

Exhibit D  
Revisions

**Highlighted Redline**

Planning Commission Recommended Revisions

**Redline without Highlight**

Revisions made after September 30, 2015

5. ***General Terms and Use Classifications.*** Part VI provides definitions and articulates use classifications and terms and definitions used in this Code.

## 15-104 Applicability

### A. General Rules for Applicability of Development Code Regulations.

1. ***Applicability to Property.*** This Development Code shall apply, to the extent permitted by State and Federal law, to all private property within the corporate limits of the City of Fresno, including all uses, structures, and land owned by any person, firm, corporation, or organization.
2. ***Compliance with Regulations and Uses Expressly Prohibited.*** No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished, or moved in any zoning district, except in accordance with the provisions of this Code. Specific uses of land, buildings, and structures listed as prohibited in any zoning district are hereby declared to be detrimental to the public health, safety, and welfare. The enumeration of prohibited uses shall not by implication enlarge the scope of permitted uses; they are for purposes of clarity only. A proposed use within a zoning district must expressly be listed as a permitted use per the applicable base or overlay district, or determined to be such through the determination of the Director, in order to be authorized under the Development Code.

### B. Relation to Other Regulations.

1. ***Permit Streamlining Act.*** It is the intent of this Code to be consistent with the requirements of Government Code Section 65920 et seq. (the Permit Streamlining Act) and legislative judgments.
2. ***Relation to Prior Ordinance.*** The provisions of this Code supersede all prior Zoning Ordinances and Development Codes codified in the Fresno Municipal Code and any amendments. No provision of this Code shall validate any land use or structure established, constructed, or maintained in violation of the prior Zoning Ordinance or Zoning Map, unless such validation is specifically authorized by this Code and is in conformance with all other applicable regulations.
3. ***Application During Local Emergency.*** During a disaster or emergency declared and confirmed under Chapter 2, Article 5, Emergency Services Ordinance of the Fresno Municipal Code, a deviation from the provisions of the Development Code may be allowed. The City Council may also authorize a deviation from the Development Code during a disaster or emergency by resolution.
4. ***Priority of Plans.***
  - a. In the event of a conflict between this Code and the General Plan or any applicable operative plan or Redevelopment Agency guidelines, this Code shall control.

- b. In the event of a conflict between the General Plan and any applicable operative plan, the General Plan shall control. However, for areas within the Downtown Neighborhoods Community Plan (DNCP), the Fulton Corridor Specific Plan (FCSP), or operative airport plan, the DNCP, FCSP, and airport plan shall govern.
- c. In the event of a conflict between a ~~Concept Specific~~ Plan and a ~~Specific Concept~~ Plan, Community Plan, or Neighborhood Plan, the ~~Concept Specific~~ Plan shall control.
- d. In the event of a conflict between a ~~Specific Concept~~ Plan and a Community Plan or Neighborhood Plan, the ~~Specific Concept~~ Plan shall control.
- e. To maintain and improve the consistency between plans, the adoption or amendment of a plan shall be accompanied by corresponding amendments to the General Plan and other plans which affect the same geographic area.

**C. Projects Approved Prior to the Adoption of this Code.**

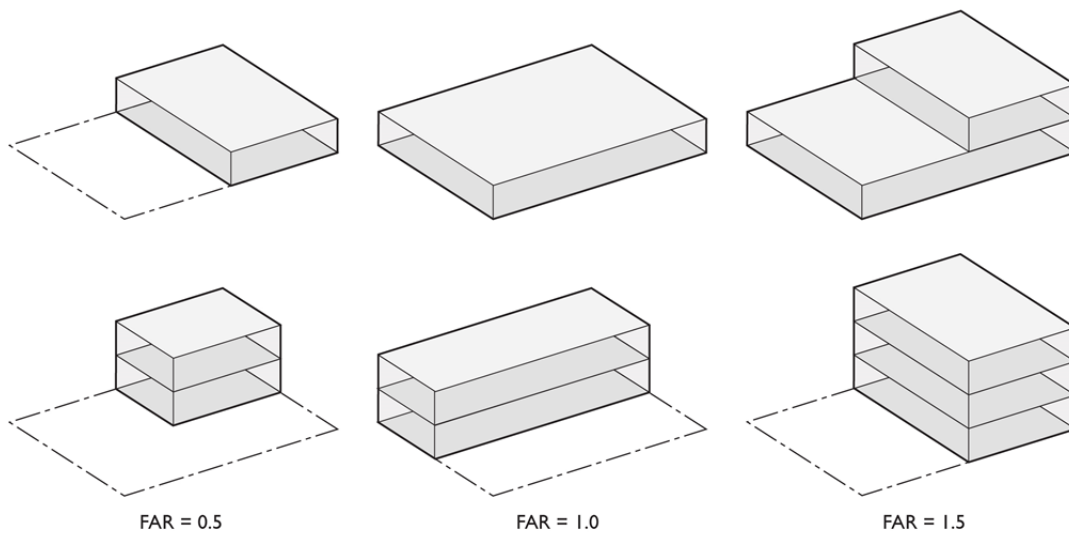
- 1. Any building or structure for which a Building Permit has been issued may be completed and used in accordance with the plans, specifications, and permits on which said Building Permit was granted, provided at least one inspection has been requested and posted for the primary structure on the site where the permit is issued and provided construction is diligently pursued and completed within six months of permit issuance. No extensions of time except as provided for in the Building Code shall be granted for commencement of construction, unless the applicant has secured an allowed permit extension from the Development and Resource Management (DARM) Department.
- 2. Any previously approved permit, entitlement, or subdivision map shall be honored, unless it expires.

**D. Pending Projects.** Planning permit applications that are subject to the Permit Streamlining Act, that have been accepted by the City as complete within the meaning of the Permit Streamlining Act prior to the effective date of the Development Code, and which do not require a plan amendment, rezone, or other legislative decision, shall be subject to the Development Code requirements in effect as of the date the application was deemed complete, unless the applicant chooses to use the updated provisions of the Development Code in their entirety.

**2.E. Designated Historic Properties.** Any building or structure, including signs, that are identified and designated as a Historic Resource pursuant to the Historic Preservation Ordinance, may, at the discretion of the Review Authority and upon advice from the City Historic Preservation Specialist, be exempted from any and all property development standards of this Code, with the exception of those rules and regulations imposed in relation to an airport plan.

**15-105 Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held to be later declared invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The City Council hereby declares that it would have passed this Code, and each article, section, subsection, sentence, clause, and



**FIGURE 15-309: DETERMINING FLOOR AREA RATIO**

### 15-310 Determining Residential Density

Residential density measures the number of dwellings on a given unit of land. Residential density shall be calculated as follows:

- A. **Residential Single-Family Districts.** In Residential Single-Family districts, 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.
- B. **All Other Districts.** In all other districts, residential density shall be measured in dwelling units per acre of the project's site area. For example, if a project proposes 15 dwellings on a three-acre site, it has a residential density of five dwelling units per acre (or five du/ac). Major utility easements (such as high-tension lines and trunk lines), trails, and natural features shall be excluded from this calculation. For mixed-use projects, the acreage of the entire project site shall be included in the calculation, including portions of the project site which feature only non-residential uses.

### 15-311 Determining Lot Coverage

Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, and carports shall be included in the lot coverage calculation, unless otherwise noted. The following structures shall be excluded from the calculation:

- A. Decks, patios, porches, landings, balconies, and unenclosed stairways;
- B. Eaves and roof overhangs;
- C. Trellises and similar structures;

## 15-405 Legal Non-Conforming Structures and Site Features

- A. **Applicability.** This section shall apply to all Legal Non-Conforming buildings, fences, parking, landscaping, and other such physical improvements to a lot, with the exception of non-conforming signs, which are regulated by Article 26.
- B. **Continuation of Existing Structures and Site Features.** Except as otherwise stated in this article, any Legal Non-Conforming structure or site feature may be continued indefinitely. Any Illegal Non-Conforming structure or site feature shall be removed or modified to conform to the provisions of this Code.
- C. **Completion of Structures or Site Features.** The provisions of this article shall not be construed to preclude the completion of any structure or site feature upon which lawful construction has begun prior to the time of enactment of this Code or any amendment thereto, or prior to the time of inclusion in the city.
- D. **Repair and Maintenance of Non-Conforming Structures or Site Features.**
  - 1. **Maintenance.** A Legal Non-Conforming structure or site feature may be maintained as necessary to keep it in good working order.
  - 2. **Repairs and Alterations.** Notwithstanding the provisions of Section 15-404-B, any Legal Non-Conforming structure or site feature may be repaired and/or altered, provided that such repairs and alterations do not increase any non-conformity.
  - 3. **Repair of Unsafe Structures or Site Feature.** The provisions of this article shall not be construed to preclude the repair or alteration of any part of any structure or site feature declared to be unsafe by the Building Official when such repairs or alterations are for the purpose of restoring the structure or site feature to a safe condition.
- E. **Enlargement of Non-Conforming Structures.**
  - 1. **Enlargement of Single-Family Residential Structures.** A legal non-conforming single-family use or structure in a Non-Residential District may be enlarged, provided the addition does not ~~alter-reduce~~ the number of parking spaces, ~~alter~~ the ~~location and~~ size of parking spaces, or the location and size of driveways; and the addition does not change the structure from single-family use to multi-family use.
  - 2. **Enlargement of Other Legal Non-Conforming Structures.** A legal non-conforming structure being used for a conforming use may be enlarged or structurally altered if the new portion of the structure conforms to the regulations of the district in which it is located. If strict conformance with current setback requirements would cause unsightly or impractical site layouts, and a deviation from such requirements shall not cause impacts on neighboring uses, the Review Authority may exempt the enlargement of a legal non-conforming structure from setback requirements at their discretion. Unaltered portions of such structures will be allowed to remain non-conforming. A

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

“–” designates uses that are not permitted.

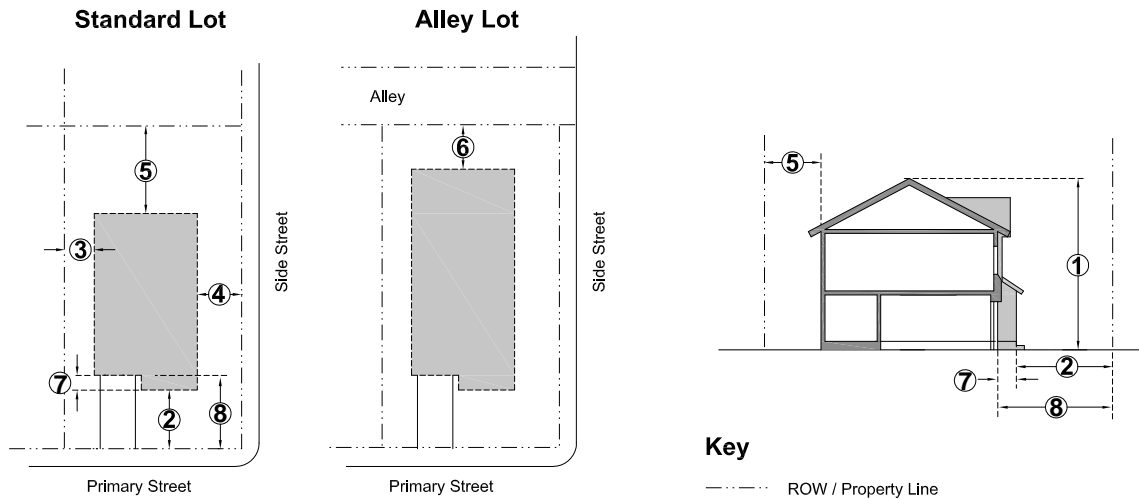
- B. Land uses are defined in Article 67, Use Classifications.
- C. In cases where a specific land use or activity is not defined, the Director may assign the land use or activity to a classification, should a use be substantially similar in character per Section 15-5020, Director’s Determination.
- 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.

<b>TABLE 15-902: USE REGULATIONS—RESIDENTIAL SINGLE-FAMILY DISTRICTS</b>							
<i>District</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>Residential Use Classifications</b>							
Residential Housing Type							
<i>Single-Unit Dwelling, Detached</i>	P	P	P	P	P	P	§15-2738, Manufactured Homes
<i>Single-Unit Dwelling, Attached</i>	–	–	–	–	C	P	
<i>Second Dwelling Unit</i>	P	P	P	P	P	P	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
<i>Cottage Housing Development</i>	–	–	–	–	–	P	§15-2723, Cottage Housing Developments (Pocket Neighborhoods)
<i>Duplex</i>	–	–	–	–	–	PC	§15-906, Duplex and Multi-Unit Residential Standards
<i>Multi-Unit Residential</i>	–	–	–	–	–	PC	§15-906, Duplex and Multi-Unit Residential Standards
Adult Family Day Care							
<i>Small (6 clients or less)</i>	P	P	P	P	P	P	
<i>Large (7 to 12 clients)</i>	–	C	C	C	C	C	
<b>Domestic Violence Shelter</b>							
<b>Small (6 persons or less)</b>	P	P	P	P	P	P	
Family Day Care							
<i>Small (8 children or less)</i>	P	P	P	P	P	P	§15-2725, Day Care Centers and Family Child Care Homes
<i>Large (9 to 14 children)</i>	–	C	C	C	C	C	
Group Residential							
<i>Small (6 persons or less)</i>	P	P	P	P	P	P	
Residential Care Facilities							
<i>Residential Care, General</i>	–	C	C	C	C	C	
<i>Residential Care, Limited</i>	P	P	P	P	P	P	

<b>TABLE 15-902: USE REGULATIONS—RESIDENTIAL SINGLE-FAMILY DISTRICTS</b>							
<i>District</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>Public and Semi-Public Use Classifications</b>							
Community and Religious Assembly (less than 2,000 square feet)	–	–	P	P	P	P	§15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	–	–	C	C	C	C	
Community Garden	P	P	P	P	P	P	§15-2720, Community Gardens / Urban Farms
Cultural Institutions	–	–	–	C	C	C	
Day Care Centers	–	–	–	–	–	C	§15-2725, Day Care Centers and Family Child Care Homes
Park and Recreation Facilities, Public	C	C	C	C(1)	C(1)	C(1)	
Public Safety Facilities	C	C	C	C	C	C	
Schools, Public or Private	–	P	P	P	P	P	
<b>Commercial Use Classifications</b>							
Corner Commercial	–	–	–	–	P	P	§15-2722, Corner Commercial
Food and Beverage Sales							
<i>Farmer's Markets</i>	–	–	–	–	P(2)	P(2)	§15-2730, Farmer's Markets
Lodging							
<i>Bed and Breakfast</i>	P	P	P	P	P	P	§15-2713, Bed and Breakfast Lodging
<b>Industrial Use Classifications</b>							
Warehousing, Storage, and Distribution							
<i>Personal Storage</i>	–	–	–	C	C	C	§2747, Personal (Mini) Storage
<b>Transportation, Communication, and Utilities Use Classifications</b>							
Communication Facilities							
<i>Antenna and Transmission Towers</i>	See Section 15-2735 <del>89</del> Telecommunications and Wireless Facilities						
Utilities, Minor	P	P	P	P	P	P	
<b>Agricultural and Extractive Use Classifications</b>							
Crop Cultivation	P	P	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	§15-2716, Crop Cultivation
Urban Farm	–	P	P	P	–	–	§15-2720, Community Gardens / Urban Farms
<b>Other Applicable Types</b>							
Accessory Uses and Structures	§15-2 <del>37</del> 03, Accessory Uses						
<i>Accessory Living Quarters</i>	P	P	P	P	P	P	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Home Gardens	§15-2 <del>37</del> 34, Home Gardens and Edible Landscaping						
Home Occupations	§15-2 <del>37</del> 35, Home Occupations						
Animal Keeping	§15-2 <del>73</del> 08, Animal Keeping						
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots						



**TABLE 15-9603-2: BUILDING FORM AND LOCATION STANDARDS—RESIDENTIAL SINGLE-FAMILY DISTRICTS**



District	RE	RS-1	RS-2	RS-3	RS-4	RS-5	Additional Regulations	#
Maximum Height (ft.)	35	35	35	35	35	35	§15-2012, Heights and Height Exceptions	①
Minimum Setbacks (ft.)								
Front	35	35	30	25	13	13	§15-313, Determining Setbacks <del>and Yards</del> §15-904-A, Additional Setback Regulations §15-904-B, Enhanced Streetscape §15-2004, Accessory Buildings and Structures §15-2014, Projections/Encroachments into Yards	②
Front, with Enhanced Streetscape	-	-	-	-	8	5		
Interior Side	10	10	10	5	10 total, min. 4/side	8 total, min. 3/side		③
Street Side	35	25	25	20	10	10		④
Rear	20	20	20	20	10	10		⑤
Alley	20	20	20	5	5	0-		⑥
Freeway/Railroad	50	50	50	50	50	50		
Garage, from back of sidewalk or curb	-	-	35	30	18	18		⑧
Garage, from primary façade	-	-	54	54	54	54		⑦
Maximum Lot Coverage (% of Lot)	30	30	30	35	50	60	§15-311, Determining Lot Coverage	

## 15-904 -Site Design Development Standards

### A. Additional Setback Regulations.

#### 1. *Setbacks for Developed Blocks.*

- a. *Front Yards.* Where 50 percent or more of the lots on the same blockface have been improved with buildings, the front setback for new structures shall not be greater than 110 percent of the average of the actual front setbacks of all improved lots on such blockface, nor shall it be less than 90 percent of the average of the actual front setbacks of all improved lots on such blockface.
- b. *Garage Encroachments into Rear and Side Setbacks.* Where 50 percent of the residential properties on a block have detached garages which encroach into the minimum side and/or rear setbacks, new detached garages shall be permitted to encroach into the minimum side and/or rear setback in a similar manner. In such instances the minimum side and rear setback for a detached garage shall each be equal to the average of the equivalent setbacks of the detached garages on the block, unless the average is less than two feet in which case the setback shall be zero feet.
- c. *Garage Setbacks for Developed Blocks.* Where 50 percent or more of the lots on the same blockface feature detached garages, new garages shall be set back no less than 10 feet behind the primary façade.

#### 2. *Side Setbacks for Attached Dwellings.* Required side setbacks shall apply only to the ends of rows of attached dwellings, and shall not be required between attached dwellings.

#### 3. *Interior Side Yards Adjacent to Garages.* If side setbacks are not of an equal width, then the larger side setback shall be adjacent to the garage.

#### 4. Water-Efficient Landscaping Incentive. The minimum front setback may be reduced by up to three feet if the front yard complies with the following:

- a. The installed landscaping complies with the State Model Water Efficient Landscape Ordinance (MWELO) regardless of whether the new landscape project meets or does not meet the Applicability criteria in MWELO; and
- b. The Maximum Applied Water Allowance is reduced by 10 percent; and
- c. The setback reduction shall not result in a front setback of less than three feet.

#### 5. Park Strip Incentive. When a park strip is provided between the curb and sidewalk, the minimum front setback for adjacent parcels shall be reduced by the width of the park strip. However, the reduction shall not result in a front setback of less than three feet.

#### 6. Swing Garages. A garage with an entrance that is perpendicular to the adjacent street is known as a swing garage. If the wall of a swing garage which faces the street has windows and other architectural treatments which are comparable to that of the primary façade of the living area, then swing garages shall be subject to the minimum front setback and shall not be subject to garage setbacks.

- B. **Enhanced Streetscape.** When an Enhanced Streetscape is provided, the minimum lot size and minimum front setback shall be reduced as shown on Tables 15-903-1 and 15-903-2. Enhanced Streetscape shall mean that no fewer than five of the following qualities are present on the site or the adjacent public street:
1. A landscaped parkway strip of no less than four feet in width; or
  2. An elevated first floor which is at no less than three feet above the grade of the adjacent sidewalk or curb; or
  3. A front porch with a depth of no less than five feet and a width equal to no less than 20 percent of the building frontage; or
  4. A street-facing balcony with a depth of no less than five feet and a width equal to no less than 30 percent of the building frontage; or
  5. A bay window with a depth of no less than two feet; or
  6. An alley-loaded garage; or
  7. A front-loaded garage, the width of which occupies less than 50 percent of the ~~width~~ area of the front façade; or
  8. A design in which no exterior street-facing wall has a continuous plane of more than eight feet without an opening such as a window or door or a projection, offset, or recess at least one foot in depth; or
  9. Stone or brick cladding ~~covering accounts for~~ no less than 50 percent of ~~the cladding of~~ street-facing facades; or
  10. A two-story front elevation; or
  11. Shutters, lintels, sills, awnings, decorative trim or similar architectural treatments on all street-facing windows and doors; or
  12. Ornamental architectural elements such as medallions, keystones, or quatrefoils, Juliet balconies, and decorative vent covers; or
  - ~~10-13. Decorative eave treatments such as cornice moldings, modillions, corbels, and outlookers.~~
- C. **Pedestrian Access.** Where 50 percent or more of the single-family homes on the same blockface have a direct path from the main pedestrian entrance to the public sidewalk, new homes shall also provide such a path. In such circumstances the driveway shall not satisfy this requirement.
- D. **Driveway Design.** Where 50 percent or more of the lots on the same blockface have a driveway design with a landscaped strip in the center (commonly known as ribbon drives or Hollywood drives), new driveways shall also include a central landscape strip.
- E. **Maximum Paving in Street-Facing Yards.** No more than 50 percent of the entire front yard or the required street-side yard may be covered with a paved impervious surface.
- ~~F. **Building Orientation.** Where lots front a Connector Street, buildings shall be oriented toward the Connector Street, with the exception that homes which back onto a Major Street may side onto the Connector Street.~~

## 15-905 Façade Design Development Standards

### A. Façade Alignment.

1. **Vertical Alignment.** With the exception of mansard roofs, cornices, and other such features, façades shall be oriented vertically and shall have no slope.
2. **Horizontal Alignment.** With the exception of bay windows and similar features, facades that are located within 50 feet of a public street shall run parallel or perpendicular to said street.

### B. Façade Compatibility for Developed Blocks. Where 50 percent or more of the lots on the same blockface have been improved with buildings, the following standards shall apply. Compliance shall be determined at the discretion of the Review Authority.

1. **Building Materials and Finishes.** Cladding and trim materials and finishes shall be similar to adjacent homes.
2. **Windows.** The size, location, and proportions of windows shall be similar to adjacent homes.

### ~~C. Façade Variation for Multiple Home Projects.~~

- ~~1. When more than five homes are proposed, no more than 20 percent of the homes within each block face may be designed to have the same front elevation. There must be two distinguishing and obviously different characteristics, such as building envelope, front porch, window pattern, or roof shape, between the front elevations of homes within a single block.~~

## 15-906 Duplex and Multi-Unit Residential Standards

When Duplex and Multi-Unit Residential uses are identified in Table 15-902 as permitted ~~after review and approval of a~~with a Conditional Use Permit, the following standards shall apply:

- A. **Neighborhood Meeting.** Prior to submittal of the project application, the applicant shall conduct a Neighborhood Meeting as put forth in Section 15-5006.
- B. **Review Authority.** The Planning Commission shall approve, conditionally approve, or deny applications for Conditional Use Permits following a public hearing.
- C. **Public Notice.** Prior to consideration of the Conditional Use Permit, Public Notice shall be provided per Section 15-5007.
- D. **Property Development Standards.** The standards of the RM-1 District shall apply, except as follows:
  1. **Density.** Residential density shall be measured as put forth in Section 15-310-B.
    - a. *Minimum.* Five units per acre.
    - b. *Maximum.* Twelve units per acre.
  2. **Front Setback.** Where adjacent sites have been improved with buildings, the front setback for new structures shall match the front setbacks of those buildings as determined by the Review Authority.

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.

- 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.

<b>TABLE 15-1002: USE REGULATIONS—RESIDENTIAL MULTI-FAMILY DISTRICTS</b>					
<i>District</i>	<i>RM-1</i>	<i>RM-2</i>	<i>RM-3</i>	<i>RM-MH</i>	<i>Additional Regulations</i>
<b>Residential Use Classifications</b>					
Residential Housing Types					
<i>Single-Unit Dwelling, Detached</i>	P	–	–	–	§15-2738, Manufactured Homes
<i>Single-Unit Dwelling, Attached</i>	P	P	–	–	
<i>Second Dwelling Unit</i>	P	P	–	–	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
<i>Duplex</i>	P	P	P	–	
<i>Multi-Unit Residential</i>	P	P	P	–	
<i>Cottage Housing Development</i>	P	–	–	–	§15-2723, Cottage Housing Developments (Pocket Neighborhoods)
Adult Family Day Care					
<i>Small (6 clients or less)</i>	P	P	P	P	
<i>Large (7 to 12 clients)</i>	C	C	C	–	
Caretaker Residence	–	–	–	P	
				P(4)	
				P(4)	
				P(4)	
Domestic Violence ResidenceShelter					

**TABLE 15-1002: USE REGULATIONS—RESIDENTIAL MULTI-FAMILY DISTRICTS**

District	RM-1	RM-2	RM-3	RM-MH	Additional Regulations
<b>Small (6 persons or less)</b>	P	P	P	—	
<b>Large (7 persons or more)</b>	P	P	P	—	
Elderly and Long-Term Care	C	C	C	—	
Family Day Care					
<i>Small (8 children or less)</i>	P	P	P	P	§15-2725, Day Care Centers and Family Child Care Homes
<i>Large (9 to 14 children)</i>	C	C	C	C	
Group Residential					
<i>Small (6 persons or less)</i>	P	P	P	—	
<i>Large (7 persons or more)</i>	C	PC	PC	—	
Mobile Home Parks	—	—	—	P	§15-2738, Manufactured Homes
Re-Entry Facility	C	C	C	—	
Residential Care Facilities					
<i>Residential Care, General</i>	C	P	P	—	
<i>Residential Care, Limited</i>	P	P	P	—	
<i>Residential Care, Senior</i>	C	P	P	—	
Single Room Occupancy	—	C	C	—	§15-2757, Single Room Occupancy Hotels and Boarding Homes
<b>Public and Semi-Public Use Classifications</b>					
Colleges and Trade Schools, Public or Private	C(21)	C(21)	C(21)	—	
Community and Religious Assembly (less than 2,000 square feet)	P	P	P	P	§15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	C(21)	C(21)	C(21)	—	
Community Garden	P	P	P	P	§15-2720, Community Gardens / Urban Farms
Cultural Institutions	C	P	P	—	
Day Care Centers	C	P	P	—	§15-2725, Day Care Centers and Family Child Care Homes
Park and Recreation Facilities, Public	C(32)	C(32)	C(32)	C	
Public Safety Facilities	C	C	C	C	
Schools, Public or Private	P	P	P	P	
Social Service Facilities	C	C	C	—	
<b>Commercial Use Classifications</b>					
Food and Beverage Sales					
<i>Farmer's Markets</i>	P	P	P	P	§15-2730, Farmer's Markets
<i>General Market</i>	—	—	—	P(43)	§15-2744, Outdoor Dining and Patio Areas; §15-2745, Outdoor Retail Sales
<i>Healthy Food Grocer</i>	—	—	—	P(43)	
Lodging					
<i>Bed and Breakfast</i>	P	P	P	P	§15-2713, Bed and Breakfast Lodging
<b>Industrial Use Classifications</b>					
Warehousing, Storage, and Distribution					

TABLE 15-1002: USE REGULATIONS—RESIDENTIAL MULTI-FAMILY DISTRICTS					
District	RM-1	RM-2	RM-3	RM-MH	Additional Regulations
Personal Storage	C	C	C	C	§2747, Personal (Mini) Storage
Transportation, Communication, and Utilities Use Classifications					
Communication Facilities					
Antenna and Transmission Towers	See Section 15-2759, Telecommunications and Wireless Facilities				
Utilities, Minor	P	P	P	P	
Agricultural and Extractive Use Classifications					
Crop Cultivation	P	P	P	P	§15-2716, Crop Cultivation
Other Applicable Types					
Accessory Uses and Structures	§15-2703, Accessory Uses				
Accessory Living Quarters	P	P	P	P	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Home Gardens	§15-2734, Home Gardens and Edible Landscaping				
Home Occupations	§15-2735, Home Occupations				
Animal Keeping	§15-2707, Animal Keeping				
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:					
<del>1.</del> Limited to facilities serving a maximum of 10 survivors of domestic abuse.					
<del>2.1.</del> Only on parcels with direct access from a major street.					
<del>3.2.</del> 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.					
<del>4.3.</del> Limited to sites that are a minimum of five acres and 1,500 square feet of sales area.					

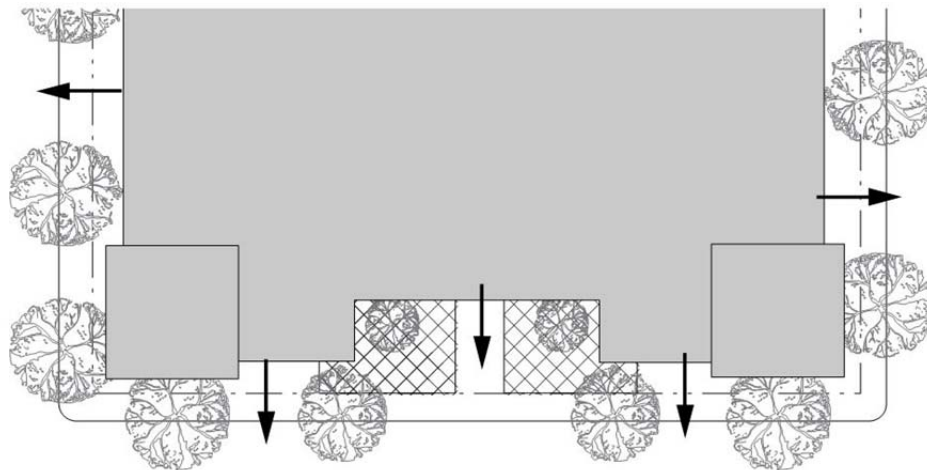
### 15-1003 Density and Massing Development Standards

Table 15-1003 prescribes the density and massing development standards for the Residential Multi-Family Districts. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of this Code, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below correspond to the “#” column in the associated table. Drawings are for illustrative purposes and are not drawn to scale.

- i. The minimum dimension of any private open space shall be five feet.
  - ii. The minimum area of any private open space shall be ~~4032~~ square feet.
  - iii. When located within 30 feet of a public street and located on the ground floor, private open spaces shall 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 follow the requirements for Balconies as put forth in Table 15-1005-F.
- b. *Common Open Space Requirements.* Common open spaces are those which are available for active or passive use by all tenants, but use by the general public may be restricted. To the extent that common open space is provided, the following standards shall apply:
  - i. The minimum dimension of any common open space shall be 20 feet.
  - ii. The minimum area of any common open space shall be 1,000 square feet. The calculation of the common open space area shall exclude structures which are unusable as open space, but shall include structures that enhance its usability, such as swimming pools, changing facilities, fountains, planters, benches, and landscaping.
  - iii. Not less than 80 percent of common open space shall be unobstructed to the sky. Trellises, pergolas, and similar structures shall be considered open to the sky for the purposes of this measurement.



- ii. The public park is across a local street and the site provides an improved pedestrian path to and from the site.
  - c. The parcel is 15,000 square feet or less in area.
- E. **Pedestrian Access.** On-site pedestrian circulation and access must be provided according to the California Building Code and the following standards:
  - 1. ***Sidewalk Connections.*** Along all public streets, pedestrian entrances from the public sidewalk into structures and/or the site shall be provided as follows:
    - a. Entrances into lobbies or the internal pedestrian circulation system shall be provided at a rate of no less than one per 400 feet of linear street frontage. When providing access to a structure, such entrances shall be protected by a portico, canopy, or alcove of no less than four feet in depth. When providing access to a structure such entrances shall also feature an architectural element which clearly distinguishes them from entrances into individual dwellings, such as distinctive lighting, decorative columns, color changes, material changes, or an increase in building height above the entrance. Emergency exits, entrances into utility rooms, and other such features shall not count toward to the satisfaction of this requirement.



**FIGURE 15-1004-~~EF~~.1: SIDEWALK CONNECTIONS**

- b. Direct entrances into individual ground-floor dwelling units which are adjacent to streets shall be provided at a rate of no less than one per 75 feet of linear street frontage. Such entrances shall be protected by a portico, canopy, or alcove of no less than four feet in depth. Projects may be excepted from this requirement at the discretion of the Review Authority if both of the following conditions apply:
  - i. The current and planned condition of the roadway is such that noise standards and other goals would be better addressed by facing units away from the street;

ii. Allowing the units to face away from the street would not be inconsistent with the pattern established by nearby existing uses.

2. **Internal Connections.** A system of pedestrian walkways shall connect buildings, parking areas, and on-site open space areas.
3. **External Connections.** A system of pedestrian walkways shall connect the project site to adjacent Commercial, Mixed-Use, and Office districts as follows:
  - a. If the adjacent Commercial, Mixed-Use, and Office districts are undeveloped, stub connections shall be provided at a frequency of no less than one per 600 feet. The exact locations may be adjusted at the discretion of the Review Authority based on site conditions, safety, and pedestrian convenience. Upon the development of the adjacent parcels, any fencing or gates at the stubs shall be opened.
  - b. If the adjacent Commercial, Mixed-Use, and Office districts are developed and provide connection points via breaks in the perimeter wall/fence, then the project shall provide pedestrian walkway connections at those locations.
  - c. If the adjacent Commercial, Mixed-Use, and Office districts are developed and there are no possible connection points via breaks in the perimeter wall/fence, then the project shall not be required to provide connections.
4. **Pedestrian Walkway Design.**
  - a. Walkways shall be a minimum of four feet wide, hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
  - b. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable.
  - c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high or other physical barrier.
  - d. Lighting shall be provided per Section 15-2015, Outdoor Lighting and Illumination.


## 15-1005 Façade Design Development Standards

- A. **Building Articulation.** All street-facing façades must include at least one projection or recess at least two feet in depth for every 25 horizontal feet of exterior wall. Such projections and recesses may be grouped rather than evenly spaced in 25 foot modules.
- B. **Building Materials and Finishes.**
  1. Each side of a building that is visible from a street or passenger rail line shall be designed with a complementary level of detailing and quality of materials.
  2. A minimum of two exterior wall finish materials shall be used.

- 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.

<b>TABLE 15-<del>811</del>02: USE REGULATIONS—MIXED-USE DISTRICTS</b>				
<i>Use Classifications</i>	<i>NMX</i>	<i>CMX</i>	<i>RMX</i>	<i>Additional Regulations</i>
<b>Residential Use Classifications</b>				
Residential Housing Types				
<i>Single-Unit Dwelling, Attached</i>	P(1)	P(1)	P( <del>12</del> )	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
<i>Multi-Unit Residential</i>	P(1)	P(1)	P( <del>12</del> )	
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				
<i>Small (8 or fewer children)</i>	P(1)	P(1)	P( <del>12</del> )	§15-2725, Day Care Centers and Family Child Care Homes
Group Residential				
<i>Small (6 persons or less)</i>	P(1)	P(1)	P( <del>12</del> )	
<i>Large (7 persons or more)</i>	P(1)	P(1)	P( <del>12</del> )	
Residential Care Facilities				
<i>Residential Care, Limited</i>	P(1)	P(1)	P( <del>12</del> )	
<b>Public and Semi-Public Use Classifications</b>				
Colleges and Trade Schools, Public or Private	<del>C(3)–</del>	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)	<del>C(4)–</del>	C(4)	P	
Community Garden	P	P	P	§15-2720, Community Gardens / Urban Farms
Conference/Convention Facility	<del>C(4)–</del>	C(4)	C	
Cultural Institutions	P(5)	C	C	
Day Care Centers	P	C(1)	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	

**TABLE 15-81102: USE REGULATIONS—MIXED-USE DISTRICTS**

<i>Use Classifications</i>	<i>NMX</i>	<i>CMX</i>	<i>RMX</i>	<i>Additional Regulations</i>
Park and Recreation Facilities, Public	–	P	P	
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)		
<b>Commercial Use Classifications</b>				
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>	<del>C(12)</del>	<del>C(12)</del>	C(12)	§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				
<i>Cinema/Theaters</i>	C	C	P	
<i>Cyber/Internet Café</i>	C	C	C	§15-2724, Cyber/Internet Cafes
<i>Small-Scale</i>	P(17)	P	P	§15-2708, Arcades, Video Games, and Family Entertainment Centers <b>§9-1801. Billiard Rooms</b>
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(12)	C(12)	C(12)	§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				

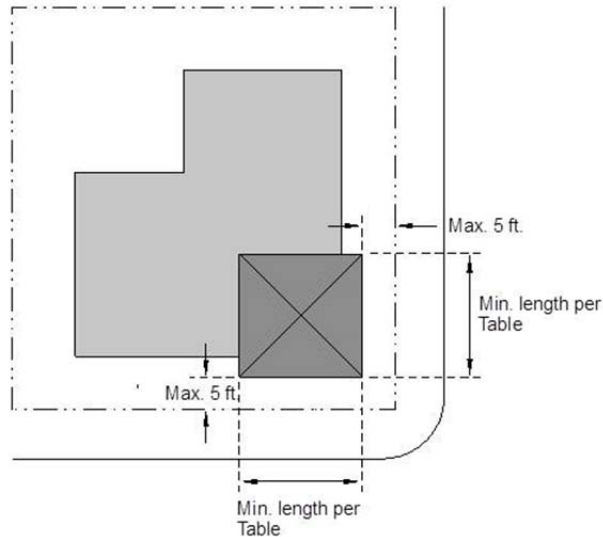
**TABLE 15-81102: USE REGULATIONS—MIXED-USE DISTRICTS**

Use Classifications	NMX	CMX	RMX	Additional Regulations
Business and Professional	P (9)	P	P	
Medical and Dental	P(4)	P	P	
Walk-In Clientele	P (9)	P	P	
Personal Services				
General Personal Services	P(5)	P	P	
Tattoo or Body Modification Parlor	P(5) (12)	P (12)	P (12)	§15-2758, Tattoo or Body Modification Parlor
Retail Sales				
Building Materials and Services	–	–	C	§15-2745, Outdoor 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
Large-Format Retail	–	–	P	§15-2737, Large-Format Retail; §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	
Industrial Use Classifications				
Recycling Facility				
Reverse Vending Machine	P	P	P	§15-2750, Recycling Facilities
Transportation, Communication, and Utilities Use Classifications				
Airports and Heliports	–	–	C(10)	
Communication Facilities				
Antenna and Transmission Towers	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			
Animal Keeping	§15-2707, Animal Keeping			
Drive-In and Drive-Through Facilities	<del>C(15)</del>	C(15)	C(15)	§15-2728, Drive-In and Drive-Through Facilities
Walk –Up Facilities	§15-2766, Walk-Up Facilities			
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots			
Temporary Use	§15-2760, Temporary Uses			
Transitional and Supportive Housing	§15-2762, Transitional and Supportive Housing			

**TABLE 15-81102: USE REGULATIONS—MIXED-USE DISTRICTS**

<i>Use Classifications</i>	<i>NMX</i>	<i>CMX</i>	<i>RMX</i>	<i>Additional Regulations</i>
<b>Specific Limitations:</b> <ol style="list-style-type: none"> <li>Not allowed on the ground floor <del>along of portions of the site which abut a major street</del>, <u>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.</u></li> <li><del>Not allowed on the ground floor.</del></li> <li>Not to include industrial training such as welding or automotive repair involving the use of tools and materials appropriate to an industrial use area.</li> <li>Must be located along a major street.</li> <li>Limited to establishments with a gross floor area of 5,000 square feet or less.</li> <li>Shall be below grade or in structures faced with active uses along the street.</li> <li>Provided that such use shall be completely enclosed in a building of soundproof construction.</li> <li>Limited to upper stories unless at least 50 percent of ground floor street frontage is occupied by food service use.</li> <li>Limited to 1,500 square feet in size if on the ground floor.</li> <li>Limited to heliports used as accessory to a hospital.</li> <li>Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals.</li> <li>Not allowed within 500 feet of an existing or planned Bus Rapid Transit stop.</li> <li>Must take place entirely within a building.</li> <li>Must include an indoor waiting area.</li> <li>Not allowed within 100 feet of a planned or existing Bus Rapid Transit station and not allowed between a building and a sidewalk.</li> <li>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.</li> <li>Limited to establishments with a gross floor area of 10,000 square feet or less.</li> </ol>				

- C. **Corner Frontage.** Buildings on corner lots must be located within five feet of the street property line for the minimum length specified in Table 15-1103. Plazas maybe located at the street corner provided the plaza meets the requirements of Section 15-1104-E.1.c and buildings are built to the edge of the plaza.



**FIGURE 15-1104-C: CORNER FRONTAGE STANDARDS**

- D. **Parking Setback.** Parking shall be setback as shown on Table 15-1103-~~2~~ except as provided below:
1. ***Surface Parking.***
    - a. Surface parking which is located behind a building shall not be subject to the parking setback requirement.
    - b. On lots less than 150 feet in width or depth or at the discretion of the Review Authority, surface parking may be set back less than the distance shown on Table 15-1103-~~2~~, if the following conditions are met:
      - i. Such parking shall not be set back from the street less than adjacent buildings on the site.
      - ii. The parking setback area shall be landscaped.
      - iii. There shall be no more than four adjacent parking spaces in surface parking areas located less than 30 feet from a street-facing lot line. The space between groups of four adjacent parking spaces shall be equal in width to the adjacent parking spaces and shall be landscaped.

- i. The minimum dimension of any private open space shall be five feet.
  - ii. The minimum area of any private open space shall be ~~450~~<sup>32</sup> square feet.
  - iii. When located within 30 feet of a public street and located on the ground floor, private open spaces shall follow the requirements for Porches as put forth in Table 15-1105-D.
  - iv. When located within 30 feet of a public street and located above the ground floor, private open spaces shall follow the requirements for Balconies as put forth in Table 15-1105-D.
- b. *Common Open Space Requirements.* Common open spaces are those which are available for active or passive use by all tenants, but use by the general public may be restricted. To the extent that common open space is provided, the following standards shall apply:
  - i. The minimum dimension of any common open space shall be 20 feet.
  - ii. The minimum area of any common open space shall be 1,000 square feet. The calculation of the common open space area shall exclude structures which are unusable as open space, but shall include structures that enhance its usability, such as swimming pools, changing facilities, fountains, planters, benches, and landscaping.
  - iii. At least 80 percent of common open space shall be unobstructed to the sky. Trellises, pergolas, and similar structures shall be considered open to the sky for the purposes of this measurement.



2. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
3. **External Connections.** A system of pedestrian walkways shall connect the project site to adjacent Residential, Commercial, Mixed Use, Office districts as follows:
  - a. If the adjacent Residential, Commercial, Mixed-Use, and Office districts are undeveloped, stub connections shall be provided at a frequency of no less than one per 600 feet. The exact locations may be adjusted at the discretion of the Review Authority based on site conditions, safety, and pedestrian convenience. Upon the development of the adjacent parcels, any fencing or gates at the stubs shall be opened.
  - b. If the adjacent Residential, Commercial, Mixed-Use, and Office districts are developed and provide connection points via breaks in the perimeter wall/fence or stub streets, then the project shall provide pedestrian walkway connections at those locations.
  - c. If the adjacent Residential, Commercial, Mixed-Use, and Office districts are developed and there are no possible connection points via breaks in the perimeter wall/fence, then the project shall not be required to provide connections.
4. **Pedestrian Walkway Design.**
  - a. Walkways shall be a minimum of four feet wide, be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
  - b. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
  - c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least six inches high, bollards, or other physical barrier.
  - d. Lighting shall be provided per 15-2015, Outdoor Lighting and Illumination.

**G. Sidewalk Standards.**

1. **Applicability.** All projects shall be required to bring adjacent sidewalk conditions into conformance with the standards of this sSection, subject to the following exceptions:
  - a. Applications for signs only.
  - 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.
2. **Width.** Sidewalks shall be no less than 12 feet in width. If the current distance between the right-of-way boundary and the face of the adjacent curb is less than 12 feet, the method by which this requirement shall be satisfied shall be determined by Review Authority. The available methods shall be as follows:

species requiring more space. ~~The property owner shall assume maintenance responsibilities for the tree grates. Tree grates may be allowed where the property owner assumes maintenance responsibilities for the tree grates.~~

- d. **Species.** Street trees should be deciduous, fast growing, drought tolerant, and should eventually form a tall canopy. Not more than one species should be planted per block. Whenever nearby pre-existing trees are in good condition and meet the intent of this section, new trees should be of the same species.
5. **Lighting.** Pedestrian-scaled street lights shall be provided with sidewalk improvements. Exact design and location shall be determined by the Director. Preferred designs and locations shall be as follows:
  - a. **Alignment.** Street lights should be located no more than three feet from the curb, and whenever possible should be aligned with street trees, as well as other lights on the block.
  - b. **Spacing.** Street lights should be generally evenly spaced, no less than 30 feet apart, and not more than 80 feet apart. Whenever possible, street lights should be no less than 15 feet from nearby street trees.
  - c. **Design.** Street lights should not be of the type commonly known as Cobra Heads or other types which are intended primarily for the illumination of the vehicular roadway. Lights should be ornamental and designed primarily for the illumination of the sidewalk. Whenever nearby pre-existing lights are in good condition and meet the intent of this section, new lights should be of the same type. Intersection safety lights shall be typical cobra-head design, while mid-block lighting should be ornamental and scaled for the pedestrian environment. Lighting shall meet Public Works standards.
6. **Maintenance.** If a Community Facilities District is not established to maintain sidewalks, street trees, and lighting, the applicant shall enter into a maintenance agreement to ensure the maintenance of said facilities.
- H. **Service Areas and Loading.** Service and loading areas should be integrated with the design of the building and shall be screened from residential areas. Special attention shall be given when designing loading facilities in a location that is proximate to residential uses. Techniques such as block walls, enhanced setbacks, or enclosed loading shall be used to minimize adverse impacts to residents.

## 15-1105 Façade Design Development Standards

- A. **Building Articulation.** All street-facing façades must include the following articulations:
  1. **Length Articulation.** At least one projection or recess at least two feet in depth shall be provided for every 25 horizontal feet of wall.
  2. **Height Articulation.** In order to maintain a human scale for multi-story buildings, the height of façades shall be broken into smaller increments as follows:
    - a. **Ground Floor.** A substantial horizontal articulation of the façade shall be applied at the top of the first story. This element shall be no less than 18 inches tall, and

**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>
							Archery Ranges
<i>Large-Scale</i>	–	C	C	C	C	C	
<i>Small-Scale</i>	P	P	P	P	–	P	§15-2708, Arcades, Video Games, and Family Entertainment Centers, <b>§9-1801, Billiard Rooms</b>
Food and Beverage Sales							
<i>Farmer's Markets</i>	P	P	P	P	P	P	§15-2730, Farmer's Markets
<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)	–	
<i>Liquor Stores</i>	C	C	C	C	C	–	§15-2307, Alcohol Sales; §15-2745, Outdoor Retail Sales
Food Preparation	–	P	P	P	–	–	
Funeral Parlors and Internment Services	–	C	P	P	–	–	§15-2714, Body Preparation and Funeral Services
Live/Work	P(1)	–	–	–	–	–	
Lodging							
<i>Hotels and Motels</i>	P(14)	P	P	–	P	–	
<i>RV Park</i>	–	–	–	–	–	–	
Maintenance and Repair Services	C(5)	P(9)	C	P	–	–	
Offices							
<i>Business and Professional</i>	P(9)	P	P	P	–	–	
<i>Medical and Dental</i>	–	P	P	P	–	–	
<i>Walk-In Clientele</i>	P	P	P	P	–	–	
Personal Services							
<i>General Personal Services</i>	P	P	P	P	–	–	
<i>Fortune Telling Service</i>	–	–	–	P	–	–	
<i>Massage Establishments</i>	P	P	P	P	–	P	
<i>Tattoo or Body Modification Parlor</i>	P(9)	P(9)	P	P	–	–	§15-2758, Tattoo or Body Modification Parlor
Retail Sales							
<i>Building Materials and Services</i>	C(13)	C	P	P	–	–	§15-2745, Outdoor 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
<i>General Retail</i>	P	P	P	P	–	C(10)	§15-2733, Hobby Stores; §15-2745, Outdoor Retail Sales
<i>Gun Shop</i>	C	P	P	P	–	P	§15-2745, Outdoor Retail Sales
<i>Large-Format Retail</i>	–	C	P	P	–	–	§15-2737, Large-Format Retail; §15-2745, Outdoor Retail Sales
<i>Nurseries and Garden Centers</i>	P(5)	P	P	P	–	–	§15-2745, Outdoor Retail Sales
<i>Pawn Shops</i>	–	–	–	P	–	–	
<i>Second Hand / Thrift Stores</i>	P(5)	P	P	P	–	–	
<i>Swap Meet / Flea Market</i>	–	–	–	C	–	C	§15-2730, Flea Markets

<b>TABLE 15-1202: LAND USE REGULATIONS—COMMERCIAL DISTRICTS</b>							
<i>Use Classifications</i>	<i>CMS</i>	<i>CC</i>	<i>CR</i>	<i>CG</i>	<i>CH</i>	<i>CRC</i>	<i>Additional Regulations</i>
<b>Industrial Use Classifications</b>							
Construction and Material Yards	–	–	–	C	C	–	§15-2721, Concrete Batch Plants, Storage Yards, and Similar Uses
Custom Manufacturing	–	–	–	P(11)	–	–	
Recycling Facility							
<i>Reverse Vending Machine</i>	–	C	P	P	–	–	§15-2750, Recycling Facilities
<i>CRV Recycling Center</i>	–						§15-2750, Recycling Facilities – – – – C
Warehousing, Storage, and Distribution							
<i>Personal Storage</i>	C	C	C	C	C	C	§15-2747, Personal (Mini) Storage
<b>Transportation, Communication, and Utilities Use Classifications</b>							
Communication Facilities							
<i>Antenna and Transmission Towers</i>							§15-2759, Telecommunications and Wireless Facilities
<i>Facilities within Buildings</i>	–	–	–	P	–	–	
Utilities, Minor	P	P	P	P	–	P	
<b>Agricultural and Extractive Use Classifications</b>							
Agricultural Support Services	–	–	–	P	–	–	
Produce Stand	–	–	–	P	–	–	§15-2752, Roadside Fruit Stands / Grow Stands
Tasting Room	C	C	C	C	–	C	
<b>Other Applicable Types</b>							
Accessory Uses and Structures							§15-2703, Accessory Uses
Home Gardens							§15-2734, Home Gardens and Edible Landscaping
Home Occupations							§15-2735, Home Occupations
Animal Keeping							§15-2707, Animal Keeping
Drive-in and Drive-Through Facilities	–	C	C	C	C	C	§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




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>
<b>Residential Use Classifications</b>						
Caretaker Residence	–	–	–	P(2)	P(2)	
<b>Public and Semi-Public Use Classifications</b>						
Colleges and Trade Schools, Public or Private	P(3)	P(3)	P(3)	P	P	
Community and Religious Assembly (less than 2,000 square feet)	P	P	P	P	–	§15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	P	C	C	<del>C</del>	–	
Community Garden	P	P	P	P	P	§15-2720, Community Gardens / Urban Farms
Conference/Convention Facility	C	C	C	–	–	
Cultural Institutions	P	P	P	–	–	
Day Care Centers	P	P	P	<del>C</del>	<del>C</del>	§15-2725, Day Care Centers and Family Child Care Homes
Emergency Shelter	–	–	P	P	–	§15-2729, Emergency Shelters
Government Offices	P	P	P	P	P	
Hospitals and Clinics						
<i>Hospital</i>	C(11)	C(11)	C(11)	C(11)	C(11)	
<i>Clinic</i>	P	P	P	C	–	
<i>Substance Abuse Treatment Clinic</i>	C(13)	C(13)	C(13)	C(13)	–	
Instructional Services	P	P	P	P	P	
Park and Recreation Facilities, Public	P	P	P	P	P	
Parking, Public or Private	P	P	P	P	P	
Public Safety Facilities	P	P	P	P	P	
Schools, Public or Private	P	P	P	P	–	
Social Service Facilities	C	C	C	C	–	
<b>Commercial Use Classifications</b>						
Adult-Oriented Business	–	–	–	C	C	§15-2705, Adult-Oriented Businesses, §9-2001, Picture and Live Arcades
Aircraft Sales, Services, and Storage	–	P	P	P	P	
Animal Care, Sales and Services						
<i>Kennels</i>	–	–	–	P	P	
<i>Veterinary Services</i>	C	P	P	P	P	
Artist's Studio	P	P	–	P	–	
Automobile/Vehicle Sales and Services						
<i>Automobile Rentals</i>	P	P	P	P	P	§15-2709, Automobile and Motorcycle Retail Sales and Leasing

**TABLE 15-1302: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS**

Use Classifications	O	BP	RBP	IL	IH	Additional Regulations
Automobile/Vehicle Sales and Leasing	–	P	P	P	–	§15-2709, Automobile and Motorcycle Retail Sales and Leasing
Automobile/Vehicle Repair, Major	P	P	P	P	P	§15-2710, Automobile/Vehicle Service and Repair, Major and Minor
Automobile/Vehicle Service and Repair, Minor	P	P	P	P	P	
Large Vehicle and Equipment Sales, Service and Rental	P	P	P	P	P	
Service Station	P	P	P	P	P	§15-2755, Service Stations
Towing and Impound	–	–	–	C	C	§15-2765, Vehicle Impound Yard (Tow Yard) and Transit Storage
Washing	P	P	P	P	P	§15-2711, Automobile/Vehicle Washing
Banks and Financial Institutions						
Banks and Credit Unions	P	P	P	P	–	
Check Cashing Businesses and Payday Lenders	–	–	–	–	–	§15-2715, Check Cashing Businesses, Payday Lenders, and Similar Financial Services
Business Services	P	P	P(6)	P	P	
Banquet Hall	C	C	C	C	–	§15-2712, Banquet Hall
Eating and Drinking Establishments						
Restaurant with Alcohol Sales	C	C	C	C	C	§15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges; §15-2744, Outdoor Dining and Patio Areas
Restaurant without Alcohol Sales	P	P	P	P	P	
Entertainment and Recreation						
Motorcycle/Riding Club	–	–	–	P	P	§15-2742, Motorcycle/Riding Clubs
Shooting/Archery Range	–	–	–	P	P	§15-2756, Shooting Ranges / Archery Ranges
Small-Scale	–	C	C	C	–	§15-2708, Arcades, Video Games, and Family Entertainment Centers <b>§9-1801, Billiard Rooms</b>
Food and Beverage Sales						
Farmer's Market	P	P	P	<b>-P</b>	–	§15-2744, Outdoor Dining and Patio Areas; §15-2745, Outdoor Retail Sales
General Market	<b>P-</b>	<b>P(6)</b>	<b>-P</b>	<b>-P</b>	–	
Healthy Food Grocer	–	<b>P(6)</b>	<b>P(6)</b>	P	–	
Food Preparation	–	P	P	P	P	
Funeral Parlors and Internment Services	–	P	P	P	–	§15-2714, Body Preparation and Funeral Services
Live/Work	–	–	–	P	–	
Lodging						
Hotels and Motels	P	P	P	P	–	
Maintenance and Repair Services	–	P	P	P	P	
Offices						
Business and Professional	P	P	P	P	P	
Medical and Dental	P	P	P	P	–	

<b>TABLE 15-1302: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS</b>						
<i>Use Classifications</i>	<i>O</i>	<i>BP</i>	<i>RBP</i>	<i>IL</i>	<i>IH</i>	<i>Additional Regulations</i>
<i>Walk-In Clientele</i>	P	P	P	P	–	
Personal Services						
<i>General Personal Services</i>	P	P	P	P	–	
<i>Tattoo or Body Modification Parlor</i>	–	–	–	P	–	§15-2758, Tattoo or Body Modification Parlor
Retail Sales						
<i>Building Materials and Services</i>	–	–	–	P	P	§15-2745, Outdoor Retail Sales
<i>Convenience Retail</i>	P(4)	P(4)	P(4)	P(4)	P(4)	§15-2745, Outdoor Retail Sales; 15-2761 Tobacco and Vapor Shops
<b>General Retail</b>	<b>P(4)</b>	<b>P(4)</b>	<b>P(4)</b>	<b>P(4)</b>	<b>P(4)</b>	<b>§15-2733, Hobby Stores; §15-2745, Outdoor Retail Sales</b>
<i>Large-Format Retail</i>	–	P(8)	P(8)	P(8)	P(8)	§15-2737, Large-Format Retail; §15-2745, Outdoor Retail Sales
<i>Nurseries and Garden Centers</i>	–	–	–	C	–	§15-2745, Outdoor Retail Sales
<i>Swap Meet / Flea Market</i>	–	–	–	C	–	§15-2731, Flea Markets
<b>Industrial Use Classifications</b>						
Construction and Material Yards	–	P	P	P	P	§15-2721, Concrete Batch Plants, Storage Yards, and Similar Uses
Custom Manufacturing	–	P(8)	P(8)	P	P	
Limited Industrial	–	P(8)	P(8)	P	P	
General Industrial	–	C	C	P	P	
Intensive Industrial	–	–	–	–	C	§15-2732, Hazardous Waste Management Facilities
Recycling Facility						
<i>Reverse Vending Machine</i>	P	P	P	P	P	§15-2750, Recycling Facilities
<i>CRV Recycling Center</i>	–	–	–	C	C	
<i>Recycling Processing Facility</i>	–	–	–	C	C	
Research and Development	P	P	P	P	P	
Salvage and Wrecking	–	–	–	–	C	§15-2768, Wrecking Yards and Auto Dismantling
Warehousing, Storage, and Distribution						
<i>Chemical and Mineral Storage</i>	–	–	–	C	C	§15-2732, Hazardous Waste Management Facilities
<i>Indoor Warehousing and Storage</i>	–	P	P	P	P	
<i>Outdoor Storage</i>	–	P(8)	P(8)	P	P	§15-2721, Concrete Batch Plants, Storage Yards, and Similar Uses
<i>Personal Storage</i>	C	P	P	P	P	§2747, Personal (Mini) Storage
<i>Wholesaling and Distribution</i>	–	P	P	P	P	
<b>Transportation, Communication, and Utilities Use Classifications</b>						
Airports and Heliports	–	C(9)	C(9)	C	C	
Communication Facilities						
<i>Antenna and Transmission Towers</i>	§15-2759, Telecommunications and Wireless Facilities					
<i>Facilities within Buildings</i>	P	P	P	P	P	

**TABLE 15-1302: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS**

Use Classifications	O	BP	RBP	IL	IH	Additional Regulations
Freight/Truck Terminals and Warehouses	–	P	P	P	P	
Light Fleet-Based Services	C	P	P	P	P	
Utilities, Major	–	–	C	P	P	
Utilities, Minor	P	P	P	P	P	
Waste Transfer Facility	–	–	–	C	C	<a href="#">§15-2732, Hazardous Waste Management Facilities</a>
Agricultural and Extractive Use Classifications						
Agricultural Processing	–	C	C	P	P	§15-2732, Hazardous Waste Management Facilities
Agricultural Support Services	–	C	P	P	P	
Animal Raising	–	–	–	–	–	
Crop Cultivation	–	–	–	P	P	§15-2716, Crop Cultivation
Dairy	–	–	–	–	–	
Mining and Quarrying	–	–	–	–	C	
Rendering	–	–	–	–	C	
Sales Lot, Feed Lot, Stockyard	–	–	–	C	P	
Slaughterhouse	–	–	–	–	C	
Tasting Room	–	C	C	C	C	
Other Applicable Types						
Accessory Uses and Structures	§15-2703, Accessory Uses					
Home Gardens	§15-2734, Home Gardens and Edible Landscaping					
Animal Keeping	§15-2707, Animal Keeping					
Drive-In and Drive-Through Facilities				C	C	§15-2728, Drive-In and Drive-Through Facilities
Walk-Up Facilities	§15-2766, Walk-Up Facilities					
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots					
Temporary Use	§15-2760, Temporary Uses					
Specific Limitations:						
1. Permitted if existing, no new units are allowed.						
2. One caretaker dwelling is allowed where having a caretaker living on the site is necessary for the conduct of the on-site business.						
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. Limited to establishments with a gross floor area of 6,000 square feet or less.						
5. Not allowed on the ground floor.						
6. Permitted only as an accessory use that supports business and office parks, corporate offices, and industrial uses.						
7. Limited to membership club retailers and located on an arterial or higher classifications street.						
8. Outdoor storage shall be incidental to a primary use and screened from public view.						
9. Limited to heliports used as accessory to a hospital.						
10. Limited to upper stories unless at least 50 percent of ground floor street frontage is occupied by food service use.						
11. Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals.						
12. Must be closed between the hours of 10 p.m. and 6 a.m.						
13. Must include an indoor waiting area.						



2. ***To Transit.*** Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
  3. ***To Circulation Network.*** Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
  4. ***Internal Connections.*** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
  5. ***External Connections.*** In the O District, a system of pedestrian walkways shall connect the project site to adjacent Residential, Commercial, Mixed Use, Office districts as follows:
    - a. If the adjacent Residential, Commercial, Mixed Use, and Office districts are undeveloped, stub connections shall be provided at a frequency of one per 600 feet. Upon the development of the adjacent parcels, any fencing or gates at the stubs shall be opened.
    - b. If the adjacent Residential, Commercial, Mixed Use, and Office districts are developed and provide connection points via breaks in the perimeter wall/fence or stub streets, then the project shall provide pedestrian walkway connections at those locations.
    - c. If the adjacent Residential, Commercial, Mixed Use, and Office districts are developed there are no possible connection points via breaks in the perimeter wall/fence, then the project shall not be required to provide connections.
  6. ***Pedestrian Walkway Design.***
    - a. Walkways shall be a minimum of ~~six~~-four feet wide, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
    - b. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
    - c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least six inches high, bollards, or other physical barrier.
- G. **Service Areas and Loading.** Service and loading areas should be integrated with the design of the building and shall be screened from residential areas. Special attention shall be given when designing loading facilities in a location that is proximate to residential uses. Techniques such as block walls, enhanced setbacks, or enclosed loading can minimize adverse impacts to residents.

## 15-1305 Façade Design Development Standards

- A. **Building Articulation.** In the O District, all street-facing façades must include at least one projection or recess at least two feet in depth for every 25 feet of horizontal feet of wall.

## Article 14      Public and Semi-Public Districts (PSP)

---

### Sections:

- 15-1401      Purpose
- 15-1402      Use Regulations
- 15-1403      Intensity and Massing Development Standards
- 15-1404      Site Design Development Standards

### 15-1401      Purpose

The specific purposes of the Public and Semi-Public Districts are to:

- A.      Provide areas for a wide range of public facilities, including parks and open space, educational facilities, cultural and institutional uses, health services, municipal offices, general government operations, utility and public service needs, and other public or quasi-public facilities.
- B.      Ensure that the development and operation of public and semi-public uses protects and enhances the character and quality of life of surrounding residential areas.
- C.      Ensure the provision of services and facilities needed to serve residents, businesses, and visitors and maintain a high quality of life standard.
- D.      Implement and provide appropriate regulations for General Plan classifications of “Parks and Multi-Purpose Paths,” “Open Space,” and “Public and Institutional.”

Additional purposes of each Public and Semi-Public District are as follows:

**OS Open Space.** The OS district is intended for undeveloped park lands and permanent open spaces in the community, including environmentally-sensitive lands, waterways, and wetlands. It is also intended to safeguard the health, safety, and welfare of the people by limiting development in areas where police and fire services, protection against flooding by storm water, and mitigation of excessive erosion are not possible without excessive costs to the community. This district may include trails and other low-impact public recreational uses, ponding basins, riverbottoms/riverbeds, and airport approach/clear zones. Access may be restricted to areas of sensitive habitat or which pose a danger to the public.

**PR Parks and Recreation.** The PR district is intended to maintain areas for active and passive public parks and multi-purpose trails, including outdoor and indoor recreation such as playing fields, trails, playgrounds, community centers, and other appropriate recreational uses. The PR district may include ponding basins or airport approach/clear zones if developed for, programmed, and actively used as recreation fields.

**PI Public and Institutional.** The PI district is for public or quasi-public facilities, including City facilities, utilities, schools, health services, corporation yards, utility stations, and similar uses. Accessory retail uses and services, including food facilities and childcare, are permitted.

**TABLE 15-1402: LAND USE REGULATIONS—PUBLIC AND SEMI-PUBLIC DISTRICTS**

Use Classifications	OS	PR	PI	Additional Regulations
Hospitals and Clinics				
Hospital	–	–	P(5)	
Clinic	–	–	P	
Substance Abuse Treatment Clinic	=	=	C(6)	
Instructional Services	–	–	P	
Park and Recreation Facilities, Public	P	P	P	
Parking, Public or Private	C	C	C	
Public Safety Facilities	C	C	P	
Schools, Public or Private	–	–	P	
Social Service Facilities	–	–	P	
Commercial Use Classifications				
Animal Care, Sales and Services				
Kennels	–	–	C(2)	
Eating and Drinking Establishments				
Restaurant with Alcohol Sales	–	–	PC(3)	§15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges; §15-2744, Outdoor Dining and Patio Areas
Restaurant without Alcohol Sales	–	P(3)	P(3)	
Entertainment and Recreation				
Large-Scale	–	P(7)	–	
Food and Beverage Sales				
Farmer's Markets	–	C	P	§15-2730, Farmer's Markets
Retail Sales				
General Retail	–	–	P(3)	<del>§15-2733, Hobby Stores</del> ; §15-2745, Outdoor Retail Sales
Industrial Use Classifications				
Recycling Facility				
Reverse Vending Machine	–	–	–	§15-2750, Recycling Facilities
Recycling Processing Facility	–	–	C	
Transportation, Communication, and Utilities Use Classifications				
Airports and Heliports	–	–	<del>P(4),</del> <del>C(4)</del>	
Communication Facilities				
Antenna and Transmission Towers	§15-2759, Telecommunications and Wireless Facilities			
Facilities within Buildings	–	–	P	
Transportation Passenger Terminals	–	–	P	
Utilities, Major	C	–	P	
Utilities, Minor	P	P	P	
Waste Transfer Facility	–	–	C	
Agricultural and Extractive Use Classifications				
Crop Cultivation	P	=	=	§15-2716, Crop Cultivation

**TABLE 15-1402: LAND USE REGULATIONS—PUBLIC AND SEMI-PUBLIC DISTRICTS**

Use Classifications	OS	PR	PI	Additional Regulations
Other Applicable Types				
Accessory Uses and Structures	§15-2703, Accessory Uses			
Home Gardens	§15-2734, Home Gardens and Edible Landscaping			
Animal Keeping	§15-2707, Animal Keeping			
Drive-In and Drive-Through Facilities	–	–	–	§15-2728, Drive-In and Drive-Through Facilities
Walk-Up Facilities	§15-2766, Walk-Up Facilities			
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots			
Temporary Use	§15-2760, Temporary Uses			
Specific Limitations:				
<div><div>1.</div><div>Limited to facilities associated with park and recreation facilities.</div></div> <div><div>2.</div><div>Limited to government or non-profit animal shelters located a minimum of 100 feet from a residential use or district.</div></div> <div><div>3.</div><div>Limited to gift shops, cafes, and restaurants <u>that are an</u> accessory to cultural institutions, community and religious assembly, and conference/convention centers.</div></div> <div><div>4.</div><div><u>Limited to h</u>eliports used as accessory to a hospital <u>are permitted by right and shall not require a Conditional Use Permit.</u></div></div> <div><div>5.</div><div>Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals.</div></div> <div><div>6.</div><div>Must include an indoor waiting area.</div></div> <div><div>7.</div><div>Limited to golf courses.</div></div> <div><div>8.</div><div>Limited to on-campus housing operated by an accredited school.</div></div>				

### 15-1403 Intensity and Massing Development Standards

Table 15-1403 prescribes the intensity and massing development standards for the Public and Semi-Public Districts. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of the Code, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below correspond to the “#” column in the associated table.

**TABLE 15-1403: DEVELOPMENT STANDARDS—PUBLIC AND SEMI-PUBLIC DISTRICTS**

<i>District</i>	<i>OS</i>	<i>PR</i>	<i>PI</i>	<i>Additional Regulations</i>
Maximum Density (du/ac)	–	–	45	§15-310, Determining Residential Density §15-1404-E, On-Campus Housing <del>Open Space</del> Standards
Maximum Height (ft.)	35	35(A)	35	§15-1404-A, Additional Height for Recreational Facilities §15-2012, Heights and Height Exceptions
Minimum Setbacks (ft.)				
<i>Front</i>	25	25	20	§15-1404-B, Residential Transition Standards §15-1404-D, Setbacks §15-2014, Projections/Encroachments into Yards §15-2305, Areas to be Landscaped
<i>Interior Side</i>	20	20	15	
<i>Street Side</i>	25	25	20	
<i>Rear</i>	20	20	15	

TABLE 15-1403: DEVELOPMENT STANDARDS—PUBLIC AND SEMI-PUBLIC DISTRICTS				
<i>District</i>	<i>OS</i>	<i>PR</i>	<i>PI</i>	<i>Additional Regulations</i>
Maximum Lot Coverage (%)	10	10	35	
Supplemental Regulations				§15-1404, Site Design Development Standards

#### 15-1404 Site Design Development Standards

- A. **Additional Height for Recreational Facilities.** Additional height for structures related to recreational facilities such as light standards, nets, and fences, may be approved with a Conditional Use Permit.
- B. **Residential Transition Standards.** See Table 15-2305-C.1, Required Landscape Buffers~~Section 15-2305, Areas to be Landscaped.~~
- C. **Service Areas and Loading.** Service and loading areas shall be located so that they are oriented away from residences, primary pedestrian entrances and areas, and not adjacent to or parallel to any public right-of-way (except alleys).
- D. **Setbacks.** The prescribed setbacks apply to all structures, including, but not limited to, bleachers, dugouts, backstops, lights, etc. Should the parcel be less than one-half acre, the Director may reduce the front and street side yard to 15 feet.
- E. **On-Campus Housing** **Open Space Standards.** The provisions set in 15-1004-A, RS Transition Standards and 15-1004-D, On-Site Open Space shall apply.
- F. **San Joaquin River Corridor Preservation.** Any development within the San Joaquin River Corridor shall be limited or required to provide an extended buffer in order to protect the natural environs. The limitations and buffers shall be consistent with the General Plan and may be expanded further subject to environmental review.

2. An Accessory Structure may have plumbing for a washer, dryer, and/or utility sink.
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 habitable space.
4. Existing accessory structures that do not comply with the strict application of the required setbacks of the underlying zone district, may install a toilet, shower, sink, and plumbing for a washer, dryer, or utility sink, subject to compliance with the adopted Building Code. This exception does not allow for a reduction in required parking spaces, parking space dimensions, building regulations, or any other adopted standards.

D. **Setbacks.** Accessory Structures shall comply with the standards below.

1. ***All Districts.***

- a. *Front and Street-Side Yards.* Accessory Structures may not be located within required front yard or street-side setback areas.
- b. *Alleys.* Accessory Structures shall be set back a minimum of five feet from an alley if the Accessory Structure utilizes the alley for vehicle access.

2. ***Single-Family Districts.***

- a. *Front Yards.* Not permitted, unless on a Double Frontage Lot (e.g. Through Lot). In the case of the latter, both street frontages shall be treated as Front Yards.
- b. *Interior-Side and Rear Yards.* Accessory Structures shall be set back from interior side and rear property lines as follows:
  - i. If the Accessory Structure is located closer than six feet from the main building, the Accessory Structure shall be set back a minimum five feet from the property line.
  - ii. If the Accessory Structure is located six feet away or farther from the main building, it may be located within three feet of an interior or rear property line. — Said structure shall comply with the Building Code.

3. ***Multi-Family Districts.***

- a. *Front Yards.*
  - i. Accessory Structures shall be located to the rear of main buildings.
  - ii. Detached garages and/or carports shall be located away from adjacent public roadways, to the rear, or shall be perpendicular to adjacent roadways to the greatest extent feasible. **For maximum carport dimensions, refer to the Base District.**
- b. *Interior-Side and Rear Yards.* Accessory Structures shall be set back from interior side and rear property lines as follows:

- i. If Adjacent to Single-Family Districts. Accessory Structures, including garages and covered parking spaces, shall be set back per the underlying district or operative plan, whichever is greater.
      - ii. All Other Districts. Five feet.
    4. ***Non-Residential Districts.*** Accessory Structures shall comply with the setbacks per the underlying district or operative plan, whichever is greater.
  - E. **Height.** Accessory Structures are subject to the height limitations specific to the zoning district in which they are located except as provided below in Residential Districts.
    1. **Residential Districts.**
      - a. *Parcels 10,000 ~~S~~quare ~~f~~Feet and ~~4~~Less.* Accessory Structures shall be no greater than 12 feet high measured from the ground level to the finished height of the structure.
      - b. *Parcels ~~g~~reater than 10,000 ~~s~~quare ~~f~~Feet.* Accessory Structures located a minimum of 10 feet from all property lines may be up to 16 feet high.
    2. **Additional Height.** The Director may allow additional height not to exceed the height of the main building provided the Accessory Structure is designed, in terms of materials and architectural styles, to match the main building. The setbacks described above shall still be applicable.
  - F. **Tree Houses and Play Structures.**
    1. When exceeding ~~seven-twelve~~ feet in height, as measured from the ground level to the ~~floor-top~~ of the structure, the structure must be set back to a distance equal or greater than its height.
    2. When exceeding 120 square feet, a building permit is required.
    3. If the structure overlooks a neighboring residential rear yard, landscaped screening shall be provided. This requirement may be waived ~~upon-with~~ the written agreement of the affected neighbor(s) at the time the structure is constructed.

#### 15-2005 Pools and Spas

- A. Swimming pools, including slides and decorative features, Jacuzzis, spas, mechanical equipment, ground-mounted air conditioners, swimming pool pumps, and related equipment shall not be located in the front or street-side yards, and shall be set back a minimum of five feet from interior side and rear property lines.
- B. All equipment shall comply with ~~the Noise Ordinance~~ **all applicable noise standards.** If needed, equipment shall be baffled and/or enclosed to reduce noise to acceptable levels.

#### 15-2006 Fences, Walls, and Hedges

- Fences, walls, dense hedges, and similar structures, collectively referred to as **fences** for purposes of this section, shall comply with the following standards.

~~iii. **Other Fencing.** Fencing, up to six feet in height, may be placed per the main building setback of the underlying district minus five feet.~~

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.
- 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.

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

(Reserved)

F. **Fence Height and Locations for All Other 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. 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 fences 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 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 fences 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.



## 15-2010 Electric Fences

Electric fences shall comply with the following regulations.

### A. Permitted Locations.

1. May be permitted in Industrial Districts that do not share a common property line with a Residential District or use, not including Caretaker's Units.
2. Electric fences shall not encroach into the public right-of-way.

### B. Compliance with State and Federal Regulations.

1. Electrified fencing shall comply with the California Food and Agricultural Code Chapter 8, Sections 17150 et. seq. and the California Building Code.
2. Only allowed to be installed with a permit issued under the requirements of applicable building and electrical codes, and only allowed to be activated after an approved final inspection of the installation.
3. Fire access, warning signs, electrical connections, etc., shall comply with the Building Code and Fire regulations.

### C. Electricity.

1. Shall conform to California Food and Agricultural Code Chapter 8 (Sections 17150 through 17153) and shall only be a low-voltage system powered by ~~a~~ either a commercial storage battery not to exceed 12 volts of direct current (DC) or other approved 12 volt DC or lower voltage power source.
2. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standard No. 60335-2-76.
3. Non-low voltage electrical components (e.g. controllers, transformers) of the electric fencing system shall be approved and listed by an Occupational Safety and Health Act (OSHA) Nationally Recognized Testing laboratory (NRTL).

D. **Perimeter Fence or Wall.** No electric fence shall be installed or used unless it is completely surrounded by a nonelectrical fence or wall that is a minimum six feet in height. Should a non-electrical fence not exist, one shall be installed prior to the electric fence being operational.

E. **Setbacks.** Fencing shall comply with setbacks of the underlying zone district.

F. **Height.** Shall have a maximum height of ten feet regardless of location on the property. No more than eight strands of electric wire shall be permitted.

~~G. **Existing Non-Conforming Fencing.** Should non-conforming fencing exist on the site, it shall be removed prior to the electric fence being operational.~~

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

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

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

#### 15-2011 Screening of Mechanical and Electrical Equipment

- A. **Applicability.** The standards of this section apply to:
1. New development;
  2. New equipment that is added to serve existing buildings; or,
  3. Condominium Conversions.
  4. **Exceptions.** Existing equipment that serves existing buildings; and Industrial Districts.
- B. **Equipment.** All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from major streets, highways, passenger railways, or abutting Residential Districts.
- C. **Residential Districts.** Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building. Above grade equipment by Public Utility providers may be permitted within easements.
- D. **Roof Access Ladders and Fire Sprinkler Risers.** Roof access ladders shall be screened from Major Streets. Fire sprinkler risers should be designed for interior installation whenever possible where an exterior location would be visible from a Major Street. Where site conditions dictate an exterior location for the sprinkler riser, a three foot clear space shall be provided between the screening materials and the riser. The alarm bell and fire department connection shall be installed so that they are visible from the street.

#### 15-2012 Heights and Height Exceptions

- A. **Applicability.** The standards of this section apply to:
1. New development or structures; or
  2. New equipment that is added to serve existing buildings.
- B. **General Standards.** The structures listed in the following table may exceed the maximum permitted building height for the district in which they are located, subject to the limitations stated in the table and further provided that no portion of a structure in excess of the building height limit may be used for sleeping quarters or advertising and all heights shall comply with any operative Airport Plan.

TABLE 15-2012-B: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS		
<i>Structures Allowed Above the Height Limit</i>	<i>Maximum Coverage, Locational Restrictions</i>	<i>Maximum Vertical Projection Above the Height Limit (ft)</i>
Skylights	No limitation	1

**TABLE 15-2012-B: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS**

<i>Structures Allowed Above the Height Limit</i>	<i>Maximum Coverage, Locational Restrictions</i>	<i>Maximum Vertical Projection Above the Height Limit (ft)</i>
Solar panels, and other energy production facilities located on a rooftop	No limitation	10
Parapets	No limitation	4
Chimneys Elevator and stair towers Rooftop open space features such as sunshade and windscreen devices, open trellises, and landscaping (for multi-family and non-residential buildings only) Flagpoles	10% of roof area	16 (if no height limit in the underlying district, 35)
Decorative features such as spires, bell towers, domes, cupolas, obelisks, clock towers, and monuments (attached or detached)	10% of roof area	Residential: 6 Non-Residential: 20
Fire escapes, catwalks, and open railings required by law	Per Building Code	Per Building Code
Radio towers	Refer to Section 15-2759, Telecommunications and Wireless Facilities	
Water tanks Windmills Industrial structures where the manufacturing process requires a greater height	25% of the area of the lot, or 10% of the roof area of all on-site structures, whichever is less. Must be located at least 25 ft. from any lot line.	<del>75</del> 100. May exceed <del>75</del> 100 with the approval of a Conditional Use Permit. Public noticing shall be eight times the height of the structure measured in ft.
Building-mounted telecommunications facilities, antennas, and microwave equipment	Subject to the provisions of Section 15-2759, Telecommunications and Wireless Facilities	

C. Building height shall be measured as put forth in Section 15-305, Measuring Height.

### **15-2013 Outdoor Service Yards and Storage**

#### **A. Applicability.**

1. Outdoor service yards and the open storage of goods, materials, machines, equipment, and vehicles or parts outside of a building for more than 72 hours must conform to the standards of this section. This applies to goods to be sold or goods being stored that are pending transport to other locales.
2. **Exceptions.** Except as may be permitted by Table 15-2013-B, the regulations of this section do not apply to:
  - a. Agricultural and residential uses;

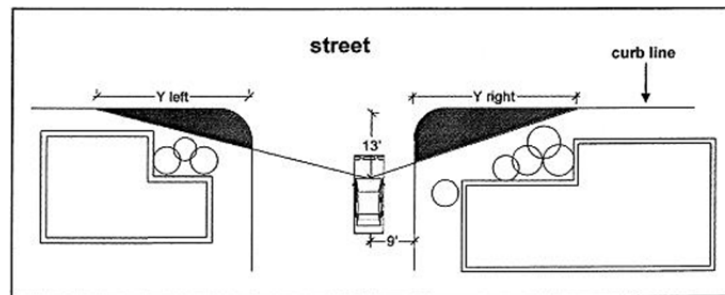
enclosures, creating grade breaks to properly direct stormwater away while keeping any water that may be in the enclosure from spilling out, and connecting a drain in the enclosure to the sewer system to collect contaminated water in cases of spillage, washing, etc.

7. **Landscaping.** When visible from a Major Street or a Local Street that serves residential neighborhoods, the perimeter of enclosures, excluding gates, shall be planted, with drought-resistant landscaping, including a combination of shrubs and/or climbing evergreen vines. This subsection does not apply to Industrial Districts.
8. **IH District Exception.** In the IH District, as an alternative to an enclosure, a concrete curb may be provided to minimize bins from rolling about a parking area. Alternative enclosures may not be visible from any street, residential district, and/or school.

### 15-2017 Underground Utilities

- A. **Applicability.** The standards of this section apply to all of the following:
  1. New development;
  2. The demolition and reconstruction of a site;
  3. Any other time deemed appropriate by the Public Works Director.
- B. **Standards.** All electrical, telephone, cable television, and similar distribution lines providing direct service to a development site shall be installed underground within the site. This requirement may be waived or deferred by the Public Works Director, or the City Engineer upon a determination that the installation is infeasible or premature.

### 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 a distance of 30 feet along both lines from their intersection.

2. Trees 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 18 feet high minimum between the lowest portion of the canopy~~ and street.
  3. Applies to all structures, including flag poles and signs.
- B. **Driveways and Alleys.** Visibility of a driveway crossing a street lot line shall not be blocked above a height of three feet by vegetation or structures for a depth of 12 feet as viewed from the edge of the right-of-way on either side of the driveway at a distance of 12 feet. Street trees ~~that shall be~~ pruned at least seven feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers are permitted.
- C. **Commercial Districts, Refuse Collection Areas, and Drive-Through Lanes.** Vegetation (with the exception of trees) and structures may not exceed a height of three feet within the triangular sight-distance area formed by the intersecting drive aisles and a line joining points on these aisles at a distance of 10 feet along both lines from their intersection. Trees located within this sight distance shall have a minimum clearance of seven feet high ~~minimum~~ between the lowest portion of the canopy and the pavement and shall not be capable of growing to a width that would obstruct the sight area.
- D. **Vehicle/Pedestrian Conflicts.** Whenever it is reasonable to expect potential conflicts between vehicles exiting drive-aisles, drive-throughs, etc., and a pedestrian path ~~that~~ traverses said aisle, a visibility triangle per Subsection C above shall be provided.
- E. **Exempt Structures and Plantings.** The regulations of this section do not apply to existing buildings or new buildings in compliance with Base District setbacks; fire hydrants; public utility poles; saplings or plant species of open growth habits and not planted in the form of a hedge that are so planted and trimmed as to leave at all seasons a clear and unobstructed cross view; official warning signs or signals ~~or at~~ places where the contour of the ground is such that there can be no cross visibility at the intersection.

#### 15-2019 Development on Substandard Lots

Any lot or parcel of land that was legally created may be used as a building site even when consisting of less area, width, or depth than that required by the regulations for the district in which it is located. No substandard lot shall be further reduced in area, width, or depth, unless required as part of a public improvement. A substandard lot shall be subject to the same yard and density requirements as a standard lot, however the Director may reduce the side and rear yard requirements at a ratio equivalent with the non-conformity.

#### 15-2020 Lots with Multiple Zone Districts (Split Zoning)

- A. **Generally.** Where a contiguous lot is divided by a zoning district boundary, the regulations applicable to each district shall be applied to the area within the district, and no use, other than parking serving a principal use on the site, shall be located in a district in which it is not a permitted or conditionally permitted use.
- B. **Access.** All access to parking serving a use must be from a street abutting that portion of the lot where the use is allowed. Pedestrian or vehicular access from a street to a non-residential use

- a. At least 20 percent of the total units for lower income households;
    - b. At least 10 percent for very low income households; or
    - c. At least 20 percent for persons and families of moderate income in a condominium or planned development; or
  4. Three incentives or concessions for projects that include:
    - a. At least 30 percent of the total units for lower income households;
    - b. At least 15 percent for very low income households; or
    - c. At least 30 percent for persons and families of moderate income in a condominium or planned development.
- B. **Proposal of Incentives and Findings.** An applicant may propose specific incentives or concessions pursuant to this section and State law. In addition to any increase in density to which an applicant is entitled, the City shall grant one or more incentives and/or concessions that an applicant requests, up to the maximum number of incentives and concessions required pursuant to Subsection 15-2205-A unless the City makes a written finding that either:
  1. The concession or incentive is not necessary in order to provide the proposed targeted units, or
  2. The concession or incentive would have a specific adverse impact that cannot be feasibly mitigated on public health and safety or the physical environment or any property that is listed in the California Register of Historical Resources.

The applicant may propose and the City may approve additional incentives and concessions for an eligible project that provides targeted units that meet two or more of the eligibility requirements based on a written finding that the additional incentives or concessions are necessary in order to make the project economically feasible.
- C. **Types of Affordable Housing Incentives.** Affordable housing incentives may consist of any combination of the items listed below:
  1. ***Modification of Development Standards.*** Up to 20 percent in modification of site development standards or zoning code requirements, including, but not limited to:
    - a. Reduced minimum lot sizes and/or dimensions.
    - b. Reduced minimum building setbacks and building separation requirements, excluding back up treatment for off-street parking spaces.
    - c. Reduced minimum outdoor and/or private usable open space requirements.
    - d. Increased maximum lot coverage.
    - e. Increased maximum building height.
  2. ***Reduced Parking.*** Upon the applicant's request, the following maximum parking standards, inclusive of handicapped and guest parking, shall apply to the entire project. Further reductions in required parking may be requested as one of the incentives allowed under Subsection 15-2205-A.

2-a. ***Standard Reduction.***

- ~~a.i.~~ .5 on-site space for studio units;
- ~~b.ii.~~ .75 on-site space for one or two bedroom units;
- ~~c.iii.~~ One on-site space for three or more bedrooms; and
- iv. Guest parking shall be provided per the underlying district.

b. *Transit-Serviced Developments.* When a development is located within one-half mile of a major transit stop and there is unobstructed access to the stop, the following maximum parking ratios apply. For Senior and Special Needs Housing, the development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day. For purposes of this subsection, “unobstructed access” means that a resident is able to access the stop without encountering natural or constructed impediments.

i. *Mixed Income Developments.* If the project dedicates 20 percent of the total units for lower income households and 11 percent of the total units for very low income households, then the maximum required parking ratio shall be .5 spaces per bedroom.

ii. *One-Hundred Percent Affordable Developments.* For projects that consist solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower income families, the maximum parking ratios shall be as follows.

(1) *Senior Housing.* If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed .5 spaces per unit.

(2) *Special Needs Housing.* If the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code, the ratio shall not exceed 0.3 spaces per unit.

~~(3)~~ *All Other Housing.* .5 spaces per unit.

- 3. ***Mixed-Use Zoning.*** Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and such uses are compatible with the housing project and the surrounding area.
- 4. ***Other Incentives.*** Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable cost reductions or avoidance.

## 15-2206 Application Requirements

An application shall be submitted by an applicant and shall contain the information as outlined by the Director.



- G. **Density Bonus.** A minimum increase in the number of dwelling units authorized for a particular parcel of land over the otherwise maximum residential density.
- H. **Density Bonus Dwelling Units.** Those residential units granted pursuant to the provisions of this article which are above the maximum allowable residential density of the project site.
- I. **Financial Assistance.** Assistance to include, but not be limited to, the subsidization of fees, infrastructure, land costs, or construction costs, the use of redevelopment set-aside funds, community development block grant (CDBG) funds, or the provision of other direct financial aid in the form of cash transfer payments or other monetary compensation, by the City of Fresno.
- J. **Housing Costs.** Defined in accordance with Section 50052.5 of the California Health and Safety Code and shall generally mean the monthly mortgage principal and interest, property taxes and assessments, homeowners insurance, homeowner association fees where applicable, an allowance for utilities and property maintenance and repairs, for ownership dwelling units; and the monthly rent, and allowance for utilities, fees, or service charges charged to all tenants, for rental dwelling units.
- K. **Income Eligibility.** The gross annual household income, considering the household size and number of dependents, income of all wage earners, elderly or disabled family members and all other sources of household income. For self-employed households, net annual household income shall be used in determining income eligibility.
- L. **In-Lieu Incentives.** Incentives offered by the City, which are of equivalent financial value based upon the land cost per dwelling unit(s), that are offered in-lieu of density bonus and additional incentives.
- M. **Income.** Any monetary benefits that qualify as income in accordance with the criteria and procedures used by the City of Fresno.
- N. **Income Levels.** For purposes of determining income levels of households under this article, the City shall use the Fresno County income limits in Title 25, Section 6932 of the California Code of Regulations or other income limits adopted by the City Council if the State Department of Housing and Community Development fails to provide timely updates of the income limits in the California Code of Regulations.
- O. **Lower-Income Household.** Low-income household whose gross income does not exceed 80 percent of the area median income for Fresno County as determined annually by the U.S. Department of Housing and Urban Development.
- ~~P.~~ **Major Transit Stop.** A site containing an existing rail transit station or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. This definition shall additionally include all major transit stops designated in the applicable regional transportation plan. (California Public Resources Code §21155 and §21064.3).
- ~~P.Q.~~ **Market-Rate Unit.** A dwelling unit where the rental rate or sales price is not restricted either by this article or by requirements imposed through other local, State, or federal affordable housing programs.



5. Location of any existing trees over six inches in diameter, as measured 48 inches above natural grade, and whether each such tree is proposed for retention or removal.
6. Identification of areas of preservation or incorporation of existing native vegetation.
7. Identification of areas not intended for a specific use, including areas planned for future phases of a phased development, shown landscaped or left in a natural state.
8. Any additional proposed landscape elements and measures to facilitate plant growth or control erosion.

B. **Authorized to Design a Landscape.** Landscaping for commercial projects ~~and, industrial projects, and~~ institutional projects equal to or greater than one acre in size, industrial projects equal to or greater than 2.5 acres in size, and residential projects consisting of more than five units shall be prepared by a California registered landscape architect. For all other projects the various professionals, practitioners, and unlicensed persons may offer landscape design services within the scope and limitations that pertain to each as follows:

1. ***Landscape Architect.*** Must hold a professional license to practice landscape architecture. May perform professional services for the purpose of landscape preservation, development and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and responsible construction observation (Business and Professions Code, Section 5615).
2. ***Architect.*** Must hold a professional license to practice architecture. May offer, perform, or be in responsible control of professional services which require the skills of an architect in the planning of sites (Business and Professions Code, Sections 5500.1 and 5641.3).
3. ***Professional Engineers.*** Must hold professional registration to practice engineering. May perform professional services as defined under Business and Professions Code, Section 5615, as long as the work is incidental to an engineering project (Business and Professions Code, Sections 5615, 5641.3 and 6701 et seq.).
4. ***Landscape Contractors.*** Must hold a C-27 landscaping contractor's license. May design systems and facilities for work to be performed and supervised by that contractor (Business and Professions Code, Sections 5641.4 and 7027.5 and California Code of Regulations, Title 16, Division 8, Section 832.27).
5. ***Nurserypersons.*** Must hold a license to sell nursery stock. May prepare planting plans or drawings as an adjunct to merchandizing nursery stock and related products (Business and Professions Code, Section 5641.2 and Food and Agricultural Code, Section 6721 et seq.).
6. ***Landscape/Garden Designers including Master Gardeners, etc.*** May prepare plans, drawings, and specifications for the selection, placement, or use of plants for single-family dwellings; may prepare drawings for the conceptual design and placement of tangible objects and landscape features; may not prepare construction documents, details, or specifications for tangible landscape objects or landscape features; and may not prepare grading and drainage plans for the alteration of sites.

7. ***Personal Property Owners (Homeowner).*** May prepare plans, drawings or specifications for any one- or two-family dwelling property owned by that person.
8. ***Golf Course Architect.*** May engage in the practice of, or offer to practice as, a golf course architect. May perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision, where the dominant purpose of such service is the design of a golf course, in accordance with accepted professional standards of public health and safety.
9. ***Irrigation Consultants.*** May engage in the practice of, or offer to practice as, an irrigation consultant. May perform consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision, where the dominant purpose of such service is the design of landscape irrigation, in accordance with accepted professional standards of public health and safety.

The applicable statutes which govern the above unlicensed categories are Business and Professions Code, Sections 5641, 5641.1, 5641.5 and 5641.6 (10-02, Amended, 02/02/2010).

#### **15-2305 Areas to be Landscaped**

The following areas shall be landscaped and may count toward the total area of site landscaping required by the zoning district regulations.

- A. **Parking Areas.** Parking areas shall be landscaped in compliance with Article 24, Parking and Loading.
- B. **Required Setbacks.**
  1. ***All Districts.*** For permitted paved areas, refer to the underlying Base District.
  2. ***Residential Uses that are Single-Family Dwellings, Duplexes, and Triplexes.*** All required front and street-facing side yards, except for areas used for exit and entry shall be landscaped. If a solid fence is provided on a street side yard property line, the street side yard is not required to be landscaped.
  3. ***Residential Uses with Four or More Dwelling Units and Mixed-Use.*** All required setbacks, except for areas used for exit and entry, shall be landscaped.
  4. ***Non-Residential Uses.*** All required setbacks, except for areas used for exit and entry, shall be landscaped. If an Industrial District abuts another Industrial District, side and rear yards are not required to be landscaped. However should an Industrial District abut any other district or a street, it shall be landscaped. Where adjacent to residential, non-residential uses may require a larger setback under Residential Transition Standards and landscaping shall be provided as prescribed in Table 15-2305-C.1.
- C. **Lot Perimeters.** Landscape buffers shall be installed and maintained along side and rear lot lines between differing land uses, in accordance with the sections of this article and the following standards:

- e. Areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.
- 2. ***Non-Plant Materials.*** Non-plant materials such cinder, bark, and similar materials may not be used to meet the minimum planting area required by this section.
- 3. ***Synthetic Lawns.*** Synthetic lawns may be considered as turf, and shall cover no more than 75 percent of the required landscape area.
- 4. ***Mulch.*** A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting ground covers or other special planting situations where mulch is not recommended. Stabilizing mulching products shall be used on slopes. Mulch must be confined to areas underneath shrubs and trees and is not a substitute for ground cover plants.
- 5. ***Size and Spacing.*** Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun, and light), and maintenance needs. Plants shall be of the following size and spacing at the time of installation:
  - a. ***Ground Covers.*** Ground cover plants must be at least of a four-inch pot size and spaced to provide full coverage within the time frame specified for the species planted.
  - b. ***Shrubs.*** Spacing of shrubs shall be according to local conditions; the species, cultivars, or varieties used; and their mature height, spread, and form. When planted to serve as a hedge or screen, shrubs shall be spaced at 75 percent of their mature length.
    - i. ***Small Shrub.*** A small shrub shall have a mature height of three to less than five feet and shall be planted at minimum from one-gallon containers.
    - ii. ***Medium Shrub.*** A medium shrub shall have a mature height of between five and eight feet and shall be planted at minimum from five-gallon containers.
    - iii. ***Large Shrub.*** A large shrub shall have a mature height of greater than eight feet and shall be planted at minimum from five-gallon containers.
  - c. ***Trees.*** ~~A minimum of 15 percent of the trees planted shall be 24-inch box or greater in size.~~ All other trees shall be a minimum of 15 gallons in size. Spacing of trees shall be according to local conditions; the species, cultivars, or varieties used; and their mature height, spread, and form. Newly planted trees shall be supported with stakes or guy wires.
    - i. ***Small Tree.*** A small tree shall have a mature height of less than 25 feet and be at least one inch in diameter at six inches above ground level. Small trees, generally, shall be planted 25 feet apart.

- ii. Medium Tree. A medium tree shall have a mature height of between 25 and 45 feet and be at least 1 1/4 inch in diameter at six inches above ground level. Medium trees, generally, shall be planted 35 feet apart.
  - iii. Large Tree. A large tree shall have a mature height of greater than 45 feet and be at least 1 1/2 inch in diameter at six inches above ground level. Large trees, generally, shall be planted 45 feet apart.
- 6. **Landscaping Mound.** Landscaping mounds shall be constructed on slopes not to exceed 4:1. The toe of the mound shall be set back from buildings and property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slope. In no case shall the toe of the mound be within five feet of any building or one foot of the street right-of-way.
- B. **Dimension of Landscaped Areas.** Landscaped areas shall have a minimum horizontal dimension of ~~five-four and one-half~~ feet to count towards required landscaping.
- C. **Prescribed Heights.** The prescribed heights of landscaping shall indicate the height to be attained within fifteen years after planting.
- D. **Drivers' Visibility.** Trees and shrubs shall be planted and maintained so that at maturity they do not interfere with traffic safety sight areas, or public safety. Notwithstanding other provisions of this section, landscaping must comply with Section 15-2018, Intersection Visibility and Chapter 13, Article 2, Sections 13-227, Obstruction to Visibility at Intersections and 13-228, Intersection Visibility, Investigation, and Enforcement.

## 15-2308 Trees

- A. **Trees.** Trees shall be provided as follows:
  - 1. **Residential Single-Family Districts.** A minimum of two trees per lot and if part of a Planned Development then trees may be provided in common areas in addition to the two provided on each residential lot.
    - a. One of the required trees must be oriented to the street.
    - b. One of the required trees must be a passive solar-oriented tree (Deciduous) or a wind buffer-oriented tree (Evergreen).
  - 2. **Multi-Family Residential and Mixed-Use Districts.** A minimum of one tree per unit.;
  - 3. **Commercial, Office, Business Park, and Regional Business Park Districts.** A minimum of one tree for every 2,000 square feet of lot coverage.;
  - 4. **Industrial Districts.** A minimum of one tree for every ~~5~~10,000 square feet of lot coverage (Trees required in other sections of this code, such as parking lot trees or street trees, shall count toward the satisfaction of this requirement).;
  - 5. **Planned Development Districts.** For requirements in single-family residential development see Residential Single-Family Districts, for multi-family and mixed-use development see Residential Multi-Family and Mixed-Use Districts, and for

as of the date of adoption of this Code are not reduced in number to less than what this article requires.

#### 15-2403 General Provisions

- A. **Timing of Parking Requirements.** On-site parking facilities required by this article shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.
- B. **Existing Parking and Loading to be Maintained.** No existing parking or loading serving any use may be reduced in amount or changed in design, location, or maintenance below the requirements for such use, unless equivalent substitute facilities are provided.
- C. **Advertising on Vehicles.** Vehicles shall not be parked solely for the purpose of advertising. Advertising shall comply with Article 26, Signs.
- D. **Maintenance.** Parking lots and pedestrian areas, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.
- E. **Vehicles for Sale.** Vehicle sales ~~shall may~~ occur **under the following parameters. All areas shall be paved on**
  - ~~E.1.~~ **On** lots approved for vehicle sales per Section 15-2709, Automobile and Motorcycle Retail Sales and Leasing, ~~and the following.~~
  - ~~+2.~~ Companies may sell excess vehicles on their property. No more than one excess vehicle may be sold on the lot at a time. ~~Vehicles in Commercial Districts shall be parked on a paved area.~~
  - ~~2.3.~~ Personal vehicles parked for the purpose of being sold so long as it is for non-commercial purposes. **Vehicles shall be parked on a paved area.**
- F. **Temporary Parking Lots.** For Temporary Parking Lots, refer to Section 15-2760-B, Temporary Uses Requiring a Temporary Use Permit.

#### 15-2404 Buffer District

- A. Off-street parking of the following specified classes of vehicles shall be permitted in the Buffer District:
  - 1. Trucks of 1 ½ ton or more capacity;
  - 2. Trucks of 1 ¼ ton or more capacity with trailer attached;
  - 3. Buses;
  - 4. Trailers, if screened; and
  - 5. Any two-axle or three-axle truck tractor.
- B. **Pavement.** The parcel shall provide a 100 feet shake-off area prior to reaching the street to minimize dirt, mud, etc. from being carried onto street.

<b>TABLE 15-2408: REQUIRED ON-SITE PARKING SPACES, MIXED-USE DISTRICTS AND CMS DISTRICT</b>	
<i>Use</i>	<i>Required Parking Spaces</i>
<b>Non-Residential</b>	
Office	1 space per 600 square feet
Retail	1 space per 600 square feet
Restaurant	1 space per 600 square feet
All other Commercial uses	1 space per 600 square feet
On-street parking along a lot's corresponding frontage lines shall be counted toward the parking requirement for mixed-use projects.	

### 15-2409 Required Parking, Other Districts

The required numbers of on-site parking spaces are stated in Table 15-2409, Required On-Site Parking Spaces, Other Districts. The parking requirement for any use not listed in Table 15-2409 shall be determined by the Director based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.

