

CITY COUNCIL AGENDA: DECEMBER 17, 2013

PUBLIC HEARING

SUBJECT: TEXT AMENDMENT TO THE PORTERVILLE MUNICIPAL CODE
PERTAINING TO CONSISTENCIES WITH THE DEVELOPMENT ORDINANCE



SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

BACKGROUND: In the November 19, 2013, staff report regarding the proposed Development Ordinance Amendment, staff identified the need to follow up with minor modifications to the Municipal Code relating to consistency references between the Porterville Development Ordinance and the Municipal Code (Code), as well as the possibility of minor modifications to the Development Ordinance.

COMMENT: Staff has reviewed the Code for inconsistencies between the Code and the Development Ordinance. Specific references to outdated land use classifications occur in §3-27 Projecting Signs and §17-11.7 Parking of Commercial Vehicles in Residential Districts. Also, in §3-27 Projecting Signs, an inconsistency occurs in the description of the required clearance above pavement or finished grade, which should be eight feet (8'), rather than ten feet (10').

In addition to the outdated land use classifications, the use of "Zoning Ordinance" occurs eight (8) times throughout the municipal code: §3-27 Projecting Signs, §7-29 Building Relocation; Inspection; Compliance with Building Regulations, §7-77 Construction of Article; Effect on Zoning Ordinance, §12-1.6 Storage, Operations and Use of Liquefied Petroleum Gases, §12-3.4 Nuisance; Authority to Abate, §12-3.6 Form and Manner of Notice, §18-56 Definitions, and §20-40.1 When Construction of Curbs, Gutters and Sidewalks Required. Staff is recommending for consistency, the use of language to be "Development Ordinance."

With the adoption of the 2013 Building Code, Section 300.04 Green Building Standards requires additional revision. When the Development Ordinance was initially adopted in 2010, standards were adopted for projects meeting certain size thresholds to comply with the Leadership in Energy and Environmental Design (LEED) standards. The Development Ordinance recently adopted standards for those certain projects to comply with the California Green Building Standards Code (CALGreen) to exceed energy efficiency by an additional fifteen (15) percent. However, the most recent Building Code incorporated the CALGreen standards with an additional efficiency of thirty (30) percent. As the Building Code now exceeds the efficiency standards envisioned by the General Plan and Development Ordinance, staff recommends removing the additional requirements for Green Building Standards.

DD  Appropriated/Funded N/A CM 

Item No. 8

At the final meeting between staff and the Porterville Development Ordinance Committee on October 28, 2013, some language was proposed that inadvertently did not make it into the final version presented to Council. The first modification is to Landscape Buffer for Open Parking Adjacent to Right-Of-Way §304.10(i)(5)b *Non-residential Districts*. The Committee agreed to a reduction in buffer area from a minimum width of ten (10) feet down to six (6) feet clear of vehicle overhang. The second item is to add flexibility to §304.10(i)(7) Trees. The current language reads: "Trees shall be planted to result in fifty (50) percent shading of parking lot surface areas within fifteen (15) years." The Committee requested adding language similar to that used by the San Joaquin Valley Air Pollution Control District: *or provide a tree in landscaped islands between every six parking spaces*. This would be a prescriptive requirement and would avoid the need to prepare calculations unless the applicant selects that option.

- RECOMMENDATION: That the City Council:
1. Approve the proposed amendments to the Municipal Code and give first reading to the draft ordinance; and
 2. Waive further reading and order the Ordinance to print.

- ATTACHMENTS:
1. Proposed amendments to the Municipal Code
 2. Draft Ordinance for the Municipal Code

3-27: PROJECTING SIGNS:

