

## ORDINANCE NO. 2009-10

### AN ORDINANCE OF THE LEMOORE CITY COUNCIL ADDING AND AMMENDING PORTIONS OF SECTIONS 9-2-2, 9-7A-5, 9-7B-5, 9-7C-6, 9-7A-7:E AND 9-7C-8:D OF THE CITY ZONING ORDINANCE REQUIRING A CONDITIONAL USE PERMIT FOR GATED COMUNITIES IN RESIDENTIAL DISTRICTS

The City Council of the City of Lemoore does ordain as follows:

**Section 1.** Amending Section 9-2-2 of Title 9, Chapter 2 of the Lemoore Municipal Code to change the definition of Gated Community~~ies~~ to read as follows:

GATED COMMUNITY~~IES~~: A neighborhood that is surrounded by fencing and lockable gates that can potentially restricts some public access to multi-family or single-family residential areas, and places physical barriers between different neighborhoods, which often impairs bicycle and pedestrian connectivity (prohibited in all residential districts). (potentially allowed in residential districts if conditional use permit issued).

**Section 2.** Adding “Gated Communities” section is hereby added to list of Conditional Uses in Sections 9-7A-5, 9-7B-5, and 9-7C-6 to read as follows:

“Gated community” that meets the provision of section 9-7A-7:E of this title.

**Section 3.** Amending section 9-7A-7:E located in Title 9, Chapter 7 of the Lemoore Municipal Code to read as follows:

E. A Gated Communities, as defined in Section 9-2-2, that restrict public access to multi family and single family residential areas are prohibited may be considered through a Conditional Use Permit, if it meets the following conditions and is consistent with General Plan policy CD-I-47.

1. Basic Conditions for Approval: The following basic conditions must be met before being considered for a gated community and before considering additional required conditions as described in sections 2 and 3 below:
  - a. Development design should not become a physical barrier between neighborhoods, parks, or schools and cannot adversely affect vehicular, bicycle, or pedestrian connectivity in line with General Plan Policy CD-I-44.
  - b. At least two but no more than four ingress/egress roads must be provided into the gated community complex so that one may enter one gate and exit the other without turning around.
  - c. Stacking distance (also known as throat distance) between gates and localized streets shall be a minimum of 40’ and 80’ on connector or major thoroughfares from the backside of public sidewalk to gates. Additional length may be ~~needed~~ required should the peak traffic flow into the complex or subdivision need additional stacking and/or high speed or high volume traffic flows on adjacent street require additional length for traffic safety and emergency vehicle access at the discretion of emergency services.
  - d. Drive entrances shall be wide enough to accommodate separate drive lane for visitors and room for a turn-around area for visitors and vehicles entering

- in error. The turn-around ~~area shall not allow turn-around and exit without interference~~ with normal egress/ingress.
- e. ~~No existing or future General Plan proposed pedestrian walkways or bicycle paths can shall~~ be hindered or blocked with the design of ~~a~~ proposed gated community.
  - f. ~~No S~~streets, parks, landscape areas or other common spaces within a gated community may ~~not~~ be publicly owned facilities;
2. Building and Traffic Related Conditions. The following building and traffic related conditions must be met:
- a. Perimeter fencing shall follow general residential fencing policy requirements listed in section 9-7A-7 in regards to height, setbacks and permeability and its design shall incorporate enhanced decorative fencing features in accordance with General Plan policy CD-I-56.
  - b. For single family neighborhoods, a Home Owners Association (HOA) shall be formed, CC&Rs drafted, reviewed, and submitted for approval by the City. The CC&Rs shall be and recorded showing and all streets made as private, if not already streets.
  - c. Private roads must be properly maintained, paid for by the HOA or apartment management, per City Standards. During its initial formation, the City will review budget and formation documents to ensure maintainance fees are adequate to cover cost and periodic review of the HOA budget shall be done by City to ensure adequate funds are being collected and spent to maintain all streets and, common spaces and gates.
  - d. A well lit kiosk providing a map of the gated community and other pertinent information shall be provided at the turn-around area visible from the street.
  - e. Entry into the gated community complex should be implemented where feasible, by a security system other than a key pad entry system to assure maximum security to the gated community.
  - f. Gate operation must be maintained, functional, and safe at all times. Any non-functioning gate must be capable of being immediately locked in the open position by the Citycommunity or capable of being locked by the City.
  - g. Any gate that continues to be in disrepair or becomes a safety hazard will be removed after 14 working3 days of notice by City. A and an application and review process together along with any appropriate fees will be required in order to allow the gate to be reinstated subject to technology upgrades available at the time gate service is restored.
  - h. To assure access to safety vehicles, school bus, refuse collection, and other necessary services to the gated community complies, the main complex gate All vehicular and pedestrian access gates must remain open and unlocked during daylight hours as stated in the Conditional Use Permit allowing unobstructed public entry.
  - i. Pedestrian walk-through gates shall be provided adjacent to all vehicular gates at a minimum with additional entry points provided for school children and parents as determined by the Planning Department to maintain adequate access to school designated bus stops, Kings Area Rural Transit stops, and local amenities, such as shopping, and banking, within walking distance
  - j. School bus access for special needs care and/or fragile children will be accommodated throughout the gated community in order to provide accessibility and to meet federal and state Americans with Disabilities Act requirementsPortal to Portal accessibility and meet ADA regulations.

3. Safety Related Conditions. Specifications for gate plans shall be approved by the City Fire Department with operation not to commence until passing a final inspection by Fire Department:
- a. All vehicular gates shall be crash gates.
  - b. When gate is open, a 14 foot overhead clearance and clear width of not less than 15 feet for one direction travel or 24 feet for gates with 2 way travel shall be provided.
  - c. Gates must open at a rate of at least one-foot per second. Sliding gates ~~and are preferred~~, swinging gates are acceptable so long as they swing with the flow of traffic. ~~R~~, raised doors will not be allowed. The maximum time to fully open gate shall be no more than 15 seconds. Backup power system for gate operation is required so that in case of emergency power outages the gates will automatically open.
  - d. No part of gate or its mechanisms (usually referred to as "operator") can swing onto sidewalk or adjacent gate.
  - e. All electrical devices shall be ~~Underwriters Laboratories~~ listed and 325 compliant.
  - f. Emergency service access into the gated community shall be provided initially by "Click-2-Enter" technology with the same frequency used for all communities with additional wiring ~~pulled provided~~ to accommodate future 3M Strobe Opticom--type ~~technology~~ technology. ~~Owner may into a deferment agreement for the installation of such technology, at the owners expense, as a condition of the Conditional Use Permit. Within a 5-year period all existing and new gated communities will be required to install 3M Strobe Opticom Technology on-site as specified by the City and pay into an impact fee fund to upgrade all emergency vehicles to this technology.~~ A backup KNOX box shall be provided at all gates. State of the art technology which supersedes the standards pursuant to this condition shall be required for approval of a CUP in lieu of the standards described herein.
  - g. Once the gate is activated via the detection system or KNOX box the gate shall remain open ~~for 30 minutes~~ until turned off by appropriate responding emergency service.

**Section 4.** Amending section 9-7C8:D located in Title 9, Chapter 7 of the Lemoore Municipal Code is amended to read as follows:

- D. Gated Communities, ~~are neighborhoods that are surrounded by fencing and security gates which restrict public access to multi-family or single-family residential areas.~~

**Section 5.** This Ordinance shall take effect thirty (30) days after its adoption and the City Clerk is further directed to cause this ordinance or a summary thereof to be published by one insertion in the Hanford Sentinel, a newspaper of general circulation, published in the City of Hanford, within fifteen (15) days after its adoption. The City Clerk is directed to cause this ordinance to be codified after its adoption.

The forgoing Ordinance was introduced at a Regular Meeting of the City Council of the City of Lemoore held on the \_\_\_ day of \_\_\_\_\_, 2009 and was passed and adopted at

a Regular Meeting of the City Council held on the \_\_\_ day of \_\_\_\_\_, 2009, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**APPROVED:**

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**John F. Murray, Mayor**