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Agenda Item: ID16-1083 (1-P)

Date: 9/15/16

CITY CLERK, FRESNO, CA

## FRESNO CITY COUNCIL



### Supplemental Information Packet

Agenda Related Item(s) – ID16-1083

**Contents of Supplement: Amended Ordinance**

#### Agenda Item Title

\*\*\*BILL NO. B-35 - (Intro. 9/1/2016) (For adoption) - Approving Text Amendment Application No. TA-16-001 for minor changes to the Development Code in order to improve functionality, clarity, and internal consistency. Proposed amendments affect the following standards and/or procedures: rear setbacks, private open space, fencing, signage, hours of operation for establishments serving alcohol, design standards within mixed use districts, the apartment house overlay, intersection visibility; the addition of produce stands, urban farms and large family day care to certain zone districts; the deletion of the airport environs and planned development overlay districts (due to redundancy); and posting requirements, among others

#### **Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

#### **Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTIONS 15-104-A, 15-107-B, 15-313, 15-404-F-2, 15-902, 15-904-A, 15-1002, 15-1004-C-1, 15-1004-D-1-a, 15-1102, 15-1104-D-1, 15-1104-G-1, 15-1202, 15-1302, 15-1402, 15-1609-B, 15-2006, 15-2015-B-4, 15-2018, 15-2102-A, 15-2305-C-2, 15-2609-B, 15-2610-E-2, 15-2611-G, 15-2707, 15-2735-G, 15-2741-A-7-a, 15-2744-A, 15-2744-C-1, 15-2747, 15-2751-G, 15-2754, 15-4906-D-1, 15-4906-H, 15-5003-A, 15-5007-C, 15-5302-D, 15-5602-A, 15-5810-A, AND 15-6703 AND REPEALING SECTIONS 15-1601 AND 15-1602 OF THE FRESNO MUNICIPAL CODE.

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

SECTION 1. Section 15-104-A of the Fresno Municipal Code is amended to read:

[3. Conflict of Standards. If there are found to be internal conflicts within this Code, the applicable standard shall be determined by the Review Authority.]

SECTION 2. Section 15-107-B of the Fresno Municipal Code is amended to read:

<b>TABLE 15-107-B: OVERLAY DISTRICTS</b>	
<i>Short Name/Map Symbol</i>	<i>Full Name</i>
PD	Planned Development
AE	Airport Environs
BP	Bluff Protection
EA	Expressway Area
RM	Residential Modifying
ANX	Annexed Rural Residential Transitional Overlay
EQ	Equine
M	Mining
AH	Apartment House

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: 

Ordinance No.

SECTION 3. Section 15-313 of the Fresno Municipal Code is amended to read:

[F. Regardless of the stated setback for a property, in no instance shall a building be allowed to encroach within an easement unless an easement encroachment has been authorized and a covenant recorded for that purpose.]

SECTION 4. Section 15-404-F-2 of the Fresno Municipal Code is amended to read:

2. Non-Residential Districts. A Legal Non-Conforming use shall not be re-established in any structure in a Non-Residential District if such Legal Non-Conforming use has ceased for a consecutive 12-month period within five years of the effective date of this Code [January 3, 2016]. Once the five year period from the effective date of this Code has passed, a Legal Non-Conforming Use shall not be re-established in any structure in a Non-Residential District if such Legal Non-Conforming Use has ceased for a consecutive period of 90 days or more.

SECTION 5. Section 15-902 of the Fresno Municipal Code is amended to read:

<b>TABLE 15-902: LAND USE REGULATIONS— RESIDENTIAL SINGLE-FAMILY DISTRICTS</b>							
<i>Use Classifications</i>	<i>RE</i>	<i>RS-1</i>	<i>RS-2</i>	<i>RS-3</i>	<i>RS-4</i>	<i>RS-5</i>	<i>Additional Regulations</i>
<b>Agricultural and Extractive Use Classifications</b>							
<u>[Produce Stand]</u>	[P]	[P]	[P]	[P]	[P]	[P]	<u>[§15-2752, Roadside Fruit Stands / Grower Stands]</u>
Urban Farm	[P]	P	P	P	[P]	[P]	§15-2720, Community Gardens / Urban Farms

SECTION 6. Section 15-904-A of the Fresno Municipal Code is amended to read:

[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;
- 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 7. Section 15-1002 of the Fresno Municipal Code is amended to read:

