

Exhibit B  
Text Amendment No. TA-16-001  
Redline

# City of Fresno, Citywide Development Code Redline Guide

## “Clean Up” Text Amendment, August, 2016

The following text is proposed to be added to Article 1, Section 15-104-A in order to resolve issues which may arise when a project is subject to conflicting standards:

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

Article 1, Table 15-107-B is proposed to be amended as follows in order to delete the AE and PD overlays, which are unnecessary due to other standards in the Code:

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

The following text is proposed to be added to Article 3, Section 15-313 to clarify encroachments into easements:

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

Article 4, Section 15-404-F-2 is proposed to be amended as follows to avoid future confusion about the exact effective date the of Development Code:

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

Article 9, Table 15-902 is proposed to be amended as follows to be consistent with changes that were previously made to crop cultivation as a permitted use:

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

The following text is proposed to be added to Article 9, Section 15-904-A to reinstate a previous tool that offered flexibility in residential areas:

7. **Rear Setback Reduction.** Rear setbacks may be reduced if all of the following conditions are met:
  - a. A site plan shall be submitted in accordance with the provisions of Article 52 Development Permit;
  - b. The rear setback shall be greater than or equal to the required interior side setback for the Base District;
  - c. Space equal to the reduction shall be provided elsewhere on the lot, exclusive of any required yard area. Said replacement space shall have minimum dimensions of five feet by eight feet, and shall be so located that it is suitable for general use by the occupant of the premises; and
  - d. The Review Authority shall find that the granting of the reduction will not be materially detrimental to the public welfare or injurious to property and improvements in the area in which the property is located and will not be contrary to the objectives of this Code.

Article 10, Table 15-1002 is proposed to be amended as follows to be consistent with changes that were previously made to crop cultivation as a permitted use:

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

The following text is proposed to be added to Article 10, Section 15-1004-C-1 to be consistent with changes made to RM standards:

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

**Article 10, Section 15-1004-D-1-a is proposed to be amended as follows to remove a reference to a section which was deleted:**

- a. *Private Open Space Requirements.* Private open spaces are those which are attached to a dwelling unit and are available only for the private use of the residents of the dwelling unit, such as balconies, porches, and patios. No fewer than 50 percent of the dwelling units on a site shall have a private open space. The following standards shall apply to private open space:
- i. The minimum dimension of any private open space shall be four feet.
  - ii. The minimum area of any private open space shall be 32 square feet.
  - ~~iii.~~ When located within 30 feet of a public street and located on the ground floor, private open spaces shall ~~be designed as a porch. follow the requirements for Porches as put forth in Table 15-1005 F.~~
  - iv. When located within 30 feet of a public street and located above the ground floor, private open spaces shall ~~be designed as a balcony. follow the requirements for Balconies as put forth in Table 15-1005 F.~~

**Article 11, Table 15-1102 is proposed to be amended as follows to add flexibility for large day care and personal storage, and to be consistent with changes that were previously made to crop cultivation as a permitted use:**

TABLE 15-1102: USE REGULATIONS—MIXED-USE DISTRICTS				
Use Classifications	NMX	CMX	RMX	Additional Regulations
Residential Use Classifications				
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)	
Commercial Use Classifications				
Retail Sales				
Convenience Retail	P(5)	P	P	§15-2745, Outdoor Retail Sales; 15-2761 Tobacco and Vapor Shops
General Retail	P(5)	P	P	§15-2733, Hobby Stores; §15-2745, Outdoor Retail Sales
Nurseries and Garden Centers	P	P(5)	P	§15-2745, Outdoor Retail Sales
Second Hand / Thrift Stores	P(5)	P	P	
Public and Semi-Public Use Classifications				
Schools, Public or Private	-C	-C	C	
Agricultural and Extractive Use Classifications				

TABLE 15-1102: USE REGULATIONS—MIXED-USE DISTRICTS				
<i>Use Classifications</i>	<i>NMX</i>	<i>CMX</i>	<i>RMX</i>	<i>Additional Regulations</i>
Produce Stand	P	-	-	§15-2752, Roadside Fruit Stands / Grower Stands
<b>Industrial Use Classifications</b>				
Warehousing, Storage, and Distribution				
Personal Storage	C	C	C	§15-2747, Personal (Mini) Storage

The following text is proposed to be added to Article 11, Section 15-1104-D-1 to be consistent with changes made to MX standards:

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

Article 11, Section 15-1104-G.1 is proposed to be amended as follows to make the applicability of sidewalk standards consistent with Public Works practices:

- G. **Sidewalk Standards.** Notwithstanding Chapter 13, Section 208 of the Municipal Code, the following shall apply:
1. **Applicability.** All projects shall be required to bring adjacent sidewalk conditions into conformance with the standards of this section, subject to the following exceptions:
    - a. Applications for signs only.
    - b. Additions, remodels, or tenant improvements of less than 50 percent of the current value of the property.
    - ~~b. Tenant improvements for new establishments occupying 20,000 square feet of gross floor area or less.~~
    - ~~c. Building expansions of 2,000 square feet of net new floor area or less.~~

Article 12, Table 15-1202 is proposed to be amended as follows to preserve retail uses in the Tower District commercial area and to be consistent with changes that were previously made to crop cultivation as a permitted use:

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>
<b>Commercial Use Classifications</b>							
Offices							
Business and Professional	P(9) (17)	P	P	P	–	–	
Medical and Dental	P(17)	P	P	P	–	–	
Walk-In Clientele	P(17)	P	P	P	–	–	

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

Article 13, Table 15-1302 is proposed to be amended as follows to be consistent with changes that were previously made to crop cultivation as a permitted use:

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

Article 14, Table 15-1402 is proposed to be amended as follows to be consistent with changes that were previously made to crop cultivation as a permitted use:

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

Article 16, Section 1601 and 1602 are proposed to be removed as follows remove the PD and AE overlay districts, which are unnecessary due to regulations elsewhere in the Code:

#### Sections:

- 15-1601 ~~Planned Development (PD) Overlay District~~ (Reserved)
- 15-1602 ~~Airport Environs (AE) Overlay District~~ (Reserved)
- 15-1603 Bluff Protection (BP) Overlay District
- 15-1604 Expressway Area (EA) Overlay District
- 15-1605 Residential Modifying (RM) Overlay District
- 15-1606 Annexed Rural Residential Transitional (ANX) Overlay District
- 15-1607 Equine (EQ) Overlay District
- 15-1608 Mining (M) Overlay District
- 15-1609 Apartment House (AH) Overlay District

## 15-1601 ~~Planned Development (PD) Overlay District (Reserved)~~

- A. ~~**Purpose.** The Planned Development (PD) Overlay District allows for an alternate process to accommodate major and unique developments for residential, commercial, professional, or other similar activities, including combinations of uses and modified development standards, which would create a desirable, functional, and community-oriented environment under controlled conditions of a development plan. The PD district is intended to provide assurances to a land developer which will reduce the economic risks of a project while providing the City with a flexible means of promoting comprehensive planning and orderly development.~~
- B. ~~**Use Regulations.** No use other than an existing use is permitted in a PD District except in accordance with a valid PD Plan or adopted Specific Plan. Any permitted or conditional use authorized by this Code may be included in an approved PD Plan or an adopted Specific Plan consistent with the General Plan land use designation(s) for the property.~~
- C. ~~**Development Standards:**~~
1. ~~**Minimum Area.** The minimum area of a PD District shall be as follows; however, the City Council may approve a District smaller than the minimum area if it finds that rezoning to PD would further achieve the goals of the General Plan and provide greater benefits to the general welfare of Fresno's residents and property owners than development under conventional zoning because of unique characteristics of the site or the proposed use or mix of uses.~~
    - a. ~~Commercial and Mixed Use Districts. One half contiguous acres.~~
    - b. ~~Other Districts. Two contiguous acres.~~
  2. ~~**Open Space.** Open space shall be shown on the PD Plan, and the total open area in a PD Plan shall be substantially the same, or greater as the open area required by the Base District for the total area of the planned development.~~
  3. ~~**Residential Unit Density.** Except where a density bonus is granted in compliance with the City's density bonus regulations for affordable housing in Article 22, Affordable Housing Density Bonus, the total number of dwelling units in a PD Plan shall not exceed the maximum number permitted by the General Plan density for the total area of the planned development designated for residential use.~~
  4. ~~**PD Plan Regulations.** Minimum lot area, yard requirements, building heights, and other physical development standards shall be as prescribed by the PD Plan. Each PD Plan shall establish development standards that, at a minimum, address the following:~~
    - a. ~~Land use;~~
    - b. ~~Circulation of traffic, bicycles, and pedestrians;~~
    - c. ~~Landscaping and planting areas;~~
    - d. ~~Residential density; non-residential floor area;~~
    - e. ~~Minimum building site;~~
    - f. ~~Minimum lot dimensions;~~
    - g. ~~Maximum lot coverage by buildings and structures;~~

- ~~h. Minimum yards;~~
- ~~i. Maximum building or structure heights; transitional standards to adjacent residential neighborhoods;~~
- ~~j. Maximum height of fences and walls;~~
- ~~k. Signs;~~
- ~~l. Off street parking and loading; and,~~
- ~~m. Other items as deemed appropriate by the Director, Planning Commission, and City Council.~~

**D. ~~PD Plan Project Description.~~** Each PD Plan shall clearly outline how it accomplishes the following:

- ~~1. Addresses a unique situation.~~
- ~~2. Confers a substantial benefit to the city.~~
- ~~3. Incorporates creative site design to achieve the purposes of this Code and General Plan, and represents an improvement in quality over what is possible through the strict application of the otherwise applicable district or development standards. These improvements may include:~~
  - ~~a. A greater amount of open space and access;~~
  - ~~b. Environmental protection;~~
  - ~~c. Tree and/or vegetation preservation;~~
  - ~~d. Creation of multiple use projects including residential, commercial, or recreational facilities;~~
  - ~~e. Increased choice of housing options.~~
- ~~4. The project would be impractical to achieve within one of the City's Base Districts.~~

**15-1602 ~~Airport Environs (AE) Overlay District (Reserved)~~**

**A. ~~Purpose.~~** As used herein, "Airport" means Fresno Yosemite International Airport, Fresno Chandler Executive Airport, and/or Sierra Sky Park. The Airport Environs (AE) Overlay District is established to:

- ~~1. Protect life and property on the ground and in the air around the airport from potential hazards to ensure the safe navigation of aircraft.~~
- ~~2. Identify a range of uses compatible with airport accident hazard and airport noise exposure.~~
- ~~3. Prohibit the development of incompatible uses that are detrimental to the general health, safety, and welfare and to existing and future airport operations.~~
- ~~4. Require noise attenuated construction within the airport environs.~~
- ~~5. Comply with Federal Aviation Administration (FAA) regulations.~~
- ~~6. Comply with the California State Aeronautics Act.~~



B. ~~**Use Regulations.** Those uses permitted in the Base District, subject to the limitations and conditions set forth therein and consistent with applicable Airport Land Use Plans.~~

C. ~~**Development Standards.**~~

1. ~~In addition to the development standards of the underlying district, development in the AE Overlay District is subject to the requirements, limitations, and conditions set forth therein and consistent with applicable Airport Land Use Compatibility Plans and applicable provisions of Federal Aviation Administration (FAA) regulations. The three airport plans within the city are Sierra Sky Park, Fresno Chandler Executive, and Fresno Yosemite International.~~
2. ~~**Airport Land Use Commission (ALUC) Review.** The ALUC shall review any projects within its purview pursuant to applicable plans, and shall review any text amendments to this Code.~~

Article 16, Section 15-1609-B is proposed to be amended as follows in order to clarify that ground floor residential uses are allowed in the AH overlay district:

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

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

Article 20, Section 15-2006-C through F are proposed to be amended as follows to clarify fencing regulations and make them consistent with the way setbacks are measured in the new Code:

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

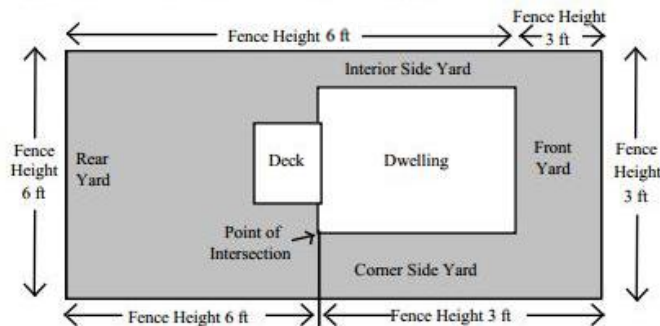
1. ***Front Yards.***
  - a. ***Wrought Iron or Tubular Steel.*** A fence up to four feet in height may be installed ~~on the front property line~~ within any required front yard setback. Fences must be

open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.

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

- i. Exception. Front yard fences on parcels within the Pinedale Neighborhood Plan area may be up to four feet in height in the front yard, regardless of material, however fences shall comply with Section 15-2018, Intersection Visibility.

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



**FIGURE 15-2006-C: MAXIMUM FENCE HEIGHT**

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

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

1. *Front Yards.*
  - a. Where a lot is on the same block frontage with parcels that are zoned for Single-Family uses, fencing shall comply with fencing standards of the Single-Family District in Subsection 15-2006-C.
  - b. If the block does not contain Single-Family zoned lots:
    - i. Wrought Iron or Tubular Steel: A fence up to four feet in height may be installed ~~on the front property line within any required front yard setback.~~ Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.

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

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

2. **Street-Side Yards.**

- a. *Lots with a Street-Side Yard of 125 Feet or Less in Length.* Fencing up to six feet in height may be placed ~~on the property line within any street-side yard.~~
- b. *Lots with Street-Side Yards Greater than 125 Feet in Length.* Fencing up to six feet in height may be placed per the main building setback of the underlying district minus five feet.

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

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

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

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

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

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

**E. Fence Height and Locations for Downtown Districts.**

(Reserved)

**F. Fence Height and Locations for All Other ~~Uses and~~ Districts.**

1. **Front Yard.**

- a. *Wrought Iron or Tubular Steel.* A fence up to four feet in height may be installed ~~on the front property line within any required front yard setback.~~ Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.
- b. *All Other Materials.* All other fences within any required front yard setback are permitted up to three feet in height and shall comply with the main building setback, minus five feet.

2. **Street-Side Yard.**

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

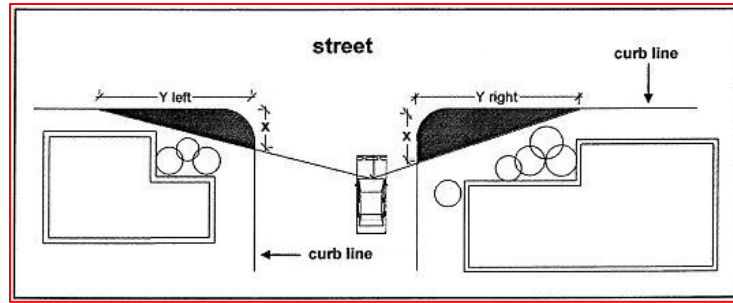
- b. *All Other Materials.* All other fences within any required street side yard setback are permitted up to three feet in height and shall comply with the main building setback, minus five feet.
3. ~~*Interior and Rear Yards.* Fences may be placed on property lines.~~
4. *Through Lots.* Both street frontages shall be considered Front Yards.
5. *Other Yards.* Outside of the required front yard and street-side yards, the maximum height for fences is seven feet (regardless of location on the site) unless the fence is part of Outdoor Storage per Section 15-2013, Outdoor Service Yards and Storage.
6. *Bollards.* Bollards, up to three feet in height may be placed at the rear of required landscape areas.
7. *Setbacks.* Unless a greater setback is required in another section of this Code, fences shall be set back 12 inches from the back of adjacent sidewalks, or from the curb or shoulder if there is no sidewalk. Fences may be placed on interior side and rear property lines.
8. *Right-of-Way.* In no circumstance may any fence be placed in the public right-of-way unless specified elsewhere in this Code.

Article 20, Table 15-2015-B.4 is proposed to be amended as follows to reflect the removal of the AE overlay district:

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

Article 20, Section 15-2018 is proposed to be amended as follows in order to make intersection visibility standards more consistent with Public Works practices:

## 15-2018 Intersection Visibility



**FIGURE 15-2018: INTERSECTION VISIBILITY**

### A. Street Intersections.

1. Vegetation and structures may not exceed a height of three feet within the triangular sight-distance area formed by the intersecting curb lines (or edge of pavement when no curbs exist) and a line joining points on these curb lines at the locations and distances identified in Figure 15-2018 and Table 15-2018-A. ~~of 30 feet along both lines from their intersection.~~
2. Trees and signs that are located within this sight distance triangle shall have a clearance of eight feet high minimum between the lowest portion of the canopy and the sidewalk and street.

Applies to all structures, including flag poles and signs.

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

Article 21, Section 15-2102-A is proposed to be amended as follows in order to apply the TOD Height and Density Bonus to the CMS—Commercial Main Street District:

## 15-2102 Applicability

At its discretion, the Review Authority, when granting a Development Permit, may allow a project to exceed the maximum height and/or the maximum residential density of the Base District if all three of the following criteria are met:

- A. The project site is located entirely within an MX District ~~or a CMS District~~.

**Article 23, Section 15-2305-C-2 is proposed to be amended as follows to provide clarity and consistency:**

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

**Article 26, Section 15-2609-B is proposed to be amended as follows to allow larger wall signs consistent with past practice:**

- C. **Public and Semi-Public Uses.** Signs for Public and Semi-Public Uses located in Residential Districts may be erected subject to the following standards:
  - 1. **Maximum Number of Signs.** One freestanding sign per street frontage plus one wall sign ~~per building~~.
  - 2. **Maximum Sign Area per Signs.** Freestanding signs shall not be more than 32 square feet in area. Wall signs shall not ~~be more than 10 square feet in area~~ exceed 10 percent of the wall area.
  - 3. **Height Limit, Freestanding Signs.** Five feet when located within a required front or street-side setback, eight feet otherwise.
  - 4. **Illumination.** Signs may be internally illuminated.

**Article 26, Section 15-2610-E-2 is proposed to be amended as follows to allow larger wall signs consistent with past practice:**

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

**Article 26, Section 15-2611-G is proposed to be amended as follows to allow make yard signs regulations consistent with acceptable practices:**

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

1. ***In Residential Districts.***

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

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

2. ***All Other Districts.***

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

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

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

~~3.4.~~ ***Location.*** Signs shall not be attached to any utility pole and such sign, or portion thereof, is not placed in any public right-of-way or on any property owned by the City. Such signs may be placed on private property with the permission of the property owner or may be attached to an existing sign on private property with the permission of the sign owner or lessee.

~~4.5.~~ ***Shall Not Obstruct.*** Such signs shall not be erected in such a manner that they will, or reasonably may be expected to, interfere with, obstruct, confuse, or mislead traffic.

~~5.6.~~ ***Maintenance.*** Signs not erected or maintained in accordance with the provisions of this subsection shall be the responsibility of the owner of the property upon which the sign is located, shall be deemed a public nuisance, and may be abated by such property owner, the candidate or person advocating the vote described on the sign (if applicable), or the Director. The cost of removal incurred by the Director shall be assessed against the property owner and/or, if applicable, the candidate and/or the person advocating the vote described on the sign.

**Article 27, Section 15-2707 is proposed to be amended as follows to clarify enforcement responsibilities:**

**15-2707 Animal Keeping**

Animal keeping is allowed as an accessory use to a primary residential use. Animals may be kept in compliance with the following standards. **Enforcement of this section is the duty of the Poundmaster (FMC 10-302). Other regulations related to animals are located under FMC 10-200 et seq. and FMC-300 et seq.**

Article 27, Section 15-2735-G is proposed to be amended as follows to allow for small home occupation signs:

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

~~6-7.~~ **Quantity.** A maximum of one sign is permitted.

~~7-8.~~ **Type.** A wall or window sign is permitted. Freestanding signs of any type shall not be permitted.

~~8-9.~~ **Size.** Shall not exceed 2 square feet in area.

~~9-10.~~ **Design.** Signs shall be visually compatible with the building and surrounding neighborhood.

~~10-11.~~ **Illumination.** Illuminated signage is not permitted.

Article 27, Section 15-2741-A-7-a is proposed to be amended as follows to allow mobile vendors within 300 feet of restaurants in Downtown with City Manager approval:

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.

iii.iv. Within the area bounded by Divisadero Street, Highway 41, and Highway 99, non-motorized Vendors may operate within 300 feet of an existing restaurant with prior written permission of the City Manager.

Article 27, Table 15-2744-A is proposed to be amended as follows to clarify allowed hours of operation for establishments serving alcohol:

TABLE 15-2744-A ALLOWED HOURS OF OPERATION	
Hours of Operation	Outdoor Area Hours of Operation
Establishments not serving alcohol	
Establishments closer than 100 feet from Residential Districts <sup>1</sup>	Not earlier than 7 a.m. or later than 10 p.m.
Establishments further than 100 feet from Residential Districts <sup>1</sup>	Not earlier than 7 a.m. or later than 12 a.m.
Establishments further than 250 feet from Residential Districts <sup>1</sup>	No limitations



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

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

Article 27, Section 15-2744-C-1 is proposed to be amended as follows to simplify the permitting process for sidewalk cafes:

1. ~~**Encroachment Permit Required.**~~ ~~An encroachment permit approved by the City Engineer.~~ Zone Clearance is required for any outdoor dining/seating located in the public right-of-way. An encroachment permit approved by the City Engineer is required for any furniture or structures which are permanently attached to the public right-of-way.

The following text is proposed to be added to Article 27, Section 15-2747 to allow some personal storage uses within mixed use areas with appropriate design:

**J. Design Standards within Mixed Use Districts.**

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

The following text is proposed to be added to Article 27, Table 15-2751-G to modify alcohol sales times for restaurants:

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

Article 27, Section 15-2754 is proposed to be amended as follows to clarify setback standards for second dwellings:

**I. Setbacks.** Per the underlying zone district.

- ~~1. Front Yards. Per the underlying zone district.~~
- ~~2. Side Yards/Street Side Yards. Per the underlying district.~~
- ~~3. Rear Yards. Shall be separated from the main home by a minimum of six feet.~~
  - ~~a. Second Dwelling Unit. Per the underlying zone district.~~
  - ~~b. Backyard Cottage and Accessory Living Quarters.~~
    - ~~i. Alley Present. Three feet.~~
    - ~~ii. No Alley Present.~~
      - ~~(1) Abutting an RS. Ten feet.~~

The following text is proposed to be added to Article 49, Section 15-4906-D-1 to complete the changes related to the Certainty Option as requested by Council:

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

The following text is proposed to be added to Article 49, Section 15-4906-H to complete the changes related to the Certainty Option as requested by Council:

1. **Specific Plan Design Review Committees.** Development Permit applications submitted in multi-family and mixed-use districts consistent with the Certainty Option set forth in sections 15-1004, 15-1005, 15-1104, and 15-1105 of this Code shall be subject to review by applicable Specific Plan Design Review Committees as follows:
  - a. Upon completion of an application following internal departmental review, DARM Department staff shall provide the completed application to members of any applicable Specific Plan Design Review Committee.
  - b. If a Committee member chooses to request a meeting to discuss the application, they must submit the request to DARM Department staff within 72 hours of their receipt of the application.
  - c. A meeting of the applicable Specific Plan Design Review Committee must be set within 5 business days of the first request for a meeting.
  - d. If no members of a Committee request a meeting to discuss the application within the allotted time, it shall move forward without review by the Committee.
  - e. The Committee's review is limited to verification of the project's compliance with the requirements of the Certainty Options set forth in sections 15-1004, 15-1005, 15-1104, and 15-1105 of this Code, and the requirements of any applicable Specific Plan.

Article 50, Section 15-5003-A is proposed to be amended as follows to simplify the review process for small projects:

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

Article 50, Section 15-5007-C is proposed to be amended as follows to clarify site posting procedures for specific plans and other large plans:

- C. **Posting of the Site.** For ~~Plan Amendments and other~~ instances where the posting of a site may be required by this Code, the applicant shall post a public notice on the subject property per the following: The public notice shall be posted at least 10 days prior to the public hearing or action;
1. At least one notice per street frontage shall be posted;
  2. There shall be at least one notice per 500 feet of street frontage;
  3. The City shall prepare the notice;
  4. ~~The applicant shall submit a signed letter stating that they posted or caused the posting of the notice;~~
  - 4.5. The notice shall contain the information per Subsection E below;
  - 5.6. The notice shall be a minimum of 11x17 inches; ~~and~~
  7. ~~The applicant shall, at a minimum, laminate the public notice to offer some protection from inclement weather; and~~
  - 6.8. Should the site be developed, a notice shall be posted in a conspicuous location proximate to the entrance(s) of the subject property. This notice shall be in addition to the notices that are required to be posted along the street frontage(s).
- E. **Contents of Notice.** The notice shall include the following information:
10. For Council hearings, the Commission's recommendation, ~~if available at the time of the notice.~~

**Article 53, Section 15-5302-D is proposed to be amended as follows to clarify whether a CUP or Development Permit is required for certain projects:**

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

**Article 56, Section 15-5602-A is proposed to be amended as follows for clarification:**

#### **15-5602 Applicability**

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

**Article 58, Section 15-5810-A is proposed to be amended as follows for clarification:**

## 15-5810 City Council Hearing and Action

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

### Article 67, Section 15-6703 is proposed to be amended as follows for clarification:

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