent (10%) of the total dwelling units in a common interest development as defined in California Civil Code section 1351 for persons and families of moderate income, provided that all units in the development are offered to the public for purchase. (Ord. 2013-___, __-__-2013)

9-5G-3: GENERAL PROVISIONS FOR DENSITY BONUS AND INCENTIVES AND CONCESSIONS:

The following general requirements apply to the application and determination of all incentives and bonuses:

A. Rounding: All density calculations resulting in fractional units shall be rounded up to the next whole number; except that the percentage of total units proposed to qualify the development for a density bonus shall not be rounded up. For example, for a two hundred (200) unit project that proposes twenty one (21) lower income units (or 10.5 percent), the allowed density bonus would be based on ten percent (10%) lower income units, not eleven percent (11%).

B. Relation To General Plan, Zoning: The granting of a density bonus, or a concession or incentive, shall not be interpreted, in and of itself, to require a general plan amendment, zoning change (rezone), or other discretionary approval.

C. Density Bonus Excluded In Calculation: The density bonus shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

D. Parking: Upon request by the applicant, the city shall not require that a housing development meeting the requirements of section 9-5G-2, "Eligibility For Density Bonus and Incentives and Concessions", of this article provide a vehicular parking ratio, inclusive of handicapped and guest parking that exceeds the following:

1. Zero (studio) to one bedroom: One onsite parking space per unit.

2. Two (2) to three (3) bedrooms: Two (2) onsite parking spaces per unit.

3. Four (4) or more bedrooms: Two and one-half (2.5) parking spaces per unit.

If the total of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on street parking.

E. Waived Or Reduced Development Standards: The city shall not apply any development standard that would have the effect of physically precluding the construction of a housing development meeting the requirements of section 9-5G-2, "Eligibility For Density Bonus and Incentives and Concessions", of this article at the densities or with the incentives or concessions permitted by this article. A proposed waiver or reduction of development standards shall neither reduce nor increase the number of allowable incentives or concessions under section 9-5G-4, "Number and Types of Density Bonuses and Incentives and Concessions Allowed", of this article.

An applicant may submit to the city a proposal for the waiver or reduction of development standards, when standards would have the effect of physically precluding the proposed development, and may request a meeting with the city. Nothing in this subsection, however, shall be interpreted to require the city to waive or reduce development standards if:

1. The waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5 of the California Government Code, upon health and safety or the physical environment and for which the city determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;

2. This would have an adverse impact on any real property that is listed in the California register of historical resources; or

3. The waiver or reduction would be contrary to state or federal law.

F. Multiple Zoning Districts: If the site of a development proposal is located in two (2) or more zoning districts, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zoning districts based on the site acreage within each zoning district. The permitted number of dwelling units may be distributed within the development without regard to the zone boundaries.

G. City Authority: Nothing in this article shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

H. Agreement Required:

1. Prior to the award of a density bonus and any related incentives or concessions, the applicant shall enter into an agreement with the city to ensure the continued affordability of all target units.

2. For all target units, the agreement shall specify the household income classification, number, location, size, and construction scheduling and shall require target units in a project and phases of a project to be constructed concurrently with the construction of nontarget units. The agreement shall include such other provisions as necessary to establish compliance with the requirements of this article.

I. Reports: The applicant shall submit financial or other reports along with the application for the project to establish compliance with this article. The city may retain a consultant to review any financial report (pro forma). The cost of the consultant shall be borne by the applicant, except that if the applicant is a nonprofit organization, the cost of the consultant may be paid by the city upon prior approval of the city council.

J. CEQA Review: Any residential development that qualifies for a density bonus shall not be exempt from compliance with the California environmental quality act. (Ord. 2013-___, __-__-2013)

9-5G-4: NUMBER AND TYPES OF DENSITY BONUSES AND INCENTIVES AND CONCESSIONS ALLOWED:

A. Density Bonus: A housing development that satisfies the eligibility requirements in section 9-5G-2, "Eligibility For Density Bonus and Incentives and Concessions", of this article shall be entitled to the following density bonus:

1. For developments providing ten percent (10%) lower income target units, the city shall provide a twenty percent (20%) increase above the otherwise maximum allowable residential density as of the date of application, plus a one and a half percent (1.5%)

supplemental increase over that base for every one percent (1%) increase in low income target units above ten percent (10%). The maximum density bonus allowed including supplemental increases is thirty five percent (35%).

2. For developments providing five percent (5%) very low income target units, the city shall provide a twenty percent (20%) increase above the otherwise maximum allowable residential density as of the date of application, plus a two and a half percent (2.5%) supplemental increase over that base for every one percent (1%) increase in very low income target units above five percent (5%). The maximum density bonus allowed including supplemental increases is thirty five percent (35%).

3. For senior citizen housing developments, a flat twenty percent (20%) of the number of senior units.

4. For common interest developments providing ten percent (10%) moderate income target units, the city shall provide a five percent (5%) increase above the otherwise maximum allowable residential density as of the date of application, plus a one percent (1%) increase in moderate income units above ten percent (10%). The maximum density bonus allowed including supplemental increases is thirty five percent (35%).

B. Number of Incentives Or Concessions: In addition to the density bonus described in this section, an applicant may request specific incentives or concessions. The applicant shall receive the following number of incentives or concessions:

1. One incentive or concession for projects that include at least ten percent (10%) of the total units for lower income households, at least five percent (5%) for very low income households, or at least ten percent (10%) for persons and families of moderate income in a common interest development.

2. Two (2) incentives or concessions for projects that include at least twenty percent (20%) of the total units for lower income households, at least ten percent (10%) for very low income households, or at least twenty percent (20%) for persons and families of moderate income in a common interest development.

3. Three (3) incentives or concessions for projects that include at least thirty percent (30%) of the total units for lower income households, at least fifteen percent (15%) for very low income households, or at least thirty percent (30%) for persons and families of moderate income in a common interest development.

4. The city shall grant the concession or incentive requested by the applicant unless it makes a written finding of any of the following:

a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

b. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California register of historical resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse

impact without rendering the development unaffordable to low and moderate income households.

c. The concession or incentive would be contrary to state or federal law.

C. Available Incentives and Concessions:

1. A reduction in the site development standards or a modification of the requirements of this title that exceed the minimum building standards approved by the California building standards commission as provided in part 2.5 (commencing with section 18901) of division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.

2. Approval of mixed use zoning in conjunction with the housing development if the nonresidential land uses will reduce the cost of the housing development and the nonresidential land uses are compatible with the housing development and existing or planned development in the area in which the housing development will be located.

3. Other regulatory incentives or concessions proposed by the applicant or the city that result in identifiable, financially sufficient, and actual cost reductions.

4. Priority processing of a housing development that qualifies for a density bonus based on income restricted units.

D. Additional Density Bonus and Incentives and Concessions For Donation of Land To The City:

1. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city and agrees to include a minimum of ten percent (10%) of the total units before the density bonus for very low income households, the applicant shall be entitled to a fifteen percent (15%) increase above the otherwise maximum allowable residential density, plus a one percent (1%) supplemental increase for each additional percentage of very low income units to a maximum density bonus of thirty five percent (35%) for the entire development.

2. The density bonus provided in this subsection shall be in addition to any other density bonus provided by this article up to a maximum combined density bonus of thirty five percent (35%).

3. The applicant shall be eligible for the increased density bonus described in this subsection if all of the following conditions are met:

a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;

b. The developable acreage and zoning designation of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent (10%) of the number of residential units of the proposed development;

c. The transferred land is at least one acre in size or of sufficient size to permit development of at least forty (40) units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of section 65583.2 of the Government Code, and is or will be served by adequate public facilities and infrastructure;

d. The transferred land shall have all of the entitlements and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the city may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of section 65583.2 of Government Code if the design is not reviewed by the city prior to the time of transfer;

e. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the requirements of this article which shall be recorded on the property at the time of the transfer;

f. The land is transferred to the city or to a housing developer approved by the city;

g. The transferred land shall be within the boundary of the proposed development or, if the city agrees, within one-fourth (1/4) mile of the boundary of the proposed development; and

h. A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

4. Nothing in this subsection shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

E. Additional Density Bonus Or Incentives and Concessions For Development of Childcare Facility:

1. Housing developments meeting the requirements of section 9-5G-2, "Eligibility For Density Bonus and Incentives and Concessions", of this article and including a childcare facility that will be located on the premises of, as part of, or adjacent to the housing development shall receive either of the following:

a. An additional density bonus that is an amount of square footage of residential space that is equal to or greater than the amount of square footage in the childcare facility;

b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the childcare facility.

2. The city shall require the following as conditions of approving the housing development:

a. The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain

affordable, pursuant to subdivision (c) of section 65915 of the Government Code; and

b. Of the children who attend the childcare facility, the children of very low income households, lower income households, or persons or families of moderate income shall equal a percentage that is equal to or greater than the percentage of target units that are required pursuant to section 9-5G-2, "Eligibility For Density Bonus and Incentives and Concessions", of this article.

3. Notwithstanding any other requirements of this section, the city shall not be required to provide a density bonus or incentive or concession for a childcare facility if it makes a written finding, based upon substantial evidence, that the community has adequate childcare facilities.

F. Condominium Conversion Incentives For Low Income Housing Development:

1. An applicant for approval to convert apartments to a condominium project may submit to the city a preliminary proposal pursuant to this subsection prior to the submittal of any formal requests for subdivision map approvals. The city shall, within ninety (90) days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this subsection.

a. When an applicant for approval to convert apartments to a condominium project agrees to the following, the city shall grant either a density bonus of twenty five percent (25%) over the number of apartments, to be provided within the existing structure or structures proposed for conversion, or provide other incentives of equivalent financial value;

b. Provide at least thirty three percent (33%) of the total units of the proposed condominium project to persons and families of low or moderate income, or provide at least fifteen percent (15%) of the total units of the proposed condominium project to lower income households; and

c. Agree to pay for the reasonably necessary administrative costs incurred by the city.

2. For purposes of this subsection, "other incentives of equivalent financial value" shall not be construed to require the city to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city might otherwise apply as conditions of conversion approval.

3. Nothing in this subsection shall be construed to require the city to approve a proposal to convert apartments to condominiums.

4. An applicant shall be ineligible for a density bonus or other incentives under this subsection if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentive was previously provided. (Ord. 2013-___, __-__-2013)

9-5G-5: LOCATION OF DENSITY BONUS UNITS:

The location of density bonus units within the housing development may be at the discretion of the developer. However, the target units shall be dispersed throughout the housing development and when feasible shall contain, on average, the same number of bedrooms as the nontarget units in the development, and shall be compatible with the design or use of the remaining units in terms of appearance, materials, and quality finish. (Ord. 2013-___, __-__-2013)

9-5G-6: CONTINUED AVAILABILITY:

A. Minimum Thirty Years: If a housing development provides low or very low income target units to qualify for a density bonus, the target units must remain restricted to lower or very low income households for a minimum of thirty (30) years from the date of issuance of the certificate of occupancy by the building official, or longer if required by the project financing.

B. Common Interest Housing: In the case of a common interest housing development providing moderate income target units to qualify for a density bonus, the initial occupant of the target unit must be a person or family of moderate income. Upon resale, the seller of the target units shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation, and the city shall recapture any initial subsidy and its proportionate share of appreciation which shall then be used within three (3) years for any of the purposes described in subdivision (e) of section 33334.2 of the California Health and Safety Code that promote homeownership. The city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. The city's "proportionate share" shall be equal to the percentage by which the initial sale price to the moderate income household was less than the fair market value of the home at the time of the initial sale.

C. Direct Financial Contributions: Where there is a direct financial contribution to a housing development pursuant to Government Code section 65915, the city shall assure continued availability for low and moderate income units for thirty (30) years. (Ord. 2013-___, __-__-2013)

9-5G-7: PROCESS FOR APPROVAL OR DENIAL:

A. Process For Approval: The density bonus and incentive(s) and concession(s) request shall be considered in conjunction with any necessary development entitlements for the project. The designated approving authority for density bonuses, incentives, and concessions shall be the city council. In approving the density bonus and any related incentives or concessions, the city and applicant shall enter into a density bonus agreement.

B. Approval of Density Bonus Required: The city shall grant the density bonus requested by the applicant provided it is consistent with the requirements of this article and state law.

C. Approval of Incentives Or Concessions Required Unless Findings Made: The city shall grant the incentive(s) and concession(s) requested by the applicant unless the city makes a written finding, based upon substantial evidence, of any of the following:

1. The incentive or concession is not required in order to provide for affordable housing costs or affordable rent for the target units.

2. The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California register of historical resources and for which the city determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.

3. The concession or incentive would be contrary to state or federal law.

D. Administrative Fee: The city shall charge applicants an administrative fee to cover the city's cost to review all materials submitted in accordance with this article and for ongoing enforcement of this article. The amount of the administrative fee shall be established by city council resolution and updated as required. Fees will be charged for staff time and materials associated with:

1. Review and approval of applications for the proposed development;

2. Project marketing and lease-up; and

3. Long term compliance of the applicant and successors in interest to the applicant, with respect to the affordable housing units. (Ord. 2013-___, __-__-2013)

CHAPTER 6

DOWNTOWN DEVELOPMENT STANDARDS

9-6-1: PURPOSE AND OVERVIEW:
9-6-2: BASE DEVELOPMENT STANDARDS:
9-6-3: PARKING AREA AND ENCROACHMENTS
9-6-4: ARCHITECTURAL DESIGN STANDARDS:
9-6-5: BUILDING TYPES AND FRONTAGES:
9-6-6: SPECIAL DESIGN AND OPERATIONAL STANDARDS:
9-6-7: CONVERSION OF RESIDENCES TO NON-RESIDENTIAL USES:

9-6-1: PURPOSE AND OVERVIEW:

A. Purpose: This chapter describes the specific development and land use standards for the downtown area of Lemoore. These standards work in concert with the other provisions of this title to define the allowed use, development, and design parameters for the downtown.

B. Overview of Form Based Zoning: Form based zoning provides a method of regulating development to achieve a desired urban form characterized by 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.

C. Applicability of Standards: As established in chapter 3, "Zoning Districts and Map", of this title, downtown Lemoore is broken down into three (3) zoning districts: downtown mixed use - core (DMX-1), downtown mixed use - auto oriented (DMX-2), and downtown mixed use - transitional (DMX-3). Chapter 4, "Use Regulations", of this title identifies the allowed uses within each of these districts. This chapter identifies the development standards and design requirements for all new development 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.

D. Deviations: Deviations from this chapter shall be allowed through the site plan and architectural review process for public/civic buildings. Ord. 2013-___, __-__-2013)

9-6-2: BASE DEVELOPMENT STANDARDS:

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

A. Building Placement: Each proposed new or remodeled structure shall comply with the build-to line, setback, and buildable area standards listed in table 9-6-2-A1, "Building Placement", of this section and shown in figures 9-6-2-A1 and 9-6-2-A2 of this section (building placement), except that encroachments into the public right of way may be allowed as

provided in subsection D, "Encroachments", of this section.

TABLE 9-6-2-A1
BUILDING PLACEMENT

Development Standard		Measurement		
		DMX-1	DMX-2	DMX-3
Build-to line (maximum distance from property line):				
	Front	0' [1,2]	5' [3]	No max.
	Street side, corner lot	0' [1,2]	5' [3]	No max.
Setback (minimum distance from property line):				
	Front	0ô	0ô	15'
	Street side, corner lot	0ô	0ô	15'
	Side	0'	0'	5'
	Rear, adjacent to property line	0'	0'	15'
	Rear, adjacent to alley	0'	0'	0' [4]

Notes:

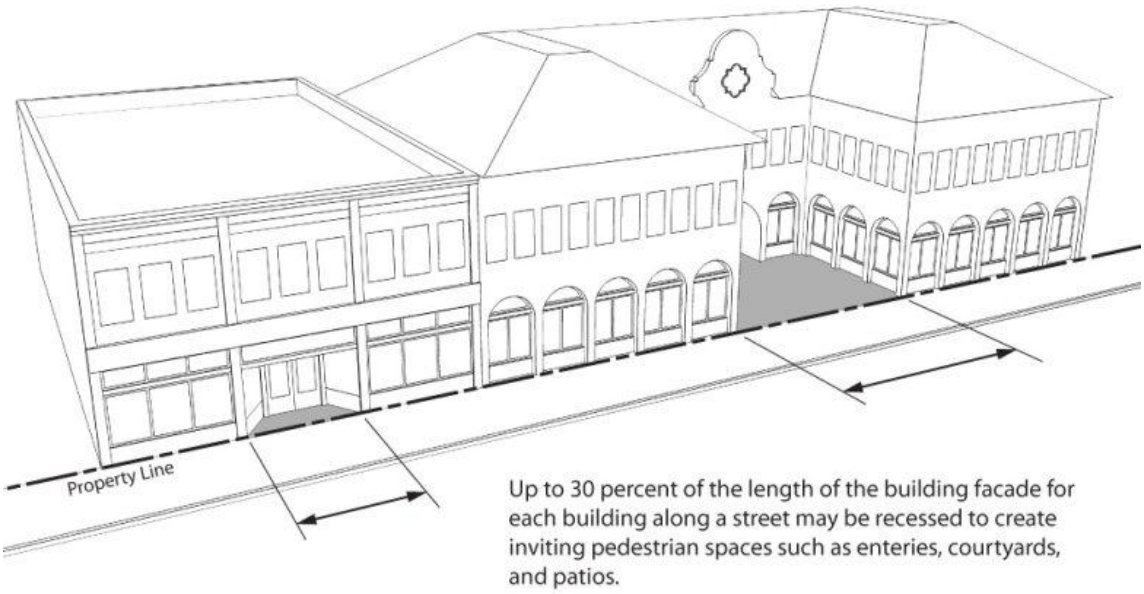
1. Up to 30 percent of the length of the building facade along a street may be recessed. A higher percentage shall be allowed through site plan and design review where the setback area provides a more meaningful pedestrian area, such as patio seating for a restaurant, or other gathering spaces. See Figure 9-6-2-A3, ñRecessed Spaces.ò

2. Exceptions shall be granted through site plan and design review for historic home/office conversion buildings and frontages to a maximum of 20 feet.

3. Exceptions shall be granted through site plan and design review for automotive related uses to a maximum setback of 30 feet.

4. Row houses may be developed with no side yard setback and no alley setback as part of site plan and design review.

FIGURE 9-6-2-A3
RECESSED SPACES



B. Height: Height standards for development within the downtown are listed in table 9-6-3-B1, "Height", of this section and shown in figure 9-6-3-B1, "Height", of this section.

FIGURE 9-6-2-B1
HEIGHT

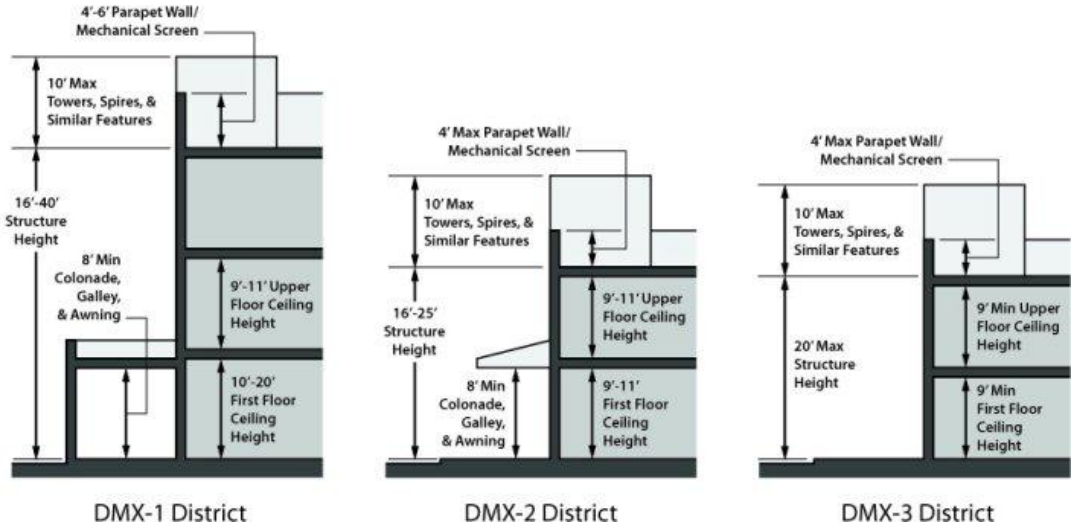


TABLE 9-6-2-B1

HEIGHT

Development Standard		Measurement		
		DMX-1	**DMX-2**	**DMX-3**
General height standards (maximum height):				
	Structure height (finished grade to top of roof)	16 feet minimum 40 feet maximum[1]	16 feet minimum 25 feet maximum[1]	No minimum 20 feet maximum
	First floor ceiling height (finished floor to finished ceiling top plate)	10 feet minimum 20 feet maximum	9 feet minimum 11 feet maximum	No minimum or maximum
	Upper floor(s) ceiling height (finished floor to finished ceiling)	9 feet minimum 11 feet maximum	9 feet minimum 11 feet maximum	9 feet minimum No maximum

Projections (additional height above maximum):				
	Parapet wall, mechanical screen, and sloped false roofs	4 feet minimum 8 feet maximum	4 feet maximum	4 feet maximum
	Towers, spires, elevator structures and similar features	10 feet maximum	10 feet maximum	10 feet maximum
Vertical clearance of Architectural features over public right of way		8 feet minimum	8 feet minimum	Not allowed

Notes:
1. See special requirements for landmark buildings in subsection 9-6-4D, "Landmark Buildings", of this chapter.

9-6-3: PARKING AREA AND ENCROACHMENTS

A. Parking: In places where parking is required or provided at the option of the property owner, parking areas shall be developed consistent with the standards listed in table 9-6-3-A, "Parking Area Design", of this section .

TABLE 9-6-3-A
PARKING AREA DESIGN

Development Standard	**Measurement**		
	DMX-1	**DMX-2**	**DMX-3**

Parking lot location (minimum setback):			
Setback from front property line	10 feet minimum	10 feet minimum	15 feet minimum
Setback from side property line	5 feet minimum	5 feet minimum	5 feet minimum
Setback from street side property line	10 feet minimum	10 feet minimum.	10 feet minimum
Setback from rear property line	4 feet minimum	4 feet minimum	4 feet minimum

B. Encroachments: Permanent structures or improvements, including, but not limited to planter boxes, seating, galleries, and awnings, within the public right of way within the DMX-1 and DMX-2 districts with approval of an encroachment agreement. Encroachments into the public right of way shall be in conformance with the standards in table 9-6-3-B1, "Encroachments", of this section and shown in figures 9-6-3-B, "Encroachments", and 9-6-2-B3, "Sidewalk Clearance", of this section.

TABLE 9-6-3-B1
ENCROACHMENTS

Development Standard	**Measurement**		
	DMX-1	**DMX-2**	**DMX-3**
Encroachment location:			
Front and street side (maximum encroachment distance)	8 feet	8 feet	Permanent encroachments not allowed in the DMX-3
Clear space to curb (minimum distance to	4 feet	4 feet	

	maintain clear at all times)			district
	Clear walk path (minimum distance to maintain clear at all times)	4 feet	4 feet	
	Vertical clear area to sidewalk (minimum distance to maintain clear at all times)	8 feet'	8 feet	

FIGURE 9-6-3-B2
ENCROACHMENTS

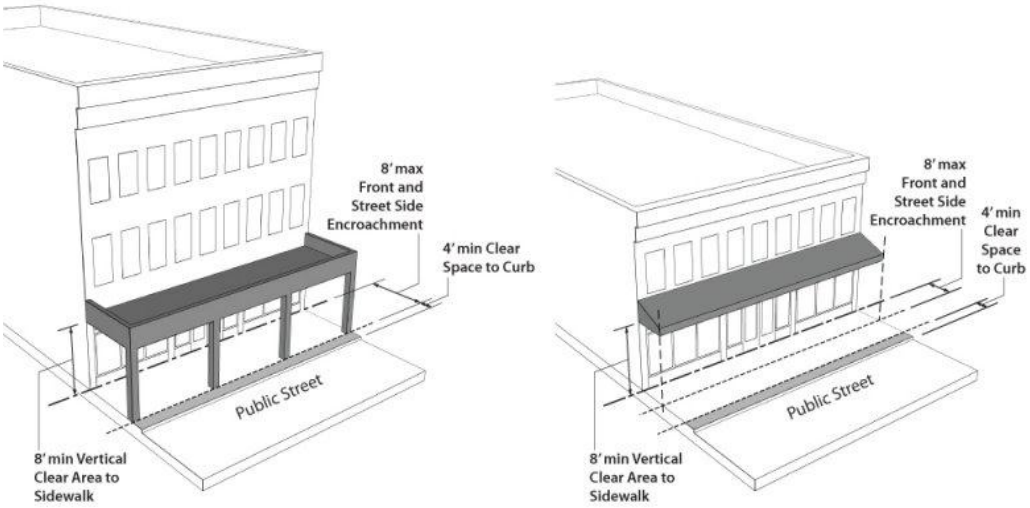
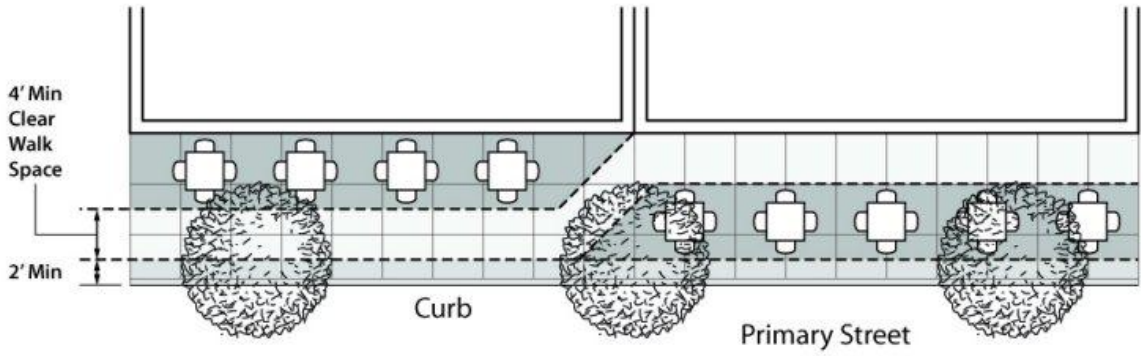


FIGURE 9-6-3-B3
SIDEWALK CLEARANCE



9-6-4: ARCHITECTURAL DESIGN STANDARDS:

This section includes architectural design standards for all new buildings, renovated buildings, and remodels within the downtown.

The city shall not require more than twenty percent (20%) of the construction costs for the building to be toward architectural detailing. Documentation showing the cost of the detailing relative to the overall cost of the structure will only need to be submitted by the applicant if they seek relief as part of the site plan and architectural design review process.

A. Architectural Details:

1. New and remodeled 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", of this section:

   a. Detailed cornice such as relief banding, tile banding, and accent tiles;

   b. Trim around windows (e.g., window hoods and lintels) and doors;

   c. Windows with muntins or glazing bars (elements that divide the window into multiple panes/lites) and/or mullions (structural elements that divide adjacent window units);

   d. Expression lines between the first and second floors of multi-story buildings;

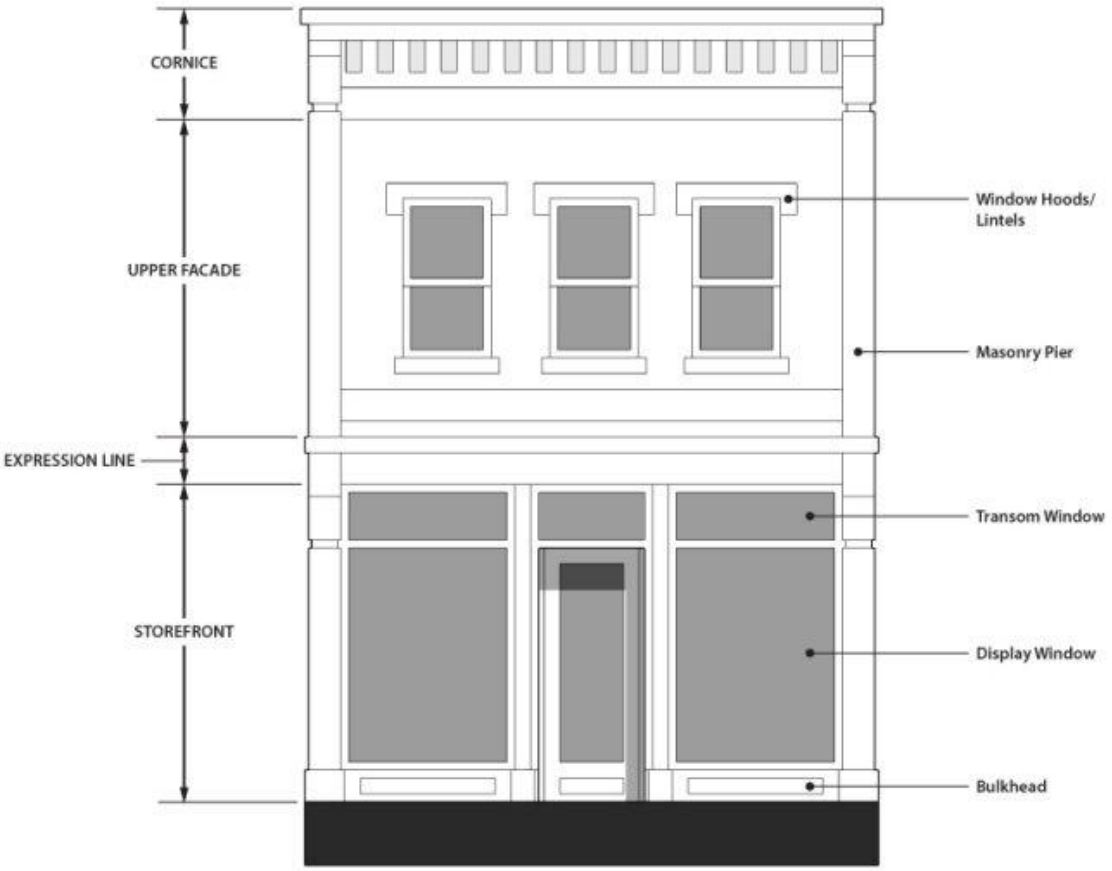
   e. Transom windows on the first floor;

   f. Recessed entries;

   g. Large display windows that run the length of the building frontage; and

   h. Wainscot base treatments along the bulkhead.

FIGURE 9-6-4-A1
DESIGN CONCEPTS



2. The physical design of building facades shall vary every twenty (20) to thirty (30) linear feet. This can be achieved through such techniques as:

a. Architectural division into multiple buildings,

b. Break or articulation of the facade,

c. Significant change in facade design,

d. Placement of window and door openings, or

e. Position of awnings and canopies.

B. Building Materials: Building materials and finishes shall be selected to reinforce the overall design intent of the project and be consistent with the desired architectural character of the building. Buildings and structures shall be constructed with durable, low maintenance, and timeless building materials of the same or higher quality as surrounding developments. See figure 9-6-4-B1, "Building Materials", of this section.

1. The following materials are encouraged, but not required:

a. Roofs:

(1) Barrel "U" shaped mission tile in a natural terra cotta or clay earth tone color;

(2) Concrete tiles in terra cotta or earth tones;

(3) Exposed wood structural members such as rafter tails, roof beams, and corbels;

(4) Copper accents, gutters, downspouts, and scuppers;

(5) Built up stucco or preformed molding on parapets for flat roof buildings.

b. Building walls:

(1) Stucco (with hand troweled, smooth appearance), adobe, terra cotta, brick, replica brick, and cut stone are all acceptable materials to use on a main surface of a building;

(2) Wood surfaces in the form of lap siding or board and batten may be used when consistent with architectural character of the building;

(3) Ornamental tiles, wood, and bricks can be used as trim or accents around the base of the building;

(4) Split face block may be used on unexposed sides and rears of buildings.

2. The following materials are prohibited:

a. Roofs:

(1) Brightly colored glazed roofing tiles; and

(2) Wood shingles and shake roofs.

b. Building walls:

(1) Synthetic materials of poor quality;

(2) Corrugated fiberglass;

(3) Coarsely finished or unfinished plywood;

(4) Metal siding;

(5) Unfinished concrete block and split face block;

(6) Shingles and T-111 siding;

(7) Slumpstone block; and

(8) Stucco when applied by sprayer (lace, sand finishes).

FIGURE 9-6-4-B1
BUILDING MATERIALS

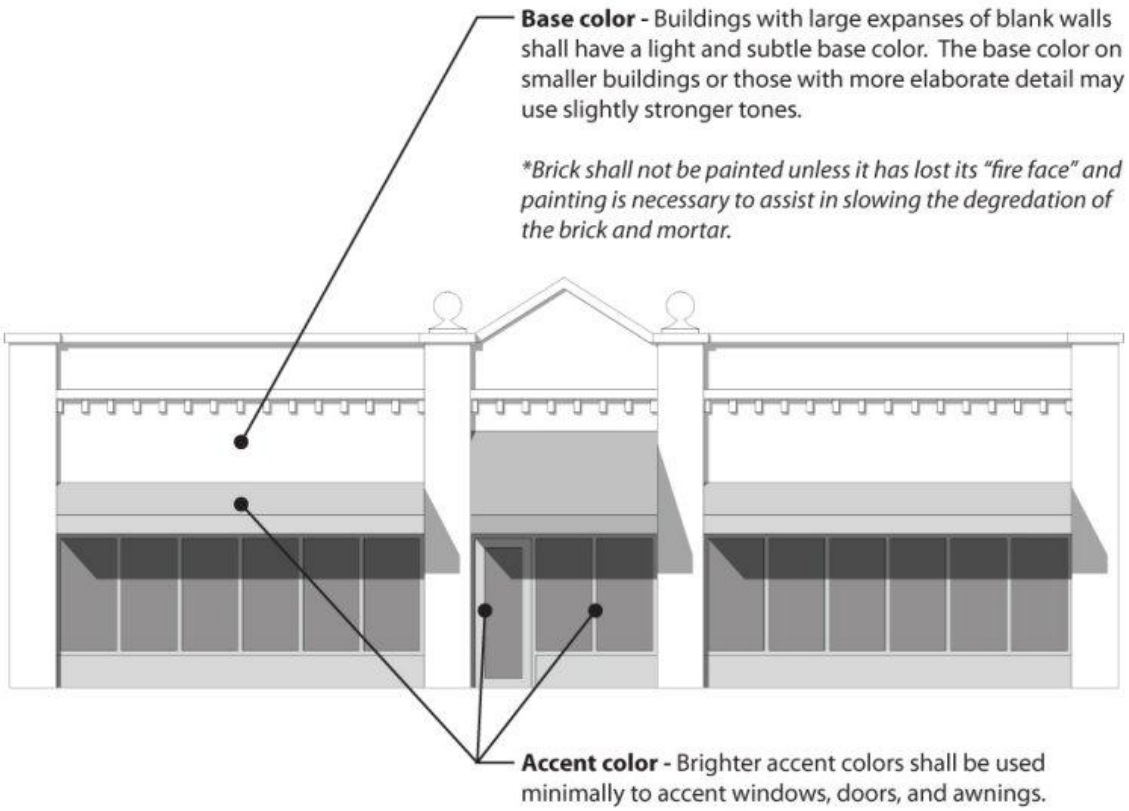
C. Colors and Painting: Color is an important aspect of the overall building design and character. Palettes shall be balanced, using the correct proportions between the lighter base colors and the brighter accent colors. Preferred colors are in the city adopted historic color palette, which is the Benjamin Moore Historic Colors palette, the America's Colors palette, and the Ready Mixed Colors palette. See figure 9-6-4-C1, "Building Color", of this section.

1. Brick: Brick shall not be painted unless it has been determined by the chief building official that the brick has lost its fire face and clear coat painting is necessary to assist in slowing the degradation of the brick and mortar.

2. Base Color: Buildings with large expanses of blank walls shall have a light and subtle base color. The base color on smaller buildings or those with more elaborate detail may use slightly stronger tones. Examples of base colors include, but are not limited to, light gray, cream, white, pale flesh, pale yellow, light beige, sage green, and caramel.

3. Accent Color: Brighter accent colors shall be used minimally to accent windows, doors, and awnings. Special materials such as glazed tile can also be used to introduce accent colors on building facades. Examples of accent colors include, but are not limited to, forest green, deep blue green, brick red, deep blue, and sea green.

FIGURE 9-6-4-C1
BUILDING COLOR



D. Landmark Buildings: The city encourages that new and remodeled buildings on corner lots in the DMX-1 zone be developed with the following features, achieving a concept called "landmark buildings" where corner lots have a more prominent presence and character than interior lots.

1. Utilize a multi-story design (at least 2 stories tall) with full, habitable upper floors;

2. Utilize corner treatments, including the use of towers, angled entries, arcades, balconies, and plaza areas;

3. Incorporate a higher level of architectural treatment than interior lots, including, but not limited to, articulated parapets and enhanced facade detail and trim (e.g., detailed cornice and expression line).

E. Lighting: Lighting shall 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", of this title, development within the downtown shall comply with the following lighting standards:

1. Lighting fixtures shall be attractively designed to complement the architecture of the project. Accent lighting should be used to accent building details such as tower elements, ornamental windows, and tile, or to accent landscaping.

2. Lighting should improve visual identification of residences and businesses and create an inviting atmosphere for passersby.

3. Wall mounted lights should be used to the greatest extent possible to minimize the total number of freestanding light standards and shall be well detailed to complement the building architecture.

4. Parking lot lighting fixtures should not exceed twenty four feet (24') in height. When within fifty feet (50') of residential properties, fixtures should not exceed eighteen feet (18').

5. The light source used in outdoor lighting should provide a warm, calm glow, such as yellow light.

6. Street lighting shall be provided 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", of this section for an example.

FIGURE 9-6-4-E1
STREET LIGHTING

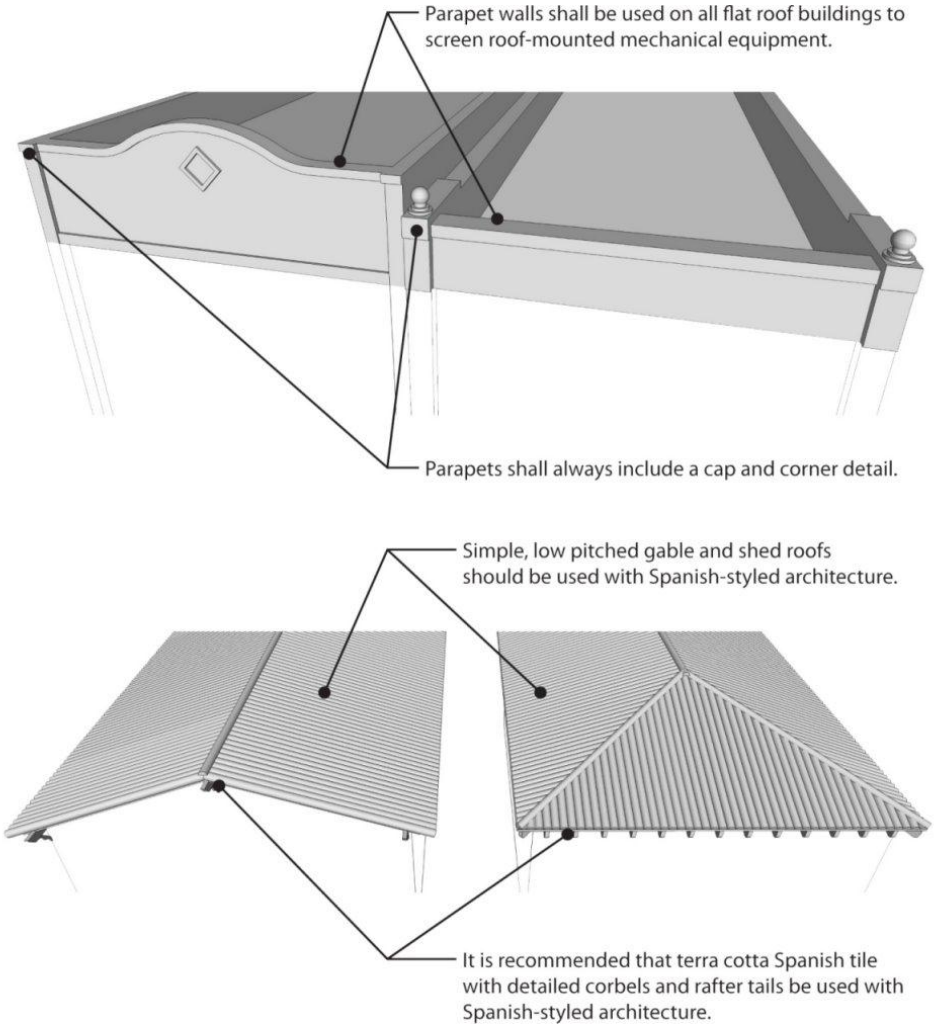
F. Roof Forms: The following are the required design of roofs within the downtown. See figure 9-6-4-G1, "Roof Forms", of this section.

1. Parapet walls shall be used on all flat roof buildings to screen roof mounted mechanical equipment,. Parapets shall always include a cap and corner detail.

2. The visible portion of sloped roofs should be sheathed with a roofing material complementary to the architectural style of the building and other surrounding buildings.

3. Simple, low pitched gable and shed roofs should be used with Spanish styled architecture. Terra cotta Spanish tile with detailed corbels and rafter tails can also be used.

FIGURE 9-6-4-F1
ROOF FORMS



G. Windows, Doors, and Awnings: New and remodeled windows, doors, and awnings shall meet the following standards:

1. Recess doors and windows to give the appearance of traditional, thick masonry walls consistent with architecture of the early 1900s and to produce interesting shadows.

2. Provide large storefront windows along first floor elevations accessible by the general public. These windows open up the sidewalk to create an inviting pedestrian atmosphere.

3. Use consistent treatment and types of windows and door frames across the entire building (or tenant space when a building is visually broken down to appear as multiple buildings from the street).

4. Windows shall include muntins or glazing bars (elements that divide the window into multiple panes/lites) and/or mullions (structural elements that divide adjacent window units) consistent with the architectural style of the building.

5. Awnings and canopies shall be constructed of canvas and metal. Textured plastic is not allowed.

6. Store entrances should open onto the public sidewalk. Space entrances to stores, particularly in the DMX-1 district, between twenty feet (20') and thirty feet (30') apart.

7. Windows shall not be reflective or dark glass and may not be tinted more than to meet building energy codes. (Ord. 2013-___, __-__-2013)

9-6-5: BUILDING TYPES AND FRONTAGES:

A. Overview of Standards: This section identifies the types of buildings and frontages allowed within downtown. Frontage type refers to the architectural composition of the front facade of a building, particularly concerning how it relates and ties into the surrounding public realm. The downtown Lemoore frontage types are intended to enhance social interactions in the historic downtown while simultaneously providing appropriate levels of privacy in residential areas. All new development within the downtown shall be consistent with one or more of the building and frontage types allowed within the applicable DMX district.

There are nine (9) types of buildings and frontages that can be developed throughout the downtown. The types allowed in each downtown district are listed in subsection B, "Allowed Buildings and Frontages In Each DMX District", of this section. The frontage types are defined, along with specific development standards for each type, in subsection C, "Building and Frontage Definitions and Standards", of this section.

B. Allowed Buildings and Frontages In Each DMX District: Allowed building and frontage types in the different DMX districts are listed in table 9-6-5-B1, "Allowed Buildings and Frontages", of this section. The symbols in the table shall have the following meaning:

1. An "A" means that the building and frontage type is allowed;

2. An "E" means that the building and frontage type is preferred and encouraged; and

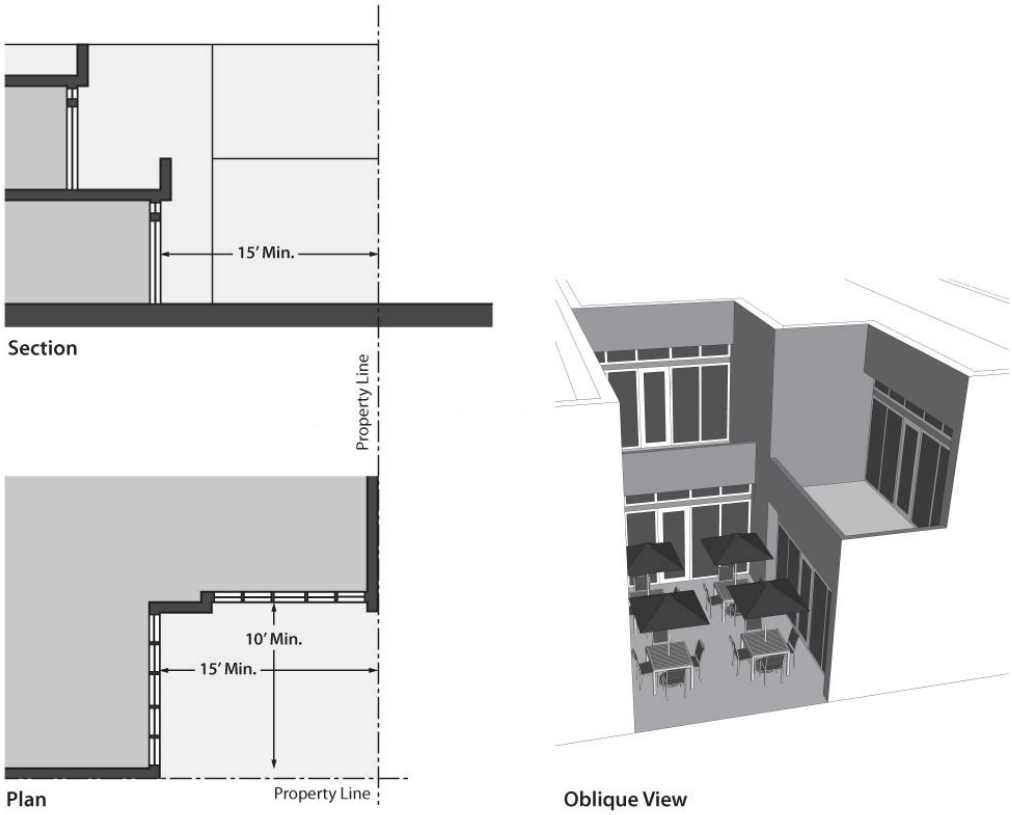
3. An "N" means that the building and frontage type is not permitted.

TABLE 9-6-5-B1
ALLOWED BUILDINGS AND FRONTAGES

Building and Frontage Type	Allowed Buildings and Frontages By Downtown District		
	DMX-1	DMX-2	DMX-3
1. Alley/paseo - active	E	A	N
2. Alley/paseo - nonactive	A	A	A
3. Balcony/bay window	A	N	N
4. Gallery - deck or roof	E	N	N
5. Historic home/office conversion	A	A	E
6. Neighborhood yard	N	A	A
7. Porch	N	A	A
8. Row house	N	A	A
9. Storefront	E	A	N

C. Building and Frontage Definitions and Standards: The following defines the various building and frontage types allowed in the downtown. Each type includes text and illustrations describing the features that define the building and its frontage. It also includes a series of development standards for each type (e.g., minimum spacing between supporting columns). Development applications will be reviewed for consistency with these standards as part of site plan and architectural review and building permit plan check. These standards are in addition to any requirements of the city adopted building and fire codes as may be required at the time of building permit issuance.

1. ALLEY/PASEO - ACTIVE

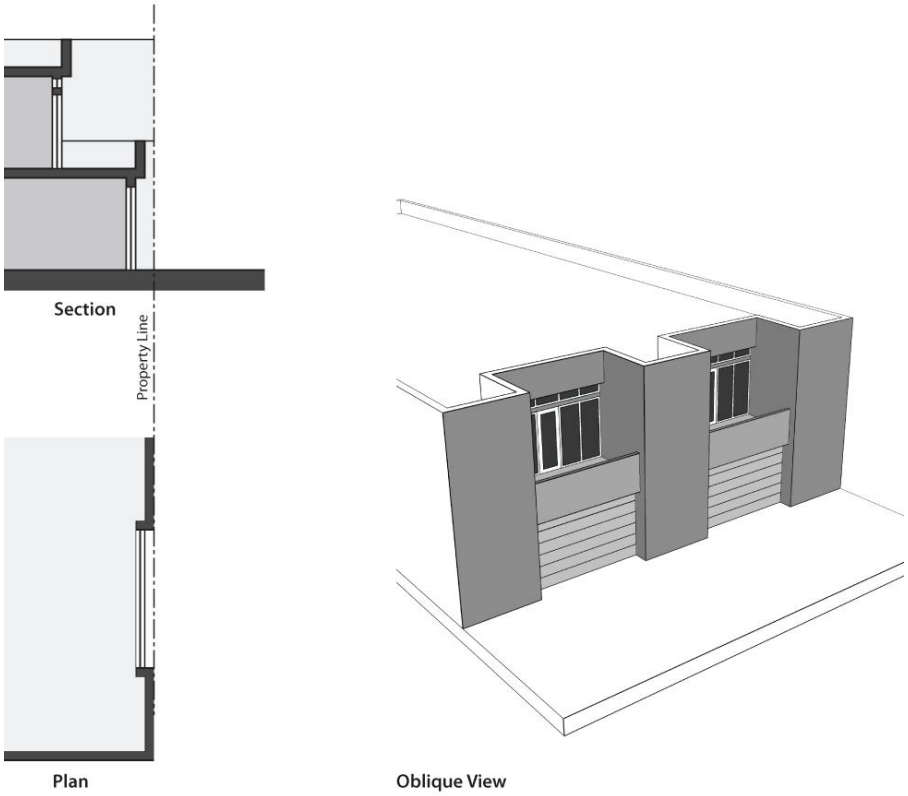


Alley/Paseo - Active Description: The active alley/paseo frontage is the development of the rear of a building abutting an alley with an active pedestrian area. Examples include patio seating for restaurants, primary entrances for ground floor businesses, and other gathering spaces for pedestrians. While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

Alley/Paseo - Active Dimensions

Development Standard		Measurement
Pedestrian area:		
	Width	10 feet minimum
	Depth	15 feet minimum

2. ALLEY/PASEO - NONACTIVE

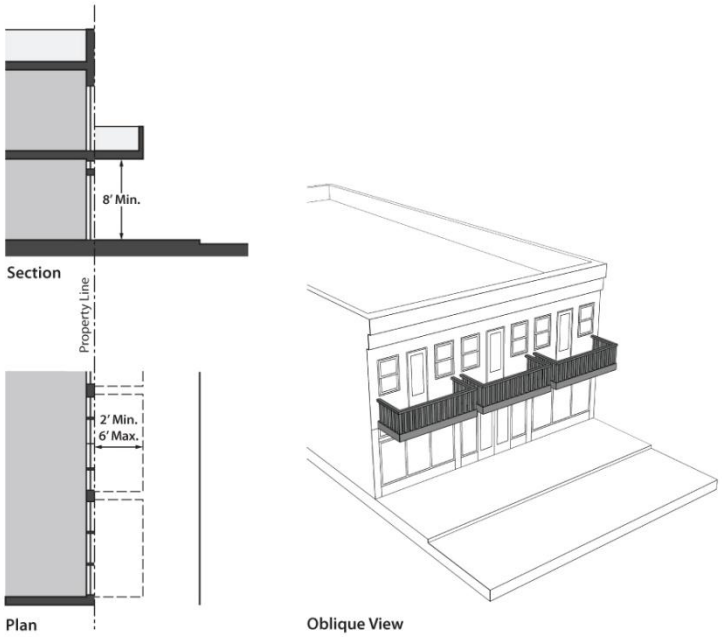


Alley/Paseo - Nonactive Description: The nonactive alley/paseo frontage is the development of a building directly abutting the rear property line where there is an alley. This type of frontage may have secondary/emergency access to the building, along with utility and service access. This type of frontage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

Alley/Paseo - Nonactive Dimensions

Development Standard	Measurement
There are no specific development standards for the alley/paseo - nonactive building and frontage beyond the building placement and height standards in section 9-6-3, "Base Development Standards", of this chapter.	

3. BALCONY/BAY WINDOW



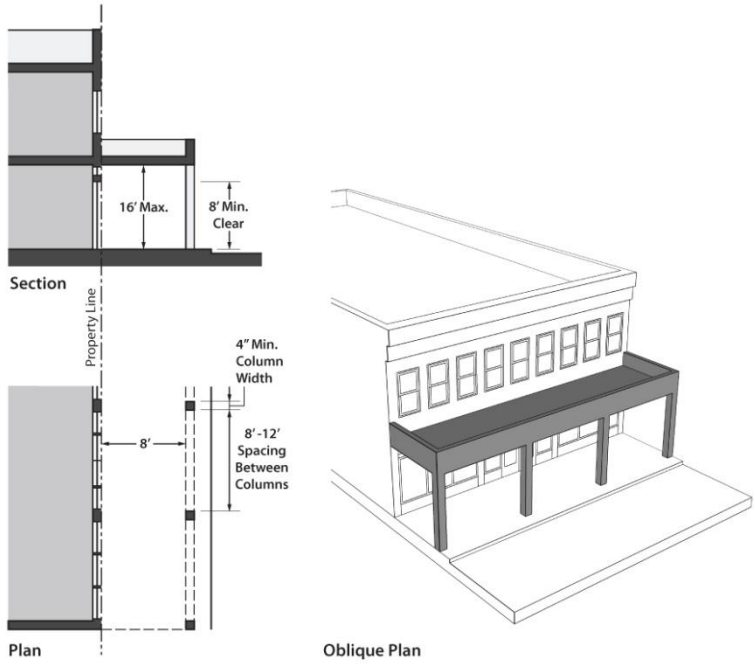
Balcony/Bay Window Description: A balcony/bay window frontage is characterized by a facade which is aligned close to or directly on the build-to line with the building entrance at the sidewalk grade and by a balcony or bay window projecting into the right of way on a floor other than the ground floor. This frontage is typically appropriate for ground floor retail or restaurant use with office or residential above. An encroachment agreement is needed to construct this frontage type.

Balcony/Bay Window Dimensions

Development Standard	Measurement
Depth	2 feet minimum
	6 feet maximum
Height (base to sidewalk)	8 feet minimum clear

Percentage of building front (collective)	50 percent to 100 percent
Doorways (ground floor):	
Doorway inset	0 feet to 12 feet
Doorway width	5 feet to 11 feet
Ground floor windows:	
Window width	5 feet to 7 feet
Window height (allowed range)	6 feet to 7 feet

4. GALLERY ï DECK OR ROOF



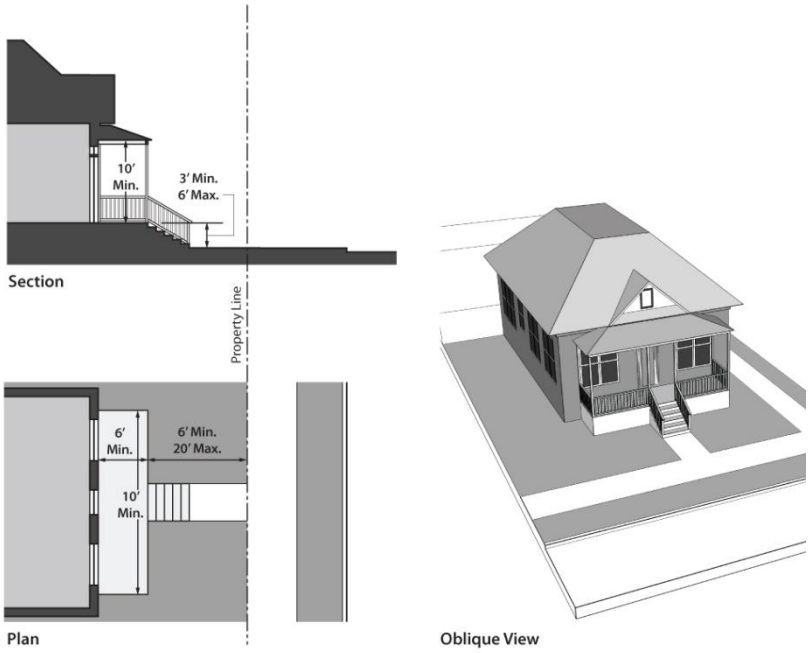
Gallery - Deck Description: A gallery - deck or roof frontage is characterized by a facade which is aligned close to or directly on the build-to line with the building entrance at the sidewalk grade and with an attached colonnade deck that projects over the public sidewalk and encroaches into

the public right of way. The sidewalk must be fully absorbed within the colonnade so that a pedestrian may not bypass it. The colonnade may project over the public sidewalk, provided that the upper stories of the building do not also project over the public sidewalk. This frontage is typically appropriate for retail use. An encroachment agreement is needed to construct this frontage type.

Gallery ï Deck or Roof Dimensions

Development Standard		Measurement
Depth		8 feet [1]
Height (base to sidewalk)		8 feet minimum clear 16 feet maximum
Percentage of building front		100 percent
Spacing between columns		8 feet minimum to 12 feet maximum
Minimum column width		4 inches
Doorways (ground floor, allowed ranges):		
	Doorway inset	0 feet to 12 feet
	Doorway width	5 feet to 11 feet
Ground floor windows (allowed ranges):		
	Window width	5 feet to 7 feet
	Window height	6 feet to 7 feet

5. HISTORIC HOME/OFFICE CONVERSION



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

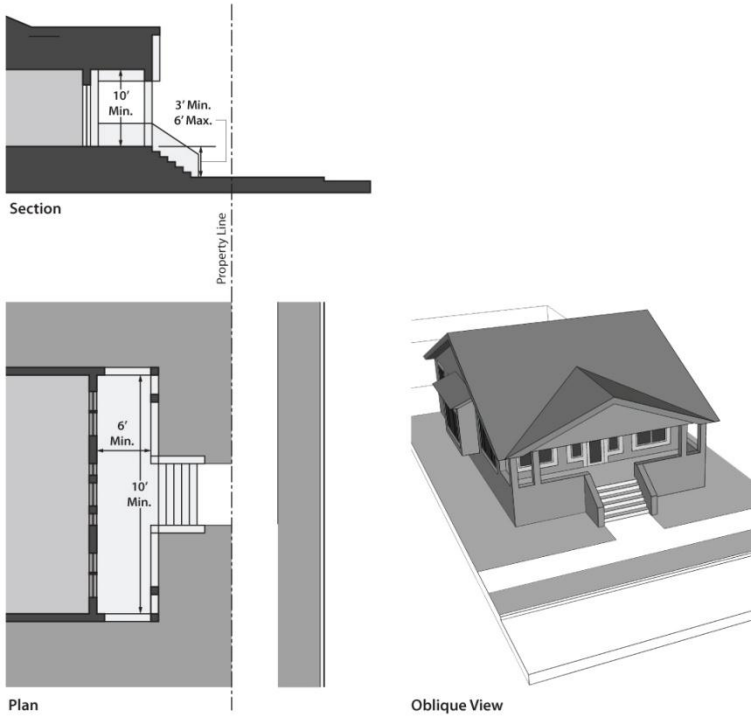
Historic Home/Office Conversion Dimensions

Development Standard	Measurement
Setback	20 feet maximum
Distance to porch	6 feet minimum 20 feet maximum
Porch height above sidewalk grade	3 feet minimum 6 feet maximum
Porch width	10 feet minimum

Porch depth	6 feet minimum
Clearance above porch to roof	10 feet minimum

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

6. PORCH

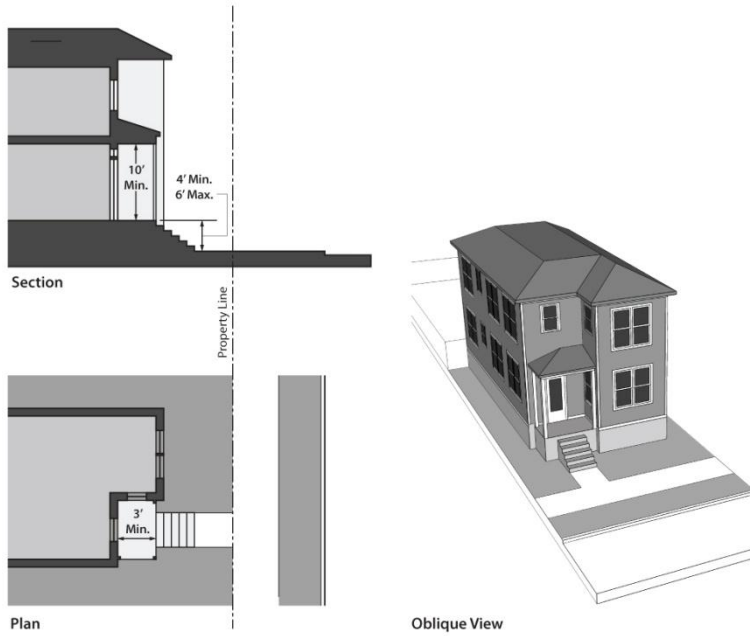


Porch Description: The porch frontage is intended for residential uses. The type is characterized by a covered, active outdoor living space connected to the front of the building. The porch shall be raised above the finished grade of the lot and adjacent public sidewalk.

Porch Dimensions

Development Standard	Measurement
Porch height above sidewalk grade	18 inch minimum 6 feet maximum
Porch width	10 feet minimum
Porch depth	6 feet minimum
Clearance above porch to roof	8 feet minimum

7. ROW HOUSE



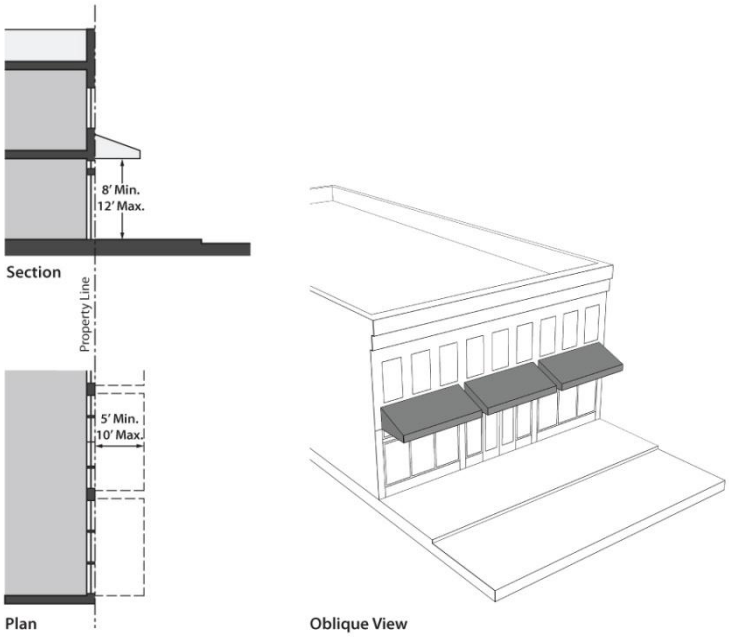
Row House Description: A row house is a residential dwelling with little to no side yard. The entrance to the dwelling is raised above the sidewalk in order to create privacy for the occupant. Living spaces are located at the front of the unit. Parking is accessible from the alley behind the unit.

Row House Dimensions

Development Standard	Measurement

Stoop height above sidewalk grade	18 inches minimum 6 feet maximum
Stoop depth	3 feet minimum
Clearance above stoop	8 feet minimum

8. STOREFRONT



Storefront Description: A storefront frontage is characterized by a facade which is aligned close to or directly on the public right of way line with the building entrance at sidewalk grade. Storefront frontages have substantial glazing on the ground floor and provide awnings or canopies cantilevered over the sidewalk. Building entrances may either provide a canopy or awning, or alternatively, may be recessed behind the front building facade. Awnings over the public sidewalk require approval of an encroachment agreement.

Storefront Dimensions

Development Standard	Measurement
Awning depth	3 feet minimum 8 feet maximum
Height (base to sidewalk)	8 feet minimum clear

		12 feet maximum
Doorways (allowed range):		
	Doorway inset	0 feet to 12 feet
	Doorway width	5 feet to 11 feet
Ground floor windows (allowed range):		
	Window width	5 feet to 7 feet
	Window height	6 feet to 7 feet

(Ord. 2013-___, __-__-2013)

9-6-6: SPECIAL DESIGN AND OPERATIONAL STANDARDS:

The following are special development standards for the downtown pertaining to 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.

A. Outdoor Dining: The development standards below apply to all outdoor seating for food uses, including both fixed and movable seats. These standards are intended to be consistent with the requirements of the state alcoholic beverage control agency.

1. Location: Seating shall be located proximate to the dining establishment. Where seating is located within the public right of way, an encroachment agreement shall be required and seating areas shall be installed consistent with subsection 9-6-3B, "Encroachments", of this chapter, specifically maintaining a clear walk path as illustrated in figure 9-6-3-B3, "Sidewalk Clearance", of this chapter.

2. Enclosure: An enclosure wall, fence, or planter shall be required around any outdoor seating areas with restaurant table service where alcohol is served, consistent with state licensing requirements. Walls, fences, and planters shall not exceed a maximum height of three and one-half (3.5) feet. The wall/fence may be extended to a maximum height of six feet (6') if the area above three and one-half (3.5) feet remains primarily open view (e.g., glass, wrought iron)..

B. Outdoor Sales (Temporary): The following development and operational standards apply to all temporary outdoor sales. See also figure 9-6-7-B1, "Temporary Outdoor Sales", of this section.

1. Location: Outdoor sales are allowed to occur when consistent with the following standards:

   a. On private property, on the same lot as the associated retail operation; and

   b. Along the public sidewalk when consistent with subsection 9-6-3D, "Encroachments", of this chapter, specifically maintaining a clear walk path as illustrated in figure 9-6-3-D2, "Sidewalk Clearance", of this chapter. Displays shall be located directly against the building and not along the curbside.

2. Maximum Area: Outdoor sales areas may not take up more than seventy five percent (75%) of the frontage of the building that they are associated with.

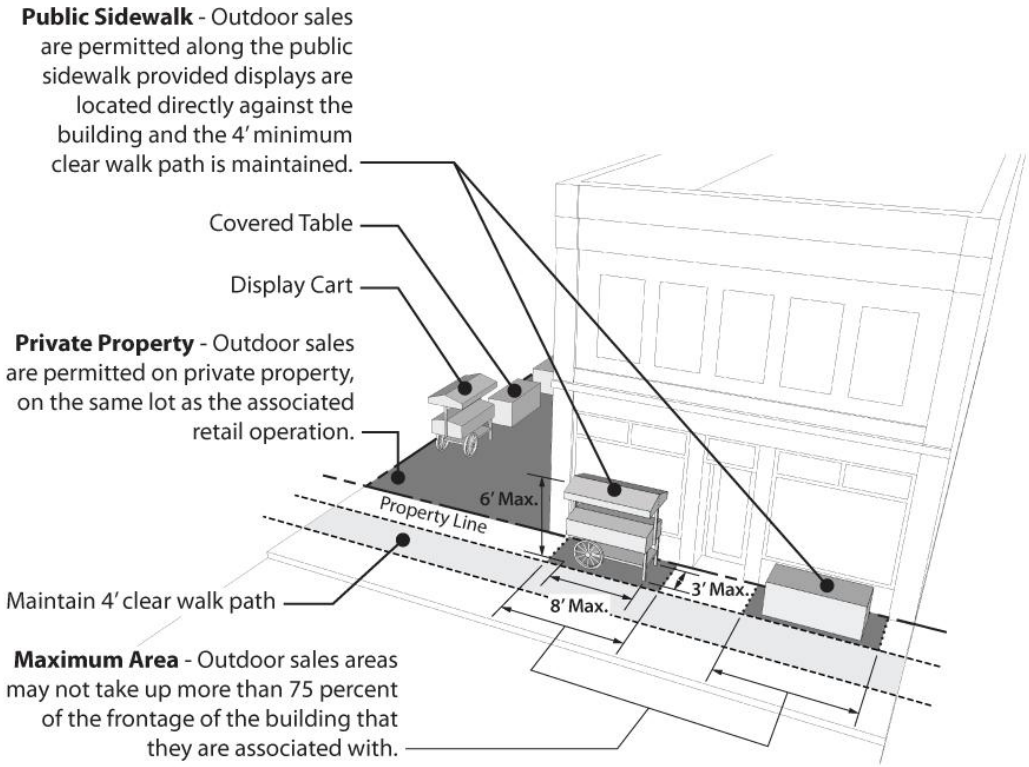
3. Product Display: Products shall be displayed as follows:

   a. Tables: Products displayed on tables shall be kept organized at all times. The tables shall be covered with a table cloth or skirt such that the legs and under table area is screened.

   b. Display Carts: Display carts shall be no taller than six feet (6'), no longer than eight feet (8'), and no wider than three feet (3').

4. Term: Products may only be displayed outdoors during the business hours of the associated retail use. Goods may not be displayed outside overnight.

FIGURE 9-6-7-B1
TEMPORARY OUTDOOR SALES



C. Outdoor Storage and Sales (Permanent): The following development and operational standards apply to all permanent outdoor storage.

1. Location: Outdoor storage and permanent sales are allowed in the rear of the lot or within interior side yards. Outdoor storage is not allowed within front and street side yards.

2. Maximum Area: The maximum area allowed for outdoor storage shall be twenty five percent (25%) of the total lot area.

3. Enclosure/Screening: Outdoor storage areas shall be enclosed through the use of walls or fencing. The maximum allowed fence height is six (6) feet. 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.

4. Storage Area Maintenance and Upkeep When Visible From Public Right of Way: When the storage area is viewable from the public right of way (e.g., sidewalk), the storage area shall be regularly maintained and kept orderly and clean such that it does not create a public nuisance.

D. Trash Collection: The following provisions describe the city's minimum standards for the design and location of trash and other refuse collection areas as part of new development.

1. Trash storage must be fully screened from public streets, subject to design approval from the city and operational approval from the public works department. Where practical, storage at common enclosures is preferred. Other design solutions may include, but are not limited to, incorporating within the main structure (subject to compliance with city adopted building and fire codes) or within a separate freestanding enclosure.

2. Trash enclosures shall be architecturally compatible with the project. Examples include use of the same materials and colors as the building.

3. Refuse containers and service facilities shall be screened from view by solid masonry walls with powder coated solid metal doors. Chainlink or wood fencing is prohibited.

4. When possible, trash enclosures shall be located away from residential uses to minimize nuisance for the adjacent property owners.

E. Utilities: Utilities for new development and redevelopment of property shall be integrated either into the structure(s), placed underground, or otherwise designed as an integral part of the project. (Ord. 2013-___, __-__-2013)

9-6-7: CONVERSION OF RESIDENCES TO NON-RESIDENTIAL USES:

A. Purpose: The purpose of this section is to provide development standards that accommodate the conversion of historic residences for non-residential use in the DMX zone districts, while maintaining the historic character of the neighborhoods.

B. Development Standards: When existing buildings that have historically been used as residences are converted to non-residential uses the standards of this section shall be met.

1. For existing residences, exterior alterations or additions will be permitted so long as they do not significantly alter the original architectural style and provided that the changes enhance or upgrade the property.

2. Exterior modifications to buildings shall be minimized to the extent possible. When exterior modifications are made, the standards in Table 9-6-8-B, ñStandards for Conversion to Non-Residential Useò shall be met.

TABLE 9-6-8-B
STANDARDS FOR CONVERSION TO NON-RESIDENTIAL USE

Development Standard	Measurement
Setback ï Front	20 feet minimum
Setback - Interior Side	5 feet minimum
Setback ï Corner Side	10 feet minimum
Setback - Rear	5 feet minimum
Building Height	35 feet maximum

3. Buildings with existing front and/or side yard covered porches and handrails that are indicative of the architectural style shall remain and be improved

4. Parking: Parking shall be located in the rear of the lot. Parking shall not be allowed in the front or corner side setback areas of a corner lot.

5. Access: Parking shall only be accessed from the alley.

CHAPTER 7

MIXED USE DEVELOPMENT STANDARDS

9-7-1: PURPOSE AND APPLICABILITY:
9-7-2: DESIGN CONCEPT:
9-7-3: CONCEPTUAL PLAN REQUIREMENTS:
9-7-4: RESIDENTIAL DEVELOPMENT:
9-7-5: CONNECTIVITY AND CIRCULATION:
9-7-6: DEVELOPMENT STANDARDS:
9-7-7: ARCHITECTURAL DESIGN STANDARDS:
9-7-8: PEDESTRIAN SPACES AND WAYS:

9-7-1: PURPOSE AND APPLICABILITY:

A. Purpose: This chapter establishes the rules and regulations for development and design of property designated as a mixed use (MU) district. Provisions herein address the compatible integration of residential, commercial, office, and/or industrial uses on a contiguous project site within the mixed use district. The regulations are intended to be flexible to allow a variety of activities and mix of tenants. These provisions implement mixed use land use policies within sections 2.5 (downtown and shopping centers) and 3.5 (activity centers) of the general plan. The requirements for specific master planning of mixed use sites through conceptual plans is adopted consistent with the provisions provided to the city by section 65302.4 of the California Government Code.

Specifically, mixed use development standards do the following:

1. Allow a range of uses;

2. Establish incentives for mixed use development that create a public benefit (e.g., workforce housing, daycare centers, small scale commercial/service uses);

3. Provide for the flexible integration of different use types independent of property locations;

4. Provide guidance for the types of mixed use development desired by the city;

5. Ensure that new mixed use centers are compatible with surrounding neighborhoods;

B. Applicability of Standards: The standards within this chapter apply to the mixed use (MU) zoning district. This chapter identifies the development standards and design requirements for all development within this district. Unless otherwise exempted, all new development and reuse redevelopment of existing structures within the mixed use district shall comply with the standards in this chapter and shall be reviewed for consistency as part of site plan and design review and building permit plan check. Exemptions to specific standards may be approved through the site plan and architectural review process if the approving authority makes a finding that the there are special circumstances applicable to the site that warrant an exemption from the standard.

C. Mixed Use Centers Established: The city's general plan establishes five (5) mixed use centers, each a collection of parcels adjacent to each other that are collectively designated under the general plan as mixed use. These properties are all zoned mixed use. These centers are located at the following major roadway intersections and shall be referred to by these names and can be identified in figure 9-7-1-C1, "Mixed Use Centers", of this section:

1. Bush Street and College Avenue.

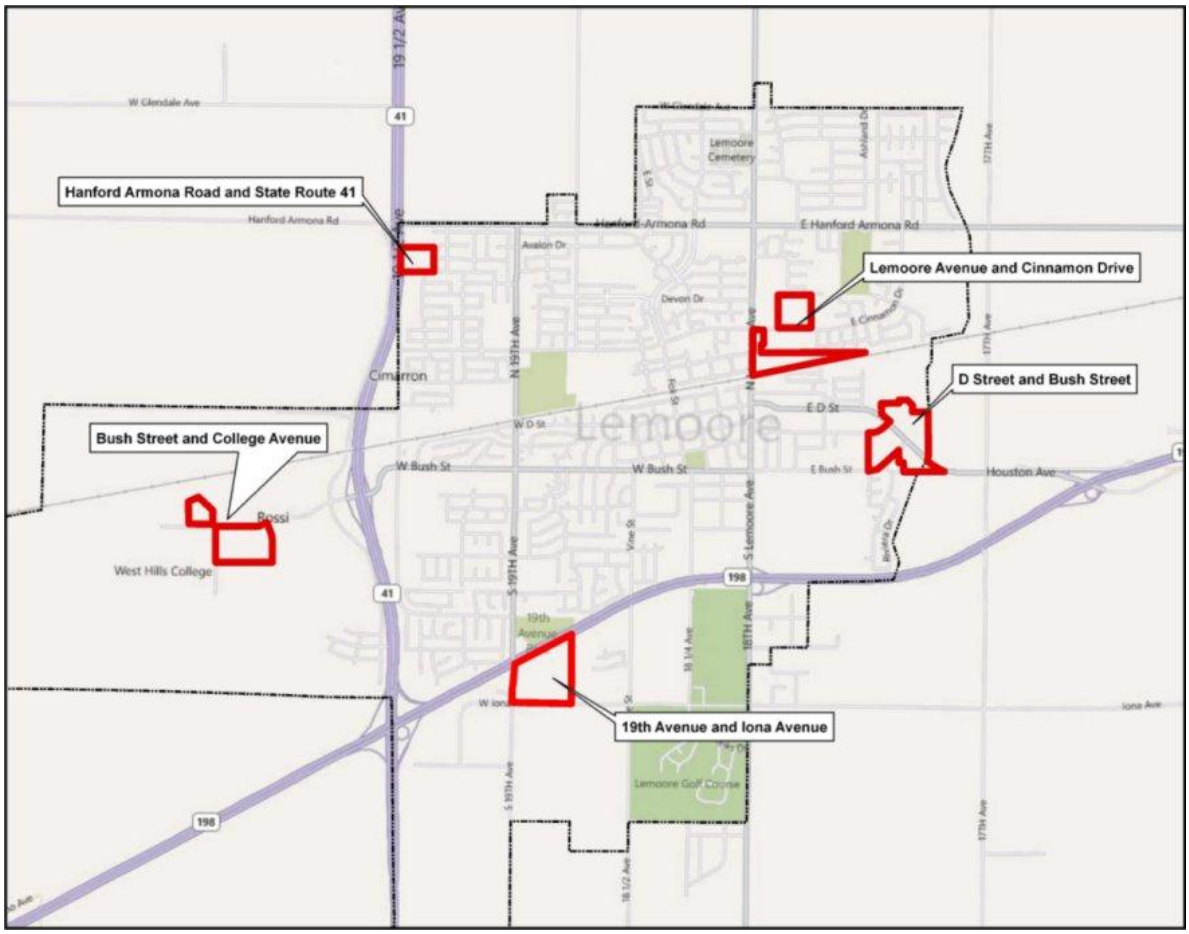
2. 19th Avenue and Iona Avenue.

3. East D Street and Bush Street.

4. Lemoore Avenue and Cinnamon Drive.

5. Hanford-Armona Road and State Route 41.

FIGURE 9-7-1-C1
MIXED USE CENTERS



(Ord. 2013-___, __-__-2013)

9-7-2: DESIGN CONCEPT:

A. The design concept for the mixed use district is intended to provide the following key characteristics:

1. Retail, residential, office, business and personal services, public, and institutional uses in neighborhood oriented centers in a variety of mixed use configurations, such as ground floor commercial with residential or office uses above, or collocation of buildings with different single uses on a contiguous mixed use area.

2. Development is pedestrian oriented to enhance street life and to enhance the vibrancy of new and existing neighborhoods.

3. Residential density ranges from eight (8) to twenty (20) units per gross acre.

4. Buildings are typically a combination of one-, two-, and three-story buildings, with less development intensity adjacent to single-family residential areas. (Ord. 2013-___, __-__-2013)

9-7-3: CONCEPTUAL PLAN REQUIREMENTS:

A conceptual plan is required for all new development and redevelopment within a designated mixed use district. The planning director may waive the requirement for a conceptual plan when it is determined that the proposed new development is minor or is replacing or expanding existing development.

A. Conceptual Plan Purpose: The intent of the conceptual plan is to illustrate key components of each mixed use center. The conceptual plan should include information on the private realm (development standards, building prototypes, and frontage types) and the design of the public realm (street typologies). The conceptual plan shall describe the conceptual configuration of land uses, the onsite circulation system, and the relationship to adjacent properties and uses for the center. The purpose is to develop each mixed use center in an integrated fashion with connected streets, an integrated pedestrian system, and common parking areas. It is not meant to lock landowners into a set development pattern or restrict the types or range of uses that are allowed on a given property. Rather, its focus is on planning for and providing integrated access across properties for efficient and cohesive operations and placement of proposed uses appropriately based on existing surrounding development.

B. Conceptual Plan Components: A conceptual plan shall be established for a mixed use center prior to or in conjunction with approval of the first tentative subdivision or parcel map or site plan and design review within the center. The plan shall be created by the project proponent and submitted to the city for review and approval (see subsection C of this section, conceptual plan approval).

Each conceptual plan shall specifically include the following written and graphic components.

1. Location of any new streets and pedestrianways;

2. Location of any plazas and other types of open space;

3. Location of storefront frontage along key pedestrian paths;

4. Location of storefront frontage along streets;

5. Anticipated vehicular and pedestrian connections within the entire mixed use district as well as connections to adjacent properties;

6. Location of any common parking facilities (individual parking lots are discouraged in the mixed use district);

7. Location of any transit/bus stop; and

8. A written description of how the conceptual plan achieves the development standards within this chapter.

C. Conceptual Plan Approval and Modification: A conceptual plan shall be reviewed and approved by the city through a minor site plan and architectural review (see section 9-2B-12, "Minor Site Plan and Architectural Review", of this title). The plan shall be prepared by the applicant consistent with the requirements of this chapter and submitted to the planning department for review. As part of the submittal, the applicant shall demonstrate that they have provided a copy of the draft plan to other owner(s) of property within the center for review and provide copies of their comments (if any) to the city.

After approval of the conceptual plan, the plan may be modified through an amendment to the minor site plan and architectural review. The amendment may be prepared by any landowner within the mixed use center or by the city.

The city may, at its discretion, provide assistance to property owners with the preparation of the conceptual plan prior to submittal of subsequent application for development of the site.

D. Development Proposal Process: After approval of the conceptual plan, subsequent planning permits and entitlements and other approvals may be issued. (Ord. 2013-___, __-__-2013)

9-7-4: RESIDENTIAL DEVELOPMENT:

A. Residential Uses Generally: The city encourages each mixed use center to include residential uses within the development. In doing so, these centers create opportunities for people to live, work, and shop in the same area. It builds in a dedicated customer base for retail and restaurant uses and creates flexible housing choices for workers. Consistent with the city's general plan, where residential uses are provided in mixed use centers, the minimum residential density is eight (8) dwelling units per acre and the maximum density is twenty (20) dwelling units per acre.

B. Transfer of Units Between Properties: To further encourage the development of residential uses within mixed use centers, the city allows for the residential development potential of one or more parcels within a mixed use center to be transferred to any other parcel or parcels within the same center by right, provided the maximum number of residential dwellings in each center does not exceed the number identified in table 9-7-4-A1, "Maximum Residential Development", of this section. The number of dwellings listed in table 9-7-4-A1 of this section is calculated based upon the number of acres in each center multiplied by the maximum allowed density of twenty (20) units per acre.

TABLE 9-7-4-A1
MAXIMUM RESIDENTIAL DEVELOPMENT

	Mixed Use Centers				
	Bush/ College	19th/ Iona	East D/ Bush	Lemoore/ Cinnamon	Hanford/ 41
Maximum residential dwellings	101	560	271	386	163

(Ord. 2013-___, __-__-2013)

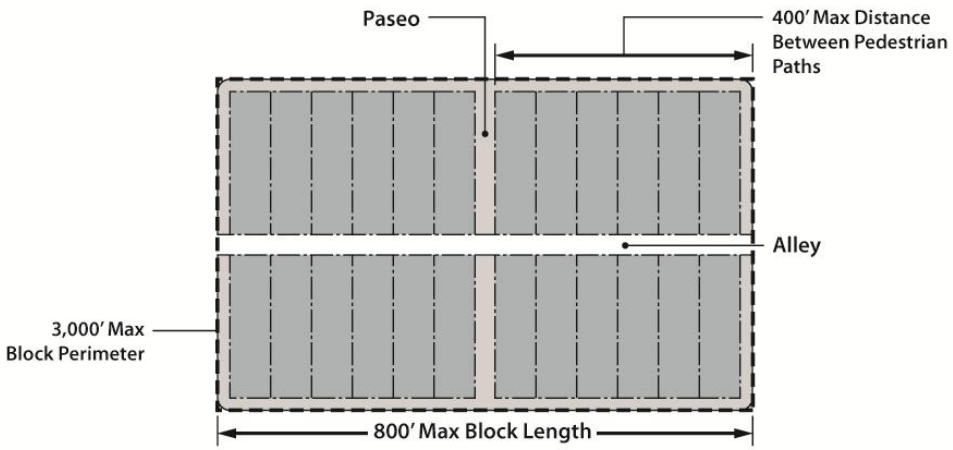
9-7-5: CONNECTIVITY AND CIRCULATION:

In keeping with the design concept for mixed use development (see section 9-7-2, "Design Concept", of this chapter), mixed use centers shall be developed with an internal set of streets, drive aisles, and other similar paths that divide the sites into smaller blocks. To that end, mixed use centers are subject to the connectivity requirement in table 9-7-5-1, "Connectivity Requirements", of this section. The intent is to achieve these requirements through the implementation of the regulating plan established for each mixed use center (see section 9-7-3, "Conceptual Plan Requirements", of this chapter). The standards listed in table 9-7-5-1 of this section are illustrated using a variety of development types in figure 9-7-5-1, "Connectivity", of this section. A new regulating plan shall be created or updated prior to development within each mixed use center.

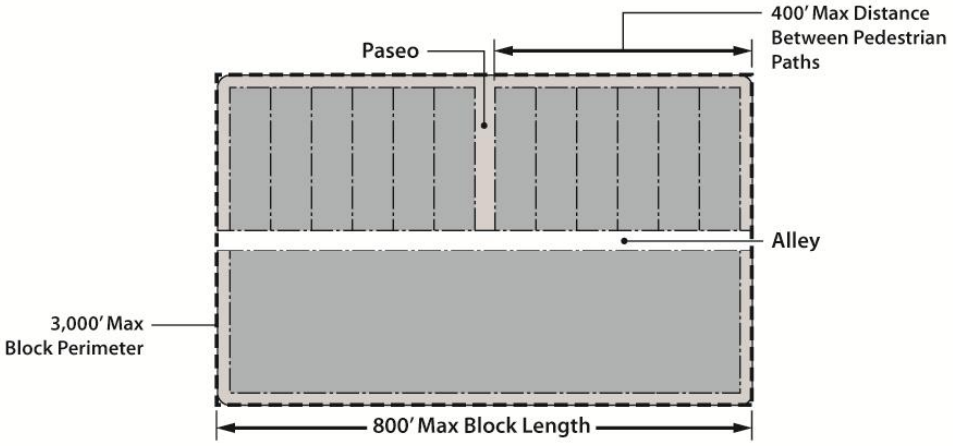
TABLE 9-7-5-1
CONNECTIVITY REQUIREMENTS

Development Standard	Measurement
Block length	800 feet maximum
Block perimeter	3,000 feet maximum
Distance between pedestrian paths (e.g., paseo)	400 feet maximum

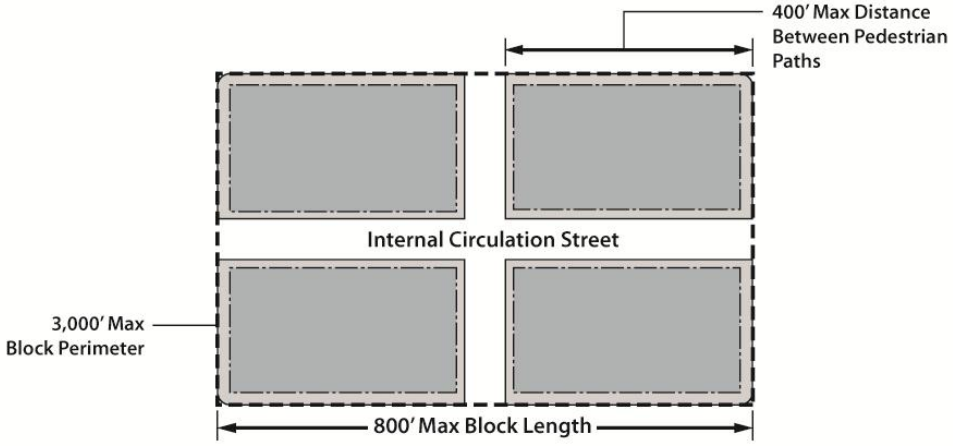
FIGURE 9-7-5-1
CONNECTIVITY



Example Residential Block



Example Mixed-Use Block



Example Commercial Block

A. Street System: Each mixed use center, as part of the regulating plan, shall establish an internal system of streets that connect to the city street system at appropriate locations. These internal streets may be public (street) or private (drive aisle.) Internal streets shall be based upon the following roadway hierarchy and consistent with the development standards listed in subsection C, "Development Standards For Streets and Pedestrianways", of this section:

1. Main Street: A "main street", or "main way", is a drive aisle or street that functions as a major vehicular pathway through a site. This street features active pedestrian spaces with wide sidewalks (greater than 8 feet). Buildings are constructed directly adjacent to the sidewalk (e.g., 0 foot built-to line). On street parking is provided within the pavement area and is typically angled such that vehicles can only pull into spaces directly in front of them on the passenger side of the vehicle. The sidewalk is lined with street trees in tree wells near the curb. Intersections may be controlled with stop signs when warrants support such controls.

2. Drive Aisle: A drive aisle is a vehicular pathway that provides access from the public street system or on site private main street(s) to the parking areas of the project.

3. Alley: Alleys are narrow roads that provide access to utility areas. These roads are intended for large deliveries and trash collection and are not meant as pedestrian areas. Alleys do not provide parking (but may provide access to parking).

B. Pedestrianways: Pedestrianways within mixed use centers are generally broken down into two (2) categories: sidewalks and other pedestrian paths. Each shall comply with the following standards:

1. Sidewalks: Every internal street or drive aisle shall include a sidewalk between the roadway and the adjacent building. Exceptions shall be granted through regulating plan approval for alleys and areas where pedestrians should not be. Sidewalks shall be designed consistent with the standards listed in subsection C, "Development Standards for Streets and Pedestrianways", of this section.

2. Other Pedestrian Paths: As identified in table 9-7-5-1 "Connectivity Requirements", of this section, additional pedestrian paths shall be provided between block ends within mixed use centers. These paths shall comply with the following standards:

a. Pedestrian paths between buildings shall be a minimum of ten feet (10') wide with a minimum paved area of five feet (5').

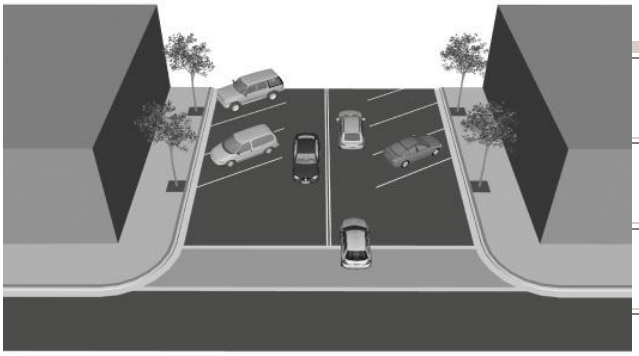
c. Pedestrian paths shall be designed with features such as enhanced paving, trellis structures, and additional landscaping or lighting to distinguish paths from the sidewalk.

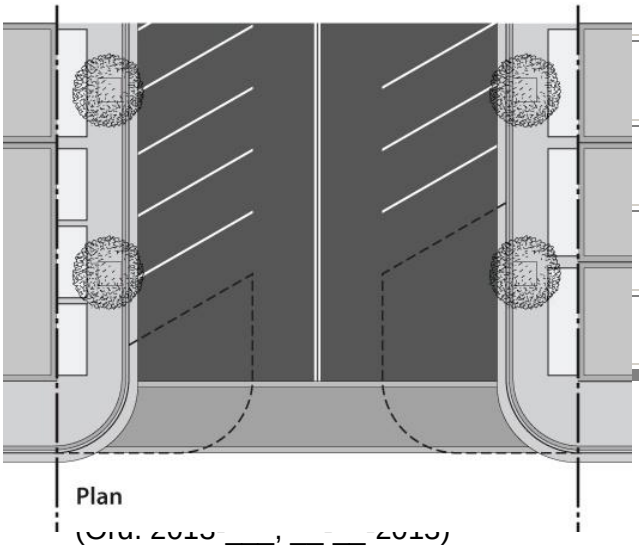
d. Hardscape materials used in pedestrian oriented spaces such as plazas, paths, and sidewalks shall be attractive, durable, slip resistant, of high quality, and compatible in color and pattern with a project's design. Surfaces in pedestrian circulation areas shall be constructed from materials that provide a hard, stable surface and that permit maneuverability for people of all abilities.

e. Pedestrian pathways crossing a vehicle drive, 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.