TABLE 15-2409: REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS		
Use Classification	Required Parking Spaces	
Residential Use Classifications		
Single-Unit Residential constructed prior to the adoption date of this Code	1 space per dwelling unit	Must be covered.
Single-Unit Residential, up to two bedrooms	1 space per dwelling unit	Must be within a garage.
Single-Unit Residential, three or more bedrooms	1 space per dwelling unit	Must be within a garage.
Duplex	1 space per dwelling unit	Must be within a garage.
Backyard Cottages, Second Dwelling Units, or Accessory Living Quarters	Refer to Section 15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters.	
Affordable Housing Developments (Moderate Income and Below) <del>per the Government Code</del>		
Studio, one- or two-bedroom	.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.
Three or more bedrooms	1.5 spaces per unit	
Multi-Unit Residential (2 or more units)		
Studio	1 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.
One- or two-bedroom	1 space per unit	One covered space shall be

TABLE 15-2409: REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS		
Use Classification	Required Parking Spaces	
Three or more bedrooms	1.5 spaces per unit	designated for each unit. One additional uncovered guest parking space must be provided for every 2 units.
Small Family Day Care	None in addition to what is required for the residential use.	
Large Family Day Care	1 per employee plus an area for loading and unloading children, on or off-site. Required spaces and the residential driveway for the primary residential use may be counted toward meeting these requirements.	
Elderly and Long-Term Care	1 for every 7 residents plus 1 for each live-in caregiver. Facilities serving more than 15 residents shall also provide 1 space for each caregiver, employee, and doctor on-site at any one time.	
Group Residential	1 spaces for the owner-manager plus 1 for every 5 beds and 1 for each non-resident employee.	
Residential Care, Limited	None in addition to what is required for the residential use.	
Residential Care, General	2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each non-resident employee.	
Residential Care, Senior	1 for every 7 residents plus 1 for each live-in caregiver. Facilities serving more than 15 residents shall also provide 1 space for each caregiver, employee, and doctor on-site at any one time.	
Single Room Occupancy	0.5 space per unit	
Public and Semi-Public Use Classifications		
Colleges and Trade Schools, Public or Private	1 per 5 members of the school population (including students, faculty, and staff) based on maximum enrollment.	
Community and Religious Assembly	1 for each 5 permanent seats in main assembly area, or 1 for every 50 sq. ft. of assembly area for group activities or where temporary or moveable seats are provided, whichever is greater. For auxiliary classrooms, there shall be 1 parking space per classroom.	
Cultural Institutions	<del>St</del> <del>For movie theaters, stage theaters,</del> and auditoriums: 1 for each 6 permanent seats in main assembly area, or 1 for every 60 sq. ft. of assembly area where temporary or moveable seats are provided, whichever is greater. Galleries, Libraries, and Museums: 1 for every 1,000 sq. ft. of floor area. Other establishments: determined by the Director.	
Day Care Center	1 per employee plus 2 loading spaces.	
Emergency Shelter	1 per 500 sq. ft. of floor area.	
Government Offices	1 per 500 sq. ft. of floor area.	
Hospitals, Rehabilitation Centers	1 per 1.5 beds; plus 1 per 300 sq. ft. of area used for office, clinics, testing, research, administration, and similar activities associated with the principal use.	
Clinics or Urgent Care	1 per exam room; plus 1 per 300 sq. ft. of area used for office, clinics, testing, research, administration, and similar activities associated with the principal use.	
Instructional Services	1 per 200 sq. ft. of public or instruction area.	

<b>TABLE 15-2409: REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS</b>	
<i>Use Classification</i>	<i>Required Parking Spaces</i>
Schools, Public or Private	Elementary and Middle Schools: 1 per classroom, plus 1 per 300 sq. ft. of office area. High Schools: 5 per classroom.
Social Service Facilities	1 per 350 sq. ft. of floor area.
<b>Commercial Use Classifications</b>	
<u>Large Commercial Shopping Center (greater than 300,000 square feet of floor area).</u>	<u>1 per 350 sq. ft. or the total required for each individual use, whichever is less.</u>
Adult-Oriented Business	1 per 300 sq. ft. of floor area.
Animal Care, Sales and Services	
<i>Grooming and Pet Stores</i>	1 per 500 sq. ft. of floor area.
<i>Kennels</i>	1 per employee plus three spaces for loading and unloading animals on-site.
<i>Veterinary Services</i>	1 per 350 sq. ft. of floor area.
Artist's Studio	1 per 1,000 sq. ft. of floor area.
Automobile/Vehicle Sales and Services	
<i>Automobile/Vehicle Rentals</i>	1 per 250 sq. ft. of office area in addition to spaces for all vehicles for rent.
<i>Automobile/Vehicle, and Motorcycle Sales and Leasing</i>	1 per 2,500 sq. ft. of lot area. Any accessory auto repair: 2 per service bay.
<i>Automobile/Vehicle Repair, Major or Minor</i>	1 space plus 1.5 per service bay. 1 per 250 sq. ft. of any retail or office on site.
<i>Automobile/Vehicle Washing, Automated</i>	1 per 250 sq. ft. of any indoor sales, office, or lounge areas.
<i>Automobile/Vehicle Washing, Detail</i>	.50 per service bay plus 1 per 250 sq. ft. of any indoor sales, office, or lounge areas.
<i>Service Station</i>	1.5 per service bay, if service bays are included on site. 1 per 250 sq. ft. of any retail or office on site.
<i>Boat/Recreational Vehicle Sales and Leasing</i>	1 per 6,000 sq. ft. of lot area. Any accessory auto repair: 1.5 per service bay.
<u>Towing and Impound</u>	<u>1 per 500 sq. ft. of building area plus 1 per 0.5 acre of gross outdoor use area.</u>
Banks and Financial Institutions	1 per 400 sq. ft. of floor area.
<u>Banquet Hall</u>	<u>1 for each 5 permanent seats in main assembly area, or 1 for every 50 sq. ft. of assembly area for group activities or where temporary or moveable seats are provided, whichever is greater.</u>
Business Services	1 per 400 sq. ft. of floor area.



TABLE 15-2409: REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS	
Use Classification	Required Parking Spaces
<del>Commercial</del> Entertainment and Recreation	<p>Establishments with seating: 1 for each 4 fixed seats, or 1 for every 50 sq. ft. of seating area where temporary or moveable seats are provided, whichever is greater.</p> <p>Athletic Clubs / Fitness Centers: 1 per 200 sq. ft. of main floor area.</p> <p>Bowling Alleys: 1.5 per lane.</p> <p><u>Cinema/Theaters: 1 for each 6 permanent seats in main assembly area, or 1 for every 60 sq. ft. of assembly area where temporary or moveable seats are provided, whichever is greater.</u></p> <p>Game Courts (e.g. tennis): 1.5 per court.</p> <p>Golf Courses: 3 per hole (Additional parking may be required for ancillary uses such as Banquet Rooms)</p> <p>Golf Driving Range/Putting Greens: .75 per station/hole.</p> <p>Parks: 1 per 7,500 sq. ft. of active recreational area (pocket parks are exempt from providing parking).</p> <p>Skating Rinks: 1 per 150 sq. ft. of gross floor area.</p> <p>Swimming Pools: 1 per 200 square feet of pool area plus 1 per 500 feet of area related to the pool.</p> <p>Other <del>Commercial</del> Entertainment and Recreation uses: 1 per every 3 persons permitted to occupy the floor space of the facility.</p>
Eating and Drinking Establishments	
Convenience	1 per 125 sq. ft. of floor area.
Coffee Shops / Cafes	1 per 150 sq. ft. of floor area; For Outdoor Dining, refer to Section 15-2744, Outdoor Dining and Patio Areas.
Restaurants Take-Out Only	1 per 250 sq. ft. of floor area.
Restaurants, Full Service	1 per 150 sq. ft. of floor area; For Outdoor Dining, refer to Section 15-2744, Outdoor Dining and Patio Areas.
Bars/Nightclubs/Lounges	1 per 100 sq. ft. of floor area.
Food and Beverage Sales	
Farmer's Markets	Refer to Section 15-2730, Farmer's Markets.
General Market	1 per 450 sq. ft. of floor area.
Healthy Food Grocer	1 per 1,000 sq. ft. of floor area.
Liquor Store	1 per 450 sq. ft. of floor area.
Food Preparation	1 per 1,500 sq. ft. of use area plus 1 per 300 sq. ft. of office area.
Funeral Parlors and Internment Services	1 for each 6 permanent seats in assembly areas or 1 for every 60 sq. ft. of assembly area where temporary or moveable seats are provided, whichever is greater, plus 1 per 250 sq. ft. of office area.
<del>Meeting Rooms / Banquet Rooms</del>	<del>1 for each 5 permanent seats in main assembly area, or 1 for every 50 sq. ft. of assembly area for group activities or where temporary or moveable seats are provided, whichever is greater.</del>
Lodging	
Bed and Breakfast	1 per room for rent plus 1 space adjacent to registration office.

<b>TABLE 15-2409: REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS</b>	
<i>Use Classification</i>	<i>Required Parking Spaces</i>
<i>Hotels and Motels</i>	1 per each sleeping unit, plus 2 spaces adjacent to registration office.  Meeting/banquet rooms or restaurants under 1,500 sq. ft. are not required to provide additional parking when located within a hotel. Additional parking <del>is</del> shall be required for ancillary uses, such as Meeting Rooms, Banquet Centers, etc. that exceed 1,500 sq. ft.
Live-Work	1 per unit or 1 for every 1,000 sq. ft. of floor area, whichever is greater.
Maintenance and Repair Services	1 per 600 sq. ft. of floor area, plus one space for each fleet vehicle.
<del>Nurseries and Garden Centers</del>	<del>1 per 500 sq. ft. of floor area; plus 1 per 2,000 sq. ft. of outdoor display area.</del>
<b>Offices</b>	
<i>Business and Professional</i>	1 per 400 sq. ft. of floor area up to 100,000 sq. ft. 1 per 350 sq. ft. over 100,000 sq. ft.
<i>Medical and Dental</i>	1 per 275 sq. ft. of floor area.
<i>Walk-In Clientele</i>	1 per 300 sq. ft. of floor area.
Personal Services	1 per 400 sq. ft. of floor area.
<b>Retail Sales</b>	
<i>Building Materials and Services</i>	1 per 650 sq. ft. of floor area; plus 1 per 2,000 sq. ft. of outdoor display area.
<del>Nurseries and Garden Centers</del>	<del>1 per 500 sq. ft. of floor area; plus 1 per 2,000 sq. ft. of outdoor display area.</del>
<i>All Other Retail Sales Subclassifications</i>	1 per 450 sq. ft. of floor area. 1 per 750 sq. ft. of floor area for appliance and furniture stores.
<i>Swap Meet / Flea Market</i>	1 per vendor, plus 5 per every 0.5 acre of gross outdoor use area.
<b>Employment Use Classifications</b>	
Construction and Materials Yards	1 per 2,500 sq. ft. up to 10,000 sq. ft. plus 1 per 5,000 sq. ft. over 10,000 sq. ft.
<del>Custom Manufacturing</del>	<del>1 per 1,500 sq. ft. plus 1 per 300 sq. ft. of office.</del>
<del>Limited Industrial</del>	<del>1 per 1,500 sq. ft. plus 1 per 300 sq. ft. of office.</del>
<del>Industry, General Industrial</del>	1 per 1,500 sq. ft. plus 1 per 300 sq. ft. of office.
<del>Industry, Limited</del>	<del>1 per 1,500 sq. ft. plus 1 per 300 sq. ft. of office.</del>
<del>Intensive Industrial</del>	<del>1 per 1,500 sq. ft. plus 1 per 300 sq. ft. of office.</del>
<b>Recycling Facility</b>	
<del>Collection Facility</del> CRV <del>Recycling Centers</del>	See Section 15-2750, Recycling Facilities.
<del>Intermediate Recycling Processing Facility</del>	1 for each 2 employees on the maximum work shift, or 1 per 1,000 sq. ft. of floor area, whichever is greater.
Research and Development	1 per 600 sq. ft. of manufacturing and assembly; 1 per 300 sq. ft. of office; 1 per 1,500 sq. ft. of warehousing; and 1 per 800 sq. ft. of laboratory.

<b>TABLE 15-2409: REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS</b>	
<i>Use Classification</i>	<i>Required Parking Spaces</i>
Salvage and Wrecking	1 per 500 sq. ft. of building area plus 1 per 0.5 acre of gross outdoor use area.
<b>Warehousing <del>and</del>, Storage, and Distribution</b>	
<del>Chemical and</del> Mineral, <del>and</del> Explosives Storage	1 per 300 sq. ft. of office area.
Warehousing	1 per 2,000 sq. ft. of area up to 10,000 sq. ft.; 1 per 5,000 sq. ft. over 10,000 sq. ft., plus 1 per 300 sq. ft. of office
Personal Storage	1 space per 100 storage units, plus 1 space per 300 sq. ft. of office area. A minimum of 3 spaces shall be provided, plus one enclosed space per caretaker's residence should one be proposed.
Wholesaling and Distribution	1 per 1,500 sq. ft. of use area up to 10,000 sq. ft., 1 per 5,000 sq. ft. over 10,000 sq. ft., plus 1 per 300 sq. ft. of office
<b>Transportation, Communication, and Utilities Use Classifications</b>	
Light Fleet-Based Services	1 per 300 sq. ft. of office floor area, plus one space for each fleet vehicle.
Utilities, Major	1 for each employee on the largest shift plus 1 for each vehicle used in connection with the use. Minimum of 2.
Utilities, Minor	None.
Transportation Facilities / Bus Depots / Bus Terminal	1 per bus bay, plus 1 per 250 sq. ft. of building/waiting area.

#### **15-2410 ~~Maximum Number of Spaces Allowed(Reserved)~~**

~~The maximum number of on-site vehicle parking spaces shall be as follows for Commercial Shopping Centers or large-format stores. The area excludes outdoor dining areas, patios, and/or outdoor display areas. Should 75 percent or more of the spaces be contained within a parking structure, this section shall not apply.~~

- ~~A. **Less than 60,000 Square Feet:** Shall not provide more than 130 percent of the required number of parking spaces~~
- ~~B. **60,000 Square Feet or Greater:** Shall not provide more than 110 percent of the required number of parking spaces.~~

#### **15-2411 Calculation of Required Spaces**

The number of required parking spaces shall be calculated according to the following rules:

- A. **Fractions.** If the calculation of required parking or loading spaces results in the requirement of a fractional space, such fraction, if the fraction is less than one-half, it shall result in no additional spaces; if one-half or greater, it shall be considered one additional space.
- B. **Floor Area.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated.

e. Auto-related uses.

- C. **Building Expansions.** Buildings constructed prior to Subsections A and B above may be expanded. Parking for the expanded area shall be provided per Tables 15-2408 and 15-2409. Buildings constructed prior to this date may not be altered when it would result in additional dwelling units without providing parking for the additional dwellings.
- D. **Small Commercial Uses.** The following commercial uses are not required to provide on-site parking when they contain less than 1,000 square feet of floor area: Retail Sales (except off-site alcohol sales), Personal Services, Eating and Drinking Establishments, Food and Beverage Retail Sales, Offices: Walk-in Clientele, and Banks and Financial Institutions. However, when two or more such establishments are located on a single lot or a shopping center, their floor areas shall be aggregated with all other establishments located on the lot in order to determine required parking.

### 15-2413 Parking Reductions

The number of on-site parking spaces required by Sections 15-2408 and 15-2409, may be reduced as follows:

A. **Affordable Housing Developments.** See 15-2205, Affordable Housing Concessions and Incentives.

A.B. **Transit Accessibility.** For any land use except residential single-unit, duplex, and triplex development, if any portion of the lot is located within ¼ mile of a transit stop with a 15 minute or more frequent service during the hours of 7 a.m. to 9 a.m. and 5 p.m. and 7 p.m., the number of required parking spaces may be reduced by 30 percent of the normally required number of spaces.

B.C. **Shared Parking.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced up to 50 percent at the discretion of the Review Authority, if all of the following findings are made:

1. The peak hours of uses will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
2. The adequacy of proposed shared parking provided will equal or exceed the level that can be expected if parking for each use were provided separately;
3. A parking demand study prepared by an independent traffic engineering professional approved by the City supports the proposed reduction; and,
4. When a shared parking facility serves more than one property, a parking agreement shall be prepared consistent with the provisions of Section 15-2414-D, Off-Site Parking Facilities for Non-Residential Uses.

C.D. **Other Parking Reductions.** Required parking for any use may be reduced up to 20 percent through Planning Commission approval of a Conditional Use Permit, however the 20 percent reduction may not be made in addition to any reductions for A) Shared Parking, or B) Transit Accessibility.

1. Parking required by this article shall be available to the public without charge. A fee for parking may only be charged for spaces that exceed the minimum requirements of this article.
  2. ***Residential Parking.*** Where this article requires communal parking areas in residential areas, said parking spaces shall not be restricted to individual units.
- C. **Access to Adjacent Sites.** Applicants are encouraged to provide shared vehicle and pedestrian access between adjacent properties for convenience, safety, and efficient circulation. A joint access covenant shall be required.

### 15-2416 Parking Area Development Standards

All parking areas except those used exclusively for Stacked Parking, shall be designed and developed consistent with the following standards.

- A. **Automated Parking Garages.** Permitted in any district.
- B. **Electric Vehicle (EV) Parking.**
1. ***Residential Districts.*** Per the California Building Code.
  2. ***Office and Commercial Districts.***
    - a. *For Parking Lots with Less than 250 Spaces.* Refer to the California Building Code.
    - b. *For Parking Lots with 250 Spaces or More.* Per the California Building Code or the following, whichever shall provide the greater amount of EV spaces.
      - i. There shall be one vehicle charging station for every 250 spaces.
      - ii. At least one space shall be 15 feet in width.
      - iii. Signage shall clearly state that spaces are to be used for actively charging vehicles only.
- C. **Motorcycle Parking.** Motorcycle parking may substitute for up to five percent of required automobile parking. Each motorcycle space must be at least four feet wide and seven feet deep.
- D. **Tandem Parking.** Tandem parking may be permitted to satisfy the off-street parking requirement in accordance with the following:
1. No more than two vehicles shall be placed one behind the other;
  2. Both spaces shall be assigned to a single dwelling unit;
  3. Both spaces shall be assigned as employee only parking for a non-residential establishment. Tandem parking under this scenario shall be for the same establishment;
  4. Tandem parking to meet required parking for a multi-family development shall be located within an enclosed structure or a parking structure and the number of tandem parking spaces shall not exceed 50 percent of the total number of spaces;

5. Tandem parking shall not be used to satisfy the parking requirement for guest parking; and,
  6. Tandem parking to meet required parking for non-residential uses may be used for employee parking and the number of tandem parking spaces shall not exceed 25 percent of the total number of spaces.
- E. **Stacked Parking.** Stacked or valet parking is allowed for non-residential uses if an attendant is present to move vehicles. If stacked parking managed by an attendant is used for required parking spaces, the property owner shall enter into an agreement in the form of a covenant with the City ensuring that an attendant will always be present when the lot is in operation. Stacked parking shall not account for more than 50 percent of the required parking.

## 15-2417 Driveways

Driveways providing site access shall be from an improved street, alley, or other public and/or private right-of-way, and shall be designed, constructed, and properly maintained per the standards below.

### A. Number of Driveways.

- ~~1. One driveway shall be allowed for each parcel of less than two acres in size.~~
- ~~2. Up to two driveways shall be allowed for each parcel of two acres or more in size unless the City Engineer determines that more than two driveways are required to accommodate traffic volumes on specific projects. Additional driveways shall not be allowed if it is determined to be detrimental to traffic flow on the adjacent street(s).~~
- ~~3. Whenever a property has access to more than one street, access shall be generally limited to the lowest volume street where the impact of a new access will be minimized. However, an exception shall be made if such access would cause traffic related to non-single family uses to pass through a single-family neighborhood prior to intersecting with a Major Street. Driveways that do not meet the requirements of this subsection may still be permitted, with the approval of the City Engineer.~~
- 4.1. Access to Major Streets shall be spaced to provide for reasonable access to properties while maximizing traffic safety and traffic flow. Emphasis should be placed on maximizing on-site reciprocal access and minimizing the number of street access points.
- 5.2. Access spacing and control requirements shall be determined by the City Engineer.

### B. Distance from Street Corners. As determined by the City Engineer.

### C. Driveway Widths and Lengths.

1. **All Driveways.** If designated as a Fire Lane, the minimum width shall be 20 feet, unless a greater width is required by the Fire Chief.
2. **Residential Driveway Width.** As determined by the City Engineer and the Fire Chief.
3. **Residential Driveway Length.** Driveways providing direct access from a public street to a garage or carport shall be at least 18 feet in depth.
4. **Commercial and Industrial Driveway Width.** As determined by the City Engineer and the Fire Chief.

**15-2418 Parking Access**

- A. ~~Whenever possible, New~~ Commercial and Office development shall provide shared vehicle and pedestrian access to adjacent non-residential properties for convenience, safety, and efficient circulation, ~~regardless if the properties are held in joint ownership.~~ A joint access agreement in the form of a covenant shall be recorded ensuring that access will be maintained. The following exceptions shall apply:
1. If either site is developed and there is no feasible location to gain access, the Director may waive this condition, however the removal of excess parking may not be considered a barrier to gaining access.
  2. Shared access shall not be required for development in areas with a highly interconnected street grid, short blocks (less than 500 feet on average), and a complete sidewalk network.
- B. **Forward Entry.** Parking lots shall be provided with suitable maneuvering room so that all vehicles therein may enter an abutting street in a forward direction.
- C. **Distance from Driveways on Local Streets.** Parking spaces shall not be located within 20 feet of an access driveway, measured from the property line.
- D. **Distance from Driveways on Major Streets.** Parking spaces and drive aisles shall be configured in such a way as to promote smooth flow of traffic onto the site from adjacent streets. The length of driveways or “throat length” shall be designed to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. Entrance designs shall be subject to approval by the City Engineer.
- E. **Commercial Developments that Exceed 10 Acres.** Drive entrances to centers that are 10 acres or larger shall generally provide a driveway length of 100 feet prior to the first parking stall.
- F. **Alleys.** For Non-Residential access, parking spaces shall provide a backup area of 27 feet. For Residential Districts, refer to Section 15-2004, Accessory Buildings and Structures.
- G. **Size of Parking Spaces and Maneuvering Aisles.** Parking spaces and maneuvering aisles shall meet the minimum dimensions as may be established by the Public Works Director.
- 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 ~~2~~two feet 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.
- I. **Minimum Dimensions for Residential Garages and Carports.** Garages and carports serving residential uses shall be constructed to meet the following minimum inside dimensions.
1. A single car garage or carport shall have a minimum inside dimension of 10 feet in width by 20 feet in length.
  2. A two-car garage or carport shall have a minimum inside dimension of 20 feet in width by 20 feet in length.

- 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 be designed to allow stormwater runoff to pass through.
- 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.

#### 15-2420 Parking Area Lighting

Parking areas designed to accommodate four or more vehicles shall be provided with light over the parking surface.

- 1. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.
- 2. 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.
- 3. Carport lighting shall be integrated into carport structures, and there shall have no bare light bulbs.

#### 15-2421 Parking Lot Landscaping

- 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, ~~at least 50 percent of the~~ 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.
  - 2. All other Districts: At least 50 percent.
  - ~~A.3.~~ **Exception:** This requirement shall not apply to truck loading and 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.
- C. **Perimeter Parking Lot Landscaping.** The following shall apply to Multi-Family, Mixed-Use, Office and Commercial developments.
  - ~~4.~~ **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.1. 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~~



1. ***Requirement Thresholds.*** Long-Term Bicycle Parking shall be provided when required by the California Green Building Standards Code, as may be amended.
  2. ***Number of Spaces Required.*** Refer to Table 15-2429-D.
  3. ***Location.***
    - a. Long-term bicycle parking must be located on the same lot as the use it serves, unless an alternative agreement is approved to the satisfaction of the Director. The signed statement shall be in the form of a covenant prepared by the City, and shall be recorded with the County Recorder.
    - b. In parking garages, long-term bicycle parking shall be proximate to the entrance of the garage.
  4. ***Covered Stalls.*** Covered stalls shall be:
    - a. Inside buildings, in a bike room or clearly designated area;
    - b. Under roof overhangs or awnings;
    - c. In bicycle lockers; or
    - d. Within or under other structures.
  5. ***Anchoring and Security.*** Long-term bicycle parking must be in:
    - a. A permanently anchored rack or stand inside a building. Racks shall be either an inverted “U”, a bike hitch, a swerve rack, or per the City’s qualified product list. Racks may serve multiple bicycle parking spaces;
    - b. An enclosed permanently anchored bicycle locker; or
    - c. A fenced, covered, locked, or guarded bicycle storage area or room.
  6. ***Size and Accessibility.***
    - a. Each bicycle parking space shall be a minimum of 30 inches in width and six feet in length and shall be accessible without moving another bicycle.
    - b. ~~Two feet~~At least 30 inches of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.
  7. ***Vehicle Parking Reduction.*** Should an applicant seek to install bicycle lockers for an existing development, they may reduce vehicle parking to less than the prescribed number in this Code in order to accommodate them. In such an instance, an exemption (i.e., Variance or Deviation) for the reduced vehicle parking shall not be required.
- C. **Showers and Changing Rooms.** ~~In the O District, S~~showers and ~~C~~changing ~~R~~room(s) for employees that engage in active modes of transportation are required per the following standards.
1. ***Requirement Thresholds.*** New office development greater than 20,000 square feet. The 20,000 square foot minimum applies to single buildings.
  2. ***Number of Showers Required.*** Refer to Table 15-2429-C-2.

- G. Prohibit signs that may cause traffic or pedestrian safety hazards or interfere with ingress and egress.

### **15-2602 Applicability**

This article regulates all signs on public and private property, except where expressly stated otherwise. No sign shall be erected or maintained anywhere in the city except in conformity with this article.

### **15-2603 Permits Required**

Permits shall be required as follows, unless otherwise stated.

- A. **Building Permit Required.** No person shall erect, alter, repair, or relocate any sign without first obtaining any required building permit for such work from the Building Official. No permit shall be issued until the Building Department determines that such work is in accordance with the building or electrical codes of the City. Except as otherwise provided, permits required by this article will be issued pursuant to the same terms and according to the same fee schedule as all other building permits.
- B. **Zone Clearance Required.** Subject to Article 51, Zone Clearance, the Planning Division will review applications for building permits for signs and determine if the proposed signs are consistent with the requirements contained in this article.
- C. **Encroachment Permit.** Signs that project over a public street or sidewalk shall be subject to an Encroachment Permit approval by the Public Works Department pursuant to the provisions of Chapter 13 of the Municipal Code.
- D. **Master Sign Program.** A Master Sign Program is required for signage proposals as specified in Section 15-2612, Master Sign Program (MSP).

### **15-2604 Exempt Signs**

The following signs are exempt from the permit requirements of this article and do not count toward the total sign area limit for a site, provided that they conform to applicable standards:

- A. **Address Signs and Name Plates.** Each residence and establishment may post one address sign and one name plate, with display faces per Article 62, Street Names & Addressing.
- ~~B. **Banners, Streamers, Inflatables, and Moving Signs.** Subject to the requirements of Section 15-2611-B.~~
- ~~C.B. **Barber Poles.** Barber poles less than 18 inches in height.~~
- ~~D.C. **City Property / Bus Stop Signs.** Signs placed by the City on property or public right-of-way held by the City, subject to any applicable environmental review pursuant to CEQA.~~
- ~~E.D. **Equipment Signs.** Signs incorporated into permitted displays, machinery, or equipment by a manufacturer, distributor, or vendor and identifying or advertising only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs) and gasoline pumps.~~

~~F.E.~~ **Holiday Decorations.**

~~G.F.~~ **Interior Graphics or Signage.** Visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof, or located on the inside of a building and at least three feet from the window.

~~H.G.~~ **Official Notices.** Official and legal notices used by any court, public body, person, or officer in the performance of a public duty; any legal or official notices posted by a utility or other quasi-public agency; temporary or permanent signs erected and maintained by or required by the City, State, or federal government, or government transportation or transit agencies, for the purpose of providing official governmental information to the general public, including, but not limited to: traffic direction, city entrance, or for designation of direction to any school, hospital, historical site, or public service, property, or facility; public hearing or meeting notices; seismic warning signs; or other signs required or authorized by law.

~~I.H.~~ **Public Carrier Graphics.** Graphic images mounted on carrier vehicles such as buses, taxicabs, and limousines that legally pass through the city.

~~J.I.~~ **Operational Window Signs.** Window signs limited to the hours of operation, address, occupancy, and emergency information, subject to the following standards:

1. ***Limitations on Placement.*** Operational window signs shall not be mounted or placed on windows higher than the second story.
2. ***Maximum Area.*** The maximum area of exempt window signage shall not exceed three square feet in area.

**15-2605 Prohibited Signs**

Unless expressly allowed by another subsection of this article or other applicable law, the following sign types, locations, and materials are prohibited:

~~A.~~ **Animated Signs.** Animated, flashing, blinking, reflecting, revolving, or other similar signs, or signs with visibly moving or rotating parts or visible mechanical movement of any kind, rolling or running letters or message.

~~B.A.~~ **Light Bulb Strings and Exposed Tubing.** External displays which consist of unshielded light bulbs, festoons, and strings of open light bulbs.

~~C.B.~~ **Outdoor Advertising Signs.** Billboards and any other off-premises outdoor advertising signs which convey a commercial message as their primary purpose. This provision, however, does not prohibit agreements to relocate presently existing, legal billboards, pursuant to Business and Professions Code Section 5412. The new billboards which replace existing billboards may be located on City-owned property and may feature electronic copy, at the discretion of the City Manager. Replacement billboards shall comply with all applicable ~~F~~ederal, State, and local regulations.

~~D.C.~~ **Signs Blocking Doors or Windows.** Signs shall not be located or installed on any door, window, or fire escape in a manner that will prevent free ingress or egress.

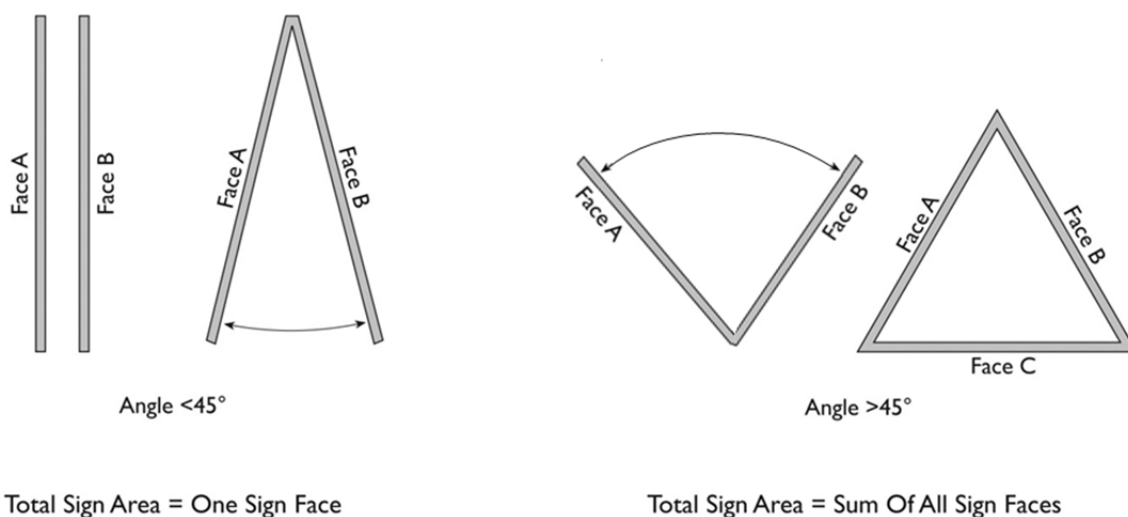
~~E.D.~~ **Signs on Standpipes or Fire Escapes.** No sign shall be attached to any standpipe or fire escape, except those required by other codes.

- ~~F.E.~~ **Snipe Signs.** All off-site signs, tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, trailers, temporary construction barriers, or other supporting structures.
- ~~G.F.~~ **Signs in the Public Rights-of-Way.** Unless otherwise noted, no sign shall be affixed within median strips or islands, on sidewalks, trees, retaining walls, bridges, benches, traffic signals, public fences, poles or utility equipment, street lighting, utility poles, traffic signs, or traffic sign posts, supporting structures, anchor wires, or guy wires. This provision, however, does not prohibit subdivision monument signs, which shall be permitted at the discretion of the City Engineer.
- ~~H.G.~~ **Signs That Produce Noise or Emissions.** Signs that produce noise or sounds that can be heard at the property line, excluding voice units at menu boards, and signs that emit visible smoke, vapor, particles, or odors.
- ~~I.H.~~ **Signs Creating a Traffic Hazard or Affecting Pedestrian Safety.** Signs placed or located in such a manner as to constitute a safety hazard or to impede the public use of the public right-of-way.
1. ***Exits and Entrances.*** No sign shall be placed, mounted, erected, or installed in any manner that obstructs the use of any door, window, or fire escape.
  2. ***Sidewalks.*** No sign shall be mounted or displayed in such a manner that it blocks or impedes the normal pedestrian use of public sidewalks.
  3. ***Intersections.*** No sign shall be erected or maintained at or near any street intersection that will obstruct the free and clear vision of drivers and pedestrians. Other than traffic control signals, no sign shall be installed in the visibility triangle at intersections pursuant to Section 15-2018, Intersection Visibility.

## 15-2606 Rules for Sign Measurement

- A. **Calculation of Sign Area.** The area of an individual sign shall be calculated as follows.
1. ***Single-Faced Signs.*** Sign area shall include the entire area within a single continuous perimeter composed of squares or rectangles (consisting of horizontal and vertical lines and no more than 12 corners) that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. Supporting structures such as sign bases and columns are not included in the sign area provided that they contain no lettering or graphics except for addresses or required tags. The calculation of sign area for various types of single-faced signs is illustrated in Figure 15-2606-A.1.

2. **Double-Faced Signs.** Where two faces of a double-faced sign are ~~located less than 18 inches between faces, parallel,~~ or less than an interior angle of 45 degrees or less from one another, the sign area shall be computed as the area of one face. Where the two faces are not equal in size, the larger sign face shall be used. Where two faces of a double-faced sign are located more than ~~18 inches or~~ 45 degrees from one another, both sign faces shall be counted toward sign area.
3. **Multi-Faced Signs.** On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) shall be summed to determine sign area. In all other situations involving a sign with three or more sides, sign area shall be calculated as the sum of all faces.



**FIGURE 15-2606-A.3: DOUBLE AND MULTI-FACED SIGNS**

4. **Three-Dimensional Signs.** Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of ~~all areas using the four vertical~~ two adjacent sides of the smallest cuboide that will encompass the sign.

