

BILL NO. B-49

INTRODUCED BY COUNCILMEMBER Anaforian

ORDINANCE NO. 88-43

AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF FRESNO HERETOFORE ADOPTED BY ARTICLES 1 TO 4.5 INCLUSIVE, CHAPTER 12, OF THE FRESNO MUNICIPAL CODE, BEING THE ZONING ORDINANCE OF THE CITY OF FRESNO.

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on the Twentieth day of January, 1988, and approved and recommended to the Council of the City of Fresno an amendment to the Zoning Ordinance which changes the real property described hereinbelow from one zone to another; and

WHEREAS, the Council of the City of Fresno received the recommendation of the Planning Commission and concurs therein; and

WHEREAS, pursuant to Ordinance No. 87-156, Section 12-404-K of the Fresno Municipal Code does not apply to this zone district amendment.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the adoption of the proposed rezoning is in the best interests of the City of Fresno, the Council finds that there is no substantial evidence in the record that the rezoning may have a significant effect on the environment, and the Negative Declaration prepared for this project is hereby approved.

3/8/88  
See Sec. 4

2163

SECTION 2. The zone district of the real property described hereinbelow, located in the City of Fresno, and shown on the Official Zone Map of the City of Fresno, is reclassified from the C-1/UGM/cz Zone District to the C-1/UGM/cz Zone District:

1. The North 240 feet of the North half of the Northwest quarter of Section 35, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the United States Government Township Plat approved by the Surveyor General on June 21, 1856.

Excepting therefrom all that portion thereof which lies within the West 15 acres of the North half of the Northeast quarter of the Northwest quarter of said Section 35.

SECTION 3. This Ordinance shall be conditioned upon the record owner of the real property subject to this reclassification executing and causing to be recorded a Covenant running with the land that will affect land development to guarantee that:

- a. The Fresno City Planning Commission will review and approve any Special Permit submitted for the development of the subject site after staff analysis in accordance with the proposed C-1/UGM/cz Zone District.
- b. The owner/applicant shall provide landscaping treatment for the subject site that shall be acceptable to the Woodward Park Homeowners Association and that shall comply with the requirements of the Fresno Municipal Code as determined by the City's Development Department.
- c. Uses permitted shall be restricted to those listed on the attached Exhibit "A", incorporated herein by reference. Such uses are all presently permitted in the C-1 Zone District by the provisions of the Municipal Code.

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m., on the thirty-first day after its passage and upon recordation of the covenant required by Section 3 above..

CLERK'S CERTIFICATE

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, JACQUELINE L. RYLE, City Clerk of the City of Fresno, certify that the foregoing Ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 8th day of March , 1988.

JACQUELINE L. RYLE  
City Clerk

By *David J. Jolley*  
Deputy

Appl. No. R-8187

Filed by: Geo. Beal

Parcel No. 404-021-10

3711d/349

APPROVED AS TO FORM  
CITY ATTORNEY'S OFFICE

BY: *Alvin C. Chausse*  
DEPUTY

EXHIBIT "A"

STATEMENT OF COVENANTS  
AFFECTING LAND DEVELOPMENT  
(Rezoning Application No. 8187)

Those uses permitted in the C-1 Zone District either by code or by director's determination which shall be permitted uses at the subject site:

Art classes  
Art print shop  
Barbershop  
Beauty shop  
Bicycle shop  
Carpet sales, retail  
Ceramic shop  
Cleaning and dyeing shop  
Clothing store  
Confectionery  
Dance instruction  
Duplicating services  
Employee's credit union  
Florist shop  
Food Specialist (take out)  
Gift shop  
Hobby shop (retail)  
Ice cream  
Interior decorator  
Jewelery store  
Karate school  
Laundry and dry cleaning pick-up agency for work to be done elsewhere  
Music and dance instruction  
Music store  
Offices; business, medical, and/or professional  
Photographic studio  
Photographic supplies  
Restaurants (serving wine or beer with meals only)  
Retail sales of electric light fixtures  
Retail sales and service of small household appliances  
Shiatsu therapy office and school  
Shoe repair shop  
Shoe store  
Signs, subject to the provisions of Section 12-217.5-K  
Small animal grooming parlor  
Soft drink fountain  
Stamp and coin broker  
Sun-tan parlor  
Swedish massage therapy  
Tobacco products  
Trophy shop  
Variety store  
Lawn mower sales (by Conditional Use Permit only)  
Grocery store  
Automotive Service Station, subject to the provisions of Section 12-306-N-32 (by Conditional Use Permit only)

