

BILL NO. _____

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTIONS 15-108-B-5, 15-310-B, 15-312-A, 15-904-A-7, 15-1003, 15-1102, 15-1104-B, 15-1202, 15-1504-K-2, 15-2004-D-2-B-II, 15-2005, 15-2006-C, 15-2010-J, 15-2018, 15-2018-A, 15-2102-B, 15-2305-C-1, Table 15-2305-C-1, 15-2431, 15-2605-B, 15-2608, 15-2608-B-5, 15-2609-H, 15-2612-A, 15-2612-D, 15-2725, 15-2728-B-2, 15-2741, 15-2759, 15-5903-D, 15-5904-B-3, 15-6707, AND 15-6802 OF THE FRESNO MUNICIPAL CODE RELATING TO THE CITYWIDE DEVELOPMENT CODE

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 15-108-B-5 of the Fresno Municipal Code is amended as follows:

5. Where any private right-of-way or easement of any railroad, railway, transportation, or public utility company is vacated or abandoned and said property is unclassified on the Official Zone Map ~~it shall be automatically classified as being in the Public and Institutional (PI) District.~~ [the regulations applicable to each parcel of abutting property shall apply to that portion of such private right-of-way or easement.]

SECTION 2. Section 15-310-B of the Fresno Municipal Code is amended as follows:

- B. All Other Districts. In all other districts, residential density shall be measured in dwelling units per acre of the project's site area. For example, if a project proposes 15 dwellings on a three-acre site, it has a residential density of five dwelling units per acre (or five du/ac). ~~Major utility easements (such as high-tension lines and trunk lines), t[ra]ils,~~ and natural features shall be excluded from this calculation. For mixed-use projects, the acreage of the entire project site shall be included in the calculation, including portions of the project site which feature only non-residential uses.

SECTION 3. Section 15-312-A of the Fresno Municipal Code is amended as follows:

15-312 Determining Lot Frontage.

1 of 23

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Ordinance No.

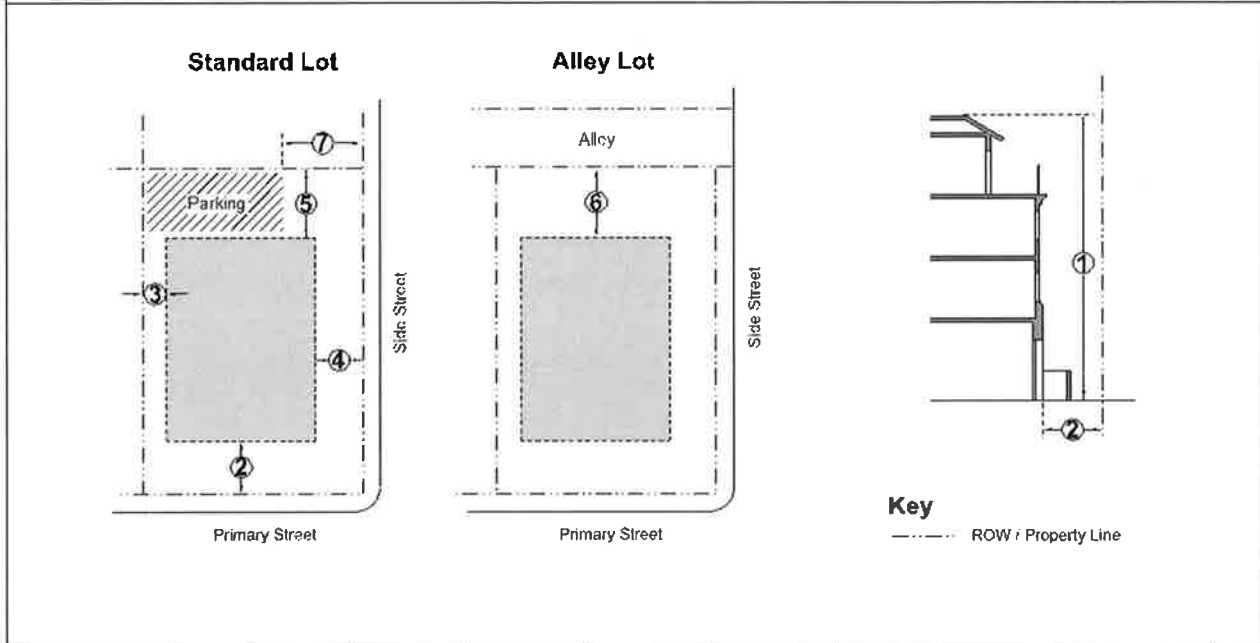
- A. Corner Lot. The front of a lot is the narrowest dimension of the lot with street frontage. ~~[shall be determined as follows:~~
1. Downtown Districts: The frontage abutting the street with the highest Activity Classification per Section 15-1501-C shall be the front. If all adjacent streets have the same Activity Classification, then the street frontage with the narrowest dimension shall be the front.
 2. All Other Districts: The frontage abutting the street with the highest classification per the General Plan Circulation Map. If all adjacent streets have the same classification, then the street frontage with the narrowest dimension shall be the front.
 3. Exception: The Review Authority shall have the discretion to designate the front of a lot in a different manner if item 1 or 2 above would cause an undesirable visual or functional disruption.]
- B. Through Lot (Double Frontage Lot). The front yard borders the street primarily used as frontage by neighboring lots.