Sign Area = Sum of Two Adjacent Sides

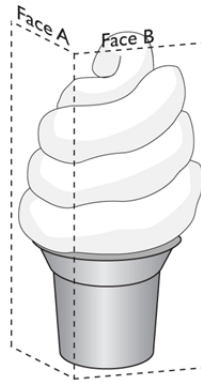
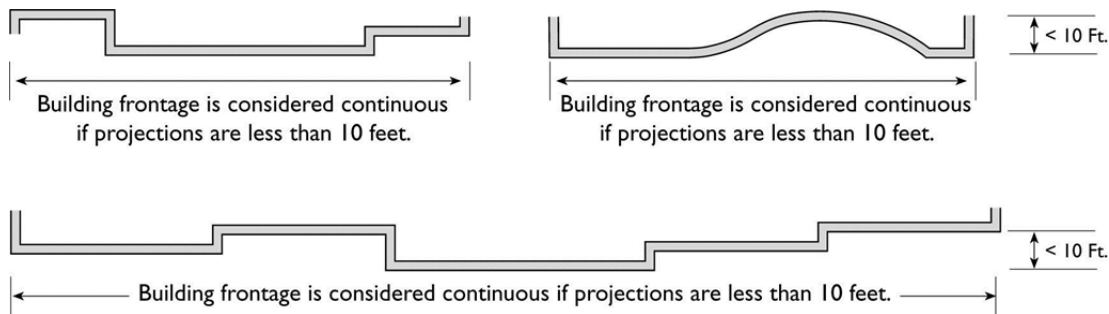


FIGURE 15-2606-A.4: THREE DIMENSIONAL SIGNS

- ~~B.~~ **Calculation of Lot Frontage.** If a lot fronts on two streets, both frontages may be used for calculating the allowable sign area. On lots with three or more frontages on a public street, the length of only two contiguous sides shall be added together to determine allowable sign area.
- ~~C.B.~~ **Measuring Sign Height.** The height of a sign is the vertical distance measured from the ground level directly beneath the sign to the highest point at the top of the sign, ~~including any structural or architectural components of the sign. The ground level shall be either the natural grade or finished grade, whichever is lowest.~~
- ~~1.~~ **Height of Freestanding Signs.** The height of freestanding signs shall be measured as the vertical distance from grade at the edge of the right of way along which a sign is placed to the highest point of the sign, including any structural or architectural components of the sign. When the grade at the edge of the right of way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the right of way shall not be included in determining the sign's overall height. Signs oriented towards a freeway shall be measured from the project site grade or pad, whichever is lower.
- ~~D.C.~~ **Measuring Sign Clearance.** Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.
- ~~E.D.~~ **Building Frontage.** Building frontage is the building facade that directly abuts a public street, private street, parking lot driveway, or parking spaces ~~in which main customer access is provided to the business. A building's frontage is considered continuous if projections or recesses in a building wall do not exceed 10 feet in any direction.~~ For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each building frontage.



**FIGURE 15-2606-E: BUILDING FRONTAGE**

## 15-2607 General Standards

- A. **Identification Decal.** Every sign for which a permit is issued shall be plainly marked with the corresponding permit number issued for the sign. Tags may be displayed on signs or at the base of a structure in a visible location. Tags for freestanding or monument signs must be located on the structure between one and three feet above grade.
- B. **Visibility Triangles.** No sign, permanent or temporary, flag, flagpole, etc. may be erected within the visibility triangle per Section 15-2018, Intersection Visibility.
- C. **Residential and Non-Residential Interface.** Signs and flags on commercial and industrial zoned property shall be set back a minimum distance of 45 feet from a residential district.
- D. **Materials and Mounting Required.**
  1. **Materials.** Signs shall be made of sturdy, durable materials. Paper, cardboard, and other materials subject to rapid deterioration may only be used for temporary signs.
  2. **Mounting Required.** All permanent signs shall be firmly anchored, shall comply with all requirements for public safety, and shall satisfy all applicable safety codes and all other applicable governmental enactments, rules, regulations, or policies.
- E. **Message Substitution.** A non-commercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, and any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message.
  1. **No Additional Approval.** Such substitution of message may be made without any additional approval, permitting, registration or notice to the City.
  2. **Limitations.** This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot, or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.

- F. **Changeable Copy.** Non-electronic changeable copy shall cover no more than 20 percent of the total sign area, except for the following uses which are allowed up to 75 percent of the maximum sign area to be changeable copy: all public and semi-public uses, indoor theaters, and fuel price signs. Copy shall not be changed more than once every 24 hours.
- G. **Illumination.** The illumination of signs shall be designed, installed, and maintained to avoid negative impacts on surrounding right-of-ways and properties. The following standards shall apply to all illuminated signs:
1. ***Shielding Required.*** To the extent feasible, and at the discretion of the Review Authority, Light sources shall be concealed or shielded to prevent or minimize light spillage, glare, momentary blindness, or other annoyance, disability, or discomfort to persons within the view of such light sources.
  2. ***Colored Lights.*** Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.
  - ~~3. ***Energy Conservation.*** Light sources shall be hard-wired fluorescent or compact fluorescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent lamps are prohibited, except when used in signs of historic character as part of the architectural design.~~
  - ~~4.3.~~ ***Light Sources Adjacent to Residential Areas.*** Illuminated signs located adjacent to any residential area shall be controlled by a rheostat or other acceptable method to reduce glare that will create a nuisance for residential buildings in a direct line of sight to the sign.
- H. **Concealed Electrical Systems.** External conduits, boxes, and other connections related to the function of a sign and associated lighting shall not be exposed. A switch disconnecting each circuit shall be placed in plain sight and near the inspection opening.



# 15-2608 Permitted Standards for Sign Types by District

The following table establishes the types of signs allowed by district.

TABLE 15-2608: SIGN AREA AND SIGN STANDARDS PERMITTED SIGN TYPES FOR SPECIFIC SIGN TYPES AND-BY ZONING DISTRICT						
Zoning District (Frontage)	Permitted Sign Types					
	AwningPermitted Sign Types	Monument	Pole	Projecting	Wall	Window
Buffer, Residential, and Public and Semi-Public Districts						
All Districts	See Section 15-2609, Signage Allowances for Specific Uses Monument (for Non-Residential uses, such as a Religious Assembly Facility)					
Downtown Districts						
(Reserved)						
Mixed-Use Districts						
NMX	Awning Projecting Wall WindowPermitted	=	=	Permitted	Permitted	Permitted
CMX	PermittedAwning Monument Projecting Wall Window	Permitted	=	Permitted	Permitted	Permitted
RMX	PermittedAwning Monument Pole Projecting Wall Window	Permitted	Permitted	Permitted	Permitted	Permitted
Commercial Districts						
CMS	PermittedAwning Projecting Wall Window	=	=	Permitted	Permitted	Permitted
CC	PermittedAwning Monument Projecting Wall Window	Permitted	=	Permitted	Permitted	Permitted
CR	PermittedAwning	Permitted	Permitted	Permitted	Permitted	Permitted

**TABLE 15-2608: SIGN AREA AND SIGN STANDARDS PERMITTED SIGN TYPES FOR SPECIFIC SIGN TYPES AND BY ZONING DISTRICT**

Zoning District (Frontage)	Permitted Sign Types					
	<u>Awning</u> <u>Permitted</u> <u>Sign Types</u>	<u>Monument</u>	<u>Pole</u>	<u>Projecting</u>	<u>Wall</u>	<u>Window</u>
	ing Monument Pole Projecting Wall Window					
CG	<u>Permitted</u> <u>Awn</u> ing Monument Pole Projecting Wall Window	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
CH	<u>Permitted</u> <u>Awn</u> ing Monument Pole Projecting Wall Window	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
CRC	<u>Permitted</u> <u>Awn</u> ing Monument Pole Projecting Wall Window	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
<b>Employment Districts</b>						
O	<u>Permitted</u> <u>Awn</u> ing Monument Projecting Wall Window	<u>Permitted</u>	=	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
BP	<u>Permitted</u> <u>Awn</u> ing Monument Projecting Wall Window	<u>Permitted</u>	=	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
RBP	<u>Permitted</u> <u>Awn</u> ing	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>

**TABLE 15-2608: SIGN AREA AND SIGN STANDARDS PERMITTED SIGN TYPES FOR SPECIFIC SIGN TYPES AND BY ZONING DISTRICT**

Zoning District (Frontage)	Permitted Sign Types					
	<u>Awning</u> <u>Permitted Sign Types</u>	<u>Monument</u>	<u>Pole</u>	<u>Projecting</u>	<u>Wall</u>	<u>Window</u>
	Monument Pole Projecting Wall Window					
IL	Permitted Awning Monument Projecting Wall Window	Permitted	=	Permitted	Permitted	Permitted
IH	Permitted Awning Monument Projecting Wall Window	Permitted	=	Permitted	Permitted	Permitted

**15-2609 Total Maximum Sign Area**

For each building, the total maximum sign area shall be no more than 200 square feet, or 1 square foot per linear foot of building frontage, whichever is greater.

**15-2609 15-2610 Signage Allowances for Specific Uses**

This ~~S~~ection establishes signage allowances for specific uses. These signs are allowed in addition to the signs allowed by Zoning District in Section 15-2608, Standards for Signs by District and in Section 15-2609, Total Maximum Sign Area.

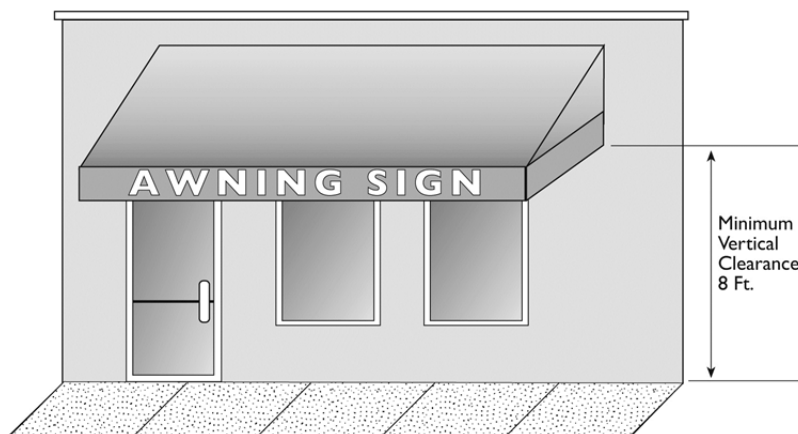
- A. **Agricultural Operations.** Signs for agricultural operations conducted on parcels 20 acres or more in size may be erected subject to the following standards:
  1. **Maximum Number of Signs.** One sign per street frontage.
  2. **Location.** Shall be setback back a minimum of five feet from the public right-of-way.
  3. **Maximum Sign Area per Sign.** 100 square feet in area.
  4. **Maximum Sign Height.** 20 feet.
- 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:

- G. **Outdoor Scoreboards.** Outdoor scoreboards are allowed in public or private athletic complexes. Size and location shall consider safety and sensitivity to nearby uses (e.g. residential).

### ~~15-2610~~ **15-2611 Standards for Specific Sign Types**

This section establishes location and other general standards for specific sign types that apply to all areas where such signs are permitted. Additional standards applicable to these signs in specific zoning districts or associated with specific uses are located in Sections 15-2608, Standards for Signs by District, and 15-2609, Signage Allowances for Specific Uses.

- A. **Awning Signs.** Signs painted on awnings, canopies, arcades, or similar features or structures are subject to the following standards:
1. **Location.** Awnings shall be located on the ground floor of buildings.
  2. **Maximum Sign Area Per Sign.** 10 square feet or 25 percent of the surface area of the awning, whichever is less.
  3. **Minimum Sign Clearance.** Eight feet.



**FIGURE 15-2610-A: AWNING SIGN**

- B. **Pole Signs.** Pole signs are subject to the following standards:
1. **Maximum Number.** ~~One per 600 feet of street frontage. One per street frontage with a minimum of 300 feet of continuous street frontage. The minimum street frontage requirement does not apply to service stations.~~
  2. **Maximum Sign Area per Sign.** The sign area shall not exceed ~~6080~~ square feet. In cases in which a pole sign of more than 20 feet in height is permitted per the table in subsection B-4 below, the maximum sign area shall be determined at the discretion of the Review Authority.
  3. **Minimum Separation.** Pole signs shall have a minimum separation of 75 feet from any other pole sign.

4. **Required Setback.** Signs shall be setback back a minimum of ten feet from the property line. No pole sign is permitted within 660 feet of the nearest edge of any travel lane of Freeway 41, Freeway 180, Freeway 168, or any future freeway which may be opened to public travel, if any said sign is visible from any part of such travel lane.
5. **Maximum Height.** Maximum height of pole signs shall be based on the gross floor area of the habitable, enclosed, non-residential structures on the subject parcel and the classification of the adjacent or nearest street as follows:

Gross square footage	Classification of Street		
	Freeway	Arterial	Collector / Other
300,000 or more	90 feet	75 feet	50 feet
100,000 to 299,999	60 feet	40 feet	25 feet
Less than 100,000	40 feet	20 feet	20 feet

6. **Minimum Sign Clearance.** Eight feet.
  7. **Landscaping Required.** All pole signs shall require landscaping at the base equivalent to two times the area of the sign copy.
  8. **Lighting.** Lighting systems shall not exceed 100 foot Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal foot candles. When adjacent to streets with a greater average light intensity, systems shall not exceed 500 FT-L.
- C. **Monument Signs.** Monument signs are subject to the following standards:
1. **Maximum Number.** One per 600 feet of street frontage.
  2. **Maximum Sign Area per Sign.** 60 square feet in the
    - a. RMX, CR, CG, CH, and RBP districts: 60 square feet.
    - ~~b. Other permitted districts: 32 square feet, 24 otherwise.~~
  3. **Minimum Separation.** Monument signs shall have a minimum separation of 50 feet from any other monument sign.
  4. **Required Setback.**
    - a. Seven-Five feet from the property line.
    - b. No monument sign is permitted within 660 feet of the nearest edge of any travel lane of Freeway 41 or any future freeway which may be opened to public travel, if any said sign is visible from any part of such travel lane.
  5. **Height Limit.** ~~Three feet when located within five feet of a property line, e~~ Eight feet otherwise.

2. **Maximum Sign Area Per Sign.** ~~24 square feet. For buildings with more than 1,000 square feet of wall area, f~~ive percent of the wall area or 100 square feet, whichever is less.
3. **Height Limit.**
  - ~~3.a.~~ **Buildings Which Include Residential Uses:** 20 feet or the height of the wall of the building to which the sign is attached, whichever is lower. Building identification signs located on the uppermost story of a building shall be no higher than the wall of the building to which the sign is attached.
  - b. **Buildings Which Do Not Include Residential Uses:** The height of the wall of the building to which the sign is attached
4. **Projection Allowed.** Wall signs shall not extend more than ~~four~~ 12 inches beyond the face of the wall to which they are attached.
5. **Placement.** No wall sign may cover, wholly or partially, any wall opening. Wall signs shall not occupy more than 80% of any architectural element that they occupy (frieze, pilaster, etc.).
6. **Orientation.** Unless a different orientation is specifically authorized, each wall-mounted sign shall be placed flat against the wall of the building.



FIGURE 15-2610-E: WALL SIGN

- F. **Window Signs.** Window signs are subject to the following standards:
  1. **Maximum Number.** One per ~~tenant space~~ window.
  2. **Location.** Ground floor window area.
  3. **Window Transparency.** A minimum 75 percent of the window shall be transparent and free of signage features. Signage inside the building is not allowed within ~~four~~ three feet of the window.
- G. **Roof Signs.** Roof signs are subject to the following standards:
  1. **Maximum Number.** One per building.

2. **Maximum Sign Area Per Sign.**

- a. Buildings ~~L~~ess than ~~f~~Five ~~s~~Stories in ~~H~~Height. 300 square feet.
- b. Buildings ~~F~~ive ~~S~~stories in ~~H~~Height or ~~T~~Taller. 500 square feet.

3. **Maximum Height.**

- a. Buildings ~~less~~ ~~L~~ess than ~~f~~Five ~~s~~Stories in ~~H~~Height. 10 feet.
- b. Buildings ~~f~~Five ~~s~~Stories in ~~H~~Height or ~~T~~Taller. 20 feet.

4. **Projection Allowed.** Roof signs shall not project beyond the face of the building.

5. **Placement.** No roof sign may cover, wholly or partially, any wall opening.

~~15-2611~~ **15-2612 Other Signs**

A. **Sidewalk Signs.** Sidewalks signs shall comply with the standards below. A permit is not required.

1. **Quantity.** A maximum of one sidewalk sign per business is allowed.

2. **Locations.**

- a. Sidewalk signs shall be located away from important paths of pedestrian travel. A five foot wide travel path shall be maintained for through pedestrian traffic, for travel from crosswalks to the primary path of through pedestrian traffic, and for travel into and out of the establishment.
- b. Sidewalk signs shall not be located less than 18 inches from a curb.
- c. Sidewalk signs shall not be located in front of another commercial establishment.
- d. Sidewalk signs shall not be located more than 50 feet from the establishment for which it is advertising.

3. **Design.**

- a. Sidewalk signs shall have no more than two sides.
- b. The height of sidewalk signs shall be no less than 18 inches and no more than 36 inches.
- c. The width of sidewalk signs shall be no less than 18 inches and no more than 24 inches.
- d. Sidewalk signs shall not be illuminated except by ambient sources.
- e. ~~Primary construction material shall not be vinyl or plastic.~~

B. **Banners, Streamers, Moving Signs, and Inflatables.** Banners, streamers, moving signs, and inflatables (including air dancers, balloons, and similar objects) are allowed subject to Temporary Use Permit approval for establishments within Non-Residential Districts, subject to the following standards. Signs of this type do not count towards total maximum sign area.

- f. *Duration.* The sign shall remain only as long as some portion of the property advertised for sale remains unsold, or for a period of two years, whichever period is shorter. The two year period shall begin on a date determined by the Director. The Director may provide a one-time extension, but the extended period shall not exceed one year.
  - 3. ***Subdivision Flags.*** Any residential subdivision with lots for sale may display decorative flags pursuant to the following conditions:
    - a. *Number and Spacing.*
      - i. One flag every 60 linear feet of subdivision property along a major street (freeway, expressway, arterial, collector).
      - ii. One flag every 30 linear feet of subdivision property within 660 feet of the main subdivision entrance.
      - iii. One flag every 20 linear feet of the main entryway into the subdivision.
      - iv. Two flags for each model home lot. These model home flags are allowed in addition to the number of flags determined by the above linear footage measurements.
    - b. *Height Limit.* The maximum height of a flag pole shall be 20 feet.
    - c. *Maximum Sign Area per Sign.* The maximum area of a flag shall be 24 square feet. No single dimension shall exceed eight feet.
    - d. *Duration.* All pole structures and flags must be removed no later than five days after sales activity in the subdivision ceases.
    - e. *Building Permit Required.* Residential subdivision flagpoles shall not be installed without issuance of a building permit, and must conform to the above listed regulations.
    - f. *Standard Subdivisions.* The number, location, height, and size of flags for a standard subdivision shall be determined through Development Permit approval.
    - g. *Planned Unit Developments.* The number, location, height, and size of flags for a subdivision created as a Planned Unit Development (PUD) shall be determined through the processing of a Conditional Use Permit for the PUD.
- D. **Real Estate Signs.** Real estate signs are subject to the regulations below. A permit is not required. Real estate signs advertising real property for sale after being subdivided shall not be subject to this subsection, but shall be subject to Section 15-2612-C.
- 1. ***On-Site Real Estate Signs.*** On-premises signs conveying information about the sale, rental, or lease of the lot, premises, dwelling, or structure on which they are located, provided that they comply with the following standards:



G. **~~Political Yard~~ Signs**

1. **Maximum Size.** Signs shall not exceed 32 square feet in area.
2. **Maximum Height.** Signs shall not exceed 10 feet in height.
3. **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~~ is 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. **Shall Not Obstruct.** Such signs ~~shall~~ is not be erected in such a manner that ~~they~~ it will, or reasonably may be expected to, interfere with, obstruct, confuse, or mislead traffic.
5. **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.

~~15-2612~~ 15-2613 **Master Sign Program (MSP)**

A. **Projects Requiring a Master Sign Program.** A Master Sign Program is required for the following types of projects:

1. **Multi-Family Residential.** Developments of 50 or more units.
2. **Non-Residential or Mixed-Use Projects.** All new non-residential or mixed-use projects of two or more separate non-residential tenants.
3. **Multiple Signs.** Proposals for five or more signs on the same building or site with two or more separate tenants.
4. **Planned Development District.** Any project in a PD District or using the Planned Development provisions of this Code.
5. **Pole Signs.** Proposals to erect a pole sign.
6. **Electronic Signs.** Signs with electronic copy.
7. **Exceptions.** Projects within Downtown Districts shall not require a Master Sign Program.

B. **Required Submittals.** An application of approval of a Master Sign Program shall contain the following information:

1. A site plan showing the location of buildings, parking lots, driveways, and landscaped areas;
2. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed;

15-2744	Outdoor Dining and Patio Areas
15-2745	Outdoor Retail Sales
15-2746	Pay Phones
15-2747	Personal (Mini) Storage
15-2748	Power Poles
15-2749	Private Recreational Sports Facilities
15-2750	Recycling Facilities
15-2751	Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges
15-2752	Roadside Fruit Stands / Grower Stands
15-2753	Second and Outdoor Kitchens
15-2754	Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
15-2755	Service Stations
15-2756	Shooting Ranges / Archery Ranges
15-2757	Single Room Occupancy Hotels and Boarding Homes
15-2758	Tattoo or Body Modification Parlors
15-2759	Telecommunications and Wireless Facilities
15-2760	Temporary Uses
15-2761	Tobacco and Vapor Sales
15-2762	Transitional and Supportive Housing
15-2763	Utility Meters / Second Meters
15-2764	Unattended Donation Bins
15-2765	Vehicle Impound Yard (Tow Yard) and Transit Storage
15-2766	Walk-Up Facilities
15-2767	Water Wells
15-2768	Wrecking Yards and Auto Dismantling

### **15-2701 Purpose**

The purpose of this article is to establish standards for specific uses and activities that are permitted or conditionally permitted in some or all districts. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

### **15-2702 Applicability**

- A. Each land use and activity covered by this article shall comply with the requirements of the section applicable to the specific use or activity.
- B. The uses that are subject to the standards in this article are allowed only when authorized by the base district regulations, except where this article establishes a different planning permit requirement for a specific use.
- C. When there is a conflict between the provisions of this article and a Conditional Use Permit which was granted prior to the effective date of this Code, the Conditional Use Permit shall prevail.
- D. **Existing Specific Uses and Activities.** Unless otherwise noted, the following shall apply:
  1. Land uses and activities covered by this article which were in place prior to the adoption of this Code which are not considered to be Non-Conforming uses under section 15-402

application, including, but not limited to, an operational statement, floor plans, architectural renderings, and technical studies, as appropriate.

2. The Director may refer the application to other City departments to determine whether the establishment's location will comply with building, health, zoning, and fire ordinances or other applicable ordinances or laws. City departments may conduct an inspection of the premises to determine compliance with the ordinances and other laws they administer, and may subsequently prepare reports summarizing their inspections and recommend whether to approve or deny the application based on their inspections.
3. Additional and/or security measures such as reduced hours of operation, security guards, door monitors, and burglar alarm systems may be required if harm, nuisance, or related problems are demonstrated to occur as a result of business practices or operations. This will be determined on a case-by-case basis upon review by the Police Department.

## 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:

~~A. **Pre-Existing Uses.** Any legally established non-conforming animal keeping use shall be allowed to continue however animals may not be replaced after they are removed from the home and/or are deceased.~~

~~1.A. **Exceptions.** On parcels that previously permitted horses that became non-conforming upon adoption of this Code, horses may be replaced and/or exchanged so long as the total number of horses is not increased to a number greater than what was previously permitted.~~

B. **Lots of 36,000 Square Feet or Less in Residential Districts.** Household Pets are permitted subject to the following:

1. **Permitted Household Pets.** Household Pets such as domestic dogs, cats, birds, etc., that are ordinarily permitted inside of a dwelling and kept only for the company and pleasure provided to the occupants shall be permitted. Owners must ensure that the keeping of permitted animals shall not create a health or nuisance problem.
  - a. *Cats or Dogs.* At no time shall the number of cats or dogs exceed a total of four animals in any combination over the age of four months.
  - b. *Aviaries (Raising for Non-Commercial Purposes).* Not to exceed 24 animals.
  - c. *Falcons.* Permitted with a valid falconry license issued by the California Department of Fish and Game.
  - d. *Small Household Pets (Domesticated Rodents Such as Hamsters and Cavy, Nonpoisonous Amphibians, Nonpoisonous Reptiles Such as Turtles).* Any combination not to exceed 10.
  - e. *Fish.* Unlimited (for non-commercial purposes).
2. **Prohibited Pets.** Household Pets shall not include horses, miniature horses (except as a guide animal), cows, goats, sheep or other equine, bovine, ovine or ruminant animals,

pigs, chickens, ducks, geese, turkeys, game birds, or fowl that normally constitute an agricultural use.

- a. *Fish Farms*. Not permitted.
- b. *Bee Keeping*. Not permitted.

C. **Lots Greater than ~~of 36,000~~ Square Feet ~~or More~~ in Residential Districts.** In addition to Household Pets, the following are permitted:

1. ***Permitted Pets***. The keeping of horses, cows, goats, sheep or other equine, bovine, ovine or ruminant animals is permitted, as are those identified in Subsection B above.
  - a. *Cats or Dogs*. At no time shall the number of cats or dogs exceed a total of six animals in any combination, over the age of four months.
  - b. *Aviaries (Including Aviaries for Commercial Purposes)*. Not to exceed 75 animals.
  - c. *Large Animals*. Up to two animals per acre; however their immature off-spring less than one year of age is also permitted. Pigs are not permitted.
  - d. *Chickens, Ducks, Geese, Turkeys, Game Birds, or Fowl*. Total number shall not exceed 12 birds per gross acre.
2. ***Fish Farms***. Not permitted.
3. ***Bee Keeping***. Not permitted.
4. ***Setbacks***. All animals other than household pets shall be housed or penned at a minimum distance of 40 feet from property lines and 50 feet from neighboring residences (e.g. residential structure). All areas and structures used in conjunction with the keeping of animals other than household pets shall be maintained and cleaned so as not to present a public hazard or nuisance.

D. **Buffer Districts ~~and Annexation Overlay Districts~~.**

1. ***Household and Other Pets***. As permitted pursuant to Subsections B and C based on lot size.
2. ***Large Animals***. For parcels greater than one acre, Large Animals shall not exceed two animals per acre; however their immature off-spring less than one year of age is also permitted. Pigs are not permitted.
3. ***Bee Keeping***. Limited to Apis Mellifera and a maximum ratio of one hive per two acres. A fresh water source must be provided within 20 feet of all hives and a sustaining food source must be provided on the property. Each hive must be located at least 50 feet from property lines. Beehives shall be properly maintained according to apiary standards administered by the Fresno County Agricultural Commissioner. Discovery of aggressive or "Africanized" beehives shall ~~be cause the~~ immediately removed ~~of the~~ hives by the operator/owner ~~of the hives~~.

E. **Annexation Overlay Districts. See Section 15-1606.**

~~E.F.~~ **Residential in Non-Residential Districts.** Household pets are permitted pursuant to Subsection B.

~~F.G.~~ No wild animals, roosters, endangered, exotic, or protected animals are allowed to be kept or raised within the city, except within an accredited zoological park.

~~G.H.~~ The offspring of any permitted animal may be kept until weaned.

## 15-2708 Arcades, Video Games, and Family Entertainment Centers

### A. Video Games and Amusement Devices.

1. ***Twelve or Less Amusement Devices/Rides.*** Any commercial establishment may have up to 12 amusement devices/rides, including skilled or non-skilled games (e.g., electronic video games, pinball machines, pinball, target games, air hockey, foosball, ping pong, darts, shooting games (with nonlethal projectiles), bowling games, shuffleboard, movie machines, etc.) for the enjoyment of patrons.
2. ***Thirteen or More Amusement Devices/Rides.*** If 13 or more, skilled or non-skilled devices are provided, the use shall be classified as a Video Game Arcade, unless the amusement devices are part of a Family Entertainment Center (refer to Subsection C).
3. ***Employee Presence.*** An establishment with video games, amusement devices/rides, regardless of the number, shall have an employee present during all hours of operation.
- ~~4.~~ ***Amusement Device Permit.*** See Chapter 9, Article 5, Amusement Devices for permit requirements.

### B. Family Entertainment Restaurants.

1. ***Food Sales.*** Food sales shall be the primary use on the site.
2. ***Number of Devices.*** Per Subsection A above, there shall be no more than 12 amusement devices, rides and/or attractions, or combination thereof.
3. ***Children's Indoor Play Areas.*** May be permitted in any district in conjunction with a bona fide restaurant. Activities commonly include skilled and non-skilled games, including children's play stations, video games, pinball, and air hockey.
4. ***Children's Outdoor Play Areas.***
  - a. ***Restaurants of 750 Square Feet or Less.*** Restaurants may have up to 500 square feet dedicated to playgrounds/children's equipment.
  - b. ***Restaurants Greater than 750 Square Feet.*** Should the outdoor area exceed 500 square feet, it shall be considered a Family Entertainment Center for permit purposes.
5. ***Outdoor Dining.*** For Outdoor Dining, refer to Section 15-2744, Outdoor Dining and Patio Areas.
6. ***Nightclub / Dancing.*** Permitted in accordance with Section 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges.
7. ***Parking.*** Parking ~~for the dining area shall be calculated per the Restaurant standards while parking for the Entertainment area shall be determined per Article 24, Parking and Loading.~~

C. **Family Entertainment Centers.**

1. **Food.** Family Entertainment Centers may, but are not required to serve food.
2. **Activities and Attractions.** Attractions typically include, but are not limited to, water slides, wake boarding facilities, amusement rides, bumper cars and boats, go-karts, miniature golf, trampolines, bounce houses, rock climbing, video arcades, laser tag, paintball, airsoft, batting cages, skate ramps, miniature basketball, miniature bowling, etc. Additional attractions may be appropriate, as determined by the Director.
  - a. **Projectiles.** For activities using projectiles (e.g. batting cages, paintball, airsoft, or similar activities), fences, nets, or walls shall be provided that are capable of stopping all projectiles fired and/or hit by containing or redirecting the projectile to the backstop.
  - b. **Noise.** Any activities that generate noise shall comply with ~~Section 15-2506,~~ **Noise** all applicable noise standards. Outdoor activities that generate noise (e.g. batting cages, paintball, amusement rides, and go-karts), shall cease at 10 p.m., unless separated by 400 ~~feet~~ or greater from a Residential District.
3. **Fencing for Outdoor Activities.** Fencing for outdoor activities shall be reviewed on a case-by-case basis. Consideration shall be given to streets, homes, etc. Should a fence be proposed, it shall comply with setbacks of the underlying zone district, however materials and height shall be determined on a case-by-case basis.
4. **Nightclub / Dancing.** Permitted in accordance with Section 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges.
5. **Parking.** ~~If dining is proposed as part of the Family Entertainment Center, parking for the dining area shall be calculated per the Restaurant standards while p~~ Parking for the remainder of the site shall be determined per Article 24, Parking and Loading.

**15-2709 Automobile and Motorcycle Retail Sales and Leasing**

Automobile, Recreational Vehicle, Boat and/or Motorcycle Retail Sales and Leasing ~~establishments~~ (collectively referred to as Dealerships in this section), ~~establishments~~ shall be located, developed, and operated in compliance with following standards ~~unless otherwise noted below.~~

- A. **Existing Dealerships.** Existing Dealerships may continue to operate and may change ownership ~~if~~ if either of the following apply:
  1. **Existing Dealerships Established by Development Permit/Site Plan Review or Prior to December 14, 2001.** An existing Dealership may continue to operate and change ownership if the site has had a continuous business license to operate as a Dealership and any of the following apply:
    - a. There is an approved entitlement for the site for use as a Dealership and all conditions have been met;
    - b. The owner or applicant provides evidence satisfactory to the Director that the site is in compliance with an approved entitlement for a Dealership; or

4. Shall comply with all regulations pertaining to water conservation and/or run-off.
- E. **Self-Service.** Self-service car washes are not permitted, unless in conjunction with an automatic and/or a hand car wash where an attendant washes the vehicle. Self-service bays shall not exceed 50 percent of the overall number of bays.
- F. **Hours of Operation.** Washing facilities are limited to 7 a.m. to 11 p.m. When abutting or adjacent to a Residential District, the hours of operation are limited to 8 a.m. to 9 p.m., seven days a week.
- G. **Litter.** Trash and recycling receptacles shall be available. The premises shall be kept in an orderly condition at all times. Litter shall be collected daily.
- H. **Noise.** All vacuuming, amplified music, intercoms, or similar noise-generating equipment shall be reduced according to [all applicable noise standards](#)~~Section 15-2506, Noise.~~
- I. **Temporary Fundraising Carwashes.** Refer to Section 15-2760, Temporary Uses.

### **15-2712 Banquet Hall**

Banquet Halls or event facilities, collectively referred to as Banquet Halls, may operate in conjunction with hotels or as standalone facilities. Banquet Hall activities include, but are not limited to, formal dinners, receptions, reunions, business meetings, benefits, and club meetings. Dancing may be provided in conjunction with said events. Should a Banquet Hall or event facility offer admission to the general public for the primary purpose of dancing, concerts, or similar activities, it shall be considered a Nightclub and shall comply with Section 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges.

### **15-2713 Bed and Breakfast Lodging**

Bed and breakfast establishments shall be located, developed, and operated in compliance with the following standards:

- A. **Type of Residence.** Bed and breakfast establishments must be located, developed, and operated within a single-unit dwelling.
- B. **Number of Rooms.** No more than two rooms may be rented. Additional rooms may be rented only with approval of a Discretionary Permit.
- C. **Appearance.** In all Residential Districts, the exterior appearance of a structure housing a bed and breakfast establishment shall not be altered from its single-family character.
- D. **Limitation on Services Provided.** Provisions for meals and rental of bedrooms shall be limited to registered guests. Separate or additional kitchens for guests are prohibited.
- E. **Parking.** Refer to Article 24, Parking and Loading.

### **15-2714 Body Preparation and Funeral Services**

Body preparation, including embalming and cremations, and body viewing may be permitted subject to the regulations below and those established by the State of California Department of Consumer Affairs, Cemetery and Funeral Bureau. The following also applies to pets.



The property development standards of the underlying zone district shall apply with regard to building heights.

- P. Sonic hail disruptors ("hail cannons") and noisemaking devices for repelling birds and other crop pests shall not be permitted.
- Q. Soil amendments and waste material that attracts nuisance flies or supports growth of such flies shall not be permitted.
- R. Any agricultural operation ~~or community garden~~ located in an area regulated under an Airport Land Use Compatibility Plan or airport specific plan shall be operated in conformance with the applicable Wildlife Hazard Mitigation Plan for that airport.
- S. Street trees and trees established to satisfy shading criteria of applicable permits and subdivision maps shall not be removed to accommodate crop cultivation activity.
- T. Prior to tillage or excavation for cultivation, parties undertaking the activity shall confirm that there are no Fresno Metropolitan Flood Control or Fresno Irrigation District underground facilities and shall call the Underground Service Alert Program (the "811 - Call Before You Dig") line. Parties intending to cultivate trees or trellis crops shall conform to utility company policies and regulations with regard to separations from overhead lines.
- ~~T.U.~~ On a property being cultivated, any maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of an identified historical resource shall be done consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, available from the City of Fresno Historic Preservation Project Manager.

