

Draft  
Comprehensive Firebaugh  
Zoning Ordinance Update



*May, 2016*

# DRAFT

## Comprehensive Firebaugh Zoning Ordinance Update

*Prepared for*

City of Firebaugh

*Prepared by*

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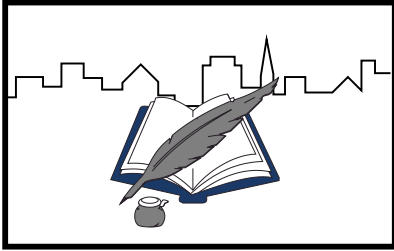
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## Table of Contents

|    |  |      |
|----|--|------|
| 1. | The Zoning Ordinance .....                                   | 1-1  |
| 3. | Administration .....   | 3-1  |
| 5. | Public Hearings .....  | 5-1  |
| 6. | Appeals .....  | 6-1  |
| 9  | Zoning Districts .....                                       | 9-1  |
| 15 | R-1 (Conventional Single Family Residential) Zones .....     | 15-1 |
| 17 | R-1 (TN) (Traditional Single Family Residential Zones) ..... | 17-1 |
| 19 | R-2 and R-3 Zones (Multiple Family Residential) .....        | 19-1 |
| 21 | C-1 Zone (Neighborhood Commercial) .....                     | 21-1 |
| 23 | C-2 Zone (Central Commercial) .....                          | 23-1 |
| 25 | C-3 Zone (General Commercial) .....                          | 25-1 |
| 27 | Commercial Development Design Guidelines .....               | 27-1 |
| 29 | Industrial Zones (M-1 and M-2) .....                         | 29-1 |
| 31 | O Zone (Open Space) .....                                    | 31-1 |
| 33 | G Zone (Government) .....                                    | 33-1 |
| 35 | UR Zone (Urban Reserve) .....                                | 35-1 |
| 37 | MHP (Residential Mobilehome Park) zone .....                 | 37-1 |
| 39 | PD Zone (Planned Development Overlay) .....                  | 39-1 |
| 41 | Special Uses .....   | 41-1 |
| 43 | Landscaping, Irrigation and Grading .....                    | 43-1 |

|    |   |      |
|----|---|------|
| 45 | Parking and Loading .....                                       | 45-1 |
| 47 | Signs.....  | 47-1 |
| 49 | Zoning Ordinance Amendments .....                               | 49-1 |
| 51 | Conditional Use Permits .....                                   | 51-1 |
| 53 | Site Plan and Design Review .....                               | 53-1 |
| 55 | Variances, Minor Deviations and Reasonable Accommodations ..... | 55-1 |
| 57 | Development Agreements.....                                     | 57-1 |
| 61 | Non-Conforming Uses and Structures .....                        | 61-1 |
| 63 | Enforcement .....   | 63-1 |
| 67 | Definitions.....  | 67-1 |

## CHAPTER 1



# The Zoning Ordinance

### Sections

#### **25-1.1 Adoption**

#### **25-1.2 Purpose and Objectives**

#### **25-1.3 Authority and General Plan Consistency**

#### **25-1.4 Components**

#### **25-1.5 Application**

#### **25-1.1 Adoption**

Pursuant to Government Code Section 65000 et. seq., a zoning ordinance is hereby adopted by the City of Firebaugh. The Zoning Ordinance, hereinafter referred to as the “Ordinance”, is a document that regulates the use of land in the city limits of Firebaugh.

#### **25-1.2 Purpose and Objectives**

The Ordinance is enacted to protect and promote the public health, safety and general welfare, and to facilitate the planning of the City of Firebaugh in a precise and orderly manner consistent with the Firebaugh General Plan. In support of this purpose, the Ordinance is adopted in order to implement the following objectives:

- Provide standards for the orderly development of Firebaugh;
- Conserve natural resources;
- Maintain and protect the value of property;
- Ensure the provision of adequate open space for light, air, and recreation;
- Promote the economic stability of existing land uses that conform to the General Plan and protect them from intrusions by inharmonious or harmful land uses;

- Permit the development of residential, office, commercial and industrial land uses in accordance with the general plan in order to strengthen Firebaugh's economic base;
- Protect the character of Firebaugh's downtown and its residential neighborhoods;
- Provide the private sector with a document upon which it can base investment decisions;
- Inform the public where certain types of development will occur in the community as well as the development standards to which they will develop;
- Coordinate with the County of Fresno with regards to the use of land within Firebaugh's General Plan planning area, and the standards to which development will conform if it occurs outside the city limits.

### **25-1.3 Authority and General Plan Consistency**

This Ordinance, consistent with Government Code Section 65860, is the primary document by which the City of Firebaugh implements the goals, policies and actions of the Firebaugh General Plan.

### **25-1.4 Components**

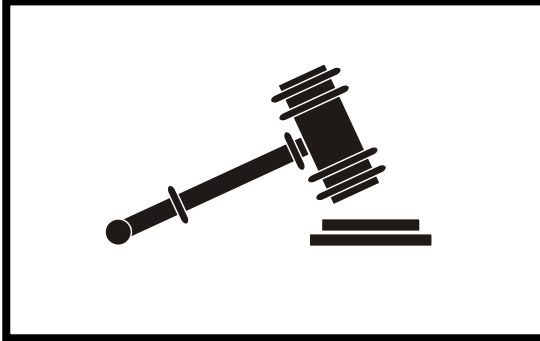
The Zoning Ordinance shall be composed of zoning and planning regulations and the Official Zoning Map, hereinafter referred to as the "Zoning Map". The zoning and planning regulations will control the use of land, the density (units per acre or person per acre) and intensity (floor area per acre) of development, the uses and locations of structures, the height and size of structures, the yard areas around structures, and development standards for land uses. The Zoning Map will delineate the location of zone districts inside the Firebaugh city limits.

### **25-1.5 Application**

This Ordinance shall apply to all property inside the Firebaugh city limits whether owned by private persons or by public entities, including the federal government, the State of California or any of its agencies or political subdivisions; by school districts or special districts, by any city or county, or by any authority or district organized under the laws of the State. Lands that are exempt from these regulations are: public streets and alleys, and railroad rights-of-way.

## **CHAPTER 3**

### **Administration**



#### **Sections**

##### **25-3.1 Authority**

##### **25-3.2 City Council**

##### **25-3.3 Planning Commission**

##### **25-3.4 Planning Director**

##### **25-3.5 Head Building Official**

##### **25-3.6 City Engineer**

##### **25-3.1 Authority**

This Ordinance is the primary tool for implementing the goals, policies and action programs of the Firebaugh General Plan, the Firebaugh Subdivision Ordinance and any planned unit developments, specific plans or master plans. The authority to execute this Ordinance shall be vested with the City Council, Planning Commission and other named city officials and public bodies.

##### **25-3.2 City Council**

The Firebaugh City Council shall be the final authority on zoning ordinance amendments, appeals, general plan and specific plans and their amendments, development agreements, and other permit procedures that may be included in or added to this Ordinance.

The City Council shall also be responsible for appointing persons to the Planning Commission and other decision-making bodies that may be named in this Ordinance.

### **25-3.3 Planning Commission**

The Firebaugh Planning Commission shall be the final authority on Conditional Use Permits, Site Plan Review, Classification of Uses, and other permits that may be included in or added to this Ordinance. In addition, the Commission shall provide recommendations to the City Council by means of a resolution that details findings on zoning ordinance amendments, general and specific plans and amendments thereto, development agreements and other permit procedures that may be added to the Ordinance.

### **25-3.4 Planning Director**

The Planning Director, or assigned representative, shall be the authority on the interpretation, administration and enforcement of the Ordinance. Further, the Planning Director shall be the final authority on minor deviations and administrative planning permits. Other duties of the Director shall include preparation of reports, resolutions and ordinances that come before the Planning Commission and City Council.

### **25-3.5 Chief Building Official**

The Chief Building Official, or assigned representative, shall be the authority on the interpretation, administration and enforcement of the Uniform Building Code. Other duties of the Building Official shall include enforcement of specified provisions of this Ordinance, securing Ordinance clearance prior to issuing a building permit, notification of persons who are in violation of specified provisions of this Ordinance and other responsibilities that may be included in or added to this Ordinance.

### **25-3.6 City Engineer**

The City Engineer, or assigned representative, shall be the authority on the interpretation, administration and enforcement of the Subdivision Ordinance, the City of Firebaugh Improvement Standards Manual, and other responsibilities that may be included in or added to this Ordinance. Other duties of the City Engineer shall include preparation of reports and recommendations on all engineering matters that come before the Planning Commission and City Council, and notification of persons who are in violation of specified provisions of this Ordinance.



## **CHAPTER 5**

### **Public Hearings**



#### **Sections**

##### **25-5.1 Notice Requirements**

##### **25-5.2 Contents**

##### **25-5.3 Failure to Receive Notice**

##### **25-5.4 Continuation**

##### **25-5.1 Notice Requirements**

Where this Ordinance requires a public hearing notice, notice shall be given in all of the following ways:

- a. A public hearing notice shall be published in a newspaper of general circulation not less than 10 days prior to said hearing. If there is no such paper of general circulation, the public hearing notice shall be posted at least 10 days prior to the hearing in at least three public places within the City of Firebaugh.
- b. A notice shall be mailed or delivered not less than 10 days prior to the hearing to the owner of the subject property or the owner's authorized agent, the project applicant, and to owners of properties within 300 feet of the subject property as shown on the latest equalized tax assessment role. If the number of properties exceeds 1,000, the City of Firebaugh, in lieu of a notice that is mailed or delivered, may provide a notice by placing a display notice of at least one-eighth page in at least one newspaper of general circulation at least 10 days prior to the meeting.
- c. A public hearing notice shall be posted at least 10 days prior to the hearing in at least three public places within the City of Firebaugh.

### **25-5.2 Contents**

The public hearing notice, whether published in a newspaper of general circulation or posted at a public place within the City, shall include the following information: date, time and place of the public hearing; the hearing body or officer that will consider the public hearing item; and a general description of the project and its location.

### **25-5.3 Failure to Receive Notice**

Failure of any person or entity to receive a public hearing notice shall not invalidate any proceedings or applications authorized by this Ordinance.

### **25-5.4 Continuation**

Any public hearing conducted under this Ordinance may be continued. The Commission or Council shall announce the time and place to which the hearing is to be continued. No further public hearing notice shall be required.

## **CHAPTER 6**

## **Appeals**



### **Sections**

- 25-6.1 Who May Appeal**
- 25-6.2 Appeal Requirements**
- 25-6.3 Effect of Appeal**
- 25-6.4 Public Notice and Hearing**
- 25-6.5 Decision on Appeal**
- 25-6.6 Appeals by the Planning Director**
- 25-6.7 New Appeal**
- 25-6.8 Reconsideration**

### **25-6.1 Who May Appeal**

Any person dissatisfied with a decision of the Planning Director or Planning Commission on a planning application may appeal the decision. The decision of the Planning Director can be appealed to the Planning Commission, and the Planning Commission's decision to the City Council, unless otherwise not allowed by this Ordinance.

### **25-6.2 Appeal Requirements**

An appeal of a decision by the Planning Director or Planning Commission shall be completed by filing a letter with the City Clerk no later than 10 days after the day on which the decision was made. The appeal shall state the name of the person appealing the decision, the decision that is being appealed and the reasons for the appeal, including an error, abuse or discretion or a decision that is not supported by the findings in the record.

### **25-6.3 Effect of Appeal**

The filing of an appeal shall have the effect of staying the issuance of any permit or procedure until such time as the matter on appeal is resolved.

### **25-6.4 Public Notice and Hearing**

Upon receipt of an appeal by the City Clerk, a public hearing shall be held within 45 days of the receipt of the appeal. The public hearing notice for the appeal shall comply with the notice requirements detailed in Section 25-5 (Public Hearings).

### **25-6.5 Decision on Appeal**

The Planning Commission or City Council shall hold a public hearing on the matter that is under appeal. The appellate body shall affirm, modify or reverse the decision under appeal. At the discretion of the appellate body, the public hearing may be continued.

### **25-6.6 Appeals by the Planning Director**

The Planning Director may appeal a decision of the Planning Commission to the City Council if the Director finds that:

- a. The action of the Planning Commission constitutes new policies for the City.
- b. The action is contrary to established City policy.
- c. The action will have a significant fiscal impact on the City.
- d. The action is not in compliance with City zoning or subdivision ordinances.
- e. The action is inconsistent with the Firebaugh General Plan.

### **25-6.7 New Appeal**

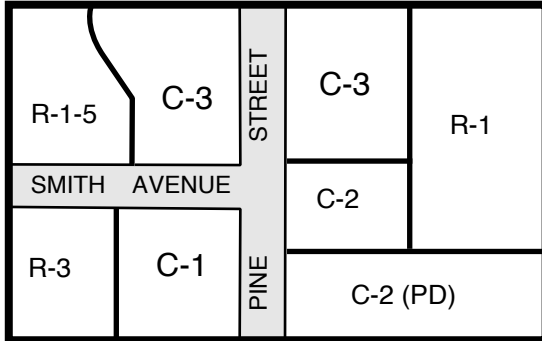
When an appeal has been denied by an appellate body, no new application for the same or substantially same application shall be filed with the City for 12 months following the final decision on the appeal.

### **25-6.8 Reconsideration**

If the appellate body determines that more complete information or additional facts on the matter previously appealed become evident, the affected party may request reconsideration of the appeal. All costs associated with the reconsideration shall be borne by the applicant. A new public hearing notice will be processed consistent with Section 25-5 (Public Hearings).

## CHAPTER 9

## Zoning Districts



### Sections

#### 25-9.1 Purpose

#### 25-9.2 Definition

#### 25-9.3 Districts

#### 25-9.4 Combining Districts

#### 25-9.5 Official Zoning Map

#### 25-9.6 District Boundaries

#### 25-9.7 District Regulations

#### 25-9.8 Effect of Annexation, Vacation or Abandonment on District Boundaries

#### 25-9.9 Effect on Other Regulations

#### 25-9.1 Purpose

Pursuant to Government Code Section 65800 et. seq., the State of California grants to the City of Firebaugh the power to apply zoning to lands within its city limits. The purpose of zoning is to protect the public health, safety and general welfare. The constitutionality of zoning has been upheld by the United States Supreme Court since 1926, *Euclid v. Amber Realty Company* (272 US 365).

#### 25-9.2 Definition

*Zoning* is the division of a city into districts, and the regulation within those districts of the height, appearance and bulk of buildings and structures; the area of a lot that may be occupied and the size of required open spaces; the density and intensity of development; and the use of buildings and land for commercial, agricultural, industrial, residential and other purposes.

### **25-9.3 Districts**

Districts are areas within the City of Firebaugh within which certain zoning regulations apply. The districts hereby established and into which the City is divided are as follows:

| <b><u>District Symbol</u></b> | <b><u>Zone District</u></b>  |
|-------------------------------|--|
| <b>UR</b>                     | <b>Urban Reserve</b>   |
| <b>RA</b>                     | <b>Rural Residential</b>   |
| <b>R-1</b>                    | <b>Single Family Residential, minimum lot size of 6,500 square feet</b>  |
| <b>R-1-5</b>                  | <b>Single Family Residential, minimum lot size of 5,000 square feet</b>  |
| <b>R-1-4.25</b>               | <b>Single Family Residential, minimum lot size of 4,250 square feet</b>  |
| <b>R-1 (TN)</b>               | <b>Single Family Residential (Traditional Neighborhood Development), minimum lot size of 6,500 square feet</b>             |
| <b>R-1-5 (TN)</b>             | <b>Single Family Residential (Traditional Neighborhood Development), minimum lot size of 5,000 square feet square feet</b> |
| <b>R-1-4.25 (TN)</b>          | <b>Single Family Residential (Traditional Neighborhood Development), minimum lot size of 4,250 square feet square feet</b> |
| <b>R-2</b>                    | <b>Low Density Multiple Family Residential, one unit per 3,250 square feet of lot area</b>                                 |
| <b>R-3</b>                    | <b>Medium High Density Multiple Family Residential, one unit per 1,500 square feet of lot area</b>                         |
| <b>C-1</b>                    | <b>Neighborhood Commercial</b>   |
| <b>C-2</b>                    | <b>Central Commercial</b>  |
| <b>C-3</b>                    | <b>General Commercial</b>  |
| <b>M-1</b>                    | <b>Light Industrial</b>  |
| <b>M-2</b>                    | <b>Heavy Industrial</b>  |
| <b>O</b>                      | <b>Open Space</b>  |

**G Government**

**MHP Mobile Home Park**

#### **25-9.4 Overlay Districts**

Overlay districts are areas in Firebaugh that may require special regulations due to unique locational features, architecture, historical significance, resources or hazards. These districts may be combined with any of the base districts identified in this Chapter. For purposes of identification on the Official Zoning Map for Firebaugh, districts that are joined with an overlay district shall be suffixed with the name of the overlay district. As an example, the zoning for an area of Firebaugh that is classified central commercial (C-2) and contains the historic downtown, which demands unique design regulations, would read as C-2 (PD), Central Commercial, Planned Development District. Firebaugh overlay districts are as follows:

**PD Planned Development**

#### **25-9.5 Official Zoning Map**

The zoning boundaries of the aforementioned districts and overlay districts shall be shown on the Official Zoning Map of Firebaugh. The Official Zoning Map shall be a part of this Ordinance and shall remain on file with the Firebaugh Planning and Building Department.

The Firebaugh Planning and Building Department shall be responsible for amending the Official Zoning Map when land is annexed into the city or when property is reclassified from one zone to another.

#### **25-9.6 District Boundaries**

Where uncertainty exists as to the boundary of any district shown on the Zoning Map, the following rules shall apply.

- a. District boundaries shall coincide with either streets, alleys, property lines or railroad rights-of-way unless otherwise shown on the Zoning Map.
- b. Where doubt exists as to the location of a district boundary within a block, the boundary line shall be the nearest interior lot line existing at the effective date of this Ordinance.



### **25-9.7 District Regulations**

Except as provided for in this Ordinance, no structure or part thereof shall be erected, altered or enlarged, nor shall any site or structure be used in a manner other than is included among the uses hereinafter listed as permitted or conditionally permitted in the district in which the structure or site is located. In addition, no structure or part thereof shall be erected, reconstructed, enlarged or moved into any district that exceeds the development standards for the district in which the structure is located.

### **25-9.8 Effect of Annexation, Vacation or Abandonment on District Boundaries**

Where property is annexed into Firebaugh or where property is vacated or abandoned, the following zoning rules shall apply:

- a. Firebaugh may pre-zone unincorporated territory adjoining the city for the purpose of determining the zoning that will apply to such territory in the event of annexation. Zoning of the subject territory will be conducted consistent with Section 25-49 Zoning Ordinance Amendments and will become effective when annexation has been completed.
- b. Unless pre-zoned, all property annexed into the City shall be classified to the Urban Reserve (UR) district.
- c. All property that lacks zoning because property has been vacated or abandoned shall be zoned to the centerline of the subject property consistent with the zoning on the adjoining property.

### **25-9.9 Effect on Other Regulations**

Where more restrictive standards, use regulations or rules are established by any other applicable statutes, ordinances or regulations than is established by this Ordinance, the provisions of such statutes, ordinances or regulations shall govern.

## CHAPTER 15



### **R-1 Zone (Conventional Single Family Residential) Zones**

#### **Sections**

|                 |  |
|-----------------|--|
| <b>25-15.1</b>  | <b>Purpose</b>                                   |
| <b>25-15.2</b>  | <b>Subdistricts</b>                              |
| <b>25-15.3</b>  | <b>Permitted Uses</b>                            |
| <b>25-15.4</b>  | <b>Conditional Uses</b>                          |
| <b>25-15.5</b>  | <b>Development Standards</b>                     |
| <b>25-15.6</b>  | <b>Fences, Walls and Hedges</b>                  |
| <b>25-15.7</b>  | <b>Off-Street Parking and Loading Facilities</b> |
| <b>25-15.8</b>  | <b>Signs</b>                                     |
| <b>25-15.9</b>  | <b>Design Standards</b>                          |
| <b>25-15.10</b> | <b>Energy Conservation</b>                       |
| <b>25-15.11</b> | <b>Water Conservation</b>                        |

#### **25-15.1 Purpose**

The purpose of the R-1 district is to provide living areas within Firebaugh where development is consistent with the Firebaugh General Plan and is generally limited to low density concentrations of single-family dwellings, and where regulations are designed to promote the following: (1) encourage a suitable environment for family life, (2) provide space for community facilities, including parks, schools, churches and other facilities that will complement the residential environment; (3) a circulation system that is pedestrian-friendly, is properly connected to the community at-large and adjacent residential developments, and provides for alternative forms of transportation; (4) an attractive and unique neighborhood design that ranges from streetscape to the residential dwellings themselves; and (5) the conservation of valuable resources ranging from water to energy.

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Chapter 15: R-1 Zone (Conventional Single Family Residential)

**25-15.2 Subdistricts**

In order to adequately plan for single family development at various densities, the R-1 district is further divided into the following subdistricts:

R-1 (single family residential, 6,500 square foot minimum lot size  
R-1-5 (single family residential, 5,000 square foot minimum lot size);  
R-1-4.25 (single family residential, 4,250 square foot lot size);

**25-15.3 Permitted Uses**

The following uses are permitted by administrative approval, subject to development standards contained in this chapter.

- a. Single-family dwellings, including conventional stick-built, and mobile homes/modular homes subject to design standards contained in Section 25-15.9 of this chapter.
- b. Accessory buildings and structures, including garages, sheds and similar.
- c. Swimming pools, subject to standards contained in Section 25-15.5 d. (Yard Setbacks).
- d. Home occupations , subject to standards contained in Chapter 25-53 (Special Uses).
- e. Second residential units , subject to standards contained in Chapter 25-53 (Special Uses).
- f. Small day care homes (for 1 to 8 children).
- g. Licensed residential care facilities serving six or fewer persons.
- h. Employee Housing, 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.
- i. Drainage basins.
- j. Water well sites.
- k. Utility facilities, including electrical substations, elevated pressure tanks, and communication equipment buildings.

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Chapter 15: R-1 Zone (Conventional Single Family Residential)

- l. Model homes, subdivision sales offices and temporary construction materials storage yards associated with the development of a residential subdivision.
- m. Transitional and supportive housing (six or fewer persons).
- n. Storage of recreational vehicles, motorhome, travel trailer, truck camper, camping trailer, boat or boat trailer storage.

**25-15.4 Conditional Uses**

The following uses shall be permitted upon the granting of a Conditional Use Permit consistent with Chapter 25-63 Conditional Use Permits.

- a. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, nonprofit schools and colleges; churches and other religious institutions.
- b. Licensed senior citizen housing facilities.
- c. Licensed large family day care facilities (for 9 or more children).
- d. Licensed residential care facilities serving more than six persons.

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Chapter 15: R-1 Zone (Conventional Single Family Residential)

**25-15.5 Development Standards**

a. Lot Area

The minimum lot size for Firebaugh's single family residential districts are as follows:

| <u>District</u> | <u>Minimum Site Area</u> |
|-----------------|--------------------------|
| R-1             | 6,500 square feet        |
| R-1-5           | 5,000 square feet        |
| R-1-4.25        | 4,250 square feet        |

b. Lot Frontage and Depth (see also Exhibit 15-1)

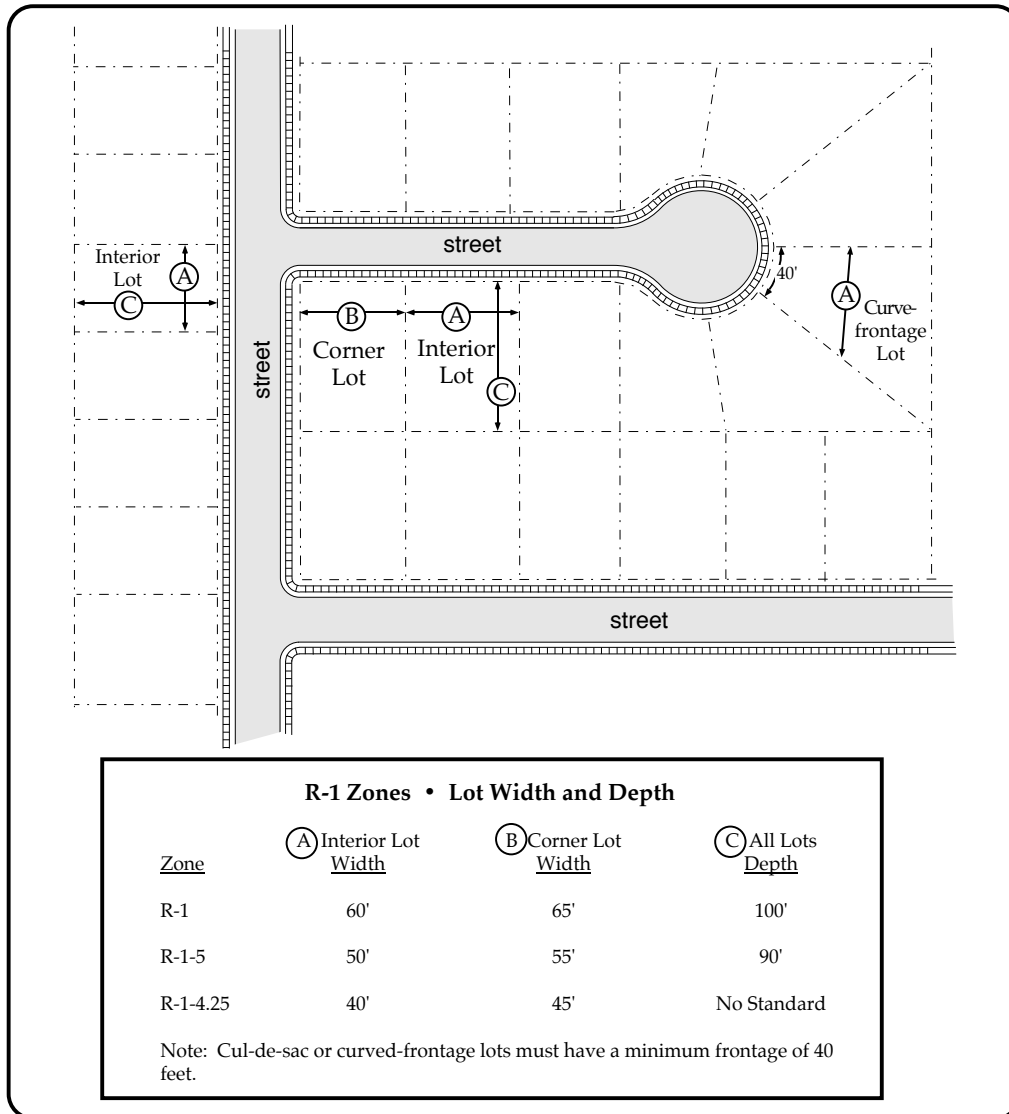
1. The minimum lot frontage and depth requirements for each of Firebaugh's single family residential districts are as follows:

**Table 15-1: Minimum Lot Width and Depth Requirements**

|                                | <b><u>R-1 Zone</u></b> | <b><u>R-1-5 Zone</u></b> | <b><u>R-1-4.25 Zone</u></b>   |
|--------------------------------|------------------------|--------------------------|---|
| Width: Interior Lots           | 60 feet                | 50 feet                  | 40 feet   |
| Width: Corner Lots             | 65 feet                | 55 feet                  | 45 feet   |
| Cul-de-sac/curve frontage lots | 40 feet                | 40 feet                  | 40 feet   |
| Depth                          | 100 feet               | 90 feet                  | No standard, though the depth must be sufficient to meet minimum lot area requirement of 4,250 s.f. |

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Chapter 15: R-1 Zone (Conventional Single Family Residential)

**Exhibit 15-1: Lot Width and Depth Requirements Shown on Typical Lots**



c. Building Height

Residential structures shall not exceed 25 feet/two stories in height; Accessory structures shall not exceed 12 feet in height.

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Chapter 15: R-1 Zone (Conventional Single Family Residential)

d. Yard Requirements (see also Exhibit 15-2)

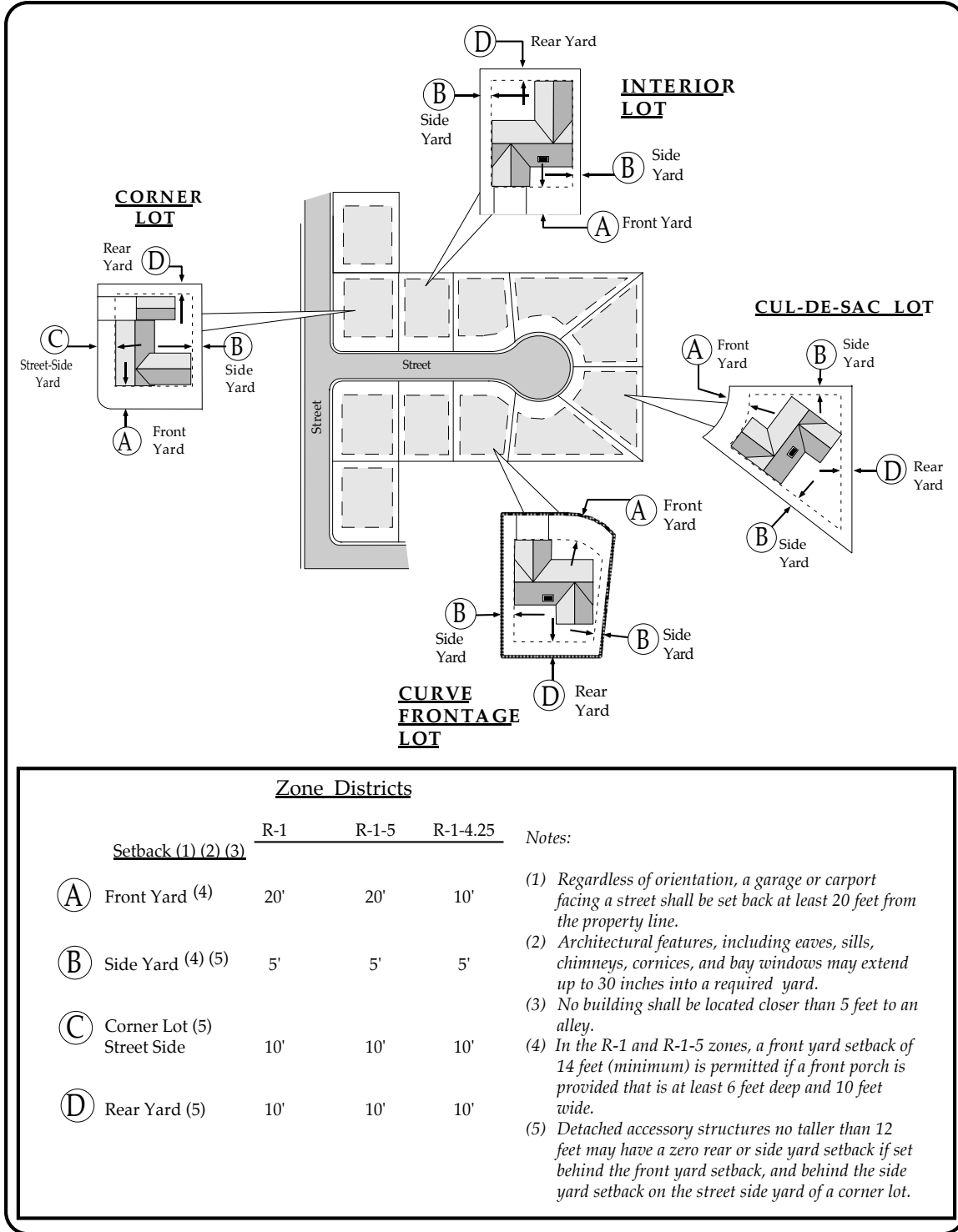
Yard setback areas shall be maintained on lots in the single family zones as shown in Table 15-2.

**Table 15-2**  
***Yard Setback Requirements***

|  | <b><u>R-1 Zone</u></b>   | <b><u>R-1-5 Zone</u></b>   | <b><u>R-1-4.25 Zone</u></b>   |
|--|--|--|---|
| Front Yard   | 20 feet, minimum, except that a front yard setback of 14 feet (minimum) is permitted if a front porch is provided that is at least 6 feet deep and 10 feet wide. Regardless, garages and carports facing a street must be set back at least 20 feet. | 20 feet, minimum, except that a front yard setback of 14 feet (minimum) is permitted if a front porch is provided that is at least 6 feet deep and 10 feet wide. Regardless, garages and carports facing a street must be set back at least 20 feet. | 10 feet, minimum, except that 20 feet is required for the garage portion of a dwelling that faces a street. |
| Side Yards   |  |  |   |
| Interior Side Yard   | 5 feet, minimum  | 5 feet, minimum  | 5 feet, minimum   |
| Corner lot street side yard  | 10 feet, minimum, except 20 feet required where a garage or carport faces a street.  | 10 feet, minimum, except 20 feet required where a garage or carport faces a street.  | 10 feet, minimum, except 20 feet required where a garage or carport faces a street.                         |
| Rear Yard  | 10 feet, minimum   | 10 feet, minimum   | 10 feet, minimum  |
| 1). Detached accessory structures no taller than 12 feet may have a zero rear or side yard setback if set back behind the front yard setback, and behind the side yard setback on the street side yard of a corner lot.<br>(2) Architectural features, including eaves, sills, chimneys, cornices, and bay windows may extend up to 30 inches into a required yard.<br>(3) No building shall be located closer than 5 feet to an alley.<br>(4) Portable carports are prohibited between a dwelling and any street abutting the lot<br>(5) Swimming pools shall not be located in any required front yard, or a required side yard on the street side of a corner lot. Swimming pools located in a rear or side yard must be set back at least five feet from the rear and side property lines. |  |  |   |

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Chapter 15: R-1 Zone (Conventional Single Family Residential)

**Exhibit 15-2: Yard Setback Requirements in the R-1 Zones  
illustrated on typical lot types**





**25-15.6 Fences, Walls and Hedges (see also Exhibit 15-3)**

a. Front Yards:

Fences, walls and hedges in a required front yard setback area shall not exceed three feet in height, except that a fence or wall may be four feet in height if more than 50 percent of the top one-foot of the structure is see-through (such as wrought-iron).

b. Rear and Side Yards:

Fences, walls, and hedges in the area behind the required front yard setback shall not exceed seven feet in height.

c. Fences on the Street Side Yards of Corner Lots

Fences, walls and hedges within the required side yard setback area along the street side yard of a corner lot shall not exceed three feet in height, except that a fence or wall may be four feet in height if more than 50 percent of the top one-foot of the structure is see-through (such as wrought-iron).

d. Corner visibility triangle

Street Intersection

No fencing higher than 3 feet shall be placed in the corner area of a lot formed by a triangle with its right angle at corner of the lot adjacent to the street intersection and right angle sides measuring 30 feet long.

Driveway/Street Intersection

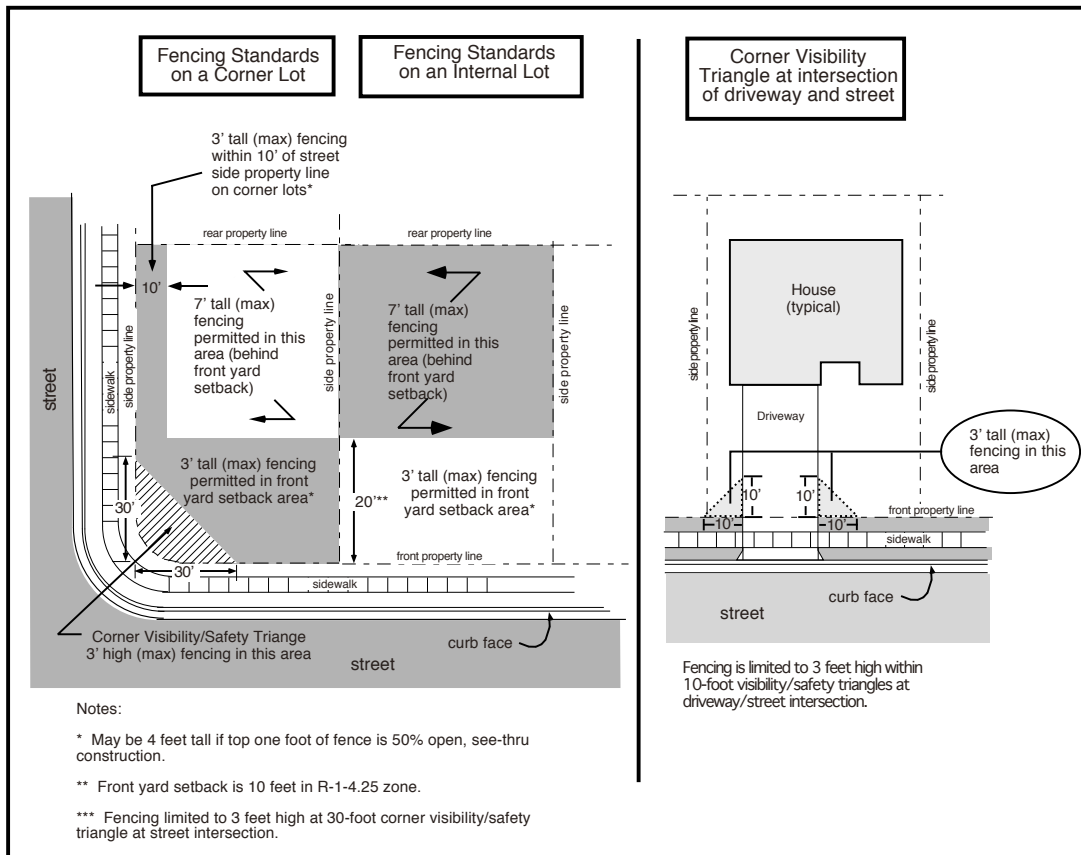
No fencing higher than 3 feet shall be placed in triangular areas situated where a driveway intersects a street. The affected area is defined as a triangle where the right angle corner is set at the point where the driveway intersects the property line, and the right angle sides measure ten feet long.

e. Materials such as razor wire and barbed wire are prohibited in residential zones (except for temporary construction yards associated with a development project).

f. For non-residential uses, the fencing standards of Chapter 25-21 (C-1 Zone) shall apply.

(DRAFT) Firebaugh Zoning Ordinance  
Chapter 15: R-1 Zone (Conventional Single Family Residential)

**Exhibit 15-3: Fencing Standards Shown on Typical Lots**



### 25-15.7 Off-Street Parking

- a. In the R-1 and R-1-5 zones a minimum of two covered parking stalls (within a garage or permanent carport) shall be provided for each single family dwelling. Each space shall have a minimum width of 10 feet and a minimum depth of 20 feet. All parking spaces and driveways shall have a concrete or asphalt surface. Where a garage or carport is open to a public street, a driveway of at least 20 feet in length shall be provided between the face of the garage and the back of sidewalk or property line, whichever distance is greater.
- b. In the R-1-4.25 zone, a minimum of one covered parking stall (within a garage or permanent carport) shall be provided. Each space shall have a minimum width of 10 feet and a minimum depth of 20 feet. All parking spaces and driveways shall have a concrete or asphalt surface. Where a garage or carport is open to a public street, a driveway of at least 20 feet in length shall be provided between the face of the garage and the back of sidewalk or property line, whichever distance is greater.

(DRAFT) Firebaugh Zoning Ordinance  
Chapter 15: R-1 Zone (Conventional Single Family Residential)

- c. A garage or carport shall not be converted to become a habitable part of the dwelling unless an equivalent number of covered parking spaces are provided elsewhere on the subject parcel.
- d. Non-residential uses in this district shall provide off-street parking consistent with Chapter 25-45 Parking and Loading.

**25-15.8 Signs**

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

**25-15.9 Design Standards**

The following standards shall apply to all single family dwellings, including manufactured and mobile homes, that are established in the R-1 districts.

- a. The minimum width of a single family dwelling or a manufactured or mobile home shall be 20 feet.
- b. Mobile homes must be certified under the National Manufactured Home Construction and Safety Act of 1974.
- c. All residential dwellings shall be attached to a permanent foundation.
- d. The roofs of all residential dwellings shall be composed of composition shingles, ceramic tiles, metal or wood shakes or shingles. The pitch of the roof shall not be less than three inches of vertical rise over 12 inches of horizontal run. The roof overhang shall not be less than 12 inches around the building perimeter.
- e. The exterior siding of all residential dwellings shall be composed of wood, masonry, plaster, or metal sheathing.
- f. Siding shall extend to the ground, except when a solid concrete or masonry perimeter foundation or retaining wall is used, in which case the siding material need only extend to the top of the foundation or wall.

(DRAFT) Firebaugh Zoning Ordinance  
Chapter 15: R-1 Zone (Conventional Single Family Residential)

**25-15.10      Energy Conservation (see also Exhibit 15-4)**

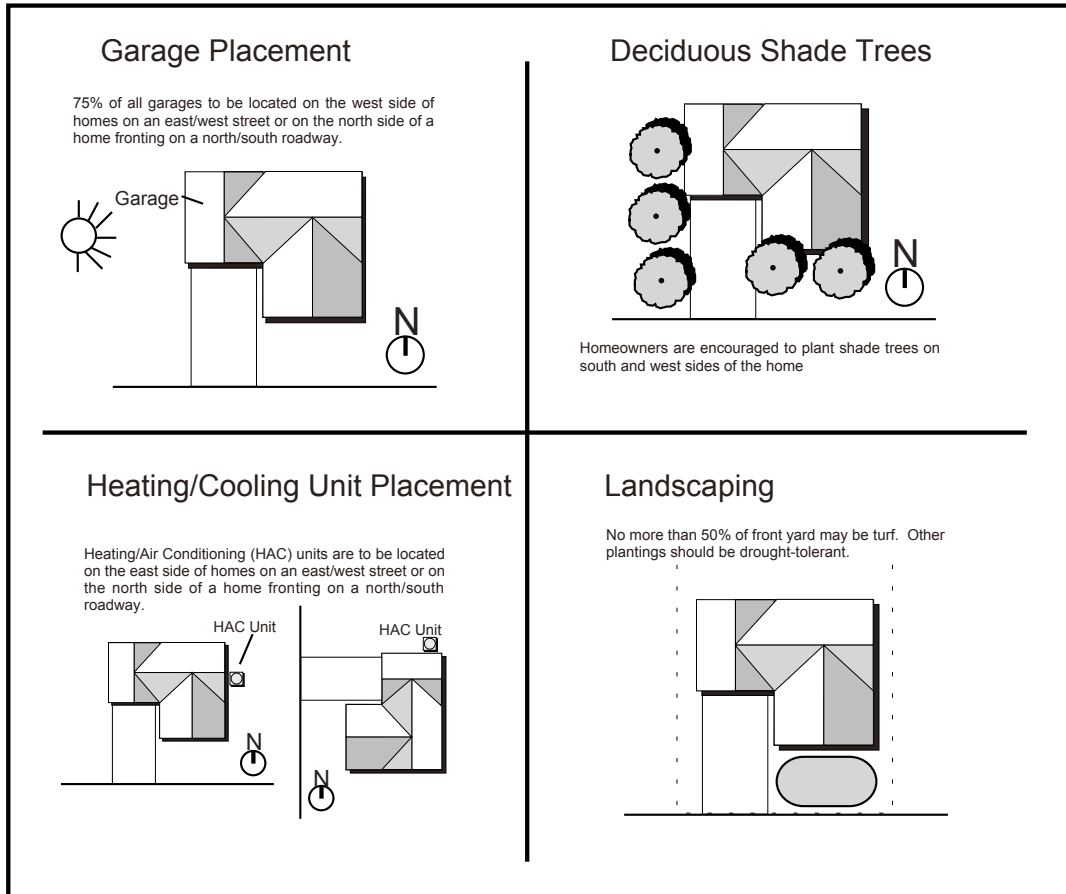
- a.      In order to conserve energy, seventy-five percent of all garages in subdivisions constructed after the adoption of this ordinance (insert date) shall be located on the west side of a home that fronts onto an east/west roadway, and on the north side of a home that fronts onto a north/south roadway.
- b.      In order to conserve energy, all ground-mounted heating/cooling units in subdivisions constructed after the adoption of this ordinance (insert date) shall be located on the east side of a home that fronts onto an east/west roadway, and on the north side of a home that fronts onto a north/south roadway.
- c.      In order to conserve energy, residents are encouraged to plant deciduous trees on the south and west sides of their home.

**25-15.11      Water Conservation (see also Exhibit 15-4)**

- a.      In order to conserve water, not more than fifty percent of the front yard landscaping shall be devoted to turf. Shrubs planted in the front yard shall be drought-tolerant species. Artificial lawn shall be considered as a landscaping option.

(DRAFT) Firebaugh Zoning Ordinance  
Chapter 15: R-1 Zone (Conventional Single Family Residential)

**Exhibit 15-4**  
***Energy and Water Conservation Measures***



## CHAPTER 17



### **R-1 (TN) Zones (Single Family Residential (Traditional Neighborhood))**

#### **Sections**

|                 |  |
|-----------------|--|
| <b>25-17.1</b>  | <b>Purpose</b>                                   |
| <b>25-17.2</b>  | <b>Subdistricts</b>                              |
| <b>25-17.3</b>  | <b>Permitted Uses</b>                            |
| <b>25-17.4</b>  | <b>Conditional Uses</b>                          |
| <b>25-17.5</b>  | <b>Development Standards</b>                     |
| <b>25-17.6</b>  | <b>Fences, Walls and Hedges</b>                  |
| <b>25-17.7</b>  | <b>Off-Street Parking and Loading Facilities</b> |
| <b>25-17.8</b>  | <b>Signs</b>                                     |
| <b>25-17.9</b>  | <b>Design Standards and Guidelines</b>           |
| <b>25-17.10</b> | <b>Energy Conservation</b>                       |
| <b>25-17.11</b> | <b>Water Conservation</b>                        |

#### **25-17.1 Purpose**

The purpose of the R-1(TN) districts is to provide livable and pedestrian-oriented residential areas within Firebaugh where development is consistent with the Firebaugh General Plan and is generally limited to low density concentrations of single-family dwellings. A key feature of the Traditional Neighborhood zones is the review of architectural character of new dwellings, and emphasis on careful design to encourage a pedestrian-friendly neighborhood environment. Regulations in the TN zones are designed to promote the following:

- a. An attractive and unique neighborhood design that ranges from streetscape to the residential dwellings themselves which will be designed to promote interaction with the neighborhood, including the use of front porches, and garages set back behind the front plane of the dwelling; and
- b. Encourage a suitable environment for family life;
- c. Provide space for community facilities, including parks, schools, churches and other facilities that will complement the residential environment;

(DRAFT) Firebaugh Zoning Ordinance  
Chapter 17: R-1 (TN) Zones  
(Single Family Residential (Traditional Neighborhood))

- d. A circulation system that is pedestrian-friendly, is well connected to the community at-large and adjacent residential developments, and provides for alternative forms of transportation;
- e. The conservation of valuable resources ranging from water to energy.

A key feature of the R-1(TN) zones is the review of the architectural character of single family dwellings, to ensure that homes reflect styles that are historic to the San Joaquin Valley.

### **25-17.2 Subdistricts**

In order to adequately plan for single family development at various densities, the R-1 (TN) district is further divided into the following subdistricts:

R-1 (TN) (single family residential, 6,500 square foot minimum lot size);  
R-1-5 (TN) (single family residential, 5,000 square foot minimum lot size);  
R-1-4.25 (TN) (single family residential, 4,250 square foot lot size);

### **25-17.3 Permitted Uses**

The following uses are permitted by administrative approval, subject to development standards contained in this chapter.

- a. Single-family dwellings, including conventional stick-built, and mobile homes/modular homes subject to design standards contained in Section 25-15.9 of this chapter.
- b. Accessory buildings and structures, including garages, swimming pools, sheds and similar.
- c. Home occupations, subject to standards contained in Chapter 25-41 (Special Uses).
- d. Second residential units, subject to standards contained in Chapter 25-41 (Special Uses).
- e. Small day care homes (for 1 to 8 children), subject to standards contained in Chapter 25-41 (Special Uses).
- f. Licensed residential care facilities serving six or fewer persons, subject to standards contained in Chapter 25-41 (Special Uses).

(DRAFT) Firebaugh Zoning Ordinance  
Chapter 17: R-1 (TN) Zones  
(Single Family Residential (Traditional Neighborhood))

- g. Employee Housing, 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.
- h. Drainage basins.
- I. Water well sites.
- j. Utility facilities, including electrical substations, elevated pressure tanks, and communication equipment buildings.
- k. Model homes, subdivision sales offices and temporary construction materials storage yards associated with the development of a residential subdivision.
- l. Transitional and supportive housing (six or fewer persons).
- m. Storage of recreational vehicles, motorhome, travel trailer, truck camper, camping trailer, boat or boat trailer storage, subject to standards contained in Chapter 25-41 (Special Uses).

**25-17.4 Conditional Uses**

The following uses shall be permitted upon the granting of a Conditional Use Permit consistent with Chapter 25-51 Conditional Use Permits.

- a. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, nonprofit schools and colleges; churches and other religious institutions.
- b. Licensed senior citizen housing facilities.
- c. Licensed large family day care facilities (for 9 or more children).
- d. Licensed residential care facilities serving more than six persons, subject to standards contained in Chapter 25-41 (Special Uses).