C. Development Standards For Streets andand Pedestrianways: Main streets shall include the design features in Table 9-7-5-C, ñMain Street Design Features.ò

TABLE 9-7-5-C
MAIN STREET DESIGN FEATURES





	Measurement
	10 feet to 24 feet
	4 feet
	4 feet x 4 feet
	30 feet on center
	45 degrees preferred

(Ord. 2013-___, __-__-2013)

9-7-6: DEVELOPMENT STANDARDS:

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

A. Building Placement: New structures shall comply with the build-to line, setback, and buildable area requirements listed in table 9-7-6-A1, "Building Placement", of this section and shown in figure 9-7-6-A1, "Building Placement", of this section. Setbacks and build-to lines shall be

measured from the back of the property line when along a public street or from a sidewalk when along an internal, private drive The planning director may waive this requirement for a it is determined that the proposed new development is replacing or expanding existing development

TABLE 9-7-6-A1
BUILDING PLACEMENT[3,4]

Development Standard	Measurement
Build-to line:	
Front:	0 feet minimum 10 feet maximum[1]
Street side, corner lot:	0 feet minimum 10 feet maximum[1]
Interior Side	0 feet
Rear, adjacent to residential zone district	10 feet[2]
Rear, adjacent to non-residential zone district	10 feet
Rear, adjacent to alley	10 feet[2]
Minimum building frontage:	
Primary street	50 percent
Secondary street	40 percent

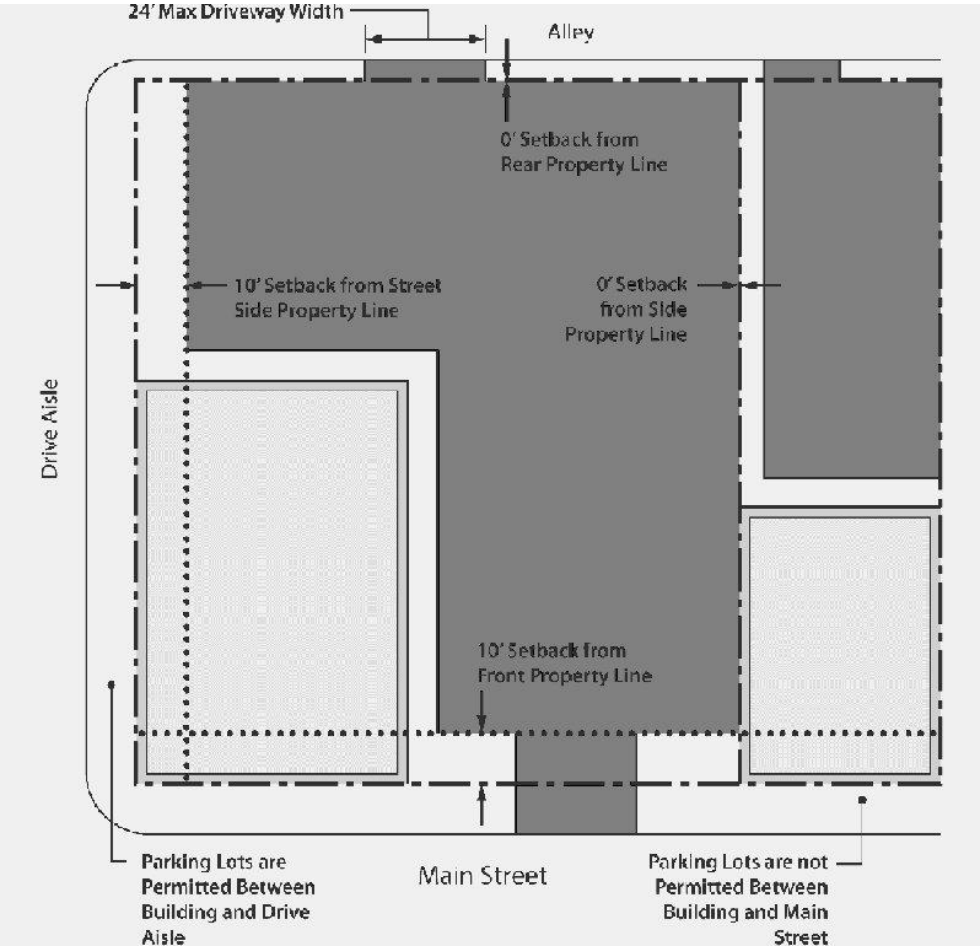
Notes:
1. The building facade along a street may be recessed to create inviting pedestrian spaces.

2. Residential dwellings may be developed with no rear yard setback and no alley setback as part of site plan and design review.

3. Additional setbacks may be provided through regulating plan approval to allow for the creation of pedestrian plazas.

4. Buildings, including awnings, arcades, galleries, and other architectural features, are allowed to encroach over and into sidewalks that are not part of the public right of way, provided a minimum 4 foot clear walk path is provided.

FIGURE 9-7-6-A1
BUILDING PLACEMENT

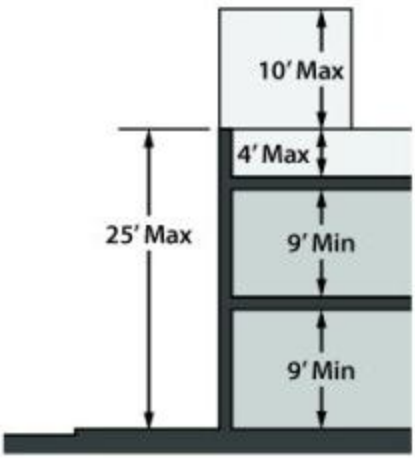


B. Height: Height standards for development within the mixed use district are listed in table 9-7-6-B1, "Height", of this section and shown in figure 9-7-6-B1, "Height", of this section.

TABLE 9-7-6-B1
HEIGHT

Development Standard	Measurement
General height standards:	
Structure height	25 feet maximum
First floor ceiling height	9 feet minimum
Upper floor(s) ceiling height	9 feet minimum
Architectural features (additional height):	
Parapet wall/mechanical screen	4 feet maximum
Towers, spires and similar features	10 feet maximum

FIGURE 9-7-6-B1
HEIGHT



C. Parking: Parking within mixed use centers is meant to be shared among all properties and uses within the center. The intent is to allow people the opportunity to park once and then travel by foot between the various uses within the center. Parking within mixed use centers

shall be provided through a combination of parking lots behind buildings and on street parking spaces along internal main streets and minor streets.

1. On Street Parking Standards: On street parking shall be developed consistent with the standards identified in section 9-7-5, "Connectivity and Circulation", of this chapter.

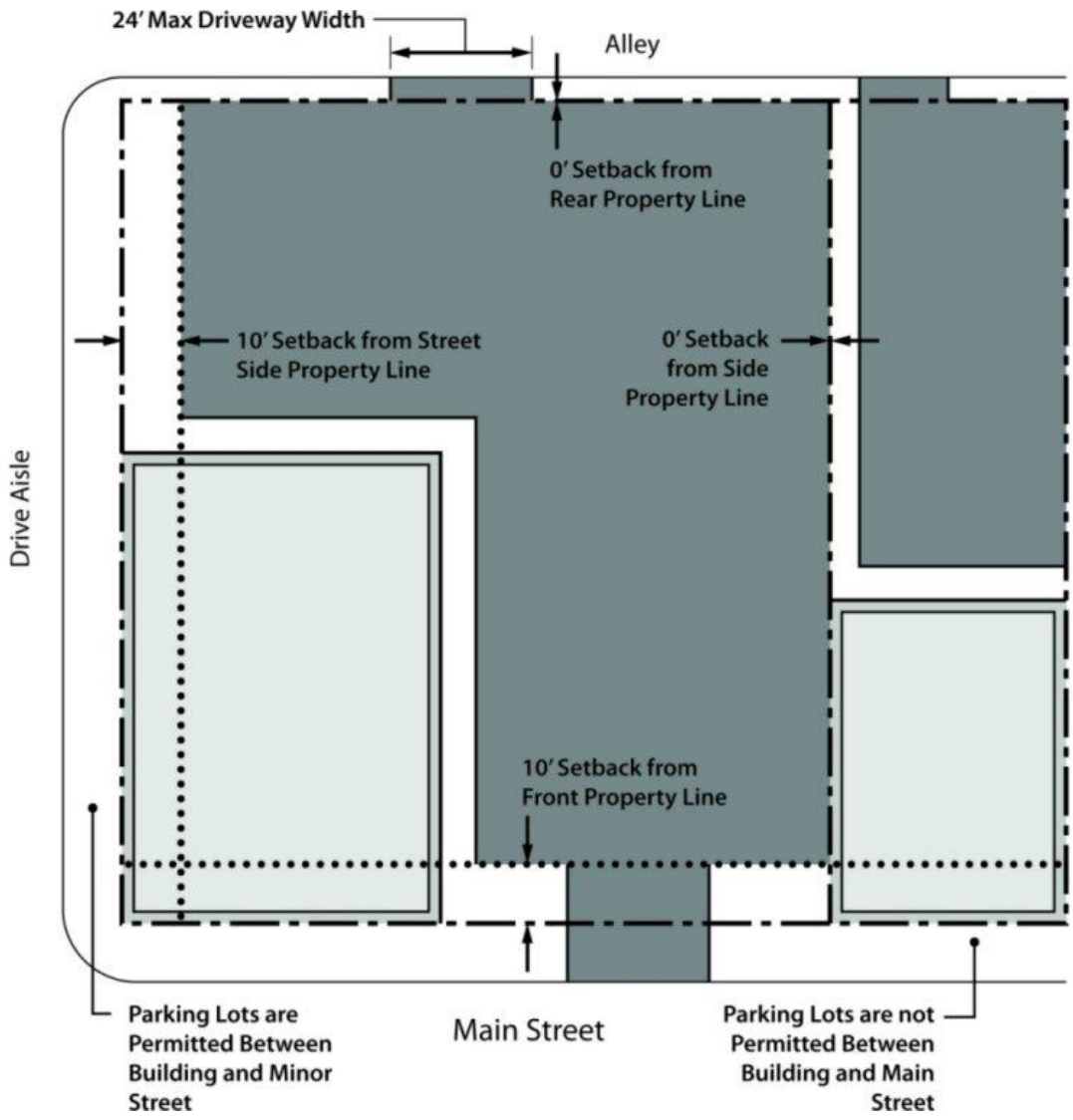
2. Parking Lot Standards: Parking lots (off street parking) shall be developed consistent with the standards listed in table 9-7-6-C1, "Parking Lots" and figure 9-7-6-C1, "Parking Lot Location", of this section. In addition to these standards, parking lots shall be lighted and landscaped consistent with the standards in sections 9-5A-6, "Outdoor Lighting" and 9-5D1-2, "Landscape Standards", of this title, and parking stall dimensions shall be consistent with the standards of section 9-5E-5, "Design and Development Standards For Off Street Parking Areas", of this title.

TABLE 9-7-6-C1
PARKING LOTS

Development Standard		Measurement
Location of parking lot:		
	Between building and main street	Not allowed
	Between building and drive aisles	Allowed
Setbacks:		
	Setback to side property line	0 feet minimum
	Setback to minor street	10 feet minimum[1]
	Setback to rear property line	0 feet minimum

Notes:
1. Intent is to allow space for pedestrian path and landscape screening between the street and parking lot.

FIGURE 9-7-6-C1
PARKING LOT LOCATION



3. Number of Required Parking Spaces: The number of parking spaces required for mixed use centers shall be based upon the standards listed in chapter 5, article E, "Off Street Parking and Loading", of this title. The required parking shall be calculated based upon the range of uses developed within the center by type of use during the peak parking period.

4. Location of Parking Spaces: The parking required for each individual use need not be provided on the same parcel or immediately adjacent to the use generating the required parking. Rather, the required parking just needs to be provided somewhere within the center. (Ord. 2013-___, __-__-2013)

9-7-7: ARCHITECTURAL DESIGN STANDARDS:

Buildings within mixed use centers shall comply with the architectural standards of chapter 5, article C, "Architectural and Site Design Standards", of this title for the type of use. (Ord. 2013-___, __-__-2013)

9-7-8: PEDESTRIAN SPACES AND WAYS:

This section identifies the development standards for the public areas of mixed use centers, more specifically the streets, alleys, and other pedestrianways. The intent of this section is to identify how the public spaces shall be developed and maintained in order to promote an active pedestrian environment.

A. Required Pedestrian Spaces: Every mixed use center shall include one or more outdoor gathering spaces. Public space shall occupy at minimum two percent (2%) of the gross area of each mixed use center.

B. Standards For Pedestrian Spaces: All pedestrian spaces shall comply with the following standards:

1. Landscaping: Landscaping in pedestrian spaces shall be consistent with the requirements of chapter 5, article D1, "Landscaping Standards", of this title.

2. Lighting: Pedestrian spaces shall be illuminated for safety and to complement the architecture of the space. Lighting shall be consistent with the standards of section 9-5A-6, "Outdoor Lighting", of this title.

3. Electrical Power: Pedestrian spaces shall be serviced with at least two (2) electrical outlets for every two thousand (2,000) square feet of public space. The intent is to provide adequate power for temporary uses and activities and to facilitate proper maintenance.

4. Materials: Materials used in pedestrian oriented spaces 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 comfortable maneuverability for people of all abilities. Wherever a pathway crosses a drive aisle, loading area, or parking area, the pathway shall be made identifiable by the use of one of the following: elevation changes, changes in paving materials, and/or the use of colors.

(Ord. 2013-___, __-__-2013)

CHAPTER 9:

OVERLAY ZONING DISTRICTS

ARTICLE A. PURPOSE AND INTENT OF OVERLAY ZONING DISTRICTS

9-9A-1: PURPOSE AND INTENT:
9-9A-2: DESIGNATION ON ZONING MAP:
9-9A-3: APPLICABILITY OF STANDARDS:

9-9A-1: PURPOSE AND INTENT:

This chapter establishes a series of overlay zoning districts. These overlay zoning districts supplement the land use regulations and/or development standards of the corresponding underlying base zoning district by recognizing distinct areas of the city that have special, unique, or important social, architectural, site, neighborhood, environmental, or compatibility issues or characteristics that, because of their nature, require special considerations not otherwise adequately provided by the underlying base zoning district applicable to the property. (Ord. 2013-___, __-__-2013)

9-9A-2: DESIGNATION ON ZONING MAP:

As described in chapter 3, "Zoning Districts and Map", of this title, overlay zoning districts shall be designated on the city zoning map by their representative symbol along with the base zoning district in a format determined by the planning director. For example, a planned development overlay zoning district combined with a medium density residential base zoning district would be shown on the zoning map with the medium density residential shown as the underlying district and the overlay shown with an outline. (Ord. 2013-___, __-__-2013)

9-9A-3: APPLICABILITY OF STANDARDS:

The provisions of this chapter shall apply to all parcels of land located within the designated boundaries of an overlay district as illustrated on maps contained on the city zoning map. In the event of a conflict with the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply. Where an overlay zoning district is silent, the regulations of other sections of this title shall apply. (Ord. 2013-___, __-__-2013)

CHAPTER 9:

OVERLAY ZONING DISTRICTS

ARTICLE B. PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICTS

9-9B-1: PURPOSE AND INTENT:
9-9B-2: FORM AND CONTENT OF PLANNED UNIT DEVELOPMENT OVERLAY ZONES:
9-9B-3: ADOPTION OF PLANNED UNIT DEVELOPMENT OVERLAY ZONES:
9-9B-4: SPECIAL DEVELOPMENT STANDARDS FOR SPECIFIC PLANNED UNIT DEVELOPMENTS:

9-9B-1: PURPOSE AND INTENT:

This article establishes the planned unit development (PUD) overlay zone for the purpose of providing project specific architectural and development standards for new development of residential subdivisions in the city. The PUD is intended to allow some flexibility in the zoning district development standards with special consideration and review. (Ord. 2013-___, __-__-2013)

9-9B-2: FORM AND CONTENT OF PLANNED UNIT DEVELOPMENT OVERLAY ZONES:

A. Form and Adoption of New Planned Unit Development Overlay Zones: Subsequent to the adoption of this title, all new planned unit development overlay zones shall be established by ordinance of the city council. The ordinance shall include, or shall reference in a separate document, all of the components for a planned unit development as described in subsection B of this section.

B. Required Components: Each new planned unit development overlay zone shall, at a minimum, contain the following components:

1. Performance and development requirements related to yards, lot area, intensity of development on each lot, parking, landscaping, and signs;

2. Time, phasing, and sequence of development projects;

3. Infrastructure plan;

4. Circulation plan;

5. Master home plan floor plans and elevation plans; and

6. Other design standards appropriate for the specific site and development.

C. Requirements For Existing Planned Unit Developments: Existing planned unit development overlay zones need not be modified to include these components unless the underlying tentative subdivision map has expired or the project proponent is requesting a significant change in the project design as determined by the city. Otherwise, the conditions of approval for the tentative map shall serve as the plan for the development. (Ord. 2013-___, __-__-2013)

9-9B-3: ADOPTION OF PLANNED UNIT DEVELOPMENT OVERLAY ZONES:

The planned unit development overlay zones listed in table 9-9B-3-1, "Planned Unit Development Overlay Zones", of this section are hereby adopted into this code by reference.

TABLE 9-9B-3-1
PLANNED UNIT DEVELOPMENT OVERLAY ZONES

Number	Name	Date Approved	Resolution Number	Average Density Per Gross Acre (du/ac)
8301	Lutheran Church (20 units) Tract 469	April 5, 1983	8305	8 .27
9101	Daley Patio Homes	August 6, 1991	9128	7 .6
9301	Capistrano Tract 700	August 3, 1993	9305	3 .44
9401	Windsor #5 Tract 707	April 19, 1994	9411	3 .38
9402	Pierce, Country Club Villas Tract 704	July 5, 1994	9422	4 .018
9403	Stanrich Tract 717	October 18, 1994	9432	3 .67
2000-02	Fairway Homes, Coker Ellsworth Tract 758	February 1, 2005	2005-04	4 .24
2002-01	Jonathan Homes Country Club Villas, Tract 783 Phase II	December 3, 2001	2002-41	3 .47
2003-02	Parkview Estates Robert Frisone, Tract 797	October 7, 2003	2003-38	4 .31
2004-01	Terrence B. Flatley, Tract 817	September 7, 2004	2004-47	3 .6
2004-02	Coker Ellsworth Fairway Courtyards Condos, Tract	September 7, 2004	2004-48	8 .5

	820			
2004-03	Lennar Homes, Tract 821 Phase I	February 15, 2005	2005-08	3 .94
	Davante Homes Tract 821 Phase II			
2004-04	Coker Ellsworth Golf Course, Tract 752	February 1, 2005	2005-04	3 .94
2004-05	Daley Enterprises Silva Estates 10, Tract 838	March 15, 2005	2005-11	3 .85
2005-01	Victory Village Tract 845	June 6, 2006	2006-28	3 .98
2006-02	Badasci, Tract 872	May 2, 2006	2006-15	2 .92
2010-01	Lennar Tract 817 II & III	January 18, 2011	2011-02	3 .6
2011-02	Wathen Castanos Tract 791	August 16, 2011	2011-34	5 .17
2011-03	Lennar Homes, Tract 821 Phase II (37 lots)	December 20, 2011	2011-46	3 .94

(Ord. 2013-___, __-__-2013)

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", of this section identifies the standards for each planned unit development where they deviate from the requirements of this title. 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-4-1
DEVELOPMENT STANDARDS FOR PLANNED
UNIT DEVELOPMENT OVERLAY ZONES

Number	Name	Front Setback	Side Setback	Rear Setback
8301	Lutheran Church (20 units) Tract 469	23'	5' and 5'	5'
9101	Daley Patio Homes	20'	5' to nearer interior lot	5'
9301	Capistrano Tract 700	25'	5' and 10'	10' [1]
9401	Windsor #5 Tract 707	25'	5' and 10'	10'
9402	Pierce Financial & Insurance Country Club Villas Tract 704	20'	5' 10' between structures	20' adjacent to golf course, otherwise 10'
9403	Stanrich, R-1-7 Tract 717	20' minimum	5' and 10'	10'
	Tract 717 Stanrich, RM-3	15' minimum	5' and 5'	5'
2000-02	Coker Ellsworth Fairway Homes, Tract 758 I and II	18' - 25'	10' and 5'	20' adjacent to golf course, otherwise 10'
2002-01	Country Club Villas 2, Jonathan Homes Tract 783	25'	5' and 10'	20' adjacent to golf course, otherwise 10'
2003-02	Robert Frisone Parkview Estates, Tract 797	20' - 25'	10' minimum on garage and 5' opposite	10' minimum
2004-01/ 2010-01	Flatley Tract 817 Phase I and II/Lennar Tract 817 Phase II and III	20' - 25'	10' garage side and 5' opposite	10'
2004-02	Coker Ellsworth Fairway Courtyards, Tract 820	10' minimum	5' and 5' single story/15' combined for 2 story	13' minimum
2004-03/ 2011-03	Lennar Homes, Tract 821 Phase I, Davante Tract 821 Phase II, Lennar Homes, Tract 821 Phase II (37 lots)	18' - 25'	10' garage side 5' opposite 10' - 10' for 2 story	10'

2004-04	Coker Ellsworth, Tract 752	18' - 25'	10' and 5'	20' [2] adjacent to golf course, otherwise 10'
2004-05	Silva Estates 10, Daley Enterprises Tract 838	18' - 25'	5' and 5'	10'
2005-01	Victory Village, Pharris Tract 845	12' (face of curb)	5' and 5'	10' [3]
2006-02	Badasci, Tract 872	18' - 25'	5' and 5' single story	10'
2011-02	Wathen Castanos Tract 791	15' - 18' Garages setback minimum 18'	6' adjacent to garage and 4' opposite 10' side yard on street side	10' [3]

Notes:
1. All lots adjacent to canal are 10,000 square foot lots and must have a 40 foot clearance between house and canal.
2. 20 feet amended resolution 9224 to allow architectural features in 20 foot clear area.
3. Lots backing onto arterials, collectors or railroads have 20 foot rear setback.

(Ord. 2013-___, __-__-2013)

CHAPTER 9:

OVERLAY ZONING DISTRICTS

ARTICLE C. NAVAL AIR STATION LEMOORE (NASL) OVERLAY ZONE

9-9C-1: PURPOSE:
9-9C-2: APPLICABILITY:
9-9C-3: DEVELOPMENT STANDARDS:

9-9C-1: PURPOSE:

This article establishes the Naval Air Station Lemoore (NASL) overlay zoning district for the purpose of recognizing the potential adverse impacts on the population from Naval Air Station Lemoore and establishing special development regulations to ensure public health, safety, and welfare. (Ord. 2013-___, __-__-2013)

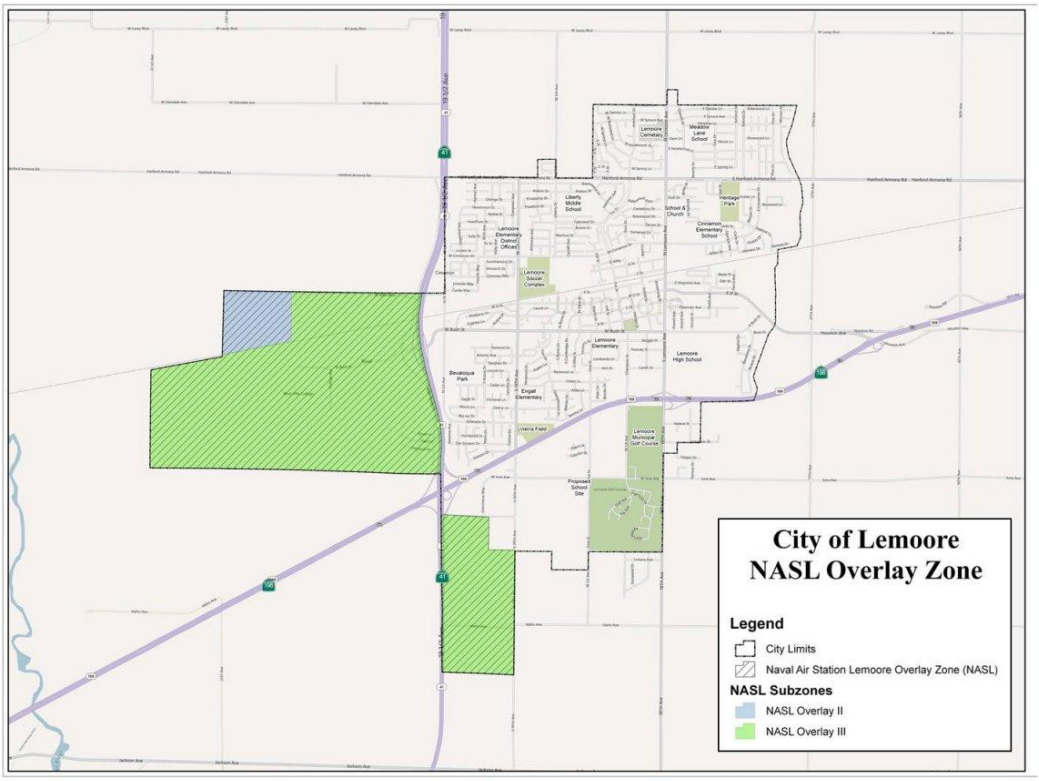
9-9C-2: APPLICABILITY:

The regulations of the Naval Air Station Lemoore (NASL) overlay zone as provided in this article shall apply to those properties as designated on the zoning map, generally west of State Route 41 and south of the city limits, which fall in the military influence area (MIA). (Ord. 2013-___, __-__-2013)

9-9C-3: DEVELOPMENT STANDARDS:

A. Overlay Areas: Lands within the NASL overlay zoning district are broken down into overlay areas I, II, and III, as described in the joint land use study. Overlay I areas are the most restrictive, applying to accident potential zones (APZs) and areas experiencing aircraft noise greater than seventy five decibels (>75 dB CNEL). Overlay II areas are those experiencing aircraft noise between sixty five and seventy five decibels (65-75 dB CNEL). Overlay III areas are those that experience aircraft noise less than sixty five decibels (<65 dB CNEL). Figure 9-9C-3-A, "NASL Overlay Areas", of this section illustrates the location of these overlay areas. While there are no overlay I areas within the NASL overlay zoning district, there are properties within overlay II and overlay III, as well as low level flight tracking.

FIGURE 9-9C-3-A
NASL OVERLAY AREAS



B. Height Limit: Restrictions on the height of structures within the NASL overlay zone are necessary to ensure that structures will not impair flight safety. To that end, no structure shall be built and no tree shall be allowed to grow above a height of one hundred fifty feet (150').

C. Construction Requirements: Development located within overlay II and overlay III of the NASL overlay zone where aircraft noise exceeds sixty five decibels (65 dB CNEL) shall be constructed so as to attain an indoor noise level of forty five decibels (45 dB CNEL). New residences shall be constructed in accordance with noise attenuation standards of the city adopted building code.

D. Development Review and Notification Required: Applications for development, including conditional use permits, site plan and architectural review, tentative maps, rezones, and general plan amendments, within the NASL overlay zone shall be routed to Naval Air Station Lemoore and the federal aviation administration for notification and review when involving tall structures.

E. Disclosure Requirements: All new subdivisions of land within the NASL overlay zone through tentative map as provided in title 8, chapter 7, article F, "Tentative Maps", of the municipal

code shall be required, as a condition of approval, to record at time of final or parcel map an easement on all lots created. Such easement shall identify that the property is near a military installation subject to high aircraft noise, low level aircraft, aircraft tests, and/or other military related issues within overlays II and III. (Ord. 2013-___, __-__-2013)

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. 2013-___, __-__-2013)

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

A. "A" Terms:

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 lattice-like 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.

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.

B. "B" Terms:

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

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 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.

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.

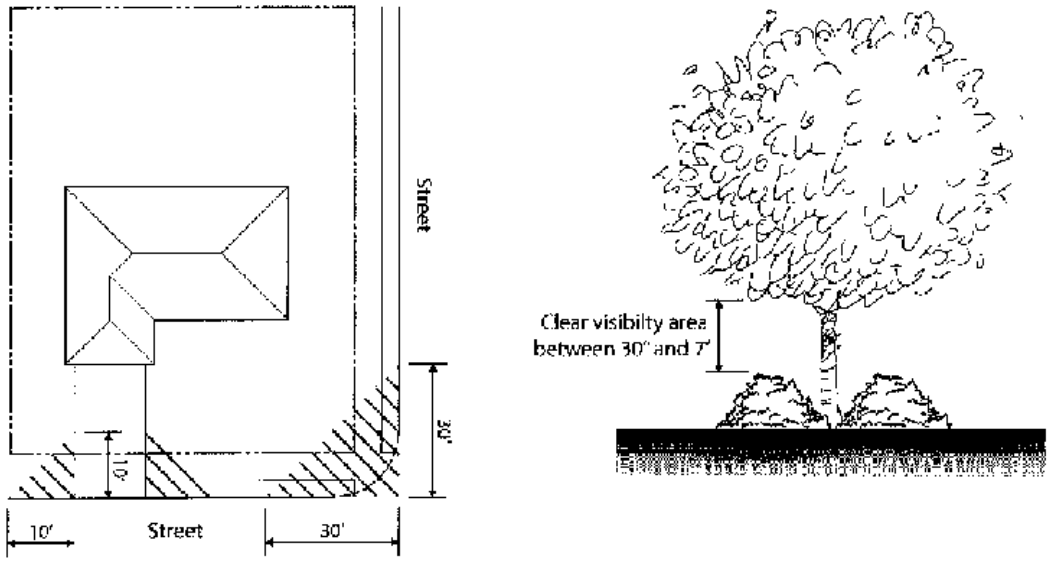
CITY PROPERTY: Land or other property in which the city of Lemoore holds a present right of possession and control, plus all public rights of way, plus public parks, regardless of ownership. Schools, even if publicly owned or operated, are not within this definition.

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



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.

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.

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:

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

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.

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.

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.

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.

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.

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.

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:

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

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 (l) 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.

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

K. "K" Terms:

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.

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

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.

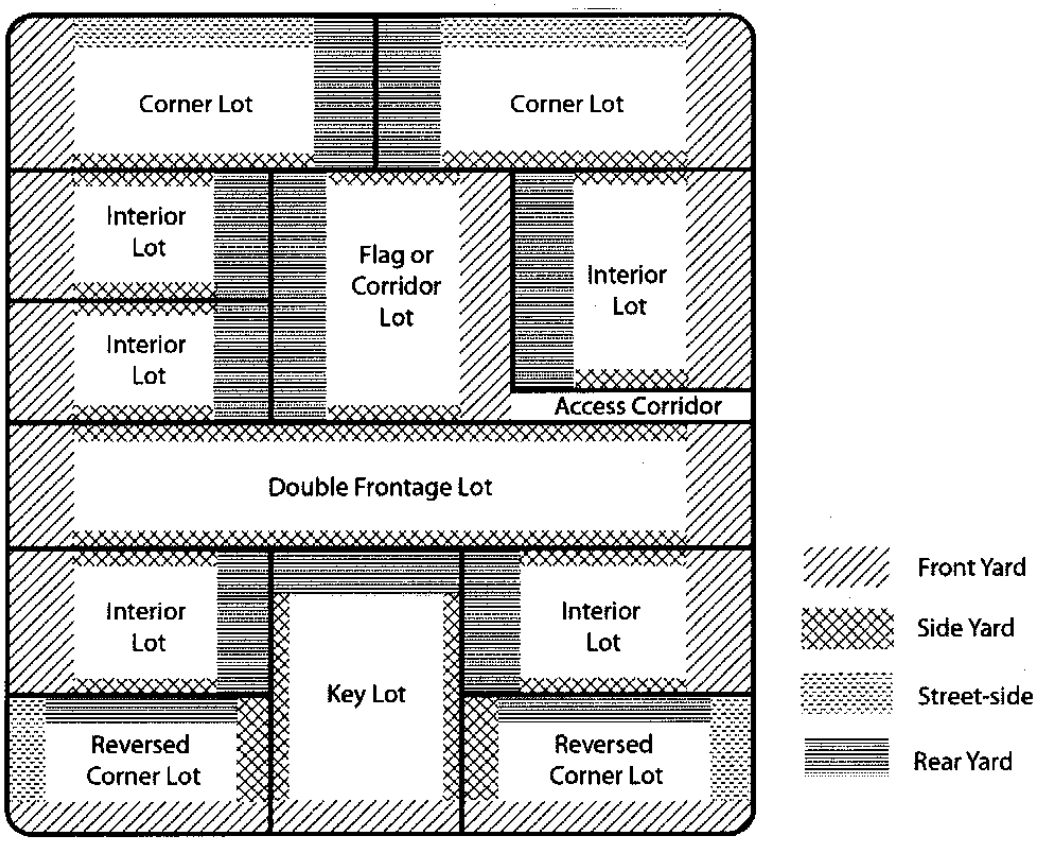
Lot, Interior: A lot other than a corner lot or reverse corner lot.

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

Lot, Loop Out: 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, 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.

FIGURE 9-12-2-4
LOT TYPES



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).

FIGURE 9-12-2-5
FLAG LOT

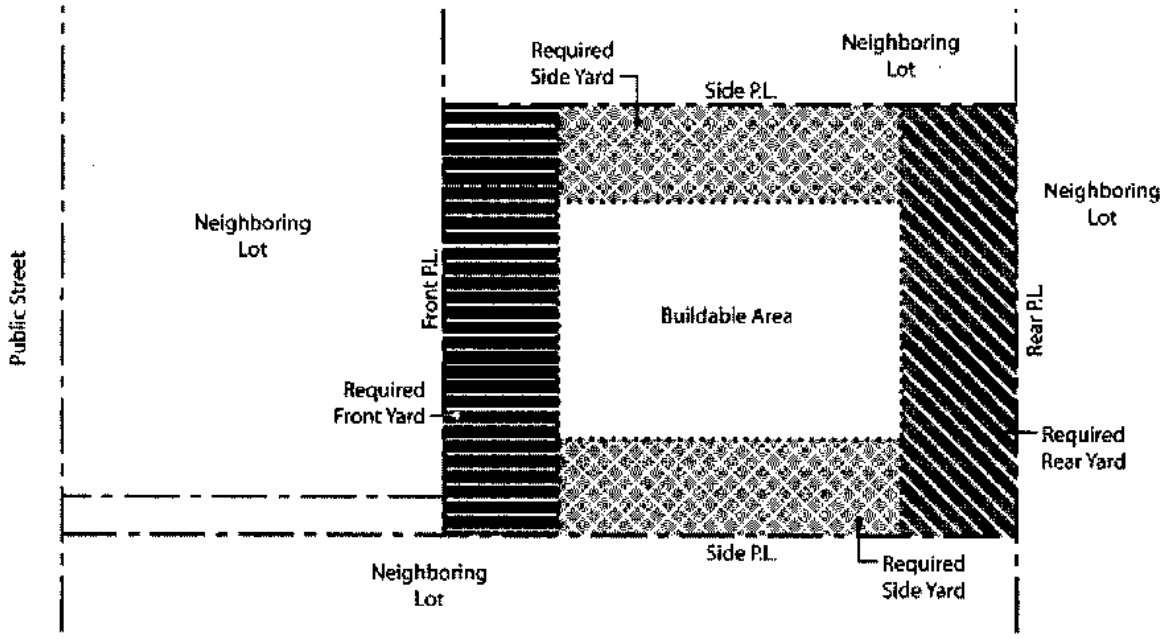
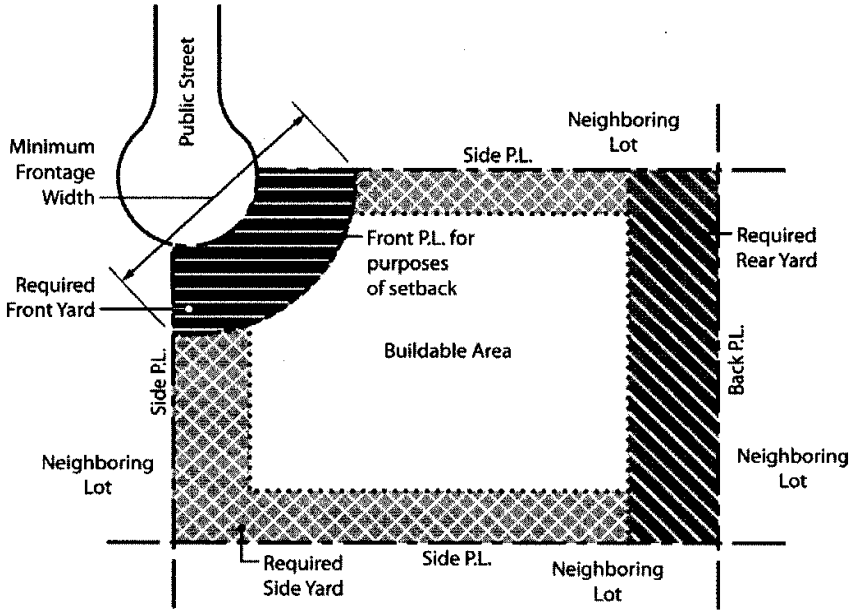


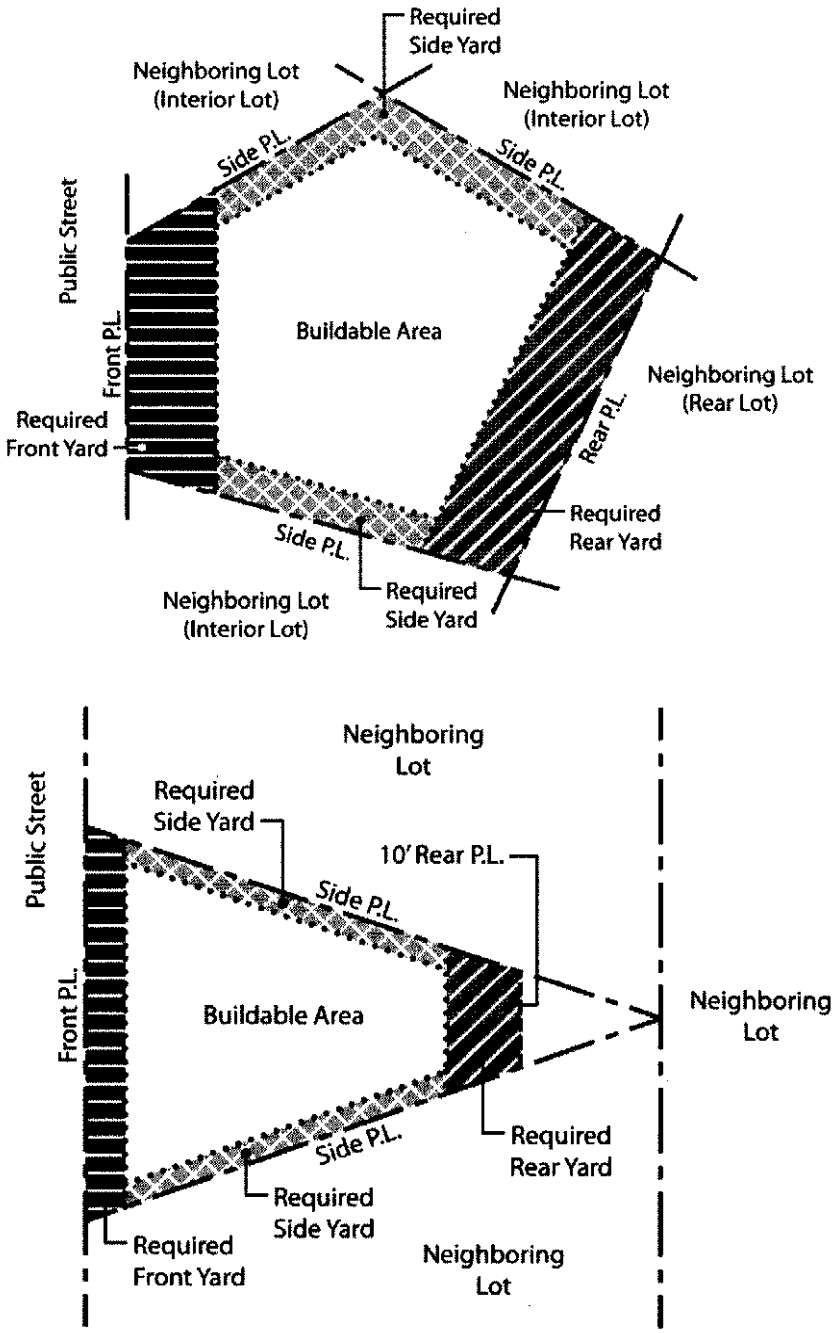
FIGURE 9-12-2-6
CUL-DE-SAC, ELBOW, AND SIMILAR LOTS



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



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:

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.

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.

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.

N. "N" Terms:

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.

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.

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.

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.).

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.

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.

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 project[1] or in a planned development[2] 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:

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.

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.

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

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.

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.

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 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.

TREE PERMIT FOR TREES ON PRIVATE PROPERTY: A permit issued by the city authorizing the removal, relocation, or topping of those protected 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.

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

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

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.

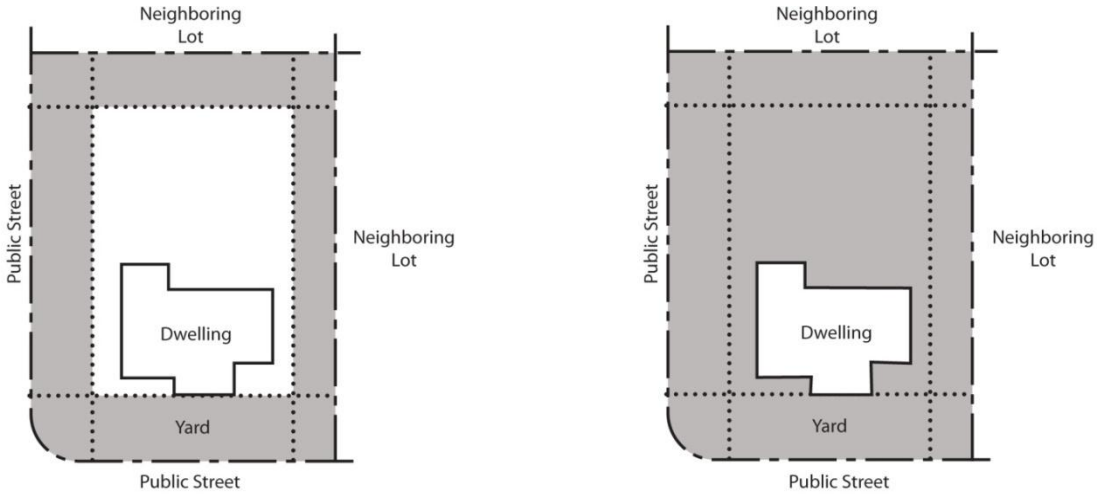
Yard, Side: Side yard shall mean a yard, between a building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the closest building.

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



Required Yard Area measured from yard setback vs. Actual Yard Area measured from structures

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. 2013-___, __-__-2013)

CHAPTER 1:

ZONING PURPOSE AND ADMINISTRATION

9-1-1: PURPOSE AND AUTHORITY:
9-1-2: ZONING ADMINISTRATION:
9-1-3: INTERPRETATION:
9-1-4: ENFORCEMENT, LEGAL PROCEDURES, AND PENALTIES:

9-1-1: PURPOSE AND AUTHORITY:

A. Title: This title shall be known as the LEMOORE ZONING CODE, hereafter referred to as the zoning code.

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

1. Supports the general plan's goals, policies, and land use framework through:

a. Compact urban form as depicted on the general plan land use diagram;

b. Promotion of small town character;

c. Accommodation of economic development and jobs through adequately zoned properties;

d. Integration of neighborhoods and neighborhood centers;

e. Enhancement of community character and aesthetics;

f. Promotion of an interconnected network of open space and parks;

g. Support for a complete roadway system;

h. Promotion of a range of commercial and retail opportunities; and

i. Support for adequate, flexible school sites.

2. Creates a comprehensive and stable pattern of land uses to help ensure the provision of adequate water, sewage, transportation, drainage, parks, open space, and other public facilities and services.

3. Protects and promotes appropriately located commercial and industrial activities in order to preserve and strengthen the city's economic base.

4. Fosters a wholesome, serviceable, and attractive living environment, the beneficial development of areas that exhibit conflicting patterns of use, and the stability of existing land uses that conform to objectives, policies, principles, and standards of the general plan.

5. Provides a guide for the prezoning of properties within the sphere of influence in conjunction with the potential annexation proceedings, as provided by law.

6. Conserves and protects the city's natural resources and features such as canals, significant trees, and historic and environmental resources in accordance with the policies of the general plan.

7. Requires that permitted uses and development provide reasonable protection from fire, flood, landslide, erosion, or other manmade or natural hazards.

8. Ensures compatibility between residential and nonresidential development and land uses.

C. Authority: This title is enacted based on the authority vested to the city of Lemoore by the state of California, including, but not limited to, article XI, section 7 of the state constitution; the planning and zoning law[1]; and the California environmental quality act[2].

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

1. Relationship to Prior Code: The provisions of this title, as it existed prior to the effective date of the ordinance enacting this title, are repealed and superseded as provided in Ordinance 2013-___. No provision of this title shall validate or legalize any land use or structure established, constructed, or maintained in violation of the title as it existed prior to its repeal by Ordinance 2013-___.

2. Prior Rights and Violations: The enactment of this title shall not terminate or otherwise affect vested land use development permits, approvals, or agreements authorized under the provisions of any ordinance, nor shall violation of prior ordinance be excused by the adoption of this title.

3. New or Altered Land Uses or Structures: Compliance with this title is required to lawfully establish, construct, reconstruct, alter, or replace any use of land or structure.

4. Land Use Permits (Entitlements): Land use permits are required when a "development" as defined by this title is proposed. No person shall initiate a development requiring a land use permit, and the city shall not issue any other permit related to the development, until a land use permit has been approved and the appeals period has expired.

5. Existing Uses and Structures: An existing land use or structure is lawful only when it was legally established and is operated and maintained in compliance with all applicable provisions of this code. A land use or structure that was lawfully established before this title was enacted, or before enactment of any applicable amendment to this title, may continue except as provided in chapter 2, article C, "Nonconforming Uses, Structures, and Properties", of this title. No expansion or modification to a preexisting legal nonconforming use or structure shall be permitted except as allowed by chapter 2, article C, "Nonconforming Uses, Structures, and Properties", of this title.

6. Minimum Requirements: The provisions of this title shall be the minimum to ensure the public health, safety, and welfare. For discretionary actions, city officials or bodies have the ability to impose more stringent requirements than set forth in this title as may be necessary to promote orderly land use development.

7. Effect of Zoning Code Changes on Projects in Process: The enactment of this title or amendments to its requirements may have the effect of imposing different standards on new land uses, development, and/or structures than those that applied to existing land uses, development, and/or structures. Following the effective date of this title, or any amendments to this title, the following provisions shall apply:

   a. Pending Applications: All land use permit applications that are active and that have been determined by the planning department to be complete before the effective date of this title or any amendment, will be processed according to the regulations in effect when the application was accepted as complete.

   b. Approved Projects Not Yet Under Construction: Any structure authorized by a conditional use permit, site plan and architectural review, temporary use permit, or variance, for which construction has not begun as of the effective date of this title or any amendment, may still be constructed in compliance with the approved permit, as long as construction is completed and the approved land use is established before the expiration of the permit or, where applicable, before the expiration of any approved time extension.

   c. Projects Under Construction: A structure that is under construction pursuant to a valid building permit on the effective date of this title or any amendment, may be completed and need not be changed to satisfy any new or different requirements of this title as long as construction is beyond the approval of the first inspection on the effective date of this title or any amendment, and provided that construction is diligently pursued to completion. Such a structure shall be deemed to be a lawfully existing building.

8. Conflicting Requirements: Wherever conflict occurs between the provisions of this title and any other provision of law, the more restrictive of any such provisions shall apply.

   a. Municipal Code Provisions: If conflicts occur between requirements of this title and other portions of the municipal code, or between this title and other plans and policies adopted by the city, the most restrictive shall apply.

   b. General Plan: If conflict occurs between the requirements of this title and the adopted city general plan, the requirements of the general plan shall govern.

c. Specific Plan: If conflict occurs between the requirements of this title and any adopted specific plan, the requirements of the specific plan shall govern.

d. Development Agreements: If conflicts occur between the requirements of this title and standards adopted as part of any development agreement, the requirements of the development agreement shall govern.

e. Private Agreements: This title applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs) without affecting the applicability of any agreement or restriction. The city shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

9. Other Requirements/Permits: Nothing in this title eliminates the need for obtaining any other permits required by the city, or any permit, approval, or entitlement required by the regulations of any regional, state, or federal agency.

10. Public Nuisance: Neither the provisions of this title nor any permit or other approval authorized by this title shall authorize the maintenance of any public nuisance as defined in the municipal code.

11. Code Violations: No development shall be permitted and no permits shall be issued for the division, improvement, or use of land that has been divided or otherwise developed in violation of this title.

12. Severability: If any portion of this title is for any reason held by a court of competent jurisdiction to be invalid, unconstitutional, or unenforceable, such decision shall not affect the validity of the remaining portions of this title. The city council hereby declares that this title and each chapter, article, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof is adopted, irrespective of the fact that one or more portions of this title may be declared invalid, unconstitutional, or unenforceable. (Ord. 2013-___, __-__-2013)

9-1-2: ZONING ADMINISTRATION:

A. Purpose: The purpose of this section is to establish administrative responsibilities and to describe which review body (e.g., planning director, planning commission, or city council) makes recommendations or final decisions on various types of land use permit applications.

B. Planning Agency: California Government Code section 65100 requires each jurisdiction to establish a planning agency to carry out the land use and planning functions of the jurisdiction. The functions of the planning agency, as designated by this title, may be carried out by the following bodies. In the absence of an assignment, the city council shall retain responsibility and authority as the legislative body of the city.

1. Planning Director: The planning director, or designee, shall have the responsibility and authority to administer and enforce this title as follows:

a. Maintain this title, the zoning map, and all record of zoning actions and interpretations;

b. Advise the city council, city manager, and planning commission on planning matters;

c. Pursuant to section 65900 of the Government Code, serve as the administrative zoning body and decide land use entitlements as provided in chapter 2, "Procedures and Entitlements", of this title;

d. Provide staff at meetings and provide administrative services for the planning commission;

e. Direct or prepare planning related policy amendments and special studies as necessary;

f. Conduct administrative functions authorized by this title, including, but not limited to, distribution and receipt of entitlement applications and corresponding fees, application review and public noticing, determination and issuance of administrative entitlements and approvals;

g. Prepare staff reports with recommendations, proposed findings, and proposed conditions for actions for the planning commission, city council, and other designated review bodies;

h. Provide information to the public and facilitate public participation on planning matters;

i. Exercise such other powers and duties as are prescribed by state law, local ordinance, or as directed by the city manager.

2. City Manager: The city manager shall oversee the work of the planning director and shall exercise such other powers and duties as are prescribed by state law or local ordinance, or as directed by the city council.

3. Planning Commission: Pursuant to section 65101 of the Government Code, and as provided in title 2, chapter 1, "Planning Commission", of this code, there is established a planning commission for the city. The planning commission shall have the following land use responsibilities:

a. Hear and decide applications for entitlements as provided in chapter 2, "Procedures and Entitlements", of this title, including, but not limited to, conditional use permit, major site plan and architectural review, variance, and highway oriented sign permit;

b. Initiate studies of amendments to this title and make recommendations to the city council for amendments as provided in chapter 2, "Procedures and Entitlements", of this title and in section 65853 of the Government Code;

c. Hear and make recommendations to the city council on applications for zoning amendments, the general plan and amendments thereto, specific plans, prezoning, and other related planning studies;

d. Exercise such other powers and duties as are prescribed by state law, local ordinance, or as directed by the city council.

4. City Council: The city council is the legislative body of the city and shall have the following land use responsibilities:

a. Hear and decide appeals of the decisions of the planning director and the planning commission;

b. Hear and decide applications for entitlements as listed in chapter 2, "Procedures and Entitlements", of this title, including, but not limited to, planned unit development, specific plan, development agreement, zoning amendment (including rezoning), prezoning, and general plan amendment. In the event that applications for other land use permits are requested in conjunction with these entitlements, the city council shall also be the final decision making body for all related land use entitlements;

c. Direct planning related policy amendments and special studies as necessary or desired; and

d. Exercise such other powers and duties as are prescribed by state law or local ordinance. (Ord. 2013-___, __-__-2013)

9-1-3: INTERPRETATION:

A. Purpose: The zoning administrator has the authority to interpret the zoning code on a regular basis. Certain interpretation may be elevated when necessary to the planning commission to make formal interpretations that may have a significant impact on the community at large. This section provides the framework for interpretations and clarifies the use of some basic terms.

B. Rules of Interpretation: The planning director shall have the authority and responsibility to interpret terms, provisions, and requirements of this title according to the following:

1. Terminology: The following rules apply to all provisions of this title:

a. Language: The words "shall", "will", "is to", and "are to" and similar words and phrases are always mandatory. "Should" is not mandatory but is strongly recommended and "may" is permissive.

b. Tense and Number: The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural, and plural numbers include the singular unless the natural construction of the word indicates otherwise.

c. Conjunctions: "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including, but not limited to".

2. Number of Days: Whenever a number of days is specified in this code, or in any entitlement, condition of approval, or notice issued or given as provided in this code, the

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~~ may 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. 2013-___, __-__-2013)

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.

3. Any action taken by an official or public employee of the city in conflict with the provisions of this zoning code shall be deemed void.

D. Addressing Violations: Any structure constructed or maintained contrary to the provisions of this title and any use of land or structure operated or maintained contrary to the provisions of this title are hereby declared to be a public nuisance.

1. Public Nuisance: Any structure or use which is altered, constructed, or established contrary to the provisions of this title or any applicable condition of approval imposed on a permit is unlawful and a public nuisance, and shall be subject to the remedies and penalties identified in this chapter, the municipal code, and other remedies available to the city.

2. Infractions: It is an infraction for any person to do any act forbidden or fail to perform any act required by this title. Penalties for infractions shall be in compliance with state law and title 1, chapter 4 of the Lemoore municipal code.

3. Stop Work Order: Any construction in violation of this title or any conditions imposed on a permit shall be subject to the issuance of a stop work order.

4. Remedies: Each day any violation of this title continues is a new and separate offense. Each violation of this title is considered a separate offense. Should a person be convicted for violation of this zoning code, whether as an infraction or a misdemeanor, pursuant to title 1, chapter 4 of the Lemoore municipal code or as otherwise provided by state law, the conviction shall not prevent the city from pursuing any other available remedy to correct the violation.

E. Inspections: City officials are authorized to perform inspections related to permit issuance, as follows:

1. Preapproval Inspections: Every applicant seeking a permit or any other action in compliance with this title shall allow the city officials handling the application access to any premises or property which is the subject of the application.

2. Postapproval Inspections: If the permit or other action in compliance with this title is approved, the owner or applicant shall allow city officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

F. Permit Revocation Or Modification: This subsection provides procedures for securing revocation or modification of previously approved land use permits or entitlements.

1. Revocations: The city's action to revoke an entitlement shall have the effect of terminating the entitlement and denying the privileges granted by the original approval.

2. Modifications: The city may choose to allow the modification of the operational characteristics instead of revoking an entitlement. These modifications may include operational aspects, including, but not limited to, buffers, duration of the entitlement, hours of operation, landscaping, lighting, parking, performance guarantees, property maintenance, signs, surfacing, and traffic circulation.

3. Hearings and Notice: The appropriate review authority shall hold a public hearing to revoke or modify an application, entitlement, or permit granted in compliance with the provisions of this title. A notice shall be delivered in writing to the applicant and/or owner of the property for which the permit was granted.

4. Review Authority Action and Findings: A land use entitlement or permit may be revoked or modified by the review authority which originally approved the entitlement if any of the following findings can be made:

a. Circumstances under which the entitlement or permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be met;

b. The entitlement or permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the entitlement or permit;

c. One or more of the conditions of the permit have not been substantially fulfilled or have been violated;

d. The use or structure for which the permit was granted has ceased to exist or has lost its legal nonconforming use status;

e. The improvement authorized in compliance with the permit is in violation of any code, law, ordinance, regulation, or statute; or

f. The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare, or the manner of operation constitutes or is creating a public nuisance.

G. Enforcement Action: This subsection describes the procedures for initiating enforcement action in cases where the planning director, or other city official, has determined that real property within the city is being used in violation of the provisions of this title.

1. Notice to Responsible Parties: The planning director shall provide the record owner of the subject site and any person in possession or control of the site with a written notice of violation, which shall include the following information:

a. A description of the violation and citations of applicable zoning code provisions being violated;

b. A time limit for correcting the violation;

c. A statement that the city intends to charge the property owner for all administrative costs associated with the abatement of the violation;

d. A statement that the property owner may request and be provided a meeting with the director or designee to discuss possible methods and time limits for the correction of the violations.

2. Time Limit for Correction: The notice of violation shall state that the violations shall be corrected within thirty (30) days from the date of the notice to avoid further enforcement action by the city. The thirty (30) day time limit may be extended by the city upon determining that the responsible party will likely correct the violations within a reasonable time period. The city may also require through the notice of violation that the correction occur within less than thirty (30) days if the violation constitutes a hazard to public health or safety.

3. Use of Other Enforcement Procedures: Failure to remedy the violation within the time limit for correction shall constitute a violation of this title and shall entitle the city to pursue criminal and civil remedies as provided by law and title 1, chapter 4 of the Lemoore municipal code.

H. Cost Recovery: The city has the authority to recover costs related to enforcement actions as follows:

1. Cost Recovery Where No Permit Is Required: The city shall be reimbursed for administrative costs, including, but not limited to, staff and city attorney time expended on the enforcement of the provisions of this title, in cases where no permit is required in order to correct a violation.

a. Record of Cost: The planning department shall maintain records of all administrative costs incurred by responsible city departments and associated with the processing of violations and enforcement of this title, and the city shall be entitled to recover costs from the property owner.

b. Notice: Upon investigation and a determination that a violation of any of the provisions of this zoning code is found to exist, the planning director or designee shall notify the record owner or any person having possession or control of the property by mail of the existence of the violation and the department's intent to charge the property owner for all administrative costs associated with enforcement.

c. Summary of Costs: At the conclusion of the case, the planning director shall send a summary of costs associated with enforcement to the owner and/or persons having possession or control of the property by certified and first class mail.

d. Actions That Require A Permit: Any person who alters or establishes any land use or structure without first obtaining any permit required by this title shall pay the additional permit processing fees as established by the city that result from this action.

2. Inspection Fee: An inspection fee as established by the city may be imposed on each person who receives a notice of violation, notice and order, or letter of correction of any provision of this title, adopted building code, or state law. The fee may be assessed for each inspection or reinspection conducted when the particular violation is not fully abated or corrected as directed. (Ord. 2013-___, __-__-2013)

CHAPTER 2:

PROCEDURES AND ENTITLEMENTS

ARTICLE A. GENERAL APPLICATION PROCESSING PROCEDURES

9-2A-1: PURPOSE:
9-2A-2: OVERVIEW OF PROCESSING PROCEDURES:
9-2A-3: CONSOLIDATED REVIEW:
9-2A-4: PREAPPLICATION CONFERENCE:
9-2A-5: APPLICATION REQUIREMENTS AND PROCESS:
9-2A-6: PUBLIC NOTICE, HEARINGS, AND DECISIONS:
9-2A-7: RECOMMENDING, APPROVAL, AND APPEAL AUTHORITY:
9-2A-8: APPEALS:
9-2A-9: PERMIT TIME LIMITS, EXTENSIONS, AND EXPIRATION:

9-2A-1: PURPOSE:

This article describes the general procedures that apply to land use entitlement applications. The implementation of these procedures is consistent with the requirements of the California Government Code, including chapter 2.7 (public hearings), chapter 3 article 6 (preparation, adoption, and amendment of the general plan), chapter 3 article 8 (specific plans), chapter 4 (zoning regulations), and chapter 4.5 (review and approval of development projects, also known as the permit streamlining act), and division 13 of the California Public Resources Code (the California environmental quality act). (Ord. 2013-___, __-__-2013)

9-2A-2: OVERVIEW OF PROCESSING PROCEDURES:

A. Overview of Process: The entitlement procedures provided in this article are described according to the various stages of the application review process.

B. Types of Planning Permits and Entitlements: Each planning permit or entitlement administered by the city is categorized as one of three (3) types. These types are listed below. Section 9-2A-7, table 9-2A-7-1, "Planning Permit and Entitlements and Review and Appeal Authority", of this article lists the various planning permits and entitlements in Lemoore, identifies the type of permit required, and lists the designated approving authority and appeal authority for each.

1. Administrative decisions are those that require limited or no interpretation or exercise of judgment in evaluating approval criteria because the decision is made according to specific criteria.

2. Quasi-judicial decisions typically involve some level of discretion or policy determination on the part of the approval authority and generally require findings to be made in order to approve planning permits or entitlements.

3. Legislative decisions must be made by the city council. Legislative land use decisions apply to the general population and prescribe policy and require the greatest amount of discretion and evaluation. (Ord. 2013-___, __-__-2013)

9-2A-3: CONSOLIDATED REVIEW:

A. Multiple Planning Permits and Entitlements: Where a proposal involves more than one planning permit or entitlement for the same property, the application shall be reviewed and approved, conditionally approved, or denied by the highest approving authority.

B. Planning Permit Or Entitlement and Subdivision Permit: When a planning application is accompanied concurrently with an application for a subdivision permit (e.g., lot line adjustment, tentative subdivision map, tentative parcel map, vesting tentative map) as provided in title 8, chapter 7, "Land Division", of the municipal code all of the applications shall be processed concurrently and final action shall be taken by the highest level designated approving authority for all such requested permits. (Ord. 2013-___, __-__-2013)

9-2A-4: PREAPPLICATION CONFERENCE:

Comment [s2]: Modify text to make this process optional.

A. ~~Requirement For~~Optional ~~-~~Preapplication Conference: A preapplication conference is not required but may be requested by the applicant prior to application submittal for quasi-judicial and legislative planning permits and entitlements. ~~Preapplication conferences are not required for administrative decisions made by the planning director.~~

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

~~C. Scheduling Of Preapplication Conference: To schedule a preapplication conference, the applicant shall submit a written request and corresponding materials as required on application forms provided by the planning department. The planning director shall schedule the preapplication conference with planning staff or with a project review team composed of department and/or agency representatives as appropriate.~~

~~D. Effect Of Conference: Neither the preapplication review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application or project by any city staff. Any failure by city staff to identify all required studies or all applicable requirements does not constitute a waiver of those requirements. (Ord. 2012-01, 4-17-2012)~~(Ord. 2013-___, __-__-2013)

9-2A-5: APPLICATION REQUIREMENTS AND PROCESS:

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

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

1. Any fee or deposit for services based on the entitlement(s) requested as adopted by resolution of the city council;

2. Plans, maps, and any other information deemed necessary by the city to provide the approving authority with adequate information to make informed decisions; and

3. Materials listed on the planning permit or entitlement application form related to the requested entitlement(s).

B. Determination of Application Completeness:

1. Application Completeness with Notification: Within thirty (30) days of application submittal, the planning director shall determine whether or not the application is complete and shall notify the applicant that either:

   a. All the submittal requirements have been satisfied and the application has been accepted as complete; or

   b. Specific information is still necessary to complete the application~~. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with city standards and requirements.~~

2. Application Completeness without Notification: If the written determination is not made within thirty (30) days after receipt, the application shall be deemed complete for purposes of this section.

3. Resubmittal: Upon receipt and resubmittal of any incomplete application, a new thirty (30) day period shall begin during which the planning director shall review materials and determine the completeness of the application.

4. Incomplete Application: If additional information or submittals are required and the application is not made complete within six (6) months of the completeness determination letter, the city shall have the discretion to deem the application as withdrawn. No further action will be taken on the application. Unexpended fees, as determined by the city, will be returned to the applicant. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans, exhibits, and other materials, must then be filed in compliance with this code.

5. Right to Appeal: The applicant may appeal the determination in accordance with section 9-2A-8, "Appeals", of this article and the permit streamlining act[1].

~~C. Ministerial Application: In order to expedite the determination of completeness for ministerial permits and administrative actions issued or decided by the planning director (e.g., zoning clearance), such applications shall be deemed complete within ten (10) working days unless~~

Comment [SB3]: Remove text. Planning Dept. should get a completed application before making written determinations about an application's compliance or noncompliance. The new information could change that determination.

~~the applicant is otherwise notified in writing within that time period of additional information necessary to complete the application.~~

~~D~~C. Environmental Assessment:

1. Completion of Environmental Review: The City of Lemoore shall be the lead agency for the review of projects under the California Environmental Quality Act (CEQA) that are required as a result of this title.

~~E~~D. Application Review, Report, Determination, and Conditions:

1. Review: The planning director, or designee, shall review all applications to determine compliance with provisions of this title and other applicable provisions (e.g., subdivision code, other sections of the municipal code, general plan).

2. Project Routing: The planning director shall route the project to other departments and outside agencies as appropriate prior to the preparation of a staff report.

3. Staff Report: When this code requires planning commission and/or city council action, the planning director shall provide a written recommendation to the approving authority to approve, deny, or approve with conditions the requested entitlement.

   a. Each staff report shall be furnished to the applicant and property owner when it is provided to the review authority prior to consideration of the entitlement request.

   b. The staff report may be amended as necessary at any time prior to the hearing to address issues or information not reasonably known at the time the report is due.

4. Determination: The designated approving authority shall notice and hold a public hearing (if required) and take action to approve, deny, or conditionally approve the land use permit or entitlement.

5. Conditions of Approval: The approving authority shall have the authority to impose reasonable conditions of approval to ensure that all applicable criteria are, or can be, met. Failure to comply with any condition of approval shall be grounds for revocation of the planning permit(s) or entitlement(s) and grounds for instituting code enforcement proceedings.

~~F~~E. Withdrawal of Application: ~~The following procedure allows for the withdrawal of applications~~:

1. Request: ~~The planning director~~An applicant or property owner may withdraw any application at the request of the applicant, prior to the final written decision on the entitlement.

~~2. Incomplete Applications: See subsection B4, "Incomplete Application", of this section.~~

~~3~~2. Fees Refunded: Fees for withdrawn applications shall be refunded, less the actual costs incurred by the city in processing the application through the date of withdrawal.

Comment [SB4]: Remove text. The question of completeness or incompleteness should not apply to ministerial actions.

Comment [SB5]: Revise the text so that the authority to withdraw a application (or place it on hold) remains with the applicant, not the planning director.

~~G~~F. Modification:

1. Any person holding a permit granted under this code may request a modification or amendment to that permit. For the purpose of this section, the modification of a permit may include modification of the terms of the permit itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit.

2. If the city determines that a proposed project action is not in substantial conformance with the original approval, the applicant shall be notified of the requirement to submit a permit modification application for consideration and action by the same approving authority as the original permit.

3. A permit modification may be granted only when the approving authority makes all findings required for the original approval and the additional finding that there are changed circumstances sufficient to justify the modification of the approval. (Ord. 2013-___, __-__-2013)

9-2A-6: PUBLIC NOTICE, HEARINGS, AND DECISIONS:

A. Notice of Hearing: When this title requires a public hearing before either the planning commission or city council, notice shall be provided pursuant to Sections 65090 through 65096 of the California Government Code.

B. Requests for Notification: Any person who requests to be on a mailing list for notice of hearing shall submit such request in writing to the city clerk. The city may impose a reasonable fee for the purpose of recovering the cost of such notification.

C. Receipt of Notice: Failure of any person or entity to receive any properly issued notice required by law for any hearing required by this code shall not constitute grounds for any court to invalidate the actions of a designated approving authority for which the notice was given.

D. Hearing Procedure: Hearings as provided for in this article shall be held at the date, time, and place for which notice has been given as required. The approving authority shall conduct the public hearing and hear testimony from interested persons. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued to a date certain. If the hearing is not continued to a specific date/time, then the hearing shall be renoticed.

E. Action/Determination Procedures:

1. Recommendation: Where the planning commission makes a recommendation to the city council, the recommendation shall be recorded in a resolution of the recommending body. The recommendation shall include all required findings for final action.

2. Decision: The approving authority shall declare and document their decision by either resolution or ordinance.

3. Notice of Decision: After final action has been taken by the approving authority, notice of the decision shall be mailed to the applicant and to the property owner, as applicable.

4. Effective Date: A decision of the approving authority is final and effective on the eleventh day following the decision unless an appeal is filed. (Ord. 2013-___, __-__-2013)

9-2A-7: RECOMMENDING, APPROVAL, AND APPEAL AUTHORITY:

A. Authorities: Table 9-2A-7-1, "Planning Permit and Entitlements and Review and Appeal Authority", of this section summarizes the recommending, approving, and appeal authorities for the various planning permits and entitlements listed in article B, "Planning Permits and Entitlements", of this chapter. It also identifies the type of permit or entitlement as described in subsection 9-2A-2B, "Types of Planning Permits and Entitlements", of this article.

The terms in the table have the following meaning:

1. Notice/Hearing Requirement:

a. "None" indicates that no hearing or notice is required.

~~b. "Public hearing only if requested" indicates that a public hearing for a permit for a major home occupation may be requested by the public as described in section 9-2B-9, "Home Occupation Permit", of this chapter.~~

~~c~~b. "Public hearing" indicates that a hearing and public hearing notice as described in subsection 9-2A-6A, "Notice of Hearing for Quasi-Judicial and Legislative Permits and Entitlements", of this article is required.

Comment [SB6]: Remove this option.

2. Authority:

a. "Recommending" means that the identified authority makes a recommendation on the application to another body.

b. "Final" means that the identified authority is the designated approving authority for the application.

c. "Appeal" means that 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 article.

~~B. Elevation:~~

~~1. Elevation To Planning Commission: At any point in the application review process, the planning director may elevate (transfer) decision making authority for any permit or entitlement within the director's jurisdiction to the planning commission because of policy implications, unique or unusual circumstances, or the magnitude of the project. The planning director may only do so when at least one of the following are true:~~

~~a. Approval of the project would require the application of conditions of approval in order to ensure consistency with this title, the general plan, or to otherwise protect the public health, safety, and general welfare.~~

Comment [s7]: Remove procedures to elevate a ministerial permit to Planning Commission. Projects will remain either ministerial and approved at staff level or will be discretionary and approved at planning commission or council.

~~b. A significant number of individuals have contacted the city, either through written correspondence or documented phone calls, and identified concerns with the project. For purposes of this section, a "significant number of individuals" shall mean more than one-half of one percent (0.5%) of the population of the city.~~

~~c. Pursuant to section 15300.2 of the state CEQA guidelines, the project does not qualify for a categorical exemption from CEQA and there are no applicable statutory exemptions or other prior environmental review(s) that satisfy the requirement for review of the project under CEQA.~~

~~2. Public Hearing: An elevated application shall be considered at a noticed public hearing.~~

~~3. Elevation Is Not An Appeal: An elevation to another decision maker is not an appeal and requires no appeal application or fee.~~

~~4. Subsequent Applications: The approval authority of an elevated application shall consider subsequent amendments, time extensions, or revocations of the referred application.~~

TABLE 9-2A-7-1
PLANNING PERMIT AND ENTITLEMENTS AND
REVIEW AND APPEAL AUTHORITY[1]

Planning Permit Or Entitlement	Notice/Hearing Requirement	Authority		
		Planning Director	Planning Commission	City Council
Administrative permits:				
Zoning clearance (e.g., building permit, signs, business license)	None	Final	-	Appeal
Temporary use permit	None	Final	-	Appeal
Tree permit for trees on private property	None	Final	-	Appeal
Reasonable accommodation	None	Final	-	Appeal
Similar use determination	None	Final	-	Appeal
Official zoning interpretation	None	Final	-	Appeal
Minor home occupation permit	None	Final	-	Appeal
Highway oriented sign	None	Final	-	Appeal

Comment [s8]: Make Highway Oriented signs and ministerial action to be approved by Planning Director.

Planning Permit Or Entitlement	Notice/Hearing Requirement	Authority		
		Planning Director	Planning Commission	City Council
permit				
~~Major home occupation permit~~	~~Public hearing only if requested~~	~~Final~~	~~-~~	~~Appeal~~
Administrative use permit	None	Final	-	Appeal
Minor deviation	None	Final	-	Appeal
Minor site plan and architectural review	None	Final	-	Appeal
Sign program	None	Final	-	Appeal
Quasi-judicial permits and entitlements:				
Conditional use permit	Public hearing	Recommending	Final	Appeal[2]
Major home occupation permit	Public hearing	Recommending	Final	Appeal
Major site plan and architectural review	Public hearing	Recommending	Final	Appeal[2]
Variance	Public hearing	Recommending	Final	Appeal[2]
Public convenience or necessity	Public hearing	Recommending	Final	Appeal[2]
~~Highway oriented sign permit~~	~~Public hearing~~	~~Recommending~~	~~Final~~	~~Appeal[2]~~
Legislative approvals:				
Planned unit development	Public hearing[3]	Recommending	Recommending	Final
Specific plan	Public hearing[3]	Recommending	Recommending	Final
Development agreement	Public hearing[3]	Recommending	Recommending	Final
Zoning amendment	Public hearing[3]	Recommending	Recommending	Final
Prezoning	Public hearing[3]	Recommending	Recommending	Final
General plan amendment	Public hearing[3]	Recommending	Recommending	Final

Comment [SB9]: Moved major home occupation to Quasi-judicial permits. It will be treated like a CUP.

Notes:
1. Also see title 8, chapter 7, "Land Division", of the municipal code for subdivision permits.
2. The appeal for this permit requires a noticed public hearing.
3. A noticed public hearing shall be held for both the planning commission and city council review.

(Ord. 2013-___, __-__-2013)

9-2A-8: APPEALS:

This section establishes procedures for the appeal of planning permits and entitlements. Planning permits and entitlements that are eligible for appeal and the corresponding appeal authority are listed in section 9-2A-7, table 9-2A-7-1, "Planning Permit and Entitlements and Review and Appeal Authority", of this article.

A. Standing to File an Appeal: An appeal may be filed by any of the following persons:

1. Any person affected by a determination where an appeal is available as indicated in section 9-2A-7, table 9-2A-7-1 of this article, including the applicant; or

2. Any person who, in person or through a representative, presented testimony at a public hearing in connection with the decision being appealed, or who otherwise informed the city in writing of the nature of their concerns prior to the hearing.

B. Timing and Form of Appeal: Appeals shall be filed with the planning department within ten (10) calendar days following the final date of the determination being appealed. All appeals shall be submitted in writing, together with the name, address, phone number, and signature of the appellant, and the required filing fee. The written appeal shall specifically state the pertinent facts of the case and the basis for the appeal.

C. Multiple Actions: In the event an appeal is filed regarding a decision on one of multiple planning permits or entitlements granted concurrently for a single project, all concurrently granted planning permits or entitlements for the project shall be automatically appealed and shall be considered and acted upon together in compliance with this section.

D. Processing:

1. Scheduling and Notice of Hearing: After an appeal has been received, the matter shall be scheduled for the next available regular meeting according to the procedure for public notice and hearing listed in section 9-2A-6, "Public Notice, Hearings, and Decisions", of this article~~.~~, unless the planning director, the applicant, and the appellant agree on an alternative meeting date.

Comment [s10]: Revise to provide for more flexibility while at the same time not unduly delaying the process.

2. Report: After the hearing has been scheduled, the planning director shall prepare a report on the matter and forward the report to the appropriate appeal authority.

3. Consolidation of Multiple Appeals: If more than one party files an appeal on a land use action, the appeals shall be consolidated and noticed and heard as one proceeding.

4. Withdrawal of An Appeal: An appeal may be withdrawn by an appellant at any time prior to the rendering of a final decision. The appeal proceedings shall terminate as of the date the withdrawal request is received by the city.

5. Appeal Hearing and Review: ~~Each appeal shall be considered a de novo (new).~~ The appeal authority shall review the matter in full as though it were being reviewed and decided for the first time, while also taking into consideration that findings of the original decision.

Comment [SB11]: Revise wording. Current wording appears to say that the appeal authority (usually the Council) is not required to take the Planning Commission's deliberations or decision into account in its own deliberations.

6. Decision: After a public hearing, the appeal authority may:

a. Approve, modify, or disapprove the planning permit or entitlement, either in whole or in part, based on the record and the evidence received at the hearing;

b. Adopt additional conditions of approval deemed reasonable and necessary; or

c. Disapprove the planning permit or entitlement approved by the approving authority, even if the request was to modify the project or to modify or eliminate one or more of the conditions of approval.

d. When the appeal authority is the city council, the appeal authority may, in its sole discretion, refund any appeal fees or deposit paid by the appellant if such a request is made by the appellant.

E. Rights: Pending a decision on an appeal, all rights emanating from the planning permit or entitlement, including licenses, building permits, or other city action, that is the subject of the appeal and all relevant time periods shall be suspended. (Ord. 2013-___, __-__-2013)

9-2A-9: PERMIT TIME LIMITS, EXTENSIONS, AND EXPIRATION:

Comment [s12]: Edit to clarify time limts and extension requirements.

A. Exercising Permits:

1. The exercise of a permit occurs when the applicant or property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon such permit(s). A permit may be otherwise exercised pursuant to a condition of the permit or corresponding legal agreement that specifies that other substantial efforts or expenditures constitutes exercise of the permit. ~~Unless otherwise provided, permits that have not been exercised prior to a zoning amendment, which would make the permitted use or structure nonconforming, shall automatically be deemed invalid on the effective date of the zoning amendment.~~

~~Once a permit or entitlement has been exercised, the permit or entitlement shall run with the land.~~

~~1.~~2. Any deviations from the approvals shall require an amendment to the prior approvals or approval of a new permit or entitlement(s) as determined by the city

B. ~~The following time parameters apply to planning permits and entitlements:~~
~~A.~~ Time Limits to Exercise Permit:

1. Unless a condition of approval ~~or other provision of this title~~ establishes a different time limit, any administrative or quasi-judicial planning permit or entitlement not exercised ~~(as described in subsection B, "Exercising Permits", of this section)~~ within two (2) years of approval shall expire and become void, except where an extension of time is approved in compliance with subsection C, "Permit Extensions", of this section. ~~Once exercised, a permit runs with the land unless otherwise provided in this section~~

2. Permits or entitlements that are approved together with a subdivision or parcel map in accordance with the Subdivision Ordinance shall expire and become void at the same time as the subdivision or parcel map expires.~~.~~

C. Permit Extensions:

1. The same approving authority that took final action in granting the original permit may ~~The approval of an extension~~ extend~~s~~ the expiration date for two (2) years from the original permit date~~. After this initial permit extension, a final one year extension of time (for a maximum period of 3 years) may be granted pursuant to the same process as set forth in this section.~~.

~~1~~2. The applicant or property owner may file a request for extension prior to the expiration date of the permit, along with appropriate fees and application submittal materials. The filing of an application for an extension shall stay the expiration, but no subsequent permits (e.g., building permit) shall be issued during the stay period.

3. ~~Process:~~ The same approving authority that took final action in granting the original permit shall consider extending the period within which the exercise of a permit must occur. Notice and public hearing shall be provided in the same manner as for the original permit. ~~An application for extension shall be filed not less than thirty (30) days prior to the expiration date of the permit, along with appropriate fees and application submittal materials. The city may waive this requirement if deemed necessary due to unique circumstances.~~

4. An extension may be granted only when the designated approving authority finds that the original permit findings can be made and there are circumstances that warrant such extension.

~~2~~5. ~~Conditions:~~ The permit, as extended, may be conditioned to comply with any development standards that may have been enacted since the permit was initially approved.

~~3. Permit Extension Findings: The extension may be granted only when the designated approving authority finds that the original permit findings can be made and there are changed circumstances or there has been diligent pursuit to exercise the permit that warrants such extension.~~

D. Expiration: ~~Permits and entitlements shall expire as follows:~~

1. Permits That Have Not Been Exercised: If a permit or entitlement has not been exercised and the time limits are reached with no extension requested, or a requested extension is denied or expires, then the permit or entitlement shall expires.

2. Permits That Have Been Exercised: Generally, Iif a use authorized by a permit or entitlement that has been exercised within the allowed time limit is discontinued or abandoned for a continuous period of twelve (12) months, then the permit or entitlement shall expire., the permit shall run with the land and the corresponding use or structure authorized by the permit may continue to operate in perpetuity. Excluded from this shall be uses that require the issuance of a use permit as required by chapter 4, "Use Regulations", of this title and that are subsequently abandoned or discontinued. In those cases, the requirements of article C, "Nonconforming Uses, Structures, And Properties", of this chapter shall apply.

E. Revocation:

1. Revocation of a previously approved planning permit or entitlement shall may be considered in the event an applicant, or the applicant's successor in interest, fails to comply with any of the conditions of entitlement approval.

2. In this case Tthe city council or , planning commission , or planning director may institute revocation proceedings.

if it is determined there is substantial likelihood that any of the following situations exist:

a. One or more conditions of approval have not been implemented or have been violated; or

b. The activities, or the use itself, are substantially different from what was approved.

23. RUnless otherwise provided in this code, revocation of a previously approved entitlement shall be considered and decided by the city council.

4. A The planning director or any private complaining party shall have the burden to prove, based on substantial evidence in the whole record, that the applicant or the applicant's successorpermit or entitlement shall only be revoked upon findings that:

a. One or more conditions of approval have not been implemented;

b. One or more conditions of approval have been violated; or

c. The activities, or the use itself, are substantially different from what was approved.

has violated the city's approval.

F. Permit To Run with Land, Transfer of Approval Rights:

1. Unless stated otherwise in the city's entitlement decision, any approval granted under this title runs with the land and is transferred with ownership of that land. Any conditions, time limits, or other restrictions imposed with a planning permit or entitlement approval

shall bind all subsequent owners of the property for which the entitlement was granted. (Ord. 2013-___, __-__-2013)

CHAPTER 2:

PROCEDURES AND ENTITLEMENTS

ARTICLE B. PLANNING PERMITS AND ENTITLEMENTS

9-2B-1: PURPOSE AND APPLICABILITY:
9-2B-2: APPLICATION PROCESSING PROCEDURE:
9-2B-3: ZONING CLEARANCE:
9-2B-4: TEMPORARY USE PERMIT:
9-2B-5: TREE PERMIT FOR TREES ON PRIVATE PROPERTY:
9-2B-6: REASONABLE ACCOMMODATION:
9-2B-7: SIMILAR USE DETERMINATION:
9-2B-8: OFFICIAL ZONING INTERPRETATION:
9-2B-9: HOME OCCUPATION PERMIT:
9-2B-10: ADMINISTRATIVE USE PERMIT:
9-2B-11: MINOR DEVIATION:
9-2B-12: MINOR SITE PLAN AND ARCHITECTURAL REVIEW:
9-2B-13: SIGN PROGRAM:
9-2B-14: CONDITIONAL USE PERMIT:
9-2B-15: MAJOR SITE PLAN AND ARCHITECTURAL REVIEW:
9-2B-16: VARIANCE:
9-2B-17: PUBLIC CONVENIENCE OR NECESSITY:
9-2B-18: HIGHWAY ORIENTED SIGN PERMIT:
9-2B-19: PLANNED UNIT DEVELOPMENT:
9-2B-20: SPECIFIC PLAN:
9-2B-21: DEVELOPMENT AGREEMENT:
9-2B-22: ZONING AMENDMENT:
9-2B-23: PREZONING:
9-2B-24: GENERAL PLAN AMENDMENT:

9-2B-1: PURPOSE AND APPLICABILITY:

The purpose of this article is to establish procedures for administering all planning related permits and entitlements required and regulated by the city.

Each permit and entitlement type is described in this article in terms of purpose and applicability, approving authority, and processing provisions. Exemptions to permit requirements are listed throughout. General processing procedures are established in article A, "General Application Processing Procedures", of this chapter. (Ord. 2013-___, __-__-2013)

9-2B-2: APPLICATION PROCESSING PROCEDURE:

The procedure for processing each planning permit and entitlement listed in this article shall be

as provided in article A, "General Application Processing Procedures", of this chapter, unless otherwise specified herein.(Ord. 2013-___, __-__-2013)

9-2B-3: ZONING CLEARANCE:

A. Purpose: The purpose of the zoning clearance process is to ensure that all new and modified uses and structures comply with applicable provisions of this title~~,~~ using administrative procedures.

B. Applicability: Zoning clearance is required for the following actions:

1. All structures that require a building permit (e.g., new structures greater than 120 square feet) except permits for interior work only;

2. Signs;

3. Business licenses; and

~~4. All planning entitlement and permit approvals to ensure compliance with applicable conditions of approval; and~~

~~5~~4. Other city applications that may be subject to the provisions of this title, including, but not limited to, encroachment permits and grading and improvement plans as deemed necessary.

Comment [s13]: Remove. This is already covered by reviewing building permits.

C. Approving Authority and Procedure: The planning director shall be the designated approving authority for zoning clearance. The procedures shall be as follows:

1. Generally: No application form is necessary for zoning clearance. This process will be conducted by the planning director as part of the building permit application review. Zoning clearance shall be granted only when the planning director finds the proposal to be in conformance with all applicable provisions of this title. The planning director may modify plans in whole or in part~~, apply conditions of approval, or require guarantees~~ to ensure compliance with applicable provisions of this title. Building permits shall not be issued without approval of zoning clearance.

2. Signs: The process for reviewing signs shall be as generally provided above, except that additional information describing the existing signs on the project site and the new proposed signs shall be required on a form provided by the planning department.

D. Public Hearing and Notice: Public notice and public hearing is not required for zoning clearance.

E. Approval Findings: Zoning clearance shall be granted only when the planning director finds the proposal to be in conformance with all applicable provisions of this title. Any permit or application listed in subsection B, "Applicability", of this section shall not be issued without approval of zoning clearance. (Ord. 2013-___, __-__-2013)

9-2B-4: TEMPORARY USE PERMIT:

A. Purpose: A temporary use permit provides a mechanism for administrative review and determinations for proposed and qualifying short term activities and to ensure that such activities are consistent with the general plan and provisions of this title.

B. Applicability: A temporary use permit is required for short term activities listed in chapter 4, article C, "Temporary Uses", of this title.

C. Approving Authority: The designated approving authority for temporary use permits shall be the planning director.

D. Public Hearing and Notice: The issuance of a temporary use permit is an administrative function of the planning director, and no public hearing or notice is required.

E. Approval Findings: The planning director shall make all of the following findings to approve or conditionally approve a temporary use permit:

Comment [s14]: Text modified to make it better to understand how temporary use permits findings are made.

1. The ~~proposed~~ use is a temporary use and will be limited to a specific duration of time, as established in the temporary use permit.

2. The use, as described and conditionally approved, will not be ~~The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be~~ detrimental to the health, safety, or general welfare of persons, property, or improvements ~~residing or working~~ in the vicinity of the proposed use, or to the general welfare of the city.

~~3. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.~~

~~4~~3. The use, as described and conditionally approved, will not function or be located in a manner that restricts access to ~~any~~ required parking ~~spaces~~areas.

4. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this title.

5. The approval includes provisions to ensure that each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use~~, and shall thereafter be used in compliance with the provisions of this zoning code. The approving authority may require appropriate security before initiation of the use to ensure proper cleanup after the use is terminated.~~.

6. The ~~proposed temporary~~ use is consistent with the general plan, applicable specific plans, and the provisions of this title.

F. Conditions of Approval: The planning director may place conditions on the temporary use permit, including, but not limited to, buffers, hours of operation, landscaping and maintenance, lighting, offsite improvements, parking, performance guarantees, property

maintenance, signs, surfacing, time limits, and traffic circulation. Conditions must be deemed reasonable and necessary to the specific temporary use permit request. (Ord. 2013-___, __-__-2013)

9-2B-5: TREE PERMIT FOR TREES ON PRIVATE PROPERTY:

A. Purpose: The purpose of a tree permit for trees on private property (hereinafter referred to as a "tree permit") is to provide a process for the review and consideration of the removal of protected trees on private property~~ and not considered street trees under title 7, chapter 5, "Street Trees", of the municipal code, and that are of an important nature to the community~~. The city has a desire to protect trees on private property through the development review process and require mitigation for the loss of heritage trees as established in the ~~general~~ General ~~plan~~Plan.

Comment [SB15]: Existing code protects ALL trees. However, the General Plan policy states that only heritage trees are to be protected. The codes has been modified to only protect heritage trees and trees that are required for mitigation of the loss of heritage and special status trees.

B. Applicability: A tree permit shall be required prior to work within the critical root zone or the cutting down, removal, topping, or relocation of a ~~landmark tree, heritage tree, or~~ protected tree on private property as defined in section 9-5D1-4B, "Tree Preservation: Protected Trees", of this title that are not exempt per Section 9-5D1-4C. ~~Exemptions to this requirement are:~~

~~1. Street trees as defined and regulated in title 7, chapter 5, "Street Trees", of the municipal code, which shall comply with the tree permit requirements of that chapter;~~

~~2. Trees of local importance on developed private property;~~

~~3. Removal and pruning work by utility providers; and~~

~~4. In case of emergency caused by the tree being in a hazardous or dangerous condition requiring immediate action for the safety of human life or buildings or structures, such tree may be removed by permission of the planning or public works director.~~

C. Approving Authority: The designated approving authority for tree permits shall be the planning director.

D. Public Hearing and Notice: The issuance of a tree permit is an administrative function of the planning director, and no public hearing or notice is required.

E. Approval Findings: The planning director shall make all of the following findings to approve or conditionally approve a tree permit:

1. For a development project, every effort has been made to incorporate the tree(s) into the design of the project and the only appropriate alternative is the removal of the tree;

2. For requests not associated with a development project, the tree presents a threat to public health and safety and must be removed; and

3. The removal of the tree will not have a negative impact on the health, safety, or viability of surrounding trees, nor will it negatively impact the aesthetics or general welfare of the surrounding area.

~~F. Standards: Work authorized under an approved tree permit shall be conducted in accordance with the standards of this title, specifically including section 9-5D1-4, "Tree Preservation", of this title.~~

~~G~~F. Mitigation: Mitigation for the loss of the tree as allowed under an approved tree permit shall be mitigated in accordance with the requirements of this title, specifically including section 9-5D1-4F, of this title. (Ord. 2013-___, __-__-2013)

9-2B-6: REASONABLE ACCOMMODATION:

A. Purpose: The purpose of allowing reasonable accommodation is to provide 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~~provisions of this title~~. Typical improvements considered to be ministerial in nature would include ramps, walls, handrails, or other physical improvements necessary to accommodate a person's handicap.~~ It is the policy of the city, pursuant to the federal fair housing act (as amended) and the California fair employment and housing act, to provide persons with disabilities reasonable accommodation in rules, policies, and procedures that may be necessary to ensure equal access to housing.

Comment [SB16]: This allowance for Reasonable Accommodation is appropriate and commendable, as many codes are silent about conflicts between zoning standards and needs of those with disabilities. That said, Section 9-2B-6 can be shortened considerably. The code would be revised so that zoning related decisions would be made administratively by the Planning Director, and building code related decisions would be made by the Chief Building Official.

B. Requesting Reasonable Accommodation:

1. ~~In order to make specific housing available to an individual with a disability, a~~ A disabled person or representative may request reasonable accommodation(s) relating to the various land use, zoning, or rules, policies, practices, and/or procedures of the city.

~~2. If an individual needs assistance in making the request for reasonable accommodation(s) or appealing a determination regarding reasonable accommodation(s), the planning director will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant.~~

~~3~~2. A request for reasonable accommodation(s) with regard to city regulations, rules, policies, practices, and/or procedures may be filed on an application form provided by the city at the time that the accommodation may be necessary to ensure equal access to housing.

~~C. Specific Application Requirements: The applicant shall provide the following information when requesting reasonable accommodation:~~

~~1. A completed city application indicating the applicant's name, address, and telephone number;~~

~~2. Address of the property for which the request is being made;~~

~~3. The current actual use of the property;~~

~~4. The zoning code provision, regulation, or policy from which reasonable accommodation is being requested;~~

~~5. The basis for the claim that the person(s) for whom the reasonable accommodation is sought is/are considered disabled under the fair housing act and why the accommodation is reasonably necessary to make specific housing available to the person(s); and~~

~~6. Such other relevant information as may be requested by the city.~~

~~D~~C. Approval Authority:

1. The planning director shall have the authority to consider and take action on requests for reasonable accommodation. ~~When a request for reasonable accommodation is filed with the planning department, it will be referred to the planning director for review and determination.~~ The planning director shall issue a written determination of his or her action within fifteen (15) days of the date of receipt of a completed application and may:

   a. Grant or deny the accommodation request; or

   b. Grant the accommodation request subject to specified nondiscriminatory condition(s).

~~2. All written determinations of actions of the planning director shall give notice of the right to appeal and the right to request reasonable accommodation on the appeals process (e.g., requesting that city staff attempt to schedule an appeal hearing as soon as legally and practically possible), if necessary. The notice of action shall be sent to the applicant by mail.~~

~~3~~2. If necessary to reach a determination or action on the request for reasonable accommodation, the planning director may request further information from the applicant specifying in detail what information is required. In the event a request for further information is made, the fifteen (15) day period to issue a written determination shall be stayed until the applicant fully and sufficiently responds to the request.

D. Considerations: The city may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability a reasonable accommodation:~~an equal opportunity to use and enjoy a dwelling~~:

1. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability;

2. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation;

3. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants;

4. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting;

~~5. The city may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the city's zoning code:~~

~~a~~5. Whether the requested accommodation would fundamentally alter the character of the neighborhood;

6. Whether the accommodation would result in a substantial increase in traffic or insufficient parking;

7. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan;

8. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

E. Approval Findings: In making a determination regarding the reasonableness of a requested reasonable accommodation, the approving authority shall make the following findings:

1. The ~~housing which is the~~ subject site of the request for reasonable accommodation will be used for an individual protected under the fair housing act.

2. The request for reasonable accommodation is necessary to make specific housing available to an individual protected under the fair housing act.

3. The requested reasonable accommodation does not impose an undue financial or administrative burden on the city and does not fundamentally alter city zoning, development standards, policies, or procedures.

4. The requested accommodation will not result in a fundamental alteration in the nature of the city's zoning, as "fundamental alteration" is defined in fair housing laws and interpretive case law.

5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or physical damage to neighboring property. (Ord. 2013-___, __-__-2013)

9-2B-7: SIMILAR USE DETERMINATION:

A. Purpose and Applicability: All possible land uses may not be listed within the provisions of this title, and new uses may evolve over time. When a particular use is not specifically listed in this zoning code ~~and it is unclear whether the use is permitted~~the planning director determines that an official interpretation is needed, the provisions established in this section allow the approving authority, by 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.

Comment [s17]: This phrase gives the planning director the option to not prepare an official determination if one is not needed.

B. Approving Authority: The planning director shall be the designated approving authority for similar use determinations.

C. Public Hearing and Notice: The issuance of a similar use determination is an administrative function of the planning director, and no public hearing or notice is required.

D. Approval Findings: In determining "substantial similarity", the approving authority shall make all of the following findings:

1. The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher level of activity or population density than the uses listed in the zoning district (e.g., traffic, hours of operation, intensity of use, population density);

2. The proposed use will be consistent with the purposes of the applicable zoning district; and

3. The proposed use will be consistent with the general plan, any applicable specific plan, and this zoning code.

E. Documentation of Determinations: Determinations shall be made in writing and shall contain the facts that support the determination. ~~The city shall maintain all such determinations on record for review by the general public upon request. The decision shall be provided, in writing, to the applicant, interested parties, and decision makers. The notice shall include:~~

~~1. A brief statement explaining the criteria and standards considered relevant to the decision;~~

~~2. A statement of the standards and facts relied upon in rendering the decision; and~~

~~3. Statement of appeal rights and appeal deadlines.~~

F. Keeping of Similar Use Determinations: The planning director shall maintain a complete record of all similar use determinations available for public review. (Ord. 2013-___, __-__-2013)

9-2B-8: OFFICIAL ZONING INTERPRETATION:

A. Applicability and Authority To Prepare: Whenever the planning director determines that an ambiguity in a zoning regulation exists that requires a formal decision to serve as precedent, or a formal request for an interpretation is made by an applicant, property owner, or interested party to the planning director, an official zoning interpretation shall be prepared as described herein.