SECTION 4. Section 15-904-A-7 of the Fresno Municipal Code is amended as follows:

7. *Rear Setback Reduction.* Rear setbacks may be reduced if all of the following conditions are met:
 - a. A site plan shall be submitted in accordance with the provisions of Article 52 Development Permit;
 - b. The rear setback shall be greater than or equal to the required interior side setback for the Base District[, but in no instance shall the rear setback be less than 5 feet];
 - c. Space equal to the reduction shall be provided elsewhere on the lot, exclusive of any required yard area. Said replacement space shall have minimum dimensions of five feet by eight feet, and shall be so located that it is suitable for general use by the occupant of the premises; and
 - d. The Review Authority shall find that the granting of the reduction will not be materially detrimental to the public welfare or injurious to property and improvements in the area in which the property is located and will not be contrary to the objectives of this Code.

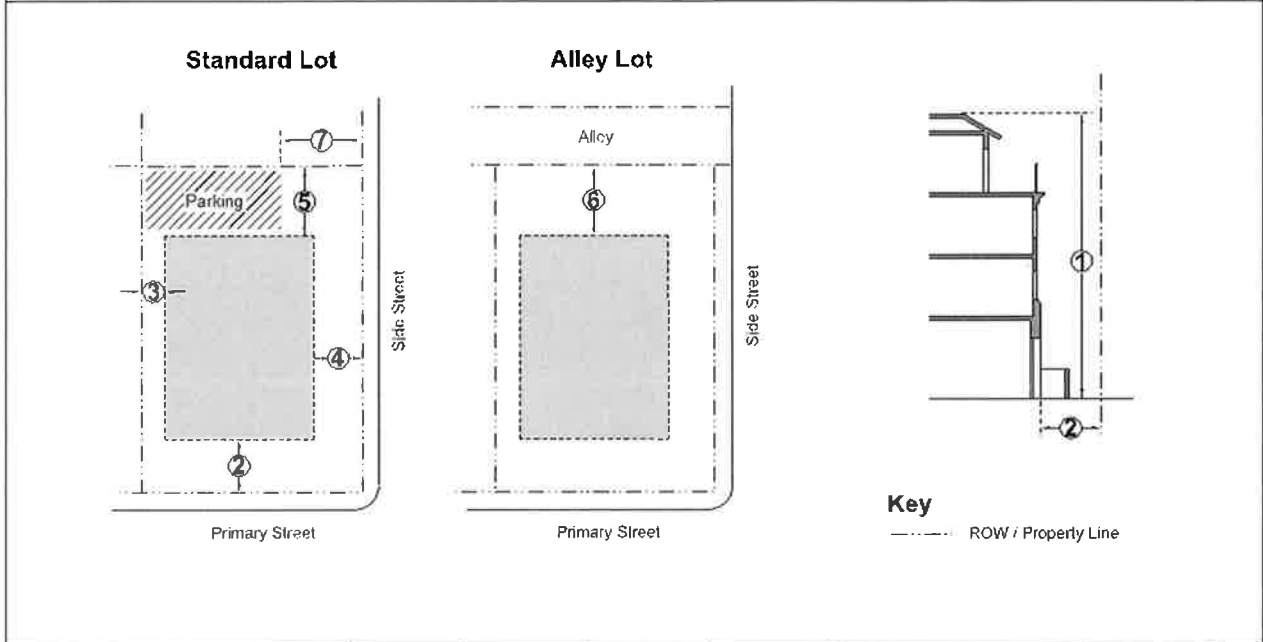
SECTION 5. Section 15-1003 of the Fresno Municipal Code is amended as follows:

TABLE 15-1003: DENSITY AND MASSING STANDARDS—RESIDENTIAL MULTI-FAMILY DISTRICTS



District	RM-1	RM-2	RM-3	RM-MH	Additional Regulations	#
Maximum Density (du/ac) (min./max.)	12/16	16/30	30/45	12/16	§15-310, Determining Residential Density	
Maximum Height (ft.)	40	50	60	35	§15-2012, Heights and Height Exceptions, 15-1003-A, RS Transition Standards	①
Setbacks (ft.)						
Front (min. / max.)	10 / 20[(1)]	10 / 20[(1)]	10 / 20[(1)]	10 / 20[(1)]	§15-313, Determining Setbacks and Yards §15-1004-A, RS Transition Standards §15-1004-B, Side Setbacks for Attached Dwellings §15-1004-C, Parking Setback §15-2014, Projections/Encroachments into Yards §15-2305, Areas to be Landscaped	②
Interior Side (min.)	10 total, min. 4/side	5	5	5		③
Street Side (min.) (Parcel <125 ft. in depth)	10	10	10	10		④
Street Side (min.) (Parcel >125 ft. in depth)	15	15	15	15		④
Rear (min.)	20	15	15	10		⑤
Alley (min.)	3	3	3	3		⑥
Parking, from back	30	30	30	30		⑦

TABLE 15-1003: DENSITY AND MASSING STANDARDS—RESIDENTIAL MULTI-FAMILY DISTRICTS



District	RM-1	RM-2	RM-3	RM-MH	Additional Regulations	#
<i>of sidewalk or curb (min.)</i>						
Minimum Frontage Coverage (%)	50[(1)]	50[(1)]	50[(1)]	-	§15-317, Determining Frontage Coverage	
Maximum Lot Coverage (% of lot)	50	50	60	50	§15-311, Determining Lot Coverage	
Minimum On-Site Open Space (% of Lot Area)	20	15	10	-		

[Specific Limitations:

1. Not applicable outside of the Priority Areas (see Figure IM-1: Priority Areas for Development Incentives in the Fresno General Plan, adopted in 2014).]

