

OCT 3 2019

ZONING CODE AMENDMENTS

Parking is an impact in all Commercial Zones and needs a unified standard to be equitable to all businesses.

Planning Division

1. **Motion:** Parking lots and parking structures are permitted in all Commercial Zone. Parking Structures shall require a CUP except PCD and CB.

Approved by Motion

The community can be impacted by Safe Parking in Many ways both known and unknown.

2. **Motion:** Safe Parking shall require a Conditional Use Permit in all zones. **Approved by a Previous Motion**

The Council has previously agreed to return the distance for reciprocal parking to 300'.

3. **Motion:** The maximum distance between parcels for reciprocal parking shall be 300'. **Approved by Motion**

A large car dealership exists in OTC. The current version of the Zoning Ordinance appears to have many restrictions.

4. **Motion:** Amend the Zoning Ordinance to allow automobile sales, rental and repair for dealerships of any size to be a "P" Permitted Use in OTC. **Approved by Motion**

Table 17.3.16.070A

Banners are effectively used by Non-Profits and Businesses in all zones with minimal impact.

5. **Motion:** Banners shall be an allowed use with no fee or permit in all Commercial and Public Facility Zones; if the banner has the date it was installed and the name of the responsible party written on it and the banner is up for no more than 30 days. Any banner without a date or which is one or more days past the thirty days allowed may be taken down by City Staff and placed on the Ground.

Revised,
Approved by Motion

Division 17.1 Zoning Code Purpose and Authority.

17.1.04.020-B

5. READS: Provided the appropriate land conservation to protect natural resources and avoid harmful environmental impacts

6. **Motion,** amend item 5 to read: Promote efficient use of land in development as allowed by law.

Approved
by Motion

6. READS: Lessen congestion on Streets.

Note: At the August 20 2019 Council meeting the Council approved changing this.

7. **Motion,** amend item 6 to read: Promote efficient traffic flow.

Approved by Motion

17.1.04.040-G

READS: Minimum Requirements. The provisions of this Code shall be minimum requirements for the promotion of the public health, safety and general welfare. When this Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Code, as may be determined by the applicable Review Authority, as provided in Section 17.5.04.020 [Authority for land use decisions], to be necessary to promote orderly land use and development; environmental resource protection; and the other purposes of this code.

8. **Motion,** amend item 6 to read: Minimum Requirements. The provisions of this code shall be the minimum requirements for the promotion of the public health, safety and general welfare *except that lesser or different requirements may be imposed by the Review Authority through the authorization of a Conditional Use Permit, [CUP].* When the Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Code, as may be determined by the applicable Review Authority, as provided in Section 17.5.04.020 [Authority for land use decisions] *if it is necessary to promote public health and safety, orderly land use and development, promotes economic growth, job growth, housing growth* and other purposes of this code.

Approved
by Motion

17.1.03.020 Responsibility of Administration

B. Exercise of Discretion. In the event that a provision of the Code allows the Reviewing Authority [responsible body or individual] to exercise discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:

1. The proposed project complies with all applicable provision of the Code;
2. The exercise of discretion will act to ensure the compatibility of the proposed project with its site, surrounding properties, and the community.
3. The exercise of discretion promotes the public health, safety and welfare and
4. the decision is consistent with the General Plan.

9. **Motion:** Add the following as item 3 and renumber the existing item 3 to 4 and 4 to 5:
The Decision promotes economic or housing growth with economically viable requirements.

Approved
by Motion

17.1.03.030 Rules of Interpretation

A. Authority

Written interpretations are necessary so the decision is clearly understood by the applicant and for the Planning Commission if an appeal is filed.

10. **Motion:** add the word written to the text: The Director has the authority to interpret any provision of this Zoning Code. Whenever the Director determines that the meaning or applicability of any Code requirement is subject to interpretation, the Director may issue an official *written* interpretation. The Director may also refer any issue of interpretation to the Planning Commission for its determination. Any interpretation may be appealed as provided in Chapter 17.6.12 [Appeals]

Approved
by Motion

DIVISION 17.2 Allowed Uses and Development Standards for all zones.

