

ORDINANCE NO. 2008-____
AN ORDINANCE OF THE LEMOORE CITY COUNCIL
AMENDING CHAPTER 7 OF THE ZONING ORDINANCE –
(ALSO KNOWN AS TITLE 9, CHAPTER 7 OF THE LEMOORE MUNICIPAL CODE)

(Zoning Ordinance Amendment 2008-____)

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

Section 1. The following listed modified or new individual definitions in Chapter 2 of Title 9 of the Lemoore Municipal Code are amended to read as follows (with underlines and strikethroughs shown here to identify additions and deletions but not to be included in the final text):

9-2-2: DEFINITIONS: For the purpose of this Title, certain words and terms used herein are defined as follows:

ACCESSORY OR INCIDENTAL BUILDING/STRUCTURE:

- A. A building or structure which is subordinate to, and the use of which is customarily incidental to that of the main building, structure or use on the same site. In residential districts such uses generally include private garages, greenhouses, recreation rooms, pool houses, patio covers, play structures, sheds, hobby rooms, and hobby shops, but exclude pod-type storage containers and carports.
- B. Except in the case of garden structures, if any accessory building is attached to the main building by a common wall or a connecting roof, such accessory building shall be deemed to be a part of the main building.

CARPORT, PERMANENT: A permanent structure accessory structure or portion of a main structure open on two (2) or more sides designed for the storage of motor vehicles, without full enclosure, attached to a fixed foundation or approved surface (Required to go through Administrative Approval).

CARPORT, PORTABLE: A temporary shelter open on two (2) or more sides, not attached to a fixed foundation, and generally made with non-rigid shade material to cover stored vehicles. Subject to Section 9-7A-11, those installed after the effective date, will be prohibited in all zone districts. Existing portable carports, which are visible from the street, shall be allowed for a period not to exceed two (2) years from the effective date of this Ordinance, upon which time such shelters shall be removed from the premises.

FLOOR AREA RATIO (FAR): The ratio of total building floor area to the area of its zoning lot. Each zoning district has a FAR control which, when multiplied by the lot area of the zoning lot, produces the maximum amount of floor area allowable for all main buildings, accessory structures, and carports.

GARAGE, PRIVATE: A detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

GARDEN STRUCTURE: An arbor, deck, fountain, lath cover, lath house, detached patio cover, pergola, raised planting bed, trellis or other similar structure intended specifically to enhance the appearance of the garden or which has a function relating to the use of outdoor space, but not including a house, garage, carport or storage building.

GATED COMMUNITY: A neighborhood that restricts 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).

PORTABLE SHELTERS: A shelter not permanently affixed to the ground, a building or other permanent structures and which is reasonably capable of being moved but not a carport. (usually a popup type of shelter)

STRUCTURE: Anything constructed or erected which requires a fixed location on the ground including a building but not including a fence or wall used as a fence.

URBAN/RURAL EDGE: Ultimate edge of town facing the countryside along Marsh Drive, the Lemoore Canal, and portions north of Glendale Avenue, portions of Belle Haven Drive, Industry Way, Idaho Avenue, and other areas generally illustrated in Figures 3-1, 3-2, and 3-3 of the 2030 General Plan which incorporates design features to better demark the urban edge.

Section 2. Chapter 7 of Title 9 of the Lemoore Municipal Code is amended in full to read as follows:

**CHAPTER 7
RESIDENTIAL DISTRICTS
ARTICLE A. RA RESIDENTIAL ACREAGE DISTRICT**

SECTION:

- 9-7A-1: Purposes and Application
- 9-7A-2: General Provisions and Exceptions
- 9-7A-3: Permitted Uses
- 9-7A-4: Permitted Uses Requiring Administrative Approval
- 9-7A-5: Conditional Uses; Commission Approval
- 9-7A-6: Site and Structure Requirements
- 9-7A-7: Fences, Walls and Hedges
- 9-7A-8: Signs and Outdoor Advertising Structures
- 9-7A-9: Off-Street Parking and Loading Facilities
- 9-7A-10: Public Improvements
- 9-7A-11: Carports and Outdoor Storage Containers
- 9-7A-12: Mailboxes

9-7A-1: **PURPOSES AND APPLICATION:** The RA Residential Acreage Districts are intended to provide living area which combines certain of the advantages of both urban and rural location by limiting development to very low density concentrations of one-family dwellings and permitting limited numbers of animals and fowl to be kept for pleasure or hobbies, free from activities of a commercial nature. The RA Districts are intended to encourage the use of the subdivision process in the creation of large residential sites to assure the provision of at least those physical improvements necessary to protect the health, safety and general welfare of the people.

9-7A-2: **GENERAL PROVISIONS AND EXCEPTIONS:** All uses shall be subject to the general provisions and exceptions prescribed in Chapters 3 and 11 of this Title. (Ord. 7901, 2-6-79 as amended, 1-1986)

9-7A-3: **PERMITTED USES:**

Breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters and other small animals and fowl on a domestic, noncommercial basis on sites of one-half (1/2) acre or more in area.

Fenced or closed swimming pools for either individual, family or communal use on an exclusive noncommercial basis; provided that no swimming pool shall be located within a utility easement.

Incidental and accessory structures and uses less than 8' in height located on the same site as a permitted use, as follows:

1. Private garages, carports, storehouses, garden structures, greenhouses, recreation rooms, pool houses, patio covers, play structures, sheds, and hobby rooms and hobby shops, and permanent or temporary tent structures including those intended to shelter vehicles.

2.

On sites containing not less than forty thousand (40,000) square feet, such as: Bbarns, stables, coops and other farm-type outbuildings; underground storage or petroleum products for the exclusive use of persons residing on the site On sites containing not less than forty thousand (40,000) square feet, such as:

Keeping of household pets, subject to the definition of household pets as set forth in Section 9-2-2 of this Title

One-family dwellings.

Portable shelters.

Raising of field crops, fruit and nut trees, vines, vegetable and horticultural specialties.

Raising of livestock, except swine, on a site containing not less than forty thousand (40,000) square feet; provided, however, that the number of livestock shall not exceed two (2) adult animals in any combination and their immature off-spring; and further provided, that the number of equine animals shall not exceed more than two (2) adults for each forty thousand (40,000) square feet of site area.

Small family day care homes as defined in Section 9-2-2 of this Title. (Ord. 8703, 3-3-87; amd. Ord. 8710, 12-15-87; Ord. 9106, 4-16-91)

9-7A-4: **PERMITTED USES REQUIRING ADMINISTRATIVE APPROVAL:** The following uses may be permitted in accordance with the provisions of Chapter 15, Article A of this Title.

Accessory structures and uses over 8' in height to be located within General Setback Requirements located on the same site with uses permitted by administrative or conditional approval.

Permanent carports.

Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, temporary subdivision sales offices and signs, and model home display areas in accordance with the provisions of Section 9-3-6 and Chapter 14 of this Title.

Gas and electric transmission lines, in accordance with the provisions of Chapter 15, Article A of this Title, electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks.

Home occupations in accordance with the provisions of Section 9-3-5 of this Title.

Large family day care homes, as defined in Section 9-2-2 of this Title, in accordance with provisions of Section 9-3-7 of this Title.

Second dwelling units in accordance with the provisions of section 9-3-10 of this title. (Ord. 7901, 2-6-1979; amd. 1-1986; Ord. 8702, 3-3-1987; Ord. 8710, 12-15-1987; Ord. 9310, 11-30-1993; Ord. 2003-05, 5-20-2003)

9-7A-5: **CONDITIONAL USES; COMMISSION APPROVAL:** The following conditional uses may be permitted in accordance with the provisions of Chapter 15, Article B of this Title:

Permanent carports on the same site as a use permitted by conditional approval.

~~Incidental and accessory structures and uses located on the same site as a conditional use.~~

Modest expansion of an existing nonconforming use of a structure or land, or re-establishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed value of less than one hundred dollars (\$100.00) and nonconforming fences, walls and hedges.

Private or public golf courses.

Public and private charitable institutions, hospitals, sanitariums, nursing homes and rest homes, not including hospitals, sanitariums, nursing homes or rest homes for mental, drug addict or liquor addict cases.

Public and quasi-public uses of an educational or religious type, including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools; private nonprofit schools and colleges, churches, parsonages and other religious institutions.

Public uses of an administrative, recreational, public service or cultural type including City, County, State or Federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures, and facilities; public playgrounds, parks and community centers.

9-7A-6 **SITE AND STRUCTURE REQUIREMENTS:**

A. Site Area: The minimum site area shall be as follows:

<u>District</u>	<u>Site Area</u>
RA-20	<u>14,520</u> 20,000 sq. ft.
RA-40	40,000 sq. ft.

B. Frontage, Width and Depth of Site: The general minimum frontage, width and depth of the sites ~~should~~ shall be as follows.

<u>District</u>	<u>Frontage</u>	<u>Width</u>	<u>Depth</u>
RA-20	100'	100'	150'
RA-40	150'	150'	200'

In case of a site fronting on a cul-de-sac or loop-out street, the frontage shall be measured along the front yard setback line. Deviations from the above frontage, width, and depth can be made so long as the average total site area meets the above standards and is consistent with the zone's minimum and maximum density requirements. This may allow for flag shape lots in certain instances so long as adequate access is maintained.

- C. Coverage and Density: The maximum site area covered by structures shall be ~~twenty five percent (25%) of the area of the site or lot as follows.~~

<u>District</u>	<u>Unit Density (du/net acre)/</u>	<u>Floor Area Ratio(FAR)</u>
RA-20	2 unit minimum to 3 unit maximum /	0.25(Max)
RA-40	1 unit minimum to 2 unit maximum/	0.25(Max)

Not more than one dwelling unit shall be allowed on each parcel, except as allowed under Section 9-3-10 – Second Dwelling Units (Ord. 9601, 2-20-1996)

- D. Yard Requirements:

1. General Yard Requirements:

<u>District</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
RA-20	40'	15' 10'	25' 10'
RA-40	60'	20' 15'	30' 10'

Where construction involves more than one story, the adjacent setbacks shall be increased ten feet (10') for each additional story.

2. Detached accessory buildings constructed to match the main dwelling unit shall be allowed to be setback within 5' of the side and rear property lines.

3. ~~2.~~ Corner Lots: On the street side of a corner lot, the side yard shall not be less than ~~fifteen~~ twenty five feet (15'25') in an RA-20 Zone and less than ~~twenty-five~~ fifty feet (~~2550'~~) in an RA-40 Zone.

4. ~~3.~~ Accessory Structures: Accessory structures and garden structures under ~~eight (8')~~ seven feet (7') in height at the tallest point and less than 120 square feet in area may be located within any portion of a required side yard or rear yard, provided they are not in an established easement nor on a corner lot in the side yard facing the street. (Ord. 8711, 1-5-87). A 3' ingress/egress into a backyard shall be maintained if located adjacent to private gate for fire access.

5. Carports: Any permanent carport, regardless of footprint size, may be located within a front, rear or side property setback provided it does not exceed six feet (6') in height, and is not located on a corner lot. The roof edge of carport setback shall increase by one foot (1') from the property line for every one foot (1') increase in height above six feet (6') to a maximum height of fifteen feet (15') and shall be setback even or behind the main building. Portable carports are prohibited.

6. Main building yards adjacent to highways shall have a setback as determined per noise standards.

7. Urban/Rural Edge: A fifty foot (50') building setback requirement applies to developments along urban/rural edge roads, and must also include the installation of thirty foot (30') landscape buffer within the right-of-way and visually permeable fence as per the 2030 General Plan Policy CD-I-1.

8. Shedding of Water: Carport and accessory structures shall be designed and located on the site in a fashion in which water and/or other debris (i.e., leaves, etc.) does not shed onto adjacent properties.

E. Distance Between Structures: The minimum distance between a one-family dwelling and another unattached structure, excluding accessory structures which do not require a building permit, shall be ten feet (10'); provided however, that no structure housing poultry or animals shall be closer than twenty five feet (25') to any side yard property line or closer than twenty five feet (25') to any dwelling on the site.

~~F. Number of Dwelling Units per Site: No more than one dwelling shall be allowed on each site. (Ord. 7901, 2-6-79 as amended, 1-1986).~~

FG. Building Height: The maximum height of structures shall not exceed:

<u>District</u>	<u>Maximum Height of Structures</u>
RA-20	30'
RA-40	30'

(Ord. 8711, 1-5-87)

G. Design Standards:

1. Main Structure: The City's goal is to ensure variety, prevent "cookie-cutter" developments and allow new neighborhoods to develop their unique identity through design. Homes built in existing neighborhoods shall be designed to be in scale and harmony with the surrounding area.

(a) Ensure units within a "six-pak" (comparing a single home to its immediately adjacent neighbors as well as the three neighbors across the street) are substantially different from one another in both floor plan and elevation so that the building exterior portrays individuality. Such features should include varied building massing, roof types, floor plans, color and materials, and/or distinctive differing architectural features like windows, chimneys, and other such elements.

(b) Corner buildings shall have wrap-around façade architectural details.

(c) Good transitions between the street and the home shall be incorporated into the overall design with variable front setbacks, building articulation and massing. Porches, bay windows, and landscaping can also help create a smooth transition between public and private spaces.

2. Garages: The overall intent is to minimize the visual dominance of garages by establishing the following:

(a) The front width of a house that can be occupied with a garage shall be no more than one-half the total building width. Up to twenty-five (25) percent of homes

may have street-facing garages that extend in front of the home, but they may not occupy more than forty-five (45) percent of the building's street frontage, and the overall project designs must include a range of home/garage designs.

(b) Garages shall include varied set backs from the front façade when garage opening is parallel with the street. They should not extend more than five feet (5') in front of the main building area. Additional setbacks or off-setting shall be required if more than a two-car garage entrance is provided.

(c) The use of alleyways is encouraged, with garages accessed from the rear, while maintaining backyards. If 0' setback is used, parking in the alleyway will not be allowed adjacent to the opening.

(d) When second story exists above garages, design elements such as accessory dwelling units, bay windows or balconies should be incorporated.

3. Carports: The overall intent is to incorporate design continuity and to reduce the visual prominence of permanent carports and prohibit the use of new portable carports or those not allowed by CC&Rs

(a) All carport designs shall incorporate rigid roof structure, typically made of metal, wood, or standard roofing material, to match the main structure's roof pitch, color and design as determined by the Planning Department while not exceeding the height of the house. The use of tarp, netting, non-durable/wind resistant fabric, canvass, reflective metal or the like for the roof structure are not acceptable.

(b) Vertical support beams shall match the adjacent structures, landscape, or fences in color and/or material used so that the carport structure is not as noticeable. Such beams shall not incorporate PVC piping, plastic poles, unfinished aluminum or tin parts, or temporary concrete holding buckets or other materials deemed inappropriate by the Planning Department.

(c) Carports adjacent to the main structure's side shall be can be attached or deattached to the building and not be free-standing. Carports located behind the main structure can be freestanding and should shall mimic the design of the house but may have specific fire code requirements. If carports are not open on at least two sides, they will have to be treated as a garage as required by section 406.1.3 of the 2007 California Building Code.

(d) Surface under permanent carport structures shall be of concrete or similar noncombustible and nonabsorbent materials, or asphalt if parking surface is at ground level, and be sloped to facilitate the movement of liquids to drain towards the main vehicle entry doorway as per section 406.1.3 of the 2007 California Building Code.

9-7A-7: **FENCES, WALLS AND HEDGES:** Fences, walls and hedges shall be permitted as follows: The underlying purpose regulating the height, placement, and design of fences, walls and hedges shall be to provide a comfortable pedestrian environment adjacent to public rights-of-way in an aesthetically pleasing manner while allowing privacy in single family backyards and avoiding long stretches of blank walls.

A. Located in front yards: Fences no more than 3'-6" in height with at least 50% permeable may be erected in any area of the owner's property in front of the main building structure. However, if located in the first 10' of the property, an encroachment

permit may need to be obtained from City Building Department, as this area generally contains a public utility easement. Chain link fences shall not be allowed in this area.

B. Located in interior side or rear yards: Solid or permeable fences or walls taller than 3' up to 7' can be located even with or behind the main building structure along the property line of single family interior lots. However, fences exceeding 6' in height will need to obtain a permit from the Building Department.

C. Located on corner lots: Solid architecturally detailed side yard fences taller than 3' may be constructed in single family housing areas if they are even or in back of the main structure and placed at least 3' behind the back sidewalk and incorporate landscaping between the sidewalk and the fence that will be properly maintained by the owner. If fencing placement were to obstruct vehicular traffic causing a hazardous condition, the location will need to be altered. Chain link fences shall not be allowed in this area.

A. Along side and rear property lines, and along any portion of the street side yard of a corner lot, not exceeding seven feet (7') in height.

B. Fences or walls not exceeding forty two inches (42") in height may be erected within any portion of the required front yard. A fence or wall exceeding this height shall be placed even or in back of the front structure, not exceeding six feet (6') in height may be erected within the front yard, provided, that it is set back a minimum of ten feet (10') from the front property line.

C. No fence, wall or hedge exceeding three feet (3') in height may be located within an area of a corner lot on the street side of a diagonal line connecting points located twenty five feet (25') along the property lines as measured from the intersection of the property lines at the street corner.

D. Open fences or hedges may be located within any required yard, or along any side lot line, not exceeding six feet (6') in height, except as limited by the provisions of subsections B and C above.

D. Perimeter walls or fences: Properties that abut existing perimeter subdivision walls or fences facing public streets must use materials and height consistent with adjacent or abutting neighbors and get administrative approval from the Planning Department prior to installation.

New single family subdivisions shall only use perimeter walls/fences when abutting incompatible uses such as multi-family apartment complexes, arterial streets, highways, commercial or industrial zoned land, or areas where such installation is needed to adequately reduce noise impacts to acceptable levels. New perimeter walls adjacent to City streets shall be located behind 15' landscape easement areas facing such street. Provisions of Section 9-3-8 of this title provide for specific requirements for this type of wall. Perimeter walls adjacent to incompatible areas can be located on the property line until it intersects with the front yard setback where the fence will then need to step down to connect to any existing front yard fences or front property line.

E. Gated communities that restrict public access to multi-family and single-family residential areas are prohibited.

F. Trash containers shall be kept behind solid fences or landscape with appropriate access for cleaning and refuse removal to screen from public view.

G. Fence heights shall be measured from the adjoining natural grade side of fence(s) proposed. Fences located within thirty-six inches from each other shall be considered one fence.

9-7A-8: **SIGNS AND OUTDOOR ADVERTISING STRUCTURES:** No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Chapter 14 of this Title.

9-7A-9: **OFF-STREET PARKING AND LOADING FACILITIES:** Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 12 of this Title. (Ord. 7901, 2-6-79 as amended, 1-1986)

9-7A-10: **PUBLIC IMPROVEMENTS:** The following shall apply to sites in RA-40 Zones, provided the minimum site area is forty thousand (40,000) square feet:

A. On-site sewer systems shall be permitted, except on subdivisions, parcels or lots where the City Engineer shall find that soil and/or ground water conditions are not suitable.

B. On-site storm drainage shall be permitted except on subdivisions, parcels or lots where the City Engineer makes a finding that soil and/or ground water conditions are not suitable; provided, that the total impervious area shall not exceed thirty percent (30%) of the parcel or lot.

C. Curbs, gutters and sidewalks shall not be required nor storm drainage fees collected on those subdivisions, parcels or lots where on-site storm drainage is permitted.

D. In the event that the City Engineer shall make an adverse finding pursuant to subsections A or B above, a written report setting forth the grounds for such findings shall be made to the Planning Commission and City Council.

E. On-site sewer system plans and on-site storm drainage plans shall be submitted to the City Engineer prior to approval of a building permit for an individual lot or parcel. The on-site sewer system and/or drainage system, including but not limited to location of tanks, lines or ponding areas, shall be constructed in accordance with approved plans and shall not be altered thereafter, without the written approval of the City Engineer.

F. In case of a subdivision, the subdivider shall submit the proposed covenants, conditions and restrictions for review and approval of the Planning Commission.

G. An appeal from an adverse finding in accordance with subsections A and B above may be made to the Planning Commission in accordance with Section 9-15A-3 of this Title. (Ord. 8711, 1-5-87)

9-7A-11 CARPORTS AND OUTDOOR STORAGE CONTAINERS:

Refer to sections 9-2-2, 9-7A-4, 9-7A-5, 9-7-A-6D.5, 9-7-A-6D.8, and 9-7-A-6G.3 for carport requirements. Permanent carport structures will be required to go through administrative approval following the policies of this title and other applicable fire and building codes, while portable carport shelters will be prohibited.

Outdoor storage containers (e.g., PODS) are not permitted in residential areas for more than 72 hours.

APPLICABILITY: Notwithstanding any other provision of this Section 9-7A-11, it shall apply only to new carports and new accessory structures that are constructed, installed or erected after the effective date of this Section. Any pre-existing portable carports visible from the street shall be allowed to stay in place for up to two (2) years from the effective date of this Ordinance and then shall be removed. ~~or~~ Permanent or semi-permanent carport or accessory structure installed, constructed or erected prior to the effective date of this Section, and which did not comply with the applicable City Code, ordinances and regulations in effect prior to the effective date of this Section will be allowed to continue to exist, so long as they are properly maintained in good condition and repair and do not become an eyesore to the neighborhood where located, until the carport or the accessory structure is removed, replaced or expanded or the property changes hands, at which time, it shall be removed or brought into compliance with the provisions of this Chapter. Nothing in this Section is intended to limit, restrict or impair the City's authority to: 1) require that carports and accessory structures constructed, erected or installed at any time to comply with all otherwise applicable City codes, ordinances and regulations 2) require that all carports and accessory structures, regardless of when constructed, installed or erected, comply with all other applicable Federal, State, or local statutes, ordinances and regulations, or 3) enforce such codes, statutes, ordinances and regulations.

9-7A-12 MAILBOXES: Residential neighborhoods shall incorporate architecture and site plan considerations into the design and location of cluster mailboxes to ensure design compatibility and increase social interaction in the neighborhood.

Developers are to submit architectural drawings or sketches illustrating the proposed structures as part of the design review process. Mailboxes should be installed in the landscape strip between sidewalk and private fences.

**CHAPTER 7
RESIDENTIAL DISTRICTS
ARTICLE B. ONE-FAMILY RESIDENTIAL DISTRICT**

SECTION:

- 9-7B-1: Purposes and Application
- 9-7B-2: General Provisions
- 9-7B-3: Permitted Uses
- 9-7B-4: Permitted Uses Requiring Administrative Approval
- 9-7B-5: Conditional Uses; Commission Approval
- 9-7B-6: Site and Structure Requirements
- 9-7B-7: Fences, Walls and Hedges
- 9-7B-8: Signs and Outdoor Advertising Structures
- 9-7B-9: Off-Street Parking and Loading Facilities
- 9-7B-10: Carports and Outdoor Storage Containers**
- 9-7B-11: Mailboxes**

9-7B-1 PURPOSES AND APPLICATION: To provide living areas within the City where development is limited to **low and** low-medium density concentrations of one-family dwellings where regulations are designed to accomplish the following:

- A. To promote and encourage a suitable environment for family life;

- B. To provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment;
- C. To minimize traffic congestions; and
- D. To avoid the overloading of utilities and public facilities designed primarily to service one-family residential uses in accord with density standards of the General Plan.

9-7B-2: **GENERAL PROVISIONS AND EXCEPTIONS:** All uses shall be subject to the general provisions and exceptions prescribed in Chapters 3 and 11 of this Title. (Ord. 7901, 2-6-79 as amended, 1-1986)

9-7B-3: **PERMITTED USES:**

Incidental and accessory structures and uses less than 8' in height located on the same site with a permitted use as defined in Section 9-2-2 of this Title.

Fenced or enclosed swimming pools for either individual, family or communal use on an exclusive noncommercial basis; provided that no swimming pool shall be located within a utility easement.

Keeping of household pets, subject to the definition of household pets as set forth in Section 9-2-2 of this Title.

Mobilehomes certified under the National Mobile Home Construction and Safety Act of 1974¹ (built after 1974) on a permanent system pursuant to section 18551 of the Health and Safety Code, and subject to the provisions of Section 9-15A-6 of this Title, with the exception of properties west of State Route 41 which cannot meet noise mitigation standards.

One-family dwelling, subject to the provisions of Section 9-15A-6 of this Title.

Raising of fruit and nut trees, vines, vegetables and horticultural specialties on a noncommercial basis.

Small family day care homes as defined in Section 9-2-2 of this Title. (Ord. 7901, 2-6-79 as amended, 1-1986; Ord. 8710, 12-15-87; Ord. 9106, 4-16-91)

9-7B-4: **PERMITTED USES REQUIRING ADMINISTRATIVE APPROVAL:** The following uses may be permitted in accordance with the provisions of Chapter 15, Article A of this Title:

Accessory structures and uses over 8' in height to be located within General Setback Requirements located on the same site as a use permitted by administrative or conditional approval (e.g. shed for a church).

Permanent Carports.

Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas, in accordance with the regulations prescribed in Section 9-3-6 and Chapter 14 of this Title.

¹ 1. 42 U.S.C § 5401 et seq.

Garden structures in accordance with the provisions of subsection 9-7B-6D3b of this Article.

Gas and electric transmission lines in accordance with the provisions of Chapter 15, Article A of this Title, electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks.

Home occupations in accordance with the provisions of Section 9-3-5 of this Title.

Large family day care homes, as defined in Section 9-2-2 of this Title, in accordance with provisions of Section 9-3-7 of this Title.

Second dwelling units in accordance with the provisions of section 9-3-10 of this title. (Ord. 7901, 2-6-1979; amd. 1-1986; Ord. 8702, 3-3-1987; Ord. 8710, 12-15-1987; Ord. 9310, 11-30-1993; Ord. 2003-05, 5-20-2003)

9-7B-5: **CONDITIONAL USES; COMMISSION APPROVAL:** The following conditional uses may be permitted in accordance with the provisions of Chapter 15, Article B of this Title:

~~Accessory structures and uses located on the same site with a conditional use.~~

Additional one-, two- or three-family dwelling units per site, up to a maximum of fourteen (14) housing units per net acre, with a minimum of three thousand (3,000) square feet of site area per dwelling unit, on parcels greater than ten thousand (10,000) square feet which are too narrow to construct additional dwelling units along the street frontage.

Permanent carports on the same site as a use permitted by conditional approval.

Modest expansion of an existing nonconforming use of a structure or land, or reestablishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed value of less than one hundred dollars (\$100.00) and nonconforming fences, walls and hedges.

Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes including a State authorized, certified or licensed family care home, foster home or group home serving six (6) or fewer mentally disordered or otherwise handicapped persons, including rehabilitation homes for alcoholics and drug addicts, or dependent and neglected children, where such homes provide care on a twenty four (24) hour basis.

Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, private nonprofit schools and colleges; churches, parsonages and other religious institutions.

Public uses of administrative, recreational, public service or cultural type including City, County, State or Federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities; public playgrounds, parks and community centers. Once the initial use is approved, minor improvements should be approved utilizing the Administrative Approval process.

9-7B-6: **SITE AND STRUCTURE REQUIREMENTS:**

A. Site Area: The minimum site area shall be as follows:

<u>District</u>	<u>Permitted Or Conditional Use</u>	<u>PUD Within Low-Medium Density Areas</u>
R-1-7	7,000 sq. ft.	5,000 sq. ft.
R-1-10	10,000 sq. ft.	NA

A maximum of one-third (1/3) of the lots in a subdivision in any R District may be reduced by a maximum of ten percent (10%) of the minimum site area; provided, that the average area of all lots is equal to or greater than the minimum area for a single lot as prescribed above.

B. Frontage, Width and Depth Of Site:

1. Each site shall **generally** have not less than sixty feet (60') of frontage on a public street; except, that those sites which front on a cul-de-sac or loop-out street may have a frontage of not less than forty feet (40'); provided, that the width of the site as measured along the front yard setback line is **generally** at least sixty feet (60').

2. The minimum width of each site **should shall** be as follows:

<u>District</u>	<u>Interior Lot</u>	<u>Corner Lot</u>
R-1-7	65 feet	70 feet
R-1-10	80 feet	90 feet

In case of a site fronting on a cul-de-sac or loop-out street, the frontage shall be measured along the front yard setback line. Deviations from the above frontage, width, and depth can be made so long as the average total site area meets the above standards and is consistent with the zone's minimum and maximum density requirements. This may allow for flag shape lots in certain instances so long as adequate access is maintained.

3. The minimum depth of each site **should shall** be as follows:

<u>District</u>	<u>Interior Lot</u>	<u>Corner Lot</u>
R-1-7	90 feet	90 feet
R-1-10	100 feet	100 feet

4. For lots developed under planned unit development procedures within the R-1-7 district, **or infill lots in subdivision recorded prior to 1987**, the minimum frontage, width and depth shall be determined by the planning commission; provided, that each lot development shall be subject to the provisions of individual site plan review as prescribed by Chapter 15, article C of this title.

C. Coverage **and Density**: The maximum site area covered by structures shall be **forty percent (40%)**. **as follows**:

<u>District</u>	<u>Unit Density (du/net acre)/ Floor Area Ratio (FAR)</u>
R-1-7	5 Unit Minimum to 7 Unit Maximum/ 0.40(Max)
R-1-10	3 Unit Minimum to 4 Unit maximum/0.40(Max)

Number of Dwelling Units per Site: Not more than one dwelling unit shall be allowed on each parcel, except as allowed under Section 9-3-10 – Second Dwelling Units (Ord. 9601, 2-20-1996)

D. Yard Requirements:

1. General Yard Requirements:

District	Minimum Front Yard	Side Yard	Rear Yard
R-1-7	Varies from 25-18-25 feet	5' & 10' (15' combined)	10'
R-1-10	Varies from 25-18-25 feet	5' & 10' (15' combined)	10'
2-story building	Increase 5' over above	10' & 10'	15'
Yard backs on to street			20'

2. Yard Exceptions:

- a. On a site situated between sites improved with buildings where said buildings are set back less than the minimum distance required by this subsection, the minimum front yard shall be the average depth of the front yards on the improved sites immediately adjoining the side lines of the site.
- b. Where construction involves more than one story, the adjacent setbacks shall be increased five feet (5') for each additional story.
- c. Front building setbacks may be reduced to twelve feet (12') behind the sidewalk to incorporate open architectural features such as porches and balconies.
- d. Driveways in front of garages shall have at least 18' of pavement depth from the back of sidewalk, whether on an interior or corner lot, so that parked vehicles do not encroach into the sidewalk. Carport or Ggarages attached to the main building may be set within fifteen feet (15') of a front property line where the garage opening is perpendicular to the curb—line requiring a curbed driveway approach. Where an alleyway exists to the rear of a property, a zero (0) lot line setback can be utilized for a garage, with a possible carriage house, so long as required parking stalls are provided on the property and no parking is allowed on the alleyway. Entry into the garage can either be from the alley or the front of the lot.
- e. See further setback exceptions in Section 9-7A-6D items 4 through 8.

1. Front Yards: The minimum front yard shall be as follows; provided, that the distance from the center line of a public street to the rear of the required front yard shall not be less than fifty feet (55') in the R-1-7 and R-1-10 Districts:

2. Rear Yards: The minimum rear yard shall be ten feet (10'), subject to the following conditions and exceptions:

- a. Where construction involves more than one story, the rear yard shall be increased five feet (5') for each additional story.
- b. Accessory and garden structures less than seven (7') in height may be located within any portion of a required rear yard which is not within a utility easement.
- c. In case of a corner lot, when the main entrance to the dwelling is from longer side adjacent to the street, the minimum rear yard shall be five feet (5') for

single story structure and shall be increased five feet (5') for each additional story where construction involves more than one story.

d. No accessory and garden structure is permitted in the rear yard which is less than ten feet (10'), and no architectural features, including chimneys, will extend into such rear yard.

3. Side Yards: The minimum combined width of two (2) side yards shall be fifteen (15'). One side yard shall be at least ten feet (10') in width and no side yard shall be less than five feet (5') in width, subject to the following conditions and exceptions:

a. On a reversed corner lot, the side yard adjoining the street shall be not less than one half (1/2) the required front yard on the adjoining lot.

b. Garden structures under seven (7') in height may be located within any portion of a required rear yard which is not within a utility easement.

c. Where construction involves a second story, the combined width of the two (2) side yards shall be at least twenty feet (20') and none of the side yards shall be less than ten feet (10') in width.

d. Garages or permanent carports on the street side yard of a corner lot shall be set back fifteen feet (15') from the property line where the street right of way is at least sixty feet (60') in width and the sidewalk is adjacent to the curb, or where the garage or carport opening is perpendicular to the curb line and requiring a curved driveway approach. In all other cases, the garage or permanent carport shall be set back a minimum of twenty feet (20') from the property line.

ef. In case of irregular or wedge-shaped lots and lots in subdivisions recorded prior to 1987, the Planning Community Development Directory may grant setback variances up to fifteen percent (15%) of the stated side yard requirements.

E. Distances Between Structures: The minimum distance between a one-family residence and another unattached building, excluding accessory structures which do not require a building permit, shall be ten feet (10').

F. Number of Dwelling Units per Site: Not more than one dwelling unit shall be allowed on each site. (Ord. 9601, 2-20-1996)

FG. Design Standards: Refer to 9-7A-6G under the RA zone district standards.

9-7B-7: **FENCES, WALLS AND HEDGES:** Fences, walls and hedges shall be permitted in accordance with the provisions of Section 9-7A-7 and Section 9-3-8 of this Title; provided, that no fence, wall or hedge exceeding three feet (3') in height may be erected or located within an area of a corner lot on the street of a diagonal line connecting points located twenty five feet (25') along the property line as measured from the intersection of the property line at the street corner. (Ord. 7901, 2-6-1979 as amended, 1-1986)

9-7B-8: **SIGNS AND OUTDOOR ADVERTISING STRUCTURES:** No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Chapter 14 of this Title. (Ord 7901, 2-6-1979 as amended, 1-1986)

9-7B-9: **OFF-STREET PARKING AND LOADING FACILITIES:** Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 12 of this Title. (Ord. 7901, 2-6-1979 as amended, 1-1986)

9-7B-10 CARPORTS AND OUTDOOR STORAGE CONTAINERS:

Refer to sections 9-2-2, 9-7-A-6D.5, 9-7-A-6D.8, 9-7-A-6H.3, 9-7A-11 for carport requirements. Permanent carport structures will be required to go through administrative approval following the policies of this title and other applicable fire and building codes, while portable carport shelters will be prohibited.

Outdoor storage containers (e.g., PODS) are not permitted in residential areas for more than 72 hours.

9-7B-11 MAILBOXES: Refer to Section 9-7A-12.

**CHAPTER 7
RESIDENTIAL DISTRICTS
ARTICLE C. RM MULTI-FAMILY
RESIDENTIAL DISTRICT**

SECTION:

- 9-7C-1: Purposes and Applications
- 9-7C-2: General Provisions and Exceptions
- 9-7C-3: Site Plan Review
- 9-7C-4: Permitted Uses
- 9-7C-5: Permitted Uses Requiring Administrative Approval
- 9-7C-6: Conditional Uses; Commission Approval
- 9-7C-7: Site and Structure Requirements
- 9-7C-8: Fences, Walls and Hedges
- 9-7C-9: Signs and Outdoor Advertising Structures
- 9-7C-10: Off-Street Parking and Loading Facilities
- 9-7C-11: Carports and Outdoor Storage Containers**

9-7C-1: **PURPOSES AND APPLICATIONS:** The RM Multi-Family Residential Districts are intended primarily for the development of multi-family residential structures at densities consistent with policies of the General Plan as follows:

- A. The RM-3 and RM 2.5 Districts are intended exclusively for application to areas designated by the General Plan for medium density and within older, basically single-family residential areas of the community where vacant property has been by-passed because of excessive size, irregular shape or difficulty in providing public access or utilities.
- B. The RM-2 District is intended exclusively for application to areas designated high density by the General Plan.

9-7C-2: **GENERAL PROVISIONS AND EXCEPTIONS:** All uses shall be subject to the general provisions and exceptions prescribed in Chapters 3 and 11 of this Title.

9-7C-3: **SITE PLAN REVIEW:** No multi-family use may be established on any lot or site in this District until a site plan shall have been submitted and approved pursuant to the provisions of Chapter 15, Article C of this Title. (Ord. 7901, 2-6-79 as amended, 1-1986)

9-7C-4: **PERMITTED USES:**

Incidental and accessory structures and uses located on the same site as a permitted use.

Keeping of household pets, subject to the definition of household pets as set forth in Section 9-2-2 of this Title.

Mobilehomes certified under the National Mobile Home Construction and Safety Act of 1974 on a permanent system pursuant to section 18551 of the Health and Safety Code, and subject to the provisions of Section 9-15A-6 of this Title.

Multi-family dwellings pursuant to Section 9-15C-1 and 2 of this Title.

One-family, two-family and three-family dwellings.

Raising of fruit and nut trees, vegetables and horticultural specialties on a noncommercial basis.

Swimming pools for either individual, family or communal use on an exclusive noncommercial basis; provided, that no swimming pool shall be located within a utility easement. (Ord. 7901, 2-6-79 as amended, 1-1986; Ord. 9106, 4-16-91)

9-7C-5: **PERMITTED USES REQUIRING ADMINISTRATIVE APPROVAL:** The following uses may be permitted in accordance with the procedures prescribed in Chapter 15, Article A of this Title:

Accessory structures and uses over 8' in height to be located within General Setback Requirements located on the same site as a use permitted by administrative or conditional approval (e.g. shed for a church).

Permanent Carports.

Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display area, in accordance with the provisions of Section 9-3-6 and Chapter 14 of this Title.

Garden Structures in accordance with the provisions of subsection 9-7A-6D4 9-7B-6D3b of this Chapter.

Gas and electric transmission lines in accordance with the provisions of Chapter 15 Article A of this Title, electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and elevated pressure tanks.

Home occupations in accordance with the provisions of Section 9-3-5 of this Title, provided they are in single-family residential developments.

Private clubs and lodges.

Rest homes and nursing homes; boarding or rooming houses.

Second dwelling units in accordance with the provisions of section 9-3-10 of this title. (Ord. 7901, 2-6-1979; amd 1-1986; Ord. 8702, 3-3-1987; Ord.9310, 11-30-1983; Ord.2003-05, 5-20-2003)

9-7C-6: **CONDITIONAL USES; COMMISSION APPROVAL:** The following uses may be permitted in accordance with the procedures prescribed in Chapter 15, Article B of this Title:

Accessory structures and uses located on the same site as a conditional use.

Permanent carports on the same site as a use permitted by conditional approval.

Mobilehome parks, in accordance with the provisions of Chapter 13 of this Title.

Modest expansion of an existing nonconforming use of a structure or land, or re-establishment of a nonconforming use which has been damaged, except nonconforming signs and outdoor advertising structures, nonconforming uses occupying a structure with an assessed value of less than one hundred dollars (\$100.00) and nonconforming fences, walls and hedges.

Public and private charitable institutions, hospitals, sanitariums, nursing homes, rehabilitation homes and rest homes, including State authorized homes as prescribed under public and private charitable institutions in Section 9-7B-5, of this chapter.

Public and quasi-public uses of an educational or religious type, including public and parochial elementary schools, junior highs schools, high schools and colleges; nursery schools; private nonprofit schools and colleges; churches, parsonages and other religious institutions.

Public uses of administrative, public service or cultural type including City, County, State or Federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities; public playgrounds, parks and community centers. (Ord. 8702, 3-3-1987; amd. Ord. 9310, 11-30-1993)

9-7C-7: **SITE AND STRUCTURE REQUIREMENTS:**

A. Site Area:

1. Minimum Site Area: The minimum site area shall be seven thousand (7,000) square feet; except, that a single-family lot within areas designated for either medium density or high density by the General Plan may be a minimum of five thousand (5,000) square feet.
2. Minimum Site Area Per Dwelling Unit: The minimum site area per dwelling unit shall be as follows:

Within the RM-3 District	3,000 square feet	<u>General Plan Designation</u>
Within the RM-2.5 District	2,500 square feet	<u>Medium Density Multi Family</u>
Within the RM-2 District	2,000 square feet	<u>Medium Density Multi Family</u>
		<u>High Density Residential</u>

B. Frontage, Width And Depth Of Site: Each site shall generally have not less than seventy feet (70') of frontage on a public street; except, that those sites which front on a cul-de-sac or loop-out street may have a frontage of not less than forty feet (40'); provided, that

the width of the site as measured along the front yard setback line is at least fifty feet (50'). The minimum width of each site shall be fifty feet (50'). The minimum depth of each site shall be as follows:

<u>District</u>	<u>Interior Lot</u>	<u>Corner Lot</u>
RM-3	100 feet	100 feet
RM-2.5	100 feet	80 feet
RM-2	100 feet	80 feet
RM-1-5	100 feet	100 feet

(Ord. 7901, 2-6-1979; amd. 1-1986). Deviations from required frontage, width, and depth can be made so long as the average total site area meets the above standards and is consistent with the zone's minimum and maximum density requirements. This may allow for flag shape lots or small lot single family developments in certain instances so long as adequate access is maintained.

