

Attachment 'C'

OTA Analysis

General Plan Consistency

The zoning code update will bring the City's Zoning Code into compliance with California Government Code Section 65860(a), which requires that a jurisdiction's zoning regulations be consistent with its General Plan and subsequent updates to its General Plan. The City is proposing to amend its existing Zoning Code to ensure (1) compatibility with its adopted 2040 General Plan (adopted July 2020); (2) create consistency with State housing law and reduce regulatory barriers to the construction of housing; and (3) reflect changes in State law. The City's updated Zoning Code would therefore implement the goals, policies, and programs of the General Plan by regulating the use of land and structures within the City. Below is an excerpt from the General Plan that is germane to OTA 2024-01:

Policies

LU-1.2: Location of Neighborhood Commercial Sites. The City shall designate neighborhood commercial sites in proper locations so that they meet the needs of the neighborhood and do not negatively impact adjacent residential uses.

LU-1.3: Mixed Use Development. The City shall provide for the establishment of offices in existing residential structures, adjacent to Madera Avenue in the original historic townsite.

LU-1.5: High Density Residential Development Near Goods and Services. The City shall encourage the development of high-density residential uses near commercial uses, parks, and schools.

LU-3.5: Increase Density and Intensity within City Limits. The City shall prioritize increasing overall residential densities and building intensities within current City limits to prevent development on surrounding agricultural lands.

LU-3.6: Infill and Renovation. The City shall encourage infill of vacant commercial properties and renovation of existing commercial structures to reduce the rate at which surrounding agricultural land is urbanized and to provide for a more efficient use of existing infrastructure.

LU-4.1: Agricultural Land Preservation. The City shall preserve and protect agricultural lands by directing development to areas within City limits that are designated for urban-level development, and away from agriculturally designated land to preserve open space and agricultural areas.

LU-5.4 New Incompatible Land Uses. The City shall prohibit the introduction of new incompatible land uses and environmental hazards into existing residential areas.

Programs

Land Use Element Program A, Zoning [Code] Consistency. The City shall update the Zoning [Code] to ensure consistency with the General Plan Land Use Map and the policies in the General Plan.

Public Safety Element Program G, Zoning Code Update. The City shall update the Zoning Code to include standards that mitigate noise through site and building design features, such as building location and orientation, setbacks, natural barriers and vegetation, and building construction.

OTA 2024-01: ZONING CODE UPDATE ANALYSIS

The Zoning Code format has been modified from the existing Title, Chapter, and Section format into a Title, Article, Chapter, and Section format. Specific modifications to the Zoning Code are described by Article to include but may not be limited to as follows:

Article 1 – Enactment and Applicability

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured Article 1 consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Zoning Code Enactment and Applicability

- New language further clarifying the applicability of the Zoning Code.
- New language clarifying the relationship between the Zoning Code and General Plan, and their hierarchy. In the event of any inconsistencies, the General Plan shall control.
- Updated language from existing Section 17.02.010 (Adoption of the Zoning Ordinance) to better specify the City's authority in adopting the revised Zoning Code.
- New language expressing the City's intent for all provisions established in the Zoning Code to be consistent with the City's General Plan.
- Included new provision establishing severability and partial invalidation of Zoning Code in cases where portions of the Code are found to be unenforceable.
- Created a new process in which the Community Development Director can make determinations on the classification of land uses that are not classified and/or defined in the Zoning Code. In the event the Community Development Director makes a determination, that determination is to be considered final and official unless appealed to the Planning Commission.
- Clarified the City's Uncertainty of Boundary process to be consistent with current City staff procedures.

- Added a provision describing the purpose and intent of the headings and illustrations provided in the Zoning Code. Illustrations are inserted as a matter of convenience and are for illustrative purposes only and in no way define, limit, or enlarge the scope or meaning of the Zoning Code or its provisions. Should a conflict arise between the Zoning Code text and any diagram, illustration, or image contained in the Zoning Code, the text shall govern.
- Revised the zone classifications table accordingly:
 - Updated the Zoning Map symbols based on changes to zoning districts.
 - Updated the names of zoning districts based on General Plan direction.
 - Updated minimum and maximum density and nonresidential intensity standards in compliance with the General Plan.
 - Updated the list of corresponding General Plan land use designations.
- Created new language that adopts the Zoning Map.

