

August 21, 2013

FROM: MIKE SANCHEZ, Planning Manager  
Development Services Division 

THROUGH: WILL TACKETT, Supervising Planner  
Development Services Division 

BY: SANDRA L. BROCK, Planner III  
Development Services Division 

APPROVED BY  
  
JENNIFER K. CLARK  
DEPARTMENT DIRECTOR

**SUBJECT: CONSIDERATION OF TEXT AMENDMENT APPLICATION NO. TA-13-02 AND RELATED ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. TA-13-02, TO PROVIDE FOR AGRICULTURAL AND COMMUNITY GARDEN USES IN RESIDENTIAL AND OPEN SPACE ZONE DISTRICTS, AND TO ESTABLISH STANDARDS OF PRACTICE AND REGULATION FOR COMMUNITY GARDENS AND AGRICULTURAL ACTIVITIES, CITY-WIDE**

**RECOMMENDATION**

Text Amendment Application No. TA-13-02 proposes to amend Chapter 12 of the Fresno Municipal Code (the Zoning Ordinance) to expressly permit commercial agricultural uses and community gardens in open space and residential zone districts, and to establish special standards of practice and regulation which would pertain to agricultural and community gardening activities in the City of Fresno.

The details and appropriateness of the proposed text amendment have been refined and evaluated pursuant to Fresno Municipal Code (FMC) Section 12-402, and the applicant has accepted the Director's refinements and determinations in the resulting text amendment proposal. The revised draft version of the proposed Text Amendment, dated August 6, 2013, is attached.

Staff recommends that the Planning Commission take the following action:

1. RECOMMEND APPROVAL to the City Council of the finding made for Environmental Assessment No. TA-13-02, dated August 6, 2013, a Class 4 Categorical Exemption under Section 15304(b) of the CEQA Guidelines which exempts minor alterations to land.
2. RECOMMEND APPROVAL to the City Council of Text Amendment Application No. TA-13-02, which would provide for agricultural and community garden uses in residential and open space zone districts, and would establish standards of practice and regulation for community gardens and agricultural activities, city-wide.

**BACKGROUND**

Farming of parcels to produce commercial crops and ornamental plants has occurred within the City of Fresno for decades, yet these activities have not been specifically listed as permissible uses in the Zoning Ordinance (Fresno Municipal Code) provisions relating to residential and open space districts. Community gardening is an activity (a type of farming) that has been coming into vogue as a way of increasing the availability of fresh fruit and vegetables in the urban area. However, "community gardening" as a land use has not yet been formally classified in the Zoning Ordinance to delineate which zone districts may allow the use, and under what circumstances.

## REPORT TO THE PLANNING COMMISSION

Text Amendment Application TA-13-02 (Agriculture & community gardens, with standards of practice and regulation)

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Earlier this year, the owner of Granville Homes acquired the 360-acre site in West Fresno formerly known as the "Running Horse" golf course/residential project. The site has been re-named "Mission Ranch" and has been cleared of debris and re-graded with the intention of establishing an almond orchard as an interim use of the property (pending improvement in market conditions which would support filing a new development plan for the property).

Before investing the large amount of capital necessary to establish a large almond orchard, the owner wanted clear authority to farm the site, which has retained its R-1, *Single Family Residential District* zoning. (The previously approved subdivision map and conditional use permit for Running Horse are being allowed to expire.) Therefore, Granville Homes submitted an application requesting an amendment to the zoning ordinance (a text amendment) which would expressly provide for the commercial agriculture in the R-1 zone district as a "by-right" permitted use, with a private well being allowed to irrigate such operations when the operation comprises 20 acres or more. The request for text amendment also included a provision for community gardens to be allowed (copy attached).

The applicant's representative was advised that text amendments are city-wide in scope (applicable to entire classifications of property, not any one location), and that the proposed text amendment should cover other zone districts where agricultural and community gardening activities could reasonably and beneficially occur.

The applicant was also advised that the range of possible agricultural activities would be narrowed, because certain farming endeavors are not compatible with residential zone districts (*i.e.*, raising livestock). Also, the text amendment would include standards and restrictions to protect adjacent properties and the environment from potential adverse effects.

Prior to formal initiation by the Development and Resource Management (DARM) Department Director under Fresno Municipal Code Section 12-402-A, staff reviewed all zone districts where agricultural activity is currently allowed and all residential zone districts. The DARM written policy for community gardening (a heretofore unclassified use) was also reviewed. The Property Development Standards section of the Zoning Ordinance (FMC §12-306) was reviewed for any existing regulations pertaining to agricultural activities. Also, Development Services staff consulted with agencies having oversight for various aspects of farming and water use in the City of Fresno. The resulting expanded text amendment was formally initiated and circulated for inter-agency review and comment. The applicant has agreed to the Development Services Division version of the text amendment.

## ANALYSIS

### Land Use Plans and Policies

While the Zoning Ordinance has not expressly permitted agricultural activities in Fresno, gardening and crop growing has long occurred on vacant parcels, in backyards, and on fringe area parcels adjacent to many developed neighborhoods in the city.

The recent economic downturn has stalled construction of several subdivisions which have prime agricultural soil, available surface water, and existing agricultural wells. Allowing such properties to be farmed pending resumption of development can provide tangible economic benefit that extends beyond the agricultural operation itself, given the "multiplier effect" of crop production.

Fresno is experiencing a trend toward large, phased development projects which have buildout periods spanning several years. Interim agricultural and horticultural activities would utilize vacant land in those projects which could otherwise pose a nuisance and incur public expense.

In the past five years, the DARM Department has fielded many inquiries and requests for community gardening projects. These gardens support healthy diets and provide cost-effective fresh produce with an element of social recreation. Community gardens vary in scale and may be beneficially sited on parcels of varying sizes. Some involve land owned by churches (land that is usually zoned for residential use); some involve under-utilized areas in apartment complexes; and some utilize park and other open space land. Codifying the process to establish and operate a community garden will improve City oversight and will give better guidance to the groups who wish to sponsor them.

The 2025 Fresno General Plan's goal statement provides policy direction which would support agricultural and community gardening activities:

- Goal 1.** Enhance the quality of life for the citizens of Fresno and plan for the projected population within the moderately expanded Fresno urban boundary in a manner which will respect physical, environmental, fiscal, economic and social issues.
- Goal 10.** Provide quality open space, park and recreational facilities and programs to support the projected population.
- Goal 15.** Recognize, respect and plan for Fresno's cultural, social, and ethnic diversity.
- Goal 16.** Work cooperatively with the local agricultural industry to conserve prime farmland and respect its importance as Fresno County's base economic resource.

Fresno's economy is not well served by requiring prime agricultural land to remain fallow, producing nothing except weeds, simply because undeveloped property may be zoned for residential use. Growing crops and/or ornamental plants on such land provides for added economic input, whether at a commercial truck gardening or farming scale or at the level of household food security and dietary enhancement. Growing food is a deeply rooted cultural practice of most societies, and the option to raise specialty crops at a manageable scale preserves ethnic heritages. Providing for community gardening in open space and park settings will foster community involvement and improve neighborhood stewardship of these locales.

The proposed text amendment was reviewed with the Advance Planning section preparing the 2035 General Plan Update, and its provisions have been deemed consistent with the goal direction for the new General Plan and its concomitant Development Code update.

### **Environmental protections**

From the outset, Development Services Staff recognized that any proposal to allow cultivation and community gardening in the City should be clearly subject to regulations to protect water supplies, air quality, and to prevent exposures to hazards. A list of requirements has been included in FMC Section 12-306-N-11, reflecting the requirements of state and local agencies which regulate various aspects related to the growing of crops, and instituting setbacks and other measures to protect adjacent properties and the public.

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Water balance and groundwater recharge are particular concerns. The City's Urban Water Management Plan and Metropolitan Water Resource Management Plan contain several measures aimed at ameliorating groundwater overdraft and preventing contamination of groundwater and surface water. Subsection 12-306-N-11.e provides an expansive set of requirements for using water to irrigate crops and community gardens, including matters that the Department of Public Utilities Water Division is required to specifically review and approve for water use by an agricultural or community gardening operation.

The requirement for paying recharge fees for use of private water wells has been memorialized in the City's Master Fee Schedule for well over a decade. This text amendment would allow the Water Division to consider an alternative mitigation for groundwater extraction. (It should be noted, however, that the text amendment does not require the Water Division to automatically accept alternative mitigation in lieu of recharge fees--the Water Division has the option to approve or reject a grower's mitigation proposal based on its adopted plans, policies, agreements, and local conditions.)

### **Community Consultation**

The applicant and Development Services staff met with the Council District and Specific Plan Committees, and all favored the project subject to commercial agricultural operations providing sufficient protections for adjacent property owners. The referenced Special Standards of Practice and Regulation in FMC Section 12-306-N-11 should protect those property owners and the public.

### **Airport Land Use Commission**

Staff from the Fresno County Airport Land Use Commission (ALUC) reviewed the initiated text amendment, and notified Development Services staff that the special standards of practice and regulation needed to reference Wildlife Hazard Mitigation Plans because farming operations in airport safety zones would need to avoid attracting birds. Subsection 12-306-N-11.p was added to the draft text amendment. The ALUC reviewed it and unanimously recommended approval on July 10, 2013.

