

SECTION 850

OVERLAY DISTRICTS

The purpose of an Overlay District is to modify specific provisions of the underlying zone district(s). Overlay Districts will generally be applied to areas that have different underlying zone districts, but have unique features or characteristics that are common to the parcels that are located within the overlay district. Overlay Districts shall be identified by suffixing the applicable overlay letters next to the underlying zone district designation.

(Added by Ord. T-062-333 adopted 11-7-00)

SECTION 850.A - "m" MOUNTAIN OVERLAY DISTRICT

The Mountain Overlay District is an overlying zoning district which may be applied to any zoning district, except the "O" (Open Conservation) and the "AE" (Exclusive Agricultural) Zone Districts, which is identified by the General Plan as compatible or conditionally compatible with the Mountain Residential or Mountain Commercial Land Use designation. This Overlay District shall be identified by suffixing the letter "m" next to the underlying zone district designation.

(Section 850 added by Ord. 490.190 adopted 11-5-79, Amended by Ord. T-062-333 adopted 11-7-00)

SECTION 850.A.1 – USES

Uses Permitted, Uses Permitted Subject to Director Review and Approval, Uses Permitted Subject to Conditional Use Permit, and Uses Expressly Prohibited shall be those stated in the underlying zoning district, except that uses and development types as defined herein, may only be permitted subject to approval of a Director Review and Approval or a Conditional Use Permit.

(Amended by Ord. T-062-333 adopted 11-7-00)

SECTION 850.A.2 - USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

The following uses shall be permitted subject to review and approval by the Director as provided for in Section 872.

One family dwellings in conjunction with a permitted commercial use subject to the population density standards of Section 850.5-C-2.

NOTE: There are no sub-sections 850.3 or 850.4.

(Amended by Ord. T-062-333 adopted 11-7-00)

SECTION 850.A.5 - PROPERTY DEVELOPMENT STANDARDS

The following property development standards and those in Section 855 shall apply to all land and structures in the Mountain Overlay District. Property development standards of the underlying district shall be appropriate only when specific reference is made below. No lot in a Mountain Overlay District shall be developed which is not adequate in size to accommodate the proposed structures and uses to include required and essential vehicular movement and storage, pedestrian movement, landscaping, and sewage disposal fields with consideration for snow storage and preservation and enhancement of scenic and open space values. Provisions of Section 855-A through 855-N, Property Development Standards, shall apply.

A. LOT AREA

Lot area shall be not less than the lot area standards of the underlying district.

B. LOT DIMENSIONS

Lot dimensions shall be not less than lot dimension standards of the underlying district.

C. POPULATION DENSITY

1. For property with an underlying residential zoning district including R-P and T-P, the standards of the underlying district shall apply subject to the following:
 - a. Maximum density shall not exceed one dwelling unit per 4,350 square feet of lot area in those areas in which the underlying district provides a greater density (R-2, R-2-A, R-P, and T-P).
 - b. Multiple family developments shall occur only as unit planned developments.
 - c. Except for one single family residence, all development on parcels which are ten acres or larger shall be subject to approval of a Conditional Use Permit.
2. For residential uses on parcels with an underlying commercial zoning, the density shall not exceed one dwelling unit for each 4,350 square feet of lot area. Only that portion of the lot area devoted exclusively to residential use and to open space shall be considered in computing density.
3. For commercial uses, no requirements.

D. BUILDING HEIGHT

1. Buildings and structures erected in the District shall not exceed heights as listed below.
 - a. Height shall be measured from the grade level abutting the structure on the side facing the street to the highest structure point. Where the structure fronts on more than one street, the height shall be measured at the grade level which faces the most prominent thoroughfare.
 - b. Height shall not exceed twenty-five (25) feet in height, except as stated in (c) below.
 - c. Where a sprinkler system with adequate water delivery is installed or where community fire protection facilities are capable of providing water delivery, height may be to thirty-five (35) feet in height.

(Amended by Ord. T-080-355, adopted 12-5-06)

E. YARDS

General Yard Requirements

1. The yard requirements of the zone district shall apply.

2. Required yards shall not be paved except for permitted access and parking.

F. SPACE BETWEEN BUILDINGS

No requirements, except the following:

1. More restrictive standards of the "T-P" District, Section 830.5-F, and the main building standards of the "R-2" and "R-2-A" Districts, Section 827-5-F.1, and the "RP" District, Section 831.5-F.2.a, shall apply to those respective underlying districts.
2. No animal or fowl pen, coop, stable, barn, or corral shall be located within forty (40) feet of any dwelling or other building used for human habitation or within one hundred (100) feet of the front property line.

G. LOT COVERAGE

The requirements of the underlying zone district shall apply.

H. FENCES, HEDGES AND WALLS

1. For residential uses, the provisions of the R-R District, Section 820.5-H, shall apply.
2. Trash storage areas for commercial or multi-family uses shall be screened from abutting properties or public rights-of-way on all sides by vegetation, wire and vegetation or solid wall.
3. For properties developed and zoned for commercial uses which abut properties zoned for residential uses:
 - a. A solid masonry wall of earthen color tone not less than five (5) nor more than six (6) feet in height shall be erected along or parallel to side and rear property lines dividing the residential and non-residential properties. Other materials acceptable to the Director may be permitted or required if it can be determined that the substitute materials provide a reasonably equivalent protection for abutting residential properties from noise and glare.
(Amended by Ord. T-252 adopted 12-9-80)
 - b. No fence, hedge or wall 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 corner or a reversed corner lot.

I. OFF-STREET PARKING

1. General Requirements

- a. All off-street parking facilities for commercial and multi-family uses shall be designed and developed so that vehicles leaving the property to enter the right-of-way will do so in a forward direction.

2. For Residential Uses

- a. There shall be at least one parking space for each dwelling unit in addition to any required parking area for commercial uses.
- b. Parking spaces shall be on the same lot with the main building which they are intended to serve or on an adjacent lot. They shall not be located in any required yard which abuts a street except that where the required yard has a slope from street to parking area greater than twenty-five (25) percent, the parking space may be in the required yard. No garage doors or other movable fixture shall project beyond a property line.

3. For Commercial Uses

- a. There shall be at least two square feet of off-street parking area for each one square foot of gross floor area devoted or incidental to a commercial use. If such use falls into any of the special uses set forth in the General Conditions, Section 855-I, such conditions shall apply.
- b. The parking area shall meet the standards prescribed in Section 836.5-I.1.c which 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.
2. The Director shall specify the location and number of ingress and egress points by conditions established at the time of site plan review or building permit.
(Amended by Ord. T-252 adopted 12-9-80)

K. OUTDOOR ADVERTISING

Only the signs listed below which meet the listed standards of aesthetics shall be permitted. Advertising structures and portable signs shall be prohibited except as permitted in 2(a), below.

1. Aesthetics

- a. The supporting members of signs shall appear to be an integral part of the building or structure.
- b. All signs, together with supports, shall be kept in repair.
- c. Signs shall not be affixed to any tree or rock outcropping.
- d. Signs, except those offering property for sale, rent or lease, shall indicate only the name and nature of the business occupancy or owner by words or logo.
- e. No signs, or portions of signs, shall move or revolve.
- f. Lights used to illuminate signs shall be designed and installed so that light is not directed upon surfaces beyond the property line. No light bulb, tube filament or

similar source of illumination shall be visible from a point off the property. Signs making use of stroboscopic light, rotary beacons, chasing or flashing effects, or intermittent or variable intensity lighting shall be prohibited.

2. Permitted Signs and Regulating Standards

- a. Any sign which has no visual impact upon surrounding properties or public rights-of-way shall be permitted.
- b. In areas with an underlying residential zoning district, excepting the "R-P" District, the sign provisions of the "R-1-A" District Section 822.5-K shall apply except that temporary real estate directional signs and offsite directional signs for major recreational uses, hospitals, and colleges shall be prohibited.
- c. In areas with an underlying zoning of "R-P" the provisions of Section 831.5-K shall apply.
- d. For commercial areas, the following standards shall apply:
 - (1) Building mounted signs (painted or flat)
 - (a) Such signs shall be limited to one per occupancy for each building frontage which has a public entrance to the occupancy for which the sign pertains.
 - (b) Buildings signs shall not exceed one hundred (100) square feet in area or one (1) square foot per front foot of the facade of the building on which the sign is to be mounted whichever is the lesser area. Computation of area shall be based upon that portion of the structure wherein the pertaining use is conducted.
 - (2) Free-standing signs
 - (a) One free-standing sign shall be permitted per parcel under separate ownership when developed with permitted uses. Such parcel may be composed of one or more lots.
 - (b) Signs shall not exceed one hundred (100) square feet in area or one square foot per one linear foot of parcel frontage along the street on which the sign is to be located, whichever is the lesser area.

3. Signs Offering Property for Sale, Rent or Lease

- a. One sale, rent or lease sign may be posted by the property owner or his authorized agent per road frontage for any one lot, building, or occupancy.
- b. Signs offering property for sale, rent or lease shall not exceed six (6) square feet in area.

L. LOADING

The provisions of the "C-2" District, Section 834.5-L.1 and 2, shall apply for all commercial development.

SECTION 850.A.6 - SITE PLAN REVIEW

- A. The site plan review requirements of the underlying district shall apply.
- B. Where topographical features or trees with trunk diameters of six (6) inches or larger exist on the property, or within abutting required yards on adjacent properties, they shall be shown on maps, drawings, photographs, etc., which accompany the Site Plan Review application. Location of wells and sewage disposal systems (excluding community systems) shall be shown on the plans.

SECTION 850.B – “nb” NEIGHBORHOOD BEAUTIFICATION OVERLAY DISTRICT

The Neighborhood Beautification Overlay District is an overlying zoning district intended to protect and preserve the integrity of the Fresno County neighborhoods within designated unincorporated areas, which have a history of and reputation for well kept and verdant properties. The general welfare of the county and its neighborhoods is founded, in part, upon the appearance and maintenance of private properties and tree-lined streets. This overlay district shall be identified by suffixing the letters “nb” next to the underlying zone district designation.
(Added by Ord. T-062-333 adopted 11-7-00)

SECTION 850.B.1 – USES

Uses Permitted, Uses Permitted Subject to Director Review and Approval, Uses Permitted Subject to Conditional Use Permit, and Uses Expressly Prohibited shall be those stated in the underlying zone district.

NOTE: There are no sub-sections 850.B.2 through 850.B.4

(Added by Ord. T-062-333 adopted 11-7-00)

SECTION 850.B.5 – PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all residentially-zoned property, land and structures in the Neighborhood Beautification Overlay District, unless there is a specific exception stated. Property development standards of the underlying district shall be applicable and shall be followed, except as modified herein. Provisions of Section 855-A through 855-N, Property Development Standards, shall apply.

NOTE: Lot area, lot dimensions, population density, building height, general yard requirements, space between buildings, lot coverage and fences, hedges and walls development standards of the underlying district shall apply. There are no sub-sections 850.B.5-A through 850.B.5-H.

I. ON AND OFF-STREET PARKING

1. The general off street parking requirements of the underlying district and the provisions of the General Conditions, Section 855-I, shall apply. However, residentially-zoned property in the Neighborhood Beautification Overlay District shall be subject to all of the following requirements commencing upon the effective date of rezoning as part of a Neighborhood Beautification Overlay District. To the extent these Neighborhood Beautification Overlay District requirements are more restrictive than any general requirements, the more restrictive shall prevail. Unless specifically stated, the

Neighborhood Beautification Overlay District provisions of Section 850.B.5-I, shall not apply to residentially-zoned properties having an underlying zoning of "R-A" or "R-R."

2. In addition to, and notwithstanding Section 855-I.1.e and 855-I.1.f, the front yard storage, parking, keeping or maintaining on a lawn or other landscaped surface of trailers, vehicles, boats and personal watercraft (whether on-trailer or off-trailer), shall be prohibited. This prohibition shall also apply to any side yard abutting any street, except on a regular corner lot where the vehicle is behind a solid fence, hedge, or wall not less than five (5) feet high. Nonconforming status shall not be granted.

(Added by Ord. T-062-333 adopted 11-7-00)

SECTION 850.B.6 – PROPERTY MAINTENANCE STANDARDS

1. No solid waste, solid waste containers, or bulk refuse shall be maintained, except during a collection period, in the front yard or within a side yard of any property, abutting a street, when that property is residentially-zoned property. This provision shall not apply to properties having an underlying zoning of "R-A" or "R-R".
2. The following items shall be prohibited on any residentially-zoned property:
 - a. Dead, decayed, diseased or hazardous trees, or weeds which endangers the public safety by creating a fire hazard,
 - b. residue from a fire or demolition which endanger the public safety,
 - c. rubbish, litter, items of machinery, refuse, garbage, scrap metal, lumber, concrete, asphalt, tin cans, tires and piles of earth, or furniture or household items (that have fallen into disuse or disrepair), which constitute an unsightly appearance.

This provision shall not apply to properties having an underlying zoning of "R-A" or "R-R."

3. The front yard and any side yard of any lot abutting a street, including any parking strip, when that property or that lot is residentially-zoned property, shall be maintained and irrigated, so that any trees, shrubs and other landscaping therein are adequately irrigated and maintained. A tenant, lessee or occupant shall only be responsible therefor if he has not entered into a contract with the owner, a property manager, or another private party under which that other party is responsible to maintain such yards. These provisions shall include residentially-zoned properties having an underlying zoning of "R-A" or "R-R."

(Added by Ord. T-062-333 adopted 11-7-00)

SECTION 850.B.7- TREES IN PARK STRIPS OR PUBLIC RIGHTS-OF-WAY

In addition to and notwithstanding the following provisions, an encroachment permit, is required, under other sections of the Fresno County Ordinance Code, including but not limited to, Ordinance Code Chapters 13.08 and 13.12, for private improvements within park strips and public rights of way.

1. Tree Irrigation and Maintenance in Park Strips / Public Rights-of-Way.

- a. Any trees in a park strip or the public right-of-way adjacent to or abutting a lot shall be properly irrigated by the owner or occupant of the adjacent or abutting lot, so long as the adjacent or abutting lot has a structure upon same.
 - b. The County may prune trees in a park strip or the public right-of-way adjacent to or abutting property as part of regular maintenance or as necessary in order to maintain public roadways. In such instance, the County will provide notification that such an effort is forthcoming.
2. Tree Removal in Park Strips / Public Rights-of-Way Permit Required.
- a. Any person desiring to remove, for any reason, any tree (with a trunk diameter equal to or greater than six (6) inches at ground level), which is in a park strip or public right-of-way, shall apply to the Director of Planning and Resource Management for a permit. The County is not required to obtain a permit, nor are public utilities acting within the scope of their easement.

(Added by Ord. T-062-333 adopted 11-7-00)

SECTION 850.C – “HB” HIGHWAY BEAUTIFICATION OVERLAY STANDARDS

The Highway Beautification Overlay Standards (HBOS) are intended to promote consistent aesthetic standards for future development within County jurisdictional lands along Highway 99. These regulations allow for growth in commerce while securing an aesthetically attractive character for future development along Highway 99.

SECTION 850.C.1 – APPLICABILITY

- A. The “HB” Overlay Standards shall apply to all property within 1,000 feet of the outside boundaries of the Highway 99 ultimate right-of-way.
- B. Any new use or expansion of an existing use approved after the effective date of this ordinance and located within the “HBOS” boundaries shall be subject to the provisions of this Section.

SECTION 850.C.2 – DEFINITIONS

For the purposes of this Section, the following definitions shall apply:

Advertising Structure. Any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known.

At-Grade. A section of highway, the grade of which is within five (5) feet of the grade of adjacent properties.

Co-location. Locating more than one antenna on the same antenna mount.

Communication Tower. A structure which supports equipment necessary for the conduct of a public communications business.

Depressed. A section of highway, the grade of which is more than five (5) feet below the grade of the adjacent properties.

Elevated. A section of highway, the grade of which is more than five (5) feet above the grade of adjacent properties.

Freestanding sign. Any advertising structure supported by structures or supports that are placed on or anchored in, the ground and that are independent from any building or other structure.

Gateway sign. A freestanding sign that marks a perceptually designated city/county border.

Guyed Tower. A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

Lattice Tower. A self-supporting communication tower consisting of an open-work structure made of crossing bars or rods forming a network used for support.

Marquee Sign. Any sign supported by structures or supports that are placed on or anchored in, the ground and that are independent from any building or other structure; advertises multiple destinations within a set location.

Monopole. A self-supporting communication tower consisting of a single pole.

Monument Sign. A freestanding sign in which the entire bottom of the sign is in contact with the ground.

Off-Site Advertising Structures. An advertising structure referencing services and products not available at the location of the sign.

Wall Sign. Any sign attached parallel to, but within six (6) inches of a wall; painted on the surface of a wall; or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

SECTION 850.C.3 – USES PERMITTED

Uses permitted shall be those uses permitted in the underlying zone district.

SECTION 850.C.4 – USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL

Uses permitted subject to review and approval by the Director as provided for in Section 872.

- A. Those uses permitted subject to review and approval by the Director in the underlying zone district.
- B. Advertising structures referencing off-site services and products.

SECTION 850.C.5 – USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT

Uses permitted subject to a Conditional Use Permit shall be those uses permitted subject to a Conditional Use Permit in the underlying zone district as provided for in Section 873.

SECTION 850.C.6 – USES EXPRESSLY PROHIBITED

Uses expressly prohibited shall be those uses expressly prohibited in the underlying zone district.

SECTION 850.C.7 – PROPERTY DEVELOPMENT STANDARDS

The following property development standards and those in Section 855 shall apply to all land and structures in the HBOS. Property development standards of the underlying zone district shall be appropriate only when specific reference is made below.

- A. LOT AREA. Lot area shall not be less than the lot area standards of the underlying district.
- B. LOT DIMENSIONS. Lot dimensions shall not be less than the lot dimension standards of the underlying district.
- C. POPULATION DENSITY. Population density shall not exceed the population density standards of the underlying district.
- D. BUILDING HEIGHT. Building height shall not exceed the building height restrictions of the underlying district.
- E. YARDS. Yards shall be as required in the underlying district with the following exceptions:
 - 1. Agricultural uses shall be exempt from the landscape buffer requirements of this Section.
 - 2. Landscape buffers shall be placed along all property lines adjacent to the highway, except as noted in Section 850.C.7.E.7, and maintained by the property owner, a homeowners association, or property management company responsible for the maintenance of common facilities.
 - 3. No landscape buffer required by this Section shall result in the removal of existing trees.
 - 4. For all landscape buffers required by this Section, a landscape and irrigation plan shall be prepared for review and approval by the County.
 - 5. Exceptions to the landscape buffer requirements due to site or structure location, property dimensions, or other factors may be considered through the variance process with the understanding that the overall objectives of the HBOS must be achieved to the maximum extent feasible.
 - 6. For residential subdivisions, the following yard requirements shall apply:
 - a. Properties adjacent to at-grade highway sections shall require a landscape buffer of no less than twenty (20) feet deep and said landscape buffer shall be placed along all property lines adjacent to the highway.
 - (1) The landscape buffer shall consist of groundcover and shrubs.
Trees shall be provided within the landscape buffer at a minimum

rate of one (1) per twenty-five (25) feet of highway frontage, and may be spaced evenly or planted in groups or clusters.

- (2) No buildings, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.
- b. Properties adjacent to elevated highway sections shall require a landscape buffer of no less than ten (10) feet deep and said landscape buffer shall be placed along all property lines adjacent to the highway.
 - (1) The landscape buffer shall consist of trees provided at a minimum rate of one (1) per twenty-five (25) feet of highway frontage. The trees may be spaced evenly or planted in groups or clusters, and shall be of a species which will grow tall enough to be visible from the highway.
 - (2) No buildings, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.
 - c. Properties adjacent to depressed highway sections shall require a landscape buffer of no less than ten (10) feet deep and said landscape buffer shall be placed along all property lines adjacent to the highway.
 - (1) The landscape buffer shall consist of groundcover and shrubs. Trees shall be provided within the landscape buffer at a minimum rate of one (1) per twenty-five (25) feet of highway frontage, and may be spaced evenly or planted in groups or clusters.
 - (2) No buildings, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.
7. For automobile wrecking yards, automobile storage yards, transit storage facilities, electrical distribution substations, garbage and green waste recycling, refuse incineration, solid waste transfer stations, power generating plants, junkyards, pallet yards, recycling facilities, surface mining operations, and waste-to-energy plants, or similar uses, the following yard requirements shall apply to all property lines that allow visibility into the site from the highway:
- a. Properties adjacent to at-grade highway sections shall require a landscape buffer of no less than twenty (20) feet deep.
 - (1) The landscape buffer shall contain, at a minimum, a continuous shrub hedge, interplanted twenty (20) feet on center with trees. Shrub varieties used shall be fast growing, and attain an ultimate height of no less than eight (8) feet.
 - (2) No buildings, parking areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.

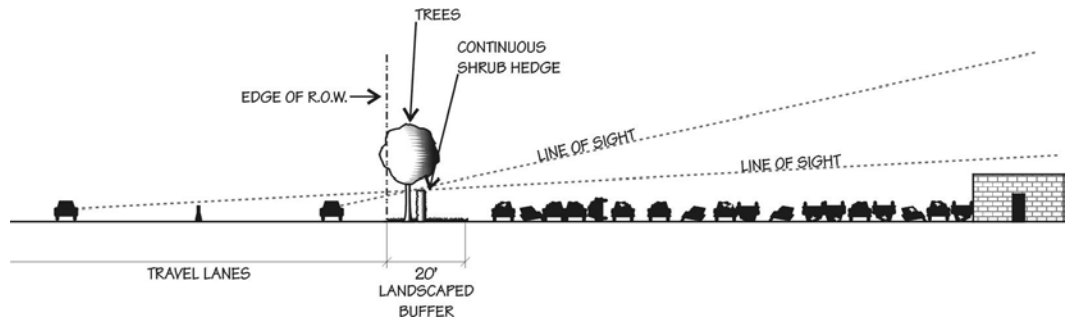


Figure 1

Required landscape buffer for land uses specified in Section 850.C.7.E.7.a. next to at-grade highway section

- b. Properties adjacent to elevated highway sections shall require a landscape buffer of no less than twenty (20) feet deep.
 - (1) The landscape buffer shall consist of trees spaced at twenty (20) feet on center and staggered or triangularly spaced within the buffer to minimize visibility into the site from the highway. Species used shall be fast growing, dense, tall evergreen trees.
 - (2) No buildings, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.

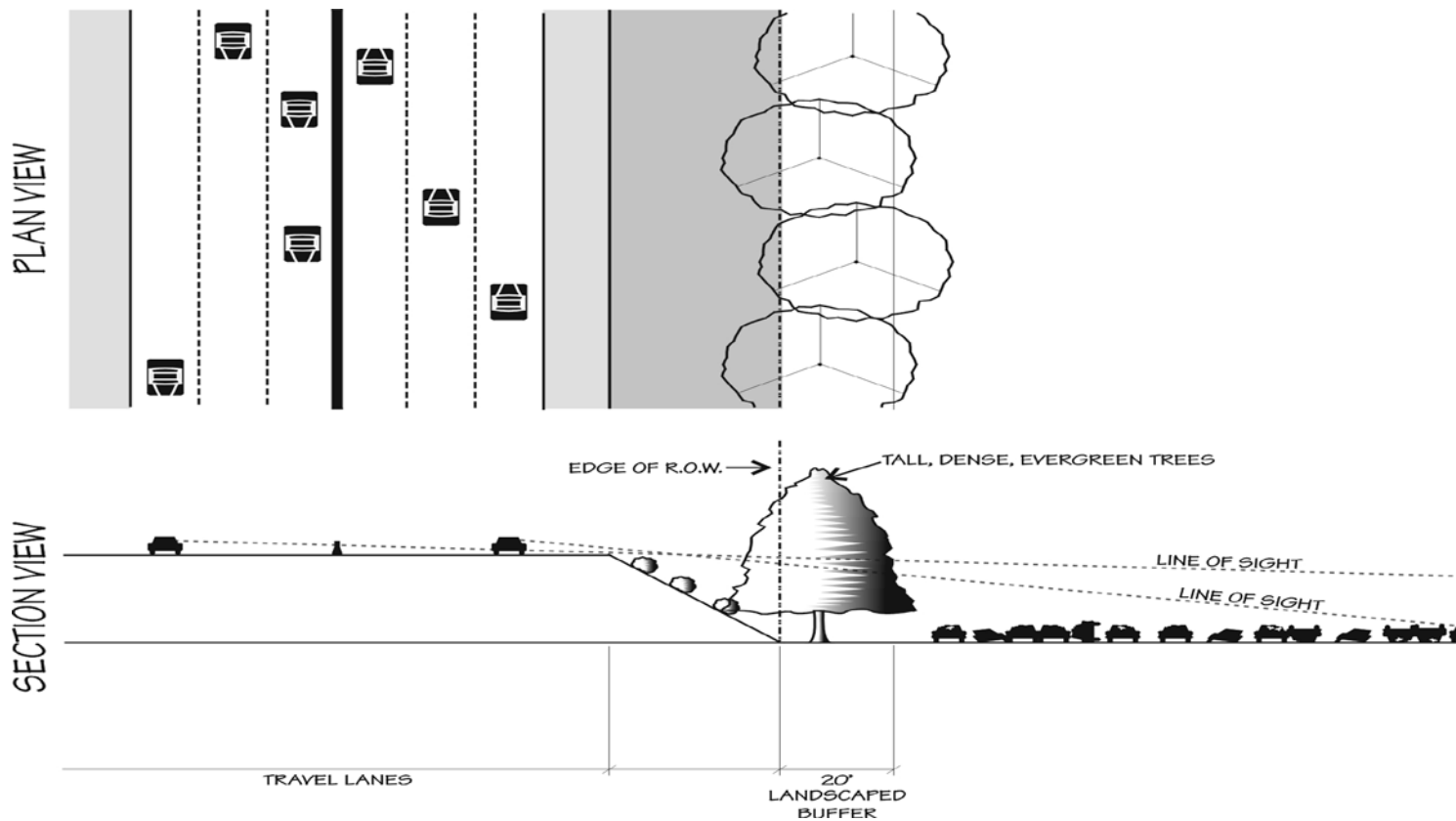


Figure 2
 Required landscaped buffer for land uses specified in Section 850.C.7.E.7.b. next to above grade highway section

- c. Properties adjacent to depressed highway sections shall require a landscape buffer no less than ten (10) feet deep.
 - (1) The landscape buffer shall contain a continuous shrub hedge adjacent to the edge of the highway Right-of-Way. Trees shall be planted on center at a minimum rate of one (1) per twenty (20) feet of highway frontage. Shrub varieties used shall be fast growing, and attain an ultimate height of no less than eight (8) feet.
 - (2) No buildings, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.

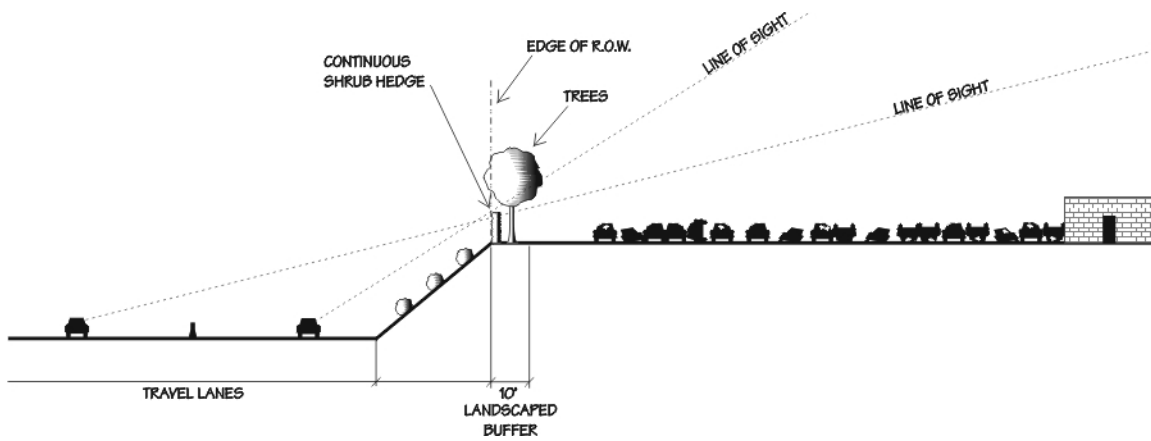


Figure 3
 Required landscape buffer for land uses specified in Section 850.C.7.E.7.c. next to below grade highway section

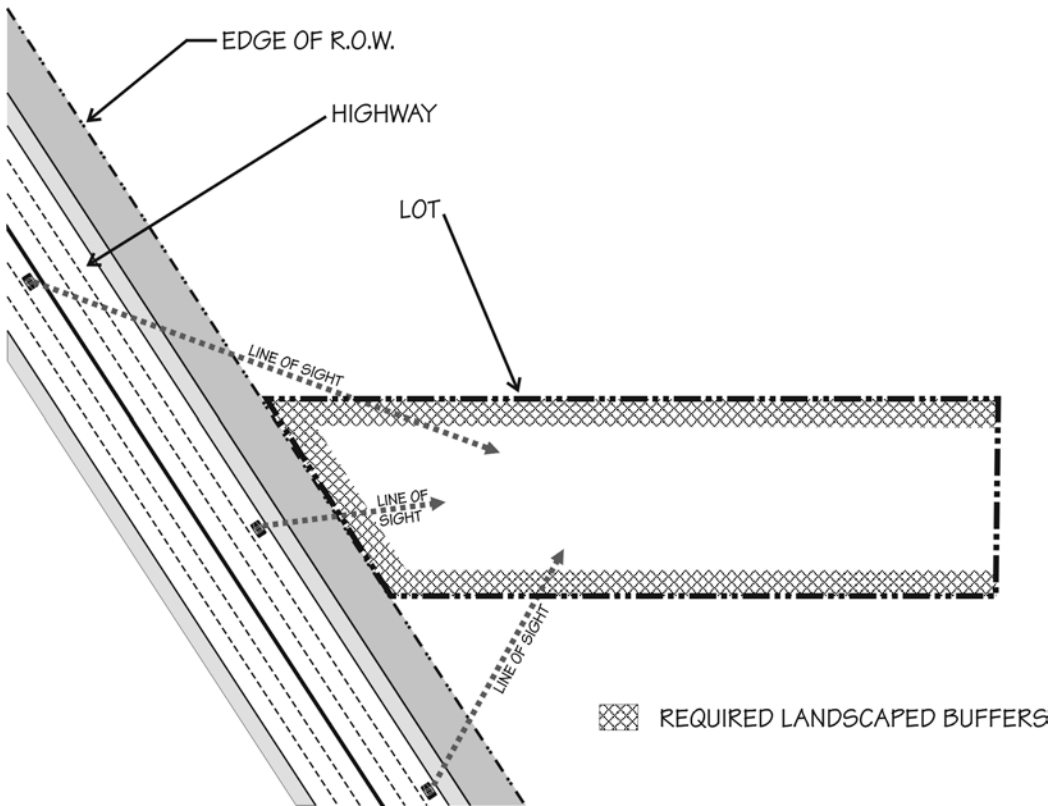


Figure 4
 Possible required landscape buffers for land uses specified in Section 850.C.7.E.7.a thru c. These uses must provide landscape buffers along all property lines that allow visibility into the site from the highway

8. For all other uses not included in Sections 850.C.7.E.6. and 850.C.7.E.7., the following yard requirements shall apply:

- a. Properties adjacent to at-grade highway sections shall require a landscape buffer of no less than twenty (20) feet deep and said landscape buffer shall be placed along all property lines adjacent to the highway.
 - (1) The landscape buffer shall consist of groundcover or shrubs. Trees shall be provided within the landscape buffer at a rate of one (1) per twenty-five (25) feet of highway frontage, and may be spaced evenly or planted in groups or clusters.
 - (2) No buildings, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.

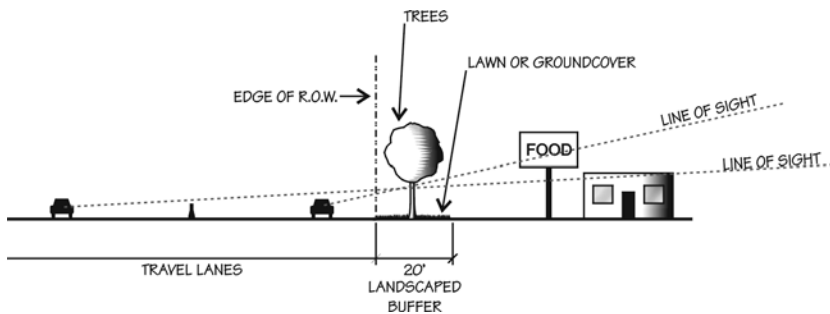


Figure 5
Required landscape buffer for land uses specified in Section 850.C.7.E.8.a. next to at-grade highway section

- b. Properties adjacent to elevated highway sections shall require a landscape buffer of no less than twenty (20) feet deep and said landscape buffer shall be placed along all property lines adjacent to the highway.
 - (1) Trees shall be provided within the landscape buffer at a minimum rate of one (1) tree per twenty-five (25) feet of highway frontage. The trees may be spaced evenly or planted in groups or clusters, and shall be of a species which will grow tall enough to be visible from the highway.
 - (2) No freestanding signs or communication towers may be established within the landscape buffer.

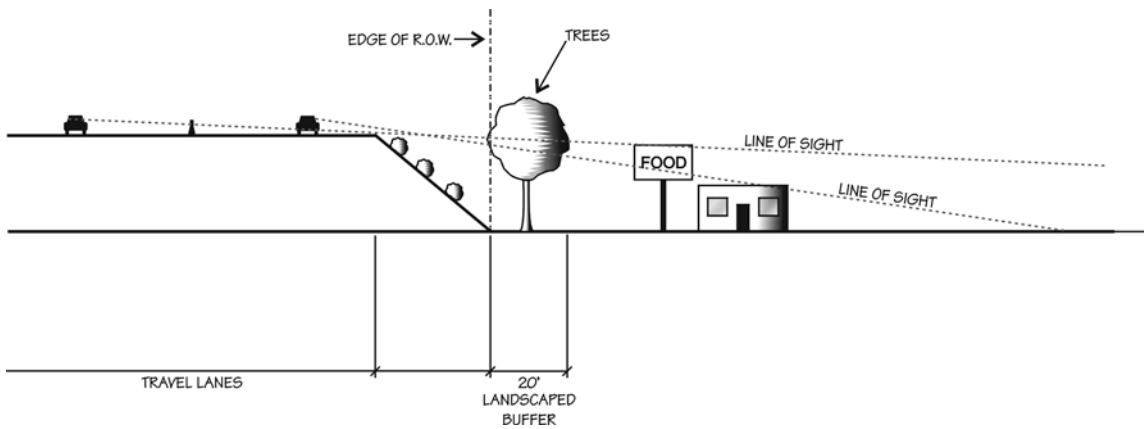


Figure 6

Required landscape buffer for land uses specified in Section 850.C.7.E.8.b. next to elevated highway section

- c. Properties adjacent to depressed highway sections shall require a landscape buffer of no less than twenty (20) feet deep and said landscape buffer shall be placed along all property lines adjacent to the highway.
 - (1) Trees shall be provided within the landscape buffer at a minimum rate of one (1) tree per 25 feet of highway frontage. The trees may be spaced evenly or planted in groups or clusters and shall be placed close enough to the right-of-way line that they will be visible from the highway.
 - (2) No buildings, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.

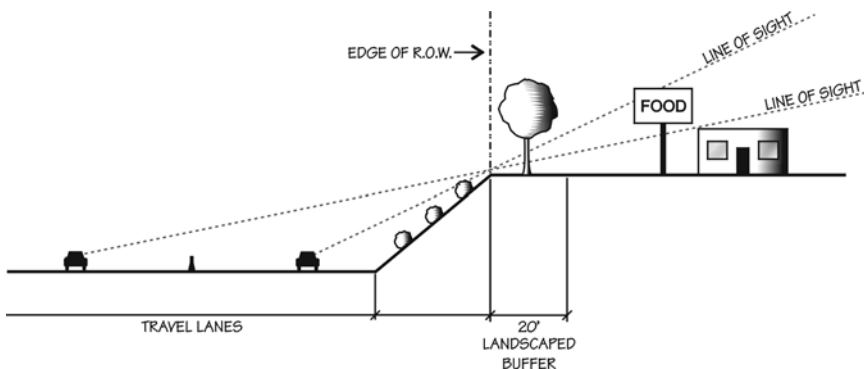


Figure 7

Required landscape buffer for land uses specified in Section 850.C.7.E.8.c. next to depressed highway section

Highway Beautification Overlay Yard Requirements*			
Use Type	Adjacent Highway Type		
	At-Grade	Elevated	Depressed
Agricultural Uses (See Section 850.C.7.E.2. for details)	As required by underlying district.	As required by underlying district.	As required by underlying district.
Residential (See Section 850.C.7.E.6. for details)	20' landscape buffer consisting of lawn, groundcover, or shrubs. 1 tree shall be planted for every 25 feet of highway frontage.	10' landscape buffer. 1 tree shall be planted for every 25 feet of highway frontage.	10' landscape buffer. 1 tree shall be planted for every 25 feet of highway frontage.
Wrecking Yards, Storage Yards, Recycling Facilities, Used Equipment Yards, or Similar Uses. (See Section 850.C.7.E.7. for details)	20' landscape buffer with a continuous shrub hedge, planted 20' on center with trees.	20' landscape buffer planted with large, dense evergreen trees 20' on center.	10' landscape buffer with a continuous shrub hedge and trees planted 20' on center.
Other uses not previously specified (See Section 850.C.7.E.8. for details)	20' landscape buffer consisting of lawn, groundcover, or shrubs. 1 tree shall be planted for every 25 feet of highway frontage.	20' landscape buffer. 1 tall tree shall be planted for every 25 feet of highway frontage.	20' landscape buffer. 1 tree shall be planted for every 25 feet of highway frontage and trees shall be visible from the highway.

* For illustrative purposes, only. Refer to text for complete requirements.

- F. **SPACE BETWEEN BUILDINGS.** Space between buildings shall not be less than the space required by the underlying district.
- G. **LOT COVERAGE.** Lot coverage shall not exceed the coverage allowed by the underlying district.
- H. **FENCES, HEDGES, AND WALLS.** Fences, hedges, and walls shall be as required in the underlying district, excepting those standards prescribed by the HBOS.
- I. **OFF-STREET PARKING.** Off-street parking shall be as required in the underlying district.
- J. **OUTDOOR ADVERTISING.** Advertising structures shall be as regulated in the underlying district with the following exceptions:
 - 1. **Freestanding Signs**
 - a. No freestanding sign shall be permitted on parcels in which the underlying district prohibits freestanding signs.
 - b. No more than two (2) freestanding signs may be permitted on any lot. One (1) may be permitted facing the highway, and one (1) may be permitted facing the road which the parcel fronts. No more than one (1) freestanding sign may be permitted on parcels that are not adjacent to the highway.
 - c. No freestanding sign may be permitted within a required landscaped buffer, with the exception of monument signs.
 - d. The maximum permitted area for monument signs in a required landscaped buffer shall be sixty (60) square feet.

- e. Sign height shall be as follows:
 - (1) The maximum permitted height of freestanding signs shall be the lesser of the underlying district or dependant on the distance that the freestanding sign is set back from the highway calculated using the following formula: one (1) foot of sign height shall be permitted for every one (1) foot that the sign is set back from the highway, to a maximum of thirty-five (35) feet in height. Signs that do not meet said requirements require approval of a Conditional Use Permit.
- f. The maximum permitted area for freestanding signs shall be the lesser of the underlying district or dependant on the distance that the sign is set back from the highway calculated using the following formula: three (3) square feet of sign area shall be permitted for every one (1) foot that the sign is set back from the highway, to a maximum of two hundred (200) square feet in area.

2. Marquee Signs

- a. No marquee sign shall be permitted on parcels in which the underlying district prohibits marquee signs.
- b. No more than one (1) marquee sign may be permitted on any lot.
- c. No marquee sign may be permitted within a required landscape buffer.
- d. Sign height shall be as follows:
 - (1) The maximum permitted height of marquee signs shall be the lesser of the underlying district or dependant on the distance that the marquee sign is set back from the highway calculated using the following formula: One (1) foot of sign height shall be permitted for every one (1) foot that the sign is set back from the highway, to a maximum of one-hundred (100) feet in height. Signs that do not meet said requirements require approval of a Conditional Use Permit.
- e. The maximum permitted area for marquee signs shall be the lesser of the underlying district or dependant on the distance that the sign is set back from the highway calculated using the following formula: three (3) square feet of sign area shall be permitted for every one (1) foot that the sign is set back from the highway, to a maximum of two hundred (200) square feet in area.

3. Wall Signs

- a. No wall sign shall be permitted on parcels in which the underlying district prohibits wall signs.
- b. The maximum permitted area for wall signs shall be the lesser of the underlying district or 10% of the subject wall area.

4. Nonconforming Signs

- a. Signs that become nonconforming on or after the effective date of these standards but which lawfully existed and were maintained prior to the effective date of these standards shall be removed or made to conform within ten (10) years after the effective date of these standards. During the interim ten-year period, said nonconforming signs shall be kept in good repair and visual appearance.
- b. Any sign determined to be of historical significance, and identified as such in any community or specific plan, shall be exempt from the removal and conformance requirements of this Section.
- c. A non-conforming sign may be required to be removed prior to the 10-year amortization period if it meets any of the following criteria:
 - (1) The sign was erected without first complying with all ordinances and regulations in effect at the time of its construction and installation or use.
 - (2) The sign was lawfully erected but its use has ceased, or its owner has abandoned it, for a period of not less than ninety days.
 - (3) The sign has been more than 50% destroyed, repair of the sign would require more than copy replacement, and the damage cannot be repaired within thirty (30) days of the date of its occurrence.
 - (4) The sign owner remodels the sign, beyond a change of copy, without first complying with all ordinances and regulations in effect at the time of its remodeling.
 - (5) The property owner expands or enlarges the building or land use upon which a lawfully erected, nonconforming sign is located and the sign is displaced by the construction, enlargement, or remodeling.
 - (6) The sign is or may become a danger to the public or is unsafe.
 - (7) The sign constitutes a traffic hazard that was not created by relocation of streets or highways or by acts of the governing body.

K. COMMUNICATION TOWERS. Communication towers and related facilities shall be as regulated in the underlying district with the following exceptions:

- 1. No communication tower shall be permitted on parcels in which the underlying district prohibits communication towers.
- 2. The permitting of communication towers on any lot shall require approval of an Unclassified Conditional Use Permit.
- 3. Each application for a communication tower shall be accompanied by the following:
 - a. A signed statement from the applicant indicating their intention to share space on the tower with other providers.
 - b. A copy of the lease between the applicant and the landowner. The lease shall contain the following provisions:

- (1) The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.
 - (2) The landowner shall be responsible for the removal of the communications tower or facility in the event the lessee fails to remove it upon abandonment.
4. Communication towers must be of a monopole design. Lattice tower and guyed tower designs shall not be permitted.
5. Communication towers may not be permitted within a required landscaped buffer.
6. The maximum permitted height of communication towers shall be the lesser of the underlying district or dependant on the distance that the communication tower is set back from the highway calculated using the following formula: one (1) foot of height shall be permitted for every one (1) foot that the tower is set back from the highway, to a maximum of one hundred-fifty (150) feet in height. Lightning rods, not to exceed ten (10) feet in height, shall not be included within the height limitations.
7. Communication towers shall be designed as to accommodate co-location opportunities.
8. Communication towers shall maintain a galvanized finish, unless camouflaged in some other manner.
9. Communication towers shall be spaced no closer than fifteen-hundred (1,500) feet from all other towers. Communication equipment mounted to existing towers, tall buildings, water towers, grain silos, church steeples, or structures such as light poles shall not be subject to this requirement.
10. Mobile or immobile equipment not used in direct support of a communications tower facility shall not be stored or parked on the site of the communication tower unless repairs or maintenance of the tower are being conducted.
11. Accessory uses shall only include such buildings and facilities necessary for transmission functions and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage areas, or other similar uses not necessary for the transmission function.
12. Accessory structures related to the operation of a communication tower shall be constructed of building materials consistent with the primary use of the site and shall be subject to the Site Plan Review process as described in Section 874.
13. Communication towers shall only be illuminated as required by the Federal Communications Commission and/or the Federal Aviation Administration. Security lighting around the base of the communication tower may be provided if the lighting is shielded so that no light is directed towards adjacent properties or right-of-way.

14. The base of the tower and related facilities shall be screened from view with a solid masonry wall a minimum of six (6) feet in height. A landscaped buffer of no less than five (5) feet shall be provided outside of the screening wall.
 15. Any communication tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such tower shall remove the same within ninety (90) days of a receipt of notice from the County notifying the owner of such abandonment. If such tower is not removed within said ninety (90) days, the County may remove the tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- L. **UTILITY AND MECHANICAL EQUIPMENT.** Utility and mechanical equipment such as heating units, air conditioners, antennas, satellite dishes, HVAC units, or similar devices, shall be integrated into the design of the building or situated on the site so that they are not visible from the highway. When this is not possible, the equipment shall be screened from view of the highway by a masonry wall or other screening methods acceptable to the County.
- M. **TRASH AND RECYCLING AREAS.** Trash and recycling areas shall be located on site so that they are not visible from the highway. When this is not possible, the trash and recycling areas shall be screened from view of the highway by a masonry wall.

(Added by Ord. T-083-361, adopted 7-8-08)