

SECTION 849

"RS" RURAL SETTLEMENT DISTRICT

The "RS" District is intended to provide for small, specified, unincorporated settlements by permitting a mixture of uses while protecting the rural character of the settlement area and the surrounding agricultural environment. The "RS" District is intended to be applied to areas designated Rural Settlement by the General Plan.

(Section 849 added by Ord. 490.176 readopted 6-27-79)

SECTION 849.1 - USES PERMITTED

The following uses shall be permitted in the "RS" District. All uses shall be subject to the property development standards in Section 849.5.

- A. One family dwelling units or caretaker's residences with not more than one (1) dwelling per lot, accessory buildings and accessory living quarters.
- B. Storage of petroleum products for use by the occupants of the premises, but not for resale or distribution.
- C. Storage or parking of boats, trailers, recreational vehicles or commercial vehicles limited to use by occupants of the premises.
- D. Home Occupations, Class I, in conjunction with a detached single family residential unit, subject to the provisions of Section 855-N.
(Amended by Ord. T-288 adopted 2-25-86)
- E. The keeping of rabbits and other similar small fur-bearing animals for domestic use on a lot containing not less than thirty-six thousand (36,000) square feet.
(Amended by Ord. T-038-306 adopted 5-22-90)
- F. The maintaining, breeding, and raising of poultry for domestic use not to exceed five hundred (500) birds and the maintaining, breeding, and raising of poultry for FFA, 4-H, and similar organizations. In no case shall the poultry facility be kept or maintained upon a lot containing less than thirty-six thousand (36,000) square feet.
(Added by Ord. T-038-306 adopted 5-22-90)
- H. Bovine animals, horses, sheep, and goats for personal use where the lot area is thirty-six thousand (36,000) square feet or more. There shall not exceed for each thirty-six (36,000) square feet of lot area, four (4) adults in any combination of the foregoing animals and their offspring, except that not more than three (3) adult animals of bovine or equine kind or combination thereof and their immature offspring shall be permitted for each thirty-six thousand (36,000) square feet of lot area.
- I. Agricultural crops, orchards, vineyards and greenhouses.
- J. The sale of agricultural products produced upon the premises.
- K. Signs subject to the provisions of Section 849.5-K.

SECTION 849.2 - USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses which are to be newly established or expanded shall be permitted subject to review and approval as provided for in Section 872.

- A. Home Occupations, Class II, subject to the provisions of Section 855-N.
(Added by Ord. T-288 adopted 2-25-86)
- B. Ice dispensing machines.
- C. Single mobile home occupancy, in lieu of a permitted one family dwelling unit or caretaker's residence.
- D. Post offices.
- E. Public schools.
- F. Telephone communication equipment buildings.
- G. Temporary mobile home occupancy subject to the provisions of Section 856-A.1.b.
(Added by Ord. 490.194 adopted 1-28-80)
- H. Second dwelling units, not more than one per lot, subject to the provisions of Section 855-N.
(Added by Ord. T-269 adopted 5-24-83)

SECTION 849.3 - USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

The following uses which are to be newly established or expanded shall be permitted subject to a Conditional Use Permit as provided for in Section 873:

- 1. Administrative offices.
- 2. Agricultural employment offices.
- 3. Antique shops.
- 4. Automobile repairs and services.
- 5. Bakeries, Retail
- 6. Barber and beauty shops.
- 7. Bars and cocktail lounges.
- 8. Building materials sales.
- 9. Churches and related facilities.
- 10. Contractor storage yards.
- 11. Drug stores.
- 12. Electric distribution substations.
- 13. Equipment rental.

14. Farm equipment and machinery sales, rental, storage and maintenance.
15. Farm labor contractor.
16. Feed and farm supply sales.
17. Fertilizer sales (all sales and storage of fertilizer conducted within enclosed buildings).
18. Frozen food lockers including meat cutting and packing.
19. Garden supplies.
20. General merchandise stores.
21. Grocery stores.
22. Gasoline service station.
23. Hardware stores.
24. Liquid petroleum gas distribution and storage, retail.
25. Kennels, boarding and training.
26. Medical offices.
27. Microwave relay towers.
28. Restaurants, drive in restaurants and delicatessens.
29. Truck and trailer storage and maintenance when such vehicles are devoted exclusively to the transportation of agricultural products, supplies, and equipment.
30. Veterinary offices and hospitals.
31. Water well drilling services and pump sales and service.
32. Welding and blacksmith shops.
33. Video Stores
(Added by Ord. T-046-315 adopted 1-5-93)

SECTION 849.4 - USES EXPRESSLY PROHIBITED

The following uses shall be expressly prohibited in the "RS" District. However, enumerating these prohibited uses shall not, by implication, enlarge upon the scope of permitted uses specified in Section 849.1, 849.2 and 849.3, above, their enumeration herein being for clarification only.

- A. All manufacturing, service and commercial uses not specifically permitted in Section 849.1, 849.2 or 849.3.
- B. New residential structures other than those listed in Section 849.1, 849.2, or 849.3.

- C. Advertising structures.
- D. Any use that utilizes coal, coke, or other coal-based fuel as an industrial fuel source, excluding blacksmith shops.
(Amend by Ord. T-039-307 adopted 2-26-91)

SECTION 849.5 - PROPERTY DEVELOPMENT STANDARDS

The following property and development standards and those in Section 855 shall apply in the "RS" District:

A. LOT AREA

Each lot shall have a minimum area of two (2) acres except that lots of 36,000 square feet or larger shall be permitted if community water facilities are available. 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. Such nonconforming lots shall be subject to the lot merger provisions specified in Section 855-A.

B. LOT DIMENSIONS

Each lot shall have the minimum dimensions specified below. 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. Such nonconforming lots shall be subject to the lot merger provision in Section 855-B.

1. Lot Width and Frontage

Each lot shall have a minimum lot width and frontage of one hundred sixty-five (165) feet.

2. Lot Depth

Each lot shall have a minimum lot depth of one hundred seventy (170) feet; however, lot depth shall not exceed four times lot width.

C. POPULATION DENSITY

Not more than one single family dwelling unit shall be permitted on any lot in the "RS" District, except as permitted by Section 849.2. Existing residential uses which are nonconforming shall be subject to Section 876-A.1, 876-A.2 and 876-A.3.a(1).

D. BUILDING HEIGHT

No building or structure erected in this District shall exceed thirty-five (35) feet in height.
(Amended by Ord. T-080-355, adopted 12-5-06)

E. YARDS

1. General Yard Requirements

- a. The General Yard Requirements of the "R-A" District, Section 821.5-E.1 shall apply.
- b. The provisions of Section 876-A.3.c shall apply to all buildings which are nonconforming as to yard requirements.

2. Residential and Public Uses

a. Front Yard

Each lot shall have a front yard of not less than thirty-five (35) feet extending across the full width of the lot, measured from the right-of-way line.

b. Side Yard

Each lot shall have a side yard on each side of not less than ten (10) feet except that on corner and reverse corner lots the side yard abutting the street shall be not less than twenty-five (25) feet.

(1) Accessory Buildings in Side Yards

- (a) Any accessory buildings located less than eighty-five (85) feet from the front property line shall have the same minimum side yard as that required for the main building, regardless of whether or not said accessory building is attached to the main building.
- (b) An accessory building may be located on a side property line when said building is located eighty-five (85) feet or more from the front property line except that no structure shall be permitted in a required yard which abuts a street.
- (c) An accessory building having an opening on an alley shall be located not less than twenty-five (25) feet from the opposite side of the alley; provided, however, that no such accessory building shall be located less than five (5) feet from the property line.
- (d) Any accessory building permitted on a side property line shall have provisions for all roof drainage to be taken care of on the subject lot.

