BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, REPEALING SECTION 15-1106, AMENDING SECTIONS 15-1302, 15-4907, 15-5102, 15-6702, 15-6802, AND ADDING SECTION 15-2742.5 OF THE FRESNO MUNICIPAL CODE, RELATING TO ADDITIONAL STANDARDS

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

SECTION 1. Section 15-1106 of the Fresno Municipal Code is repealed to read:

~~SECTION 15-1106 – ADDITIONAL STANDARDS~~

~~(A) Projects shall incorporate all relevant mitigation measures required pursuant to applicable environmental assessments prepared pursuant to CEQA that encompass the project area. "Applicable Environmental Assessments" shall include, but may not be limited to the following:~~

~~(1) An EIR prepared for the General Plan in effect at the time of project approval.~~

~~(2) A Program or Project EIR prepared for either a Community Plan or Specific Plan that includes the project area, in effect at the time of project approval.~~

~~(3) An Environmental Assessment reviewing the removal of density limits in Mixed-Use areas.~~

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval: KC

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(B) The proposed design shall 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. The determination of whether or not the proposed design can be accommodated within existing infrastructure shall be made by the Review Authority in consultation with the Directors of Public Works and Public Utilities.

(C) The project shall comply with the following standards to ensure it can be adequately served by City Public Utility Services:

(1) Pipelines that are downstream (between the project site and wastewater treatment plant or lift station) from the proposed project shall maintain a sewer flow capacity of 1.15 q/Q ratio. Projects that result in pipeline exceeding the flow capacity of 1.15 q/Q shall construct upsized replacement pipelines for those found to be deficient per the requirements of the Department of Public Utilities Director.

(2) On-site retention or storm drainage system modifications are required for projects within Priority Development Areas that are: 1) proposed at a density

~~exceeding the maximum density currently permitted in the mixed-use district (16 du/ac in CMS, CR, and NMX, 30 du/ac in CMX, and 45 du/ac in RMX) and 2) within areas where storm drain facilities are already constructed. Projects proposed outside the Priority Development Areas shall comply with General Plan PEIR mitigation measures related to stormwater.~~

~~(3) The City shall evaluate additional landfill locations at the time discretionary projects are submitted and shall not approve development that could contribute to solid waste to landfill that is at capacity until additional capacity is provided.~~

~~(4) For any project that results in the existing water system pipelines in the area of the project from not being able to meet maximum day demand plus the project required fire flow of 2,500 gallons per minute (gpm), the project developer shall construct upsized replacement pipelines, per the requirements of the Department of Public Utilities Director, in the project vicinity to increase flow for the maximum day demand plus fire flow condition.~~

~~(D) The project shall comply with the following standards and all applicable Public Works standards:~~

~~(1) To maintain a peak hour LOS standard of F or better for all intersections and roadway segments, a traffic impact study (TIS) is required for all development projected to generate 300 or more peak hour new vehicle trips within the Project Area, unless not required by the City Traffic Engineer. The following is also exempt:~~

~~(i) Develop within Infill Priority Areas within the Project Area proposing 80% residential development do not require a traffic impact study.~~

~~(2) When a proposed residential development consisting of more than 200 units is in close proximity to a school or activity center, is near a transit stop or pedestrian or bicycle route, bicycle and pedestrian facilities such as signalized crossings, traffic signal upgrades, such as left-turn phasing, sidewalks or asphalt paths, and bicycle facilities may be required.~~

~~(3) When LOS reaches E or F on High Frequency Transit Corridors, development projects within the Corridors~~

~~may be conditioned to provide transit street design treatments and operational strategies, or in-lieu fees, set forth by the City of Fresno, including intersection treatments, dedicated transit lanes, business access transit (BAT) lanes, Transit Signal Priority (TSP), and/or others.~~

~~(4) When a proposed residential development consisting of more than 200 units is on close proximity to a school or activity center, is near a transit stop or pedestrian or bicycle route, the project may be dated September 26, 2019 (as amended).~~

SECTION 2. Section 15-2742.5 of the Fresno Municipal Code is added to read:

[SECTION 15-2742.5 – OFFICE-TO-DWELLING CONVERSION.

A. **Purpose.** The purpose of this section is to allow for the conversion of an existing office building(s) from an office use to a multi-unit residential use which will provide housing to residents and facilitate compliance of said structures into safe and habitable condition as required by State and local law.

B. **Applicability.** Office-to-Dwelling Conversions shall be permitted in locations where an Eligible Office may exist.

C. **Permit Required.** An application for an Office-to-Dwelling Conversion shall require a Zone Clearance per §15-5102.

D. **Definitions.**

1. "Eligible Office" shall be defined as an existing office building(s) located in the O District.

E. **Compliance with Existing Regulations.** The following requirements shall apply to all Office-to-Dwelling Conversions:

1. An Eligible Office shall bring the subject office building(s) into full compliance with the most recently adopted California Building Code(s), as may be amended and any local amendments thereto.

2. An Eligible Office shall be subject to the occupancy classifications and change of occupancy requirements in the California Building Code(s) based upon the classification most similar to the primary use of the facility, as determined by the Building Official.

3. An Eligible Office shall not operate if the building(s) or any portion of the building(s) exists with any of the conditions necessary to be declared a substandard building within the meaning of California Health and Safety Code Section 17920.3, as may be amended.

4. In the event an Eligible Office is declared a substandard building(s) or otherwise exists with any of

the conditions necessary to be declared a substandard building(s), the Eligible Office shall be subject to the provisions of Fresno Municipal Code Sections 11-324 et. seq.

F. **Maximum Density.** There is no maximum density, rather, the number of allowable units shall be determined by compliance with the California Building Code(s) for minimum dwelling unit square footage requirements.

G. **Other Capacity Inspections.** Office-to-Dwelling Conversions shall complete plumbing, structural, and mechanical, and any other improvements sufficient to accommodating residents, and as deemed necessary by the Building Official to preserve the public health and safety. These improvements are subject to review, inspection, and approval of the Building Official.

H. **Legal Non-Conforming Uses, Structures, and Site Features.** The provisions of Sections 15-404 and 15-405 shall apply to any legal non-conforming uses, structures, and site features of an Eligible Office that are not subject or related to an Office-to-Dwelling Conversion. Should an Eligible Office choose to additionally alter any use, structure, or site feature not associated with an Office-to-Dwelling Conversion, such

alterations shall be done in compliance with all applicable State and local codes.

1. The construction of ancillary structures required for the conversion of office to residential uses is permitted. Construction of these structures must comply with the RM-3 District standards for new development, as identified in Section 15-1003.]

SECTION 3. Section 15-1302 of the Fresno Municipal Code is amended to read:

SECTION 15-1302 – USE REGULATIONS.

A. Table 15-1302 below prescribes the proposed land use regulations for Employment Districts. The regulations for the district are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

"P" designates permitted uses.

"C" designates uses that are permitted after review and approval of a Conditional Use Permits.

"(#)" 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.

TABLE 15-1302: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS						
Use Classifications	**O**	**BP**	**RBP**	**IL**	**IH**	**Additional Regulations**
Residential Use Classifications						
Caretaker Residence	-	-	-	P(2)	P(2)	
Lodging-to-Dwelling Conversion	C	C	C	C	C	§ 15-2737.5 Lodging-to-Dwelling Conversion Requirements
[Multi-Unit Residential]	[P(17) (18)]	[-]	[-]	[-]	[-]	[§ 15-2742.5 Office-to-Dwelling Conversion]
Public and Semi-Public Use Classifications						
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	P (14)	P (14)	P (14)	-	
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	P (15)		§ 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						
Hospital	C(11)	C(11)	C(11)	C(11)	C(11)	
Clinic	P	P	P	C	-	
Substance Abuse Treatment Clinic	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	-	
Commercial Use Classifications						

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						
Kennels	-	P	P	P	P	
Veterinary Services	C	P	P	P	P	
Artist's Studio	P	P	-	P	-	
Automobile/Vehicle Sales and Services						
Automobile Rentals	P	P	P	P	P	§ 15-2709, Automobile and Motorcycle Retail Sales and Leasing
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, § 9-1801, Billiard Rooms
Food and Beverage Sales						
Farmer's Market	P	P	P	P	-	
General Market	P	P	P	P	-	§ 15-2744, Outdoor Dining and Patio

