

ORDINANCE NO. 2014-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REEDLEY AMENDING THE REEDLEY MUNICIPAL CODE BY REPEALING TITLE 10, CHAPTER 6, ARTICLE A THEREOF IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 6, ARTICLE A, PERTAINING TO THE RESIDENTIAL ESTATE ZONE DISTRICT, AND ADDING TO TITLE 11, CHAPTER 12 PERTAINING TO VOLUNTARY PARCEL MERGER

The City Council of the City of Reedley does hereby ordain as follows:

SECTION 1: Title 10, Chapter 6, Article A of the Reedley Municipal Code is hereby repealed in its entirety.

SECTION 2: Title 10, Chapter 6, Article A of the Reedley Municipal Code is hereby added in its entirety and is to read as follows:

**CHAPTER 6
ARTICLE A. RESIDENTIAL ESTATE DISTRICT (*RE Zone District*)**

Sections:

- 10-6A-1: Purpose
- 10-6A-2: Agricultural Effect Advisory
- 10-6A-3: Permitted Uses
- 10-6A-4: Conditional Uses
- 10-6A-5: Property Development Standards
- 10-6A-6: Fencing, Walls and Hedges
- 10-6A-7: Reserved
- 10-6A-8: Signs
- 10-6A-9: Off Street Parking and Off Street Loading Facilities
- 10-6A-10: General Provisions and Exceptions
- 10-6A-11: Reserved

10-6A-1: **PURPOSES:** This district is designed to function as an area of transition or changing character between the rural agricultural area and more urban areas. The Residential Estate District (*RE Zone District*) is established for the following purposes:

- A. It serves as a transitional area between the expanding urban growth areas and agricultural lands that surround the City.
- B. To protect active farming enterprises and natural resources surrounding the City and further avoid potential premature conversion of agricultural land.
- C. Provide a buffer area between urban and those areas reserved for continued agricultural production, to lessen potential conflicts between development and

agriculture.

- D. The *RE Zone District* is intended to provide a lifestyle and living area which combines certain advantages of both urban and rural settings.
- E. Provide areas for a continued mixture of low density residential development and agricultural and ranging activities.

10-6A-2: **AGRICULTURAL EFFECT ADVISORY:** Lands within the *RE Zone District* contain active farming activities and rural residential development. Purchases of property adjacent to commercial agricultural production areas within this district may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to: noise, odor, dust; the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, herbicides and pesticides. Owners, residents and users of property within this district should, therefore, be prepared to accept these conditions, and are hereby placed on official notice that "right-to-farm" provisions within the Reedley Municipal Code may bar them from obtaining a legal judgment against such normal agricultural operations.

10-6A-3: **PERMITTED USES:** For the purposes of this Section a "Permitted Use", also referred to as a "by-right" use, will require the approval of a Site Plan Review application for newly proposed development to occur.

A. Permitted Uses

1. Accessory structure incidental to the primary use.
2. Adult day care facility for a maximum of six (6) adults, when located in a single dwelling unit.
3. Agriculture and horticultural specialty uses on a non-commercial basis.
4. Bed and breakfast inns in accordance with the provisions of section 10-13-4 of this title.
5. Community and immediate care facilities (24-hour non-medical care) serving six (6) or fewer persons in accordance with RMC, subsections 10-6B-2A7, A8 and A9 of this chapter.
6. Electric substation.
7. Small family day care home (unlicensed) servicing six (6) or fewer children, in accordance with the provisions of subsection, 10-6B-2A6 and A9 of this chapter.
8. Flood control setting grounds.
9. Gas and Electric transmissions lines.
10. Private greenhouse, horticultural collections, flowers and vegetable gardens.
11. Group housing facility for a maximum of six (6) persons, when located within a single family dwelling unit.
12. Guest Quarters (no kitchen facilities).
13. Home Occupation pursuant to RMC Section 10-13-1.
14. Horse Stables.

15. Manufactured Homes/mobile homes on a permanent pad.
16. Medical marijuana cultivation in accordance with section 5-11-3 of this code and subject to section 10-15-11 of this title.
17. One Single-family dwelling unit per lot, pursuant to RMC Section 10-5 and 10-B.
18. Parks, playgrounds, recreational areas.
19. Raising of field crops. Fruits, nuts, vines, vegetables and horticultural specialities, the raising of livestock and rangelands.
20. Roadside stands, temporary, for the sale of agricultural products produced on the premises.
21. Second residential dwelling unit per lot, pursuant to RMC Section 10-6D.
22. Telecommunication Facilities within a building.
23. Wildlife preserve and conservation areas.
24. Water pump station.

10-6A-4: **CONDITIONAL USES:** For the purposes of this Section a "Conditional Use", also referred to as a "conditional use" use, will require the approval of a Conditional Use Permit application for newly proposed development to occur.

A. Conditional Uses:

1. Adult day care facility providing supervision for seven (7) to twelve (12) adults, when located in a single dwelling unit.
2. Boarding or Room House.
3. Cemetery.
4. Churches.
5. Church sponsored child care center.
6. Community and immediate care facilities serving (24-hour non-medical care) seven (7) to twelve (12) adults, when located in a single dwelling unit.
7. Family day care (licensed) serving nine (9) to fourteen (14) children.
8. Golf and Country Clubs, and Lodges operated by educational, social or fraternal organizations.
9. Group housing for seven (7) or more persons when located within a single family dwelling unit.
10. Kennels: Boarding (with grooming), training or breeding.
11. Libraries, public.
12. Public and private educational facility, including public and parochial elementary schools, junior high schools, high schools and colleges may have a minimum lot size of 5 acres. All school structures must comply with all applicable public safety and fire regulations. An elementary school site shall be located with at least 200 feet of frontage on a street designed as a collector street. Junior High and High Schools shall be located with at least 200 feet of frontage on a street designed as a collector or arterial. A minimum setback line of at least 50 feet shall be provided along all street right-of-way lines and adjoining property lines.
13. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes.
14. Public uses of an administrative, recreational, public service or cultural type including city, county, state and federal administrative centers and courts,

libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities; public playgrounds, parks and community centers.

15. Telecommunication facility- cell tower.

10-6A-5: **PROPERTY DEVELOPMENT STANDARDS:** The following property development standards shall apply to all land and structures in the *RE Zone District*:

- A. **Land Use Density:** The land use density shall be consistent with the Reedley General Plan, Suburban Residential Planned Land Use Designation of 1 to 4 dwelling units/per acre.
- B. **Lot Area:** The minimum lot size area shall be thirty thousand (30,000) square feet and is based on net acreage of the subject property. A nonconforming lot of record under separate ownership at the time it became nonconforming may be used for or occupied by any use permitted in this district.
- C. **Lot Dimensions:** All lots created after September 1, 2014, shall comply with the following minimum standards, and lots existing on September 1, 2014, may not be reduced below these standards. Each dimension is only a minimum required dimension. One or both shall be increased to attain the minimum lot area required.
 1. **Width.**
 - a. An Interior or Corner lot shall have a minimum width of one hundred seventy-five (175') feet.
 - b. A reversed corner, curved lot or cul-de-sac lot shall have a minimum width of one hundred fifty (150') feet.
 - c. Lots siding on a water course, river, freeway, or railroad right-of-way shall have a minimum width of one hundred fifty (150') feet.
 2. **Depth.**
 - a. An interior, corner, reverse corner, curved lot or cul-de-sac shall have a minimum depth of one hundred fifty (150') feet.
 - b. Lots backing on a water course, river, freeway, or railroad right-of-way shall have a minimum depth of one hundred seventy-five (175') feet.
 3. **Building Height.**
 - a. No primary building or structure erected in this District shall have a height greater than forty (40') feet.
 - b. No accessory buildings erected in this District shall have a height greater than two (2) story, not to exceed thirty-five (35') feet.
- D. **Yards:** The yard shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for the projections, accessory buildings or other structures, as defined in the Chapter 10-2-3:

1. Front Yard: Each lot shall have a front yard of not less than forty (40') feet extending across the full width of the lot. Curve lots and cul-de-sac lots shall have a front yard of not less than twenty-five (25) feet.
2. Side Yard:
 - a. Interior Lots. Each lot shall have a side yard on each side of not less than twenty (20') feet.
 - b. Corner Lots. On any corner lot, the side yard abutting the street shall be not less than twenty-five (25') feet.
 - c. When the primary residential structure is more than one story, the side yard shall be increased by seven (7') feet for each additional story.
 - d. Accessory buildings, as defined in RMC Section 10-2-3, measuring less than ten (10') feet at the plate height, may be located within ten (10') feet of the side yard fence.
3. Rear Yard:
 - a. Each lot shall have a rear yard of not less than twenty (20') feet.
 - b. Accessory buildings as defined in Chapter 10-2-3, measuring less than ten (10') feet at the plate height, may be located within five (5') feet of the rear yard fence.

E. Space Between Buildings: The minimum distance between the primary residential structure and another building or structure shall not be less than ten (10') feet.

F. Lot Coverage: The maximum lot coverage by buildings and structures shall not exceed forty-five (45) percent of the total lot area.

10-6A-6: **FENCES, WALLS AND HEDGES**: This section is intended to define and provide standards for the location, composition and height of fences, hedges and walls. Nothing in this section shall be deemed to set aside or reduce the requirements established for security fencing by either local, state or federal law, or by safety requirements of the Board of Education. The regulations of the districts shall apply and the following shall be in addition to those regulations.

A. Definitions.

1. CORNER CUT-OFF AREA shall mean the triangular area of a reversed corner lot, where the rear and street site yard property lines meet. Said area is determined by measuring from that intersection along both the rear and street-side property lines, a distance equal to the front yard setback distance of the abutting property, then connecting those points, thereby forming, that triangle.
2. FENCE shall mean any structural device forming a vertical physical barrier, other than a wall (solid masonry wall) as described below, intended to either mark the boundary of property, or act as a visual, noise, or security barrier. A

fence may be made of a variety of materials including, wire mesh, steel mesh, chain link, ornamental iron, masonry, louvered glass, wood slat or stake and other similar materials, and constructed with or without openings: e.g., open framework such as wrought iron or a solid fence such as cedar or redwood planks.

3. HEDGE shall mean a series of plant material arranged in a formal pattern to create a barrier of plants which are cut, clipped, or hedged to create a living fence.
4. WALL, or solid masonry wall, shall mean any structure or device approved by the Director designed to prevent the passage of light, air, and vision, and substantially reduce noise levels.

B. Standards.

1. No fence, hedge or wall over three (3) feet in height shall be permitted in any required front yard setback area or within the excepted corner cut-off area defined above.
2. Alternatively, a wrought iron or tubular steel type fence, whereas at least ninety (90) percent of the fence shall be open for the passage of light and air, may be constructed to a maximum height of four (4) feet in the front yard setback area, except within any defined corner cut-off area (Subsection 10-6A-6-C below).
3. Fences, hedges, and walls, not greater than seven (7') feet in height, shall be permitted on all rear and side property lines, and on or to the rear of all front yard setback lines.
4. If a residential district is adjacent to, or the adjoining property line which is a district boundary is abutting a commercial, office, or industrial district, it shall be separated therefrom by erecting a six (6) foot high wall on said property line.
5. The height of a fence, hedge or wall, shall be measured from the ground to the high point of the fence, hedge or wall, excluding the post or column. In the case of a fence or wall, whenever the posts/columns are spaced eight (8) feet apart or more, they may extend a maximum of six (6) inches above the top of the fence/wall. Whenever there is a grade separation at the fence/property line between two or more abutting properties, the height shall be measured from the highest grade.
 - a. Proposed masonry, wood fencing materials, plant materials or materials must be made part of the entitlement application and shown in sufficient detail consistent with City Standards and Specifications.
 - b. Where walls are specifically required by this Code or as a condition of approval of any entitlement, only approved wall types may be utilized.

- c. Walls of a particular type may be approved for a limited purpose or for use under specified conditions.
 - d. Walls shall be six feet in height (four inches as effected by the existing grade), except as otherwise provided by this Code or as specified by an entitlement approval.
6. Fences or structures over six feet in height, to enclose tennis courts, or other game areas located within the rear half of the lot, shall be composed of wire mesh capable of admitting at least ninety (90) percent of light as measured on a reputable light meter. Such fences shall be permitted in the required side or rear yard subject to an administrative review process.
7. A fence or wall shall be constructed along the perimeter of all areas, considered by the Council or Planning Commission to be dangerous to the public health and safety. Solid masonry walls to mitigate noise generated by vehicular traffic may be constructed on property lines abutting arterial streets, expressways, highways, and freeways. The height of such wall shall be determined by the council in relation to the danger or hazard involved. Said fence or wall may be required when a use requires a permit or at the discretion of the council according to the danger or hazard involved.
8. Notwithstanding other provisions of this Code, the Director may approve, with good cause, an increased height of any required fence, hedge or wall to a maximum of eight (8') feet.
- C. **Corner Cut-Off Areas.** All present and future fences, hedges, and walls shall not exceed three (3) feet in height within the corner cut-off area.
1. Corner cut-offs are established to provide an unobstructed view for vehicular traffic approaching an intersection. They are a triangular area formed by the property lines and a diagonal line joining points on the property lines, measured a specific distance from the point of their intersection. At the intersections of streets or highways, that distance shall be thirty (30) feet. In the case of rounded corners to the lot, the triangular area is formed between the tangents to the curve and a diagonal line joining points on said tangent thirty (30) feet from the point of their intersection. Where a private driveway or an alley intersects a street or alley, the distance shall be ten (10) feet.