C. Coverage and Density: The maximum site area covered by structures shall be as follows:

<u>District</u>	<u>Unit Density (du/net acre)/ Floor Area Ratio (FAR)</u>	<u>Coverage</u>
RM-3	12 Unit Minimum to 17 Unit Maximum/0.80(Max)	45 percent
RM-2.5	12 Unit Minimum to 17 Unit Maximum/0.80(Max)	50 percent
RM-2	17 Unit Minimum to 25 Unit Maximum/Varies	55 percent
RM-1-5		50 percent

D. Yard Requirements ~~Single Family Dwellings~~:

1. ~~Front yard: The minimum front yard shall be fifteen feet (15').~~
2. ~~Rear Yard: The minimum rear yard shall be five feet (5'); provided, however, that where construction involves more than one story, the rear yard shall be increased by five feet (5') for each additional story.~~
3. ~~Side Yard: The minimum side yard shall be five feet (5'); provided, however, that where construction involves more than one story, the combined width of both side yards shall be a minimum of fifteen feet (15'), with no side yard less than five feet (5') in width. The side yard on the street side of a corner lot shall be not less than one-half (1/2) the required front yard on the adjoining lot.~~
4. ~~Accessory Structures: Accessory structures and garden structures under seven feet (7') in height may be located in any portion of a required side and/or rear yard subject to approval under the provisions of Chapter 15, Article A of this Title.~~

1. General Setback Requirements:

<u>Building Type</u>	<u>Front Yard</u>	<u>Side</u>	<u>Rear</u>	<u>Streets to parking</u>
Single Family (SF)	15' minimum	0'	0'	18' back of sidewalk to garage
Duplex to Fourplex	15' minimum	0'	0'	18' back of sidewalk to garage
Corner Lot	15' minimum	15' facing street	0'	18' back of sidewalk to garage
Apartments	15' facing streets	10'	10'	20'

2. Yard Exceptions:

- a. Detached buildings shall retain 10' setbacks between buildings whether on the same lot or adjacent lots.
- b. Buildings located on the zero lot line shall provide adequate access to conduct maintenance of such buildings.
- c. Front building setbacks may be reduced to ten (10') behind the sidewalk to incorporate open architectural features such as porches, balconies, bay windows and the like that only take up portions of the entire building façade to add building articulation.
- d. Garages attached to the main building may be set within fifteen feet (15') of a front property line where the garage opening is perpendicular to the curb-line requiring a curbed driveway approach.
- e. Stairs: No open stairs shall be permitted in any required minimum yards.
- f. See further setback exceptions in Section 9-7A-6D items 4 through 8.

E. Yard Requirements Multi Family Dwellings:

1. Front Yard: Yards Adjacent To Street: The minimum yard adjacent to street shall be fifteen feet (15'); provided, however, that where construction involves more than one story, this yard shall be increased by a minimum of five feet (5') for each additional story.
2. All Other Yards: All other yards shall be a minimum of ten feet (10') from the property line; provided, where construction involves more than one story, the yard adjacent to such portion of the building shall be increased by at least five feet (5') for each additional story.
3. Yards Between Buildings And Private Interior Roads: The minimum distance between buildings and private interior roads shall be ten feet (10').
4. Stairs: No open stairs shall be permitted in any required minimum yards. (Ord. 9802, 4-21-1998)

F. Distance Between Buildings:

1. The minimum distance between a dwelling unit and another building shall be ten feet (10') in both multi- and single family developments.
2. The minimum distance between the fronts and/or rears of dwellings in multi-family developments shall be twenty feet (20'); provided, however, that when construction involves more than one story, the minimum distance between the front and/or rears of dwellings shall be increased by five feet (5') for each additional story.
3. The minimum distance between open stairs to upper stories shall be ten feet (10').

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direction

EG. Building Height: The maximum building height of a building or structure shall not exceed thirty five feet (35') from the adjoining natural grade of the site. (Ord. 9305, 6-1-1993; amd. Ord. 9802, 4-21-1998)

F. Design Standards for Single Family: Refer to Section 9-7A-6G.

GH. Site Development Standards for Multi-Family Developments:

1. Landscaped Area: A minimum of fifty thirty five percent (50 35%) of the total site area shall be landscaped. At least one landscape/recreation area, of minimum ten thousand (10,000) square feet, shall be required in developments with eighty (80) or more units.
2. Buffer Area: A minimum ten five foot (105') wide landscape buffer shall be provided along the perimeter of sites, which abut areas, zoned R or RA. Landscaping, comprised of trees and shrubs, shall be planted subject to the following standards:
 - a. Trees:

Fifty percent (50%) of the trees shall be evergreen.

Trees shall be at least seven feet (7') in height upon planting.

Trees shall be planted a maximum of twenty feet (20') between their centers.

Tree species shall be fast growing varieties, growing at least three feet (3') per year for the first five (5') years.
 - b. Shrubs:

A minimum of two (2) shrubs between each tree in the buffer area shall be planted.

Shrubs shall be at least eighteen inches (18") in height upon planting.

Shrubs shall be of a variety which will attain a height of seven feet (7') within four (4) years of planting.
3. Private Open Space: Open space shall be provided such that each dwelling unit has at least 400 square feet of on-site open space, which may be private open space provided by balconies or patios, or common open space. At least an Each unit shall be provided with either a fenced yard of minimum eighty (80) square foot feet fenced yard in area and seven feet (7') in width or a private balcony of minimum fifty four (54) square feet in area and six feet (6') in width shall serve as a base minimum.

At least 32 square feet in floor area of private storage space apart from interior closet space, shall be provided for each unit.
4. Roofing Material: Roofing material shall be compatible with surrounding neighborhood roofing material.
5. Driveway Width: The driveways shall be a minimum of twenty four eight feet (248') in width for large apartment complexes. For development of small lots or duplex, triplexes and fourplexes accessing ten units or less, a minimum 3' landscape strip shall be provided along at least one side of the driveway and the width shall not exceed 16' if not accommodating parallel parking or 24' in parking accommodated.

6. Bus Stop: Bus stop, as a paved area, at least ten feet (10') in width and sixty feet (60') in length, adjacent to a street, may be required if requested by a school district or as determined by staff.
7. Fire Hydrant Locations: Fire hydrants shall be spaced a maximum of three hundred feet (300') apart and shall have adequate fire flow pressure as determined by the City Engineer.
8. On-Site Lighting: On-site lighting shall only illuminate the subject site and shall not create glare within or adjacent to the site.
9. Emergency Gates: Emergency gates shall be constructed of chainlink with slats or any other material approved by the City. Design of the gate shall be reviewed and approved by the Planning Community Development Department.
10. Trash Enclosure Locations: At least one dumpster with enclosure shall be provided for every eight (8) dwelling units. Trash enclosures shall be sited within two hundred fifty feet (250') of all dwelling units.

Trash enclosure walls should be of a block or masonry material and designed to match the building where it is located. The enclosure should be accessible to residents and businesses, yet located away from main entries or public view/streets. Trash enclosures within developments of two-story or more should incorporate a trellis cover or a roof design to screen views from above. Landscaping around the enclosure is needed to help screen the enclosure from public view. All trash enclosures shall be located away from/face away public view/streets. The size and number of enclosures needed shall be such that the type of use of the project would adequately be served.

11. Dwelling Unit Addresses And Directories: Unit addresses, of minimum nine inches (9") in height, shall be installed on the buildings in which the units are located and shall be visible from internal driveways. In addition, individual unit addresses, of minimum four and one-half inches (4 ½") in height, shall be installed near the main entrance of each unit. All unit addresses shall be placed in a manner that they are easily visible at night. A complex directory shall show or list all units within the complex. The directory shall be placed near all entrances, be lighted and be located so as not to impede the vision of motorists.