- A. General: Projecting signs shall be constructed of materials compliant with title 24 of the California building code, except as specified in subsection 3-24B4 of this article.
- B. Design: Projecting signs shall be designed in accordance with the requirements specified in section 3-24 of this article.
- C. Residential Districts: In any residentially zoned district, with the exception of newspaper and mail receptacles, no sign or advertising structure shall extend or project over any public sidewalk, street, alley, or other public property unless exempted under the zoning-development ordinance.
- D. Projections Over Travelways Or Walkways: Signs or advertising structures projecting more than six inches (6") from the face of a building, or any other supporting structure, over travelways or walkways on private property used or intended to be used by the general public, shall have a minimum clearance of eight feet (8') above the pavement or finished grade. Such signs may not project greater than forty eight inches (48").
- E. Wall Signs; Other Signs Projecting Into Alley: No wall sign shall have a projection over public property or beyond a building line greater than the distances set forth in this sign code, nor extend above any adjacent parapet or roof of the supporting building. No sign or sign structure shall project into any public alley whatsoever, below a height of eight feet (8') above grade, nor more than eight inches (8") when over eight feet (8').
- F. Clearance Above Pavement Or Finished Grade: Signs or advertising structures projecting more than six inches (6") from the face of a building or any other supporting structure, over a public sidewalk or any other public property, shall have a minimum clearance of ~~ten feet (10')~~ eight feet (8') above the pavement or finished grade.
- G. Horizontal Dimensions: No sign or advertising structure shall exceed a horizontal dimension of more than thirty inches (30") when projecting from the face of any building or any other supporting structure, whether privately or publicly owned. When the sign projects over a public sidewalk or any other public property, and is suspended from or supported by a rod, anchor, or other hardware, the overall horizontal dimension may not exceed thirty-six inches (36"). When the sign projects over a public sidewalk or any other public property, and when said sign is placed on or suspended from an awning, canopy, or marquee, the overall horizontal dimension must not exceed forty-eight inches (48").
- H. Restrictions In Certain Districts: Signs or advertising structures in any residential, P-O, and ~~C-1~~ CN zoned districts may not be attached to the roof of a building, nor shall it exceed the height of the lowest roof line of the building to which it is attached.
- I. Clearance:
 - 1. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. No sign shall obstruct any window to such an extent that any light or ventilation is reduced to a point below that required by any law or ordinance.
 - 2. Signs shall be so located as to maintain all required clearances from overhead power and service lines.

17-11.7: PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS:

A. Prohibited; Violation: Except as noted below, no person shall park any commercial vehicle having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more, in whole or in part, on any roadway adjacent to any property zoned ~~R-1, R-2, R-3, R-4, O-A, RS-2,~~ RM-1, RM-2, RM-3, PS or P-O in the city of Porterville. Such violation shall be an infraction.

B. Exceptions:

1. While loading or unloading property. This exception shall apply only while such work is actually in progress and those in control of the vehicle are on the scene.
2. While parked in connection with, and in aid of, the performance of a service to or on a property in the block in which such vehicle is parked. This exemption shall apply only while such work is actually in progress and those in control of the vehicle are on the scene.
3. When the vehicle has experienced mechanical failure along an authorized route of travel for such vehicles and only while repair or towing services are actually en route to, or repairing/towing said vehicle. This exemption shall apply only while the person in control of the vehicle is on the scene.

7-29: BUILDING RELOCATION; INSPECTION; COMPLIANCE WITH BUILDING REGULATIONS:

Prior to filing the application for the permit required in section 7-26 of this article, the building inspector shall inspect the building to determine the general condition and shall, upon completion of such investigation, set forth the requirements necessary to secure compliance with the building ordinance, the ~~zoning development~~ ordinance, the provisions of this code and all other applicable ordinances and laws of the city.

7-77: CONSTRUCTION OF ARTICLE; EFFECT ON ~~ZONING DEVELOPMENT~~ ORDINANCE:

This article shall not, nor shall it be construed to, limit any ~~zoning development~~ ordinance of the city of Porterville now in effect or hereafter adopted.

12-1.6: STORAGE, OPERATION AND USE OF LIQUEFIED PETROLEUM GASES:

Nothing contained in the referenced edition of the fire code shall be construed as to exempt any person, firm or corporation from complying with all applicable regulations and restrictions of the ~~zoning development~~ ordinance of the city of Porterville regarding the storage, operation and use of liquefied petroleum gases (LPG). LPG may be used as a second fuel for emergency generators as permitted by the fire code. LPG will also be permitted for fueling mobile equipment.

