

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



MEETING DATE: JULY 25, 2012

TO: MEMBERS OF THE PLANNING COMMISSION

FROM: LUCILLE T. BREESE, PLANNING MANAGER

RE: TEXT AMENDMENT – TA 12-08
Chapter 17.008 - Definitions and Standards

AGENDA ITEM NO. 2

TEXT AMENDMENT DEFINITIONS AND STANDARDS – TA 12-08

The Planning Commission will review updates and additions to City of Lompoc Municipal Code *Section 17.008.020 Definitions and Standards* and formulate a recommendation to the City Council.

Recommendation:

1. Hold the public hearing;
2. Consider the material presented in the staff report and at the public hearing;
3. Provide direction to staff.

Background:

Jan/Feb 2012 The City Council directed staff to prepare a schedule for review of Zoning Ordinance Text Amendments to be reviewed prior to City Council review of the 2030 General Plan. Staff was directed to provide material regarding Definitions for Planning Commission review.

The Planning Commission has the authority to recommend approval or denial of an amendment to the Zoning Ordinance to the City Council (Lompoc City Code Section 17.132.040).

Discussion:

Staff was to review the existing “Definitions” in the Zoning Ordinance (ZO) for Planning Commission review to assist in modernizing the ZO. Staff has identified some definitions to be included in the current list in an attempt to clarify the ZO.

Adaptive reuse

(currently not defined in the Zoning Ordinance)

The process of reusing an old site or building for a purpose other than that for which it was built or designed.

Density –

(currently not defined in the Zoning Ordinance)

The number of dwelling units per unit of land area for residential uses. Density is stated in terms of number of dwelling units per gross acre unless otherwise stated.

Discretionary Permit –

(currently not defined in the Zoning Ordinance)

A City land use review and entitlement process were the review authority exercise discretion in deciding to approve or deny the permit.

Household Pets –

current definition:

Shall mean animals, birds, or fowl ordinarily permitted in a dwelling and kept only for the company or pleasure provided to the occupants. Household pets include birds kept in an enclosed aviary which shall be no closer than 30 feet from any residence other than that of the owner of the aviary. Pigeons banded with the American Racing Pigeon Union official band shall be the only birds allowed to be loose. The number of birds in an aviary shall not exceed 50 for each full 6,000 square feet of premises of the owner. Such an aviary shall not be allowed use in the R-2 and R-3 Districts except in conjunction with a single-family dwelling. Household pets shall not include horses, cows, goats, sheep, or other equine, bovine, ovine, or ruminant animals, pigs, predatory wild animals, chickens, ducks, geese, turkeys, game birds, and fowl which normally constitute an agricultural use (except pigeons, which shall be deemed household pets). The keeping of household pets or other animals is lawful only in those districts where the use is listed as a permitted use or when any household pets are kept as an accessory use to a lawfully maintained resident in another district. The keeping of any animal not herein described as a household pet shall not be deemed an accessory residential use. The keeping of any animal not expressly allowed by this Code is a Group B non conforming use. Notwithstanding any provision herein to the contrary, miniature Asian pot-bellied pigs shall be deemed to be household pets and allowed in residential district, provided that no more than two shall be kept and they shall not be used for commercial breeding purposes.

There has been a request, through Mayor Linn, to allow chickens and bees for personal use in the *Residential* zoning districts. The definition of *Household Pets* would need to be amended to allow this use in *Residential* zoning districts. The current definition is cumbersome and difficult to read and a revised definition should be developed.

There are also Sections of the City of Lompoc Municipal Code that would need review *Section 6.04.010 Definitions* includes:

“Domestic animal” means any animal customarily kept by humans for pleasure or companionship, including, but not limited to, dogs, cats, birds, rabbits, hamsters, potbellied pigs, guinea pigs, mice, rats, iguanas, and the like, but not including feral cats.

“Livestock” means any animals kept by humans that do not customarily inhabit their owner’s dwelling. This includes, but is not limited to, equine, bovine, ovine, caprine, and porcine species, and any species of chicken, duck, pigeon, goose, turkey, or other domesticated fowl, but excludes bees.

