

PREVIOUS VERSIONS OF PROPOSED LANGUAGE

7/15/2022 PGS 1 – 17

6/27/2022 PGS 18 – 28

6/15/2022 PGS 29 – 32

10/26/2021 PGS 33 – 36 (ORIGINAL APPLICATION)

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING CHAPTER 15 SECTION 15-2010, TABLE 15-
1102, TABLE 15-1402, AND TABLE 15-1502 OF THE
FRESNO MUNICIPAL CODE, AMENDING REGULATIONS
RELATED TO ELECTRIC FENCES

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

SECTION 1. Section 15-2010 of the Fresno Municipal Code is modified as follows:

SEC. 15-2010. ELECTRIC FENCES.

Electrified fences shall comply with the following regulations. [The requirements contained in Section 15-2009 do not apply to Electrified Fencing allowed pursuant to this Section.]

A. Permitted Locations.

1. In non-residential zones, in which Security Fencing is permitted. [including all Commercial Districts, all Employment Districts, and specified Use Classifications under Mixed-Use Districts, Public and Semi-Public Districts, and Downtown Districts as noted under sub-section A.5. below]
2. Electrified fences shall not encroach into the public right-of-way.
3. [Electrified fences shall not be permitted for residential uses, public park facilities, or school sites.]
4. [When the subject property has a Mixed-Use or Downtown zoning designation and abuts vacant or existing residential uses within a Residential, Mixed-Use, or Downtown district, such properties are subject to additional requirements as outlined in Section 15-2010.K below.]
5. [When the subject property has a Mixed-Use, Public and Semi-Public, or Downtown zoning designation, only certain uses shall be permitted to have electrified fences as identified in Table 15-1102 (Mixed-Use), 15-1402 (Public and Semi-Public), and 15-1502 (Downtown)].
6. [When the subject property contains legal non-conforming uses pursuant to Section 15-404 in any district, such uses shall be permitted to have electrified fences if such use is a use permitted in an Employment District.]

B. Compliance with State and Federal Regulations.

1. Electric fencing shall comply with the California Civil Code Section 835 and the California Building Code, as amended from time to time.
2. Only allowed to be installed with a permit issued under the requirements of applicable building and electrical codes, and only allowed to be activated after an approved final inspection of the installation.
3. Fire access, warning signs, electrical connections, etc., shall comply with the Building Code and Fire regulations.

C. Electricity.

1. Shall conform to the California Civil Code Section 835 and shall only be powered by a commercial storage battery not to exceed 12 volts of direct current (DC) or another approved 12 volt DC or lower voltage-power source.
2. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standard No. 60335-2-76.
3. Non-low voltage electrical components (e.g. controllers, transformers) of the electric fencing system shall be approved and listed by an Occupational Safety and Health Act (OSHA) Nationally Recognized Testing Laboratory (NRTL).

D. Perimeter Fence or Wall. No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is a minimum ~~six~~ **[five]** feet in height. Should a non-electrical fence not exist, one shall be installed prior to the electric fence being operational. **[When abutting an existing residential use, the protective barrier shall consist of a solid material (i.e. wooden fence, block wall, an approved mesh material, or equivalent material)].**

E. Setbacks. Non-electrical fencing behind which electric fencing is installed shall comply with setbacks of the underlying zone district unless the non-electrical fence is legally non-conforming.

F. Height. Shall have a maximum height of ten feet regardless of location on the property.

G. Warning Signs. Shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not less than 30 feet.

H. Permit. Property owner(s) shall apply for a permit with the City prior to installation.

I. City Indemnification. Prior to the installation of electric fencing, the fence owner shall obtain a permit and execute an agreement to defend, hold harmless, and indemnify the City against all claims related to the fencing.

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.

[K. Additional Requirements Pertaining to Certain Property

1. When the subject property has a Mixed-Use or Downtown zoning designation and abuts vacant or existing residential uses within a Residential, Mixed-Use or Downtown district, the following special permit provisions apply.
 - a. Requests for Electrified Fences shall be processed as a Development Permit in accordance with Chapter 15, Article 52 of the Fresno Municipal Code.
 - b. Within 3 days of the Director's decision, a notice shall be sent from the Director or designee via e-mail to the Councilmember whose district the approved electrified fence is located.]

SECTION 2. Table 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				

Residential Housing Types				
Single-Unit Dwelling, Attached	P(1)	P(1)	P(1)	§ 15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Multi-Unit Residential	P(1)	P(1)	P(1)	
Adult Family Day Care				
Small (6 clients or less)	P(1)	P(1)	-	
Large (7 to 12 clients)	P(1)	-	-	
Caretaker Residence	P(1)	P(1)	P(1)	
Domestic Violence Shelter				
Small (6 persons or less)	P(1)	P(1)	P(1)	
Large (7 persons or more)	P(1)	P(1)	P(1)	
Elderly and Long-Term Care	P(1)	P(1)	P(1)	
Family Day Care				
Small (8 or fewer children)	P(1)	P(1)	P(1)	§ 15-2725, Day Care Centers and Family Child Care Homes
Large (9 to 14 children)	P(1)	P(1)	P(1)	
Group Residential				
Small (6 persons or less)	P(1)	P(1)	P(1)	
Large (7 persons or more)	P(1)	P(1)	P(1)	
Lodging-to-Dwelling Conversion	C	C	C	§ 15-2737.5 Lodging-to-Dwelling Conversion Requirements
Residential Care Facilities				
Residential Care, Limited	P(1)	P(1)	P(1)	
Residential Care, Senior	P(1)	P(1)	P(1)	
Single Room Occupancy	C	C		
Public and Semi-Public Use Classifications				
Colleges and Trade Schools, Public or Private	C	C	C (3)	
Community and Religious Assembly (less than 2,000 square feet)	P	P	P	§ 15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	P	P	P	
Community Garden	P	P	P	§ 15-2720, Community Gardens/Urban Farms
Conference/Convention Facility	C	C	C	
Cultural Institutions	P	P	P	
Day Care Centers	P	P	P	§ 15-2725, Day Care Centers and Family Child Care Homes
Emergency Shelter	-	-	P	§ 15-2729, Emergency Shelters
Government Offices	P(1)	P(1)	P(1)	
Hospitals and Clinics				
Hospital	-	C(11)	C(11)	
Clinic	P	P	P	
Substance Abuse Treatment Clinic	C(14)	C(14)	C(14)	
Instructional Services	P	P	P	
Park and Recreation Facilities, Public	P	P	P	
Parking, Public or Private	-	C(6) [(20)]	C(6) [(20)]	
Public Safety Facilities	C[(20)]	C[(20)]	C[(20)]	
Schools, Public or Private	P	P	P	
Social Service Facilities	P(1)	P(1)	P(1)	