12-3.4: NUISANCE; AUTHORITY TO ABATE:

A. Each of the following conditions is declared to constitute a public nuisance, and whenever an enforcement officer shall determine that any of the conditions exist upon any premises, he/she may require or provide for the abatement thereof pursuant to this article and make the costs of abatement a lien on the subject real property:

1. The existence of weeds on the premises, or public sidewalks, curbs and gutters, streets or alleys in front of, adjacent to or behind said premises;
2. The existence of any accumulation of wastepaper, hay, grass, straw, weeds, litter, debris or combustible trash upon any roof or in any building, entranceway, court, yard, vacant lot or open space; or of any weeds, grass, vines or other growth, when the same endangers property or is liable to be fired;
3. The existence of any garbage or rubbish upon the premises contrary to the provisions of section 13-4 of this code;
4. The existence of any vines or climbing plants growing into or over any street, tree or any public hydrant, pole or electrolier; or the existence of any shrub, plant or vine growing on, around or in front of any hydrant, alarm box, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes, in such a way as to obscure the view thereof or impair the access thereto by the fire department;
5. The existence of an excessive amount of tires on property that does not conform with commercial use as set by the zoning development ordinance of the city of Porterville;
6. Any other condition or use of property which is in fact a fire hazard or which results or can result in the impairment of the ability of the fire department to respond to and suppress fires.

12-3.6: FORM AND MANNER OF NOTICE:

A. The notice required pursuant to section 12-3.5 of this article shall be substantially in the following form:

APN. NO.

TO THE PROPERTY OWNER:

NOTICE IS HEREBY GIVEN, that on (date), (year), pursuant to Section 12-3.5 of the Municipal Code of the City of Porterville, the Chief of the Fire Department of the City of Porterville declares that the following conditions set forth in Section 12-3.4 of said Municipal Code constitute a public nuisance and that such a nuisance must be abated by the destruction or removal of said conditions:

A. The existence of weeds on the premises or public sidewalks, curbs and gutters, streets or alleys in front of, adjacent to or behind said premises.

B. The existence of any accumulation of wastepaper, hay, grass, straw, weeds, litter, debris, tires, or combustible trash upon any roof or in any building, entrance way, court, yard, vacant lot or open space, or of any weeds, grass, vines or other growth when the same endangers property or is liable to be fired.

C. The existence of any garbage or rubbish upon the premises contrary to the provisions of Section 13-4 of the Municipal Code.

D. The existence of any vines or climbing plants growing into or over the street, tree or any public hydrant, pole or electrolier; or the existence of any shrub, plant or vine growing on, around or in front of any hydrant, alarm box, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes, in such a way as to obscure the view thereof or impair the access thereto by the Porterville Fire Department.

E. The existence of an excessive amount of tires on property that does not conform with commercial use as set by the Zoning development ordinance of the city of Porterville.

F. Any other condition or use of property which is in fact a fire hazard or which results, or can result, in the impairment of the ability of the Porterville Fire Department to respond to and suppress fires.

Destruction and/or removal of said conditions must be completed and maintained by (date), (year) in accordance with the attached Fire Prevention Bureau "Abatement Standards."

Failure to abate said conditions by the date specified above, shall result in the City acquiring jurisdiction to abate the conditions at the owner's expense pursuant to Section 12-3.9 of the Municipal Code.

All property owners who wish to object to the proposed removal of weeds, rubbish, refuse, tires and dirt are hereby notified that they have the right to attend a meeting with a representative of the Porterville Fire Department to be held at Porterville Fire Station No. 1, 40 West Cleveland Avenue, Porterville, California, on (date), (year) at (time). Sufficient cause must be shown why said conditions should not be abated.

Charges. Property owners or responsible persons who through their inaction have caused the City of Porterville to have their nuisance abated, are deemed to have committed a misdemeanor or infraction pursuant to Section 12-3.14 and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than six (6) months in the City or county jail, or by both such fine and imprisonment. The property owner or responsible person shall be liable for actual costs of abating such nuisance as defined herein.

Any costs incurred for such abatement will constitute a special assessment on the property. The cost of abating such nuisances shall include a charge of \$__ per parcel to cover the costs of administering this Article. MUNICIPAL CODE SECTION 12-3.11 PROVIDES THAT AFTER THE ASSESSMENT IS MADE AND CONFIRMED, IT IS A LIEN ON THE PROPERTY.

Any property owner, or other responsible person, who, after notification by the Enforcement Officer, fails to abate a condition as set forth in Section 12-3.4 shall become liable for the expenses of fighting any fire which may occur which is determined to have been caused by or attributed to said conditions. Such expenses shall become a lien upon the property.

THE FAILURE OF ANY OWNER OR OTHER PERSON TO RECEIVE THIS NOTICE SHALL NOT AFFECT THE ENFORCEMENT OF THIS ORDINANCE.

18-56: DEFINITIONS:

ARCADE: Shall have the meaning ascribed by the Porterville ~~zoning~~ development ordinance.