Article 2 – Zones, Allowable Uses, and Development Standard

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the entire Article.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.
- Reorganized and restructured Article consistent with the approved Master Table of Contents.
- Updated the allowed density range for every zoning district where applicable per the 2040 General Plan.
- Updated the purpose statements for all zoning districts to include the maximum density and intensity standards established in the 2040 General Plan.
- Created a tabular list of allowable land uses and associated permit requirements.
- Above ground fuel tanks require a Conditional Use Permit in all zone districts.

Residential Zone Districts

- Deleted agriculture as an allowed land use in the RR zone.
- Eliminated R-1 as a standalone zone.
- Single-unit dwellings now require the approval of a Conditional Use Permit in the R-2 and R-3 zone districts.
- Removed the 7-foot wall requirements when R-2 and R-3 projects are adjacent to alleyways.
- Created a new Rural Residential (RR) Zone to be consistent with the General Plan's RR land use designation.

- Modified permit requirements to eliminate constraints to housing development.
- Added new housing types to encourage missing middle housing.
- Included new State mandated land uses and established permit requirements consistent with State law:
 - Accessory dwelling units
 - Junior accessory dwelling units
 - Employee housing
 - Agricultural employee housing
 - Community care facilities
 - Emergency shelters
 - Low barrier navigation centers
 - Supportive and transitional housing
 - Single-room occupancy
 - Facades
- Relocated the Smart Residential Development Combining District development standards with other residential zoning districts.
- Updated the R-2 zone density from one unit per 3,500 sq. ft. to one unit per every 2,250 sq. ft.
- Eliminated the required space between buildings development standard, allowing the California Building Code to govern the separation.

Commercial, Office, and Mixed-Use Zones

- Combined Chapters 17.48, 17.46, 17.50, 17.44, and 17.45.
- Removed “lumber yards” from the feed and fuel stores, lumber yards, garden supply stores, and nurseries; section of CS zone allowed uses.
- Added a requirement for a Conditional Use Permit for twenty-four hour uses next to, or within 200 feet of residential uses.
- Added a requirement for a Conditional Use Permit for drive-thru land uses in all commercial zones.
- Twenty-four-hour drive-thru land uses are prohibited adjacent to residential uses.
- Commercial zone setbacks are now measured from property line after any dedications, not a distance from the centerline of the street.
- Removed the Commercial Specific Plan requirement.
- Added a requirement for a Conditional Use Permit for self-wash car washes.
- Eliminated “All required yards may be used for parking, loading or access driveways.”
- Created a standard 10-foot front setback for all Commercial General parcels. Exceptions for parcels along Madera and Whitesbridge Roads remain.
- Removed the allowance for parking, loading, and driveways in all yard areas.

Industrial Zones

- Eliminated automotive repair land uses as allowed in the Light Industry zone.
- Added a requirement for a Conditional Use Permit for twenty-four hour uses within 300 feet of residential zones or land uses.
- Add a Site Plan Review requirement for new uses proposed for a site that does not have adequate parking or site improvements or which will increase in occupancy intensity.
- Renamed the zones to be consistent with Zoning Map. The current Zoning Code refers to the M-1 as the Light Industry District, and the M-2 as the General Industry District.
- Removed the existing allowable land use classification system for the General Industry Zone which uses the Executive Office of the President's Standard Industrial Classification Manual.

Public and Quasi-Public Zones

- Combined Chapters 17.32 and 17.34.
- Added "Community Composting" as allowed with a Conditional Use Permit in the O and UR zones per State law and Ordinance No. 22-01. This use was also added to the land use definitions list.

Article 3 – Regulations Applicable to All Zones

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
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General Development Standards

- Created new clear vision triangle safety standards for parcels containing or abutting a right-of-way easement, intersection, private drive, or alley. Structures, signs, objects, and landscaping are limited to three feet in height when located in a clear vision triangle.
- Removed Section 17.62.020 (Definitions) and prepared new Article 8, Definitions.
- Moved Section 17.62.080 (Satellite Dish Antenna) to Article 4 under the wireless telecommunications section.
- Specified that attached garages and carports shall comply with zone development standards and are not considered an accessory use.
- Added a requirement for a Conditional Use Permit for fences in excess of seven feet in height.
- Seven-foot block walls may be required by the Community Development Director between a MU zone and a residential zone or use to mitigate noise impacts.