## **ENVIRONMENTAL FINDING**

Pursuant to the California Environmental Quality Act (CEQA), Development and Resource Management Department staff evaluated the proposed text amendment project in accordance with the land use and environmental policies and provisions of the 2025 Fresno General Plan and its related Master Environmental Impact Report (MEIR) No. 10130 (SCH No. 2001071097) and the Mitigated Negative Declaration (MND) No. A-09-02 (SCH No. 2009051016) for the Air Quality Update to the General Plan (Plan Amendment No. A-09-02).

The special standards of practice and regulation in Section 12-306-N-11 are mitigation measures incorporated into the proposed text amendment project which would prevent significant adverse impacts.

California Environmental Quality Act (CEQA) Guidelines Section 15304 provides for a "Class 4" Categorical Exemption for minor alterations to land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees. Listed examples include, but are not limited to, gardening and landscaping. With the incorporation of subsection 12-306-N-11.q, the text amendment protects street trees and other shade trees that are integral to offsetting Fresno's urban heat island effect. A copy of the Finding of Categorical Exemption, dated August 6, 2013, is attached.

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While this Categorical Exemption can be applied to the general zoning code changes outlined in the text amendment, subsequent agricultural and community gardening proposals may involve improvements, water features, and agreements which could, in and of themselves, comprise projects requiring CEQA analysis and individual findings. They could also be proposed in areas where listed species are known to occur. Therefore, construction and grading permits, amendments to special permits, and agreements/contracts relating to individual agricultural, horticultural, and community gardening operations will still be subject to evaluation as to their status as "projects" under CEQA and may require assessment with regard to setting and potential impacts.

### **NOTICE OF PLANNING COMMISSION HEARING**

In accordance with Fresno Municipal Code Section 12-402-B, notice of this Planning Commission hearing to consider Text Amendment Application No. TA-13-02 and its related environmental finding was published in the *Fresno Bee* on Friday, August 9, 2013. No comments or appeals have been received as of the date of preparation of this staff report.

### **CONCLUSION**

The appropriateness of the proposed text amendment has been examined with respect to its consistency with stated goals of the 2025 Fresno General Plan; compatibility with surrounding existing and proposed uses; and avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon completion of this evaluation, it can be concluded that Text Amendment Application No. TA-13-002, as modified through the inter-agency and staff review process, is appropriate.

Attachments: Letter from Granville Homes, requesting a text amendment to permit agriculture and community gardening in the R-1 zone district

Revised draft of Text Amendment Application No. TA-13-02

Finding of Categorical Exemption for Environmental Assessment No. TA-13-02



March 15, 2013

Will Tackett  
Development Department, City of Fresno  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

Subject: Proposed Text Amendment

Dear Mr. Tackett,

As per our previous conversations, I am hereby requesting that the City of Fresno process a 'Text Amendment' to the R-1 zone District (12-211;FMC).

We would like to propose that the wording in section 12-211 .1E be changed as follows:

"Private greenhouses, horticultural collections, flower gardens and community gardens and commercial agricultural operations on an interim basis." (Commercial agricultural operation over 20 acres in size may utilize private groundwater wells or surface irrigation water or both.)

We believe that the Text Amendment will serve to support a greater variety of agricultural facilities in the City and that this change will help implement the current and future General Plans.

Please let me know if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffery T. Roberts". The signature is fluid and cursive, with a large initial "J" and "R".

Jeffery T. Roberts  
Granville Homes

JR/ang

**SEC. 12-105-C.19.3** COMMUNITY GARDEN shall mean land managed by a responsible party and cultivated cooperatively by a group of individuals for the purpose of growing plants for food or ornamental purposes for use by those cultivating the land. The special standards of Subsection 12-306-N-11 shall apply to the establishment and operation of a community garden.

**SEC. 12-204. - "O" OPEN CONSERVATION DISTRICT.**

The "O" Open Conservation District is intended to provide for permanent open spaces in the community and to safeguard the health, safety and welfare of the people by limiting developments in areas where police and fire protection, protection against flooding by storm water and dangers from excessive erosion are not possible without excessive costs to the community. (Rep. and Added Ord. 5748, 1960).

**SEC. 12-204.1. - USES PERMITTED.**

The following uses shall be permitted in the "O" District:

A. Agricultural ~~uses~~ crops, greenhouses, fruit trees, nut trees, vines, and plant nurseries (for producing trees, vines and horticultural stock), subject to the provisions of Subsection 12-306-N-11 and provided that no dwellings, either temporary or permanent, be permitted in relation thereto.

B. Fisheries.

C. Flood control channels, spreading grounds, settling basins, freeways, parkways and park drives.

D. Signs, subject to provisions of Section 12-204.5-K.

E. Wildlife preserves, forest preserves and such buildings and structures as are related thereto. (Added Ord. 5748, 1960; Am. Ord. 6768, 1966; Am. Ord. 83-29, § 1, eff. 3-25-83; Am. Ord. 90-110, § 1, eff. 11-9-90; Am. Ord. 99-55, § 6, 10-14-99).

**SEC. 12-204.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.**

The following uses shall be permitted in the "O" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406.

A. Caretaker's dwelling and necessary accessory buildings.

B. Manufacture of concrete products, including hot mix plants, batching plants, or the use of asphalt or petroleum products.

C. Microwave relay structures.

D. Recreation areas, parks, and playgrounds.

E. Removal of natural resources other than as provided for in Section 12-204.3-F, subject to the applicable regulations of Article 5.5 of Chapter 12 of this Code.

F. Surface mining operations subject to the provisions of Article 5.5 of Chapter 12 of this Code.

G. Temporary logging camps.

H. Temporary sawmills and planing mills.

I. Community gardens, subject to the provisions of Subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 68-58, 1968; Am. Ord. 83-29, § 2, eff. 3-25-83; Am. Ord. 87-79, §§ 2, 3, eff. 7-24-87; Am. Ord. 99-37, §§ 3, 4, eff. 7-9-99; Am. Ord. 99-55, § 7, 10-14-99).

**SEC. 12-204.6. - OTHER CONDITIONS TO USE.**

Land may be placed in the "O" District only under the following conditions:

**A. PUBLIC AND QUASI-PUBLIC USES**

1. ~~Public P~~arks, playgrounds, ~~wildlife preserves,~~ outdoor educational facilities and gardens.

2. Flood control channels, creeks, rivers.

3. Freeways, parkways and park drives.

4. ~~Publicly owned forest lands~~ Natural resource conservation areas and preserves.

**B. PRIVATELY OWNED LAND IN DANGEROUS AREAS**

1. Areas too steep to build upon or where such building may cause a public hazard due to excessive erosion or flooding.

2. Areas subject to flooding or inundation from storm water.

3. Areas beyond fire servicing, and where development might endanger life, property or the watershed. (Added Ord. 5748, 1960).

**SEC. 12-204.10. - "AE-20"—EXCLUSIVE TWENTY ACRE AGRICULTURAL DISTRICT.**

The "AE-20" District is intended to be an exclusive district for agriculture and for those uses which are necessary and an integral part of the agricultural operation. This District has been created to protect the general welfare of the agricultural community from encroachments of nonregulated agricultural uses which by their nature would be injurious to the physical and economic well-being of the agricultural district. (Added Ord. 74-76, § 3, eff. 9-16-74)

**SEC. 12-204.11. - USES PERMITTED.**

The following uses shall be permitted in the "AE-20" District:

- A. One single family dwelling unit per lot.
- B. Accessory buildings related to permitted uses.
- C. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.
- D. Agricultural crops such as the raising of tree, vine, field, forage and other plant life crops of all kinds, except mushroom growing, subject to the provisions of Subsection 12-306-N-11.
- E. Bovine (cow) and equine (horses) animals, where the lot area is one (1) acre or more, shall not exceed four (4) adult animals in any combination of the foregoing animals and their immature offspring. No pen, stable, barn or corral shall be maintained within one hundred (100) feet of any property line or within forty (40) feet of any building used for human habitation unless occupied by the owner or keeper of the animals. Pasturing of these animals is permitted within the above mentioned setbacks.
- F. Family day care homes, small.
- G. Greenhouses, horticultural collections and flower and vegetable gardens, private.
- H. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.
- I. Home occupations as defined in Subsection 12-105-H-7.
- J. Household pets as defined in Subsection 12-105-H-12.
- K. Petroleum products storage, for use by the occupants of the premises but not for resale or distribution, subject to provisions of Subsection 12-306-N-11.

L. Poultry raising (limited to hens only), rabbits or similar small furbearing animals, not to exceed twenty-four (24) of any kind or combination thereof, for domestic purposes only provided that no pen, coop, or hutch be located within one hundred (100) feet of any property line or within forty (40) feet of any residence, dwelling or building used for human habitation.

M. Roadside stands, temporary, for the sale of agricultural products produced upon the premises.

N. Signs, subject to provisions of Section 12-204.15-K. (Added Ord. 74-76, § 4, eff. 9-16-74; Am. Ord. 88-94, § 6, eff. 8-12-88; Am. Ord. 90-53, §§ 3, 4, eff. 7-13-90; Am. Ord. 90-110, § 2, eff. 11-9-90; Am. Ord. 99-55, § 10, 10-14-99; Am. Ord. 2006-141, § 26, eff. 10-27-06).

**SEC. 12-204.13. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.**

The following uses shall be permitted in the "AE-20" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

- A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.
- B. Airports, heliports and crop dusting strips, private.
- C. Churches.
- D. Commercial stables and riding academies.
- E. Electric distribution substation.
- F. Electric transmission substation.
- G. Family day care homes, large, subject to compliance with subsection 12-306-N-42.
- H. Golf course, subject to compliance with Subsection 12-306-N-47.
- I. Group housing facility for seven (7) or more persons when located in a single family dwelling, subject to Subsection 12-306-N-43.
- J. Guest ranches.
- K. Kennels: boarding, training, or breeding.
- L. Microwave relay structures.
- M. Sewage disposal and treatment plants.

N. Surface mining operations, subject to the provisions of Article 5.5 of Chapter 12 of this Code.

O. Community gardens, subject to the provisions of Subsection 12-306-N-11.

(Added Ord. No. 74-76, § 5, eff. 9-16-74; Am. Ord. 88-94, § 7, eff. 8-12-88; Am. Ord. 90-53, § 5, eff. 7-13-90; Am. Ord. 91-68, § 1, eff. 7-26-91; Am. Ord. 99-37, § 5, eff. 7-9-99; Am. Ord. 99-55, § 11, 10-14-99; Am. Ord. 2006-141, § 27, eff. 10-27-06).

**SEC. 12-205. - "AE-5"—EXCLUSIVE FIVE ACRE AGRICULTURAL DISTRICT.**

The "AE-5" District is intended to be an exclusive district for agriculture and for those uses which are necessary and an integral part of the agricultural operation. This District has been created to protect the general welfare of the agricultural community from encroachments of nonregulated agricultural uses which by their nature would be injurious to the physical and economic well-being of the Agricultural District.

(Rep. and Added Ord. 5748, 1960).

**SEC. 12-205.1. - USES PERMITTED.**

The following uses shall be permitted in the "AE-5" District:

- A. One single family dwelling unit per lot.
- B. Accessory buildings related to permitted uses.
- C. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.
- D. Agricultural crops such as the raising of tree, vine, field, forage and other plant life crops of all kinds, except mushroom growing, subject to the provisions of Subsection 12-306-N-11.
- E. Bovine (cow) and equine (horses) animals, where the lot area is one (1) acre or more, shall not exceed four (4) adult animals in any combination of the foregoing animals and their immature offspring. No pen, stable, barn or corral shall be maintained within one hundred (100) feet of any property line or within forty (40) feet of any building used for human habitation unless occupied by the owner or keeper of the animals. Pasturing of these animals is permitted within the above mentioned setbacks.
- F. Family day care homes, small.

G. Greenhouses, horticultural collections and flower and vegetable gardens, private.

H. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.

I. Home occupations as defined in Subsection 12-105-H-7.

J. Household pets as defined in Subsection 12-105-H-12.

K. Petroleum products storage, for use by the occupants of the premises but not for resale or distribution, subject to the provisions of Subsection 12-306-N-11.

L. Poultry raising (limited to hens only), rabbits or similar small furbearing animals, not to exceed twenty-four (24) of any kind or combination thereof, for domestic purposes only provided that no pen, coop, or hutch be located within one hundred (100) feet of any property line or within forty (40) feet of any residence, dwelling or building used for human habitation.

M. Roadside stands, temporary, for the sale of agricultural products produced upon the premises.

N. Signs, subject to provisions of Section 12-205.5-K. (Rep. and Added Ord. 5748, 1960; Am. Ord. 6788, 1966; Am. Ord. 88-94, § 8, eff. 8-12-88; Am. Ord. 90-53, §§ 6, 7, eff. 7-13-90; Am. Ord. 90-110, § 3, eff. 11-9-90; Am. Ord. 99-55, § 5, 10-14-99; Am. Ord. 2006-141, § 29, eff. 10-27-06).

**SEC. 12-205.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.**

The following uses shall be permitted in the "AE-5" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.

B. Airports, heliports and crop dusting strips, private.

C. Churches.

D. Commercial stables and riding academies.

E. Electric distribution substation.

F. Electric transmission substation.

G. Family day care homes, large, subject to compliance with Subsection 12-306-N-42.

H. Golf course, subject to compliance with Subsection 12-306-N-47.

I. Group housing facility for seven (7) or more persons when located in a single family dwelling, subject to Subsection 12-306-N-43.

J. Guest ranches.

K. Kennels; boarding, training, or breeding.

L. Microwave relay structures.

M. Sewage disposal and treatment plants.

N. Community gardens, subject to the provisions of Subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 68-58, 1968; Am. Ord. 77-120, § 1, eff. 11-11-77; Am. Ord. 88-94, § 9, eff. 8-12-88; Am. Ord. 90-53, § 8, eff. 7-13-90; Added 91-68, § 3, eff. 7-26-91; Am. Ord. 99-55, § 18, 10-14-99; Am. Ord. 2006-141, § 30, eff. 10-27-06).

**SEC. 12-206. - "R-A" SINGLE FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT.**

The "R-A" District is intended to provide for the development of one family residential estate homes in a semi-rural environment on lots not less than thirty-six thousand (36,000) square feet in area, not more than one (1) dwelling unit permitted on any lot. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents. (Rep. and Added Ord. 5748, 1960).

**SEC. 12-206.1. - USES PERMITTED.**

The following uses shall be permitted in the "R-A" District:

A. One single family dwelling unit per lot, except for a Second Dwelling in accordance with Subsection 12-306-N-38.

B. Accessory Buildings.

1. Garages.

2. Servants' quarters on parcels of land having a minimum lot area of 36,000 square feet or more.

C. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.

D. Agricultural crops, greenhouses, fruit trees, nut trees, vines, and nurseries (for producing trees, vines and other horticultural stock), in accordance with Subsection 12-306-N-11.

E. Bovine (cow) and equine (horses) animals, where the lot area is one (1) acre or more, shall not exceed four (4) adult animals in any combination of the foregoing animals and their immature offspring. No pen, stable, barn or corral shall be maintained within one hundred (100) feet of any property line or within forty (40) feet of any building used for human habitation unless occupied by the owner or keeper of the animals. Pasturing of these animals is permitted within the above mentioned setbacks.

F. Family day care homes, small.

G. Private Greenhouses, horticultural collections and flower and vegetable gardens, ~~private.~~

H. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.

I. Home occupations as defined in Subsection 12-105-H-7.

J. Household pets as defined in Subsection 12-105-H-12.

K. Petroleum products storage, for use by the occupants of the premises but not for resale or distribution.

L. Poultry raising (limited to hens only), rabbits or similar small furbearing animals, not to exceed twenty-four (24) of any kind or combination thereof, for domestic purposes only provided that no pen, coop, or hutch be located within one hundred (100) feet of any property line or within forty (40) feet of any residence, dwelling or building used for human habitation.

M. Roadside stands, temporary, for the sale of agricultural products produced upon the premises.

N. Signs, subject to provisions of Section 12-206.5-K.

O. Tract office, model homes and construction material storage yards of a temporary nature, within the tract being developed.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 6768, 1966; Am. Ord. 76-40, § 1, eff. 6-6-76; Am. Ord. 82-3, § 11, eff. 2-5-82; Am. Ord. 82-65, § 2, eff. 7-23-82; Am. Ord. 88-44, § 10, eff. 8-12-88; Am. Ord. 90-53, §§ 9, 10, eff. 7-13-90; Am. Ord. 90-110, § 4, eff. 11-9-90; Am. Ord. 99-55, § 22, 10-14-99; Am. Ord. 2004-136, § 8, 1-25-05; Am. Ord. 2006-141, § 32, eff. 10-27-06).

**SEC. 12-206.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.**

The following uses shall be permitted in the "R-A" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

- A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.
- B. Churches.
- C. Electric distribution substation.
- D. Family day care homes, large, subject to compliance with subsection 12-306-N-42.
- E. Golf course and country club, subject to compliance with Subsection 12-306-N-47.
- F. Group housing facility for seven (7) or more persons when located in a single family dwelling, subject to Subsection 12-306-N-43.
- G. Kennels; boarding, training, or breeding.
- H. Microwave relay structures.
- I. Schools, parks and playgrounds, public.
- J. Schools, private or parochial, of an elementary, secondary or college level.
- K. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.
- L. Water pump stations, subject to the provisions of Subsection 12-306-N-46.
- M. Community gardens, subject to the provisions of Subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 68-58, 1968; Am. Ord. 76-40, § 2, eff. 6-6-76; Am. Ord. 88-94, § 11, eff. 8-12-88; Am. Ord. 90-53, § 11, eff. 7-13-90; Am. Ord. 91-64, § 1, eff. 7-12-91; Am. Ord. 91-125, § 5, eff. 12-20-91; Am. Ord. 99-55, § 5, 10-14-99; Am. Ord. 2006-141, § 33, eff. 10-27-06).

**SEC. 12-206.4. - USES EXPRESSLY PROHIBITED.**

The following uses are expressly prohibited in the "R-A" District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-206.1 and 12-206.3 above. The listing herein is for purposes of clarity only:

- A. Advertising structures.
- B. Child day care centers, large.
- C. Commercial uses.
- D. Farm labor camps.
- E. Industrial uses.
- F. Multiple family residential uses. (Added Ord. 5748, 1960; Added Ord. 90-86, § 4, eff. 9-21-90; Am. Ord. 99-55, § 24, 10-14-99).

**SEC. 12-207. - "R-1-A" SINGLE FAMILY RESIDENTIAL DISTRICT.**

The "R-1-A" District is intended to provide for the development of one family residential homes at urban standards on lots not less than twenty thousand (20,000) square feet in area, not more than one (1) dwelling unit permitted on any lot. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents. (Rep. and Added Ord. 5748, 1960)

**SEC. 12-207.1. - USES PERMITTED.**

The following uses shall be permitted in the "R-1-A" District:

- A. One single family dwelling unit per lot, except for a Second Dwelling in accordance with Subsection 12-306-N-38.
- B. Accessory buildings.
- C. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling..
- D. Family day care homes, small.
- E. Private greenhouses, horticultural collections and flower and vegetable gardens, private; agricultural crops, fruit trees, nut trees, vines, and plant nurseries (for producing trees, vines and horticultural stock), in accordance with Subsection 12-306-N-11.
- F. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.
- G. Home occupations as defined in Subsection 12-105-H-7.

Adds agriculture & community gardens to open space, agricultural, and residential zone districts and establishes standards of practice and regulations for these uses

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H. Household pets as defined in Subsection 12-105-H-12.

I. Signs, subject to provisions of Section 12-207.5-K.

J. Tract offices, model homes and construction material storage yards of a temporary nature, within the tract being developed.

(Rep. and Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 6357, 1963; Am. Ord. 6768, 1966; Am. Ord. 76-40, § 3, eff. 6-6-76; Am. Ord. 82-3, § 12, eff. 2-5-82; Am. Ord. 82-65, § 2, eff. 7-23-82; Am. Ord. 88-94, § 12, eff. 8-12-88; Am. Ord. 90-53, §§ 12, 13, eff. 7-13-90; Am. Ord. 90-110, § 5, eff. 11-9-90; Am. Ord. 99-55, § 30, 10-14-99; Am. Ord. 2004-136, § 9, 1-25-05; Am. Ord. 2006-141, § 34, eff. 10-27-06).

**SEC. 12-207.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.**

The following uses shall be permitted in the "R-1-A" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.

B. Churches.

C. Electric distribution substation.

D. Family day care homes, large, subject to compliance with subsection 12-306 N-42.

E. Flood control settling grounds.

F. Golf course, country club and driving range, subject to compliance with Subsection 12-306-N-47.

G. Group housing facility for seven (7) or more persons when located in a single family dwelling, subject to Subsection 12-306-N-43.

H. Libraries, public.

I. Schools, parks and playgrounds, public.

J. Schools, private or parochial, of an elementary, secondary or college level.

K. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.

L. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

M. Community gardens, subject to the provisions of Subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 68-58, 1968; Am. Ord. 76-40, § 4, eff. 6-6-76; Am. Ord. 88-94, § 13, eff. 8-12-88; Am. Ord. 90-53, § 14, eff. 7-13-90; Am. Ord. 91-64, § 2, eff. 7-12-91; Am. Ord. 91-125, § 7, eff. 12-20-91; Am. Ord. 2006-141, § 35, eff. 10-27-06).

**SEC. 12-207.4. - USES EXPRESSLY PROHIBITED.**

The following uses are expressly prohibited in the "R-1-A" District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-207.1 and 12-207.3 above. The listing herein is for purposes of clarity only:

- A. Advertising structures.
- B. Agricultural uses not specifically listed as permitted.
- C. Child day care centers, large.
- D. Commercial uses.
- E. Industrial uses.
- F. Multiple family residential uses.

(Added Ord. 5748, 1960; Added Ord. 90-86, § 5, eff. 9-21-90)

**SEC. 12-208.10. - "R-1-E" AND "R-1-EH" SINGLE FAMILY RESIDENTIAL ESTATE DISTRICT.**

The "R-1-E" and "R-1-EH" Districts are intended to provide for the development of single family residential estate homes at a semi-rural density on lots of not less than 37,500 square feet in area. The regulations for both districts are identical except that horses are a permitted use in the "R-1-EH" District. (Added Ord. 75-16, § 1, eff. 3-2-75).

**SEC. 12-208.11. - USES PERMITTED.**

The following uses shall be permitted in the "R-1-E" and "R-1-EH" Districts.

- A. All uses permitted in the "R-1-A" District, Section 12-207.1.
- B. Horses may be maintained for personal use in the "R-1-EH" District upon an area not less than thirty-seven thousand five hundred (37,500) square feet in area in a number not to exceed two (2) adult animals with their offspring less than one (1) year of age. Provided further, that no stable or corral shall be maintained within twenty-five (25) feet of any side or rear property line or within forty (40) feet of any window or door of any residence, dwelling or other building used for human habitation, or within one hundred

(100) feet of the front line of the property; however, horses may be pastured upon irrigated pasture within the above-mentioned side and rear yard setbacks. An additional horse may be permitted for each additional thirty-seven thousand five hundred (37,500) square feet of lot area, provided that the total number shall not, in any case, exceed four (4) horses. Both frontages of through lots shall be considered front property lines.

(Added Ord. 75-16, § 2, eff. 3-2-75; Am. Ord. 90-110, § 7, eff. 11-9-90; Am. Ord. 2006-141, § 36, eff. 10-27-06).

**SEC. 12-208.12. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.**

The following uses shall be permitted in the "R-1-E" and "R-1-EH" Districts, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.

B. Churches.

C. Electrical distribution substation.

D. Family day care homes, large, subject to compliance with Subsection 12-306-N-42.

E. Flood control settling grounds.

F. Golf course, country club and driving range, subject to compliance with Subsection 12-306-N-47.

G. Group housing facility for seven (7) or more persons when located in a single family dwelling, subject to Subsection 12-306-N-43.

H. Libraries, public.

I. Schools, parks and playgrounds, public.

J. Schools, private or parochial, of an elementary, secondary or college level.

K. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.

L. Unit Planned Developments, subject to the provisions of Section 12-304-B-12.

M. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

N. Community gardens, subject to the provisions of Subsection 12-306-N-11.

(Added Ord. 75-16, § 3, eff. 3-2-75; Am. Ord. 78-2, § 1, eff. 2-3-78; Am. Ord. 88-94, § 14, eff. 8-12-88; Am. Ord. 90-53, § 15, eff. 7-13-90; Am. Ord. 2006-141, § 37, eff. 10-27-06).

**SEC. 12-208.13. - USES EXPRESSLY PROHIBITED.**

The following uses are expressly prohibited in the R-1-E/R-1-EH District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-208.11 and 12-208.12.

A. Those uses listed in Section 12-207.4 (R-1-A District) of this Code.

(Added Ord. 75-16, § 4, eff. 3-2-75; Am. Ord. 2006-141, § 38, eff. 10-27-06).

**SEC. 12-209. - "R-1-B" SINGLE FAMILY RESIDENTIAL DISTRICT.**

The "R-1-B" District is intended to provide for the development of one family residential homes at urban standards on lots not less than twelve thousand five hundred (12,500) square feet in area, not more than one (1) dwelling unit permitted on any lot. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents. (Rep. and Added Ord. 5748, 1960).

**SEC. 12-209.1. - USES PERMITTED.**

The following uses shall be permitted in the "R-1-B" District:

A. One single family dwelling unit per lot, except:

1. In a Planned Development as permitted by Section 12-209.3-G; and
2. A Second Dwelling in accordance with Subsection 12-306-N-38.

B. Accessory buildings.

C. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.

D. Family day care homes, small.

E. Private greenhouses, horticultural collections and flower and vegetable gardens, private; agricultural crops, fruit trees, nut trees, vines, and plant nurseries (for producing trees, vines and horticultural stock), in accordance with Subsection 12-306-N-11.

F. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.

G. Home occupations as defined in Subsection 12-105-H-7.

H. Household pets as defined in Subsection 12-105-H-12.

I. Signs, subject to provisions of Section 12-209.5-K.

J. Tract offices, model homes and construction material storage yards of a temporary nature, within the tract being developed.

(Added Ord. 57-48, 1960; Am. Ord. 6121, 1962; Am. Ord. 6357, 1963; Am. Ord. 6758, 1966; Am. Ord. 74-54, § 1, eff. 7-7-74; Am. Ord. 76-40, § 5, eff. 6-6-76; Am. Ord. 82-65, § 2, eff. 7-23-82; Am. Ord. 88-94, § 15, eff. 8-12-88; Am. Ord. 90-53, §§ 16, 17, eff. 7-13-90; Am. Ord. 90-110, § 8, eff. 11-9-90; Am. Ord. 99-55, § 39, 10-14-99; Am. Ord. 2004-136, § 10, 1-25-05; Am. Ord. 2006-141, § 39, eff. 10-27-06).