CHILD OR CHILDREN: Any person under the age of eighteen (18) years of age.

CHILDCARE AND DEVELOPMENT FACILITY: Shall have the meaning ascribed by California Education Code section 8208.

LOITERING: Remaining or wandering in a public or private place for the apparent purpose of observing any minor or minors, or with the apparent purpose or intent of engaging or soliciting any person to engage in any sexual act of any kind, or after having been told to leave by the owner or any authorized official of such place or facility.

PLAYGROUND: Shall have the meaning ascribed by the Porterville ~~zoning~~ development ordinance.

PUBLIC BUILDING REGULARLY FREQUENTED BY CHILDREN: Shall have the meaning ascribed by section 15-43 of this code.

PUBLIC PARK OR RECREATION AREAS: Shall have the meaning ascribed by section 15-43 of this code.

SEX OFFENDER: An individual who is currently required by law to register with a governmental entity as a sex offender.

20-40.1: WHEN CONSTRUCTION OF CURBS, GUTTERS AND SIDEWALKS REQUIRED:

Any owner, lessee, agent, licensee, or other person, corporation, association or firm who is:

Constructing or arranging for the construction of a building, dwelling, or any other improvement; or

Arranging for the remodeling, improving, modifying or otherwise altering in any manner whatsoever, an existing building, dwelling, or other improvement; upon any lot or parcel of real property in the city of Porterville shall provide, subject to the provisions of this article and chapter and to the ordinances and regulations of the city of Porterville that may now be, or hereafter be, in effect, for the construction of concrete curbs, gutters, and sidewalks unless in accordance with city specifications therefor, they already exist in a satisfactory condition along all street frontages adjoining the lot or lots, parcel or parcels of land on which the building, dwelling, or other improvement is to be constructed or remodeled or modified. In lieu of installation of concrete improvements, payment for said concrete improvements shall be provided to the city upon development of the property as specified above, if said concrete improvements have been installed by the city. In the event the construction of improvement is being made upon a portion of an undeveloped parcel and the portion to be developed does not exceed fifty percent (50%) of the entire undeveloped parcel, and the concrete improvements have not already been installed by the city, the curbs, gutters, and sidewalks shall be provided on the street frontage so that said curbs, gutters, and

sidewalks will extend the length of the building or improvement and to include side yard requirements as set forth in the zoning development ordinance. In determining whether the developed portion exceeds fifty percent (50%) of the entire portion there shall be considered the portion of the parcel on which the building or other improvement rests, together with all yard and open area requirements required by the zoning development ordinance.

21-Article 300.04: ~~GREEN BUILDING STANDARDS RESERVED~~

~~(a) **Applicability.** All applicable projects are subject to compliance with the California Green Building Standards Code (CALGreen). Projects meeting the following thresholds shall exceed energy efficiency by an additional fifteen (15) percent:~~

- ~~(1) City buildings of five thousand (5,000) square feet or more of new gross floor area;~~
- ~~(2) Nonresidential buildings of twenty-five thousand (25,000) square feet or more of new gross floor area;~~
- ~~(3) Tenant improvements of twenty-five thousand (25,000) square feet or more of gross floor area that involve mechanical, electrical, and plumbing work; and~~
- ~~(4) Mixed-use projects and multi-family residential projects that include a residential building that has four (4) stories in height, or more, of new construction.~~

21-Article 304.10: PARKING AREA DESIGN AND DEVELOPMENT STANDARDS

I. Landscaping: Landscaping of parking areas shall be provided and maintained according to the general standards of article 303, "Landscaping," of this chapter, as well as the standards of this subsection. The provisions of this subsection apply to all uses except single-family dwellings and duplexes.

1. Landscape Area Required: A minimum of ten percent (10%) of any parking lot area shall be landscaped. For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any adjacent paved areas. Parking lot area does not include enclosed vehicle storage areas.
2. Minimum Planter Dimension: No landscape planter that is to be counted toward the required landscape area shall be smaller than twenty-five (25) square feet in area, or four feet (4') in any horizontal dimension, excluding curbing.
3. Layout: Landscaped areas shall be well distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:
 - a. Landscaped planting strips at least four feet (4') wide between rows of parking stalls;
 - b. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;
 - c. Landscaped islands located between parking stalls or at the ends of rows of parking stalls; and

- d. On site landscaping at the parking lot perimeter.
- 4. Required Landscaped Islands: A landscaped island at least six feet (6') in all interior dimensions and containing at least one 15-gallon size tree shall be provided at each end of each interior row of parking stalls and between all consecutive parking stalls in the following ratios:
 - a. Between every eight (8) stalls in any nonresidential development;
 - b. Between every six (6) consecutive stalls in a residential development or in a mixed use development in which residential units overlook on site parking areas.
- 5. Landscaped Buffer For Open Parking Adjacent To Right Of Way: A landscaped buffer area shall be provided between any surface parking area and any property line adjacent to a public street. The landscaped buffer shall have a minimum width as listed below unless a different dimension is specified in the base district standards applicable to a site.
 - a. Residential districts: Five feet (5'). Landscaped parkways or strips between the property line and the sidewalk count toward this requirement.
 - b. Nonresidential districts: ~~Ten feet (10')~~ Six feet (6') clear of vehicle overhang.
- 6. Landscaped Buffer For Open Parking Abutting Interior Lot Line: A landscaped area at least three feet (3') wide shall be provided between the outside edge of any surface parking area and any adjacent lot for the length of the parking area.
- 7. Trees: Trees shall be planted to result in fifty percent (50%) shading of parking lot surface areas within fifteen (15) years. In lieu of calculating shading, the applicant may provide a tree in landscaped islands between every six (6) stalls consistent with §304.10(I)(4).
 - a. Distribution: Trees shall be distributed relatively evenly throughout the parking area.
 - b. Species: Required trees for parking lots shall be selected from a list of recommended trees maintained by the community development department.
 - c. Minimum Planter Size: Any planting area for a tree shall have a minimum interior dimension of five feet (5'). Additional space may be required for some tree species.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING THE PORTERVILLE MUNICIPAL CODE
FOR CONSISTENCY WITH THE DEVELOPMENT ORDINANCE
AND AMENDING LANDSCAPE REQUIREMENTS IN PARKING LOTS

WHEREAS, on November 19, 2013, the City Council adopted amendments to the Porterville Development Ordinance (Chapter 21 of the Municipal Code), with the understanding that a review of the Municipal Code for consistency would be further evaluated; and

WHEREAS, review of the Municipal Code in light of the amendments to Chapter 21 necessitated changes to the Municipal Code for consistency; and

WHEREAS, the City Council of the City of Porterville at its regularly scheduled meeting of December 17, 2013, conducted a public hearing pursuant to Planning and Zoning Law of the State of California and the Porterville Development Ordinance of the City of Porterville; and

NOW THEREFORE, BE IT ORDAINED, that the City Council of the City of Porterville does ordain as follows:

SECTION 1: The following sections of the Porterville Municipal Code are hereby amended to read as follows:

1. 3-27: PROJECTING SIGNS:

- A. General: Projecting signs shall be constructed of materials compliant with title 24 of the California building code, except as specified in subsection 3-24B4 of this article.
- B. Design: Projecting signs shall be designed in accordance with the requirements specified in section 3-24 of this article.
- C. Residential Districts: In any residentially zoned district, with the exception of newspaper and mail receptacles, no sign or advertising structure shall extend or project over any public sidewalk, street, alley, or other public property unless exempted under the development ordinance.
- D. Projections Over Travelways Or Walkways: Signs or advertising structures projecting more than six inches (6") from the face of a building, or any other supporting structure, over travelways or walkways on private property used or intended to be used by the general public, shall have a minimum clearance of eight feet (8') above the pavement or finished grade. Such signs may not project greater than forty eight inches (48").
- E. Wall Signs; Other Signs Projecting Into Alley: No wall sign shall have a projection over public property or beyond a building line greater than the distances set forth in this sign code, nor extend above any adjacent parapet or

roof of the supporting building. No sign or sign structure shall project into any public alley whatsoever, below a height of eight feet (8') above grade, nor more than eight inches (8") when over eight feet (8').