SECTION 6. Section 15-1102 of the Fresno Municipal Code is amended as follows:

TABLE 15-1102: USE REGULATIONS—MIXED-USE DISTRICTS				
Use Classifications	NM X	CMX	RM X	Additional Regulations

TABLE 15-1102: USE REGULATIONS—MIXED-USE DISTRICTS

<i>Use Classifications</i>	<i>NM</i> X	<i>CMX</i>	<i>RM</i> X	<i>Additional Regulations</i>
Commercial Use Classifications				
Automobile/Vehicle Sales and Services				
<i>Automobile/Vehicle Sales and Leasing</i>	– [C(1 8)]	C(13)	C(1 3)	§15-2709, Automobile and Motorcycle Retail Sales and Leasing
Park and Recreation Facilities, Public	–[P]	P	P	
<p>Specific Limitations:</p> <ol style="list-style-type: none"> 1. Not allowed on the ground floor of portions of the site which abut a major street, but allowed in the interior of all sites. Projects with frontage on more than one major street may be excepted from this restriction on one of the major streets at the discretion of the Review Authority. 2. (reserved) 3. Not to include industrial training such as welding or automotive repair involving the use of tools and materials appropriate to an industrial use area. 4. Must be located along a major street. 5. Limited to establishments with a gross floor area of 5,000 square feet or less. 6. Shall be below grade or in structures faced with active uses along the street. 7. Provided that such use shall be completely enclosed in a building of soundproof construction. 8. Limited to upper stories unless at least 50 percent of ground floor street frontage is occupied by food service use. 9. Limited to 1,500 square feet in size if on the ground floor. 10. Limited to heliports used as accessory to a hospital. 11. Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals. 12. Not allowed within 500 feet of an existing or planned Bus Rapid Transit stop. 13. Must take place entirely within a building. 14. Must include an indoor waiting area. 15. Not allowed within 100 feet of a planned or existing Bus Rapid Transit station and not allowed between a building and a sidewalk. 16. If an MX District is applied to the area bounded by Divisadero Avenue, Highway 41, and Highway 99, a Conditional Use Permit shall not be required for Bars/Nightclubs/Lounges within that area. 17. Limited to establishments with a gross floor area of 10,000 square feet or less. <u>18. Permitted only after review and approval of a Conditional Use permit, and only in the following areas: a) NMX-zoned parcels which are located south of State Route 180 and east of State Route 41 and which are not within 500 feet of a Bus Rapid Transit route; or b) NMX-zoned parcels which are located north of State Route 180 and west of the Union Pacific Railroad.]</u> 				

SECTION 7. Section 15-1104-B of the Fresno Municipal Code is amended as follows:

B. [Additional Setback Standards.]

- [1.] Side Setbacks for Attached Dwellings. Required side setbacks shall apply only to the ends of rows of attached dwellings, and shall not be required between attached dwellings.
- [2.] Rear Setback Reduction. Rear setbacks may be reduced if all of the following conditions are met:
- a. A site plan shall be submitted in accordance with the provisions of Article 52 Development Permit;
 - b. The rear setback shall be greater than or equal to the required interior side setback for the Base District;
 - c. Space equal to the reduction shall be provided elsewhere on the lot, exclusive of any required yard area. Said replacement space shall have minimum dimensions of five feet by eight feet, and shall be so located that it is suitable for general use by the occupant of the premises; and
 - d. The Review Authority shall find that the granting of the reduction will not be materially detrimental to the public welfare or injurious to property and improvements in the area in which the property is located and will not be contrary to the objectives of this Code.
 - e. Such a reduction would not conflict with the provisions of Section 15-1004-A, RS Transition Standards.]

SECTION 8. Section 15-1202 of the Fresno Municipal Code is amended as follows:

TABLE 15-1202: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							
<i>Use Classifications</i>	<i>CM S</i>	<i>CC</i>	<i>CR</i>	<i>CG</i>	<i>CH</i>	<i>CR C</i>	<i>Additional Regulations</i>
<u>[Caretaker Residence]</u>	<u>[P(2)]</u>	<u>[P(2)]</u>	<u>[P(2)]</u>	<u>[P(2)]</u>	<u>[P(2)]</u>	<u>[P(2)]</u>	
Family Day Care							
<i>Small (8 children or less)</i>	P(2)	P(2)	P(2)	– [P(2)]	–	–	§15-2725, Day Care Centers and Family Child Care Homes
<i>Large (9 to 14 children)</i>	P(2)	P(2)	P(2)	[P(2)]	–	–	§15-2725, Day Care Centers and Family Child Care Homes
Day Care Centers	P	P	P	–[P]	–	–	§15-2725, Day Care Centers and Family Child Care Homes
Park and Recreation Facilities, Public	–[P]	P	P	–[P]	–[P]	P	

TABLE 15-1202: LAND USE REGULATIONS—COMMERCIAL DISTRICTS

<i>Use Classifications</i>	<i>CM S</i>	<i>CC</i>	<i>CR</i>	<i>CG</i>	<i>CH</i>	<i>CR C</i>	<i>Additional Regulations</i>
Schools, Public or Private	-[C]	-[C]	C	-[C]	-	-	

SECTION 9. Section 15-1504-K-2 of the Fresno Municipal Code is amended as follows:

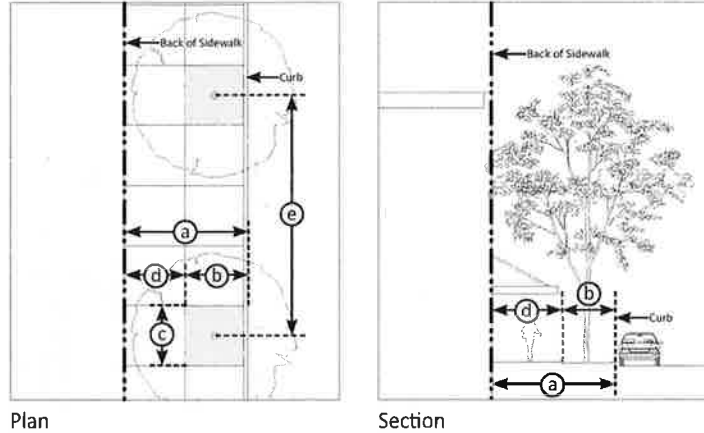
TABLE 15-1504-K-2: PUBLIC FRONTAGE TYPES—DOWNTOWN DISTRICTS

A. Sidewalk with Tree Wells

1. Applicable Locations:
~~Adjacent to mixed-use or non-residential projects.~~ [All locations except those specified in subsections B and C below.]