Landscaping Provisions

- Created provisions for the use of artificial turf, including:
 - Locations allowed
 - Materials and style
 - Installation requirements
 - Appearance and maintenance
- Referenced the Model Water Efficient Landscape Ordinance Municipal Code Section and specified the provisions of this Chapter are in addition to the requirements in the Model Water Efficient Landscape Ordinance.
- Specified that applicants may be required to pay additional fees for deferred landscaping in the R1 district at the Community Development Director's discretion upon making findings.

Parking Provisions

- Combined the provisions in Chapter 17.74 (Parking) and Section 17.78.030 (off-Street Parking).
- Updated the list of allowed land uses to reflect the uses established in the land use definitions and Article 2.
- Clarifying language requiring all off-street parking to be provided on the same site as the land use for which the parking is being provided unless otherwise allowed by an exception approved by the Community Development Director.
- Reduced the number of employee parking spaces to one for each employee for any given shift, as opposed to one space for every employee, for the following land uses:
 - Childcare facilities
 - Day care centers
 - General industrial and processing uses
 - Warehousing and distribution
 - Commercial stables
 - Outdoor sales
- New language requiring applicants to provide accessible parking in compliance with Title 24 of the California Building Code.
- Create additional development standards regarding the allowance of common parking facilities for accessible parking spaces.
- New restriction on RV parking:
 - Recreational vehicles shall not be connected, either on a permanent or temporary basis, to any utility services, such as electrical (including extension cords), water, or sewer connections for the purposes of living or sleeping for any period of time, unless explicitly permitted by the City.
 - Recreational vehicles shall not be stored on any property that does not have a legal residential structure.

- Reformatted all parking requirements into a tabular format for ease of use and updating.

Sign Standards

- Updated all sign regulations to remove restrictions on sign copy in compliance with State and Federal law.
- Added a requirement for a Conditional Use Permit for electronic reader board signs.
- Vehicle fueling station signs required to be posted at fuel stations pursuant to California Business and Professions Code Sections 13530 et seq.
- Added a requirement that freestanding vehicle service station price signs shall not exceed six feet in height and shall have a maximum sign area of 30 square feet per side.
- On-structure identification signs shall be allowed for frontages with public entrances. Each business frontage having a public entrance shall be permitted on-building identification signs.
- Created a tabular format for specific use signs for ease of use and readability.
- Created new regulations regulating projecting signs and specified that such signs shall not project into the property line or public sidewalk over two feet.

Article 4 – Standards for Specific Land Uses

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Standards for Specific Land Uses

- Overhauled the accessory dwelling unit and junior accessory dwelling unit provisions to ensure compliance with State housing law.
- Added new provisions and operational standards for recycling facilities, including:
 - Reverse vending machines
 - Small collection facilities
 - Large collection facilities
 - Recycling processing facilities
- Updated emergency shelter development and operations standards to ensure compliance with State law.
- Clarified that any public or private improvement within a mobile home park shall comply with State law and City of Kerman engineering standards.

- Eliminated landscaping requirements for mobile office structures.
- Rescinded the Interim Agricultural Ordinance.
- Overhauled the wireless telecommunication standards in compliance with Federal regulations and co-location requirements.
- Updated the density bonus provisions in compliance with State law.
- Created comprehensive objective residential design standards for qualifying mixed-use and multi-unit dwelling projects. Design standards include:
 - Structure orientation and location (e.g., vehicular entries, staggered setbacks, separation between structures)
 - Entries and stairwells (e.g., entryway design, exterior stairwells, entry connections)
 - Parking and circulation (e.g., vehicular circulation, parking facility screening, carports, parking area landscaping)
 - Lighting (e.g., type and color, shielding and spill, fixture height)
 - Utility and service areas (e.g., screening, refuse enclosures)
 - Open space (i.e., amount required, passive amenities, active amenities)
 - Massing and articulation (e.g., façade design, blank walls)
 - Colors and materials
 - Windows and door design
 - Fences and walls

Article 5 – Nonconformities

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Nonconforming Procedures

- Clarified and refined the purpose and intent statements.
- Added an applicability statement that specifies to what parcels, structures, and uses the nonconforming use provisions apply.
- Added new provisions for the establishment and determination of nonconformities.
- Specified the Community Development Director makes the determination of nonconforming status that can be appealed to the Planning Commission.

- Increased the discontinuance period for legal nonconforming parcels from 90 days to 12 months.
- Clarified and created new standards for nonconforming parcels.
- Added new procedures for the continuation and maintenance of legal nonconforming land uses (e.g., determination process, time frames, types of activities allowed).

Article 6 – Permit Processing Procedures

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Zoning Code Administration.

- Added a new ministerial entitlement: Administrative Use Permit (AUP). The AUP entitlement allows certain projects to be reviewed and approved by City staff, resulting in a more time and cost-efficient development process.
- Added new reasonable accommodations standards to ensure compliance with State law.
- Added new permit processing procedures for Development Plan Review Permits.
- Temporary Use Permits (TUP) are now allowed up to six months.
- Added new Temporary Use Permit standards, allowed at the discretion of the Community Development Director, including:
 - Limit to four times per year.
 - Limited to private property.
- Temporary uses located in the public right-of-way shall also require the approval an Encroachment Permit.

Article 7 – Zoning Code Administration

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Administrative Responsibilities

- Clarified the role of the Development Review Committee (DRC)
 - Establishment
 - Composition and number of members
 - Actions and responsibilities
 - Rules and procedures
- Clarified that a Zone Amendment by application may only be submitted for the purpose of a zone change on real property, and not for an amendment to the language of the Zoning Code.

Article 8 – Definitions

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

New Definitions

Accessory dwelling unit	Commercial Recreation and Entertainment Facility, Indoor	Office
Accessory dwelling unit, junior	Commercial Recreation and Entertainment Facility, Outdoor	Outdoor dining and sales
Accessory structure	Community care facility	Parcel line
Agriculture, Animal Husbandry	Community composting	Personal service, general and restricted
Agriculture, Dairies	Community treatment facility	Place of assembly
Agriculture, Horticulture	Cottage food operation	Printing shop
Agricultural Processing	Day care center	Produce stand
Agriculture Service Establishment	Drive-through sales and service	Public and quasi-public uses
Airport	Electric Vehicle Charging Station or Charging Station	Recycling collection facility
Alcohol beverage sales	Electronic Submittal	Retail sales, general and restricted
Ambulance service	Equipment Sales and Rental Facility	Retail Sales, Grocery or Supermarket
Animal hospital	Farmers Market	Retail Sales, Neighborhood Market

Assisted living facility	Food Commissary	Retail Sales, Nursery and Garden Supply
Association	Frontage Street	Retail Sales, Secondhand
Athletic club	Fueling Station	Retail Sales, Wholesale.
Auction establishment	Hospital	School
Automated Vending and Dispensing Machine	Hotel/Motel	Sight Distance Triangle
Bank and financial institution	Industrial, Major	Single Room Occupancy (SRO)
Beekeeping	Industrial, Minor	Single-Unit Dwelling
Brewery, Distillery, Microbrewery, and Winery	Interim agriculture	Solar Energy Generation Facility
Broadcasting and Film Recording Studio	Kennel	Storage facility
Building Material Sales and Storage	Low-barrier navigation center	Transitional Housing
Bungalow Court	Manufactured Home Sales and Repair	Vehicle Rental Facilities
Business	Mobile food vendor	Vehicle Repair and Service
Campground	Mobilehome park	Veterinary Clinic.
Caretaker's residence	Multi-Unit Dwelling	Warehousing and Distribution
Child day care home	Nonconforming Status, Illegal	

Existing Definitions which were revised:

Abandonment	Commerce	Minor Modification
Adjacent	Community plan	Nonconforming Parcel
Agriculture	Conflict of interest	Parcel
Alcohol use	Contractor storage yard	Parcel coverage
Annexation	Court	Power generation
Antique	Density	Recycling unit
Apartment	Development standard	Reverse Vending Machine(s)
Auto mall	Front wall	Senior Citizen
Bar	Furrier	Significant Buildings
Bed and breakfast	Garage sales	Sorority
Boarding house	Government agency	Specialty Marketplace
Buildable area	Grade	Street
Building	Gross area	Subdivision Sales Office
Building height	Group home	Temporary Dwelling

Car wash	Height, maximum	Trailer Coach
Cemetery	Home occupation	Trailer Park
Certificate of occupancy	Homeowner's association	Unique natural feature
Change of use	Industrial park	Uses, Permitted.
Coin operated cleaning service	Island	Wall
College, trade	Landscape mound	