

MEETING AGENDA

The City Council/Successor Agency of the City of Firebaugh

Vol. No.16/12-05

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: December 5, 2016/6:00 p.m.

CALL TO ORDER

ROLL CALL

Mayor Freddy Valdez
Mayor Pro Tem Brady Jenkins
Council Member Craig Knight
Council Member Marcia Sablan
Council Member Felipe Perez

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Andrew Firebaugh Community Center to participate at this meeting, please contact the Deputy City Clerk at (559) 659-2043. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Andrew Firebaugh Community Center.

Any writing or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the Deputy City Clerk's office, during normal business hours.

PLEDGE OF ALLEGIANCE

PRESENTATION: Albert Peché to provide a brief presentation on the refinancing of bonds.

PUBLIC COMMENT

CONSENT CALENDAR

Items listed on the calendar are considered routine and are acted upon by one motion unless any Council member requests separate action. Typical items include minutes, claims, adoption of ordinances previously introduced and discussed, execution of agreements and other similar items.

1. APPROVAL OF MINUTES – The City Council regular meeting on November 21, 2016.

PUBLIC HEARING

2. ORDINANCE NO. 16-05 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH REPEALING THE EXISTING ZONING ORDINANCE (CHAPTER 25 OF THE FIREBAUGH MUNICIPAL CODE) AND REPLACING IT WITH A NEW COMPREHENSIVE ZONING ORDINANCE UPDATE – SECOND READING.

Recommended Action: Council receives public comment & takes action on Ord. 16-05.

3. ORDINANCE NO. 16-06 - AN INTERIM URGENCY ORDINANCE OF THE CITY OF FIREBAUGH, ENACTING A TEMPORARY MORATORIUM ON THE ISSUANCE OF ANY PERMITS FOR NEW AND RELOCATED WIRELESS TELECOMMUNICATIONS FACILITIES WITHIN PUBLIC RIGHT-OF-WAYS, PURSUANT TO GOVERNMENT CODE SECTION 65858 – SECOND READING.

Recommended Action: Council receives public comment & takes action of Ord. No. 16-06.

4. ORDINANCE NO. 16-07 - AN ORDINANCE OF THE CITY OF FIREBAUGH ADDING A NEW SUBSECTION ENTITLED “WIRELESS TELECOMMUNICATIONS FACILITIES” TO CHAPTER 13 OF THE FIREBAUGH MUNICIPAL CODE, TO PROVIDE UNIFORM AND COMPREHENSIVE REGULATIONS AND STANDARDS, ALONG WITH PERMIT REQUIREMENTS FOR THE INSTALLATION OF WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY – SECOND READING.

Recommended Action: Council receives public comment & takes action of Ord. No. 16-07.

NEW BUSINESS

5. **RESOLUTION NO. 16-40 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE CITY MANAGER TO SIGN FINANCING AGREEMENT, AMENDMENT, AND CERTIFICATIONS FOR FUNDING UNDER THE CLEAN WATER STATE REVOLVING FUND (CWSRF); AUTHORIZING CITY MANAGER TO APPROVE CLAIMS FOR REIMBURSEMENT; AUTHORIZING CITY MANAGER TO EXECUTE BUDGET AND EXPENDITURE SUMMARY; AUTHORIZING CITY MANAGER TO SIGN THE FINAL RELEASE FORM AND CITY MANAGER TO SIGN THE CERTIFICATION OF PROJECT COMPLETION; AND PLEDGING AND DEDICATING NET SEWER REVENUES TOWARDS PAYMENT OF CWSRF FINANCING.**

Recommended Action: Council receives public comment & approves Resolution No. 16-40.

6. **RESOLUTION NO. 16-41 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH STATING ITS INTENTION TO BE REIMBURSED FOR EXPENDITURES INCURRED AHEAD OF THE APPROVAL OF THE DISBURSEMENT OF CWSRF CONSTRUCTION FUNDS FROM THE STATE WATER RESOURCES CONTROL BOARD.**

Recommended Action: Council receives public comment & approves Resolution No. 16-41.

7. **RESOLUTION NO. 16-42 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE CITY MANAGER TO SIGN AND FILE A FINANCIAL ASSISTANCE APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD FOR THE CONSTRUCTION OF WWTP IMPROVEMENTS.**

Recommended Action: Council receives public comment & approves Resolution No. 16-42.

8. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO APPROVE RESCHEDULED DATE(S) FOR THE MEETINGS OF JANUARY 2, 2017 AND JANUARY 16, 2017 AT 6:00 PM.**

Recommended Action: City Council receives comments and approves rescheduled date(s).

9. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO DISCUSS AND CONSIDER CITY REPRESENTATIVE ATTENDING THE INTERNATIONAL COUNCIL OF SHOPPING CENTERS (ICSC) CONVENTION IN LAS VEGAS, NV, MAY 21ST THRU MAY 24TH, 2017.**

Recommended Action: City Council receives comments and takes action.

10. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO REVIEW AND CONSIDER EXTENSION OF TERM FOR THE ACTING CITY MANAGER POSITION.**

Recommended Action: City Council receives comments and takes action.

STAFF REPORTS

PUBLIC COMMENT ON CLOSED SESSION ITEM ONLY

CLOSED SESSION

11. **REAL ESTATE NEGOTIATION – Pursuant to Government Code Section #54956.8**
Owner or Designative Rep. City Negotiator Ben Gallegos APN: 007-062-19

12. **Government Code Section 54957**
PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT: City Manager.

ANNOUNCEMENT AFTER CLOSED SESSION

ADJOURNMENT

Certification of posting the Agenda

I declare under penalty of perjury that I am employed by the City of Firebaugh and that I posted this agenda on the bulletin boards at City Hall, December 1, 2016 at 5:00 p.m. by Rita Lozano Deputy City Clerk.

MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh Vol. No. 16/11-21

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622
Date/Time: November 7, 2016/6:00 p.m.

CALL TO ORDER Meeting called to order by Mayor Valdez at 6:01 p.m.

ROLL CALL

PRESENT: Mayor Freddy Valdez
Council Member Felipe Perez
Council Member Craig Knight

ABSENT: Mayor Pro Tem Brady Jenkins, Council Member Marcia Sablan

OTHERS: City Attorney Meggin Boranian; Acting City Manager/Public Works Director, Ben Gallegos; Deputy City Clerk, Rita Lozano; & Wanda Breshears.

PLEDGE OF ALLEGIANCE Council Member Perez led pledge of Allegiance.

PUBLIC COMMENT/PRESENTATION: None

CONSENT CALENDAR

1. APPROVAL OF MINUTES – The City Council regular meeting on November 7, 2016.
2. WARRANT REGISTER – Period starting October 1, and ending on October 31, 2016.

October 2016	General Warrants	#34187 - #34303	\$ 338,278.67
	Payroll Warrants	#67501 - #67561	\$ 168,967.67
TOTAL			\$ 507,246.34

Motion to approve consent calendar by Council Member Knight, second by Council Member Perez, motion pass by 3-0 vote.

PUBLIC HEARING

3. ORDINANCE NO. 16-06 - AN INTERIM URGENCY ORDINANCE OF THE CITY OF FIREBAUGH, ENACTING A TEMPORARY MORATORIUM ON THE ISSUANCE OF ANY PERMITS FOR NEW AND RELOCATED WIRELESS TELECOMMUNICATIONS FACILITIES WITHIN PUBLIC RIGHT-OF-WAYS, PURSUANT TO GOVERNMENT CODE SECTION 65858.

Open Public Hearing at 6:06 pm – No Public Comment given - Continue Public Hearing.

AT&T is concerned the City will block new cell towers, but the City's only concerned about the placement of new towers on public right-of-way & private property. Staff is meeting with AT&T reps on 11/29/16 at the county office to discuss.

Motion to continue the hearing to December 5 by Council Member Knight, second by Council Member Perez, motion pass by 3-0 vote.

4. **ORDINANCE NO. 16-07 - AN ORDINANCE OF THE CITY OF FIREBAUGH ADDING A NEW SUBSECTION ENTITLED "WIRELESS TELECOMMUNICATIONS FACILITIES" TO CHAPTER 13 OF THE FIREBAUGH MUNICIPAL CODE, TO PROVIDE UNIFORM AND COMPREHENSIVE REGULATIONS AND STANDARDS, ALONG WITH PERMIT REQUIREMENTS FOR THE INSTALLATION OF WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY.**

Open Public Hearing at 6:09 pm – No Public Comment given - Continue Public Hearing.

Motion to continue the hearing to December 5, by Council Member Knight, second by Council Member Perez, motion pass by 3-0 vote.

STAFF REPORTS

- **Public Works Director, Ben Gallegos** – Going back and forth with the architect on the remold of the Senior Center, the second level will be removed and the first floor will be expanded. The new proposed certified kitchen is estimated to cost over \$100,000. Had a meeting with the developer, the School is interested in selling some of the property for that was originally proposed for the future school and they will look at others areas in Del Rio to possibly build on. Snow machines were bought to be used at the Electric Parade. At the next council meeting, we will discuss the proposed dates for council meeting in January, since both regular meeting fall on holidays. The city will be going out to bid on the water lines project for the 15-CDBG grant. After spending half of the funding from the 15-CDBG Grant, the city will be able to apply for additional grant funding to try to work on more water lines and try to remold the VFW Hall. Alex is working on the Scout Building and is doing an outstanding job.
- **City Attorney, Meggin Boranian**– Working with the Police Chief, who will provide a power point presentation and discuss the new marijuana laws at a future meeting. Excited to hear Firebaugh is having the Electric Parade and plan to donate. Will be at City Hall early on Monday's of Council meeting to review Attorney files and if any would like to meet, Ben has been kind of enough to provide office space.
- **Council Member Valdez** – Need a hold Mid-Year budget review.
- **Council Member Perez** – Fresno State wants to bring a woman to the City of Firebaugh to hold a quesadilla Showcase on Tuesday, December 13, 2016 from noon to 3:00 pm.

ADJOURNMENT - Motion to adjourn by Councilmember Knight, second by Councilmember Perez; motion passes by 3-0 vote at 6:23 p.m.

FIREBAUGH CITY COUNCIL

STAFF REPORT

Date: December 5, 2016
To: Firebaugh City Council
From: Karl Schoettler, Planning Consultant
Subject: Adoption of new Zoning Ordinance: Review of potential changes (Downtown Parking Standards, and Wireless Telecommunications Facilities Terminology)

Summary/Recommendation

It is recommended that the City Council consider recommendations from the Planning Commission on the topic of downtown parking requirements, and the inclusion of terminology related to wireless telecommunications facilities. If desired, the City Council can then approve the second reading of the ordinance to adopt the new Firebaugh Zoning Ordinance.

Analysis

On October 17, the City Council referred the Zoning Ordinance update back to the Planning Commission for review of a potential change to parking standards for the downtown area. The Planning Commission considered the issue on November 14 and voted unanimously to recommend that no on-site parking be required for new uses in the downtown area (the C-2 zone).

As the Council may recall, the proposed new zoning ordinance contains a standard that new uses in the downtown could automatically qualify for a 50% reduction in on-site parking for new uses. As an example, if someone builds a new building for a restaurant and the parking requirement is 50 spaces, the person would only have to install 25 spaces on the parcel. The purpose of this reduction is to make it easier for new businesses to open and new development to occur in the downtown.

Upon deliberating the issue, the Planning Commission felt that a 100% reduction in parking requirements in the downtown is appropriate. In conjunction, the Commission urges the City to develop new public parking lots in the downtown over time. The Commission does not recommend the City require an in-lieu fee for parking, as this would put downtown Firebaugh at a disadvantage.

Ideally new businesses locating in the downtown will not overtax the availability of parking, but there is always the possibility that a new use, like a restaurant, bar or nightclub could consume many on-street parking spaces and thereby negatively impact on nearby businesses.

Upon considering and researching the issue further, and in order to build in some "safety" to the ordinance (if a 100% reduction is adopted) staff recommends the following language could be adopted for the downtown parking standard:

100% of the parking demand may be waived. Uses where the waiver results in more than 25 spaces are required to obtain a Conditional Use Permit, consistent with Chapter 25-51.

The requirement for a Conditional Use Permit would help build in a safeguard to ensure a more complete and public review of a use that is requesting a waiver of a relatively significant amount of parking.

Options:

At this point, the City Council has several options regarding downtown parking standards, including:

- Keep the new ordinance "as is", meaning that all new uses qualify for up to a 50% reduction in on-site parking;
- Accept the Planning Commission's recommendation and waive all parking requirements in the downtown, with limits as noted above for uses requesting a significant parking waiver;
- Devise some other kind of parking requirement.

Consistency with Wireless Telecommunications Ordinance

In order to ensure the Zoning Ordinance is consistent with the new Wireless Telecommunications Ordinance, several definitions from that ordinance have been added to the Definitions chapter of the new Zoning Ordinance. This will ensure consistency between the various parts of the Municipal Code. These terms include:

"Accessory equipment" means any equipment associated with the installation of a wireless telecommunications facility, including but not limited to cabling, generators, fans, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment buildings, pedestals, meters, vaults, splice boxes, and surface location markers.

"Cellular" means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

"Collocation" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signal for communication purposes.

"COW" means a "cell on wheels," which is a wireless telecommunications facility temporarily rolled in or temporarily installed.

“Ground-Mounted” means mounted to a telecommunications tower.

“Monopole” means a structure composed of a pole or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole (e.g. water tower).

“Telecommunications tower” means a freestanding mast, pole, monopole, guyed tower, lattice tower, freestanding tower or other structure designed and primarily used to support wireless telecommunications facility antennas.

“Utility Pole” means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission.

“Wireless telecommunications facility,” “facility” or “facilities” mean any facility that transmits and/or receives electromagnetic waves. It includes, but is not limited to, antennas and/or other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting such equipment, related accessory equipment, equipment buildings, parking areas, and other accessory development. The term “wireless telecommunications facility” does not apply to:

- a. Mobile services providing public information coverage of news events of a temporary nature.*
- b. Any wireless telecommunications facilities exempted from this Code by federal law or state law.*

The Planning Commission reviewed these terms and are recommending their inclusion in the Zoning Ordinance update.

Conclusion

Regarding the issue of downtown parking, it is recommended the City Council select an option and adopt the new Zoning Ordinance, or ask for additional analysis by the City Planner and Planning Commission.

It is also recommended that the City Council accept the new wireless terminology that will be inserted into the "Definitions" chapter of the Zoning Ordinance. This will ensure that the various chapters of the municipal code are consistent with one another.

CHAPTER 23



C-2 Zone (Central Commercial)

Sections

25-23.1	Purpose
25-23.2	Permitted Uses
25-23.3	Conditional Uses
25-23.4	Uses Expressly Prohibited
25-23.5	Site Plan Review
25-23.6	Development Standards
25-23.7	Fences, Walls and Hedges
25-23.8	Off-Street Parking and Loading Facilities
25-23.9	Signs
25-23.10	Landscaping
25-23.11	Special Conditions
25-23.12	Design Standards

25-23.1 Purpose

The C-2 district is intended to help strengthen the vitality and character of Firebaugh's downtown commercial district by establishing an appropriate list of permitted uses, regulating the size and location of buildings, parking lots, landscaping and other improvements, in a manner that promotes a vibrant pedestrian-oriented shopping environment. In general, new buildings shall front onto the public sidewalk, with on-site parking located to the rear or side of buildings. Large merchandise-display windows are required along the public sidewalk, as opposed to blank building walls.

25-23.2 Permitted Uses

The following uses are permitted in the C-2 district.

- a. Accessory uses incidental to a permitted or conditionally permitted use existing on the site.
- b. Automated teller machine (stand alone or associated with a bank)
- c. Automobile sales (conducted entirely within a building)
- d. Banks and financial institutions
- e. Business, professional and trade schools
- f. Check cashing services
- g. Clubs, lodges and meeting rooms
- h. Day care, small and large family
- i. Funeral parlors/mortuaries
- j. Health/athletic clubs
- k. Hotels/motels
- l. Mixed Use Developments, subject to the requirements detailed in Chapter 25-41 Special Uses.
- m. Multiple family dwellings, provided that the use shall be developed in accordance with property development standards of the "R-3" District, Chapter 25-19.
- n. Offices (administrative, business, medical, general, governmental and professional)
- o. Personal Services Businesses. Commercial establishments that provide services of a personal nature, including:
 - Barber and beauty shops
 - Cleaners
 - Fortune telling, hypnotists and palm reading
 - Locksmiths
 - Mail/delivery stores

Firebaugh Zoning Ordinance
Chapter 23: C-2 Zone (Central Commercial)

- Massage and physical therapy businesses practiced by individuals certified by the State
 - Laundry (self-serve)
 - Music, dance, gymnastics and martial arts studios
 - Tattoo shops
- p. Retail stores and service establishments that supply commodities or services that meet the needs of residents in the community. Permitted uses include:
- Bakeries, retail
 - Clothing, shoes, jewelry and accessory stores
 - Confectionary (candy) stores
 - Convenience grocery stores (except that stores selling alcoholic beverages require a Conditional Use Permit)
 - Florists
 - Food stores
 - Furniture stores/mattress shops and upholstery shops
 - Gift shops
 - Hardware and home improvement stores
 - Health Food stores
 - Hobby shops
 - Ice cream shops
 - Jewelry stores
 - Office supply stores
 - Pet shops
 - Pharmacy/drug stores (except those with a drive thru are not permitted in the C-2 zone)
 - Photo studios and photographic supplies, art galleries
 - Sporting goods stores
 - Supermarkets
 - Tobacco stores
 - Toy stores
 - Variety stores
- q. Restaurants and cafes (except drive-thru or drive-ins, which are not permitted in the C-2 zone).
- r. Social service and counseling centers
- s. Veterinarian offices
- t. Video arcades
- u. Other uses similar in nature and intensity to those permitted, as determined by the city planner

25-23.3 Conditional Uses

The following conditional uses may be permitted in accordance with the provisions of Chapter 25-51 Conditional Use Permits.

- a. Bars
- b. Churches.
- c. Communications buildings and structures, **except for wireless telecommunications facilities.**
- d. Dancing associated with a restaurant or nightclub
- e. Liquor stores and convenience markets that sell alcoholic beverages
- f. Live music associated with a facility that serves alcoholic beverages
- g. Pawn shops and second hand stores/used goods stores
- h. Parking lots
- i. Other uses similar in nature and intensity as determined by the city planner subject to granting of a conditional use permit.