<b>TABLE 15-1002: LAND USE REGULATIONS— RESIDENTIAL MULTI-FAMILY DISTRICTS</b>					
<i>Use Classifications</i>	<i>RM-1</i>	<i>RM-2</i>	<i>RM-3</i>	<i>RM-MH</i>	<i>Additional Regulations</i>
<b>Agricultural and Extractive Use Classifications</b>					
[Produce Stand]	[P]	[P]	[P]	[P]	[§15-2752, Roadside Fruit Stands / Grower Stands]
[Urban Farm]	[P]	[P]	[P]	[P]	[§15-2720, Community Gardens / Urban Farms]

SECTION 8. Section 15-1004-C-1 of the Fresno Municipal Code is amended to read:

- [c. If a sound wall is required along a certain frontage, or if other circumstances exist that render the Parking Setback impractical or unnecessary, the Review Authority may waive the Parking Setback requirement.]

SECTION 9. Section 15-1004-D-1 of the Fresno Municipal Code is amended to read:

- a. Private Open Space Requirements. Private open spaces are those which are attached to a dwelling unit and are available only for the private use of the residents of the dwelling unit, such as balconies, porches, and patios. No fewer

than 50 percent of the dwelling units on a site shall have a private open space.

The following standards shall apply to private open space:

- i. The minimum dimension of any private open space shall be four feet.
- ii. The minimum area of any private open space shall be 32 square feet.
- iii. When located within 30 feet of a public street and located on the ground floor, private open spaces shall [be designed as a porch.] follow the requirements for Porches as put forth in Table 15-1005-F.
- iv. When located within 30 feet of a public street and located above the ground floor, private open spaces shall [be designed as a balcony.] follow the requirements for Balconies as put forth in Table 15-1005-F.

SECTION 10. Section 15-1102 of the Fresno Municipal Code is amended to read:

TABLE 15-1102: USE REGULATIONS—MIXED-USE DISTRICTS				
Use Classifications	NMX	CMX	RMX	Additional Regulations
Residential Use Classifications				
Family Day Care				
<i>Small (8 or fewer children)</i>	P(1)	P(1)	P(1)	§15-2725, Day Care Centers and Family Child Care Homes
<i>[Large (9 to 14 children)]</i>	[P(1)]	[P(1)]	[P(1)]	
Commercial Use Classifications				
Retail Sales				
<i>Convenience Retail</i>	P(5)	P	P	§15-2745, Outdoor Retail Sales; 15-2761 Tobacco and Vapor Shops
<i>General Retail</i>	P(5)	P	P	§15-2733, Hobby Stores; §15-2745, Outdoor Retail Sales
<i>Nurseries and Garden Centers</i>	P	P(5)	P	§15-2745, Outdoor Retail Sales
<i>Second Hand / Thrift Stores</i>	P(5)	P	P	
Public and Semi-Public Use Classifications				
Schools, Public or Private	-(C)	-(C)	C	
Agricultural and Extractive Use Classifications				
<i>[Produce Stand]</i>	[P]	[-]	[-]	<u>[§15-2752, Roadside Fruit Stands / Grower Stands]</u>
Industrial Use Classifications				
<i>[Warehousing, Storage, and Distribution]</i>				
<i>[Personal Storage]</i>	[C]	[C]	[C]	<u>[§15-2747, Personal (Mini) Storage]</u>

SECTION 11. Section 15-1104-D-1 of the Fresno Municipal Code is amended to read:

[c. If a sound wall is required along a certain frontage, or if other circumstances exist that render the Parking Setback impractical or unnecessary, the Review Authority may waive the Parking Setback requirement.]

SECTION 12. Section 15-1104-G-1 of the Fresno Municipal Code is amended to read:

G. Sidewalk Standards. [Notwithstanding Chapter 13, Section 208 of the Municipal Code, the following shall apply:]

1. Applicability. All projects shall be required to bring adjacent sidewalk conditions into conformance with the standards of this section, subject to the following exceptions:

a. Applications for signs only.

[b. Additions, remodels, or tenant improvements of less than 50 percent of the current value of the property.]

