

## **CHAPTER 6.04**

### **ARTICLE I GENERAL PROVISIONS**

#### **SECTION 6.04.02 INTRODUCTION**

##### **6.04.0201 TITLE**

This Title shall be known as the "City of Fillmore Zoning Ordinance," hereafter referred to as the "Ordinance."

##### **6.04.0205 PURPOSE**

To promote the public health, safety, general welfare and to preserve and enhance the aesthetic quality of the City by providing regulations to ensure an appropriate mix of land uses and orderly land development. In addition, the City desires to achieve a pattern and distribution of land uses which generally:

1. Retain and enhance established residential neighborhoods, commercial and industrial park districts, mixed-uses, regional-serving uses, recreation areas and amenities;
2. Maintain a balanced distribution of land uses and provide for land use compatibility, and safe, efficient pedestrian and vehicular circulation throughout the City;
3. Allow for the infill and recycling of areas at their prevailing/designated scale of intensity/heights, density and character;
4. Allow for the appropriate intensification of commercial uses in the City's downtown business district (CBD);
5. Preserve and enhance significant environmental resources;
6. Provide open space resources for passive and active recreational activities, and protect the public from natural safety hazards;

7. Provide a diversity of areas characterized by differing land use activity, scale and intensity, while maintaining community identity and quality development; and
8. Maintain Fillmore as a unique/distinctive and secure environment for the City's residents and businesses.

#### **6.04.0210 AUTHORITY AND GENERAL PLAN CONSISTENCY**

This Ordinance is the primary tool for implementing the policies of the Fillmore General Plan, in compliance with the mandated provisions of State Law and other applicable Local, Regional, State and Federal requirements as they may be amended/replaced from time to time.

All development within the unincorporated area of the City's Sphere of Influence should be consistent with the General Plan. All development within the incorporated area of the City shall be consistent with the General Plan.

#### **6.04.0215 REVIEW AUTHORITY**

The development review process involves the participation of the following:

##### **1. PLANNING COMMISSION**

###### **A. APPOINTMENT**

The Planning Commission shall consist of 5 members who are appointed by the Mayor, with the approval of the City Council, and who serve in compliance with the provisions of Chapter 2.32 of the Municipal Code.

###### **B. TERMS OF OFFICE**

Members shall be appointed for a term of 4 years.

###### **C. MEETINGS**

The Commission shall hold at least one regularly scheduled meeting each month.

Special meetings may be scheduled as needed, by the Chairperson or 3 Commission members with written notice being provided to each member at least 24 hours prior to the scheduled meeting.

All meetings of the Commission shall be open and public. The Commission shall adopt rules for the transaction of business and shall keep a public record of its actions.

**D. QUORUM**

Three members of the Commission shall constitute a quorum for the transaction of business. A majority vote of those present (a minimum of 3 members) shall be required for formal action on any planning matter.

**E. DUTIES**

The Commission shall perform the duties and functions prescribed in this Ordinance. The Commission shall prepare, recommend adoption, implement and periodically review and recommend revisions to the General Plan and this Ordinance for the desired physical development of the City, and any land within its Sphere of Influence.

**F. AUTHORITY**

The Commission has the authority to grant final approval for the following:

1. Variances;
2. Conditional Use Permits;
3. Residential Developments including 4 or more dwelling units;
4. Non-residential Developments including 10,000+ square feet of total structure area or more than a 10% addition to an existing structure;
5. Tentative Parcel Maps;
6. Sign Programs; and
7. Certification/approval of appropriate environmental documentation in compliance with the California Environmental Quality Act (CEQA).

All of the above listed determinations are subject to appeal to the City Council in compliance with Section 6.04.80 (Hearings and Appeals).

Also, the Commission shall make recommendations to the City Council/Redevelopment Agency (RDA) for final determination regarding the following:

1. Specific Plans;
2. General Plan Amendments;

3. Zoning Map Amendments;
4. Zoning Ordinance Amendments;
5. Development Agreements;
6. Tentative Tract Maps; and
7. Other applicable ordinances or regulations which are zoning in nature.

## **2. COMMUNITY DEVELOPMENT DIRECTOR**

### **A. APPOINTMENT**

The Community Development Director shall be appointed by the City Manager.

### **B. DUTIES**

The Director shall perform the duties and functions prescribed in this Ordinance, in addition to the day-to-day and long range management of the Community Development Department.

### **C. AUTHORITY**

The Director has the authority to grant final approval for the following:

1. Occupancy Clearances;
2. Structure Relocation Permits;
3. Sign Permits;
4. Home Occupation Permits;
5. Temporary Use Permits;
6. Minor Modifications;
7. Minor Variances;
8. Minor Conditional Use Permits;
9. Residential Developments including up to 3 dwelling units;

10. Non-residential Developments with less than 10,000 square feet of total structure area or less than a 10% addition to an existing structure;
11. Lot Line/Boundary Adjustments; and
12. Interpretation/definition of "permitted uses" in compliance with Subsection 6.04.0225(3)

All of the above listed "powers" are subject to referral/appeal to the Planning Commission in compliance with Section 6.04.80 (Hearings and Appeals).

## **6.04.0220 ESTABLISHMENT OF ZONING DISTRICTS**

### **1. ESTABLISHMENT OF ZONES**

The City of Fillmore is divided into zoning districts which consistently implement the General Plan. The following zoning districts are established:

RPD-R	(RESIDENTIAL-RURAL) ZONE
RPD-L	(RESIDENTIAL-LOW) ZONE
RPD-M	(RESIDENTIAL-MEDIUM) ZONE
RPD-M/H	(RESIDENTIAL-MEDIUM/HIGH) ZONE
RPD-H	(RESIDENTIAL-HIGH) ZONE
CN	(COMMERCIAL NEIGHBORHOOD) ZONE
CBD	(CENTRAL BUSINESS DISTRICT) ZONE
CO	(COMMERCIAL OFFICE) ZONE
CH	(COMMERCIAL HIGHWAY) ZONE
MPD	(MANUFACTURING/INDUSTRIAL) ZONE
O-S	(OPEN SPACE) ZONE
P-F	(PUBLIC FACILITIES) ZONE
SFIP	(SOUTH FILLMORE INDUSTRIAL PARK) OVERLAY ZONE

### **2. ADOPTION OF ZONING MAP**

The boundaries of the zoning districts established by this Subsection shall be shown upon the map designated as the "City of Fillmore Official Zoning Map," on file with the City Clerk, and available at the Department.

### **3. RULES APPLYING TO UNCERTAIN BOUNDARIES ON ZONING MAP**

The following shall apply in determining uncertain boundaries of a district as shown on the Official Zoning Map:

- A. Where a boundary follows a public street or alley, the centerline of the street shall be the boundary. Where a boundary follows a parcel line, the parcel line shall be the boundary;

- B. Where a district boundary divides a parcel, the location of the boundary, unless indicated by dimension, shall be determined by referencing the adopted Zoning Map and/or legal description of the approved rezoning case for exact dimensions;
- C. All property in the City, or hereafter annexed, not previously classified by the City, is designated in the O-S zoning district; and
- D. In case of an uncertainty, the Director shall determine the precise location of the district boundary.

### **6.04.0225 GENERAL REQUIREMENTS**

#### **1. APPLICATION**

All land and structures shall be used and constructed in compliance with the regulations and requirements of this Ordinance, including obtaining all permits prior to construction/use inauguration, as applicable.

#### **2. CONFLICTING PERMITS AND LICENSES TO BE VOIDED**

All permits or licenses shall be issued in compliance with the provisions of this Ordinance. Any permit or license issued in conflict with this Ordinance is null and void.

#### **3. SIMILAR USES PERMITTED**

When a use is not specifically listed in this Ordinance, it shall be understood that the use is not permitted unless it is first determined by the Director to be similar to other uses listed.

It is further recognized that every conceivable use can not be identified in this Ordinance, and anticipating that new uses will evolve over time, this Subsection establishes the Director's authority to compare a proposed use and measure it against those listed in this Ordinance.

In determining "similarity" the Director shall first make all of the following findings:

- A. The proposed use shall meet the intent of and be consistent with the goals, policies and objectives of the General Plan;
- B. The proposed use shall meet the stated purpose and intent of the zoning district in which the use is proposed;
- C. The proposed use shall not adversely affect the public health, safety and general welfare of the City's residents; and

- D. The proposed use shall share characteristics common with, and not be of greater density/intensity or generate more adverse environmental effects than, those uses listed in the zoning district in which the use is proposed.

The proposed use shall be processed under the same permit entitlement (i.e., Development Permit or Conditional Use Permit) as the similar use(s) listed in the zoning district.

#### **4. MINIMUM REQUIREMENTS**

The regulations and provisions of this Ordinance are the minimum requirements, unless otherwise stated.

#### **5. CONFLICT WITH OTHER REGULATIONS**

Nothing in this Ordinance shall be deemed to repeal or amend the Building Code, other ordinances or regulations or any specific provisions, requiring a permit or license or both, of the City except as otherwise provided for in this Ordinance. Where conflicts occur between the provisions of this Ordinance and the Building Code or other regulations of the City, the more restrictive provisions shall apply.

It is not intended that this Ordinance shall interfere with, repeal, abrogate or annul any private easement, covenant, or other agreement in effect at the time of adoption. Where this Ordinance imposes a greater restriction upon the use of land or structures, the provisions of this Ordinance shall apply.

#### **6.04.0230 DENSITY AND INTENSITY**

The density/intensity limitations established in the Land Use Element of the General Plan apply to all parcels, respectively, except as provided in this Ordinance.

#### **6.04.0235 PARTIAL INVALIDITY**

If any chapter, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each chapter, section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more portions of this Ordinance might be declared invalid.