12. Recreation space for all ages: At least one recreation area at least ten thousand (10,000) square feet in size or five percent whichever is greater, shall be provided in developments with twenty-five (25) or more units to serve all age groups. Land for this purpose in mixed-use and downtown areas may be provided by public land or working with developers to create privately-owned public spaces within each development.

Tot Lots: In addition to above, a minimum of one tot lot shall be required for every forty (40) dwelling units. Tot lots shall be a minimum of seven hundred fifty (750) square feet in area and be located not closer than five hundred feet (500') from each other. Tot lots shall be surrounded by an open, smooth-surfaced fence, the design of which shall be reviewed and approved by the Planning Community Development Department and shall include play equipment, such as swings or jungle gyms and include a minimum of five activities as approved by the Parks Department.

13. Design Standards:

- (a) Parking frontages limited to no more than 25 percent of lot frontages. Minimum twenty foot (20') landscaped yards between streets and parking areas.
- (b) Carport and garage designs shall match the main building designs in roof pitch, materials, and color. Location of such shall be restricted so they are not highly visible from public streets and portable carport covers are prohibited.
- (c) Architecturally interesting building designs shall be incorporated to avoid bulky and "box-like." This can be created by requiring variable roof forms in building designs and limiting the dimension of any single building to 125 feet.
- (d) Building entries shall have roofed projections or shallow recessed entries.
- (e) Roof-mounted mechanical equipment, other than solar panels, shall be screened or incorporated into a roof design or, if this cannot be done, such equipment must be ground-mounted on the interior side or in the rear of the lot.
- (f) Pedestrian access shall be provided by walkways that link residential units with other units and with recreational and other facilities within the project.
- (g) Apartment complexes shall be designed to face out towards adjoining streets.
- (h) Cluster Mailboxes: Residential neighborhoods shall incorporate architecture and site plan considerations into the design and location of cluster mailboxes to ensure design compatibility and increase social contact in the neighborhood. Developers are to submit architectural drawings or sketches illustrating the proposed structures as part of the design review process. Mailboxes should not be installed in the parkway strip between sidewalk and street.
- (i) Also see applicable design standards in Section 9-7A-6G.

16. 13. Notwithstanding other provisions of this Article, the Planning Commission shall have the authority to modify or adjust regulations of this Article in order to prevent or lessen practical difficulties or unnecessary physical hardships inconsistent with the objectives of the Zoning Ordinance and the purposes of this Article as would result from Strict or literal interpretation and enforcement of certain regulations of this Article. (Ord. 9802, 4-21-1998)

9-7C-8: **FENCES, WALLS AND HEDGES:**

- A. Fences, walls and hedges shall be permitted in accordance with the provisions of Section 9-7A-7 of this Chapter; provided, that no fence, wall or hedge exceeding three feet (3') in height may be erected or located within an area of a corner lot on the street of a diagonal line connecting points located fifteen feet (15') along the property line as measured from the intersection of the property line at the street corner. (Ord. 9110, 7-2-1991)
- B. Prior to issuance by the City of a certificate of occupancy for any multi-family dwelling unit or structure, whether it be an issuance in the first instance or an issuance in the case of a parcel or lot having been found to be in violation of chapter 2 section 203 (Unsafe Buildings) of the Uniform Building Code as adopted by Section 8-1A-1 of this Code, the owner of any parcel or lot in the RM (Multi-Family Residential) District shall, subject to subsection A of this Section, erect and maintain

a decorative masonry wall at least seven feet (7') in height, as measured from the highest adjoining natural grade, on all portions of any property line or lot line that constitutes the boundary line (excluding separation by streets) between said RM (Multi-Family Residential) District and any of the R1 (One-Family Residential) Districts, regardless whether the R1 (One-Family Residential) District or Districts are zoned as such prior to or subsequent to the zoning of the RM (Multi-Family Residential) District. Provisions of Section 9-3-8 of this title provide for specific requirements for this type of perimeter wall. ~~Subject walls shall be capped by a projecting layer of block or bricks and be light brown in color.~~ The design of the wall shall be reviewed and approved by the ~~Planning Community Development~~ Department. Two (2) weeks prior to the construction of the block wall, adjoining property owners shall be given written notice of this construction activity so, at their option, they may take down their fence to enable the block wall to be finished on their side of the wall. (Ord. 9802, 4-21-1998)

Item that apartment owner may discuss further

- C. Perimeter walls shall not be used along multi-family complexes facing public streets and such areas shall be subject to "front yards" requirements described in Section 9-7-A-7.
- D. Gated communities that restrict public access to multi-family and single-family residential areas are prohibited.
- E. Should fences or railings be used to surround private multi-family backyards or patios/balconies, such shall be no more than 42" tall and be of a solid material to screen stored items, unless adjacent to arterial or collector streets the contain no other perimeter fencing or walls.

9-7C-9: **SIGNS AND OUTDOOR ADVERTISING STRUCTURES:** No sign or outdoor advertising structure of any character shall be permitted except in accordance with the provisions of Chapter 14 of this Title. (Ord. 7901, 2-6-1979; amd. 1-1986)

9-7C-10: **OFF-STREET PARKING AND LOADING FACILITIES:** Off-street parking and off-street loading facilities shall be provided on the site for each use as prescribed in Chapter 12 of this Title. (Ord. 7901, 2-6-1979; amd. 1-1986).

9-7C-11 **CARPORTS AND OUTDOOR STORAGE CONTAINERS:**
Refer to sections 9-2-2, 9-7-A-6D.5, 9-7-A-6D.8, 9-7-A-6G.3, 9-7A-11 for carport requirements. If incorporated into the design of a multi-family complex, elevation designs of such structures shall be submitted with original Site Plan for the main project for review. If constructed after existing structures are already in place, the approval of permanent carport structures will be required to go through administrative approval following the policies of this title and other applicable fire and building codes, while portable carport shelters will be prohibited.

Outdoor storage containers (e.g., PODS) are not permitted in residential areas for more than 72 hours.

Section 3:

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 Lemoore Advance, a newspaper of general circulation, published in the City of Lemoore, within fifteen (15) days after its adoption. The City Clerk is directed to cause this Ordinance to be codified after its adoption.

The foregoing Ordinance was introduced at a Regular Meeting of the City Council of the City of Lemoore held on the ____ day of _____, 2008, and was passed and adopted at a Regular Meeting of the City Council held on the ____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED

John Murray, Mayor

ATTEST:

Nancy C.O. Lima, CMC
City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss.
CITY OF LEMOORE)

I, Nanci C.O. Lima, City Clerk of the City of Lemoore, do hereby certify the foregoing Ordinance was duly introduced at a Regular Meeting of the City Council of the City of Lemoore held on the ____ day of _____, 2008, and passed and adopted at a Regular Meeting of the City Council held on the ____ day of _____, 2008.

DATED: _____, 2008

Nanci C.O. Lima, CMC
City Clerk