#### 15-2717 Commercial Modular Buildings

- A. **General Requirements.** Commercial Modular Buildings generally fall under two categories: permanent modular or temporary modular, both of which shall be collectively be referred to as "Modulars" for this section.
  - 1. Permanent Modular buildings are usually considered real property, built to the same codes as conventional buildings.
  - 2. Temporary Modular buildings are commonly considered personal property or equipment and are not permanently affixed to real estate. Temporary Modular buildings are often used as sales offices, classrooms, or for healthcare services.
- B. **Government Owned Property.** City-owned sites (e.g., parks) and buildings used during construction as either offices or to temporarily house offices are excepted from this section.
- C. **Underlying Districts.** The underlying District Standards shall apply to Modular buildings, including, but not limited to, building height, access, setbacks, open space, parking requirements, etc., or operative plan, if applicable.
- D. **Location.**
  - 1. Buildings may be installed on industrial, commercial, and residential districts that are developed with non-residential districts.
  - 2. Buildings shall not be the primary building on the site.



G. **Site and Building Design.**

- ~~1.~~ If the building is located within 50 feet of a public street, the main entrance door shall be oriented towards the public sidewalk or shall provide clear and direct access from the public sidewalk to the main entrance.
- ~~2.~~1. Walls along the street face and visible from the street, shall be transparent with windows, doors, and other forms of transparent building materials to maximize views in and out of the building and the relationship between interior and exterior to support and animate the public street and sidewalk.
- ~~3.~~2. Drive-through elements shall be placed to the side or rear of the building.
- ~~4.~~3. Drive-through aisles shall be designed to reduce idling. Signage to encourage customers not to idle shall be placed either before or at the entrance ~~to~~ of a drive-through aisle.

H. **Hours of Operation.** Should a drive-through facility be located closer than 100 feet from a Residential District, the drive-through shall close no later than 10 p.m.

I. **Equal Access.** Whenever service is limited to drive-through facilities, customers using non-motorized transportation shall have equal access to service.

**15-2729 Emergency Shelters**

Emergency shelters shall be located, developed, and operated in compliance with the applicable base district and the following standards:

- A. **Number of Residents.** The number of adult residents, not including staff, who may be housed on a lot that is smaller than one acre shall not exceed the number of persons that may be accommodated in any hospital, elderly and long term care facility, residential, transient occupancy, or similar facility allowed in the same district.
- B. **Length of Occupancy.** Occupancy by an individual or family may not exceed 180 consecutive days unless the management plan provides for longer residency by those enrolled and regularly participating in a training or rehabilitation program.
- C. **Outdoor Activities.** All functions associated with the shelter must take place within the building proposed to house the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.
- D. **Minimum Hours of Operation.** At least eight hours every day between 7 a.m. and 7 p.m.
- E. **Employee Presence.** On-site employee presence must be provided at all times.
- F. **Toilets.** At least one toilet must be provided for every 15 shelter beds, unless a greater number is required by State law.
- G. **Management Plan.** The operator of the shelter must submit a management plan for approval by the Director. The Plan must address issues identified by the Director, including transportation, client supervision, security, client services, staffing, and good neighbor issues.

- i. The site plan should clearly show the location of Farmer's Market stands, and restroom locations as they relate to all of the existing buildings, landscaping, and access points on the site.
      - ii. Both vendor and customer parking need to be indicated on a site plan. This can be accomplished on the same property as the proposed farmer's market or on an adjacent property with the permission of the owner.
    - b. *Traffic Control Plan.* On-Street Farmer's Markets shall submit a traffic control plan that shows the exact area of the streets to be closed, detour routes, barricade locations, and traffic control signage.
    - c. *Insurance.* On-Street Farmer's Markets may require additional insurance, as determined by the City's Risk Manager.
  4. **Public Notice.** When proposed in a Residential District or on a site which abuts a Residential District, public noticing shall be required per Section 15-5007 prior to issuance of a Zone Clearance or Conditional Use Permit.
- B. **Site Design Development Standards.** Unless otherwise specified, Farmer's Markets shall follow all applicable site design development standards of the Base or Overlay District. The following shall also apply:
1. **Sales Area Paving.**
    - a. *Permanent Off-Street Farmer's Market.* Sites shall be paved with asphalt, concrete, pavers, or similar materials as determined by the Review Authority. The sales area shall not consist of turf, dirt, or gravel.
    - b. *Temporary Off-Street Farmer's Market.* The sales area may be paved with asphalt, concrete, pavers, or similar materials, and may also consist of turf or artificial turf. The sales area shall not consist of dirt or gravel.
  2. **Setbacks.** Display areas shall comply with the setbacks of the applicable Base or Overlay District, however in no case shall setbacks be less than 10 feet from any side or rear property line.
  3. **Parking.**
    - a. *Permanent Off-Street Farmer's Market.* Permanent Outdoor Farmer's Markets shall provide parking per one space per 1,000 square feet of sales area. ~~Article 24, Parking and Loading.~~
    - b. *Temporary Off-Street Farmer's Market.* None required, however available parking spaces for other uses on the site shall not be reduced by more than 40 percent. An exception may be made if a parking study, prepared by a Licensed Traffic Engineer, concludes that there is adequate parking in the area, not including on-street parking in Residential Districts.
    - c. *On-Street Farmer's Markets.* None required.
  4. **Layout.**

2. Allow residents to operate small businesses in their homes, under certain specified standards, conditions, and criteria;
  3. Allow for “telecommuting” and reduced vehicle use;
  4. Ensure that home occupations are compatible with, and do not have an adverse effect on, adjacent and nearby residential properties and uses;
  5. Ensure that public and private services, such as streets, sewers, water, or utility systems, are not burdened by the home occupation to the extent that usage exceeds that normally associated with a residential use; and
  6. Preserve the livability of residential areas and the general welfare of the community.
- B. **Applicability.** This section applies to all residential units and properties in the city regardless of their zoning designation. It does not apply to family day care homes, which are regulated separately in Section 15-2725, Day Care Centers and Family Child Care Homes.
- C. **Zoning Clearance Required, Not Transferable.** A Zoning Clearance is required for each home occupation, pursuant to the provisions of Article 51, Zone Clearance. A Zoning Clearance to conduct a home occupation at a particular address is not transferable from one party to another, nor may the type of business be modified. A new Zoning Clearance must be obtained for each new home occupation.
- D. **Operational and Performance Standards.** Home occupations must be located and operated consistent with the standards of this Code.
- E. **Residential Appearance.** The residential appearance of the unit within which the home occupation is conducted shall be maintained, and no exterior indication of a home occupation is permitted.
1. **Location.** All home occupation activities shall be conducted entirely within the residential unit, or within a garage that is reserved for the residential unit. When conducted within a garage, the doors thereof shall be closed, and the area occupied shall not preclude the use of required parking spaces.
  2. **Structural Modification Limitation.** No structural alterations shall be made to create features not customary in dwellings.
  3. **Maximum Size.** The space exclusively devoted to the home occupation (including any associated storage) shall not exceed 25 percent of the residential unit floor area.
  4. **Employees.** One employee or independent contractor other than residents of the dwelling may be permitted to work at the location of a home occupation. All work conducted by employees shall be conducted completely within the home or garage ~~(not including the garage)~~.
  5. **On-Site Client Contact.** No customer or client visits are permitted except for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring). A total of eight clients and/or students per day may be permitted, however there may be no more than three clients/students at any one time. Clients/students hours of arrival and/or departure shall be staggered as to not disrupt the surrounding properties.

13. Medical and dental offices, clinics, and laboratories, or any type of physical therapy, psychotherapy, or massage therapy;
14. Medical marijuana distribution;
15. Mini-storage;
16. Mortuaries;
17. Instructional services for more than three students at one time;
18. Pharmacies;
19. Print shops / Copy centers;
20. Recording studio (electronic composition, recording, and re-mixing conducted with headphones and using no amplification, live instruments or live performance excepted);
21. Repair, fix-it, or plumbing shops;
22. Restaurant;
23. Retail sales;
24. Tanning salon;
25. Towing service;
26. Welding, metal working, and machining businesses;~~and,~~
27. Yoga/spa retreat center; and
- ~~27-28. Any other use that the Director determines would be detrimental to the public health, safety, and general welfare or would be incompatible with nearby residential uses.~~

### 15-2736 ISO Containers

ISO Containers, also known as sea, ocean, or shipping containers, shall comply with the following standards.

- A. **Residential and/or Commercial Use.** ISO Containers used as structures containing residential or commercial uses, or any other such occupied space, shall secure all entitlements that are required of conventional structures, shall comply with all provisions of the Base District and other applicable provisions of this Code, and shall secure a Building Permit.
- B. **Storage Use.**
  1. **Exceptions.** City-owned sites and ISO Containers used during construction to temporarily store equipment or material are exempt from this section. The ISO Containers shall be removed upon occupancy of the building and/or expiration of the building permit, whichever occurs first.
  2. **Incidental Use.** ISO Containers shall be incidental to the primary use on the site and/or shopping center. They are not permitted as an accessory use to a stand-alone parking lot.

### 15-2737 Large-Format Retail

~~A~~ Large Format Retail, defined as a single tenant that occupies a minimum of ~~80,000~~ 80,000 square feet shall be designed, located, and operated to meet the requirements of the applicable ~~Base~~ District and the following standards.

- 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:
  1. **Landscaping.** Perimeter landscaping and Parking Lot Shading standards per the applicable Property Development Standards for the District in which it is located. The Director may make exceptions to the strict application of the prescribed standards, however in no case shall the reduction result in a net reduction of 35 percent or greater in the amount of landscaping provided. Landscaping may also be aggregated to minimize the impact on parking areas. In addition, the Director may enter into an agreement that allows the property owner to defer the installation of landscaping for a period not to exceed 18 months from the date of occupancy. The deferment agreement shall be recorded with the County Recorder.
  2. **Bicycling Parking.** Bicycling Parking shall be provided per Section 15-2429.
  3. **Refuse.** Refuse Collection Areas shall be provided per Section 15-2016, Trash and Refuse Collection Areas.
  4. **Recycling.** All new shopping centers or supermarket sites that are required by the State of California Department of Conservation to have a Recycling Center shall have an area designated and improved for the use of a recycling center as part of its original site plan. This area shall be permanently integrated and architecturally compatible with the center and shall provide adequate screening and design features so as to not detract from the design of the center.

### 15-2738 Manufactured Homes

Manufactured homes shall be designed and operated in compliance with the following standards:

- A. **General Requirements.** Manufactured homes may be used for residential purposes subject to the provisions of this section and the Government Code (Section 65852.3).
- B. **Underlying Districts.** The underlying District Standards shall apply to manufactured homes, including, but not limited to, building height, access, setbacks, open space, parking requirements, etc. If the home is located in an Infill Area or a site under the auspices of an operative plan, the home shall comply with the standards per the adopted plan or guidelines.
- C. **Design Criteria.** A manufactured home shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:
  1. **Foundation.** A manufactured home shall be built on a permanent foundation system approved by the Building Official.

Temporary canopies and shade structures shall be removed daily. The parking lot must be left in a clean condition, free of waste. Permanent buildings, structures, and signs are excepted.

D. **Business License.** Operators shall obtain a business license.

## 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. Section 15-2506, Noise.
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 100 feet of the following uses:
  - a. 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.

- b. 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. 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.

**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.* Four hours, after which the Vendor must move to a new location that is no less than 500 feet away.
- 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.**

~~C.~~ 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.

#### 15-2741 **Model Homes(Reserved)**

- ~~A. Model homes shall be used exclusively for display and sales activity. Construction shall be in strict compliance with the provisions of this Code and all other City policies and regulations. The building may be used as a model home only as long as there is an unsold residence within the subdivision, or for a period of two years, whichever period is shorter.~~
- ~~B. The two year period shall begin on a date determined by the Review Authority. The Review Authority may grant a maximum one year extension to continue the use of the building as a model home if they determine that it would not be detrimental to the enjoyment of the surrounding property nor injurious to the health, safety, and welfare of the public.~~
- ~~C. **Location.**~~
  - ~~1. Within the boundaries of an approved tentative or final subdivision map of a residential project; or~~
  - ~~2. In a residential district within one half mile of or on a subdivision contiguous to such project, subject to the approval of the Review Authority.~~
- ~~D. The Review Authority may impose additional restrictions, such as limiting the hours of operation, requiring additional off-street parking, or other measures in to protect surrounding property.~~

#### 15-2742 **Motorcycle/Riding Clubs**

Motorcycle Clubs may be permitted in accordance with the standards below.

- A. **Location.**
  1. Motorcycle Clubs shall not have access to a local street that also serves a Residential District, a public or private school, a day care center, a hospital or care facility, or a park.
  2. Clubs shall be a minimum 500 feet from any planned or zoned residential districts, public or private schools, day care centers, or parks. Caretaker's Units are excepted.
- B. **Hours of Operation.** Club activities shall end, and the club shall be closed, between 2 a.m. and 8 a.m. daily. No club activities shall take place between 10 p.m. and 2 a.m. except within an enclosed building.



- L. **Additional Conditions.** The Director may impose additional conditions to ensure that the use does not create a nuisance to surrounding properties.

### 15-2744 Outdoor Dining and Patio Areas

Eating and drinking establishments, including bars, nightclubs, and smoking establishments, with outdoor dining and/or patio areas shall be located, developed, and operated in compliance with the following standards:

#### A. General Requirements

1. **Application Information.** In addition to any other application materials required, an application for an outdoor dining area shall state the anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays, and holidays; and whether any liquor will be consumed.
2. **Hours of Operation.** Hours of operation shall be limited to the hours outlined in Table 15-2744-A.

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	
Establishments serving alcohol		
Refer to Section 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges.		
Smoke/Hookah/Cigar Lounges		
Establishments <del>closer than 125 feet or closer</del> from Residential Districts <del>(in no case shall they be closer than 100 feet)</del> <sup>1</sup>	Not earlier than 7 a.m. or later than 12 <del>a</del> p.m.	
<del>Establishments further than 150 feet from Residential Districts<sup>1</sup></del>	<del>Not earlier than 7 a.m. or later than 12 a.m.</del>	
Establishments further than 250 feet from Residential Districts <sup>1</sup>	No limitations	

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

- ~~1.3.~~ **Misters/Heaters.** Misters, heaters, and other such devices for moderating temperatures of the outdoor dining area shall be permitted at the discretion of the Review Authority based on considerations such as aesthetics, safety, and resource efficiency.
- ~~4.~~ **Lighting.** Lighting shall not disrupt or unnecessarily impact adjoining properties or roadways. See Section 15-2015, Outdoor Lighting and Illumination.

~~2.5.~~ ***Residential Spacing.*** Outdoor patio areas for hookah, cigar, and similar establishments shall not operate within 100 feet of a Residential District.

**B. Outdoor Dining Area on Private Property.**

1. ***Music.*** Music may not be amplified. All music, live or recorded, shall comply with ~~Section 15-2506, Noise~~ all applicable noise standards.

2. ***Barriers.***

- a. If required and/or proposed, barriers shall be reviewed and approved by the ~~Director~~ Review Authority. Barriers shall not exceed four feet in height.
- b. If alcohol is served, barriers may be required as part of the Conditional Use Permit process, as well as by the State of California Alcoholic Beverage Control.

3. ***Shade Structures.***

- a. Covers, including umbrellas, tents, and/or awnings to protect patrons from inclement weather are permitted subject to review and approval by the ~~Director~~ Review Authority. Weathered and/or damaged coverings shall be removed immediately.
- b. Enclosed tents are permitted year round, however they shall only be permitted on a temporary basis and shall not substitute for permanent structures.
- c. A building permit is required for any temporary tent or canopy larger than 400 square feet.

4. ***Access and Walkways.***

- a. Outdoor dining areas shall not interfere with required pedestrian and/or vehicular access.
- b. Walkways shall be provided per California Code of Regulations, Title 24, Part 2, California Building Code.

5. ***Parking.***

- a. Additional parking is not required when the outdoor area is less than 800 square feet.
- b. If the outdoor dining area exceeds 800 square feet, parking is required for the area in excess of 800 square feet at a ratio of 50 percent of what is required for the use.
- c. For centers with multiple tenants, each tenant may have up to 800 square feet of outdoor dining area.

**C. Outdoor Dining Area within Public Right-of-Way.**

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

2. ***Music.***

- a. *Downtown Districts.* Amplified sounds from the establishments must not be audible from a distance of 200 feet outside of the outdoor dining area.
  - b. *All Other Districts.* Amplified sounds from the establishments must not be audible at the property line.
3. ***Barriers.*** Barriers must be in a manner acceptable to the City Engineer, and the design must be approved by the ~~Director~~Review Authority.
4. ***Shade Structures and Furniture.***
  - a. No part of an outdoor dining area shall be permanently attached to the sidewalk or building unless authorized by the Review Authority.
  - b. Awnings or umbrellas may be used in conjunction with an outdoor eating area. Permanent covered shade structures and awnings shall obtain a building permit.
  - c. The design of all improvements and furniture shall be of a quality to sustain weather and wear, and shall be of a material other than molded plastic. Furniture shall be of durable materials such as wrought iron, wood, steel, or cast aluminum. Planter boxes, where used, shall be of quality materials such as precast concrete, terra cotta, or other pottery, and shall not be of plastic.
5. ***Access and Walkways.***
  - a. A minimum of six feet of unobstructed sidewalk must remain available for pedestrians. For purposes of the minimum clear path, parking meters, traffic signs, trees, planters, benches, and all similar obstacles shall constitute obstructions within the sidewalk area.
  - b. Where the outdoor dining area is located adjacent to a street, and in addition to obtaining an encroachment permit, an 18-inch clearance shall be maintained from the face of the curb to the outdoor dining area unless there is parking parallel to the street, in which case a two-foot clearance is required.
  - c. No outdoor dining area shall obstruct any points of building ingress and/or egress.
6. ***Parking.*** Additional parking is not required when dining is within the public right-of-way.
7. ***Maintenance.***
  - a. The permit holder and the property owner shall maintain the outdoor dining area and the adjoining street, curb, gutter, and sidewalk in a neat, clean, and orderly condition at all times, regardless of the source of the refuse and litter.
  - b. If necessary, the permit holder or the property owner shall clean the surface of the sidewalk by washing or buffing to remove any stains, marks, or discoloration to the satisfaction of the Department of Public Works and in accordance with prevailing storm water and water quality regulations.
  - c. Umbrellas shall be kept clean and in good condition, secure in windy conditions, and fire-treated.

~~F. **Screening.** Where exterior walls are required or proposed, they shall be constructed of decorative block, concrete panel, stucco, or similar material. The walls shall include architectural relief through the use of architectural “caps”, attractive posts, or similar measures. A gate(s) shall be decorative iron or similar material.~~

~~G.F.~~ **Fencing.**

1. A six-foot-high security fence shall be provided around the perimeter of the development at locations where the solid façades of the storage structures do not provide a perimeter barrier.
2. A wrought iron fence or gate or an approved equivalent shall be required at the entrance to the facility.
3. A storage building located on the side or rear property line may be used as a required fence or wall.

~~H.G.~~ **Hours of Operation.** Hours of operation shall be limited to the hours of 7 a.m. to 7 p.m. if the facility abuts Residential Uses or Districts, including residential that may be part of a mixed-use development. If the facility abuts commercial, industrial, or public facilities, it may remain open until 10 p.m.

~~I.H.~~ **Setbacks.**

1. **Front and Street Side.** When the subject site abuts a street, a yard of 10 feet or more (as required elsewhere in this Code) shall be provided, landscaped, and maintained in accordance with the requirements of this Code. Fences/walls shall be located behind this landscaping.
2. **Interior Side and Rear.** None required if the building height does not exceed 11 feet.

~~J.I.~~ **Other Requirements.**

1. When adjacent to parcels within an RS or RM district, the roof of any building exceeding 11 feet in height shall incorporate colors and angles commensurate with those of the adjacent properties.
- ~~2.~~ Lighting which is provided to illuminate parking or building areas shall be hooded and arranged and controlled to eliminate any nuisance to the surrounding uses. The height of lighting which illuminates outdoor vehicular storage areas shall be approved at the discretion of the Review Authority.
- ~~2.~~
3. The height of any building when located less than 40 feet from any property line that abuts property that is zoned or planned for single-family residential uses, shall not exceed 11 feet.
4. A public address system shall not be allowed when the facility is located within 1,000 feet of any property zoned or planned for residential uses. This does not include alarm systems.
5. **Caretaker’s Residence.** A Caretaker’s Residence shall provide a minimum of one parking space in an enclosed garage and a private yard for use by the residence with a minimum of 100 square feet where at least one dimension is at least eight feet in length.

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.~~
  - ~~3.1.~~ **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.
  - ~~4.2.~~ **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.
  - ~~5.3.~~ **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.

~~iv. The site must be located within an unserved (and non-exempt) convenience zone as defined by the State of California Department of Resources Recycling and Recovery.~~

~~d. New Recycling Centers in Commercial Districts shall only be permitted in unserved (and non-exempt) convenience zones.~~

~~6.4.~~ **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.

~~7.5.~~ **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).

~~8.6.~~ **Parking.** Patrons and the attendant shall not reduce available parking spaces below the minimum number required for the existing buildings.

~~9.7.~~ **Pavement.** The area used for recycling, parking, and/or storage shall be paved per Public Works Standards for parking lots.

~~10.8.~~ **Equipment.** No power-driven processing equipment, except for reverse vending machines, may be used.

~~11.9.~~ **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.

~~12.10.~~ **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.

~~+9.11.~~ **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.

~~+4.12.~~ **Site Maintenance.** Sites shall be maintained clean, sanitary, and free of graffiti, litter, and any other undesirable materials.

~~+5.13.~~ **Voucher System.** Should a Recycling Center be located in an area with low visibility, such as behind or to the side of a building, the Director, Upon recommendation by the Fresno Police Department, the Director may require that a Recycling Center implement a voucher system. With 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.). such as a nearby supermarket.

~~+6.14.~~ **Video Surveillance.** Upon recommendation by the Fresno Police Department, the Director may require that the site be monitored by video surveillance.

~~+7.15.~~ **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

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 the Noise standards, ~~per Section 15-2506.~~
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.

#### **15-2751 Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges**

- A. **Permitted Districts.** Restaurants that serve alcohol for on-site consumption, Bars, and Nightclubs may be established as allowed in the applicable base or overlay district.
- B. **Conditional Use Permit Required.**
  1. Unless otherwise specified, restaurants with alcohol sales, bars, nightclubs, and lounges shall not be established without first securing a Conditional Use Permit. A conditional Use Permit shall not be required in Downtown Districts.
  2. A Conditional Use Permit shall not be required for on-site alcohol consumption for the uses below subject to review and approval of an operational statement from the applicant to the Director. If, in the opinion of the Director, the request is for retail purposes, the use must be permitted per the Base District.
    - a. Daily Licenses;
    - b. Membership organizations and clubs that are restricted to members and their guests only;
    - c. Nonprofit Temporary Licenses;
    - d. Hospitals;



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 11 p.m., it shall be considered a Bar or Nightclub for permit purposes)	11 p.m.	NA	No
<del>Wine Tasting (wine only)</del> Tasting Room (Should an establishment seek to stay open after 11 p.m. or serve alcoholic beverages other than <del>beer or</del> 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. <del>2. P: Permitted By Right</del> <del>3. C: Conditional Use Permit</del>			

H. **Nightclub Hours of Operation.**

TABLE 15-2751-H: NIGHTCLUB HOURS		
<i>Age of Participants</i>	<i>Closing Hour</i>	<i>Extensions</i>
Under 18 years of age	12 midnight	Dances in partnership with an accredited School, nonprofit youth organization, such as sober graduation, may stay later if approved by the Police Department. Evidence of the partnership shall be provided to the City in advance of any scheduled event.
18 and over	2 a.m. if closer than 300 ft. from a Residential District	5 a.m. on New Year's Day
Restricted Hours	Nightclubs may not be open between 4:00 a.m. and 8 a.m.	

- I. **Last Call for Alcohol.** Each establishment may establish the time of “last call” for ordering alcoholic beverages, so long as the hours to stop consumption are respected.
- J. **Outdoor Patios.** Refer to Section 15-2744, Outdoor Dining and Patio Areas.
- K. **Parking Area.** The designated parking area shall be oriented away from residences as much as possible, and shall be clearly depicted on the site plan submitted for the Development Permit or Conditional Use Permit.

L. **Noise.**

1. Noise decibel levels shall be monitored by the establishment to ensure compliance with ~~the all applicable General Plan Noise Standards and the Noise Standards found in Section 15-2506, Noise.~~
2. Doors and windows shall remain closed, after 10 p.m. to minimize noise, except as needed to allow for the normal entry and exit of patrons to and from the establishment. Emergency access shall be maintained per City standards. This subsection shall not apply to businesses that are separated a minimum of 400 feet from Residential Districts.

M. **Posting Hours of Operation and Address.** The owner and/or proprietor and/or applicant shall be responsible to conspicuously post the hours of operation for each phase type (i.e., restaurant, nightclub) near the entrance of the establishment. It shall be 8.5×11 inches in size, to be in a format provided by the City. This posting shall be made available to City officials upon request.

N. **Security.** The Police Department shall make a recommendation to the Director for security measures for each application based upon the function of the establishment as described in the operational statement. Additional and/or security measures such as reduced hours of operation, security guards, door monitors, and burglar alarm systems may be required if harm, nuisance, or related problems are demonstrated to occur as a result of business practices or operations. This will be determined on a case-by-case basis upon review by the Police Department.

O. **Loitering.**

1. The owner and/or proprietor and/or operator of the establishment is responsible to provide supervision (i.e. security) to prevent loitering in the immediate vicinity of the establishment.
2. During operating hours, the owner and/or proprietor shall prohibit loitering in the parking area.
3. After closing hours, the immediate vicinity of the establishment including its designated parking area, shall be cleared within 15 minutes, except for employees of the establishment.
4. In the event that there is more than one establishment sharing a parking area, adjustments to the conditions of approval for each establishment shall be made so that there is a shared responsibility.

P. **Third Party Promoters.** Whenever an event is promoted by a Third Party the licensee/owner and/or proprietor and/or operator of the premises shall require that said Third Party obtain a business tax certificate from the City prior to holding such event.

Q. **Neighborhood Meeting.** An application for a Bar less than 300 feet from Residential per Table 15-2751-G or Nightclub less than 400 feet from Residential per Table 15-2751-G shall be required to conduct a Neighborhood Meeting as put forth in Section 15-5006.

R. **Non-Operating Rule.** Whenever all of the rights granted by a permit are discontinued, the following rules to reestablish the use shall apply:

3. Allow Second Dwelling Units as an accessory use to Single-Unit Dwellings, consistent with the Government Code (Section 65852.2).
- B. **Architectural Compatibility.** If visible from a public street or park, the architectural design, roofing material, exterior materials and colors, roof pitch and style, type of windows, and trim details of the Second Dwelling Unit, Backyard Cottage, or Accessory Living Quarters shall be substantially the same as and visually compatible with the primary dwelling.
- C. **District Standards.** Second Dwelling Units, Backyard Cottages and Accessory Living Quarters may be established on any lot in any residential district where single-unit dwellings are permitted **or existing**. Only one Second Unit, Backyard Cottage or Accessory Living Quarters may be permitted on any one lot. Minor Deviations and/or Variances to meet the minimum lot sizes are not permitted.
- D. **Minimum Lot Sizes.**
  1. ***Second Dwelling Unit.*** 6,200 square feet.
  2. ***Backyard Cottage.***
    - a. *Interior Lot Size:* 6,000 square feet.
    - b. *Corner Lot Size:* 5,000 square feet.
  3. ***Accessory Living Quarters.*** 5,000 square feet.
- E. **Type of Unit.**
  1. ***Second Dwelling Unit.*** May provide separate, independent living quarters for one household. Units may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Kitchens, including cooking devices are permitted.
  2. ***Backyard Cottage.*** May provide separate, independent living quarters for one household. Units may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Kitchens, including cooking devices are permitted. Backyard Cottages shall be located behind the primary dwelling unit, unless attached and integral to the primary dwelling unit.
  3. ***Accessory Living Quarters.*** Accessory Living Quarters provide dependent living quarters. They may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Accessory Living Quarters may not provide kitchen facilities, however a bar sink and an under-counter refrigerator are allowed, but no cooking devices or other food storage facilities are permitted. Accessory Living Quarters shall not be located in front of the primary single-family dwelling.
- F. **Maximum Floor Area.** The following are the maximum square footages of habitable area. The following calculations only include habitable floor space. Minor Deviations and/or Variances are not permitted to increase the maximum floor areas.
  1. ***Second Dwelling Units.*** 1,250 square feet.
  2. ***Backyard Cottages.*** 440 square feet.

5. ***Carnivals, Fairs, and Festival Events.*** Carnivals, fairs, and festival events are subject to the following standards:
  - a. *Location.* Carnivals, fairs, and festival events are limited to areas within Commercial or Employment districts, or on property owned by a public school.
  - b. *Time Limit.* When abutting or adjacent to a Residential District or a street that serves a Residential District the hours of operation shall be limited to 7 a.m. to 10 p.m.
  - c. *Lighting.* Lighting shall be hooded and directed away from residential uses.
6. ***Temporary Parking Lots.*** Temporary Parking on unpaved surfaces may be permitted in accordance with the standards below. Temporary Parking Lots may not be used to fulfill required off-street parking standards per Article 24, Parking and Loading, rather Temporary Parking Lots may be used to periodically accommodate larger than normal crowds at special events.
  - a. *Parking Plan.* An applicant shall submit a parking plan to the City for review and approval.
  - b. *Location.* Temporary Parking shall be limited to non-residential districts, unless the site is developed with non-residential uses.
  - c. *Number of Events.* Temporary Parking Lots may not be used more than ~~10~~14 days within any 12-month period.
  - d. *Access.* Access shall be from an approved drive approach. An on-site shake-off area is required to ensure that dirt and/or mud are not deposited onto the public street.
  - e. *Attendants.* An attendant shall be present during the duration of the event and until the last vehicle is removed from the site to guide drivers.
  - f. *San Joaquin Valley Air Pollution.* The applicant shall contact the San Joaquin Valley Air Pollution District (District Regulation 8071) for its permitting procedures.
  - g. *Dust Mitigation.* Dust mitigation may be required to ensure that the parking lot does not create a nuisance.
  - h. *Trash/Debris.* All trash, debris, etc., shall be collected daily and the appearance of the site shall be returned to its original state.
  - i. *Temporary Lighting.* Refer to Section 15-2508, Lighting and Glare.
7. ***Other Temporary Uses.*** Other special events, outdoor sales, and displays that exceed three consecutive days but not more than 30 days in any 12-month period, may be allowed with the approval of a Zone Clearance so long as the use is related to the primary use on the site and it does not impact neighboring uses or otherwise create significant impacts.

- c. Located not to result in undue traffic congestion.
  2. **Architectural Design.** Construction and modifications to the exterior of structures shall be completed in a manner consistent with the architectural design of the surrounding setting. If there is no uniform design, the facility shall incorporate common elements and materials found in the surrounding setting.
  3. **Trash Disposal.** Trash and recycling receptacles shall be provided in proximity to the service.
  4. **Weather Protection.** An awning, portico, or other form of weather protection must be provided for the transaction area and for a reasonable amount of space where customers may wait or queue.
- B. **Automatic Teller Machines (ATMs).**
1. **Location.** In addition to the requirements set forth under Subparagraph A.1. above, ATMs must be located a minimum of 30 feet from any property line corner at a street intersection;
  2. **Lighting.** Each ATM shall be provided with lighting in compliance with ~~Section 15-2015, Outdoor Lighting and Illumination, or applicable State law, whichever is most restrictive.~~
  3. **Drive-Up ATMs.** ATMs that are located outside, but are designed to be accessed by a vehicle must comply with Section 15-2728, Drive-In and Drive-Through Facilities.
  4. **Video Surveillance.** Each ATM that is not directly supervised by an on-site employee or manager shall equip a rear-view mirror and a camera that can record activity for surveillance purposes. The camera shall record in color and have automatic low light switching capabilities to black and white.
- C. **Food Service Windows.** The operator must ensure cleanliness of the site and an unimpeded flow of traffic in the public right-of-way. Service of alcoholic beverages is prohibited.

### 15-2767 Water Wells

Public Utility water wells, and related equipment, such as water treatment facilities shall be subject to the following standards:

- A. **Major Streets.** Equipment may not be within 100 feet of Major Streets in Mixed-Use or Commercial Districts. Properties developed with retention and/or recharge basins and State highways are excepted.
- B. **Screening.** Sites shall be enclosed by Screening Walls per Section 15-2008-C. Screen walls shall be located at the rear of landscaping areas along front yards, and on the property line along side and rear yards, unless stricter requirements are required in this Code or operative plan.
- C. **Separation.** Equipment shall be separated a minimum 10 feet from Residential Districts and shall be adequately screened with trees.

- C. **Time Limit Waiver/Extensions by Mutual Consent.** ~~Time limits may be extended or waived by mutual consent of the City and the applicant. The City may require that the applicant submit a waiver of time limits as a condition the application~~ for the processing of a Tentative Map and/or Tentative Parcel Map for the purpose of permitting concurrent processing of related ~~approvals-entitlement applications~~ or an environmental review of the same project per the Map Act (Section 66451.1).

#### **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, 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.

#### **15-3305 Application Filing and Completeness Review**

- A. **Filing.** The Director shall maintain application forms and lists that specify the information that will be required from applicants for maps.
- B. **Initial Application Review.**
1. The Director shall review and evaluate each Tentative Map or Tentative Parcel Map as to its compliance and consistency with applicable provisions of this Development Code, the General Plan, any operative plan or master utility plan, and the Map Act; and
  2. The Director may determine the extent to which the proposed subdivision complies with the findings identified in Section 15-3309, Required Findings.
- 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. 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.
- D. **Incomplete.** Staff shall notify the applicant that the application is incomplete and has not been accepted for processing and shall notify the applicant of the manner in which the application may be made complete. If the applicant fails to provide requested information within 30 days of notification, the application shall be deemed incomplete, processing shall be suspended, and application shall be returned to applicant less fees to cover initial review.