88033304

*FOR BENEFIT OF*  
Recording Requested by City Clerk  
Return to City Clerk,  
2326 Fresno St. Fresno, CA 93721-1897

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RECORDED IN OFFICIAL RECORDS OF FRESNO COUNTY CALIFORNIA	
AT <u>55</u> MIN. PAST <u>9A</u> M	
MAR 29 1988	
GALEN LARSON. County Recorder	FEE \$ <u>  </u>

-----SPACE ABOVE FOR RECORDER'S USE-----

STATEMENT OF COVENANTS  
AFFECTING LAND DEVELOPMENT  
(Rezoning Application No. 8187)

RECITALS

A. George J. Beal a married man as his sole and separate property as to an undivided 1/2 interest and Ernest O. Beal, an unmarried man as to an undivided 1/2 interest, hereinafter referred to as "the Covenantor," are the owners of that certain real property in the City of Fresno, County of Fresno, State of California, hereinafter referred to as "the Subject Property" and more particularly described as

The North 240 feet of the North half of the Northwest quarter of Section 35, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the United States Government Township Plat approved by the Surveyor General on June 21, 1856. Excepting therefrom all that portion thereof which lies within the West 15 acres of the North half of the Northeast quarter of the Northwest quarter of said Section 35.

B. The Covenantor has applied to the City of Fresno for a district amendment changing the C-1/UGM/cz Zone District classification to the C-1/UGM/cz Zone District classification for the Subject Property.

C. The City of Fresno desires to obtain covenants from the Covenantor to insure that the Subject Property is not developed, used, or maintained in such a way as to adversely affect adjoining properties.

COVENANTS, CONDITIONS, AND RESTRICTIONS

For favorable action on, and approval of, the Covenantor's application for an amendment to the Zone District classification of the Subject Property as referred to hereinabove, the Covenantor hereby covenants that the Subject Property shall be held, conveyed, encumbered, used, occupied, developed, maintained, and improved subject to the following covenants, conditions, and restrictions, which are for the purpose of enhancing attractiveness, usefulness, value, and desirability of the Subject Property, the surrounding property, and the public at large and to minimize possible adverse effects on the public health, safety, peace, and general welfare. Each of the covenants, conditions, and restrictions contained in this Statement will run with the Subject Property and shall be binding on each successive owner of the Subject Property and his heirs, administrators, successors, and assigns.

1. Covenantor hereby covenants as follows:

- a. The Fresno City Planning Commission will review and approve any Special Permit submitted for the development of the subject site after staff analysis in accordance with the proposed C-1/UGM/cz Zone District.
- b. The owner/applicant shall provide landscaping treatment for the subject site that shall be acceptable to the Woodward Park Homeowners Association and that shall comply with the requirements of the Fresno Municipal Code as determined by the City's Development Department.
- c. Uses permitted shall be restricted to those listed on the attached Exhibit "A", incorporated herein by reference. Such uses are all presently permitted in the C-1 Zone District by the provisions of the Municipal Code.

2. The conditions of this Statement are intended to benefit the

public and public properties. Accordingly, the City of Fresno shall have the right to enforce this Statement by any legal or equitable means against the Covenantor and such person or persons in actual possession of Subject Property who directly or who through any agent violate the terms hereof. All obligations of the Covenantor under this Statement shall inure solely to the benefit of the City of Fresno. There are no third party beneficiaries of such obligations nor shall the right of the City of Fresno be transferable in any manner to any person other than to a successor municipal corporation whose geographic boundaries include the Subject Property.