(2) Main Building Abutting Alley

When siding on an existing alley, a main building shall be located not less than thirty (30) feet from the opposite side of the alley.

c. Rear Yard

- (1) Each lot shall have a rear yard of not less than twenty (20) feet. For exceptions for the main building, the General Conditions, Section 855-E.4, shall apply.

(2) Accessory Buildings

Non-residential accessory buildings may be permitted in a required rear yard, except that portion which is an extension of a required street side yard, in accordance with Section 855-N, Accessory Building, and as follows:

- (a) An accessory building may be located on the rear property line when said building is not abutting an existing alley and is not located on an easement, except that the required setback for accessory structures on reversed corner lots shall be not less than the required side yard for the District.

- (b) An accessory building having an opening on an alley shall be located not less than twenty-five (25) feet from the opposite side of the alley, or not less than five (5) feet from the property line.
- (c) Any accessory building permitted on a rear property line shall have provisions for all roof drainage to be taken care of on the subject lot.
- (d) Where any building or structure, except swimming or wading pools, occupies space in a required rear yard, the amount of space so occupied shall be provided elsewhere on the lot, exclusive of required yard areas. Said substitute space shall have minimum dimensions of eight (8) feet by eight (8) feet.

3. Yards For Other Than Residential and Public Uses

The provisions of the "C-1" District, Section 833.5-E, shall apply. A lot used for residential purposes shall be treated as a residential district in determining the yard setbacks on abutting parcels used for commercial activities.

F. SPACE BETWEEN BUILDINGS

- 1. Incidental and accessory structures may be attached to and have a common wall with a main structure on a site or may be connected to a main structure by a breezeway, provided, however, that a structure housing livestock or poultry shall not be attached to a structure used for human habitation. A structure housing livestock or poultry shall be at least forty (40) feet from any structure used for human habitation.
- 2. The minimum distance between a structure used for human habitation and any other structure shall be six (6) feet.

G. LOT COVERAGE

No requirements, except that on parcels devoted to residential uses, lot coverage shall not exceed thirty (30) percent.

H. FENCES, HEDGES AND WALLS

This section is intended to provide for the regulation of the height and location of fences, hedges and walls for the purpose of providing for light, air and privacy; and safeguarding the public welfare by preventing visual obstructions at street and highway intersections.

1. Corner Cut-Off Areas

The following regulations shall apply to all intersections of streets, alleys, or private driveways in order to provide adequate visibility for vehicular traffic. There shall be no visual obstruction within the cut-off areas established herein.

- a. There shall be a corner cut-off area at all intersecting streets or highways. The cut-off line shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front or rear property line as the case may be. It shall pass through the points located on both the side and front (or rear) property lines at a distance of thirty (30) feet from the intersection of lines at the corner of a street, alley or highway.
- b. There shall be a corner cut-off area on each side of any private driveway intersecting a

street or alley. The cut-off lines shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front, or rear property lines, as the case may be. They shall pass through a point not less than ten (10) feet from the edges of the driveway where it intersects the street or alley right-of-way.

- c. There shall be a corner cut-off area on each side of any alley intersecting a street or alley. The cut-off lines shall be in a horizontal plane, making an angle of forty-five (45) degrees with the side, front or rear property line as the case may be. They shall pass through a point not less than ten (10) feet from the edges of the alley where it intersects the street or alley right-of-way.
- d. Where, due to an irregular lot shape, a line at a forty-five (45) degree angle does not provide for intersection visibility, said corner cut-off shall be defined by a line drawn from a point on the front (or rear) property line that is not less than thirty (30) feet from the intersection of the side and front (or rear) property lines and through a point on the side property line that is not less than thirty (30) feet from said intersection of the side and front (or rear) property lines.

2. Swimming Pools

The provisions of Section 855-H.2 shall apply.

3. Permitted Fences, Hedges and Walls

- a. Fences, hedges and walls, not greater than six (6) feet in height, shall be permitted on or within all rear and side property lines on interior lots and on or to the rear of all front yard setback lines.
- b. No fence, wall or hedge over three (3) feet in height shall be permitted in any required front yard, or in the required side yard on the street side of a reversed corner lot, except on parcels of five (5) acres or more.
- c. Fences or structures over six (6) 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 and subject to Director Review and Approval.

I. OFF-STREET PARKING

The following provisions shall apply, subject to the General Conditions, Section 855-I.

1. For Residential and Office Uses

The provisions of the R-P District, Section 831.5-I, shall apply.

2. For Commercial Uses

The provisions of the C-1 District, Section 833.5-I, shall apply.

3. For Industrial Uses

The provisions of the M-1 District, Section 843.5-I, shall apply.

J. ACCESS

1. There shall be adequate vehicular access from a dedicated and improved street, service road or alley, the design of which shall be approved by the Director of Public Works. (Amended by Ord. T-252 adopted 12-9-80)
2. The Director shall specify the location and number of ingress and egress points by conditions established at the time of review of the required site plan or building permit. (Amended by Ord. T-252 adopted 12-9-80)
3. There shall be an adequate turning area on all lots developed to non-residential uses and to all lots facing on and having access to streets shown on the Circulation Element of the Fresno County General Plan to permit motor vehicles to head into the street.

K. OUTDOOR ADVERTISING

Signs may be permitted in the "RS" District under the conditions set forth in the following paragraphs:

1. General Requirements

No sign shall be erected at the intersection of any streets in such manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where it may interfere with, obstruct the vision of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, "STOP," "DANGER," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.

2. Permitted Signs

- a. Signs indicating the name and nature of the occupancy, the name and address of the building, or the name and address of the owner. Time, temperature, and weather information may also be included. These signs shall be attached to the building in which the occupancy is located. (Amended by Ord. 490.199 adopted 4-21-80)
- b. "For Rent" or "For Sale" signs posted on the subject lot or building by the owner or his authorized agent. Said signs shall not exceed six (6) square feet in area and there shall be not more than two (2) such signs for any one (1) lot, building, or occupancy.
- c. One free-standing sign per lot, as provided for in this District, devoted to non-residential uses subject to a Director Review and Approval and to the following regulations:
 - (1) The sign shall contain thereon only the name of the buildings, occupants or groups thereof. Time, temperature, and weather information may also be included.

(Amended by Ord. 490.199 adopted 4-21-80)

- (2) The sign shall not exceed one hundred (100) square feet of area.
- (3) The sign shall not exceed twenty (20) feet in height.
- (4) The sign shall not be within or extend to within five (5) feet of any property line nor to within fifty (50) feet of a residence on an abutting property.

3. Lighting

- a. No red, green, or amber lights or illuminated signs may be placed in such position that they could reasonably be expected to interfere with or be confused with any official traffic control device, traffic signal, or official directional guide sign.
- b. No blinking, flashing, rotating or animated signs shall be permitted on the exterior of any building in the District, except to display time, temperature, or weather information. (Amended by Ord. 490.199 adopted 4-21-80)
- c. Lights used to illuminate signs shall be so installed as to concentrate the illumination on the sign so as to minimize glare upon a public street or adjacent property.

L. LOADING

- 1. The following off-street loading spaces shall be provided for all commercial uses:

<u>Total Square Feet of Building Space (Gross Floor Area)</u>	<u>Loading Spaces Required</u>
a. Commercial Buildings	
3,500 - 15,000	1
15,001 - and over	2
b. Office Buildings	
3,500 - 50,000	1

- 2. The requirements for size, location, treatment, and maintenance of loading spaces in the "C-P" District, Section 832.5-L.4, shall apply.

SECTION 849.6 - SITE PLAN REVIEW

Before any building or structure listed in Section 849.3 is erected on any lot in this District, a site plan shall have been submitted to and approved by the Director pursuant to the provisions of Section 874.
(Amended by Ord. T-252 adopted 12-9-80)