The keeping of Bees is addressed under *Section 6.04.110 Keeping of Bees. No person shall keep any hive of bees within 600 feet of any residence (not including the residence of the beekeeper), hospital, school, church, office building, store, hotel, apartment house, or any other place of habitation. This section shall not apply to the keeping of bees within an educational institution for study or observation or within a physician’s office or laboratory for medical research, treatment, or other scientific purposes, provided they are not permitted to fly at large.*

Please note that the *R-A Residential Agricultural Zoning District* requires a minimum lot size of 20,000 square feet and allows for commercial raising of certain animals on parcels of land not less than five (5) acres (*Section 17.016.020 Uses Permitted*). There is also an expanded allowance for the *“Keeping of household pets and fish. Noncommercial keeping of poultry, fowl or rabbits, in an enclosure not located within 50 feet of a residence other than that of the owner of said animals. Keeping of a noncommercial kennel.”* There are currently 26 parcels zoned R-A in the City, generally on the southern boundary. There is no change proposed for the R-A zoning district.

Section 6.04.140 addresses *Keeping of Animals for 4-H, FFA or Approved Educational or Scientific Projects*. Limited to the R-A and R-1 Zoning districts; the project has to be sponsored by a *“youth institution or organization”*; is limited to animals of a certain size to be maintained in a manner that is not *“a nuisance to the neighborhood or a menace to public safety”* ; the enclosures are to be *“maintained in a clean and sanitary manner”*; and are limited to an eight month period.

The Municipal Code allows a maximum of four (4) dogs and/or cats over four (4) months of age per premise (Sections 6.04.010 and 120).

Proposed language: *(new in bold italics, existing in italics, proposed-for-deletion-in-strikeout)*

Animal Raising and Keeping

The non-commercial keeping of small animals (e.g. chickens, birds, ducks, rabbits, etc.) outside the dwelling in the Residential zoning districts, or other zoning district where a legally established single family dwelling is established, is allowed as follows:

R-A Rural Agricultural as identified in Section 17.016.020 Uses Permitted on 20,000 square foot minimum lots.

R-1 Single Family Residential for the personal use, not for sale to others, of the resident(s) of the single family dwelling in a clean and sanitary enclosure:

- 1. Forty feet from the door or window of an adjoining residence;**
- 2. Fifteen feet from the rear property line;**
- 3. Ten feet from the side property line;**
- 4. The cumulative number of small animals on any property shall be a maximum of four (4);**
- 5. Does not create an offensive noise or odor for adjacent property owners;**
- 6. Birds kept in an enclosed aviary which shall be no closer than 30 feet from any residence other than that of the owner of the aviary. The number of birds in an aviary shall not exceed 50 for each full 6,000 square feet of premises of the owner.**

Household pets shall mean domestic animals, and birds, ~~or fowl~~ ordinarily permitted inside a dwelling and kept only for the company or pleasure provided to the occupants.

~~Household pets include Pigeons banded with the American Racing Pigeon Union official band shall be the only birds allowed to be loose. Such an aviary shall not be allowed use in the R-2 and R-3 Districts except in conjunction with a single family dwelling. Household pets shall not include horses, cows, goats, sheep, or other equine, bovine, ovine, or ruminant animals, pigs, predatory wild animals, chickens, ducks, geese, turkeys, game birds, and fowl which normally constitute an agricultural use (except pigeons, which shall be deemed household pets). The keeping of household pets or other animals is lawful only in those districts where the use is listed as a permitted use or when any household pets are kept as an accessory use to a lawfully maintained resident in another district. The keeping of any animal not herein described as a household pet shall not be deemed an accessory residential use. The keeping of any animal not expressly allowed by this Code is a Group B non-conforming use. Notwithstanding any provision herein to the contrary, miniature Asian pot-bellied pigs shall be deemed to be household pets and allowed in residential district, provided that no more than two shall be kept and they shall not be used for commercial breeding purposes.~~

Impervious Surfaces --

(currently not defined in the Zoning Ordinance)

A surface compacted or covered with a layer of material so it is highly resistant to infiltration of water.

Intensification of Use --

(currently not defined in the Zoning Ordinance)

A change in the use of a structure or site that increases density or generates more traffic or other level of activity on the site. For example, where the new use is required by the Parking Regulations to have more off-street parking spaces than the former use or there is a change to the operating characteristics of the use.

Kitchen --

(currently not defined in the Zoning Ordinance)

A room or space within a building used or intended to be used for cooking or preparation of food which includes any of the following: stove, oven, range-top.

Lot Coverage --

(currently not defined in the Zoning Ordinance)

The percentage of total lot area occupied by structures and all impervious surfaces.