#### **15-3306 Applicable Standards**

The approval, conditional approval, or denial of a Tentative Map and/or Tentative Parcel Map shall be based on the ordinances, policies, and standards in effect on the date of notification to the developer of the determination that the application is complete according to Section 15-3305, Application Filing and Completeness Review. If the City has initiated formal proceedings and published notice of an ordinance or resolution amending ordinances, policies, and standards applicable to the developer's project prior to acceptance of a complete application, the amended ordinances, policies, and standards in effect on the date of tentative map approval shall apply. If

### **15-3403 Expiration of Vesting Tentative Map**

The development rights vested by this section shall expire if a Parcel Map or Final Map is not approved before the expiration of the Vesting Tentative Map or Vesting Tentative Parcel Map in compliance with Section 15-3316, Time Limits and Expiration of Approved Maps. If the Parcel or Final Map is approved and recorded, the development rights shall be vested for:

- A. An initial time period of 24 months from the date of recordation of the parcel or Final Map. Where several Final Maps are recorded on various phases of a project covered by a single Vesting Tentative Map, this initial time period shall begin for each phase when the Final Map for that phase is recorded.

### **15-3404 Changes to Approved Map or Conditions**

The developer may apply for an application to amend the Vesting Tentative Map or Vesting Tentative Parcel Map or conditions of approval at any time before the expiration of the Vesting Tentative Map or Vesting Tentative Parcel Map. An amendment request shall be considered and processed through the same procedures as a new application, in compliance with Article 43, Corrections and Amendments of Maps and in compliance with the Map Act (Section 66498.2).

### **15-3405 Development Rights of Vested Maps**

- A. The approval of a Vesting Tentative Map or Vesting Tentative Parcel Map shall confer a vested right to proceed with development of the subdivided parcels in substantial compliance with the ordinances, policies, and standards ~~(excluding fees)~~ as identified in the Map Act (Section 66498.1).
- B. Fees charged for building or land use permits, filed after the approval of a Vesting Tentative Map or Vesting Tentative Parcel Map shall be as required at the time the subsequent permit applications are filed, ~~including any related utility or development impact fees (e.g., sewer/water connection fees, traffic mitigation fees, etc.).~~ Building or land use permit application contents shall comply with City requirements in effect at the time the subsequent application is filed.



3. **Conditional Use Permit.** A Conditional Use Permit shall be filed which shall constitute a Condominium Conversion Permit.

### 15-3903 Standards for New Condominiums and Condominium Conversions

#### A. Warranty and Reserves.

1. **Warranty for Improvements.** The subdivider shall provide to the condominiums' association and/or purchaser a one-year warranty on all physical improvements required under this article.
2. **Long Term Reserves.** Prior to approval of the Final Map, or Parcel Map if no Final Map is required, the subdivider shall provide evidence to the City that a long-term reserve fund for replacement has been established in the name of the condominiums' association. Such fund shall equal two times the estimated monthly condominium's assessment for each unit.

#### B. Covenants, Conditions, and Restrictions.

Project covenants, codes, and restrictions (CC&Rs) in accordance with Article 40, Covenants, Conditions, and Restrictions, shall be developed, and shall be reviewed and approved by the City Attorney and Director prior to approval of the Final Map or Parcel Map.

#### C. Budget for Maintenance.

The subdivider shall provide to the condominiums' association and/or purchaser a copy of the approved proposed budget for maintenance and operation of common facilities, plus reserves, including the estimated monthly costs to the owner of each unit, projected over a five-year period. Such budget shall be reviewed or prepared by a professional management firm or by a qualified individual familiar with costs of similar properties, and that firm or person shall provide a statement of recommendations on the budget, together with a statement of professional qualifications.

#### D. Relocation Assistance Program.

For 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:

1. A relocation fee equal to a minimum of two months' rent for each unit which is vacated due to the conversion, after receipt of the 180 day notice of conversion prior to termination of tenancy required by the Map Act (Section 66427.1);
2. Lifetime leases for elderly tenants (ages 62 years and older) and extended leases for student tenants, of the unit occupied by any such tenant, at the rate in existence at the time the Final Map is approved. The rental rate may be increased during the term of the lease only in the manner provided in detail by the subdivider in the program and approved by the Council at the time the tentative subdivision map is approved, provided that in no event shall any such increase be greater than eight percent per year.
  - a. Extended leases for students shall be required for the period of time of enrollment in courses totaling at least two-thirds of the units/credits required to be considered a full time student, during the school year;



standards may be approved if the City finds that an alternative design substantially conforms to the intent of the standards of this article, the General Plan, and/or applicable operative plans.

#### 15-4103 Intensity and Location of Uses

- ~~A. The location and relationship between lifestyles, commercial centers, public facilities and parks shall be considered as part of all subdivisions.~~
- ~~B.A. Neighborhood wide uses (such as multi family and neighborhood retail) and their relationship, in terms of access and location shall be considered.~~
- ~~C.B. When a variety of housing types and lot sizes are proposed, M~~more intense residential development ~~including, but not limited to, such as~~ small lots single family, ~~and multi-story townhomes, row-housing, and/or~~ apartments, ~~shall~~ should generally be located along Connector streets and Major Streets, while less intense residential land uses, such as larger lot single family homes, should generally be located in the interior of the neighborhood. ~~may be proximate to single family homes.~~
- ~~D. **Residential Density.** For residential subdivisions, the density of a subdivision shall be calculated per Section 15-310, Determining Residential Density and the minimum and maximum lot size of the applicable base district.~~

#### 15-4104 Blocks

- A. **Length.** Residential blocks shall be no more less than 200 feet in length and no less more than 600 feet in length. A deviation from this requirement may be allowed if the alignment of existing streets on adjacent properties justify it, at the discretion of the Review Authority.
- B. **Width.** Residential block widths shall be of such dimension as to allow an ultimate layout of two tiers of lots therein of a size required by the provisions of this article, unless:
  - 1. The subdivision provides a trail and homes would front onto the said amenity or other communal space.
  - 2. Topographic conditions justify a variation from this requirement; or
  - 3. The proposed homes would back onto a non-residential district or a Major Street.

#### 15-4105 Lots

- A. **Lot Size and Dimensions.** Lots shall comply with the minimum size and dimension requirements of the base zoning district.
  - 1. **Exceptions.** In any Residential subdivision of five or more lots, up to 25 percent of lots may be up to 20 percent smaller in area and/or width than the normally required minimum lot area and width of the applicable base zoning district, as long as the average lot area and width for the subdivision are no less than the required minimum for the district.
- B. **Oversize Lots.**

- i. Private easements and access drives that only serve multi-family lots are prohibited. For such development, access shall be from a dedicated public alley and/or public street.

~~ii.~~(1) An exception may be made if the number of multi-family homes served by the private alley, easement, or street account for less than 20 percent of the total number of units within the subdivision. The maintenance of any private road or easement shall be the responsibility of the Homeowner's Association or shall be incorporated by the City's Community Facility District.

#### 15-4106 Street Dedications

All land lying within the alignment of any street shown on the circulation element of the General Plan, the City's Official Maps for a system of streets, or shown on any precise or other plan of streets adopted by the Council or other legally constituted body of the city, county, or state, or within the alignment of any local street approved by the Public Works Director, shall be dedicated consistent with the proposed alignment of said streets and with the ownership of said land.

#### 15-4107 Connectivity

Subdivisions of one-half acre or more in non-residential districts or resulting in five or more residential lots shall provide vehicular, bicycle, and pedestrian connectivity to all uses within a subdivision, to adjacent development, and to the surrounding street system in accordance with the following:

- A. **Continuous Street System.** All streets, alleys, bicycle facilities, and pedestrian ways shall connect to other streets, alleys, bicycle facilities, and pedestrian ways to form a continuous vehicular, bicycle, and pedestrian network with numerous connections within the subdivision and to adjacent development.
- B. **Connector Streets.** Connector Streets (refer to Section 15-4108, Street Design) connecting Major Streets shall be provided within quarter sections or other area of roughly 160 acres and surrounded by major streets.
  - 1. One Connector Street shall be provided approximately through the center of the quarter section which runs north to south, linking the northern and southern Major Streets. A second Connector Street shall be provided approximately through the center of the quarter section which runs east to west, linking the eastern and western Major Streets.
  - 2. Should the alignment of a Connector Street be impractical due to an existing feature, it shall be developed as close as reasonably possible to the alignment described in item 15-4107-B.1 above.
  - 2.3. At the discretion of the Review Authority, Connector streets may be designed with some curves and bends in order to calm traffic.
  - 3.4. Connector Streets are not required for Industrial Districts.

- C. **Non-Contiguous Sites.** Subdivisions that are not contiguous with other subdivisions shall provide stub streets and other potential vehicular and non-vehicular connection points to non-contiguous subdivisions within the same 160 acre quarter section. These connection points shall be within the public right-of-way and private easements when necessary.
- D. **Connections to Adjacent Areas.**
1. ***Connections to Existing Subdivisions.***
    - ~~a. Streets shall be aligned with existing and planned streets in adjacent quadrants or neighborhoods in such a way that a continuous street pattern is created.~~
    - ~~b.a.~~ Connections shall be provided to all stub streets in all adjacent subdivisions.
  2. ***Connections to Future Subdivisions.***
    - a. Where the subdivision adjoins unsubdivided land, stub end streets in the subdivision shall be extended to the adjacent unsubdivided land to provide access to the unsubdivided land in the event of its future subdivision. There shall be one such connection for every 600 feet of adjacency.
    - b. In the case of stub end streets extending to the boundary of the property, a barricade, the design to be approved by the City Engineer, shall be constructed at the end of the stub end street, pending the extension of the street into adjacent property. A temporary connection to another street, or a temporary turnaround, may be required by the Review Authority.
- E. **Emergency Vehicle Access.** Emergency vehicle access shall be determined on a case-by-case basis by emergency responders.
- F. **Access Points to a Major Street.** Ingress and egress into a subdivision from a Major Street to a local or connector street shall be provided at a spacing of no less than 600 feet.
- G. **Pedestrian and Bicycle Paths.** Continuous and convenient bicycle and pedestrian access shall be provided from every home within a subdivision area to the nearest neighborhood center, school, and park.
1. ***Safe Routes to Schools.*** Pedestrian and bicycle routes to schools shall be identified at the time of project submittal.
  2. ***Barriers.*** Fencing, sound walls, and other barriers between residential and non-residential uses shall provide openings or other mechanisms to allow bicycle and pedestrian access between uses. If the residential use is a private, gated community, such openings may be locked if all residents have a code, key, or other means of access.
  3. ***Links between Residential and Non-Residential Areas.*** Pedestrian paths from residential areas shall be provided to adjacent Commercial, Mixed-Use, and Office districts. Pedestrian paths shall be a minimum of 15 feet in width, lit, and ~~spaced no more than 600 feet apart~~ provided at a rate of approximately 1

per 600 feet. The exact locations may be adjusted at the discretion of the Review Authority based on site conditions, safety, and pedestrian convenience. If existing development blocks all possible access points to adjacent Commercial, Mixed-Use, and Office districts, this section shall not apply.

4. ***Access to Major Streets.*** For subdivisions adjacent to a Major Street, a pedestrian path (including sidewalks and trails) to the Major Street shall be spaced no more than 600 feet apart. For dead-end streets, except where there's no existing or planned pedestrian facilities, refer to Subsection 15-4108-K, Cul-de-Sacs and Dead-End Streets.
5. ***Access to Bus Stops.*** For subdivisions adjacent to a Major Street, future bus stops locations shall be identified and pedestrian access shall be identified to minimize circuitous routes for pedestrians except in locations with no existing or planned pedestrian access.

### 15-4108 Street Design

Streets shall be designed and constructed consistent with the City's Standard Drawings and Specifications and Public Works Director approval and as provided below.

- A. **Street Orientation.** Streets shall be planned in a primarily east-west orientation in order to best implement Section 15-4113, Energy Conservation, and the Map Act (Section 66473).
- B. **Local Streets.** Local streets shall have minimum right-of-way and roadway widths in accordance with the local street details and development density criteria of the Standard Drawings and Specifications.
- ~~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 four feet in width.

D. **Major Streets.**

1. Major streets shall be as shown on the circulation element of the General Plan, any operative plan or any Official Plan Line, the select system of streets, or as shown on any precise or other plan of streets adopted by the Council or by other legally constituted bodies of city, county or state.
2. All Major Streets shall be designed as Complete Streets. Complete Streets are those that provide for all users of a corridor, including pedestrians, bicyclists, transit riders, people with disabilities, senior citizens, motorists, freight providers, emergency responders, and adjacent land users. Complete Streets support all modes of transportation safely and independently in current and future conditions.

E. **Frontage Roads.** Existing frontage roads in adjacent subdivisions shall be continued into the proposed subdivision in the same manner as related to width and design. Pedestrian sidewalks and bike paths are required with frontage roads.

F. **Private Streets.** Private streets are prohibited except where approved as part of a Planned Unit Development or otherwise approved by the City Council. All widths and alignments of private streets shall be as shown on any precise or other plan of streets adopted by the Council and shall conform to the private street details and development criteria of the Standard Drawings and Standard Specifications. Private streets that serve multi-family units shall comply with Section 15-4105, Lot Access.

G. **Street Intersections.**

1. All streets shall intersect each other at angles as near to right angles as is practicable.
- ~~2. No less than 50 percent of local street intersections shall be four-way unless a lower percentage is approved by the Review Authority due to unusual site constraints.~~
- ~~3.2.~~ All local street intersections and all intersections with Major Streets shall have minimum curb radii as established in the Standard Drawings, except that at the intersections with State highways, the standards of the California Department of Transportation shall apply.

H. **Curves.**

1. Unless the curve radius has been established on an adopted map, a curve radius shall be required as determined by the Public Works Director where a street deflects more than five degrees from a straight line.
2. On all streets having reverse curves, a tangent of at least 100 feet between reverse curves shall be required. Subject to the approval of the Public Works Director, these requirements may be varied for local streets or when topography requires other treatment of streets to secure the best overall design.

I. **Alleys.**

1. Where alleys are planned, required, or proposed, an alley with a minimum width of 20 feet shall be installed, and the alley shall be designed to conform to Public Works Standards.

2. Where two alleys intersect or where an alley deflects with an interior angle of less than 135 degrees, corner cut-offs of 15 feet measured from the point of any interior angle shall be required.
- J. **Traffic Calming.** Traffic calming street design or devices such as bulb-outs, chokers, center islands / raised medians, traffic circles, textured pavement, and painted intersections, shall be included, if required by an operative plan, or when determined to be necessary by the City Engineer, to ensure safe conditions for all users.
- K. **Cul-de-Sacs and Dead-End Streets.**
1. The combined length of all cul-de-sacs and other dead-end streets in any subdivision shall not exceed ~~2030~~ percent of the combined total length of all local residential streets within the subdivision. Exceptions may be made at the discretion of the Review Authority if any of the following circumstances apply:
    - a. ~~Exception. The limit on combined cul-de-sac length shall not apply if~~  
~~the average block length of all blocks in the proposed subdivision is~~  
~~400 feet or less;~~
    - b. The applicant can demonstrate, to the satisfaction of the City Engineer, that the subdivision design will result in a rate of Vehicle Miles Travelled which is equal to or less than a subdivision which follows the cul-de-sac limit in item K-1 above;
    - c. The site is 6 acres or less in gross area;
    - d. The site is surrounded by developed properties which lack stubs to connect to; or
    - ~~a.e.~~ The site is blocked by canals and expressways.
  2. Cul-de-sacs and dead-end streets may not exceed 500 feet and shall not be designed with blind curves or elbows. The end of the street must be visible from the center of the nearest intersection.
  3. All cul-de-sacs and dead-end streets shall have a turnaround per Public Works Standards.
  4. A cul-de-sacs and or dead end street may be approved as a temporary facility, without a turnaround, provided the street is designed to provide access to adjoining land that is not yet subdivided or developed. A temporary turnaround or access may be required.
  5. Cul-de-sacs and dead-end streets shall provide pedestrian and bike connections to neighboring streets, trails, commercial centers, etc.
- L. **Street Names.** Refer to Article 62, Street Names & Addressing.
- M. **Sidewalks.** All streets shall have sidewalks constructed to City standards on both sides of the street, unless an alternative pedestrian plan is approved by the Review Authority.
- N. **Street Trees.**
1. Street tree species shall be selected from the Fresno Street Tree Palette.
  2. Street trees shall be planted at a minimum spacing of 40 feet on-center

3. Street trees shall be located within a landscaped park strip of no less than ~~four~~4 feet in width between the curb and sidewalk.
4. Trees within the front yard of adjacent parcels may be counted toward the satisfaction of this requirement at the discretion of the Review Authority, in which case the landscape strip between the curb and sidewalk will not be required and the spacing shall be one tree per lot.

O. **Street Lighting.**

1. **Installation Required.** The subdivider shall cause the installation of street lighting on all streets within the subdivision and on all streets adjacent to the subdivision unless existing lighting conforms to City standards.
2. **Specifications.** The type, location, and mounting heights of the luminaries shall be determined by the Public Works Director based upon the Standard Specifications and sound engineering practices consistent with the City policy for street lighting.

**15-4109 Incorporation of Site Constraints**

Areas with development constraints shall be incorporated into the overall subdivision design and layout to support and enhance park and open space amenities.

- A. **Major Utility Easements.** Easements for major utilities such as high-tension lines and utility trunk lines shall be integrated into the proposed subdivisions such they are incorporated as open space or recreation use and shall be developed as a regional trail system. Such easements shall be designed as part of an overall open space or recreation element. Said easements shall not be blocked by fences, yards, gates, and other similar barriers. The use and treatment of such easements is subject to the policies and restrictions of the utility provider and City.

- B. **Trails and Natural Features.** Proposed subdivisions that are adjacent to a trail or a canal shall incorporate them into the subdivision plan as a design feature in conformance with the City's trails plan and the following:

1. Proposed subdivisions that are adjacent to a trail shall incorporate it into the subdivision plan as a design feature. Development adjacent to a trail shall be planned to provide pedestrian access to the trail(s) at intervals identified below.
2. Homes should front onto a trail, or other communal area, unless:
  - a. Topographic conditions justify a variation from this requirement;
  - b. The proposed homes would face a Major Street; or
  - c. The Review Authority determines that there are no feasible alternatives.
3. Development adjacent to a trail shall be planned to provide pedestrian access to the trail(s) at intervals of approximately 1 per 600 ~~no more than 400~~ feet if homes or a commercial center back onto to the natural feature. The exact locations may be adjusted at the discretion of the Review Authority based on site conditions, safety, and pedestrian convenience. Should cul-de-sacs terminate near the feature, each cul-de-sac shall provide a path to the feature.

4. Where development is backed onto an adjacent trail, privacy walls and security walls shall be set back from the trail by a minimum distance of 10 feet and such setback shall be landscaped to be compatible with the trail landscape.
  5. Subject to approval by the Fresno Irrigation District, where canals are piped, the area above shall be integrated into the subdivision as a trail or part of an open space and/or trail system subject to Fresno Irrigation District approval.
- C. **Safety and Environmental Zones.** Buffers, setbacks, and no-build zones associated with safety or environmental impacts such as airport safety or noise, and freeway noise and air pollution shall be integrated into the proposed subdivision plan by designating them for alternative, allowable uses. These uses may be open space, parking, recreation, or other allowed uses. The plan shall integrate these areas and uses such that they are part of an overall system of open space, parking, or recreation and not separated from the subdivision by walls or barriers unless required by the regulation agency.

#### 15-4110 Gated Subdivisions

- A. Subdivisions with private streets may be gated provided consideration shall be given to surrounding properties to ensure that pedestrian and bicycle access is maintained, in particular along tails and natural features.
- B. Should a gated subdivision be conditioned to dedicate and/or incorporate, as a public right-of-way, a Regional Trail (e.g., Class 1) pedestrian and other non-motorized traffic shall have the ability to move freely through the ~~subdivision via the~~ trail. Access into the residential areas may be fenced and gated, but access to the trail shall be unimpeded.
- C. Should a gated subdivision be proposed that abuts a street that was previously dedicated to provide access to the parcel where the subdivision is being proposed, the subdivider of the gated subdivision shall:
  1. Construct a cul-de-sac to provide turn-around access. Emergency access shall be provided via the cul-de-sac. ~~Wrought iron~~ ~~f~~encing shall be provided behind a minimum 10 foot landscape setback. The landscaping and the fencing shall be maintained by the Homeowner's Association of the gated subdivision, unless it is accepted into the City's Community Facilities District; or
  2. In situations where there are no driveways from said stub street, the developer may petition the City to vacate the stub street to the adjoining parcels, provided the owners are willing to accept the property and the developer bears all cost(s) associated with fulfilling the conditions of the vacation. Moreover, all indications of a street, such as curb, gutter, sidewalk, etc., shall be removed by the petitioner and shall be converted to private ownership.

#### 15-4111 Restricted Access Barriers

Restricted access barriers controlling the access to other streets or other public right-of-way from adjoining property shall not be approved unless such barriers are necessary for the protection of the public welfare or of substantial property rights, and in no case will they be approved unless and until the control and disposition of the land comprising such strips are dedicated to the City under conditions approved by the Review Authority.



## 15-4112 Parks and Playgrounds

Subdivisions shall reserve land for pedestrian-accessible parks and playgrounds. The size and location of such reserved land shall be consistent with the General Plan's park and open space policies and policies and standards of other adopted applicable planning documents.

### A. Standards for Reservations.

1. The reserved area is of such size and shape as to permit the balance of the land within which the reservation is located to develop in an orderly and efficient manner.
2. The amount of land shall be determined per Article 37, Dedications and Reservations and the Open Space Design Guidelines.

B. **Park Frontage.** A minimum of ~~60-50~~ percent of the perimeter of any public park must abut a street, trail, sidewalk, or similar facility that is accessible and visible to people traversing the neighborhood. Homes shall generally face or side the park.

C. **Park Accessibility.** Park sites shall be centrally located, providing access within a half-mile walking distance to new residential development. Multiple Pocket and Neighborhood parks may serve to satisfy this requirement.

D. **Pocket Parks.** Pocket parks shall be distributed throughout the subdivision.

E. **Detention Basins.** In coordination with the Flood Control District, detention basins that serve residential neighborhoods shall be designed to accommodate recreational uses and shall be treated as an aesthetic amenity.

## 15-4113 Energy Conservation

Per the Map Act (Section 66473), the subdivision design shall provide for passive or natural heating or cooling opportunities and for other measures that conserve nonrenewable energy resources, consistent with the General Plan. Design measures to accomplish these objectives may include, but are not limited to, the arranging of streets, lots, buildings and landscaping. The purpose of such design measures shall be to provide solar access for active solar water and space heating systems and passive space heating, minimize solar heat gain in the summer, and take advantage of prevailing breezes.

A. **Design Guidance; No Reduction in Density.** In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and such provision shall not result in reducing the maximum allowable densities or the percentage of a lot that may be occupied by a building or structure under applicable standards of this Code in force at the time the tentative map is filed.

B. **Exemptions.** The requirements of this section do not apply to condominium conversion projects which consist of the subdivision of airspace in an existing building when no new structures are added.

## 15-4114 Underground Utilities

All existing utilities, including electrical systems, and communication systems, and street lighting distribution systems shall be placed underground throughout a subdivision, which includes a tract or parcel map, except as follows:

- A. **Existing Major Lines.** Undergrounding of existing overhead wires and associated overhead structures used for conveyance of electrical energy at transmission voltages, nominally in excess of 21,000 volts, or major transmission trunk communication lines shall not be required.
- B. **Existing Utilities in Industrial Districts.** Undergrounding of existing overhead wires and associated overhead structures used for the distribution of electrical energy or communication lines within certain industrial zone districts shall not be required provided the subdivider shall:
  1. Execute a covenant, which shall be recorded and run with the land, agreeing to participate and support any improvement district formed for the purpose of undergrounding the existing overhead utilities; and
  2. Install or agree to install conduit of sufficient number and size, as determined by the utility company, to accommodate the future undergrounding of existing overhead utilities.
- C. **Appurtenant Equipment.** Equipment appurtenant to underground facilities, such as transformers, terminal boxes, amplifiers, splice boxes, meter cabinets and concealed ducts, may be surface-mounted provided that such equipment is located in utility easements outside the street right-of-way.
- D. **Waiver by Public Works Director.** The Public Works Director may waive the requirement to underground existing overhead services to street lighting or other utility systems as a condition of approval of any subdivision as provided below:
  1. **Required Findings.**
    - a. The property is located in an area where 90 percent or more of the surrounding properties have overhead utilities; and
    - b. The property is not in a Growth Area as defined by the General Plan.
  2. **Stipulations.** If a waiver is granted, the subdivider shall:
    - a. Execute a Covenant, which shall be recorded and run with the land, agreeing to participate in and support any improvement district or underground utility district formed for the purpose of undergrounding the existing overhead utilities; and
    - b. Install or agree to install conduit of sufficient number and size, as determined by the utility company, to accommodate the future undergrounding of existing overhead utilities.
- E. **Utility Operator Objection.** The requirement to place utilities underground may be waived at the discretion of the Review Authority if the entity which operates the utility finds the underground placement to be infeasible.

3. The lots proposed in the adjustment will comply with the provisions of this article, the Subdivision Map Act, the General Plan, and the Development Code;
4. The zoning and the Planned Land Use are consistent per the operative plan(s);
5. The lots proposed in the adjustment will comply with the provisions of the Building Code;
6. The adjustment shall not result in the creation of an any new nonconformities, including, but not limited to, signage, parking, fencing, etc.;
7. The resulting parcels do not interfere with existing utilities, infrastructure, or easements;

**D. Completion.**

1. ***Recording with County Recorder.*** A Lot Line Adjustment shall not be effective until a deed signed by the record owners has been recorded. The applicant shall submit the legal description to the City Engineer for review and approval of this, before recordation of the grant deed. The legal descriptions provided in the deeds shall be prepared by a person authorized to practice land surveying in the State.
- ~~2. ***Completion by Record of Survey.*** If required by the Business and Professions Code (Sections 8762 *et. seq.*), a Lot Line Adjustment shall not be effective or final until a record of survey has been checked by the City Engineer and the County Surveyor, and recorded by the County Recorder.~~

**15-4203 Voluntary Parcel Mergers**

- A. **Required Mergers.** Pursuant to the Map Act (Section 66451.10) and the requirements of this Subdivision Ordinance, the City may initiate the merger of two or more contiguous parcels or units held by the same owner if any one of the contiguous parcels or units does not conform to the standards for minimum parcel or lot size established by the Development Code, and if the requirements as stipulated in the Map Act (Section 66451.11) are satisfied.

B. **Mergers Initiated by the Property Owner.**

1. ***Applicability.*** Upon request of the legal owners of contiguous parcels, the City Engineer, following a recommendation by the Director, may approve the merger of the property in compliance with the Map Act (Section 66499.20 3/4).
2. ***Review.*** An application shall be made to the City Engineer.
3. ***Request for Determination.*** Upon written application by the owner to the City Engineer, the City Engineer shall determine whether the affected parcels shall be merged and shall notify the owner of the determination. If the City determines that the parcels shall not be merged, the owner may file a written request for a hearing with the City Engineer pursuant to the requirements of this section. If the City determines that the parcels shall be merged, a determination of merger shall be recorded.
4. ***Recording with the County Recorder.*** Upon approval, a notice of the Lot Merger shall be filed with the County Recorder. The form and content of the notice shall be as required by the City Engineer.

## Article 43 Corrections and Amendments of Maps

### Sections:

- 15-4301 Purpose
- 15-4302 Types of Amendments to an Approved Tentative Map and or Tentative Parcel Map
- 15-4303 Processing of Amendments
- 15-4304 Findings for Approval
- 15-4305 Effect of Amendments on Time Limits
- 15-4306 Tentative Maps with Multiple Final Maps
- 15-4307 Amendments to Final and Parcel Maps after Recordation
- 15-4308 Expansion of the Map Outside of the Original Boundaries

### 15-4301 Purpose

The purpose of this article is to establish procedures for the correction and amendment of maps. A subdivider may request amendments to an approved Tentative Map or Tentative Parcel Map, or conditions of approval of a map.

### 15-4302 Types of Amendments to an Approved Tentative Map and or Tentative Parcel Map

- A. **Minor Revision.** Changes determined by the Director to be in substantial compliance and that are consistent with the intent of the approved Tentative Map or Tentative Parcel Map may be approved where:
  - 1. The size, shape, and dimensions of lots and streets are in substantial compliance and are consistent with the Tentative Map;
  - 2. The number of lots, units, or building sites is not reduced to less than prescribed by the planned land use designation, zone district, or operative plan;
  - 3. No lots, units, building sites, or structures are added;
  - 4. The amount of open space is not reduced;
  - 5. Pedestrian connectivity to schools, trails, open space, etc. is not reduced;
  - 6. Changes, in the opinion of the Director, are consistent with the intent of the original Tentative Map approval;
  - 7. There are no significant changes in parcel size and dimensions, pedestrian connectivity, and overall design; and
  - 8. There are no resulting violations of the Municipal Code.
- B. **Major Revision.** Major Revisions to an approved Tentative Map, Tentative Parcel Map, or amendments to conditions of approval may be approved by filing an application with the Department, if:
  - 1. The amendments are consistent with the intent of the original Tentative Map or Tentative Parcel Map approval;
  - 2. There are no resulting violations of the Municipal Code; ~~and~~

I. **Compensation.** Council may provide a stipend to committee members through the Master Fee Schedule.

J. **Suspension.** Notwithstanding any other provision in this section, Councilmembers, may, at their discretion, suspend meetings of their Council District Project Review Committee. The suspension will be documented by a written notice filed with the City Clerk. At their discretion, Councilmembers may resume their Council District Project Review Committee meetings by written notice filed with the City Clerk.

~~K.~~ Nothing within this section shall be construed as to cause the dissolution or suspension of any committee in existence at the time of the adoption of this Code.

#### 15-4907 Summary of Primary Planning Permits and Actions

The following table shows, for ease of reference, a brief summary of the permits and actions that are administered under this Code. The table is not regulatory. For complete regulations, procedures, and requirements, see Articles 49 through 66.

**TABLE 15-4907: PLANNING PERMITS AND ACTIONS (CONTINUED)**

<i>Permit or Action</i>	<i>Advisory Body</i>	<i>Review Authority</i>	<i>Appeal Body</i>	<i>Public Notice?</i>	<i>Public Hearing?</i>	<i>Article</i>
<b>Use-Only Proposals</b>						
Zone Clearance	-	Director	PC	No	No	51
Conditional Use Permit	-	Director (PC on referral)	PC (CC if referred)	Yes	No (Yes w/PC referral)	53
Temporary Use Permit	-	Director	PC	No	No	54
Director's Determination	-	Director	PC	No	No	50
<b>Development Proposals</b>						
Zone Clearance	-	Director	PC	No	No	51
Development Permit (Formerly Site Plan Review)	-	Director (PC on referral)	PC (CC if referred)	<del>Yes</del> No	No (Yes w/PC referral)	52
Variance	-	Director (PC on referral)	PC (CC if referred)	Yes	No (Yes w/PC referral)	55
Minor Deviation	-	Director	PC	No	No	56
Planned Development Permit	-	Director (PC on referral)	PC (CC if referred)	Yes	No (Yes w/PC referral)	59
<b>Other Proposals or Actions</b>						
Zoning Inquiry	-	Director	PC	No	No	50
Minor Modification	-	Director	PC	No	No	50
Major Modification	Director	Review Authority of Original Permit	PC or CC	Yes	Same as Original Permit	50
Revocation of Permit	<i>See Section 15-5016</i>					
Reasonable Accommodation for Housing	-	Director	PC	No	No	57
Development Code Text Amendment	PC	CC	None	Yes	Yes	58
Rezone	PC	CC	None	Yes	Yes	58
Plan Amendment	PC	CC	None	Yes	Yes	58
Development Agreement	PC	CC	None	Yes	Yes	60

1. The location of the real property, if any, that is the subject of the application;
2. A general description of the proposed project or action;
3. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required;
4. The identity of the hearing body or officer;
5. The names of the applicant and the owner of the property that is the subject of the application;
6. The location and times at which the complete application and project file, including any environmental assessment or determination of exemption from CEQA prepared in connection with the application, may be viewed by the public;
7. A statement that any interested person or authorized agent may appear and be heard and that failure to object to the approval and state said reasons prior to or at the hearing on the decision shall potentially bar any later court challenge to the project approval;
8. A statement describing how to submit written comments;
9. A statement describing how to obtain additional information; and
10. For Council hearings, the Commission's recommendation.

**F. Posting to City Website.** When public noticing is required, the notice shall be posted to a designated, central location on the City's website at least 10 days before the public hearing. However a failure to post to the website due to technical difficulties shall not constitute grounds to postpone the hearing or invalidate the decision made at the hearing.

**~~F.G.~~ Failure to Notify Does Not Affect Validity.** The validity of the proceedings shall not be affected by errors in the giving of notice or the failure of any property owner, resident, neighborhood, or interested party to receive a ~~mailed~~ notice.

## **15-5008 Conduct of Public Hearings**

Whenever the provisions of this Code require a public hearing, the hearing shall be conducted in compliance with the bylaws and meeting procedures for said decision-making body and/or review authority.

## **15-5009 Notice of Action**

- A. After the Director or Planning Commission takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this Code, the Director shall issue a Notice of Action. The Notice shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decision.
- B. The Director shall mail the Notice of Action within 10 days from the date of taking the action to the applicant and to any other person or entity that has filed a written request for such notification with the Planning Division.

building cross sections, as a record of the proposal's conformity with the applicable regulations of this Code.

#### **15-5205 Public Notice**

~~Public notice shall not be required. Public Notice shall be provided 10 days prior to the date of action pursuant to Section 15-5007.~~

#### **15-5206 Required Findings**

The Director or Planning Commission may only approve a Development Permit application if it finds that the application is consistent with the purposes of this article and with the following:

- A. The applicable standards and requirements of this Code.
- B. The General Plan and any operative plan or policies the City has adopted.
- C. Any applicable design guidelines adopted by the City Council.
- D. Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.