Commercial Use Classifications				
Animal Care, Sales and Services				
Grooming and Pet Stores	P	P	P	
Veterinary Services	-	C(7)	C(7)	
Artist's Studio	P	P	P	
Automobile/Vehicle Sales and Services				
Automobile/Vehicle Sales and Leasing	C(18) [(20)]	C(13) [(20)]	C(13) [(20)]	§ 15-2709, Automobile and Motorcycle Retail Sales and Leasing
Automobile Rentals	C(12)(19) [(20)]	C(12) [(20)]	C(12) [(20)]	
Automobile/Vehicle Repair, Major	C(12)(19) [(20)]	C(12) [(20)]	C(12) [(20)]	
Automobile/Vehicle Service and Repair, Minor	C(12)(19) [(20)]	C(12) [(20)]	C(12) [(20)]	
Automobile Washing	C(12)(19)	C(12)	C(12)	
Service Station	C	C	C	§ 15-2750, Service Stations
Banks and Financial Institutions				
Banks and Credit Unions	P	P	P	
Check Cashing Businesses and Payday Lenders	-	-	-	§ 15-2715, Check Cashing Businesses, Payday Lenders, and Similar Financial Services
Banquet Hall	C	C	C	§ 15-2712, Banquet Hall
Business Services	P	P	P	
Eating and Drinking Establishments				
Bars/Nightclubs/Lounges	C	C	C	§ 15-2743, Outdoor Cooking for Commercial Purposes; § 15-2744, Outdoor Dining and Patio Areas; § 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges
Restaurant with Alcohol Sales	C	C	C	
Restaurant without Alcohol Sales	P	P	P	
Entertainment and Recreation				
Cinema/Theaters	P	P	P	
Cyber/Internet Cafe	C	C	C	§ 15-2724, Cyber/Internet Cafes
Small-Scale	P	P	P	§ 15-2708, Arcades, Video Games, and Family Entertainment Centers, § 9-1801, Billiard Rooms
Food and Beverage Sales				
Farmer's Markets	P	P	P	§ 15-2730, Farmer's Markets
General Market	P	P	P	§ 15-2744, Outdoor Dining and Patio Areas; § 15-2745, Outdoor Retail Sales
Healthy Food Grocer	P	P	P	
Liquor Stores	C(12)	C(12)	C(12)	§ 15-2707, Alcohol Sales; § 15-2745, Outdoor Retail Sales
Food Preparation	P(1)	P(1)	P(1)	
Funeral Parlors and Internment Services	P(1)	P(1)	P(1)	§ 15-2714, Body Preparation and Funeral Services
Live/Work	P	P	P	
Lodging				
Bed and Breakfast	P	P	P	
Hotels and Motels	P(8)	P(8)	P	

Maintenance and Repair Services	P	P	P	
Offices				
Business and Professional	P	P	P	
Medical and Dental	P	P	P	
Walk-in Clientele	P	P	P	
Personal Services				
General Personal Services	P(5)	P	P	
Tattoo or Body Modification Parlor	P(5)(12)	P(12)	P(12)	§ 15-2758, Tattoo or Body Modification Parlor
Retail Sales				
Building Materials and Services	-	-	C[(20)]	§ 15-2745, Outdoor Retail Sales
Convenience Retail	P	P	P	§ 15-2745, Outdoor Retail Sales; § 15-2761 Tobacco and Vapor Shops
General Retail	P	P	P	§ 15-2733, Hobby Stores; § 15-2745, Outdoor Retail Sales
Large-Format Retail	P	P	P	§ 15-2737, Large-Format Retail; § 15-2745, Outdoor Retail Sales
Nurseries and Garden Centers	P	P	P	§ 15-2745, Outdoor Retail Sales
Second Hand/Thrift Stores	P	P	P	
Swap Meet/Flea Market	C	C	C	§ 15-2730, Flea Markets
Industrial Use Classifications				
Custom Manufacturing	P(12)(19) [(20)]	P(12) [(20)]	P(12) [(20)]	
Limited Industrial	C(13)(18) (19) [(20)]	C(13) [(20)]	C(13) [(20)]	
Recycling Facility				
Reverse Vending Machine	P	P	P	§ 15-2750, Recycling Facilities
Warehousing, Storage, and Distribution				
Personal Storage	C[(20)]	C[(20)]	C[(20)]	§ 15-2747, Personal (Mini) Storage
Transportation, Communication, and Utilities Use Classifications				
Airports and Heliports		-	C(10) [(20)]	
Communication Facilities				
Antenna and Transmission Towers	See Section 15-2759, Telecommunications and Wireless Facilities [(20)]			
Transportation Passenger Terminals	-	-	C	
Utilities, Minor	P[(20)]	P[(20)]	P[(20)]	
Agricultural and Extractive Use Classifications				
Produce Stands	P	P	P	§ 15-2752, Roadside Fruit Stands/Grower Stands
Tasting Room	C	C	C	
Urban Farm	P	-	-	§ 15-2719, Community Gardens/Urban Farms
Other Applicable Types				
Accessory Uses and Structures	§ 15-2703, Accessory Uses			
Home Gardens	§ 15-2734, Home Gardens and Edible Landscaping			
Home Occupations	§ 15-2735, Home Occupations			
Animal Keeping	§ 15-2707, Animal Keeping			
Drive-In and Drive-Through Facilities	C(15)	C(15)	C(15)	§ 15-2728, Drive-In and Drive-Through Facilities
Walk-Up Facilities	§ 15-2766, Walk-Up Facilities			

Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots
Temporary Use	§ 15-2760, Temporary Uses
Transitional and Supportive Housing	§ 15-2762, Transitional and Supportive Housing
Specific Limitations: 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. Reserved. 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. Reserved. 17. Reserved. 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. 19. Prohibited in the following areas: Parcels which are located south of State Route 180 and west of the Union Pacific Railroad. [20. Electrified fences are permitted pursuant to FMC Section 15-2010. When the subject property has a Mixed-Use zoning designation and abuts vacant or existing residential uses within a Residential, Mixed-Use, or Downtown District, additional requirements are applicable as outlined in Section K of FMC Section 15-2010.]	

SECTION 3. Table 15-1402 of the Fresno Municipal Code is amended to read:

TABLE 15-1402: LAND USE REGULATIONS—PUBLIC AND SEMI-PUBLIC DISTRICTS				
Use Classifications	OS	PR	PI	Additional Regulations
Residential Use Classifications				
Multi-Unit Residential	-	-	P(8)	
Public and Semi-Public Use Classifications				
Cemetery	P[(9)]	-	P[(9)]	
Colleges and Trade Schools, Public or Private	-	-	P	
Community and Religious Assembly (less than 2,000 square feet)	C(1)	P(1)	P	§ 15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	-	P(1)	P	
Community Garden	P	P	P	§ 15-2720, Community Gardens/Urban Farms

Conference/Convention Facility	-	-	P	
Cultural Institutions	-	P	P	
Day Care Centers	-	-	P	§ 15-2725, Day Care Centers and Family Child Care Homes
Emergency Shelter	-	-	P	§ 15-2729, Emergency Shelters
Government Offices	-	-	P	
Hospitals and Clinics				
Hospital	-	-	P(5)	
Clinic	-	-	P	
Substance Abuse Treatment Clinic	-	-	C(6)	
Instructional Services	-	-	P	
Park and Recreation Facilities, Public	P[(9)]	P[(9)]	P[(9)]	
Parking, Public or Private	C[(9)]	C[(9)]	C[(9)]	
Public Safety Facilities	C[(9)]	C[(9)]	P[(9)]	
Schools, Public or Private	-	-	P	
Social Service Facilities	-	-	P	
Commercial Use Classifications				
Animal Care, Sales and Services				
Kennels	-	-	C(2)	
Eating and Drinking Establishments				
Restaurant with Alcohol Sales	-	-	C(3)	§ 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges; § 15-2744, Outdoor Dining and Patio Areas
Restaurant without Alcohol Sales	-	P(5)	P(6)	
Entertainment and Recreation				
Large-Scale	-	P(7)	-	
Food and Beverage Sales				
Farmer's Markets		C	P	§ 15-2730, Farmer's Markets
Retail Sales				
General Retail	-	-	P(3)	§ 15-2745, Outdoor Retail Sales
Industrial Use Classifications				
Recycling Facility				
Reverse Vending Machine	-	-	-	§ 15-2750, Recycling Facilities
Recycling Processing Facility	-	-	C[(9)]	
Transportation, Communication, and Utilities Use Classifications				
Airports and Heliports	-	-	C(4) [(9)]	
Communication Facilities				
Antennae and Transmission Towers				§ 15-2759, Telecommunications and Wireless Facilities [(9)]
Facilities within Buildings	-	-	P	
Transportation Passenger Terminals	-	-	P	
Utilities, Major	C[(9)]	-	P[(9)]	
Utilities, Minor	P[(9)]	P[(9)]	P[(9)]	
Waste Transfer Facility	-	-	C[(9)]	
Agricultural and Extractive Use Classifications				
Crop Cultivation	P	-	-	§ 15-2716, Crop Cultivation
Produce Stand	P	-	-	§ 15-2752, Roadside Fruit Stands/Grower Stands
Urban Farm	P	-	-	§ 15-2720, Community Gardens/Urban Farms
Other Applicable Types				
Accessory Uses and Structures				§ 15-2703, Accessory Uses
Home Gardens				§ 15-2734, Home Gardens and Edible Landscaping

Animal Keeping	§ 15-2707, Animal Keeping			
Drive-In and Drive-Through Facilities	-	-	-	§ 15-2728, Drive-In and Drive-Through Facilities
Walk-Up Facilities	§ 15-2766, Walk-Up Facilities			
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots			
Temporary Use	§ 15-2760, Temporary Uses			
Specific Limitations:				
1. Limited to facilities associated with park and recreation facilities.				
2. Limited to government or non-profit animal shelters located a minimum of 100 feet from a residential use or district.				
3. Limited to gift shops, cafes, and restaurants that are an accessory to cultural institutions, community and religious assembly, and conference/convention centers.				
4. Heliports used as accessory to a hospital are permitted by right and shall not require a Conditional Use Permit.				
5. Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals.				
6. Must include an indoor waiting area.				
7. Limited to golf courses.				
8. Limited to on-campus housing operated by an accredited school.				
[9. Electrified fences are permitted pursuant to FMC Section 15-2010.]				

SECTION 4. Table 15-1502 of the Fresno Municipal Code is amended to read:

TABLE 15-1502: USE REGULATIONS—DOWNTOWN DISTRICTS										
Use Classification	Activity Class									Additional Regulations See Figure 15-1501 for Activity Classifications Map
	DTN			DTG			DTC			
	A	B	C	A	B	C	A	B	C	
Residential Use Classifications										
Residential Housing Types										
Single-Unit Dwelling, Attached	—	P	P	—	P	P	—	—	—	
Second Dwelling Unit	—	P	P	—	P	P	—	—	—	§ 15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Double-Unit Residential	—	P	P	—	P	P	—	P	P	
Multi-Unit Residential	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Adult Family Day Care										
Small (6 clients or less)	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Large (7 to 12 clients)	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Caretaker Residence	P(1)	P	P	P(1)	P	P	P(1)	P	P	

Domestic Violence Residence	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Elderly and Long-Term Care	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Family Day Care										
Small (8 children or less)	P(1)	P	P	P(1)	P	P	P(1)	P	P	§ 15-2725, Day Care Centers and Family Child Care Homes
Large (9 to 14 children)	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Group Residential										
Small (6 persons or less)	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Large (7 persons or more)	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Lodging-to-Dwelling Conversion	C	C	C	C	C	C	C	C	C	§ 15-2737.5 Lodging-to-Dwelling Conversion Requirements
Re-Entry Facility	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Residential Care Facilities										
Residential Care, General	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Residential Care, Limited	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Residential Care, Senior	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Single Room Occupancy	P(1)	P	P	P(1)	P	P	P(1)	P	P	§ 15-2756, Single Room Occupancy Hotels and Boarding Homes
Public and Semi-Public Use Classifications										
Colleges and Trade Schools, Public or Private	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Community and Religious Assembly (less than 2,000 square feet)	P(1)	P	P	P(1)	P	P	P(1)	P	P	§ 15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Community Garden	P(1)	P	P	P(1)	P	P	P(1)	P	P	§ 15-2720, Community Gardens/Urban Farms

Conference/Convention Facility	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Cultural Institutions	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Day Care Centers	P(1)	P	P	P(1)	P	P	P(1)	P	P	§ 15-2725, Day Care Centers and Family Child Care Homes
Emergency Shelter	P(1)	P	P	P(1)	P	P	P(1)	P	P	§ 15-2729, Emergency Shelters
Government Offices	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Hospitals and Clinics										
Hospital	—	C	C	—	C	C	—	C	C	
Clinic	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Instructional Services	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Park and Recreation Facilities, Public	P	P	P	P	P	P	P	P	P	
Parking, Public or Private	P[(9)]	P[(9)]	P[(9)]	P[(9)]	P[(9)]	P[(9)]	P	P	P	§ 15-1504-G, Parking Buffering; § 15-1504-H, Parking Access and Entrance Design
Public Safety Facilities	—	P[(10)]	P[(10)]	—	P[(10)]	P[(10)]	—	P	P	
Schools, Public or Private	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Social Service Facilities	—	P	P	—	P	P	—	P	P	
Commercial Use Classifications										
Adult-Oriented Business	—	C	C	—	C	C	—	C	C	§ 15-2705, Adult-Oriented Businesses; § 9-2001, Picture and Live Arcades
Animal Care, Sales and Services										
Grooming and Pet Stores	P(2)	P(2)	P(4)	P(2)	P(2)	P(4)	P(2)	P(2)	P(4)	
Veterinary Services	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Artist's Studio	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Automobile/Vehicle Sales and Services										
Automobile Rentals	P(8) [(10)]	P(5) [(10)]	P(5) [(10)]	—	P(5) [(10)]	P(5) [(10)]	—	—	—	§ 15-2709, Automobile and Motorcycle

