

## Chapter 9.03

### DEFINITIONS

#### Sections:

9.03.01 CONSTRUCTION

9.03.02 DEFINITIONS

9.03.01 CONSTRUCTION. For the purpose of carrying out the intent of this Ordinance, words, phrases, and terms shall be deemed to have the meaning ascribed to them in Section 9.03.02. In constructing the provisions of this Ordinance, specific provisions shall supersede general provisions relating to the same subject, and text shall supersede diagrams relating to the same subject. Words, phrases, and terms not defined in this Section shall have the meaning commonly or logically associated therewith, or as clarified by the Planning Commission.

9.03.02 DEFINITIONS.

Abandoned. To cease or suspend from developing or maintaining a building, structure or use for 90 days or lesser time as may be specified herein.

Abandoned Activity. A business or activity with no reported sales or activity for a period of at least 180 days. Exceptions are temporary closures for repairs, alterations, or other similar situations.

Abut, Abutting (Adjacent). Two or more parcels sharing a common boundary, of at least 1 point. To physically touch, border upon border, or to share a common corner or property line, except where two (2) or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two (2) parcels measures not less than eight (8) feet in a single direction. For the purposes of this title, abutting properties shall include those properties separated by any road, street, walkway, easement, alley right-of-way or highway, except a Major Highway as defined by Circulation Element of the General Plan.

Access. Safe, adequate, and usable ingress or egress to a property or use.

Access Drive or Access Way. A way or means of approach to provide entrance to a property that is safe, adequate and useable as ingress or egress for pedestrians and vehicles.

Accessory Building or Structure. A structure detached from a principal structure on the same lot, incidental to the principal building, and not designed for human habitation (not a Second Dwelling Unit). An accessory building or structure may be erected only after the principal structure or building is established.

Accessory Living Quarters. Living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises,

such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

Accessory Use. A use of land or building that is customarily incidental and subordinate to the principal use of the land or building located on the same lot. An accessory use may be established only after the principal use is established.

Acre. A full acre containing forty-three thousand five hundred sixty (43,560) square feet of area within property lines of a lot or parcel.

Action. The decision made by the review authority on a land use application, including appropriate findings, environmental determination and conditions of approval, where applicable.

Actual Cash Value. Current market value as determined by a certified real property appraiser or actual sales price.

Adjacent. Near, close or abutting; for example, an industrial district across the street or highway from a residential district shall be considered as “adjacent.”

Adult Entertainment Facility.

1. An establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes offers for sale, rental or other consideration, the following: (a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, CD ROM discs or other computer software, or other visual representations which are characterized by the depiction or description of SPECIFIED SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS; or (b) instruments, devices, or paraphernalia which are designed for use in connection with SPECIFIED SEXUAL ACTIVITIES; or (c) the use of viewing booths.
2. “Specified Anatomical Areas” means human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely covered.
3. “Specified Sexual Activities” means (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or (b) sex acts, normal or perverted, actual or stimulated, including intercourse, oral copulation, masturbation, or sodomy; or (c) excretory functions as a part of or in connection with any of the activities set forth in (a) and (b) above.

Adult-Oriented Businesses. Businesses selling goods or entertainment of a sexual nature.

Agriculture. The use of land for farming, dairying, pasteurizing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and accessory activities, including but not limited to storage, harvesting, livestock feeding when in conjunction with

another permitted use (e.g., dairying) and maintenance of equipment. Agriculture as used herein does not include stockyards, slaughtering of animals or commercial food processing.

Airport or Heliport. Any area of land designated and set aside for the landing and taking off of any aircraft regulated by the Federal Aviation Administration.

Airport, Private. A private airport or airstrip intended for the sole use of the airport owner and his or her invitees.

Airport, Public Use. A publicly or private owned airport that offers the use of its facilities to the public without prior notice or special invitation or clearance, and that has been issued a California Airport Permit by the Division of Aeronautics of the California Department of Transportation.

Alley. A public or private way, at the rear or side of property, permanently reserved as an ancillary means of vehicular or pedestrian access to abutting property.

Alterations. Any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

Amendment. A change in the wording, context or substance of this title, addition or deletion or a change in the zone district boundaries or classifications upon the zoning map.

Amusement Park. An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sales of items, and buildings for shows and entertainment.

Ancillary Use. A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

Animal Hospital. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment; the ancillary use of the premises as a kennel or a place where animals or pets are boarded for remuneration.

Antenna. A device for transmitting or receiving radio, television, or any other transmitted signal.

Apartment Hotel. A multifamily dwelling which also contains one (1) or more Guest Rooms as defined herein.

Applicant. Owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Development Code, or the agent(s) of such persons.

Attached. Any structure that has an interior wall or roof in common with another structure.

Auto Accessory Parts (new) Retail Sales. The sale of differential and transmission assemblies, engine blocks or heads and similar head parts, radiators, and tires and wheels, and tail pipes and mufflers. There shall be no machine work or repairs or installation of merchandise permitted on the premises, nor shall there be a service garage or automobile service of any kind.

Automobile Sales Lot. An open area used for the display, sale and/or rental of new or used automobiles.

Automobile Service Station. An area which provides for the servicing or fueling of motor vehicles, including tube and tire repairs, battery charging, storage of merchandise and supplies related to the servicing of motor vehicles, sale of gasoline and other fuel and lubricants, motor vehicle washing, grease racks, and motor vehicle repairs, excluding body and fender work, engine overhauling and replacement, transmission work and other similar activities.

Automobile Wrecking. The wrecking or dismantling of motor vehicles or trailers, or the storage of, sale of or dumping of dismantled, partly dismantled, or wrecked motor vehicles or their parts, or salvaging of their parts. The presence on a site of three (3) or more motor vehicles which have not been capable of operating for thirty (30) days or more shall constitute prima facie evidence of a motor vehicle wrecking yard.

Awning. A roof-like cover that is attached to and projects from the wall of a building for the purpose of shielding from the elements.

Bakery Large. A commercial enterprise engaged in large-scale production and wholesale marketing of bakery goods, and which may include incidental retail sales.

Bakery Small. A retail commercial enterprise engaged in the production of bakery goods intended for retail sale on site and not including any wholesale activities.

Bar. A structure, or part of a structure, used primarily for the sale or dispensing of alcoholic beverages by the drink.

Barbecue. A method of cooking food with indirect heat and smoke, or the end-result of cooking by this method. It is usually cooked in a covered environment heated by an outdoor open flame of wood, charcoal, natural gas or propane. Restaurant barbecue may be cooked in large brick or metal ovens specially designed for that purpose.

Base Flood. A flood having a one (1) percent chance of being equaled or exceeded in any given year; also referred to in other sources and this text as the one hundred (100) year flood.

Base Zone. A zoning district which includes use, height, bulk, space, and development standards for the regulation of development in a particular area (e.g., R-1, S-C, M-1).

Basement. A story partly or completely underground. A basement shall be counted as a story for purposes of height measurement where any portion of a basement has more than 1/2 of its height above grade.

Bed and Breakfast. A transient lodging establishment primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals to the extent otherwise permitted by law.

Berm. A mound or embankment of earth.