**SEC. 12-209.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.**

The following uses shall be permitted in the "R-1-B" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.

B. Churches.

C. Family day care homes, large, subject to compliance with subsection 12-306-N-42.

D. Golf course, country club and driving range, subject to compliance with Subsection 12-306-N-47.

E. Group housing facility for seven (7) or more persons when located in a single family dwelling, subject to Subsection 12-306-N-43.

F. Libraries, public.

G. Planned developments, subject to the provisions of Subsection 12-306-N-21.

H. Schools, parks and playgrounds, public.

I. Schools, private or parochial, of an elementary, secondary or college level.

J. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.

K. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

L. Community gardens, subject to the provisions of Subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 68-58, 1968; Am. Ord. 74-54, § 2, eff. 7-7-74; Am. Ord. 76-40, § 6, 6-6-76; Am. Ord. 85-121, § 3, 9-13-85; Am. Ord. 88-94, § 16, eff. 8-12-88; Am. Ord. 90-53, § 18, eff. 7-13-90; Am. Ord. 91-64, § 3, eff. 7-12-91; Am. Ord. 91-125, § 10, eff. 12-20-91; Am. Ord. 99-55, § 40, 10-14-99; Am. Ord. 2006-141, § 40, eff. 10-27-06).

**SEC. 12-209.4. - USES EXPRESSLY PROHIBITED.**

The following uses are expressly prohibited in the "R-1-B" District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-209.1 and 12-209.3 above. The listing herein is for purposes of clarity only:

- A. Advertising structures.
- B. Agricultural uses not specifically listed as permitted.
- C. Child day care centers, large.
- D. Commercial uses.
- E. Industrial uses.
- F. Multiple family residential uses.

(Added Ord. 57-48, 1960; Added Ord. 90-86, § 6, eff. 9-21-90; Am. Ord. 99-55, § 41, 10-14-99).

**SEC. 12-210. - "R-1-C" SINGLE FAMILY RESIDENTIAL DISTRICT.**

The "R-1-C" District is intended to provide for the development of one family residential homes at urban standards on lots not less than nine thousand (9,000) square feet in area, not more than one (1) dwelling unit permitted on any lot. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents. (Rep. and Added Ord. 5748, 1960).

**SEC. 12-210.1. - USES PERMITTED.**

The following uses shall be permitted in the "R-1-C" District:

- A. One single family dwelling unit per lot, except:

1. In a Planned Development as permitted by Section 12-210.3-H; and
  2. A Second Dwelling in accordance with Subsection 12-306-N-38.
- B. Accessory buildings.
- C. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.
- D. Family day care homes, small.
- E. Private Greenhouses, horticultural collections and flower and vegetable gardens, private; agricultural crops, fruit trees, nut trees, vines, and plant nurseries (for producing trees, vines and horticultural stock), in accordance with Subsection 12-306-N-11.
- F. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.
- G. Home occupations as defined in Subsection 12-105-H-7.
- H. Household pets as defined in Subsection 12-105-H-12.
- I. Signs, subject to provisions of Section 12-210.5-K.
- J. Tract offices, model homes and construction material storage yards of a temporary nature, within the tract being developed.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 6357, 1963; Am. Ord. 6768, 1966; Am. Ord. 74-54, § 6, eff. 7-7-74; Am. Ord. 76-40, § 7, eff. 6-6-76; Am. Ord. 82-65, § 2, eff. 7-23-82; Am. Ord. 88-94, § 17, eff. 8-12-88; Am. Ord. 90-53, §§ 19, 20, eff. 7-13-90; Am. Ord. 90-110, § 9, eff. 11-9-90; Am. Ord. 99-55, § 46, 10-14-99; Am. Ord. 2004-136, § 11, 1-25-05; Am. Ord. 2006-141, § 41, eff. 10-27-06).

**SEC. 12-210.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.**

The following uses shall be permitted in the "R-1-C" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

- A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.
- B. Churches.
- C. Electric distribution substation.
- D. Family day care homes, large, subject to compliance with subsection 12-306-N-42.

- E. Golf course, country club and driving range, subject to compliance with Subsection 12-306-N-47.
- F. Group housing facility for seven (7) or more persons when located in a single family dwelling, subject to Subsection 12-306-N-43.
- G. Libraries, public.
- H. Planned developments, subject to the provisions of Subsection 12-306-N-21.
- I. Schools, parks and playgrounds, public.
- J. Schools, private or parochial, of an elementary, secondary or college level.
- K. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.
- L. Water pump stations, subject to the provisions of Subsection 12-306-N-46.
- M. Community gardens, subject to the provisions of Subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 68-58, 1968; Am. Ord. 74-54, § 7, eff. 7-7-74, Am. Ord. 76-40, § 8, eff. 6-6-76; Am. Ord. 85-121, § 7, eff. 9-13-85; Am. Ord. 88-94, § 18, eff. 8-12-88; Am. Ord. 90-53, § 21, eff. 7-13-90; Am. Ord. 91-64, § 4, eff. 7-12-91; Am. Ord. 91-125, § 11, eff. 12-20-91; Am. Ord. 99-55, § 47, 10-14-99; Am. Ord. 2006-141, § 42, eff. 10-27-06).

**SEC. 12-210.4. - USES EXPRESSLY PROHIBITED.**

The following uses are expressly prohibited in the "R-1-C" District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-210.1 and 12-210.3 above. The listing herein is for purposes of clarity only:

- A. Advertising structures.
- B. Agricultural uses not specifically listed as permitted.
- C. Child day care centers, large.
- D. Commercial uses.
- E. Industrial uses.
- F. Multiple family residential uses.

(Added Ord. 5748, 1960; Added Ord. 90-86, § 7, eff. 9-21-90; Am. Ord. 99-55, § 48, 10-14-99).

**SEC. 12-211. - "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT.**

The "R-1" District is intended to provide for the development of one family residential homes at urban standards on lots not less than six thousand (6,000) square feet in area, not more than one (1) dwelling permitted on any lot. All regulations for this District are deemed to be necessary for the protection of the quality of the residential environment and for the securing of health, safety and general welfare of the residents. (Rep. and Added Ord. 5748, 1960).

**SEC. 12-211.1. - USES PERMITTED.**

The following uses shall be permitted in the "R-1" District:

A. One single family dwelling unit per lot, except:

1. In a Planned Development as permitted by Section 12-211.3-H; and
2. A Second Dwelling in accordance with Subsection 12-306-N-38.

B. Accessory buildings.

C. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.

D. Family day care homes, small.

E. Private greenhouses, horticultural collections and flower and vegetable gardens, private agricultural crops, fruit trees, nut trees, vines, and plant nurseries (for producing trees, vines and horticultural stock), subject to the provisions of Subsection 12-306-N-11.

F. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.

G. Home occupations as defined in Subsection 12-105-H-7.

H. Household pets as defined in Subsection 12-105-H-12.

I. Signs, subject to provisions of Section 12-211.5-K.

J. Tract offices, model homes and construction material storage yards of a temporary nature, within the tract being developed.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 6357, 1963; Am. Ord. 6607, 1965; Am. Ord. 6768, 1966; Am. Ord. 75-59, § 1, eff. 7-12-75; Am. Ord. 75-129, § 1, eff. 1-11-76; Am. Ord. 76-40, § 9, eff. 6-6-76; Am. Ord. 81-105, § 3, eff. 9-25-81; Am. Ord. 82-3, § 14, eff. 2-5-82; Am. Ord. 82-65, § 2, eff. 7-23-82; Am. Ord. 88-94, § 19, eff. 8-12-88; Am. Ord. 90-53, §§ 22, 23, eff. 7-13-90; Am. Ord. 90-110, § 10, eff. 11-9-90; Am.

Ord. 99-55, § 55, 10-14-99; Am. Ord. 2004-136, § 12, 1-25-05; Am. Ord. 2006-141, § 43, eff. 10-27-06).

**SEC. 12-211.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.**

The following uses shall be permitted in the "R-1" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.

B. Churches.

C. Electric distribution substation.

D. Family day care homes, large, subject to compliance with subsection 12-306-N-42.

E. Farmers Market, subject to the conditions listed in Subsection 12-304-B-25.

F. Golf course, country club and driving range, subject to compliance with Subsection 12-306-N-47.

G. Group housing facility for seven (7) or more persons when located in a single family dwelling, subject to Subsection 12-306-N-43.

H. Libraries, public.

I. Planned developments, subject to the provisions of Subsection 12-306-N-21.

J. Schools, parks and playgrounds, public.

K. Schools, private or parochial, of an elementary, secondary or college level.

L. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.

M. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

N. Community Gardens, subject to the provisions of Subsection 12-306-N-11

*(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 6607, 1965; Am. Ord. 68-58, 1968; Am. Ord. 75-69, § 2, eff. 7-12-75; Am. Ord. 75-129, § 2, eff. 1-11-76; Am. Ord. 76-40, § 10, eff. 6-6-76; Am. Ord. 86-121, § 11, eff. 9-13-85; Am. Ord. 88-94, § 20, eff. 8-12-88; Am. Ord. 90-53, § 24, eff. 7-13-90; Am. Ord. 91-64, § 5, eff. 7-12-91; Am. Ord. 91-125, § 12, eff. 12-20-91; Am. Ord. 99-55, § 56, 10-14-99; Am. Ord. 2006-141, § 44, eff. 10-27-06; Am. Ord. 2008-38, § 37, eff. 7-25-08).*

**SEC. 12-211.4. - USES EXPRESSLY PROHIBITED.**

The following uses are expressly prohibited in the "R-1" District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-211.1 and 12-211.3 above. The listing herein is for purposes of clarity only:

- A. Advertising structures.
- B. Agricultural uses not specifically listed as permitted.
- C. Child day care centers, large.
- D. Commercial uses.
- E. Industrial uses.
- F. Multiple family residential uses except as permitted by Subsection 12-211.3-G.

(Rep. and Added Ord. 5748, 1960; Am. Ord. 6607, 1965; Am. Ord. 75-59, § 3, eff. 7-12-75; Am. Ord. 75-129, § 3, eff. 1-11-76; Added Ord. 90-86, § 8, eff. 9-21-90).

**SEC. 12-212. - "R-2" LOW DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT.**

The "R-2" District is intended to provide for the development of low density multiple family residential structures where such buildings are reasonably spaced on the lot to provide for light, privacy, air, safety and insulation against transmission of sound, on lots not less than six thousand six hundred (6,600) square feet in area. (Rep. and Added Ord. 5748, 1960).

**SEC. 12-212.1. - USES PERMITTED.**

The following uses shall be permitted in the "R-2" District:

- A. Uses permitted in the "R-1" District, Section 12-211.1 shall apply.
- B. One-family, two-family or multiple-family dwellings on a lot with less than two net acres in area. (Refer to Section 12-212.3-H for sites having two (2) net acres or more.) (Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 6326, 1963; Am. Ord. 76-40, § 11, eff. 6-6-76; Am. Ord. 81-105, § 2, eff. 9-25-81; Am. Ord. 88-94, § 21, eff. 8-12-88; Am. Ord. 90-110, § 12, eff. 11-9-90; Am. Ord. 99-55, § 65, 10-14-99).

**SEC. 12-212.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.**

The following uses shall be permitted in the "R-2" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

- A. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.
- B. Churches.
- C. Electric distribution substation.
- D. Family day care homes, large, subject to compliance with Subsection 12-306-N-42.
- E. Golf course, country club and driving range, subject to compliance with Subsection 12-306-N-47.
- F. Group housing facility for seven (7) or more persons, subject to Subsection 12-306-N-43.
- G. Libraries, public.
- H. Multiple family projects when the subject site contains two (2) or more net acres in area.
- I. Schools, parks and playgrounds, public.
- J. Schools, private or parochial, of an elementary, secondary or college level.
- K. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.
- L. Water pump stations, subject to the provisions of Subsection 12-306-N-46.
- M. Community gardens, subject to the provisions of Subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 6326, 1963; Am. Ord. 68-58, 1968; Am. Ord. 76-40, § 12, eff. 6-6-76; Am. Ord. 88-94, § 22, eff. 8-12-88; Am. Ord. 90-53, § 25, eff. 7-13-90; Am. Ord. 91-64, § 6, eff. 7-12-91; Am. Ord. 91-125, § 13, eff. 12-20-91; Am. Ord. 99-55, § 66, 10-14-99; Am. Ord. 2006-141, § 45, eff. 10-27-06).

**SEC. 12-212.4. - USES EXPRESSLY PROHIBITED.**

The following uses are expressly prohibited in the "R-2" District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-212.1 and 12-212.3 above. The listing herein is for purposes of clarity only:

- A. Advertising structures.
- B. Agricultural uses not specifically listed as permitted.
- C. Commercial uses, including commercial uses such as hotels, apartment hotels, motor courts, motels or other buildings wherein housing facilities are furnished to transient boarders or roomers.
- D. Industrial uses. (Added Ord. 5748, 1960; Am. Ord. 99-55, § 67, 10-14-99).

**SEC. 12-213. - "R-3" MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT.**

The "R-3" District is intended to provide for the development of medium density multiple family residential structures for purposes of rental or sale to permanent occupants on lots not less than seven thousand five hundred (7,500) square feet in area. (Rep. and Added Ord. 5748, 1960).

**SEC. 12-213.1. - USES PERMITTED.**

The following uses shall be permitted in the "R-3" District:

- A. Uses permitted in the "R-2" District, Section 12-212.1 shall apply.
- B. Churches and parochial schools.
- C. Libraries, public.
- D. Parks and playgrounds, public.
- E. Schools, public. (Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 76-40, § 13, eff. 6-6-76; Am. Ord. 88-94, § 23, eff. 8-12-88; Am. Ord. 90-110, § 14, eff. 11-9-90; Am. Ord. 99-55, § 78, 10-14-99; Am. Ord. 2006-141, § 46, eff. 10-27-06).

**SEC. 12-213.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.**

The following uses shall be permitted in the "R-3" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

- A. Adult day care facilities for a maximum of twenty-four (24) adults, subject to Subsection 12-306-N-42.
- B. Boarding and/or rooming house.
- C. Buildings over forty (40) feet in height. (Refer to Section 12-213.5-D, below.)

D. Clubs and lodges, private, excepting those the principal activity of which is a service customarily carried on as a business.

E. Electric distribution substation.

F. Family day care homes, large, subject to compliance with Subsection 12-306-N-42.

G. Fraternity and Sorority.

H. Golf course, country club and driving range, subject to compliance with Subsection 12-306-N-47.

I. Group housing facility for seven (7) or more persons, subject to Subsection 12-306-N-43.

J. Multiple family projects when the subject site contains two (2) or more net acres in area.

K. Schools, private or parochial, of an elementary, secondary or college level.

L. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.

M. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

N. Community gardens, subject to the provisions of Subsection 12-306-N-11.

(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 68-58, 1968; Am. Ord. 76-40, § 14, eff. 6-6-76; Am. Ord. 88-94, § 24, eff. 8-12-88; Am. Ord. 90-53, §§ 26, 27, eff. 7-13-90; Am. Ord. 91-125, § 15, eff. 12-20-91; Am. Ord. 99-55, § 79, 10-14-99; Am. Ord. 2006-141, § 47, eff. 10-27-06; Am. Ord. 2008-38, § 46, eff. 7-25-08).

**SEC. 12-213.4. - USES EXPRESSLY PROHIBITED.**

The following uses are expressly prohibited in the "R-3" District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-213.1 and 12-213.3 above. The listing herein is for purposes of clarity only:

A. Advertising structures.

B. Agricultural uses not specifically listed as permitted.

C. Commercial uses, including commercial residential uses such as hotels, apartment hotels, motor courts, motels or other buildings wherein housing facilities are furnished to transient boarders or roomers.

D. Industrial uses.

E. Offices. (Added Ord. 5748, 1960; Am. Ord. 91-64, § 7, eff. 7-12-91; Am. Ord. 99-55, § 80, 10-14-99).

**SEC. 12-214. - "R-4" HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT.**

The "R-4" District is intended to provide for high density multiple family residential development on lots not less than ten thousand (10,000) feet in area. (Rep. and Added Ord. 5748, 1960).

**SEC. 12-214.1. - USES PERMITTED.**

The following uses shall be permitted in the "R-4" District:

A. Uses permitted in the "R-3" District, Section 12-213.1 shall apply.

1. Multiple family dwellings, to a maximum density of less than thirty (30) units per acre. (Refer to Section 12-214.3-H I for densities of thirty or more units per acre.)

B. Child day care centers, large and small.

C. Clubs and lodges, private, excepting those the principal activity of which is a service customarily carried on as a business. (Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 88-94, §§ 25, 26, eff. 8-12-88; Am. Ord. 90-53, § 28, eff. 7-13-90; Am. Ord. 90-86, § 9, eff. 9-21-90; Am. Ord. 90-110, § 15, eff. 11-9-90; Ord. 96-64, § 1, eff. 11-1-96; Am. Ord. 99-55, § 85, 10-14-99; Am. Ord. 2006-141, § 48, eff. 10-27-06).

**SEC. 12-214.3. - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT.**

The following uses shall be permitted in the "R-4" District, subject to a conditional use permit pursuant to Sections 12-405 and 12-406:

A. Adult day care facilities for a maximum of twenty-four (24) adults, subject to Subsection 12-306-N-42.

B. Boarding and/or rooming house.

C. Buildings over sixty (60) feet in height. (Refer to Section 12-214.5-P. below)

D. Electric distribution substation.

E. Family day care homes, large, subject to Subsection 12-306-N-42.

F. Fraternity and Sorority.

G. Golf course, country club and driving range, subject to compliance with Subsection 12-306-N-47.

H. Group housing facility for seven (7) or more persons, subject to Subsection 12-306-N-43.

I. Multiple family dwellings with a density of thirty (30) or more units per acre, or containing two (2) or more net acres in area.

J. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.

K. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

L. Community gardens, subject to the provisions of Subsection 12-306-N-11.

*(Added Ord. 5748, 1960; Am. Ord. 6121, 1962; Am. Ord. 68-58, 1968; Am. Ord. 88-94, § 27, eff. 8-12-88; Am. Ord. 90-53, §§ 29, 30, eff. 7-13-90; Am. Ord. 91-64, § 8, eff. 7-12-91; Am. Ord. 91-125, § 16, eff. 12-20-91; Ord. 96-64, § 2, eff. 11-1-96; Am. Ord. 99-55, § 86, 10-14-99; Am. Ord. 2006-141, § 49, eff. 10-27-06; Am. Ord. 2008-38, § 50, eff. 7-25-08).*

**SEC. 12-214.4. - USES EXPRESSLY PROHIBITED.**

The following uses are expressly prohibited in the "R-4" District. The listing of these prohibited uses shall not, however, be used as a basis to enlarge upon the scope of permitted uses specified in Sections 12-214.1 and 12-214.3 above. The listing herein is for purposes of clarity only:

A. Advertising structures.

B. Agricultural uses not specifically listed as permitted.

C. Commercial uses, excepting:

1. The commercial-residential uses listed as permitted in Section 12-214.1; and

2. Radio or television antennas and transmitters, subject to the granting of a Conditional Use Permit pursuant to Sections 12-405 and 12-406.

D. Hotels and motels.

E. Industrial uses.

F. Offices. (Added Ord. 5748, 1960; Am. Ord. 76-20, § 1, eff. 3-28-76; Am. Ord. 99-55, § 87, 10-14-99).

**SEC. 12-245. - "ANX" ANNEXED RURAL RESIDENTIAL TRANSITIONAL OVERLAY DISTRICT.**

The "ANX" Annexed Rural Residential Transitional Overlay District is a transitional overlay zone district intended to provide special standards protecting the rural residential lifestyle, as defined in Section 12-105-R-12, at the time of annexation into the city. The regulations of the "ANX" transitional overlay district are deemed to be necessary in order to assist and insure: compatibility with the goals, policies and findings of the 2025 Fresno General Plan related to the orderly growth of the city; the more efficient use of resources, the infrastructure, and municipal facilities. The "ANX" transitional overlay district is intended to allow a transitional rural residential use for properties upon annexation to the city continuing until such time as the properties are further developed consistent with the General Plan. Notwithstanding the underlying zone district designation and Section 12-317, any use allowed in Section 12-245.1 is deemed conforming with the Zoning Ordinance of the City of Fresno on property with the "ANX" designation. To the extent the provisions of the "ANX" transitional overlay zone district may be interpreted to be inconsistent with provisions of the Local Planning and Procedures Ordinance of the City of Fresno (Chapter 12, Article 6), the provisions of the "ANX" transitional overlay zone district control.

(Added Ord. 2008-10, § 4, eff. 6-1-08).

**SEC. 12-245.1. - USES PERMITTED.**

Notwithstanding the underlying zone district designation, the following uses shall be permitted on any property with the "ANX" transitional overlay district designation:

A. Existing Uses. Any use existing at the time the property was annexed to the city so long as the use had been lawfully allowed by the county at the time immediately preceding the annexation, subject to provisions of Subsection 12-306-N-11.

B. One single family dwelling unit per lot, except for a Second Dwelling in accordance with Subsection 12-306-N-38.

C. Accessory Buildings.

1. Garages.

2. Servants' quarters on parcels of land having a minimum lot area of 36,000 square feet or more.

3. Barns, stables, corrals, coops and/or animal or fowl pen.

D. Adult day care facilities for a maximum of six (6) adults when located in a single family dwelling.

E. Agricultural crops, greenhouses, fruit trees, nut trees, vines, nurseries for producing trees, vines and other horticultural stock, subject to provisions of Subsection 12-306-N-11 of this Code.

F. Where the lot area is at least one acre in size, a property owner may have adult bovine (cows) or equine (horses) animals, in any combination thereof, and their immature offspring, per acre. In no event shall any property regardless of size have more than 10 adult bovine or equine, or combination thereof. For every adult bovine or equine allowed on a property, a property owner may substitute two adult ovine (sheep) or adult caprine (goats) (including any immature offspring). Other similar animal types may be allowed upon a determination by the Director that they will not detrimentally affect the public health, safety and/or welfare.

G. Family day care homes, small.

H. Greenhouses, horticultural collections and flower and vegetable gardens, private.

I. Group housing facility for a maximum of six (6) persons when located in a single family dwelling.

J. Home occupations as defined in Subsection 12-105-H-7.

K. Household pets as defined in Subsection 12-105-H-12.

L. Petroleum products storage, for use by the occupants of the premises but not for resale or distribution.

M. Poultry raising (limited to hens only), rabbits or similar small featherbearing or furbearing animals, not to exceed twenty-four (24) of any kind or combination thereof, for domestic purposes only.

N. Roadside stands, temporary, for the sale of agricultural products produced upon the premises.

O. Signs, subject to provisions of Section 12-206.5-K.

P. Where any of the foregoing animals noted in this section are permitted on site, a stormwater runoff permit may be required in accordance with the requirements of the Regional Water Quality Control Board.

(Added Ord. 2008-10, § 5, eff. 6-1-08).

**SEC. 12-306. - PROPERTY DEVELOPMENT STANDARDS.**

The following property development standards and special standards of practice and regulations shall apply to all land, buildings, uses and structures in all districts, with the exception that notwithstanding any other part of this Code, any building or structure, including signs, that are identified and designated as a Historic Resource pursuant to the Historic Preservation Ordinance, may, at the discretion of the Director, Planning and Development Department upon advice from the City Historic Preservation Specialist, be exempted from any and all property development standards of the zoning ordinance with the exception of those rules and regulations imposed in the vicinity of Airports.

**N. SPECIAL STANDARDS OF PRACTICE AND REGULATIONS**

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

10. Security Wire Permits. Barbed tape or wire, concertina wire or similar security toppings are specifically prohibited in the city, except for barbed tape or wire constructed pursuant to a barbed wire permit issued pursuant to this subsection. Any approved security topping must be clearly visible. Planting shall be regulated to maintain the required open areas in said fence structure.

. . .

c. In the O, AE-20, AE-5, R-1-A, R-1-AH, R-1-E, and R-1-EH, R-1-C, R-1-B, and R-1 zone districts, barbed wire for agricultural purposes will be permitted with a barbed wire permit. In such districts, the highest strand of barbed wire shall not be more than five feet above the highest adjacent ground level.

. . .

g. Security toppings required by state or federal law are exempt from this section.

11. Greenhouse. Development and use of property classified in the open space, agricultural, and residential zone districts for commercial agriculture, plant nurseries, and community gardens:

a. Approval of a grading permit is required for site clearance and leveling prior to commencement of community gardening, plant nursery, or agricultural activity.

(1) Irrigation tailwater and stormwater runoff shall be retained on-site, so as to prevent it from entering the municipal stormwater management system, irrigation canals, and natural watercourses.

(2) On-site water detention and percolation basins shall conform to City of Fresno standards for construction and management to prevent breeding of mosquitoes.

(3) Irrigated cropland shall be managed in compliance with California Water Code Section 13260.

b. Any Agricultural Land Conservation ("Williamson Act") Contract that was in force prior to (re)establishment of agricultural uses on land classified for single-family residential uses shall be permitted to continue in effect under the terms of Fresno City Council Resolution No. 2006-130. However, no new application for an Agricultural Land Conservation Contracts shall be approved for land classified (zoned) for single-family residential uses, in recognition of the fact that agricultural cultivation of land so classified is incidental to urban use (e.g., ancillary open space associated with a housing project or eleemosynary institution), or is an interim and transitional use prior to planned urbanization.

c. Permanent plantings (agricultural trees and vines), buildings, and water wells shall not be installed on portions of a property planned for right-of-way for major streets.

d. When the underlying zone district or an overlay zone district allows use of private storage tanks for fuel, such tanks shall be installed and maintained pursuant to the appropriate permits and required approvals from Fresno County Environmental Health and the Fresno Fire Department. All such tanks shall be located at least 40 feet from property lines and are subject to additional setback requirements at the discretion of regulatory agencies.

e. Use of water for irrigation of crops, plant nurseries and community gardens.

(1) When feasible and permissible, surface water supplies and/or recycled water shall be used for irrigation.

(2) Subsection 12-306-O shall apply to construction of any new non-potable water delivery facilities. Appropriate easement covenants shall be recorded for conveyance of non-potable water.

(3) Installation of irrigation pipelines shall be minimized to the extent possible in portions of a property planned for right-of-way of major streets. Where it is unavoidable to avoid planned right-of-way, such pipelines shall be constructed of appropriate

material to allow subsequent street construction without replacement of the pipeline.