25-23.4 Uses Expressly Prohibited

The C-2 zone is designed to foster a pedestrian oriented shopping district in downtown Firebaugh, with uses such as stores, restaurants, offices and gathering places. Towards this end, the zone does not allow automobile-oriented uses that are allowed in other commercial zones, such as auto repair and tire shops and uses with drive-through/drive up windows.

25-23.5 Site Plan Review

No development shall be constructed on any lot or site in this district until a site plan has been submitted and approved consistent with Chapter 25-53 Site Plan Review, (or a Conditional Use Permit for uses listed as such).

25-23.6 Development Standards

The following standards shall apply to all parcels being developed in the C-2 zone, except that any parcels zoned C-2 that are located outside the downtown planning area (generally bounded by N Street on the west, Fourteenth Street on the south, Q Street on the east, and 8th Street on the north) shall be developed to standards of the C-3 (General Commercial) zone.

a. Site Area, Lot Frontage and Depth

No requirement.

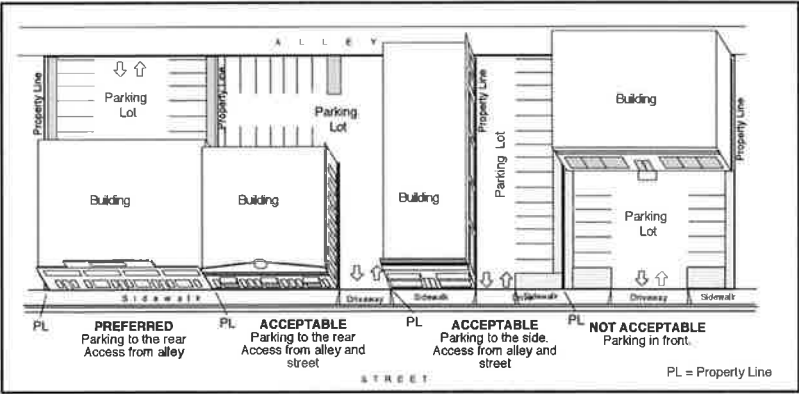
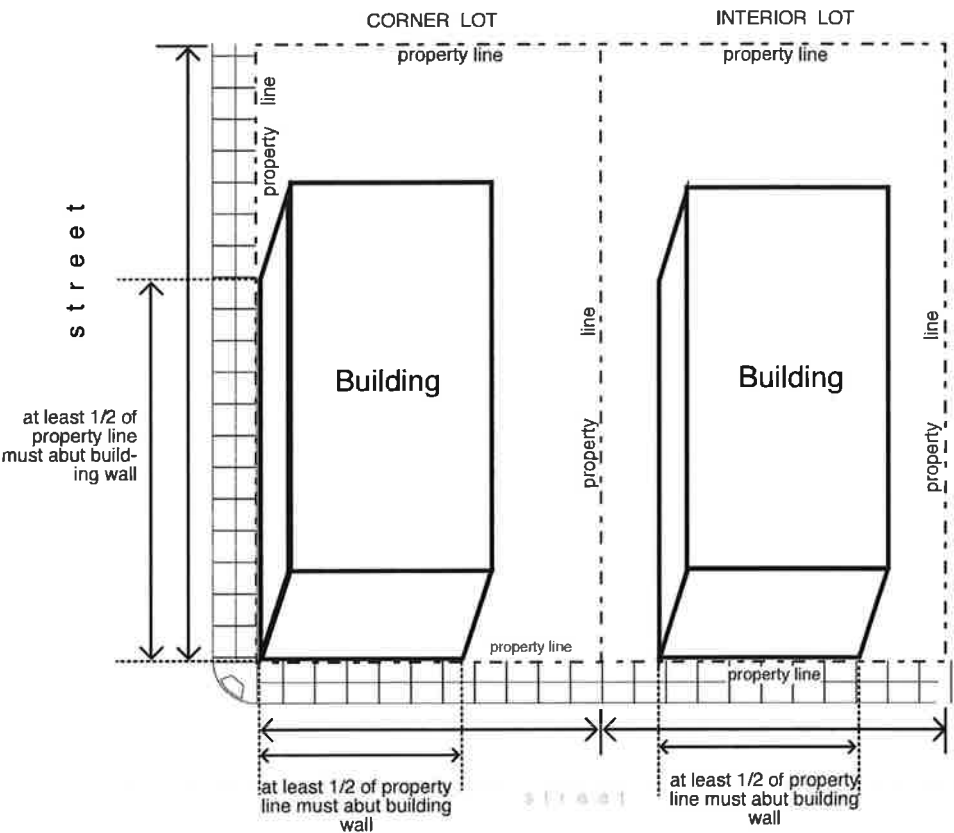
b. Building Height

The maximum height of commercial structures shall be 35 feet/two stories; the maximum height of accessory structures shall be 15 feet.

c. Yards (see also Exhibit 23-1)

- a. Front: New buildings shall be placed so that at least one half of the property line along a public street shall adjoin a building wall
- b. Side: None required except that buildings on corner lots shall be placed so that at least half of the side lot line along a public street shall adjoin a building wall.
- c. Rear: No requirement unless the subject property abuts a residential district, wherein the minimum side yard shall be 10 feet.

Exhibit 23-1: Building Placement Standards



25-23.7 Fences, Walls and Hedges

- a. Front Yards: Fences, walls and hedges shall not exceed three feet in height. A fence or wall may be four feet in height if more than 50 percent of the structure is see-through.
- b. Rear and Side Yards: Fences, walls, and hedges shall not exceed seven feet in height along any side or rear property line.
- c. Where a property zoned C-2 directly abuts a residential district, a 7-foot solid block masonry wall shall be constructed between the two uses. Where appropriate, openings should be provided to allow pedestrians to travel between the two uses.

25-23.8 Off-Street Parking and Loading Facilities

- a. **The number of on-site parking spaces required for uses in the C-2 District may be reduced by up to 100% of the parking requirement for the particular use, as shown in** ~~shall provide off street parking consistent with Chapter 25-45 Parking and Loading, however where the reduction results in more than 25 spaces, the use shall require a Conditional Use Permit, consistent with Chapter 25-51 Conditional Use Permits.~~ **The number of parking spaces required for uses in the C-2 district may be reduced by up to 50% upon request of the applicant.**
- b. On-site parking shall be located to the rear or to the side of the building, except parking lots on corner lots shall be located to the rear or the interior side of the building.
- c. Parking lots constructed in C-2 district shall be designed and constructed so that within five years of construction, 50 percent of the parking lot is shaded by trees.
- d. Parking lots shall be separated from buildings by raised sidewalks or curbing.
- e. Parking lots shall be designed to accommodate solid waste pick-up.

25-23.9 Signs

Signs shall be consistent with the requirements detailed in Chapter 25-47 Signs.

25-23.10 Landscaping

- a. A landscaping and irrigation plan shall be submitted on all developments to the City Planner for review and approval consistent with the standards in Chapter 25-43 (Landscaping). All setback areas along streets shall be landscaped.
- b. The landscaping and irrigation plan shall show a tree-planting scheme in the parking lot that will result in 50 percent of the parking lot being shaded within five years.
- c. The landscaping and irrigation plan shall provide for a minimal amount of turf and shall incorporate a variety of xerophytic plants, mulch to reduce water use, and an automated irrigation system that incorporates water conservation technology, including drip irrigation, smart irrigation controllers, and low-flow irrigation heads.
- d. Parking lots should be screened from adjacent public roadways by low walls and/or hedges.
- e. Vines and climbing plants should be used on buildings, trellises and perimeter garden walls in order to soften the appearance on the buildings.
- f. All trash enclosures shall be surrounded by a 6-foot solid block wall and the area around the enclosure shall be landscaped. The gate to the enclosure shall be constructed of metal.

25-23.11 Special Conditions

- a. All processes, businesses and services shall be conducted entirely within a completely enclosed structure, except for off-street parking and off-street loading areas, outdoor dining areas and nurseries.

25-23.12 Design Guidelines

New development in the C-2 zone shall be designed consistent with the following Design Guidelines.

a. General Concepts

New development in the downtown should reinforce the area's unique pedestrian-oriented shopping environment. Positive design elements that exist in the downtown area include:

- Storefronts located immediately behind the sidewalk;

- Stores with large windows that permit window shopping;
- Awnings and arcades that provide shade for pedestrians;
- A variety of stores in a small area – facilitating pedestrian shopping;
- Off-street parking is located to the rear or to the side of buildings;
- Architectural styles that reflect Firebaugh’s history and that of the San Joaquin Valley.

b. Site Planning Concepts

1. Consistent with standards of the CC zone, new buildings in the downtown must be located along the front property line, at the back of the sidewalk. On-site parking must be located to the rear or to the side of buildings.
2. New development on corner lots must be situated immediately at the corner (rather than the parking lot being located on the corner).
3. Useable open spaces such as courtyards and plazas with outdoor seating, landscaping, water features, etc. are encouraged. Pedestrian corridor access (paseos) should be provided to link rear parking lots to the street. Sidewalk dining is also encouraged (see Exhibit 23-2), as long as a sufficient distance from the curb is maintained (usually eight feet, minimum).
4. Side and rear setbacks should be determined on a case-by-case basis. In most cases it is preferred that downtown buildings be designed to cover the entire lot, with no side yard setbacks.

Exhibit 23-2



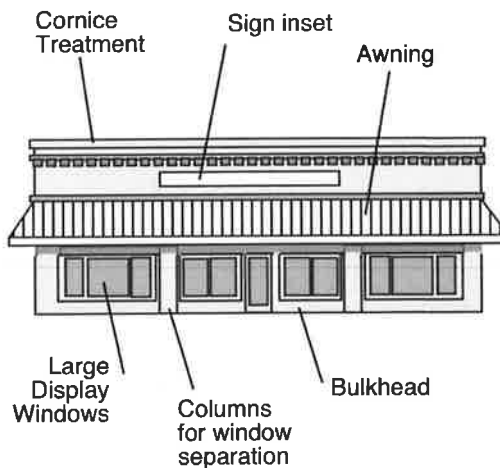
Sidewalk dining helps to add life to the downtown streetscape.

6.2 Architectural Design

1. The following urban design elements are considered most desirable for new downtown development or redevelopment (see Exhibit 23-3):
 - a. Significant wall articulation (e.g. insets, alternating with columns, etc);
 - b. A variety of surface textures, provided that they are appropriate to the particular architectural style of the building;
 - c. Large display windows at street level for the display of merchandise and to allow shoppers to see inside the store. Windows must extend across the majority of the wall and a significant vertical distance;
 - d. Overhangs and arcades or awnings;
 - e. Regular window placement;
 - f. Pedestrian-scale signs that compliment the style and character of the individual building.

Exhibit 23-3

Desirable Façade Elements for Downtown Buildings



*This graphic displays some of the most desirable elements
of good downtown building design*

Exhibit 23-4: Display Windows



Large display windows help to make the downtown a more inviting place. Windows should extend a significant width and height of the wall.

The following design elements are considered *undesirable* and should be avoided for new downtown development or redevelopment:

- a. Large, blank unarticulated walls;
- b. Highly reflective surfaces of buildings;
- c. Reflective window tinting;
- d. A mix of unrelated styles (e.g., rustic wood shingles with polished chrome) on the same building;
- e. Highly visible outdoor storage, equipment and loading areas;
- f. Large, flashy signs that are out of scale and character with the building.
- g. Contemporary “ultra-modern” styles and materials.

6.3 Building Mass and Scale

1. The height and scale of new development should be compatible with the scale of surrounding development. Scale is the relationship between the size of the structure and the size of adjoining structures. Scale is also the manner in which the proposed building’s size relates to the size of a human being. Large scale building elements can appear overwhelming if situated in a visual environment that is predominantly smaller in scale.

Exhibit 23-5: Building Height and Scale



The height and scale of new developments should be compatible with the scale of surrounding development

2. The scale of a large building should be “broken up or reduced by creating horizontal emphasis of the building. This can be accomplished through the proper use of window patterns, roof overhangs, the use of trim moldings, awnings, eaves, or other ornamentation, by using a combination of complimentary colors, and through the use of landscaping.
3. Blank solid walls of buildings visible from public view, including bland areas above cantilevered canopies should be avoided. If such walls are necessary for interior or structural reasons, the structure wall shall be treated with some form of articulation such as larger awnings, cornice bands, dentils or similar materials.
4. The facades of adjacent structures should be considered in the design of new buildings to avoid clashes in architectural style and materials.

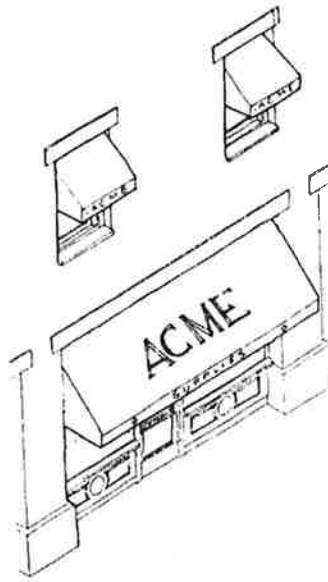
Exhibit 23-6: Building Compatibility



Awnings and Pedestrian-scale signage

5. Buildings with flat or oversimplified facades (e.g. straight roof-lines without definition) should utilize parapet walls and/or cornice detailing to give greater stature to the building as well as the entire block on which the structure is located.
6. Canopies and awnings are desirable elements in the downtown and are encouraged to shelter the openings of each building from sun and rain. New canopies and awnings should be respectful of the style and character of the structure on which they are attached, particularly in terms of materials and colors.

Exhibit 23-7: Window Awnings



Window awnings are a desirable element, when properly scaled.

The highest point of a canopy or its support structure shall not be higher than the mid-point of the space between the second story window sills and the top of the first floor store front window, awning, canopy or transom. Awnings should also be set inside vertical elements on the building such as columns, pilasters or storefronts that are indented.

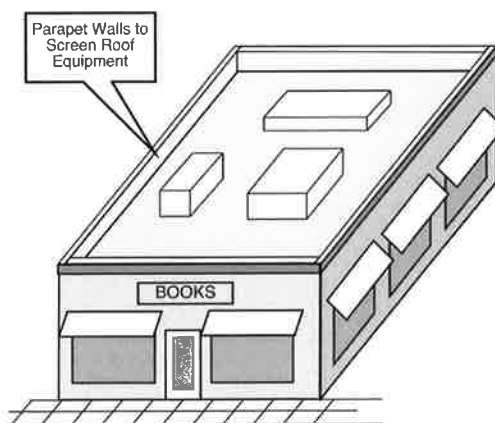
7. Awnings, trellises and other accessory structures that do not restrict pedestrian or vehicular movement may project into the public right-of-way, subject to clearance requirements specified in the Zoning Ordinance. In general, awnings should be no less than 8 feet above the sidewalk.

Exhibit 23-8: Awnings over the public sidewalk

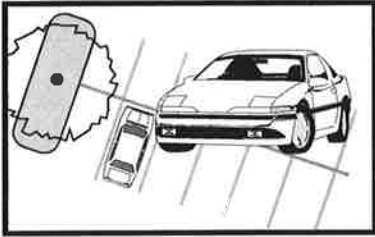


8. Existing historically significant buildings should be maintained. Any physical changes shall be done in a manner that is consistent with the original architectural style.
9. For safety, identification and convenience, entrances of buildings and parking areas shall be well illuminated.
10. Rooftop mechanical equipment (e.g. air conditioning units) should be screened from view from the public right of way through the use of parapets, cornices or other treatments. Mechanical equipment should not be mounted on street arcades, in front windows or other visible locations.

Exhibit 23-9: Screening Roof Equipment



CHAPTER 45



Auto and Bicycle Parking and Loading

Sections

17.45.1	Purpose
17.45.2	General Requirements
17.45.3	Number of Parking Spaces Required by Use
17.45.4	Parking Lot Design Standards and Location Criteria

17.45.1 Purpose

The purpose of this chapter is to provide parking, bicycle and loading regulations for new and expanded development and land uses in Firebaugh. This chapter will also serve to: provide accessible, attractive, secure, and well maintained parking (auto and bicycle) and off-street loading facilities; provide parking and loading facilities that are designed to reduce traffic congestion; minimize the impact of new development on parking and loading facilities on surrounding properties; ensure the maneuverability of emergency vehicles in parking facilities and provide for loading and delivery services in proportion to the needs generated by the proposed land use which are clearly compatible with adjacent parcels and the surrounding neighborhood.

17.45.2 General Requirements

- a. No building shall be constructed or use established unless off-street auto and bicycle parking and loading spaces are provided in accordance with the provisions of this chapter unless otherwise exempted by this chapter.
- b. When an existing use or building is enlarged and requires additional parking and loading under the provisions of this chapter, said improvements shall be provided on the subject site or the developer shall provide an in lieu parking fee consistent with the provisions in this chapter.
- c. For every ten auto parking spaces provided for commercial and industrial uses the project shall provide one bicycle parking space.

- c. For uses not listed in this chapter, the Planning Director shall determine a parking and loading standard for the use based on the operational, size and locational characteristics of the use and the standards that similar cities apply to said use.
- d. Fractional space requirements shall be rounded up when the fractional number is 0.5 or more and shall be rounded down when the fractional number is less than 0.5.
- e. In any residential district, all inoperable motor vehicles shall be stored in a garage, carport or outside of the front yard setback area.

17.45.3 Number of Parking Spaces Required

The minimum number of parking spaces (or stalls) required for new uses or buildings or the expansion of existing buildings or uses are detailed below, except that **the number of on-site parking spaces required for uses in the C-2 District may be reduced by up to 100% of the parking requirement for the particular use, as shown in Chapter 25-45 Parking and Loading, however where the reduction results in more than 25 spaces, the use shall require a Conditional Use Permit, consistent with Chapter 25-51 Conditional Use Permits.** parking requirements within the C-2 zone may be reduced by up to 50% consistent with the requirements of Section 25-23.8 (C-2 zone). The abbreviations used below are as follows: s.f. = square feet, gfa= gross floor area and nfa=net floor area.



- a. Residential uses
 - 1. Single family residence: two covered stalls per unit. "Covered" shall mean either a garage or carport.
 - 2. Second residential unit: one uncovered stall per unit
 - 3. Condominium unit
 - (a). One bedroom: one covered stall per unit
 - (b). Two or more bedrooms: two covered stalls per unit
 - 4. Specialized housing
 - (a). Emergency shelters: one stall for every ten beds
 - (b). Group care housing: two stalls for every two clients; tandem parking is permitted.

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- (c). Transitional housing: one stall per bedroom plus one stall per employee.
 - (d). Supportive housing: one stall per bedroom plus one stall per employee.
 - (e). Single Room Occupancy (SRO) units: one stall per bedroom plus one stall per employee.
 - (f). Labor camps: one stall per living unit
 - (g). Nursing homes: one stall for every three beds
 - (h). Family and group day care homes: one stall for every three beds
- 5. Multiple family units: 1.5 stalls per units half of which shall be covered
 - 6. Senior housing: one covered stall per unit
 - 7. Mobile home parks: two covered stall per unit; tandem parking permitted, plus one guest space per two mobile homes.
 - 8. Trailer parks: one stall per trailer pad
 - 9. Motels and hotels: one stall per room.
 - 10. Convalescent home: one stall per three beds



a. Office Uses

- 1. Medical and dental offices: one stall per 250 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
- 2. Professional offices, including insurance, specialized consultants, law, travel, real estate, accountants, financial advisors and architects: one stall per 250 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.



c. Personal Services

- 1. Banks, savings and loan, check cashing, credit unions, and similar offices: one stall per 200 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.

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2. Self-service laundry: one stall for every three machines, plus one bicycle space per ten vehicle spaces.
3. Barber/beauty shops, day spas, massage therapists and hair stylists: two stalls per station, plus one bicycle space per ten vehicle spaces.
4. Funeral home, mortuaries: one stall for every 50 sq. ft. of building area



d. General Commercial Uses.

1. Retail stores including clothing, shoes, stationary, sporting goods, kitchen wares, gift shops, book stores and beauty supplies: one stall per 350 sq.ft. of building area, plus one bicycle space per ten vehicle spaces.
2. Convenience stores: one stall per 200 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
3. Furniture, hardware and appliance stores: one stall per 600 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
4. Grocery stores: one stall per 300 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
5. Antique and second-hand shops: one stall per 350 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
6. Auto parts: one stall per 500 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.



e. Eating and Drinking Establishments

1. Coffee and tea establishments, candy shops and bakeries: one stall per 100 square feet of building area, plus one bicycle space per ten vehicle spaces.
2. Restaurants (other than fast food): one stall per four seats, plus one bicycle space per ten vehicle spaces.
3. Fast food establishments: one stall per 100 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
4. Donut shops: one stall per 100 square feet of building area, plus one bicycle space per ten vehicle spaces.

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5. Sandwich shops and delicatessens: one stall per 100 square feet of building area, plus one bicycle space per ten vehicle spaces.
6. Sports bars: One stall per three seats, plus one bicycle space per ten vehicle spaces.
7. Bars: one stall per three seats, plus one bicycle space per ten vehicle spaces.



f. Service Commercial Establishments

1. Tire, brake, radiator, and auto repair shops: one stall per 200 square feet of building area.
2. Multi-tenant auto-related shops: one stall per 200 square feet of building area.
3. Full-service car washes: one stall per 200 sq. ft. of building area
4. Self-service car washes: one parking stall per bay
5. New/Used-car sales: one parking space for each two employees during the time of maximum employment, plus one parking space for each two thousand (2,000) square feet of lot and building area used for the display or storage of automobiles.
6. Oil change shops: one stall per bay
7. Service stations: one stall per 300 sq. ft. of building area.
8. Auto glass, upholstery and stereo shops: one stall per 200 sq. ft. of building area
9. Paint and body shop: one stall per 200 square feet of building area.
10. Wholesale establishments: one stall per 600 sq. ft. of building area.



g. Recreation Uses

1. Health clubs: one stall per 100 sq. ft. of building area
2. Bowling alleys: one stall per 100 sq. ft. of building area.

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3. Dance and martial arts studios: one stall per 100 sq. ft. of building area
4. Golf courses: 1.5 stall per tee plus one stall for every four seats
6. Stadiums, arenas, and other outdoor facilities: one stall for every five seats
7. Video arcades: one stall per 100 sq. ft. of building area
8. Rodeo and equestrian facilities: one stall for every five seats
9. Miniature golf course: 1.5 stalls per tee

h. Miscellaneous Commercial

1. Retail nursery/garden shops: one stall for every 1,000 sq. ft. of outdoor display area, plus one bicycle space per ten vehicle spaces.
2. Agricultural Chemicals/Sales: one stall per 500 sq. ft. of building area
3. Agricultural Services, including topping, farming operations, trucking, farm maintenance, spraying, agricultural contractors, and contract farming: one stall per 500 sq. ft. of building area
4. Farm machinery, sales and service: one stall per 500 sq. ft. of building area



i. Industrial Uses

1. Manufacturing: one stall per 500 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
2. Fabrication: one stall per 500 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
3. Mini-storage: two stalls plus one stall for every 250 sq. ft. of building area
4. Warehousing: one stall per 1,000 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
5. Packing house: one stall per 750 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.



j. Institutional Uses.

1. Churches: one stall per four seats, plus one bicycle space per ten vehicle spaces.
2. Schools
 - (a) Nursery and pre-schools: one stall per classroom plus one stall for every 250 sq. ft. of nonclassroom building area, plus one bicycle space per four students.
 - (b) Elementary and middle schools: one stall per two classrooms plus one stall per staff member, plus one bicycle space per four students.
 - (c) High schools: three stalls for every two staff members, plus one bicycle space per four students.
 - (d) Colleges: one parking space for each employee plus ten parking spaces for each classroom, plus one bicycle space per four students.
3. Libraries, museums and art galleries: one stall per 500 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
4. Hospitals: one stall per bed, plus one bicycle space per ten vehicle spaces.



k. Government

1. Governmental centers: one stall per 400 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
2. Courthouses: one stall per 400 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
3. Public safety buildings: one stall per 400 sq. ft. of building area, plus one bicycle space per ten vehicle spaces.
4. Corporation, transportation and fuel yards: one stall per 500 sq. ft. of building area
5. Wastewater treatment facilities: one stall per 400 sq. ft. of building area

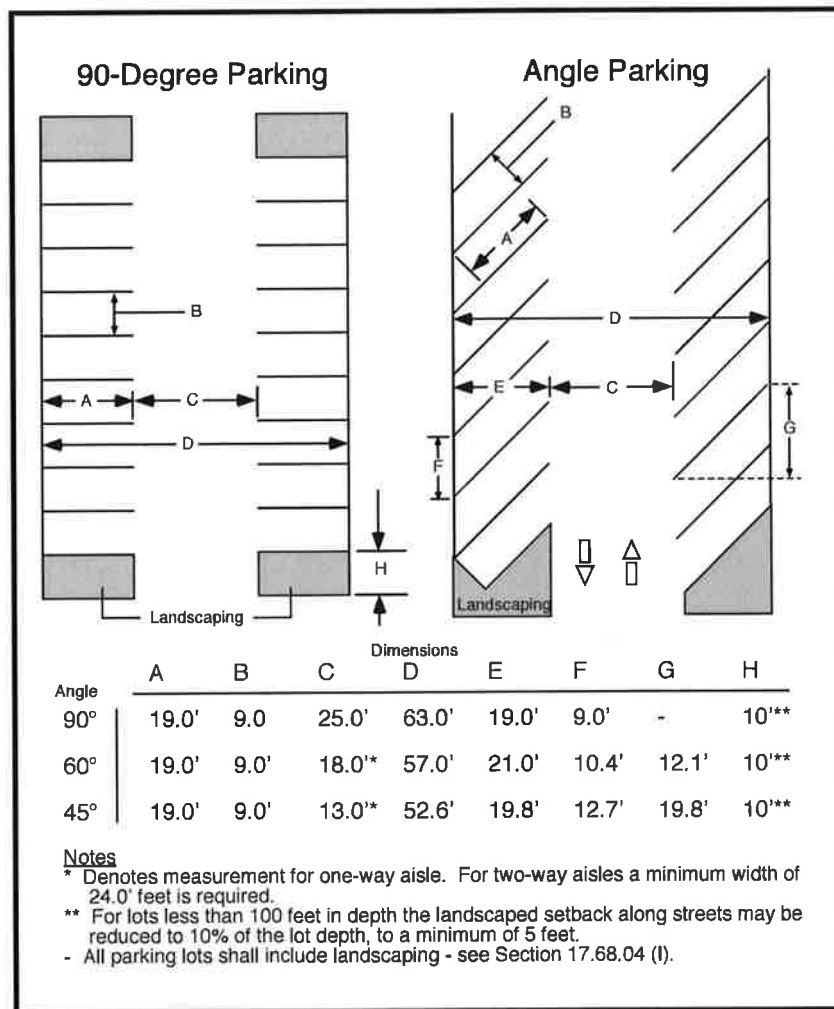
6. Water treatment facilities: one stall per 400 sq. ft. of building area

17.45.4 Parking Lot Design Standards and Location Criteria

a. Design Dimensions

Parking lots shall be designed to be consistent with the standards, dimensions and requirements of the details contained in Exhibit 45-1. The construction of parking lots shall be consistent with the improvements standards contained in Firebaugh's Improvements Manual.

Exhibit 45-1: Parking Design



b. Circulation

Parking lots shall be designed so that backing into a public street from a parking stall shall be minimized in order to maintain effective traffic flow along the public street. Single family dwellings will be exempt from this requirement. The use of alleys to access parking lots shall be encouraged.

Commercial parking lots shall be designed to allow for cross parcel access (to the extent practical) to preclude vehicles from having to travel onto the street to access adjacent parcels.

c. Paving, Slope and Drainage

All parking lots shall be constructed with a 4-inch aggregate base and a 2-inch asphalt or concrete overlay, described in the Firebaugh Improvements Manual. Parking lots shall be sloped so that storm water runoff flows towards public streets or alleys, into on-site landscape planters or bioswales or into pervious hardscape features.

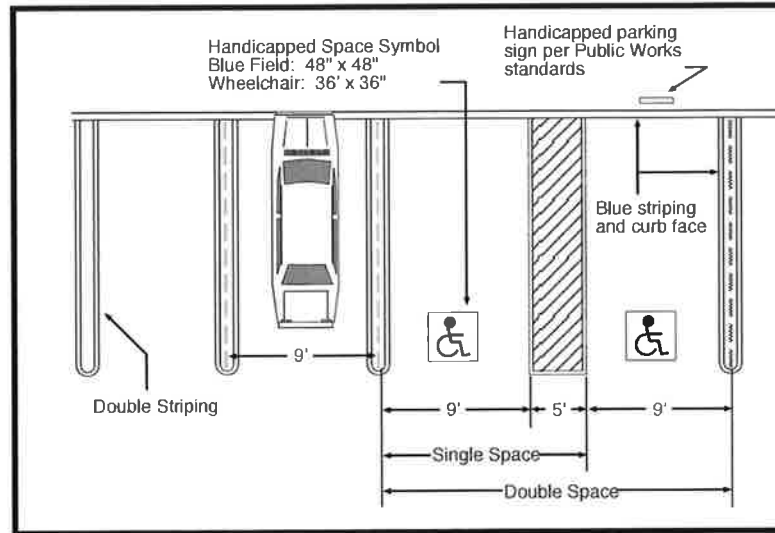
d. Curbing and Wheel Stops

Concrete curbing shall be provided around all parking lots and landscape planters consistent with the Firebaugh Improvements Manual. Wheel stops may be provided in parking stalls to ensure that the overhang of a vehicle does not interfere with pedestrian movements along a sidewalk, or damage landscaping adjacent to the parking lot.

e. Striping and Symbols

Parking lot stalls and travel lanes shall be clearly marked with painted strips. Parking stalls for handicapped persons shall be striped and provided with the appropriate symbols and signage that are consistent with the American Disabilities Act (see Exhibit 45-2).

Exhibit 45-2: Striping and Handicap Space Design Standards



f. Lighting

All parking lots shall have pole lighting that property illuminates the parking lot but does not cause a nuisance for adjoining properties.

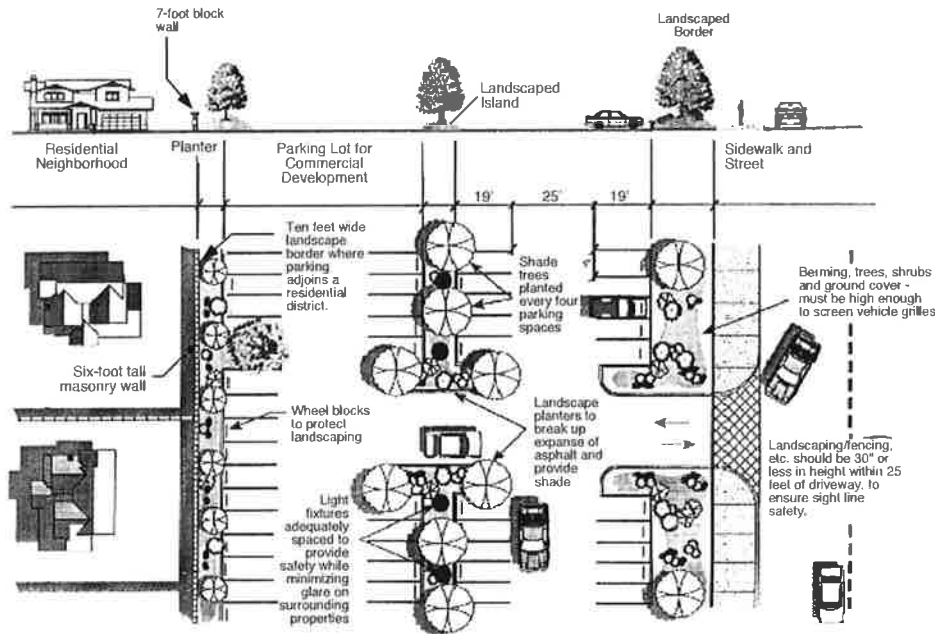
g. Driveways

Driveways from a public street or alley shall have locations and dimensions consistent with the Firebaugh Improvements Manual. For one-way driveways the width of the driveway shall be 15 feet; two-way driveways shall have a minimum width of 25 feet.

h. Landscaping (see also Exhibit 45-3)

All parking lots shall be landscaped in accordance with the requirements in Chapter 25-43 (Landscaping and Irrigation). Trees shall be planted within all parking lots. Tree species shall be selected that will not cause damage to the parking lot or adjacent sidewalks, driveways or curbing, and will shade more than 50 percent of the parking lot within ten years. Landscape planters between the parking lots and public streets shall be planted with low hedges. As an alternative, a low wall (three feet) may be constructed and shrubs, turf or ground cover may be planted between the wall and the street.

Exhibit 45-3: Typical Parking Lot Landscaping Scheme



i. Location Criteria

Parking lots shall be located on the same property as the building they serve, except that parking for buildings in the Central Commercial (C-2) district may be located within 300 feet of the subject property. In the C-2 district, parking lots shall be located at the rear or side of the subject building. Parking lots shall not be located on the corner where two streets intersect.

j. Shared Parking

Where two or more non-residential uses share a single parking lot, the number of required parking spaces may be reduced by a maximum of 20 percent, as long as the total number of spaces is not less than the required for the use requiring the largest number of spaces.

Where non-residential uses share a single parking lot and it can be demonstrated that the uses operate at different times of the day (an evening use versus a day-time use), the required number of parking spaces may be reduced by up to 50 percent of the combined parking requirements of the two uses.

k. Parking in Lieu Fee

For development in the downtown (generally defined as the area bounded by N Street on the west, Fourteenth Street on the south, Q Street on the east, and 8th Street on the north) the City shall establish an in-lieu parking fee, whereby uses that cannot provide required parking on site can pay the City a fee for the City to use to purchase and develop public parking facilities within the area. The fee shall be established based on a study performed by the City Engineer, and adjusted annually.

l. Bicycle Parking

Commercial, industrial and public uses are subject to the following bicycle parking standards:

1. Short-term bicycle parking. If the project will generate frequent visitor traffic (such as fast food restaurants, banks, convenience stores, supermarkets and similar uses) the project shall provide a permanently anchored bicycle rack within 200 feet of the visitors' entrance, at a ratio of one two-bike capacity rack for each 20 motorized vehicle parking spaces, with a minimum of one two-bike capacity rack.
2. Long-term bicycle parking. Buildings with over 10 tenant-occupants or a floor area of 20,000 square feet or more shall provide secure bicycle parking at a ratio of one two-bike capacity rack for each 20 motorized vehicle parking spaces with a minimum of one two-bike capacity rack.
3. Acceptable parking facilities shall be convenient from the street and may include:
 - (a) Bicycle parking space size (eight feet long, three feet wide)
 - (b) Bike rack type (should be U-lock compatible).
 - (c) Bicycle parking shall be safe, visible, and convenient.

m. Parking Standard Modifications

Parking space requirements may be modified through Firebaugh's minor deviation process. A reduction of up to 20 percent in a project's required parking spaces may be approved by the Planning Director if the following findings can be made:

1. That the granting of the minor deviation will not create a safety hazard or lead to a condition where the loading of public vehicles onto public streets will interfere with the free flow of traffic on these streets.

2. That the granting of the minor deviation will not create a safety hazard of any other condition inconsistent with the objectives of the Zoning Ordinance.

n. Handicapped Parking Spaces

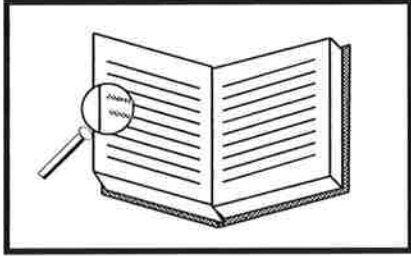
Handicapped parking stalls shall be provided per the Uniform Building Code. Handicapped parking stalls shall be designed consistent with the illustrations shown in Exhibit 45-2.

o. Loading Facilities

1. Commercial, industrial, office, institutional, and public uses exceeding 10,000 square feet in size shall be required to install an off-street loading facility unless the Planning Director finds that due to the operational nature of the use, none or more than one off-street loading space should be required.
2. To the extent possible, loading facilities should be located at the rear or side of the building that they are to serve.
3. Streets and alleys shall not be used as loading or unloading areas, nor shall trucks use streets and alleys for maneuvering trailers into a loading space.
4. Loading facilities, at a minimum, shall have a length of 25 feet, a width of 12 feet, and an overhead clearance of 14 feet. All loading surfaces shall be paved consistent with Firebaugh's Improvements Manual.
5. Where a loading facility is near or adjacent to a residential district or other noise-sensitive land uses, noise attenuating design measures will be incorporated into the project. These design measures could include increased setback distances, the construction of a 7-foot solid block wall, landscaping or locating the loading facilities away from noise-sensitive land uses.
6. All loading facilities shall be lighted to provide adequate illumination of the loading area for safety and security reasons. Where a loading area is near or adjacent to a residential district or other light-sensitive uses, the lighting shall be directed away from these uses.

CHAPTER 67

Definitions



Sections

25-67.1	Purpose
25-67.2	Objectives
25-67.3	Definitions

25-67.1 Purpose

Unless the text of this ordinance states otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words and phrases used in this ordinance shall be defined in Section 25-67.3 of this chapter.

25-67.2 Objectives

The objectives of this chapter are as follows:

- A. Provide coherent and consistent explanation of the terms used in the Ordinance.
- B. Avoid misinterpretation of the regulations, procedures, and standards as put forth in the Ordinance.
- C. Introduce a common vocabulary to facilitate communication regarding the Ordinance.

25-67.3 Definitions

“Abutting” shall mean two or more parcels sharing a common boundary of at least one point.

“Abandoned” shall mean to cease or suspend from developing or maintaining a building or use for a stated period of time.

“Access” shall mean safe, adequate, and usable ingress or egress to a property or use.

“Acre” shall mean a measure of land area containing 43,560 square feet.

“Accessory Structure” shall mean a structure containing no kitchen or bathroom and located upon the same lot or parcel as the principal use or structure to which it is an accessory. The structure is customary, incidental, and subordinate to the use of the principal building, or the principal use of the land. All accessory structures shall be constructed with, or subsequent to, the construction of the principal structure or activation of the principal use.

“Administrative Agreement” shall mean an agreement duly executed and legally binding between the City of Firebaugh, prepared and signed by the Planning Director, and the applicant for a minor planning request. The agreement will delineate the terms and conditions agreed upon by the two parties.

“Adjacent to” shall mean properties which are next to each other sharing a common property line.

“Adult Day Program” shall mean any community-based facility or program that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals on less than a 24-hour basis.

“Aggregate Area” means the total area of all permanent signs on the premises. This definition pertains to “Signs” (see Chapter 25-47).

“Agricultural Accessory Structures” means those uses and structures customarily incidental and subordinate to the agricultural use of the land, including: barns, storage sheds, corrals, pens, fences, windmills, watering and feed troughs; the storage and use of farm implements, irrigation, and crop-protection equipment; the storage and use of fuels for heating buildings and operating farm equipment or appliances; water and waste water treatment facilities and systems for private uses and structures which are determined by the Planning Director to be necessary, customary, and incidental to the agricultural use of the lot or parcel. Agricultural accessory uses shall not include construction equipment storage yards.

“Agricultural Operations” means the cultivation and tillage of soil, dairying, the production, irrigation frost protection, cultivation, growing, harvesting, and processing of any agricultural commodity, including timber, viticulture, agriculture, horticulture, the raising of livestock, fur-bearing animals, fish, or poultry, and any commercial practices incidental to, or in conjunction with, such agricultural operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

"Airport" shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

“Alley” shall mean a public way permanently reserved as a secondary means of vehicular access to abutting property.

“Alter” shall mean to make any change in the supporting or load bearing members of a building, such as bearing walls, columns, beams, girders or floor joists, which will prolong the life of the structure.

"Amendment" shall mean a change in the working, context, or substance of this chapter, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.

“Amusement Machine” shall mean any mechanical or electronic machine, apparatus, contrivance, appliance, or device which may be operated or played upon the placing or depositing therein of any coin, check, slug, ball, or any other article or device, or by paying therefore either in advance of or after use, involving in its use either skill or chance, including but not limited to a tape machine, card machine, pinball machine, bowling game machine shuffleboard machine, marble game machine, horse racing machine, basketball game machine, baseball game machine, football game machine, an electronic video game, or any other similar machine or device except for a billiard or pool table, music machine, or a merchandise vending machine.

“Ancillary Use” shall mean a use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

“Animal Hospital” shall mean a facility where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment; the ancillary use of the premises as a kennel or a place where animals or pets are boarded for remuneration.

“Annexation” shall mean the incorporation of a land area into an existing incorporated community with a resulting change in the boundaries of that community.

“Antenna” shall mean any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or receiving of electromagnetic radio frequency waves,

including antennas or towers used for transmitting or receiving television, radio, citizen's band or cellular phone communication. An antenna can be affixed to or supported by a roof or exterior wall of a building or other structure or an antenna can be ground mounted, which is supported by a platform, framework, pole, or other structural system that is affixed to or placed directly on or in the ground. **This definition also means associated equipment including, but not limited to cabling, generators, fans, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment buildings, pedestals, meters, vaults, splice boxes, and surface location markers.**

"Anti-Drain Valve (Check Valve)" shall mean a valve located under a sprinkler head to hold water in the system so it minimizes drainage from the low elevation sprinkler heads.

"Application Rate" shall mean the depth of water applied to a given area, usually measured in inches per hour.

"Arbors and Trellises" means ornamental landscape features designed to display and support landscape plantings. They typically consist of an open, lattice-work design constructed of wood, metal, or other lightweight material.

"Arcade" shall mean a place of business having four (4) more amusement machines.

"Area of Shallow Flooding" shall mean an area designated AO or VO AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one foot to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Assessor" shall mean the county assessor of the County of Fresno.

"Automatic Controller" shall mean a mechanical or solid timer, capable of operating valve stations to set the days and length of time of a water application for irrigation.

"Automated Teller Machine" (ATM) shall mean a computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

"Awning" shall mean a roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a door or window from the elements.

"Backflow Prevention Device" shall mean a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from an irrigation system.

“Banner” means any cloth, bunting, plastic, paper, or similar material attached to, or appended on or from any structure, staff, pole, line, or framing upon which there is an advertising message. This definition pertains to “Signs” (see Chapter 25-47).

“Bar/Tavern” shall mean a business where alcoholic beverages are sold for on-site consumption, which is not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery, and other beverage tasting facilities. Does not include adult entertainment businesses.

“Base Flood” shall mean a flood having a one percent chance of being equaled or exceeded in any given year (also called the “100-Year Flood”). Base flood is the term used throughout this ordinance.

“Basement” shall mean any area of the building having its floor subgraded - i.e., below ground level on all sides.

“Bed And Breakfast Inn” (B&B) shall mean a building or group of buildings providing fifteen or fewer bedrooms or suites that are rented for overnight lodging, with a common dining area for guests.

“Block” shall mean the properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land or water course.

"Breezeway" shall mean a roofed passageway, open on at least two (2) sides, where the roof is structurally integrated with the main building. A fence or wall not exceeding six (6) feet in height may be permitted on one side of said breezeway.

“Buildable Area” shall mean the area of a lot remaining after the minimum yard and open space requirements of the zone district have been met.

“Building” shall mean any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels or property of any kind.

“Building Face” shall mean the exterior surface of any building, regardless of frontage.

“Building Front” shall mean the wall of the business with the primary public entrance. This definition pertains to “Signs” (see Chapter 25-47).

"Building, height of" shall mean the vertical distance measured from the adjoining curb level to the highest point of the structure, exclusive of chimneys and ventilators; provided, however, that where buildings are set back from the street line, the height shall be measured from the average elevation of the finished grade at the front of the building.

“Building Permit” shall mean the written permission from the City of Firebaugh for the construction, repair, alteration, or addition to a structure.

“Bulletin Board” shall mean a permanently constructed sign containing a surface area that may have interchangeable letters, words, or numerals displaying the name of the institution, events conducted upon and/or services offered upon such premises.

"Caretakers residence" shall mean a single-family residence on the same property with, or on abutting property owned by the owner of, an open space, commercial or manufacturing use, which residence is occupied by one (1) or more persons charged with the care or protection of facilities used in such open space, commercial or manufacturing use, and which residence is provided to the occupant as compensation for such services and for which he does not pay money or other things of value other than his services.

"Carport" shall mean a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage. See also “Carport, Portable”.

“Carport, Portable” shall mean a portable attached or detached accessory structure used as a roof covering to protect vehicles or shelter goods and which may or may not be fixed to the ground and which is not designed or intended to be permanently affixed on a lot. Such accessory structures may be erected by the use of poles, ropes, stakes, or a combination of these items. Roof coverings may be constructed of various materials such as canvas, vinyl, metal sheeting or similar materials.

“Cellular” shall mean an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

"Cemetery" shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

“Church” shall mean a building, together with its accessory buildings and uses, where persons regularly assemble for worship and which building, together with its accessory buildings, and uses, is maintained and controlled by a religious body organized to sustain public worship.

"City" shall mean the City of Firebaugh.

"City manager" shall mean the city manager of the City of Firebaugh.

“Club, Lodge, Or Private Meeting Hall” shall mean a permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for business associations; civic, social

and fraternal organizations; labor unions and similar organizations; political organizations; professional membership organizations; and other membership organizations.

“Co-Location” shall mean the location of two or more wireless communication facilities on a single support structure. Co-location shall also include the location of wireless communication facilities with other facilities, including water tanks, light standards, and buildings.

“Combining Districts” (Overlay Districts) means zones or geographical areas in Firebaugh that may require special regulations or treatment due to unique features, resources or hazards. These districts may be combined with any district identified in this Ordinance.

“Commercial Accessory Structures” means uses and structures incidental and subordinate to the commercial use of the land including: equipment storage areas, trash storage areas and bins; vending machines; required loading and unloading facilities; outdoor tables, benches, umbrellas, fountains, ponds, statues, sculptures, paintings, and other works of art; radio and television antennas, private satellite dish antennas; the storage and use of fuels for fleet vehicles, heating buildings or for the operation of appliances or equipment used within a building; sales offices, showrooms and administrative offices; permitted signs; the storage and use of commercial fleet vehicles as part of the principal use; and other accessory uses and structures which are determined by the Planning and Building Director to be necessary, customary and incidental to the commercial use of the land.

“Commercial Recreation Facility – Outdoor” Means facilities for various outdoor recreational activities, where a fee is charged for use. Examples include: amusement and theme parks; fairgrounds; go-cart tracks; golf driving ranges; miniature golf courses; roller skating, hockey, skateboarding; and water slides. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc.

"Commission" and "planning commission" shall mean the planning commission of the City of Firebaugh.

“Communications Equipment Building” shall mean a building housing electrical and mechanical equipment necessary for the conduct of a public communication business with or without personnel.

“Communication Tower” shall mean any structure which is used to transmit or receive electromagnetic radio frequency waves or that supports such a device.

“Conditional Use” shall mean a use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and

standards for the location or operation of such use as specified in the Ordinance and authorized by the Planning Commission.

“Convalescent Hospital Or Nursing Home” shall mean any place, structure, or institution providing for skilled nursing and allied professional health care, or for chronic or convalescent care for one or more persons, exclusive of relatives, in which nursing, dietary or other personal services are rendered to convalescents, invalids, or aged persons, who, by reason of advanced age, chronic illness, or physical infirmity are unable to properly care for themselves, but not including persons suffering from contagious or mental diseases, alcoholism, or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals or sanitariums, is not provided.

“Convenience Store” shall mean a retail establishment with not more than four thousand five hundred square feet of gross floor area, offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, usually for off-site consumption.

“Copy” means any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof which relates to advertising, identification, or notification. This definition pertains to “Signs” (see Chapter 25-47).

"Council" and "city council" shall mean the city council of the City of Firebaugh.

"Corner cut-off" shall mean the provision for and maintenance of adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets, alleys, or private driveways.

"County" shall mean the County of Fresno.

"County recorder" shall mean the county recorder of the County of Fresno.

“COW” shall mean a “cell on wheels,” which is a wireless telecommunications facility temporarily rolled in or temporarily installed.

"Day" shall mean calendar day.

“Day Care” means facilities that provide nonmedical care and supervision of adults or minor children for periods of less than twenty-four hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services:

1. “Child day care center” means a commercial or nonprofit child day care facility designed and approved to accommodate fifteen or more children. Includes infant centers, preschools, sick-child centers, and school-age day

care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.

2. “Large family day care home” means as provided by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for seven to fourteen children, inclusive, including children under the age of ten years who reside in the home, for periods of less than twenty-four hours per day, while the parents or guardians are away.
3. “Small family day care home” means as provided by Health and Safety Code Section 1596.78, a home that provides family day care for eight or fewer children, including children under the age of ten years who reside in the home.
4. “Adult day care facility” means a day care facility providing care and supervision for adult clients.

“Dedication” shall mean the setting aside of land for a particular purpose, including roadway, park, or bikepath improvements; utility easements; or access routes for the public.

“Density” shall mean the number of families, individuals, dwelling units, or housing structures per unit of land.

“Density Bonus” shall mean an increase in units of up to 35 percent over the otherwise maximum allowable residential density under the Ordinance or Firebaugh’s Land Use Element of the General Plan (see Government Code Section 65915).

“Developer Incentives” means:

1. Reduce or eliminate standards contained in the Subdivision Ordinance or the City of Firebaugh Standards and Specifications Manual
2. Reduce or eliminate Ordinance requirements, including open space, lot size, setback, or parking standards.
3. Reduce or eliminate any design requirements exceeding Uniform Building Code specifications.

“Development” shall mean any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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“Development Agreement” shall mean a contract duly executed and legally binding between the City of Firebaugh and a developer that delineates the terms and conditions agreed upon by the two parties.

“Disabled Person” means a person who has a medical, physical, or mental condition that limits a major life activity, as those terms are defined in California Government Code section 12926, anyone who is regarded as having such a condition or anyone who has a record of having such a condition. It includes a person or persons, or an authorized representative of a disabled person. The term disabled person does not include a person who is currently using illegal substances, unless he or she has a separate disability.

“Disability” shall mean an individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.

"Drive-in restaurant" shall mean any building or structure in which food and drink are prepared for service to customers within such structure or occupying vehicles outside of such structures and including self-service restaurants for take-out food.

“Drive-Through Facility” shall mean a commercial facility where vehicles line up for service at definite spots and where customers are served from a window or similar feature without leaving their vehicles.

"Driveway" shall mean any vehicular access to an off-street parking or loading facility.

“Duplex” shall mean a structure on a single lot containing two dwelling units, each of which is totally separated from the other by a common wall that extends from ground to roof.

“Dwelling” shall mean a structure or portion thereof designed for or occupied for residential purposes whether for one family, several families, roomers or boarders, but for purposes of this definition specifically not to include automobile trailers, hotels, motels, labor camps, tents, railroad cars, converted, transit vehicles, mobile homes or any type of temporary structure.

“Dwelling, Multiple-Family” shall mean a structure containing more than one dwelling unit, designed for occupancy or occupied by more than one family.

“Dwelling, Single-Family” shall mean a building containing one dwelling unit.

“Dwelling unit, second” shall mean an attached or detached residential dwelling unit, which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation and shall be located on the same lot as the existing single family dwelling is situated. Second dwelling units shall be consistent with the requirements of subsection 25-41 of this title.

"Easement" shall mean a space on a lot or parcel of land reserved for or used for public uses.

"Electric Distribution Substation" shall mean an assembly of equipment which is part of a system for the distribution of electric power where electric energy is received at a subtransmission voltage and transformed to a lower voltage for distribution for general consumer use.

"Electric Transmission Substation" shall mean an assembly of equipment which is part of a system for the transmission of electric power where electric energy is received at very high voltage from its source of generation by means of a network of high voltage lines, and where, by a means of transformers, said high voltage is transformed to a lower subtransmission voltage for purposes of supplying electric power to large individual consumers, interchange connections with other power producing agencies or electric distribution substations for transformation to still lower voltages for distribution to smaller individual users.

"Emergency Housing" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Employee" means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage or other compensation by the operation of said business. This definition pertains to "Sexually Oriented Businesses" (see Zoning Ordinance Section 25-41.11).

"Employee housing" shall mean housing as described, defined, and regulated by the Employee Housing Act, Sections 17000 et seq. of the California Health and Safety Code. Employee housing for up to six unrelated persons per dwelling is permitted in the R-1 (Single Family Residential) zone, and in the RM (Multiple Family Residential) zones, subject to density standards of the particular zone. In the UR (Urban Reserve) zone, employee housing is permitted for up to twelve (12) units or thirty-six (36) beds. Employee housing is permitted subject to the issuance of a permit by the State of California Department of Housing and Community Development as provided in California Health and Safety Code Sections 17021.5 and 17030. The permit shall be prominently displayed in the housing unit and shall be provided to any peace officer, City inspector or State inspector, upon demand.

"Essential service" shall mean the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supplying, or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not

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including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

"Establishment" means and includes any of the following: (this definition pertains to "Sexually Oriented Businesses" (see Zoning Ordinance Section 25-41.11):

- (a) The opening or commencement of any such business as a new business;
- (b) The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this chapter;
- (c) The addition of a any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business; or
- (d) The relocation of any such sexually oriented business; or
- (e) The substantial enlargement of any such sexually oriented business.

"Exceptional Structure" shall mean any structure or building having pre-eminent historical/cultural, architectural, archaeological, or aesthetic significance. Exceptional structures should be considered for nomination to the National Register of Historic Places.

"Extremely Low Income Household" means those units targeted for this category of household that shall be affordable at a rent that does not exceed 30 percent of 60 percent of the Fresno County median income.

"Façade" shall mean the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

"Fair Housing Laws" means (1) the federal Fair Housing Act (42 U.S.C. section 3601 and following) and (2) the California Fair Employment and Housing Act (Government Code section 12955 and following), including amendments to them.

"Family" means one person or two or more individuals living together sharing household responsibilities and activities, which may include, sharing expenses, chores, eating evening meals together and participating in recreational activities and having close social, economic and psychological commitments to each other.

"Farm Employee Housing" (Labor Camp): Means living quarters, including dwellings, sleeping accommodations and dining facilities, maintained for occupancy by persons employed principally in farming and related pursuits on land owned, leased or rented by the owner, lessee or tenant of the site on which the farm employee housing is located; excepting a labor camp and trailer park.

"Farming" see Agricultural Operations

"Federal" shall mean the Government of the United States of America.

"Fence" shall mean any structural device forming a physical barrier which is so constructed that not less than fifty (50) percent of the vertical surface is open to permit the transmission of light, air, and vision through said surface in a horizontal plane. (For board or other solid barriers, see "Wall.").

"Flooding" shall mean a general and temporary condition or partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Boundary And Floodway Map" shall mean the official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administrative has delineated both the areas of special flood hazards and the floodway.

"Flood Hazard Boundary Map" shall mean the official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administrative has delineated the areas of flood hazards.

"Flood Insurance Rates Map" shall mean the official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administrative has delineated both the areas of special flood hazards and the risk of premium zones applicable to the community.

"Floodplain" or "Flood-Prone Area" shall mean any land area susceptible to being inundated by water from any source.

"Floodway" shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor Area, Gross" shall mean a sum of the gross horizontal areas, in square feet, of the floors of a building, including interior balconies and mezzanines, but not including the horizontal area occupied by any wall, inner court or shaft enclosure.

"Focus Structure" shall mean any structure or building having significant historical/cultural, architectural, archaeological, or aesthetic significance. Focus structures are of good to excellent quality and should be considered for local recognition and protection to encourage wide management of this resource.

"Foster Family Home" shall mean any residential facility providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster

parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian.

“Garage, Private” shall mean an accessory structure or a portion of a main structure used only for the storage of self-propelled passenger vehicles or trailers by families residing upon the premises.

“Garage, Repair” shall mean a commercial structure or part thereof other than a private garage where motor vehicles are repaired or painted.

“Garage, Storage” shall mean a structure or part thereof used for the storage, parking or servicing of motor vehicles, but not for the repair thereof.

"Garbage" shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.

"Grade" shall mean the gradient, the rate of incline or decline expressed as a percent. For example, a rise of twenty five (25) feet in a horizontal distance of one hundred (100) feet would be expressed as a grade of twenty five (25) percent. (See also "Slope")

“Grading” shall mean any stripping, cutting, filling or stockpiling of soil.

“Guest House” means living quarters within an accessory structure for use by temporary guests of the occupants of the premises, having no kitchen or cooking facilities and not rented or otherwise used as a separate dwelling.

"Hedge" shall mean a plant or series of plants, shrubs, or other landscaped material, so arranged as to form a physical barrier or enclosure.

“Height of Sign” means the vertical distance from the uppermost point used in measuring the area of a sign to ground level of the foundation of the sign.

“Historic Preservation” shall mean the protection, rehabilitation, and restoration of districts, sites, structures, buildings and artifacts significant in American history, architecture, archaeology or culture.

“Historical Structure” shall mean any structure or building having pre-eminent historical/cultural, architectural, archaeological, or aesthetic significance.

“Home Occupation” shall mean any use conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part; which creates no additional vehicular or pedestrian traffic, requires no additional parking space, generates

no noises audible beyond the site, causes no radio or television interference; where no persons are employed other than domestic help, and no mechanical equipment is used other than that necessary for domestic purposes; no materials, equipment and/or supplies are stored outdoors other than such storage normally associated with the residential use of the property. For purposes of this definition, the storage of a vehicle of not more than one (1) ton capacity shall be deemed as normally associated with residential use the property.

“Homemade foods business” shall mean a business conducted out of a residence where the occupants of the dwelling prepare and package certain types of food, operated in compliance with California Homemade Foods Act (as codified in Government Code section 51035), and the following City standards:

- (a) There shall be no employment of help outside the residents of the dwelling, except for one full time employee.
- (b) All food preparation in conjunction with a homemade food business must take place in the residence’s existing kitchen.
- (c) Prior to granting of a city business license the applicant shall obtain a permit from the Fresno County Environmental Health Department. The City business license shall not be effective until that permit or approval is obtained, and shall automatically expire if the other required permit or approval expires, is disapproved or is revoked.
- (d) A copy of the Fresno County Environmental Health Department permit to operate shall be provided to the city planning department within ten working days of the issuance of that permit or approval.

“Homeless Shelter” shall mean a church, public building, or quasi-public facility that provides emergency or temporary shelter to homeless individuals and/or groups. These accommodations may include temporary lodging, meals, laundry facilities, bathing, counseling, and other basic support services. Also referred to as emergency housing.

"Hospital" shall mean any building or portion thereof used for the accommodation and medical care of sick, injured, or infirm persons and including sanitariums, alcoholic sanitariums, institutions for the cure of chronic drug addicts and mental patients.

“Hotel” shall mean a structure or portion thereof in which there are individual guest rooms or suites, usually occupied on a transient basis, where lodging with or without meals is provided for compensation.

"Household pets" 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 shall not include horses, cows, goats, sheep, 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 lawfully maintained residences in other districts. The keeping of any animal not herein described as a household pet shall not be deemed an accessory residential use.

“Housing Development” means one or more groups of residential projects that each has more than five units.

“Immediate Family” Immediate family shall include spouse, parent or step-parent, brother or step-brother or half-brother, sister or step-sister or half-sister, child or step-child, or grandparents.

“Industrial Accessory Structures” means those uses and structures incidental and subordinate to the industrial use of the land including: loading and unloading facilities and equipment, parking areas and shipping terminals; water and waste water treatment facilities and systems; incidental services swishes cafeterias; storage facilities and garages, sales office, showrooms, and administrative offices; radio and television antennas, private satellite dish antennas; the storage and use of fuels for fleet vehicles, heating buildings or for the operation of appliances or equipment used within a building; the storage of fully operative fleet vehicles, heavy equipment or trucks as part of the principal use; permitted signs; and other accessory uses and structures which are determined by the Planning and Building Director to be necessary, customary and incidental to the industrial use of the land.

“Infrastructure” means facilities and services needed to sustain urban development and activities. Infrastructure includes water and sewer lines, streets and roads, communications, storm drainage improvements, water wells and waste water treatment facilities.

“Institution” shall mean all governmental, religious, and charitable organizations.

“Junk Yard” shall mean a site or portion of a site which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards and the like; excepting a site where such uses are conducted with a completely enclosed structure and excepting a motor vehicle wrecking yard as defined in this section. An establishment for the sale, purchase or storage of used cars or salvaged machinery in operable condition and the processing of used or salvage materials as part of a manufacturing operation shall not be deemed a junk yard.

“Labor Camp” means living quarters including dwellings, tents, bunkhouses, maintenance of way cars, trailer coaches or other housing accommodations, maintained

in connection with any work or place where work is being performed and the site on which they are located, and/or a site set aside and provided for camping of five (5) or more employees by a labor contractor; excepting farm employee housing as defined in this chapter Section.

“Landscaping” shall mean the addition of lawns, trees, plants, and other natural and decorative features to land.

“Loading space” shall mean an off-street space or berth on the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley or other appropriate means of ingress and egress.

“Lodge Or Club” means an association of persons, whether incorporated or unincorporated, for some common purpose, but not including groups organized to render a service carried on as a business.

“Lot, Corner” (see Exhibit 67-1 for illustration of lot types) shall mean a site bounded by two (2) or more adjacent street lines which have an angle of intersection of not more than one hundred thirty five degrees (135°).

“Lot, Coverage” shall mean the portion of the lot covered by buildings and structures.

“Lot, Interior” (see Exhibit 67-1 for illustration of lot types) shall mean a lot other than a corner lot.

“Lot, Through” (see Exhibit 67-1 for illustration of lot types) shall mean a lot that fronts onto two parallel streets.

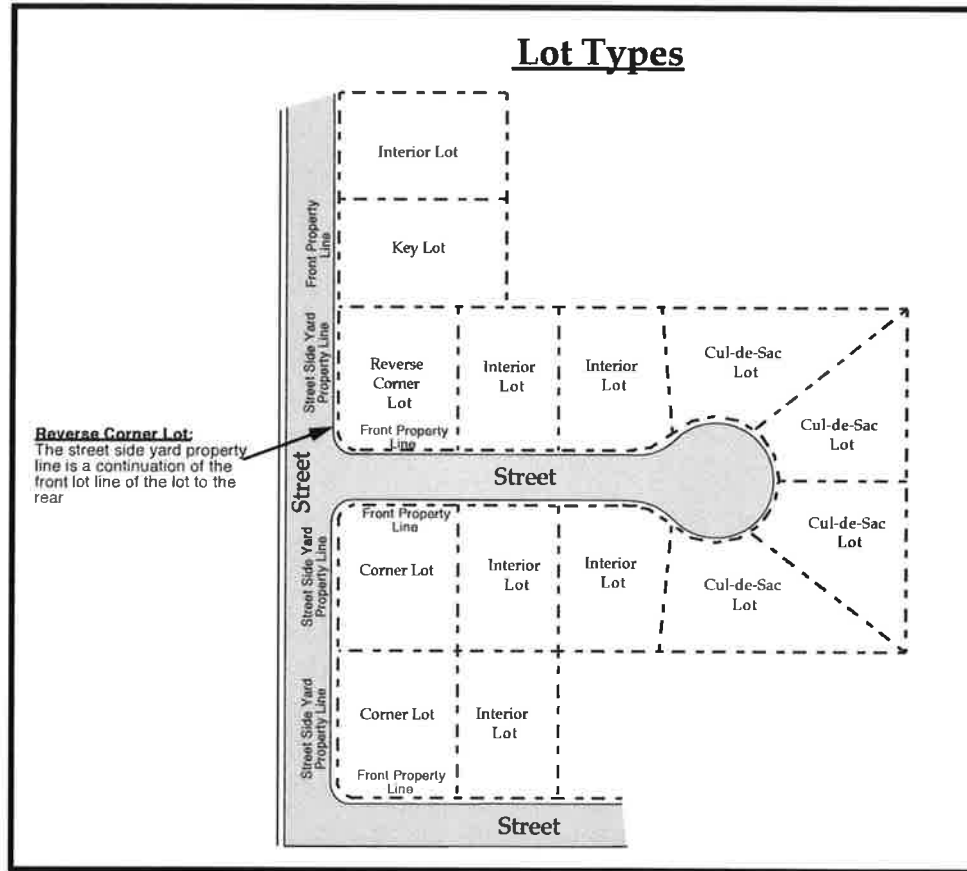
“Lot, Key” (see Exhibit 67-1 for illustration of lot types) shall mean the first lot to the rear of a reversed corner lot whether or not separated by an alley.

“Lot, Flag” shall mean a lot that typically does not front onto a public street but whose access to a public street is provided by a narrow strip of land upon which an easement for vehicular movement is provided.

“Lot, Reversed Corner” (see Exhibit 67-1 for illustration of lot types) shall mean a corner lot whose side street line is substantially a continuation of the front lot line of the first lot to its rear.

“Lot Line, Front” shall mean the property line dividing a lot from a street. On a corner lot the shorter street frontage shall be considered the front lot line.

Exhibit 67-1: Typical Lot Types



“Lot Line, Rear” shall mean the property line opposite the front lot line.

“Lot Line, Side” shall mean any lot lines other than front lot lines or rear lot lines.

“Manufacturing” shall mean a process that involves and/or produces basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause impacts on surrounding land uses or the community. Also manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the 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.

“Massage Establishments” means any establishments wherein massage is given engaged in or carried on or permitted to be given, where the body is rubbed or there is any manipulation of the body or similar procedure given.

“Mean Sea Level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“Median Island” shall mean a barrier placed between lanes of traffic flowing in opposite directions.

“Medical Buildings” means clinics or offices for doctors, dentists, oculists, chiropractors, osteopaths, chiropodists, or similar practitioners of the healing arts; including accessory laboratories and a prescription pharmacy but not including offices for veterinarians.

“Medical Marijuana Dispensary” means any facility or location, whether fixed or mobile, where medical marijuana is made available to, distributed by, or distributed to one or more of the following: (1) a qualified patient, (2) a person with an identification card, or (3) a primary caregiver. All three of these terms are defined in strict accordance with California Health and Safety Code sections 11362.5, and 11362.7, et seq. Unless otherwise regulated by this Code or applicable law, a “medical marijuana dispensary” shall not include the following uses: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code sections 11362.5 and 11362.7 et seq.” Medical Marijuana Dispensaries are prohibited in all zones in Firebaugh.

“Mile” shall mean a linear measurement equal to 5,280 feet, or 1.6 kilometers.

“Minor Deviation” shall mean a reduction of a zoning standard by up to 20% that can be processed administratively.

“Minor Planning Request” shall mean the temporary use of a structure or land, a deviation from a development standard of a district, addition of uses to a conditional use list, site plans for existing land uses, where the existing building is being expanded by less than 25 percent of the area of the building or use, or other minor planning requests that might be added to this chapter by the Planning Commission.

“Mixed Use Project” shall mean a project that combines both commercial and residential uses, where the residential component is typically located above or behind the commercial.

“Mobile Home” shall mean a structure, transportable in one or more sections that is built on a permanent chassis and is designed to be used as a single family dwelling unit with or without a foundation. Mobilehome does not include a recreational vehicle, travel trailer, commercial coach, or factory-built home.

“Mobilehome Park” shall mean a, area or parcel of land where three or more mobilehomes or mobilehome sites are rented or leased or held out for rent or lease for human habitation. Mobilehome parks may contain accessory facilities: including recreation facilities; meeting rooms; parking lots for boats, recreational vehicles, and other vehicles; administrative offices and other accessory structures associated with mobilehome parks.

“Monopole” shall mean a structure composed of a pole or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole (e.g. water tower).

“Motel” shall mean a structure or portion thereof or a group of attached or detached structures containing individual guest rooms, suites or dwelling units, usually occupied on a transient basis and usually with garage attached or parking space located in proximity to each unit, where lodging is provided for compensation.

“Motor Vehicle Wrecking Yard” shall mean a site or portion of a site on which the dismantling or wrecking of vehicles, whether self-propelled or not, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts is conducted. The presence on a site of two (2) or more motor vehicles which have not been capable of operating under their own power for thirty days or more or, in the case of vehicles not self-propelled, which have not been towable or from which parts have been removed for reuse or sale, shall constitute prima facie evidence of a motor vehicle wrecking yard.

“Mural” shall mean a permanent picture painted directly on an exterior wall or on panels affixed to exterior walls.

“Mural Project Permit” shall mean a permit issued by the City of Firebaugh to a private party authorizing the painting of a mural within the City of Firebaugh.

“Neighborhood” shall mean an area of a community with characteristics that distinguish it from other community areas and which may include distinct ethnic or economic characteristics, schools or boundaries defined by physical barriers such as major highways, railroads, or natural features such as rivers.

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“Noise” means any undesired audible sound.

“Non-Conforming, Use” shall mean a non-conforming use is a use of a structure or land that was lawfully established and maintained prior to the adoption of the Firebaugh Zoning Ordinance but which, does not conform with the current use regulations for the district in which it is located.

“Non-Conforming, Structure” shall mean a non-conforming structure is a structure that was lawfully erected prior to the adoption of the Firebaugh Zoning Ordinance (Ordinance 246, 1965) but which does not conform with the standards of coverage, setbacks, height or distance between structures prescribed in the regulations for the district in which the structure is located.

"Nudity or State of Nudity" means: (a) the appearance or display of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (b) a state of dress which fails to opaquely and fully cover a human buttock, anus, male or female genitals, pubic region or areola or nipple of the female breast.

“Nuisance” shall mean an interference with the enjoyment and use of property.

“Nursery School” shall mean the use of a site or portion of a site for an organized program devoted to the education or day care of five (5) or more pre-elementary school age children other than those residing of the site.

“Nursing Home” shall mean a structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescent, invalids, or aged persons not including persons suffering from contagious or mental diseases, alcoholism or drug addiction and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home or a rest home shall be deemed a nursing home.

“Occupancy Frontage” means a single lineal dimension measured horizontally along the front of a building which defines the limits of a particular occupancy at that location and which has direct pedestrian access through an exterior wall which is visible from the public right of way. This definition pertains to “Signs” (see Chapter 25-47).

“Off-premises signs and billboards” means any sign not located on the same lot or project site as the use, product, or service it advertises.

“Open air use,” means a use (such as vehicle sales) where merchandise or products are displayed or dispensed in the usual course of business from an open lot and not within an enclosed structure. This definition pertains to “Signs” (see Chapter 25-47).

“Open Space” means any parcel or area of land or water essentially unimproved and set aside, dedicated, designed or reserved for public or private use or enjoyment, or for the

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use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

"Operator" means and includes the owner, permit holder, custodian manager, operator or person in charge of any permitted or licensed premises. This definition pertains to "Sexually Oriented Businesses" (see Zoning Ordinance Section 25-41.11).

"Outdoor Advertising Structure" shall mean a structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, located on a site other than the site on which the advertised use is located or on which the advertised product is produced.

"Overlay Zone" shall mean a zone applied in combination with other zone districts in order to impose additional restrictions or to allow greater variety than is possible with the underlying zone.

"Parcel Map" shall mean the division of a lot, tract or parcel of land into four or fewer lots or parcels of land for sale, lease or financing. Commercial and industrial parcel maps may contain more than four lots.

"Pedestrian access" means a doorway which has been designed for the primary use of the patrons or customers of that commercial use.

"Pennant" means series of lightweight plastic, fabric, or other materials, suspended from a rope, wire, or string designed to move in the wind. Pennants shall not include banners as defined in this chapter or individual flags mounted on a single pole.

"Permitted Use" shall mean any use or activity allowed in a zoning district and subject to the development standards applicable to that zoning district.

"Permitted or "Unlicensed Premises" means any premises that requires a license and/or permit that is classified as a sexually oriented business.

"Permittee and/or Licensee" means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

"Person" shall mean any individual, firm, co-partnership, corporation, company, association, joint stock association, city, county, or district, and includes any trustee, receiver, assignee, or other similar representative thereof. This definition pertains to "Sexually Oriented Businesses" (see Zoning Ordinance Section 25-41.11).

"Pitch" (or peak) shall mean the highest point as in the highest point of a roof.

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"Planned unit development" shall mean a residential, commercial, or industrial development which is designed and built as a planned unit pursuant to the provisions of the "P", Planned Unit District, Chapter 25-39.

"Plat" shall mean a map representing a tract of land, showing the boundaries and location of individual properties and streets; a map of a subdivision or site plan.

"Porch" shall mean a roofed open area, which may be glazed.

"Pre-Zoning" means to delineate the zoning of an unincorporated territory prior to annexation by the City.

"Projecting Sign" shall mean a sign that projects from and is supported by a wall or a façade of a building and are also referred to as marquee signs.

"Public Building Regularly Frequented By Children" means any building owned, leased or held by the United States, the state, the county, the city, any special district, school district, or any other agency or political subdivision of the state or the United States, which building is used as a library, community center, children's center, or any other use having special attraction to children, or which building is often visited by children for social activities unaccompanied by their parents or other adult custodian This definition pertains to "Sexually Oriented Businesses" (see Zoning Ordinance Section 25-41.11).

"Public Park" or "Recreation Area" means public land which has been designated for park or recreational activities including, but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, open space wilderness areas, or similar public land within the city which is under the control, operation, or management of the city park and recreation authorities. This definition pertains to "Sexually Oriented Businesses" (see Zoning Ordinance Section 25-41.11).

"Public Hearing" shall mean a meeting announced and advertised in advance and open to the public, with the public given an opportunity to testify and participate.

"Railroad Right-Of-Way" shall mean a strip of land for the accommodation of main line or branch line railroad tracks, switching equipment and signals, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, section gang and other employee housing, yards or other uses are located.

"Rain Sensing Device" shall mean a system which automatically shuts off an irrigation system during periods of rain.

"Reader board" means a sign indicating the name, address and type of business of the businesses within a building.

“Reasonable Accommodation” means providing disabled persons flexibility in the application of land use and zoning regulations and procedures, or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. It may include such things as yard area modifications for ramps, handrails or other such accessibility improvements; hardscape additions, such as widened driveways, parking area or walkways; building additions for accessibility; tree removal; or reduced off-street parking where the disability clearly limits the number of people operating vehicles. Reasonable accommodation does not include an accommodation which would (1) impose an undue financial or administrative burden on the City or (2) require a fundamental alteration in the nature of the City’s land use and zoning program.

“Record Drawings” means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

“Recreational Area” means an active play area, including sport fields, school yards, picnic grounds or other areas where sport, outdoor or recreational activities take place.

“Recreational Vehicle” shall mean a motor home, travel trailer, truck camper or camping trailer, with or without motor power, designed for human habitation for recreational purposes with a living area less than 220 square feet.

“Recyclable Material” means reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with Section 25250.11 and 25143.2(b) (4) of the California Health and Safety Code.

“Recycling Collection Facility” shall mean a center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public. Such facility shall not complete any processing except limited bailing, batching and the sorting of recyclable material and shall be classified as either a “small collection” or “large collection” facility.

“Recycling Facility” shall mean a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities are either collection facilities or processing facilities.

“Recycling Large Collection Facility” shall mean a collection facility which occupies an area of more than 200 square feet and may include a mobile unit, bulk reverse vending

machine or a grouping of reverse vending machines, a kiosk type unit which may include a permanent structure, or an unattended container placed for the donation of recyclable materials.

“Recycling Processing Facility” shall mean a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user’s specifications, by such means as baling, briquetting, impacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.

“Recycling Small Collection Facility” shall mean a collection facility which occupies an area of not more than 200 square feet, and may include a mobile unit, bulk reverse vending machine or a grouping of reverse vending machines, a kiosk type unit which may include a permanent structure, or an unattended container placed for the donation of recyclable materials.

"Religious Institution" means any church, synagogue, mosque, temple or building which is primarily for religious worship and related religious activities, as identified on the latest equalized tax roll. This definition pertains to “Sexually Oriented Businesses” (see Zoning Ordinance Section 25-41.11).

“Residential Facility” means any family home, group care facility, or similar facility determined by the director, for 24-hour non medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

"Restaurant" shall mean any building or structure in which food and drinks are prepared for service to customers within such structure.

“Rest Home” shall mean a residential facility for six or more elderly or infirm persons, all of whom are independently mobile and do not require confinement or regular nursing or medical care on the premises. Rest home differs from a “convalescent hospital” in that it is expected to provide comfort, safety, social participation, and the maintenance of health and activity, but does not provide skilled nursing care for the ill.

"Retail store" shall mean a business selling goods, wares, or merchandise directly to the ultimate consumer.

“Rezone” means to change the zoning classification on a parcel of land from one zone district to another.

“Revocation” means to rescind a planning decision made by the Planning Director, Planning Commission or City Council, based on findings that supported non-compliance of certain conditions of approval.

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"Right-Of-Way" shall mean a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

"Roof line" shall mean the highest point of a parapet wall or the main roof structure or a highest point of a parapet wall other than such architectural features as cupolas, pylons, projections or minor raised portions of the roof.

"Room" shall mean an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

"Satellite Dish Antenna" shall mean a satellite earth station consisting of a receiving component of a disc or similar configuration whose purpose is to receive television signals from orbiting satellites or other sources and a low-noise amplifier whose purpose is to magnify television signals.

"School" means any public or private educational facility including, but not limited to nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

"Secondhand store" shall mean a retail business which sells used merchandise.

"Second Residential Unit" shall mean a second residential unit, or granny flat is either a detached or attached dwelling unit that which provides complete, independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary residence.

"Semi-Nude" shall mean a state of dress in which clothing covers no more than the genitals, pubic region and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

"Sensitive land uses" means residences and residential neighborhoods, child day care facilities, cemeteries, religious institutions, schools, boys' clubs, girls' clubs, or similar existing youth organizations, or public parks, or any public building regularly frequented by children. This definition pertains to "Sexually Oriented Businesses" (see Zoning Ordinance Section 25-41.11).

"Service Station" shall mean a facility which supplies gasoline and diesel fuel to motor vehicles, and including grease racks or elevators, wash racks or pits, tire repairs, battery servicing and repairing, ignition service, sales of motor vehicle accessories and other customary services for automobiles, but excluding painting and body work.

“Senior Household” means those units that have at least one person occupying the residential unit that is at least 55 years of age or older.

“Setback Line” means that line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

“Setback”: See “Yard, Front”, “Yard, Rear”, or “Yard, Side”.

"Sexually oriented businesses" means those businesses defined as follows:

- (a) "Adult arcade" means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly available or used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (b) "Adult Bookstore", "Adult Novelty Store" or "Adult Video Store" means a commercial establishment which (1) has as a significant or substantial portion of its stock-in-trade or (2) derives a significant or substantial portion of its revenues or (3) devotes a significant or substantial portion of its interior floor or display space or (4) devotes a significant or substantial portion of its business activities or employees' time, or advertising, to the sale, rental or viewing for any for any form of consideration, of any one or more of the following:
 - (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
 - (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."
 - (3) An establishment may have other significant or substantial business purposes that do not involve the offering for sale, rental or viewing of materials, depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its significant or substantial business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified anatomical areas" or "specified sexual activities."

- (c) "Adult cabaret" means a nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude or in a state of nudity or semi-nude; (b) live performances which are characterized by the exposure of "specified anatomical areas", or by "specified sexual activities", or (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (d) "Adult motel" means a motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, and which regularly provides or makes available to patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows a tenant or occupant to rent or sub-rent the sleeping room for a time period of less than ten (10) hours.
- (e) "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions depicting or describing "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.
- (f) "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment which, for any form or consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities."
- (g) "Nude Model Studio" means any place where a person, who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This term does not include a modeling class operated by a proprietary school, licensed by the State of California; a college, junior college, or university supported entirely or partly by taxation; by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing, where in order to participate in a

class a student must enroll at least three (3) days in advance of the class, and where no more than one nude model is on the premises at any one time.

- (h) "Regularly Features or Regularly Shown" with respect to an adult cabaret, adult theater, or adult motion picture theater means at least three (3) times within any thirty (30) day period; or carried on as part of the business's routine scheduling of events or activities and not so infrequently as to constitute a single, rare or unusual event or occurrence.
- (i) "Significant or Substantial Portion" means such a percentage of its activities, space allocation, revenues, advertising targeting, stock in trade, floor or display space, business receipts, revenues, or other business undertakings as to indicate to a reasonable person that a sexually oriented portion of the business is one of its important activities, though not necessarily its only or even primary activity; for this purpose, evidence that 25% or more of its revenues are derived from such sexually oriented activities or materials, or that 25% or more of its interior floor space or display space is devoted to such sexually oriented activities or materials, or that 25% or more of its actual stock in trade regularly displayed and immediately available for use, rental, purchase, viewing or perusal is comprised of such sexually oriented materials, all as defined in Section 17.65.02 of this Chapter, Definitions, shall be evidence that a "significant or substantial portion" of the business is devoted to such uses.

"Sewer" means any pipe or conduit used to collect and carry away sewage from the generating source to the waste water treatment facility.

"Shall" is mandatory; and "may" is permissive.

"Shopping center" means a group of two or more commercial uses planned and designed to function as an integral unit on a single parcel of contiguous parcels and which utilize common off-street parking and access, landscaping, loading facilities and points of ingress and egress.

"Sign, A-Frame": See "Sandwich Board Sign".

"Sign, Alley-Side" shall mean a sign placed on the wall of a building that faces onto or abuts a public alley.

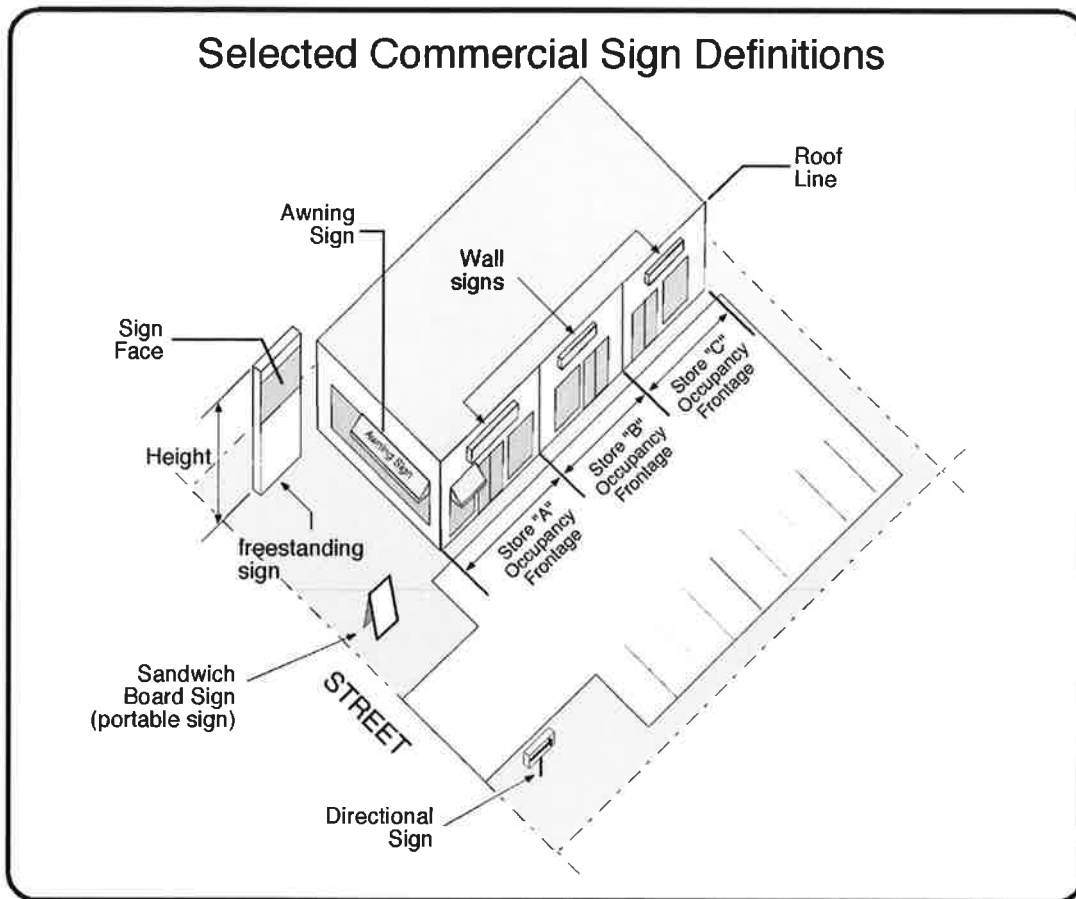
"Sign, Animated" shall mean a sign with action or motion, whether by flashing lights, color changes, wind, rotation, movement of any parts of the sign or letters or parts of the sign structure, or other motion.

"Sign, Awning" shall mean a sign applied to an awning or canopy that is attached to a building (see Exhibit 67-2 for illustration of sign types).

“Sign, Canopy”. See “Awning Sign”.

“Sign, Changeable copy” shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” sign and not a changeable copy sign for purposes of this chapter.

Exhibit 67-2: Selected Sign Definitions



“Sign, Directional” (see Exhibit 67-2 for illustration of sign types) means signs giving only information and direction to the viewer and containing no advertising message;

“Sign, Directory” shall mean a sign typically used to list individual businesses in a multi-tenant complex or center.

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“Sign, Externally illuminated” shall mean a sign which has light cast on its surface from an artificial exterior source installed for the purpose of illuminating the sign;

“Sign, Internally illuminated” means any sign whose illumination originates from within the structure of the sign and the source of which is not visible from the exterior of the sign.

“Sign, Nonconforming” means any sign which was lawfully erected or maintained prior to the time of adoption of this title.

"Sign, Pedestrian oriented" shall mean a sign which is specifically located and designed to be viewed from a pedestrian right-of-way.

"Sign, Political " means a sign advertising a candidate for political office, a political party or a measure scheduled for an election.

"Sign, Portable" shall mean a sign which is capable of being carried or moved by manual or mechanical means from one location to another and which is not affixed to the ground, a structure, or a vehicle.

“Sign, Sandwich Board” (see Exhibit 67-2 for illustration of sign types) shall mean a portable sign with advertising messages mounted on two surfaces with two edges connected and the other two edges spread so that the two faces read from different directions;

“Sign, Special events” means any sign advertising specific temporary events, such as carnivals, festivals, exhibits, and parades, but not including promotional sales or grand opening signs.

"Sign, Subdivision" or "multiple housing entrance sign" shall mean a sign identifying the name of a subdivision or multiple housing projects and consisting of letters or symbols attached to a wall or a fence or freestanding sign located within the boundaries of a recorded and developed subdivision or multiple housing projects.

“Sign, Temporary” (see Exhibit 67-2 for illustration of sign types) shall mean a sign designed to be used for short periods of time, as opposed to a permanently-mounted sign such as a freestanding sign or wall sign.

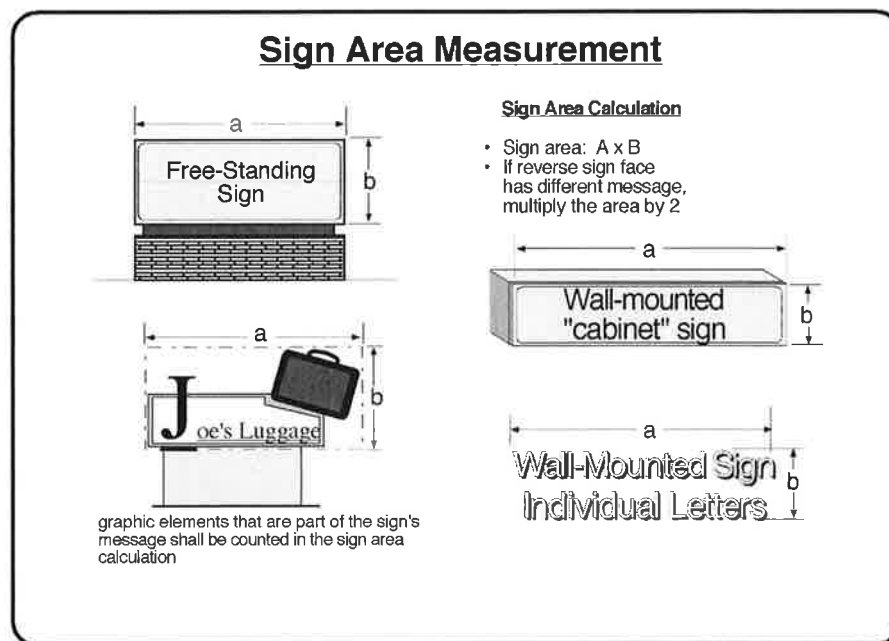
“Sign, Wind” means any display of streamers, pennants, whirligigs or similar devices made of flexible lightweight material, strung together or attached in such a manner as to move by wind pressure.

“Sign, Window” (see Exhibit 67-2 for illustration of sign types) shall mean a sign mounted within or on a window.

"Sign area," means the geometric area of a sign including all elements such as board or frames, perforated or a solid background, ornamental embellishments, arrows or other sign media. The area of individual signs shall be measured as follows (see also Exhibit 67-3):

- (a) **Sign Faces Counted:** Where a sign has two faces containing sign copy, which are oriented back to back and separated by not more than twenty-four inches at any point, the area of the sign shall be measured using one sign face only.
- (b) **Wall Mounted Letters:** Where a sign is composed of letters individually mounted or painted on a building wall, without a border or decorative enclosure, the sign area is that of the smallest area of a rectangle within which all letters and words can be enclosed.
- (c) **Three-Dimensional Signs:** Where a sign consists of one or more three-dimensional objects such as balls, cubes, clusters of objects, or sculptural or statute-type trademarks, the sign area shall be measured as the area of the smallest rectangle within which the object(s) can be enclosed, when viewed from a point where the largest area of the object(s) can be seen.

Exhibit 67-3: Sign Area Measurement



"Sign copy" means any words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign face and/or its structure with the purpose of attracting attention to the subject matter.

"Sign face" means the panel surface of a sign which carries the advertising or identification message.

"Sign structure" means any structure which supports or is capable of supporting any sign. A sign structure may or may not be an integral part of a building. For the purpose of a freestanding sign, the sign structure shall include the aggregate area of the sign including the sign copy and all structural elements of the sign.

"Single Room Occupancy Unit" shall mean a facility providing dwelling units where each unit has a minimum floor area of 150 square feet and a maximum floor area of 400 square feet. These dwelling units may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer.

"Site" shall mean a parcel of land, subdivided or unsubdivided, occupied or to be occupied by a use or structure.

"Site Area" shall mean the total horizontal area included within the property lines of a site.

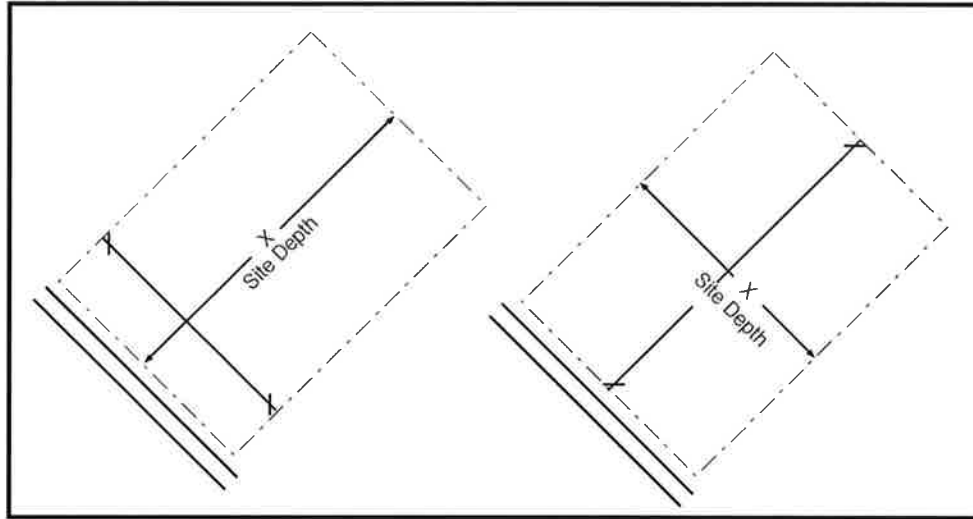
"Site plan" shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, all of the uses proposed for a specific parcel of land. See Chapter 25-53 for requirements.

"Site plan review" shall mean the review by the commission or its authorized agent of a site plan and other studies to assist the commission or agent to determine the manner in which the applicant intends to make use of his property.

"Site Depth" (see Exhibit 67-4 for illustration of Site Width and Depth) means the horizontal distance between the front and rear property lines of a site measured along a line midway between the front side property line.

"Site Width" (see Exhibit 67-4 for illustration of Site Width and Depth) means the horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.

Exhibit 67-4: Site Width and Depth



“Slimline Monopole” shall mean a single, slim antenna pole not exceeding 1.5 feet in diameter at the base of the antenna or pole and one foot in diameter at the top of the antenna or pole.

"Slope" shall mean a natural or artificial incline, as a hillside or terrace. Slope is usually expressed as a ratio. For example, a horizontal distance of one hundred (100) feet with a rise of fifty (50) feet would be expressed as a 2:1 slope. (See also "grade" and "top and toe of slope.")

“Social Rehabilitation Facility” means any residential facility that provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling.

“Specific Plan” shall mean a plan for a designated area within the city, based on the general plan, but containing more detailed regulations and programs as provided in Section 65450 and following of the California Government Code.

"Specified Anatomical Areas" as used in this Chapter means and includes any of the following:

- (a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or

- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified Sexual Activities" as used in this Chapter, means and includes any of the following

- (a) The fondling or other intentional touching of buttocks for purpose of sexual arousal, or fondling or other intentional touching of human genitals, pubic region, anus, or female breasts.
- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (c) Masturbation, actual or simulated;
- (d) Human genitals in a state of sexual stimulation, arousal or tumescence;
- (e) Excretory functions as part of or in connection with any of the activities set forth in sub-sections a through d of this subsection.

"Stable" shall mean a detached accessory structure including but not limited to a corral or paddock for the keeping of one (1) or more horses owned by the occupants of the premises, and which are not kept for remuneration, hire or sale.

"State" shall mean the State of California.

"Stock Yard" means an enclosed area where animals are temporarily held for concentrated feeding or display preliminary to slaughtering, shipping or resale.

"Storm Water Runoff" means water flowing from impervious surfaces and entering Firebaugh's storm water drainage system, which is a series of curbs and gutter, drop inlets, storm drainage pipes, basins and waterways.

"Story" shall mean a space in a building between the surface of any floor and the surface of the floor next above, or if there be no floor above, then the space between such floor and the ceiling or roof above.

"Street" shall mean a thoroughfare, dedicated as such or acquired for public use as such, other than an alley, which affords the principal means of access to abutting land.

"Street, Arterial" shall mean a street with signals at important intersections and stop signs on side streets, and which collects and distributes traffic to and from collector streets.

"Street, Collector" shall mean a street that collects traffic from local streets and connects with minor and major arterials.

“Street, Cul-De-Sac” shall mean a street with a single common ingress and egress and with a turnaround at the end; non-through streets that serve local neighborhoods.

“Street, Dead End” shall mean a street with a single common ingress and egress.

“Street, Local” shall mean a street designed to provide vehicular access to abutting property and to discourage through traffic; narrow streets that serve local neighborhoods.

"Structural alteration" shall mean any change in the supporting members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls, or similar components.

“Structure” means any object constructed, installed, or placed on real property by man, including, but not limited to buildings, towers, smokestacks, and overhead lines.

“Structure, Accessory” shall mean a detached subordinate structure located on the same site with the main structure or main use, the use of which is customarily incidental to that of the main structure or the main use of the land.

“Structure, Main” shall mean a structure housing the principal use of site or functioning as the principal use.

"Structure, temporary" shall mean a structure which is readily movable and used or intended to be used for a period not to exceed ninety (90) consecutive days.

“Subdivision” means the division of a lot, tract or parcel of land into five or more lots or parcels of land for sale, lease or financing.

“Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
2. Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

"Substantial Enlargement of a Sexually Oriented Business" means an increase in the floor areas occupied by the business as the floor areas existed on the affected date of this ordinance.

"Supportive Housing" means housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260 (of the Health and Safety code) and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. This housing may include apartments, single-room occupancy residences or single-family homes.

"Swimming pool" shall mean any permanent structure containing a body of water intended for recreational uses, and shall include wading pools.

"Target Households" means Very low income, low income, or senior citizen households.

"Telecommunications tower" shall mean a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support wireless telecommunications facility antennas.

"Temporary subdivision sign" means a sign erected and maintained within the boundaries of a recorded subdivision and indicating the name of the subdivision, the name of the contractor and/or subdivider, the name of the owner and/or agent, and giving information regarding directions, price or terms concerning the sale or lease of parcels within the subdivision."

"Tent Revival" shall mean a religious meeting or series of meetings which are often evangelistic in nature and are conducted within a non-permanent structure such as, but not limited to, a collapsible shelter of canvas or other material stretched and sustained by poles.

"Transfer of Ownership or Control of a Sexually Oriented Business" means and includes any of the following:

- (a) The sale, lease or sublease of the business; or
- (b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means.

"Transitional Housing" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months."

“Travel Trailer” shall mean a vehicle other than a motor vehicle, which is designed or used for human habitation and which may be moved upon a public highway without a permit or chauffeur’s license or both, without violating any provision of the California Vehicle Code.

“Trip” shall mean a single or one-way vehicle movement either to or from a subject property or study area.

“Trip Generation” means the total number of trip ends produced by a specific land use or activity.

"Truck service station" shall mean an occupancy which provides especially for the servicing of trucks, with incidental operations similar to those permitted for "automobile service station."

“Urbanization” means the development of land for non-agricultural purposes, including but not limited to, residential, commercial, industrial, and institutional land uses.

“Use” shall mean the purpose for which land or structures thereon is designed, arranged or intended to be occupied or used or for which it is occupied, maintained, rented or leased.

“Utility Infrastructure” means pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits.

“Utility Pole” means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission.

“Vacancy Rate” means the number of uninhabited dwelling units that are available and suitable for occupancy expressed as a ratio to the total number of housing units.

“Variance” means permission to deviate from the literal requirements of the development standards of a zone district.

“Very Low Income Household” means those units targeted for this category of household that shall be affordable at a rent that does not exceed 30 percent of 50 percent of the Fresno County median income.

“Veterinary Clinics, Animal Hospitals, And Kennels” means office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. Kennels and boarding operations are commercial facilities

for the keeping, boarding or maintaining of four or more dogs four months of age or older, or four or more cats, except for dogs or cats in pet shops.

"Warehousing" shall mean a building or buildings used for the storage of goods, of any type, when such building or buildings contain more than five hundred (500) square feet of storage space, and where no retail operation is conducted. Also see "wholesaling."

"Watercourse" shall mean a lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

"Wireless telecommunications facility," "facility" or "facilities" shall mean any facility that transmits and/or receives electromagnetic waves. It includes, but is not limited to, antennas and/or other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting such equipment, related accessory equipment, equipment buildings, parking areas, and other accessory development. The term "wireless telecommunications facility" does not apply to the following:

- a. Emergency medical care provider-owned and operated telecommunications facilities.**
- b. Mobile services providing public information coverage of news events of a temporary nature.**
- d. Any wireless telecommunications facilities exempted from this Code by federal law or state law.**

"Wireless telecommunications services" shall mean the provision of services using a wireless telecommunications facility or a wireless telecommunications collocation facility, and shall include, but not limited to, the following services: personal wireless services as defined in the federal Telecommunications Act of 1996 at 47 U.S.C. §332(c)(7)(C) or its successor statute, cellular service, personal communication service, and/or data radio telecommunications.

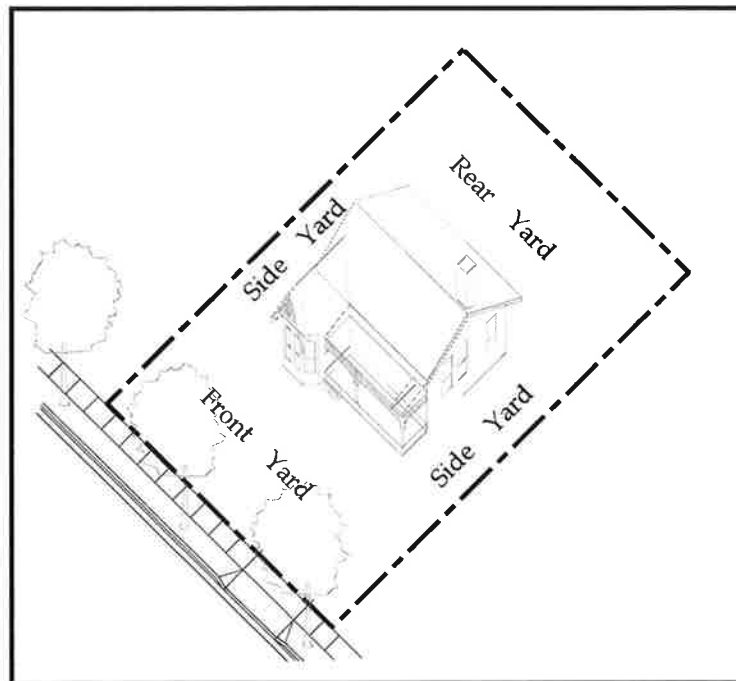
"Yard" means an open space on the same site as a structure other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

"Yard, Front" (see Exhibit 67-5 for illustration of yard types) shall mean a yard extending across the full width of the site or lot between the front lot line and the nearest line or point of the main structure.

"Yard, Rear" (see Exhibit 67-5 for illustration of yard types) shall mean a yard extending across the full width of the side of a lot between the rear lot line and the nearest line or point of the main structure.

“Yard, Side” (see Exhibit 67-5 for illustration of yard types) shall mean a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the main structure.

Exhibit 67-5: Yard Types



“Zoning” means the division of a municipality into districts, and the regulation within those districts of the height, appearance, and bulk of buildings and structures; the area of a lot which may be occupied and the size of required open spaces; the density of population; and the use of buildings and land for commercial, agricultural, industrial, residential or other purposes. The term “zoning” shall be synonymous with the term “classification” and the term “zone” shall be synonymous with the term “district”.

ORDINANCE NO. 16-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH REPEALING THE EXISTING ZONING ORDINANCE (CHAPTER 25 OF THE FIREBAUGH MUNICIPAL CODE) AND REPLACING IT WITH A NEW COMPREHENSIVE ZONING ORDINANCE UPDATE

WHEREAS, the City of Firebaugh adopted a new General Plan in 2010 that establishes goals, objectives and policies to plan for the physical growth and development of the City in the future, and

WHEREAS, several action plans within the General Plan call for the City to adopt a new Zoning Ordinance for a variety of reasons, including:

- Many portions of the existing Zoning Ordinance are more than 30 years old and are out of date;
- Ensuring the ordinance is legally sound and consistent with State zoning laws;
- Incorporating smart-growth and form-based zoning standards and mechanisms to make future neighborhoods more walkable and livable;
- Clarifying and simplifying complicated planning permit processes;
- Revising, updating and clarifying permitted use lists in each zone district;
- Updating definitions and terminology;
- Eliminate unused zone districts, such as the R-2-A and R-3-A zones, etc.;
- Updating and clarifying standards pertaining to specific issues like fencing, parking, landscaping, accessory uses and structures, etc.;
- Making the Ordinance more user-friendly through the addition of graphic illustrations of complex zoning standards, as well as providing flow charts for permit processes;
- Establishing an up-to-date and legally sound adult businesses ordinance;
- Eliminating unneeded and repetitious sections of the Zoning Ordinance;
- Incorporating requirements of the recently adopted Housing Element;
- Correcting other problem issues identified by staff, the City Council and Planning Commission, etc., and
- Improving formatting for better readability.

WHEREAS, the City Planner has prepared a comprehensive update of the Zoning Ordinance that responds to the foregoing concerns, and

WHEREAS, the Planning Commission has conducted numerous public workshops to educate themselves on zoning, planning and design issues and has reviewed individual chapters of the new Zoning Ordinance, and

WHEREAS, the Planning Commission conducted a public hearing on July 11, 2016 and voted to recommend adoption of the Zoning Ordinance update and also an associated Negative Declaration as the environmental finding for the Zoning Ordinance update, and

WHEREAS, the Planning Department has prepared a staff report and environmental finding on this matter, and

WHEREAS, the City published a public hearing notice at least ten days before the City Council's meeting, and

WHEREAS, the City Council held a public hearing on the proposed Zoning Ordinance Update (and the associated environmental analysis) and accepted testimony.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FIREBAUGH DOES ORDAIN AS FOLLOWS:

- Section 1.** Chapter 25 (Zoning) of the Firebaugh Municipal Code is hereby rescinded and replaced with the Zoning Ordinance Update (new Chapter 25) as shown in Attachment “A”.
- Section 2.** Any typographical or clerical errors in this Ordinance may be remedied by the City Planner, with the assistance of the City Clerk, and shall not constitute an alteration within the meaning of Chapter 25-49.2 b. of the Firebaugh Municipal Code.
- Section 3.** This ordinance shall take effect thirty days after its adoption.
- Section 4.** The City Clerk is authorized and directed, to cause this ordinance to be codified, after its adoption.
- Section 5.** The City Clerk is further authorized and directed to cause this ordinance or a summary of this ordinance to be published once in a newspaper of general circulation published and circulated in the City of Firebaugh within 15 days after its adoption. If a summary of this ordinance is published, then the City Clerk, also shall cause a summary of the proposed ordinance to be published, and a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk, at least five days prior to the Council’s meeting, at which the ordinance is adopted and again after the meeting, at which the ordinance is adopted. The City Attorney shall approve the summary.

The foregoing Ordinance No. 16-05 was introduced at a regular meeting of the City Council of the City of Firebaugh on the 19th day of September, 2016, and was passed and adopted at a regular meeting of the City Council on the 5th day of December, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Freddy Valdez, Mayor
City of Firebaugh

ATTEST:

Rita Lozano, City Clerk
City of Firebaugh

ORDINANCE NO. 16-06

AN INTERIM URGENCY ORDINANCE OF THE CITY OF FIREBAUGH, ENACTING A TEMPORARY MORATORIUM ON THE ISSUANCE OF ANY PERMITS FOR NEW AND RELOCATED WIRELESS TELECOMMUNICATIONS FACILITIES WITHIN PUBLIC RIGHT-OF-WAYS, PURSUANT TO GOVERNMENT CODE SECTION 65858.

THE CITY COUNCIL OF THE CITY OF FIREBAUGH DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings.

The City Council finds and declares as follows:

- A. Under Public Utilities Code § 7901.1, a municipality can adopt reasonable time, place and manner regulations with respect to the manner in which public rights-of-way may be accessed by telephone companies, including wireless communication companies which have been granted state authorization permitting the construction of facilities in public rights-of-way.
- B. Title 47, United States Code § 332 appears to authorize municipalities to regulate the placement, construction and modification of wireless telecommunication facilities, subject to specified limitations.
- C. As used in this ordinance, “Wireless Facilities” means all equipment installed for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications services and paging services, consisting of equipment and network components such as towers, utility poles, transmitters, base stations and emergency power systems. “Wireless Facilities” shall not be deemed to include facilities constructed by and operated by suppliers of electric, gas or water utilities.
- D. The Firebaugh Municipal Code (FMC) is silent with respect to the development, siting, installation, and operation of Wireless Facilities within City rights-of-way.
- E. State and federal law addressing the scope and manner of local regulation of Wireless Facilities continues to develop and evolve as evidenced by the following cases and rule changes:
 1. In *Sprint Telephone PCS, L.P. v. County of San Diego* (2008) 543 F.3d 571 (“**Sprint Telephone**”), the Ninth Circuit Court of Appeals overruled seven years of Ninth Circuit jurisprudence relating to 47 U.S.C. § 253, a provision of Federal Telecommunications Act that, until this case was decided, had been interpreted to severely limit local authority to regulate Wireless Facilities.
 2. In *Sprint PCS Assets, LLC v. City of Palos Verdes Estates* (2009) 583 F.3d 716 (“**Sprint PCS**”), the Ninth Circuit Court of Appeals set out significant new standards establishing how municipalities may consider and decide applications for Wireless Facilities to be located within the public right-of-way.
 3. On February 22, 2012, section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“**Act**”) was enacted and changed how co-located Wireless Facilities must be evaluated, and in some cases must be approved, changing more than a decade of national

jurisprudence relating to 47 U.S.C. § 332 that, until the passage of the Act allowed local governments wide latitude and discretion in considering co-location of Wireless Facilities in the public right-of-way, and on public and private property.

4. On October 17, 2014, the Federal Communications Commission (“FCC”) issued a Report and Order updating its rules and procedures governing new and modified Wireless Facilities, which includes clarifications on local zoning powers with respect to Wireless Facilities and the procedures for the review of siting applications.

5. Presently, the case of *T-Mobile West, LLC et al. vs. City and County of San Francisco et al.* is pending in the California First District Court of Appeals (Case No. A144252) and involves a legal challenge to longstanding legal authority of municipalities to regulate timing, location and manner of construction of Wireless Facilities.

F. The City anticipates receiving requests by telecommunications providers to establish new or expanded Wireless Facilities within the City. However, as noted above, the existing provisions of the FMC are inadequate and time is needed to review, study and revise the FMC to fully take into account the impacts related to the timing, location and manner of construction of Wireless Facilities by multiple telecommunication providers within the public rights-of-way as well as other public and private property, including the public health, safety and welfare concerns of pedestrian and vehicular traffic.

G. In addition to detracting from public views and neighborhood character, unsightly Wireless Facilities and their related visual clutter can lead to or exacerbate public safety hazards such as distracted driving. This poses a safety concern in Firebaugh where members of the public, including children, commonly walk along public right-of-ways. For these reasons, the City Council finds that it must consider regulating the appearance and location of Wireless Facilities within the public right-of-ways in order to promote the public health, safety and welfare.

H. The FMC must be updated in order to protect the public against the potential threats to the health, safety and welfare of the public arising from telecommunication providers constructing Wireless Facilities throughout the City. The City requires additional time to prepare, evaluate and adopt reasonable regulations regarding the use of the public rights-of-way and other public and private property within the City for Wireless Facilities.

I. The absence of this ordinance would impair the orderly and effective implementation of contemplated amendments to the FMC, and any further authorization to construct Wireless Facilities in the City’s rights-of-way or other public or private property within the City during the period of this moratorium may be in conflict with or may frustrate the contemplated updates and revisions to the FMC.

J. Without the enactment of this ordinance, multiple telecommunication providers could quickly receive permits to install Wireless Facilities that pose a threat to the public health, safety and welfare. For example, without this ordinance, Wireless Facilities could:

1. Create land use conflicts and incompatibilities including excessive height of poles and towers;
2. Create visual and aesthetics blights and potential safety concerns arising from excessive size, heights, noise or lack of camouflaging of Wireless Facilities including the associated pedestals, meters, equipment boxes and power generators;

3. Create unnecessary visual and aesthetic blight by failing to utilize alternative technologies or capitalize on collocation opportunities;
4. Cause substantial disturbances to rights-of-way through the installation and maintenance of Wireless Facilities;
5. Create traffic and pedestrian safety hazards due to the unsafe location of Wireless Facilities; and
6. Negative impact the unique quality and character of the City.

K. The City Council further finds that this moratorium is a matter of local and citywide importance and is not directed towards any particular telecommunication provider that currently seeks to establish a Wireless Facility.

L. Government Code §§ 36937 and 65858 authorize the adoption of an urgency ordinance to protect the public health, safety and welfare, and to prohibit certain land uses that may conflict with land use regulations that the City's legislative bodies are considering or intend to study within a reasonable time.

M. The City Council finds that there is a current and immediate threat to the public health, safety and welfare based on the above findings, and upon that basis has determined that an urgency ordinance prohibiting the issuance of new permits or approvals for new Wireless Facilities in public rights-of-way within the City is warranted.

SECTION 2. Applicability. This ordinance applies to all applications for the installation of new, and the relocation of existing, Wireless Facilities within any public right-of-way in any zone within the City of Firebaugh.

SECTION 3. Moratorium on New Wireless Facilities.

A. Except as provided in Section 4 below, for a period of forty-five (45) days from the date of adoption of this ordinance, no permits or other approvals may be issued for any:

1. Installation of a new Wireless Facility in a public right-of-way; or
2. Relocation of an existing Wireless Facility in a public right-of-way.

B. For new applications for Wireless Facility installations and relocations received after the effective date of this ordinance, any time limits or mandatory approval time frames relative to the processing or action upon permit applications for any Wireless Facilities described in Section 3(A) are tolled during the term of this moratorium. The City Council intends to terminate this moratorium as soon as reasonably feasible within a timeframe to allow the adoption of new local regulations with respect to Wireless Facilities, to the extent reasonably advisable by staff following its study. Notwithstanding the foregoing, City staff may deny any application for a permit, which prohibited from being issued under this ordinance.

SECTION 4. Exceptions. The provisions of this ordinance shall not be construed to prohibit the issuance of permits or approvals for the following:

- A. The collocation of new antennas and other equipment on an existing Wireless Facility, provided that the exterior physical dimensions of the existing Wireless Facility are not

substantially changed or increased;

B. The maintenance, updating, repair or improvement of an existing Wireless Facility, provided that the physical dimensions of the Wireless Facility are not substantially changed. The determination of whether the physical dimensions will be substantially changed shall be in accordance with criteria stated in the FCC Report and Order dated October 17, 2014.

SECTION 5. Report.

The City Manager or the appointed designee is authorized and directed to prepare and issue, on behalf of the City Council, a written report describing the measures taken by the City to alleviate the conditions which have led to the adoption of this ordinance, at least ten (10) days prior to the expiration of this ordinance. A copy of the same shall be subsequently provided to the City Council for review.

SECTION 6. CEQA Review. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment], 15060(c)(3) [the activity is not a project as defined by CEQA], and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. These findings are premised on the fact that the adoption of this urgency interim ordinance will maintain existing environmental conditions arising from the City's current land use regulations without significant change or alteration. The City Manager is hereby directed to ensure that a Notice of Exemption is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

SECTION 7. No Liability. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Firebaugh, or any official, employee or agent thereof.

SECTION 8. Pending Actions. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of the City of any character be lost, impaired or affected by this ordinance.

SECTION 9. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Firebaugh hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 10. Construction. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent, the provisions of the Firebaugh Municipal Code as amended by this ordinance are substantially the same as provisions in the Firebaugh Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 11. Urgency; Effective Date; Duration and Publication.

This ordinance is adopted by the City Council pursuant to the California Constitution, article XI, section 7 and Government Code section 65858 by a four-fifths (4/5) or greater vote, as an urgency measure to protect the public health, safety and welfare, and shall take effect immediately. The reasons for such urgency are set forth in Section 1 above. This ordinance shall expire and be of no further force or effect forty-five (45) days after its adoption, unless it is extended pursuant to Government Code section 65858. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Firebaugh-Mendota Journal, a newspaper printed and published in the City of Firebaugh, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Firebaugh, State of California, on the 7th day of November, 2016, at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Freddy Valdez
Mayor

Rita Lozano
Deputy City Clerk
[Gov. Code § 36804]

STAFF REPORT

AGENDA ITEM: Adopt three Resolutions required by the State Water Resources Control Board as part of the CWSRF application

MEETING DATE: December 6, 2015

PREPARED BY: Mario Gouveia, City Engineer

REVIEWED BY: Ben Gallegos, Acting City Manager

RECOMMENDATION:

City Council to adopt three resolutions required by the State Water Resources Control Board (SWRCB) as part of the Clean Water State Revolving Fund (CWSRF) Application.

BACKGROUND:

The City is applying to the SWRCB CWSRF to fund the construction of Improvements at the WWTP. The SWRCB requires that the applicant's Governing Board adopt three resolutions. The resolutions are as follows:

- ❖ A Resolution authorizing the City Manager to sign and file a financial assistance application to the CWSRF for the design and construction of Improvements at the WWTP.
- ❖ A resolution authorizing the City Manager to sign the financing agreement, amendments, and certifications for funding, to approve claims for reimbursement, to execute budget and expenditure summary, to sign final release form and to sign certification of the project completion, and pledging and dedicating net water revenues to pay CWSRF financing.
- ❖ A Resolution stating the Council's intention to be reimbursed for expenditures incurred ahead of the approval of the disbursement of CWSRF construction funds.

DISCUSSION:

The adoption of these three resolutions is a requirement to complete the CWSRF Construction application. Once the application is submitted the SWRCB will determine the project's eligibility for funding.

Once approved, the SWRCB will begin drafting a financing agreement which may take up to a year to complete. SWRCB staff have not indicated whether how much of the project will be grant funded. However, the current intended use plan for the CWSRF indicates that the City should be eligible for up to \$6 million in grant. If there is a loan component, the City will reimburse the SWRCB using net revenues from the sewer fund.

FISCAL IMPACT:

The adoption of these Resolutions has no Fiscal Impact.

ATTACHMENTS:

1. Resolution No. 16-40: *“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE CITY MANAGER TO SIGN FINANCING AGREEMENT, AMENDMENT, AND CERTIFICATIONS FOR FUNDING UNDER THE CLEAN WATER STATE REVOLVING FUND (CWSRF); AUTHORIZING CITY MANAGER TO APPROVE CLAIMS FOR REIMBURSEMENT; AUTHORIZING CITY MANAGER TO EXECUTE BUDGET AND EXPENDITURE SUMMARY; AUTHORIZING CITY MANAGER TO SIGN THE FINAL RELEASE FORM AND CITY MANAGER TO SIGN THE CERTIFICATION OF PROJECT COMPLETION; AND PLEDGING AND DEDICATING NET SEWER REVENUES TOWARDS PAYMENT OF CWSRF FINANCING.”*
2. Resolution No. 16-41: *“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH STATING ITS INTENTION TO BE REIMBURSED FOR EXPENDITURES INCURRED AHEAD OF THE APPROVAL OF THE DISBURSEMENT OF CWSRF CONSTRUCTION FUNDS FROM THE STATE WATER RESOURCES CONTROL BOARD.”*
3. Resolution No. 16-42: *“RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE CITY MANAGER TO SIGN AND FILE A FINANCIAL ASSISTANCE APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD FOR THE CONSTRUCTION OF WWTP IMPROVEMENTS”*

RESOLUTION NO. 16-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING THE CITY MANAGER TO SIGN FINANCING AGREEMENT, AMENDMENT, AND CERTIFICATIONS FOR FUNDING UNDER THE CLEAN WATER STATE REVOLVING FUND (CWSRF); AUTHORIZING CITY MANAGER TO APPROVE CLAIMS FOR REIMBURSEMENT; AUTHORIZING CITY MANAGER TO EXECUTE BUDGET AND EXPENDITURE SUMMARY; AUTHORIZING CITY MANAGER TO SIGN THE FINAL RELEASE FORM AND CITY MANAGER TO SIGN THE CERTIFICATION OF PROJECT COMPLETION; AND PLEDGING AND DEDICATING NET SEWER REVENUES TOWARDS PAYMENT OF CWSRF FINANCING.

WHEREAS, the City of Firebaugh Wastewater Treatment Plant (WWTP) is unable to consistently meet the limits set in Waste Discharge Requirements Order No. 98-230; and

WHEREAS, the City of Firebaugh seeks to improve its WWTP to comply with WDRs and use treated effluent for a beneficial reuse; and

WHEREAS, the City of Firebaugh seeks financing from the State Water Resources Control Board for the WWTP Improvements Project ("Project"); and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Firebaugh hereby resolve as follows:

1. The City Manager is hereby authorized and directed to sign and file, for and on behalf of the City of Firebaugh a financial assistance application for a financing agreement from the State Water Resources Control Board for the Project;
2. The City Manager or designee is hereby authorized to sign the CWSRF program financing agreement for the Project and any amendments thereto, and provide the assurances, certifications and commitments required therefor;
3. The City Manager or designee is hereby authorized to represent the City of Firebaugh is carrying out the City of Firebaugh's responsibilities under the financing agreement, including approving and submitting disbursement requests (including Claims for Reimbursement) or other required documentation, compliance with applicable state and federal laws, and making any other necessary certifications;
4. The City of Firebaugh does hereby dedicate and pledge its net water revenues and its water enterprise fund to payment of the CWSRF financing for the Project. The City of Firebaugh commits to collecting such revenues and maintaining such fund(s) throughout the term of such financing and until the City of Firebaugh has satisfied its repayment obligation thereunder unless modification or change is approved in writing by the State Water Resources Control Board. So long as the financing agreement(s) are outstanding, the City of Firebaugh pledge hereunder shall constitute a lien in favor of the State Water Resources Control Board on the foregoing fund(s) and revenue(s) without any further action necessary. So long as the financing agreement(s) are outstanding, the City of Firebaugh commits to maintaining the fund(s) and revenue(s) at levels sufficient to meet its obligations under the financing agreement(s). If for any reason, the said source of revenues proves insufficient to satisfy the debt service of the CWSRF obligation, sufficient funds shall be raised through increased water rates,

user charges, or assessments or any other legal means available to meet the CWSRF obligation and to operate and maintain the project.; and

5. The authority granted hereunder shall be deemed retroactive. All acts authorized hereunder and performed prior to the date of this Resolution are hereby ratified and affirmed. The State Water Resources Control Board is authorized to rely upon this Resolution until written notice to the contrary, executed by each of the undersigned, is received by the State Water Resources Control Board. The State Water Resources Control Board shall be entitled to act in reliance upon the matters contained herein, notwithstanding anything to the contrary contained in the formation documents of the City of Firebaugh or in any other document.

The foregoing resolution with amended fee was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 5th day of December, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Freddy Valdez
Mayor

Rita Lozano
Deputy City Clerk

ATTEST:

I, hereby certify that the foregoing resolution was regularly introduced, passed and adopted at a Regular Meeting of the City Council of the City of Firebaugh this 5th day of December, 2016.

Rita Lozano, Deputy City Clerk of the City of Firebaugh

RESOLUTION NO. 16-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH STATING ITS INTENTION TO BE REIMBURSED FOR EXPENDITURES INCURRED AHEAD OF THE APPROVAL OF THE DISBURSEMENT OF CWSRF CONSTRUCTION FUNDS FROM THE STATE WATER RESOURCES CONTROL BOARD.

WHEREAS, the City of Firebaugh (the "Agency") desires to finance the costs of constructing and/or reconstructing certain public facilities and improvements relating to its water and wastewater system including certain treatment facilities, pipelines and other infrastructure (the "Project"); and

WHEREAS, the Agency intends to finance the construction and/or reconstruction of the Project or portions of the Project with moneys ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board (State Water Board); and

WHEREAS, the State Water Board may fund the Project Funds with proceeds from the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"), and

WHEREAS, prior to either the issuance of the Obligations or the approval by the State Water Board of the Project Funds the Agency desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the Agency; and

WHEREAS, the Agency has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Agency for the Expenditures from the proceeds of the Obligations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Firebaugh hereby resolve as follows:

- SECTION 1.** The Agency hereby states its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the State Water Board of the Project Funds.
- SECTION 2.** The reasonably expected maximum principal amount of the Project Funds is \$6,032,500.
- SECTION 3.** This resolution is being adopted no later than 60 days after the date on which the Agency will expend moneys for the construction portion of the Project costs to be reimbursed with Project Funds.
- SECTION 4.** Each Agency expenditure will be of a type properly chargeable to a capital account under general federal income tax principles.
- SECTION 5.** To the best of our knowledge, this Agency is not aware of the previous adoption of official intents by the Agency that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.
- SECTION 6.** This resolution is adopted as official intent of the Agency in order to comply with Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs.
- SECTION 7.** All the recitals in this Resolution are true and correct and this Agency so finds, determines and represents.

The foregoing resolution with amended fee was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 5th day of December, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Freddy Valdez
Mayor

Rita Lozano
Deputy City Clerk

ATTEST:

I, hereby certify that the foregoing resolution was regularly introduced, passed and adopted at a Regular Meeting of the City Council of the City of Firebaugh this 5th day of December, 2016.

Rita Lozano, Deputy City Clerk of the City of Firebaugh

RESOLUTION NO. 16-42

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING
THE CITY MANAGER TO SIGN AND FILE A FINANCIAL ASSISTANCE APPLICATION
TO THE STATE WATER RESOURCES CONTROL BOARD
FOR THE CONSTRUCTION OF WWTP IMPROVEMENTS**

WHEREAS, the City of Firebaugh (City) owns and operates a Wastewater Treatment Plant (WWTP) under Waste Discharge Requirements Order No. 98-230; and

WHEREAS, the City's WWTP is unable to consistently meet the limits set in the WDRs; and

WHEREAS, the City needs to improve its WWTP to comply with WDRs and use treated effluent for a beneficial reuse;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Firebaugh hereby resolve as follows:

1. The City Manager (the "Authorized Representative") or designee is hereby authorized and directed to sign and file, for and on behalf of the Entity, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the design and construction of WWTP improvements to allow for the use of undisinfected secondary recycled water (the "Project").
2. This Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.
3. The Authorized Representative, or his/her designee, is designated to represent the Entity in carrying out the Entity's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the Entity and compliance with applicable state and federal laws.

The foregoing resolution with amended fee was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 5th day of December, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Freddy Valdez
Mayor

Rita Lozano
Deputy City Clerk

ATTEST:

I, hereby certify that the foregoing resolution was regularly introduced, passed and adopted at a Regular Meeting of the City Council of the City of Firebaugh this 5th day of December, 2016.

Rita Lozano, Deputy City Clerk of the City of Firebaugh

January 2017

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1 New Year's Day	2 <i>Holiday</i>	3	4	5	6	7
8	9	10	11	12	13	14
15	16 Martin Luther King Day <i>Holiday</i>	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: December 5, 2016
SUBJECT: Approval for travel to International Council of Shopping Centers (ICSC)

RECOMMENDATION:

City Council consideration & decision of approval for travel to International Council of Shopping Centers (ICSC) Conference in Las Vegas and determine funding source.

HISTORY / DISCUSSION:

Council has discussed sending City Representatives to ICSC Conference event in Las Vegas Nevada on May 21st – 24th, 2017. However, our City budget does not have this expenditure covered, so funding source must be determined. Early registration deadline in December 9, 2016.

The conference estimated to cost the following, per individual to attend:

	<u>By Dec. 9</u>	<u>Before April 28</u>
Conference	\$570.00	\$610.00
Room (3 nights)	\$339.00 - \$444.84	
Meals	<u>\$196.00</u>	
Travel		
TOTAL	\$1,105.00 Min	

FISCAL IMPACT:

Varied depending on action taken.