(DRAFT) Firebaugh Zoning Ordinance  
Chapter 17: R-1 (TN) Zones  
(Single Family Residential (Traditional Neighborhood))

**25-17.5 Development Standards**

a. Lot Area (see also Exhibit 17-1)

The minimum lot size for Firebaugh's single family residential (TN) districts are as follows:

| <u>District</u> | <u>Minimum Site Area</u> |
|-----------------|--------------------------|
| R-1             | 6,500 square feet        |
| R-1-5           | 5,000 square feet        |
| R-1-4.25        | 4,250 square feet        |

b. Lot Frontage and Depth (see also Exhibit 15-1)

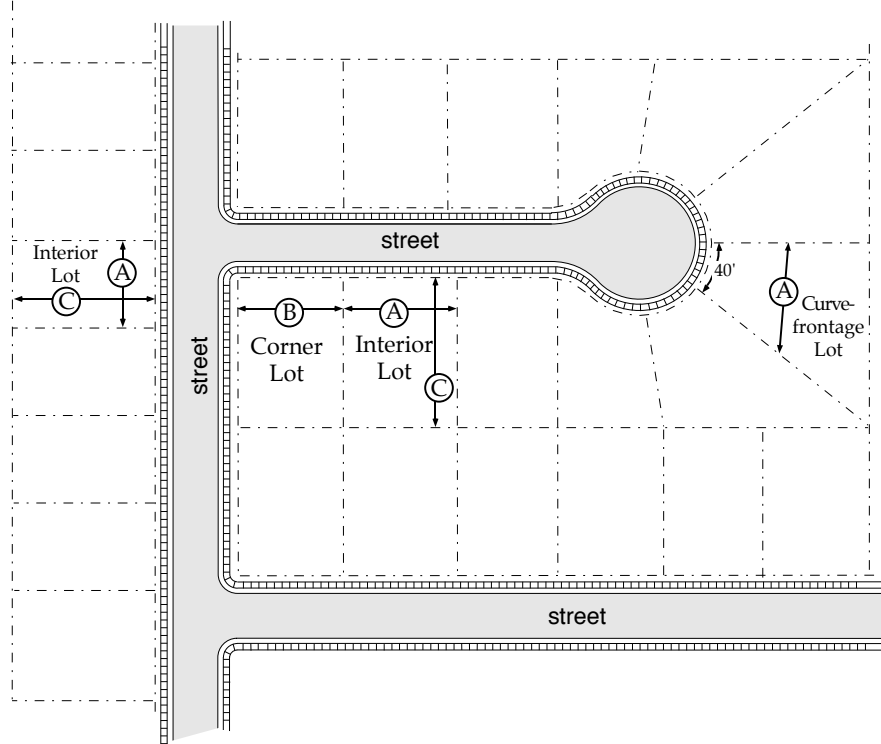
1. The minimum lot frontage and depth requirements for each of Firebaugh's single family residential (TN) districts are as follows:

**Table 15-1: Minimum Lot Width and Depth Requirements**

|                                | <u><b>R-1 Zone</b></u> | <u><b>R-1-5 Zone</b></u> | <u><b>R-1-4.25 Zone</b></u>   |
|--------------------------------|------------------------|--------------------------|---|
| Width: Interior Lots           | 60 feet                | 50 feet                  | 40 feet   |
| Width: Corner Lots             | 65 feet                | 55 feet                  | 45 feet   |
| Cul-de-sac/curve frontage lots | 40 feet                | 40 feet                  | 40 feet   |
| Depth                          | 100 feet               | 90 feet                  | No standard, though the depth must be sufficient to meet minimum lot area requirement of 4,250 s.f. |

(DRAFT) Firebaugh Zoning Ordinance  
Chapter 17: R-1 (TN) Zones  
(Single Family Residential (Traditional Neighborhood))

**Exhibit 15-1 • R-1 Zone - Lot Width and Depth**



**R-1 Zones • Lot Width and Depth**

| <u>Zone</u> | (A) Interior Lot<br><u>Width</u> | (B) Corner Lot<br><u>Width</u> | (C) All Lots<br><u>Depth</u> |
|-------------|----------------------------------|--------------------------------|------------------------------|
| R-1         | 60'                              | 65'                            | 100'                         |
| R-1-5       | 50'                              | 55'                            | 90'                          |
| R-1-4.25    | 40'                              | 45'                            | No Standard                  |

Note: Cul-de-sac or curved-frontage lots must have a minimum frontage of 40 feet.

c. **Building Height**

Residential structures shall not exceed 25 feet/two stories in height; Accessory structures shall not exceed 12 feet in height.

(DRAFT) Firebaugh Zoning Ordinance  
Chapter 17: R-1 (TN) Zones  
(Single Family Residential (Traditional Neighborhood))

d. Yard Requirements (see also Exhibit 17-2)

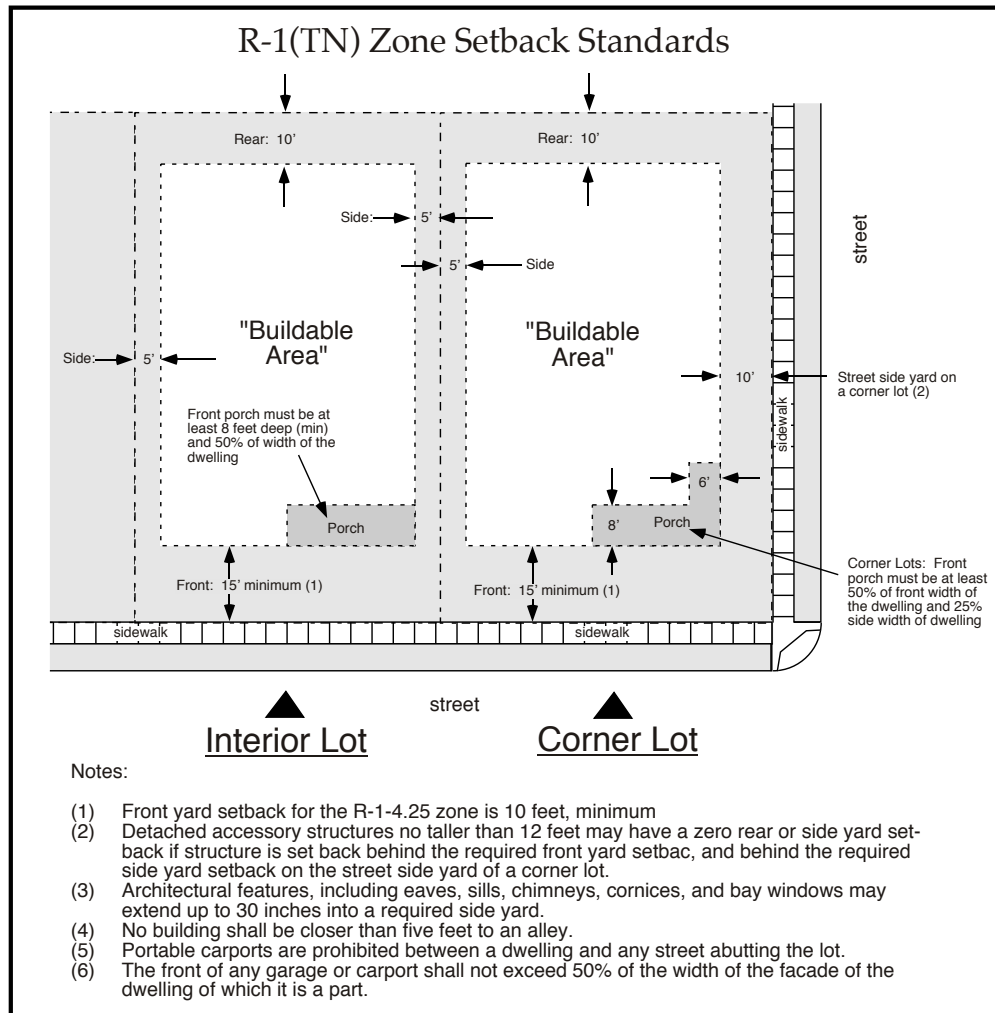
Yard setback areas shall be maintained on lots in the Traditional Neighborhood R-1 zones as shown in Table 17-2.

Table 17-2  
Yard Setback Requirements

|   | <b><u>R-1 (TN) Zone</u></b>  | <b><u>R-1-5 (TN) Zone</u></b>   | <b><u>R-1-4.25 (TN) Zone</u></b>  |
|---|--|---|---|
| Front Yard  | 15 feet minimum, except that garages and carports shall be set back at least 20 feet. All dwellings shall include a front porch at least 8 feet deep that spans at least one half the width of the façade of the dwelling. In no case shall a garage or carport extend forward of the remainder of the dwelling. | 15 feet, minimum except that garages and carports facing a street shall be set back at least 20 feet. All dwellings shall include a front porch at least 8 feet deep that spans at least one half the width of the façade of the dwelling. In no case shall a garage extend forward of the remainder of the dwelling. | 10 feet, minimum except that garages and carports shall be set back at least 20 feet. All dwellings shall include a front porch at least 8 feet deep that spans at least one half the width of the façade of the dwelling. In no case shall a garage extend forward of the remainder of the dwelling. |
| Side Yards  |  |   |   |
| Interior Side Yard  | 5 feet, minimum  | 5 feet, minimum   | 5 feet, minimum   |
| Corner lot street side yard   | 10 feet minimum, except 20 feet required for that portion of a dwelling where a garage or carport faces a street. The façade of a dwelling facing a street side yard on a corner lot shall have a useable porch at least six feet deep, spanning at least one-quarter the width of the façade.                   | 10 feet, minimum, except 20 feet required for that portion of a dwelling where a garage or carport faces a street. The façade of a dwelling facing a street side yard on a corner lot shall have a useable porch at least six feet deep, spanning at least one-quarter the width of the façade.                       | 10 feet, minimum except 20 feet required for that portion of a dwelling where a garage or carport faces a street. The façade of a dwelling facing a street side yard on a corner lot shall have a useable porch at least six feet deep, spanning at least one-quarter the width of the façade.        |
| Rear Yard   | 10 feet, minimum   | 10 feet, minimum  | 10 feet, minimum  |
| Special Requirements: <ol style="list-style-type: none"> <li>(1). Detached accessory structures no taller than 12 feet may have a zero rear or side yard setback if set back behind the front yard setback, and behind the side yard setback on the street side yard of a corner lot.</li> <li>(2). Architectural features, including eaves, sills, chimneys, cornices, and bay windows may extend up to 30 inches into a required side yard.</li> <li>(3). No building shall be located closer than 5 feet to an alley.</li> <li>(4). Portable carports are prohibited between a dwelling and any street abutting the lot</li> <li>(5). The front of any garage or carport shall not exceed 50% of the width of the façade of the dwelling of which it is a part.</li> </ol> |  |   |   |

(DRAFT) Firebaugh Zoning Ordinance  
Chapter 17: R-1 (TN) Zones  
(Single Family Residential (Traditional Neighborhood))

**Exhibit 17-2: Yard Setback Requirements in the R-1 (TN), R-1-5 (TN) and R-1-4.25 (TN) Zones on Typical Lots**



**25-17.6 Fences, Walls and Hedges (see also Exhibit 17-3)**

a. Front Yards:

Fences, walls and hedges in a required front yard setback area shall not exceed three feet in height, except that a fence or wall may be four feet in height if more than 50 percent of the top one-foot of the structure is see-through (such as wrought-iron).

b. Rear and Side Yards:

Fences, walls, and hedges in the area behind the required front yard setback shall not exceed seven feet in height.

c. Fences on the Street Side Yards of Corner Lots

Fences, walls and hedges within the required side yard setback area along the street side yard of a corner lot shall not exceed three feet in height, except that a fence or wall may be four feet in height if more than 50 percent of the top one-foot of the structure is see-through (such as wrought-iron).

d. Corner visibility triangle

Street Intersection

No fencing higher than 3 feet shall be placed in the corner area of a lot formed by a triangle with its right angle at corner of the lot adjacent to the street intersection and right angle sides measuring 30 feet long.

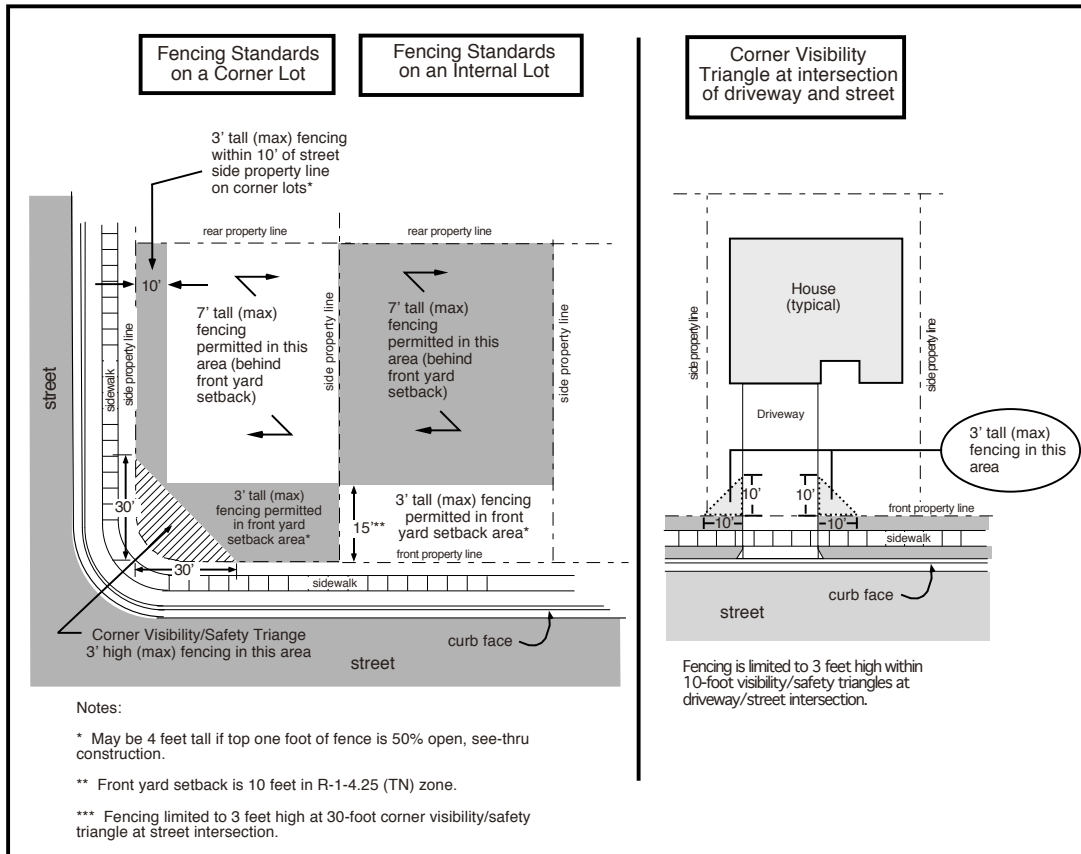
Driveway/Street Intersection

No fencing higher than 3 feet shall be placed in triangular areas situated where a driveway intersects a street. The affected area is defined as a triangle where the right angle corner is set at the point where the driveway intersects the property line, and the right angle sides measure ten feet long.

e. For non-residential uses, the fencing standards of Chapter 25-21 (C-1 Zone) shall apply.

(DRAFT) Firebaugh Zoning Ordinance  
Chapter 17: R-1 (TN) Zones  
(Single Family Residential (Traditional Neighborhood))

**Exhibit 17-3: Fencing Standards**



**25-17.7 Off-Street Parking**

- a. In the R-1 (TN) and R-1-5 (TN) zones a minimum of two covered parking stalls (within a garage or permanent carport) shall be provided for each single family dwelling. In the R-1-4.25 (TN) zone a minimum of one covered parking stall (within a garage or permanent carport) shall be provided for each single family dwelling. Each space shall have a minimum width of 10 feet and a minimum depth of 20 feet. All parking spaces and driveways shall have a concrete or asphalt surface. Where a garage or carport is open to a public street, a driveway of at least 20 feet in length shall be provided between the face of the garage and the back of sidewalk or property line, whichever distance is greater.
- b. Non-residential uses in this district shall provide off-street parking consistent with Chapter 25-57 Parking and Loading.

## **25-17.8 Signs**

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

## **25-17.9 Design Standards and Guidelines**

The following standards shall apply to all single family dwellings, including manufactured and mobile homes, that are established in the R-1 districts.

- a. Single family dwellings shall be designed utilizing an architectural style that is traditional to the history of the San Joaquin Valley. Historical residential architectural styles that are acceptable include:

1. Craftsman
2. Mission Revival
3. Queen Anne (Victorian)
4. Monterey
5. Colonial
6. Tudor
7. Spanish Eclectic

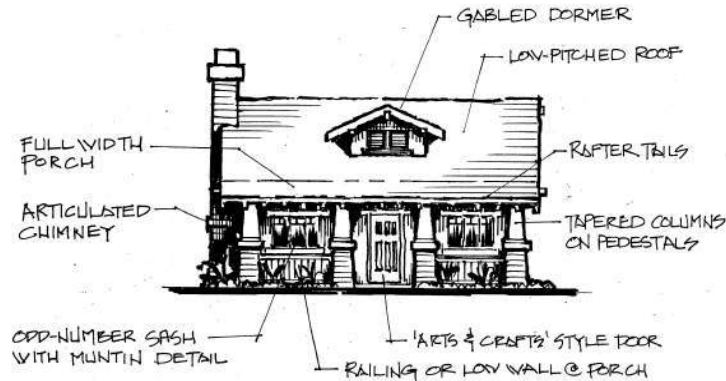
Consideration may be given to the use of other architectural styles if they are found to be reflective of local history and consistent with the objectives of this chapter, as determined by the Planning Director.

For each of the foregoing styles, dwellings shall be designed to utilize an appropriate combination of architectural features, including:

Building form and massing  
Siding/Finish material  
Windows  
Roofing and roof pitch  
Porches  
Chimneys

**Arts and Crafts Style (Craftsman)**

## Craftsman Style Design Elements



### Roof Details and Structure form

1. Low pitch (4:12 or less) with wide overhangs at gable ends and eaves.
2. Rafter ends exposed at select locations (i.e., porches, shed roofs). Where exposed, rafters should be wider than 2" nominal or decorative end-cut.
3. Use deeper fly rafter or barge board with decorative end-cut at gable ends.
4. Use false beams and purlins and/or knee braces at gable ends.
5. Vary roof types on street:
  - 1/3 Front gable
  - 1/3 Side gable
  - 1/3 Cross gable



KNEE BRACE



FLY RAFTER & BEAM



SIDE GABLE

FRONT GABLE

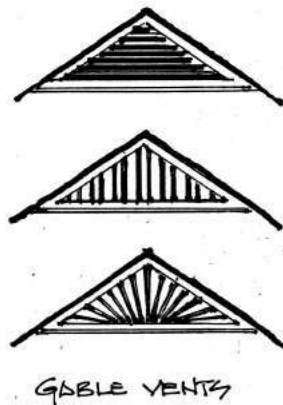
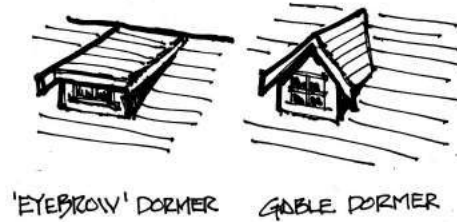
CROSS GABLE



## Craftsman Style Design Elements

### Roof Details and Structure form

6. Use composition shingles with 'shake shingle' or 'slate' look.
7. Decorative dormers should be shed roof (eyebrow) or gable roof of proper scale using the same trim and finish as the house.
8. Gable vents (of front gables) should be horizontal louvers or vertical slats. Triangular shape is preferred, although square is OK.



### Porches

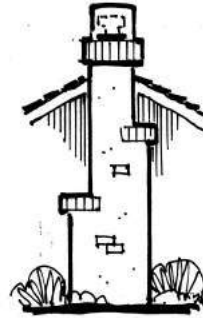
1. Full or partial width of front elevation. (Not just at front door.)
2. Supported by tapered square columns or posts of appropriate size.
3. Railing or wall of appropriate material and not too tall.



## Craftsman Style Design Elements

### Chimneys

1. Articulate elevation if on exterior wall.
2. Masonry veneer should match base or have a dark, blended brick look.
3. Top should have a slightly wider termination with cap to screen pre-fab top.



ARTICULATED CHIMNEY  
W/ SCREEN CAP

### Windows

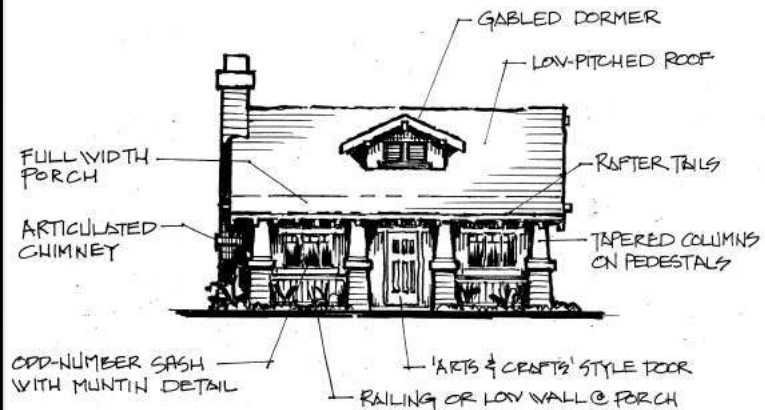
1. Should have odd number of sash and decorative muntin detail.
2. Exterior trim should emphasize 'post and beam' motif.
3. Casement or double hung would be most appropriate.



WINDOW GROUP  
WITH 'POST AND BEAM'  
TRIM & DECORATIVE  
MUNTINS

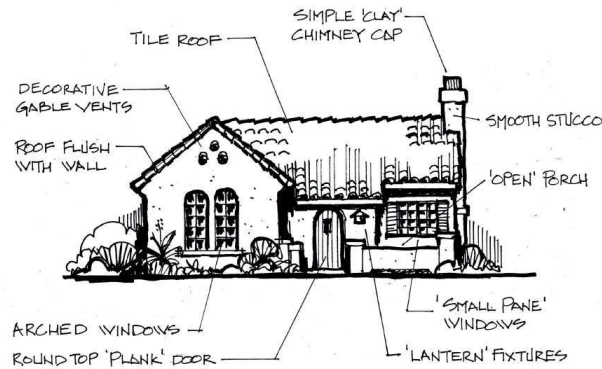
### Finish Materials

1. Appropriate wall materials are stucco, panelized shingles, or lap siding. Siding may be 'flared' slightly just above base.
2. Pedestals or column bases should be stucco of masonry veneer.
3. Front door should be from 'Arts and Crafts' series of many door companies.
4. Wall and trim colors should be from "Arts and Crafts" palette.
5. Exposed light fixtures should be A&C style in 'verde' patina or dark bronze.



## Spanish Style

### Spanish Style Design Elements



#### Roof

1. Low pitched (4:12 or less) with little or no overhang. Interplay roof levels or use circular elements to make more interesting.
2. Use red (or approved blend) tile roofing. Tile may be 'wrapped' over flush gable ends to create a more distinctive style.
3. Gable vents should be red tile 'pipes' in a decorative pattern, circular louvers, or simple decorative pattern in stucco.
4. Vary roof types on street:
  - ¼ Side gable
  - ½ Cross gable
  - ¼ Hip roof
5. Porches can be open roofed or shed roofed with round columns.



Roof tiles



Arched Porch

## Spanish Style Design Elements

### Chimneys

1. Chimneys should be simple, smooth, with no sharp corners and should be a good place to express style by using various terminations: 'tile roof' cap, 'clay pot' top, or simple clay flue.

### Chimney caps



### Articulated Chimney



### Windows

1. Windows should be casement or hung with a grid pattern to give the appearance of smaller panes. A large focal window with an arched or parabolic top is typical of this style.



### Arched Window with attic vents



### Triple arch window

## Spanish Style Design Elements

### Doors

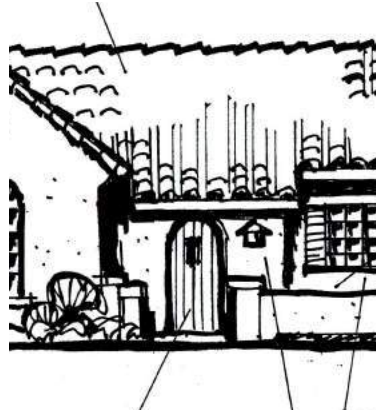
1. The front door should have a heavy 'plank' look with dark hardware.
2. A 'round top' door would be appropriate for the front entry.

### Finish Materials

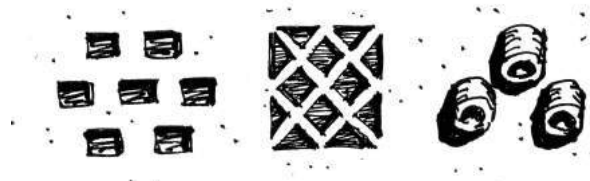
1. Walls should be stucco with prominent arch above door or principal window or beneath porch roof. Front elevation should be asymmetrical.
2. Porch walls could be stucco or stone veneer with cap pieces
3. Stucco colors should be whites, beiges, light tans and browns. Trim colors should be dark greens, browns, or oxide reds.

### Details

1. Any grilles or railings should have a wrought iron appearance. Exposed light fixtures should have a 'lantern' look and a muted or dark finish.
2. Decorative 'hand painted' tiles may be used sparingly as accents at entries, stair risers, or house numbers.



Round top plank style door



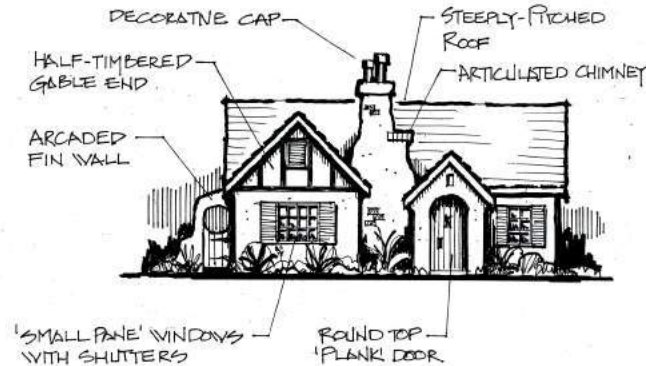
Attic vents



Fin Wall

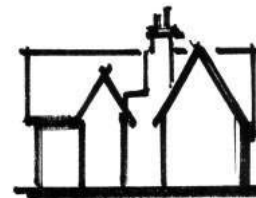
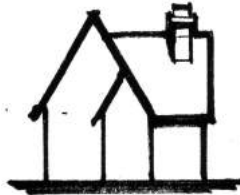
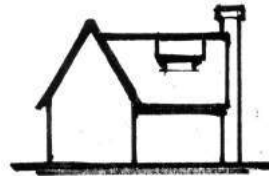
## Tudor Eclectic Style

### Tudor Eclectic Style Design Elements



#### Roof

1. Roof should be steeply pitched (6:12 or greater) with small overhangs and half-timbered gable ends. Vary with use of Dutch gable. Front Elevation usually dominated by one or more prominent cross gables.
2. Vary roof types on street:  
1/2 Side gable  
1/2 Cross gable
3. Use composition shingles with 'shake shingle' or 'slate' look.
4. Decorative dormers should be shed roof (eyebrow) or gable roof of proper scale using the same pitch, trim, and finish as the house.



## Tudor Style Design Elements

### Porches

1. Only at front door or partial width using large wooden posts with braces or stucco arches.



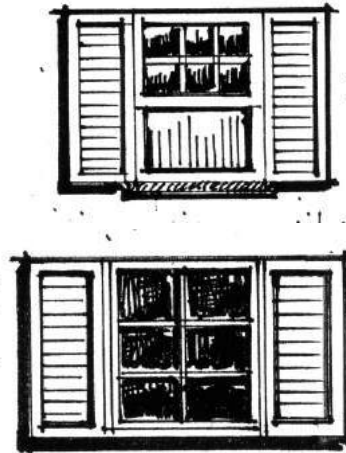
### Chimneys

1. Articulate elevation if on exterior wall.
2. Masonry veneer should be brick with a slightly wider termination and a cap to screen pre-fab top.



### Windows

1. Windows should be narrow sash in groups of four with grid or diamond pattern muntins. Sliders or casements recommended.
2. Painted shutters can be used as decorative detail.



## Tudor Style Design Elements

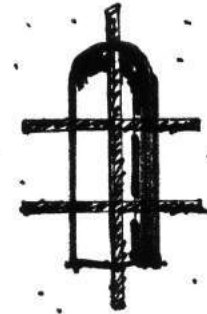
### Doors

1. The front door should have a heavy 'plank' look with dark hardware.
2. A 'round top' door would be appropriate for the front entry.



### Finish Materials

1. Walls should be of stucco. One of the cross gable facades and/or the chimney should have a stone or brick veneer.
2. The face of any front-facing gable should have a half-timbered treatment incorporating the gable vent and/or a 'window'.



### Details

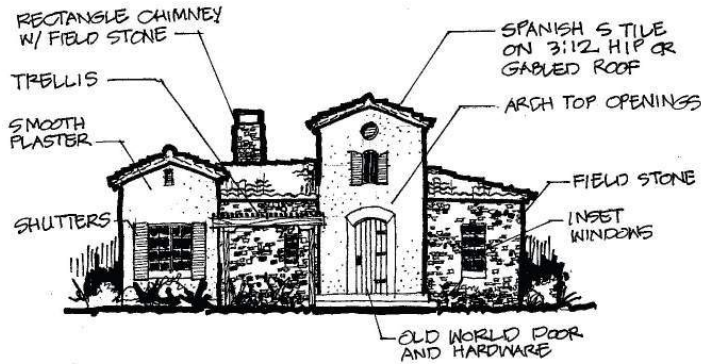
1. The second floor of the front elevation should be slightly cantilevered with a supporting 'beam' and brackets.
2. Arcaded fin walls (sometimes with integral gate) should be set back from the front façade.





## Mediterranean

### Mediterranean Style Design Elements

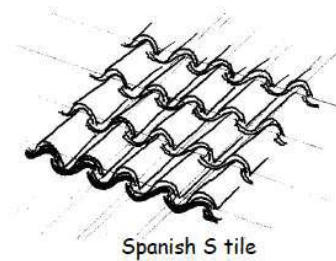
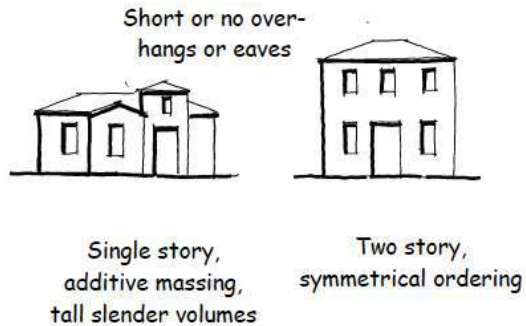


#### Roof:

1. Hip or gable roof volumes.
2. 3:12 slope roof with short or no overhangs and eaves (12" or less).
3. Closed or open eaves, or terminate plaster to bottom of roof deck at conditions with no overhang.
4. Spanish S tile.

#### Walls:

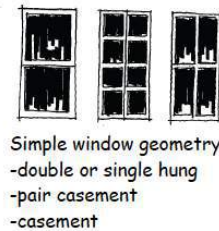
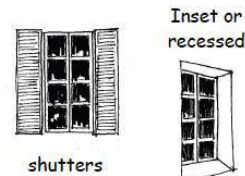
1. Smooth-plaster, white or light color.
2. Field stone (rectangular or rough-shape stone, not river rock).



## Mediterranean Style Design Elements

### Windows:

1. Tall narrow proportions.
2. Simple rectangles, use arch-top for focal features; double-hung or casement operation; grids or no grids. True-divided lites provide authentic look.
3. Shutters OK.
4. Inset windows to imply thick wall construction.
5. Check building codes for minimum light, ventilation and egress parameters.



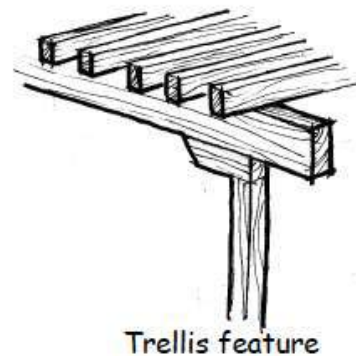
### Ornament:

1. Restrained ornament; gable end louvers, clay pipe vents.
2. Entry door: old-world lumber door, stain finish, old-world hardware.
3. Lighting: Black-iron lantern or wall sconce fixtures complimenting style or historical context.
4. Oversize terra cotta pots at focal features.
5. Trellis structures.



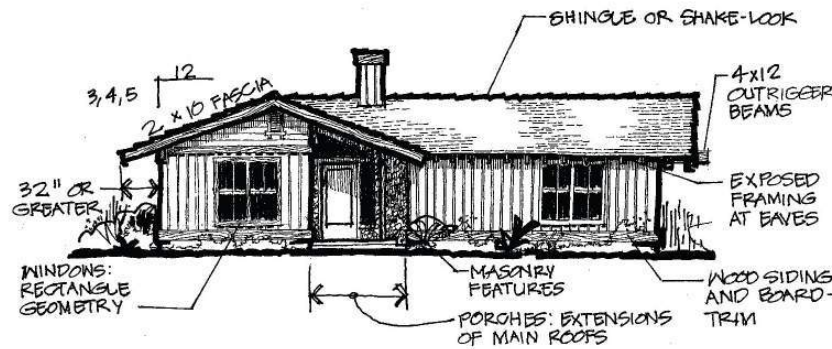
### Chimney:

1. Simple rectangle with ornamental cap, field stone veneer on chimney. (Chimney reinforces old-world character of theme).



## Ranch Style

### Ranch Style Design Elements

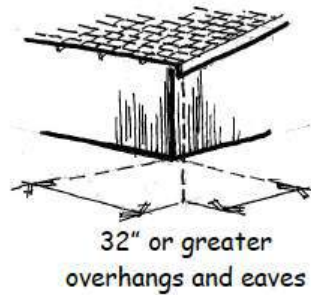
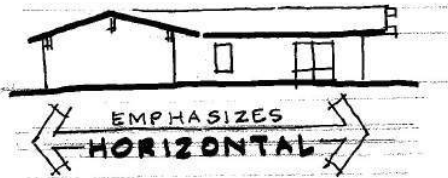


#### General archetype:

Low wide shapes and volumes, broad low-slope roof planes, emphasis on craft of wood framing and wood finishes.

#### Roof:

1. Gable roof shapes
2. Roof slopes ranging from 3:12 to 5:12.
3. Shingle or shake-look roofing.
4. Broad overhangs and eaves 32" or greater.
5. Porch and patio areas created under slopes of main roof shapes (not roofs appended to main roof shapes).



## Ranch Style Design Elements

### Roof framing:

1. Exposed rafter tails and framing at eaves and overhangs.
2. 4 x 12 or larger outrigger beams.
3. 2 x 10 fascia boards at gable end rakes.
4. 4 x rafter tails add emphasis to wood character of style.

### Walls:

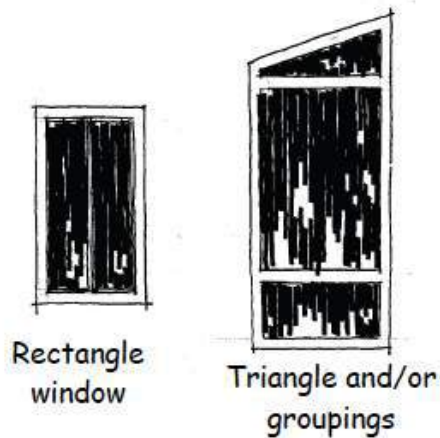
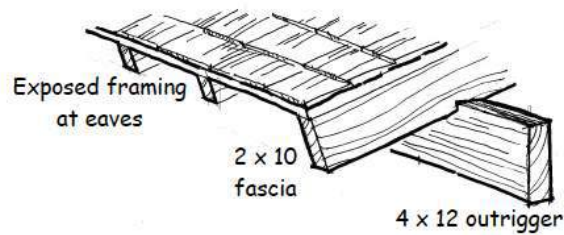
1. Wood siding: vertical or horizontal patterns.
2. 2 x or larger accent bands emphasizing horizontal.
3. Porch and patio covers supported by exposed post-and-beam(s) emphasizing wood character of style.
4. Masonry features and accents: brick, stone, rock are appropriate.

### Windows:

1. Simple rectangular geometry.
2. Triangle shapes and/or groupings of rectangles at focal or feature areas.
3. No grids or restrained use of grids.
4. Check building codes for minimum light, ventilation and egress parameters.

### Ornament:

1. Building components (openings, gable end vents, trim around beams, electrical boxes, etc): articulated detailing with wood.



## Ranch Style Design Elements

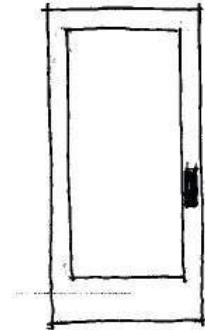
2. Generally, cut-ends of detailing is plumb— or squarecut, sculpted cuts are limited except as may be desired at special features.
3. Entry door: simple strong lines, slab door or stile-and-rail.
4. Lighting: Guide selections from Arts-and-Crafts and Craftsman styles.

### Chimney:

1. Simple rectangle with ornamental cap, masonry or wood finish.

### Finishes:

1. Beams, framing and trim in re-sawn or rough-sawn finish emphasize wood character of style.
2. Opaque stain finish in one color for walls and planes, one color for beams, framing, and trim, and one color for door and window surrounds.



Entry door: slab or  
stile-and-rail



Articulate building  
components with  
wood trim

(DRAFT) Firebaugh Zoning Ordinance  
Chapter 17: R-1 (TN) Zones  
(Single Family Residential (Traditional Neighborhood))

Design Standards

- a. The minimum width of a single family dwelling or a manufactured or mobile home shall be 20 feet.
- b. Mobile homes must be certified under the National Manufactured Home Construction and Safety Act of 1974.
- c. All residential dwellings shall be attached to a permanent foundation.
- d. The roofs of all residential dwellings shall be composed of composition shingles, ceramic tiles, metal or wood shakes or shingles. The pitch of the roof shall not be less than three inches of vertical rise over 12 inches of horizontal run. The roof overhang shall not be less than 12 inches around the building perimeter.
- e. The exterior siding of all residential dwellings shall be composed of wood, masonry, plaster, or metal sheathing.
- f. Siding shall extend to the ground, except when a solid concrete or masonry perimeter foundation or retaining wall is used, in which case the siding material need only extend to the top of the foundation or wall.

**25-17.10 Energy Conservation (see also Exhibit 17-4)**

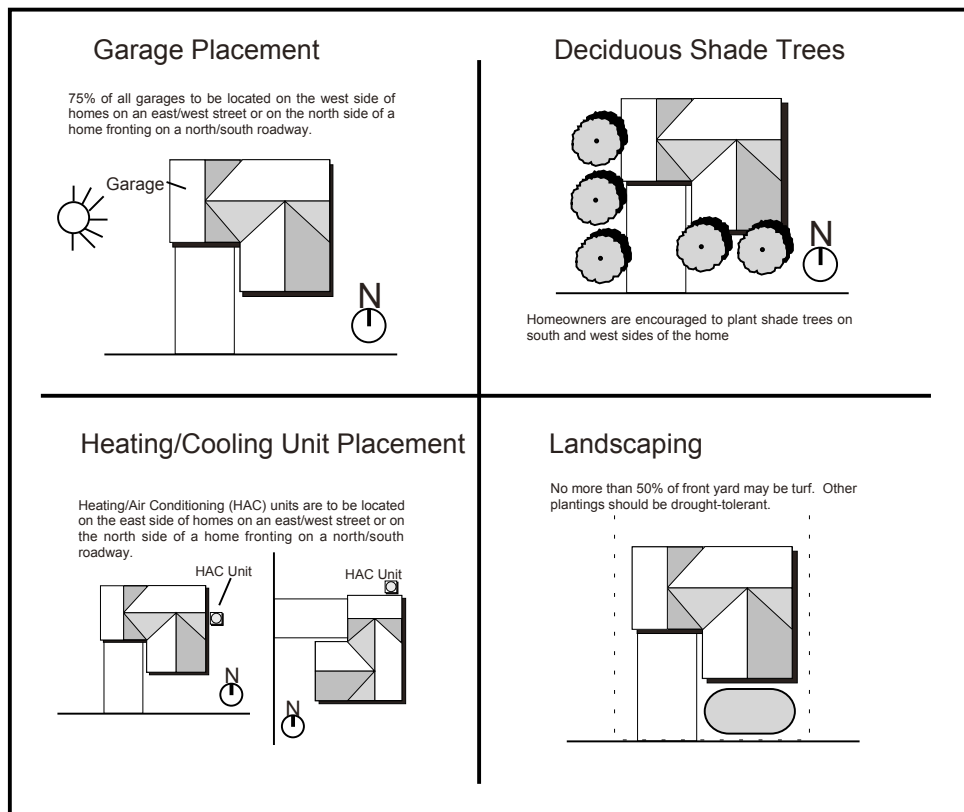
- a. In order to conserve energy, seventy-five percent of all garages in subdivisions constructed after the adoption of this ordinance (insert date) shall be located on the west side of a home that fronts onto an east/west roadway, and on the north side of a home that fronts onto a north/south roadway.
- b. In order to conserve energy, all ground-mounted heating/cooling units in subdivisions constructed after the adoption of this ordinance (insert date) shall be located on the east side of a home that fronts onto an east/west roadway, and on the north side of a home that fronts onto a north/south roadway.
- c. In order to conserve energy, residents are encouraged to plant deciduous trees on the south and west sides of their home.

(DRAFT) Firebaugh Zoning Ordinance  
Chapter 17: R-1 (TN) Zones  
(Single Family Residential (Traditional Neighborhood))

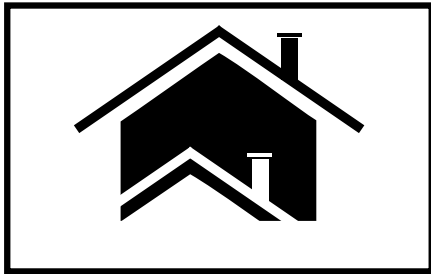
**25-17.11 Water Conservation (see also Exhibit 17-4)**

- a. In order to conserve water, not more than fifty percent of the front yard landscaping shall be devoted to turf. Shrubs planted in the front yard shall be drought-tolerant species. Artificial lawn shall be considered as a landscaping option.

**Exhibit 17-4  
Energy and Water Conservation Measures**



## **CHAPTER 19**



## **R-2 and R-3 Zones (Multiple Family Residential)**

### **Sections**

|                 |  |
|-----------------|--|
| <b>25-19.1</b>  | <b>Purpose</b>                                   |
| <b>25-19.2</b>  | <b>Subdistricts</b>                              |
| <b>25-19.3</b>  | <b>Permitted Uses</b>                            |
| <b>25-19.4</b>  | <b>Accessory Uses</b>                            |
| <b>25-19.5</b>  | <b>Prohibited Uses</b>                           |
| <b>25-19.6</b>  | <b>Conditional Uses</b>                          |
| <b>25-19.7</b>  | <b>Site Plan Review</b>                          |
| <b>25-19.8</b>  | <b>Development Standards</b>                     |
| <b>25-19.9</b>  | <b>Fences, Walls and Hedges</b>                  |
| <b>25-19.10</b> | <b>Off-Street Parking and Loading Facilities</b> |
| <b>25-19.11</b> | <b>Signs</b>                                     |
| <b>25-19.12</b> | <b>Special Conditions</b>                        |
| <b>25-19.13</b> | <b>Design Standards</b>                          |
| <b>25-19.14</b> | <b>Energy Conservation</b>                       |
| <b>25-19.15</b> | <b>Water Conservation</b>                        |

### **25-19.1 Purpose**

The purpose of the R-2 and R-3 districts is to provide living areas within Firebaugh where development is consistent with the Firebaugh General Plan and is limited to medium and high density concentrations of multi-family dwellings along with other uses suitable to the intent of the zone, and where regulations are designed to promote the following:

(1) a suitable environment for family life, recognizing that a significant part of the multi-family population is adult, including senior citizens;



Firebaugh Zoning Ordinance  
Chapter 19: R-2/R-3 Zones (Multi-Family Residential)

- (2) space for community facilities, including parks, schools, churches and other facilities that will complement the residential environment;
- (3) attractive and unique development projects that encompasses well-designed buildings with ample landscape and off-street parking;
- (4) the conservation of valuable resources ranging from water to energy and
- (5) housing that is affordable to low- and moderate-income households and to households that have special housing needs.

**25-19.2 Subdistricts**

In order to adequately plan for multi-family development at various densities, the following sub-districts are established:

- R-2 (multi-family residential, one unit per 3,250 square feet of lot area); and
- R-3 (multi-family residential, one unit 1,500 square feet of lot area).

The R-2 district is consistent with the “Medium Density Residential” and the “High Density Residential” residential designations in Land Use Element of the Firebaugh General Plan; the R-3 district is consistent with the Element’s “High Density Residential” designation.

**25-19.3 Permitted Uses**

The following uses are permitted in the R-2 and R-3 zones, subject to development standards contained in this title.

- a. Single-family dwellings, duplexes and tri-plexes
- b. Multi-family complexes.
- c. Employee Housing, 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.”
- d. Emergency Shelter.” (R-3 zone only)
- e. Single Room Occupancy Units.”

Firebaugh Zoning Ordinance  
Chapter 19: R-2/R-3 Zones (Multi-Family Residential)

- f. Supportive Housing.
- g. Transitional Housing.
- h. Home occupations subject to the requirements detailed in Chapter 25-41 Special Uses.
- i. Small day care homes.
- j. Mobile homes subject to design standards contained in Chapter 25-15 Single Family Residential.
- k. Licensed group care homes (six or fewer persons).
- l. Drainage basins.
- m. Water well sites.
- n. Utility facilities, including electrical substations, elevated pressure tanks, and communication equipment buildings.
- o. Model apartments and rental offices associated with the development of a multi-family development.
- p. Incidental and accessory structures and uses located on the same site as the permitted use including private garages and carports; storage buildings; garden structures, greenhouses; and recreation rooms, hobby shops and swimming pools.
- q. Temporary apartment rental office and signs consistent with Chapter 25-59 Signs.
- r. Enclosed temporary construction materials storage yards associated with the development of an apartment complex.

**25-19.6 Conditional Uses**

The following uses shall be permitted upon the granting of a use permit consistent with Chapter 25-51 Conditional Use Permits.

- a. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, nonprofit schools and colleges; churches and other religious institutions.

Firebaugh Zoning Ordinance  
Chapter 19: R-2/R-3 Zones (Multi-Family Residential)

- b. Public and private charitable institutions, hospitals, convalescent homes, sanitariums, or rest homes for mental, drug or alcoholic cases.
- c. Public uses of an administrative, recreational, public service or cultural types including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities; public playgrounds, parks and community centers;
- d. Rest homes and nursing homes; boardinghouses and rooming houses.
- e. Emergency shelters
- f. Bed and breakfast.

**25-19.7 Site Plan Review**

No multi-family uses may be established 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.

**25-19.8 Development Standards (also illustrated in Exhibit 19-1).**

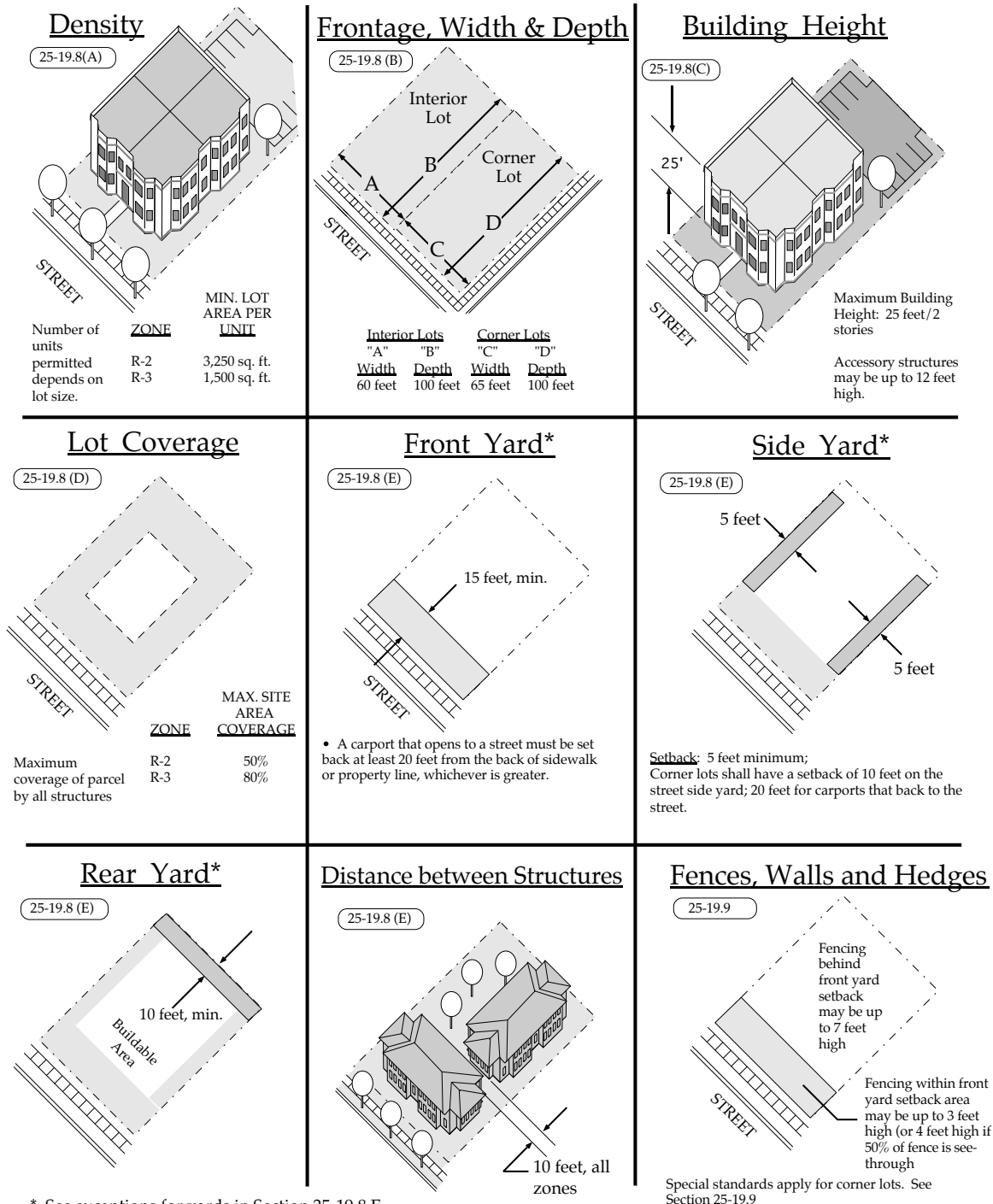
- a. Unit Density

The maximum unit densities for Firebaugh's multi-family residential districts are as follows:

| <u>District</u> | <u>Maximum Unit Density</u>   |
|-----------------|---|
| R-2             | one dwelling per 3,250 square feet of lot area.   |
| R-3             | one dwelling per 1,500 square feet of lot area. Residential development on parcels larger than $\frac{3}{4}$ acre shall have a minimum density of 20 units per acre to ensure affordability, consistent with State affordability standards, unless it can be demonstrated that affordability can be achieved with a lesser density. |

# Firebaugh Zoning Ordinance Chapter 19: R-2/R-3 Zones (Multi-Family Residential)

Exhibit 19-1: *Key Development Standards in the R-2/R-3 Zones*



\* See exceptions for yards in Section 25-19.8 E.