						Areas; § 15-2745, Outdoor Retail Sales
Healthy Food Grocer	-	P	P	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	-	
Walk-In Clientele	P	P	P	P	-	
Personal Services						
General Personal Services	P	P	P	P	-	
Tattoo or Body Modification Parlor	-	-	-	P	-	§ 15-2758, Tattoo or Body Modification Parlor
Retail Sales						
Building Materials and Services	-	-	-	P	P	§ 15-2745, Outdoor Retail Sales
Convenience Retail	P(4)	P(4)	P(4)	P(4)	P(4)	§ 15-2745, Outdoor Retail Sales; 15-2761 Tobacco and Vapor Shops
General Retail	P(4)	P(4)	P(4)	P(4)	P(4)	§ 15-2733, Hobby Stores; § 15-2745, Outdoor Retail Sales
Large-Format Retail	-	P(8)	P(8)	P(8)	P(8)	§ 15-2737, Large-Format Retail; § 15-2745, Outdoor Retail Sales
Nurseries and Garden Centers	-	-	-	C	-	§ 15-2745, Outdoor Retail Sales

Swap Meet/Flea Market	-	-	-	C	-	§ 15-2731, Flea Markets
Industrial Use Classifications						
Construction and Material Yards	-	P(16)	P(16)	P(16)	P(16)	§ 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						
Reverse Vending Machine	P	P	P	P	P	§ 15-2750, Recycling Facilities
CRV Recycling Center	-	-	-	C	C	
Recycling Processing Facility	-	-	-	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						
Chemical and Mineral Storage	-	-	-	C	C	§ 15-2732, Hazardous Waste Management Facilities
Indoor Warehousing and Storage	-	P	P	P	P	
Outdoor Storage	-	P(8) (16)	P(8) (16)	P(16)	P(16)	§ 15-2721, Concrete Batch Plants, Storage

						Yards, and Similar Uses
Personal Storage	C	P	P	P	P	§ 15-2747, Personal (Mini) Storage
Wholesaling and Distribution	-	P	P	P	P	
Transportation, Communication, and Utilities Use Classifications						
Airports and Heliports	-	C(9)	C(9)	C	C	
Communication Facilities						
Antenna and Transmission Towers	§ 15-2759, Telecommunications and Wireless Facilities					
Facilities within Buildings	P	P	P	P	P	
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	§ 15-2732, Hazardous Waste Management Facilities
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	

Produce Stand	-	-	-	P	P	§ 15-2752, Roadside Fruit Stands/Grower Stands
Rendering	-	-	-	-	C	
Sales Lot, Feed Lot, Stockyard	-	-	-	C	P	
Slaughterhouse	-	-	-	-	C	
Tasting Room	-	C	C	C	C	
Urban Farm	-	-	-	P	P	§ 15-2720, Community Gardens/Urban Farms
Other Applicable Types						
Accessory Uses and Structures	§ 15-2703, Accessory Uses					
Home Gardens	§ 15-2734, Home Gardens and Edible Landscaping					
Animal Keeping	§ 15-2707, Animal Keeping					
Drive-In and Drive-Through Facilities	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					

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. 14. When located within 300 of an Intensive Industrial use a Conditional Use Permit shall be required. 15. Shall be required to comply with Master Environmental Impact Report mitigation measures MM AIR-2, MM AIR-3, and MM AIR-4 if applicable. 16. A courtesy notice will be provided to all properties within 1,000 feet of these uses when approved. [17. Permitted in conversions of existing office building(s).] [18. Permitted for the construction of new residential uses on vacant or underutilized parcels. Housing projects shall meet the requirements of the RM-3 District, §15-1003 and §15-5102.]

SECTION 4. Section 15-4907 of the Fresno Municipal Code is amended to read:

SECTION 15-4907 – SUMARY 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		
Proposed Activity	**Permit or Action Required**	**Type of Decision**
Use-Only Proposals		
Establishment of a (P) Permitted use, not associated with development of property	Zone Clearance	Ministerial
Establishment of a (C) Conditional use	Conditional Use Permit	Discretionary Quasi-Judicial
Establishment of a Temporary use	Temporary Use Permit	Discretionary Quasi-Judicial
Establishment of use which is not listed in this Code	Director's Determination	Ministerial
Development Proposals		
Development of one single-family home, duplex, or qualifying Downtown housing	Zone Clearance	Ministerial

which complies with all provisions of this Code		
Development of property to a greater extent than is covered by a Zone Clearance	Development Permit (Formerly Site Plan Review)	Discretionary Quasi-Judicial
Request for relief from property development standards due to unique conditions in conjunction w/a Development Permit	Variance	Discretionary Quasi-Judicial
Request for relief from property development standards of 10% or less in conjunction with a Development Permit	Minor Deviation	Discretionary Quasi-Judicial
Innovative development proposal which does not comply with the provisions of any zone district within this Code	Planned Development Permit	Discretionary Quasi-Judicial
[Development of new multi-unit residential or Office-to-Dwelling conversions in the O District]	[Zone Clearance]	[Ministerial]
[Development of a multi-unit residential project in Multi-Family Districts within half a mile of an existing bus stop]	[Zone Clearance]	[Ministerial]
[Development of housing in Mixed-Use Districts within the City's Infill Priority Area]	[Zone Clearance]	[Ministerial]
Other Proposals or Actions		
Formal interpretation of this Code, verifications of prior permits, or confirmation of zoning district	Zoning Inquiry	Ministerial
Minor changes to approved plans, consistent with original findings and conditions	Minor Modification	Ministerial
Change to discretionary permit or change to approved plans that would affect findings or conditions	Major Modification	Discretionary Quasi-Judicial
Violation of conditions or terms of permit	Revocation of Permit	Discretionary Quasi-Judicial
Modifications of or exceptions from regulations to ensure equal access to housing for individuals with disabilities	Reasonable Accommodation for Housing	Discretionary Quasi-Judicial
Proposals to change a regulation within this Code	Development Code Text Amendment	Discretionary Legislative
Proposal for development which complies to regulations of an existing district, but not the one currently applied to the site	Rezone	Discretionary Legislative

Change of the General Plan land use designation for a site	Plan Amendment	Discretionary Legislative
Large, multi-phase project which needs certainty regarding regulations over time in exchange for public benefits	Development Agreement	Discretionary Legislative

NOTE: This table is not regulatory, and is provided only as an overview of permits and actions for ease of reference. For complete regulations, procedures, and requirements, see Articles 49 through 66.

PC = Planning Commission and CC= City Council

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

Permit or Action	Advisory Body	Review Authority	Appeal Body	Public Notice?	Public Hearing?	Article
Use-Only Proposals						
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
Development Proposals						
Zone Clearance	-	Director	PC	No	No	51
Development Permit (Formerly Site Plan Review)	-	Director (PC on referral)	PC (CC if referred)	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	59

					w/PC referral)	
Other Proposals or Actions						
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	See Section 15-5016					
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

SECTION 5. Section 15-5102 of the Fresno Municipal Code is amended to read:

SECTION 15-5102 – APPLICABILITY.

A. **Establishment of Permitted Use.** A Zone Clearance is required to confirm that the establishment of a new use permitted as a matter of right and that no Conditional Use Permit or other entitlements are required prior to securing a tax certificate and commencing operations.

B. **Development of One Single-Family Home or One Duplex.** A Zone Clearance is required to confirm that the construction

of one single-family house or one duplex is permitted as a matter of right and that such a project is being proposed in a manner which is compliant with, and without any deviations from, all applicable development standards prior to securing a building permit. If a proposed development project does not meet the threshold for a Zone Clearance it shall be required to secure a Development Permit.

C. **Signs.** Unless a Master Sign Program is required per Section 15-2612, a Zone Clearance is required to confirm that proposals for a new signage are consistent with all applicable regulations of this Code.

D. **Downtown Housing.**

1. Downtown projects which meet all of the following criteria shall require a Zone Clearance to confirm that their construction is permitted as a matter of right and that such a project is being proposed in a manner which is compliant with, and without any deviations from, all applicable development standards prior to securing a Building Permit:

   a. Located within a DT District;

   b. A minimum of 16 total dwelling units in the project;

c. A residential density of no less than 20 du/ac;

d. Residential uses must occupy 50% or more of the total floor area; and

e. No historical resources or potential historic resources are located on the site.

2. Downtown projects which do not meet the threshold for a Zone Clearance shall be required to secure a Development Permit.

[(E.) **Additional Housing Streamlining.**

1. Permitted Uses. The following types of projects shall be permitted with a Zone Clearance if the additional standards within the section are met:

a. Office-to-Dwelling Conversions (also §15-2742.5)

b. New standalone multi-unit residential development in the O District

c. Multi-unit residential development in the RM-1, RM-2, and RM-3 Districts on parcels that are within ½ mile of an existing bus stop

d. Multi-unit residential uses in NMX, CMX, RMX, CMS, and CR Districts on parcels within the City's Infill Priority Area.

2. Exceptions.

a. Sensitive Areas. A project that is located on a parcel that contains any of the following characteristics must obtain a Development Permit.

i. Important Farmland (Prime Farmland, Unique Farmland, or Farmland of Statewide Importance), as designated by the State Department of Conservation;

ii. Williamson Act contract(s);

iii. Special flood hazard area (A, AE, etc.) as designated by the Federal Emergency Management Agency;

iv. Safety Zones 1 (RPZ), 2 (IADZ) or 3 (ITZ) within the Airport Influence Areas as designated by the Airport Land Use Commission of Fresno County;

v. Hazardous sites (e.g. Cortese List reference);

vi. The Project would involve the modification or demolition of a designated Historic Resource.

b. New residential development is prohibited on vacant or underutilized parcels located in the Office Zone District within 500 feet of a school.

3. Development or Impact Thresholds. A project sire that is determined to require additional review or improvements based on a technical study or analysis required pursuant to any of the following, must obtain a Development Permit unless otherwise specified below.

a. If after a Phase I ESA is completed, a Phase II ESA is recommended.

b. If the project is located on land where no urban development has ever occurred, or on a site that could provide suitable habitat for special-status species (trees, natural habitat, etc.), a technical study (biological assessment) is required. If it is determined that the property could not provide suitable habitat for special-status

species, then the project can be processed as a zone clearance.

c. If the Project involves the demolition or change to the exterior building elevations of a building over 50 years old, a Historic Resource evaluation is required. If the building is determined to be a potentially significant historic resource, a discretionary development permit is required.

d. If a project involves changes on previously undisturbed land, a CHRIS record search is required. If no additional recommendations are provided in this letter that would trigger a cultural resource study, then the project can be processed as a zone clearance.

e. If the Project would exceed 224 units for low-rise (1-2 levels), 225 units for mid-rise (3-10 levels), or 340 units for high-rise (10+ levels) apartments, and generate more than 800 average daily

one-way trips. If the project exceeds this threshold but a technical assessment for operational and construction emissions determines the project will be below applicable air district thresholds, then the project can be processed as a zone clearance.

f. If the Project proposes construction on a parcel adjacent to sensitive receptors, a Health Risk Assessment (HRA) for Toxic Air Contaminants (TACs) related to construction will be required. If this HRA determines the project will be below applicable air district thresholds (with or without construction conditions including requiring Tier 4 equipment, limiting idle time, limiting construction time, etc.), then the project can be processed as a zone clearance. Otherwise, a discretionary development permit will be required.

g. Projects within traffic zones TIZ 1, TIZ 2, and TIZ 4 that would generate more than 200 new peak hour trips, projects in TIZ 3 that would generate more than 100 new peak hour trips, projects within the Neighborhood Mixed-Use (NMX), Corridor/Center Mixed-Use, (CMX), Regional Mixed-Use (RMX), Commercial-Main Street (CMS), and Commercial Regional (CR) that generate more than 300 peak hour trips, or projects proposing less than 80% residential development within NMX, CMX, RMX, CMS or CR zone district within the Infill Priority Area. However, if a Traffic Impact Analysis is completed and no off-site improvements beyond standard requirements are recommended, and the project will not exceed LOS thresholds, the application can be processed subject to a zone clearance.

h. If a project does not meet at least one of the project screening criteria contained in the City of Fresno, CEQA Guidelines for VMT Thresholds (Adopted June 2020) according to the Fresno County VMT Screening Application, a discretionary development permit is required.

i. It shall be determined that the proposed project can be accommodated within existing infrastructure by the Review Authority in consultation with the Directors of Public Works and Public Utilities. If major infrastructure improvements are required beyond what is contained in the conditions below in Section 15-1006-D-2 and E (i.e. a well, and off-site traffic signal, transmission mains beyond the project frontage, etc.) in order to accommodate the proposed development, a Discretionary Permit is required.

j. A noise study shall be required for any project involving construction activities that are located adjacent to a sensitive receptor(s). The noise study shall assess potential noise impacts from construction activities, including but not limited to demolition, site preparation, grading, excavation, foundation work, building construction, and paving.

i. If the noise study finds that construction activities would be less than 80 dBA, then the application can be processed subject to a zone clearance.

ii. If the noise study finds that construction activities would be greater than 80 dBA, then either 1) a discretionary permit is required or 2) the study may identify noise control measures to bring levels to

less than 80 dBA and the project can then be subject to a zone clearance.

4. Compliance with Environmental Assessment. Projects shall incorporate all relevant mitigation measures in the following documents as environmental design features:

a. An EIR prepared for the General Plan, in effect at the time of project approval.

b. An EIR prepared for either a Community Plan or Specific Plan that includes the project area, in effect at the time of project approval.

c. An environmental assessment reviewing the removal of density limits in mixed use zone districts.

d. An environmental assessment prepared for projects subject to ministerial approval as noted in Subsection A of this Section. General Plan mitigation measures identified in this environmental document that reference “Discretionary

Projects" shall also apply to these ministerial Zone Clearance applications.

5. Infrastructure Requirements. The proposed design shall 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 system.

a. The project shall comply with the following standards to ensure it can be adequately served by City Public Utility Services:

i. Pipelines that are downstream (between the project site and wastewater treatment plant or lift station) from the proposed project shall maintain a sewer flow capacity of 1.15 q/Q ratio. Projects that result in a pipeline exceeding the flow capacity of 1.15 q/Q shall construct upsized replacement pipelines for those found to be deficient per the requirements of the Department of Public Utilities Director.

ii. On-site retention or storm drainage system modifications are required for projects within Priority Development Areas and the O District that are: 1) proposed at a density exceeding 16 du/ac in CMS, CR, and NMX, 30 du/ac in CMX, and 45 du/ac in RMX and 2) within areas where storm drain facilities are already constructed. Projects proposed outside Priority Development Areas and O Districts shall comply with General Plan EIR mitigation measures related to stormwater.

iii. The City shall evaluate additional landfill locations at the time of discretionary projects are submitted and shall not approve development that could contribute solid waste to a landfill that is at capacity until additional capacity is provided.

iv. For any project that would cause the existing water system pipeline in the

surrounding area to no be able to meet maximum day demand plus the project required fire flow of 2,500 gallons per minute (gpm), the project developer shall construct upsized replacement pipelines, per the requirements of the Department of Public Utilities Director, in the project vicinity to increase flow for the maximum day demand plus fire flow condition.

6. The project shall comply with the following standards and all applicable Public Works standards as referenced in §13-208:

   a. When a proposed residential development consisting of more than 200 units is in close proximity to a school or activity center (e.g. a mixed-use urban area where there is a concentration of commercial and other land uses), is near a bus stop or pedestrian or bicycle route (existing or planned per the Active Transportation Plan as amended), the following may be required:

i. Bicycle and pedestrian facilities such as signalized crossings, traffic signal upgrades, such as left-turn phasing, sidewalks or asphalt paths, and bicycle facilities.

ii. Construction of improvements in accordance with the City of Fresno's Complete Street Policy (as amended).

b. When LOS reaches E or F on High Frequency Transit Corridors, development projects within the Corridors may be conditioned to provide transit street design treatments and operational strategies, or in-lieu fees, set for by the City of Fresno, including intersection treatments, dedicated transit lanes, business access and transit (BAT) lanes, Transit Signal Priority (TSP), and/or others.]

~~(E)~~[F.] **Other Activities.** A Zone Clearance shall be required for any other activity for which a Zone Clearance is specifically required elsewhere in this Code.

~~(F)~~[G.] Streamlined Development as defined in Section 65913.4 of the California Government Code.

[H.] **Exceptions.**

1. No Zone Clearance shall be required for the continuation of previously approved or permitted uses and structures, or uses and structures that are not subject to any Building Code or Development Code regulations.

2. A change in building use that complies with this Code shall require a Building Permit if the use is in a different Building Code occupancy group class, such as conversion of a retail building to public assembly or residential use.

SECTION 6. Section 15-6702 of the Fresno Municipal Code is amended to read:

SECTION 15-6702 – RESIDENTIAL USE CLSSIFICATIONS.

Residential Housing Types.

Single-Unit Dwelling, Detached. A dwelling unit designed for occupancy by one household, and located on a separate lot from any other unit (except second living units, where permitted). This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

Single-Unit Dwelling, Attached. A dwelling unit designed for occupancy by one household, located on a single lot and typically grouped together in a row of similar units. They may be attached through common vertical party wall(s) to

one or more dwellings on abutting lots, or may appear to be attached, but are structurally independent.

Second Dwelling Unit. A dwelling unit providing complete independent living facilities for one or more persons that is located on a lot with another primary, single-unit dwelling. A second unit may be within the same structure as the primary unit, in an attached structure, or in a separate structure on the same lot.

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."

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, which may be attached, detached, or located within the living areas of the primary dwelling unit on the lot.

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 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.

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, other types of organizational housing, private residential clubs, and farmworker housing, 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.

Lodging-to-Dwelling Conversions. The conversion of existing hotels or motels from a commercial lodging use to a residential use which will provide housing to non-transient residents and facilitate bringing such hotel or motel buildings into safe and habitable condition as required by State and local law.

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.

[**Office-To-Dwelling.** The conversion of existing office building(s) from an office use to a multi-unit residential use which will provide housing to residents and facilitate compliance of said structures into safe and habitable condition as required by State and local law.]

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.

SECTION 7. Section 15-6802 of the Fresno Municipal Code is amended to read:

SECTION 15-6802 – DEFINITIONS.

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.

Bay Window. An angular or curved window that projects from the building surface.

Bedroom. Any habitable space in a dwelling unit or accessory structure other than a kitchen or living room that is intended for or capable of being used for sleeping and is at least 70 square feet in area.

Block. Property bounded on all sides by a public right-of-way.

Blockface. All property between two intersections that fronts upon a street or abuts a public right-of-way.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials.

Building, Accessory. A detached building located on the same parcel as the principal building, which is incidental and subordinate to the principal building in terms of both size and use. A building will be considered part of the principal building if located less than six feet from the principal building or if connected to it by fully enclosed space.

Building, Principal. A building in which the principal use of the parcel on which it is located is conducted.

Building Code. Any ordinance of the City governing the type and method of construction of buildings, signs, and sign structures and any amendments thereto and any substitute therefore including, but not limited to, the California Building Code, other State-adopted uniform codes and the Minimum Building Security Standards Ordinance.

Building Face. The general outer surface of the structure or walls of a building. Where bay windows or pillars project beyond the walls, the outer surface of the windows or pillars shall be considered to be the face of the building.

Building Envelope. The aggregate of building mass and building bulk permitted on a parcel which is defined by height regulations, setbacks, and other property development standards.

Building Footprint. See Footprint.

Building Height. See Height.

Building Site. A parcel or parcel of land occupied, or to be occupied, by a main building and accessory buildings together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, highway, or waterway.

Buffer, Buffering. An area on a parcel which is designed to separate structures and uses from the general public and/or adjacent properties to reduce negative impacts. It may include landscaping, fences, and walls.

California Department of Alcoholic Beverage Control (ABC). The California State agency that regulates the permitting of alcoholic beverage sales, including the sale of beer, wine, and distilled spirits.

California Environmental Quality Act (CEQA). Public Resources Code Section 21000 et seq. or any successor statute and associated guidelines (California Code of Regulations Section 15000 et seq.) that require public agencies to document and consider the environmental effects of a proposed action before a decision.

Canopy. A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

Carport. A permanently roofed structure providing space for parking or temporary storage of vehicles enclosed on not more than two sides.

Change of Use. A discontinuance of an existing use and the substitution therefore of a use such that the new use represents a different use group or is otherwise differently regulated by the zoning code compared to the prior use. A change of ownership alone does not constitute a change of use.

Change of Occupancy. A discontinuance of an existing building use and substitution of a new use that changes the Building Code occupancy group classification and requires a building permit and new Certificate of Occupancy as determined by the Building Official.

City. The City of Fresno.

City Council. The City Council of the City of Fresno.

Clear. Measured depth of frontage elements such as porches, arcades, galleries are free of encroachments other than allowed signs, light fixtures, sidewalk dining and allowed furnishings, and outdoor display of merchandise.

Conditionally Permitted. Permitted subject to approval of a Conditional Use Permit.

Construction. Construction, erection, enlargement, alteration, conversion, or movement of any building, structures, or land together with any scientific surveys associated therewith.

County. The County of Fresno.

Courtyard. An unroofed area that is completely or mostly enclosed by walls of a building.

Craft beer. A beer or malt beverage manufactured by a brewer with an annual production of six million barrels of beer or less, where less than 25 percent of the craft brewery is owned or controlled by an alcohol industry member, and where a majority of total beverage alcohol volume is beer that derives flavor from traditional or innovative brewing ingredients and their fermentation.

Curb Cut. A break in a curb allowing vehicle access from the roadway to a legal parking area within the parcel.

Deck. A platform, either freestanding or attached to a building that is used for outdoor space. It typically extends from the façade of a building and is supported by pillars or posts but may be located on a flat portion of a building, such as a roof or setback. It is distinct from a Patio. See also Balcony.

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. 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.

Emergency. A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

Enclosed. Completely surrounded by walls.

Entitlement. Formal permission from the Planning Division to use or develop land, including Zone Clearances, Development Permits, and Conditional Use Permits, but not including legislative actions such as Rezones and Plan Amendments. An individual entitlement may be sufficient for a project to proceed, or may need to be used in conjunction with another entitlement.

Entrance. An opening, such as a door, passage, or gate, that allows access to a place.

Environmental Review. An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

Environmental Impact Report (EIR). An Environmental Impact Report as required under the California Environmental Quality Act.

Erect. To build, construct, attach, hang, place, suspend, or affix to or upon any surface.

Excavation. The removal of soils or other materials below grade.

Expressway. A roadway for through traffic with full control of access and generally with signalized intersections.

Façade. The face of the exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

Façade, Street-Facing. Any building façade whose exterior wall faces or is within 45 degrees of parallel to an adjacent street, right-of-way, or public park, plaza, or open space.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Fee. A payment to the City for the processing of a permit, license, or appeal application by a City agency or department.

Fence. An artificially-constructed barrier of any material or combination of materials erected to enclose or screen an area of land. Fences may also be walls, hedges, and screen planting.

Fire Code. An ordinance of the City adopting and amending the California Fire Code governing fire and life safety protection for new and existing buildings and facilities.

Flood or Flooding. Any general inundation of normally dry land from the overflow of tidal waters or from the unusual and rapid accumulation of runoff of surface waters from any source.

Floor Area. The total gross horizontal area of all the floors below the roof and within the outer surface of the walls of a building or structure, including basements, mezzanines, interior balconies, and upper stories or levels in a multi-story building unless otherwise stipulated. See Section 15-304, Measuring Distances, for rules for calculating floor area.

Floor Area Ratio. The ratio of the total floor area of all buildings on a parcel to the total area of the parcel. See Section 15-309, Determining Floor Area Ratio for rules on calculating floor area ratio.

Footprint. The horizontal area, as seen in plain view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves.

Freeway. A highway for through traffic with full control of access and grade-separated interchanges.

Garage. A building or portion thereof, containing accessible and usable enclosed space designed, constructed and maintained for the parking or storage of one or more motor vehicles.

Garage Sales. The sale or offering for sale to the general public of over five items of personal property on a portion of a parcel in a residentially zoned district, whether inside or outside any building.

General Plan. The City of Fresno General Plan.

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability, and which may also cause damage to property.

Government Code. The Government Code of the State of California.

Grade. The location of the ground surface.

Average Grade. A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of a building. Average grade is calculated separately for each building.

Existing Grade. The elevation of the ground at any point on a parcel as shown on the required survey submitted in conjunction with an application for a building permit or grading permit. Existing grade also may be referred to as natural grade.

Ground Floor. The lowest floor of a building other than a basement that is closest to finished grade.

Ground-Floor Street Frontage. The first level of a building, other than a basement, that borders a public street.

Habitable Space. As defined in Section 202 of the California Building Code.

Habitation. Regular and exclusive use of a space or structure for shelter and other residential purposes in a manner that is private and separate from another residence on the same parcel.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Height. The vertical distance from a point on the ground below a structure to a point directly above. See also Section 15-305, Measuring Height.

Historic Preservation Commission. The Historic Preservation Commission of the City of Fresno.

Home Occupation. A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling.

Household. One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food; who share living expenses, including rent or mortgage payments, food costs and utilities; and who maintain a single mortgage, lease, or rental agreement for all members of the household.

Illegal Non-Conforming Use, Structure, or Site Feature. A use, structure, site feature, or lot shall be designated as having Illegal Non-Conforming status if it was not lawfully established under the regulations of the jurisdiction in which it was located at the time of its establishment or has not continuously remained in compliance with all terms and conditions imposed upon the use, structure, or site feature upon its establishment or imposed upon it any time thereafter.

Intensity of Use. The extent to which a particular use or the use in combination with other uses affects the natural and built environment in which it is located, the demand for services, and persons who live, work, and visit the area. Measures of

intensity include, but are not limited to, requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light, or glare generated; the number of persons attracted to the site, or, in eating establishments, the number of seats.

Intersection, Street. The area common to two or more intersecting streets.

Kitchen. A room or space within a building with appliances used for cooking or preparing food.

Land Division-Related Definitions. The following terms are related to Part IV: Land Divisions.

Arterial. A street designated by the circulation element of the General Plan to serve high-volume inter- and intra-city traffic, and to act as a distributor between freeways, other arterials, and major traffic generators.

Block. An area of land within a subdivision entirely bounded by any streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision.

Collector Street. A street designated by the circulation element of the General Plan to collect and distribute traffic between local streets and arterials.

Community Apartment. An undivided interest in common in the land coupled with the right of exclusive occupancy of an apartment unit which is part of a community apartment project.

Community Apartment Project. As defined by Section 11004 of the California Business and Professions Code.

Condominium. As defined by Section 783 of the California Civil Code.

Condominium Project. A development consisting of condominiums.

Conversion. The creation of separate ownership of existing real property together with a separate interest in space of a building.

Comparable Replacement Housing. Available rental housing located within a reasonable proximity to the proposed condominium conversion project, and to public and commercial facilities, with units which are decent, safe, and sanitary, and which are generally similar in size and price to those of the proposed project.

Cul-de-sac. A street which terminates in a permanent turn-around and which by design is not intended to continue beyond its terminal point.

Dead-End Street. A street which is terminated at the boundary line of the subdivision but which will be required to be extended at a later date to provide access to abutting land.

Expressway. A roadway for through traffic with full control of access and generally with signalized intersections.

Final Map. A map showing a subdivision of five or more lots, prepared for filing with the Fresno County Recorder in accordance with the provisions of the Subdivision Map Act and Part IV: Land Divisions, if deemed in substantial

compliance with a previously approved tentative subdivision map and with any conditions to such approval.

Frontage. That portion of a parcel of property which abuts on a public street.

Frontage Road. A street adjacent and auxiliary to a Major Street, and separated by a divider strip, which street provides access to abutting property.

Handicapped. As defined by Section 50072 of the California Health and Safety Code.

Improvements. Any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the Final Map thereof. Improvements also refers to any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approval by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan.

Improvement Plans. The plans, profiles, cross-sections, and specifications of all proposed improvements.

Local Collector Street. A local street also serving as a collector street for several local streets.

Local Street. Any public street that is used or is intended to be used for the principal purpose of serving as access to abutting property.

Lot Line Adjustment. A shift or rotation of an existing lot line or other adjustment where a greater or lesser number of parcels than originally existed is not created.

Map Act. The Subdivision Map Act of the State of California Government Code.

Merger. The joining of two or more contiguous parcels of land under one ownership into one parcel.

Outlot. A lot designated alphabetically on the subdivision map for specific use or nonuse.

Parcel. A single unit of land separated from other units of land by legal description, the boundaries of which are shown on a parcel map or final map, described in a deed, or for which a certificate of compliance has been issued pursuant to the Subdivision Map Act. Parcel shall also include two or more parcels where the owner(s) have recorded a covenant with the Office of the County Recorder that states the intention of the owner(s) to combine and use the parcels as a single unit of land in compliance with City regulations. Also referred to as "lot."

Parcel Map. A map prepared in accordance with the provisions of this Subdivision Ordinance, designed to be placed on record in the office of the Fresno County Recorder, and providing for the division of land which meets the exceptions set forth in Section 66426 of the Map Act.

Private Street. Any street, roadway, accessway or similar, lying in whole or in part within a subdivision which is privately owned and maintained and provides access to a development.

Public Improvement. Street work, utilities, and other facilities proposed or required to be installed within the subdivision for the general use of all the subdivision lot owners and for local neighborhood or community needs.

Remainder. That portion of an existing parcel which is not designated on the required map as part of the subdivision. The remainder shall not be considered as part of the subdivision but shall be shown on the required map as part of the area surrounding the subdivision.

Restricted Access Strip. A strip of land not less than one foot in width for the purpose of regulating access to part-width and dead-end streets until such time as such roads may be completed or extended.

Standard Specifications. The Standard Specifications of the Department of Public Works of the City as may be amended from time to time.

Stock Cooperative. The same as defined by Section 11003.2 of the California Business and Professions Code.

Subdivider. A person, firm, corporation, partnership, or association who proposes to divide, divides, or causes to be divided real property into a subdivision for their self or for others.

Subdivision. The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered contiguous units, even if it is separated by roads, streets, utility easement, or railroad rights-of-way. This definition shall specifically include Condominiums, Community Apartment Projects, or Stock Cooperative conversions.

Temporary Turn-Around. A paved area for turning vehicles at the end of a dead-end street, which is constructed either within the dedicated right-of-way or upon a temporary easement, to be obliterated when such street is extended.

Tentative Map. A map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it.

Tentative Parcel Map. A map made for the purpose of showing the design and improvements of a proposed subdivision creating four or fewer parcels or more than four parcels as provided for in the State Subdivision Map Act and Part IV: Land Divisions, and the existing conditions in and around it.

Tract. A subdivision of real property into lots and rights-of-way.

Vesting Tentative Map. A Tentative Map for a subdivision that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Part IV: Land Divisions.

Landscape-Related Definitions. The following terms are related to Article 23, Landscape.

Automatic Irrigation System. An irrigation system that utilizes an automatic timing device (automatic controller) to remotely control valves for operation of water supply to landscapes.

California Building Code. A California Code (California Code of Regulations, Title 24, Part 2, California Building Code) adopted by the City of Fresno and incorporated into the Municipal Code Chapter 11.

California Green Building Standards Code. A California Code (California Code of Regulations, Title 24, Part 11, California Green Building Standards Code) adopted by the City of Fresno and incorporated into the Municipal Code Chapter 11.

California Model Water Efficient Landscape Ordinance. A California legislation that took effect in the City of Fresno on January 1, 2010. See California Code of Regulations, Title 23. Waters, Division 2. Department of Water Resources, Chapter 2.7 Model Water Efficient Landscape Ordinance.

California Plumbing Code. A California Code (California Code of Regulations, Title 24, Part 5, California Plumbing Code) adopted by the City of Fresno and incorporated into the Municipal Code Chapter 11.

Drought-Tolerant Plant. A plant that is adapted to arid or drought conditions. The use of drought-tolerant plants is essential to a successful xeriscape, which ideally requires no supplemental irrigation.

Hedge. Any group of shrubs planted in line or in groups so that the branches of any one plant are intermingled or form contact with the branches of any other plant in the line.

Heritage Tree. An indigenous tree whose size, as measured at 48 inches above natural grade, is defined below:

— Quercus lobata (Valley oak) is more than 30 inches in circumference.

— Fraxinus latifolia (Oregon ash) is more than 25 inches in circumference.

— Cephalanthus occidentalis (Buttonbush or Button-willow) is more than 36 inches in circumference.

— Community of trees;

— Founders tree;

— **Tree so designated by the City Council, based upon findings that the particular tree is unique and of importance to the public due to its unusual age, appearance, location, or other factors.**

Hydrozone. A portion of the landscaped area having plants with similar water needs.

Landscape Mound. Any location on a lot or parcel of land where dirt, soil, top soil, or pile of earth is placed, or otherwise elevated, above the grade of surrounding land for any decorative or functional landscape architectural purpose.

Landscaping. The planting, configuration, and maintenance of trees, ground cover, shrubbery, and other plant material, decorative natural and structural features (walls, fences, 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.

Trim. The cutting or removal of a portion of a tree which removes less than one-third of the crown or existing foliage of a tree, removes less than one-third of the root system, and does not kill the tree.

Turf. The upper stratum of soil bound by grass and plant roots into a thick mat or an artificial substitute thereof.

Water-Wise, Climate-Appropriate Plant. A plant that can survive periods of limited water availability and other environmental factors in the region that it is being planted.

Wind Buffer-Oriented Tree. An evergreen tree which keeps its leaves all year round and is located in a northwest or west yard to protect a building from Fresno's prevailing winds blowing from the northwest direction.

Legal Non-Conforming Use, Structure, or Site Feature. A use, structure, or site feature shall be designated as having Legal Non-Conforming status if it was lawfully established under the regulations of the jurisdiction in which it was located at the time of its establishment and has continuously remained in compliance with all terms and conditions imposed upon the use, structure, or site feature upon its establishment or imposed upon it any time thereafter, based on evidence provided by the property owner, tenant, or applicant. Legal Non-Conforming status shall also be assigned if non-conformities were created by a public improvement, such as a street widening project.

Light Fixture. The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.

Loading Space. An off-street space or berth on the same parcel with a building for the temporary parking of a vehicle while loading or unloading of goods.

Loft. See Mezzanine.

Lot. A parcel, tract, or area of land whose boundaries have been established by a legal instrument such as a deed or map recorded with the County of Fresno, and which is recognized as a separate legal entity for purposed of transfer or title, except public easements or rights-of-way.

Corner Lot. A parcel of land abutting two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

Flag Lot. A parcel not fronting on or abutting a public road and where access is from a public road by a narrow right-of-way or driveway.

Key Lot. The first interior parcel to the rear of a reversed corner parcel and not separated therefrom by an alley.

Reverse Corner Lot. A corner parcel, the side street line of which is substantially a continuation of the front parcel line of the first parcel to its rear.

Through Lot. A parcel which fronts on two parallel streets or which fronts upon two streets which do not intersect at the boundaries of the parcel.

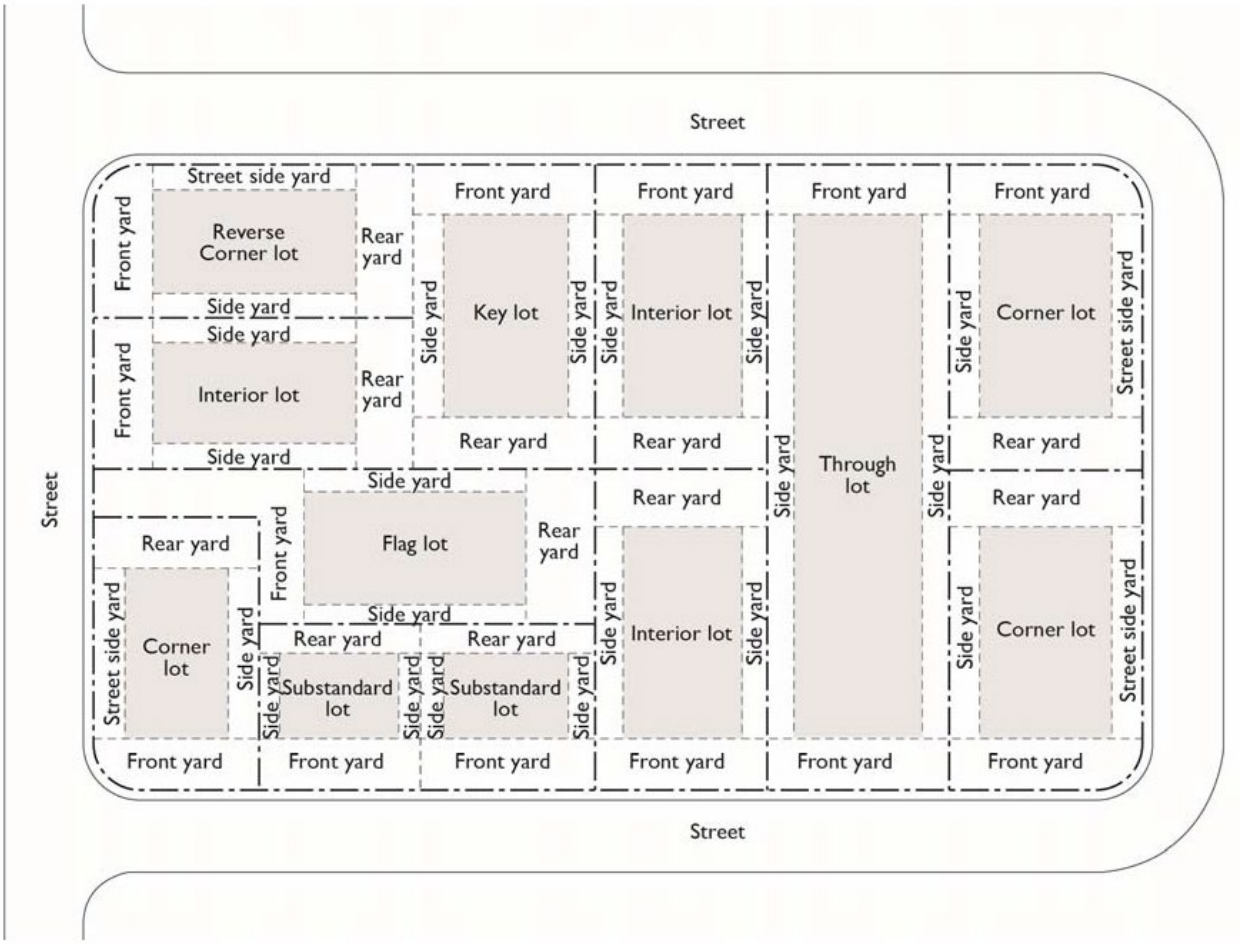

FIGURE 15-6802-1: LOT AND YARD TYPES

Lot Area. The total area within the property lines of a parcel, excluding any street or alley right-of-way.

Lot Depth. The average distance from the front lot line to the rear lot line measured in the general direction of the side lines. See also Section 15-306, Measuring Lot Width and Depth.

Lot Frontage. The width of the front parcel line measured at the street right-of-way.

Lot Line. A line of record bounding a parcel that divides one parcel from another parcel or from a public or private street or any other public space.

Front Lot Line. The parcel line separating a parcel from a street right-of-way. In the case of a corner parcel, the line separating the narrowest street frontage of the parcel from the street shall be considered the front.

Rear Lot Line. The parcel line opposite and most distant from the front parcel line; or in the case of triangular or otherwise irregularly shaped parcel, a line ten feet in length entirely within the parcel, parallel to, and at a maximum distance from the front parcel line.

Side Lot Line. Any parcel line other than a front or rear parcel line.

Street Side Lot Line. A side lot line of a corner lot that is adjacent to a street.

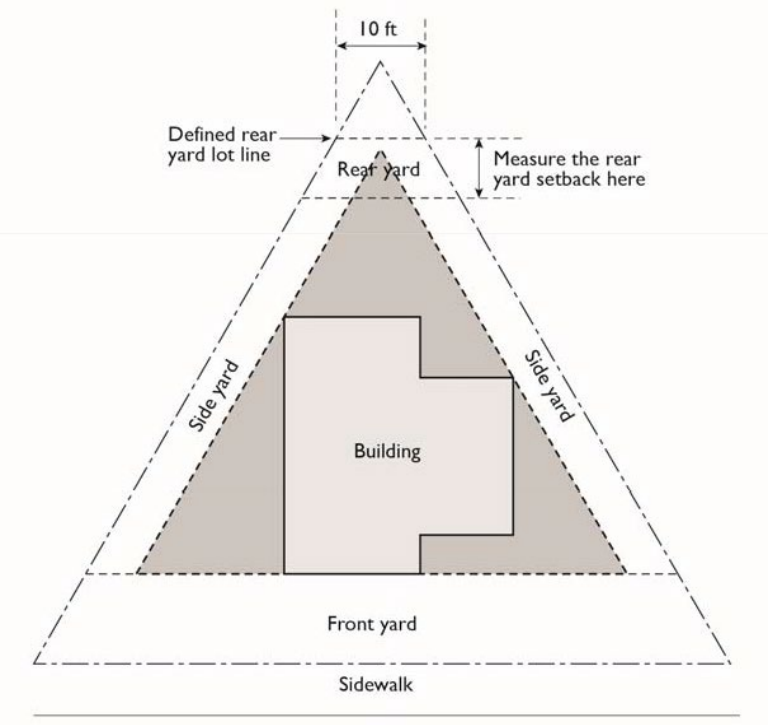

FIGURE 15-6802-2: REAR LOT LINE FOR PURPOSES OF DETERMINING SETBACKS

Lot Width. The horizontal distance between the side lines of a parcel measured at right angles to its depth along a straight line parallel to the front parcel line at the street or public right-of-way that is identified as the parcel's address.

Main Structure. See Structure, Main.

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. 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, or food truck.

Muntin. A bar or rigid supporting strip between adjacent panes of glass.

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.

Maximum Noise Level (Lmax). The highest value measured by the sound level meter over a given period of time, based on the time-weighted sound level in dB, using either the Fast or Slow time constant.

Non-Conforming Building. See Non-Conforming Structure.

Non-Conforming Lot. A legally-created lot of land having less area, frontage, or dimensions than the existing Code requires in the Zoning District in which it is located.

Non-Conforming Use, Structure, or Site Feature. See Legal Non-Conforming Use, Structure, or Site Feature.

Occupancy Group. The Building Code use category for determining requirements for building construction elements and life safety system requirements.

[**Office-To-Dwelling.** The conversion of existing office building(s) from an office use to a multi-unit residential use which will provide housing to residents and facilitate compliance of said structures into safe and habitable condition as required by State and local law.]

On-Site. Located on the lot that is the subject of discussion.

Open Space Types.

Open Space, Common. Any outdoor area, not dedicated for public use, which is designed and intended for the common use and enjoyment of the residents and guests of more than one dwelling unit.

Open Space, Private. Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Usable. Outdoor areas that provide for outdoor living and/or recreation for the use of residents.

Outdoor Sales, Temporary and Seasonal. The sale or offering for sale to the general public of merchandise outside of a permanent structure on property owned or leased by the person, firm, or corporation. These sales are of a limited duration and conducted on an occasional basis, and are secondary or incidental to the principal permitted use or structure existing on the property.

Outdoor Storage. The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 72 hours except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current Building Permit issued by the City.

Overlay District. A zoning designation specifically delineated on the Zoning Map establishing land use requirements that govern in addition to the standards set forth in the underlying zoning district.

Parapet. A low wall or railing extending above the roof and along its perimeter.

Parcel. See Land Division-Related Definitions.

Parking Facility. An area of a parcel, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

Accessory Parking. An area of a parcel, structure, or any other area, which is designed, reserved for, and the primary purpose of which is to provide off-street parking to serve a building or use that is the primary or main use of the parcel.

Long-Term Parking. An area designed for employee parking, when a vehicle is not normally moved during the period of an employee's work shift, as opposed to customer or visitor parking.

Parking, Bicycle. A covered or uncovered area equipped with a rack or other device designed and useable for the secure, temporary storage of bicycles.

Long-Term. Bicycle parking that is designed to serve employees, students, residents, commuters, and others who generally stay at a site for two hours or longer.

Short-Term. Bicycle parking that is designed to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a period of less than two hours.

Parking Space, Off-Street. An area, covered or uncovered, designed and usable for the temporary storage of a vehicle, which is paved and accessible by an automobile without permanent obstruction.

Parking Structure. A structure used for parking and storage of vehicles.

Patio. An outdoor area, often paved, adjoining a building that is used for outdoor open space. It is not enclosed by walls and typically is located at grade or supported by minimal footings.

Paving. A type of material used over areas of a parcel such as driveways, parking spaces and areas, pathways, patios, and front setbacks used for access by vehicles and pedestrians.

Permit. Any Conditional Use Permit, Temporary Use Permit, Building Permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.

Permitted Use. Any use or structure that is allowed in a Zoning District without a requirement for approval of a Use Permit, but subject to any restrictions applicable to that Zoning District.

Person. Any individual, firm, association, organization, partnership, business trust, company, or corporation.

Person with Disabilities. Under the Americans With Disabilities Act, an individual with a disability is a person who: (1) has a physical or mental impairment that substantially limits one or more major life activities; or (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

Planning Commission. The Planning Commission of the City of Fresno.

Plaza. An outdoor space set aside for gathering or congregating and commercial activities, typically surrounded by building frontages.

Pocket Park. A park of one-half to two acres in size that intended to serve the needs of a smaller, specific neighborhood located within a half-mile radius of the pocket park.

Podium. A continuous raised platform supporting a building or a large block of two or three stories beneath a multi-story block of smaller area.

Porte Cochere. A roofed structure through which a vehicle can pass, extending from the entrance of a building over an adjacent driveway, the purpose of which is to shelter persons entering and exiting a building.

Pre-Existing. In existence prior to the effective date of this Code.

Primary Use. See Use, Primary.

Project. Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this ordinance. This term includes, but is not limited to, any action that qualifies as a "project" as defined by the California Environmental Quality Act.

Public Land. Any government-owned land, including, but not limited to, public parks, beaches, playgrounds, trails, paths, schools, public buildings, and other recreational areas or public open spaces.

Public Resources Code. The Public Resources Code of the State of California.

Qualified Applicant. The property owner, the owner's agent, or any person or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land or otherwise has an enforceable proprietary interest in such land.

Ramp. An access driveway leading from one parking level to another, or an access driveway from an entrance leading to parking at a different level.

Recreational Vehicle (RV). A mobile, temporary lodging space, usually housed in a motor vehicle or trailer, generally for the purposes of travelling.

Residential Use. One or more rooms designed, occupied, or intended for occupancy as primary living quarters in a building or portion thereof.

Review Authority. Body responsible for making decisions on zoning and related applications.

Right-of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar use.

Roof. That portion of a building or structure above walls or columns that shelters the floor area or the structure below.

Screening. Buffering of a building or activity from neighboring areas or from the street with a wall, fence, hedge, informal planting, or berm.

Security Grate or Grilles. A metal grate that rolls up over, or slides across, a window or door to provide protection against unwanted entry. It also can be a fixed metal fixture over window openings.

Service Areas. Portions of a building which are utilitarian in nature and are not typically frequented by the general public or occupants of the building, such as

utility equipment rooms, freight loading areas, trash/recycling rooms, and emergency exit stairways/hallways.

Setback. The distance between the parcel line and a building, not including permitted projections, that must be kept clear or open. See also Section 15-304, Measuring Distances, and Section 15-313, Determining Setbacks (Yards).

Shielded Light Fixture. Outdoor light fixtures shielded or constructed so that light rays emitted by the lamp are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sidewalk Café. Any outdoor dining area located in or adjacent to any public sidewalk or right-of-way which is associated with a restaurant or other eating and drinking establishment on a contiguous adjacent parcel.

Sign-Related Definitions. The following terms are related to Article 26, Signs.

Animated Sign. A sign with messages that visually change, or images that move or appear to move, more frequently than once every 24 hours, regardless of the method by which the visual change is affected. This definition does not include traditional barber poles, hand-held signs, personally attended signs, commercial mascots, scoreboards, or signs which merely display time or temperature. Animated signs include electronic message signs, sometimes called electronic reader boards. A sign that displays a series of still images which change more

frequently than once per 24 hours, whether by digital, LED, or functionally equivalent method, is within this definition.

Awning. Any structure made of flexible fabric or similar material covering a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

Awning or Canopy Sign. Sign copy placed on an awning or any other projecting structure made of flexible fabric or similar material covering a metal frame supported by the ground or sidewalk.

Banner. Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. Flags are not within this definition.

Billboard. See Outdoor Advertising Display.

Changeable Copy Sign. A sign constructed or designed to allow for periodic changes of copy, and for which the copy is changed not more than once each 24 hour period. Examples include signs for an auditorium, theater, church, meeting hall, or similar uses characterized by public assembly and changing programs or events, or gas station prices. This definition does not include animated signs or electronic reader board signs.

Commercial Message. A message on a sign, or portion of a sign, that promotes, informs, or proposes an economic transaction, primarily concerns the economic interests of the sign sponsor and/or audience, or is intended to further discussion in the marketplace of goods and services.

Construction Sign. A temporary sign displayed on the site of a construction, remodeling, or major landscaping project during the period of time of actual construction activity.

Copy. Any letters, numerals, or symbols displayed on a sign face conveying a message to the public.

Directional Sign. Any sign, other than a highway marker or any sign erected and maintained by public authority, or a public utility which is designed, erected, and maintained for the purpose of directing persons to a place, structure, or activity.

Exempt Sign. A sign which may be legally displayed, erected or maintained, but is not subject to a sign permit requirement. See Section 15-2604, Exempt Signs.

Face. That portion of a sign upon which the copy is mounted or displayed.

Flag. Any fabric or banner containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

Freestanding Sign. A permanent sign that is self-supporting in a fixed location and not attached to a building. Freestanding signs are of two types: monument and pole. Monument signs are connected or attached to a sign structure, fence, or wall that is not an integral part of a building. Pole signs are mounted on a pole(s) or other support(s) that are placed on and anchored in the ground or on a base and that is independent from any building or other structure. Flag poles are not within this definition.

Graffiti. Marks, such as inscriptions, drawings, or designs, which are placed, scratched, etched, painted, or sprayed on public or private property without the owner's consent.

Illuminated Sign. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. This includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes. Ambient lighting, by itself, does not make a sign "illuminated."

Master Sign Program. A coordinated sign plan which includes details of all signs (not including exempt or temporary signs) which are or will be placed on a site, including master identification, individual business, and directory signs.

Mobile Billboard. Any vehicle, or wheeled conveyance which carries, conveys, pulls, displays, or transports any sign or billboard for the primary purpose of advertising a commercial or noncommercial message, or other general advertising for hire.

Monument Sign. See Freestanding Sign.

Name Plate. A sign that identifies an occupant and/or address.

Non-Conforming Sign. A sign lawfully erected and legally existing prior to the effective date of this Code, or of amendments thereto, but which does not conform to the provisions of this Code.

Non-Commercial Message. A message or image on a sign, or portion of a sign, which displays noncommercial speech, e.g., commentary or advocacy on topics of public debate and concern. This definition shall be construed and interpreted in

light of relevant court decisions. Noncommercial messages do not have a location factor, such as on-site or off-site.

Non-Communicative Aspects. Those aspects of a sign that are not directly communicative, such as physical structure, mounting device, size and height, setback, illumination, spacing, and scale relative to other structures.

Off-Site or Off-Premise Sign. A sign that identifies, advertises, or attracts attention to a business, product, service, event, or activity sold, existing, or offered at a different location. The off-site/on-site distinction applies only to commercial messages.

On-Site or On-Premise Sign. Any sign or portion thereof that identifies, advertises, or attracts attention to a business, product, service, event, or activity sold, existing, or offered upon the same property or land use as the sign. The off-site/on-site distinction applies only to commercial messages.

Outdoor Advertising Signs. Billboards and any other outdoor advertising signs which convey an off-site commercial message as their primary purpose.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention. Flags and banners are not within this definition.

Pole Sign. See Freestanding Sign.

Projecting Sign. Any sign that is perpendicular to the face of a building and projects more than 18 inches from the face. This category includes awning and under canopy signs.

Primary Building Face. The wall of a building which contains the principal entrance(s) to the building. If there are principal entrances in more than one wall, the longest of the walls in which principal entrances are located shall be the primary building face. "Primary building face" shall include not only the wall itself but all doors, windows, or other openings therein and projections therefrom.

Real Estate Sign. Any sign, temporary in nature, with copy which concerns a proposed sale, rent, lease, or exchange of real property. This definition does not include occupancy signs at establishments offering transient occupancy, such as hotels, motels, and "bed and breakfast" facilities.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Roof Sign. Any sign located on a roof of a building or having its major structural supports attached to a roof.

Sign. Any identification, description, illustration, or device illuminated or non-illuminated, which is visible to the general public from any exterior public right-of-way, and directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey information. A display, device, or thing need not

contain lettering to be a sign. Notwithstanding the generality of the foregoing, the following are not within this definition:

Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks, or moving parts), that do not perform a communicative function;

Fireworks, etc. The legal use of fireworks, candles, and artificial lighting not otherwise regulated by this Code;

Foundation stones, cornerstones;

Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased;

Personal appearance. Items or devices of personal apparel, decoration, or appearance, including tattoos, makeup, wigs, costumes, and masks, but not including commercial mascots or hand-held signs; and

Symbols embedded in architecture. Symbols of non-commercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building, including stained glass windows on churches, carved or bas relief doors or walls, bells, and religious statuary.

Sign Area. The area contained within a single continuous perimeter enclosing all parts of such sign copy, excluding any structural elements outside the limits of the sign required to support the sign.

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.

Swimming Pool. A pool, pond, or open tank capable of containing a large and deep enough body of water for people to use to swim.

Telecommunication-Related Definitions. The following terms are related to Section 15-2759, Telecommunication and Wireless Facilities.

Alternative Tower Structure. Artificial trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna. Any system of poles, panels, rods, reflecting discs, wires, or similar devices used for the transmission or reception of electromagnetic signals, including, but not limited to, radio waves and microwaves. An antenna does not include the support structure the antenna(s) is mounted upon.

Antenna, Amateur Radio. A ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator that is used for the purpose of transmitting and receiving radio signals as part of the Amateur Radio Service as designated by the Federal Communications Commission (FCC).

Antenna, Building- or Structure-Mounted. An antenna mounted to a building, rooftop equipment screen, or structure that transmits or receives electromagnetic signals.

Antenna, Ground-Mounted. Any antenna that is not mounted on a pole, a structure, or the roof or wall of a building.

Antenna, Satellite Earth Station. An antenna designed and used to receive and/or transmit radio frequency signals directly to and/or from orbiting communications satellites.

Antenna, Whip. An antenna consisting of a single, slender, rod-like element, less than one wave length long, which is supported only at or near its base.

Antenna Structure. An antenna array and its associated support structure, such as a mast or tower (not including a suspended simple wire antenna), that is used for the purpose of transmitting and/or receiving electromagnetic signals, including, but not limited to, radio waves and microwaves.

Antenna Structure, Freestanding. An antenna structure or mast that is not attached to any part of a building, fence, or other such structure. Freestanding antenna structures include communications towers, wooden utility poles, and concrete and steel monopoles. If the total height of the structure, including the antenna, is at least 17 feet high, it shall be treated as a monopole.

Antenna Structure, Monopole. An antenna structure, often tubular in shape, usually made of metal, reinforced concrete, or wood, which is at least 17 feet in height. A monopole may also be an alternative antenna structure that is designed to replicate a tree or other natural feature.

Slim Line Monopole. A continuous, smooth, round cross section monopole with no cut-outs or exterior attachments such as climbing pegs.

Co-Location. The location of two or more wireless communications facilities owned or used by more than one public or private entity on a single support structure or otherwise sharing a common location. Co-location shall also include the location of wireless communications facilities with other facilities such as buildings, water tanks, light standards, and other utility facilities and structures.

Distributed Antenna System. A system of small antennas installed on existing infrastructure such as telephone poles and streetlights throughout an area, which

are interconnected by fiber optic cable to a central hub location, and are generally designed to support multiple wireless carriers.

Equipment Cabinet or Enclosure. A cabinet or structure used to house equipment associated with a wireless communications facility.

Feasible. Feasible means in light of technical feasibility, radio signal transmitting and receiving requirements, aesthetics, electromagnetic fields, costs, landowner permission, facility owner permission, and all necessary approvals under this Code and the California Building Code, as well as the common meaning of the term.

Mast. A pole of wood or metal or a tower fabricated of metal that is used to support an antenna and maintain it at the proper elevation.

Microcell Facility. A wireless communication facility serving a single carrier and consisting of an antenna no larger than four feet in height or, if tubular, no more than six feet long and four inches in diameter comprised of a networked set of antennas that are connected with each other and to a wireless service source, such that a one or more high-power antennas that serve a given area are replaced by a group of lower-power antennas to serve the same geographic area.

Readily Visible. An object that can be identified as a wireless telecommunications facility when viewed with the naked eye.

Related Equipment. All equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit, and connectors.

Service Provider. Any authorized provider of wireless communications services.

Telestyles. Architecturally blended cell towers, the result of cooperation with designers and architects.

Tower. Any structure that is designed or constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes, but is not limited to, radio and television transmission 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, real property from another.

Tiny House. A structure intended for separate, independent living quarters for one household that meets these six conditions:

1. Is licensed and registered with the California Department of Motor Vehicles and meets ANSI 119.2 or 119.5 requirements;

2. Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection. Cannot (and is designed not to) move under its own power. When sited on a parcel per requirements of this Code, the wheels and undercarriage shall be skirted;

3. Is no larger than allowed by California State Law for movement on public highways;

4. Has at least 100 square feet of first floor interior living space;

5. Is a detached self-contained unit which includes basic functional areas that support normal daily routines such as cooking, sleeping, and toiletry; and

6. Is designed and built to look like a conventional building structure.

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; industrial; 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, which are not permitted as of right, but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

Use Type. A category which classifies similar uses based on common functional, product, or compatibility characteristics.

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Use Type. A category which classifies similar uses based on common functional, product, or compatibility characteristics.

Utilities. Equipment and associated features related to the mechanical functions of a building(s) and services such as water, electrical, telecommunications, and waste.

Variance. A discretionary grant of permission to depart from the specific requirements of this Code that is warranted when, due to special circumstances regarding the physical characteristics of the property, the strict application of

standards would deprive the property of privileges available to other property in the same zoning district. See Article 55, Variances.

Vehicle. Any vehicle, as vehicle is defined by the California Vehicle Code, including any automobile, camper, camp trailer, trailer, trailer coach, motorcycle, house car, boat, or similar conveyance.

Vibration. A periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium.

Visible. Capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road.

Walk-Up Facility. A facility designed to provide service to pedestrian clients, where clients typically are queued on the outside of the main structure or room. Typical facility types include, but are not limited to, automatic teller machines (ATMs) and food-service windows.

Wall. Any exterior surface of building or any part thereof, including windows.

Watercourse. A strip of land over which water flows, having a definite bed, bank, and channel, wherein the water need not flow continually, but usually flows in a particular direction.

Window. An opening in a wall of a building that is filled with glass in a frame. They typically allow light and air into the interior of a building, but also serve as mediums for viewing merchandise in commercial properties.

Yard. See Setback.

Yard Sales. See Garage Sales.

Zoning District. A specifically delineated area or district in the city within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

SECTION 8. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2024.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2024
Mayor Approval/No Return: _____, 2024
Mayor Veto: _____, 2024
Council Override Vote: _____, 2024

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Krist M. Costa Date
Supervising Deputy City Attorney

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