

LEMOORE PLANNING COMMISSION
Regular Meeting
AGENDA
Lemoore Council Chamber
429 'C' Street

April 10, 2017
7:00 p.m.

1. Pledge of Allegiance
2. Meeting Called to Order and Roll Call
3. 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.

4. Approval – Minutes – Regular Meeting, March 13, 2017
5. Public Hearing – General Plan Amendment No. 2017-01 and Zoning Amendment No. 2017-02 – A Request to change the General Plan land use designation from Professional Office to Light Industrial, and to change the zoning designation from DMX-3 (Downtown Mixed Use – Transitional) to ML (Light Industrial). This site is located at 358 "F" Street in Lemoore (APN 020-015-013).

The zoning amendment is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

6. Public Hearing – Zone Text Amendment No. 2016-03 – Amendments to portions of the following articles within the Lemoore Municipal Code related to Zoning and Subdivisions: Article A of Chapter 4 of Title 9 (Land Use Definitions); Article B of Chapter 4 of Title 9 (Allowed Uses and Required Entitlements); Article D of Chapter 4 of Title 9 (Accessory Dwelling Units, Manufactured Homes, and Shopping Carts); Article E of Chapter 5 of Title 9 (Standards for Off Street Parking); Article F of Chapter 5 of Title 9 (Standards for Permanent On Site Signs and Flags); and Chapter 10 of Title 7 (Public Facilities Maintenance Districts and Homeowner's Associations) and Article C of Chapter 5 of Title 9 (Design Standards for Big Box Stores, Discount Clubs, and Discount Superstores).

The zone text amendment is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

7. Public Hearing – Zone Text Amendment No. 2017-01 – Amendments to portions of the following articles within the Lemoore Municipal Code related to Zoning: Article A of Chapter 4 of Title 9 (Description of Land Uses); Article B of Chapter 4 of Title 9 (Allowed Uses and Required Entitlements; Base Zoning Districts); and Article C of Chapter 4 of Title 9 (Temporary Use Permit Requirements and Exemptions).

The zone text amendment is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

8. Director's Report – Judy Holwell, Development Services Director.
9. Commission's Report and Request for Information.
10. Adjournment

Tentative Future Items

May 8, 2017

Public Hearing – General Plan Amendment No. 2017-02 and Zoning Amendment No. 2017-03 – A City initiated land use designation changes

Public Hearing – Major Site Plan Review No. 2017-04 and Conditional Use Permit No. 2017-01 – Chandi Group – ARCO Fuel Station and Convenience Store

Public Hearing – Major Site Plan Review No. 2017-05 – Last Days Ministries – Sanctuary

Notice of ADA Compliance: If you or anyone in your party needs reasonable accommodation to attend, or participate in, any Planning Commission 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 Development Services Department located at 711 W. Cinnamon Drive, 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 Baley, Planning Commission Secretary, do hereby declare that the foregoing Agenda for the Lemoore Planning Commission Regular Meeting of Monday, April 10, 2017 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 7th day of April, 2017.

//s//

Kristie Baley, Commission Secretary

Minutes of the
LEMOORE PLANNING COMMISSION
March 13, 2017

MEETING CALLED TO ORDER

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

ROLL CALL

Chair: Meade
Vice-Chair: Marvin
Commissioners: Badasci, Clement, Dow, Etchegoin, Koelewyn

City Staff and Contract Employees Present: City Planner Brandt; Development Services Director Holwell; Commission Secretary Baley

PUBLIC COMMENTS AND INQUIRIES

Item No. 3

There were no comments or inquiries from the public.

REQUESTS FOR APPROVAL

Item No. 4 REGULAR MEETING FEBRUARY 13, 2017

Motion by Commissioner Marvin, seconded by Commissioner Koelewyn, to approve the Minutes of the Planning Commission Regular Meeting of February 13, 2017.

Ayes: Marvin, Koelewyn, Badasci, Clement, Dow, Etchegoin, Meade

PUBLIC HEARINGS

Item No. 5 PUBLIC HEARING – MAJOR HOME OCCUPATION PERMIT NO. 2017-01 – A REQUEST BY RACHEL TAYLOR TO OPERATE A WATER SAFETY/SWIM SCHOOL WITH INSTRUCTORS THAT WOULD NOT LIVE AT THE SITE, LOCATED AT 7 S. CAMBRIDGE DRIVE, IN THE CITY OF LEMOORE (APN 023-220-034)

Chair Meade opened the public hearing at 7:12 p.m.

Rachel Taylor, 7 S. Cambridge Drive addressed the Commission and stated she would abide by conditions of approval set forth by the City of Lemoore.

There was no other comment from the public.

Chair Meade closed the public hearing at 7:13 p.m.

Motion by Commissioner Koelewyn, seconded by Commissioner Dow to approve Resolution No. 2017-05, a Resolution of the Planning Commission approving Major Home Occupation No. 2017-01.

Ayes: Koelewyn, Dow, Badasci, Clement, Etchegoin, Marvin, Meade

REQUEST FOR FINDING

Item No. 6 REQUEST FOR GENERAL PLAN FINDING OF CONSISTANCY – VACATION OF A CITY STORM DRAIN EASEMENT AT 341 N. 19 ½ AVENUE

Motion by Commissioner Marvin, seconded by Commissioner Badasci to find that the vacation of the existing city storm drain easement at 341 N. 19 ½ Avenue would be consistent with the Lemoore General Plan.

Ayes: Marvin, Badasci, Clement, Dow, Etchegoin, Koelewyn, Meade

PRESENTATIONS

Item No. 7 PRESENTATION – EXAMPLES OF CITY SIGNAGE

Jenny MacMurdo, Chief Executive Officer for the Lemoore Chamber of Commerce provided examples of signage for information purposes only.

DEVELOPMENT SERVICES DIRECTOR'S REPORT

Item No. 8

Development Services Director Judy Holwell provided the Commission with the following information:

Community Meeting regarding the General Plan Update will be held Tuesday, March 21, 2017.

Chandi Group purchased the property located at 1771 W. Bush Street and submitted applications for approval of a fuel station with underground tanks and convenience store. She noted that the previous owner let the prior approval for this property fall through and the approval expired.

Granville Homes came forward at the last City Council meeting and expressed interest in developing a multifamily residential project west of State Route 41 and north of West Hills College.

The General Plan Update is expected to propose changes to the west side that would appear to reduce some of the housing and increase other uses. The changes appear to be a good combination that will decrease impacts to the Bush Street and State Route 41 interchange.

Staff is meeting with Caltrans on March 17, 2017 regarding the right of way at the northeast corner of State Highway 198 and State Route 41, and the southeast corner of State Route 41 and Hanford-Armona Road.

COMMISSIONER'S REPORTS AND REQUESTS FOR INFORMATION

Item No. 9

There were no reports or requests for information.

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

At 7:51 p.m. the meeting adjourned.
Approved the 10th day of April, 2017.

ATTEST:

APPROVED:

Kristie Baley, Secretary

Ronald Meade, Chair



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Staff Report

To: Lemoore Planning Commission **Item No. 5**
From: Steve Brandt, City Planner
Date: March 30, 2017 **Meeting Date:** April 10, 2017
Subject: **General Plan Amendment No. 2017-01 and Zoning Amendment No. 2017-02:** a request to change the General Plan land use designation from Professional Office to Light Industrial, and to change the zoning from DMX-3 (Downtown Mixed Use – Transitional) to ML (Light Industrial.) The site is located at 358 F Street in Lemoore (APN 020-015-013.)

Proposed Motion:

Planning Commission, by motion, adopt Resolution No. 2017-06, recommending City Council approval of General Plan Amendment No. 2017-01 and Zoning Amendment No. 2017-02, a request to change the General Plan and zoning land use designations at 358 “F” Street to Light Industrial.

Project Proposal:

This project proposal is a request for a general plan amendment and zoning amendment of the identified property. The general plan amendment is proposing to change the General Plan land use designation from Professional Office to Light Industrial and the zoning amendment is proposed to change the zoning designation from DMX-3 (Downtown Mixed Use – Transitional) to ML (Light Industrial). This will enable the applicant to continue operation of the existing light industrial uses with the opportunity to expand the existing facilities in the future.

The applicant has been operating Gibson Gates & Fencing Systems at the site for a number of years. The site contains two building and space for outdoor storage. It is surrounded by a chain link fence with slats. The site across the alley to the north is also part of the business, but is not part of this application. Currently the business is a legal nonconforming use. Per the Lemoore Zoning Ordinance (Title 9) Chapter 2, Article C – Nonconforming Uses, Structures, and Properties states “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.” The applicant wishes to have the opportunity to expand the existing facilities in the future, which would include storage structures and expansion of his business within the boundaries of the property. No plans to expand the properties facilities have been proposed yet.

If the amendments are approved, the property will change from a nonconforming use to an allowed use. The modification of the Zoning Ordinance will alleviate any discrepancy for the proposed project to potentially expand in the future. Since the site to the north is not part of the application, it will remain nonconforming, meaning that the storage can continue but no buildings to expand the use can be built there.

Applicant	John Gibson
Location	358 F Street
Existing Land Use	Gibson Gates and Fencing Systems (Light industrial facilities including small work space)
APN(s)	020-015-013
Total Building Size	Storage and workspace structures between 1,500 and 1,600 sq.ft.
Lot Size	18,747 sq.ft.
Zoning	Downtown Mixed Use – Transitional (DMX-3)
General Plan	Professional Office

Adjacent Land Use, Zone, and General Plan Designation

<u>Direction</u>	<u>Current Use</u>	<u>Zone</u>	<u>General Plan</u>
North	Single-Family Homes	RN (Traditional Neighborhood Residential)	Low Density Residential
South	Vacant Land	DMX-2 (Downtown Mixed Use, Auto-Oriented)	Professional Office
East	Industrial (Leprino Foods)	DMX-3 (Downtown Mixed Use, Transitional)	Professional Office
West	Single-Family Homes	ML (Light Industrial)	Light Industrial

Previous Relevant Actions:

The site originally contained a City corporation yard. Prior to the General Plan Update in 2007, the applicant purchased the site from the City. That purchase agreement stated that the City Council would be brought a request to consider changing the site’s General Plan designation and zoning to Light Industrial. The request was brought forward, and the Council at the time approved the change to Light Industrial. However, a few years later the Citywide General Plan Update in 2007 changed the site again to Professional Office and DMX-3, which made the use nonconforming.

Evaluation:

The proposal will allow for the existing facilities to continue operation and allow for potential expansion of building space on the site in the future. Currently, the existing use is designated as nonconforming and does not allow for any expansion of existing facilities (Title 9, Chapter 2, Article C). If the request is denied, then the business will remain a nonconforming use and out of compliance with the Zoning Ordinance.

Given the history of the site and its on-going use for a number of years, it appears to be compatible with the surrounding development. There have been no complaints about the use filed with the City staff. Staff sees this situation as an unintended consequence of the comprehensive General Plan Update. The proposed amendments would restore the site to an allowed industrial use status, allowing the business to continue to operate and the ability to expand should the opportunity arise in the future. Changing the site back to Light Industrial would not result in spot zoning because there is Light Industrial zoning across the street to the west (Leprino.)

Environmental Assessment:

The zoning amendment is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

Recommended Approval Findings:

Following the public hearing, staff recommends that the Planning Commission make the following findings and recommend approval of the project to the City Council:

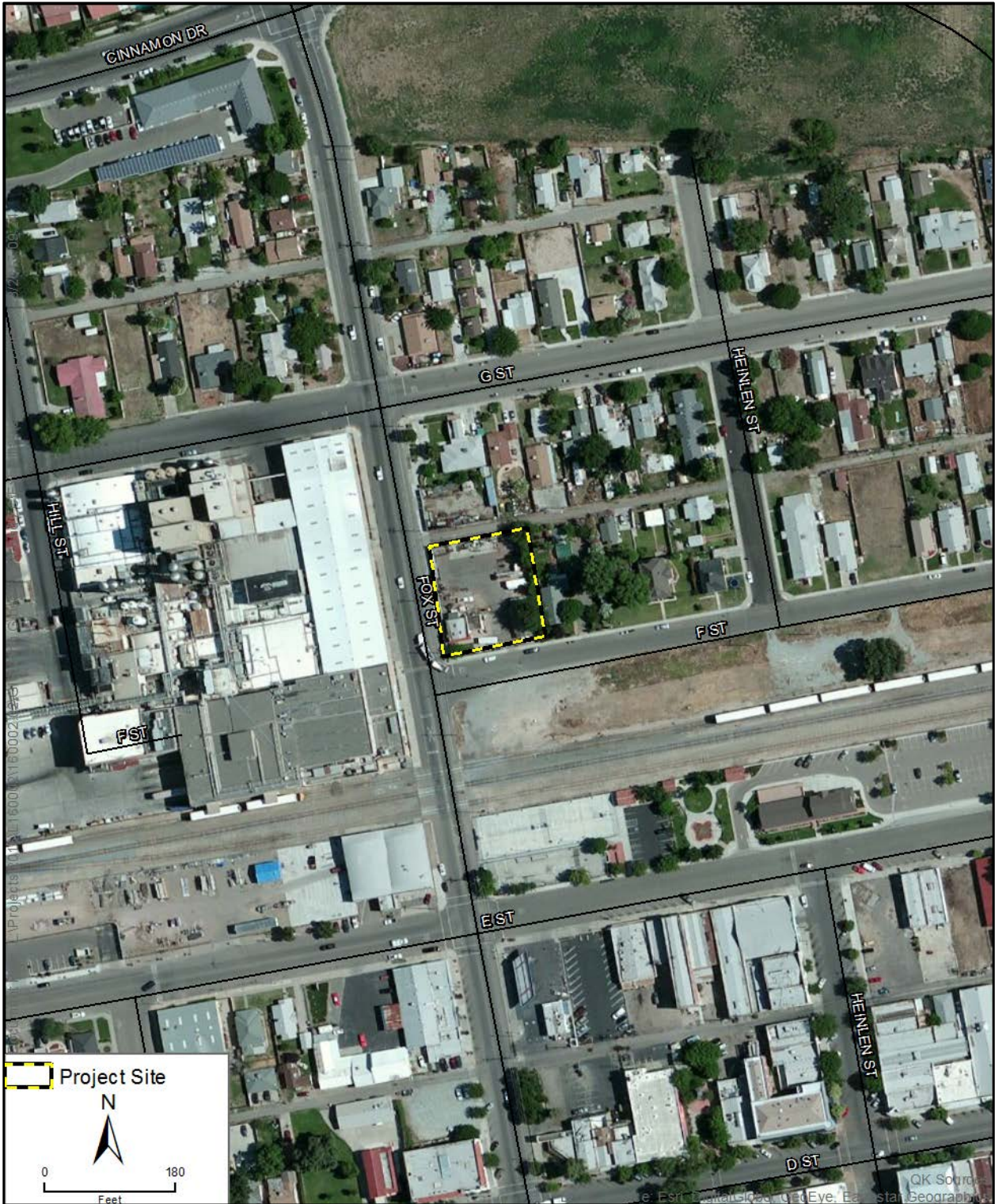
1. The general plan amendment is in the public interest and the General Plan, as amended, will remain internally consistent.
2. The zoning amendment is consistent with the General Plan goals, policies, and implementation programs.
3. Without the change to the General Plan and zoning, the existing business would not be allowed to expand facilities, as it would be in violation of the City Zoning Ordinance.

Attachments:

Vicinity Map

Map of Existing and Proposed General Plan Land Use Designation

Draft Resolution



Vicinity Map

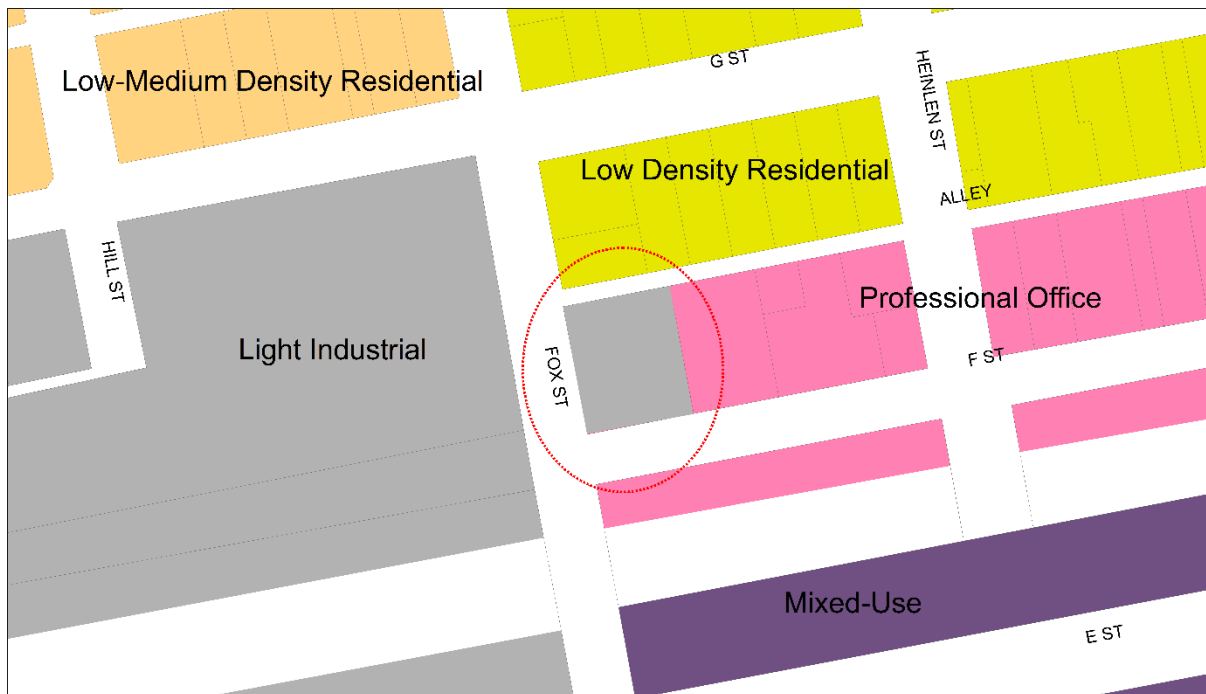
“In God We Trust”



BEFORE GENERAL PLAN AMENDMENT



AFTER GENERAL PLAN AMENDMENT



Map of Existing and Proposed General Plan Land Use Designation

RESOLUTION NO. 2017-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2017-01 AND ZONING
AMENDMENT 2017-02: CHANGING THE GENERAL PLAN LAND USE AND ZONING
DESIGNATIONS FOR 358 "F" STREET TO LIGHT INDUSTRIAL**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on April 10, 2017, at 7:00 p.m. on said day, it was moved by Commissioner _____, seconded by Commissioner _____ and carried that the following Resolution be adopted:

WHEREAS, John Gibson has requested a general plan amendment and zoning amendment to: 1) change the land use designation in the General Plan from Professional Office to Light Industrial, and 2) change the zoning from DMX-3 (Downtown Mixed Use – Transitional) to ML (Light Industrial), on property at 358 "F" Street in Lemoore (APN 020-015-013); and

WHEREAS, the site currently contains light industrial facilities including an enclosed workspace and storage structures; and

WHEREAS, the land use designation and zoning on the parcel at one time was ML (Light Industrial) and then was changed to Professional Office with the comprehensive General Plan Update; and

WHEREAS, the project proposed no changes to the operation of the facility; and

WHEREAS, the project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]; and

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at its April 10, 2017, meeting.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore recommends that the Lemoore City Council concur that no significant environmental impacts would result from the identified project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore recommends approval to the Lemoore City Council of General Plan Amendment No. 2017-01 and Zoning Amendment No. 2017-02, based on the evidence present and the following specific findings:

1. The general plan amendment is in the public interest and the General Plan, as amended, will remain internally consistent.
2. The zoning amendment is consistent with the General Plan goals, policies, and implementation programs.
3. Without the change to the General Plan and zoning designations, the existing business would not be allowed to expand facilities, as it would be in violation of the City Zoning Ordinance.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on April 10, 2017, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Ron Meade, Chairperson

ATTEST:

Kristie Baley, Commission Secretary



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Staff Report

To: Lemoore Planning Commission **Item No. 6**
From: Steve Brandt, City Planner
Date: March 31, 2017 **Meeting Date:** April 10, 2017
Subject: **Zoning Text Amendment No. 2016-03:** Amendments to portions of the following articles within the Lemoore Municipal Code related to Zoning and Subdivisions: Article A of Chapter 4 of Title 9 (Land Use Definitions); Article B of Chapter 4 of Title 9 (Allowed Uses and Required Entitlements); Article D of Chapter 4 of Title 9 (Accessory Dwelling Units, Manufactured Homes, and Shopping Carts); Article E of Chapter 5 of Title 9 (Standards for Off Street Parking); Article F of Chapter 5 of Title 9 (Standards for Permanent On Site Signs and Flags); and Chapter 10 of Title 7 (Public Facilities Maintenance Districts and Homeowner’s Associations) and Article C of Chapter 5 of Title 9 (Design Standards for Big Box Stores, Discount Clubs, and Discount Superstores.)

Proposed Motion:

Planning Commission, by motion, adopt Resolution No. 2017-07, recommending City Council approval of Zoning Text Amendment No. 2016-03 (as amended by the Planning Commission).

Project Proposal:

Staff is bringing back this zoning text amendment for reconsideration. The Planning Commission originally reviewed and recommended approval of this proposal on January 7, 2017. However, before the proposal was reviewed by the City Council, the City Attorney determined that one portion of the proposal could pose legal problems. This portion proposed to separate assembly uses into three categories so that they could be regulated in different ways. It was determined that regulating religious assembly differently than non-religious assembly could pose a legal problem. Therefore, Staff is bringing back the entire proposal, this time without the changes to assembly uses, for the Planning Commission to reconsider their recommendation. Based on discussions with the City Attorney, Staff is no longer recommending changes to assembly uses, but recommends that the Planning Commission recommend the other remaining ten changes to the City Council.

The specific wording change is shown in Attachment A of the draft resolution with new wording in underline and wording to be removed in ~~strikeout~~. The following is a summary of each proposed change.

1. Assembly uses. *This change is no longer recommended by staff.*
2. Outdoor Commercial Barbeques. This use is currently not regulated by zone. The text proposes a definition and that this use be required to obtain an administrative use permit. At the January 9th hearing, the Commission specifically recommended that this use be allowed with an administrative use permit in the DMX-1 and DMX-2 zones.
3. Vaping Shops. City staff is proposing new text and a definition regarding vaping shops. Under the new ordinance Vaping Shops would be regulated the same as a smoke shop.
4. Second Dwelling Units. State law requires that cities allow second dwelling units in single-family residential zones by right, but allows cities to apply certain design standards. State law was recently changed pursuant to (SB 1069), and these proposed changes would bring Lemoore's requirements into compliance with the new law. The most obvious change is that the State requires these uses to be called "accessory dwelling units."
5. Manufactured Homes. State law requires that manufactured homes be allowed wherever traditionally built single-family homes are built. However, cities may put certain limits on design and on the age of new installations. Lemoore previously did not have these limits. The proposed new text would require certain design changes to ensure that the home looks and operates like a single-family home. Additionally, the change would only allow manufactured homes that are less than 10 years old to be installed in the city.
6. Shopping Carts. The new text would require that new retail stores with shopping carts place disabling devices on the carts that prevent them from being taken off-site. Disabling devices could include wheel locks that automatically engage at the property line.
7. Freestanding Signs in the Downtown. The current code was inconsistent about whether freestanding signs are allowed downtown. The proposed text would clarify that they are allowed. The maximum size would be 20 sq.ft. and the maximum height would be 4 feet.
8. Paved Surfaces in Front Yards. The new text proposed a new way to determine the amount a front yard that can be paved. This new text would be more restrictive than the current code. It would allow additional paving 12 feet wide beyond the width of the garage. Residences with no front-facing garage would be allowed paving a maximum of 20 feet wide.

8. Flags and Flagpoles. The new text allows for larger flags and taller flagpoles in some zones. Very large flags would be allowed in the Industrial and Regional Commercial zones when appropriate setbacks and met. Flag size and dimension requirements are based on established protocols for U.S. flags.
10. Homeowner's Associations and Public Facilities Maintenance Districts. The new text would require that a public facilities maintenance districts be formed even when and homeowner's association is proposed. This provides an alternative in the event that the homeowner's association fails to meet its obligations.
11. Big Box Store Design Standards. These new standards provide additional guidance to the architectural elements of retail stores with over 50,000 square feet. They are based on standards previously adopted and successfully implemented by the City of Tehachapi, and will ensure quality architectural treatments be incorporated into these large buildings.

Environmental Assessment:

This project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

Recommended Findings:

1. The Zoning Ordinance Amendment is consistent with the General Plan goals, policies, and implementation programs.
2. The Zoning Amendment promotes the health, safety, peace, morals, comfort, and general welfare.

Attachments:

Draft Resolution with revised Ordinance wording

RESOLUTION NO. 2017-07

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
RECOMMENDING APPROVAL OF ZONING TEXT AMENDMENT 2016-03:
AMENDMENTS TO PORTIONS OF THE FOLLOWING ARTICLES WITHIN THE LEMOORE
MUNICIPAL CODE RELATED TO ZONING AND SUBDIVISIONS: ARTICLE A OF CHAPTER
4 OF TITLE 9 (LAND USE DEFINITIONS); ARTICLE B OF CHAPTER 4 OF TITLE 9
(ALLOWED USES AND REQUIRED ENTITLEMENTS); ARTICLE D OF CHAPTER 4 OF
TITLE 9 (ACCESSORY DWELLING UNITS, MANUFACTURED HOMES, AND SHOPPING
CARTS); ARTICLE E OF CHAPTER 5 OF TITLE 9 (STANDARDS FOR OFF STREET
PARKING); ARTICLE F OF CHAPTER 5 OF TITLE 9 (STANDARDS FOR PERMANENT ON
SITE SIGNS AND FLAGS); AND CHAPTER 10 OF TITLE 7 (PUBLIC FACILITIES
MAINTENANCE DISTRICTS AND HOMEOWNER'S ASSOCIATIONS) AND ARTICLE C OF
CHAPTER 5 OF TITLE 9 (DESIGN STANDARDS FOR BIG BOX STORES, DISCOUNT
CLUBS, AND DISCOUNT SUPERSTORES.)**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on April 10, 2017, at 7:00 p.m. on said day, it was moved by Commissioner _____, seconded by Commissioner _____ and carried that the following Resolution be adopted:

WHEREAS, City staff has proposed several text amendments to the City of Lemoore Municipal Code; and

WHEREAS, the project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]; and

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at its April 10, 2017, meeting.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed conditional use permit:

1. The Zoning Ordinance amendment is consistent with the General Plan goals, policies, and implementation programs.
2. The zoning amendment promotes the health, safety, peace, morals, comfort, and general welfare.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore recommends approval of Zoning Text Amendment 2016-03 as worded in Exhibit A attached hereto. This recommendation supersedes the Planning Commission recommendation for Zoning Text Amendment 2016-03 made January 9, 2017.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on April 10, 2017, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Ron Meade, Chairperson

ATTEST:

Kristie Baley, Commission Secretary

Exhibit A

4A-5: DESCRIPTION OF LAND USES:

D. "D" Definitions:

DWELLING, SECOND ACCESSORY 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.

O. "O" Definitions.

OUTDOOR COMMERCIAL BARBEQUE: An outdoor facility at an approved location for cooking food for commercial sale directly over hot coals, fire, or other method approved by the County Health Department.

S. "S" Definitions:

SMOKE OR VAPE SHOP: An establishment that either devotes more than fifteen percent (15%) of its total floor area to smoking, vaping, 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, vaping, drug, and/or tobacco paraphernalia.

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

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				Mixed Use Zoning Districts			Office, Commercial, And Industrial Zoning Districts					
	A R	R V L D	R L D	R N	R L M D	R M D	R H D	W	A G	P R	C F	D M X 1	D M X 2	D M X 3	M U	N C	R C	P O	M L	M H
<u>Outdoor commercial barbeque</u>										<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>		<u>A</u>	<u>A</u>	<u>A</u>			

9-4D-12: ACCESSORY SECOND DWELLING UNITS:

- A. Purpose And Applicability: This section applies to accessory second dwelling units within the city. Accessory 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 accessory second dwelling units in residential zoning districts and on residential property consistent with state law. 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, accessory dwelling 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. The parcel contains an existing single-family dwelling.~~
 - ~~2. Second units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit.~~
 - ~~3. No more than one accessory dwelling second unit shall be allowed per parcel.~~
 - ~~4. The property owner shall occupy either the primary unit or accessory dwelling second unit. The property owner shall record a declaration acknowledging owner occupancy, recorded with the property as a condition of the administrative permit.~~
 - ~~5. An accessory dwelling A-second unit shall not exceed:
 - ~~a. Thirty percent (30%) Fifty percent (50%) 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 accessory dwelling second units shall comply with all required building setbacks for the primary dwelling unit.~~
 - ~~7. The maximum height of a detached accessory dwelling second unit shall not exceed the height of the primary dwelling unit.~~
 - ~~8. No accessory dwelling 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.~~

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 - studio and 1 bedroom units	1.5 per unit
Dwelling, multi-family - 2 or more bedrooms	2 per unit
Dwelling, second <u>accessory</u> unit	No additional beyond primary dwelling

9-4D-19: MANUFACTURED HOMES:

The provisions of this section shall apply to all mobile homes and manufactured homes not located in an approved mobile home park:

A. No mobile home or manufactured home shall be installed that was manufactured more than ten (10) years from the date of application for a building permit for installation.

B. All manufactured homes shall meet the following site or architectural standards:

1. Garages and Carports. A minimum of a one-car garage or carport shall be provided for every manufactured house. The parking requirements of Chapter 5, Article E shall also apply.

2. Minimum Width and Floor Area. The width and floor area of a manufactured housing unit shall be at least eighty (80) percent of the average of other adjacent residences in the zone district in which it is located.

3. Roof Overhangs. All manufactured housing units and garages shall have a pitched roof with a minimum sixteen (16) inch roof overhang on each of the perimeter walls such that the overhang is architecturally integrated into the design of the dwelling unit.

4. Roofing Materials. All manufactured housing units and garages and carports located on the lot shall have a roof constituted of asphalt composition, clay, tile, concrete or metal tile or panels, slate or built-up asphaltic-gravel materials.

5. Siding Materials. All manufactured housing units and garages located on the lot shall have similar exterior siding materials consisting of wood, masonry, concrete, stucco, Masonite, or metal lap. The exterior siding material shall extend to the 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.

6. Foundations. All manufactured housing units and garages and carports shall be placed on a permanent foundation which meets the applicable building code requirements and/or the provisions of Section 18551 of the State Health and Safety Code such that the floor elevation of the dwelling is reasonably compatible with the floor elevations of the surrounding dwelling units.
 7. Utility connections. The mobile home electrical, gas, water and drain connections shall be made permanent in a manner applicable to permanent buildings. Gas shut-off valves, meters and regulators shall not be located beneath the manufactured homes.
 8. Deviations. The community development department may approve deviations from one or more of the standards of this subsection based on 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.
- C. Surrender of Registration. Subsequent to applying for a building permit, and prior to the occupancy of a mobilehome or manufactured home on a permanent foundation, a certification of occupancy is to be issued by the building official pursuant to Section 18551 of the State Health and Safety Code. Thereafter, any vehicle license plate, certificate of ownership, and certificate of registration issued by a state agency shall be surrendered back to the issuing state agency. Any mobile/manufactured home on a permanent foundation shall bear a state insignia or federal label pursuant to Section 18550 of the State Health and Safety Code.

9-4D-20: SHOPPING CARTS:

- A. Retail uses established after April 1, 2017, that provide shopping carts shall install and maintain disabling devices on all carts that prevent the use of the carts off the premises. This requirement shall be applicable in all zone districts, and shall be in addition to the requirements in Chapter 5 of Title 4 of the City Municipal Code.
- B. A shopping cart shall be defined per Section 4-5-2.

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

- 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 On Site 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
Downtown mixed use districts (DMX-1, DMX-2, DMX-3):			
Building attached signs	No maximum	2 square feet/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
<u>Freestanding signs</u>	<u>Non-residential uses only: 1 per site</u>	<u>20 square feet</u>	<u>4 feet</u>
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
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

9-5E-5: DESIGN AND DEVELOPMENT STANDARDS FOR OFF STREET PARKING AREAS:

- 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. No more than fifty percent (50%) of a front yard area shall be covered with permanent paved surfaces. Permanent paved surfaces in the front yard area shall be limited to a maximum 5-foot wide walkway to the front door of the residence, a driveway that no wider than the width of the garage or carport, and an area between the driveway and closest interior lot line that is no wider than 12 feet wide. Sites without a garage or carport are limited to a driveway-type parking area in the front yard area that is a maximum 20 feet wide.

9-5F-2: ADMINISTRATIVE PROVISIONS:

- 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:~~ requirements in Section 9-5F-4B-10.
 - (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.~~

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

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:

10. Flags and flagpoles. Flagpoles may be mounted on the ground, a roof, or a building wall. Ground-mounted flagpoles shall not be located within any required side or rear yard setback areas. Flags and flagpoles shall also meet the following size standards:

a. Ground-mounted flagpoles located in the RC, ML, or MH zones shall have a maximum height of fifty (50) feet or a maximum height equal to twice the distance from the base of the pole to the closest lot line, to a maximum of one hundred (100) feet, whichever is greater.

b. Ground-mounted flagpoles located in the AR, RVLD, RLD, RN, RLMD, RHD, W, AG, PR, or DMX-3 zones shall have a maximum height of thirty (30) feet, mounted on the ground.

c. Ground-mounted flagpoles located in the DMX-1, DMX-2, MU, CN, PO, or CF zones shall have a maximum height of fifty (50) feet.

d. Roof-mounted flagpoles shall have a maximum height equal to the height of the building plus thirty (30) feet.

e. The maximum width (hoist) of an individual flag on a ground-mounted or roof-mounted flagpole shall be equal to 20% of the height of the flagpole upon which it is located. The maximum length (fly) of an individual shall be twice the allowed width (hoist.)

7-10-10: COORDINATION WITH SUBDIVISION APPROVALS:

The following procedures, unless otherwise provided by law, shall be utilized to ensure coordination with approved subdivisions of land.

A. Tentative Map Approval and Conditioning: The planning commission shall approve the tentative map as provided in title 8, chapter 7, "Land Division", of this code. The tentative map shall be conditioned such that the subdivider agrees to participation in any public facilities maintenance district(s) required by the city. Public facilities maintenance districts(s) shall be required even when some or all facilities will be maintained by a homeowner's association.

9-5C-6: DESIGN STANDARDS FOR BIG BOX STORES, DISCOUNT CLUBS, AND DISCOUNT SUPERSTORES

The following standards shall apply to all general retail, warehouse club retail, and other retail stores over 50,000 square feet in size.

A. Allowed treatments:

1. Architectural elements shall be incorporated into the facades of the building creating visual interest and achieving compatibility within the design of the surrounding commercial structures.
2. Building forms shall be designed to create visual interest on all sides of the structure and the architectural concept shall be consistent on all sides of the building.
3. Second and third story volumes shall be stepped, sloped or grouped with one-story volumes to reduce the apparent mass to human scale.
4. Entries to individual building and public spaces between buildings, shall be emphasized with highlighted massing and articulated roof forms.
5. Building facades shall be recessed or projected at a minimum of every sixty feet.
6. The building height/roof pitch shall be varied.
7. Building facade colors shall be earth-toned, muted colors. Building trim may be accented with brighter and contrasting colors.
8. Where appropriate, courtyards and/or outdoor seating areas shall be incorporated into the site plan design.

B. Prohibited treatments.

1. The following architectural elements and treatments are prohibited:
 - a. Large scale uninterrupted walls, not otherwise articulated by form fenestration, or materials;
 - b. Massive building elements, such as timber beams and/or columns that are out of scale with the architectural style;
 - c. False facades and other applied ornamentation unrelated to the rest of the building or structure;
 - d. High contrast color, brightly colored glazed tile or highly reflective surfaces; and
 - e. Bold application of colors such as stripes, accents, or super graphics.
2. Use of the following materials is prohibited:
 - a. Heavy textured stucco, such as Spanish lace, swirl, or heavy trowel;
 - b. Vinyl, corrugated metal or aluminum siding;
 - c. Common plywood or masonite siding;

d. Standard concrete block;

e. Rustic materials utilized as primary wall surfaces and dark earth tone colors; and

f. Over application of bright accents or trim colors.

C. Building Entrance: Commercial structures subject to this Section shall provide customers with at least two building entrances in order to encourage greater distribution of parking activity. Additional entrances can be located at one of the two sides of the building and/ or the rear of the building. If multiple entries are not practical the structure shall have the appearance of having two entries and in this regard the distinction between the front and rear of the structure shall be blurred through the application of similar architectural treatments.

D. Pedestrian Linkage. The site plan shall reflect and facilitate safe pedestrian access linking the building to sidewalks adjacent to project street(s).

1. At least five (5) percent of the total interior area devoted to parking shall be landscaped.

2. A landscaped area shall be provided at a minimum of every eight (8) parking spaces.

3. Landscaping shall be provided at the building entrance between the parking lot and the front of the building.

E. Property Maintenance. Commercial properties supporting a big box store as defined by this Section, whether occupied or vacant, shall be maintained so that the structure and surrounding property are not allowed to fall into a state of deferred maintenance and neglect. This includes the building exterior, parking lot maintenance and landscaping on the property.



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Staff Report

To: Lemoore Planning Commission **Item No. 7**
From: Steve Brandt, City Planner
Date: March 30, 2017 **Meeting Date:** April 10, 2017
Subject: **Zoning Text Amendment No. 2017-01:** Amendments to portions of the following articles within the Lemoore Municipal Code related to Zoning: Article A of Chapter 4 of Title 9 (Description of Land Uses); Article B of Chapter 4 of Title 9 (Allowed Uses and Required Entitlements; Base Zoning Districts); and Article C of Chapter 4 of Title 9 (Temporary Use Permit Requirements and Exemptions).

Proposed Motion:

Planning Commission, by motion, adopt Resolution No. 2017-08, recommending City Council approval of Zoning Text Amendment No. 2017-01 (as amended by the Planning Commission at the meeting).

Project Proposal:

Staff is bringing forward for consideration these text amendments for the Planning Commission and the City Council to consider. The first is an effort to encourage vehicle sales establishments to locate in Lemoore. The second is to change the permit requirement for fueling stations from an administrative permit to a conditional use permit. The third is to accommodate a change in responsibility for the permitting of special events on city-owned property, including city parks.

The specific wording change is shown in Attachment A of the draft resolution with new wording in underline and wording to be removed in ~~strikeout~~. The following is a summary of each proposed change.

1. Land Use Description. Currently sales for automobiles, trucks, vans, large farm equipment, recreation vehicles, motorcycles, and boats are all grouped into one land use called auto and vehicle sales. City Staff is proposing that these uses be divided into two separate groups as enumerated below:

- 1) Auto and Light Vehicle Sales

2) Heavy Vehicle Sales

These two uses would have their own definition. The purpose for splitting them into two uses is so that they can be regulated differently by zone district. Table 9-4B-2 would be amended to show where these new uses would be allowed. Auto and Light Vehicle Sales would be changed to be a conditional use in the DMX-1 and DMX-2 zones. Staff is hoping that this change may encourage the establishment of auto sales businesses in the city. Currently, there are no new or used auto sales establishments in Lemoore.

2. Fueling Station Permit Requirements. Currently, fueling stations require an administrative use permit in the RC, PO, ML, and MH zones. This type of permit is approved by staff. The proposed change would instead require that fueling stations in these zones be required to obtain a conditional use permit from the Planning Commission. This change will allow the Planning Commission to apply conditions that are specific to the particular fueling station that is under review.
3. Temporary Uses Exempt from Permit Requirements. Currently, events held on city property that are not in conjunction with a city use must obtain a temporary use permit for the specified event. City Staff is proposing that events held on city property will no longer require a temporary use permit. Instead, the City's Community Services Department will take charge of facilitating, reviewing, and permitting all events occurring on city property. This will change the nature of the permitting process from being more of a land use issue to being more of a use of city property issue. Uses on city property that require a conditional use permit, such as the one the BMX track obtained a few years ago, would still come before the Planning Commission for a CUP.

Environmental Assessment:

The project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

Recommended Findings:

1. The Zoning Ordinance Amendment is consistent with the General Plan goals, policies, and implementation programs.
2. The Zoning Amendment promotes the health, safety, peace, morals, comfort, and general welfare.

Attachments:

Resolution with revised Ordinance wording in Exhibit A.

RESOLUTION NO. 2017-08

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
RECOMMENDING APPROVAL OF ZONING TEXT AMENDMENT 2017-01:
AMENDMENTS TO PORTIONS OF THE FOLLOWING ARTICLES WITHIN THE LEMOORE
MUNICIPAL CODE RELATED TO ZONING: ARTICLE A OF CHAPTER 4 OF TITLE 9
(DESCRIPTION OF LAND USES); ARTICLE B OF CHAPTER 4 OF TITLE 9 (ALLOWED
USES AND REQUIRED ENTITLEMENTS; BASE ZONING DISTRICTS); AND ARTICLE C OF
CHAPTER 4 OF TITLE 9 (PERMIT REQUIREMENTS AND EXEMPTIONS).**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on April 10, 2017, at 7:00 p.m. on said day, it was moved by Commissioner _____, seconded by Commissioner _____ and carried that the following Resolution be adopted:

WHEREAS, City staff has proposed several text amendments to the City of Lemoore Municipal Code; and

WHEREAS, the project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]; and

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at its April 10, 2017, meeting.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed text amendments:

1. The Zoning Ordinance amendment is consistent with the General Plan goals, policies, and implementation programs.
2. The Zoning Amendment promotes the health, safety, peace, morals, comfort, and general welfare.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore recommends approval of Zoning Text Amendment 2017-01 as worded in Exhibit A attached hereto.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on April 10, 2017, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Ron Meade, Chairperson

ATTEST:

Kristie Baley, Commission Secretary

Exhibit A

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

A. "A" Definitions:

AUTO AND LIGHT VEHICLE SALES: Retail establishments selling automobiles, light 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 heavy trucks, vans, large farm equipment (e.g., combines, tractors), recreation vehicles, and boats (see "heavy vehicle sales"), 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.

HEAVY VEHICLE SALES: Retail establishments selling heavy trucks, vans, large farm equipment (e.g., combines, tractors), recreation vehicles, 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 vehicle parts/accessories separate from a vehicle dealership (see "auto parts sales"), automobile, light trucks and motorcycle sales (see "auto and light vehicle 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.

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

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				Mixed Use Zoning Districts			Office, Commercial, And Industrial Zoning Districts					
	A R	R V L D	R L D	R N	R L M D	R M D	R H D	W	A G	P R	C F	D M X - 1	D M X - 2	D M X - 3	M U	N C	R C	P O	M L	M H
Auto and <u>light</u> vehicle sales	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>	<u>N</u>	N	C	N	P	N	P	N
<u>Heavy</u> <u>vehicle</u> sales	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>N</u>
Fueling Station ²²	N	N	N	N	N	N	N	N	N	N	N	C	N	C	C	<u>A</u> <u>C</u>	<u>A</u> <u>C</u>	<u>A</u> <u>C</u>	<u>A</u> <u>C</u>	<u>A</u> <u>C</u>

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 ~~and that are in conjunction with the city use.~~
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, or
 - b. Located on nonresidential property for periods of no more than forty five (45) days.