- F. Clearance Above Pavement Or Finished Grade: Signs or advertising structures projecting more than six inches (6") from the face of a building or any other supporting structure, over a public sidewalk or any other public property, shall have a minimum clearance of eight feet (8') above the pavement or finished grade.
- G. Horizontal Dimensions: No sign or advertising structure shall exceed a horizontal dimension of more than thirty inches (30") when projecting from the face of any building or any other supporting structure, whether privately or publicly owned. When the sign projects over a public sidewalk or any other public property, and is suspended from or supported by a rod, anchor, or other hardware, the overall horizontal dimension may not exceed thirty-six inches (36"). When the sign projects over a public sidewalk or any other public property, and when said sign is placed on or suspended from an awning, canopy, or marquee, the overall horizontal dimension must not exceed forty-eight inches (48").
- H. Restrictions In Certain Districts: Signs or advertising structures in any residential, P-O, and CN zoned districts may not be attached to the roof of a building, nor shall it exceed the height of the lowest roof line of the building to which it is attached.
- I. Clearance:
 - 1. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. No sign shall obstruct any window to such an extent that any light or ventilation is reduced to a point below that required by any law or ordinance.
 - 2. Signs shall be so located as to maintain all required clearances from overhead power and service lines.

2. 17-11.7: PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS:

- A. Prohibited; Violation: Except as noted below, no person shall park any commercial vehicle having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more, in whole or in part, on any roadway adjacent to any property zoned RS-2, RM-1, RM-2, RM-3, PS or P-O in the city of Porterville. Such violation shall be an infraction.
- B. Exceptions:
 - 1. While loading or unloading property. This exception shall apply only while such work is actually in progress and those in control of the vehicle are on the scene.
 - 2. While parked in connection with, and in aid of, the performance of a service to or on a property in the block in which such vehicle is parked. This exemption shall apply only while such work is actually in progress and those in control of the vehicle are on the scene.

3. When the vehicle has experienced mechanical failure along an authorized route of travel for such vehicles and only while repair or towing services are actually en route to, or repairing/towing said vehicle. This exemption shall apply only while the person in control of the vehicle is on the scene.

3. 7-29: BUILDING RELOCATION; INSPECTION; COMPLIANCE WITH BUILDING REGULATIONS:

Prior to filing the application for the permit required in section 7-26 of this article, the building inspector shall inspect the building to determine the general condition and shall, upon completion of such investigation, set forth the requirements necessary to secure compliance with the building ordinance, the development ordinance, the provisions of this code and all other applicable ordinances and laws of the city.

4. 7-77: CONSTRUCTION OF ARTICLE; EFFECT ON DEVELOPMENT ORDINANCE:

This article shall not, nor shall it be construed to, limit any development ordinance of the city of Porterville now in effect or hereafter adopted.

5. 12-1.6: STORAGE, OPERATION AND USE OF LIQUEFIED PETROLEUM GASES:

Nothing contained in the referenced edition of the fire code shall be construed as to exempt any person, firm or corporation from complying with all applicable regulations and restrictions of the development ordinance of the city of Porterville regarding the storage, operation and use of liquefied petroleum gases (LPG). LPG may be used as a second fuel for emergency generators as permitted by the fire code. LPG will also be permitted for fueling mobile equipment.

6. 12-3.4: NUISANCE; AUTHORITY TO ABATE:

- A. Each of the following conditions is declared to constitute a public nuisance, and whenever an enforcement officer shall determine that any of the conditions exist upon any premises, he/she may require or provide for the abatement thereof pursuant to this article and make the costs of abatement a lien on the subject real property:
 1. The existence of weeds on the premises, or public sidewalks, curbs and gutters, streets or alleys in front of, adjacent to or behind said premises;
 2. The existence of any accumulation of wastepaper, hay, grass, straw, weeds, litter, debris or combustible trash upon any roof or in any building, entranceway, court, yard, vacant lot or open space; or of any weeds, grass, vines or other growth, when the same endangers property or is liable to be fired;
 3. The existence of any garbage or rubbish upon the premises contrary to the provisions of section 13-4 of this code;
 4. The existence of any vines or climbing plants growing into or over any street, tree or any public hydrant, pole or electrolier; or the existence of any shrub, plant or vine growing on, around or in front of any hydrant, alarm box, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection

- purposes, in such a way as to obscure the view thereof or impair the access thereto by the fire department;
5. The existence of an excessive amount of tires on property that does not conform with commercial use as set by the development ordinance of the city of Porterville;
 6. Any other condition or use of property which is in fact a fire hazard or which results or can result in the impairment of the ability of the fire department to respond to and suppress fires.

7. 12-3.6: FORM AND MANNER OF NOTICE:

The notice required pursuant to section 12-3.5 of this article shall be substantially in the following form:

APN. NO.

TO THE PROPERTY OWNER:

NOTICE IS HEREBY GIVEN, that on (date), (year), pursuant to Section 12-3.5 of the Municipal Code of the City of Porterville, the Chief of the Fire Department of the City of Porterville declares that the following conditions set forth in Section 12-3.4 of said Municipal Code constitute a public nuisance and that such a nuisance must be abated by the destruction or removal of said conditions:

- A. The existence of weeds on the premises or public sidewalks, curbs and gutters, streets or alleys in front of, adjacent to or behind said premises.*
- B. The existence of any accumulation of wastepaper, hay, grass, straw, weeds, litter, debris, tires, or combustible trash upon any roof or in any building, entrance way, court, yard, vacant lot or open space, or of any weeds, grass, vines or other growth when the same endangers property or is liable to be fired.*
- C. The existence of any garbage or rubbish upon the premises contrary to the provisions of Section 13-4 of the Municipal Code.*
- D. The existence of any vines or climbing plants growing into or over the street, tree or any public hydrant, pole or electrolier; or the existence of any shrub, plant or vine growing on, around or in front of any hydrant, alarm box, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes, in such a way as to obscure the view thereof or impair the access thereto by the Porterville Fire Department.*
- E. The existence of an excessive amount of tires on property that does not conform with commercial use as set by the Development Ordinance of the City of Porterville.*
- F. Any other condition or use of property which is in fact a fire hazard or which results, or can result, in the impairment of the ability of the Porterville Fire Department to respond to and suppress fires.*

Destruction and/or removal of said conditions must be completed and maintained by (date), (year) in accordance with the attached Fire Prevention Bureau "Abatement Standards."

Failure to abate said conditions by the date specified above, shall result in the City acquiring jurisdiction to abate the conditions at the owner's expense pursuant to Section 12-3.9 of the Municipal Code.

All property owners who wish to object to the proposed removal of weeds, rubbish, refuse, tires and dirt are hereby notified that they have the right to attend a meeting with a representative of the Porterville Fire Department to be held at Porterville Fire Station No. 1, 40 West Cleveland Avenue, Porterville, California, on (date), (year) at (time). Sufficient cause must be shown why said conditions should not be abated.

Charges. Property owners or responsible persons who through their inaction have caused the City of Porterville to have their nuisance abated, are deemed to have committed a misdemeanor or infraction pursuant to Section 12-3.14 and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than six (6) months in the City or county jail, or by both such fine and imprisonment. The property owner or responsible person shall be liable for actual costs of abating such nuisance as defined herein.

Any costs incurred for such abatement will constitute a special assessment on the property. The cost of abating such nuisances shall include a charge of \$___ per parcel to cover the costs of administering this Article. MUNICIPAL CODE SECTION 12-3.11 PROVIDES THAT AFTER THE ASSESSMENT IS MADE AND CONFIRMED, IT IS A LIEN ON THE PROPERTY.

Any property owner, or other responsible person, who, after notification by the Enforcement Officer, fails to abate a condition as set forth in Section 12-3.4 shall become liable for the expenses of fighting any fire which may occur which is determined to have been caused by or attributed to said conditions. Such expenses shall become a lien upon the property.

THE FAILURE OF ANY OWNER OR OTHER PERSON TO RECEIVE THIS NOTICE SHALL NOT AFFECT THE ENFORCEMENT OF THIS ORDINANCE.

8. 18-56: DEFINITIONS:

ARCADE: Shall have the meaning ascribed by the Porterville development ordinance.

CHILD OR CHILDREN: Any person under the age of eighteen (18) years of age.

CHILDCARE AND DEVELOPMENT FACILITY: Shall have the meaning ascribed by California Education Code section 8208.

LOITERING: Remaining or wandering in a public or private place for the apparent purpose of observing any minor or minors, or with the apparent purpose or intent of engaging or soliciting any person to engage in any sexual act of any kind, or after having been told to leave by the owner or any authorized official of such place or facility.

PLAYGROUND: Shall have the meaning ascribed by the Porterville development ordinance.

PUBLIC BUILDING REGULARLY FREQUENTED BY CHILDREN: Shall have the meaning ascribed by section 15-43 of this code.

PUBLIC PARK OR RECREATION AREAS: Shall have the meaning ascribed by section 15-43 of this code.

SEX OFFENDER: An individual who is currently required by law to register with a governmental entity as a sex offender.

9. 20-40.1: WHEN CONSTRUCTION OF CURBS, GUTTERS AND SIDEWALKS REQUIRED:

Any owner, lessee, agent, licensee, or other person, corporation, association or firm who is:

Constructing or arranging for the construction of a building, dwelling, or any other improvement; or

Arranging for the remodeling, improving, modifying or otherwise altering in any manner whatsoever, an existing building, dwelling, or other improvement; upon any lot or parcel of real property in the city of Porterville shall provide, subject to the provisions of this article and chapter and to the ordinances and regulations of the city of Porterville that may now be, or hereafter be, in effect, for the construction of concrete curbs, gutters, and sidewalks unless in accordance with city specifications therefor, they already exist in a satisfactory condition along all street frontages adjoining the lot or lots, parcel or parcels of land on which the building, dwelling, or other improvement is to be constructed or remodeled or modified. In lieu of installation of concrete improvements, payment for said concrete improvements shall be provided to the city upon development of the property as specified above, if said concrete improvements have been installed by the city. In the event the construction of improvement is being made upon a portion of an undeveloped parcel and the portion to be developed does not exceed fifty percent (50%) of the entire undeveloped parcel, and the concrete improvements have not already been installed by the city, the curbs, gutters, and sidewalks shall be provided on the street frontage so that said curbs, gutters, and sidewalks will extend the length of the building or improvement and to include side yard requirements as set forth in the development ordinance. In determining whether the developed portion exceeds fifty percent (50%) of the entire portion there shall be considered the portion of the parcel on which the building or other improvement rests, together with all yard and open area requirements required by the development ordinance.

10. 21-Article 300.04: RESERVED

11. 21-Article 304.10(I): PARKING AREA DESIGN AND DEVELOPMENT STANDARDS

- I. Landscaping: Landscaping of parking areas shall be provided and maintained according to the general standards of article 303, "Landscaping," of this chapter, as well as the standards of this subsection. The provisions of this subsection apply to all uses except single-family dwellings and duplexes.
 1. Landscape Area Required: A minimum of ten percent (10%) of any parking lot area shall be landscaped. For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any adjacent paved areas. Parking lot area does not include enclosed vehicle storage areas.
 2. Minimum Planter Dimension: No landscape planter that is to be counted toward the required landscape area shall be smaller than twenty-five (25) square feet in area, or four feet (4') in any horizontal dimension, excluding curbing.
 3. Layout: Landscaped areas shall be well distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:
 - a. Landscaped planting strips at least four feet (4') wide between rows of parking stalls;
 - b. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;
 - c. Landscaped islands located between parking stalls or at the ends of rows of parking stalls; and
 - d. On site landscaping at the parking lot perimeter.
 4. Required Landscaped Islands: A landscaped island at least six feet (6') in all interior dimensions and containing at least one 15-gallon size tree shall be provided at each end of each interior row of parking stalls and between all consecutive parking stalls in the following ratios:
 - a. Between every eight (8) stalls in any nonresidential development;
 - b. Between every six (6) consecutive stalls in a residential development or in a mixed use development in which residential units overlook on site parking areas.
 5. Landscaped Buffer For Open Parking Adjacent To Right Of Way: A landscaped buffer area shall be provided between any surface parking area and any property line adjacent to a public street. The landscaped buffer shall have a minimum width as listed below unless a different dimension is specified in the base district standards applicable to a site.
 - a. Residential districts: Five feet (5'). Landscaped parkways or strips between the property line and the sidewalk count toward this requirement.
 - b. Nonresidential districts: Six feet (6') clear of vehicle overhang.
 6. Landscaped Buffer For Open Parking Abutting Interior Lot Line: A landscaped area at least three feet (3') wide shall be provided between the outside edge of any surface parking area and any adjacent lot for the length of the parking area.

7. Trees: Trees shall be planted to result in fifty percent (50%) shading of parking lot surface areas within fifteen (15) years. In lieu of calculating shading, the applicant may provide a tree in landscaped islands between every six (6) stalls consistent with §304.10(I)(4).
- a. Distribution: Trees shall be distributed relatively evenly throughout the parking area.
 - b. Species: Required trees for parking lots shall be selected from a list of recommended trees maintained by the community development department.
 - c. Minimum Planter Size: Any planting area for a tree shall have a minimum interior dimension of five feet (5'). Additional space may be required for some tree species.

SECTION 2: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 17th day of December 2013.

By: _____
Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk