

ORDINANCE NO. 569
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDSAY AMENDING SECTION
18.24.030 OF THE LINDSAY MUNICIPAL CODE PERTAINING TO ZONING ORDINANCE
DEFINITIONS.

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

ARTICLE 1: Section 18.24.030 of the Lindsay Municipal Code shall be amended to read as follows:

18.24.030 Definitions.

For the purpose of this title, certain words and terms used herein are defined as follows:

"Accessory building" means a building or structure which is subordinate to, and the use of which is customarily incidental to that of the main building, structure or use on the same site, including patio covers. Except in the case of garden structures, if any accessory building is attached to the main building by a common wall or a connecting roof, such accessory building shall be deemed to be a part of the main building.

"Accessory use" means a use incidental, related, appropriate and clearly subordinate to the main use of the site or building, which accessory use does not alter the principal use of the site.

"Alter" means to make any change in the supporting or load-bearing members of a building, such as bearing walls, columns, beams, girders or floor joists.

"Animal hospital" means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to boarding not to exceed two weeks in duration, shall be only incidental to such hospital use, and shall be located within an enclosed soundproof structure.

"Automobile wrecking yard" means a site or portions of a site on which the dismantling or wrecking of used vehicles or the storage, sale or dumping of dismantled or wrecked vehicles or their parts are conducted. The presence on a site of three or more motor vehicles which have not been capable or operating under their own power for fifteen days or more, in the case of vehicles not self-propelled, which have not been towable or from which parts have been removed for reuse or sales, shall constitute prima facie evidence of a motor vehicle wrecking yard.

"Bar, cocktail lounge" means a building, room or facility licensed by the State of California for on-sale liquor and/or beer and wine sales, and which has a majority of public dining or meeting areas used predominately for the sale and consumption of alcoholic beverages.

"Billboard" means the same as "outdoor advertising structure" as defined in Section 18.14.040 of this title.

"Block" means the properties abutting on one side of a street and lying between two nearest intersecting or intercepting street and railroad rights-of-way, unsubdivided land or watercourse.

"Boarding or rooming house" means a building where lodging and meals are provided for compensation for five but no more than fifteen persons, not including rest homes.

"Breezeway" means a roofed passageway, open on at least two sides, connecting the main structure on a site with another main structure or accessory use on the same site.

"Building" means a permanently located structure having a roof, for the housing or enclosure of persons, chattels or property of any kind. Mobile homes, travel trailers and other vehicles, even though permanently immobilized shall not be deemed to be buildings.

"Building, main" means a building within which is conducted the principal use permitted on the lot or site as provided by this title.

"Building setback line" means the minimum distance as prescribed by this title between any property line and the closest point on the foundation or any supporting post or pillar of any building or structure related thereto.

"Carport" means a permanent accessory structure or portion of a main structure open on two or more sides designed for the storage of motor vehicles, without full enclosure. Carports, whether attached or detached, shall be subject to all minimum yard requirements of the underlying zoning district.

"Cemetery" means land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such premises.

"Clinic" means a place for the provision of group medical services.

"Club" means an association of persons for some common nonprofit purposes, but not including groups organized primarily to render a service which is customarily carried on as a business.

"College" means an educational institution offering advanced instruction in any academic field beyond the secondary level, but not including trade schools or business colleges.

"College, trade" means the same as "school, trade."

"Commercial office" means any administrative or clerical office maintained as a business and any office established by a public service over which this title has jurisdiction.

"Communications equipment building" means a building housing electrical and mechanical equipment necessary for the conduct of a public communication business, with or without personnel.

"Convalescent home" means the same as "rest home."

"Convenience store/ mini-mart" means retail, food and personal service establishment~ limited to a maximum of seven thousand square feet of floor area (that may include the sale of liquor) that are designed for the ready convenience of its patrons.

"Drive-in restaurant" means an establishment which serves food or beverages to persons while seated in or on a motor vehicle, and/ or which serves food or beverages for consumption off the premises of the restaurant.

"Dump" means a place used for the disposal, abandonment or discarding by burial, incineration or by any other means of any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals.

"Dwelling" means a building or portion thereof, designed exclusively for residential purposes, including one-family and multifamily dwellings; including mobile homes, supportive housing, and transitional housing; not including hotels, apartment hotels, boarding and lodging houses, fraternity and sorority houses, rest homes, convalescent homes, nursing homes, child care nurseries, or house trailers even though permanently immobilized.

