

## Article 16      Overlay Districts

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### 15-1601    Planned Development (PD) Overlay District

- A.    **Purpose.** The Planned Development (PD) Overlay District allows for an alternate process to accommodate major and unique developments for residential, commercial, professional, or other similar activities, including combinations of uses and modified development standards, which would create a desirable, functional, and community-oriented environment under controlled conditions of a development plan. The PD district is intended to provide assurances to a land developer which will reduce the economic risks of a project while providing the City with a flexible means of promoting comprehensive planning and orderly development.
- B.    **Use Regulations.** No use other than an existing use is permitted in a PD District except in accordance with a valid PD Plan or adopted Specific Plan. Any permitted or conditional use authorized by this Code may be included in an approved PD Plan or an adopted Specific Plan consistent with the General Plan land use designation(s) for the property.
- C.    **Development Standards.**
1.    ***Minimum Area.*** The minimum area of a PD District shall be as follows; however, the City Council may approve a District smaller than the minimum area if it finds that rezoning to PD would further achieve the goals of the General Plan and provide greater benefits to the general welfare of Fresno's residents and property owners than development under conventional zoning because of unique characteristics of the site or the proposed use or mix of uses.
    - a.    *Commercial and Mixed-Use Districts.* One-half contiguous acres.
    - b.    *Other Districts.* Two contiguous acres.
  2.    ***Open Space.*** Open space shall be shown on the PD Plan, and the total open area in a PD Plan shall be substantially the same, or greater as the open area required by the Base District for the total area of the planned development.
  3.    ***Residential Unit Density.*** Except where a density bonus is granted in compliance with the City's density bonus regulations for affordable housing in Article 22, Affordable Housing Density Bonus, the total number of dwelling units in a PD Plan shall not

exceed the maximum number permitted by the General Plan density for the total area of the planned development designated for residential use.

4. ***PD Plan Regulations.*** Minimum lot area, yard requirements, building heights, and other physical development standards shall be as prescribed by the PD Plan. Each PD Plan shall establish development standards that, at a minimum, address the following:
  - a. Land use;
  - b. Circulation of traffic, bicycles, and pedestrians;
  - c. Landscaping and planting areas;
  - d. Residential density; non-residential floor area;
  - e. Minimum building site;
  - f. Minimum lot dimensions;
  - g. Maximum lot coverage by buildings and structures;
  - h. Minimum yards;
  - i. Maximum building or structure heights; transitional standards to adjacent residential neighborhoods;
  - j. Maximum height of fences and walls;
  - k. Signs;
  - l. Off-street parking and loading; and,
  - m. Other items as deemed appropriate by the Director, Planning Commission, and City Council.

D. **PD Plan Project Description.** Each PD Plan shall clearly outline how it accomplishes the following:

1. Addresses a unique situation.
2. Confers a substantial benefit to the city.
3. Incorporates creative site design to achieve the purposes of this Code and General Plan, and represents an improvement in quality over what is possible through the strict application of the otherwise applicable district or development standards. These improvements may include:
  - a. A greater amount of open space and access;
  - b. Environmental protection;
  - c. Tree and/or vegetation preservation;
  - d. Creation of multiple-use projects including residential, commercial, or recreational facilities;
  - e. Increased choice of housing options.
4. The project would be impractical to achieve within one of the City's Base Districts.

**15-1602 Airport Environs (AE) Overlay District**

- A. **Purpose.** As used herein, “Airport” means Fresno Yosemite International Airport, Fresno-Chandler Executive Airport, and/or Sierra Sky Park. The Airport Environs (AE) Overlay District is established to:
1. Protect life and property on the ground and in the air around the airport from potential hazards to ensure the safe navigation of aircraft.
  2. Identify a range of uses compatible with airport accident hazard and airport noise exposure.
  3. Prohibit the development of incompatible uses that are detrimental to the general health, safety, and welfare and to existing and future airport operations.
  4. Require noise attenuated construction within the airport environs.
  5. Comply with Federal Aviation Administration (FAA) regulations.
  6. Comply with the California State Aeronautics Act.
- B. **Use Regulations.** Those uses permitted in the Base District, subject to the limitations and conditions set forth therein and consistent with applicable Airport Land Use Plans.
- C. **Development Standards.**
1. In addition to the development standards of the underlying district, development in the AE Overlay District is subject to the requirements, limitations, and conditions set forth therein and consistent with applicable Airport Land Use Compatibility Plans and applicable provisions of Federal Aviation Administration (FAA) regulations. The three airport plans within the city are Sierra Sky Park, Fresno-Chandler Executive, and Fresno Yosemite International.
  2. ***Airport Land Use Commission (ALUC) Review.*** The ALUC shall review any projects within its purview pursuant to applicable plans, and shall review any text amendments to this Code.

**15-1603 Bluff Protection (BP) Overlay District**

- A. **Purpose.** The Bluff Protection (BP) Overlay District is intended to provide special land development standards that will preserve the integrity of the natural landscape of the southerly San Joaquin River Bluffs, adjacent properties, and adjacent open spaces as areas of special quality by reason of the topography, geologic substratum, and environment of the area. Regulations for the BP Overlay District are deemed necessary for the preservation of the special qualities of the southerly San Joaquin River Bluffs, and for the protection of the health, safety, and general welfare of owners and users of property within the River Bluff Influence Area.
- B. **Applicability.** The provisions of this article apply to areas within 300 feet of the toe of the San Joaquin River bluff.
- C. **Use Regulations.** Those uses permitted in the Base District, subject to the limitations and conditions set forth therein.

- D. **Development Standards.** Development Standards shall be as required by the Base District, except as follows:
1. ***Bluff Setback.*** Development, including buildings, structures, decks, pools, spas, and steps, shall be setback a minimum of 30 feet from the bluff edge or as identified as necessary for the preservation of the existing state of the bluffs in the soils report prepared pursuant to Section 15-1603-F, Soils Report, whichever is greater. Buildings, structures, decks, pools, spas, and steps include all objects that may be below grade, at grade, or above grade.
  2. ***Lighting and Illumination.*** Streetlights and all exterior lighting shall be directed away from the riverbottom.
  3. ***Design and Orientation.*** The design and orientation of structures, walls and fences shall be in keeping with the natural character of the Bluffs. Fences must be open a minimum of 80 percent (i.e., no more than 20 percent opaque) to allow for the passage of light and air.
  4. ***Colors and Materials.*** Construction shall be permitted only on lots subject to recorded deed restrictions or covenants restricting exterior colors and construction materials to those which are compatible with the natural bluff environment and with surrounding development.
  5. ***Geologic Impact Standards.*** To minimize potential geologic and soil hazards, the following provisions shall apply to all subdivisions and development within Bluff Zones I, II, and III of the San Joaquin River Bluffs environs:
    - a. ***General Provisions.*** General provisions for grading, drainage, and erosion:
      - i. Locations of streets, utilities and other facilities shall be approved by the Director and the City Engineer.
      - ii. Requirements for the location, design, construction, and maintenance of surface and subsurface drainage facilities shall be as determined by the Fresno Metropolitan Flood Control District.
      - iii. All development within Bluff Zones I, II, and III shall comply with the applicable provisions of the Building Code as adopted and amended by the City.
      - iv. Drainage of storm and irrigation water shall be directed away from the Bluff Face to public rights-of-way or to drainage facilities approved by the Fresno Metropolitan Flood Control District. A drainage plan shall be provided and approved by the Director for each separate lot within the Bluff Influence Area, establishing methods for conveying surface water from roofs and landscaping, and drain water from all swimming pools or decorative pools to approved locations away from the Bluff Face.
      - v. To minimize erosion, the following shall apply to all graded, altered, or unstable bluff areas:

- (1) Landscaping with drought-tolerant, low-fuel plants, compatible with the bluff environs, from a list prepared by the City.
  - (2) Landscape irrigation shall utilize drip irrigation or low precipitation systems, and must be approved by the civil engineer prior to installation.
  - (3) Hydroseeding, netting and mulch shall be utilized to re-establish plant life, to control erosion and to discourage rodent burrowing.
- b. *Soils Investigation.* The following types of soil evaluations shall be performed and reported:
- i. Bluff Zone I. A civil engineer or soils engineer registered in the State of California shall investigate and report on soil and geologic conditions, utilizing methods consistent with accepted practices. The report shall evaluate soils and geologic conditions for development proposals located outside Bluff Zone II and shall be similar in scope to the soils investigation required under Subparagraph ii, below. The investigation and report shall identify potential surface and subsurface drainage problems that may ultimately affect the stability of the bluffs and any measures to mitigate such effects.
  - ii. Bluff Zone II. A civil engineer or soils engineer registered in the State of California shall provide a detailed Soils Investigation and Evaluation Report using methods consistent with accepted practice and shall include the following:
    - (1) Evaluation of existing stability;
    - (2) Evaluation of post-development slope stability;
    - (3) Documentation of existing conditions for rock falls, block caving, creep failures, shear failures, excessive erosion and sloughing;
    - (4) Evaluation of slope angles, subsurface drainage, proposed grading, structures, utility trenches, potential rodent population, storm drain disposal, surface irrigation and drainage, erosion, traffic vibration, potential seismic hazards, and on-site sewage disposal approximate to the bluffs;
    - (5) Evaluation of the influence of future development and grading along the Bluff Toe for its effect on slope stability;
    - (6) Evaluation of the adverse effect of increased surface and subsurface drainage;
    - (7) Coordination, review, and approval of site grading and drainage plans prepared by the project civil engineer for conformance to soils and geologic reports;

- (8) Laboratory tests to evaluate the soil parameters to be used in determination of slope stability;
      - (9) Determination and establishment of the location of the Bluff Toe, Bluff Edge and of any building setbacks.
    - iii. Bluff Zone III. A civil engineer or soils engineer registered in the State of California shall complete a Soils Investigation and Evaluation Report, involving detailed study of individual lots within the River Bluff Influence Area, as follows:
      - (1) Zone III soils investigations will address the details of the configuration, location, type, and loading of the proposed structures and drainage plan;
      - (2) The report shall provide detailed recommendations for foundations, drainage, and other items critical to bluff stability.
- c. *Filing.* Filing of Soils Investigation and Evaluation Reports shall be required as follows:
  - i. A Zone I, Zone II or Zone III Soils Investigation and Evaluation Report and a grading plan shall be filed at the time of filing any tentative tract map or parcel map providing for lots or portions of lots within Zone I, Zone II or Zone III, or at the time of filing any application for rezoning or for special permits for parcels of land within Zone I, Zone II or Zone III;
  - ii. For parcels of land within Zone I, Zone II or Zone III, that are not the subject of the filing of a tentative map or tentative parcel map, or that are not the subject of any application for rezoning or a special permit, a Zone I, Zone II or Zone III Soils Investigation and Evaluation Report and a grading plan shall be filed with any request for a building permit.
- d. *Certification.* The Soils Investigation and Evaluation Reports shall be certified as follows:
  - i. The engineer responsible for the soils investigation and evaluation report and for the grading plan shall certify that the proposed project will not cause any significant increase in the risk of damage to the bluff from erosion, slippage, subsidence, or other movement when grading, drainage, and other slope protection measures have been done in accordance with the Soils Investigation and Evaluation Report and the grading plan. The certificate may be executed on the face of the subdivision map or parcel map or may be contained in a separate instrument delivered to the Director.
  - ii. The engineer responsible for the soils investigation and evaluation report and for the grading plan for parcels of land for which certification is not provided above shall file written certification with any request for a building permit that the proposed project will not

cause any significant increase in the risk of damage to the bluff from erosion, slippage, subsidence or other movement, when grading, drainage and other slope protection have been done in accordance with the soils investigation and evaluation report and the grading plan.

- e. *Completion of Erosion Controls.* All erosion control measures shall be completed before the issuance of occupancy permits for residences constructed on lots within or partially within Zone II, and shall be completed before the issuance of building permits for structures constructed on lots within or partially within Zone III.
- E. **Development Permit.** A Development Permit is required for all grading and development, including buildings, structures, decks, pools, spas, and steps, within or abutting the southerly boundary of the BP Overlay District. This section applies to above or below grade objects.
- F. **Soils Report.** All applications for development shall provide a soils report. This requirement does not apply to the property between Blythe Avenue and the extension of the Nees Avenue alignment, existing as of August 1, 1979, to the Bluff.
- G. **Grading Standards.** No alteration or modification of the existing landscape, including grading or alteration of existing topography, or construction of any structures, shall be permitted on the bluff face or air space above it. This requirement does not apply to the property between Blythe Avenue and the extension of the Nees Avenue alignment, existing as of August 1, 1979, to the Bluff.
- H. **Other Development Regulations.** Private access, including gates and/or staircases, irrigation systems, planting, maintenance/weed control, and/or disposing of green waste onto the Bluff, are not permitted.
- I. **Commencement of Improvements.** No Building Permit or Grading Permit shall be issued unless all required technical studies required by this Code have been submitted and all applicable permits required by this Code have been obtained.

#### 15-1604 Expressway Area (EA) Overlay District

- A. **Purpose.** As used herein, the Expressway Area (EA) Overlay District means major streets that are classified as Expressways, Super Arterials, and other streets that may be designated by the City. The Expressway Area (EA) Overlay District is established to:
  - 1. Protect land uses and residences proximate to designated major streets.
  - 2. Limit development that may potentially be detrimental to the general health, safety, and welfare and to existing and future infrastructure operations and improvements.
  - 3. Mitigate noise to acceptable levels.
- B. **Use Regulations.** Those uses permitted in the Base District, subject to the limitations and conditions set forth therein.
- C. **Development Standards.** Development Standards shall be as required by the Base District, except as follows:
  - 1. *Residential Districts.* No building shall be erected within 200 feet of the right-of-way line, except as follows:

- a. An acoustical study determines that interior noise can be mitigated to acceptable levels.
  - b. In no case shall the minimum building setback be less than 75 feet from the center line of the nearest moving traffic lane of the abutting roadway.
  - c. Any barrier necessary to achieve acceptable noise levels shall not be less than eight feet in height and may be a wall, an earth berm, or any combination of wall and earth berm.
  - d. Where no frontage road is required along the expressway, any landscaped open space transition setback separating properties zoned for residential uses shall contain a wall, berm, or any combination of wall and berm, not less than eight feet high and located 50 feet from and parallel to the center line of the nearest moving lane of the abutting roadway.
2. ***Non-Residential Districts.*** No buildings, nor private signage, shall be erected within 30 feet of the right-of-way.

#### **15-1605 Residential Modifying (RM) Overlay District**

- A. **Purpose.** The Residential Modifying (RM) Overlay District is intended to provide special land development and street development standards which will create, protect, and maintain designated areas, streets, and adjacent properties as residential areas of exceptional public and private value.
- B. **Use Regulations.**
  1. ***Permitted Uses.*** Those uses permitted in the Base District, subject to the limitations and conditions set forth therein.
  2. ***Uses Subject to a Conditional Use Permit.*** Those uses permitted in the Base District, subject to the limitations and conditions set forth therein.
  3. ***Uses Not Permitted.***
    - a. The uses expressly prohibited by the provisions of the Base District.
    - b. Family Day Care.
    - c. Community and Religious Assembly.
    - d. Schools, Public or Private.
    - e. Park and Recreation Facilities.
    - f. Cultural Institutions.
    - g. Hospitals and Clinics.
- C. **Development Standards.** Development Standards shall be as required by the Base District except as follows:
  1. All yards required by an underlying district and abutting a street, shall be landscaped and maintained by the property owner.

2. Where the underlying district permits farm animals, the front or side yard abutting a street may be designed with a pasture as permitted by the underlying district.

**15-1606 Annexed Rural Residential Transitional (ANX) Overlay District**

A. **Purpose.** The Annexed Rural Residential Transitional (ANX) Overlay District allows rural residential use of properties upon annexation to the city continuing until such time as the properties are further developed consistent with the Base District.

B. **Use Regulations.**

1. **Permitted Uses.** Any permitted Special Use shall subject to the provisions in Article 27.
  - a. The uses permitted by the provisions of the Base District.
  - b. *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 Article 4, Non-Conforming Uses, Structures, Site Features, and Lots.
  - c. One single-family dwelling unit per lot, and a Second Dwelling Unit.
  - d. Accessory Buildings.
  - e. Garages.
  - f. Servants' quarters on parcels of land having a minimum lot area of 36,000 square feet or more.
  - g. Barns, stables, corrals, coops and/or animal or fowl pen.
  - h. Adult Day Care Facilities for a maximum of six adults when located in a single-family dwelling.
  - i. Crop Cultivation and Community Gardens.
  - j. *Animal Keeping.*
    - i. Household Pets.
    - ii. 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.
    - iii. Poultry (limited to hens only), rabbits, or similar small feather-bearing or fur-bearing animals, not to exceed twenty-four of any kind or combination thereof, for domestic purposes only.

- iv. 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.
  - k. Family Day Care Homes, small.
  - l. Greenhouses, horticultural collections and flower and vegetable gardens, private.
  - m. Group housing facility for a maximum of six persons when located in a single-family dwelling.
  - n. Home Occupations.
  - o. Petroleum products storage, for use by the occupants of the premises, but not for resale or distribution.
  - p. Roadside Stands, temporary, for the sale of agricultural products produced upon the premises.
  - q. Signs, subject to provisions of Article 26.
- 2. **Uses Subject to a Conditional Use Permit.** Those uses permitted in the Base District, subject to the limitations and conditions set forth therein.
  - 3. **Uses Not Permitted.** Those uses not permitted in the Base District or listed above, subject to the limitations and conditions set forth therein.
- C. **Development Standards.** For all properties in the ANX overlay district, the RS-1 zone district standards shall apply with the exception that an animal or fowl pen, coop, stable, bam, or corral may be located within 40 feet of any dwelling or other building used for human habitation, or within 100 feet of the front property line of the subject property under a Conditional Use Permit filed and approved pursuant to Article 53.

### 15-1607 Equine (EQ) Overlay District

- A. **Purpose.** The Equine (EQ) Overlay District is established to identify suburban residential areas where horses and other equine are allowed to be kept, while ensuring the protection of the quality of the residential environment and securing the health, safety, and general welfare of the residents.
- B. **Applicability.** In the event of a conflict between this section and Section 15-2707, Animal Keeping, the provisions of this section shall prevail.
- C. **Use Regulations.** Those uses permitted in the Base District, subject to the limitations and conditions set forth therein, except as follows:
  - 1. **Horse Keeping.** The keeping of horses is permitted, subject to the following:
    - a. **Number of Horses Permitted.**
      - i. Lots 36,000 Square Feet or Less. Up to two adult horses and one of their offspring less than two years of age are permitted.
      - ii. Lots 36,001 Square Feet or More. Up to four horses are permitted.
    - b. **Minimum Setback Requirements for Stables and Corrals.**

- i. From Side or Rear Property Lines. 25 feet.
- ii. From Windows or Doors of Buildings Used for Human Habitation. 40 feet.
- iii. From the Front Line of the Property. 100 feet.

D. **Development Standards.** Development Standards shall be as required by the Base District.

#### 15-1608 Mining (M) Overlay District

A. **Purpose.** The Mining (M) Overlay District is established to allow on-going mineral extraction in the San Joaquin Riverbottom in conjunction with open space uses.

B. **Use Regulations.**

1. **Permitted Uses.** Those uses permitted in the Base District, subject to the limitations and conditions set forth therein.
2. **Uses Subject to a Conditional Use Permit.**
  - a. Those uses permitted in the Base District, subject to the limitations and conditions set forth therein.
  - b. Mining and Quarrying.
3. **Uses Not Permitted.** Those uses not permitted in the Base District or listed above, subject to the limitations and conditions set forth therein.

C. **Development Standards.** Development Standards shall be as required by the Base District, except as follows:

1. Exceptions to height and façade standards may be permitted at the discretion of the Review Authority.
2. Additional conditions may be required to ensure compatibility with nearby existing and planned uses.

#### 15-1609 Apartment House (AH) Overlay District

A. **Purpose.** The Apartment House (AH) Overlay District is intended to preserve and enhance the pattern of pedestrian-oriented small-footprint apartment houses, grand homes, and small commercial buildings that exist in some pre-World War II neighborhoods.

B. **Use Regulations.** Those uses permitted in the Base District, subject to the limitations and conditions set forth therein.

C. **Development Standards.** Development Standards shall be as required by the Base District, except as follows:

1. **Maximum Lot Size.** 15,000 square feet.
2. **Front Setback.** The front setback for new structures shall not be greater than 110 percent of the average of the actual front setbacks of all improved lots on the blockface, nor shall it be less than 90 percent of the average of the actual front setbacks of all improved lots on the blockface.

3. ***Parking.*** Where 50 percent or more of the residential properties on a block have detached garages which encroach into the minimum side and/or rear setbacks, new detached garages shall be permitted to encroach into the minimum side and/or rear setback in a similar manner. In such instances the minimum side and rear setback for a detached garage shall each be equal to the average of the equivalent setbacks of the detached garages on the block, unless the average is less than two feet in which case the setback shall be zero feet. This provision shall also apply to properties which abut an RS District.
4. ***Façade Compatibility.***
  - a. ***Building Materials and Finishes.*** Cladding and trim materials and finishes shall be similar to adjacent apartment houses and single-family homes.
  - b. ***Windows.*** The size, location, and proportions of windows shall be similar to adjacent apartment houses and single-family homes.
  - c. ***Balconies and Porches.*** For new residential structures, the size, location, and proportions of balconies and porches shall be similar to adjacent apartment houses and single-family homes.
5. ***Pedestrian Access.*** Direct entrances shall be provided into all individual ground-floor dwelling units or commercial spaces which are adjacent to a public street. If the building is set back from the sidewalk, a paved path no less than five feet in width shall be provided from the sidewalk to each entrance.