Manufacturing:

(currently not defined in the Zoning Ordinance)

Artisan/Craft Product Manufacturing – Manufacturing processes and/or assemblage of small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, where any retail sales are incidental to the manufacturing activity.

Heavy Manufacturing – Manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, raw materials, machinery, lumber yards, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community.

Light Manufacturing – Manufacturing processes involving apparel; food and beverage products; electronic, optical and instrumentation products; assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community.

Micro brewery –

(currently permitted with a CUP in the OTC; would be permitted in the PCD/C-2 zone as a restaurant/bar with limits on size of production facility; would be permitted in Industrial Zoning, similar to a winery operation with limits on tasting room size)

A facility for the production and packaging of malt beverages of low alcoholic content for retail or wholesale distribution, on or off premise. May be co-located with other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Retail Stores, general merchandise –

(currently the Zoning Ordinance defines "Convenience goods and personal services shall mean those goods and services such as food, drugs, and sundries, sold at retail, which are essential for day-to-day living needs." The Convenience goods and personal services use is not listed as permitted in any zoning district. It is suggested that changing the name of the land use category and including the following definition will simplify and modernize the Ordinance.)

Retail trade establishments selling many lines of merchandise. Such types of stores and lines of merchandise include but are not limited to:

- Auto Parts (not repair or machine shops)*
- Bicycles*
- Books*
- Clothing and accessories*
- Department stores*
- Drug Stores*
- Florists and houseplant stores (indoor sales only)*
- Gifts, novelties and souvenirs*
- Grocery store*
- Hardware*
- Jewelry*
- Pet stores*
- Sporting goods*
- Toys and games*

Personal Services –

(currently not defined in the Zoning Ordinance)

Establishments providing non-medically related services, including but not limited to:

- Beauty shops*
- Barber shops*
- Laundry and dry cleaning establishments (retail to general public including self-service laundries)*
- Massage (licensed and therapeutic)*
- Nail and tanning salons*

Tasting Room –

(currently “wine tasting” is specifically permitted with a CUP in the OTC and Industrial zoning districts could be expanded to include other types of products)

A retail sales facility where customers may taste and purchase beverage and food products grown and/or processed on site or elsewhere. Products offered for tasting and sale may include wine, olive oil, cheese, and/or other food and beverage products.

Vehicle Service –

(currently the Zoning Ordinance defines “Automobile Repair” applicable in Industrial areas and accessory to Automobile Sales with Development Plan Review and “Automobile Service Station” with services provided within a building, tire sales, lubricating, etc.

Auto Repairing shall mean all servicing of motor vehicles except the following: sale of motor fuels, tires, tubes, and lubricants; lubricating vehicles, minor tube and tire repairs, battery recharging, hand auto washing and hand polishing.

Automobile service station shall mean lubrications, washing, tube repairing, battery charging, tires and accessories, sales and storage provided such activities are conducted and confined within enclosed buildings; provided, further that no tire retreading, recapping or rebuilding, battery rebuilding or manufacturing, or painting shall be permitted.)

The following definition may clarify the different types of Vehicle Service.

The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories

- 1. Major Repair/ Body Work. These establishments include towing, collision repair, other body work, and painting services, muffler and radiator shops, tire recapping.*
- 2. Minor Maintenance/Repair. Minor facilities providing limited repair and maintenance services. Examples include: attended and self-service car washes, detailing services, quick-lube services, tire and battery sales and installation (not including recapping), smog check stations.*

Winery –

(currently “wineries” are permitted in the *Industrial* zoning district with Planning Commission review of the first Development Plan for a new facility and Administrative review there after)

A bonded establishment primarily used for the purpose of processing grapes or other fruit products. Processing includes, but is not limited to, crushing, fermenting, blending, aging, storing, bottling, and wholesale/retail sales.

Other revisions and/or additions to the list of definitions may be identified during the review process.


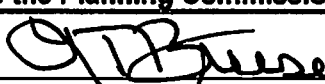
Future Review:

Following discussion and direction, staff will return with proposed Ordinance language for Planning Commission consideration to be included in a recommendation to the City Council at a future date.

Noticing:

On July 13, 2012

- 1) Notice of the Public Hearing was published in the Lompoc Record; and
- 2) Notice of the Public Hearing was posted on the City Website.

Approved for Submittal to the Planning Commission	
 Teresa Gallavan, Economic Development Director / Assistant City Administrator	7/17/12 Date
 Lucille T. Breese, AICP Planning Manager	July 17 2012 Date