Bicycle Shop. A business devoted to retail sales, service or repair of bicycles which are not powered by any type of mechanical device.

Billboard. The same as an “advertising structure.”

Block. A parcel of land, or contiguous group of lots or parcels surrounded by public streets, highways, freeways, railroad rights-of-way, flood control channels, creeks, washes, rivers or unsubdivided acreage or any combination thereof.

Block Face. One complete side of a block, usually facing a public street.

Boarding or Rooming House. A structure where lodging and meals for 3 or more boarders is provided for compensation.

Breezeway. A roofed passageway, open on at least two (2) sides where the roof is structurally integrated with the structure of the main building. A fence or wall not exceeding six (6) feet in height may be permitted on one side of the breezeway.

Building. Any structure having a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals, or property of any kind.

Building Area. The net portion of the lot remaining after deducting all required setbacks from the gross area of the lot.

Building Coverage. The percent of lot area which may be covered by all the footprints of buildings or structures on a lot.

Building Height. The building height is the vertical distance from the average elevation of the finished grade to the highest point of the structure, excluding chimneys and vents.

Building, Main. A building within which is conducted the principal use permitted on the lot or site as provided by this title.

Building Official. The Chief Building Officer of the City or a designee.

Building Setback Line. The minimum distance as prescribed by this title between any property line and the closest point of the foundation of any building or structure related thereto.

Building Site. The ground area of a building together with all open spaces required by this Ordinance.

Business, Retail. The retail sale of any article, substance or commodity for profit or livelihood, conducted within a building, but not the sale of lumber or other building materials or the open storage or sale of any building materials or the sale of used or second-hand goods or materials of any kind.

Business, Wholesale. The wholesale handling of any article, substance or commodity for profit or livelihood, conducted within a building, but not including the sale of lumber or other building materials or the open storage or sale of any material or commodity, and not including the processing or manufacture of any product or substance.

Campground. A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes.

Camp Site. An Area within a campground prepared and maintained for the purpose of occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes.

Camping Trailer. See Travel Trailer.

Camping Unit. Any tent, trailer, cabin, lean-to, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation uses.

Caretaker's Residence. A single-family residence on the same property with, or an abutting property owned by the owner of, a commercial or manufacturing use which residence is occupied by one (1) or more persons charged with care or protection of facilities used in such commercial or manufacturing use, and which residence is provided to the occupant as compensation for such services and for which he does not pay money or other thing of value other than his services.

Cargo Container. A large metal box typically used for the shipment of containerized goods.

Carnival. a group of two (2) or more devices or acts, operated or conducted for five (5) days or less from time of set up and, in conjunction with an established business for the purpose of attracting the public, or to advertise a product, idea or program.

Carport. A permanent roofed structure not completely enclosed to be used for vehicle parking.

Carwash, Self Service. Any occupancy which provides for automobile washing to be done by the customer.

Cemetery. An area for burial or entombment of the deceased.

Centerline. A line designated by official survey to be the center of the future or existing fully developed easement, street, road or highway, which may or may not coincide with the construction centerline.

Certificate of Occupancy. A permit issued by the Building Department prior to occupancy of a structure to assure that the structure is ready for occupancy.

Church. A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which buildings, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

City. The City of Avenal.

City Attorney. The City Attorney of the City of Avenal or his/her designee.

City Council. The City Council of the City of Avenal.

City Official. Any employee of the City of Avenal that has been duly authorized and delegated by the City Council.

Clinic. A place for outpatient medical services to human patients.

Club. An association of persons (whether or not incorporated) organized for some common purpose, but not including a group organized primarily to render a service customarily carried on as a business.

Cluster District. A subdivision development in which building lots are sized to conform to the “footprint” of the structures and sited closer together than conventional development, usually in groups or clusters, provided that the total density does not exceed that permitted under conventional zoning and subdivision regulations. The additional land that remains undeveloped is preserved as open space and recreation land. Private development easements around the structures are permitted for inclusion of private landscaping, pools, spas, yards, etc.

Cogeneration Facility. A facility which creates the sequential production of both thermal and electrical energy.

Collection Facility. A center for the acceptance by donation, redemption or purchase of recycling materials from the public, which may include the following:

1. Reverse vending machine(s);
2. Small collection facilities which occupy an area of less than 500 square feet and may include:
  - a. A mobile unit to be removed from the site upon a daily basis;

- b. Bulk reverse vending machine(s) or a grouping of reverse vending machines;
  - c. Kiosk-type units which may include permanent structures
1. Large collection facilities which may occupy an area of more than 500 square feet and may include permanent structures.

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

Columbarium. A structure of vaults lined with recesses for cinerary urns for the ashes of cremated bodies.

Combining (Overlay) Zone Districts. A zoning district that modifies use, height, bulk, space, or other development standards of the base zone with which it is combined (e.g., Design District, Industrial Design District).

Commercial Coach. A vehicle, without motive power, designed and equipped for human occupancy for industrial, professional, or commercial purposes.

Commercial Districts. The S-C, D-C, H-C and C-C zoning districts.

Commercial Office. Any administrative or clerical office maintained as a business or any office established by a public service over which this title has jurisdiction, other than professional office.

Commercial Vehicle. A vehicle customarily used as part of a business for the transportation of goods or people.

Commission. The Planning Commission of the City of Avenal.

Common Area. Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and which may include such complementary structures and improvements as are necessary and appropriate.

Common Property Line. A lot line shared by two or more properties.

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

Community Apartment. A development in which an undivided interest in the land is coupled with the right of exclusive occupancy of an apartment located on the land.

Community Care Facility. A State-authorized, certified, or licensed family care home, foster home, or group home serving six (6) or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children (Welfare and Institutions Code 5116).

Community Center. A building used for recreational, social, educational, or cultural activities, usually owned and operated by a public or nonprofit group or agency.

Community Development Director. The Community Development Director for the City of Avenal or his/her designee.

Community Recreation Facility. A recreational facility, such as a park or swimming pool, maintained and operated for the benefit of residents of a particular residential development, including an apartment, condominium, townhouse, subdivision, or mobilehome park.

Conditional Use Permit. A discretionary entitlement which may be granted under the provisions of this Zoning Ordinance and which when granted authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the entitlement.

Condominium. An estate in real property consisting of an undivided interest in common on a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property. (Civil Code Section 783)

Contiguous. The same as “abut.”

Convalescent Home. See Rest Home.

Convalescent Hospital. An institution primarily engaged in the care of individuals recovering from illness with doctors and nurses on duty 24 hours a day.

Convenience Zones. An area within ½-mile radius of a Supermarket.

Corner Cut-off. The provision for and maintenance of adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets, alleys or private driveways.

Council. The City Council of the City of Avenal.

Country Club. A land area and building containing recreational facilities, clubhouses, and usual accessory uses, open only to members and their guests for a membership fee.

County. The County of Kings.

County Official. Any employee of the County of Kings that has been duly authorized and delegated.

Coverage. The same as “Lot Coverage.”

Cul-de-sac. See Street, Cul-de-sac.

Crematory. A building or structure operated in conjunction with a columbarium, mausoleum, cemetery, or mortuary containing one or more furnaces for the reduction of bodies of deceased persons to cremated remains.

Dairy Farm. Any place or premises upon which milk is produced for sale or other distribution and where more than two (2) cows or six (6) goats are in location.

Day Care Facility, Children. A facility which provides non-medical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24 hour basis. Family day care homes are further divided into the following categories: Small (up to 8 children); large (9 to 14 children; and day care center 15 + children). Day care facilities include family day care homes, infant centers, day nurseries, child care nurseries, pre-schools, and extended day care facilities.

Day. A calendar day.

Days. Shall always be consecutive calendar days unless otherwise stated.

Dead Storage. Is that type of storage in which goods, property, or equipment are stored for safekeeping in an approved zoning designation and are not put to use. Said property shall not be connected to utility services.

Decision Making Authority. The Community Development Director, Planning Commission, or City Council, depending on which has been assigned the responsibility and authority for reviewing and approving a particular permit pursuant to Chapter 9.75 (Permit Procedures).

Dedication. A conveyance of land to some public use, especially streets, made by owner and accepted for such use by or on behalf of the public.

Defensible Space. A design concept term used to describe a series of physical design characteristics that maximize resident control of behavior, particularly crime, within a public, semiprivate, or private area, structure, or community.

Density. The number of dwelling units per gross acre, unless otherwise stated, for residential uses.

Density Bonus. A density increase over the otherwise maximum residential density allowable by the applicable General Plan land use category.

Department. The City of Avenal Community Development Department, hereafter referred to as the "Department."

Design. Includes the planning and engineering of the following: street alignments, grades and widths; drainage, sanitary facilities and utilities, including alignment and grades thereof; location and size of all required easements and rights-of-ways; fire roads and fire breaks; lot size and

configuration; traffic access; grading; land to be dedicated for park or recreational purposes; building and other such specific physical and aesthetic requirements.

Detached. Any building or structure that does not have a wall or roof in common with any other building or structure.

Development. The placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any soil or materials; change in the density or intensity of use of land, including, but not limited to, a subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure including any facility of any private, public or municipal utility; and the removal of any major vegetation. As used in this Code, "structure" includes but is not limited to any building, road pipe flume, conduit, siphon, aqueduct, telephone line, commercial antenna, and electrical power transmission and distribution line. A "project," as defined in Government Code Section 65931, is included with this definition.

Development application. An application for any permit or approval to be issued by any City of Avenal officer, employee, department or other office, including subdivisions, land-use permits, variances, building permits or any other entitlement for use.

Directional Signs. Any sign which contains only the name, location of building, services and/or occupants that are not located on the parcel upon which the sign is located. Said signs are separate from and are not to be construed as an advertising structure.

Director. The Community Development Director of the City of Avenal.

Discretionary Decision. A decision requiring the exercise of judgment or deliberation when the public official or body decides to approve or disapprove a particular activity.

District. A zoning district established by this zoning ordinance.

District Attorney. The District Attorney of the County of Kings or a designee.

Domestic Agriculture. Agricultural activities carried on for noncommercial purposes.

Dormitory. A structure intended principally for sleeping accommodations, and where non-individual kitchen facilities are provided, where such structure is related to an educational or public institution or is maintained and operated by a recognized non-profit welfare organization.

Double Frontage Lot. See Lot (through).

Drainage Channel. Any existing open ditch, culvert or channel, naturally created or designed to transmit water for flood control or irrigation purposes.

Drugstore. A retail store engaged in the sale of prescription drugs and patent medicines, carrying related items such as cosmetics and toiletries and such unrelated items as tobacco and novelty merchandise. A drugstore may also include a soda fountain or lunch counter.

Dump. A place used for the disposal, abandonment or discarding of garbage, sewage, trash, refuse, rubble, waste material, or dead animals.

Duplex. A detached building designed for or occupied exclusively by two (2) families living independently of each other. Of which structure is joined by a common wall or roofline.

Dwelling. A structure or portion thereof designed for residential occupancy, not including hotels or motels. (See Dwelling Unit)

Dwelling, Single-family. A building or buildings designed for or occupied exclusively by one(1) family, including a manufactured home, or a mobilehome.

Dwelling, Multifamily. A structure containing 2 or more dwelling units or a combination of 2 or more separate single-family dwelling units (duplexes, triplexes, townhouses or apartments).

Dwelling Unit. One or more rooms including bathroom(s) and a kitchen, designed as a unit for occupancy by 1 family for living and sleeping purposes.

Easement. A grant of 1 or more property rights by the property owner for use by the public, a corporation or another person or entity.

Educational Institution. A school, college or university, supported wholly or in part by public funds or giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

Electric Distribution Substations. An assembly 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 public use.

Electric Transmission Substation. An assembly 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 customers, interchange connections with other power-producing agencies, or electric distribution substations for transformation to still lower voltages for distribution to smaller individual users.

Entertainment (Live). Any act, play, revue, pantomime, scene, dance act, musical, concert, or song and dance act, or any combination thereof, performed by 1 or more persons whether or not they are compensated for the performance.

Family. One or more persons related or unrelated, living together as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall include domestic servants employed by the family but shall not include a fraternal, religious, social, or business group.

Farm Labor Camp. The same as “Labor Camp, Farm.”

Farmworker Housing, Permanent. The same as Labor Camp, Permanent

Farmworker Housing, Migrant. The same as Labor Camp, Temporary

Farm Labor Housing, Contract Labor. Living quarters, either single family or group housing, provided by a labor contractor for farm laborers which are not full-time farm employees on lands owned or leased by the owner of the living quarters.

Farm Labor Housing, On-site Employee. Living quarter, either single family or group housing, provided for full-time farm laborers employed on the site or on lands owned or leased by the owner of the living quarters.

Farmers Market. A retail market where agricultural produce is offered for sale to the general public, either within an enclosed building or outdoors.

Fast-food Restaurant. An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off the premises.

Feed Lot or Feed Yard. A lot, or portion of a lot used for the enclosing of livestock for market, and not operated in connection with a bona fide farm.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Filling Station. The same as “Automobile service station.”

Flood or Flooding. Any general and temporary condition of partial or complete inundation of normally dry land from the overflow of inland or tidal waters or from the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Boundary Floodway Map (FBFM). An official map on which the Federal Insurance Administration, using their own information or information supplied by the Kings County Water Agency, the Kings County Public Works Department, the State Reclamation Board, or other Federal Agencies, has delineated both the areas of flood hazard and the floodway.

Flood Control Channel. The same as “Drainage channel.”

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special and historical flood hazards and the risk premium zones applicable to the City of Avenal.

Flood Zone. The flood has a one (1) percent chance of being equaled or exceeded in any given year; also referred to as the one hundred (100) year flood, regulatory flood, Intermediate Regional Flood, or base flood.

Floodplain. The relatively flat area adjoining the channel of a natural stream or which has been or may be covered by floodwater.

Floodway or Designated Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot or increasing the velocity to greater than seven (7) feet per second, whichever results in the widest floodway. The floodway is delineated on the Flood Boundary Floodway Map and the State Reclamation Board Designated Floodway Map. Floodways are also delineated on the official zoning maps as Floodplain Primary (FPP) District.

Floor Area. Whenever the term “floor area” is used in this zoning ordinance as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories, or basement of the structure. All horizontal dimensions shall be taken from the exterior faces of walls including enclosed porches.

Fowl. A bird, such as the duck, goose, turkey, or pheasant, that is used as food or hunted as game.

Frontage. The side of a lot abutting a street (the front lot line), except the side of a corner lot.

Front wall. The nearest wall of a structure to the street upon which the structure faces, but excluding cornices, canopies, eaves, or any other architectural embellishments.

Funeral Home. An establishment with facilities for the preparation of the deceased for burial or cremation, for the viewing of the body, and for funerals.

Garage. An enclosed building, or a portion of an enclosed building used for the parking of vehicles.

Garage, Private. A detached accessory building or a portion of a main building on the same lot as a dwelling for five (5) but not more than fifteen (15) persons other than members of the resident family, excepting a nursing home as defined in this section.

Garage, Repair. A building other than a private garage used for the care, repair of equipment or automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

Garage or Yard Sale. The sale of goods which is undertaken by the occupant of a residence where the garage sale occurs, which is no longer than two (2) consecutive days in duration and which occurs no more frequently than twice a year.

Garage, Storage. Any premises, used exclusively for the storage of vehicles.

General Plan. The City of Avenal General Plan as adopted by the City Council, pursuant to Government Code, hereafter referred to as the “General Plan.”

Grade. The degree of rise or descent of a sloping surface (see Slope), and the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, said ground level shall be measured at the sidewalk.

“Granny” Flat. An additional dwelling unit intended for the sole occupancy of one or two adult persons who are 62 years of age or over, and the floor area of the attached “granny” flat dwelling unit does not exceed 30 percent of the existing living area of the primary residence or the floor area of the detached “granny” flat dwelling unit does not exceed 1,200 square feet on a lot designated as residential, as defined in Government Code Section 65852.1.

Greenhouse. A building or structure constructed chiefly of glass, glass-like translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Gross Acreage. The total area within the lot lines of a lot or parcel of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel, and does not include adjacent lands already dedicated for such purposes.

Group Care Facility. A facility or detached dwelling unit providing twenty-four (24) hour non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

Gross Floor Area. The total horizontal area in square feet of the several floors of a structure, including interior balconies, mezzanines, carports, and basements, but not including the area of the inner courts.

Guest. Any transient person who occupies a room for sleeping purposes.

Guest House. Living quarters, having no kitchen facilities, located on the same premises with a main building and occupied for the sole use of members of the family temporary guest, or persons permanently employed on the premises.

Guest Room. A room which is designed to be occupied by one (1) or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.

Guest Ranch. A building or buildings and open space for use of transients only, providing housing and meals and having recreational activities of one (1) or more types for compensation.

Habitable Structure. Any structure used for living purposes, including working, sleeping, cooking, eating, or recreation.

Half-Story. A story under a gable, hip or gambrel roof, parts of which are not more than three (3) feet above the floor of such story.

Hazardous Waste. A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

- A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible, illness.
- B. Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of or otherwise managed.

Hedge. A fence or barrier formed of bushes set close together.

Hog Ranch or Farm. Any premises used for the commercial breeding or raising of hogs which are kept confined as a stockyard and fed concentrated food for the purposes of developing or fattening the animals for retail or wholesale sale. (Hogs raised as an FFA, 4-H, or Junior Farmer project are not to be classified as a hog ranch or farm unless the express purpose is for the commercial wholesale or retail sales market.)

Homeless Shelter. Short-term (from 3 to 90 days) housing for indigents, including shower facilities and meal service.

Home Occupation. An activity conducted in compliance with Chapter 9.19 (Residential District Specific Standards) carried out by an occupant conducted as an accessory use within the primary dwelling unit.

1. Such home occupation may include:
  - a. Consultive professional occupations upon approval of the Planning Commission and City Council, whose function is one of rendering a service and does not involve the dispensing of goods or products;
  - b. The giving of music lessons and similar occupations;
  - c. Drafting, designing and the like, using only the normal drafting equipment.

Horticulture. The cultivation of an orchard or garden on a small or large scale.

Hospital. An institution, designed within an integrated campus setting for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.

Hotel. A facility offering transient lodging accommodations on a daily rate to the general public with most rooms gaining access from an interior hallway, and providing additional services, such as restaurants, meeting rooms, and recreation facilities.

Household Pets. Keeping of domesticated animals, fish, small birds; provided, that there shall be not more than two (2) mature animals, small birds or any one (1) species; provided, that they shall be kept in a safe and sanitary manner; and keeping of other pets; provided, that such other pets which are not kept exclusively within a dwelling shall be limited to not more than three (3) adult animals, until such time that the keeping of animals as identified above, becomes a commercial use as determined by the City Council.

1. Household pets shall not include horses, cows, goats, sheep, other equine, bovine, ovine or ruminant animals, pigs, predatory wild animals, ducks, geese, turkeys, game birds and fowl which normally constitute an agricultural use. The keeping of household pets or other animals is lawful only in those districts where the use is listed as a permitted use or when any household pets are kept as an accessory use to lawfully maintain residences in other districts. The keeping of any animal not herein described as a household pet shall not be deemed an accessory residential use.
2. Any person keeping or maintaining animals not defined as “household pets” by this subsection within an enclosure nearer than one hundred (100) feet from any residential zone shall be deemed guilty of an infraction and in violation of this title.

House Trailer. The same as Mobilehome.

Hunting Club. A designated area where wild game birds or animals may be hunted. Normally membership or entry fee is required as a prerequisite to hunting.

Industrial Districts. The M-1 and M-2 zoning districts.

Industry. The manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character or appearance thereof, and including storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise.

Infill Development. Development that occurs on up to 4 contiguous vacant lots scattered within areas that are already largely developed or urbanized.

Intent and Purpose. The commission and council, by the adoption of this zoning ordinance, have made a finding that the health, safety and welfare of the community will be served by the creation of the district and by the creation of the district and by the regulations therein.

Junk and Salvage Facility (also, Dismantling and Wreckage Yard). Primary or accessory use of structures and/or land for storage, dismantling and/or selling of cast-off, unused, scrap or salvage material or any sort.

Kennel. Any lot where 4 or more dogs, cats, or other small animals over the age of 4 months are kept, where such keeping is for pleasure, profit, breeding, or exhibiting, including places where said animals are boarded, kept for sale, or hire.

Kitchen. Any room, all or part of which is designed and/or used for storage, refrigeration, cooking and the preparation of food.

Labor Camp, Permanent Farm. Living quarters, dwellings, boarding houses, bunkhouses, automobile trailers or other permanent housing accommodations, maintained in connection with any farm work of five (5) or more farm employees.

Labor Camp, Temporary Farm. Living quarters such as tents or automobile trailers temporarily maintained in connection with any farm work or place where farm work is being performed on the premises, provided for the camping of five (5) or more temporary farm employees. Such camp shall be occupied or used for a period not to exceed ninety (90) consecutive days.

Land Use. A description of how land is utilized.

Laundromat. An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

Landscaping. An area devoted to or developed and maintained predominantly with native or exotic plant materials including turf, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculptural elements.

Livestock. Any cattle, sheep, swine, goat, horse, mule, or other equine animals.

Livestock Feedlot. An enclosed area where animals are confined and fed concentrated food to raise or fatten them for slaughter or commercial sale.

Living Area. The interior inhabitable area of a dwelling unit, including the basement and attic, but excluding the garage or any accessory structure.

Loading. The removal or placement of any commodity in, on or from a vehicle of any type.

Loading Space. An off-street space or berth on the same lot with a main building, or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley or other appropriate means of ingress or egress.

Local Street. A street or road primarily for service to abutting property.

Lot.

1. A single parcel of land for which a legal description is filed on record or the boundaries of which are shown on a subdivision map or record of survey map filed in the office of the county recorder.
2. 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 of this title.
3. The term “lot” shall include two (2) or more abutting lots when combined and used as though a single lot.

The classification of lots are as follows:

Corner. A lot located at the intersection of 2 or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an “interior lot.”

Cul-De-Sac. A lot fronting on, or with more than one-half (1/2) of its lot width fronting on, the turnaround-end of a cul-de-sac street.

Curve. A lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of two hundred fifty (250) feet or less.

Flag. A lot having access or an easement to a public or private street by a narrow, private right-of-way.

Interior. A lot abutting only 1 street.

Key. A lot with a sideline that abuts the rear line of any 1 or more adjoining lots.

Reverse Corner. A corner lot, the rear of which abuts the side of another lot.

Through. A lot having frontage on 2 generally parallel streets.

Lot Area. The total area within the lot lines of a lot, excluding any street rights-of-way and including only that area which is usable for its intended purpose.

Lot Area, Minimum. The smallest lot area established by this Ordinance on which a use structure may be located in a particular zoning district.

Lot Averaging. The design of individual adjoining lots within a residential subdivision in which the average lot area equals the minimum prescribed area for the Low Residential Land Use Zoning District. To maintain an average, some lots may be reduced to a maximum of 10% below the minimum lot size, while a corresponding number of lots shall each maintain a lot area of at least 10% above the minimum lot size. Allowable density shall be within the prescribed maximums.

Lot Coverage. That portion of the lot that is covered by buildings and structures.

Lot Depth. The average distance between the front and rear lot lines or between the front line and the intersection of the two sidelines, if there is no rear line.

Lot Frontage. The portion of the lot contiguous to the street.

Lot Line. Any boundary of a lot. The classifications of lot lines are:

Front: On an interior lot, the line separating the parcel from the street. On a corner lot, the shorter lot line abutting a street. (If the lot lines on a corner lot are equal in length, the front lot line shall be determined by the Community Development Director.) On a through lot, the lot line abutting the street providing access to the lot.

Interior. Any lot line not abutting a street.

Rear. A lot line, not intersecting a front lot line, which is most distant from and most closely parallel to the front lot line. In the case of an irregularly shaped lot or a lot bounded by only three lot lines, a line within the lot having a length of 10 feet, parallel to and most distant from the front lot line shall be interpreted as the rear lot line for the purpose of determining required yards, setbacks, and other provisions of this Development Code.

Side. Any lot line which is not a front or rear lot line.

Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a midway point between the front and rear lot lines.

Lot of Record. A lot held in separate ownership as shown on the records of the county recorder at the time of the passage of an ordinance or regulation establishing the zoning district in which the lot is located.

Lower Income Households. Households with incomes eighty (80) percent or less of the County median income.

Main Building. The building in which the principal use of a lot is located.

Major Street or Major Highway. A highway which is used, designed to be used, or is necessary to carry heavy volumes of traffic, and designated as a "Major Highway or Arterial" in the Circulation Element of the General Plan.

Manufactured Home. A factory built or manufactured home as permitted by the State of California and Federal laws.

Mausoleum. A tomb for one (1) or more deceased persons.

Median. A paved or planted area separating a street or highway into 2 or more lanes of opposite direction of travel.

Median Income. A specified threshold which complies with the California Department of Housing and Community Development Guidelines where one-half of the County earns more and one-half of the County earns less income.

Medical Building. Clinics or offices for doctors, dentists, oculists, chiropractors, osteopaths or similar practitioners of the healing arts; including accessory laboratory and prescription pharmacy uses, but not including office for veterinarians.

Medical Marijuana Dispensary. A facility where marijuana is made available for medical purposes in accordance with California Health and Safety Code section 11362.5 (Proposition 215).

Mineral Exploration. Exploration by scientific means, in a manner similar to the exploration for petroleum products, for the purpose of determining the existence and extent of commercial mineral deposits.

Ministerial. Staff and planning department and/or building inspection personnel.

Ministerial Decision. A decision requiring the application of the statutes, ordinances, or regulations to the facts as prescribed and involving little or no personal judgment by the public official or decision making body as to the wisdom or manner of carrying out a project.

Mini-Mall. A parcel with a commercial structure divided into at least 3 spaces for rent or a parcel with a collection of structures with different tenants.

Mini-Warehouse. A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

Minor Plan Modification. A minor change or modification of an approved development plan which is not in conflict with the intent, policy, or expectations or original project approvals.

Mixed Use Development. The development of a parcel(s) or structure(s) with 2 or more different land uses such as, but not limited to a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

Mobile Recycling Unit. An automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials, including bins, boxes, or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

Mobilehome. A structure transportable in one (1) or more sections, designed and equipped to contain not more than two (2) dwelling units to be used with or without a foundation system. Mobilehome does not include a recreational vehicle, commercial coach, or manufactured housing. Inconsistent with above definition of manufactured home.

Mobile marijuana dispensary. Any clinic, cooperative, club, business or group which transports or delivers, or arranges the transportation or delivery, of medical marijuana to a person.

Mobilehome Park. An area or tract of land where two (2) or more lots are rented or leased or held out for rent or lease but not divided as owner occupied lots to accommodate mobilehomes for human occupancy.

Mobilehome Accessory Structure. Any awning, cabana, ramada, storage cabinet, storage building, private garage, carport, fence, windbreak, or porch of any residential building or structure established for the use of the occupant of a mobilehome on a lot.

Moderate Income. Persons with income of 80% to 120% of the County Median Income.

Mortuary. A place in which the deceased are kept until burial.

Motel. A group of attached or detached buildings containing individual sleeping or living units, providing transient accommodations for up to thirty (30) days with garage or parking space conveniently located to each unit with most rooms gaining access from an exterior walkway, including tourist courts, auto courts, or motor lodges.

Nature or Wildlife Preserve. An area set aside for the preservation of natural vegetation or wildlife where the general public may view the vegetation or wildlife, with or without charge.

Neighborhood. An area of a community with characteristics that distinguish it from other community areas and which may include distinct ethnic or economic characteristics or boundaries defined by physical barriers, such as major highways and railroads or natural features, such as rivers.

Net Site Area. The total area within the lot lines of a lot or parcel of land after public street easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

Nonconforming Building (Structure). A structure or building the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this Zoning Ordinance but which fails by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning or districts.

Nonconforming (Illegal). A structure, lot, or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this Ordinance.

Nonconforming Lot. A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the applicable zoning district or districts.

Nonconforming Use. A lawful use when established but which does not conform to subsequently established zoning or zoning regulations.

Nuisance. An interference with the enjoyment and use of property.

Nursery School. See Day Care Facility, Children.

Nursing Home. See Rest Home.

Occupancy or Occupied. The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage, or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

Off-site. Located outside the lot in question.

Offsite 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, the origin or place of sale of which is not on the property with such advertising structure.

Off-street Parking. An area for the temporary storage of motor vehicles that is directly accessible to but not located on a dedicated street right-of-way.

Office. A business or commercial establishment for the rendering of service, administrative or consultation but excluding retail services.

Official Plan Line. The future right-of-way of any road or highway as adopted by resolution of the City Council.

Oil or Gas Exploration by Scientific Means. Exploration by scientific means includes, but is not limited to, the following: seismic surveys, magneto-telluric, magnetometer or gravity meter surveys; surface mapping and holes less than five hundred (500) feet deep drilled for the purpose of taking core samples, velocity readings, temperature measurements, or water samples.

One Ownership. Ownership of real property by a person, persons, firm, corporation, or partnership, or any combination thereof, individually, jointly, or in common whereby such property is under a single or unified control.

Open Space. Any parcel or area of land or water which is essentially unimproved and devoted to one or more of the following uses: preservation of natural resources; the managed production of resources; outdoor recreation; or public health and safety.

Ordinance: The Zoning Ordinance of the City of Avenal, of the Avenal Municipal Code.

Outdoor Advertising Structure. Any structure of any kind or character erected or maintained for outdoor purposes, upon which any outdoor advertising sign may be placed, and either:

1. Advertising a use not located on the site or a product on the site where it is located; or
2. Exceeding three hundred (300) square feet in area. See “Advertising structure” and “Sign.”

Parcel. A lot or parcel of land under one ownership that has been legally created or subdivided or combined and is shown as a single parcel on the latest equalized assessment roll. (See Lot.)

Park. Public or private land used for active and passive recreation.

Parking Area. Any public or private land area designed and used for parking motor vehicles capable of moving under their own power, including parking lots, garages, private driveways, and legally designated areas of public streets.

Parking District. The same as the P district.

Parkway. The area of a public street that lies between the curb and the adjacent property line or physical boundary definition such as fences or walls, which is used for landscaping tree lines and/or passive recreational purposes.

Permit. Written governmental permission issued by an authorized official empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

Permitted Use. Any use allowed in a land use zoning district and subject to the provisions applicable to that district.

Person. Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, State of California, and its political subdivisions or instrumentality's, receiver, syndicate or any group or combination thereof, acting as a unit, including any trustee, receiver or assignee.

Pets. See Household Pets.

Permanent. To endure, remain or to continue without fundamental or marked change.

Pharmacy. See Drug Store.

Planning Commission. Hearing and review body established by City of Avenal.

Planned Unit Development (PUD). A type of development characterized by comprehensive planning for the project as a whole, clustering of structures to preserve usable open space and other natural features, and a mixture of housing types within the prescribed densities.

Plot. A single unit parcel of land; or a parcel of land that can be identified and referenced to a recorded plat or map.

Plot Plan. See Site Plan.

Poultry Ranch. The raising, breeding, hatching of poultry for commercial purposes.

Preschool. A licensed public or private institution which provides structured educational services to children between the ages of two (2) and five (5).

Principal Dwelling. The dwelling in which is conducted the principal residential use of the lot on which it is located.

Principal Use. The primary or predominant use of any lot, building or structure.

Processing Facility. A building or enclosed space used for the collection and processing of recyclable materials to prepare either for efficient shipment, or to an end user's specifications by means such as bailing, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include the following:

1. Light processing facilities occupy areas under 45,000 square feet of collection, processing and storage area, and average 2 outbound shipments per day. Light processing facilities are limited to bailing, briquetting, compacting, grinding, crushing, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred; compact, or bale ferrous metals other than food or beverage containers.
2. A heavy processing facility is any processing facility other than a light processing facility.

Produce Stand. A permanent or temporary structure utilized for the sale of agricultural, horticultural, or farming products grown or products by the owner or lessee of the property on which the structure is located, is used throughout the year and no thirty (30) day time period elapses where the stand is not utilized. A Temporary Stand is one that is used seasonally and normally periods of time in excess of thirty (30) days pass where the stand is not utilized.

Professional Office. Any building or portion thereof used or intended to be used as an office for a lawyer, architect, engineer, land surveyor, accountant, optometrist, doctor, dentist and other similar professions but shall not include other medical buildings or commercial offices.

Prohibited Use. A use that is not permitted in a zoning district.

Property Line. See Lot Line.

Public Buildings and Uses. Buildings, structures and use of land, maintained by federal, State, County or City government or agency thereof, or by any school district or other special district created by law, in either a governmental or proprietary capacity.

Public Hearing. A meeting announced and advertised in advance and open to the public with the public given an opportunity to talk and participate.

Public Park. A park, playground, swimming pool, beach, pier, reservoir, golf course or athletic field within the City which is under the control, operation or management of the City, the County, or the State.

Public Works Department. The Public Works Department of the City of Avenal, and the Building Inspection Division.

Public Works Director. The Public works Director of the City of Avenal or his/her designee.

Quadruplex. Four (4) attached dwellings in one (1) structure in which each unit has two (2) open space exposures and shares one (1) or two (2) walls with the adjoining unit or units.

Quarry. A place where rock, ore, stone and similar materials are excavated, processed for sale or for off-site use.

Queue (Line). An area for temporary waiting of motor vehicles or pedestrians while obtaining a service or other activity.

Railroad Right-of-Way. A strip of land of a maximum width of one hundred (100) feet only for the accommodation of mainline or branch line railroad trucks, switching equipment and signals, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, employee housing, yards or other uses are located.

Ramada. An arbor or pergola-like structure.

Recreational Vehicle. A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pickup campers, camping trailers, motor coach homes, converted trucks or buses, boats and boat trailers, and all terrain vehicles.

Recreational Vehicle Park. An area or tract of land where one (1) or more spaces are rented or held out for rent to owners or users of recreational vehicles or tents and which is occupied for sixty (6) consecutive days or less.

Recycling. The process by which waste products are reduced to raw materials and transformed into new products, including automobiles.

Recycling Facility. A center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residential, commercial or manufacturing designated parcel used solely for the recycling of material generated on the parcel.

Recycling or Recyclable Material. Reusable domestic containers including, but not limited to metals, glass, plastic and paper which are intended for reuse, remanufacture, or reconstitution for the purpose of using in altered form. Recyclable material does not include reuse of hazardous materials.

Rehabilitation. The upgrading of a building previously in a dilapidated or substandard condition for human habitation or use.

Repair – Vehicle. The major repair or overhaul of any vehicle, including but not limited to the following: pulling head, motor, transmission, rear end, or body work, as distinguished from minor tune-up, replacing hoses, fan belts, and spark plugs.

Residence. A home, abode, or place where an individual family is actually living at a specified point in time.

Residential Accessory Structures. Buildings and structures normally associated with dwellings, such as detached garages, carports, greenhouses, storage buildings, and swimming pools, but excluding cargo containers.

Residential Care Facility. A family home, group care facility, or similar facility for 24 hour non-medical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

Residential Districts. The following districts: R-A (Single Family Residential/Agricultural), R-1-A (Single Family/Low Density Residential), R-1 (Single Family/Medium Density Residential), R-2 (Medium/High Density Residential), R-3 (High Density Residential), R-3-A (High Density Multiple Family Residential), and MHP (Mobilehome Park).

Residential Hotel. A hotel offering simple room or suite accommodations on a weekly or monthly basis. (also see Single Room Occupancy – SRO)

Resort Hotel. A group of buildings containing guest rooms and providing outdoor recreational activities.

Restaurant. A use providing preparation and retail sale of food and beverages, including café's coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e., pizza), and similar uses, and may include licensed "on-site" provision of alcoholic beverage for consumption on the premises when accessory to such food service.

Restaurant, Drive-Thru. A use providing preparation and retail sale of food and beverages, as defined under "Restaurant" with added provision of one or more drive-thru lanes for the ordering and dispensing of food and beverages to patrons remaining in their vehicles.

Rest Home. An institution primarily engaged in the provision of permanent living space for the elderly or mentally infirm.

Retail Services. Establishments in selling goods or merchandise to the general public for personal or household consumption.

Review Authority. The person, committee, Commission or Council responsible for the review and/or final action on a land use entitlement.

Reverse Vending Machine(s). An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary. A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than 1 container at a time and will pay by weight instead of by container.

Rezone. To change the zoning classification of particular lots or parcels pursuant to provisions of this Ordinance.

Right-of-Way. A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied or is occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses.

Road. See Street.

Roof. The outside top covering of a building.

Room. An unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways and service porches.

Rooming House. See Boarding House.

Rounding of Quantities. The consideration of distances, unit density, density bonus calculations, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers; the numbers are to be rounded to the nearest highest whole number when the fraction is .5 or more, and to the next lowest whole number when the fraction is less than .5, except as otherwise provided in this Ordinance.

Sanitary Landfill. A disposal site employing an engineered method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest practical volume, and applying cover material over all exposed wastes at the end of each operating day.

Satellite Dish Antenna. An apparatus capable of receiving or transmitting communications from a satellite in excess of 3 feet in diameter.

Schools, Elementary, Middle or High. An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle high school, senior high school or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

School, Trade. Schools offering preponderant instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools, and similar commercial establishments operated by a nongovernmental organization.

Second Dwelling Unit. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single family dwelling is situated.

Secondary Highway. A street or highway to carry moderate volumes of traffic and designed as a “Secondary Highway Collector Street” or in the Circulation Element of the General Plan and described in the City of Avenal Subdivision standards.

Security Bars, Windows. Means and includes bars, grilles, grates, or similar devices located on the inside or outside of windows.

Senior Congregate Care Housing. A structure(s) providing residence for a group of senior citizens (60 years of age or more) with central or private kitchen, dining, recreational, etc. facilities with separate bedrooms and/or living quarters.

Servants Quarters (separate). Complete living quarters either attached or detached from that of the main dwelling, including kitchen facilities but not rented or used for permanent or temporary living quarters by members of the family.

Service Station. The same as Automobile Service Station.

Services, Commercial. Establishments providing services or entertainment, as opposed to products, to the general public.

Setback. The required distance that a building, structure, parking or other designated item must be located from a lot line.

Setback, Front/Rear Average. The average front/rear yard setback of a group of 5 adjacent dwelling units. The setback on any unit may vary up to 5 feet as long as the average setback of all 5 units equals the minimum required for the land use zoning district.

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sidewalk/Parking Lot Sale. A promotional sales event conducted by 1 or more businesses which is held outside the confines of the commercial or manufacturing structure(s) in which such business is normally conducted and which sale involves the outdoor display within a paved or concrete area on the same lot as the structure(s) of merchandise which is normally displayed within the structure(s).

Sign. Any object, device, display, or structure, or part thereof, situated outdoors, or indoors, which is used to advertise, identify, display, or direct attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. (See Chapter 17.61 for further interpretation of signage and signage related definitions.)

Sign Area. The total exterior surface of a sign, including all sides of a sign having more than one (1) surface unless otherwise specified, and including spaces between or within letters and symbols.

Single Room Occupancy (SRO) Facility. A cluster of 7 or more units within a residential hotel of weekly or longer tenancy providing sleeping or living facilities for 1 or 2 persons per unit, in which sanitary facilities may be provided within the units, and cooking facilities may be shared within the hotel.

Site. Any lot or parcel of land or combination of contiguous parcels of land.

Site Line. The area with a site triangle preserved at a height between thirty (30) inches to eight (8) feet above grade and to be maintained free of landscaping and structures to preserve safety at an intersection.

Site Plan. A process requiring submission of plans for review by the Community Development Director.

Site Plan Review. A process requiring submission of plans for review by the Community Development Director.

Site Triangle. A line of site or vision preserved to protect public health and safety associated with vehicle and pedestrian conflict at intersections defined as the area within twenty-five (25) feet parallel to each public street or right-of-way with the connecting line or hypotenuse of the triangle defining the area. No structures with a height between thirty (3) inches and eight (8) feet shall be located within said site triangle with the exception of Government and traffic regulatory signals.

Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

$$\text{Slope Percentage} = \frac{\text{Rise}}{\text{Run}} \times 100 = \%$$

$$\text{Slope Ratio} = \frac{\text{Run}}{\text{Rise}} - (x) \text{ feet run to one foot rise} = x:1/5$$

% Grade	100%	50%	40%	33.3%	30%	25%	20%	15%	12%	10%	8%	6%
Degrees	45	26.6	21.8	18.4	16.7	14	11.3	8.5	6.8	5.7	4.6	3.4
Ratio	1:1	2:1	2.5:1	3:1	3.3:1	4:1	5:1	6.7:1	8.3:1	10:1	12.5:1	16.7:1

**Small Fowl.** Birds raised or grown for hobby purposes, show, or racing, normally no larger than a small chicken (e.g., pigeon, parrot, or cockatiel).

**Soffit.** The horizontal underside of an eave.

**Solar Access.** The airspace over and around a parcel that provides access to sunlight for the effective use of solar energy.

**Solid Waste.** All putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

**Specific Plan.** A plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the City, consistent with the General Plan and the provisions of Government Code Section 65450 et.seq.

**Specific Plan Line.** The designated centerline of any road or highway as adopted by resolution of the City Council from which the ultimate right-of-way is determined in accordance with the Circulation Element of the General Plan.

**Stable, Commercial.** A structure for the keeping of horses, mules or ponies which are boarded for compensation.

**Stable, Private.** An accessory structure for the keeping of horses or ponies for the use of occupants of the premises.

**Start of Construction.** The first placement of permanent construction on a site, such as the pouring of slabs or footings, or any site preparation work, including, but not limited to, leveling and grading.

**Stockyard.** An enclosed area where livestock are temporarily confined and fed concentrated food while waiting for shipping to market, slaughter, or resale.

Storage. A space or place where goods, materials and/or personal property are put for more than 24 hours.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and ceiling above it.

Story, Half. A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area immediately below it.

Stream. A watercourse having a source and terminus, banks, and channel through which waters flow at least periodically.

Street. Any public or private thoroughfare, which affords a primary means of access to abutting property.

Street, Cul-de-sac. A street with a single common ingress and egress and with a turnaround at the end.

Street, Local. A street designed to provide vehicular access to abutting property and to discourage through traffic.

Street, Public. A street built to standards required and maintained by the City of Avenal.

Street, Private. A street owned and maintained by a person or persons and intended for access to a limited number of private lots.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Structure Floor. The floor sheathing, structural beams, floor joists, or concrete slab of a building.

Subdivision. Pursuant to California Subdivision Map Act definition Section 66424, the division, by any sub-divider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in subdivision (f) of Section 1351 of the Civil Code, a community apartment project, as defined in subdivision (d) of Section 1351 of the Civil Code.

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds twenty five (25) percent of the assessed value of the structure, either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored after the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

Supermarket. A full service, self-service retail store of at least 20,000 square feet which sells a line of dry grocery, canned goods, or non-food items and some perishable items.

Swap Meets. Any indoor or outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and, where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, or other markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

Swimming Pools. A structure which shall conform to yard requirements but which shall not count as part of lot coverage requirements.

Temporary Structure. A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use. A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.

Tire, Battery and Accessory Parts Retail Sales and Service Store. An occupancy for the retail sale and installation of automobile tires, batteries and other automobile parts and accessories wherein all activity including storage, shall be conducted completely within a building designed and intended for this purpose. Such occupancy shall exclude the sale and installation of differential and transmission assemblies, engine blocks or heads, and similar hard parts and radiators, and shall also exclude machine work, tire recapping, retreading, rebuilding, and vulcanizing, battery repair or rebuilding, or general automobile repair, except as permitted in an automobile service station.

Traffic Safety Sight Area. A space that is set aside on a corner lot in which all visual obstructions, such as structures and plantings that inhibit visibility and thus cause a hazard to traffic and pedestrian safety are prohibited. (See Site Triangle)

Trailer. A structure mounted on wheels, towed or hauled by another vehicle, and use for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.

Trailer Court. Travel Trailer and Recreational Vehicle Park.

Trailer Sales and Service Lot. An open area where trailers, travel trailers, or mobilehomes are sold, leased or rented, but where no repairs, repainting or remodeling are done and where no trailers or mobilehomes are occupied as a dwelling.

Transfer/Processing Station. Includes those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport. Transfer station does not include any facility with the principal function of which is to receive, store, separate, convert, or otherwise process, in accordance with State minimum standards, manure; nor does it include any facility, with the principal function of which is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal.

Transfer Station Large Volume. A transfer station which receives more than one hundred (100) cubic yards of waste per operating day.

Transfer Station, Small Volume. A transfer station which receives less than one hundred (100) cubic yards of waste per operating day.

Transient Basis. A continuous period of thirty (30) days or less.

Transitional Housing. Longer-term housing other than Homeless Shelters offering additional services rendered to meet needs of recovery, life skills training, education, job training, job placement, and/or child care.

Travel Trailer. A portable unit mounted on wheels and of such a size and weight as not to require special highway movement permits when drawn by a motor vehicle, and for human habitation for recreational or temporary occupancy.

Travel Trailer Park. See Recreational Vehicle Park.

Truck Parking. The parking of trucks including “Bob Tail” trucks in the rear yard only, but restricting five (5) ton or greater diesel trucks or rigs in designated districts. All other trucks allowed on streets or lots in conformance with City regulations.

Truck Repair. A commercial activity engaged in the service and repair of trucks, including truck tire repair.

Truck Service Station. An occupancy which provides especially for the servicing of trucks with incidental operations similar to those permitted for an “Automobile service station.”

Use. The purpose (type and extent) for which land or a building is arranged, designed or intended, or for which either land or a structure is occupied or maintained.

Utility Easement. See Easement.

Variance. A discretionary entitlement which permits the departure from the strict application of the development standards contained in this Zoning Ordinance.

Wading Pools. See Swimming Pools.

Washroom. A room equipped with washing and toilet facilities.

Wall. An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure.

Warehousing. A building or buildings used for the storage of goods, of any type, when such building or buildings contain more than five hundred (500) square feet of storage space, and where no retail operation is conducted.

Waste to Energy Facility. Also called a Biomass Energy Facility. A facility where the burning of clean organic materials produce steam or electrical energy. The facility may produce both steam and electrical energy and in such cases it will also be a cogeneration facility.

Watercourse. A natural or man-made intermittent or perennial drainage channel which includes, but is not limited to, the terms river, tributary, stream, or creek.

Wholesaling. The selling of any type of goods for the purpose of resale.

Wildlands. Any area of land that is essentially unimproved, in a natural state of hydrology, vegetation and animal life, and not under cultivation.

Wild Animal Keeping. Keeping or maintaining any dangerous, wild, carnivorous, or exotic animal that is wild by nature and not customarily domesticated by man so as to live and breed in a tame condition.

Wind-driven Electrical Generators, Experimental. Wind systems that are the first of their kind and their use constitute a testing of a new concept or design.

Wind-driven Electrical Generators, Production. Electrical generators that have progressed beyond the experimental stage and construction of a significant number on a continuing basis has occurred.

Wind-driven Electrical Generators, Prototype. Electrical generators that have progressed beyond the experimental stage and construction of a significant number on a continuing basis has occurred.

Yard. An open space, other than a court, that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward, except as may be specifically provided in this Zoning Ordinance.

Yard, Front. An area extending across the full width of the lot between the front lot line or the existing or future street right-of-way and a structural setback line parallel thereto. On corner lots, the shortest street frontage shall be the front yard in residential land use districts, while the longest street frontage shall be the front yard in commercial/industrial land use districts.

Yard, Front Determination. The narrowest portion of the lot abutting a street. In no case shall the front yard be determined by the placement of a structure, or include an alley accessway or railroad right-of-way.

Yard, Impound. The outside storage of autos, trucks, or other vehicles for commercial purposes.

Yard, Interior Side. An area extending from the required front yard or, where there is no required front yard, from the front lot line to the required rear yard or, where there is no required rear yard, to the rear lot line and from the interior side lot line to a setback line parallel thereto.

Yard, Junk. The storage and dismantling of autos, trucks, or other machinery for commercial purposes. Includes salvage yards and dismantling yards.

Yard, Rear. A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the main building or of any accessory building or structure. On flag lots, the rear yard location shall be determined through project review.

Yard, Side of Street. An area extending from the required front yard or, where there is no required front yard, from the front lot line to the rear lot line, and from the side street lot line, or the existing or future side street right-of-way (which ever is greater) to a structural setback line parallel thereto.

Zero Lot Line. The location of a structure on a lot in such a manner that 1 or more of the structure's sides rest directly on a lot line.

Zone. See District, as defined and described in this title.

Zoning. Dividing of the City into districts and the establishments of regulations governing the use, placement, spacing, and size of land and buildings.

Zoning District. A specifically delineated area or zone in the City within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

Zoning District, Change of. The legislative act of removing one (1) or more parcels of land from one (1) zoning district and placing them in another zoning district on the official zone map of the City of Avenal.