- (4) At the conclusion of agricultural/nursery/community gardening activities, irrigation pipelines shall be removed unless the City approves their retention for non-potable water conveyance. Irrigation easements no longer needed for conveyance of water supplies shall be vacated. Surface water rights shall accrue to the City of Fresno when the irrigation water is no longer being delivered for agricultural activity.
- (5) Any premises with a water utility connection and a separate source of water for agricultural irrigation must have a backflow prevention device on the potable water connection, pursuant to City Water Division standards. The backflow device shall be installed with required City permits and is subject to periodic testing.
- (6) Any agricultural, nursery, or community garden use of water from a potable water utility system shall be metered. Any connections to the water utility system shall be equipped with backflow protection approved by the City and installation of any water pipe used to deliver the potable water supply requires approved plumbing permits from the City.
- (7) Efficient Water Management Practices identified in Fresno Irrigation District's adopted Agricultural Water Management Plan shall be implemented as feasible.
- (8) When 20 or more contiguous acres are involved in agricultural or horticultural activity, a private water well may be developed, reconstructed, or rehabilitated on the premises to supply irrigation water, subject to all of the following:

  - (i) City Water Division's written approval of an irrigation water well application pursuant to Fresno Municipal Code Sections 6-402 and 6-505, including siting of the proposed well and portions of the well casing with perforations or screening; and,

- (ii) Submittal of an irrigation water use plan for Water Division approval; and,
  - (iii) Approval of the appropriate level of environmental review for the irrigation well development project; and,
  - (iv) Execution of an agreement with the Water Division to do the following: maintain well production metering and records of well production; to pay the applicable Recharge Fee or provide alternative groundwater extraction mitigation acceptable to Water Division; and to limit the well's groundwater extraction to a sustainable yield as shall be determined after well development based on the Water Division's review of pump tests.
- (9) Wells used for agricultural irrigation must be improved pursuant to State of California Department of Water Resources standards and Water Division requirements based on water well application review. Irrigation wells shall additionally be equipped with a meter accessible for periodic readings by the City for the purpose of assessing the City's Private Well Irrigation Fee.
- (10) Water from an irrigation well must be used solely on the premises where the well is located,
- (11) Water from a private off-site well shall not be used for irrigating agricultural or horticultural activity.
- (12) The practices of "chemigation" and "fertigation," and any other means of distributing agrichemicals via irrigation water, shall only be permitted if there is no risk of such chemicals flowing back into a well.
- (13) At the conclusion of agricultural/nursery/community gardening activities, any associated well shall be destroyed in accordance with the provisions of California Department of Water Resources Water Well Standards and the standards of the City Water Division. Alternatively, and only if approved by the Water Division, a well no longer needed for irrigation may be retained and secured for

subsequent public pump station use if the well has been appropriately constructed.

f. Fencing shall be located on the property (not on street rights-of-way) and shall be set back from property lines as necessary to allow at least six (6) feet for safe pedestrian access along any roadway.

g. Establishment of Community Gardens. A conditional use permit application, or major revised exhibit application for a previously approved special permit, shall be approved prior to establishing community gardens, subject to the following requirements:

- (1) Establishment of a community garden requires a designated responsible party, which may be an individual, a partnership, a corporate entity, or a tax-exempt organization; and,
- (2) If the responsible party is not the owner of the proposed community garden site, the responsible party shall obtain written permission from the owner of the proposed site (or the authorized agent of the owner) prior to applying to establish the community garden. A copy of this written permission, and any agreement between the property owner and the responsible party, shall accompany the special permit application materials submitted to the City; and,
- (3) The application shall include a dimensioned drawing of the property showing the intended community garden and other improvements (including setbacks from property lines and buildings, landscaping that will remain and landscaping that is proposed to be removed for the garden, underlying easements, fencing, pedestrian accessibility, parking, trash enclosures and any storage structures proposed to be associated with the garden); and,
- (4) The application shall include an operational statement with the following details at a minimum: responsible managing entity and 24-hour contact information for that entity; hours of gardening operations/access by users; the intended number of gardeners sharing the site; a water supply plan; a waste disposal plan; and any proposed special event activity associated with the garden; and,

(5) Security wire shall not be permitted for fencing on, or surrounding, community gardens located in any residential zone district.

(6) Community gardens may only be established in areas designated for on-site stormwater retention with written permission of Fresno Metropolitan Flood Control District. From September 15 through April 15, no plastic, shade cloth, netting, wire mesh, twine, or stakes shall be permitted in gardens occupying stormwater retention areas, and vegetative debris shall be removed, in order to prevent clogging drainage facilities.

h. All pesticides, fertilizers, and hazardous materials used and stored at the premises shall be subject to use, storage, handling, disposal, disclosure and inventory requirements administered by the Fresno County Agricultural Commissioner, Fresno County Environmental Health, California Environmental Protection Agency Division of Toxic Substance Control, and Fresno Fire Department. All pesticides, fertilizers, and hazardous materials shall be stored in securely locked structures having an impervious floor. All such storage structures shall be located at least forty (40) feet from property lines and are subject to additional setback requirements at the discretion of regulatory agencies.

i. Cultivation and soil amendment activities shall conform to applicable regulations of the San Joaquin Valley Air Pollution Control District, including controls for particulate matter, fugitive dust, bulk material handling, and odors.

j. When permitted by the underlying zone district, plant products grown on the premises may be sold on the premises by means of an on-site stand subject to the provisions of Subsection 12-306-N-18.

k. Beehives may be temporarily placed on agricultural and horticultural sites twenty (20) acres or more in size for pollination purposes, when a source of water is provided within 20 feet of all hives and the hives are located at least forty (40) feet from property lines. Beehives shall be properly maintained according to apiary standards administered by the Fresno County Agricultural Commissioner. Aggressive or "Africanized" beehives shall be immediately addressed when reported to the property owner, agricultural operator at the property, or a regulatory agency.

l. Except where the setback requirements of this subsection are more restrictive, setback and lot coverage requirements of the underlying zone district shall apply. A Greenhouses and storage facilities shall be classified as a buildings in determining lot coverage. The property

development standards of the underlying zone district shall apply if such with regard to building heights. If a proposed agricultural or horticultural structure exceeds the permitted fence height for the district or if such structure exceeds one hundred (100) square feet in area, the Director shall have discretion to modify the building height standards of the district.

m. No on-site burning of waste material shall be allowed. Waste material and litter associated with agricultural operations shall be properly disposed of in a timely manner, and shall not be permitted to blow onto adjacent properties.

n. Sonic hail disruptors ("hail cannons") and noisemaking devices for repelling birds and other crop pests shall not be permitted.

o. Soil amendments and waste material that attracts nuisance flies or supports growth of such flies shall not be permitted.

p. Any agricultural operation or community garden located in an area regulated under an Airport Land Use Compatibility Plan or airport specific plan shall be operated in conformance with the applicable Wildlife Hazard Mitigation Plan for that airport.

q. Street trees and trees established to satisfy shading criteria of applicable special permits and subdivision maps shall not be removed to accommodate agricultural or community gardening activity. Other tree removal shall be subject to requirements of subsection 12-306-N-24.a.

**CITY OF FRESNO  
CATEGORICAL EXEMPTION  
ENVIRONMENTAL ASSESSMENT NO. TA-13-02**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY  
EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS  
PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES

**APPLICANT:** Fee paid by Jeffrey T. Roberts, Granville Homes  
1396 West Herndon Ave, Suite 101, Fresno, CA 93711

Text amendment initiated by the Director of the Development  
and Resource Management Department

**PROJECT LOCATION:** City-wide (effective within the corporate boundaries of the  
City of Fresno)

**PROJECT DESCRIPTION:** Text Amendment Application No. TA-13-02 proposes to amend  
various provisions of Chapter 12 the Fresno Municipal Code  
(the Zoning Ordinance) to allow agricultural and community  
gardening activities in open space and residential zone  
districts, and to establish special standards of practice and  
regulation for agricultural and community gardening activities.

**This project is categorically exempt under Class 4 / Minor Alterations to Land, ref.  
Section 15304(b) of the California Environmental Quality Act (CEQA) Guidelines.**

**EXPLANATION:** No adverse environmental impacts would occur as a result of  
the proposed project because the elements of the project  
comply with all conditions applicable to Class 4 categorical  
exemptions.

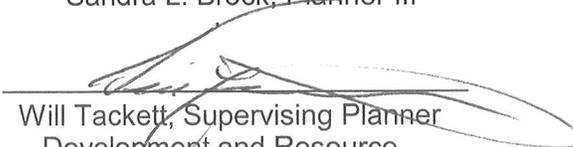
Under subsections 15304(b) of the CEQA Guidelines, new  
gardening and landscaping are considered minor alternations  
to land. The text amendment prohibits removal of shade trees  
that are required under other City ordinances. It includes and  
references requirements for agricultural and community garden  
activities to comply with regulations that will prevent adverse  
impacts and undesirable effects upon adjacent properties  
relating to air quality, traffic, noise, exposure to hazardous  
materials, and airport safety hazards, as well as safeguards for  
surface and groundwater quality and prevention of groundwater  
overdraft. Activities involved in growing food and ornamental  
crops are identical or similar to the specific activities conducted  
when maintaining vacant land under current City ordinances, in  
that the land is required to be irrigated, disked and/or treated to  
prevent fire hazards and nuisances from weed growth.

Date: August 6, 2013

Prepared by:

  
Sandra L. Brock, Planner III

Submitted by:

  
Will Tackett, Supervising Planner  
Development and Resource  
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