

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTIONS 15-107, 15-310, 15-902, 15-903, 15-904, 15-1002, 15-1004, 15-1102, 15-1104, 15-1202, 15-1302, 15-1502, 15-2004, 15-2006, 15-2008, 15-2009, 15-2010, 15-2015, 15-2016, 15-2303, 15-2305, 15-2402, 15-2409, 15-2412, 15-2418, 15-2419, 15-2420, 15-2421, 15-2422, 15-2424, 15-2429, 15-2430, 15-2609, 15-2612, 15-2614, 15-2702, 15-2717, 15-2722, 15-2737, 15-2741, 15-2754, 15-3105, 15-3303, 15-3304, 15-3305, 15-3307, 15-3902, 15-3903, 15-3904, 15-3909, 15-4105, 15-4108, 15-5102, 15-6704, 15-6705, OF THE FRESNO MUNICIPAL CODE.

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

SECTION 1. Section 15-107-B of the Fresno Municipal Code is amended as follows:

- B. **Overlay Districts.** Overlay Districts, one or more of which may be combined with a Base District, are established as shown in Table 15-107-B, Overlay Districts.

TABLE 15-107-B: OVERLAY DISTRICTS	
<i>Short Name/Map Symbol</i>	<i>Full Name</i>
BL	Bluff Protection
EA	Expressway Area
RM	Residential Modifying
ANX	Annexed Rural Residential Transitional Overlay
EQ	Equine
M	Mining
AH	Apartment House
[UC]	[Urban Campus]
[NR]	[Neighborhood Revitalization]
[KB]	[Kearney Boulevard Historic Corridor]
[CA]	[California Avenue Transit Corridor]

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: 

Ordinance No.

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

A. **Residential Single-Family Districts.** In Residential Single-Family districts, [residential density shall be measured as follows:]

[1. **Large Sites.** For sites with a pre-subdivided area greater than the Maximum Lot Size for the applicable District, residential density shall be measured in dwelling units per net acre of the subdivision. For example, if a project proposes 150 homes on a site with 30 net acres, it has a residential density of five dwelling units per acre (or five du/ac). The net acreage shall be calculated as the land area of a site remaining after dedication of all areas for major streets, schools, regional trails, certified wetlands or floodplains, and land underneath electric transmission lines. Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters shall be excluded from this calculation.]

[2. **Small Sites.** For sites with a pre-subdivided area equal to or less than the Maximum Lot Size for the applicable District,] residential density shall be measured in dwelling units per subdivided residential lot, ~~regardless of lot size.~~ Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters shall be excluded from this calculation.

SECTION 3. Table 15-902 of the Fresno Municipal Code is amended as follows:

Specific Limitations:

1. ~~Permitted without a Conditional Use Permit if less than 12,000 square feet in active use area and less than 500 square feet total floor area of all enclosed structures (i.e. bathrooms, community rooms, clubhouses, etc.).~~
[Reserved]

SECTION 4. Table 15-903-1 of the Fresno Municipal Code is amended as follows:

TABLE 15-903-1: LOT AND DENSITY STANDARDS—RESIDENTIAL SINGLE-FAMILY DISTRICTS								
District	RE	RS-1	RS-2	RS-3	RS-4	RS-5	Additional Regulations	#
<u>[Residential Density, Large Sites (dwelling units per net acre)]</u>	0.15	1	2.5	3.5	6	12	§15-310, Determining Residential Density	
Residential Density <u>[, Small Sites] (dwelling units per lot)</u>	1	1	1	1	1	1	§15-310, Determining Residential Density	

SECTION 5. Section 15-904 of the Fresno Municipal Code is amended as follows:

[E. **Driveway Paving.** The entire length of the driveway, from the street to the garage or carport, shall be paved. The minimum width of the paved area shall equal the width the garage door, however central landscaped strips (commonly known as ribbon drives or Hollywood drives) may be provided.]

SECTION 6. Table 15-1002 of the Fresno Municipal Code is amended as follows:

TABLE 15-1002: USE REGULATIONS—RESIDENTIAL MULTI-FAMILY DISTRICTS					
District	RM-1	RM-2	RM-3	RM-MH	Additional Regulations

TABLE 15-1002: USE REGULATIONS—RESIDENTIAL MULTI-FAMILY DISTRICTS					
<i>District</i>	<i>RM-1</i>	<i>RM-2</i>	<i>RM-3</i>	<i>RM-MH</i>	<i>Additional Regulations</i>
Residential Use Classifications					
Residential Housing Types					
<i>Single-Unit Dwelling, Detached</i>	P[2]	-	-	-	§15-2738, Manufactured Homes

Specific Limitations:

2. ~~Permitted without a Conditional Use Permit if less than 12,000 square feet in active use area and less than 500 square feet total floor area of all enclosed structures (i.e. bathrooms, community rooms, clubhouses, etc.). Should the site access a major street, this condition shall not be applicable. [Development Standards for the RS-5 District shall apply.]~~

SECTION 7. Section 15-1004-E-1-c-vi of the Fresno Municipal Code is amended as follows:

- vi. A public access easement ~~[covenant]~~ shall be provided for the space.

SECTION 8. Table 15-1102 of the Fresno Municipal Code is amended as follows:

Specific Limitations:

9. ~~Limited to 1,500 square feet in size if on the ground floor. [Reserved]~~
17. ~~Limited to establishments with a gross floor area of 10,000 square feet or less. [Reserved]~~

SECTION 9. Table 15-1104-E-1 of the Fresno Municipal Code is amended as follows:

1. **Minimum Open Space Required.** ~~[On-site open space shall be required for projects with more than four dwelling units.]~~ The minimum amount of on-site open space required shall be based on the size of the lot, as shown in Table 15-1103. This requirement may be met through a combination of private open space, common open space, or public plazas as follows:

SECTION 10. Table 15-1202 of the Fresno Municipal Code is amended as follows:

TABLE 15-1202: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							
<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>
Hospitals and Clinics							
<i>Clinic</i>	C(5)	P(5)	P(5)	P	-	-	
Entertainment and Recreation							
<i>Small-Scale</i>	P	P	P	P	-[P]	P	§15-2708, Arcades, Video Games, and Family Entertainment Centers, §9-1801, Billiard Rooms
Food and Beverage Sales							

TABLE 15-1202: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							
<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>
<i>General Market</i>	P	P	P	P	P(5)	–	§15-2744, Outdoor Dining and Patio Areas; §15-2745, Outdoor Retail Sales
<i>Healthy Food Grocer</i>	P	P	P	P	P(5)	–	
Retail Sales							
<i>Convenience Retail</i>	P	P	P	P	P(5)	C(10)	§15-2745, Outdoor Retail Sales; 15-2761 Tobacco and Vapor Shops

SECTION 11. Table 15-1302 of the Fresno Municipal Code is amended as follows:

TABLE 15-1302: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS						
<i>Use Classifications</i>	<i>O</i>	<i>BP</i>	<i>RBP</i>	<i>IL</i>	<i>IH</i>	<i>Additional Regulations</i>
Animal Care, Sales and Services						
<i>Kennels</i>	–	–[P]	–[P]	P	P	

SECTION 12. Table 15-1502 of the Fresno Municipal Code is amended as follows:

TABLE 15-1502: USE REGULATIONS—DOWNTOWN DISTRICTS										
<i>Activity Class</i> <i>Use Classification</i>	<i>DTN</i>			<i>DTG</i>			<i>DTC</i>			<i>Additional Regulations</i>
	<i>A</i>	<i>B</i>	<i>C</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>A</i>	<i>B</i>	<i>C</i>	
										See Figure 15-1501 for Activity Classifications Map
Commercial Use Classifications										
Automobile/Vehicle Sales and Services										
<i>Automobile Rentals</i>	[P(8)]	P(5)	P(5)	–	P(5)	P(5)	–	–	–	§15-2709, Automobile and Motorcycle Sales and Leasing
<i>Automobile/Vehicle Sales and Leasing</i>	[P(8)]	P(5)	P(5)	–	P(5)	P(5)	–	–	–	
<i>Automobile/Vehicle Service and Repair, Minor</i>	[P(8)]	P(5)	P(5)	–	P(5)	P(5)	–	–	–	§15-2710, Automobile/Vehicle Service and Repair, Major and Minor

TABLE 15-1502: USE REGULATIONS—DOWNTOWN DISTRICTS										
<i>Activity Class</i>	<i>DTN</i>			<i>DTG</i>			<i>DTC</i>			<i>Additional Regulations</i>
	<i>A</i>	<i>B</i>	<i>C</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>See Figure 15-1501 for Activity Classifications Map</i>
<i>[Large Vehicle and Equipment Sales, Service and Rental]</i>	[P(8)]	[P(8)]	[P(8)]	[-]	[-]	[-]	[-]	[-]	[-]	[§15-2710, Automobile/Vehicle Service and Repair, Major and Minor]
Industrial Use Classifications										
Limited Industrial	[C(8)]	P(4) (5)	P(5)	-	P(1) (5)	P(5)	-	-	-	
[General Industrial]	[C(8)]	[C(8)]	[C(8)]	[-]	[-]	[-]	[-]	[-]	[-]	
Recycling Facility										
Research and Development	[C(8)]	P(5)	P(5)	-	P(5)	P(5)	-	-	-	
Warehousing, Storage, and Distribution										
<i>[Indoor Warehousing and Storage]</i>	[C(8)]	[C(8)]	[C(8)]	[-]	[-]	[-]	[-]	[-]	[-]	
<i>[Outdoor Storage]</i>	[C(8)]	[C(8)]	[C(8)]	[-]	[-]	[-]	[-]	[-]	[-]	
<i>[Wholesaling and Distribution]</i>	[C(8)]	[C(8)]	[C(8)]	[-]	[-]	[-]	[-]	[-]	[-]	
Transportation, Communication, and Utilities Use Classifications										
Freight/Truck Terminals and Warehouses	[C(8)]	[C(8)]	[C(8)]	[-]	[-]	[-]	[-]	[-]	[-]	
Light Fleet-Based Services	[C(8)]	P(5)	P(5)	-	P(5)	P(5)	-	-	-	
Specific Limitations:										
[8. East of State Route 41 only.]										

SECTION 13. Section 15-2004-C-3 of the Fresno Municipal Code is amended as follows:

3. An Accessory Structure may contain a toilet, shower, and sink. Bathtubs and stoves are not permitted. The applicant shall sign a covenant that would prohibit the structure from being used [as] habitable space.

SECTION 14. Section 15-2004-D-2-b-i of the Fresno Municipal Code is amended as follows:

- i. If the Accessory Structure is located closer than six feet from the main building, the Accessory Structure shall [comply with the setbacks of the applicable Base and Overlay District] ~~be set back a minimum five feet from the property line.~~

SECTION 15. Section 15-2006-A-7 of the Fresno Municipal Code is amended as follows:

7. Change [from one category of use classification to another (ie, changing from a Commercial Use Classification to a Residential Use Classification as identified in the Use Regulation table of the Base District)] of Occupancy of an existing building as defined by the Building Code; or,

SECTION 16. Section 15-2008-A-7 of the Fresno Municipal Code is amended as follows:

7. Change [from one category of use classification to another (ie, changing from a Commercial Use Classification to a Residential Use Classification as identified in the Use Regulation table of the Base District)] of Occupancy of an existing building as defined by the Building Code; or,

SECTION 17. Section 15-2009-F of the Fresno Municipal Code is amended as follows:

- F. **City Indemnification.** Prior to the installation of security fencing, the fence owner shall obtain a permit and execute an agreement, ~~with any required subordinations prepared by the City,~~ to defend, hold harmless, and indemnify the City against all claims related to the fencing.

SECTION 18. Section 15-2010-A-1 of the Fresno Municipal Code is amended as follows:

1. In all non-residential zones [in which Security Fencing is permitted].

SECTION 19. Section 15-2010-G of the Fresno Municipal Code is amended as follows:

- G. **Warning Signs.** Shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not less than ~~60~~ [30] feet.

SECTION 20. Section 15-2010-I of the Fresno Municipal Code is amended as follows:

- I. **City Indemnification.** Prior to the installation of electric fencing, the fence owner shall obtain a permit and execute an agreement, ~~with any required subordinations prepared by the City,~~ to defend, hold harmless, and indemnify the City against all claims related to the fencing.

SECTION 21. Section 15-2015-A-7 of the Fresno Municipal Code is amended as follows:

7. Change [from one category of use classification to another (ie, changing from a Commercial Use Classification to a Residential Use Classification as identified in the Use Regulation table of the Base District)] of Occupancy of an existing building as defined by the Building Code; or,

SECTION 22. Section 15-2015-B-2 of the Fresno Municipal Code is amended as follows:

2. **General Standards.**
 - a. *Single-Family Districts.* Each new home shall provide at a minimum, lighting proximate to the main entrance, the garage/carport, and alley, if present.
 - b. *Multiple-Unit Residential Buildings.* Aisles, passageways, recesses, ~~parking areas, carports, garages,~~ etc., related to and within the building complex shall be illuminated with an

intensity of at least 0.25 foot-candles at the ground level during the hours of darkness. Lighting devices shall be protected by weather and vandal-resistant covers.

- c. *Pedestrian-Oriented Lighting.* In Multi-Family, Mixed-Use, and Commercial Districts, exterior lighting with an intensity of at least 0.25 foot-candles at the ground level shall be provided for a secure nighttime pedestrian environment by reinforcing entrances, public sidewalks and open areas with a safe level of illumination.
- d. *Non-Residential Buildings.* All exterior doors, during the hours of darkness, shall be illuminated with a minimum of 0.5 foot-candle of light.
- e. *Trails/Paseos.* As determined by the Public Works Director.
- ~~f. *Parking Lots and Garages.* All parking lots and garages shall be illuminated with a minimum of 0.5 foot-candle of light.~~

SECTION 23. Section 15-2016-A-7 of the Fresno Municipal Code is amended as follows:

- 7. Change ~~[from one category of use classification to another (ie, changing from a Commercial Use Classification to a Residential Use Classification as identified in the Use Regulation table of the Base District)] of Occupancy of an existing building as defined by the Building Code;~~ or,

SECTION 24. Section 15-2016-D-3 of the Fresno Municipal Code is amended as follows:

- 3. ~~*Access to Enclosure from Residential Projects.*~~ Each solid waste and recycling enclosure ~~servicing a residential project~~ shall be designed to allow walk-in access without having to open the main enclosure gate ~~[, to the extend feasible].~~

SECTION 25. Section 15-2303-F of the Fresno Municipal Code is amended as follows:

- F. Change ~~[from one category of use classification to another (ie, changing from a Commercial Use Classification to a Residential Use Classification as identified in the Use Regulation table of the Base District)] of Occupancy of an existing building as defined by the Building Code;~~ or,

SECTION 26. Table 15-2305-C-1 of the Fresno Municipal Code is amended as follows:

TABLE 15-2305-C-1: REQUIRED LANDSCAPE BUFFERS							
<i>Proposed Use</i>	<i>Adjoining District</i>						
	<i>Park or Open Space</i>	<i>Single-Family Residential</i>	<i>Multi-Family Residential</i>	<i>Mixed-Use</i>	<i>Commercial, Office, and Business Park</i>	<i>Industrial</i>	<i>Public Facility</i>
<i>Park or Open Space</i>	-	Type 1	Type 1	Type 1	-	-	-
<i>Multi-Family Residential</i>	Type 1	Type 1	-	-	-	-	-
<i>Mixed-Use</i>	Type 2	Type 2	Type 2	-	-	-	-
<i>Commercial, Office and</i>	Type 2	Type 2	Type 2	-	-	Type 1	Type 1

<i>Business Park</i>							
<i>Industrial</i>	Type 2	Type 2	Type 2	Type 2	Type 2	-	Type 2
<i>Public Facility</i>	Type 2	Type 2	Type 2	Type 2	Type 2	Type 1	-
<i>[Other Non-Residential Uses]</i>	[Type 1]	[Type 1]	[Type 1]	[-]	[-]	[-]	[Type 1]

SECTION 27. Section 15-2402-D of the Fresno Municipal Code is amended as follows:

D. **Change in Use or Change of Occupancy.**

1. When a ~~€[c]hange in U[u]se [from one category of use classification to another (ie, changing from a Commercial Use Classification to a Residential Use Classification as identified in the Use Regulation table of the Base District)] or Change in Occupancy~~ creates an increase of 10 percent or more in the number of required on-site parking or loading spaces, on-site parking and loading shall be provided according to the provisions of this article. The number of existing stalls shall be maintained, and additional stalls shall be required only for such addition, enlargement, or ~~€[c]hange in U[u]se~~. The ~~€[c]hange in U[u]se or Change in Occupancy~~ that creates an increase of 10 percent or more shall be cumulative from the date of adoption of this Code.
2. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or ~~€[c]hange in U[u]se~~.

SECTION 28. Table 15-2409 of the Fresno Municipal Code is amended as follows:

TABLE 15-2409: REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS		
<i>Use Classification</i>	<i>Required Parking Spaces</i>	
Residential Use Classifications		
Affordable Housing Developments (Moderate Income and Below[Single Family or Multifamily])		
<i>Studio, one- or two-bedroom</i>	.75 space per unit	One covered space shall be designated for each unit. One additional uncovered guest parking space must be provided for every 4 units.
<i>Three or more bedrooms</i>	1.5 spaces per unit	

SECTION 29. Section 15-2412-B of the Fresno Municipal Code is amended as follows:

- B. **30-Year-Old or Older Buildings.** The parking area or space requirements imposed by the provisions of this Code shall not apply upon a ~~[change of use] Change of Occupancy, as defined by the Building Code, or the building code in affect at the time of the permit,~~ for any building or structure which is older than 30 years old, provided:

SECTION 30. Section 15-2418-H of the Fresno Municipal Code is amended as follows:

- H. **Parking Spaces Abutting a Wall or Fence.** Each parking space adjoining a wall, fence, column, or other obstruction higher than 0.5 feet shall be increased by ~~two feet~~ [one foot] on each obstructed side ~~[-], provided that the increase may be reduced by 0.25 feet for each one foot of unobstructed distance from the edge of a required aisle, measured parallel to the depth of the parking space.~~ [At the discretion of the Review Authority, the increased width may not be required if the obstruction is located within the front 4.5 feet of the stall, leaving the remainder of the stall unobstructed, and the obstruction is a column with a width of 6 inches or less.]

SECTION 31. Section 15-2419-C-2 of the Fresno Municipal Code is amended as follows:

2. **Landscaping Alternative.** Up to ~~two~~ [three] feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving.

SECTION 32. Section 15-2419-D of the Fresno Municipal Code is amended as follows:

- D. **Perimeter Curbing.** A six-inch-wide and six-inch-high concrete curb shall be provided along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas ~~may need to~~ [shall] be designed to allow stormwater runoff to pass through [to the extent feasible].

SECTION 33. Section 15-2419-E of the Fresno Municipal Code is amended as follows:

- ~~E. **Separation from On-Site Buildings.** Parking areas shall be separated from the front and side exterior walls of on-site buildings per Public Works Standards.~~

SECTION 34. Section 15-2420 of the Fresno Municipal Code is amended as follows:

Parking areas designed to accommodate four or more vehicles shall be provided with light over the parking surface: [as follows:]

- ~~1~~[A]. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.
- ~~2~~[B]. Parking lot lighting shall, to the maximum extent feasible, be designed and installed so that light and glare is not directed onto residential use areas or adjacent public rights-of-way, consistent with Article 25, Performance Standards. [Such parking lot illumination shall be no less than 0.5 foot-candles.]
- ~~3~~[C]. Carport lighting shall be integrated into carport structures, and there shall have no bare light bulbs.

SECTION 35. Section 15-2421 of the Fresno Municipal Code is amended as follows:

15-2421 Parking Lot Landscaping [and Shading]

- A. **Heat Island Reduction.** A heat island is the increase in ambient temperature that occurs over large paved areas compared to natural landscape. In order to reduce ambient surface temperatures in parking areas, [50 percent of] areas not landscaped shall be shaded, of light colored materials with a Solar Reflectance Index (SRI) of at least 29, or a combination of shading and light colored materials as follows:

1. ~~Industrial Districts: At least 30 percent.~~ [Permitted Types of Shading. Shade may be provided by solar shade structures, trees, or other equivalent mechanism.]
2. ~~All other Districts: At least 50 percent.~~ [Shading Tree Standards. Trees provided to satisfy the requirements of this section shall meet the following standards:]

- a. [Shading Tree Distribution. Trees provided to satisfy the requirements of this section shall be distributed relatively evenly throughout the parking area.]
 - b. [Species. Trees provided to satisfy the requirements of this section shall be selected from a list maintained by the City and shall be of a species which can reasonably be expected to provide the required amount of shading within 15 years.]
 - c. [Size. Trees provided to satisfy the requirements of this section shall trees shall be a minimum 15-gallon size with a one-inch diameter as measured 48 inches above natural grade.]
3. **Exception:** This requirement shall not apply to [RS Districts and] truck loading and [truck] parking areas within Employment Districts.
- B. **Landscaping.** Landscaping of parking areas shall be provided and maintained according to the general standards of Article 23, Landscape, as well as the standards of this subsection.
- [1. Clearance from Vehicles. All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two-foot clearance of low-growing plants where a vehicle overhang is permitted, or by wheel stops set a minimum of two feet from the back of the curb.]
 - [2. Planters. All required parking lot landscaping shall be within planters bounded by a concrete curb at least six inches wide and six inches high. Curbs separating landscaped areas from parking areas shall be designed to allow storm-water runoff to pass through.]
- C. **Perimeter Parking Lot Landscaping.** The following shall apply to Multi-Family, Mixed-Use, Office[, Business Park, Regional Business Park] and Commercial developments.
- 1. **Layout.** Landscaped areas shall be well-distributed throughout the parking lot area. A minimum of 10 percent of any parking lot area shall be landscaped. For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any adjacent paved areas. Parking lot area does not include enclosed vehicle storage areas. Parking lot landscaping may be provided in any combination of:
 - a. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;
 - b. On-site landscaping at the parking lot perimeter.
 - 2. **Adjacent to Streets.** Parking areas adjoining a public street shall be designed to provide a landscaped planting strip equivalent to the required setback for the subject zoning district.
 - a. Landscaping shall be designed and maintained to screen cars from view from the street to a height of between 24 and 36 inches.
 - b. Screening materials may include a combination of plant materials, earth berms, solid masonry walls, raised planters, or other screening devices that meet the intent of this requirement.
 - c. Trees shall be provided at a rate of at least one for every 20 lineal feet of landscaped area. A lower ratio of tree planting may be approved by the Director when larger species of trees are used.

- d. Plant materials, signs, or structures within a traffic safety sight area of a driveway shall not exceed 36 inches in height.
3. **Adjacent to Other Uses.** Refer to the underlying Zone District and Section 15-2305-C, Lot Perimeters, landscape buffer requirements.
4. **End of Row Islands.** A landscaped island at least six feet in all interior dimensions and containing at least one 15-gallon-size tree shall be provided at each end of each interior row of parking stalls and dispersed throughout the parking lot ~~to achieve 50 percent parking lot shading within 15 years.~~
5. **Planters Required.** Trees shall be in planters located throughout the parking area. Planters shall have a minimum interior dimension of five feet and be of sufficient size to accommodate tree growth. ~~All ends of parking lanes shall have landscaped islands.~~
6. **Landscaped Buffer.** When four or more parking spaces are provided, a landscaped area at least five feet wide shall be provided between any surface parking area and any property line for the length of the parking area, unless a different dimension is specified in the base district standards applicable to a site or in Section 15-2305-C, Lot Perimeters, landscape buffer requirements.
7. **Large Projects (100 Stalls or More).** Large projects shall provide a concentration of landscape elements at main entrances, including specimen trees (e.g., 24 inch, 36 inch and 48 inch box), flowering plants, enhanced paving, and project identification.

SECTION 36. Section 15-2422 of the Fresno Municipal Code is amended as follows:

15-2422 ~~Parking Lot Trees~~ [Reserved]

~~Trees required for parking lots are in addition to trees required elsewhere on the site as prescribed in other sections of this Code.~~

A. ~~Residential Districts:~~

- ~~1. **Multi-Family Residential.** Provide one tree for each parking space.~~

B. ~~Mixed-Use and Non-Residential Districts:~~

- ~~1. **Shading Required.** Provide one tree for each two parking spaces, unless it can be demonstrated to the satisfaction of the Review Authority that less trees can be provided and 50 percent parking lot shading would still be met.~~
- ~~2. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism. If shade is provided by trees, the amount of required shading is to be reached within 15 years.~~
- ~~3. **Distribution.** Trees shall be distributed relatively evenly throughout the parking area.~~
- ~~4. **Species.** Required trees for parking lots shall be selected from a list maintained by the City.~~
- ~~5. **Size.** All trees shall be a minimum 15-gallon size with a one-inch diameter as measured 48 inches above natural grade.~~

C. ~~Protection of Vegetation:~~

- ~~1. **Clearance from Vehicles.** All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing~~

a minimum two-foot clearance of low-growing plants where a vehicle overhang is permitted, or by wheel stops set a minimum of two feet from the back of the curb.

2. ~~**Planters.** All required parking lot landscaping shall be within planters bounded by a concrete curb at least six inches wide and six inches high. Curbs separating landscaped areas from parking areas shall be designed to allow storm-water runoff to pass through.~~

SECTION 37. Section 15-2424 of the Fresno Municipal Code is amended as follows:

~~15-2424~~ **Solar Panels on Carports** ~~[Reserved]~~

~~For parking lots that provide solar panels on carports, the number of required trees may be reduced for those stalls that provide solar panels. If a carport does not provide solar panels, trees shall still be required.~~

SECTION 38. Section 15-2429-A-1-g of the Fresno Municipal Code is amended as follows:

- g. There is a ~~€[c]hange~~ [from one category of use classification to another (ie, changing from a Commercial Use Classification to a Residential Use Classification as identified in the Use Regulation table of the Base District)] ~~in Occupancy as defined by the Building Code;~~ or,

SECTION 39. Section 15-2429-A-3-b of the Fresno Municipal Code is amended as follows:

- b. **Existing Shopping Centers/Multiple Tenants.** In centers with multiple tenants, where bicycle parking becomes required because of a discretionary permit request or a ~~€[c]hange~~ [in use] ~~in Occupancy~~, the number of stalls shall be determined by the need of the subject tenant space. Parking shall be conspicuously located and shall be visible from the tenant space.

SECTION 40. Section 15-2430-A-3 of the Fresno Municipal Code is amended as follows:

3. There is a ~~€[c]hange~~ [from one category of use classification to another (ie, changing from a Commercial Use Classification to a Residential Use Classification as identified in the Use Regulation table of the Base District.)] ~~in Occupancy as defined by the Building Code;~~

SECTION 41. Section 15-2609-B of the Fresno Municipal Code is amended as follows:

- B. **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 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 42. Section 15-2609-E-5 of the Fresno Municipal Code is amended as follows:

5. Only one electronic fuel price sign is permitted per site. [The use of one electronic fuel price sign on a site shall not require a Master Sign Program.]

SECTION 43. Section 15-2612 of the Fresno Municipal Code is amended as follows:

- [G. **Public Notice.** Public Notice shall be provided 10 days prior to the date of action pursuant to Section 15-5007.]

[H. Appeals. Master Sign Program decisions are subject to the appeal provisions of Section 15-5017, Appeals.]

[I. Modifications. Master Sign Programs may only be modified as provided for in Article 50, Common Procedures.]

SECTION 44. Section 15-2614 of the Fresno Municipal Code is amended as follows:

15-2614 Electronic Copy

Electronic copy is subject to approval of a Master Sign Program and the following standards:

- A. **Display Duration.** Copy display is limited to a minimum duration of eight seconds and shall have an unlighted interval between copy displays of one second or more.
- B. **Light Intensity.** The intensity of the sign lighting shall not exceed 100 foot Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal footcandles and shall not exceed 500 FT-L when adjacent to streets which have an average light intensity of 2.0 horizontal footcandles or greater. No change of lighting intensity may occur during a display or between displays except to respond to a change in ambient lighting conditions.

[C. The use of one electronic fuel price sign on a site shall not require a Master Sign Program.]

SECTION 45. Section 15-2702 of the Fresno Municipal Code is amended as follows:

[E. Permit Required. Specific Uses and Activities which are required by this Article to make physical improvements to a structure or site shall be subject to a Development Permit as put forth in Article 52.]

SECTION 46. Section 15-2717-D of the Fresno Municipal Code is amended as follows:

D. Location.

- 1. Buildings may be installed on industrial, commercial, and residential districts that are developed with non-residential ~~districts~~ [uses].
- 2. ~~Buildings shall not be the primary building on the site.~~ [Reserved.]
- 3. Buildings may not be visible from Major Streets.

SECTION 47. Section 15-2722-C of the Fresno Municipal Code is amended as follows:

~~C. Noticing. Noticing shall be required per Section 15-5007, Public Notice.~~ [Reserved.]

SECTION 48. Section 15-2737-A of the Fresno Municipal Code is amended as follows:

- A. **Applicability.** If a Large-Format Retail space is vacant for a period of at least one year ~~or there is a Change of Occupancy as defined by the California Building Code,~~ the following standards shall apply:

SECTION 49. Section 15-2741-A-6 of the Fresno Municipal Code is amended as follows:

- 6. [Permits.] Mobile Vendors shall have a current Tax Certificate~~[,]~~ and [a] Mobile Vendor ~~p~~[P]ermit from the City [when required by Section 9-1104.] and shall have all applicable permits required by the County Health Department. ~~Vendors shall also obtain a Zone Clearance.~~
 - a. **Display of Permit.** No mobile vendor shall operate in the city without prominently displaying on their person or vehicle a City-issued sticker or badge designating them as a duly permitted mobile vendor.

- b. **Display of Name.** The mobile vendor's name, the business name, address, telephone number, City permit number, City tax permit, and Fresno County Department of Health number shall be visible on both sides of any vehicle (including, ice cream trucks, bakery wagons, push carts, and bicycles). If the vehicle is a truck, the display shall also be on the rear of the vehicle. The letter size for the name, telephone number and City permit number shall ~~be at least two inches in height~~ ~~[comply with Fresno County requirements]~~ and shall be clearly visible at 50 feet.

SECTION 50. Section 15-2754-N-2 of the Fresno Municipal Code is amended as follows:

- e. **Exceptions.** No additional parking shall be required in any of the following circumstances:
 - i. The Second Dwelling Unit is located within one-half mile of public transit.
 - ii. The Second Dwelling Unit is located within an architecturally and historically significant historic district.
 - iii. The Second Dwelling Unit is part of the existing primary residence or an existing accessory structure.
 - iv. When on-street parking permits are required but not offered to the occupant of the Second Dwelling Unit.
 - v. When there is a car share vehicle located within one block of the Second Dwelling Unit.

SECTION 51. Section 15-2754-T of the Fresno Municipal Code is amended as follows:

T. **Owner Occupancy Requirements.** The following shall apply prior to the issuance of a building permit.

~~1. **Second Dwelling Unit and Backyard Cottage.**~~

- ~~[1]a.~~ Either the primary dwelling unit, the Second Dwelling Unit, [Accessory Living Quarters,] or the Backyard Cottage shall be owner-occupied.
- ~~[2]b.~~ The property owner shall enter into a restrictive covenant with the City, which shall be recorded against the property.
- ~~[3]e.~~ The covenant shall confirm that either the primary dwelling unit, the Second Dwelling Unit, [Accessory Living Quarters,] or the Backyard Cottage shall be owner-occupied and prohibit rental of both units at the same time.
- ~~[4]d.~~ It shall further provide that the Second Dwelling Unit~~[, Accessory Living Quarters,]~~ or Backyard Cottage shall not be sold, or title thereto transferred separate and apart from the rest of the property.

~~2. **Accessory Living Quarters.**~~

- ~~a.~~ ~~The property owner shall enter into a restrictive covenant with the City, which shall be recorded against the property.~~
- ~~b.~~ ~~The restrictive covenant shall prohibit rental of both units at the same time.~~
- ~~c.~~ ~~It shall further provide that the Accessory Living Quarter shall not be sold, or title thereto transferred separate and apart from the rest of the property. The covenant shall be recorded prior to the issuance of a building permit.~~

SECTION 52. Section 15-3105-B-5-c of the Fresno Municipal Code is amended as follows:

- c. *SRC Role.* The SRC shall [provide pre-application consultation in accordance with Section 15-3304 of this Code and] advise the Director and City Engineer.

SECTION 53. Section 15-3105-B-6 of the Fresno Municipal Code is amended as follows:

6. *Planning Division*~~[.]~~: The Planning Division shall:
- Collects fees related to the processing of Tentative Maps; [and Tentative] Parcel Maps; ~~Lot Line Adjustments, and Mergers;~~
 - Process Tentative Maps and Tentative Parcel Maps; and
 - Investigate proposed subdivisions for conformity to the General Plan, Specific and operative plans, and the Zoning Ordinance, and reporting findings together with recommendations for approval, conditional approval, or denial of Tentative Maps.

SECTION 54. Section 15-3303-B of the Fresno Municipal Code is amended as follows:

B. Pending Approval of Related Application(s).

- ~~*Tentative Parcel Map.* A Tentative Parcel Map may be approved by the Director prior to the Commission and/or Council taking action on related applications; however the Director's approval shall be contingent on the Commission's and/or Council's action on any related applications.~~ [Concurrent processing of other applications required by this Code that are related to a Tentative Map and/or Tentative Parcel Map application(s) shall occur in accordance with the provisions and requirements included within Section 15-5018 of this Code.]
- ~~*Tentative Map.* A Tentative Map may be approved by the Commission prior to the Council taking action on related applications; however the Commission's approval shall be contingent on the Council's action on the related applications.~~

SECTION 55. Section 15-3304 of the Fresno Municipal Code is amended as follows:

15-3304 Pre-Application Consultation

Prior to filing an application for a Tentative Map and/or Tentative Parcel Map, the prospective subdivider shall meet with Planning staff [and the Subdivision Review Committee], to review the proposed subdivision design, including a discussion of the location of open space, connectivity to surrounding streets and/or property, trails, safe routes to school, bus stops, dedication requirements, applicable processing procedures, etc.

SECTION 56. Section 15-3305-C of the Fresno Municipal Code is amended as follows:

- C. **Complete and Accepted for Processing.** Staff shall provide written notification to the applicant whether the application is complete and accepted for processing within 30 days of receipt [of a filed application]. In the course of processing the application, the City may require the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

SECTION 57. Section 15-3307-D of the Fresno Municipal Code is amended as follows:

- D. **Subdivision Review Committee (SRC).** Tentative Maps shall be reviewed by the SRC [in accordance with Section 15-3304, Pre-Application Consultation]. The SRC shall advise the Director [pursuant to Section 15-3105-B.5.b; and,] based on the findings in Section 15-3305, Application Filing and Completeness Review.

SECTION 58. Section 15-3902 of the Fresno Municipal Code is amended as follows:

15-3902 Residential Condominiums

- A. **Condominium Application.** When a ~~residential~~ structure is proposed at the time of construction as a condominium, community apartment project, or stock cooperative, a Tentative Map for the project shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or disapproved in the same manner as a subdivision per Article 33, Tentative Parcel and Tentative Map Filing and Processing.
- B. **Condominium Conversion Application.** A conversion shall require the approval of:
1. **Parcel Map.** A Parcel Map may be waived for a condominium conversion in compliance with the Map Act (Section 66428(b)), or for the conversion of a mobile home park in compliance with the Map Act (Section 66428.1). If a Parcel Map is waived, a Tentative Map shall be required.
 2. **Application for Tentative Map.** An applicant shall submit a Tentative Map or Tentative Parcel Map for a residential condominium conversion project which shall include the items identified in Section 15-3904, Required Reports for Condominium Conversions.
 3. **Conditional Use Permit.** A Conditional Use Permit shall be filed which shall constitute a Condominium Conversion Permit.

SECTION 59. Section 15-3903-D of the Fresno Municipal Code is amended as follows:

- D. **Relocation Assistance Program.** For [~~residential~~] condominium conversions where the residential units are more than six months old, the applicant shall prepare a Relocation Assistance Program (RAP) detailing the relocation assistance which will be provided. The RAP shall be prepared in a manner which is responsive to tenant composition, sales policy to tenants, lengths of tenancies, and number of tenants willing to purchase a unit in the project. The program shall include, but not be limited to, the following items and additional items required in the Map Act:

SECTION 60. Section 15-3904-C of the Fresno Municipal Code is amended as follows:

- C. **Project Plan.** A plan prepared by a licensed civil engineer or architect, containing the following information pertaining to the project as it exists at the time of application and as it is proposed:
1. Site and structure information, including all ~~residential~~ buildings, structures, and number and sizes of [~~residential~~] dwelling units;
 2. Accessory facilities information showing the locations and describing the nature and extent of recreation facilities, laundry facilities, maintenance facilities, office areas, and storage areas;
 3. Easement information showing the locations and dimensions of public utility, water, sewer, and drainage easements;
 4. Parking and access information, showing access, the locations, dimensions, and total number of covered and [~~or~~] uncovered parking spaces provided ~~for residents and guests~~, and the dimensions and locations of all aisles, driveways, turning areas, and obstructions, which may include columns, poles, walls, and trees;
 5. Open space and yards, including pools and recreational facilities;
 6. Landscaping;
 7. Refuse collection facilities;

8. On-site lighting; and
9. Fencing.

SECTION 61. Section 15-3904-D of the Fresno Municipal Code is amended as follows:

- D. **[Residential] Tenant Information.** A report shall be submitted containing the name and address of each tenant and general information about the tenants of the proposed project including, but not limited to:
1. Total number of occupants;
 2. Makeup of existing tenant households, including:
 - a. Size of households;
 - b. Lengths of residence;
 - c. Ages of tenants;
 - d. Number of tenants estimated to be receiving federal or State rent subsidies;
 - e. Number of tenants with disabilities; and
 - f. Number of elderly tenants, and number of student tenants.
 3. Detailed history of the project, including vacancy rates, rents, and rent increases applicable to each unit during the 24 months preceding the application; and
 4. Proof of compliance with the provisions of the Map Act relating to noticing of tenants and future tenants of intention to convert.

SECTION 62. Section 15-3904-E of the Fresno Municipal Code is amended as follows:

- E. **[Residential] Sales Information.** The following information regarding unit sales shall be provided:

SECTION 63. Section 15-3909-A of the Fresno Municipal Code is amended as follows:

- A. **Obligation to Provide Notice of Intent to Convert [Residential Real Property].** The subdivider shall provide notice of intent to convert to all existing and/or prospective tenants and sublessees, at the subdivider's expense, in compliance with this section and Section [s 66452.9 and] 66452.51 of the Map Act.

SECTION 64. Section 15-4105-E of the Fresno Municipal Code is amended as follows:

- E. **Lot Frontage.** Every lot shall have frontage on a public street, except ~~where~~ [under the following circumstances:]
- [1. A] adequate internal circulation is provided by a private street or streets in an approved Planned Unit Development: [;]
 - [2.] Alternatively, [L]ots may have access via a rose garden or paseo ~~should the~~ [in a] subdivision be served by communal parking spaces or an alley: [; or]
 - [3. The lots are within a C or E District and the following conditions are met:
 - a. Execution and recordation of a covenant with the City which, at minimum, creates mutual easements and reciprocal use agreements for cross-access, cross-drainage and shared public utility services or fire suppressions systems in a manner which affords adequate access, drainage and public services to/from a dedicated public

street for the benefit of any/all lots proposed to be created without frontage on a public street.

The Mutual Easement and Reciprocal Use Agreement shall include provisions identifying obligations and responsibilities for retention and maintenance of any common or easement areas, shared utility services, systems, facilities and/or improvements which are required for the benefit of lots proposed to be created without frontage on a public street.

- b. When a lot which does not have public street frontage is proposed to be created for developed land, the subdivider shall submit a revised site plan depicting the location of proposed lot lines and the locations of all existing or proposed structures and improvements for review and approval in conjunction with the tentative or tentative parcel map.]

SECTION 65. Section 15-4105-G-2 of the Fresno Municipal Code is amended as follows:

2. ***Local Street.***

- a. When a Local Street intersects a Major Street and the corner lot sides onto the Local Street, the corner lot shall provide ~~an eight~~ [ten] foot landscape easement. A minimum six-foot masonry wall shall be placed at the rear of the landscape easement. A greater landscape easement may be necessary for visibility purposes. In the case of the latter, such cases shall be reviewed on a case-by-case basis.
- b. When the street side yard faces the front yard of a home across the street, a minimum landscape easement of five feet is required, unless a ~~five~~ [four] foot park strip is provided between the curb and sidewalk. A minimum six-foot masonry wall shall be placed at the rear of the landscape easement. An opening in the masonry wall may be permitted to provide a gate for access if approved by the Public Works Director.

SECTION 66. Section 15-4105-H-1 of the Fresno Municipal Code is amended as follows:

1. ***Street Frontage Required.*** Each proposed parcel shall have frontage on a public street. The frontage width shall be at least the minimum parcel width required by the applicable zoning district. The Review Authority may exempt parcels created under a Planned Unit Development [or pursuant to Section 15-4105-E] from the requirements of this subsection.

SECTION 67. Section 15-4108-C of the Fresno Municipal Code is amended as follows:

- C. ***Connector Streets.*** Connector Streets shall incorporate coordinated street trees spaced to provide continuous shade for pedestrians. Connector Streets shall be designed with non-contiguous sidewalks to allow the street trees to be planted in a landscape strip between the curb and sidewalk. The planting area shall be a minimum of ~~five~~ [four] feet in width.

SECTION 68. Section 15-4108-N-2 of the Fresno Municipal Code is amended as follows:

2. Street trees shall be planted ~~at a minimum spacing of 40 feet on-center.~~ [per applicable Public Works standards.]

SECTION 69. Section 15-4108-N-3 of the Fresno Municipal Code is amended as follows:

3. Street trees shall be located within a landscaped park strip of no less than ~~five~~ [four] feet in width between the curb and sidewalk.

SECTION 70. Section 15-5102-F of the Fresno Municipal Code is amended as follows:

- F. [Streamlined Development as defined in Section 65913.4 of the California Government Code.]

[G.] **Exceptions.**

1. No Zone Clearance shall be required for the continuation of previously approved or permitted uses and structures, or uses and structures that are not subject to any Building Code or Development Code regulations.
2. A change in building use that complies with this Code shall require a Building Permit if the use is in a different Building Code occupancy group class, such as conversion of a retail building to public assembly or residential use.

SECTION 71. Section 15-6704 of the Fresno Municipal Code is amended as follows:

Personal Services.

General Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, seamstresses, tailors, day spas, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying, photo finishing services, and travel agencies mainly intended for the consumer. ~~This classification also includes massage establishments in which all persons engaged in the practice of massage are certified pursuant to the California Business and Professions Code Section 4612.~~

SECTION 72. Section 15-6705 of the Fresno Municipal Code is amended as follows:

Warehousing, Storage, and Distribution. Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual spaces exclusively and directly accessible to specific tenants. This classification includes mini-warehouses.

Wholesaling and Distribution. Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials. ~~(See Construction Sales and Services)~~

SECTION 73. 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 _____ 2018.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2018
Mayor Approval/No Return: _____, 2018
Mayor Veto: _____, 2018
Council Override Vote: _____, 2018

YVONNE SPENCE, CRM MMC
City Clerk

BY: _____
Deputy Date

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

BY: _____
Talia Kolluri-Barbick Date
Supervising Deputy City Attorney