2. Basic Standards

- Ⓐ Total Sidewalk Width: 12 ft. min.
- Ⓑ Well Width: 5 ft. min.
- Ⓒ Well Depth: 5 ft. min.
- Ⓓ Clear Walkway Width: 7 ft. min.
- Ⓔ Tree Spacing: 20 ft. min, 40 ft. max.



SECTION 10. Section 15-2004-D-2-b-ii of the Fresno Municipal Code is amended as follows:

- ii. If the Accessory Structure is located six feet away or farther from the main building, it may be located ~~within three feet of an~~ [on the] interior or rear property line. Said structure shall comply with the Building Code.

SECTION 11. Section 15-2005 of the Fresno Municipal Code is amended as follows:

15-2005. – Pools and Spas.

- A. ~~Swimming pools, including slides and decorative features, Jacuzzis, [and] spas, mechanical equipment, ground-mounted air conditioners, swimming pool pumps, and related equipment shall not be located in the front or street-side yards, and shall be set back a minimum of five feet from interior side and rear property lines.~~
- B. All equipment shall comply with all applicable noise standards. If needed, equipment shall be baffled and/or enclosed to reduce noise to acceptable levels.

SECTION 12. Figure 15-2006-C of the Fresno Municipal Code is repealed:

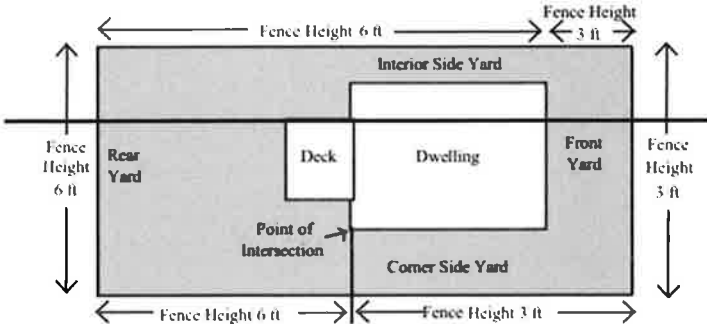


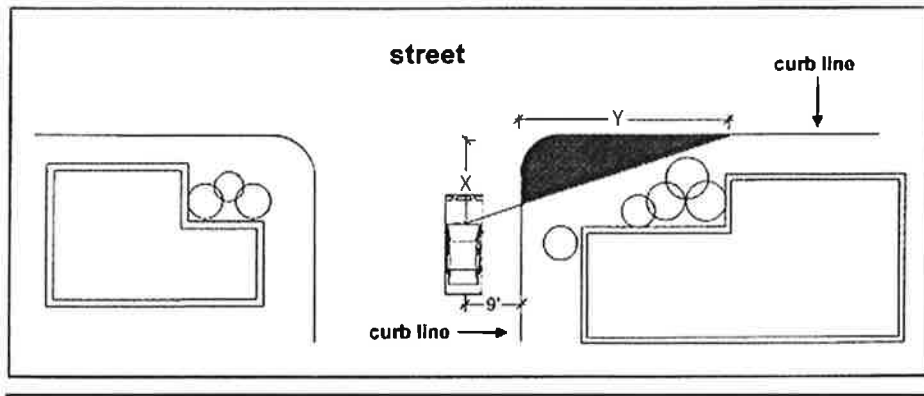
FIGURE 15-2006-C: MAXIMUM FENCE HEIGHT

SECTION 13. Section 15-2010 of the Fresno Municipal Code is amended as follows:

[J. Emergency Access.

1. An electrical disconnect device secured with a Police/Fire X-1 keyway or other approved means for emergency access by Police and Fire Departments shall be provided at a location approved by the Fire Department.
2. The disconnect device shall include an LED pilot light to indicate the status of power to the electric fence.
3. The emergency access disconnect device shall be located outside the primary drive gate entrance of the property and shall not be obscured in any manner from the street/private driveway access. The details and location of the disconnect device shall be shown on the site plan.
4. Approved signs stating the identification of such switches/controls in addition to informational instructions as to how to disable the electrical system shall be installed to the satisfaction of the Fire Marshal.
5. In the event that access by the City of Fresno Fire Department and/or Police Department is required due to an emergency or urgent circumstances and the emergency access disconnect device is absent or non-functional and no authorized property personnel is present to disable the electric fence, City of Fresno Fire or Police personnel shall be authorized to disable the electric fence in order to gain access to the property. All applicants issued building permits to install or use an electric fence as provided in this chapter agree to waive any and all claims for damages to the electric fence against the City of Fresno and /or its personnel under such circumstances.]

SECTION 14. Figure 15-2018 is replaced as follows:



SECTION 15. Section 15-2018-A of the Fresno Municipal Code is amended as follows:

TABLE 15-2018-A: REQUIRED TRIANGULAR SIGHT-DISTANCE AREA		
Circumstance	X Distance (ft.)	Y Distance (ft.)
Local Street to Local Street	11	100
Local Street to Collector Street	25	25
Local Street to Arterial	20	100
Local Street to Super Arterial	20	100
Major Street to Major Street	[30] Not Required	[30] Not Required
Other Requirements: 1. Scaled site plan depicting property lines and dimensioned sidewalk pattern.		