										Sales and Leasing
Automobile/Vehicle Sales and Leasing	P(8) [(10)]	P(5) [(10)]	P(5) [(10)]	—	P(5) [(10)]	P(5) [(10)]	—	—	—	
Automobile/Vehicle Service and Repair, Minor	P(8) [(10)]	P(5) [(10)]	P(5) [(10)]	—	P(5) [(10)]	P(5) [(10)]	—	—	—	§ 15-2710, Automobile/Vehicle Service and Repair, Major and Minor
Large Vehicle and Equipment Sales, Service and Rental	P(8) [(10)]	P(8) [(10)]	P(8) [(10)]	—	—	—	—	—	—	§ 15-2711, Automobile/Vehicle Service and Repair, Major and Minor
Service Station	—	C(5)	C(5)	—	C(5)	C(5)	—	—	—	§ 15-2755, Service Stations
Banks and Financial Institutions										
Banks and Credit Unions	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Business Services	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Banquet Hall	P	P	P	P	P	P	P	P	P	§ 15-2712, Banquet Hall
Eating and Drinking Establishments										
Bars/Nightclubs/Lounges	P(3)	P(3)	P(4)	P(3)	P(3)	P(4)	P(3)	P(3)	P(4)	§ 15-2751, Restaurants with Alcohol Sales; Bars, Nightclubs, and Lounges; § 15-2744, Outdoor Dining and Patio Areas
Restaurant, with Alcohol Sales	P(3)	P(3)	P(4)	P(3)	P(3)	P(4)	P(3)	P(3)	P(4)	
Restaurant, without Alcohol Sales	P(3)	P(3)	P(4)	P(3)	P(3)	P(4)	P(3)	P(3)	P(4)	
Entertainment and Recreation										
Cinema/Theaters	P	—	—	P	—	—	P	P	P	
Cyber/Internet Cafés	P(2)	P(2)	P(4)	P(2)	P(2)	P(4)	P(2)	P(2)	P(4)	§ 15-2724, Cyber/Internet Cafés
Motorcycle/Riding Club	P(5)	P(5)	P(5)	P(5)	P(5)	P(5)	—	—	—	§ 15-2742, Motorcycle/Riding Clubs
Large-Scale	—	C	C	—	C	C	—	C	C	§ 15-2708, Arcades, Video Games, and Family Entertainment Centers

Small-Scale	P	P	P(4)	P	P	P(4)	P	P	P(4)	§ 15-2708, Arcades, Video Games, and Family Entertainment Centers; § 9-1801, Billiard Rooms
Food and Beverage Sales										
Farmer's Markets	P	P	P	P	P	P	P	P	P	§ 15-2730, Farmer's Markets
General Market	P	P	P	P	P	P	P	P	P	§ 15-2744, Outdoor Dining and Patio Areas; § 15-2745, Outdoor Retail Sales
Healthy Food Grocer	P	P	P	P	P	P	P	P	P	
Liquor Stores	—	C(3)	C(3)	—	C(3)	C(3)	—	C(3)	C(3)	§ 15-2706, Alcohol Sales ; § 15-2745, Outdoor Retail Sales
Food Preparation	—	P(1)	P(1)	—	P(1)	P(1)	—	—	—	
Funeral Parlors and Internment Services	—	P	P	—	P	P	—	—	—	§ 15-2714, Body Preparation and Funeral Services
Live/Work	P	P	P	P	P	P	P(1)	P	P	
Lodging										
Bed and Breakfast	P(1)	P	P	P(1)	P	P	P(1)	P	P	§ 15-2714, Bed and Breakfast Lodging
Hotels and Motels	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Maintenance and Repair Services	P(1) [(10)]	P[(10)]	P[(10)]	P(1) [(10)]	P[(10)]	P[(10)]	P(1)	P	P	
Offices										
Business and Professional	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Medical and Dental	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Walk-In Clientele	P(1)	P	P	P(1)	P	P	P(1)	P	P	
Personal Services										
General Personal Services	P	P	P	P	P	P	P	P	P	
Fortune Telling Service	P	P	P	P	P	P	P	P	P	
Massage Establishments	C	C	C	C	C	C	C	C	C	

Tattoo or Body Modification Parlor	P	P	P	P	P	P	P	P	P	§ 15-2758, Tattoo or Body Modification Parlors
Retail Sales										
Building Materials and Services	—	P(5) [(10)]	P(5) [(10)]	—	P(5) [(10)]	P(5) [(10)]	—	—	—	§ 15-2745, Outdoor Retail Sales
Convenience Retail	P(2)	P(2)	P(4)	P(2)	P(2)	P(4)	P(2)	P(2)	P(4)	§ 15-2745, Outdoor Retail Sales; § 15-2761 Tobacco and Vapor Sales
General Retail	P(2)	P(2)	P(4)	P(2)	P(2)	P(4)	P(2)	P(2)	P(4)	§ 15-2743, Hobby Stores; § 15-2745, Outdoor Retail Sales
Large-Format Retail	—	—	—	—	—	—	P	—	P	§ 15-2737, Large-Format Retail; § 15-2745, Outdoor Retail Sales
Nurseries and Garden Centers	P(7)	P(7)	P(7)	P(7)	P(7)	P(7)	P(7)	P(7)	P(7)	§ 15-2745, Outdoor Retail Sales
Pawn Shops	—	P	—	—	P	—	—	P	P	
Second Hand/Thrift Stores	P(2)	P(2)	P(4)	P(2)	P(2)	P(4)	P(2)	P(2)	P(4)	
Swap Meet/Flea Market	—	P	—	—	—	—	—	P	P	§ 15-2730, Flea Markets
Industrial Use Classifications										
Custom Manufacturing	P(1) [(10)]	P(1) [(10)]	P(1) [(10)]	P(1) [(10)]	P(1) [(10)]	P(1) [(10)]	P(1)	P	P	
Limited Industrial	C(8) [(10)]	P(5) [(10)]	P(5) [(10)]	—	P(1) (5) [(10)]	P(5) [(10)]	—	—	—	
General Industrial	C(8) [(10)]	C(8) [(10)]	C(8) [(10)]	—	—	—	—	—	—	
Recycling Facility										
Reverse Vending Machine	—	P	P	—	P	P	—	P	P	§ 15-2750, Recycling Facilities
Research and Development	C(8) [(10)]	P(5) [(10)]	P(5) [(10)]	—	P(5) [(10)]	P(5) [(10)]	—	—	—	
Warehousing, Storage, and Distribution										
Indoor Warehousing and Storage	C(8) [(10)]	C(8)	C(8) [(10)]	—	—	—	—	—	—	

		[(10)]								
Outdoor storage	C(8) [(10)]	C(8) [(10)]	C(8) [(10)]	—	—	—	—	—	—	
Personal Storage	—	C(5) [(10)]	C(5) [(10)]	—	C(5) [(10)]	C(5) [(10)]	—	—	—	§ 2747, Personal (Mini) Storage
Wholesaling and Distribution	C(8) [(10)]	C(8) [(10)]	C(8) [(10)]	—	—	—	—	—	—	
Transportation, Communication, and Utilities Use Classifications										
Communication Facilities										
Antenna and Transmission Towers	§ 15-2759, Telecommunications and Wireless Facilities									
Facilities within Buildings	—	C	C	—	C	C	—	C	C	
Freight/Truck Terminals and Warehouses	C(8) [(10)]	C(8) [(10)]	C(8) [(10)]	—	—	—	—	—	—	
Light Fleet-Based Services	C(8) [(10)]	P(5) [(10)]	P(5) [(10)]	—	P(5) [(10)]	P(5) [(10)]	—	—	—	
Transportation Passenger Terminals	P	P	P	—	—	P	P	P	P	
Utilities, Major	—	C[(10)]	C[(10)]	—	C[(10)]	C[(10)]	—	C	C	
Utilities, Minor	—	C[(10)]	C[(10)]	—	C[(10)]	C[(10)]	—	C	C	
Agricultural and Extractive Use Classifications										
Produce Stand	P	P	P	P	P	P	P	P	P	§ 15-2752, Roadside Fruit Stands/Grower Stands
Tasting Room	P	P	P	P	P	P	P	P	P	
Urban Farm	—	P	P	—	P	P	—	P	P	§ 15-2720, Community Gardens/Urban Farms
Other Applicable Types										
Accessory Uses and Structures	§ 15-2703, Accessory Uses									
Animal Keeping	§ 15-2707, Animal Keeping									
Drive-In and Drive-Through Facilities	—	C(6))	C(6)	—	C(6)	C(6)	—	C(6))	C(6))	§ 15-2728, Drive-In and Drive-Through Facilities
Home Gardens	§ 15-2734, Home Gardens and Edible Landscaping									
Home Occupations	§ 15-2735, Home Occupations									
Nonconforming Use	Article 4, Nonconforming Uses, Structures, Site Features, and Lots									

Temporary Use	§ 15-2760, Temporary Uses
Transitional and Supportive Housing	§ 15-2762, Transitional and Supportive Housing
Walk-Up Facilities	§ 15-2766, Walk-Up Facilities
Specific Limitations: 1. Permitted only on upper floors and rear portions of the ground floor, no closer than 30 feet from a public street, public plaza, or park. Exception: Lobbies may occupy ground floor space adjacent to a public street, public plaza, or park. Lobbies may not occupy more than 25 feet of frontage. 2. Permitted only on ground floor. Prohibited on upper floors. 3. Permitted only on ground floor. Prohibited on upper floors. Exception: Also permitted on uppermost floors of buildings over 4 stories in height. 4. Permitted only on ground floor at intersection of two public streets. May not exceed 2,500 square feet in floor area. 5. Permitted south of Inyo Street only. 6. Not allowed between a building and a sidewalk. 7. Permitted if located entirely within a building. When located outdoors, permitted south of Inyo Street only. 8. East of State Route 41 only. [9. Electrified fences are permitted for private parking only pursuant to FMC Section 15-2010.] [10. Electrified fences are permitted pursuant to FMC Section 15-2010.]	

SECTION 5: This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

PREVIOUS VERSION

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

I, TODD STERMER, 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 _____ 2022.

AYES
NOES
ABSENT
ABSTAIN:

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
RINA GONZALES,
City Attorney

BY: _____
Name Date
Title

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING CHAPTER 15 SECTION 15-2010, **TABLE 15-1102**, AND **TABLE 15-1402** OF THE FRESNO MUNICIPAL
CODE, AMENDING REGULATIONS RELATED TO
ELECTRIC FENCES

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

SECTION 1. Section 15-2010 of the Fresno Municipal Code is modified as follows:

SEC. 15-2010. ELECTRI[FIED]G-FENCES.

Electrified fences shall comply with the following regulations. [The requirements contained in Section 15-2009 do not apply to Electrified Fencing allowed pursuant to this Section.]

A. Permitted Locations.

1. In non-residential zones, in which Security Fencing is permitted. [including all Commercial Districts, all Employment Districts, all Downtown Districts with the exception of the Downtown Core (B10), and specified Use Classifications under Mixed-Use Districts and Public and Semi-Public Districts.
2. Electri[fied] fences shall not encroach into the public right-of-way.
3. [When the subject property has a Mixed-Use or Downtown zoning designation and abuts vacant or existing residential uses within a Residential, Mixed-Use, or Downtown district, such properties are subject to additional requirements as outlined in Section 15-2010(K) below.]
4. [When the subject property has a Mixed-Use or Public and Semi-Public zoning designation, only certain uses shall be permitted to have electrified fences as identified in Table 15-1102 (Mixed-Use) and 15-1402 (Public and Semi-Public)].
5. [When the subject property has a Mixed-Use zoning designation and contains legal non-conforming uses pursuant to Section 15-404, such uses shall be permitted to have electrified fences if such use is permitted in an Employment District.]

B. Compliance with State and Federal Regulations.

1. Electri[fied]e fencing shall comply with the California Civil Code Section 835 and the California Building Code, as amended from time to time.

2. Only allowed to be installed with a permit issued under the requirements of applicable building and electrical codes, and only allowed to be activated after an approved final inspection of the installation.
3. Fire access, warning signs, electrical connections, etc., shall comply with the Building Code and Fire regulations.

C. Electricity.

1. Shall conform to the California Civil Code Section 835 and shall only be powered by a commercial storage battery not to exceed 12 volts of direct current (DC) or another approved 12 volt DC or lower voltage-power source.
2. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standard No. 60335-2-7.
3. Non-low voltage electrical components (e.g. controllers, transformers) of the electric fencing system shall be approved and listed by an Occupational Safety and Health Act (OSHA) Nationally Recognized Testing laboratory (NRTL).

D. Perimeter Fence or Wall. No electric fence shall be installed or used unless it is completely surrounded by a nonelectrical fence or wall that is a minimum six [five] feet in height. Should a non-electrical fence not exist, one shall be installed prior to the electric fence being operational. When abutting an existing residential use, the protective barrier shall consist of a solid material (i.e. wooden fence, block wall, an approved mesh material, or equivalent material)].

E. Setbacks. Non-electrical fencing behind which electric fencing is installed shall comply with setbacks of the underlying zone district unless the non-electrical fence is legally non-conforming.

F. Height. Shall have a maximum height of ten feet regardless of location on the property.

G. Warning Signs. Shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not less than 30 feet.

H. Permit. Property owner(s) shall apply for a permit with the City prior to installation.

I. City Indemnification. Prior to the installation of electric fencing, the fence owner shall obtain a permit and execute an agreement to defend, hold harmless, and indemnify the City against all claims related to the fencing.

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.

[K. Additional Requirements Pertaining to Certain Property

1. When the subject property has a Mixed-Use or Downtown zoning designation and abuts vacant or existing residential uses within a Residential, Mixed-Use or Downtown district, the following special permit provisions apply.
 - a. Requests for Electrified Fences shall be processed as a Development Permit in accordance with Chapter 15, Article 52 of the Fresno Municipal Code.
 - b. Within 3 days of the Director's decision, a notice shall be sent from the Director or designee via e-mail to the Councilmember whose district the approved electrified fence is located.]

SECTION 2. Table 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				
Residential Housing Types				
Single-Unit Dwelling, Attached	P(1)	P(1)	P(1)	§ 15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Multi-Unit Residential	P(1)	P(1)	P(1)	

Adult Family Day Care				
Small (6 clients or less)	P(1)	P(1)	-	
Large (7 to 12 clients)	P(1)	-	-	
Caretaker Residence	P(1)	P(1)	P(1)	
Domestic Violence Shelter				
Small (6 persons or less)	P(1)	P(1)	P(1)	
Large (7 persons or more)	P(1)	P(1)	P(1)	
Elderly and Long-Term Care	P(1)	P(1)	P(1)	
Family Day Care				
Small (8 or fewer children)	P(1)	P(1)	P(1)	§ 15-2725, Day Care Centers and Family Child Care Homes
Large (9 to 14 children)	P(1)	P(1)	P(1)	
Group Residential				
Small (6 persons or less)	P(1)	P(1)	P(1)	
Large (7 persons or more)	P(1)	P(1)	P(1)	
Lodging-to-Dwelling Conversion	C	C	C	§ 15-2727, Lodging-to-Dwelling Conversion Requirements
Residential Care Facilities				
Residential Care, Limited	P(1)	P(1)	P(1)	
Residential Care, Senior	P(1)	P(1)	P(1)	
Single Room Occupancy	C	C	C	
Public and Semi-Public Use Classifications				
Colleges and Trade Schools, Public or Private	C	C	S(3)	
Community and Religious Assembly (less than 2,000 square feet)	P	P	P	§ 15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	P	P	P	
Community Garden	P	P	P	§ 15-2720, Community Gardens/Urban Farms
Conference/Convention Facility	C	C	C	
Cultural Institutions	P	P	P	
Day Care Centers	P	P	P	§ 15-2725, Day Care Centers and Family Child Care Homes
Emergency Shelter	-	-	P	§ 15-2729, Emergency Shelters
Government Offices	P(1)	P(1)	P(1)	
Hospitals and Clinics				
Hospital	-	C(11)	C(11)	
Clinic	P	P	P	
Substance Abuse Treatment Clinic	C(14)	C(14)	C(14)	
Instructional Services	P	P	P	
Park and Recreation Facilities, Public	P	P	P	
Parking, Public or Private	-	C(6) [(20)]	C(6) [(20)]	
Public Safety Facilities	C[(20)]	C[(20)]	C[(20)]	

Schools, Public or Private	P	P	P	
Social Service Facilities	P(1)	P(1)	P(1)	
Commercial Use Classifications				
Animal Care, Sales and Services				
Grooming and Pet Stores	P	P	P	
Veterinary Services	-	C(7)	C(7)	
Artist's Studio	P	P	P	
Automobile/Vehicle Sales and Services				
Automobile/Vehicle Sales and Leasing	C(18) [(20)]	C(13) [(20)]	C(13) [(20)]	§ 15-2709, Automobile and Motorcycle Retail Sales and Leasing
Automobile Rentals	C(12)(19) [(20)]	C(12) [(20)]	C(12) [(20)]	
Automobile/Vehicle Repair, Major	C(12)(19) [(20)]	C(12) [(20)]	C(12) [(20)]	
Automobile/Vehicle Service and Repair, Minor	C(12)(19) [(20)]	C(12) [(20)]	C(12) [(20)]	
Automobile Washing	C(12)(19)	C(12)	C(12)	
Service Station	C	C	C	§ 15-2755, Service Stations
Banks and Financial Institutions				
Banks and Credit Unions	P	P	P	
Check Cashing Businesses and Payday Lenders	-	-		§ 15-2715, Check Cashing Businesses, Payday Lenders, and Similar Financial Services
Banquet Hall	C	C	C	§ 15-2712, Banquet Hall
Business Services	P	P	P	
Eating and Drinking Establishments				
Bars/Nightclubs/Lounges	C	C	C	§ 15-2743, Outdoor Cooking for Commercial Purposes; § 15-2744, Outdoor Dining and Patio Areas; § 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges
Restaurant with Alcohol Sales	C	C	C	
Restaurant without Alcohol Sales	P	P	P	
Entertainment and Recreation				
Cinema/Theaters	P	P	P	
Cyber/Internet Cafe	C	C	C	§ 15-2724, Cyber/Internet Cafes
Small-Scale	P	P	P	§ 15-2708, Arcades, Video Games, and Family Entertainment Centers, § 9-1801, Billiard Rooms
Food and Beverage Sales				
Farmer's Markets	P	P	P	§ 15-2730, Farmer's Markets

General Market	P	P	P	§ 15-2744, Outdoor Dining and Patio Areas; § 15-2745, Outdoor Retail Sales
Healthy Food Grocer	P	P	P	
Liquor Stores	C(12)	C(12)	C(12)	§ 15-2707, Alcohol Sales; § 15-2745, Outdoor Retail Sales
Food Preparation	P(1)	P(1)	P(1)	
Funeral Parlors and Internment Services	P(1)	P(1)	P(1)	§ 15-2714, Body Preparation and Funeral Services
Live/Work	P	P	P	
Lodging				
Bed and Breakfast	P	P	P	
Hotels and Motels	P(8)	P(8)	P	
Maintenance and Repair Services	P	P	P	
Offices				
Business and Professional	P	P	P	
Medical and Dental	P	P	P	
Walk-in Clientele	P	P	P	
Personal Services				
General Personal Services	P(5)	P	P	
Tattoo or Body Modification Parlor	P(5)(12)	P(12)	P(12)	§ 15-2758, Tattoo or Body Modification Parlor
Retail Sales				
Building Materials and Services	-		C[(20)]	§ 15-2745, Outdoor Retail Sales
Convenience Retail	P	P	P	§ 15-2745, Outdoor Retail Sales; 15-2761 Tobacco and Vapor Shops
General Retail	P	P	P	§ 15-2733, Hobby Stores; § 15-2745, Outdoor Retail Sales
Large-Format Retail	P	P	P	§ 15-2737, Large-Format Retail; § 15-2745, Outdoor Retail Sales
Nurseries and Garden Centers	P	P	P	§ 15-2745, Outdoor Retail Sales
Second Hand/ Thrift Stores	P	P	P	
Swap Meet/ Flea Market	C	C	C	§ 15-2730, Flea Markets
Industrial Use Classifications				
Custom Manufacturing	P(12)(19) [(20)]	P(12) [(20)]	P(12) [(20)]	
Limited Industrial	C(13)(18) (19) [(20)]	C(13) [(20)]	C(13) [(20)]	
Recycling Facility				
Reverse Vending Machine	P	P	P	§ 15-2750, Recycling Facilities
Warehousing, Storage, and Distribution				

Personal Storage	C[(20)]	C[(20)]	C[(20)]	§ 15-2747, Personal (Mini) Storage
Transportation, Communication, and Utilities Use Classifications				
Airports and Heliports	-	-	C(10) [(20)]	
Communication Facilities				
Antenna and Transmission Towers	See Section 15-2759, Telecommunications and Wireless Facilities [(20)]			
Transportation Passenger Terminals	-	-	C	
Utilities, Minor	P[(20)]	P[(20)]	P[(20)]	
Agricultural and Extractive Use Classifications				
Produce Stand	P	P	P	§ 15-2752, Roadside Fruit Stands/Crowder Stands
Tasting Room	C	C	C	
Urban Farm	P	-	-	§ 15-2719, Community Gardens/Urban Farms
Other Applicable Types				
Accessory Uses and Structures	§ 15-2703, Accessory Uses			
Home Gardens	§ 15-2734, Home Gardens and Edible Landscaping			
Home Occupations	§ 15-2735, Home Occupations			
Animal Keeping	§ 15-2707, Animal Keeping			
Drive-In and Drive-Through Facilities	C(15)	C(15)	C(15)	§ 15-2728, Drive-In and Drive-Through Facilities
Walk-Up Facilities	§ 15-2706, Walk-Up Facilities			
Non-Conforming Use	Article 1, Non-Conforming Uses, Structures, Site Features, and Lots			
Temporary Use	§ 15-2760, Temporary Uses			
Transitional and Supportive Housing	§ 15-2762, Transitional and Supportive Housing			
Specific Limitations:				
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. Reserved.				
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. Reserved.
17. Reserved.
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.
19. Prohibited in the following areas: Parcels which are located south of State Route 180 and west of the Union Pacific Railroad.
- [20. Electrified fences are permitted pursuant to FMC Section 15-2010. When the subject property has a Mixed-Use zoning designation and abuts vacant or existing residential uses within a Residential, Mixed-Use, or Downtown District, additional requirements are applicable as outlined in Section K of FMC Section 15-2010.]

SECTION 3. Table 15-1402 of the Fresno Municipal Code is amended to read:

TABLE 15-1402: LAND USE REGULATIONS—PUBLIC AND SEMI-PUBLIC DISTRICTS				
Use Classifications	OS	PR	PI	Additional Regulations
Residential Use Classifications				
Multi-Unit Residential	-	-	P(3)	
Public and Semi-Public Use Classifications				
Cemetery	P[(9)]	-	P[(9)]	
Colleges and Trade Schools, Public or Private	-	-	P	
Community and Religious Assembly (less than 2,000 square feet)	C(1)	P(1)	P	§ 15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	-	P(1)	P	
Community Garden	P	P	P	§ 15-2720, Community Gardens/Urban Farms
Conference/Convention Facility	-	-	P	
Cultural Institutions	-	P	P	
Day Care Centers	-	-	P	§ 15-2725, Day Care Centers and Family Child Care Homes
Emergency Shelters	-	-	P	§ 15-2729, Emergency Shelters
Government Offices	-	-	P	
Hospitals and Clinics				
Hospital	-	-	P(5)	
Clinic	-	-	P	
Substance Abuse Treatment Clinic	-	-	C(6)	
Instructional Services	-	-	P	
Park and Recreation Facilities, Public	P[(9)]	P[(9)]	P[(9)]	
Parking, Public or Private	C[(9)]	C[(9)]	C[(9)]	
Public Safety Facilities	C[(9)]	C[(9)]	P[(9)]	
Schools, Public or Private	-	-	P	

Social Service Facilities	-	-	P	
Commercial Use Classifications				
Animal Care, Sales and Services				
Kennels	-	-	C(2)	
Eating and Drinking Establishments				
Restaurant with Alcohol Sales	-	-	C(3)	§ 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges; § 15-2744, Outdoor Dining and Patio Areas
Restaurant without Alcohol Sales	-	P(3)	P(3)	
Entertainment and Recreation				
Large-Scale	-	P(7)	-	
Food and Beverage Sales				
Farmer's Markets	-	C	P	§ 15-2730, Farmer's Markets
Retail Sales				
General Retail	-	-	P(3)	§ 15-2745, Outdoor Retail Sales
Industrial Use Classifications				
Recycling Facility				
Reverse Vending Machine	-	-		§ 15-2750, Recycling Facilities
Recycling Processing Facility	-	-	[(9)]	
Transportation, Communication, and Utilities Use Classifications				
Airports and Heliports	-	-	[(9)]	
Communication Facilities				
Antenna and Transmission Towers				§ 15-2759, Telecommunications and Wireless Facilities [(9)]
Facilities within Buildings	-	-	P	
Transportation Passenger Terminals	-	-	P	
Utilities, Major	C[(9)]	-	P[(9)]	
Utilities, Minor	P[(9)]	P[(9)]	P[(9)]	
Waste Transfer Facility	-	-	C[(9)]	
Agricultural and Extractive Use Classifications				
Crop Cultivation	P	-	-	§ 15-2716, Crop Cultivation
Produce Stand	P	-	-	§ 15-2752, Roadside Fruit Stands/Grower Stands
Urban Farm	P	-	-	§ 15-2720, Community Gardens/Urban Farms
Other Applicable Types				
Accessory Uses and Structures				§ 15-2703, Accessory Uses
Home Gardens				§ 15-2734, Home Gardens and Edible Landscaping
Animal Keeping				§ 15-2707, Animal Keeping
Drive-In and Drive-Through Facilities	-	-	-	§ 15-2728, Drive-In and Drive-Through Facilities
Walk-Up Facilities				§ 15-2766, Walk-Up Facilities
Non-Conforming Use				Article 4, Non-Conforming Uses, Structures, Site Features, and Lots

Temporary Use	§ 15-2760, Temporary Uses
Specific Limitations: 1. Limited to facilities associated with park and recreation facilities. 2. Limited to government or non-profit animal shelters located a minimum of 100 feet from a residential use or district. 3. Limited to gift shops, cafes, and restaurants that are an accessory to cultural institutions, community and religious assembly, and conference/convention centers. 4. Heliports used as accessory to a hospital are permitted by right and shall not require a Conditional Use Permit. 5. Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals. 6. Must include an indoor waiting area. 7. Limited to golf courses. 8. Limited to on-campus housing operated by an accredited school. 9. Electrified fences are permitted pursuant to FMC Section 15-2010.]	

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, TODD STERMER, 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 _____, 2022.

AYES
NOES
ABSENT
ABSTAIN:

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
RINA GONZALES,
City Attorney

BY: _____
Name Date
Title

Exhibit G: Applicant Proposed Revision

BILL NO. _____

ORDINANCE NO. _ _ _ _ _

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTION 15-2010 OF CHAPTER 15 OF THE
FRESNO MUNICIPAL CODE, AMENDING REGULATIONS
RELATED TO ELECTRIC FENCES

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

SECTION 1. Section 15-2010 of the Fresno Municipal Code is modified as follows:

SEC. 15-2010. ELECTRIC FENCES.

Electrified fences shall comply with the following regulations. [The requirements contained in Section 15-2009 do not apply to Electrified Fencing allowed pursuant to this Section.]

A. Permitted Locations.

1. In all non-residential zones in which Security Fencing is permitted. [including all Mixed-Use Districts, all Commercial Districts, all Employment Districts, the Public and Institutional (PI) District (except for school sites), and all Downtown Districts with the exception of the Downtown Core (DTC).]
2. Electric fences shall not encroach into the public right-of-way.
3. [When the subject property has a Mixed-Use or Downtown zoning designation and abuts vacant or existing residential uses within a Residential, Mixed-Use or Downtown district, additional requirements are outlined in Section K below.]

B. Compliance with State and Federal Regulations.

1. Electrified fencing shall comply with the California Civil Code Section 835 and the California Building Code, as amended from time to time.
2. Only allowed to be installed with a permit issued under the requirements of applicable building and electrical codes, and only allowed to be activated after an approved final inspection of the installation.
3. Fire access, warning signs, electrical connections, etc., shall comply with the Building Code and Fire regulations.

C. Electricity.

1. Shall conform to the California Civil Code Section 835 and shall only be powered by a commercial storage battery not to exceed 12 volts of direct current (DC) or another approved 12 volt DC or lower voltage-power source.
2. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standard No. 60335-2-76.
3. Non-low voltage electrical components (e.g. controllers, transformers) of the electric fencing system shall be approved and listed by an Occupational Safety and Health Act (OSHA) Nationally Recognized Testing laboratory (NRTL).
- D. **Perimeter Fence or Wall.** No electric fence shall be installed or used unless it is completely surrounded by a nonelectrical fence or wall that is a minimum six [five] feet in height. Should a non-electrical fence not exist, one shall be installed prior to the electric fence being operational. [When abutting an existing residential use, the protective barrier shall consist of a solid material (i.e. wooden fence, block wall, an approved mesh material, or equivalent material)].
- E. **Setbacks.** Non-electrical fencing behind which electric fencing is installed shall comply with setbacks of the underlying zone district unless the non-electrical fence is legally non-conforming.
- F. **Height.** Shall have a maximum height of ten feet regardless of location on the property.
- G. **Warning Signs.** Shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not less than 30 feet.
- H. **Permit.** Property owner(s) shall apply for a permit with the City prior to installation.
- I. **City Indemnification.** Prior to the installation of electric fencing, the fence owner shall obtain a permit and execute an agreement to defend, hold harmless, and indemnify the City against all claims related to the fencing.
- 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.

[K. Additional Requirements Pertaining to Certain Property]

1. When the subject property has a Mixed-Use or Downtown zoning designation and abuts vacant or existing residential uses within a Residential, Mixed-Use or Downtown district, the following special permit provisions apply.
 - a. Requests for Electrified Fences shall be processed as a Development Permit in accordance with Chapter 15, Article 52 of the Fresno Municipal Code.
 - b. Within 3 days of the Director's decision, a notice shall be sent from the Director or designee via e-mail to the Councilmember whose district the approved electrified fence is located.

SECTION 2: 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 _____ 2021.

AYES
NOES
ABSENT
ABSTAIN:

Mayor Approval: _____, 2021
Mayor Approval/No Return: _____, 2021
Mayor Veto: _____, 2021
Council Overrrde Vote: _____, 2021

City Clerk

BY: _____
Deputy _____ Date _____

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Talía Kollm _____ Date _____
Supervising Deputy City Attorney

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTION 15-2010 OF CHAPTER 15 OF THE FRESNO MUNICIPAL CODE, AMENDING REGULATIONS RELATED TO ELECTRIC FENCES

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

SECTION 1. Section 15-2010 of the Fresno Municipal Code is modified as follows:

SEC. 15-2010. ELECTRIC FENCES.

Electrified fences shall comply with the following regulations. [The requirements contained in Section 15-2009 do not apply to Electrified Fencing allowed pursuant to this Section.]

A. Permitted Locations.

1. In all non-residential zones in which Security Fencing is permitted. [including all Mixed-Use Districts, all Commercial Districts, all Employment Districts, the Public and Institutional (PI) District, and all Downtown Districts with the exception of the Downtown Core (DTC).]
2. Electric fences shall not encroach into the public right-of-way.

B. Compliance with State and Federal Regulations.

1. Electrified fencing shall comply with the California Civil Code Section 835 and the California Building Code, as amended from time to time.
2. Only allowed to be installed with a permit issued under the requirements of applicable building and electrical codes, and only allowed to be activated after an approved final inspection of the installation.
3. Fire access, warning signs, electrical connections, etc., shall comply with the Building Code and Fire regulations.

C. Electricity.

1 of 4

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: _____

Ordinance No.

1. Shall conform to the California Civil Code Section 835 and shall only be powered by a commercial storage battery not to exceed 12 volts of direct current (DC) or another approved 12 volt DC or lower voltage-power source.

2. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standard No. 60335-2-76.

3. Non-low voltage electrical components (e.g. controllers, transformers) on the electric fencing system shall be approved and listed by an Occupational Safety and Health Act (OSHA) Nationally Recognized Testing laboratory (NRTL).

D. Perimeter Fence or Wall. No electric fence shall be installed or used unless it is completely surrounded by a nonelectrical fence or wall that is a minimum six [five] feet in height. Should a non-electrical fence not exist, one shall be installed prior to the electric fence being operational. [When abutting an existing residential use, the protective barrier shall consist of a solid material (i.e. wooden fence, block wall, approved mesh material, or equivalent material)]

E. Setbacks. Non-electrical fencing behind which electric fencing is installed shall comply with setbacks of the underlying zone district unless the non-electrical fence is legally non-conforming.

F. Height. Shall have a maximum height of ten feet regardless of location on the property.

G. Warning Signs. Shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not less than 30 feet.

H. Permit. Property owner(s) shall apply for a permit with the City prior to installation.

I. City Indemnification. Prior to the installation of electric fencing, the fence owner shall obtain a permit and execute an agreement to defend, hold harmless, and indemnify the City against all claims related to the fencing.

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

* * * * *

PREVIOUS VERSION

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

I, BRIANA PARRA, Interim 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 _____ 2021.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2021
Mayor Approval/No Return: _____, 2021
Mayor Veto: _____, 2021
Council Override Vote: _____, 2021

BRIANA PARRA, CMC
Interim City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Rina Gonzales Date
Senior Deputy City Attorney