"Dwelling, multifamily" means a dwelling designed exclusively for occupancy by more than one family living independently of each other in separate dwelling units.

"Dwelling, one-family" means a detached dwelling designed exclusively for occupancy by one family for residential purposes.

"Dwelling unit" means one or more rooms and a kitchen designed for occupancy by one family for living and sleeping purposes.

"Educational institutions" means public or other nonprofit institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities, nonprofit research institutions and religious institutions. Such institutions must either: (1) offer general academic instruction equivalent to the standards prescribed by the State Board of Education, (2) confer degrees as a college or university of undergraduate or graduate standing, (3) conduct research or (4) give religious instruction. This definition does not include schools, academics or institutes, incorporated or otherwise, which operate for a profit, nor does it include commercial or trade schools.

"Electrical distribution substation" means an assemblage of equipment which is part of a system for the distribution of electric power where electric energy is received at a subtransmission voltage and transformed to a lower voltage for distribution for general consumer use.

"Electrical transmission substation" means an assemblage of equipment which is part of a system for the transmission of electric power where electric energy is received at a very high voltage from its source of generation by means of a network of high voltage lines and where, by means of transformers, said high voltage is transformed to a low subtransmission voltage for purposes of supplying electric power to large individual consumers, interchange connections with other power producing agencies or electric distribution substations for transformation to still lower voltages for distribution to smaller individual users.

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

"Family" means "household."

"Fence, open" means a fence, fifty percent or more of the vertical surface of which is open to the transmission of light, air and vision.

"Fence, screened" means a fence, ninety percent or more of the vertical surface of which is closed to the transmission of light, air and vision.

"Frontage" means the property line of a site abutting on a street, other than the side line of a corner lot.

"Garage, private" means a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

"Garage, repair" means a structure or part thereof, other than a private garage, where motor vehicles are repaired or painted.

"Garden structure" means an arbor, deck, fountain, lath house, pergola, raised planting bed, trellis or other similar structure intended specifically to enhance the appearance of the garden or which has a function relating to the use of outdoor space, but not including a house, garage, carport or storage building.

"Guest house" means living or sleeping quarters within an accessory building for the sole use of occupants of the premises, guests of such occupants or persons employed on the premises. Such quarters shall have no kitchen facilities and shall not be rented.

"Home occupation" means the conduct of an art or profession, the offering of a service or the conduct of a business, or the handcraft manufacture of products for compensation, within a dwelling in a residential district, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof, in accordance with the regulations prescribed in Chapter 18.14 of this title.

"Hotel" means a building in which there are sixteen or more guest rooms where lodging with or without meals is provided for compensation, usually on a transient basis. "Hotel" shall not be construed to include motel, trailer court, sanitarium, hospital or other institutional building, or jail or other building where persons are housed under restraint.

"Household" means any individual or group of individuals living together in a single dwelling unit who may share living expenses, chores, and meals together, and who maintain social, economic and psychological commitments to each other. A household includes, for example, the residents of residential care facilities and group homes for people with disabilities. A household does not include larger institutional group living situations such as dormitories, lodging houses, or boarding houses.

"Incidental" means a structure or use that is subordinate in size, scale, and intensity of use to the permitted or conditionally permitted structure or use of the site. "Incidental structures and uses" does not include wireless communication facilities (e.g., cellular phone, enhanced specialized mobile radio, personal communication systems, or other communication technologies based on wireless radio wave transmission) which emit, broadcast, or repeat signals intended primarily for commercial use beyond the immediate site upon which the facility is located.

"Junk yard" means a site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, house wrecking yards, scrap yards, used lumber yards and similar storage yards, excepting a site on which uses are conducted within a completely enclosed structure and excepting "automobile wrecking yards" as defined in this section. An establishment for the sale, purchase or storage of used cars, farm equipment or salvaged machinery in operable condition and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junk yard.

"Kennel" means any lot or premises on which four or more dogs and/ or cats at least four months of age are kept, boarded or trained.

"Kitchen" means any room used or intended or designed to be used for cooking or the preparation of food.

"Lodge" means an order or society of persons organized for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

"Lodging house" means a dwelling in which lodging or lodgings are provided for compensation for more than five but not more than fifteen persons other than members of the resident family, excepting a nursing home as defined in this section.

"Lot" means a single parcel of land for which a legal description is filed of record, or the boundaries of which are shown on a subdivision map, or record of survey map filed in the office of the Tulare County Recorder. The term "lot" shall include a part of a single parcel of land when such part is used as though a separate lot for all of the purposes and under all of the requirements of this title. The term "lot" shall include two or more abutting lots when combined and used as though a single lot.

"Lot area" means the total horizontal area within the lot lines of a lot.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two or more streets which have an angle of intersection of not more than one hundred thirty-five degrees.

"Lot coverage" means that portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy.

"Lot depth" means the depth of a lot shall be the horizontal length of a straight line connecting the midpoints of the front and rear lot lines.

Lot, Double Frontage. "Double frontage lot" means an interior lot having frontage on and with access on two parallel or approximately parallel streets.

Lot, Interior. "Interior lot" means a lot other than a corner lot or reverse corner lot.

Lot, Key. "Key lot" means the first lot to the rear of a reversed corner lot, whether or not separated by an alley.

Lot Line, Front. "Front lot line" means in the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line, or, in the case of an irregular or triangular-shaped lot, a line at least ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

Lot Line, Side. "Side lot line" means any lot boundary line not a front lot line or a rear lot line.

Lot, Reversed Corner. "Reversed corner lot" means a corner lot, the street side of which is substantially a continuation of the front lot line of the lot upon which it rears.

"Lot, through" see "lot, double frontage."

"Lot width" means the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

"Medical building" means clinics or offices for doctors, dentists, oculists, chiropractors, osteopaths, chiropractists or similar practitioners of the healing arts; including accessory laboratories and a prescription pharmacy, but not including offices for veterinarians.

"Mobile home" means a structure or a structure having multiple sections equaling or exceeding exterior dimensions of eight feet in width and forty feet in length, having a chassis and designed to be movable, with kitchen, bathroom and living facilities, designed for use as a single-family dwelling when connected to appropriate utility lines, with or without a permanent foundation.

"Person with a disability" means a person with a disability shall include any individual with a physical or mental impairment that substantially limits one or more major life activities, and/or individuals with a disability as defined by California Government Code § 12926, as amended. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism. The term "physical or mental impairment" shall exclude sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs. The term "major life activity" means those activities that are of central importance to daily life, such as seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, and speaking.

"Recycling center, large" means a site or portion of a site on which aluminum, plastic, glass, or cardboard may be received and temporarily stored while awaiting transfer to an offsite processing facility for recycling purposes.

"Recycling center, small" means a portion of a site used on an accessory basis, on which aluminum, plastic, glass, or cardboard may be received and temporarily stored while awaiting transfer to an offsite processing facility for recycling purposes.

"Rest homes or homes for the aged" means an establishment or home intended primarily for the care and nursing of invalids and aged persons; excluding cases of communicable diseases and surgical or obstetrical operations. The term shall not include nursing home.

"Restaurant" means an establishment which serves food or beverages primarily to persons seated within the building. This includes cafes and tea rooms, and outdoor cafes.

School, Elementary, Junior High or High. "Elementary, junior high or high school" means public and other nonprofit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instructions equivalent to the standards prescribed by the State Board of Education.

School, Private or Parochial. "Private or parochial school" means an institution conducting regular academic instruction at kindergarten, elementary or secondary levels, operated by a nongovernmental organization.

School, Trade. "Trade school" means schools primarily offering instruction in technical, commercial or trade skills, such as real estate schools, business colleges, electronics schools, automotive and aircraft technician schools and similar establishments.

"Service station" means an occupancy engaged in the retail sales of gasoline, diesel or liquefied petroleum gas fuels, oil, tires, batteries and new accessories and which provides for the servicing of motor vehicles and operations, incidental thereto, including: automobile washing, incidental waxing and polishing, tire changing and repairing (but not including recapping), battery service, charging and replacement (but not including repair or rebuilding), radiator cleaning, flushing and repair, installation of minor accessories, lubrication of motor vehicles, rental of utility trailers, the testing, adjustment and replacement of small motor parts and accessories.

"Sign" means any structure, object, letter or symbol made of any kind of material placed for advertising, identification or other similar purposes, on the ground or on any wall, post, fence, building, structure, vehicle or on any place whatsoever. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

"Site" means a parcel of land, subdivided or unsubdivided, occupied or to be occupied by a use or structure.

"Site area" means the total horizontal area included within the property lines of a site.

"Site depth" means the average horizontal distance between the front and rear property lines of a site measured along a line midway between side property lines.

"Site width" means the average horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.

"Stable" means a detached accessory structure, including but not limited to a corral or paddock for the keeping of one or more horses owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

"Stable, commercial" means a structure, including but not limited to a corral or paddock for the keeping of horses for remuneration, hire or sale.

"Street" means a public or private way permanently dedicated or reserved as a primary means of access to abutting property.

"Street line" means the boundary line between street rights-of-way and abutting property.

"Structural alteration" means any change in the supporting members of a building, such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or any change in the exterior dimensions of a building, excepting those changes which may result from providing minor repairs and building maintenance.

"Structure" means anything constructed or erected which requires a fixed location on the ground, including a building or sign pole or standard, but not including a fence or wall used as a fence, a patio, walk, driveway or raised planting bed.

"Structure, main" means a structure housing the principal use of a site or functioning as the principal use.

"Supportive housing" means housing with no limit on length of stay, that is occupied by a target population, and that is linked to an onsite or offsite service that assists residents in retaining housing, improving health status, and maximizing the ability to live and, when possible, work in the community. Supportive housing shall be considered a residential use subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.

"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. For the purpose of this subsection, "low income" shall be defined by California Health and Safety Code §50079.5 (a), as amended.

"Trailer sales lot" means an open area where trailers are sold, leased or rented and where no repairs, repainting or remodeling are done.

"Trailer, utility" means a vehicle without motive power, designed and constructed to travel on the public thoroughfares in accordance with the provisions of the State Vehicle Code, and to be used only for carrying property.

"Transitional housing" means rental housing, operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing shall be considered a residential use subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.

"Travel trailer" means a vehicle with or without motive power, designed and constructed to travel on the public thoroughfares in accordance with provisions of the State Vehicle Code, designed for human habitation, with no footing or foundation other than wheels and temporary stabilizing units, with exterior dimensions less than eight feet in width and less than forty feet in length. The terms "camper" and "motor home" are included within the meaning of the term "travel trailer."

"Travel trailer parks" means a parcel, or contiguous parcels of land under single ownership, designed or intended to be used to accommodate travel trailers on a transient basis (one month continuous occupancy or less).

"Use" means the purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged on for which either a site or structure is or may be occupied or maintained.

"Use, conditional" means a use which is listed as a conditional use in any given district in this title. Conditional uses may be required to meet certain requirements as a condition precedent to the granting of a use permit which will allow the establishing of a conditional use in any given district.

"Use, permitted" means a use which is listed as a permitted use in any given district in this title. Permitted uses need not meet special requirements as a condition precedent to be allowed to establish in a given district, except as required by the provisions of Chapters 18.14 and 18.16 of this title.

"Yard" means open and unoccupied space on a lot.

"Yard, front" means a yard, the depth of which is the minimum required horizontal distance between the front lot line and the line parallel thereto on the lot, which yard extends across the full width of the lot.

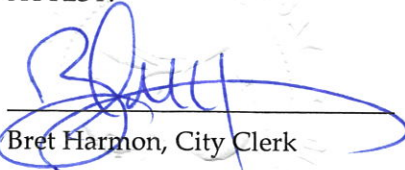
"Yard, rear" means a yard, the depth of which is the minimum required horizontal distance between the rear lot line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

ARTICLE 2. The City Council declares that this ordinance is exempt from the California Environmental Quality Act (CEQA) because it is not a project pursuant to Section 15378 of the CEQA Guidelines.

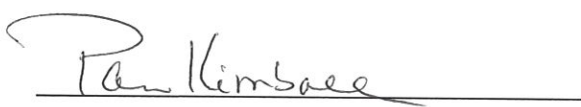
ARTICLE 3. This ordinance shall be in full force and effect on or after the 30th day after its adoption by the City Council. Within 15 days after its adoption by the City Council, this Ordinance shall be published in full text or in summary in a newspaper of general circulation in the City of Lindsay.

PASSED, APPROVED, and ADOPTED at a regular meeting of the City Council held on the 14th day of August 2018.

ATTEST:


Bret Harmon, City Clerk

CITY COUNCIL OF THE CITY OF LINDSAY


Pamela Kimball, Mayor