Comment [s18]: Adding this phrase gives the planning director the option to not prepare an official zoning interpretation if one is not needed.

B. Official Zoning Interpretation Defined; Threshold For Preparation of Official Zoning Interpretation: An "official zoning interpretation" is a recorded decision on the meaning and/or application of the development standards, allowed use regulations, or other standards contained within this title. ~~An official zoning interpretation is only prepared to address an ambiguity and is not prepared as part of the normal application of the code in review of development applications and zoning clearance. It is not used to determine if a proposed use is similar to another use listed in the code as such determinations are made~~

~~through the similar use determination process described in section 9-2B-7, "Similar Use Determination", of this article.~~

C. Content of Official Zoning Interpretation: Official zoning interpretations shall be prepared by the planning director, in writing, and shall cite the provisions being interpreted, together with any explanation of the meaning or applicability of the provision(s) in the particular or general circumstances that caused the need for the interpretation.

C. Procedure for Interpretations: Official zoning interpretations shall be prepared as follows:

1. Action by The Planning Director: The planning director shall prepare an official zoning interpretation within ten (10) days from the date of request. A copy of the official zoning interpretation shall be provided ~~by the planning director~~ to the city manager, city attorney, city council, and to the applicant, property owner, or interested party requesting the interpretation ~~within five (5) days of being prepared~~..

2. Referral to The Planning Commission: The planning director may, in his or her sole discretion, refer a request for an official zoning interpretation to the planning commission for review and interpretation. ~~The matter shall be heard by the planning commission at the next available regular meeting after submission of the request for the interpretation.~~

~~E~~D. Keeping of Official Zoning Interpretations: The planning director shall maintain a complete record of all official interpretations available for public review, indexed by the chapter number of this title that is the subject of the interpretation.

E. Codification of Official Zoning Interpretations: To the extent practical, official zoning interpretations shall be incorporated into this title by amendment as soon as is practical. (Ord. 2013-___, __-__-2013)

9-2B-9: HOME OCCUPATION PERMIT:

A. Purpose: The purpose of the home occupation permit is to provide a process for the review and permitting of home occupations prior to their establishment.

B. Applicability: All home occupations as described in chapter 4, "Use Regulations", of this title shall obtain a home occupation permit prior to the issuance of a business license and the establishment of the home occupation. There are two (2) types of home occupation permits as follows:

1. Minor Home Occupation Permit: A minor home occupation permit is a ministerial approval that is conducted to ensure home occupations are conducted consistent with the development standards of section 9-4D-5, "Home Occupations", of this title.

2. Major Home Occupation Permit: A major home occupation permit is intended for the review and discretionary approval of those home occupations that may generate ~~significant~~ more vehicular and pedestrian traffic than a typical residential use and thereby have the potential to adversely impact the surrounding residential neighborhood.

Comment [SB19]: Changing procedures to be similar to a use permit.

C. Approval Authority: The designated approving authority for home occupation permits shall be the planning director.

D. Public Notification: The public notification of an application for a home occupation permit shall be made as follows:

1. Minor Home Occupation Permit: Minor home occupation permits are ministerial in nature. No public notification shall be required.

2. Major Home Occupation Permit: Public hearing and notice are required for a major home occupation permit pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.~~Major home occupation applications shall require the planning department to 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 home occupation 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 section 9-4D-5 of this title, 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", of this title.~~

E. Approval Findings: A home occupation permit shall be granted only when the designated approving authority determines that the proposed home occupation complies with all of the following findings:

1. The proposed home occupation is consistent with the general plan, any applicable specific plan, and all applicable provisions of this title (e.g., section 9-4D-5 of this title); and

2. The establishment, maintenance, or operation of the home occupation applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.

F. Postapproval Implementation: Requirements for implementation of an approved home occupation permit shall be provided as follows:

1. Minor Home Occupation Permit: A minor home occupation permit is ministerial in nature. As such, the planning director may not impose conditions on the issuance of the permit. However, the applicant may be provided with a list of items necessary for compliance and conformance with this title and the general plan.

2. Major Home Occupation Permit: The designated approving authority may impose conditions and/or require guarantees in order to ensure compliance with this title and to prevent adverse or detrimental impact to the surrounding neighborhood. (Ord. 2013-___, __-__-2013)

9-2B-10: ADMINISTRATIVE USE PERMIT:

A. Purpose: 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 to ensure consistency with this title and the general plan. These land uses benefit from focused, administrative review outside of the general business license and zoning clearance process.

B. Applicability: An administrative use permit is required prior to the establishment of any use for which an administrative use permit is required by this title. See section 9-4B-2, table 9-4B-2, "Allowed Uses and Required Entitlements for Base Zoning Districts", of this title, which identifies specific land uses that require an administrative use permit prior to issuance of subsequent permits (e.g., building permit, business license). Examples include, but are not limited to, child daycare facility - family daycare home, large; dwelling, second unit in the DMX-2 zoning district; dwelling, two-family in the RLD zoning district; crop production in the RLD zoning district; and assembly uses.

C. Approval Authority: The planning director shall be the designated approving authority for administrative use permits.

D. Process: No public hearing or notice is required for an administrative use permit unless elevated to the planning commission as provided in subsection 9-2A-7B, "Elevation", of this chapter.

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

1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title; and

2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.

F. Postapproval Implementation: An administrative use permit is ministerial in nature. As such, the planning director may not impose conditions on the issuance of the permit. (Ord. 2013-___, __-__-2013)

9-2B-11: MINOR DEVIATION:

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

B. Applicability: To achieve more flexible standards, the designated approving authority may grant minor deviations to the building height, setback, lot coverage, and parking provisions, not to exceed ten percent (10%) of the respective development standards in the underlying

zoning district for the subject parcel. All other deviations require approval of a variance application. Minor deviations do not apply to the use of property.

C. Approval Authority: The designated approving authority for minor deviations is the planning director.

D. Process: No public hearing or notice is required for a minor deviation unless elevated to the planning commission as provided in subsection 9-2A-7B, "Elevation", of this chapter.

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

1. The deviation(s) improves the site, architectural, and/or overall project design; and

2. The deviation(s) is materially consistent with the project and is compatible with surrounding uses and structures.

F. Postapproval Implementation: A minor deviation is ministerial in nature. As such, the planning director may not impose conditions on the issuance of the permit. ~~However, the applicant may be provided with a list of items necessary for compliance and conformance with this title and the general plan. Conditions may only be imposed in the event the necessary findings cannot be made without the conditions and only after a public hearing by the planning commission.~~ (Ord. 2013-___, __-__-2013)

Comment [SB20]: Remove. The Planning Director should not be setting conditions. If that's the case, then a regular variance should be used instead.

9-2B-12: MINOR SITE PLAN AND ARCHITECTURAL REVIEW:

A. Purpose: The purpose of minor site plan and architectural review is for the review of the design and layout of new development in the city to ensure that it is consistent with the regulations of this title prior to the issuance of subsequent permits, such as improvement plans and building permits.

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

1. Review Required: Minor site plan and architectural review is required for all of the following activities:

a. New nonresidential or mixed use developments of less than ten thousand (10,000) gross square feet;

b. Additions of less than ten thousand (10,000) square feet to existing commercial, office, and industrial buildings;

c. Custom single-family homes in the neighborhood residential (RN) district and within planned unit developments;

~~d. Changes to the exterior facade of existing buildings (other than single-family residential) anywhere in the city (including downtown), such building materials and structural changes affecting at least fifty percent (50%) of the facade;~~

~~e. The establishment of new signs in the downtown as required by subsection 9-6-3E, "Signs", of this title;~~

~~f. Painting outside the historic color palette within the downtown; and~~

~~g~~d. Conceptual plan for a mixed use center as required by chapter 7, "Mixed Use Development Standards", of this title.

2. Exemptions: The following activities are specifically exempt from minor site plan and architectural review. ~~However, such structures may require additional permits, such as a ministerial building permit, to ensure compliance with adopted building code standards and applicable zoning regulations.~~

a. Single-family custom homes, ~~except in the neighborhood residential (RN) zoning district or within planned unit developments~~;

b. Additions to or the exterior remodels of single-family residential homes within normal setbacks;

c. Accessory structures consistent with the provisions of section 9-5A-8, "Residential Accessory Structures", of this title;

d. Changes to the exterior facade of existing buildings~~(other than single-family residential) anywhere in the city (including downtown), such as building materials and structural changes affecting less than fifty percent (50%) of the facade;~~;

e. Painting existing buildings in the DMX zoning districts with historic color palettes as described in subsection 9-6-4C, "Colors and Painting", of this title;

f. Repairs and maintenance to the site or structure that do not add to, enlarge, or 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;

g. Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure (including solar collectors); and

h. Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments. ~~(e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities and equipment).~~

C. Approval Authority: The designed approval authority for minor site plan and architectural design review shall be the planning director.

Comment [s21]: Remove requirement to review façade changes.

Comment [s22]: Remove requirement to review color changes in downtown.

D. Process: No public hearing or notice is required for a minor site plan and architectural review unless elevated to the planning commission as provided in subsection 9-2A-7B, "Elevation", of this chapter.

E. Approval Findings: A minor site plan and architectural review permit, or any modification thereto, shall be granted only when the designated approving authority makes a finding that the proposed project is consistent with the objectives of the general plan and complies with applicable zoning regulations, specific plan provisions, and improvement standards adopted by the city.

F. Postapproval Implementation: A minor site plan and architectural design review permit is ministerial in nature. As such, the planning director may not impose conditions on the issuance of the permit. However, the applicant may be provided with a list of items necessary for compliance and conformance with this title and the general plan. Conditions may only be imposed in the event the necessary findings cannot be made without the conditions and only after a public hearing by the planning commission. (Ord. 2013-___, __-__-2013)

9-2B-13: SIGN PROGRAM:

A. Purpose: 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 city sign standards are allowed through a uniform sign program.

B. Applicability: 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.

C. Specific Application Requirements: As part of the application, the applicant shall submit a draft sign program that shall include criteria for building-attached signs, freestanding building signs, and the integrated development itself to establish consistency of sign type, location, center logo, and/or letter height, lines of copy, illumination, and construction details of signs for the project.

D. Approval Authority: The designated approving authority for sign programs shall be the planning director.

E. Public Hearing and Notice: No public hearing or notice is required for a sign program unless elevated to the planning commission as provided in subsection 9-2A-7B, "Elevation", of this chapter.

F. Approval Findings: A sign program or revisions thereto may be approved only when the designated approving authority makes all of the following findings:

1. That the proposed sign program is consistent with the development standards for signs as provided in chapter 5, article F, "Signage", of this title; and

2. The design, location, and scale of proposed signs for the integrated development are in keeping with the architectural character of the development.

G. Postapproval Implementation: A sign program is ministerial in nature. As such, the planning director may not impose conditions on the issuance of the permit. ~~However, the applicant may be provided with a list of items necessary for compliance and conformance with this title and the general plan. Conditions may only be imposed in the event the necessary findings cannot be made without the conditions and only after a public hearing by the planning commission.~~ (Ord. 2013-___, __-__-2013)

Comment [SB23]: A sign program should be set up as a ministerial action. It is either approved or it is not.

9-2B-14: CONDITIONAL USE PERMIT:

A. Purpose: The purpose of a conditional use permit is for the individual review of uses, typically having unique or unusual site development features or operating characteristics. A use permit is intended to ensure compatibility with surrounding areas and uses where such uses are deemed essential or desirable to the various elements or objectives of the general plan.

B. Applicability: A conditional use permit is required prior to the establishment of any use for which a conditional use permit is required by this title.

C. Approval Authority: The planning commission shall be the designated approving authority for conditional use permits.

D. Public Hearing and Notice: Public hearing and notice are required for a conditional use permit pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

E. Approval Findings: A conditional use permit shall be granted only when the designated approving authority determines that the proposed use or activity complies with all of the following findings:

1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title;

2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city;

3. The site of the proposed use is physically suitable for the type, density, and intensity of the use and related structures being proposed; and

4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation, and service facilities in the vicinity.

F. Conditions of Approval: The designated approving authority may impose conditions and/or require guarantees in order to ensure compliance with this title and to prevent adverse or detrimental impact to the surrounding neighborhood. (Ord. 2013-___, __-__-2013)

9-2B-15: MAJOR SITE PLAN AND ARCHITECTURAL REVIEW:

A. Purpose: The purpose of major site plan and architectural review is for the review of the design and layout of new development in the city to ensure that it is consistent with the regulations of this title and will not result in a detriment to the city or the environment. The city desires to maintain and enhance Lemoore's sense of place; design commercial and mixed use centers to be of pedestrian scale so people can feel comfortable and congregate in these areas; promote visually appealing architecture and high quality developments that promote a small town atmosphere; and protect and accentuate Lemoore's environmental assets, its surrounding natural landscape, agricultural farmland, open canals, and wetlands.

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

1. Review Required: A major site plan and architectural review is required for the following items:

a. New nonresidential or mixed use developments of ten thousand (10,000) gross square feet or more;

b. Additions of ten thousand (10,000) square feet or more to existing commercial, office, and industrial buildings;

c. New multi-family residential developments (e.g., apartments, condominiums, townhomes);

d. Any new construction of buildings (e.g., new stores) of any size in the downtown;

e. The design and layout of new residential subdivisions as part of the tentative subdivision map process as provided in title 8, chapter 7, "Land Division", of the municipal code;

~~f. Master home plans for, and preplotting placement of, residential units within single-family residential subdivisions (e.g., planned unit developments);~~

Comment [s24]: Remove requirement for pre-plotting of single-family subdivisions

~~g~~f. Demolition or exterior alterations and additions to nonresidential buildings that are more than seventy five (75) years old.

2. Exemptions: Those activities exempt from minor site plan and architectural design review as provided in subsection 9-2B-12B2 of this article shall also be exempt from major site plan and architectural design review.

C. Approval Authority: The designed approval authority for major site plan and architectural design review shall be the planning commission.

D. 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", of this chapter.

E. Approval Findings: A major site plan and architectural review permit, or any modification thereto, shall be granted only when the designated approving authority makes all of the following findings:

1. The proposed project is consistent with the objectives of the general plan and complies with applicable zoning regulations, specific plan provisions, and improvement standards adopted by the city;

2. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community;

3. The architecture, ~~including the~~ character, and scale ~~and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing, and similar elements, establishes a clear design concept and~~of the building and the site are compatible with the character of buildings on adjoining and nearby properties;

4. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and

5. In the case of proposed alterations, additions, or demolitions to nonresidential buildings that are more than seventy five (75) years old:

a. Alterations and Additions: The ~~project design~~alteration or addition is compatible ~~with secretary of the interior standards for the treatment of historic properties and~~ with the downtown revitalization plan.

b. Demolitions: The applicant has demonstrated that the existing use cannot generate a reasonable rate of return; the existing building constitutes a hazard to public safety and is economically infeasible to rehabilitate, the design quality of the replacement building will be superior to the existing building and will be compatible with adjacent buildings and the character of downtown Lemoore, or the proposed demolition or removal is necessary to allow a project that will have public benefits outweighing the public benefits of retaining the existing building.

F. Conditions of Approval: The designated approving authority may impose conditions and/or require guarantees in order to ensure compliance with this title and to prevent adverse or detrimental impact to the surrounding neighborhood. (Ord. 2013-___, __-__-2013)

9-2B-16: VARIANCE:

A. Purpose and Applicability: In accordance with California Government Code section 65906, variances provide relief from the strict application of development standards and provisions of this title if specified findings can be made. A variance from the zoning code may not be granted to:

1. Allow a land use not otherwise permitted in the zoning district;

2. Increase the maximum allowed residential density except as allowed by state law;

3. Waive or reduce parking requirements by more than thirty percent (30%); or

4. Waive or modify a procedural requirement.

B. Approving Authority: The designated approving authority for a variance shall be the planning commission. The planning director provides a recommendation and the planning commission approves, conditionally approves, or denies the variance in accordance with the requirements of this title.

C. Public Hearing and Notice: Public hearing and notice are required for a variance pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

D. Approval Findings: The approving authority may approve and/or modify any variance application in whole or in part, with or without conditions, only if the applicant can demonstrate that the circumstances of their particular case can justify making all of the following findings:

1. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this zoning code denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;

2. Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought;

3. Granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question; and

4. The variance is consistent with the general plan, any applicable specific plan or development agreement, and the intent of this title.

E. Conditions of Approval: In approving a variance, the designated approving authority:

1. Shall impose conditions to ensure that the variance does not grant special privileges inconsistent with the limitation on other properties in the vicinity and the zoning district in which the property is located;

2. May impose any reasonable conditions (e.g., the placement, height of structures, buffers, landscaping and maintenance, offsite improvements, performance guarantees,

screening, surfacing, hours of operation) to ensure that the approval complies with the findings required by this section. (Ord. 2013-___, __-__-2013)

9-2B-17: PUBLIC CONVENIENCE OR NECESSITY:

A. Purpose and Applicability: Pursuant to section 23958.4 of the Business and Professions Code the purpose of this section is to establish a procedure for processing and considering requests for determinations of public convenience or necessity for issuance of such licenses.

Any person whose application for any alcohol license is subject to a determination of public convenience or necessity by the city pursuant to section 23958.4 of the Business and Professions Code shall submit an application to the city for a determination whether or not the public convenience and necessity would be served by the granting of such license.

B. Approving Authority: Determinations of whether public convenience or necessity would be served by issuance of those alcoholic beverage licenses specified in paragraph (b)(2) of section 23958.4 of the Business and Professions Code shall be made by the planning commission.

C. Process: A public hearing before the designated approving authority shall be required prior to determining if the application provides for the public convenience or necessity. Notice of the hearing shall be provided as described in section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

D. Review of Applications: The designated approving authority shall review the application, along with all information submitted by the applicant, as well as the recommendations of the chief of police, the planning director, and other departments of the city. The designated approving authority shall consider all other relevant documents and other written information submitted by the applicant or other interested persons, shall receive, hear and consider relevant oral and written testimony by the applicant and other interested persons; and shall consider any other information, including, without limitation, written or oral testimony, that the designated approving authority deems necessary to make the determination of public convenience or necessity. (Ord. 2013-___, __-__-2013)

9-2B-18: HIGHWAY ORIENTED SIGN PERMIT:

A. Purpose: The purpose of the highway oriented sign permit is to provide a process for the review ~~and discretionary~~ approval of commercial signs that are oriented to the highway as defined in this title. The intent of ~~requiring discretionary~~ review is to ensure that the siting, size, and design of a highway oriented sign is in keeping with the character of the surrounding environment, that it does not create an unsafe condition for motorists, and that it does not create a public nuisance.

Comment [SB25]: Highway signs will become a ministerial permit approved by staff.

B. Applicability: A highway oriented sign permit shall be obtained prior to the establishment of a "highway oriented sign" as defined in this title and as provided in chapter 5, article F, "Signage", of this title.

C. Approval Authority: The designated approving authority for a highway oriented sign permit is the ~~planning commission~~planning director.

D. Public Hearing and Notice: ~~Public hearing and notice are required for a highway oriented sign permit pursuant to section 9-2A-6, "Public Notice, Hearings, And~~and ~~Decisions", of this chapter.~~A public hearing is not required for this permit.

E. Approval Findings: In approving a highway oriented sign permit, the designated approving authority shall make all of the following findings:

1. The proposed sign is consistent with the general plan and all applicable provisions of this title;

2. The establishment, maintenance, or operation of the highway oriented sign will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use, or the general welfare of the city;

3. Should the applicant request, and the approving authority grant, additional height beyond that allowed in subsection 9-5F-5D, "Highway Oriented Signs", of this title to a maximum of eighty feet (80'), the approving authority shall also make the following additional findings:

   a. That the additional height is necessary to ensure safe viewing from the highway; and

   b. That approval of the additional height will not be contrary to the specific intent of the signage regulations established in chapter 5, article F, "Signage", of this title.

4. Should the applicant request, and the approving authority grant, a reduced spacing of signs than that required in subsection 9-5F-5D, "Highway Oriented Signs", of this title, the approving authority shall also make the following additional finding:

   a. The reduced distance between highway oriented signs will not cause a safety impact or create sign clutter contrary to a small town atmosphere.

~~F. Conditions Of Approval: The designated approving authority may impose conditions and/or require guarantees in order to ensure compliance with this title and to prevent adverse or detrimental impact to the surrounding neighborhood.~~ (Ord. 2013-___, __-__-2013)

9-2B-19: PLANNED UNIT DEVELOPMENT:

A. Purpose: The purpose of the planned unit development is to provide a process to allow diversity in the relationship between buildings and open spaces to create interesting physical environments and to maximize the development potential of underutilized or problematic land areas. This land use entitlement is intended to demonstrate that the development plan with any proposed deviations is consistent with the general plan and will result in a quality project that is compatible with surroundings, preserves site resources, minimizes hazards, and provides a public benefit.

B. Applicability: To qualify for a planned unit development designation, projects must include developed or undeveloped property with one or more contiguous parcels totaling a minimum of two (2) acres in size. Projects of less than two (2) acres may be considered when determined that the development area is underutilized ~~or problematic~~ (e.g., infill, reuse, redevelopment) and that the surrounding area will be better served by the project.

C. Approving Authority: The designated approving authority for a planned unit development is the ~~city council~~planning commission.

Comment [s26]: Changes approval authority to the Planning Commission.

D. Public Hearing and Notice: Public hearing and notice are required for adoption and amendments to planned unit developments pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

E. Deviations From Development Standards: The approving authority may grant requests to deviate from the development standards (e.g., minimum lot area, yard requirements, building heights), but shall not grant exceptions to the allowed land use or density of the base zoning district. Physical development standards may be modified if the plan includes examples of superior design, environmental preservation, and public benefit amenities, and the approving authority makes all of the required findings herein.

F. Approval Findings: The approving authority shall make the following findings to approve a planned unit development application:

1. The proposed project does not exceed the total density allowed under the base zoning district or the general plan land use designation.

~~2. The proposed project is superior to development that could occur under the development standards of the base district in at least two (2) of the following ways:~~

Comment [s27]: Remove required finding. The finding requires a project to be superior to the city standards in a number of ways. Instead, projects will be only required to meet city standards.

~~a. Greater open space and common areas than required.~~

~~b. Greater landscaping than required that enhances the public street appearance (including street trees, benches, lights, special paving, water fountains, etc.) or increases landscape buffers with adjacent properties.~~

~~c. Superior site design. Utilization of the applicable design guidelines to achieve a superior site design.~~

~~d. Superior subdivision design. Utilization of the applicable residential design standards to achieve a superior subdivision design.~~

~~e. Greater connectivity to surrounding public streets, bike paths, pedestrian walkways, and public open spaces than required by zoning or subdivision regulations.~~

~~f. Enhanced environmental preservation by clustering development to preserve sensitive plant or wildlife habitat, biological resources, or contiguous open space.~~

~~g. Reduced impacts on surrounding properties, in terms of privacy, access to sunlight, shadow, views, building bulk, noise, or other types of negative impacts, beyond what would be achieved under existing requirements.~~

~~3~~2. The proposed project shall not be substantially detrimental to adjacent property, and will not materially impair the purposes of this title or the public interest.

G. Delineation Of Planned Unit Development Areas: On the zoning map, a planned unit development shall be delineated as an overlay zoning district and shall be listed in this title as provided in chapter 9, article B, "Planned Unit Development (PUD) Overlay Zoning Districts", of this title. (Ord. 2013-___, __-__-2013)

9-2B-20: SPECIFIC PLAN:

A. Purpose: The purpose of a specific plan is to provide a vehicle for implementing the city's general plan on an area specific basis. The specific plan is intended to serve as a regulatory document, consistent with the general plan. In the event there is an inconsistency or conflict between an adopted specific plan and comparable provisions of this title, the specific plan shall prevail. This section is consistent with California Government Code section 65450 et seq. This section describes the process for adopting and amending specific plans, and approving subsequent development under a specific plan.

B. Applicability: The city's general plan encourages preparation of specific plans and identifies certain areas of the city which require specific plans for development. Specific plan zoning may be considered for other areas of the city.

C. Approval Authority: The designated approving authority for specific plans or amendments to specific plans is the city council.

D. Specific Application Requirements: In addition to the minimum content requirements of California Government Code section 65451, the specific plan application shall include the following items:

1. Statement of the relationship of the specific plan to the general plan;

2. Policies for development and standards for regulating development within the plan area;

3. The proposed land uses for all areas covered by the plan;

4. The types and configurations of buildings to be included in all developments within the plan area;

5. The location of and types of streets;

6. Public facilities and infrastructure required to serve developments within the specific plan area;

7. A parking and circulation plan for off street parking areas showing the location of parking lots, the approximate number of spaces, and the approximate location of entrances and exits;

8. Proposed conservation, open space, and/or recreation areas, if any; and

9. Any other programs, guidelines, or standards appropriate for the area covered by the plan.

E. Public Hearing and Notice: Public hearing and notice are required for a specific plan pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

F. Approval Findings: Specific plans and any amendment thereto shall be approved only when the city council makes all of the following findings:

1. Is consistent with the objectives, policies, and general land uses specified in the general plan;

2. Is compatible and in conformity with public convenience, general welfare, and good land use and zoning practice;

3. Will not be detrimental to the health, safety, and general welfare of the city;

4. Will not adversely affect the orderly development of property or the preservation of property values.

~~1. The proposed specific plan is consistent with the general plan goals, policies, and implementation programs;~~

~~2. The land use and development regulations within the specific plan are comparable in breadth and depth to similar zoning regulations contained in this title; and~~

~~3. The administration and permit processes within the specific plan are consistent with the administration and permit processes of the zoning code.~~

~~H~~G. Adoption: Adoption of the specific plan shall be by ordinance of the city council and shall constitute final action and approval of the specific plan. Authorization for construction in accordance with the specific plan may only be granted after the effective date of the adoption.

H. Designation: Specific plans shall be delineated on the zoning map in a manner similar to that of any other zoning district, except that each specific plan zoned area shall also bear a name, number, symbol, or other delineation, as determined by the planning director, which distinguishes it from other specific plan zones, base zoning districts, or overlay zones. The assignment of the specific plan zone designation serves to provide a reference to the corresponding specific plan zoning document adopted by ordinance of the city council. Applicable zoning regulations and standards applicable to the land area are provided in the specific plan zones document, as adopted by reference in this title.

~~Delineation Of Specific Plan Areas: On the zoning map, a specific plan zoning district shall be delineated in a manner similar to that of any other zoning district, except that each specific plan zoned area shall also bear a number, text, or other symbol which distinguishes it from other specific plan areas. See chapter 8, "Specific Plan Zoning Districts", of this title.~~

~~J~~I. Application of Specific Plan Development Requirements: Where conditions of the specific plan ~~are more restrictive than~~differ from the zoning code development standards, the conditions of the specific plan shall apply. Where a standard is not addressed in the specific plan, the zoning code shall apply. (Ord. 2013-___, __-__-2013)

Comment [s28]: This change allows specific plans to be less restrictive than zoning requirements.

9-2B-21: DEVELOPMENT AGREEMENT:

A. Purpose: This section establishes procedures and requirements for the review and approval of development agreements when applied for as part of a land use entitlement in compliance with the provisions of California Government Code sections 65864 through 65869.5. ~~The city council finds and declares the use of development agreements is beneficial to the public, in that:~~

~~1. Development agreements increase the certainty in the approval of development projects, thereby preventing the waste of resources, reducing the cost of development to the consumer, and encouraging investment in and commitment to comprehensive planning, all leading to the maximum efficient utilization of resources at the least economic cost to the public.~~

~~2. Development agreements provide assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, thereby strengthening the public planning process, encouraging private participation in comprehensive planning, and reducing the economic costs of development.~~

Comment [s29]: These paragraphs not needed.

~~3. Development agreements enable the city to plan for and finance public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, and utility facilities, thereby removing a serious impediment to the development of new housing.~~

~~Note that development agreements are substantially different than disposition and development agreements, which are agreements between a private party and the city's redevelopment agency.~~

B. Applicability of Regulations: Only a qualified applicant, a person who has legal or equitable interest in the real property which is the subject of the development agreement (or his or her authorized agent), may submit an application for a development agreement.

C. Approving Authority: The designated approving authority for development agreements is the city council.~~, which shall hold a public hearing prior to taking action. The planning commission shall hold a public hearing on the proposed development agreement and make a recommendation to the city council.~~

D. Flexibility of Development Regulations: To the extent permitted by law, any development agreement if adopted by the city may modify 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. Nothing contained in these regulations shall prevent the developer or the city from proceeding with normal tentative map or final map processes on any phase of a development which is the subject of a development agreement at any time during its term.

E. Application Contents: The contents of a development agreement shall be as set forth in Government Code sections 65865.2, 65867.5(c) if applicable, and 65868.5.

F. Public Hearing and Notice: Public hearing and notice are required for a development agreement pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

G. Approval Findings: A development agreement may only be granted when the city council makes all of the following findings specifying that the development agreement:

1. Is consistent with the objectives, policies, and general land uses specified in the general plan and any applicable specific plans;

2. Is compatible and in conformity with public convenience, general welfare, and good land use and zoning practice;

3. Will not be detrimental to the health, safety, and general welfare of the city;

4. Will not adversely affect the orderly development of property or the preservation of property values.

H. Amendment and Cancellation of Agreement: Any party to the agreement may propose an amendment to or cancellation in whole or part of the development agreement, the procedure for which is the same as the procedure for entering into the agreement initially. Notice of intention to amend or cancel any portion of the development agreement shall be given as provided in section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

I. Recordation: Within ten (10) days after the city enters into the development agreement or any amendment thereof, the city clerk shall cause the agreement or amendment to be recorded with the county recorder. Additionally, the city clerk shall be the official custodian of the development agreement file. Said file shall include an executed copy of the agreement and the originals of all exhibits, reports of periodic review, amendments, and/or cancellations to the development agreement.

J. Periodic Review: The planning director shall review the development agreement every twelve (12) months from the date the development agreement is entered into and provide a written report to the city council. The applicant shall provide necessary information verifying good faith compliance with the terms of the development agreement. The applicant shall also bear the cost of such review in accordance with the fee established by city council resolution. If the planning director finds that any aspect of the development project is not in good faith compliance with the terms of the development agreement, the planning director may schedule the matter before the appropriate approving authority for review for possible amendment or revocation. (Ord. 2013-___, __-__-2013)

9-2B-22: ZONING AMENDMENT:

A. Purpose: The purpose of a zoning amendment is to allow modification to any provisions of this title (including the adoption of new regulations or deletion of existing regulations), or to rezone or change the zoning designation on the zoning map for any parcel(s). This section is consistent with California Government Code section 65853.

B. Approval Authority: The designated approving authority for zoning amendments is the city council~~, which shall hold a public hearing on the planning commission recommendation prior to taking action. The planning commission shall hold a public hearing and then shall provide a recommendation, which recommendation shall include the reasons for the recommendation and the relationship of the proposal to the general plan and the specific plans. The city council approves or denies the zoning amendment in accordance with the requirements of this title.~~

Comment [s30]: Simplify wording and remove what is not needed.

C. Initiation of Amendment: A zoning amendment to this title may be initiated by motion of the planning commission or city council, or by application by property owner(s) of parcel(s) to be affected by zoning amendment~~, or by recommendation of the planning director to clarify text, address changes mandated by state law, maintain general plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the city.~~

When an application is filed by a property owner (or authorized representative), the submittal requirements for applications of subsection 9-2A-5A, "Application Contents", of this chapter shall be observed. This includes a completed application on a form as prescribed by the planning director, any required information listed on the application form for the type of permit, an application fee as established by city council resolution, and any other relevant information as may be requested by the planning director in order to provide the designated approving authority with adequate information on which to base a decision.

D. Public Hearing and Notice: Public hearing and notice are required for a development agreement pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

~~D~~E. Approval Findings: Zoning amendments shall be granted only when the city council finds that the zoning amendment (text or map) is consistent with the general plan goals, policies, and implementation programs.

~~E~~F. Adoption: Adoption of the zoning amendment by ordinance of the city council shall constitute final action and approval of the amendment. Authorization for construction or occupancy in accordance with the amendment may only be granted upon or after the effective date of the action. (Ord. 2013-___, __-__-2013)

9-2B-23: PREZONING:

A. Purpose: The purpose of prezoning is to establish the designation of land use by zoning district for unincorporated property adjoining the city, within the sphere of influence, prior to annexation.

B. Process: The method of accomplishing prezoning shall be the same as for zoning amendment as provided in section 9-2B-22, "Zoning Amendment", of this article. Such zoning shall become effective at the time annexation becomes effective. (Ord. 2013-___, __-__-2013)

9-2B-24: GENERAL PLAN AMENDMENT:

A. Purpose: The purpose of a general plan amendment is to allow for modifications to the general plan text (e.g., goals, policies, or implementation programs) or to change the general plan land use designation on any parcel(s).

B. Approval Authority: The designated approving authority for general plan amendments is the city council.~~, which shall hold a public hearing prior to taking action. The planning commission shall hold a public hearing and provide a recommendation. The city council approves or denies the general plan amendment in accordance with the requirements of this title.~~

C. Frequency of Amendment: ~~Pursuant to Government Code section 65358, no mandatory element of the general plan may be amended more frequently than four (4) times during any calendar year. Subject to that limitation, an amendment may be made at any time and may include more than one change to the general plan~~.There is no limit to the frequency of Amendments to the General Plan.

Comment [s31]: Because Lemoore is a charter city, we do have to abide by Govt Section 65358.

D. Initiation of Amendment: A general plan amendment may be initiated by the planning commission or city council, or by application by property owner(s) of parcel(s) to be affected by the general plan amendment~~,~~. ~~or by recommendation of the planning director to clarify text, address changes mandated by state law, maintain internal general plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the city.~~

When an application is filed by a property owner (or authorized representative), the submittal requirements for applications of subsection 9-2A-5A, "Application Contents", of this chapter shall be observed. This includes a completed application on a form as prescribed by the planning director, any required information listed on the application form for the type of permit, an application fee as established by city council resolution, and any other relevant information as may be requested by the planning director in order to provide the designated approving authority with adequate information on which to base a decision.

E. Public Hearing and Notice: The city shall provide notice and a public hearing for the approval, modification, revocation, or appeal of an application for a general plan amendment in accordance with section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.

F. Approval Findings: The city council may approve a general plan amendment upon finding that the amendment is in the public interest and that the general plan as amended will remain internally consistent. ~~In the event that a general plan amendment is requested by a private property owner, the applicant shall demonstrate to the city council that there is a substantial public benefit to be derived from such amendment and how the proposed amendment furthers the goals of the general plan.~~

G. Adoption: Adoption of the general plan amendment by the city council shall constitute final action and approval of the amendment. (Ord. 2013-___, __-__-2013)

CHAPTER 2:

PROCEDURES AND ENTITLEMENTS

ARTICLE C. NONCONFORMING USES, STRUCTURES, AND PROPERTIES

9-2C-1: PURPOSE AND APPLICABILITY:
9-2C-2: DECLARATION OF NONCONFORMING:
9-2C-3: CONTINUATION:
9-2C-4: MAINTENANCE:
9-2C-5: MODIFICATION AND EXPANSION:
9-2C-6: ABANDONMENT OR DISCONTINUANCE OF NONCONFORMING USE:
9-2C-7: RESTORATION OF DAMAGED USES AND STRUCTURES:
9-2C-8: NONCONFORMING SIGNS:

9-2C-1: PURPOSE AND APPLICABILITY:

This article establishes special regulations for nonconforming land uses and structures that were lawful before the adoption or amendment of this zoning code, but which would be prohibited, regulated, or restricted differently under the current terms of this zoning code or future amendments. It is the intent of these regulations to allow the continuation of nonconformities under limited conditions outlined herein and reconstruction in the event of natural disaster. (Ord. 2013-___, __-__-2013)

9-2C-2: DECLARATION OF NONCONFORMING:

A. Nonconforming Use: Any use that 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 article or any subsequent ordinance, shall be deemed to be a nonconforming use.

B. Nonconforming Structure: Any structure, including signs, that 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 article or any subsequent ordinance, shall be deemed to be a nonconforming structure.

C. Nonconforming Property: Any property or lot that is less than the minimum lot size required by this title, or has less than the minimum lot dimensions required by this title, shall be deemed to be a nonconforming property.

D. Legally Nonconforming: A use, structure, or property shall be deemed to be legal nonconforming if the use, structure, or property was legally established prior to the change in this title that made it nonconforming. (Ord. 2013-___, __-__-2013)

9-2C-3: CONTINUATION:

A. Use: A nonconforming use may continue to operate in perpetuity, be transferred, or be sold, provided that the use shall not be enlarged or intensified, nor be expanded to occupy a greater area than it lawfully occupied before becoming nonconforming. Likewise, plans for any use approved as of the date the ordinance codified in this chapter becomes effective may be carried out as approved. Any extension of such approval for which the applicant was entitled to apply as of the effective date may be granted according to the regulations in effect prior to the effective date; if granted, such extension will be considered the same as an approval granted before the effective date. The person asserting the nonconforming use must present evidence that the use existed before the enactment of the zoning code provision prohibiting the use.

B. Structure: A structure lawfully occupying a site on the effective date of this title, or of amendments hereto, which does not conform with the standards of coverage, front yard, side yards, rear yard, or distances between structures prescribed in the regulations for the district in which the structure is located shall be deemed to be a nonconforming structure and may be used and maintained, except as otherwise provided in this article.

C. Property: Except as otherwise provided in this article, a property or site having an area, frontage, width, or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was of record prior to the adoption of this title, and which had a legal area, frontage, width, and depth at the time that the subdivision map, deed, or contract of sale was recorded, may be used for any permitted use listed for the district in which the site is located, but shall be subject to all other regulations for such district. (Ord. 2013-___, __-__-2013)

9-2C-4: MAINTENANCE:

A nonconforming structure or site may be maintained or improved as follows:

A. Maintenance and Repair: A nonconforming structure may be maintained and repaired. Maintenance may include repair work necessary to keep the building or structure in sound condition, but maintenance shall not include the replacement of a building or structure.

B. Seismic Retrofitting and Building Code Compliance: Repairs, alterations, or reconstruction to reinforce unreinforced masonry structures or to comply with building code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards and the building code.

C. Safety Improvements: Structural alteration of a nonconforming structure to improve safety or to reduce fire hazard. (Ord. 2013-___, __-__-2013)

9-2C-5: MODIFICATION AND EXPANSION:

A. Use: A nonconforming use shall not be expanded or modified.

B. Structure: No nonconforming structure shall be altered, enlarged or reconstructed so as to increase the discrepancy between existing conditions and the standards of coverage, front

yard, side yards, rear yard, height of structure, or distances between structures prescribed in the regulations for the district in which the structure is located. No nonconforming structure shall be moved unless the new location shall conform to the standards prescribed in the regulations prescribed for the district in which the structure is located. (Ord. 2013-___, __-__-2013)

9-2C-6: ABANDONMENT OR DISCONTINUANCE OF NONCONFORMING USE:

A. Abandonment Or Discontinuance Generally: Whenever a nonconforming use has become abandoned or discontinued for a continuous period of twelve (12) months, the nonconforming use shall not be reestablished and the use of the site or structure thereafter shall be in conformity with the regulations for the district in which it is located; provided, however, that a similar type nonconforming use may be established within the twelve (12) month period. 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. Maintenance of a valid business license shall of itself 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.

It is the intent of this section to prohibit the addition of a new nonconforming use with functions and characteristics which clearly are different from those of the preexisting nonconforming use. The term "similar type" means similarity in type and intensity of operations or activities and shall not be construed so as to allow uses which would be more incompatible with conforming uses within the vicinity. As examples, one type of business use may be permitted to replace another type of business use, and one type of contracting service may be allowed to replace another type of contracting service; provided, that such uses are of same or less general intensity as to traffic generation and other operational characteristics associated with the previous nonconforming use.

B. Extension of Residential Uses In Nonresidential Zoning Districts: The city recognizes that there are existing single-family residential uses in nonresidential zoning districts. It is the intent of the city that, in the future, property owners will proceed with development of their property consistent with the general plan and this title at such time as they choose. Until such time, should an existing legal nonconforming single-family residential dwelling in a nonresidential zoning district become vacated for more than twelve (12) months, the dwelling may be reoccupied upon issuance of a temporary use permit as provided in section 9-2B-4, "Temporary Use Permit", of this chapter.

C. Extension of Nonconforming Period: A legal nonconforming use may be reestablished after twelve (12) months of discontinuance upon approval of a temporary use permit as provided in section 9-2B-14, "Conditional~~Temporary~~ Use Permit", of this chapter. Approval of the ~~temporary~~ conditional use permit shall be conditioned upon the physical improvement of the property to bring it into conformance with the requirements of the general plan and this title, including, but not limited to, necessary right of way dedications and streetscape improvements. (Ord. 2013-___, __-__-2013)

Comment [SB32]: Recommend that this be changed from temporary use permit to regular use permit.

9-2C-7: RESTORATION OF DAMAGED USES AND STRUCTURES:

Whenever a nonconforming use or a nonconforming structure is damaged or destroyed by fire or other calamity, or by an act of God, or by public enemy, the following standards shall apply. The extent of damage to any structure shall be determined by the building official and shall be based upon the ratio of the estimated cost of restoring the use or structure to its condition prior to such damage to the estimated cost of duplicating the entire structure as it existed prior thereto.

A. Less Than Seventy Five Percent Damage: To the extent that less than seventy five percent (75%) of the structure is damaged or destroyed, the structure may be restored and the nonconforming use may be resumed, provided that restoration is started within one year and diligently pursued to completion.

B. At Least Seventy Five Percent Damage: To the extent that seventy five percent (75%) or more of the structure is damaged or destroyed, or shall be voluntarily razed, or shall be required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the nonconforming structure or use shall not be resumed. (Ord. 2013-___, __-__-2013)

9-2C-8: NONCONFORMING SIGNS:

Standards for nonconforming signs are provided in subsection 9-5F-2F, "Nonconforming Signs", of this title. (Ord. 2013-___, __-__-2013)

CHAPTER 3

ZONING DISTRICTS AND MAP

9-3-1: PURPOSE:
9-3-2: ZONING DISTRICTS ESTABLISHED:
9-3-3: MAP ESTABLISHED:

9-3-1: PURPOSE:

This chapter establishes the framework of zoning districts within the city of Lemoore and their relationships to the city's general plan land use categories. This chapter also establishes the zoning map as the official designation of zoning district boundaries. (Ord. 2013-___, __-__-2013)

9-3-2: ZONING DISTRICTS ESTABLISHED:

Zoning districts are established in order to classify, regulate, designate, and distribute the uses of land and buildings; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces around buildings; and to regulate the density of population.

The city of Lemoore is divided into zoning districts that are grouped into two (2) categories: a) base zoning districts, and b) overlay zoning districts. These districts conform to and implement the city's general plan land use categories as described in Table 9-3-2, "Zoning Districts", of this section. Chapter 4, "Use Regulations", of this title identifies the allowed uses and requirements for planning entitlements. Chapter 5, article B, "Development Standards By Zoning District", of this title identifies development standards unique to each zoning district.

A. Base Zoning Districts: The base zoning district is the primary zoning district that applies to a property. Every parcel throughout the city has a base zoning district that establishes the primary land use type, density, intensity, and site development regulations. Base districts are grouped into five (5) categories as follows:

1. Residential zoning districts;

2. Mixed use zoning districts;

3. Office, commercial, and industrial zoning districts;

4. Special purpose zoning districts; and

5. Specific plan zoning districts.

B. Overlay Zoning Districts: The overlay zoning districts function to supplement the base zoning district for one or more of the following purposes:

1. To allow more flexibility from the standard provisions of the underlying base zone;

2. When special provisions are needed to protect unique site features or implement location specific provisions; and/or

3. To specify a particular standard or guideline for an area.

In the event of a conflict between the regulations of the base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply.

TABLE 9-3-2
ZONING DISTRICTS

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented By Zoning District
Residential zoning districts:		
AR	Agriculture and rural residential. This district is designated for single-family detached residential development in areas with rural and semirural characteristics. Parcel sizes are greater than 40,000 square feet. Residential density is typically provided at 0.05 units per gross acre (1 unit per 20 acres), with a maximum density of 0.2 units per gross acre (1 unit per 5 acres).	Agriculture/rural residential
RVLD	Very low density residential. This district is designated to provide transition between semirural residential and single-family detached residential areas. Lot sizes are between 15,000 and 40,000 square feet. Residential density for this designation ranges from a minimum of 1 to a maximum 3 units per gross acre.	Very low density residential
RLD	Low density residential. This district is designated for single-family residential subdivisions at a range from a minimum of 3 to a maximum of 7 units per gross acre. Lot sizes range from 7,000 to 15,000 square feet.	Low density residential
RN	Traditional neighborhood residential. This district is designated for older, historic neighborhoods in central Lemoore and new development that is designed with similar characteristics. Development features single-family residential homes at a density range from a minimum of 7 to a maximum of 12 units per gross acre with lot sizes between a minimum of 3,600 and a maximum of 7,500 square feet. The fronts of homes are typically accessed from the public street, while garages and services (e.g., trash) are accessed from the rear of the lot via a public or	Low-medium density residential

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented By Zoning District
	private alley.	
RLMD	Low-medium density residential. This district is designated for higher density single-family residential development including small lot single-family, attached single-family and duplexes, triplexes, fourplexes, and townhomes. Typical residential density for this designation ranges from a minimum of 7 to a maximum of 12 units per gross acre. The lot sizes range from 3,000 to 7,000 square feet.	Low-medium density residential
RMD	Medium density residential. This district is designated for multi-family residential development, including apartments and townhomes. Development is typically 2 and sometimes 3 stories, with balconies, common area open space, and shared amenities. Residential densities range from a minimum of 12 to a maximum of 17 units per gross acre. Lot size to unit ratio is between 2,500 and 3,600 square feet.	Medium density residential
RHD	High density residential. This zoning district is designated for multi-family apartments and condominium development. Residential densities range from a minimum of 17 to a maximum of 25 units per gross acre. High density residential development is best suited along arterials and around the downtown. Lot size to unit ratio is between 1,700 and 2,500 square feet.	High density residential
Mixed use zoning districts:		
DMX-1	Downtown mixed use, core. This district comprises the historical center of the downtown. The district is designated for retail, commercial, professional office, second story residential, public, and institutional uses. Retail and restaurant uses are generally the primary use at the site. Where there is residential development, densities range between 12 and 20 units per gross acre.	Mixed use
DMX-2	Downtown mixed use, auto oriented. This district comprises the area of the downtown more oriented around the use of the automobile. The district is designated to facilitate the natural transition of the existing structures and uses to more intensive uses at the desire of the property owner. This district allows for retail, commercial, professional office, high density residential or live/work studios, public, and institutional uses. Where there is residential development, densities range between 12 and 17	Mixed use, low density residential, low-medium density residential, neighborhood commercial, professional

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented By Zoning District
	units per gross acre.	office, light industrial, community facilities
DMX-3	Downtown mixed use, transitional. This district comprises a combination of light office and low to medium density residential uses. The district is designated for a continuation of the current design pattern with enhancements in the level of architectural design and detailing. The DMX-3 zone completes the transition from the downtown to the surrounding residential properties by utilizing some of the building siting qualities of the adjacent residential development. This district allows for professional office and medium density residential, with small scale support commercial uses, as well as bed and breakfast. Where there is residential development, densities range between 3 and 17 units per gross acre.	Mixed use, low density residential, low-medium density residential, professional office, community facilities
MU	Mixed use. This district is designated to provide for retail, residential, office, business and personal services, public, and institutional uses in neighborhood oriented centers in a variety of mixed use configurations, such as ground floor commercial with residential or office uses above, or collocation of buildings with different single uses on a contiguous mixed use area. Development is pedestrian oriented to enhance street life and the vibrancy of neighborhoods. Residential density ranges from 8 to 20 units per gross acre.	Mixed use
Office, commercial, and industrial zoning districts:		
NC	Neighborhood commercial. This district is designated for small scale commercial uses that primarily provide convenience, personal services, and social services such as small scale retail, eating and drinking establishments, commercial recreation, and professional office as a secondary use. It is designed to foster a pedestrian setting along public streets.	Neighborhood commercial
RC	Regional commercial. This district is designated for large scale commercial development that serves local and regional needs. Sites are easily accessible from freeways and may contain a variety of goods and services, such as large format retail, department stores, eating and drinking establishments, hotels, and motels.	Regional commercial

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented By Zoning District
PO	Professional office. This district is designated for professional offices, which typically include administrative, financial, business, professional, medical, dental, and public uses. Churches and places for religious assembly and compatible multi-family housing also are allowed (density range from a minimum of 17 to a maximum of 25 units per gross acre). Complementary support services, such as business support services and restaurants, also are permitted.	Professional office
ML	Light industrial. This district is designated for manufacturing, warehousing, storage, distribution, sales, and services with ancillary commercial and office space. Freestanding retail stores are not permitted.	Light industrial
MH	Heavy industrial. This district is designated for manufacturing, refining, packaging, processing, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution uses, with support commercial services and ancillary office space. No retail uses are allowed.	Heavy industrial
Special purpose zoning districts:		
W	Wetlands. This district is designated for the preservation and protection of existing and recreated wetland areas; for the protection of wildlife, hydrological, and biological resources; and for the preservation of open space lands and natural protection areas.	Wetlands
AG	Agricultural. This district is designated solely for agricultural activities (e.g., crop production, animal keeping) on parcels larger than 40,000 square feet.	Agricultural
PR	Parks and recreation/ponding basin. This district is designated for improved and unimproved park facilities, including neighborhood, community, and regional parks; public golf courses; and recreational facilities that provide visual open space and serve the outdoor recreational needs of the community. Also includes ponding basins and other drainage facilities.	Parks/recreation greenway/ detention basin
CF	Public services and community facilities. This district is designated for lands owned by public entities, including schools, administrative offices, corporation yards, and public facilities,	Community facilities

Zoning District Symbol	Zoning District Name/Description	General Plan Land Use Designation Implemented By Zoning District
	including trash collection and solid waste facilities, sewage treatment ponds, and fire stations.	
Specific plan zoning districts:		
SP	Specific plan zoning district. This zoning district designates areas for master planning with unique zoning and design standards through adoption of a specific plan to govern development of land within the plan area. While the city does not currently have an adopted specific plan, the framework is provided for future use consistent with state law.	All
Overlay zoning districts:		
PUD	Planned unit development overlay zoning district. This district is applied to developments that are approved through the planned unit development (PUD) permit process. Through approval of a PUD, the designated approving authority may authorize modifications in development regulations such as setbacks, height, or density, consistent with the general plan, or may establish special design requirements, such as architectural detailing for structures.	All
NASL	Naval Air Station Lemoore overlay zone. This district is applied to lands generally west of State Highway 41 and south of the city limits within the military influence area of Naval Air Station Lemoore. The intent of this overlay is to recognize the potential adverse impacts on the population from Naval Air Station Lemoore and establish special development regulations to ensure public health, safety, and welfare.	All

(Ord. 2013-___, __-__-2013)

9-3-3: MAP ESTABLISHED:

The city council hereby adopts the city of Lemoore zoning map (hereafter referred to as the zoning map) as the official designation of zoning district boundaries on real property within the city. The zoning map shall be regulated as set forth below.

A. Incorporated By Reference: The zoning map is hereby incorporated into this zoning code by reference as though it were fully included.

B. Map Amendments: Amendments to the zoning map shall follow the zoning amendment process established in Chapter 2, Article B, "Planning Permits and Entitlements", of this title.

C. Relationship to General Plan and Other Plans: The zoning map shall implement and shall be consistent with the city's adopted general plan. The zoning map shall be specifically consistent with the general plan land use plan and the roadway sizing diagram, and any adopted specific plans, special planning areas, or master plans.

D. Zoning District Symbol: Zoning districts shall be illustrated on the zoning map as follows:

1. Each base zoning district shall be described on the zoning map by use of its identified zoning district symbol, as listed in Section 9-3-2, Table 9-3-2, "Zoning Districts", of this chapter.

2. Each specific plan zoning district shall be delineated with a name, number, symbol, or other delineation, as determined by the planning director, which distinguishes it from other special purpose zones, base zoning districts, or overlay zones. The assignment of the special purpose designation serves to provide a reference to the corresponding special purpose zoning document (e.g., specific plan) adopted by ordinance of the city council.

3. Overlay zoning districts shall be designated by their representative symbol in conjunction with the base zoning district in a format determined by the planning director (e.g., RLD-PUD).

E. Zoning Map Interpretation: If there is uncertainty about the location of any zoning district boundary shown on the zoning map, the precise location of the boundary shall be determined by the planning director as follows:

1. The boundaries of a zoning district shall be the centerlines of streets, alleys, railroad right of way, drainage channel, or other watercourse, or the parcel lines of real property, unless otherwise shown. Where a district's boundaries approximately follow centerlines or plot lines, those lines shall be interpreted as the district boundaries.

2. If a district boundary divides a parcel and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary shall be determined by using the scale appearing on the zoning map. Except as otherwise provided by this code through integrated development, each portion of the property shall be developed to the standards and allowed use provisions of the applied zoning district and any applied overlay zone(s).

3. Where the street layout on the ground or the parcel lines differ from such layout or lines shown on the zoning map, the planning director shall determine the exact boundary and the map shall be amended to conform to the layout on the ground.

4. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley shall be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley, unless the abandonment shifts from the centerline, which it will then follow. (Ord. 2013-___, __-__-2013)

CHAPTER 4

ARTICLE A. USE CLASSIFICATION SYSTEM

9-4A-1: PURPOSE:
9-4A-2: CLASSIFICATION OF LAND USES:
9-4A-3: ALLOWED LAND USES:
9-4A-4: TEMPORARY USES:
9-4A-5: DESCRIPTION OF LAND USES:

9-4A-1: PURPOSE:

The purpose of this article is to establish the system for classifying land uses within the city. This article defines the various land uses referred to elsewhere in this chapter. (Ord. 2013-___, __-__-2013)

9-4A-2: CLASSIFICATION OF LAND USES:

Land uses listed in this article and throughout this title have been grouped into general categories on the basis of common function, product, or compatibility characteristics. These allowed use categories are called use classifications. Use classifications describe one or more uses having similar characteristics but do not list every use or activity that may appropriately be within the classification. Each land use is described in article B, "Allowed Uses and Required Entitlements", of this chapter.

A. The following rules apply to use classifications:

1. Special Use Regulations: Additional use regulations for special land uses are listed in article D, "Special Use Standards", of this chapter.

2. Uses Not Listed: Land uses that are not listed in the zoning district tables are not allowed, except as otherwise provided for in this title.

3. Illegal Uses: No use that is illegal under local, state, or federal law shall be allowed in any zoning district within the city.

4. Specific Plan Zoning District: When a property is located within a specific plan zoning district, the allowed use provisions of that specific plan zoning district shall govern. If a specific plan zoning district refers back to, utilizes, or defers to one or more of the city's base zoning districts, the allowed use provisions in those base zoning districts shall apply. If there are any conflicts between a base zoning district and a specific plan zoning district, the specific plan zoning district shall prevail. See chapter 8, "Specific Plan Zoning Districts", of this title for more information.

5. Overlay Zoning District: When a property is located within an overlay zoning district, the allowed use provisions of that overlay zoning district shall prevail. When an overlay

zoning district is silent on allowed use provisions, it defers the allowed use provisions to the base zoning district. Only where there is a conflict do the overlay zoning district 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 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. (Ord. 2013-___, __-__-2013)

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.~~

Comment [SB33]: Move home occupations out of the matrix. They can be defined elsewhere.

~~D~~C. 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.

D. 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. 2013-___, __-__-2013)

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 chapter. Rather, the provisions of article C, ñTemporary Usesò of this chapter provide the regulations for these uses, including development standards and time limits. Temporary uses

may be listed in section 9-4B-2, table 9-4B-2 of this chapter as a convenience to the reader, but allowed use provisions are not listed; a reference to article C of this chapter is provided in its place. (Ord. 2013-___, __-__-2013)

9-4A-5: DESCRIPTION OF LAND USES:

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

A. "A" Definitions:

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

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

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

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

ALCOHOLIC BEVERAGE SALES, OFF SITE: The retail sale of beer, wine, and/or other alcoholic beverages for off premises consumption.

ALCOHOLIC BEVERAGE SALES, ON SITE: See "bar/nightclub" and "restaurant".

AMBULANCE SERVICE: Emergency medical care and transportation, including incidental storage and maintenance of vehicles.

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

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

ANIMAL SALES AND GROOMING: Retail sales of domestic and exotic animals, bathing and trimming services, and boarding of said animals for a maximum period of seventy two (72) hours conducted entirely within an enclosed building with no outdoor use. Grooming as part of a veterinary facility is included under that use listing.

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

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

ASSEMBLY USES: Include any of the following uses:

1. Meeting facilities for organizations including facilities for business associations, civic, social, and fraternal organizations, labor unions and similar organizations, political organizations, professional membership organizations, and other membership organizations;

2. Churches and other religious institutions, including living quarters for ministers and staff, but excluding other establishments maintained by religious organizations such as educational institutions and daycare, which are separately regulated; and

3. Community centers and other multipurpose meeting and recreational facilities that include one or more meeting or multipurpose facilities, kitchens, and outdoor barbecue facilities available for use by various groups for meetings, parties, receptions, dances, etc.

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

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

AUTO AND VEHICLE SALES, WHOLESALE: Wholesale establishments selling new and used vehicles and used vehicle parts. This use is normally developed as part of an auto wrecking, junkyard, or salvage yard. Conventional automobile dealerships are listed under auto and vehicle sales and rental.

AUTO AND VEHICLE STORAGE: Facilities for the storage of operative and inoperative vehicles for limited periods of time. Includes, but is not limited to, storage of towed vehicles, impound yards, and storage lots for automobiles, trucks, buses, and recreation vehicles. Does not include vehicle dismantling (see "auto vehicle dismantling") or retail sales (see "auto and vehicle sales").

AUTO PARTS SALES: Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "vehicle services"). Does not include tire recapping establishments, which are found under "vehicle services - major" or businesses dealing exclusively in used parts, which are included under "auto and vehicle sales, wholesale".

AUTO VEHICLE DISMANTLING: Establishment for the dismantling of automobile vehicles, including the dismantling or wrecking of automobiles or other motor vehicles, and/or the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking. Retail sales are included under the definition of "auto and vehicle sales, wholesale".

B. "B" Definitions:

BANKS AND FINANCIAL SERVICES: Financial institutions such as banks and trust companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, and investment companies. Also includes automated teller machines (ATM).

BAR/NIGHTCLUB: Any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (e.g., music and/or dancing, comedy) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include the brewing of beer as part of a brewpub or microbrewery. Bars and nightclubs may include outdoor food and beverage areas consistent with the standards of this title and state regulations. This use specifically includes on site sales of alcohol.

BED AND BREAKFAST INN: Residential structures with one family in permanent residence with up to five (5) bedrooms rented for overnight lodging, where meals may be provided subject to applicable health department regulations. A bed and breakfast inn with more than five (5) guestrooms is considered a hotel or motel and is included under the definition of "hotel and motel".

BROADCASTING AND RECORDING STUDIO: Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of "telecommunication facility".

BUILDING MATERIALS STORE/YARD: Retail establishments selling lumber, steel, and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, and fixtures. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready mix concrete operations. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "storage, warehouse" and "wholesaling and distribution". Hardware stores are listed in the definition of "retail, general",

even if they sell some building materials.

BUS AND TRANSIT SHELTER: A small structure designed for the protection and convenience of waiting transit passengers and that has a roof and usually two (2) or three (3) sides.

BUSINESS SUPPORT SERVICES: Establishments primarily within buildings, providing other businesses with services such as maintenance, repair and service, testing, rental, etc. Support services include, but are not limited to:

1. Equipment repair services (except vehicle repair, see "vehicle services");
2. Commercial art and design (production);
3. Computer related services (rental, repair);
4. Copying, quick printing, and blueprinting services (other than those defined as "printing and publishing");
5. Equipment rental businesses within buildings (rental yards are defined under "storage, yard");
6. Film processing laboratories;
7. Heavy equipment repair services where repair occurs on the client site;
8. Janitorial services;
9. Mail advertising services (reproduction and shipping);
10. Mailbox services and other heavy service business services;
11. Outdoor advertising services; and
12. Photocopying and photofinishing.

C. "C" Definitions:

CALL CENTER: An office equipped to handle a large volume of calls, especially for taking orders or servicing customers.

CAR WASHING AND DETAILING: Permanent, drive-through, self-service, and/or attended car washing establishments, including fully mechanized facilities and detailing services. Temporary car washes (e.g., fundraising activities generally conducted at a service station or other automotive related business, where volunteers wash vehicles by hand, and the duration of the event is limited to 1 day) are not part of this use classification.

CARD ROOM: A gambling establishment that offers card games for play by the public.

CARETAKER HOUSING: A permanent residence that is accessory to a site with a nonresidential primary use and that is needed for security, twenty four (24) hour care or supervision, or monitoring of facilities, equipment, or other conditions on the site.

CEMETERY/MAUSOLEUM: Land used for the burial of the dead, and dedicated for cemetery purposes, including columbaria and mausoleums.

CHECK CASHING BUSINESS: An establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving a similar purpose. Also includes establishments primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks. This classification does not include a state or federally chartered bank, savings association, credit union or similar financial institution (see "banks and financial services").

CHILD DAYCARE FACILITY: Facility that provides nonmedical care and supervision of minor children for periods of less than twenty four (24) hours for an individual child. These facilities include the following, all of which are required to be licensed by the state:

1. Child Daycare Center: Commercial or nonprofit child daycare facility operated outside of a home, typically able to accommodate fifteen (15) or more children, including infant centers, preschools, sick child centers, daycare centers, and school age daycare facilities. These may be operated in conjunction with a school or church facility, apartment complex, or as an independent land use. Also includes employer sponsored childcare centers.

2. Family Daycare Home, Large: A single-family residence that provides daycare for seven (7) to fourteen (14) children, inclusive, including children under the age of ten (10) years who reside at the home. This description is consistent with section 1596.78 of the Health and Safety Code.

3. Family Daycare Home, Small: A single-family residence that provides daycare for eight (8) or fewer children, including children under the age of ten (10) years who reside at the home. Per state law, these uses may not be regulated differently than single-family dwellings. This description is consistent with section 1596.78 of the Health and Safety Code.

COMMUNITY FOOD BANK: Any place where food is served or dispensed and the operation is conducted as a nonprofit, charitable operation, including mission food banks, soup kitchens, church organization food outlets, and charitable rehabilitation centers.

COMMUNITY GARDEN: A site used for growing plants for food, fiber, herbs, or flowers, which is shared and maintained by city residents or as part of a co-op.

CONSIGNMENT STORE: A retail store where goods are placed on "consignment", which is the act of placing goods in the hands of another, while still retaining ownership, until the goods are sold.

CONSTRUCTION YARD/STORAGE SHED: The temporary storage of materials and equipment, including the use of storage sheds, as part of a construction project. Construction yards/storage sheds are considered temporary uses regulated by article C, "Temporary Uses", of this chapter.

CONVENIENCE STORE: Easy access retail stores of five thousand (5,000) square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a fueling station or an independent facility. Larger stores or stores oriented toward the daily shopping needs of residents are separately defined as "neighborhood market" and "grocery store/supermarket".

COTTAGE FOOD OPERATION: An enterprise at a private home where specific food products defined by the California Department of Public Health as ñon-potentially hazardousò are prepared and/or packaged for sale to consumers.

Comment [s34]: Add a definition for the new state law about Cottage Food operations.

CREMATORY: An establishment or furnace that cremates dead human bodies.

CROP PRODUCTION: Raising and harvesting of plants, tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing. Includes

horticulture establishments engaged in the cultivation of flowers, fruits, vegetables, or ornamental trees and shrubs for wholesale and incidental retail sales. This classification includes agricultural buildings accessory to such uses and roadside stands for display/sale of agricultural products grown on the premises. Excludes uses for which other garden, nursery, or landscape merchandise are stored and sold on the site.

D. "D" Definitions:

DRIVE-IN AND DRIVE-THROUGH SALES AND SERVICE: Facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast food restaurants, drive-through coffee, dairy products, photo stores, etc.

DWELLING, MULTI-FAMILY: A building designed and intended for occupancy by three (3) or more families living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord (e.g., apartment, apartment house, townhouse, condominium).

DWELLING, SECOND UNIT: An attached or detached dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation sited on the same parcel as the primary dwelling unit. This definition includes granny flats.

DWELLING, SINGLE-FAMILY: A building designed exclusively for occupancy by one family on a single lot. This classification includes factory built, modular housing units constructed in compliance with the city adopted building code and mobilehomes/manufactured housing on permanent foundations[1], and model homes for the first sale of homes within the subdivision.

DWELLING, TWO-FAMILY: An attached building (e.g., duplex, halfplex) designed for occupancy by two (2) 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".

E. "E" Definitions:

EMERGENCY SHELTER: Any facility, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for specific populations of the homeless.

EMPLOYEE HOUSING: Consistent with Health and Safety Code section 17008, property used temporarily or seasonally (not more than 180 days in any calendar year[2]) for the residential use of unrelated persons/families employed to perform agricultural or industrial labor either on or off site of agricultural activities. The accommodations may consist of any living quarters, dwelling, boarding house, tent (only temporary occupancy), bunkhouse (only temporary occupancy), mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations maintained in one or more buildings, or one or more sites, and the premises upon which they are situated, including area set aside for parking of mobilehomes or camping of employees by the employer. Employee housing may also involve permanent residency if the housing accommodation is a mobilehome, manufactured home, travel trailer, or recreational vehicle. Specifically, there are two (2) types of employee housing as follows:

1. Employee Housing, Large: Employee housing that serves more than six (6) employees and consists of no more than thirty six (36) beds in group quarters or twelve (12) units or spaces designed for use by a single family or household.

2. Employee Housing, Small: Employee housing that serves six (6) or fewer employees.

ENTERTAINMENT AND ASSEMBLY EVENTS: The temporary gathering of people, either out of doors or within a structure, for entertainment or assembly events in a way that deviates or is in addition to the common use of the property on a day to day basis. Examples include, but are not limited to, carnivals, concerts, and fairs. Entertainment and assembly events are considered temporary uses regulated by article C, "Temporary Uses", of this chapter.

EQUESTRIAN FACILITY, COMMERCIAL: Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals, and paddocks accessory and incidental to these uses.

EQUESTRIAN FACILITY, HOBBY: Stables, corrals, and paddocks used by the individual homeowners of corresponding property and their animals.

EQUIPMENT SALES AND RENTAL: Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental (e.g., construction equipment).

F. "F" Definitions:

FARMERS' MARKET: The temporary sale of farm fresh produce and other goods. Farmers' markets are generally held out of doors in public spaces and are considered temporary uses regulated by article C, "Temporary Uses", of this chapter. For permanent uses, see "convenience store", "neighborhood market", or "grocery store/supermarket".

FREIGHT YARD/TRUCK TERMINAL: Transportation establishments furnishing services incidental to air, motor freight, and rail transportation including freight forwarding services, freight terminal facilities, joint terminal and service facilities, packing, crating, inspection, and weighing services, postal service bulk mailing distribution centers, transportation arrangement services, truck repair, truck terminals, trucking facilities including transfer and storage.

FUEL STORAGE AND DISTRIBUTION: A large scale facility where fuel (such as propane and gasoline) is stored and distributed without retail sales.

FUELING STATION: A retail business selling gasoline, diesel, or other motor vehicle fuels. Vehicle services which are incidental to fuel services are included under "vehicle services - minor".

G. "G" Definitions:

GARAGE/YARD SALE: A temporary sales event associated with a residential use. Garage/yard sales are considered temporary uses regulated by article C, "Temporary Uses",

of this chapter.

GARDEN CENTER/PLANT NURSERY: Establishments providing for the cultivation and sale of trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment.

GATED RESIDENTIAL COMMUNITY: Any single-family or multi-family development that is gated and restricts public access into the development.

GROCERY STORE/SUPERMARKET: A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. These full service businesses do not typically have limited hours of operation.

GROUP RESIDENTIAL: Shared living quarters without separate kitchen and/or bathroom facilities for each room or unit. This classification includes residential hotels, dormitories, fraternities, sororities, convents, rectories, and private residential clubs but does not include living quarters shared exclusively by a family. This category includes "boarding houses", which are defined as a building other than a hotel or restaurant where meals or lodging or both meals and lodging are provided for compensation for four (4) or more persons.

GUESTHOUSE: A detached structure accessory to a single-family dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.

H. "H" Definitions:

HELIPORT: A facility, other than an emergency medical services (EMS) landing site as defined in the California Code of Regulations title 21 section 3527, for the landing and takeoff of one or more helicopters. Such facilities may include, but are not limited to, and are not required to have, the following: designated marked landing areas; storage structure(s) and/or tie downs; refueling facilities; and other support services. This use listing specifically includes agricultural heliports, public use heliports, heliports at hospitals, personal use heliports, and temporary helicopter landing sites, all as defined in California Code of Regulations title 21 section 3527.

HOME OCCUPATION: The conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property. Examples include, but are not limited to, accountants, financial advisors, architects, artists, attorneys, notaries, offices for construction businesses (without equipment or material storage), gardening service, and real estate sales.

HOOKAH PARLOR: Any facility or location whose business operation, whether as its primary use or as an accessory use, is denoted by the smoking of tobacco or other substances through one or more pipes (commonly known as a hookah, waterpipe, shisha, or narghile) designed with a tube passing through an urn of water that cools the smoke as it is drawn through it, including, but not limited to, establishments known variously as hookah bars, hookah lounges, or hookah cafes. Hookah parlors are prohibited in all zoning districts.

HOTEL AND MOTEL: Facility with guestrooms or suites, provided without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guestrooms from an interior walkway and typically include a variety of services in

addition to lodging, for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guestrooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc. Hotels and motels that provide full kitchen facilities are listed under "group residential".

HOUSEHOLD PET: The keeping, primarily for a personôs company, ~~and/or raising~~ of birds, cats, dogs, chickens, or pot bellied pigs~~or other common household pets~~. The definition also includes and other small, caged animals that do not generate odor of noise that is noticeable at the site property line.~~. See specific regulations in title 5, chapter 1, "Animal Control", of the municipal code.~~ The definition specifically does not include roosters.

Comment [s35]: Revise definition to specificially include chickens and pot bellied pigs, and to specifically exclude roosters. Also see change to the matrix on pages 89 and 98.

I. "I" Definitions:

INDOOR AMUSEMENT/ENTERTAINMENT FACILITY: Establishments providing indoor amusement and entertainment services for a fee or admission charge, including dance halls and ballrooms, and electronic game arcades, as primary uses. Four (4) or more electronic games or coin operated amusements in any establishment, or a premises where fifty percent (50%) or more of the floor area is occupied by amusement devices, are considered an electronic game arcade; three (3) or less machines are not considered a land use separate from the primary use of the site.

INDOOR FITNESS AND SPORTS FACILITY: Predominantly participant sports and health activities conducted entirely within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice/roller skating rinks, indoor racquetball courts, indoor climbing facilities, soccer areas, gymnastic studios, athletic clubs, and health clubs.

INTERIM AGRICULTURAL USE: The use of property for crop production or other agricultural use on a temporary basis until such time as it is economically viable to develop the property to the highest and best use as defined by the general plan. Interim agricultural uses are considered temporary uses regulated by article C, "Temporary Uses", of this chapter. These uses involve commercial agricultural operations, including aspects such as mechanized commercial equipment, and are different from community based operations described in community gardens.

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

K. "K" Definitions:

KENNEL: Facility providing for the boarding of animals as the primary use of the facility. May also include daytime boarding and activity for animals (e.g., "doggie daycare") and ancillary grooming facilities. A kennel as part of a veterinary facility is included under that use listing.

L. "L" Definitions:

LIBRARY/MUSEUM: Public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums.

LIVE-WORK FACILITY: A structure or portion of a structure:

1. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household;

2. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and

3. Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

M. "M" Definitions:

MAINTENANCE AND REPAIR OF SMALL EQUIPMENT: Establishments providing on site repair and accessory sales of supplies for appliances, office machines, home electronic/mechanical equipment, bicycles, tools, or garden equipment, conducted entirely within an enclosed building. This classification does not include maintenance and repair of vehicles.

MANUFACTURED HOME: See "dwelling, single-family".

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

MANUFACTURING, MINOR: Manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be noxious to persons conducting business on site or on an adjacent site. Uses include, but are not limited to, furniture manufacturing and cabinet shops, laundry and dry cleaning plants, metal products fabrication, and food and beverage manufacturing (e.g., raw milk processed to cheese).

MANUFACTURING, SMALL SCALE: Establishments manufacturing and/or assembling small products primarily by hand, including, but not limited to, jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

MASSAGE THERAPY: Establishment where customers can receive a massage. See specific use regulations in title 4, chapter 7, "Massage Establishments and Therapists", of the municipal code.

MEDICAL MARIJUANA CULTIVATION - COLLECTIVE OR COOPERATIVE: The indoor growing and cultivating of marijuana by a group of medical marijuana cardholders or their caregivers, without any compensation being given to anyone, within an enclosed building in the light industrial zone district. All persons who associate together for the collective or cooperative cultivation must participate in the cultivation and the cultivation must occur solely among members of the association. No employees, independent contractors, or other persons may be utilized for the cultivation. No member may compensate any other member to cultivate on his/her behalf. This type of cultivation shall be subject to requirements of title

4, chapter 8 of the municipal code.

MEDICAL MARIJUANA CULTIVATION - PERSONAL USE: The indoor growing and cultivating of marijuana within a private residence, in an attached garage, or in an accessory building if the property is a detached single-family residence by an individual qualified patient or person with a medical marijuana identification card. A primary caregiver shall only cultivate medical marijuana at the residence of a qualified patient or person with an identification card for whom he/she is the primary caregiver. Medical marijuana cultivation for personal use shall be subject to requirements of title 4, chapter 8 of the municipal code.

MEDICAL MARIJUANA DISPENSARY: Any facility or location, whether fixed or mobile, where medical marijuana is made available to, distributed by, or distributed to more than three (3) of the following: 1) a qualified patient, 2) a person with a medical marijuana identification card, or 3) a primary caregiver. All three (3) of these terms are defined in strict accordance with California Health and Safety Code sections 11362.5 and 11362.7 et seq. Unless otherwise regulated by this code or applicable law, a "medical marijuana dispensary" shall not include the following uses: a clinic licensed pursuant to chapter 1 of division 2 of the Health and Safety Code, a healthcare facility licensed pursuant to chapter 2 of division 2 of the Health and Safety Code, a residential care facility for persons with chronic life threatening illness licensed pursuant to chapter 3.01 of division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to chapter 3.2 of division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to chapter 8 of division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code sections 11362.5 and 11362.7 et seq. Medical marijuana dispensaries where medical marijuana is distributed by, distributed to, or made available to any combination of three (3) or more qualified patients, persons with an identification card, or primary caregivers as defined by California Health and Safety Code section 11362.5 et seq., are prohibited in all zone districts.

MEDICAL SERVICES: Facilities that provide medical services as further defined as follows:

1. Extended Care: Residential facilities providing nursing and health related care as a primary use with inpatient beds, such as board and care homes, convalescent and rest homes, extended care facilities, and skilled nursing facilities. Long term personal care facilities that do not include medical treatment are included under "residential care homes" and "residential care facilities".

2. General: Facility primarily engaged in providing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including medical and dental laboratories, medical, dental and psychiatric offices, optometrist, outpatient care facilities, and other allied health services. Counseling services by other than medical doctors or psychiatrists are included under "office, business and professional".

3. Hospital: Hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment (with overnight stay capabilities), including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete healthcare, and may include on site accessory clinics and laboratories.

MOBILEHOME: See "dwelling, single-family".

MOBILEHOME PARK: Consistent with Government Code section 65852.7, any site that is planned and improved to accommodate two (2) or more mobilehomes used for residential purposes, or on which two (2) or more mobilehome lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobilehomes used for residential purposes.

MORTUARY/FUNERAL HOME: Funeral homes and parlors, where the deceased are prepared for burial or cremation and funeral services may be conducted. (Ord. 2012-01, 4-17-2012; amd. Ord. 2012-05, 11-20-2012)

N. "N" Definitions:

NEIGHBORHOOD MARKET: A pedestrian oriented grocery/specialty market store offering food products packaged for preparation and consumption away from the site of the store and oriented to the daily shopping needs of surrounding residential areas. Neighborhood markets are less than fifteen thousand (15,000) square feet in size and operate less than eighteen (18) hours per day. For larger stores, see "grocery store/supermarket". Neighborhood markets may include deli or beverage tasting facilities that are ancillary to the market/grocery portion of the use.

O. "O" Definitions:

OFFICE, ACCESSORY: Offices that are incidental and accessory to another business or sales activity that is the primary use. Incidental offices that are customarily accessory to another use are allowed as part of an approved primary use. The qualification criteria for this definition is that the floor area of the accessory office use shall not exceed twenty five percent (25%) of the total tenant floor area.

OFFICE, BUSINESS AND PROFESSIONAL: This use listing includes offices of administrative businesses providing direct services to consumers (e.g., insurance companies, utility companies), government agency and service facilities (e.g., post office, civic center), professional offices (e.g., accounting, attorneys, employment, public relations), and offices engaged in the production of intellectual property (e.g., advertising, architectural, computer programming, photography studios). This use does not include medical offices (see "medical services"), temporary offices, or offices that are incidental and accessory to another business or sales activity that is the primary use (see "office, accessory"). These facilities typically operate during normal business hours, Monday through Friday, seven o'clock (7:00) A.M. to six o'clock (6:00) P.M.

OUTDOOR COMMERCIAL RECREATION: Facility for various outdoor participant sports and types of recreation where a fee is normally charged for use, including, but not limited to, amphitheaters, amusement and theme parks, golf courses, golf driving ranges, health and athletic club outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, racetracks, swim and tennis clubs, tennis courts, water slides, and zoo.

P. "P" Definitions:

PARK AND RIDE FACILITY: A designated area where a vehicle may be left in order to

carpool with other commuters or to ride public transit.

PARK/PUBLIC PLAZA: Public parks including playgrounds and athletic fields/courts and public plazas and outdoor gathering places for community use. If privately owned and restricted to the public (e.g., require payment of fee), the same facilities are included under the definition of "outdoor commercial recreation".

PARKING FACILITY: A parking lot or parking structure used for parking motor vehicles where the facility is the primary use of the site. Parking structures and lots that are developed in conjunction with another primary use of the site to satisfy the onsite parking requirements for the development are not included in this definition.

PAWNSHOP: Any room, store, building, or other place in which the business of pawn brokering, or the business of lending money upon personal property, pawns or pledges, or the business of purchasing articles from vendors or their assignees at prices agreed upon at or before the time of such purchase, is engaged in, carried on, or conducted.

PERSONAL SERVICES: Establishments providing nonmedical services as a primary use, including, but not limited to, barber and beauty shops, clothing rental, day spas (excluding massage therapy), dry cleaning stores with limited on site cleaning (see "manufacturing, minor" for larger operations), home electronics and small appliance repair, laundromats (self-service laundries), shoe repair shops, and tailors. These uses may also include accessory retail sales of products related to the services provided, and tanning salons.

PRINTING AND PUBLISHING: Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying, and other establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books, and periodicals, and establishments manufacturing business forms and binding devices. Does not include quick printing services or desktop publishing, which are included in "business support services".

PUBLIC SAFETY FACILITY: Facility operated by public agencies including fire stations, other fire prevention and firefighting facilities, and police and sheriff substations and headquarters, including interim incarceration facilities. (Ord. 2012-01, 4-17-2012; amd. Ord. 2012-04, 8-7-2012)

Q. "Q" Definitions: Reserved for future use.

R. "R" Definitions:

RECREATIONAL VEHICLE PARK: A site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tent trailers. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve park patrons only. These facilities are not intended for long term stay or residency.

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. 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 section 14500 et seq., a recycling collection facility shall be located within a one-half ($^1/_2$) mile radius of a grocery store (referred to as the convenience zone under section 14509.4).

RECYCLING FACILITY - PROCESSING: A recycling facility located in a building or enclosed space and used for the collection and processing of recyclable materials. "Processing" means the preparation of material for efficient shipment or to an end user's specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Collection of recycling materials as the sole activity is included in the definition of "recycling facility - collection".

RECYCLING FACILITY - SCRAP AND DISMANTLING: Uses engaged in the assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials. This use does not include landfills or other terminal waste disposal sites. Also see "auto vehicle dismantling" for related use for automobiles. These facilities may also be used for collection of recycling materials where the collection is incidental to the scrap and dismantling operation.

RESEARCH AND DEVELOPMENT: Indoor facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes, but is not limited to, chemical and biotechnology research and development. Does not include computer software companies (see "office, business and professional"), soils and other materials testing laboratories (see "business support services"), or medical laboratories (see "medical services, general").

RESIDENTIAL CARE FACILITY: Consistent with the definitions of state law[3], a residential care facility is a facility that provides twenty four (24) hour nonmedical care for more than six (6) persons eighteen (18) years of age or older, or emancipated minors, with chronic, life threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California.

RESIDENTIAL CARE HOME: Consistent with the definitions of state law[4], a residential care home is a home that provides twenty four (24) hour nonmedical care for six (6) or fewer persons eighteen (18) years of age or older, or emancipated minors, with chronic, life threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the state of California. Per state law, these uses may not be regulated differently than single-family dwellings. Convalescent homes, nursing homes and similar facilities providing

medical care are included under the definition of "medical services, extended care".

RESOURCE PROTECTION AND RESTORATION: Activities and management of an area to preserve, re-create, and enhance natural resource such as fish and wildlife habitat, rare and endangered plants, vernal pools, erosion control, wetlands, and floodwater conveyance.

RESOURCE RELATED RECREATION: Facility related to passive recreation in open space areas including bicycle and pedestrian trails, picnic areas, parking areas, and interpretive centers.

RESTAURANT: A retail business selling food and beverages prepared and/or served on the site, for on or off premises consumption, from a permanent structure. Includes eating establishments where customers are served from a walk-up ordering counter for either on or off premises consumption and establishments where most customers are served food at tables for on premises consumption, but may include providing food for takeout. Also includes coffeehouses and accessory cafeterias as part of office and industrial uses. This use specifically includes on site sales of alcohol.

RETAIL, ACCESSORY: The retail sales of various products (including food service) in a store or similar facility that is located within a healthcare, hotel, office, or industrial complex. These uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, office, and industrial complexes. This use category also includes retail associated with industrial uses for the products sold, distributed, or manufactured on site. Such retail area shall not exceed twenty five percent (25%) of the total square footage for each tenant space.

RETAIL, GENERAL: The retail sales of merchandise not specifically listed under another use classification. This classification includes department stores; drugstores; furniture, furnishings, and appliance stores; dry goods; clothing stores; fabric and sewing supplies; home improvement supplies; florists (except that nurseries are separately defined); and businesses retailing goods such as the following: toys, hobby materials, handcrafted items, jewelry, cameras and electronic equipment, audio and video sales and rental, sporting goods, kitchen utensils, art supplies, and similar activities.

RETAIL, WAREHOUSE CLUB: Retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

S. "S" Definitions:

SCHOOL: A facility that provides for the education and/or training of individuals or groups as further defined as follows:

1. Academic - Private and Charter: Any privately owned and operated elementary school, middle school, secondary school, high school, or other institution providing academic instruction for students from kindergarten through twelfth grade. This listing also includes a private school operating under a charter from the local school district and not managed directly by the governing body of the public school district (e.g., school board).

2. Academic - Public: Public elementary schools, middle schools, secondary schools, high schools, and any other public school providing academic instruction for students from

kindergarten through twelfth grade.

3. Colleges and Universities - Private: Any privately owned college or university, including medical schools, law schools, and other instruction of higher education, including dorms, offices, facility maintenance yards, offices, and similar supportive functions.

4. Colleges and Universities - Public: Public community colleges, colleges, and universities, including dorms, offices, facility maintenance yards, offices, and similar supportive functions.

5. Equipment/Machinery/Vehicle Training: Facilities and programs for training students in the repair and maintenance of various equipment, machinery, and vehicles which tend to have a more industrial nature to them. Examples include, but are not limited to, maintenance of business equipment and consumer products (e.g., computers and other electronic equipment, appliance repair, upholstery and furniture repair), trade schools (e.g., metal work/welding), and vehicle repair and maintenance (e.g., repair, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, motorcycles, trucks, recreational vehicles, boats, and other vehicles).

6. Specialized Education and Training/Studios: Specialty schools for instructing and training students in a variety of specialized programs, including, but not limited to, the following:

a. Computers and electronics training schools;

b. Drama schools;

c. Driver educational schools;

d. Language schools;

e. Music schools;

f. Professional, vocational, and trade schools of a nonindustrial nature (e.g., culinary, cosmetology, arts and media, accounting and finance, health and dental including nursing, legal, psychology, and technology); and

g. Studio style facilities including, but not limited to, dance/ballet, art, photography, yoga, martial arts (e.g., karate, kung fu, judo, tae kwon do, jujitsu), and fitness studios other than "indoor fitness and sports facilities".

SEASONAL SALE: The retail sale of goods related to seasonal holidays, including, but not limited to, Christmas tree sales, pumpkin sales, and fireworks stands.

SEMIPERMANENT MOBILE FOOD VEHICLE: Any vehicle as defined in section 670 of the California Vehicle Code, which is equipped and used for retail sales of prepared, prepackaged, or unprepared, unpackaged food or foodstuffs of any kind that parks for more than twenty (20) minutes daily for more than fourteen (14) days in one calendar year at one or more locations within the city. For the purposes of this title, a mobile food vehicle shall also include any trailer or wagon equipped and used as described in this definition and pulled by a vehicle. Excluded from this category are:

1. Any person engaged in vending conducted in connection with:

a. The operations of a state certified farmers' market,

b. An event authorized by a special event permit or other permit or entitlement issued by the city of Lemoore, such as an authorized street fair, or

c. An event at a sports complex, little league facility, school facility, or recreational facility if the vendor is in partnership with the organization conducting the event and is located on the site of the event; or

2. Any person not exceeding the time thresholds listed in the first sentence of this definition.

SEXUALLY ORIENTED BUSINESS: Any business that, for any form of consideration, as a regular and substantial portion of conduct, offers its patrons products, merchandise, services, or entertainment that, because of its sexually explicit nature, may, pursuant to state law or local regulatory authority, be offered only to persons over the age of eighteen (18) years. A regular and substantial portion of conduct shall mean that either: 1) fifteen percent (15%) or more of the business's gross revenue is derived from merchandise, services, or entertainment that is of a sexually explicit nature; or 2) fifteen percent (15%) or more of the floor space of the area of the building open to the public is used for the display of products, merchandise, services, or entertainment that is of a sexually explicit nature. Examples include, but are not limited to, the following:

1. Adult Bookstore: An establishment that has fifteen percent (15%) or more of its stock in books, magazines, periodicals, or other printed matter, or of photographs, films, motion pictures, videocassettes, slides, tapes, records, or other form of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and/or specified anatomical areas as defined in this title.

2. Adult Cabaret: An establishment that, for any form of consideration, as a regular and substantial course of conduct presents live performances that are characterized by an emphasis upon specified sexual activities (as defined in this title) or feature any seminude person.

3. Adult Hotel/Motel: A hotel or motel or similar business establishment offering public accommodations for any form of consideration which: a) provides patrons with closed circuit television transmissions, films, computer generated images, motion pictures, videocassettes, slides, or other photographic reproductions fifteen percent (15%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined in this title); and b) rents, leases, or lets any room for less than a six (6) hour period, or rents, leases, or lets any single room more than twice in a twenty four (24) hour period.

4. Adult Motion Picture Theater: An establishment that, for any form of consideration, as a regular and substantial course of conduct offers to show films, computer generated images, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas as defined in this title.

5. Adult Retail Store: An establishment that, for any form of consideration, as a regular and

substantial course of conduct (15 percent or more of the stock) offers for sale, rent, or viewing either adult entertainment material, adult entertainment merchandise, or both.

SINGLE ROOM OCCUPANCY (SRO) FACILITY: A room or efficiency unit, as defined by Health and Safety Code section 17958.1, intended or designed to be used, or which is used, rented, or hired out, to be occupied, or which is occupied, as a primary residence, by guests. It is a multi-unit housing facility that typically consists of a single room and shared bath. It may also include a shared common kitchen and common activity area. SROs may be restricted to seniors or be available to persons of all ages. Dormitories are separately defined under "group residential".

SMOKE SHOP: An establishment that either devotes more than fifteen percent (15%) of its total floor area to smoking, drug, and/or tobacco paraphernalia, or devotes more than a ten foot by five foot (10' x 5') (2 feet in depth maximum) section of shelf space for display for sale of smoking, drug, and/or tobacco paraphernalia.

SOLAR POWER STATION: A facility that is the primary use of the site, where solar energy is collected and converted into electrical energy (e.g., solar farms).

STORAGE, PERSONAL STORAGE FACILITY: A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces, as well as ancillary RV and vehicle storage, and characterized by low parking demand.

STORAGE, WAREHOUSE: Facility for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or ministorage facilities offered for rent or lease to the general public (see "storage, personal storage facility") or warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "wholesaling and distribution").

STORAGE, YARD: The storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

SUPPORTIVE HOUSING: Housing that is linked with on or off site services that assist the resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community. Per state law, these uses may not be regulated differently than other dwellings. In accordance with Health and Safety Code section 50675.14, there is no limit on the length of stay and such facilities are occupied by a target population that includes, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people who are:

1. Low income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions; or

2. Individuals eligible for services provided under the Lanterman Development Disabilities Services Act[5].

SWAP MEETS: The temporary gathering of people and secondhand goods for the sale or

trade of those products, whether out of doors or within a structure. Swap meets are considered temporary uses regulated by article C of this chapter.

T. "T" Definitions:

TATTOO PARLOR: Any establishment that engages in the business of tattooing including permanent makeup services.

TELECOMMUNICATION FACILITY: Facility designed and/or used for the purpose of transmitting, receiving, or relaying voice and/or data signals from various wireless communication devices, including transmission tower, antenna, and/or other facility designed or used for that purpose. Telecommunication facilities are divided into two (2) types as follows:

1. Telecommunication Facility - Major: A communication facility that:

a. Is a freestanding ground mounted facility; or

b. Is a structure or roof mounted facility that is more than ten feet (10') above the structure roofline; and

c. Is not specifically identified as a minor facility herein.

Examples include, but are not limited to, the following:

a. Telecommunication towers (cellular towers);

b. Satellite earth station (SES) antennas that are more than two meters (2 m) in diameter; and

c. Parabolic antennas, direct broadcast satellite (DBS) antennas, and multipoint distribution service (MDS) antennas that are more than one meter (1 m) in diameter.

2. Telecommunication Facility - Minor: Any wireless communication facility that is either: a) operated exclusively as part of a public safety network, or b) specifically exempt from local regulation by state or federal law or rule (including, but not limited to, the telecommunications act of 1996 and 47 CFR section 1.4000). Examples include, but are not limited to, the following:

a. Amateur radio transmission facilities which comply with the standards of section 9-4D-15, "Telecommunication Facilities", of this chapter;

b. Satellite earth station (SES) antennas that are two meters (2 m) in diameter or less;

c. Parabolic antennas, direct broadcast satellite (DBS) antennas, and multipoint distribution service (MDS) antennas that are one meter (1 m) in diameter or less.

TEMPORARY CONSTRUCTION OFFICE: An office established for purposes of a construction project, usually contained within a trailer or other mobile structure. Temporary construction offices are considered temporary uses regulated by article C, "Temporary Uses", of this chapter.

TEMPORARY SALES OFFICE: An office established for purposes of selling lots or homes as part of new residential subdivisions and located within the subdivision for which the sales are occurring. Temporary sales offices may be located within a trailer or other mobile structure or within a model home or other structure. Temporary sales offices are considered temporary uses regulated by article C, "Temporary Uses", of this chapter.

THEATER/AUDITORIUM: Indoor facilities for public assembly and group entertainment, other than sporting events (e.g., civic theaters, facilities for live theater and concerts, exhibition and convention halls, motion picture theaters, auditoriums). Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see "outdoor commercial recreation".

THRIFT STORE: A retail establishment selling secondhand goods donated by members of the public.

TRANSIT FACILITY: Maintenance and service centers for the vehicles operated in a mass transportation system. Includes buses, taxis, railways, etc. Note that taxi operations are subject to police department review as identified in section 3-6A-6 of the municipal code.

TRANSIT STATION/TERMINAL: Passenger stations for vehicular and rail mass transit systems.

TRANSITIONAL HOUSING: Housing containing sleeping, kitchen, and bathroom facilities that are used to ease the transition of homeless individuals (including aged out foster children) to independent living within twenty four (24) months. Usually provided with supportive services to assist in finding and keeping permanent housing. Per state law, these uses may not be regulated differently than other dwellings. (Ord. 2012-01, 4-17-2012; amd. Ord. 2012-04, 8-7-2012)

U. "U" Definitions:

UTILITY FACILITY AND INFRASTRUCTURE: Includes the following:

1. Fixed Base Structures and Facilities: Facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code section 53091: electrical substations and switching stations; natural gas regulating and distribution facilities; public water system wells, treatment plants, and storage; telephone switching facilities; and wastewater treatment plants, settling ponds, and disposal fields. These uses do not include office or customer service centers (classified in "offices") or equipment and material storage yards.

2. Transmission Lines and Pipelines: Pipelines for potable water, reclaimed water, natural gas, and sewage collection and disposal, and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television, and other communications transmission facilities utilizing direct physical conduits.

V. "V" Definitions:

VEHICLE SERVICES - MAJOR: The repair, alteration, restoration, towing, painting, cleaning (e.g., self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats, farm equipment, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major repair and body work repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments.

VEHICLE SERVICES - MINOR: Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick lube, smog check). Does not include repair shops that are part of a vehicle dealership on the same site (see "auto and vehicle sales") or automobile dismantling yards, which are included under "recycling facility - scrap and dismantling".

VETERINARY FACILITY: Veterinary facility that is primarily enclosed, containing only enough cage arrangements as necessary to provide services for domestic and exotic animals requiring acute medical or surgical care with accessory outdoor use that provides long term medical care. Grooming and boarding of animals is allowed only if accessory to the facility use.

W. "W" Definitions:

WHOLESALING AND DISTRIBUTION: Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers, and associations engaged in the cooperative marketing of farm products, merchant wholesalers, and stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

X. "X" Definitions: Reserved for future use.

Y. "Y" Definitions: Reserved for future use.

Z. "Z" Definitions: Reserved for future use. (Ord. 2013-___, __-__-2013)

CHAPTER 4

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. 2013-___, __-__-2013)

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; and

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. Special purpose zoning districts:

a. W = Wetlands;

b. AG = Agricultural;

c. PR = Parks and recreation/ponding basin;

d. CF = Public services and community facilities.

3. 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.

4. 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.

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. 2013-___, __-__-2013)

Comment [s36]: Revise: 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		N	=	Not permitted
A	=	Administrative use permit required		C	=	Conditional use permit required

Land Use/ Zoning District	**Residential Zoning Districts**							**Special Purpose Zoning Districts**			
	AR	**RVLD**	**RLD**	**RN**	**RLMD**	**RMD**	**RHD**	**W**	**AG**	**PR**	**CF**
Residential uses:											
Caretaker housing	C	P	P	P	P	P	P	C	N	C	C
Child daycare facility-family daycare home, large[1]	N	A	A	A	A	A	A	N	N	N	N
Child daycare facility-family daycare home, small	N	P	P	P	P	P	P	N	N	N	N
Dwelling, multi-family	N	N	N	N	P	P	P	N	N	N	N
Dwelling, second unit[3]	N	A	A	A	A	A	A	N	N	N	N
Dwelling, single-family	P	P	P	P	P	P	N	N	N	N	N
Dwelling, two-family	N	N	A	P	P	P	N	N	N	N	N
Emergency shelter	N	N	N	N	N	N	N	N	N	N	P
Employee housing, large	C	C	N	N	N	N	N	N	N	N	N
Employee housing, small	P	P	P	P	P	P	N	N	N	N	N

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	**RVLD**	**RLD**	**RN**	**RLMD**	**RMD**	**RHD**	**W**	**AG**	**PR**	**CF**
Gated residential community	C	C	C	C	C	C	C	N	N	N	N
Group residential	N	N	N	N	N	P	P	N	N	N	C
Guesthouse	P	P	P	P	P	P	N	N	N	N	N
Live-work facility[5]	N	N	N	N	N	N	A	N	N	N	N
Medical marijuana cultivation - personal use	P[28]	P[28]	P[28]	P[28]	P[28]	P[28]	P[28]	N	N	N	N
Mobilehome park[6]	N	C	C	C	C	A	A	N	N	N	N
Recreational vehicle park[24]	N	N	N	N	N	N	N	N	N	N	N
Residential care facility[25]	N	N	N	N	C	C	P	N	N	N	N
Residential care home	N	P	P	P	P	P	P	N	N	N	N
Single room occupancy (SRO) facility	N	N	N	N	N	N	P	N	N	N	N
Supportive housing	P	P	P	P	P	P	P	N	N	N	N
Transitional housing	P	P	P	P	P	P	P	N	N	N	N
Agricultural and animal related uses:											
Agricultural tourism	P	N	N	N	N	N	N	N	N	N	P
Animal husbandry	C	N	N	N	N	N	N	N	P	N	N
Animal keeping	P	P	N	N	N	N	N	N	P	N	N
Animal sales and grooming	N	N	N	N	N	N	N	N	N	N	N

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF
Crop production	P	C	A	N	N	N	N	N	P	N	N
Equestrian facility, commercial	P	N	N	N	N	N	N	N	N	P	N
Equestrian facility, hobby	C	P	N	N	N	N	N	N	N	C	C
Household pets ï 4 or less	P	P	P	P	P	P	P	N	N	N	N
Household pets ï More than 4	C	C	C	C	C	C	C	N	N	N	N
Kennel	P	N	N	N	N	N	N	N	N	N	N
Veterinary facility	P	N	N	N	N	N	N	N	N	N	N
Recreation, resource preservation, open space, education, and public assembly uses:											
Assembly uses	A	N	C	C	A	A	A	N	N	A	A
Cemetery/mausoleum	C	N	N	N	N	N	N	N	N	C	P
Community food bank	N	N	C[26]	C[26]	C[26]	C[26]	N	N	N	A	A
Community garden[9]	A	A	A	A	A	A	A	N	N	A	A
Indoor amusement/entertainment facility[10]	N	N	N	N	N	N	N	N	N	P	P
Indoor fitness and sports facility	N	N	N	N	N	N	N	N	N	P	P
Library/museum	N	N	N	N	N	N	N	N	N	P	P
Outdoor commercial recreation	N	N	N	N	N	N	N	N	N	P	P

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF
Park/public plaza	N	P	P	P	P	P	P	N	N	P	P
Resource protection and restoration	P	N	N	N	N	N	N	P	N	P	P
Resource related recreation	P	N	N	N	N	N	N	P	N	P	P
School, academic - private and charter	N	N	C	C	C	C	C	N	N	N	P
School, academic - public	P	P	P	P	P	P	P	P	N	P	P
School, colleges and universities - private	N	N	N	N	N	N	N	N	N	N	P
School, colleges and universities - public	P	P	P	P	P	P	P	P	N	P	P
School, equipment/machinery/ vehicle training	N	N	N	N	N	N	N	N	N	N	P
School, specialized education and training/studio	N	N	N	N	N	N	N	N	N	N	N
Theater/auditorium	N	N	N	N	N	N	N	N	N	P	P
Utility, transportation, public facility, and communication uses:											
Airport	N	N	N	N	N	N	N	N	N	N	N
Ambulance service	N	N	C	N	N	N	N	N	N	N	N
Broadcasting and recording studio	N	N	N	N	N	N	N	N	N	N	N
Bus and transit shelter	P	P	P	P	P	P	P	P	N	P	P

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF
Fuel storage and distribution	N	N	N	N	N	N	N	N	N	N	N
Heliport	N	N	N	N	N	N	N	N	N	N	N
Park and ride facility	N	N	N	N	N	N	N	N	N	P	P
Parking facility	N	N	N	N	N	N	N	N	N	N	N
Public safety facility	P	P	P	P	P	P	P	P	N	P	P
Solar power station	C	N	N	N	N	N	N	N	N	N	C
Telecommunication facility - major[12]	N	N	N	N	N	N	N	N	N	C[13]	C[13]
Telecommunication facility - minor[12]	P	P	P	P	P	P	P	P	N	P	P
Transit facility	N	N	N	N	N	N	N	N	N	N	P
Transit station/terminal	N	N	N	N	N	N	N	N	N	N	P
Utility facility and infrastructure	P	P	P	P	P	P	P	P	N	P	P
Retail, service, and office uses:											
Adult day healthcare facility	N	N	N	N	N	N	C	N	N	N	N
Alcoholic beverage sales, off site[14]	N	N	N	N	N	N	N	N	N	N	N
Alcoholic beverage sales, on site[14]	See "bar/nightclub" and "restaurant"										
Art, antique, collectible	N	N	N	N	N	N	N	N	N	N	N

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF
Artisan shop	N	N	N	N	N	N	N	N	N	N	N
Banks and financial services	N	N	N	N	N	N	N	N	N	N	N
Bar/nightclub[14]	N	N	N	N	N	N	N	N	N	N	N
Bed and breakfast inn	N	N	N	N	N	N	N	N	N	N	N
Building materials store/yard	N	N	N	N	N	N	N	N	N	N	N
Business support services	N	N	N	N	N	N	N	N	N	N	N
Call center	N	N	N	N	N	N	N	N	N	N	N
Card room	N	N	N	N	N	N	N	N	N	N	N
Check cashing business	N	N	N	N	N	N	N	N	N	N	N
Child daycare facility - child daycare center[25]	N	N	N	C	C	A	A	N	N	N	N
Consignment store	N	N	N	N	N	N	N	N	N	N	N
Convenience store	N	N	N	N	N	N	N	N	N	N	N
Crematory	N	N	N	N	N	N	N	N	N	N	N
Drive-in and drive-through sales and service[16]	N	N	N	N	N	N	N	N	N	N	N
Equipment sales and rental	N	N	N	N	N	N	N	N	N	N	N
Garden center/plant nursery	N	N	N	N	N	N	N	N	N	N	N
Grocery store/supermarket	N	N	N	N	N	N	N	N	N	N	N
Hookah parlor	N	N	N	N	N	N	N	N	N	N	N

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF
Hotel and motel	N	N	N	N	N	N	N	N	N	N	N
Maintenance and repair of small equipment	N	N	N	N	N	N	N	N	N	N	N
Massage therapy[17]	N	N	N	N	N	N	N	N	N	N	N
Medical marijuana dispensary	N	N	N	N	N	N	N	N	N	N	N
Medical services, extended care	N	N	N	N	N	N	N	N	N	N	N
Medical services, general	N	N	N	N	N	N	N	N	N	N	N
Medical services, hospital[25]	N	N	C	C	C	C	C	N	N	N	N
Mortuary/funeral home	N	N	N	N	N	N	N	N	N	N	N
Neighborhood market	N	N	N	N	N	N	N	N	N	N	N
Office, accessory	N	N	N	N	N	N	N	N	N	P	P
Office, business and professional	N	N	N	N	N	N	N	N	N	N	N
Pawnshop	N	N	N	N	N	N	N	N	N	N	N
Personal services	N	N	N	N	N	N	N	N	N	N	N
Restaurant	N	N	N	N	N	N	N	N	N	N	N
Retail, accessory	N	N	N	N	N	N	N	N	N	N	N
Retail, general	N	N	N	N	N	N	N	N	N	N	N
Retail, warehouse club	N	N	N	N	N	N	N	N	N	N	N

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF
Semipermanent mobile food vehicle[19]	N	N	N	N	N	N	N	N	N	N	N
Sexually oriented business[20]	N	N	N	N	N	N	N	N	N	N	N
Smoke shop	N	N	N	N	N	N	N	N	N	N	N
Tattoo parlor	N	N	N	N	N	N	N	N	N	N	N
Thrift store[21]	N	N	N	N	N	N	N	N	N	N	N
Automobile and vehicle uses:											
Auto and vehicle rental	N	N	N	N	N	N	N	N	N	N	N
Auto and vehicle sales	N	N	N	N	N	N	N	N	N	N	N
Auto and vehicle sales, wholesale	N	N	N	N	N	N	N	N	N	N	N
Auto and vehicle storage	N	N	N	N	N	N	N	N	N	N	N
Auto parts sales	N	N	N	N	N	N	N	N	N	N	N
Auto vehicle dismantling	N	N	N	N	N	N	N	N	N	N	N
Car washing and detailing	N	N	N	N	N	N	N	N	N	N	N
Fueling station[22]	N	N	N	N	N	N	N	N	N	N	N
Vehicle services - major	N	N	N	N	N	N	N	N	N	N	N
Vehicle services - minor	N	N	N	N	N	N	N	N	N	N	N
Industrial, manufacturing, and processing uses:											

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF
Agricultural products processing	C	N	N	N	N	N	N	N	N	N	N
Freight yard/truck terminal	N	N	N	N	N	N	N	N	N	N	N
Manufacturing, major	N	N	N	N	N	N	N	N	N	N	N
Manufacturing, minor	N	N	N	N	N	N	N	N	N	N	N
Manufacturing, small scale	N	N	N	N	N	N	N	N	N	N	N
Medical marijuana cultivation - collective or cooperative cultivation; dispensary	N	N	N	N	N	N	N	N	N	N	N
Printing and publishing	N	N	N	N	N	N	N	N	N	N	N
Recycling facility - collection	N	N	N	N	N	N	N	N	N	N	N
Recycling facility - processing	N	N	N	N	N	N	N	N	N	N	N
Recycling facility - scrap and dismantling	N	N	N	N	N	N	N	N	N	N	N
Research and development	N	N	N	N	N	N	N	N	N	N	N
Storage, personal storage facility	N	N	N	N	N	N	N	N	N	N	N
Storage, warehouse	N	N	N	N	N	N	N	N	N	N	N
Storage, yard	N	N	N	N	N	N	N	N	N	N	N
Wholesaling and distribution	N	N	N	N	N	N	N	N	N	N	N
Temporary uses:	See article C, "Temporary Uses", of this chapter										

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts			
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF
Nonconforming uses:	See chapter 2, article C, "Nonconforming Uses, Structures, and Properties", of this title										

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	DMX-1	DMX-2	DMX-3	MU	NC	RC	PO	ML	MH
Residential uses:									
Caretaker housing	P	P	P	P	C	C	P	P	P
Child daycare facility-family daycare home, large[1]	A	A	A	A	N	N	N	N	N
Child daycare facility-family daycare home, small	P	P	P	P	N	N	N	N	N
Dwelling, multi-family	P[2]	P	P	P	P[27]	N	C	N	N
Dwelling, second unit[3]	N	A	A	N	N	N	N	N	N
Dwelling, single-family	N	A	P	N	N	N	N	N	N
Dwelling, two-family	N	P	P	N	N	N	N	N	N
Emergency shelter	N	N	N	N	N	N	N	C	N
Employee housing, large	N	N	N	N	N	N	N	N	N
Employee housing, small	N	P	P	N	N	N	N	N	N

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
Gated residential community	N	N	N	N	N	N	N	N	N
Group residential	P	P	P	P	N	N	N	N	N
Guesthouse	N	P	P	N	N	N	N	N	N
Live-work facility[5]	A	A	A	A	A	N	N	N	N
Medical marijuana cultivation - personal use	N	N	N	N	N	N	N	N	N
Mobilehome park[6]	N	N	N	N	N	N	N	N	N
Recreational vehicle park[24]	N	N	N	N	N	C	N	C	N
Residential care facility[25]	N	N	N	C	C	N	N	N	N
Residential care home	C	P	P	P	N	N	N	N	N
Single room occupancy (SRO) facility	C	C	C	N	N	N	N	N	N
Supportive housing	P	P	P	P	N	N	N	N	N
Transitional housing	P	P	P	P	N	N	N	N	N
Agricultural and animal related uses:									
Agricultural tourism	N	C	C	N	N	N	N	P	P
Animal husbandry	N	N	N	N	N	N	N	C	C
Animal keeping	N	N	N	N	N	N	N	N	N
Animal sales and grooming	P	P	P	P	P	P	N	N	N

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
Crop production	N	N	N	N	N	N	N	A	A
Equestrian facility, commercial	N	N	N	N	N	N	N	N	N
Equestrian facility, hobby	N	N	N	N	N	N	N	N	N
Household pets ï 4 or less~~Household pet~~	P	P	P	P	N	N	N	N	N
Household pets ï More than 4	C	C	C	C	N	N	N	N	N
Kennel	N	N	N	N	N	C[8]	C[8]	P	N
Veterinary facility	P	P	P	P	P	P	P	P	N
Recreation, resource preservation, open space, education, and public assembly uses:									
Assembly uses	A	A	A	A	A	A	P	C	N
Cemetery/mausoleum	N	N	N	N	N	N	N	N	N
Community food bank	C	A	N	C	N	N	N	N	N
Community garden[9]	A	A	A	N	N	N	A	N	N
Indoor amusement/ entertainment facility[10]	P	P	C	P	P	P	N	C	N
Indoor fitness and sports facility	P	P	C	P	P	P	C	C	N
Library/museum	P	P	P	C	N	C	P	N	N

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
Outdoor commercial recreation	P[11]	P[11]	P[11]	N	N	N	N	C	N
Park/public plaza	P	P	P	P	P	P	P	P	P
Resource protection and restoration	N	N	N	N	N	N	N	N	N
Resource related recreation	N	N	N	N	N	N	N	N	N
School, academic - private and charter	N	N	N	C	N	N	N	N	N
School, academic - public	P	P	P	P	P	P	P	P	P
School, colleges and universities - private	N	N	N	C	N	N	P	C	N
School, colleges and universities - public	P	P	P	P	P	P	P	P	P
School, equipment/ machinery/vehicle training	N	N	N	N	N	N	N	P	C
School, specialized education and training/studio	P	P	C	P	P	P	P	C	N
Theater/auditorium	P	C	C	P	P	P	N	N	N
Utility, transportation, public facility, and communication uses:									
Airport	N	N	N	N	N	N	N	N	N
Ambulance service	N	N	N	N	N	P	P	P	N

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	**D MX-2**	**D MX-3**	**MU**	**NC**	**RC**	**PO**	**ML**	**MH**
Broadcasting and recording studio	P[11]	P[11]	C[11]	C	C	P	P	P	N
Bus and transit shelter	P	P	P	P	P	P	P	P	P
Fuel storage and distribution	N	N	N	N	N	N	N	C	C
Heliport	N	N	N	N	N	C	C	C	C
Park and ride facility	P	P	N	P	P	P	P	P	P
Parking facility	P	P	C	P	P	P	P	P	P
Public safety facility	P	P	P	P	P	P	P	P	P
Solar power station	N	N	N	N	N	N	N	C	C
Telecommunication facility - major[12]	C[13]	C[13]	N	C[13]	C[13]	C[13]	N	C[13]	C[13]
Telecommunication facility - minor[12]	P	P	P	P	P	P	P	P	P
Transit facility	N	N	N	N	N	N	N	P	P
Transit station/terminal	P	N	N	P	P	P	C	P	P
Utility facility and infrastructure	N	N	N	P	P	P	P	P	P
Retail, service, and office uses:									
Adult day healthcare facility	N	C	C	C	C	C	P	N	N

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
Alcoholic beverage sales, off site[14]	C	C	C	C	C	C	C	C	N
Alcoholic beverage sales, on site[14]	See "bar/nightclub" and "restaurant"								
Art, antique, collectible	P[15]	P[15]	P[15]	P	P	P	N	N	N
Artisan shop	P[15]	P[15]	P[15]	P	P	P	N	N	N
Banks and financial services	P[15]	P[15]	P[15]	P	P	P	P	N	N
Bar/nightclub[14]	C	C	N	C	C	C	N	N	N
Bed and breakfast inn	N	P	P	P	C	N	N	N	N
Building materials store/yard	P[11,15]	P	N	C	P	P	N	N	N
Business support services	P[15]	P[15]	C	P	P	P	P	N	N
Call center	N	N	N	N	P	N	P	C	N
Card room	C[15]	C[15]	N	N	N	C	N	N	N
Check cashing business	N	N	N	N	C	C	N	N	N
Child daycare facility - child daycare center[25]	C	N	P	P	P	P	P	N	N
Consignment store	P[15]	C[15]	N	C	P	P	P	N	N
Convenience store	P[15]	P[15]	C[15]	P	P	P	P	N	N
Crematory	N	N	N	N	N	C	N	C	P

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
Drive-in and drive-through sales and service[16]	N	N	N	N	C	A	N	N	N
Equipment sales and rental	N	N	N	N	N	C	N	P	P
Garden center/plant nursery	P[15]	P[15]	N	N	P	P	N	N	N
Grocery store/supermarket	N	N	N	N	P	P	N	N	N
Hookah parlor	N	N	N	N	N	N	N	N	N
Hotel and motel	P	N	N	P	P	P	P	N	N
Maintenance and repair of small equipment	P[15]	P[15]	C[15]	C	P	P	P	P	P
Massage therapy[17]	A	N	N	A	A	A	N	N	N
Medical marijuana dispensary	N	N	N	N	N	N	N	N	N
Medical services, extended care	C	C	C	P	P	P	P	N	N
Medical services, general	P	P	P	P	P	P	P	N	N
Medical services, hospital[25]	N	N	N	C	C	P	P	C	N
Mortuary/funeral home	C	C	C	C	P	P	P	N	N
Neighborhood market	A	A	N	P	P	P	N	N	N
Office, accessory	P	P	P	P	P	P	P	P	P
Office, business and professional	P	P	P	P	A	A	P	N	N

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
Pawnshop	C	C	N	N	P	P	N	N	N
Personal services	P	P	P	P	P	P	P	N	N
Restaurant	P	P	P	P	P	P	P	P	N
Retail, accessory	P	P	P	P	P	P	P	P	P
Retail, general	P[11,15]	P[11,15]	P[11,15]	P[18]	P[18]	P	N	N	N
Retail, warehouse club	N	N	N	N	N	P	N	N	N
Semipermanent mobile food vehicle[19]	N	N	N	A	A	A	N	A	N
Sexually oriented business[20]	N	N	N	N	N	N	N	C	C
Smoke shop	C	N	N	C	C	P	N	N	N
Tattoo parlor	C	C	N	N	C	C	N	N	N
Thrift store[21]	C	C	N	N	A	A	N	N	N
Automobile and vehicle uses:									
Auto and vehicle rental	N	N	N	P	N	P	P	P	P
Auto and vehicle sales	N	N	N	N	N	P	N	C	N
Auto and vehicle sales, wholesale	N	N	N	N	N	N	N	P	P
Auto and vehicle storage	N	N	N	N	N	N	N	P	P

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	**D MX-2**	**D MX-3**	**MU**	**NC**	**RC**	**PO**	**ML**	**MH**
Auto parts sales	N	P[11,15]	N	N	P	P	P	P	P
Auto vehicle dismantling	N	N	N	N	N	N	N	C	P
Car washing and detailing	N	P	N	N	C	P	N	P	P
Fueling station[22]	N	C	N	N	C	A	A	A	A
Vehicle services - major	N	C	N	C	N	N	N	P	P
Vehicle services - minor	N	C[23]	N	C	C[23]	C[23]	N	C[23]	C[23]
Industrial, manufacturing, and processing uses:									
Agricultural products processing	N	N	N	N	N	N	N	P	P
Freight yard/truck terminal	N	N	N	N	N	N	N	P	P
Manufacturing, major	N	N	N	N	N	N	N	C	P
Manufacturing, minor	N	N	N	N	N	N	C	P	P
Manufacturing, small scale	N	N	N	N	N	N	P[23]	P	P
Medical marijuana cultivation - collective or cooperative cultivation; dispensary	N	N	N	N	N	N	N	P[28]	N
Printing and publishing	N	C[11]	N	N	P	P	P	P	P
Recycling facility - collection	N	C	N	P	P	P	N	P	P

Land Use/ Zoning District	Mixed Use Zoning Districts				Office, Commercial, and Industrial Zoning Districts				
	D MX-1	D MX-2	D MX-3	MU	NC	RC	PO	ML	MH
Recycling facility - processing	N	N	N	N	N	N	N	C	P
Recycling facility - scrap and dismantling	N	N	N	N	N	N	N	C	P
Research and development	N	N	N	N	N	N	P[23]	P	P
Storage, personal storage facility	N	N	N	C	N	N	N	P	P
Storage, warehouse	N	N	N	N	N	N	N	P	P
Storage, yard	N	N	N	N	N	N	N	P	P
Wholesaling and distribution	N	N	N	N	N	N	N	P	P
Temporary uses:	See article C, "Temporary Uses", of this chapter								
Nonconforming uses:	See chapter 2, article C, "Nonconforming Uses, Structures, and Properties", of this title								

Zoning Table Notes:

1. See additional regulations for large family daycare homes in section 9-4D-7 of this chapter.

2. Only permitted on the first floor when located along an alley or side street; otherwise must be on an upper floor.

3. See additional regulations for second dwelling units in section 9-4D-12 of this chapter.

4. Reserved.

5. See additional regulations for live-work facilities in section 9-4D-8 of this chapter.

6. See additional regulations for mobilehome parks in section 9-4D-10 of this chapter.

7. Minimum lot size shall be 20,000 square feet.

8. All activities and storage shall be located within an enclosed structure(s).

9. See additional regulations for community gardens in section 9-4D-3 of this chapter.

10. See special permit requirements in title 3, chapter 4, article C of the municipal code.

11. Maximum tenant space shall be 10,000 square feet.

12. See additional regulations for telecommunication facilities in section 9-4D-15 of this chapter.

13. Facilities less than 75 feet tall are permitted by right, except that major site plan and architectural review is still required. Otherwise, a conditional use permit is required in addition to major site plan and architectural review.

14. See additional regulations for alcoholic beverage sales in section 9-4D-2 of this chapter.

15. Use is permitted by right when located on the ground floor. Otherwise, a conditional use permit is required.

16. See additional regulations for drive-in and drive-through facilities in section 9-4D-4 of this chapter.

17. See additional regulations for massage therapy in section 9-4D-9 of this chapter. Additionally, see additional permit requirements in title 4, chapter 7 of the municipal code.

18. Maximum tenant space shall be 30,000 square feet; however, store size may be larger upon approval of an administrative use permit.

19. See additional regulations for semipermanent mobile food vendors in section 9-4D-13 of this chapter.

20. See additional regulations for sexually oriented businesses in section 9-4D-14 of this chapter.

21. See additional regulations for thrift stores in section 9-4D-16 of this chapter.

22. See additional regulations for fueling stations in section 9-4D-6 of this chapter.

23. Use is permitted by right when located more than 500 feet from a residential use or district.

24. See additional regulations for recreational vehicle parks in section 9-4D-11 of this chapter.

25. This "sensitive receptor" use shall not be located within:

    a. 500 feet of a freeway, urban roads carrying 100,000 vehicles per day, or rural roads carrying 50,000 vehicles per day.

    b. 1,000 feet of a distribution center (that accommodates more than 100 trucks a day, more than 40 trucks with operating transport refrigeration units [TRUs] a day, or where TRU operation exceeds 300 hours per week).

c. 300 feet of any dry cleaning operation that uses toxic chemicals. For operations with 2 or more machines, a minimum 500 feet shall be provided. For operations with 3 or more machines, a larger distance may be required based upon consultation with the Kings County air district.

d. 300 feet of a "large gas station", defined as a facility with a throughput of 3.6 million gallons or more per year.

26. If developed incidental to an existing charitable operation, this use is allowed subject to approval of an administrative use permit.

27. Permitted on second floors above retail and neighborhood serving office when ancillary in size and does not interfere with primary retail use.

28. Must be in conformity with the land use definitions in this chapter and title 4, chapter 8 of the municipal code as well as the Health and Safety Code section 11362.768 (which imposes additional requirements).

(Ord. 2013-___, __-__-2013)

CHATPER 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:

9-4C-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. 2013-___, __-__-2013)

9-4C-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.

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.

9. Other temporary activities that the city determines are similar in nature and intensity to those identified above. (Ord. 2013-___, __-__-2013)

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

Standards for height, off street parking spaces, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the subject parcel shall apply to all temporary activities. Requirements for long term improvements that exceed the duration of the temporary use, including, but not limited to, landscaping and paving of parking lots, shall not be imposed. (Ord. 2013-___, __-__-2013)

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

The following standards shall apply to the specific temporary uses described below:

A. Construction Yard/Storage Shed and Temporary Construction Office: Any temporary use permit for a construction yard, storage shed, or temporary construction office shall expire upon completion of the construction project, or the expiration of the accompanying building permit or improvement permit authorizing construction, whichever occurs first.

B. Entertainment and Assembly Events: Entertainment and assembly events when not part of or consistent with a permitted use shall not be permitted for periods of longer than seven (7) days.

C. Extension of Nonconforming Period: As provided in subsection 9-2C-6C, "Extension of Nonconforming Period", of this title, the twelve (12) month nonconforming period for nonconforming uses provided in chapter 2, article C, "Nonconforming Uses, Structures, and Properties", of this title, may be extended upon issuance of a temporary use permit. All approved extensions shall comply with the following standards:

1. Public Improvements: The city may, as part of the approval of the extension of the nonconforming use period, require the completion of improvements to the adjacent public right of way consistent with the requirements of this title.

2. Time Period: The designated approving authority shall establish a maximum time period for the extension of the legal nonconforming use status. In no event shall the extension be longer than twenty four (24) months.

D. Farmers' Market: Farmers' markets shall not be held for more than two (2) consecutive days per week at the same location.

E. Garage/Yard Sale: Garage sales, yard sales, and similar activities shall not occur more than two (2) times per year, with no sale exceeding three (3) consecutive days.

F. Interim Agricultural Use: Interim agricultural uses, as defined in this chapter and of a commercial operation (e.g., using mechanized commercial equipment) shall only be allowed on vacant property a minimum of one thousand feet (1,000') from an existing residential use. No buildings or structures, other than wells, structures for conservation and drainage protection, and unpaved roads shall be permitted. Operation may include the use of commercial agricultural equipment. Access to the use shall be reviewed and approved by the public works director prior to issuance of the temporary use permit.

G. 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.

H. Swap Meet: Swap meets and similar activities shall only be allowed on nonresidential property or on vacant residentially zoned property that is a minimum of one thousand feet (1,000') from an existing residential use. The maximum period for swap meets shall be two (2) consecutive days per sale. No more than four (4) such activities shall be allowed for a property within a twelve (12) month period.

I. Temporary Sales Office: Temporary sales offices shall be solely for the sale of homes in the project within which they are located and may be kept until the project is sold out. (Ord. 2013-___, __-__-2013)

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

A. Temporary Improvements Allowed: The city may, on a case by case basis, allow for the improvement to property at a level less than what is required by this title to support operations of the property on a limited term basis yet still ensure public health, safety, and general welfare. This allowance shall not be used to circumvent or deviate from the requirements for public improvements required at the time of subdivision of property as required by the subdivision map act and title 8, chapter 7, "Land Division", of the municipal code.

B. Permit Process and Requirements: Such approval shall be conducted through the temporary use permit process and the permit shall clearly identify what improvements are to be completed and what requirements are being set aside for a limited period of time, as well as the time period for which the permit is valid. The city shall only approve the permit if the improvements to be completed are those minimally necessary to ensure public health, safety, and welfare.

C. Requirements at Conclusion of Temporary Period: At the conclusion of the period authorized by the permit, either the property shall be brought into compliance with the requirements of this title or use of the property shall cease. (Ord. 2013-___, __-__-2013)

CHAPTER 4

ARTICLE D. SPECIAL USE STANDARDS

9-4D-1: PURPOSE:
9-4D-2: ALCOHOLIC BEVERAGE SALES:
9-4D-3: COMMUNITY GARDEN:
9-4D-4: 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-17: OUTDOOR DISPLAY, SALES, AND STORAGE:

9-4D-1: PURPOSE:

A. 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.

B. 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. 2013-___, __-__-2013)

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 onsite and offsite 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 onsite consumption when not associated with eating places (e.g., restaurants) and for offsite 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 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).~~

Comment [D37]: Some uses, like a restaurant that serves alcohol, are allowed uses. Revised to be consistent.

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~~five hundred feet (~~1,000'~~500') of a church, school, or park;

Comment [D38]: ABC requires a minimum of 500' from structure to structure of school. Revising to 500' from new structure to property line of park or school.

2. There shall be no more than one establishment within any single shopping center;

3. No more than two (2) off site sales establishments shall be located within ~~one thousand~~five hundred feet (~~1,000'~~500') of a major roadway intersection.

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. 2013-___, __-__-2013)

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. 2013-___, __-__-2013)

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

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. 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.

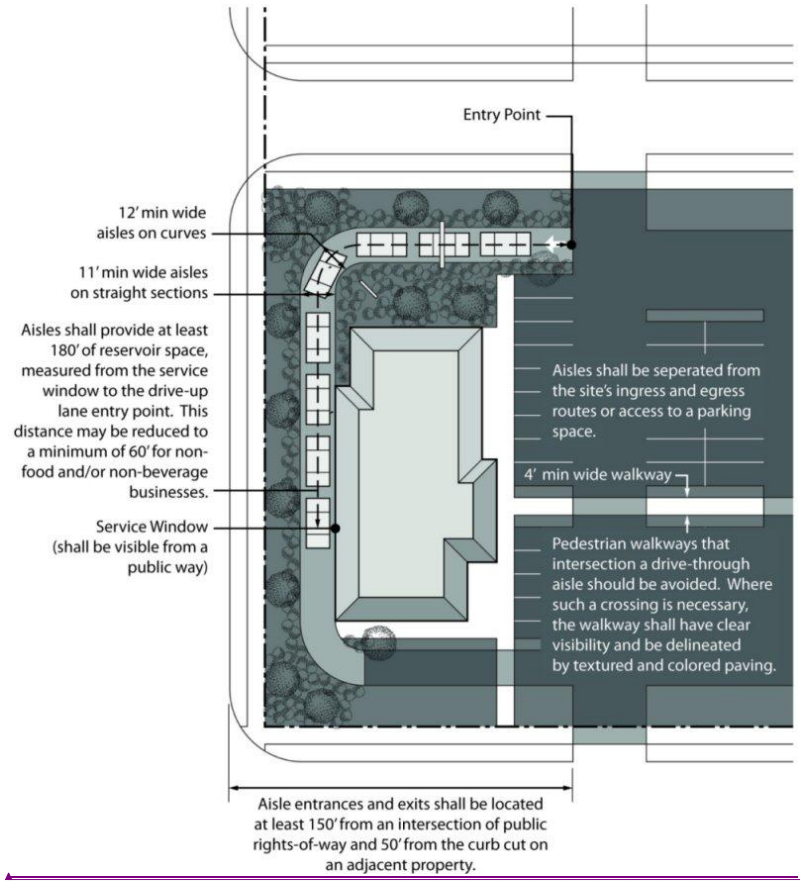
2. Pedestrian Access and Crossings: Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous, minimum four foot (4') wide sidewalk or delineated walkway. Generally, pedestrian walkways should not intersect the drive-through aisles, but where they do the 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: 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.

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

5. 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-THROUGH FACILITIES



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(Ord. 2013-___, __-__-2013)

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 that 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~~ home occupations that 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~~do not have ~~no~~ customers visiting the home, and which do not have a noticeable appearance. 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.

   d. Cottage food operations that are established per California Government Code Section 51035.

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), that may have up to five (5) customers come to the home per day, and that ~~the shipment of~~send or receive 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 [SB39]: It appears that 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.

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, food prepared at a cottage food operation, 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.~~ The~~se~~ following standards shall apply to ~~both major and~~all minor home occupation permit applications. The standards may be modified by the approving authority for major home occupations.

Comment [SB40]: Modify wording to clarify.

~~Failure to comply with these standards will result in revocation of the home occupation permit and/or business license.~~

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. Offsite 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. Onsite Sales: There shall be no products sold on the premises except artist's originals or products individually made to order on the premises.

   b. Offsite Sales: Offsite 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.

15. Notwithstanding the foregoing standards, a cottage food operation may have one (1) employee who does not live at the site, and may sell goods at the site.

F. Failure to comply with these standards may result in revocation of the home occupation permit and/or business license. (Ord. 2013-___, __-__-2013)

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.

~~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 [D41]: This should be removed. During Site Plan Review, the committee can work out any design issues on the site relating to circulation.

~~2~~1. 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.

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

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

~~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.~~

~~6~~2. 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.

(Ord. 2013-___, __-__-2013)

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. 2013-___, __-__-2013)

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.

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. 2013-___, __-__-2013)

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 title 4, chapter 7, "Massage Establishments and Therapists", of the municipal code~~article B, "Allowed Uses And~~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.~~

Comment [s42]: Remove. This is repeating what is already in the Muni Code Title 4 Chapter 7.

~~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~~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)~~(Ord. 2013-___, __-__-2013)

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 law[1]. 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 this section. No mobilehome or incidental structure shall be located in any required yard space, except that tow bars may extend into such yard space.

TABLE 9-4D-10-B-1
CLEARANCES, SETBACKS, AND YARD SPACES FOR
MOBILEHOME PARKS AND MOBILEHOME SITES

Standard	Measurement
Mobilehome park:	
Front yard	20 feet
Interior side yard	10 feet
Street side yard	10 feet
Interior rear yard	10 feet
Street rear yard	20 feet
Mobilehome sites:	
Front yard	10 feet
Side yard	5 feet
Rear yard	10 feet

3. Patios and Pads:

a. Each mobilehome site shall have a hard surfaced patio area of not less than two hundred (200) square feet. A permanent porch greater than twenty (20) square feet in area may be counted as part of the required patio area.

b. Each mobilehome site shall have a support pad of concrete or asphalt concrete laid over a compacted surface base which, in combination, will be adequate to support the mobilehome on a level plane.

4. Parking:

a. Not less than one parking space shall be provided within each mobilehome site.

b. Not less than one guest parking space shall be provided for each mobilehome site at a location central to each four (4) contiguous mobilehome sites, provided that guest

parking shall not be required for mobilehome sites along a collector street constructed to the width prescribed under subsection B5 of this section.

c. Parking shall be provided for central recreation buildings, park offices and other similar buildings at a ratio of one parking space for each four hundred (400) square feet of gross floor space.

d. Supplemental parking for pleasure boats, recreation vehicles and nonoccupied travel trailers shall be provided at a ratio of one parking space for each ten (10) mobilehome sites and shall be used only by mobilehome tenants. Said parking shall be clustered, easily accessible via interior drives and shall be screened from view by means of solid ornamental fence or wall and landscaping.

e. All parking areas and spaces shall be designed and constructed in accordance with the provisions of chapter 5, article E, "Off Street Parking and Loading", of this title.

5. Streets:

a. Entrance streets shall be located in alignment with or be offset from public street intersections by at least one hundred fifty feet (150').

b. Minor streets within the mobilehome park shall be a minimum of thirty feet (30') of paved width; collector streets shall be a minimum of thirty six feet (36') of paved width. Paving shall be AC type.

c. Streets shall be constructed to effect positive drainage; concrete curbs and gutters may be required by the city engineer; rolled concrete curbs and gutters or their equivalent are required as a minimum.

d. Parallel parking shall be permitted on both sides of a collector street and on only one side of a minor street. Such on street parking shall be in addition to off street parking requirements of this section.

6. Driveways, Street Signs, Lighting, Storm Drainage, Water and Sewer Systems: Driveways for individual mobilehome sites, street signs, interior street lighting, storm drainage facilities, and water and sewer systems shall be installed subject to approval of the city engineer.

7. Underground Utilities: All public utilities shall be installed underground, including electrical, telephone, street lighting cable, community television antenna connections, and ducts for cable television. A community television antenna with underground ducts and connections to each mobilehome site shall be provided.

8. Recreation Areas and Pedestrianways:

a. Common recreation area in an aggregate total equal to ten percent (10%) of the gross area of the mobilehome park shall be provided at a location or locations which are easily accessible and convenient to park residents.

b. Recreation areas shall be landscaped and maintained, with all landscaped areas to be irrigated by an underground sprinkler system.

c. Pedestrianways shall be provided throughout the mobilehome park, connecting all mobilehome sites with each other and with common recreation areas. Such pedestrianways shall be provided where possible at locations away from the interior street system to avoid conflict in pedestrian and vehicle traffic.

d. Common recreation areas shall not include yard areas, pedestrianways, management offices, laundry and tenant storage areas, and parking areas shall not be included.

9. Signs: No more than one identification sign shall be erected displaying the name of the mobilehome park. Such signs shall be located near the park entrance drive and shall not exceed forty (40) square feet in total readable surface area or ten feet (10') in height. Such sign shall be installed within the front yard area of the mobilehome park, parallel to the abutting street, with landscaping at its base. Additional directional and identification signs may be installed within the mobilehome park subject to the approval of the planning commission.

10. Landscaping and Screening: Mobilehome parks shall provide permanently maintained landscaped areas and site screening as follows:

a. A landscaped border along the entire street frontage yard area and along the rear yard if such yard is adjacent to a public street.

b. Ornamental screen wall or fencing, seven feet (7') in height, along all interior side property lines and along all rear property lines that do not abut a public street.

c. Ornamental screen wall or fencing seven feet (7') in height along street side yard and street front yard setback lines.

11. Other Facilities Required: Each mobilehome park shall provide the following additional facilities:

a. A laundry building for clothes washing and drying.

b. An outdoor drying yard for clothes drying screened from view from other areas of the mobilehome park by an ornamental screen fence or wall and landscaped area.

c. Trash enclosures at locales along the interior street system which are convenient to all residents and to municipal refuse trucks, integrated with guest parking areas.

12. Placement and Sales of Mobilehomes:

a. At the time of placement on the site, all mobilehomes shall be fitted with appropriate skirts to obscure stands, pads, and undercarriage equipment.

b. Mobilehomes may be displayed and sold within a mobilehome park similar to the sale of mobilehomes within a residential subdivision; provided that such mobilehomes are not sold for delivery to any location other than within the park in which sold; provided further that all mobilehomes are placed on mobilehome sites and connected to all utility services. No more than four (4) mobilehomes shall be offered for sale at any one time, and advertising for such sale shall be limited to one nonilluminated sign not

exceeding four (4) square feet in area on the site of each mobilehome offered for sale. (Ord. 2013-___, __-__-2013)

9-4D-11: RECREATIONAL VEHICLE PARKS:

A. Purpose and Applicability: This section applies to recreational vehicle parks within the city as defined in this chapter. The purpose of these regulations is to provide appropriate space is provided within recreational vehicle parks to ensure the public health and safety of occupants and users.

The regulations contained in this section shall apply to recreational vehicle parks as defined in section 9-4A-5, "Description of Land Uses", of this chapter. The establishment of new recreational vehicle 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 by this code.

B. Development Standards: New recreational vehicle parks shall comply with the development standards for mobilehome parks provided in section 9-4D-10, "Mobilehome Parks", of this article subject to the following exceptions:

1. The minimum area of a recreational vehicle park shall be two and one-half ($2^1/_2$) gross acres; except that the park may be reduced to one acre if developed in conjunction with a motel or other permitted use within the RC zoning district.

2. The maximum density shall be fifteen (15) recreational vehicle sites per gross acre.

3. Each recreational vehicle site shall be not less than one thousand (1,000) square feet in area, nor less than twenty five feet (25') in width.

4. Each recreational vehicle site shall have a minimum front, side, and rear yard area of five feet (5') in width.

5. Each recreational vehicle site shall have a hard surfaced patio area of not less than one hundred (100) square feet.

6. Not less than one guest parking space shall be provided for each ten (10) recreational vehicle sites.

7. No recreational vehicles shall be parked or displayed for the purposes of sale or rent within a recreational vehicle park.

8. No mobilehome shall be permitted within a recreational vehicle park except as required for occupancy by the park manager.

9. No recreational vehicle shall be allowed to be parked or stored on a public street more than seventy two (72) hours in any thirty (30) day period unless approval to do so has been first obtained from the chief of police pursuant to subsection 6-4-4H of the municipal code. (Ord. 2013-___, __-__-2013)

9-4D-12: SECOND DWELLING UNITS:

A. Purpose and Applicability: This section applies to second dwelling units within the city. Second dwelling units are permitted upon issuance of an administrative use permit in the agricultural and residential zoning districts subject to the standards of this section. The purpose of this section is to regulate second dwelling units in residential zoning districts and on residential property consistent with state law[2]. Implementation of this section is intended to expand housing opportunities for low income and moderate income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.

B. Development Standards: Pursuant to Government Code section 65852.2, second units shall be permitted on agricultural and residential parcels when the following conditions are met:

1. Second units shall only be located on lots with an area of five thousand (5,000) square feet or larger.

2. Second units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit.

3. No more than one second unit shall be allowed per parcel.

4. The property owner shall occupy either the primary unit or second unit. The property owner shall record a declaration acknowledging owner occupancy, recorded with the property as a condition of the administrative permit.

5. A second unit shall not exceed:

   a. Thirty percent (30%) of the existing living area of the primary dwelling when attached to the primary dwelling. For purpose of this standard, "living area" shall mean the interior habitable area of a dwelling unit, including basements, attics, bedrooms, kitchens, living room, etc. It does not include a garage or any accessory structure; or

   b. One thousand two hundred (1,200) square feet when detached from the primary dwelling.

6. Building setbacks for attached second units shall comply with all required building setbacks for the primary unit.

7. The maximum height of a detached second unit shall not exceed the height of the primary dwelling unit.

8. No second unit may be sold separately from the primary dwelling unit.

9. Second dwelling units are not permitted within planned unit development (PUD) overlay zoning districts unless specifically authorized by the overlay zoning district. (Ord. 2013-___, __-__-2013)

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

A. Purpose: The city finds that the vending of produce, prepared or prepackaged foods, goods, wares, and/or services at semipermanent locations on public streets, sidewalks, or alleys and on private property may, under certain circumstances, pose unsafe conditions and special dangers to the public health, safety, and welfare of the residents of the city. It is a purpose of this section to provide regulations and standards governing these types of vending operations to prevent safety, traffic, and health hazards, as well as to preserve the peace, safety, and welfare of the city and its residents and to prevent the unregulated proliferation of too many vendors near one location, thus negatively impacting traffic and pedestrian safety. ~~Furthermore, it is a purpose of this section to:~~

~~1. Establish standards to ensure that semipermanent mobile food vehicles and vendors within permitted zoning districts are compatible with their surroundings and aesthetics of the community.~~

~~2. Ensure that semipermanent mobile food vehicles and vendors meet the standards, criteria, and regulations set forth below, are in compliance with the county of Kings department of public health requirements, and obtain all the permits and licenses required by applicable law.~~

B. Applicability: The provisions of this section shall apply to all semipermanent mobile food vendors as described in this chapter. This includes any vehicle as defined in section 670 of the California Vehicle Code, which is equipped and used for retail sales of prepared, prepackaged, or unprepared, unpackaged food or foodstuffs of any kind that parks for more than twenty (20) minutes daily for more than fourteen (14) days in one calendar year at one or more locations within the city.

The following are not subject to this section:

1. Any person engaged in vending conducted in connection with:

    a. The operations of a state certified farmers' market;

    b. An event authorized by a special event permit or other permit or entitlement issued by the city of Lemoore, such as an authorized street fair;

    c. An event at a sports complex, little league facility, school facility, or recreational facility if the vendor is in partnership with the organization conducting the event and is located on the site of the event.

2. Any person not exceeding the time thresholds established in the description of a semipermanent mobile food vendor.

C. Development Standards: Semipermanent mobile food vendors shall comply with all of the following development standards:

1. The vehicle must be located on a private "developed site" (as defined in chapter 12 of this title) zoned neighborhood commercial (NC), regional commercial (RC), mixed use (MU), or light industrial (ML), subject to the following:

    a. The owner(s) of the property shall give permission to use the site and required restroom facilities for food service workers within two hundred feet (200') of the

vehicle and access to such must be available during the mobile vehicle's business hours. Portable toilets shall not be allowed.

b. Vendor shall not use or permit use of parking spaces on the site if doing so will adversely affect the on-site parking available for the primary use of the site as determined by the city.

c. Vendor cannot interfere with or create hazards for vehicular or pedestrian access, aisles, circulation, driveways, or fire lanes and hydrants.

d. Tables, chairs, shade structures, and trash cans for patrons shall be maintained in a safe and clean manner at all times and removed nightly if used.

e. Hours of operation at an approved semipermanent location shall be no earlier than seven o'clock (7:00) A.M. and no later than ten o'clock (10:00) P.M., and the vehicle shall be moved each night to an area not open to public view.

f. Food products must be stored at a commissary approved by the Kings County Health Department.

g. Vendor shall have adequate lighting to ensure customer safety either on the vehicle or at the location of the vehicle during business hours.

h. There shall be no more than one other semipermanent mobile food vendor or permanently located vendor of produce, prepared, or prepackaged food located within one thousand feet (1,000') of the site.

Comment [s43]: Keep at 1,000 feet, per dicvsussion at joint study session.

2. Vendor shall obtain, display, and keep a current city of Lemoore business license and comply at all times with this section as well as title 3, chapter 5, "Food Handling", and title 6, chapter 4, "Stopping, Standing Or Parking", including section 6-4-10, "Peddlers and Vendors", of the municipal code, and all other applicable federal, state, and local laws and regulations.

3. Mobile food vehicle shall be entirely self-sufficient in regard to gas, water, and telecommunications. Should any utility hookups or connections to on site utilities be required, the vendor shall be required to apply for appropriate permits to ensure building and public safety and consistency with applicable building and zoning regulations. Any cords or plugs used from the vehicle to electrical sources shall be appropriately covered or tied down so as to not cause trip hazards and may not be strung across parking lots.

4. All permits/licenses must be obtained, displayed, and kept current at all times and submitted with the administrative review application.

5. Applicants and the subject mobile food vehicles shall comply with all California retail food code provisions3, including more specifically, but not limited to, chapter 10, mobile food facilities, of such code and Health And Safety Code section 114250.1 regarding the availability of adequate toilet facilities for use by food service personnel within two hundred feet (200') of unit location.

6. Vendor shall display, in plain view and at all times, current permits and licenses in or on the mobile food vehicle.

7. Daily cleanup and disposal of waste products shall be done at an approved commissary with proof of such being provided when renewing the annual business license.

8. The vendor shall not discharge or allow discharge of items from any mobile food vehicle onto the sidewalk, gutter, storm inlets, or streets. The vendor shall not dispose or allow the disposal of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of such vendor. At least two (2) such vendor provided trash containers shall be available on site. Violation of this provision can lead to the suspension and/or revocation of the permit to do business pursuant to section 3-5-11 of the municipal code.

9. The vendor shall install and maintain signage in a visible location indicating that loitering is not permitted and that customers may only remain on the site to pick up and, if applicable, consume their orders. The vendor shall be responsible for ensuring that customers comply with this no loitering provision.

10. In approving an application for a semipermanent mobile food vehicle, the planning director shall impose on the vendor such conditions and requirements as may be necessary to ensure compliance with the standards, conditions, and requirements in this subsection and other provisions of this title. (Ord. 2013-___, __-__-2013)

9-4D-14: SEXUALLY ORIENTED BUSINESSES:

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

B. Applicability:

1. This section shall apply to those activities described as sexually oriented businesses as described in section 9-4A-5, "Description of Land Uses", of this chapter and further

defined in chapter 12, "Glossary of Terms", of this title including adult arcades, adult bookstores, adult cabarets, adult motels, adult theaters and motion picture theaters, adult novelty stores, and adult video stores.

2. The following definitions shall apply to this chapter:

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.

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

a. The opening or commencement of any business as a new business subsequent to the effective date hereof; or

b. 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

c. The addition of any sexually oriented business, as defined in this chapter, to any other existing sexually oriented business; or

d. The relocation of any sexually oriented business.

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.

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).

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.

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

a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below the top of the areola; or

b. 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:

a. Fondling, including:

1) 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

2) The fondling or other intentional touching of the buttock of any nude or seminude person; or

b. 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

c. 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

d. 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

e. 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

f. 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.

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.

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

a. The sale, lease, or sublease of the business; or

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

c. 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.

C. Location Regulations:

1. Zoning: Sexually oriented uses shall only be established consistent with the allowed use and permit requirements of article B, "Allowed Uses and Required Entitlements", of this chapter.

2. Distance: Sexually oriented businesses are permitted subject to compliance with all of the following conditions:

a. Such use is located more than five hundred feet (500') from another sexually oriented business;

b. Such use is located more than five hundred feet (500') from any religious institution, school, regularly established boys' club or girls' club, or public building regularly frequented by children, public park, or public building;

c. Such use is located more than three hundred feet (300') from any residential zone.

d. No more than one sexually oriented business shall be located within a single building, or portion thereof.

3. Nonconforming Use Based Upon Distance Requirements: A sexually oriented business hereinafter lawfully established and operating as a conforming use is not rendered a nonconforming use by the location, subsequent to its establishment, of a religious institution, school, public park, or public building regularly frequented by children within three hundred feet (300') of the sexually oriented business.

D. Measurement of Distance: For purposes of subsection C, "Location Regulations", of this section, the distance between any two (2) sexually oriented businesses or between a sexually oriented business and a religious institution, school, regularly established boys' or girls' club, public building regularly frequented by children, public park, public building, or residential zone shall be measured in a straight line, without regard to intervening structures or topography, from the nearest point on the property line of the property on which the one sexually oriented business is located to the nearest point on the property line of the property on which the other sexually oriented business, or the religious institution, school, regularly established boys' club or girls' club, public building regularly frequented by children, public park, public building, or residential zone is located.

E. Development and Performance Standards: All sexually oriented businesses shall comply with the following development and performance standards:

1. Entrances:

a. A permitted use shall have a separate business entrance adjacent to the required parking area, and no other nonadult use shall be permitted in the same building when a sexually oriented business is operated.

b. The building entrance to a sexually oriented business shall be clearly and legibly posted by a notice indicating that minors (persons under 18 years of age) are excluded from entering the premises.

2. Exterior Improvements and Requirements:

a. Illumination: All off street parking areas and entrances to the premises of a sexually oriented business shall be illuminated from dusk until at least the closing hour of operation with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.

b. Sound: No loudspeakers or sound equipment shall be used in a sexually oriented business for the amplification of any sound to a level discernible by the public beyond the walls of the building in which such use is conducted.

3. Hours of Operation:

a. It is unlawful and a person commits a misdemeanor if he, she, or it operates, permits, or causes to be operated a sexually oriented business, where that person operates or permits or causes such business to remain open for business, or permits or causes any employee to engage in a performance, to solicit a performance, to make a sale, to solicit a sale, to provide a service, or to solicit a service, between the hours of one o'clock (1:00) A.M. and nine o'clock (9:00) A.M. of any day.

b. It is unlawful and a person commits a misdemeanor if, working as an employee of a sexually oriented business, said employee engages in a performance, solicits a performance, makes a sale, solicits a sale, provides a service, or solicits a service between the hours of one o'clock (1:00) A.M. and nine o'clock (9:00) A.M. of any day.

4. Advertising Regulations:

a. It is unlawful and a person commits a misdemeanor if he, she, or it operates or causes to be operated a sexually oriented business and advertises the presentation of any activity prohibited by any applicable state statute or local ordinance.

b. It is unlawful and a person commits a misdemeanor if he, she, or it operates or causes to be operated a sexually oriented business and displays or otherwise exhibits the materials or performances of such sexually oriented business in any advertising. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business.

5. Display of Goods: Goods and products of a sexually oriented nature, regardless if the business meets the definition of a sexually oriented business, shall not be displayed in the front of the store where visible to passersby. Stores that are dedicated solely to the sale of sexually oriented products shall be designed such that these products are not immediately visible upon entering the store.

F. Regulations Pertaining To Exhibition of Sexually Explicit Films Or Videos In Video Booths: A person who operates or causes to be operated a sexually oriented business, other than an adult motel which exhibits on the premises in a viewing room of less than one hundred fifty

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

1. Upon application for a sexually oriented conditional use permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted to enter. A manager's station may not exceed thirty two (32) square feet of floor area, with no dimensions greater than eight feet (8'). The diagram shall also designate the place at which the conditional use permit, if granted, will be conspicuously posted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale with marked dimensions sufficient to show the various internal dimension of all areas of the interior of the premises to an accuracy of plus or minus six inches (.6"). The city manager, or his or her designee, may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since the previously submitted diagram was prepared.

2. The application shall be sworn to be true and correct by the applicant.

3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the city or its designee.

4. It is the duty of the owner or owners and the operator or operators of the premises to ensure that at least one employee is on duty and situated at each manager's station at all times that any patron is present inside the premises.

5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video viewing capability. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

6. It shall be the duty of the owner or owners and the operator or operators, and it shall also be the duty of any agents and employees present on the premises, to ensure that the view area specified in subsection F5 of this section remains at all times unobstructed by any doors, walls, merchandise, display racks, or other materials and to ensure that no patron is permitted access to any area of the premises which has been designated in the application filed pursuant to subsection F1 of this section as an area in which patrons will not be permitted to enter.

7. No viewing room may be occupied by more than one person at any one time.

8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than two (2) foot-candles as measured at the floor level.

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

G. Inspection:

1. The operator shall permit representatives of the code enforcement office, the county health department, and the fire department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or at any time it is open for business.

2. It is unlawful and a person who operates a sexually oriented business or his, her, or its agent or employee commits a misdemeanor if he, she, or it refuses to permit such lawful inspection of the premises at any time that it is occupied or at any time that it is open for business.

H. Violations and Defense To Prosecution:

1. Noncompliance with Section: A person commits a misdemeanor if he, she, or it operates, allows to be operated, or causes to be operated a sexually oriented business outside of the restrictions of this section.

2. Under Eighteen Years of Age: It is unlawful and a person commits a misdemeanor if he, she, or it operates or causes to be operated a sexually oriented business, and knowingly or with reasonable cause to know, permits, suffers, or allows any one or more of the following to occur:

   a. Admittance of any person under eighteen (18) years of age to the business premises; or

   b. A person under eighteen (18) years of age to remain at the business premises; or

   c. A person under eighteen (18) years of age to purchase goods or services at the business premises; or

   d. A person who is under eighteen (18) years of age to work at the business premises as an employee.

3. Injunction and Criminal Remedies For Violation: A person who operates or causes to be operated a sexually oriented business in violation of this section shall be subject to injunctive and other remedies as provided by law. In addition, a violation may be prosecuted as a misdemeanor. Unless otherwise specified by law, a misdemeanor offense shall be punishable pursuant to section 19 of the California Penal Code.

4. Defense: It is a defense to prosecution under this section if a person appearing in a state of nudity does so in a modeling class operated in compliance with both of the following criteria:

a. That the class is operated either by a proprietary school, licensed by the state of California; a college, junior college, or university supported entirely or partly by taxation or by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; and

b. That the class is operated entirely within a structure:

(1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(2) Where, in order to participate in a class a student is customarily required to enroll in advance of the class (though late registrations may be allowable by the institution offering the class); and

(3) Where no more than one nude model is on the premises at any one time.

I. Criminal Penalties and Additional Legal, Equitable and Injunctive Relief: In addition to whatever penalties are applicable under the California Penal Code, if any person fails or refuses to obey or comply with or violates any of the criminal provisions of this section, such person, upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished by a fine established by resolution of the city council or by imprisonment not to exceed sixty (60) days in the Kings County Jail, or both, in the discretion of the court. Each violation or noncompliance shall be considered a separate and distinct offense. Further, each day of continued violation or noncompliance shall be considered a separate offense. Nothing herein contained shall prevent or restrict the city from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. All remedies and penalties provided for in this section shall be cumulative and independently available to the city, and the city shall be authorized to pursue any and all remedies set forth in this section to the full extent allowed by law.

J. Immunity From Prosecution: The city and its designees, including the police department and all other departments, agencies, and other city officers, agents, and employees charged with enforcement of state and local laws and codes, shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon a sexually oriented business while acting within the scope of authority conferred by this section. (Ord. 2013-___, __-__-2013)

9-4D-15: TELECOMMUNICATION FACILITIES:

A. Purpose and Intent: This section establishes standards for placement of wireless telecommunications facilities within the city and regulates the installation of antennas and other wireless communication facilities consistent with federal law. This section is intended to promote and protect the public safety and public welfare of residents as well as containing regulations to minimize potential impacts of the installation of wireless communication facilities.

B. Applicability: Wireless communication facilities shall be subject to the following regulations in this section to the extent that such requirements: 1) do not unreasonably discriminate among providers of functionally equivalent services, or 2) do not have the effect of prohibiting personal wireless services, as defined by the Telecommunications Act of 1996.

C. Permit Requirements:

1. Wireless telecommunication facilities (major and minor, as defined in section 9-4A-5, "Description of Land Uses", of this chapter) shall be subject to the permit requirements identified in article B, "Allowed Uses and Required Entitlements", of this chapter for the underlying zoning district. Regardless of any permit requirements listed in article B of this chapter, all telecommunication facilities shall comply with the applicable development standards of this section and are subject to site plan and architectural review.

2. The establishment of collocation facilities for major wireless telecommunication facilities is not subject to conditional use permit approval, provided the facility satisfies all requirements set forth in Government Code section 65850.6. Such facilities are subject to zoning clearance.

D. Application Requirements: When a ~~planning~~ conditional use permit is required for a wireless telecommunication facility, the application shall include the following information, in addition to all other information required by the city for a conditional use permit or site plan and architectural review application:

1. Visual simulations showing what the proposed facility will look like from the surrounding area as viewed from residential properties and public rights of way. ~~at varying distances, to assist the approving authority and the public in assessing the visual impacts of the proposed facility and its compliance with the provisions of this section~~.

2. Narrative description and map showing the coverage area and location of the provider's existing wireless communication facilities and the proposed coverage area of the specific site that is the subject of the application. ~~A written explanation of why adjacent existing wireless communication facilities could not be used for collocation shall be required.~~

~~3. Description of proposed approach for screening all wireless communication facilities from public view including plans for installation and maintenance of landscaping, sample exterior materials and colors. Where applicable, a plan showing existing surrounding landscaping, proposed landscaping, a landscape protection plan for construction, and a maintenance plan including an irrigation plan.~~

~~4~~3. Description, site plan, and other illustrative materials showing the probable future phasing (and full build-out) for the addition of subsequent providers. ~~Where possible, the city will consider projects that can be phased over time yet covered under one conditional use permit to allow for efficient collocation.~~

~~5~~4. Technical information explaining the reasons that a permit is being sought (e.g., whether a new antenna is necessary to accommodate increased demand or to fill a "dead zone" in the provider's coverage area). ~~; the reasons that the subject site is considered necessary to accomplish the provider's coverage objectives; and the reasons that the proposed site is the most appropriate location under existing circumstances.~~

E. Development Standards:

Comment [s44]: Reorganized the development standards to be more clear and differentiate between major and minor facilities.

1. ~~General Development~~ Standards for Major Wireless Telecommunication Facilities: The following general development standards shall apply to all major wireless telecommunication facilities:

~~a. All wireless telecommunication facilities shall comply with all applicable requirements of the city adopted building code and shall be consistent with the general plan and this title, as well as other standards and guidelines adopted by the city, and all applicable state and federal laws.~~

~~b~~a. Major w~~W~~ireless telecommunication facilities shall be collocated with existing facilities, with other planned new facilities, and with other facilities such as water tanks, light standards, and other utility structures ~~whenever feasible and aesthetically desirable~~to the extent feasible. ~~To facilitate collocation when deemed appropriate, conditions of approval for conditional use permits shall require all service providers to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site when found to be feasible and aesthetically desirable. The applicant shall agree to allow future collocation of additional antennas and shall not enter into an exclusive lease for the use of the site.~~

b. The height limit for towers shall be seventy five (75) feet, except that a conditional use permit may be granted for additional height when the designated approving authority finds that reasonable alternatives do not exist to provide the necessary service.

c. Towers shall not be located in any required front or street side yard in any zoning district.

d. The setback distance from any abutting street right of way, residential property line, or public trail shall be equal to the height of the facility (tower and related equipment).

e. The minimum setback distance from non-residential property lines shall be twenty percent (20%) of the height of the tower.

~~c~~f. All wireless communication facilities shall comply with the noise standards of section 9-5A-4, "Noise, Odor, Vibration, and Maintenance Performance Standards", of this title.

g. Facilities shall have subdued colors and comprise nonreflective materials which blend with the materials and colors of the surrounding area or building.

h. All facilities shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions which would result in hazardous conditions, visual blight, or attractive nuisances.

~~e~~i. Lighting: Towers and related equipment shall be unlit except as provided below:

(1) A manually operated or motion detector controlled light above the equipment shed door may be provided. Such light shall remain off except when personnel are present on site at night.

(2) The minimum tower lighting required under federal aviation administration regulation.

(3) Where tower lighting is required, such lighting shall be shielded or directed downward to the greatest extent possible to ensure that such light does not spill over onto abutting properties, especially residential zoning districts or uses.

j. Where appropriate, wireless communication facilities shall be installed in a manner that maintains and enhances existing landscaping on the site, including trees, foliage, and shrubs, whether or not utilized for screening. Additional landscaping shall be planted around the tower and related equipment to buffer abutting residential zoning districts or uses, and to buffer public trails

kh. Advertising: The tower and related equipment shall not bear any signs or advertising devices other than certification, warning, or other required seals or signs

2. Development Standards for Antennas (Excluding Amateur Radio Antennas): The following development standards shall apply to receive-only antennas (ground and building mounted), parabolic antennas, and satellite earth stations as defined in this titleStandards for Minor Wireless Telecommunication Facilities.

a. Ground mounted equipment shall be situated as close to the ground as feasible to reduce visual impact without compromising their function and all portions of the antenna shall be set back a minimum of five feet (5') from any property line. Ground mounted minor wireless telecommunication facilities shall be screened from view from the public right of way to a height of roughly seven (7) feet.

b. Wall mounted equipment shall be flush mounted and painted or finished to match the building with concealed cables.

c. In commercial and office zoning districts, roof mounted equipment shall be screened from view of public rights of way by locating the antenna below the roofline, parapet wall, or other roof screen and by locating the equipment as far away as physically feasible and aesthetically desirable from the edge of the building.

d. Equipment shall have subdued colors and comprise nonreflective materials which blend with the materials and colors of the surrounding area or building.Antenna Location:

(1) Parabolic antenna and SES shall be ground mounted in agricultural and residential zoning districts. In all other zoning districts, building mounted antennas are preferred.

(2) No antenna shall be located in the required front or street side yard of any parcel unless entirely screened from pedestrian view on the abutting street rights of way (excluding alleys).

(3) In all zoning districts, ground mounted antennas shall be situated as close to the ground as feasible to reduce visual impact without compromising their function and all portions of the antenna shall be set back a minimum of five feet (5') from any property line.

b. Height Limit:e. The maximum height limit for ground mounted antennas equipment is six feet (6'). However, the height may be increased to a maximum of twelve feet (12') if the setback distance from all property lines is at least equal to the height of the antenna and if the structure is screened in accordance with subsection E2c, "Screening", of this section. shall be equal to the horizontal distance between the equipment and the nearest property line, or twenty-five (25) feet above the maximum building height of the zone district, whichever is less. Building mounted antennas shall not extend above the roofline, parapet wall, or other roof screen or project beyond a maximum of eighteen inches (18") from the face of the building or other support structure.

c. Screening: Ground mounted antennas shall be screened with a fence, wall, and dense landscaping so that the antenna is not visible from the public right of way. Building mounted antennas shall be screened as follows:

(1) Wall mounted antennas and ancillary equipment shall be flush mounted and painted or finished to match the building with concealed cables.

(2) Roof mounted antennas and ancillary equipment shall be screened from view of public rights of way by locating the antenna below the roofline, parapet wall, or other roof screen and by locating the antenna as far away as physically feasible and aesthetically desirable from the edge of the building.

d. Color: Antennas shall have subdued colors and comprise nonreflective materials which blend with the materials and colors of the surrounding area or building.

3. Development Standards Forfor Amateur Radio Antennas: Amateur radio antenna structures provide a valuable and essential telecommunication service during periods of natural disasters and other emergency conditions. As such, amateur radio antennas may exceed the height limit and/or the setback provisions of the underlying zoning district only when such provisions will result in unreasonable limitations on, or prevent, reception or transmission of signals from the amateur radio antennas.

a. Height Limits: Amateur radio antennas in any zone district may extend to a maximum height of seventy five feet (75'), provided that the tower is equipped with a lowering device (motorized and/or mechanical) capable of lowering the antenna to the maximum permitted height permitted in the zone district when not in operation.

b. Location Parameters: All antenna structures shall be located outside of required front and street side yard areas. Antenna structures shall also be set back a minimum distance of five feet (5') from interior property lines.

c. Tower Safety: All antennas shall be located within an enclosed fenced area or have a minimum five foot (5') high tower shield at the tower base to prevent climbing. All active elements of antennas shall have a minimum vertical clearance of eight feet (8'). (Ord. 2013-___, __-__-2013)

~~4. Development Standards For Tower: The following development standards shall apply to towers (including collocation facilities):~~

~~a. Site Design: All wireless communication facilities (including related equipment) shall be designed to minimize the visual impact to the greatest extent feasible, considering technological requirements, by means of placement, screening, camouflage, to be compatible with existing architectural elements, landscape elements, and other characteristics of the site on which they are located. The applicant shall use the smallest and least visible antennas feasible to accomplish the owner/operator's coverage objective. A visual impact analysis is required to demonstrate how the proposed facility will appear from public rights of way (including public trails).~~

~~b. Safety Design: All facilities shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions which would result in hazardous conditions, visual blight, or attractive nuisances.~~

~~c. Location: Towers shall not be located in any required front or street side yard in any zoning district. The setback distance from any abutting street right of way, residential property line, or public trail shall be equal to the height of the facility (tower and related equipment). Otherwise, the minimum setback distance from all other property lines shall be at least equal to twenty percent (20%) of the height of the tower. In order to facilitate collocations, setback distance will be waived for placement of antennas on existing towers when there is no increase in the overall height of the tower.~~

~~d. Height Limit: The height limit for towers shall be seventy five feet (75'), except that a conditional use permit may be granted for additional height when the designated approving authority finds that reasonable alternatives do not exist to provide the necessary service. There is no height limit specified for collocations on existing structures, provided wireless communication facilities are screened from view of abutting street rights of way or camouflaged by matching the color(s) and/or material(s) of the structure to which it is attached.~~

~~f. Landscaping: Where appropriate, wireless communication facilities shall be installed in a manner that maintains and enhances existing landscaping on the site, including trees, foliage, and shrubs, whether or not utilized for screening. Additional landscaping shall be planted around the tower and related equipment to buffer abutting residential zoning districts or uses, and to buffer public trails. Landscaping around the perimeter of the facility (e.g., leased area) shall include dense tree and shrub plantings with necessary irrigation.~~

~~g. Design/Finish: New towers shall be camouflaged whenever possible. If not feasible to camouflage, then the tower and related equipment shall have subdued colors and nonreflective materials that blend with the colors and materials of surrounding areas.~~

~~(Ord. 2013-___, __-__-2013)~~ (Ord. 2013-___, __-__-2013)

9-4D-16: THRIFT STORES:

A. Purpose and Applicability: The purpose of these regulations is to limit the overconcentration of thrift stores within the city by applying minimum distance standards between thrift stores and ensuring compatibility with surrounding uses by requiring special standards for collection/receiving and refuse areas and requiring additional property maintenance.

The regulations contained in this section shall apply to new and qualifying expansion of existing thrift stores as defined in article A, "Use Classification System", of this chapter. The establishment of new thrift stores 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.

B. Location: Thrift stores shall not be located closer than five hundred feet (500') from another thrift store.

C. Development Standards: All new thrift stores shall observe all development standards of the underlying zoning district, except that they shall also comply with the following additional standards:

1. Enclosed Activities: All activities shall be completely enclosed within the building for the use.

2. Collection/Receiving Area: The collection area shall be located on the side or rear of the building. Adequate directional signage shall be provided from the main entrance to the use to direct individuals to the collection area. The collection area shall be noticed to prohibit depositing goods when the store is closed.

3. Property Maintenance: Management shall be responsible for the removal of litter from the subject property, adjacent property, and streets that results from the thrift store (with adjacent property owner consent). (Ord. 2013-___, __-__-2013)

9-4D-17: OUTDOOR DISPLAY, SALES, AND STORAGE:

A. Purpose: The purpose of this section is to regulate permanent and temporary outdoor display and storage uses. The intent of these regulations is to encourage outdoor displays and activities that are compatible with associated and nearby uses and do not obstruct pedestrian or vehicle circulation or create an unsightly appearance of unrestricted clutter.

B. Permit Requirements and Exemptions: The following outdoor activities shall be subject to the permit requirements listed herein:

1. Permanent Outdoor Display and Sales: Permanent outdoor display and sales (~~including~~ excluding vending machines) shall require administrative site plan and architecture review approval prior to establishment. All related activities shall be developed and operated consistent with the standards of this section.

2. Temporary Outdoor Display and Sales: Temporary outdoor display and sales shall comply with the standards for temporary uses as provided in chapter 4, article C, "Temporary Uses", of this title and, if required, first obtain a temporary use permit. Temporary

Comment [s45]: Remove site plan review for vending machines.

outdoor display and sales shall comply with the development standards listed in this section in addition to the requirements of chapter 4, article C of this title.

3. Permanent Outdoor Storage: Permanent outdoor storage is permitted as a specified land use (storage yards). If not part of the original development permit for the principal use, permanent outdoor storage may be permitted in mixed use, automotive and industrial, and public/quasi-public zoning districts subject to site plan and architectural review approval. In all cases, permanent outdoor storage shall be consistent with the development standards of this chapter.

4. Temporary Outdoor Storage: Temporary outdoor storage shall comply with the standards for temporary uses as provided in chapter 4, article C, "Temporary Uses", of this title and, if required, first obtain a temporary use permit. Temporary outdoor storage shall comply with the development standards listed in this section in addition to the requirements of chapter 4, article C of this title.

C. Development Standards: The following general development standards apply to all outdoor display, sales, and storage activities. ~~and are in addition to those standards required in subsections D, "Standards For Outdoor Display And Sales" and E, "Standards For Outdoor Storage", of this section:~~

1. Location: Outdoor activities shall not be located within any public right of way (unless an encroachment permit has been issued), in required parking spaces, within designed vehicle drive aisles, or within required landscape planter areas. Outdoor activities shall also not disrupt or impede required pedestrian circulation paths.

2. Hours of Operation: Except as otherwise provided, hours of operation for outdoor activities shall be consistent with those for the corresponding primary use.

3. Noise: Any noise generated by the outdoor activity shall be consistent with subsection 9-5A-4B, "Noise Standards", of this article.

~~4. Signs: All signage shall be consistent with the requirements of article F, "Signage", of this chapter.~~

~~5. Maintenance: Outdoor activity areas shall be kept free of garbage and other debris~~.

D. Standards for Outdoor Display and Sales: The following development standards shall apply to all permanent and temporary outdoor display and sales activities and are in addition to those standards listed in subsection C, "Development Standards", of this section:

1. Associated with the Primary Use: All outdoor display and sales activities shall be associated with the primary use of the property. Only those goods and services associated with the primary use may be stored, sold, or displayed. All outdoor display and sales activities that are independent of the primary use shall be considered their own primary use and regulated as such (e.g., seasonal sales as a temporary use requiring a temporary use permit).

2. Maximum Area: Unless otherwise approved in conjunction with development permits, the area used for permanent outdoor display and sales of materials shall not exceed ten percent (10%) of the gross floor area of the corresponding commercial building. When a

permitted use, vehicle and equipment sales and rentals (e.g., automobile, boat, RV, construction equipment) are exempt from the ten percent (10%) limitation, provided storage and display is limited to vehicles offered for sale or rental only.

3. Performance Standards: Vending machines and outdoor display and sales shall meet the following requirements:

Comment [s46]: Remove some of the more detailed placement requirements for outdoor vending machines.

a. Placement shall be adjacent to a building wall and under a roof overhang (if available).

b. Placement shall not reduce the width of a paved clear space for the passage of pedestrians to less than four feet (4'). Clear space shall be counted as that space exclusive of vehicle overhang as provided in subsection 9-5E-5B11 of this chapter.

c. Placement shall not be closer than five feet (5') to a fire department or utility connection (e.g., fire door, gas meter, electric meter).

~~d. Shall not be placed closer than five feet (5') from a bicycle rack.~~

~~e. The total window transparency shall not fall below seventy five percent (75%), leaving a total of twenty five percent (25%) of the window area that can be blocked with signs, vending machines, shelving, and other view obstructions. The view from the outside of the building to the cashier shall not be blocked under any circumstance.~~

~~f. No more than twenty percent (20%) or forty feet (40'), whichever is less, of the total facade may be occupied by all vending and display areas combined. For example, a fifty (50) linear foot long facade shall have no more than ten (10) linear feet of outdoor display.~~

~~g. Outdoor vending machines shall not be installed so that a customer has to stand in a public right of way or private street or drive aisle to use them.~~

~~h. Placement shall not cause an unsafe situation (e.g., blocking vehicular traffic or creating view obstructions).~~

~~i. Outdoor vending and display shall be ancillary to an approved primary use and may not be located on an unimproved location.~~

~~j~~d. Placement shall not have exposed conduits, piping, or overhead utility connections.

E. 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 C, "Development Standards", of this section:

1. Location: Outdoor storage may not be located within any required front or street side yard for the underlying zoning district within which the activity is located. No pedestrian paths shall be obstructed. A paved clear space for the passage of pedestrians, no less than five feet (5') wide shall be maintained.

2. Windows: Outdoor storage areas shall not block the view from any windows.

3. Height Limitation: The height of stacked materials and goods shall be no greater than that of any building, wall, fence, or gate enclosing the storage area.

4. Screening of Outdoor Storage: Outdoor storage (including all dumpsters, commercial items, commercial construction, or industrial related materials and equipment within commercial zones) shall be screened from any 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 be limited to, fences, walls, landscaping, or earthen berms ~~4. Screening: Screening of outdoor storage shall be consistent with subsection 9-5A-9D, "Screening Of Outdoor Storage", of this article.~~ (Ord. 2013-___, __-__-2013)

9-4D-18: RESIDENTIAL ACCESSORY STRUCTURES:

A. Purpose: The purpose of this section is to regulate certain types of residential accessory structures. These standards are intended to complement the requirements and standards of the city adopted building code and fire code with respect to accessory structures on residential property.

B. Permit Requirements and Exceptions: Generally, no special planning permit or entitlement shall be required for accessory structures that are consistent with the standards herein, except that zoning plan check shall be conducted in the event that a building permit is required. ~~Even if a building permit is not required, certain structures may require site plan and architectural review, variance, or other permits or entitlements as specified in chapter 2, article B, "Planning Permits And~~and ~~Entitlements", of this title.~~

Comment [s47]: Clarify which structures require a planning permit or entitlement.

C. Development Standards:

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.

~~a1. Setback Measurement: Minimum setback distances for accessory structures from property lines and between accessory structures shall be measured to any portion of the structure(s), inclusive of any overhangs, projections, railings, etc.~~

~~2~~a. No accessory structure shall be placed within an established easement.

b. Construction Phasing: Accessory structures may be constructed only in conjunction with or after construction of the primary building(s) on the site.

~~c~~c. Ingress/Egress into Back Yard: A minimum three foot (3') ingress/egress pathway into a back yard shall be maintained for fire access.

2. Development Standards by Type of Accessory Structure: Table 9-4D-18-C1, "Development Standards for Residential Accessory Structures in Residential Zones", of this section establishes development standards based on the type of accessory structure as defined in this title.

TABLE 9-4D-18-C1
DEVELOPMENT STANDARDS FOR
RESIDENTIAL ACCESSORY STRUCTURES IN RESIDENTIAL ZONES

Accessory Structure	Development Standard				
	Minimum Setback Distance From Property Line[1]			Minimum Distance Between Structures[2]	Maximum Height
	Front	Street Side	Interior Side and Rear		
Building, 120 square feet or less:					
8 feet tall or less:	Same minimum as for primary structure	No minimumNo10 feet	No minimum[3]0ôfor interior lot; 10ô from street side lot line on corner lot	No minimum	8 feet
Greater than 8 feet tall:		15 feet	53 feet	10 feet	16 feet
Building, greater than 120 square feet:					

Fully enclosed	Same minimum as for primary structure	15 feet	5 feet	10 feet	16 feet
Limited/no enclosure		15 feet	53 feet	10 feet	16 feet
Garden structure:					
<8 feet ft. tall	12 feet	No minimum	No minimum	~~10 feet'~~No minimum	8 feet
Ó8 feet ft. tall	12 feet	15 feet	5 feet	10 feet	16 feet
Carports[4]:					
Combustible and/or portable	Set back even with or behind the front of the house	Not permitted on the street side of a corner lot	5 feet~~'~~	10 feet~~'~~	Height of house primary structure
Noncombustible and permanent	4 feet behind the sidewalk and outside of public right of way and clear visibility area.~~No minimum[5]~~		No minimum[3]	10 feet~~'~~	Height of house main structure
Pool/spa (built-in):	Same as for primary structure	5 feet~~'~~	5 feet~~'~~	3 feet	~~2'~~ Not applicable
Deck~~: (detached)~~	No minimum	No minimum	No minimum[2]	No minimum	2 feet
Play equipment:	Same as primary structure	15 feet	5 feet	~~10 feet~~No minimum	~~16 feet~~Same as for primary structure

~~Notes:~~
~~1. No accessory structure shall be permitted within an established easement.~~
~~2. A lesser or greater distance between structures may be permitted or required under the city adopted building code/fire code.~~
~~3. When a rear yard abuts a public street, structure must be on the interior side of the lot.~~
~~4. See subsections 9-5C-3B4 and B5 of this chapter for design requirements for carports.~~
~~5. Shall be located a minimum of 4 feet behind the sidewalk outside of public right of way and outside of the clear visibility area.~~

~~FIGURE 9-4D-18-C1~~
~~DEVELOPMENT STANDARDS FOR RESIDENTIAL ACCESSORY STRUCTURES~~

~~)~~(Ord. 2013-___, __-__-2013)

CHAPTER 5:

ARTICLE A. AREA, SETBACK, HEIGHT AND COVERAGE STANDARDS

9-5A-1: PURPOSE AND APPLICABILITY:
9-5A-2: HEIGHT LIMITS MEASUREMENT AND EXCEPTIONS:
9-5A-3: SETBACK DETERMINATION AND REQUIREMENTS:
9-5A-4: GENERAL ZONING DISTRICT DEVELOPMENT STANDARDS:

9-5A-1: PURPOSE AND APPLICABILITY:

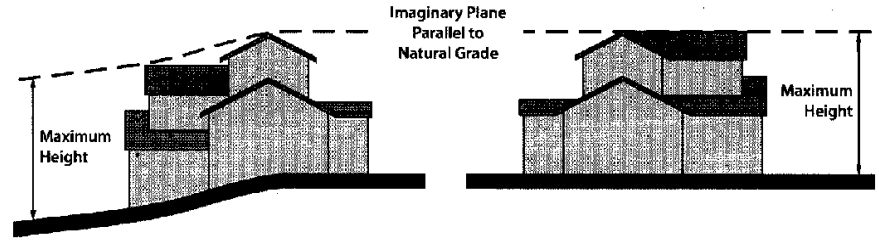
The purpose of this article is to provide development standards related to all properties within Lemoore regardless of underlying zoning designation or land use. The purpose of this article is to establish development standards for lot area, allowed density, building setbacks, height, and lot coverage as appropriate for each of the city's base zoning districts~~These regulations address building height determination and exceptions, setback measurements,~~. ~~Additional standards for landscaping, parking, and signage are listed in subsequent articles of this chapter.~~ (Ord. 2013-___, __-__-2013)

9-5A-2: HEIGHT LIMITS MEASUREMENT AND EXCEPTIONS:

~~The following rules apply to the calculation and determination of height of structures within the city. The intent of these regulations is to provide for compatibility in the measure of building height under a variety of circumstances (e.g., sloped site).~~

A. Height Measurement: The height of a structure shall be measured as the vertical distance from the finish grade of the site to an imaginary plane located the allowed number of feet above and parallel to the finish grade.

FIGURE 9-5A-2-A1
MEASUREMENT OF HEIGHT



~~B. Height Limits And~~and ~~Exceptions: Height limits are established throughout this code. Primarily, height limits are listed in article B, "Development Standards By Zoning District", of~~

~~this chapter, where they are listed by zoning district. Additional height limits are established for outdoor lighting (section 9-5A-6 of this article), fences and walls (section 9-5A-7 of this article), residential accessory structures (section 9-5A-8 of this article), and signs (article F of this chapter).~~

Exceptions to height regulations are as follows:

1. Towers, penthouses, and other roof structures for the purpose of shelter for mechanical equipment, cupolas, water tanks, church steeples~~, radio/television antennas~~, and similar structures and necessary mechanical appurtenances may be erected up to twenty-five feet (25') above the allowable height limit of the structure~~on a building to a height greater than the limit otherwise established~~.

2. Telecommunication facilities ~~may be authorized to exceed the~~ height limits are established ~~for the applicable zoning district as provided~~ in section 9-4D-15, "Telecommunication Facilities", of this title.

3. Fire or parapet walls in nonresidential zoning districts may extend up to four feet (4') above the allowable height limit of the structure. (Ord. 2013-___, __-__-2013)

Comment [MSOffice48]: Clarify how to measure exceptions to height regulations for towers, cupolas, steeples, etc.

9-5A-3: SETBACK DETERMINATION AND REQUIREMENTS:

A. Purpose and Applicability:

1. Purpose: The purpose of this section is to establish requirements for yard areas, setbacks, and encroachments. These requirements, in conjunction with other applicable requirements, are intended to ensure open areas around primary structures maintain clear visibility for traffic safety and pedestrian access, buffer between various land uses, establish natural and visual light, establish airspace privacy, and provide for landscaping and recreation areas.

2. Applicability: The rules for measurement of setbacks, yard areas, and encroachments apply to all properties in the city and shall be in addition to any other applicable development standards and measurement rules contained elsewhere within this title.

B. General Yard and Setback Regulations:

1. Required Yard Area: Except as otherwise specified in this title, required yard areas shall be kept free of buildings and structures.

2. Exclusivity of Required Yard Area: No yard or other open space provided around any building for the purpose of complying with this title shall be considered as providing a yard or open space for any other building or structure.

3. Vertical Clearance: Except as otherwise provided in this title, every part of a required yard shall be open from its lowest point to the sky unobstructed. Building overhangs, bay windows, and other such elements may intrude as permitted, pursuant to subsection D, "Allowed Encroachments Or Projections Into Required Yards", of this section.

4. Corner Lots: In the case of a lot abutting two (2) or more streets, the main buildings and accessory buildings shall be erected so as not to encroach upon the required front and street side yards.

5. Double Frontage Lots: Where a double frontage lot has a depth of one hundred twenty five feet (125') or more, such lot may be treated as two (2) lots~~, with the rear line of each approximately equidistant from the front lot lines, provided all the yard requirements are met.~~ for the purpose of determining yard setbacks.

6. Flag Lots: The front setback for a flag lot shall be measured from the property line that abuts the access corridor, not from where the access corridor meets the public street.

7. Lot Area, Depth, Width, and Setback Reduction: Where a lot area or a lot width, depth, or setback has been reduced for an existing legally created lot by not more than fifteen percent (15%) as a result of acquisition of dedication for a highway, road, drain, or other public purpose, or as a result of dedication pursuant to a condition of approval, the lot area or yard so reduced may be included in determining compliance with lot area or yard requirements in the same manner as if the acquisition or dedication has not taken place.

8. Setback Measurement:

a. Generally: The setback of all buildings and structures shall be measured at a right angle from the property line and determined by the exterior boundaries of the streets and highways and their proposed widening and extensions as indicated on the circulation plan, planned improvements map of the city's general plan. Except as permitted in subsection D, "Allowed Encroachments Or Projections Into Required Yards", of this section, or as otherwise specified in this title for specific types of structures (e.g., accessory structures, signs) or through the issuance of a variance, structures shall not extend beyond required setback lines.

b. Lots on Loop Out and Cul-De-Sac Streets: The minimum front setback for lots on loop out and cul-de-sac streets ~~shall be measured from an imaginary line drawn parallel to the property line along the street that has a minimum length equal to the minimum frontage~~shall be five (5) feet less than the otherwise established minimum front setback.

Comment [MSOffice49]: This is a lot of work to determine the setback. Revised wording simplifies the measurement process.

C. Residential Yard and Setback Regulations: In addition to the setback standards for single-family residential development listed in section 9-5B-2, table 9-5B-2, "Development Standards For Base Zoning Districts", of this chapter, the following standards shall apply:

1. Front Yard Variation: In any full block of lots established through a Planned Unit Development, the front yards may be varied so that the required yard depth is not reduced more than five feet (5'), the average of all lots equals the required yard depth, and the corner lot yards are not reduced.

Comment [MSOffice50]: As written, this applies to all residential areas. While this may be desirable for new neighborhoods all being built at once, it may also have the unintended consequence of allowing a home in an existing neighborhood to add on to the front of his/her house if he/she is the first one to ask for it. That could cause problems with the other neighbors.

2. Yard Exceptions for Infill Development: On a site situated between sites improved with buildings where said buildings are set back less than the minimum distance required by this subsection, the minimum front yard shall be the average depth of the front yards on the improved sites immediately adjoining the side lines of the site.

3. Deviations for Lots Recorded Prior to 1987: In case of irregular or wedge shaped lots and lots in subdivisions recorded prior to 1987, the planning director may grant setback deviations up to fifteen percent (15%) of the stated requirements.

D. Allowed Encroachments or Projections into Required Yards: Bay windows, cornices, canopies, attached decks and patios, eaves, fireplaces, roof overhangs, and similar architectural features may encroach up to six (6) feet into the required front yard and up to two (2) feet into all other required yard areas. (Ord. 2013-___, __-__-2013)

9-5A-4: GENERAL ZONING DISTRICT DEVELOPMENT STANDARDS:

A. Table 9-5A-4A, "Development Standards for Residential Zoning Districts" and Table 9-5A-4B ñDevelopment Standards for Commercial, Office, Industrial, Special Purpose Zoning Districtsò, of this section establishes the lot area, allowed density, building setbacks, height, and lot coverage requirements, as defined in this title, for each of the city's base zoning districts, except the mixed use zoning districts. Development standards and design provisions for the downtown mixed use zones (DMX-1, DMX-2, and DMX-3) are addressed in Chapter 6, "Downtown Development Standards", of this title. Development standards and design provisions for the mixed use zone (MU) are addressed in Chapter 7, "Mixed Use Development Standards", of this title. Zoning district names for the zoning district symbols used in the table are the same as those used in Section 9-4B-2.

TABLE 9-5A-4A
DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

Measurement/ Zoning District	**Residential Zoning Districts**						
	AR	**RVLD**	**RLD**	**RN**	**RLMD**	**RMD**	**RHD**
Density range (du/acre, minimum and maximum)	-	1-3	3-7	7-12	7-12	12-17	17-25
Lot dimensions:							
Lot size, minimum (square feet)	40,000	15,000	7,000	3,000	3,000	2,000	2,000
Lot size, maximum (square feet)	No max.	40,000	15,000	7,000	7,000	5,000[1]	No max.
Lot width, minimum[10]	150'	150'	60'	50'	60'	60'	60'

Measurement/ Zoning District	Residential Zoning Districts						
	AR	**RVLD**	**RLD**	**RN**	**RLMD**	**RMD**	**RHD**
Lot depth, minimum	200'	150'	100'	90'	90'	80'	80'
Setbacks, minimum:							
Front yard:							
Generally[2,12]	60'	40'	18'	15'	20'	20'	20'
To garage, front facing	-	-	20'	20'	20'	20'	20'
To garage, side load	-	-	15'	-	-	-	-
To porch	-	-	12'	12'	12'	12'	-
Side yard:							
Interior side	15'	10'	5'[4]	5'[4]	5'	10'	10'
Street side[12]	25'	15'	15'	15'	15'	15'	15'
Combined both sides	-	-	10'	10'	10'	-	-
Rear yard:							
Generally	10'[4]	10'[4]	10'[4]	10'[4]	10'	10'	10'
To detached alley loaded garage	5(	5(	5(	0'	0(	0(	0(

Measurement/ Zoning District	Residential Zoning Districts						
	AR	RVLD	RLD	RN	RLMD	RMD	RHD
Abutting a street[11]	20'	20'	20'	20'	20'	-	-
Separation between buildings,, minimum[7]	10'	10'	10'	10'	10'	10'	10'
Height, maximum:	40'	40(	35(	35(	35(	45(	60(

TABLE 9-5A-4A
DEVELOPMENT STANDARDS FOR OFFICE, COMMERCIAL, INDUSTRIAL, AND SPECIAL PURPOSE ZONING DISTRICTS

Measurement/ Zoning District	Office, Commercial, and Industrial Zoning Districts					Special Purpose Zoning Districts			
	NC	RC	PO	ML	MH	W	AG	PR	CF
Residential Density range (du/acre, minimum and maximum)	-	-	17-25	-	-	-	-	-	-
Lot dimensions:									
Lot size, minimum (square feet)	-	-	20,000	20,000	20,000	-	-	-	-

Measurement/ Zoning District	Office, Commercial, and Industrial Zoning Districts					Special Purpose Zoning Districts			
	NC	**RC**	**PO**	**ML**	**MH**	**W**	**AG**	**PR**	**CF**
Lot depth, minimum	-	-	100'	100'	100'	-	-	-	-
Setbacks:									
Front yard:									
Generally[2,12]	0'	0'	25'	25'	25'[3]	0'	0'	0'	25'
To garage, front facing	15'	0'	-	-	-	-	-	-	-
Side yard:									
Interior side	5'	0'[5]	0'[5]	0'[5]	0'[6]	0'	0'	0'	0'
Street side[12]	10'	10'	10'	10'	10'	0'	0'	0'	10'
Rear Yard:	5'	0'[5]	0'[5]	25'	25'	0'	0'	0'	25'
Separation between buildings, minimum[7]	10'	10'	10'	-	-	0'	0'	0'	10'
Lot coverage, maximum percent of lot area[8]:	80%	80%	65%	-	-	-	-	-	-
Floor area ratio (FAR):									
Minimum	0.10	0.10	0.10	0.10	0.10	-	-	-	-
Maximum	0.60	0.60	0.60	0.60	0.60	-	-	-	-
Height, maximum:	-	-	35'	60'[9]	60'[9]	30'	65'	30'	45'

Notes:

1. Larger lot sizes may be permitted through site plan and architectural review for condominiums, townhomes, and similar attached developments.

2. For single-family residential subdivisions, the front yard setback of adjacent homes shall have a minimum 2 foot stagger between adjacent lots. Reduced setbacks may be approved as part of a planned unit development overlay zoning district or master home plan approval as a way to provide varied setbacks.

3. For every 1 foot in additional height, an additional 1 foot in setback is required.

4. Additional 5 feet is required for each additional story.

5. Required setback is 10 feet when adjacent to any residential zoning district.

6. Required setback is 15 feet when adjacent to any residential or mixed use zoning district.

7. Separation requirements apply to buildings on the same site as well as separation between buildings on adjacent parcels.