10-6A-7: **RESERVED:**

10-6A-8: **SIGNS:** No sign or outdoor advertising structure of any character shall be permitted except as prescribed in Title 10, Chapter 14 of this Code.

10-6A-9: **OFF STREET PARKING AND OFF STREET LOADING FACILITIES:** Off street parking and off street loading facilities shall be provided on the site for each use as prescribed in Title 10, Chapter 12 of this Code.

10-6A-10: **GENERAL PROVISIONS AND EXCEPTIONS:**

A. General Provisions:

1. A minimum 100-foot buffer between new residential development and existing agricultural operations is required as an appropriate transitional space between urban and agricultural land uses to facilitate continued agricultural operations and minimize agricultural effects as described in Section 10-6A-2. The buffer shall be measured from the property line adjoining the agricultural use to any building used for human habitation.
2. To protect active farming enterprises and natural resources surrounding the City while avoiding potential premature conversion of agricultural land the environmental review for all proposed new projects shall include, and not be limited to analyzing the potential impacts specifically created through agricultural use, traffic generation, groundwater contamination, storm-water drainage disposal and/or the deterioration of air quality.
3. No main building shall be erected within fifty (50') feet of the right-of-way of any railroad line or freeway.
4. Swimming pools and spas may be located anywhere on the subject parcel, provided that the pool/spa structure shall be located a minimum of five (5') feet from any fence, no more than six (6) feet in height, installed in accordance with the fencing standards of this Code. Equipment related to the operation and maintenance of a swimming pool or spa, and other mechanical equipment installed to the exterior of the main building, shall be considered and evaluated as an accessory building except that they may not be located within the side yard setback along the extent of the main building.
5. Garages or carports shall be located not less than twenty (20') feet from any street frontage where the garage door or carport opening faces and takes direct access to the street. Where yard requirements pose a greater setback, such setback shall apply.
6. If an accessory building is used for garage purposes and the entrance for vehicular access to said garage faces the main building, the minimum distance between the primary residential structure and the accessory building (garage) shall be a minimum separation of twenty-five (25') feet in order to provide vehicular access to the garage and backup space from the garage. The minimum distance between the primary residential structure and another building or structure shall not be less than ten (10') feet.
7. Poultry pens or coops shall be located not less than forty (40') feet from any main building or any other building used for human habitation.

B. Exceptions:

1. Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, sky-lights, towers, church steeples, flag poles, chimneys, smokestacks, silos, water tanks or wireless masts or similar structures may be erected above the height limit prescribed in this Section when approved by the Community Development Department Director upon finding that the structure may be safely erected and maintained at such height without damaging the surrounding properties taking into consideration the surrounding conditions and circumstances. No roof structures, or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.
2. Cornices, eaves, roof overhangs, trellises, beams, joists and other similar roof projections may extend or project into required yards. Projections may extend into a yard using five (5") inches for each one (1') foot of required yard.
3. Fireplace chimneys may extend or project into a required side yard not more than five inches for each one foot of the width of such required side yard and may extend or project into a front or rear yard not more than thirty (30") inches.
4. Uncovered unenclosed porches, platforms or landing places which do not extend above the level of the first floor of the building, may extend into any front yard a distance of not more than six feet, and such features may not extend into a court more than twenty percent of the width of said court and in no case more than six feet, and may extend into any side or rear yard not more than three (3') feet. An open work railing may be installed or constructed on any such porch, platform or landing place provided it does not exceed thirty-six (36") inches in height.
5. Open unenclosed stairways or balconies not covered by a roof or canopy may extend or project into a required front yard not more than thirty (30") inches.

10-6A-11: **RESERVED:**

SECTION 3: Title 11, Chapter 12 of the Reedley Municipal Code is hereby added in its entirety and is to read as follows:

**Chapter 12
MERGER OF CONTIGUOUS PARCELS**

SECTION:

- | | |
|---------|--------------|
| 11-12-1 | Purpose |
| 11-12-2 | Requirements |
| 11-12-3 | Application |
| 11-12-4 | Reserved |

11-12-5 Procedures
11-12-6 Effective date of merger.

11-12-1 **Purpose:** The purpose of this chapter is to authorize the voluntary merger of contiguous parcels under common ownership consistent with Government Code Sections 66451.11 and 66499.20.3.

11-12-2 **Requirements:** The owner of any contiguous parcel may initiate the merger of any parcel. The Community Development Director, City Engineer, Planning Commission or City Council may require the owner of any contiguous parcel to request the merger of any or all contiguous parcels within the city in conjunction with the giving of any variance, conditional use permit, or any other development approval under this title or the zoning code.

11-12-1 **Application:** A property owner or owners of contiguous parcels may apply for a parcel merger by submitting an application in a form provided by the City. The proposed parcel merger shall meet all of the following requirements:

- A. The merger does not affect any fees, grants, easements, agreements, conditions, dedications, offers to dedicate or security provided in connection with any approvals of divisions of real property or lot line adjustments; and
- B. The boundaries of the parcels to be merged are well-defined in existing recorded documents or filed maps and were legally created or have certificated of compliance issued on them; and
- C. The merger will not alter the exterior boundary of the parcels to be merged; and
- D. The document used to effect the merger contains an accurate description of the exterior which the property is located; and
- E. The parcels to be merged are both consistent with applicable General Plan Land Use Designation and policies (Residential, commercial & industrial policies).
- F. The merger complies with the building and zoning requirements for the zoning district in which the parcels are located; and
- G. All parties having any record title interest in the real property affected have consented to the merger upon a form and in a manner set forth in the application and approved by the City. Consent is not required from the interests that are excepted from the requirements to consent to the preparation and recordation of final maps under Government Code Section 66436; and
- H. All necessary fees and requirements, including a fee for recording the documents, have been provided.

11-12-4 **Reserved:**

11-12-5 **Procedures:** The procedure and reviewing authorities are the same as those required for a lot line adjustment under Title 11, Chapter 7, Lot Line Adjustment (RMC 11-7-1), including appeal procedures, and except that a deed shall not be required to effect the lot merger.

When the owner or owners of record of any contiguous parcels requests the merger of said contiguous parcels, application shall be made on the forms and contain the minimum following information:

- A. Complete and signed Master Application Form; and
- B. Preliminary Title Report(s) issued within 30-days of the submittal date of the application for each parcel.
- C. Drawing(s) delineating the existing parcels and adjusted parcels prepared and sealed by a licensed Land Surveyor.
- D. Drawing(s) delineating the proposed parcel and adjusted parcels prepared and sealed by a licensed Land Surveyor.
- E. Drawings shall be an appropriate scale with a North directional arrow affixed.
- F. All existing and proposed merger of parcels shall be fully dimensioned and delineated in a manner readily distinguishable from the existing lines of record.
- G. Existing public and private easements shall be shown and annotated on the drawings.
- H. Submittal of all filing fees in accordance with the City's Master Fee Schedule in effect at the time of submittal of an application.
- I. Additional information may be required to ensure compliance with the Subdivision Map Act.

11-12-6 **Effective date of merger:** The merger of any contiguous parcels shall become effective upon recordation of the notice of determination of voluntary merger with the county recorder.

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I hereby certify that the foregoing Ordinance No. 2014-002 was introduced and given first reading at a regular meeting of the City Council of the City of Reedley held on the 24th of June, 2014, and was thereafter duly adopted at a regular meeting of said City Council held on the 22nd of July, 2014, by the following vote:

AYES: Soleno, Fast, Betancourt, Rodriguez, Beck.

NOES: None.

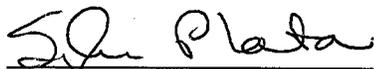
ABSENT: None.

ABSTAIN: None.



Robert O. Beck, Mayor
City of Reedley

ATTEST:



Sylvia Plata, City Clerk
City of Reedley