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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 Categorical 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 desired 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 basic 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 LANDSCAPE 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 affect 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.