8. Also see subsection 9-5D1-2E, "Special Landscape Requirements", of this chapter for corresponding minimum landscaping and pervious surface requirements.

9. Additional building height may be allowed through site plan and architectural review when additional height is necessary for mechanical equipment as part of an industrial operation.

10. For flag lots, the minimum width for the access corridor shall be 10 feet. The lot width shall be measured from the front property line as described in section 9-5A-3, "Setback Determination and Requirements", of this chapter.

11. See section 9-5B-3, "Urban-Rural Edge", of this article.

12. 15 foot landscape buffer required along arterial and collector streets in addition to minimum setback. These 2 standards are not cumulative and may overlap. See subsection 9-5D1-2E2, "Landscape Buffers Required Along Arterial and Collector Streets", of this chapter.

(Ord. 2013-___, __-__-2013)

CHAPTER 5:

ARTICLE B. DEVELOPMENT STANDARDS BY ZONING DISTRICT

Comment [s51]: The sections of this chapter have been restructured to put as many of the development standards in one place as possible.

9-5B-1: PURPOSE:
9-5B-2: NOISE, ODOR, AND VIBRATION PERFORMANCE STANDARDS:
9-5B-3: PROPERTY AND UTILITY IMPROVEMENTS:
9-5B-4: OUTDOOR LIGHTING:
9-5B-5: FENCES AND WALLS:
9-5B-6: SCREENING:
9-5B-7: URBAN-RURAL EDGE:

9-5B-1: PURPOSE

The purpose of this chapter is to provide performance standards for all permanent and temporary land uses within the city relative to noise, odor, and vibration, property and utility improvement requirements, outdoor lighting, fences and walls, and screening. The intent is to provide compatibility between neighboring land uses by minimizing various potential impacts.

9-5B-2: NOISE, ODOR, AND VIBRATION PERFORMANCE STANDARDS:

A. Purpose and Applicability:

1. Purpose: The purpose of this section is to provide performance standards for all permanent and temporary land uses within the city relative to noise, odor, and vibration. The intent is to provide compatibility between neighboring land uses by minimizing various potential impacts.

2. Applicability: The standards of this chapter apply to all new and existing land uses within the city, unless otherwise exempted. Existing uses shall not be modified in conflict with the provisions of this chapter.

B. Noise Standards:

1. Applicability: In addition to the provision contained within this section, all uses shall comply with the noise standards set forth in the city's general plan and in title 5, chapter 6, "Noise", of the municipal code. Unless otherwise specified in this section or the general plan, all noise measurements shall be based upon the community noise equivalent level (CNEL).

2. Generally: No use, activity, or process shall exceed the maximum allowable noise levels established by this section, except for the following noise sources:

   a. Public safety warning devices (e.g., ambulance, fire, and police sirens), sound for alerting persons to the existence of an emergency, or the performance of authorized emergency work;

b. Any activity whose noise levels are regulated by state or federal law;

c. Construction, maintenance, and/or repair operations by public agencies and/or utility companies or their contractors that are serving public interests, and/or protecting the public health, safety, and general welfare;

d. Public agency sanctioned recreational activities and programs conducted in public parks; and

e. The authorized collection of solid waste.

3. Maximum Allowable Noise Levels:

a. No use shall exceed the standard noise levels established in table 9-5B-2-B1, "Land Use Noise Standards" of this section. Necessary measures shall be incorporated into all development projects to attenuate exterior and/or interior noise levels to these standards.

TABLE 9-5B-2-B1
LAND USE NOISE STANDARDS

Land Use	**Noise Standards (dB CNEL)**	
	Interior Noise	**Exterior Noise**
Residential uses	45	65[1]
Residential uses in mixed use zones	45	70
Commercial	-	70
Office	50	70
Industrial	55	75
Public facilities	50	70
Parks	-	70
Schools	50	65

Note:
1. In outdoor living areas, e.g., back yards.

b. Notwithstanding the above requirements, if the measured ambient noise level exceeds the applicable noise level standard in any category, the applicable standards shall be the ambient noise level.

c. Notwithstanding the above requirements, no person shall allow or cause the generation of any noise of a type, volume, pitch, tone, repetition, or duration that

would be found to be a nuisance by a reasonable person beyond the boundaries of the property where the noise is generated.

4. Acoustical Analysis Required: Where the city determines that a proposed project may generate noise in excess of any limit established above, and/or where the use may generate noise in outdoor areas in excess of sixty decibels (60 dB CNEL), the land use permit application for the use shall include an acoustical analysis by a qualified professional approved by the city. The following measure shall be considered where feasible to reduce noise level below acceptable standards:

   a. Site layout, including setbacks, open space separation, and shielding of noise sensitive uses with non-noise sensitive uses;

   b. Acoustical treatment of buildings; or

   c. Structural measures such as constructed of earth berms and/or wood or concrete barriers or masonry walls.

5. Limitation On Hours of Construction: To ensure that nearby residents as well as nonresidential activities are not disturbed by noise from early morning or late night activities, the following limits on construction are established:

   a. Monday through Saturday, six o'clock (6:00) A.M. to eight o'clock (8:00) P.M.

   b. Extended construction hours may only be allowed by the review authority through conditions of approval between eight o'clock (8:00) P.M. and ten o'clock (10:00) P.M.

   c. On Sundays and national holidays, construction activities may only be allowed by the review authority through conditions of approval between nine o'clock (9:00) A.M. and five o'clock (5:00) P.M.

6. Limitation On Truck Deliveries: Truck deliveries to a commercial or industrial parcel adjacent to a conforming residential use shall be limited to the hours between seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., unless the ~~city~~ planning director authorizes other delivery times based on the determination that there is either no feasible alternative, or there are overriding transportation and traffic management benefits to scheduling deliveries at night.

Comment [s52]: Change authority from ambiguous "city" to "planning director."

7. Locating A New Sensitive Land Use: Where noise sensitive land use is proposed in an area exposed to existing or projected noise levels in excess of sixty five decibels (65 dB CNEL), the city may require an acoustical analysis so that noise reduction measures may be included in the project design.

C. Odors, Particulate Matter, and Air Contaminants Standards:

1. Odor: No obnoxious odors or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.

2. Particulate Matter and Air Contaminants: The operation of facilities shall not directly or indirectly discharge air contaminants into the atmosphere, including smoke, sulfur compounds, dust, soot, carbon, noxious acids, gases, mist, odors, or particulate matter,

or other air contaminants or combinations which exceed any local, state, or federal air quality standards. 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 regional air quality management district.

3. Odor Easement Required: All new subdivisions of land through tentative map as provided in title 8, chapter 7, article F, "Tentative Maps", of the municipal code shall be required as a condition of approval to record at time of final or parcel map an odor easement on all lots created. Such easement shall identify the presence of industrial uses in the vicinity of the lot and be in a form satisfactory to the city.

D. Vibration Standards: Uses that generate vibrations that may be considered a nuisance or hazard on any adjacent property shall be cushioned or isolated to prevent generation of vibrations. Uses shall be operated in compliance with the following provisions:

1. Uses shall not generate ground vibration that is perceptible without instruments by the average person at any point along or beyond the property line of the parcel containing the activities;

2. Uses, activities, and processes shall not generate vibrations that cause discomfort or annoyance to reasonable persons of normal sensitivity or which endanger the comfort, repose, health, or peace of residents whose properties abut the property lines of the subject parcel;

3. Uses shall not generate ground vibration that interferes with the operations of equipment and facilities of adjoining parcels; and

4. Vibrations from temporary construction/demolition and vehicles that leave the subject parcel (e.g., trucks, trains, and aircraft) are exempt from the provisions of this section.

~~E. Maintenance:~~

~~1. All property shall be maintained in accordance with title 4, chapter 4, "Property Maintenance", of the municipal code.~~

~~2. Each exterior of a building or other structure must be kept in a good state of repair, and the exterior finish must be clean and well maintained.~~

~~3. The entire site, including paved, unpaved, and landscaped areas, must be kept in a neat and orderly manner, free of junk, debris, abandoned vehicles, weeds, loose trash, and other litter.~~ (Ord. 2013-___, __-__-2013)

Comment [MSOffice53]: Maintenance requirements are much more fully covered in Title 4, Chapter 4 of the City Municipal Code. This section is not needed.

9-5B-3: PROPERTY AND UTILITY IMPROVEMENTS:

A. Purpose: The purpose of this section is to establish rules and regulations that govern the installation of curbs, gutters, and sidewalks and the undergrounding of all utilities in the city. These requirements, in conjunction with other applicable requirements of this code, are intended to establish the applicability of said requirements of development in all new industrial, commercial, residential subdivisions, and infill projects. This section addresses the applicability of public utility improvements and is not intended to supersede the city's construction improvement standards.

B. Curbs, Gutters, and Sidewalks: Installation of curbs, gutters, and sidewalks shall be required for all new development projects except rural subdivisions. Such improvements shall be provided at the location ~~of the ultimate right of way width as established under the general plan, or other location as approved by the city as part of tentative map or site plan and architectural review.~~determined by the public works director.

C. Underground Utility Requirements and Applicability: The requirements listed below govern the undergrounding of utility lines, including telephone facilities, electrical (less than 70 kVA), fire alarm conduits, street lighting wiring, cable television and other wiring conduits, and similar facilities.

1. New Developments: In new development areas of the city, all on-site utilities shall be installed underground, if feasible.

2. Existing Developments: In existing areas of the city where utility lines have not been undergrounded, the requirements listed below shall apply.

a. For an existing development that is either: 1) being comprehensively redeveloped or 2) undergoing an addition or renovation of more than two hundred fifty thousand dollars ($250,000.00), all utilities on the project site shall be placed underground. All existing overhead utilities that cross or abut the subject property are also required to be placed underground. "Comprehensively redeveloped" shall mean any instance where a demolition permit has or would be issued for a minimum of fifty percent (50%) of the existing building area.

b. For development with less than five hundred feet (500') of public frontage or where utilities are located within a dedicated public utility easement, the applicant may be permitted by the public works director to pay an in-lieu fee to be used by the City to underground utilities, provided the project has been designed to the satisfaction of the public works director and the project is accessible and can be easily improved at such time as the utilities are undergrounded.

c. Nothing in this section shall limit the ability of the city and applicant to enter into a deferred improvement agreement for the conversion to underground utilities at a later point in time.

d. When the city determines that undergrounding is impractical, an in-lieu fee shall be paid. An in-lieu fee shall be based on the number and type of utility lines and type of surface area being distributed and shall be paid prior to the recordation of a final or parcel map for the subdivision, or the issuance of any building permit, as applicable. The in-lieu fees shall be used by the city to fund underground activities.

3. Waiver Of Undergrounding Requirement: Aboveground meters, transformers, condensers, switches, and other related equipment may be allowed above ground if approved by the public works director if it is determined that the equipment in unobtrusive or is adequately screened from public view.as part of the site development review process. If the applicant demonstrates that the city's undergrounding requirement has the effect of prohibiting the requirement of telecommunications facilities, the approving authority shall waive the undergrounding requirement. Conditions for approval of aboveground equipment include, but are not limited to, ~~enclosure in a building other than the principal building of the~~

~~development, screening with the use of walls, partial subsurface locations, screening with landscaping, and other architectural treatment consistent with the design of the development. (Ord. 2012-01, 4-17-2012)~~(Ord. 2013-___, __-__-2013)

9-5B-4: OUTDOOR LIGHTING:

Comment [s54]: Make a number of modifications to lighting requirements to make simpler to enforce while still providing necessary protection from nuisance.

The purpose ~~of the requirements within~~ this section is to balance the safety and security needs for lighting with the city's desire to preserve dark skies and to ensure that light trespass and glare have negligible impact on surrounding property (especially residential uses) and roadways.

A. Exempt Lighting: The following items shall be exempt from the requirements of this chapter:

1. All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas fixtures.

2. Temporary lights used for holiday decorations.

3. Emergency lighting erected for official purposes by local, state, or federal agencies.

4. Lighting for temporary uses and special events permitted consistent with this title.

5. Streetlights in accordance with city standards.

B. Prohibited Lighting: The following types of lighting are prohibited:

1. Neon tubing or band lighting along buildings and/or structures as articulation, except as approved through site plan and architectural review;

2. Searchlights, laser source lights, or any similar high intensity light~~, except for emergency use by police or fire personnel or at their discretion, or for approved temporary lighting for a special event approved by the city~~;

3. Lighting fixtures operated in such a manner as to constitute a hazard or danger to persons or to safe vehicular travel;

4. Illumination of entire buildings; and

~~5. Roof mounted lighting except for security purposes; and~~

~~6~~5. Moving, flashing, or animated lighting except as allowed for signs as provided in article F, "Signage", of this chapter.

C. General Lighting Requirements: The requirements listed below shall apply to all outdoor lighting:

1. Nuisance Prevention: All outdoor lighting shall be designed, located, installed, ~~directed downward or toward structures, fully shielded,~~ and maintained in order to prevent glare, light trespass, and light pollution.

~~2. Maintenance: Fixtures and lighting shall be maintained in good working order and in a manner that serves the original design intent.~~

~~a. Burned out and broken light bulbs shall be replaced.~~

~~b. Lighting fixtures shall remain free of graffiti and rust.~~

~~c. Painted light fixtures shall be maintained to minimize chipping or peeling.~~

3. Lighting Study Required For Limited Land Uses: A lighting study or plan (often referred to as a photometric study or plan) shall only be required for those land uses that are most likely to have a negative impact on surrounding sensitive receptors, such as residential dwellings. As such, a lighting study or plan shall only be required for fueling stations, apartment complexes, and uses with parking lots that contain more than one hundred (100) spaces.

~~4~~2. Shielding: Except as otherwise exempt, all outdoor lighting shall be recessed and/or constructed with full downward shielding in order to reduce light and glare impacts on trespass to adjoining properties and public rights of way. Each fixture shall be directed downward and away from adjoining properties and public rights of way, so that no light fixture directly illuminates an area outside of the project site.~~ intended to be illuminated. See figure 9-5A-6-C1, "Shielding And Maximum Height Of Freestanding Outdoor Light Fixtures", of this section.~~

~~5~~3. Level of Illumination: Outdoor lighting shall be designed to illuminate at the minimum level necessary for safety and security and to avoid harsh contrasts in lighting levels between the project site and adjacent properties~~. Illumination requirements are as follows and shall be verified through a lighting study or plan when required by this section:~~

~~a. Public, Civic And Religious Buildings: Public, civic, and religious buildings are permitted to be fully illuminated during hours of operation. After hours of operation, lighting may be dimmed or turned off such that only lighting essential for security or safety shall be maintained.~~

~~b. Parking Lots, Driveways, Objects: In general, parking lots, driveways, trash enclosures/areas, public phones, and group mailboxes shall be illuminated with a minimum maintained one foot-candle of light and an average not to exceed four (4) foot-candles of light. Parking lots for banks, convenience stores, card rooms, check cashing businesses, and emergency shelters shall provide a minimum level of illumination of one and one-half (11/2) foot-candles across the parking lot during operating hours.~~

~~c. Pedestrian Walkways: Pedestrian walkways intended for use after dark shall be illuminated with a minimum maintained one and one-half (11/2) foot-candle of light and an average not to exceed two (2) foot-candles of light.~~

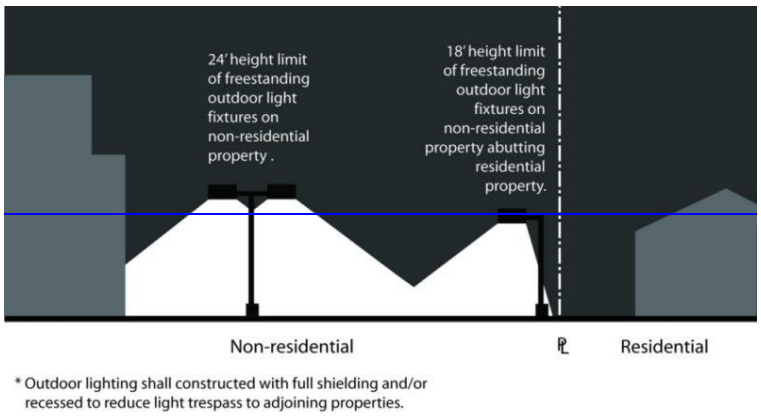
~~d. Entryways And Exterior Doors: Entryways and exterior doors of nonresidential structures shall be illuminated during the hours of darkness, with a minimum maintained one foot-candle of light, measured within a five foot (5') radius on each side of the door at ground level.~~

~~e. Minimize Light Trespass: To minimize light trespass on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon's potential ambient illumination of one-tenth (0.1) foot-candle.~~

~~f. Sports Fields/Outdoor Activity Areas: Where playing fields or other specialty activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that the light falls within the primary playing area and no significant off site light trespass is produced. Additionally, the lights shall be turned off within one hour after the end of the event.~~

~~6~~4. Maximum Height of Freestanding Outdoor Light Fixtures: The maximum height of freestanding outdoor light fixtures less than 10 feet from a property line abutting residential development shall be eighteen feet (18'). Otherwise, the maximum height for freestanding outdoor light structures shall be twenty four feet (24'). Height shall be measured from the finish grade, inclusive of the pedestal, to the top of the fixture. The designated approving authority may allow greater heights upon finding that there are special circumstances that affect the feasibility of meeting this standard. ~~See figure 9-5A-6-C1, "Shielding And Maximum Height Of Freestanding Outdoor Light Fixtures", of this section.~~

~~FIGURE 9-5A-6-C1~~
~~SHIELDING AND MAXIMUM HEIGHT OF FREESTANDING OUTDOOR LIGHT FIXTURES~~



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~~Outdoor lighting shall be constructed with full shielding and/or recessed to reduce light trespass to adjoining properties.~~

~~7~~5. Energy Efficient Fixtures Required: Outdoor lighting shall utilize energy efficient fixtures and lamps, such as high pressure sodium, metal halide, low pressure sodium, hard wired compact fluorescent, or other lighting technology that is of equal or greater efficiency. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than ten thousand (10,000) hours.

~~8~~6. Accent Lighting: Architectural features may be illuminated by uplighting, provided that the lamps are low intensity to produce a subtle lighting effect and no glare or light trespass is produced. Wherever feasible, solar powered fixtures should be used.

~~D. Alternative Designs, Materials, And Installations: The designated approving authority may grant approval of alternatives to this section as part of site plan and architectural review. (Ord. 2012-01, 4-17-2012)~~(Ord. 2013-___, __-__-2013)

9-5B-5: FENCES AND WALLS:

A. Purpose: The purpose of this section is to establish development standards and regulations for fences and walls. The intent of these regulations is to provide for adequate air and light permeability onto lots, for adequate buffering between and screening of uses and activities, and for the mitigation of noise.

B. Applicability and Exemptions: Except as provided below, the requirements of this chapter apply to all fences and walls.

1. Fences that are required by federal or state law or regulation, or which are required by the city for public safety (e.g., temporary construction site fencing) are exempt from this section.

2. Walls that are required by mitigation measure and designed and approved through a tentative subdivision map, tentative parcel map, or site plan and architecture review for noise attenuation are exempt from this section.

C. Permit Requirements: Except as provided below, no special planning permit or entitlement shall be required for fences or walls, except that zoning plan check shall be conducted in the event that a building permit is required.

1. ~~Site Plan And Architectural Review~~Building Permit Required: A ~~minor site plan and architectural review~~building permit is required for all fences that exceed ~~the standards of this section.~~six (6) feet in height.

Comment [s55]: Remove requirement for fences over 6 feet high to go to site plan review.

2. Encroachment Permit Required: Fences located within a city maintained public utility easement as provided in title 7, chapter 12, "Encroachments", of the municipal code

2. Retaining Walls: Retaining walls, as defined in this title, may only be constructed as part of an approved grading permit for the site at the time of initial development, as part of a roadway improvement project, or as part of the necessary stabilization of soil for the primary intended use of the property as determined by the public works director.

D. Measurement of Fence and Wall Height: Fence and wall height shall be measured as the vertical distance between the lowest finished grade at the base of the fence and the top edge of the fence material. ~~The finished grade shall be that as shown on the approved grading plan for the site at the time of initial development of the residential subdivision, multi-family development, or nonresidential development. In cases where a retaining wall does not require the approval of a grading plan, the finished grade shall be as determined by the public works director.~~

~~1. Landscape Walls:~~ When a fence or wall is placed atop a "landscape wall" (as defined in this title), the height of the landscape wall shall be considered as part of the fence or wall for purposes of determining the height of the fence or wall.

~~2. Retaining Walls: When a fence or wall is placed atop a retaining wall, the height of the fence shall be determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finished grade.~~

E. Fence and Wall Height Limits in Required Yard Areas:

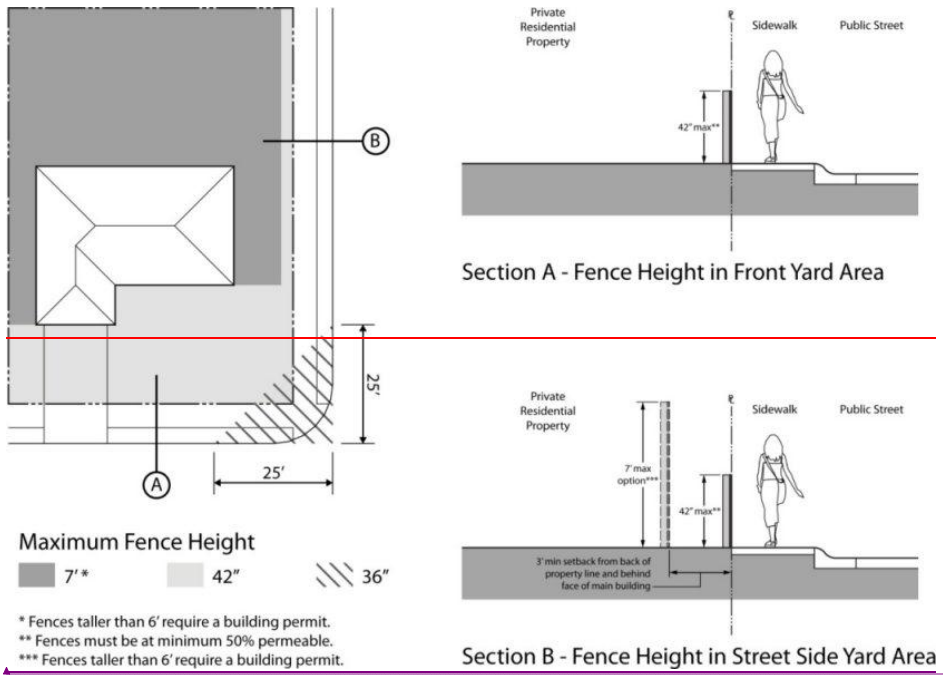
1. General Standards: All fences and walls built within required yard areas or within a clear visibility area ~~(except fencing in agricultural and agricultural residential zoning districts as described in subsection G2 of this section)~~ shall comply with the height limits shown in table 9-~~5A~~5B-5~~7~~-E1, "Development Standards f~~F~~or Fences a~~A~~nd Walls", of this section. Minimum permeability refers to the amount of surface area of the fence or wall that shall be open to the passage of light and air.

TABLE 9-5B-5-E1
DEVELOPMENT STANDARDS FOR FENCES AND WALLS

Location of Fence Or Wall	Maximum Height	Minimum Permeability[1]
Within required front yard setback[2]	3.5 feet	50%
Within required street side yard setback[2,]		
Less than 3 feet from back of sidewalk	3.5 feet	50%
3 feet or greater from back of sidewalk and in front of the front face of the main building	3.5 feet	50%
3 feet or greater from back of sidewalk and behind the front face of the main building	7 feet[4]	0%
Interior side yard and rear yard setback:	7 feet[4]	0%
Within the clear visibility area at the intersection of streets, alleys, and driveways	3 feet	50%

~~Notes:~~
~~1. Minimum permeability refers to the amount of surface area of the fence or wall that shall be open to the passage of light and air.~~
~~2. Fences within the required front and street side yard may require the issuance of an encroachment agreement if located within a city maintained public utility easement as provided in title 7, chapter 12, "Encroachments", of the municipal code.~~
~~3. Chainlink fences shall not be allowed in this area.~~
~~4. Fences taller than 6 feet require a building permit.~~

~~FIGURE 9-5A-7-E1~~
~~DEVELOPMENT STANDARDS FOR FENCES AND WALLS~~



2. Landscape Walls: Landscape walls within required yard areas shall be constructed to a maximum height of three (3) feet. Landscape walls shall not be used to alter the finish grade of the lot.

~~3. Retaining Walls :~~

~~a. Timing Of Construction: As provided in subsection C of this section, retaining walls shall only be constructed as part of an approved grading plan for the site at the time of initial development of the residential subdivision, multi-family development, or nonresidential development, as part of a roadway improvement project, or as part of the necessary stabilization of the soil for the primary intended use of the property as determined by the public works director.~~

~~b. Height Limit: The height of retailing walls shall be limited to that height reasonably necessary to support and retain the soil for the property.~~

F. Fence and Wall Design Standards:

~~1. Open View Fencing: Where fencing is proposed along public frontages of nonresidential and multi-family projects, such fencing shall be open view unless otherwise required to~~

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Comment [s56]: Remove. This section is unnecessary. By definition, the portion of a retaining wall that is higher than the soil is not a retaining wall. It's just a wall.

be solid for noise attenuation. Open view fencing shall also be required when located adjacent to open space areas.

21. Fencing Materials: Fences and walls shall be constructed of long lasting materials. Unless approved as a condition of approval or in conjunction with another planning permit or entitlement, fences or walls of sheet or corrugated iron, steel, concertina wire, or aluminum are prohibited, with the exception of ornamental fences.

32. Barbed or concertina wire fencing shall not be constructed or placed on top of a fence except in agricultural, open space, or industrial areaszones. Minor site plan and architectural review is required for barbed wire fencing abutting residential or commercial areas. The planning director may approve barbed or concertina wire fencing in a commercial zone upon finding that there is a special need for security and that the fencing will be unobtrusive or shielded from public view.

43. Chainlink fences taller than than 42 inches are prohibited in the front and street side yards of residential property.

3. Graffiti Resistant Surface: When required by the city or through conditions of approval due to the location and nature of the wall, masonry walls shall be treated with a graffiti resistant aesthetic surface.

4. Landscaping: All required street side yard areas between the back of sidewalk and fence/retaining wall shall be landscaped and continuously maintained in accordance with article D1, "Landscaping Standards", of this chapter.

G. Special Fence and Wall Requirements:

1. Perimeter Walls for Residential Subdivisions: Where provided, perimeter walls for residential subdivisions shall comply with the following standards:

a. The walls shall be of a decorative design to the satisfaction of the planning director consistent with the following:

(1) Walls shall have vertical elements (e.g., pilasters, indentations) of differing colors and/or materials at least every fifty one-hundred (100) feet (50');

(2) Walls shall include capstones (with limited overhang) of a coordinating color, material, and style as the rest of the wall;

(3) Walls shall be of neutral color and shall be textured with stone, brick, stucco, or other surface finish .as approved by the planning director.

b. Periodic breaks shall be provided in the wall to provide pedestrian and bicycle connectivity between the subdivision and the adjoining collector or arterial street.

c. Walls shall be constructed along the property line between the residential units and the required landscape easement along the collector or arterial street.

Comment [s57]: Allows planning director to approve barbed wire fencing in commercial zones.

Comment [s58]: Remove prohibition on chainlink fences under 42" tall in front yards.

Comment [s59]: Increase vertical elements on walls from every 50 feet to every 100 feet.

d. The wall height shall be a minimum of ~~seven~~ six (6) feet, eight (8) inches ~~(7')~~ or as otherwise required to adequately attenuate noise of the abutting collector or arterial street or state highway.

e. Walls shall not be located inside of the required clear visibility area at the intersections of streets.

~~2. Special Fencing For Agricultural Uses Zones: All fences that enclose livestock in areas zoned for agriculture shall be constructed of an adequate height and shall be designed so as to 3~~2. Special Fencing for Commercial, Industrial, and Multi-family Zones Abutting Residential and Agricultural-Residential Zones: Commercial, industrial and multi-family zone districts shall be screened from abutting residential and agricultural-residential zone districts by a masonry wall or similar solid wall with a minimum height of six (6) feet.

3. Temporary Fences: Nothing in this section shall be deemed to prohibit the erection of a temporary fence around construction projects in compliance with the California building code and other applicable provisions of the city's municipal code.

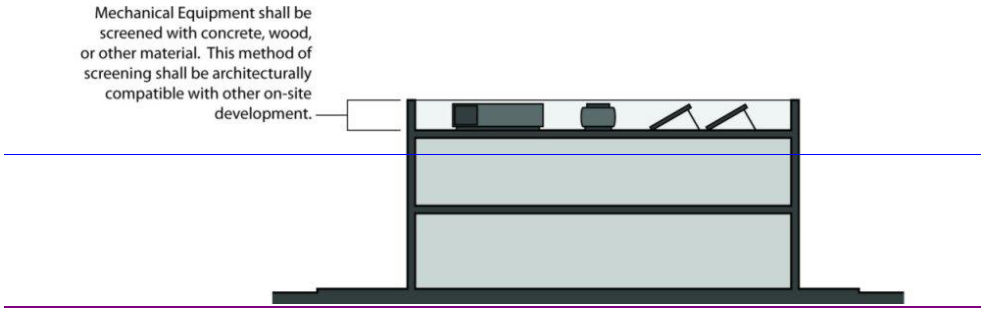
~~6. Maintenance: Fences and walls shall be continuously maintained in an orderly and good condition, at no more than their maximum allowed height. (Ord. 2012-01, 4-17-2012)~~(Ord. 2013-___, __-__-2013)

9-5B-6: SCREENING:

A. Purpose: This section establishes screening standards for mechanical equipment, refuse areas, and outdoor storage in all zoning districts and land uses.

B. Screening of Mechanical Equipment: All exterior roof and ground mounted mechanical equipment, including, but not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, duct work, and transformers, shall be screened from public view from abutting public streets and abutting area(s) zoned for residential or open space uses. Screening of mechanical equipment shall be compatible with other on site development in terms of colors, materials, and/or architectural styles.

~~FIGURE 9-5A-9-B1~~
~~SCREENING OF ROOF MOUNTED EQUIPMENT~~



C. Screening of Refuse Areas:

Comment [s60]: Blocks in block walls are 8" tall, meaning a wall (not including the capstone) will either be 6'8" or 7'4". Recommend reducing minimum height to 6'8". Also, this standard should be included in Table 9-5-7-E1

Comment [s61]: Remove fencing requirements for livestock in agricultural zones.

1. Refuse areas shall be screened from public view and adjoining public streets and rights of way and residential zoned areas.

2. The method of screening shall be architecturally compatible with other on site development in terms of colors, materials, and architectural style. Exceptions may be permitted for sites with unique characteristics (e.g., shallow lot depth, adjacency to single-family residential) in conformance with section 4-1-4 of the municipal code. (Ord. 2013-___, __-__-2013)

9-5B-7: URBAN-RURAL EDGE:

A. Consistent with the policies of the general plan, development along the urban edge of the city shall incorporate the following design requirements. These standards shall specifically apply to development along Marsh Drive, the Lemoore Canal, and portions north of Glendale Avenue, portions of Belle Haven Drive, Industry Way, Idaho Avenue, Jackson Avenue, and other areas as depicted in figure 3-1 of the general plan.

1. A minimum fifty foot (50') setback from the roads identified above;

2. Design and construction of a minimum thirty foot (30') wide landscaped buffer within the public right of way or landscape easement (see figure 9-5B-7-1 of this section);

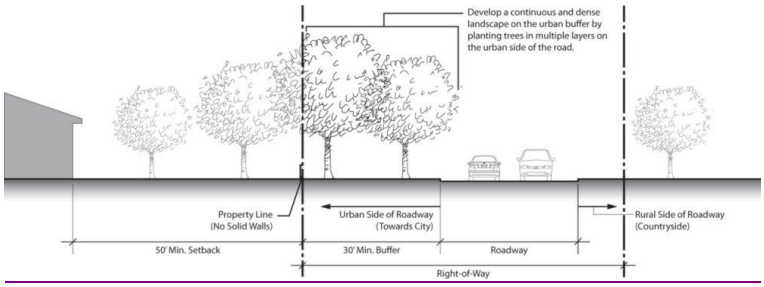
3. Planting multiple layers of trees closely for visual impermeability, and using drought resistant indigenous trees where appropriate;

4. Providing only minimal street lighting, at a rate that is fifty percent (50%) of comparable city standard;

5. Prohibiting the use of solid walls along these edges (all fences must be visually permeable); and

6. Ensuring the scale and character of development does not overwhelm the surroundings by stepping down building heights at the edges.

FIGURE 9-5B-7-1
TYPICAL SETBACK AND LANDSCAPE BUFFER ALONG
URBAN-RURAL EDGE



~~9-5A-11: CARTS:~~

Comment [s62]: Remove entire section on regulating shopping carts. The City already has procedures for dealing with abandoned shopping carts in Title 4, Chapter 5 of the Municipal Code.

~~A. Purpose And Applicability: The following standards provide for the regulation and maintenance of carts as defined in this title to ensure that carts do not become a nuisance to the public. The requirements of this section shall be applicable to all establishments that include the use of carts, including grocery stores, laundromats, and similar establishments.~~

~~The development standards of this section are adopted in addition to the provisions of title 4, chapter 5, "Shopping Carts", of the municipal code, which address the public nuisance generated by stolen or abandoned carts.~~

~~B. Shopping Cart Identification Required: Every cart provided by any owner must have a sign permanently affixed to the cart that contains all of the following information:~~

~~1. The identity of the owner of the cart;~~

~~2. The address and phone number of the owner or retailer for cart return;~~

~~3. A statement that the removal of the cart from the premises is a violation of state law and this section; and~~

~~4. The procedure for authorized removal of the cart from the premises.~~

~~C. Abandoned Shopping Cart Prevention Plan Required: Every owner who allows or intends to allow the use of shopping carts outside a building or enclosed area of a business shall develop, implement, and comply with an abandoned shopping cart prevention plan. Two (2) or more businesses may collaborate and submit a single plan. The plan must include, at a minimum, the following information:~~

~~1. The name of the business, address and phone number of the premises where the business is conducted, and the address and phone number of the cart owner, if different.~~

~~2. The approximate number of carts to be used or located on the premises.~~

~~3. A procedure for providing notification to customers that removal of carts from the premises is prohibited and a violation of state and local law in addition to the notice required under subsection D, "Abandoned Shopping Cart Prevention Plan Approval", of this section. This notice may be provided in the form of fliers, warnings on shopping bags, or any form of written notification that will effectively notify customers of the prohibition.~~

~~4~~3. ~~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 carts outside the building of the business unless accompanied by an employee.~~

~~5. A procedure for the retrieval of abandoned carts by its employees, or proof that the owner has entered into a contract for cart retrieval services that has been approved by the city.~~

~~6. All shopping carts located on the premises of the establishment (other than an establishment open for business 24 hours per day) shall be collected at the end of each business day by employees of the establishment and shall be collectively confined in a secure manner in a cart confinement area, as designated in the approved plan, until the commencement of the next business day. All shopping carts located on the premises of any establishment open for business twenty four (24) hours per day, other than carts then currently in use by a customer or patron, shall be collected by employees of the retail establishment and returned to the cart confinement area, as designated in approved plan, at least once per calendar day between the hours of nine o'clock (9:00) P.M. and twelve o'clock (12:00) midnight on each day the establishment is open for business. The provisions of this subsection shall not apply to any shopping carts located exclusively within an enclosed building and physically prevented from leaving the building.~~A procedure for collection of carts from the outdoor premises at least once per day.~~

~~D. Abandoned Shopping Cart Prevention Plan Approval:~~

~~1. Each owner shall submit a proposed abandoned cart prevention plan to the planning director prior to issuance of the business license for the establishment. Each proposed prevention plan shall be accompanied by a processing and inspection fee in an amount as set by resolution of the city council. No proposed plan shall be accepted for filing and processing by the planning director unless accompanied by the fee established by the city council.~~

~~a. New Or Relocated Establishments: Unless otherwise expressly exempt herein, each new establishment, and any existing retail establishment relocating to a different location within the city, shall submit a prevention plan complying with the requirements of this section, and obtain approval thereof by the city, prior to the issuance of a business license or certificate of occupancy, whichever occurs first.~~

~~b. Existing Establishments: Unless otherwise expressly exempt herein, each existing establishment utilizing carts shall submit a prevention plan complying with the requirements of this section within one hundred twenty (120) calendar days following the date of adoption of this section.~~

~~2. The planning director shall approve or reject the proposed abandoned cart prevention plan. The planning director may deny a plan based upon any of the following grounds:~~

~~a. Implementation of the plan violates any provision of the municipal code or any county, state, or federal law that substantially affects public health, welfare, or safety;~~

~~b. The plan fails to include all of the information required by this section;~~

~~c. The plan is insufficient or inadequate to prevent removal of carts from the premises based upon a field test of the plan or the experience of the city or other communities with previous implementation of a similar plan;~~

~~d. The plan fails to address any special or unique conditions due to the geographical location of the premises as they relate to cart retention and prevention efforts;~~

~~e. Implementation of the plan violates a term or condition of a plan or other requirement of this title; and/or~~

~~f. The owner knowingly makes a false statement of fact or omits a fact required to be revealed in an application for the plan, or in any amendment or report or other information required to be made.~~

~~3. If the plan is rejected as incomplete or inadequate, the planning director shall indicate areas that are incomplete or inadequate.~~

~~4. Once approved, the measures included in the plan shall be implemented no later than thirty (30) days of the plan's approval.~~

~~5. Any owner that fails to submit a plan, implement the plan measures, or implement any required modifications to the plan within the time frames specified in this section shall be required to keep all carts inside the building or enclosed areas of the business.~~

~~6. Any owner who is required to but fails to keep all carts inside the building or enclosed area of the premises in violation of subsection D5 of this section shall be subject to the penalties provided in title 1, chapter 4, "Penalty Provisions", of the municipal code.~~

~~7. The planning director's decision to deny a plan may be appealed to the city manager or the city manager's designee. A written notice of appeal must be submitted to the planning director within ten (10) days of the denial of the plan and accompanied by a copy of the plan. The city manager or designee shall review the plan under the grounds for denial set forth in subsection D2 of this section and provide a decision approving or denying the plan within thirty (30) days of receipt of the notice of appeal.~~

~~8. Even though approved, a plan may be reevaluated at any time by the planning director if operation of the plan demonstrates the plan's insufficiency or inadequacy in preventing removal of carts from the premises.~~

~~9~~8~~. If an owner desires to modify the plan, the revisions shall be submitted to the planning director for review and approval prior to implementation. The procedure for review and approval of modifications shall be the same as for initial approval. (Ord. 2013-___, __-__-2013)~~

CHAPTER 5

ARTICLE C. ARCHITECTURAL AND SITE DESIGN STANDARDS

9-5C-1: PURPOSE AND APPLICABILITY:
9-5C-2: DESIGN CONCEPTS:
9-5C-3: DESIGN STANDARDS FOR RESIDENTIAL PROJECTS:
9-5C-4: DESIGN STANDARDS FOR COMMERCIAL, OFFICE, AND MIXED USE PROJECTS:
9-5C-5: DESIGN STANDARDS FOR INDUSTRIAL PROJECTS:

9-5C-1: PURPOSE AND APPLICABILITY:

A. Purpose: This article establishes design standards to guide discretionary ~~site plan and architectural~~ review decisions related to various development types.

B. Applicability: The provisions within this section apply to all projects subject to site plan and architectural review as described in section 9-2B-12, "Minor Site Plan and Architectural Review", and 9-2B-15, ñMajor Site Plan and Architectural Reviewò of this title that are not located within a mixed use or a downtown mixed use zone. Development standards and design provisions for the downtown mixed use zones (DMX-1, DMX-2, and DMX-3) are addressed in C~~c~~hapter 6, "Downtown Development Standards", of this title. Development standards and design provisions for the mixed use zone (MU) are addressed in Chapter 7, "Mixed Use Development Standards", of this title. This chapter does not apply to existing buildings and site legally established prior to the adoption of this chapter. (Ord. 2013-___, __-__-2013)

Comment [s63]: Clarifies that this chapter only applies to new development.

9-5C-2: DESIGN CONCEPTS:

A. General: All projects subject to site plan and architectural review are expected to implement the following design concepts:

1. Provide high quality site planning, architecture, and landscape design;

2. Enhance the character of the city and/or implement specific design attributes identified in various subareas;

3. Ensure physical, visual, and functional compatibility between uses; and

4. Protect land values by ensuring that proper attention is paid to site and architectural design.

B. Neighborhood Design: The following design concepts apply to the subdivision of land and to larger residential, commercial, and industrial projects that create a private street network, with the overall intent of visually and functionally interconnecting neighborhoods with commercial and employment centers.

1. Provide a balanced mix of land uses including housing, schools, parks, commercial, and employment areas.

2. Provide pedestrian friendly neighborhoods which are walkable and provide easy access to destinations that residents will travel to on a daily basis.

3. Organize new housing in identifiable neighborhoods and provide diversity of housing types, sizes, and densities.

4. Provide multimodal connectivity throughout neighborhoods and between neighborhoods and commercial and employment centers.

5. Incorporate landscaping to minimize urban runoff.

6. Create pedestrian friendly streets that include building orientation to public streets and/or parks and open space.

C. Architectural Design:

1. Provide authentic architectural styles. Particular attention should be paid to the design of all front elevations and side elevations facing a street or open space.

2. Include a diversity of commercial building and housing types by size and mass, elevation, orientation, and setback to avoid repetition. The intent is to create visual variation and interest throughout the community.

3. Design buildings that have a variety in mass and scale to avoid large featureless walls. (Ord. 2013-___, __-__-2013)

9-5C-3: DESIGN STANDARDS FOR RESIDENTIAL PROJECTS:

The standards contained in this section shall apply to new residential development, including single-family residential subdivisions, master home plans, and multi-family residential developments. These standards are intended to implement the design concepts described above.

A. Site Design:

1. Circulation: Create an ~~on site~~ circulation system that provides for the safe and efficient movement of all transportation modes:

   a. Provide internal streets, driveways, and sidewalks that allow residents to park once and easily navigate the entire project site on foot.

   b. Use special paving to identify unique pedestrian areas.

   c. Provide connections between the public street and the front door of single-family residential dwellings and multi-family buildings. Design solutions may include, but are not limited to, dedicated pedestrian paths and driveways.

   d. Utilize maximum block lengths of five hundred feet (500'), except for blocks with single-family residential uses, which may be up to six hundred feet (600') long or seven hundred fifty feet (750') when developed with mid block pedestrian connections.

e. All new streets and alleys must connect to other streets and alleys to form a continuous vehicular and pedestrian network. Local, internal streets should be narrow and designed with traffic calming features to control speed.

f. Limit the use of cul-de-sacs to no more than ten percent (10%) of the length of all streets in a subdivision map, where constrained by surrounding land attributes.

g. Encourage loop out streets rather than cul-de-sacs.

h. Also see title 8, chapter 7, article J, "Subdivision Design Standards", of the municipal code for additional subdivision design requirements.

2. Building Placement and Orientation: Create diverse residential streetscapes that facilitate interaction between residents and include homes and residential structures that orient to the street.

a. For single-family residential subdivisions, the front yard setback of adjacent homes shall have a minimum two foot (2') stagger between adjacent lots.

b. Multi-unit residential buildings (e.g., townhomes, condominiums, apartments) shall be designed with different building setbacks and facade variations when multiple buildings are provided.

c. Orient home and building sites to take advantage of solar heating and opportunities for solar energy generation.

d. Residential development adjacent to open space/parks and other public spaces shall maintain visual access from residential units and common buildings to provide "eyes on the street" surveillance opportunities.

e. Buildings shall be designed with structural and spatial variety along the front facades to avoid monotonous appearance.

3. Public Space/Pedestrian Amenities: Create attractive and active environments for the enjoyment of residents within residential projects.

a. Provide common open spaces within one thousand feet (1,000') of each residential unit.

b. Multi-family project shall provide one or more amenities for residents as listed below:

(1) Tot lot/play structure;

(2) Community garden;

(3) Picnic tables with barbecue area (with shade structure);

(4) Swimming pool; and

(5) Indoor recreation facility.

4. Garage Placement and Design: Create residential developments where the garage is subordinate to the main home/building.

a. The garage shall not extend more than five feet (5') beyond the front of the home. On at least 50% of the master plan home designs w~~W~~ithin a single-family residential subdivision, ~~master plan home designs~~, ~~the garage shall not extend more than five feet (5') beyond the front of the home. The only exception to this standard permitted shall be swing garages.~~

Comment [s64]: Revise to provide more home design flexibility.

b. All garages are required to minimize the negative visual impact of the garage door. Options to achieving this requirement include, but are not limited to, the following:

(1) Place the garage at the rear of lot away from public view (e.g., alley load);

(2) Recess the garage behind the living area of the home;

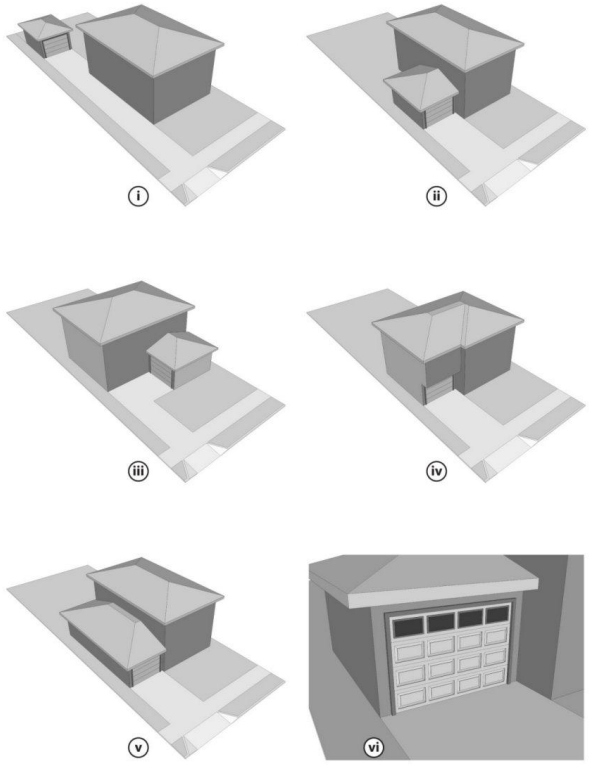
(3) Utilize side-on garages where garage door is perpendicular to the street (e.g., "swing garage"; ~~see limitation in subsection A4d of this section);~~

(4) Cantilever the second story over the garage;

(5) Utilize a tandem garage;

(6) Articulate garage doors with windows, paneling, recesses, and other details.

FIGURE 9-5C-3-A2
SINGLE-FAMILY GARAGE PLACEMENT OPTIONS



c. Garages ~~doors~~ facing the street on single-family lots that are less than 50 feet wide shall not exceed ~~fifty~~ sixty percent (~~50~~60%) 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.~~

~~d. No more than one in seven (7) master home plans may utilize a swing garage design.~~

B. Architectural Design: ~~Neighborhoods should incorporate identifiable architectural styles. Residential buildings should be designed to avoid long featureless facades and fit the neighborhood context.~~

1. Massing, Scale, and Form:

a. The structural mass of larger residential buildings shall be broken down into smaller component parts representative of individual dwelling units by:

(1) Using dormers, overhangs, balconies, wall projections, and/or porches;

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Comment [s65]: Revise in order to provide more flexibility for garage width.

(2) Using varied roof forms as appropriate to the architectural style;

(3) Utilizing changes in materials to create variations;

(4) For multi-unit buildings, staggering the facade of each unit to create different ~~depths~~ widths along continuous facades, with no ~~total building length~~ building façade width exceeding one hundred twenty five (125) feet.

b. Attached product (e.g., townhomes or multi-family buildings) shall be designed to look like individual units through the use of clearly identified entries, styles, and design details and a variety of roof forms.

c. Master home plans shall include "antimonotony" provisions, as follows:

(1) Design rooflines with changes in ridgeline direction and configuration;

(2) A minimum of one home plan within each master plan series shall be one story (this only applies to single-family developments);

(3) All homes shall be oriented to the street with garages deemphasized and living areas placed toward the front of homes;

(4) A minimum of twenty five percent (25%) of all home designs shall include an option for an outdoor living area such as a porch or courtyard that is at least five (5) feet in depth to allow for seating.

2. Style and Design Provisions:

a. For single-family residential subdivisions and master home plans, no two (2) identical looking front ~~floor plans and~~ facades/ elevations shall be placed on lots within a group of five (5) adjacent lots. For purposes of this section, "adjacent lots" shall mean those lots on either side of a subject lot and those three (3) lots directly across the street from the subject lot (referred to as a "six pack").

Comment [MSOffice66]: Modify the six-pack rule so that only the front façade must be different, not the front façade AND the floor plan. Also, an exception is added so that one similar facade can be adjacent (within the six-pack) if the color scheme and 4 out of 5 detail elements are distinctly different from each other.

~~(1) As described herein, building facades shall include distinctive architectural features like windows, chimneys, and other such elements. Use articulation of building massing to reveal internal organization of building elements such as stairs and atriums, internal gathering spaces, and major interior spaces.~~

(~~2~~1) ~~Designs~~ The front façade designs of home plans~~s~~ in residential subdivisions ~~should be substantially different from one another so that no plan/elevation should look similar to another.~~shall, by look and appearance, be substantially different from one another. The planning director shall determine which master home plan façade designs are substantially different from each other when they are submitted to the building department.

(2) Notwithstanding subsection (a) above, up to one additional home with the same front façade design may be placed on an adjacent lot if the home has a different exterior color scheme and four of the five following detail elements are distinctly different from the other home with the same front façade design:

(a) Roofing material or color

(b) Front door style

(c) Carriage lights style

(d) Garage door window style

(e) Front walkway layout from front door to driveway or sidewalk.

b. For multi-family projects, no two (2) identical elevations shall be placed next to each other. Alternatives include, but are not limited to, rotating the buildings so different elevations are next to each other or utilizing a different building/elevation design. The intent is to limit the monotony of design within multi-family complexes.

c. Elevations facing public streets or public open space areas, shall:

(1) Wrap facade materials along the side yard elevations to the fence line;

(2) Provide architectural features to articulate facades such as trim around doors and windows with substantial depth and detail, window boxes, brackets, overhangs, trellises, and/or lattice.

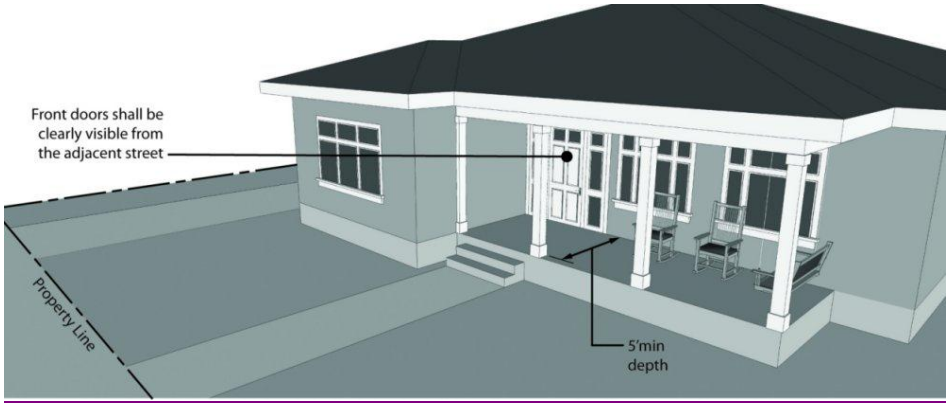
d. Entry features from a public or common sidewalk shall be provided.

(1) When provided, porches shall provide functional seating areas with a minimum depth of five (5) feet;

(2) Front doors shall be ~~clearly~~ visible from the street;

~~(3) Architectural elements and material shall be used to denote a primary entrance, including use of a higher quality door and hardware.~~

FIGURE 9-5C-3-B1
MINIMUM DEPTH OF A FUNCTIONAL FRONT PORCH



e. Windows and doors shall u~~:~~

~~(1) U~~se window molding, shaped frames, and sills to provide architectural relief;

~~(2) Frame all windows with a minimum of four inch (4") trim and/or inset into facade to provide depth and shadow lines.~~

f. Upper story balconies shall have a minimum depth of six (6) feet.

g. Side facades facing public areas (public or internal streets and sidewalks, open space areas, etc.) shall ~~match the~~ provide a similar level of design detail ~~on~~ as front facades when visible.

3. Entries: Primary residential entries shall create an inviting transition between the public and private realm, as follows:

a. Separate private entries from the public sidewalk with a semiprivate transition area, such as a porch, terrace, stoop, or similar element, or;~~.~~

b. Provide weather protection over each primary entry extending a minimum of four (4) feet from the building facade.

~~c. Primary residential entries shall have at least two (2) of the following characteristics:~~

Comment [s67]: Remove front door design requirements.

~~(1) Awning or portico;~~

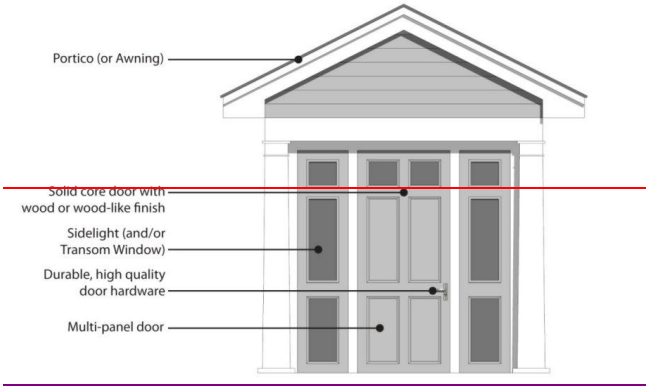
~~(2) Multi-panel door;~~

~~(3) Transom windows and/or sidelights;~~

~~(4) Durable, high quality door hardware;~~

~~(5) Solid core door with wood or woodlike finish.~~

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



4. Single-Family and Mobilehome Development: New single-family and mobilehome developments shall comply with the following specific design criteria in addition to the other standards of this section.

a. Siding Material: All main buildings and all detached garages ~~located on the front half~~ shall consist of ~~either wood~~wood, masonry, concrete, stucco, masonite, brick, or metal lap. ~~The exterior siding material shall extend to ground level; except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.~~

b. Roofs: The following roof design standards shall apply:

(1) Roof Overhang: All main buildings shall have a minimum twelve inch (12") roof overhang on each of the dwelling's perimeter walls such that the roof overhang is architecturally integrated into the design of the dwelling unit.

(2) Roofing Material: All main buildings and all detached garages and carports located on the front half of the lot shall have a roof constituted of ~~wood shakes,~~ asphalt or ~~,~~ composition ~~or wood~~ shingles, clay, concrete or metal tiles, slate or built up materials. All housing units shall have pitched roofs.

Comment [s68]: Remove wood shakes and wood shingles.

c. Foundations: All main buildings shall be placed on a permanent foundation which meets applicable city adopted building code requirements and/or section 18551 of the Health ~~And~~ and Safety Code, such that the floor elevation of the proposed unit is compatible with the floor elevation of the surrounding dwelling units.

~~d. Deviations: The planning director may approve deviations from one or more of the development/architectural standards in this section for single-family and mobilehome development on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the planning director may be appealed to the city council in accordance with section 9-2A-8, "Appeals", of this title.~~

5. Multi-Family Development: New multi-family residential development shall meet all of the following specific design criteria in addition to the other standards of this section:

a. There shall be a m~~M~~inimum twenty (20) foot deep landscaped ~~yards~~ area between a public street and parking areas.

b. Parking frontages limited to no more than twenty five percent (25%) of street frontages.

c. Carport and garage designs that match building designs.

d. Carport locations restricted such that they are not highly visible from public streets; portable carport covers shall be prohibited.

e. Open landscape area such that each dwelling unit has at least four hundred (400) square feet of on-site open space, which may be private open space provided by balconies or patios, or common open space.

f. At least thirty-~~-~~two (32) square feet in floor area of private storage space apart from interior closet space shall be provided for each unit.

~~g. Common open space for all ages, including tot lots.~~

~~h~~g. Buffer landscaping, at least ten (10) feet deep shall be provided along the project perimeter where adjacent to sensitive uses. ~~(usually referred to as a "buffer area").~~

~~i~~h. Architecturally interesting buildings that are not bulky and "boxlike". This can be created by requiring variable roof forms in building designs and limiting the dimension of any single building to one-hundred twenty-five (125) feet.

i. Building entries to have roofed projections or recessed entries.

~~k. Roof mounted mechanical equipment should be screened or incorporated into a roof design or, if this cannot be done, such equipment must be ground mounted on the interior side or in the rear of the lot.~~

j. Pedestrian access provided by walkways to link residential units with other units and with recreational and other facilities within a project.

k. Multi-family project developments with twenty-~~-~~five (25) units or more shall provide at least one on-site recreational area of at least ten thousand (10,000) square feet in size, or five percent (5%) of the overall site, whichever is greater.

l. Except for senior housing developments, multi-family developments shall provide one play area (e.g., tot lot) for every forty (40) dwelling units in the project. Each play area size shall be a minimum of seven-~~-~~hundred fifty (750) square feet ~~in area~~ and shall be equally spaced from each other. Each play area shall be fenced and include play equipment ~~with at least five (5) activities~~. (Ord. 2013-___, __-__-2013)

C. Deviations: Deviations from one or more of the development/architectural standards in this section is allowed through the Site Plan and Architectural Review process on the basis of a

Comment [s69]: Expands ability to do deviations from the standards.

finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity.

9-5C-4: DESIGN STANDARDS FOR COMMERCIAL, OFFICE, AND MIXED USE PROJECTS:

Comment [MSOffice70]: A number of changes to wording of this section are made to simplify and relax commercial design requirements.

A. Site Design:

1. Circulation: The design of access and circulation on project sites should tie the development into the overall neighborhood. In some instances, the internal circulation may extend the public street system into the project site as private streets and drive aisles.

   a. For auto dependent uses (e.g., car sales lots, gas stations, drive-through restaurants), the building shall be designed to maximize pedestrian safety and convenience.

      (1) Place a portion of the building at the building setback line with a building entrance facing the sidewalk; or

      (2) Create a continuous pedestrian path between the primary building entrance and the sidewalk along the street.

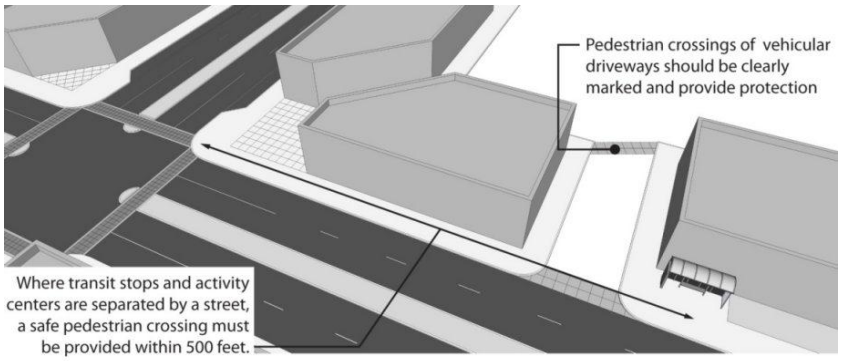
   b. Commercial and employment areas shall be linked to adjacent neighborhoods with continuous pedestrian pathways.

   c. When transit stops are provided, they shall be fully integrated into the project site and/or at the focal point of the development. The following situations are strictly prohibited:

      (1) Pedestrian crossings of vehicular driveways without clear marking and protections;

      (2) Street crossings between transit stops and activity centers without a safe pedestrian crossing within five hundred feet (500').

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



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2. Public Spaces and Pedestrian Amenities: All development shall be pedestrian oriented with design components and amenities, as follows:

   a. Sites over fifteen (15) acres in size include common areas, such as plazas ~~and~~ or gardens ~~where people can gather~~.

   b. Uses such as restaurants ~~shall~~ may front onto plazas or a public sidewalk and may incorporate outdoor seating and/or dining.

   ~~c. Outside areas shall be designed with a combination of landscape and hardscape materials to create inviting outdoor pedestrian environments.~~

   ~~d. Buildings located at street corners shall include building entries, public plazas, and/or small parks.~~

   c~~e~~. Seating areas that are hidden from view behind buildings or landscaping are prohibited.

3. Building Placement and Orientation: Design and construct buildings to create safe, pleasant, and active environments:

   a. For project sites over fifteen (15) acres in size, buildings shall be placed and oriented to create a "main street" environment.

   b. All buildings shall be placed and oriented as follows:

      (1) Front doors of commercial buildings shall orient to streets or pedestrian oriented areas.

      (2) Ground floor commercial shall have at least one building entrance for each facade. For buildings facing two (2) streets, a corner entry is acceptable.

      (3) If a separation is provided between the public street and building (e.g., for parking or a drive aisle), the area shall include significant pedestrian features to create a

strong connection between the public sidewalk and primary building entry, such as:

(A) Landscaped plaza;

(B) Bicycle parking area;

(C) Landscaped promenade;

(D) Continuous trellis feature;

(E) Other amenities;

~~(F) Utilities are prohibited.~~

c. Loading and delivery areas shall not be located within a required front or side setback area. When provided, they shall be screened with architectural wing walls and landscaping.

B. Architectural Design:

1. Massing, Scale, and Form: Commercial and mixed use structures should be designed to contribute to an active, human scaled environment and should complement adjoining properties.

a. Multilevel buildings shall incorporate:

(1) Building designs that have a visually distinct "base" and "cap".

(2) Upper story elements which overlook the street (windows, balconies, terraces).

(3) Separate entrances for residential uses, when provided.

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

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b. Building walls shall be articulated to break up the apparent mass of large building with one of the following techniques a minimum of every thirty (30) feet, as illustrated in Figure 9-5C-4-B2 ñTechniques to Break Up Long Building Wallsò (30'):

(1) Offsets;

(2) Recesses;

(3) Changes in plane;

(4) Changes in height;

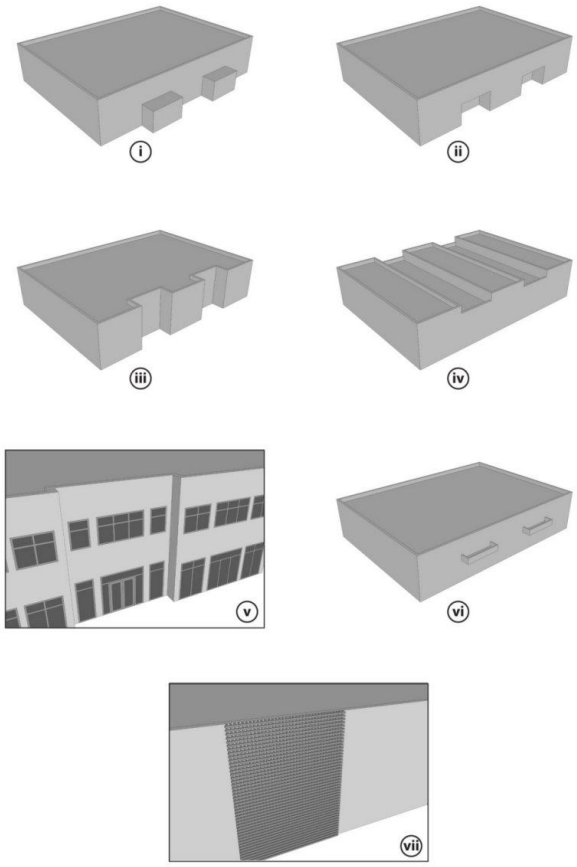
(5) Use of windows and doors;

(6) Projections such as balconies; and

(7) Use of trellis and similar features.

(3) Flat roofs shall be screened with parapets on all sides that are a minimum height of one and one-half feet ($1^1/_2$') (see also the required screening of mechanical equipment in section 9-5A-9, "Screening", of this chapter).

FIGURE 9-5C-4-B2
TECHNIQUES TO BREAK UP LONG BUILDING WALLS



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c. Buildings and building walls shall be articulated with the use of engaged columns or other expressions of the structural system.

d. Horizontal and vertical divisions shall be provided through changes in color, texture, and/or material.

e. Long commercial facades shall be divided into storefronts with visually separate displays.

f. Roof design shall incorporate the following:

(1) Variations in rooflines shall be provided with the use of dormers, windows, overhangs, arches, gables, or similar details.

(2) Sloped roofs shall include eaves that overhang a minimum of one and one-half feet (11/2').

2. Style and Design Details: Commercial facades should appear open, inviting, and engaging to the passerby.

a. Storefronts shall provide the following:

(1) Weather protection at building entries and extending along the facade (e.g., overhangs, canopies, awnings, building recesses).

(2) Transparent surfaces to allow a view into and out of buildings from the public sidewalk. A minimum of fifty percent (50%) of primary storefront facades shall be open and transparent to the outside. If window tinting is used, it shall permit a minimum of eighty percent (80%) light transmission.

FIGURE 9-5C-4-B3
PRIMARY STOREFRONT DESIGN

b. Primary entries shall be clearly visible from the street and provide visual interest, with at least three (3) of the following:

(1) Differentiated roof, awning, or portico;

(2) Trim detail to accentuate the openings;

(3) Project or recess entries from their surrounding building facades;

(4) Detailed doors and doorway with ornate hardware, transoms, sidelights, trim details, and framing;

(5) Windows within entry doorways equivalent to fifty percent (50%) of door surface area;

(6) Decorative lighting.

c. Secondary entries shall have minor detailing that adds architectural distinction to the facade.

d. Use windows to create an open and inviting atmosphere, as follows:

~~(1) Ground floor storefront glazing along the primary facade should comprise a minimum of fifty percent (50%) of the main floor's overall exterior surface wall area (display window may also be used to satisfy this criterion).~~

(~~2~~1) Multiple windows shall be provided on the front facade above the main floor in a uniform pattern for all buildings over one story in height.

(~~3~~2) Frame openings with trim and/or recess windows in from the building facade. The trim and/or recess shall be a minimum of four inches (4").

3. The city shall not require more than twenty percent (20%) of the construction costs for the building to be toward architectural detailing. It shall be the responsibility of the applicant to provide documentation to the city showing the cost of the detailing relative to the overall cost of the structure in order to seek relief from this code. Such information shall be provided as part of the site plan and architectural design review process.

~~3. Mechanical Equipment Screening Design Standards:~~

~~a. Roof mounted mechanical equipment shall be screened from view by:~~

~~(1) Raising the parapet to the maximum height of the equipment; or~~

~~(2) Providing a secondary screen that hides the maximum height of the equipment; and~~

~~(3) If a secondary screen is used, it shall be architecturally compatible with the building and shall not use chainlink, wood, plastic, or similar fencing material.~~

~~b. Ground mounted mechanical units (e.g., condensers, generators, backflow devices, utility boxes) shall be screened from view with wing walls, landscaping, or a combination. (Ord. 2012-01, 4-17-2012)~~(Ord. 2013-___, ___-__-2013)

C. Deviations: Deviations from one or more of the development/architectural standards in this section through the Site Plan and Architectural Review process on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed building will be compatible and harmonious with existing structures in the vicinity.

9-5C-5: DESIGN STANDARDS FOR INDUSTRIAL PROJECTS:

Comment [SB71]: Simplify industrial building design requirements.

A. Site Design: The intent of design standards within this section is to provide for the appropriate functional and aesthetic arrangement of buildings and site components for industrial developments.

1. Circulation: Develop a circulation system that minimizes conflicts between automobiles, large trucks, and other modes of travel.

a. Primary entry drives for automobiles, particularly for visitors arriving by car, shall be enhanced with at least two (2) of the following:

(1) Ornamental landscaping;

(2) Low decorative wall;

(3) Monument sign; and

(4) Decorative paving.

b. Separation shall be provided between vehicle parking~~ areas, truc~~/~~k~~ loading areas~~,~~ and pedestrian areas (e.g., access paths to buildings from the public sidewalk, pedestrian plazas, transit stops).

~~c. Loading area shall be located in the rear of buildings least visible from public rights of way.~~

2. Building Placement and Orientation: Industrial projects should present an attractive appearance to the public and minimize any adverse impacts on adjacent properties.

a. At least one building on each site should have a public entrance that is a visual focus of the building and have a strong orientation to the street.

b. A continuous pedestrian path shall be provided between the public street and the primary building.

~~c. Screen all mechanical equipment from view of the public street, through the use of screen walls, landscaping, and site placement.~~

~~d. Provide screening between industrial development and adjacent nonindustrial land uses.~~

~~e. Industrial buildings with bays and loading docks shall orient the bays and loading docks away from the primary street and shall be screened from view of the street and adjacent residential areas.~~

c~~f~~. Outside storage areas that are visible from a public right of way shall be screened by use of solid fences, solid masonry walls, berms, landscaping, and/or a combination thereof. Screening shall be a minimum of six (6) feet in height or at least as high as the stored materials.

g. Long expanses of fence or screen walls shall be architecturally designed with offsets and other techniques to prevent monotony.

~~3. Public Spaces And Amenities: Outdoor spaces with amenities should be provided for benefit of employees. At least one of the following shall be provided and sized based on the size and demand of the facility:~~

~~a. Plaza, patio, or courtyard;~~

~~b. Linear promenade;~~

~~c. Walking/jogging paths;~~

~~d. Terraces; and~~

~~e. Usable landscape area.~~

~~4~~3. Landscaping: Provide for attractive and functional landscaping for purposes of screening, buffering, and softening of various site elements.

~~a. Provide landscaping along all site frontages to create attractive landscape areas between the public street and parking areas and/or building walls.~~

~~b. Provide enhanced landscaping at primary entrances into the site.~~

~~c. Use vines along long expanses of wall to deter graffiti and soften the appearance of long blank walls.~~

~~d. When industrial uses are located adjacent to less intense nonindustrial uses, additional landscaping shall be provided along the property line.~~

B. Architectural Design: The intent of the following design provisions is to encourage projects that contribute positively to the community.

1. Entries: Entries into industrial buildings shall convey a sense of entry and architectural primacy along the facade while maintaining an architectural relationship to the overall building composition.

~~2. Building Form And Massing: No wall surface shall exceed seventy five feet (75') without interruption in the horizontal plane by a minimum of ten percent (10%).~~

~~3. Style And Details: Ensure that buildings with expansive facades incorporate design elements and details to provide visual variety and interest.~~

~~a. Front and side facades visible from adjacent streets or adjacent nonindustrial property shall include architectural features such as reveals, windows and openings, trellises, and changes in color, texture, and material to add interest to the building elevation and reduce its visual mass.~~

~~b. Use alterations of colors and materials to create visual interest and diversity.~~

~~c. Use siding materials to produce effects of texture and relief to create architectural interest.~~

2~~d~~. Materials: Metal buildings shall only be used for primary site buildings if exterior surfaces include some stucco, plaster, glass, stone, brick, decorative masonry, or contrasting metal trim and columns. The facade shall be broken up through the use of colors, textures, break lines, detail metal, or other similar architectural treatments.

D. ~~e.~~ The city shall not require more than twenty percent (20%) of the construction costs for the building to be toward architectural detailing. It shall be the responsibility of the applicant to provide documentation to the city showing the cost of the detailing relative to the overall cost of the structure in order to seek relief from this code. Such information shall be provided as part of the site plan and architectural design review process. ~~(Ord. 2012-01, 4-17-2012)~~(Ord. 2013-___, __-__-2013)

~~C~~E. Deviations: Deviations from one or more of the development/architectural standards in this section through the Site Plan and Architectural Review process on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed building will be compatible and harmonious with existing structures in the vicinity.

CHAPTER 5

ARTICLE D1. LANDSCAPING STANDARDS

9-5D1-1: PURPOSE, APPLICABILITY, AND REVIEW:
9-5D1-2: LANDSCAPE STANDARDS:
9-5D1-3: LANDSCAPE CARE AND MAINTENANCE:
9-5D1-4: TREE PRESERVATION:
9-5D1-5: PREFERRED PLANT LIST:

9-5D1-1: PURPOSE, APPLICABILITY, AND REVIEW:

A. Purpose: This article establishes minimum landscape requirements to enhance the appearance of developments, reduce heat and glare, control soil erosion, conserve water, improve air quality, ensure ongoing maintenance, and ensure that landscape installations do not create hazards for motorists or pedestrians.

B. Applicability of Standards: The regulations of this article apply to new and existing development, as follows. Deviations from the development standards of this article may be allowed on a case by case basis by the designated approving authority through site plan and architectural review.

1. New Projects: New commercial, industrial, mixed use, multi-family residential, and single-family residential subdivisions shall be reviewed by the designated approving authority to ensure landscaping is provided in compliance with the requirements of this article.

2. Existing Development: Where an existing nonresidential, mixed use, and/or multi-family residential project requests an amendment that increases the building square footage by ten percent (10%) or more, the designated approving authority shall evaluate the existing landscape to ensure compliance with applicable requirements of this article.

C. Submittal Requirements: When this article is applicable to new projects or existing development, preliminary and final landscape plans shall be submitted as follows and review of such plans shall be conducted as part of the site plan and architectural review process.

1. Preliminary Landscape Plan: A preliminary landscape plan shall be submitted as part of the site plan and architectural design review application. This plan must show conceptual locations for trees, shrubs, ground cover, and other landscape components, quantity, and size. Plans for the retention and/or removal of existing trees shall also be included.

2. Final Landscape Plan: A final landscape plan shall be submitted in conjunction with site improvement plans. The final landscape plans shall be in substantial compliance with the approved preliminary landscape plan. Final plans shall show the exact location of and irrigation for trees, shrubs, and ground cover and shall include, at a minimum, plant name, plant quantity, plant size, location of impervious surfaces, utilities and lighting,

and irrigation system. Existing trees to be removed or retained shall also be included. The final plan should include a water budget that includes the estimated water use (in gallons), the irrigated area (in square feet), precipitation rate, and flow rate in gallons per minute. If landscaping is not exempt from the water efficient landscape requirements developed by the state, those items listed in article D2, "Landscape Water Reporting Requirements", of this chapter will also be required.

D. Review Process: When the requirements of this article are applicable, the following landscape plan review process shall be conducted in conjunction with site plan and architectural review for the proposed project, pursuant to the requirements of section 9-2B-12, "Minor Site Plan and Architectural Review", of this title.

1. Approving Authority: The designated approving authority shall be the same as the designated approving authority of the entitlement for new projects or existing development.

2. Approval of Plans: The designated approving authority shall review the preliminary landscape plan. Upon approval of the preliminary landscape plan, a final landscape plan shall be submitted and must be approved with building permits or planning entitlements for new projects or applicable expansions to existing development as established above.

3. Approval Required: The landscaping shall not be installed until the applicant receives approval of the final landscape and irrigation plan by the approving authority and any applicable permits have been issued.

4. Changes To Final Plans: Changes to the approved final landscape plans that affect the character or quantity of the plant material or irrigation system design are required to be resubmitted for review and approval prior to installation. (Ord. 2013-___, __-__-2013)

9-5D1-2: LANDSCAPE STANDARDS:

A. General Location For Landscape Improvements: Landscaping shall be provided in the following locations, unless the designated approving authority determines that the required landscape is not necessary to fulfill the purposes of this article. Nothing in this article is intended to discourage landscape areas outside and beyond the minimum requirements listed herein.

1. Setbacks/Buffers: All setback and buffer areas required by this title shall be landscaped in compliance with this article except where a required setback is occupied by a sidewalk or driveway, or is enclosed and screened from abutting public rights of way.

2. Unused Areas: All areas of a project site not intended for a specific use or purpose in conjunction with a current application, including pad sites being held for future development, shall be landscaped in compliance with this article.

3. Parking Areas: Within parking lots, landscaping shall be used for shade and climate control, to enhance project design, and to screen the visual impact of vehicles and large expanses of pavement consistent with the requirements of this article.

4. Streetscape (Parkway) Landscaping: As part of new subdivisions or nonindustrial projects, landscaping along public streets in the form of parkways and medians shall be provided consistent with the requirements of the general plan and this article.

B. Landscape Design: Landscaping shall be designed as an integral part of the overall site plan with the purpose of enhancing building design and public views and spaces, and providing buffers, transitions, and screening. At a minimum, the following landscape design requirements shall apply:

1. Planting design shall have focal points at project entries, plaza areas, and other areas of interest using distinct planting and/or landscape features.

2. As appropriate, building and site design shall include the use of pots, vases, wall planters, and/or raised planters, as well as flowering vines, both on walls and on arbors.

3. Landscaping shall be designed with pedestrian paths throughout the landscape areas connecting designated on site pedestrian circulation.

4. Amenities such as seating areas shall be incorporated. Entry plazas, bicycle parking, and transit shelters are allowed within landscape areas.

C. Plant Type: Landscape planting shall emphasize drought tolerant and native species (especially along natural, open space areas), shall complement the architectural design of structures on the site, and shall be suitable for the soil and climatic conditions specific to the site.

1. Planting Layout and Plant Diversity: Plant selection shall vary in type and planting pattern. Informal planting patterns are preferred over uniform and entirely symmetrical planting patterns. Use of deciduous flowering trees and shrubs and colorful plantings is encouraged in conjunction with evergreen species. Groupings of shrubs shall contain multiple plant types, interspersed with varying heights and blooming seasons for year round interest.

2. Street and Parking Lot Trees: Street and parking lot trees shall be selected from the city's adopted master list of street trees and parking lot trees~~. A minimum of thirty percent (30%) of the street trees and parking lot trees, respectively, shall be an evergreen species.~~

3. Tree Root Barriers: Trees planted within five feet (5') of a street, sidewalk, paved trail, curb, or walkway ~~shall be a deep rooted species or~~ shall be separated from hardscapes by a root barrier to prevent physical damage to public improvements.

4. Turf Limitations For Residential Uses: High water use turf grasses and other similar plantings shall only be utilized in high use areas with high visibility or functional needs and shall be limited to twenty five percent (25%) of all irrigated, landscape areas. The designated approving authority may grant an exception to this limitation when only drought tolerant turf grasses are used.

5. Turf Limitations For Commercial, Industrial, and Mixed Uses: The use of drought tolerant turf grass shall be required for all proposed turf areas.

Comment [SB72]: Remove requirement that some of the trees be evergreen trees..

Comment [s73]: Add "curb" to protect curbs as well as sidewalks from roots destroying them. Eliminate the deep rooted species option since it does not appear to be working well.

D. Planting Size, Spacing, and Planter Widths: In order to achieve an immediate effect of a landscape installation and to allow sustained growth of planting materials, minimum plant material sizes, plant spacing, and minimum planter widths (inside measurements) are as follows:

1. Trees: The minimum planting size for trees shall be fifteen (15) gallon, with twenty five percent (25%) of all trees on a project site planted at a minimum twenty four inch (24") box size. For commercial, office, community/civic, and industrial development, tree spacing within perimeter planters along streets and abutting residential property shall be planted no farther apart on center than the mature diameter of the proposed species. Minimum planter widths shall be five feet (5').

2. Shrubs: Shrub planting shall be a minimum five (5) gallon size, with a fifteen (15) gallon minimum size required where an immediate landscape screen is conditioned by the designated approving authority (e.g., screening of headlights from drive-through aisles). The minimum planter width for planters with only shrubs (no trees) is four feet (4').

3. Ground Cover: Plants used for mass planting may be grown in flats of up to sixty four (64) plants or in individual one gallon containers. Rooted cuttings from flats shall be planted no farther apart than one foot (1') on center, and containerized woody, shrub ground cover plantings shall be planted no farther apart than three feet (3') on center in order to achieve full coverage within one year. Minimum planter width for ground cover is two feet (2'), with the exception of sod, which requires a minimum planter width of eight feet (8').

4. Vines: Vines are normally planted to provide landscaping screening of a wall or as part of a trellis to screen other site improvements that require screening. Where provided, vines shall be planted every ~~two~~ five feet (~~2'~~5') on center in a planter with a minimum width of two feet (2').

Comment [s74]: Modify to five feet.

E. Special Landscape Requirements: In addition to the general requirements above, the following requirements apply to the special types of landscaping:

1. Streetscape Landscaping: Consistent with the city's general plan and improvement standards, landscaping shall be provided along all public streets within city right of way maintained by the adjacent owner. Depending upon the classification of the street, landscaping shall be required in a parkway between the front of sidewalk and the back of curb and within a planted median (where designated by the general plan). The form, width, and quantity of landscaping shall be consistent with the following standards:

~~a. Elements And Widths: Landscaping within rights of way shall be provided consistent with the standards of table 9-5D1-2-E1, "Typical Street Elements And Widths", of this section. The designated approving authority may allow for deviations from these standards through the tentative map process or site plan review process to appropriately tie into adjacent existing conditions.~~

Comment [s75]: Remove street and sidewalk design standards. These are specified in City Improvement Standards.

~~TABLE 9-5D1-2-E1~~
~~TYPICAL STREET ELEMENTS AND WIDTHS~~

Street Classification	Median Strip	Parkway (Each Side)	Sidewalks (Each Side)
Arterial	None	7'	6'[1]
Median parkway	18'	7'	6'[1]
Collector:			
No on street parking	None	7'	6'
With on street parking	None	7'	6'
Downtown street	See chapter 6 of this title		
Local residential street	None	5'[4,5,6]	5'
Cul-de-sac or other dead end street serving <10 homes	None	5'[4,5,6]	5'[2]
Rural street	None	None[3]	None[3]

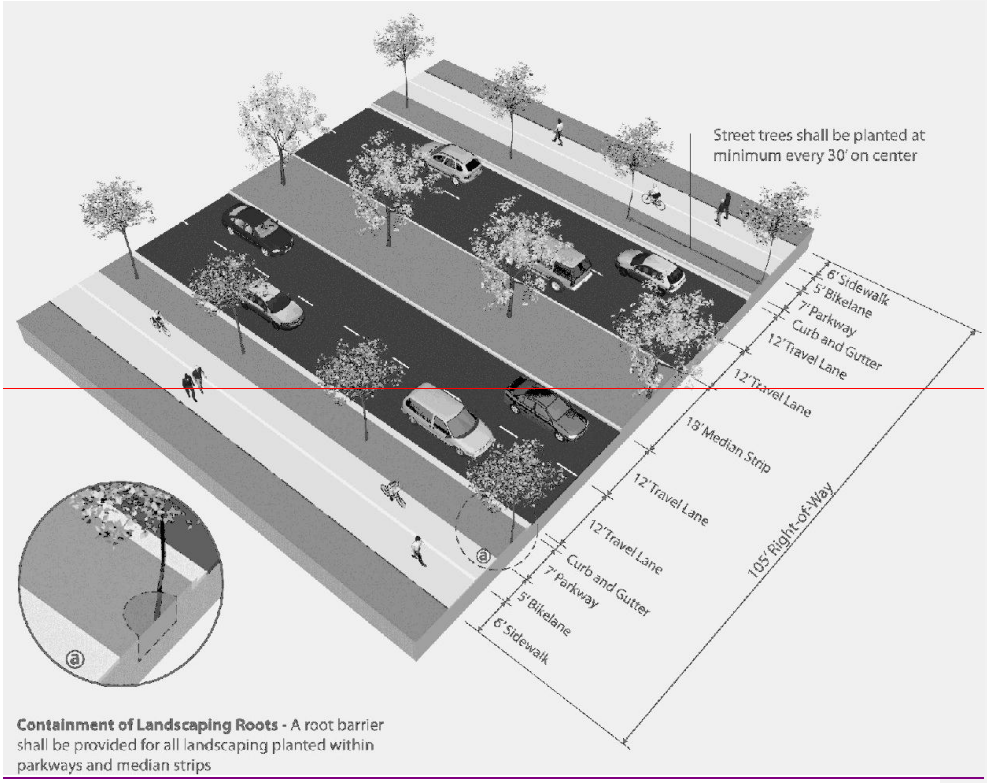
Notes:

1. Where inadequate room exists to provide safe bike travel in the street, large sidewalks of at least 10 feet in width shall be installed to protect children and allow bicycles on the sidewalk.
2. May be eliminated at bulb.
3. Shall be a dirt/gravel road shoulder.
4. Parkways not required along industrially designated properties.
5. Exceptions may be allowed to better tie into adjacent properties with existing improvements or where existing conditions are undersized.
6. Street trees shall be provided along local streets at a rate of 1 tree per single-family dwelling or every 30 feet for other uses. The tree shall be located either within the parkway, behind the sidewalk within the utility easement, or in the front yard setback at the choice of the developer/property owner.

FIGURE 9-5D1-2-E1

TYPICAL STREET ELEMENTS AND WIDTHS

~~AS SHOWN FOR A MEDIAN PARKWAY STREET~~



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

~~b~~a. Landscape Design: Landscaping within parkways and medians shall be consistent with the following:

(1) Street Trees: Street trees shall be provided a minimum of every thirty feet (30') on center. Tree species shall be approved by the city as part of the improvement plan review process and shall be selected from a city approved tree list. Trees shall be planted ten feet (10') away from alleys, driveways, fire hydrants, water lines, and sewer lines and ~~three~~ five feet (~~3'~~5') from gas, electrical, telephone, cable television, and adjoining property lines. They shall also be planted a minimum of twenty feet (20') from city streetlights. Ultimate planting locations shall be subject to city review and approval based upon field conditions.

Comment [s76]: Increase to 5 feet.

(2) Ground Cover: Ground cover shall be provided within all parkways and medians as follows:

(A) Parkways: Ground cover in parkways shall consist of a variety of low growing, low maintenance plantings to withstand the local climate and potential pedestrian traffic. Turf is not allowed if width available is less than eight feet (8').

(B) Medians: Landscaping in medians shall consist of low growing plantings (e.g., shrubs, grasses). Turf is prohibited.

Comment [s77]: Add "Turf is prohibited".

(3) Irrigation: Irrigation shall be provided for all street landscape areas. The design of the irrigation system shall meet the requirements of subsection 9-5D1-3A, "Irrigation", of this article.

~~c~~b. Maintenance: Maintenance of street landscape areas shall be as follows, unless otherwise encumbered by a city public facilities district:

(1) Median landscaping shall be the responsibility of the city or other delegated agency.

(2) Parkway landscaping shall be the responsibility of the adjacent property owner. Parkways shall be maintained consistent with the requirements of section 9-5D1-3, "Landscape Care and Maintenance", of this article.

2. Landscape Buffers Required Along Arterial and Collector Streets:

a. Multi-family, commercial, office, and industrial developments shall provide a landscape buffer between the parking lot and the public right of way (behind the sidewalk) in addition to any parkway required by subsection E1 of this section. The minimum depth of this buffer area shall be fifteen feet (15') along arterial and collector streets (excluding drive approaches) and along the property frontage to shield parking spaces or on site circulation. The design of the landscaping shall be compatible with the other on site landscaping and at a minimum include trees and ground cover.

b. Single-family residential subdivisions shall incorporate buffers between the sidewalk and perimeter wall. Landscaping shall be provided such that fifty percent (50%) of the wall shall be covered by landscape material within five (5) years. The landscaping shall include trees, shrubs, and ground cover that provide for a quality aesthetic condition.

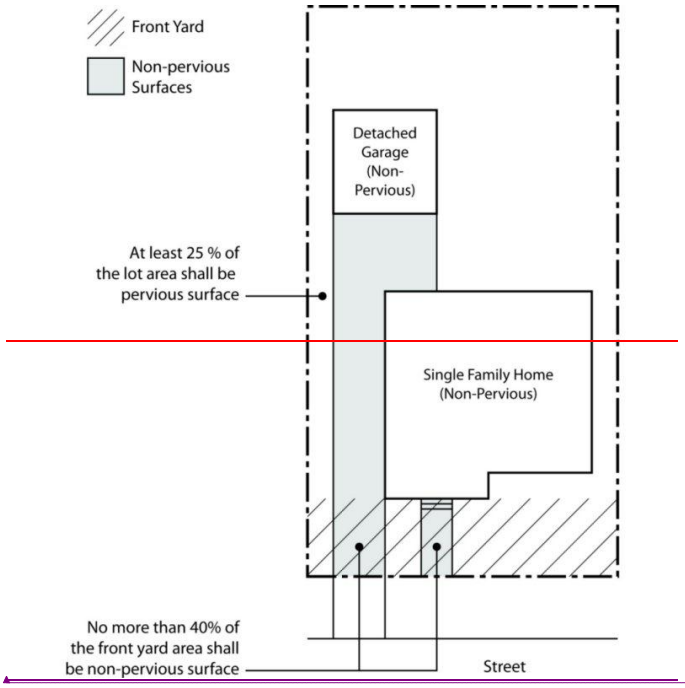
3. Buffering Between Uses: A landscape buffer shall be provided between residential and nonresidential uses and between single-family uses and multi-family uses containing three (3) or more units. Buffer areas shall include a minimum ten foot (10') wide perimeter planter strip with shrubs and both deciduous and evergreen trees planted a maximum of thirty feet (30') on center.

~~4. Residential Landscape: For single-family and duplex developments, at least twenty five percent (25%) of the lot area shall be pervious surface. No more than forty percent (40%) of the front yard area shall be nonpervious surface (e.g., used as a driveway). Deviations from these standards may be allowed through site plan and architectural review for small lot single-family developments at the time of master home plan review where these standards preclude the maximum floor area ratio from being achieved.~~

Comment [SB78]: Remove pervious surface requirements.

~~Additionally, at least ninety percent (90%) of the plants selected in nonturf areas shall be well suited to the climate of the city and require minimal water once established. Up to ten percent (10%) of the plants may be of a nondrought tolerant variety, provided they are grouped together and can be irrigated separately.~~

~~FIGURE 9-5D1-2-E2~~
~~MAXIMUM NONPERVIOUS SURFACE AREAS~~



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5. Project Entry Landscaping: Entries to multi-tenant projects (both residential and nonresidential) shall be designed as a special statement reflective of the character and scale of the project to establish identity for tenants, visitors, and patrons. Flowering accent plantings and specimen trees shall be used to reinforce the entry statement.

6. Landscaping of Parking Lots: Parking lots, except those specifically exempted in subsection 9-5E-4B, "Not Considered Parking", of this chapter, shall be landscaped as follows:

   a. Landscape Planter Minimum Dimensions: Where provided, the width of the planter area shall be five feet (5'). Where turf is provided, the minimum width shall be eight feet (8').

   b. Pedestrian Path: A pedestrian path leading from the parking field to the main building(s) shall be provided for every two hundred (200) spaces. The pedestrian

path shall be a minimum of six feet (6') wide and it shall be flanked on either side by a planter of at least five feet (5') in width.

c. Drive Aisles: Drive aisles shall be separated from parking spaces with a landscape planter at the end of each aisle. The planter shall be a minimum width of five feet (5').

d. Landscaping Within Parking Lots: Landscaping within parking lots shall meet the following requirements:

(1) Landscape Materials: Landscaping shall be provided throughout the parking lot as a combination of ground cover, shrubs, and trees.

(2) Protective Curbing: Planting areas shall be bordered by a concrete curb at least six inches (6") high and six inches (6") wide. The designated approving authority may approve an alternative barrier design to protect landscaped areas from damage by vehicles and/or to provide for the infiltration of water runoff from paved surfaces.

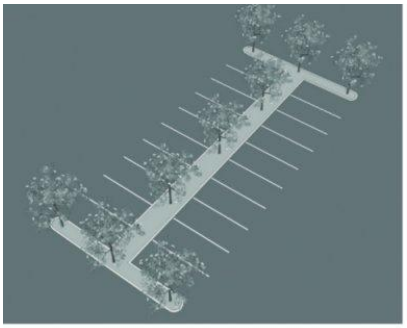
(3) Adjacent To Side Or Rear Property Lines: Parking areas for nonresidential uses shall provide a perimeter landscape strip at least eight feet (8') wide (inside dimension) where the parking area adjoins a side or rear property line. The requirement for a landscape strip may be satisfied by a setback or buffer area that is otherwise required. Trees shall be provided at the rate of one for each twenty five (25) linear feet of landscaped area.

e. Landscaping Within Interior of Parking Area: Landscaping within the interior of each outdoor parking area as follows:

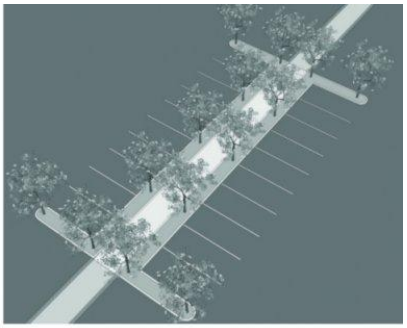
(1) Five percent (5%) of the gross surface area of the parking lot, exclusive of the required perimeter landscaping, shall be landscaped.

(2) Trees shall be planted throughout the parking area at a minimum ratio of one tree for each six (6) double loaded parking spaces or one tree for each three (3) single loaded or side loaded parking spaces.

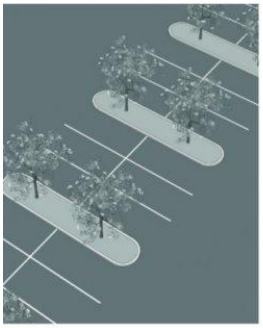
FIGURE 9-5D1-2-E2
EXAMPLE PARKING LOT LANDSCAPING



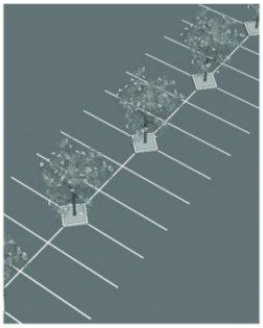
Planter Median



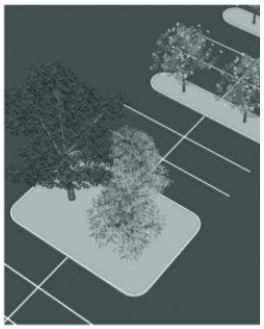
Planter Median with Pedestrian Pathway



Planter Island



Diamond Planter



Incorporate Existing Vegetation

~~7. Fueling Stations: For fueling stations, a minimum of twenty percent (20%) of the lot area shall be landscaped. A minimum of seventy percent (70%) of the landscaped area shall be covered with live landscaping, such as lawn, ground cover, trees, or shrubs, and not more than thirty percent (30%) of the landscape area shall be covered with hardscape, such as gravel, landscaping rock, concrete, artificial materials, or other impervious materials.~~

Comment [s79]: Remove enhanced landscape standards for gas stations and cell towers.

~~8. Telecommunication Facilities: Where feasible, facilities shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage, and shrubs, whether or not utilized for screening. Additional landscaping shall be planted around the tower and related equipment to buffer abutting residential zoning districts or uses and to buffer public trails. Specifically, landscaping around the perimeter of the facility (leased area) shall include dense tree and shrub plantings with the necessary irrigation. Trees shall be fast growing evergreen species, a minimum of twenty four inch (24") box in size. Shrubs shall be a minimum fifteen (15) gallon size covering a minimum planter area depth of five feet (5') around the facility. Trees and shrubs shall be planted no farther apart on center than the mature diameter of the proposed species.~~

~~9~~7. Onsite Pedestrian Pathways: Pedestrian pathway landscaping shall include shade trees placed so as to cover sixty percent (60%) of the total pathway area with tree canopies within fifteen (15) years of securing building permit.

8. Canals: To the extent that landscaping or planting is required or provided along canals, such landscaping shall be native plants.

9. Public Spaces: Pedestrian space landscaping shall include a combination of shade trees and pedestrian shading devices (e.g., canopies, awnings, and umbrellas) placed so as to cover sixty percent (60%) of the total space with a shade canopy within fifteen (15) years of securing building permit.

10. Signs: Landscaping shall be provided at the base of the supporting structure of freestanding signs equal to twice the area of one face of the sign. For example, fifty (50) square feet of sign area requires one hundred (100) square feet of landscaped area.

11. Existing Trees: Existing mature trees on the site in good health shall be preserved whenever possible.

F. Removal and Replacement of Landscaping and Trees from Approved Plans: All plant material removed from a project in which the city has approved the landscape plan shall be replaced with the following replacement sizes:

1. Shrubs shall be replaced with five (5) gallon size plants.

2. Ground cover shall be replaced with flats.

3. Trees shall be replaced with 15-inch box tree. (Ord. 2013-___, __-__-2013)

9-5D1-3: LANDSCAPE CARE AND MAINTENANCE:

A. Irrigation:

1. All new single-family and multi-family development, excluding additions and infill development, shall comply with the following requirements:

a. Sprinklers and sprays shall not be used in areas less than eight feet (8') wide.

b. Sprinkler heads with a precipitation rate of 0.85 inch per hour or less shall be used on slopes exceeding fifteen percent (15%) or on slopes exceeding ten percent (10%) within ten feet (10') of hardscapes to minimize runoff.

c. Valves and circuits shall be separated based on water use.

d. Drip or bubbler irrigation systems are required for trees. Bubblers shall be used that do not exceed one and one-half ($1^1/_2$) gallons per minute per device.

e. Sprinkler heads must have matched precipitation rates within each control valve circuit.

f. Check valves are required where elevation differences may cause low head drainage.

g. Sprinkler head spacing shall be designed for head to head coverage. The system should be designed for minimum runoff and overspray onto nonirrigated areas.

h. All irrigated areas shall be equipped with a controller capable of dual or multiple programming. Controllers must have multiple cycle start capacity and a flexible calendar program.

i. All irrigation systems shall be equipped with rain shutoff devices.

2. All other development not addressed above, including, but not limited to, new nonresidential development, mixed use development, infill development, and additions to existing development, shall comply with the following:

a. A low pressure irrigation system (e.g., drip or bubbler system) shall be provided for all landscape areas other than turf.

b. Automatic programmable controllers with check valves shall be installed in sloping areas with elevation differences of more than five feet (5') as defined from the toe to the top of slope.

c. Landscape materials with the same watering needs shall be grouped together and irrigated through separate control valves.

d. Irrigation systems shall be designed to avoid runoff, excessive low head drainage, overspray, or other similar conditions where water flows or drifts onto adjacent property, nonirrigated areas, walks, roadways, or structures.

e. The annual maintenance program with seasonal watering schedule shall be laminated and permanently posted in or near the control box on site.

B. Maintenance of Required Planting Areas: Required planting areas shall be permanently maintained by watering, clearing debris and litter, weeding, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials. All landscaping shall be maintained in such a manner as to not restrict designated pedestrian access. All trees, shrubs, and plants which, due to accident, damage, disease, or other cause, fail to show a healthy growth shall be replaced, in kind, pursuant to the approved landscape plans within thirty (30) days from the identified damage date. (Ord. 2013-___, __-__-2013)

9-5D1-4: TREE PRESERVATION:

A. Purpose and Applicability: This section implements the General Plan policy protecting and preserving ~~significant~~ heritage trees within the community. This section includes provisions that preserve existing heritage trees on private property through the development review process and subsequent activities such as work within the canopy or within the critical root zone of trees and provide a process for replacement in instances where preservation is not reasonably possible. ~~For purposes of this section, "development review process" shall mean the planning review and approval process for new residential or commercial subdivisions, site plan and architectural review, or other discretionary planning permit or entitlement that results in new construction.~~

The requirements of this section, and corresponding permit requirements as described in section 9-2B-5, "Tree Permit for Protected Trees on Private Property", ~~of this title,~~ shall only apply ~~to the following activities~~to protected trees that are located on private property. It shall

Comment [s80]: Because there is a General Plan policy that protects heritage trees, this section cannot be removed without amending the General Plan. Therefore, the section has not been removed, but instead has been modified to only apply specifically to the listed heritage trees when they are over 12 inches in diameter. Other modifications have been made to streamline the protection process. General Plan Policy CD-I-11 says that the City will protect heritage trees, not all trees.

not apply to trees on public property or within the public right of way, which are covered in title 7, chapter 5, "Street Trees", of the municipal code.

~~1. Trees proposed for removal as part of a development project; or~~

~~2. Trees that were preserved or protected as part of a development project approval or were planted within a development project to satisfy a mitigation requirement.~~

B. Protected Trees: The following trees shall not be removed without city approval:

1. Heritage Tree: ~~As identified in the general plan, the~~The following species of trees with a diameter at breast height of ~~six~~ twelve inches (~~6~~12") or greater, or multitrunked trees with a combined diameter at breast height of ~~six~~ twelve inches (12~~6~~") or greater, are considered heritage trees:

   a. Valley oak (Quercus lobata);

   b. Magnolia ash (Magnolia macrophylla subsp. ashei);

   c. California sycamore (Platanus racemosa);

   d. Modesto ash (Fraxinus velutina);

   e. Italian stone pine (Pinus pinea); and

   f. California fan palm (Washingonia filifera).

2. Habitat For Special Status Species: Trees that a biological study identifies as habitat for special status species (e.g., Swainson's hawk).

~~2~~3. ~~Protected~~ Mitigation Trees: Trees that were ~~preserved~~ planted during the development process~~,~~ ~~planted~~ as required mitigation for the removal of protected or special status trees~~,~~ . ~~or planted as part of an approved landscape plan are subject to the provisions of this section.~~

C. Work Requiring a Tree Permit for Trees on Private Property: No person shall conduct work within the critical root zone, cut down, remove, top, or relocate any ~~heritage or~~ protected tree unless a valid tree permit for protected trees on private property has been approved. Exemptions to this requirement are provided in subsection D of this section.

D. Exemptions from Tree Permit Requirement: The following types of work are exempt from requiring a tree permit prior to initiation of the work:

1. Work involving heritage trees on undeveloped private property;

2. Removal and pruning work by utility providers for all types of trees; and

3. In case of emergency caused by the tree being in a hazardous or dangerous condition requiring immediate action for the safety of human life or buildings or structures, such tree may be removed by the property owner.

E. Tree Permit for Trees on Private Property Application Processing: Tree permits for trees on private property shall be processed as provided in chapter 2, "Procedures and Entitlements", of this title.

F. Mitigation Required for Removal of Protected Trees on Private Property: As part of the approval of a tree permit, or other entitlement request related to the removal of a protected tree, mitigation is required. ~~Mitigation may also be required through the CEQA process.~~

1. Mitigation Standards: When tree removal is authorized as part of issuance of a valid tree permit, mitigation for the loss shall be provided as follows:

a. New trees of an equivalent species ~~of the same species~~ shall be provided at a ratio of one new inch (1") diameter at breast height (dbh) for each one inch (1") dbh lost (1:1 ratio).

~~b. Alternative mitigation may be approved by the city as provided below in subsection F3, "Mitigation Equivalents", of this section.~~

~~c~~b. The applicant shall prepare a tree mitigation plan for review and approval by the planning director.

2. Mitigation Options: The city allows all of the following mitigation options, subject to review and approval by the planning director, as part of a tree mitigation plan:

a. Onsite or Offsite Replacement: The plan shall specify where the tree(s) shall be planted and how the tree(s) shall be monitored and maintained for a minimum of five (5) years. The city may require the establishment of a performance bond or other surety as a way to ensure that the replacement trees survive for the minimum establishment period of ~~ten~~ five (~~10~~5) years.

b. Onsite or Offsite Relocation: The tree mitigation plan may include the relocation of trees, include specification regarding where the trees will be moved to, and how the tree will be monitored and maintained for a minimum of ~~ten~~ five (~~10~~5) years. The city may require the establishment of a performance bond or other surety to ensure that the tree becomes well established.

c. The city will allow the use of onsite trees planted under a mitigation plan as a way to meet any other on-site landscaping requirement, including parking lot shading, street landscaping, and street trees on residential lots.

3. Mitigation Equivalents: As an alternative to actual measurement, ~~Trees planted as mitigation shall be of an equivalent species as those being removed. t~~The following equivalent sizes shall be used ~~whenever new trees are planted (either on site or off site) under a mitigation plan~~to calculate mitigation ratios:

a. A one gallon container or seedling sized containerized tree equals one inch (1") dbh.

b. A fifteen (15) gallon container equals one and one-half inch (11/2") dbh.

c. A twenty four inch (24") box equals two inch (2") dbh.

d. A thirty six inch (36") box equals three inch (3") dbh.

e. A sixty inch (60") box equals three inch (3") dbh.

f. A seventy two inch (72") box equals four inch (4") dbh.

~~4. Replanting Security For Trees Planted As Mitigation:~~

~~a. Any tree mitigation plan shall include a financial guarantee of the applicant's compliance with tree protection and preservation provisions. Security may also be required at the discretion of the approving body to ensure the completion of any additional work specified as a condition of permit approval or other approvals.~~

~~b. The security shall be in the amount of one hundred percent (100%) of the estimated cost of the required work. The applicant shall include the cost estimate as part of the tree mitigation plan for planning director review and approval. The terms and conditions of the security shall be reviewed and approved by the planning director prior to approval of the tree mitigation plan.~~

~~c. The security may be in the form of a letter of credit, cash deposit, a combination thereof, or other acceptance method of security by the city and shall be approved by the city attorney.~~

~~d. Security posted on actual work required shall be maintained for a minimum of five (5) years. The city may require additional length of security of up to ten (10) years when larger trees are being planted and/or site conditions warrant.~~

~~e. Any interest gained on security posted by requirement of the city shall accrue to the applicant or his or her designee.~~ (Ord. 2013-___, __-__-2013)

9-5D1-5: PREFERRED PLANT LIST:

Comment [s81]: Recommend keeping street tree list in the Code because they become responsibility of the City and the types of trees that are appropriate is more limited. However, recommend that the shade tree, shrub, and vine lists be removed, and made available on request as a helpful guide instead of a requirement.

A. Street Trees: Table 9-5D1-5-A1, "Street Trees", of this section lists the city's approved master list of trees[1] for use in parkways, medians, and other street landscaping (between the sidewalk and a single-family home). The table lists the botanical and common name of each species, the type of tree (evergreen or deciduous), the size, and appropriate planting location (within the parkway and/or between the sidewalk and a single-family home). Other trees may be used with prior approval by the planning director.

TABLE 9-5D1-5-A1
STREET TREES

Botanical Name	Common Name	Type (Evergreen Or Deciduous)	Tree Size	Planting Location	
				Parkway	Located Minimum 5'

					From Sidewalk On House Side
Geijera purviflora	Australian willow	Evergreen	20' - 30'	Yes	Yes
Pyrus calleryana	Bradford pear	Deciduous	30', 20' spread	No	Yes
Pinus halepensis "brutia"	Brutia pine[1]	Evergreen	30' - 60', 25' spread	No	Yes
Pinus canariensis	Canary Island pine[1]	Evergreen	60' - 80' columnar	No	Yes
Pistacia chinesis	Chinese pistache[1]	Deciduous	60', 50' spread	Yes	Yes
Quercus agrifolia	Coast live oak	Evergreen	30' - 70', greater spread	Yes	Yes
Lagerstroemia indica	Crape myrtle[1]	Deciduous	6' - 30', equal spread	No	Yes
Pyrus kawakamii	Evergreen pear	Deciduous	15' - 25', 20' spread	Yes	Yes
Koelreuteria paniculata	Golden rain[1]	Deciduous	20' - 30'	Yes	Yes
Laurus nobilis	Grecian laurel	Evergreen	20' - 25', 15' spread	Yes	Yes
Quercus ilex	Holly oak[1]	Evergreen	40' - 70', equal spread	Yes	Yes

Pinus pinea	Italian stone pine	Evergreen	40' - 80', equal spread	No	Yes
Ginkgo biloba	Maidenhair tree	Deciduous	35' - 50', lesser spread	Yes	Yes
Nyssa sylvatica	Pepperidge tupelo	Deciduous	30' - 50'	Yes	Yes
Quercus palustris	Pin oak	Deciduous	50'+	Yes	Yes
Quercus rubra	Red oak	Deciduous	50'+	Yes	Yes
Zelkova serrata	Sawleaf zelkova	Deciduous	60', equal spread	Yes	Yes
Fraxinus uhdei "majestic beauty"	Shamel ash	Deciduous	40' - 60', lesser spread	No	Yes
Liquidamber styraciflua	Sweet gum	Deciduous	To 60', 20' - 25' spread	No	Yes
Quercus lobata	Valley oak[1]	Deciduous	60', 80' spread	No	Yes

Note:
1. Drought tolerant.

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

~~TABLE 9-5D1-5-B1~~
~~SHADE TREES[1,2,3,4]~~

~~Botanical Name~~	~~Common Name~~	~~Type (Evergreen~~	~~Tree Size~~	~~Minimum~~	~~Minimum~~	~~Root Damage~~

		Or Deciduous)		Planter Well Width	Parkway Width	Potential
Acer buergeranum	Trident maple	Deciduous	Medium	3' x 3'	3' - 6'	Low
Alnus cordata	Italian alder	Deciduous	Large	6' x 6'	6' - 8'	Moderate
Brachychiton populeneus	Bottle tree	Evergreen	Large	6' x 6'	6' - 8'	Moderate
Celtis australis	European hackberry	Deciduous	Large	6' x 6'	6' - 8'	Moderate
Celtis occidentalis	Common hackberry	Deciduous	Large	6' x 6'	6' - 8'	Moderate
Celtis sinensis	Chinese hackberry	Deciduous	Large	6' x 6'	6' - 8'	Moderate
Cercis canadenisis	Eastern redbud	Deciduous	Small	3' x 3'	2' - 4'	Low
Cercis canadenisis "Oklahoma"	Oklahoma eastern redbud	Deciduous	Small	3' x 3'	2' - 4'	Low
Cercis mexicana	Mexicana redbud	Deciduous	Small	3' x 3'	2' - 4'	Low
Cercis reniformis "Texas white" or "village green"	Texas white redbud	Deciduous	Small	3' x 3'	2' - 4'	Low
Cinnamomum camphora	Camphor	Evergreen	Large	n/a	8'+	High

~~Fraxinus americana "autumn purple"~~	~~Autumn purple ash~~	~~Deciduous~~	~~Large~~	~~5' x 5'~~	~~6' - 8'~~	~~High~~
~~Fraxinus americana "rose hill"~~	~~Rose hill ash~~	~~Deciduous~~	~~Large~~	~~5' x 5'~~	~~6' - 8'~~	~~Moderate~~
~~Fraxinus excelsior "hessei"~~	~~Hessei ash/European ash~~	~~Deciduous~~	~~Large~~	~~5' x 5'~~	~~6' - 8'~~	~~Moderate~~
~~Ginkgo biloba "autumn gold"~~	~~Autumn gold ginkgo~~	~~Deciduous~~	~~Large~~	~~4.5' x 4.5'~~	~~4' - 6'~~	~~Moderate~~
~~Ginkgo biloba "princeton sentry"~~	~~Princeton sentry ginkgo~~	~~Deciduous~~	~~Medium~~	~~4.5' x 4.5'~~	~~4' - 6'~~	~~Low~~
~~Ginkgo biloba "saratoga"~~	~~Saratoga ginkgo~~	~~Deciduous~~	~~Large~~	~~4.5' x 4.5'~~	~~4' - 6'~~	~~n/a~~
~~Ginkgo biloba "shangri-la"~~	~~Shangri-la ginkgo~~	~~Deciduous~~	~~Large~~	~~4.5' x 4.5'~~	~~4' - 6'~~	~~n/a~~
~~Koelreuteria paniculata~~	~~Goldenrain~~	~~Deciduous~~	~~Medium~~	~~4.5' x 4.5'~~	~~4' - 6'~~	~~Low~~
~~Lagerstroemia indica~~[~~5~~]	~~Crape myrtle~~	~~Deciduous~~	~~Small~~	~~3' x 3'~~	~~3' - 6'~~	~~Low~~
~~Laurus nobilis "saratoga"~~	~~Laural saratoga~~	~~Evergreen~~	~~Medium~~	~~3' x 3'~~	~~3' - 6'~~	~~Moderate~~
~~Liriodendron tulipifera~~	~~Tulip tree~~	~~Deciduous~~	~~Large~~	~~6' x 6'~~	~~6' - 8'~~	~~Moderate~~

~~Magnolia "Elizabeth"~~	~~Elizabeth magnolia~~	~~Evergreen~~	~~Medium~~	~~3' x 3'~~	~~3' - 6'~~	~~Low~~
~~Magnolia "galaxy"~~	~~Galaxy magnolia~~	~~Deciduous~~	~~Medium~~	~~3' x 3'~~	~~3' – 6'~~	~~Low~~
~~Magnolia grandiflora~~	~~Southern magnolia~~	~~Evergreen~~	~~Large~~	~~5' x 5'~~	~~4' - 6'~~	~~High~~
~~Magnolia "rustica rubran"~~	~~Rustica rubran magnolia~~	~~Deciduous~~	~~Small~~	~~3' x 3'~~	~~3' – 6'~~	~~Low~~
~~Magnolia "St. Mary's~~	~~Saint Mary's magnolia~~	~~Evergreen~~	~~Medium~~	~~3' x 3'~~	~~3' – 6'~~	~~Low~~
~~Magnolia "Sammeul Summers"~~	~~Sammeul Summers magnolia~~	~~Evergreen~~	~~Small~~	~~3' x 3'~~	~~3' - 6'~~	~~Moderate~~
~~Pistacia chinesis~~[5]	~~Chinese pistache~~	~~Deciduous~~	~~Medium~~	~~4.5' x 4.5'~~	~~4' - 6'~~	~~Low~~
~~Pyrus calleryana "faueriei"~~	~~Fauer pear~~	~~Deciduous~~	~~Large~~	~~3' x 3'~~	~~3' - 6'~~	~~Low~~
~~Pyrus kawakamii~~	~~Evergreen pear~~	~~Deciduous~~	~~Medium~~	~~4.5' x 4.5'~~	~~4' - 6'~~	~~Low~~
~~Quercus agrifolia~~	~~Coastal live oak~~	~~Evergreen~~	~~Large~~	~~5' x 5'~~	~~6' – 8'~~	~~Moderate/high~~
~~Quercus chrysolepis~~	~~Canyon live oak~~	~~Evergreen~~	~~Large~~	~~5' x 5'~~	~~6' - 8'~~	~~Moderate~~
~~Quercus lobata~~	~~Valley oak~~	~~Deciduous~~	~~Large~~	~~5' x 5'~~	~~6' - 8'~~	~~Moderate~~

~~Quercus muehlenbergii~~	~~Chinkapin oak~~	~~Deciduous~~	~~Large~~	~~5' x 5'~~	~~6' - 8'~~	~~Low~~
~~Quercus nigra~~	~~Water oak~~	~~Deciduous~~	~~Large~~	~~5' x 5'~~	~~6' - 8'~~	~~Low~~
~~Quercus phellos~~	~~Willow oak~~	~~Deciduous~~	~~Large~~	~~5' x 5'~~	~~6' - 8'~~	~~Moderate~~
~~Quercus rubra~~	~~Red oak~~	~~Deciduous~~	~~Large~~	~~5' x 5'~~	~~6' - 8'~~	~~Moderate~~
~~Quercus shumardii~~	~~Shumard oak~~	~~Deciduous~~	~~Large~~	~~5' x 5'~~	~~6' - 8'~~	~~Moderate~~
~~Quercus suber~~	~~Cork oak~~	~~Evergreen~~	~~Large~~	~~5' x 5'~~	~~6' - 8'~~	~~Moderate~~
~~Quercus virgianiana~~	~~Southern live oak~~	~~Evergreen/part deciduous~~	~~Large~~	~~5' x 5'~~	~~6' - 8'~~	~~Moderate~~
~~Quercus wislizenii~~	~~Interior live oak~~	~~Evergreen~~	~~Large~~	~~5' x 5'~~	~~6' - 8'~~	~~Moderate~~
~~Sapium sebiferum~~	~~Chinese tallow tree~~	~~Deciduous~~	~~Medium~~	~~4.5' x 4.5'~~	~~4' - 6'~~	~~Low~~
~~Tilia cordata "greenspire"~~	~~Little leaf linden~~	~~Deciduous~~	~~Large~~	~~4.5' x 4.5'~~	~~4' - 6'~~	~~Moderate~~
~~Ulmus parvifolia "drake" or "true green"~~	~~Evergreen elm~~	~~Evergreen to partially deciduous~~	~~Large~~	~~5' x 5'~~	~~6' - 8'~~	~~Moderate~~
~~Zelkova serrata "green vase"~~	~~Green vase zelkova~~	~~Deciduous~~	~~Large~~	~~6' x 6'~~	~~6' - 8'~~	~~Low~~

~~Zelkova serrata "musashino"~~	~~Musashino zelkova~~	~~Deciduous~~	~~Large~~	~~6' x 6'~~	~~6' - 8'~~	~~Moderate~~
~~Zelkova serrata "village green"~~	~~Village green zelkova~~	~~Deciduous~~	~~Large~~	~~6' x 6'~~	~~6' – 8'~~	~~Low~~

~~Notes:~~
~~1. Not all trees are suitable as street trees, unless grown as "standard" form, and are grown to sufficient canopy height.~~
~~2. Verify availability and suitability to microclimate prior to specifying or selecting trees.~~
~~3. Because of known high salinity content in city of Lemoore, it is recommended that soil testing be conducted prior to planting to ensure soil's suitability.~~
~~4. It is recommended to conduct percolation test prior to planting to ensure that tree planting well drains at minimum rate of 1 inch per hour.~~
~~5. Lagerstroemia spp. is particularly sensitive to high salinity; pistacia spp. is moderately sensitive.~~

~~C. Shrubs: Table 9-5D1-5-C1, "Preferred Shrubs", of this section lists the city's preferred shrubs for general use throughout the city, including, but not limited to, within medians and parkways, parking lots, and other landscaping areas. The botanical name and common name for each is listed.~~

~~TABLE 9-5D1-5-C1~~
~~PREFERRED SHRUBS~~

~~**Botanical Name**~~	~~**Common Name**~~
~~Abelia grandiflora~~	~~Glossy abelia~~
~~Acacia cyclops~~	~~Acacia~~
~~Acacia farnesiana~~	~~Green wattle~~
~~Acacia longifolia~~	~~Sydney golden wattle~~
~~Acacia podalyriaefolia~~	~~Pearl acacia~~

~~Arbutus unedo~~	~~Strawberry tree~~
~~Callistemon lanciolatus~~	~~Lemon bottlebrush~~
~~Callistemon viminalis~~	~~Weeping bottlebrush~~
~~Ceanothus~~	~~Sierra blue wild lilac~~
~~Cercis canadensis~~	~~Alba eastern redbud~~
~~Cercis canadensis~~	~~Forest pansy eastern redbud~~
~~Cercis canadensis~~	~~Oklahoma eastern redbud~~
~~Cercis canadensis~~	~~Plena eastern redbud~~
~~Cercis canadensis~~	~~Ruby Atkinson eastern redbud~~
~~Cercis chinensis~~	~~Chinese redbud~~
~~Cercis occidentalis~~	~~Western redbud~~
~~Cercis reniformis~~	~~Alba southwest redbud~~
~~Cocculus laurifolius~~	~~Snailseed~~
~~Cotoneaster franchetii~~	~~English laurel~~
~~Cotoneaster henryana~~	~~Cotoneaster~~
~~Cotoneaster lacteal~~	~~Parney cotoneaster~~
~~Cotoneaster salicifolia~~	~~Willowleaf cotoneaster~~
~~Cytisus canariensis~~	~~Canary Island broom~~

~~Cytisus racemosus (genista racemosa)~~	~~Broom~~
~~Elaeagnus commutate~~	~~Coral silver silverberry~~
~~Elaeagnus pungens fruitlandii~~	~~Silverberry~~
~~Elaeagnus pungens maculata~~	~~Silverberry~~
~~Elaeagnus pungens marginata~~	~~Silverberry~~
~~Elaeagnus pungens variegata~~	~~Silverberry~~
~~Escallonia exoniensis balfouri~~	~~Hybrid escallonia~~
~~Escallonia exoniensis fradesi~~	~~Hybrid escallonia~~
~~Escallonia exoniensis ingramii~~	~~Hybrid escallonia~~
~~Escallonia exoniensis jubilee~~	~~Hybrid escallonia~~
~~Escallonia laevis~~	~~Pink escallonia~~
~~Escallonia monterridensis~~	~~White escallonia~~
~~Escallonia rosea~~	~~Rose escallonia~~
~~Escallonia rubra~~	~~Escallonia~~
~~Euonymus japonica albo-marginata~~	~~Evergreen euonymus~~
~~Euonymus japonica aureo-marginata~~	~~Evergreen euonymus~~
~~Euonymus japonica aureo-variegata~~	~~Evergreen euonymus~~
~~Euonymus japonica grandifolia~~	~~Evergreen euonymus~~

~~Euonymus japonica silver king~~	~~Evergreen euonymus~~
~~Euonymus japonica silver queen~~	~~Evergreen euonymus~~
~~Euonymus kiautschovica~~	~~E. patens~~
~~Feijoa sellowiana~~	~~Pineapple guava~~
~~Grevillea banksii~~	~~Grevillea~~
~~Grevillea banksii canberra~~	~~Grevillea~~
~~Grevillea banksii Constance~~	~~Grevillea~~
~~Grevillea banksii pink pearl~~	~~Grevillea~~
~~Grewia caffra~~	~~Lavender starflower~~
~~Ilex altaclarensis wilsonii~~	~~Wilson holly~~
~~Ilex aquifolium~~	~~English holly~~
~~Ilex aquifolium~~	~~Variegated variety holly~~
~~Ilex aquipernyi brilliant~~	~~Holly~~
~~Ilex cornuta burfordii~~	~~Holly~~
~~Ilex ilicifolia~~	~~Holly leaf sweetspire~~
~~Ilex latifolia Nellie Stevens~~	~~Holly~~
~~Juniperus varieties~~	~~Junipers~~
~~Ligustrum japonicum (L. texanum)~~	~~Japanese privet~~

~~Myoporum laetum carsonii~~	~~Myoporum~~
~~Myrtus communis~~	~~Myrtle~~
~~Osmanthus fragrans~~	~~Sweet olive~~
~~Photinia arbutifolia~~	~~Photinia~~
~~Photinia fraseri~~	~~Photinia~~
~~Photinia globra~~	~~Photinia~~
~~Photinia serrulata~~	~~Chinese photinia~~
~~Pittosporum crassifolium~~	~~Mock orange~~
~~Pittosporum eugenioides~~	~~Mock orange~~
~~Pittosporum tenuifolium~~	~~Mock orange~~
~~Pittosporum tobira~~	~~Tobira~~
~~Prunus caroliniana bright and tight~~	~~Carolina cherry~~
~~Prunus ilicifolia~~	~~Holly leaf cherry~~
~~Prunus laurocerasus~~	~~English laurel~~
~~Prunus lusitanica~~	~~Portugal laurel~~
~~Pyracantha coccina~~	~~Pyracantha~~
~~Pyracantha koidzumii (P. formosa)~~	~~Pyracantha~~
~~Rhamnus alaternus~~	~~Italian buckthorn~~

~~Syringa vulgaris~~	~~Common lilac~~
~~Viburnum japonicum~~	~~Laurustinus~~
~~Viburnum odoratissimum~~	~~Sweet viburnum~~
~~Viburnum suspensum~~	~~Laurustinus~~
~~Viburnum tinus robustum~~	~~Laurustinus~~
~~Xylosma congestum~~	~~Shiny xylosma~~

~~D. Vines: Table 9-5D1-5-D1, "Preferred Vines", of this section lists the city's preferred vines for general use throughout the city, including, but not limited to, within medians and parkways, parking lots, and other landscaping areas. The botanical name and common name for each is listed.~~

~~TABLE 9-5D1-5-D1~~
~~PREFERRED VINES~~

~~Botanical Name~~	~~Common Name~~
~~Clematis spp.~~	~~Evergreen and deciduous varieties~~
~~Clytostoma callistegioides~~	~~Lavender trumpet~~
~~Ficus repens~~	~~Creeping fig~~
~~Gelsemium sempervirens~~	~~Carolina jessamine~~
~~Jasminum mesnyi~~	~~Primrose jasmine~~
~~Parthenocissus tricuspidata~~	~~Boston ivy~~
~~Passiflora edulis~~	~~Passion fruit~~
~~Trachelospermum asiaticum~~	~~Asian jasmine~~

~~Trachelospermum jasminoides~~	~~Star jasmine~~

~~(Ord. 2012-01, 4-17-2012)~~(Ord. 2013-___, __-__-2013)

CHAPTER 5

ARTICLE D2. LANDSCAPE WATER REPORTING REQUIREMENTS

9-5D2-1: PURPOSE:
9-5D2-2: APPLICABILITY:
9-5D2-3: REPORTING REQUIREMENTS:

9-5D2-1: PURPOSE:

The purpose of this article is to adopt, by reference, the state of California model water efficient landscape ordinance (hereinafter the "model ordinance"). This ordinance establishes specific reporting requirements for water usage of landscape areas in public and private development. As provided in the water conservation in landscaping act of 2006 (assembly bill 1881, Laird), all cities and counties in California are required to adopt the model ordinance. (Ord. 2013-___, __-__-2013)

9-5D2-2: APPLICABILITY:

A. As provided in the state model ordinance, the requirements of this article and the model ordinance shall be imposed as follows:

1. After January 1, 2010, this article shall apply to all of the following landscape projects:

a. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than two thousand five hundred (2,500) square feet requiring a building or landscape permit, plan check, or site plan and architectural review.

b. New construction and rehabilitated landscapes which are developer installed in single-family and multi-family projects with a landscape area equal to or greater than two thousand five hundred (2,500) square feet requiring a building or landscape permit, plan check, or site plan and architectural review.

c. New construction landscapes which are homeowner provided and/or homeowner hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than five thousand (5,000) square feet requiring a building or landscape permit, plan check, or site plan and architectural review.

d. Existing landscapes over one acre in size, with review limited to an irrigation audit, irrigation survey, and irrigation water use analysis as provided in subsection 9-5D2-3H of this article.

e. Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to review of a water budget calculation as provided in subsection 9-5D2-3B of this article and a maintenance schedule as

provided in subsection 9-5D2-3G of this article. Existing cemeteries have review limited to an irrigation audit, irrigation survey, and irrigation water use analysis as provided in subsection 9-5D2-3H of this article.

2. This article does not apply to:

a. Registered local, state, or federal historical sites.

b. Ecological restoration projects that do not require a permanent irrigation system.

c. Mined land reclamation projects that do not require a permanent irrigation system.

d. Plant collections as part of botanical gardens and arboretums open to the public. (Ord. 2013-___, __-__-2013)

9-5D2-3: REPORTING REQUIREMENTS:

Unless exempt from the requirements of this article and the model ordinance, all landscape plans shall address the submittal requirements and standards outlined below and provided in the model ordinance.

A. Landscape Documentation Package: The landscape documentation package shall include, at a minimum, the following components:

1. Project information as described in the forms available from the planning department.

2. Water efficient landscape worksheet, as provided by the planning department, including hydrozone information table and water budget calculations including the following information as further described in this article:

a. Maximum applied water allowance (MAWA);

b. Estimated total water use (ETWU);

c. Soil management report;

d. Landscape design plan;

e. Irrigation design plan; and

f. Grading design plan.

3. Certificate of completion, as provided by the planning department, including scheduling parameters used to set the irrigation controller, landscape and irrigation maintenance schedule, and irrigation audit report.

B. Water Budget Calculations: The water budget calculations included in the landscape documentation package shall adhere to the following requirements:

1. Plant Factor: The plant factor used shall be from the "Water Use Classification of Landscape Species" (WUCOLS) published by the University of California Cooperative Extension, the department of water resources, and the bureau of reclamation (2000).

The plant factor ranges from zero (0.0) to three-tenths (0.3) for low water use plants, from four-tenths (0.4) to six-tenths (0.6) for moderate water use plants, and from seven-tenths (0.7) to one (1.0) for high water use plants.

2. Water Features: All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.

3. Special Landscape Areas: All special landscape areas shall be identified and their water use calculated as described below.

4. ETAF For Special Landscape Areas: ETAF for special landscape areas shall not exceed one (1.0).

5. Maximum Applied Water Allowance: The maximum applied water allowance shall be calculated using the equation MAWA = (ETo) (0.62) [(0.7 x LA) + (0.3 x SLA)], where:

a.	MAWA	=	Maximum applied water allowance (gallons per year)
b.	ETo	=	Reference evapotranspiration (inches per year) (see table 9-5D2-3-I1, "Reference Evapotranspiration (ETo) Table", of this section)
c.	0.62	=	Conversion factor (to gallons)
d.	0.7	=	ET adjustment factor (ETAF)
e.	LA	=	Landscape area including SLA (square feet)
f.	0.3	=	Additional water allowance for SLA
g.	SLA	=	Special landscape area (square feet)

6. Estimated Total Water Use: The estimated total water use shall be calculated using the equation below.

$$ETWU = ETo \times 0.62 \times \left(\frac{PF \times HA}{IE} + SLA \right).$$

The sum of the estimated total water use calculated for all hydrozones shall not exceed MAWA. The symbols in the equation shall mean:

a.	ETWU	=	Estimated total water use per year (gallons)
b.	ETo	=	Reference evapotranspiration (inches) (see table 9-5D2-3-I1, "Reference Evapotranspiration (ETo) Table", of this section)
c.	PF	=	Plant factor from WUCOLS
d.	HA	=	Hydrozone area (high, medium, and low water use areas) (square feet)
e.	SLA	=	Special landscape area (square feet)
f.	0.62	=	Conversion factor
g.	IE	=	Irrigation efficiency (minimum 0.71)

C. Soil Management Report: In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant or his/her designee. The report shall contain the following information:

1. Submit soil samples to the laboratory for analysis and recommendations.

a. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

b. Soil analysis shall include:

(1) Soil texture;

(2) Infiltration rate determined by laboratory test or soil infiltration rate table;

(3) pH;

(4) Total soluble salts;

(5) Sodium;

(6) Percent organic matter; and

(7) Recommendations.

2. The project applicant, or his/her designee, shall comply with one of the following:

   a. If significant mass grading is not planned, the soil analysis report shall be submitted to the planning department as part of the landscape documentation package; or

   b. If significant mass grading is planned, the soil analysis report shall be submitted to the city as part of the certificate of completion.

3. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

4. The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the city with certificate of completion.

D. Landscape Design Plan: The content and form of the landscape design plan shall meet the landscape design requirements provided in article D1, "Landscaping Standards", of this chapter and the following submittal requirements as provided in the model ordinance:

1. Delineate and label each hydrozone by number, letter, or other method.

2. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation.

3. Identify recreational areas.

4. Identify areas permanently and solely dedicated to edible plants.

5. Identify areas irrigated with recycled water.

6. Identify type of mulch and application depth.

7. Identify soil amendments, type, and quantity.

8. Identify type and surface area of water features.

9. Identify hardscapes (pervious and nonpervious).

10. Identify location and installation details of any applicable stormwater best management practices that encourage on site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan, and examples include, but are not limited to:

    a. Infiltration beds, swales, and basins that allow water to collect and soak into the ground;

    b. Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and

c. Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete) that minimize runoff.

11. Identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns).

12. Contain the following statement:

I have complied with the provisions of the city landscape water conservation regulations and applied them for the efficient use of water in the landscape design plan.

13. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape.

E. Irrigation Design Plan: An irrigation design plan shall accompany the landscape design plan. The irrigation design plan shall meet the landscape design requirements provided in article D1, "Landscaping Standards", of this chapter and the following submittal requirements as provided in the model ordinance:

1. System Requirements: For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturer's recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the landscape documentation package:

a. Dedicated landscape water meters are highly recommended on landscape areas smaller than five thousand (5,000) square feet to facilitate water management.

b. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.

c. The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

(1) If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure regulating devices such as in-line pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

(2) Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

d. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

e. Manual shutoff valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

f. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. The project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.

g. High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.

h. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto nontargeted areas, such as adjacent property, nonirrigated areas, hardscapes, roadways, or structures.

i. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

j. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

k. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria regarding the maximum applied water allowance.

l. It is highly recommended that the project applicant or local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

m. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

n. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

o. Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

p. Swing joints or other riser protection components are required on all risers subject to damage that are adjacent to high traffic areas.

q. Check valves or antidrain valves are required for all irrigation systems.

r. Narrow or irregularly shaped areas, including turf, less than eight feet (8') in width in any direction shall be irrigated with subsurface irrigation or low volume irrigation system.

s. Overhead irrigation shall not be permitted within twenty four inches (24") of any nonpermeable surface. Allowable irrigation within the setback from nonpermeable surfaces may include drip, drip line, or other low flow nonspray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

(1) The landscape area is adjacent to permeable surfacing and no runoff occurs; or

(2) The adjacent nonpermeable surfaces are designed and constructed to drain entirely to landscaping.

t. The irrigation designer specifies an alternative design or technology, as part of the landscape documentation package and clearly demonstrates strict adherence to irrigation system design criteria to prevent overspray and runoff.

u. Slopes greater than twenty five percent (25%) shall not be irrigated with an irrigation system with a precipitation rate exceeding three-fourths (3/4) of an inch per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the landscape documentation package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

2. Hydrozone Requirements:

a. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

b. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

c. Where feasible, trees shall be placed on separate valves from shrubs, ground covers, and turf.

d. Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

(1) Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

(2) The plant factor of the higher water using plant is used for calculations.

e. Individual hydrozones that mix high and low water use plants shall not be permitted.

f. On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the hydrozone information table. This table can also assist with the irrigation audit and programming the controller.

3. Design Plan Contents: The irrigation design plan, at a minimum, shall contain:

a. Location and size of separate water meters for landscape;

b. Location, type, and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;

c. Static water pressure at the point of connection to the public water supply;

d. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;

e. Recycled water irrigation systems;

f. The following statement: "I have complied with the provisions of the city landscape water conservation regulations and applied them accordingly for the efficient use of water in the irrigation design plan"; and

g. The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system.

F. Grading Design Plan: For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the landscape documentation package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.

1. The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:

a. Height of graded slopes;

b. Drainage patterns;

c. Pad elevations;

d. Finish grade; and

e. Stormwater retention improvements, if applicable.

2. To prevent excessive erosion and runoff, it is highly recommended that project applicants:

a. Grade so that all irrigation and normal rainfall remains within property lines and does not drain onto nonpermeable hardscapes;

b. Avoid disruption of natural drainage patterns and undisturbed soil; and

c. Avoid soil compaction in landscape areas.

3. The grading design plan shall contain the following statement: "I have complied with the provisions of the city landscape water conservation regulations and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

G. Landscape and Irrigation Maintenance Schedule:

1. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the certificate of completion.

2. A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing any obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

3. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.

4. A project applicant is encouraged to implement sustainable or environmentally friendly practices for overall landscape maintenance.

H. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis:

1. For new construction and rehabilitated landscape projects installed after the effective date of this article:

   a. The project applicant shall submit an irrigation audit report with the certificate of completion to the planning director that may include, but is not limited to, inspection, system tune up, system test with distribution uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule;

   b. The city shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the maximum applied water allowance.

2. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

I. Reference Evapotranspiration (ETo) Table: Table 9-5D2-3-I1 of this section describes the adopted reference evapotranspiration values for use in calculating water efficiency as required by this article.

TABLE 9-5D2-3-I1
REFERENCE EVAPOTRANSPIRATION (ETo) TABLE

Month	ETo Value
January	0 .9
February	1 .5

March	3 .4
April	5 .0
May	6 .6
June	7 .7
July	8.3
August	7 .3
September	5 .4
October	3 .4
November	1 .4
December	0 .7
Annual	51 .7

(Ord. 2013-___, __-__-2013)

CHAPTER 5

ARTICLE E. OFF STREET PARKING AND LOADING

9-5E-1: PURPOSE:
9-5E-2: APPLICABILITY AND PERMIT REQUIREMENTS:
9-5E-3: GENERAL PARKING REGULATIONS:
9-5E-4: REQUIRED OFF STREET PARKING:
9-5E-5: DESIGN AND DEVELOPMENT STANDARDS FOR OFF STREET PARKING AREAS:
9-5E-6: OFF STREET LOADING REQUIREMENTS:
9-5E-7: BICYCLE PARKING REQUIREMENTS:

9-5E-1: PURPOSE:

This article establishes standards for the development (including amount and location) of motor vehicle parking, bicycle parking, and on site loading areas. The purpose of the standards is to provide for safe vehicular parking, vehicular circulation, and loading supportive of a variety of uses in an increasingly pedestrian and bicycle friendly and transit oriented community. (Ord. 2013-___, __-__-2013)

9-5E-2: APPLICABILITY AND PERMIT REQUIREMENTS:

A. Applicability: The provisions of this article shall apply to new development and reuse of existing development. Every use shall have appropriately maintained off street parking and loading areas in compliance with the standards and requirements of this article. However, existing uses shall not be considered non-conforming if the only nonconformance is lack of required parking. ~~A new use or structure shall not be occupied until the requirements of this article are satisfied~~.

Comment [s82]: Prevent uses becoming non-conforming just because of parking..

B. Permit Requirements: New parking lots and modifications or expansions to existing parking lots require the following permits:

1. Building Permit: New parking lot design and modifications to existing parking lots in conjunction with a substantial change in use to an existing structure shall be reviewed in conjunction with the building permit and any other land use or development permit required for the project.

2. Zoning Clearance: ~~Modification~~ Substantial modification or improvement to an existing parking lot that impacts the parking space layout, configuration, number of stalls, landscape planters, etc., shall require zoning clearance to authorize the change as consistent with this zoning code, concurrent with any required improvement plan approvals.

C. Exempt Activities: The parking lot improvements listed below are considered minor in nature, meaning that they do not alter the number or configuration of parking stalls. Such

improvements shall be exempt from Zoning Clearance ~~permit~~ requirements and the requirements of this title.

1. Repairing any defects in the surface of the parking area, including holes and cracks;

2. Resurfacing, slurry coating, and restriping of a parking area with identical delineation of parking spaces;

3. Repairing or replacing in the same location damaged planters and curbs; and

4. Working in landscape areas, including sprinkler line repair, replacement of landscape materials, or refurbishment. (Ord. 2013-___, __-__-2013)

9-5E-3: GENERAL PARKING REGULATIONS:

A. Calculations:

1. If the calculation for parking needs results in the requirement for a fraction of a parking space, the value shall be rounded to the nearest whole number.

2. Seating capacity shall be based upon the actual number of seats or one seat per eighteen inches (18") of bench or pew length and one seat per twenty four inches (24") of booth length for dining.

B. General Requirements:

1. All vehicular parking areas shall be maintained by the owner of the property.~~, such as being kept free of damage to asphalt or concrete surface, damage to landscape areas or curbing, garbage and debris.~~

2. Required off street parking spaces and parking areas shall be used only for parking operable vehicles of residents, employers, employees, customers, and visitors ~~as appropriate to the allowed uses of the applicable zone~~unless specifically allowed by a temporary or conditional use permit.

3. Required off street parking space shall not be used for the storage of vehicles or materials, ~~or for the parking of trucks used in conducting business or sale of vehicles other than authorized dealerships. Parking spaces not needed to meet the minimum requirement may be used for alternative uses subject to the provisions of this title (e.g., temporary use permit, permanent or semipermanent display of merchandise).~~

4. No sales, storage, repair work, dismantling, or servicing of any kind shall be permitted in parking spaces without necessary permits for such use.

5. All required off street parking shall be kept clear of temporary or permanent obstructions.

6. Existing parking shall not be reduced below the minimum requirements of this section.

7. Living, sleeping, or housekeeping in any vehicle, trailer, or vessel is prohibited, with the following exceptions:

a. In residential districts, occupancy shall be permitted by right for a maximum of seventy two (72) hours. A longer period may be permitted upon approval from the police department.

b. In commercial districts, a maximum of seventy two (72) hours is permitted, provided on site security is provided.

8. For residential tenant and guest parking, the spaces must be marked per the required minimum standards for tenant and guest parking.

C. Location Requirements for Parking Areas:

1. Parking may not occur within any required "clear visibility area" as defined by this title.

2. Parking spaces shall not preclude direct and free access to stairways, walkways, elevators, any pedestrian accessway, or fire safety equipment. Such access shall be a clear minimum width of forty four inches (44"), no part of which shall be within a parking space.

3. For single-family homes, duplexes, triplexes, and similar uses, parking shall be provided on the same lot as the home and shall not be located within the required yard area setbacks, except for approved driveways and carports as allowed by section 9-5A-8, "Residential Accessory Structures", of this chapter.

4. For multi-family residential, parking shall be provided within two hundred feet (200') of the unit(s) they intend to serve.

5. For nonresidential uses, parking shall be located outside of required landscape areas as required by section 9-5D1-2, "Landscape Standards", of this chapter. Parking shall be located on the same parcel as the uses served, except that parking may be located on a parcel adjacent to, or within five hundred feet (500') of, the use served. In such cases, a permanent covenant shall be recorded on the subject properties with the Kings County Recorder guaranteeing that the required parking would be maintained exclusively for the use or activity served. The agreement shall be approved by the planning director in a form approved by the city attorney, and a copy shall be filed with the planning department.

6. Parking within the downtown and mixed use districts shall be located as required in chapters 6, "Downtown Development Standards" and 7, "Mixed Use Development Standards", of this title. (Ord. 2013-___, __-__-2013)

9-5E-4: REQUIRED OFF STREET PARKING:

A. Minimum Requirements: Minimum vehicle parking space requirements are listed in table 9-5E-4-A1, "Required Minimum Parking Ratios", of this section. ~~Where there is more than one parking ratio listed in the table, the greater of the two applies.~~ Where the parking ratio is listed based upon square feet, it shall mean the gross square feet of the building (including public and private areas). Calculations of minimum requirements shall be rounded up to the next whole number.

B. Not Considered Parking: For the purpose of calculating parking ratios, the following types of parking are considered outdoor storage and are not considered parking:

1. Fleet vehicle and equipment parking; and

2. Parking for vehicles that are for sale, lease, or rent.

C. Provision of Excessive Parking: Site Plans including ~~P~~proposed new parking areas that exceed minimum vehicle parking requirements by more than ~~one hundred~~ twenty five percent (~~1~~25%) shall demonstrate how the property can be developed in the future to utilize the additional parking areas for structures, landscaping, plazas, or other active use.

Comment [s83]: Modify wording. It appears this is intended to only apply to review of new development, but it is currently worded to apply to existing parking lots as well. It appears that this was intended to be 25%, not 125%. Change

D. Similar Use: For a use not listed in table 9-5E-4-A1, "Required Minimum Parking Ratios", of this section, the required vehicle and bicycle parking shall be the same as for the most similar use listed, as determined by the planning director.

E. Parking Requirements In Downtown Mixed Use Districts: In the downtown mixed use zoning districts (DMX-1, DMX-2, and DMX-3), parking shall be provided as established in chapter 6, "Downtown Development Standards", of this title, rather than as provided in table 9-5E-4-A1 of this section. Parking lot design and construction shall be as provided in this article.

TABLE 9-5E-4-A1
REQUIRED MINIMUM PARKING RATIOS

Comment [s84]: Table has been significantly simplified.

Land Use	Minimum Required Parking Spaces
Residential and overnight stay uses:	
Caretaker housing	1 per bedroom
Child daycare facility - family daycare home, large	1 additional beyond dwelling
Child daycare facility - family daycare home, small	0 additional beyond dwelling
Dwelling, multi-family ï studio and 1 bedroom units~~:~~	1.5 per unit
~~Studio and 1 bedroom~~	~~1.5 per unit~~
Dwelling, multi-family - 2 ~~and~~ or more bedrooms	~~2~~ 2 per unit

Land Use	Minimum Required Parking Spaces
~~Plus guest parking~~	~~0.5 per unit~~
Dwelling, second unit	No additional beyond primary dwelling
Dwelling, single-family	2 per unit
Dwelling, ~~two~~single- or multi-family in the DMX-1 or DMX-2 zoning district	~~2~~ 1 per unit
Group ~~residential~~ housing	~~None beyond single-family~~2 per unit
Home occupation	No additional beyond dwelling
Hotel, Motel, or Bed and Breakfast Inn	1 per room
Live-work facility	~~2~~ 1.5 per unit ~~(plus 0.5 for guests)~~
Mobilehome park or recreational vehicle park	2 per unit
~~Recreational vehicle parks~~	~~2 per unit~~
Residential care home or extended care facility~~y~~	1 per 4 beds
~~Residential care home~~	~~1 per 4 beds~~
Senior Housing	1 per unit
Single room occupancy (SRO) facility	0.5 per unit

Land Use	Minimum Required Parking Spaces
Supportive or transitional housing	1 per 4 beds
~~Transitional housing~~	~~1 per 4 beds~~
~~Agricultural and animal related uses:~~	
~~Animal sales and grooming~~	~~3.5 per 1,000 square feet~~
~~Equestrian facility, commercial~~	~~1 per 4 stables~~
~~Equestrian facility, hobby~~	~~0~~
~~Kennel~~	~~3.5 per 1,000 square feet~~
~~Veterinary facility~~	~~3.5 per 1,000 square feet~~
~~Recreation, resource preservation, open space,~~ Eeducation, ~~anpd p~~ublic assembly, and ~~rusesecreation uses~~:	
Assembly uses ï theater, auditorium, amphitheater, church, mosque, temple, synagogue, religious facility, club, hall, conference center, funeral home, or similar assembly facility	1 per ~~3~~ 4 seats ~~(highest occupancy)[1]~~ if seating is fixed; 25 per 1,000 square feet of main assembly room if seating is not fixed
~~Cemetery/mausoleum~~	~~1 per 3 seats (highest occupancy)[1]~~
~~Community garden~~	~~5 per acre (on street parking credit)~~

Land Use	Minimum Required Parking Spaces
Indoor amusement/entertainment facility	4 per 1,000 square feet
~~Indoor fitness and sports facility~~	~~3.5 per 1,000 square feet~~
Library~~/museum~~	3.5 per 1,000 square feet
Outdoor commercial recreation (not including stadiums)	4 per acre ~~(based on~~of active recreation area ~~only)~~
~~Park/public plaza (5 acres or less)~~	~~No minimum[2]~~
~~Park/public plaza (greater than 5 acres)~~	~~4 per acre (based on active recreation area only, on street parking credit)[2]~~
School, ~~academic~~ elementary or middle -ï public, private ~~and~~ or charter	~~1 per employee or 1 per 3 seats in largest assembly space (at highest occupancy)[1]~~2 per classroom
School, ~~academic - public~~high ï public or private	~~1 per employee plus 1 per 3 seats in largest assembly space (at highest occupancy)[1]~~9 per classroom
School, colleges and universities -ï public and private	Parking study required
~~School, colleges and universities - public~~	~~Parking study required~~
~~School, equipment/machinery/ vehicle training~~	~~1 per 200 square feet (classroom or other~~

Land Use	Minimum Required Parking Spaces
	~~teaching areas)~~
School, specialized education and training~~/studio~~	~~1~~ 5 per ~~200~~ 1000 square feet of ~~(~~classroom or ~~other~~ teaching area~~s)~~
~~Theater/auditorium~~	~~1 per 3 seats[1]~~
Utility, transportation, public facility, and communication uses:	
Airport, heliport, transit station, or transit terminal	Parking study required
Ambulance service	3.5 per 1,000 square feet
Broadcasting and recording studio	3.5 per 1,000 square feet
Fuel storage and distribution	3.5 per 1,000 square feet
~~Heliport~~	~~1 per landing pad~~
Public safety facility	~~3.5 per 1,000 (occupied areas only)~~ Parking study required
Telecommunication or utility infrastructure facility	0.5 per ~~1~~ employee (minimum 1 space)
~~Transit station/terminal~~	~~Parking study required~~
~~Utility facility and infrastructure~~	~~0.5 per 1 employee~~

Land Use	Minimum Required Parking Spaces
Retail, service, and office uses:	
~~Adult day healthcare facility~~	~~None beyond multi-family dwelling requirement~~
~~Alcoholic beverage sales~~	~~4 per 1,000 square feet~~
~~Art, antique, collectible~~	~~4 per 1,000 square feet~~
Animal sales, grooming, kennel, or veterinary facility	3.5 per 1,000 square feet
Bank, financial service, check cashing, or business support service~~Artisan shop~~	3.5 per 1,000 square feet ~~4 per 1,000 square feet~~
~~Banks and financial services~~	~~3.5 per 1,000 square feet~~
~~Bar/nightclub~~	~~5 per 1,000 square feet~~
Building materials yard, garden center, or plant nursery~~Bed and breakfast inn~~	1 per 1,000 square feet ~~1 per room~~
~~Building materials store/yard~~	~~1 per 1,000 square feet~~
~~Business support services~~	~~3.5 per 1,000 square feet~~
Call center	6 per 1,000 square feet
~~Card room~~	~~4 per 1,000 square feet~~

Land Use		Minimum Required Parking Spaces
	Daycare facility, commercial ï child or adult ~~Check cashing business~~	3.5 per 1,000 square feet ~~4.5 per 1,000 square feet~~
	~~Child daycare facility - child daycare center~~	~~3.5 per 1,000 square feet~~
	~~Consignment store~~	~~4 per 1,000 square feet~~
	~~Convenience store~~	~~4 per 1,000 square feet~~
	~~Crematory~~	~~4 per 1,000 square feet (occupied space only)~~
	Equipment sales and rental ~~Drive-in and drive-through sales and service~~	3.5 per 1,000 square feet ~~1 addition per lane~~[3]
	~~Equipment sales and rental~~	~~4 per 1,000 square feet~~
	~~Garden center/plant nursery~~	~~1.5 per 1,000 square feet~~
	~~Grocery store/supermarket~~	~~4 per 1,000 square feet~~
	Furniture store, consignment store, or similar store with bulky items	2.5 per 1,000 square feet
	Healthcare facility, massage therapy, medical office or clinic	4 per 1,000 square feet
	Hospital	Parking study required
	Maintenance or repair shop - small equipment ~~Hotel and motel~~	2.5 per 1,000 square feet ~~1 per room~~

Land Use		Minimum Required Parking Spaces
	~~Maintenance and repair of small equipment~~	~~3.5 per 1,000 square feet~~
	~~Massage therapy~~	~~4 per 1,000 square feet~~
	~~Medical services, extended care~~	~~1 per 3 beds~~
	~~Medical services, general~~	~~4 per 1,000 square feet~~
	~~Medical services, hospital~~	~~2 per bed plus 2 per 1,000 square feet (support areas)~~
	~~Mortuary/funeral home~~	~~1 per 3 seats in assembly area~~
	~~Neighborhood market~~	~~3 per 1,000 square feet~~
	Office ï business or professional~~Office, accessory~~	4 per 1,000 square feet ~~3 per 1,000 square feet~~
	~~Office, business and professional~~	~~3 per 1,000 square feet~~
	Personal service - barber shop, beauty shop, health spa, indoor fitness, gym, laundry, or tattoo parlor ~~Pawnshop~~	3.5 per 1,000 square feet ~~4 per 1,000 square feet~~
	Restaurant, fast-food, bar, or nightclub ~~Personal services~~	5 per 1,000 square feet ~~4 per 1,000 square feet~~
	Retail store ï general retail, alcoholic beverage sales, convenience store, grocery store, supermarket, antique store, pawnshop, thrift store, stand-alone big box store~~Restaurant~~	3.5 per 1,000 square feet ~~5 per 1,000 square feet~~

Land Use	Minimum Required Parking Spaces
~~Retail, accessory~~	~~4 per 1,000 square feet~~
~~Retail, general~~	~~4 per 1,000 square feet~~
Semipermanent mobile food vehicle ~~Retail, warehouse club~~	8 per vehicle ~~3.5 per 1,000 square feet~~
~~Semipermanent mobile food vehicle~~	~~8 per vehicle~~
Shopping Center with mix of retail, restaurant, and/or office uses ~~Sexually oriented business~~	4.25 per 1,000 square feet ~~See similar use (e.g., bar, retail)~~
~~Smoke shop~~	~~4 per 1,000 square feet~~
~~Tattoo parlor~~	~~4 per 1,000 square feet~~
~~Thrift store~~	~~4 per 1,000 square feet~~
Automobile and vehicle uses: ~~**Automobile and vehicle uses:**~~	
Auto and vehicle sales or rental, service, storage, or parts sales	3.5 per 1,000 square feet of sales and office area
~~Auto and vehicle rental~~	~~3.5 per 1,000 square feet~~
~~Auto and vehicle sales~~	~~3.5 per 1,000 square feet (sales/office area)~~
~~Auto and vehicle sales, wholesale~~	~~3.5 per 1,000 square feet~~

Land Use	Minimum Required Parking Spaces
~~Auto and vehicle storage~~	~~3.5 per 1,000 square feet~~
~~Auto parts sales~~	~~4 per 1,000 square feet~~
Car washing or detailing ~~Auto vehicle dismantling~~	2 per 1,000 square feet ~~1.5 per 1,000 square feet~~
Fueling station ~~Car washing and detailing~~	None additional beyond affiliated uses, i.e. auto service or convenience store ~~4 space minimum plus 2 per bay~~
~~Fueling station~~	~~1 per 2 employees~~
~~Vehicle services - major~~	~~1 per 2,000 square feet~~
~~Vehicle services - minor~~	~~1 per 2,000 square feet~~
Industrial, manufacturing, and processing uses:	
Agricultural products processing	2 per 1,000 square feet
Manufacturing facility ~~Freight yard/truck terminal~~	1.5 per 1,000 square feet ~~3.5 per 1,000 square feet (occupied space only)~~
~~Manufacturing, major~~	~~2 per 1,000 square feet~~
~~Manufacturing, minor~~	~~2 per 1,000 square feet~~
Printing and publishing ~~Manufacturing, small scale~~	1.5 per 1,000 square feet ~~2.5 per 1,000~~

Land Use	Minimum Required Parking Spaces
	square feet
Recycling facility ï collection, processing, etc. Printing and publishing	1 per 2 employees 2 per 1,000 square feet
Recycling facility - collection	1 per 2 employees
Recycling facility - processing	1 per 2 employees
Research and development facilityRecycling facility - scrap and dismantling	3.5 per 1,000 square feet 1 per 2 employees
Storage, personal storage facility Research and development	2 per 1,000 square feet of office space, plus 1 per caretaker dwelling3.5 per 1,000 square feet
Storage yard, freight yard, truck terminal, warehouse, or wholesale distributionStorage, personal storage facility	4 per 1,000 square feet of office space2 per 1,000 square feet plus office space at 3.5 per 1,000 square feet
Any Non-residential use in the DMX-1, DMX-2, or DMX-3 zoning district (not withstanding other above ratios)	
New building or development of more than 1,000 square feet of building space	4 per 1,000 square feet; may be waived by paying in-lieu fee
Existing building or use; change in or remodel that adds less than 1,000 square feet to building	No additional parking required
Storage, warehouse	1 per 1,000 square feet plus office space at 3.5 per 1,000 square feet

Land Use		Minimum Required Parking Spaces
	~~Storage, yard~~	~~3.5 per 1,000 square feet occupied space only~~
	~~Wholesaling and distribution~~	~~1 per 1,000 square feet~~

~~Notes:~~
~~1. If seating is not identified or if seating is not fixed, parking shall be based on a ratio of 3 spaces per 1,000 square feet. 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 footage.~~
~~2. On street parking spaces adjacent to park property may be credited toward parking requirements.~~
~~3. Parking based on primary use (e.g., restaurant, bank) plus additional parking based on a ratio of additional employees per drive-through lane.~~

F. Reductions and Exceptions To Minimum Parking Requirements: The following are exceptions or reductions to the minimum parking requirements established in table 9-5E-4-A1, "Required Minimum Parking Ratios", of this section that are available:

1. Parking District Waiver: Minimum off street parking requirements may be waived for properties that have access to public parking facilities. The waiver may be granted by the planning director.

2. Parking Reduction: Parking may be reduced by the designated approval authority according to the following provisions. A combination of the following programs may be utilized; however, the total parking reduction shall not exceed twenty percent (20%) of required parking.

a. Reduction For Special Motor Vehicles: Up to twenty percent (20%) of the off street parking may be provided by smaller parking spaces for special or alternative motor vehicles (e.g., golf carts, motorcycles, motorized scooters).

b. Reduction For Secure Bicycle Parking: Developments which provide additional secure bicycle parking facilities over and above the minimum requirement of this article may reduce their parking requirement by one vehicle space for every two (2) additional bicycle spaces provided.

c. Reduction For Parking Near Major Transit Stops (E.G., Train Stations, Significant Bus Facilities): Parking requirements may be reduced by ten percent (10%) when within one-fourth ($^1/_4$) mile of a major transit stop.

d. Reduction For Existing Uses To Enable Property Enhancements: Parking requirements for existing nonresidential development may be reduced by up to ten percent (10%) if any of the following are completed:

(1) Landscaping;

(2) On site pedestrian plazas, seating areas, shelters, bicycle racks, and/or walkways; and/or

(3) Comprehensive architectural update to existing structures.

e. Shower/Locker Facilities: Developments with one hundred (100) or more employees may reduce their parking requirement by providing shower and clothing locker facilities for bicycle commuting employees. The maximum reduction allowed is five percent (5%) of required parking.

f. Preferred Carpool/Vanpool Parking Spaces: Office or industrial developments that guarantee preferred parking spaces (e.g., covered, shaded, or near building entrance) to employees who participate regularly in a carpool or vanpool may reduce their parking requirement by one vehicle space for every one space that is marked and reserved for carpools/vanpools at a preferred location. The maximum reduction allowed is five percent (5%) of required parking.

g. Electric Vehicle Charging Station: Mixed use, commercial, office, and industrial developments that provide parking spaces reserved for electric vehicles and provide electric vehicle charging stations at those spaces may reduce their parking requirement by one vehicle space for every one space that is provided for electric vehicle charging. The maximum reduction allowed is five percent (5%) of required parking.

3. Joint Vehicle Parking Lot Or Structure: Required parking for two (2) or more freestanding uses on adjacent or nearby sites may be satisfied by the use of a joint vehicle parking facility to the extent that it can be shown by the owners or operators that the demand for parking in the joint facility does not materially overlay (e.g., uses primarily of a daytime versus a nighttime or weekday versus weekend nature) and provided that such right of joint use is evidenced by a deed, parking easement, lease, contract, or similar written instrument upholding such joint use. In this situation, the size of the joint parking lot shall be at least as large as the number of vehicle parking spaces required by the largest user. (Ord. 2013-___, __-__-2013)

9-5E-5: DESIGN AND DEVELOPMENT STANDARDS FOR OFF STREET PARKING AREAS:

A. General: All vehicular parking spaces shall be on the same lot as the main structure they serve, on an abutting lot, or within one thousand feet (1,000') of the building, subject to the following requirements:

1. There is a safe, direct, attractive, lighted, and convenient pedestrian route between the vehicle parking area and the use being served.

2. There is an assurance in the form of deed, parking easement, lease, contract, or other similar document that the required spaces will continue to be available for off street parking use according to the required standards.

B. Parking Lot Design:

Comment [s85]: Simplify parking lot design standards.

1. Surfacing and Striping: Areas used for parking and maneuvering of vehicles shall be paved with a minimum of two inch (2") asphalt, concrete, or equivalent surface. All parking areas shall be appropriately striped, marked, and signed.

2. Curb Cuts and Driveway Access Points/Locations: Street access points shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. New and modified c~~C~~urb cuts and driveway access points shall be designed as follows:

a. For multi-family, commercial, office, and industrial developments:

(1) A minimum of one hundred fifty feet (150') from the curb return.

(2) A minimum of one hundred fifty feet (150') between driveways.

(3) Lesser distances may be permitted upon review and approval of the city engineer.

(4) Proposed d~~D~~riveways across the street from each other ~~shall be aligned as close as possible. Where offset, the minimum distance required between the curb return of the driveways shall be one hundred fifty feet (150').~~that are offset less than one-hundred fifty (150) feet must be approved by the Public Works Director.

b. For single-family and duplex developments:

(1) A minimum of fifty feet (50') from the curb return.

(2) A minimum of five feet (5') between the driveway and property line.

c. The Public Works Director may approve exceptions to this section.

3. ~~Driveways/Driveway Approach Width and Grade: The minimum driveway width shall comply with public improvement and fire safety standards as follows:~~

~~a. For multi-family, commercial, office, and industrial developments:~~

~~(1) A minimum width of twenty four feet (24') for collector streets and thirty five feet (35') for arterial streets. A larger width of up to forty five feet (45') may be required by the city based upon the driveway vehicular volume, street geometrics, street vehicular volumes, or other characteristics of the area.~~

~~(2) A minimum throat depth of twenty feet (20') from the back of the sidewalk, clear of drive aisle or parking spaces. Greater distance for larger projects may be required dependent upon traffic loads.~~

~~(3) A slope between one percent (1%) and two percent (2%).~~

~~b. For single-family and duplex developments:~~

~~(1) A minimum width of ten feet (10') and a maximum width of twenty four feet (24'). Wider driveways may be approved on a case by case basis.~~

~~(2) A slope (where necessary) with a rise of no more than eight inches (8") above the back of sidewalk grade at a point seven feet (7') from the back of sidewalk.~~

~~4~~3. Back Out Parking: With the exception of duplexes and single-family residences, all parking areas shall be designed so that vehicles ~~are not permitted to back~~can exit without backing out of the parking area onto a public street.

~~5. Turnaround Areas: Parking spaces shall be provided with adequate drive aisles or turnaround areas so that all vehicles may enter the street in a forward manner.~~

~~6. Setback Restrictions for Parking Spaces and Drive Aisles: Parking areas including spaces, aisles, and turnaround and maneuvering areas shall not occupy the required setbacks. Driveways shall not occupy a yard setback or buffer except to pass through the yard in order to connect directly to a public street or as necessary for shared driveways and internal access between uses on abutting lots.~~

~~7. Cluster of Spaces: Clusters of auto spaces shall not exceed fifty (50) spaces. Auto parking clusters shall be separated by landscaping as provided in article D1, "Landscaping Standards", of this chapter or by buildings.~~

8. Connect Parking Lots: Auto parking areas shall be ~~designed~~ encouraged to connect with auto parking areas on adjacent sites to eliminate the necessity of utilizing the public right of way for cross movements. Joint or shared access, internal circulation, or parking is encouraged with adjacent uses.

9. Minimum Clearance: Driveways, aisles, turnaround areas, and ramps shall have a minimum vertical clearance of twelve feet (12') for the entire length and width, but such clearance may be reduced in parking structures.

10. Drainage: Adequate drainage shall be provided to dispose of the runoff generated by the impervious surface area of the parking area. Provision shall be made for the onsite collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights of way, and abutting private property. Design solutions may include, but are not limited to, the use of bioswales, low impact design (LID), and other designs that direct runoff into landscape areas.

11. Pedestrian Circulation/Walkways: Pedestrian circulation/walkways shall be designed to provide circulation through parking lots from public sidewalks to primary building entryways. Sidewalks shall be designed to ensure that vehicles that may overhang or intrude into the sidewalk system do not reduce the minimum required sidewalk width of four feet (4').

12. Screening: The periphery of all parking lots shall be screened from view from adjacent streets and adjacent residential areas with walls, landscaping, and landscaped berms (or a combination) to a minimum height of three feet (3'). Where provided, landscaping shall

be consistent with the standards of subsection 9-5D1-2E6, "Landscaping of Parking Lots", of this chapter.

13. Landscaping: Landscaping of parking lots shall be provided as required in subsection 9-5D1-2E6, "Landscaping of Parking Lots", of this chapter.

14. Lighting: See outdoor lighting standards in section 9-5A-6, "Outdoor Lighting", of this chapter.

C. Space and Aisle Standards For Surface Parking Lots:

1. General Space and Aisle Standards: All surface parking lots shall be designed in accordance with the minimum city standards for stalls and aisles as set forth in table 9-5E-5-C1, "Parking Space and Drive Aisle Dimensions", of this section and illustrated in figure 9-5E-5-C1, "Parking Space and Drive Aisle Dimensions", of this section.

2. Compact Car Spaces: Up to fifteen percent (15%) of the required number of parking spaces may be sized for compact cars. Compact car spaces shall comply with the following standards:

   a. Compact car parking spaces shall be clearly marked "compact cars only", "compact", or "c".

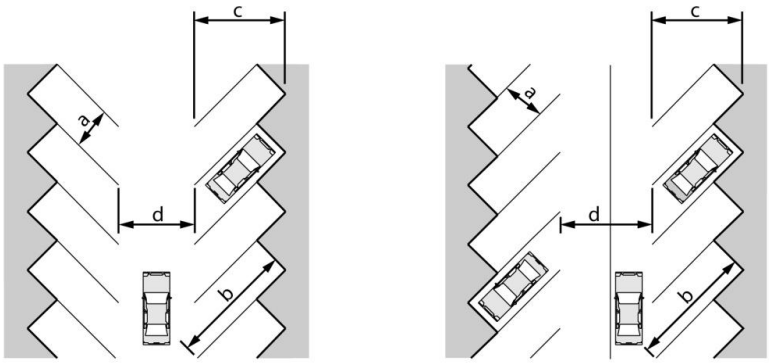
   b. ~~Compact car spaces shall be distributed throughout the parking lot~~No more than five (5) compact spaces shall be placed next to each other.

TABLE 9-5E-5-C1
PARKING SPACE AND DRIVE AISLE DIMENSIONS

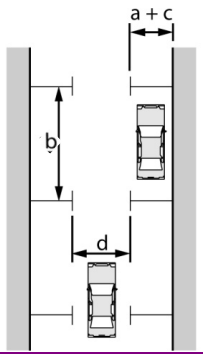
Stall Type	Minimum Space ~~And~~and Aisle Dimensions				
	A Stall Width	B Stall Length	C Stall Depth (Aisle To Curb)	D Drive Aisle Width	
				One-Way	Two-Way
Parallel	9'	20'	~~24'~~ Not applicable	12'	24'
45°	9'	20'	20'	14'	24'

60°	9'	20'	21.5'	18'	24'
90°	9'	20'	20'	20'	24'
Compact stalls, all angles	8'	16'	-	Same as standard stalls per stall type	

FIGURE 9-5E-5-C1
PARKING SPACE AND DRIVE AISLE DIMENSIONS



One-Way Aisle Two-Way Aisle



~~Key:~~		

~~a = Stall width~~	~~c = Stall depth~~
~~b = Stall length~~	~~d = Drive aisle width~~

D. Standards For Off Street Parking For Private Residences: Off street parking and driveways for detached dwellings, manufactured homes, single-family attached dwellings, and two-unit attached dwellings shall meet the following requirements:

1. In single-family and two-family dwellings, one space of the required parking per unit must be covered (e.g., garage, carport).

2. All motor vehicles, including vehicles, trailers, or vessels which are inoperable or incapable of movement under their own power and/or without current registration shall be stored entirely within an ~~enclosed~~ covered structure and shall not be parked or stored in any required front yard within a residential zoning district or neighborhood.

3. Each parking space shall be at least eight and one-half feet (81/2') wide by eighteen feet (18') deep.

4. The minimum driveway width shall be ten feet (10').

5. Tandem (end to end) parking is allowed to meet the minimum off street parking requirements.

~~6. Required parking may be provided in the rear yard only when an alley is available for access.~~

~~7~~6. Parking may be provided within the front and street side yard setback, as follows:

a. Vehicle parking (including driveways) in residential areas shall be provided on permanent paved surfaces.

~~b. Parking areas shall not exceed the maximum impervious surface allowed on a parcel.~~

~~c. Parking may not occur within any required clear visibility area on a corner lot~~.

8. All vehicles are required to be parked on a paved surface. Driveways and driveway approaches shall be paved.

~~9. Parking of RVs, trailers, and vessels shall conform with the following additional regulations:~~

~~a. Parking on a hard surface such as concrete, asphalt, or similar durable material is required.~~

~~b. Parking within the clear visibility area is prohibited.~~ ~~(Ord. 2012-01, 4-17-2012)~~(Ord. 2013-___, __-__-2013)

9-5E-6: OFF STREET LOADING REQUIREMENTS:

A. Purpose of Loading Area Requirements: The purpose of these regulations is to provide the number, size, location, and screening requirements for loading areas in mixed use, commercial, and industrial uses. The intent of these regulations is to minimize disruptions of traffic flow by freight carrying vehicles blocking the public right of way and to minimize impacts to vehicular and pedestrian conflicts.

B. When Loading Regulations Apply: This regulation applies to all nonresidential development in mixed use, commercial and industrial districts, whether or not a permit or other approval is required for the development. Buildings smaller than twenty thousand (20,000) square feet in size are exempt from the requirements of this section.

C. General Loading Area Requirements: The number of required loading spaces is based on the use of the building and the building size, minus any residential component square footage, as described in table 9-5E-6-C1, "Required Minimum Loading Spaces", of this section. Where two (2) or more uses are located on the same premises, the number of loading area spaces required is the sum of the spaces required for each use.

TABLE 9-5E-6-C1
REQUIRED MINIMUM LOADING SPACES

Land Use	Loading Spaces Required
Industrial uses	1 per each 20,000 square feet or fraction thereof
Commercial, office, and all other uses	1 per each 35,000 square feet or fraction thereof

D. Off Street Loading Standards:

1. Dimensions: Loading spaces shall be not less than ten feet (10') in width and twenty five feet (25') in length, with fourteen feet (14') of vertical clearance.

2. Setback and Landscaping: Loading areas must comply with the setback and perimeter landscaping and screening standards. When parking areas are prohibited or not allowed between a building and a street, loading areas are also not allowed.

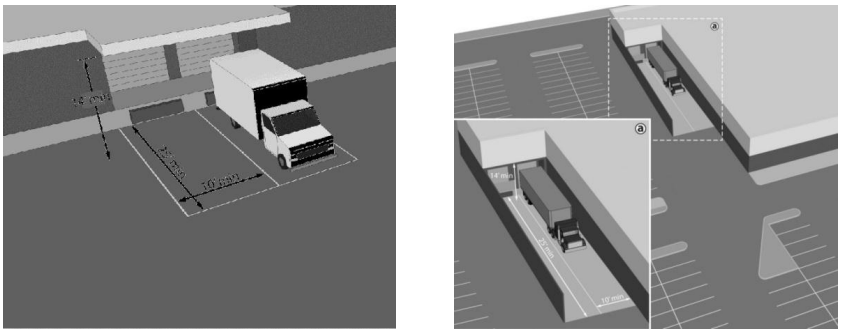
3. Maintenance: The provision for maintenance of off street loading facilities is a continuing obligation of the property owner.

4. Loading and Maneuvering Areas: Loading and maneuvering areas shall be hard surfaced unless a permeable surface is required to reduce surface runoff, as determined by the city.

5. Passenger Vehicle Parking: Parking of passenger vehicles may be allowed in off street loading areas subject to specific time limits to prevent conflicts with off street loading

activities. If parking is allowed, the parking time limits shall be clearly posted. These parking spaces shall not count toward meeting the general parking requirements.

FIGURE 9-5E-6-C1
TYPICAL LOADING AREA - BACK IN AND SIDE LOAD



E. Location of Required Loading Facilities:

1. The off street loading facilities, regardless of the development type, shall be on the same lot or parcel of land as the structure they are intended to serve.

2. The off street loading facilities shall be designed and located so that loading vehicles are not parked in required setbacks, driveways, or required parking spaces during loading activities.

3. No loading space shall be located so that a vehicle using such loading space projects into any public street.

4. Loading spaces shall be provided with access to an alley when alley access is available.

5. Bays and doors shall be located in a manner that would preclude any possibility for trucks to back into bays from arterial streets. (Ord. 2013-___, __-__-2013)

9-5E-7: BICYCLE PARKING REQUIREMENTS:

Comment [s86]: Remove and point to the building code.

A. Applicability: Bicycle parking facilities in parking lots shall be provided for nonresidential and multi-family uses as provided in this section. Bicycle parking facilities shall comply with the California Building Code. ~~The following uses are exempt from bicycle parking requirements:~~

~~1. Residential uses other than multi-family residential;~~

~~2. Home occupations;~~

~~3. Agricultural uses;~~

~~4. Ministorage facilities; and~~

~~5. Temporary uses.~~

B. Required Number of Bicycle Parking Spaces: Unless otherwise noted, bicycle parking shall be provided at a ratio equivalent to ten percent (10%) of the total vehicular parking provided, or no less than two (2) spaces, whichever is greaterper the building code requirements.

C. Rental or Lease of Spaces Not Permitted: Bicycle parking spaces required by this section may not be rented or leased.

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

1. Use: Areas set aside for required bicycle parking must be clearly reserved for bicycle parking only.

2. Location:

a. Outdoor bicycle parking shall be located within fifty feet (50') from the primary building entrance.

b. Bicycle parking must be visible from within on site buildings or the street.

c. Bicycle parking may be located within a building if access is readily available from an outdoor entrance.

d. Bicycle parking is prohibited within one hundred feet (100') of a trash or recycling enclosure.

3. Rack Design: Bike rack shall be of such design as to hold the bicycle frame (not just the wheel), accommodate a U-shape shackle lock, a wide range of cycle sizes, wheel sizes, and types, and covered with a protective powder-coated paint material to avoid damaging the bicycle in a complementary color to the adjacent building.

4. Amenities: Bicycle parking areas are encouraged to include a bench, water fountain, and/or other amenities.

54. Pedestrian Conflicts: Bicycle parking and bicycle racks shall be located to avoid conflicts with pedestrian movement and accessibility requirements.

6. Sheltered Spaces Required: Bicycle parking spaces are encouraged to be sheltered from precipitation. Sheltering may be achieved by, but is not limited to, roof extensions, overhangs, awnings, arcades, carports, roofed enclosures, lockers, or indoor bicycle rooms.

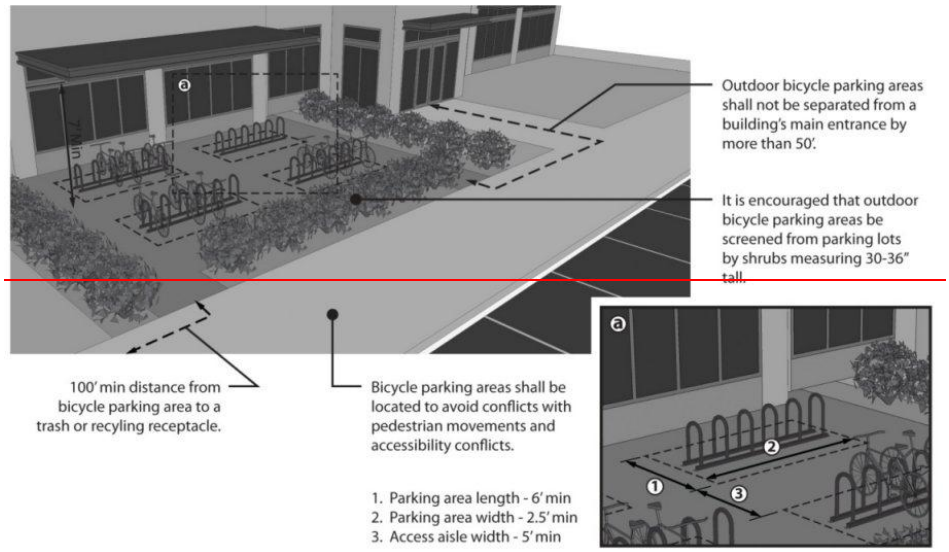
7. Security: Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (e.g., rack) upon which the bicycle can be locked. Bicycle parking racks, shelters, or lockers must be securely anchored to the ground or to a structure. Bicycle racks must hold bicycles securely by the means of the frame. The frame must be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels.

8. Minimum Dimensions: Bicycle parking shall be at least two and one-half feet (21/2') wide by six feet (6') long and, when covered, provide a minimum vertical clearance of seven feet (7').

~~An access aisle of at least five feet (5') wide shall be provided and maintained beside or between each row of bicycle parking. Each required bicycle space must be accessible without moving another bicycle.~~

~~95. Paving: Paving and surfacing of bicycle parking areas shall be surfaced with hard surfacing of at least two inches (2") minimum (i.e., pavers, asphalt, concrete, or similar material). This surface must be designed to maintain a well drained condition.~~

~~FIGURE 9-5E-7-C1~~
~~BICYCLE PARKING AREA DESIGN REQUIREMENTS~~



~~(Ord. 2012-01, 4-17-2012)~~(Ord. 2013-___, __-__-2013)

ARTICLE F. SIGNAGE

Comment [SB87]: Tthe Sign Code's standards appear to be okay. However, the current version of the chapter is difficult to read and find the specific requirement being looked for. The code has been reorganized while only making minor changes to the requirements.

9-5F-1: PURPOSE AND SIGN DEFINITIONS:
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 AND SIGN DEFINITIONS:

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. 2013-___, __-__-2013)

B. The following definitions shall apply to this title:

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.

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.

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.

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).

BILLBOARD: A permanent structure sign which is used for the display of offsite 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.

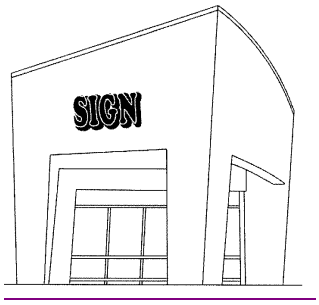
BUILDING-ATTACHED SIGN: A sign placed on a wall, awning, canopy, parapet, or a blade bracket. Also see wall sign, canopy sign, window sign, or projecting sign.

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



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

DIRECTIONAL SIGN: An onsite 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.

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

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.

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.

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.

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.

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

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.

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.

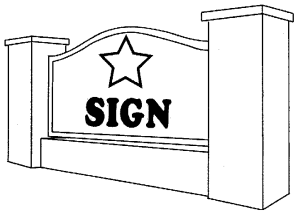
MARQUEE OR CHANGEABLE COPY SIGN: A sign, or portion thereof, with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or surface of the sign. A sign on which the message or characters change more than twelve (12) times per day shall be considered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

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

MENU/ORDER BOARD SIGN: A sign installed in a drive-through facility and oriented so as to be visible primarily by drive-through customers.

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.

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.

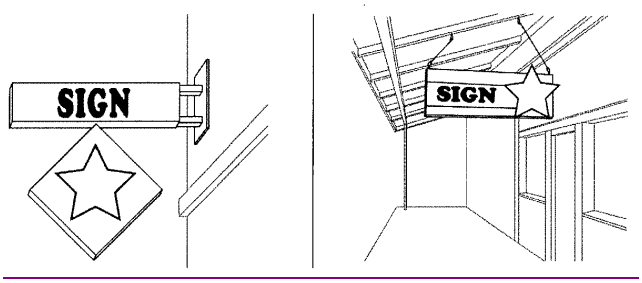
POLE SIGN: An onsite freestanding sign, supported by a sign structure from the ground which identifies businesses located on the same parcel or in the same development on which the sign is located. Pole signs are supported by one or more metal or wood posts, pipes, or other vertical supports. When the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

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

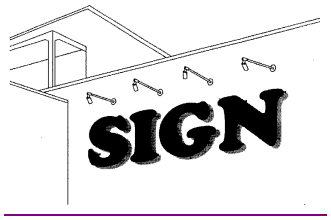
PROJECTING SIGN: A sign that projects perpendicular from a structure (bracket sign) or is hung beneath a canopy (blade sign).

FIGURE 9-12-2-11
PROJECTING SIGNS



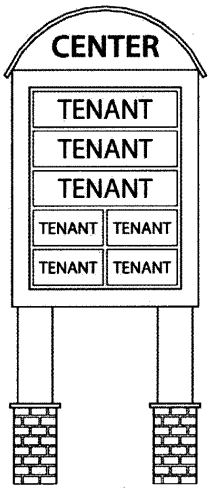
PUSHPIN LETTER SIGN: A sign comprising individual letters that are independently mounted to a wall or other surface. Such sign may be illuminated by an external light source, such as pendant lighting. The "airspace" between the letters is not part of the sign structure but rather the building facade.

FIGURE 9-12-2-12
PUSHPIN LETTER SIGN



PYLON SIGN: An onsite 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.

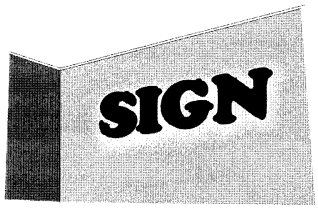
FIGURE 9-12-2-13
PYLON SIGN



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

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



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.

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.

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.

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.

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

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 offsite 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.

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 a (building-attached, ~~or~~ freestanding, and highway-oriented) 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~~establish a shared sign design or theme that to which all future tenants must adhere. 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~~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~~B. 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 offsite commercial message in the place of an onsite commercial or noncommercial message.

4. Onsite/Offsite 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.

C. 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 city[1]. 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 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 (31/2') 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.

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

~~F~~E. 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.

F. 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 planning director shall send a notice stating that~~,~~ the sign shall be removed.

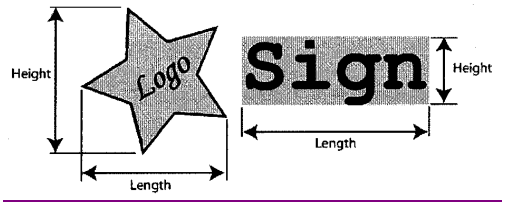
3. Abandoned signs that are not maintained or removed consistent with the requirements of this section may be abated by the city and reimbursed by the property owner. (Ord. 2013-___, __-__-2013)

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

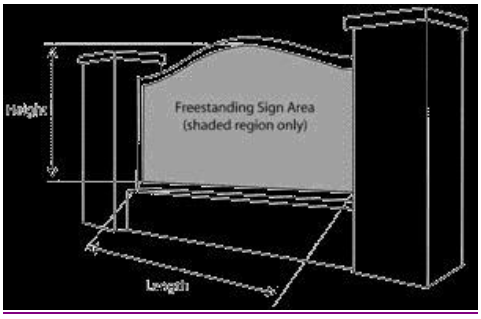


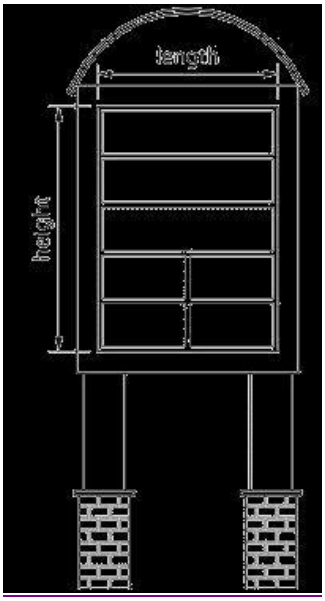
1. Awning or Canopy Signs: Sign copy which is applied to an awning or canopy shall be computed at one hundred percent (100%) of the area within a single rectangle enveloping the sign copy.

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.

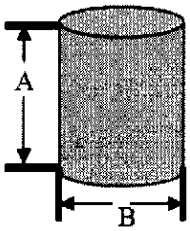
FIGURE 9-5F-3-A2
FREESTANDING SIGN AREA





3. Three-Dimensional Objects: Where a sign consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculptures, or statue-like 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~~of Three-Dimensional Objects", of this section.

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



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 onsite 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.~~This section shall not be used to deny a site the placement of a freestanding sign.

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. 2013-___, __-__-2013)

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~~1. 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.~~

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 Onsite 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 considered wall signs for signage area calculation purposes. The following requirements shall apply:

a. 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~~.

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.

c. Awning signs shall only be allowed for first and second story occupancies.

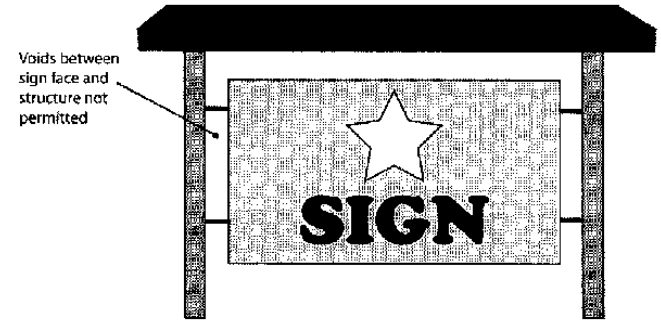
d. Awnings shall not be lighted from under the awning (backlit) so that the awning appears internally illuminated. Lighting directed downward that does not illuminate the awning is allowed.

3. Marquee or Changeable Copy Sign: These types of signs shall be considered to be the same as any other type of sign and shall be regulated based on their location; i.e., if located on a wall, they shall be deemed wall signs. There shall be at least seven feet (7') of clearance between the bottom of the sign and the sidewalk immediately below the sign. No such sign shall project over the public right of way closer than five feet (5') to the curb line of a street or have a sign area exceeding one hundred (100) square feet. Electric (digital) changeable copy signs shall not change message more than one time every seven (7) seconds and intensity shall be adjusted between day and night hours to not be a safety hazard.

4. Freestanding Signs: Freestanding signs, including monument and pylon signs, shall only be permitted as follows:

a. In an effort to promote full architectural integration of signs, voids between the sign face and the sign structure are prohibited. Either the sign face shall utilize the full width of the sign structure or coverings that are architecturally consistent with the rest of the sign shall be used to fill any voids. Monument and pylon signs, as defined in this title, are the preferred sign type for freestanding signs.

FIGURE 9-5F-4-B1
FREESTANDING SIGN WITH VOIDS



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~~b. Materials and design for freestanding signs shall be complementary to the materials and design of the buildings for the related development. For example, if the facade of the building is made of brick or brick veneer, a complementary freestanding sign would also include brick.~~

~~c. Landscaping shall be provided at the base of the sign equal to the area of the sign. Landscaping shall be complementary to and designed in concert with the landscaping for the overall site. The design of the landscaping shall be such that natural growth will not obscure the sign from the public right of way but will deter vandal access to the sign.~~

d. Freestanding signs may only be constructed as follows:

(1) For sites with less than three hundred feet (300') of street frontage, a monument sign is permitted consistent with the requirements of this article.

(2) For sites with three hundred feet (300') or more of street frontage, a monument or pylon sign is permitted. Multiple adjoining properties that individually do not have at least three hundred feet (300') for frontage may establish a joint use easement to allow sharing of one sign. Such combination shall first require the approval of a sign program for all properties.

5. Projecting Signs: Projecting signs, including, but not limited to, blade signs, bracket signs, and marquee signs, shall be considered wall signs for the purposes of sign area calculations. Projecting signs shall only be permitted as follows:

a. Location: Projecting signs shall be placed only on ground floor facades, except for businesses located above the ground level with direct exterior pedestrian access.

b. Angle of Projection: Projecting signs shall either be located at right angles to the building front along the building facade, or, when located on the corner of a building, at a forty five degree (45°) angle to the corner of the building.

c. Height: The lowest point of a blade or bracket sign shall be a minimum of six feet eight inches (6'8") above grade.

d. Projection: The sign may project a maximum of five and one-half feet (51/2') from the building.

~~e. Suspension: The sign shall be suspended with a clear space of at least six inches (6") between the sign and the building.~~

~~f~~e. Sign Structure: Sign supports and brackets shall be compatible with the design and scale of the sign.

~~g. Spacing: Projecting signs shall be spaced to maximize the visibility of signage.~~

6. Wall Signs:

a. Wall signs shall be compatible with the predominant visual architectural elements of the building facade.

b. Wall signs shall not project more than fourteen inches (14") from the building facade.

c. Wall sign raceways shall be concealed from public view (e.g., within the building wall or otherwise integrated with the design of the sign and building) so as to not detract from the architectural character of the building.

d. Channel letters, reverse channel letters, and pushpin letters are preferred. As described in subsection 9-5F-2E, "Prohibited Signs", of this article, can signs are prohibited.

e. Signage containing multiple elements (e.g., logo and text) on one facade shall be designed so that the multiple elements are located and scaled with relationship to each other and the building they are attached to.

7. Temporary Sign: In addition to the standards of section 9-5F-6, "Standards For Temporary Onsite Signs", of this article, no temporary sign shall be day-glo or fluorescent in color.

8. Window Sign:

a. Window signs shall not take up more than twenty five percent (25%) of the total window area of the establishment.

b. Window signs shall not count toward the overall allowed permanent signage allowed for an establishment but the message may be changed out on a regular basis similar to a temporary sign.

C. Design Standards for Specific Sign Types in the Downtown Mixed Use Zone Districts: 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 located in the Downtown Mixed Use Zone Districts:

a. Awning Sign:

(1) 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.

(2) Logos, symbols, and graphics are allowed on the shed (slope) portion of an awning, not exceeding nine (9) square feet.

(3) Awning signs are only permitted on first and second story occupancies.

(4) Awnings may be illuminated through spot lighting (e.g., pendants) directed at the face of the awning.

b. Bracket Sign, Marquee Sign, and Projecting Sign:

(1) These signs shall not be longer than eight feet (8') and shall not be taller than four feet (4').

(2) These signs shall maintain a minimum vertical clear space to sidewalk of eight feet (8').

(3) 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.

(4) 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.

(5) 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.

c. Channel Letter, Pushpin, Reverse Channel Letter, and Wall Sign:

(1) These signs shall not extend above an eave or parapet. When located along a fascia, they shall not extend beyond the vertical distance of the fascia.

(2) These signs shall be placed flat against the wall and shall not project from the wall more than required for normal construction purposes and in no case more than twelve inches (12"). The designated approving authority may modify this requirement in special circumstances where a projection greater than twelve inches (12") may be desirable to allow the creation of an especially creative and unique sign design.

(3) These signs shall be located within the middle seventy percent (70%) of the building or occupancy frontage.

(4) These signs shall not cover or obstruct any portion of a window or architectural element.

(5) These signs may be internally or externally illuminated; however, internally illuminated signs shall have opaque face panels so that only the letters, logos, numbers, or symbols appear illuminated.

d. Portable Sign:

(1) One portable sign shall be permitted per establishment. In the case of multiple establishments having a common entrance, only one portable sign shall be permitted per entrance. Examples include, but are not limited to, mall buildings.

(2) The maximum size for portable signs shall be eight (8) square feet. The maximum height allowed shall be four feet (4').

(3) Portable signs shall be made of long lasting, durable materials such as wood and metal. Portable signs shall not be made of cardboard or poster board.

e. Window Sign: A window sign shall not make up more than twenty five percent (25%) of the window area.

f. Signs using neon light: Neon light may be used, provided the sign is compatible with the design character of the building. (Ord. 2013-___, __-__-2013)

9-5F-5: STANDARDS FOR PERMANENT ONSITE SIGNS:

The standards of this section provide the regulations for onsite signs on private property, including height, size, placement, and illumination. Regulations are listed based upon zoning district and sign type.

A. Format and Organization of Standards: The signage standards listed below are summarized, where applicable, in table format for ease of use and organization. Concepts described in these tables are as follows:

1. Collective Sign Area: The total sign area allowed herein for each sign type may be distributed among the maximum number of signs permitted for that sign type. ~~For example, the total allowed area for wall signs for a particular establishment may be distributed among the maximum number of wall signs allowed for that same establishment.~~

2. Cumulative Sign Area Allowance: Allowable sign area is either a set square footage per establishment or is based on a ratio of allowable sign area to primary building frontage (i.e., 1 square foot of sign per 1 linear foot of primary building frontage, or 1 sf/1 lf). Where a ratio is described, it applies to the maximum sign area listed in table 9-5F-5-B1, "Signage Standards For Permanent Onsite Signs By Zoning District", of this section. The sign area allowed for permanent on site signs shall be independent of the area allowed for temporary signs as provided in section 9-5F-6, "Standards For Temporary Onsite Signs", of this article.

B. General Standards: Except as provided in subsections C, "Menu/Order Board Signs For ~~Drive-In And~~ Drive-Through Uses" and D, "Highway Oriented Signs", of this section, permanent on site signs shall be consistent with the standards listed in table 9-5F-5-B1 of this section as listed by base zoning district. The types of signs permitted in each district are specified in table 9-5F-5-B2, "Allowed Types of Permanent Onsite Signs By Zoning District", of this section. Only those signs specified in the tables shall be permitted.

TABLE 9-5F-5-B1
SIGNAGE STANDARDS FOR PERMANENT
ON SITE SIGNS BY ZONING DISTRICT

Sign Type			Development Standards		
			Maximum Number Permitted	**Maximum Area**	**Maximum Height**
	Residential and special purpose districts (AR, RVLD, RLD, RN, RLMD, RMD, RHD, W, AG, PR, CF):				
	Home occupations:				
		Building-attached sign[2]	1 sign per residence	2 square feet	Roofline
	Permanent subdivision identification signs:				
		Freestanding sign (monument or attached to a masonry wall)	1 per subdivision entrance	30 square feet each, 60 square feet total	10 feet
	Other nonresidential uses: ~~(those types allowed in table 9-5F-5-B2 of this section):~~				
		Building-attached sign[2]	1 per establishment	40 square feet	Roofline
		Freestanding sign	1 per site	40 square feet	4 feet

Sign Type			Development Standards		
			Maximum Number Permitted	Maximum Area	Maximum Height
Downtown mixed use districts (DMX-1, DMX-2, DMX-3):					
	Building-attached signs		No maximum	2 square foot/1 linear foot on primary frontage and 1.5 square feet/1 linear foot on secondary frontage; maximum 100 square feet per sign and 200 cumulative square feet per establishment	Roofline
Mixed use district (MU):					
	Building-attached signs ~~(those types allowed in table 9-5F-5-B2 of this section)~~[2]		No maximum ~~per establishment except as provided by sign type in table 9-5F-5-B2 of this section~~	1.5 square feet/1 linear foot collectively, maximum ~~100~~ 150 square feet[1]	Roofline
	Freestanding signs ~~(those types allowed in table 9-5F-5-B2 of this section:~~				
		A-frame sign	1 per establishment	8 square feet maximum	5 feet
		Freestanding sign	1 per project entrance	50 square feet per sign	4 feet

Sign Type			Development Standards		
			Maximum Number Permitted	Maximum Area	Maximum Height
Neighborhood commercial district (NC):					
	Building-attached signs ~~(those types allowed in table 9-5F-5-B2 of this section)~~[2]		No maximum ~~per establishment except as provided by sign type in table 9-5F-5-B2 of this section~~	2 square feet/1 linear foot collectively, maximum 200 square feet~~[1]~~	Roofline
	Freestanding signs ~~(those types allowed in table 9-5F-5-B2 of this section)~~		1 per site	50 square feet per sign	4 feet
Regional commercial district (RC):					
	Building-attached signs ~~(those types allowed in table 9-5F-5-B2 of this section)~~[2]		No maximum ~~per establishment except as provided by sign type in table 9-5F-5-B2 of this section~~	2.5 square feet/1 linear foot collectively, maximum 400 square feet~~[1]~~	Roofline
	Freestanding signs ~~(those types allowed in table 9-5F-5-B2 of this section)~~		1 per street frontage	100 square feet per sign	See standards by sign type in table 9-

Sign Type		Development Standards		
		Maximum Number Permitted	Maximum Area	Maximum Height
				5F-5-B2 of this section
Professional office district (PO):				
	Building-attached signs ~~(those types allowed in table 9-5F-5-B2 of this section)~~[2]	1 per establishment	40 square feet per sign	Roofline
	Freestanding signs ~~(those types allowed in table 9-5F-5-B2 of this section)~~	1 per street frontage	40 square feet per sign	10 feet
Industrial districts (ML, MH):				
	Building-attached signs ~~(those types allowed in table 9-5F-5-B2 of this section)~~[2]	1 per street frontage per establishment	1.5 square feet/1 linear foot collectively, maximum 400 square feet[1]	Roofline
	Freestanding signs ~~(those types allowed in table 9-5F-~~	1 per site	100 square feet per	See standards

Sign Type		Development Standards		
		Maximum Number Permitted	Maximum Area	Maximum Height
	~~5-B2 of this section)~~		sign	by sign type in table 9-5F-5-B2 of this section
~~Menu/order board signs for drive-in and drive-through uses in all districts~~	~~See subsection C, "Menu/Order Board Signs For Drive-In And Drive-Through Uses", of this section~~			
~~Highway oriented signs in all districts~~	~~See subsection D, "Highway Oriented Signs", of this section~~			

~~Notes:~~
~~1. Establishments with a secondary frontage along a public street or parking lot shall be allowed an additional 1.0 square foot/1 linear foot of secondary building frontage and an additional 50 square feet 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 10 percent of the height of the building.~~

TABLE 9-5F-5-B2
ALLOWED TYPES OF PERMANENT ON SITE SIGNS BY ZONING DISTRICT[1]

Sign Type	Zoning District	Max. Height

	Non-residential Uses In AR, RVLD, RLD, RN, RLMD, RMD, RHD, W, AG, PR, CF:	DMX-1	DMX-2	DMX-3	MU	NC	RC	PO	MLMH	
Building-attached[2,5]:										
Awning	A[3]	A	A	A	A[3]	A[3]	A[3]	N	N	Roofline
Can	N	N	N	N	N	N	N	N	N	Roofline
Channel letter	A[4]	A	A	A	A[4]	A[4]	A[4]	A[4]	A	Roofline
Marquee/ changeable copy sign (electric)	N	A	N	N	N	A[3,6]	A[3,6]	N	N	Roofline
Marquee/ changeable copy sign (nonelectric)	A[3]	A	N	N	A[3,6]	A[3,6]	A[3,6]	N	N	Roofline
Projecting	A[3]	A	A	A	A[3]	A[3]	A[3]	N	N	Roofline
Pushpin	A	A	A	A	A	A	A	A	A	Roofline
Reverse channel letter	A	A	N	N	A	A	A	A	A	Roofline
Vinyl	A	N	N	N	A	A	A	A	A	Roofline
Wall	A[4]	A	A	A	A[4]	A[4]	A[4]	A[4]	A[4]	Roofline

Sign Type	Zoning District									Max. Height
	Non-residential Uses In AR, RVLD, RLD, RN, RLMD, RMD, RHD, W, AG, PR, CF:	**DMX-1**	**DMX-2**	**DMX-3**	**MU**	**NC**	**RC**	**PO**	**MLMH**	
Window	A	A	A	A	A	A	A	A	A	Roofline
Freestanding[2]:										
Monument	A	A	A	A	A	A	A	A	A	4 feet
Pole	N	N	N	N	N	N	N	N	N	-
Pylon	N	N	N	N	N	A	A	N	A	Height of tallest building on site or 40 feet, whichever is less
With marquee/ changeable copy sign (nonelectric)	N	N	N	N	A[6]	A[6]	A[6]	N	N	Height of monument or pylon sign
~~With marquee/changeable copy sign (electric)~~	~~N~~				~~N~~	~~A[6]~~	~~A[6]~~	~~N~~	~~N~~	~~Height of monument or pylon sign~~

~~Notes:~~
~~1. An "A" means that the sign type is allowed; an "N" means that the sign type is not allowed.~~

~~2. Subject to area and height restrictions as provided in table 9-5F-5-B1 of this section.~~
~~3. Only 1 sign of this type is allowed per establishment.~~
~~4. No illumination shall be allowed if the sign is facing a residential use.~~
~~5. Other types of building-attached signs not listed in this table may be allowed if determined by the planning director to be consistent with the intent and provisions of the regulations of this article, are constructed of long lasting materials, and are compatible with the small town character of the city.~~
~~6. 1 marquee/changeable copy sign permitted per establishment, either building-attached or freestanding.~~

C. Menu/Order Board Signs For Drive-In And Drive-Through Uses: Each drive-in or drive-through use is permitted a maximum of sixty (60) square feet of menu/order board signage. The sign(s) shall not count as a sign for purposes of table 9-5F-5-B1, "Signage Standards For Permanent Onsite Signs By Zoning District", of this section, either in terms of number or cumulative area. The maximum height for a menu/order board sign shall be six (6) feet. ~~(6') and the maximum area allowed for each sign is fifty (50) square feet. No alterations or additions (e.g., rider signs) along the exterior of the menu/order board sign are permitted.~~

D. Highway Oriented Signs: Properties in the mixed use, neighborhood commercial, regional commercial, professional office, and industrial zoning districts and within one thousand (1,000) feet of State Highways 41 or 198 may, upon issuance of a highway oriented sign permit, establish a highway oriented sign consistent with the following provisions, in addition to other provisions of this article:

1. Permit Requirements: All highway oriented signs require the approval of a highway oriented sign permit prior to issuance of a building permit. The procedures for application, review, and decision of a highway oriented sign permit are as provided in section 9-2B-18, "Highway Oriented Sign Permit", of this title.

2. Number: One highway oriented sign shall be permitted per either:

a. Integrated developments, as defined in this title, consisting of six (6) or more tenants; or

b. Sites with a single tenant of fifty (50) acres or more.

3. Height: The maximum height of highway oriented signs shall be as follows:

a. For single-tenant signs, a ~~one and one half ($1^1/_2$) times the height of an adjacent building up to a~~ maximum of forty (40) feet;

b. For multi-tenant signs, a maximum of sixty (60) feet;

c. Additional height up to a maximum of eighty (80) feet may as part of the approval of the highway oriented sign permit, provided the designated approving authority makes the following additional findings:

(1) That the additional height is necessary to ensure safe viewing from the highway.

(2) That approval of the additional height will not be contrary to the specific intent of the signage regulations established in this article.

4. Location:

a. Spacing Between Signs: No highway oriented sign shall be located closer than eight hundred (800) feet from any other highway oriented sign. A lesser spacing distance may be allowed through approval of the highway oriented sign permit, provided the designated approving authority makes the following findings:

(1) The reduced distance between highway oriented signs will not cause a safety impact or create sign clutter contrary to a small town atmosphere.

b. Setbacks: All signs must be set back a minimum of ten (10) feet from the highway right of way or other distance as determined by Caltrans. All highway oriented signs must be distanced from any residential district by a minimum of two hundred (200) feet.

c. Visibility: Highway oriented signs shall not be located to inhibit pedestrian or vehicular visibility and more specifically shall not be located within the "clear visibility area" as defined in this title. Illuminated signs shall be directed away from any residentially designed land.

d. Additional Restrictions: See title 7, chapter 4, "Advertising Displays Adjacent To Freeways", of the municipal code for additional citing restrictions along landscaped freeways.

5. Area: Highway oriented signs shall comply with the following limitations on sign area:

a. Generally: The maximum allowed sign area for single tenant highway oriented signs shall be one hundred (100) square feet per side. For multi-tenant signs, the maximum sign area shall be six hundred (600) square feet per side with each tenant space limited to one hundred (100) square feet. Ancillary components of the sign, such as shopping center identification, shall not exceed twenty five percent (25%) of the total sign area and shall be excluded from the calculation of the sign area.

b. Cumulative Sign Area: The area of a highway oriented sign shall not be counted toward the cumulative maximum sign area of the underlying property.

6. Architecture: Highway oriented signs shall be designed as pylon signs. Pole signs are not permitted. Highway oriented signs shall be composed of materials and design that are aligned with the purpose of this chapter and the community design element of the general plan. Examples of exterior sign materials include, but are not limited to, stucco, brick, wood panels, marble, aluminum, and roof structures.

7. Pedestrian Amenities: A highway oriented sign shall provide pedestrian oriented amenities at its base as appropriate to its location (i.e., covered benches, sculptures, artwork, enhanced landscaping, and/or area beautification).

8. Illumination: All highway oriented signs must be internally lit. Signs shall not have blinking, flashing, or fluttering lights or other illuminating devices that have a changing light, brightness, or color. Changeable copy LED lights are allowed to be incorporated into the structure so long as they change no more than every seven (7) seconds and shall adjust intensity between day and night so as to not be a safety hazard.

E. Murals:

1. The city encourages murals as a way to add visual interest to a building or area. As such, murals of a noncommercial nature shall be excluded from the allowed sign area for a property.

2. Murals are allowed on facades of buildings other than the side with the main entrance. The mural may encompass the entire surface area of the wall but shall not project onto the roof.

3. Murals shall be subject to major site plan and architectural review to ensure the scale and character of the mural is in keeping with the surrounding development. (Ord. 2013-___, __-__-2013)

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

This section describes standards for temporary on site signs. Temporary signs may include, but are not limited to, commercial signs for grand openings or for special product, sale, or event advertising. All temporary signs must comply with the standards listed in table 9-5F-6-D1, "Temporary Onsite Sign Allowances and Standards", of this section and are subject to the following:

A. 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 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.

2. Subdivision Signs: All temporary signs for subdivisions shall be removed within ten (10) days after all lots in the subdivision are sold. ~~The city may require the subdivider or developer to submit a performance deposit or other form of security to ensure compliance with the standards of this section.~~ Subdivision signs at new or substantially renovated apartments shall be removed six (6) months from opening.

3. A-Frame Signs: A-frame signs shall be removed each night at close of business.

B. Illumination: Temporary signs shall not be illuminated.

C. Message: Temporary signs displaying a commercial message shall be limited to one site signage only. ~~Off site signage displaying a commercial message shall not be permitted.~~

TABLE 9-5F-6-D1
TEMPORARY ON SITE SIGN ALLOWANCES AND DESIGN STANDARDS

Sign Type	Standards			
	Maximum Temporary Number Permitted	Maximum Area	Maximum Height	Minimum Setback From ROW
On site subdivision signs and new/substantially renovated apartment complexes:				
Banner	3	30 square feet each	Roofline	10 feet
Entrance signs	1 per subdivision entrance or 1 per 50 lots whichever is greater, maximum 5	80 square feet each	15 feet	10 feet
Model home sign	1 per model home	15 square feet	5 feet	5 feet
Flags	5 per street frontage, maximum 15 per subdivision	20 square feet	25 feet	10 feet
Commercial uses:				
Banner	1 sign per establishment per street frontage	1 square foot per 1 lineal foot of frontage to a maximum of 100 square feet	Roofline	15 feet behind face of curb, outside of right of way
Vertical banner		1 square foot per 1 lineal foot of frontage to a maximum of 20 square feet	10 feet	
Stick sign	No more than 1 type	5 square feet	5 feet	

	A-frame	per street frontage	10 square feet	5 feet	

~~Notes:~~
~~1. Must be located outside of the clear visibility area.~~
~~2. Window signage falls under permanent on site signage (see section , table 9-5F-5-B1 of this article) as a building-attached sign but is exempt from approval for temporary signs.~~

(Ord. 2013-___, __-__-2013)

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

A. General Prohibition: Generally, all new off-site commercial signage is prohibited within the city. Existing off-site commercial signs (e.g., billboards) are considered nonconforming signs as regulated by subsection 9-5F-2F, "Nonconforming Signs", of this article. However, consistent with state law, the city does permit off-site subdivision directional signs (subdivision kiosk signs) as provided in this section.

B. Subdivision Kiosk Sign: The purpose of subdivision kiosk signs is to direct the traffic related to new residential subdivisions in a manner that minimizes visual clutter, reduces unnecessary traffic through established neighborhoods, and provides an orderly, attractive, high quality image of the city. When originally placed, kiosk signs will require a sign permit as required by this title and their locations approved within or outside of the city's right of way.

1. Kiosks shall include removable sign panels with no more than one panel per residential subdivision.

2. Kiosks shall not exceed sixty (60) square feet in sign area, twelve feet (12') in height, and five feet (5') in width with signage at least thirty six inches (36") off the ground. Proposed kiosks exceeding these dimensions require approval through the conditional use permit process.

3. No directional kiosk may be located within one thousand five hundred feet (1,500') of another directional kiosk except in the case of signs on different corners of an intersection, unless an unusual situation causes the need for a deviation as determined by the city.

4. All directional kiosk signs placed on private property shall have the written consent of the property owner. All directional kiosk signs placed~~or~~ on city right of way/lighting landscape maintenance district area/public facility maintenance district area ~~pursuant to approval by the planning department and obtainment of~~shall obtain an encroachment permit.

5. The review of a proposed directional kiosk will include size, height, design, materials, and colors. ~~of the proposed kiosk and be consistent with other approved and active directional kiosk signs, and show its proposed location(s). The kiosk must be designed as an architecturally enhanced structure that may include features such as a decorative cap and cornice detail, stone clad or masonry clad columns, stone clad or masonry clad foundation, carved/sculptured wood construction, or other similar architectural features as determined to be appropriate by the planning department. The city may from time to~~

~~time adopt a standard design consistent with the requirements of this section which will be utilized for all approved directional kiosk signs.~~

6. The directional kiosk sign may only be located in a manner that does not obstruct the view of traffic or safety signs, encroach within the clear visibility area, or otherwise pose a traffic or safety hazard.

7. There shall be no additions, tag signs, streamers, balloons, flags, devices, display boards, or appurtenances added to the subdivision kiosk signs as originally approved.

8. The city may deny an application for a directional kiosk or revoke an existing permit where an applicant, permittee, or developer with a panel on a kiosk fails to comply with these provisions. ~~or fails to properly maintain such structure or when there are weeds at the base of the structure.~~

9. Panels on directional kiosk signs may not be displayed after a subdivision developer has completed the sale of all units in the development. Each developer shall be responsible for their removal.

~~10. The city may deny an application for a permit for a directional kiosk sign, or revoke an existing permit, where it has been determined that the applicant, permittee, or developer with a panel on a kiosk is maintaining residential subdivision advertising or directional signage on a parcel adjacent to the city that does not conform with the requirements of this article, or if the applicant, permittee, or developer with a panel on a subdivision kiosk sign maintains any residential subdivision advertising or directional signage in Kings County which does not conform with the requirements of the county's zoning ordinance.~~

~~11. Approval of a sign location shall not authorize the continuous use of that location when right of way improvements necessitate removal of such sign or the sign interferes with the use of the property upon which it is located. If possible, an alternate location in close proximity shall be allowed, subject to the procedures identified in subsection B5 of this section.~~ (Ord. 2013-___, __-__-2013)

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

A. Purpose and Intent: The purpose of this section is to provide the process and standards for establishing signage on city property. In adopting this section, the city council acts in its proprietary capacity as to "city property", as defined in this title, within the city. This section is adopted pursuant to the city's general powers, property rights, Government Code sections 65850(b), 38774, and 38775, Business and Professions Code section 5200 et seq., and Penal Code section 556 et seq.

B. Intent as to Public Forum: The city declares its intent that not all city property shall function as a designated public forum, unless some specific portion of city property is designated herein as a public forum of one particular type. In such case, the declaration as to public forum type shall apply strictly and only to the specified area and for the specified time period.

C. General Prohibition: Unless specifically authorized by this section, no signs may be displayed on city property by private parties. Any sign posted on city property in violation of this section may be summarily removed by the city as a trespass and a public nuisance.

D. Certain Governmental Signs: The following signs may be erected and displayed on city property:

1. Traffic control and traffic directional signs erected by the city or another governmental unit;

2. Official notices required or authorized by law;

3. Signs placed by the city in furtherance of its governmental functions; and

4. Signs allowable under subsection F of this section.

E. Temporary Signs Displaying Noncommercial Message: In areas qualifying as traditional public forums, private persons may display noncommercial message signs thereon, provided that such signs conform to all of the following:

1. The signs must be personally held by a person or personally attended by one or more persons. "Personally attended" means that a person is physically present within five feet (5') of the sign at all times.

2. The maximum aggregate size of all signs held or personally attended by a single person is six (6) square feet. For purposes of this rule, apparel and other aspects of personal appearance do not count toward the maximum aggregate sign area.

3. The maximum size of any one sign which is held or personally attended by two (2) or more persons is fifty (50) square feet, measured on one side only.

4. The sign must have no more than two (2) display faces and may not be inflatable or air activated.

5. In order to serve the city's interests in traffic flow and safety, persons displaying signs under this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give at least five feet (5') width clearance for pedestrians to pass by. Persons holding signs may not obstruct the "clear visibility area", as defined in this title.

6. The message substitution policy of this chapter applies only to traditional public forum areas.

F. Street Banner/Sign Program:

1. The street banner/sign program is limited to signs, banners, or other displays placed by the city and/or redevelopment agency over or on city streets, relating to any civic or public events or activities.

2. For purposes of this section, "civic event or activity" shall mean the following: any event or activity organized or sponsored by the city or redevelopment agency, including, but not limited to:

a. Any public program or educational activity; and

b. The commemoration or celebration of any historical date, event or person, holiday, or persons or events of local, state, or national significance.

3. For purposes of this section, "sponsored by" shall mean the city and/or redevelopment agency is:

   a. Participating in an official capacity in the planning, preparation or promotion of the event or activity; or

   b. Contributing twenty five percent (25%) of the total estimated costs of the civic event or activity, or at least one thousand dollars ($1,000.00), whichever is less. This contribution may take the form of funds, labor, staff time, materials, fee subsidies, or any combination of the foregoing.

4. Street banners shall be allowed to be displayed up to thirty (30) days prior to the event and shall be removed within nine (9) days after the event has ended.

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. (Ord. 2013-___, __-__-2013)

CHAPTER 5

ARTICLE G. AFFORDABLE HOUSING INCENTIVES (DENSITY BONUS)

9-5G-1: PURPOSE:
9-5G-2: ELIGIBILITY FOR DENSITY BONUS AND INCENTIVES AND CONCESSIONS:
9-5G-3: GENERAL PROVISIONS FOR DENSITY BONUS AND INCENTIVES AND CONCESSIONS:
9-5G-4: NUMBER AND TYPES OF DENSITY BONUSES AND INCENTIVES AND CONCESSIONS ALLOWED:
9-5G-5: LOCATION OF DENSITY BONUS UNITS:
9-5G-6: CONTINUED AVAILABILITY:
9-5G-7: PROCESS FOR APPROVAL OR DENIAL:

9-5G-1: PURPOSE:

The purpose of this article is to provide incentives for the production of housing for very low income, lower income, moderate income, special needs, and senior households in the city of Lemoore and to establish procedures for carrying out the legislative requirements and complying with California Government Code section 65915 et seq. In enacting this article, it is the intent of the city to facilitate the development of affordable housing by positively impacting the economic feasibility of providing lower income housing and implementing the goals, objectives, and policies of the city's housing element. (Ord. 2013-___, __-__-2013)

9-5G-2: ELIGIBILITY FOR DENSITY BONUS AND INCENTIVES AND CONCESSIONS:

A. The city shall grant one density bonus, with concessions or incentives, as specified in section 9-5G-4, "Number and Types of Density Bonuses and Incentives and Concessions Allowed", of this article, when the applicant for the residential development seeks and agrees to construct a residential development, excluding any units permitted by the density bonus awarded pursuant to this article, that will contain at least one of the following. The units qualifying a development for a density bonus shall be referred to as "target units". The applicant shall specify which of the following is the basis for the density bonus:

1. Ten percent (10%) of the total units of a housing development for lower income households;

2. Five percent (5%) of the total units of a housing development for very low income households;

3. A senior citizen housing development or age restricted mobilehome park; or

4. Ten percent (10%) of the total dwelling units in a common interest development as defined in California Civil Code section 1351 for persons and families of moderate income, provided that all units in the development are offered to the public for purchase. (Ord. 2013-___, __-__-2013)

9-5G-3: GENERAL PROVISIONS FOR DENSITY BONUS AND INCENTIVES AND CONCESSIONS:

The following general requirements apply to the application and determination of all incentives and bonuses:

A. Rounding: All density calculations resulting in fractional units shall be rounded up to the next whole number; except that the percentage of total units proposed to qualify the development for a density bonus shall not be rounded up. For example, for a two hundred (200) unit project that proposes twenty one (21) lower income units (or 10.5 percent), the allowed density bonus would be based on ten percent (10%) lower income units, not eleven percent (11%).

B. Relation To General Plan, Zoning: The granting of a density bonus, or a concession or incentive, shall not be interpreted, in and of itself, to require a general plan amendment, zoning change (rezone), or other discretionary approval.

C. Density Bonus Excluded In Calculation: The density bonus shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

D. Parking: Upon request by the applicant, the city shall not require that a housing development meeting the requirements of section 9-5G-2, "Eligibility For Density Bonus and Incentives and Concessions", of this article provide a vehicular parking ratio, inclusive of handicapped and guest parking that exceeds the following:

1. Zero (studio) to one bedroom: One onsite parking space per unit.

2. Two (2) to three (3) bedrooms: Two (2) onsite parking spaces per unit.

3. Four (4) or more bedrooms: Two and one-half (2.5) parking spaces per unit.

If the total of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on street parking.

E. Waived Or Reduced Development Standards: The city shall not apply any development standard that would have the effect of physically precluding the construction of a housing development meeting the requirements of section 9-5G-2, "Eligibility For Density Bonus and Incentives and Concessions", of this article at the densities or with the incentives or concessions permitted by this article. A proposed waiver or reduction of development standards shall neither reduce nor increase the number of allowable incentives or concessions under section 9-5G-4, "Number and Types of Density Bonuses and Incentives and Concessions Allowed", of this article.

An applicant may submit to the city a proposal for the waiver or reduction of development standards, when standards would have the effect of physically precluding the proposed development, and may request a meeting with the city. Nothing in this subsection, however, shall be interpreted to require the city to waive or reduce development standards if:

1. The waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5 of the California Government Code, upon health and safety or the physical environment and for which the city determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;

2. This would have an adverse impact on any real property that is listed in the California register of historical resources; or

3. The waiver or reduction would be contrary to state or federal law.

F. Multiple Zoning Districts: If the site of a development proposal is located in two (2) or more zoning districts, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zoning districts based on the site acreage within each zoning district. The permitted number of dwelling units may be distributed within the development without regard to the zone boundaries.

G. City Authority: Nothing in this article shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

H. Agreement Required:

1. Prior to the award of a density bonus and any related incentives or concessions, the applicant shall enter into an agreement with the city to ensure the continued affordability of all target units.

2. For all target units, the agreement shall specify the household income classification, number, location, size, and construction scheduling and shall require target units in a project and phases of a project to be constructed concurrently with the construction of nontarget units. The agreement shall include such other provisions as necessary to establish compliance with the requirements of this article.

I. Reports: The applicant shall submit financial or other reports along with the application for the project to establish compliance with this article. The city may retain a consultant to review any financial report (pro forma). The cost of the consultant shall be borne by the applicant, except that if the applicant is a nonprofit organization, the cost of the consultant may be paid by the city upon prior approval of the city council.

J. CEQA Review: Any residential development that qualifies for a density bonus shall not be exempt from compliance with the California environmental quality act. (Ord. 2013-___, __-__-2013)

9-5G-4: NUMBER AND TYPES OF DENSITY BONUSES AND INCENTIVES AND CONCESSIONS ALLOWED:

A. Density Bonus: A housing development that satisfies the eligibility requirements in section 9-5G-2, "Eligibility For Density Bonus and Incentives and Concessions", of this article shall be entitled to the following density bonus:

1. For developments providing ten percent (10%) lower income target units, the city shall provide a twenty percent (20%) increase above the otherwise maximum allowable residential density as of the date of application, plus a one and a half percent (1.5%)

supplemental increase over that base for every one percent (1%) increase in low income target units above ten percent (10%). The maximum density bonus allowed including supplemental increases is thirty five percent (35%).

2. For developments providing five percent (5%) very low income target units, the city shall provide a twenty percent (20%) increase above the otherwise maximum allowable residential density as of the date of application, plus a two and a half percent (2.5%) supplemental increase over that base for every one percent (1%) increase in very low income target units above five percent (5%). The maximum density bonus allowed including supplemental increases is thirty five percent (35%).

3. For senior citizen housing developments, a flat twenty percent (20%) of the number of senior units.

4. For common interest developments providing ten percent (10%) moderate income target units, the city shall provide a five percent (5%) increase above the otherwise maximum allowable residential density as of the date of application, plus a one percent (1%) increase in moderate income units above ten percent (10%). The maximum density bonus allowed including supplemental increases is thirty five percent (35%).

B. Number of Incentives Or Concessions: In addition to the density bonus described in this section, an applicant may request specific incentives or concessions. The applicant shall receive the following number of incentives or concessions:

1. One incentive or concession for projects that include at least ten percent (10%) of the total units for lower income households, at least five percent (5%) for very low income households, or at least ten percent (10%) for persons and families of moderate income in a common interest development.

2. Two (2) incentives or concessions for projects that include at least twenty percent (20%) of the total units for lower income households, at least ten percent (10%) for very low income households, or at least twenty percent (20%) for persons and families of moderate income in a common interest development.

3. Three (3) incentives or concessions for projects that include at least thirty percent (30%) of the total units for lower income households, at least fifteen percent (15%) for very low income households, or at least thirty percent (30%) for persons and families of moderate income in a common interest development.

4. The city shall grant the concession or incentive requested by the applicant unless it makes a written finding of any of the following:

a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

b. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California register of historical resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse

impact without rendering the development unaffordable to low and moderate income households.

c. The concession or incentive would be contrary to state or federal law.

C. Available Incentives and Concessions:

1. A reduction in the site development standards or a modification of the requirements of this title that exceed the minimum building standards approved by the California building standards commission as provided in part 2.5 (commencing with section 18901) of division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.

2. Approval of mixed use zoning in conjunction with the housing development if the nonresidential land uses will reduce the cost of the housing development and the nonresidential land uses are compatible with the housing development and existing or planned development in the area in which the housing development will be located.

3. Other regulatory incentives or concessions proposed by the applicant or the city that result in identifiable, financially sufficient, and actual cost reductions.

4. Priority processing of a housing development that qualifies for a density bonus based on income restricted units.

D. Additional Density Bonus and Incentives and Concessions For Donation of Land To The City:

1. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city and agrees to include a minimum of ten percent (10%) of the total units before the density bonus for very low income households, the applicant shall be entitled to a fifteen percent (15%) increase above the otherwise maximum allowable residential density, plus a one percent (1%) supplemental increase for each additional percentage of very low income units to a maximum density bonus of thirty five percent (35%) for the entire development.

2. The density bonus provided in this subsection shall be in addition to any other density bonus provided by this article up to a maximum combined density bonus of thirty five percent (35%).

3. The applicant shall be eligible for the increased density bonus described in this subsection if all of the following conditions are met:

a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;

b. The developable acreage and zoning designation of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent (10%) of the number of residential units of the proposed development;

c. The transferred land is at least one acre in size or of sufficient size to permit development of at least forty (40) units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of section 65583.2 of the Government Code, and is or will be served by adequate public facilities and infrastructure;

d. The transferred land shall have all of the entitlements and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the city may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of section 65583.2 of Government Code if the design is not reviewed by the city prior to the time of transfer;

e. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the requirements of this article which shall be recorded on the property at the time of the transfer;

f. The land is transferred to the city or to a housing developer approved by the city;

g. The transferred land shall be within the boundary of the proposed development or, if the city agrees, within one-fourth (1/4) mile of the boundary of the proposed development; and

h. A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

4. Nothing in this subsection shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

E. Additional Density Bonus Or Incentives and Concessions For Development of Childcare Facility:

1. Housing developments meeting the requirements of section 9-5G-2, "Eligibility For Density Bonus and Incentives and Concessions", of this article and including a childcare facility that will be located on the premises of, as part of, or adjacent to the housing development shall receive either of the following:

a. An additional density bonus that is an amount of square footage of residential space that is equal to or greater than the amount of square footage in the childcare facility;

b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the childcare facility.

2. The city shall require the following as conditions of approving the housing development:

a. The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain

affordable, pursuant to subdivision (c) of section 65915 of the Government Code; and

b. Of the children who attend the childcare facility, the children of very low income households, lower income households, or persons or families of moderate income shall equal a percentage that is equal to or greater than the percentage of target units that are required pursuant to section 9-5G-2, "Eligibility For Density Bonus and Incentives and Concessions", of this article.

3. Notwithstanding any other requirements of this section, the city shall not be required to provide a density bonus or incentive or concession for a childcare facility if it makes a written finding, based upon substantial evidence, that the community has adequate childcare facilities.

F. Condominium Conversion Incentives For Low Income Housing Development:

1. An applicant for approval to convert apartments to a condominium project may submit to the city a preliminary proposal pursuant to this subsection prior to the submittal of any formal requests for subdivision map approvals. The city shall, within ninety (90) days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this subsection.

a. When an applicant for approval to convert apartments to a condominium project agrees to the following, the city shall grant either a density bonus of twenty five percent (25%) over the number of apartments, to be provided within the existing structure or structures proposed for conversion, or provide other incentives of equivalent financial value;

b. Provide at least thirty three percent (33%) of the total units of the proposed condominium project to persons and families of low or moderate income, or provide at least fifteen percent (15%) of the total units of the proposed condominium project to lower income households; and

c. Agree to pay for the reasonably necessary administrative costs incurred by the city.

2. For purposes of this subsection, "other incentives of equivalent financial value" shall not be construed to require the city to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city might otherwise apply as conditions of conversion approval.

3. Nothing in this subsection shall be construed to require the city to approve a proposal to convert apartments to condominiums.

4. An applicant shall be ineligible for a density bonus or other incentives under this subsection if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentive was previously provided. (Ord. 2013-___, __-__-2013)

9-5G-5: LOCATION OF DENSITY BONUS UNITS:

The location of density bonus units within the housing development may be at the discretion of the developer. However, the target units shall be dispersed throughout the housing development and when feasible shall contain, on average, the same number of bedrooms as the nontarget units in the development, and shall be compatible with the design or use of the remaining units in terms of appearance, materials, and quality finish. (Ord. 2013-___, __-__-2013)

9-5G-6: CONTINUED AVAILABILITY:

A. Minimum Thirty Years: If a housing development provides low or very low income target units to qualify for a density bonus, the target units must remain restricted to lower or very low income households for a minimum of thirty (30) years from the date of issuance of the certificate of occupancy by the building official, or longer if required by the project financing.

B. Common Interest Housing: In the case of a common interest housing development providing moderate income target units to qualify for a density bonus, the initial occupant of the target unit must be a person or family of moderate income. Upon resale, the seller of the target units shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation, and the city shall recapture any initial subsidy and its proportionate share of appreciation which shall then be used within three (3) years for any of the purposes described in subdivision (e) of section 33334.2 of the California Health and Safety Code that promote homeownership. The city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. The city's "proportionate share" shall be equal to the percentage by which the initial sale price to the moderate income household was less than the fair market value of the home at the time of the initial sale.

C. Direct Financial Contributions: Where there is a direct financial contribution to a housing development pursuant to Government Code section 65915, the city shall assure continued availability for low and moderate income units for thirty (30) years. (Ord. 2013-___, __-__-2013)

9-5G-7: PROCESS FOR APPROVAL OR DENIAL:

A. Process For Approval: The density bonus and incentive(s) and concession(s) request shall be considered in conjunction with any necessary development entitlements for the project. The designated approving authority for density bonuses, incentives, and concessions shall be the city council. In approving the density bonus and any related incentives or concessions, the city and applicant shall enter into a density bonus agreement.

B. Approval of Density Bonus Required: The city shall grant the density bonus requested by the applicant provided it is consistent with the requirements of this article and state law.

C. Approval of Incentives Or Concessions Required Unless Findings Made: The city shall grant the incentive(s) and concession(s) requested by the applicant unless the city makes a written finding, based upon substantial evidence, of any of the following:

1. The incentive or concession is not required in order to provide for affordable housing costs or affordable rent for the target units.

2. The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California register of historical resources and for which the city determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.

3. The concession or incentive would be contrary to state or federal law.

D. Administrative Fee: The city shall charge applicants an administrative fee to cover the city's cost to review all materials submitted in accordance with this article and for ongoing enforcement of this article. The amount of the administrative fee shall be established by city council resolution and updated as required. Fees will be charged for staff time and materials associated with:

1. Review and approval of applications for the proposed development;

2. Project marketing and lease-up; and

3. Long term compliance of the applicant and successors in interest to the applicant, with respect to the affordable housing units. (Ord. 2013-___, __-__-2013)

CHAPTER 6

DOWNTOWN DEVELOPMENT STANDARDS

9-6-1: PURPOSE AND OVERVIEW:
~~9-6-2: DESIGN CONCEPT AND INTENT:~~
9-6-~~3~~2: BASE DEVELOPMENT STANDARDS:
9-6-3: PARKING AREA AND ENCROACHMENTS
9-6-4: ARCHITECTURAL DESIGN STANDARDS:
9-6-5: BUILDING TYPES AND FRONTAGES:
~~9-6-6: STREETS AND PEDESTRIANWAYS:~~
9-6-6: SPECIAL DESIGN AND OPERATIONAL STANDARDS:
9-6-7: CONVERSION OF RESIDENCES TO NON-RESIDENTIAL USES:

9-6-1: PURPOSE AND OVERVIEW:

A. Purpose: This chapter describes the specific development and land use standards for the downtown area of Lemoore. These standards work in concert with the other provisions of this title to define the allowed use, development, and design parameters for the downtown.

B. Overview of Form Based Zoning: 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. This approach differs from the type of zoning used through the rest of this title, where the standards are compartmentalized and uses are segregated from each other.~~.

C. Applicability of Standards: As established in chapter 3, "Zoning Districts and Map", of this title, downtown Lemoore is broken down into three (3) zoning districts: downtown mixed use - core (DMX-1), downtown mixed use - auto oriented (DMX-2), and downtown mixed use - transitional (DMX-3). Chapter 4, "Use Regulations", of this title identifies the allowed uses within each of these districts. This chapter identifies the development standards and design requirements for all new development 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.

D. Deviations: Deviations from this chapter shall be allowed through the site plan and architectural review process for public/civic buildings.

Comment [s88]: Allow deviations through the Site Plan Review process for public buildings.

Ord. 2013-___, __-__-2013)

9-6-2: BASE DEVELOPMENT STANDARDS:

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

A. Building Placement: Each proposed new or remodeled structure shall comply with the build-to line, setback, and buildable area standards listed in table 9-6-2-A1, "Building Placement", of this section and shown in figures 9-6-2-A1 and 9-6-2-A2 of this section (building placement), except that encroachments into the public right of way may be allowed as provided in subsection D, "Encroachments", of this section.

~~As used in this section, the following terms shall have the following meaning:~~

~~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.~~

~~SETBACK: A distance dimension that delineates the minimum distance required between a building and a property line.~~

~~A larger distance is allowed.~~

TABLE 9-6-2-A1
BUILDING PLACEMENT

Development Standard		Measurement		
		DMX-1	DMX-2	DMX-3
Build-to line (maximum distance from property line):				
	Front	0' [1,2]	~~0'~~ 5' [3]	No max.
	Street side, corner lot	0' [1,2]	~~0'~~ 5' [3]	No max.
Setback (minimum distance from property line):				
	Front	0(	0(	15'
	Street side, corner lot	0ô	0ô	15'

	Side	0'	0'	5'
~~Rear:~~				
	Rear, adjacent to property line ~~Adjacent to residential structure~~	0' ~~10'~~	0' ~~10'~~ [4]	15' ~~15'~~ [4]
~~Adjacent to any other use~~	~~0'~~	~~0'~~	~~15'~~	
	Rear, a~~A~~djacent to alley	0'	0'	0' [4]

Comment [s89]: Make all rear setbacks 0' for DMX-1 and DMX-2, and 5' for DMX-3. This is more consistent with existing structures already on the ground.

Notes:

1. Up to 30 percent of the length of the building facade along a street may be recessed ~~to create inviting pedestrian spaces such as entries, courtyards, and patios~~. A higher percentage shall be allowed through site plan and design review where the setback area provides a more meaningful pedestrian area, such as patio seating for a restaurant, or other gathering spaces. See Figure 9-6-2-A3, ñRecessed Spaces.ò

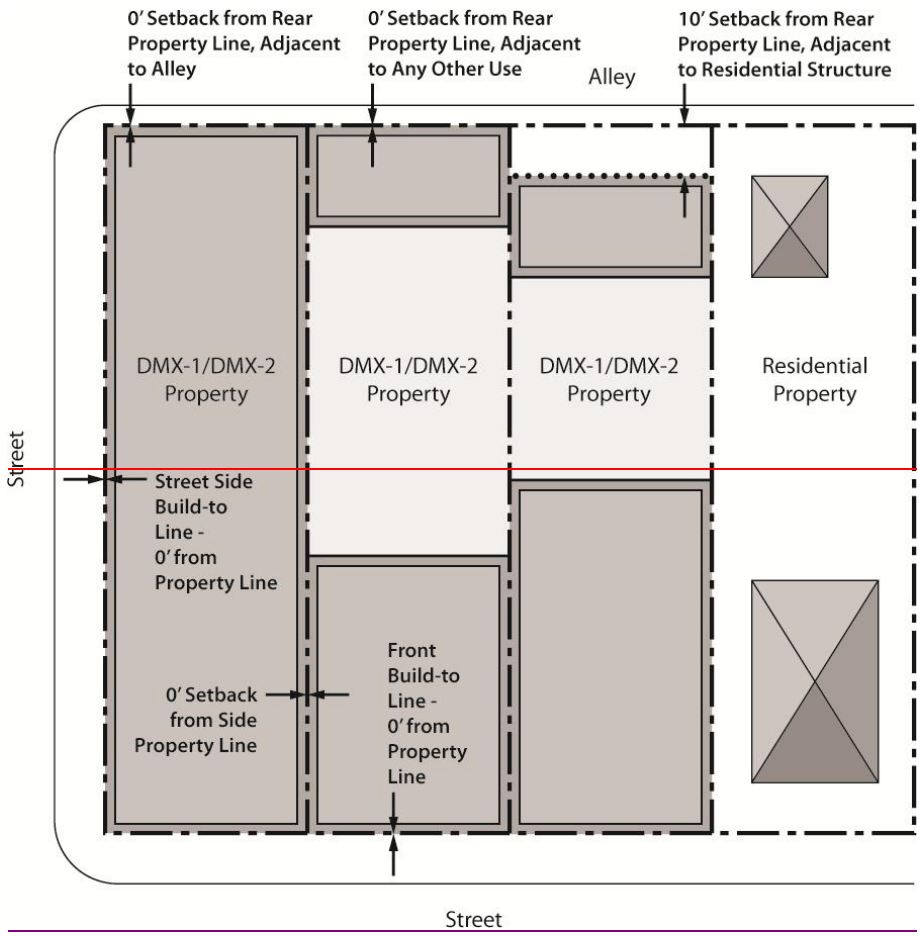
~~See figure 9-6-3-A3, "Recessed Spaces", of this section.~~

2. Exceptions shall be granted through site plan and design review for historic home/office conversion buildings and frontages to a maximum of 20 feet.

3. Exceptions shall be granted through site plan and design review for automotive related uses to a maximum setback of 30 feet.

4. Row houses may be developed with no side yard setback and no alley setback as part of site plan and design review.

~~FIGURE 9-6-32-A1~~
~~BUILDING PLACEMENT IN THE DMX-1 AND DMX-2 DISTRICTS~~



~~FIGURE 9-6-32-A2~~
~~BUILDING PLACEMENT IN THE DMX-3 DISTRICT~~

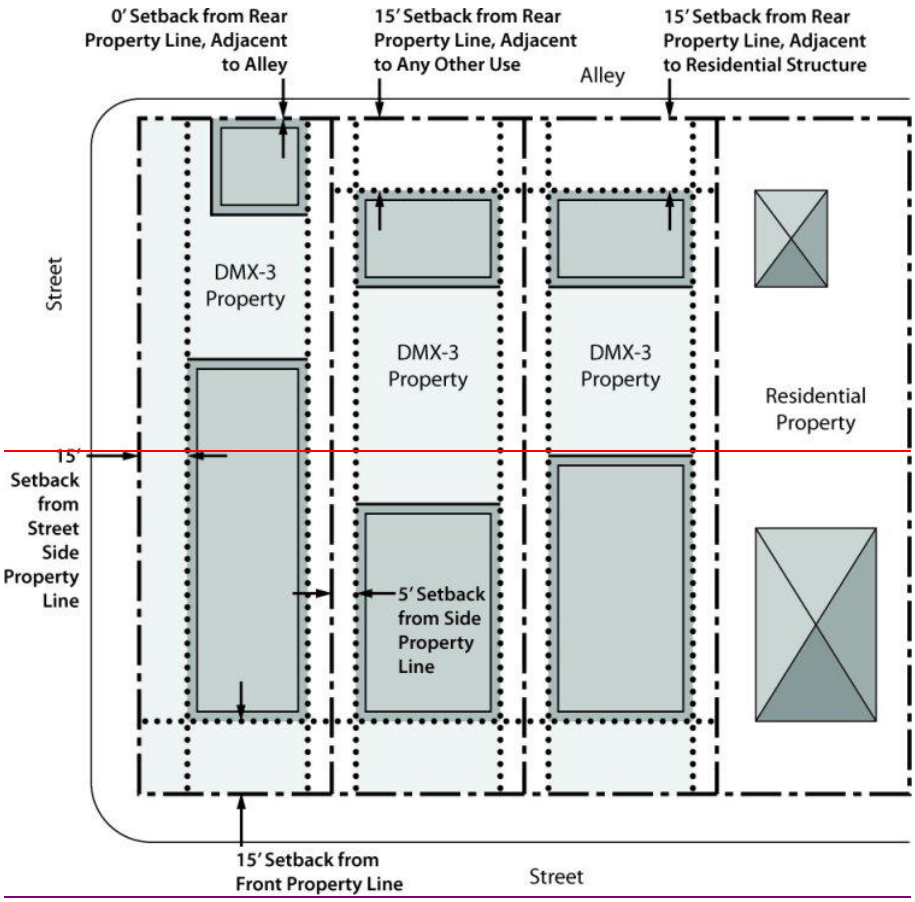
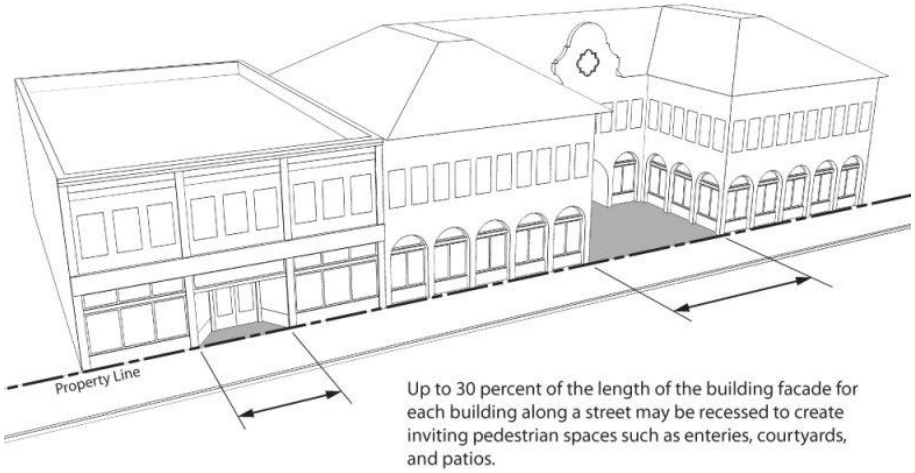


FIGURE 9-6-2-A3
RECESSED SPACES



~~Up to 30 percent of the length of the building facade for each building along a street may be recessed to create inviting pedestrian spaces such as entries, courtyards, and patios.~~

B. Height: Height standards for development within the downtown are listed in table 9-6-3-B1, "Height", of this section and shown in figure 9-6-3-B1, "Height", of this section.

FIGURE 9-6-2-B1
HEIGHT

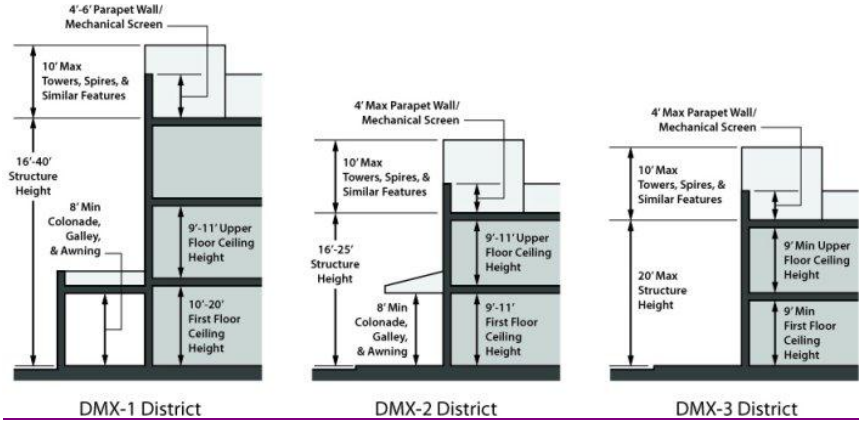


TABLE 9-6-2-B1

HEIGHT

Development Standard		Measurement		
		DMX-1	**DMX-2**	**DMX-3**
General height standards (maximum height):				
	Structure height (finished grade to top of roof)	16 feet minimum 40 feet maximum[1]	16 feet minimum 25 feet maximum[1]	No minimum 20 feet maximum
	First floor ceiling height (finished floor to finished ceiling top plate)	10 feet minimum 20 feet maximum	9 feet minimum 11 feet maximum	No minimum or maximum
	Upper floor(s) ceiling height (finished floor to finished	9 feet minimum 11 feet maximum	9 feet minimum 11 feet maximum	9 feet minimum No maximum

	ceiling)			
Projections (additional height above maximum):				
	Parapet wall, mechanical screen, and sloped false roofs	4 feet minimum ~~6~~8 feet~~'~~ maximum	4 feet~~'~~ maximum~~.~~	4 feet~~4'~~ maximum~~.~~
	Towers, spires, elevator structures and similar features	10 feet~~'~~ maximum~~.~~	10~~' max.~~ feet maximum	~~10' max.~~10 feet maximum
Vertical clearance of Architectural features over public right of way~~:~~		8 feet minimum	8 feet minimum	Not allowed
	~~Colonnade, gallery and awning~~	~~8' min.~~	~~8' min.~~	~~Not allowed~~

Notes:
1. See special requirements for landmark buildings in subsection 9-6-4D, "Landmark Buildings", of this chapter.

9-6-3: PARKING AREA AND ENCROACHMENTS

~~2. Additional parapet height shall be allowed through site plan and design review when the parapet has a varied height across the building frontage and incorporates historic features such as medallions and curves.~~

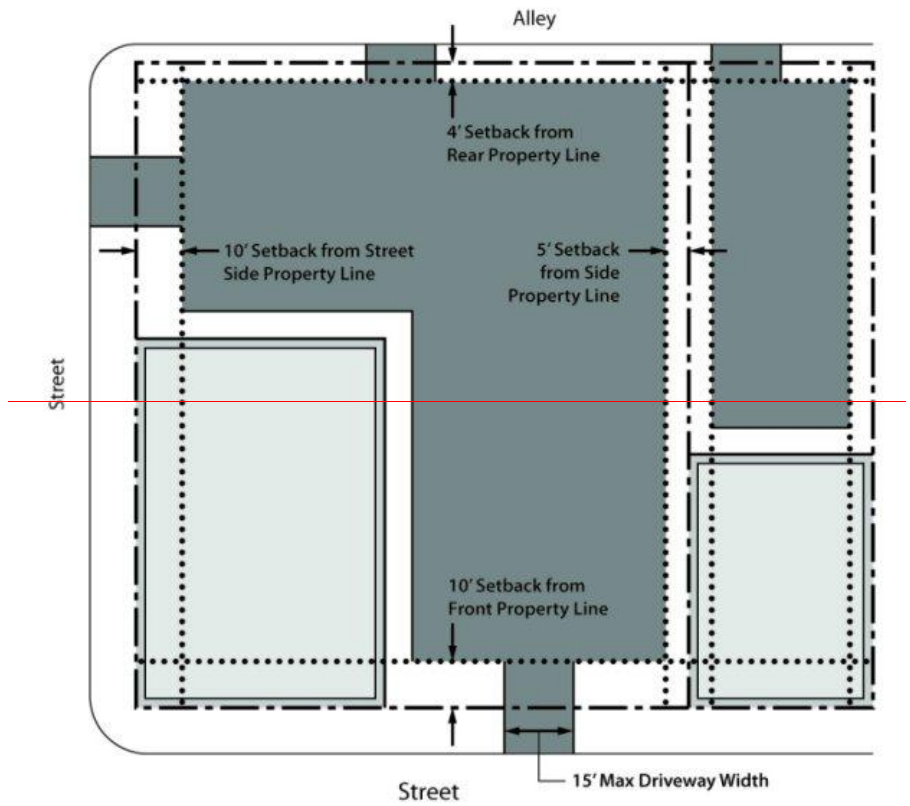
A. ~~C.~~ Parking:

In places where parking is required or provided at the option of the property owner, parking areas shall be developed consistent with the standards listed in table 9-6-~~3~~23-~~C1~~A, "Parking Area Design", of this section ~~.and illustrated in figure 9-6-32-C1, "Location Of Parking Areas", of this section. In addition to these standards, parking lots shall be lighted and landscaped consistent with the standards in sections 9-5A-6, "Outdoor Lighting" and 9-5D1-2, "Landscape Standards", of this title, and parking stall dimensions shall be consistent with the standards of section 9-5E-5, "Design And Development Standards For Off Street Parking Areas", of this title.~~

TABLE 9-6-3-A
PARKING AREA DESIGN

Development Standard	Measurement		
	DMX-1	**DMX-2**	**DMX-3**
Parking lot location (minimum setback):			
Setback from front property line	10 feet minimum	10 feet minimum	15 feet minimum
Setback from side property line	5 feet minimum	5 feet minimum	5 feet minimum
Setback from street side property line	10 feet minimum	10 feet minimum.	10 feet minimum
Setback from rear property line	4 feet minimum	4 feet minimum	4 feet minimum

~~FIGURE 9-6-3-C1~~
~~LOCATION OF PARKING AREAS[1]~~



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~~Note:~~

~~1. Setback varies in the DMX-3 zone.~~

~~D~~B. Encroachments: ~~Generally, the city permits development to occur on private property and not within the public right of way. However, the city will permit~~ P~~p~~ermanent structures or improvements, including, but not limited to~~,~~ planter boxes, seating, ~~arcades,~~ galleries, and awnings, within the public right of way within the DMX-1 and DMX-2 districts with approval of an encroachment agreement. Encroachments into the public right of way shall be in conformance with the standards in table 9-6-3-B1, "Encroachments", of this section and shown in figures 9-6-3-B, "Encroachments", and 9-6-2-B3, "Sidewalk Clearance", of this section.

~~Requests for encroachment will be reviewed for compliance with the standards below and to ensure consistency with the character of the downtown.~~

TABLE 9-6-3-B1
ENCROACHMENTS

Development Standard	Measurement		
	DMX-1	DMX-2	DMX-3
Encroachment location:			
Front and street side (maximum encroachment distance)	8 feet	8 feet	Permanent encroachments not allowed in the DMX-3 district
Clear space to curb (minimum distance to maintain clear at all times)	4 feet	4 feet	
Clear walk path[1] (minimum distance to maintain clear at all times)	4 feet	4 feet	
Vertical clear area to sidewalk (minimum distance to maintain clear at all times)	8 feet'	8 feet	

~~Note:~~
~~1. Clear walk path is intended to comply with the standards of the Americans with disabilities act.~~

FIGURE 9-6-3-B2
ENCROACHMENTS

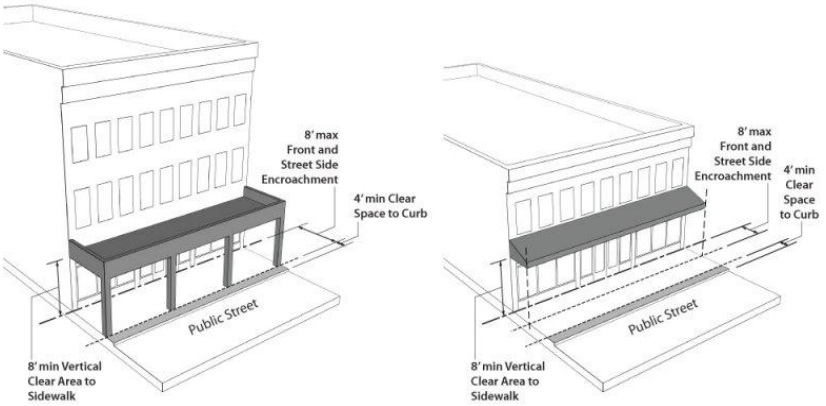
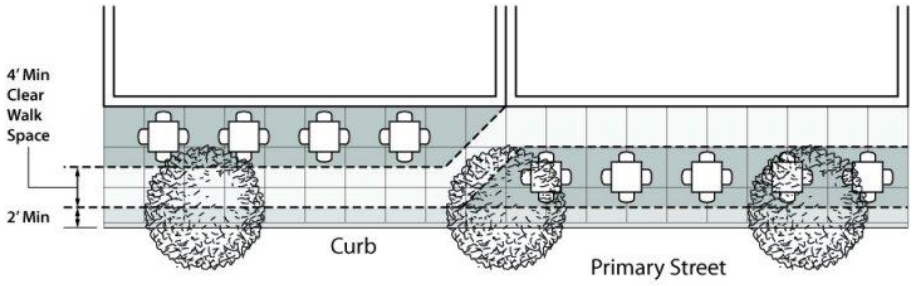


FIGURE 9-6-3-B3
SIDEWALK CLEARANCE



9-6-4: ARCHITECTURAL DESIGN STANDARDS:

This section includes architectural design standards for all new buildings, renovated buildings, and remodels 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.~~

The city shall not require more than twenty percent (20%) of the construction costs for the building to be toward architectural detailing. Documentation showing the cost of the detailing relative to the overall cost of the structure will only need to be submitted by the applicant if they seek relief as part of the site plan and architectural design review process.

A. Architectural Details:

1. ~~Buildings~~ New and remodeled 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", of this section:

   a. Detailed cornice such as relief banding, tile banding, and accent tiles;

   b. Trim around windows (e.g., window hoods and lintels) and doors;

   c. Windows with muntins or glazing bars (elements that divide the window into multiple panes/lites) and/or mullions (structural elements that divide adjacent window units);

   d. Expression lines between the first and second floors of multi-story buildings;

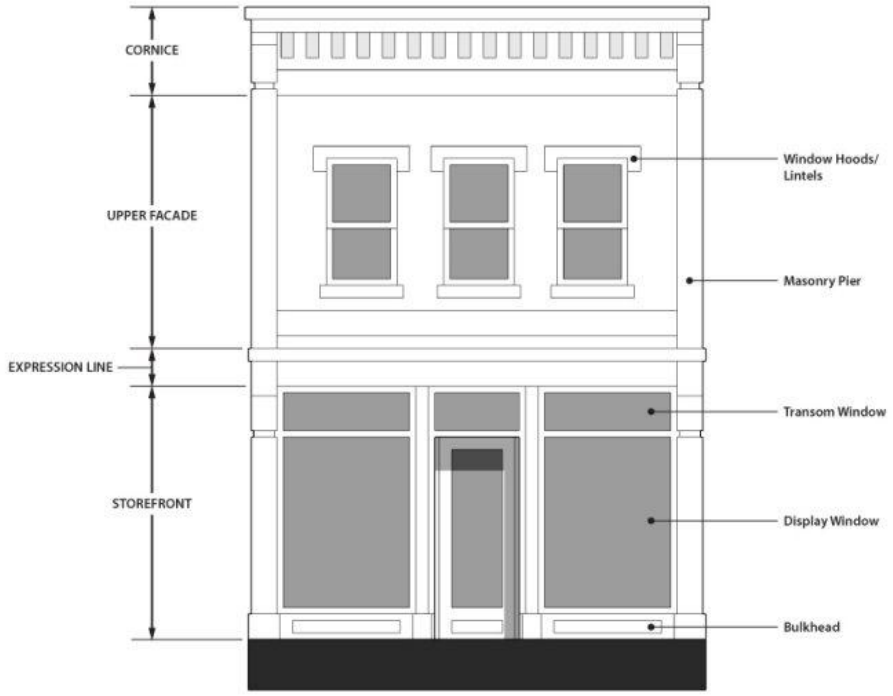
   e. Transom windows on the first floor;

   f. Recessed entries;

   g. Large display windows that run the length of the building frontage; and

   h. Wainscot base treatments along the bulkhead.

FIGURE 9-6-4-A1
DESIGN CONCEPTS



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2. The physical design of building facades shall vary every twenty (20) to thirty (30) linear feet. This can be achieved through such techniques as:

   a. Architectural division into multiple buildings,

   b. Break or articulation of the facade,

   c. Significant change in facade design,

   d. Placement of window and door openings, or

   e. Position of awnings and canopies.

B. Building Materials: Building materials and finishes shall be selected to reinforce the overall design intent of the project and be consistent with the desired architectural character of the building. Buildings and structures shall be constructed with durable, low maintenance, and

timeless building materials of the same or higher quality as surrounding developments. See figure 9-6-4-B1, "Building Materials", of this section.

1. The following materials are encouraged, but not required:

a. Roofs:

(1) Barrel "U" shaped mission tile in a natural terra cotta or clay earth tone color;

(2) Concrete tiles in terra cotta or earth tones;

(3) Exposed wood structural members such as rafter tails, roof beams, and corbels;

(4) Copper accents, gutters, downspouts, and scuppers;

(5) Built up stucco or preformed molding on parapets for flat roof buildings.

b. Building walls:

(1) Stucco (with hand troweled, smooth appearance), adobe, terra cotta, brick, replica brick, and cut stone are all acceptable materials to use on a main surface of a building;

(2) Wood surfaces in the form of lap siding or board and batten may be used when consistent with architectural character of the building;

(3) Ornamental tiles, wood, and bricks can be used as trim or accents around the base of the building;

(4) Split face block may be used on unexposed sides and rears of buildings.

2. The following materials are prohibited:

a. Roofs:

(1) Brightly colored glazed roofing tiles; and

(2) Wood shingles and shake roofs.

b. Building walls:

(1) Synthetic materials of poor quality;

(2) Corrugated fiberglass;

(3) Coarsely finished or unfinished plywood;

(4) Metal siding;

(5) Unfinished concrete block and split face block;

(6) Shingles and T-111 siding;

(7) Slumpstone block; and

(8) Stucco when applied by sprayer (lace, sand finishes).

FIGURE 9-6-4-B1
BUILDING MATERIALS

C. Colors and Painting: 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 construction. When building colors are to be modified, the proposed change shall require minor site plan and design review; except that if~~Preferred colors are ~~chosen from~~in the city adopted historic color palette,~~ the color modification shall be exempt from review. The city's adopted historic color pallet~~ which is the Benjamin Moore Historic Colors palette, the America's Colors palette, and the Ready Mixed Colors palette. See figure 9-6-4-C1, "Building Color", of this section.

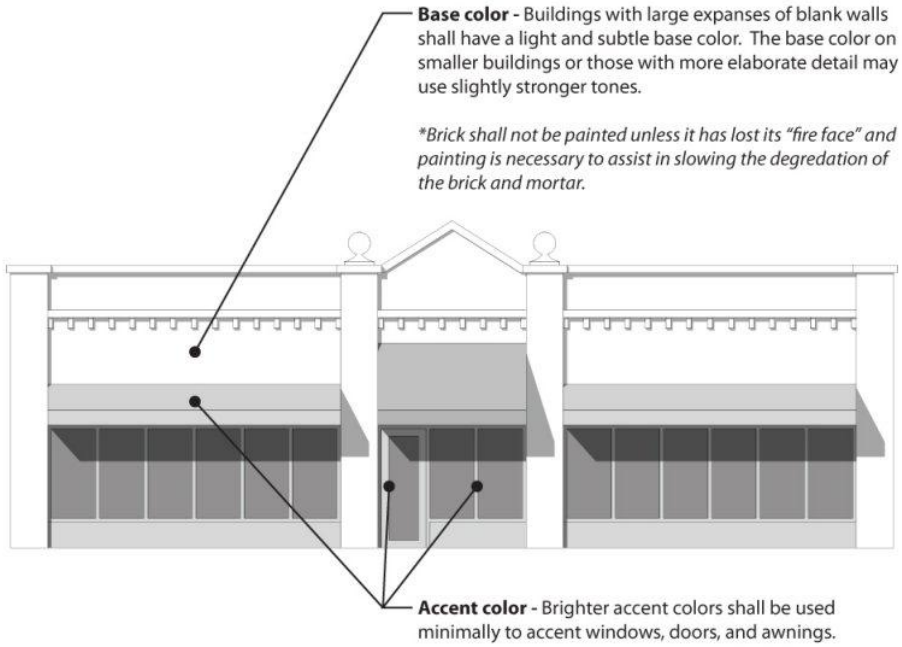
Comment [s90]: Review of color schemes removed. Instead historic colors are said to be "preferred."

1. Brick: Brick shall not be painted unless it has been determined by the ~~planning director~~chief building official that the brick has lost its fire face and clear coat painting is necessary to assist in slowing the degradation of the brick and mortar.

2. Base Color: Buildings with large expanses of blank walls shall have a light and subtle base color. The base color on smaller buildings or those with more elaborate detail may use slightly stronger tones. Examples of base colors include, but are not limited to, light gray, cream, white, pale flesh, pale yellow, light beige, sage green, and caramel.

3. Accent Color: Brighter accent colors shall be used minimally to accent windows, doors, and awnings. Special materials such as glazed tile can also be used to introduce accent colors on building facades. Examples of accent colors include, but are not limited to, forest green, deep blue green, brick red, deep blue, and sea green.

FIGURE 9-6-4-C1
BUILDING COLOR



D. Landmark Buildings: The city encourages that new and remodeled ~~corner~~ buildings ~~-~~ on corner lots in the DMX-1 zone be developed with the following features, achieving a concept called "landmark buildings" where corner lots have a more prominent presence and character than interior lots.

1. Utilize a multi-story design (at least 2 stories tall) with full, habitable upper floors;

2. Utilize corner treatments, including the use of towers, angled entries, arcades, balconies, and plaza areas;

3. Incorporate a higher level of architectural treatment than interior lots, including, but not limited to, articulated parapets and enhanced facade detail and trim (e.g., detailed cornice and expression line).

E. Lighting: Lighting ~~can~~ shall 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", of

this title, development within the downtown shall comply with the following lighting standards:

1. Lighting fixtures shall be attractively designed to complement the architecture of the project. Accent lighting should be used to accent building details such as tower elements, ornamental windows, and tile, or to accent landscaping.

2. Lighting should improve visual identification of residences and businesses and create an inviting atmosphere for passersby.

3. Wall mounted lights should be used to the greatest extent possible to minimize the total number of freestanding light standards and shall be well detailed to complement the building architecture.

4. Parking lot lighting fixtures should not exceed twenty four feet (24') in height. When within fifty feet (50') of residential properties, fixtures should not exceed eighteen feet (18').

5. The light source used in outdoor lighting should provide a warm, calm glow, such as yellow light.

6. Street lighting shall be provided 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", of this section for an example.

FIGURE 9-6-4-E1
STREET LIGHTING

F. Pedestrian Paths: The following standards shall apply to pedestrian paths (also see figure 9-6-4-F1, "Pedestrian Paths", of this section):

1. Where walls and/or landscaping is used to screen parking areas, breaks shall be provided at least every sixty feet (60') (minimum 1 per lot) to provide pedestrian access from the parking area to the public sidewalk.

2. Pedestrian paths that are not part of the public sidewalk (e.g., paseos, plazas) shall be designed with features such as enhanced paving, trellis structures, and additional landscaping or lighting to distinguish the path from the sidewalk.

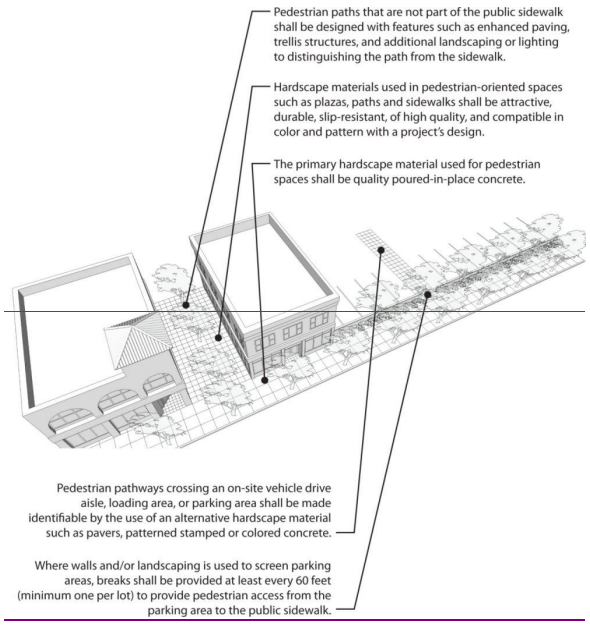
3. Hardscape materials used in pedestrian oriented spaces such as plazas, paths, and sidewalks shall be attractive, durable, slip resistant, of high quality, and compatible in color and pattern with a project's design. Surfaces in pedestrian circulation areas shall be constructed from materials that provide a hard, stable surface and that permit maneuverability for people of all abilities.

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.

Comment [s91]: Remove. Already stated in second sentence.

~~5. The primary hardscape materials used for pedestrian spaces shall be high quality poured in place concrete.~~

~~FIGURE 9-6-4-F1~~
~~PEDESTRIAN PATHS~~



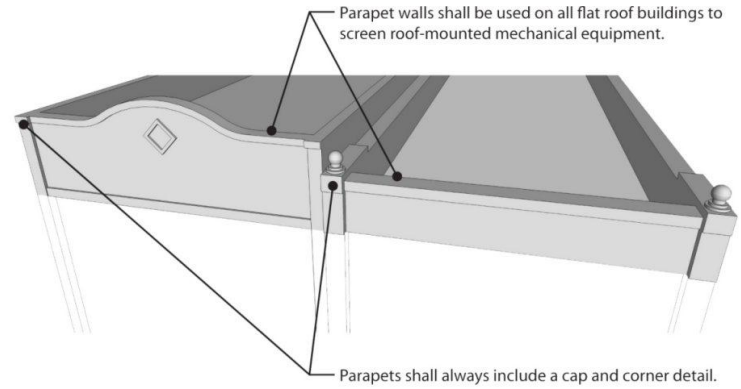
~~G~~F. Roof Forms: ~~The design and treatment of roof forms help identify the architectural style of a building and create visual interest along the street when properly articulated. Roofs within the downtown area are predominantly flat with parapets. There are a few low pitched gabled roofs and mansard roofs, particularly in the DMX-3 district.~~ The following are ~~intended to help guide the~~the required design of roofs within the downtown. See figure 9-6-4-G1, "Roof Forms", of this section.

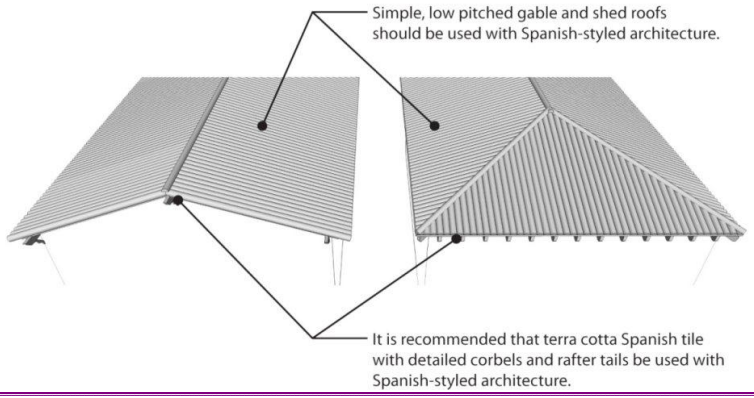
1. Parapet walls shall be used on all flat roof buildings to screen roof mounted mechanical equipment~~, such as air conditioners and elevator equipment~~. Parapets shall always include a cap and corner detail.

2. The visible portion of sloped roofs should be sheathed with a roofing material complementary to the architectural style of the building and other surrounding buildings.

3. Simple, low pitched gable and shed roofs should be used with Spanish styled architecture. Terra cotta Spanish tile with detailed corbels and rafter tails can also be used.

FIGURE 9-6-4-F1
ROOF FORMS





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~~H. Walls And Fences: In addition to the requirements in section 9-6-7C, "Outdoor Storage And Sales (Permanent)", of this chapter, parking and service areas shall be screened with garden walls or fences. The design of these walls shall be consistent with the design of the adjacent buildings. Garden walls and fences shall include pilasters with caps at the corners and pedestrian entrances. The minimum height for garden walls and fences is two and one-half feet (2½'); the maximum height is six feet (6'). Acceptable materials for garden walls and fences are masonry brick (required to be treated with a graffiti resistant material), natural fieldstone, decorative wrought iron, and decorative tubular steel.~~

~~I~~G. Windows, Doors, and Awnings: New and remodeled windows, doors, and awnings shall meet the following standards:~~Windows and doors are very important design elements of a building. They provide architectural detail by articulating and breaking up walls. Windows and doors shall be carefully detailed, including the use of quality framing, molding, and window box treatments wherever possible.~~

1. Recess doors and windows to give the appearance of traditional, thick masonry walls consistent with architecture of the early 1900s and to produce interesting shadows.

2. Provide large storefront windows along first floor elevations accessible by the general public. These windows open up the sidewalk to create an inviting pedestrian atmosphere.

3. Use consistent treatment and types of windows and door frames across the entire building (or tenant space when a building is visually broken down to appear as multiple buildings from the street).

4. Windows shall include muntins or glazing bars (elements that divide the window into multiple panes/lites) and/or mullions (structural elements that divide adjacent window units) consistent with the architectural style of the building.

5. Awnings and canopies ~~are encouraged, as they can create comfortable spaces for pedestrians. Acceptable materials include~~shall be constructed of canvas and metal. Textured plastic is not allowed.

6. Store entrances should open onto the public sidewalk. Space entrances to stores, particularly in the DMX-1 district, between twenty feet (20') and thirty feet (30') apart.

7. Windows shall not be reflective or dark glass and may not be tinted more than to meet building energy codes. (Ord. 2013-___, __-__-2013)

9-6-5: BUILDING TYPES AND FRONTAGES:

A. Overview of Standards: This section identifies the types of buildings and frontages allowed within downtown. Frontage type refers to the architectural composition of the front facade of a building, particularly concerning how it relates and ties into the surrounding public realm. The downtown Lemoore frontage types are intended to enhance social interactions in the historic downtown while simultaneously providing appropriate levels of privacy in residential areas. All new development within the downtown shall be consistent with one or more of the building and frontage types allowed within the applicable DMX district.

There are ~~twelve~~ nine (9~~12~~) types of buildings and frontages that can be developed throughout the downtown. The types allowed in each downtown district are listed in subsection B, "Allowed Buildings and Frontages In Each DMX District", of this section. The frontage types are defined, along with specific development standards for each type, in subsection C, "Building and Frontage Definitions and Standards", of this section.

B. Allowed Buildings and Frontages In Each DMX District: Allowed building and frontage types in the different DMX districts are listed in table 9-6-5-B1, "Allowed Buildings and Frontages", of this section. The symbols in the table shall have the following meaning:

1. An "A" means that the building and frontage type is allowed;

2. An "E" means that the building and frontage type is preferred and encouraged; and

3. An "N" means that the building and frontage type is not permitted.

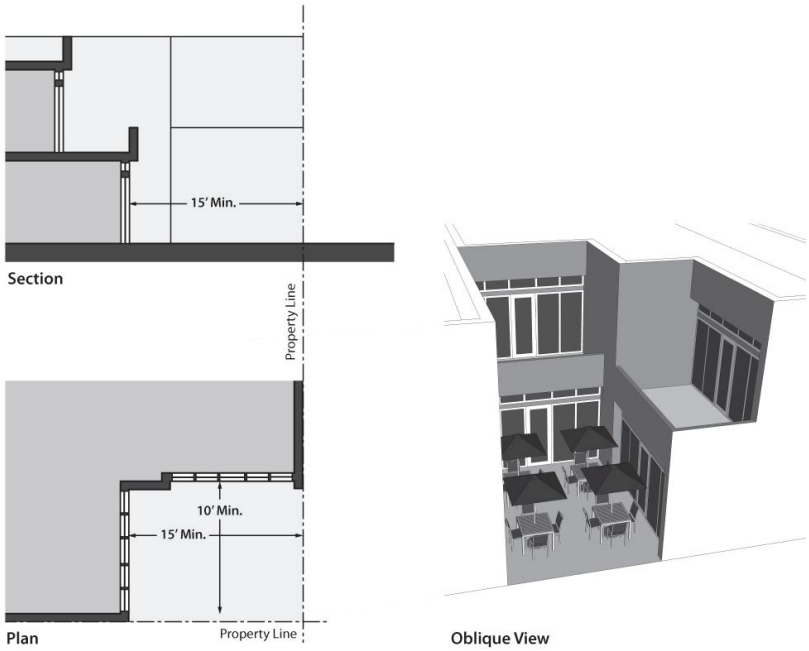
TABLE 9-6-5-B1
ALLOWED BUILDINGS AND FRONTAGES

Building and Frontage Type	Allowed Buildings and Frontages By Downtown District		
	DMX-1	DMX-2	DMX-3
1. Alley/paseo - active	E	A	N
2. Alley/paseo - nonactive	A	A	A
~~Arcade~~	~~A~~	~~N~~	~~N~~
3. Balcony/bay window	A	N	N
~~Civic~~	~~A~~	~~A~~	~~N~~
4. Gallery - deck or roof	E	N	N
~~Gallery - roof~~	~~E~~	~~N~~	~~N~~
5. Historic home/office conversion	A	A	E
6. Neighborhood yard	N	A	A
7. Porch	N	A	A
8. Row house	N	A	A
9. Storefront	E	A	N

C. Building and Frontage Definitions and Standards: The following defines the various building and frontage types allowed in the downtown. Each type includes text and illustrations describing the features that define the building and its frontage. It also includes a series of development standards for each type (e.g., minimum spacing between supporting columns). Development applications will be reviewed for consistency with these standards as part of site plan and architectural review and building permit plan check. These standards are in

addition to any requirements of the city adopted building and fire codes as may be required at the time of building permit issuance.

1. ALLEY/PASEO - ACTIVE

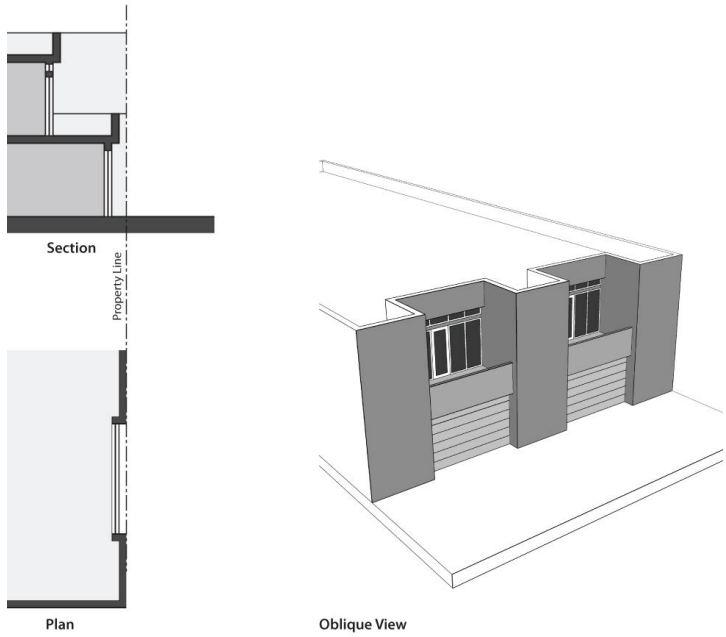


Alley/Paseo - Active Description: The active alley/paseo frontage is the development of the rear of a building abutting an alley with an active pedestrian area. Examples include patio seating for restaurants, primary entrances for ground floor businesses, and other gathering spaces for pedestrians. While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

Alley/Paseo - Active Dimensions

Development Standard		Measurement
Pedestrian area:		
	Width	10 feet minimum
	Depth	15 feet minimum

2. ALLEY/PASEO - NONACTIVE



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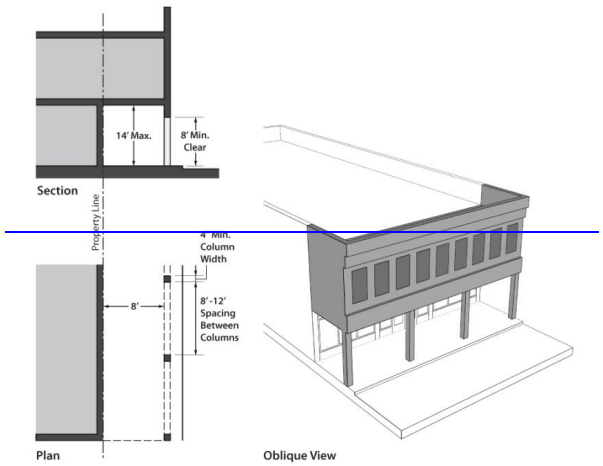
Alley/Paseo - Nonactive Description: The nonactive alley/paseo frontage is the development of a building directly abutting the rear property line where there is an alley. This type of frontage may have secondary/emergency access to the building, along with utility and service access. This type of frontage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

Alley/Paseo - Nonactive Dimensions

Development Standard	Measurement
There are no specific development standards for the alley/paseo - nonactive building and frontage beyond the building placement and height standards in section 9-6-3, "Base Development Standards", of this chapter.	

~~ARCADE~~



~~3. Arcade Description: An arcade frontage is characterized by a facade where the first floor aligns directly with the street facing property line (a 0 foot built-to line) and the floors above project out over, and fully absorb, the pedestrian space/sidewalk so that a pedestrian may not bypass it. This frontage is typically appropriate for ground floor retail and restaurant use, with office and residential uses above. An encroachment agreement is needed to construct this frontage type.~~

~~Arcade Dimensions~~

~~Development Standard~~	~~Measurement~~
~~Depth~~	~~8 feet minimum[1]~~
~~Height (base to sidewalk)~~	~~8 feet minimum clear 14 feet maximum~~
~~Percentage of building front~~	~~100 percent~~
~~Spacing between columns~~	~~8 feet minimum to 12 feet maximum~~
~~Column width~~	~~4 inches minimum~~

~~3. Note:~~

~~1. The arcade shall fully encumber the sidewalk while maintaining the minimum 4 foot~~

Comment [s92]: Remove. The City does not want to permit arcades.

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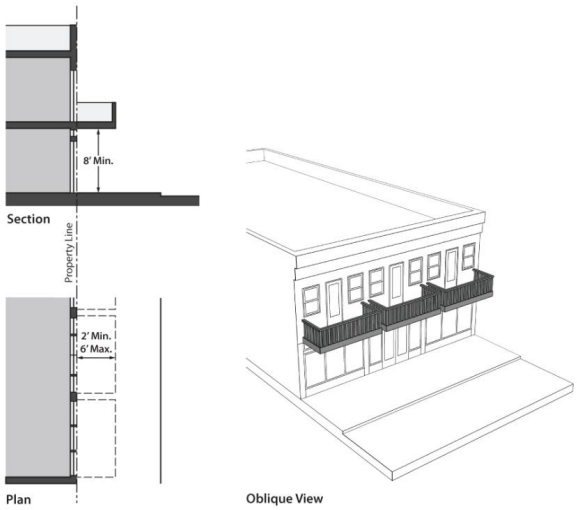
~~clear space to curb. A depth of less than 8 feet shall be allowed through site plan and design review when the sidewalk is less than 12 feet wide.~~

~~4.~~3. BALCONY/BAY WINDOW



Balcony/Bay Window Description: A balcony/bay window frontage is characterized by a facade which is aligned close to or directly on the build-to line with the building entrance at the sidewalk grade and by a balcony or bay window projecting into the right of way on a floor other than the ground floor. This frontage is typically appropriate for ground floor retail or restaurant use with office or residential above. An encroachment agreement is needed to construct this frontage type.

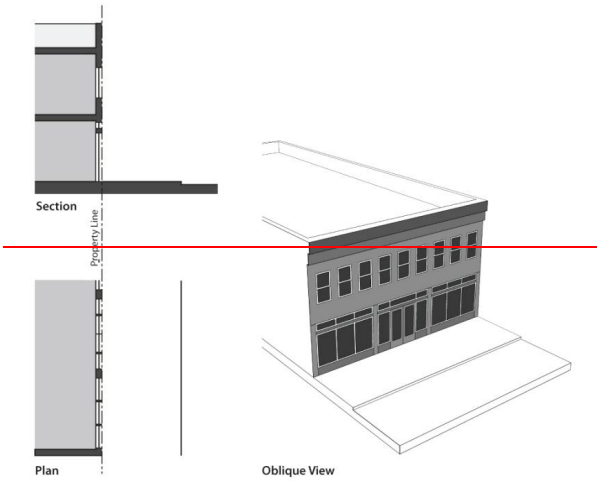
Balcony/Bay Window Dimensions

Development Standard	Measurement
Depth	2 feet minimum
	6 feet maximum
Height (base to sidewalk)	8 feet minimum clear

Percentage of building front (collective)		50 percent to 100 percent
Doorways (ground floor):		
	Doorway inset	0 feet to 12 feet
	Doorway width	5 feet to 11 feet
Ground floor windows:		
	Window width	5 feet to 7 feet
	Window height (allowed range)	6 feet to 7 feet

~~CIVIC~~

Comment [s93]: Suggest replacing the Civic design standards with a statement acknowledging that public buildings are unique situations. Either the City controls the design, or as in the case of state and federal buildings, they have no authority to control the design.



~~5. Civic Description: The civic frontage is intended for public service buildings that are located within the downtown. Examples include city hall, the fire station, and the post office. Because of the unique nature of these buildings, the city allows for design flexibility with regard to setbacks, fence standards, and building height as part of site plan and architectural review.~~

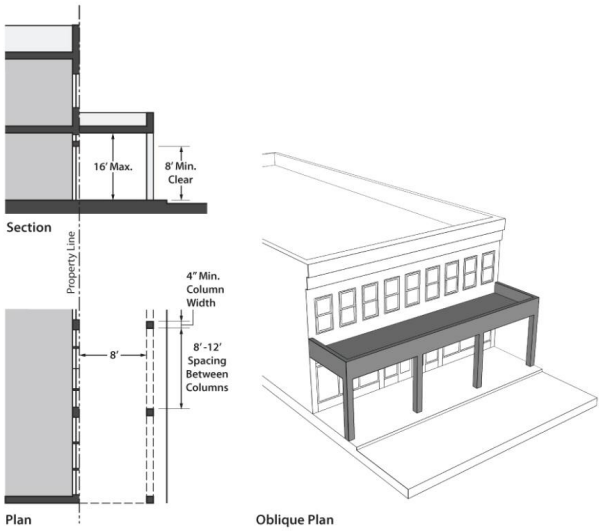
~~Civic Dimensions~~

~~Development Standard~~		~~Measurement~~
~~Doorways (allowed ranges):~~		
	~~Doorway inset~~	~~0 feet to 12 feet~~
	~~Doorway width~~	~~5 feet to 11 feet~~
~~Ground floor windows (allowed ranges):~~		
	~~Window width~~	~~5 feet to 7 feet~~

	Window height	6 feet to 7 feet

5.4. GGALLERY -ï DECK OR ROOF

Comment [s94]: Combine Gallery-Deck and Galley-Roof into one type. The dimension requirements are the same for both.



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

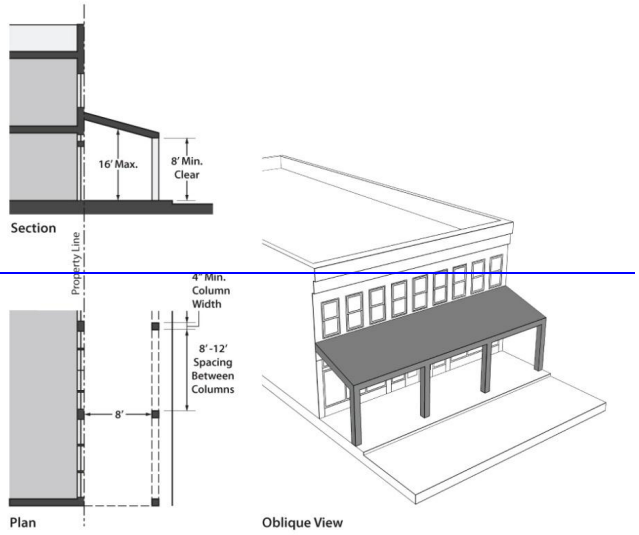
Gallery -ï Deck or Roof Dimensions

Development Standard	Measurement
Depth	8 feet [1]
Height (base to sidewalk)	8 feet minimum clear 16 feet maximum
Percentage of building front	100 percent

Spacing between columns		8 feet minimum to 12 feet maximum
Minimum column width		4 inches
Doorways (ground floor, allowed ranges):		
	Doorway inset	0 feet to 12 feet
	Doorway width	5 feet to 11 feet
Ground floor windows (allowed ranges):		
	Window width	5 feet to 7 feet
	Window height	6 feet to 7 feet

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

~~GALLERY - ROOF~~



~~7. Gallery - Roof Description: A gallery - roof frontage is characterized by a facade which is aligned close to or directly on the build-to line with the building entrance at the sidewalk grade and with an attached colonnade roof that projects over the public sidewalk and encroaches into the public right of way. The sidewalk must be fully absorbed within the colonnade so that a pedestrian may not bypass it. The colonnade may project over the public sidewalk, provided that the upper stories of the building do not also project over the public sidewalk. This frontage is typically appropriate for retail use. An encroachment agreement is needed to construct this frontage type.~~

~~Gallery - Roof Dimensions~~

~~Development Standard~~	~~Measurement~~
~~Depth~~	~~8 feet[1]~~
~~Height (base to sidewalk)~~	~~8 feet minimum clear~~ ~~16 feet maximum~~
~~Percentage of building front~~	~~100 percent~~

~~Spacing between columns~~		~~8 feet minimum to 12 feet maximum~~
~~Minimum column width~~		~~4 inches~~
~~Doorways (allowed ranges):~~		
	~~Doorway inset~~	~~0 feet to 12 feet~~
	~~Doorway width~~	~~5 feet to 11 feet~~
~~Ground floor windows (allowed ranges):~~		
	~~Window width~~	~~5 feet to 7 feet~~
	~~Window height~~	~~6 feet to 7 feet~~

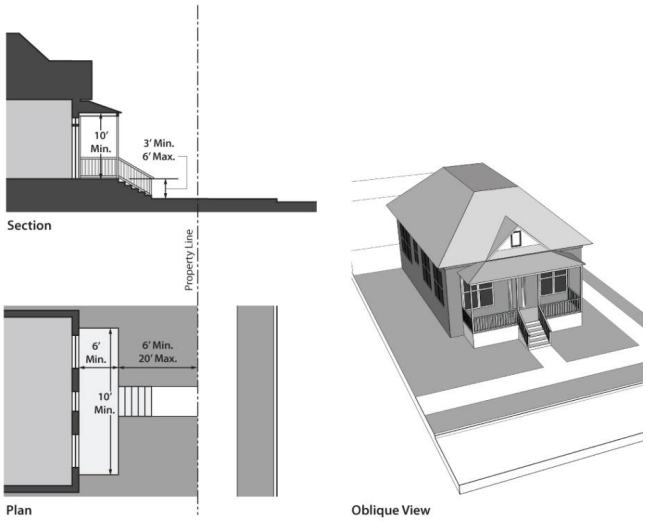
~~6.~~

~~7. Note:~~

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

~~8.~~

~~9.~~5. HISTORIC HOME/OFFICE CONVERSION



~~8.~~ Historic Home/Office Conversion Description: The historic home/office conversion frontage is the reuse of an existing home for a nonresidential use (typically office or general medical service), or the development of a new structure to resemble a historic home that has been converted to an office use.