Firebaugh Zoning Ordinance  
Chapter 19: R-2/R-3 Zones (Multi-Family Residential)

b. Lot Frontage, Depth and Area

1. The minimum lot frontage for newly established lots in the R-2 and R-3 zones are as follows:

| <u>Corner Lot</u> | <u>Interior Lot</u> |
|-------------------|---------------------|
| 65 feet, minimum  | 60 feet, minimum    |

Lots on cul-de-sacs or curve-frontage lots must have a minimum width of 40 feet at the street right-of-way.

2. The minimum lot depth for newly-established lots in the R-2 and R-3 zones is 100 feet.
3. The minimum area of all newly-created lots for each of Firebaugh's multi-family residential districts are as follows:

| <u>District</u> | <u>Minimum Lot Area</u>    |
|-----------------|----------------------------|
| R-2             | 6,500 square feet, minimum |
| R-3             | 7,500 square feet, minimum |

c. Building Height

The maximum height of all structures shall be 25 feet (two stories); the maximum height of accessory structures shall be 12 feet.

d. Lot Coverage

| <u>District</u> | <u>Coverage</u>     |
|-----------------|---------------------|
| R-2             | 50 percent, maximum |
| R-3             | 80 percent, maximum |

Firebaugh Zoning Ordinance  
Chapter 19: R-2/R-3 Zones (Multi-Family Residential)

e. Yard Requirements

Yard requirements (building setbacks) for structures in the R-2 and R-3 zones shall be as follows:

|  |  |
|--|--|
| Front Yard:  | 15 feet, minimum;  |
| Side Yards:  |  |
| Interior side yard:  | 5 feet, minimum  |
| Corner lot street side:  | 10 feet, minimum, except 20 feet required where a garage or carport opens to a street. |
| Rear Yard:   | 10 feet, minimum   |
| Special Requirements:  |  |
| (1). Detached accessory structures no taller than 12 feet may have a zero rear or side yard setback if set back behind the front yard setback, and behind the side yard setback on the street side yard of a corner lot. |  |
| (2). Architectural features, including eaves, sills, chimneys, cornices, and bay windows may extend up to 30 inches into a required side yard.   |  |
| (3). No building shall be located closer than 5 feet to an alley.  |  |
| (4). Portable carports are prohibited between a dwelling and any street abutting the lot   |  |
| (5). Garage/Carport Setback: A garage or carport that opens to a public street shall be set back a minimum of 20 feet from the back of sidewalk or property line, whichever distance is greater.                         |  |
|  |  |

f. Minimum Distance Between Buildings on the Same Lot:

The minimum distance between a structure used for human habitation and another structure (such as another dwelling, detached garage, carport, or storage shed, etc.) shall be ten feet.

g. Building Orientation and Porch requirements (also see Exhibit 19-3)

Buildings on a site situated closest to public street(s) shall be oriented with ground floor units facing onto the street, with the front door opening onto a useable porch measuring at least eight feet wide and six feet deep.

**Exhibit 19-3: *Front Orientation and Porch Requirement***



*Ground floor units along streets shall be oriented to face the street with the front door opening onto a useable porch.*

**25-19.9 Fences, Walls and Hedges (see Exhibit 19-4)**

a. Front Yards:

Fences, walls and hedges in a required front yard setback area shall not exceed three feet in height, except that a fence or wall may be four feet in height if more than 50 percent of the top one-foot of the structure is see-through (such as wrought-iron).

b. Rear and Side Yards:

Fences, walls, and hedges in the area behind the required front yard setback shall not exceed seven feet in height.

c. Fences on the Street Side Yards of Corner Lots

Fences, walls and hedges within ten feet of the property line along the street side yard of a corner lot shall not exceed three feet in height, except that a fence or wall may be four feet in height if more than 50 percent of the top one-foot of the structure is see-through (such as wrought-iron).

Firebaugh Zoning Ordinance  
Chapter 19: R-2/R-3 Zones (Multi-Family Residential)

d. Corner visibility triangle

Street Intersection

No fencing higher than 3 feet shall be placed in the corner area of a lot formed by a triangle with its right angle at corner of the lot adjacent to the street intersection and right angle sides measuring 30 feet long.

Driveway/Street Intersection

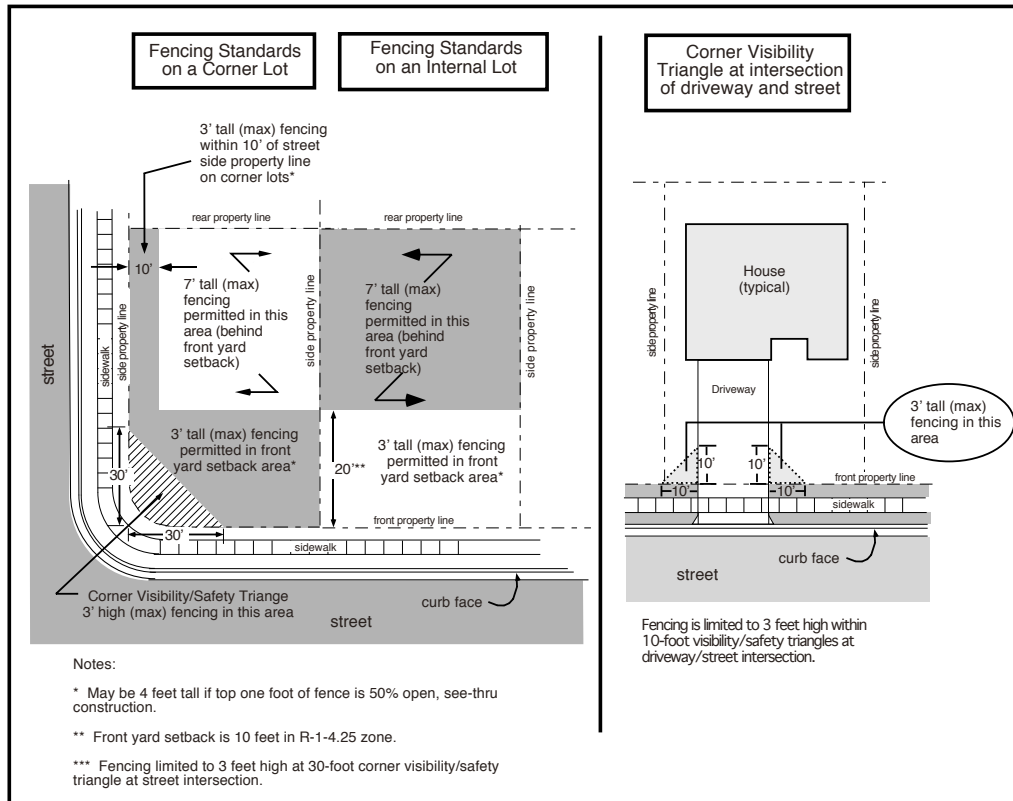
No fencing higher than 3 feet shall be placed in triangular areas situated where a driveway intersects a street. The affected area is defined as a triangle where the right angle corner is set at the point where the driveway intersects the property line, and the right angle sides measure ten feet long.

- e. Materials such as razor wire and barbed wire are prohibited in residential zones (except for temporary construction yards associated with a development project).
- f. For non-residential uses, the fencing standards of Chapter 25-21 (C-1 Zone) shall apply.



Firebaugh Zoning Ordinance  
Chapter 19: R-2/R-3 Zones (Multi-Family Residential)

**Exhibit 19-4: Fencing Standards Shown on Typical Lots**



**25-19.10 Off-Street Parking and Loading Facilities**

- a. For multi-family dwellings, a minimum of 1.5 parking stalls per dwelling shall be provided on-site. One stall per unit shall be covered with a carport or garage. All parking spaces, driveways and parking lots shall have a concrete or asphalt surface, consistent with the Firebaugh Improvement Standards.

Parking lots shall be designed to preclude backing on vehicles onto public streets.

- b. Non-residential uses in this District shall provide off-street parking consistent with Chapter 25-45 Parking and Loading.

**25-19.11 Signs**

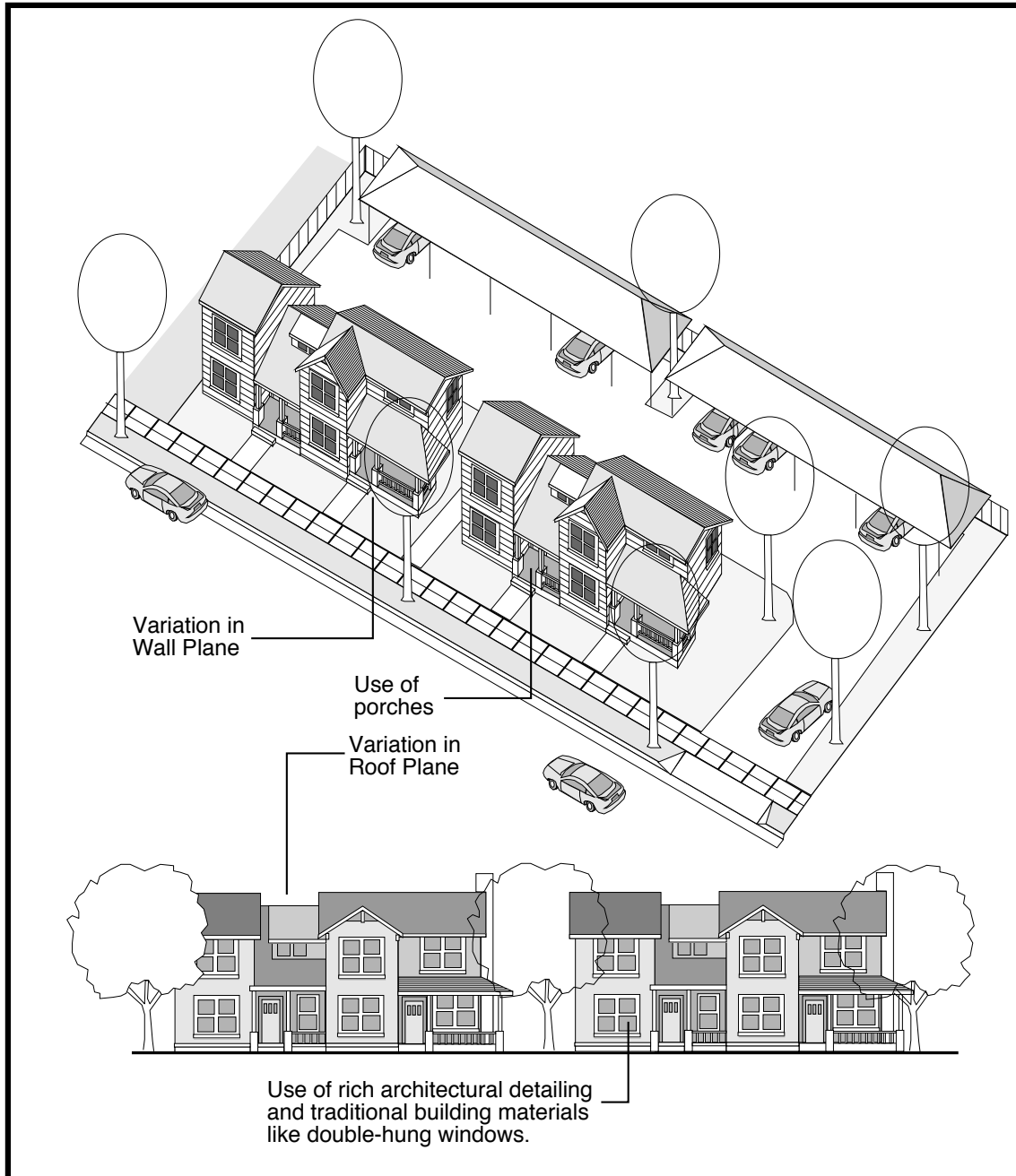
Signs shall be consistent with the requirements detailed in Chapter 25-47 Signs.

**25-19.12      Design Guidelines**

The following standards shall apply to all multi-family developments.

- a.      The architectural design of multi-family developments to the best extent possible should be compatible with adjacent residential neighborhoods. Compatibility may involve the use of materials, color, scale, roof pitch, and other physical features that would assist in blending the new multi-family development with surrounding residential uses.
- b.      The architectural design of multi-family developments that are not adjacent to or within existing residential neighborhood shall consider the following design standards:
  - 1.      Long, unbroken building facades and box-like building forms are discouraged. Building facades should be varied by alternating building planes, building material, color and building heights (see Exhibit 19-4). Other approaches to providing attractive multi-family structures could involve alternating the patterns of window and door opening; the use of projections such as balconies, porches and awnings; and changing setbacks and softening the building facade with tree plantings.
  - 2.      Setbacks should be varied with individual structures.
  - 3.      The roof lines of multi-family structures should be altered to provide a varied horizontal view.

**Exhibit 19-5: Preferred Site Planning Concepts for Multi-Family Design**

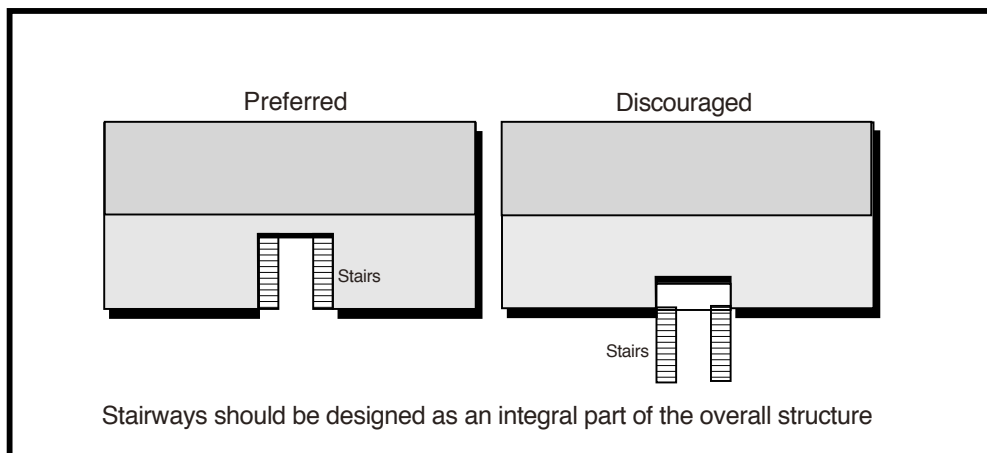


4. There should only be a maximum of two adjacent multi-family units with identical wall and roof line planes.

Firebaugh Zoning Ordinance  
Chapter 19: R-2/R-3 Zones (Multi-Family Residential)

5. It is important that door and window openings be articulated on the face of the multi-family structure. Articulation can include framing, insets or shutters for windows and insets, framing and color for doorways.
6. Materials used for multi-family developments should be durable and of low-maintenance. Where possible, exterior siding should provide a distinctive appearance, such as lap siding, shingle siding, river rock, brick, or flagstone.
7. Stairways should be designed as an integral part of the overall multi-family development. Materials used on the building should be incorporated into the stairway design (see Exhibit 19-6). Stairways should not be a dominant exterior feature on the building but should be sited so that they are not visually prominent.

**Exhibit 19-6: Stairways**



- c. Parking lots and carports or garages should be designed to blend in with the overall multi-family project.
  1. Long, unbroken rows of parking spaces are discouraged. Where possible, these rows should be broken by landscaped islands, buildings, or garages.
  2. Carports should contain design elements that make the structures visually interesting, such as gabled roofs or articulated support beams.
  3. Parking lots should be screened from adjacent properties with a 7-foot solid block wall that is softened with landscaping.

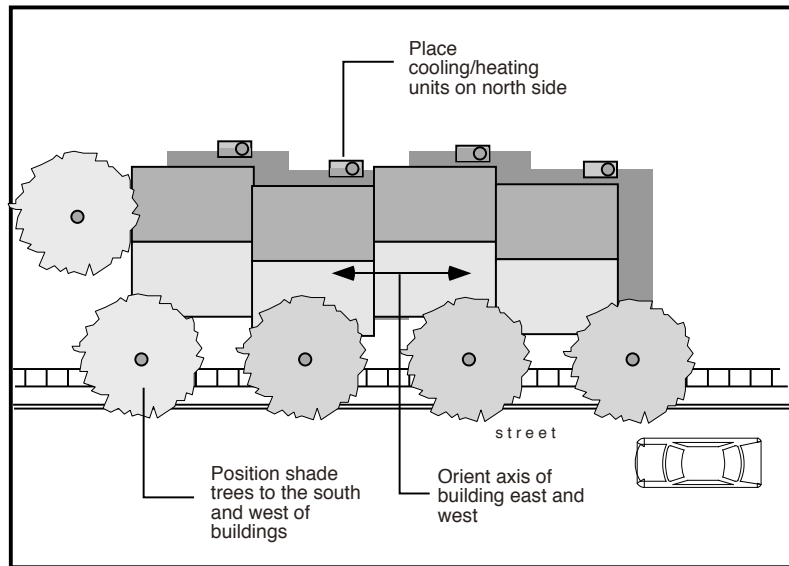
Firebaugh Zoning Ordinance  
Chapter 19: R-2/R-3 Zones (Multi-Family Residential)

- d. Special design treatment should be given to the entryways and street corners of multi-family projects.
  - 1. The street corners of multi-family projects should be enhanced visually with features like landscaping, walls, lighting, fountains, trellises, signage, public art, etc.
  - 2. Project entryways should be given special treatment such as stamped concrete driveways, metal gates with pilasters or landscaped medians.
- e. All common areas shall be provided with landscaping and an automated irrigation system. Landscaping shall be consistent with Chapter 25-43 Landscaping, Irrigation and Grading.
- f. All trash enclosures shall be surrounded by a 6-foot solid block wall and a metal gate. An arbor should be constructed over the trash enclosure, to improve appearance. The exterior to the enclosure shall be landscaped.
- g. All roof-mounted mechanical equipment shall be screened from view.
- h. Where a multi-family development abuts a single family use or a commercial use, a 7-foot solid block wall shall be constructed along the property line common to the two land uses.

**25-19.13 Energy Conservation**

- a. To the greatest extent possible, buildings should be designed with the greatest building length running east and west to take advantage of passive solar design opportunities (see Exhibit 19-7).
- b. All ground-mounted heating/cooling units shall be located on the east side of a building that fronts onto an east/west roadway, and on the north side of a building that fronts onto a north/south roadway (this locational feature will conserve energy).
- c. The landscaping plan for the multi-family complex should feature the planting of deciduous trees on the south and west sides of the residential complex (this locational design feature will conserve energy).

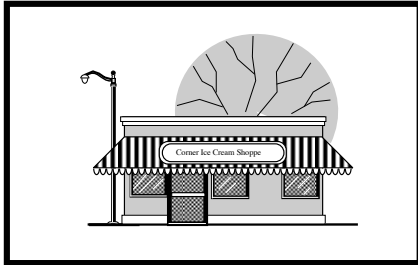
**Exhibit 19-7: *Energy Conservation***



**25-19.14 Water Conservation**

- a. All residential projects that contain more than 2,500 square feet of landscaped area shall comply with the regulations contained in Chapter 17.43 Landscaping, Irrigation and Grading.
- b. Not more than fifty percent of the front yard landscaping shall be devoted to turf. Shrubs planted in the front yard shall be drought-tolerant species (These design features will conserve water).
- c. All front yard landscaping shall be provided with an automated irrigation system that employs water-conserving irrigation features.

## CHAPTER 21



## C-1 Zone (Neighborhood Commercial)

### Sections

|                 |  |
|-----------------|--|
| <b>25-21.1</b>  | <b>Purpose</b>                                   |
| <b>25-21.2</b>  | <b>Permitted Uses</b>                            |
| <b>25-21.3</b>  | <b>Conditional Uses</b>                          |
| <b>25-21.4</b>  | <b>Site Plan Review</b>                          |
| <b>25-21.5</b>  | <b>Development Standards</b>                     |
| <b>25-21.6</b>  | <b>Fences, Walls and Hedges</b>                  |
| <b>25-21.7</b>  | <b>Off-Street Parking and Loading Facilities</b> |
| <b>25-21.8</b>  | <b>Signs</b>                                     |
| <b>25-21.9</b>  | <b>Landscaping</b>                               |
| <b>25-21.10</b> | <b>Design Standards</b>                          |

### 25-21.1 Purpose

The purpose of the Neighborhood Commercial district is to provide for the development of small scale, low intensity commercial uses that serve the daily needs of residential neighborhoods that are in close proximity to the shopping center. The design of neighborhood commercial centers shall be of a scale and design that is compatible with the surrounding residential neighborhoods. In addition, the design of the center should provide for pedestrian access from surrounding neighborhoods.

The types of permitted and conditional uses that would be allowed in a neighborhood commercial center would be limited to uses that local residents would require on a daily basis including small scale grocery stores, barber and beauty shops, clothes cleaning establishments, banks, restaurants and similar compatible uses.

**25-21.2 Permitted Uses**

The following uses are permitted in the C-1 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. Banks and financial institutions
- d. Check cashing services
- e. Clubs, lodges and meeting rooms
- f. Day care, small and large family
- g. Drainage basins
- h. Health/athletic clubs
- i. Mixed Use Developments, subject to the requirements detailed in Chapter 25-41 Special Uses.
- j. Multiple family dwellings, provided that the use shall be developed in accordance with property development standards of the “R-3” District, Chapter 25-19.
- k. Offices (administrative, business, medical, general, governmental and professional)
- l. Personal Services Businesses. Commercial establishments that provide services of a personal nature, including:
  - Barber and beauty shops
  - Cleaners
  - Locksmiths
  - Mail/delivery stores
  - Massage and physical therapy businesses practiced by individuals certified by the State
  - Laundry (self-serve)
  - Music, dance, gymnastics and martial arts studios
  - Tattoo shops



Firebaugh Zoning Ordinance  
Chapter 21: C-1 Zone (Neighborhood Commercial)

- m. 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
  - 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
- n. Restaurants and cafes, including drive-thru and drive-in restaurants.
- o. Veterinarian offices
- p. Video arcades
- q. Other uses similar in nature and intensity to those permitted, as determined by the city planner

**25-21.3 Conditional Uses**

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

- a. Churches.
- b. Communications buildings and structures

Firebaugh Zoning Ordinance  
Chapter 21: C-1 Zone (Neighborhood Commercial)

- c. Electrical transmission and distribution substations
- d. Liquor stores and convenience markets that sell alcoholic beverages
- e. Parking lots
- f. Service stations
- g. Temporary assembly/entertainment uses, including tent revivals, carnivals, circuses
- h. Water pump stations
- i. Other uses similar in nature and intensity as determined by the city planner subject to granting of a conditional use permit.

**25-21.4 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 and Design Review, (or a Conditional Use Permit for uses listed as such).

**25-21.5 Development Standards (see also Exhibit 21-1 for a summary of development standards)**

- 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

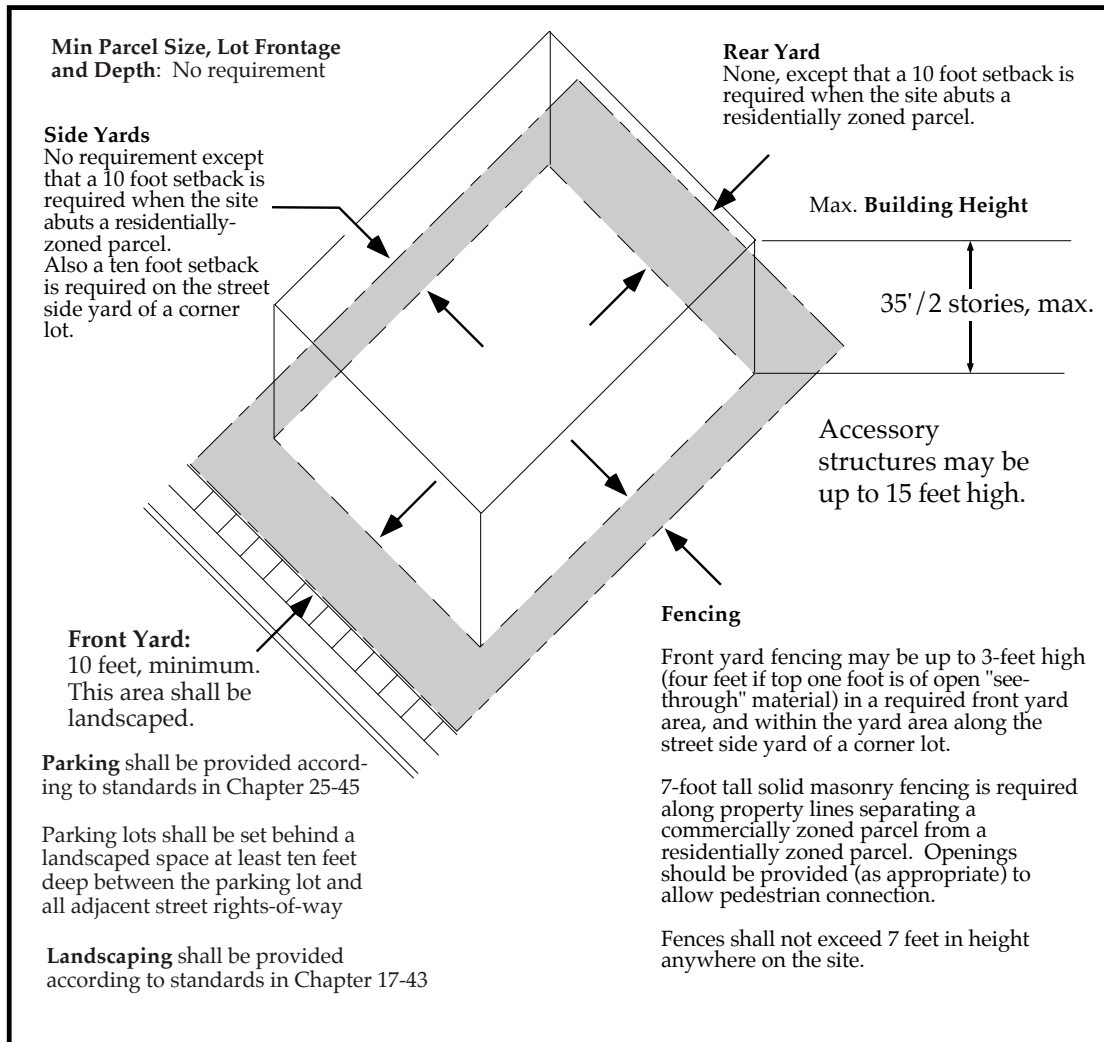
- 1. Front: 10 feet, minimum. Further, parking lots shall be separated by a landscaped setback of at least ten feet from a front property line, and also the side property line for the street side yard on corner lots.
- 2. Side: No requirement unless the subject property abuts a residential district, wherein the minimum side yard shall be 10 feet, or where the site

Firebaugh Zoning Ordinance  
Chapter 21: C-1 Zone (Neighborhood Commercial)

is a corner lot, in which a 10 foot setback is required on the street side yard..

3. Rear: No requirement unless the subject property abuts a residential district, wherein the minimum side yard shall be 10 feet.

**Exhibit 21-1: Zoning Standards**



**25-21.6 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.

Firebaugh Zoning Ordinance  
Chapter 21: C-1 Zone (Neighborhood Commercial)

- 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-1 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.

**25-21.7 Off-Street Parking and Loading Facilities**

- a. Uses in the C-1 District shall provide off-street parking consistent with Chapter 17.45 Parking and Loading.
- b. Parking lots constructed in C-1 district shall be designed and constructed so that within five years of construction, 50 percent of the parking lot is shaded by trees.
- c. Parking lots shall be separated from buildings by raised sidewalks or curbing.
- d. Parking lots shall be designed to accommodate solid waste pick-up.

**25-21.8 Signs**

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

**25-21.9 Landscaping**

- a. A landscaping and irrigation plan shall be submitted on all neighborhood commercial 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.

Firebaugh Zoning Ordinance  
Chapter 21: C-1 Zone (Neighborhood Commercial)

- 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.

**25-21.10      Design Guidelines**

New development in the C-1 zone shall be designed consistent with the guidelines shown in Chapter 25-27 (Commercial Design Guidelines)

## **CHAPTER 23**



## **C-2 Zone (Central Commercial)**

### **Sections**

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

### **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
- 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 8<sup>th</sup> 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

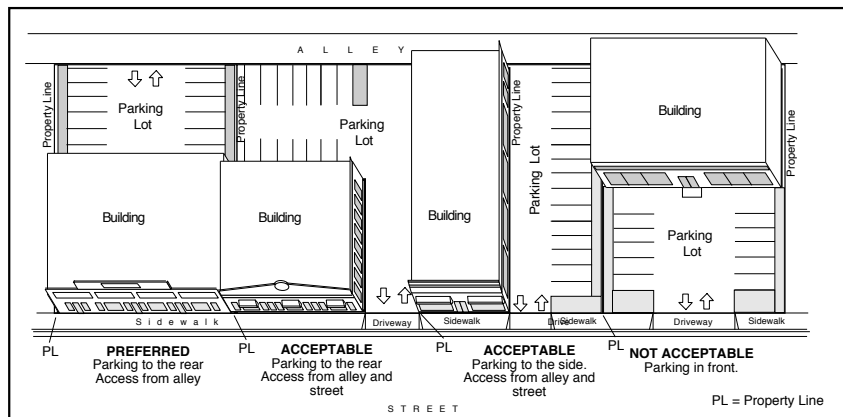
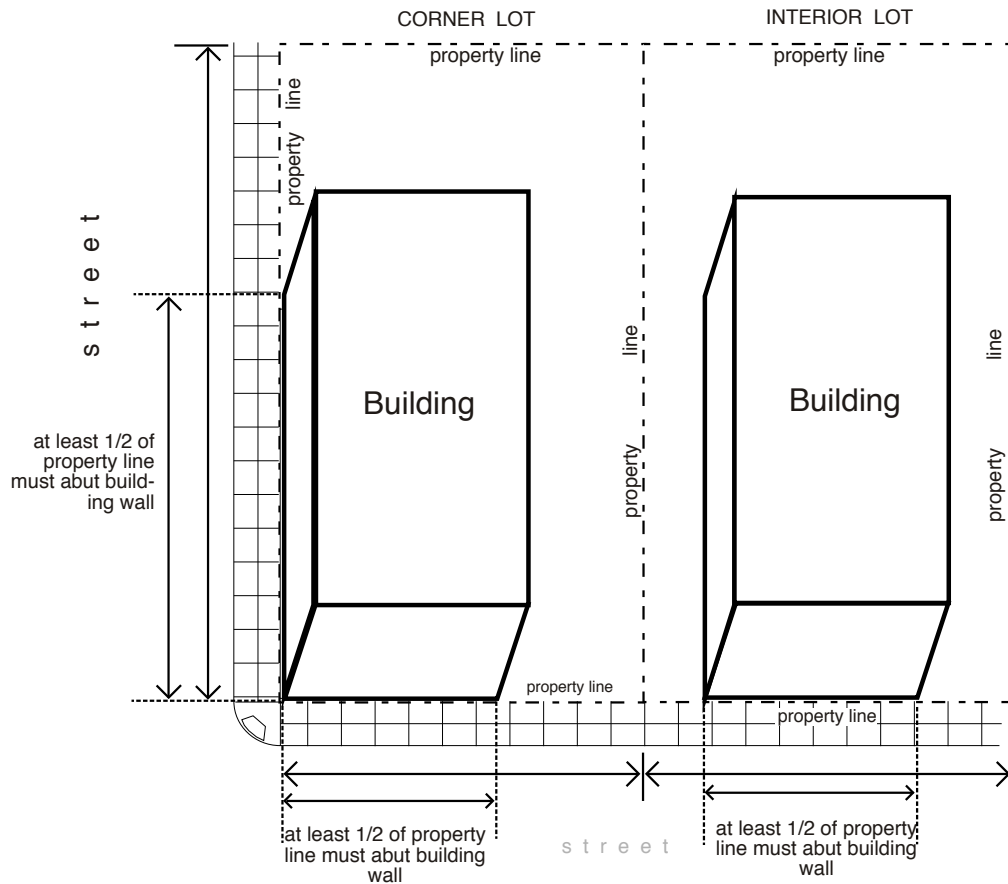
The maximum height of commercial structures shall be 35 feet/two stories; the maximum height of accessory structures shall be 15 feet.

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.

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

**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. Uses in the C-2 District shall provide off-street parking consistent with Chapter 17.45 Parking and Loading. 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 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.*

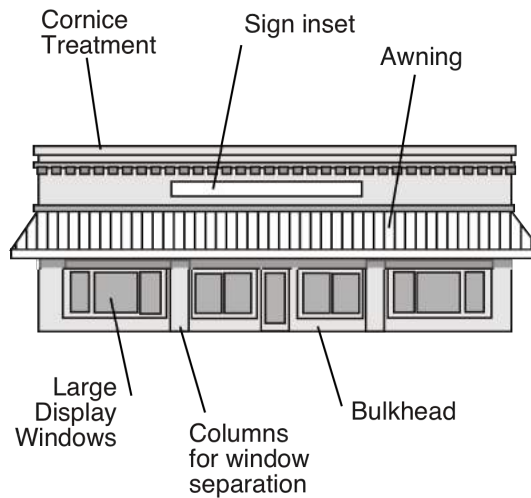
**6.2 Architectural Design**

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.



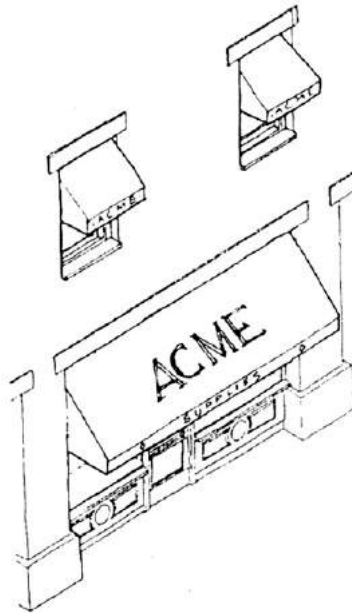
3. Blank solid walls of buildings visible from public view, including bland areas above cantilevered canopies should be avoided. If such walls are necessary for interior or structural reasons, the structure wall shall be treated with some form of articulation such as larger awnings, cornice bands, dentils 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**



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.

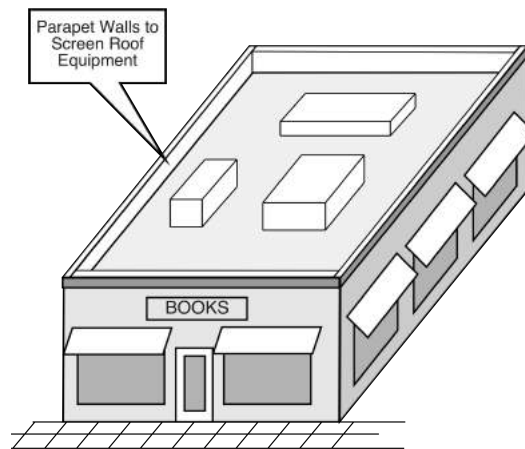
7. Awnings, trellises and other accessory structures that do not restrict pedestrian or vehicular movement may project into the public right-of-way, subject to clearance requirements specified in the Zoning Ordinance. In general, awnings should be no less than 8 feet above the sidewalk.

**Exhibit 23-8: Awnings over the public sidewalk**



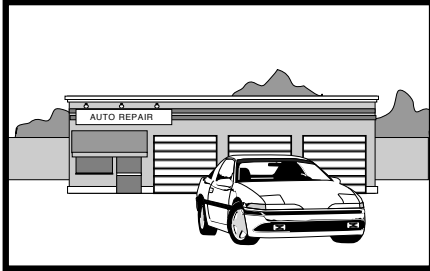
8. Existing historically significant buildings should be maintained. Any physical changes shall be done in a manner that is consistent with the original architectural style.
9. For safety, identification and convenience, entrances of buildings and parking areas shall be well illuminated.
10. Rooftop 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 25

## C-3 Zone (General Commercial)



### Sections

|                 |  |
|-----------------|--|
| <b>25-25.1</b>  | <b>Purpose</b>                                   |
| <b>25-25.2</b>  | <b>Permitted Uses</b>                            |
| <b>25-25.3</b>  | <b>Conditional Uses</b>                          |
| <b>25-25.4</b>  | <b>Site Plan Review</b>                          |
| <b>25-25.5</b>  | <b>Development Standards</b>                     |
| <b>25-25.6</b>  | <b>Fences, Walls and Hedges</b>                  |
| <b>25-25.7</b>  | <b>Off-Street Parking and Loading Facilities</b> |
| <b>25-25.8</b>  | <b>Signs</b>                                     |
| <b>25-25.9</b>  | <b>Landscaping</b>                               |
| <b>25-25.10</b> | <b>Design Standards</b>                          |

### **25-25.1 Purpose**

The purpose of the General Commercial district is to provide for a wide variety of commercial and service business that cater to the daily needs of Firebaugh and the surrounding area.

New development in this zone will occur in buildings and complexes that exhibit high standards of design, including sites where generous amounts of landscaping, screening of outdoor storage, repair and assembling areas from the public's view and where the impact of noise, vibrations, and light on surrounding properties are minimized.

### **25-25.2 Permitted Uses**

The following uses are permitted in the C-1 district.

- a. Accessory uses incidental to a permitted or conditionally permitted use existing on the site.

Firebaugh Zoning Ordinance  
Chapter 25: C-3 Zone (General Commercial)

- b. Auction houses
- c. Automated teller machine (stand alone or associated with a bank)
- d. Automobile and motorized vehicle businesses, including:
  - Vehicle sales (autos, trucks, boats, recreational vehicles, travel trailers, tractors, farm equipment), including on-site repair
  - Auto supply stores
  - Repair of automobiles and trucks, farm equipment, etc.
  - Car washes
  - Vehicle storage yards
  - Tire shops
  - Vehicle leasing, renting
- e. Banks and financial institutions
- f. Business, professional and trade schools
- g. Cabinet shops, welding/blacksmith shops, signs shops, glass stores
- h. Check cashing services
- i. Clubs, lodges and meeting rooms
- j. Contractor storage yards
- k. Contractor supply stores
- l. Day care, small and large family
- m. Drainage basins
- n. Feed stores and agricultural supply stores
- o. Food/meat lockers
- p. Fuel storage
- q. Funeral parlors/mortuaries
- r. Health/athletic clubs
- s. Hotels/motels

Firebaugh Zoning Ordinance  
Chapter 25: C-3 Zone (General Commercial)

- t. Janitorial and maintenance services
- u. Mixed Use Developments, subject to the requirements detailed in Chapter 25-41 Special Uses.
- v. Multiple family dwellings, provided that the use shall be developed in accordance with property development standards of the “R-3” District, Chapter 25-19.
- w. Movie theaters
- x. Offices (administrative, business, medical, general, governmental and professional)
- y. Pawn shops/second hand stores
- z. 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
  - Massage and physical therapy businesses practiced by individuals certified by the State
  - Laundry (full and self-serve)
  - Music, dance, gymnastics and martial arts studios
  - Tattoo shops
- aa. 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
  - Garden shops and nurseries
  - Gift shops
  - Gun shops
  - Hardware and home improvement stores
  - Health Food stores

Firebaugh Zoning Ordinance  
Chapter 25: C-3 Zone (General Commercial)

- Hobby shops
  - Ice cream shops
  - Jewelry stores
  - Office supply stores
  - Pet shops
  - Pharmacy/drug stores
  - Photo studios and photographic supplies, art galleries
  - Sporting goods stores
  - Supermarkets
  - Tobacco stores
  - Toy stores
  - Variety stores
- bb. Repair shops for electronics, appliances, upholstery, garden equipment, etc.
- cc. Restaurants and cafes, including drive-thru and drive-in restaurants.
- dd. Service stations, subject to the requirements detailed in Chapter 25-41 (Special Uses).
- ee. Storage buildings, mini storage facilities
- ff. Social service and counseling centers
- gg. Taxidermists
- hh. Towing services
- ii. Veterinarian offices, kennels, boarding facilities
- jj. Video arcades
- kk. Wholesale businesses
- ll. Other uses similar in nature and intensity to those permitted, as determined by the city planner

**25-25.3 Conditional Uses**

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

- a. Churches.
- b. Communications buildings and structures
- c. Electrical transmission and distribution substations
- d. Liquor stores and convenience markets that sell alcoholic beverages
- e. Recycling centers
- f. Temporary assembly/entertainment uses, including tent revivals, carnivals, circuses
- g. Water pump stations
- h. Other uses similar in nature and intensity as determined by the city planner subject to granting of a conditional use permit.

**25-25.4 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).

**25-25.5 Development Standards (see also Exhibit 25-1 for a summary of development standards)**

- 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.

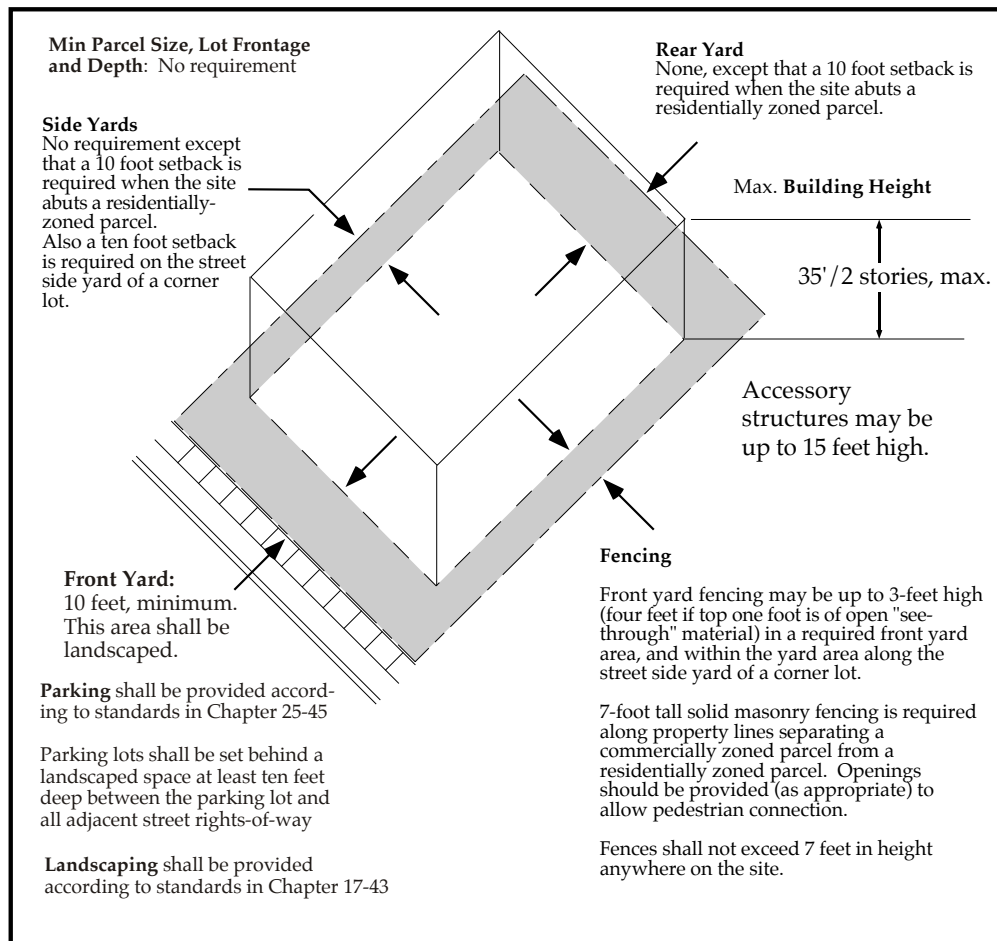


Firebaugh Zoning Ordinance  
Chapter 25: C-3 Zone (General Commercial)

c. Yards

1. Front: 10 feet, minimum. Further, parking lots shall be separated by a landscaped setback of at least ten feet from a front property line, and also the side property line for the street side yard on corner lots.
2. Side: No requirement unless the subject property abuts a residential district, wherein the minimum side yard shall be 10 feet, or where the site is a corner lot, in which a 10 foot setback is required on the street side yard.
3. Rear: No requirement unless the subject property abuts a residential district, wherein the minimum side yard shall be 10 feet.

**Exhibit 25-1: Zoning Standards**



**25-25.6 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-3 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.

**25-25.7 Off-Street Parking and Loading Facilities**

- a. Uses in the C-3 District shall provide off-street parking consistent with Chapter 17.45 Parking and Loading.
- b. Parking lots constructed in C-3 district shall be designed and constructed so that within five years of construction, 50 percent of the parking lot is shaded by trees.
- c. Parking lots shall be separated from buildings by raised sidewalks or curbing.
- d. Parking lots shall be designed to accommodate solid waste pick-up.

**25-25.8 Signs**

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

**25-25.9 Landscaping**

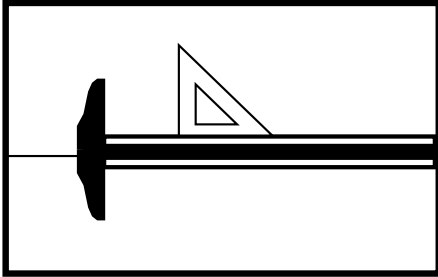
- a. A landscaping and irrigation plan shall be submitted on all neighborhood commercial developments to the City Planner for review and approval consistent with the standards in Chapter 25-43 (Landscaping). All setback areas along streets shall be landscaped.
- b. The landscaping and irrigation plan 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.

**25-25.10 Design Guidelines**

New development in the C-3 zone shall be designed consistent with the guidelines shown in Chapter 25-27 (Commercial Design Guidelines)

## CHAPTER 27



## Commercial Development Design Guidelines

### Sections

|                |                          |
|----------------|--------------------------|
| <b>25-27.1</b> | <b>Purpose</b>           |
| <b>25-27.2</b> | <b>Design Guidelines</b> |

### **25-27.1 Purpose**

The purpose of this Chapter is to set forth design guidelines for commercial development in Firebaugh that will work to achieve high standards of project design. These regulations complement the standard site development regulations listed in the individual zone district chapters. These design regulations are general in nature and may be interpreted with some flexibility in their application to specific projects. Issues addressed in this chapter include site planning, parking and circulation, landscaping, walls, building design, signs and lighting.

### **25-27.2 Design Guidelines**

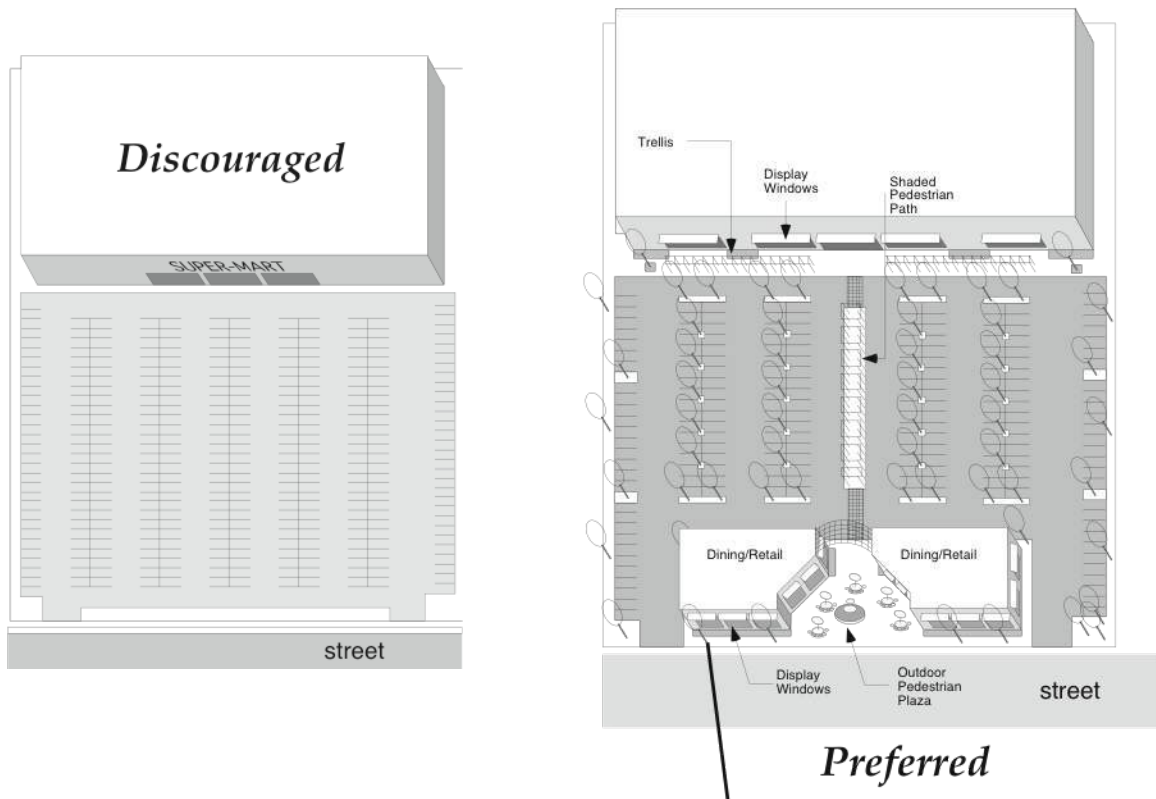
The following guidelines apply to all development occurring within the C (commercial) districts and are intended to facilitate high quality development that complements the character of Firebaugh.

#### **a. Large Project Site Design**

1. Large sites (such as shopping centers) should be designed to be pedestrian friendly, reduce the visual dominance of parking lots, and highlight the appearance of the building facade. The following general principles should be followed:
  - (a) Avoid large expanses of parking lot. Parking areas should be screened with smaller buildings set forward toward the street (see diagram to the right)

Firebaugh Zoning Ordinance  
Chapter 27: Commercial Development Design Guidelines

- (b) Pedestrian plazas and walkways should be provided in the site design
- (c) Arbors and shade trees should be established (see “Parking Lot Strategies”, on the next page).
- (d) Effort should be made to establish pedestrian connections with adjacent commercial areas and surrounding residential neighborhoods.
- (e) Where feasible, mixed use elements should be provided, including residential units (see page 5-5 for design strategies).



*Additional buildings are placed at the street edge to visually screen an otherwise expansive parking lot. An outdoor plaza leads to a pedestrian arbor through the parking lot to the main building.*

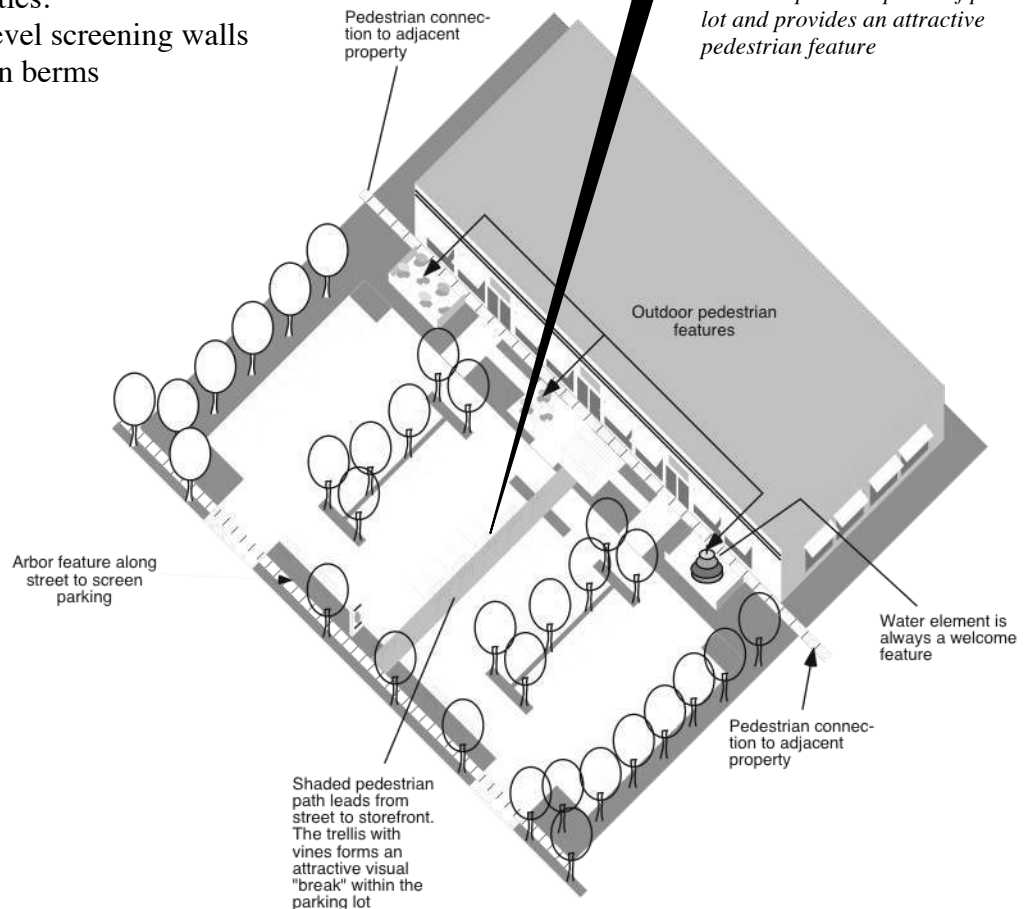
**b. Parking Lot Strategies**

Where screening of the parking lot as previously illustrated is not possible, as many pedestrian amenities should be included in the parking lot and building exterior as possible. The graphic below illustrates various elements that should be considered, including:

1. Shade trees and landscaping.
2. Parking lot pathways, shaded with arbors (see illustration to the right).
3. Store front pedestrian areas with seating
4. Fountains and statuary
5. Effective pedestrian connections with adjoining properties.
6. Low level screening walls
7. Earthen berms



*Parking Lot Trellis over pedestrian walkway. This feature visually "breaks up" the expanse of parking lot and provides an attractive pedestrian feature*

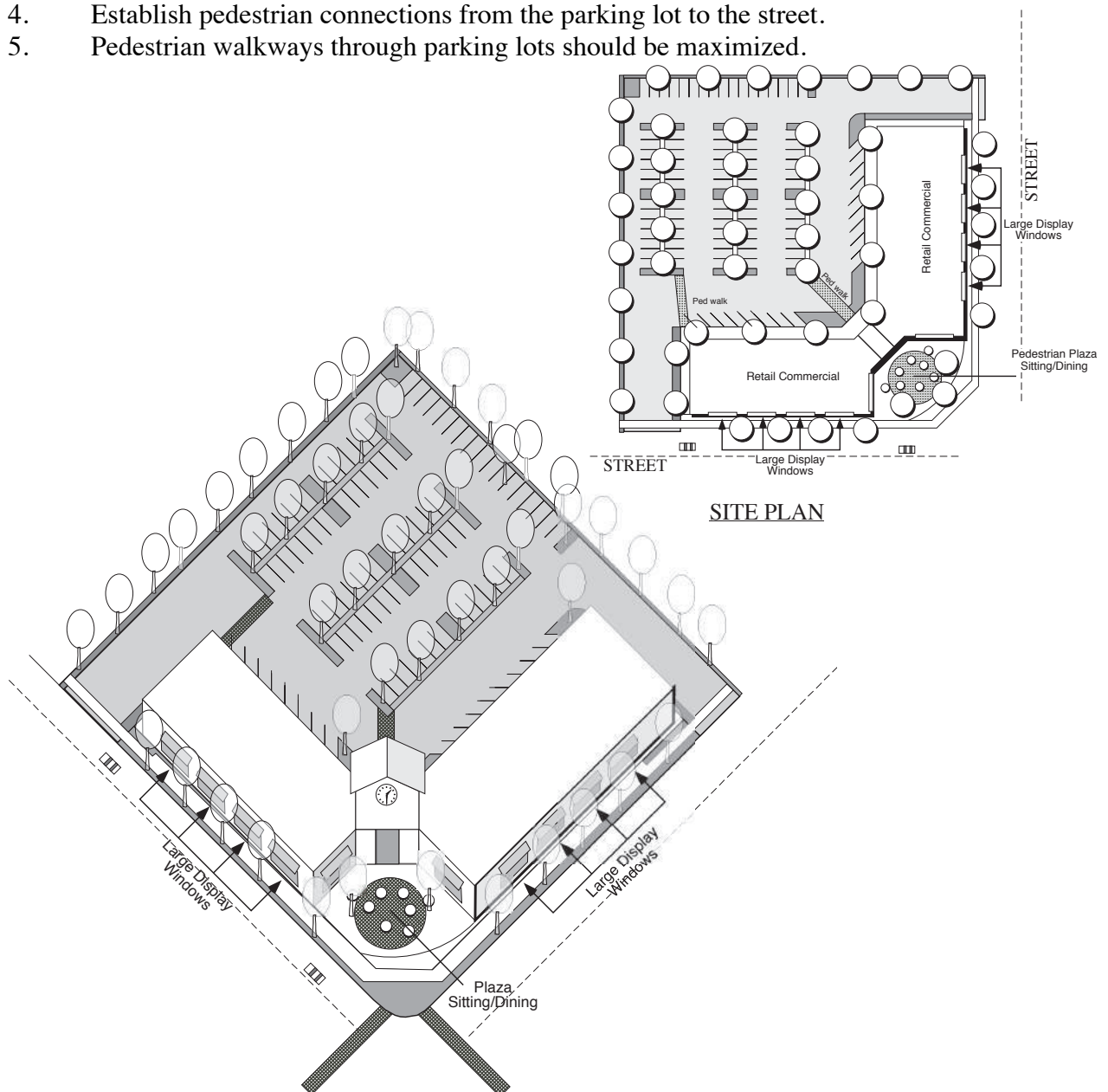


Firebaugh Zoning Ordinance  
Chapter 27: Commercial Development Design Guidelines

**c. Corner Lot Design**

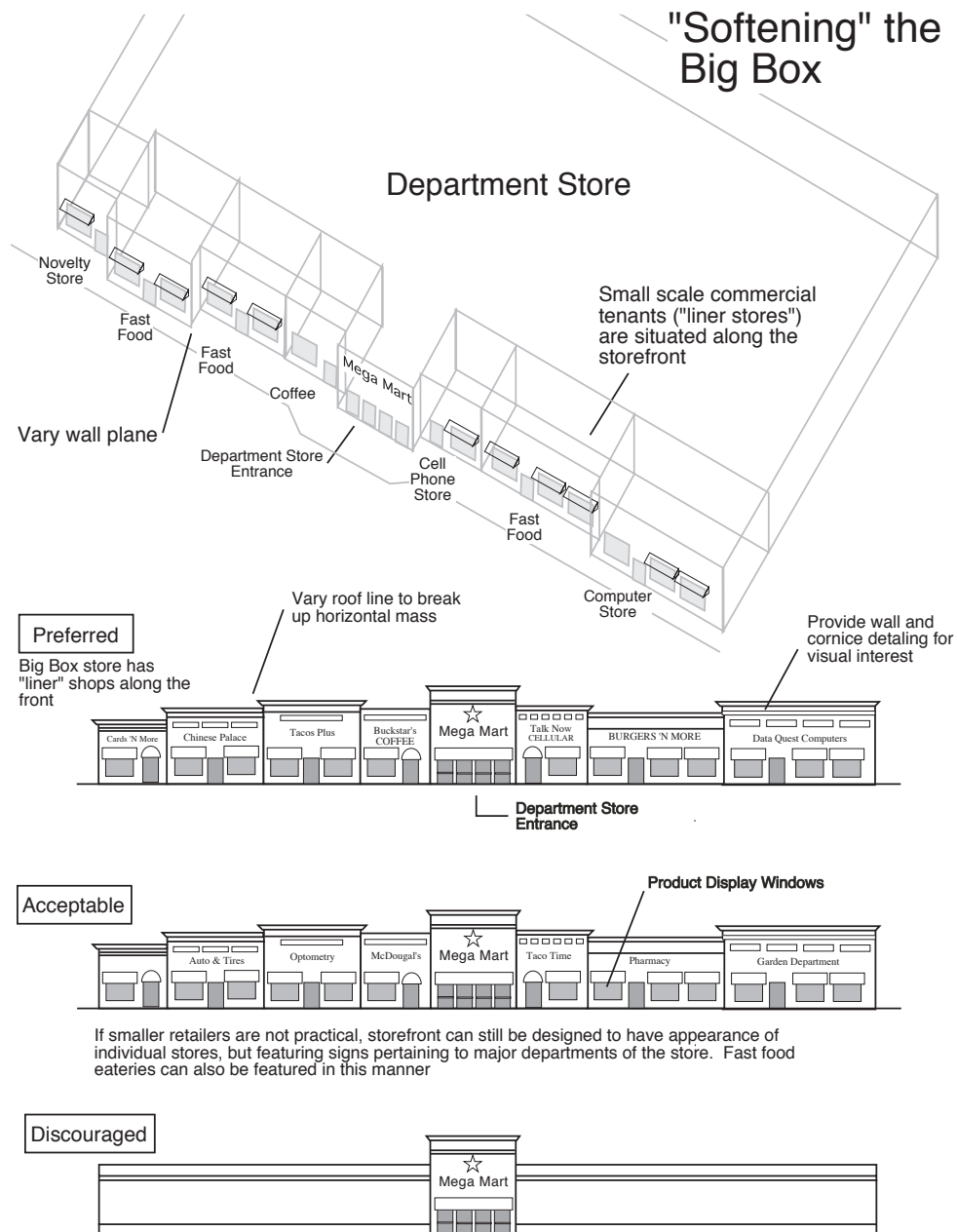
Corner lots present special opportunities for good project design. The diagrams below and to the right illustrate a preferred design strategy for a commercial corner-lot location. Desirable design strategies include:

1. Situate buildings against the street corner with parking to the rear.
2. To the extent practical, buildings should feature large display windows and entrances along the street sidewalk.
3. Provide a pedestrian plaza at the corner.
4. Establish pedestrian connections from the parking lot to the street.
5. Pedestrian walkways through parking lots should be maximized.



**d. "Big Box" Façade Design Strategies**

Large stand-alone commercial stores should be designed to avoid the appearance of a large box-like structure. Architectural detailing on exterior walls, such as insets, varied wall planes, alternating colors and the use of "liner shops" is recommended. Other site and parking design guidelines from this chapter should also be utilized.





**e. Mixed Use**

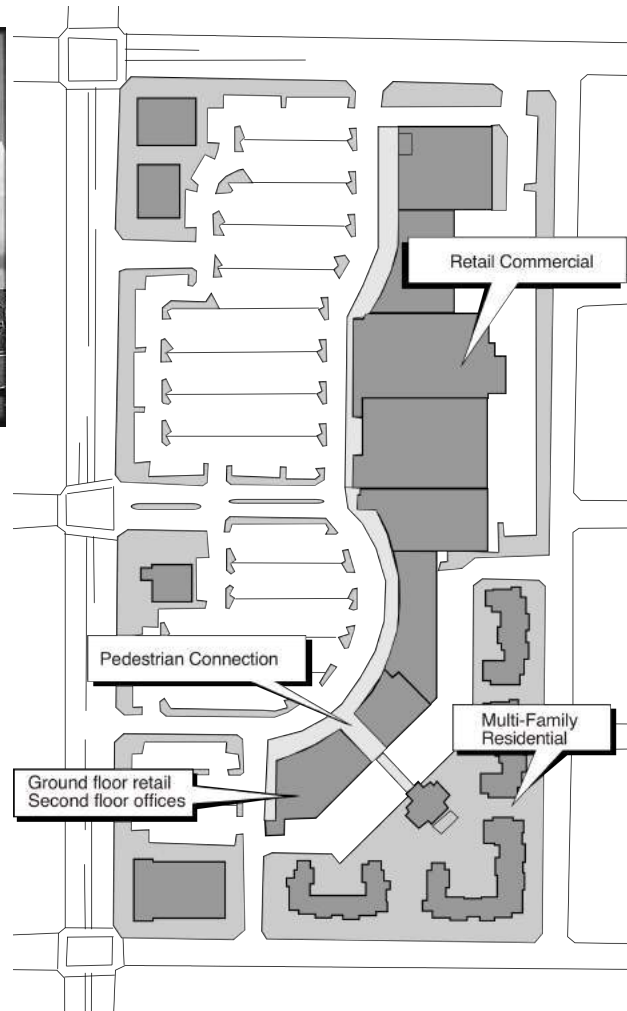
Firebaugh encourages developers to consider projects that combine commercial and residential uses on one site. Mixed-use projects can either be horizontal (with commercial and residential on separate portions of a site, as illustrated to the right), or vertical (typically with commercial/office on the ground floor and residential on upper floors, illustrated below).

*Vertical Mixed Use*



*Vertical mixed use project has retail commercial and offices on the ground floor, with dwelling units above.*

*Horizontal Mixed Use*

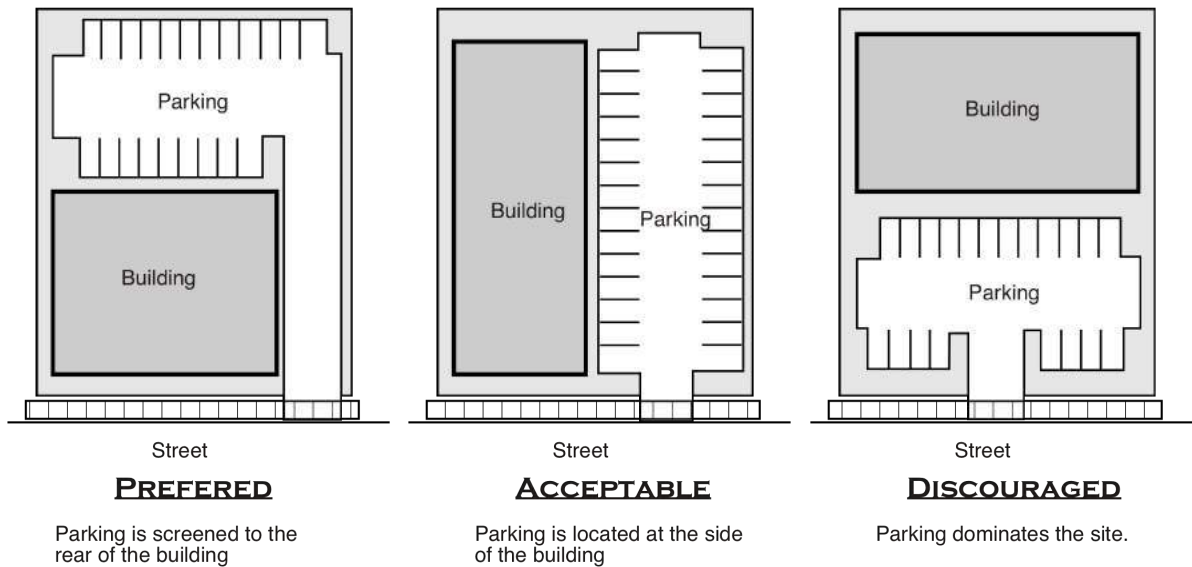


*Example of a horizontal mixed use project – a shopping center with a multi-family project tucked into one corner. A pedestrian paseo allows residents to walk directly into the shopping center.*

**f. Small Commercial Sites**

Small commercial sites (generally smaller than one acre) present special design opportunities. A streetscape should not be dominated by parking lots. Toward this end, sites should be designed with parking to the rear or to the side of the building. If parking must be placed between the building and the street, additional amenities (as listed above under “Parking Lot Strategies”) should be included.

*Small Sites Design Strategies*



*With small development sites, care should be taken that parking does not dominate the site. Sites should be designed with parking to the rear or the side of buildings.*

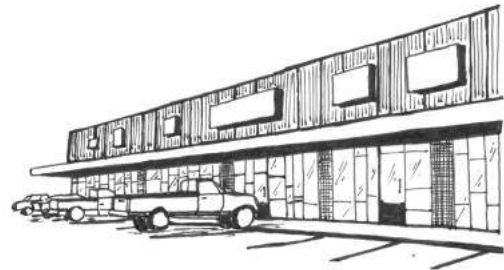
**g. Architectural Strategies**

Commercial buildings should be pedestrian in scale, utilizing the following design techniques and mechanisms:

1. Architectural styles that reflect the traditions and history of Firebaugh and the San Joaquin Valley are preferred over “modern” “contemporary” and franchise design styles that are repeated in every other community. Preferred commercial styles include Spanish, neoclassical, Mediterranean and Western false front. The City maintains a photo library of good examples of these styles.
2. Buildings should be articulated in a fashion similar to the pedestrian-oriented buildings found in downtowns. Use of insets, overhangs or arcades (roofed passageways), cupolas or clock towers, arbors and other design elements are encouraged. Building facades should avoid blank walls greater than 30 feet in length at street level.
3. Use three-dimensional cornice treatments, parapet wall details, overhanging eaves, etc. to enhance the architectural character of the roof, and conceal roof equipment. For large buildings, roof lines should be varied to reduce mass and building scale.
4. Buildings should feature large show-windows along sidewalks and along street frontages.
5. Roof-mounted equipment should be screened from view with parapet walls or similar screening devices.

*Preferred*

*Variety in façade and roofline*



*Discouraged*



*No blank walls! This building has generous windows (shaded with awnings) along the street. It could have just as easily been a blank wall.*

Firebaugh Zoning Ordinance  
Chapter 27: Commercial Development Design Guidelines

6. As noted above, walls should be avoided along parking lots, public streets and other areas visible to the public. The use of show-windows is preferred, but where this is not practical, other methods should be used such as trellises for climbing vines or architectural detail like columns and tile insets, for example.

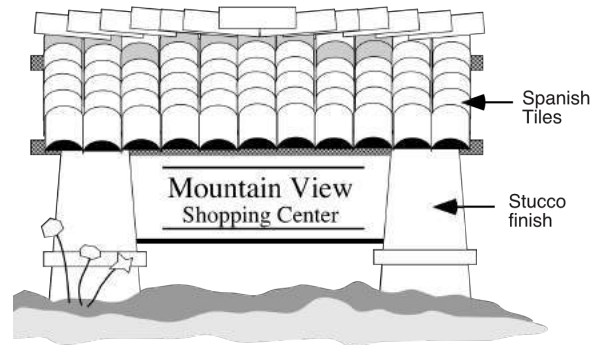


*Walls that would otherwise be “blank” should receive some type of architectural treatment, such as trellises, as illustrated above.*

#### **h. Signs**

Sign regulations found in the sign ordinance must be observed, however the following general design guidelines should be utilized.

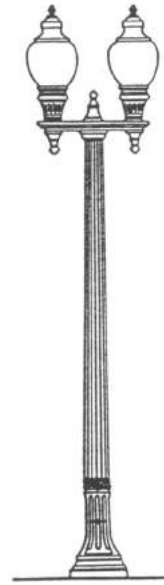
1. Signs should be compatible with the design of the building and its architectural style.
2. Stark color contrasts in signs should be avoided. Sign colors should be muted – use of significant quantities of primary colors should be avoided.
3. Free-standing signs shall be monument-style signs as opposed to pole signs.
4. The design of freestanding signs should feature architectural elements that relate the sign to the buildings they advertise (see example to the right).
5. For multi-tenant buildings or shopping centers, a coordinated sign design scheme is required.



*Free standing monument-style signs should receive architectural treatment that relates to the overall site.*

**i. Landscaping**

1. Landscaping should incorporate an appropriate combination of shrubs, turf, trees and flowers. Where increased maintenance allows, additional elements such as trellises, arbors, benches and fountains should be included. Landscaping should be designed to accentuate positive design elements and screen negative views as well as ensure safety and visibility.
2. For beauty as well as graffiti prevention, climbing vines should be used to screen masonry walls, including perimeter walls trash enclosures and other appropriate locations.
3. Pedestrian-scaled ornamental lighting should be provided along with walkways for commercial projects. Lighting fixtures should be of a design that complements the style of architecture of the project. Standard cobra-head light fixtures should be avoided.
4. Service areas for refuse collection and deliveries should be located away from customer entries and should be screened from view.



*Decorative pedestrian-oriented light fixtures are encouraged.*



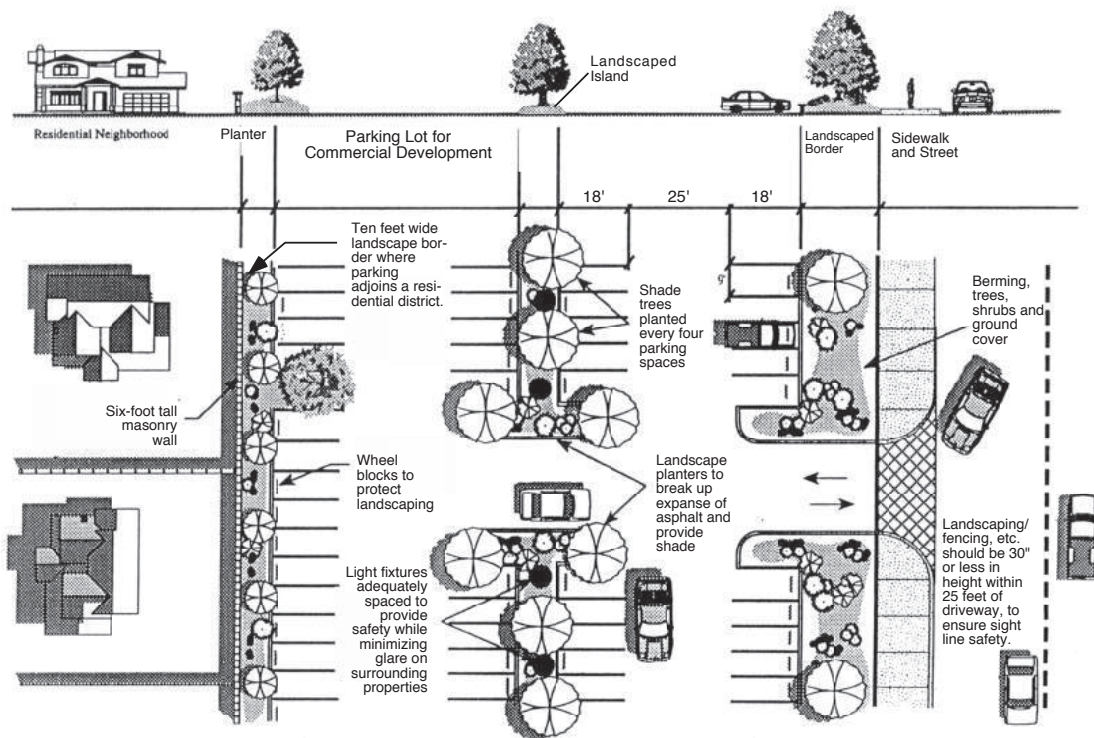
*Walls should be planted with climbing vines and buffered with shade trees and shrubs.*

**j. Parking Lot Landscaping**

Parking lots shall feature landscaping to promote an attractive visual environment and reduce summer heat buildup. The following techniques are recommended:

1. Landscaping or mounding shall be provided in the area between a parking lot and the street right of way. Alternately, a low screening hedge or wall with climbing vegetation shall be provided.
2. For each four spaces, one shade tree shall be provided within a planter not less than four feet by four feet wide, surrounded by protective curbing. In general, shade trees shall be provided to obtain shading of 50% of the parking lot within fifteen years.

*Parking Lot Landscaping Strategies*



3. Landscaping should be situated so that it does not interfere with vehicle sight-lines, nor with the front end of parked vehicles.
4. Landscape planters should be provided along masonry walls and along building walls. Climbing vines should be established to screen masonry walls and prevent graffiti.

Firebaugh Zoning Ordinance  
Chapter 27: Commercial Development Design Guidelines

**k. Special Uses**

**1. Auto Repair/Tire Shops, etc.**

- (a) Auto repair businesses should utilize architecture that blends well with the surrounding neighborhood.
- (b) Where space permits it is preferred that the building be oriented so that service bay doors do not open directly onto the street.



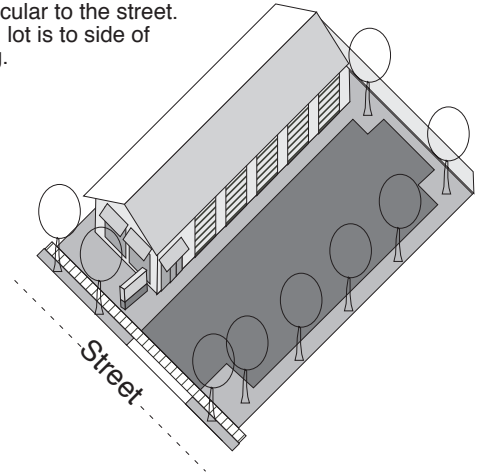
*The example above orients service bay doors perpendicular to the street, while the example below opens the bays onto the street.*



**Site Planning for Auto Repair**

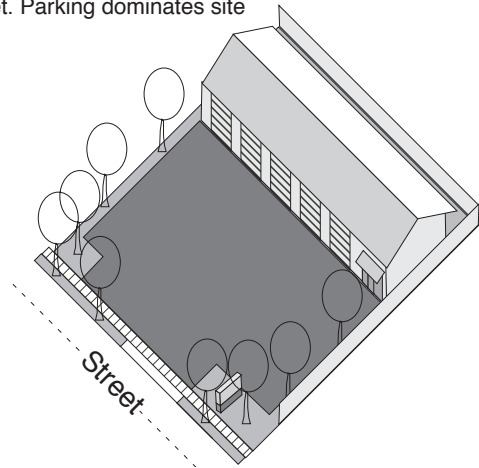
**Preferred**

Bay doors are oriented perpendicular to the street. Parking lot is to side of building.



**Discouraged**

Bay doors are oriented parallel to the street. Parking dominates site frontage





**2. Service stations**

- (a) Service stations should utilize architectural styles that blend well with adjacent neighborhoods and other commercial development.
- (b) Where a service station is part of a shopping center, the architectural style should be consistent with that of the shopping center.
- (c) Pump shelters should be consistent with the architecture of the service station building/convenience store. A gabled pump canopy is preferred over a “flat top” canopy. Flat top canopies should utilize other elements such as molding or trim.

**Service Station Fuel Island Canopies**

*Preferred (gabled roof)*



*Gabled pump canopy relates to the design of the service station's main building.*

*Discouraged*



*"Flat top" pump is discouraged.*

**3. Fast Food/Franchise Businesses**

- (a) Fast food and other franchise businesses should utilize architectural styles that are appropriate to Firebaugh and the surrounding neighborhood, rather than standard franchise styles that are replicated in every community.

**Franchise Architecture**

*Encouraged*



*Discouraged*



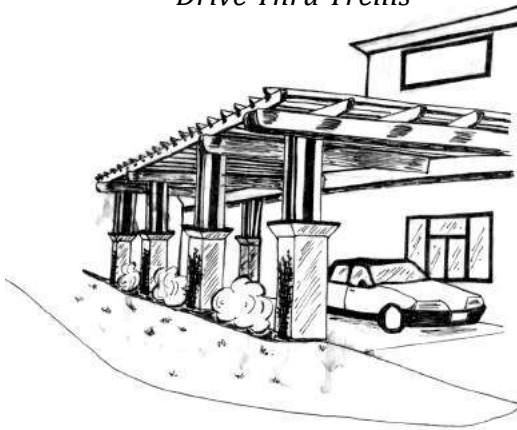
*For franchise businesses, such as fast food restaurants, standard corporate architectural styles should be avoided in favor of design that respects the local area and surrounding neighborhood*



#### 4. Drive Thrus

- (a) Drive thru lanes should be screened from view of the public right of way with the use of landscaping, berming, etc.
- (b) Additional methods, such as the use of an arbor (see below) should be considered to soften and improve the appearance of drive thru lanes.

*Drive Thru Trellis*

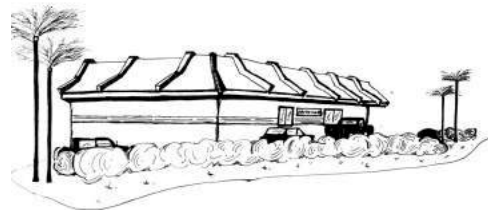


#### Drive Thru Screening

*Discouraged*



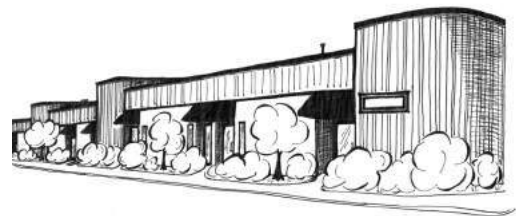
*Preferred*



*Drive-Thrus should be screened from view of the public right of way*

#### 5. Metal Buildings

- (a) Metal buildings are discouraged in downtown and neighborhood commercial areas.
- (b) Where metal buildings are used, they should receive heightened architectural treatment – standard box forms are strongly discouraged. The use of insets, awnings, trellises and varying (but muted) color schemes should be considered.



*Where used, metal buildings should include heightened architectural detailing such as varied wall and roof planes, colors and awnings.*

**M. Design Details**

**1. Trash Enclosures**

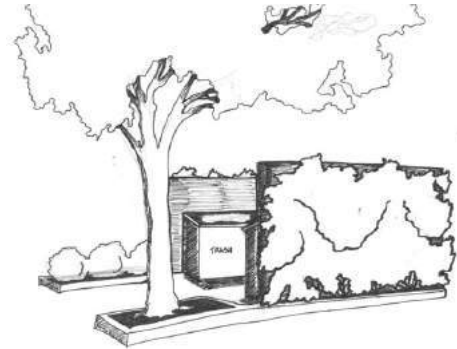
- (a) Trash enclosures should be considered as an architectural element of the overall project.
- (b) Walls should receive architectural detailing; climbing vines and shrubbery can be used to screen.
- (c) Additional details such as a trellis can be used to improve the attractiveness of a trash enclosure.
- (d) Trash enclosures should be designed with a separate pedestrian entrance – to preclude front doors from being left open.



*Trash enclosures should be designed to complement the overall project with architectural detailing and landscaping.*

**2. Roof-mounted equipment**

- (a) Roof mounted equipment, such as air conditioning units, should be screened from view.



**3. Backflow devices and utilities**

- (a) Backflow devices and other utility equipment should be screened from view, through landscaping, finished in a subdued color or a combination of these techniques (see below).



**4. Lighting**

- (a) Lighting should be an integral part of the architectural style of a project. Cobra-head style lights or other basic utility styles should be avoided.



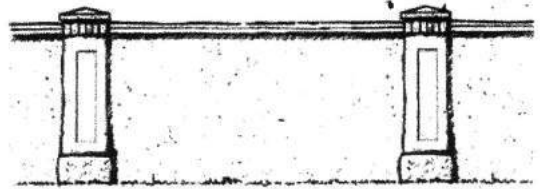
*Lighting should be architecturally appropriate to the overall project. Decorative lighting is preferred over standard utilitarian light fixtures.*

**5. Fencing**

1. Fencing should be considered an integral part of the architectural character of a project. Additional details such as stucco finish, brick or stucco pilasters should be considered.
2. Screening through the use of climbing vines or shrubbery should be used. This can also help prevent graffiti.
3. Where chain link fencing is used, the fence should be finished in gloss vinyl black or green – as opposed to unfinished galvanized metal.

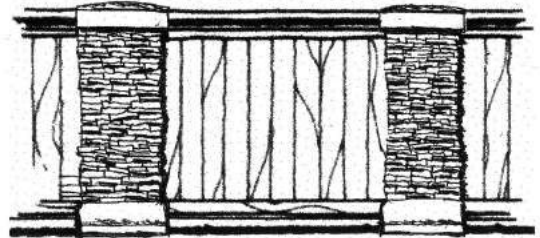
**Decorative Block Wall**

*Along subdivision perimeter. Six feet tall, maximum.*



**Wood Fence with Stone Pilaster**

*Along rear and side yards. Six feet tall, maximum.*



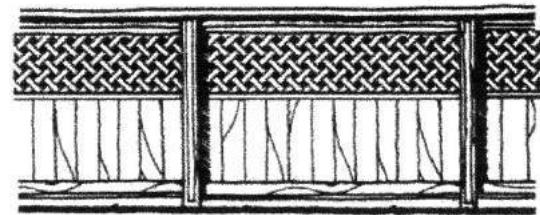
**Wood Fence**

*Along rear and side yards. Six feet tall, maximum.*

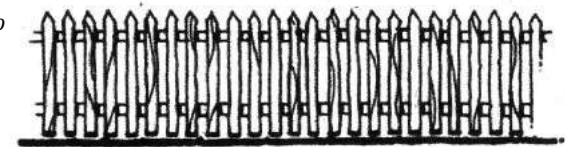


**Good Neighbor Fence**

*Along selected visible rear and side yard locations. Six feet tall, maximum*

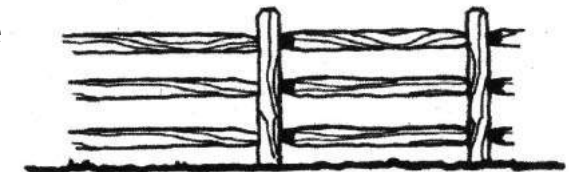


**Picket Fence** *To be used in front yards. Three feet tall, maximum.*

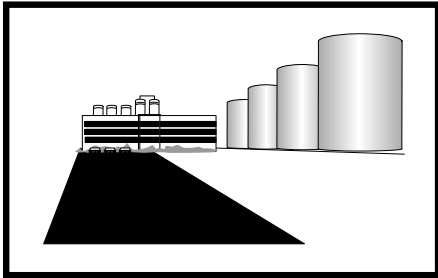


**Split Rail Fence**

*To be used in selected front yards, open-ended cul de sacs and in open space locations. Three feet tall, maximum in front yards. Up to six feet in other locations.*



## CHAPTER 29



### **Industrial Zones: M-1 (Light Industrial) M-2 (Heavy Industrial)**

#### **Sections**

|                 |   |
|-----------------|---|
| <b>25-29.1</b>  | <b>Purpose</b>                                    |
| <b>25-29.2</b>  | <b>Permitted and Conditionally Permitted Uses</b> |
| <b>25-29.3</b>  | <b>Site Plan Review</b>                           |
| <b>25-29.4</b>  | <b>Development Standards</b>                      |
| <b>25-29.5</b>  | <b>Fences, Walls and Hedges</b>                   |
| <b>25-29.6</b>  | <b>Off-Street Parking and Loading Facilities</b>  |
| <b>25-29.7</b>  | <b>Signs</b>                                      |
| <b>25-29.8</b>  | <b>Landscaping</b>                                |
| <b>25-29.9</b>  | <b>Design Standards</b>                           |
| <b>25-29.10</b> | <b>Performance Standards</b>                      |

#### **25-29-1 Purpose**

The purpose of Firebaugh's Industrial zones is to provide appropriate locations in the community for industrial uses and related activities. Two zones are established: the M-1 zone is the "Light Industrial" zone and provides for uses such as light manufacturing, warehousing, storage, service commercial and similar uses. The M-2 zone is the "Heavy Industrial" zone and provides spaces for more intensive industrial and manufacturing activities.

Development standards in the Industrial zones are designed to promote the following:

- (1) to protect appropriate areas for industrial use from intrusion by residences and other inharmonious uses,
- (2) to provide opportunities for certain types of industrial uses to concentrate in mutually beneficial relationships to each other;
- (3) to provide adequate space to meet the needs of modern industrial development, including truck parking, off-street parking and loading;

- (4) to provide industrial employment opportunities for residents of the region; and
- (5) to operate in a manner that protects the public health, safety and welfare by ensuring that potential harmful impacts such as noise, vibration, noxious fumes, fire, and explosions, are avoided.
- (6) to establish standards that result in industrial development that is attractive and functional.

### **25-29.2 Permitted and Conditionally Permitted Uses**

The following table lists uses that are permitted and conditionally-permitted in the M-1 and M-2 zones. Symbols used in the table are as follows:

“P” = The use is permitted in that particular zone

“CUP” = The use is permitted by Conditional Use Permit in that particular zone

“-“ = The use is not permitted in that particular zone

| <u>Use</u>   | <u>Zone</u>     |                 |
|--|-----------------|-----------------|
|  | <u>M-1 Zone</u> | <u>M-2 zone</u> |
| 1. Assembling, cleaning, manufacturing, processing repairing or testing of products, conducted within an enclosed structure, or within a screened outdoor storage area, except for the following uses listed under 1a through 1k, which are permitted only in the M-2 zone by Conditional Use Permit | P               | P               |
| a. Drop forges   | -               | CUP             |
| b. Fertilizer manufacturing  | -               | CUP             |
| c. Animal processing, including slaughterhouses, reduction, rendering and glue manufacturing   | -               | CUP             |
| d. Petroleum products manufacturing, processing and storage, including oils, gasoline, natural gas, paints and tar   | -               | CUP             |
| e. Incinerators  |                 | CUP             |

Firebaugh Zoning Ordinance  
Chapter 29: Industrial Zones (M-1, M-2)

| <u>Use</u>   | <u>Zone</u>     |                 |
|--|-----------------|-----------------|
|  | <u>M-1 Zone</u> | <u>M-2 zone</u> |
| f. Metal industries (ores, reduction, refining, smelting and alloying)   |                 | CUP             |
| g. Paper and paper product manufacturing   | -               | CUP             |
| h. Textile mills   | -               | CUP             |
| i. Chemical manufacturing  | -               | CUP             |
| j. Rubber manufacturing  | -               | CUP             |
| 2. Assembling, cleaning, manufacturing, processing, repairing or testing of products not listed under 1a through 1b that are conducted primarily outdoors. | CUP             | CUP             |
| 3. Agricultural services and industries, including the following:  |                 |                 |
| a. Food and dairy processing   | P               | P               |
| b. Canneries   | P               | P               |
| c. Cold storage facilities   | P               | P               |
| d. Crop cultivation  | P               | P               |
| e. Grain storage and processing  | P               | P               |
| f. Nurseries   | P               | P               |
| g. Packing houses  | P               | P               |
| h. Veterinary services, livestock and large animals, including animal boarding   | P               | P               |
| i. Animal sales yards  | CUP             | P               |
| j. Agricultural exhibits, including sales, displays, large assembly of people and livestock.   | P               | P               |
| 4. Automobile oriented uses, including auto repair, tire shops, painting, upholstery, etc.   | P               | P               |
| 5. Concrete batch plants, processing of minerals, and aggregate and related  | CUP             | P               |

Firebaugh Zoning Ordinance  
Chapter 29: Industrial Zones (M-1, M-2)

| <u>Use</u>  | <u>Zone</u>     |                 |
|---|-----------------|-----------------|
|   | <u>M-1 Zone</u> | <u>M-2 zone</u> |
| materials, sand and gravel storage  |                 |                 |
| 6. Dwelling for a caretaker or security guard on the site of an approved use.   | CUP             | CUP             |
| 7. Fuel dealer and service stations   | CUP             | P               |
| 8. Airports, heliports/helipads   | CUP             | CUP             |
| 9. Farm supply stores   | P               | P               |
| 10. Lumber yards  | P               | P               |
| 11. Kennels   | P               | P               |
| 12. Mini storage facilities and storage buildings   | P               | P               |
| 13. Offices   | P               | P               |
| 14. Retail uses conducted as part of, and incidental to an established manufacturing operation (such as a candy store on the site of a candy manufacturing operation) | P               | P               |
| 15. Research and development operations, including laboratories.  | P               | P               |
| 16. Recycling collection and processing facilities.   | P               | P               |
| 17. Salvage and wrecking facilities and junk yards  | -               | CUP             |
| 18. Towing services   | P               | P               |
| 19. Trucking, Transportation and distribution   | P               | P               |
| 20. Truck stops   | CUP             | CUP             |
| 21. Upholstery shops  | P               | P               |
| 22. Vehicle storage   | P               | P               |
| 23. Warehousing and wholesaling   | P               | P               |
| 24. Equipment rental and sales yards including farm equipment rental and sales  | P               | P               |
| 25. Building contractor   | P               | P               |

Firebaugh Zoning Ordinance  
Chapter 29: Industrial Zones (M-1, M-2)

| <u>Use</u>   | <u>Zone</u>     |                 |
|--|-----------------|-----------------|
|  | <u>M-1 Zone</u> | <u>M-2 zone</u> |
| offices and yards  |                 |                 |
| 26. Miscellaneous uses, including:   |                 |                 |
| a. Accessory uses on the site of a permitted use or conditionally-permitted use  | P               | P               |
| b. Parking facilities on separate lots   | P               | P               |
| c. Communications equipment building, public utility service yards, gas regulator stations, pumping stations, storm drainage reservoirs, public water wells, electric distribution substations and transmission line structures. | CUP             | CUP             |
| d. Private fueling stations located on-site with a permitted or conditionally permitted use.   | P               | P               |
| e. Other uses determined to be similar in nature and intensity to those permitted in that particular zone, as determined by the city planner.  | P               | P               |
| f. Other uses determined to be similar in nature and intensity to those conditionally-permitted in that particular zone, as determined by the city planner.  | CUP             | CUP             |

### 25-29.3 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).



**25-29.4 Development Standards (see also Exhibit 37-1)**

a. Site Area, Lot Frontage and Depth

No requirement.

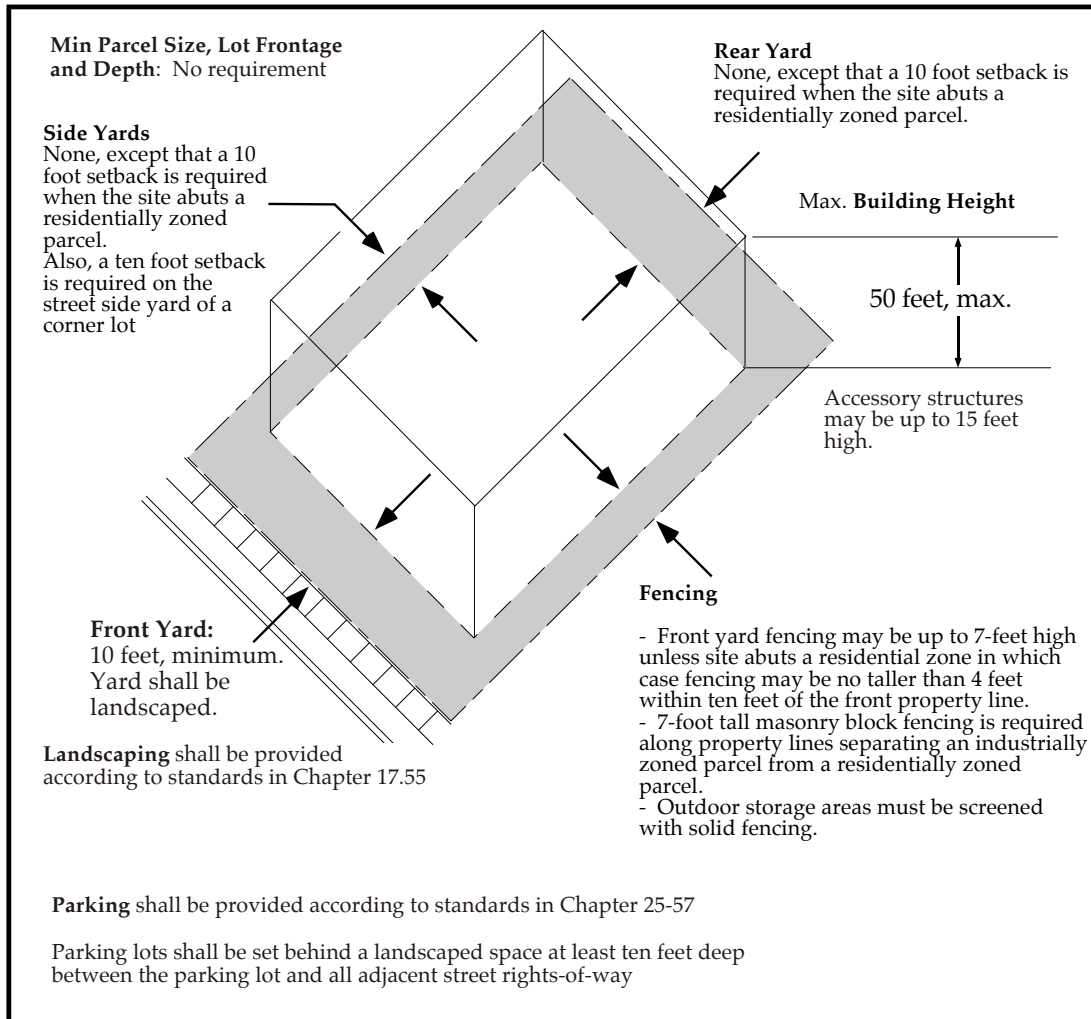
b. Building Height

The maximum height of structures shall be 50 feet.

c. Yards

1. Front: 10 feet, minimum. Further, parking lots shall be separated by a landscaped setback of at least ten feet from a front property line, and also the side property line for the street side yard on corner lots.
2. Side: No requirement unless the subject property abuts a residential district, wherein the minimum side yard shall be 10 feet, or where the site is a corner lot, in which a 10 foot setback is required on the street side yard.
3. Rear: No requirement unless the subject property abuts a residential district, wherein the minimum yard shall be 10 feet.

**Exhibit 29-1: Zoning Standards**



**25-29.5 Fences, Walls and Hedges**

- Front Yards: Fences, walls and hedges shall not exceed seven feet in height, unless the site abuts a residential zone in which case fencing within ten feet of the front property line shall be no higher than four feet.
- Rear and Side Yards: Fences, walls, and hedges shall not exceed seven feet in height.
- Where a property zoned M-1 or M-2 abuts a residential district, a 7-foot solid block masonry wall shall be constructed between the two uses.

- d. The outdoor storage of equipment or materials shall be screened from the view of any adjoining public right-of-way with a 7-foot solid block wall, or 6-foot chain-linked fence with slats and landscaping.

**25-29.6 Off-Street Parking and Loading Facilities**

- a. Uses in the M-1 and M-2 zones shall provide off-street parking consistent with Chapter 17.45 Parking and Loading.
- b. Parking lots constructed in M-1 and M-2 zones shall be designed and constructed so that within five years of construction, 50 percent of the parking lot is shaded by trees.
- c. Parking lots shall be designed to accommodate solid waste pick-up.

**25-29.7 Signs**

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

**25-29.8 Landscaping**

- a. A landscaping and irrigation plan shall be submitted on all neighborhood commercial 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.

**25-29.9 Design Guidelines**

New development in the Industrial zones shall be designed consistent with the following guidelines.

**a. Site Design**

1. Industrial development should be designed in a way that fits in with the surrounding development pattern. This refers to:
  - (a) The size and form of new structures in relationship to existing development. For example, where new buildings and uses are similar to those on adjoining sites, the design should reflect similar setbacks, building heights and form, scale and mass, materials, compatible colors and landscape treatments. The intent is not uniformity, but compatibility.
  - (b) The spatial relationship between structures and street right-of-way;
  - (c) circulation patterns;
  - (d) architectural elements in surrounding development.
2. New buildings should be oriented toward the adjoining public streets, so that public entrances are a focal point on the building and site layout.

Exhibit 37-2



*The front of this industrial site has the appearance of an office and has generous landscaping. Equipment storage and industrial activities are primarily on the back side of the building.*

3. The main public entrance to buildings should feature heightened architectural treatment. For example, if the bulk of an industrial structure is a metal warehouse, the main entrance/office area should feature special architectural design consideration – such as:
  - (a) Varied setbacks – insets and projections, as appropriate.
  - (b) Siding that is different from the rest of the building (e.g. stucco, brick or at least different colors).
  - (c) Windows should be framed and/or finished with awnings or similar mechanisms.
  - (d) Other appropriate design techniques.

**B. Landscaping and Buffers**

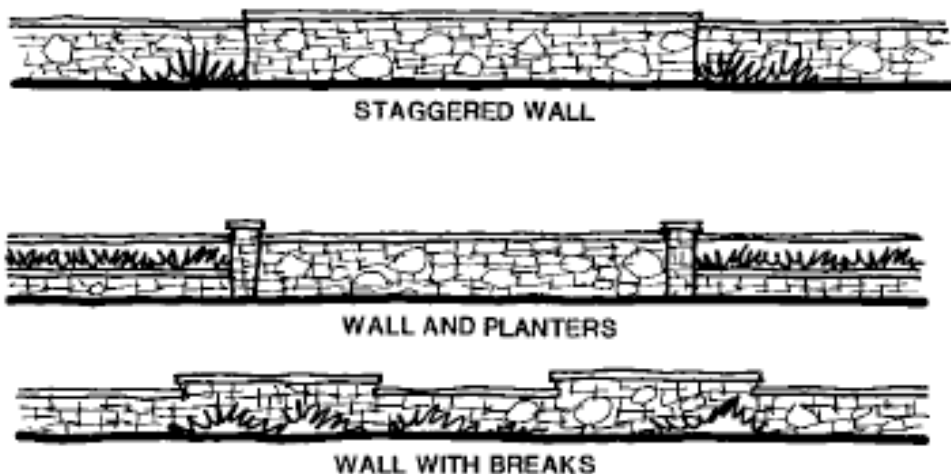
1. Care shall be taken to design industrial sites with adequate landscaping and screening, as well as buffering from sensitive nearby/adjacent uses. Methods to buffer projects should include a combination of increased setbacks, walls, landscaping, berms, etc.
2. Projects should present an attractive landscaped frontage along public streets, with significant landscaped setback areas that include attractive combinations of turf, groundcovers, shrubs and trees.

3. Landscaping should include an appropriate combination of turf, shrubs and shade trees, with an emphasis on low-water use vegetation. Shade trees should be emphasized in paved areas where shading can reduce heat buildup.
4. For beauty as well as graffiti prevention, climbing vines should be used to screen masonry walls, including perimeter walls of trash enclosures and other appropriate locations.

**C. Screening**

1. Buildings, walls and landscaping should be arranged to screen loading and service bays, equipment storage areas, trash enclosures and mechanical equipment.
2. Stored materials may not be stacked or be visible above the height of screening walls.
3. Long expanses of fences or walls should be broken up with periodic columns, insets, landscape pockets or changes in materials. Toward this end, fence or wall runs greater than 50 linear feet shall be articulated with architectural offsets and incorporate landscape pockets.
4. Concrete walls are permitted if faced with masonry or stone, or if the surface is scored or textured.

Exhibit 37-3



*Long expanses of screening walls (particularly along public streets) should feature varied setbacks and textures.*

**D. Parking**

1. Parking areas should not be the dominant visual element of a site. It is generally preferable to locate parking lots along the side or to the rear of buildings. Where this is not possible, parking should be buffered with significant landscaping areas.
2. Parking areas shall be landscaped consistent with Zoning standards and guidelines for parking lot landscaping shown in Chapter 27: Commercial Design Guidelines.

**E. Service, Delivery and Storage Areas**

1. Locate loading docks, outside storage, and service areas in areas of low visibility such as at the side or at the rear (non-street side) of buildings. The features must be screened from view from public streets, by walls, landscaping, or a combination thereof.
2. With the exception of outside storage areas, when it is not possible to locate loading facilities and service areas on a non-street side of a building, loading docks and doors shall not dominate the building frontage and must be screened from all adjoining public streets.
3. In no case may outside storage areas be located in the front of a building.

**F. Signs**

Sign regulations found in the sign ordinance must be observed, however the following general design guidelines should be utilized.

1. Signs should be compatible with the design of the building(s) and its architectural style. The design of freestanding signs should feature architectural elements that relate the sign to the buildings they advertise.
2. Stark color contrasts in signs should be avoided. Sign colors should be muted – use of significant quantities of primary colors should be avoided.
3. Free-standing signs shall be monument-style signs as opposed to pole signs.
4. For multi-tenant buildings or complexes, a coordinated sign design scheme is required.

**25-29.12 Performance Standards**

- a. In the Industrial zones, all open and unlandscaped portions of any lot shall be maintained in good condition, free from weeds, dust, trash and debris.
- b. No use shall be permitted and no process, equipment, or materials shall be employed which are found by the Planning Commission to be injurious to persons residing or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, noise, vibrations, illumination, glare or heavy truck traffic, or to involve any hazard of fire, explosion, or to emit electrical disturbances which adversely affect commercial or electronic equipment outside the boundaries of the site.
- c. No solid or liquid wastes shall be discharged into a public or private sewage disposal system except in compliance with the regulations of the owners of the system, and local, state and federal agencies that regulate disposal of these wastes.
- d. In the Industrial zones, all uses shall be subject to the regulations of local, state and federal air quality agencies.



## CHAPTER 31

### O Zone (Open Space)



#### Sections

|                 |  |
|-----------------|--|
| <b>25-31.1</b>  | <b>Purpose</b>                                   |
| <b>25-31.2</b>  | <b>Permitted Uses</b>                            |
| <b>25-31.3</b>  | <b>Conditional Uses</b>                          |
| <b>25-31.4</b>  | <b>Site Plan Review</b>                          |
| <b>25-31.5</b>  | <b>Development Standards</b>                     |
| <b>25-31.6</b>  | <b>Fences, Walls and Hedges</b>                  |
| <b>25-31.7</b>  | <b>Off-Street Parking and Loading Facilities</b> |
| <b>25-31.8</b>  | <b>Signs</b>                                     |
| <b>25-31.9</b>  | <b>Landscaping</b>                               |
| <b>25-31.10</b> | <b>Design Standards</b>                          |

#### **25-31.1 Purpose**

The purpose of the Open Space (O) district is to provide appropriate locations in the community for a wide range of open space uses, such as parks and playgrounds, cultural and educational facilities, public infrastructure systems and environmentally sensitive areas and agriculture.

#### **25-31.2 Permitted Uses**

The following uses are permitted in the O district.

- a. Parks, playgrounds, and community gardens
- b. Drainage basins
- c. Environmentally sensitive lands, including wetlands, reservoirs, and floodplains

- d. Growing and harvesting of agricultural crops

**25-31.3 Conditional Uses**

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

- a. Caretaker's dwelling and accessory structures
- b. Cemeteries and mortuaries (when located on the same site as a cemetery).
- c. Golf courses
- d. Communications equipment buildings and structures
- e. Public uses of an administrative, recreational public service, or cultural type, including city, county, state or Federal administrative centers, libraries, museums, art galleries, police and fire stations, and other public buildings, structures and facilities.

**25-31.4 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).

**25-31.5 Development Standards (see also Exhibit 31-1 for a summary of development standards)**

- a. Site Area, Lot Frontage and Depth

No requirement.

- b. Building Height

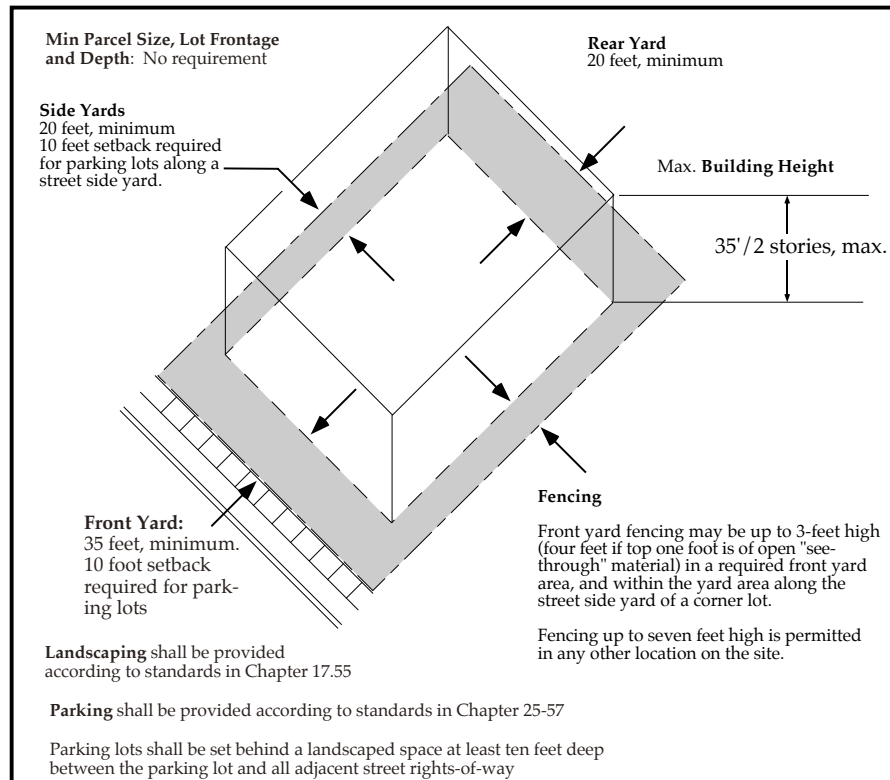
The maximum height of buildings shall be 35 feet/two stories, unless a Conditional Use Permit is secured to allow a taller structure.

Firebaugh Zoning Ordinance  
Chapter 31: "O" Zone (Open Space)

c. Yards

1. Front: 35 feet, minimum. Further, parking lots shall be separated by a landscaped setback of at least ten feet from a front property line, and also the side property line for the street side yard on corner lots.
2. Side: 20 feet, minimum. Further, parking lots shall be separated by a landscaped setback of at least ten feet from a side property line.
3. Rear: 20 feet, minimum.

**Exhibit 31-1: Zoning Standards**



**25-31.6 Fences, Walls and Hedges**

- a. Front Yards (and Street Side Yards on corner lots): 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.

**25-31.7 Off-Street Parking and Loading Facilities**

- a. Uses in the O District shall provide off-street parking consistent with Chapter 17.45 Parking and Loading.
- b. Parking lots constructed in C-3 district shall be designed and constructed so that within five years of construction, 50 percent of the parking lot is shaded by trees.

**25-31.8 Signs**

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

**25-31.9 Landscaping**

- a. For development projects featuring buildings (such as a library or museum) landscaping and irrigation plan shall be submitted 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 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.
- c. Parking lots should be screened from adjacent public roadways by low walls and/or hedges.
- d. Vines and climbing plants should be used on buildings, trellises and perimeter garden walls in order to soften the appearance on the buildings.
- e. 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.

## CHAPTER 33

### G Zone (Government)



#### Sections

|                 |  |
|-----------------|--|
| <b>25-33.1</b>  | <b>Purpose</b>                                   |
| <b>25-33.2</b>  | <b>Permitted Uses</b>                            |
| <b>25-33.3</b>  | <b>Conditional Uses</b>                          |
| <b>25-33.4</b>  | <b>Site Plan Review</b>                          |
| <b>25-33.5</b>  | <b>Development Standards</b>                     |
| <b>25-33.6</b>  | <b>Fences, Walls and Hedges</b>                  |
| <b>25-33.7</b>  | <b>Off-Street Parking and Loading Facilities</b> |
| <b>25-33.8</b>  | <b>Signs</b>                                     |
| <b>25-33.9</b>  | <b>Landscaping</b>                               |
| <b>25-33.10</b> | <b>Design Standards</b>                          |

#### **25-33.1 Purpose**

The purpose of the Government (G) district is to provide appropriate locations in the community for a wide range of public uses that contain public buildings, open space, public grounds or infrastructure improvements.

#### **25-33.2 Permitted Uses**

The following uses are permitted in the O district.

- A. Civic centers
- B. Courthouses
- C. Educational facilities

- D. Fire stations
- E. Governmental offices
- F. Jails
- G. Municipal corporation yards
- H. Public health clinics

**25-33.3 Conditional Uses**

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

- A. Public airports
- D. Communications equipment buildings and structures
- E. Electrical transmission and distribution substations.

**25-33.4 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).

**25-33.5 Development Standards (see also Exhibit 33-1 for a summary of development standards)**

- A. Site Area, Lot Frontage and Depth

No requirement.

- C. Building Height

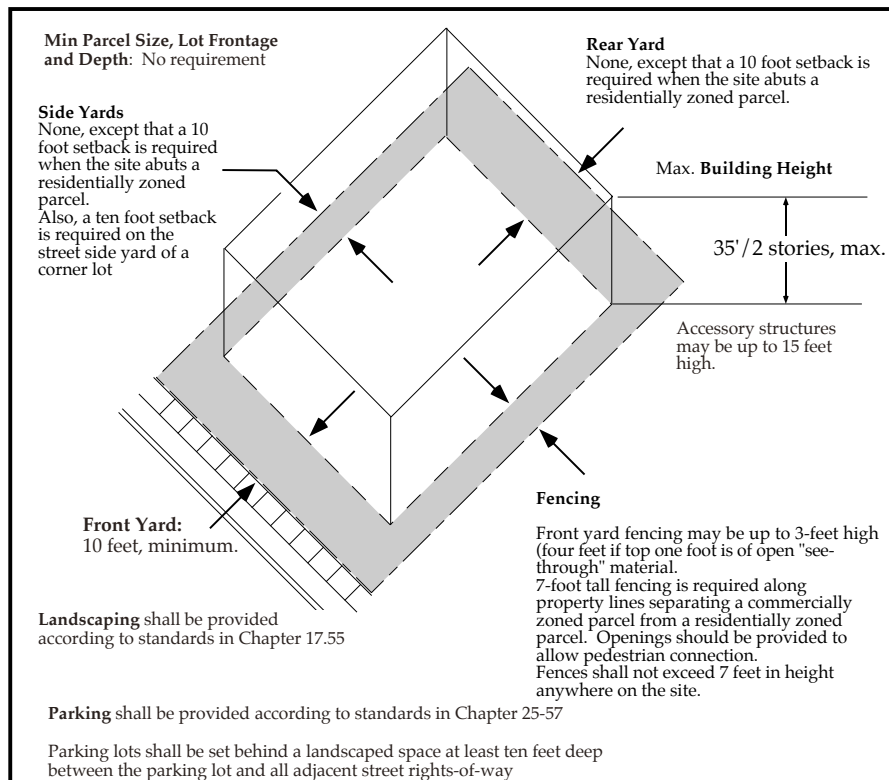
The maximum height of buildings shall be 35 feet/two stories, unless a Conditional Use Permit is secured to allow a taller structure.

Firebaugh Zoning Ordinance  
Chapter 33: "G" Zone (Government)

D. Yards

1. Front: 10 feet, minimum. Further, parking lots shall be separated by a landscaped setback of at least ten feet from a front property line, and also the side property line for the street side yard on corner lots.
2. Side: No requirement unless the subject property abuts a residential district, wherein the minimum side yard shall be 10 feet, or where the site is a corner lot, in which a 10 foot setback is required on the street side yard..
3. Rear: No requirement unless the subject property abuts a residential district, wherein the minimum side yard shall be 10 feet.

**Exhibit 33-1: Zoning Standards**



**25-33.6 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 G 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.

**25-33.7 Off-Street Parking and Loading Facilities**

- A. Uses in the G District shall provide off-street parking consistent with Chapter 17.45 Parking and Loading.
- B. Parking lots constructed in G district shall be designed and constructed so that within five years of construction, 50 percent of the parking lot is shaded by trees.
- C. Parking lots shall be separated from buildings by raised sidewalks or curbing.
- E. Parking lots shall be designed to accommodate solid waste pick-up.

**25-33.8 Signs**

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

**25-33.9 Landscaping**

- A. A landscaping and irrigation plan shall be submitted on all neighborhood commercial 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.

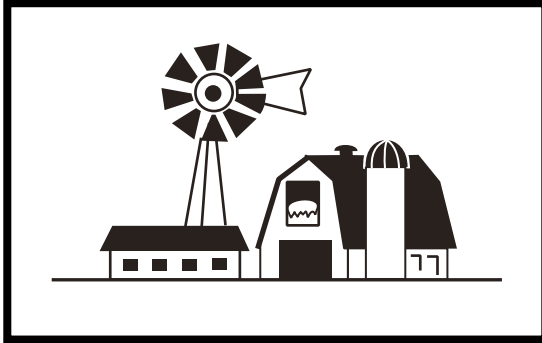


- C. The landscaping and irrigation plan shall provide for a minimal amount of turf and shall incorporate a variety of xerophytic plants, mulch to reduce water use, and an automated irrigation system that incorporates water conservation technology, including drip irrigation, smart irrigation controllers, 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.

**25-33.10      Design Guidelines**

New development in the G zone shall be designed consistent with the guidelines shown in Chapter 25-27 (Commercial Design Guidelines)

## CHAPTER 35



### UR Zone (Urban Reserve)

#### Sections

|                |  |
|----------------|--|
| <b>25-35.1</b> | <b>Purpose</b>                                   |
| <b>25-35.2</b> | <b>Permitted Uses</b>                            |
| <b>25-35.3</b> | <b>Conditional Uses</b>                          |
| <b>25-35.4</b> | <b>Site Plan Review</b>                          |
| <b>25-35.5</b> | <b>Development Standards</b>                     |
| <b>25-35.6</b> | <b>Fences, Walls and Hedges</b>                  |
| <b>25-35.7</b> | <b>Off-Street Parking and Loading Facilities</b> |
| <b>25-35.8</b> | <b>Signs</b>                                     |
| <b>25-35.9</b> | <b>Design Standards</b>                          |

#### **25-35.1 Purpose**

The purpose of the Urban Reserve (UR) district is to reserve in a substantially undeveloped state, areas planned for future urban use where, because the areas currently lack public facilities or services, or because the need for urban expansion within them is not immediate, it is preferable to prevent the development of uses or structures which might be premature or conflict with the future planned urban use of the areas.

#### **25-35.2 Permitted Uses**

The following uses are permitted in the UR district.

- a. Agricultural crops, greenhouses, fruit trees, nut trees, vines, nurseries, for producing trees, vines and other horticultural stock
- b. Bovine animals and horses, only when the lot area is 36,000 square feet or more, and provided that the number of animals shall not exceed a number equal to four

adult animals in any combination per 36,000 square feet of area, with not more than two adult animals or a bovine or equine kind and their immature offspring per each 36,000 square feet.

- c. Poultry and rabbits for domestic purposes only.
- d. Storage of petroleum products for use by the occupants of the premises, but not for resale or distribution.
- e. The sale of agricultural products produced upon the property.
- f. Home occupations , subject to standards contained in Chapter 25-53 (Special Uses).
- g. Employee Housing, 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.
- h. Accessory buildings and structures including, but not limited to, stables, barns, pens, sheds and other structures for the housing of animals and feed, equipment and tools customarily maintained in connection with permitted uses.

### **25-35.3        Conditional Uses**

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

- a. Apiaries
- b. Communications equipment buildings and structures
- c. Electrical transmission and distribution substations.
- d. Water pump stations
- e. One single family dwelling, not more than one dwelling per lot, subject to standards of the R-1 zone (see Chapter 25-15).

**25-35.4 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).

**25-35.5 Development Standards (see also Exhibit 35-1 for a summary of development standards)**

a. Site Area, Lot Frontage and Depth

Each lot shall have a minimum area of 5 acres, measured from the center of any abutting roadway, stream, railroad, or public right-of-way forming a boundary line.

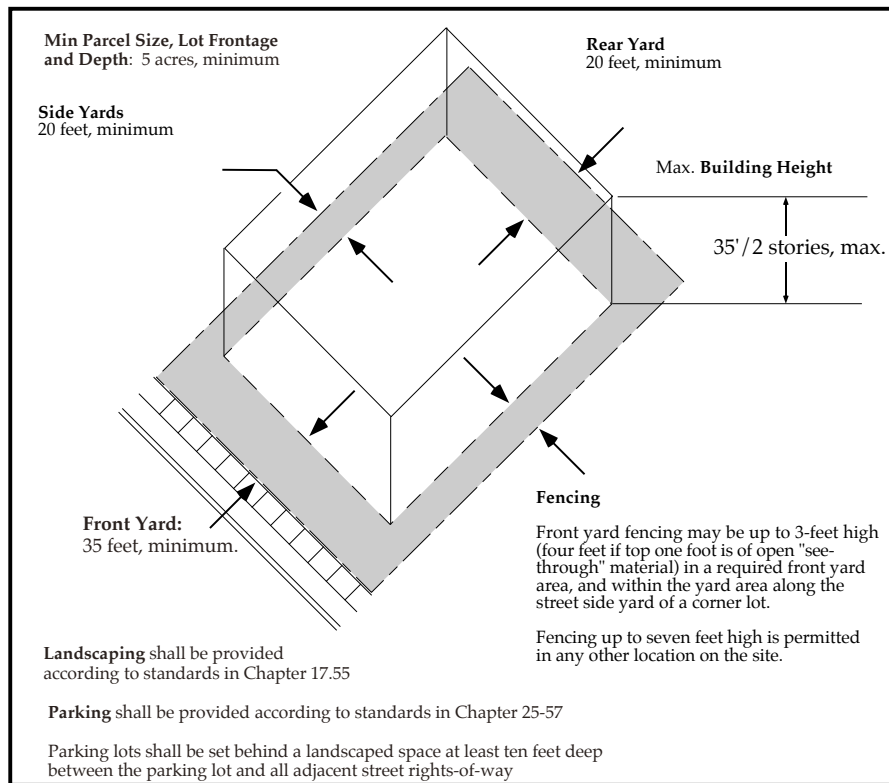
b. Building Height

The maximum height of buildings shall be 35 feet/two stories, unless a Conditional Use Permit is secured to allow a taller structure.

c. Yards

1. Front: 35 feet, minimum.
2. Side: 20 feet, minimum.
3. Rear: 20 feet, minimum.

**Exhibit 35-1: Zoning Standards**



**25-35.6 Fences, Walls and Hedges**

- a. **Front Yards:** Fences, walls and hedges shall not exceed three feet in height within a required front yard area, and within a required side yard area in the street side yard of a corner lot. 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.

**25-35.7 Off-Street Parking and Loading Facilities**

Uses in the UR District shall provide off-street parking consistent with Chapter 17.45 Parking and Loading.

**25-35.8 Signs**

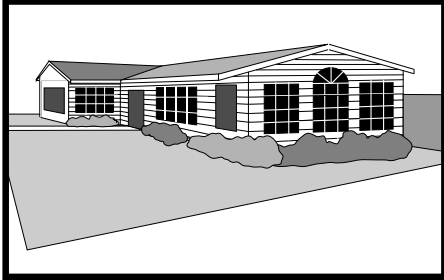
Signs shall be consistent with the requirements detailed in Chapter 25-47 Signs.

**25-35.9 Design Standards**

The following standards shall apply to all single family dwellings, including manufactured and mobile homes, that are established in the U-R zone.

- a. The minimum width of a single family dwelling or a manufactured or mobile home shall be 20 feet.
- b. Mobile homes must be certified under the National Manufactured Home Construction and Safety Act of 1974.
- c. All residential dwellings shall be attached to a permanent foundation.
- d. The roofs of all residential dwellings shall be composed of composition shingles, ceramic tiles, metal or wood shakes or shingles. The pitch of the roof shall not be less than three inches of vertical rise over 12 inches of horizontal run. The roof overhang shall not be less than 12 inches around the building perimeter.
- e. The exterior siding of all residential dwellings shall be composed of wood, masonry, plaster, or metal sheathing.
- f. Siding shall extend to the ground, except when a solid concrete or masonry perimeter foundation or retaining wall is used, in which case the siding material need only extend to the top of the foundation or wall.

## CHAPTER 37



### MHP (Residential Mobilehome Park) Zone

#### Sections

|                |  |
|----------------|--|
| <b>25-37.1</b> | <b>Purpose</b>                                   |
| <b>25-37.2</b> | <b>Permitted Uses</b>                            |
| <b>25-37.3</b> | <b>Conditional Uses</b>                          |
| <b>25-37.4</b> | <b>Development Standards</b>                     |
| <b>25-37.5</b> | <b>Fences, Walls and Hedges</b>                  |
| <b>25-37.6</b> | <b>Off-Street Parking and Loading Facilities</b> |
| <b>25-37.7</b> | <b>Special Requirements</b>                      |
| <b>25-37.8</b> | <b>Signs</b>                                     |

#### **25-37.1 Purpose**

The purpose of this section is to establish standards for the development of mobile home parks in Firebaugh. Firebaugh's housing element acknowledges that these developments serve as a valuable source of housing for the elderly and households in the lower- to moderate-income categories. Further, the higher densities of mobile home parks can help to conserve valuable farmland.

#### **25-37.2 Permitted Uses**

The following uses are permitted by administrative approval, subject to development standards contained in this chapter.

- a. Accessory buildings and structures, including garages, sheds and similar on the site of an approved and developed mobile home park.
- b. Swimming pools, on the site of an approved and developed mobile home park.
- c. Home occupations (subject to standards contained in Chapter 25-41 (Special Uses)) on the site of an approved and developed mobile home park.

(DRAFT) Firebaugh Zoning Ordinance  
Chapter 37: MHP Zone (Residential Mobile home Park)

- d. Drainage basins.
- e. Water well sites.
- f. Utility facilities, including electrical substations, elevated pressure tanks, and communication equipment buildings.
- g. Model mobile homes, sales offices and temporary construction materials storage yards associated with the development of a permitted mobile home park.
- h. Storage of recreational vehicles, motorhome, travel trailer, truck camper, camping trailer, boat or boat trailer storage (subject to standards contained in Chapter 25-41 (Special Uses)) on the site of an approved and developed mobile home park.

**25-37.3 Conditional Uses**

The following uses shall be permitted upon the granting of a Conditional Use Permit consistent with Chapter 25-51 Conditional Use Permits.

- a. Mobile home parks.
- b. Rental of spaces within a separate, designated section of a residential mobile home park for short term use by travel trailers and recreational vehicles. These spaces shall not exceed twenty percent of the total number of mobile home lots in the mobile home park. Short term use shall mean an individual or cumulative period of occupancy within the mobile home park of not more than thirty days during any 12 month period.

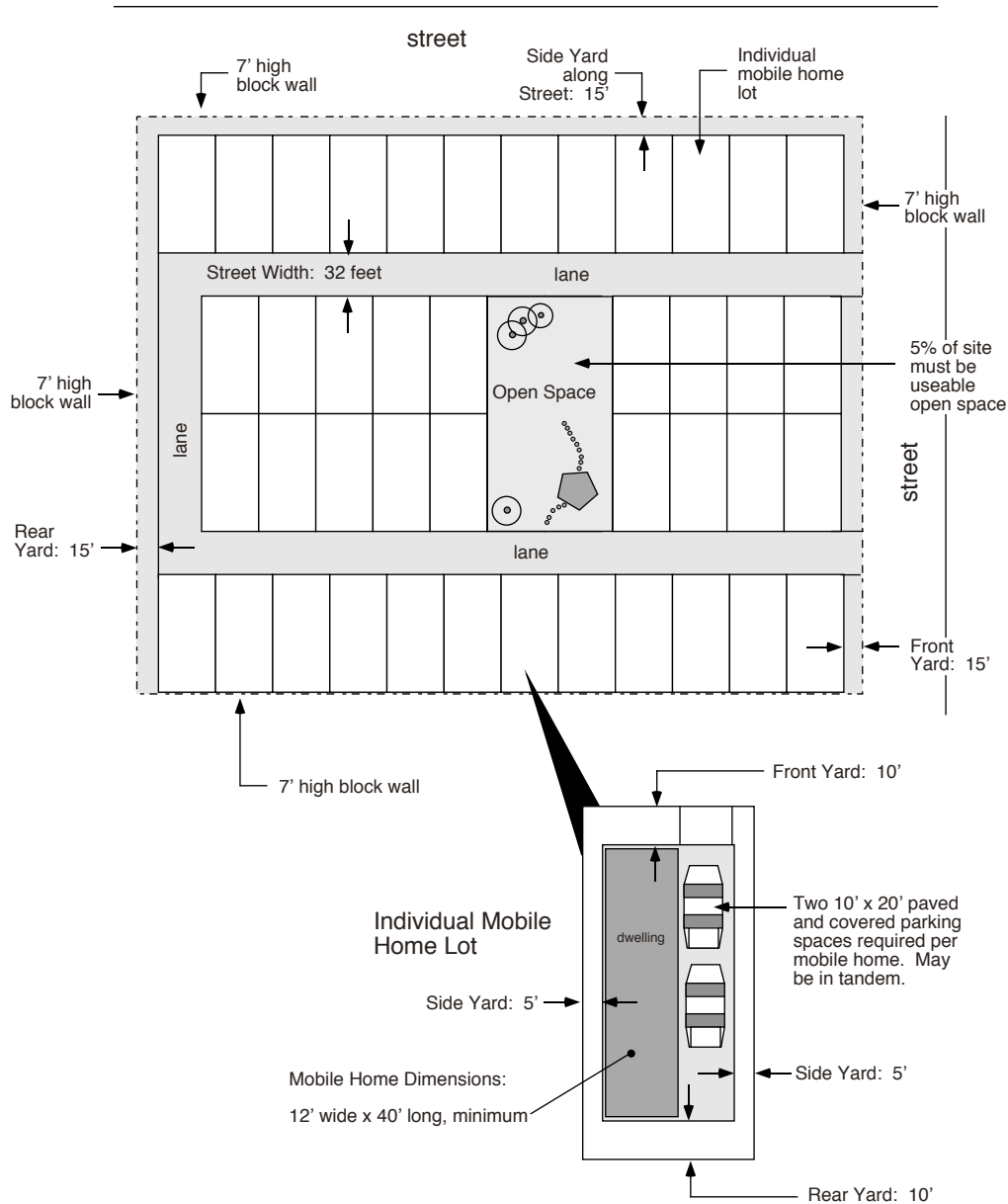
**25-37.4 Development Standards (see also Exhibit 37-1)**

- a. Density
  - 1. One mobile home is allowed for every 2,400 square feet of lot area.
  - 2. One recreational vehicle is permitted for every 1,500 square feet of the portion of the mobile home park that is reserved for recreational vehicles.
- b. Lot Size
  - 1. The minimum parcel size for a mobile home park shall be 1-1/2 acres.
  - 2. The minimum size for an individual mobile home space is 1,500 square feet (30 feet wide and 50 feet long).

**Exhibit 37-1: Selected Mobile Home Park Standards**



(DRAFT) Firebaugh Zoning Ordinance  
Chapter 37: MHP Zone (Residential Mobile home Park)



c. Coverage

No more than 75 percent of an individual space shall be covered with structures, including the mobile home, carport, patio, and storage buildings.

(DRAFT) Firebaugh Zoning Ordinance  
Chapter 37: MHP Zone (Residential Mobile home Park)

d. Unit size

All mobile homes shall have a minimum width of 12 feet and a minimum length of 40 feet.

e. Setbacks

1. Setbacks for the entire mobile home park shall be as follows:
  - (a) Front yard: 15 feet.
  - (b) Side yard: 15 feet.
  - (c) Rear yard: 15 feet.
2. Setbacks for mobile homes on an individual mobile home space shall be as follows:
  - (a) Front yard: 10 feet.
  - (b) Side yard: 5 feet.
  - (c) Rear yard: 10 feet.

h. Access and Streets

1. A mobile home park shall have no fewer than two entrances for vehicles from a public street.
2. Interior streets within the mobile home park shall have a minimum paved width of 32 feet. Said streets shall be constructed consistent with Firebaugh's Improvements Manual.

i. Open Space

Five percent of the gross area of any mobile home park shall be devoted to useable open space. Space for streets and required setback areas may not be counted toward this open space requirement.

j. Landscaping

1. All setback areas that front onto a public street shall be provided with landscaping and an automated irrigation system.

(DRAFT) Firebaugh Zoning Ordinance  
Chapter 37: MHP Zone (Residential Mobile home Park)

2. In order to conserve water, not more than fifty percent of the landscaping shall be devoted to turf. Shrubs planted shall be drought-tolerant species. Artificial lawn shall be considered as a landscaping option.

3. The front yard of each individual mobile home lot shall be landscaped.

k. Building Height

Residential structures shall not exceed 25 feet/two stories in height; Accessory structures shall not exceed 12 feet in height.

**25-37.5 Fencing, Walls and Hedges**

A 7-foot solid block wall shall be constructed along all property lines that surround the mobile home park, however the fence shall be reduced to 3 feet within the required front yard area.

**25-37.6 Off-Street Parking**

a. Resident Parking

Each mobile home space shall provide two off-street parking stalls. Said stalls may be designed as tandem stalls. Each stall shall have a minimum width of 10 feet and a minimum depth of 20 feet. All stalls shall be paved consistent with Firebaugh's Improvements Manual.

b. Guest Parking

There shall be one guest parking space provided within the mobile home park for every two mobile homes. The location of guest parking shall be approved as part of the Conditional Use Permit for the mobile home park.

**25-37.7 Special Requirements**

- a. Each mobile home shall be connected to City water and sewer service.
- b. Each mobile home pad shall consist of a base material adequate to support a mobile home.
- b. All tongues and tow bars shall be removed once a mobile home is fixed to the lot.
- c. All mobile homes shall be fitted with skirting, extending from the floor level of the mobile home to the ground.

(DRAFT) Firebaugh Zoning Ordinance  
Chapter 37: MHP Zone (Residential Mobile home Park)

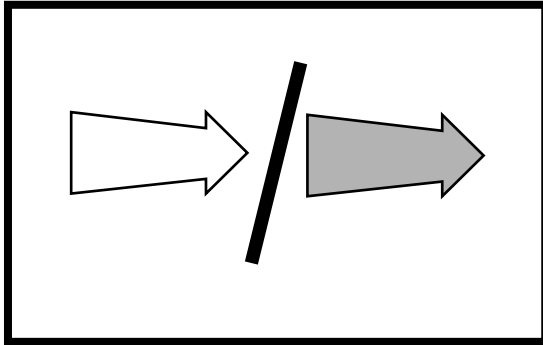
- d. An on-site manager shall be required for all mobile home parks containing 16 or more mobile home units.

**25-37.8 Signs**

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

## CHAPTER 39

### PD Zone (Planned Development Overlay)



#### Sections

|                 |                                 |
|-----------------|---------------------------------|
| <b>25-39.01</b> | <b>Purpose</b>                  |
| <b>25-39.02</b> | <b>Applicability</b>            |
| <b>25-39.03</b> | <b>Permitted Uses</b>           |
| <b>25-39.04</b> | <b>Conditional Uses</b>         |
| <b>25-39.05</b> | <b>Application Requirements</b> |
| <b>25-39.06</b> | <b>Project Review</b>           |
| <b>25-39.07</b> | <b>Development Standards</b>    |
| <b>25-39.08</b> | <b>Findings</b>                 |

#### **25-39.01 Purpose**

The purpose of the Planned Development (PD) overlay district is to promote development designs that respond to significant planning-related issues facing Valley cities, including the need to protect air quality, reduce urbanization of agricultural land, housing affordability, traffic, aesthetics and the desire to promote more livable neighborhoods.

The Planned Development overlay district is structured to produce a comprehensive development that is superior to traditional development that results from the application of conventional zoning standards.

#### **25-39.02 Applicability**

The PD overlay district can be combined with any single family, multi-family, commercial or industrial district identified in the zoning ordinance. For purposes of identification on the Zoning Map, an established PD overlay district shall be suffixed

Firebaugh Zoning Ordinance  
Chapter 39: PD Zone (Planned Development Overlay)

with the zoning notation of the district with which it is combined (e.g. R-1 (PD) or C-2 (PD)).

**25-39.03 Permitted Uses**

Uses permitted in the PD zone are those listed on the permitted use list of the underlying district to which the Planned Development district is being combined.

**25-39.04 Conditional Uses**

Uses permitted subject to a Conditional Use Permit are those listed on the Conditional Use list of the underlying district to which the Planned Development district is being combined.

**25-39.05 Application Requirements**

As part of an application for a zoning ordinance amendment to reclassify property to the Planned Development overlay district, the applicant shall submit to the City a development plan, which shall include the following:

- a. Legal description and boundary survey map of the exterior boundaries of the land to be developed.
- b. A comprehensive description of zoning standards of the underlying zone to which flexibility is being requested.
- c. A site plan of the project that shows information that is required, consistent with Chapter 17.53 Site Plan Review of this Ordinance.
- d. Elevation drawings of structures and other major building features of the project.
- e. A phase plan, if applicable.
- f. The location and general arrangement of all open space, landscaping and hardscape areas.
- g. An infrastructure and utilities plan.

**25-39.06 Project Review**

No development shall be constructed on any lot or site in this district until a development plan has been submitted and approved consistent with Site Plan and Design Review (Chapter 25-53) or a parcel or subdivision map (consistent with the Firebaugh

Firebaugh Zoning Ordinance  
Chapter 39: PD Zone (Planned Development Overlay)

Subdivision Ordinance), as the case may be, as well as a zone change (consistent with Chapter 25-49).

**25-39.07      Development Standards**

The following additional development standards together with applicable standards specified in the underlying base zone shall apply to all land and structures within this planned development overlay district, unless flexibility in standards has been clearly identified as part of the development application.

- a.      The minimum site area of a Planned residential development shall be 15,000 square feet.
- b.      All PD projects shall comply with design guidelines that are applicable to the underlying zone.
- c.      For residential projects, an increase in density of up to 25% may be requested as long as a finding can be made that the request furthers the intent of the PD zone.
- d.      A decrease in lot size may be requested as long as a finding can be made that the request furthers the intent of the PD zone.
- e.      A reduction in street width may be requested as long as a finding can be made that the request furthers the intent of the PD zone and the request complies with street safety standards.
- f.      A reduction in yard setbacks may be requested as long as a finding can be made that the request furthers the intent of the PD zone.
- g.      At least ten percent of the gross area of the site, excluding public streets, shall be improved for common open and recreational space.
- h.      The conservation of natural site features such as topography, vegetation and water courses shall be considered in the project design.

**25-39.08      Findings**

A Planned Development District may be established after the Planning Commission and the City Council, respectively, have made the following findings:

- a.      That the area proposed to be so zoned is generally suitable for the proposed project but for reasons affecting public health, safety, comfort, general welfare and orderly community growth or to promote innovative development that responds to community needs, it is appropriate to classify such area within the

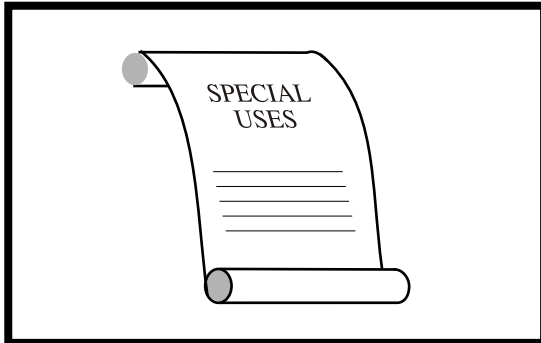
Firebaugh Zoning Ordinance  
Chapter 39: PD Zone (Planned Development Overlay)

Planned Development District, subject to a development plan provided for in this Chapter.

- b. That the proposed project authorized by the Planned Development zone will provide benefits and safeguards equal to, or greater than those that would be provided by the regulations applicable to the underlying zone district, with respect to public health, safety, comfort and general welfare and orderly physical growth and development of the City.
- c. All owners of the property within the proposed Planned Development zone have consented in writing to the adoption of the district and development plan.



# CHAPTER 41



## Special Uses

### Sections

|                 |   |
|-----------------|---|
| <b>25-41.1</b>  | <b>Purpose</b>                              |
| <b>25-41.2</b>  | <b>Home Occupations</b>                     |
| <b>25-41.3</b>  | <b>Mixed Uses</b>                           |
| <b>25-41.4</b>  | <b>Service Stations</b>                     |
| <b>25-41.5</b>  | <b>Temporary Uses</b>                       |
| <b>25-41.6</b>  | <b>Caretaker Facilities</b>                 |
| <b>25-41.7</b>  | <b>Temporary Modular Structures</b>         |
| <b>25-41.8</b>  | <b>Recycling/Buyback Centers</b>            |
| <b>25-41.9</b>  | <b>Second Residential Units</b>             |
| <b>25-41.10</b> | <b>Wireless Telecommunication Equipment</b> |
| <b>25-41.11</b> | <b>Sexually Oriented Businesses</b>         |
| <b>25-41.12</b> | <b>Outdoor Storage Yards</b>                |

### **25-41.1 Purpose**

The purpose of this chapter is to establish procedures, development standards, and location criteria for special uses within the City of Firebaugh. Special uses are those uses that are listed in specific zones which have unusual characteristics and may have the potential for pronounced impacts on their surroundings, and where the City has established standards for the design and operation of such uses. These standards are intended to ensure that these uses do not have an adverse impact on the public health, safety, or welfare. Special uses and specific development standards for each are listed as follows.

**25-41.2 Home Occupations**

Persons wishing to conduct a home occupation (which is clearly incidental and secondary to the use of a building as a residential dwelling) shall apply for a business license/home occupation permit through the Finance Department. Home occupations shall comply with the following regulations.

- a. Home occupations may include:
  - 1. Consultive professional occupations, whose function is one of rendering a service and does not involve the dispensing of goods or products.
  - 2. Secondary business offices associated with the resident, where said business has its principal office, staff and equipment located elsewhere.
  - 3. The giving of music lessons and similar occupations.
  - 4. The home office of a sales person, where all sales are done by written order with no commodities or displays on the premises.
  - 5. Drafting, designing and the like, using only normal equipment associated with the activity.
  - 6. Homemade Foods Businesses subject to standards of the 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.

- b. Notwithstanding standards for Homemade Food Businesses, the following criteria shall apply for the evaluation of a home occupation:
1. There shall be no employment of help other than members of the resident family.
  2. There shall be no use of material or mechanical equipment not recognized as being part of normal household or hobby uses.
  3. There shall be no sales of products or services not produced on the premises.
  4. The use shall not generate vehicular or pedestrian traffic beyond that normal to the district in which it is located.
  5. The activity shall not involve the use of commercial vehicles for delivery or materials to or from the premises, other than one vehicle not to exceed one ton, owned by the operator of such home occupations.
  6. There shall be no excessive or unsightly storage of materials or supplies, indoor or outdoor, for purposes other than those permitted in the district.
  7. Any signage shall be consistent with the Sign Ordinance (Chapter 25-47)
  8. Not more than one room in the dwelling shall be employed for the home occupation.
  9. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a non-residential use (either by color, materials or construction, lighting, signs, sounds or noises, vibrations, etc.).
  10. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes as defined in the district.
- c. An applicant for a home occupation permits may appeal the decision of the Planning Director consistent with Chapter 25-6 Appeals.

### **25-41.3 Mixed Use Developments**

Mixed Use Developments are permitted in Firebaugh's commercial zones subject to the following standards:

a. Development Standards

Mixed use developments are subject to Site Plan Review (consistent with the requirements of Chapter 25-53) and shall comply with the development standards of the underlying zone (concerning lot size and dimensions, setbacks, building height and coverage, etc.) except that residential development shall comply with density standards of the R-3 zone (which allow a density up to one dwelling per 1,500 square feet of lot area) and also that projects may request a reduction of up to 50% in the number of parking spaces that are required for each distinct use on the site, as shown in Chapter 25-45 (Parking). Said request for a parking reduction shall be incorporated into the Site Plan Review application and is not subject to a Variance.

### **25-41.4 Service Stations**

- a. Locational criteria. All new service stations must have frontage on a road classified in the Firebaugh Circulation Element as a collector or arterial road.
- b. Site Design Criteria:
1. Pump islands shall be at least 18 feet from any street right-of-way. In addition, a landscape planter at least five feet wide shall be located between a pump island and the street right-of-way.
  2. Access driveways shall be a minimum width of 30 feet, and shall be no closer than 20 feet from the nearest curb line of any intersecting street.
  3. All vehicle repair activities shall be entirely within a building or enclosed area.
  4. A site plan for a service station shall include information to demonstrate proper maneuverability of fuel delivery vehicles onto and off of the site.

**25-41.5 Temporary Uses**

a. Purpose

The purpose of a temporary use permit is to provide for the short-term use of property and structures that are consistent with the purpose and objectives of this Ordinance.

b. Temporary Uses and Activities

The following uses and activities are eligible for a temporary use permit. The Planning Commission, by resolution, may add other uses to the list. The Planning Director shall determine the appropriate districts for the uses and activities listed below.

1. Christmas tree sales.
2. Promotional displays and activities, including amusement rides, street dances, concerts, live entertainment and promotional outdoor displays and sales. These activities may be conducted in any non-residential district. Temporary signs are permitted with the approval of Planning Director. All display material, signs and related improvements shall be removed no later than 24 hours from the end of the activity. Sales areas shall be located where adequate parking is available and sight distances at intersections and driveways must not be obstructed.
3. Temporary Uses.  
  
The temporary use of property by nonprofit or charitable organizations, including activities such as expositions, concerts, carnivals, amusement rides, and church revivals.
4. Temporary Outdoor Sales  
  
Temporary outdoor sales, sidewalk sales and parking lot sales in association with a permitted business for which there is an enclosed building. No off-site signs shall be permitted and no more than six of these events shall occur on the subject property per calendar year.
5. City-sponsored uses and activities, not occupying a structure and occurring at regular periodic intervals.

c. Exemptions

The following uses shall be exempt from securing a temporary use permit from the City of Firebaugh.

1. Fireworks stands
2. Garage and yard sales

d. Applicant and Fee

An application and fee for a temporary conditional use permit shall be made to the Planning Department on a form prescribed by the Department. The application shall be accompanied by a fee set by resolution of the City Council.

e. Report and Findings

The Planning Director is authorized to review and approve temporary conditional use permits subject to reviewing the following findings. The Director may add conditions to ensure consistency with the purpose and objectives of the Ordinance including the following:

1. That egress and ingress and off-street parking facilities are properly designed and adequate to serve the use.
2. That the site is adequate in size and location and has the proper accessibility to accommodate the use.
3. That there are adequate public services, including fire protection, water supply, waste water disposal, and police protection to serve the use.
4. That upon termination of the use the site shall be restored to its original condition. All materials and equipment associated with the temporary use shall be removed.
5. That reasonable time limits be established for the use, not to exceed 30 days.
6. That the applicants for a temporary use permit shall have all applicable licenses and permits.
7. That signage for the use be approved by the Planning Department.

f. Processing

Temporary use permits may be processed as an administrative matter by the Planning Director. Following a decision by the Director, an administrative agreement shall be prepared that outlines the findings and conditions on the temporary use permit.

**25-41.6 Caretaker facilities**

Where listed as a permitted use in a particular zone, one permanent accessory dwelling is allowed for purposes of housing a caretaker, subject to the following standards

- a. Supplementary Statement. The application shall include a statement with explanation of the need for caretaker quarters and the responsibilities of the caretaker/resident.
- b. Status of Caretaker. The resident of the dwelling shall be the owner or lessor, or an employee of the owner or lessor of the site.
- c. Type of Use Requiring a Caretaker. The principal use of the site must require a caretaker for security purposes, or for care of people, plants, animals, equipment, or other conditions on the site, or for needed housing for the owner or operator of a business.
- d. Permitted Zones and Allowable Location for a Caretaker Dwelling. In the C-1, C-2, C-3, and G Zones, such dwelling shall be located on the second floor, or to the rear of a principal building. In the M-1 and M-2 Zones, such dwelling may be located in accordance with the needs of the applicant. In all zoning districts, a caretaker residence is to be located on the same lot of record or contiguous ownership as the use requiring a caretaker.
- e. Type of Dwelling Unit Allowed. Caretaker residences shall be a standard site-built home, a modular home, or an apartment-type unit if the caretaker residence is to be integral with a principal structure.
- f. Parking Requirement. None, provided sufficient usable area is available to accommodate all resident vehicles on-site.

**25-41.7        Modular Structures**

The purpose of this section is to control the approval and location of all modular structures within the City of Firebaugh and to ensure that the uses of said structures, which shall meet the use requirements, zoning standards and design guidelines of the district in which the property is located, will not have a detrimental effect on the appearance of Firebaugh nor on surrounding properties. Regulation of modular structures is therefore deemed necessary to promote the public health, safety, and welfare of residents of the City of Firebaugh.

A modular structure shall mean any designed, manufactured, remanufactured, used, or converted to a transportable building for use for commercial, office, or industrial purposes.

- a.     A permanent modular structure shall be subject to Site Plan Review, consistent with Chapter 25-53 and the applicable zoning standards and design guidelines for that particular zone, and shall comply with the following special development standards:
  - 1.     A permanent modular structure shall be place on a permanent foundation.
  - 2.     In addition to design guidelines that apply to the particular zone, a permanent modular structure shall be of an architectural style that is consistent with buildings in the surrounding neighborhood. The modular structure shall require skirting around the base of the structure.
  - 3.     Permanent parking spaces and unloading zones shall be required consistent with Chapter 25-45 Parking and Loading.
  - 4.     Landscaping and irrigation shall be required consistent with Chapter 25-43 Landscaping.
  - 5.     The business or use conducted within the structure shall secure a business license from the City of Firebaugh prior to being open to the public.
- b.     A temporary modular structure shall be approved by the Planning Director and shall comply with the development standards below. Construction management offices and model home offices shall be exempt from the time limitation standard.
  - 1.     A temporary modular structure shall be removed from the subject property within 30 days unless a longer period of time is requested.
  - 2.     A temporary modular structure shall require skirting around the base of the structure.



3. The business or use conducted within the structure shall secure a business license from the City of Firebaugh prior to being open to the public.

#### **25-41.8 Recycling/Buyback Centers**

Recycling and buyback centers are permitted uses in the C-3, M-1 and M-2 zones, subject to a Conditional Use Permit. The conditions and development standards for recycling/buyback centers shall be as follows:

- a. The location of these centers shall be conducted in a parking lot that is associated with a commercial use. The centers should not be permitted to locate in the front of any commercial storefront but should be established on the side or rear of the commercial development.
- b. The recycling/buyback centers shall provide trash containers.
- c. At the conclusion of daily business, the area around the center shall be cleaned of all trash and debris, and the trash containers shall be emptied.
- d. The recycling or buyback of batteries or hazardous waste materials shall not be permitted.

#### **25-41.9 Second Residential Units**

One second dwelling unit may be established as an addition to an existing residential dwelling unit, or as a separate free-standing dwelling unit, consistent with development standards of the zone in which the unit is located, and with the requirements of this subsection. A second dwelling unit may be a site-built structure, or a manufactured home as defined by Section 18007 of the Health and Safety Code, provided that mobile homes, trailers and recreational vehicles are not permitted to be used as a second dwelling unit.

- a. Development standards

All second dwelling units shall be established and maintained in conformity with the following standards:

1. Zoning

A second dwelling unit shall be permitted only on lots zoned R-1 (Single Family Residential), as shown on the official zoning map of the City of Firebaugh. Second dwelling units are not permitted on lots zoned R-1-4.5 or R-1-5 or any other zone district.

2. Minimum lot size

A second dwelling unit shall be permitted only on a properly-zoned lot that contains at least six thousand five hundred (6,500) square feet.

3. Yards

A second dwelling unit shall comply with yard requirements of the R-1 zone, as listed in Section 25-15 (R-1: Single Family Residential).

4. Space Between Buildings

A second detached dwelling unit shall be located no closer than ten feet to any other residential building on the same parcel, and not less than six (6) feet from any accessory building.

5. Building Height

No second dwelling unit shall have a height greater than two (2) stories, not to exceed twenty-five (25) feet.

6. Lot Coverage

The total lot coverage by a second dwelling unit and all other buildings and structures shall not exceed thirty percent (30%) of the total lot area.

7. Unit Size

The increased living area of a second dwelling unit that is attached to the primary dwelling shall not exceed thirty (30) percent of the existing living area of the primary dwelling. A second unit that is detached from the primary dwelling shall not exceed 1,300 square feet of floor area.

8. Parking

There shall be one paved on-site parking space for a second dwelling unit. The space shall be a minimum of nine (9) feet wide and twenty (20) feet deep and constructed to City standards. The space shall be in addition to on-site parking spaces required for the primary dwelling on the lot. The parking space for the second dwelling unit may be situated as a tandem parking space within an existing driveway, provided that parking space requirements are maintained for the primary dwelling unit. If additional paved parking is required to accommodate a second unit, it shall not be located within a required front yard, except within a legal driveway that is

not wider than necessary to accommodate two parking spaces side by side, however said parking space may be located within required side or rear yards. There shall be no conversion of a garage of a primary dwelling unit into a second dwelling unit, unless all parking requirements are otherwise met for the primary dwelling unit.

9. Architectural Appearance

The second dwelling unit's scale, appearance and character shall be similar to and compatible in design with the primary dwelling unit in terms of siding materials and color, window types, roofing pitch and materials. Further, the second dwelling unit shall be clearly subordinate to the primary dwelling unit by size, location and appearance. If attached to the primary dwelling unit, a second dwelling unit shall be attached in a manner that the addition will create the appearance of an enlargement of the primary dwelling unit, and a logical extension of roof and walls of the primary dwelling unit, rather than give the appearance of an add-on unit.

10. Building Code

A second dwelling unit shall be subject to all applicable building, fire, health and safety codes.

11. Occupancy

The owner of the subject property at the time of the application and all future owners of the property shall reside in one of the dwelling units. A covenant, in a form approved by the city attorney, running with the land between the city and the applicant shall be recorded with the Fresno County recorder's office prior to the issuance of any building permits, requiring that the primary or proposed second dwelling unit shall be occupied by the owner of the property.

12. Access

In order to preclude the appearance of a duplex unit, access to the second dwelling unit shall be by an exterior doorway located on the side or rear of the second dwelling unit. In no case shall the entrance be visible from a public street right of way.

13. Utilities

A second dwelling unit shall be provided with water, sewer, and other utilities as determined by the building official.

14. Existing dwellings

Any second dwelling unit existing on the effective date of the ordinance adding this subsection shall constitute a violation of this subsection unless the second dwelling unit meets the standards of this subsection or the second dwelling unit qualifies as a permitted nonconforming use under Section 25-61 (Nonconforming Uses and Structures) of this title.

b. Permit Process

The applicant shall submit a building permit application for the construction of a second dwelling unit. The Planning Director or his designee shall review the application to determine whether it complies with the requirements of this section.

**25-41.10 Wireless Telecommunication Equipment**

The purpose of this section is to provide uniform standards for the desired design, placement, permitting, and monitoring of telecommunication facilities consistent with applicable federal requirements. The standards are intended to address adverse visual impacts and operational effects of these facilities through appropriate design, siting, screening techniques and locational standards while providing for the communication needs of residents, local businesses, and government agencies.

Wireless telecommunication facilities include residential and commercial TV antennae and satellite antennae; public safety facilities; telecommunication facilities accessory to public equipment for data acquisition such as irrigation controls; well monitoring and traffic signal controls, telecommunication facilities erected for emergency situations and/or public information coverage with a duration of less than seven days; satellite Earth Station facilities not exceeding two meters in diameter or in diagonal measurement and television and AM/FM radio antennae for commercial purposes, and monopoles and lattice towers for cellular phones and similar devices.

The following location criteria and development standards shall apply to all wireless telecommunications equipment.

- a. With the exception of monopole and lattice tower facilities, all wireless telecommunication equipment listed above shall be permitted uses in all of Firebaugh's zone districts.
- b. Monopoles and lattice tower facilities are classified as a permitted use in Firebaugh's industrial districts and as a conditional use in all commercial districts

- as well as the “G” (Government) zone. These facilities shall be prohibited in residential, urban reserve and open space districts.
- c. Monopoles and lattice towers shall be located on the rear half of the parcel, unless aesthetic benefits are achieved through an alternative location or stealth design techniques can be employed.
  - d. Monopoles and lattice towers shall not be permitted within 1,000 feet of an existing tower.
  - e. Consideration shall be given to the use of “stealth” facilities in place of utilitarian monopoles and lattice towers. Examples of stealth facilities include towers disguised as trees, flag poles, or mounted on existing facilities, such as water towers, steeples, etc.

#### **25-41.11 Sexually Oriented Businesses**

- a. Purpose and Intent
  - 1. It is the purpose and intent of this Ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of Firebaugh and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the City, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the ordinance to condone or legitimize the distribution of obscene material.
  - 2. One of the important purposes of the regulations set forth in this Chapter is to discourage and to minimize the opportunity for criminal conduct. As such, nothing in this Chapter shall permit or be interpreted to permit any use, conduct, and/or activity which is specifically prohibited under the following California Penal Code sections:
    - (a). Receipt of money for placement of persons for purposes of cohabitation (Penal Code 266d);

- (b). Purchase of persons for purposes of prostitution or placement of persons for immoral purposes (Penal Code 266e);
  - (c). Sale of persons for immoral purposes (Penal Code 266f);
  - (d). Pimping (Penal Code 266h);
  - (e). Pandering (Penal Code 266i);
  - (f). Lewd or obscene conduct (Penal Code 314);
  - (g). Houses of ill-fame (Penal Code 315);
  - (h). Disorderly houses which disturb the immediate neighborhood (Penal Code 316);
  - (i). Places of prostitution (Penal Code 317);
  - (j). Place of prostitution; place of lewdness; place used as bathhouse permitting conduct capable of transmitting AIDS (Penal Code 11225).
3. "Nothing in this Chapter shall be interpreted to permit or permit any use, conduct, and/or activity which violates any federal, state or local law of regulation."

b. Establishment and Classification of Businesses Regulated

The establishment of any sexually oriented business shall be permitted only in the zone district permitted, and shall be subject to the following restrictions: No person shall cause or permit the establishment of any sexually oriented businesses, as defined above, within 1000 feet of any sensitive land use, as defined above. These limitations apply to sexually oriented businesses classified as follows:

- 1. Adult arcade
- 2. Adult bookstore, adult novelty store, or adult video store
- 3. Adult cabaret
- 4. Adult motel
- 5. Adult motion picture theater
- 6. Adult theater

7. Nude model studio.

c. Measurement of Distance

The distance between any sexually oriented business and any sensitive land use shall be measured in a straight line, without regard to intervening structures or objects from property line to property line.

d. Location of Sexually Oriented Business

The City of Firebaugh's Zoning Ordinance requires that sexually oriented businesses shall be allowed only in a zone where such uses are specifically permitted -- the M-2 (Heavy Industrial) zone, at the time of adoption of this ordinance. Permits for sexually oriented businesses shall be required and governed by the procedures and policies specified in the City of Firebaugh Municipal Code. In addition, any sexually oriented business shall be subject to the following restrictions:

1. A person commits a misdemeanor, if he operates or causes to be operated, a sexually oriented business outside of the permitted zone.
2. A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within 1000 feet of any sensitive land use, as defined above.

e. Non-Conforming Uses

1. Any sexually oriented businesses operating on (effective date of this Ordinance) that is in violation of Section 25-41.11 e. shall be deemed a non-conforming use. A non-conforming use will be permitted to continue for a two (2) year period with possible extensions for extenuating circumstances to be granted by the City Council only upon a convincing showing of extreme financial hardship. Such extensions shall not exceed a total of three (3) years in addition to the initial amortization period. Any such non-conforming business loses its right to operate as a non-conforming use, if, for any reason, it voluntarily discontinues its business operation for a period of thirty (30) days or more or if its license to operate is revoked, and such revocation is not overturned by a court of competent jurisdiction. Such non-conforming uses, while non-conforming, shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use.
2. A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, within

1000 feet, of a sensitive land use. This provision applies only to the renewal of a valid permit and/or license, but this provision does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.

3. Abandonment. Notwithstanding the above, any discontinuance or abandonment of the use of any lot or structure as an Adult-Oriented Business shall result in a loss of legal nonconforming status of such use.
4. Amortization -- annexed property. Any Adult-Oriented Business which was a legal use at the time of annexation of the property and which is located in the City, but which does not conform to the provisions of Section 25-41.11 e. shall be terminated within two (2) years of the date of annexation unless an extension of time has been approved by the City Council in accordance with the provisions of Section 25-41.11 f. 1.

f. Injunction

A person who operates or causes to be operated a sexually oriented business without having a valid permit due to location restrictions is subject to a suit for injunction as well as prosecution for the misdemeanor punishable by a fine of \$1,000.00 and/or one hundred eighty (180) days imprisonment, or by both such fine and imprisonment. If an injunction is sought and granted, the sexually oriented business shall be obligated to pay the City, attorneys' fees and costs of the City, at the discretion of the Court.

g. Exception for Certain Nude Modeling

It is a defense to prosecution under this ordinance if a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school, licensed by the State of California; a college, junior college, or university supported entirely or partly by taxation;
2. 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
3. In a structure:
  - (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
  - (b) Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and



- (c) Where no more than one nude model is on the premises at any one time.

## **25-41.12 Outdoor Storage Yards**

Outdoor storage yards, excluding the storage of vehicles in a day use parking lot or garage, are subject to the provisions of this section. The storage of vehicles in a public or commercial parking lot or garage is subject to Section 25-45 (Parking and Loading).

- a. Site Design Standards.
  - 1. Access. There shall be only one (1) access point to a storage yard for each three hundred (300) feet of street frontage. Such access point is to be a maximum width of twenty (20) feet and shall be provided with a solid gate or door.
  - 2. Screening. A storage yard, except a temporary offsite construction yard, is to be screened from public view on all sides by solid wood, painted metal or masonry fencing, or chain link fencing with vinyl slats or other screening mechanism, with a minimum height of six (6) feet. All required screening shall be continuously maintained in good condition to assure that its intended purpose is accomplished.
  - 3. Parking Requirement. None, provided that sufficient usable area is available to accommodate all employee and user parking needs entirely on-site.
  - 4. Site Surfacing. A storage yard shall be surfaced with concrete, asphalt paving, crushed rock, or oiled earth, and be maintained in a dust-free condition.
  - 5. Office Facilities. When no buildings exist or are proposed on a storage yard site, one (1) commercial coach may be utilized for an office, provided that such vehicle is equipped with skirting, and installed pursuant to the permit requirements of the Uniform Building Code.
- b. Operation. Except for vehicles or freestanding equipment, materials within a storage yard are not to be stacked or stored higher than six (6) feet, unless a higher wall or fence is constructed at the required setback line under an approved building permit.

## CHAPTER 43

### Landscaping, Irrigation and Grading



#### Sections

- 25-43.1 Purpose.**
- 25-43.2 General provisions.**
- 25-43.3 Specific provisions.**
- 25-43.4 Landscape Plans and Submittal for Landscape Designs Not Subject to the Model Water Efficient Landscape Ordinance.**
- 25-43.5 Certificate of occupancy.**
- 25-43.6 Maintenance of landscaping.**
- 25-43.7 Water Efficient Landscape Standards**
- 25-43.8 Water Efficient Landscape Ordinance: Applicability**
- 25-43.9 Water Efficient Landscape Ordinance: Landscaping, Irrigation and Grading Plan**
- 25-43.10 Water Efficient Landscape Ordinance: Water Efficient Landscape Worksheet**
- 25-43.11 Water Efficient Landscape Ordinance: Soil Management Report**
- 25-43.12 Water Efficient Landscape Ordinance: Landscape Design Plan**
- 25-43.13 Water Efficient Landscape Ordinance: Irrigation Design Plan**
- 25-43.14 Water Efficient Landscape Ordinance: Grading Design Plan**
- 25-43.15 Water Efficient Landscape Ordinance: Certificate of Completion**
- 25-43.16 Water Efficient Landscape Ordinance: Irrigation Scheduling**
- 25-43.17 Water Efficient Landscape Ordinance: Irrigation Maintenance, Audit and Analysis**

#### **25-43.1 Purpose.**

To provide reasonable requirements and standards for landscaping along public rights-of-way and within parking lots. The provisions of this chapter are intended to accomplish the following:

- a. To promote an attractive visual environment.
- b. To promote a transition between land uses.
- c. To encourage visual harmony between the landscape and the development.
- d. To conserve water.
- e. To reduce energy consumption in buildings by proper plant selection and placement and to decrease high summer temperature by blocking heat and glare.
- f. To screen offensive or unattractive areas from public view.
- g. To enforce provisions of the State of California's Model Water Efficient Landscape ordinance.

**25-43.2 General provisions.**

- a. These regulations apply to all new construction involving commercial, industrial, public, institutional and multiple family residential development. Landscape areas containing over 2,500 square feet must comply with the provisions of the Model Water Efficient Landscape standards (see Section 25-43.7). Projects shall also incorporate recommendations from the Design Guidelines in each particular zone district, as applicable.
- b. These regulations apply to additions to applicable structures which exceed forty percent of the gross floor area or one thousand square feet, whichever is less. All additions constructed after the date of adoption of this ordinance, will accumulate to determine eligibility under this requirement.
- c. These regulations shall apply when a previously unpaved parking area is paved.
- d. Vegetative matter shall cover seventy-five percent of the required landscaped area. Exceptions to this requirement, in unusual situations, may be approved by the zoning administrator on a case by case basis.
- e. All planters located adjacent to driveways, loading areas, parking lots and sidewalks shall be protected along the parking lot side with curbs or wheel stops. Alternative treatments may be considered.
- f. Planters containing trees shall be not less than four feet by four feet (inside dimension). All other planters shall be not less than two feet (inside dimension) in width.

- g. Existing trees shall be evaluated as to their suitability for retention.
- h. Existing trees shall be protected by planters with a minimum radius of the drip line of the tree or fifty percent of drip line plus modifications to paved area allowing for aeration and water penetration. Alternative treatments will be considered.
- i. All landscaped areas shall be provided with an "in the ground" or drip irrigation system.
- j. A fence or wall when used for required screening shall be seventy-five percent opaque.
- k. When wood, masonry, or metal are used for fencing or screening, plants are required every five feet along the barrier.
- l. Trash enclosures shall be screened and designed as approved by the city.
- m. One tree shall be planted at least every thirty-five feet along a public right-of-way. The maximum spacing between trees shall be equal to the mature spread of the trees selected. Special consideration may be given to variety and spacing of trees as they relate to proposed signing of the property.
- n. Trees shall be equivalent to 15 gallon can size or larger when planted.
- o. Shrubs shall be equivalent to one gallon can size or larger when planted.
- p. All open industrial storage areas shall be screened from all public rights-of-way and adjacent commercial or residential properties to a height of six feet. Screening may be modified or waived for security reasons with the concurrence of the planning director and the police chief.
- q. Landscape designs which do not meet the specific regulations of this chapter may be approved by the zoning administrator if in his opinion the design meets the intent and purpose of this chapter as set forth in Section 25-43.1.
- r. Landscaping materials shall be contained so as not to spill into the public right-of-way.
- s. Landscaping shall be installed as approved by the city.
- t. Landscaping shall be maintained in a healthy and attractive condition.

**25-43.3 Specific provisions.**

- a. Sight Distance.
  - 1. No foliage or structural features shall extend into the cross visibility area between three and one-half feet and seven feet above the surface of the public sidewalk.
- b. Cross visibility:
  - 1. Intersection of Driveways and Public Rights-of-Way. A triangle having one side ten feet long and running along the driveway and one side twenty feet long and running along the public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two ends.
  - 2. Intersection of Two Public Rights-of-Ways. A triangle having two sides "x" feet long and running along each public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two ends.
    - (a). R and UR zones: x equals twenty feet.
    - (b). C-2 zone: No requirement.
    - (c). C-1, C-3, G zones: x equals twenty feet.
    - (e). M zones: x equals twenty feet.
  - 3. Off-Street Parking Areas. Landscaping shall be provided in all off-street parking areas, consistent with the standards in Chapter 25-45 (Parking and Loading)

**25-43.4 Landscape Plans and Submittal for Landscape Designs Not Subject to the Model Water Efficient Landscape Ordinance.**

- a. Plan. Except where required by the Model Water Efficient Landscape Ordinance, three sets of landscape plans at an appropriate scale shall be submitted showing:
  - 1. Property lines and public utility easements;
  - 2. Dimensions;

3. Structures, street lights, poles, transformers, etc.;
  4. Irrigation system and estimated water usage per month;
  5. Trash enclosures;
  6. Existing natural features, including trees to be retained and buildings on adjoining parcels;
- b. Grading plan, including:
1. Finished planter elevations,
  2. Grade differentials with adjoining properties,
  3. Retaining walls, if any,
  4. Location of on-site trench drains,
  5. Percentage of grade of any mounds;
- c. Plant list, including:
1. Botanical and common names,
  2. Identification tags for each different species,
  3. Quantities of each species,
  4. Container sizes,
  5. Mature spread and height of trees and shrubs,
  6. Rate of growth (fast, moderate, slow);
  7. Shade coverage and interior landscaping coverage calculations.
- d. Approval. Landscape plans must be approved by the planning director prior to issuance of a building permit and work completed prior to occupancy.

**25-43.5 Certificate of occupancy.**

No certificate of occupancy shall be issued for any project for which landscaping is required pursuant to Section 25-43.2, or as required by the planning commission, until all landscaping and improvements shown on the approved plans have been completed. The building official may issue a temporary certificate of occupancy, where completion of the landscaping work is delayed because of adverse weather or the season of the year, upon execution of an agreement with the city and providing a cash deposit or letter of credit in an amount equal to the cost of completing the work. If landscaping differs from that shown on the approved plans, as built plans shall be submitted and approved prior to occupancy.

**25-43.6 Maintenance of landscaping.**

All required landscaping and structural features, whether in existence on the effective date of this title or installed after said date, shall be maintained in a healthy and attractive condition. Maintenance shall include but is not limited to watering, fertilizing, weeding, cleaning, pruning, trimming, spraying and cultivating. For purposes of enforcement, the occupant of the property, whether he be the owner, lessor or tenant, shall be responsible for such maintenance. In the case of a vacant building the owner shall be responsible for such maintenance. Replacement of dead, dying or damaged plants, shrubs and trees shall be in conformance with the original approved landscape plan. Prior to the reoccupancy of a building with existing landscaping all portions of damaged or defective irrigation systems, dead, dying or damaged turf, plants, shrubs and trees shall be replaced. Any significant alteration of an approved installed landscaping installation (such as the removal of mature trees) shall be approved by the Planning Director. Removal of mature trees may only be approved if the tree is dead, in danger of causing bodily harm (by falling or dropping limbs) or damaging property.

**25-43.7 Water Efficient Landscape Standards**

The purpose of this section is to provide for local landscaping, irrigation and grading regulations that are consistent with the State of California's Model Water Efficient Landscape Ordinance.

**25-43.8 Water Efficient Landscape Ordinance: Applicability**

This section shall apply to landscape projects that involve new construction for public agency projects and private development projects with a landscaped area equal to or greater than 2,500 square feet and which require a building or landscape permit, plan check or design review.

**25-43.9 Water Efficient Landscape Ordinance: Landscaping, Irrigation and Grading Plan**

The landscaping, irrigation and grading plan shall contain the following elements:

- a. Project Information
  - 1. Date
  - 2. Project Applicant
  - 3. Project Address
  - 4. Total landscaped area
  - 5. Project type
  - 6. Water supply type
  - 7. Project Contacts
  - 8. Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance"
- b. Water Efficient Landscape Worksheet.
  - 1. Hydrozone information table.
  - 2. Water budget calculations.
- c. Maximum applied water allowance (MAWA)
- d. Estimated total water use (ETWU)
- e. Soil management report
- f. Landscape design plan
- g. Irrigation design plan
- h. Grading design plan.

**25-43.10 Water Efficient Landscape Ordinance: Water Efficient Landscape Worksheet**

A project applicant shall complete the Water Efficient Landscape Worksheet which contains two sections:

- a. A hydrozone information table for a landscape project (see State of California's Model Landscaping Ordinance).



- b. A water budget calculation for the landscaped project (see State of California's Model Landscaping Ordinance). The water budget calculations shall adhere to the following:
  - 1. The plant factor shall use the following ranges: 0 to .3 for low water use plants; from .4 to .6 for moderate water use plants; and from .7 to 1.0 for high water use plants.
  - 2. All water features shall be include in the high water use hydrozone and temporary irrigated areas shall be included in the low water use hydrozone.
- c. The maximum applied water allowance shall be calculated using the following equation:

MAWA = (ETo)(.62) [.7 x LA) + (.3 x SLA)], where:

- MAWA = maximum applied water allowance,
- ETo = Evaportranspiration in inches per year;
- LA= landscaped area; and
- SLA = special landscaped area.

**25-43.11 Water Efficient Landscape Ordinance: Soil Management Report**

In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant as follows:

- a. Soil samples shall be submitted to a laboratory for analysis and recommendations.
  - 1. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
  - 2. The soil analysis may include soil texture, infiltration rate, pH, total soluble salts, sodium, percent organic matter and recommendations.
- b. The applicant shall comply with the following:
  - 1. If significant mass grading is not planned, the soil analysis report shall be submitted to the local agency as part of the Certificate of Completion.
  - 2. The soils analysis report shall be made available to the professional preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

**25-43.12 Water Efficient Landscape Ordinance: Landscape Design Plan**

For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

- a. A landscape design plan shall contain the following:
  1. Delineate and label each hydrozone by number, letter, or other method.
  2. Identify each hydrozone as low, moderate, high water, or mixed use water. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation.
  3. Identify recreation areas.
  4. Identify areas permanently and solely dedicated to edible plants.
  5. Identify areas irrigated with recycled water.
  6. Identify type of mulch and application depth.
  7. Identify soil amendments, type and quantity.
  8. Identify type and surface area for water features.
  9. Identify hardscapes, pervious and impervious.
  10. Identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encourage in the landscape design plan and examples include, but are not limited to:
    - (a) Infiltration beds, swales, and basins that allow water to collect and soak into the ground.
    - (b) Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants.
    - (c) Pervious or porous surfaces that minimize runoff.
  11. Identify any applicable rain harvesting or catchment technologies.
  12. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape.

- b. Any plant may be selected for the landscape, providing the Estimated Total Water Use (ETWU) in the landscaped area does not exceed the Maximum Applied Water Allowance ((MAWA). To encourage the efficient use of water, the following is highly recommended:
  - 1. Protection and preservation of native species and natural vegetation.
  - 2. Selection of water-conserving plant and turf species.
  - 3. Selection of plants based on disease and pest resistance.
  - 4. Selection of trees based on applicable local tree ordinances or tree shading guidelines.
  - 5. Selection of plants from local and regional landscape program plant lists.
- c. Each hydrozone shall have plant materials with similar water use.
- d. Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:
  - 1. Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate.
  - 2. Recognize the horticultural attributes of plants to minimize damage to property or infrastructure.
  - 3. Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
- e. Turf is not allowed on slopes greater than 15 percent where the toe of the slope is adjacent to an impermeable hardscape.
- f. The use of invasive and/or noxious plant species is strongly discouraged.
- g. Recirculating water systems shall be used for water features.
- h. Where available, recycled water shall be used as a source for decorative water features.
- i. Pool and spa covers are highly recommended.

- j. A minimum of two inches of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications.
- k. Stabilizing mulching products shall be used on slopes.
- l. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected.

**25-43.13 Water Efficient Landscape Ordinance: Irrigation Design Plan**

For the efficient use of water, an irrigation system shall meet all the requirements listed in this section. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following criteria shall be submitted as part of the Landscape Documentation Package.

- a. The irrigation design plan shall contain:
  - 1. Location and size of separate water meters for landscape.
  - 2. Location, type and size of components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices.
  - 3. Static water pressure at the point of connection to the public water supply.
  - 4. Flow rate, application rate, and design operating pressure for each station.
  - 5. The signature of a licensed landscape architect, certified irrigation designer, Licensed landscape contractor or any other person authorized to design an irrigation system.
- b. Dedicated landscape water meters are highly recommended on landscape areas smaller than 5,000 square feet to facilitate water management.
- c. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation in all irrigation systems.
- d. The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
  2. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
- e. Sensors, either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems as appropriate for local climatic conditions. Irrigation should be avoided during windy, rainy, or freezing weather.
  - f. Manual shut-off valves shall be required as close as possible to the point of connection of the water supply to minimize water loss in case of an emergency or routine repair.
  - g. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system.
  - h. High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.
  - i. Check valves or auto-drain valves are required for all irrigation systems.
  - j. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
  - k. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers and turf.

**25-43.14 Water Efficient Landscape Ordinance: Grading Design Plan**

For the efficient use of water, a grading plan for a project site shall be designed to minimize soil erosion, runoff and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan shall be prepared by a civil engineer.

- a. The grading design plan shall include the following:
  1. Height of graded slopes

2. Drainage patterns
  3. Pad elevations
  4. Finished grade
  5. Stormwater retention improvements, if applicable.
- b. To prevent excessive erosion and runoff, it is highly recommended that the project applicants grade so that all irrigation and normal rainfall remains within the property lines and does not drain onto impervious hardscapes, avoid disruption of natural drainage patterns and undisturbed soils, and avoid soil compaction in landscaped areas.

**25-43.15 Water Efficient Landscape Ordinance: Certificate of Completion**

- a. The Certificate of Completion shall include the following elements.
1. Date
  2. Project name
  3. Applicant name, telephone and mailing address
  4. Project address and location
  5. Property owner name, telephone, and mailing address
  6. Certification by either the signer of the landscape design plan, signer of the irrigation plan or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package.
- b. The project applicant shall submit the signed Certificate of Completion to the City Planner for review. The Planning Director shall approve or deny the Certificate of Completion. The applicant may appeal the Planning Director's decision consistent with Chapter 25-6 (Appeals).

**25-43.16 Water Efficient Landscape Ordinance: Irrigation Scheduling**

For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria.

- a. Irrigation shall be regulated by automatic controllers.

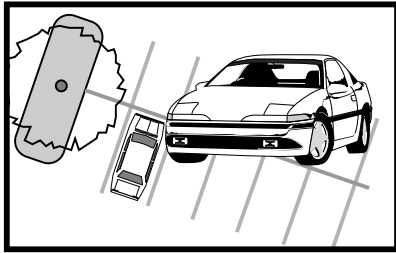
- b. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions such as rain or freezing temperatures prevent it.
- c. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, flow rate, and current reference evapotranspiration so that applied water meets the Estimated Total Water Use (ETWU). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data or soil moisture sensor data.
- d. Parameters used to set the automatic controller shall be developed and submitted for each of the following:
  - 1. The plant establishment period.
  - 2. The established landscape.
  - 3. Temporary irrigated areas.
- e. Each irrigation schedule shall consider for each station all of the following that apply:
  - 1. Irrigation intervals, days between irrigation
  - 2. Irrigation run times, hours or minutes per irrigation event
  - 3. Number of cycle starts required for each irrigation event
  - 4. Amount of water to be applied on a monthly basis
  - 5. Application rate setting
  - 6. Root depth setting
  - 7. Plant type setting
  - 8. Soil type
  - 9. Slope factor setting
  - 10. Shade factor setting.

**25-43.17 Water Efficient Landscape Ordinance: Irrigation Maintenance,  
Audit and Analysis**

- a. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
- b. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.
- c. All landscape irrigation audits shall be conducted by a certified landscape irrigation audit.



## 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 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.
  - (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.
- 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.
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.



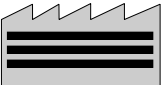
f. Service Commercial Establishments

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.
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

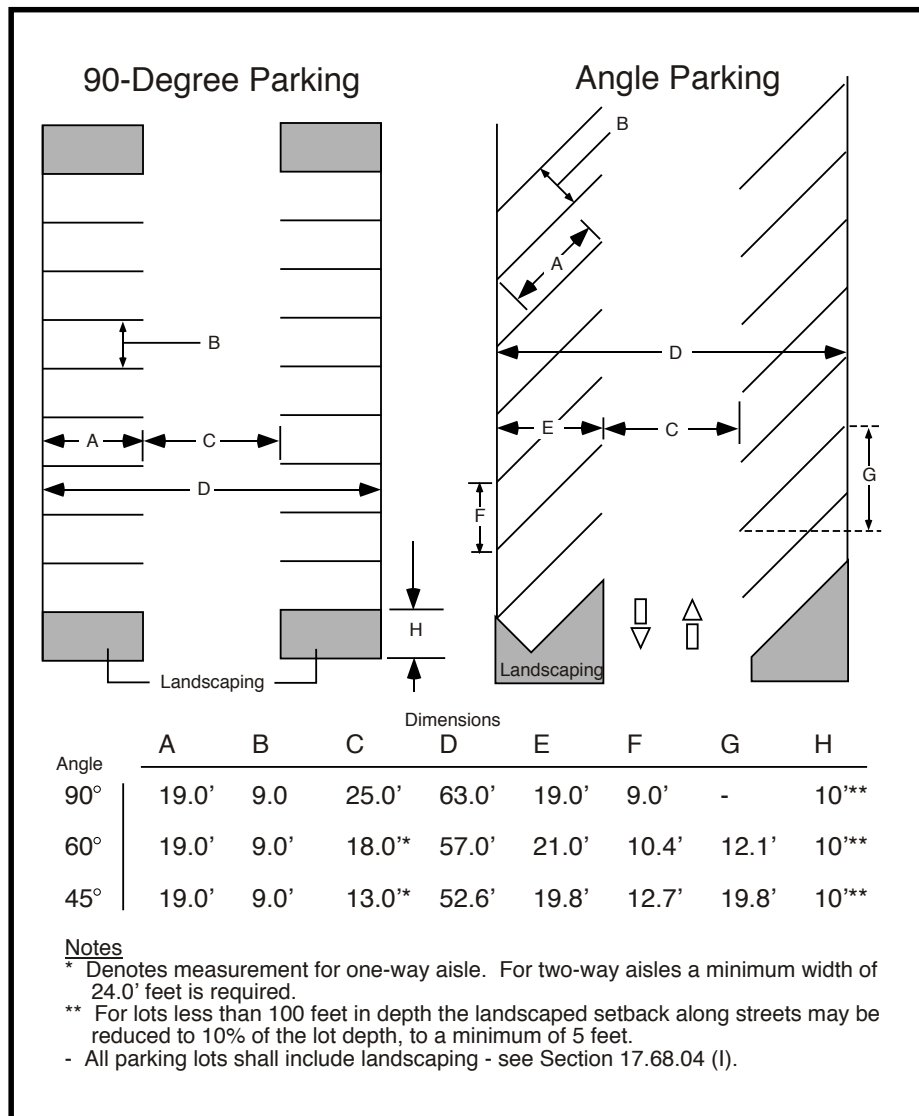
6. Water treatment facilities: one stall per 400 sq. ft. of building area

#### 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.

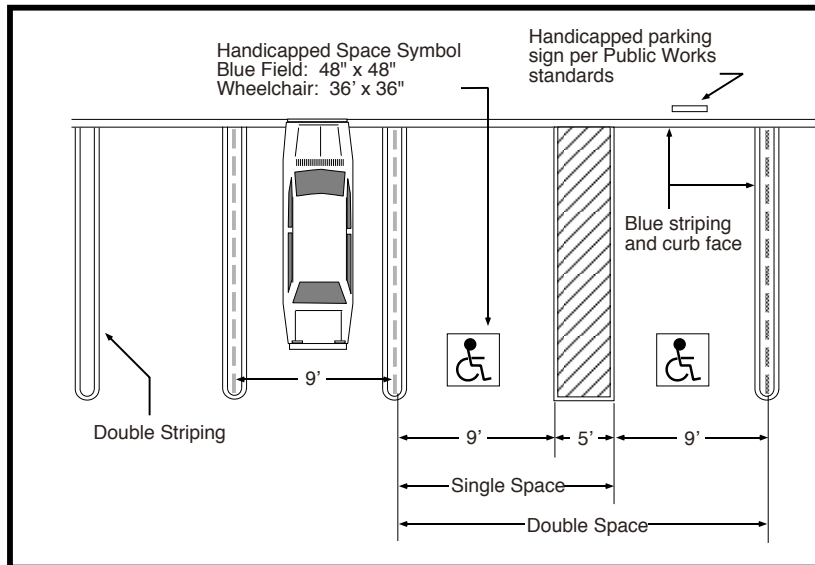
d. Curbing and Wheel Stops

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.

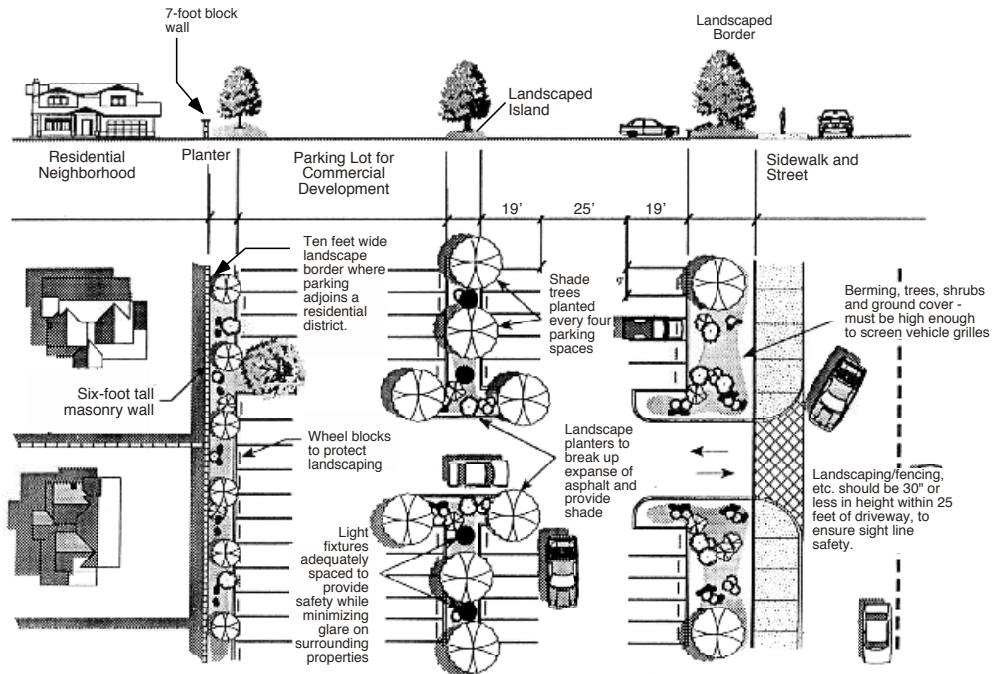
g. Driveways

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 8<sup>th</sup> 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

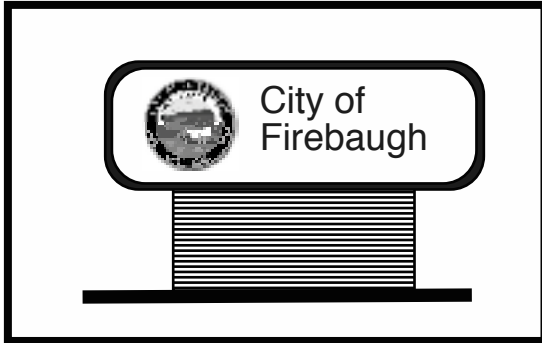
Handicapped parking stalls shall be provided per the Uniform Building Code. Handicapped parking stalls shall be designed consistent with the illustrations shown in Exhibit 45-2.

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 47

## Signs



### Sections

|                 |                                       |
|-----------------|---------------------------------------|
| <b>25-47.1</b>  | <b>Purpose</b>                        |
| <b>25-47.2</b>  | <b>Applicability</b>                  |
| <b>25-47.3</b>  | <b>Standards by Zone District</b>     |
| <b>25-47.4</b>  | <b>Miscellaneous Signs</b>            |
| <b>25-47.5</b>  | <b>Design Criteria</b>                |
| <b>25-47.6</b>  | <b>Prohibited Signs and Locations</b> |
| <b>25-47.7</b>  | <b>Exempted Signs</b>                 |
| <b>25-47.8</b>  | <b>Murals</b>                         |
| <b>25-47.9</b>  | <b>Non-Conforming Signs</b>           |
| <b>25-47.10</b> | <b>Administration and Permits</b>     |
| <b>25-47.11</b> | <b>Minor Deviations</b>               |

### **25-47.1 Purpose**

The purpose of this chapter is to establish procedures for regulating signs, including the type, size, location and construction standards of signs by zone district. Signs have an obvious impact on the character and quality of the city. As a prominent part of the visual environment, they attract or repel the viewing public, affect the safety of vehicular traffic and their suitability or appropriateness helps to set the tone of the neighborhood. The objectives of this chapter include the following:

- a. To reinforce that the sign should serve primarily to identify the general nature of an establishment or to direct attention to a project, activity, place, person, organization, or enterprise.
- b. As identification devices, signs must not subject the citizens of the Firebaugh to excessive competition for their visual attention. As appropriate identification

devices, signs must harmonize with the building, the neighborhood, and other signs in the area.

- c. The City of Firebaugh intends to encourage the installation of signs that improve the appearance of the property and the neighborhood and to enhance the economic effectiveness of signs.
- d. The provisions in this chapter provide standards to safeguard life, health, property, and public welfare in keeping with the character of the City of Firebaugh by regulating the size, height, structural design, quality of materials, construction location, electrification, illumination and maintenance of all types of signs and sign structures.
- e. The provisions in this section present criteria indicating whether or not signs conform to the above intentions of suitability and safety.

#### **25-47.2        Applicability**

No sign shall be erected, placed, established, painted, created, or maintained in the city which is not in conformance with the standards, procedures, and other requirements of these provisions. All signs erected within the Firebaugh city limits shall be subject to the sign application procedures within these provisions. The regulations in this chapter are in addition to those set forth in the California Building Code, the California Electrical Code and the 1997 Uniform Sign Code, as adopted, and any amendments made thereto by the city, and the nuisance provisions in the Firebaugh Municipal Code.

#### **25-47.3        Standards by Zone District**

Signs permitted by zone district are listed as follows:

- a. Residential, Urban Reserve and Open Space zone districts: (R-1, R-1-4.25, R-1-5, R-2, R-2-A, R-3, R-3-A, MPH, U-R, O).

Unlighted signs and other commercial advertising shall be permitted in residential districts only as provided in this section.

- 1. Name plates shall be permitted subject to the following conditions.
  - (a) Maximum size: two square feet.
  - (b) Content: Name plates may display the following information:
    - (1) Name of the premises upon which it is displayed.
    - (2) Name of the owner or lessee of the premises.
    - (3) Address of the premises.

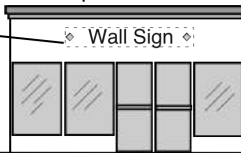

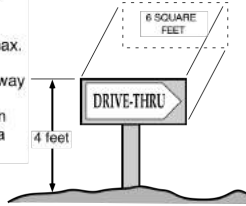
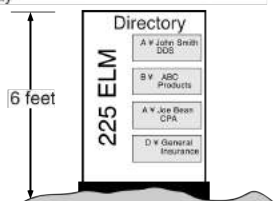
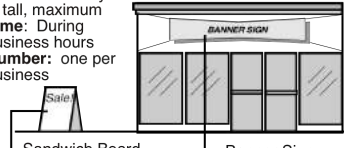
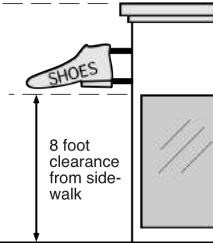

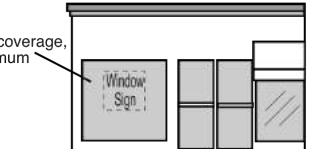
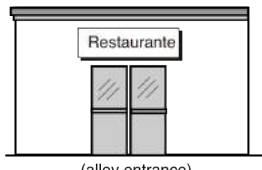
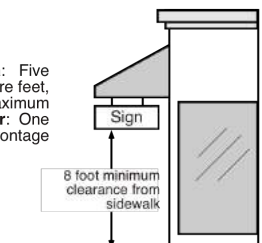
- (4) Nature of a home occupation engaged in on the premises.
  - (5) Private information such as “beware of dog” or “no solicitors” that does not contain an advertising message.
- (c) Placement: Name plates shall be affixed flush to the subject building.
  - (1) “For Rent” and “For Sale” signs shall be permitted. Not more than two such signs, not exceeding a total of six square feet (aggregate) in area, shall be permitted on any lot or parcel.
  - (2) For subdivisions, apartment complexes and mobile home parks, churches and other permitted institutional uses, no more than one sign shall be erected at any entrance to the development. Signs shall not exceed 35 square feet for all readable surfaces, nor exceed four feet in height.
  - (3) For properties in the U-R (Urban Reserve) District, there shall be permitted one (1) non-illuminated sign for each street frontage. The total area of such sign shall not exceed forty (40) square feet. Information on the sign shall pertain only to products for sale upon the premises or services rendered thereon or therefrom.
- b. Commercial, Industrial and Government zone districts: (C-1, C-2, C-3, M-1, M-2 and G Districts):

The following signs are permitted for each business in commercial and industrial districts (see also Exhibit 47-1 for graphic illustration of standards for various sign types). For multi-tenant shopping centers or office parks containing three or more individual uses, a coordinated sign program shall be submitted for review and approval by the Planning Director.

Further, the Planning Commission may approve sign programs, sign size, placement and design which do not strictly comply with sign ordinance requirements when deemed necessary due to building design, site layout, site design and other similar circumstances, consistent with the intent of the sign ordinance. Such a request shall be by Conditional Use Permit, consistent with the procedures established in Chapter 51 (Conditional Use Permits).



**Exhibit 47-1: Selected Commercial Sign Standards**

|  |   |   |
|--|---|---|
| <div><div>1. Wall Signs</div><div><p><b>Area:</b> 0.9 s.f. per lineal occupancy frontage, up to 150 s.f. for primary sign. Secondary wall signs may be one-half size of permitted primary sign size</p><p><b>Number:</b> One primary sign permitted for wall with primary entrance. Secondary sign(s) permitted for other walls facing a street or parking lot on the site, where a primary sign is not present.</p><p>May not exceed roof height</p></div></div> | <div><div>2. Free Standing Signs</div><div><p><b>Height:</b> 10 feet, max</p><p><b>Area:</b> 35 square feet, max.</p><p><b>Number:</b> One sign per parcel (or groups of parcels functioning as a unit) for each 1,000 feet of street frontage. Parcels on corner lots may have one sign per street frontage.</p><p>To be set back 5 feet from interior property lines</p><p>Sign base shall be solid construction (no pole signs) and have a landscaped base</p></div></div> | <div><div>3. Directional Signs</div><div><p><b>Height:</b> 4 feet max.</p><p><b>Area:</b> 6 s.f., max.</p><p>One per driveway</p><p>No further than five feet from a driveway.</p></div></div>   |
| <div><div>4. Directory Signs</div><div><p><b>Area:</b> 35 feet, maximum</p><p><b>Height:</b> 6 feet, maximum</p><p>No closer than five feet to property line or driveway</p></div></div>   | <div><div>5 Temporary Signs</div><div><p><b>Banner Signs</b></p><p><b>Number:</b> One per business</p><p><b>Area:</b> 50 s.f., maximum</p><p><b>Height:</b> May not exceed roof height</p><p><b>Time:</b> 30 days per calendar year, maximum</p><p><b>Sandwich Board</b></p><p><b>Area:</b> 3' wide by 4' tall, maximum</p><p><b>Time:</b> During business hours</p><p><b>Number:</b> one per business</p></div></div>   | <div><div>6. Projecting Signs</div><div><p><b>Height:</b> May not project above roofline</p><p><b>Area:</b> One square foot per lineal occupancy foot up to 50 s.f.</p><p><b>Number:</b> One permitted per business only when a wall sign is not used</p><p>May project no more than 2/3 distance to curb</p></div></div> |
| <div><div>7. Canopy/Awning Signs</div><div><p><b>Area:</b> Not to exceed 25% of the awning surface upon which sign is mounted</p><p><b>Number:</b> One sign/graphic per awning</p><p>25% of each awning surface</p></div></div>   | <div><div>8. Window Signs</div><div><p><b>Area:</b> Not to exceed 25% of the window surface upon which sign is mounted</p><p>25% coverage, maximum</p></div></div>  | <div><div>9. Alley-side Signs</div><div><p><b>Area:</b> Up to 25 square feet of sign area, maximum</p><p><b>Number:</b> One sign per parcel. Business must have a public alley entrance</p></div></div>  |
| <div><div>11. Pedestrian Signs</div><div><p><b>Area:</b> Five square feet, maximum</p><p><b>Number:</b> One per frontage</p><p>8 foot minimum clearance from sidewalk</p></div></div>   | <div><div>12. Open Air Sales (vehicles/ equipment)</div><div><p>Open area sales uses, such as automobile sales are permitted additional ten square feet of sign area for every 5,000 s.f. of site area.</p></div></div>   |   |

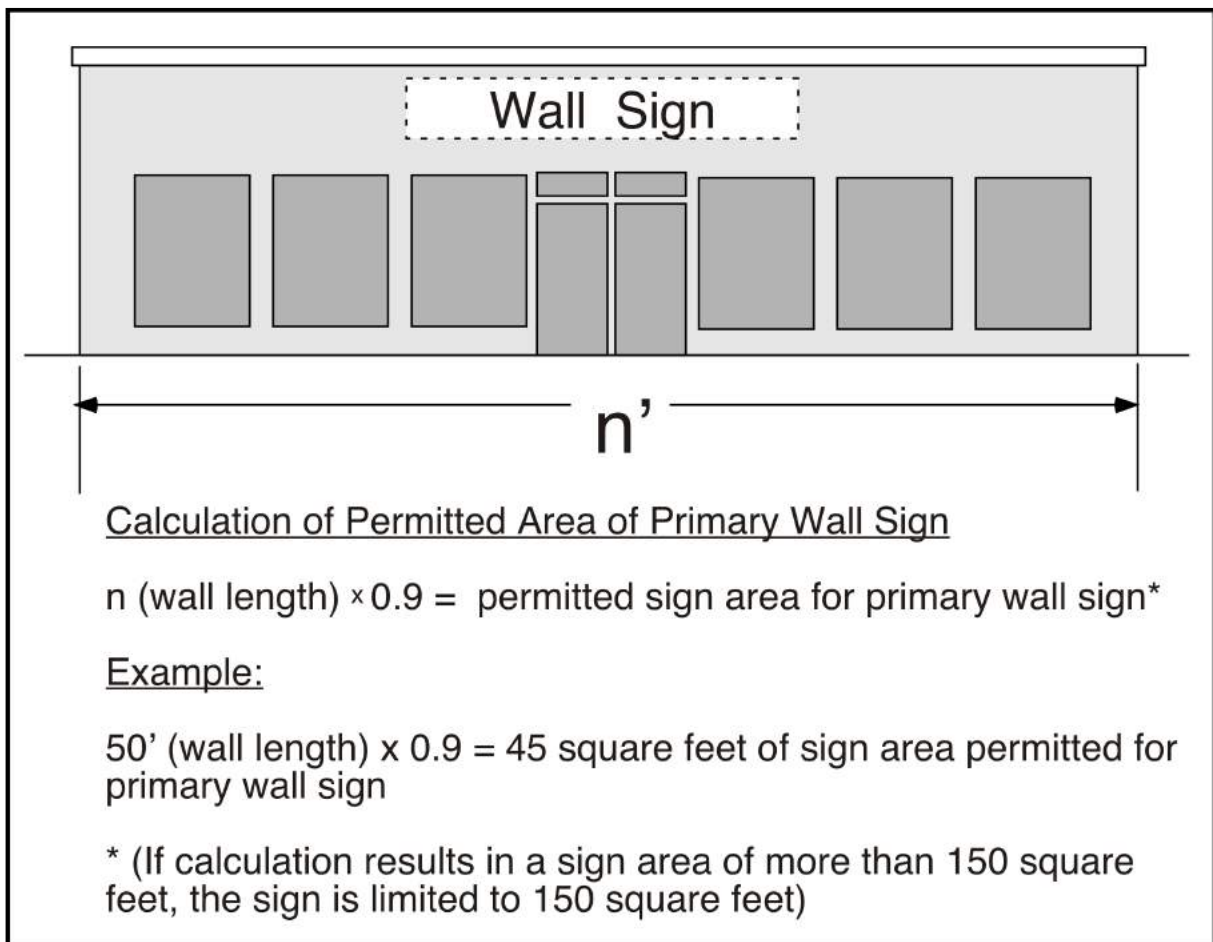
1. Wall signs

- (a) Number of signs per business. The number of wall signs permitted per business or parcel is as follows:
  - (1) One primary wall sign is permitted on the wall with the primary public entrance to the business. For businesses with more than one entrance, only one entrance shall be counted as the primary entrance.
  - (2) Where the site abuts a public street and the primary wall sign is on a wall not facing the street, a secondary wall sign is permitted on the wall facing the street.
  - (3) If the site has a parking lot and a building wall faces the parking lot and that wall does not have a wall sign permitted under i. or ii, above, a secondary wall sign is permitted on the wall facing the parking lot. Not more than one such parking lot sign is permitted.
  - (4) For businesses fronting onto a public alley, one alley wall sign is permitted for the wall that faces onto the alley.
- (b) Calculation of Wall Sign Area:
  - (1) For a primary wall sign, 0.9 square foot of sign area is permitted for each foot of linear occupancy frontage, as shown in Exhibit 4, up to a maximum of 150 square feet of sign area, whichever is less. Notwithstanding this regulation, all businesses shall be permitted a minimum of 25 square feet of primary wall sign.
  - (2) Where a secondary wall sign is permitted, the maximum sign area shall be one-half the permitted sign area of a primary sign.
  - (3) For an alley wall sign, the maximum sign area shall be 25 square feet.
  - (4) For multi-tenant buildings, each tenant shall be permitted one sign mounted on the wall with the primary entrance, except for corner units which may be

permitted a primary wall sign and a secondary wall sign.

- (c) Maximum Height: Not to exceed the top of the vertical wall surface on which the sign is mounted. Signs mounted on a pitched roof may not extend above the peak of the ridge line of the roof. No sign is permitted on the top of a flat-roofed structure.
- (d) Permit. A sign permit shall be obtained for all wall signs, consistent with the procedure outlined in subsection 25-47.10.

**Exhibit 47-2: Calculation of Permitted Wall Sign Area**



3. Free-Standing Signs.

- (a) Maximum Height: Ten feet.
- (b) Maximum Area: 35 square feet per sign face.
- (c) Sign Design: Free standing signs shall be designed as a monument sign with a solid base extending the entire height of the sign.
- (d) Number per parcel: One free-standing sign is permitted per parcel (or collection of parcels functioning as a single integrated development) for each 1,000 feet of street frontage, or fraction thereof, except that parcels with frontage on more than one public street shall be permitted one free-standing sign for each 1,000 lineal feet of frontage (or fraction thereof) on each street.
- (e) Setbacks: A free standing sign shall be set back a minimum of 5 feet from any interior side property line. Encroachment into a setback may be permitted by the Planning Director where the location of existing improvements presents a functional hardship in compliance with the required setback.
- (f) Landscaping. All freestanding signs shall be surrounded by landscaping of an area at least twice the size of the area of one side of the sign structure.
- (g) Permit. A sign permit shall be obtained for all free-standing signs, consistent with the procedure outlined in subsection 25-47.10.

4. Directional Signs.

- (a) Maximum height: 4 feet.
- (b) Maximum Area: 6 square feet.
- (c) Number per site: one per driveway from a public street.
- (d) Location: Directional signs shall be placed within five feet of a driveway that accesses the site from a public street. Placement of directional signs shall ensure the sight safety of vehicles entering/leaving a site is not compromised.

- (e) Permit. A sign permit shall be obtained for all directional signs, consistent with the procedure outlined in subsection 25-47.10.
- 5. Directory Signs.
  - (a) Number per site: one per public vehicle and/or pedestrian entrance to the site.
  - (b) Maximum Area: 35 square feet.
  - (c) Maximum Height (if freestanding): 6 feet.
  - (d) Location: No directory sign which is a freestanding sign may locate closer than 5 feet to any neighboring property line or closer than three feet to any point of ingress/egress.
  - (e) Permit. A sign permit shall be obtained for all directory signs, consistent with the procedure outlined in subsection 25-47.10.
- 6. Temporary/Portable Signs.
  - (a) Banners:
    - (1) Number of signs: One banner sign is permitted per business.
    - (2) Maximum Height: Not to exceed roof line of nearest building or building affixed to but in no case higher than 30 feet. Banner signs shall not be attached to existing free-standing signs.
    - (3) Maximum Area: 50 square feet.
    - (4) Permitted Time: Banner signs may not be utilized for more than 30 days per calendar year. The banner shall include a date visibly noted on the sign and be removed within 30 days of the posted date.
    - (5) Temporary signs used to identify a business shall be removed within thirty days and replaced with a permanent sign.

- (6) Permit. A sign permit shall be obtained for all banner signs, consistent with the procedure outlined in subsection 25-47.10.
- (b) Sandwich board signs:
  - (1) Maximum Height and Width: Three feet wide and four feet tall, maximum.
  - (2) Maximum Area: 12 square feet.
  - (3) Number per business: One.
  - (4) Location: May be placed on the business site as long as conflicts with vehicle safety are not caused. May also be placed on the public sidewalk adjacent to the business with approved encroachment permit, but must permit a minimum of four feet of passage area on sidewalk, and be no closer than 25 feet to a driveway or a cross street.
  - (5) Permitted Display Time: During business hours.
  - (6) Permit. A sign permit shall be obtained for all sandwich board signs, consistent with the procedure outlined in subsection 25-47.10.
- (c) Changeable message signs.

A business that enters into an agreement with the City to not use temporary signs may be permitted a changeable message sign to be incorporated into its free-standing monument sign, or as a building wall sign, provided that the overall sign area for the business is not increased (see Exhibit 47-3). When a changeable message sign is added to a free standing sign, the area of the sign may be increased so the total sign face area does not exceed 50 square feet per sign face. When a changeable message sign is added to a wall, sign, the total sign area may be increased up to 20 percent over the permitted area.

7. Projecting Signs.

- (a) Maximum Height and Projection: Not to exceed roof line of wall or structure to which projecting sign is attached. (Note: Bottom of sign shall be a minimum of 8 feet from ground to provide proper clearance.).

- (b) Number per business: One, but a projecting sign is permitted only where a wall sign is not used on the same wall.
  - (c) Calculation of Area: 0.5 square foot of sign area for each lineal foot of building frontage of the business to which sign pertains.
  - (d) Maximum Area: 20 square feet.
  - (e) Location: Projecting signs may extend over public rights-of-ways including public sidewalks not to exceed two-thirds of the distance from the building face to which the sign is attached to the curb face of said sidewalk.
  - (f) Permit. A sign permit shall be obtained for all projecting signs, consistent with the procedure outlined in subsection 25-47.10.
8. Awning/Canopy Signs.
- (a) Number of signs: Where an awning is present, a sign may be applied to the awning.
  - (b) Maximum Area: The area of signage on each surface of an awning shall not exceed 25% of the area of the individual surface.
  - (c) Location: Awning signs shall be made of removable materials such as individual cut-out letters and/or symbols attached, stenciled or otherwise placed on the canopy surface, and may be located on exterior surfaces of a canopy. Canopy signs shall be of color, size and design to harmonize with the color, size and design of the canopy on which they are placed.
  - (d) Permit. A sign permit shall be obtained for all canopy/awning signs, consistent with the procedure outlined in subsection 25-47.10.
9. Window Signs.

Maximum Area: Up to 25% of the area of each individual window may be covered with a window sign or graphic. No permit is required for window signs.

10. Alley-Side Signs.

- (a) Number of Signs/Sign Area: Any building facing a public alley shall be permitted one alley-side sign with a maximum of 25 square feet of sign area. An alley-side sign may be in the form of either a wall-sign, awning sign, or projecting sign.
- (b) Height. Alley side signs may not project above the wall on which they are mounted.
- (c) Permit. A sign permit shall be obtained for all alley-side signs, consistent with the procedure outlined in subsection 25-47.10.

11. "For Sale", "For Rent", or similar signs.

- (a) Number of signs: One sign shall be permitted per street frontage.
- (b) Size: 32 square feet, per sign.
- (c) Height: maximum of 6 feet.
- (d) Permit. None required.

12. Pedestrian Signs.

- (a) Number of signs: One pedestrian oriented sign that projects or hangs above a sidewalk on each side of a building with a public entrance.
- (b) Size: Each sign may be a maximum of 5 square feet in size and may hang or be suspended no lower than eight feet above grade level.
- (c) Permit. A sign permit shall be obtained for all pedestrian signs, consistent with the procedure outlined in subsection 25-47.10.

13. Service Station Canopy Signs.

- (a) Number of signs: One sign is permitted on each canopy face.
- (b) Size: Ten square feet, maximum per canopy face.



- (c) Design. Additional graphic elements, such as color stripes associated with the particular brand shall not be permitted on service station canopies.
  - (d) Permit. A sign permit shall be obtained for all service station canopy signs, consistent with the procedure outlined in subsection 25-47.10.
- 14. Incidental traffic control signage in parking lots within private developments.
  - (a) Number of signs and size: As determined to be necessary by the City Engineer.
- 15. Special Uses Standards.
  - (a) Open Air Sales.

In addition to the sign area permitted under this section, ten square feet of additional sign area is permitted for every 5,000 square feet of site area for vehicle and large equipment sales operations. The additional signage may be used to increase the allowable area for wall signs and freestanding signs, except that height shall not be increased for freestanding signs.
  - (b) Drive-through menu boards.

No more than two drive-through menu/order boards are permitted for each food and/or beverage establishment featuring a drive-through. Each sign shall not exceed 40 square feet and be no taller than 8 feet.

#### **25-47.4 Miscellaneous Signs**

##### **a. Construction Project Signs.**

Construction project signs shall not exceed 32 square feet in area, and 8 feet in overall height, unless legally required by governmental contract to be larger. One sign is permitted for each street upon which the construction site fronts. A Construction Project Sign shall not require a sign permit and may exist no longer than the period of construction.

b. On-Site Subdivision Advertising Signs.

1. Time of Placement: Subdivision signs shall be permitted as long as some portion of the property advertised for sale remains unsold or up to two years in duration, whichever is less.
2. Location: Subdivision signs may only be located on the premises which they advertise.
3. Size and Number of Signs: No individual sign may exceed 120 square feet of area and be no taller than ten feet. No more than four separate signs are permitted on the grounds of each subdivision.
4. Model Home Lots: Signs are permitted on the same lot with a model home provided they do not exceed four in number and ten square feet each in area. Signs shall be removed after the developer concludes the initial sale of the lots or homes to their initial owners.
5. Permit: A sign permit shall be obtained for all subdivision signs, consistent with the procedure outlined in subsection 25-47.10.

c. Off-Site Subdivision Advertising Signs.

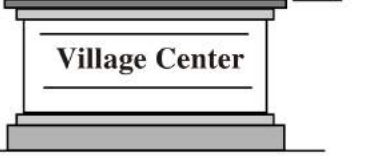

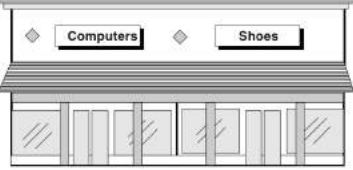


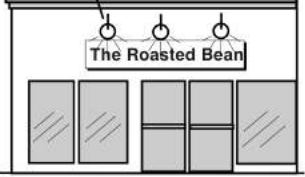
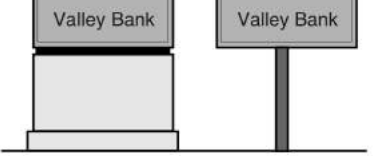


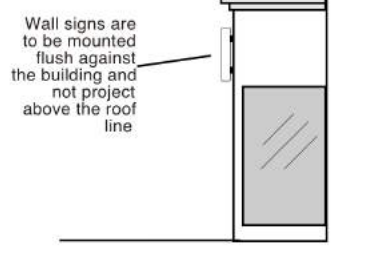
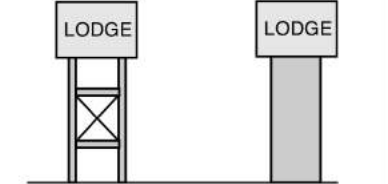

1. Time of Placement: Subdivision signs shall be permitted as long as some portion of the property advertised for sale remains unsold or up to two years in duration, whichever is less.
2. Location: Off-Site subdivision signs may be permitted only on private property, as long as written consent of the property owner is obtained. Off-Site subdivision signs are not permitted within street rights-of-way or any other public property.
3. Size and Number of Signs: No individual sign may exceed 80 square feet of area and be no taller than ten feet. No more than one sign is permitted on any given property, and no more than one sign is permitted per street intersection. Each sign shall be set back not less than eight feet from the front property line.
4. Permit: A sign permit shall be obtained for all subdivision signs, consistent with the procedure outlined in subsection 25-47.10.

**25-47.5 Design Criteria (see Exhibit 47-3 for illustrations of selected criteria).**

All signage shall incorporate attractive design elements consistent with the following, as applicable:

- a. Design Compatibility: The design of all signs shall be compatible and harmonious with the colors, materials and architecture of the building and the immediate vicinity. Freestanding signs shall be finished with the same or compatible materials as the building on the site.
- b. Size: Notwithstanding applicable sign standards elsewhere in this chapter, sign size shall be proportionate to the size and scale of the site and/or building upon which the sign is proposed. Sign dimensions as specified in this chapter are maximum allowable dimensions; it may be necessary that signs be smaller than the maximum allowed, in order to be proportionate in size and scale to achieve the design objectives of this section.
- c. Commercial and Industrial Center Signs: Individual tenant signs within multi-tenant centers shall be coordinated in size, location, materials and illumination.
- d. Color: Colors shall be used in coordinated groupings, and shall be compatible with those colors used in the building or project design. For cabinet-style signs, a dark sign background is preferred with light colored copy (characters/graphics).
- e. The Director shall determine if proposed signs satisfy the criteria specified in this section.
- f. Logos and Trademarks: The use of established corporate colors or logos shall not be prohibited by this section. When established corporate colors are incompatible with buildings colors, compatibility in design with the surrounding development should be accomplished through the use of appropriate background colors or other design features.
- g. Lighting Intensity: The light emitted or reflected by a sign, or emitted by a light source, shall be of reasonable intensity and shall be compatible with the architecture of the building and the immediate vicinity. Artificial light sources shall be shielded to prevent light spillage, glare or annoyance to persons on or inside adjoining properties or to public or private rights-of-way.

**Exhibit 47-3: Selected Sign Design Criteria**

|  |  |   |
|--|--|---|
| <p><b>1. Design Compatibility</b></p> <p>Signs should be compatible with overall architectural character of the site.</p>   | <p><b>2. Sign Size</b></p> <p>"Don't" (sign out of proportion with building face)</p>  <p>Signs should be well proportioned to the surface on which they are mounted</p>   | <p><b>3. Shopping Centers</b></p> <p>Signs in multi-tenant shopping centers shall have a consistent design theme</p>   |
| <p><b>4. Color</b></p> <p>Dark background</p> <p>Light-colored graphics</p>  <p>Colors used in signs should be consistent with the overall color scheme of the site. Dark background material with light colored copy is usually preferred.</p> | <p><b>5 Logos &amp; Trademarks</b></p>  <p>Corporate logos and trademarks should be considered in the overall architectural compatibility of the site.</p>   | <p><b>6. Illumination</b></p> <p>Flood lamps</p>  <p>Signs with exterior illumination are encouraged (versus signs with interior lighting (e.g. cabinet signs))</p>   |
| <p><b>7. Sign Base and Frame</b></p> <p>Signs should have a well designed solid base structure that is architecturally compatible with the site</p>  <p>"Do" (monument style sign with solid base)</p> <p>"Don't" (pole sign)</p>             | <p><b>8. Landscaping</b></p> <p>Freestanding signs shall have base area that is landscaped to complement the appearance of the sign. The area of landscaping shall be at least twice that of the area of the sign structure</p>  | <p><b>9. Sign Copy</b></p> <p>"Don't"</p> <p>"Do"</p>  <p>Sign on left is crowded with information. Characters and graphics should be simple and well-proportioned.</p>  |
| <p><b>10. Wall Signs</b></p> <p>Wall signs are to be mounted flush against the building and not project above the roof line</p>   | <p><b>11. Screening</b></p> <p>Sign support structures are to be concealed from view</p>  <p>"Don't"</p> <p>"Do"</p>   | <p><b>12. Changeable Message Signs</b></p> <p>A changeable message sign (as part of the business' freestanding or wall sign) may be permitted for businesses that agree not to use banner or sandwich board signs. Area of free-standing sign may be increased to 50 square feet. Area of wall sign may be increased by 20 percent.</p>  |

- h. Sign Bases and Frames: Freestanding signs shall be either housed in a frame, or set onto a base, presenting a solid, attractive, and well-proportioned appearance. The size and shape of the frame or base shall be proportionate to the size and mass of the sign and should be low-profile in design. Pole type signs are not permitted. Guy wires, angle irons, braces and other support or construction elements shall be screened or hidden from view.
- i. Landscaping: Freestanding signs shall be located in a landscaped area proportionate to the size of the sign, but not less than twice the size of one side of the sign face. Appropriate screening/accent landscaping should be placed at the base of the sign.
- j. Sign Copy: Sign copy should be simple and concise without excessive description of services or products. On freestanding signs, sign copy should be designed to contribute to the design of the structure on which it is displayed. In all cases, freestanding sign design and sign copy should be coordinated to provide an attractively designed freestanding element which identifies the development or project.
- k. Wall Signs: Building signs should be mounted flush against the building, and shall not project above the roof ridge or the top of the parapet.
- l. Maintenance: All signs and their supporting members shall be kept in good repair and maintained in good structural condition at all times.
- m. Design Quality. All signs shall be professionally designed and manufactured. Signs that utilize hand-made lettering or elements should be avoided.

#### **25-47.6 Prohibited Signs and Locations**

Prohibited signs are as follows:

- a. Any sign mounted or attached to a vehicle parked for the purpose of calling attention to or advertising a special business establishment.
- b. Any sign or sign structure which has become a public nuisance due to inadequate maintenance, dilapidation, or abandonment.
- c. Any sign which obstructs in any manner the ingress to, or egress from, a door, window, fire escape, or other access way required by building codes adopted by the City of Firebaugh.
- d. Any sign unlawfully installed, erected, or maintained.

- e. Any sign now or hereafter existing which no longer advertises a business conducted or a product sold as prescribed in this Chapter.
- f. Any sign which encroaches into any City right-of-way and/or easement, except an approved pedestrian, canopy, wall sign or projecting sign.
- g. Any unofficial sign, signal or device, or any sign, signal or device which purports to be or is an imitation of, or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic, or which hides from view any official sign or signal.
- h. Any light of any color of such brilliance as to blind or impair the vision of drivers upon any roadway. Further, no light shall be placed in such a position as to prevent the driver of a vehicle from readily recognizing any traffic sign or signal.
- i. Any sign located so that it interferes with visibility at an intersection, public right-of-way, driveway, or other ingress/egress.
- j. Any sign located or displayed on or over public property except as expressly permitted by these provisions, unless approved by the City Council.
- k. Any sign attached to a tree.
- l. Any roof-top mounted sign.
- m. Blimps, balloons or other forms of aerial advertising.
- n. Any sign erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the State, or rules and regulations duly promulgated by agencies thereof.
- o. Off-site signs, advertising structures and billboards.
- p. Portable signs (other than approved banners and sandwich board signs) except for temporary signs for community events as provided for in subsection 25-47.7 g.
- q. Any sign which, in the opinion of the Director, is in conflict with the spirit or intent of this Chapter.

**25-47.7 Exempted Signs**

The following signs and devices shall not be subject to the provisions in this Chapter:

- a. Signs placed by a governmental body or public utility, required to be maintained by law.
- b. Memorial tablets or plaques placed by recognized historical agencies.
- c. Flags of the National or State Government.
- d. Traffic or other signs of government agencies, signs required by law or contract with a governmental agency, railroad crossing signs, legal notices, and such temporary emergency or non-advertising signs as may be authorized by the City Council.
- e. Decorations or window signs to celebrate nationally recognized holidays and local celebrations.
- f. Temporary Political Signs, that adhere to the following regulations:
  1. Political signs are permitted on lots or parcels privately owned with permission of the property owner.
  2. The combined area of sign by any one candidate on any one parcel shall not exceed 32 square feet.
  3. Political signs shall not be attached to trees, fence posts, or utility poles, except on private property where signs may be attached to fence posts with permission of the property owner.
  4. Political signs shall not be lighted either directly or indirectly.
  5. No political sign or portion thereof shall be placed in any street right-of-way or on any City-owned property.
  6. No sign shall be erected in violation of street corner setback requirements which are established to ensure traffic safety, nor shall any such sign interference with pedestrian traffic.
  7. Political signs shall be erected no more than 60 days prior to the date of the election.

8. All political signs shall be removed within 14 days following the date of the election. Signs not removed within this period may be removed by the City and the cost of removal assessed against the candidate.
- g. Temporary signs placed by recognized non-profit or other community organizations advertising community events. Such signs shall be limited to 16 square feet in area and no taller than four feet. Only one such sign is permitted per parcel. Said signs shall be erected no more than 14 days before the event and shall be removed no more than seven days after the event.

#### **25-47.8 Murals**

It is the intent of the City Council, for purposes of promoting the local economy, tourism, and for further purposes of beautifying the City, to adopt standards regarding murals, their location and design.

a. Location

Murals may be located on the sides of buildings and walls on property in any commercial, industrial or public/quasi-public zone district within the City of Firebaugh.

b. Mural Design Approval.

Prior to painting, installation and execution of a mural, an application shall be submitted to the Director. The application shall include a detailed drawing or sketch of the mural plus other details as prescribed on the application or deemed by Director to be pertinent. The Director shall forward the application, with a recommendation, to the Planning Commission. The Commission shall review and approve, approve with modifications, or deny the application as submitted.

c. Criteria for Design of Murals

1. The subject matter of the mural shall be of historical or community significance regarding the growth and development of the City of Firebaugh and its surrounding environs or be of such high quality as to be appropriate. A mural shall not contain elements that advertise an existing business or product.
2. The paint to be used shall be appropriate for use in an outdoor locale, for an artistic rendition and shall be of a permanent, long-lasting variety.



3. The mural shall be designed and painted by qualified mural artists with sufficient knowledge in the design and painting of such projects.
  4. To the extent feasible, the mural shall be vandal and graffiti resistant.
- d. Planning Commission Review.

A request for approval of a mural shall be processed consistent with the public hearing requirements of a Conditional Use Permit (Section 25-51) of this title), including a public hearing before the Planning Commission.

- e. Appeal to City Council.

Within ten days of the Planning Commission's decision on a mural, any interested party may appeal a decision of the Planning Commission regarding a mural application. The appeal must be in writing and must be received by the Planning and Building Department within ten days of the action by the Planning Commission. Following public notice and public hearing, the appeal shall be considered by the City Council. Action of the City Council shall be considered final.

- f. Mural Design Amendment.

Prior to amending an approved mural design (whether painted or not painted), an application for an amendment shall be submitted to the Director. The application shall include a detailed drawing or sketch of the mural, plus other details as prescribed on the application or deemed by staff to be pertinent. The Director shall forward the application, with a recommendation, to the Planning Commission. The Commission shall review and approve, approve with modifications, or deny the application as submitted.

#### **25-47.9 Non-Conforming Signs**

The lawful use of a sign existing on the effective date of this Chapter, although such use does not conform to the provisions of this Chapter, may be thus continued; provided, however, a non-confirming sign which has been abandoned, or the use for which it is advertised has ceased to function for a period of 90 days or more, shall be brought into conformity with the provisions of this Chapter.

- a. No non-conforming sign shall in any manner (except for face changes) be structurally altered, reconstructed, or moved without being made to comply with the provisions of this Chapter; however, nothing herein shall prohibit

the painting, maintenance, or repairing of such sign, including the face and changing of copy.

- b. If, at any time, any sign in existence or maintained on the effective date of this Chapter, which does not conform to the provisions of this Chapter, is destroyed by fire, accident, explosion or act of nature to the extent of more than 50 percent of the value thereof, such sign shall be subject to all the provisions of this Chapter. For the purposes of this Chapter, the value of any sign shall be the estimated cost of replacement of the sign in kind as determined by the Chief Building Official.
- c. The Code Enforcement Officer or his/her designee shall immediately cause the removal of any sign which, in the judgment of the Code Enforcement Officer or the Public Works Director is found to be within the public right-of-way and/or easements and are found to place citizens in immediate peril, by any or a combination of the following methods using sound judgment under the circumstances:
  - 1. Removal or modification of said sign by City staff with business owner (or property owner if business has ceased operations) to be billed for time and materials.
  - 2. Notification orally or in writing to the business owner causing the removal of said signs within a 24-hour period or lesser period of time, as prescribed by the Code Enforcement Officer.
  - 3. Immediate citation of the business owner (or property owner if business has ceased operations) or party responsible for said sign.
- d. Any business that has ceased operations for at least thirty days shall remove all temporary signs and all window signs.

#### **25-47.10 Administration and Permits**

Except for where otherwise stated in this title, no sign may be placed or erected without written approval issued by the Director in the form of a Sign Permit. In addition, building permits shall be required for the erection of signs, except painted, window, or temporary signs, following the issuance of written approval by the Director.

- a. Applications: Applications for sign approval shall be made upon forms provided by the Director. Three sets of sign plans shall be submitted to the Director for review. Sign plans shall include the following:

1. Address of sign location.
  2. Name and phone number of owner and/or applicant.
  3. Name, address, and phone number of contractor or erector.
  4. A site plan shown location of proposed sign(s) on the subject site.
  5. Elevation drawing(s) showing location on building or other structure, including height of sign and any projection from building.
  6. Elevation of sign showing dimensions and materials.
  7. Construction details of typical sections for all proposed signs. In some cases, the building inspector will require that the details are accompanied by the signature of a California licensed engineer or architect.
  8. Sign valuation, and for electric signs, the number of transformers.
  9. Additional information may be required as deemed necessary by the Director, including engineered footing and foundation details for freestanding signs.
- b. Review of Sign Applications. Permission for installation of a sign shall be issued only after review by the Director, or designee, who shall approve, disapprove, or conditionally-approve the sign application on the basis that it conforms to the purpose and the standards of this Chapter.
- c. Maintenance. All signs and supporting structures shall be kept in good repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted and clean. The immediate surrounding premises shall be maintained free of weeds and rubbish. The Director is authorized to order the painting, cleaning or repair of signs which become dilapidated and the cleaning of the immediate premises. Such maintenance shall be completed within thirty days of receiving written notice.
- d. Enforcement and Penalties. Any person, firm or corporation, whether as principal agent, employee or otherwise, violating or causing the violation of the provisions of the standards in this section shall be subject to the enforcement/penalty provisions of subsection 25-47.9 c. of this title.

**25-47.11 Minor Deviations**

A minor deviation allowing an increase of up to ten percent in permitted sign area standards may be granted by the Director upon written request, subject to such conditions as it may impose without any notice, if the Director finds that to do so would not be detrimental to the public welfare or injurious to property and improvements in the area in which the property is located.

a. Findings.

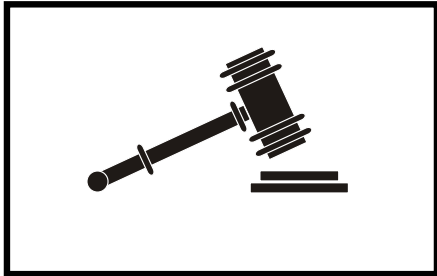
Minor Deviation may be granted upon making the following findings:

1. There are exceptional or extraordinary circumstances or conditions which apply to the property involved or the existing or intended use of the property which do not apply generally to other properties in the same zoning district.
2. Granting of a Minor Deviation will not negatively impact surrounding properties.

b. Appeals.

Any decision of the Director regarding a Minor Deviation may be appealed to the Planning Commission. Any decision of the Planning Commission may be appealed to the City Council. All appeals shall be accompanied by an appeal fee as required by the City."

## **CHAPTER 49**



# **Zoning Ordinance Amendments**

### **Sections**

|                 |  |
|-----------------|--|
| <b>25-49.1</b>  | <b>Purpose</b>                             |
| <b>25-49.2</b>  | <b>Boundary Changes</b>                    |
| <b>25-49.3</b>  | <b>Application and Fees</b>                |
| <b>25-49.4</b>  | <b>Public Hearing Notice</b>               |
| <b>25-49.5</b>  | <b>Public Hearing</b>                      |
| <b>25-49.6</b>  | <b>Action of the Planning Commission</b>   |
| <b>25-49.7</b>  | <b>Action of the City Council</b>          |
| <b>25-49.8</b>  | <b>Amendment of Official Zoning Map</b>    |
| <b>25-49.9</b>  | <b>New Application</b>                     |
| <b>25-49.10</b> | <b>Urgency Zoning Ordinance Amendments</b> |
| <b>25-49.11</b> | <b>Prezoning</b>                           |

### **25-49.1 Purpose**

This chapter establishes the procedure for changes in zoning designations for parcels, and also for changes in zoning standards within the text of the Firebaugh Zoning Ordinance.

### **25-49.2 Boundary Changes**

- a. A change in the boundaries of any district may be initiated by the owner of the property within the area for which a change of district is proposed or the authorized agent of the owner filing an application for a change of district boundaries. If the area for which a change in district is proposed is more than one ownership, at least 50 percent of the property owners or their authorized agents shall join in filing the application.
- b. A change in boundaries of any district or a change in a district regulation may be initiated by application of a private party, or by resolution of the Planning

Firebaugh Zoning Ordinance  
Chapter 49: Zoning Ordinance Amendments

Commission, or by action of the City Council in the form of a request to the Planning Commission.

**25-49.3          Application and Fees**

- a. A property owner or authorized agent, desiring to propose a change in the boundaries of the district in which the property is located, may file an application with the Planning Commission for a change in district boundaries on a form prescribed by the Planning Commission which shall include the following data:
  1. Name and address of the applicant.
  2. Statement that the applicant is the owner of the property for which the change in district boundaries is proposed or the authorized agent for the owner, or the plaintiff in an action of eminent domain to acquire the property involved.
  3. Address and description of the property, including Assessor Parcel Number, number of acres, land use, surrounding land uses and other details that could be relevant to the proposal.
- b. The application shall be accompanied by a drawing of the site and the surrounding area for a distance of at least 300 feet from the boundary of the site, showing the location of streets, and property lines and the names and last known addresses of the recorded legal owners of all properties shown on the latest adopted tax roll of the County of Tulare. Assessor's maps may be used for this purpose.
- c. The application shall be accompanied by a fee set by a resolution of the City Council sufficient to cover the cost of processing the application as prescribed in this chapter.

**25-49.4          Review and Public Hearing Notice**

- a. Upon receipt the Planning Director shall review the application and determine whether it is complete, and shall notify the applicant of any discrepancies or additional information required to properly analyze the request. The Planning Director shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission, including a recommendation as to the action to be taken by the Planning Commission and a statement supporting such recommendations.

Firebaugh Zoning Ordinance  
Chapter 49: Zoning Ordinance Amendments

- b. The Planning Commission shall hold a public hearing on each application for a change in district boundaries or a district regulation within 45 days of the date when the application was filed or the proposal was initiated.
- c. Notice of a public hearing shall be given not less than 10 days prior to the date of the public hearing by : (1) a publication of a notice of the time and place of the hearing and a general explanation of the matter to be considered in a newspaper of general circulation within Firebaugh; (2) mailing a notice of the time and place of the hearings to all persons whose names appear on the property owners list submitted under the provisions of this chapter.

**25-49.5 Public Hearing**

- a. At the public hearing, the Planning Commission shall review the application or the proposal and may receive pertinent evidence and testimony as to why and how the proposed amendment is necessary to achieve the objectives of the zoning ordinance prescribed in this chapter or how or why the proposed amendment is consistent with the stated purposes and application intended for the zone classification proposed.
- b. The Planning Commission may review proposals for the use of the property for which a change in district boundaries is proposed or plans or drawings showing proposed structures or other improvements, in light of the fact that under the provisions of this title a change in district boundaries cannot be made conditionally.

**25-49.6 Action of the Planning Commission**

Within 45 days following the completion of the public hearing, the Planning Commission shall make specific findings in writing as to whether the change is required to achieve the objectives of the zoning ordinance and the goals, policies and action programs of the general plan. The Commission shall transmit a report to the City Council recommending that the application be granted or denied, or that the proposal be adopted or rejected, including, if warranted, a written statement of the reasons for the recommendation, together with one copy of the application, resolution of the Commission, the scale drawing of the site and surrounding area and all other data therewith, the minutes of the public hearing, the report of the Planning Director and the findings of the Commission.

**25-49.7 Action of the City Council**

- a. Upon receipt of the Planning Commission's resolution and report, the City Council shall hold a public hearing; provided, however, that if the matter under consideration is an amendment to change property from one district classification to another, and the Planning Commission has recommended against the adoption of such amendment, the City Council need not take any further action thereon

Firebaugh Zoning Ordinance  
Chapter 49: Zoning Ordinance Amendments

- unless an interested party requests such a hearing by filing a written request with the city clerk within five working days after the Planning Commission files its recommendation with the City Council.
- b. Notice of the time and place of said hearing shall be given in the time and manner provided in Chapter 25.5 Public Hearings.
  - c. The City Council, after the close of the public hearing, shall make specific findings in writing as to whether the amendment is required in order to achieve the objectives of the zoning ordinance and goals, policies and action programs of the general plan and, when applicable, whether the amendment would be consistent with the purposes and application intended for the zoning district being proposed.
  - d. The City Council may approve, modify or deny the recommendation of the Planning Commission; provided, however, that if modified, the modification shall be first referred to the Planning Commission for report and recommendation. The Planning Commission shall not be required to hold a hearing thereon. Failure of the Planning Commission to report within 40 days of the reference (or such longer period as may be designated by the City Council) shall be deemed to be approval of the proposed modification by the Planning Commission.
  - e. If the City Council finds that the proposed amendment is required (in its original or modified form) it shall enact an ordinance amending the regulations of this title. If the Council finds that an amendment is not required, it shall deny the application or proposal for amendment.

**25-49.8          Amendment of Official Zoning Map**

A change in a district boundary shall be indicated on the Official Firebaugh Zoning Map together with the date, the amendment action and ordinance number.

**25-49.9          New Application**

Following the denial of an application for a change in a district boundary, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application.

**25-49.10        Urgency Zoning Ordinance Amendments**

To protect the public interest, health, safety and welfare, the City Council may adopt an urgency zoning ordinance amendment limiting the use of property that may be in conflict with a general plan, specific plan, or zoning amendment that is being contemplated by the Planning Commission or City Council. The following regulations shall govern the procedures for an urgency zoning ordinance amendment.



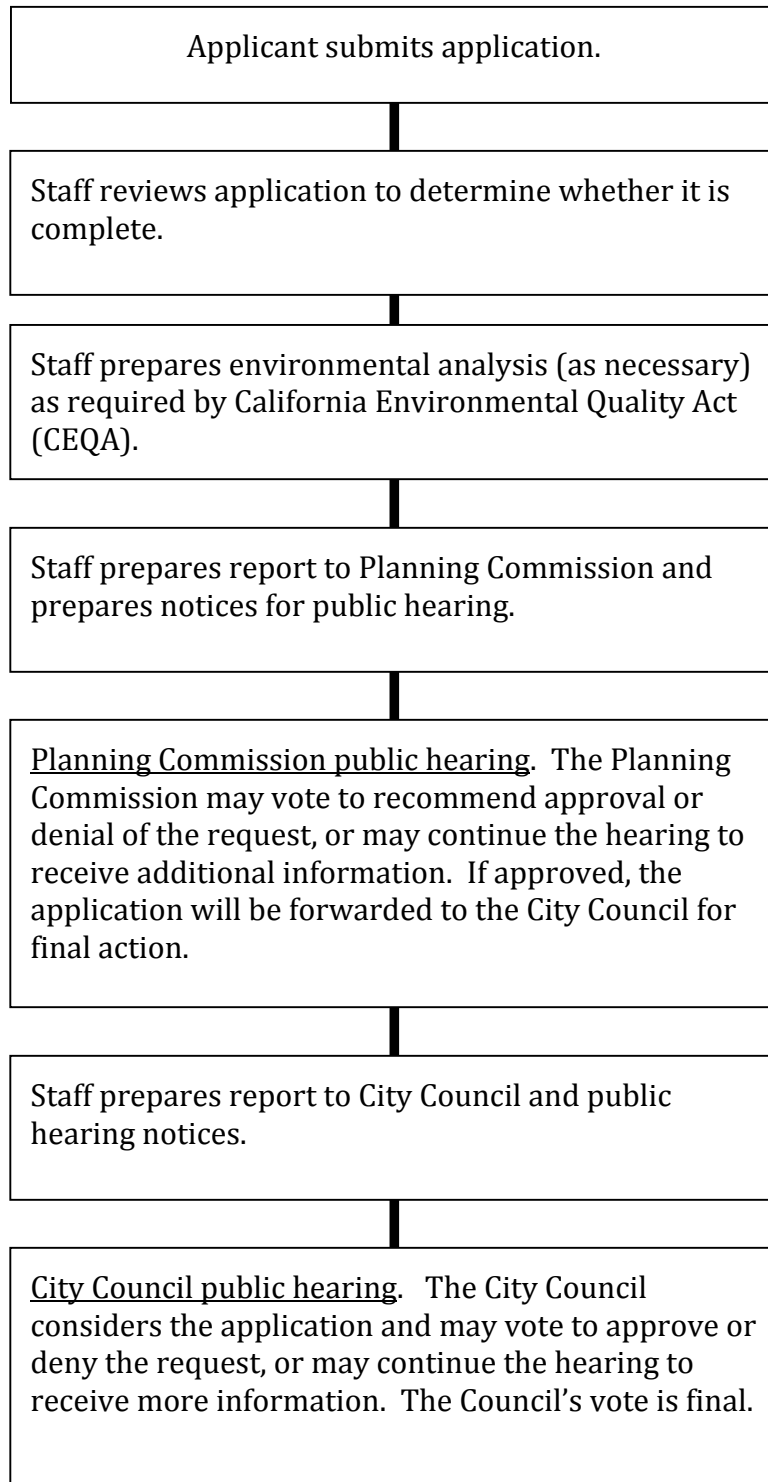
Firebaugh Zoning Ordinance  
Chapter 49: Zoning Ordinance Amendments

- a. Adoption of an urgency zoning ordinance amendment shall require a four-fifths (4/5) vote of the City Council.
- b. The urgency ordinance shall not be binding 45 days from its adoption except under the following conditions.
  - 1. Subject to a public hearing, the City Council may extend the urgency ordinance amendment for 10 months and 15 days.
  - 2. An urgency ordinance amendment may extended for an additional year, subject to a four-fifths (4/5) vote by the City Council.
  - 3. Ten days prior to the expiration or extension of an urgency ordinance, the City Council shall issue a written report describing the measures being taken to alleviate the condition that led to the adoption of the urgency zoning ordinance.

**25-49.11      Prezoning**

Firebaugh may prezone unincorporated territory to delineate the zoning of the subject territory in the event of annexation to the City. The procedure for prezoning shall be consistent with the requirements for a zoning amendment outlined in this chapter.

**Exhibit 49-1: Zoning Ordinance Amendment Process**



## **CHAPTER 51**



### **Conditional Use Permits)**

#### **Sections**

|                 |  |
|-----------------|--|
| <b>25-51.1</b>  | <b>Purpose</b>                             |
| <b>25-51.2</b>  | <b>Application and Fee</b>                 |
| <b>25-51.3</b>  | <b>Hearings and Notice</b>                 |
| <b>25-51.4</b>  | <b>Review and Public Hearing Notice</b>    |
| <b>25-51.5</b>  | <b>Report and Findings</b>                 |
| <b>25-51.6</b>  | <b>Action of the Planning Commission</b>   |
| <b>25-51.7</b>  | <b>Conditions</b>                          |
| <b>25-51.8</b>  | <b>Lapse of Conditional Use Permit</b>     |
| <b>25-51.9</b>  | <b>Extension of Conditional Use Permit</b> |
| <b>25-51.10</b> | <b>Revocation</b>                          |
| <b>25-51.11</b> | <b>New Application</b>                     |
| <b>25-51.12</b> | <b>Use Permit to Run with the Land</b>     |
| <b>25-51.13</b> | <b>Preexisting Conditional Use Permits</b> |
| <b>25-51.14</b> | <b>Temporary Conditional Use Permits</b>   |

#### **25-51.1 Purpose**

The purpose of this chapter is to establish procedures for processing Conditional Use Permits and temporary use permits. Certain uses listed in districts in this Ordinance are permitted subject to receiving a Conditional Use Permit. Because of their unusual characteristics, or unique area in which they are proposed, these uses require special consideration so that they may be located properly with respect to the purpose and objectives of this Ordinance and with respect to their effects on surrounding properties.

#### **25-51.2 Application and Fee**

An application for a Conditional Use Permit shall be made to the Planning Department on a form prescribed by the Department. The application shall be accompanied by a fee set by resolution of the City Council.

**25-51.3 Hearings and Notice**

Upon receipt of a Conditional Use Permit application, the Planning Department shall prepare a notice for a public hearing consistent with the requirements contained in Section 25-5 Public Hearings. The application shall include the following information:

- a. Name and address of applicant.
- b. Statement that the applicant is the owner of the property, or is the authorized agent of the owner.
- c. A site plan, drawn to scale, which shall show the following:
  1. Lot and building dimensions.
  2. All buildings and structures: location, size, height, and proposed use.
  3. Yards and space between buildings.
  4. Walls and fences; location, height and materials.
  5. Off-street parking and loading: Location, number of spaces, dimensions of spaces, and internal circulation pattern, consistent with standards contained in Section 25-45 Parking and Loading.
  6. Access: pedestrian, vehicular and service. Points of ingress and egress.
  7. Signs: location, size, height, and type of illumination, consistent with standards contained in Section 25-47 Signs.
  8. Lighting: location and general nature.
  9. Street dedication and improvements.
  10. Landscaping and irrigation: location and type, consistent with standards contained in Section 25-43 Landscaping.
- d. Where new construction or significant remodeling is proposed, preliminary floor plans and front, side and rear elevations of the proposed structures.

**25-51.4          Review and Public Hearing Notice**

Upon receipt the Planning Director shall review the application and determine whether it is complete, and shall notify the applicant of any discrepancies or additional information required to properly analyze the request. The Planning Director shall also make a determination regarding any review of potential environmental impacts associated with the project, as required by the California Environmental Quality Act.

The Planning Director shall then make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission, including a recommendation as to the action to be taken by the Planning Commission and a statement supporting such recommendations.

**25-51.5          Report and Findings**

The Planning Department shall prepare a report on the Conditional Use Permit application that provides a recommendation based on the following findings.

- a.      That the location of the proposed use is in accordance with the purpose and objectives of this Ordinance and the purpose of district in which the subject site is located.
- b.      That the location of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public interest, health, safety, convenience or welfare, or materially injurious to properties or improvements in the vicinity.
- c.      That the proposed use will not have a significant impact on the environment.
- d.      That the proposed use will comply with applicable provisions contained in this Ordinance.
- e.      That the proposed use is consistent with the Firebaugh General Plan.
- f.      That the site for the proposed site is adequate in size, shape and location to accommodate the use the district for which it is proposed.

**25-51.6          Action of the Planning Commission**

The Planning Commission shall conduct a public hearing for the proposed Conditional Use Permit, consistent with the procedure established in Chapter 25-5 (Public Hearings). Following the public hearing, the Planning Commission shall take action on the Conditional Use Permit. The Commission can approve, approve with conditions or deny the Conditional Use Permit based on the finding listed above. The Commission's

decision is final unless appealed to the City Council, consistent with the procedure established in Chapter 25-6 (Appeals).

Within 10 days of adopting a resolution on the Conditional Use Permit, the Commission shall transmit a copy of its resolution to the applicant.

#### **25-51.7        Conditions**

The Planning Commission can approve a Conditional Use Permit subject to conditions. Conditions may involve the operation of the use, maintenance of the property or specific aspects associated with the development, including storage and display of goods, grading, surface and drainage improvements; vehicular ingress and egress; parking and loading; landscaping and irrigation and maintenance thereof; regulation of light, vibration, odors, and noise; appearance of buildings, grounds, signs, and other structures; street dedication and improvements; and hours of operation. In cases where certain improvements may be phased over time, Firebaugh may request a bond or monetary deposit to ensure faithful performance on the part of the applicant. The value of the bond or deposit shall be determined by the City Engineer.

Conditions set forth for a Conditional Use Permit can only be required in order to achieve the purpose and objectives of this Ordinance. Conditions which require dedication of land for a purpose not reasonably related to the use of the property shall be prohibited.

#### **25-51.8        Lapse of Conditional Use Permit**

A Conditional Use Permit shall lapse and become void one year from the date it became effective, unless by conditions of the use permit a greater time is allowed, or unless a building permit is issued by the Chief Building Official and construction on the use has commenced.

#### **25-51.9        Extension of Conditional Use Permit**

A Conditional Use Permit for which no building permit or business license has been issued may be renewed in increments of one year, not to exceed three one-year extensions; provided, that prior to the one year expiration, an application for renewal is filed with the Planning Department. The Planning Commission by resolution may approve, approve with conditions or deny the renewal application.

#### **25-51.10       Revocation**

Where the City finds that a use operating under a Conditional Use Permit is not complying with the conditions of that use permit, the operation of the use shall be suspended. Within 60 days of the suspension, the Planning Commission shall hold a public hearing on the Conditional Use Permit. Based on a report from the Planning Department, findings contained in Section 25-51.5 of this Chapter, and testimony from

the public, the Commission may revoke the Conditional Use Permit with conditions that may be necessary to assure compliance with the purpose and objectives of this Ordinance. The Commission's decision shall be final unless appealed to the City Council consistent with the requirements contained in Section 25-6 (Appeals).

**25-51.11 New Application**

Following the denial or revocation of a Conditional Use Permit, no application for the same or substantially the same Conditional Use Permit shall be filed within one year of the date of denial or revocation.

**25-51.12 Use Permit to Run with the Land**

A Conditional Use Permit shall run with the land and shall continue to be valid upon change of ownership of the property or structure that was the subject of the use permit application.

**25-51.13 Preexisting Conditional Use Permits**

A Conditional Use Permit granted under the provisions of the Fresno County Zoning Ordinance and supplementary provisions thereto prior to the enactment of this Ordinance shall, upon the annexation of the property into Firebaugh, become null and void at the end of one year after said annexation has been completed.

**25-51.14 Temporary Conditional Use Permits**

a. Purpose

The purpose of a temporary Conditional Use Permit is to provide for the short-term use of property and structures that are consistent with the purpose and objectives of this Ordinance.

b. Applicant and Fee

An application and fee for a temporary Conditional Use Permit shall be made to the Planning Department on a form prescribed by the Department. The application shall be accompanied by a fee set by resolution of the City Council.

c. Report and Findings

The Planning Director is authorized to review and approve temporary Conditional Use Permits subject to reviewing the following findings. The Director may add conditions to ensure consistency with the purpose and objectives of the Ordinance including the following:

Firebaugh Zoning Ordinance  
Chapter 51: Conditional Use Permits

1. That egress and ingress and off-street parking facilities are properly designed and adequate to serve the use.
2. That the site is adequate in size and location and has the proper accessibility to accommodate the use.
3. That there are adequate public services, including fire protection, water supply, waste water disposal, and police protection to serve the use.
4. That upon termination of the use the site shall be restored to its original condition. All materials and equipment associated with the temporary use shall be removed.
5. That reasonable time limits are established for the use, not to exceed 30 days.
6. That the applicants for a temporary Conditional Use Permit shall have all applicable licenses and permits.
7. That any signage for the use be approved by the Planning Department.

d. Processing

Temporary Conditional Use Permits may be processed as an administrative matter by the Planning Director. Following a decision by the Director, an administrative agreement shall be prepared that outlines the findings and conditions on the temporary use permit.

e. Temporary Uses and Activities

The following uses and activities (and those determined to be reasonably similar in nature by the Planning Director) are eligible for a temporary use permit. The Planning Commission, by resolution, may add other uses to the list. The Planning Director shall determine the appropriate districts for the uses and activities listed below.

1. Christmas tree sales.
2. Promotional displays and activities, including amusement rides, street dances, concerts, live entertainment and promotional outdoor displays and sales. These activities may be conducted in any non-residential district. Temporary signs are permitted with the approval of Planning Director. All display material, signs and related improvements shall be removed no later than 24 hours from the end of the activity. Sales areas shall be



Firebaugh Zoning Ordinance  
Chapter 51: Conditional Use Permits

located where adequate parking is available and sight distances at intersections and driveways will not be obstructed.

3. Temporary Uses.

The temporary use of property by nonprofit or charitable organizations, including activities such as expositions, concerts, carnivals, amusement rides, and church revivals.

4. Temporary Outdoor Sales

Temporary outdoor sales, sidewalk sales and parking lot sales in association with a permitted business for which there is an enclosed building. No off-site signs shall be permitted and no more than six of these events shall occur on the subject property per calendar year.

5. City-sponsored uses and activities, not occupying a structure and occurring at regular periodic intervals.

f. Exemptions

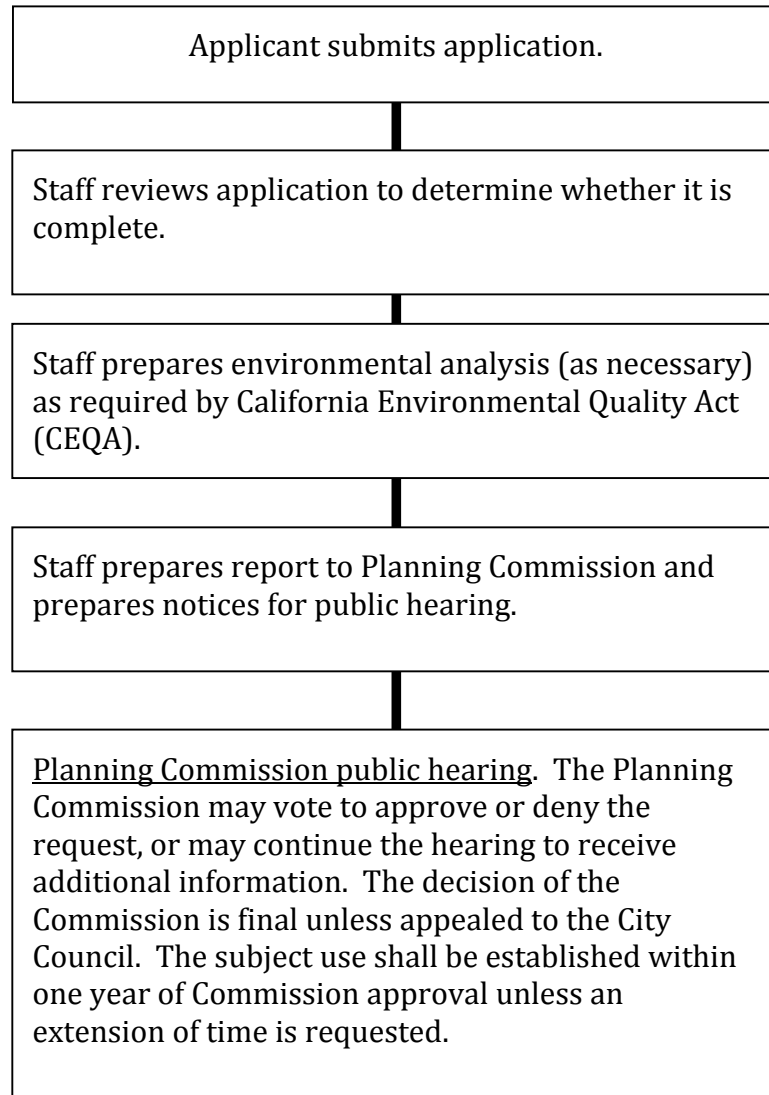
The following uses shall be exempt from securing a temporary use permit from the City of Firebaugh.

1. Fireworks stands
2. Garage and yard sales

g. Appeal

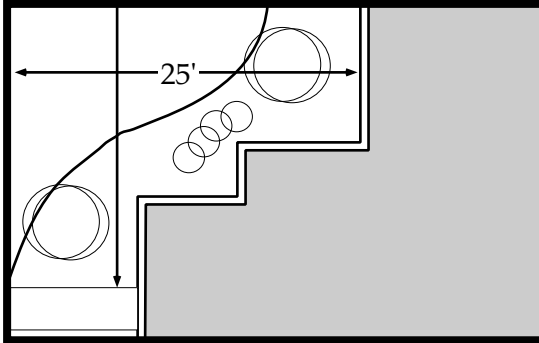
A decision of Planning Director may be appealed to the Planning Commission consistent with the procedures contained in Section 25-6 Appeals.

**Exhibit 51-1: Conditional Use Permit Process**



## CHAPTER 53

## Site Plan and Design Review



- 25-53-1 Purpose**
- 25-53-2 Applicability**
- 25-53-3 Relationship to Design Guidelines**
- 25-53-4 Exemptions**
- 25-53-5 Application and Fee**
- 25-53-6 Action of the Site Plan Review Committee**
- 25-53-7 Report and Findings**
- 25-53-8 Action of the Planning Commission**
- 25-53-9 Street Dedication and Improvements**
- 25-53-10 Building Permit**
- 25-53-11 Lapse of Site Plan**
- 25-53-12 Revocation**
- 25-53-13 Site Plan to Run With the Land**

### **25-53-1 Purpose**

The purpose of the site plan/design review process is to enable the Planning Commission to make a finding that the proposed development is in conformity with the intent and provisions of this Ordinance and to guide the building department in the issuance of building permits. The site plan/design review process is intended to ensure that development constructed in Firebaugh meets good urban design standards, does not have an adverse impact on neighboring properties, does not impact the public health, safety and welfare, and produces a development that will enhance the image and marketability of Firebaugh.

**25-53-2          Applicability**

The site plan/design review process shall be applicable to all uses on the permitted and conditional use lists of Firebaugh's zone districts.

**25-53-3          Relationship to Design Guidelines**

In addition to the requirements for Site Plan Review outlined in this chapter, all development projects shall be subject to compliance with the Design Guidelines as applicable for commercial, industrial, multi family residential and neighborhood design.

**25-53-4          Exemptions**

The following uses shall be exempt from Firebaugh's site plan/design review process:

- a.        Single family dwellings
- b.        Open space uses that do not require a building permit
- c.        Incidental and accessory structures
- d.        Various public and private utility and infrastructure improvements
- e.        Small family day care homes (Health and Safety Code 1597.45)
- f.        Existing permitted uses whose building area is being increased by less than 25 percent
- g.        Other uses that the Planning Director determines not to require site plan/design review because it would not further the objectives of this chapter, including temporary use permits, minor building and site improvements and in home care facilities that cater to the elderly or disabled.

**25-53-5          Application and Fee**

An application for a site plan/design review permit shall be made to the Planning Department on a form prescribed by the Department. The application shall be accompanied by a fee set by resolution of the City Council. Uses requiring a conditional use permit shall not be required to pay for a site plan/design review permit because the fee would be covered by the fee for a conditional use permit. The information

requirements detailed below will be required of use permit applicants. The application shall include the following information:

- a. Name and address of applicant.
- b. Statement that the applicant is the owner of the property or is the authorized agent of the owner.
- c. An accurate scale drawing of the site and the surrounding area for a distance of at least 100 feet from each boundary of the site showing the existing locations of streets and property lines.
- d. Preliminary floor plans and front, side and rear elevations of the proposed structures, along with renderings showing proposed colors and materials of the structures and improvements.
- e. A site plan , drawn to scale, which shall show the following:
  1. Lot and building dimensions.
  2. All buildings and structures: location, size, height, and proposed use.
  3. Yards and space between buildings.
  4. Walls and fences: location, height and materials.
  5. Off-street parking and loading: location, number of spaces, dimensions of spaces, and internal circulation pattern.
  6. Access: pedestrian, vehicular and service: points of ingress and egress.
  7. Signs: location, size, height, and type of illumination.
  8. Lighting: location and general nature.
  9. Trash enclosures.
  10. Street dedication and improvements.
  11. Grading and drainage plan.
  12. Landscaping and irrigation: location and type.

**25-53-6            Action of the Site Plan Review Committee**

Within 15 working days after the submission of a site plan, the site plan review committee (composed of the City Planner, City Engineer, City Manager, Public Works Director, Fire Chief and Chief of Police) shall review the site plan and shall provide a recommendation to the Planning Commission of approval, approval with conditions or denial.

**25-53-7            Report and Findings**

The Planning Department shall prepare a report on the site plan/design review permit application. The Department shall prepare a report and recommendation based on the findings and conditions provided by the Site Plan Review Committee. This report shall be forwarded to the Planning Commission. The findings shall include the following:

- a.        That the location of the proposed use is in accordance with the purpose and objectives of this Ordinance and the purposes of the district in which the subject site is located.
- b.        That the design of buildings and other improvements complies with applicable Design Guidelines for the zone in which the project is located.
- c.        That the location of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public interest, health, safety, convenience or welfare, or be materially injurious to properties or improvements in the vicinity.
- d.        That the proposed use will not have a significant impact on the environment.
- e.        That the proposed use will comply with applicable provisions contained in this Ordinance.
- f.        That the proposed use is consistent with the Firebaugh General Plan.
- g.        That the site for the proposed use is adequate in size, shape and location to accommodate the use for which it is proposed.

**25-53-8            Action of the Planning Commission**

Following the review of the Planning Department's report on the site plan/design review application, the Planning Commission shall take action on the site plan/design review permit. The Commission can approve, approve with conditions, or deny the site plan/design review permit based on the finding listed above. The Commission's decision

shall be final unless appealed to the City Council consistent with the requirements contained in Chapter 25-6 (Appeals).

Within 10 days of adopting a resolution on the site plan/design review permit, the Commission shall transmit a copy of its resolution along with its required conditions to the person who filed the site plan permit application.

#### **25-53-9            Street Dedication and Improvements**

In addition to the conditions detailed in the Planning Commission's resolution, changes in the neighborhood that would result from traffic generated by the development undergoing site plan/design review may require land dedication and/or street improvements. Should the Commission find that approval of the proposed development combined with existing traffic in and near the subject property warrant road improvements along the subject property, the Commission may require conditions as follows:

- a.        The applicant shall dedicate necessary right-of-way along the subject property adequate to facilitate the installation of roadway improvements consistent with Firebaugh's Circulation Element and Improvements Manual.
- b.        The applicant shall install roadway improvements, including curbs, gutters, sidewalks and street paveout, along the subject property that are consistent with Firebaugh's Circulation Element and Improvements Manual. These improvements may extend off site for purposes of ensuring safe traffic circulation, effective storm drainage, or pedestrian safety.
- c.        The applicant shall install non-roadway improvements within the roadway right-of-way, including street signs, street lights, street trees and bus stops.

All improvements shall be constructed and installed to city standards and shall be installed at the time of development. Where it is determined by the Planning Commission that it is impractical to install certain or all improvements at the time of development, an agreement to make such improvements may be accepted in lieu thereof. In the event of such an arrangement, the applicant shall enter into an agreement with Firebaugh for the installment of improvements before a building permit is issued. The applicant shall deposit money with the City of Firebaugh or post a bond with the City in the amount determined by the City Engineer to guarantee the installation of said improvements.

**25-53-10      Building Permit**

Before a building permit shall be issued for any building or structure proposed as part of a site plan/design review , the Chief Building Official shall find that the proposed building location and size, facilities and improvements are in conformance with the site plan/design review and conditions approved by the Planning Commission.

**25-53-11      Lapse of Site Plan**

Site plan/design review approval shall lapse and shall become void one year following the date on which it was approved unless, prior to expiration of one year, a building permit has been issued by the Chief Building Official and construction has commenced.

**25-53-12      Revocation**

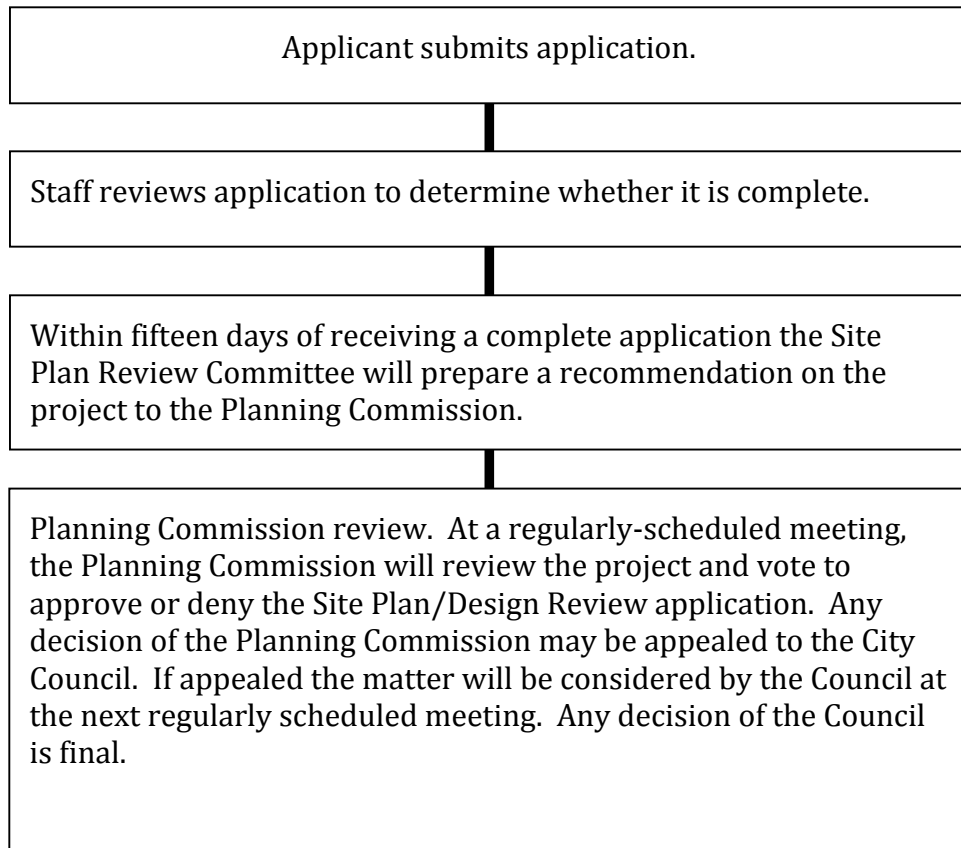
Upon violation of any conditions of an approved site plan, said site plan may be revoked and building permits associated with an approved site plan shall be suspended. Within 30 days of the revocation and suspension, the City Council shall consider the matter. If not satisfied that the regulation, general provision, condition or conditions are being complied with, the City Council may revoke the site plan and/or building permit and take action as may be necessary to ensure compliance.

**25-53-13      Site Plan to Run With the Land**

A site plan shall run with the land and shall continue to be valid upon change of ownership of the property or building which was the subject of a site plan application.

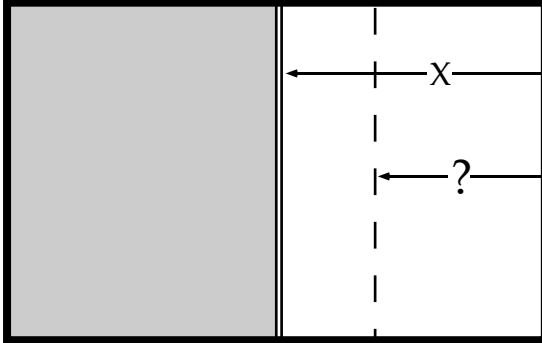


**Exhibit 53-1: *Site Plan Review Process***



## CHAPTER 55

### Variances, Minor Deviations and Reasonable Accommodations



#### Sections

- 25-55.1 Purpose**
- 25-55.2 Variances - Applicability**
- 25-55.3 Variances - Application and Fee**
- 25-55.4 Variances - Hearings and Notice**
- 25-55.5 Variances - Report and Findings**
- 25-55.6 Variances - Action of the Planning Commission**
- 25-55.7 Variances - Conditions**
- 25-55.8 Variances - Appeal to City Council**
- 25-55.9 Variances - Lapse of Variance**
- 25-55.10 Variances - New Application**
- 25-55.11 Variances - Variance to Run With the Land**
- 25-55.12 Minor Deviations - Purpose**
- 25-55.13 Minor Deviations - Applicability**
- 25-55.14 Minor Deviations - Application and Fee**
- 25-55.15 Minor Deviations - Report and Findings**
- 25-55.16 Minor Deviations - Action of the Planning Director**
- 25-55.17 Minor Deviations – Conditions**
- 25-55.18 Reasonable Accommodations – Purpose**
- 25-55.19 Reasonable Accommodations - Applicability**
- 25-55.20 Reasonable Accommodations - Application and Fee**
- 25-55.21 Reasonable Accommodations - Action of Planning Director**
- 25-55.22 Reasonable Accommodations - Appeal to the Planning Commission**

**25-55.1 Purpose**

The purpose of this chapter is to establish procedures for processing applications for variances, minor deviations and reasonable accommodations requests. Variances are addressed in Sections 25-55.1 through 25-55.12; Minor Deviations are addressed in Sections 25-55.13 through 25-55.18, and Reasonable Accommodations are addressed in Sections 25-55.19 through 25-55.24.

**25-55.2 Variances - Applicability**

The Planning Commission may grant a variance from district regulations, including setbacks, lot dimensions, height of structures, lot coverage, parking and loading standards, and sign regulations, but shall not apply to types of uses.

**25-55.3 Variances - Application and Fee**

An application for a variance shall be made to the Planning Department on a form prescribed by the Department. The application shall be accompanied by a fee set by resolution of the City Council.

**25-55.4 Variances - Hearings and Notice**

Upon receipt of a variance application, the Planning Department shall prepare a notice for a public hearing consistent with the requirements contained in Chapter 25-5 (Public Hearings).

**25-55.5 Variances - Report and Findings**

The Planning Department shall prepare a report on the variance application. The Department shall provide a recommendation based on the following findings, which are pursuant to California Government Code Section 65906.

- a. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, and that the strict application of this Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical classifications;
- b. That granting a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and district and denied to the property for which the variance is sought;
- c. That granting the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and district in which the property is located;

Firebaugh Zoning Ordinance

Chapter 55: Variances, Minor Deviations and Reasonable Accommodations

- d. That granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which such property is located;
- e. That granting the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and
- f. That granting the variance will not be inconsistent with the General Plan.

**25-55.6 Variances - Action of the Planning Commission**

Following the public hearing, the Planning Commission shall take action on the variance. The Commission can approve, approve with conditions or deny the variance based on the finding listed above. To approve a variance, the Commission shall find that all of the above findings are true. The Commission's decision shall be final unless appealed to the City Council consistent with the requirements contained in Chapter 25-6 (Appeals).

Within 10 days of adopting a resolution on the variance, the Commission shall transmit a copy of its resolution to the person that filed the variance application.

**25-55.7 Variances - Conditions**

The Planning Commission can approve a variance subject to conditions. Such conditions will assure that the approved variance shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located.

**25-55.8 Variances - Appeal to City Council**

Upon an appeal of the Planning Commission's action, the City Council shall hold a public hearing and take action by resolution on the variance. The Council shall consider the Commission's decision, the claims contained in the appeal, and the findings contained in Section 25-55.5 of this chapter. The Council can approve, approve with modifications or deny the decision of the Planning Commission. The decision of the Council shall be final. The variance shall become effective three days following the date of Council approval. Within 10 days of adopting a resolution on the variance, the Council shall transmit a copy of its resolution to the person who filed the variance application.

**25-55.9 Variances - Lapse of Variance**

A variance shall lapse and become void one year from the date it became effective, unless conditions of the variance allow a greater time, or unless a building permit is issued by the Chief Building Official and construction has commenced on the use that is the subject of the variance.

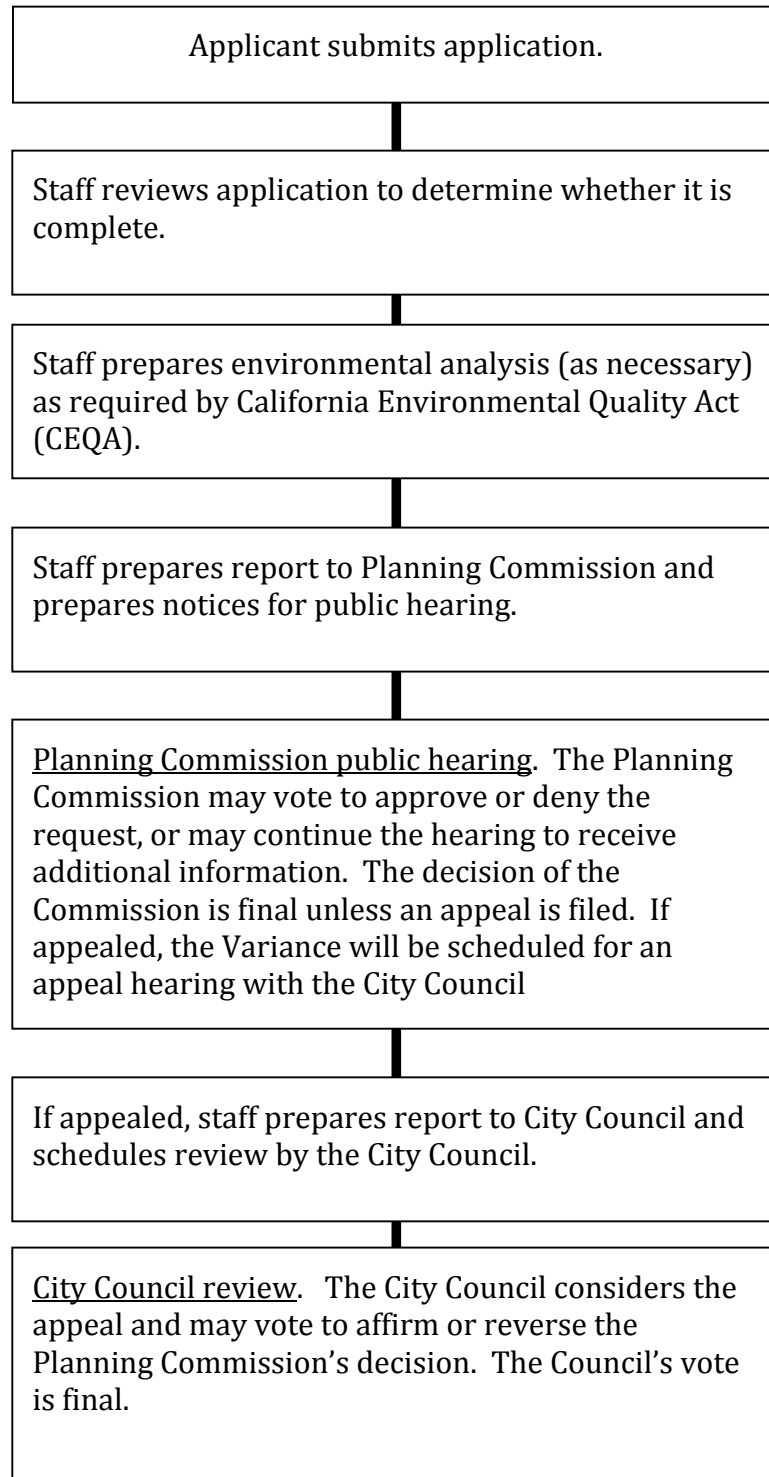
**25-55.10      Variances - New Application**

Following the denial or revocation of a variance, no application for the same or substantially the same variance shall be filed within one year of the date of denial or revocation.

**25-55.11      Variances - Variance to Run With the Land**

A variance shall run with the land and shall continue to be valid upon change of ownership of the property or structure which was the subject of the variance application.

**Exhibit 55-1: Variance Process**



**25-55.12 Minor Deviations - Purpose**

The purpose of this chapter is to provide a mechanism whereby minor deviations from district regulations can be granted by the Planning Director. A minor deviation may be granted FOR up to 20 percent for setback distances. Any minor deviation that exceeds the deviation percentage explained above shall be processed as a variance consistent with the regulations detailed in the requirements for Variances in this chapter.

Minor deviations shall only be granted when practical difficulties, unnecessary hardships and conditions inconsistent with the purpose and objectives of this Ordinance may result from the strict application of certain provisions of this Ordinance. The granting of a minor deviation and its associated conditions shall not constitute a special privilege inconsistent with the limitations on other properties in vicinity and in other like districts in Firebaugh.

**25-55.13 Minor Deviations - Applicability**

The Planning Director may grant a minor deviation from district regulations for the following:

- a. Reduction of lot area, lot dimensions, space between buildings, yard space, set back requirements, or population density requirements by not more than twenty (20) percent.
- b. Increase of lot coverage or height limitations by not more than twenty (20) percent.
- c. Permission to repair or remodel a nonconforming structure if the work will bring the structure and the subsequent use into greater conformity with the property development standards of the zoning district in which the structure is located.

**25-55.14 Minor Deviations - Application and Fee**

An application for a minor deviation shall be made to the Planning Department on a form prescribed by the Department. The application shall be accompanied by a fee set by resolution of the City Council.

**25-55.15 Minor Deviations - Report and Findings**

The Planning Director shall prepare a report on the minor deviation application and shall review the following findings with regard to a minor deviation.

- a. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings or unclear property lines, where the strict application of this Ordinance deprives such property rights possessed by other

Firebaugh Zoning Ordinance

Chapter 55: Variances, Minor Deviations and Reasonable Accommodations

- properties in the same vicinity or other properties that have the same district classification;
- b. That granting a minor deviation is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or other properties that have the same district classification;
  - c. That granting the minor deviation will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and district in which the property is located; and
  - d. That granting the minor deviation does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the property is located.

**25-55.16 Minor Deviations - Action of the Planning Director**

Minor deviations may be processed as an administrative matter by the Planning Director. Following a review of a minor deviation application and the findings listed above, the Planning Director may take action on the minor deviation. The Planning Director can approve, approve with conditions or deny the minor deviation based on the findings listed above. Following a decision by the Planning Director, an administrative resolution shall be prepared that outlines the findings and conditions of the decision.

The Director's decision shall be final unless appealed to the Planning Commission consistent with the requirements contained in Chapter 25-6 (Appeals). Within 10 days of approving the minor deviation, the Director shall transmit a copy of the administrative resolution to the person that filed the minor deviation application.

**25-55.17 Minor Deviations - Conditions**

The Director can approve a minor deviation subject to conditions. Conditions will assure that the approved minor deviations shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.

**25-55.18 Reasonable Accommodations - Purpose**

It is the policy of the City of Firebaugh, pursuant to the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter called "fair housing laws"), to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in



Firebaugh Zoning Ordinance

Chapter 55: Variances, Minor Deviations and Reasonable Accommodations

land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

**25-55.19 Reasonable Accommodations - Applicability**

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.

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.

A request for reasonable accommodation may be made by an individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning, or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

**25-55.20 Reasonable Accommodations - Application and Fee**

Any eligible person as defined in Section 25-55.19 may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures. An application for reasonable accommodation shall be made to the Planning Department on a form prescribed by the Department. The application shall be accompanied by a fee set by resolution of the City Council.

Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

**25-55.21 Reasonable Accommodations - Action of Planning Director**

The Planning Director shall prepare a report on the reasonable accommodation application. Reasonable accommodation applications shall be processed as an administrative matter. The Planning Director can approve, approve with conditions or deny the application based on the findings listed below. Following a decision by the Planning Director, an administrative resolution shall be prepared that outlines the findings and conditions of the decision. The decision shall be made within 30 days of receiving the application. The written decision of the Planning Director shall be final unless appealed to the Planning Commission consistent with the requirements contained in Section 25-6 (Appeals). The Planning Director shall render a decision based on the following findings.

Firebaugh Zoning Ordinance

Chapter 55: Variances, Minor Deviations and Reasonable Accommodations

- a. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
- b. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
- c. Whether the requested accommodation would impose an undue financial or administrative burden on the City and;
- d. Whether the requested accommodation would require a fundamental alteration in the nature of the City's land use and zoning or building program.
- e. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation will comply with these findings including the following:
  1. Inspection of the property periodically, as specified, to verify compliance with this section and any conditions of approval;
  2. Removal of the improvements, where removal could not constitute an unreasonable financial burden, when the need for which the accommodation was granted no longer exists;
  3. Time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists;
  4. Recordation of a deed restriction requiring removal of the accommodating feature once the need for it no longer exists;
  5. Measures to reduce the impact on surrounding uses;
  6. Measures in consideration of the physical attributes of the property and structures;
  7. Other reasonable accommodations that may provide an equivalent level of benefit and that will not result in an encroachment into required setbacks, exceed the maximum height, lot coverage, or floor area ratio requirement specified for the zone district; and
  8. Other conditions necessary to protect the public health, safety, and welfare.

**25-55.22      Reasonable Accommodations - Appeal to the Planning Commission**

Upon an appeal of the Planning Director's decision, the Planning Commission shall take action by resolution on the reasonable accommodation application. The Commission shall consider the Planning Director's decision, the claims contained in the appeal, and the findings contained in Section 25-55.21 of this chapter. The Commission can approve, approve with modifications or deny the recommendation of the Planning Director. The decision of the Commission shall be final. The decision shall become effective three days following the date of the Commission's approval at which time the applicant may secure a building permit for the accommodation under consideration.

## CHAPTER 57



## Development Agreements

### Sections

|                 |   |
|-----------------|---|
| <b>25-57.1</b>  | <b>Purpose</b>  |
| <b>25-57.2</b>  | <b>Authority</b>  |
| <b>25-57.3</b>  | <b>Development Agreement Contents</b>                     |
| <b>25-57.4</b>  | <b>Application and Fees</b>                               |
| <b>25-57.5</b>  | <b>Hearings and Notice</b>                                |
| <b>25-57.6</b>  | <b>Report and Findings</b>                                |
| <b>25-57.7</b>  | <b>Development Agreement Regulations</b>                  |
| <b>25-57.8</b>  | <b>Action of the Planning Commission</b>                  |
| <b>25-57.9</b>  | <b>Action of the City Council</b>                         |
| <b>25-57.10</b> | <b>Amendment or Cancellation of Development Agreement</b> |
| <b>25-57.11</b> | <b>Recordation of Development Agreement</b>               |
| <b>25-57.12</b> | <b>Review of Development Agreement</b>                    |

### **17.56.01 Purpose**

The lack of certainty in the approval of development projects can result in the waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public. A development agreement assures the applicant that existing policies, rules and regulations, and conditions of approval remain in place once the project has been approved.

### **17.56.02 Authority**

Any city may enter into a development agreement with any person having a legal or equitable interest in real property for the development of property. Further, Firebaugh may enter into a development agreement with any person having equitable interest in real property in unincorporated territory within its sphere of influence. However, the agreement shall not become operative unless annexation proceedings are completed within the time limit specified by the agreement.

**17.56.03      Development Agreement Contents**

A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of the use, the maximum height and size of buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may contain conditions, terms, restrictions, and requirements for subsequent discretionary actions and shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within the specified time. The agreement may also include terms and conditions relating to the applicant's financing of necessary public facilities and subsequent reimbursement over time.

**17.56.04      Application and Fees**

An application for a development agreement shall be made to the Planning Department on a form prescribed by the Department. The application shall be accompanied by a fee set by resolution of the City Council.

**17.56.05      Hearings and Notice**

A public hearing on an application for a development agreement shall be held by the Planning Commission and City Council. Notice of intention to consider adoption of a development agreement shall be given consistent with Section 25-5 (Public Hearings).

**17.56.06      Report and Findings**

The Planning Department shall prepare a report on the development agreement application. The Department shall provide a recommendation based on the following findings.

- a. That the location of the proposed project is in accordance with the purpose and objectives of this Ordinance and the purposes of the district in which the subject site is located.
- b. That the location of the proposed project and the conditions under which it would be operated or maintained will not be detrimental to the public interest, health, safety, convenience or welfare, or be materially injurious to properties or improvements in the vicinity.

- c. That the proposed project has complied with requirements of the California Environmental Quality Act.
- d. That the proposed project will comply with applicable provisions contained in this Ordinance.
- e. That the proposed project is consistent with the Firebaugh General Plan and any specific plans.

**17.56.07 Development Agreement Regulations**

Unless otherwise provided by the development agreement, rules, regulations, and policies governing the permitted uses of land, density, and design, improvement and construction standards and specifications applicable to development of the property subject to a development agreement shall be those rules, regulations, and official policies in force at the time of execution of the agreement.

**17.56.08 Action of the Planning Commission**

Following a public hearing, the Planning Commission shall review the Planning Department's report and shall take action on the development agreement. The Commission can approve, approve with conditions or deny the development agreement. The Commission's action and findings shall be forwarded in a resolution to the City Council.

**17.56.09 Action of the City Council**

Following a public hearing, the City Council shall consider the Commission's action and findings and the information contained in the staff report. The Council can approve, approve with modifications or deny the development agreement. Said actions shall be by means of an ordinance.

**17.56.10 Amendment or Cancellation of Development Agreement**

Either party may propose an amendment to or cancellation of, in whole or in part, the development agreement previously entered into. If proposed by the applicant the procedure shall be the same as the procedure for entering into an agreement. However, where the City Council initiates the proposed amendment to or the cancellation of, the development agreement it first shall give at least 30 days notice to the applicant of its intention to initiate proceedings in advance of giving public notice.

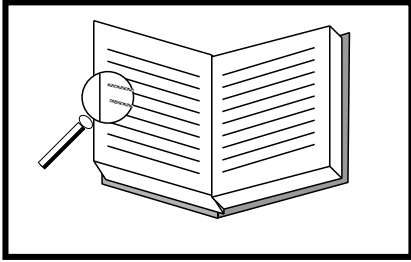
**17.56.11      Recordation of Development Agreement**

No later than 10 days after Firebaugh enters into a development agreement, the city clerk shall record with the Fresno County Records Office a copy of the agreement. The burdens of the agreement shall be binding upon, and the benefits of the agreement shall apply to all successors in interest to the parties to the agreement.

**17.56.12      Review of Development Agreement**

An approved development agreement shall be reviewed at least every 12 months, at which time the applicant, or successor in interest thereto, shall be required to demonstrate good faith compliance with the terms of the agreement. If, as a result, of such periodic review, the local agency finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with the terms or conditions of the agreement, the local agency may terminate or modify the agreement.

## CHAPTER 61



## Non-Conforming Uses and Structures)

### Sections

|                |  |
|----------------|--|
| <b>25-61.1</b> | <b>Purpose</b>                                   |
| <b>25-61.2</b> | <b>Definitions</b>                               |
| <b>25-61.3</b> | <b>Continuation, Maintenance and Abandonment</b> |
| <b>25-61.4</b> | <b>Restoration of Damaged Structure</b>          |

### **25-61.1 Purpose**

The purpose of this chapter is to prevent the expansion of non-conforming uses and structures, to the maximum extent possible, to establish criteria under which they may be continued or possibly expanded and to provide for the modification or removal of these non-conforming uses and structures in a fair, defensible and timely manner.

### **17.60.02 Definitions**

- a. 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 use regulations for the district in which it is located.
- b. A non-conforming structure is a structure that was lawfully erected prior to the adoption of the Firebaugh Zoning Ordinance 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.

### **25-61.3 Continuation, Maintenance and Abandonment**

- a. A use legally occupying a structure or a site on the effective date of the zoning ordinance or amendments thereto, which does not conform with the use regulations for the district in which the use is located shall be deemed a legal,



Firebaugh Zoning Ordinance  
Chapter 61: Non-Conforming Uses and Structures

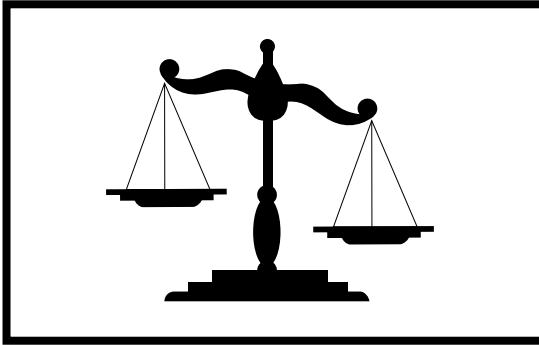
non-conforming use and may be continued, except as otherwise provided in this chapter.

- b. A structure legally occupying a site on the effective date of the zoning ordinance or amendments thereto which does not conform with the standards of coverage, setbacks, height, or distances between structures prescribed in the regulations for the district in which the structure is located shall be deemed a legal, non-conforming structure and may be continued, except as otherwise provided in this chapter.
- c. A sign or outdoor advertising structure legally occupying a site on the effective date of the zoning ordinance or amendments thereto which does not conform with the standards for message content, location, size, height, placement, lighting, or movement prescribed in Chapter 25-47 (Signs) for the district in which it is located shall be deemed to be non-conforming, except as otherwise provided in this chapter.
- d. Routine maintenance and repairs may be performed on a non-conforming site, a non-conforming structure or a non-conforming sign or outdoor advertising structure. Improvements in the design or appearance of these non-conforming features may be made so long as the discrepancy between the existing conditions of the use, structure, sign, or advertising structure and the current district standards is not increased.
- e. Alterations and additions to uses that are non-conforming shall be prohibited unless required by law or unless the moving, altering, or enlargement will result in the elimination of the non-conforming use.
- f. Alterations and additions to structures, signs and outdoor advertising structures shall be prohibited unless required by law or unless the moving, altering or enlargement will result in the elimination of the non-conforming structure, sign, or outdoor advertising structure.
- g. Whenever a non-conforming use, structure, sign, or outdoor advertising structure has been abandoned, discontinued, or changed to a conforming use for a continuous period of six months, the non-conforming use shall not be reestablished and the non-conforming structure, sign or outdoor advertising structure shall be removed.
- h. Nothing in this chapter shall be construed or applied so as to require the termination, discontinuance, or removal or so as to prevent the expansion, modernization, replacement, maintenance, alteration, reconstruction or rebuilding and continued use of a public building or public utility buildings, structures, equipment, and facilities.

**25-61.4          Restoration of Damaged Structure**

- a.      Whenever a non-conforming use, structure, sign or outdoor advertising structure is destroyed by fire or other calamity or by an act of God or by the public enemy, the use, structure or sign shall not be replaced, unless the cost of such reconstruction, repairing or rebuilding does not exceed fifty (50%) percent of the reasonable replacement value of the building immediately prior to the damage, as determined by a qualified appraiser, provided that restoration is started within three months of the act of destruction and is completed within one year from the time of the event.
  
- b.      Whenever a non-conforming use, structure, sign, or outdoor advertising structure is destroyed by fire, or other calamity, or by an act of God or by the public enemy to the extent that more than 50 percent of the value of the use, structure, sign or outdoor advertising structure is destroyed as determined by the Chief Building Official, the feature shall be voluntarily razed, shall be required by law to be razed or shall be restored to conformity with the regulations for the district in which the feature is located. A non-conforming use shall not be resumed.

## CHAPTER 63



### Enforcement

#### Sections

|                |                         |
|----------------|-------------------------|
| <b>25-63.1</b> | <b>Purpose</b>          |
| <b>25-63.2</b> | <b>Administration</b>   |
| <b>25-63.3</b> | <b>Code Enforcement</b> |
| <b>25-63.4</b> | <b>Violation</b>        |
| <b>25-63.5</b> | <b>Right of Entry</b>   |
| <b>25-63.6</b> | <b>Abatement</b>        |
| <b>25-63.7</b> | <b>Penalties</b>        |

#### **25-63.1 Purpose**

The purpose of this chapter is to provide a mechanism for enforcing the provisions of this Ordinance. Further, to ensure that Firebaugh's planning efforts are achieved and that the public health, safety and welfare is protected.

#### **25-63.2 Administration**

All department heads, officials or other employees of the City that are vested with the authority to issue and permit, license or certificate shall enforce the provisions of this Ordinance and shall not issue any permits, licenses or certificates for uses, buildings or structures that are in conflict with this Ordinance. Any permit, license or certificate issued in conflict with this Ordinance, intentionally or otherwise, shall be null and void.

**25-63.3 Code Enforcement**

The Planning Director and Code Enforcement Officer, or other person authorized by the City Manager, shall be authorized to enforce provisions of this Ordinance and to issue citations and make arrests pursuant to Section 836.5 of the California Penal Code.

**25-63.4 Violation**

Any structure or use which is established, operated, erected, moved, altered, enlarged, or maintained contrary to the provisions of this Ordinance, is hereby declared to be unlawful and a public nuisance and shall be subject to the remedies and penalties set forth in this chapter and/or revocation procedures contained in other chapters of this Ordinance.

**25-63.5 Right of Entry**

In the discharge of enforcement duties authorized persons shall have the right to enter any site, building or structure for the purpose of investigation and inspection. Such right of entry shall be exercised only at reasonable hours and only with the consent of the owner or tenant unless a written order from the Court has been issued.

**25-63.6 Abatement**

Any person violating any provisions of this Ordinance shall be guilty of an infraction pursuant to Section 19 (c) of the California Penal Code and upon conviction thereof shall be subject to the general penalty provisions of this chapter. A person shall be deemed guilty of a separate offense each day during any portion of which a violation of this Ordinance is committed, continued or permitted by the person, and shall be punishable as herein provided.

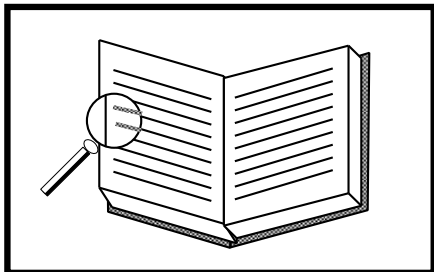
Any structure erected, moved, altered, enlarged or maintained and any use of a site contrary to the provisions of this Ordinance is hereby declared to be unlawful and a public nuisance, and the City Attorney shall immediately institute necessary legal proceedings for the abatement, removal or enjoinder thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure or use and restrain or enjoin the person from erecting, moving, altering, or enlarging the structure or using the site contrary to the provisions of this Ordinance. The remedies provided herein shall be cumulative and not exclusive.

**25-63.7 Penalties**

Any person, partnership, organization, firm or corporation, whether as principal, agent, employee or otherwise, violating any provisions of this Ordinance or any condition imposed on an entitlement, permit or license, or violating or failing to comply with any order made hereunder, shall be guilty of an infraction of a misdemeanor and, upon conviction thereof, shall be punished by (1) a fine not exceeding fifty dollars for the first violation; (2) a fine not exceeding one hundred dollars for the second violation of the same provision of this Ordinance within one year; or (3) a fine not exceeding two hundred fifty dollars for each violation of the same provision of this Ordinance within one year. The phrase "violation of the same Ordinance" as used in this section means and refers to a violation of the same numbered section of the Firebaugh Zoning Ordinance. In addition, each day such violation continues shall be regarded as a new and separate offense.

The City may impose fees on applicants to cover the full costs incurred by the City for the monitoring and enforcement of the requirements of this Ordinance as well as those conditions and mitigation measures imposed on an approved permit or license.

## CHAPTER 67



## Definitions

### Sections

|                |                    |
|----------------|--------------------|
| <b>25-67.1</b> | <b>Purpose</b>     |
| <b>25-67.2</b> | <b>Objectives</b>  |
| <b>25-67.3</b> | <b>Definitions</b> |

### **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.

"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.

"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.

"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.

“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 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 such as 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.

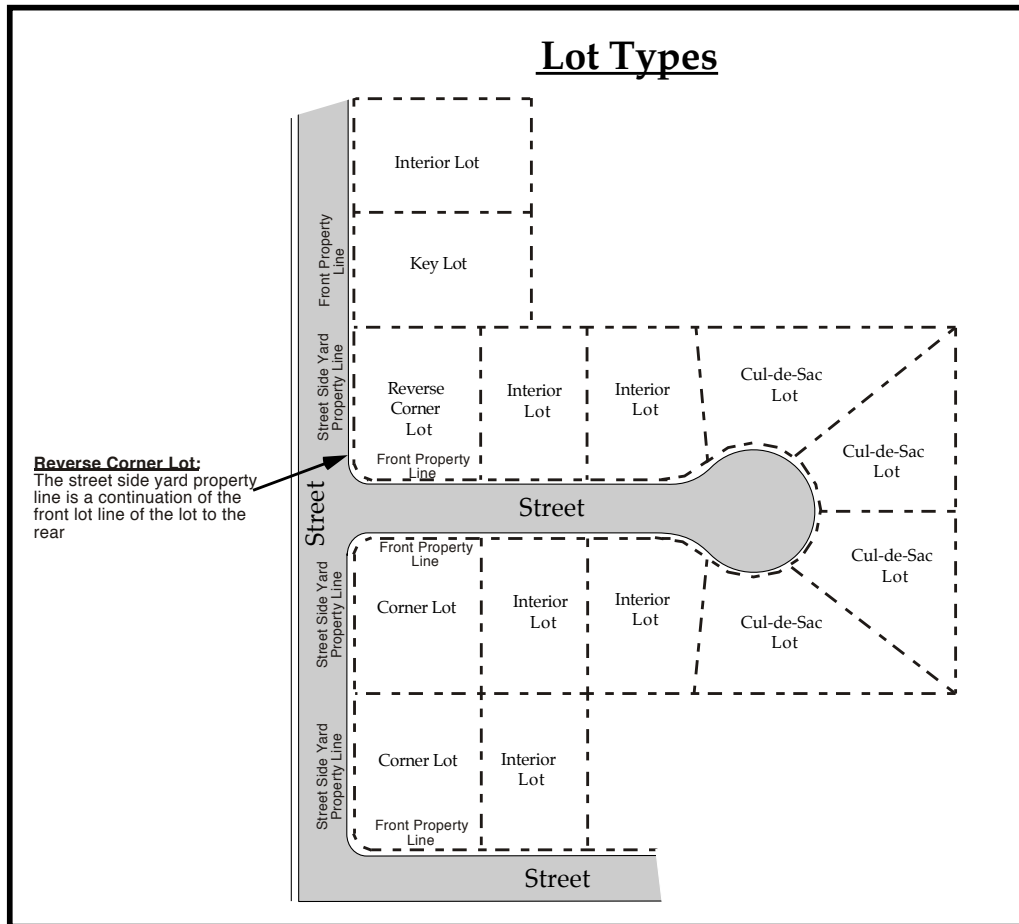
"Lot, Key" (see Exhibit 67-1 for illustration of lot types) shall mean the first lot to the rear of a reversed corner lot whether or not separated by an alley.

"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.

“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.

“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 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.

"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.

“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.

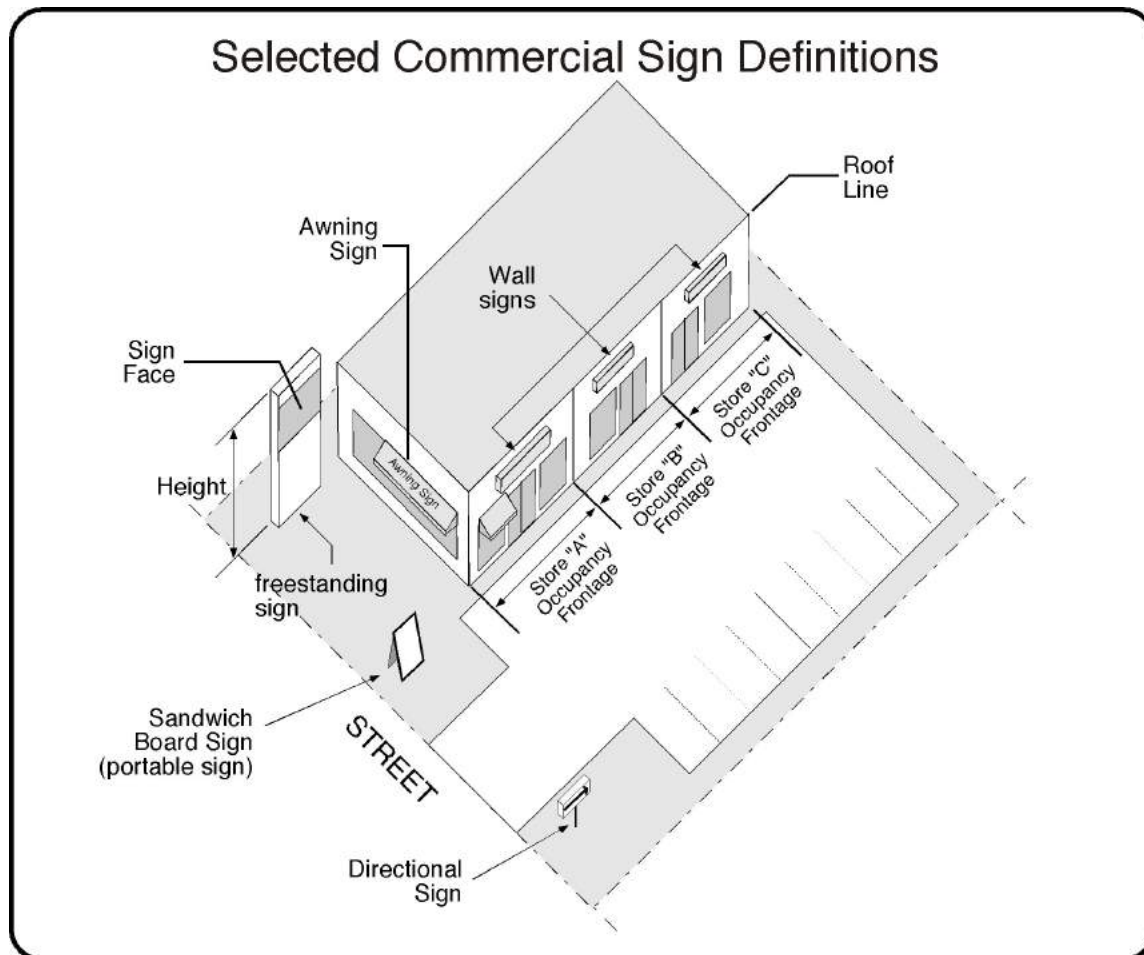
"Sign, Awning" shall mean a sign applied to an awning or canopy that is attached to a building (see Exhibit 67-2 for illustration of sign types).

"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.

“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.

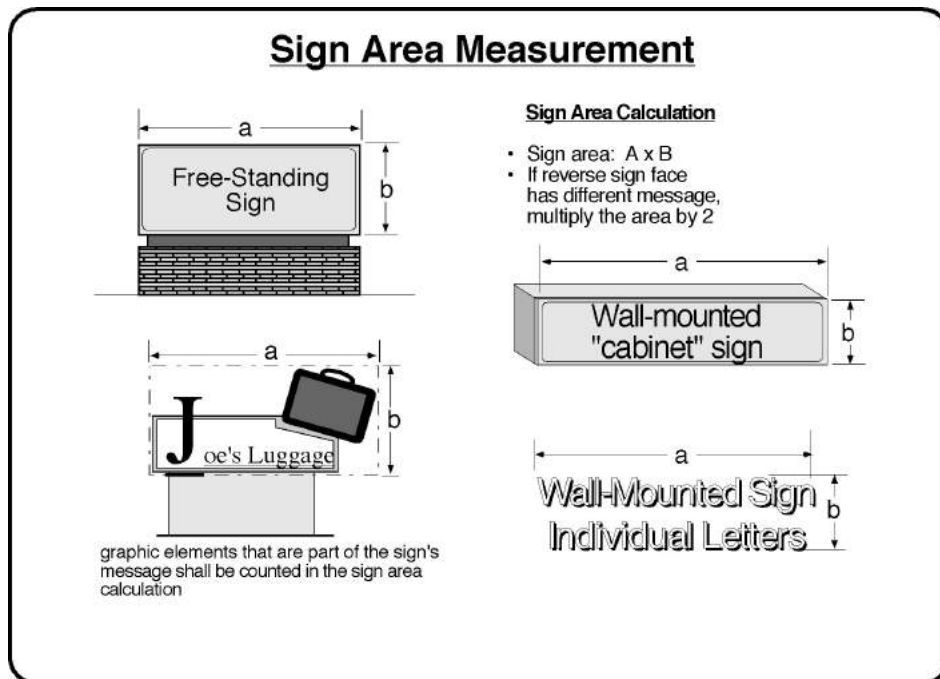
“Sign, Window” (see Exhibit 67-2 for illustration of sign types) shall mean a sign mounted within or on a window.

"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.

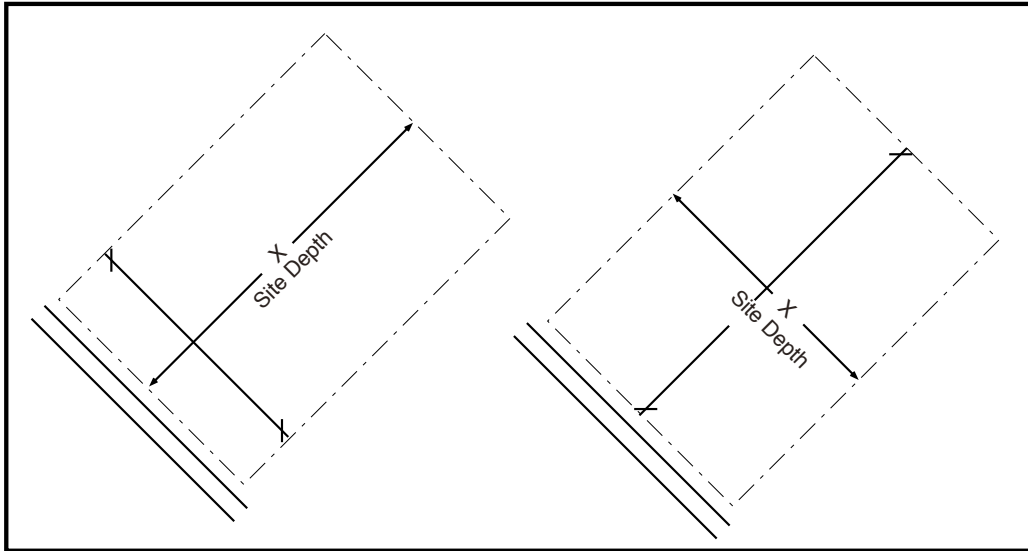
"Site plan" shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, all of the uses proposed for a specific parcel of land. See Chapter 25-53 for requirements.

"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.

"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 chauffer'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.

“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 Communication Facility” shall mean a facility containing communication towers and/or antennas and any related equipment for the purpose of transmitting or receiving electromagnetic radio frequency waves.

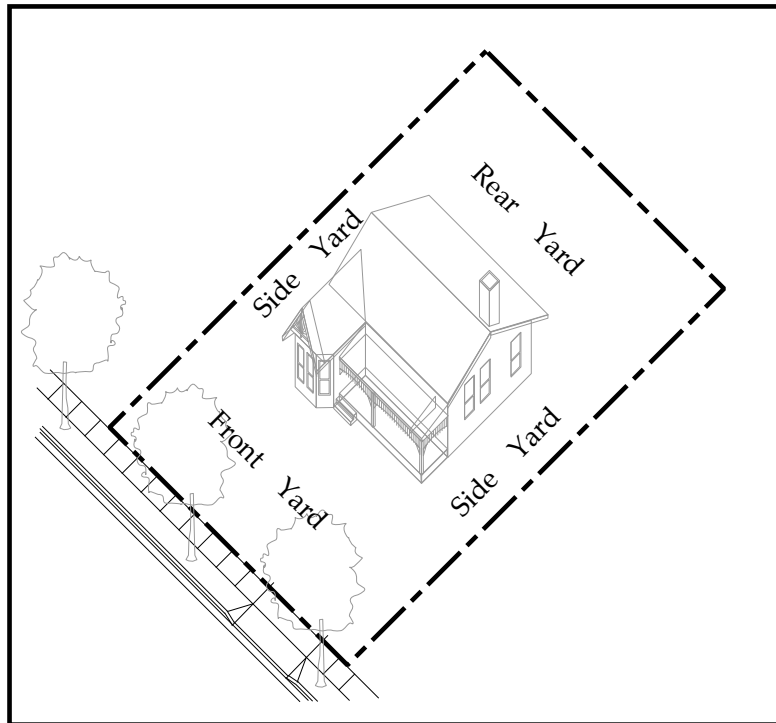
“Yard” means an open space on the same site as a structure other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

“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”.