SECTION 16. Section 15-2102-B of the Fresno Municipal Code is amended as follows:

- B. The project site is located within 500 feet of an existing or planned Bus Rapid Transit station or a station for a similar enhanced transit service as determined by the Review Authority [or is located within 1/2 mile of the Manchester Transit Center].

SECTION 17. Section 15-2305-C-1 of the Fresno Municipal Code is amended as follows:

1. *Required Landscape Buffers.* Table 15-2305-C-1, Required Landscape Buffers, shows when a buffer treatment is required, and of what type, based on the proposed [use] and the adjoining use [district]. Only the proposed use is required to provide the buffer yard. The type of buffer yard required refers to buffer yard-type designations (Type 1 or Type 2) as shown in Table 15-2305-C-2, Buffer Yard Requirements. A dashed line, “-”, means that a buffer yard is not necessary unless required by another section of this Code.

TABLE 15-2305-C-1: REQUIRED LANDSCAPE BUFFERS							
Proposed Use	Adjoining Use <i>[District]</i>						
	Park or Open Space	Single-Family Residential	Multi-Family Residential	Mixed-Use	Commercial, Office, and Business Park	Industrial	Public Facility

SECTION 18. Section 15-2431 of the Fresno Municipal Code is amended as follows:

6. *Temporary Parking Lots.*
 - a. Unpaved Temporary Parking Lots. Temporary Parking on unpaved surfaces may be permitted [for up to 14 days] for special events in accordance with the standards below. [Unpaved] Temporary Parking Lots may not be used to fulfill required off-street parking standards per Article 24, Parking and Loading, rather Temporary Parking Lots may be used to periodically accommodate larger than normal crowds at special events.
 - a[i]. Parking Plan. An applicant shall submit a parking plan to the City for review and approval.
 - b[ii]. Location. Temporary Parking shall be limited to non-residential districts, unless the site is developed with non-residential uses.
 - c[iii]. Number of Events. Temporary Parking Lots may not be used more than 14 days within any 12-month period.
 - d[iv]. Access. Access shall be from an approved drive approach. An on-site shake-off area is required to ensure that dirt and/or mud are not deposited onto the public street.
 - e[v]. Attendants. An attendant shall be present during the duration of the event and until the last vehicle is removed from the site to guide drivers.
 - f[vi]. San Joaquin Valley Air Pollution. The applicant shall contact the San Joaquin Valley Air Pollution District (District Regulation 8071) for its permitting procedures.

- g[vii]. Dust Mitigation. Dust mitigation may be required to ensure that the parking lot does not create a nuisance.
- h[viii]. Trash/Debris. All trash, debris, etc., shall be collected daily and the appearance of the site shall be returned to its original state.
- i[x]. Temporary Lighting. Refer to Section 15-2508, Lighting and Glare.

[b. Paved Temporary Parking Lots. Paved Temporary Parking Lots may be permitted for up to 36 months for non-permanent and unusual needs, such the accommodation of parking displaced by construction activity.

i. Parking Plan. An applicant shall submit a parking plan to the City for review and approval.

ii. Location. Paved Temporary Parking Lots shall not be permitted in RS Districts.

iii. Findings. The Review Authority shall not approve the Paved Temporary Parking Lot unless the following findings can be made:

(a) No other feasible option to accommodate the parking need exists; and

(b) The location of the temporary parking lot will not disrupt an important pedestrian environment, including but not limited to Downtown streets with an Activity Classification of A and sites within 500 feet of a Bus Rapid Transit station.

iv. Time Limits and Extensions. The Temporary Use Permit for a Paved Temporary Parking Lot shall be valid for up to 12 months at the discretion of the Review Authority. Extensions may be granted at the discretion of the Review Authority. If granted, each extension shall be valid for a maximum period of 12 months. The combined period of the initial permit and all extensions shall not exceed 36 months.

v. The Owner of the temporary parking area shall execute an agreement in a form approved by the City Attorney holding the city harmless from all liabilities resulting from the allowance and utilization of reduced standards.

vi. Development Standards.

(a) The surfacing applied to the Paved Temporary Parking Lot shall consist of a minimum of two inches of asphalt concrete or three inches of road-mixed asphalt surfacing over native soil compacted in accordance with Standard Specifications of the City of Fresno. An alternative soil stabilizing agent may be applied and maintained, in lieu of asphalt concrete or road-mixed asphalt surfacing if approved in writing by the Public Works Director. If solid waste pick-up

- service is to be provided, the portion of the parking area utilized by the service vehicles shall be constructed with a minimum of three inches of asphalt concrete over six inches of aggregate base over compacted native soil.
- (b) The area shall be paved to the back of sidewalk when sidewalk exists or is constructed. When no sidewalk exists, the area shall be paved only to the property line. Barriers shall be placed to prevent vehicles from encroaching into public right-of-way and to protect adjacent property.
 - (c) Pavement marking may be required at the discretion of the Review Authority if the area is of such size or shape that the pattern of parking is not obvious. The required site plan shall indicate the imaginary layout of parking stalls in all cases where actual striping is not proposed.
 - (d) In DT Districts, standards for parking access locations shall apply. In other districts, use of existing driveways will be acceptable, but the Review Authority may review and approve the design and location of driveway access to the streets and alleys and require that driveways be added or closed. Where driveway approaches are to be constructed, they shall meet Public Works standards.
 - (e) The site shall be graded to drain onto an adjacent paved street or paved alley.
 - (f) The Paved Temporary Parking Lot shall be Public Works standards for drive aisles dimensions, stall size, turning radii, lighting, and related matters shall apply.
 - (g) New street improvements such as curb, gutter, sidewalk and permanent street pavement shall not be required except when the Review Authority determines they are necessary for proper functioning of the lot. If required, such improvements shall meet Public Works standards.
 - (h) Street lights, on-site lighting, on-site trees, landscaping shall be permitted but not required.
 - (i) Development Code standards for buffering, setbacks, and related matters shall not apply.
- vi. Use. The Paved Temporary Parking Lot must only be used for the parking of operable motor vehicles, and overnight parking or camping shall not be permitted. No other temporary or permanent use of the property will be allowed during the life of the temporary use permit for parking.

- viii. Upon expiration of the permit and any applicable extensions, the paved Temporary Parking Lot shall cease operations and shall be demolished or upgraded to meet all applicable standards within 90 days.
- ix. The Owner of the Paved Temporary Parking Lot shall execute an agreement in a form approved by the City Attorney holding the city harmless from all liabilities resulting from the allowance and utilization of reduced standards.]

SECTION 19. Section 15-2605-B of the Fresno Municipal Code is amended as follows:

- B. Outdoor Advertising Signs. Billboards and any other off-premises outdoor advertising signs which convey a commercial message as their primary purpose. This provision, however, does not prohibit agreements to relocate presently existing, legal billboards, pursuant to Business and Professions Code Section 5412. The new billboards which replace existing billboards may be located on City-owned property and may feature electronic copy, at the discretion of the City Manager. Replacement billboards shall comply with all applicable federal, State, and local regulations. [This exception shall only apply to the City of Fresno.]

SECTION 20. Section 15-2608 of the Fresno Municipal Code is amended as follows:

TABLE 15-2608: PERMITTED SIGN TYPES BY ZONING DISTRICT							
Zoning District (Frontage)	Permitted Sign Types						
	Awning	Monument	Pole	Projecting	Roof	Wall	Window
Buffer, Residential, and Public and Semi-Public Districts							
All Districts	See Section 15-2609, Signage Allowances for Specific Uses						
Downtown Districts							
DTC	Permitted	-	-	Permitted	Permitted	Permitted	Permitted
DTG	Permitted	Permitted (1)	-	Permitted	Permitted	Permitted	Permitted
DTN	Permitted	-	-	Permitted	Permitted	Permitted	Permitted
Mixed-Use Districts							
NMX	Permitted	-	-	Permitted	- [Permitted]	Permitted	Permitted
CMX	Permitted	Permitted	-	Permitted	- [Permitted]	Permitted	Permitted

TABLE 15-2608: PERMITTED SIGN TYPES BY ZONING DISTRICT

Zoning District (Frontage)	Permitted Sign Types						
	Awning	Monument	Pole	Projecting	Roof	Wall	Window
					ed]		
RMX	Permitted	Permitted	Permitted	Permitted	- [Permitted]	Permitted	Permitted
Commercial Districts							
CMS	Permitted	-	-	Permitted	-	Permitted	Permitted
CC	Permitted	Permitted	-	Permitted	-	Permitted	Permitted
CR	Permitted	Permitted	Permitted	Permitted	-	Permitted	Permitted
CG	Permitted	Permitted	Permitted	Permitted	-	Permitted	Permitted
CH	Permitted	Permitted	Permitted	Permitted	-	Permitted	Permitted
CRC	Permitted	Permitted	Permitted	Permitted	-	Permitted	Permitted
Employment Districts							
O	Permitted	Permitted	-	Permitted	-	Permitted	Permitted
BP	Permitted	Permitted	-	Permitted	-	Permitted	Permitted
RBP	Permitted	Permitted	Permitted	Permitted	-	Permitted	Permitted
IL	Permitted	Permitted	- [Permitted (2)]	Permitted	-	Permitted	Permitted
IH	Permitted	Permitted	- [Permitted (2)]	Permitted	-	Permitted	Permitted

Notes:

1. Only permitted within the Downtown General (DTG) District along Mariposa Street between M Street and P Street or in conjunction with a legal non-conforming building that is set back from the sidewalk 30 feet or more.

[2. Not allowed within 100 feet of a major street or residential district.]

SECTION 21. Section 15-2608-B-5 of the Fresno Municipal Code is amended as follows:

Gross square footage	Classification of Street			
	Freeway	Expressway	Arterial	Collector / Other
300,000 or more	90 feet	80 feet	75 feet	50 feet
100,000 to 299,999	60 feet	50 feet	40 feet	25 feet
Less than 100,000	40 feet	30 feet	20 feet	20 feet

SECTION 22. Section 15-2609-H of the Fresno Municipal Code is amended as follows:

H. Multifamily Residential, excluding MX, CMS, and DT Districts. Permanent entrance signs for multifamily residential complexes areas of 1 acre or more in size shall be permitted for the purpose of identifying a development subject to the following standards:

1. *Maximum Number of Signs.* Two signs per entrance from a public street plus one sign per street frontage with no entrance from a public street.
2. *Maximum Sign Area per Sign.* 32 square feet. In the case of a CUP, this area can be increased at the discretion of the Review Authority.
3. *Height Limit.* Eight feet when located within a required front or street side setback, 10 feet otherwise.
4. *Illumination.* Signs shall not be internally illuminated.]

SECTION 23. Section 15-2612-A of the Fresno Municipal Code is amended as follows:

A. Projects Requiring a Master Sign Program. A Master Sign Program is required for the following types of projects:

1. *Multi-Family Residential.* Developments of 50 or more units.
2. *Non-Residential or Mixed-Use Projects.* All new non-residential or mixed-use projects of two or more separate non-residential tenants.
3. *Multiple Signs.* Proposals for five or more signs on the same building or site with two or more separate tenants.
4. *Planned Development District ~~[Permit]~~.* Any project in a PD District or using the Planned Development provisions of this Code.
5. *Pole Signs.* Proposals to erect a pole sign.
6. *Electronic Signs.* Signs with electronic copy.
7. *Roof Signs.* Proposals to erect a roof sign.
8. *Alternative Designs.* Projects which seek flexibility for sign designs which are of a high quality and which contribute to the attractiveness and

economic viability of their surroundings, but which do not meet the standards for their location.]

7[9]. *Exceptions.* Projects within Downtown Districts shall not require a Master Sign Program.

SECTION 24. Section 15-2612-D of the Fresno Municipal Code is amended as follows:

D. Required Findings. A Master Sign Program may be approved only if the following findings are made:

1. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures, and any adjoining signage on the site;
2. Future tenants will be provided with adequate opportunities to construct, erect, or maintain a sign for identification; and
3. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.
4. Light and glare will not negatively affect nearby residential uses.
5. Additional findings for Alternative Designs which do not conform to some or all of the applicable sign standards:
 - a. The sign design and materials are of equal or greater quality than existing signs in the surrounding area and the standard requirements for signs on the site;
 - b. The sign design and materials of are equal or greater quality than that which is required by the applicable sign standards;
 - d. The location of the sign would not be unnecessarily distracting to motorists and would not cause inconvenience to pedestrians;
 - e. The design of the proposed sign(s) would contribute positively to the attractiveness of the area,
 - f. The alternative design would not be incompatible with nearby residential uses;
 - g. The alternative design would enhance the economic viability of its surroundings.]

SECTION 25. Section 15-2725 of the Fresno Municipal Code is amended as follows:

15-2725 Day [Child] Care Centers and Family Child Care Homes

A. Types of Day Care Facilities.

1. *Child Care Facility.* A facility that provides nonmedical 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. Child care facility includes child care centers, employer-sponsored child care centers, and family child care homes. Each of these different types of child care facilities is subject to different regulations and land use requirements.]

- 4[2]. *Child Care Center*. A child care facility, [that does not include a Family Child Care Home and is] usually located in a commercial building, that provides non-medical care and supervision to children (infant through school age) in a group setting for periods of less than 24 hours.
23. *Family Child Care Home*. A child care facility that provides supervision to children (infant through school age) in the caregiver's own home for periods of less than 24 hours per day. Per State law, Family Child Care Homes are not limited to detached single-family homes. [The operation of a family child care home constitutes an accessory use of residentially zoned and occupied properties and does not fundamentally alter the nature of the underlying residential use.
- a. *Large Family Child Care Home*. A home that provides family day care for 7 to 14 children, inclusive, including children under the age of 10 years who reside at the home.
- b. *Small Family Child Care Home*. A home that provides family day care for eight or fewer children, including children under the age of 10 years who reside at the home. The use of a single-family residence as a small family child care home shall be considered a residential use of property for the purposes of all local ordinances, and shall not require an entitlement or business tax certificate.]
- ~~3. *Ancillary Day Care Center*. A facility that provides child care services that is ancillary to a larger use such as a place of employment, a religious assembly facility, an athletic club, shopping center, etc.~~

B. Minimum Standards for Child Care Centers and Family Child Care Homes.

1. *License*. The operator shall secure and maintain a [child care center] license from the State of California Department of Social Services.
2. ~~*Outdoor Space*.~~
- a. ~~The outdoor area shall not be located in any required front or street side yard. This area must be either owned or leased by the applicant and cannot be shared with other property owners unless written permission is granted by the other property owners.~~
- b. ~~Outdoor play areas shall be secured and screened with a minimum six foot wall or fence, constructed of wood or masonry, and shall achieve at least 75 percent opacity. Chain metal fencing or barbed wire is prohibited.~~
- i. ~~Family Child Care Homes. The above requirements may be waived for Family Child Care Homes if the applicant can demonstrate that there is a public park or other public open area within 500 feet of the day care, the open space is on the same side of the street or across a local street, and there is a defined pedestrian path to the open space.~~
- ii. ~~Child Care Centers. Pursuant to California Code of Regulations, Title 22 (Section 101238.2) Child Day Care~~

~~Centers shall provide a minimum of 75 square feet of outdoor space for each child over two years old. Swimming pools and adjacent pool decking may not count towards meeting this space.~~

- ~~iii. Exceptions. School-age child care programs that are operated on the site of a functioning school ground are exempt from square-footage requirements.~~

C. ~~Additional Standards for Family Child Care Homes.~~

~~[1. License. The operator shall secure and maintain a license from the State of California Department of Social Services.]~~

~~1. Residency. The operator of a Family Child Care Home shall be a full-time resident of the dwelling unit in which the facility is located.~~

~~[2]3. Facility [Large Family Child Care] Separation. A proposed Family Child Care Home shall not be located closer than 300 feet from the nearest lot line of another large family day care home or adult day care facility, respectively, for which a Discretionary Permit has already been issued and is in effect. However, the Director may allow the proposed large family day care home or adult day care facility to be located closer than 300 feet if it is determined that such closer location will not have an adverse effect on surrounding properties or on vehicular or pedestrian safety in the area.~~

~~[3]4. Fire Clearance. A fire safety clearance approved by Fresno Fire Department is required for Large Family Child Care Homes.~~

~~[4. Play structures. Large family child care homes must meet play structure setback and placement requirements in section 15-2004 that apply to all single-family dwellings.]~~

~~5. Number of Children.~~

~~a. For a Small Family Child Care Home, the maximum number of children cared for, including children under age 10 who live in the home, is one of the following:~~

~~i. Four infants, or six children, no more than three of whom may be infants.~~

~~ii. Six children, or up to eight children when one child is at least six years of age and one child is enrolled in and attending kindergarten or elementary school and no more than two infants are in care. Parent notification and property owner consent must be on file.~~

~~b. For a Large Family Child Care Home, the maximum number of children cared for when there is an assistant provider in the home, including children under age 10 who live in the home, and the assistant provider's children under age 10, is either:~~

- i. ~~Twelve children, no more than four of whom may be infants, or~~
- ii. ~~Up to 14 children when one child is at least six years of age and one child is enrolled in and attending kindergarten or elementary school, and no more than three infants are in care. Parent notification and property owner consent must be on file.~~

~~D. Standards for Ancillary Day Care Centers. Ancillary Day Care Centers are subject to compliance with the regulations found under California Health and Safety Code 1596, as may be amended.~~

D. Additional Standards

- 1. All Large Family Child Care providers are required to obtain a Conditional Use Permit, as put forth in Article 53, Conditional Use Permits. Conditions associated with the Conditional Use Permit shall not exceed the standards and conditions outlined in this Section 15-2725.
- 2. All Child Care Centers and Family Child Care Homes shall provide parking as required in Article 24, Parking and Loading.]

SECTION 26. Section 15-2728-B-2 of the Fresno Municipal Code is amended as follows:

- 2. *Space between Drive-Throughs.* A building with a drive-through lane shall not be located within 400 feet of another structure containing a drive-through facility.
 - a. *Exception[s].*
 - [i.] This requirement does not apply in the CH Commercial - Highway and Auto district. However, compatibility with traffic flow shall still be assessed.
 - [ii. This requirement does not apply within 1,000 feet of a freeway exit.]

SECTION 27. Section 15-2741 of the Fresno Municipal Code is amended as follows:

15-2741 Mobile Vendors

~~Catering Trucks, Lunch Wagons, Motorized Food Wagons, Mobile Food Trucks, itinerate food vendors, itinerate service and merchandise vendors, etc. which shall be collectively be referred to as "Vendors" for this section, shall comply with the following standards.~~

SECTION 28. Section 15-2759 of the Fresno Municipal Code is amended as follows:

15-2759 Telecommunications and Wireless Facilities

[A. Amateur (Ham) Radios. In R and MX Districts, one amateur radio antenna structure and one whip antenna shall be permitted subject to the following restrictions:

1. Such equipment shall be operated by a federally licensed amateur radio station operator who resides on the same property;
2. No part of the antenna exceeds 65 feet in height or 30 feet above the height of the roof when fully extended;
3. Antenna capable of a maximum extended height exceeding 40 feet, with the exception of whip antennas, are equipped with a motorized or hand cranked device to allow the antenna to be easily lowered when it is not in operation;
4. When an amateur radio facility is not in operation, no part of any antenna, except for whip antennas, shall extend to a height that exceeds the maximum height permitted in the district; and
5. No part of the antenna shall be located in the area between the front of a building and the front property line, in a required side yard or required rear yard, or in any parking or loading area.

B. All other] Telecommunications and Wireless Facilities shall comply with the City's policy pertaining to said uses. Said policy shall establish standards and procedures to regulate the development, siting, installation, and operation of wireless telecommunications antennas and related facilities consistent with the applicable requirements of federal law. The regulations are intended to provide for the appropriate development of wireless telecommunication facilities within the city to meet the needs of residents, business-owners, and visitors while protecting public health and safety and preventing visual blight and degradation of the community's aesthetic character.

SECTION 29. Section 15-5903-D of the Fresno Municipal Code is amended as follows:

~~D. Zoning Map Designation. Where a PD has been approved, the property subject to the PD Plan shall be noted on the zoning map by the designation "PD," followed by the permit number of the Planned Development Permit.~~

SECTION 30. Section 15-5904-B-3 of the Fresno Municipal Code is amended as follows:

- ~~3. Zoning. Development shall comply with the underlying zone district. For example, a single family home may only be developed on a site zoned RS and not RM.~~

SECTION 31. Section 15-6707 of the Fresno Municipal Code is amended as follows:

Tasting Room. A retail sales facility [which is ancillary to an on-site production facility,] where customers may ~~taste and purchase~~ [and consume] beverage and food products grown and/or processed on the site. Products offered for tasting and sale may include wine, beer, olive oil, cheese, and/or other food and beverage products. [The floor area of the Tasting Room will not exceed 33% of the production floor area. Tasting Rooms which exceed this ratio will be classified as a Bar/Nightclub/Lounge, Restaurant, or other use as determined by the Review Authority.]

SECTION 32. Section 15-6802 of the Fresno Municipal Code is amended as follows:

Mobile Vendor. Any person that sells, or causes or allows another, whether as an employee or as an independent contractor leasing or renting equipment, to sell any food, drinks, or merchandise by means of a motorized or non-motorized vehicle, such as a wagon, pushcart, handcart, bicycle, motorized cart, [or] food truck, ~~or other itinerant method.~~

SECTION 33. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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

I, YVONNE SPENCE, 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 ____ day of _____, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Approval: _____, 2017
Mayor Approval/No Return: _____, 2017
Mayor Veto: _____, 2017
Council Override Vote: _____, 2017

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

BY: _____
TALIA KOLLURI-BARBICK
Supervising Deputy City Attorney