CHAPTER 3

GENERAL CONDITIONS

SECTIONS 851 - 868

of

The Ordinance Code of the County of Fresno

Part VII

LAND USE REGULATION AND PLANNING

D I V I S I O N V I

Z O N I N G D I V I S I O N

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(Amended by Ord. T-005-258 Adopted 1-11-82; Ord. T-034-297 Adopted 9-20-88; Ord. T-036-278 Adopted 3-6-90; Ord. T-053-320 Adopted 6-7-94, Adopted by Ord. T-064-335 adopted on 12-19-00)

CHAPTER 3

G E N E R A L C O N D I T I O N S

SECTION 851

USES PERMITTED

The following regulations shall apply to uses permitted in this Division.

USES LISTED AS PERMITTED

Buildings, structures and land shall be used, designed, erected, structurally altered or enlarged only for the purposes listed as permitted in the district in which such building or land is located, and then only after applying for and securing all permits and licenses required by law and ordinance.

Any use already established within an area when it is first zoned but which is not a permitted use within such district or is a permitted use only with a Conditional Use Permit shall be allowed to continue therein as a non-conforming use subject to all conditions and restrictions relating to non-conforming uses as provided in Section 876.

(Deletion: Sec. 851-B by Ord. 490.174 re-adopted 5-8-79)

SECTION 852

USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

A. CLASSIFIED DIRECTOR REVIEW AND APPROVAL

Certain uses listed in the districts are permitted only when subject to review and approval by the Director. Buildings, structures and land shall be used, designed, erected, structurally altered, or enlarged for the purposes so listed in the district in which such building or land is located only after review and approval by the Director as herein provided, and after applying for and securing all necessary permits and licenses. Such uses shall be subject to all applicable property development standards of the district in which they are to be located. For procedure, the provisions of Section 872 shall apply.

B. UNCLASSIFIED DIRECTOR REVIEW AND APPROVAL

In addition to those uses permitted subject to Classified Director Review and Approval, the following uses may be permitted by Unclassified Director Review and Approval except where expressly prohibited:

Ham Radio Towers which exceed the maximum building height allowed in the district.

(Amended by Ord. T-063-334, adopted 5-23-00)

SECTION 853

USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

A. CLASSIFIED CONDITIONAL USE PERMITS

Certain uses listed in the districts are permitted only when subject to Conditional Use Permit. Such uses shall be subject to all applicable property development standards of the district in which they are to be located and to the provisions of Section 873.

B. UNCLASSIFIED CONDITIONAL USE PERMITS

In addition, to those uses permitted subject to Classified Conditional Use Permit, the following uses may be permitted by Unclassified Conditional Use Permit except for any use, including a power generating plant, that utilizes coal, coke, or other coal-based fuel as an industrial fuel source, or where expressly prohibited:

(Amended by Ord. T-039-307 adopted 2/26/91).

1. Airport or aircraft landing facilities, provided, however, no review of such permit shall be required in any of the following areas: Section 28, T. 13 S., R. 14 E.; Section 4, T. 15 S., R. 17 E.; Section 21, T. 17 S., R. 17 E.; Section 34. T. 19 S., R. 17 E.; M.D.B. & M.

2. Ambulance substations.

   (Added by Ord. 490.151 adopted 6-20-78)

3. Cemeteries.

4. Convents and rectories when connected with other religious institutions such as schools or churches.

5. Development of natural resources with necessary buildings, apparatus, or appurtenances thereto. For surface mining operation see provisions of Section 858.

   (Amended by Ord. 490.55 adopted 6-17-69; amended by Ord. T-061-332)

6. Golf courses and driving ranges.

7. Governmental facilities.

8. Health spas.

   (Added by Ord. 490.175 re-adopted 5-29-79)

9. Hospitals.

10. Interstate freeways interchange commercial development as identified in Section 860.

    (Added by Ord. 490.95 adopted 11-27-73; amended by Ord. T-066-337 adopted 3-27-01)

11. Oil and gas development uses subject to the provisions of Section 857.

    (Amended by Ord. No. T-240 adopted 8-17-81)

12. Parks, including facilities appropriate and incidental to parks.

    (Added by Ord. 490.125 adopted 12-7-70; amended by Ord. 490.175 re-adopted 5-29-79)

13. Private clubs and lodges.

    (Added by Ord. T-010-267 adopted 10-20-82)

14. Public utility and public services, structures, uses and buildings, except as otherwise provided in this Division.

15. Radio or television antennas and transmitters (commercial).

16. Residential facilities caring for seven or more, subject to the population density standards of Rest Homes (855-N.).

    (Added by Ord. T-244 adopted 4-19-83)

17. Rest Homes.

    (Amended by Ord. T-244 adopted 4-19-83)

18. Rifle and pistol practice range, skeet field, archery range or other similar place.

19. Solid waste disposal facilities.

    (Added by Ord. 490.200 adopted 5-5-80)

20. Solid waste processing facilities.

    (Added by Ord. 490.200 adopted 5-5-80)

21. Solid waste transfer stations.

    (Added by Ord. 490.200 adopted 5-5-80)

22. Small oil refineries limited to removal of entrained crude oil from natural gas; separation of crude oil into naphtha, kerosene, fuel oil, and diesel oil; blending of naphtha and kerosene to produce jet fuel and gasoline; and reforming of heavy naphtha in the presence of a catalyst to produce unleaded gasoline.

    (Added by Ord. 490.136 adopted 9-24-79)

23. Stadia.

SECTION 854

USES EXPRESSLY PROHIBITED

Specific uses of land, buildings and structures listed as prohibited in each district are hereby declared to be detrimental to the public health, safety and welfare and are, for said reason, expressly prohibited.

The enumeration of prohibited uses shall not by implication enlarge the scope of permitted uses; they are for purposes of clarity only.

SECTION 855

PROPERTY DEVELOPMENT STANDARDS

The following property development standards set forth in Section 855-A through Section 855-N, respectively, shall apply to all land, buildings and structures in all districts.

(Amended by Ord. 490.174 re-adopted 5-8-79)

SECTION 855-A. PROPERTY DEVELOPMENT STANDARDS - LOTS

Except as hereinafter provided, no building or structures shall be hereafter erected or located on a lot unless such lot conforms with the area regulations of the district in which it is located.

1. After the effective date of any ordinance by which any area is first zoned for any district, no land in such district may be divided by the recordation of any map or by voluntary sale, contract of sale, or conveyance of any kind which creates a new parcel of land under separate ownership which consists of less than the minimum lot area required for the district of which such lot is a part.

   (Amended by Ord. T-254 adopted 4-27-81)

2. If part of an existing lot or parcel of land is acquired for public utility use, the property development standards of the zone district in which the parcels are located shall apply, except that lot area standards shall not apply for the public utility parcel. Public utility parcels shall not attain a nonconforming status.

   (Added by Ord. 490.167 re-adopted 4-16-79)

3. If part of an existing lot or parcel of land is acquired for public use, the remainder of the lot or parcel shall be considered a nonconforming lot. A lot or parcel having an established nonconforming lot area status prior to the acquisition shall retain that status after the acquisition. The property development standards, except for lot area, of the zone district in which the above lots or parcels are located shall be met.

   (Added by Ord. 490.83 adopted 11-21-72)

4. When an unimproved lot or parcel of land that is nonconforming as to lot area is or was owned by a person who is or was also the owner of an adjoining lot or parcel of land located in the same zone district on or after March 1, 1991, such lot or parcel for the purposes of this Division shall not be considered a developable parcel for which a building permit may be issued, unless one of the following actions occurs:

   a. The owner of said nonconforming lot or parcel merges already acquired lots or parcels pursuant to Section 17.72.055 of the County Ordinance Code to create a new parcel of land which consists of the minimum lot area required by the zone district of which such lots or parcels are a part, except where the merged lots or parcels constitute the entire contiguous ownership of the applicant for the building permit and the new parcel remains substandard as to lot area, then the newly created parcel shall be considered a developable parcel for which a building permit may be issued; or,

b. A determination of non-merger is made in accordance with the provisions of Chapter 17.74 of the County Ordinance Code.

(Section 855-A.4. added by Ord. 490.85 adopted 4-24-73; amended by Ord. 490.116 adopted 10-5-76; amended by Ord. 490.138 adopted 10-17-77; amended by Ord. 490.178 adopted 5-22-79; amended by Ord. T-022-279 adopted 8-28-84; amended by Ord. T-043-311 adopted 1-19-91)

5. Notwithstanding the preceding requirements, the following shall apply to the Sierra-North Regional Plan area:

a. All existing legally created contiguous parcels of record under the same ownership which were created after June 8, 1960, which are less than the minimum parcel size of the zone district adopted on May 4, 1982, shall be considered developable parcels for which building permits may be issued.

b. Parcels smaller than required by the zone districts adopted or initiated on May 4, 1982, which were shown on a tentative parcel or tract map accepted for processing by March 30, 1982, shall, upon subsequent recordation of the map, be deemed legal parcels consistent with the Sierra-North Regional Plan.

c. Within the Eastside Rangeland, Specific Plan Reserve, and Public Lands and Open Space land use designations, all legally created parcels under a single ownership of 40 acres or (quarter/quarter section) or smaller and zoned A-1, A-2, AE-5, or R-E at the time of Plan adoption, may be divided one time to create up to four lots, with a minimum parcel size of five acres or half of a quarter of a quarter/quarter section.

d. Lots created according to Section 855A-5.b. and c. can not be further divided by Section 816.5A-2.b.(2), and (6); and Section 817.5A-2.b.(2), and (5).

(Section 855-A.5. added by Ord. T-017-265 adopted 11-16-82; amended by Ord. T-021-277 adopted 6-5-84; amended by Ord. T-022-279 adopted 8-28-84; amended by Ord. T-025-281 adopted 6-25-85; amended by Ord. T-043-311 adopted 11-19-91)

6. Notwithstanding the preceding requirements, the following shall apply to the Sierra-South Regional Plan area:

a. All existing legally created contiguous parcels of record under the same ownership which were created after June 8, 1960, which are less than the minimum parcel size of the zone district adopted on September 25, 1984, shall be considered developable parcels for which building permits may be issued.

(Section 855-A.6. added by Ord. T-025-281 adopted 6-25-85; amended by Ord. T-043-311 adopted 11-19-91)

SECTION 855-B. PROPERTY DEVELOPMENT STANDARDS - LOT DIMENSIONS

1. Every lot shall have a minimum frontage width not less than the required minimum lot width in the district under consideration. Curve lots and cul-de-sac lots shall conform to the particular district wherein provisions are set forth for said lots. Every lot shall also have a minimum width

and depth not less than that prescribed in the district under consideration.

Each dimension is minimum only. One or both shall be increased to attain the minimum lot area required.

(Amended by Ord. 490.11 adopted 1-14-64)

2. Where a lot has a minimum width or depth less than that prescribed by this Division, and said lot was of record under one (1) ownership at the time that the area was first zoned whereby the lot became nonconforming, said lot may be used subject to all other property development standards of the district in which such lot is located.

3. If part of an existing lot or parcel of land is acquired for public utility use, the property development standards of the zone district in which the parcels are located shall apply, except that lot dimension standards shall not apply f6r the public utility parcel. Public utility parcels shall not attain a nonconforming status.

   (Added by Ord. 490.167 re-adopted 4-16-79)

4. If part of an existing lot or parcel of land is acquired for public use, the remainder of the lot or parcel shall be considered a nonconforming lot. A lot or parcel having an established nonconforming lot dimension status prior to the acquisition shall retain that status after the acquisition. The property development standards, except for lot dimensions, of the zone district in which the above lots or parcels are located shall be met.

   (Added by Ord. 490.83 adopted 11-21-72)

5. When an unimproved lot or parcel of land that is nonconforming as to lot width, width to depth ratio, public road frontage requirements, or lot depth is or was owned by a person who is or was also the owner of an adjoining lot or parcel of land located in the same zone district on or after March 1, 1991, such lot or parcel for purposes of this Division shall not be considered a developable lot or parcel for which a building permit may be issued, unless one of the following actions occurs:

   a. The owner of said nonconforming lot or parcel merges already acquired lots or parcels pursuant to Section 17.72.055 of the County Ordinance Code to create a new parcel of land which consists of the minimum lot dimensions required by the zone district of which such lots or parcels are a part, except where the merged lots or parcels constitute the entire contiguous ownership of the applicant for the building permit and the new parcel remains substandard as to lot width, width to depth ratio public road frontage or lot depth, then the newly created parcel shall be considered a developable parcel for which a building permit may be issued or;

   b. A determination of non-merger is made in accordance with the provisions of Chapter 17.74 of the County Ordinance Code.

      (Section 855-B.5. added by Ord. 490.85 adopted 4-23-73; amended by Ord. 490.138 adopted 10-17-77; amended by Ord. adopted 5-22-79; amended by Ord. T-022-279 adopted 8-28-84; amended by Ord. T-043-311 adopted 11-19-91)

SECTION 855-C. PROPERTY DEVELOPMENT STANDARDS - POPULATION DENSITY

The population density regulations as set forth in the districts shall apply. Occupancy shall not be increased in any manner except in conformity with these regulations.

SECTION 855-D. PROPERTY DEVELOPMENT STANDARDS BUILDING HEIGHT

All buildings hereafter designed or erected and existing buildings which may be reconstructed, altered, moved, or enlarged shall comply with the height regulations and exceptions of the district in which they may be located.

SECTION 855-E. PROPERTY DEVELOPMENT STANDARDS YARDS

1. Except as provided in Subsection 5 below, no required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Division may be considered as providing a yard or open space for any other building; nor may any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.

   (Added by Ord. 490.174 re-adopted 5-8-79)

2. In measuring a front yard or side yard adjoining a street, it shall be the perpendicular distance between the street and a line through the corner or face of said building closest to and drawn parallel with the street, excluding any architectural features.

3. The yard requirements as set forth in the district shall apply with the addition of the following:

   a. Schools, Churches and Institutions at Property Boundaries

      No building shall be hereafter erected, structurally altered or used for a school, church, hospital, public building or other similar use, permitted either as a matter of right or under the Director Review and Approval or Conditional Use Permit regulations of this Division, Section 872 or Section 873, unless such buildings, when fronting on a street, have a front yard not less than that prescribed by the district in which said building is located.

      Side and rear yards may be used for required off-street parking. If the parking area abuts property classified as a Residential District, then a solid masonry wall not less than five (5) feet nor more than six (6) feet in height shall be erected on the property line abutting the area used for off-street parking. For regulations, the provisions of Section 855-H and Section 855-1.3 shall apply.

      The required front yard shall be landscaped with appropriate materials and shall be maintained.

   b. State Responsibility Areas (SRA)

      All buildings and accessory buildings within SRA as defined by the California Department of Forestry (CDF) shall set back from all property lines, buildings, and the center of the road in accordance with the Fresno County Fire Safe Regulations Section 15.60 of the Fresno County Ordinance Code for purposes of providing an adequate structure defensible space.

(Amended by Ord. 490.51 adopted 11-19-68; Ord T-041-309 adopted 7-30-93)

4. Rear Yards

Single Lots

Rear yards may be less than the required setback, provided that a site plan is submitted in accordance with the provisions of Section 874; however, in no case shall said rear yard be less than the required side yard for the district. The amount of space so occupied shall be provided elsewhere on the lot, exclusive of required yard areas. Said replacement space shall have minimum dimensions of eight (8) feet by eight (8) feet, and shall be so located that it is suitable for general use by the occupant of the premises.

(Amended by Ordinance 490.91 adopted 8-21-73; Ord. 490.174 re-adopted 5-8-79)

5. Nonconforming Lots

Legally created, nonconforming, single family residential lots having either a substandard width or, depth, may utilize the front or side yard requirement of another single family residential zone district where the substandard width or depth is permitted. Where both width and depth are substandard, this provision shall apply to both the front and side yards. This provision shall not apply to lots in the R-1-E and R-1-EH Districts.

(Added by Ordinance No. 490.64 adopted 8-4-70)

SECTION 855-F. PROPERTY DEVELOPMENT STANDARDS - SPACE BETWEEN BUILDINGS

All buildings hereafter designed or erected and existing buildings which may be reconstructed, altered, moved or enlarged, shall comply with the space between building requirements of the district in which they may be located.

SECTION 855-G. PROPERTY DEVELOPMENT STANDARDS - LOT COVERAGE

All buildings hereafter designed or erected and existing buildings which may be reconstructed, altered, moved or maintained, or enlarged, shall not exceed the maximum building coverage regulations of the district in which they may be located.

SECTION 855-H. PROPERTY DEVELOPMENT STANDARDS - FENCES, HEDGES AND WALLS

This Section is intended to provide for the regulation of the height and location of fences, hedges and walls for the purpose of providing for light, air and privacy, and safeguarding the public welfare by preventing visual obstructions at street and highway intersections. Nothing in this Section shall be deemed to set aside or reduce the requirements established for security fencing by either local, State or federal law, or by safety requirements of the Board of Education. The regulations of the districts shall apply and the following shall be in addition to those regulations:

1. Dangerous Areas

A fence or wall shall be constructed along the perimeter of all areas considered by the Board to be dangerous to the public health and safety. The height of such wall shall be determined by the Board in relation to the danger or hazard involved. Said fence or wall may be required when a use requires a permit or at the discretion of the Board according to the danger or hazard involved.

2. Swimming Pools

a. Swimming pools shall be entirely enclosed by fences or walls, in accordance with the specifications and standards of the Fresno County Ordinance Code, Title 15, Buildings and Construction, except as hereinafter provided.

b. Swimming pool enclosures shall not be required when either of the following conditions apply:

(1) There exists a natural barrier restricting physical access to the swimming pool that is essentially equivalent in effect to the required enclosures as determined by the Director.

(2) The parcel is under one ownership of at least twenty (20) acres and the swimming pool is located a minimum of three hundred (300) feet from any property line.

c. The required enclosure shall be in place and approved by the Building Official before water is run into the pool.

(Sec. 855-H.2 added by Ord. 490.123 adopted 12-7-76)

3. Permitted Materials

a. Fence materials may include wire mesh, steel mesh, chain link, louvered glass, stake and other similar materials. Planting shall be regulated to maintain the required open areas in said fence structure.

b. Wall materials shall include concrete, concrete block, wood or any other similar materials that are solids and are so assembled as to form a solid barrier.

(Sec. 855-H.3 added by Ord. 490.174 re-adopted 5-8-79)

SECTION 855-I. PROPERTY DEVELOPMENT STANDARDS - OFF-STREET PARKING

1. All Districts

The following standards for providing off-street parking shall apply at the time of the erection of any main building or when off-street parking is established. These standards shall also be complied with when an existing building is altered or enlarged by the addition of dwelling units or guest rooms or where the use is intensified by the addition of floor space, seating capacity or seats. Property located in a vehicle parking district provided in accordance with state law, and where the off-street parking lots are completed and in operation, shall be deemed in compliance with the parking provisions of this Division.

(Amended by Ord. 490.174 re-adopted 5-8-79)

a. Off-street automobile parking space being maintained in connection with any existing main building or structure shall be maintained so long as said main building or structure remains, unless an equivalent substitute number of such spaces are provided, as approved by the Director, and thereafter maintained conforming to the requirements of this paragraph; provided, however, that this regulation shall not require the maintenance of more automobile parking space than is required herein for a new building or structure identical to said existing building or structure, nor the maintenance of such space for any type of main building or structure other than those specified herein.

(Amended by Ord. 490.174 re-adopted 5-8-79; Ord. T-252 adopted 12-9-80)

b. Where automobile parking space is provided and maintained on a lot in connection with a main building or structure at the time this Division became effective, and is insufficient to meet the requirements for the use with which it is associated, or where no such parking has been provided, then said building or structure may be altered or enlarged, or such use may be extended, only if additional automobile parking spaces are provided for said enlargement, extension or addition proposed to the standards for such use as set forth in the requirements of this Division. No existing parking may be counted as meeting this requirement unless it exceeds the requirement for the original structure, and then only that excess portion may be counted. This provision shall not apply in the case of a single-family residence.

c. A parking space shall be an area for the parking of a motor vehicle, plus those additional areas required to provide for safe ingress and egress from said space. The area set aside to meet these provisions must be usable and accessible for off-street parking, and shall conform to the Fresno County Department of Public Works, Off-Street Parking Design Standards.

(Amended by Ord. 490.174 re-adopted 5-8-79)

d. All motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space or carport in any residential district with the exception of the “R-A" District.

e. No trailer shall be stored or parked in any residential district, with the exception of the "R-A" District and the "R-R" District, except when beyond the front yard and when enclosed by a solid wall or fence not less than five (5) feet in height or in an entirely enclosed building.

(Amended by Ord. T-062-333 adopted 11-7-00)

f. The on-street and front yard storage, keeping or maintaining of vehicles of more than one ton rating except recreational vehicles shall be prohibited in all residential districts, with the exception of the "R-A" and "R-R" Districts. Nonconforming status shall not be granted.

(Amended by Ord. 490.63 adopted 7-28-70, Ord. T-062-333 adopted 11-7-00)

2. Special Use Requirements

For buildings or structures other than dwellings and for uses involving large concentrations of people, parking spaces shall, unless otherwise provided, be on the same lot with the main building, or on lots immediately contiguous thereto in the same district therewith and available

for use by the occupants in the following ratios for specific types of use.

Combinations of facilities shall provide the number of spaces required for each facility and the spaces provided for one (1) facility shall not be construed as satisfying the requirement for another facility.

Parking provided on the basis of an integrated site plan approved by the Director shall be considered as satisfying the individual requirements of this Section.

(Amended by Ord. 490.174 re-adopted 5-8-79; Ord. T-252 adopted 12-9-80; Amended by Ord. T-071-340 adopted 5-21-02)

a. Bowling Alleys and Similar Establishments

There shall be at least five (5) parking spaces for each alley and two (2) spaces for each billiard table contained therein.

b. For Churches, Stadia, Theatres, Auditoriums, Gymnasiums, Museums, Meeting Halls and Similar Places of Assembly

There shall be at least one (1) parking space for every five (5) permanent seats or one (1) for every forty (40) square feet of area within the main auditorium or meeting hall, whichever provides the greater number of spaces. In cases of use without a building, there shall be one (1) parking space for each five (5) persons normally attending or using the facilities, plus one (1) parking space for every two (2) permanent employees.

(Amended by Ord. T-073-345 adopted 6-18-02)

c. Libraries

For Libraries that do not have public meeting rooms, there shall be one (1) parking space for each two hundred fifty (250) square feet of gross floor area.

For Libraries that have public meeting rooms, there shall be the combined total of:

(1) one (1) parking space for each two hundred fifty (250) square feet of floor area (excluding the meeting room), and
(2) one (1) parking space for each five (5) permanent seats or one (1) for every forty (40) square of area within the meeting room (whichever provides the greater number).

(Added by Ord. T-073-345 adopted 6-18-02)

d. For Coin-Operated Vending Machines Located Outdoors, Having More Than One Hundred (100) Cubic Feet

There shall be at least two (2) parking spaces provided for each such machine.

e. For Convalescent Homes, Residential facilities caring for seven or more, and Rest Homes

There shall be one (1) parking space for each four hundred (400) square feet of gross floor area, plus one (1) space for every three (3) employees.

(Amended by Ord. T-244 adopted 4-19-83)

f. For Dance Halls, Skating Rinks, Natatoriums and Similar Establishments

There shall be one (1) parking space provided for each fifty (50) square feet of floor area used for dancing, or one (1) space for each one hundred (100) square feet of gross floor area of any building or structure, whichever provides the greater number of spaces.

g. For Day Nursery Operations - Large

There shall be one (1) parking space provided for each non-resident employee and two parking space designated for the drop-off and pick-up of children. These parking spaces shall be in addition to the mandatory parking requirements of the district and minimally impact existing landscaping. (Added by Ord. T-071-340 adopted 5-21-02)

h. For Establishments for the Sale and Consumption on the Premises of Food and Beverages

(1) Having less than one thousand (1,000) square feet of gross floor area: There shall be one (1) parking space for each two hundred (200) square feet.

(2) Having less than four thousand (4,000) square feet of gross floor area: There shall be one (1) parking space for each one hundred (100) square feet.

(3) Having more than four thousand (4,000) square feet of gross floor area: There shall be forty (40) parking spaces, plus one (1) for each fifty (50) square feet in excess of four thousand (4,000) square feet.

(Amended by Ord. T-071-340 adopted 5-21-02)

i. For Hospitals

There shall be at least one (1) parking space for every two (2) beds or one (1) space for every one thousand (1,000) square feet of gross floor area, whichever provides the greater number, plus one (1) space for every three (3) employees.

(Amended by Ord. T-071-340 adopted 5-21-02)

j. For Hotels, Tourist Courts, Motels, Apartment Hotels and Multiple Family Dwellings

There shall be one (1) parking space for every individual sleeping room or unit. In cases where large units may be subdivided into smaller units for individual use, there shall be one (1) space for each of the smaller units.

(Amended by Ord. T-071-340 adopted 5-21-02)

k. For Mortuaries, Funeral Homes and Similar Establishments

There shall be one (1) parking space for each twenty (20) square feet of floor area of assembly rooms, plus one (1) space for each employee plus one (1) space for each car owned by such establishment.

(Amended by Ord. T-071-340 adopted 5-21-02)

l. For Machinery Sales and Wholesale Stores

There shall be one (1) parking space for each eight hundred (800) square feet of gross floor area.

(Amended by Ord. T-071-340 adopted 5-21-02)

m. For Motor Vehicle Sales and Automotive Repair Shops

There shall be one (1) parking space for each four hundred (400) square feet of gross floor area.

(Amended by Ord. T-071-340 adopted 5-21-02)

n. For Commercial Uses, Commercial, Professional and Medical Offices, and Industrial Uses

The provisions for Off-Street Parking in the district shall apply.

(Amended by Ord. T-071-340 adopted 5-21-02)

o. For Park and Recreational Uses

There shall be one (1) parking space for each five thousand (5,000) square feet of active recreational area within a park or playground.

(Amended by Ord. T-071-340 adopted 5-21-02)

p. For Rooming Houses, Lodging Houses, Clubs and Fraternity and Sorority Houses

There shall be one (1) parking space for each person which the building was or is designed or intended to house as a sleeping guest or member or employee.

(Amended by Ord. T-071-340 adopted 5-21-02)

q. For Schools, Both Public and Private

The following standards when relative to public schools shall be advisory only.

(1) Elementary and Junior High: There shall be one (1) parking space for each member of the faculty and each employee.

(2) High Schools: There shall be one (1) parking space for each member of the faculty and each employee, plus one (1) space for each eight (8) students regularly enrolled.

(3) Junior Colleges, Colleges, and Universities:

There shall be one (1) parking space for each two (2) members of the faculty and employees, plus one (1) space for each two (2) full time or equivalent regularly enrolled students.

(4) For Schools Having Auditoriums or Places of Assembly:

The provisions of paragraph b, above, shall apply, if such application will provide a greater number of spaces than (1), (2), or (3) above. Said required parking spaces shall be within the school property or on a parking lot contiguous thereto.

(Amended by Ord. T-071-340 adopted 5-21-02)

r. For Public Utility Facilities Such as Communications Equipment Buildings, Electrical Substations and the Like

(1) For facilities open to the public there shall be three (3) square feet of parking area for every one (1) square foot of gross floor area or fraction thereof; said parking area to be within three hundred (300) feet of the property served.

(2) For facilities not open to the public, there shall be one (1) parking space for each two (2) employees. This shall apply to the maximum number of employees on duty at any one time.

(3) For facilities wherein there are areas open and not open to the public, the parking ratios in (1) and (2) above shall be used as a basis for determining the respective amount of parking areas to be provided.

(Amended by Ord. T-071-340 adopted 5-21-02)

s. Transportation Facilities

Requirements for transportation facilities shall be as follows: For airports, railroad passenger stations, bus depots, or other passenger terminal facilities, such parking spaces and location of such spaces as the Planning Commission shall deem to be adequate for employees, for the loading and unloading of passengers, and for spectators, visitors and others.

(Amended by Ord. T-071-340 adopted 5-21-02)

3. Treatment of Public Parking Areas, Private Parking Areas, Outdoor Sales Areas or Display Areas

Every parcel of land hereafter used for (1) outdoor sales or display of merchandise or articles other than plant nurseries, lumber yards, fuel yards and similar uses, (2) parking or loading of motor vehicles, (3) motor vehicle sales shall be improved and maintained as required in the following paragraphs:

a. All areas shall be surfaced and striped and channelized as required by the Director and shall thereafter be maintained in good condition. Parking stalls shall be marked and the access lanes shall be clearly defined, including directional arrows to guide internal movements.

(Amended by Ord. T-252 adopted 12-9-80)

(1) All parking lots and loading areas shall be suitably graded, surfaced and drained in accordance with the standards of the Department of Public Works.

(2) Wheel stops, marked off spaces and directional signs, where necessary, shall be required.

b. Where such area adjoins a residential district, it shall be separated therefrom by a solid masonry wall not less than five (5) feet nor more than six (6) feet in height, provided said wall shall not exceed three (3) feet in height where it is in the front yard area of an abutting residential district. Where no wall is required along a boundary or an area covered by this Section, there shall be a concrete curb or timber barrier not less than six (6) inches in height securely installed and maintained as a safeguard to abutting property or public right-of-way. The barrier shall be not less than three (3) feet from any property line on the subject property.

c. Where such areas adjoin a residential district there shall be a border of appropriate landscaping not less than ten (10) feet in depth, along the residential street frontage, to protect the character of the adjoining residential property. Such landscaping shall be maintained. No building shall be erected nor shall any property be used unless a site or plot plan for the development has been submitted to the Director and approved. The provisions of Section 874 shall apply.

(Amended by Ord. T-252 adopted 12-9-80)

d. Lighting where provided to illuminate such parking, sales or display areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Resources and Development.

(Amended by Ord. T-252 adopted 12-9-80)

e. No parking space shall be so located as to require the moving of any vehicle on the premises in order to enter or leave any other stall. The preceding sentence need not apply in the event that a parking facility has an attendant present at all times during the use of said facility.

f. Automobile parking so arranged as to require the backing out of motor vehicles from a parking space, garage or other structure onto a street, as designated on the Circulation Element of the General Plan of the County, shall be prohibited when either or both of the following conditions exist:

(1) The property is adjacent and contiguous to the public alley.

(2) The width of the lot, or the nature of the design of the existing or proposed structures is such that vehicles leaving the property may do so by moving in a forward direction with relation to the street.

g. Parking areas for any use shall be placed in such location with relation to the parking generator as to provide for the efficient use of the parking facility. On-site parking areas shall be noted by an appropriate sign located both at the parking generator and at the parking facility.

h. All access to individual parking spaces on a lot or portion of a lot designated for parking shall be from said lot or portion of a lot.

i. In no case shall parking spaces be so arranged that ingress or egress from a parking space requires backing into a public or private pedestrian accessway, or from a public alley.

4. Off-Street Parking Requirements for the Physically Handicapped

Prior to approval of a Site Plan Review for any building, structure, complex, or improved area, including privately owned and maintained off-street parking facilities which are determined by the Director as being intended generally for use by any portion of the public, a public hearing shall be held before the Board of Supervisors to determine whether such parking facility is intended generally to be held open for use of the public including the employees, patrons, and visitors which that facility serves. Notice of said public hearing shall be given to the owner and applicant by the Director not less than ten (10) days prior to the date of the hearing. Where the Board finds and declares that the proposed parking facility is intended generally to be held open for use of the public, the following conditions shall apply:

a. Required off-street parking for the physically handicapped shall include not less than the following number of spaces:

REQUIRED OFF-STREET PARKING SPACES		NUMBER OF PARKING SPACES FOR THE PHYSICALLY HANDICAPPED TO BE INCLUDED AS PART OF THE PARKING REQUIREMENT	
0	40		1
41	80		2
81	120		3
121	160		4
161	300		5
301	400		6
401	500		7
over	500		7 plus 1 additional space for each 200 or fraction thereof spaces provided

Additional spaces may be required by the Director where usage indicates a greater need or where a higher than normal percentage of handicapped persons are anticipated to use the parking facility.

b. Parking spaces for the physically handicapped shall be located so as to minimize travel distance to primary entrances and shall attempt to avoid conditions in which any physically handicapped person is required to wheel or walk behind parked vehicles while traveling to or from parking spaces to building entrances.

c. Pedestrian ways which are accessible to the physically handicapped shall be provided from each parking space to related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space.

d. Parking facilities existing prior to the effective date of this Section which after notice and public hearing are found and determined by the Board of Supervisors to generally be held open for use of the public shall meet all provisions of this Section within five (5) years of said declaration, or at the time of parking lot restriping, whichever occurs first.

In instances where compliance with such provisions results in a deficient number of

parking spaces as required by this Division, such parking area requirement shall be exempt from the nonconforming provisions of Section 876.

e. The owner of a parking facility which is subject to a public hearing before the Board of Supervisors may elect to waive such public hearing and declare said facility to be held open for use of the public. A written agreement shall be entered into between the owner and the County to this effect stipulating compliance with this Section.
(Subsection 4 added by Ordinance T-247 adopted 5-12-81)

SECTION 855-J. PROPERTY DEVELOPMENT STANDARDS - ACCESS

Vehicular and pedestrian access shall be provided according to the regulations pertaining to each district.

SECTION 855-K. PROPERTY DEVELOPMENT STANDARDS - OUTDOOR ADVERTISING

1. General Provisions

Signs, billboards, and advertising structures may be erected and maintained in the districts where such use is permitted after having secured approval of the location, size and design of said sign, billboard or advertising structure subject to the conditions below and in each District.

(Amended by Ord. 490.174 re-adopted 5-8-79)

2. Regulations for Special Sign Types
(Added by Ord. 490.174 re-adopted 5-8-79)

a. Painted Signs

Signs may b& painted upon the surface of a building provided, however, that when such sign is so located as to face a residential district the sign and the method of lighting the sign, if any, shall be approved by the Director.

(Amended by Ord. 490.174 re-adopted 5-8-79; Ord. T-252 adopted 12-9-80)

b. Vertical Signs

(1) Any projecting wall sign with its advertising surface at or approximately at right angle to a wall facing a street shall be deemed to be a vertical sign and shall not exceed eighteen (18) inches in thickness. Any `V1 shaped projecting sign shall also be deemed to b a vertical sign, and shall not exceed eighteen (18) inches in thickness at its farthest projection from the building, nor four (4) feet in thickness at the face of the building. Thickness for the purpose of this requirement is the distance between the two faces of the sign.

(2) When the bottom of a sign is at least eight (8) feet but less than ten (10) feet above the ground, the projection over the property line abutting the street line shall not exceed one (1) foot.

When the bottom of the sign is at least ten (10) feet but less than twelve (12) feet

above the ground, the projection shall not exceed two (2) feet six (6) inches.

When the bottom of the sign is at least twelve (12) feet but less than fourteen (14) feet above the ground, the projection shall not exceed three (3) feet.

When the bottom of the sign is at least fourteen (14) feet but less than sixteen (16) feet above the ground, the projection shall not exceed four (4) feet.

When the bottom of the sign is sixteen (16) feet or more above the ground, the projection shall not exceed five (5) feet.

(3) No sign shall exceed five (5) feet four (4) inches in height above the parapet wall, except that such sign may return over the roof not to exceed ten (10) feet measured from the edge of the sign.

c. Flat Signs

Signs painted or mounted on the face, side or rear of a building shall not exceed a total amount of two (2) times the area permitted for vertical signs. Not more than one hundred fifty (150) square feet of total sign area shall be permitted on any one building wall.

d. Marquee Signs

Signs may be placed on the outer faces of a marquee if they are made a part thereof and do not exceed the Building Codes limitations on marquees. No sign shall be hung from the underside of a marquee unless it meets the minimum height limitations applicable to a marquee. No signs shall be placed on the roof of a marquee. All wall or projecting signs placed above a marquee shall comply with the requirements for such signs as if no marquee existed.

(Added by Ord. 490.174 re-adopted 5-8-79)

e. Directional Signs

Off-site directional signs in residential and agricultural districts for major recreational uses, hospitals and colleges.

(1) Off-site directional signs in residential and agricultural districts for major recreational uses, hospitals and colleges shall be permitted only for the following uses and shall be subject to the property development standards of the district and the special standards set forth herein:

(a) Colleges as defined in Section 803.5.

(b) Golf courses which have an average weekend use of 200 or more rounds per day during the peak season.

(c) Hospitals which provide 24-hour emergency medical services.

(d) Recreation parks with facilities for one or more activities such as swimming, camping, boating, horseback riding, hiking, fishing, hunting and picnicking which parks have an average weekend use of 1,000 persons or more per day

during the peak season.

(e) Stadia with an average attendance of 1,000 or more persons per event.

(2) Signing for golf courses, recreation parks and stadia shall be permitted for a maximum of five (5) years from the date such approval becomes final. A reapplication shall be permitted subject to the provisions of Section 872-E. For procedure, the provisions of Section 872 shall apply.

(3) Such directional signs shall be located only along expressways and arterial roadways as shown on the adopted Circulation Element of the Fresno County General Plan.

(4) There shall be not more than two (2) directional signs and such signs shall be permitted only when the Director of Public Works has determined that there is a potential for confusion in direction and that such sign is necessary for the public convenience and safety.

(5) Directional signing shall be as follows:

(a) Such signs shall contain only the name of the use, a directional arrow, and the approximate distance to the use. No decoration shall be allowed on the sign face.

(b) Such signs shall not exceed thirty-two (32) square feet in area, including architectural features and shall not exceed eight (8) feet in height.

(c) Internally illuminated or floodlighted signs shall be prohibited but reflective materials may be used.

(d) Such signs shall be limited to two (2) colors as permitted under the State of California' Uniform Sign Chart.

(e) Off-site directional signs shall be set back not less than eight (8) feet from property lines and shall be located outside of the public road right-of-way.

(Subsection 5 added by Ord. T-254 adopted 4-27-81)

(6) If in the event of a change in land use relationships whereby the placement of a sign creates a traffic hazard as determined by the Director of Public Works, said sign shall be removed or relocated and the Director Review and Approval Permit shall be deemed void.

(Sec. 855-K.2.e added by Ord. 490.105 adopted 4-22-75; amended by Ord. 490.174 re-adopted 5-8-79)

f. Institutional Signs

Signs for institutional uses including churches, hospitals, rest homes, private clubs and similar uses shall be permitted in any district in which they are listed as permitted subject to the following regulations:

(1) One (1) free-standing sign for each main use per frontage:

(a) The sign shall contain only the name and address of the building, its occupants, and the services rendered.

(b) The sign shall not exceed thirty-two (32) square feet in area exclusive of architectural features. The sign structures shall not exceed eight (8) feet in height.

(c) The sign face shall not be internally illuminated but may be floodlighted.

(d) Signs shall be set back fifteen (15) feet from public rights-of-way; however, this setback may be reduced to ten (10) feet subject to approval of a Conditional Use Permit. In no case shall signs be located within required rear or interior side yards.

(2) One sign attached to the face of the main building:

(a) The sign shall contain only the name of the building and its occupants.

(b) Letter or numerical heights shall not exceed one (1) foot.

(c) The sign shall not exceed ten (10) square feet in area.

(d) The sign face shall not be internally illuminated but may be floodlighted.

(3) One reader board sign:

(a) The sign shall not exceed ten (10) square feet in area.

(b) The board shall not be internally illuminated but may be floodlighted.

(c) The sign shall indicate only the building name and type of service rendered.

(Subsection f added by Ord. T-254 adopted 4-27-81)

3. Lighting, Sound and Movement Restrictions

No sign shall endanger the health and safety of operators of motor vehicles on the streets or highways.

a. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision of operators of motor vehicles.

b. No sign shall be located where, by reason of the position, shape or color, it may interfere with any authorized traffic sign, signal or device.

c. No sign may make use of the words “Stop”, “Danger”, or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

d. Blinkers, flashing, unusual lighting or other means of animation which cause unsafe distractions shall not be permitted on any sign.

e. All signs in or adjacent to “C-P" or “R” Districts shall be non-flashing and non-animated. This restriction shall not apply when the flashing or animation conveys time, temperature or weather information.

(Amended by Ord. 490.199 adopted 4-21-80)

4. Height and Location Restrictions

All signs shall meet the height and setback requirements of the district in which they are located. (Added by Ord. 490.174 re-adopted 5-8-79)

5. Sign Area Calculation

a. The area of a sign shall be calculated by multiplying its maximum vertical dimension by its maximum horizontal dimension.

b. Whenever the area of a sign is limited by this division a double faced sign may be erected having the allowed sign area on each side of the sign; provided, the maximum dimension between the two faces of the double faced sign shall not exceed twenty-four (24) inches or ten (10) percent of the maximum dimension of the face of the sign whichever is the lesser. (Added by Ord. 490.174 re-adopted 5-8-79)

SECTION 855-L. PROPERTY DEVELOPMENT STANDARDS - LOADING SPACE REQUIREMENTS

Every hospital, institution, hotel, commercial or industrial building hereafter erected or established shall provide and maintain loading spaces as provided in paragraph 5 of this Section, subject to the conditions herein.

1. When the lot upon which the loading spaces are located abuts upon an alley, such loading spaces shall adjoin or have access from said alley. The length of the loading space may be measured perpendicular to or parallel with the alley. Where such loading area is parallel with the alley and said lot is fifty (50) feet or less in width, the loading area shall extend across the full width of the lot. The length of a loading area need not exceed ninety (90) feet for any two (2) spaces.

2. Where the loading is permitted in a yard, said yard may be used in calculating the area required for loading, providing that there be no more than one (1) entry or exit to sixty (60) feet of lot frontage or fraction thereof.

3. Loading space being maintained in connection with any main building existing on the effective date of this Division shall thereafter be maintained so long as said building remains, unless an equivalent number of such spaces are provided on the same or a contiguous lot in conformity with the requirements of this Section and as approved by the Director provided, however, that this regulation shall not require the maintenance of more loading space than is hereby required for a new building, nor the maintenance of such space for any type of main building other than those specified above.

(Amended by Ord. 490.174 re-adopted 5-8-79; Ord. T-252 adopted 12-9-80)

4. Loading space required by this Division may occupy a required yard as provided in the districts, but in no case shall any part of an alley or street be used for loading.

5. The loading spaces shall be not less than twelve (12) feet in width, forty (40) feet in length, and with fourteen (14) feet of vertical clearance.

6. The number of loading spaces required for various uses are detailed in the districts wherein such uses are permitted.

SECTION 855-M. PROPERTY DEVELOPMENT STANDARDS - SIZE OF NEW DISTRICT

The size of new districts shall be as provided in the district regulations.

SECTION 855-N. PROPERTY DEVELOPMENT STANDARDS – SPECIAL STANDARDS OF PRACTICE AND REGULATIONS

The following standards of practice and regulations shall apply to the special uses and conditions listed, as follows:

1. Accessory Buildings

   a. Where an accessory building is part of, or joined to the main building by a common wall, or where any accessory building has sleeping or living accommodations, said accessory building shall be deemed a main building for purposes of applying the property development standards of this Division.

   b. Where an accessory building, either attached to or detached from the main building, is less than six (6) feet from said main building, said accessory building shall be deemed a main building for purposes of applying the property development standards of this Division.

   c. Where an accessory building is detached and separated from the main building by six (6) feet or more, said accessory building need not be considered a main building for purposes of applying the property development standards of this Division.

   d. Where an accessory building is attached to the main building by a breezeway roof with an intervening space of six (6) feet or more and where said space is open on at least two (2) sides, said accessory building need not be considered a main building for purposes of applying the property development standards of this Division.

   e. Accessory Housing Unit

      Accessory housing units shall be allowed in the RA, R-1, R-1-A, R-1-AH, R-1-B, R-1-C, R-1-E, R-1-EH, R-2, R-2-A, R-3, R-3-A and R-4 Zone Districts, provided the parcel does not contain Accessory Living Quarters or a Second Dwelling Unit. Accessory housing units are allowed subject to all of the following:

      1. The accessory housing unit may be either attached to or detached from the primary dwelling unit.

      2. The living area within the accessory housing unit shall not exceed thirty (30) percent of the living area within the primary dwelling, with a maximum of twelve hundred (1,200) square feet permitted. In no case shall this standard restrict the accessory

housing unit to less than three hundred and fifty (350) square feet.

3. The Accessory Housing Unit shall be compatible with the primary dwelling. Satisfaction of this requirement shall be demonstrated upon compliance with all of the following standards:

    a. The accessory housing unit shall use the same type of roof (i.e. gable, flat, hip, mansard, gambrel, shed, etc.), with substantially the same roofing material, color and slope as the primary residence.
    b. The accessory housing unit shall use substantially the same exterior finish material and color as the primary residence.
    c. The accessory housing unit shall be no higher, nor contain more stories than the primary residence.
    d. The accessory housing unit shall be located to the rear of the primary residence.
    e. The accessory housing unit shall maintain substantially the same landscaping theme and materials used by the primary residence.

4. A dwelling unit must exist on the site before the Accessory Housing Unit may be authorized. The primary dwelling need not be the original structure on the site.

5. A covenant, running with the land between the County and the property owner(s), requiring that one of the dwelling units be occupied by an owner of record, shall be recorded with the County Recorder prior to the issuance of any building permits.

6. All property development standards of the District in which the property is located shall apply, except for the following additional off-street parking requirements: the same number and type of parking that is required for the primary residence shall be required for the Accessory Housing Unit.

7. Adequate sewage disposal facilities shall be provided as required by the Health Officer, in consultation with all affected service districts/agencies.

8. Adequate water shall be provided:

    a. If a community water system is available to serve the Accessory Housing Unit, clearance from the water district/agency shall be provided prior to the issuance of building permits.
    b. If a community water system is not available and water will be supplied by an individual water well, the following standards shall apply:
        (1) A minimum of two gallons per minute per residence shall be required.
        (2) Accessory Housing Units are prohibited on parcels that are less than twenty (20) acres in size and located in water short areas of the County (generally defined as northeast of the Enterprise Canal, east of the Friant Kern Canal, and west of Interstate 5, and northeast of the following intersections to the Friant Kern Canal: Frankwood and Central Avenues, Buttonwillow and American Avenues, Pederson and Adams Avenues, Crawford and South Avenues and Porter and Manning Avenues).

9. Accessory Housing Units shall be prohibited within any noise contour of any Public Use Airport, identified in the adopted Airport Land Use Policy Plans, where residential development is identified as unacceptable.

10. Accessory Housing Units located outside any Horizontal Zone but within any noise contour of any Public Use Airport as identified in the adopted Airport Land Use Policy Plans where residential development is listed as marginal, shall require preparation of an acoustical analysis and incorporation of noise attenuation features to ensure interior noise levels attributable to exterior noise sources do not exceed 45 CNEL in habitable areas.

11. Accessory Housing Units shall not be permitted within any Horizontal Zone of any Public Use Airport, or within Zone IV of the Fresno Air Terminal as identified in the adopted Airport Land Use Policy Plans.

12. Prior to issuance of building permits, a Site Plan Review in accordance with the provisions of Section 874, shall be processed to verify compliance with the above standards.

f. Accessory Living Quarters

Accessory Living Quarters are allowed in all Districts that allow a Single Family Residence, provided the parcel does not contain an Accessory Housing Unit or a Secondary Dwelling Unit. Accessory Living Quarters are allowed subject to the following standards:

1. Accessory living quarters shall be located within an accessory building on the same premises with the primary residence.

2. The accessory living quarters shall not exceed 50% of the living area of the primary residence up to a maximum size of 1,200 square feet.

3. Occupancy of the accessory living quarters shall be limited to family members or temporary guests of the occupant of the primary residence.

4. The accessory living quarters shall not include a kitchen. A bar sink and an under-counter refrigerator are allowed, but no cooking devices are permitted.

5. The accessory living quarters shall not be rented separately from the primary residence.

6. A covenant, between the County and the property owner, specifying the limited use of this unit, shall be recorded with the County Recorder prior to the issuance of permits.

(Sections e. and f. added by Ord. T-075-351 adopted 9-16-03)

2. Apiaries

Apiaries and honey extraction plants may be operated in any district in which they are listed as permitted subject to the following conditions:

a. An adequate fresh water supply, of sufficient quantity and quality, must be made available or exist naturally to prevent the bees from creating a nuisance around any public road, street or highway, residence or other occupied building. If the County determines that a nuisance exists, then the beekeepers will be required to relocate the beehives in excess of

the minimum setbacks established by this ordinance.

b. When placed near public roads, bees being used for crop pollination may be placed, in groups not to exceed twenty (20) hives spaced not less than three hundred (300) feet apart, ten (10) feet from the public road right-of-way or twenty (20) feet from the edge of the pavement (which ever distance is furthest, in no case on the public road right-of-way) ten (10) days before, during and ten (10) days after the bloom period for almonds and plums during February and March. During crop pollination, no beehives may be placed less than seventy-five (75) feet from any public road intersection.

c. Beehives may not be placed less than one hundred (100) feet from any public road right-of-way, except as specified in "b.

d. Beehives may not be placed less than two hundred (200) feet from any residence or other occupied building other than that of the property owner or occupant of said property except by written permission of such persons affected.

e. Honey extraction plants may be permitted, provided that they be placed not less than one hundred (100) feet from any public road, street or highway, residence or other occupied building other than that of the property owner or occupant of said property except by written permission of such persons affected.

(Subsection 2 added by Ord. T-254 adopted 4-27-81; amended by Ord. T-273 adopted 5-17-83)

3. Bed and Breakfast Operations (Start-Up)

Start-up bed and breakfast operations may be operated in any district in which a single-family residence is listed as permitted subject to the following standards:

a. The bed and breakfast facility shall be operated by the owner/occupant of the property on which it is located.

b. Guest occupancy of bed and breakfast facilities shall not exceed 30 consecutive days for each guest.

c. The bed and breakfast activity may be conducted within a dwelling or an accessory building involving a maximum of five (5) bedrooms accommodating no more than 10 guest.

d. One (1) outdoor freestanding sign shall be permitted as defined in the underlying zoning district. The total freestanding sign area may not exceed forty (40) square feet and the minimum sign area need not be less than six (6) square feet.

e. The bed and breakfast facility shall be limited in employment to residents of the property and a maximum of two (2) non-resident employees for said use.

f. In addition to the parking requirements of the underlying zoning district, one parking space shall be required per each guest bedroom and employee. Said parking shall be located off-street and outside the front yard and street sideyards of the subject parcel, or within a permitted off-street parking facility.

g. Special and promotional events associated with the bed and breakfast use shall be prohibited.

h. Prior to establishment of any Bed and Breakfast operation, a site plan review application shall have been submitted to and approved by the Director of the Department of Public Works and Planning pursuant to the provisions of Section 874.

i. The applicant shall apply for and obtain a permit to operate a food facility from the Fresno County Department of Community Health, Environmental Health System, and shall comply with all Health Department requirements. A permit, once issued, is nontransferable.

(Added by Ord. T-075-349 adopted 3-25-03)

4. Cocktail Lounges

Cocktail lounges which are carried on as a clearly secondary operation in conjunction with a bona fide restaurant operation may be permitted in any district in which they are listed as permitted subject to the following conditions:

a. The cocktail lounge shall be designed as an integrated part of the restaurant within which it is located.

b. The cocktail lounge shall be entered only from within the restaurant. There shall be no outside entrance to the cocktail lounge except for emergency use only.

c. The cocktail lounge shall be operated only during the hours that the restaurant is open for business.

d. The area of any cocktail lounge shall not constitute more than twenty-five (25) percent of the total floor area of the dining room and cocktail lounge.

e. The cocktail lounge may not utilize outdoor advertising except in conjunction with the restaurant.

(Added by Ord. T-254 adopted 4-27-81; amended by Ord. T-075-349 adopted 3-25-03)

5. Dairy Drive-In

Adequate ingress and egress and waiting areas shall be provided on the subject lot. All activities other than actual delivery of the merchandise to the consumer, shall be conducted within an entirely enclosed building.

6. Day Nursery

Day nurseries may be operated in any district in which they are listed as permitted. Day nurseries shall be identified as one of the categories indicated below.

a. A Day Nursery - Small shall regularly provide care, protection, and supervision for up to the maximum number of children permitted in accordance with the requirements established by the State of California for a small family day care home in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are away. A Day Nursery – Small shall be considered accessory to a permitted and established single family residential use in agricultural and residential zoning districts.

(Amended by Ord. T-071-340 adopted 5-21-02)

b. A Day Nursery - Large shall regularly provide care, protection, and supervision for up to the maximum number of children permitted in accordance with the requirements established by the State of California for a large family day care home in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are away. Operation of a Day Nursery - Large shall be permitted only as specifically provided for by District regulations subject to the provisions of Section 872-I.

(Amended by Ord. T-071-340 adopted 5-21-02)

c. A Day Nursery - Institutional shall regularly provide care, protection, and supervision of children when operated in conjunction with and on the same site as a public or private school, church, or other institutional use which is permitted and established in the District. Operation of a Day Nursery - Institutional shall be subject to approval of a special use permit.

(Amended by Ord. T-071-340 adopted 5-21-02)

d. A Day Nursery - Commercial shall regularly provide care, protection, and supervision of children in specified districts. Access shall be only from a collector or arterial street, or a local street if the street is developed primarily with businesses. Play areas shall be separated from contiguous residential yards by a six (6) foot high solid masonry wall.

(Added by Ord. 490.188 adopted 10-29-79, Amended by Ord. T-071-340 adopted 5-21-02)

7. Distillery - Small shall mean an establishment used for the commercial purpose of distilling wine to produce high proof or similar distilled spirits. Said distillery may not exceed two (2) 'alambic' pot stills or process more than 1,000 gallons of wine per day for the purpose of producing distilled spirits. Related activities include, but are not limited to, blending, aging, storage, bottling, administrative functions, warehousing operations, wholesale sales, retail sales, tasting facilities and related promotional events.

(Added by Ord. T-075-349 adopted 3-25-03)

8. Drive-In Movie

Adequate waiting area, parking, and ingress and egress to such parking shall be provided on the subject lot.

9. Drive-In Restaurant

The provisions of Drive-In Movie above, shall apply.

10. Driveway

A driveway must be all-weather or paved, having not less than ten (10) feet in width and not encumbered by any properties to a height under eight (8) feet above the ground; provided that in the Single Family Residential Districts, a driveway may be not less than eight (8) feet in width. Such driveway shall be built in accordance with standards on file in the Public Works Department.

11. Easement

No building or structure shall be constructed which may be in conflict with an easement.

12. Energy Conservation Standards

Lot design shall provide, to the extent feasible, for passive or natural heating or cooling opportunities and for other measures that conserve nonrenewable energy resources. Design measures to accomplish these objectives may include, but are not limited to, the arranging of streets, lots, buildings, and landscaping to (1) provide solar access for active solar water and space heating systems and passive space heating, (2) minimize solar heat gain in the summer, and (3) take advantage of prevailing breezes.

In providing for future passive or natural heating or cooling opportunities, consideration shall be given to local climate, to contour, to configuration of the original parcel, and to other design and improvement requirements. Such provision shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable zoning.

Yard setbacks and lot dimension standards may be modified for energy conservation purposes subject to the following provisions:

A. Front, side, and rear yards may be reduced in order to enhance building orientation for energy conservation purposes, provided that the granting of the reduction will not be materially detrimental to the public welfare or injurious to property and improvements in the area in which the property is located and will not be contrary to the objectives of this ordinance, and that the reduction meets the following conditions:

    1. The reduction shall be necessary for the purpose of achieving or significantly improving solar access or otherwise reducing the use of nonrenewable energy resources.

    2. The reduction shall not reduce the required building setback to less than three (3) feet in a side yard, fifteen (15) feet in a front yard, or five (5) feet in a rear yard.

    3. In order to maintain adequate access to rear yards, one side yard shall maintain a minimum setback of five (5) feet.

    4. The reduction shall conform to the applicable corner cutoff provisions and lot coverage requirements of the zone district.

    5. The reduction shall conform to the garage and carport distance requirement of the zone district. When the zone specific standards are modified by the provisions of this section the standards established herein shall apply.

B. The following property development standards shall apply in conjunction with the Fresno County Improvement Standards as listed below:

    1. A-l (Case A-lE-40)

        a. A minimum of two (2) off-street parking spaces shall be required in addition to district requirements per single-family dwelling unit. In other than single-family areas, multiply zone district parking requirements by 1.8.

b. Garage or carport setbacks shall maintain a minimum of twenty-seven (27) feet on the parking side and twenty-eight (28) feet on the no parking side from the door or opening to the face of curb of abutting street frontage when door or opening faces a public street. The door or opening shall not be less than twenty (20) feet from the nearest edge of any public sidewalk.

2. A-18

Additional off-street parking of 20% above zone district parking standard may be required.

3. A-18 (Case A-18a)

a. Garage door or carport opening shall be not less than twenty (20) feet from the property line when the door or opening faces the private road.

b. A minimum of three (3) off-street parking spaces shall be required in addition to district requirements for each unit taking direct access, all or any portion of which may be located in a common parking area.

C. In cases where a reduced level of on-street parking spaces would result in an insufficient number of off-street parking spaces to adequately accommodate resident and guest parking, additional off-street parking spaces may be required as a condition of Conditional Use Permit approval.

D. When private roads are authorized provisions for the perpetual maintenance of the private road improvements through means acceptable to the County shall be provided.

E. A statement shall be furnished indicating how the use of these provisions provide, to the extent feasible, for passive and natural heating or cooling opportunities and other measures that conserve nonrenewable energy resources in accordance with the intent of this section.

(Added by Ord. T-266 adopted 9-6-83)

13. Greenhouse

A greenhouse shall be classified as a building in determining the lot coverage. The property development standards of the district shall apply if such structure exceeds the permitted fence height for the district or if such structure exceeds one hundred (100) square feet in area.

14. Home Occupations

The following uses and professions may be classified as home occupations provided they are not of an industrial nature, and when consistent with Class I or Class II regulations.

(1) Artistic activities, such as artists' or sculptors' studios, ceramic workshops, photographic studios, and other similar uses.

(2) Professional occupations, such as doctors' or physical therapists' offices, counseling, writing, teaching, designing, inventing (including construction of prototypes), and

other similar uses.

(3) General office uses, such as realtors, bookkeepers and accountants, contractors' offices, drafting services, telephone answering services, mail order distributorships, and other similar uses.

(4) Home crafts, such as model making, rug weaving, lapidary work, jewelry making, leather tooling, metal crafts, wood working, flower arranging, dressmakers, seamstresses, tailors, and other similar uses.

(5) Personal services, such as home beauty shops, barbers, color consultants, manicurists, and other similar uses.

(6) Bed and breakfast operations which exceed the limitations listed in 855-N.3.

(Amended by Ord. T-075-349 adopted 3-25-03)

(7) Bakery and confectionery product operations, and other similar uses, for home delivery and distribution using delivery vehicles rated no greater than one (1) ton.

a. HOME OCCUPATION, CLASS I

Home occupations in compliance with the following regulations shall be permitted as accessory uses and no special use permit shall be required in order to establish and maintain such uses:

(1) The home occupation shall be clearly incidental and secondary to the use of the site for residential purposes and shall be harmonious with the appearance and character of the surrounding area.

(2) The activity may be conducted within a dwelling or attached garage provided that no more than 50 percent of the combined floor area may be used in the conduct of the home occupation, including related interior or exterior storage and display areas.

(3) The home occupation shall not cause the elimination of required off-street parking.

(4) There shall be no feature of the dwelling, garage or property, or any other visible evidence, including the display or storage of products, equipment, vehicles, or supplies, which would indicate the conduct of the home occupation from off the property, except display signs as specified below.

(5) There shall be no sales of products or services on the premises.

(6) No advertising display signs shall be permitted, except as specified in Section 822.5-k.l.

(7) No one other than residents of the dwelling shall be employed in the conduct of the home occupation.

(8) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall not create a detrimental

effect on the neighborhood and should be met off-street and outside the front yard and the street sideyards.

(9) Deliveries from commercial suppliers may not be made more than once each week and the deliveries shall not restrict traffic circulation.

(10) There shall be no use of equipment which requires an increase in public utility service or community facilities beyond that normal to the use of the property for residential purposes.

(11) No equipment or process shall be used which creates noise, vibration, electrical interference, glare, fumes or odors detectable to the normal senses off the property, or which pose a threat to health or safety.

b. HOME OCCUPATION, CLASS II

Home occupations in compliance with the following regulations shall be permitted as accessory uses when approved pursuant to the procedures set forth in Section 872 (DRA.):

(1) The home occupation shall be clearly incidental and secondary to the use of the site for residential purposes and shall be harmonious with the appearance and character of the surrounding area.

(2) The activity may be conducted within a dwelling, attached garage, or an accessory building. The area used in the conduct of the home occupation, including related interior or exterior storage and display areas, shall be specified as a condition of the permit.

(3) There shall be no feature of the dwelling, garage, accessory building or property, or any other visible evidence, including the display or storage of products, equipment, vehicles, or supplies, which would indicate the conduct of the home occupation from off the property except signs as specified below.

(4) The sale of products not produced on the premises shall be incidental to the sale of products produced or services rendered on the premises.

(5) A name plate sign as specified in Section 822.5.-K-1. shall be permitted and one (1) on-site outdoor advertising display sign limited to six (6) square feet of sign area may be permitted on parcels of five (5) acres or larger.

(6) The home occupation shall be limited in employment to residents of the property with one (1) non-resident employee permitted for uses on parcels of less than five (5) acres or two (2) non-resident employees permitted for uses on parcels of five (5) acres or larger.

(7) Not more than ten (10) customers or clients shall come to the premises for service or products during any one day, nor shall the use create substantial additional traffic. Any need for parking generated by the conduct of the home occupation shall not create a detrimental effect on the neighborhood and should be met off-street and outside the front yard and street sideyards.

(8) No equipment or process shall be used which creates excessive noise, vibration,

electrical interference, glare, fumes or odors detrimental to the health, safety, peace, comfort and welfare of persons residing in the neighborhood.

(Home beauty service deleted and home occupations added by Ordinance T-288 adopted 2-25-86; amended by Ordinance T-296 adopted 3-24-87)

15. Lot, Through

For "through lots" the Director shall determine which frontage or frontages shall be considered as the "lot front" or "lot frontages" for purposes of compliance with yard and setback provisions of this Division.

16. Lot Line, Front

a. On an interior lot, the front lot line is the property line abutting the street.

b. On a corner or reversed corner lot, the front lot line is the shorter property line abutting a street.

c. On a through lot, or a lot with three (3) or more sides abutting a street, or a corner or reversed corner lot with lot lines of equal length, the Director shall determine which property line or lines shall be the front lot line for purposes of compliance with yard and setback provisions of this Division.

17. Lot Line, Rear

In the case of an irregular, triangular or goreshaped lot, the rear lot line shall be a line within the lot, parallell to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet. A lot line which is bounded on all sides by streets may have no rear lot line.

18. Lot Line, Side

On a lot with three (3) or more sides abutting a street, all lot lines abutting such street or streets, other than the front lot line or lines, may be side lot lines.

19. Meat Packing and Processing

Meat packing and processing where permitted in this Ordinance shall comply with the following standards of design and practice unless it is expressly provided otherwise.

a. There shall be no killing, bleeding, skinning or eviscerating of animals or animal carcasses.

b. Lard rendering facilities shall be within completely enclosed cookers.

c. Smoke curing shall be done within self-contained units with a recirculating system between generator and smokehouse.

(Added by Ord. 490.21 adopted 9-14-65)

20. Mobilehome Park Services

1. Mobilehome park services shall conform to the following standards and limitations.

Services provided shall be:

a. Needed by the park residents and not otherwise available within one-quarter mile of the park access which is nearest the existing service at the time of the filing of the application.

b. Centrally located within the park and easily accessible to all residents.

c. Limited to sale of convenience foods and sundries, barber and beauty services, and self-service laundries.

d. Not advertised in any manner except as provided for in Section 830.5-K.

e. Located only in permanent structures.

2. Mobilehome park services may be permitted only in parks with fifteen (15) acres or more of developed area.

3. Noticing procedures to be followed are set forth in Section 872-C.

(Added by Ord. 490.188 adopted 10-29-79)

21. Parks

Parks may be developed with varying intensities depending upon location and intended use. In no case shall uses separately identified in this Division (e.g., golf courses, natatoriums, racetracks) be considered inherently included in a park. Such uses may be developed in conjunction with a park when they are otherwise permitted by, and subject to the provisions of the district in which located. Activities conducted primarily or largely for the benefit of spectators and activities appropriate to an amusement park shall be prohibited. Furthermore, parks in this context, shall not include other uses identified as parks such as trailer parks, travel trailer parks, recreational vehicle parks, swim parks or amusement parks; however, camping areas within parks may include sites for recreational vehicles when such areas are incidental to the park use. Parks shall be identified by the following types (higher intensity parks shall include uses permitted in lower intensity parks):

a. Low Intensity Parks shall have no permanent facilities, except restrooms, and uses shall be limited to those in which users bring in and carry out all equipment, e.g., fishing and picnicking needs. Low intensity parks are intended to remain in a semi-natural state.

b. Moderate Intensity Parks may be allowed to develop with picnic facilities, paved trails and drives, playground equipment, game playing areas and park administration and service buildings and yards.

c. High Intensity Parks may be allowed to develop with night lighting, craft rooms, general stores for use only by park users, marinas, and bath houses provided such uses are for participatory fun and recreation.

(Added by Ord. 490.175 re-adopted 5-29-79)

22. Planned Developments

A. Planned Developments are intended to promote efficient use of the land through increased design flexibility and quality site planning. The Planned Development concept allows departure from standard property development regulations when development is planned as a unified, integrated whole and incorporates outstanding design features and amenities . Planned Developments can provide for maximum effective density and improved aesthetics through increased flexibility in building siting, creative use of permanent open space, and the preservation of significant natural features.

B. Whenever property is proposed to be developed as a Planned Development, the following general principles shall apply unless modified by specific criteria in 855-N-20.C:

1. Planned developments may include any combination of detached or attached units.

2. District property development standards, except as related to population density, may be modified or waived where it is determined that such modification or waiver will produce a more functional, enduring and desirable environment, and no adverse impact to adjacent properties will result therefrom. This provision, however shall not apply to Rural Residential Planned Developments.

3. Population density shall be calculated on gross acreage, less public streets.

4. Community sewer and water shall be required for development in accordance with the Fresno County Ordinance Code.

5. The design of a planned development shall insure compatibility and harmony with existing and planned uses on adjacent properties. Design elements to be considered include, but are not limited to, architecture, distance between buildings, building setbacks, building height, off-street parking, open space, privacy, screening and landscaping.

6. Off-street parking facilities shall provide parking sufficient for occupants of the development and their guests or patrons, and shall be integrated into the development to minimize exposure and impact on neighboring development.

7. The developer shall provide for perpetual maintenance of all common land and facilities under common ownership through means acceptable to the County.

8. Conservation of natural site features, such as topography, vegetation, and water courses shall be considered in project design.

9. Energy conservation, and utilization of renewable energy sources should be given prominent consideration.

10. Streets serving the development must be adequate to accommodate the traffic generated by the proposed project.

C. Whenever property is proposed to be developed utilizing one of the specific Planned Development options, the following criteria shall apply:

1. PLANNED RESIDENTIAL DEVELOPMENTS

a. Planned residential developments shall provide common open space free of

buildings, streets, driveways or parking areas. The common open space shall be designed and located to be easily accessible to all the occupants of the development and usable for open space and recreational uses.

b. Planned residential developments greater than twenty (20) acres in area may include:

(1) Commercial, educational, religious and professional uses which are designed for exclusive use by the residents of the development. Such elements must be compatibly and harmoniously incorporated into the development and shall not be exposed to public view in a manner which attracts residents living outside the planned residential development. This provision shall not apply to planned developments in the rural residential district.

(2) Mobilehome development, when located and designed to be compatibly and harmoniously incorporated into the development.

c. Mobilehome planned residential developments may be permitted when developed in accordance with the following:

(1) The minimum development size shall be five (5) acres; however, a smaller size may be permitted when developed as a portion of a larger development in accordance with Subsection 1.b. above.

(2) Density of development shall be consistent with the Fresno County General Plan; however, in no instance may the density exceed 2,400 square feet per unit.

(3) Development shall be restricted to single-family mobilehomes.

(4) Setbacks of the trailer park residential district shall apply as prescribed in Section 830.5-E and F.

(5) The Planning Commission or the Board of Supervisors may require that mobilehomes be recessed where a determination is made that such condition is needed to insure compatibility and harmony with existing and planned uses on adjacent properties. Where such finding is made, the following shall apply:

(a) All mobilehomes shall be recessed below level grade to the extent that the floor elevation is no greater than eighteen (18) inches nor less that six (6) inches above grade. Said requirement may be modified if it is determined by the Director that a greater or lesser elevation is needed to protect the health, safety, and welfare of the occupants.

(b) The area between the floor elevation and the ground shall be skirted or otherwise enclosed and properly sealed to preclude water from entering under the mobilehome.

(c) Whenever the soil is excavated below a mobilehome, a retaining

wall shall be installed extending six (6) inches above grade.

(6) No access drive shall be less than twenty-five (25) feet in width; or thirty-two (32) feet in width if car parking is permitted on one side of the access drive; and not less than forty (40) feet in width if car parking is permitted both sides of an access drive.

d. Rural Residential planned developments may be permitted under one of the following designs:

(1) Rural residential planned developments with a minimum lot size of two (2) net acres may be permitted when developed in accordance with the following:

(a) Development shall be restricted to single family dwelling types, including single mobilehome occupancy.

(b) Each lot shall provide a building site adequate in size to accommodate a domestic well and septic system. The size and configuration of the building site shall be approved by the Fresno County Health Department based on the geological and hydrological conditions of the site. The minimum size of such building site shall be 36,000 square feet.

(c) Individual wells and septic systems shall be required for development in accordance with the Fresno County Ordinance code.

(d) The ratio of lot depth to lot width shall not exceed four to one.

(e) Common use areas may be provided on lots within the planned development. Such common areas shall not include road and canal rights-of-way, reservations, permanent water bodies, or areas developed with buildings, streets, tennis courts, parking lots or other similar uses that are not of an open character, except on those portions of lots in excess of a minimum lot size of two (2) net acres. The developer shall provide for the perpetual maintenance of all common areas and facilities in a manner acceptable to the County of Fresno.

(Amended by Ord. T-255 adopted 8-2-82 and 20-C.1.d.1. amended by Ord. T-268 adopted 12-21-82)

(2) Rural residential planned developments with a minimum lot size of 36,000 square feet and lot widths less than 165 feet may be permitted when developed in accordance with the following:

(a) The planned development shall contain a minimum of 100 acres and incorporate permanent water bodies served by a surface water source.

(b) The overall project density shall not exceed one (1) single family dwelling per two (2) acres. The area of the permanent water body

and common use areas of an open character may be utilized in density calculations. The permanent water body shall constitute a minimum of twenty-five (25) percent of the common open space area of the project.

(c) The minimum lot size shall be 36,000 square feet exclusive of common areas. Each lot shall provide a building site adequate in size to accommodate a domestic well and an individual septic system when a community sewer system is not utilized. The size and configuration of the building site shall be approved by the Fresno County Health Department based on the geological and hydrological conditions of the site.

(d) Individual wells shall be required. Individual septic systems or a community sewer system may be utilized in accordance with the Fresno County Ordinance Code.

(e) The ratio of lot depth to lot width shall not exceed four to one.

(f) Common use areas may be provided on lots or in outlots within the planned development. Those portions of the common use area which are occupied by road and canal rights-of-way, reservations, or areas developed with buildings, streets, tennis courts, parking lots or other similar uses that are not of an open character, shall not be included in determining the maximum permitted density.

(g) Outlots shall be held in equal shares of undivided interest among all lot owners in the subdivision.

(h) The developer shall provide for the perpetual maintenance of all common areas and facilities in a manner acceptable to the County of Fresno. Permanent water bodies shall be considered as common area. The lake or pond shall be permanently filled with water except for periods when surface water is not available, or maintenance requires temporary drainage.

(Added by Ord. T-268 adopted 12-21-82; amended by Ord. T-270 adopted 2-22-83)

e. Foothill Rural Residential planned developments utilizing wells or septic systems may be permitted subject to the following:

(1) The provisions of 855-N.-20.B.-3 and Section 855-N.-20.B.-5 through 9 shall apply.

(2) Minimum lot area shall be two acres. The buildable portion of the lot shall be a minimum of 36,000 square feet of contiguous area.

(3) Dwellings shall be limited to single family dwellings.

(4) The depth to width ratio shall not exceed four to one, for the minimum lot area of two acres.

(5) The size and configuration of the lot area for other than common open space purposes shall be based on geological and hydrological studies.

(Added by Ord. T-265 adopted 6-21-83)

2. PLANNED OFFICE DEVELOPMENTS

a. Planned Office Developments may include the following office uses:

(1) Administrative
(2) Business
(3) General
(4) Medical or Dental
(5) Professional, other than Veterinarian

There shall be no residential uses, retail sales, storage of stock in trade or storage of equipment not used exclusively in said offices.

b. The applicable district standards relating to building height, off-street parking and outdoor advertising shall apply with the following modifications:

(1) Required parking stalls and improvements necessary for ingress and egress from the street may be located within the common open area provided that twenty (20) percent of the net area of the parcel is maintained as landscaped areas.

(2) One (1) free standing sign per planned development project shall be permitted, subject to district size requirements. The sign may be placed at any location on the original parcel and may contain the names of any office uses established on parcels created therefrom.

c. Layout of parking areas, service areas, entrances, exits, yards, courts an d landscaping, and control of signs, lighting, noise or other potentially adverse influences shall be such as to protect the residential character in an adjoining residential parcel.

(Added by Ord. T-255 adopted 8-2-82)

3. PLANNED COMMERCIAL DEVELOPMENTS

a. Uses within a Planned Commercial Development shall be limited to those uses permitted in the underlying zone district and shall be developed under a single theme with functional relationships to each other based on the needs of the surrounding community.

b. Factual evidence shall be submitted showing how the use of alternative development standards will result in greater public benefit than would result from the use of the standards established in the underlying zone district.

c. A commercial development plan shall be prepared and shall contain the following information:

(1) Area, dimensions and planned land use for each building site.

(2) External and internal circulation and parking plan.

(3) Location and acreage of landscaping, natural open space, and recreation areas.

(Added by Ord. T-284 adopted 5-26-87)

(4) Grading plan.

(5) Location of existing structures and development on adjacent parcels, to a minimum of 200 feet from the Plan boundary.

(6) Location of any existing or proposed bicycle, pedestrian, or equestrian trails.

7) Location and treatment of significant cultural/scientific resources.

8). Location of any significant vegetation and an indication of the resources to be altered and the resources to be preserved.

9) Location and treatment of scenic roadways.

10) A list of all pertinent programs, policies, and guidelines contained in the General Plan together with a description of how they are to be implemented by the Development Plan.

11) Location and acreage of any proposed high-rise (more than two (2) stories, or higher than 35 feet) building sites.

12) Water and energy conservation measures.

4. PLANNED INDUSTRIAL DEVELOPMENTS

a. Uses within a Planned Industrial Development shall be limited to those uses permitted in the underlying zone district and shall be developed under a single theme with functional relationships to each other based on the needs of the surrounding community.

b. Factual evidence shall be submitted showing how the use of alternative development standards will result in greater public benefit than would result from the use of the standards established in the underlying zone district.

c. An industrial development plan shall be prepared and shall contain the following information:

(1) Area, dimensions and planned land use for each building site.

(2) External and internal circulation and parking plan.

(3) Location and acreage of landscaping, natural open space, and recreation areas.

(4) Grading plan.

(5) Location of existing structures and development on adjacent parcels, to a minimum of 200 feet from the Plan boundary.

(6) Location of any existing or proposed bicycle, pedestrian, or equestrian trails.

(7) Location of any significant vegetation and an indication of the resources to be altered and the resources to be preserved.

(8) Location and treatment of scenic roadways.

(9) A list of all pertinent programs, policies, and guidelines contained in the General Plan together with a description of how they are to be implemented by the Development Plan.

(10) Water and energy conservation measures.

(Amended by Ord. T-069-342 adopted 4-23-02)

5. PLANNED URBAN VILLAGE DEVELOPMENTS

This type of Planned Development is intended to facilitate the development of a mixed use, master planned community. Approval and development of a "Planned Urban Village" project shall be in compliance with an approved specific plan or development plan approved in conjunction with a development agreement.

(Subsection 20-C.4. added by Ord. T-064-335, adopted 12-19-00; amended by Ord. T-069-342 adopted 4-23-02; amended by Ord. T-075-349 adopted 3-25-03)

23. Reduced property development standards for affordable housing

The property development standards of the R-l District may be reduced to accommodate smaller homes in conventional subdivisions in order to provide for more affordable housing opportunities.

This alternative is intended to lower the per unit costs for land, street improvements and utilities in areas where such development will not adversely affect surrounding development.

The following standards shall apply:

a. These provisions shall apply only to developments of five or more lots which include the construction of affordable houses. No subdivisions for the sale of undeveloped lots shall be permitted.

b. Each lot shall have a minimum area of forty-five hundred (4,500) square feet.

c. Building height provisions of the R-1 District, Section 826.5-D, shall apply.

d. A minimum of 30% of the lot area shall be available as a usable yard.

e. Two off-street parking spaces shall be provided in addition to one required covered space.

f. Garage openings facing the access street shall be set back a minimum of 20 feet. A minimum setback of 18 feet may be permitted where roll-up garage doors are provided and where permitted by the General Plan.

(Amended by Ord. T-050-319 adopted 9-21-93)

g. Lot dimensions and yard provisions of the R-1 District shall not be reduced below 25% of the minimum standards of the District.

h. All other provisions of the R-1 District shall apply.

i. Planned residential developments may be developed in the R-1 District at a density of one dwelling unit per 4,500 square feet. The provisions of 855-N-20 shall apply, except for the special requirements of 855-N-20.B.2.

(Added by Ord. T-032-289 adopted 12-1-87)

24. Rest Home

There shall be only limited medical care not involving a physician residing on the premises of any rest home. There shall be no surgery or other similar activities such as are customarily provided in hospitals.

Population Density - The population density standards of the district in which such facility is proposed shall apply. For this purpose the resident family and six (6) persons residing in such facility shall be counted as one (1) family in determining the required lot area. One additional person may be permitted for each one-fourth (1/4) increment of lot area exceeding the minimum lot size. Exceptions: In any “A” Agricultural, or “RR" Rural Residential district, the population density shall be one (1) resident family and six (6) persons per 36,000 square feet. One additional person shall be allowed for each 9,000 square feet in lot area above 36,000 square feet.

The maximum number of persons calculated above shall apply regardless of the number of the licensee's family, or persons employed as facility staff shall not be included in determining the number of residents.

(Amended by Ord. T-244 adopted 4-19-83)

25. Second Dwelling Units

Second dwelling units may be permitted subject to Director Review and Approval in the "AE", "AL", "A-2, " "RR", "R-A", "R-1-A", "R-1-AH", "R-1-E", "R-1-EH", "R-1-B", "R-1-C", "R-1 ", "R-S", and "A-1 " Districts subject to the provisions of Section 872 and the following:

a. General Provisions

(1) A covenant running with the land between the County and the applicant shall be

recorded with the County Recorder prior to the issuance of any building permits requiring that one of the dwelling units shall be occupied by an owner of record.

(2) A dwelling unit shall exist on the site before a second dwelling unit may be authorized, unless detailed design data demonstrates that no adverse impacts to surrounding development will result from the waiver of this provision. The primary dwelling need not be the original structure on the site.

(3) All property development standards of the zone district in which the property is located shall apply, except for the following additional off street parking requirements: One (1) parking space in a garage or carport shall be provided for the exclusive use of each dwelling unit; and One (1) additional parking space, either covered or uncovered, shall be provided for the exclusive use of each dwelling unit. If uncovered, this parking space may be located in required yard areas, provided that the required findings can be made.

(4) A mobilehome as a second dwelling unit may be permitted only in districts where permitted as a primary dwelling unit. The provisions of Section 856 shall apply.

(5) Adequate water and sewer facilities shall be provided as required by the Health Officer.

(6) The second dwelling unit shall incorporate the following design features to insure compatibility with surrounding residential development:

(a) Roofing and siding materials that are visible from off-site shall be similar to or compatible with the primary dwelling unit and adjacent development.

(b) The applicant shall submit sufficient information to enable the Director to determine the impact to the neighborhood. Such information may include but is not limited to a plot plan indicating the location of existing trees and landscaping, on-site and adjacent topographic features, and the location and use of on-site and adjacent buildings. Conditions of approval to minimize identified impacts may be required.

b. On parcels of land less than 12,500 square feet in area in the RA, R-1-A, R-1-AH, R-1-E, R-1-EH, R-1-B, R-1-C, and R-1 Districts, an attached second dwelling unit may be permitted up to 900 square feet in size.

c. The following provisions shall apply to parcels of land less than 12,500 square feet in area in the RA, R-1-A, R-1-AH, R-1-E, R-1-EH, R-1-B, R-1-C, and R-1 Districts.

(1) A minimum of 6,000 square feet of lot area is required.

(2) The second dwelling unit shall not exceed 1,500 square feet in size.

(3) The second dwelling unit shall not exceed 900 square feet in size.

d. The following provisions shall apply to parcels of land that are two (2) acres in area larger, and within the following Districts: AE, AL, A2, RR, A-1, R-S, RA, R-1-A, R-1-AH, R-1-E, R-1-EH, R-1-B, R-1-C, and R-1 Districts.

(1) The second dwelling unit may be either attached to or detached from the primary dwelling unit.

(2) The second dwelling unit shall not exceed 2,000 square feet in size.

(Subsection 22 added by Ord. T-269 adopted 5-24-83; amended by Ord. T-280 adopted 12-18-84; Subsection 25.b and c(2), amended by Ord. T-075-351 adopted 9-16-03; Subsection 25.d added by Ord. T-075-351 adopted 9-16-03)

26. Small Animal Veterinary Hospital or Clinic

A completely enclosed building designed, arranged and intended to be used for the medical treatment and care incidental thereto of small animals such as dogs, cats and other similar household pets. These shall not include the medical treatment or care of bovine animals, horses, sheep, goats or swine. The building shall be designed and constructed so that sound emitted through exterior walls or roofs enclosing areas in which animals are kenneled or treated shall not exceed sixty five (65) decibels. There shall be no incineration permitted.

(Deletion: Sec. 855-N-Slaughtering by Ord. 490.137 adopted 9-6-77, previously added by Ord. 490.103 adopted 2-18-75)

27. Specific Plan Lines

a. Specific Plan Lines are adopted under the provisions of Chapter 19.08 of the Fresno County Ordinance Code.

b. Specific Plan Lines announce the location of future street rights-of-way. Prior to issuance of any permit, proponents shall be advised that buildings and structures should be located outside of the Specific Plan Line area. Failure to provide such information shall not affect the validity of the permit.

(Added by Ord. 490.174 re-adopted 5-8-79)

28. Stand, Temporary

a. A temporary stand shall be used or shall be intended to be used only for the display and sale of seasonal agricultural or farming products.

b. Agricultural produce stands in commercial districts shall be subject to the following requirements and limitations:

(1) They shall be temporary and shall not exceed four hundred (400) square feet of display and storage area.

(2) Access adequate to assure safe ingress and egress at the site during the period of temporary use shall be provided as determined by the Director of Public Works.

(3) A minimum of two (2) on-site parking spaces shall be provided, such parking and circulation area to be treated in a manner to prevent raising dust or tracking debris onto the public right-of-way.

(4) Location shall be permitted only on unimproved lots, on unimproved sites within

partially developed centers, however, required parking may be located on developed parking area which is excess to the parking required for the developed portion of the centers; and on vacant, but fully improved service station sites.

(5) An occupancy permit, as provided for in Section 863-B shall be obtained.

(Added by Ord. 490.166 re-adopted 2-20-79)

29. Structure, Temporary

A temporary structure shall be subject to all applicable property development standards for the district in which it is located.

30. Subsidence Areas

a. A preliminary soil report as specified in Section 17.32.030-A of the County Ordinance Code shall be submitted to the Director of Resources and Development, in lieu of the Director of Public Works. The report shall place special emphasis on conditions conducive to subsidence and shall be prepared prior to the granting of building permits on all proposed structures intended for human occupancy or additions to such existing structures on property within the area designated on the adopted County map entitled “Potential Shallow Subsidence Areas”.

b. When the preliminary soil report required by Section 17.32.030-A indicates that soils susceptible to shallow subsidence exist in the project site and the nature of the soil poses an existing or potential threat to the structural integrity of any structure intended for human occupancy constructed on the site, a soil investigation as specified in Section 17.32.030-B of the County Ordinance Code shall be prepared by a civil engineer registered by the State of California and submitted to the Director of Resources and Development.

(Added by Ord. T-008-263 adopted 4-19-82)

31. Swimming lessons

The teaching of swimming lessons may be allowed in any district in which they are listed as permitted. Swimming lessons shall be identified as one of the categories indicated below.

a. Swimming lessons - Small Group shall provide for the teaching of four (4) or less children per day or five (5) or more children per day for a period not to exceed two continuous weeks in any year, subject to the maintenance of records for a period of not less than one year indicating the names of each person and the dates on which lessons were given and making these records available upon demand to authorized County personnel.

b. Swimming lessons - Large Group shall provide for the teaching of five (5) or more children per day, subject to the maintenance of records for a period of not less than one year indicating the names of each person and the dates on which lessons were given and making the records available upon demand to authorized County personnel.

(Added by Ord. T-254 adopted 4-27-81)

32. Value-Added Agricultural Uses

Value-added agricultural uses and facilities, provided that all of the following standards are met:

1. Wastewater:

    a. The facility discharges no industrial or process wastewater, or
    b. The facility has a will-serve commitment from a community sewer system, or
    c. The facility lawfully discharges wastewater into a treatment and disposal facility that has waste discharge requirements, or
    d. The facility discharges process wastewater, but obtains or possesses a waiver of report of waste discharge or of waste discharge requirements pursuant to CWC Section 13269, and

2. Location:

    a. The use is located outside the sphere of influence of a city, or
    b. If the use is located within a sphere of influence of a city, the city shall have provided a release to the County for the use, and

3. Air Pollution:

    a. An air pollution "Authority to Construct" permit is not required, or
    b. The facility possesses an air pollution "Authority to Construct" permit.

4. Traffic:

    a. The facility does not generate more than 100 total trips per day, or if, with acceptable ride sharing plan, trips will be reduced to no more than 100 trips per day.
    b. The facility is located within ¼ mile of a classified road as shown on the Transportation & Circulation Element of the General Plan.

5. On-site and off-site improvements:

    To review the proposed project for conformance with the aforementioned standards, and to determine necessary on-site and off-site improvements, a Site Plan Review shall have been submitted and approved by the Director pursuant to the provisions of section 874.

(Subsection 32 added by Ord. No. T-077-352, adopted 3-2-04)

33. Walk-in, Reach-in, Cold Storage Boxes

Walk-in, reach-in, cold storage boxes designed to hold refrigerated food for sale upon, and to occupants of apartment complexes may be permitted in any district in which they are listed subject to the following conditions:

a. Advertising signs shall be prohibited.

b. Cold storage boxes shall be completely screened from adjacent properties and public road rights-of-way.

c. Lighting shall not be directed toward or illuminate any apartment unit, adjacent properties, or public or private road rights-of-way.

d. The operation shall be limited to either the resident manager, property manager, or the property owner.

(Added by Ord. T254 adopted 4-27-81)

34. Winery - Small shall mean an establishment used for the commercial purpose of processing grapes or other fruit products to produce wine or similar spirits not to exceed 100,000 gallons per year. A minimum of twenty-five percent (25%) of the grapes or other fruit products fermented shall derive from the parcel or parcels of land farmed and owned or leased by the winery operator. Compliance with this standard shall be based on a production factor of 750 gallons per acre. Related activities may include, but are not limited to, crushing, fermenting, blending, aging, storage, bottling, disposal of wastewater and pumice, administrative office functions, warehousing operations, wholesale sales, retail sales, wine tasting facilities and related promotional events.

(Added by Ord. T-075-349 adopted 3-25-03)

35. Fault Hazard Areas

a. For the purposes of this section the following definitions shall apply:

(1) An “active fault” is a fault that has had surface displacement within Holocene time (about the last 11,000 years), hence constituting a potential hazard to structures that might be located across it.

(2) A "fault trace" is that line formed by the intersection of a fault and the earth's surface, and is the representation of a fault as depicted on a map, including maps of special studies zones.

(3) A "project" is:

(a) Any subdivision of land which is subject to the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the California Government Code, and which contemplates the eventual construction of structures for human occupancy.

(b) Any structure for human occupancy, with the exception of:

(1) Single-family wood frame dwellings to be built on parcels of land for which geologic reports have been approved.

(2) A single-family wood frame dwelling not exceeding two stories when such dwelling is not part of a development of four or more dwellings.

b. All permits or applications for a project which is located within an area delineated on an officially adopted map entitled "Special Studies Zone" shall be accompanied by a report prepared by a geologist registered in the State of California. The report shall be based on a geologic investigation designed to identify the location, recency, and nature of faulting that may have affected the project site in the past and may affect the site in the future. The report shall be evaluated by a registered geologist employed by or retained by Fresno County and the results of that evaluation forwarded to the Director of Public Works & Development Services Department.

c. No structure for human occupancy shall be permitted to be placed across the trace of an active fault.

d. No structure shall be permitted in an area within 50 feet of active faults. This area is presumed to be underlain by active branches unless proven otherwise by the required geologic investigation and report.

e. No change in use or character of occupancy, which results in the conversion of a building or structure from one not used for human occupancy to one that is so used, shall be permitted unless the building or structure complies with this section.

(Added by Ord. T-291 adopted 5-20-86)

36. Water Efficient Landscaping

Installations of new landscaping shall meet the requirements of Title 13, Chapter 12 of the Fresno County Ordinance Code.

(Added by Ord. T-048-317 adopted 12-1-92)

SECTION 856

REGULATIONS FOR SINGLE MOBILE HOME OCCUPANCY

The mobile home occupancy regulations established herein are intended to accommodate the occupancy of single mobile homes at a standard consistent with the protection of the health, safety, and welfare of the community. The following regulations shall apply to the occupancy of single mobile homes not located in an approved mobile home park or not used to house agricultural employees as specifically permitted by this Division.

A. REGULATIONS RELATED TO RESIDENTIAL OCCUPANCY

1. General

a. Occupancy shall be permitted in the "R-C", "A-1," "A-2," "AE," "AL," "C-M," "M-1," "M-2," "M-3," "R-E," "C-4," "C-6," "AC," "RCC," "R-R," "R-1," "R-1-A/R-1-AH", "RS" and "R-A Districts as follows:

(Amended by Ord. 490.77 adopted 8-18-72; Ord. 490.98 adopted 5-21-74; Ord. 490.104 adopted 4-22-75; Ord. 490.117 adopted 10-5-76; Ord. 490.120 adopted 11-9-76; Ord. 490.145 adopted 12-14-78; Ord. 490.163 adopted 11-14-78; Ord. 490.176 adopted 6-26-79); Ord. T-254 adopted 4-27-81; Ord. T-011-265 adopted 11-16-82; Ord. T-031-271 adopted 12-1-87).

(1) A-1 District

(a) On parcels containing less than one hundred thousand (100,000) square feet, occupancy shall be subject to review and approval as provided for in Section 872.

(b) On parcels containing one hundred thousand 100,000 square feet or more, occupancy shall be permitted by right.

(2) A-2, AE, and AL Districts

(3) R-A District

(a) Occupancy shall be permitted subject to review and approval as provided for in Section 872, on parcels containing not less than one hundred thousand (100,000) square feet. Occupancy shall be permitted for a maximum of five (5) years from the date such approval becomes final. A re-application shall be permitted subject to the provisions of Section 872.E.

(4) C-M, M-1, M-2, and M-3 Districts

(a) Occupancy shall be restricted to a caretaker's use in conjunction with a permitted use.

(Added by Ord. 490.120 adopted 11-9-76)

(5) R-E District

Occupancy shall be restricted to a caretaker's use in conjunction with permitted and developed recreation or commercial uses listed in Sections 848.2 and 848.3.

(Amended by Ord. 490.183 adopted 9-18-79)

(6) C-4 and RCC Districts

(a) Occupancy shall be restricted to a caretaker's use in conjunction with a permitted use.

(b) Occupancy shall be permitted subject to review and approval by the Director in accordance with Sections 836.2 and 840.2, and shall be limited to a maximum period of five (5) years from the date such approval becomes final. A reapplication shall be permitted subject to the provisions of Section 872, Subsection (e). For procedure, the provisions of Section 872 shall apply.

(c) Occupancy shall be limited to rural areas where the Director has determined that a caretaker's occupancy is essential for providing security.

(Added by Ord. 490.104 adopted 4-22-75)
(Amended by Ord. 490.193 adopted 1-7-80)

(7) C-6 District

(a) Occupancy shall be restricted to a caretaker's use in conjunction with a permitted use.

(b) Occupancy shall be permitted subject to review and approval as provided for in Section 872 and in accordance with Section 838.2.

(Added by Ord. 490.98 adopted 5-21-74)

(8) AC District

Occupancy shall be permitted subject to review and approval as provided for in Section 872 and in accordance with Section 839.2.

(9) R-R District

The property development standards of the District shall apply.

(Added by Ord. 490.128 adopted 1-11-77)

(10) R-1, R-1-A/R-1AH and R-A Districts within the Communities of Biola, Del Rey, Lanare, and Laton.

(a) Occupancy may be permitted subject to review and approval as provided for in Section 872.

(b) The mobile home shall be certified under the National Mobile Home Construction and Safety Act of 1974 (and any subsequent amendments thereto).

(c) The mobile home shall be placed on a permanent foundation which meets applicable building code requirements or Section 8551 of the Health and Safety Code, such that the floor elevation of the proposed unit is compatible with the floor elevations of the surrounding dwelling units.

(Added by Ord. T-031-271 adopted 12-1-87)

(11) RS District

Occupancy shall be permitted subject to review and approval as provided for in Section 872.

(Added by Ord. 490.176 adopted 6-29-79)

(12) R-C District

b. Temporary occupancy shall be permitted in the R-C, AE, AL, A-2, R-A, R-R, R-S, and A-1 Districts as follows:

(Added by Ord. 490.163 adopted 11-14-78; amended by Ord. 490.188 adopted 10-29-79; amended by Ord. 490.194 adopted 1-28-80 and Ord. T-011-265 adopted 11-16-82)

(1) All Districts

(a) Temporary mobile home occupancy as a second residence for exclusive use by family members related to the owner by adoption, blood, or marriage within the third degree of consanguinity where a determination is made by the Director that said family member(s) are either physically or financially dependent upon the property owner, or are providing physical or financial support to the property owner.

(Amended by Ord. T-252 adopted 12-9-80)

(b) Occupancy shall be permitted subject to review and approval as provided for in Section 872 and further subject to the special limitations in Subsection (2) below. Occupancy shall be permitted for a maximum of five (5) years from the date such approval becomes final. Reapplication shall be permitted subject to the provisions of Section 872-E.

(c) Mobile homes approved under this provision shall be provided with water supply and sewage disposal from the systems utilized by the primary residence.

(2) Special Limitations

In the AE district, mobile homes approved under this provision shall be

permitted as second residences on parcels of less than five (5) acres.

c. Except as noted, the property development standards of the district shall apply.

2. Mandatory Development Standards

Each mobile home shall be supplied water from a safe and potable water system, and shall be connected to an independent power source providing service for the mobile home only.

(Amended by Ord. T-252 adopted 12-9-80; Ord. T-031-271 adopted 12-1-87)

3. Mobile home Occupancy Permit

a. Permit required: The occupancy of a mobile home shall be subject to the issuance of a mobile home occupancy permit for a specified location.

(Amended by Ord. T-252 adopted 12-9-80; Ord T-031-271 adopted 12-1-87)

b. In order to determine compliance, the Development Services Division may require the submission of a plot plan. Failure to maintain occupancy as required herein shall automatically invalidate said permit and occupancy of the mobile home shall be terminated.

B. REGULATIONS FOR NON-RESIDENTIAL OCCUPANCY

1. Temporary Occupancy

a. The temporary occupancy of a mobile home shall be permitted in all districts in conjunction with public works projects carried out by or for a public agency.

b. The temporary occupancy of a mobile home shall be permitted in the commercial and industrial districts in conjunction with an on-site construction project.

c. The temporary occupancy of a mobile tract office for non-residential use shall be permitted in a tract being developed subject to the provisions of Section 874.

(Amended by Ord. 490.92 adopted 9-25-73)

2. Occupancy of a mobile home unit designed for office use (nonresidential) shall be permitted in all districts where offices are otherwise permitted, except the C-P and R-P Districts, subject to the provisions of Section 874, Site Plan Review.

SECTION 857

REGULATIONS FOR OIL DRILLING AND GAS DEVELOPMENT IN ALL DISTRICTS

The regulations established herein are intended to provide for safe, economic exploration and recovery of oil, gas and other hydrocarbon resources; insure the compatibility of oil and gas exploration, production, processing, transportation, and related facilities and activities with surrounding land uses; and insure the restoration of the land upon termination of such activities to its primary land use as designated by the General Plan.

The Oil and Gas Development Map (Section 306-09:5.00 of the Oil and Gas subsection of the Open Space Conservation Element of the General Plan), establishes three regulatory areas; non-urban, urban, and established oil and gas fields which are herein referenced for the three categories of oil and gas development uses; oil and gas exploration, drilling, and production; oil and gas field operations; and oil and gas auxiliary operations. Urban, non-urban, established oil and gas fields are defined in Section 306-09 of the General Plan (Oil and Gas subsection of Open Space Conservation Element).

A. USES PERMITTED

1. Oil and gas exploration, drilling, and production within established oil and gas fields outside of urban areas excluding Section 29, Township 20 South, Range 15 East, M.D.B. & M.

    a. These activities may include the installation and use of equipment, structures, and facilities as are necessary or convenient for temporary drilling and pumping to determine the existence of oil and gas; the drilling and pumping of oil and gas wells for the purpose of obtaining oil and gas; oil drilling and producing operations customarily required or incidental to usual oil field practice; including and but not limited to the initial separation of oil, gas and water and for the storage, handling, recycling and transportation of such oil, gas and water related to the well site may be permitted.

2. Oil and gas field operations as indicated below within established oil and gas fields.

    a. These activities may include steam injection plants and other enhanced recovery facilities.

3. Temporary mobile home occupancy and temporary offices shall be permitted during the drilling at an oil or gas well. A certificate of occupancy shall be issued for the mobile home occupancy and shall expire upon completion of the drilling of the oil or gas well.

B. USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

1. Oil and gas field operations as indicated below within established oil and gas fields.

    a. These activities may include natural gas plants, oil reclamation plants, and liquefied petroleum gas storage.

C. USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The regulations contained in Section 857C-1., Section 857C-2., and Section 857E, and F, shall apply in all zone districts wherein a conditional use permit is required for oil and gas exploration, drilling, and production in non-urban and urban areas including Section 29, Township 20 South, Range 15 East, M.D.B. & M.

1. Oil and gas exploration, drilling, and production within non-urban, urban areas and Section 29, Township 20 South, Range 15 East, M.D.B. & M.

    a. These activities may include installation and use of equipment, structures, and facilities as are necessary for temporary drilling and pumping to determine the existence of oil and gas; the drilling and pumping of oil and gas wells for the purpose of obtaining oil and gas; and the initial separation of oil, gas, and water and for the storage, handling, recycling and transportation of such oil, gas, and water related to the well site may be permitted by the Commission.

    b. The Commission shall find that the proposed site is the most satisfactory site for such use by the applicant and by the imposing of those conditions which are deemed necessary, will not be injurious or detrimental to the surrounding properties.

2. Temporary mobile home occupancy and temporary offices shall be permitted during the drilling of an oil or gas well within non-urban and urban areas.

    a. A certificate of occupancy shall be issued for the use of the mobile home concurrent with the issuance of the permit for the drilling of the well. The time limit of the permit for the mobile home shall be the same as for the oil or gas well drilling operation.

3. Oil and gas field operations as indicated below within established oil and gas fields.

    a. These activities include major petroleum transmission and trunk lines, tank farms, and pumping plant, which involve the transportation of oil and natural gas outside of established oil and gas fields.

4. Oil and gas field operations as indicated below within urban areas.

    a. Petroleum transmission and trunk lines along a railroad or other public right-of-way.

5. Oil and gas field operations as indicated below within urban areas.

    a. These activities include natural gas plants, steam injection plants, and other enhanced recovery facilities.

6. Oil and gas field operations as indicated below within non-urban areas.

    a. These activities may include natural gas plants, steam injection plants, other enhanced recovery facilities, oil reclamation plants, liquefied petroleum gas storage; and petroleum transmission and trunk lines, tank farms, and pumping plants, which involve the transportation of oil and natural gas outside of from established oil and gas fields.

7. Oil and gas auxiliary operations as indicated below within established oil and gas fields.

    a. These activities may include offices, shops, laboratories, work camp living facilities, storage yards and storage facilities, and oil well services.

8. Lot with a minimum of five acres in area may be created in for pumping plants and in conjunction with oil well services in established oil and gas fields.

    a. The proposed five-acre minimum lot areas shall be subject to conditional use permit approval only in conjunction with an oil well service use and or pumping plants.

9. Oil and gas auxiliary operations as indicated below within established oil and gas fields and non-urban areas.

    a. Small oil refineries limited to the removal of entrained crude oil from natural gas; separation of crude oil into naphtha, kerosene, fuel oil, and diesel oil; blending of naphtha and kerosene to produce jet fuel and gasoline; and reforming of heavy naphtha in the presence of a catalyst to produce unleaded gasoline.

D. PROCEDURE

For procedure the provisions of Director Review and Approval, Section 872 and of Conditional Use Permit, Section 873.1, shall apply. Such Director Review and Approval and or Conditional Use Permit may be granted on an acreage basis as well as on a lot basis.

E. VOIDING OF PERMIT

A Conditional Use Permit or Director Review and Approval may, after notice and hearing, be revoked if:

1. Any imposed condition is violated, or

2. The drilling has not been commenced within one year unless it has been extended by the Director of Resources and Development for a maximum of one year, or

3. A well is deserted for more than two years.

F. EXISTING OIL AND GAS DEVELOPMENT AUTHORIZED BY CONDITIONAL USE PERMIT

The regulations contained in Section 857 supersede a Blanket CUP adopted on June 20, 1950, and amended on July 28, 1953, by the Board of Supervisors establishing oil development zones within Fresno County where permits for exploration and development of oil and gas deposits are not required except as to facilities in existence or under construction prior to the adoption of the regulations contained in Section 857. All other previously granted conditional use permits for oil and gas development uses remain in effect unless otherwise stipulated by other Zoning Ordinance regulations.

(Section 857 amended by Ord. No. T-240 adopted 8-17-81)

SECTION 858

REGULATIONS FOR SURFACE MINING AND RECLAMATION IN ALL DISTRICTS

This Section sets forth regulations for conducting surface mining and reclamation in a manner consistent with California Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, hereinafter referred to as "SMARA", Public Resources Code (PRC) Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board (SMGB) Regulations (hereinafter referred to as "State Regulations") for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.). The regulations contained herein are created in Ordinance T-061-332 adopted 5-18-99 and shall apply in all Zone Districts.

Mineral resources are valuable community assets which must be safeguarded against preemption by competing or conflicting land uses. However, mineral deposits are frequently located in areas which are also suited for other types of development or are in areas characterized by significant natural resources. Care must be taken to ensure that mineral resources are recovered efficiently and safely, with minimal disruption to surrounding land uses and environmental values, and that sites are reclaimed to a usable condition which is readily adaptable for alternative land uses.

A. USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

Surface mining operations, including the use of such equipment, structures, and facilities as are necessary or convenient for the extraction, processing, storage, and transport of materials, including but not limited to the following (except for those uses specifically exempted under Section 858-B):

1. Sand and gravel separation plants.

2. Rock crushers.

3. Concrete batch plants.

4. Asphalt batch plants.

5. Rock, sand, and gravel trucking operations.
   (Amended by Ord. 490.198 adopted 4-21-80)

These uses shall be subject to all regulations of this Section and Section 873 (including the public hearing as required under Section 873). Except as provided in this Section, no person shall conduct a surface mining operation unless a Conditional Use Permit (CUP), Mining and Reclamation Plan and the Financial Assurances for reclamation have first been approved by the County.

B. EXEMPTIONS

This Section shall not apply to the following activities:

1. Excavation or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.

2. On-site excavation and on-site earthmoving activities which are an integral and necessary part of a construction project which has been approved by the County and which are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site. Surplus materials shall not be exported from the site until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.

3. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.

4. Surface mining operations that are required by Federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.

5. Emergency excavations or grading conducted by the State Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

6. Excavation or grading for the exclusive purpose of obtaining materials for roadbed construction and maintenance conducted in connection with timber operations or forest management on land owned by the same person or entity, where slope stability and erosion are controlled in accordance with the applicable performance standards of the State Reclamation Regulation, Sections 3704(f) and 3706 (d) and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and postclosure uses in consultation with the Department of Forestry and Fire Protection.

   This exemption is limited to excavation and grading that is conducted adjacent to timber operation or forest management roads and shall not apply to on-site excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavation for materials that are, or have been, sold for commercial purposes.

7. Excavation, grading, or other earthmoving activities by the property owner or operator in an oil or gas field that are integral to, and necessary for, on-going operations for the extraction of oil or gas and no excavated materials are sold for commercial purposes.

C. DEFINITIONS

The definitions set forth below shall apply to this Section.

1. BORROW PIT - Excavation created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.

2. DOC - California State Department of Conservation, the administrative department for the Surface Mining and Reclamation Act of 1975, as amended.

3. DOC DIRECTOR - Director of the California State Department of Conservation.

4. IDLE - Surface mining operations curtailed for a period of one year or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

5. MINED LANDS - The surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

6. MINING WASTE - The residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

7. MINERALS - Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

8. OPERATOR - Any person who is engaged in surface mining operations, or who contracts with others to conduct operations, except a person who is engaged in surface mining operations as an employee with wages as sole compensation.

9. OVERBURDEN - Soil, rock, or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations.

10. RECLAMATION - The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

11. RESOILING - The process of artificially building or reconstructing a soil profile.

12. SMARA - State of California Surface Mining and Reclamation Act of 1975, as amended.

13. SMGB - State Mining and Geology Board. The SMGB oversees the administration and enforcement of SMARA.

14. STREAMBED SKIMMING - Excavation of sand and gravel from streambed deposits above the mean summer water level or stream bottom, whichever is higher.

15. SURFACE MINING OPERATION - All, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, inplace distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials and

recovery of same. A surface mining operation may include the use of such equipment, structures, and facilities as are necessary or convenient for the extraction, processing, storage, and transport of materials.

D. REQUIRED SUBMISSIONS

The application for a CUP shall include a Mining and Reclamation Plan.

The Plan shall encompass the entire property and shall be separated into phases of operation and reclamation. No phase shall exceed eighty (80) acres. Reclamation of areas previously excavated by the operator pursuant to a nonconforming right or under a previous CUP will not be required unless such areas are proposed for fill or reworking to added depths.

The Mining and Reclamation Plan must include the following and contain sufficient detail to enable the Planning Commission to make the required finding pursuant to Section 858-F:

1. Project Information

   a. The name and address of the operator and any person designated by the operator as an agent.
   b. The names and addresses of the owners of all surface interests and mineral interests in the lands.
   c. The size and legal description of the lands that will be affected by the surface mining operation including related processing and storage.
   d. A vicinity map.
   e. A map of the subject property including boundaries and topographic details of the land.
   f. (Optional) Background information on the operator or company's experience with surface mining.

2. Environmental Data

   a. A description of the environmental setting of the site and surrounding area, including:
      (1) Existing land use including location of all streams, roads, railroads, utility facilities and structures within, or adjacent to the subject property.
      (2) Vegetation types and condition.
      (3) Soil types and condition.
      (4) Groundwater elevation.
      (5) Surface water characteristics.
      (6) Other factors as may be required related to environmental impacts and their mitigation and reclamation.

   b. A geologic description, including the general geologic setting, a detailed description of the geology of the area in which surface mining is to be conducted including principal minerals or rocks present

   c. An estimate of the quantity and quality of groundwater and surface water present in the vicinity of the proposed operation.
      (Added by Ord. 490.189 adopted 10-29-79)

3. Mining Plan

a. A site plan which includes the following:
   (1) Existing and proposed roads, including ingress-egress roads and on-site roads; proposed surface treatment and means to limit dust.
   (2) Processing and storage areas including locations of equipment, structures, and facilities.
   (3) Proposed setbacks, screening, fencing, gates, parking, and signs.
   (4) Proposed phasing for the mining operation and reclamation work.
   (5) Cross section (typical) defining planned slopes, extent of overburden, extent of sand and gravel deposits, and water table.
   (6) Such other data necessary to adequately review the proposal.

b. A map showing routes between the property and the nearest arterial

c. A statement of anticipated quantity and type of minerals for which the surface mining operation is to be conducted.

d. A statement of operations including:
   (1) Commencement of operations.
   (2) Proposed hours and days of operation.
   (3) Anticipated duration of operation.
   (4) Maximum anticipated depth of the mining operation.
   (5) Proposed method of extraction and processing.
   (6) Proposed equipment.
   (7) Operating practices proposed to be used to minimize noise, vibration and dust.
   (8) An estimate of the quantity and quality of water required by the proposed operation specifying proposed sources, conveyances, quantity and quality, and disposal methods of used and surplus water, and methods to be employed to prevent pollution of surface and/or groundwater.
   (Amended by Ord. 490.189 adopted 10-29-79)
   (9) Disposal methods for tailings or other wastes resulting from any aspect of the proposed operation.
   (Amended by Ord. 490.189 adopted 10-29-79)
   (10) For each standard identified in the Mining and Reclamation Standards (858-H) the operator shall specify how the requirement will be addressed in the mining operation. The implementation proposal for each standard must be site specific, measurable and verifiable. The list will be the basis for compliance determinations during annual inspections. (The list may be combined with that required in Subsection 4.a.(8) below.)

4. <u>Reclamation Plan</u>

a. A description of planned reclamation of the site including the following:
   (1) Description of the proposed use of the mined lands after reclamation.
   (2) Evidence that all owners of a possessory interest in the land have been notified of the proposed use.
   (3) Description of the manner in which reclamation, adequate for the proposed use will be accomplished, including the following:
      (a) The manner in which contaminants will be controlled, and mining waste will be disposed.
      (b) The manner in which affected streambed channels and stream banks will be rehabilitated to a condition minimizing erosion and sedimentation.

(4) Time schedule for the completion of surface mining on each segment of the mined lands.
(5) The phasing plan for reclamation activities and schedule for completion.
(6) Statement of how reclamation of the site may affect future on-site mining and mining in the surrounding area.
(7) Measures proposed to protect public health and safety with consideration given to the degree and type of present and probable future exposure of the public to the site.
(8) For each standard identified in the Mining and Reclamation Standards (858-H) the operator shall specify how the requirement will be addressed in the reclamation activity. The implementation proposal for each standard must be site specific, measurable and verifiable. The list will be the basis for compliance determinations during annual inspections. (The list may be combined with that required in Subsection 3.d.(10) above.)
(9) Type of Financial Assurances proposed.
(10) The disposition of any equipment or structures.

b. A site plan showing the reclamation proposal including:
(1) New Contouring.
(2) Water features and methods planned to overcome stagnation.
(3) Vegetative planting.
(4) Access and treatment thereof.
(5) Phasing.

c. A soil salvage plan and if proposed for refill, definition of refill material, and probable sources.

E. PROCESSING

The Mining and Reclamation Plan shall be processed as a part of the CUP application pursuant to the provisions of Section 873. The following provisions shall also apply to processing of the Plan.

1. The following notices and requests for comments shall be given:
a. State Department of Conservation:

(1) The Department shall notify the DOC Director of the acceptance of an application for a CUP and Mining and Reclamation Plan for a surface mining operation, or an amendment thereto within thirty (30) days of acceptance.
(2) Prior to approval of the Mining and Reclamation Plan, amendment thereto, or Financial Assurances, the Department shall submit, by certified, return receipt requested mail to the DOC Director, the Mining and Reclamation Plan, information prepared pursuant to CEQA and any other pertinent information for use in the review of the Plan along with a certification from the Director that the Mining and Reclamation Plan is in compliance with the applicable requirements of Article 1 of the State Regulations, set forth in subsections 858-D, and -H of this Section. The DOC Director shall have 30 days from the receipt of said information in which to prepare written comments. The review period for Financial Assurances shall be 45 days. The Financial Assurances may be processed and reviewed separately but mining work shall not commence until all reviews are completed.

b. State Department of Transportation: Whenever a mining operation is proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and is within one mile, up or down-stream, of any State highway bridge, the Department shall notify Caltrans that the application has been received. Caltrans shall have not more than 45 days to review and comment on the proposed operation. The County may not issue nor renew a permit until a comment has been received or the 45-day review period has lapsed, whichever occurs first.

2. The Department shall evaluate any written comments from the DOC Director and prepare a written response describing the disposition of the major issues raised. If the County's position is at variance with the DOC Director's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of the written comments and responses shall be forwarded to the operator/applicant.

3. The Planning Commission may not take action on the CUP and Mining and Reclamation Plan until such time as the DOC Director's 30-day review period has ended and a written response to any comments has been prepared. In addition to the findings set forth in Section 873, the Planning Commission shall make a finding on the Mining and Reclamation Plan pursuant to Section 858-F. The CUP approval shall be conditioned upon acceptance of Financial Assurances by the Director.

4. Before any mining or reclamation activity is begun or any building or structure is erected, a site plan reflecting all conditions of approval shall have been submitted to and approved by the Director, pursuant to the provisions of Section 874, Site Plan Review. The site plan shall encompass all that area shown on the approved Mining and Reclamation Plan.

   The Department shall not approve the Site Plan Review application for the mining operation and the mining operation may not commence until the DOC Director's 45 day review period for Financial Assurances is complete, a written response has been prepared for any comments and the Director has accepted the Financial Assurances.

5. Following the approval of the CUP, Mining and Reclamation Plan and Financial Assurances, or amendments thereto, the Department shall forward a copy of the CUP for surface mining operations, the approved Mining and Reclamation Plan, and the approved Financial Assurances to the California State Department of Conservation.

6. When a Reclamation Plan is processed without the need for a CUP, such as on federal lands, the procedures of Section 873, including a public hearing, shall apply.

F. FINDINGS FOR APPROVAL

In addition to findings required by the Section 873, the approval of a CUP for a surface mining operation shall be subject to the following finding:

The Mining and Reclamation Plan has been reviewed for compliance with the Regulations for Surface Mining and Reclamation in All Districts, Section 858, and meets the applicable requirements therein.

G. FINANCIAL ASSURANCES

1. To ensure that reclamation will proceed in accordance with the approved Mining and Reclamation Plan, the County shall require, as a condition of approval, security which will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the County and the SMGB as specified in State regulations, and which the County reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Mining and Reclamation Plan. Financial Assurances shall be made payable to the County of Fresno and the State Department of Conservation.

2. Financial Assurances will be required to ensure compliance with elements of the Mining and Reclamation Plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability, erosion and drainage control, and disposal of hazardous materials.

3. Cost estimates for the Financial Assurances shall be submitted to the Department of Public Works & Development Services for review and approval prior to the operator securing Financial Assurances. The Director shall forward, by certified mail return receipt requested, a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If DOC does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the County has reason to determine that additional costs may be incurred. The Director shall then have the discretion to approve the Financial Assurances if it meets the requirements of this Section, SMARA, and State regulations.

4. The amount of the Financial Assurances shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Mining and Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities in the upcoming year. Cost estimates should be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professional retained by the operator and approved by the Director. The estimated amount of the Financial Assurances shall be based on an analysis of physical activities necessary to implement the approved Mining and Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial Assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Mining and Reclamation Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent (10%) shall be added to the cost of Financial Assurances.
5. In projecting the costs of Financial Assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the County or DOC may need to contract with a third party commercial company for reclamation of the site.

6. The Financial Assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed including any maintenance required.

7. The amount of Financial Assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by the surface mining operation, inflation, and reclamation of lands accomplished in accordance with the approved Mining and Reclamation Plan. The Financial Assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the operator may not claim credit for reclamation scheduled for completion during the coming year. The updated cost estimates shall be considered during the Department's annual inspection and accepted thereafter if further adjustment is not required. Any required changes shall be completed and submitted within thirty (30) days of notice from the County.

8. Revisions to Financial Assurances shall be submitted to the Director for approval by July 1st each year. The Financial Assurances shall cover the cost of reclamation of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the Financial Assurances are not required, the operator shall explain, in writing, why revisions are not required.

H. MINING AND RECLAMATION STNADARDS

The standards for surface mining operations and reclamation shall be as follows:

1. No extraction of material or overburden shall be permitted within twenty-five (25) feet of any property boundary nor within fifty (50) feet of a boundary contiguous with a public road right-of-way or recorded residential subdivision.

2. No stockpiled soil or material shall be placed closer than twenty-five (25) feet from a property boundary.

3. No production from an open pit shall create a slope steeper than 2:1 within fifty (50) feet of a property boundary nor steeper than 1½:1 elsewhere on the property, except steeper slopes may be created in the conduct of extraction for limited periods of time prior to grading the slope to its reclamation configuration, and slopes of 1:1 may be maintained five (5) feet below the lowest water table on the property, experienced in the preceding three (3) years.

4. Security fencing four (4) feet in height consisting of not less than three (3) strands of barbed wire, or an approved equivalent, shall be placed along any property line abutting a public right-of-way and around any extraction area where slopes steeper than two (2) feet horizontal to one (1) foot vertical are maintained. Such interior fencing will not be required where exterior fencing surrounds the property.

5. Screening of the site shall be achieved by planting trees of a variety approved by the Director along all property lines adjacent to a public road right-of-way or a recorded residential subdivision. Adequate screening can generally be achieved with evergreen trees planted in two (2) staggered rows, with twenty (20) feet between the rows and between the trees in each row. As an alternative, oleanders or shrubs of a similar size and density may be planted in the same pattern at ten (10) foot intervals. The plant species and planting plan and timetable shall be designated in the Mining and Reclamation Plan. All required plants shall be maintained in a good horticultural manner. In areas where it is found that the planting of trees or shrubs will not achieve the desired screening effect due

to soil conditions, the Director may approve an alternate method of screening consisting of meandering dirt berms of sufficient height to screen the site.
(Amended by Ord. T-252 adopted 12-9-80)

6. The first one hundred (100) feet of access road(s) intersecting with a County maintained road shall be surfaced in a manner approved by the Board and shall not exceed a two (2) percent grade and shall have a width of not less than twenty-four (24) feet.

7. Where an access road intersects a County Maintained road, it shall be improved with a driveway approach constructed to Fresno County Standards.

8 All interior roads within the site shall be maintained so as to control the creation of dust.

9. Traffic control and warning signs shall be installed as required by the Commission at the intersection of all private roads with public roads. The placement, size, and wording of these signs shall be approved by the Director.
(Amended by Ord. T-252 adopted 12-9-80)

10. When the plan calls for resoiling, coarse hard mine waste shall be leveled and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Surface mine operators who do not salvage soil during the initial operations shall attempt, where feasible, to upgrade remaining materials. The use of soil conditioners, mulches, or imported topsoil shall be considered where revegetation is part of the Mining and Reclamation Plan and where such measures appear necessary. It is not justified; however, to denude adjacent areas of their soil, for any such denuded areas must in turn be reclaimed.

11. The species selected for revegetation shall be those with good survival characteristics for the topography, resoiling characteristics, and climate of the mined area. The operator shall provide a schedule and methodology for monitoring vegetation and replacing vegetation should the Department determine that replacement is necessary.

12. Additional vegetative planting may be required in the interest of erosion control.

13. Grading and revegetation shall be designed to minimize erosion and to convey surface runoff to natural drainage courses or interior basins designed for water storage. Basins that will store water during periods of surface runoff shall be designed to prevent erosion of spillways when these basins have outlet to lower ground.

14. Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.

15. Erosion control facilities such as settling basins, ditches, stream bank stabilization, and dikes shall be constructed and maintained where necessary to control erosion.

16. Extraction operations adjacent to any flowing stream shall be separated from the stream by closed dikes. No extractions within the stream will be permitted.

17. All water utilized in the plant operation shall be disposed of behind a closed dike so that it will not cause impairment of water in any stream.

18. Operations shall be conducted to substantially prevent siltation of groundwater recharge areas.

19. Settling ponds or basins shall be constructed to prevent potential sedimentation of streams at operations where they will provide a significant benefit to water quality.

20. Good operating practices shall at all times be utilized to minimize noise, vibration, dust and unsightliness. In reviewing a proposal the Planning Commission shall consider:
    a. The location of the processing plant.
    b. The location where unused equipment will be stored.
    c. Proposals for the removal of all structures, metallic equipment, debris, or objects upon conclusion of the extraction operations.

21. Operating hours may be limited to designated periods except during periods of public emergency affecting the health and welfare of the community requiring continuous operation.

22. Any night lighting established on the property shall be arranged and controlled so as not to illuminate public rights-of-way or adjacent properties.

23. Processing and storage yards shall be centrally located on the site whenever possible. (Added by Ord. 490.189 adopted 10-29-79)

24. All surface mining operations and reclamation activities shall be conducted consistent with all policies of the Noise Element of the Fresno County General Plan. (Added by Ord. 490.189 adopted 10-29-79)

25. The Department shall consider the potentially adverse environmental effects of surface mining operations and will generally require that:
    a. Disturbances of vegetation and overburden in advance of mining activities be minimized.
    b. Sufficient topsoil be saved to perform site reclamation in accordance with the Mining and Reclamation Plan.
    c. All reasonable and practical measures be taken to protect the habitat of fish and wildlife.
    d. Temporary stream or watershed diversion be restored.
    e. Permanent piles or dumps of mine waste rock and overburden be stabilized and not restrict the natural drainage without suitable provisions for diversion and toxic materials be removed or confined to control leaching.

    (Added by Ord. 490.189 adopted 10-29-79)

26. Reclamation of mined lands shall be implemented in conformance with applicable performance standards as set forth in the State Regulations Sections 3703 et seq. pertaining to the subjects listed below:
    a. Wildlife habitat.
    b. Backfilling, regrading, slope stability, and recontouring.
    c. Revegetation.
    d. Drainage, diversion structures, waterways, and erosion control.
    e. Prime and other agricultural land reclamation.
    f. Building, structure, and equipment removal.
    g. Stream protection including surface and groundwater.
    h. Topsoil salvage, maintenance, and redistribution.

I. Tailing and mine waste management.
j. Closure of surface openings.

(Note: The performance standards are detailed in the Department's application materials for Mining and Reclamation Plans.)

I. EXCEPTION TO STANDARDS

1. The approved Mining and Reclamation Plan shall be complied with. The Director may, upon written request, approve, subject to limitations imposed by other provisions of law or regulation, minor deviations that are determined not to be significant, will have no adverse effect upon nearby properties and will not constitute a nuisance. A minor deviation may include a change in the excavation phasing and subsequent reclamation phasing; the type of plant materials along the public right-of-way; or operational requirements. In no case will a minor deviation be approved that is in conflict with any condition of the approved CUP, or standard or condition of this Section, unless previously approved by the Planning Commission or Board of Supervisors.

   Proposed revisions to setbacks, hours or days of operation, life of the permit or additional uses or activities are not to be considered minor deviations.
   (Amended by Ord. T-252 adopted 12-9-80; Ord. No. T-033-299 adopted 6-7-88)

2. The Planning Commission may grant an exception to any standard contained herein upon written request when such exception will not result in a hazardous condition; the cost of strict compliance would be unreasonable in view of all the circumstances; it is consistent with the planned or actual subsequent use or uses of the mining site; the replacement provision is no less stringent than the initial standard; and the exception will not adversely affect property or persons in the area. Such request may be filed with the original or a subsequent application and shall include a complete statement of justification.

J. SPECIAL CONDITIONS

1. Where the reclamation work on any phase is not completed within the time period set forth in the approved Mining and Reclamation Plan or as extended by the Director, the County or its contractor may enter upon the operator's premises to perform said work and use the financial assurance security funds to pay for the cost thereof. In the event the operator fails to complete reclamation work as required herein and the security as specified herein is not sufficient for the cost of reclamation work, the operator shall then be liable to the County for the cost of any work required to be performed by the County in accordance with the Mining and Reclamation Plan. Where the County is authorized to enter upon property to cause work to be done, the CUP may be revoked by the Board of Supervisors upon thirty (30) days written notice first being given to the operator.

2. Prior to the excavation of any material, the operator shall execute a recordable agreement, binding upon his successors, heirs or assigns, covenanting to perform all reclamation in the manner prescribed by the approved CUP and Mining and Reclamation Plan. Said person shall agree to pay all court costs, attorney fees and interest at the legal rate from the date on which such costs have been incurred and further shall waive any and all defenses, legal or equitable, if an action at law is instituted to enforce the provisions of said agreement. The owner(s) shall execute a recordable agreement, binding upon his successors, heirs or assigns, which shall permit the County to enter upon the property to enforce completion of the Mining and Reclamation Plan.

3. Reclamation work in any phase shall proceed in such a manner that no excavated area within that phase is allowed to remain in an unreclaimed state for more than three years. Reclamation of any phase shall be completed within one year of commencing operation in any subsequent phase.

K. INTERIM MANAGEMENT PLAN

1. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of this Section and the conditions of the CUP for the site and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. Application shall be made for a modification of the CUP. The proposed IMP shall be processed as an amendment to the Mining and Reclamation Plan as set forth in Section 858-E including the thirty (30) day review by the DOC Director. IMPs shall not be considered a project for the purposes of environmental review.

2. The Financial Assurances for an idle operation shall be maintained as though the operation were active.

3. Within sixty (60) days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Director and the operator, the Planning Commission shall review and approve or deny the IMP in accordance with this Section. If there are deficiencies in the Plan, the operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the Director, to submit a revised IMP. The Planning Commission shall approve or deny the revised IMP within sixty (60) days of receipt. If the Planning Commission denies the revised IMP, the operator may appeal that action to the Board of Supervisors. The appeal hearing shall be scheduled within forty-five (45) days from the filing of appeal or a longer period if mutually agreed upon.

4. The IMP may remain in effect for a period not to exceed five (5) years. At that time, upon application by the operator, the Planning Commission may renew the IMP for another period not to exceed five (5) years if the operation is in full compliance with the IMP, or require the operator to commence reclamation in accordance with its approved Mining and Reclamation Plan.

L. OPERATOR'S ANNUAL REPORT REQUIREMENTS

1. The surface mining operator shall forward an annual surface mining report to the State Department of Conservation and to the County Department of Public Works & Development Services on a date established by DOC, upon forms furnished by SMGB. The State's prescribed fees shall be forwarded to DOC with the annual report. A new mining operator must file an initial surface mining report and applicable filing fee with DOC prior to commencement of operations or within thirty (30) days of Site Plan Review approval, whichever is sooner. The DOC Director shall provide notification of receipt of the report and fee and shall also advise of any deficiencies in the report within ninety (90) days of receipt of said report. The operator or agent shall have thirty (30) days in which to submit a revised report.

2. The operator shall also submit annual adjustment information to the Department for updating of the Financial Assurances consistent with Section 858-G. This is required prior to July 1 of each year.

M. ANNUAL INSPECTIONS AND REPORTS

1. The Department shall conduct or cause an inspection of the surface mining operation within six (6) months of receipt of the operator's annual report to determine whether the surface mining operation is in compliance with the approved CUP and Mining and Reclamation Plan, approved Financial Assurances, and State Regulations. At least one inspection shall be conducted in each calendar year. Said inspections may be made by a State-registered geologist, State-registered civil engineer, State-licensed landscape architect, or State-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous twelve (12) months, or other qualified specialists, as selected by the Director. The annual inspection shall be conducted using a form approved and provided by the SMGB. The Department shall submit the completed inspection form to the DOC Director within thirty (30) days of the date of completion of the inspection along with a notice of completion of the inspection which contains statements on compliance with SMARA, any inconsistencies with SMARA and any pending action on the Mining and Reclamation Plan, amendments, or Financial Assurances. Copies shall also be sent to the operator. The operator shall be responsible for the reasonable cost of the inspection.

2. By July 1 of each year, the Department shall submit to the DOC Director a report on each active or idle mining operation. The report shall consist of a copy of any CUP or Mining and Reclamation Plan amendment, as applicable, or a statement that there have been no changes during the previous year.

3. The Department shall annually review and update, as necessary, the Financial Assurances of each surface mining operation based on annual adjustment data submitted by the operator pursuant to Section 858-G.

N. PUBLIC RECORDS

Mining and Reclamation Plans, reports, applications, and other documents submitted to the County are public records unless it can be demonstrated to the satisfaction of the County that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The County shall identify such propriety information as a separate part of each application. A copy of all permits, Mining and Reclamation Plans, reports, applications, and other documents submitted pursuant to this Section, including proprietary information, shall be forwarded to the DOC by the Department. Proprietary information shall be made available to persons other than the DOC Director only when authorized by the mine operator and by the mine owner.

O. VIOLATIONS AND PENALTIES

If the Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Section, the Conditional Use Permit and/or the Mining and Reclamation Plan, the County shall follow the procedures set forth in SMARA (Public Resources Code, §2774.1 and §2774.2) concerning violations and penalties, as well as those provisions of the County Zoning Ordinance for revocation of the CUP which are not preempted by SMARA.

(Note: Failure of the County to comply with provisions of SMARA and the State Regulations may be grounds for the SMGB to take action to assure compliance through administration of SMARA.)

P. FEES

The County may establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Section and the State regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the County at the time of filing of the CUP application, Mining and Reclamation Plan application, and at such other times as are determined by the County to be appropriate in order to ensure that all reasonable costs of implementing this Section are borne by the mining operator.

SECTION 859

DELETION: Section 859 by Ord. T-036-278 adopted 3/6/90

This section was contained in pages 421-424. This page range will remain unused until the next comprehensive update of the Zoning Ordinance.

SECTION 860

REGULATIONS FOR INTERSTATE FREEWAY INTERCHANGE COMMERCIAL DEVELOPMENT

The regulations established herein are for the purpose of: 1) providing for commercial services which cater primarily to the needs of long-distance freeway users; 2) assuring a full range of food, fuel and lodging services designed as an integrated unit in a manner which provides the greatest convenience to the traveling public; 3) providing agriculturally-related and value-added agricultural uses serving the needs of the freeway users and the agricultural community; 4) assuring architectural and landscape design that will result in an attractive appearance from the highway and a harmonious relationship among the various elements of the development and with the existing landscape; and 5) protecting the public safety and investment by discouraging the placement of incompatible and hazardous uses around interstate freeway interchanges.
(Amended by Ord. T-077-352, adopted 3-2-04).

A. Designation of a Major or Minor Commercial Center shall occur through an amendment of the Zoning Ordinance. Commercial uses at interchanges shall be permitted at the following interchanges after a Conditional Use Permit and a Master Plan, as required by Subsection C, have been approved under the provisions of this Section.

(Amended by Ord. 490.95 adopted 11-27-73; amended by Ord. T-066-337 adopted 03-27-01)

1. MAJOR COMMERIAL CENTER

   a. Panoche Road

   b. Dorris Avenue

   c. Jayne Avenue

   d. Manning Avenue

   (Added by Ord. T-076-350, adopted 11-25-03)

2. MINOR COMMERCIAL CENTER

   a. Nees Avenue

   b. Derrick Avenue

   c. Lassen Avenue

   (Added by Ord. T-066-337 adopted 03-27-01)

3. The Conditional Use Permit procedure set forth in Section 873 shall apply. The following uses shall be permitted subject to Unclassified Conditional Use Permit.

   (Amended by Ord. 490.95 adopted 11-27-73)

   a. MAJOR COMMERCIAL CENTERS

      (1) Camper and travel trailer park.

(2) Emergency medical facility.

(3) Employee housing.

(4) Grocery store.

(5) Motel.

(6) Public use airport.

(Added by Ord. T-216 adopted 7-28-80)

(7) Repair garage.

(8) Rest and picnic area.

(9) Restaurant or cafe.

(10) Service station.

(11) Truck service and repair garage.

(12) Mechanical car wash.

(Added by Ord. T-054-321 adopted 6/28/94)

(13) Value-added agricultural facilities and uses.

(Added by Ord. T-077-352, adopted 3-2-04)

2. MINOR COMMERCIAL CENTERS

(1) Service station.

(2) Restaurant or cafe.

(3) Rest and picnic area.

(4) Motel.

(5) Camper and travel trailer park.

(6) Repair garage.

(7) Emergency medical facility.

(8) Grocery store.

(Amended by Ord. 490.95 adopted 11-27-73)

(9) Mechanical car wash.

(Added by Ord. T-054-321 adopted 6/28/94)

(10) Value-added agricultural facilities and uses.

(Added by Ord. T-077-352, adopted 3-2-04)

B. MINIMUM SERVICES

1. Initial development at any interchange shall include a service station. When more than one permitted use is planned for initial construction, the development shall include both a service station and a restaurant.

2. When the initial development at an interchange includes only a service station, any subsequent development shall first include a restaurant.

3. After a service station and restaurant have been constructed at an interchange, any use or combination of uses permitted may be constructed.

C. MASTER PLAN

A master plan showing the extent and character of the entire proposed development, including the free-standing sign, shall be submitted. Only one master planned area shall be permitted at each quadrant of an interchange. Such master planned areas may be expanded by including other properties where the proposed expansion results in a unified design reflecting the intent of this Section. The master plan shall be submitted with the Conditional Use Permit application. The plan, or accompanying narrative, shall include sufficient information to determine that all requirements of this Section have been met, including but not limited to the following:

(Amended by Ord. 490.95 adopted 11-23-73; Ord. 490.141 adopted 11-15-77)

1. Proposed uses.

2. Development standards showing setbacks, yards, and landscaping.

3. Heights of buildings and structures.

4. Architectural design or theme.

5. Development phasing.

6. Services and facilities supporting proposed uses.

7. Architectural design of free-standing sign.

(Added by Ord. 490.141 adopted 11-15-77)

D. PHASE CONSTRUCTION

The development may be constructed in phases under the following conditions:

1. Phased construction must conform to the minimum services requirements of Subsection B.

2. All phases shall be indicated on the master plan submitted with the Conditional Use Permit application.

3. Each phase shall be subject to detailed site plan review under the provisions of Sections 874.

E. DEVELOPMENT STANDARDS

In lieu of the district property development standards, the following development standards shall apply to all land and structures being developed under the provisions of this Section:

(Amended by Ord. 490.05 adopted 11-27-73)

1. Lot Area, Dimensions, Building Height, Yards

   a. Lot area and dimensions shall be adequate to provide for the development and provide safe and convenient access to the site without interfering with interchange traffic.

   b. Building height shall not create hazardous driving conditions as a result of glare and shadowing.

   c. Access shall be designed to ensure safe and convenient traffic movement to and from the interchange area.

   d. Yards shall be adequate in width and depth to provide for planned landscaping and to ensure safe sign distance for interchange traffic.

2. Landscaping

   Landscaping shall be provided and maintained. Plants and related materials shall be arranged in a manner which is consistent with and complementary to the building design and materials.

3. Loading

   The provisions of the "C-2" District, Section 834.5-L.1 and 2, shall apply.

4. Off-Street Parking

   The provisions of the "C-4" District, Section 836.5-I.1 and 2, shall apply.

5. Signs

   a. One free-standing sign for use in advertising the various services available shall be permitted for each master plan area. This sign shall be located on the premises and within the area described in the Conditional Use Permit. Where a master plan area involves more than one quadrant, there may be a separate free-standing sign for each quadrant. A specific elevation plan indicating the size, shape, location, and sample wording of the sign shall be submitted as a part of the master plan.

      (Amended by Ord. 490.141 adopted 11-15-77)

b. Each occupancy within a master plan area shall be permitted two identification signs attached to the building within which the occupancy is situated. Such signs shall not exceed five (5) percent of the occupancy floor area and shall not exceed the building height.

c. Internal signs providing directions to specific uses within the master plan area shall be permitted. Such signs shall not exceed eight (8) feet in height or ten (10) square feet in area.

d. Sign wording and symbols shall identify services located on the premises.

e. Sign lighting shall be arranged in such a way that it does not interfere with traffic or adjoining occupancies.

f. One free-standing advertising sign shall be permitted for each commercial use and shall be approved by site plan review (Subsection F). Said sign shall be developed in accordance with the following standards:

(1) The advertising sign shall be designed to reflect the architectural theme of the Master Plan Development.

(2) The height of the free-standing sign shall not be greater than ten (10) feet.

(3) The sign shall not exceed one hundred (100) square feet in area exclusive of architectural features.

(4) The sign shall contain only the name of the use, occupants, or groups thereof.

(Section 860.E-5.f. added by Ord. 490.149 adopted 5-1-78)

F. SITE PLAN REVIEW

Before any building or structure is erected or parcel created under the provisions of this Section, a site plan reflecting all conditions of approval shall have been submitted to and approved by the Director, pursuant to the provisions of Section 874. Such site plan shall encompass all that area shown on the approved master plan.

(Sec. 860 added by Ord. 490.60 adopted 4-28-70; amended by Ord. 490.95 adopted 11-27-73)

SECTION 861

NEW CONSTRUCTION AND NEW USES

The following conditions shall apply to all new construction and new uses:

A. All construction, building, improvements, alterations or enlargements and movements undertaken after the effective date of the Division, all new uses or occupancy of premises within the County shall conform with the requirements, character, and conditions as to use, height and area prescribed for each of these several districts.

B. It shall be unlawful for any person, firm or corporation to erect, construct, establish, move into, alter, enlarge, or use, or to cause, or permit to be erected, constructed, established, moved into, altered, enlarged, or used, any building, structures, improvements, or use of premises located in any district described in this Division contrary to the provisions of this Division. A certificate of occupancy validated as to conformance to zoning requirements shall be obtained from the Department of Resources and Development before said new or altered building may be occupied, provided, however, this requirement shall not apply to any building where the Building Code exempts such building from a building permit.

(Amended by Ord. T-252 adopted 12-9-80)

SECTION 862

EXISTING USES

The buildings and uses of all buildings, improvements and premises existing on the effective date of this Division and not in conformity with the standards or requirements of the land use district in which they are located under this Division and its accompanying maps, and which uses were legal, or uses for which permits, variances, or conditional exceptions were granted under previous zoning ordinances, may continue as "NONCONFORMING USES" or "VARIANCES" and subject to the provisions regulating such non-conforming uses or variances and subject to the conditions under which the uses were originally permitted.

(Deletions: Ord. 490.174 re-adopted 5-8-79)

SECTION 863

CERTIFICATES OF OCCUPANCY

The following conditions shall apply to all buildings and uses, with the exceptions as indicated in Section 861-B.

A. FOR USE OF BUILDINGS

No building hereafter erected, moved, enlarged or altered shall be occupied, used, or changed in use until after a certificate of occupancy shall have been issued by the Department of Resources and Development. Such certificate shall be applied for coincident with the application for a building permit and shall be issued only after such building, enlargement or alteration has been completed in conformity with the provisions of this Division and with an approved site plan and required conditions (when these apply), and when the proposed use conforms to this Division and required conditions (when these apply).

(Amended by Ord. T-252 adopted 12-9-80)

Any use legally occupying an existing building at the time this Division became effective may be continued but shall not be changed unless a certificate of occupancy for the new use shall have been issued by the Department of Resources and Development after finding that such use conforms to this Division and required conditions (when these apply).

(Amended by Ord. T-252 adopted 12-9-80)

B. FOR USE OF LAND

A certificate of occupancy shall be issued before any vacant land is hereafter used or before an existing use of land is changed, provided such use is in conformity with the provisions of this Division and required conditions (when these apply). However, no certificate of occupancy shall be required where the land is to be used for tilling the soil and growing thereon farm, garden or orchard products.

C. CONTENTS OF CERTIFICATE

The certificate of occupancy shall state that the building or proposed use of a building or land has complied with all laws and ordinances, including the provisions of this Division, and with an approved site plan and any conditions required by the Commission or Board, relative to the proposed building or use. A record of such certificate shall be filed by the Department of Resources and Development within five (5) days from the issuance of such certificate.

(Amended by Ord. T-252 adopted 12-9-80)

D. RECORD

A record of all certificates of occupancy shall be kept on file in the office of the Department of Resources and Development and copies shall be furnished on request to any person having a proprietary or tenancy interest in the subject building, use or land.

(Amended by Ord. T-252 adopted 12-9-80)

(Deletion: Ord. 490.174 re-adopted 5-8-79)

SECTION 864

PERMITS

A. PERMIT REQUIRED

Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion or alteration of any building, or any addition to any building, a permit shall be secured from the Division of Building and Safety of the Department of Resources and Development by any owner or his agent for said work, and it shall be unlawful to commence any work until and unless such permit shall have been obtained. Provided, further that no such building shall be occupied or used unless a certificate of occupancy, and a license for such use, where required, is first obtained from the department or person vested with the duty or authority to issue same.

B. PROCEDURE

1. Each application for a building permit shall be made on a printed form to be obtained from the Division of Building and Safety of the Department of Resources and Development, and shall be accompanied by accurate information and dimensions as to the size and location of the lot; the size and location of the buildings on the lot; the dimensions of all yards and open spaces; and such other information as may be necessary for the enforcement of those regulations. Where complete and accurate information is not readily available from existing records, the Division of Building and Safety may require the applicant to furnish a survey of the lot prepared by a licensed surveyor. A copy of the original of such application shall be kept in the office of the Division of Building and Safety.

   (Amended by Ord. T-252 adopted 12-9-80)

2. Each application shall be reviewed for compliance with the requirements of this Division. No permit shall be granted unless the proposal meets all the requirements of this Division.

   (Amended by Ord. T-252 adopted 12-9-80)

3. Before an occupancy permit shall be issued, all required onsite (outside the County right-of-way) and off-site (within the County right-of-way) improvements shall have either been completed or, if not completed, the permittee shall have entered into an agreement with the County to complete said work within six (6) months from the date of the issuance of the permit. The Director may extend the completion date for one additional six (6) month period upon written request of the permittee upon a showing of good cause therefor. Such an agreement shall be secured either by cash deposited with the County, a cash deposit in an irrevocable escrow approved by the Director, or other financial security approved by the Director as the equivalent thereof. Such security shall be in the amount of one hundred (100) percent of the estimated cost of completion to be determined by the said Director.

   In the event such work is not completed within the period provided or any extension thereof, the County shall be authorized to take all necessary action to enforce the agreement including the use of said security to cause the completion of all required improvements. Monies deposited with the County or in escrow may be partially released to the depositor by said Director during the progress of the work so long as the same ratio of security is maintained on deposit to secure all uncompleted work.

(Sec. 864-B.3 added by Ord. 490.25 adopted 2-21-66, amended by Ord. T-252 adopted 12-9-80)

C. GENERAL CONDITIONS

1. The provisions of this Section shall not apply to buildings or uses excepted by this Division.

2. No building permit shall be issued or Site Plan Review, Conditional Use Permit, Director Review and Approval, or a Variance approved for any use which would be forbidden by a proposed change in the zone district or zoning regulation. In addition, all building permits, Site Plan Reviews, Conditional Use Permits, Director Review and Approvals, Variances, parcel maps, or final maps shall meet the Property Development Standards of the existing zone district or zoning regulations, or the proposed zone district or zoning regulations, whichever is the more restrictive. A change of zone district or zoning regulations shall be construed as initiated by the filing of an application of a zoning amendment or by the adoption of a resolution of intention by the Planning Commission or Board of Supervisors.

   (Amended by Ord. 490.73 adopted 3-21-72; amended by Ord. 490.139 adopted 10-18-77)

3. Despite any other provision of this Division to the contrary, the Director may validate the issuance of a permit authorizing construction in accordance with the impending zoning district regulations on property being rezoned after the Board has taken affirmative action adopting an Ordinance rezoning the property, provided the permittee and owner of the land and owner of the property being constructed shall have entered into a written agreement with such Director for the County to the effect that should the zoning for any reason whatsoever not be effective, the permittee or owner shall remove from such property, within thirty (30) days after written notice from the Director, any improvements or construction authorized by such permit and in conflict with existing zoning district regulations and restore said property as nearly as practicable to its prior condition. The written agreement may include provisions dealing with a cash deposit, bond, entry permission, convenants running with the land, hold harmless clause, lien clause, and similar provisions to assure that should the permittee or owner fail to so remove the improvements or construction that the County could accomplish such removal without cost to the County.

   (Added by Ord. 490.24 adopted 1-11-66; amended by Ord. T-252 adopted 12-9-80)

D. PERMITS REQUIRED FOR TREE REMOVAL WITHIN THE NEIGHBORHOOD BEAUTIFICATION OVERLAY DISTRICT

The Director shall investigate and may approve, with or without conditions, or deny, the issuance of a permit for removal of the tree or trees, as provided herein.

1. No less than thirty (30) days after prior to the granting or denial of a permit, the Director shall prepare a written notice of application. The written notice of application shall include a copy of the permit form and the date, place and time at which the Director's informal hearing regarding the permit shall be held.

2. No less than 15 days prior to the hearing, the Director shall:

a. Provide written notice of application to the Supervisor of the supervisorial district in which the parcel is located, which notice may be made by sending a copy of the written notice of application; and

b. Post a copy of the written notice of application adjacent to the tree(s) proposed to be removed, in order to notify the residents of the area; and

c. Send a copy of the written notice by first class mail, postage prepaid:

(1) to the applicant; and

(2) to any person or entity which has requested the Director to give notice of applications for permits to remove trees.

The Director shall hold an informal hearing, as noticed in the Director's written notice of application. The informal hearing may be adjourned or continued from time to time.

3. Issuance after Informal Hearing. The Director may issue or deny the permit. The Director may impose any conditions on the granting of a permit as the Director deems appropriate. The Director shall issue or deny the permit no more than ten (10) days after the conclusion of the Director's informal hearing. Copies of the permit, with or without conditions or written denial of permit shall be sent by first class mail, postage prepaid to the permittee, and to any person or entity which received the notice of application. No permit shall be effective until twenty-five (25) days after its issuance, unless appealed to the Board of Supervisors. Furthermore, in no case shall any permit with conditions be effective until those conditions have been satisfied in the sole opinion of the Director.

4. Appeal to Board of Supervisors.

a. Any person may request a hearing by the Board of Supervisors regarding the Director's granting or denying a permit for tree removal. A written request for an appeal hearing must be received by the Clerk to the Board of Supervisors within ten (10) days of the date of the Director's decision. The person appealing shall provide a copy of the written request for an appeal hearing to the Director in the same fashion and at the same time he or she provides the original to the Clerk of the Board of Supervisors.

b. In the event a permit was granted, the Director shall send a written notice of stay to the permittee. That written notice of stay pending appeal shall stay the effectiveness of the permit. The written notice of stay pending appeal shall be issued within five (5) days of receipt by the Director of the copy of the written request for an appeal hearing. The original written notice of stay pending appeal shall be sent first class mail, postage prepaid to the permittee, within two (2) days of issuance, and a copy shall be sent in the same manner and within the same time to the person requesting an appeal. A copy of the written notice of stay pending appeal shall also be delivered to the Clerk of the Board of Supervisors within three (3) days of issuance.

c. The Clerk to the Board of Supervisors shall set the matter for hearing. The Clerk to the Board shall notify the person requesting the appeal, the applicant for the permit, the Supervisor of the affected area, and any persons or entities requesting notice of applications for potential removal of trees by first class mail, postage prepaid, no less than ten (10) days prior to the date set for the hearing. The Clerk shall also

cause a notice of the hearing to be published in a newspaper in the county one time, no less than five (5) days prior to the hearing of the Board of Supervisors.

The Board of Supervisors may adjourn or continue any hearing from time to time.

The Board of Supervisors may impose any conditions, if it grants the permit for tree removal.

The decision of the Board of Supervisors shall be final and conclusive.

d. The permit, if granted after being heard by the Board of Supervisors, shall be effective commencing thirty-five days after issuance. Anyone appealing a decision of the Board of Supervisors to a court of competent jurisdiction must serve the Clerk to the Board of Supervisors and the Director with a copy of any writ. The Director shall issue a written notice of stay on the permit, pending a final court judgment, in the same way as specified above, if the writ was timely served upon the Director. The Director's written notice of stay may stay, in the Director's sole discretion, any conditions imposed upon the permittee, pending the final court judgment.

(Added by Ord. T-062-333 adopted 5-2-00)

SECTION 865

COMPLIANCE

A. All departments, officials or public employees vested with the duty or authority to issue permits, licenses or certificates of occupancy where required by law, shall conform to the provisions of this Divisions. Any permit, license or certificate, if issued in conflict with the provisions hereof, shall be null and void.

B. The provisions of this Division shall apply to all buildings, improvements, lots and premises owned, leased, operated or controlled by the County or any department thereof, or by any other governmental agency excepting the Federal or State Governments.

SECTION 866

APARTMENT CONVERSION

A. CONVERSION LIMITATIONS

1. The conversion of existing rental apartment units to condominium, stock cooperative or community apartment forms of ownership shall be permitted subject to the limitation that for each rental apartment unit that may be converted, three comparable rental apartment units shall have been newly constructed in the same Community Plan Area within the twelve (12) month period immediately preceding the filing of the application for conversion. Once a newly constructed rental apartment is used as the basis for a conversion by a city, it may not thereafter be used by the County as the basis of a different conversion.

2. Semiannually and thirty days before each established conversion hearing the percentage of existing rental apartment units within the City and County of Fresno for a Community Plan Area shall be determined using Fresno County land use information. These percentages shall be multiplied by the total number of newly constructed rental apartments within such Community Plan Area to determine an allocation for each jurisdiction. Each jurisdiction's allocation total shall be divided by the conversion limitation applicable in such jurisdiction to determine the maximum number of conversions which can occur.

3. The Director of Planning shall maintain a monthly survey for each Community Plan Area in the County of Fresno, including areas located within incorporated cities, showing the number of rental apartment units newly constructed in such area within the preceding twelve (12) months, including therein the number of bedrooms and the approximate size of each unit.

B. NOTICE OF APPLICATION FOR CONDITIONAL USE PERMIT

1. The applicant of a Conditional Use Permit requesting conversion of existing rental apartment units to condominium, community apartment or stock cooperative forms of ownership shall submit, as part of the initial application, the names and mailing addresses of all residents of the apartment complex proposed for conversion as of the date the application for conversion was filed with the County.

2. The Director shall give written notice of all public hearings on such conversion application by first-class mail to the residents of the rental apartment complex proposed for conversion.

   (Amended by Ord. T-252 adopted 12-9-80)

3. The applicant for conversion shall post, at conspicuous locations throughout the subject apartment complex, notice that an application for conversion to condominium, stock cooperative or community apartment forms of ownership has been filed with the Director. Such notice shall state the date of application, the type of conversion proposed and the name and telephone number of the applicant's representative available to answer questions on the proposed conversion. Such notices shall be posted not more than twenty-four (24) hours after the filing of the application for conversion and shall remain posted until the date a final decision is made on the

Conditional Use Permit. At least one (1) notice shall be posted for each ten (10) rental units in the subject apartment complex.

(Amended by Ord. T-252 adopted 12-9-80)

C. CONVERSION PLAN

As part of the application for conversion of existing rental apartment units to condominium, stock cooperative or community apartment forms of ownership, the applicant shall provide a conversion plan which sets forth the following information:

1. The number of rental units in the complex proposed for conversion categorized by the number of bedrooms and the number of square feet in each unit.

2. The most recent rental charge for each apartment category.

3. The rental charge for each type of unit for the twelve (12) months preceding the date the conversion application was filed.

4. The number of elderly and disabled persons residing in the apartment complex as of the date of application and also as of twelve (12) months prior to the date of application.

5. The number of families with children living in the apartment complex as of the date of application and also as of twelve (12) months prior to the date of application.

6. The specific plans which the applicant has to assist the residents of the apartment complex in relocating to new housing.

7. The specific plans which the applicant has to make available long-term leases to families with school age children, the elderly or disabled residents of the apartment complex.

8. If the conversion is proposed to be for "low-income persons," information relating to how such low-income conversion will be accomplished, and a description of the standards to be used by the applicant in determining the low-income status of potential purchasers.

9. A proposed budget showing the maintenance and operational expenses of the subject apartment complex after conversion. Such budget shall include the following items:

    a. The estimated monthly cost of maintenance of landscaping, recreational facilities, and common driveways.

    b. The estimated monthly cost of maintenance of structures, common mechanical and utility equipment and any other common maintenance and operational costs to be shared by the owners.

    c. The approximate useful life of common mechanical and utility equipment, the estimated cost of replacement, and the proposed means of paying for replacement.

    d. The total estimated monthly cost of maintenance, operation and replacement to

be assessed against individual owners.

10. An inspection report prepared by the Health Department of the County of Fresno showing whether and the extent to which the subject apartment complex conforms to the requirements of Chapter 15.32 of the Ordinance Code of the County of Fresno, entitled "Substandard Housing and Unsafe Structures." Such report shall be informational only and shall not constitute or imply any kind of warranty by Fresno County on the condition or habitability of the apartment units. The applicant shall pay the full cost of the inspection and report.

D. APPLICATION

1. By Whom

Application for a Conditional Use Permit to convert existing rental apartment units to condominium, stock cooperative or community apartment forms of ownership may be filed by the owner or leasee of the property for which the permit is sought or by the authorized representative of the owner or leasee.

2. Form and Content

Application shall be made to the Planning Commission on forms furnished by the Department of Resources and Development and shall be full and complete, including such data as may be prescribed by the Commission to assist in determining the validity of the request.

(Amended by Ord. T-252 adopted 12-9-80)

3. Verification

a. The Director shall verify the accuracy and completeness of the application. The date of verification shall be noted on the application. Verification shall be made within ten (10) days of the filing of the application.

(Amended by Ord. T-252 adopted 12-9-80)

b. In cases where the Director considers the reasons and conditions as set forth in the application not within the scope of the Conditional Use Permit procedure, the applicant shall be so informed. If the application is nevertheless filed and fees are accepted, said application shall be signed by the applicant to the effect that he was so informed.

(Amended by Ord. T-252 adopted 12-9-80)

4. Formal Acceptance

If the application is found to be accurate and complete, it shall be formally accepted. The date of formal acceptance shall be noted on the application. Acceptance of the application does not imply approval or that the Department or Resources and Development will recommend approval.

(Amended by Ord. T-252 adopted 12-9-80)

E. FILING FEE

The applicant for a Conditional Use Permit to convert existing rental apartments to condominium, stock cooperative, or community apartment form of ownership shall pay a fee as prescribed in Section 879 for the purpose of defraying the costs incidental to such proceeding.

F. DEPARTMENT INVESTIGATION

The Department of Resources and Development shall investigate the facts bearing on the application.

(Amended by Ord. T-252 adopted 12-9-80)

G. PUBLIC HEARINGS

1. Notwithstanding any other provisions of this code to the contrary, the months of April and October of each year are established as the hearing dates for Planning Commission consideration of Conditional Use Permit applications for the conversion of exiting rental apartment units to condominium, stock cooperative or community apartment forms of ownership. The hearing dates shall be set to coincide with the first regularly scheduled meeting of the Planning Commission for the months of April and October. The Director may, in his discretion, schedule a special hearing during said months if the number of applications to be considered warrants such action.

   (Amended by Ord. T-252 adopted 12-9-80)

2. All applications accepted for filing by the Resources and Development Department within the six (6) month period immediately preceding each hearing date shall be set for hearing on such date. Applications accepted for filing within fifteen (15) days of such hearing date, however, shall be set for hearing on the next following hearing date.

   (Amended by Ord. T-252 adopted 12-9-80)

3. Notice of the public hearing shall be sent by first-class mail to the owners of property within a radius of three hundred (300) feet of the external boundaries of property described in the application, using for this purpose the last known name and address of such owners as are shown in the latest adopted tax roll of the County of Fresno. Notice shall also be sent by first-class mail to the residents of the subject apartment complex as of the date the application was accepted for filing by the Resources and Development Department.

   (Amended by Ord. T-252 adopted 12-9-80)

4. The notice shall state the time, place and date of the hearing and shall describe the subject matter of the application and the property to which it relates. Notices shall be mailed not less than ten (10) days prior to the date set for the hearing.

5. Hearings may be continued from time to time until they are completed.

H. PLANNING COMMISSION ACTION

1. The Commission may recommend approval, approval with conditions, or disapproval of

the application.

2. The Commission shall announce its recommendation by resolution within ten (10) days after the conclusion of the public hearings. The resolution shall be filed with the Clerk of the Board of Supervisors and mailed to the applicant at the address shown in the application.

I. FINDINGS AND CONDITIONS

In recommending approval of a Conditional Use Permit for conversion of existing rental apartment units to condominium, stock cooperative or community apartment forms of ownership, the Commission shall find as follows:

1. That applicants or their predecessors in interest did not, within the twelve (12) month period immediately preceding the filing of the application:

   a. Discriminate in the rental of apartment units to the elderly, families with children or handicapped persons for the purpose of facilitating the conversion; and

   b. Impose rental increases on the tenants of the apartment complex for the purpose of removing such tenants from their apartments in order to facilitate the conversion;

2. That the proposed conversion is consistent with policies and objectives of the General Plan; and

3. That the conditions imposed are necessary to protect the public health, safety and general welfare.

   a. Such conditions may include:

      1) Prohibiting discrimination in the sale of converted units to elderly and disabled persons or to families with school age children.

      2) Other conditions necessary to minimize the impacts of the conversion.

   b. Such conditions shall include:

      1) Incorporating the proposals included in the applicant's conversion plan relative to the payment of relocation assistance to each household which occupied a rental unit in the subject apartment complex as of the date the application for conversion was filed and which is not able to remain in the converted unit because of the conversion. In no event shall a Conditional Use Permit be approved without requiring a minimum relocation assistance payment equivalent to one (1) months rent to such households. The Conditional Use Permit shall establish the eligibility date for relocation assistance payments.

      2) Incorporating the proposals included in the applicant's conversion plan relative to long-term leases in favor of families with school age children, the elderly and disabled residents of the apartment complex as of the date the conversion application was filed.

J. CONVERSION STANDARDS

In determining which applications for Conditional Use Permits to convert existing apartment units to condominium, stock cooperative, or community apartment forms of ownership will be approved, the Commission shall consider the following factors:

1. Significant adverse impacts of the conversion on the elderly and disabled residents and families with school age children occupying the apartment complex;

2. The proposed budget submitted by the applicant;

3. The report submitted by the Health Department relative to compliance of the apartment complex with Chapter 15.32 of the Fresno County Ordinance Code;

4. Whether the proposed conversion will be for low-income persons;

5. The availability of parking spaces within the complex area;

6. Proposals by the applicant to provide extended leases to the elderly, to families with school age children, and disabled residents of the apartment complex as of the date the application was filed.

7. Special amenities available in the complex which include but are not limited to: swimming pools, saunas, recreational areas, open space, and energy conservation measures.

8. Proposals by the applicant to provide relocation assistance to residents of the apartment complex.

9. Persons who have constructed new apartments in the same Community Plan Area within the twelve months preceding the application period shall be offered preferential consideration.

K. BOARD HEARING

1. All recommendations of the Planning Commission on applications for Conditional Use Permits to convert existing rental apartments to condominium, stock cooperative, or community apartment forms of ownership shall automatically be forwarded to the Board of Supervisors for consideration and review at a hearing to be set no later than sixty (60) days after receipt of the Commission resolution recording its recommendation.

2. The hearing shall be de novo consideration of all the matters considered by the Planning Commission.

3. The Board of Supervisors shall give notice in the same manner as prescribed for the Planning Commission hearing.

4. The Board may approve, approve with conditions, or disapprove the Conditional Use Permit application. It may add new conditions, delete or modify any of the conditions recommended by the Planning Commission. Its decision shall be made within 40 days of the close of the hearing. Hearings may be continued from time to time by the Board of Supervisors. A copy of the Board resolution shall be mailed to the applicant at the

address shown on the application.

5. The decision of the Board of Supervisors shall be final unless an appeal therefrom is filed with a court of competent jurisdiction within fifteen (15) days of the date that the resolution was mailed to the applicant.

L. DEFINITIONS

1. Children shall mean persons under the age of eighteen (18) related by adoption, blood, or marriage to the head of the household.

2. Comparable Apartment Unit shall mean a residential unit similar to another residential unit with respect to the number of bedrooms, bathrooms, square feet, and parking spaces.

3. Community Apartment Project shall mean a form of ownership wherein individual buyers purchase an undivided interest in an apartment structure, including the underlying ground and common areas, as co-owners with other buyers and receive in return a right of exclusive occupancy to a particular unit.

4. Condominium shall mean a form of ownership similar to a Community Apartment Project except that individual buyers receive separate ownership of the airspace of a particular unit.

5. Conversion shall mean the process of transforming existing rental apartment units under single ownership to a condominium, stock cooperative or community apartment form of ownership.

6. Disabled shall mean a person who suffers from a permanent physical or mental impairment which substantially limits one or more major life activities. Major life activities include hearing, seeing, speaking, breathing, working, learning, caring for oneself, and performing everyday manual tasks.

7. Elderly shall mean a person of sixty-two (62) years or older.

8. Existing Rental Apartment Unit shall mean an apartment unit which has been rented and occupied under a valid certificate of occupancy within the six (6) month period immediately preceding the date that the application for conversion is filed with the County.

9. Low-Income Persons shall mean persons and families whose income does not exceed eighty (80) percent of area median income, adjusted for family size by the State Department of Housing and Community Development in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937.

10. Newly Constructed Rental Apartment Unit shall mean an apartment unit for which a certificate of occupancy was issued within the twelve (12) month period immediately preceding the date that the conversion application was filed with the County.

11. Stock Cooperative shall mean a corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real

property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferrable only concurrently with the transfer of share or shares of stock in the corporation held by the person having such right of occupancy.

SECTION 867

REGULATIONS FOR PLANNED AGRICULTURAL COMMERCIAL AND RURAL COMMERCIAL CENTER DEVELOPMENT

These regulations are intended to provide the agricultural and rural residential communities with necessary services within commercial centers. The centers may consist of a single use or multiple uses. The location of the centers should be on site adequate in size to provide the necessary support services and facilities in accordance with health and safety regulations. The centers should be designed and operated in a manner to protect the general public health, safety and welfare.

A. The following Commercial uses shall be permitted subject to a Conditional Use Permit under the provisions of this Section. The Conditional Use Permit procedure set forth in Section 873 shall apply.

1. AGRICULTURAL COMMERCIAL CENTERS

a. Agricultural employment offices.

b. Animal hospitals.

c. Antique sales.

d. Automobile parts sales (new).

e. Barber shops.

f. Bars.

g. Beauty shops.

h. Building materials sales.

i. Buildings or structures not specifically regulated by Section 839.5-D. over two (2) stories or thirty-five (35) feet in height.

j. Churches, parsonages, and other religious institutions.

k. Commercial grain elevators.

l. Communication equipment buildings and offices.

m. Drug stores.

n. Farm equipment and machinery sales, rental, storage, and maintenance.

o. Farm labor contractor services.

p. Feed and farm supply sales.

q. Fertilizer sales (all sales and storage of fertilizer conducted within enclosed buildings).

r. Flea markets, community auction and sales yards, auction houses, and swap meet activities.

s. Grocery stores.

t. Hardware stores.

u. Irrigation district administrative offices.

v. Liquefied petroleum gas storage and distribution, retail.

w. One caretaker's residence per commercial use.

x. One family dwelling unit, other than caretaker's residence, and not more than one (1) dwelling per lot.

y. Permanent roadside stands for the sale of agricultural products.

z. Private clubs and lodges.

aa. Public buildings and yards, fire stations.

bb. Repair garages.

cc. Restaurants.

dd. Automobile service stations.

ee. Signs, subject to the provisions of Section 839.5-K.

ff. The maintenance and storage of trucks and trailers when such vehicles are devoted exclusively to the transportation of agricultural products, supplies and equipment.

gg. Veterinarian offices.

hh. Water well drilling services and/or pump installation services.

ii. Welding and blacksmith shops.

jj. Wholesale meat cutting and packing, provided there shall be no slaughtering, fat rendering, or smoke curing.

kk. Video stores.

(Added by Ord. T-048-315 adopted 1-5-93)

ll. Real Estate offices.

(Added by Ord. T-048-315 adopted 1-5-93)

mm. Mechanical car wash when operated incidental to and in conjunction with an

automobile service station.

(Added by Ord. T-059-329 adopted 5-20-97)

2. RURAL RESIDENTIAL COMMERCIAL CENTERS

a. Animal hospitals.

b. Automobile service stations.

c. Barber shops.

d. Beauty shops.

e. Churches.

f. Caretaker's residence where developed as a portion of the commercial structures, or as a mobile home.

g. Day nursery - commercial or institutional.

h. Feed and farm supply sales (all sales and storage shall be conducted in an enclosed area).

i. Grocery stores.

j. Hardware stores.

k. Ice and food products dispensing machines.

l. Laundry, self-service.

m. Liquefied petroleum gas storage and distribution, retail.

n. Newspaper stands.

o. Offices:

1. Medical.
2. Veterinary.
3. Professional.
4. Administrative.

(Amended by Ordinance T-042-310 adopted 7-30-91)

p. Plant nurseries and garden supply stores.

q. Restaurants (serving beer and wine with meals only).

r. Signs, subject to the provisions of Section 840.5-k.

s. Temporary or permanent telephone booths.

t. Walk-in, reach-in, cold storage boxes designed to hold refrigerated food and dairy products for sales upon the premises.

B. MASTER PLAN

A master plan showing the extent and character of the entire proposed planned commercial development including any residual parcel not proposed for commercial development shall be submitted. The master plan shall be submitted with the Conditional Use Permit application. The Plan, or accompanying narrative, shall include sufficient information to determine that all requirements of this Division have been met, including but not limited to the following:

1. Proposed uses
2. Proposed parcelization
3. Proposed dwellings or caretaker's unit.
4. Development phasing and time table

C. PROPERTY DEVELOPMENT STANDARDS

1. Agricultural Commercial Center

The provisions of the "AC" District, Sections 839.5 and 839.6 shall apply to all land and structures.

2. Rural Residential Commercial Center

The provisions of the "RCC" District, Sections 840.5 and 840.6 shall apply to all land and structures.

(Section 867 added by Ord. T-034-297 adopted 9/20/88; amended by Ord. T-044-308 adopted 2-26-91)

SECTION 868

REGULATIONS FOR THE SITING AND OPERATION OF POULTRY FACILITIES

The regulations established herein are intended to address the nuisance and environmental problems created from inappropriately located and operated poultry facilities. It is necessary that poultry facilities be designed to protect the health, safety, and general welfare of the community. These regulations shall apply to all new poultry facilities and to conversions and additions to existing poultry facilities, with the exception that they shall not apply to: (a) the raising or keeping of poultry for domestic use, (not to exceed 500 birds); (b) poultry for FFA, 4H, and similar organizations; (c) the repair, maintenance, replacement, and upgrading of legally existing poultry facilities provided such work does not increase the capacity of the facility; and (d) the conversion of legally existing poultry facilities, except for the conversion to "eating egg producing" facilities or "pullets for eating egg production" facilities, provided there is no increase in size and number of structures.

A. PROCEDURE

New poultry facilities, including conversions and additions to exiting poultry facilities, shall be permitted by right subject to the regulations stated herein. New poultry facilities and additions to existing facilities which are unable to satisfy siting standards stated herein may be permitted subject to the provisions of a Director Review and Approval, Section 872.

B. DEFINITIONS

Poultry Facility

Where used, the term "Poultry Facility" includes all coops, barns, pens, manure storage areas, and dead bird disposal areas used in conjunction with poultry production and which are on the same site as the poultry operation. When measuring setbacks or required separations, measurements shall be taken from or between the most proximate of the above described facilities. Areas used for crop production or not otherwise utilized in the production of poultry shall not be included for purposes of determining setbacks or required separations.

Types of Poultry Facilities:

1. Unconfined

   An "Unconfined" poultry facility includes any poultry facility where birds are predominantly raised in open pens with or without shades and are subject to the elements.

2. Semi-confined

   A "Semi-confined" poultry facility includes any poultry facility where birds are raised within a fully enclosed climate-controlled structure part of the time, but also are released into open pens at intervals.

3. Totally Confined

   A "Totally Confined" poultry facility refers to any poultry facility where all birds are housed within fully enclosed climate-controlled structures and where no open pens are utilized.

4. Environmentally Controlled

An "Environmentally Controlled" poultry facility refers to a poultry facility that has solid side and end walls with all openings sealed except for fan exits.

5. Eating Egg Producing

An "Eating Egg Producing" facility refers to a commercial egg production facility that produces eating eggs for human consumption.

6. Pullets for Eating Egg Production

A "Pullets for Eating Egg Production" facility refers to a commercial pullet (young hen) production facility that produces pullets for eating egg producing facilities.

C. SITING STANDARDS

1. A poultry facility, except an "Environmentally Controlled" facility, shall not be permitted when ten or more dwellings or a sensitive use such as school, public park, and hospital, are located within the windshed area (See Diagram "A").

2. A poultry facility shall not be permitted when a dwelling other than one owned by the poultry grower/owner is located within the micro windshed area (See Diagram "B"). The required separations specified in Diagram "B" may be reduced to one-half for "Environmentally Controlled" poultry facilities.

3. A poultry facility shall not be permitted when an established citrus or fruit orchard, vineyard or vegetable farm are located within the windshed area (See Diagram "A"). The required separations are not required for "Environmentally Controlled" and "Totally Confined" poultry facilities.

4. All poultry facilities shall be set back a minimum of 50 feet from all property lines, ditches, canals or other waterways, and 100 feet from all public roads.

5. A poultry facility shall be located at least two miles from any existing poultry facility except for a poultry facility owned by the same grower. "Eating Egg Producing" facilities and "Pullets For Eating Egg Production" facilities shall be located at least five miles from any other poultry facility.

D. MANAGEMENT PLAN

The grower/owner shall prepare a management plan based on the "Management Guidelines for Poultry Facilities" describing the operational practices necessary to control nuisances such as flies, feathers, dust, and odors. This plan shall be reviewed and approved by the Health Department prior to the issuance of permits by the Public Works & Development Services Department.

E. APPLICATION

1. An application for a poultry facility permit shall be filed by the grower/owner, or the authorized representative of the grower/owner, on forms provided by the Public Works & Development Services Department.

2. The application shall include full and complete information necessary for the County to

evaluate the application for compliance with these regulations.

3. The director shall verify the accuracy and completeness of the application. Verification shall be made within ten (10) days of the filing of the application.

F. FILING FEE

The applicant for a poultry facilities permit shall pay a fee as prescribed in Section 879 for the purpose of defraying the costs involved in reviewing and processing the application.

G. NOTICE

Within ten days after the issuance of a poultry facility permit, the County shall send a notice to all property owners within one-half mile of the proposed facility. The purpose of the notice is to inform the owners that the County has issued a permit for a poultry facility. The notice shall include the name and telephone number of the poultry facility operator.

(Section 868 added by Ord. T-038-306 adopted 5-22-90)