



BILL NO. B-10

ORDINANCE NO. 2008-10

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA AMENDING SECTION 12-201 AND 12-203-A AND ADDING SUB-SECTION 12 TO SECTION 12-105-R, SECTIONS 12-245, 12-245.1, 12-245.2, 12-245.3, 12-245.4, AND, SECTION M TO SECTION 12-317 TO THE FRESNO MUNICIPAL CODE RELATING TO THE ADDITION OF THE "ANX" TRANSITIONAL OVERLAY DISTRICT FOR MAINTAINING THE RURAL RESIDENTIAL LIFESTYLE FOR ANNEXED PROPERTIES.

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

SECTION 1. Section 12-201 of the Fresno Municipal Code is amended to read:

SECTION 12-201. DESIGNATION OF ZONING DISTRICTS. For the purposes related to the orderly development of the City of Fresno, and in order to carry out the provisions of this Zoning Ordinance, the city is hereby divided into zoning districts, which are designated as follows:

A. Land use districts:

SECTION	DISTRICT SYMBOL	DISTRICT TITLE
12-204	"O"	Open Conservation District
12-204.10	"AE-20"	Exclusive Twenty-Acre Agricultural District
12-205	"AE-5"	Exclusive Five Acre Agricultural District
12-206	"R-A"	Single Family Residential-Agricultural District
12-207	"R-1-A"	Single Family Residential District
12-208	"R-1-AH"	Single Family Residential District (Horses)
12-208.10	"R-1-E," and "R-1-EH"	Single Family Residential Estate District
12-209	"R-1-B"	Single Family Residential District
12-210	"R-1-C"	Single Family Residential District
12-211	"R-1"	Single Family Residential District
12-211.10	"R-2-A"	Low Density Multiple Family Residential District, One Story
12-212	"R-2"	Low Density Multiple Family Residential District
12-213	"R-3"	Medium Density Multiple Family Residential District
12-214	"R-4"	High Density Multiple Family Residential District
12-215	"R-P"	Residential and Professional Office District

Adopted 3/4/08
Approved 5/1/08
Effective 6/1/08



12-216	"C-P"	Administrative and Professional Office District
12-217	"C-1"	Neighborhood Shopping Center District
12-218	"C-2"	Community Shopping Center District
12-219	"C-3"	Regional Shopping Center District
12-220	"C-4"	Central Trading District
12-221	"C-5"	General Commercial District
12-222	"C-6"	Heavy Commercial District
12-223	"C-R"	Commercial Recreation District
12-224	"C-M"	Commercial and Light Manufacturing District
12-225	"M-1-P"	Industrial Park Manufacturing District
12-226	"M-1"	Light Manufacturing District
[12-226.10	"S-L"	<u>Storage/Limited, Mini Storage Facility District]</u>
12-227	"M-2"	General Manufacturing District
12-228	"M-3"	Heavy Industrial District
12-229	"P"	Off-Street Parking District
12-230	"T-P"	Trailer Park Residential District
12-231	"CC"	Civic Center District
12-232	"C-L"	Limited Neighborhood Shopping Center District

B. Property development and special use districts:

SECTION	DISTRICT SYMBOL	DISTRICT TITLE
12-240	"BA"	Boulevard Area District
12-241	"CCO"	Civic Center Area Modifying District
12-242	"RM"	Residential Modifying District
[12-243	"BP"	<u>Bluff Preservation Overlay District</u>
12-244	"EA"	<u>Expressway Area Overlay District</u>
12-245	"ANX"	<u>Annexed Rural Residential Transitional Overlay District]</u>

SECTION 2. Section A of Section 12 203 of the Fresno Municipal Code is amended to read:

A. Any area annexed to the City shall be ~~designated, upon the effective date of annexation,~~[pre-zoned pursuant to Government Code section 56375(a)(3)] with a zone district consistent with adopted plans in accordance with either Section 12-403-B-1, the "Zone District Consistency Table", or Section 12-403-B-2, the "Planned Land Use Consistency Criteria." ~~If more than one zone district is found to be consistent with the land use designation of the area being annexed, the Director shall determine the most compatible district to be assigned.~~ [When located within the review area of any one of the three airport specific plans (the Sierra Skypark



Land Use Policy Plan; the Fresno-Chandler Downtown Airport Master and Environs Specific Plan; or the Airport and Environs Plan, Fresno Yosemite International Airport), all applications for the ANX Overlay District as authorized by this section shall be subject to the provisions of the adopted land use compatibility policies for residential development established by each Specific Plan for 1) Noise, 2) Airspace Protection, 3) Safety, and 4) Nuisance.]

SECTION 3. Section 12-105-R of the Fresno Municipal Code is amended by adding Subsection 12. thereto to read:

12. RURAL RESIDENTIAL shall mean a residential land use on parcels located in a semi-rural environment consistent with an unincorporated area which allows the use of the keeping of farm animals and incidental agricultural activities and agricultural buildings.

SECTION 4. Section 12-245 is added to the Fresno Municipal Code to read:

SECTION 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.

SECTION 5. Section 12-245.1 is added to the Fresno Municipal Code to read:

SECTION 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.
- 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.



F. Where the lot area is at least one acre in size, a property owner may have two (2) 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.

SECTION 6. Section 12-245.2 is added to the Fresno Municipal Code to read:

SECTION 12-245.2. PROPERTY DEVELOPMENT STANDARDS. For all properties in the "ANX" transitional overlay district, the R-A zone district standards shall apply with the exception that an animal or fowl pen, coop, stable, barn, 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 Section 12-406.

SECTION 7. Section 12-245.3 is added to the Fresno Municipal Code to read:

SECTION 12-245.3. APPLICABILITY. Any property that was annexed after December 31, 2006 may be included in the "ANX" transitional overlay zone district.

SECTION 8. Section 12-245.4 is added to the Fresno Municipal Code to read:

SECTION 12-245.4. TERMINATION. The applicability of the provisions of the "ANX" transitional overlay zone district shall terminate whenever the property owner intensifies the use of the property regardless whether the "ANX" designation is removed through a rezone process. "Intensifies the use of the property" shall include the approval of a plan amendment, a rezone, a subdivision (as defined in the Subdivision Map Act in Government Code Sections 66410, et seq.), and/or a special permit or any other development entitlement, including a building permit, to allow any use not allowed in Section 12-245.1. A change of ownership, in and of itself, will not cause the termination of the applicability of the "ANX" transitional overlay zone district. When the provisions of the "ANX" transitional overlay zone district terminates for a property pursuant to this Section, the property owner shall



comply with all applicable regulations for the underlying zone district designation.

Additionally, staff shall remove the "ANX" designation from the property upon termination.

SECTION 9. Section M is added to Section 12-317 of the Fresno Municipal Code to read:

M. "ANX" DISTRICT USES. Properties designated with the "ANX" transitional overlay zone district shall not be subject to the provisions of this Section until the effectiveness of the "ANX" transitional overlay zone district is terminated pursuant to Section 12-245.4 or until the "ANX" transitional overlay zone district designation is removed through a rezone pursuant to Section 12-403.

SECTION 10. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 4th day of March, 2008.

AYES : Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Xiong
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval: May 1, 2008
Mayor Approval/No Return: N/A, 2008
Mayor Veto: N/A, 2008
Council Override Vote: N/A, 2008

REBECCA E. KLISCH
City Clerk

By Rebecca E. Klisch
Deputy

APPROVED AS TO FORM:

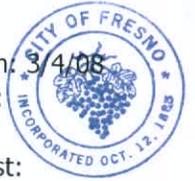
JAMES C. SANCHEZ
CITY ATTORNEY

By Kathryn C. Phelan, Deputy

Date: 2/21/08

May 1, 2008

Council Adoption: 3/4/08
Mayor Approval:
Mayor Veto:
Override Request:



RECEIVED

TO: MAYOR ALAN AUTRY

2008 MAY -1 PM 1:37

FROM: REBECCA E. KLISCH, CMC
City Clerk

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 3/04/08, Council adopted the attached Ordinance No. 2008-10 entitled **Text Amndmnt re: addition of ANX Transitional Overlay District, etc.**, by the following vote:

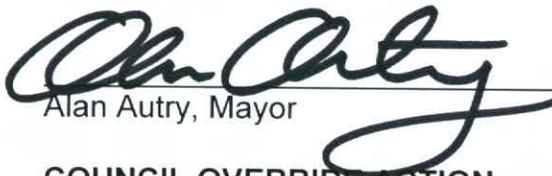
Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Xiong
Noes : None
Absent : None
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before May 12, 2008. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)


Alan Autry, Mayor

Date: 5/1/08

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :