

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADDING CHAPTER 15, ARTICLE 11, SECTION 15-1102, RELATED TO SMALL SCALE ENTERTAINMENT AND RECREATION CENTERS; ARTICLE 27, SECTION 15-2740 RELATED TO MOBILE VENDORS; AND ARTICLE 27, SECTION 15-2750 RELATED TO RECYCLING FACILITIES OF THE FRESNO MUNICIPAL CODE

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

SECTION 1. Chapter 15 of The Fresno Municipal Code is amended to add a new Section in Article 11, Mixed-Use Districts, to read and to be numbered as follows:

SECTION 15-1102. USE REGULATIONS

- A. Table 15-1102 prescribes the proposed land use regulations for Mixed-Use Districts. The regulations for the districts are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

“P” designates permitted uses.

“C” designates uses that are permitted after review and approval of a Conditional Use Permit.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“–” designates uses that are not permitted.

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Date Adopted:
Date Approved
Effective Date:

City Attorney Approval: 

Ordinance No.

Uses listed as “P” or “C” may be restricted in certain locations by Section 15-1104-A.

- B. Land uses are defined in Article 67, Use Classifications.
- C. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character per Section 15-5020, Director’s Determination.
- D. All permitted uses are allowed either alone or in combination with other permitted uses unless otherwise stated in this Code.
- E. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are not permitted.
- F. The table also notes additional regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Code.

TABLE 15-1102: USE REGULATIONS—MIXED-USE DISTRICTS				
<i>Use Classifications</i>	<i>NM</i> X	<i>CMX</i>	<i>RM</i> X	<i>Additional Regulations</i>
Residential Use Classifications				
Residential Housing Types				
<i>Single-Unit Dwelling, Attached</i>	P(1)	P(1)	P(1)	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
<i>Multi-Unit Residential</i>	P(1)	P(1)	P(1)	
Adult Family Day Care				
<i>Small (6 clients or less)</i>	P(1)	P(1)	–	
<i>Large (7 to 12 clients)</i>	P(1)	–	–	
Elderly and Long-Term Care	P(1)	–	–	
Family Day Care				

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<i>Use Classifications</i>	<i>NM</i> X	<i>CMX</i>	<i>RM</i> X	<i>Additional Regulations</i>
<i>Small (8 or fewer children)</i>	P(1)	P(1)	P(1)	§15-2725, Day Care Centers and Family Child Care Homes
Group Residential				
<i>Small (6 persons or less)</i>	P(1)	P(1)	P(1)	
<i>Large (7 persons or more)</i>	P(1)	P(1)	P(1)	
Residential Care Facilities				
<i>Residential Care, Limited</i>	P(1)	P(1)	P(1)	
Public and Semi-Public Use Classifications				
Colleges and Trade Schools, Public or Private	C(3)	C(3)	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)	C(4)	C(4)	P	
Community Garden	P	P	P	§15-2720, Community Gardens / Urban Farms
Conference/Convention Facility	C(4)	C(4)	C	
Cultural Institutions	P(5)	C	C	
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(2)	P(1)	P(1)	
Hospitals and Clinics				
<i>Hospital</i>	–	C(11)	C(11)	
<i>Clinic</i>	C(5)	P(5)	P	
<i>Substance Abuse Treatment Clinic</i>	C(14)	C(14)	C(14)	
Instructional Services	P	P	P	
Park and Recreation Facilities, Public	–	P	P	

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<i>Use Classifications</i>	<i>NM</i> X	<i>CMX</i>	<i>RM</i> X	<i>Additional Regulations</i>
Parking, Public or Private	–	C(6)	C(6)	
Public Safety Facilities	C	C	C	
Schools, Public or Private	–	–	C	
Social Service Facilities	C	P(1)	–	
Commercial Use Classifications				
Animal Care, Sales and Services				
<i>Grooming and Pet Stores</i>	P	P	P	
<i>Veterinary Services</i>	–	C(7)	C(7)	
Artist's Studio	P	P	P	
Automobile/Vehicle Sales and Services				
<i>Automobile/Vehicle Sales and Leasing</i>	–	C(13)	C(13)	§15-2709, Automobile and Motorcycle Retail Sales and Leasing
<i>Service Station</i>	C	C	C	§15-2755, Service Stations
Banks and Financial Institutions				
<i>Banks and Credit Unions</i>	P(5)	P	P	
<i>Check Cashing Businesses and Payday Lenders</i>	–	–	–	§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				
<i>Bars/Nightclubs/Lounges</i>	C(16)	C(16)	C(16)	§15-2743, Outdoor Cooking for Commercial Purposes; §15-2744, Outdoor Dining and Patio Areas; §15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges
<i>Restaurant with Alcohol Sales</i>	C(16)	C(16)	C(16)	
<i>Restaurant without Alcohol Sales</i>	P	P	P	
Entertainment and Recreation				

TABLE 15-1102: USE REGULATIONS—MIXED-USE DISTRICTS				
<i>Use Classifications</i>	<i>NM</i> X	<i>CMX</i>	<i>RM</i> X	<i>Additional Regulations</i>
<i>Cinema/Theaters</i>	C	C	P	
<i>Cyber/Internet Café</i>	C	C	C	§15-2724, Cyber/Internet Cafes
<i>Small-Scale</i>	C(1 7)	P	P	§15-2708, Arcades, Video Games, and Family Entertainment Centers, §9-1801, Billiard Rooms
Food and Beverage Sales				
<i>Farmer's Markets</i>	P	P	P	§15-2730, Farmer's Markets
<i>General Market</i>	P	P	P	§15-2744, Outdoor Dining and Patio Areas; §15-2745, Outdoor Retail Sales
<i>Healthy Food Grocer</i>	P	P	P	
<i>Liquor Stores</i>	C(1 2)	C(12)	C(1 2)	§15-2707, Alcohol Sales; §15-2745, Outdoor Retail Sales
Funeral Parlors and Internment Services	–	–	C	§15-2714, Body Preparation and Funeral Services
Live/Work	P(1)	P(1)	P(1)	
Lodging				
<i>Hotels and Motels</i>	P (8)	P(8)	P	
Maintenance and Repair Services	P(9)	P(9)	P(5)	
Offices				
<i>Business and Professional</i>	P (9)	P	P	
<i>Medical and Dental</i>	P(4)	P	P	
<i>Walk-In Clientele</i>	P (9)	P	P	
Personal Services				
<i>General Personal Services</i>	P(5)	P	P	
<i>Tattoo or Body Modification Parlor</i>	P(5) (12)	P (12)	P (12)	§15-2758, Tattoo or Body Modification Parlor
Retail Sales				

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<i>Use Classifications</i>	<i>NM</i> X	<i>CMX</i>	<i>RM</i> X	<i>Additional Regulations</i>
<i>Building Materials and Services</i>	–	–	C	§15-2745, Outdoor Retail Sales
<i>Convenience Retail</i>	P(5)	P	P	§15-2745, Outdoor Retail Sales; 15-2761 Tobacco and Vapor Shops
<i>General Retail</i>	P(5)	P	P	§15-2733, Hobby Stores; §15-2745, Outdoor Retail Sales
<i>Large-Format Retail</i>	–	–	P	§15-2737, Large-Format Retail; §15-2745, Outdoor Retail Sales
<i>Nurseries and Garden Centers</i>	P	P(5)	P	§15-2745, Outdoor Retail Sales
<i>Second Hand / Thrift Stores</i>	P(5)	P	P	
Industrial Use Classifications				
Recycling Facility				
<i>Reverse Vending Machine</i>	P	P	P	§15-2750, Recycling Facilities
Transportation, Communication, and Utilities Use Classifications				
Airports and Heliports	–	–	C(10)	
Communication Facilities				
<i>Antenna and Transmission Towers</i>	See Section 15-2759, Telecommunications and Wireless Facilities			
Transportation Passenger Terminals	–	–	C	
Utilities, Minor	P	P	P	
Agricultural and Extractive Use Classifications				
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			

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<i>Use Classifications</i>	<i>NM</i> X	<i>CMX</i>	<i>RM</i> X	<i>Additional Regulations</i>
Animal Keeping	§15-2707, Animal Keeping			
Drive-In and Drive-Through Facilities	C(1 5)	C(15)	C(1 5)	§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:				
<ol style="list-style-type: none"> 1. Not allowed on the ground floor of portions of the site which abut a major street, but allowed in the interior of all sites. Projects with frontage on more than one major street may be excepted from this restriction on one of the major streets at the discretion of the Review Authority. 2. 3. Not to include industrial training such as welding or automotive repair involving the use of tools and materials appropriate to an industrial use area. 4. Must be located along a major street. 5. Limited to establishments with a gross floor area of 5,000 square feet or less. 6. Shall be below grade or in structures faced with active uses along the street. 7. Provided that such use shall be completely enclosed in a building of soundproof construction. 8. Limited to upper stories unless at least 50 percent of ground floor street frontage is occupied by food service use. 9. Limited to 1,500 square feet in size if on the ground floor. 10. Limited to heliports used as accessory to a hospital. 11. Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals. 12. Not allowed within 500 feet of an existing or planned Bus Rapid Transit stop. 13. Must take place entirely within a building. 14. Must include an indoor waiting area. 15. Not allowed within 100 feet of a planned or existing Bus Rapid Transit station and not allowed between a building and a sidewalk. 16. If an MX District is applied to the area bounded by Divisadero Avenue, Highway 41, and Highway 99, a Conditional Use Permit shall not be required for Bars/Nightclubs/Lounges within that area. 17. Limited to establishments with a gross floor area of 10,000 square feet or less. 				

SECTION 2. Chapter 15 of The Fresno Municipal Code is amended to add two new Sections in Article 27, Standards for Specific Uses and Activities, to read and to be numbered as follows:

SECTION 15-2740. MOBILE VENDORS

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

A. General Provisions.

1. Noise and amplified music shall comply with all applicable noise standards.
2. Odors shall comply with Section 15-2510, Odors.
3. The sale of alcohol and tobacco products by Vendors is prohibited.
4. The operator shall provide waste removal and shall be responsible for collecting trash/debris and recycling after each stop. Trash includes material dispensed from the Vendor as well as items that may be left by their patrons.
5. Free-standing signs, such as A-frame signs and sidewalk signs, shall comply with Article 26, Signs.

6. Mobile Vendors shall have a current Tax Certificate and Mobile Vendor permit from the City 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 and shall be clearly visible at 50 feet.
7. *Restaurant, Residential, and School Spacing for Food Vendors.* Notwithstanding sections B and C below, Vendors shall not operate within specified distances of the following uses as set forth below:
 - a. Vendors shall not operate within 300 feet of an existing restaurant, during the restaurant's normal business hours, with the following exceptions:

- i. Vendors operating as part of a Farmer's Market per Section 15-2730 or a Special Event per Section 15-2760-B.
 - ii. The restaurant and the Vendor are operated by the same entity.
 - iii. The Vendor has prior written permission of a business owner to operate on the property of that existing business.
- b. Vendors shall not operate within 100 feet of residential uses, with the following exceptions:
 - i. Caretaker's Residence
 - ii. Residential units that are part of a vertical mixed-use development.
 - iii. Vendors operating as part of a Farmer's Market per Section 15-2730 or a Special Event per Section 15-2760-B.
- c. Vendors shall not operate within 100 feet of schools, with the following exceptions:
 - i. Vendors which sell only fresh produce.
 - ii. Vendors operating as part of a Farmer's Market per Section 15-2730 or a Special Event per Section 15-2760-B.

- iii. Any motorized food vendor may not operate within 1,000 feet of a school during regular school hours unless authorized by the school.

B. Off-Street Locations and Time Limits. The following restrictions shall apply except for Vendors operating as part of a Farmer's Market per Section 15-2730 or a Special Event per Section 15-2760-B.

1. *Residential Districts.* Vendors may not operate within residential districts, with the exception of properties for non-residential uses, such as schools and religious assembly facilities. Vendors shall have prior written authorization from the property owner.
 - a. *Time Limit.* Two hours, after which the Vendor must move to a new location that is no less than 500 feet away.
2. *Non-Residential Districts.* Vendors may operate within non-residential districts. Vendors shall have prior written authorization from the property owner.
 - a. *Time Limit.* A vendor may stay in a single location for up to 12 hours in a 24 hour period after which the Vendor must move to a new location that is no less than 500 feet away.
 - b. *Unpaved Surfaces.* Notwithstanding any other provisions of this Code, Vendors shall be permitted to operate on unpaved surfaces

in non-residential districts with prior written authorization of the property owner.

3. *City-Owned Property.* Vendors may not operate on City-owned property, such as parks, without prior written authorization from the City.

a. *Time Limit.* At the discretion of the City Manager or his/her designee.

C. *On-Street Locations and Time Limits.* Vendors may operate on the public right-of-way subject to the following restrictions. Vendors operating as part of a Farmer's Market per Section 15-2730 or a Special Event per Section 15-2760-B are excepted.

1. *Residential Districts.*

a. *Time Limit, Non-Motorized Vendors.* Thirty minutes, after which the Vendor must move to a new location that is no less than 300 feet away.

b. *Time Limit, Motorized Vendors.* Motorized Vendors (including, but not limited to, ice cream trucks) may circulate and stop temporarily for sales, but shall not remain stationary for more than five minutes.

2. *Non-Residential Districts.*

a. *Time Limit.* The posted time limit of the parking stall or one hour, whichever is less, after which the Vendor must move to a new location that is no less than 500 feet away.

- b. *Location.* Vendors shall operate from valid on-street parking stalls
 - c. *Customer Transaction Area.* Vendors shall park in such a manner that the customer transaction area is on the public sidewalk adjacent to the curb.
3. *Compliance with Traffic and Parking Laws.* While operating in the public right-of-way, Vendors shall follow all applicable traffic laws and parking regulations, including time limits, payment of parking meters, and no-parking zones.

SECTION 15-2750. RECYCLING FACILITIES

Recycling facilities shall be located and operated in compliance with the following standards:

- A. Reverse Vending Machines.
- 1. *Accessory Use.* Reverse vending machines may be installed as an accessory use to a permitted or conditionally permitted primary use on the same site.
 - 2. *Location.* Machines shall be located adjacent or as near as feasibly possible, to the entrance of the commercial host use and shall not obstruct pedestrian or vehicular circulation. Machines shall be located against a wall and may not be located in parking areas.
 - 3. *Identification.* Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and

phone number of the operator or responsible person to call if the machine is inoperative.

4. *Signs.* Machines shall have a maximum sign area of four square feet exclusive of operating instructions.
5. *Lighting.* Machines shall be illuminated to ensure comfortable and safe operation between dawn and dusk.
6. *Trash Receptacle.* Machines shall provide a 40-gallon garbage can for non-recyclable materials located adjacent to the reverse vending machine.
7. *Hours of Operation.* No restrictions.

B. CRV Recycling Centers. California Redemption Value (CRV) Recycling Centers are facilities available for the general public for the recycling of products such as glass, aluminum cans, and plastic beverage containers as defined by the State's Department of Resources Recycling and Recovery.

1. *Permanent Location.* CRV Recycling Centers shall not be temporary. All associated improvements shall be permanent in nature.
2. *Hours of Operation.* CRV Recycling Centers shall not be open for business on the same day as regularly scheduled refuse collection for nearby residential areas.
3. *Materials.* CRV and Commingled Materials as defined by Government Code 14506.5 and 14512 of the California Beverage Container Recycling & Litter Reduction Act may be accepted. Newspapers, cardboard, copper,

or industrial materials may not be accepted, unless the facility is located within an industrial district.

4. *Minimum Lot/District Size.*

a. If a CRV Recycling Center is ancillary to a primary use, the site shall be a minimum of one acre in area.

b. If the Recycling Center is the sole or primary use on the site, the site shall be a minimum of one-half acre in area.

5. *Permitted Locations.* Facilities are permitted as shown in the applicable base district. The following provisions shall also apply:

a. In Industrial Districts CRV Recycling Centers may be the primary use.

b. In all other districts a CRV Recycling Center shall be operated in conjunction with a retailer such as a supermarket, super drug store, or other retailer that sells CRV-type goods.

c. Recycling Centers may be located in a Commercial District that does not house a retailer that sells CRV-type goods, subject to the following:

i. The parcel must within 1,320 feet of an existing supermarket, super drug store, or other retailer that sells CRV type goods.

- ii. The site shall be a minimum one acre in area.
 - iii. The facility shall comply with all property development standards, including setbacks, landscaping, parking, etc., of the zone district in which the facility is located.
 - d. New Recycling Centers in Commercial Districts shall only be permitted in unserved (and non-exempt) convenience zones.
- 6. *Maximum Size.* The Recycling Center shall be limited to a maximum footprint of 700 square feet. Of these 700 square feet, only 500 square feet may be used for building and/or storage area. The remaining 200 square feet may be used for office space, staging areas, or patios/permanent shade structures. If the facility is proposed in a permanent building, a larger building area will be allowed on a case-by-case basis.
- 7. *Separation. Except where mandated by State law, CRV Recycling Centers shall physical maintain separation from specific uses as follows.* Distances shall be measured from the boundaries of the actual facility and not the property line.
 - a. *From Residential Uses. 75 feet.*
 - b. *From Public Streets. 20 feet.*
 - c. *From Parks. ½ mile.*

- d. *From Liquor Stores.* ½ mile.
 - e. *From Schools.* ½ mile.
 - f. *From Another Recycler.* New CRV Recycling Centers shall not be located within a half-mile of an existing recycling center (or an existing light processing facility that accepts CRV material from the general public).
- 8. *Parking.* Patrons and the attendant shall not reduce available parking spaces below the minimum number required for the existing buildings.
 - 9. *Pavement.* The area used for recycling, parking, and/or storage shall be paved per Public Works Standards for parking lots.
 - 10. *Equipment.* No power-driven processing equipment, except for reverse vending machines, may be used.
 - 11. *Containers.* Containers shall be constructed of durable waterproof and rustproof material(s) and secured from unauthorized removal of material. Capacity sufficient to accommodate materials collected in the collection schedule. ISO containers shall comply with Section 15-2736.
 - 12. *Identification.* Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator, and the hours of operation.
 - 13. *Signs.* Signs shall be a maximum of 20 percent per side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled

facility, the side is measured from the pavement to the top of the container.

14. *Site Maintenance.* Sites shall be maintained clean, sanitary, and free of graffiti, litter, and any other undesirable materials.
15. *Voucher System.* Upon recommendation by the Fresno Police Department, the Director may require that a Recycling Center implement a voucher system. No money shall be kept in or about the licensed premises. The petitioner shall implement and utilize a voucher system to compensate patrons for raw recycled materials purchased by the business. The center shall provide the patron with a “voucher” which can be exchanged for cash at a predetermined business establishment (e.g. stores, check cashing locations, etc.).
16. *Video Surveillance.* Upon recommendation by the Fresno Police Department, the Director may require that the site be monitored by video surveillance.
17. *Building/Structure Design and Architectural Compatibility.*
 - a. Recycling Centers shall be limited to single story-structures with a height no greater than 10 feet (12 feet if the structure includes architectural features), unless proposed in a permanent building.
 - b. A typical ISO container or other type of metal building or structure may be permitted if it is:

- i. Screened by a permanent decorative wall consistent with the architecture of the shopping center; or
 - ii. Contained within a permanent or semi-permanent sheath-type structure that is consistent or compatible with the architecture of the shopping center.
- c. The storage container shall be painted to match the existing shopping center including the body color and all trim existing. Prominent architectural features of the center (such as tile accents) shall be incorporated into the design of the storage container.
- d. Screen walls shall be architecturally compatible with the existing shopping center. Chain link fencing may be permitted if it is not visible from a public street or a Residential District.
- e. If the facility conducts most of its business outdoors and is not shaded by adjacent trees or buildings during operating hours, a shade structure is allowed for employees. Permanent shade structures are encouraged, but portable shade structures, tents, or umbrellas may be provided for the comfort and safety of the customers and attendant on a case-by-case basis. Shade structures shall remain clean and in good order and shall be replaced if damage or excessive wear becomes visible. To the extent possible, this shade structure or tent shall be architecturally

compatible with the shopping center and recycling facility (i.e., of similar colors as the building). The maximum square footage of these shade structures is 120 square feet. Details of the shade structure(s) shall be included in the operational statement. Elevations will be required with application submittal.

18. *Landscaping.*

- a. Sites shall be in compliance with approved Landscape Plans.
- b. If the site was developed prior to existing landscaping requirements, landscaping within the immediate vicinity of the storage container and sorting area shall be provided.

19. *Site Maintenance and Operational Requirements.*

- a. Recyclable materials shall be stored in containers or in the storage unit.
- b. CRV Centers shall maintain an adequate on-site refuse container for disposal of non-hazardous waste and a container for customers to pour remaining liquids into from their CRV materials. These refuse containers shall be screened from public view.
- c. The storage unit and surrounding area shall be cleaned and washed and all litter surrounding the site removed as needed to maintain a safe and healthy environment.

- d. The operator shall ensure compliance with the Fresno Metropolitan Flood Control District.
- e. All shopping carts found within 25 feet of the recycling center not belonging to the existing shopping center shall be returned to their owners. Shopping carts are prohibited on the premises and within 25 feet of the area used to accept recyclable materials.
 - i. The applicant shall indicate in the operational statement how these requirements will be accomplished.
 - ii. The operator shall post a sign advising that it is illegal to take shopping carts or that possession of stolen shopping carts is a misdemeanor.
 - iii. The operator must comply with the Abandoned Shopping Carts Ordinance, Fresno Municipal Code Section 9-3101 et seq., as may be amended.
- f. Signs shall be posted informing customers of the Abandoned Shopping Cart Ordinance (Section 9-3103 of the Fresno Municipal Code).
- g. An on-site restroom facility or a written letter from a nearby store within in the shopping center that allows the recycling center employees to use the store's on-site restroom facilities is required.

- h. The Recycling Center shall be illuminated to ensure comfortable and safe operation.

20. *Other Requirements.*

- a. Recycling facilities must obtain a Solid Waste Recycling Permit from the Code Enforcement Division.
- b. Frequent responses by the Fresno Police Department (FPD) arising out of or relating to the operation or management of the real property owned or controlled by the permit-holder causing any combination of the following: animal disturbances; violent criminal acts; illegal consumption of intoxicants in public view; gaming activities; and juvenile disturbances, or any of the other activities set forth in the Fresno Municipal Code (FMC) Section 10-708(g) may result in an FPD recommendation to the Director to commence proceedings to revoke the Site Plan Review/Development Permit or Conditional Use Permit application for violation of the Management of Real Property Ordinance. In addition to recommending the commencement of revocation proceedings, the FPD may pursue any of the other remedies set forth in FMC, Section 10-710, Violation, including assessing fines against the proprietor for the violations of the Management of Real Property Ordinance.
- c. "Frequent," for this subsection, means response by the Fresno Police Department is occurring more than 1.5 times the average

number of such responses (three calls for every two) for property of a similar size and character within the same policing district.

C. Recycling Processing Facility.

1. *Minimum Lot Size.* Three acres.
2. *Location.* Facilities shall not abut a residential district or use and shall have direct access to a Major Street that is properly designated to accommodate the type of traffic that will be generated by the facility.
3. *Screening.* The facility shall be screened from public rights-of-way, by a Screening Wall, per 15-2008-C, or within an enclosed structure. Frontage landscaping (a minimum of 10 feet) is required.
4. *Pavement.* The area used for recycling, parking, and/or storage shall be paved per Public Works Standards for parking lots.
5. *Outdoor Storage.*
 - a. Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required Screen Wall.
 - b. Exterior storage of materials, other than baled material, shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition.

- c. Outdoor storage shall comply with the Fire Code for pile size, fire apparatus access, and fire hydrant protection.
6. *Identification.* Facilities shall be clearly marked with the name and phone number of the facility operator and hours of operation.
7. *Processing.* Processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable and reusable materials.
8. *Noise.* Shall comply with all applicable Noise standards.
9. *Fluids.* A processing facility may accept used motor oil and/or used oil filters for recycling from the generator in accordance with Government Code 25250.11 of the California Health and Safety Code. All storage of used motor oil and/or used oil filters must be within a containment apparatus capable of containing all stored oil in the event of a spill or leak. No containment apparatus shall exceed a capacity greater than 55 gallons. All used motor oil and/or used oil filter storage containers shall be located on an approved surface.
10. *Batteries.* A processing facility may accept used lead-acid batteries in accordance with Government Code 25215.1 of the California Health and Safety Code Section 25215.1. All batteries must be stored inside an enclosed building.

11. *Hours of Operation.* If the facility is within 500 feet of a Residential District, or an existing home, it may not operate between the hours of 7 p.m. and 7 a.m.
12. *Personnel.* The facility shall be administered by on-site personnel during the hours the facility is open.
13. *Maintenance.* If CRV materials are accepted, compliance with the Site Maintenance and Operational Requirements of Subsection 15-2750-B.19 is required.

SECTION 3. 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.

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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 17th day of December, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

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

BY: _____
Talia Kolluri-Barbick [Date]
Senior Deputy City Attorney

TKB:jd [69903jd/tkb] 12-11-15