11. Motion: If the City cannot require LUSD to have a CUP, remove Public School. **Not Reviewed**

The Table shows Community Assembly, Neighborhood [Church] requires a CUP in all residential zones. Federal Court Decisions exempt Churches from this requirement.

12. Motion: Change "Community Assembly, Neighborhood" in all residential zones from CUP to P. **Not Reviewed**

Division 17.2.12 Commercial Zones

A. Establishment of Allowable Use.

A prior City Council established a policy limiting a single retail store to 100,000 square feet as the maximum size that fits the community needs and could be serviced by public safety resources.

13. | **Motion:** Add item 4: The maximum size of any retail location shall not exceed 100,000 square feet including accessory structures.

Staff Follow-up needed

Table 17.2.030A Commercial Zones Allowable Uses

Federal Law prohibits a City from requiring a Use Permit for a Church. One church locating in a commercial zone was required to pay the fee and begin Permit process delaying their project more than a month until Staff discovered the error and refunded the Permit fee.

14. | **Motion:** Change Community Assembly Neighborhood from CUP to P
Change Community Assembly Regional from CUP to P in all zones.
Change Safe Parking from MUP to CUP in all zones listed.
Add Parking Lot as a "P" permitted use in OTC.

Not Reviewed

Currently the only zone where Adult Business has been allowed is OTC but in this ordinance it is not allowed there by making them non-conforming.

15. | **Motion:** Add Adult Businesses to OTC with a MUP. **Not Reviewed**

Currently a new laundromat business just opened in the OTC Zone. Note 2 on page 17.2.12-4 prohibits "laundry facilities in OTC. This change in the Zoning ordinance will make this new business a preexisting non-conforming use.

16. | **Motion:** Change Note 2 to read: "commercial laundry facilities, excluding laundromats," **Currently Addressed in Code**

17.2.16 Industrial Zones

Table 17.2.19.030 Industrial Zones Allowable Uses

AceCo was constructed in the BP zone as an allowed use but under this ordinance will become a pre-existing non-conforming use which will diminish its value. It is a nice looking facility and demonstrates that an equipment rental business is no more impactful than other similar uses in BP.

- 17.** | **Motion:** change "Equipment Rental Yard" to "P" Permitted in the BP Zone. **Approved by Motion**

Churches are exempt under federal law from having to have a CUP. Churches have located in these zones in the past as a Permitted Use.

- 18.** | **Motion:** Change Community Assembly, Neighborhood and Regional to "P" Permitted in I and BP. **Not Reviewed**

A Caretaker's Unit is no more impactful in the Industrial Zone than it is in the Business Park Zone. In BP it requires a MUP while in Industrial it requires a CUP.

- 19.** | **Motion:** Change Caretaker's Unit from CUP to MUP for the Industrial Zone. **Approved by Motion**

The City lacks space for Large Vehicle and Boat Sales and Rental in the Retail and Industrial zones as they are largely built out. RV and Boat sales are less impactful than "Manufacturing / Processing: Light/Medium which is permitted in the Business Park Zone.

- 20.** | **Motion:** Change Large Vehicle and Boat Sales and Rental to a "P" Permitted use in the Business Park Zone. **Approved by Motion**

As written a wine tasting room could only occupy 49% of a space while a restaurant, which is more impactful could occupy 100% of the space.

- 21.** | **Motion:** Add "Wine Tasting" to the currently listed "Winery", which is a permitted use. **Currently Addressed in Code**

Table 17.2.16.040.A Industrial Zones Development Standards

Floor Area Ratio [Max]: In the current Zoning Ordinance there is no floor area ratio for the Industrial Zone. In the new Zoning Ordinance it is proposed to be 0.5 for Industrial

and 0.75 for Business Park. Many of the current Industrial buildings exceed 0.5 and would become per-existing non-conforming uses. Past City Staff has the code to require a MUP or CUP for every new tenant whose business was not identical in type to the prior business occupying the space. The most recent Industrial Building approved by the Planning Commission could not have been approved as it exceeded this arbitrary 0.5 Floor Area Ratio.

22. | Motion: Change the Floor Area Ration for Industrial to 0.75. **Approved by Motion**

17.2.20: Other Zones

Table 17.2.20.030A Other Zones Allowable Uses

In MU and PF Community Assembly {Churches} are listed as CUP in violation of Federal Law.

23. Motion: Change Community Assembly in MU and PF to "P" Permitted. **Not Reviewed**

It is not clear why a CUP would be required for the City to use its PF zoned parcels for Community Assembly, Entertainment, Outdoor and Recreation, Indoor. Other government agencies would be exempt from this requirement.

24. Motion: Change the PF zone for Community Assembly, Entertainment Outdoor and Recreation Indoor to "P" Permitted. **Approved by Motion**

Table 17.2.20.040.A: Other Zones Development Standards.

Density Standards [Note: Typo, Ordinance reads: StandardsS.

17.2.20.050 A. Open Space Zone. River and Creek Setbacks.

The current language in this section was not studied in the environmental impact report and will take almost half of the planned new River Park RV expansion. The wider set back's will have unknown impacts on many parcels both City and Private. To correct this we must return to the original draft language.

25. Motion:

- A. **Open Space Zone River and Creek Setbacks.** A minimum setback of 30 feet shall be maintained from the top of any river or creek band and/or edge of dripline whichever is the farthest from the channel of the watercourse.

Not Reviewed

17.2.24: Overlay Zones:

Table 17.2.030A Overlay Zones Allowed Uses

26. Motion: Safe Parking in the H. Street Overlay Zone shall require a CUP. **Approved by a Previous Motion**

17.2.24.050 Additional Standards and Requirements.

A. Airport Overlay.

2. Limitations and prohibited uses. The Following are prohibited within the AO Zone.
- b. Above-ground utility facilities including transformers, telephone pedestals, fire hydrants or light poles.

All of these already exist on the Airport property in various quantities. In the FAA Airport Rules there is a clear area at certain distances from the center line of the runway but it does not affect the remainder of the airport. The FAA does limit light pole heights based on their distance from the center line of the runway but there is no other legal way to provide lighting as the FAA requires that all lighting be down facing. There are no underground fire hydrants in Lompoc.

27. Motion: Delete item 2b from this section. **Staff Follow-up needed**

B. Cultural Resources Overlay Zone [CRO]

No changes

C. Southside Overlay Zone [SO]

NO TEXT IS INCLUDED IN THE ORDINANCE ATTACHED TO THE STAFF REPORT.

28. MOTION: Insert the text below from Ordinance 1566 [13] **Staff Follow-up needed**

Chapter 17.018 is hereby added to the Lompoc Municipal Code to read as follows:
Chapter 17.018 Southside Residential Overly (SRO) 17.018.010 Land Use Designation
Special circumstances apply to those properties identified in Exhibit A to Ordinance No. 1566(13) (the "Southside Residential Properties"). Those special circumstances were discussed in the Staff reports and at public hearings at which the City Council considered the Southside Residential Properties. Based on those discussions and considerations, the Southside Residential Properties (i) have been designated as the Southside Residential Overlay (SRO) in the City's Zoning Map and (ii) shall be deemed legal conforming, regardless of underlying density requirements of the zoning district in which the Southside Residential Properties are located as of the effective date of Ordinance No. 1566(13).

The Southside Residential Overlay (SRO) shall be that area generally illustrated on Exhibit A (Maps 1 – 24), attached hereto and incorporated herein by this reference. To Ordinance No. 1566 [13]

The Southside Residential Properties are zoned as the Southside Residential Overlay (SRO) by Ordinance No. 1566 [13] and the Zoning Map is amended accordingly.

Ordinance No. 1566 [13] is hereby retained and incorporated in this complete update of the Zoning Ordinance.

D. Planned Development Overlay Zone [PD]
No changes

E. Special Event Overlay Zone.

The Special Event Overlay Zone submitted by the wine industry represents a balanced approach that defines what normal promotional activities are at a winery and/or tasting room and what constitutes a special event. It then establishes a clear process of defining special events and the requirements to obtain a TUP for special events.

29.

Motion: The entire current text of the Special Event Overlay zone is removed and the **Approved by Motion** text that follows replaces it:

D. Special Event Overlay Zone:

1. Standards for Special Events. All events are limited by the following restrictions:

- a. The event shall not exceed 72 hours.
- b. The event cannot exceed the maximum occupant for the space[s] allowed for assembly purposes or the occupancy load for spaces exempt from assembly occupancy requirements.
- c. No Manufacturing activities shall occur in spaces being used for events. Manufacturing activities include grape processing, destemming, pressing, active fermenting, automatic bottling or fork lift operations.

2. Special Events that are exempt from a Temporary Use Permit: A special event that is contained indoor, outdoor or both, on the same property and within an area under the control of the winery or micro alcohol business management, and complies with the standards for special events in 17.2.24.050.D.1 shall not require the issuance of a Temporary Use Permit.

Examples include art shows, live music, cigar pairing, pick up parties, barrel sampling events, hand bottling, fund raisers for non-profits and other similar events where the main purpose is to market the products sold at that location.

3. Special Events that require a Temporary Use Permit [TUP].

- a. Consistent with Section 17.4.04.190200 (Temporary Uses), a special event that is not exempt by 17.2.24.050.D.2 where the main purpose is not to market the products sold at the location shall require the approval of a Temporary Use Permit consistent with Chapter 17.5.44 (Temporary Use Permit).

Examples include weddings, business, governmental or private banquets or parties and similar social events that exceed the occupancy load of the tasting room.

b. To facilitate and encourage special events, a blanket Temporary Use Permit, valid until facilities change conditions, can be obtained that allows special events to occur under certain criteria without the re-approval of a Temporary Use Permit for each individual Special Event. These permits shall be limited to one event per month, but the dates of the events are not specified in the TUP. The business shall maintain a written record of the dates and times of the monthly events, held under the TUP, which shall be available for inspection by City Staff for a period of three years.

c. The TUP shall establish the maximum occupancy for the special events based on the size of the business and the occupancy classification of the space or spaces.

d. The process for the Special Event TUP is as follows:

A TUP application is submitted with a description of the types of events and types of configurations of the facility and occupancies. The Fire Marshal or representative and/or Building Official or representative will conduct an initial inspection of the facility to identify required improvements for:

1. Appropriate Exits, Exit configuration, Egress and signage
2. Emergency lighting and signage
3. Occupancy appropriate for sprinklered or non-sprinkler facility
4. Proper number and location of fire extinguishers
5. Defined number of occurrences of up to 4 per quarter.
6. Other requirements for the requested occupancy.

e. Once the business has completed any improvements identified in the first inspection, a second Fire Department and/or Building Department inspection will be conducted to verify requirements documented in initial inspection have been completed.

f. Upon the sign off by Fire Department and or Building Department, the Planning Department shall issue the TUP for approved activities.

Motion: Change the letters in front of the various Overlay Zones to match the letters as listed in 17.2.20.020 to be consistent in this section of the Zoning Ordinance.

F. H Street Overlay Zone.

3. Limitation on location of parking.

The Council previously voted to eliminate the requirement for buildings to be placed at the street with the parking behind.

30. | Motion: Delete section 3 Limitations on location of parking. **Approved by Motion**

4 Pedestrian Access.

b Requires that sidewalks on the properties be connected to public sidewalks on all adjoining streets which is not reasonable as parking lot surfaces connect to all streets and Council previously removed the requirement that buildings be placed at the street edge of the parcel.

31. | Motion: In section b delete "sidewalk on each street frontage." **Approved by Motion**