Historic Home/Office Conversion Dimensions

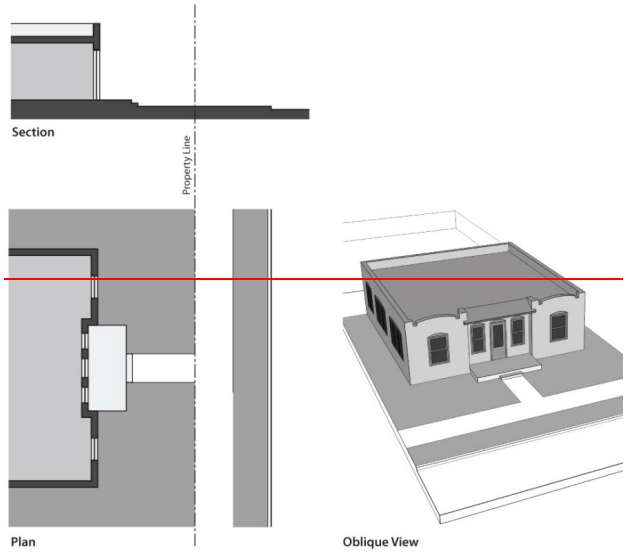
Development Standard	Measurement
Setback	20 feet maximum
Distance to porch	6 feet minimum 20 feet maximum
Porch height above sidewalk grade	3 feet minimum 6 feet maximum

Porch width	10 feet minimum
Porch depth	6 feet minimum
Clearance above porch to roof	10 feet minimum

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

~~10. NEIGHBORHOOD YARD~~

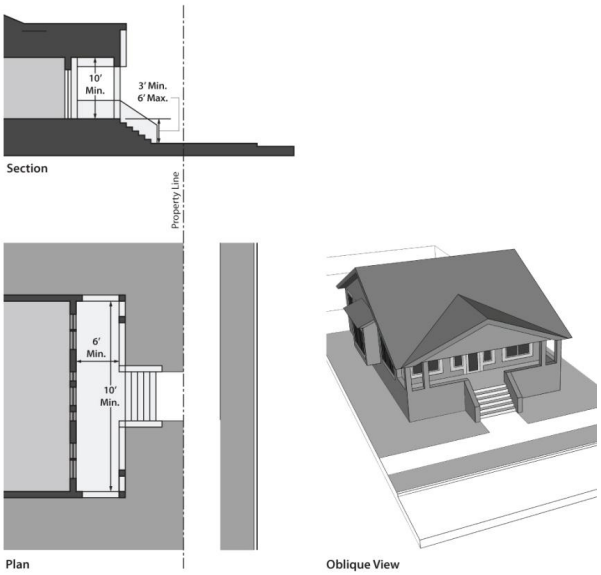
Comment [s95]: Remove. There are no requirements described. This is a variation of Porch and Rowhouse frontages.



~~9. Neighborhood Yard Description: A neighborhood yard frontage is characterized by deep front yard setbacks. The building facade is set back substantially from the front property line. The resulting front yard is unfenced and is visually continuous with adjacent yards, supporting a common landscape.~~

~~There are no specific development standards for the neighborhood yard building and frontage beyond the building placement and height standards in section 9-6-3, "Base Development Standards", of this chapter~~

~~11.~~6. PORCH

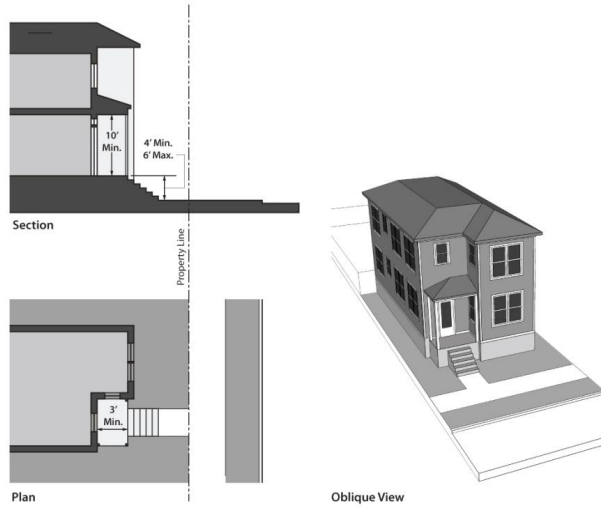


~~10.~~ Porch Description: The porch frontage is intended for residential uses. The type is characterized by a covered, active outdoor living space connected to the front of the building. The porch shall be raised above the finished grade of the lot and adjacent public sidewalk.

Porch Dimensions

Development Standard	Measurement
Porch height above sidewalk grade	~~3 feet~~18 inch minimum 6 feet maximum
Porch width	10 feet minimum
Porch depth	6 feet minimum
Clearance above porch to roof	~~10~~ 8 feet minimum

~~12.~~7. ROW HOUSE



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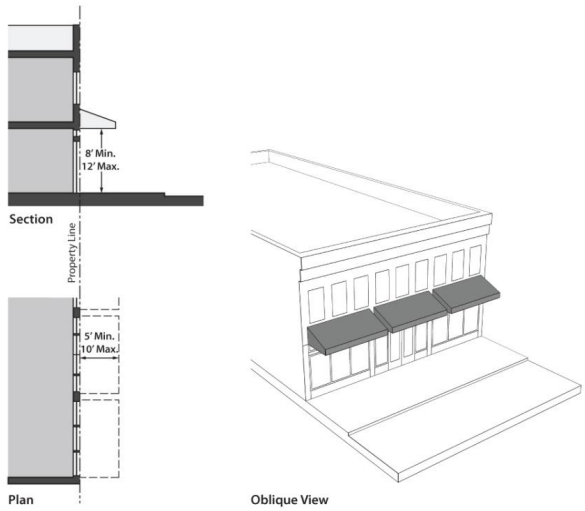
~~11.~~ Row House Description: A row house is a residential dwelling with little to no side yard. The entrance to the dwelling is raised above the sidewalk in order to create privacy for the occupant. Living spaces are located at the front of the unit. Parking is accessible from the alley behind the unit.

Row House Dimensions

Development Standard	Measurement
Stoop height above sidewalk grade	~~4~~ 18 inches ~~feet~~ minimum 6 feet maximum
Stoop ~~width~~ depth	3 feet minimum
Clearance above stoop	~~10~~ 8 feet minimum

~~13.~~8. STOREFRONT



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~~12.~~ Storefront Description: A storefront frontage is characterized by a facade which is aligned close to or directly on the public right of way line with the building entrance at sidewalk grade. Storefront frontages have substantial glazing on the ground floor and provide awnings or canopies cantilevered over the sidewalk. Building entrances may either provide a canopy or awning, or alternatively, may be recessed behind the front building facade. Awnings over the public sidewalk require approval of an encroachment agreement.

Storefront Dimensions

Development Standard	Measurement
Awning depth	~~5~~ 3 feet minimum ~~10~~ 8 feet maximum
Height (base to sidewalk)	8 feet minimum clear

		12 feet maximum
Doorways (allowed range):		
	Doorway inset	0 feet to 12 feet
	Doorway width	5 feet to 11 feet
Ground floor windows (allowed range):		
	Window width	5 feet to 7 feet
	Window height	6 feet to 7 feet

~~**9-6-6: STREETS AND PEDESTRIANWAYS:**~~

Comment [s96]: Remove entire section 9-6-6. All streets are already built. The City has full control over future modifications.

~~This section identifies the development standards for the public areas of the downtown - more specifically the streets, alleys, and other pedestrianways. The intent of this section is to identify how the public (and in some cases private) rights of way shall be developed and maintained in order to promote an active pedestrian environment that also provides for safe vehicle operations in appropriate locations. These standards are unique to downtown Lemoore; where a conflict exists between these standards and those in the city's adopted improvement standards, these standards shall apply.~~

~~A. Typology Of Streets And Pedestrianways: The streets and other pedestrianways in downtown Lemoore are broken down into the following typologies:~~

~~1. Retail Street: A street located along major retail corridors. This street features active pedestrian spaces with wide sidewalks (greater than 8 feet). Buildings are constructed directly adjacent to the back of the sidewalk (e.g., 0 foot built-to-line). On street parking is provided within the pavement area and is typically angled such that vehicles can only pull into spaces directly in front of them on the passenger side of the vehicle. The sidewalk is lined with street trees in tree wells (with tree grates) near the curb. Intersections may be controlled with stop signs or signals when warrants support such controls.~~

~~2. Minor Street: Similar to a retail street, except that sidewalk widths may be reduced and on street parking may or may not be provided, depending upon the available right of way width. When on street parking is provided, it may be either parallel or angled.~~

~~3. Alley: Narrow public ways located between retail streets. While alleys are primarily intended as locations for service and loading access to adjacent properties, the city recognizes the opportunities alleys provide to property owners and encourages their use as a second means of access to property, including for the use of second entrances to buildings and access to courtyards, patios, and other outdoor spaces in the rear of~~

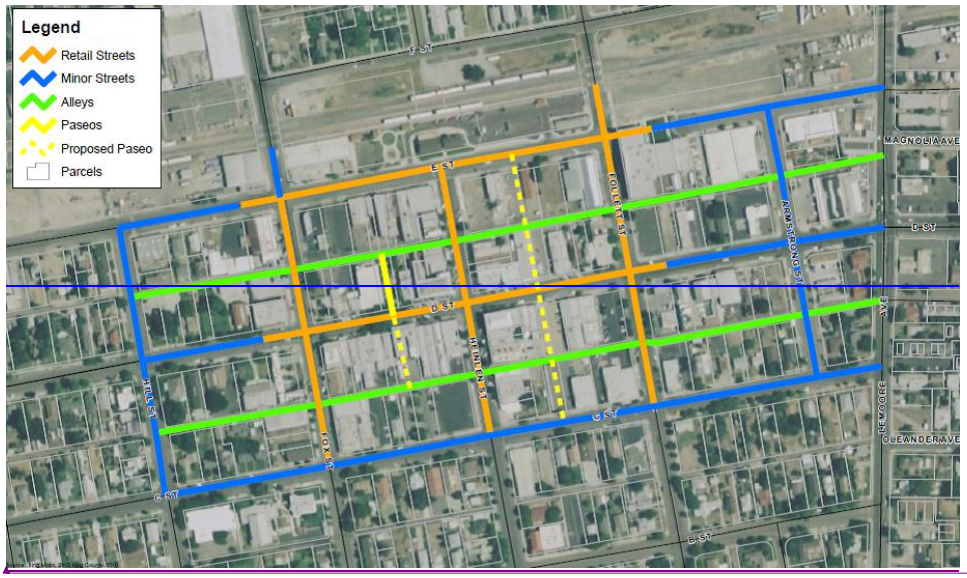
buildings. Alleys do not provide parking (but may provide access to public and private off street parking) and do not include dedicated pedestrian paths separate from travelway, such as sidewalks on retail streets.

4. Paseo: Special pedestrian paths that connect alleys and parking areas at the rear of lots to the retail streets between block ends. Paseos may be developed as public spaces (such as the plaza on D Street between Fox and Heinlen Streets) or as private spaces between buildings. Paseos are of substantive size and feature amenities such as pathway lighting, seating, and ground floor uses that open onto them so that they are attractive to pedestrians.

B. Street And Pedestrianway Plan: This subsection establishes the street and pedestrianway plan for the downtown. Each street within the downtown, including those defining the boundaries of the downtown, is categorized into one of the typologies established in subsection A, "Typology Of Streets And Pedestrianways", of this section as identified below and illustrated in figure 9-6-6-B1, "Street And Pedestrianway Plan", of this section.

Retail Streets	Minor Streets	Alleys	Paseos
* D and E Streets between Fox Street and Follett Street * Fox, Heinlen, and Follett Streets between E and C Streets	* All streets that are not retail streets	* The rights of way parallel to and between C, D, and E Streets	Connecting the lettered streets at the mid block parallel to the named streets within the DMX-1 district. Paseos shall be established as part of site plan and design review

~~FIGURE 9-6-6-B1~~
~~STREET AND PEDESTRIANWAY PLAN~~



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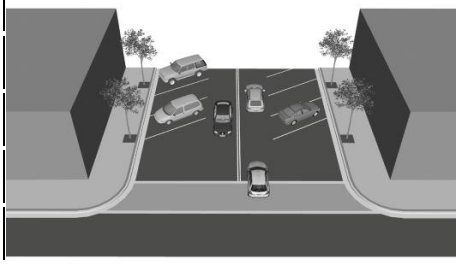
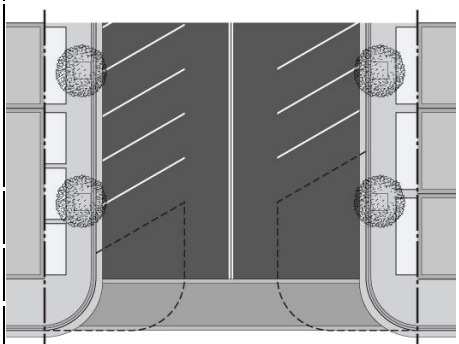
~~C. Development Standards For Streets And Pedestrianways: Each of the four (4) street and pedestrianway typologies shall be developed consistent with the following standards:~~

~~RETAIL STREET~~

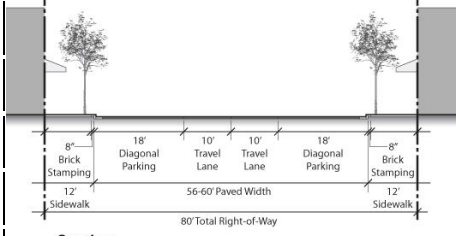
~~Retail Street Dimensions~~



Oblique View



Plan

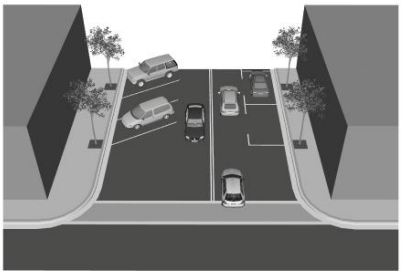


Section

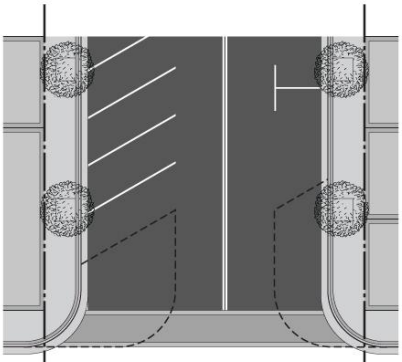
~~Component~~	~~Measurement~~
~~Sidewalk:~~	
~~Total width~~	~~12 feet~~
~~Minimum clear space~~	~~4 feet~~
~~Tree planters:~~	
~~Planter size~~	~~4 feet x 4 feet~~
~~Planter spacing~~	~~30 feet on center~~
~~Brick stamping (utility conduit and irrigation located under stamping)~~	~~8 inches~~
~~Parking (angled):~~	
~~Stall width~~	~~9 feet to 10 feet~~
~~Stall to curb~~	~~18 feet~~
~~Angle~~	~~45 degrees or 60 degrees~~
~~Travel lanes:~~	
~~Number of lanes~~	~~2~~
~~Lane width~~	~~10 feet~~
~~Curb and gutter~~	~~2 feet~~
~~Paved width~~	~~56 feet to 60 feet~~
~~Total right of way~~	~~80 feet~~

~~MINOR STREET~~

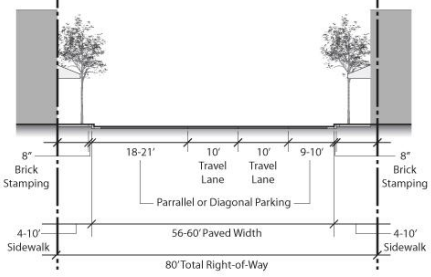
~~Minor Street Dimensions~~



Oblique View



Plan



Section

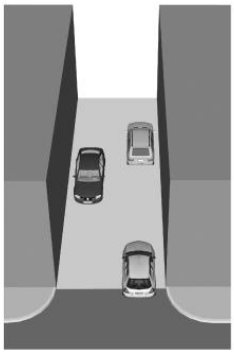
~~Component~~	~~Measurement~~
~~Sidewalk~~	~~4 feet to 10 feet~~
~~Tree planters:~~	
~~Planter size~~	~~4 feet x 4 feet~~
~~Planter spacing~~	~~30 feet on center~~
~~Brick stamping (utility conduit and irrigation located under stamping)~~	~~8 inches~~
~~Parking:~~	
~~Angled:~~	
~~Stall width~~	~~9 feet to 10 feet~~
~~Stall to curb~~	~~18 feet to 21 feet~~
~~Angle~~	~~45 degrees or 60 degrees~~
~~Parallel:~~	
~~Stall to curb~~	~~9 feet to 10 feet~~
~~Travel lanes:~~	
~~Number of lanes~~	~~2~~
~~Lane width~~	~~10 feet~~
~~Curb and gutter~~	~~2 feet~~

~~Paved width~~	~~56 feet to 60 feet~~
~~Total right of way~~	~~80 feet~~

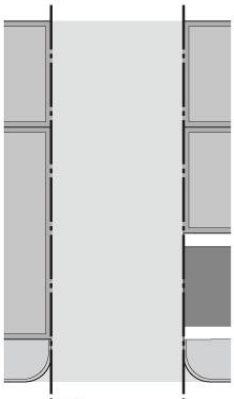
~~ALLEY~~

~~Alley Dimensions~~

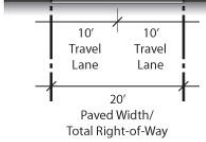
~~Component~~	~~Measurement~~
~~Travel lanes:~~	
~~Number of lanes~~	~~1 to 2~~
~~Lane width~~	~~10 feet minimum~~
~~Paved width~~	~~20 feet minimum~~
~~Total right of way~~	~~20 feet minimum~~



Oblique View



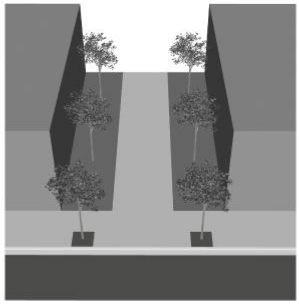
Plan



Section

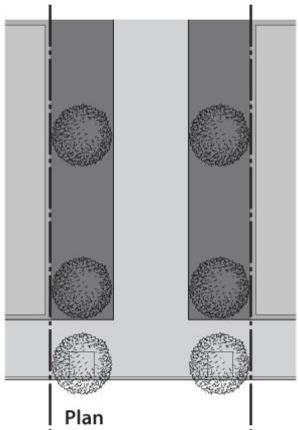
~~PASEO~~

~~Paseo Dimensions~~

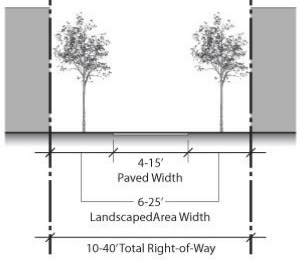


Oblique View

~~Component~~	~~Measurement~~
~~Paved width~~	~~4 feet to 15 feet~~
~~Landscaped area width~~	~~6 feet to 25 feet[1]~~
~~Seating~~	~~1 bench/150 linear feet[1]~~
~~Total right of way~~	~~10 feet to 40 feet[1]~~



Plan



Section

~~Note:~~
~~1. The landscaping and seating requirements may be waived in cases where the existing conditions do not allow for their installation. Such alternative designs shall be allowed through site plan and design review.~~

~~D. Improvement Requirements For New Development And Renovation: In most areas of the downtown, the public right of way has been improved consistent with the standards established in this section. However, in some cases, the current condition of these improvements has deteriorated such that reconditioning or replacement is necessary, or components such as tree grates and brick stamping are missing (see figure 9-6-6-D1 of this section). When new development or renovation occurs within the downtown, new buildings and uses create a demand on the public right of way.~~

~~Therefore, as identified as part of project review, development 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. 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.~~

~~FIGURE 9-6-6-D1~~
~~STREET TREES WITH TREE GRATES AND BRICK STAMPING~~

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~~(Ord. 2012-01, 4-17-2012)~~(Ord. 2013-___, __-__-2013)

9-6-~~7~~6: SPECIAL DESIGN AND OPERATIONAL STANDARDS:

Comment [s97]: Make modification to simplify code.

The following are special development standards for the downtown pertaining to 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.

A. Outdoor Dining: The development standards below apply to all outdoor seating for food uses, including both fixed and movable seats. These standards are intended to be consistent with the requirements of the state alcoholic beverage control agency.

1. Location: Seating shall be located proximate to the dining establishment. Where seating is located within the public right of way, an encroachment agreement shall be required and seating areas shall be installed consistent with subsection 9-6-3B, "Encroachments", of this chapter, specifically maintaining a clear walk path as illustrated in figure 9-6-3-B3, "Sidewalk Clearance", of this chapter.

2. Enclosure: An enclosure wall, fence, or planter shall be required around any outdoor seating areas with restaurant table service where alcohol is served, consistent with state licensing requirements. Walls, fences, and planters shall not exceed a maximum height of three and one-half (3.5) feet~~thirty inches (30")~~. The wall/fence may be extended to a maximum height of six feet (6') if the area above three and one-half (3.5) feet ~~thirty inches (30")~~ remains primarily open view (e.g., glass, wrought iron). ~~Outdoor seating may be uncovered, partially covered, or fully covered by means of umbrellas, awnings, or canopies~~.

~~3. Trash Collection: A minimum of one outdoor trash receptacle shall be located within twenty feet (20') of the outdoor dining area.~~

B. Outdoor Sales (Temporary): The following development and operational standards apply to all temporary outdoor sales. See also figure 9-6-7-B1, "Temporary Outdoor Sales", of this section.

1. Location: Outdoor sales are allowed to occur when consistent with the following standards:

a. On private property, on the same lot as the associated retail operation; and

b. Along the public sidewalk when consistent with subsection 9-6-3D, "Encroachments", of this chapter, specifically maintaining a clear walk path as illustrated in figure 9-6-3-D2, "Sidewalk Clearance", of this chapter. Displays shall be located directly against the building and not along the curbside.

2. Maximum Area: Outdoor sales areas may not take up more than seventy five percent (75%) of the frontage of the building that they are associated with.

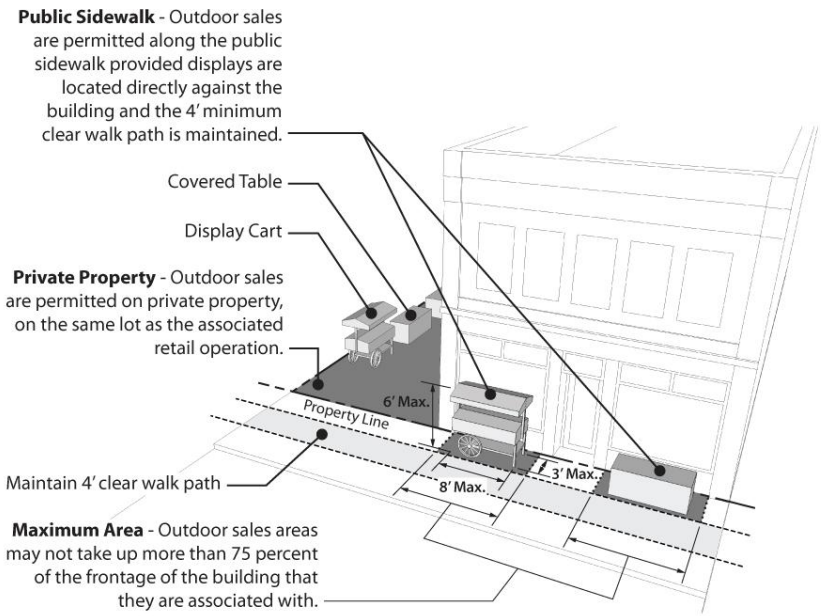
3. Product Display: Products shall be displayed as follows:

a. Tables: Products displayed on tables shall be kept organized at all times. The tables shall be covered with a table cloth or skirt such that the legs and under table area is screened.

b. Display Carts: Display carts shall be no taller than six feet (6'), no longer than eight feet (8'), and no wider than three feet (3').

4. Term: Products may only be displayed outdoors during the business hours of the associated retail use. Goods may not be displayed outside overnight.

FIGURE 9-6-7-B1
TEMPORARY OUTDOOR SALES



C. Outdoor Storage and Sales (Permanent): The following development and operational standards apply to all permanent outdoor storage. ~~See also figure 9-6-7-C1, "Permanent Outdoor Storage And Sales", of this section.~~

1. Location: Outdoor storage and permanent sales are allowed in the rear of the lot or within interior side ~~and street side~~ yards. Outdoor storage is not allowed within front and street side yards.

2. Maximum Area: The maximum area allowed for outdoor storage shall be twenty five percent (25%) of the total lot area. ~~Additional storage areas shall be permitted through site plan and design review.~~

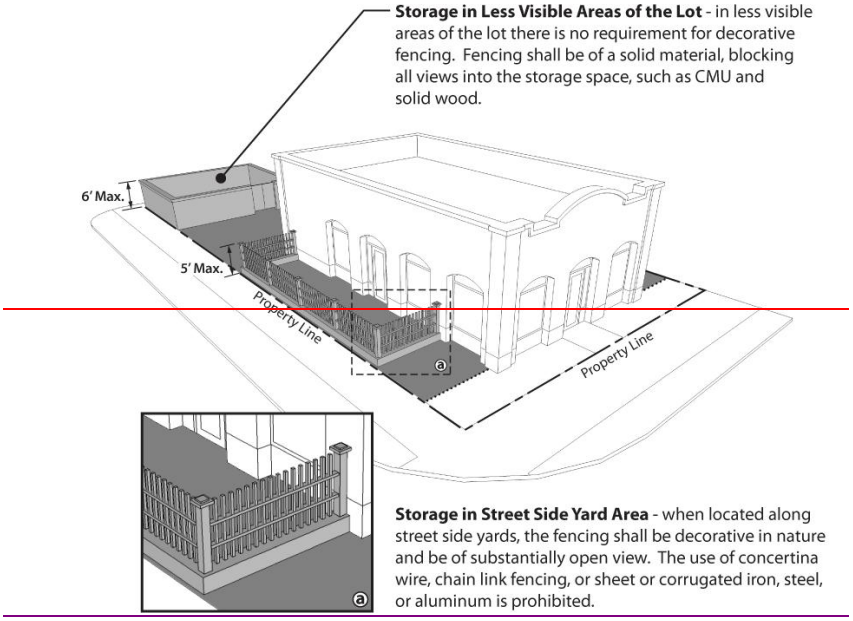
3. Enclosure/Screening: Outdoor storage areas shall be enclosed through the use of walls or fencing. ~~as follows:~~

~~a. When located along street side yards, the fencing shall be decorative in nature (e.g., wrought iron, tubular steel, picket fence), be of substantially open view (greater than 50 percent of the surface area is open), and shall have a maximum height of five feet (5'). The use of concertina wire, chainlink fencing, or sheet or corrugated iron, steel, or aluminum is prohibited.~~

~~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 (6) feet. 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.

4. Storage Area Maintenance ~~And~~and Upkeep When Visible From Public Right ~~Of~~of Way: When the storage area is viewable from the public right of way (e.g., sidewalk), the storage area shall be regularly maintained and kept orderly and clean such that it does not create a public nuisance.

~~FIGURE 9-6-7-C1~~
~~PERMANENT OUTDOOR STORAGE AND SALES~~



D. Trash Collection: The following provisions describe the city's minimum standards for the design and location of trash and other refuse collection areas as part of new development. ~~These provisions are intended to create functional spaces for both users and trash collection services while maintaining a design compatible with the historic character of the downtown.~~

1. Trash storage must be fully screened from public ~~view~~streets, subject to design approval from the city and operational approval from the public works department. Where practical, storage at common enclosures is preferred. Other design solutions may include, but are not limited to, incorporating within the main structure (subject to compliance with city adopted building and fire codes) or within a separate freestanding enclosure.

2. Trash enclosures shall be architecturally compatible with the project. Examples include use of the same materials and colors as the building.

3. Refuse containers and service facilities shall be screened from view by solid masonry walls with powder coated solid metal doors. ~~Chainlink~~ Chainlink or wood fencing is prohibited. ~~Use landscaping (shrubs and vines) to screen walls and help deter graffiti.~~

~~4. Trash enclosures shall allow convenient access for commercial tenants. Siting on site service areas in a consolidated and controlled environment is encouraged.~~

~~5~~4. When possible, t~~T~~rash enclosures shall be located away from residential uses to minimize nuisance for the adjacent property owners.

E. Utilities: Utilities for new development and redevelopment of property shall be integrated either into the structure(s), placed underground, or otherwise designed as an integral part of the project~~. The intent is to not have devices such as backflow preventers, power transformers, and other utility equipment sited in the same way as new subdivisions where underground infrastructure is brought aboveground (or "daylighted") at regular intervals with service access. The city recognizes the need for utility providers to access the equipment on a regular or emergency basis~~. ~~(Ord. 2012-01, 4-17-2012)~~(Ord. 2013-___, __-__-2013)

9-6-7: CONVERSION OF RESIDENCES TO NON-RESIDENTIAL USES:

Comment [s98]: This section is new and was added to provide standards for the conversion of historic homes into offices and other non-residential uses. The new standards provide special setback and parking standards.

A. Purpose: The purpose of this section is to provide development standards that accommodate the conversion of historic residences for non-residential use in the DMX zone districts, while maintaining the historic character of the neighborhoods.

B. Development Standards: When existing buildings that have historically been used as residences are converted to non-residential uses the standards of this section shall be met.

1. For existing residences, exterior alterations or additions will be permitted so long as they do not significantly alter the original architectural style and provided that the changes enhance or upgrade the property.

2. Exterior modifications to buildings shall be minimized to the extent possible. When exterior modifications are made, the standards in Table 9-6-8-B, ñStandards for Conversion to Non-Residential Useòshall be met.

TABLE 9-6-8-B

STANDARDS FOR ~~TRANSITIONAL DEVELOPMENT FROM DOWNTOWN TO RESIDENTIAL NEIGHBORHOODS~~CONVERSION TO NON-RESIDENTIAL USE

Development Standard	Measurement
Setback ï Front	20 feet minimum
Setback - Interior Side ~~A side yard providing access to more than one office or dwelling unit shall not be less than ten feet.~~	5 feet minimum
Setback ï Corner Side	10 feet minimum
Setback - Rear	5 feet minimum
Building Height	~~1 story: 25 feet maximum~~ ~~2 story: 35 feet maximum~~35 feet maximum
~~Distance to porch.~~	~~20 feet maximum. Steps may extend no more than 5 feet beyond face of porch~~
~~Porch height above sidewalk grade~~	~~18è minimum~~ ~~3 feet maximum~~

~~Porch width~~	~~10 feet minimum~~
~~Porch depth~~	~~6 feet minimum~~
~~Clearance above porch to roof soffit~~	~~8 feet minimum~~

3. Buildings with existing front and/or side yard covered porches and handrails that are indicative of the architectural style shall remain and be improved

4. Parking: Parking shall be located in the rear of the lot. Parking shall not be allowed in the front or corner side setback areas of a corner lot.

5. Access: Parking shall only be accessed from the alley.

CHAPTER 7

MIXED USE DEVELOPMENT STANDARDS

9-7-1: PURPOSE AND APPLICABILITY:
9-7-2: DESIGN CONCEPT:
9-7-3: CONCEPTUAL PLAN REQUIREMENTS:
9-7-4: RESIDENTIAL DEVELOPMENT:
9-7-5: CONNECTIVITY AND CIRCULATION:
9-7-6: DEVELOPMENT STANDARDS:
9-7-7: ARCHITECTURAL DESIGN STANDARDS:
9-7-8: PEDESTRIAN SPACES AND WAYS:

9-7-1: PURPOSE AND APPLICABILITY:

A. Purpose: This chapter establishes the rules and regulations for development and design of property designated as a mixed use (MU) district. Provisions herein address the compatible integration of residential, commercial, office, and/or industrial uses on a contiguous project site within the mixed use district. The regulations are intended to be flexible to allow a variety of activities and mix of tenants. These provisions implement mixed use land use policies within sections 2.5 (downtown and shopping centers) and 3.5 (activity centers) of the general plan. The requirements for specific master planning of mixed use sites through conceptual plans is adopted consistent with the provisions provided to the city by section 65302.4 of the California Government Code.

~~The standards and requirements of this chapter are not to be confused with the mixed use policies or development standards for the downtown mixed use districts, which are described in chapter 6, "Downtown Development Standards", of this title.~~

Specifically, mixed use development standards do the following:

1. Allow a range of uses;

2. Establish incentives for mixed use development that create a public benefit (e.g., workforce housing, daycare centers, small scale commercial/service uses);

3. Provide for the flexible integration of different use types independent of property locations;

~~4. Require a certain number of residential units within each mixed use district consistent with the housing element of the general plan;~~

~~5~~4. Provide guidance for the types of mixed use development desired by the city;

~~6~~5. Ensure that new mixed use centers are compatible with surrounding neighborhoods;

~~7. Require a pedestrian friendly environment; and~~

~~8. Require the establishment of defined civic centers.~~

B. Applicability of Standards: The standards within this chapter apply to the mixed use (MU) zoning district. This chapter identifies the development standards and design requirements for all development within this district. Unless otherwise exempted, all new development and reuse redevelopment of existing structures within the mixed use district shall comply with the standards in this chapter and shall be reviewed for consistency as part of site plan and design review and building permit plan check. Exemptions to specific standards may be approved through the site plan and architectural review process if the approving authority makes a finding that the there are special circumstances applicable to the site that warrant an exemption from the standard.

Comment [s99]: This addition gives flexibility to allow exemptions to the requirements when there are special circumstances. For example, the former Whiskey Shoppe site is proposing new commercial building. Since the site is landlocked between two existing developments, it is more appropriate to give some exemptions to building placement standards in order to allow the new building to fit in with the existing buildings, while still providing to integration in the future.

C. Mixed Use Centers Established: The city's general plan establishes five (5) mixed use centers, each a collection of parcels adjacent to each other that are collectively designated under the general plan as mixed use. These properties are all zoned mixed use. These centers are located at the following major roadway intersections and shall be referred to by these names and can be identified in figure 9-7-1-C1, "Mixed Use Centers", of this section:

1. Bush Street and College Avenue.

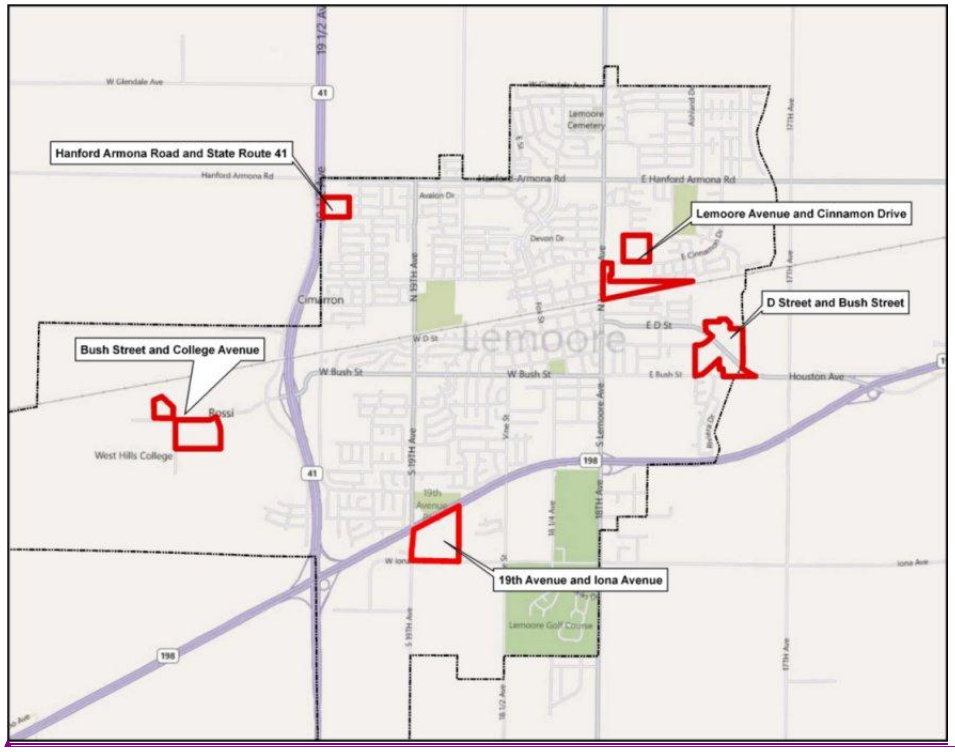
2. 19th Avenue and Iona Avenue.

3. East D Street and Bush Street.

4. Lemoore Avenue and Cinnamon Drive.

5. Hanford-Armona Road and State Route 41.

FIGURE 9-7-1-C1
MIXED USE CENTERS



(Ord. 2013-___, __-__-2013)

9-7-2: DESIGN CONCEPT:

A. The design concept for the mixed use district is intended to provide the following key characteristics:

1. Retail, residential, office, business and personal services, public, and institutional uses in neighborhood oriented centers in a variety of mixed use configurations, such as ground floor commercial with residential or office uses above, or collocation of buildings with different single uses on a contiguous mixed use area.

2. Development is pedestrian oriented to enhance street life and to enhance the vibrancy of new and existing neighborhoods.

3. Residential density ranges from eight (8) to twenty (20) units per gross acre.

4. Buildings are typically a combination of one-, two-, and three-story buildings, with less development intensity adjacent to single-family residential areas. (Ord. 2013-___, __-__-2013)

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9-7-3: CONCEPTUAL PLAN REQUIREMENTS:

A conceptual plan is required for all new development and redevelopment within a designated mixed use district. The planning director may waive the requirement for a conceptual plan when it is determined that the proposed new development is minor or is replacing or expanding existing development.

Comment [s100]: Add provision that allows the planning director to waive the requirement for a mixed use zone conceptual plan when the proposed development is replacing or expanding existing development.

A. Conceptual Plan Purpose: The intent of the conceptual plan is to illustrate key components of each mixed use center. The conceptual plan should include information on the private realm (development standards, building prototypes, and frontage types) and the design of the public realm (street typologies). The conceptual plan shall describe the conceptual configuration of land uses, the onsite circulation system, and the relationship to adjacent properties and uses for the center. The purpose is to develop each mixed use center in an integrated fashion with connected streets, an integrated pedestrian system, and common parking areas. It is not meant to lock landowners into a set development pattern or restrict the types or range of uses that are allowed on a given property. Rather, its focus is on planning for and providing integrated access across properties for efficient and cohesive operations and placement of proposed uses appropriately based on existing surrounding development.

B. Conceptual Plan Components: A conceptual plan shall be established for a mixed use center prior to or in conjunction with approval of the first tentative subdivision or parcel map or site plan and design review within the center. The plan shall be created by the project proponent and submitted to the city for review and approval (see subsection C of this section, conceptual plan approval).

Each conceptual plan shall specifically include the following written and graphic components.

1. Location of any new streets and pedestrianways;

2. Location of any plazas and other types of open space;

3. Location of storefront frontage along key pedestrian paths;

4. Location of storefront frontage along streets;

5. Anticipated vehicular and pedestrian connections within the entire mixed use district as well as connections to adjacent properties;

6. Location of any common parking facilities (individual parking lots are discouraged in the mixed use district);

7. Location of any transit/bus stop; and

8. A written description of how the conceptual plan achieves the development standards within this chapter.

C. Conceptual Plan Approval and Modification: A conceptual plan shall be reviewed and approved by the city through a minor site plan and architectural review (see section 9-2B-12, "Minor Site Plan and Architectural Review", of this title). The plan shall be prepared by the

applicant consistent with the requirements of this chapter and submitted to the planning department for review. As part of the submittal, the applicant shall demonstrate that they have provided a copy of the draft plan to other owner(s) of property within the center for review and provide copies of their comments (if any) to the city.

After approval of the conceptual plan, the plan may be modified through an amendment to the minor site plan and architectural review. The amendment may be prepared by any landowner within the mixed use center or by the city.

The city may, at its discretion, provide assistance to property owners with the preparation of the conceptual plan prior to submittal of subsequent application for development of the site.

D. Development Proposal Process: After approval of the conceptual plan, subsequent planning permits and entitlements and other approvals may be issued. (Ord. 2013-___, __-__-2013)

9-7-4: RESIDENTIAL DEVELOPMENT:

A. Residential Uses Generally: The city encourages each mixed use center to include residential uses within the development. In doing so, these centers create opportunities for people to live, work, and shop in the same area. It builds in a dedicated customer base for retail and restaurant uses and creates flexible housing choices for workers. Consistent with the city's general plan, where residential uses are provided in mixed use centers, the minimum residential density is eight (8) dwelling units per acre and the maximum density is twenty (20) dwelling units per acre.

B. Transfer of Units Between Properties: To further encourage the development of residential uses within mixed use centers, the city allows for the residential development potential of one or more parcels within a mixed use center to be transferred to any other parcel or parcels within the same center by right, provided the maximum number of residential dwellings in each center does not exceed the number identified in table 9-7-4-A1, "Maximum Residential Development", of this section. The number of dwellings listed in table 9-7-4-A1 of this section is calculated based upon the number of acres in each center multiplied by the maximum allowed density of twenty (20) units per acre.

TABLE 9-7-4-A1
MAXIMUM RESIDENTIAL DEVELOPMENT

	Mixed Use Centers				
	Bush/ College	19th/ Iona	East D/ Bush	Lemoore/ Cinnamon	Hanford/ 41
Maximum residential dwellings	101	560	271	386	163

(Ord. 2013-___, __-__-2013)

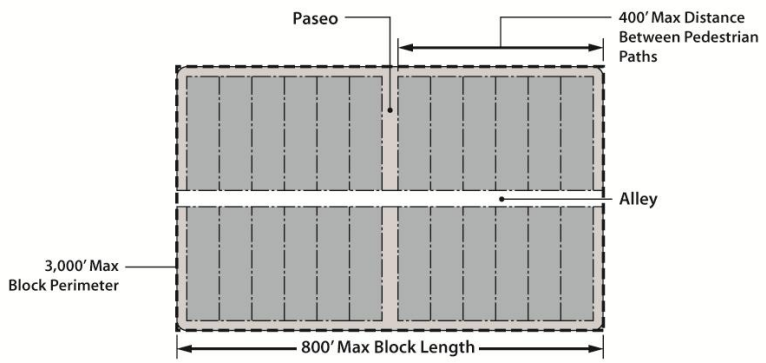
9-7-5: CONNECTIVITY AND CIRCULATION:

In keeping with the design concept for mixed use development (see section 9-7-2, "Design Concept", of this chapter), mixed use centers shall be developed with an internal set of streets, drive aisles, and other similar paths that divide the sites into smaller blocks. To that end, mixed use centers are subject to the connectivity requirement in table 9-7-5-1, "Connectivity Requirements", of this section. The intent is to achieve these requirements through the implementation of the regulating plan established for each mixed use center (see section 9-7-3, "Conceptual Plan Requirements", of this chapter). The standards listed in table 9-7-5-1 of this section are illustrated using a variety of development types in figure 9-7-5-1, "Connectivity", of this section. A new regulating plan shall be created or updated prior to development within each mixed use center.

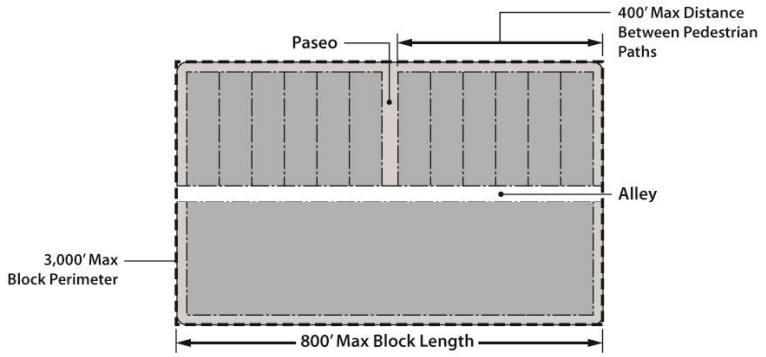
TABLE 9-7-5-1
CONNECTIVITY REQUIREMENTS

Development Standard	Measurement
Block length	800 feet maximum
Block perimeter	3,000 feet maximum
Distance between pedestrian paths (e.g., paseo)	400 feet maximum

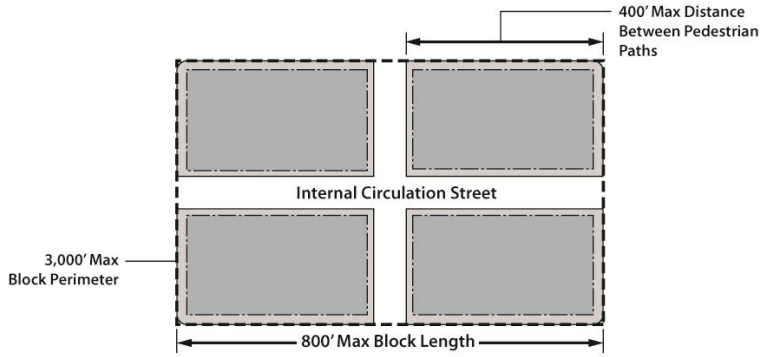
FIGURE 9-7-5-1
CONNECTIVITY



Example Residential Block



Example Mixed-Use Block



Example Commercial Block

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A. Street System: ~~Access to each mixed use center is generally provided through public arterial and collector streets. While these streets are ideal for bringing people to the centers, they~~

Comment [s101]: Simplify standards for new public and private streets in mixed use developments.

~~are designed first and foremost for the vehicle, allowing for high volumes of traffic at higher speeds (35+ miles per hour). This design is not conducive to pedestrian activity. As such,~~ E~~e~~ach mixed use center, as part of the regulating plan, shall establish an internal system of streets that connect to the city street system at appropriate locations. These internal streets may be public (street) or private (drive aisle~~); however, the city encourages these streets to be private because this provides greater design flexibility in terms of roadway width and design.~~
.)
Internal streets shall be based upon the following roadway hierarchy and consistent with the development standards listed in subsection C, "Development Standards For Streets and Pedestrianways", of this section:

1. Main Street: A "main street", or "main way", is a drive aisle or street that functions as a major vehicular pathway through a site. This street features active pedestrian spaces with wide sidewalks (greater than 8 feet). Buildings are constructed directly adjacent to the sidewalk (e.g., 0 foot built-to line). On street parking is provided within the pavement area and is typically angled such that vehicles can only pull into spaces directly in front of them on the passenger side of the vehicle. The sidewalk is lined with street trees in tree wells near the curb. Intersections may be controlled with stop signs when warrants support such controls.

2. Drive Aisle: A drive aisle is a vehicular pathway that provides access from the public street system or on site private main street(s) to the parking areas of the project.

3. Alley: Alleys are narrow roads that provide access to utility areas. These roads are intended for large deliveries and trash collection and are not meant as pedestrian areas. Alleys do not provide parking (but may provide access to parking).

B. Pedestrianways: Pedestrianways within mixed use centers are generally broken down into two (2) categories: sidewalks and other pedestrian paths. Each shall comply with the following standards:

1. Sidewalks: ~~Sidewalks are a critical element of the on site circulation system providing pathways for pedestrians. Generally, on site sidewalks shall function as logical extensions of the public sidewalk.~~ Every internal street or drive aisle shall include a sidewalk between the roadway and the adjacent building. Exceptions shall be granted through regulating plan approval for alleys and areas where pedestrians should not be. Sidewalks shall be designed consistent with the standards listed in subsection C, "Development Standards for Streets and Pedestrianways", of this section.

2. Other Pedestrian Paths: As identified in table 9-7-5-1 "Connectivity Requirements", of this section, additional pedestrian paths shall be provided between block ends within mixed use centers. These paths shall comply with the following standards:

   a. Pedestrian paths between buildings shall be a minimum of ten feet (10') wide with a minimum paved area of five feet (5').

   ~~b. Where walls and/or landscaping is used to screen parking areas, breaks shall be provided at least every sixty feet (60') to provide pedestrian access from the parking area to the sidewalk. The minimum paved width for these areas shall be three feet (3').~~

c. Pedestrian paths shall be designed with features such as enhanced paving, trellis structures, and additional landscaping or lighting to distinguish paths from the sidewalk.

d. 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.

e. Pedestrian pathways crossing a vehicle drive, 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.

~~f. The primary hardscape materials used for pedestrian spaces shall be high quality poured in place concrete.~~

C. Development Standards For Streets ~~And~~and ~~-~~and Pedestrianways: ~~Each of the four (4) street and pedestrianway typologies shall be developed consistent with the following standards~~Main streets shall include the design features in Table 9-7-5-C, ñMain Street Design Features.ò~~ò~~

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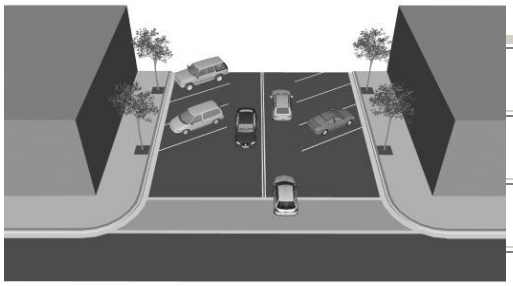
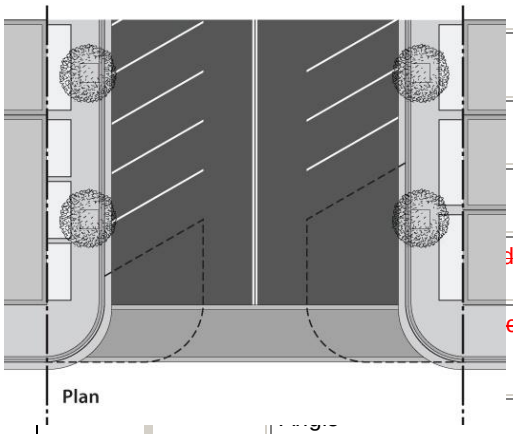
TABLE 9-7-5-C
MAIN STREET DESIGN FEATURES



Oblique View



Plan

	Measurement
	~~12~~ 10 feet to 24 feet
	4 feet
	~~5~~ 4 feet x ~~5~~ 4 feet
	30 feet on center
~~dth~~	~~9 feet to 10 feet~~
~~curb~~	~~19 feet to 20.5 feet~~
	45 degrees preferred

~~Travel lanes:~~		
	~~Number of lanes~~	~~2~~
	~~Lane width~~	~~11 feet~~
~~Curb and gutter~~		~~2 feet~~
~~Paved width~~		~~56 feet to 60 feet~~

~~Total right of way (building face to building face)~~	~~80 feet~~

(Ord. 2013-___, __-__-2013)

9-7-6: DEVELOPMENT STANDARDS:

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

A. Building Placement: ~~Each proposed~~New structures shall comply with the build-to line, setback, and buildable area requirements listed in table 9-7-6-A1, "Building Placement", of this section and shown in figure 9-7-6-A1, "Building Placement", of this section. Setbacks and build-to lines shall be measured from the back of the property line when along a public street or from a sidewalk when along an internal, private drive. The planning director may waive this requirement for a it is determined that the proposed new development is replacing or expanding existing development~~.~~

Comment [s102]: Add a provision allowing the planning director to waive development standards in the mixed use zone when the proposed development is replacing or expanding existing development.

TABLE 9-7-6-A1
BUILDING PLACEMENT[3,4]

Development Standard	Measurement
Build-to line:	
Front:	0 feet minimum 10 feet maximum[1]
Street side, corner lot:	0 feet minimum 10 feet maximum[1]
Interior Side	0 feet~~10 feet~~[1]
Rear, a~~A~~djacent to residential ~~property~~ zone district	10 feet[2]
~~Adjacent~~Rear, adjacent to ~~any other use~~non-residential zone district	10 feet
Rear, a~~A~~djacent to alley	10 feet[2]

Minimum building frontage:	
Primary street	50 percent
Secondary street	40 percent

Notes:

1. The building facade along a street may be recessed to create inviting pedestrian spaces.

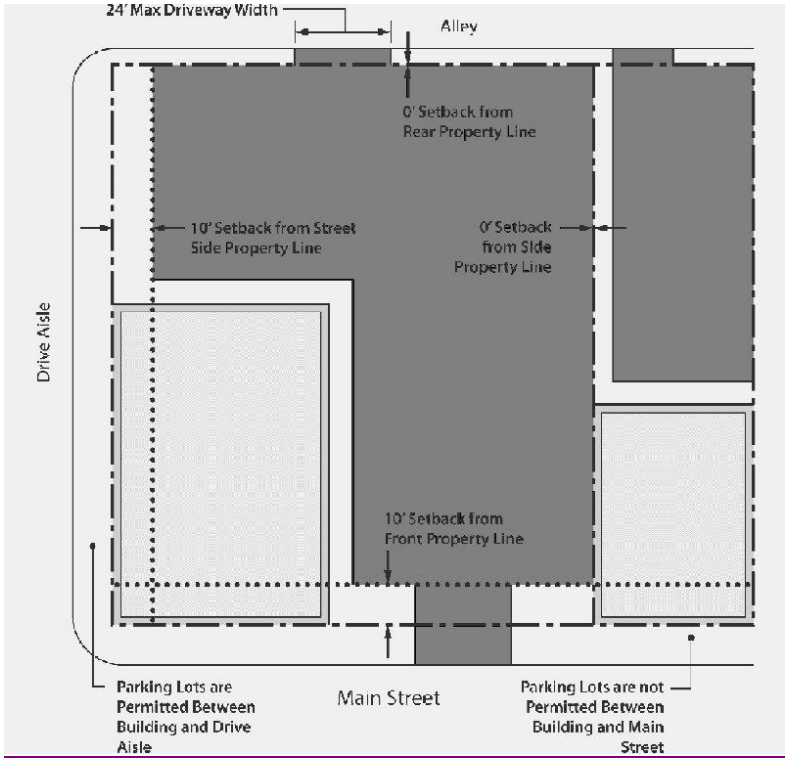
~~such as entries, courtyards, and patios.~~

2. Residential dwellings may be developed with no rear yard setback and no alley setback as part of site plan and design review.

3. Additional setbacks may be provided through regulating plan approval to allow for the creation of pedestrian plazas.

4. Buildings, including awnings, arcades, galleries, and other architectural features, are allowed to encroach over and into sidewalks that are not part of the public right of way, provided a minimum 4 foot clear walk path is provided.

FIGURE 9-7-6-A1
BUILDING PLACEMENT



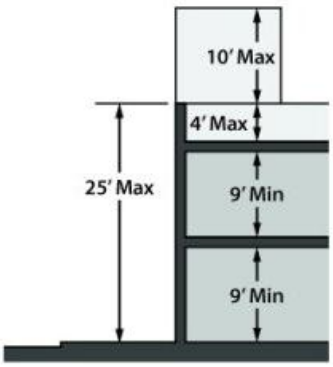
B. Height: Height standards for development within the mixed use district are listed in table 9-7-6-B1, "Height", of this section and shown in figure 9-7-6-B1, "Height", of this section.

TABLE 9-7-6-B1
HEIGHT

Development Standard	Measurement
General height standards:	

Structure height	25 feet maximum
First floor ceiling height	9 feet minimum
Upper floor(s) ceiling height	9 feet minimum
Architectural features (additional height):	
Parapet wall/mechanical screen	4 feet maximum
Towers, spires and similar features	10 feet maximum

FIGURE 9-7-6-B1
HEIGHT



C. Parking: Parking within mixed use centers is meant to be shared among all properties and uses within the center. The intent is to allow people the opportunity to park once and then travel by foot between the various uses within the center. Parking within mixed use centers shall be provided through a combination of parking lots behind buildings and on street parking spaces along internal main streets and minor streets.

1. On Street Parking Standards: On street parking shall be developed consistent with the standards identified in section 9-7-5, "Connectivity and Circulation", of this chapter.

2. Parking Lot Standards: Parking lots (off street parking) shall be developed consistent with the standards listed in table 9-7-6-C1, "Parking Lots" and figure 9-7-6-C1, "Parking Lot Location", of this section. In addition to these standards, parking lots shall be lighted and landscaped consistent with the standards in sections 9-5A-6, "Outdoor Lighting" and 9-5D1-2, "Landscape Standards", of this title, and parking stall dimensions shall be consistent with the standards of section 9-5E-5, "Design and Development Standards For Off Street Parking Areas", of this title.

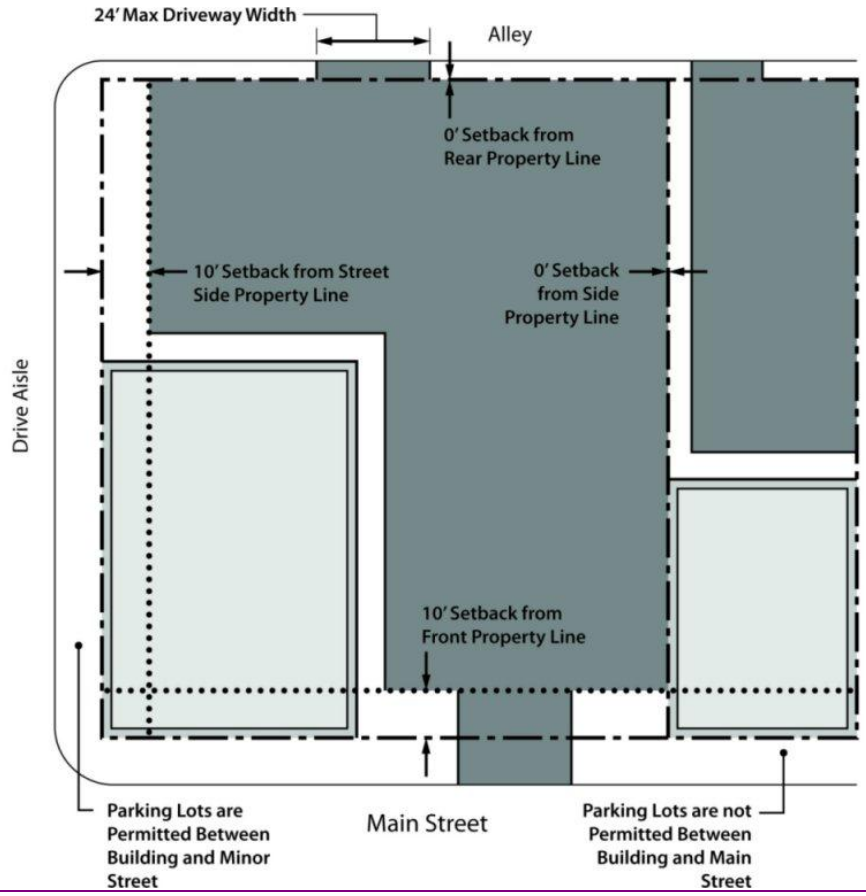
TABLE 9-7-6-C1
PARKING LOTS

Development Standard		Measurement
Location of parking lot:		
	Between building and main street	Not allowed
	Between building and drive aisles	Allowed
Setbacks:		
	Setback to side property line	0 feet minimum
	Setback to minor street	10 feet minimum[1]
	Setback to rear property line	0 feet minimum
~~**Parking lot design:**~~		
	~~Driveway width~~	~~24 feet maximum~~[2]
	~~Drive aisle width and stall dimensions~~	~~See chapter 5, article E of this title~~

Notes:
1. Intent is to allow space for pedestrian path and landscape screening between the street and parking lot.

~~2. A greater or lesser width may be required as determined by public works as part of site plan and design review.~~

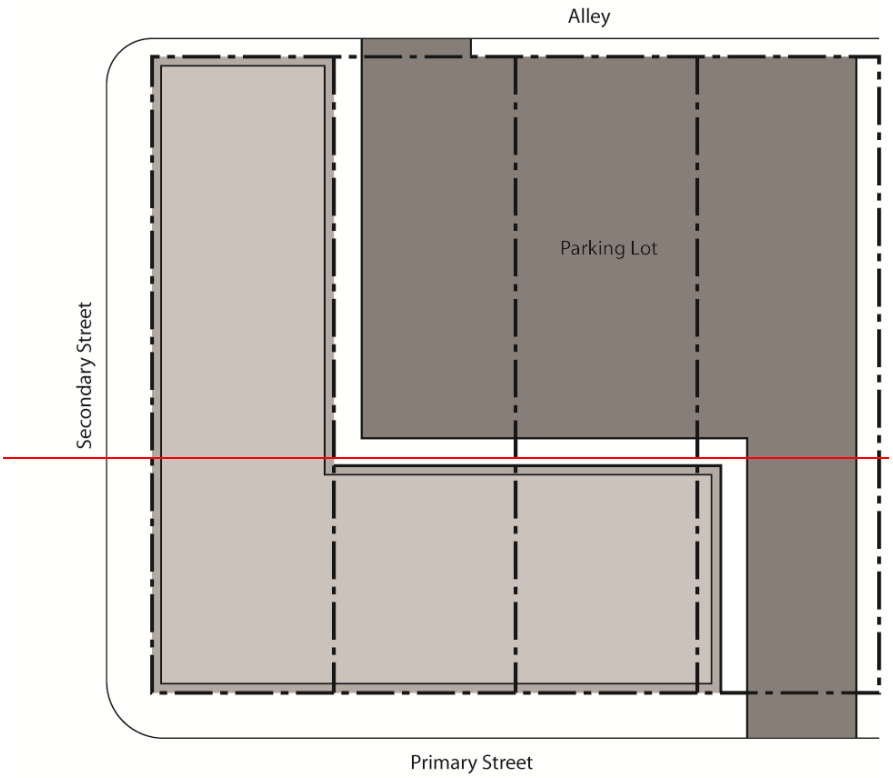
FIGURE 9-7-6-C1
PARKING LOT LOCATION



3. Number of Required Parking Spaces: The number of parking spaces required for mixed use centers shall be based upon the standards listed in chapter 5, article E, "Off Street Parking and Loading", of this title. The required parking shall be calculated based upon the range of uses developed within the center by type of use during the peak parking period.

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

~~FIGURE 9-7-6-C2~~
~~SHARED PARKING CONCEPT~~



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

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

~~D. Signs: Signs in the mixed use district shall comply with chapter 5, article F, "Signage", of this title.~~ (Ord. 2013-___, __-__-2013)

9-7-7: ARCHITECTURAL DESIGN STANDARDS:

Buildings within mixed use centers shall comply with the architectural standards of chapter 5, article C, "Architectural and Site Design Standards", of this title for the type of use. (Ord. 2013-___, __-__-2013)

9-7-8: PEDESTRIAN SPACES AND WAYS:

This section identifies the development standards for the public areas of mixed use centers, more specifically the streets, alleys, and other pedestrianways. The intent of this section is to identify how the public spaces shall be developed and maintained in order to promote an active pedestrian environment.

A. Required Pedestrian Spaces: Every mixed use center shall include one or more outdoor gathering spaces. Public space shall occupy at minimum ~~five~~ two percent (2%)~~percent (5%)~~ of the gross area of each mixed use center.

Comment [s103]: Simplify pedestrian way standards.

~~B. Required Amenities: The following amenities shall be provided within all pedestrian spaces:~~

~~1. Seating: Seating shall be provided throughout the center at a ratio of one linear foot of seating area per thirty (30) square feet of pedestrian space. Seating should be provided in a variety of types and configurations and able to accommodate solitary and social activities, such as movable seating, fixed individual seating, fixed benches (with and without backs), and seating integrated into architectural features. Seating shall be smooth with even surfaces and curved edges. Seating shall conform to crime prevention standards, such as "open seating" that inhibits vandalism (e.g., spray paint, skateboarding). Bench seating shall be designed to prohibit sleeping, such as including armrests or other obstructions.~~

~~2. Drinking Fountains: One drinking fountain shall be provided for every ten thousand (10,000) square feet of public space.~~

~~3. Trash Receptacles: One trash receptacle shall be provided for every two thousand (2,000) square feet of public space. Spaces that include outdoor dining shall provide an additional trash receptacle for every one thousand five hundred (1,500) square feet of dining space. Trash receptacles shall have a capacity of at least twenty five (25) gallons and feature top and/or side openings of at least twelve inches (12"). The city recommends that receptacles be located within fifty feet (50') of all seating areas.~~

~~C~~B. Standards For Pedestrian Spaces: All pedestrian spaces shall comply with the following standards:

1. Landscaping: Landscaping in pedestrian spaces shall be consistent with the requirements of chapter 5, article D1, "Landscaping Standards", of this title.

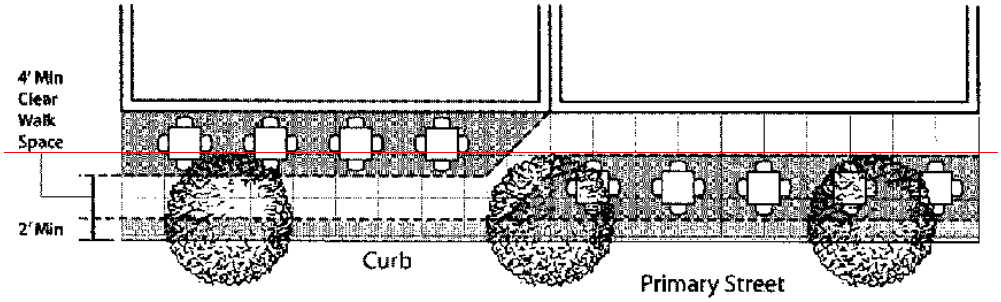
2. Lighting: Pedestrian spaces shall be illuminated for safety and to complement the architecture of the space. Lighting shall be consistent with the standards of section 9-5A-6, "Outdoor Lighting", of this title.

3. Electrical Power: Pedestrian spaces shall be serviced with at least two (2) electrical outlets for every two thousand (2,000) square feet of public space. The intent is to provide adequate power for temporary uses and activities and to facilitate proper maintenance.

4. Materials: Materials used in pedestrian oriented spaces 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 comfortable maneuverability for people of all abilities. Wherever a pathway crosses a drive aisle, loading area, or parking area, the pathway shall be made identifiable by the use of one of the following: elevation changes, changes in paving materials, and/or the use of colors.

~~5. Sidewalks And The Clear Walk Space: The width of a sidewalk shall extend from the face of the curb backward toward a building's facade. The width of the sidewalk shall be as established in section 9-7-5, "Connectivity And Circulation", of this chapter. All sidewalks shall include a clear walk space that is a minimum four feet (4') wide. This clear walk space shall be free of obstructions at all times. See figure 9-7-8-C1, "Clear Walk Space", of this section.~~

~~FIGURE 9-7-8-C1~~
~~CLEAR WALK SPACE~~



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~~(Ord. 2012-01, 4-17-2012)~~(Ord. 2013-___, __-__-2013)

CHAPTER 9:

OVERLAY ZONING DISTRICTS

ARTICLE A. PURPOSE AND INTENT OF OVERLAY ZONING DISTRICTS

9-9A-1: PURPOSE AND INTENT:
9-9A-2: DESIGNATION ON ZONING MAP:
9-9A-3: APPLICABILITY OF STANDARDS:

9-9A-1: PURPOSE AND INTENT:

This chapter establishes a series of overlay zoning districts. These overlay zoning districts supplement the land use regulations and/or development standards of the corresponding underlying base zoning district by recognizing distinct areas of the city that have special, unique, or important social, architectural, site, neighborhood, environmental, or compatibility issues or characteristics that, because of their nature, require special considerations not otherwise adequately provided by the underlying base zoning district applicable to the property. (Ord. 2013-___, __-__-2013)

9-9A-2: DESIGNATION ON ZONING MAP:

As described in chapter 3, "Zoning Districts and Map", of this title, overlay zoning districts shall be designated on the city zoning map by their representative symbol along with the base zoning district in a format determined by the planning director. For example, a planned development overlay zoning district combined with a medium density residential base zoning district would be shown on the zoning map with the medium density residential shown as the underlying district and the overlay shown with an outline. (Ord. 2013-___, __-__-2013)

9-9A-3: APPLICABILITY OF STANDARDS:

The provisions of this chapter shall apply to all parcels of land located within the designated boundaries of an overlay district as illustrated on maps contained on the city zoning map. In the event of a conflict with the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply. Where an overlay zoning district is silent, the regulations of other sections of this title shall apply. (Ord. 2013-___, __-__-2013)

CHAPTER 9:

OVERLAY ZONING DISTRICTS

ARTICLE B. PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICTS

9-9B-1: PURPOSE AND INTENT:
9-9B-2: FORM AND CONTENT OF PLANNED UNIT DEVELOPMENT OVERLAY ZONES:
9-9B-3: ADOPTION OF PLANNED UNIT DEVELOPMENT OVERLAY ZONES:
9-9B-4: SPECIAL DEVELOPMENT STANDARDS FOR SPECIFIC PLANNED UNIT DEVELOPMENTS:

9-9B-1: PURPOSE AND INTENT:

This article establishes the planned unit development (PUD) overlay zone for the purpose of providing project specific architectural and development standards for new development of residential subdivisions in the city. The PUD is intended to allow some flexibility in the zoning district development standards with special consideration and review. (Ord. 2013-___, __-__-2013)

9-9B-2: FORM AND CONTENT OF PLANNED UNIT DEVELOPMENT OVERLAY ZONES:

A. Form and Adoption of New Planned Unit Development Overlay Zones: Subsequent to the adoption of this title, all new planned unit development overlay zones shall be established by ordinance of the city council. The ordinance shall include, or shall reference in a separate document, all of the components for a planned unit development as described in subsection B of this section.

B. Required Components: Each new planned unit development overlay zone shall, at a minimum, contain the following components:

1. Performance and development requirements related to yards, lot area, intensity of development on each lot, parking, landscaping, and signs;

2. Time, phasing, and sequence of development projects;

3. Infrastructure plan;

4. Circulation plan;

5. Master home plan ~~design and preplot~~floor plans and elevation plans; and

6. Other design standards appropriate for the specific site and development.

Comment [SB104]: Remove requirement for preplotting.

C. Requirements For Existing Planned Unit Developments: Existing planned unit development overlay zones need not be modified to include these components unless the underlying tentative subdivision map has expired or the project proponent is requesting a significant change in the project design as determined by the city. Otherwise, the conditions of approval for the tentative map shall serve as the plan for the development. (Ord. 2013-___, __-__-2013)

9-9B-3: ADOPTION OF PLANNED UNIT DEVELOPMENT OVERLAY ZONES:

The planned unit development overlay zones listed in table 9-9B-3-1, "Planned Unit Development Overlay Zones", of this section are hereby adopted into this code by reference.

TABLE 9-9B-3-1
PLANNED UNIT DEVELOPMENT OVERLAY ZONES

Number	Name	Date Approved	Resolution Number	Average Density Per Gross Acre (du/ac)
8301	Lutheran Church (20 units) Tract 469	April 5, 1983	8305	8 .27
9101	Daley Patio Homes	August 6, 1991	9128	7 .6
9301	Capistrano Tract 700	August 3, 1993	9305	3 .44
9401	Windsor #5 Tract 707	April 19, 1994	9411	3 .38
9402	Pierce, Country Club Villas Tract 704	July 5, 1994	9422	4 .018
9403	Stanrich Tract 717	October 18, 1994	9432	3 .67
2000-02	Fairway Homes, Coker Ellsworth Tract 758	February 1, 2005	2005-04	4 .24
2002-01	Jonathan Homes Country Club Villas, Tract 783 Phase II	December 3, 2001	2002-41	3 .47
2003-02	Parkview Estates Robert Frisone, Tract 797	October 7, 2003	2003-38	4 .31
2004-01	Terrence B. Flatley, Tract 817	September 7, 2004	2004-47	3 .6
2004-02	Coker Ellsworth Fairway Courtyards Condos, Tract	September 7, 2004	2004-48	8 .5

	820			
2004-03	Lennar Homes, Tract 821 Phase I	February 15, 2005	2005-08	3 .94
	Davante Homes Tract 821 Phase II			
2004-04	Coker Ellsworth Golf Course, Tract 752	February 1, 2005	2005-04	3 .94
2004-05	Daley Enterprises Silva Estates 10, Tract 838	March 15, 2005	2005-11	3 .85
2005-01	Victory Village Tract 845	June 6, 2006	2006-28	3 .98
2006-02	Badasci, Tract 872	May 2, 2006	2006-15	2 .92
2010-01	Lennar Tract 817 II & III	January 18, 2011	2011-02	3 .6
2011-02	Wathen Castanos Tract 791	August 16, 2011	2011-34	5 .17
2011-03	Lennar Homes, Tract 821 Phase II (37 lots)	December 20, 2011	2011-46	3 .94

(Ord. 2013-___, __-__-2013)

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", of this section identifies the standards for each planned unit development where they deviate from the requirements of this title. 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-4-1
DEVELOPMENT STANDARDS FOR PLANNED
UNIT DEVELOPMENT OVERLAY ZONES

Number	Name	Front Setback	Side Setback	Rear Setback
8301	Lutheran Church (20 units) Tract 469	23'	5' and 5'	5'
9101	Daley Patio Homes	20'	5' to nearer interior lot	5'
9301	Capistrano Tract 700	25'	5' and 10'	10' [1]
9401	Windsor #5 Tract 707	25'	5' and 10'	10'
9402	Pierce Financial & Insurance Country Club Villas Tract 704	20'	5' 10' between structures	20' adjacent to golf course, otherwise 10'
9403	Stanrich, R-1-7 Tract 717	20' minimum	5' and 10'	10'
	Tract 717 Stanrich, RM-3	15' minimum	5' and 5'	5'
2000-02	Coker Ellsworth Fairway Homes, Tract 758 I and II	18' - 25'	10' and 5'	20' adjacent to golf course, otherwise 10'
2002-01	Country Club Villas 2, Jonathan Homes Tract 783	25'	5' and 10'	20' adjacent to golf course, otherwise 10'
2003-02	Robert Frisone Parkview Estates, Tract 797	20' - 25'	10' minimum on garage and 5' opposite	10' minimum
2004-01/ 2010-01	Flatley Tract 817 Phase I and II/Lennar Tract 817 Phase II and III	20' - 25'	10' garage side and 5' opposite	10'
2004-02	Coker Ellsworth Fairway Courtyards, Tract 820	10' minimum	5' and 5' single story/15' combined for 2 story	13' minimum
2004-03/ 2011-03	Lennar Homes, Tract 821 Phase I, Davante Tract 821 Phase II, Lennar Homes, Tract 821 Phase II (37 lots)	18' - 25'	10' garage side 5' opposite 10' - 10' for 2 story	10'

2004-04	Coker Ellsworth, Tract 752	18' - 25'	10' and 5'	20' [2] adjacent to golf course, otherwise 10'
2004-05	Silva Estates 10, Daley Enterprises Tract 838	18' - 25'	5' and 5'	10'
2005-01	Victory Village, Pharris Tract 845	12' (face of curb)	5' and 5'	10' [3]
2006-02	Badasci, Tract 872	18' - 25'	5' and 5' single story	10'
2011-02	Wathen Castanos Tract 791	15' - 18' Garages setback minimum 18'	6' adjacent to garage and 4' opposite 10' side yard on street side	10' [3]

Notes:
1. All lots adjacent to canal are 10,000 square foot lots and must have a 40 foot clearance between house and canal.
2. 20 feet amended resolution 9224 to allow architectural features in 20 foot clear area.
3. Lots backing onto arterials, collectors or railroads have 20 foot rear setback.

(Ord. 2013-___, __-__-2013)

CHAPTER 9:

OVERLAY ZONING DISTRICTS

ARTICLE C. NAVAL AIR STATION LEMOORE (NASL) OVERLAY ZONE

9-9C-1: PURPOSE:
9-9C-2: APPLICABILITY:
9-9C-3: DEVELOPMENT STANDARDS:

9-9C-1: PURPOSE:

This article establishes the Naval Air Station Lemoore (NASL) overlay zoning district for the purpose of recognizing the potential adverse impacts on the population from Naval Air Station Lemoore and establishing special development regulations to ensure public health, safety, and welfare. (Ord. 2013-___, __-__-2013)

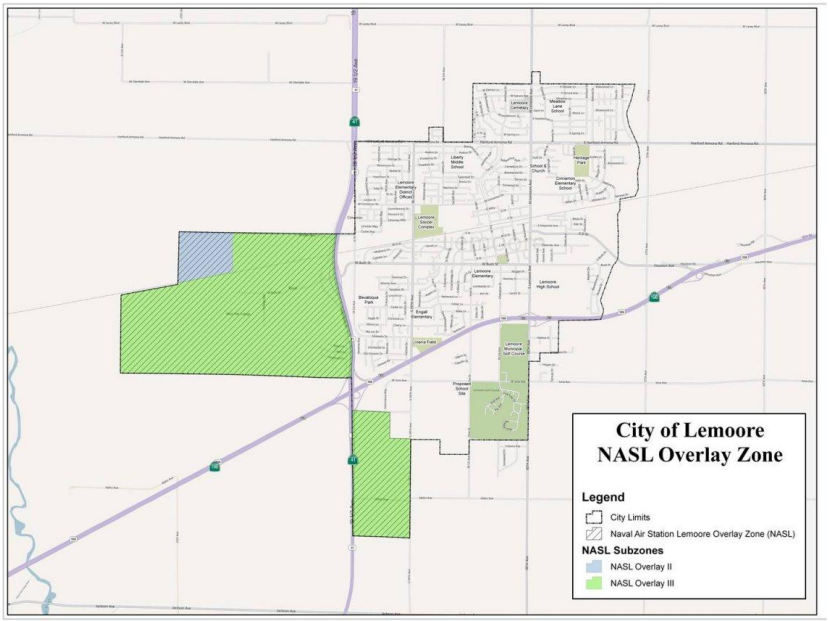
9-9C-2: APPLICABILITY:

The regulations of the Naval Air Station Lemoore (NASL) overlay zone as provided in this article shall apply to those properties as designated on the zoning map, generally west of State Route 41 and south of the city limits, which fall in the military influence area (MIA). (Ord. 2013-___, __-__-2013)

9-9C-3: DEVELOPMENT STANDARDS:

A. Overlay Areas: Lands within the NASL overlay zoning district are broken down into overlay areas I, II, and III, as described in the joint land use study. Overlay I areas are the most restrictive, applying to accident potential zones (APZs) and areas experiencing aircraft noise greater than seventy five decibels (>75 dB CNEL). Overlay II areas are those experiencing aircraft noise between sixty five and seventy five decibels (65-75 dB CNEL). Overlay III areas are those that experience aircraft noise less than sixty five decibels (<65 dB CNEL). Figure 9-9C-3-A, "NASL Overlay Areas", of this section illustrates the location of these overlay areas. While there are no overlay I areas within the NASL overlay zoning district, there are properties within overlay II and overlay III, as well as low level flight tracking.

FIGURE 9-9C-3-A
NASL OVERLAY AREAS



B. Height Limit: Restrictions on the height of structures within the NASL overlay zone are necessary to ensure that structures will not impair flight safety. To that end, no structure shall be built and no tree shall be allowed to grow above a height of one hundred fifty feet (150').

C. Construction Requirements: Development located within overlay II and overlay III of the NASL overlay zone where aircraft noise exceeds sixty five decibels (65 dB CNEL) shall be constructed so as to attain an indoor noise level of forty five decibels (45 dB CNEL). New residences shall be constructed in accordance with noise attenuation standards of the city adopted building code.

D. Development Review and Notification Required: Applications for development, including conditional use permits, site plan and architectural review, tentative maps, rezones, and general plan amendments, within the NASL overlay zone shall be routed to Naval Air Station Lemoore and the federal aviation administration for notification and review when involving tall structures.

E. Disclosure Requirements: All new subdivisions of land within the NASL overlay zone through tentative map as provided in title 8, chapter 7, article F, "Tentative Maps", of the municipal

code shall be required, as a condition of approval, to record at time of final or parcel map an easement on all lots created. Such easement shall identify that the property is near a military installation subject to high aircraft noise, low level aircraft, aircraft tests, and/or other military related issues within overlays II and III. (Ord. 2013-___, __-__-2013)

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. 2013-___, __-__-2013)

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

A. "A" Terms:

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 lattice-like 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.

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.

B. "B" Terms:

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

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 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.

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.

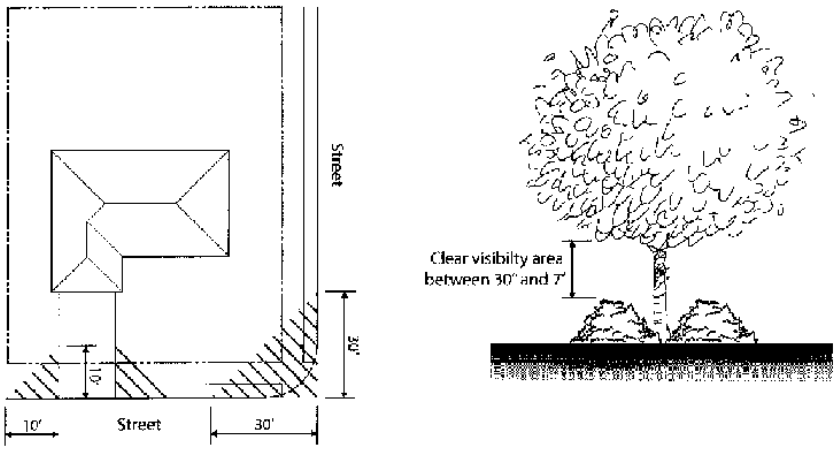
CITY PROPERTY: Land or other property in which the city of Lemoore holds a present right of possession and control, plus all public rights of way, plus public parks, regardless of ownership. Schools, even if publicly owned or operated, are not within this definition.

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



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.

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.

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:

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

~~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.

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.

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.

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.

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.

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:

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

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.

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

K. "K" Terms:

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.

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

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.

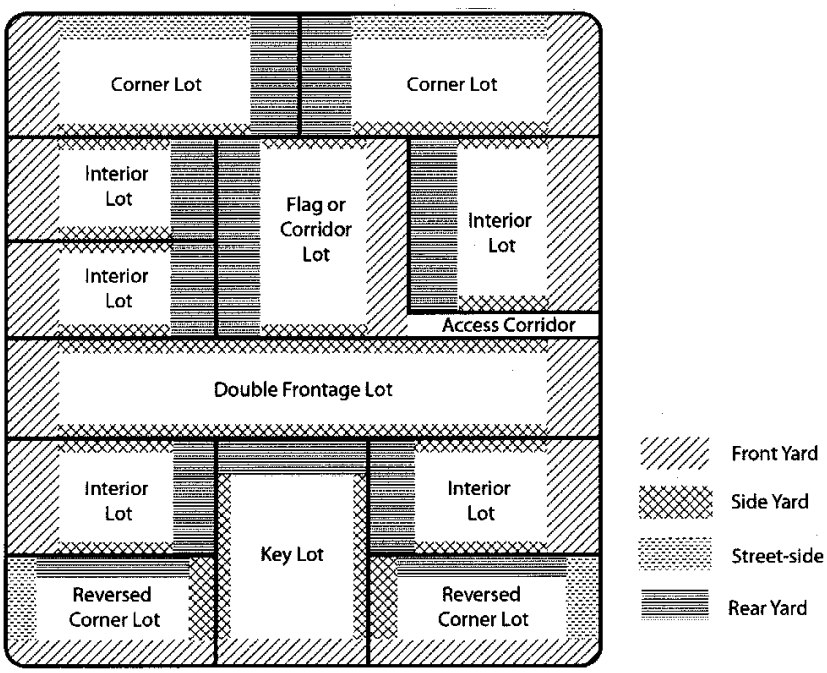
Lot, Interior: A lot other than a corner lot or reverse corner lot.

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

Lot, Loop Out: 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, 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.

FIGURE 9-12-2-4
LOT TYPES



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).

FIGURE 9-12-2-5
FLAG LOT

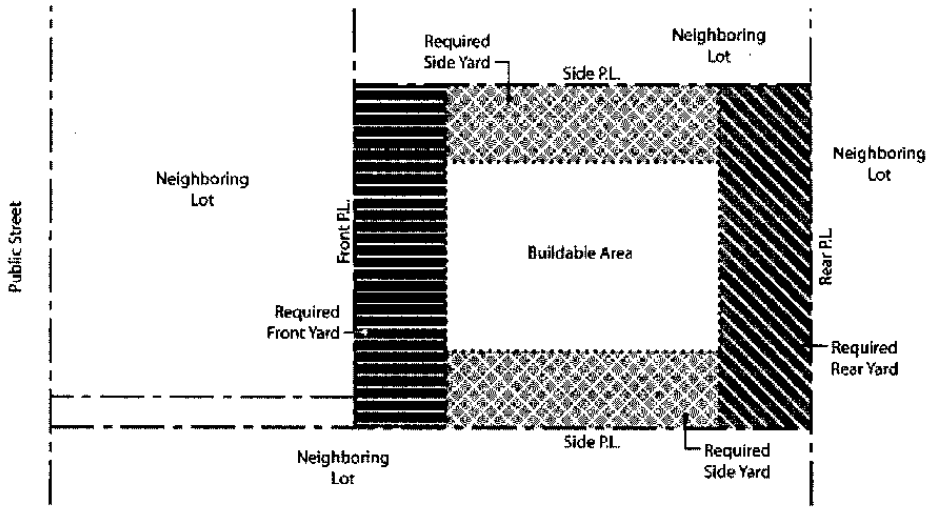
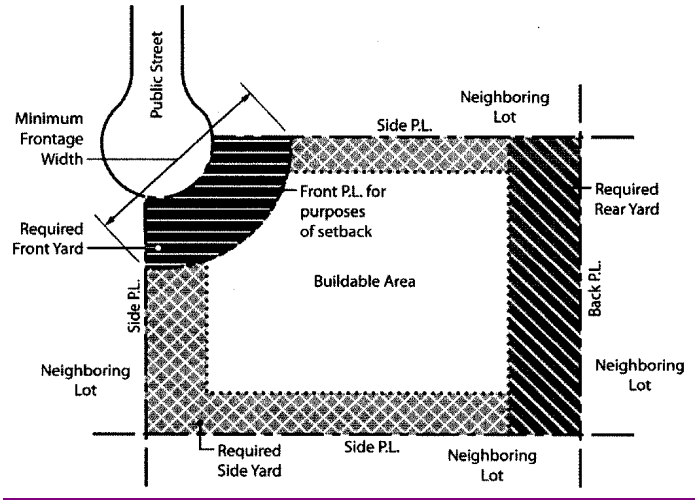
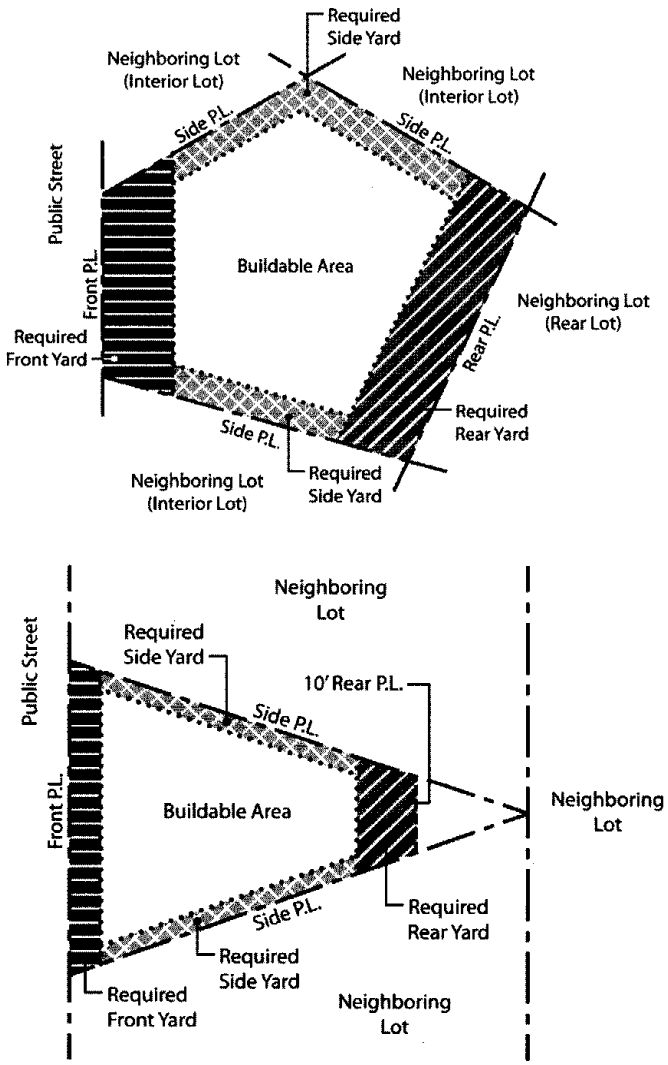


FIGURE 9-12-2-6
CUL-DE-SAC, ELBOW, AND SIMILAR LOTS



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



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:

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.

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.

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.

N. "N" Terms:

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.

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.

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.

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.).

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.

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.

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 project[1] or in a planned development[2] 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:

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.

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.

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

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.

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.

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 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.

TREE PERMIT FOR TREES ON PRIVATE PROPERTY: A permit issued by the city authorizing the removal, relocation, or topping of those protected 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.

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

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

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.

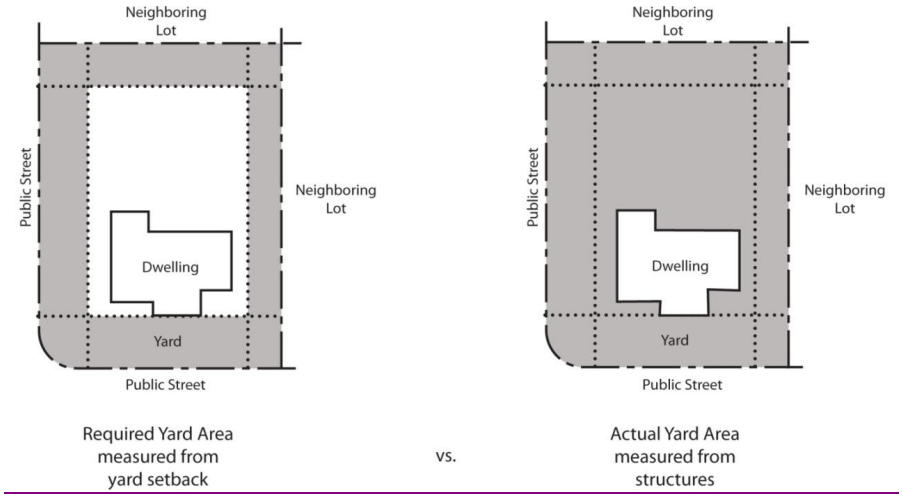
Yard, Side: Side yard shall mean a yard, between a building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the closest building.

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. 2013-___, __-__-2013)

RESOLUTION 2013-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE RECOMMENDING APPROVAL OF THE ZONING CODE UPDATE, REPEALING AND READOPTING CITY OF LEMOORE MUNICIPAL CODE CHAPTER 9, TITLES 1 TO 12

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on November 25, 2013, at 7:00 p.m. on said day, it was moved by Commission member _____, seconded by Commission member _____ and carried that the following Resolution be adopted:

WHEREAS, the City Council of the City of Lemoore initiated changes to the City Zoning Ordinance in Spring 2013 for the purposes of making the Ordinance easier to understand and administer, and to find ways to make the Ordinance more business-friendly while still maintaining a high standard for land use compatibility and design in Lemoore; and

WHEREAS, two committees were formed from the Planning Commission members to further refine the goals for the Ordinance changes. These committees met a number of times to discuss changes; and

WHEREAS, the Planning Commission reviewed the Zoning Ordinance chapters in five public study sessions, which were held on June 24, July 8, July 22, August 19, and August 26, 2013; and

WHEREAS, an initial draft of the Ordinance changes was reviewed at a joint study session of the Lemoore City Council and the Lemoore Planning Commission on October 8, 2013; and

WHEREAS, the proposed changes do not affect the existing locations of the zones on the Official Zoning Map, do not alter or modify currently allowed densities, and do not make alterations to the list of allowed uses, other than a few minor, technical changes; and

WHEREAS, the City of Lemoore, acting as lead agency, has determined that the project is Categorically Exempt from CEQA under CEQA Guidelines Section 15305 (Minor Alterations to Land Use Limitations); and

WHEREAS, the Planning Commission of the City of Lemoore, after duly published notice, held a public hearing before said Commission on November 25, 2013.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore recommends that the Lemoore City Council find that the project is Categorically Exempt from CEQA under CEQA Guidelines Section 15305 (Minor Alterations to Land Use Limitations) consistent with the California Environmental Quality Act (CEQA.)

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore recommends approval to the Lemoore City Council of proposed Zoning Code Update, repealing and readopting the City of Lemoore Municipal Code Chapter 9, Titles 1 to 12, as attached.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on November 25, 2013, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

_____
Ronald E. Meade, Chairman

ATTEST:

_____
Kristie R. Baley, Planning Commission Secretary