~~b. Tenant improvements for new establishments occupying 20,000 square feet of gross floor area or less.~~

~~c. Building expansions of 2,000 square feet of net new floor area or less.~~

SECTION 13. Section 15-1202 of the Fresno Municipal Code is amended to read:

<b>TABLE 15-1202: LAND USE REGULATIONS—COMMERCIAL DISTRICTS</b>							
<i>Use Classifications</i>	<i>CMS</i>	<i>CC</i>	<i>CR</i>	<i>CG</i>	<i>CH</i>	<i>CRC</i>	<i>Additional Regulations</i>
<b>Commercial Use Classifications</b>							
Offices							
<i>Business and Professional</i>	P(9) [(17)]	P	P	P	-	-	
<i>Medical and Dental</i>	P[(17)]	P	P	P	-	-	
<i>Walk-In Clientele</i>	P[(17)]	P	P	P	-	-	
<b>Agricultural and Extractive Use Classifications</b>							

<b>TABLE 15-1202: LAND USE REGULATIONS—COMMERCIAL DISTRICTS</b>							
<i>Use Classifications</i>	<i>CMS</i>	<i>CC</i>	<i>CR</i>	<i>CG</i>	<i>CH</i>	<i>CRC</i>	<i>Additional Regulations</i>
Produce Stand	-	-	-	P	-	-	§15-2752, Roadside Fruit Stands / Grower Stands
[Urban Farm]	[-]	[-]	[-]	[P]	[-]	[-]	[§15-2720, Community Gardens / Urban Farms]
<b>Specific Limitations:</b>							
[17. Not permitted along ground floor on Olive Avenue between Van Ness Avenue and Echo Avenue.]							

SECTION 14. Section 15-1302 of the Fresno Municipal Code is amended to read:

<b>TABLE 15-1302: LAND USE REGULATIONS— EMPLOYMENT DISTRICTS</b>						
<i>Use Classifications</i>	<i>O</i>	<i>BP</i>	<i>RBP</i>	<i>IL</i>	<i>IH</i>	<i>Additional Regulations</i>
<b>Agricultural and Extractive Use Classifications</b>						
[Produce Stand]	[-]	[-]	[-]	[P]	[P]	[§15-2752, Roadside Fruit Stands / Grower Stands]
[Urban Farm]	[-]	[-]	[-]	[P]	[P]	[§15-2720, Community Gardens / Urban Farms]

SECTION 15. Section 15-1402 of the Fresno Municipal Code is amended to read:

<b>TABLE 15-1402: LAND USE REGULATIONS— MIXED-USE DISTRICTS</b>				
<i>Use Classifications</i>	<i>OS</i>	<i>PR</i>	<i>PI</i>	<i>Additional Regulations</i>
<b>Agricultural and Extractive Use Classifications</b>				
[Produce Stand]	[P]	[-]	[-]	[§15-2752, Roadside Fruit Stands / Grower Stands]
[Urban Farm]	[P]	[-]	[-]	[§15-2720, Community Gardens / Urban Farms]

SECTION 16. Section 15-1609-B of the Fresno Municipal Code is amended to read:

B. Use Regulations. Those uses permitted in the Base District, subject to the limitations and conditions set forth therein-[, except as follows:

1. Permitted Uses.

- a. The uses permitted by the provisions of the Base District.
- b. Single Unit Dwelling, Attached and Multi-Unit Residential shall be permitted in all locations, including the ground floor along major streets.

- c. Office uses, including Business and Professional, Medical and Dental, and Walk-In Clientele, shall be permitted in all locations, including the ground floor along major streets. Base District restrictions on the size of such establishments shall not apply.
- 2. Uses Subject to a Conditional Use Permit. Those uses permitted in the Base District, subject to the limitations and conditions set forth therein.
- 3. Uses Not Permitted. Those uses not permitted in the Base District or listed above, subject to the limitations and conditions set forth therein.]

SECTION 17. Section 15-2006 of the Fresno Municipal Code is amended to read:

C. Fence Height and Locations for Single-Family Homes.

1. Front Yards.

a. Wrought Iron or Tubular Steel. A fence up to four feet in height may be installed ~~on the front property line~~ [within any required front yard setback]. Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.

b. All Other Materials. A fence up to three feet in height may be placed ~~on the front property line~~ [within any required front yard setback].

i. Exception. Front yard fences on parcels within the Pinedale Neighborhood Plan area may be up to four feet in height in the front yard, regardless of material, however



fences shall comply with Section 15-2018, Intersection Visibility.

2. Side-Street Yards. Fences up to six feet in height may be installed on the street-side property line [within any required street-side yard setback].
3. Other Yards. Fences up to six feet in height may be installed on property lines. Fences, regardless of location on the site, shall not exceed six feet in height.
4. Through Lots. Both street frontages shall be considered Front Yards.

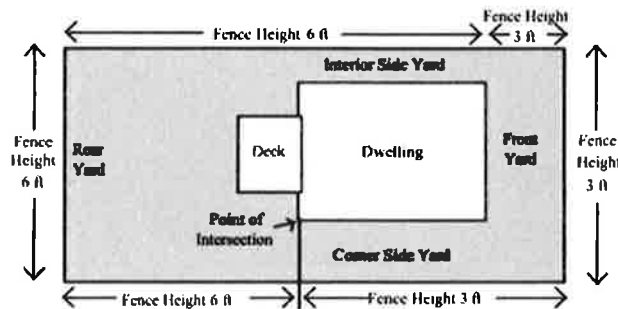


FIGURE 15-2006-C: MAXIMUM FENCE HEIGHT

- [5. Setbacks. Unless a greater setback is required in another section of this Code, fences shall be set back 12 inches from the back of adjacent sidewalks, or from the curb or shoulder if there is no sidewalk. Fences may be placed on interior side and rear property lines.]
6. Right-of-Way. In no circumstance may any fence be placed in the public right-of-way unless specified elsewhere in this Code.]

D. Fence Height and Locations for Multi-Family Districts.

1. Front Yards.

a. Where a lot is on the same block frontage with parcels that are zoned for Single-Family uses, fencing shall comply with fencing standards of the Single-Family District in Subsection 15-2006-C.

b. If the block does not contain Single-Family zoned lots:

i. Wrought Iron or Tubular Steel: A fence up to four feet in height may be installed ~~on the front property line~~ [within any required front yard setback]. Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.

ii. All Other Materials. The fence may be placed ~~on the property line~~ [within any required front yard setback] if the fence does not exceed three feet in height.

(1) Exception. Fences on parcels within the Pinedale Neighborhood Plan may be up to four feet in height, regardless of material, however fences shall comply with Section 15-2018, Intersection Visibility.

## 2. Street-Side Yards.

a. Lots with a Street-Side Yard of 125 Feet or Less in Length. Fencing up to six feet in height may be placed ~~on the property line~~ [within any street-side yard].

b. Lots with Street-Side Yards Greater than 125 Feet in Length. Fencing up to six feet in height may be placed per the main building setback of the underlying district minus five feet.

~~3. Interior and Rear Yards. Fences may be placed on property lines.~~

4. Through Lots. All street frontages shall be considered Front Yards.

5. Private Patios, Yards, Etc. Fencing for private patios, yards, etc. in multi-family developments shall comply with the fencing requirements of this section.

~~6. Other Yards. Fences up to six feet in height may be installed on property lines.~~ Fences, regardless of location on the site, shall not exceed six feet in height.

[7. Setbacks. Unless a greater setback is required in another section of this Code, fences shall be set back 12 inches from the back of adjacent sidewalks, or from the curb or shoulder if there is no sidewalk. Fences may be placed on interior side and rear property lines.]

8. Right-of-Way. In no circumstance may any fence be placed in the public right-of-way unless specified elsewhere in this Code.]

E. Fence Height and Locations for Downtown Districts.

(Reserved)

F. Fence Height and Locations for All Other [Uses and] Districts.

1. Front Yard.

a. Wrought Iron or Tubular Steel. A fence up to four feet in height may be installed ~~on the front property line~~ [within any required front yard setback]. Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.

b. [All Other Materials.] All other fences [within any required front yard setback] are permitted up to three feet in height and shall comply with the main building setback, minus five feet.

2. Street-Side Yard.

a. Wrought Iron or Tubular Steel. A fence up to four feet in height may be installed [within any required front yard setback] ~~on the front property line.~~ Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.

b. [All Other Materials.] All other fences [within any required street side yard setback] are permitted up to three feet in height and shall comply with the main building setback, minus five feet.

~~3. Interior and Rear Yards. Fences may be placed on property lines.~~

4. Through Lots. Both street frontages shall be considered Front Yards.

5. Other Yards. Outside of the required front yard and street-side yards, the maximum height for fences is seven feet (regardless of location on the site) unless the fence is part of Outdoor Storage per Section 15-2013, Outdoor Service Yards and Storage.