#### **15-5207 Conditions of Approval**

- A. In granting Development Permit approval, the Review Authority may impose conditions that are reasonably related to the application and deemed necessary to achieve the purposes of this article and ensure compliance with the applicable criteria and standards established by this Code or mitigation required pursuant to environmental review.
- B. Ensure long-term maintenance of adequate clean water resources.
- C. The proposed design will not lead to an overburdening of existing or planned infrastructure capacities, including, but not limited to, capacities for water, runoff, storm water, wastewater, and solid waste systems.
- D. The proposed design incorporates air quality measures or can demonstrate that it will not negatively impact air quality.

#### **15-5208 Appeals**

Development Permit decisions are subject to the appeal provisions of Section 15-5017, Appeals.

#### **15-5209 Modifications**

Development Permit approval may only be modified as provided for in Article 50, Common Procedures.



## Article 53 Conditional Use Permits

---

### Sections:

15-5301	Purpose
15-5302	Applicability
15-5303	Review Authority
15-5304	Application Requirements
15-5305	Public Notice
15-5306	Required Findings
15-5307	Conditions of Approval
15-5308	Expiration
15-5309	Appeals
15-5310	Modifications

### 15-5301 Purpose

The Conditional Use Permit review process is intended to apply to uses that are generally consistent with the purposes of the district where they are proposed but require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties or adversely affect the City's infrastructure, the built or natural environment, City resources, or the City's ability to provide public services.

### 15-5302 Applicability

Conditional Use Permit approval is required for the following:

- A. Uses specifically identified in Part II, Base and Overlay Districts, and/or any other section of this Code which requires a Conditional Use Permit.
- B. Alcoholic beverage sales.
  - ~~1. **Exceptions.** Within Downtown Districts, the following~~ uses with alcoholic beverage sales shall not require a Conditional Use Permit, but shall comply with the requirements of the California Department of Alcoholic Beverage Control:
    - ~~a. **Restaurant with Alcohol Sales**~~
    - ~~b.1. **Bar/Nightclub/Lounge**~~
- C. Any use with drive-in or drive-through facilities.
- ~~D. **Any commercial establishment that is open to the general public between 12:00 midnight and 6:00 a.m., except hotels and motels, or places of employment that are not open to the public, such as industrial uses, data centers, and call centers. Downtown Districts shall be excepted from this requirement.**~~
- ~~E.D.~~ In conjunction with a Development Permit, exceptions to certain development standards specifically identified in Part II, Base and Overlay Districts as requiring a Conditional Use Permit.

## Article 55 Variances

---

### Sections:

15-5501	Purpose
15-5502	Applicability
15-5503	Review Authority
15-5504	Application Requirements
15-5505	Public Notice
15-5506	Required Findings
15-5507	Conditions of Approval
15-5508	Appeals
15-5509	Modifications

### 15-5501 Purpose

This article is intended to provide a mechanism for relief from the strict application of this Code where this will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

### 15-5502 Applicability

- A. Variances may be granted in conjunction with a Development Permit to vary or modify dimensional and performance standards, but Variances may not be granted to allow uses or activities or increase density that this Code does not authorize for a specific lot or site.
- B. Any lawfully established use, site features, structure, or lot that is in existence on the effective date of this Code or any subsequent amendment, but was made non-conforming when a portion was acquired by a governmental entity so that the parcel or a property development standard, such as landscaping or parking, is reduced from the prescribed standards of the underlying Zone District, shall be exempted from obtaining a Variance. Future improvements shall comply with the strict application of the District, unless a deviation is granted.

### 15-5503 Review Authority

The Review Authority of the associated Development Permit shall approve, conditionally approve, or deny applications for Variances based on consideration of the requirements of this article. ~~The Review Authority may, at their discretion, refer any application that may have significant public interest to the Planning Commission for a decision.~~

### 15-5504 Application Requirements

- A. Applications for a Variance shall be filed with the Planning Division on the prescribed application forms in accordance with the procedures in Article 50, Common Procedures.
- B. In addition to any other application requirements, the application for a Variance shall include data or other evidence showing that the requested Variance conforms to the required findings set forth in Section 15-5506, Required Findings.

## Article 56 Minor Deviations

---

### Sections:

- 15-5601 Purpose
- 15-5602 Applicability
- 15-5603 Review Authority
- 15-5604 Application Requirements
- 15-5605 Public Notice
- 15-5606 Calculation of Deviation
- 15-5607 Required Findings
- 15-5608 Conditions of Approval
- 15-5609 Appeals
- 15-5609 Modifications

### 15-5601 Purpose

The purpose of this article is to establish an alternate means of granting relief from the requirements of this Code when so doing would be consistent with the purposes of the Code and it is not possible or practical to approve a Variance. It also allows the Review Authority to grant deviations when necessary to accommodate religious uses protected by the Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) and deviations to ensure compliance with the Americans with Disabilities Act (ADA).

### 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 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.

A.B. **All Other Development Standards.** In conjunction with a Development Permit, the Review Authority may grant relief from the property development standards specified in this Code, not to exceed 10 percent of the requirement, with the following exceptions:

#### **B. ~~Exceptions:~~**

1. **Green Building and Public Art.** The Review Authority may grant relief of up to 20 percent deviation from property development standards where the Review Authority determines the request involves qualifying ‘green’ or public art features. If both public art and green features are incorporated, the Review Authority may grant relief of up to 25 percent deviation.
2. **Lot Consolidation.** The Review Authority may grant relief of up to 15 percent deviation from property development standards where the Review Authority determines the request involves the consolidation of very small, oddly shaped, and hard-to-develop lots.

3. ***Density and Intensity.*** Minor Deviations cannot be granted for residential density or maximum floor area ratio (FAR).

3.

### **15-5603 Review Authority**

The Review Authority of the associated Development Permit shall approve, conditionally approve, or deny applications for ~~Variance~~ Minor Deviations based on consideration of the requirements of this article. ~~The Review Authority may, at their discretion, refer any application that may have significant public interest to the Planning Commission for a decision.~~

### **15-5604 Application Requirements**

An application for a deviation shall be filed with the Review Authority in accordance with Article 50, Common Procedures. The application shall state in writing the nature of the deviation requested and explain why the findings necessary to grant the deviation are satisfied. The applicant shall also submit plans delineating the requested deviation.

### **15-5605 Public Notice**

An additional public notice beyond that required for the associated Development Permit shall not be required.

### **15-5606 Calculation of Deviation**

The maximum deviation shall not exceed 10 percent, unless the proposal meets the strict application of Green Building and Public Art or Lot Consolidation exceptions. Ten percent shall be calculated of the standard. For example, if a site is 5,000 square feet in area, and it is required to provide 20 percent open space of lot area, the site would be required to provide 1,000 square feet. A 10 percent deviation would equate to a reduction of 100 square feet of open space ( $1,000 \times 10\% = 100$ ). As a result, the site would need to provide 900 square feet of open space. This calculation shall not apply to deviations to Façade Design Development Standards.

### **15-5607 Required Findings**

A decision to grant a deviation shall be based on making all of the following findings:

#### **A. Façade Design Development Standards.**

1. The design accomplishes the same goals pertaining to visual interest, pedestrian orientation, connectivity, durability, and longevity as the individual standards which are deviated from;
2. The design achieves all stated purposes of the Base District to and equal to greater degree than a project design in strict compliance with the Façade Design Development Standards;
3. The architectural design of the project is of exceptional quality and will add to the beauty and pedestrian comfort of its surroundings; and

4. Granting the bonus will not be detrimental to the health or safety of the public or the occupants of the property.

**B. All Other Development Standards.**

A.1. The deviation is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance;

B.2. There are no alternatives to the requested deviation that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public;

C.3. The granting of the requested deviation will not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Code; and

D.4. If the deviation requested is to accommodate religious uses protected by RLUIPA, the decision-maker must also find that the denial of the requested deviation would impose a substantial burden on religious exercise.

**15-5608 Conditions of Approval**

In approving a deviation, the decision-maker may impose reasonable conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any operative plans or policies adopted by the City;
- B. Achieve the general purposes of this Code or the specific purposes of the zoning district in which the project is located;
- C. Achieve the findings for a deviation granted; or
- D. Mitigate any potential impacts identified as a result of review conducted in compliance with the California Environmental Quality Act.

**15-5609 Appeals**

Minor Deviation decisions are subject to the appeal provisions of Section 15-5017, Appeals.

**15-5610 Modifications**

Deviations granted under this article may only be modified as provided for in Article 50, Common Procedures.

#### **15-5807 Committee Review**

Active plan or council district committees shall review and provide comments on text amendment applications, Rezones, or Plan Amendments. Committees shall review proposed amendments within their purview, unless the text amendment is applicable citywide, then review is required by each committee. Should a committee not meet due to a lack of quorum or any other reason, the Director, at their discretion, may schedule the item for consideration by the Commission and/or Council.

#### **15-5808 Airport Land Use Commission Review**

The Airport Land Use Commission (ALUC) shall review all text amendments. The ALUC shall also review all Rezones and Plan Amendments that are within their purview.

#### **15-5809 Planning Commission Hearing and Recommendation**

- A. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with Article 50, Common Procedures.
- B. **Recommendation to Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed application to the City Council. Such recommendation shall include the reasons for the recommendation, findings supporting the recommendation, and the relationship of the proposed change to the General Plan, Code, and applicable operative plans.

#### **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.
- B. After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed application. If the Council proposes any substantial modification, such as introducing a new zone district or planned land use designation, not previously considered by the Planning Commission during its hearings, the proposed modification shall first be referred back to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 40 days after the referral, shall be deemed a recommendation to approve and the amendment shall be returned to Council for adoption.
- C. Action by the Council shall be final.

#### **15-5811 Criteria for Development Code Text Amendment**

The Planning Commission shall not recommend and the City Council shall not approve an application unless the proposed amendment meets the following criteria:

- A. Development Code Text Amendment findings:
  - 1. The ~~code~~ Code text amendment is consistent with the General Plan and any applicable operative plans; and

2. ***Residential Unit Density.*** The total number of dwelling units in a PD shall not exceed the maximum number permitted by the General Plan or operative plan density for the total area of the planned development designated for residential use.
3. ***Zoning.*** Development shall comply with the underlying zone district. For example, a single-family home may only be developed on a site zoned RS and not RM.
4. ***Other Development Regulations.*** Other development regulations shall be as prescribed by the PD Plan.

### **15-5905 Required Findings**

A PD shall only be approved if all of the following findings are made:

- A. The proposed development is consistent with the General Plan, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply;
- B. The subject site is physically suitable for the type and intensity of the land use being proposed;
- C. Adequate transportation facilities, utilities, and public services exist or will be provided, in accord with the conditions of PD approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of public services so as to be a detriment to public health, safety, or welfare;
- D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area; and
- E. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, the following factors ~~shall~~should be considered:
  1. Appropriateness of the use(s) at the proposed location.
  2. The mix of uses, housing types, and housing price levels.
  3. Provision of infrastructure improvements.
  4. Provision of open space. For example, a greater amount of open space than would otherwise be provided under the strict application of this code.
  5. Connectivity to public trails, schools, etc.
  6. Compatibility of uses within the development area.
  7. Creativity in design and use of land.
  8. Quality of design, and adequacy of light and air to the interior spaces of the buildings.
  9. Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.

## Article 61 Concept Plans, Pre-Zoning, and Annexations

---

### Sections:

- 15-6101 Purpose
- 15-6102 Concept Plans
- 15-6103 Pre-Zoning
- 15-6104 Annexation Criteria
- 15-6105 Effective Date of Zoning and Time Limit

### 15-6101 Purpose

The purpose of this article is to establish a procedure for annexation of adjoining unincorporated territory.

### 15-6102 Concept Plans

- A. **Purpose.** To facilitate the orderly expansion of the city by shaping new growth areas into a series of complete neighborhoods which feature a connected mix of houses, apartments, stores offices, open space, and public facilities.
- B. **Applicability.**
  - 1. ***Annexation of Certain Land Uses.*** A Concept Plan shall be prepared by the applicant when land with one of the following General Plan land use designations is proposed to be annexed:
    - a. Residential, Low Density
    - b. Residential, Medium Low Density
    - c. Residential, Medium Density
  - 2. ***Exceptions.*** Applications with the following circumstances shall not be required to prepare a Concept Plan:
    - a. With the exception of the proposed project, there is no more undeveloped land within the Concept Plan Area with a residential land use designation.
    - b. The site is already part of an adopted Concept Plan.
    - c. The site is already part of a Specific Plan which was adopted after December 18, 2014. Sites within the boundaries of specific plan which is substantially complete may not be required to prepare a Concept Plan at the discretion of the Review Authority.
- C. **Review Authority.** The City Council shall approve, conditionally approve, or deny Concept Plans based on consideration of the requirements of this section.
- D. **Concept Plan Area.** The Concept Plan Area shall consist of the entire contiguous area surrounding the project which is bounded by existing or planned Major Streets. This will typically be a quarter section, or about 160 acres, but the actual size may vary.



~~1.a.~~ No City revenue will be used to replace or provide developer funding that has or would have been committed to any mitigation project.

~~2.b.~~ The development project will fully fund public facilities and infrastructure as necessary to mitigate any impacts arising from the new development.

~~3.c.~~ The development project will pay for public facilities and infrastructure improvements in proportion to the development's neighborhood and citywide impacts.

~~d.~~ The development will fully fund ongoing public facility and infrastructure maintenance and public service costs.

~~4.3.~~ ***Disadvantaged Unincorporated Communities.*** The City will partner with the community, if there is wide support for annexation, to coordinate terms to initiate and support the annexation process.

~~E.D.~~ **LAFCO Approval.** The annexation shall be approved by the Local Agency Formation Commission (LAFCO) of Fresno.

#### **15-6105 Effective Date of Zoning and Time Limit**

The zoning accomplished by pre-zoning of the property shall become effective at the time that annexation to the city becomes effective. If the subject area has not been annexed to the city within six years of the date of City Council approval, the pre-zoning approval shall be brought before the Planning Commission and the Council for reconsideration.

***Duplex.*** A single building on a lot that contains two dwelling units or two single-unit dwellings on a single lot. This use is distinguished from a Second Dwelling Unit, which is an accessory residential unit as defined by State law and this Ordinance.

***Multi-Unit Residential.*** Three or more dwelling units on a site or lot. Types of multiple unit dwellings include townhouses, garden apartments, senior housing developments, and multi-story apartment buildings. This use includes multi-unit development in which individual units are occupied exclusively by one or more persons 62 years of age or older.

***Cottage Housing Development.*** A group of single-family homes, typically smaller than 1,200 square feet, that are arranged in common relation to one another, usually surrounding a shared landscaped area. Also known as a “pocket neighborhood.”

**Accessory Living Quarters.** Living quarters of permanent construction without kitchen or cooking facilities, used primarily for temporary guests of the occupants of the principal dwelling on the lot, and not rented or otherwise used as a separate dwelling.

**Adult Family Day Care.** A day-care facility licensed by the State of California that is located in a single-unit residence or other dwelling unit where a resident of the dwelling provides care and supervision for adults over the age of 18 for periods of less than 24 hours a day.

***Small.*** A facility that provides care for six or fewer adults.

***Large.*** A facility that provides care for seven to 12 adults.

**Caretaker Residence.** A dwelling unit occupied by employees or caretakers of the primary use on the site.

**Domestic Violence Residence Shelter.** A facility providing sleeping accommodations for a maximum of eight persons, inclusive of any children or support staff using sleeping accommodations, located in a single-unit residence or other dwelling unit where survivors of domestic violence or sexual abuse are provided temporary housing, food, and other specialized services in compliance with California Welfare and Institutions Code Section 18290 et seq., and which may also be occupied by professional support staff provided by a sponsoring agent. ~~This use classification excludes domestic violence shelters that are separately classified as Social Service Facilities.~~

**Elderly and Long-Term Care.** Establishments that provide 24-hour medical, convalescent, or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the State of California, including, but not limited to, rest homes and convalescent hospitals, but not Residential Care, Hospitals, or Clinics.

**Family Day Care.** A day-care facility licensed by the State of California that is located in a single-unit residence or other dwelling unit where a resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

***Small.*** A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10.

**Large.** A facility that provides care for nine to 14 children, including children who reside at the home and are under the age of 10.

**Group Residential.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes clean and sober facilities, ~~rooming and boarding houses, and other types of organizational housing, private residential clubs, and farmworker housing, and extended stay hotels intended for long-term occupancy (30 days or more)~~ but excludes Hotels and Motels, Residential Care Facilities, and Re-Entry Facilities.

**Small.** A facility that houses six or fewer persons.

**Large.** A facility that houses seven or more persons.

**Mobile Home Parks.** A development designed and occupied by mobile homes including development with facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile homes through a subdivision, cooperative, condominium, or other form of resident ownership.

**Re-Entry Facility.** A facility used for the rehabilitation and overnight accommodations of 25 or more individuals, including staff, who are (a) under the jurisdiction of a court, but not under confinement, or (b) individuals recently released from the jurisdiction of a court. Such facility shall be operated by the City, the State, the federal government, or a private party under contract with the City, the State, or the federal government for the purpose of providing treatment or rehabilitation intended to assist such individuals with their re-entry into the community.

**Residential Care Facilities.** Facilities that are licensed by the State of California to provide permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug addictions. This use classification excludes Transitional Housing and Social Service Facilities.

**Residential Care, General.** A facility providing care for more than six persons.

**Residential Care, Limited.** A facility providing care for six or fewer persons.

**Residential Care, Senior.** A housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator, or other responsible person; where residents are 60 years of age or older and where varying levels of care and supervision are provided as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal. This classification includes continuing-care retirement communities and life care communities licensed for residential care by the State of California.

**Single Room Occupancy.** A residential facility containing housing units that may have kitchen and/or bathroom facilities and are guest rooms or efficiency units as defined by the State Health and Safety

Code. Each housing unit is occupied by no more than two adults and is offered on a monthly rental basis or longer. This definition includes Single Room Occupancy Hotels, Boarding Homes, and extended stay hotels that offer rooms intended for long-term occupancy (30 days or more).

**Supportive Housing.** Dwelling units with no limit on the length of stay, that are occupied by the target population as defined in Section 50675.14 of the California Health and Safety Code, and that are linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community.

**Transitional Housing.** Dwelling units configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

### **15-6703 Public and Semi-Public Use Classifications**

**Cemetery.** Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

**Colleges and Trade Schools, Public or Private.** Institutions of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes junior colleges, business and computer schools, management training, technical and trade schools, but excludes personal instructional services such as music lessons.

**Community and Religious Assembly.** A facility for public or private meetings including community centers, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage. It does not include gymnasiums or other sports facilities, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.

**Community Garden.** Use of land for and limited to the cultivation and tillage of soil for the production, growing, and harvesting of any agricultural, floricultural, or horticultural commodity.

**Conference/Convention Facility.** One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

**Cultural Institutions.** Public or non-profit institutions engaged primarily in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, music, dance, and events; buildings of an educational, charitable, or philanthropic nature; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens.

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

**Public Safety Facilities.** Facilities providing public-safety and emergency services, including police and fire protection, correctional facilities, and emergency medical services, with incidental storage, training, and maintenance facilities.

**Schools, Public or Private.** Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

**Social Service Facilities.** Any noncommercial facility, such as homeless shelters; ~~domestic violence shelters~~; and facilities providing social services such as job referrals, housing placement, and which may also provide meals, showers, clothing, groceries, and/or laundry facilities, typically for less than 30 days. Specialized programs and services related to the needs of the residents may also be provided.

#### **15-6704 Commercial Use Classifications**

**Adult-Oriented Business.** An establishment that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment, or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologists, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.

**Aircraft Sales, Services, and Storage.** Uses related to the rental, sales and leasing, storage, repair, and washing of aircraft.

**Animal Care, Sales and Services.** Retail sales and services related to the boarding, grooming, and care of household pets including:

***Grooming and Pet Stores.*** Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Grooming or selling of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.

***Kennels.*** A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding, or maintaining four or more dogs, cats, or other household pets not owned by the kennel owner or operator. Typical uses include pet clinics, pet day care, grooming, animal

persons engaged in the practice of massage are certified pursuant to the California Business and Professions Code Section 4612.

***Fortune Telling Service.*** An establishment engaged in or that professes to foretell future or past events or that is engaged in the practice of palmistry (the art or practice of reading a person's character or future from the lines on the palms of hands). Examples of this use type include astrologers, fortune tellers, palm and card readers, and psychics.

***Massage Establishments.*** Any business, including a sole proprietorship, which offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the patron. Massage therapy includes the application of various techniques to the muscular structure and soft tissues of the human body, including, but not limited to, any method of pressure or friction against, or stroking, kneading, rubbing, tapping, compression, pounding, vibrating, rocking or stimulating of, the external surfaces of the body with the hands or with any object or appliance. Exempted from this definition are massage therapists operating in conjunction with and on the same premises as a physician, surgeon, chiropractor, osteopath, nurse or any physical therapist who is duly State-licensed to practice their respective profession in the State of California, and out-service massage therapists certified pursuant to the California Business and Professions Code Section 4612.

***Medical Marijuana Collective.*** A location where marijuana is cultivated collectively by more than one qualified patient (with valid identification card) or designated primary caregiver of a person with a valid identification card, in order to collectively or cooperatively cultivate and/or store marijuana for medical purposes, as provided in Health and Safety Code Section 1362.775.

***Tattoo or Body Modification Parlor.*** An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) creating ~~an~~ <sup>ing</sup> an opening in the body of a person for the purpose of inserting jewelry or other decoration.

## Retail Sales.

***Building Materials and Services.*** Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include Construction and Material Yards, ~~hardware stores less than 10,000 square feet in floor area~~ or plant nurseries.

***Convenience Retail.*** Establishments primarily engaged in the provision of frequently or recurrently needed small personal items or services for residents within a reasonable walking distance. These include various general retail sales and personal services of an appropriate size and scale to meet the above criteria. ~~Liquor Stores shall not be considered Convenience Retail. may sell beer and wine, but stores that sell liquor or dedicate 50 percent or more of the floor area to alcohol sales are considered as Liquor Stores.~~

**General Retail.** The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 80,000 square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, ~~small~~ hardware stores ~~(with 10,000 square feet or less of floor area)~~, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

**Gun Shop.** Any retail sales business engaged in selling, leasing, purchasing, or lending of guns, firearms, or ammunition.

**Large-Format Retail.** Retail establishments (over 80,000 square feet of sales area) that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs.

**Nurseries and Garden Centers.** Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale.

**Pawn Shops.** Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans in exchange for personal property.

**Second Hand / Thrift Store.** A retail establishment that buys and sells used products, including through consignment, that may include clothing, furniture and household goods, jewelry, household appliances, musical instruments, business machines and office equipment, hand tools, and similar items. This use does not include book stores, antique stores, sale of used farm or construction equipment, junk dealers, scrap/dismantling yards, sale of used cars or other vehicles, or pawn shops.

**Swap Meet / Flea Market.** Any indoor or outdoor place, in an approved location, or for an approved activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, or other similarly named or labeled activities; but the term does not include supermarket or department store retail operations.

## 15-6705 Industrial Use Classifications

**Construction and Material Yards.** Storage of construction materials or equipment on a site other than a construction site.



**Research and Development.** A facility for scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. Includes assembly of related products from parts produced off-site where the manufacturing activity is secondary to the research and development activities.

**Salvage and Wrecking.** Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

**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.

***Chemical and Mineral Storage.*** Storage of hazardous materials including, but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, ~~and fireworks; and explosives.~~

***Indoor Warehousing and Storage.*** Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials including, but not limited to, automobiles, feed, and lumber. Also includes cold storage, draying or freight, moving and storage, and warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.

***Outdoor Storage.*** Storage of vehicles or commercial goods or materials in open lots.

***Personal Storage.*** Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

***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)

## 15-6706 Transportation, Communication, and Utilities Use Classifications

**Airports and Heliports.** Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, public terminal building and parking, air freight terminal, baggage handling facility, aircraft hangar and public transportation and related facilities, including bus operations, servicing, and storage. Also includes support activities such as fueling and maintenance; storage; airport operations and air traffic control; incidental retail sales, coffee shops and snack shops; and airport administrative facilities, including airport offices, terminals, operations buildings,



**Tasting Room.** A retail sales facility where customers may taste and purchase beverage and food products grown and/or processed on the site. Products offered for tasting and sale may include wine, beer, olive oil, cheese, and/or other food and beverage products.

**Urban Farm.** An agricultural use in an urban area, in a zoning district where urban land uses predominate. Urban farms may be of any size, though permit requirements may differ. ~~Community gardens, e~~Community-supported agriculture (CSA) farms, and private farms may all be considered urban farms.

## **15-6802 Definitions**

~~15-6802~~ In any case of conflicting definitions, the Director shall determine which shall be applied.

**Abandoned, Abandonment.** When, for a period of over one year, a non-conforming use is either vacated, the business license lapses, the lease is terminated, and/or utilities are terminated.

**Abutting, Adjoining, or Adjacent.** Having a common property or district line, or separated only by an alley, path, private street, or easement.

**Access.** The place or way through which pedestrians and/or vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this Code.

**Accessory Building.** See Building, Accessory.

**Accessory Structure.** See Structure, Accessory.

**Accessory Use.** See Use, Accessory.

**Act of Nature.** A natural occurrence such as an earthquake, flood, tidal wave, hurricane or tornado which causes substantial damage to buildings or property.

**Alley.** A public way permanently reserved for access to the rear or side of properties otherwise abutting on a street.

**Alteration.** Any change, addition, or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

**Animal Keeping.** The keeping of animals.

**Arcade.** A public passageway or colonnade open along at least one side, except for structural supports, usually covered by a canopy or permanent roofing.

**Awning.** An architectural projection that provides weather protection, identity, or decoration and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

**Balcony.** A platform that projects from the wall of a building 30 inches or more above grade that is accessible from the building's interior, is not accessible from the ground and is not enclosed by walls on more than two sides. See also Deck.

**Base District.** See Zoning District.

**Bathroom.** A room containing a sink, a toilet, and a shower and/or bathtub.

**Demolition.** The destruction, dismantling, or removal of a building or structure, or substantial portion of a building or structure so that it constitutes demolition pursuant to the provisions of this Code.

~~**Density, Net.** The amount of parcel square footage per unit excluding street rights-of-way, public easements, public open space, land under water, and certified wetlands and floodplains. Setbacks for sensitive areas and private open space shall not be excluded in calculating net density. See 15-310, Determining Residential Density.~~

**Development.** Any manmade change to improved or unimproved real estate, including, but not limited to, the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, expansion, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

**Development Agreement.** An agreement between the City and any person having a legal or equitable interest in real property for the development of such property and which complies with the applicable provisions of the Government Code and local law for such development agreements.

**Director.** The Director of the Development and Resource Management Department of the City of Fresno or their designee.

**Discretionary Permit.** A Minor Deviation, Development Permit, Major Permit Modification, Variance, Temporary Use Permit, Planned Development Permit, or Conditional Use Permit, or any other appealable permit that requires findings to be made.

**District.** See Zoning District.

**Drive-In and Drive-Through Facilities.** A facility designed to provide service to clients in a manner that does not require them to leave their vehicle.

**Driveway.** An accessway that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.

**Dwelling.** A structure or portion thereof that is used principally for residential occupancy.

**Dwelling Unit.** One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with full cooking, sleeping, and bathroom facilities for the exclusive use of a single household.

**Easement.** A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege, or interest which one party has in the land of another.

**Effective Date.** The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

hedges, trellises, fountains, sculptures), earth patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

“Private landscaping” means any landscaping located within the boundaries of privately owned property, and includes any landscaping located within any unimproved right-of-way abutting a private property and in any park strip other than the City-maintained park strip.

“Public landscaping” means any landscaping located within any street median, City park or other parcel of publicly owned property, including any landscaping located in a City-maintained park strip.

***Mulch.*** Any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

***Park Strip.*** The area of the public street located between the face of the curb and closest edge of the sidewalk.

***Passive Solar-Oriented Tree.*** A deciduous tree which drops its leaves in fall and regains them in the spring, located in the south, southwest, or west yard and planted within 15 feet of a building.

***Plant.*** Any turf, ground cover, shrub, vine, and tree suitable for planting.

***Private Tree.*** Any tree located within the boundaries of privately owned property.

***Pruning.*** The removal of more than one-third of the crown or existing foliage of the tree or more than one-third of the root system.

***Remove.*** Cutting to the ground; extraction; killing by spraying, girdling, or any other means; or pruning done without a permit or which does not conform to the provisions of a permit.

***Retention Basin.*** An impoundment created by a dam or an excavation for the purpose of storing and settling sediment and other pollutants from surface water. A retention basin is designed to hold a specific amount of water until the water can evaporate or infiltrate. Usually the basin is designed to have overflows drain to a receiving conveyance system when the water level exceeds the basin capacity.

***Shrub.*** A bush, hedge, or any woody plant of relatively low height, having several stems arising from the base and lacking a single trunk.

~~***Street-Oriented Tree.*** A private tree on private property within five feet of the front property line in proximity to a street and not improved or maintained by the City.~~

**Maintenance and Repair.** The repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing that restores the character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition.

**Mezzanine.** An intermediate floor within a building interior without walls, partitions, closets, screens, or other complete enclosing interior walls or partitions that is open to the floor below and has a floor area that is no greater than one-third of the total floor area of the floor below. When the total floor area of a mezzanine exceeds one-third of the total floor area of the floor below it constitutes an additional story. ~~For construction purposes, refer to the Building Code.~~  
In some instances, mezzanine may be defined differently by the Building Code.

**Mixed-Use Development.** The development of a parcel or building with two or more different land uses such as, but not limited to, a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

**Mobile Vendor.** Any person that sells, or causes or allows another, whether as an employee or as an independent contractor leasing or renting equipment, to sell any food, drinks, or merchandise by means of a motorized or non-motorized vehicle, such as a wagon, pushcart, handcart, bicycle, motorized cart, food truck, or other itinerant method.

#### Noise-Related Definitions.

***Community Noise Equivalent Level (CNEL).*** The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of five decibels to sound levels in the evening from 7 p.m. to 10 p.m. and after addition of 10 decibels to sound levels in the night from 10 p.m. to 7 a.m.

***Day-Night Average Sound Level (Ldn).*** The A-weighted average sound level for a given area (measured in decibels) during a 24-hour period with a 10 dB weighting applied to night-time sound levels (after 10 p.m. and before 7 a.m.). The Ldn is approximately numerically equal to the CNEL for most environmental settings.

***Decibel (dB).*** A unit of measurement used to express the relative intensity of sound as heard by the human ear describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

***Decibel, A-weighted (dBA).*** The “A-weighted” scale for measuring sound in decibels; weights or reduces the effects of low and high frequencies in order to stimulate human hearing. Every increase of 10 dBA doubles the perceived loudness though the noise is actually ten times more intense.

***Equivalent Sound Level (Leq).*** A single-number representation of the fluctuating sound level in decibels over a specified period of time. It is a sound-energy average of the fluctuating level.

**Temporary Sign.** A structure or device used for the public display of visual messages or images, which is typically made of lightweight or flimsy materials which is not intended for or suitable for long term or permanent display.

**Wall Sign.** Any sign attached to, erected against, or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a false or mansard roof.

**Window Sign.** Any sign painted, etched, or otherwise affixed to an exterior window of a building, or in the interior of the building, within three feet of a window, intended to be viewed from the exterior of such building. On-site advisory signs are not considered window signs.

**Site.** A parcel, or group of contiguous parcels, that is proposed for development in accordance with the provisions of this Ordinance and is in a single ownership or under unified control.

**Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the upper surface of the roof above. A mezzanine with a floor area that exceeds one third of the total floor area of the floor or level below constitutes a story. In some instances, story may be defined differently by the Building Code.

**Street.** A public or private thoroughfare which affords the access to a block and to abutting property. "Street" includes avenue, place, way, drive, boulevard, highway, road, and any other thoroughfare, except an alley as defined herein.

**Street Tree.** A tree fronting private property within the street right-of-way.

**Streetwall.** A wall or portion of a wall of a building facing a street.

**Structural Alterations.** Any physical change to or the removal of the supporting members of a structure or building, such as bearing walls, columns, beams, or girders including the creation, enlargement, or removal of doors or windows and changes to a roofline or roof shape.

**Structure.** Anything constructed or erected, which requires a fixed location on the ground, or is attached to a building or other structure having a fixed location on the ground.

**Structure, Accessory.** A detached subordinate structure, used only as incidental to the main structure on the same parcel.

**Structure, Main.** A structure housing the principal use of a site or functioning as the principal use.

**Structure, Temporary.** A structure without any foundation or footings and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

***Wireless Communications Facility.*** Personal wireless service facilities as defined by the federal Telecommunications Act of 1996 including, but not limited to, facilities that transmit and/or receive electromagnetic signals for cellular radio telephone service, personal communications services, enhanced specialized mobile services, paging systems, and related technologies. Such facilities include antennas, microwave dishes, parabolic antennas, and all other types of equipment used in the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; associated equipment cabinets and/or buildings; and all other accessory development used for the provision of personal wireless services. These facilities do not include radio towers, television towers, and government-operated public safety networks.

**Temporary Structure.** See Structure, Temporary.

**Temporary Use.** A use that is intended to be of a limited duration of time and that will not permanently alter the character or physical facilities of the property where it occurs.

**Tenant.** A person who rents, leases, or subleases, through either a written or oral agreement, ~~residential~~ real property from another.

**Trailer.** A vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons or property, including a mobile home, trailer coach or house trailer.

**Trash Screen/Enclosure.** A permanent, immobile structure, designed for the storage of a mobile resource recovery, recycling, or compost bin or container.

**Unit.** See Dwelling Unit.

**Use.** The purpose for which land or the premises of a building, structure, or facility thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

***Use, Accessory.*** A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same parcel as the primary use.

***Use, Primary.*** A primary, principal, or dominant use established, or proposed to be established, on a parcel.

**Use Classification.** A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: residential; ~~public and semi-public;~~ commercial; ~~employment~~ industrial; ~~and~~ transportation, communication, and utilities; and agricultural and extractive.

**Use Permit.** A discretionary permit, such as a Conditional Use Permit, which may be granted by the appropriate City authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings,