

Attachment A
Text Amendment Application No. TA-14-003 Ordinance

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTIONS 12-216.3-B, 12-325-D-2-B, AND 12-306-N-37 OF THE FRESNO MUNICIPAL CODE RELATING TO MIXED USE DEVELOPMENT IN THE C-P (ADMINISTRATIVE AND PROFESSIONAL OFFICE) ZONE DISTRICT AND THE USE OF A FAMILY RESTAURANT, GAME AND ENTERTAINMENT CENTER

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

SECTION 1. Section 12-216.3-B of the Fresno Municipal Code is amended by adding subsection 6.5 thereto to read:

- B. Uses permitted subject to a Conditional Use Permit.
 - 1. Alcohol the retail sale of, for on-site consumption pursuant to Sections 12-304-B-24 and 12-326, as applicable.
 - 2. Ambulance service.
 - 3. Banquet hall.
 - 4. Book store, not to exceed 2,500 square feet in gross floor area.
 - 5. Buildings over thirty-five (35) feet in height, pursuant to Section 12-216.5-D below.
 - 6. Electrical distribution substation.
 - [6.5 Family Restaurant, Game and Entertainment Center pursuant to Section 12-325-D-2-b.]
 - 7. Furrier, as defined in Subsection 12-105-F-18.

8. Group housing facility for seven (7) or more persons, subject to Section 12-306-N-43.
9. Microwave relay stations.
10. Multiple dwellings subject to the findings of Subsection 12-306-N-19.
11. Night Club is permitted only when it is within a Hotel and customer access is only through the Hotel lobby, and pursuant to Sections 12-326 and 12-327.
12. Post Office.
13. Prescription pharmacy, subject to the provisions of Subsection 12-105-P-10.
14. Private residence clubs, fraternity and sorority houses, rooming and boarding houses.
15. Mixed Use projects pursuant to Section 12-325 of this Code.
16. Restaurant.
17. Small animal veterinary hospital, subject to the provisions of Subsections 12-306-I-2.2.t and 12-306-N-20.
18. Subdivision signs—Off-site, if proposed as specified in Subsection 12-207.5-K-4.
19. Tavern, pursuant to Section 12-326.
20. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

SECTION 2. Subdivision (b) of Subsection (2) of Section 12-325-D of the Fresno Municipal Code is amended to read:

D. Uses Permitted.

2. Office, Commercial and Light Industrial.

a. With the exception of the C-P District, all uses listed in the underlying District whether by right, by conditional use permit or by Director Classification, may be allowed or excluded, subject to approval of the project conditional use permit. A separate conditional use permit is not required even where the underlying District requires a conditional use permit, with the exception noted below.

b. In the C-P District, all uses listed in the C-P District whether by right, by conditional use permit or by Director Classification, and those uses listed as permitted in the C-1 District (Section 12-217.1) including those added by Director Classification as a use permitted, [and a Family Restaurant, Game and Entertainment Center, as defined by Section 12-105-F-3.1, when the C-P zoned property exceeds 20 acres], may be allowed or excluded, subject to approval of the project conditional use permit. A separate conditional use permit is not required even where the underlying District requires a conditional use permit, with the exception noted below.

c. EXCEPTION: Any business proposing the Retail sale [sic] alcoholic beverages shall be required to obtain approval of a separate conditional use permit.

SECTION 3. Subsection 37 of Section 12-306-N of the Fresno Municipal Code is amended to read:

37. Family Restaurant, Game and Entertainment Center. Whenever property in the [C-P (pursuant to Section 12-216.3-B-6.5),] C-2, C-3 and C-4 Districts is proposed to be developed as a Family Restaurant, Game and Entertainment Center, the following criteria shall apply:

a. The Family Restaurant, Game and Entertainment Center shall be designed and operated so that all facets of the facility function as a single business.

b. There shall be no alcoholic beverages for sale except beer and wine, which shall be sold with meals only. Alcoholic beverages of any kind shall not be sold, served, provided or consumed in the Game area of such Center. [This requirement shall not apply to proposals within the C-P zone district in mixed use projects of 20 acres or more (see FMC Section 12-325-D-2-b).]

c. Kitchen facilities shall be adequate to prepare all food on-site, as determined by the Director.

d. The operator of such Center shall submit to the Development Department a copy of proposed user rules and

regulations which may be incorporated into the conditions of approval for the use permit.

e. The site plan, floor plan, stipulated user rules and regulations, and method of operation shall be subject to the review and recommendation of the Police Chief, whose recommendation shall be considered by the permit approval authority in fixing the conditions to be incorporated in the use permit.

f. On-site, adult supervision shall be provided in the Game area at all times of operation and during regular business hours of the Center.

g. The development of a Family Restaurant, Game and Entertainment Center shall be subject to the provisions of Article 5 of Chapter 9 (Amusement Devices) and Article 23 of Chapter 9 (Children's Playlands and Amusement Centers).

h. A Family Restaurant, Game and Entertainment Center shall not be permitted in those sensitive areas identified in the plan documents for each of the three airports: Fresno Yosemite international Airport, Chandler Air Field, and Sierra Sky Park.

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.

* * * * *

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, at a regular meeting held on the _____ day of _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN:

Mayor Approval: _____, 2015

Mayor Approval/No Return: _____, 2015

Mayor Veto: _____, 2015

Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:

DOUGLAS T. SLOAN
City Attorney

BY: _____
Mary Raterman-Doidge Date
Deputy