6. Bollards. Bollards, up to three feet in height may be placed at the rear of required landscape areas.

[7. Setbacks. Unless a greater setback is required in another section of this Code, fences shall be set back 12 inches from the back of adjacent

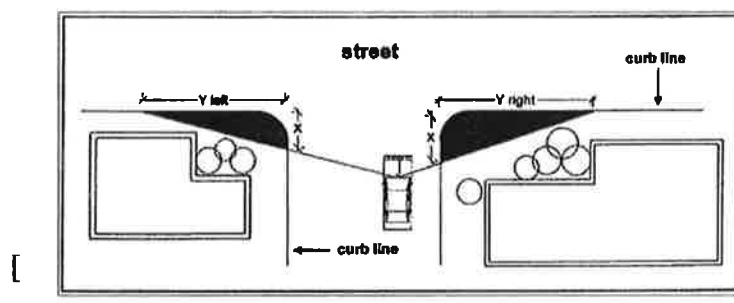
sidewalks, or from the curb or shoulder if there is no sidewalk. Fences may be placed on interior side and rear property lines.

8. Right-of-Way. In no circumstance may any fence be placed in the public right-of-way unless specified elsewhere in this Code.]

SECTION 18. Section 15-2015-B-4 of the Fresno Municipal Code is amended to read:

<b>TABLE 15-2015-B.3: MAXIMUM HEIGHT OF LIGHTING FIXTURES</b>	
<i>District</i>	<i>Maximum Height (ft)</i>
Residential Single-Family Districts	Shall not exceed the fascia of the home
Residential Multi-Family Districts	Shall not exceed the fascia of the unit or 16 feet, whichever is greater
Commercial and Mixed-Use Districts	20 within 100 of any street frontage or Residential District; 25 in any other location
Employment Districts	25 within 100 of any street frontage; 30 in any other location
Public and Semi-Public and Airport Overlay District[s]	25, or as necessary for safety and security

SECTION 19. Section 15-2018 of the Fresno Municipal Code is amended to read:



**FIGURE 15-2018: INTERSECTION VISIBILITY**

**A. Street Intersections.**

1. Vegetation and structures may not exceed a height of three feet within the triangular sight-distance area formed by the intersecting curb lines (or edge of pavement when no curbs exist) and a line joining points on these

curb lines at [the locations and] a distance[s] [identified in Figure 15-2018 and Table 15-2018-A.] of 30 feet along both lines from their intersection.

2. Trees and signs that are located within this sight distance triangle shall have a clearance of eight feet high minimum between the lowest portion of the canopy and the sidewalk and street.

3. Applies to all structures, including flag poles and signs.

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

SECTION 20. Section 15-2102-A of the Fresno Municipal Code is amended to read:

A. The project site is located entirely within an MX District [or a CMS District].

SECTION 21. Section 15-2305-C-2 of the Fresno Municipal Code is amended to read:

2. Buffer Yard Types. Table 15-2305-C-2, Buffer Yard Requirements, describes the minimum width, [and] plant material[s, and wall] requirements for each type of buffer yard. The listed number of trees and shrubs are required for each 100 linear feet of buffer yard. Natural areas with native vegetation or alternative planting materials which achieve equivalent buffering effects may be approved by the Director [Review Authority. For wall requirements, refer to Section 15-2008, Screening Between Differing Land Uses.]

SECTION 22. Section 15-2609-B of the Fresno Municipal Code is amended to read:

C. Public and Semi-Public Uses. Signs for Public and Semi-Public Uses located in Residential Districts may be erected subject to the following standards:

1. Maximum Number of Signs. One freestanding sign per street frontage plus one wall sign [per building].
2. Maximum Sign Area per Signs. Freestanding signs shall not be more than 32 square feet in area. Wall signs shall not ~~be more than 10 square feet in area~~ [exceed 10 percent of the wall area].
3. Height Limit, Freestanding Signs. Five feet when located within a required front or street-side setback, eight feet otherwise.
4. Illumination. Signs may be internally illuminated.

SECTION 23. Section 15-2610-E-2 of the Fresno Municipal Code is amended to read:

2. Maximum Sign Area Per Sign. Five [Ten] percent of the wall area ~~or 100 square feet, whichever is less.~~

SECTION 24. Section 15-2611-G of the Fresno Municipal Code is amended to read:

G. Yard Signs. [Yard signs, which are typified by an impermanent nature; are usually constructed from lightweight materials (ex.: corrugated plastic); are typically located in a street-facing setback and supported by poles, stakes, or wire frames; are permitted subject to the following standards. A permit is not required.]

1. In Residential Districts.

- a. Maximum Size. Signs shall not exceed six square feet in area.

b. Maximum Height/Width. Signs (including support structure) shall not exceed three feet in height or width.

2. All Other Districts.]

a. Maximum Size. Signs shall not exceed 32 square feet in area.

b. Maximum Height[Width]. Signs [(including support structure)] shall not exceed ~~ten~~ [eight] feet in height [or width.]

[3. Timing. Yard Signs relating to an event are permitted within 90 days before the event and up to 10 days after the event.]

3[4]. Location. Signs shall not be attached to any utility pole and such sign, or portion thereof, is not placed in any public right-of-way or on any property owned by the City. Such signs may be placed on private property with the permission of the property owner or may be attached to an existing sign on private property with the permission of the sign owner or lessee.

4[5]. Shall Not Obstruct. Such signs shall not be erected in such a manner that they will, or reasonably may be expected to, interfere with, obstruct, confuse, or mislead traffic.

5[6]. Maintenance. Signs not erected or maintained in accordance with the provisions of this subsection shall be the responsibility of the owner of the property upon which the sign is located, shall be deemed a public nuisance, and may be abated by such property owner, the candidate or person advocating the vote described on the sign (if applicable), or the Director. The cost of removal incurred by the Director shall be assessed



against the property owner and/or, if applicable, the candidate and/or the person advocating the vote described on the sign.

SECTION 25. Section 15-2707 of the Fresno Municipal Code is amended to read:

15-2707      Animal Keeping

Animal keeping is allowed as an accessory use to a primary residential use.

Animals may be kept in compliance with the following standards. [Enforcement of this section is the duty of the Poundmaster (FMC 10-302). Other regulations related to animals are located under FMC 10-200 et seq. and FMC-300 et seq.]

SECTION 26. Section 15-2735-G of the Fresno Municipal Code is amended to read:

D. ~~Signage. Refer to Article 26, Signs.~~ [Signs for Home Occupation uses may be erected subject to the following standards:

1.      Quantity. A maximum of one sign is permitted.
2.      Type. A wall or window sign is permitted. Freestanding signs of any type shall not be permitted.
3.      Size. Shall not exceed two square feet in area.
4.      Design. Signs shall be visually compatible with the building and surrounding neighborhood.
5.      Illumination. Illuminated signage is not permitted.]

SECTION 27. Section 15-2741-A-7 of the Fresno Municipal Code is amended to read:

a. Vendors shall not operate within 300 feet of an existing restaurant, during the restaurant's normal business hours, with the following exceptions:

- i. Vendors operating as part of a Farmer's Market per Section 15-2730 or a Special Event per Section 15-2760-B.

- ii. The restaurant and the Vendor are operated by the same entity.
- iii. The Vendor has prior written permission of a business owner to operate on the property of that existing business.
- iv. Within the area bounded by Divisadero Street, Highway 41, and Highway 99, non-motorized Vendors may operate within 300 feet of an existing restaurant with prior written permission of the City Manager.]

SECTION 28. Section 15-2744-A of the Fresno Municipal Code is amended to read:

TABLE 15-2744-A ALLOWED HOURS OF OPERATION	
<i>Hours of Operation</i>	<i>Outdoor Area Hours of Operation</i>
Establishments not serving alcohol	
<i>Establishments closer than 100 feet from Residential Districts<sup>1</sup></i>	Not earlier than 7 a.m. or later than 10 p.m.
<i>Establishments further than 100 feet from Residential Districts<sup>1</sup></i>	Not earlier than 7 a.m. or later than 12 a.m.
<i>Establishments further than 250 feet from Residential Districts<sup>1</sup></i>	No limitations
Establishments serving alcohol	
<i>Refer to Section 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges.</i>	
<i>[Establishments closer than 250 feet from Residential Districts<sup>1</sup>]</i>	<i>[Not earlier than 7 a.m. or later than 10 p.m.]</i>
<i>[Establishments further than 250 feet from Residential Districts<sup>1</sup>]</i>	<i>[No limitations]</i>
Smoke/Hookah/Cigar Lounges	
<i>Establishments 250 feet or closer from Residential Districts</i>	Not earlier than 7 a.m. or later than 12 a.m.
<i>Establishments further than 250 feet from Residential Districts<sup>1</sup></i>	No limitations

<sup>1</sup> Distance measured from the establishment to the nearest residential property line. Excludes residential use in the same development.

SECTION 29. Section 15-2744-C-1 of the Fresno Municipal Code is amended to read:

1. ~~Encroachment Permit Required. An encroachment permit~~ [Zone Clearance] ~~approved by the City Engineer is required for any outdoor dining/seating located in the public right-of-way.~~ [An encroachment permit approved by the City

Engineer is required for any furniture or structures which are permanently attached to the public right-of-way.]

SECTION 30. Section 15-2747 of the Fresno Municipal Code is amended to read:

[J. Design Standards within Mixed Use Districts.

1. Location. Storage uses shall not be located within 300 feet of an existing or planned Bus Rapid Transit station.
2. Site Size. Shall not exceed two acres.
3. Setback from Major Streets. The storage use shall be set back no less than 50 feet from all Major Streets. No less than 60 percent of the building frontage along Major Streets shall be occupied by food and beverage sales, entertainment and recreation, general personal services, artist's studios, eating and drinking establishments, personal services, general retail, or convenience retail uses. Other high-activity uses may be approved at the discretion of the Review Authority.
4. Façade Design. The façades of the storage structures shall appear to be buildings used for non-storage purposes, such as office or multifamily, and shall not have an industrial appearance.
5. MX Development Standards. Unless otherwise stated, all MX development standards shall apply.]

SECTION 31. Section 15-2751-G of the Fresno Municipal Code is amended to read:

TABLE 15-2751-G: SPECIAL STANDARDS			
Use	Time to Stop Sales, Service, & Consumption of Alcohol	Separation from Residential <sup>1</sup>	Neighborhood Meeting
Restaurants (Should an establishment seek to stay open after <del>11 p.m.</del> [12 a.m.], it shall be considered a Bar or Nightclub for permit purposes)	<del>11 p.m.</del> [12 a.m.]	NA	No
Tasting Room (Should an establishment seek to stay open after 11 p.m. or serve alcoholic beverages other than beer or wine, it shall be considered a Bar or Nightclub for permit purposes)	11 p.m.	NA	No
Bar	2 a.m.	Less than 300 ft.	Yes
		300 ft. or greater	No
Nightclub (whether or not they sell alcoholic beverages; for under aged persons, refer to Table 15-2751-H)	2 a.m.	Less than 400 ft.	Yes
		400 ft. or greater	No
1. Minimum horizontal distance, measured in feet, between the building, or portion of a building, occupied by the use, and the closest property line of property planned or zoned for residential uses, not including residential part of the project or part of a vertical mixed-use development. The separation criteria is not subject to modification by a permit.			

SECTION 32. Section 15-2754 of the Fresno Municipal Code is amended to read:

I. Setbacks. [Per the underlying zone district.]

~~1. Front Yards. Per the underlying zone district.~~

~~2. Side Yards/Street Side Yards. Per the underlying district.~~

~~3. Rear Yards. Shall be separated from the main home by a minimum of six feet.~~

~~a. Second Dwelling Unit. Per the underlying zone district.~~

~~b. Backyard Cottage and Accessory Living Quarters.~~

~~i. Alley Present. Three feet.~~

~~ii. No Alley Present.~~

~~(1) Abutting an RS. Ten feet.~~

SECTION 33. Section 15-4906-D-1 of the Fresno Municipal Code is amended to read:

[a. Development Permit applications submitted in multi-family and mixed-use districts consistent with the Certainty Option set forth in sections 15-1004, 15-1005, 15-1104, and 15-1105 of this Code shall not be subject to review and recommendation by Council District Project Review Committees.]

SECTION 34. Section 15-4906-H of the Fresno Municipal Code is amended to read:

[1. Development Permit applications submitted in multi-family and mixed-use districts consistent with the Certainty Option set forth in sections 15-1004, 15-1005, 15-1104, and 15-1105 of this Code shall be subject to review by applicable Specific Plan Design Review Committees as follows:

- a. Upon completion of an application following internal departmental review, DARM Department staff shall provide the completed application to members of any applicable Specific Plan Design Review Committee.
- b. If a Committee member chooses to request a meeting to discuss the application, they must submit the request to DARM Department staff within three business days of their receipt of the application.
- c. A meeting of the applicable Specific Plan Design Review Committee must be set within 5 business days of the first request for a meeting.
- d. If no members of a Committee request a meeting to discuss the application within the allotted time, it shall move forward without review by the Committee.

e. The Committee's review is limited to verification of the project's compliance with the requirements of the Certainty Options set forth in sections 15-1004, 15-1005, 15-1104, and 15-1105 of this Code, and the requirements of any applicable Specific Plan, including all applicable design guidelines.]

SECTION 35. Section 15-5003-A of the Fresno Municipal Code is amended to read:

A. Applicability. Pre-application review is required for any project that requires a discretionary approval, including, but not limited to, ~~Zone Clearances,~~ Development Permits, Conditional Use Permits, Variances, Planned Developments, Rezones, General Plan Amendments, subdivisions, and Annexations.

SECTION 36. Section 15-5007-C of the Fresno Municipal Code is amended to read:

C. Posting of the Site. For ~~Plan Amendments and other~~ instances where the posting of a site may be required by this Code, the applicant shall post a public notice on the subject property per the following: The public notice shall be posted at least 10 days prior to the public hearing or action;

1. At least one notice per street frontage shall be posted;
2. There shall be at least one notice per 500 feet of street frontage;
3. The City shall prepare the notice;
- ~~4. The applicant shall submit a signed letter stating that they posted or caused the posting of the notice;~~
- ~~[4.]~~5.—The notice shall contain the information per Subsection E below;
- ~~[5.]~~6.—The notice shall be a minimum of 11x17 inches; [and]

~~7. The applicant shall, at a minimum, laminate the public notice to offer some protection from inclement weather, and~~

~~[6.]~~8.—Should the site be developed, a notice shall be posted in a conspicuous location proximate to the entrance(s) of the subject property.

This notice shall be in addition to the notices that are required to be posted along the street frontage(s).

SECTION 37. Section 15-5007-E-10 of the Fresno Municipal Code is amended to read:

10. For Council hearings, the Commission's recommendation~~[, if available at the time of the notice]~~.

SECTION 38. Section 15-5302-D of the Fresno Municipal Code is amended to read:

D. ~~In conjunction with a Development Permit, [When a Conditional Use Permit is required for]~~ exceptions to certain development standards ~~[that are]~~ specifically identified in Part II, Base and Overlay Districts ~~as requiring a Conditional Use Permit.~~

SECTION 39. Section 15-5602-A of the Fresno Municipal Code is amended to read:

A. Façade Design Development Standards. In conjunction with a Development Permit, the Review Authority may grant deviations from applicable Façade Design Development Standards in RS and E districts if the proposed design accomplishes the same goals pertaining to visual interest, pedestrian orientation, connectivity, durability, and longevity ~~as the standards which are deviated from.~~

SECTION 40. Section 15-5810-A of the Fresno Municipal Code is amended to read:

A. After receiving the report from the Planning Commission, the City Council shall hold a duly-noticed public hearing. The notice shall include a summary of the Planning Commission recommendation [if available at the time of the notice].

SECTION 41. Section 15-6703 of the Fresno Municipal Code is amended to read:

Parking, Public or Private. Surface lots and structures ~~for use of occupants, employees, or patrons on the subject site, or offering~~ [which offer] parking to the public for a fee, when such use [parking] is not incidental to [associated with] another on-site activity.

SECTION 42. Section 15-1601 of Chapter 15 of the Fresno Municipal Code is repealed in its entirety.

SECTION 43. Section 15-1602 of Chapter 15 of the Fresno Municipal Code is repealed in its entirety.

SECTION 44. Section 15-104-B-4-a is amended to read:

a. In the event of a conflict between this Code and the General Plan or any applicable operative plan or Redevelopment Agency guidelines, this Code shall control.

[i. Exception: If the project is located within an area with adopted design guidelines, such design guidelines shall control.]

SECTION 45. 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, 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: \_\_\_\_\_  
Talía Kolluri-Barbick Date  
Supervising Deputy City Attorney

TKB/dy [72214dy/tkb] 09/13/2016