3. Covenantor covenants that, in the event of failure to comply with the conditions set forth in this Statement, Covenantor will not object to the redistricting of the Subject Property to a land use zoning district which the Council of the City of Fresno determines is proper without compliance with such conditions. In such event, Covenantor waives any right to have any uses or improvements installed subsequently to the change of land use zoning district herein requested considered, or treated as non-conforming uses or improvements after such redistricting.

4. The foregoing conditions shall remain in full force and effect until such time as the City of Fresno, pursuant to the district amendment procedure of the Fresno Municipal Code, finds the enforcement of such condition is no longer equitable.

5. The provisions of this Statement shall be deemed independent and severable and the invalidity or partial invalidity or unenforceability of any one provision or portion thereof shall not affect the validity or enforceability of any other provision hereof. Whenever the context so requires, any gender includes the other genders, the singular includes the plural, and the plural

includes the singular.

DATED: March 18, 1988 (E.A.)

Accepted By:  
COVENANTOR

CITY OF FRESNO,  
a Municipal Corporation

BY [Signature]  
George J. Beal

BY George A. Kerber  
George A. Kerber, Director  
Development Department

BY Ernest O. Beal  
Ernest O. Beal

ATTEST:

JACQUELINE L. RYLE  
City Clerk

BY [Signature]  
Deputy

APPROVED AS TO FORM:

HARVEY WALLACE  
City Attorney

BY [Signature]

(Attach Notary Acknowledgment)



STATE OF CALIFORNIA  
COUNTY OF FRESNO } SS.

88033304

On MARCH 18, 88, before me, the undersigned, a Notary Public in and for said State, personally appeared  
GEORGE J. BEAL  
personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is  
subscribed to the within Instrument and acknowledged that HE executed the same.

WITNESS my hand and official seal.

(Seal)



023200 9-82\* 25 PS Individual Notarial Acknowledgment

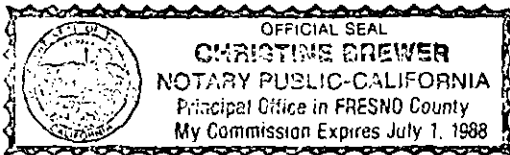
Christine Brewer  
(Notary Public's Signature)

STATE OF CALIFORNIA  
COUNTY OF Fresno } SS.

On March 14, 1988, before me, the undersigned, a Notary Public in and for said State, personally appeared  
Ernest O. Beal  
personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is  
subscribed to the within Instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

(Seal)



023200 9-82\* 25 PS Individual Notarial Acknowledgment

Christine Brewer  
(Notary Public's Signature)

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EXHIBIT "A"

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Bicycle shop  
Carpet sales, retail  
Ceramic shop  
Cleaning and dyeing shop  
Clothing store  
Confectionery  
Dance instruction  
Duplicating services  
Employee's credit union  
Florist shop  
Food Specialist (take out)  
Gift shop  
Hobby shop (retail)  
Ice cream  
Interior decorator  
Jewelery store  
Karate school  
Laundry and dry cleaning pick-up agency for work to be done elsewhere  
Music and dance instruction  
Music store  
Offices; business, medical, and/or professional  
Photographic studio  
Photographic supplies  
Restaurants (serving wine or beer with meals only)  
Retail sales of electric light fixtures  
Retail sales and service of small household appliances  
Shiatsu therapy office and school  
Shoe repair shop  
Shoe store  
Signs, subject to the provisions of Section 12-217.5-K  
Small animal grooming parlor  
Soft drink fountain  
Stamp and coin broker  
Suntan parlor  
Swedish massage therapy  
Tobacco products  
Trophy shop  
Variety store  
Lawn mower sales (by Conditional Use Permit only)  
Grocery store  
Automotive Service Station, subject to the provisions of Section 12-306-N-32 (by Conditional Use Permit only)

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