Fresno Municipal Code Chapter 15:

CITYWIDE DEVELOPMENT CODE

December 2015

Development and Resource Management Department

City of FRESNO

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Development and Resource Management Department
City of FRESNO

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Part I: General Provisions

Article 1 Introductory Provisions

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15-101 Title and Authority

Chapter 15 of the Fresno Municipal Code shall be known and cited as the "Citywide Development Code," "Development Code of the City of Fresno," "Development Code," "Code," or "Zoning Ordinance."

15-102 Purpose

The purpose of this Development Code is to implement the General Plan and, if applicable, operative plans, to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the City of Fresno. More specifically, the Development Code is adopted to achieve the following, consistent with the goals, objectives, and policies of the General Plan and any other operative plan:

A. To provide a precise guide for the physical development of the city in a manner as to progressively achieve the arrangement of land uses depicted in the General Plan.

B. To foster a harmonious and workable relationship among land uses and ensure compatible infill development.

C. To support economic development and job creation.

D. To provide for the housing needs of all economic segments of the community.

E. To promote high quality architecture and sustainable design. Sustainable Design is a philosophy that seeks to maximize the quality of the built environment, while minimizing or eliminating negative impact to the natural environment.

F. To promote the stability of existing land uses that conform to the General Plan, protecting them from inharmonious influences and harmful intrusions.

G. To promote a safe and efficient traffic circulation system, including bicycle facilities and pedestrian amenities, and to support a multi-modal transportation system.

H. To facilitate the appropriate location of community facilities, institutions, parks, and recreational areas.

I. To protect and enhance real property values.

J. To safeguard and enhance the appearance of the city.

K. To define duties and powers of governing bodies and officials responsible for the implementation of this Code.

15-103 Structure of Development Code Regulations

A. **Organization of Regulations.** This Code consists of six parts:

1. Part I: General Provisions
2. Part II: Base and Overlay Districts
3. Part III: Regulations Applying to Some or All Districts
4. Part IV: Land Divisions
5. Part V: Administration and Permits
6. Part VI: General Terms and Definitions

B. **Types of Regulations.** This Code contains five types of regulations controlling the use and development of property:

1. ***Use Regulations.*** These regulations specify land uses permitted, conditionally permitted, or specifically prohibited in each zoning district, and include special requirements, if any, applicable to specific uses. Use regulations for base zoning districts and for overlay districts are in Part II of this Code. Certain regulations that are applicable in some or all districts, and performance standards which govern special uses, are in Part III.

2. ***Development Standards.*** These regulations control the height, bulk, location, and appearance of structures. Development regulations for base zoning districts and for overlay districts are in Part II of this Code. Certain development regulations that are applicable to some or all districts are in Part III. These include regulations for specific uses, development and site regulations, performance standards, parking, and signage.

3. ***Land Divisions*** Also referred to as Subdivisions Regulations, these regulations control the division of land and specify the design, improvement, and survey data of subdivisions as well as the procedures to be followed to secure final approval for subdivision maps. Subdivision regulations are in Part IV.

4. ***Administrative Regulations.*** These regulations contain detailed procedures for the administration of this Code, and include common procedures, processes, and standards for discretionary entitlement applications and other permits. Administrative regulations are in Part V.

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

15-104 Applicability

A. General Rules for Applicability of Development Code Regulations.

1. ***Applicability to Property.*** This Development Code shall apply, to the extent permitted by State and Federal law, to all private property within the corporate limits of the City of Fresno, including all uses, structures, and land owned by any person, firm, corporation, or organization.

2. ***Compliance with Regulations and Uses Expressly Prohibited.*** No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished, or moved in any zoning district, except in accordance with the provisions of this Code. Specific uses of land, buildings, and structures listed as prohibited in any zoning district are hereby declared to be detrimental to the public health, safety, and welfare. The enumeration of prohibited uses shall not by implication enlarge the scope of permitted uses; they are for purposes of clarity only. A proposed use within a zoning district must expressly be listed as a permitted use per the applicable base or overlay district, or determined to be such through the determination of the Director, in order to be authorized under the Development Code.

B. Relation to Other Regulations.

1. ***Permit Streamlining Act.*** It is the intent of this Code to be consistent with the requirements of Government Code Section 65920 et seq. (the Permit Streamlining Act) and legislative judgments.

2. ***Relation to Prior Ordinance.*** The provisions of this Code supersede all prior Zoning Ordinances and Development Codes codified in the Fresno Municipal Code and any amendments. No provision of this Code shall validate any land use or structure established, constructed, or maintained in violation of the prior Zoning Ordinance or Zoning Map, unless such validation is specifically authorized by this Code and is in conformance with all other applicable regulations.

3. ***Application During Local Emergency.*** During a disaster or emergency declared and confirmed under Chapter 2, Article 5, Emergency Services Ordinance of the Fresno Municipal Code, a deviation from the provisions of the Development Code may be allowed. The City Council may also authorize a deviation from the Development Code during a disaster or emergency by resolution.

4. ***Priority of Plans.***

   a. In the event of a conflict between this Code and the General Plan or any applicable operative plan or Redevelopment Agency guidelines, this Code shall control.

b. In the event of a conflict between the General Plan and any applicable operative plan, the General Plan shall control. However, for areas within the Downtown Neighborhoods Community Plan (DNCP), the Fulton Corridor Specific Plan (FCSP), or operative airport plan, the DNCP, FCSP, and airport plan shall govern.

c. In the event of a conflict between a Specific Plan and a Concept Plan, Community Plan, or Neighborhood Plan, the Specific Plan shall control.

d. In the event of a conflict between a Concept Plan and a Community Plan or Neighborhood Plan, the Concept Plan shall control.

e. To maintain and improve the consistency between plans, the adoption or amendment of a plan shall be accompanied by corresponding amendments to the General Plan and other plans which affect the same geographic area.

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

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

2. Any previously approved permit, entitlement, or subdivision map shall be honored, unless it expires.

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

E. **Special Period for Text Amendments.** A member of the public, the administration, or a Councilmember may return to Council within a special 180 day period with a text amendment to address something that may have been missed or to address an unforeseen consequence of adoption of this Code, without payment of fee. The 180-day period shall commence from the effective date of 1-3-2016.

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

15-105 Severability

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

15-106 Fees

The Council shall establish by resolution, and may amend and revise from time to time, the schedule of fees for processing the discretionary entitlement applications and other permits authorized or required by this Development Code. All fees shall be paid at the time an application is filed, and no processing shall commence until the fees are paid in full.

15-107 Districts Established

The city shall be classified into districts or zones, the designation and regulation of which are set forth in this Code and as follows.

A. **Base Districts.** Base districts into which the city is divided are established as shown in Table 15-107-A, Base Districts.

TABLE 15-107-A: BASE DISTRICTS	
Short Name/Map Symbol	*Full Name*
Buffer (B) District	
B	Buffer
Residential Single-Family (RS) Districts	
RE	Residential Estate
RS-1	Residential Single-Family, Extremely Low Density
RS-2	Residential Single-Family, Very Low Density
RS-3	Residential Single-Family, Low Density
RS-4	Residential Single-Family, Medium Low Density
RS-5	Residential Single-Family, Medium Density
Residential Multi-Family (RM) Districts	
RM-1	Residential Multi-Family, Medium High Density
RM-2	Residential Multi-Family, Urban Neighborhood
RM-3	Residential Multi-Family, High Density
RM-MH	Mobile Home Park
Mixed-Use (MX) Districts	
NMX	Neighborhood Mixed-Use
CMX	Corridor/Center Mixed-Use
RMX	Regional Mixed-Use

TABLE 15-107-A: BASE DISTRICTS	
Short Name/Map Symbol	*Full Name*
Commercial (C) Districts	
CMS	Commercial - Main Street
CC	Commercial - Community
CR	Commercial - Regional
CG	Commercial - General
CH	Commercial - Highway and Auto
CRC	Commercial - Recreation
Employment (E) Districts	
O	Office
BP	Business Park
RBP	Regional Business Park
IL	Industrial - Light
IH	Industrial - Heavy
Public and Semi-Public (PSP) Districts	
OS	Open Space
PR	Parks and Recreation
PI	Public and Institutional
Downtown (DT) Districts	
DTN	Downtown - Neighborhood
DTG	Downtown - General
DTC	Downtown - Core

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

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

C. **References to Classes of Base Districts.** Throughout this Code, the following references apply:

1. "B District" or "Buffer District" means the following district: B.

2. "R District" or "Residential District" means one or more of the following districts: RE, RS-1, RS-2, RS-3, RS-4, RS-5, RM-1, RM-2, RM-3, RM-MH.

3. "RE District" or "Residential Estate District" means the following district: RE.

4. "RS District" or "Residential Single-Family District" means one or more of the following districts: RE, RS-1, RS-2, RS-3, RS-4, RS-5.

5. "RM District" or "Residential Multi-Family District" means one or more of the following districts: RM-1, RM-2, RM-3.

6. "RM-MH District" or "Residential-Multi-Family District-Mobile Home Park" means the following district: RM-MH.

7. "Non-Residential District" means any base zoning district except the RE, RS, RM, and RM-MH districts.

8. "MX District" or "Mixed-Use District" means one or more of the following districts: NMX, CMX, or RMX.

9. "C District" or "Commercial District" means one or more of the following districts: CMS, CC, CR, CG, CH, CRC.

10. "E District" or "Employment District" means one or more of the following: O, BP, RBP, IL, IH.

11. "Industrial District" means one or more of the following districts: IL, IH.

12. "PSP District" or "Public and Semi-Public District" means one or more of the following districts: OS, PR, PI.

13. "Downtown District" or "DT District" means one or more of the following districts: DTN, DTG, DTC.

15-108 Official Zoning Map and District Boundaries

The boundaries of the zoning districts established by this Code are not included in this Code, but are shown on the Official Zoning Map. The Official Zoning Map, together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the maps, adopted by the Council, are hereby incorporated into this Code by reference, together with any amendments previously or hereafter adopted, as though they were fully included here.

A. **Application of Pre-Annexation Zoning.** The City may apply pre-annexation zoning to unincorporated property located within the Sphere of Influence consistent with the Fresno General Plan. The pre-annexation zoning process shall comply with the provisions of Article 61, Concept Plans, Pre-Zoning, and Annexations. The zoning provisions and requirements so established shall become applicable at the same time that the annexation of such territory becomes effective, subject to compliance with any conditions of pre-annexation zoning requirements imposed by the City.

B. **Uncertainty of Boundaries.** If an uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of alleys, lanes, streets, highways, streams, or railroads shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following lot lines, City Limits, or extraterritorial boundary lines shall be construed as following such lines, limits, or boundaries.

3. In the case of un-subdivided property or where a district boundary divides a lot and no dimensions are indicated, the following shall apply.

    a. *Lots Greater than One Acre*. The location of such boundary shall be determined by the use of the scale appearing on the Official Zoning Map.

    b. *Lots Less than One Acre*. The lot shall be deemed to be included within the more restrictive zone.

4. Where any public street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

5. Where any private right-of-way or easement of any railroad, railway, transportation, or public utility company is vacated or abandoned and said property is unclassified on the Official Zone Map it shall be automatically classified as being in the Public and Institutional (PI) District.

6. In the case of any remaining uncertainty, the Director shall determine the location of boundaries.

Article 2 Rules for Construction of Language

Sections:

15-201 Purpose
15-202 Rules for Construction of Language
15-203 Rules of Interpretation

15-201 Purpose

The purpose of this article is to provide precision in the interpretation of the Development Code. The meaning and construction of words and phrases defined in this article apply throughout this Development Code, except where the context indicates a different meaning.

15-202 Rules for Construction of Language

In interpreting the various provisions of this Development Code, the following rules of construction shall apply:

A. The particular controls the general.

B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

   1. "And" indicates that all connected words or provisions shall apply.

   2. "And/or" indicates that the connected words or provisions may apply singularly or in any combination.

   3. "Or" indicates that the connected words or provisions may apply singularly or in any combination.

   4. "Either . . . or" indicates that the connected words or provisions shall apply singularly, but not in combination.

C. In case of conflict between the text and a diagram or graphic, the text controls.

D. All references to departments, committees, commissions, or boards are to those of the City of Fresno, unless otherwise indicated.

E. All references to public officials are to those of the City of Fresno, and include designees of such officials, unless otherwise indicated.

   1. All references to the Director shall mean the Director of Development and Resource Management, unless otherwise specified.

F. All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or any other day on which the City offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period.

G. The words “shall,” “will,” “must,” and “is to" are always mandatory and not discretionary. The words "should" or "may" are permissive.

H. The present tense includes the past and future tenses, and the future tense includes the past.

I. The singular number includes the plural, and the plural includes the singular.

J. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

15-203 Rules of Interpretation

In the absence of an ordinance or resolution approved by the City Council, the Director, upon consultation with the City Attorney’s Office, shall make the interpretation for any definition not expressly identified in, or provide clarification and interpretation of, this Development Code.

Article 3 Rules of Measurement

Sections:

15-301 Purpose
15-302 General Provisions
15-303 Fractions
15-304 Measuring Distances
15-305 Measuring Height
15-306 Measuring Lot Width and Depth
15-307 Determining Average Slope
15-308 Determining Floor Area
15-309 Determining Floor Area Ratio
15-310 Determining Residential Density
15-311 Determining Lot Coverage
15-312 Determining Lot Frontage
15-313 Determining Setbacks and Yards
15-314 Measuring Signs
15-315 Measuring Parking Lot Landscaping
15-316 Measuring Pedestrian Clearance
15-317 Determining Frontage Coverage

15-301 Purpose

The purpose of this article is to explain how various measurements referred to in this Code are to be calculated.

15-302 General Provisions

For all calculations, the applicant shall be responsible for supplying drawings that illustrate the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Director.

15-303 Fractions

Whenever this Development Code requires consideration of distances, parking spaces, dwelling units or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

A. **General Rounding.** Fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.

B. **Residential Rounding.** The maximum number of residential units shall not exceed the maximums per the base district unless excepted as described in Subsection C below.

C. **Exception for State Affordable Housing Density Bonus.** For projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statute, and Article 22,

Affordable Housing Density Bonus, any fractional number of permitted bonus density units shall be rounded up to the next whole number.

15-304 Measuring Distances

A. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

B. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

C. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest support wall of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.

D. **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.

E. **Measuring Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project.

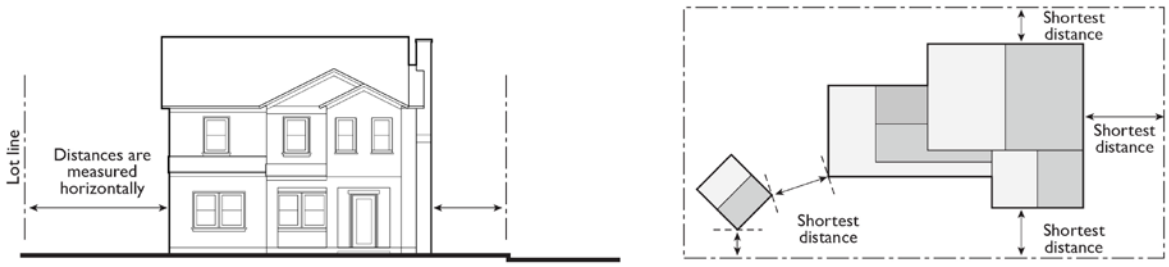

FIGURE 15-304: MEASURING DISTANCES

15-305 Measuring Height

A. **Measuring Building Height.** Building height is measured from the average level of the highest and lowest points where the vertical plane of the exterior walls would touch the natural grade level of the site to the highest point on the roof.

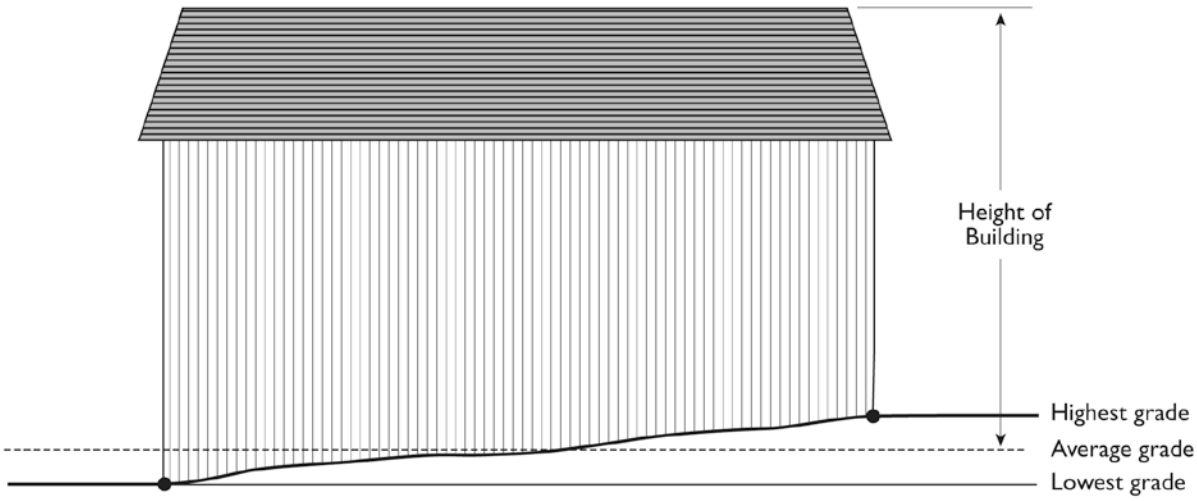

FIGURE 15-305-A: MEASURING BUILDING HEIGHT

B. **Measuring Height of Other Structures.** The height of other structures such as fences is the vertical distance from the ground level immediately under the structure to the top of the structure. Special measurement provisions are also provided below.

1. ***Measuring the Height of Fences on Retaining Walls.*** The height of a fence that is on top of a retaining wall is measured from the ground level on the highest side of the fence and wall.

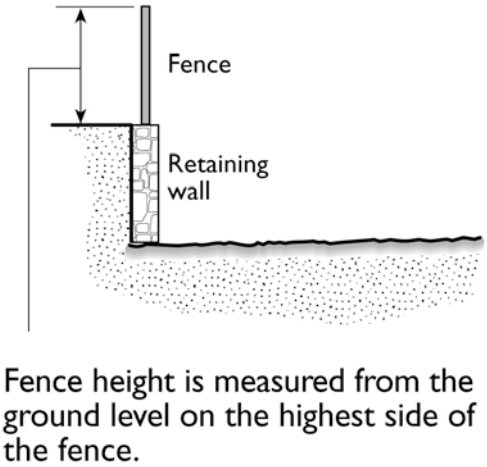

FIGURE 15-305-B.1: MEASURING HEIGHT OF FENCES ON RETAINING WALLS

2. ***Measuring the Height of Decks.*** Deck height is determined by measuring from the natural grade of the ground to the top of the floor of the deck.

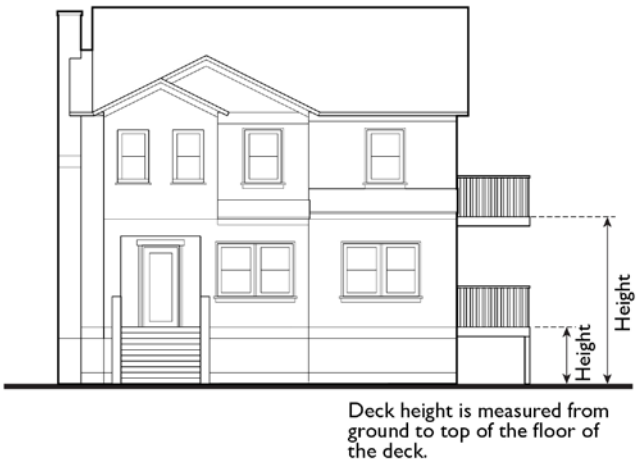

FIGURE 15-305-B.2: MEASURING HEIGHT OF DECKS

C. **Measuring the Number of Stories in a Building.** In measuring the height of a building in stories, a balcony or mezzanine shall be counted as a full story if its floor area exceeds one-third of the total area of the nearest full floor directly below it or if it is enclosed on more than three sides, unless the Building Code provides for other balcony or mezzanine definitions based on building construction type and other factors.

15-306 Measuring Lot Width and Depth

A. **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

B. **Lot Depth.** Lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line. Should the property line encroach into a street, the lot depth shall be measured from the front property line, after any dedications and/or street easements.

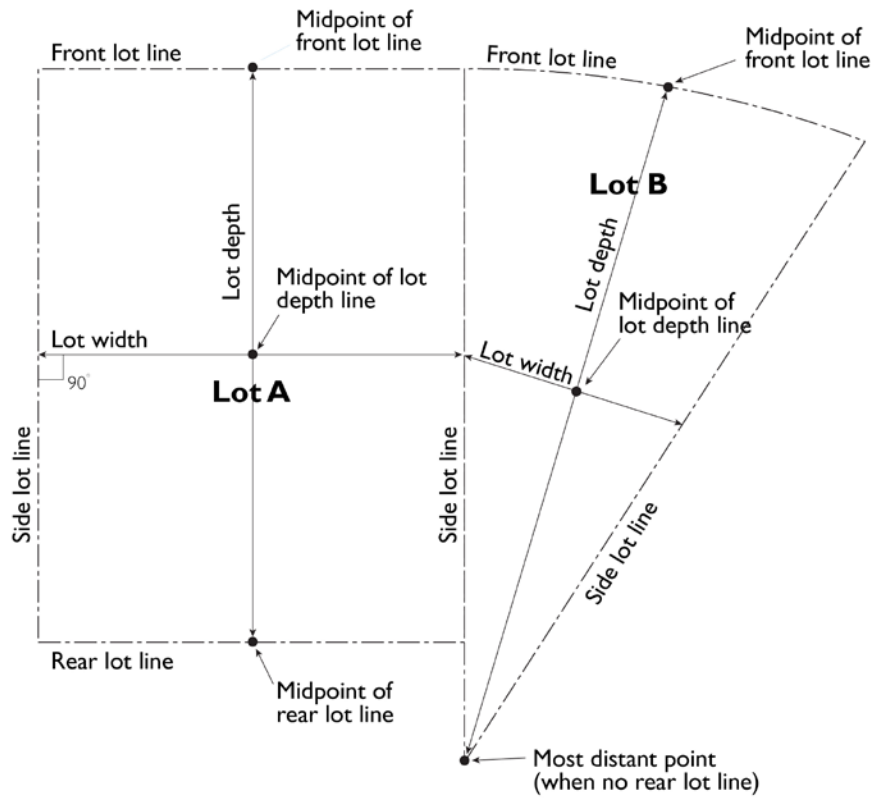

FIGURE 15-306: MEASURING LOT WIDTH AND DEPTH

15-307 Determining Average Slope

The average slope of a parcel is calculated using the following formula: S = 100(I)(L)/A, where:

S = Average slope (in percent)

I = Contour interval (in feet)

L = Total length of all contour lines on the parcel (in feet)

A = Area of subject parcel (in square feet)

15-308 Determining Floor Area

The floor area of a building is the sum of the gross horizontal areas of all floors of a building or other enclosed structure.

A. **Included in Floor Area.** Floor area includes, but is not limited to, habitable (as defined in the California Building Code) basements and cellars that are below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or portions thereof or within lines drawn parallel to and two feet within the roof line of any building without walls. In the case of a multi-story building that has

covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.

B. **Excluded from Floor Area.** Floor area does not include mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's gross floor area; bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater; areas that qualify as usable open space; and areas used for off-street parking spaces or loading spaces, driveways, ramps between floors of a multi-level parking garage, and maneuvering aisles that are located below the finished grade of the property.

C. **Non-Residential Uses.** For non-residential uses, gross floor area includes pedestrian access interior walkways or corridors, interior courtyards, walkways, paseos, or corridors covered by a roof or skylight. Non-residential gross floor area does not include arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.

15-309 Determining Floor Area Ratio

Floor area ratio (FAR) is the measure of the intensity of non-residential development. It is the ratio of the non-residential floor area, excluding the areas described below, of all principal and accessory buildings on a site to the site area. To calculate FAR, non-residential floor area is divided by site area, and typically expressed as a decimal. For example, if the non-residential floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0.

$$\frac{\text{gross non} - \text{residential floor area of all buildings on a site}}{\text{total site area}} = \text{floor area ratio (FAR)}$$

A. **Excluded from Floor Area in Calculating FAR.**

1. ***Basements.*** Usable basements and cellars below finished grade.

2. ***Parking.*** Surface parking lots, subterranean parking garages, tuck-under parking areas, above ground parking garages, and other such facilities use for automobile parking.

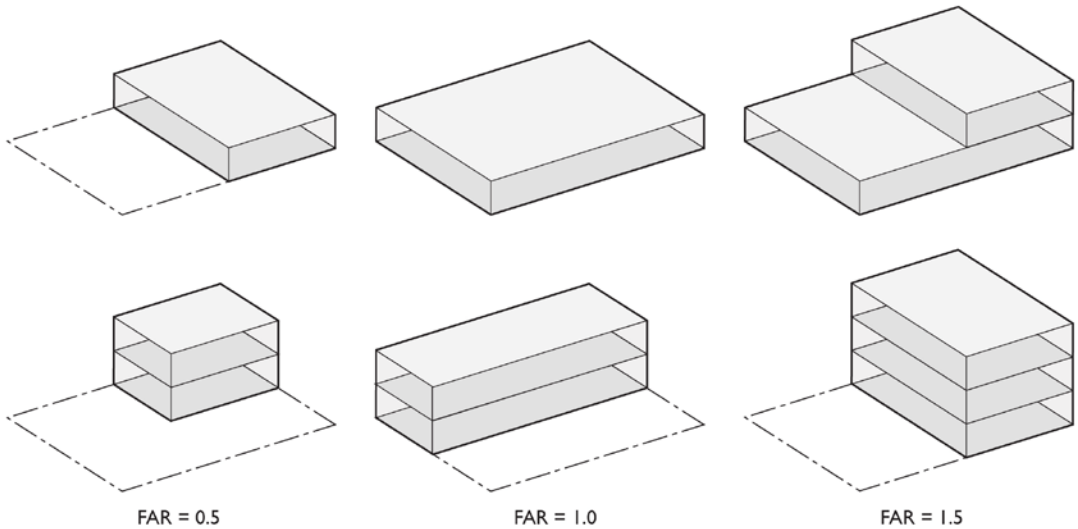

FIGURE 15-309: DETERMINING FLOOR AREA RATIO

15-310 Determining Residential Density

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

A. **Residential Single-Family Districts.** In Residential Single-Family districts, residential density shall be measured in dwelling units per subdivided residential lot, regardless of lot size. Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters shall be excluded from this calculation.

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

C. **Density Transfers.** The number of units per acre prescribed in the applicable plans for an existing or proposed zone district shall not be transferred to another existing or proposed zone district, unless a transfer is approved through the processing of a Planned Development Permit which includes all zone districts involved in the proposed transfer.

15-311 Determining Lot Coverage

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

A. Decks, patios, porches, landings, balconies, and unenclosed stairways;

B. Eaves and roof overhangs;

C. Trellises and similar structures;

D. Outdoor swimming pools and hot tubs; and

E. Up to one non-habitable accessory structure of less than 120 square feet in floor area and seven feet in height. Should there be multiple structures that do not exceed 120 square feet in floor area, only one such structure will be omitted for calculating the Lot Coverage.

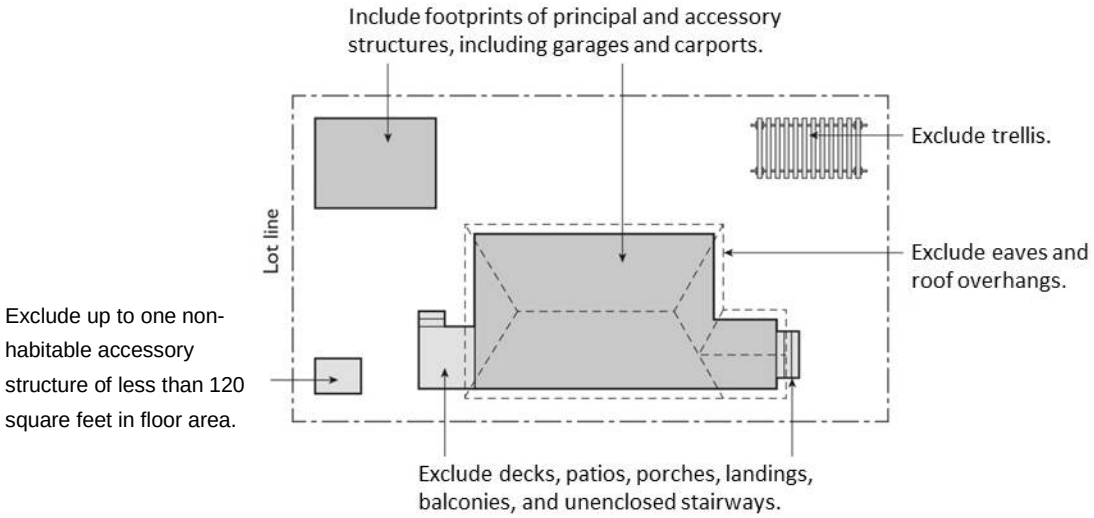

FIGURE 15-311: DETERMINING LOT COVERAGE

15-312 Determining Lot Frontage

A. **Corner Lot.** The front of a lot is the narrowest dimension of the lot with street frontage.

B. **Through Lot (Double Frontage Lot).** The front yard borders the street primarily used as frontage by neighboring lots.

15-313 Determining Setbacks and Yards

A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear property line. For regulations pertaining to projections or encroachments into required yards, refer to Section 15-2014.

A. **Front Setbacks.** Front setbacks shall be measured from the back of the sidewalk (including instances where the back of the sidewalk lies within the project parcel) to the portion of the structure that is closest to the front of the lot. In the absence of a sidewalk, the minimum front setback shall be measured from the back of the curb. In the absence of a sidewalk and curb, minimum front setbacks shall be measured from the front property line.

B. **Garage Setbacks.** In Residential Single-Family Districts setbacks for garages shall be regulated and calculated separately from habitable space. However, the measurement to determine the garage setback shall be made in the same manner as Subsection A above.

C. **Side Setbacks.** Side setbacks on interior lot lines shall be measured from the property line. When the side of the lot abuts a street, the measurement to determine the setback shall be made in the same manner as Subsection A above.

D. **Yards on Alleys.** The following special regulations for determining setbacks apply when a lot abuts an alley.

1. If a side lot line abuts an alley, the yard shall be considered an interior side yard rather than a corner side yard.

2. In computing the minimum yard for any lot where such yard abuts an alley, no part of the width of the alley may be considered as part of the required yard.

E. **Yards Abutting Official Plan Lines.** If a property abuts an Official Plan Line, the required setback shall be established from the Official Plan Line or the property line, whichever results in a greater setback.

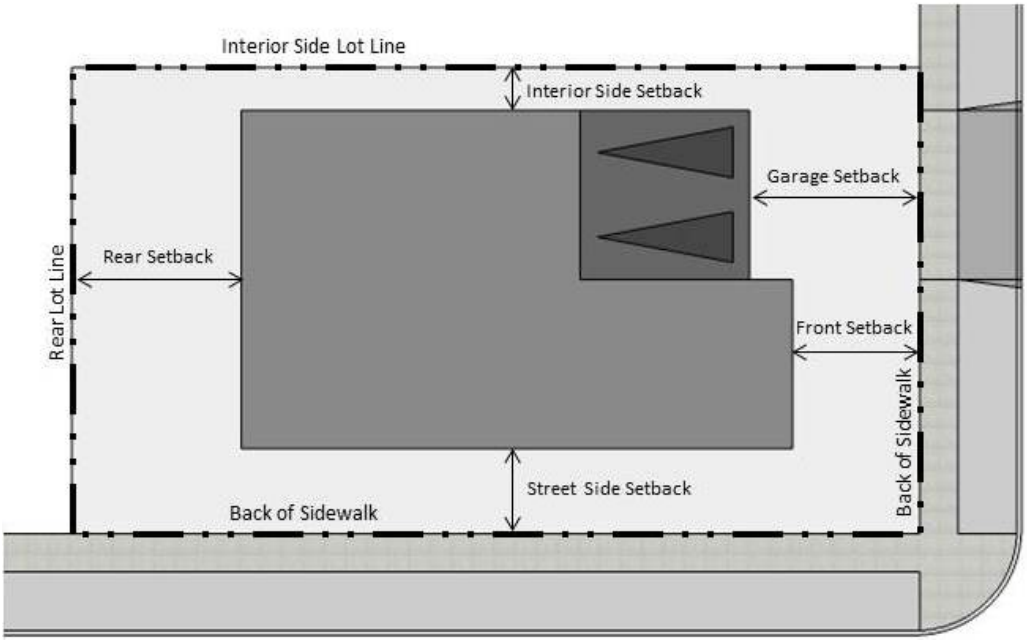

FIGURE 15-313: DETERMINING SETBACKS (YARDS)

15-314 Measuring Signs

The height of signs is measured in the same method as the height of other structures (See 15-305-B). Calculation of sign area is described in Article 26, Signs.

15-315 Measuring Parking Lot Landscaping

For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any adjacent paved areas. The parking lot area does not include enclosed vehicle storage areas, carports, or parking structures.

15-316 Measuring Pedestrian Clearance

The minimum distance shall be measured from the edge of any table, chair, bench, planter, or other appurtenance used as part of an outdoor dining area to any obstruction within and/or the edge of the pedestrian area (e.g. sidewalks).

15-317 Determining Frontage Coverage

Frontage coverage is the portion of the primary enclosed ground floor linear building façade that is located within the area between the minimum and maximum front setback. The following exceptions shall apply:

A. Sites with frontage on multiple streets may not be required to meet the frontage coverage requirement along the streets with the lowest functional classification or the least visual prominence, at the discretion of the Review Authority.

B. Required side and rear setbacks and residential transition setbacks shall be excluded from this calculation.

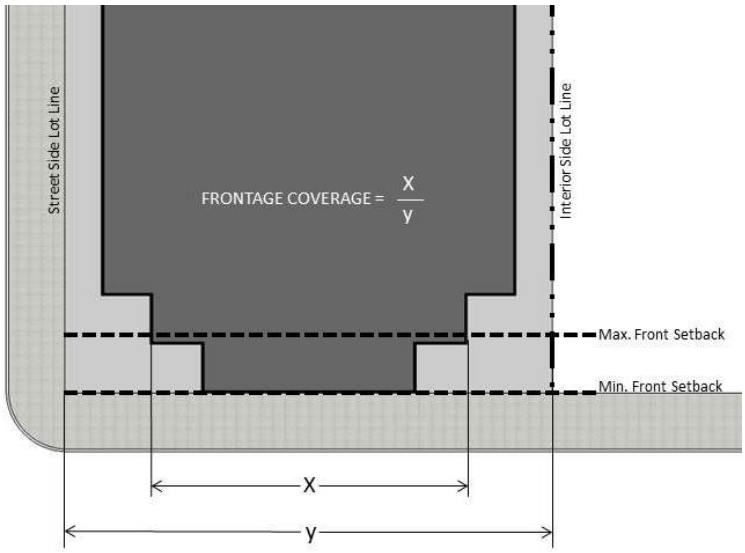

FIGURE 15-317: DETERMINING FRONTAGE COVERAGE

Article 4 Non-Conforming Uses, Structures, Site Features, and Lots

Sections:

15-401 Purpose
15-402 Determination of Non-Conforming Status
15-403 Illegal Non-Conforming Uses, Structures, and Site Features
15-404 Legal Non-Conforming Uses
15-405 Legal Non-Conforming Structures and Site Features
15-406 Non-Conforming Lots

15-401 Purpose

The purpose of this article is to permit continued utility and economic viability of uses, structures, site features, and lots that were created lawfully prior to the adoption of this Code, but do not conform to its provisions, while preventing new non-conformities.

15-402 Determination of Non-Conforming Status

A use, structure, site feature, or lot shall be considered non-conforming if it was created prior to the adoption of this Code, or any amendment thereto, and does not conform to its provisions. The Director shall evaluate all available documentation to determine that non-conforming uses, structures, and site features shall have Legal Non-Conforming status or Illegal Non-Conforming status as follows:

A. **Legal Non-Conforming Status.** 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.

B. **Illegal Non-Conforming Status.** 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.

15-403 Illegal Non-Conforming Uses, Structures, and Site Features

Nothing in this article shall be deemed to allow the use, change in use, repair, alteration, expansion, enlargement, or reconstruction of an Illegal Non-Conforming use, structure, or site feature. Any such

Illegal Non-Conforming use shall be discontinued and any such Illegal Non-Conforming structure or site feature shall be removed.

15-404 Legal Non-Conforming Uses

A. **Continuation of Legal Non-Conforming Uses.** Except as otherwise provided in this article, any Legal Non-Conforming use may be continued indefinitely. No Illegal Non-Conforming use shall be continued unless such use subsequently comes into conformity with the applicable provisions of this Code.

B. **Expansion of Legal Non-Conforming Uses.** A Legal Non-Conforming use shall not be expanded unless a Conditional Use Permit is granted for such expansion. Prior to issuance of a Conditional Use Permit, it must be determined that at least one of the following three circumstances exists:

1. The resultant use and/or project design will reduce current adverse impacts on adjacent properties and/or on the general public;
2. The resultant use and/or project design will aid in the preservation of a historic resource; or
3. The expansion of the use or the enlargement of a structure housing a non-conforming use is necessary to comply with a requirement imposed by law for the operation of the particular use, including, but not limited to, regulations for disabled access or seismic retrofit.

C. **Change of Legal Non-Conforming Use.** A Legal Non-Conforming use shall not be changed to, or substituted for, another non-conforming use unless a Conditional Use Permit is granted for such change or substitution. To grant such a Conditional Use Permit the Director must first find that, in addition to the findings required by Section 15-404-B, the resultant use will be more consistent with the uses permitted in the district than the former use.

D. **Change of a Legal Non-Conforming Industrial Use.** A Legal Non-Conforming Industrial Use shall not be changed to, or substituted for, another use other than to come into compliance with this Code.

E. **Change to a Conforming Use.** When a Legal Non-Conforming use has been changed to a conforming use, the non-conforming use shall not be re-established thereafter, with the following exception: Within Residential Multi-Family, Mixed-Use, or Commercial districts, structures which are determined by the Director to have been lawfully constructed as single-family dwellings may be returned to single-family use at any time. The Director shall base such a determination on evidence including building permits, County Assessor's data, building design and appearance, or other records which document that the building was originally constructed as a single-family home.

F. **Abandonment of Legal Non-Conforming Uses.**

1. ***Residential Districts.*** A Legal Non-Conforming use shall not be re-established in any structure in a Residential District if such Legal Non-Conforming use has ceased for a consecutive six-month period.

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

15-405 Legal Non-Conforming Structures and Site Features

A. **Applicability.** This section shall apply to all Legal Non-Conforming buildings, fences, parking, landscaping, and other such physical improvements to a lot, with the exception of non-conforming signs, which are regulated by Article 26.

B. **Continuation of Existing Structures and Site Features.** Except as otherwise stated in this article, any Legal Non-Conforming structure or site feature may be continued indefinitely. Any Illegal Non-Conforming structure or site feature shall be removed or modified to conform to the provisions of this Code.

C. **Completion of Structures or Site Features.** The provisions of this article shall not be construed to preclude the completion of any structure or site feature upon which lawful construction has begun prior to the time of enactment of this Code or any amendment thereto, or prior to the time of inclusion in the city.

D. **Repair and Maintenance of Non-Conforming Structures or Site Features.**

1. ***Maintenance.*** A Legal Non-Conforming structure or site feature may be maintained as necessary to keep it in good working order.

2. ***Repairs and Alterations.*** Notwithstanding the provisions of Section 15-404-B, any Legal Non-Conforming structure or site feature may be repaired and/or altered, provided that such repairs and alterations do not increase any non-conformity.

3. ***Repair of Unsafe Structures or Site Feature.*** The provisions of this article shall not be construed to preclude the repair or alteration of any part of any structure or site feature declared to be unsafe by the Building Official when such repairs or alterations are for the purpose of restoring the structure or site feature to a safe condition.

E. **Enlargement of Non-Conforming Structures.**

1. ***Enlargement of Single-Family Residential Structures.*** A legal non-conforming single-family use or structure in a Non-Residential District may be enlarged, provided the addition does not reduce the number of parking spaces, alter the size of parking spaces, or the location and size of driveways; and the addition does not change the structure from single-family use to multi-family use.

2. ***Enlargement of Other Legal Non-Conforming Structures.*** A legal non-conforming structure being used for a conforming use may be enlarged or structurally altered if the

new portion of the structure conforms to the regulations of the district in which it is located. If strict conformance with current setback requirements would cause unsightly or impractical site layouts, and a deviation from such requirements shall not cause impacts on neighboring uses, the Review Authority may exempt the enlargement of a legal non-conforming structure from setback requirements at their discretion. Unaltered portions of such structures will be allowed to remain non-conforming. A Legal Non-Conforming structure housing a non-conforming use shall not be enlarged or altered except as put forth in Section 15-404-B.

F. **Replacement of Involuntarily Destroyed or Damaged Non-Conforming Structures or Site Features.** Any Legal Non-Conforming structure or site feature that is destroyed or damaged by fire, flood, explosion, wind, earthquake, war, riot, or other public calamity or act of nature, may be replaced or reconstructed to the same size and extent as before the damage occurred, provided that rebuilding commences not later than one year after destruction, and so long thereafter as the Building Permit remains valid.

G. **Replacement of Voluntarily Demolished, Destroyed, or Damaged Non-Conforming Structures or Site Features.** Any non-conforming structure or site feature which is demolished, destroyed, or damaged by means other than those listed in the Section 15-405-F shall not be reconstructed unless it complies with all provisions of the district in which the structure is located. Exceptions may be given where all of the following circumstances exist:

1. The structure houses a conforming use;

2. The structure or site feature is replaced or reconstructed to the same or a lesser size and extent as the original structure or site feature; and

3. A Conditional Use Permit is granted, and the Director finds, in addition to the findings required by Section 15-404-B, that compliance with current standards is impractical and that the proposed reconstruction will conform to current standards to the greatest extent practical.

15-406 Non-Conforming Lots

A Non-Conforming lot or parcel may be used for development subject to compliance with all other provisions of this article and other applicable codes. A Non-Conforming lot may not be further reduced in area or dimension, except under the application of eminent domain.

Article 5 (Reserved)

Article 6 (Reserved)

Article 7 (Reserved)

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Part II: Base and Overlay Districts

Article 8 Buffer District (B)

Sections:

15-801 Purpose
15-802 Use Regulations
15-803 Density and Massing Development Standards
15-804 Additional Development Standards

15-801 Purpose

The Buffer (B) District is intended to separate urban uses from commercial agricultural uses to preserve long-term viable agricultural areas and intensive farming operations in adjacent areas. The Buffer District serves to prevent urban residential and related uses from developing near agricultural operations, and thereby infringing on full operation of farmland of importance. Allowable uses include environmental habitat; water conveyance, retention, and recharge; preservation and preparation of gravel resources; beneficial uses related to permanent water resource facilities; limited agriculture and necessary supportive uses, such as agricultural processing (not including animal processing or rendering, nor uses that have the potential to create obnoxious noise, odor, etc.); and residential uses with 20 acres of land required per residence.

15-802 Use Regulations

A. Table 15-802 prescribes the land use regulations for the Buffer District. 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 Permit.

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

"–" designates uses that are not permitted.

B. Land uses are defined in Article 67, Use Classifications.

C. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character per Section 15-5020, Director's Determination.

D. All permitted uses are allowed either alone or in combination with other permitted uses unless otherwise stated in this Code.

E. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are not permitted.

F. The table also notes additional regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Code.

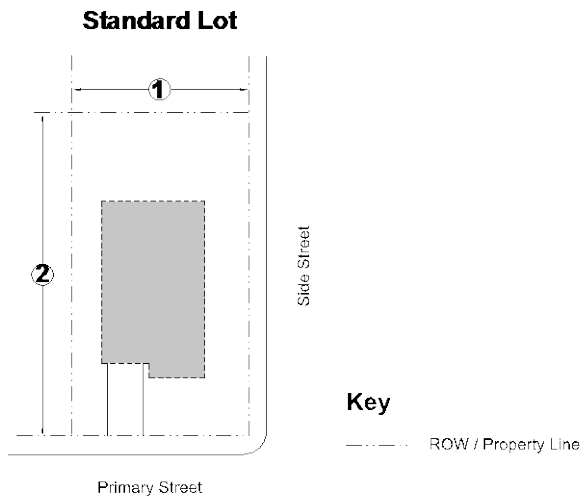
TABLE 15-802: USE REGULATIONS—BUFFER DISTRICT		
Use Classification	*B*	*Additional Regulations*
Residential Use Classifications		
Residential Housing Types		
Single-Unit Dwelling, Detached	P	§15-2738, Manufactured Homes
Second Dwelling Unit	P	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Adult Family Day Care		
Small (6 clients or less)	P	
Family Day Care		
Small (8 children or less)	P	§15-2725, Day Care Centers and Family Child Care Homes
Group Residential		
Small (6 persons or less)	P	
Residential Care Facilities		
Residential Care, Limited	P	
Public and Semi-Public Use Classifications		
Community Garden	P	§15-2720, Community Gardens / Urban Farms
Park and Recreation Facilities, Public	P	
Public Safety Facilities	C	
Commercial Use Classifications		
Animal Care, Sales and Services		
Kennels	C	
Veterinary Services	C	
Lodging		
Bed and Breakfast	P	§15-2713, Bed and Breakfast Lodging
Transportation, Communication, and Utilities Use Classifications		
Communication Facilities		
Antenna and Transmission Towers	See Section 15-2759, Telecommunications and Wireless Facilities	
Utilities, Major	C	
Utilities, Minor	P	
Agricultural and Extractive Use Classifications		
Agricultural Labor Housing	P	
Agricultural Processing	C(1)	
Agricultural Support Services	P	
Animal Raising	C	

TABLE 15-802: USE REGULATIONS—BUFFER DISTRICT		
Use Classification	*B*	*Additional Regulations*
Crop Cultivation	P	§15-2716, Crop Cultivation
Dairy	P(1)	
Mining and Quarrying	C	
Produce Stand	P	§15-2752, Roadside Fruit Stands / Grower Stands
Sales Lot, Feed Lot, Stockyard	C	
Tasting Room	C	
Urban Farm	P	§15-2720, Community Gardens / Urban Farms
Other Applicable Types		
Accessory Uses and Structures	§15-2703, Accessory Uses	
Accessory Living Quarters	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters	
Home Gardens	§15-2734, Home Gardens and Edible Landscaping	
Home Occupations	§15-2735, Home Occupations	
Animal Keeping	§15-2707, Animal Keeping	
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots	
Temporary Use	§15-2760, Temporary Uses	
Transitional and Supportive Housing	§15-2762, Transitional and Supportive Housing	
Specific Limitations: 1. Only on lots 40 acres or more in size.		

15-803 Density and Massing Development Standards

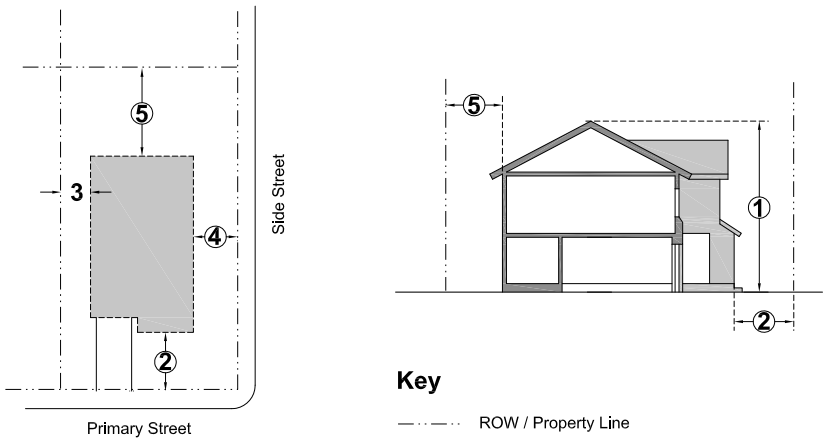
Tables 15-803-1 and 15-803-2 prescribe the density and massing development standards for the Buffer District. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of the Code, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below correspond to the "#" column in the associated table. Drawings are for illustrative purposes and are not drawn to scale.

TABLE 15-803-1: LOT AND DENSITY STANDARDS—BUFFER DISTRICT



District	*B*	*Additional Regulations*	*#*
Maximum Density (du/lot)	1		
Minimum Lot Size (acres)	20		
Minimum Lot Width (ft.)	130		①
Minimum Lot Depth (ft.)	200		②

TABLE 15-803-2: BUILDING FORM AND LOCATION STANDARDS—BUFFER DISTRICT



District	*B*	*Additional Regulations*	*#*
Maximum Height (ft.)	35	§15-804-A, Additional Height for Agricultural-Related Structures §15-2012, Heights and Height Exceptions	①
Minimum Setbacks (ft.)			
Front	35	§15-313, Determining Setbacks and Yards, and §15-2014, Projections/Encroachments into Yards	②
Interior Side	20		③
Street Side	35		④
Rear	20		⑤
Maximum Lot Coverage (% of Lot)	5	§15-311, Determining Lot Coverage	

15-804 Additional Development Standards

A. **Additional Height for Agricultural-Related Structures.** The Director may approve Accessory Structures, up to a height of 75 feet, for agricultural-related structures, per the following standards:

1. The Accessory Structure shall be used only for agricultural products.
2. Any request to exceed the 35 foot maximum shall be subject to a flag test to be performed by the applicant, with a member of City staff in attendance.
3. There shall be no advertising on the structure.
4. Sight lines, shadows, and overall aesthetics shall be considered by the Director when over-height structures are proposed.

Article 9 Residential Single-Family Districts (RS)

Sections:

15-901 Purpose
15-902 Use Regulations
15-903 Density and Massing Development Standards
15-904 Site Design Development Standards
15-905 Façade Design Development Standards
15-906 Duplex and Multi-Unit Residential Standards

15-901 Purpose

The purposes of the Residential Single-Family (RS) Districts are to:

A. Provide for a variety of single-family residences built to urban or suburban standards to suit a spectrum of individual lifestyles and needs, and to ensure availability throughout the city of the range of housing types necessary for all segments of the community, consistent with the General Plan.

B. Enhance the character of the city's residential neighborhoods, while providing new opportunities for the development of a range of housing types throughout the city.

C. Ensure that the scale and design of new development and alterations and additions to existing residences are compatible with the scale, mass, and character of their neighborhoods.

D. Provide for appropriate densities within the ranges established in the General Plan.

E. Protect the quality of the residential environment and secure the health, safety, and general welfare of the residents.

F. Provide sites for neighborhood-serving uses such as parks, family day cares, libraries, and community facilities.

G. Implement and provide appropriate regulations for General Plan classifications of "Low Density Residential," "Medium Low Density Residential," and "Medium Density Residential."

15-902 Use Regulations

A. Table 15-902 prescribes the proposed land use regulations for Residential Single-Family Districts. The regulations for the districts are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

"P" designates permitted uses.

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

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

"–" designates uses that are not permitted.

B. Land uses are defined in Article 67, Use Classifications.

C. In cases where a specific land use or activity is not defined, the Director may assign the land use or activity to a classification, should a use be substantially similar in character per Section 15-5020, Director's Determination.

D. All permitted uses are allowed either alone or in combination with other permitted uses unless otherwise stated in this Code.

E. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are not permitted.

F. The table also notes additional regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Code.

TABLE 15-902: USE REGULATIONS—RESIDENTIAL SINGLE-FAMILY DISTRICTS							
District	*RE*	*RS-1*	*RS-2*	*RS-3*	*RS-4*	*RS-5*	*Additional Regulations*
Residential Use Classifications							
Residential Housing Type							
Single-Unit Dwelling, Detached	P	P	P	P	P	P	§15-2738, Manufactured Homes
Single-Unit Dwelling, Attached	–	–	–	–	C	P	
Second Dwelling Unit	P	P	P	P	P	P	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Cottage Housing Development	–	–	–	–	–	P	§15-2723, Cottage Housing Developments (Pocket Neighborhoods)
Duplex	–	–	–	–	–	C	§15-906, Duplex and Multi-Unit Residential Standards
Multi-Unit Residential	–	–	–	–	–	C	§15-906, Duplex and Multi-Unit Residential Standards
Adult Family Day Care							
Small (6 clients or less)	P	P	P	P	P	P	
Large (7 to 12 clients)	–	C	C	C	C	C	
Domestic Violence Shelter							
Small (6 persons or less)	P	P	P	P	P	P	
Family Day Care							
Small (8 children or less)	P	P	P	P	P	P	§15-2725, Day Care Centers and Family Child Care Homes
Large (9 to 14 children)	–	C	C	C	C	C	
Group Residential							
Small (6 persons or less)	P	P	P	P	P	P	
Residential Care Facilities							
Residential Care, General	–	C	C	C	C	C	
Residential Care, Limited	P	P	P	P	P	P	

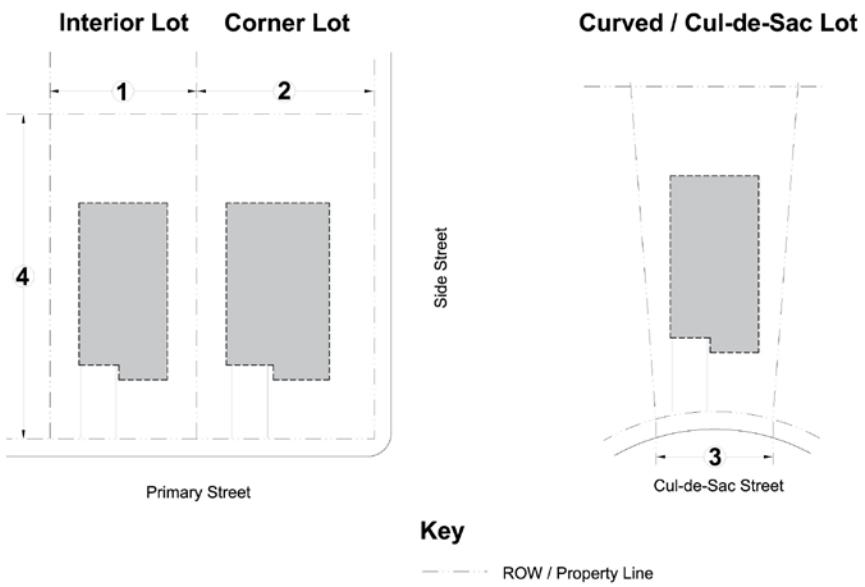
TABLE 15-902: USE REGULATIONS—RESIDENTIAL SINGLE-FAMILY DISTRICTS							
District	*RE*	*RS-1*	*RS-2*	*RS-3*	*RS-4*	*RS-5*	*Additional Regulations*
Public and Semi-Public Use Classifications							
Community and Religious Assembly (less than 2,000 square feet)	–	–	P	P	P	P	§15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	–	–	C	C	C	C	
Community Garden	P	P	P	P	P	P	§15-2720, Community Gardens / Urban Farms
Cultural Institutions	–	–	–	C	C	C	
Day Care Centers	–	–	–	–	–	C	§15-2725, Day Care Centers and Family Child Care Homes
Park and Recreation Facilities, Public	C	C	C	C(1)	C(1)	C(1)	
Public Safety Facilities	C	C	C	C	C	C	
Schools, Public or Private	–	P	P	P	P	P	
Commercial Use Classifications							
Corner Commercial	–	–	–	–	P	P	§15-2722, Corner Commercial
Food and Beverage Sales							
Farmer's Markets	–	–	–	–	P(2)	P(2)	§15-2730, Farmer's Markets
Lodging							
Bed and Breakfast	P	P	P	P	P	P	§15-2713, Bed and Breakfast Lodging
Industrial Use Classifications							
Warehousing, Storage, and Distribution							
Personal Storage	–	–	–	C	C	C	§2747, Personal (Mini) Storage
Transportation, Communication, and Utilities Use Classifications							
Communication Facilities							
Antenna and Transmission Towers	See Section 15-2759, Telecommunications and Wireless Facilities						
Utilities, Minor	P	P	P	P	P	P	
Agricultural and Extractive Use Classifications							
Crop Cultivation	P	P	P	P	P	P	§15-2716, Crop Cultivation
Urban Farm	–	P	P	P	–	–	§15-2720, Community Gardens / Urban Farms
Other Applicable Types							
Accessory Uses and Structures	§15-2703, Accessory Uses						
Accessory Living Quarters	P	P	P	P	P	P	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Home Gardens	§15-2734, Home Gardens and Edible Landscaping						
Home Occupations	§15-2735, Home Occupations						
Animal Keeping	§15-2708, Animal Keeping						
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots						

TABLE 15-902: USE REGULATIONS—RESIDENTIAL SINGLE-FAMILY DISTRICTS							
District	*RE*	*RS-1*	*RS-2*	*RS-3*	*RS-4*	*RS-5*	*Additional Regulations*
Temporary Use	§15-2760, Temporary Uses						
Transitional and Supportive Housing	§15-2762, Transitional and Supportive Housing						
Specific Limitations: 1. Permitted without a Conditional Use Permit if less than 12,000 square feet in active use area and less than 500 square feet total floor area of all enclosed structures (i.e. bathrooms, community rooms, clubhouses, etc.). 2. Off-street Farmer's Markets are permitted only on non-residential sites, such as schools and religious institutions.							

15-903 Density and Massing Development Standards

Tables 15-903-1 through 15-903-2 prescribe the development standards for the Residential Single-Family Districts. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of the Code, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below correspond to the "#" column in the associated table. Drawings are for illustrative purposes and are not drawn to scale.

TABLE 15-903-1: LOT AND DENSITY STANDARDS—RESIDENTIAL SINGLE-FAMILY DISTRICTS

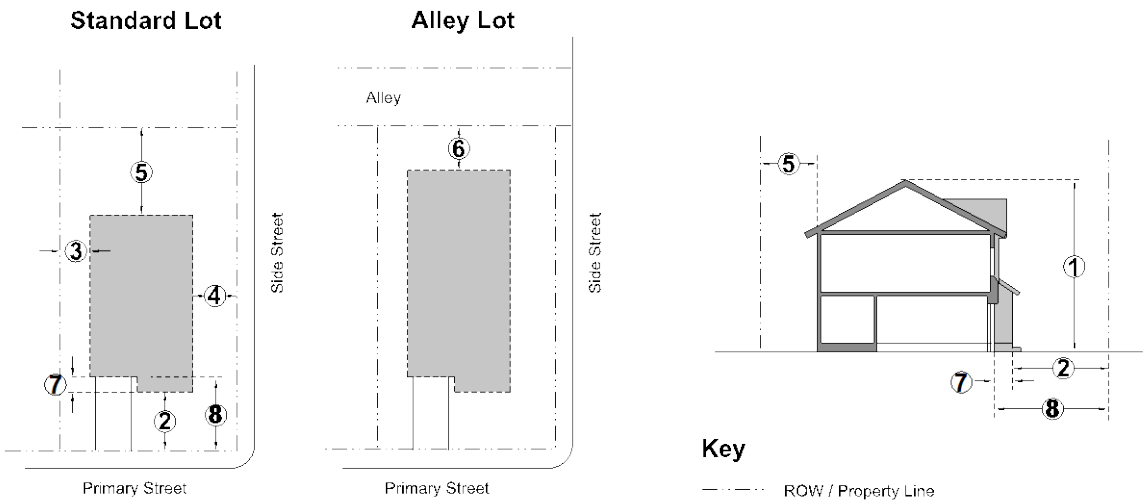


District	*RE*	*RS-1*	*RS-2*	*RS-3*	*RS-4*	*RS-5*	*Additional Regulations*	*#*
Minimum Lot Size (sq. ft.)	5 acres	36,000	20,000	9,000	5,000	4,000		
Minimum Lot Size, with Enhanced Streetscape (sq. ft.)	-	-	-	-	-	2,500[1]	§15-904-B, Enhanced Streetscape	
Maximum Lot Size[2]	-	-	-	32,000	9,000	6,500		
Residential Density (dwelling units per lot)	1	1	1	1	1	1	§15-310, Determining Residential Density	
Minimum Lot Width (ft.)								
General Standard	110	110	110	70	50	35		①
Corner	110	110	110	80	55	40		②
Reversed Corner	110	110	110	90	60	50		
Where Side Property Line Abuts a Major Street, Freeway or Railroad	160	160	130	90	70	60		
Curved/Cul-de-Sac	80	80	80	60	40	30		③
Minimum Lot Depth (ft.)								
General Standard	130	130	130	100	85	70		④
Where Front or Rear Property Line Abuts a Major Street	200	200	130	110	100	90		④
Where a Front or Rear Property Line Abuts a Freeway or Railroad	200	200	150	150	120	120		④

1. Provided that the overall density of the development does not exceed the approved General Plan densities.

2. Maximum lot sizes may be exceeded in developments whose overall density does not fall below the approved General Plan density.

TABLE 15-903-2: BUILDING FORM AND LOCATION STANDARDS—RESIDENTIAL SINGLE-FAMILY DISTRICTS



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

15-904 Site Design Development Standards

A. Additional Setback Regulations.

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

   a. *Front Yards.* Where 50 percent or more of the lots on the same blockface have been improved with buildings, the front setback for new structures shall not be greater than 110 percent of the average of the actual front setbacks of all improved lots on such blockface, nor shall it be less than 90 percent of the average of the actual front setbacks of all improved lots on such blockface.

   b. *Garage Encroachments into Rear and Side Setbacks.* Where 50 percent of the residential properties on a block have detached garages which encroach into the minimum side and/or rear setbacks, new detached garages shall be permitted to encroach into the minimum side and/or rear setback in a similar manner. In such instances the minimum side and rear setback for a detached garage shall each be equal to the average of the equivalent setbacks of the detached garages on the block, unless the average is less than two feet in which case the setback shall be zero feet.

   c. *Garage Setbacks for Developed Blocks.* Where 50 percent or more of the lots on the same blockface feature detached garages, new garages shall be set back no less than 10 feet behind the primary façade.

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

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

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

   a. The installed landscaping complies with the State Model Water Efficient Landscape Ordinance (MWELO) regardless of whether the new landscape project meets or does not meet the Applicability criteria in MWELO; and

   b. The Maximum Applied Water Allowance is reduced by 10 percent; and

   c. The setback reduction shall not result in a front setback of less than three feet.

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

6. ***Swing Garages.*** A garage with an entrance that is perpendicular to the adjacent street is known as a swing garage. If the wall of a swing garage which faces the street has windows and other architectural treatments which are comparable to that of the

primary façade of the living area, then swing garages shall be subject to the minimum front setback and shall not be subject to garage setbacks.

B. **Enhanced Streetscape.** When an Enhanced Streetscape is provided, the minimum lot size and minimum front setback shall be reduced as shown on Tables 15-903-1 and 15-903-2. Enhanced Streetscape shall mean that no fewer than five of the following qualities are present on the site or the adjacent public street:

1. A landscaped parkway strip of no less than four feet in width; or
2. An elevated first floor which is at no less than three feet above the grade of the adjacent sidewalk or curb; or
3. A front porch with a depth of no less than five feet and a width equal to no less than 20 percent of the building frontage; or
4. A street-facing balcony with a depth of no less than five feet and a width equal to no less than 30 percent of the building frontage; or
5. A bay window with a depth of no less than two feet; or
6. An alley-loaded garage; or
7. A front-loaded garage door, the width of which occupies less than 50 percent of the area of the front façade; or
8. A design in which no exterior front street-facing wall has a continuous plane of more than eight feet without an opening such as a window or door or a projection, offset, or recess at least one foot in depth; or
9. Stone or brick cladding accounts for no less than 25 percent of the cladding of ground floor front street-facing facades, excluding windows, doors, and garages; or
10. A two-story front elevation; or
11. Shutters, lintels, sills, awnings, decorative trim or similar architectural treatments on front street-facing windows and doors; or
12. Ornamental architectural elements such as medallions, keystones, or quatrefoils, and decorative vent covers; or
13. Decorative eave treatments such as cornice moldings, modillions, corbels, and outlookers; or
14. 8-foot tall front door; or
15. Juliet balcony.

C. **Pedestrian Access.** Where 50 percent or more of the single-family homes on the same blockface have a direct path from the main pedestrian entrance to the public sidewalk, new homes shall also provide such a path. In such circumstances the driveway shall not satisfy this requirement.

D. **Driveway Design.** Where 50 percent or more of the lots on the same blockface have a driveway design with a landscaped strip in the center (commonly known as ribbon drives or Hollywood drives), new driveways shall also include a central landscape strip.

15-905 Façade Design Development Standards

A. **Façade Alignment.**

1. ***Vertical Alignment.*** With the exception of mansard roofs, cornices, and other such features, façades shall be oriented vertically and shall have no slope.

2. ***Horizontal Alignment.*** With the exception of bay windows and similar features, facades that are located within 50 feet of a public street shall run parallel or perpendicular to said street.

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

1. ***Building Materials and Finishes.*** Cladding and trim materials and finishes shall be similar to adjacent homes.

2. ***Windows.*** The size, location, and proportions of windows shall be similar to adjacent homes.

15-906 Duplex and Multi-Unit Residential Standards

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

A. **Neighborhood Meeting.** Prior to submittal of the project application, the applicant shall conduct a Neighborhood Meeting as put forth in Section 15-5006.

B. **Review Authority.** The Planning Commission shall approve, conditionally approve, or deny applications for Conditional Use Permits following a public hearing.

C. **Public Notice.** Prior to consideration of the Conditional Use Permit, Public Notice shall be provided per Section 15-5007.

D. **Property Development Standards.** The standards of the RM-1 District shall apply, except as follows:

1. ***Density.*** Residential density shall be measured as put forth in Section 15-310-B.

   a. *Minimum.* Five units per acre.

   b. *Maximum.* Twelve units per acre.

2. ***Front Setback.*** Where adjacent sites have been improved with buildings, the front setback for new structures shall match the front setbacks of those buildings as determined by the Review Authority.

3. ***Façade Compatibility.***

   a. *Building Materials and Finishes.* Cladding and trim materials and finishes shall be similar to adjacent single-family homes.

   b. *Windows.* The size, location, and proportions of windows shall be similar to adjacent single-family homes.

4. ***Other Standards.*** When the Review Authority determines that a development standard of the RS-5 District would provide for better compatibility with adjacent single-family homes than the corresponding RM-1 standard, the RS-5 standard shall apply.

Article 10 Residential Multi-Family Districts (RM)

Sections:

15-1001 Purpose
15-1002 Use Regulations
15-1003 Density and Massing Development Standards
15-1004 Site Design Development Standards

15-1001 Purpose

The purposes of the Residential Multi-Family (RM) Districts are to:

A. Provide for a variety of multi-family housing types for individual lifestyles and space needs, and to ensure continued availability of a full range of affordable housing opportunities necessary to sustain a diverse labor force, consistent with the City's economic development and housing objectives of the General Plan.

B. Provide opportunities for the development of higher-density and affordable housing in neighborhoods throughout the city.

C. Preserve, protect, and enhance the character of the city's medium and high-density neighborhoods.

D. Promote development of walkable, transit-supported neighborhoods.

E. Ensure that the scale and design of new development and alterations to existing structures are compatible with the scale, mass, and character of their neighborhoods.

F. Ensure adequate light, air, privacy, and outdoor living area for each dwelling.

G. Ensure the provision of services and facilities needed to accommodate planned population densities and to achieve complete neighborhoods in the city's existing and future residential areas in accordance with the General Plan.

H. Provide for appropriate densities within the ranges established in the General Plan.

I. Protect the quality of the residential environment and secure the health, safety, and general welfare of the residents.

J. Implement and provide appropriate regulations for General Plan classifications of "Medium High Density Residential," "Urban Neighborhood Density Residential," and "High Density Residential."

15-1002 Use Regulations

A. Table 15-1002 prescribes the proposed land use regulations for Residential Multi-Family Districts. The regulations for the districts are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

"P" designates permitted uses.

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

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

"–" designates uses that are not permitted.

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 15-1002: USE REGULATIONS—RESIDENTIAL MULTI-FAMILY DISTRICTS					
District	*RM-1*	*RM-2*	*RM-3*	*RM-MH*	*Additional Regulations*
Residential Use Classifications					
Residential Housing Types					
Single-Unit Dwelling, Detached	P	–	–	–	§15-2738, Manufactured Homes
Single-Unit Dwelling, Attached	P	P	–	–	
Second Dwelling Unit	P	P	–	–	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Duplex	P	P	P	–	
Multi-Unit Residential	P	P	P	–	
Cottage Housing Development	P	–	–	–	§15-2723, Cottage Housing Developments (Pocket Neighborhoods)
Adult Family Day Care					
Small (6 clients or less)	P	P	P	P	
Large (7 to 12 clients)	C	C	C	–	
Caretaker Residence	–	–	–	P	
Domestic Violence Shelter					
Small (6 persons or less)	P	P	P	–	
Large (7 persons or more)	P	P	P	–	
Elderly and Long-Term Care	C	C	C	–	
Family Day Care					
Small (8 children or less)	P	P	P	P	§15-2725, Day Care Centers and Family Child Care Homes
Large (9 to 14 children)	C	C	C	C	

TABLE 15-1002: USE REGULATIONS—RESIDENTIAL MULTI-FAMILY DISTRICTS					
District	*RM-1*	*RM-2*	*RM-3*	*RM-MH*	*Additional Regulations*
Group Residential					
Small (6 persons or less)	P	P	P	–	
Large (7 persons or more)	C	C	C	–	
Mobile Home Parks	–	–	–	P	§15-2738, Manufactured Homes
Re-Entry Facility	C	C	C	–	
Residential Care Facilities					
Residential Care, General	C	P	P	–	
Residential Care, Limited	P	P	P	–	
Residential Care, Senior	C	P	P	–	
Single Room Occupancy	–	C	C	–	§15-2757, Single Room Occupancy Hotels and Boarding Homes
Public and Semi-Public Use Classifications					
Colleges and Trade Schools, Public or Private	C(1)	C(1)	C(1)	–	
Community and Religious Assembly (less than 2,000 square feet)	P	P	P	P	§15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	C(1)	C(1)	C(1)	–	
Community Garden	P	P	P	P	§15-2720, Community Gardens / Urban Farms
Cultural Institutions	C	P	P	–	
Day Care Centers	C	P	P	–	§15-2725, Day Care Centers and Family Child Care Homes
Park and Recreation Facilities, Public	C(2)	C(2)	C(2)	C	
Public Safety Facilities	C	C	C	C	
Schools, Public or Private	P	P	P	P	
Social Service Facilities	C	C	C	–	
Commercial Use Classifications					
Food and Beverage Sales					
Farmer's Markets	P	P	P	P	§15-2730, Farmer's Markets
General Market	–	–	–	P(3)	§15-2744, Outdoor Dining and Patio Areas; §15-2745, Outdoor Retail Sales
Healthy Food Grocer	–	–	–	P(3)	
Lodging					
Bed and Breakfast	P	P	P	P	§15-2713, Bed and Breakfast Lodging
Industrial Use Classifications					
Warehousing, Storage, and Distribution					
Personal Storage	C	C	C	C	§2747, Personal (Mini) Storage
Transportation, Communication, and Utilities Use Classifications					
Communication Facilities					
Antenna and Transmission Towers	See Section 15-2759, Telecommunications and Wireless Facilities				
Utilities, Minor	P	P	P	P	

TABLE 15-1002: USE REGULATIONS—RESIDENTIAL MULTI-FAMILY DISTRICTS					
District	*RM-1*	*RM-2*	*RM-3*	*RM-MH*	*Additional Regulations*
Agricultural and Extractive Use Classifications					
Crop Cultivation	P	P	P	P	§15-2716, Crop Cultivation
Other Applicable Types					
Accessory Uses and Structures	§15-2703, Accessory Uses				
Accessory Living Quarters	P	P	P	P	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Home Gardens	§15-2734, Home Gardens and Edible Landscaping				
Home Occupations	§15-2735, Home Occupations				
Animal Keeping	§15-2707, Animal Keeping				
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots				
Temporary Use	§15-2760, Temporary Uses				
Transitional and Supportive Housing	§15-2762, Transitional and Supportive Housing				

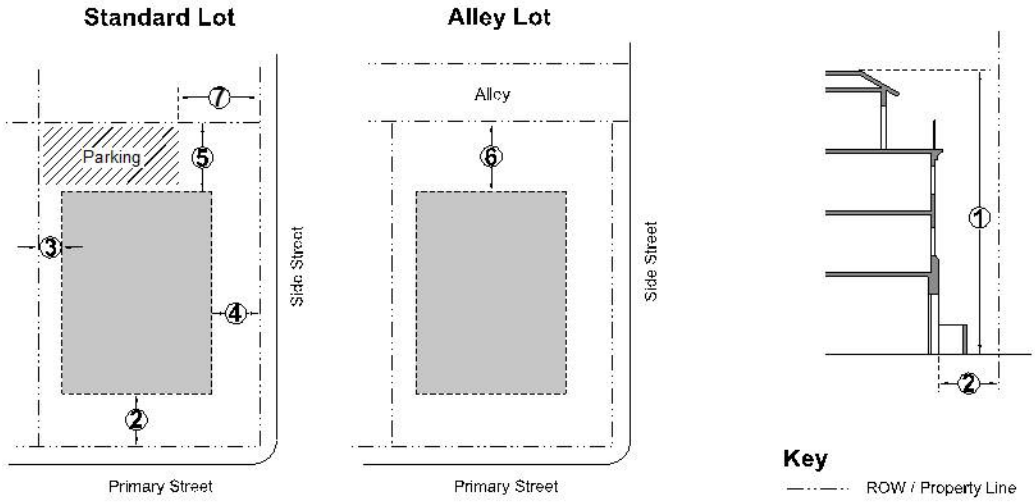
Specific Limitations:

1. Only on parcels with direct access from a major street.
2. Permitted without a Conditional Use Permit if less than 12,000 square feet in active use area and less than 500 square feet total floor area of all enclosed structures (i.e. bathrooms, community rooms, clubhouses, etc.). Should the site access a major street, this condition shall not be applicable.
3. Limited to sites that are a minimum of five acres and 1,500 square feet of sales area.

15-1003 Density and Massing Development Standards

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

TABLE 15-1003: DENSITY AND MASSING STANDARDS—RESIDENTIAL MULTI-FAMILY DISTRICTS



District	*RM-1*	*RM-2*	*RM-3*	*RM-MH*	*Additional Regulations*	*#*
Maximum Density (du/ac) (min./max.)	12/16	16/30	30/45	12/16	§15-310, Determining Residential Density	
Maximum Height (ft.)	40	50	60	35	§15-2012, Heights and Height Exceptions, 15-1003-A, RS Transition Standards	①
Setbacks (ft.)						
Front (min. / max.)	10 / 20	10 / 20	10 / 20	10 / 20	§15-313, Determining Setbacks and Yards §15-1004-A, RS Transition Standards §15-1004-B, Side Setbacks for Attached Dwellings §15-1004-C, Parking Setback §15-2014, Projections/Encroachments into Yards §15-2305, Areas to be Landscaped	②
Interior Side (min.)	10 total, min. 4/side	5	5	5		③
Street Side (min.) (Parcel <125 ft. in depth)	10	10	10	10		④
Street Side (min.) (Parcel >125 ft. in depth)	15	15	15	15		④
Rear (min.)	20	15	15	10		⑤
Alley (min.)	3	3	3	3		⑥
Parking, from back of sidewalk or curb (min.)	30	30	30	30		⑦
Minimum Frontage Coverage (%)	50	50	50	-	§15-317, Determining Frontage Coverage	
Maximum Lot Coverage (% of lot)	50	50	60	50	§15-311, Determining Lot Coverage	
Minimum On-Site Open Space (% of Lot Area)	20	15	10	-		

15-1004 Site Design Development Standards

A. **RS Transition Standards.** Where an RM district abuts an RS District, the following standards apply:

1. ***Height.*** The maximum height within 40 feet of an RS District is limited to 30 feet. The maximum height within 50 feet of an RS District is 40 feet.

2. ***Setbacks.*** The following additional setback requirements shall be applied to all structures, including accessory structures, on parcels which are adjacent to an RS District:

   a. *Front*. The minimum front setback requirement of the adjacent RS district shall be applied to all structures within 50 feet of the RS District.

   b. *Interior Side*. The interior side setback shall be 10 feet.

   c. *Rear*. The rear setback shall be 20 feet.

3. ***Landscape.*** See Table 15-2305-C.1, Required Landscape Buffers.

4. ***Screening.*** When a multi-story building is proposed and the second story or above is located within 50 feet of the side or rear yard of a single-family lot, screening measures shall be applied to provide a reasonable degree of privacy.

   a. Screening measures include, but are not limited to, landscaping, alternate window and balcony placements, placing windows at least six feet from the floor of the interior of the unit, incorporating wing walls or louvers, using glass block or other translucent material, and other such methods.

   b. *Sufficiency of Screening*. The Review Authority shall determine the sufficiency of the proposed screening measures and may require additional measures.

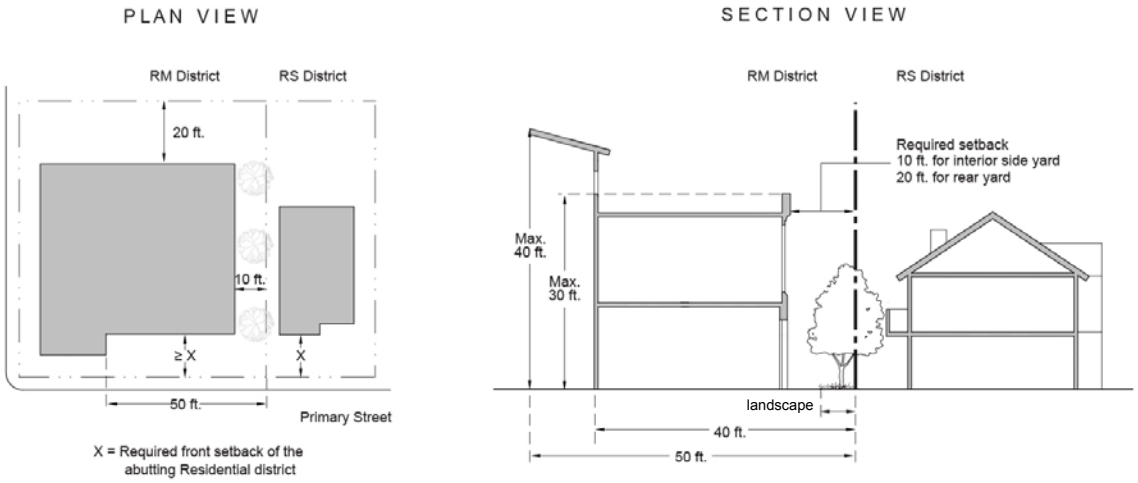


FIGURE 15-1004-A: RS TRANSITION STANDARDS—RM DISTRICTS

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

C. **Parking Setback.** Parking shall be setback as shown on Table 15-1003 except as provided below:

1. *Surface Parking.*

a. Surface parking which is located behind a building shall not be subject to the parking setback requirement.

b. On lots less than 150 feet in width or depth, surface parking may be set back less than the distance shown on Table 15-1003, if the following conditions are met:

i. Such parking shall not be set back from the street less than adjacent buildings on the site.

ii. The parking setback area shall be landscaped.

iii. There shall be no more than four adjacent parking spaces in surface parking areas located less than 30 feet from a street-facing lot line. The space between groups of four adjacent parking spaces shall be equal in width to the adjacent parking spaces and shall be landscaped.

iv. Parking spaces shall be screened from the adjacent street with a minimum three foot berm, wall, or hedge, or combination thereof.

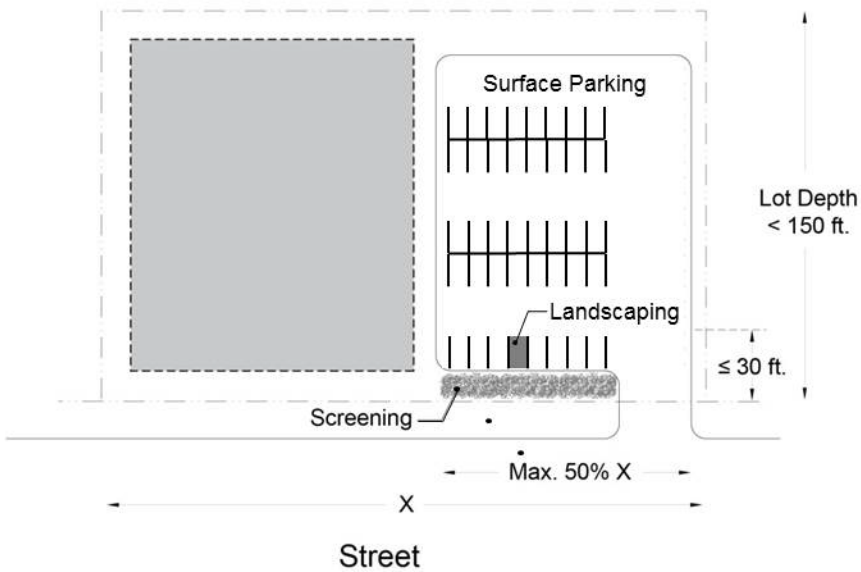


FIGURE 15-1004-C.1: SURFACE PARKING SETBACK REDUCTION

2. ***Partially Submerged Podium Parking***. Parking that is partially below the street grade may extend to the setbacks of the main structure, if the following conditions are met:

   a. No more than six feet of the partially submerged parking podium may extend above the street grade.

   b. The partially submerged parking podium shall be screened along street facing elevations by foundation plant materials. Gates need not be screened.

3. ***Underground Parking.*** Parking that is fully underground and below the street grade may extend from lot line to lot line.

D. **On-Site Open Space.**

1. ***Minimum Open Space Required.*** The minimum amount of on-site open space required shall be based on the size of the lot, as shown in Table 15-1003. This requirement may be met through a combination of private open space, common open space, or public plazas as follows:

   a. *Private Open Space Requirements.* Private open spaces are those which are attached to a dwelling unit and are available only for the private use of the residents of the dwelling unit, such as balconies, porches, and patios. No fewer than 50 percent of the dwelling units on a site shall have a private open space. The following standards shall apply to private open space:

i. The minimum dimension of any private open space shall be four feet.

ii. The minimum area of any private open space shall be 32 square feet.

iii. When located within 30 feet of a public street and located on the ground floor, private open spaces shall follow the requirements for Porches as put forth in Table 15-1005-F.

iv. When located within 30 feet of a public street and located above the ground floor, private open spaces shall follow the requirements for Balconies as put forth in Table 15-1005-F.

b. *Common Open Space Requirements.* Common open spaces are those which are available for active or passive use by all tenants, but use by the general public may be restricted. To the extent that common open space is provided, the following standards shall apply:

i. The minimum dimension of any common open space shall be 20 feet.

ii. The minimum area of any common open space shall be 1,000 square feet. The calculation of the common open space area shall exclude structures which are unusable as open space, but shall include structures that enhance its usability, such as swimming pools, changing facilities, fountains, planters, benches, and landscaping.

iii. Not less than 80 percent of common open space shall be unobstructed to the sky. Trellises, pergolas, and similar structures shall be considered open to the sky for the purposes of this measurement.

iv. Common open space may be located at grade, on rooftops, on top of parking podiums, or any other such location that is accessible to tenants. Common open space may not be located within required front setbacks or RS buffer setbacks.

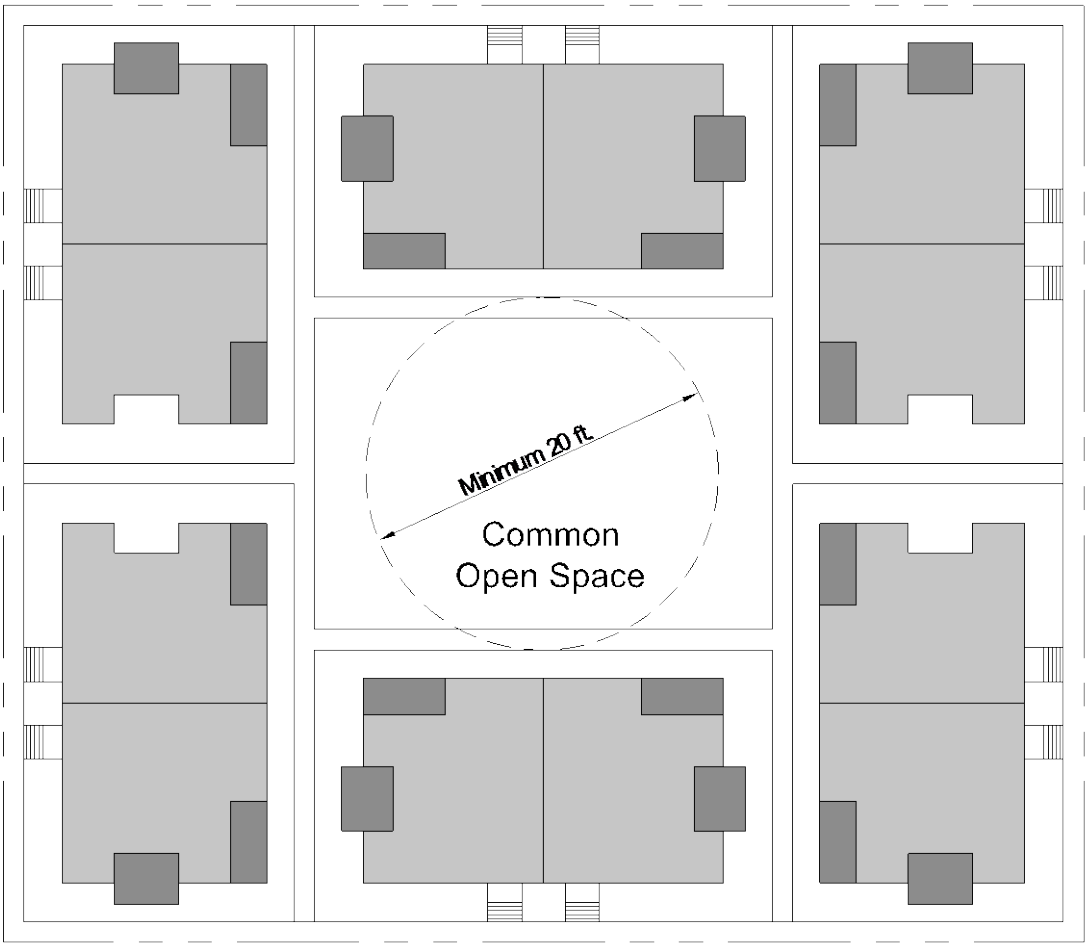


FIGURE 15-1004-D.1.b: MINIMUM REQUIRED COMMON OPEN SPACE DIMENSION

c. *Public Plaza Requirements.* Public plazas are those which are available for use by the general public, as well as tenants of the project. To the extent that public plazas are provided, the following standards shall apply:

i. The minimum dimension of any public plaza shall be 20 feet.

ii. The minimum area of any public plaza shall be 500 square feet. The calculation of the public plaza area shall exclude structures which are unusable as open space, but shall include structures that enhance its usability, such as fountains, planters, benches, and landscaping.

iii. Public plazas shall include benches or other seating, and paving shall be of high-quality materials. Amenities provided shall enhance the comfort, aesthetics, or usability of the space and include, but not be limited to, trees and other landscaping, shade structures, drinking fountains, water features, public art, or performance areas. Landscaping or other aspects of the design shall not discourage the use of the space by the general public.

iv. Public plazas shall be fully accessible from the public right-of-way, shall be located in front of project buildings and shall not be located where public views into the space are obstructed by buildings or other structures.

v. Public plazas may be located within required front setbacks.

vi. A public access easement shall be provided for the space.

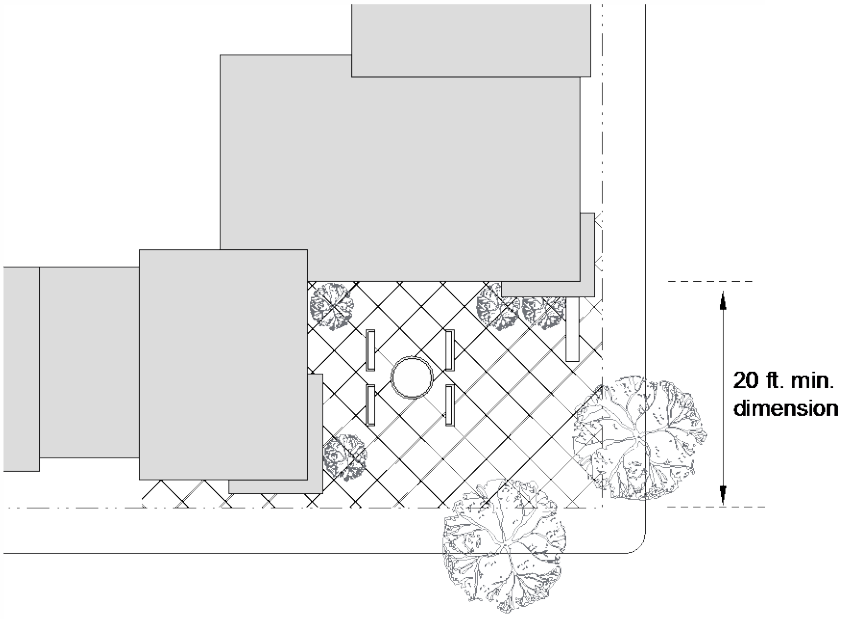


FIGURE 15-1004-D.1.c: MINIMUM REQUIRED PUBLIC PLAZA DIMENSION

2. ***Minimum Open Space Reduction.*** The minimum amount of open space required shall be reduced by 25 percent in any one of the following circumstances:

a. Any portion of the lot is located within a quarter mile of a transit stop with regular, scheduled service during the weekday hours of 7:00 a.m. to 9:00 a.m. and 5:00 p.m. to 7:00 p.m.

b. There is a public park within 400 feet of the site, and

i. Said park is located on the same side of the street and provides an improved pedestrian path to and from the site; or

ii. The public park is across a local street and the site provides an improved pedestrian path to and from the site.

c. The parcel is 15,000 square feet or less in area.

Article 11 Mixed-Use Districts (MX)

Sections:

15-1101 Purpose
15-1102 Use Regulations
15-1103 Density, Intensity, and Massing Development Standards
15-1104 Site Design Development Standards

15-1101 Purpose

The purposes of the Mixed-Use (MX) Districts are to:

A. Promote pedestrian-oriented infill development, intensification, and reuse of land consistent with the General Plan.

B. Allow and encourage the development of mixed-use centers and corridors with a vibrant concentration of goods and services, multi-family housing, and community gathering and public spaces at strategic locations.

C. Transform certain auto-oriented boulevards and corridors into vibrant, diverse, and attractive corridors that support a mix of pedestrian-oriented retail, office, and residential uses in order to achieve an active social environment within a revitalized streetscape.

D. Provide options which reduce the need for private automobile use to access shopping, services, and employment and minimize air pollution from vehicle miles traveled.

E. Offer additional housing opportunities for residents seeking to live in an urban environment.

F. Improve access to a greater range of facilities and services for surrounding residential neighborhoods.

G. Establish development and design standards for these centers and corridors that will create a unified, distinctive, and attractive urban character, with appropriate transitions to adjacent residential neighborhoods.

H. Facilitate mixed-use residential development at increased densities and intensities in key locations such as along Bus Rapid Transit (BRT) corridors. Implement and provide appropriate regulations for General Plan classifications of "Neighborhood Mixed-Use," "Corridor/Center Mixed-Use," and "Regional Mixed-Use."

Additional purposes of each Mixed-Use District are as follows:

NMX Neighborhood Mixed-Use. The NMX district is intended to provide for mixed-use residential districts that include local-serving, pedestrian-oriented commercial development, such as smaller independent retail shops and professional offices in two- to three-story buildings. Development is expected to include ground-floor neighborhood retail uses and upper-level housing or offices, with a mix of small lot single-family houses, townhomes, and multi-family dwelling units on side streets, in a horizontal or vertical mixed-use orientation. The NMX district provides for a scale and character of

development that is pedestrian-orientated, designed to attract and promote a walk-in clientele, with small lots and frequent pedestrian connections permitting convenient access from residences to commercial space.

CMX Corridor/Center Mixed-Use. The CMX district is intended to allow for either horizontal or vertical mixed-use development along key circulation corridors in the city where height and density can be easily accommodated. Ground-floor retail and upper-floor residential or offices are the primary uses, with residential uses, personal and business services, and public and institutional space as supportive uses. Development will facilitate the transformation of existing transportation corridors into vibrant, highly walkable areas with broad, pedestrian-friendly sidewalks, trees, landscaping, and local-serving uses with new buildings that step down in relationship to the scale and character of adjacent neighborhoods.

RMX Regional Mixed-Use. The RMX district is intended to support regional retail and mixed-use development in large-scale activity centers outside of Downtown, as identified by the General Plan. It accommodates urban-scale mixed-use development that serve residents and businesses of the region at large. Medium-scale retail, housing, office, civic and entertainment uses, and shopping malls with large-format or "big-box" retail are allowed, as are supporting uses such as gas stations, hotels, and residential in mixed-use or single-use buildings. Development and design standards will create a pedestrian orientation within centers and along major corridors, with parking located on the side or rear of, or within, major structures.

15-1102 Use Regulations

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

"P" designates permitted uses.

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

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

"–" designates uses that are not permitted.

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

B. Land uses are defined in Article 67, Use Classifications.

C. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character per Section 15-5020, Director's Determination.

D. All permitted uses are allowed either alone or in combination with other permitted uses unless otherwise stated in this Code.

E. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are not permitted.

F. The table also notes additional regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Code.

TABLE 15-1102: USE REGULATIONS—MIXED-USE DISTRICTS				
Use Classifications	*NMX*	*CMX*	*RMX*	*Additional Regulations*
Residential Use Classifications				
Residential Housing Types				
Single-Unit Dwelling, Attached	P(1)	P(1)	P(1)	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Multi-Unit Residential	P(1)	P(1)	P(1)	
Adult Family Day Care				
Small (6 clients or less)	P(1)	P(1)	–	
Large (7 to 12 clients)	P(1)	–	–	
Elderly and Long-Term Care	P(1)	–	–	
Family Day Care				
Small (8 or fewer children)	P(1)	P(1)	P(1)	§15-2725, Day Care Centers and Family Child Care Homes
Group Residential				
Small (6 persons or less)	P(1)	P(1)	P(1)	
Large (7 persons or more)	P(1)	P(1)	P(1)	
Residential Care Facilities				
Residential Care, Limited	P(1)	P(1)	P(1)	
Public and Semi-Public Use Classifications				
Colleges and Trade Schools, Public or Private	C(3)	C(3)	C(3)	
Community and Religious Assembly (less than 2,000 square feet)	P	P	P	§15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	C(4)	C(4)	P	
Community Garden	P	P	P	§15-2720, Community Gardens / Urban Farms
Conference/Convention Facility	C(4)	C(4)	C	
Cultural Institutions	P(5)	C	C	
Day Care Centers	P	P	P	§15-2725, Day Care Centers and Family Child Care Homes
Emergency Shelter	–	–	P	§15-2729, Emergency Shelters
Government Offices	P(2)	P(1)	P(1)	
Hospitals and Clinics				
Hospital	–	C(11)	C(11)	
Clinic	C(5)	P(5)	P	
Substance Abuse Treatment Clinic	C(14)	C(14)	C(14)	
Instructional Services	P	P	P	
Park and Recreation Facilities, Public	–	P	P	
Parking, Public or Private	–	C(6)	C(6)	
Public Safety Facilities	C	C	C	

TABLE 15-1102: USE REGULATIONS—MIXED-USE DISTRICTS				
Use Classifications	*NMX*	*CMX*	*RMX*	*Additional Regulations*
Schools, Public or Private	–	–	C	
Social Service Facilities	C	P(1)	–	
Commercial Use Classifications				
Animal Care, Sales and Services				
Grooming and Pet Stores	P	P	P	
Veterinary Services	–	C(7)	C(7)	
Artist's Studio	P	P	P	
Automobile/Vehicle Sales and Services				
Automobile/Vehicle Sales and Leasing	–	C(13)	C(13)	§15-2709, Automobile and Motorcycle Retail Sales and Leasing
Service Station	C	C	C	§15-2755, Service Stations
Banks and Financial Institutions				
Banks and Credit Unions	P(5)	P	P	
Check Cashing Businesses and Payday Lenders	–	–	–	§15-2715, Check Cashing Businesses, Payday Lenders, and Similar Financial Services
Banquet Hall	C	C	C	§15-2712, Banquet Hall
Business Services	P	P	P	
Eating and Drinking Establishments				
Bars/Nightclubs/Lounges	C(16)	C(16)	C(16)	§15-2743, Outdoor Cooking for Commercial Purposes; §15-2744, Outdoor Dining and Patio Areas; §15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges
Restaurant with Alcohol Sales	C(16)	C(16)	C(16)	
Restaurant without Alcohol Sales	P	P	P	
Entertainment and Recreation				
Cinema/Theaters	C	C	P	
Cyber/Internet Café	C	C	C	§15-2724, Cyber/Internet Cafes
Small-Scale	C(17)	P	P	§15-2708, Arcades, Video Games, and Family Entertainment Centers, §9-1801, Billiard Rooms
Food and Beverage Sales				
Farmer's Markets	P	P	P	§15-2730, Farmer's Markets
General Market	P	P	P	§15-2744, Outdoor Dining and Patio Areas; §15-2745, Outdoor Retail Sales
Healthy Food Grocer	P	P	P	
Liquor Stores	C(12)	C(12)	C(12)	§15-2707, Alcohol Sales; §15-2745, Outdoor Retail Sales
Funeral Parlors and Internment Services	–	–	C	§15-2714, Body Preparation and Funeral Services
Live/Work	P(1)	P(1)	P(1)	
Lodging				
Hotels and Motels	P(8)	P(8)	P	
Maintenance and Repair Services	P(9)	P(9)	P(5)	
Offices				
Business and Professional	P(9)	P	P	
Medical and Dental	P(4)	P	P	
Walk-In Clientele	P(9)	P	P	

TABLE 15-1102: USE REGULATIONS—MIXED-USE DISTRICTS				
Use Classifications	*NMX*	*CMX*	*RMX*	*Additional Regulations*
Personal Services				
General Personal Services	P(5)	P	P	
Tattoo or Body Modification Parlor	P(5) (12)	P(12)	P(12)	§15-2758, Tattoo or Body Modification Parlor
Retail Sales				
Building Materials and Services	–	–	C	§15-2745, Outdoor Retail Sales
Convenience Retail	P(5)	P	P	§15-2745, Outdoor Retail Sales; 15-2761 Tobacco and Vapor Shops
General Retail	P(5)	P	P	§15-2733, Hobby Stores; §15-2745, Outdoor Retail Sales
Large-Format Retail	–	–	P	§15-2737, Large-Format Retail; §15-2745, Outdoor Retail Sales
Nurseries and Garden Centers	P	P(5)	P	§15-2745, Outdoor Retail Sales
Second Hand / Thrift Stores	P(5)	P	P	
Industrial Use Classifications				
Recycling Facility				
Reverse Vending Machine	P	P	P	§15-2750, Recycling Facilities
Transportation, Communication, and Utilities Use Classifications				
Airports and Heliports	–	–	C(10)	
Communication Facilities				
Antenna and Transmission Towers	See Section 15-2759, Telecommunications and Wireless Facilities			
Transportation Passenger Terminals	–	–	C	
Utilities, Minor	P	P	P	
Agricultural and Extractive Use Classifications				
Tasting Room	C	C	C	
Urban Farm	P	–	–	§15-2719, Community Gardens/Urban Farms
Other Applicable Types				
Accessory Uses and Structures	§15-2703, Accessory Uses			
Home Gardens	§15-2734, Home Gardens and Edible Landscaping			
Home Occupations	§15-2735, Home Occupations			
Animal Keeping	§15-2707, Animal Keeping			
Drive-In and Drive-Through Facilities	C(15)	C(15)	C(15)	§15-2728, Drive-In and Drive-Through Facilities
Walk –Up Facilities	§15-2766, Walk-Up Facilities			
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots			
Temporary Use	§15-2760, Temporary Uses			
Transitional and Supportive Housing	§15-2762, Transitional and Supportive Housing			

TABLE 15-1102: USE REGULATIONS—MIXED-USE DISTRICTS				
Use Classifications	*NMX*	*CMX*	*RMX*	*Additional Regulations*

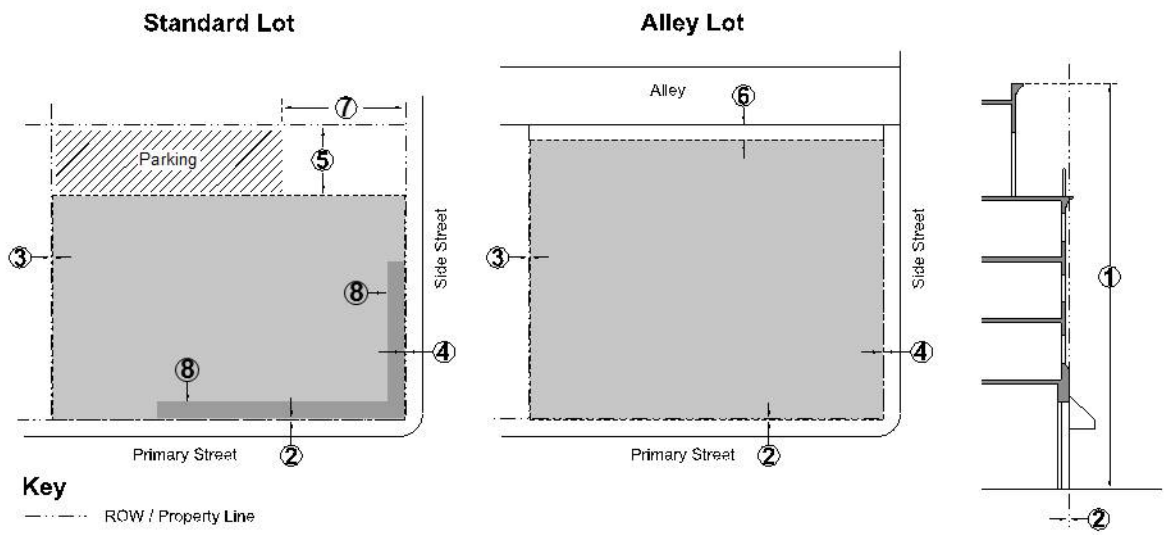
Specific Limitations:

1. Not allowed on the ground floor of portions of the site which abut a major street, but allowed in the interior of all sites. Projects with frontage on more than one major street may be excepted from this restriction on one of the major streets at the discretion of the Review Authority.
2. (reserved)
3. Not to include industrial training such as welding or automotive repair involving the use of tools and materials appropriate to an industrial use area.
4. Must be located along a major street.
5. Limited to establishments with a gross floor area of 5,000 square feet or less.
6. Shall be below grade or in structures faced with active uses along the street.
7. Provided that such use shall be completely enclosed in a building of soundproof construction.
8. Limited to upper stories unless at least 50 percent of ground floor street frontage is occupied by food service use.
9. Limited to 1,500 square feet in size if on the ground floor.
10. Limited to heliports used as accessory to a hospital.
11. Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals.
12. Not allowed within 500 feet of an existing or planned Bus Rapid Transit stop.
13. Must take place entirely within a building.
14. Must include an indoor waiting area.
15. Not allowed within 100 feet of a planned or existing Bus Rapid Transit station and not allowed between a building and a sidewalk.
16. If an MX District is applied to the area bounded by Divisidero Avenue, Highway 41, and Highway 99, a Conditional Use Permit shall not be required for Bars/Nightclubs/Lounges within that area.
17. Limited to establishments with a gross floor area of 10,000 square feet or less.

15-1103 Density, Intensity, and Massing Development Standards

Table 15-1103 prescribes the density, intensity, and massing development standards for the Mixed-Use Districts. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of the Code, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below correspond to the "#" column in the associated table. Drawings are for illustrative purposes and are not drawn to scale.

TABLE 15-1103: DENSITY, INTENSITY, AND MASSING STANDARDS—MIXED-USE DISTRICTS



District	*NMX*	*CMX*	*RMX*	*Additional Regulations*	*#*
Floor Area Ratio (max.)	1.5	1.5	2.0	§15-309, Determining Floor Area Ratio	
Residential Density, du/ac (min./max.)	12/16	16/30	30/45	§15-310, Determining Residential Density Min. res. density shall not be required for the following: projects on lots less than 20,000 sq. ft. in area; projects further than 1,000 feet from a planned or existing BRT route; and projects which submit a Development Permit application prior to January 1, 2019.	
Maximum Height (ft.)	40	60	75	§15-1104-B, RS Transition Standards and §15-2012, Heights and Height Exceptions	①
Setbacks (ft.)					
Front (min./max.)	-/10	-/10	-/10	§15-313, Determining Setbacks and Yards §15-1104-B, RS Transition Standards §15-1104-D, Parking Setback §15-2305, Areas to be Landscaped	②
Interior Side (min.)	-	-	-		③
Street Side (min.)	-	-	-		④
Rear (min.)	-	-	-		⑤
Alley (min.)	3	3	3		⑥
Parking, from back of sidewalk or curb (min.)	30	30	30		⑦
Minimum Frontage Coverage (%)	60	70	80	§15-317, Determining Frontage Coverage	
Corner Frontage (ft., measured from property corner)	15	30	50	§15-1104-C, Corner Frontage	⑧
Minimum On-Site Open Space (% of Lot Area)	15	10	8	§15-1104-E, On-Site Open Space	

15-1104 Site Design Development Standards

A. **Active Uses Adjacent to Sidewalks.** For buildings located within 20 feet of a public street, the following standards shall apply:

1. ***Within 200 Feet of an Existing or Planned Bus Rapid Transit Station.*** No less than 60 percent of the building frontage along public streets shall be occupied by food and beverage sales, entertainment and recreation, general personal services, artist's studios, eating and drinking establishments, personal services, general retail, or convenience retail uses. Other high-activity uses which typically operate at night and on weekends may be approved at the discretion of the Review Authority.

2. ***Other Locations.*** Active spaces, such as dwelling units, cinemas/theaters, eating and drinking establishments, offices, personal services, general retail, or residential or office lobbies, or shall occupy no less than 60 percent of building frontage along public streets. Inactive and utilitarian spaces, such as storage, utility rooms, or facilities which are occupied infrequently shall not occupy more than 50 percent of the building frontage along public streets. Sites with frontage on multiple streets may not be required to meet this standard along the street with the lowest functional classification or least visual prominence, at the discretion of the Review Authority.

B. **RS Transition Standards.** Where an MX district abuts an RS District, the following standards apply:

1. ***Height.*** The maximum height within 40 feet of an RS District is limited to 30 feet. The maximum height within 50 feet of an RS District is 40 feet.

2. ***Setbacks.*** The following additional setback requirements shall be applied to all structures, including accessory structures, on parcels which are adjacent to an RS District:

   a. *Front and Street Side Yard.* The front setback shall not be less than the required front yard on the abutting RS District lot within 50 feet of the RS District.

   b. *Interior Side and Rear.* The interior side and rear setback abutting an RS District boundary shall be 20 feet.

3. ***Landscape.*** See Table 15-2305-C.1, Required Landscape Buffers.

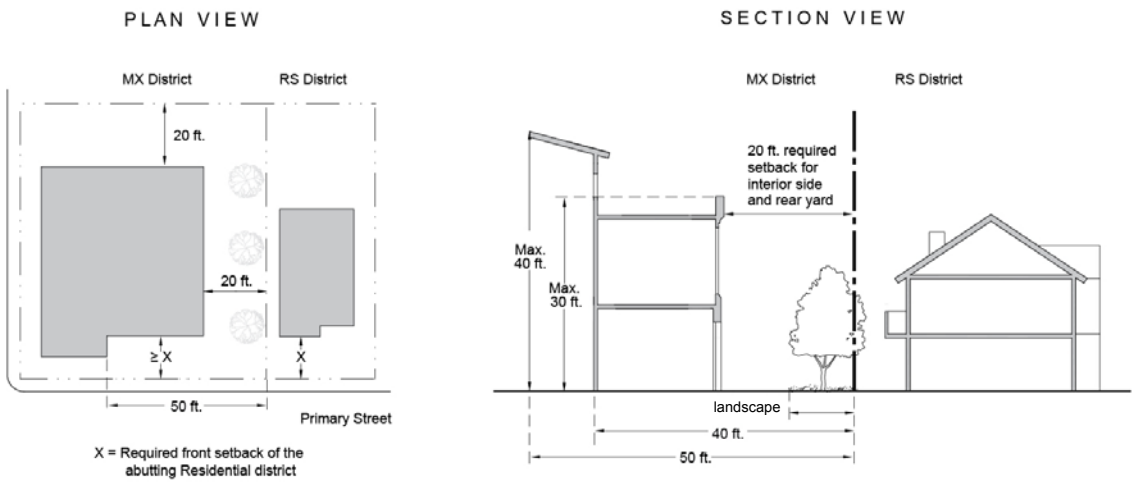


FIGURE 15-1104-B: RS TRANSITION STANDARDS—MX DISTRICTS

4. ***Screening***. When a multi-story building is proposed and the second story or above is located within 50 feet of the side or rear yard of a single-family lot, screening measures shall be applied to provide a reasonable degree of privacy.

   a. Screening measures include, but are not limited to, landscaping, alternate window and balcony placements, placing windows at least six feet from the floor of the interior of the unit, incorporating wing walls or louvers, using glass block or other translucent material, and other such methods.

   b. *Sufficiency of Screening*. The Review Authority shall determine the sufficiency of the proposed screening measures and may require additional measures.

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

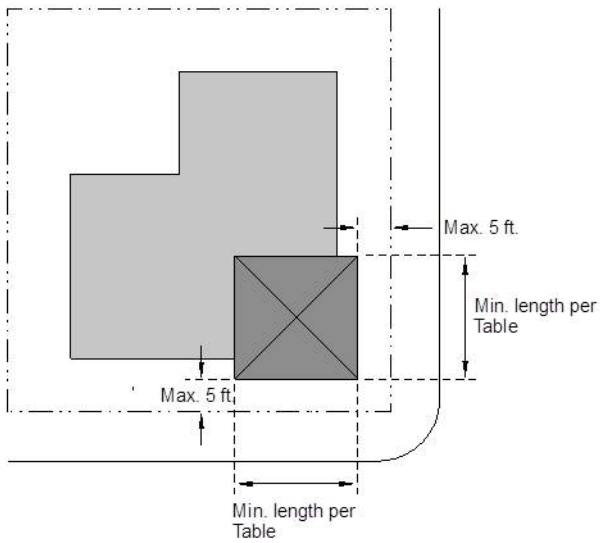


FIGURE 15-1104-C: CORNER FRONTAGE STANDARDS

D. **Parking Setback.** Parking shall be setback as shown on Table 15-1103 except as provided below:

1. *Surface Parking.*

a. Surface parking which is located behind a building shall not be subject to the parking setback requirement.

b. On lots less than 150 feet in width or depth or at the discretion of the Review Authority, surface parking may be set back less than the distance shown on Table 15-1103, if the following conditions are met:

i. Such parking shall not be set back from the street less than adjacent buildings on the site.

ii. The parking setback area shall be landscaped.

iii. There shall be no more than four adjacent parking spaces in surface parking areas located less than 30 feet from a street-facing lot line. The space between groups of four adjacent parking spaces shall be equal in width to the adjacent parking spaces and shall be landscaped.

iv. Parking spaces shall be screened from the adjacent street with a minimum three foot berm, wall, or hedge, or combination thereof.

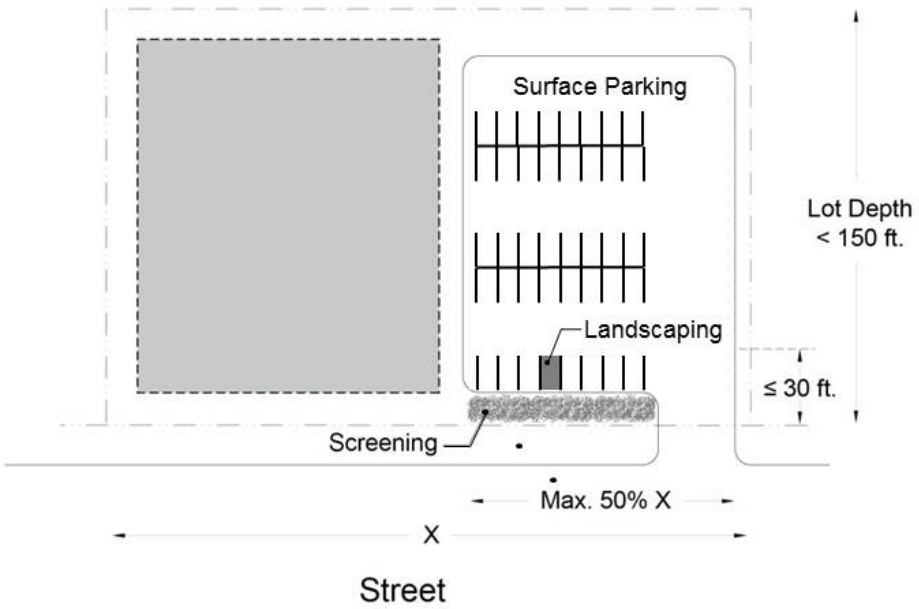


FIGURE 15-1104-D.1: SURFACE PARKING SETBACK REDUCTION

2. ***Partially Submerged Podium Parking***. Parking that is partially below the street grade may extend to the setbacks of the main structure, if the following conditions are met:

   a. No more than six feet of the partially submerged parking podium may extend above the street grade.

   b. The partially submerged parking podium shall be screened along street facing elevations by foundation plant materials. Gates need not be screened.

3. ***Underground Parking***. Parking that is fully underground and below the street grade may extend from lot line to lot line

E. **On-Site Open Space.**

1. ***Minimum Open Space Required.*** The minimum amount of on-site open space required shall be based on the size of the lot, as shown in Table 15-1103. This requirement may be met through a combination of private open space, common open space, or public plazas as follows:

   a. *Private Open Space Requirements.* Private open spaces are those which are attached to a dwelling unit and are available only for the private use of the residents of the dwelling unit, such as balconies, porches, and patios. No fewer than 50 percent of the dwelling units on a site shall have a private open space. The following standards shall apply to private open space:

i. The minimum dimension of any private open space shall be five feet.

ii. The minimum area of any private open space shall be 32 square feet.

iii. When located within 30 feet of a public street and located on the ground floor, private open spaces shall follow the requirements for Porches as put forth in Table 15-1105-D.

iv. When located within 30 feet of a public street and located above the ground floor, private open spaces shall follow the requirements for Balconies as put forth in Table 15-1105-D.

b. *Common Open Space Requirements.* Common open spaces are those which are available for active or passive use by all tenants, but use by the general public may be restricted. To the extent that common open space is provided, the following standards shall apply:

i. The minimum dimension of any common open space shall be 20 feet.

ii. The minimum area of any common open space shall be 1,000 square feet. The calculation of the common open space area shall exclude structures which are unusable as open space, but shall include structures that enhance its usability, such as swimming pools, changing facilities, fountains, planters, benches, and landscaping.

iii. At least 80 percent of common open space shall be unobstructed to the sky. Trellises, pergolas, and similar structures shall be considered open to the sky for the purposes of this measurement.

iv. Common open space may be located at grade, on rooftops, on top of parking podiums, or any other such location that is accessible to tenants. Common open space may not be located within required setbacks or parking areas.

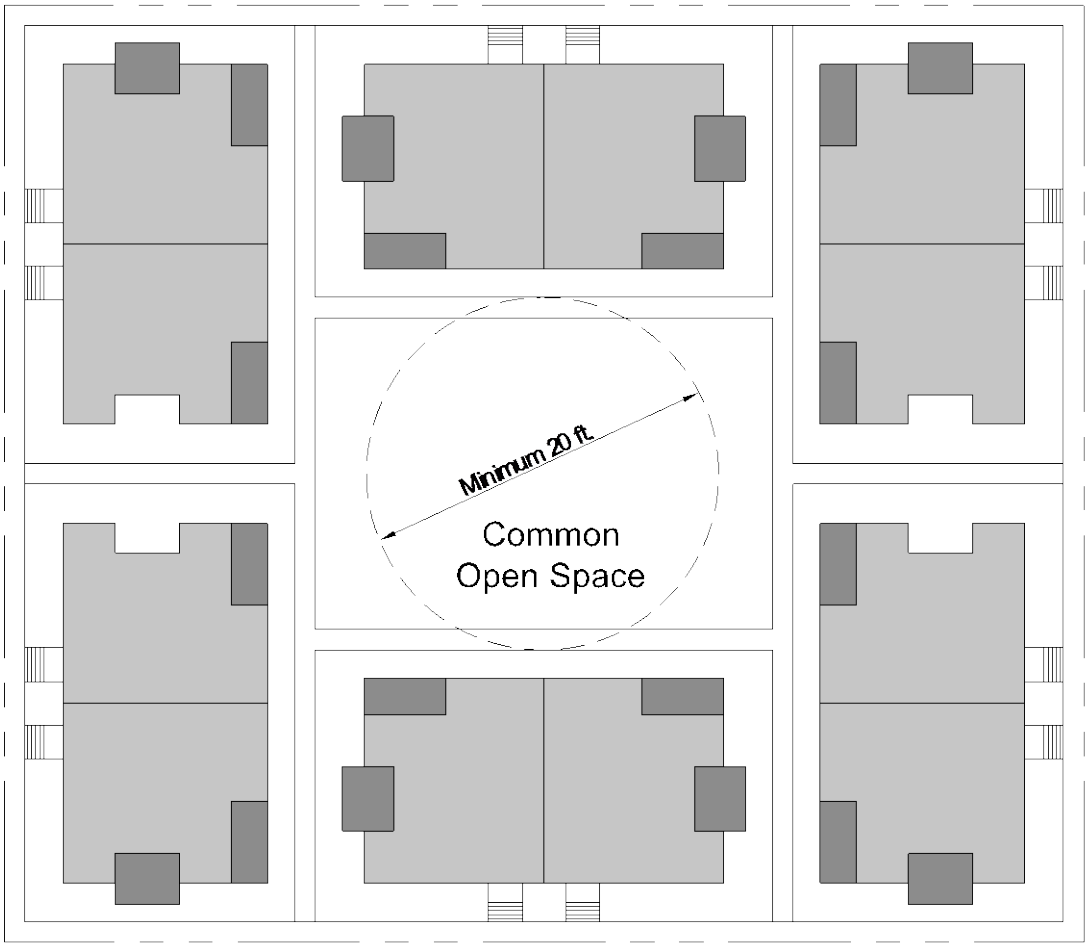


FIGURE 15-1104-E.1.b: MINIMUM REQUIRED COMMON OPEN SPACE DIMENSION

c. *Public Plaza Requirements.* Public plazas are those which are available for use by the general public, as well as tenants of the project. To the extent that public plazas are provided, the following standards shall apply:

i. The minimum dimension of any public plaza shall be 20 feet.

ii. The minimum area of any public plaza shall be 500 square feet. The calculation of the public plaza area shall exclude structures which are unusable as open space, but shall include structures that enhance its usability, such as fountains, planters, benches, and landscaping.

iii. Public plazas shall include benches or other seating, and paving shall be of high-quality materials. Amenities provided shall enhance the comfort, aesthetics, or usability of the space and include, but not be limited to, trees and other landscaping, shade structures, drinking fountains, water features, public art, or performance areas. Landscaping or other aspects of the design shall not discourage the use of the space by the general public.

iv. Public plazas shall be fully accessible from the public right-of-way, shall be located in front of project buildings and shall not be located where public views into the space are obstructed by buildings or other structures.

v. Public plazas may be located within required front setbacks.

vi. A public access easement shall be provided for the space.

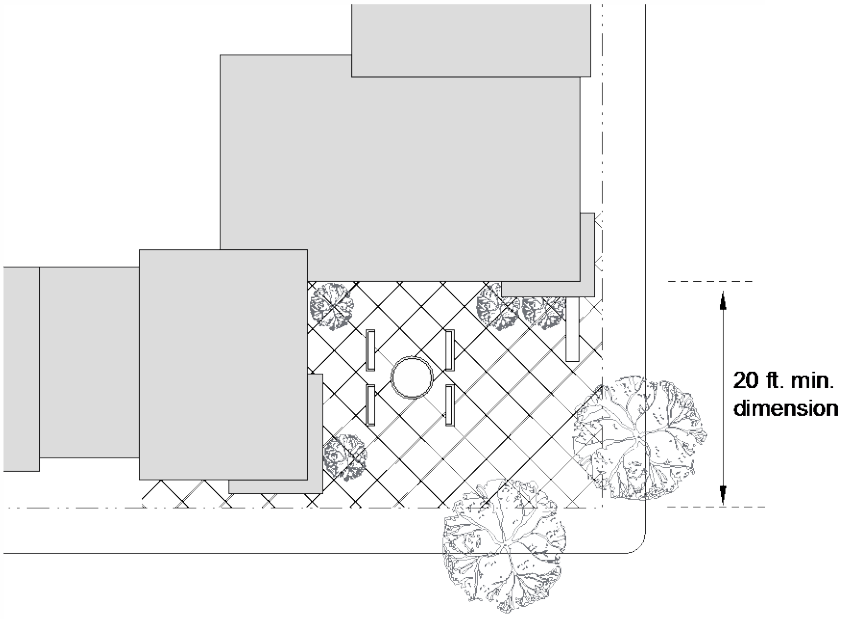


FIGURE 15-1104-E.1.c: MINIMUM REQUIRED PUBLIC PLAZA DIMENSION

2. ***Minimum Open Space Reduction.*** The minimum amount of open space required shall be reduced by 25 percent in any one of the following circumstances:

a. Any portion of the lot is located within 400 feet of a transit stop with regular, scheduled service during the weekday hours of 7:00 a.m. to 9:00 a.m. and 5:00 p.m. to 7:00 p.m.

b. There is a public park within 400 ft. of the site, and

i. Said park is located on the same side of the street and provides an improved pedestrian path to and from the site; or

ii. The public park is across a local street and the site provides an improved pedestrian path to and from the site.

c. The parcel is 15,000 square feet or less in area.

F. **Sidewalk Standards.**

1. **Applicability.** All projects shall be required to bring adjacent sidewalk conditions into conformance with the standards of this section, subject to the following exceptions:

a. Applications for signs only.

b. Tenant improvements for new establishments occupying 20,000 square feet of gross floor area or less.

c. Building expansions of 2,000 square feet of net new floor area or less.

2. **Width.** Sidewalks shall be no less than 12 feet in width. If the current distance between the right-of-way boundary and the face of the adjacent curb is less than 12 feet, the method by which this requirement shall be satisfied shall be determined by Review Authority. The available methods shall be as follows:

a. **Set Back.** The building may be set back from the right-of-way boundary the distance that is necessary to achieve the required sidewalk width. The portion of the sidewalk which lies within the private parcel shall be guaranteed for public access by the enactment of a public access easement.

b. **Reconstruction.** The applicant may demolish and reconstruct the sidewalk for the entirety of the block frontage(s) which the project occupies to the extent necessary to satisfy the requirements of this section.

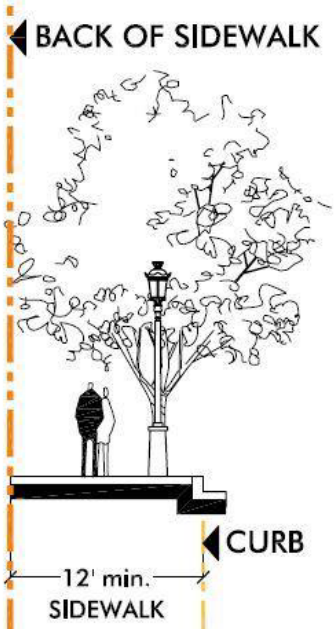
c. **Parklet.** The sidewalk may be expanded into the roadway by a metal or wood deck which does not interfere with the drainage of the street. In such instances the applicant shall enter into an encroachment agreement with the City in which the applicant accepts full responsibility for the maintenance and repair of the parklet, as well as providing the indemnification and insurance as required by the City's Risk Manager.

d. **Width Exemption.** For unusually challenging site conditions, or in instances in which the existing building and sidewalk pattern warrants it, the Director may exempt the applicant providing the full sidewalk width required above. In such instances all other requirements in this section, such as for trees and lighting, shall be met.

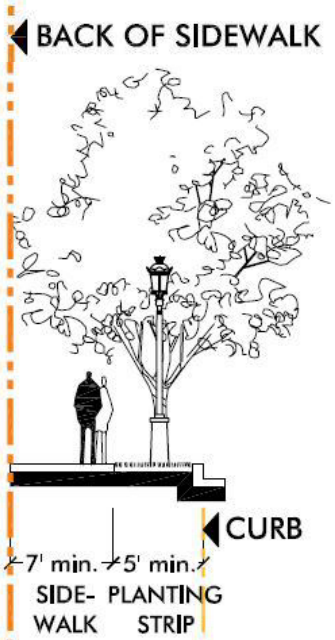
3. **Treatment.** Required sidewalks shall be paved and landscaped as follows:

   a. **Adjacent to Mixed-Use or Non-Residential Projects**. The full width of the sidewalk shall be fully paved in uncolored concrete with a simple 30-inch scoring pattern.

   b. **Adjacent to Residential-Only Projects.** A seven-foot walkway adjacent to the private parcel shall be paved in uncolored concrete with a simple 30 inch scoring pattern. The five feet adjacent to the curb shall be a parkway strip which shall be landscaped in a manner to be determined by the Director.



Adjacent to Mixed-Use or Non-Residential Projects.



Adjacent to Residential-Only Projects.

4. **Trees.** Street trees shall be provided with sidewalk improvements. Exact tree type and location shall be determined by the Director. Preferred street tree type and location shall be as follows:

   a. **Alignment.** Street trees should be located no more than three feet from the back of curb, and whenever possible should be aligned with other trees on the block.

   b. **Spacing.** Street trees should generally be evenly spaced, no less than 20 feet apart, and not more than 40 feet apart. Whenever possible, trees should not be located directly in front of building entrances.

   c. **Wells.** When a parkway strip is not provided, trees should be placed in tree wells measuring five feet by five feet. To maximize usable sidewalk area, tree wells shall be covered by grates of a design which is approved by the Director. Larger tree wells may be required by the Public Works Director for species

requiring more space. The property owner shall assume maintenance responsibilities for the tree grates.

d. **Species.** Street trees should be deciduous, fast growing, drought tolerant, and should eventually form a tall canopy. Not more than one species should be planted per block. Whenever nearby pre-existing trees are in good condition and meet the intent of this section, new trees should be of the same species.

5. **Lighting.** Pedestrian-scaled street lights shall be provided with sidewalk improvements. Exact design and location shall be determined by the Director. Preferred designs and locations shall be as follows:

a. **Alignment.** Street lights should be located no more than three feet from the curb, and whenever possible should be aligned with street trees, as well as other lights on the block.

b. **Spacing.** Street lights should be generally evenly spaced, no less than 30 feet apart, and not more than 80 feet apart. Whenever possible, street lights should be no less than 15 feet from nearby street trees.

c. **Design.** Street lights should not be of the type commonly known as Cobra Heads or other types which are intended primarily for the illumination of the vehicular roadway. Lights should be ornamental and designed primarily for the illumination of the sidewalk. Whenever nearby pre-existing lights are in good condition and meet the intent of this section, new lights should be of the same type. Intersection safety lights shall be typical cobra-head design, while mid-block lighting should be ornamental and scaled for the pedestrian environment. Lighting shall meet Public Works standards.

6. **Maintenance.** If a Community Facilities District is not established to maintain sidewalks, street trees, and lighting, the applicant shall enter into a maintenance agreement to ensure the maintenance of said facilities.

G. **Service Areas and Loading.** Service and loading areas should be integrated with the design of the building and shall be screened from residential areas. Special attention shall be given when designing loading facilities in a location that is proximate to residential uses. Techniques such as block walls, enhanced setbacks, or enclosed loading shall be used to minimize adverse impacts to residents.

Article 12 Commercial Districts (C)

Sections:

15-1201 Purpose
15-1202 Use Regulations
15-1203 Intensity and Massing Development Standards
15-1204 Site Design Development Standards
15-1205 Façade Design Development Standards

15-1201 Purpose

The specific purposes of the Commercial Districts are to:

A. Provide for a full range of commercial uses to serve Fresno and the greater region.

B. Ensure the provision of shops, services, and facilities needed to accommodate future population and employment.

C. Establish development and design standards that create a unified, distinctive, and attractive character along commercial streets.

D. Provide appropriate buffers between commercial and adjacent residential uses to preserve both commercial feasibility and residential environments.

E. Ensure that new development is designed to minimize traffic and parking impacts on surrounding residential neighborhoods and is appropriate to the physical characteristics of the area.

F. Implement and provide appropriate regulations for General Plan classifications of "Main Street Commercial," "Community Commercial," "Regional Commercial," "General Commercial," "Highway and Auto Commercial," and "Commercial Recreation."

Additional purposes of each Commercial District are as follows:

CMS Commercial - Main Street. The CMS district is intended to preserve or promote small-scale, fine-grain commercial development in neighborhoods where single-family residential and townhomes are predominant. A traditional "Main Street" character is achieved with active storefronts, outdoor seating and pedestrian-oriented design.

CC Commercial - Community. The CC district is intended for commercial development that primarily serves local needs such as convenience shopping and offices. Specific uses allowed include medium-scale retail, office, civic and entertainment uses, supermarkets, drug stores, and supporting uses.

CR Commercial - Regional. The CR district is intended to meet local and regional retail demand, such as large-scale retail, office, civic and entertainment uses, shopping malls with large-format or "big-box" retail, and supporting uses such as gas stations and hotels. Buildings are typically larger-footprint and urban-scaled. Development and design standards will create a pedestrian-orientation within centers and

along major corridors, with parking generally on the side or rear of major buildings, but automobile-oriented uses also will be accommodated on identified streets and frontages.

CG Commercial - General. The CG district is intended to accommodate a range of retail and service uses that are not appropriate in other areas because of higher volumes of vehicle traffic and potential impacts on other uses. Examples of allowable uses include: building materials, storage facilities with active storefronts, equipment rental, wholesale businesses, and specialized retail not normally found in shopping centers. The focus of district development standards is to ensure structures fit into the surrounding development pattern and architectural or traffic conflicts are minimized.

CH Commercial - Highway and Auto. The CH district is intended for limited areas near the freeway to accommodate uses that depend on or are supported by freeway access, but do not generate a large volume of traffic. Hotels, restaurants, and auto malls are typical land uses.

CRC Commercial - Recreation. The CRC district is intended to provide areas for private commercial recreation uses where patrons usually pay to participate and to group commercial-recreation uses into a planned, integrated center, including related service and commercial uses. Typical uses include bowling alleys, family entertainment centers, driving ranges, miniature golf courses, skating rinks, tennis courts, swimming pools, sports stadiums, arenas, and the County fairgrounds.

15-1202 Use Regulations

A. Table 15-1202 prescribes the proposed land use regulations for Commercial Districts. The regulations for the districts are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

"P" designates permitted uses.

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

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

"–" designates uses that are not permitted.

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 15-1202: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							
Use Classifications	*CMS*	*CC*	*CR*	*CG*	*CH*	*CRC*	*Additional Regulations*
Residential Use Classifications							
Residential Housing Types							
Single-Unit Dwelling, Attached	P(2) (16)	–	P(2) (16)	–	–	–	§15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Multi-Unit Residential	P(2) (16)	–	P(2) (16)	–	–	–	
Adult Family Day Care							
Small (6 clients or less)	P(1)	–	P(2)	–	–	–	
Elderly and Long-Term Care	–	–	P(2)	–	–	–	
Family Day Care							
Small (8 children or less)	P(2)	P(2)	P(2)	–	–	–	§15-2725, Day Care Centers and Family Child Care Homes
Large (9 to 14 children)	P(2)	P(2)	P(2)				
Group Residential							
Small (6 persons or less)	P(1)	–	P(2)	–	–	–	
Large (7 persons or more)	P(1)	–	P(2)	–	–	–	
Re-Entry Facility	–	–	–	P	–	–	
Residential Care Facilities							
Residential Care, General	C(1)	–	–	–	–	–	
Residential Care, Limited	P(1)	–	P(2)	–	–	–	
Residential Care, Senior	C(1)	–	–	–	–	–	
Single Room Occupancy	–	–	–	P	–	–	§15-2757, Single Room Occupancy Hotels and Boarding Homes
Public and Semi-Public Use Classifications							
Colleges and Trade Schools, Public or Private	–	C(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)	–	C(4)	P	C	–	C	
Community Garden	P	P	P	P	P	P	§15-2720, Community Gardens / Urban Farms
Conference/Convention Facility	–	C(4)	P	–	–	C	
Cultural Institutions	P(5)	C	C	–	–	C	
Day Care Centers	P	P	P	–	–	–	§15-2725, Day Care Centers and Family Child Care Homes
Emergency Shelter	–	–	–	P	–	–	§15-2729, Emergency Shelters
Government Offices	P	P	P	–	–	–	
Hospitals and Clinics							
Hospital	–	C(13)	C(13)	C(13)	–	–	
Clinic	C(5)	P(5)	P(5)	P	–	–	
Substance Abuse Treatment Clinic	C(15)	C(15)	C(15)	C(15)	–	–	

TABLE 15-1202: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							
Use Classifications	*CMS*	*CC*	*CR*	*CG*	*CH*	*CRC*	*Additional Regulations*
Instructional Services	P	P	P	C	–	–	
Park and Recreation Facilities, Public	–	P	P	–	–	P	
Parking, Public or Private	–	C(6)	C(6)	–	–	–	
Public Safety Facilities	C	C	C	C	C	C	
Schools, Public or Private	–	–	C	–	–	–	
Social Service Facilities	C(1)	C	–	–	–	–	
Commercial Use Classifications							
Animal Care, Sales and Services							
Grooming and Pet Stores	P	P	P	P	–	–	
Veterinary Services	–	P	P	–	–	–	
Artist's Studio	P	P	P	–	–	–	
Automobile/Vehicle Sales and Services							
Automobile Rentals	–	–	C	C	P	–	§15-2709, Automobile and Motorcycle Retail Sales and Leasing
Automobile/Vehicle Sales and Leasing	–	–	C	C	P	–	§15-2709, Automobile and Motorcycle Retail Sales and Leasing
Automobile/Vehicle Service and Repair, Minor	–	–	C	C	P	–	§15-2710, Automobile/Vehicle Service and Repair, Major and Minor
Large Vehicle and Equipment Sales, Service and Rental	–	–	–	C	P	–	§15-2710, Automobile and Motorcycle Retail Sales and Leasing
Service Station	–	C	P	C	P	–	§15-2755, Service Stations
Washing	–	–	C	C	P	–	§15-2711, Automobile/Vehicle Washing
Banks and Financial Institutions							
Banks and Credit Unions	P(5)	P	P	P	–	–	
Check Cashing Businesses and Payday Lenders	–	–	C(7)	C(7)	–	–	§15-2715, Check Cashing Businesses, Payday Lenders, and Similar Financial Services
Banquet Hall	C	C	C	–	C	–	§15-2712, Banquet Hall
Business Services	P(5)	P	P	P	–	–	
Eating and Drinking Establishments							
Bars/Nightclubs/Lounges	C	C	C	C	C	C(8)	§15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges; §15-2744, Outdoor Dining and Patio Areas
Restaurant with Alcohol Sales	C	C	C	C	C	C	
Restaurant without Alcohol Sales	P	P	P	P	P	P	
Entertainment and Recreation							
Cinema/Theaters	C	C	P	P	–	P	
Cyber/Internet Café	C	C	C	C	–	–	§15-2724, Cyber/Internet Café
Motorcycle/Riding Club	–	–	–	–	P	–	§15-2742, Motorcycle/Riding Clubs
Shooting/Archery Range	–	–	–	–	–	P	§15-2756, Shooting Ranges / Archery Ranges

TABLE 15-1202: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							
Use Classifications	*CMS*	*CC*	*CR*	*CG*	*CH*	*CRC*	*Additional Regulations*
Large-Scale	–	C	C	C	C	C	
Small-Scale	P	P	P	P	–	P	§15-2708, Arcades, Video Games, and Family Entertainment Centers, §9-1801, Billiard Rooms
Food and Beverage Sales							
Farmer's Markets	P	P	P	P	P	P	§15-2730, Farmer's Markets
General Market	P	P	P	P	P(5)	–	§15-2744, Outdoor Dining and Patio Areas; §15-2745, Outdoor Retail Sales
Healthy Food Grocer	P	P	P	P	P(5)	–	
Liquor Stores	C	C	C	C	C	–	§15-2307, Alcohol Sales; §15-2745, Outdoor Retail Sales
Food Preparation	–	P	P	P	–	–	
Funeral Parlors and Internment Services	–	C	P	P	–	–	§15-2714, Body Preparation and Funeral Services
Live/Work	P(1)	–	–	–	–	–	
Lodging							
Hotels and Motels	P(14)	P	P	–	P	–	
RV Park	–	–	–	–	–	–	
Maintenance and Repair Services	C(5)	P(9)	C	P	–	–	
Offices							
Business and Professional	P(9)	P	P	P	–	–	
Medical and Dental	–	P	P	P	–	–	
Walk-In Clientele	P	P	P	P	–	–	
Personal Services							
General Personal Services	P	P	P	P	–	–	
Fortune Telling Service	–	–	–	P	–	–	
Massage Establishments	P	P	P	P	–	P	
Tattoo or Body Modification Parlor	P(9)	P(9)	P	P	–	–	§15-2758, Tattoo or Body Modification Parlor
Retail Sales							
Building Materials and Services	C(13)	C	P	P	–	–	§15-2745, Outdoor Retail Sales
Convenience Retail	P	P	P	P	P(5)	C(10)	§15-2745, Outdoor Retail Sales; 15-2761 Tobacco and Vapor Shops
General Retail	P	P	P	P	–	C(10)	§15-2733, Hobby Stores; §15-2745, Outdoor Retail Sales
Gun Shop	C	P	P	P	–	P	§15-2745, Outdoor Retail Sales
Large-Format Retail	–	C	P	P	–	–	§15-2737, Large-Format Retail; §15-2745, Outdoor Retail Sales
Nurseries and Garden Centers	P(5)	P	P	P	–	–	§15-2745, Outdoor Retail Sales
Pawn Shops	–	–	–	P	–	–	
Second Hand / Thrift Stores	P(5)	P	P	P	–	–	
Swap Meet / Flea Market	–	–	–	C	–	C	§15-2730, Flea Markets

TABLE 15-1202: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							
Use Classifications	*CMS*	*CC*	*CR*	*CG*	*CH*	*CRC*	*Additional Regulations*
Industrial Use Classifications							
Construction and Material Yards	–	–	–	C	C	–	§15-2721, Concrete Batch Plants, Storage Yards, and Similar Uses
Custom Manufacturing	–	–	–	P(11)	–	–	
Recycling Facility							
Reverse Vending Machine	–	C	P	P	–	–	§15-2750, Recycling Facilities
CRV Recycling Center	§15-2750, Recycling Facilities						
Warehousing, Storage, and Distribution							
Personal Storage	C	C	C	C	C	C	§15-2747, Personal (Mini) Storage
Transportation, Communication, and Utilities Use Classifications							
Communication Facilities							
Antenna and Transmission Towers	§15-2759, Telecommunications and Wireless Facilities						
Facilities within Buildings	–	–	–	P	–	–	
Utilities, Minor	P	P	P	P	–	P	
Agricultural and Extractive Use Classifications							
Agricultural Support Services	–	–	–	P	–	–	
Produce Stand	–	–	–	P	–	–	§15-2752, Roadside Fruit Stands / Grow Stands
Tasting Room	C	C	C	C	–	C	
Other Applicable Types							
Accessory Uses and Structures	§15-2703, Accessory Uses						
Home Gardens	§15-2734, Home Gardens and Edible Landscaping						
Home Occupations	§15-2735, Home Occupations						
Animal Keeping	§15-2707, Animal Keeping						
Drive-in and Drive-Through Facilities	–	C	C	C	C	C	§15-2728, Drive In and Drive Through Facilities
Walk –Up Facilities	§15-2766, Walk-Up Facilities						
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots						
Temporary Use	§15-2760, Temporary Uses						
Transitional and Supportive Housing	§15-2762, Transitional and Supportive Housing						

TABLE 15-1202: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							
Use Classifications	*CMS*	*CC*	*CR*	*CG*	*CH*	*CRC*	*Additional Regulations*

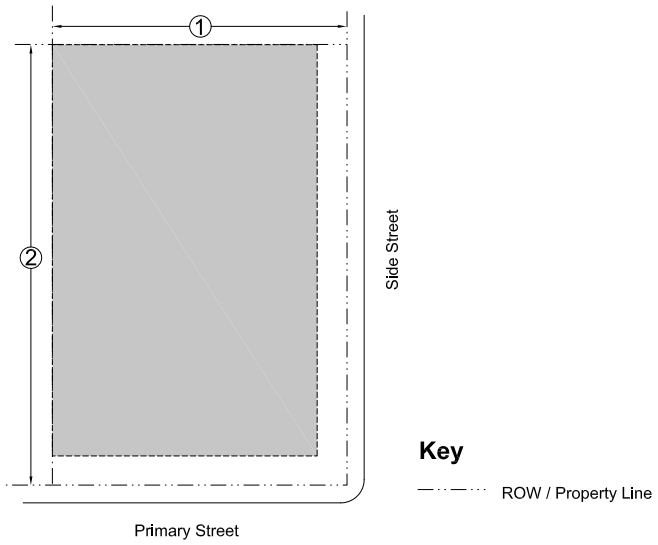
Specific Limitations:

1. Not allowed on the ground floor.
2. Not allowed on the ground floor along arterials or collectors.
3. Not to include industrial training such as welding or automotive repair involving the use of tools and materials appropriate to an industrial use area.
4. Must be located along an arterial or collector.
5. Limited to establishments with a gross floor area of 5,000 square feet or less.
6. Shall be below grade or in structures faced with active uses along the street.
7. Limited to 2,500 square feet in size, located on a collector or higher classification street.
8. Permitted only as an accessory use that supports commercial recreation.
9. Limited to 1,500 square feet in size if on the ground floor.
10. Limited to facilities associated with park and recreation facilities.
11. Provided that such use shall be completely enclosed in a building of soundproof construction.
12. Limited to establishments with a gross floor area of 10,000 square feet or less.
13. Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals.
14. Limited to upper stories unless at least 50 percent of ground floor street frontage is occupied by food service use.
15. Must include an indoor waiting area.
16. Residential Uses shall not exceed 16 du/ac.

15-1203 Intensity and Massing Development Standards

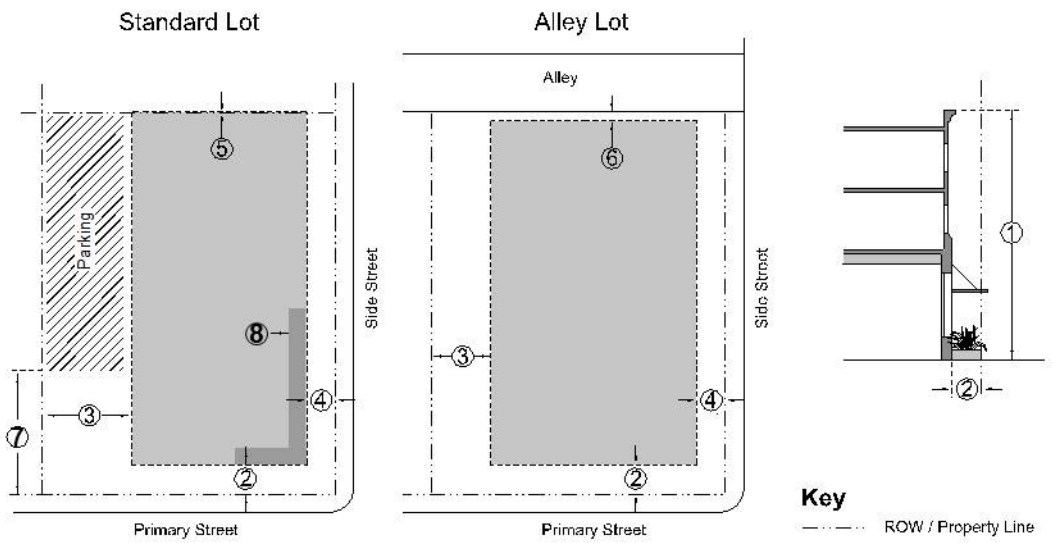
Tables 15-1203-1 to 15-1203-2 prescribe the intensity and massing development standards for the Commercial Districts. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of the Code, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below correspond to the "#" column in the associated table. Drawings are for illustrative purposes and are not drawn to scale.

TABLE 15-1203-1: LOT AND INTENSITY STANDARDS—COMMERCIAL DISTRICTS



District	*CMS*	*CC*	*CR*	*CG*	*CH*	*CRC*	*Additional Regulations*	*#*
Minimum District Size (sq. ft., unless otherwise noted)	5,000	32,670	15 acres	12,000	15,000	4 acres		
Minimum Lot Size (sq. ft.)	-	32,670	10,000	12,000	15,000	15,000		
Minimum Lot Width (ft.)	-	75	100	75	100	100		①
Minimum Lot Depth (ft.)	-	100	100	125	125	150		②
Maximum Floor Area Ratio (FAR)	1.0	1.0	1.0	2.0	0.75	0.5	§15-309, Determining Floor Area Ratio	

TABLE 15-1203-2: BUILDING FORM AND LOCATION STANDARDS—COMMERCIAL DISTRICTS



District	*CMS*	*CC*	*CR*	*CG*	*CH*	*CRC*	*Additional Regulations*	*#*
Maximum Height (ft.)	35	35	75	35	35	35	§15-1204-A, Residential Transition Standards and §15-2012, Heights and Height Exceptions	①
Setbacks (ft.)								
Front (min./max.)	-/10	15/-	15/-	15/-	15/-	15/-	§15-313, Determining Setbacks and Yards §15-1204-A, Residential Transition Standards §15-1204-B, Enhanced Streetscape §15-1204-C, Parking §15-2014, Projections/Encroachments into Yards §15-2305, Areas to be Landscaped	②
Front (min), with Enhanced Streetscape	-	-	-	-	NA	NA		
Interior Side (min.)	-	-	-	-	-	-		③
Street Side (min.)	-	-	-	10	10	10		④
Rear (min.)	-	-	-	-	-	-		⑤
Alley (min.)	-	-	-	-	-	-		⑥
Parking, from back of sidewalk or curb (min.)	30	-	-	-	-	-		⑦
Minimum Frontage Coverage (%)	60	-	-	-	-	-	§15-317 Determining Frontage Coverage	⑧

15-1204 Site Design Development Standards

A. **Residential Transition Standards.** Where a C District is adjacent to a Residential District, the following standards apply:

1. ***Height.*** The maximum height within 40 feet of an R District is limited to 30 feet. The maximum height within 50 feet of an R District is 40 feet.

2. ***Setbacks***.

   a. *Front*. The front setback shall not be less than the required front yard on the abutting R District lot within 50 feet of the R District.

   b. *Interior Side and Rear*. The interior side and rear setback abutting an R District boundary shall be 20 feet. In the CMS District, the interior side yard may be reduced to 10 feet with Director approval.

3. ***Landscape.*** See Table 15-2305-C.1, Required Landscape Buffers.

4. ***Screening***. When a multi-story building is proposed and the second story or above is located within 50 feet of the side or rear yard of a single-family lot, screening measures shall be applied to provide a reasonable degree of privacy.

   a. Screening measures include, but are not limited to, landscaping, alternate window and balcony placements, placing windows at least six feet from the floor of the interior of the unit, incorporating wing walls or louvers, using glass block or other translucent material, and other such methods.

   b. *Sufficiency of Screening*. The Review Authority shall determine the sufficiency of the proposed screening measures and may require additional measures.

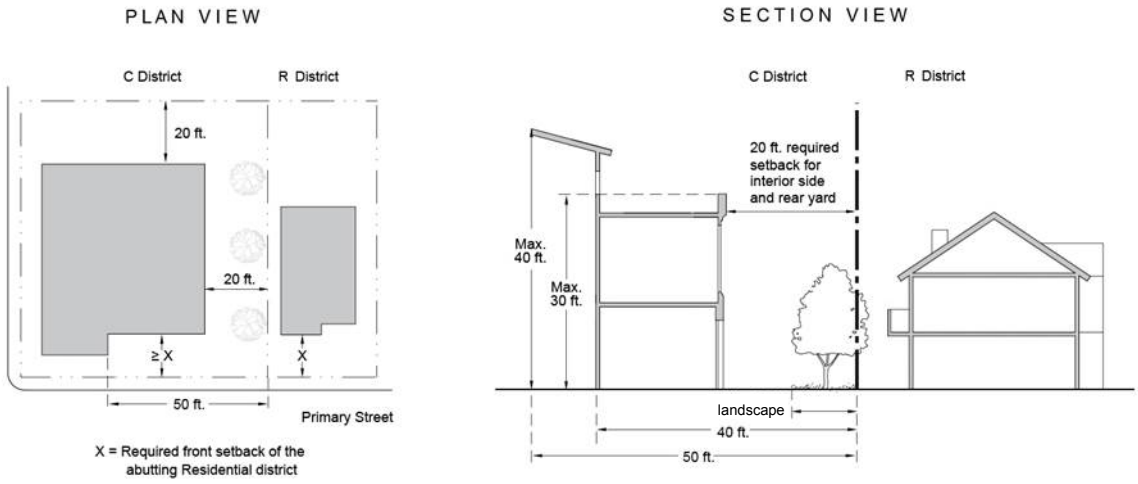


FIGURE 15-1204-A: RESIDENTIAL TRANSITION STANDARDS—C DISTRICTS

B. **Enhanced Streetscape.** As shown on Table 1203-2, projects which provide an enhanced streetscape will not be required to provide a front setback. A project shall be considered to have an enhanced streetscape when it has all of the following characteristics:

1. Sidewalks shall be no less than 12 feet in width. If the current distance between the right-of-way boundary and the face of the adjacent curb is less than 12 feet, the building

shall be set back from the right-of-way boundary the distance that is necessary to achieve the required sidewalk width. The portion of the sidewalk which lies within the private parcel shall be guaranteed for public access by the enactment of a public access easement.

2. Street trees shall be provided as follows:

   a. Street trees should be located no more than three feet from the back of curb, and whenever possible should be aligned with other trees on the block.

   b. Street trees should generally be evenly spaced, no less than 20 feet apart, and not more than 40 feet apart.

   c. Whenever possible, trees should not be located directly in front of building entrances.

   d. Trees should be placed in tree wells measuring five feet by five feet. To maximize usable sidewalk area, tree wells shall be covered by grates of a design which is approved by the Director. Larger tree wells may be required by the Public Works Director for species requiring more space. The property owner shall assume maintenance responsibilities for the tree grates.

   e. Street trees should be deciduous, fast growing, drought tolerant, and should eventually form a tall canopy. Not more than one species should be planted per block. Whenever nearby pre-existing trees are in good condition and meet the intent of this section, new trees should be of the same species.

3. Pedestrian-scaled street lights shall be provided as follows:

   a. Street lights should be located no more than three feet from the curb, and whenever possible should be aligned with street trees and other lights on the block.

   b. Street lights should be generally evenly spaced, no less than 30 feet apart, and not more than 80 feet apart. Whenever possible, street lights should be no less than 15 feet from nearby street trees.

   c. Street lights should not be of the type commonly known as Cobra Heads or other types which are intended primarily for the illumination of the vehicular roadway. Lights should be ornamental and designed primarily for the illumination of the sidewalk. Whenever nearby pre-existing lights are in good condition and meet the intent of this section, new lights should be of the same type. Intersection safety lights shall be typical cobra-head design, while mid-block lighting should be ornamental and scaled for the pedestrian environment. Lighting shall meet Public Works standards.

4. If a Community Facilities District is not established to maintain sidewalks, street trees, and lighting, the applicant shall enter into a maintenance agreement to ensure the maintenance of said facilities.

5. Facades located with 15 feet of the public sidewalk shall be oriented to the street as follows:

a. If there is a primary common building entrance which provides access to reception areas, elevators, stairs, and internal circulation, it shall face and be oriented to the street. If there is a yard between the sidewalk and the building, a paved path six feet in width shall be provided from the public sidewalk to the entrance.

b. Direct entrances from the sidewalk in to individual establishments located along the street frontage shall be provided. If there is a yard between the sidewalk and the building, a paved path six feet in width shall be provided from the public sidewalk to the entrance.

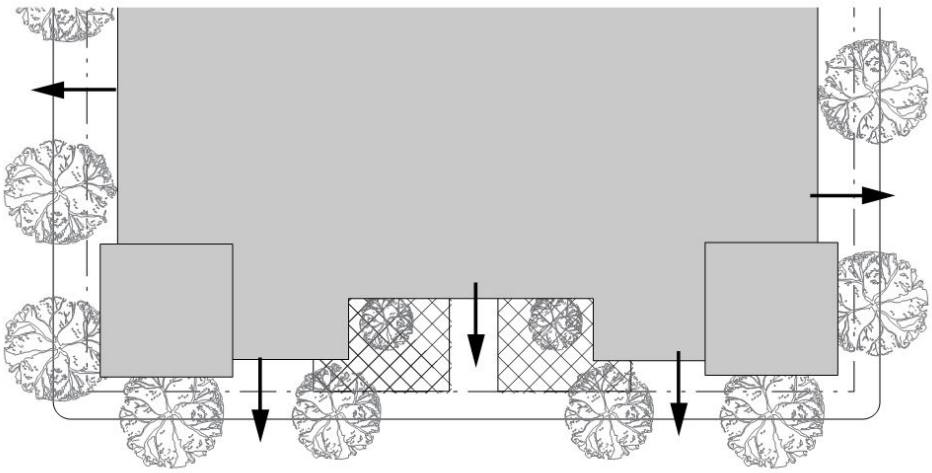


FIGURE 15-1204-B.5: BUILDING ORIENTATION TO THE STREET

6. Exterior walls facing a front or street side lot line shall include windows, doors, or other openings with transparent glazing for at least 60 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least two feet deep.

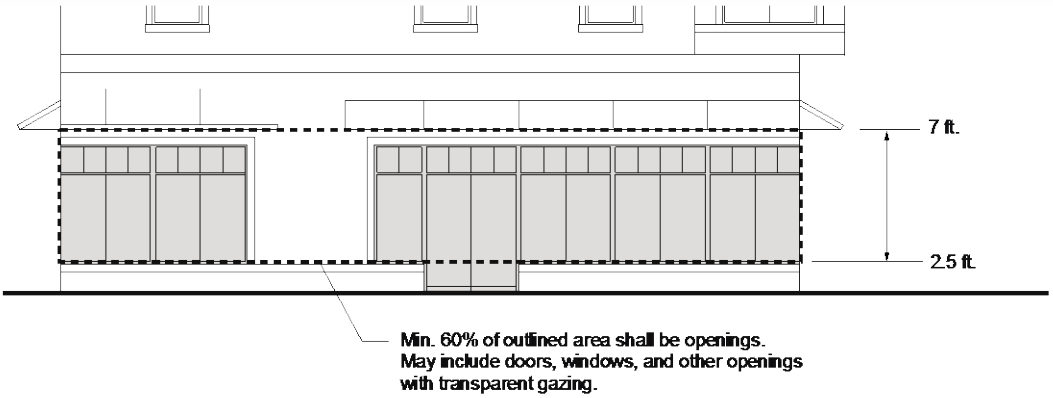


FIGURE 15-1204-B.6: BUILDING TRANSPARENCY

7. Where buildings are located within two feet of a public sidewalk, the sidewalk shall be shaded by awnings or canopies as follows:

   a. Awning or canopy depth shall be no less than four feet and no more than 10 feet.

   b. Clearance shall be no less than eight feet and no more than 12 feet from the finished floor.

C. **Parking.** Parking shall be setback as shown in Table 15-1203-2 except as provided below:

1. ***Underground Parking***. Parking that is fully underground and below the street grade may extend from lot line to lot line.

2. ***Partially Submerged and Podium Parking***. Parking that is partially below the street grade may extend to the setbacks of the main structure. A maximum six feet of the parking structure height may extend above the street grade if screened along street facing elevations by foundation plant materials. Gates need not be screened.

3. ***Surface Parking.*** On lots less than 150 feet in width or depth, surface parking may be located within 50 feet of a street facing lot line for a maximum of 50 percent of the lot frontage if the parking area is screened with a garden wall, hedge, trellis, and/or other landscaping or built structures facing the sidewalk.

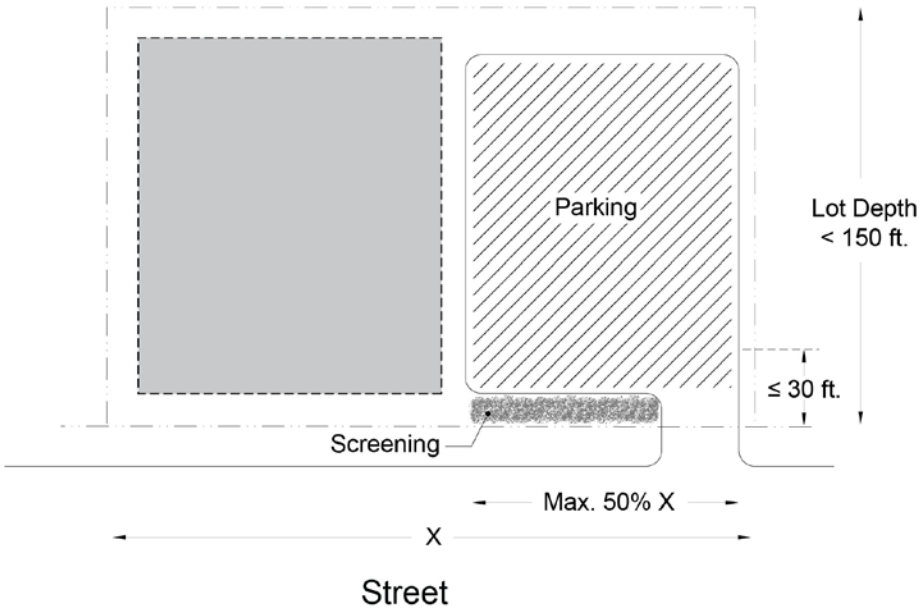


FIGURE 15-1204-C.3: SURFACE PARKING

D. **Public Plazas.** The following standards apply to commercial shopping center developments in the CC and CR Districts.

1. ***Entry Plazas / Passenger Loading Areas.*** A plaza shall be provided at the entry to each anchor tenant that provides for pedestrian circulation and loading and unloading. Entry plazas and passenger loading areas shall include unique, decorative paving materials, adequate seating areas, and provision of adequate shade, and attractive landscaping, including trees or raised planters.

2. ***On-Site Plazas.*** Outdoor plazas for the use of customers and visitors shall be provided at a rate of five square feet per 1,000 square feet of floor area, up to 1,500 square feet per plaza.

3. ***Location.*** Plazas shall be visible from a public street or from on-site areas normally frequented by customers, and shall be accessible during business hours.

4. ***Amenities***. Plazas shall include benches or other seating, and paving shall be of high-quality materials. Amenities shall be included that enhance the comfort, aesthetics, or usability of the space, including, but not limited to, trees and other landscaping, shade structures, drinking fountains, water features, public art, or performance areas.

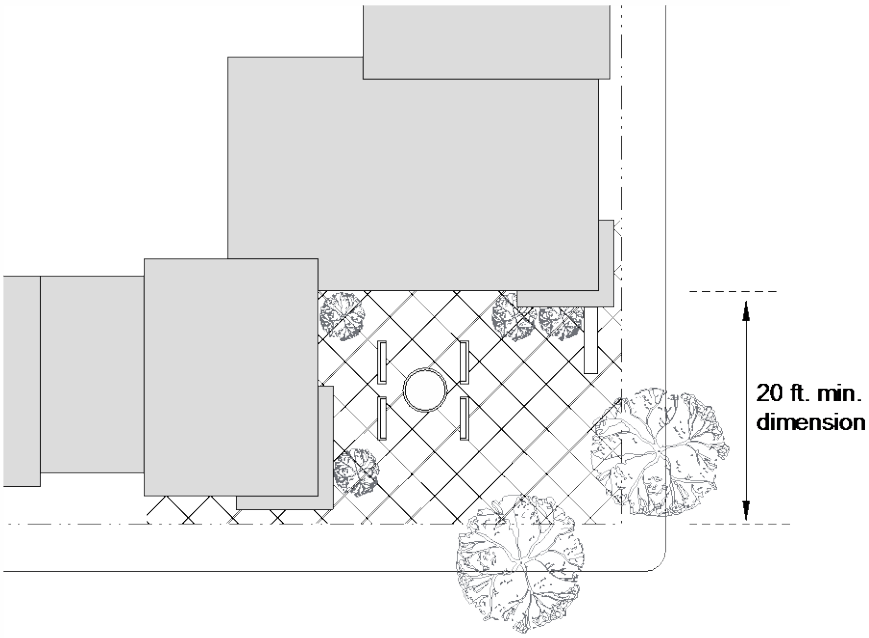


FIGURE 15-1204-D: PUBLIC PLAZAS

E. **Pedestrian Access.** On-site pedestrian circulation and access shall be provided according to the following standards.

1. ***Internal Connections.*** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

2. ***External Connections.*** A system of pedestrian walkways shall connect the project site to adjacent Residential, Commercial, Mixed-Use, Office districts as follows:

   a. If the adjacent Residential, Commercial, Mixed-Use, and Office districts are undeveloped, stub connections shall be provided at a frequency of one per 600 feet. Upon the development of the adjacent parcels, any fencing or gates at the stubs shall be opened.

   b. If the adjacent Residential, Commercial, Mixed-Use, and Office districts are developed and provide connection points via breaks in the perimeter wall/fence or stub streets, then the project shall provide pedestrian walkway connections at those locations.

c. If the adjacent Residential, Commercial, Mixed-Use, and Office districts are developed there are no possible connection points via breaks in the perimeter wall/fence, then the project shall not be required to provide connections.

3. ***To Circulation Network***. Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.

4. ***To Streets.*** Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

5. ***To Transit.*** Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.

6. ***Pedestrian Walkway Design***.

a. Walkways shall be a minimum of four feet wide, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.

b. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.

c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least six inches high, bollards, or other physical barrier.

F. **Service Areas and Loading.** Service and loading areas should be integrated with the design of the building and shall be screened from residential areas. Special attention shall be given when designing loading facilities in a location that is proximate to residential uses. Techniques such as block walls, enhanced setbacks, or enclosed loading bays can minimize adverse impacts to residents.

15-1205 Façade Design Development Standards

A. **Building Articulation.** All street-facing façades, including freeway-facing façades, must include at least one projection or recess at least two feet in depth for every 25 horizontal feet of wall.

B. **Building Materials and Finishes.**

1. Each side of a building that is visible from a street or passenger railway shall be designed with a complementary level of detailing and quality of materials.

2. Veneers should turn corners, avoiding exposed edges and continue down the side of a building to a logical break, such as a change in wall plane. Material changes at outside corners should be avoided.

3. Windows shall maintain a consistent design character throughout the development and shall be of the same material on all elevations facing a street.

4. Building entrances and common areas shall be accentuated with enhanced finishes and materials that are durable and high quality and distinguish these spaces from other elements of the building.
5. Parking areas and structures shall be designed to match and be compatible with the architectural character, materials, and colors of the overall development.
6. The design of building additions should follow the same general scale, proportion, massing, and detailing of the original structure, and not in stark contrast to the original structure.

Article 13 Employment Districts (E)

Sections:

15-1301 Purpose
15-1302 Use Regulations
15-1303 Intensity and Massing Development Standards
15-1304 Site Design Development Standards
15-1305 Façade Design Development Standards

15-1301 Purpose

The purposes of the Employment Districts are to:

A. Designate adequate land for industrial, office, research and development, and flexible commercial uses to strengthen the city's economic base and provide a range of employment opportunities for the current and future population of the city and region.

B. Provide for the appropriate location of businesses that may have the potential to generate off-site impacts, while providing to ensure compatibility in use and form with existing and planned land uses.

C. Provide appropriate buffers between employment centers and residential uses.

D. Implement and provide appropriate regulations for General Plan classifications of "Office," "Business Park," "Regional Business Park," "Light Industrial," and "Heavy Industrial."

Additional purposes of each Employment District are as follows:

O Office. The O district is intended to provide sites for administrative, financial, business, professional, medical, and public offices, as identified by the General Plan. Retail uses would be limited to business services and food service and convenience goods for those who work in the area. This district is intended for locations where the noise or traffic generated by retail sales, restaurants, and service commercial may be incompatible with surrounding residential neighborhoods.

BP Business Park. The BP district is intended to provide a campus-type office professional environment that is well suited for large offices or multi-tenant buildings on sites identified by the General Plan. This district is intended to accommodate and allow for the expansion of small businesses with limited outdoor storage screened with landscaping proximate to residential uses. Typical land uses include research and development, laboratories, administrative and general offices, medical offices and clinics, and professional offices. Small-scale retail and service uses serving local employees and visitors are permitted as secondary uses.

RBP Regional Business Park. The RBP district is intended for large or campus-like office and technology development that includes office, research and development, manufacturing, and other large-scale, professional uses with limited and properly screened outdoor storage. Permitted uses include incubator-research facilities, prototype manufacturing, testing, repairing, packaging, and printing as

well as offices and research facilities, on sites identified by the General Plan. Small-scale retail and service uses serving local employees and visitors are permitted as secondary uses.

IL Light Industrial. The IL district is intended to provide areas, as identified by the General Plan, for a diverse range of light industrial uses, including limited manufacturing and processing, research and development, fabrication, utility equipment and service yards, wholesaling, warehousing, and distribution activities. Small-scale retail and ancillary office uses are also permitted. Light Industrial areas may serve as buffers between Heavy Industrial Districts and other land uses and otherwise are generally located in areas with good transportation access, such as along railroads and freeways.

IH Heavy Industrial. The IH district is intended to accommodate the broadest range of industrial uses on sites identified in the General Plan. It includes manufacturing, assembly, wholesaling, distribution, and storage activities that are essential to the development of a balanced economic base. Small-scale commercial services and ancillary office uses are also permitted.

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 Permit.

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

"–" designates uses that are not permitted.

B. Land uses are defined in Article 67, Use Classifications.

C. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character per Section 15-5020, Director's Determination.

D. All permitted uses are allowed either alone or in combination with other permitted uses unless otherwise stated in this Code.

E. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are not permitted.

F. The table also notes additional regulations that apply to various uses. Section numbers in the right hand column refer to other sections of this Code.

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)	
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	
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,	P	P	P	P	P	

TABLE 15-1302: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS						
Use Classifications	*O*	*BP*	*RBP*	*IL*	*IH*	*Additional Regulations*
Service and Rental						
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

TABLE 15-1302: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS						
Use Classifications	*O*	*BP*	*RBP*	*IL*	*IH*	*Additional Regulations*
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	§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

TABLE 15-1302: LAND USE REGULATIONS—EMPLOYMENT DISTRICTS						
Use Classifications	*O*	*BP*	*RBP*	*IL*	*IH*	*Additional Regulations*
Agricultural and Extractive Use Classifications						
Agricultural Processing	–	C	C	P	P	§15-2732, Hazardous Waste Management Facilities
Agricultural Support Services	–	C	P	P	P	
Animal Raising	–	–	–	–	–	
Crop Cultivation	–	–	–	P	P	§15-2716, Crop Cultivation
Dairy	–	–	–	–	–	
Mining and Quarrying	–	–	–	–	C	
Rendering	–	–	–	–	C	
Sales Lot, Feed Lot, Stockyard	–	–	–	C	P	
Slaughterhouse	–	–	–	–	C	
Tasting Room	–	C	C	C	C	
Other Applicable Types						
Accessory Uses and Structures	§15-2703, Accessory Uses					
Home Gardens	§15-2734, Home Gardens and Edible Landscaping					
Animal Keeping	§15-2707, Animal Keeping					
Drive-In and Drive-Through Facilities	C	C	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					

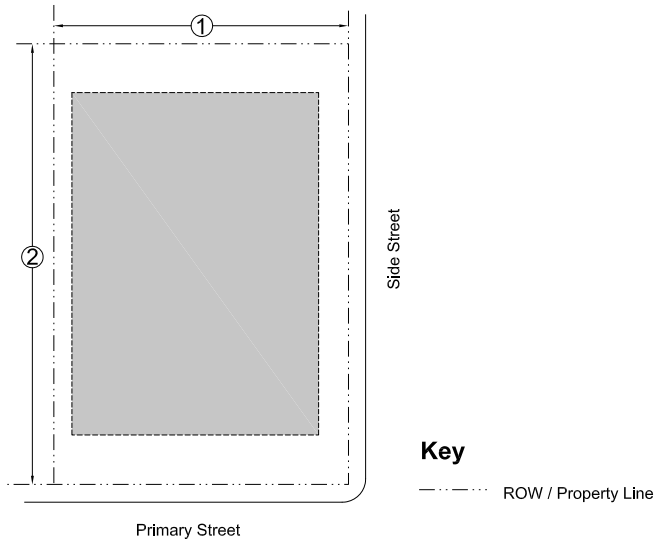
Specific Limitations:

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.

15-1303 Intensity and Massing Development Standards

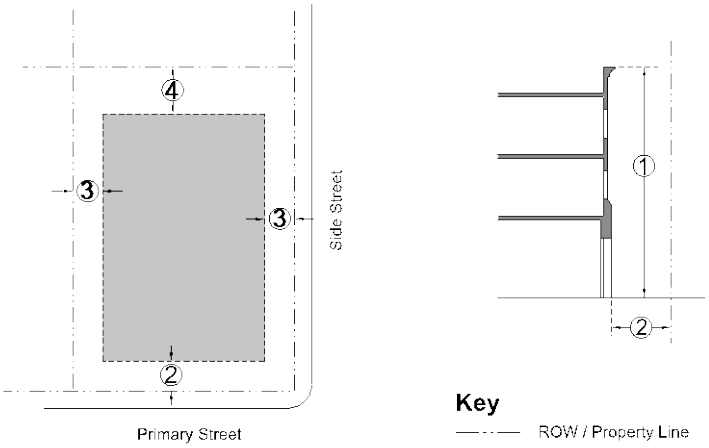
Tables 15-1303-1 to 15-1303-2 prescribe the intensity and massing development standards for the Employment Districts. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of the Code, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below correspond to the "#" column in the associated table. Drawings are for illustrative purposes and are not drawn to scale.

TABLE 15-1303-1: LOT AND INTENSITY STANDARDS—EMPLOYMENT DISTRICTS



District	*O*	*BP*	*RBP*	*IL*	*IH*	*Additional Regulations*	*#*
Minimum District Size	–	–	5 acres	–	–		
Minimum Lot Size (sq. ft.)	7,500	10,000	–	9,000	9,000		
Minimum Lot Width (ft.)	65	65	150	75	75		①
Minimum Lot Depth (ft.)	110	110	200	120	120		②
Maximum Floor Area Ratio (FAR)	2.0	1.0	1.0	1.5	1.5	§15-309, Determining Floor Area Ratio	

TABLE 15-1303-2: BUILDING FORM AND LOCATION STANDARDS—EMPLOYMENT DISTRICTS



District	*O*	*BP*	*RBP*	*IL*	*IH*	*Additional Regulations*	*#*
Maximum Height (ft.)	60	60	60	60	60	§15-2012, Heights and Height Exceptions §15-1304-A, Residential Transition Standards §15-1304-C, Exceptions to Maximum Height in IL and IH Districts	①
Minimum Setbacks (ft.)						§15-313, Determining Setbacks §15-1304-A, Residential Transition Standards §15-1304-D, Enhanced Streetscape §15-1304-E, Parking Setbacks §15-2014, Projections/ Encroachments into Yards §15-2305, Areas to be Landscaped	
Front (Major Street)	15	15	15	15	15		②
Front (Major Street), with Enhanced Streetscape	–	NA	NA	NA	NA		
Front (Local Street)	–	–	–	–	–		
Side	–	–	–	–	–		③
Rear	–	–	–	–	–		④
Parking, from back of sidewalk or curb	15	15	15	–	–		

15-1304 Site Design Development Standards

A. **Residential Transition Standards.** Where an E District abuts a Residential District, the following standards apply:

1. ***Height.*** The maximum height within 40 feet of a Residential District is limited to 30 feet. The maximum height within 50 feet of a residential district is 40 feet.

2. ***Setbacks.***

   a. *Front and Street Side Yards.* The front setback shall not be less than the required front yard on the abutting Residential District lot within 75 feet of the Residential District.

   b. *Interior Side and Rear for the IL and IH Districts.* The interior side and rear setback abutting a Residential District boundary shall be no less than 50 feet.

   c. *Interior Side and Rear Setbacks for All Other Employment Districts.* The interior side and rear setback abutting a Residential District boundary shall be 20 feet.

3. ***Landscape.*** See Table 15-2305-C.1, Required Landscape Buffers.

4. ***Screening***. When a multi-story building is proposed and the second story or above is located within 50 feet of the side or rear yard of a single-family lot, screening measures shall be applied to provide a reasonable degree of privacy.

   a. Screening measures include, but are not limited to, landscaping, alternate window and balcony placements, placing windows at least six feet from the floor of the interior of the unit, incorporating wing walls or louvers, using glass block or other translucent material, and other such methods.

   b. *Sufficiency of Screening.* The Review Authority shall determine the sufficiency of the proposed screening measures and may require additional measures.

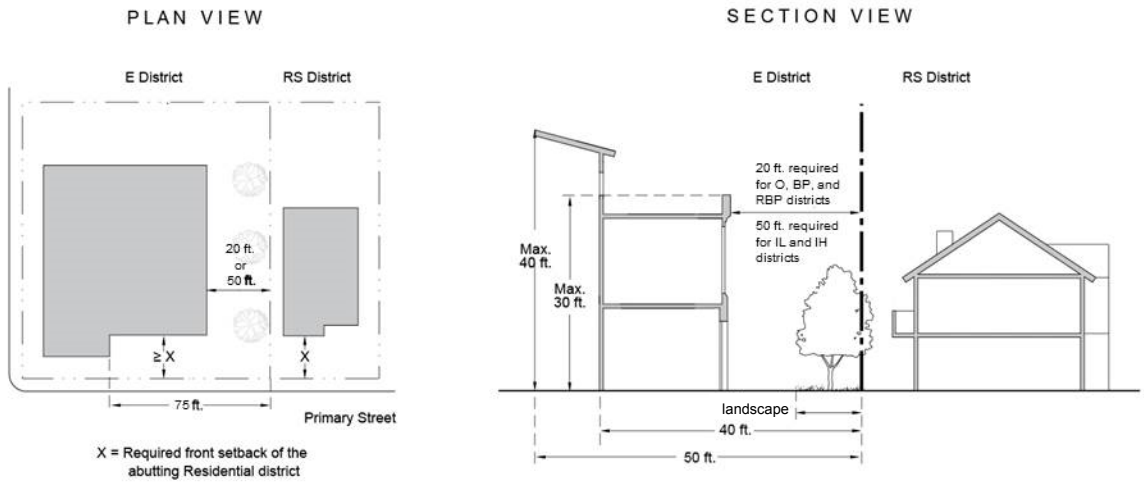


FIGURE 15-1304-A: RESIDENTIAL TRANSITION STANDARDS—E DISTRICTS

B. **Exceptions to Maximum Height in Woodward Park Area.** Within the geographic area that is hatched in Figure 15-1304-B, the maximum permitted building height may be increased to 120 feet. Such projects shall conform to the residential transition standards in Section 1304-A and shall be subject to a Conditional Use Permit.

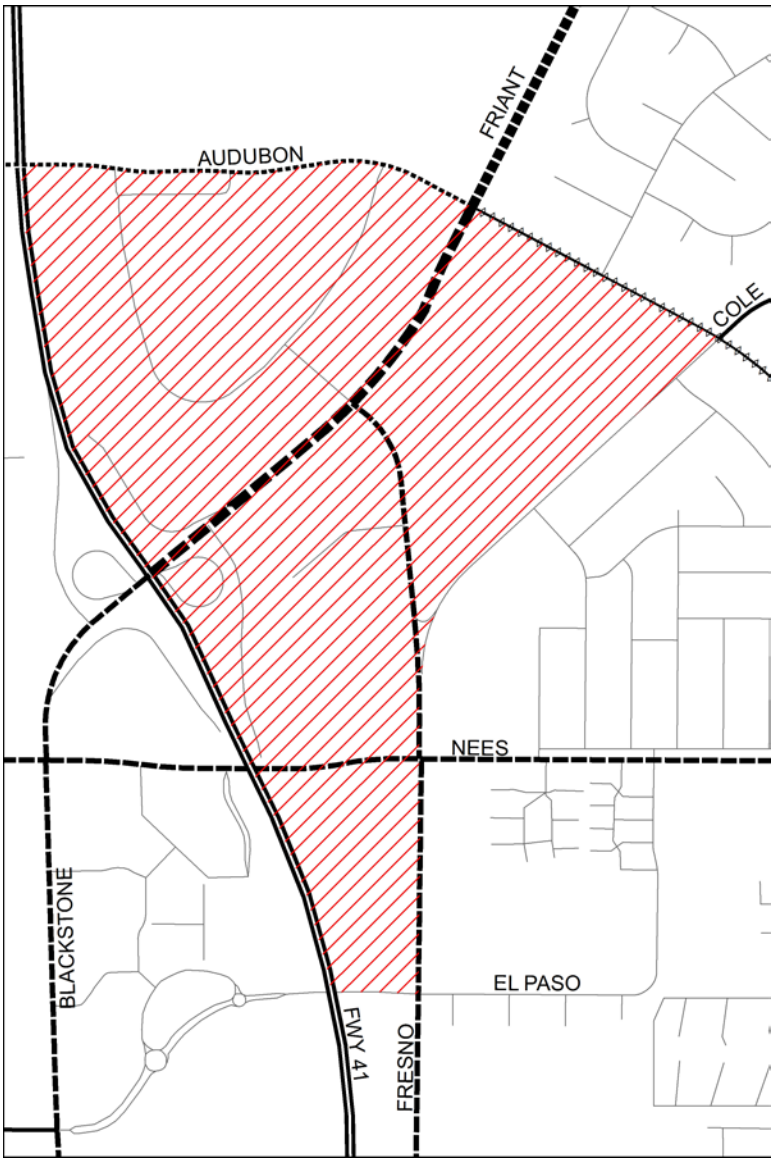


FIGURE 15-1304-B: EXCEPTIONS TO MAXIMUM HEIGHT IN WOODWARD PARK AREA

C. **Exceptions to Maximum Height in IL and IH Districts.** Within the IL and IH Districts, uninhabited structures such as silos, cooling towers, and similar structures used for storage and manufacturing may exceed the maximum height prescribed in 15-1303-2 by no more than 40 feet. Height in excess of 100 feet for such structures is subject to a Conditional Use Permit.

D. **Enhanced Streetscape.** Projects in O Districts which include buildings with a front setback of less than 15 feet shall provide the following streetscape enhancements:

1. Sidewalks shall be no less than 12 feet in width.

2. Street trees shall be provided as follows:

   a. Street trees should be located no more than three feet from the back of curb, and whenever possible should be aligned with other trees on the block.

   b. Street trees should generally be evenly spaced, no less than 20 feet apart, and not more than 40 feet apart.

   c. Whenever possible, trees should not be located directly in front of building entrances.

   d. Trees should be placed in tree wells measuring five feet by five feet. To maximize usable sidewalk area, tree wells shall be covered by grates of a design which is approved by the Director. Larger tree wells may be required by the Public Works Director for species requiring more space. The property owner shall assume maintenance responsibilities for the tree grates.

   e. Street trees should be deciduous, fast growing, drought tolerant, and should eventually form a tall canopy. Not more than one species should be planted per block. Whenever nearby pre-existing trees are in good condition and meet the intent of this section, new trees should be of the same species.

3. Pedestrian-scaled street lights shall be provided as follows:

   a. Street lights should be located no more than three feet from the curb, and whenever possible should be aligned with street trees and other lights on the block.

   b. Street lights should be generally evenly spaced, no less than 30 feet apart, and not more than 80 feet apart. Whenever possible, street lights should be no less than 15 feet from nearby street trees.

   c. Street lights should not be of the type commonly known as Cobra Heads or other types which are intended primarily for the illumination of the vehicular roadway. Lights should be ornamental and designed primarily for the illumination of the sidewalk. Whenever nearby pre-existing lights are in good condition and meet the intent of this section, new lights should be of the same type. Intersection safety lights shall be typical cobra-head design, while mid-block lighting should be ornamental and scaled for the pedestrian environment. Lighting shall meet Public Works standards.

4. Facades located with 15 feet of the public sidewalk shall be oriented to the street as follows:

   a. If there is a primary common building entrance which provides access to reception areas, elevators, stairs, and internal circulation, it shall face and be oriented to the street. If there is a yard between the sidewalk and the building, a paved path six feet in width shall be provided from the public sidewalk to the entrance.

b. Direct entrances from the sidewalk in to individual establishments located along the street frontage shall be provided. If there is a yard between the sidewalk and the building, a paved path six feet in width shall be provided from the public sidewalk to the entrance.

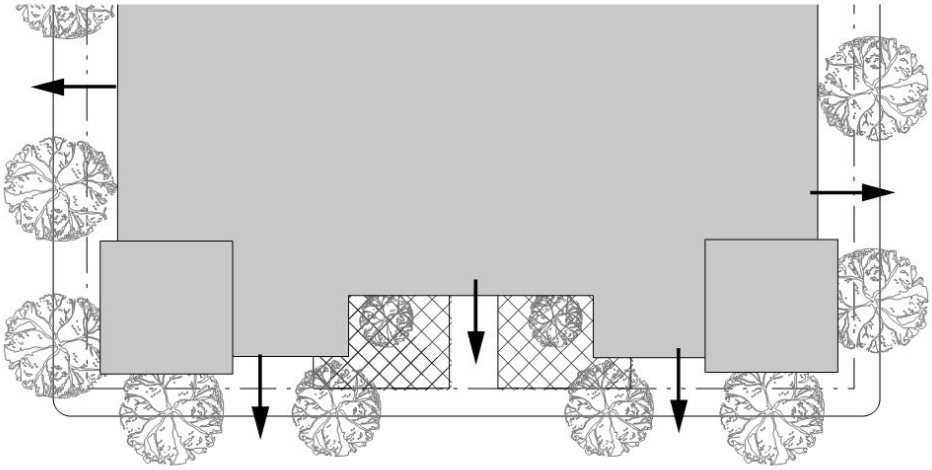


FIGURE 15-1304-D-4: BUILDING ORIENTATION TO THE STREET

5. Exterior walls facing a front or street side lot line shall include windows, doors, or other openings with transparent glazing for at least 60 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least two feet deep.

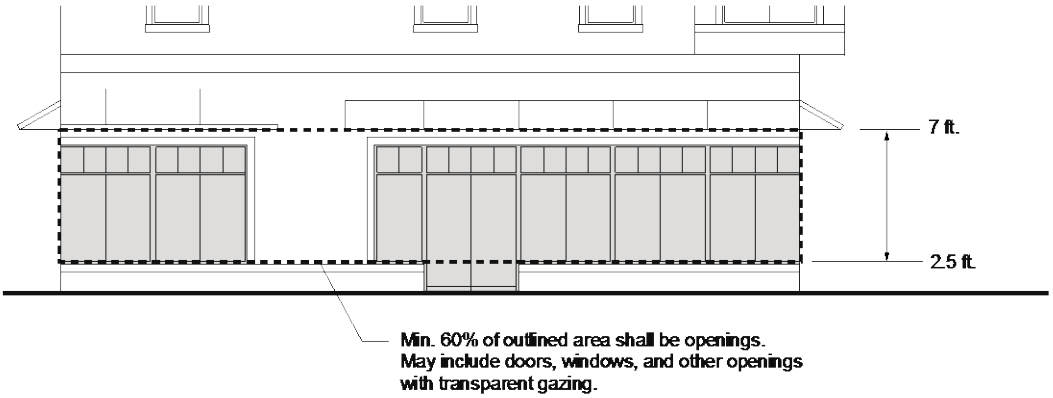


FIGURE 15-1304-D-5: BUILDING TRANSPARENCY

6. Where buildings are located within two feet of a public sidewalk, the sidewalk shall be shaded by awnings or canopies as follows:

   a. Awning or canopy depth shall be no less than four feet and no more than 10 feet.

   b. Clearance shall be no less than eight feet and no more than 12 feet from the finished floor.

E. **Parking Setbacks.** In the O, BP, and RBP Districts, parking shall be set back from the street facing lot line as shown in Table 15-1303-2, except as provided below:

1. ***Surface Parking.*** On lots less than 150 feet in width or depth, the parking setback may be reduced to six feet. This area shall be landscaped. Parking spaces shall be screened with a minimum three foot high berm, wall, or hedge, or combination thereof.

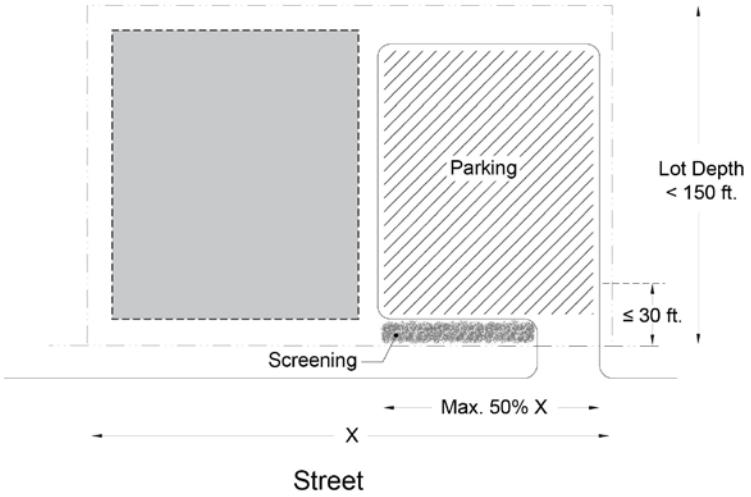


FIGURE 15-1304-E.1: SURFACE PARKING SCREENING

2. ***Partially Submerged and Podium Parking***. Parking that is partially below the street grade may extend to the setbacks of the main structure. A maximum six feet of the parking structure height may extend above the street grade if screened along street facing elevations by foundation plant materials. Gates need not be screened.

3. ***Underground Parking***. Parking that is fully underground and below the street grade may extend from property line to property line.

4. ***Carports.*** If proposed on a Major Street in the O or the BP Districts, carports:

   a. Should generally be located away from major streets.

   b. There shall be no more than six consecutive carport spaces parallel to major streets, with a minimum distance of 20 feet between every six carport spaces.

5. ***Driveways.*** The location and width of driveways shall be minimized; they are permitted only to provide access to garages, carports, and parking areas. Curb cuts are limited to one for every 50 feet of street frontage.

F. **Pedestrian Access.** Within the O District, on-site pedestrian circulation and access must be provided according to the following standards.

1. ***To Streets.*** Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

2. ***To Transit.*** Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.

3. ***To Circulation Network***. Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.

4. ***Internal Connections.*** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

5. ***External Connections.*** In the O District, a system of pedestrian walkways shall connect the project site to adjacent Residential, Commercial, Mixed Use, Office districts as follows:

   a. If the adjacent Residential, Commercial, Mixed Use, and Office districts are undeveloped, stub connections shall be provided at a frequency of one per 600 feet. Upon the development of the adjacent parcels, any fencing or gates at the stubs shall be opened.

   b. If the adjacent Residential, Commercial, Mixed Use, and Office districts are developed and provide connection points via breaks in the perimeter wall/fence or stub streets, then the project shall provide pedestrian walkway connections at those locations.

   c. If the adjacent Residential, Commercial, Mixed Use, and Office districts are developed there are no possible connection points via breaks in the perimeter wall/fence, then the project shall not be required to provide connections.

6. ***Pedestrian Walkway Design.***

   a. Walkways shall be a minimum of four feet wide, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.

   b. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.

   c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least six inches high, bollards, or other physical barrier.

G. **Service Areas and Loading.** Service and loading areas should be integrated with the design of the building and shall be screened from residential areas. Special attention shall be given when designing loading facilities in a location that is proximate to residential uses. Techniques such as block walls, enhanced setbacks, or enclosed loading can minimize adverse impacts to residents.

15-1305 Façade Design Development Standards

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

B. **Building Materials and Finishes.**

1. In the O District, the following standards shall apply:

   a. Each side of a building that is visible from a Major Street shall be designed with a complementary level of detailing and quality of materials.

   b. There shall be a minimum of two exterior wall finish materials.

   c. Veneers should turn corners, avoiding exposed edges and continue down the side of a building to a logical break, such as a change in wall plane. Material changes at outside corners should be avoided.

   d. Building entrances and common areas shall be accentuated with enhanced finishes and materials that are durable and high quality and distinguish these spaces from other elements of the building.

   e. Metal buildings should employ a variety of building forms shapes, colors, materials, and other architectural treatments to add visual interest and variety to the building. Architectural treatments should emphasize the primary entrance to the building.

   f. Unless roofing materials are part of the design element (for example, tiles, concrete, or metal roofing elements), the ridge line elevation should not exceed the parapet elevation.

   g. Windows shall maintain a consistent design character throughout the development and shall be of the same material on all elevations facing a street.

   h. Parking areas and structures shall be designed to match and be compatible with the architectural character, materials, and colors of the overall development.

2. In the BP and RBP Districts, buildings within 100 feet of a major street shall apply at least two of the following standards:

   a. Use a minimum of two exterior wall finish materials shall be used.

   b. Use a minimum of three exterior paint colors.

   c. Design street-facing façades to have an overall wall composition of at least 20 percent glazing.

   d. Provide one inset of six inches in depth, 10 feet in height, and 20 feet in width for every 50 feet of wall length.

   e. Provide canopies or awnings with at least four feet of projection for at least 50 percent of the wall length.

   f. Employ an architectural treatment to the primary entrance(s) such as decorative lighting, increased height, or enhanced materials.

Article 14 Public and Semi-Public Districts (PSP)

Sections:

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

15-1401 Purpose

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

A. Provide areas for a wide range of public facilities, including parks and open space, educational facilities, cultural and institutional uses, health services, municipal offices, general government operations, utility and public service needs, and other public or quasi-public facilities.

B. Ensure that the development and operation of public and semi-public uses protects and enhances the character and quality of life of surrounding residential areas.

C. Ensure the provision of services and facilities needed to serve residents, businesses, and visitors and maintain a high quality of life standard.

D. Implement and provide appropriate regulations for General Plan classifications of "Open Space," and "Public and Institutional."

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

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

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

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

15-1402 Use Regulations

A. Table 15-1402 prescribes the proposed land use regulations for Public and Semi-Public Districts. The regulations for the districts are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review.

"P" designates permitted uses.

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

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

"–" designates uses that are not permitted.

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 15-1402: LAND USE REGULATIONS—PUBLIC AND SEMI-PUBLIC DISTRICTS				
Use Classifications	*OS*	*PR*	*PI*	*Additional Regulations*
Residential Use Classifications				
Multi-Unit Residential	–	–	P(8)	
Public and Semi-Public Use Classifications				
Cemetery	P	–	P	
Colleges and Trade Schools, Public or Private	–	–	P	
Community and Religious Assembly (less than 2,000 square feet)	C(1)	P(1)	P	§15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	–	P(1)	P	
Community Garden	P	P	P	§15-2720, Community Gardens / Urban Farms
Conference/Convention Facility	–	–	P	
Cultural Institutions	–	P	P	
Day Care Centers	–	–	P	§15-2725, Day Care Centers and Family Child Care Homes
Emergency Shelter	–	–	P	§15-2729, Emergency Shelters
Government Offices	–	–	P	
Hospitals and Clinics				

TABLE 15-1402: LAND USE REGULATIONS—PUBLIC AND SEMI-PUBLIC DISTRICTS				
Use Classifications	*OS*	*PR*	*PI*	*Additional Regulations*
Hospital	–	–	P(5)	
Clinic	–	–	P	
Substance Abuse Treatment Clinic	–	–	C(6)	
Instructional Services	–	–	P	
Park and Recreation Facilities, Public	P	P	P	
Parking, Public or Private	C	C	C	
Public Safety Facilities	C	C	P	
Schools, Public or Private	–	–	P	
Social Service Facilities	–	–	P	
Commercial Use Classifications				
Animal Care, Sales and Services				
Kennels	–	–	C(2)	
Eating and Drinking Establishments				
Restaurant with Alcohol Sales	–	–	C(3)	§15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges; §15-2744, Outdoor Dining and Patio Areas
Restaurant without Alcohol Sales	–	P(3)	P(3)	
Entertainment and Recreation				
Large-Scale	–	P(7)	–	
Food and Beverage Sales				
Farmer's Markets	–	C	P	§15-2730, Farmer's Markets
Retail Sales				
General Retail	–	–	P(3)	§15-2745, Outdoor Retail Sales
Industrial Use Classifications				
Recycling Facility				
Reverse Vending Machine	–	–	–	§15-2750, Recycling Facilities
Recycling Processing Facility	–	–	C	
Transportation, Communication, and Utilities Use Classifications				
Airports and Heliports	–	–	C(4)	
Communication Facilities				
Antenna and Transmission Towers	§15-2759, Telecommunications and Wireless Facilities			
Facilities within Buildings	–	–	P	
Transportation Passenger Terminals	–	–	P	
Utilities, Major	C	–	P	
Utilities, Minor	P	P	P	
Waste Transfer Facility	–	–	C	
Agricultural and Extractive Use Classifications				
Crop Cultivation	P	–	–	§15-2716, Crop Cultivation
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			

TABLE 15-1402: LAND USE REGULATIONS—PUBLIC AND SEMI-PUBLIC DISTRICTS				
Use Classifications	*OS*	*PR*	*PI*	*Additional Regulations*
Drive-In and Drive-Through Facilities	–	–	–	§15-2728, Drive-In and Drive-Through Facilities
Walk–Up Facilities	§15-2766, Walk-Up Facilities			
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots			
Temporary Use	§15-2760, Temporary Uses			

Specific Limitations:

1. Limited to facilities associated with park and recreation facilities.
2. Limited to government or non-profit animal shelters located a minimum of 100 feet from a residential use or district.
3. Limited to gift shops, cafes, and restaurants that are an accessory to cultural institutions, community and religious assembly, and conference/convention centers.
4. Heliports used as accessory to a hospital are permitted by right and shall not require a Conditional Use Permit.
5. Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals.
6. Must include an indoor waiting area.
7. Limited to golf courses.
8. Limited to on-campus housing operated by an accredited school.

15-1403 Intensity and Massing Development Standards

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

TABLE 15-1403: DEVELOPMENT STANDARDS—PUBLIC AND SEMI-PUBLIC DISTRICTS				
District	*OS*	*PR*	*PI*	*Additional Regulations*
Maximum Density (du/ac)	–	–	45	§15-310, Determining Residential Density §15-1404-E, On-Campus Housing Standards
Maximum Height (ft.)	35	35	35	§15-1404-A, Additional Height for Recreational Facilities §15-2012, Heights and Height Exceptions
Minimum Setbacks (ft.)				
Front	25	25	20	§15-1404-B, Residential Transition Standards §15-1404-D, Setbacks §15-2014, Projections/Encroachments into Yards §15-2305, Areas to be Landscaped
Interior Side	20	20	15	
Street Side	25	25	20	
Rear	20	20	15	
Maximum Lot Coverage (%)	10	10	35	
Supplemental Regulations				§15-1404, Site Design Development Standards

15-1404 Site Design Development Standards

A. **Additional Height for Recreational Facilities.** Additional height for structures related to recreational facilities such as light standards, nets, and fences, may be approved with a Conditional Use Permit.

B. **Residential Transition Standards.** See Table 15-2305-C.1, Required Landscape Buffers.

C. **Service Areas and Loading.** Service and loading areas shall be located so that they are oriented away from residences, primary pedestrian entrances and areas, and not adjacent to or parallel to any public right-of-way (except alleys).

D. **Setbacks.** The prescribed setbacks apply to all structures, including, but not limited to, bleachers, dugouts, backstops, lights, etc. Should the parcel be less than one-half acre, the Director may reduce the front and street side yard to 15 feet.

E. **On-Campus Housing Standards**. The provisions set in 15-1004-A, RS Transition Standards and 15-1004-D, On-Site Open Space shall apply.

F. **San Joaquin River Corridor Preservation.** Any development within the San Joaquin River Corridor shall be limited or required to provide an extended buffer in order to protect the natural environs. The limitations and buffers shall be consistent with the General Plan and may be expanded further subject to environmental review.

Article 15 Downtown Districts

(Reserved)

Article 16 Overlay Districts

Sections:

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

15-1601 Planned Development (PD) Overlay District

A. **Purpose.** The Planned Development (PD) Overlay District allows for an alternate process to accommodate major and unique developments for residential, commercial, professional, or other similar activities, including combinations of uses and modified development standards, which would create a desirable, functional, and community-oriented environment under controlled conditions of a development plan. The PD district is intended to provide assurances to a land developer which will reduce the economic risks of a project while providing the City with a flexible means of promoting comprehensive planning and orderly development.

B. **Use Regulations.** No use other than an existing use is permitted in a PD District except in accordance with a valid PD Plan or adopted Specific Plan. Any permitted or conditional use authorized by this Code may be included in an approved PD Plan or an adopted Specific Plan consistent with the General Plan land use designation(s) for the property.

C. **Development Standards.**

1. ***Minimum Area.*** The minimum area of a PD District shall be as follows; however, the City Council may approve a District smaller than the minimum area if it finds that rezoning to PD would further achieve the goals of the General Plan and provide greater benefits to the general welfare of Fresno's residents and property owners than development under conventional zoning because of unique characteristics of the site or the proposed use or mix of uses.

   a. *Commercial and Mixed-Use Districts.* One-half contiguous acres.

   b. *Other Districts.* Two contiguous acres.

2. ***Open Space.*** Open space shall be shown on the PD Plan, and the total open area in a PD Plan shall be substantially the same, or greater as the open area required by the Base District for the total area of the planned development.

3. ***Residential Unit Density.*** Except where a density bonus is granted in compliance with the City's density bonus regulations for affordable housing in Article 22, Affordable Housing Density Bonus, the total number of dwelling units in a PD Plan shall not

exceed the maximum number permitted by the General Plan density for the total area of the planned development designated for residential use.

4. ***PD Plan Regulations.*** Minimum lot area, yard requirements, building heights, and other physical development standards shall be as prescribed by the PD Plan. Each PD Plan shall establish development standards that, at a minimum, address the following:

   a. Land use;

   b. Circulation of traffic, bicycles, and pedestrians;

   c. Landscaping and planting areas;

   d. Residential density; non-residential floor area;

   e. Minimum building site;

   f. Minimum lot dimensions;

   g. Maximum lot coverage by buildings and structures;

   h. Minimum yards;

   i. Maximum building or structure heights; transitional standards to adjacent residential neighborhoods;

   j. Maximum height of fences and walls;

   k. Signs;

   l. Off-street parking and loading; and,

   m. Other items as deemed appropriate by the Director, Planning Commission, and City Council.

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

1. Addresses a unique situation.

2. Confers a substantial benefit to the city.

3. Incorporates creative site design to achieve the purposes of this Code and General Plan, and represents an improvement in quality over what is possible through the strict application of the otherwise applicable district or development standards. These improvements may include:

   a. A greater amount of open space and access;

   b. Environmental protection;

   c. Tree and/or vegetation preservation;

   d. Creation of multiple-use projects including residential, commercial, or recreational facilities;

   e. Increased choice of housing options.

4. The project would be impractical to achieve within one of the City's Base Districts.

15-1602 Airport Environs (AE) Overlay District

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

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

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

C. **Development Standards.**

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

15-1603 Bluff Protection (BP) Overlay District

A. **Purpose.** The Bluff Protection (BP) Overlay District is intended to provide special land development standards that will preserve the integrity of the natural landscape of the southerly San Joaquin River Bluffs, adjacent properties, and adjacent open spaces as areas of special quality by reason of the topography, geologic substratum, and environment of the area. Regulations for the BP Overlay District are deemed necessary for the preservation of the special qualities of the southerly San Joaquin River Bluffs, and for the protection of the health, safety, and general welfare of owners and users of property within the River Bluff Influence Area.

B. **Applicability.** The provisions of this article apply to areas within 300 feet of the toe of the San Joaquin River bluff.

C. **Use Regulations.** Those uses permitted in the Base District, subject to the limitations and conditions set forth therein.

D. **Development Standards.** Development Standards shall be as required by the Base District, except as follows:

1. ***Bluff Setback.*** Development, including buildings, structures, decks, pools, spas, and steps, shall be setback a minimum of 30 feet from the bluff edge or as identified as necessary for the preservation of the existing state of the bluffs in the soils report prepared pursuant to Section 15-1603-F, Soils Report, whichever is greater. Buildings, structures, decks, pools, spas, and steps include all objects that may be below grade, at grade, or above grade.

2. ***Lighting and Illumination.*** Streetlights and all exterior lighting shall be directed away from the riverbottom.

3. ***Design and Orientation.*** The design and orientation of structures, walls and fences shall be in keeping with the natural character of the Bluffs. Fences must be open a minimum of 80 percent (i.e., no more than 20 percent opaque) to allow for the passage of light and air.

4. ***Colors and Materials.*** Construction shall be permitted only on lots subject to recorded deed restrictions or covenants restricting exterior colors and construction materials to those which are compatible with the natural bluff environment and with surrounding development.

5. ***Geologic Impact Standards.*** To minimize potential geologic and soil hazards, the following provisions shall apply to all subdivisions and development within Bluff Zones I, II, and III of the San Joaquin River Bluffs environs:

   a. *General Provisions.* General provisions for grading, drainage, and erosion:

      i. Locations of streets, utilities and other facilities shall be approved by the Director and the City Engineer.

      ii. Requirements for the location, design, construction, and maintenance of surface and subsurface drainage facilities shall be as determined by the Fresno Metropolitan Flood Control District.

      iii. All development within Bluff Zones I, II, and III shall comply with the applicable provisions of the Building Code as adopted and amended by the City.

      iv. Drainage of storm and irrigation water shall be directed away from the Bluff Face to public rights-of-way or to drainage facilities approved by the Fresno Metropolitan Flood Control District. A drainage plan shall be provided and approved by the Director for each separate lot within the Bluff Influence Area, establishing methods for conveying surface water from roofs and landscaping, and drain water from all swimming pools or decorative pools to approved locations away from the Bluff Face.

      v. To minimize erosion, the following shall apply to all graded, altered, or unstable bluff areas:

(1) Landscaping with drought-tolerant, low-fuel plants, compatible with the bluff environs, from a list prepared by the City.

(2) Landscape irrigation shall utilize drip irrigation or low precipitation systems, and must be approved by the civil engineer prior to installation.

(3) Hydroseeding, netting and mulch shall be utilized to re-establish plant life, to control erosion and to discourage rodent burrowing.

b. *Soils Investigation.* The following types of soil evaluations shall be performed and reported:

i. Bluff Zone I. A civil engineer or soils engineer registered in the State of California shall investigate and report on soil and geologic conditions, utilizing methods consistent with accepted practices. The report shall evaluate soils and geologic conditions for development proposals located outside Bluff Zone II and shall be similar in scope to the soils investigation required under Subparagraph ii, below. The investigation and report shall identify potential surface and subsurface drainage problems that may ultimately affect the stability of the bluffs and any measures to mitigate such effects.

ii. Bluff Zone II. A civil engineer or soils engineer registered in the State of California shall provide a detailed Soils Investigation and Evaluation Report using methods consistent with accepted practice and shall include the following:

(1) Evaluation of existing stability;

(2) Evaluation of post-development slope stability;

(3) Documentation of existing conditions for rock falls, block caving, creep failures, shear failures, excessive erosion and sloughing;

(4) Evaluation of slope angles, subsurface drainage, proposed grading, structures, utility trenches, potential rodent population, storm drain disposal, surface irrigation and drainage, erosion, traffic vibration, potential seismic hazards, and on-site sewage disposal approximate to the bluffs;

(5) Evaluation of the influence of future development and grading along the Bluff Toe for its effect on slope stability;

(6) Evaluation of the adverse effect of increased surface and subsurface drainage;

(7) Coordination, review, and approval of site grading and drainage plans prepared by the project civil engineer for conformance to soils and geologic reports;

(8) Laboratory tests to evaluate the soil parameters to be used in determination of slope stability;

(9) Determination and establishment of the location of the Bluff Toe, Bluff Edge and of any building setbacks.

iii. Bluff Zone III. A civil engineer or soils engineer registered in the State of California shall complete a Soils Investigation and Evaluation Report, involving detailed study of individual lots within the River Bluff Influence Area, as follows:

(1) Zone III soils investigations will address the details of the configuration, location, type, and loading of the proposed structures and drainage plan;

(2) The report shall provide detailed recommendations for foundations, drainage, and other items critical to bluff stability.

c. *Filing*. Filing of Soils Investigation and Evaluation Reports shall be required as follows:

i. A Zone I, Zone II or Zone III Soils Investigation and Evaluation Report and a grading plan shall be filed at the time of filing any tentative tract map or parcel map providing for lots or portions of lots within Zone I, Zone II or Zone III, or at the time of filing any application for rezoning or for special permits for parcels of land within Zone I, Zone II or Zone III;

ii. For parcels of land within Zone I, Zone II or Zone III, that are not the subject of the filing of a tentative map or tentative parcel map, or that are not the subject of any application for rezoning or a special permit, a Zone I, Zone II or Zone III Soils Investigation and Evaluation Report and a grading plan shall be filed with any request for a building permit.

d. *Certification*. The Soils Investigation and Evaluation Reports shall be certified as follows:

i. The engineer responsible for the soils investigation and evaluation report and for the grading plan shall certify that the proposed project will not cause any significant increase in the risk of damage to the bluff from erosion, slippage, subsidence, or other movement when grading, drainage, and other slope protection measures have been done in accordance with the Soils Investigation and Evaluation Report and the grading plan. The certificate may be executed on the face of the subdivision map or parcel map or may be contained in a separate instrument delivered to the Director.

ii. The engineer responsible for the soils investigation and evaluation report and for the grading plan for parcels of land for which certification is not provided above shall file written certification with any request for a building permit that the proposed project will not

cause any significant increase in the risk of damage to the bluff from erosion, slippage, subsidence or other movement, when grading, drainage and other slope protection have been done in accordance with the soils investigation and evaluation report and the grading plan.

e. *Completion of Erosion Controls.* All erosion control measures shall be completed before the issuance of occupancy permits for residences constructed on lots within or partially within Zone II, and shall be completed before the issuance of building permits for structures constructed on lots within or partially within Zone III.

E. **Development Permit.** A Development Permit is required for all grading and development, including buildings, structures, decks, pools, spas, and steps, within or abutting the southerly boundary of the BP Overlay District. This section applies to above or below grade objects.

F. **Soils Report.** All applications for development shall provide a soils report. This requirement does not apply to the property between Blythe Avenue and the extension of the Nees Avenue alignment, existing as of August 1, 1979, to the Bluff.

G. **Grading Standards.** No alteration or modification of the existing landscape, including grading or alteration of existing topography, or construction of any structures, shall be permitted on the bluff face or air space above it. This requirement does not apply to the property between Blythe Avenue and the extension of the Nees Avenue alignment, existing as of August 1, 1979, to the Bluff.

H. **Other Development Regulations.** Private access, including gates and/or staircases, irrigation systems, planting, maintenance/weed control, and/or disposing of green waste onto the Bluff, are not permitted.

I. **Commencement of Improvements.** No Building Permit or Grading Permit shall be issued unless all required technical studies required by this Code have been submitted and all applicable permits required by this Code have been obtained.

15-1604 Expressway Area (EA) Overlay District

A. **Purpose.** As used herein, the Expressway Area (EA) Overlay District means major streets that are classified as Expressways, Super Arterials, and other streets that may be designated by the City. The Expressway Area (EA) Overlay District is established to:

1. Protect land uses and residences proximate to designated major streets.
2. Limit development that may potentially be detrimental to the general health, safety, and welfare and to existing and future infrastructure operations and improvements.
3. Mitigate noise to acceptable levels.

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

C. **Development Standards.** Development Standards shall be as required by the Base District, except as follows:

1. ***Residential Districts.*** No building shall be erected within 200 feet of the right-of-way line, except as follows:

   a. An acoustical study determines that interior noise can be mitigated to acceptable levels.

   b. In no case shall the minimum building setback be less than 75 feet from the center line of the nearest moving traffic lane of the abutting roadway.

   c. Any barrier necessary to achieve acceptable noise levels shall not be less than eight feet in height and may be a wall, an earth berm, or any combination of wall and earth berm.

   d. Where no frontage road is required along the expressway, any landscaped open space transition setback separating properties zoned for residential uses shall contain a wall, berm, or any combination of wall and berm, not less than eight feet high and located 50 feet from and parallel to the center line of the nearest moving lane of the abutting roadway.

2. ***Non-Residential Districts.*** No buildings, nor private signage, shall be erected within 30 feet of the right-of-way.

15-1605 Residential Modifying (RM) Overlay District

A. **Purpose.** The Residential Modifying (RM) Overlay District is intended to provide special land development and street development standards which will create, protect, and maintain designated areas, streets, and adjacent properties as residential areas of exceptional public and private value.

B. **Use Regulations.**

1. ***Permitted Uses.*** Those uses permitted in the Base District, subject to the limitations and conditions set forth therein.

2. ***Uses Subject to a Conditional Use Permit.*** Those uses permitted in the Base District, subject to the limitations and conditions set forth therein.

3. ***Uses Not Permitted.***

   a. The uses expressly prohibited by the provisions of the Base District.

   b. Family Day Care.

   c. Community and Religious Assembly.

   d. Schools, Public or Private.

   e. Park and Recreation Facilities.

   f. Cultural Institutions.

   g. Hospitals and Clinics.

C. **Development Standards.** Development Standards shall be as required by the Base District except as follows:

1. All yards required by an underlying district and abutting a street, shall be landscaped and maintained by the property owner.

2. Where the underlying district permits farm animals, the front or side yard abutting a street may be designed with a pasture as permitted by the underlying district.

15-1606 Annexed Rural Residential Transitional (ANX) Overlay District

A. **Purpose.** The Annexed Rural Residential Transitional (ANX) Overlay District allows rural residential use of properties upon annexation to the city continuing until such time as the properties are further developed consistent with the Base District.

B. **Use Regulations.**

1. ***Permitted Uses.*** Any permitted Special Use shall subject to the provisions in Article 27.

   a. The uses permitted by the provisions of the Base District.

   b. *Existing Uses.* Any use existing at the time the property was annexed to the city so long as the use had been lawfully allowed by the County at the time immediately preceding the annexation, subject to provisions of Article 4, Non-Conforming Uses, Structures, Site Features, and Lots.

   c. One single-family dwelling unit per lot, and a Second Dwelling Unit.

   d. Accessory Buildings.

   e. Garages.

   f. Servants' quarters on parcels of land having a minimum lot area of 36,000 square feet or more.

   g. Barns, stables, corrals, coops and/or animal or fowl pen.

   h. Adult Day Care Facilities for a maximum of six adults when located in a single-family dwelling.

   i. Crop Cultivation and Community Gardens.

   j. *Animal Keeping.*

      i. Household Pets.

      ii. Where the lot area is at least one acre in size, a property owner may have adult bovine (cows) or equine (horses) animals, in any combination thereof, and their immature offspring, per acre. In no event shall any property regardless of size have more than 10 adult bovine or equine, or combination thereof. For every adult bovine or equine allowed on a property, a property owner may substitute two adult ovine (sheep) or adult caprine (goats), including any immature offspring. Other similar animal types may be allowed upon a determination by the Director that they will not detrimentally affect the public health, safety, and/or welfare.

iii. Poultry (limited to hens only), rabbits, or similar small feather-bearing or fur-bearing animals, not to exceed twenty-four of any kind or combination thereof, for domestic purposes only.

iv. Where any of the foregoing animals noted in this section are permitted on site, a stormwater runoff permit may be required in accordance with the requirements of the Regional Water Quality Control Board.

k. Family Day Care Homes, small.

l. Greenhouses, horticultural collections and flower and vegetable gardens, private.

m. Group housing facility for a maximum of six persons when located in a single-family dwelling.

n. Home Occupations.

o. Petroleum products storage, for use by the occupants of the premises, but not for resale or distribution.

p. Roadside Stands, temporary, for the sale of agricultural products produced upon the premises.

q. Signs, subject to provisions of Article 26.

2. ***Uses Subject to a Conditional Use Permit.*** Those uses permitted in the Base District, subject to the limitations and conditions set forth therein.

3. ***Uses Not Permitted.*** Those uses not permitted in the Base District or listed above, subject to the limitations and conditions set forth therein.

C. **Development Standards.** For all properties in the ANX overlay district, the RS-1 zone district standards shall apply with the exception that an animal or fowl pen, coop, stable, bam, or corral may be located within 40 feet of any dwelling or other building used for human habitation, or within 100 feet of the front property line of the subject property under a Conditional Use Permit filed and approved pursuant to Article 53.

15-1607 Equine (EQ) Overlay District

A. **Purpose.** The Equine (EQ) Overlay District is established to identify suburban residential areas where horses and other equine are allowed to be kept, while ensuring the protection of the quality of the residential environment and securing the health, safety, and general welfare of the residents.

B. **Applicability.** In the event of a conflict between this section and Section 15-2707, Animal Keeping, the provisions of this section shall prevail.

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

1. ***Horse Keeping.*** The keeping of horses is permitted, subject to the following:

a. *Number of Horses Permitted.*

i. Lots 36,000 Square Feet or Less. Up to two adult horses and one of their offspring less than two years of age are permitted.

ii. Lots 36,001 Square Feet or More. Up to four horses are permitted.

b. *Minimum Setback Requirements for Stables and Corrals.*

i. From Side or Rear Property Lines. 25 feet.

ii. From Windows or Doors of Buildings Used for Human Habitation. 40 feet.

iii. From the Front Line of the Property. 100 feet.

D. **Development Standards.** Development Standards shall be as required by the Base District.

15-1608 Mining (M) Overlay District

A. **Purpose.** The Mining (M) Overlay District is established to allow on-going mineral extraction in the San Joaquin Riverbottom in conjunction with open space uses.

B. **Use Regulations.**

1. ***Permitted Uses.*** Those uses permitted in the Base District, subject to the limitations and conditions set forth therein.

2. ***Uses Subject to a Conditional Use Permit.***

a. Those uses permitted in the Base District, subject to the limitations and conditions set forth therein.

b. Mining and Quarrying.

3. ***Uses Not Permitted.*** Those uses not permitted in the Base District or listed above, subject to the limitations and conditions set forth therein.

C. **Development Standards.** Development Standards shall be as required by the Base District, except as follows:

1. Exceptions to height and façade standards may be permitted at the discretion of the Review Authority.

2. Additional conditions may be required to ensure compatibility with nearby existing and planned uses.

15-1609 Apartment House (AH) Overlay District

A. **Purpose.** The Apartment House (AH) Overlay District is intended to preserve and enhance the pattern of pedestrian-oriented small-footprint apartment houses, grand homes, and small commercial buildings that exist in some pre-World War II neighborhoods.

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

C. **Development Standards.** Development Standards shall be as required by the Base District, except as follows:

1. ***Maximum Lot Size.*** 15,000 square feet.

2. ***Front Setback***. The front setback for new structures shall not be greater than 110 percent of the average of the actual front setbacks of all improved lots on the blockface, nor shall it be less than 90 percent of the average of the actual front setbacks of all improved lots on the blockface.

3. ***Parking.*** Where 50 percent or more of the residential properties on a block have detached garages which encroach into the minimum side and/or rear setbacks, new detached garages shall be permitted to encroach into the minimum side and/or rear setback in a similar manner. In such instances the minimum side and rear setback for a detached garage shall each be equal to the average of the equivalent setbacks of the detached garages on the block, unless the average is less than two feet in which case the setback shall be zero feet. This provision shall also apply to properties which abut an RS District.

4. ***Façade Compatibility.***

   a. *Building Materials and Finishes.* Cladding and trim materials and finishes shall be similar to adjacent apartment houses and single-family homes.

   b. *Windows.* The size, location, and proportions of windows shall be similar to adjacent apartment houses and single-family homes.

   c. *Balconies and Porches.* For new residential structures, the size, location, and proportions of balconies and porches shall be similar to adjacent apartment houses and single-family homes.

5. ***Pedestrian Access.*** Direct entrances shall be provided into all individual ground-floor dwelling units or commercial spaces which are adjacent to a public street. If the building is set back from the sidewalk, a paved path no less than five feet in width shall be provided from the sidewalk to each entrance.

Article 17 (Reserved)

Article 18 (Reserved)

Article 19 (Reserved)

Part III: Regulations Applying to Some or All Districts

Article 20 General Site Regulations

Sections:

15-2001 Purpose
15-2002 Setbacks from Landscape Easements
15-2003 Trails
15-2004 Accessory Buildings and Structures
15-2005 Pools and Spas
15-2006 Fences, Walls, and Hedges
15-2007 Walls for Noise Attenuation (Noise Barriers)
15-2008 Screening Between Differing Land Uses
15-2009 Security Fencing
15-2010 Electric Fences
15-2011 Screening of Mechanical and Electrical Equipment
15-2012 Heights and Height Exceptions
15-2013 Outdoor Service Yards and Storage
15-2014 Projections/Encroachments into Required Yards
15-2015 Outdoor Lighting and Illumination
15-2016 Trash and Refuse Collection Areas
15-2017 Underground Utilities
15-2018 Intersection Visibility
15-2019 Development on Substandard Lots
15-2020 Lots with Multiple Zone Districts (Split Zoning)

15-2001 Purpose

The purpose of this article is to prescribe development and site regulations that apply, except where specifically stated, to development in all districts. These standards shall be used in conjunction with the standards for each zoning district located in Part II, Base and Overlay District Regulations. In any case of conflict, the more strict regulation shall govern.

15-2002 Setbacks from Landscape Easements

A. Where an approved tentative tract map or tentative parcel map requires a landscaped area, easement, and/or trail abutting a Major Street or any other area where determined appropriate by the Review Authority, and where access rights have been relinquished, a wall per Section 15-2008-C, Screening Wall Standards, shall be placed at the rear of the required landscape area.

B. **Setback Requirements.** For purposes of setbacks, the distance for all structures, pools, fences, etc. shall be measured from the rear of the required landscape setback/easement.

15-2003 Trails

A. Whenever a trail is identified on an operative plan, the trail shall be constructed per City standards. Access to trails shall be provided per Section 15-4109-B, Trails and Natural Features.

B. When there is a demonstrated need, landscaping with appropriate adequate physical and visual barriers (e.g. masonry walls, wrought-iron, or tube steel fencing) shall be provided to screen path and trail rights-of-ways and separate paths and trails from mining operations, drainage facilities, and similar locations.

C. **Path and Trail Crossings.** To the extent feasible, vehicle crossings shall be limited to two per 660 feet.

15-2004 Accessory Buildings and Structures

A. **Applicability.** These provisions apply to:

1. All new structures over seven feet in height, including, but not limited to, garages, carports, porte-cocheres, sheds, workshops, gazebos, greenhouses, cabanas, trellises, play structures, aviaries, covered patios, etc. which collectively shall be referred to as Accessory Structures, that are attached or detached from and accessory to the main building on the site.

2. Decks and patios that are 30 inches above the ground elevation, excluding above-ground pools.

B. **Relation to Other Structures.**

1. A detached accessory building may be constructed on a lot on which there is a permitted main building to which the accessory building is related.

2. Should the ownership of two contiguous and immediately adjoining residential lots be the same and one lot contains a single-family home, an accessory building (with the exception of required parking) and/or pool, may be permitted on the adjoining vacant lot subject to compliance with all property development standards. The owner shall sign a covenant, which will at a minimum require that any improvements, such as pools, storage sheds, etc., be removed should either parcel be sold separately.

3. An accessory building may be constructed prior to a permitted main building and used for not more than one year in connection with the construction of the main building. The owner shall sign a covenant, which will at a minimum, require that the accessory structure be removed should the main building not be constructed.

C. **Residential Districts.**

1. For habitable accessory structures, including Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters, refer to Section 15-2754. For outdoor kitchens see 15-2753, Second and Outdoor Kitchens.

2. An Accessory Structure may have plumbing for a washer, dryer, and/or utility sink.

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

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

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

1. ***All Districts.***

a. *Front and Street-Side Yards*. Accessory Structures may not be located within required front yard or street-side setback areas.

b. *Alleys*. Accessory Structures shall be set back a minimum of five feet from an alley if the Accessory Structure utilizes the alley for vehicle access.

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

a. *Front Yards*. Not permitted, unless on a Double Frontage Lot (e.g. Through Lot). In the case of the latter, both street frontages shall be treated as Front Yards.

b. *Interior-Side and Rear Yards*. Accessory Structures shall be set back from interior side and rear property lines as follows:

i. If the Accessory Structure is located closer than six feet from the main building, the Accessory Structure shall be set back a minimum five feet from the property line.

ii. If the Accessory Structure is located six feet away or farther from the main building, it may be located within three feet of an interior or rear property line. Said structure shall comply with the Building Code.

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

a. *Front Yards*.

i. Accessory Structures shall be located to the rear of main buildings.

ii. Detached garages and/or carports shall be located away from adjacent public roadways, to the rear, or shall be perpendicular to adjacent roadways to the greatest extent feasible.

b. *Interior-Side and Rear Yards*. Accessory Structures shall be set back from interior side and rear property lines as follows:

i. If Adjacent to Single-Family Districts. Accessory Structures, including garages and covered parking spaces, shall be set back per the underlying district or operative plan, whichever is greater.

ii. All Other Districts. Five feet.

4. ***Non-Residential Districts.*** Accessory Structures shall comply with the setbacks per the underlying district or operative plan, whichever is greater.

E. **Height.** Accessory Structures are subject to the height limitations specific to the zoning district in which they are located except as provided below in Residential Districts.

1. **Residential Districts.**

a. *Parcels 10,000 Square Feet and Less.* Accessory Structures shall be no greater than 12 feet high measured from the ground level to the finished height of the structure.

b. *Parcels Greater than 10,000 Square Feet.* Accessory Structures located a minimum of 10 feet from all property lines may be up to 16 feet high.

2. **Additional Height.** The Director may allow additional height not to exceed the height of the main building provided the Accessory Structure is designed, in terms of materials and architectural styles, to match the main building. The setbacks described above shall still be applicable.

F. **Tree Houses and Play Structures.**

1. When exceeding twelve feet in height, as measured from the ground level to the top of the structure, the structure must be set back to a distance equal or greater than its height.

2. When exceeding 120 square feet, a building permit is required.

3. If the structure overlooks a neighboring residential rear yard, landscaped screening shall be provided. This requirement may be waived with the written agreement of the affected neighbor(s) at the time the structure is constructed.

15-2005 Pools and Spas

A. Swimming pools, including slides and decorative features, Jacuzzis, spas, mechanical equipment, ground-mounted air conditioners, swimming pool pumps, and related equipment shall not be located in the front or street-side yards, and shall be set back a minimum of five feet from interior side and rear property lines.

B. All equipment shall comply with all applicable noise standards. If needed, equipment shall be baffled and/or enclosed to reduce noise to acceptable levels.

15-2006 Fences, Walls, and Hedges

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

A. **Applicability.** The standards of this section apply to:

1. New fences, hedges, or walls;
2. New development;
3. Building additions to existing buildings that expand the existing floor area by at least 20 percent, or 2,500 square feet, whichever is less, not including Single-Unit Dwellings or Duplexes. The addition and/or expansion shall be cumulative from the date of adoption of this Code;
4. A new building on a developed site when the new building is more than 300 square feet. The 300 square feet shall be cumulative from the date of adoption of this Code;
5. The demolition and reconstruction of a site;
6. A request for a Discretionary Permit;
7. Change of Occupancy of an existing building as defined by the Building Code; or,
8. Condominium Conversions.
9. ***Exceptions***. The standards of this section do not apply to fences that are part of a designated historic site.

B. **Fence and Height Locations for All Districts.**

1. **Other Regulations.** Fences shall comply with the setback requirements below, unless a greater setback is required by an operative plan, an adopted policy, or a condition of project approval.
2. **Subdivision Approval Conditions.** In certain circumstances, such as at the rear of landscape easements, fence locations are identified as part of the subdivision approval process. In such cases and in the potential case of conflict with this section, the map conditions of approval shall govern.
3. **Street-Facing References.** Street-facing includes all roadways, including highways.
4. **Parking Lot Entrances.** Fence and gate locations may need to provide greater setbacks than those listed in this section to allow for vehicle stacking. This includes fencing that limits access to parking lots.

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

1. ***Front Yards***.
   a. *Wrought Iron or Tubular Steel*. A fence up to four feet in height may be installed on the front property line. Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.
   b. *All Other Materials*. A fence up to three feet in height may be placed on the front property line.
      i. Exception. Front yard fences on parcels within the Pinedale Neighborhood Plan area may be up to four feet in height in the front

yard, regardless of material, however fences shall comply with Section 15-2018, Intersection Visibility.

2. ***Side-Street Yards***. Fences up to six feet in height may be installed on the street-side property line.

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

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

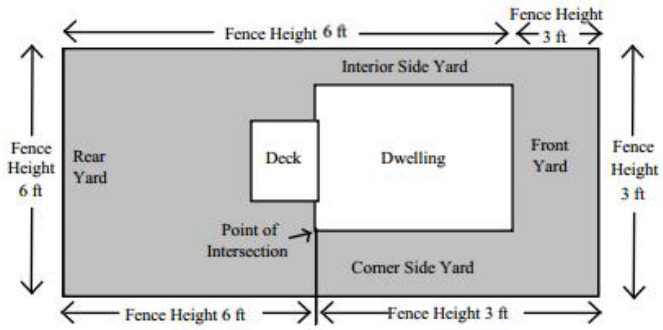


FIGURE 15-2006-C: MAXIMUM FENCE HEIGHT

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

1. ***Front Yards.***

a. Where a lot is on the same block frontage with parcels that are zoned for Single-Family uses, fencing shall comply with fencing standards of the Single-Family District in Subsection 15-2006-C.

b. If the block does not contain Single-Family zoned lots:

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

ii. All Other Materials. The fence may be placed on the property line if the fence does not exceed three feet in height.

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

2. ***Street-Side Yards.***

   a. *Lots with a Street-Side Yard of 125 Feet or Less in Length.* Fencing up to six feet in height may be placed on the property line.

   b. *Lots with Street-Side Yards Greater than 125 Feet in Length.* Fencing up to six feet in height may be placed per the main building setback of the underlying district minus five feet.

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

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

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

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

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

(Reserved)

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

1. ***Front Yard.***

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

   b. All other fences are permitted up to three feet in height and shall comply with the main building setback, minus five feet.

2. ***Street-Side Yard.***

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

   b. All other fences are permitted up to three feet in height and shall comply with the main building setback, minus five feet.

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

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

5. ***Other Yards.*** Outside of the required front yard and street-side yards, the maximum height for fences is seven feet (regardless of location on the site) unless the fence is part of Outdoor Storage per Section 15-2013, Outdoor Service Yards and Storage.

6. ***Bollards.*** Bollards, up to three feet in height may be placed at the rear of required landscape areas.

G. **Temporary Fencing.** For Temporary or Seasonal uses, including Community Gardens, Urban Agricultural, Farming, temporary sales, etc., fencing setbacks shall comply with main building setbacks of the underlying zone district.

H. **Construction Fencing.** Refer to Section 15-2009, Security Fencing.

I. **Vacant Parcels.** Fencing shall be setback a minimum of five feet from the front property line however traffic sight areas shall be respected. Upon development of the site, all fencing shall comply with the provisions of this Code.

J. **Fence and Retaining Wall Combinations.** Where a fence is located on top of a retaining wall, and a six-foot maximum fence height is normally applicable, the Director may allow a combined height of fence and retaining wall up to a maximum of seven feet.

K. **Natural Grade Differences.** Where there is a natural grade difference between two adjacent parcels, or a parcel and a street, the Director may allow a deviation of the fence height based on the slope and may measure the overall fence height from the higher parcel. In no case shall the retaining wall and fence combination exceed seven feet from the lower side unless a deviation is granted.

L. **Decorative Features.**

1. Columns and gates may exceed the maximum height requirements by four inches.

2. On through and corner lots, the exposed (e.g. rough) side of the fence shall face into the subject parcel, rather than the street. The finished side of the fence shall be oriented towards the street.

3. Fences, greater than 125 feet in length in Residential Districts and/or along Major Streets, shall incorporate decorative pilasters with decorative caps spaced no more than 30 feet apart. This shall not apply to industrial districts, unless the industrial district is located on the same side of the street as existing, planned, or zoned residences.

4. Decorative caps, not to exceed four inches, may be added to the columns of walls.

5. A wrought iron decorative entry gate, located outside of required street yard setbacks may be allowed up to seven feet in height in Residential Districts and eight feet in Non-Residential Districts with Director approval.

M. **Materials.**

1. ***Limitation on Chain-Link Fencing.*** Chain-link fencing is not permitted in:

   a. *Single-Family Districts.* Along a Major Street, unless it is three feet or less in height.

   b. *Multi-Family Districts and Mixed-Use Districts.*

      i. Along a Major Street.

      ii. Local Streets. Along street-facing yards in developments that contain six or more units.

(1) *Exception*. A fence that is three feet or less in height and located within the Pinedale Neighborhood Plan.

c. *Office and Commercial Districts*. Along Major Street-facing yards, or when the parcel shares a street that also serves a Residential District.

d. *Industrial Districts*. When abutting a residential use or when located across a Local Street from a residential use.

2. ***Limitation on Concrete/Masonry Block.*** Plain concrete block shall not be the primary material along Major Streets or other situations when block walls are required as part of project approval, such as at the rear of landscape easements. Concrete block or precast concrete walls shall be split face or finished with stucco, and capped with a decorative cap, or other decorative material as may be approved by the Director. Other materials may be approved by the Director should the design provide for an enhanced appearance. For continuity, walls should incorporate similar styles, colors, etc., when located on the same side of the street.

N. **Residential Recreational Fencing.**

1. Fencing located around tennis, basketball, or volleyball courts, and similar areas up to 14 feet in height may be allowed outside of required setback areas.

2. For residential batting cages, fencing is permitted up to 14 feet in height, located outside of required setback areas.

3. For other requirements, refer to Section 15-2749, Private Recreational Facilities.

4. Lighting of recreational areas shall comply with Section 15-2015, Outdoor Lighting and Illumination.

O. **Commercial Recreational Fencing.** Refer to Sections 15-2708 Arcades, Video Games, and Family Entertainment Centers and 15-2749, Private Recreational Sports Facilities.

P. **Intersection and Driveway Visibility.** Notwithstanding other provisions of this section, fences, walls, hedges, and related structures must comply with Section 15-2018, Intersection Visibility.

Q. **Exceptions.**

1. Walls used to mitigate noise may exceed the standards above, per Section 15-2506, Noise.

15-2007 Walls for Noise Attenuation (Noise Barriers)

New development, proximate to transportation corridors or other mobile noise sources in the public right-of-way shall mitigate noise to acceptable levels. See Section 15-2506, Noise.

15-2008 Screening Between Differing Land Uses

A. **Applicability.** The standards of this section apply to:

1. New fences, hedges, or walls;

2. The demolition and reconstruction of a site;

3. New development;

4. A new building on a developed site when the new building is more than 300 square feet. The 300 square feet shall be cumulative from the date of adoption of this Code;

5. Building additions to existing buildings that expand the existing floor area by at least 20 percent, or 2,500 square feet, whichever is less, not including Single Unit Dwellings or Duplexes. The addition and/or expansion shall be cumulative from the date of adoption of this Code;

6. A request for a Discretionary Permit;

7. Change of Occupancy of an existing building as defined by the Building Code; or

8. Condominium Conversions.

9. ***Exceptions***. The standards of this section do not apply to fences that are part of a designated historic site.

B. **Common Property Lines.** A six-foot-high screen wall shall be provided on the interior lot lines where any non-residential use abuts a residential district and where multi-family development of four or more units abuts a single-family residential district. Walls shall step down to three feet in height along interior property lines within front yards.

1. ***Alleys.*** Where residential and non-residential uses are separated by an alley, a screen wall is not required, unless required to screen outdoor storage of material.

C. **Screening Wall Standards.**

1. ***Location***. Screening walls shall follow the lot line of the lot to be screened, or shall be so arranged within the boundaries of the lot so as to substantially hide from adjoining lots the building, facility, or activity required to be screened.

2. ***Materials.*** Walls shall be of stucco, decorative block, decorative concrete panel, or other substantially equivalent material as approved by the Director. Chain-link or double-faced wood fencing does not fulfill the screening wall requirement.

3. ***Berms.*** Topography, berming, and other alternative methods of mitigating the nuisance of noise and light might be considered at time of project review. An earth berm may be used in combination with the above types of screening walls, but not more than one-third of the required height of such screening may be provided by the berm.

4. ***Maintenance.*** Screening walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising.

5. ***Graffiti.*** Graffiti on a screen wall shall be removed within 48 hours.

6. ***Timing.*** If a non-residential use develops adjacent to an existing residential development the wall shall be constructed with the new development. Where a six-foot-high wood fence already exists, the masonry wall footing, when constructed, shall comply with City standards.

7. ***Pedestrian Access.*** Pedestrian access, or breaks in screening walls, shall be provided from commercial to residential land uses in strategic locations to allow for connectivity.

Locations shall be determined and negotiated at the time of approval, unless otherwise stated in this Code.

D. **Screening for All Uses Adjacent to Outdoor Sports Facilities.** See Section 15-2749, Private Recreational Sports Facilities.

15-2009 Security Fencing

A. **Where Permitted.** The use of barbed wire, razor wire, ultra-barrier, and other hazardous fencing is prohibited with the exception of barbed wire in the situations listed below.

1. Where such fencing is required by any law or regulation of the City, the State of California, the federal government, or other public agency.

2. ***Livestock.*** Where used to contain livestock, the maximum height of a fence shall be five feet, measured from the natural grade of the site to the highest strand of barbed wire.

3. ***Commercial Districts***. Where not visible from any street, highway, public open space, recreation area, or Residential District, barbed wire may be up to 18 inches in height on top of permitted fencing provided the barbed wire is located at the top portion of a fence which is at least six feet in height.

4. ***Industrial Districts***. May be up to 18 inches in height on top of permitted fencing provided the barbed wire is located at the top portion of a fence which is at least six feet in height, unless it abuts a Residential District, is located within 100 feet of a Residential District, or is located within 100 feet of a park or other public open space, where it is prohibited.

B. **Construction Sites.** Nothing in this Development Code shall be deemed to prohibit the erection of temporary fencing around construction sites in compliance with the Building Code and other applicable provisions of the Fresno Municipal Code.

C. **Fencing Encroachments.** All fencing within the public right-of-way requires an encroachment permit from the City Engineer and shall be subject to all requirements of this section, in addition to those of the Public Works Department. Security fencing shall not extend over into any abutting property.

D. **Maintenance.** All walls and fences shall be maintained in a safe, neat, and orderly condition at all times, and shall be kept free of all litter, graffiti, and signs or postings not authorized by Article 26, Signs. Where hedges are used as screening, trimming, or pruning shall be employed as necessary to maintain the maximum allowed height.

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

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

15-2010 Electric Fences

Electric fences shall comply with the following regulations.

A. **Permitted Locations.**

1. In all non-residential zones.
2. Electric fences shall not encroach into the public right-of-way.

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

1. Electrified fencing shall comply with the California Civil Code Section 835 and the California Building Code, as amended from time to time.
2. Only allowed to be installed with a permit issued under the requirements of applicable building and electrical codes, and only allowed to be activated after an approved final inspection of the installation.
3. Fire access, warning signs, electrical connections, etc., shall comply with the Building Code and Fire regulations.

C. **Electricity.**

1. Shall conform to the California Civil Code Section 835 and shall only be powered by a commercial storage battery not to exceed 12 volts of direct current (DC) or another approved 12 volt DC or lower voltage-power source.
2. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standard No. 60335-2-76.
3. Non-low voltage electrical components (e.g. controllers, transformers) of the electric fencing system shall be approved and listed by an Occupational Safety and Health Act (OSHA) Nationally Recognized Testing laboratory (NRTL).

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

E. **Setbacks.** Non-electrical fencing behind which electric fencing is installed shall comply with setbacks of the underlying zone district unless the non-electrical fence is legally non-conforming.

F. **Height.** Shall have a maximum height of ten feet regardless of location on the property.

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

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

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

15-2011 Screening of Mechanical and Electrical Equipment

A. **Applicability.** The standards of this section apply to:

1. New development;

2. New equipment that is added to serve existing buildings; or,

3. Condominium Conversions.

4. ***Exceptions.*** Existing equipment that serves existing buildings; and Industrial Districts.

B. **Equipment.** All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from major streets, highways, passenger railways, or abutting Residential Districts.

C. **Residential Districts.** Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building. Above grade equipment by Public Utility providers may be permitted within easements.

D. **Roof Access Ladders and Fire Sprinkler Risers.** Roof access ladders shall be screened from Major Streets. Fire sprinkler risers should be designed for interior installation whenever possible where an exterior location would be visible from a Major Street. Where site conditions dictate an exterior location for the sprinkler riser, a three foot clear space shall be provided between the screening materials and the riser. The alarm bell and fire department connection shall be installed so that they are visible from the street.

15-2012 Heights and Height Exceptions

A. **Applicability.** The standards of this section apply to:

1. New development or structures; or

2. New equipment that is added to serve existing buildings.

B. **General Standards.** The structures listed in the following table may exceed the maximum permitted building height for the district in which they are located, subject to the limitations stated in the table and further provided that no portion of a structure in excess of the building height limit may be used for sleeping quarters or advertising and all heights shall comply with any operative Airport Plan.

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

Structures Allowed Above the Height Limit	*Maximum Coverage, Locational Restrictions*	*Maximum Vertical Projection Above the Height Limit (ft)*
Skylights	No limitation	1
Solar panels, and other energy production facilities located on a rooftop	No limitation	10
Parapets	No limitation	4

TABLE 15-2012-B: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS		
Structures Allowed Above the Height Limit	*Maximum Coverage, Locational Restrictions*	*Maximum Vertical Projection Above the Height Limit (ft)*
Chimneys Elevator and stair towers Rooftop open space features such as sunshade and windscreen devices, open trellises, and landscaping (for multi-family and non-residential buildings only) Flagpoles	10% of roof area	16 (if no height limit in the underlying district, 35)
Decorative features such as spires, bell towers, domes, cupolas, obelisks, clock towers, and monuments (attached or detached)	10% of roof area	Residential: 6 Non-Residential: 20
Fire escapes, catwalks, and open railings required by law	Per Building Code	Per Building Code
Radio towers	Refer to Section 15-2759, Telecommunications and Wireless Facilities	
Water tanks Windmills Industrial structures where the manufacturing process requires a greater height	25% of the area of the lot, or 10% of the roof area of all on-site structures, whichever is less. Must be located at least 25 ft. from any lot line.	100. May exceed 100 with the approval of a Conditional Use Permit. Public noticing shall be eight times the height of the structure measured in ft.
Building-mounted telecommunications facilities, antennas, and microwave equipment	Subject to the provisions of Section 15-2759, Telecommunications and Wireless Facilities	

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

15-2013 Outdoor Service Yards and Storage

A. **Applicability.**

1. Outdoor service yards and the open storage of goods, materials, machines, equipment, and vehicles or parts outside of a building for more than 72 hours must conform to the standards of this section. This applies to goods to be sold or goods being stored that are pending transport to other locales.

2. ***Exceptions***. Except as may be permitted by Table 15-2013-B, the regulations of this section do not apply to:

   a. Agricultural and residential uses;

   b. Temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit or grading permit; or

   c. Outdoor sales or uses that by their very nature provide outdoor storage, such as auto, trailer, and boat dealers, and equipment rental.

B. **Permitted Locations.** Table 15-2013-B states the districts where outdoor storage and service yards are permitted and prohibited.

TABLE 15-2013-B: OPEN STORAGE REGULATIONS BY DISTRICT AND LOCATION	
Base Districts	*Permissibility of Open Storage*
Agricultural	Permitted if associated with a permitted agricultural use, located outside of all required setbacks.
Residential and Mixed-Use	Outdoor storage of materials generally found in households is not permitted.
Commercial, Employment, and Public and Semi-Public Districts	Not permitted in front or street-facing side yards. Permitted in interior side and rear yards, or outside of required yards, subject to the standards of this section. Setback minimum 20 feet from Residential Districts.

C. **Surfacing.** Outdoor storage areas shall be surfaced as determined by the Public Works Director. In making a determination, the Public Works Director shall take into consideration:

1. The zone district of the site.
2. If the site will be used to store equipment that is used daily and common drive-aisles will be paved and/or treated to mitigate potential dust from vehicles.
3. Surrounding sensitive uses such as residential uses, schools (K-12), day cares, hospitals, or elderly care facilities.
4. If the proposed surfacing is appropriate to the type of product stored.
5. If the proposed surfacing will conform to all applicable federal and State air and water quality standards.
6. If the surface will comply with adopted regulations of the San Joaquin Valley Air Pollution Control District.

D. **Screening.**

1. Outdoor storage areas and service yards shall be screened so as not to be visible from Major Streets or at-grade highways; Residential Districts; public schools, or public parks.
2. Screening walls and fences shall be architecturally compatible with the main structure on the site.
3. Earth berms or plant material may serve to satisfy screening requirements as alternative materials.
4. No screening wall or fence shall be located within a required setback or landscape area.
5. No stored goods may exceed the height of the screening wall or fence by more than one foot.
6. Service yards may have screen walls up to 15 feet in height and must be attached to the main building and shall be of the same quality and appearance as those used on the building itself. Service yards shall be considered part of the main structure for property

development standards and shall be clearly incidental to the primary use. Outdoor storage shall not be the primary use on the property.

15-2014 Projections/Encroachments into Required Yards

Building projections may extend into, and other encroachments may be located in, required yards according to the standards of Table 15-2014 and are subject to all applicable requirements of the Building Code. The "Limitations" column states any other limitations that apply to such structures when they project into required yards. For standards for measurement of required yards and setbacks, refer to Section 15-313, Determining Setbacks and Yards.

TABLE 15-2014: ALLOWED BUILDING PROJECTIONS AND ENCROACHMENTS INTO REQUIRED YARDS

Projection/Encroachment	*Front or Street Side Yard (ft)*	*Interior Side Yard (ft)*	*Rear Yard (ft)*	*Limitations*
All projections	Notwithstanding any other subsection of this section, no projection may extend closer than three feet to an interior lot line or into a public utility easement.			
Cornices, canopies, eaves, and similar architectural features; chimneys.	2	2	2	
Bay windows	3	2	3	
Outdoor dining areas for restaurants	10	10	10	May not encroach into yards adjacent to residential uses.
Fire escapes required by law or public agency regulation	4	4	4	
Uncovered stairs, ramps, stoops, or landings that service above the first floor of building	3	2	3	
Depressed ramps or stairways and supporting structures designed to permit access to parts of buildings that are below average ground level	3.5	3.5	3.5	
Basketball Rims and Backboards	No closer than 10 ft. of a street-facing property line or 5 ft. from an interior side or rear property line.			
Decks, porches, and stairs				
Less than 18 inches above ground elevation	6	2	8	Must be open on at least three sides. No closer than 5 ft. of a street-facing property line or 3 ft. of an interior property line.
18 inches or more above ground elevation	3	2	3	
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act; see Article 57, Reasonable Accommodation for Housing.			

15-2015 Outdoor Lighting and Illumination

A. **Applicability.** The standards of this section apply to on-site lighting under the following circumstances:

1. New lights;
2. The demolition and reconstruction of a site;
3. New development;
4. Building additions to existing buildings that expand the existing floor area by at least 20 percent, or 2,500 square feet, whichever is less, not including Single-Unit Dwellings or Duplexes. The addition and/or expansion shall be cumulative from the date of adoption of this Code;
5. The addition of residential units;
6. A request for a Discretionary Permit;
7. Change of Occupancy of an existing building as defined by the Building Code; or,
8. Condominium Conversions.

B. **Control and Illumination of Outdoor Artificial Light.**

1. ***Purpose.*** This subsection is intended to minimize outdoor artificial light that may have a detrimental effect on the environment, astronomical research, amateur astronomy, and enjoyment of the night sky. These provisions are also intended to reduce the unnecessary illumination of adjacent properties and the use of energy.

2. ***General Standards.***

   a. *Single-Family Districts.* Each new home shall provide at a minimum, lighting proximate to the main entrance, the garage/carport, and alley, if present.

   b. *Multiple-Unit Residential Buildings.* Aisles, passageways, recesses, parking areas, carports, garages, etc., related to and within the building complex shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness. Lighting devices shall be protected by weather and vandal-resistant covers.

   c. *Pedestrian-Oriented Lighting.* In Multi-Family, Mixed-Use, and Commercial Districts, exterior lighting with an intensity of at least 0.25 foot-candles at the ground level shall be provided for a secure nighttime pedestrian environment by reinforcing entrances, public sidewalks and open areas with a safe level of illumination.

   d. *Non-Residential Buildings.* All exterior doors, during the hours of darkness, shall be illuminated with a minimum of 0.5 foot-candle of light.

   e. *Trails/Paseos.* As determined by the Public Works Director.

3. ***Maximum Height.*** Lighting fixtures shall not exceed the maximum heights specified in the following table.

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

4. ***Exemptions.*** The following types of lighting fixtures are exempt from the requirements of this section:

   a. *Public and Private Street Lighting.*

   b. *Parks/Athletic Field Lights.* Athletic field lights used within a school campus or public or private park.

   c. *Public Safety and Security Lighting.* Safety and security lighting as required by State and federal regulations, including, but not limited to, airports, radio towers, antennas, etc.

   d. *Construction and Emergency Lighting.* All construction or emergency lighting fixtures provided they are temporary and are discontinued immediately upon completion of the construction work or abatement of the emergency.

5. ***Prohibited Lighting.*** The following types of exterior lighting are prohibited:

   a. Drop-down lenses;

   b. Mercury vapor lights; and,

   c. Searchlights, laser lights, or any other lighting that flashes, blinks, alternates, or moves.

6. ***Fixture Types.*** All lighting fixtures shall be shielded so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. All luminaries shall meet the most recently adopted criteria of the Illuminating Engineering Society of North America (IESNA) for "Cut Off" or "Full Cut Off" luminaries.

7. ***Glare.*** No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the property where the use is located.

8. ***Light Trespass.*** Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties.

   a. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street.

b. No light or combination of lights, or activity shall cast light exceeding one foot candle onto a public street, with the illumination level measured at the centerline of the street.

c. No light, combination of lights, or activity shall cast light exceeding 0.5 foot candle onto a residentially zoned property, or any property containing residential uses.

9. ***Alternate Materials and Methods of Installation.*** Designs, materials, or methods of installation not specifically prescribed by this section may be approved by the Director, provided that the proposed design, material, or method provides approximate equivalence to the specific requirements of this section or is otherwise satisfactory and complies with the intent of these provisions.

15-2016 Trash and Refuse Collection Areas

A. **Applicability.** The standards of this section apply to:

1. New collection areas;
2. New development;
3. The demolition and reconstruction of a site;
4. Building additions to existing buildings that expand the existing floor area by at least 20 percent, or 2,500 square feet, whichever is less, not including Single-Unit Dwellings or Duplexes. The addition and/or expansion shall be cumulative from the date of adoption of this Code;
5. The addition of residential unit(s) that result in five or more dwelling units.
6. A request for a Discretionary Permit;
7. Change of Occupancy of an existing building as defined by the Building Code; and,
8. Condominium Conversions.

B. **Requirements.**

1. ***Single-Family Residential.*** As required per Chapter 6, Municipal Services and Utilities, of the Fresno Municipal Code.
2. ***Multi-Family Residential.*** Enclosures for solid waste and recycling containers are required when:
   a. Five or more dwelling units are proposed; and,
   b. There should be a minimum of one solid waste and recycling enclosure per 30 units.
3. ***Non-Residential Districts.*** As required per Chapter 6, Municipal Services and Utilities, of the Fresno Municipal Code.
4. ***Uses That Produce Grease.*** Uses, such as restaurants, that produce grease shall provide a "grease barrel" enclosure or alternative as approved by the Public Utilities Director.

C. **Location.**

1. Solid waste and recycling storage areas shall not be located within any required setback or any landscaped areas except where a rear yard abuts an alley. Where a rear yard abuts an alley, the solid waste and recycling storage area may be located within the required rear yard setback however the gates may not swing open into the alley.

2. In non-residential developments that abut a Residential District, enclosures shall be located as far as possible from the residential district as feasible and be proximate to the non-residential development. Enclosure gates shall not open into drive aisles and shall not block the visibility of pedestrians and drivers. Refer to Section 15-2018, Intersection Visibility.

3. Solid waste and recycling areas shall be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the building spaces they serve.

4. Solid waste and recycling storage areas shall be accessible to haulers. Storage areas shall be located so that the trucks and equipment used by the solid waste and recycling collector(s) have sufficient maneuvering areas and, if feasible, so that the collection equipment can avoid backing. Project applicants are responsible for procuring current equipment size and turning radius from the City or its contracted solid waste and recycling collector(s).

D. **Materials, Construction, and Design.**

1. ***Enclosure Material.*** Enclosures shall be constructed per City standards.

2. ***Gate Material.*** Gate material shall be solid, heavy-gauge metal or a heavy-gauge metal frame with a covering of a view-obscuring material.

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

4. ***Enclosure Pad/Bumpers.*** Enclosures shall be constructed per City standards.

5. ***Protection for Enclosures.*** Concrete curbs or equivalent shall protect enclosures from adjacent vehicle parking and travel ways.

6. ***Stormwater Pollution Prevention.*** Enclosure pads must be designed to prevent contamination of the stormwater system. Measures that may be taken to achieve this include, but are not limited to, using roofs to divert stormwater away from the enclosures, creating grade breaks to properly direct stormwater away while keeping any water that may be in the enclosure from spilling out, and connecting a drain in the enclosure to the sewer system to collect contaminated water in cases of spillage, washing, etc.

7. ***Landscaping.*** When visible from a Major Street or a Local Street that serves residential neighborhoods, the perimeter of enclosures, excluding gates, shall be planted, with drought-resistant landscaping, including a combination of shrubs and/or climbing evergreen vines. This subsection does not apply to Industrial Districts.

8. *IH District Exception*. In the IH District, as an alternative to an enclosure, a concrete curb may be provided to minimize bins from rolling about a parking area. Alternative enclosures may not be visible from any street, residential district, and/or school.

15-2017 Underground Utilities

A. **Applicability.** The standards of this section apply to all of the following:

1. New development;
2. The demolition and reconstruction of a site;
3. Any other time deemed appropriate by the Public Works Director.

B. **Standards.** All electrical, telephone, cable television, and similar distribution lines providing direct service to a development site shall be installed underground within the site. This requirement may be waived or deferred by the Public Works Director or the City Engineer upon a determination that the installation is infeasible or premature.

15-2018 Intersection Visibility

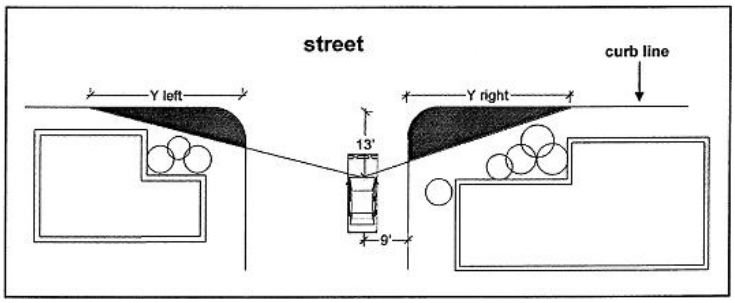


FIGURE 15-2018: INTERSECTION VISIBILITY

A. **Street Intersections.**

1. Vegetation and structures may not exceed a height of three feet within the triangular sight-distance area formed by the intersecting curb lines (or edge of pavement when no curbs exist) and a line joining points on these curb lines at a distance of 30 feet along both lines from their intersection.
2. Trees that are located within this sight distance triangle shall have a clearance of eight feet high minimum between the lowest portion of the canopy and the sidewalk and street.
3. Applies to all structures, including flag poles and signs.

B. **Driveways and Alleys.** Visibility of a driveway crossing a street lot line shall not be blocked above a height of three feet by vegetation or structures for a depth of 12 feet as viewed from the edge of the right-of-way on either side of the driveway at a distance of 12 feet. Street trees shall be pruned at least seven feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers are permitted.

C. **Commercial Districts, Refuse Collection Areas, and Drive-Through Lanes.** Vegetation (with the exception of trees) and structures may not exceed a height of three feet within the triangular sight-distance area formed by the intersecting drive aisles and a line joining points on these aisles at a distance of 10 feet along both lines from their intersection. Trees located within this sight distance shall have a minimum clearance of seven feet high between the lowest portion of the canopy and the pavement and shall not be capable of growing to a width that would obstruct the sight area.

D. **Vehicle/Pedestrian Conflicts.** Whenever it is reasonable to expect potential conflicts between vehicles exiting drive-aisles, drive-throughs, etc., and a pedestrian path that traverses said aisle, a visibility triangle per Subsection C above shall be provided.

E. **Exempt Structures and Plantings.** The regulations of this section do not apply to existing buildings or new buildings in compliance with Base District setbacks; fire hydrants; public utility poles; saplings or plant species of open growth habits and not planted in the form of a hedge that are so planted and trimmed as to leave at all seasons a clear and unobstructed cross view; official warning signs or signals at places where the contour of the ground is such that there can be no cross visibility at the intersection.

15-2019 Development on Substandard Lots

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

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

A. **Generally.** Where a contiguous lot is divided by a zoning district boundary, the regulations applicable to each district shall be applied to the area within the district, and no use, other than parking serving a principal use on the site, shall be located in a district in which it is not a permitted or conditionally permitted use.

B. **Access.** All access to parking serving a use must be from a street abutting that portion of the lot where the use is allowed. Pedestrian or vehicular access from a street to a non-residential use shall not traverse a Residential District in which the non-residential use is not permitted or conditionally permitted.

C. **Accessory Facilities.** Landscaping, fences, screening or retaining walls, and open space may be located on the lot without regard for zone boundaries.

D. **Refuse Collection Areas.** Shall be located on the parcel that permits the primary use.

E. **Minimum Lot Area, Width, and Frontage.** The minimum lot area, width, and frontage requirements of the zone that covers the greatest portion of the lot area shall apply to the entire lot. If the lot area is divided equally between two or more zones, the requirements of the district with greater minimum lot area, width, or frontage shall apply to the entire lot.

F. **Exceptions.** If more than 75 percent of a lot is located in one zoning district, modifications to the provisions of this section may be granted through Planning Commission approval of a Conditional Use Permit.

Article 21 TOD Height and Density Bonus

Sections:

15-2101 Purpose
15-2102 Applicability
15-2103 Maximum Permitted Bonuses
15-2104 Required Findings

15-2101 Purpose

The purpose of the Transit-Oriented Development (TOD) Height and Density Bonus is to provide flexibility for projects which promote walkability, livability, and transit ridership near stations for Bus Rapid Transit and other enhanced transit service.

15-2102 Applicability

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

A. The project site is located entirely within an MX District.

B. The project site is located within 500 feet of an existing or planned Bus Rapid Transit station or a station for a similar enhanced transit service as determined by the Review Authority.

C. The project will provide one of the following public benefits:

1. A Public Plaza per Section 15-1104-E.1.c; or
2. Qualifying public art at the discretion of the Review Authority; or
3. Ninety percent or greater frontage coverage along the street which features the Bus Rapid Transit route or other enhanced transit route.

15-2103 Maximum Permitted Bonuses

Height and Density bonuses granted by the Review Authority may not exceed the following:

A. **Height.** The bonus height may exceed that of the Base District by no more than 25 percent. Portions of buildings in excess of the maximum height of the Base District may not be located within 100 feet of an RS District.

B. **Residential Density.** The bonus density may exceed that of the Base District by no more than 100 percent.

C. **Combination with Affordable Housing Density Bonus.** A TOD Height and Density Bonus may be used in combination with an Affordable Housing Density Bonus.

15-2104 Required Findings

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

A. The architectural design of the project is of exceptional quality and will add to the beauty and pedestrian comfort of the transit corridor;

B. Granting the bonus shall not cause more housing to be located within the corridor or corridor segment than was identified in the General Plan Master Environmental Impact Report or other applicable environmental review;

C. Granting the bonus shall not cause the capacity of the infrastructure which serves the site to be exceeded; and

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

Article 22 Affordable Housing Density Bonus

Sections:

15-2201 Purpose
15-2202 Other Regulations and Adopted Plans
15-2203 Applicability
15-2204 Density Bonuses
15-2205 Affordable Housing Concessions and Incentives
15-2206 Application Requirements
15-2207 Affordable Housing Standards
15-2208 Regulatory Agreement
15-2209 Enforcement
15-2210 Definitions

15-2201 Purpose

The purposes of the affordable housing regulations are to:

D. Lessen the shortage of housing affordable to moderate, low, and very low income households in the city as partial compliance with California Government Code (Government Code) Section 65583(c);

E. Allow for density bonuses and additional incentives, consistent with Government Code Section 65915, for housing affordable to moderate, low, and very low income households, for seniors and disabled persons, and for development that includes a childcare facility;

F. Implement the policies of the Housing Element to expand the provision of housing for lower and moderate income households, elderly residents and others with special housing needs; and

G. Establish requirements for resale and rental controls to ensure that units remain affordable for at least 30 years or such other term as required by the City, consistent with State law.

H. Nothing in this Article shall be construed as a provision for inclusionary zoning where an applicant is required to provide housing affordable to moderate, low, and very low income households as a condition of approval for a residential development. Furthermore, the Council shall not adopt a provision for inclusionary zoning, as described above, unless and until the Fresno General Plan adopted in December 2014 is updated and superseded by a new General Plan.

15-2202 Other Regulations and Adopted Plans

A. **State Law Governs.** The provisions of this section shall be governed by the requirements of Government Code Section 65915. Where conflict may occur between the provisions of this section and State law, the State law shall govern.

B. **Effect of Granting a Density Bonus.** The granting of a density bonus shall not, in and of itself, require a General Plan amendment, zoning change, or other discretionary approval.

C. **Land Use Compatibility.** When located within the Airport Influence Area (AIA) of any of the operative airport plans (i.e. Sierra Skypark Land Use Policy Plan, Fresno-Chandler Downtown Airport Land Use Compatibility Plan, Fresno Yosemite International Airport Land Use Compatibility Plan) applications for a density bonus project and/or an incentive as authorized by this section shall be subject to the provisions of the adopted land use compatibility policies for residential development established by each plan for noise, airspace protection, safety, and nuisance.

15-2203 Applicability

The bonuses under this article are applicable to the following projects:

A. General residential projects of five or more units.

B. Senior housing projects of more than 35 units.

15-2204 Density Bonuses

Pursuant to Government Code Section 65915, the City shall grant a density bonus over the otherwise allowable maximum residential density permitted by this Ordinance, the General Plan, or operative plans, and one or more additional concessions or incentives, consistent with Government Code Section 65915 and this section, if the applicant applies for and proposes to construct any one of the following:

A. **Very Low Income Units.**

1. A density bonus of 20 percent if five percent of the total units of a housing development are affordable to very low income households, as defined in Health and Safety Code Section 50105.

2. For each additional one percent increase above five percent in the proportion of units affordable to very low income households, the density bonus shall be increased by 2.5 percent, not to exceed the maximum density bonus as put forth in Subsection H.

B. **Lower Income Units.**

1. A density bonus of 20 percent if 10 percent of the total units of a housing development are affordable to lower income households, as defined in Health and Safety Code Section 50079.5.

2. For each additional one percent increase above 10 percent units affordable to lower income households, the density bonus shall be increased by 1.5 percent, not to exceed the maximum density bonus as put forth in Subsection H.

C. **Senior Citizen Housing Development.** A density bonus of 20 percent if a housing development qualifies as a Senior Citizen Housing Development, as defined in Civil Code Section 51.3.

D. **Moderate Income Units in Condominium and Planned Use Developments.**

1. A density bonus of five percent if 10 percent of the total dwelling units in a condominium project, as defined in Subdivision (f), or in a Planned Development as defined in Subdivision (k) of Section 1351 of the Civil Code, are affordable to persons

and families of moderate income, as defined in Section 50093 of the Health and Safety Code.

2. For each additional one percent increase above 10 percent units affordable to moderate income households, the density bonus shall be increased by one percent, not to exceed the maximum density bonus as put forth in Subsection H.

E. **Conversion of Apartments to Condominiums.**

1. A density bonus of 25 percent if at least 33 percent of the total units of the proposed condominium project are affordable to persons of low or moderate income as defined in Health and Safety Code Section 50093, or if 15 percent of the total units of the condominium project are affordable to lower income households as defined by Health and Safety Code Section 50079.5.

2. Apartments that have already been granted a density bonus are ineligible for a density bonus under this section.

F. **State Childcare Facility Density Bonus.** When an applicant proposes to construct a housing development that conforms to the requirements of the State Density Bonus Law and includes a childcare facility other than a family day care home that will be located on the premises of, as part of, or adjacent to, the project, the City shall grant one of the following:

1. ***Additional Density Bonus***. A density bonus of additional residential units equal in gross square footage to the amount of square footage of the childcare facility.

2. ***Additional Concession or Incentive***. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

3. ***Length of Operation.*** The childcare facility remains in operation for a period of time that is as long as, or longer than the length of time during which the affordable housing units must remain affordable.

G. **Land Donation.**

1. ***Basic Requirements.*** When an applicant for a residential development such as a subdivision map or special permit donates land to the City in accordance with this subsection, a density bonus of 15 percent shall be granted if at least 10 percent of the units are for very low income households. For each additional one percent increase above 10 percent units affordable to very low income households, the density bonus shall be increased by one percent, up to a maximum of 35 percent of the maximum allowable residential density for the site.

   a. This density bonus shall be in addition to any increase in density allowed by this section, the combination of which shall not exceed 35 percent, unless approved with good cause by the Director pursuant to this section.

2. ***Additional Requirements.*** The density bonus for donation of land may be granted if all of the following conditions are met:

   a. The applicant donates and transfers the land to the City or to a housing developer approved by the City. The transfer shall be complete (deed recorded) prior to the recordation of a subdivision map or approval of a Special Permit.

b. The transferred land is at least one acre in size or of sufficient size to permit the development of at least 40 dwelling units.

c. The land has the appropriate General Plan designation and zoning for the development at the density described in paragraph (3) of subdivision (c) of Government Code Section 65583.2.

d. Is or will be served by adequate public facilities and infrastructure; and has all permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map or Special Permit, except that the local government may subject the proposed development to subsequent design review if its design is not reviewed by the City prior to the time of transfer.

e. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with this section recorded at time of transfer.

f. The transferred land shall be within the boundary of the proposed development or within one-quarter mile of the subject site, if acceptable to the Director.

H. **Maximum Density Bonus.**

1. **Mixed-Use Districts.** No maximum.

2. **Other Districts.** A density bonus over 35 percent may be approved at the discretion of the Review Authority.

I. **Calculation of Density Bonus Units.** When calculating the number of permitted density bonus units, all fractional units shall be rounded to the next higher whole number. The applicant who requests a density bonus for a project that meets two or more of the eligibility requirements shall specify whether the bonus shall be awarded on the basis of Subsections A-F of this section. The density bonus shall not be included when determining the number of target units to be provided in a development project.

1. *Optional Density Bonus*. The City may grant a proportionally lower density bonus and/or provide concessions and/or incentives set forth in Section 15-2205, Affordable Housing Concessions and Incentives, if an applicant agrees to construct a development containing less than the percentage of housing for lower or very low income households than provided in this section.

15-2205 Affordable Housing Concessions and Incentives

A. **Number of Incentives or Concessions.** Pursuant to Government Code Section 65915, an applicant is entitled to receive incentives and/or concessions as follows. The applicant who requests incentives or concessions for a mixed-income project shall specify whether the incentives or concessions shall be awarded on the basis of one or more of the points below.

1. One incentive or concession for projects that include:

a. At least 10 percent of the total units for lower income households;

b. At least five percent for very low income households; or

c. At least 10 percent for persons and families of moderate income in a condominium or planned development;

2. One incentive or concession for senior citizen housing developments; or

3. Two incentives or concessions for projects that include;

a. At least 20 percent of the total units for lower income households;

b. At least 10 percent for very low income households; or

c. At least 20 percent for persons and families of moderate income in a condominium or planned development; or

4. Three incentives or concessions for projects that include:

a. At least 30 percent of the total units for lower income households;

b. At least 15 percent for very low income households; or

c. At least 30 percent for persons and families of moderate income in a condominium or planned development.

B. **Proposal of Incentives and Findings.** An applicant may propose specific incentives or concessions pursuant to this section and State law. In addition to any increase in density to which an applicant is entitled, the City shall grant one or more incentives and/or concessions that an applicant requests, up to the maximum number of incentives and concessions required pursuant to Subsection 15-2205-A unless the City makes a written finding that either:

1. The concession or incentive is not necessary in order to provide the proposed targeted units, or

2. The concession or incentive would have a specific adverse impact that cannot be feasibly mitigated on public health and safety or the physical environment or any property that is listed in the California Register of Historical Resources.

The applicant may propose and the City may approve additional incentives and concessions for an eligible project that provides targeted units that meet two or more of the eligibility requirements based on a written finding that the additional incentives or concessions are necessary in order to make the project economically feasible.

C. **Types of Affordable Housing Incentives.** Affordable housing incentives may consist of any combination of the items listed below:

1. ***Modification of Development Standards.*** Up to 20 percent in modification of site development standards or zoning code requirements, including, but not limited to:

a. Reduced minimum lot sizes and/or dimensions.

b. Reduced minimum building setbacks and building separation requirements, excluding back up treatment for off-street parking spaces.

c. Reduced minimum outdoor and/or private usable open space requirements.

d. Increased maximum lot coverage.

e. Increased maximum building height.

2. ***Reduced Parking.*** Upon the applicant's request, the following maximum parking standards, inclusive of handicapped and guest parking, shall apply to the entire project. Further reductions in required parking may be requested as one of the incentives allowed under Subsection 15-2205-A.

a. *Standard Reduction.*

i. .5 on-site space for studio units;

ii. .75 on-site space for one or two bedroom units;

iii. One on-site space for three or more bedrooms; and

iv. Guest parking shall be provided per the underlying district.

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

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

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

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

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

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

3. ***Mixed-Use Zoning.*** Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the

housing development and such uses are compatible with the housing project and the surrounding area.

4. *Other Incentives.* Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable cost reductions or avoidance.

15-2206 Application Requirements

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

15-2207 Affordable Housing Standards

A. **Duration of Affordability.** All affordable housing units shall be kept affordable for a minimum period of 30 years or a longer period as required by the financing assistance or subsidy program or the City, consistent with State law.

B. **Timing of Availability.** Affordable housing units shall be constructed concurrently with, and made available for qualified occupants at the same time as the market-rate housing units within the same project unless both the City and the developer agree to an alternative schedule for development.

C. **Design.** The mix and type of affordable units shall be proportionate to those of the project as a whole (with the exception that premium units – e.g., penthouses, top floor view units – shall not be required to be affordable units), and shall be comparable with the design of the base level market rate units prior to purchaser-funded upgrades in terms of appearance, materials, and finished quality.

D. **Parking.** Parking designated for affordable units shall be provided in an equitable manner as that provided for the market rate units.

E. **Location.** Wherever feasible, affordable units shall be dispersed throughout the development.

15-2208 Regulatory Agreement

The City shall enter into a recorded agreement in the form of a covenant with property owner, and take other appropriate steps necessary to assure that the required moderate, low and/or very low income ownership units are provided and that the units remain affordable to moderate, low, or very low income households for the required period. This agreement shall include, but is not limited to, the following:

A. **Number of Units.** The total number of units approved for the projects, including the number of affordable housing units.

B. **Target Units.** The location, unit sizes (in square feet) and number of bedrooms of the affordable housing units.

C. **Household Income Group.** A description of the household income groups to be accommodated by the project and a calculation of the Affordable Sales Price.

D. **Certification Procedures.** The party responsible for certifying sales prices or annual rental rates, and the process that will be used for certification.

E. **Schedule.** A schedule for the completion and occupancy of the affordable housing units.

F. **Required Term of Affordability.** Duration of affordability of the housing units. Provisions should also cover resale control and deed restrictions on targeted housing units that are binding on property upon sale or transfer.

G. **Expiration of Agreement.** Provisions covering the expiration of the agreement, including notice prior to conversion to market-rate units and right of first refusal option for the City and/or the distribution of accrued equity for for-sale units.

H. **Remedies for Breach.** A description of the remedies for breach of the Agreement by either party.

I. **Other Provisions.** Other provisions to ensure implementation and compliance with this article.

J. **Condominium and Planned Developments.** In the case of condominium and planned developments, the Regulatory Agreement shall provide for the following conditions governing the initial resale and use of affordable housing units:

1. Target units shall, upon initial sale, be sold to eligible Very Low, Lower, or Moderate Income Households at an Affordable Sales Price and Housing Cost, or to Qualified Residents as defined by this Ordinance.

2. Target units shall be initially owner-occupied by eligible Very Low or Lower Income Households.

3. Upon resale, the seller of a target unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture its proportionate share of appreciation, which shall be used to promote home ownership opportunities as provided for in Health and Safety Code Section 33334.2. The City's proportionate share shall be equal to the percentage by which the initial sale price to the targeted household was less than the fair market value of the dwelling unit at the time of initial sale.

K. **Rental Housing Developments.** In the case of rental housing developments, the Regulatory Agreement shall provide for the following conditions governing the use of Target Units during the use restriction period:

1. The rules and procedures for qualifying tenants, establishing affordable rent rates, filling vacancies, and maintaining Target Units for qualified tenants.

2. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this article.

3. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying Target Units, and which identifies the bedroom size and monthly rent or cost of each Target Unit.

L. **Recordation of Agreement.** The agreement shall be recorded with the Fresno County Recorder's Office and shall run with the property. The agreement shall conform to the provisions of Government Code Sections 65864 to 65869.

15-2209 Enforcement

A. The provisions of this article shall apply to all agents, successors, and assignees of an applicant for development of the site. No building permit or occupancy permit shall be issued, nor any development approval granted, which does not meet the requirements of this article.

B. In addition to, or in lieu of, the provisions of 15-2208-A the City shall institute injunction, mandamus, or any other appropriate legal actions or proceedings for the enforcement of this article.

C. Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this article, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable for each offense by a fine of not more than $500.00, or by imprisonment in the County Jail for a term not exceeding six months, or by both fine and imprisonment. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this article is commenced, continued, or permitted by such person, firm, or corporation, and shall be punishable as provided herein.

15-2210 Definitions

Whenever the following terms are used in this article, they shall have the meaning established by this section:

A. **Additional Incentive(s).** Regulatory concessions as specified in California Code Sections 65915(k) to include, but not be limited to, the reduction of site development standards or Zoning Ordinance requirements, approval of mixed-use zoning in conjunction with the housing project, or any other regulatory incentive which would result in identifiable cost reductions that are offered in addition to a density bonus.

B. **Affordable Housing.** Housing units that are affordable to families with very low, low, or moderate incomes.

C. **Affordable Housing Agreement** A legally binding agreement between a developer and the City to ensure that the requirements of this section are satisfied. The agreement establishes, among other things, the number of required inclusionary or affordable housing units, the unit sizes, location, affordability tenure, terms, and conditions of affordability and unit production schedule.

D. **Affordable Unit, For Rent.** A unit for which the total monthly rent plus utilities does not exceed the following:

1. ***Moderate Income Households***. 30 percent of 110 percent of the Fresno County median income.

2. ***Lower Income Households***. 30 percent of 60 percent of the Fresno County median income.

3. ***Very Low Income Households.*** 30 percent of 50 percent of the Fresno County median income.

E. **Affordable Unit, For Sale.** A unit for which the total monthly payment including interest, taxes, insurance, and utilities does not exceed the following:

1. ***Moderate Income Households***. 35 percent of 110 percent of the Fresno County median income.

2. ***Lower Income Households.*** 30 percent of 70 percent of the Fresno County median income.

3. ***Very Low Income Households***. 30 percent of 50 percent of the Fresno County median income.

F. **Conversion.** The change of status of a dwelling unit from a purchased unit to a rental unit or vice versa.

G. **Density Bonus.** A minimum increase in the number of dwelling units authorized for a particular parcel of land over the otherwise maximum residential density.

H. **Density Bonus Dwelling Units.** Those residential units granted pursuant to the provisions of this article which are above the maximum allowable residential density of the project site.

I. **Financial Assistance.** Assistance to include, but not be limited to, the subsidization of fees, infrastructure, land costs, or construction costs, the use of redevelopment set-aside funds, community development block grant (CDBG) funds, or the provision of other direct financial aid in the form of cash transfer payments or other monetary compensation, by the City of Fresno.

J. **Housing Costs.** Defined in accordance with Section 50052.5 of the California Health and Safety Code and shall generally mean the monthly mortgage principal and interest, property taxes and assessments, homeowners insurance, homeowner association fees where applicable, an allowance for utilities and property maintenance and repairs, for ownership dwelling units; and the monthly rent, and allowance for utilities, fees, or service charges charged to all tenants, for rental dwelling units.

K. **Income Eligibility.** The gross annual household income, considering the household size and number of dependents, income of all wage earners, elderly or disabled family members and all other sources of household income. For self-employed households, net annual household income shall be used in determining income eligibility.

L. **In-Lieu Incentives.** Incentives offered by the City, which are of equivalent financial value based upon the land cost per dwelling unit(s), that are offered in-lieu of density bonus and additional incentives.

M. **Income.** Any monetary benefits that qualify as income in accordance with the criteria and procedures used by the City of Fresno.

N. **Income Levels.** For purposes of determining income levels of households under this article, the City shall use the Fresno County income limits in Title 25, Section 6932 of the California Code of Regulations or other income limits adopted by the City Council if the State Department of Housing and Community Development fails to provide timely updates of the income limits in the California Code of Regulations.

O. **Lower-Income Household.** Low-income household whose gross income does not exceed 80 percent of the area median income for Fresno County as determined annually by the U.S. Department of Housing and Urban Development.

P. **Major Transit Stop.** A site containing an existing rail transit station or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. This definition shall additionally include all major transit stops designated in the applicable regional transportation plan. (California Public Resources Code §21155 and §21064.3).

Q. **Market-Rate Unit.** A dwelling unit where the rental rate or sales price is not restricted either by this article or by requirements imposed through other local, State, or federal affordable housing programs.

R. **Maximum Allowable Residential Density.** The maximum residential density allowed under this Ordinance and the General Plan, or if a range of density is permitted, the maximum allowable density for the specific zoning range and General Plan applicable to the project.

S. **Median Income.** The median income earned by a household or family, adjusted by size, as published by U.S. Department of Housing and Urban Development.

T. **Moderate-Income Household.** A household whose gross income is more than 80 percent but does not exceed 120 percent of the median income for Fresno County as determined annually by the U.S. Department of Housing and Urban Development.

U. **Offsets.** Concessions or assistance to include, but not be limited to, direct financial assistance, density increases, standards modifications or any other financial, land use, or regulatory concession which would result in an identifiable cost reduction enabling the provision of affordable housing.

V. **Operating Agent.** A nonprofit organization, for-profit corporation, County or City agency chosen by the City to carry out some or all of the administrative provisions of this article.

W. **Project.** A housing development at one location including all dwelling units for which permits have been applied for or approved within a 12 month period.

X. **Qualifying Resident.** Persons 62 years of age or older, or 55 years of age or older in a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units, and as defined in Section 51.3 of the California Civil Code.

Y. **Senior Citizen Housing Development.** A residential development consisting of at least 35 dwelling units which is developed for, or substantially rehabilitated or renovated for persons 55 year of age or older.

Z. **Target Dwelling Unit.** A dwelling unit that will be offered for rent or sale exclusively to and which shall be affordable to the designated income group or qualified resident, as required by this article.

AA. **Very Low Income Household.** A household whose gross income does not exceed 50 percent of the area median income for Fresno County as determined annually by the U.S. Department of Housing and Urban Development.

Article 23 Landscape

Sections:

15-2301 Purpose
15-2302 State Codes
15-2303 Applicability
15-2304 Landscape Plans
15-2305 Areas to be Landscaped
15-2306 Landscape Design Standards
15-2307 General Landscaping Standards
15-2308 Trees
15-2309 Irrigation Specifications
15-2310 Installation and Completion
15-2311 Maintenance

15-2301 Purpose

The purpose of this article is to achieve the following:

A. Enhance the appearance and function of all development by providing standards relating to the quality, quantity, and design of landscaping;

B. Protect public health, safety, and welfare by minimizing the impact of all forms of physical and visual pollution, controlling soil erosion, screening incompatible land uses, preserving the integrity of existing residential neighborhoods, and enhancing pedestrian and vehicle traffic and safety;

C. Preserve, protect, manage, maintain, and enhance the city's community forest to promote scenic beauty, provide habitat, maintain and increase property values, counteract air pollutants, minimize heat island effect, provide shade, store carbon, decrease wind velocities, attract investment, promote active living, foster wellbeing, reduce soil erosion and ground water contamination;

D. Promote energy conservation in buildings by providing shade from the sun in summer, allowing the sun rays to shine through in winter and providing shelter from the cold wind in winter; and

E. Encourage water conservation through the use of native and water-wise, climate-appropriate plants, efficient design, and water-conserving irrigation design and practices.

15-2302 State Codes

In addition to the provisions of this article, more requirements may apply to landscape plans at time of plan review submittal for building, landscaping and/or plumbing permits as stipulated in the California Green Building Standards Code (CalGreen), the California Model Water Efficient Landscape Ordinance (MWELO), and the California Plumbing Code (CPC). Where there is potential conflict between CalGreen, MWELO, and the CPC as adopted and amended in Chapter 11 and this article, CalGreen, MWELO, and the CPC shall prevail.

15-2303 Applicability

The standards of this article apply to the following:

A. New construction projects with landscapes;

B. Additions (other than to Single-Family Dwellings or Duplexes) to an existing building that expands the existing floor area by either 20 percent or more or 2,500 square feet or more, whichever is less. The floor area increases to the existing building shall be cumulative from the date of adoption of this Code;

C. A new building with a floor area of 300 square feet or more on a developed site. The 300 square feet shall be cumulative from the date of adoption of this Code;

D. The demolition and reconstruction of a site;

E. A first time installed landscape or a re-landscaping project where the new or modified landscape area is equal to or greater than 500 square feet; or

F. Change of Occupancy of an existing building requiring a change of occupancy permit as defined by the Building Code.

G. ***Exceptions***. The standards of this Section do not apply to landscaping that is part of a registered historic site, plant collections as part of botanical gardens and arboretums open to the public, or ecological restoration projects that do not require a permanent irrigation system, or mined-land reclamation projects that do not require a permanent irrigation system.

15-2304 Landscape Plans

A landscape plan shall be submitted with the permit application whenever landscaping per Section 15-2303 applies.

A. **Information Required.** Landscape plans shall be drawn to scale and shall, at a minimum, include the following:

1. Proposed plant locations, species, sizes, and plant factor. Plants with similar water needs shall be grouped together into hydrozones on the landscape plan. The plant factor according to the California Department of Water Resources study, Water Use Classification of Landscape Species (WUCOLS), shall be identified for all landscaped areas on a site. All water features shall be identified as high water use and temporarily irrigated areas shall be identified as low water use.

2. Proposed landscape features (mounds, stepping stones, benches, sculptures, decorative stones, or other ornamental features) locations, dimensions, and materials.

3. Proposed water features (fountains, pools and ponds) and paved surfaces locations, dimensions, and materials.

4. Proposed landscape structures (sheds, trellises, arbors, gazebos, fire pits, fireplaces, built-in barbeques, decks, retaining walls, and seat walls) locations, dimensions, and materials.

5. Location of any existing trees over six inches in diameter, as measured 48 inches above natural grade, and whether each such tree is proposed for retention or removal.

6. Identification of areas of preservation or incorporation of existing native vegetation.

7. Identification of areas not intended for a specific use, including areas planned for future phases of a phased development, shown landscaped or left in a natural state.

8. Any additional proposed landscape elements and measures to facilitate plant growth or control erosion.

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

1. ***Landscape Architect.*** Must hold a professional license to practice landscape architecture. May perform professional services for the purpose of landscape preservation, development and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and responsible construction observation (Business and Professions Code, Section 5615).

2. ***Architect.*** Must hold a professional license to practice architecture. May offer, perform, or be in responsible control of professional services which require the skills of an architect in the planning of sites (Business and Professions Code, Sections 5500.1 and 5641.3).

3. ***Professional Engineers.*** Must hold professional registration to practice engineering. May perform professional services as defined under Business and Professions Code, Section 5615, as long as the work is incidental to an engineering project (Business and Professions Code, Sections 5615, 5641.3 and 6701 et seq.).

4. ***Landscape Contractors.*** Must hold a C-27 landscaping contractor's license. May design systems and facilities for work to be performed and supervised by that contractor (Business and Professions Code, Sections 5641.4 and 7027.5 and California Code of Regulations, Title 16, Division 8, Section 832.27).

5. ***Nurserypersons.*** Must hold a license to sell nursery stock. May prepare planting plans or drawings as an adjunct to merchandizing nursery stock and related products (Business and Professions Code, Section 5641.2 and Food and Agricultural Code, Section 6721 et seq.).

6. ***Landscape/Garden Designers including Master Gardeners, etc.*** May prepare plans, drawings, and specifications for the selection, placement, or use of plants for single-family dwellings; may prepare drawings for the conceptual design and placement of tangible objects and landscape features; may not prepare construction documents, details, or specifications for tangible landscape objects or landscape features; and may not prepare grading and drainage plans for the alteration of sites.

7. ***Personal Property Owners (Homeowner).*** May prepare plans, drawings or specifications for any one- or two-family dwelling property owned by that person.

8. ***Golf Course Architect.*** May engage in the practice of, or offer to practice as, a golf course architect. May perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision, where the dominant purpose of such service is the design of a golf course, in accordance with accepted professional standards of public health and safety.

9. ***Irrigation Consultants.*** May engage in the practice of, or offer to practice as, an irrigation consultant. May perform consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision, where the dominant purpose of such service is the design of landscape irrigation, in accordance with accepted professional standards of public health and safety.

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

15-2305 Areas to be Landscaped

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

A. **Parking Areas.** Parking areas shall be landscaped in compliance with Article 24, Parking and Loading.

B. **Required Setbacks.**

1. ***All Districts.*** For permitted paved areas, refer to the underlying Base District.

2. ***Residential Uses that are Single-Family Dwellings, Duplexes, and Triplexes.*** All required front and street-facing side yards, except for areas used for exit and entry shall be landscaped. If a solid fence is provided on a street side yard property line, the street side yard is not required to be landscaped.

3. ***Residential Uses with Four or More Dwelling Units and Mixed-Use.*** All required setbacks, except for areas used for exit and entry, shall be landscaped.

4. ***Non-Residential Uses.*** All required setbacks, except for areas used for exit and entry, shall be landscaped. If an Industrial District abuts another Industrial District, side and rear yards are not required to be landscaped. However should an Industrial District abut any other district or a street, it shall be landscaped. Where adjacent to residential, non-residential uses may require a larger setback under Residential Transition Standards and landscaping shall be provided as prescribed in Table 15-2305-C.1.

C. **Lot Perimeters.** Landscape buffers shall be installed and maintained along side and rear lot lines between differing land uses, in accordance with the sections of this article and the following standards:

1. ***Required Landscape Buffers.*** Table 15-2305-C-1, Required Landscape Buffers, shows when a buffer treatment is required, and of what type, based on the proposed and the adjoining use. Only the proposed use is required to provide the buffer yard. The type of buffer yard required refers to buffer yard-type designations (Type 1 or Type 2) as shown in Table 15-2305-C-2, Buffer Yard Requirements. A dashed line, "-", means that a buffer yard is not necessary unless required by another section of this Code.

TABLE 15-2305-C-1: REQUIRED LANDSCAPE BUFFERS

Proposed Use	*Adjoining Use*						
	Park or Open Space	*Single-Family Residential*	*Multi-Family Residential*	*Mixed-Use*	*Commercial, Office, and Business Park*	*Industrial*	*Public Facility*
Park or Open Space	-	Type 1	Type 1	Type 1	-	-	-
Multi-Family Residential	Type 1	Type 1	-	-	-	-	-
Mixed-Use	Type 2	Type 2	Type 2	-	-	-	-
Commercial, Office and Business Park	Type 2	Type 2	Type 2	-	-	Type 1	Type 1
Industrial	Type 2	Type 2	Type 2	Type 2	Type 2	-	Type 2
Public Facility	Type 2	Type 2	Type 2	Type 2	Type 2	Type 1	-

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

TABLE 15-2305-C-2: BUFFER YARD REQUIREMENTS

Buffer Yard Type	*Minimum Width (feet)*	*Trees*		*Shrubs*	
		Large	*Small to Medium*	*Large*	*Small to Medium*
Type 1	10	2	2	6	8
Type 2	15	2	3	8	10

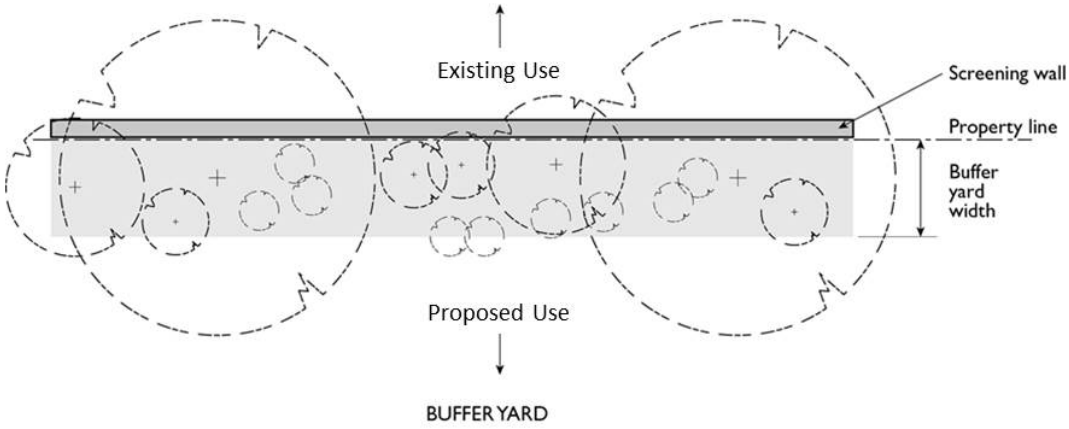


FIGURE 15-2305-C-2: BUFFER YARD REQUIREMENTS

3. ***Patio Allowance.*** An employee or dining patio is allowed within the buffer yard for up to 50 percent of the depth of the required buffer yard.

D. **Landscape Setback.** All areas between site perimeter walls/fencing and lot lines facing a street shall be landscaped. Landscaping shall be installed and maintained in accordance with the sections of this article and the following standards:

1. Planting areas more than 10 feet in width shall be planted with medium and large trees and medium and large shrubs to span the entire length.
2. Planting areas 10 feet or less in width shall at the very least be planted with small trees and small to medium size shrubs to span the entire length.
3. Vines may be included for areas adjacent to concrete or masonry walls.
4. The landscape design shall provide total wall/fence screening from top to bottom for the entire length within five years.
5. Trees shall be planted so the canopies could touch for the entire length within fifteen years.

E. **Building Perimeters.**

1. All portions of a building that face a public street shall have one or more landscape planters installed along a minimum of 20 percent of that building face. This standard does not apply where a building is located within three feet of a public sidewalk, in which case the building perimeter shall be paved and treated in a manner similar to the adjacent sidewalk.
2. The minimum width of the planter shall be three feet. Planters may be raised or at grade and may include potted plants.

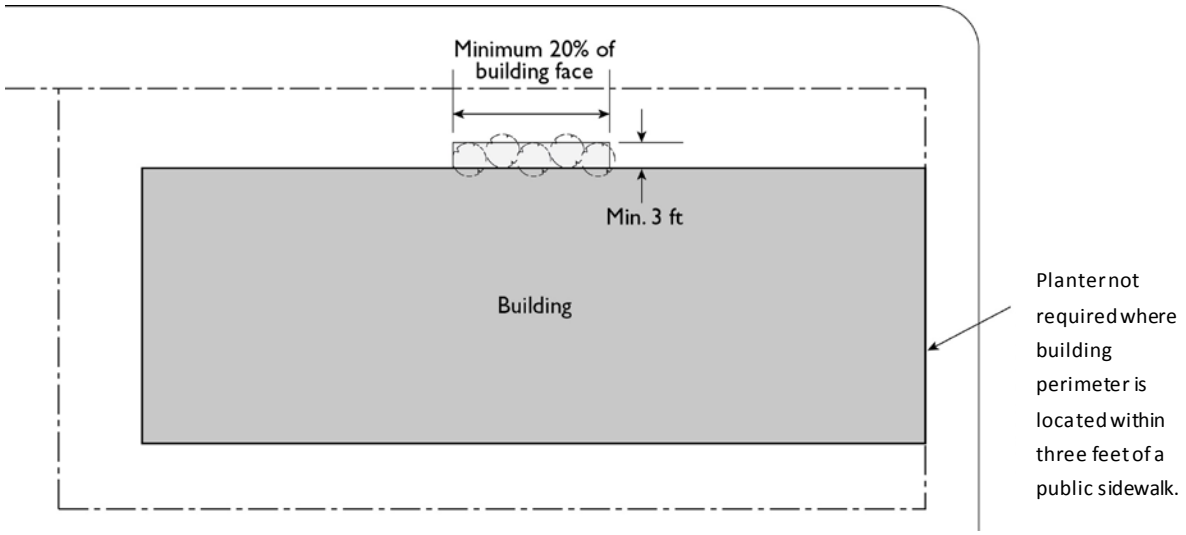


FIGURE 15-2305-E: BUILDING PERIMETERS

F. **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be maintained clear and free of refuse, debris, or other accumulated matter.

G. **Public Property.** Refer to Chapter 13, Article 3, Street Trees and Parkways for street tree, parkway (park strip), and median island requirements in public property.

15-2306 Landscape Design Standards

The following design standards are to be used by decision-makers in evaluating whether landscape plans conform to the requirements of this Section:

A. **Composition.** The quality of a landscape design is dependent not only on the quantity and selection of plant materials but also on how that material is arranged. Landscape materials must be arranged in a manner as to provide the following qualities and characteristics:

1. ***Texture.*** Landscape designs must provide a textured appearance through the use of a variety of plant material rather than a single species, by contrasting large leaf textures with medium and small leaf textures, and with a variety of plant heights. Spacing of key landscaping components, such as trees and shrubs, shall be consistent with the overall design approach of the landscape plan. Formal landscape designs benefit from a uniform spacing of plants, whereas varied spacing and clustering of trees is more compatible with a naturalistic design.

2. ***Color.*** Landscape designs shall include a variety of plants to provide contrasting color to other plants in the design. Designs are encouraged to include flowering plants and especially a mix of plants that display colorful flowers throughout the year.

3. *Form.* Landscape designs will consider the complete three-dimensional form of the landscaping, not simply the form of individual elements. The interrelationship of all landscape elements shall be considered so that the final design presents a coherent whole.

B. **Buffering and Screening.** Natural landscape materials (trees, shrubs, and hedges) must be used alone or with walls and/or berms to screen or buffer differing land uses, prevent graffiti, provide transition between adjacent lots, and screen the view of parking, storage, service areas, refuse collection facilities and enclosures, utility enclosures, drive-throughs, utility pipes and boxes visible from a public street, alley, or pedestrian space or walkway. Plant material must be mature enough at the time of planting and appropriately located to provide an effective buffer or screen within five years of planting.

C. **Water-Wise Landscaping.** Landscape designs shall feature plant species such as drought-tolerant and climate adaptive plants that thrive in the San Joaquin Valley region to take advantage of the adaptability of regionally appropriate plants to local environmental conditions and to conserve energy and water.

D. **Continuity and Connection.** Landscaping must be designed within the context of the surrounding area, provided that the adjacent landscaping is consistent with the landscape design standards of this section. Where the adjacent property landscaping meets the landscape design standards of this section, plant materials shall blend well with adjacent properties, particularly where property edges meet, to create a seamless and natural landscape. Exceptions can be made when seeking to create a transition between uses or zoning districts.

1. **Buffers for Natural Areas**. When located adjacent to an area of high ecological value, the proposed development shall incorporate natural features that will provide continuity and connection to the natural area and serve as an appropriate buffer space.

E. **Enhancing Architecture.** Landscape designs shall be compatible with the architectural character and features of the buildings on site. Major landscape elements must be designed to complement exterior elevations and roof lines of the buildings through texture, color, and form.

15-2307 General Landscaping Standards

A. **Materials.**

1. *General.*

a. Landscaping may consist of a combination of turf, groundcovers, shrubs, vines, trees, incidental features such as stepping stones, benches, fountains, sculptures, decorative stones, and other ornamental features placed within a landscaped setting.

b. Plant materials shall be selected from among those species and varieties known to thrive in the Fresno climate.

c. Paved (e.g. concrete, stone and masonry) surfaces, gravel (e.g. decomposed granite) surfaces, and rocks may not exceed 35 percent of the area required to be landscaped.

d. Recirculating water shall be used for decorative water features.

e. Areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.

2. ***Non-Plant Materials.*** Non-plant materials such cinder, bark, and similar materials may not be used to meet the minimum planting area required by this section.

3. ***Synthetic Lawns.*** Synthetic lawns may be considered as turf, and shall cover no more than 75 percent of the required landscape area.

4. ***Mulch.*** A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting ground covers or other special planting situations where mulch is not recommended. Stabilizing mulching products shall be used on slopes. Mulch must be confined to areas underneath shrubs and trees and is not a substitute for ground cover plants.

5. ***Size and Spacing.*** Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun, and light), and maintenance needs. Plants shall be of the following size and spacing at the time of installation:

a. *Ground Covers.* Ground cover plants must be at least of a four-inch pot size and spaced to provide full coverage within the time frame specified for the species planted.

b. *Shrubs.* Spacing of shrubs shall be according to local conditions; the species, cultivars, or varieties used; and their mature height, spread, and form. When planted to serve as a hedge or screen, shrubs shall be spaced at 75 percent of their mature length.

i. Small Shrub. A small shrub shall have a mature height of three to less than five feet and shall be planted at minimum from one-gallon containers.

ii. Medium Shrub. A medium shrub shall have a mature height of between five and eight feet and shall be planted at minimum from five-gallon containers.

iii. Large Shrub. A large shrub shall have a mature height of greater than eight feet and shall be planted at minimum from five-gallon containers.

c. *Trees.* All trees shall be a minimum of 15 gallons in size. Spacing of trees shall be according to local conditions; the species, cultivars, or varieties used; and their mature height, spread, and form. Newly planted trees shall be supported with stakes or guy wires.

i. Small Tree. A small tree shall have a mature height of less than 25 feet and be at least one inch in diameter at six inches above ground level. Small trees, generally, shall be planted 25 feet apart.

ii. Medium Tree. A medium tree shall have a mature height of between 25 and 45 feet and be at least 1 1/4 inch in diameter at six inches above ground level. Medium trees, generally, shall be planted 35 feet apart.

iii. Large Tree. A large tree shall have a mature height of greater than 45 feet and be at least 1 1/2 inch in diameter at six inches above ground level. Large trees, generally, shall be planted 45 feet apart.

6. ***Landscaping Mound.*** Landscaping mounds shall be constructed on slopes not to exceed 4:1. The toe of the mound shall be set back from buildings and property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slope. In no case shall the toe of the mound be within five feet of any building or one foot of the street right-of-way.

B. **Dimension of Landscaped Areas.** Landscaped areas shall have a minimum horizontal dimension of four and one-half feet to count towards required landscaping.

C. **Prescribed Heights.** The prescribed heights of landscaping shall indicate the height to be attained within fifteen years after planting.

D. **Drivers' Visibility.** Trees and shrubs shall be planted and maintained so that at maturity they do not interfere with traffic safety sight areas, or public safety. Notwithstanding other provisions of this section, landscaping must comply with Section 15-2018, Intersection Visibility and Chapter 13, Article 2, Sections 13-227, Obstruction to Visibility at Intersections and 13-228, Intersection Visibility, Investigation, and Enforcement.

15-2308 Trees

A. **Trees.** Trees shall be provided as follows:

1. ***Residential Single-Family Districts***. A minimum of two trees per lot and if part of a Planned Development then trees may be provided in common areas in addition to the two provided on each residential lot.

   a. One of the required trees must be oriented to the street.

   b. One of the required trees must be a passive solar-oriented tree (Deciduous) or a wind buffer-oriented tree (Evergreen).

2. ***Multi-Family Residential and Mixed-Use Districts***. A minimum of one tree per unit.

3. ***Commercial, Office, Business Park, and Regional Business Park Districts***. A minimum of one tree for every 2,000 square feet of lot coverage.

4. ***Industrial Districts***. A minimum of one tree for every 10,000 square feet of lot coverage (Trees required in other sections of this code, such as parking lot trees or street trees, shall count toward the satisfaction of this requirement).

5. ***Planned Development Districts***. For requirements in single-family residential development see Residential Single-Family Districts, for multi-family and mixed-use development see Residential Multi-Family and Mixed-Use Districts, and for

commercial and employment development see Commercial and Employment Districts above.

6. Trees planted near public curbs or sidewalks shall be installed in a manner that minimizes physical damage to the curbs, gutters, sidewalks, and other public improvements.

B. **Heritage Tree Designations**

1. ***Applications.*** Applications for designation of a heritage tree on private or public property may be initiated by any person subject to the property owners' written consent. The applicant requesting heritage tree designation shall submit an application in compliance with instructions provided by the Director and shall include the following:

   a. Assessor's parcel number of the site;

   b. Description detailing the proposed heritage tree's special aesthetic, cultural, or historic value of community interest; and

   c. Photographs of the tree(s).

2. ***Review.*** The Director shall conduct a review of the proposed heritage tree, based upon information or documentation they may require from the applicant, staff, or other available sources. A tree may be designated as a heritage tree upon a finding that it is unique and important to the community due to any of the following factors:

   a. It is an outstanding specimen of a desirable species;

   b. It is one of significant age and/or girth in the city; or

   c. It has agricultural, cultural, economic, educational, historical, indigenous, or social heritage significance in the city.

3. ***Hearing.*** The Planning Commission shall hold a public hearing on any proposed designation within 30 days after the application is deemed complete and shall render a decision to approve, deny, or continue the hearing for more information.

4. ***Posting and Notice.*** Hearings for heritage tree designation shall be subject to public hearing notice procedures specified in Section 15-5007, Public Notice. In addition, the Department shall post to the site or tree under consideration at least ten calendar days before the hearing date with a sign identifying the nature of the application and the date, time, and place of the hearing.

5. ***Recordation of Heritage Tree Designation.*** If the heritage tree designation is approved, the City shall record the designation with the County Recorder's Office and a copy shall be provided to the property owner and the DARM Department. A listing of designated heritage trees and their locations shall be listed on the historic resources inventory and maintained by the Department.

C. **Protected Trees.** The following apply to Protected Trees:

1. No Protected Tree shall be removed, pruned, or otherwise materially altered without a Tree Removal Permit except as provided in this section. Trimming of a Protected Tree is allowed without such a permit.

2. Protected Trees are as follows:

   a. *Heritage Trees.*

   b. *Multi-Trunk Trees.* Any multi-trunk tree which has at least one trunk 12 inches or greater in diameter or 38 inches or greater in circumference, measured four feet above the adjacent grade, except for developed single-family residential properties.

   c. *Any Tree 12 Inches or Greater in Diameter.* Any tree which measures 12 inches or greater in diameter or 38 inches or greater in circumference, measured four feet above the adjacent grade, except for developed single-family residential properties.

   d. *Parkway Trees and Any Trees Located on Public Property.*

   e. *Condition of Approval.* Any tree required to be planted or retained as a condition of approval of a development application or a Building Permit.

   f. *Trees Required by a Development Permit.* Trees required or memorialized under a Development Permit.

3. The following trees may be removed without approval of a Tree Removal Permit:

   a. *Emergencies.* Trees may pose an immediate threat to persons or property during an emergency or are determined to constitute an emergency upon order of the Director, the Public Utilities Director, the Public Works Director, or any member of the Police or Fire Departments.

   b. *Public Nuisance.* Any tree in a condition to constitute a public nuisance as determined the Building Official, the Director, the Fire Chief, the Public Utilities Director, or the Public Works Director.

   c. *Public Utilities.* Trees that undermine or impact the safe operation of public utilities.

   d. *Fruit Trees.* Any fruit tree.

   e. *Eucalyptus Trees.* All trees of the genus Myrtaceae.

   f. *Developed Single-Family Residential.* Any tree located on developed single-family residential property, except as specified in Subsection 15-2308-C.2.

4. Chemicals or other construction materials shall not be stored within the drip line of Protected Trees.

5. Signs, wires, or similar devices shall not be attached to Protected Trees.

6. If the proposed development, including any site work for the development, will encroach upon the drip line of a Protected Tree, then the following apply:

   a. Special measures shall be utilized as approved by the review authority, to allow the roots to obtain oxygen, water, and nutrients as needed.

   b. Any excavation cutting, filling, or compaction of the existing ground surface within the protected perimeter, if authorized at all by the review authority, shall

be minimized and subject to such conditions as may be imposed by the review authority.

c. No significant change in existing ground level shall be made within the drip line of a Protected Tree.

d. No burning or use of equipment with an open flame shall occur near or within the protected perimeter.

7. Underground trenching for utilities shall avoid major support and absorbing tree roots of Protected Trees. If avoidance is impractical, tunnels shall be made below the roots. Trenches shall be consolidated to service as many utilities as possible. Trenching within the drip line of Protected Trees shall be avoided to the greatest extent possible and shall only be done under the at-site directions of a certified arborist.

8. No concrete or asphalt paving shall be placed over the root zones of oaks.

9. No compaction of the soil within the root zone of Protected Trees shall occur.

10. All trees, protected or otherwise, to be removed shall include the removal of the stump or be cut to at least six inches below the ground, and soil shall be replaced and the area leveled. If the area where the tree is removed is to be paved, the tree shall be cut or stump removed to at least eight inches below the ground.

D. **Tree Removal Permit/Application Requirements**

1. *Application Information.*

a. Applications for a tree removal permit shall be available from and filed with the DARM Department and shall contain the following:

i. A written explanation of why the tree(s) should be removed;

ii. A tree survey plan indicating the number, location(s), variety or species, and size(s) (measured four feet above grade) of the tree(s) to be removed is required for all properties except developed single-family residential;

iii. Photograph(s) of the tree(s);

iv. Arborist report;

v. Signature of the property owner and homeowners association (when applicable) and proof of a vote of the homeowners association;

vi. Replanting plan (see Table 15-2308-E-4, Replacement Trees);

vii. Other information deemed necessary by the Director to evaluate the tree removal request; and

viii. Permit fee, if applicable.

b. The Director may modify or waive the requirements of this section if deemed appropriate (e.g., arborist reports for properties in RS Districts).

E. **Determination on Permit Application**

1. ***General Criteria.*** The review authority shall issue a Tree Removal Permit if any of the following general criteria is met:

   a. *Diseased or Danger of Falling*. The tree(s) is irreparably diseased or presents a danger of falling that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices so that the public health or safety requires its removal.

   b. *Potential Damage*. The tree(s) can potentially cause substantial damage to existing or proposed main structure(s) (e.g., dwellings, other main structures, or public infrastructure) or interfere with utility services and cannot be controlled or remedied through reasonable relocation or modification of the structure or utility services.

   c. *Economic Enjoyment and Hardship*. The retention of the tree(s) restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties, and the applicant has demonstrated to the satisfaction of the Review Authority that there are no reasonable alternatives to preserve the tree(s). A minor reduction of the potential number of residential units or structural size due to tree location does not represent a severe limit of the economic enjoyment of the property.

2. ***Additional Recommendations***. The applicable review authority may refer the application to another department or the Planning Commission for a report and recommendation.

3. ***Inspections and Permit Availability.*** City staff shall have the authority to conduct on-site inspections of all trees proposed for removal. If a tree removal permit is approved, the permit shall be on site at all times before and during the removal of a tree and/or shall be made available to any City official at the site, upon request.

4. ***Action.*** Based on the criteria identified in this section, the Review Authority shall approve, conditionally approve, or deny the application. Conditions of approval may include any of the following:

   a. Revisions to development plans to accommodate existing trees;

   b. Payment of an in-lieu fee.

      i. Payment of a fee shall be based on the fair market value of the number of trees required by Table 15-2308-E-4 for the same or equivalent species, delivered and installed, as determined by the Director.

      ii. The fees will be used to purchase trees that will be planted within the public right-of-way or on other public property as directed by the Public Works Department. Where feasible, trees will be planted in the vicinity in which the tree(s) was removed.

iii. Payment of the in-lieu fee shall be made before the issuance of the Tree Removal Permit.

c. Replacement trees of a species and size planted at locations designated by the Review Authority in compliance with Table 15-2308-E-4; or

d. A combination of replacement trees and in-lieu fees that in total provide for the number of replacement trees required by this article.

TABLE 15-2308-E-4: REPLACEMENT TREE REQUIREMENTS			
Trunk Size of Removed Tree (measured at 4 feet above grade)		*Replacement Ratio Required (per tree removed)*	
Diameter (in inches)	*Circumference (in inches)*	*Number of replacement trees required*	*Minimum size of replacement trees*
12 to 24	30 to 75	2	24 inch box
Greater than 24	Greater than 75	3	36 inch box
Heritage Trees		4	48 inch box

5. ***Expiration.*** If no action on an approved tree removal permit is taken within a period of one year from the date of approval, the permit shall be considered void.

F. **Review Authority and Permit Process.**

1. ***Tree Removal Requests Filed Independent of Development Applications.***

a. *Director's Review.* The Director shall be the Review Authority for tree removal requests, except for heritage trees, filed independent of a development application. The Director shall render a decision within ten business days from the date a tree removal application is filed and deemed complete. The Director may refer any application to another department, committee, board, or commission of the City for a report and recommendation, and may require the applicant to provide an arborist's report.

b. *Posting and Notice.* The decision of the Director shall be mailed to the applicant and to all owners of record located within a three-hundred-foot radius of the subject property on the same day the decision is made. In addition, the site or tree shall be posted with a sign by the Department for at least ten calendar days indicating the decision of the Director, and specifying the appeal period and the method of appeal.

2. ***Tree Removal Requests Filed with a Development Application.***

a. *Review Authority.* The Review Authority for tree removal requests filed in conjunction with a development application shall be the same review authority as established for the accompanying development application.

b. *Public Hearing.* If a public hearing is normally required by this Development Code, the tree removal request shall be considered concurrently, in compliance with Section 15-5007, Public Notice.

c. *Posting*. The DARM Department shall also post to the site or tree under consideration a sign indicating the proposed removal and the date, time, and place of the hearing at least ten calendar days before the hearing date.

3. ***Heritage Tree Removal Requests.*** Notwithstanding any other provision of this section, the following provisions shall apply to requests for the removal of heritage trees.

a. *Requests Filed Independent of Development Applications*. The Planning Commission shall be the Review Authority for all tree removal requests for heritage trees filed independent of a development application.

b. *Requests Filed in Conjunction with a Development Application*. The Review Authority for heritage tree removal requests filed in conjunction with a development application shall be the same review authority as established for the accompanying development application. Before the hearing by the Review Authority, requests to remove heritage trees filed in conjunction with a development application shall be referred to the Protected Tree Advisory Committee who shall make a recommendation to the review authority.

c. *Public Hearing*. A public hearing by the review authority shall be required for all heritage tree removal requests in compliance with Section 15-5007, Public Notice.

d. *Posting*. The Department shall post to the site or tree under consideration a sign indicating the proposed removal and the date, time, and place of the hearing at least ten calendar days before the hearing date.

4. ***Final Decision/Timing of Tree Removal.*** No tree for which a Tree Removal Permit is required shall be removed until all conditions of the permit have been satisfied and the decision has become final. In addition, tree(s) approved for removal in conjunction with a development application shall not be removed before the issuance of a Building Permit or unless all of the conditions of approval of the development application are satisfied.

5. ***Concurrent Filing.*** All tree removal requests associated with a development application shall be filed concurrently.

G. **Appeals.**

1. ***Appeals***. Any person aggrieved by a decision of the Review Authority as specified in Section 15-2308-B through F may appeal the decision in compliance with Section 15-5017, Appeals.

2. ***Decisions on Appeals.*** No decision made in compliance with Section 15-2308-B through F shall be final until all appeal rights have expired. All appeal hearings shall be public hearings subject to Section 15-5017, Appeals.

3. ***Posting and Notice.*** In addition to the public hearing procedures specified in Section 15-5007, Public Notice, the site or tree under consideration shall also be posted with a sign at least ten calendar days before the hearing date of the appeal. The sign shall state the nature of the appeal under consideration by the appeal body, and the date, time, and place of the hearing.

TABLE 15-2308-G: TREE TYPE AND PERMIT PROCESS SUMMARY				
Type of Tree Removal Request	*Protected Tree Types*	*Size Tree Protected*[1]	*Review Authority for Removal Permit*	*Appeal Process*[2]
Tree removal requests on all properties (except RS Districts[3]) not in conjunction with a development application	Any tree except fruit trees[4] and trees of the genus Myrtaceae[5]	None Specified	Director	Planning Commission and then Council
Tree removal requests in RS Districts not in conjunction with a development application	Trees of the species: Quercus (oaks) Cedrus (cedars) Fraxinus (ash) Sequoia (redwoods)	12 inch diameter or 38 inch circumference	Director	Planning Commission and then Council
Tree removal requests on all properties in conjunction with a development application	Any tree except fruit trees and trees of the genus Myrtaceae[5]	12 inch diameter or 38 inch circumference	Director	Planning Commission and then Council
Heritage Tree removal requests in all zoning districts (not in conjunction with a development application)[6]	Any Heritage Tree	None Specified	Planning Commission	Council
Heritage Tree removal requests in all zoning districts (in conjunction with a development application)[6]	Any Heritage Tree	None Specified	Planning Commission or Council, as applicable to the permit application	Council
Trees required as a condition of a development approval	Any tree required to be retained or planted	None Required	Director	Planning Commission and then Council
Trees within the City public right-of-way and parkway strip	Any tree required to be retained or planted	None Required	Director	Planning Commission and then Council

Notes:

1. Minimum size and greater – measured four feet above grade adjacent to trunk.
2. Appeals shall be filed in writing with the City Clerk within 10 days from the decision of the permit.
3. Developed single-family residential property in RS Districts or Planned Development.
4. Fruit trees, defined as any tree that has the characteristics of being edible fruit, common to commercial production varieties including stone fruits (e.g., prunes, peaches etc.), citrus (e.g., lemons, oranges), nut varieties (e.g., almonds), English walnut (except for California Black Walnut), Peppers (Schinus), and Olives (Oleaceae), etc. A "fruit tree" shall mean any tree that bears a fruit or nut not produced primarily as seed (e.g., oaks, pines, etc.).
5. Any variety of eucalyptus tree.
6. Includes any development application that requires Planning Commission or Council Approval, except development applications not involving addition of new single-family units in RS Districts or Planned Development Single-Family developments (e.g. fence exception or Conditional Use Permit).

H. **Delegation of Functions.** The Director may delegate any or all of the administrative duties authorized by this section to one or more Department or City staff members.

I. **Violation.** In addition to the provisions of Article 63, Enforcement, any person who removes or causes to be removed any Protected Tree in violation of this article shall be required to:

1. Apply for and obtain a Tree Removal Permit and pay a double application fee.

2. Be responsible for property restoration which shall include:

   a. Replacing the tree(s) removed with tree(s) of reasonably equivalent value and largest size feasible to the tree(s) removed per Table 15-2308-E-4;

   b. The number, size, and location of replacement trees shall be determined by the Director after receipt of a report and recommendation by a licensed arborist;

   c. Paying the fees of the licensed arborist, including any fees for the valuation under Subsection 15-2308-E.4.

3. Pay a civil penalty to the City, with the funds placed in the City's tree planting fund, in the amount of $2,500 or the actual monetary value of the tree(s), as determined by a licensed arborist, whichever is less. The arborist shall use the then-current issue of the "Guide for Plant Appraisal" published by the International Society of Arboriculture. Said funds from the tree planting fund shall be allocated for the planting of new trees or shall be directed to a non-profit organization that specializes in the preservation and/or planting of trees in the city.

15-2309 Irrigation Specifications

A. **General.** New landscaping shall have an automatic irrigation system designed to provide adequate and efficient coverage of all plant material.

B. **Systems.** Irrigation systems shall comply with the requirements of the California Green Building Standards Code and/or the California Model Water Efficient Landscape Ordinance and/or the California Plumbing Code as may be amended.

C. **Plans.** No plans are required to be submitted as part of this article, but may be required otherwise elsewhere in the Code.

15-2310 Installation and Completion

A. **Consistency with Approved Plans.** All landscaping shall be installed consistent with approved plans and specifications, in a manner designed to encourage and maintain healthy plant growth.

B. **Timing of Installation.** Required landscaping shall be installed prior to the issuance of a Certificate of Occupancy for the project.

C. **Exception: Assurance of Landscaping Completion.** The Director may permit the required landscaping to be installed within 120 days after the issuance of a Certificate of Occupancy in special circumstances related to weather conditions or plant availability. A surety in the amount equal to 150 percent of the estimated cost of landscaping, including materials and labor, as well as an agreement that the required landscaping will be installed within 120 days, must be filed with the City to assure completion of landscaping installation within such time. The surety may

take the form of cash deposit, irrevocable letter of credit or bond; and together with the agreement, would provide for payment to the City of any costs incurred in contracting for completion of the required landscaping.

15-2311 Maintenance

A. **General.** All planting and other landscape elements required by this article shall be permanently maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Once planted, healthy, thriving trees and shrubs may not be removed without replacement by similar or better plantings providing a similar impact or function on the site. Plantings which show signs of damage or injury shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements.

1. ***Non-Single-Family Districts***. Trees may not be trimmed or pruned to reduce the natural height and crown.

B. **Unoccupied.** All landscaping shall be provided and maintained prior to occupancy of the main building or open use other than agriculture.

C. **Public Safety.** Property owners and occupants of lots fronting on any portion of a street shall maintain private trees and landscaping in such condition that the trees or landscaping will not interfere with the public safety and convenience in the use of streets or sidewalks. Such owners and occupants shall maintain such trees so that there is an eight-foot pedestrian clearance from the top of the sidewalk or pathway, and a thirteen-foot vehicular clearance from the top of the curb or the top of the pavement. Street trees and parkways shall be protected and preserved according to Chapter 13, Article 3, Section 305, Tree Preservation.

D. **Retention Basins.** Retention basins shall be maintained free of debris and trash, and all planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering.

Article 24 Parking and Loading

Sections:

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15-2401 Purpose

The specific purposes of the parking and loading regulations are to:

A. Minimize design impacts that can result from parking lots, driveways, and drive aisles within parking lots;

B. Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand;

C. Require that parking areas are designed to reduce potential environmental impacts, including minimizing stormwater runoff and the heat island effect;

D. Ensure that parking is provided for new land uses and alterations to existing uses, to avoid the negative impacts associated with spillover parking into adjacent neighborhoods;

E. Ensure that adequate off-street bicycle parking facilities are provided and promote parking lot designs that offer safe and attractive pedestrian routes;

F. Establish standards and regulations of any specific use occurring outdoors or within an existing, newly constructed, or relocated building to provide well-designed, on-site parking areas; and,

G. Provide loading and delivery facilities in proportion to the needs of allowed uses.

15-2402 Applicability

The requirements of this article apply to the establishment, alteration, expansion, or change in any use or structure, as provided in this section.

A. **New Buildings and Land Uses.** Parking shall be provided according to the provisions of this article.

B. **Building Expansions.** Should a building be expanded, parking shall be provided according to the provisions of this article.

C. **Use Expansions.** Should a use expand without necessarily expanding a building, such as an auto dealership, parking shall be provided according to the provisions of this article.

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

1. When a Change in Use or Change in Occupancy creates an increase of 10 percent or more in the number of required on-site parking or loading spaces, on-site parking and loading shall be provided according to the provisions of this article. The number of existing stalls shall be maintained, and additional stalls shall be required only for such addition, enlargement, or Change in Use. The Change in Use or Change in Occupancy that creates an increase of 10 percent or more shall be cumulative from the date of adoption of this Code.

2. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or Change in Use.

E. **Reconstruction of Non-Residential Buildings.** Should a building be damaged and/or demolished due to an Act of Nature, a building may be reconstructed and may provide the same number of stalls provided that there is no increase in building floor area.

F. **Alterations that Increase the Number of Dwelling Units.** The creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires the provision of on-site parking to serve the new dwelling units. If the number of existing parking spaces is greater than the requirements for the existing units, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the new dwelling units.

G. **Non-Conforming Parking or Loading.** An existing use of land or structure shall not be deemed to be non-conforming solely because of a lack of on-site parking and/or loading facilities required by this article, provided that facilities used for on-site parking and/or loading

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

15-2403 General Provisions

A. **Timing of Parking Requirements.** On-site parking facilities required by this article shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

B. **Existing Parking and Loading to be Maintained.** No existing parking or loading serving any use may be reduced in amount or changed in design, location, or maintenance below the requirements for such use, unless equivalent substitute facilities are provided.

C. **Advertising on Vehicles.** Vehicles shall not be parked solely for the purpose of advertising. Advertising shall comply with Article 26, Signs.

D. **Maintenance.** Parking lots and pedestrian areas, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

E. **Vehicles for Sale.** Vehicle sales may occur under the following parameters. All areas shall be paved.

1. On lots approved for vehicle sales per Section 15-2709, Automobile and Motorcycle Retail Sales and Leasing.
2. Companies may sell excess vehicles on their property. No more than one excess vehicle may be sold on the lot at a time.
3. Personal vehicles parked for the purpose of being sold so long as it is for non-commercial purposes.

F. **Temporary Parking Lots.** For Temporary Parking Lots, refer to Section 15-2760-B, Temporary Uses Requiring a Temporary Use Permit.

15-2404 Buffer District

A. Off-street parking of the following specified classes of vehicles shall be permitted in the Buffer District:

1. Trucks of 1 ½ ton or more capacity;
2. Trucks of 1 ¼ ton or more capacity with trailer attached;
3. Buses;
4. Trailers, if screened; and
5. Any two-axle or three-axle truck tractor.

B. **Pavement.** The parcel shall provide a 100 feet shake-off area prior to reaching the street to minimize dirt, mud, etc. from being carried onto street.

C. Vehicles described above shall be limited to non-commercial uses however the resident of the property may store their own vehicles on-site. Space may not be leased to commercial haulers.

15-2405 Recreational Vehicles, Boats, Trailers, and Portable Storage

Recreational vehicles, fifth wheel trailers, boats, trailers, etc., collectively referred to as Recreation Vehicles in this section, may be permitted per the provisions below.

A. **Habitation.** Recreational Vehicles may not be used for sleeping or habitation, unless permitted per Subsections E, F, and G below.

B. **Single-Family Districts.**

1. ***Parking and Screening***. Recreational Vehicles shall be parked on a non-permeable surface in a fenced area, or in the rear yard or side yard, screened by a wall or solid fence not less than five feet in height.

2. ***Location***. Recreational Vehicles shall not project beyond the front limits of the home.

3. ***Exceptions***. A Recreational Vehicle may be parked in the driveway for purposes of loading and unloading for up to 72 hours in any month and shall not encroach into the public right-of-way. For purposes of this article, parking for up to 72 hours includes being parked in the front yard, the driveway, and/or the street.

4. Commercial rated vehicles not commonly found in residential areas are prohibited.

C. **Multi-Family Residential Districts.**

1. Recreational vehicles may not be parked and/or stored in multi-family districts, unless stored in a fully enclosed garage with a non-permeable surface.

2. Trailers used for loading and unloading, may be parked temporarily and strictly for moving purposes and shall not encroach into the public right-of-way or landscape area.

3. Construction-related trailers shall be removed upon completion of the construction or repairs.

D. **Moving Trailers/Portable Storage/ISO Containers in Residential and Mixed-Use Districts.**

1. Portable storage units may be parked on a driveway in single-family districts, or a parking space in multi-family and mixed-use districts for the purposes of loading and unloading.

2. Units may not be on a site for more than 96 hours in any month.

3. Units shall not encroach into the public right-of-way (i.e., sidewalk), nor be placed on the street or front lawn, unless the lot does not have a driveway, then it may be placed in the front yard.

E. **Recreational Vehicles at Fraternal and/or Service Organizations.** Overnight parking may be permitted at Fraternal or Service Organizations for their members. Areas used for this purpose shall be screened from the public right-of-way with a six-foot block wall, hedge, or building. Areas used for this purpose shall be located outside of required yard, and/or landscape areas. No individual Recreational Vehicle may park for more than 48 hours in any month on a site and shall not encroach into the public right-of-way. Outdoor camping is not permitted. Areas used for this purpose are not required to be paved.

F. **Recreational Vehicles in Commercial Districts.** Overnight parking may be permitted in Commercial Districts. No individual Recreational Vehicle may park for more than 12 hours in any month on a site and shall not encroach into the public right-of-way. Areas used for this purpose shall be located outside of required yard, and/or landscape areas. Outdoor camping is not permitted. Areas shall be paved.

G. **Recreational Vehicles at Hospitals.** Hospitals may provide Recreational Vehicle parking areas for visitors, provided that the hospital provides utility connection areas. A Recreational Vehicle may park so long as an acquaintance is under medical care of the hospital. Areas shall be paved.

15-2406 Inoperable Vehicles

A. **Residential Districts.** Inoperable vehicles in residential districts shall not be visible from the public right-of-way. Inoperable vehicles may be stored on non-permeable surfaces in residential garages, or rear or side yards. Inoperable vehicles shall be limited to one per lot.

B. **Non-Residential Districts.** In non-residential districts inoperable vehicles shall be screened from public streets. If staging for repair, vehicles may only be visible for up to eight hours prior to being moved into the repair garage. Inoperable vehicles may not be stored in public view overnight unless the vehicle was transported to the site after business hours.

15-2407 Required Parking for Downtown Districts

(Reserved)

15-2408 Required Parking for Mixed-Use Districts and CMS District

The required numbers of on-site parking spaces are stated in Table 15-2408, Required Parking for Mixed-Use Districts and CMS District. The parking requirement for any use not listed in Table 15-2408 shall be the same as required for the land use in other districts as stated in Table 15-2409, Required Parking, Other Districts.

TABLE 15-2408: REQUIRED ON-SITE PARKING SPACES, MIXED-USE DISTRICTS AND CMS DISTRICT

Use	*Required Parking Spaces*	
Residential		
Studio, and one-bedroom units	.75 space per unit	Required parking shall be covered. One additional guest parking space must be provided for every 4 units for projects greater than 4 units.
Two bedrooms	1 space per unit	
Three or more bedrooms	1.5 spaces per unit	
Non-Residential		
Office	1 space per 600 square feet	
Retail	1 space per 600 square feet	
Restaurant	1 space per 600 square feet	

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

15-2409 Required Parking, Other Districts

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

TABLE 15-2409: REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS		
Use Classification	*Required Parking Spaces*	
Residential Use Classifications		
Single-Unit Residential constructed prior to the adoption date of this Code	1 space per dwelling unit	Must be covered.
Single-Unit Residential, up to two bedrooms	1 space per dwelling unit	Must be within a garage.
Single-Unit Residential, three or more bedrooms	1 space per dwelling unit	Must be within a garage.
Duplex	1 space per dwelling unit	Must be within a garage.
Backyard Cottages, Second Dwelling Units, or Accessory Living Quarters	Refer to Section 15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters.	
Affordable Housing Developments (Moderate Income and Below)		
Studio, one- or two-bedroom	.75 space per unit	One covered space shall be designated for each unit. One additional uncovered guest parking space must be provided for every 4 units.
Three or more bedrooms	1.5 spaces per unit	
Multi-Unit Residential (2 or more units)		
Studio	1 space per unit	One covered space shall be designated for each unit. One additional uncovered guest parking space must be provided for every 4 units.
One- or two-bedroom	1 space per unit	One covered space shall be designated for each unit. One additional uncovered guest parking space must be provided for every 2 units.
Three or more bedrooms	1.5 spaces per unit	

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

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

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

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

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

15-2410 (Reserved)

15-2411 Calculation of Required Spaces

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

A. **Fractions.** If the calculation of required parking or loading spaces results in the requirement of a fractional space, such fraction, if the fraction is less than one-half, it shall result in no additional spaces; if one-half or greater, it shall be considered one additional space.

B. **Floor Area.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated.

C. **Employees.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.

D. **Bedrooms.** Where an on-site parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom or meeting the standards of the California Building Code as a sleeping room shall be counted as a bedroom. Offices or other rooms that have the ability of being converted into bedrooms shall be considered bedrooms for parking purposes.

E. **Students or Clients.** Where a parking or loading requirement is stated as a ratio of parking spaces to students (including children in day care), the number is assumed to be the number of students or clients at the State-certified capacity or at Building Code Occupancy where no State-certification is required.

F. **Seats.** Where parking requirements are stated as a ratio of parking spaces to seats, each 24 inches of bench-type seating at maximum seating capacity is counted as one seat.

G. **Sites with Multiple Uses.** If more than one use is located on a site, the number of required on-site parking spaces and loading spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section 15-2413, Parking Reductions.

H. **Queuing Area.** The number of parking spaces required by Tables 15-2408 and 15-2409 does not include queuing space that may be required for vehicles and customers waiting in vehicles for service pump stations, drive-throughs, auto service bays, or similar uses.

I. **Gas Stations.** Parking spaces providing for fueling stations shall not count towards meeting parking standards per Tables 15-2408 and 15-2409.

15-2412 Parking Exceptions

A. **Buildings Constructed Prior to February 13, 1954**. The parking area or space requirements imposed by the provisions of this Code shall not apply upon a Change of Occupancy, as defined by the Building Code, or the building code in affect at the time of the permit, for any building or structure which was constructed prior to February 13, 1954.

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

1. The parking area or space is not reduced; and

2. The new use does not involve:

   a. Convenience Stores that are 3,000 square feet or less with off-site alcohol sales;

   b. Schools (K-12; private or public);

   c. Drive-through restaurants;

   d. Banquet Halls and Religious Assembly Facilities with direct access to local street(s); or

   e. Auto-related uses.

C. **Building Expansions.** Buildings constructed prior to Subsections A and B above may be expanded. Parking for the expanded area shall be provided per Tables 15-2408 and 15-2409. Buildings constructed prior to this date may not be altered when it would result in additional dwelling units without providing parking for the additional dwellings.

D. **Small Commercial Uses.** The following commercial uses are not required to provide on-site parking when they contain less than 1,000 square feet of floor area: Retail Sales (except off-site alcohol sales), Personal Services, Eating and Drinking Establishments, Food and Beverage Retail Sales, Offices: Walk-in Clientele, and Banks and Financial Institutions. However, when two or more such establishments are located on a single lot or a shopping center, their floor areas shall be aggregated with all other establishments located on the lot in order to determine required parking.

15-2413 Parking Reductions

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

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

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

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

1. The peak hours of uses will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;

2. The adequacy of proposed shared parking provided will equal or exceed the level that can be expected if parking for each use were provided separately;

3. A parking demand study prepared by an independent traffic engineering professional approved by the City supports the proposed reduction; and,

4. When a shared parking facility serves more than one property, a parking agreement shall be prepared consistent with the provisions of Section 15-2414-D, Off-Site Parking Facilities for Non-Residential Uses.

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

1. ***Criteria for Approval.*** The Planning Commission may only approve a Conditional Use Permit for reduced parking if it finds that:

   a. The site is fully developed and it would be infeasible or impractical to provide additional parking;

   b. Special conditions—including, but not limited to, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site;

   c. The use will adequately be served by the proposed on-site parking; and

   d. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.

2. ***Parking Demand Study.*** In order to evaluate a proposed project's compliance with the above criteria, a parking demand study shall be prepared by an independent traffic

engineering professional approved by the City that substantiates the basis for granting a reduced number of spaces and includes any of the following information:

a. Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use.

b. A survey of existing accessibility via a defined pedestrian path (i.e., sidewalk) to on-street parking within 350 feet of the project site.

c. Parking requirements for the net change in square footage and/or change in use, based on the requirements of Sections 15-2408 and 15-2409.

d. Estimated net change in parking demand between existing and proposed development, using any available existing parking generation studies from the Institute for Transportation Engineers (ITE) or other sources. If appropriate parking demand studies are not available, the City may require the applicant to conduct a parking demand survey of a development similar to the proposed project.

e. Comparison of proposed parking supply with parking requirements and net change in parking demand.

f. A shared parking analysis, as appropriate.

g. A description of possible Transportation Demand Management measures, such as preferential carpool spaces; telecommuting or staggered work shifts; provision of transit passes or other transit incentives for residents, employees, and/or students; incorporation of spaces for car share vehicles, bicycles, or other measures that could result in reduced parking demand.

h. Other information as required by the City.

15-2414 Location of Required Parking

A. **Located on Same Parcel.** Required parking shall be located on the same parcel as the uses served, unless otherwise provided by this article.

B. **Front and Street-Side Setbacks.** No parking spaces shall be located within the front and street side setback areas. In single-family districts it is appropriate to park vehicles on driveways, however this parking shall not count towards meeting the required parking.

C. **Residential Districts.**

1. ***Single-Unit Dwellings, Duplexes, Triplexes, and Second Units.*** Required parking for a Single-Unit Dwelling, Duplex, Triplexes, or Second Units shall be located on the same lot as the dwelling(s) served. Parking shall not be located within required setbacks with the exception of the rear yard. Tandem parking may be permitted if authorized by this article.

2. ***Other Residential Uses.*** Required parking for residential uses other than Single-Unit Dwellings, Duplexes, and Triplexes shall be on the same lot as the dwelling or use they serve or in an off-site facility as provided in Subsection D. Parking shall not be located within a required front or street-facing side yard.

D. **Off-Site Parking Facilities for Non-Residential Uses.** Parking facilities for uses other than residential uses (not including mixed-use projects), may be provided off-site with approval of a Conditional Use Permit if:

1. The off-street parking is proposed in a district that permits the proposed use that the parking is serving. A parcel may not house parking for a use that is not permitted on the site;
2. The parking site is located within 400 feet of the use;
3. The site is along an improved pedestrian route that connects to the principal entrance containing the use(s) for which the parking is required;
4. On the same side of the street, across an alley, or across a local street; and
5. There is a written agreement between the landowner(s) and the City in the form of a covenant guaranteeing among the landowner(s) for access to and use of the parking facility and that the spaces will be maintained and reserved for the uses served for as long as such uses are in operation.

15-2415 Parking Availability

A. **Accessible Parking.** Where parking is provided for the public as clients, guests, or employees, it shall include parking accessible to persons with disabilities in accordance with the standards in Chapter 71, Site Development Requirements for Handicapped Accessibility of Title 24 of the California Code of Regulations.

B. **Parking to be Unrestricted.**

1. Parking required by this article shall be available to the public without charge. A fee for parking may only be charged for spaces that exceed the minimum requirements of this article.
2. ***Residential Parking***. Where this article requires communal parking areas in residential areas, said parking spaces shall not be restricted to individual units.

C. **Access to Adjacent Sites.** Applicants are encouraged to provide shared vehicle and pedestrian access between adjacent properties for convenience, safety, and efficient circulation. A joint access covenant shall be required.

15-2416 Parking Area Development Standards

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

A. **Automated Parking Garages.** Permitted in any district.

B. **Electric Vehicle (EV) Parking.**

1. ***Residential Districts.*** Per the California Building Code.
2. ***Office and Commercial Districts***.

a. *For Parking Lots with Less than 250 Spaces.* Refer to the California Building Code.

b. *For Parking Lots with 250 Spaces or More.* Per the California Building Code or the following, whichever shall provide the greater amount of EV spaces.

i. There shall be one vehicle charging station for every 250 spaces.

ii. At least one space shall be 15 feet in width.

iii. Signage shall clearly state that spaces are to be used for actively charging vehicles only.

C. **Motorcycle Parking.** Motorcycle parking may substitute for up to five percent of required automobile parking. Each motorcycle space must be at least four feet wide and seven feet deep.

D. **Tandem Parking.** Tandem parking may be permitted to satisfy the off-street parking requirement in accordance with the following:

1. No more than two vehicles shall be placed one behind the other;
2. Both spaces shall be assigned to a single dwelling unit;
3. Both spaces shall be assigned as employee only parking for a non-residential establishment. Tandem parking under this scenario shall be for the same establishment;
4. Tandem parking to meet required parking for a multi-family development shall be located within an enclosed structure or a parking structure and the number of tandem parking spaces shall not exceed 50 percent of the total number of spaces;
5. Tandem parking shall not be used to satisfy the parking requirement for guest parking; and,
6. Tandem parking to meet required parking for non-residential uses may be used for employee parking and the number of tandem parking spaces shall not exceed 25 percent of the total number of spaces.

E. **Stacked Parking.** Stacked or valet parking is allowed for non-residential uses if an attendant is present to move vehicles. If stacked parking managed by an attendant is used for required parking spaces, the property owner shall enter into an agreement in the form of a covenant with the City ensuring that an attendant will always be present when the lot is in operation. Stacked parking shall not account for more than 50 percent of the required parking.

15-2417 Driveways

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

A. **Number of Driveways.**

1. Access to Major Streets shall be spaced to provide for reasonable access to properties while maximizing traffic safety and traffic flow. Emphasis should be placed on maximizing on-site reciprocal access and minimizing the number of street access points.

2. Access spacing and control requirements shall be determined by the City Engineer.

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

C. **Driveway Widths and Lengths.**

1. ***All Driveways***. If designated as a Fire Lane, the minimum width shall be 20 feet, unless a greater width is required by the Fire Chief.

2. ***Residential Driveway Width***. As determined by the City Engineer and the Fire Chief.

3. ***Residential Driveway Length.*** Driveways providing direct access from a public street to a garage or carport shall be at least 18 feet in depth.

4. ***Commercial and Industrial Driveway Width***. As determined by the City Engineer and the Fire Chief.

15-2418 Parking Access

A. Whenever possible, new Commercial and Office development shall provide shared vehicle and pedestrian access to adjacent non-residential properties for convenience, safety, and efficient circulation. A joint access agreement in the form of a covenant shall be recorded ensuring that access will be maintained. The following exceptions shall apply:

1. If either site is developed and there is no feasible location to gain access, the Director may waive this condition, however the removal of excess parking may not be considered a barrier to gaining access.

2. Shared access shall not be required for development in areas with a highly interconnected street grid, short blocks (less than 500 feet on average), and a complete sidewalk network.

B. **Forward Entry.** Parking lots shall be provided with suitable maneuvering room so that all vehicles therein may enter an abutting street in a forward direction.

C. **Distance from Driveways on Local Streets.** Parking spaces shall not be located within 20 feet of an access driveway, measured from the property line.

D. **Distance from Driveways on Major Streets.** Parking spaces and drive aisles shall be configured in such a way as to promote smooth flow of traffic onto the site from adjacent streets. The length of driveways or "throat length" shall be designed to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. Entrance designs shall be subject to approval by the City Engineer.

E. **Commercial Developments that Exceed 10 Acres.** Drive entrances to centers that are 10 acres or larger shall generally provide a driveway length of 100 feet prior to the first parking stall.

F. **Alleys.** For Non-Residential access, parking spaces shall provide a backup area of 27 feet. For Residential Districts, refer to Section 15-2004, Accessory Buildings and Structures.

G. **Size of Parking Spaces and Maneuvering Aisles.** Parking spaces and maneuvering aisles shall meet the minimum dimensions as may be established by the Public Works Director.

H. **Parking Spaces Abutting a Wall or Fence.** Each parking space adjoining a wall, fence, column, or other obstruction higher than 0.5 feet shall be increased by two feet on each obstructed side, provided that the increase may be reduced by 0.25 feet for each one foot of unobstructed distance from the edge of a required aisle, measured parallel to the depth of the parking space.

I. **Minimum Dimensions for Residential Garages and Carports**. Garages and carports serving residential uses shall be constructed to meet the following minimum inside dimensions.

1. A single car garage or carport shall have a minimum inside dimension of 10 feet in width by 20 feet in length.
2. A two-car garage or carport shall have a minimum inside dimension of 20 feet in width by 20 feet in length.
3. A garage or carport containing three or more spaces shall have a minimum inside dimension of nine feet in width by 19 feet in length per space.
4. The vertical clearance for garage or carport parking spaces shall not be less than seven feet six inches.
5. Stairs may encroach in the parking area of a garage provided that the front end of the average automobile can fit under the stair projection. The bottom of the stairwell (including exterior finish) should be a minimum of five feet above the garage floor.
6. For the purpose of determining the existing number of garage spaces for an existing dwelling unit the following dimensions shall apply:
   a. An existing garage with minimum interior dimensions of 8.5 feet in width and 18 feet in length shall qualify as one existing enclosed parking space.
   b. An existing garage with minimum interior dimensions of 17 feet in width and 18 feet in length shall qualify as two existing enclosed parking spaces.
   c. If the minimum interior dimensions of an existing garage parking space exceed the minimum dimensions in this subsection, the existing enclosed space dimensions shall be maintained.

15-2419 Parking Lot Surface Standards

A. **Parking Lot Striping.** All parking stalls shall be clearly outlined with striping, and all aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe traffic movement.

B. **Wheel Stops.** Concrete bumper guards or wheel stops shall be provided for all unenclosed parking spaces on a site with four or more unenclosed parking spaces. A six-inch-high concrete curb surrounding a landscape area may be used as a wheel stop, provided that the overhang will not damage or interfere with plant growth or its irrigation. A concrete sidewalk may be used as a wheel stop if the overhang will not reduce the minimum required walkway width.

C. **Surfacing.** All parking areas shall be graded, paved, and improved and all sites shall be properly drained and subject to the approval of the City Engineer. No unpaved area shall be used for parking unless used as Temporary Parking per Section 15-2760.

1. ***Cross-Grades.*** Cross-grades shall be designed for slower stormwater flow and to direct stormwater toward landscaping, bio-retention areas, or other water collection/treatment areas.

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

3. ***Permeable Paving.*** Permeable paving may be used in all overflow parking areas and emergency access-only drives if approved by the Public Works Director.

4. ***Turf Grids / Grassy Pavers.*** Turf grids / grassy pavers may be installed in areas of low traffic or infrequent use, such as emergency vehicles lanes, if approved by the Fire Department and the Public Works Director.

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

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

15-2420 Parking Area Lighting

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

1. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.

2. Parking lot lighting shall, to the maximum extent feasible, be designed and installed so that light and glare is not directed onto residential use areas or adjacent public rights-of-way, consistent with Article 25, Performance Standards.

3. Carport lighting shall be integrated into carport structures, and there shall have no bare light bulbs.

15-2421 Parking Lot Landscaping

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

1. Industrial Districts: At least 30 percent.

2. All other Districts: At least 50 percent.

3. ***Exception:*** This requirement shall not apply to truck loading and parking areas within Employment Districts.

B. **Landscaping.** Landscaping of parking areas shall be provided and maintained according to the general standards of Article 23, Landscape, as well as the standards of this subsection.

C. **Perimeter Parking Lot Landscaping.** The following shall apply to Multi-Family, Mixed-Use, Office and Commercial developments.

1. ***Layout.*** Landscaped areas shall be well-distributed throughout the parking lot area. A minimum of 10 percent of any parking lot area shall be landscaped. For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any adjacent paved areas. Parking lot area does not include enclosed vehicle storage areas. Parking lot landscaping may be provided in any combination of:

   a. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;

   b. On-site landscaping at the parking lot perimeter.

2. ***Adjacent to Streets.*** Parking areas adjoining a public street shall be designed to provide a landscaped planting strip equivalent to the required setback for the subject zoning district.

   a. Landscaping shall be designed and maintained to screen cars from view from the street to a height of between 24 and 36 inches.

   b. Screening materials may include a combination of plant materials, earth berms, solid masonry walls, raised planters, or other screening devices that meet the intent of this requirement.

   c. Trees shall be provided at a rate of at least one for every 20 lineal feet of landscaped area. A lower ratio of tree planting may be approved by the Director when larger species of trees are used.

   d. Plant materials, signs, or structures within a traffic safety sight area of a driveway shall not exceed 36 inches in height.

3. ***Adjacent to Other Uses.*** Refer to the underlying Zone District and Section 15-2305-C, Lot Perimeters, landscape buffer requirements.

4. ***End of Row Islands.*** A landscaped island at least six feet in all interior dimensions and containing at least one 15-gallon-size tree shall be provided at each end of each interior row of parking stalls and dispersed throughout the parking lot to achieve 50 percent parking lot shading within 15 years.

5. ***Planters Required.*** Trees shall be in planters located throughout the parking area. Planters shall have a minimum interior dimension of five feet and be of sufficient size to accommodate tree growth. All ends of parking lanes shall have landscaped islands.

6. ***Landscaped Buffer.*** When four or more parking spaces are provided, a landscaped area at least five feet wide shall be provided between any surface parking area and any property line for the length of the parking area, unless a different dimension is specified in the base district standards applicable to a site or in Section 15-2305-C, Lot Perimeters, landscape buffer requirements.

7. ***Large Projects (100 Stalls or More).*** Large projects shall provide a concentration of landscape elements at main entrances, including specimen trees (e.g., 24 inch, 36 inch and 48 inch box), flowering plants, enhanced paving, and project identification.

15-2422 Parking Lot Trees

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

A. **Residential Districts.**

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

B. **Mixed-Use and Non-Residential Districts.**

1. ***Shading Required.*** Provide one tree for each two parking spaces, unless it can be demonstrated to the satisfaction of the Review Authority that less trees can be provided and 50 percent parking lot shading would still be met.

2. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism. If shade is provided by trees, the amount of required shading is to be reached within 15 years.

3. ***Distribution.*** Trees shall be distributed relatively evenly throughout the parking area.

4. ***Species.*** Required trees for parking lots shall be selected from a list maintained by the City.

5. ***Size.*** All trees shall be a minimum 15-gallon size with a one-inch diameter as measured 48 inches above natural grade.

C. **Protection of Vegetation.**

1. ***Clearance from Vehicles.*** All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two-foot clearance of low-growing plants where a vehicle overhang is permitted, or by wheel stops set a minimum of two feet from the back of the curb.

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

15-2423 Circulation and Safety

A. **Visibility and Clearance.** Landscaping in planters at the end of parking aisles shall be maintained as to not impair the sight line of drivers and pedestrian cross-traffic. Mature trees shall have a foliage clearance maintained at eight feet from the surface of the parking area. Other plant materials located in the interior of a parking lot shall not exceed 30 inches in height. See also Section 15-2018, Intersection Visibility.

B. Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing unreasonable distances or making other dangerous or hazardous turning movements, as determined by the Review Authority.

C. Separate vehicular and pedestrian circulation systems shall be provided where possible and where the following occurs:

1. Multi-unit residential developments of five or more units must provide pedestrian access that is separate and distinct from driveways.

2. Parking areas for commercial and mixed-use developments that provide 25 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:

a. *Connection to Public Sidewalk.* An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.

b. *Materials and Width.* Walkways shall provide at least five feet of unobstructed width and be hard-surfaced.

c. *Identification.* Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.

d. *Separation.* Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised or be of a different material, and separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

15-2424 Solar Panels on Carports

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

15-2425 Parking Garages

A. **Step-Back Provisions.** A parking garage that does not incorporate ground-floor non-residential or residential use or is not otherwise screened or concealed at street frontages on the ground level, must provide a landscaped area at least 15 feet wide between the parking garage and public street and shall set back an additional two feet for every story above two. If there is another building between the parking garage and the public street, this subsection shall not apply.

B. **Rooftop Planting.** Uncovered parking on the top level of a parking structure shall have rooftop planters with a minimum dimension of 24 inches around the perimeter of the top floor which is visible from a public street. Shrubs shall be visible.

15-2426 Alternative Parking Area Designs

Where an applicant can demonstrate to the satisfaction of the Director that variations in the dimensions otherwise required by this section are warranted in order to achieve to environmental design and green

building objectives, including, but not limited to, achieving certification under the LEED™ Green Building Rating System, an alternative parking area design may be approved.

15-2427 Parking In-Lieu Fee

If a parking assessment district is established, a fee may be paid to the City in-lieu of providing required parking within the district. The assessment district would determine fees, timing, fund appropriations, etc.

15-2428 Shopping Cart Collection Areas

When there are businesses that utilize shopping carts, including grocery and home improvement stores, shopping cart storage areas shall be provided throughout the parking lots. Stores that do not allow shopping carts to be taken out of the store are excepted. Shopping cart collection areas shall comply with the following:

A. Collection areas shall consist of a corral surrounded by a six inch concrete curb to prevent carts from straying into pedestrian and automobile paths;

B. Highly visible signage shall be provided to mark a collection area's location; and

C. Collection areas shall be distributed throughout the parking lot.

D. Additional outdoor collection areas shall be provided proximate to the store and shall be screened with a four foot wall.

15-2429 Bicycle Parking

A. **Short-Term Bicycle Parking.** Short-term bicycle parking shall be provided in order to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for two hours or less.

1. ***Requirement Thresholds.*** Short-term parking shall be provided when any of the following occur:

   a. New development;

   b. The demolition and reconstruction of a site;

   c. A new building on a developed site when the new building is more than 300 square feet. The 300 square feet shall be cumulative from the date of adoption of this Code;

   d. Building additions to existing buildings that expand the existing habitable floor area by at least 20 percent, or 2,500 square feet, whichever is less, not including Single Unit Dwellings or Duplexes. The addition and/or expansion shall be cumulative from the date of adoption of this Code;

   e. There is an addition of 10 vehicle parking stalls or more;

   f. A Discretionary Permit is required;

   g. There is a Change in Occupancy as defined by the Building Code; or,

h. If required per California Green Building Standards Code, as may be amended.

2. ***Number of Spaces Required.*** Refer to Table 15-2429-D.

3. ***Location.***

a. Short-term bicycle parking shall be located outside of the public right-of-way and walkways and as close to the primary entrance as vehicle parking, excepting Accessible Parking stalls, or within 35 feet of a main entrance to the building it serves, whichever is closer.

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

c. *New Shopping Centers/Multiple Tenants.* In centers with multiple tenants, bicycle parking shall be distributed throughout the center. Parking shall be conspicuously located and shall be visible from tenant spaces. While bicycle parking cannot always be within 35 feet of all tenants, it shall be located as to minimize the distance to tenant spaces to the greatest extent feasible. Satellite pads shall provide separate bicycle parking if necessary.

d. *Mixed-Use Districts or Buildings Built Proximate to the Front Property Line.* Bicycle parking may be located within the public right-of-way with approval from the Public Works Department, provided an unobstructed sidewalk width clearance of six feet is maintained for pedestrians.

4. ***Vehicle Parking Reduction.*** In an existing development a bicycle parking corral may replace existing vehicle parking stalls. Should a bicycle corral cause a reduction in the number of vehicle parking spaces to less than what is prescribed in this Code, an exemption (i.e., Variance or Deviation) for the reduced vehicle parking shall not be required. This reduction shall not exceed three vehicle parking stalls for centers less than 10 acres in area, and six for centers greater than 10 acres.

5. ***Anchoring and Security.***

a. For each parking space required, a stationary, securely anchored rack shall be provided. Racks shall be either an inverted "U", a bike hitch, a swerve rack, or per the City's qualified product list, maintained by DARM. Racks may serve multiple bicycle parking spaces.

6. ***Size and Accessibility.***

a. Each bicycle parking space shall be a minimum of 30 inches in width and eight feet in length and shall be accessible without moving another bicycle.

b. At least 30 inches of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces to allow for the maneuvering of bikes.

c. Overhead clearance shall be a minimum of seven feet.

d. *Multiple Rows.* A minimum five foot aisle between each row of bicycle parking shall be provided for bicycle maneuvering beside or between each row, when multiple rows are proposed.

B. **Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided in order to serve employees, students, residents, commuters, and others who generally stay at a site for longer than two hours.

1. ***Requirement Thresholds.*** Long-Term Bicycle Parking shall be provided when required by the California Green Building Standards Code, as may be amended.

2. ***Number of Spaces Required.*** Refer to Table 15-2429-D.

3. ***Location.***

   a. Long-term bicycle parking must be located on the same lot as the use it serves, unless an alternative agreement is approved to the satisfaction of the Director. The signed statement shall be in the form of a covenant prepared by the City, and shall be recorded with the County Recorder.

   b. In parking garages, long-term bicycle parking shall be proximate to the entrance of the garage.

4. ***Covered Stalls.*** Covered stalls shall be:

   a. Inside buildings, in a bike room or clearly designated area;

   b. Under roof overhangs or awnings;

   c. In bicycle lockers; or

   d. Within or under other structures.

5. ***Anchoring and Security.*** Long-term bicycle parking must be in:

   a. A permanently anchored rack or stand inside a building. Racks shall be either an inverted "U", a bike hitch, a swerve rack, or per the City's qualified product list. Racks may serve multiple bicycle parking spaces;

   b. An enclosed permanently anchored bicycle locker; or

   c. A fenced, covered, locked, or guarded bicycle storage area or room.

6. ***Size and Accessibility.***

   a. Each bicycle parking space shall be a minimum of 30 inches in width and six feet in length and shall be accessible without moving another bicycle.

   b. At least 30 inches of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.

7. ***Vehicle Parking Reduction.*** Should an applicant seek to install bicycle lockers for an existing development, they may reduce vehicle parking to less than the prescribed number in this Code in order to accommodate them. In such an instance, an exemption (i.e., Variance or Deviation) for the reduced vehicle parking shall not be required.

C. **Showers and Changing Rooms.** In the O District, showers and changing room(s) for employees that engage in active modes of transportation are required per the following standards.

1. ***Requirement Thresholds.*** New office development greater than 20,000 square feet. The 20,000 square foot minimum applies to single buildings.

2. ***Number of Showers Required.*** Refer to Table 15-2429-C-2.

TABLE 15-2429-C-2: EMPLOYEE SHOWERS REQUIRED FOR NEW CONSTRUCTION	
Land Use Classification	*Showers and Changing Rooms Required*
Office	Less than 20,000 sq. ft.: None More than 20,000 sq. ft.: 1

D. **Number of Spaces Required.**

The following table identifies the number of short-term and long-term bicycle parking stalls required per use.

TABLE 15-2429-D: REQUIRED ON-SITE BICYCLE PARKING SPACES		
Land Use Classification	*Short-Term Spaces*	*Long-Term Spaces*
Residential Use Classifications		
Multi-Family (more than 15 units)	None	1 per 15 units. Not required if units provide individual garages
Dormitory/student housing	None	1 per 4 residents. Not required if units provide individual garages
Public and Semi-Public Use Classifications		
Schools (e.g., public, private, charter)	Per the California Green Building Standards	Per the California Green Building Standards Code
Colleges and Trade Schools, Public or Private (excluding dormitories, see above)	1 per 10,000 sq. ft. of building area	1 per 20,000 square feet of building area
Community and Religious Assembly & Cultural Institutions	2 per 3,000 sq. ft. of assembly area Or Per the California Green Building Standards Code, whichever is greater	Per the California Green Building Standards Code
Stadiums	Per the California Green Building Standards Code	Per the California Green Building Standards
Parks and Open Space (excluding pocket parks)	Per project review	None

TABLE 15-2429-D: REQUIRED ON-SITE BICYCLE PARKING SPACES		
Land Use Classification	*Short-Term Spaces*	*Long-Term Spaces*
Commercial Use Classifications		
Retail Sales and Service	2, or 1 per 10,000 sq. ft. of net building area whichever is greater Or Per the California Green Building Standards, whichever is greater	Per the California Green Building Standards Code
Office	2, or 1 per 25,000 sq. ft. of net building area whichever is greater Or Per the California Green Building Standards Code, whichever is greater	Per the California Green Building Standards
Hotels/Motels	Per the California Green Building Standards Code	Per the California Green Building Standards Code
Parking Structures	None	1 space per 75 vehicle spaces
Employment Use Classifications		
Manufacturing and Production	Per the California Green Building Standards Code	Per the California Green Building Standards Code
Warehousing and Storage	Per the California Green Building Standards Code	Per the California Green Building Standards Code
Personal Storage	None	None

15-2430 On-Site Loading

A. **Applicability.** Loading spaces are required when a building is to be occupied by a manufacturing establishment, storage facility, warehouse facility, retail store, eating and drinking, wholesale store, market, hotel, hospital, mortuary, laundry, dry-cleaning establishment, or other use similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise per Table 15-2430-A when any of the following are met:

1. Every new building;
2. When a building is enlarged by 20 percent or more or 2,500 square feet, whichever is less. This standard shall be cumulative from the date of adoption of this Code;
3. There is a Change of Occupancy as defined by the Building Code;
4. ***Exemption.*** This section does not apply to Downtown Districts.

TABLE 15-2430-A: REQUIRED LOADING SPACES	
Square Footage	*Required Loading Spaces*
0 – 6,999	0
7,000 – 40,000	1
40,001 – 90,000	2
90,001 – 150,000	3
150,001 – 230,000	4
230,001 +	1 per each additional 100,000 square feet or portion thereof.

B. **Multi-Tenant Buildings.** The square footage of the entire building shall be used in determining spaces for multi-tenant buildings. A common loading area may be required, if each tenant space is not provided a loading area. Drive-in, roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.

C. **Reduction in Number of Loading Spaces Required.** The loading space requirement may be waived if the Director finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such loading space will not be needed.

D. **Additional Loading Spaces Required.** The required number of loading spaces may be increased to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement shall be based on the anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the on-site loading spaces are required.

E. **Location.**

1. All required loading berths shall be located on the same site as the use served.

2. No loading berth for vehicles over two-ton capacity shall be closer than 50 feet to any property in a Residential District unless completely enclosed by building walls, or a uniformly solid fence or wall, or any combination thereof, not less than 10 feet in height.

3. No permitted or required loading berth shall be located within 25 feet of the nearest point of any street intersection.

F. **Access.** When the lot upon which the loading spaces are located abuts any alley, such loading space shall adjoin or have access from said alley.

G. **Dimensions.** Loading spaces shall be not less than 12 feet in width, 40 feet in length, with a 14 foot vertical clearance.

H. **Lighting.** Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy efficient and in scale with the height and use of adjacent uses in compliance with Section 15-2508, Lighting and Glare.

I. **Driveways for Ingress and Egress and Maneuvering Areas.** Each on-site loading space required by this section shall be provided with driveways for ingress and egress and maneuvering space of the same type and meeting the same criteria required for on-site parking spaces. Truck-maneuvering areas shall not encroach into required parking areas, travelways, or street rights-of-way. This requirement may be modified if the Director finds that sufficient

space is provided so that truck-maneuvering areas will not interfere with traffic and pedestrian circulation.

J. **Loading Bays.** The following apply to commercial and office districts, or any non-residential district that abuts a residential district.

1. Loading bays and roll-up doors shall be painted to blend with the exterior structure walls and generally located on the rear of the structure.

2. Areas for loading and unloading shall be designed to avoid potential adverse noise, visual, air quality, and illumination impacts on neighboring residences. These areas shall be concealed from view of the public and adjoining land uses. Concealment and screening may be accomplished by use of any of the following, subject to the review and approval:

   a. Design the structures to enclose the loading and unloading service areas thereby providing for their concealment; or

   b. A perimeter eight foot high solid grout walls for depressed loading areas, 12 feet for at-grade loading areas, to be architecturally coordinated with the main structures and on-site landscaping. Additional heights may be required to mitigate noise.

3. Loading bays shall have signage requiring drivers to limit idling to five minutes or less.

4. When it is not possible or desirable to locate the loading/unloading facilities at the rear of the structures, the loading docks and loading doors shall be located on the side of the structures and shall be screened from the public street rights-of-way by a suitable combination of walls and landscaped berms.

Article 25 Performance Standards

Sections:

15-2501 Purpose
15-2502 Applicability
15-2503 General Standard
15-2504 Location of Measurement for Determining Compliance
15-2505 Maintenance
15-2506 Noise
15-2507 Vibration
15-2508 Lighting and Glare
15-2509 Shadow Casting
15-2510 Odors
15-2511 Heat and Humidity
15-2512 Air Contaminants
15-2513 Liquid or Solid Waste
15-2514 Fire and Explosive Hazards
15-2515 Electromagnetic Interference
15-2516 Radioactivity

15-2501 Purpose

The purpose of this article is to:

A. Establish permissible limits and allow objective measurement of nuisances, hazards, and objectionable conditions;

B. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions;

C. Protect industry from arbitrary exclusion from areas of the city; and

15-2502 Applicability

The minimum requirements in this article apply to land uses in all zoning districts, unless otherwise specified.

15-2503 General Standard

Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious conditions, chemical fires, explosive, blight, or other hazards that could adversely affect the surrounding area.

15-2504 Location of Measurement for Determining Compliance

Measurements necessary for determining compliance with the standards of this article shall be taken at the property line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

15-2505 Maintenance

Sites and facilities shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

A. **Fences, Hedges, and Walls.** Collectively referred to as fences, shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height. Fences shall be maintained and shall stand upright and shall not lean.

B. **Signs.** Every sign displayed within the city, including exempt signs, shall be maintained in good physical condition and shall comply with adopted regulations. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair, and painted where paint is required.

C. **Landscaping/Yards.** All planting and other landscape elements shall be permanently maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Yards shall be maintained free of refuse, debris, rubbish, or other accumulated matter and/or materials, and shall be maintained clean. Grass shall not exceed six inches in height.

D. **Trees.** Trees shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects, and disease. Any tree showing such damage shall be replaced with another tree.

E. **Parking Lots.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

15-2506 Noise

The provisions of this section apply to noise sources resulting from and relating to new development or the expansion of a use or activity. Should there be a conflict between this section and any rule or regulation set forth in an airport plan, the airport plan shall govern. Exceptions to this section are listed in Subsection G. Noise-Related Definitions are located in Section 15-6802. All projects are subject to FMC Chapter 10, Article 1, Noise Regulations.

A. **Acoustic Study.**

1. An acoustic study shall be required for any proposed project which could create or be subject to noise exposure in excess of the standards set by Tables 15-2506-B and 15-

2506-C. Noise attenuation measures determined from the results of the acoustic study shall be applied in order to meet said standards.

2. An acoustic study shall also be required when a project proposes to be located in an area where existing and/or future transportation-related noise exposure levels are identified as requiring study in Table 15-2506-C.

3. Any required acoustic study shall be paid for by the project applicant and shall be prepared by a qualified acoustical consultant as determined by, and managed under the supervision of, the Review Authority.

B. **Transportation Noise Standards.** The standards listed in Table 15-2506-B represent maximum allowable noise exposure from transportation-related (vehicles and trains) noise sources.

TABLE 15-2506-B: NOISE EXPOSURE FROM TRANSPORTATION NOISE SOURCES

Noise-Sensitive Land Use	*Maximum Exterior Noise Level*[1, 2] *(Ldn/CNEL, dB)*	*Maximum Interior Noise-Level (Leq, dB)*	
Residential	65[3]	45	-
Transient Lodging	65[3]	45	-
Medical Care Facility	65[3]	45	-
Religious Assembly Facility, Meeting Hall	65[3]	-	45
Theatre, Auditorium	-	-	35
Office Building	-	-	45
School, Library, Museum	-	-	45
Other Noise-Sensitive Uses	As determined by the Review Authority		

Notes:

1. Exterior noise areas

   Exclude: a) front and side yards and b) outdoor areas for projects along Bus Rapid Transit (BRT) corridors and/or within Activity Centers (where application of the standards will be detrimental to the realization of mixed-use, multi-modal oriented-objectives).

   Include: a) rear yards and courtyards and b) balconies or roof decks (not adjacent to BRT), if they are included in on-site open space calculations.

2. Where the location of exterior areas is unknown or not applicable, the exterior noise level standard shall be applied at the property line.

3. While 65db is the maximum level, projects should strive to reach 60db.

C. **Land Use Compatibility for New Development Proposed near Transportation Noise Sources.** Table15-2506-C establishes the range of acceptable and unacceptable transportation noise exposure levels in order to determine whether a project is allowed to be sited near a transportation noise source and if noise attenuation measures would be required.

1. **A: Satisfactory.** The project may be permitted without requiring noise attenuation.

2. **B: Analysis Required**. The project is required to provide an analysis that details noise reduction measures that shall be integrated into the project design in order to reduce noise exposure to a conforming level.

3. **C: Acoustic Study Required.** The project is required to perform an acoustic study (see Subsection A of this section) and incorporate the resulting noise attenuation measures to reduce noise exposure to a conforming level.

4. **D: Not Allowed.** The project shall not be permitted.

5. **E: Restricted.** Only the specified project types shall be permitted.

TABLE 15-2506-C: LAND USE COMPATIBILITY FOR NEW DEVELOPMENT PROPOSED NEAR TRANSPORTATION NOISE SOURCES

Noise-Sensitive Land Use	*Day/Night Average Sound Level (Ldn or CNL, dB)*	*Requirements and Limitations*
Residential; Transient Lodging; Medical Care Facility; Religious Assembly Facility, Meeting Hall; School, Library, Museum	Less than 65	A: Satisfactory
	65 to 70	B: Analysis and integration of noise reduction measures in project design
	70 to 75	C: Acoustic study and noise attenuation measures required
	Over 75	D: Not allowed
Theater, Auditorium, Concert Hall, Amphitheater	Less than 70	B: Analysis and integration of noise reduction measures in project design
	Over 70	D: Not allowed
Office Building	Less than 70	A: Satisfactory
	70 to 75	B: Analysis and integration of noise reduction measures in project design
	Over 75	C: Acoustic study and noise attenuation measures required
Industrial	Less than 75	A: Satisfactory
	Over 75	C: Acoustic study and noise attenuation measures required
Outdoor sports and recreation, parks	Less than 65	A: Satisfactory
	65 to 80	C: Acoustic study and noise attenuation measures required; avoid uses involving concentrations of people or animals
	Over 80	E: Limited to open space; avoid uses involving concentrations of people or animals

D. **Stationary Noise Standards**.

1. New or expanded development of noise-sensitive uses shall not be permitted if noise levels, due to existing stationary noise sources, would exceed the standards of Table 15-2506-D. Such projects shall be permitted with the incorporation of noise attenuation measures stipulated in an acoustic study per Subsection A to reduce the noise exposure to compliant levels.

2. New or expanded development of major noise-generating stationary uses shall not be permitted if noise levels impinging on existing adjacent noise-sensitive uses would exceed the standards of Table 15-2506-D. Such projects shall be permitted with the incorporation of noise attenuation measures stipulated in an acoustic study per Subsection A to reduce the noise exposure to compliant levels.

3. The Director shall determine uses that qualify as "noise-sensitive."

4. When ambient noise levels exceed or equal the levels in this table, mitigation shall only be required to limit noise to the ambient plus five dB.

TABLE 15-2506-D: NOISE EXPOSURE FROM STATIONARY NOISE SOURCES[1]		
	Daytime 7am-10pm	*Nighttime 10pm – 7am*
Hourly Equivalent Sound Level (Leq), dBA	50	45
Maximum Sound Level (Lmax), dBA	70	60
Notes: 1. As determined at outdoor activity areas. Where the location of outdoor activity areas is unknown or not applicable, the noise exposure standard shall be applied at the property line of the receiving land use.		

E. **Best Available Technology.** New noise sources shall use the best available control technology to minimize noise emissions.

F. **Noise Attenuation Measures.** Any project subjected to an acoustic study may be required, as a condition of approval, to incorporate noise attenuation measures deemed necessary to ensure that noise standards are not exceeded.

1. Noise attenuation measures identified in an acoustic study shall be incorporated into the project to reduce noise impacts to satisfactory levels.

2. Emphasis shall be placed upon site planning and project design measures.

3. Operation-related measures may be incorporated, such as regulating the hours of operation, deliveries, etc.

4. The use of noise barriers (i.e. walls) shall be considered only after all feasible design-related and operation-related noise measures have been incorporated into the project.

G. **Noise Barriers.** When noise attenuation measures require the construction of a noise barrier to reduce overall noise levels, it shall comply with the following standards:

1. The noise barrier shall be a masonry block or concrete wall. The Review Authority may approve new wall materials that become available in the future for use as an alternative to a masonry block or concrete wall based on its proven comparable properties for durability, sound, light, and glare attenuation.

2. Topography, berming, and other alternative methods of mitigating the nuisance of noise and light might be considered and required at time of project review.

3. The additional standards represented in Table 15-2506-G shall apply for noise barriers that are used to mitigate noise from vehicles and trains.

TABLE 15-2506-G: NOISE BARRIER MINIMUM STANDARDS		
Overall Height of Wall	*Earth Berm*	*Setback from Major Streets and railroad tracks (all streets require a min. 10 ft. setback. This standard shall be added to the min.[1])*
Less than 9 ft.	No requirement	No additional setback
9 ft. or taller (max. of 15 ft.)	6 inches for every ft. of wall height above 9 ft.	Additional ft. for every ft. that exceeds 10 ft.
1. A greater setback shall be provided if required by an Overlay District or a trail.		

H. **Exemptions.** The following are exempted from conformance to the noise standards of this section.

1. ***Noise-Sensitive Sites Adjacent to Elevated Noise-Generating Land Uses.*** In instances where noise-generating land uses are elevated 12 feet or more (i.e., elevated State Routes) from the natural grade of a noise-sensitive site, and the Review Authority determines that a masonry wall would not mitigate outdoor noise to acceptable levels, a wall may be waived, however the interior of the noise-sensitive use shall not exceed the indoor space standards in Table 15-2506-B.

2. ***Emergencies.*** The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

3. ***Warning Devices.*** Warning devices necessary for the protection of the public safety, such as police, fire, and ambulance sirens.

4. ***Special Events.*** Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events, provided that such events are conducted pursuant to a permit or license issued by the City.

5. ***Municipal Solid Waste Collection.*** Collection of solid waste, vegetative waste, and recyclable materials by the City or under contract with the City.

6. ***Public Works Construction Projects, Maintenance, and Repair.*** Street, utility, and similar construction projects undertaken by or under contract to the City, or the State of California or a public utility regulated by the California Public Utilities Commission, as well as maintenance and repair operations conducted by such parties, including street sweeping, debris and litter removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, and sidewalks.

7. ***Schools.*** School bells and school-sanctioned outdoor activities such as pep rallies, sports games, and band practice.

8. ***Religious Assembly Facilities and Other Similar Organizations.*** Unamplified bells, chimes, or other similar devices used by religious assembly facilities and other houses of religious worship, as such devices are played between the time period of 7 a.m. and 10 p.m. and the playing period does not exceed five minutes in any one hour.

9. ***Agricultural.*** Noise resulting from Crop Cultivation.

10. ***Public Utility Facilities.*** Facilities including, but not limited to, 60-cycle electric power transformers and related equipment, sewer lift stations, municipal wells, and pumping.

15-2507 Vibration

No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

15-2508 Lighting and Glare

Activities, processes, and uses shall be operated in compliance with the following provisions:

A. **Mechanical or Chemical Processes.** Light or glare from mechanical or chemical processes, high-temperatures processes such as combustion or welding, or from reflective materials on buildings or used or stored on a site, shall be shielded or modified to prevent emission of adverse light or glare onto other properties.

B. **Lighting.** Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street. Except for public street lights and stadium lights, no light, combination of lights, or activity shall cast light onto a residentially zoned property, or any property containing residential uses, exceeding one-half foot-candle.

C. **Glare.**

1. No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located.
2. Windows shall not cause glare that may disrupt adjoining properties, traffic on adjacent streets, etc.
3. Glare or heat reflected from building materials shall be mitigated so as to not disrupt surrounding properties.

15-2509 Shadow Casting

A. When a structure will exceed 50 feet in height, the developer must submit an analysis of the shadows that the structure will cast on planned or existing residential property.

1. The shadow analysis should demonstrate the maximum extent of the shadows cast by a building through at least the four quarters of the year, between one hour after sunrise and one hour before sunset.
2. If the analysis indicates that the project shadow does not reach or significantly impact any residential properties, no further review of the project shadow will be required. However, if there is indication that the shadow would significantly impact residential properties, alternative designs or other mitigation measures shall be presented.

15-2510 Odors

No use, process, or activity shall produce objectionable odors that are perceptible without instruments by a reasonable person at the lot lines of a site. Odors from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, vehicle emissions, trucks, etc.) are exempt from this standard.

15-2511 Heat and Humidity

Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a person of reasonable sensitivity or interfere with ability to perform work tasks or conduct other customary activities. In no case shall heat emitted by a use cause a temperature to noticeably increase on another property.

15-2512 Air Contaminants

Uses, activities, and processes shall not operate in a manner that emit dust, fumes, smoke, or particulate matter adverse to the public health, safety, or general welfare of the community or detrimental to surrounding properties or improvements.

A. **Compliance.** Sources of air pollution shall comply with rules identified by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the San Joaquin Valley Air Pollution Control District (SJVAPCD).

B. **SJVAPCD Permits.** Applicants shall be responsible for obtaining permits from the SJVAPCD.

15-2513 Liquid or Solid Waste

A. **Discharges to Water or Sewers.** Liquids and solids of any kind shall not be discharged, whether directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code, Title 23, Chapter 3 and California Water Code, Division) and as may be permitted by the City.

B. **Solid Wastes.** Solid wastes shall be handled and stored so as to prevent nuisances, health, safety, and fire hazards; and to facilitate recycling. Any solid wastes that would be conducive to the breeding of rodents and/or insects may only be stored outside in closed containers.

15-2514 Fire and Explosive Hazards

A. All activities, processes and uses involving the use of, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion in accordance with the Fire Code. Fire-fighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning, and those instances wherein the Fire Department deems it a practical necessity.

B. The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Code, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground.

C. The use, handling, transportation, and storage of hazardous and extremely hazardous materials shall comply with the laws and regulations of Occupational Safety and Health Administration (OSHA), United States Department of Transportation (US DOT) and Environmental Protection Agency (EPA). Also add a requirement for compliance with all applicable federal and State laws, including, but not limited to, the Hazardous Materials Transportation Act of 1975, as may be amended.

15-2515 Electromagnetic Interference

No use, activity, or process shall cause electromagnetic interference with normal radio and television reception in any Residential District, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities, and processes shall comply with applicable Federal Communications Commission regulations. This restriction shall not apply to activities related to amateur radio within the meaning of Title 47 of the Code of Federal Regulations, Part 97, *et. seq*.

15-2516 Radioactivity

No radiation of any kind shall be emitted that is dangerous to humans or other animals. This restriction shall not apply to radiation emitted in the course and scope of medical uses subject to the requirements of the Health and Safety Code (Sections 114840 through 114896).

Article 26 Signs

Sections:

15-2601 Purpose
15-2602 Applicability
15-2603 Permits Required
15-2604 Exempt Signs
15-2605 Prohibited Signs
15-2606 Rules for Sign Measurement
15-2607 General Standards
15-2608 Permitted Sign Types by District
15-2609 Signage Allowances for Specific Uses
15-2610 Standards for Specific Sign Types
15-2611 Other Signs
15-2612 Master Sign Program (MSP)
15-2613 Historic Signs
15-2614 Electronic Copy
15-2615 Non-Conforming Signs
15-2616 Maintenance of Signs
15-2617 Removal of Signs

15-2601 Purpose

The purpose of this article is to regulate signs as an information system that expresses the character and environment of Fresno and implements the General Plan, consistent with State and federal law. These regulations recognize the importance of business activity to the economic vitality of the city as well as the need to protect the visual environment. Specifically, these regulations are intended to:

A. Provide adequate opportunity for the exercise of the free speech rights, while balancing that opportunity with other community and public interests;

B. Provide minimum standards to safeguard life, health, property, public welfare, and traffic safety by controlling the design, quality of materials, construction, illumination, size, location, and maintenance of signs and sign structures;

C. Preserve and enhance the visual attractiveness of the city, for residents, businesses, and visitors;

D. Protect and enhance property values and community appearance by encouraging signs that are compatible with the architectural style, character, and scale of the building to which they relate and with adjacent buildings and businesses;

E. Restrict signs that may create visual clutter or a nuisance to nearby properties, violate privacy, or create hazards or unreasonable distractions for pedestrians and drivers;

F. Ensure that commercial signs are accessory or auxiliary to a principal business or establishment on or near the same premises, rather than functioning as general advertising for hire; and

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

15-2602 Applicability

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

15-2603 Permits Required

Permits shall be required as follows, unless otherwise stated.

A. **Building Permit Required**. No person shall erect, alter, repair, or relocate any sign without first obtaining any required building permit for such work from the Building Official. No permit shall be issued until the Building Department determines that such work is in accordance with the building or electrical codes of the City. Except as otherwise provided, permits required by this article will be issued pursuant to the same terms and according to the same fee schedule as all other building permits.

B. **Zone Clearance Required**. Subject to Article 51, Zone Clearance, the Planning Division will review applications for building permits for signs and determine if the proposed signs are consistent with the requirements contained in this article.

C. **Encroachment Permit.** Signs that project over a public street or sidewalk shall be subject to an Encroachment Permit approval by the Public Works Department pursuant to the provisions of Chapter 13 of the Municipal Code.

D. **Master Sign Program**. A Master Sign Program is required for signage proposals as specified in Section 15-2612, Master Sign Program (MSP).

15-2604 Exempt Signs

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

A. **Address Signs and Name Plates.** Each residence and establishment may post one address sign and one name plate, with display faces per Article 62, Street Names & Addressing.

B. **Barber Poles.** Barber poles less than 18 inches in height.

C. **City Property / Bus Stop Signs.** Signs placed by the City on property or public right-of-way held by the City, subject to any applicable environmental review pursuant to CEQA.

D. **Equipment Signs.** Signs incorporated into permitted displays, machinery, or equipment by a manufacturer, distributor, or vendor and identifying or advertising only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs) and gasoline pumps.

E. **Holiday Decorations**.

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

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

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

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

1. ***Limitations on Placement***. Operational window signs shall not be mounted or placed on windows higher than the second story.

2. ***Maximum Area.*** The maximum area of exempt window signage shall not exceed three square feet in area.

15-2605 Prohibited Signs

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

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

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

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

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

E. **Snipe Signs.** All off-site signs, tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, trailers, temporary construction barriers, or other supporting structures.

F. **Signs in the Public Rights-of-Way.** Unless otherwise noted, no sign shall be affixed within median strips or islands, on sidewalks, trees, retaining walls, bridges, benches, traffic signals, public fences, poles or utility equipment, street lighting, utility poles, traffic signs, or traffic sign posts, supporting structures, anchor wires, or guy wires. This provision, however, does not prohibit subdivision monument signs, which shall be permitted at the discretion of the City Engineer.

G. **Signs That Produce Noise or Emissions.** Signs that produce noise or sounds that can be heard at the property line, excluding voice units at menu boards, and signs that emit visible smoke, vapor, particles, or odors.

H. **Signs Creating a Traffic Hazard or Affecting Pedestrian Safety.** Signs placed or located in such a manner as to constitute a safety hazard or to impede the public use of the public right-of-way.

1. ***Exits and Entrances***. No sign shall be placed, mounted, erected, or installed in any manner that obstructs the use of any door, window, or fire escape.

2. ***Sidewalks***. No sign shall be mounted or displayed in such a manner that it blocks or impedes the normal pedestrian use of public sidewalks.

3. ***Intersections***. No sign shall be erected or maintained at or near any street intersection that will obstruct the free and clear vision of drivers and pedestrians. Other than traffic control signals, no sign shall be installed in the visibility triangle at intersections pursuant to Section 15-2018, Intersection Visibility.

15-2606 Rules for Sign Measurement

A. **Calculation of Sign Area.** The area of an individual sign shall be calculated as follows.

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

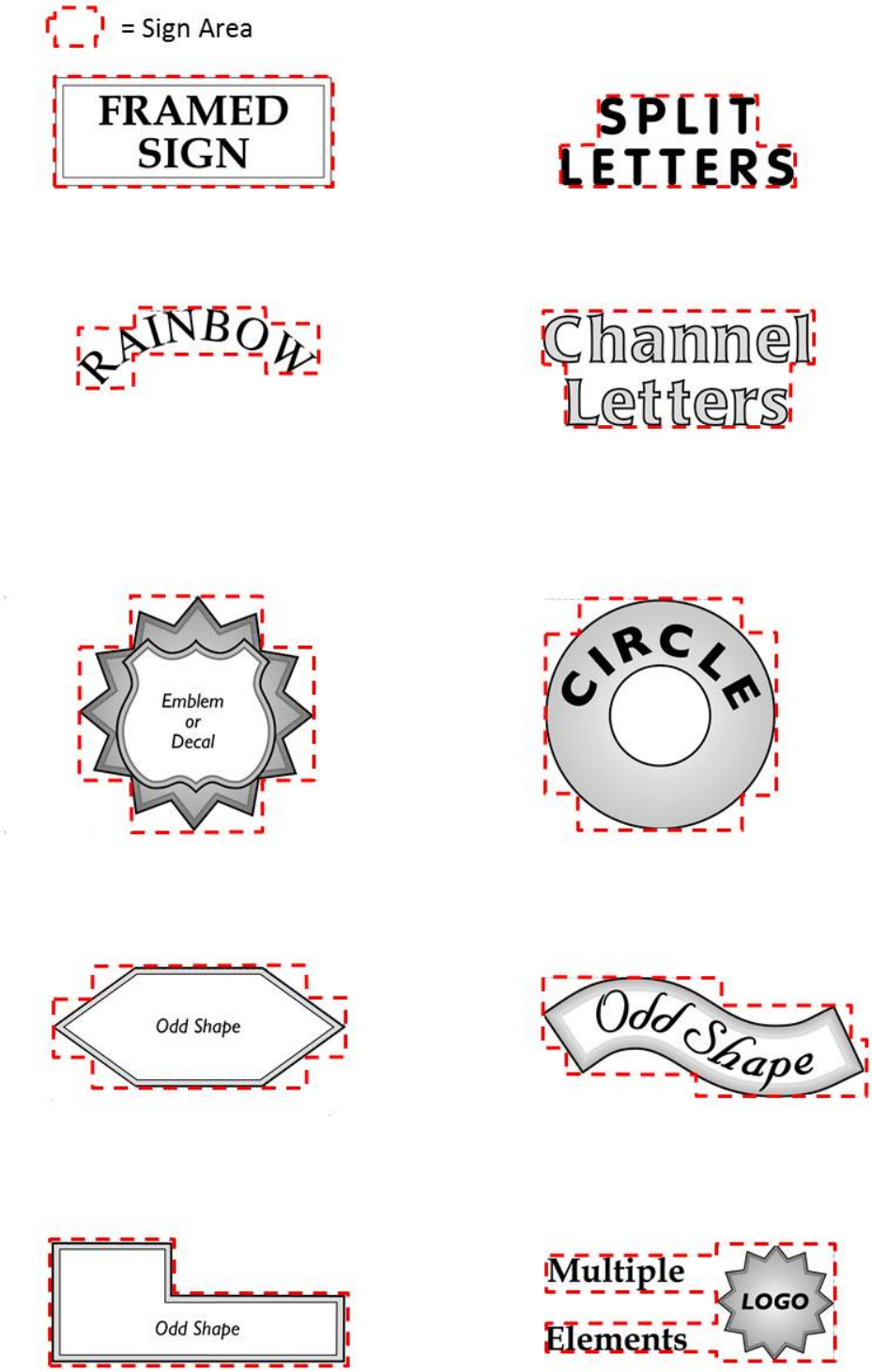

FIGURE 15-2606-A.1: MEASURING SIGN AREA

2. ***Double-Faced Signs***. Where two faces of a double-faced sign are parallel, or less than an interior angle of 45 degrees or less from one another, the sign area shall be computed as the area of one face. Where the two faces are not equal in size, the larger sign face shall be used. Where two faces of a double-faced sign are located more than 45 degrees from one another, both sign faces shall be counted toward sign area.

3. ***Multi-Faced Signs***. On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) shall be summed to determine sign area. In all other situations involving a sign with three or more sides, sign area shall be calculated as the sum of all faces.

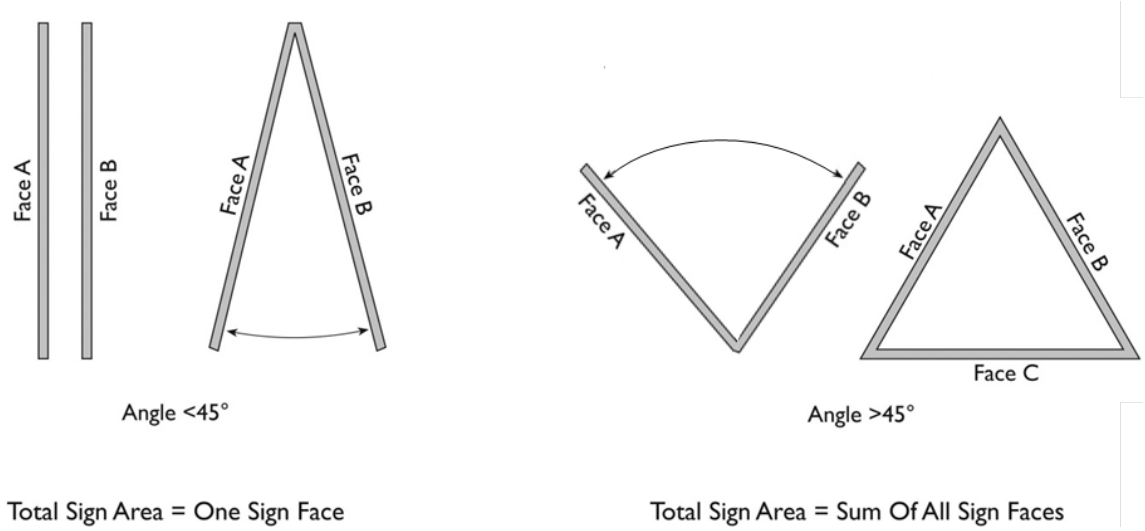

FIGURE 15-2606-A.3: DOUBLE AND MULTI-FACED SIGNS

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

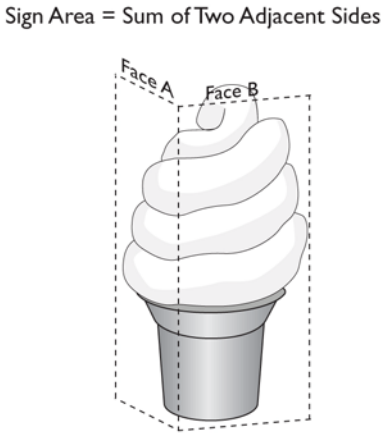

FIGURE 15-2606-A.4: THREE DIMENSIONAL SIGNS

B. **Measuring Sign Height**. The height of a sign is the vertical distance measured from the ground level directly beneath the sign to the highest point at the top of the sign

C. **Measuring Sign Clearance.** Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

D. **Building Frontage.** Building frontage is the building facade that directly abuts a public street, private street, parking lot driveway, or parking spaces. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each building frontage.

15-2607 General Standards

A. **Identification Decal.** Every sign for which a permit is issued shall be plainly marked with the corresponding permit number issued for the sign. Tags may be displayed on signs or at the base of a structure in a visible location. Tags for freestanding or monument signs must be located on the structure between one and three feet above grade.

B. **Visibility Triangles.** No sign, permanent or temporary, flag, flagpole, etc. may be erected within the visibility triangle per Section 15-2018, Intersection Visibility.

C. **Residential and Non-Residential Interface.** Signs and flags on commercial and industrial zoned property shall be set back a minimum distance of 45 feet from a residential district.

D. **Materials and Mounting Required.**

1. ***Materials.*** Signs shall be made of sturdy, durable materials. Paper, cardboard, and other materials subject to rapid deterioration may only be used for temporary signs.

2. ***Mounting Required.*** All permanent signs shall be firmly anchored, shall comply with all requirements for public safety, and shall satisfy all applicable safety codes and all other applicable governmental enactments, rules, regulations, or policies.

E. **Message Substitution.** A non-commercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, and any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message.

1. ***No Additional Approval.*** Such substitution of message may be made without any additional approval, permitting, registration or notice to the City.

2. ***Limitations.*** This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot, or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.

F. **Changeable Copy.** Non-electronic changeable copy shall cover no more than 20 percent of the total sign area, except for the following uses which are allowed up to 75 percent of the maximum sign area to be changeable copy: all public and semi-public uses, indoor theaters, and fuel price signs. Copy shall not be changed more than once every 24 hours.

G. **Illumination.** The illumination of signs shall be designed, installed, and maintained to avoid negative impacts on surrounding right-of-ways and properties. The following standards shall apply to all illuminated signs:

1. ***Shielding Required.*** To the extent feasible, and at the discretion of the Review Authority, light sources shall be concealed or shielded to prevent or minimize light spillage, glare, momentary blindness, or other annoyance, disability, or discomfort to persons within the view of such light sources.

2. ***Colored Lights.*** Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.

3. ***Light Sources Adjacent to Residential Areas.*** Illuminated signs located adjacent to any residential area shall be controlled by a rheostat or other acceptable method to reduce glare that will create a nuisance for residential buildings in a direct line of sight to the sign.

H. **Concealed Electrical Systems.** External conduits, boxes, and other connections related to the function of a sign and associated lighting shall not be exposed. A switch disconnecting each circuit shall be placed in plain sight and near the inspection opening.

15-2608 Permitted Sign Types by District

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

TABLE 15-2608: PERMITTED SIGN TYPES BY ZONING DISTRICT						
Zoning District (Frontage)	*Permitted Sign Types*					
	Awning	*Monument*	*Pole*	*Projecting*	*Wall*	*Window*
Buffer, Residential, and Public and Semi-Public Districts						
All Districts	See Section 15-2609, Signage Allowances for Specific Uses					
Downtown Districts						
(Reserved)						
Mixed-Use Districts						
NMX	Permitted	-	-	Permitted	Permitted	Permitted
CMX	Permitted	Permitted	-	Permitted	Permitted	Permitted
RMX	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Commercial Districts						
CMS	Permitted	-	-	Permitted	Permitted	Permitted
CC	Permitted	Permitted	-	Permitted	Permitted	Permitted
CR	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
CG	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
CH	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
CRC	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Employment Districts						
O	Permitted	Permitted	-	Permitted	Permitted	Permitted
BP	Permitted	Permitted	-	Permitted	Permitted	Permitted
RBP	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
IL	Permitted	Permitted	-	Permitted	Permitted	Permitted
IH	Permitted	Permitted	-	Permitted	Permitted	Permitted

15-2609 Signage Allowances for Specific Uses

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

A. **Agricultural Operations.** Signs for agricultural operations conducted on parcels 20 acres or more in size may be erected subject to the following standards:

1. ***Maximum Number of Signs.*** One sign per street frontage.
2. ***Location.*** Shall be setback back a minimum of five feet from the public right-of-way.
3. ***Maximum Sign Area per Sign.*** 100 square feet in area.
4. ***Maximum Sign Height.*** 20 feet.

B. **Public and Semi-Public Uses.** Signs for Public and Semi-Public Uses located in Residential Districts may be erected subject to the following standards:

1. ***Maximum Number of Signs.*** One freestanding sign per street frontage plus one wall sign.

2. ***Maximum Sign Area per Signs***. Freestanding signs shall not be more than 32 square feet in area. Wall signs shall not be more than 10 square feet in area.

3. ***Height Limit, Freestanding Signs***. Five feet when located within a required front or street-side setback, eight feet otherwise.

4. ***Illumination.*** Signs may be internally illuminated.

C. **Residential Subdivisions.** Permanent entrance signs for residential areas with more than 10 residential parcels shall be permitted for the purpose of identifying a development subject to the following standards:

1. ***Maximum Number of Signs.*** Two signs per entrance from a public street plus one sign per street frontage with no entrance from a public street.

2. ***Maximum Sign Area per Sign.*** 32 square feet. In the case of a ~~master planned development with a~~ CUP, this area can be increased at the discretion of the Review Authority.

3. ***Height Limit.*** Eight feet when located within a required front or street side setback, 10 feet otherwise. In the case of a subdivision with a CUP, this height can be increased at the discretion of the Review Authority."

4. ***Illumination.*** Signs shall not be internally illuminated.

D. **Menu Display Boards.**

1. Menu displays, not exceeding two square feet in area mounted on a wall or in a window near the main entrance of establishments serving food to customers who eat on the premises. For free standing menu display boards, refer to Section 15-2728, Drive-In and Drive-Through Facilities.

E. **Service Stations.**

1. Signs on service station canopies are not to exceed 50 square feet on each side.

2. Freestanding or monument signs may provide electronic fuel prices. A freestanding and/or monument sign that is to be converted to an electronic fuel price sign shall comply with the size requirements and setbacks required by the Development Code.

3. Fuel prices shall be static and shall not be blinking, flashing, continuously changing colors, etc.

4. Prices shall not change more than once in a 24 hour period.

5. Only one electronic fuel price sign is permitted per site.

6. Electronic numbers shall not exceed 24 inches in height.

F. **Theaters.**

1. Developments containing theaters are allowed one additional pole or monument sign with changeable copy. The maximum height is 20 feet and the maximum size is 80 square feet.

2. Theatres may provide additional walls signs. Said signs shall not exceed 200 square feet. Show times may be displayed electronically.

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

15-2610 Standards for Specific Sign Types

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

A. **Awning Signs.** Signs painted on awnings, canopies, arcades, or similar features or structures are subject to the following standards:

1. ***Location.*** Awnings shall be located on the ground floor of buildings.

2. ***Maximum Sign Area Per Sign.*** 10 square feet or 25 percent of the surface area of the awning, whichever is less.

3. ***Minimum Sign Clearance.*** Eight feet.

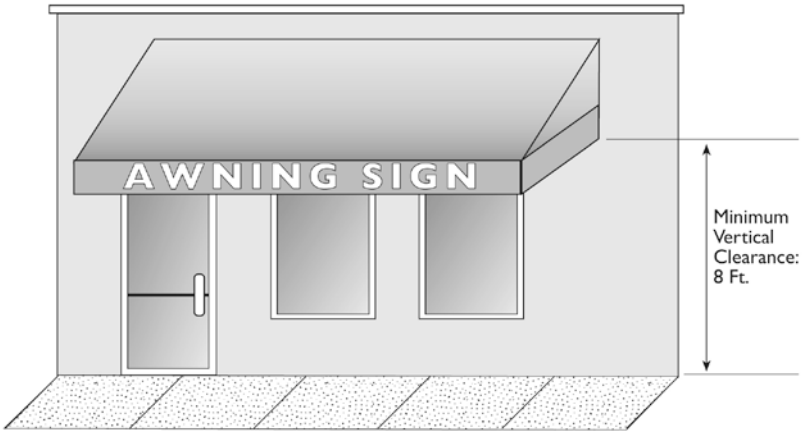

FIGURE 15-2610-A: AWNING SIGN

B. **Pole Signs.** Pole signs are subject to the following standards:

1. ***Maximum Number.*** One per 600 feet of street frontage.

2. ***Maximum Sign Area per Sign.*** The sign area shall not exceed 80 square feet. In cases in which a pole sign of more than 20 feet in height is permitted per the table in

subsection B-4 below, the maximum sign area shall be determined at the discretion of the Review Authority.

3. ***Minimum Separation.*** Pole signs shall have a minimum separation of 75 feet from any other pole sign.

4. ***Required Setback.*** Signs shall be setback back a minimum of ten feet from the property line. No pole sign is permitted within 660 feet of the nearest edge of any travel lane of Freeway 41, Freeway 180, Freeway 168, or any future freeway which may be opened to public travel, if any said sign is visible from any part of such travel lane.

5. ***Maximum Height.*** Maximum height of pole signs shall be based on the gross floor area of the habitable, enclosed, non-residential structures on the subject parcel and the classification of the adjacent or nearest street as follows:

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

6. ***Minimum Sign Clearance.*** Eight feet.

7. ***Landscaping Required.*** All pole signs shall require landscaping at the base equivalent to two times the area of the sign copy.

8. ***Lighting.*** Lighting systems shall not exceed 100 foot Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal foot candles. When adjacent to streets with a greater average light intensity, systems shall not exceed 500 FT-L.

C. **Monument Signs.** Monument signs are subject to the following standards:

1. ***Maximum Number.*** One per 600 feet of street frontage.

2. ***Maximum Sign Area per Sign.***

   a. RMX, CR, CG, CH, and RBP districts: 60 square feet.

   b. Other permitted districts: 32 square feet.

3. ***Minimum Separation.*** Monument signs shall have a minimum separation of 50 feet from any other monument sign.

4. ***Required Setback.***

   a. Five feet from the property line.

b. No monument sign is permitted within 660 feet of the nearest edge of any travel lane of Freeway 41 or any future freeway which may be opened to public travel, if any said sign is visible from any part of such travel lane.

5. ***Height Limit.*** Eight feet .

6. ***Lighting.*** Lighting systems shall not exceed 100 foot Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal foot candles. When adjacent to streets with a greater average light intensity, systems shall not exceed 500 FT-L.

D. **Projecting Signs.** Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from buildings are allowed, subject to the following additional standards:

1. ***Maximum Number.*** One per building or tenant space.

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

a. *Projecting Signs.* 12 square feet.

b. *Under Canopy or Awning Signs.* Eight square feet.

3. ***Height Limit.*** 12 feet.

4. ***Minimum Sign Clearance.*** Eight feet.

5. ***Projection Allowed.*** A projecting sign cannot extend more than four feet from the building to which it is attached and shall be designed and located so as to cause no harm to street trees.

6. ***Illumination.*** No internal illumination is permitted.

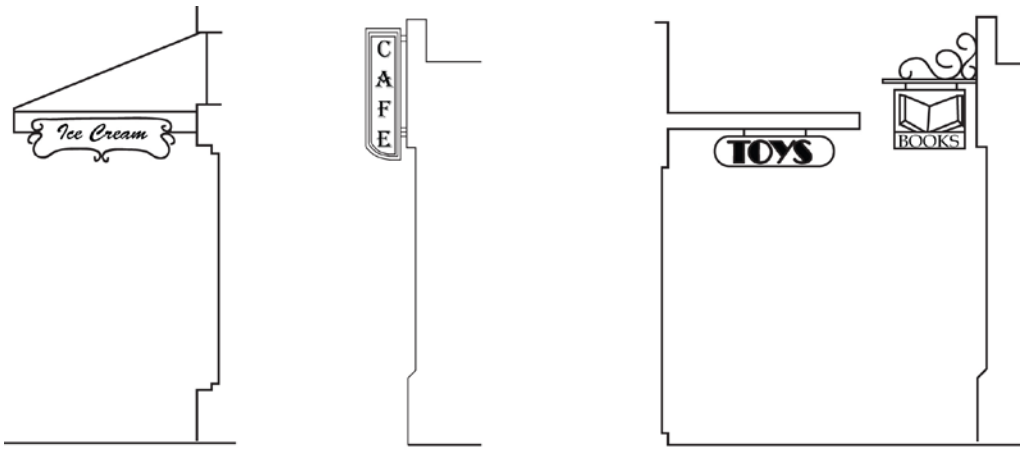

FIGURE 15-2610-D: PROJECTING SIGNS

E. **Wall Signs.** Wall signs are subject to the following standards:

1. ***Maximum Number.*** One per building frontage or tenant space plus one building identification sign per building frontage located on the uppermost story of a building with four or more stories.

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

3. ***Height Limit.***

   a. *Buildings Which Include Residential Uses:* 20 feet or the height of the wall of the building to which the sign is attached, whichever is lower. Building identification signs located on the uppermost story of a building shall be no higher than the wall of the building to which the sign is attached.

   b. *Buildings Which Do Not Include Residential Uses:* The height of the wall of the building to which the sign is attached

4. ***Projection Allowed.*** Wall signs shall not extend more than 12 inches beyond the face of the wall to which they are attached.

5. ***Placement.*** No wall sign may cover, wholly or partially, any wall opening. Wall signs shall not occupy more than 80% of any architectural element that they occupy (frieze, pilaster, etc.).

6. ***Orientation.*** Unless a different orientation is specifically authorized, each wall-mounted sign shall be placed flat against the wall of the building.

FIGURE 15-2610-E: WALL SIGN

F. **Window Signs.** Window signs are subject to the following standards:

1. ***Maximum Number.*** One per window.

2. ***Location.*** Ground floor window area.

3. ***Window Transparency.*** A minimum 75 percent of the window shall be transparent and free of signage features. Signage inside the building is not allowed within three feet of the window.

G. **Roof Signs.** Roof signs are subject to the following standards:

1. ***Maximum Number.*** One per building.

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

   a. *Buildings Less than Five Stories in Height.* 300 square feet.

   b. *Buildings Five Stories in Height or Taller.* 500 square feet.

3. ***Maximum Height.***

   a. *Buildings Less than Five Stories in Height.* 10 feet.

   b. *Buildings Five Stories in Height or Taller.* 20 feet.

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

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

15-2611 Other Signs

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

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

2. ***Locations.***

   a. Sidewalk signs shall be located away from important paths of pedestrian travel. A five foot wide travel path shall be maintained for through pedestrian traffic, for travel from crosswalks to the primary path of through pedestrian traffic, and for travel into and out of the establishment.

   b. Sidewalk signs shall not be located less than 18 inches from a curb.

   c. Sidewalk signs shall not be located in front of another commercial establishment.

   d. Sidewalk signs shall not be located more than 50 feet from the establishment for which it is advertising.

3. ***Design***:

   a. Sidewalk signs shall have no more than two sides.

   b. The height of sidewalk signs shall be no less than 18 inches and no more than 36 inches.

   c. The width of sidewalk signs shall be no less than 18 inches and no more than 24 inches.

   d. Sidewalk signs shall not be illuminated except by ambient sources.

B. **Banners, Streamers, Moving Signs, and Inflatables.** Banners, streamers, moving signs, and inflatables (including air dancers, balloons, and similar objects) are allowed subject to

Temporary Use Permit approval for establishments within Non-Residential Districts, subject to the following standards. Signs of this type do not count towards total maximum sign area.

1. ***Maximum Number***. A maximum of one type of sign is allowed per Major Street frontage.

2. ***Maximum Height***. If a banner is on a freestanding pole, the pole height shall not exceed 20 feet; all other signs shall not be located above the roofline.

3. ***Maximum Size.*** The maximum total sign area is 60 square feet.

4. ***Minimum Separation***. Air-inflated signs shall have a minimum separation of one-half mile from other air-inflated signs on abutting parcels or adjacent to a Buffer or Residential Zoning District. Air inflated signs shall not exceed 20 feet in height.

5. ***Duration***. No sign per this section shall be displayed for more than 30 days, and a period of 30 days must lapse before displaying another sign. Signs shall not be displayed for more than 60 total days during a calendar year.

6. ***Removal***. Signs shall be removed within 24 hours of completion of the event.

C. **Temporary Subdivision Signs.**

1. ***On-Site***. Temporary real estate signs advertising real property which has been subdivided for purposes of sale or lease shall be permitted, subject to the following conditions:

   a. *Maximum Number*. Four per site.

   b. *Maximum Total Sign Area*. 320 square feet plus 20 square feet for every 20 acres over 60 acres of site area.

   c. *Maximum Sign Area per Sign*. 80 square feet for sites 20 acres or less in size. 160 square feet for sites more than 20 acres in size.

   d. *Height Limit*. 16 feet.

   e. *Duration*. The sign shall remain only as long as some portion of the property advertised for sale remains unsold, or for a period of two years, whichever period is shorter. The two year period shall begin on a date determined by the Director. The Director may extend this period, but not it shall not exceed one year.

2. ***Off-Site.*** Temporary real estate signs directing prospective purchasers to a subdivision having lots or houses for sale may be erected and maintained on private property, with the owner's permission, provided said signs do not adversely affect the use or appearance of existing buildings or landscaping and do not create hazardous traffic conditions.

   a. *Maximum Number*. Four per subdivision.

   b. *Maximum Sign Area Per Sign*. 32 square feet.

   c. *Required Setback*. Five feet from the property line.

   d. *Location*. Within one mile of the exterior boundary of the subdivision.

e. *Height Limit.* 12 feet.

f. *Duration.* The sign shall remain only as long as some portion of the property advertised for sale remains unsold, or for a period of two years, whichever period is shorter. The two year period shall begin on a date determined by the Director. The Director may provide a one-time extension, but the extended period shall not exceed one year.

3. ***Subdivision Flags.*** Any residential subdivision with lots for sale may display decorative flags pursuant to the following conditions:

a. *Number and Spacing.*

i. One flag every 60 linear feet of subdivision property along a major street (freeway, expressway, arterial, collector).

ii. One flag every 30 linear feet of subdivision property within 660 feet of the main subdivision entrance.

iii. One flag every 20 linear feet of the main entryway into the subdivision.

iv. Two flags for each model home lot. These model home flags are allowed in addition to the number of flags determined by the above linear footage measurements.

b. *Height Limit.* The maximum height of a flag pole shall be 20 feet.

c. *Maximum Sign Area per Sign.* The maximum area of a flag shall be 24 square feet. No single dimension shall exceed eight feet.

d. *Duration.* All pole structures and flags must be removed no later than five days after sales activity in the subdivision ceases.

e. *Building Permit Required.* Residential subdivision flagpoles shall not be installed without issuance of a building permit, and must conform to the above listed regulations.

f. *Standard Subdivisions.* The number, location, height, and size of flags for a standard subdivision shall be determined through Development Permit approval.

g. *Planned Unit Developments.* The number, location, height, and size of flags for a subdivision created as a Planned Unit Development (PUD) shall be determined through the processing of a Conditional Use Permit for the PUD.

D. **Real Estate Signs.** Real estate signs are subject to the regulations below. A permit is not required. Real estate signs advertising real property for sale after being subdivided shall not be subject to this subsection, but shall be subject to Section 15-2612-C.

1. ***On-Site Real Estate Signs.*** On-premises signs conveying information about the sale, rental, or lease of the lot, premises, dwelling, or structure on which they are located, provided that they comply with the following standards:

a. No more than one real estate sign per lot in residential districts, or one real estate sign per street frontage per lot in non-residential districts, is displayed at any one time;

b. The sign or signs do not exceed an aggregate area of six square feet in residential districts or 32 square feet in non-residential districts;

c. Wall signs shall not be higher than seven feet above grade in residential districts or fifteen feet in non-residential districts. Freestanding signs shall not exceed six feet in height in residential districts or eight feet in height in non-residential districts.

d. The sign or signs are not illuminated; and

e. The sign or signs are removed within 15 days after the sale, lease, or rental of the property has been completed.

2. ***Directional Signs for Open Houses.*** Up to three off-site signs directing the public to "open house" events for the viewing of lots, premises, dwellings, or structures that are for sale, lease, or rent, are permitted on public or private land, provided that they comply with the following standards:

a. No sign or signs shall exceed six square feet in area, or three feet in height from finished grade.

b. The sign or signs may not be placed more than 12 hours before the start or remain more than 12 hours after the conclusion of the open house event.

c. Signs shall not inhibit circulation nor be within the visibility triangle per Section 15-2018, Intersection Visibility.

E. **Signs Associated with Projects Under Construction.** Signs located on project sites that are under construction are subject to compliance with the regulations below. A permit is not required.

1. One sign per street frontage except for projects having an excess of 500 lineal feet of street frontage, one additional sign may be allowed.

2. Signs shall be limited to a maximum of 80 square feet in area and 10 feet in height.

3. Signs shall be removed before occupancy of the site.

F. **Flags.** Free standing flagpoles or decorative flags on light posts may be installed in accordance with the following standards:

1. ***Location***. Flagpoles shall not be located within any required front yard, street side or side yard setbacks. Flagpoles shall be located outside of the visibility triangle. Refer to Section 15-2018, Intersection Visibility.

2. ***Maximum Flagpole Height.*** The pole height shall not exceed 25 feet.

3. ***Maximum Size***. The maximum total flag area is 24 square feet.

4. ***Decorative Flags.*** Flags may be for non-commercial purposes. Permitted flags include, but are not limited to, countries, counties, cities, etc., or decorative flags that do not contain a commercial message.

G. **Yard Signs**

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

2. ***Maximum Height.*** Signs shall not exceed 10 feet in height.

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

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

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

15-2612 Master Sign Program (MSP)

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

1. ***Multi-Family Residential***. Developments of 50 or more units.

2. ***Non-Residential or Mixed-Use Projects***. All new non-residential or mixed-use projects of two or more separate non-residential tenants.

3. ***Multiple Signs.*** Proposals for five or more signs on the same building or site with two or more separate tenants.

4. ***Planned Development District***. Any project in a PD District or using the Planned Development provisions of this Code.

5. ***Pole Signs***. Proposals to erect a pole sign.

6. ***Electronic Signs***. Signs with electronic copy.

7. ***Exceptions.*** Projects within Downtown Districts shall not require a Master Sign Program.

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

1. A site plan showing the location of buildings, parking lots, driveways, and landscaped areas;

2. Computation of the maximum area for individual signs, the height of signs, and the number of freestanding signs allowed;

3. An accurate indication on the site plan of the proposed location of each proposed sign and existing sign which is to remain;

4. Color schemes, lettering, and graphic styles (if tenants are not known, generic styles may be presented);

5. Lighting and sign construction materials; and

6. Sign dimensions (if tenants are not known, generic dimensions may be presented).

C. **Review Authority.** A Master Sign Program shall be reviewed and acted upon by the Development Director. In the case of projects that require other approvals from the Planning Commission or City Council, the decision-making authority for the other approval shall be the decision-making authority for the Master Sign Program.

D. **Required Findings.** A Master Sign Program may be approved only if the following findings are made:

1. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures, and any adjoining signage on the site;

2. Future tenants will be provided with adequate opportunities to construct, erect, or maintain a sign for identification; and

3. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.

4. Light and glare will not negatively affect nearby residential uses.

E. **Conditions.** Reasonable conditions of approval may be imposed by the Review Authority to achieve the purposes of this section and ensure compatibility with adjacent land uses and signage.

F. **Post-Approval Procedures.** After approval of a Master Sign Program, no signs shall be erected, placed, painted, or maintained, except in conformance with such program, and such program may be enforced in the same way as any provision in this section.

1. ***Lease Agreements.*** The Master Sign Program and all conditions of approval shall be attached to the lease agreements for all leasable space within a project.

2. ***Individual Signs.*** Any sign that conforms to an approved Master Sign Program may be approved by the Director; however, approval of a Master Sign Program does not waive the permit requirements for individual signs.

3. ***Amendments.*** The Director may approve minor amendments to a Master Sign Program that are in substantial conformance with the original approval. All other amendments, including amendments to conditions of approval shall be processed as a new application.

15-2613 Historic Signs

A. **Designation.** The Council may designate historic signs following a duly-noticed public hearing and a recommendation from the Historic Preservation Commission.

B. **Criteria.** Historic signs must meet defined criteria, including, but not limited to, the fact that the sign is 50 or more years old and has significance to the Fresno community because it is associated with a significant historical event or it is associated with a historic business.

C. **Allowances for Historic Signs.**

1. ***Structural Improvements.*** Historic signs may have structural improvements completed in order to extend the life of the sign.

2. ***Damage Repairs***. If the sign is damaged, it may be repaired and replaced with the original sign area and original height, even if the sign does not conform to the standards of this article.

15-2614 Electronic Copy

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

A. **Display Duration.** Copy display is limited to a minimum duration of eight seconds and shall have an unlighted interval between copy displays of one second or more.

B. **Light Intensity.** The intensity of the sign lighting shall not exceed 100 foot Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal footcandles and shall not exceed 500 FT-L when adjacent to streets which have an average light intensity of 2.0 horizontal footcandles or greater. No change of lighting intensity may occur during a display or between displays except to respond to a change in ambient lighting conditions.

15-2615 Non-Conforming Signs

All permanent signs which were erected and in existence prior to the effective date of this section or prior to annexation to the city, and which were at the time of such erection or establishment in compliance with all applicable statues and ordinances, are non-conforming signs and subject to the provisions of Article 4, Non-Conforming Uses, Structures, Site Features, and Lots, and the following:

A. **Continuance and Maintenance.** Non-conforming signs that were legal when first installed, and which have not been modified so as to become illegal, may be continued, except as otherwise provided for in this subsection.

1. Routine maintenance and repairs may be performed on signs that are non-conforming.

2. A sign that did not conform to law existing at the time of its erection shall be deemed an illegal sign and shall not be a non-conforming sign. The passage of time shall not cure illegality from the outset.

B. **Alterations and Additions to Non-Conforming Signs.** No non-conforming sign shall be moved, altered, or enlarged unless required by law or unless the moving, alteration or enlargement will result in the elimination of the nonconformity.

C. **Restoration of a Damaged Sign.** Whenever a non-conforming sign is destroyed by fire or other calamity to the extent of 50 percent or less, the sign may be restored to display the pre-existing sign area and the non-conforming use of the sign may be resumed, provided that

restoration is started within one year and diligently pursued to completion and the height of the restored sign conforms to the standards of this article.

1. Whenever a non-conforming sign is destroyed by fire or other calamity to a greater extent than 50 percent, or is voluntarily razed or shall be required by law to be razed, the sign shall not be restored except in full conformity with this article.

D. **Signs Rendered Non-Conforming by Annexation.** Any sign that becomes non-conforming subsequent to the effective date of this Code by reason of annexation to the city of the territory upon which the sign is located, shall be subject to the provisions of this article.

15-2616 Maintenance of Signs

All signs and associated supporting structures shall be maintained in good condition, without rips, tears, and similar damage.

A. **Deteriorated Signs.** Any sign or sign structure that is sagging, leaning, fallen, decayed, broken, deteriorated, or in an otherwise dilapidated condition shall be promptly repaired, to the satisfaction of the City, or removed.

B. **Graffiti.** Graffiti on a sign shall be removed within 48 hours of notice of its placement on such sign.

C. **Maintenance Standards.** All parts, portions, units, and materials composing a sign, together with the frame, background, surface, support, or enclosure shall be maintained in a safe condition, painted, and adequately protected from weathering with all braces, bolts, and structural parts, supporting frames, and fastenings reasonably free from deterioration, rot, rust, and loosening so that they do not create a hazard to persons, or property or constitute a nuisance.

D. **Summary Removal of Hazards.** Whenever any sign, by virtue of its physical nature and condition, poses an immediate and serious threat to the public safety, it may be removed by City personnel, or have its physical deficiency cured, to the extent necessary to protect the public safety. The cost of such removal or repair shall be assessed against the sign owner.

15-2617 Removal of Signs

A. **Signs That Have Been Abandoned.** An on-site sign that identifies a business, lessor, or owner whose use of the premises has ceased for a period of not less than 60 days shall be removed by the owner or lessee of the premises upon which the sign is located. Any sign and, if applicable, its supporting structure (e.g. pole) not removed within the required period shall constitute a nuisance and shall be removed.

B. **Demolition or Clearance of the Site.** Should a site be cleared, signs, including poles, foundations, etc., shall be removed. This includes sites that are cleared for redevelopment.

C. **Non-Conforming Sign Removal.** See Section 15-2615, Non-Conforming Signs.

Article 27 Standards for Specific Uses and Activities

Sections:

15-2701 Purpose
15-2702 Applicability
15-2703 Accessory Uses
15-2704 Abandoned Service Stations and Carwashes
15-2705 Adult-Oriented Businesses
15-2706 Alcohol Sales
15-2707 Animal Keeping
15-2708 Arcades, Video Games, and Family Entertainment Centers
15-2709 Automobile and Motorcycle Retail Sales and Leasing
15-2710 Automobile/Vehicle Service and Repair, Major and Minor
15-2711 Automobile/Vehicle Washing
15-2712 Banquet Hall
15-2713 Bed and Breakfast Lodging
15-2714 Body Preparation and Funeral Services
15-2715 Check Cashing Businesses, Payday Lenders, and Similar Financial Services
15-2716 Crop Cultivation
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15-2718 Commercial Truck Storage
15-2719 Community and Religious Assembly Facilities
15-2720 Community Gardens / Urban Farms
15-2721 Concrete Batch Plants, Storage Yards, and Similar Uses
15-2722 Corner Commercial
15-2723 Cottage Housing Developments (Pocket Neighborhoods)
15-2724 Cyber/Internet Cafés
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15-2729 Emergency Shelters
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15-2744 Outdoor Dining and Patio Areas
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15-2746 Pay Phones
15-2747 Personal (Mini) Storage
15-2748 Power Poles
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15-2750 Recycling Facilities
15-2751 Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges
15-2752 Roadside Fruit Stands / Grower Stands
15-2753 Second and Outdoor Kitchens
15-2754 Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
15-2755 Service Stations
15-2756 Shooting Ranges / Archery Ranges
15-2757 Single Room Occupancy Hotels and Boarding Homes
15-2758 Tattoo or Body Modification Parlors
15-2759 Telecommunications and Wireless Facilities
15-2760 Temporary Uses
15-2761 Tobacco and Vapor Sales
15-2762 Transitional and Supportive Housing
15-2763 Utility Meters / Second Meters
15-2764 Unattended Donation Bins
15-2765 Vehicle Impound Yard (Tow Yard) and Transit Storage
15-2766 Walk-Up Facilities
15-2767 Water Wells
15-2768 Wrecking Yards and Auto Dismantling

15-2701 Purpose

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

15-2702 Applicability

A. Each land use and activity covered by this article shall comply with the requirements of the section applicable to the specific use or activity.

B. The uses that are subject to the standards in this article are allowed only when authorized by the base district regulations, except where this article establishes a different planning permit requirement for a specific use.

C. When there is a conflict between the provisions of this article and a Conditional Use Permit which was granted prior to the effective date of this Code, the Conditional Use Permit shall prevail.

D. **Existing Specific Uses and Activities.** Unless otherwise noted, the following shall apply:

1. Land uses and activities covered by this article which were in place prior to the adoption of this Code which are not considered to be Non-Conforming uses under section 15-402

shall be subject to all operational standards, including, but not limited to, hours of operation, litter and graffiti removal, product restrictions, and similar regulations within two years of the effective date of this Code, unless otherwise specified.

2. Legal Non-Conforming uses shall be subject to all operational standards, including, but not limited to, hours of operation, litter and graffiti removal, product restrictions, and similar regulations. Legal Non-Conforming uses shall not be subject to requirements of this article which affect permanent physical improvements which existed on the site prior to the adoption of this Code.

15-2703 Accessory Uses

An accessory use shall be incidental, related, appropriate, and clearly subordinate to the principal use or building to which it relates; under the same regulations applied to the principal use in any zoning district; and where the accessory use does not alter the principal use. These regulations are found in the use regulations tables in Part II, Base and Overlay Districts, and may be subject to specific standards found in this article or within each district, as specified in the tables. Accessory uses and structures are also subject to the development and site regulations found in Article 20, General Site Regulations.

15-2704 Abandoned Service Stations and Carwashes

A. **Abandonment**. Any service station and/or carwash shall, in the case of abandonment or non-operation of the primary use, be declared a Public Nuisance and shall be dismantled and the site cleared within 12 months subsequent to the close of the last business day or whenever the facility stops selling fuel, whichever occurs first.

1. ***Exception.*** Any service stations or carwashes certified on the Local Official Register of Historic Resources.

B. **Conversions of Service Stations**. A Discretionary Permit authorizing the conversion of a service station to any other use shall be subject to the following:

1. Ancillary equipment, not including the main building, including all pumps, pump islands, fuel pump canopies, signs, insignias, trademarks, their supporting structures, mountings, foundations, and gas price signs, and all other above-ground improvements which are uniquely associated with service station and/or carwash operations shall be dismantled and removed from the site to a waste disposal or recycling facility permitted for receipt of such debris.

2. Pumps and pipes related to the delivery and disposal of petroleum products shall be removed.

3. Aboveground and underground apparatus need to be removed in accordance with directives of all regulatory agencies.

4. The converted service station and/or carwash site shall be resurfaced and landscaped in a manner appropriate to the proposed use.

C. **Site Clearance.** Should the site be cleared, all equipment per Subsection B above, including signs shall be removed.

15-2705 Adult-Oriented Businesses

A. **Purpose.** Certain types of Adult-Oriented Businesses possess characteristics that may be determined to be objectionable, and, when concentrated, may be found to have a deleterious effect upon adjacent areas. Therefore, special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood nor create an adverse effect on minors.

B. **Public Nudity.** Refer to Section 9-2602 of the Municipal Code.

C. **Criteria for Granting a Conditional Use Permit.** Where an Adult-Oriented Business is conditionally permitted by the zoning district regulations, the Planning Commission, or City Council upon appeal, shall approve a Conditional Use Permit only if it finds that the proposed facility or use complies with the regulations specified in this section. Reasonable conditions may be imposed, such as limitation on hours of operation, exterior lighting, display materials, and other similar conditions, as may be necessary to protect the public health, safety, and welfare.

D. **Standards**. Adult-Oriented Businesses shall comply with all applicable State and federal laws in addition to the following development and operational standards.

1. ***Location.*** Adult-Oriented Businesses shall be located the following minimum distances:

   a. From any Residential District or existing residence: 1,000 feet.

   b. From any educational institution, including, but not limited to, public or private schools, nursery schools or child-care nurseries, religious and/or cultural institution or, private or public park: 1,000 feet.

   c. From another Adult-Oriented Business: 1,000 feet. This minimum separation requirement shall not apply to businesses forced to relocate due to a public taking of property for a public infrastructure project.

2. ***Hours of Operation.*** Hours of operation of the business shall be limited to the time period between 8 a.m. and 10 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and from 8 a.m.to 11 p.m. on Friday and Saturday.

3. ***Display.*** No Adult-Oriented Business shall display or exhibit any material in a manner which exposes to the public view photographs or illustrations of specified sexual activities or naked adults in poses which emphasize or direct the viewer's attention to the subject's genitals. Adult newsracks are subject to this limitation.

4. ***Security Program.*** An on-site security program shall be prepared and implemented as follows:

   a. *Exterior Lighting*. All off-street parking areas and building entries serving an adult business shall be illuminated during all hours of operation with a minimum maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkway.

   b. *Interior Lighting*. All interior portions of the adult business, except those devoted to mini-motion or motion pictures, shall be illuminated during all hours of operation with a lighting system that provides a minimum maintained

horizontal illumination of not less than two foot-candles of light on the floor surface.

c. *Security Guards*. Security guards for adult businesses may be required if it is determined by the Fresno Police Department that their presence is necessary in order to prevent any unlawful conduct from occurring on the premises.

E. **Site Conditions.**

1. ***Façade.*** For existing buildings, pictures of the building(s) must be provided to the City upon submittal of a Conditional Use Permit application. The exterior of the building(s) may be required to be repainted and repaired if needed.

2. ***Landscaping.*** The site shall comply with all landscaping requirements in place at the time of application.

3. ***Litter.*** The exterior, including all signs and accessory buildings and structures, shall be maintained free of litter at all times. The owner or operator shall provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises.

4. ***Graffiti***. The owner or operator shall remove graffiti within 48 hours.

5. ***Pay Telephones.*** Pay phones shall comply with Section 15-2746, Pay Phones.

F. **Definitions.** Unless otherwise specifically provided, the terms used in this section shall have the following meanings:

1. ***Specified Sexual Activities.*** Specified sexual activities means:

a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: analingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism or zooerasty;

b. Clearly depicted human genitals in a state of sexual stimulation, arousal, or tumescence;

c. Use of human or animal masturbation, sodomy, oral copulation, coitus, or ejaculation;

d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast;

e. Masochism, erotic or sexually oriented torture, beating, or infliction of pain;

f. Erotic or lewd touching, fondling, or other contact with an animal by a human being;

g. Human excretion, urination, menstruation, vaginal, or anal irrigation in the context of a sexual relationship;

h. Any combination of the above items a through g.

2. ***Specified Anatomical Areas.*** Specified anatomical areas means less than completely and opaquely covered:

   a. Mature human genitals,

   b. Mature human buttock,

   c. Mature human female breast below a point immediately above the top of the areola;

   d. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

3. ***Exposes to Public View.*** Exposes to the view of persons outside the building in which such adult entertainment facility is located.

G. **Adult-Oriented Business Types.** Adult-Oriented Businesses include, but are not limited to the following types of businesses.

1. ***Adult Newsrack.*** Any coin-operated machine or device that dispenses material substantially devoted to the depiction of "specified sexual activities" or "specified anatomical areas."

2. ***Adult Bookstore.*** Any building, or portion thereof, where space devoted to adult materials composes 25 percent or more or 500 square feet, whichever is less, of any one or more of the following:

   a. Wall space;

   b. Any display area other than wall space (e.g. tables, racks, and/or any other display areas or structures) or stock in trade (inventories not on display, but on site).

3. ***Adult Entertainment Facility.*** An adult newsrack, adult bookstore, adult motion picture theater, adult hotel or motel, adult motion picture arcade, cabaret, model studio, sexual encounter center, or any other sex business, or any combination of two or more of such uses.

4. ***Adult Motion Picture Arcade.*** Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

5. ***Adult Motion Picture Theater.*** A building or portion thereof, or area, whether open or enclosed, used for presenting material in the form of motion picture film, videotape, or other means which is substantially devoted to the depiction of "specified sexual activities" or "specified anatomical areas" for observation by persons therein.

6. ***Adult Novelty Store.*** A building, or portion thereof, in which 25 percent or more of the display area for devices, instruments, or paraphernalia is used for the distribution, sale, offer for sale and/or rental or offer for rental of any device, instrument, or paraphernalia evidently designed or marketed for sexual stimulation of human genital organs or for

sadomasochistic use or abuse of themselves or others. Such devices, instruments, or paraphernalia include, but are not limited to, phallic-shaped vibrators, dildos, muzzles, whips, chains, bather restraints, racks, non-medical enema kits, body-piercing implements (excluding earrings or other decorative jewelry) or other evident tools of sadomasochistic abuse.

7. ***Adult Video Store.*** A building, or portion thereof, in which 25 percent or more of any one or more of the following: Wall space or any display area other than wall space (e.g. tables, racks, and/or any other display areas or structures) or stock in trade (inventories not on display but on site) or gross revenues or advertising and other promotion of video, video cassettes, slides, tapes, films, compact discs, Blu-ray, etc., motion pictures in which 25 percent or more of the description, display time, or depiction is devoted to the presentation of "specified sexual activities" or "specified anatomical areas" as defined in this article.

8. ***Cabaret.*** A nightclub, theater, or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

9. ***Model Studio.*** Any business where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity. This does not include accredited educational institutions which may employ models in fine art courses.

10. ***Sexual Encounter Center.*** Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in "specified sexual activities" or exposing "specified anatomical areas."

11. ***Other Sex Business.*** Any other business or establishment which offers its patrons goods, services, or entertainment, or any combination thereof, characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," including such types of business known as adult dance studios, men's social clubs, and music studios which meet such definition.

15-2706 Alcohol Sales

A. **Regulations for On-Site Consumption.** Refer to Section 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges for standards.

B. **Purpose.** The following regulations are for establishments that sell alcoholic beverages for off-site consumption (henceforth "establishment"). These establishments possess certain characteristics that have the potential to cause deleterious effects and nuisances on surrounding neighborhoods and businesses, especially when such establishments are concentrated near one another. In order to ensure that establishments operate in a manner that is mutually beneficial to surrounding uses and to also provide mechanisms to prevent and correct any associated problems, the following special regulations are provided.

C. **Applicability.**

1. ***New or Expanded Use.*** Any proposed new establishment or any existing establishment that requests to modify their alcohol or business license type(s), reinstate their alcohol or business license(s) after an expiration or revocation, extend their hours of operation, or expand their floor area, shall obtain a Conditional Use Permit issued in compliance with the standards of this section.

   Should an establishment not comply with the strict application of the regulations provided for in this section, said improvements shall be made prior to commencing the sale of alcoholic beverages. Violation of these standards at any time may result in the revocation of a Conditional Use Permit.

2. ***Exemptions.*** This section does not apply to the following:

   a. Establishments that are 10,000 square feet or larger.

   b. Establishments that serve alcohol for on-site consumption, where an off-site sales component is incidental to the main use.

   c. Temporary uses issued a Temporary License by the California Department of Alcoholic Beverage Control and established in compliance with all City laws and ordinances.

D. **Modifications to Existing Establishments**. A modification to an existing establishment shall not be approved when a condition exists that has caused or resulted in repeated activities that are harmful to the health, peace, or safety of persons residing or working in the surrounding area.

E. **Location Restrictions for New Establishments.** The following location restrictions apply, unless the establishment can be found qualified for exception by the Review Authority.

1. ***Near Sensitive Uses.*** The establishment shall not be located within 500 feet of the following:

   a. A public park, playground, recreational area, or youth facility, including a nursery school, preschool, or day care facility;

   b. A public or private State-licensed or accredited school; or

   c. An alcohol or other drug abuse recovery or treatment facility.

2. ***Near Other Alcoholic Beverage Establishments.*** The establishment shall not be located within 500 feet of an existing establishment, nor may it lead to a grouping of more than four establishments within a 1,000 foot radius.

3. ***Within High Crime Areas.*** The establishment shall not be located in an area of high crime, as defined by the California Business and Professions Code 23958.4(a)(1) et seq., and as determined by the Department of Alcoholic Beverage Control.

4. ***Within High Concentration Areas***. The establishment shall not be located in an area of high concentration, as defined by the California Business and Professions Code 23958.4(a)(3) et seq., and as determined by the Department of Alcoholic Beverage Control.

5. ***Exceptions.*** A new establishment may be excepted from location restrictions if the Review Authority determines any of the following:

   a. The proposed use is not located within an area in which the Chief of Police has determined, based upon quantifiable information, that the proposed use a) would be detrimental to the public health, safety, or welfare of persons located in the area, or b) would increase the severity of existing law enforcement or public nuisance problems in the area.

   b. The proposed off-premises sale of alcoholic beverages is incidental and appurtenant to a larger retail use and provides for a more complete and convenient shopping experience.

F. **Landscaping**.

1. ***New Buildings.*** Landscaping shall be provided per the underlying District.

2. ***Existing Buildings.*** Perimeter landscaping and Parking Lot Shading shall be provided per the underlying district. The Review Authority, at their discretion, may make exceptions to the prescribed standards, however in no case shall the reduction result in a net reduction of 35 percent or greater in the amount of landscaping provided. Landscaping may also be aggregated to minimize the impact on existing parking areas.

G. **Lighting.** The exterior of the premise, including adjacent public sidewalks and all parking lots under the control of the establishment, shall be illuminated during all hours of darkness during which the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel. However, required illumination shall be placed and/or shielded in a way that minimizes interference with the neighboring residences.

H. **Litter and Graffiti**.

1. Trash and recycling receptacles shall be provided by public entrances and exits from the building.

2. The owner or operator shall provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises.

3. The owner or operator shall remove graffiti within 48 hours.

I. **Pay Phones and Vending Machines**. External pay phones and snack vending machines are prohibited.

J. **Video Surveillance.**

1. Establishments must equip a fully functional color digital video camera system.

2. The system must continuously record, store, and be capable of playing back images and be fully functional at all times, including during any hours the business is closed. The system must be maintained in a secured location inside of the business.

3. The system shall have the correct date and time stamped onto the image at all times.

4. The camera storage capacity should be for at least two weeks (14 calendar days). Such cameras must be capable of producing a retrievable and identifiable image than can be made a permanent record and that can be enlarged through projection or other means.

5. If utilizing a digital video recorder, it must be capable of storing at least 14 days of real-time activities.

6. The system shall be capable of producing a CD or digital playback feature and may be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a criminal investigation only.

7. The interior of the business must have at least one camera placed to focus on each cash register transaction to include the clerk as well as the customer waiting area.

8. There shall be four exterior cameras placed so as to record activities in the primary customer parking areas of their business. These cameras should be of sufficient quality to be able to identify persons and or vehicles utilizing the business parking lot.

9. All interior cameras shall record in color.

10. All exterior cameras shall record in color and have automatic low light switching capabilities to black and white. Exterior cameras should be in weatherproof enclosures and located in a manner that will prevent or reduce the possibility of vandalism.

K. **Signage.**

1. The provisions specified under Article 26, Signs and this subsection shall apply. Where conflict may occur between the provisions of Article 26 and this subsection, the more restrictive provisions shall govern.

2. The following copy is required to be prominently posted in a readily visible manner on an interior wall or fixture and not on windows:

   a. "California State Law Prohibits the Sale of Alcoholic Beverages to Persons Under 21 Years of Age."

   b. "No Loitering is Allowed On or In Front of These Premises."

   c. "No Open Alcoholic Beverage Containers are Allowed on These Premises."

3. No more than 15 percent of the square footage of each window and clear door that is visible to the public from a public thoroughfare, sidewalk, or parking lot of an off-sale alcohol retail outlet shall bear advertising, signs, or other obstructions of any sort.

   a. The area covered by signs or advertising includes all clear areas within signs or advertising, such as the clear area within neon signs.

   b. Signage, advertising, or other obstructions inside or outside the establishment that are not physically attached to the windows or doors, but are visible from a public thoroughfare, sidewalk, or parking lot in the same manner as if they were physically attached is included in the 15 percent limitation.

   c. Any signage required by law shall not count towards the 15 percent limitation, but shall nonetheless follow rules related to visual obstruction.

4. Advertising and signage on windows and clear doors shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlets, including the area in which the cash registers are maintained, from exterior public sidewalks, parking lots, or entrance to the outlets.

5. Any establishment located within 250 feet of a sensitive use, as listed in Subsection E.1, may not advertise alcohol sales in a manner visible from the outside of the establishment, such as from a public thoroughfare, sidewalk, or parking lot.

L. **Loitering and Other Nuisance Activities.** The operation of the establishment shall not result in repeated nuisance activities on the property, which may include, but are not limited to, repeated disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, alcoholic beverage and tobacco sales to minors, harassment of passerby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, graffiti, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations, curfew violations, lewd conduct, or other violations of City, State, or federal laws, especially when contributing to a proportionally high rate of police reports and arrests to the area.

M. **Training.** The owners and all employees of the establishment who are involved in the sale of alcoholic beverages must complete approved course(s) in training of liquor sales and handling within sixty days after approval of the Conditional Use Permit becomes final, or for employees hired after the approval of the Conditional Use Permit, within sixty days from the date of hire. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying or licensing body designated by the State of California.

N. **Compliance with Laws.** The establishment must remain in compliance with all local, State, and federal laws, regulations, and orders, as well as all conditions of approval imposed on the use. This includes compliance with annual City business license fees.

O. **Posting of Conditions.** A copy of all conditions of approval and training requirements shall either be posted in a conspicuous and unobstructed place near the entrance, cashier counter, or customer service area of the establishment or posted in an employee area and provided upon request (e.g. via flyer or brochure) to patrons and enforcement officials.

P. **Prohibited Products.** The sale or distribution of one or more of the following shall be prohibited.

1. Wine in containers of less than 750 milliliters.

2. Single containers of beer, malt liquor, wine coolers, and similar alcoholic beverages not in original factory packages of four-packs or greater.

3. Distilled spirits in containers of less than 375 milliliters.

4. Paper or plastic cups in quantities less than their usual and customary packaging.

Q. **Additional Requirements.**

1. The Director may require the applicant to submit additional information, of such type and in such form as the Director may specify, as the Director may deem relevant to the application, including, but not limited to, an operational statement, floor plans, architectural renderings, and technical studies, as appropriate.

2. The Director may refer the application to other City departments to determine whether the establishment's location will comply with building, health, zoning, and fire ordinances or other applicable ordinances or laws. City departments may conduct an

inspection of the premises to determine compliance with the ordinances and other laws they administer, and may subsequently prepare reports summarizing their inspections and recommend whether to approve or deny the application based on their inspections.

3. Additional and/or security measures such as reduced hours of operation, security guards, door monitors, and burglar alarm systems may be required if harm, nuisance, or related problems are demonstrated to occur as a result of business practices or operations. This will be determined on a case-by-case basis upon review by the Police Department.

15-2707 Animal Keeping

Animal keeping is allowed as an accessory use to a primary residential use. Animals may be kept in compliance with the following standards:

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

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

1. ***Permitted Household Pets.*** Household Pets such as domestic dogs, cats, birds, etc., that are ordinarily permitted inside of a dwelling and kept only for the company and pleasure provided to the occupants shall be permitted. Owners must ensure that the keeping of permitted animals shall not create a health or nuisance problem.

   a. *Cats or Dogs.* At no time shall the number of cats or dogs exceed a total of four animals in any combination over the age of four months.

   b. *Aviaries (Raising for Non-Commercial Purposes).* Not to exceed 24 animals.

   c. *Falcons.* Permitted with a valid falconry license issued by the California Department of Fish and Game.

   d. *Small Household Pets (Domesticated Rodents Such as Hamsters and Cavy, Nonpoisonous Amphibians, Nonpoisonous Reptiles Such as Turtles).* Any combination not to exceed 10.

   e. *Fish.* Unlimited (for non-commercial purposes).

2. ***Prohibited Pets.*** Household Pets shall not include horses, miniature horses (except as a guide animal), cows, goats, sheep or other equine, bovine, ovine or ruminant animals, pigs, chickens, ducks, geese, turkeys, game birds, or fowl that normally constitute an agricultural use.

   a. *Fish Farms.* Not permitted.

   b. *Bee Keeping.* Not permitted.

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

1. ***Permitted Pets.*** The keeping of horses, cows, goats, sheep or other equine, bovine, ovine or ruminant animals is permitted, as are those identified in Subsection B above.

   a. *Cats or Dogs*. At no time shall the number of cats or dogs exceed a total of six animals in any combination, over the age of four months.

   b. *Aviaries (Including Aviaries for Commercial Purposes)*. Not to exceed 75 animals.

   c. *Large Animals*. Up to two animals per acre; however their immature off-spring less than one year of age is also permitted. Pigs are not permitted.

   d. *Chickens, Ducks, Geese, Turkeys, Game Birds, or Fowl*. Total number shall not exceed 12 birds per gross acre.

2. ***Fish Farms.*** Not permitted.

3. ***Bee Keeping***. Not permitted.

4. ***Setbacks.*** All animals other than household pets shall be housed or penned at a minimum distance of 40 feet from property lines and 50 feet from neighboring residences (e.g. residential structure). All areas and structures used in conjunction with the keeping of animals other than household pets shall be maintained and cleaned so as not to present a public hazard or nuisance.

D. **Buffer Districts.**

1. ***Household and Other Pets.*** As permitted pursuant to Subsections B and C based on lot size.

2. ***Large Animals.*** For parcels greater than one acre, Large Animals shall not exceed two animals per acre; however their immature off-spring less than one year of age is also permitted. Pigs are not permitted.

3. ***Bee Keeping.*** Limited to Apis Mellifera and a maximum ratio of one hive per two acres. A fresh water source must be provided within 20 feet of all hives and a sustaining food source must be provided on the property. Each hive must be located at least 50 feet from property lines. Beehives shall be properly maintained according to apiary standards administered by the Fresno County Agricultural Commissioner. Discovery of aggressive or "Africanized" beehives shall cause the immediately removal of the hives by the operator/owner.

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

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

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

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

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

A. **Video Games and Amusement Devices.**

1. ***Twelve or Less Amusement Devices/Rides.*** Any commercial establishment may have up to 12 amusement devices/rides, including skilled or non-skilled games (e.g., electronic video games, pinball machines, pinball, target games, air hockey, foosball, ping pong, darts, shooting games (with nonlethal projectiles), bowling games, shuffleboard, movie machines, etc.) for the enjoyment of patrons.

2. ***Thirteen or More Amusement Devices/Rides.*** If 13 or more, skilled or non-skilled devices are provided, the use shall be classified as a Video Game Arcade, unless the amusement devices are part of a Family Entertainment Center (refer to Subsection C).

3. ***Employee Presence.*** An establishment with video games, amusement devices/rides, regardless of the number, shall have an employee present during all hours of operation.

4. ***Amusement Device Permit.*** See Chapter 9, Article 5, Amusement Devices for permit requirements.

B. **Family Entertainment Restaurants.**

1. ***Food Sales.*** Food sales shall be the primary use on the site.

2. ***Number of Devices.*** Per Subsection A above, there shall be no more than 12 amusement devices, rides and/or attractions, or combination thereof.

3. ***Children's Indoor Play Areas.*** May be permitted in any district in conjunction with a bona fide restaurant. Activities commonly include skilled and non-skilled games, including children's play stations, video games, pinball, and air hockey.

4. ***Children's Outdoor Play Areas.***

   a. *Restaurants of 750 Square Feet or Less.* Restaurants may have up to 500 square feet dedicated to playgrounds/children's equipment.

   b. *Restaurants Greater than 750 Square Feet.* Should the outdoor area exceed 500 square feet, it shall be considered a Family Entertainment Center for permit purposes.

5. ***Outdoor Dining.*** For Outdoor Dining, refer to Section 15-2744, Outdoor Dining and Patio Areas.

6. ***Nightclub / Dancing.*** Permitted in accordance with Section 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges.

7. ***Parking.*** Parking shall be determined per Article 24, Parking and Loading.

C. **Family Entertainment Centers.**

1. ***Food.*** Family Entertainment Centers may, but are not required to serve food.

2. ***Activities and Attractions.*** Attractions typically include, but are not limited to, water slides, wake boarding facilities, amusement rides, bumper cars and boats, go-karts, miniature golf, trampolines, bounce houses, rock climbing, video arcades, laser tag,

paintball, airsoft, batting cages, skate ramps, miniature basketball, miniature bowling, etc. Additional attractions may be appropriate, as determined by the Director.

a. *Projectiles*. For activities using projectiles (e.g. batting cages, paintball, airsoft, or similar activities), fences, nets, or walls shall be provided that are capable of stopping all projectiles fired and/or hit by containing or redirecting the projectile to the backstop.

b. *Noise*. Any activities that generate noise shall comply with all applicable noise standards. Outdoor activities that generate noise (e.g. batting cages, paintball, amusement rides, and go-karts), shall cease at 10 p.m., unless separated by 400 feet or greater from a Residential District.

3. ***Fencing for Outdoor Activities***. Fencing for outdoor activities shall be reviewed on a case-by-case basis. Consideration shall be given to streets, homes, etc. Should a fence be proposed, it shall comply with setbacks of the underlying zone district, however materials and height shall be determined on a case-by-case basis.

4. ***Nightclub / Dancing***. Permitted in accordance with Section 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges.

5. ***Parking***. Parking shall be determined per Article 24, Parking and Loading.

15-2709 Automobile and Motorcycle Retail Sales and Leasing

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

A. **Existing Dealerships.** Existing Dealerships may continue to operate and may change ownership if either of the following apply:

1. ***Existing Dealerships Established by Development Permit/Site Plan Review or Prior to December 14, 2001.*** An existing Dealership may continue to operate and change ownership if the site has had a continuous business license to operate as a Dealership and any of the following apply:

a. There is an approved entitlement for the site for use as a Dealership and all conditions have been met;

b. The owner or applicant provides evidence satisfactory to the Director that the site is in compliance with an approved entitlement for a Dealership; or

c. There is evidence, to the satisfaction of the Director, that the site was established as a Dealership prior to December 14, 2001 and that the site has been continuously used as such.

d. In addition to a, b, and c above, the site has not been used for any use other than a Dealership.

2. ***Existing Dealerships Established After December 14, 2001.*** An existing Dealership may continue to operate and change ownership if the following conditions are met:

a. There is an approved Conditional Use Permit or Development Permit/Site Plan Review for the site for use as a Dealership and all conditions have been met;

b. The site has not been vacant for longer than one year;

c. The site has not been used for any use other than a Dealership;

d. The site has had a business license to operate as a Dealership within one year; and

e. The owner or applicant provides evidence satisfactory to the Director that the site is in compliance with an approved entitlement for a Dealership.

B. **New Dealerships**. New Dealerships shall comply with the following conditions:

1. ***Outdoor Dealership Minimum Parcel Size.*** One-half acre (21,780 square feet). Should multiple uses exist on a site, a minimum 21,780 square feet shall be dedicated for the sole use as a Dealership.

2. ***Display Areas.*** Products may only be displayed in approved areas.

3. ***Landscaping and Screening.***

   a. A screen wall of seven feet in height shall be provided along all property lines adjacent to a residential use or district. For Screening Wall standards, refer to Section 15-2008-C.

   b. A landscaped planter with a minimum inside width of 10 feet and enclosed within a six-inch-high curb shall be provided along the front and street side property lines, except for vehicular circulation openings, unless a greater landscape setback is required by the underlying zone district or operative plan. Vehicles may not be displayed in required landscaped areas.

   c. Additional screening and landscaping, as determined by the Director may be required where necessary to prevent visual impacts on adjacent properties.

4. ***Lighting.*** Lighting of the facility shall be oriented away, and shielded from neighboring residential properties. In addition, the lighting shall not be excessively intense so as to impact neighboring properties nor passing traffic on adjacent streets.

5. ***Signs.*** On-site signs advertising the business shall strictly adhere to the requirements of the Fresno Municipal Code and adopted plans and policies. Any non-conforming sign must be removed or made to conform prior to operation of the facility.

6. ***Parking.*** Refer to Article 24, Parking and Loading.

7. ***Access.*** Unused or blocked drive approaches shall be removed in accordance with Public Works Standards. Blocked drive approaches include, but are not limited to, those blocked by non-operable fences or those that lead into a display area that would restrict vehicles from entering the site.

8. ***Operational Conditions.***

   a. Vehicles for sale shall not be displayed outside of the display area as designated by the approved permit.

b. There shall be no test driving of vehicles into residential neighborhoods.

c. There shall be no off-site sales conducted by any dealership.

d. Vehicles being worked on or awaiting service or pick-up shall be stored within an enclosed building or in a parking lot on the property that is screened. Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the city.

e. Automotive servicing or repair is permitted as an accessory use for automobile/vehicle dealers that offer maintenance and servicing of the type of vehicles sold on site. All auto repairs shall occur within an enclosed building.

9. ***Indoor Dealerships.*** Dealerships that display vehicles solely indoors shall be approved via a Zone Clearance, and the applicant shall submit a notarized letter stating that vehicles shall be indoors during all hours. Indoor Dealerships are subject to the following minimum parcel sizes.

a. *MX Districts.* Shall be a minimum of 5,000 square feet in area.

b. *All Other Districts Where Allowed.* No minimum.

15-2710 Automobile/Vehicle Service and Repair, Major and Minor

A. **Applicability.** This section applies to all automobile/vehicle service and repair uses which include, but are not limited to:

1. Engine service and repair;
2. Tire service and repair;
3. Wheel alignment;
4. Brake service and repair;
5. Cooling/heating system service and repair;
6. Radiator, muffler, and transmission service and repair;
7. Body and fender repair;
8. Emissions testing, service, and repair;
9. Window tinting and repair;
10. Radio, video, and alarm service and repair;
11. Preventative maintenance (such as lube, oil, and filter change; fan belt and windshield wiper replacement; etc.); and
12. Any other uses, including auto dealerships and service stations that perform auto services as an accessory activity.

B. **Design**.

1. Service bay openings shall be designed to minimize the visual intrusion on surrounding streets and properties. Bay doors shall be screened from public right-of-way to the

greatest degree feasible. On corner lots fronting two or more streets with different classifications in the General Plan, bay doors shall face the street with the highest classification, unless the bay doors are screened from both streets.

2. Designs shall incorporate landscaping and half screen walls to screen vehicles while allowing eye level visibility into the site.

C. **Work Areas**. All work shall be conducted within an enclosed building except: pumping motor vehicle fluids, checking and supplementing fluids, and mechanical inspection and adjustments not involving any disassembly.

D. **Vehicle Storage**. Vehicles being worked on or awaiting service or pick-up shall be stored within an enclosed building or in a parking lot on the property that is adequately screened, with an earth berm or Screen Wall, or combination thereof or a building. Screen Walls shall be located on property lines with the exception of yards along streets, where the Screen Wall shall be located at outside of required setbacks. Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the city. Screen Walls are not required when the site is located in an Industrial District that abuts a local street (Major Streets are required to have a Screen Wall). For Screening Wall standards, refer to Section 15-2008-C.

E. **Equipment, Product, and Vehicle Parts Storage.** Exterior storage, including tires, shall not be visible from Major Streets or residential districts.

F. **Water Runoff.** Water runoff shall be property treated as determined by the Department of Public Utilities and the Fresno Metropolitan Flood Control District.

G. **Spray/Paint Booths.** Spray Booths shall be screened from Major Streets and shall be separated a minimum of 100 feet from Residential Districts, Parks, public or private Schools (K-12), and Daycare Centers. Evidence, in the form of the letter, shall be submitted to the City prepared by the San Joaquin Valley Air Pollution Control District that the proposed paint booth complies with adopted standards.

H. **Litter.** The premises shall be kept clean and in an orderly condition at all times.

I. **Inoperable Vehicles and Junked Parts.** No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside a building, unless screened.

15-2711 Automobile/Vehicle Washing

A carwash facility shall undergo a design review of architecture, style, and appearance to ensure similarity and compatibility with surrounding residential, commercial, and industrial development. Facilities are subject to the following standards:

A. **Attendant.** An attendant shall be present during all hours of operation for all carwashes. A store clerk that also accepts payment for a carwash may constitute as an attendant.

B. **Design.**

1. Buildings shall incorporate similar design features as the main building. Should a main building not exist, and a carwash be the primary building, it shall comply with the design standards of the underlying district.
2. Significant architectural or landscape features shall be provided at the corner of intersecting streets to enhance the streetscape.
3. No building or structure shall be located within 30 feet of any public street or within 20 feet of any property line of a residential use or residential district. Customer waiting areas and/or carwash offices may be excepted should the Review Authority determine that they will not disrupt the residential area.
4. Noise-generating uses, such as auto service bays, car wash openings, vacuum stations, outdoor loading areas, garbage storage, and stacking lanes, shall be located away from sensitive uses such as residential areas, daycares, and schools.
5. All canopies / shade structures shall be made of permanent material.
6. Buildings and equipment shall be painted in similar color tones to those found in the surrounding neighborhood.

C. **Landscaping.**

1. There shall be a 20 foot landscape setback along all streets.
2. There shall be a 15 foot landscape setback along Residential Districts.
3. Building setbacks shall comply with the underlying district, or the operative plan, whichever is greater.
4. Vehicle lanes for car wash openings shall be screened from public streets to a height of 30 inches. Screening devices shall consist of walls and/or berms with supplemental plant materials to screen vehicles while allowing eye-level visibility into the site.

D. **Washing Facilities.**

1. Building openings for vehicle access shall be designed to minimize the visual intrusion on surrounding streets and properties.
2. Service bay and/or drive-through openings shall be designed to minimize the visual intrusion on surrounding streets and properties.
3. Lighting shall be designed to be low-profile, indirect or diffused, create a pleasing appearance, and avoid adverse impacts on surrounding uses.
4. Shall comply with all regulations pertaining to water conservation and/or run-off.

E. **Self-Service.** Self-service car washes are not permitted, unless in conjunction with an automatic and/or a hand car wash where an attendant washes the vehicle. Self-service bays shall not exceed 50 percent of the overall number of bays.

F. **Hours of Operation.** Washing facilities are limited to 7 a.m. to 11 p.m. When abutting or adjacent to a Residential District, the hours of operation are limited to 8 a.m. to 9 p.m., seven days a week.

G. **Litter.** Trash and recycling receptacles shall be available. The premises shall be kept in an orderly condition at all times. Litter shall be collected daily.

H. **Noise.** All vacuuming, amplified music, intercoms, or similar noise-generating equipment shall be reduced according to all applicable noise standards.

I. **Temporary Fundraising Carwashes**. Refer to Section 15-2760, Temporary Uses.

15-2712 Banquet Hall

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

15-2713 Bed and Breakfast Lodging

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

A. **Type of Residence.** Bed and breakfast establishments must be located, developed, and operated within a single-unit dwelling.

B. **Number of Rooms.** No more than two rooms may be rented. Additional rooms may be rented only with approval of a Discretionary Permit.

C. **Appearance.** In all Residential Districts, the exterior appearance of a structure housing a bed and breakfast establishment shall not be altered from its single-family character.

D. **Limitation on Services Provided.** Provisions for meals and rental of bedrooms shall be limited to registered guests. Separate or additional kitchens for guests are prohibited.

E. **Parking.** Refer to Article 24, Parking and Loading.

15-2714 Body Preparation and Funeral Services

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

A. **Body Viewing/Visitation.**

1. ***Traditional Facilities.*** Body viewing, including funeral and chapel services, may be permitted in Community and Religious Assembly, Cemeteries, Funeral Parlors and Internment Services.

2. ***Non-Traditional Facilities.*** Occasional funeral/chapel services may be held at Banquet Halls, Cultural Institutions, stadiums, or similar facilities, however the use shall be

clearly incidental to the primary use. "Occasional," for this subsection, shall be defined as no more than twice per month.

B. **Body Preparation**. Body preparation, including the embalming of the body, may be permitted in Funeral Parlors and Internment Services.

C. **Body Cremation**. In addition to the permit requirements of this Code, a permit is also required from the San Joaquin Valley Air Pollution Control District.

D. **Home Death Care**. A person may prepare a body for disposition in their home per the State of California Department of Consumer Affairs, Cemetery and Funeral Bureau. Funeral services may not be held in homes.

15-2715 Check Cashing Businesses, Payday Lenders, and Similar Financial Services

This section pertains to check cashing businesses, payday lenders (also known as Deferred Deposit Originators), auto-title lenders, consumer loan financers, and similar financial services, hereafter referred to as Check Cashers. This section and the regulations herein do not apply to State and federally chartered banks, savings associations, credit unions, or industrial loan companies.

A. **Applicability**. The standards of this section apply to new establishments and existing establishments where there is a 20 percent or greater expansion in serviceable floor area. For the purposes of this section, an establishment is considered new when no previous Check Casher existed at that location for a period of 90 days or greater.

B. **Discontinuance and Termination.** Any Check Casher, whether existing or subsequently granted under this section, that voluntarily discontinues active operation for more than 90 consecutive days; does not maintain a valid City business license for more than 90 consecutive days; or ceases to be licensed by the State of California or the Department of Justice, shall be considered a termination of the use and all privileges and rights held therein.

1. ***Notification of Termination.*** The Director shall notify the licensee of the termination of the use and shall inform the licensee of their right to appeal the decision. The process used in Section 15-5016, Revocation of Permits, shall apply. For existing establishments that originally did not need a special permit to lawfully operate, the same revocation process shall apply except that it shall be for a revocation of rights for use as a Check Casher instead of a revocation of rights granted under a special permit.

C. **Compliance**.

1. Check Cashers shall be subject to and shall comply with all of the restrictions and conditions set forth in this section, in addition to those restrictions and conditions that may be imposed on a Check Casher under or pursuant to other provisions of the Fresno Municipal Code or any other applicable federal, State, or local laws regulations, or policies.

2. Check Cashers shall hold, maintain, and be in compliance with all applicable valid licenses and permits issued by the State of California and the Department of Justice.

3. Check Cashers shall hold, maintain and be in compliance with a Business License issued pursuant to Section 7-1001 through 7-1301 of the Fresno Municipal Code.

D. A copy of all applicable licenses and permits shall be provided at the time of application submittal.

E. **Location.** In addition to the Use Regulations as put forth for the base and overlay districts, locations in which Check Cashers are permitted shall also be subject to the following restrictions:

1. May not be located within a Census Tract where, according to the latest available Census data, half of all households have a median household income of less than 80 percent of the county's median household income.

2. May not be located within 1,320 feet of any parcel on which an existing Check Casher is located or on which a conditional use permit for a Check Casher has been approved and the permit remains valid.

3. May not be located within 500 feet of the following:

   a. A Residential District.

   b. A State or federally chartered bank, savings association, credit union, or industrial loan company.

   c. Schools, public or private.

   d. Off-site alcohol sales (excluding stores 10,000 square feet or greater).

   e. Existing or planned Bus Rapid Transit station.

F. **Lighting.** Exterior lighting of the premises shall be provided at a level sufficient to recognize the features of persons at any point on the property.

G. **Litter and Graffiti**.

1. The owner or operator shall provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises.

2. The owner or operator shall remove graffiti within 48 hours.

H. **Pay Phones and Vending Machines**. External pay phones and vending machines are permitted if located within 10 feet of the main entrance. Pay Phones shall comply with Section 15-2746, Pay Phones.

I. **Video Surveillance**. Check Cashers must equip a fully functional color digital video camera system.

1. The system must continuously record, store, be capable of playing back images and be fully functional at all times, including during any hours the business is closed. The system must be maintained in a secured location inside of the business.

2. The system shall have the correct date and time stamped onto the image at all times.

3. The camera storage capacity should be for at least two weeks (14 calendar days). Such cameras must be capable of producing a retrievable and identifiable image than can be made a permanent record and that can be enlarged through projection or other means.

4. If utilizing a digital video recorder, it must be capable of storing at least 14 days of real-time activities.

5. The system shall be capable of producing a CD or digital playback feature and may be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a criminal investigation only.

6. The interior of the business must have at least one camera placed to focus on each cash register transaction to include the clerk as well as the customer waiting area.

7. There shall be four exterior cameras placed so as to record activities in the primary customer parking areas of their business. These cameras should be of sufficient quality to be able to identify persons and or vehicles utilizing the business parking lot.

8. All interior cameras shall record in color.

9. All exterior cameras shall record in color and have automatic low light switching capabilities to black and white. Exterior cameras should be in weatherproof enclosures and located in a manner that will prevent or reduce the possibility of vandalism.

J. **Signage.**

1. All advertising and signage on windows and clear doors shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlets, including counter/cashier area, from exterior public sidewalks, parking lots, or entrance to the outlets.

15-2716 Crop Cultivation

A. **Applicability.** This section applies to all crop cultivation activities, inclusive of plant nurseries. It does not apply to community gardens, edible landscaping on residential property, or Nurseries and Garden Centers.

B. **Agricultural Labor Housing.** Regarding Agricultural Labor Housing, in the event of a conflict between this Code and California Health and Safety Code section 17021.6, relating to agricultural land use designations for employee housing, the Health and Safety Code shall prevail.

C. **Grading.** Grading is required for site clearance and leveling prior to commencement of any activity.

D. **Ag Conservation.** Any Agricultural Land Conservation ("Williamson Act") Contract that was in force prior to (re)establishment of agricultural uses on land designated for single-family residential uses shall be permitted to continue in effect under the terms of Resolution No. 2006-130 and any successor Resolution or Ordinance enacted by the City.

1. No new application for an Agricultural Land Conservation Contract shall be approved for land designated for urban uses, as the agricultural use will forthwith be considered as incidental or transitional to the planned urban use.

E. **Street Rights-of-Way.** Plantings of trees and vines, buildings, and water wells shall not be installed on portions of a property planned for right-of-way for Major Streets.

F. **Storage Tanks.** Private storage tanks for fuel shall be installed and maintained pursuant to the appropriate permits and required approvals from the County Environmental Health and the

Fire Department. Tanks shall be located at least 20 feet from property lines and are subject to additional setback requirements at the discretion of regulatory agencies.

G. **Water Management.**

1. Irrigation tailwater and stormwater runoff shall be managed on-site by means of grading, vegetated swales, and on-site detention facilities so as to prevent drainage to abutting property and to prevent silt and contaminants from entering the municipal stormwater management system, irrigation canals, and natural watercourses.

2. For sites greater than one acre, a grading permit shall be obtained that identifies tailwater and stormwater management features.

3. On-site water detention facilities shall conform to City standards for construction and management to prevent breeding of mosquitoes.

4. Irrigated cropland shall be managed in compliance with California Water Code Section 13260, pertaining to the Irrigated Lands Program, pursuant to regulations of the California Water Boards.

H. **Water Usage.** Use of water for irrigation for crop cultivation.

1. When feasible and permissible, surface water supplies and/or recycled water shall be used for irrigation. When irrigation district surface water supplies allocated to a property have been assigned to the City of Fresno as part of the annexation process, the City Water Division must approve in writing any subsequent re-direction of those irrigation district surface water allocation to growing crops on the property. When growing activity ceases, the surface water allocation shall revert to the City of Fresno.

2. Construction of any new non-potable water delivery facilities shall comply with Fresno Irrigation District regulations. Appropriate easement covenants shall be recorded for conveyance of non-potable water.

3. Installation of irrigation pipelines shall be minimized to the extent possible in portions of a property planned for right-of-way of major streets. Where it is unavoidable to avoid planned right-of-way, such pipelines shall be constructed of appropriate material to allow subsequent street construction without replacement of the pipeline.

4. At the conclusion of crop cultivation activities, irrigation pipelines shall be removed unless the City approves their retention for non-potable water conveyance. Irrigation easements no longer needed for conveyance of water supplies shall be vacated. Surface water rights shall accrue to the City of Fresno when the irrigation water is no longer being delivered for agricultural activity.

5. Any premises having both a potable water utility connection and a separate source of water for agricultural irrigation must have an approved backflow prevention device (meeting to City Water Division standards) on the potable water connection. The backflow device shall be installed with required City permits and is subject to periodic testing.

6. Installation of any water line used to deliver a potable water supply for irrigation of a crop cultivation site requires approved plumbing permits from the City. Any hose bibb

or sprinkler connection to a potable water utility system shall be equipped with backflow protection approved by the City, such as a vacuum breaker fitting.

7. Any crop cultivation use of water from a potable water utility system shall be metered.

8. Efficient Water Management Practices identified in Fresno Irrigation District's adopted Agricultural Water Management Plan shall be implemented as feasible.

9. When 20 or more contiguous acres are involved in agricultural or horticultural activity, a private water well may be developed, reconstructed, or rehabilitated on the premises to supply irrigation water, subject to all of the following:

   a. Submittal of an irrigation water use plan for Water Division approval.

   b. City Water Division's written approval of an irrigation water well application pursuant to Fresno Municipal Code Sections 6-402 and 6-505, including siting of the proposed well and portions of the well casing with perforations or screening.

   c. Approval of the appropriate level of environmental review for the irrigation well development project.

   d. Execution of an agreement with the Water Division to do the following: maintain well production metering and records of well production; to pay the applicable Recharge Fee or provide alternative groundwater extraction mitigation acceptable to the Water Division; and to limit the well's groundwater extraction to a sustainable yield as shall be determined after well development based on the Water Division's review of pump tests.

10. Wells used for crop cultivation irrigation must be improved pursuant to State of California Department of Water Resources standards and Water Division requirements based on water well application review. Irrigation wells shall additionally be equipped with a meter accessible for periodic readings by the City for the purpose of assessing the City's Private Well Irrigation Fee.

11. Water from an irrigation well must be used solely on the premises where the well is located.

12. Water from a private off-site well shall not be used for irrigating agricultural or horticultural activity.

13. The practices of "chemigation" and "fertigation," and any other means of distributing agrichemicals via irrigation water, shall only be permitted if there is no risk of such chemicals flowing back into a well.

14. At the conclusion of crop cultivation activities, any associated well shall be destroyed in accordance with the provisions of California Department of Water Resources Water Well Standards and the standards of the City Water Division. Alternatively, and only if approved by the Water Division, a well no longer needed for irrigation may be retained and secured for subsequent public pump station use if the well has been appropriately constructed.

I. Fencing shall be located on the property, not on street rights-of-way. For parcels comprising over five acres, perimeter fencing for crop cultivation uses shall be set back from property lines

as necessary to allow at least six feet for safe pedestrian access along any roadway. For parcels comprising less than five acres, fencing for these uses shall conform to the regulations of the underlying zone district with regard to setbacks from rights-of-way and heights. Fences shall comply with Section 15-2006, Fences, Walls, and Hedges.

J. All pesticides, fertilizers, and hazardous materials used and stored at the premises shall be subject to use, storage, handling, disposal, disclosure and inventory requirements administered by the Fresno County Agricultural Commissioner, Fresno County Environmental Health, California Environmental Protection Agency Division of Toxic Substance Control, and Fresno Fire Department. No application of pesticides shall be allowed by means of aircraft (unless such spraying is ordered by the State of California or the Agricultural Commissioner for the entire municipal area to address a serious pest outbreak). All pesticides, fertilizers, and hazardous materials shall be stored in securely locked structures having an impervious floor. All such storage structures shall be located at least 20 feet from property lines and are subject to additional setback requirements at the discretion of regulatory agencies.

K. Properties proposed for cultivation shall not be on the list of hazardous materials sites compiled pursuant to California Government Code Section 65962.5; or, if a property does appear on that list, prior to it being cultivated the California Environmental Protection Agency Department of Toxic Substances Control or Fresno County Certified Unified Permit Agency shall provide written clearance that hazardous material residues will not harm persons cultivating the site or consuming any produce grown on the site.

L. Cultivation and soil amendment activities shall conform to applicable regulations of the San Joaquin Valley Air Pollution Control District, including controls for particulate matter, fugitive dust, bulk material handling, and odors. No mechanized cultivation activities which generate dust (including, but not limited to, tillage, harvest, and ground sweeping) shall be done when ambient moisture levels are low and wind speed exceeds 12 miles per hour.

M. No on-site burning of waste material shall be allowed. Waste material and litter associated with agricultural operations shall be properly disposed of in a timely manner, and shall not be permitted to blow onto adjacent properties.

N. When permitted by the underlying zone district, plant products grown on the premises may be sold on the premises by means of an on-site stand subject to provisions of subsection 15-2752, Roadside Fruit Stands / Grower Stands.

O. Beehives may be temporarily placed on crop cultivation sites 20 acres or more in size, regardless of the underlying district, for pollination purposes. A source of water shall be provided within twenty 20 feet of all hives and the hives shall be located at least 40 feet from property lines. Beehives shall be properly maintained according to apiary standards administered by the Fresno County Agricultural Commissioner. Aggressive or "Africanized" beehives shall be immediately removed by the owner or operator.

P. Except where the setback requirements of this subsection are more restrictive, setback and lot coverage requirements of the underlying zone district shall apply. Greenhouses and agricultural or horticultural storage facilities shall be classified as buildings in determining lot coverage. The property development standards of the underlying zone district shall apply with regard to building heights.

Q. Sonic hail disruptors ("hail cannons") and noisemaking devices for repelling birds and other crop pests shall not be permitted.

R. Soil amendments and waste material that attracts nuisance flies or supports growth of such flies shall not be permitted.

S. Any agricultural operation located in an area regulated under an Airport Land Use Compatibility Plan or airport specific plan shall be operated in conformance with the applicable Wildlife Hazard Mitigation Plan for that airport.

T. Street trees and trees established to satisfy shading criteria of applicable permits and subdivision maps shall not be removed to accommodate crop cultivation activity.

U. Prior to tillage or excavation for cultivation, parties undertaking the activity shall confirm that there are no Fresno Metropolitan Flood Control or Fresno Irrigation District underground facilities and shall call the Underground Service Alert Program (the "811 - Call Before You Dig") line. Parties intending to cultivate trees or trellis crops shall conform to utility company policies and regulations with regard to separations from overhead lines.

V. On a property being cultivated, any maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of an identified historical resource shall be done consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, available from the City of Fresno Historic Preservation Project Manager.

15-2717 Commercial Modular Buildings

A. **General Requirements**. Commercial Modular Buildings generally fall under two categories: permanent modular or temporary modular, both of which shall be collectively be referred to as "Modulars" for this section.

1. Permanent Modular buildings are usually considered real property, built to the same codes as conventional buildings.

2. Temporary Modular buildings are commonly considered personal property or equipment and are not permanently affixed to real estate. Temporary Modular buildings are often used as sales offices, classrooms, or for healthcare services.

B. **Government Owned Property.** City-owned sites (e.g., parks) and buildings used during construction as either offices or to temporarily house offices are excepted from this section.

C. **Underlying Districts**. The underlying District Standards shall apply to Modular buildings, including, but not limited to, building height, access, setbacks, open space, parking requirements, etc., or operative plan, if applicable.

D. **Location.**

1. Buildings may be installed on industrial, commercial, and residential districts that are developed with non-residential districts.

2. Buildings shall not be the primary building on the site.

3. Buildings may not be visible from Major Streets.

E. **Design Criteria.**

1. Permanent Modular Buildings shall be reviewed similar to buildings that employ conventional building techniques.

2. Temporary Modular buildings shall be compatible in design and appearance with structures in the vicinity and shall meet the following standards:

   a. *Foundation.* A building shall be built on a permanent foundation system approved by the Building Official.

   b. *Date of Construction.* Temporary Modular buildings shall have been manufactured within 10 years of the date of issuance of a permit to install the building on the site.

   c. *Roof Overhang.* The roof overhang shall not be less than 12 inches around the entire perimeter of the Temporary Modular building as measured from the vertical side of the home. The overhang requirement may be waived at the point of connection where an accessory structure is attached to the building.

   d. *Roof Material.* Roof material shall consist of material customarily used for conventional buildings, such as tile or composition shingles. If shingles are used, the pitch of the roof shall be not less than three inches vertical to 12 inches horizontal.

   e. *Siding Material.* Siding material shall consist of exterior material customarily used for conventional buildings, such as stucco, wood, brick, stone or decorative concrete. Metal siding, if utilized, shall be non-reflective and horizontally lapping. Siding material utilized as skirting shall be the same as the material used on the exterior wall surface of the building.

   f. *Skirting.* The unit's skirting shall extend to the finished grade.

   g. *Building Orientation.* The building, including the primary entrance, shall face the street.

15-2718 Commercial Truck Storage

Commercial Truck Storage, not specifically related to the primary use on the site, is permitted subject to the following standards.

A. **Minimum Lot Size.** One acre.

B. **Access.** The site shall have direct access to a street designated for the type of vehicles that will be parking on the site.

C. **Landscaping and Screening.**

1. There shall be a minimum 10 foot landscape area along all streets, unless a greater setback is required elsewhere in this Code or operative plan.

2. Chain link fencing is prohibited along major streets, except along State highways if the fence is erected by Caltrans.

3. Graffiti along perimeter Screen Walls shall be removed within 48 hours.

4. Additional screening and landscaping, as determined by the Director may be required where necessary to prevent visual impacts on adjacent properties.

D. **Surface Paving.** All parking and maneuvering areas shall be paved per Public Works Standards for Parking Lots. Parking on unimproved lots is prohibited.

E. **Operational Requirements.**

1. Vehicles and/or trailers may only be stored within designated areas per the approved entitlement.

2. All auto repairs, including the changing of tires and fluids (e.g., oil) shall occur within an enclosed building.

3. There shall be no dismantling of motor vehicles.

4. Personal storage of vehicles, such as boats or RVs, is prohibited.

5. Trailers oriented to passerby for the sole purpose of advertising are prohibited.

6. Retail sales of vehicles is prohibited.

F. **Parking Lot Shading.** Parking Lot Shading is required for non-truck/trailer parking areas.

G. **Infrastructure Requirements.**

1. Off-site improvements may be required by the City.

2. The facility shall be served by a public sewer system. Private septic sewer systems are prohibited.

3. Adequate facilities and infrastructure shall be provided for fire protection as determined by the City.

H. **San Joaquin Valley Air Pollution Control District.** Applicants shall gain written or permit approval from the SJVAPCD.

15-2719 Community and Religious Assembly Facilities.

Community and religious assembly facilities shall be located, developed, and operated in compliance with the following standards:

A. **Property Development Standards.** Development shall comply with the Property Development Standards of the District in which the project is located.

B. **Access.** Community and religious assembly facilities shall take primary access from a public street that is improved with curbs, gutters, sidewalks, and street lights. If these improvements do not exist on the subject site, they shall be installed prior to operation of the proposed facility.

C. **Buffer.** A minimum 20-foot perimeter buffer shall be included adjacent to any residential use or district. This buffer area may be used for parking or landscaping but shall not be used for structures or outside activities, however there shall always be a minimum 10-foot landscape setback when abutting a Residential District.

D. **Outdoor Recreation.** Outdoor recreation areas for programmed activities, such as basketball courts, soccer fields, softball fields, etc., shall be at least 20 feet from any residential use or district.

E. **Shared Parking.** Parking for a facility may be shared with other uses as long as the operating hours of the other uses do not conflict with the operating hours of the proposed facility.

F. **Outdoor Lighting.** Outdoor lighting shall not exceed an intensity of one foot candle of light throughout the facility.

15-2720 Community Gardens / Urban Farms

Community Gardens and/or Urban Farms, collectively referred to as Gardens, may be located, developed, and operated in compliance with the following standards.

A. **Management.**

1. ***Community Gardens.***

   a. Shall be organized by community groups, nonprofit organizations, the City, or land owners. A manager shall be designated for each Community Garden who shall serve as liaison between gardeners, property owner(s), and the City.

   b. If located within a Planned Development or Multi-Family Residential Complex, the Homeowner's Association and/or property management company shall be responsible for the site and shall designate a liaison between the property owner(s) and the City.

2. ***Urban Farm.*** May be operated by a sole proprietor or an organization. A manager shall be designated who shall serve as liaison between the owner(s) and the City.

B. **Operational Plan.** The applicant shall submit an operational plan that identifies roles and responsibilities, contact information, and operations of the Garden.

C. **Location**. Refer to Table 15-2720-C.

TABLE 15-2720-C PERMITTED DISTRICTS AND AREA LIMITATIONS

District/Site Location	*Minimum Lot Size*	*Maximum Lot Size*
Residential District with access to a local street	3,000 sq. ft.	21,780 sq. ft.
Residential District with direct access to a major street	No minimum	2 acres
Residential Districts if part of a Planned Development, Multi-Family Complex (must be for the sole use of residents), or Religious Assembly Facility	No minimum	No maximum
Non-Residential Districts	No minimum	3 acres
Publicly-Owned Site (e.g., Gov't Agency)	No minimum	No maximum

D. **Hours of Operation.** Gardens shall only be tended between dawn and dusk.

E. **Buildings and Structures.**

1. Garden sheds for storage of gardening tools and supplies; greenhouses that consist of buildings made of glass, plastic, or fiberglass in which plants are cultivated; outdoor furniture such as benches, bike racks, picnic tables, fences, children's play areas; raised/accessible planting beds; garden art; rain barrel systems; and structures for the sale of produce may be permitted.
2. Buildings and structures, including temporary structures, shall comply with the property development standards of the underlying district.
3. The combined area of all buildings or structures shall not exceed 25 percent of the garden site lot area.

F. **Front Yards.** Yards along streets shall contain landscaping and/or planting.

G. **Fencing.**

1. Fences shall comply with Section 15-2006, Fences, Walls, and Hedges.
2. If proposed, fences shall be located at the rear of front yard setbacks. For street side yards, refer to Section 15-2006, Fences, Walls, and Hedges.
3. Security wire, including concertina, electrical fencing, etc. is prohibited.

H. **Equipment.** Only household garden tools and equipment, applicators and products, may be used. This includes, but is not limited to, soil preparation, cultivation, planting, application of chemicals, dust control, harvesting, etc. Pull-behind equipment is prohibited.

I. **Tillage/Excavation.** Prior to tillage or excavation for cultivation, parties shall be responsible for contacting the Underground Service Alert Program (telephone number 811).

J. **Maintenance.**

1. Curbside residential solid waste service is required. No burning of any material is permitted.
2. The operator shall be responsible for the overall maintenance of the site and shall remove weeds, debris, etc. in a timely manner.
3. Soil amendments, composting, and waste material shall be managed and shall not attract nuisance animals or support growth of flies.

K. **Sale of Produce.** Incidental sales may be permitted. Sales are limited to items that are grown on-site. Incidental, for purposes of this subsection, shall be defined as once per week.

L. **Animal Keeping.** Animal keeping is prohibited.

M. **Utilities.** The land shall be served by a water supply sufficient to support the cultivation practices used on the site.

N. **Restrooms.** If proposed, restrooms shall be connected to public utilities. Portable restrooms are not permitted.

O. **Drainage.** Water or fertilizer shall not drain onto adjacent properties, and no permanent retention of water shall be permitted. Dirt from the site shall not be tracked onto adjacent sidewalk, gutter, or street.

P. **Composting.** Composting is allowed as a minor accessory use to the site.

1. Composting must be done within a sealable container and may only consist of materials generated on-site.
2. The container must be setback at least three feet from property lines.
3. Composting must not lead to runoff of contaminated water nor expose adjacent properties to adverse noise, odors, pests, etc.

15-2721 Concrete Batch Plants, Storage Yards, and Similar Uses

A. **Applicability**. This section applies to facilities that by their very nature generally occur and provide for outdoor storage. More specifically, this section applies to:

1. Contractor's Storage Yards;
2. Outdoor Storage Yards;
3. Outdoor Lumber and Material Yards;
4. Concrete Batch Plants;
5. Commercial Landscaping suppliers (e.g., rockeries);
6. Pallet manufacturing, repair and storage; and
7. Other similar uses that are not directly associated with a specific construction site.

B. **Existing Facilities**. Existing facilities established prior to January 24, 2006 may continue to operate subject to the following conditions:

1. Compliance with all Conditions of Project Approval per the pertinent entitlement.
2. If an entitlement was not required per zoning regulations, the applicant shall provide evidence, satisfactory to the Director, that the facility:
   a. Was established prior to January 1, 2012 and that the use has been in continuous use;
   b. The site has had a valid business license since January 1, 2012; and
   c. The site does not have any outstanding violations from Code Enforcement or the Fire Department.

C. **New Facilities.**

1. ***Minimum Lot Size.*** 10,000 square feet
2. ***Location.*** There shall be a minimum setback of 200 feet from property planned or zoned for:
   a. Residential uses;
   b. Office Uses;
   c. An integrated commercial shopping center; or
   d. A freeway, unless the freeway is depressed a minimum 10 feet from the natural grade of the subject site and there is a six foot masonry wall that screens visibility into the site.

3. ***Landscaping and Screening.***

   a. There shall be a minimum 10 foot landscape area along all streets, unless a greater setback is required elsewhere in this Code or operative plan.

   b. A Screen Wall and gate, of seven feet in height shall be provided along all property lines. Said wall shall be located at the rear of required landscaping along streets, including freeways. Screen Walls, when located on a local industrial street or between industrial uses, may be a material other than masonry, subject to review and approval by the Director.

   c. Graffiti along perimeter Screen Walls shall be removed within 48 hours.

   d. Additional screening and landscaping, as determined by the Director may be required where necessary to prevent visual impacts on adjacent properties.

4. ***Paving.*** All storage areas shall be paved per the following standards:

   a. Public Works Standards for Parking Lots, or

   b. The surfacing shall consist of a minimum of two inches of asphalt concrete or three inches of road-mixed asphalt surfacing over native soil compacted in accordance with Public Works Standards. An alternative soil stabilizing agent may be applied and maintained, in lieu of asphalt concrete or road-mixed asphalt surfacing if approved in writing by the Public Works Director and the San Joaquin Valley Air Pollution Control District.

5. ***Operational Requirements.***

   a. The operational statement shall articulate what items shall be stored on-site and for what purposes.

   b. There shall be no loading/unloading of vehicles and/or materials in the public right-of-way or within customer parking areas.

   c. Vehicles and/or materials may only be stored within designated areas per the approved entitlement.

   d. Personal storage of vehicles, such as boats or RVs, is prohibited.

   e. Retail Sales are prohibited.

6. ***Stacking.*** The stacking of products may not exceed two feet above the required screen wall, unless it is not visible from a Residential Use or District or a public street.

7. ***Infrastructure Requirements.***

   a. Off-site improvements may be required by the City.

   b. The facility shall be served by a public sewer system. Private septic sewer systems are prohibited.

   c. Adequate facilities and infrastructure shall be provided for fire protection as determined by the City.

15-2722 Corner Commercial

A. **Purpose**. The purpose of this section is to allow for the development of small-scale, neighborhood-serving commercial establishments that can provide convenient, walkable access to important amenities and that can increase the sense of community and value to the surrounding neighborhood.

B. **Permit Required.** A proposal for a Corner Commercial use shall require a Zone Clearance subject to Article 51.

C. **Noticing.** Noticing shall be required per Section 15-5007, Public Notice.

D. **Permitted Types.** Corner Commercial uses are limited to the following:

1. Counter-Service cafes and coffee shops;
2. Delicatessens;
3. Bakeries;
4. General Markets and Healthy Food Grocers;
5. Flower shops; and
6. Bike shops and bike repair services.

E. **Design Standards.** Per the underlying district and the following:

1. The building must maintain the appearance of a single-family home and fit architecturally with the neighborhood.
2. The commercial use must be easily recognizable from the front façade through the use of large windows or an active outdoor use such as produce stands or café seating.
3. Outdoor seating for cafes, etc. is allowed in the front and rear yards, setback at least 10 feet from adjacent residential property lines or fences, whichever is closer to the use, and shall be oriented to minimize impacts on any adjacent residences.
4. The commercial area shall be limited to 1,500 square feet.
5. ***Signage***.
   a. Illuminated signage is not permitted.
   b. Up to two outdoor signs, with a combined total of 24 square feet or less in size, are permitted. Signs must be visually compatible with the building and surrounding neighborhood.
   c. Wall or window-mounted Menu Display Boards (less than two square feet in area) and A-Frame (sandwich) signs that display daily specials, etc. are permitted, but may not be located in the public right-of-way.

F. **General Regulations.**

1. May not have more than one dwelling unit on-site.
2. Alcohol sales are prohibited.
3. Hours of operation shall be limited to 6 a.m. to 10 p.m.

4. Amplified music is not permitted outside.

5. Drive-throughs are prohibited.

6. Any storage of materials or trash outside must be enclosed.

G. **Parking.** On-site parking shall be limited to residents.

H. **Location.**

1. Must be located on a corner lot where intersecting a Major Street.

2. The building must front the Major Street with the main access to the commercial area provided from that street.

I. **Findings.** The following shall be added as required Zone Clearance findings.

1. The use must be oriented to serve the immediate neighborhood, promoting health and facilitating a sense of community between neighbors.

2. The use must complement the residential character of the neighborhood and will not adversely impact adjacent properties.

15-2723 Cottage Housing Developments (Pocket Neighborhoods)

A. **Purpose.**

1. To provide a diverse range of housing to support a diversity of households.

2. To provide infill development opportunities.

3. To protect the character of single-family neighborhoods.

4. To promote community interaction and safety through design.

B. **Alterations Required by the Fire Department.** Any of the provisions found in this section may be altered by request of the Fire Department in order to meet safety standards.

C. **Unit Types and Sizes.** One-unit and two-unit cottages are permitted.

D. **Density and Number of Units.**

1. The allowed number of units is up to 1.33 percent of the number permitted in the underlying district.

2. There shall be a minimum of four units and a maximum of twelve units per cluster.

3. A two-unit cottage is allowed for the fifth and sixth, and eleventh and twelfth units.

E. **Common Open Space.**

1. Four hundred square feet of common open space shall be provided per unit. If multiple clusters are located within a development, up to 200 square feet per unit may be used for a development-wide or multi-cluster common open space.

2. Required setbacks, private open space, utility areas, and areas less than 10 feet in width cannot count toward the common open space requirement.

3. Common open space for each cluster shall be in one contiguous, useable piece with a minimum dimension of 15 feet on all sides.

4. Common open space and community buildings shall be centrally located and easily accessible to all units.

5. Common open space should have a sense of openness and be maintained to provide for passive and/or active recreational activities. Some encouraged uses are lawns, gardens, patios with tables and chairs, etc. More active uses such as playing courts are also encouraged as long as they do not dominate the common open space.

6. Fences may not be located within required common open space areas.

7. Required trails may count towards the common open space requirement provided each unit has pedestrian access to the trail(s).

8. Any open space that cannot be used for enjoyment of residents may not count towards the required total. These include, but are not limited to, ponding basins, buffers, areas with a steep slope, etc.

9. ***Community Building.***

   a. If a community building is provided, it may count for 200 square feet of required common open space per unit up to 25 percent of the total requirement.

   b. Community buildings must be limited to one story, be incidental in size and use, and be architecturally consistent with the rest of the development.

   c. Community buildings must be located on the same site as the cottage housing development and be easily accessible to all units within the development.

   d. Community buildings must be under common ownership by the residents.

F. **Design Standards of Units.** Dwellings within a cottage housing development should be oriented to promote a sense of community both within the development and with respect to the larger community. They must be architecturally compatible with the surrounding neighborhood and must not be designed to be enclosed or hidden from the surrounding neighborhood.

1. ***Orientation to Public Street.***

   a. For units abutting a public street, no less than 20 percent and no more than 40 percent of street-facing elevations shall consist of windows. Windows shall have a vertical orientation, meaning the height of each window is greater than its width.

   b. Units abutting a public street shall orient their primary entrance to the public street.

2. ***Orientation to Common Open Space.***

   a. With the exception of units abutting a public street, all units must have their primary entryway oriented towards the common open space.

   b. Cottages must surround the common open space on at least two sides.

3. *Pedestrian Circulation.*

   a. Pedestrian paths shall link all units to common open space within the development, to parking areas, and to sidewalks, especially where there are transit stops. Paths entering the development from the sidewalk shall be at least five feet wide to promote a sense of openness.

4. *Private Open Space.*

   a. A minimum of 250 square feet of private open space is required per unit. This is inclusive of required porch and yard space.

   b. Each unit must have a covered porch over the primary entryway with a minimum area of 64 square feet per unit and a minimum of seven feet on all sides. Railings are encouraged.

   c. A yard, with a minimum dimension of 10 feet, is required adjacent to primary entryway porch.

   d. Fences or hedges shall not exceed three feet in height.

   e. Yards and porches should add to the visual variation of each unit.

5. *Floor Area and Height.*

   a. Unit floor area shall be between 600 and 1,200 square feet.

   b. Cottages shall not have the appearance of "tall, skinny houses."

   c. Cottages shall be no more than two stories. Height must comply with the underlying zone district.

6. *Variation between Units.*

   a. There shall be variation between units, while maintaining architectural consistency, to prevent repetitive use of building styles within any cluster, development, and adjacent dwellings. Some ways to achieve this variation include varied rooflines, elevations and height, floor area, stories, entryways, yards, etc. Multi-cluster developments may repeat one design per every three clusters, but repeated designs may not be placed in proximity to one another.

7. *Roof Design.*

   a. Units shall have a minimum 6:12 pitched roof. Roof slopes lower than 6:12 are limited to architectural features such as dormers and porch roofs and may not be less than 4:12.

   b. Alternate roof designs may be approved if it is found that they meet all other compatibility and design requirements prescribed by this section.

8. *Windows.*

   a. Placement of windows shall avoid creating privacy issues for adjacent units and neighboring properties.

   b. Window trim shall be provided.

9. ***Setbacks.***

a. All buildings shall be separated by at least eight feet. Minor architectural projections are allowed.

G. **Parking.**

1. ***Required Amount.***

a. One garage is required per unit for use by residents of that unit.

b. .5 guest spaces are required per unit and may be provided under carports or on surface lots.

c. Guest parking may be provided off-site if the Director deems there is adequate space.

2. ***Design and Orientation.*** Parking areas shall be separated from the common open space area and, to the extent possible, shall not be visible from the street.

a. *Attached Garages.*

i. May be accessed from the side or rear of the unit.

ii. If oriented towards the street, may not dominate the façade, and must be either flush with or set back from the rear of the building.

iii. Garage doors shall provide windows, moldings, or other architectural features to help blend with the rest of the home.

iv. The first 250 square feet shall not be counted towards maximum floor area.

b. *Detached Garages and Carports.*

i. Must be architecturally consistent with the development (e.g. similar rooflines).

ii. May not exceed a total of four spaces per parking structure.

iii. If located in-between units, may not exceed two spaces and must be setback 10 feet from the primary façade.

c. *Surface Lots.*

i. For every six spaces provided there must be a landscaped area of no less than 10 square feet, which may include a pedestrian path.

ii. If located in-between units, may not exceed two spaces and must be setback 10 feet from the primary façade.

d. *Private Driveways.*

i. Must be designed as a woonerf.

ii. Driveways must be located to the rear of units.

e. *Preferred Location of Lots and Structures.*

i. 1. To the rear of the development, accessed via an alley.

2. To the side or rear of the development, accessed by a private driveway.

3. To the side of the development accessed from a non-primary street.

H. **Trash Enclosures.** See Section 15-2016, Trash and Refuse Collection Areas.

I. **Homeowners' Association.** A homeowners' association is required for the maintenance of common areas.

J. **General Provisions.**

1. Accessory Dwelling Units are not permitted.

2. An existing single-family home or duplex that does not meet the requirements of this section is permitted to remain on the site, provided that the extent of its nonconformity is not increased.

3. A covenant restricting any increases in unit size after initial construction shall be recorded against the property.

15-2724 Cyber/Internet Cafés

A. The establishment shall have an employee present during all hours of operation.

B. Alcohol sales shall be limited to beer and wine for on-site consumption.

C. Gambling, including sweepstakes, and gambling simulation games such as video versions of slot and table games are prohibited. Other uses may be prohibited as determined by Council action or by State and federal laws.

D. The establishment shall not create nor contribute to public nuisance or criminal activities which are harmful to the health, peace, safety, or general welfare of people residing, working, or visiting in the surrounding area.

15-2725 Day Care Centers and Family Child Care Homes

A. **Types of Day Care Facilities.**

1. ***Child Care Center.*** A child care facility, usually located in a commercial building, that provides non-medical care and supervision to children (infant through school age) in a group setting for periods of less than 24 hours.

2. ***Family Child Care Home.*** A child care facility that provides supervision to children (infant through school age) in the caregiver's own home for periods of less than 24 hours per day. Per State law, Family Child Care Homes are not limited to detached single-family homes.

3. ***Ancillary Day Care Center.*** A facility that provides child care services that is ancillary to a larger use such as a place of employment, a religious assembly facility, an athletic club, shopping center, etc.

B. **Minimum Standards for Child Care Centers and Family Child Care Homes.**

1. ***License.*** The operator shall secure and maintain a license from the State of California Department of Social Services.

2. ***Outdoor Space.***

a. The outdoor area shall not be located in any required front or street side yard. This area must be either owned or leased by the applicant and cannot be shared with other property owners unless written permission is granted by the other property owners.

b. Outdoor play areas shall be secured and screened with a minimum six foot wall or fence, constructed of wood or masonry, and shall achieve at least 75 percent opacity. Chain metal fencing or barbed wire is prohibited.

i. Family Child Care Homes. The above requirements may be waived for Family Child Care Homes if the applicant can demonstrate that there is a public park or other public open area within 500 feet of the day care, the open space is on the same side of the street or across a local street, and there is a defined pedestrian path to the open space.

ii. Child Care Centers. Pursuant to California Code of Regulations, Title 22 (Section 101238.2) Child Day Care Centers shall provide a minimum of 75 square feet of outdoor space for each child over two years old. Swimming pools and adjacent pool decking may not count towards meeting this space.

iii. Exceptions. School-age child care programs that are operated on the site of a functioning school ground are exempt from square-footage requirements.

C. **Additional Standards for Family Child Care Homes.**

1. **Residency.** The operator of a Family Child Care Home shall be a full-time resident of the dwelling unit in which the facility is located.

2. **Facility Separation**. A proposed Family Child Care Home shall not be located closer than 300 feet from the nearest lot line of another large family day care home or adult day care facility, respectively, for which a Discretionary Permit has already been issued and is in effect. However, the Director may allow the proposed large family day care home or adult day care facility to be located closer than 300 feet if it is determined that

such closer location will not have an adverse effect on surrounding properties or on vehicular or pedestrian safety in the area.

3. **Fire Clearance**. A fire safety clearance approved by Fresno Fire Department is required for Large Family Child Care Homes.

4. **Number of Children.**

a. For a Small Family Child Care Home, the maximum number of children cared for, including children under age 10 who live in the home, is one of the following:

i. Four infants, or six children, no more than three of whom may be infants.

ii. Six children, or up to eight children when one child is at least six years of age and one child is enrolled in and attending kindergarten or elementary school and no more than two infants are in care. Parent notification and property owner consent must be on file.

b. For a Large Family Child Care Home, the maximum number of children cared for when there is an assistant provider in the home, including children under age 10 who live in the home, and the assistant provider's children under age 10, is either:

i. Twelve children, no more than four of whom may be infants, or

ii. Up to 14 children when one child is at least six years of age and one child is enrolled in and attending kindergarten or elementary school, and no more than three infants are in care. Parent notification and property owner consent must be on file.

D. **Standards for Ancillary Day Care Centers.** Ancillary Day Care Centers are subject to compliance with the regulations found under California Health and Safety Code 1596, as may be amended.

15-2726 Demolition and House Moving

A. **Demolition.** All structures proposed for demolition shall be reviewed by the City's Historic Preservation Officer and the San Joaquin Valley Air Pollution Control District.

B. **House Moving.**

1. ***On-Site.*** Prior to a structure being moved onto a site, the home shall be reviewed to ensure compatibility with the neighborhood as determined by the Director. Homes shall be subject to the Property Development Standards and adopted policies and procedures of the underlying District.

2. ***Off-Site.*** Prior to a structure being relocated off-site, the home shall be reviewed by the City's Historic Preservation Officer.

15-2727 Development of Former Landfill Sites and Hazardous Sites

A Conditional Use Permit shall be required for the development of all former Landfill Sites and other sites deemed hazardous, regardless of the proposed use. As part of the application, the applicant shall at a minimum, provide a geotechnical report that provides a complete analysis of on-site soil conditions, fault hazards, underground water conditions, and recommendations as well as a post-closure plan that outlines remediation measures. Applicants shall comply with all State and Federal regulations related to operation, post-closure remediation, and monitoring.

15-2728 Drive-In and Drive-Through Facilities

Drive-in or drive-through facilities shall be located, developed, and operated in compliance with the following standards:

A. **Where Allowed.** Drive-in and drive-through facilities are allowed per base district land use regulations.

B. **Separation Requirements.**

1. ***From Residential Districts.*** Drive-throughs shall not be located within 100 feet of a Residential District.

2. ***Space between Drive-Throughs.*** A building with a drive-through lane shall not be located within 400 feet of another structure containing a drive-through facility.

   a. *Exception.* This requirement does not apply in the CH Commercial - Highway and Auto district. However, compatibility with traffic flow shall still be assessed.

C. **Drive-In and Drive-Through Aisles.** Drive-in and drive-through aisles shall be designed to allow safe, unimpeded movement of vehicles at street access points and within the travel aisles and parking space areas. Aisles shall be designed to provide adequate visibility at their intersection with streets or travel aisles. See Section 15-2018, Intersection Visibility.

D. **Landscaping.** Each drive-through aisle shall be screened with a combination of decorative walls and landscape to a minimum height of 30 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets, parking lots, and the public right-of-way.

E. **Menu Boards.** A maximum of two menu boards, not exceeding 20 square feet in area apiece, with a maximum height of six feet are permitted per drive-through. Should a facility have two drive-throughs, each drive-through may have two menu boards. All outdoor speakers shall be directed away from any residential district or residential use.

F. **Pedestrian Walkways.**

1. Pedestrian walkways shall not intersect drive-in or drive-through aisles, unless no alternative exists due to physical site constraints. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.

2. A pedestrian walkway crossing a drive-through lane will be allowed when it is the pedestrian pathway that links the site to the rest of the shopping center. This pathway must be located at the end of the drive-through lane and must be clearly delineated with

striping or contrasting paving. Signage notifying drivers in the drive-through lane of the pedestrian crossing shall be provided.

G. **Site and Building Design.**

1. Walls along the street face and visible from the street, shall be transparent with windows, doors, and other forms of transparent building materials to maximize views in and out of the building and the relationship between interior and exterior to support and animate the public street and sidewalk.

2. Drive-through elements shall be placed to the side or rear of the building.

3. Drive-through aisles shall be designed to reduce idling. Signage to encourage customers not to idle shall be placed either before or at the entrance of a drive-through aisle.

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

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

15-2729 Emergency Shelters

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

A. **Number of Residents.** The number of adult residents, not including staff, who may be housed on a lot that is smaller than one acre shall not exceed the number of persons that may be accommodated in any hospital, elderly and long term care facility, residential, transient occupancy, or similar facility allowed in the same district.

B. **Length of Occupancy.** Occupancy by an individual or family may not exceed 180 consecutive days unless the management plan provides for longer residency by those enrolled and regularly participating in a training or rehabilitation program.

C. **Outdoor Activities.** All functions associated with the shelter must take place within the building proposed to house the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.

D. **Minimum Hours of Operation.** At least eight hours every day between 7 a.m. and 7 p.m.

E. **Employee Presence.** On-site employee presence must be provided at all times.

F. **Toilets.** At least one toilet must be provided for every 15 shelter beds, unless a greater number is required by State law.

G. **Management Plan.** The operator of the shelter must submit a management plan for approval by the Director. The Plan must address issues identified by the Director, including transportation, client supervision, security, client services, staffing, and good neighbor issues.

15-2730 Farmer's Markets

Farmer's Markets may be located, developed, and operated in compliance with the following standards:

A. **General Provisions.**

1. ***Types of Farmer's Markets.***

   a. *Permanent Indoor Farmer's Market.* A Farmer's Market which takes place within a fully enclosed building which is not able to be disassembled when the Farmer's Market is not in operation. Permanent Indoor Markets shall be considered a Healthy Food Grocer and shall not be subject to this section.

   b. *Permanent Off-Street* Farmer's *Market.* A Farmer's Market which takes place off-street within structures that are open to the sky on one more side and which are not able to be disassembled when the Farmer's Market is not in operation.

   c. *Temporary Off-Street Farmer's Market.* A Farmer's Market which takes place in a parking lot or other off-street location within structures that are able disassembled when the Farmer's Market is not in operation.

   d. *On-Street Farmer's Market.* A Farmer's Market which takes place within a street.

2. ***Permits Required.***

   a. *City Permits.*

      i. A Zone Clearance or Conditional Use Permit shall be required as specified in the applicable Base or Overlay District.

      ii. A Street Closure Permit shall be required for On-Street Farmer's Markets.

      iii. A Building Permit shall be required for permanent structures and tents larger than 400 square feet.

   b. *Other Agencies.* Review and approval may be required from other agencies, including the Fresno County Health Department. Issuance of a Zone Clearance or Conditional Use Permit by the City does not relieve an applicant of the obligation to secure all permits required by other agencies prior to commencement of operations.

3. ***Submittal Requirements.*** In addition to standard submittal requirements for the applicable permits, the following information shall be provided with applications for Farmer's Markets:

   a. *Site Plan.* A site plan showing the proposed layout shall be provided. The site plan shall show all information necessary to demonstrate compliance with this section and other applicable regulations, including the following:

i. The site plan should clearly show the location of Farmer's Market stands, and restroom locations as they relate to all of the existing buildings, landscaping, and access points on the site.

ii. Both vendor and customer parking need to be indicated on a site plan. This can be accomplished on the same property as the proposed farmer's market or on an adjacent property with the permission of the owner.

b. *Traffic Control Plan.* On-Street Farmer's Markets shall submit a traffic control plan that shows the exact area of the streets to be closed, detour routes, barricade locations, and traffic control signage.

c. *Insurance.* On-Street Farmer's Markets may require additional insurance, as determined by the City's Risk Manager.

4. ***Public Notice.*** When proposed in a Residential District or on a site which abuts a Residential District, public noticing shall be required per Section 15-5007 prior to issuance of a Zone Clearance or Conditional Use Permit.

B. **Site Design Development Standards.** Unless otherwise specified**,** Farmer's Markets shall follow all applicable site design development standards of the Base or Overlay District. The following shall also apply:

1. ***Sales Area Paving.***

a. *Permanent Off-Street Farmer's Market.* Sites shall be paved with asphalt, concrete, pavers, or similar materials as determined by the Review Authority. The sales area shall not consist of turf, dirt, or gravel.

b. *Temporary Off-Street Farmer's Market.* The sales area may be paved with asphalt, concrete, pavers, or similar materials, and may also consist of turf or artificial turf. The sales area shall not consist of dirt or gravel.

2. **Setbacks.** Display areas shall comply with the setbacks of the applicable Base or Overlay District, however in no case shall setbacks be less than 10 feet from any side or rear property line.

3. ***Parking.***

a. *Permanent Off-Street Farmer's Market.* Permanent Outdoor Farmer's Markets shall provide parking per one space per 1,000 square feet of sales area.

b. *Temporary Off-Street Farmer's Market.* None required, however available parking spaces for other uses on the site shall not be reduced by more than 40 percent. An exception may be made if a parking study, prepared by a Licensed Traffic Engineer, concludes that there is adequate parking in the area, not including on-street parking in Residential Districts.

c. *On-Street Farmer's Markets.* None required.

4. ***Layout.***

a. Aisles shall be no less than 20 feet wide.

b. A group of adjacent tents shall not exceed 700 square feet. Each group must be separated by no less than 12 feet.

c. Other safety requirements may be applied by the Police Department, Fire Department, or Building Division.

5. ***Appearance.*** Stands should be uniform in appearance and be covered by a white pop-up canopy or tent that measures approximately 10 feet x 10 feet. Other colors and designs may be considered at the discretion of the Review Authority, but in no circumstances shall tarps be permitted in lieu of a tent or canopy.

6. ***Signs.*** Signs, including directional signs, shall comply with Article 26, Signs.

C. **Operational Requirements.**

1. ***Products.***

a. *Agricultural Products.* Unprocessed agricultural products in their natural state shall comprise at least 60 percent of the retail space available.

b. *Other Allowed Products.* The exhibition and sale of the following shall not exceed 40 percent of the retail space available:

i. Processed foods such as dried fruit, cheese, or bread, and similar agricultural products.

ii. Artisan handiwork or art.

iii. Mobile Vendors.

iv. Beer and Wine. The Vendor must be a licensed beer manufacturer or winegrower and shall obtain approval from the Police Department, a sales permit from the Department of Alcoholic Beverage Control, and a Temporary Use Permit from the City. Vendor operations, including sales and tastings, shall comply with all State and County rules and regulations.

c. *Prohibited Products.*

i. Alcoholic beverages other than wine or beer.

ii. New, commercially produced merchandise that is not agricultural-related.

iii. Second-hand or used merchandise.

iv. Tobacco products.

v. Livestock.

2. ***Management.*** There shall be a Market Manager, which may be a vendor, during all hours of operation. The Market Manager shall ensure compliance with City regulations and for resolving issues that may arise as part of the operation of the Farmer's Market. The Manager's contact information shall kept on file with the Planning Division.

3. ***Time Limits.*** In Residential Districts Farmer's Markets shall not operate, including setting-up, between the hours of 9 p.m. and 7 a.m.

4. ***Refuse/Litter.*** The operator or Market Manager shall provide trash and recycling collection bins and shall be responsible for collecting refuse after each event, including in the parking lot. The site, including parking areas, must be left in a clean condition when not in operation.

5. ***Noise.*** In Residential Districts, or abutting a Residential District, there shall not use amplified sound for any purpose.

6. ***Truth in Advertising Disclaimer.*** If the vendors are not the actual farmers, then that should be made clear to the consumer by use of a small sign at each vendor stand.

7. ***Post-Operation Clean Up.*** All evidence of the Farmer's Market must be removed from the site (including all tables, tents, canopies, temporary membranes, barricades, products, signs, litter, etc.) when it is not in operation. Permanent structures and signs are excepted.

15-2731 Flea Markets

Flea Markets, including Swap Meets and Open-Air Markets, that do not meet the strict definition of a Farmer's Market, may be permitted subject to the following standards.

A. **Size**. Flea Markets shall be a minimum of five acres in area.

B. **Sales Area Paving.** The site shall be paved, per Public Works Standards (Parking Lots) to mitigate dust.

C. **Parking**. Refer to Article 24, Parking and Loading. Parking shall be paved per Public Works Standards.

D. **Screening**.

1. ***Along Public Streets.*** The perimeter of the area used by vendors shall be screened. Screening shall be located at the rear of the required landscaping along public streets.

2. ***Customer Parking Area.*** The customer parking area is not required to be screened, unless adjacent to a Residential District. If adjacent to a Residential District, refer to Article 24, Parking and Loading.

3. ***Screening Material.*** Refer to 15-2008-C, Screening Wall Standards.

E. **Perimeter Landscaping**. Flea Markets shall provide 20 feet of landscaping along public streets and along a shared property line with residential districts, unless a greater landscape setback is required by another Article or operative plan.

F. **Restrooms**. Permanent restrooms, connected to City utilities, shall be provided.

G. **Alcohol**. Alcohol consumption is prohibited.

H. **Time Limit**. Hours shall be limited from 6 a.m. to 5 p.m. Vendors may arrive one hour prior to opening and may remain one hour after 5 p.m. to load their merchandise. An exception to the hours of operation may be permitted should the Flea Market also serve as a drive-in movie theatre.

I. **Number of Events**. The Flea Market shall not operate more than three days per week.

J. **Refuse/Litter**.

1. The facility shall provide adequate trash and recycling enclosures for the collection of refuse.

2. The operator shall be responsible for collecting trash after each event, including in the parking lot.

K. **Management**. An establishment shall have an employee present during all hours of operation.

L. **Products**.

1. ***Display Areas.*** All products shall be sold within a designated area.

2. ***Animals.*** Only Household Pets may be sold, including birds, fish, dogs, cats, and reptiles.

3. ***Vehicles.*** Vehicles shall be showcased within a designated area and shall not occupy required parking spaces.

4. ***Food Vendors.*** Food Vendors, including Mobile Vendors may sell within a designated area accessed from within the facility.

5. ***Contraband / Stolen Goods.*** The operator shall take measures to prevent the sale of contraband, including stolen goods, 'knock-off' merchandise that violates patents and trademarks, firearms, fireworks, firecrackers, drugs, etc. The operator shall provide a written statement articulating what security measures will be implemented to prohibit the sale of contraband.

15-2732 Hazardous Waste Management Facilities

All hazardous waste management facilities, except household hazardous waste collection centers authorized by the City and the Fresno County Health Department, shall be located, developed, and operated in compliance with applicable Federal and State laws and regulations, as well as the following:

A. **Application Content**. Applications for hazardous waste management facilities shall include the following:

1. ***Site Plan.*** A detailed site plan depicting all buildings, land uses, storage areas, parking areas, driveways, internal and surrounding traffic circulation. Occupancy type and rating for each building or structure shall be identified.

2. ***Best Management Practices.*** Demonstrate and certify that they are minimizing the generation of hazardous waste through the use of the best available technology within their manufacturing, and/or product development processes. Applicants shall also

demonstrate and certify that facilities will be using the best available control technology in minimizing air emissions and processing hazardous waste. Such demonstration and certification shall be provided prior to the issuance of any building permit or other land use entitlement.

3. ***Waste Characteristics and Capacity.*** Identify the amounts (in tons) and types of hazardous waste to be treated and stored; the duration of stored waste on the facility site and the ultimate destination of the waste. The owner-operator shall make this information available on a yearly basis to the City of Fresno. If the application is for a transfer station the applicant shall identify the capacity of the facility to store each type of waste stream, service area(s) of the facility and ultimate disposition of the waste.

4. ***Air Quality Analysis.*** An analysis of all anticipated air quality impacts and proposed mitigation measures. The hazardous waste facility shall comply with all applicable State and federal laws as well as all rules and regulations of the San Joaquin Valley Air Pollution Control District.

5. ***Risk Assessment.*** A risk assessment which analyzes in detail all probabilities of accidents or spills at the site, including transportation related, or accidents from the point of origin to the facility, and any other risk assessment requested by either the City Manager, Director, Fire Chief, or the City Council. Such analyses shall identify mitigation measures to reduce the identified risks. The risk assessment shall identify the most probable routes for transporting hazardous wastes to and from the facility.

6. ***Emergency Response Plan.*** An Emergency Response Plan that indicates at a minimum:

   a. That the proposed plan is consistent with any and all applicable County and regional Emergency Response Plans and all City, County, State and federal regulatory requirements regarding Emergency Response Procedure.

   b. Detailed procedures to be employed at the time of emergency for each type of chemical substances utilized including contingency procedures.

   c. Anticipated impacts on local fire, police, and medical services.

   d. Names, home, and business addresses, and home and business telephone numbers of all management personnel at the facility, if known, and a detailed description of uncontrolled release and emergency situation reporting procedures.

B. **Flooding Information.** An analysis of the potential of flooding on the site. Note residual repositories are prohibited in areas of special flood hazards as depicted by FEMA Flood Hazard Maps.

C. **Traffic Analysis.** Applicants shall submit a traffic analysis which addresses, at a minimum, vehicle-truck trips, effects on nearby intersections, and any special characteristics of the project site. Applicants shall also identify the most likely transportation routes within the city and the county.

D. **Closure Plan.** The owner or operator of a hazardous waste facility shall, prior to any local land use decision, submit a written Closure Plan to the Fresno County Health Department. The

Closure Plan shall be approved the Fresno County Health Department. All revisions to such Closure Plans shall also be submitted to the Fresno County Health Department.

E. **Safety**. The owner/operator shall demonstrate that the separation between the hazardous waste facility and residential areas is adequate to protect the health, safety, welfare, and property values of residents.

F. **Monitoring**. At minimum, hazardous waste facilities are subject to the following monitoring requirements:

1. Upon reasonable notice, and for the purpose of ensuring compliance with all standards, conditions, and other requirements which the City is authorized to enforce under its police power, City Officials or their designated representatives may enter the premises on which a hazardous waste facility permit has been granted.

2. The owner or operator of a facility shall report yearly to the Fresno County Department of Health, Environmental Division the amount, type, and disposition of all wastes processed by the facility. Included in the report shall be copies of all manifests showing the delivery and types of hazardous wastes and include a map showing the exact location (coordinates and elevation) of quantities and types of materials placed in repositories or otherwise stored or disposed of on-site.

3. The owner or operator of a hazardous waste facility shall immediately send copies of all complaints as to facility operations and copies of all inspection reports made by other local, State, or federal agencies to the Fire Chief and City Engineer.

4. Owners/Operators of all facilities shall prepare and submit an Annual Emergency Response Preparedness Report to the Fire Department and all other local emergency response agencies. Such report shall be signed by all management personnel at the facility and each person at the facility who has emergency response responsibilities.

5. Owners/Operators of all facilities shall submit an annual Air, Soil, and Groundwater Monitoring Report to the City Engineer.

G. **Modifications.** Any modifications of the types and quantities of hazardous waste to be managed at the facility which were not included in the approved application for a Conditional Use Permit shall be approved by the Fire Chief and City Engineer before such modifications occur at the facility.

H. **Contingency Plan.** Every hazardous waste facility shall have a contingency operation plan approved by the California Department of Health Services. A copy of the contingency plan shall be maintained at the facility and sent to the Police Department, Fire Department, Engineering Division, and the County Department of Environmental Health.

I. **Financial Assurance.** Prior to issuance of an "Occupancy Permit" to begin the use of a hazardous waste facility, the applicant shall show proof that it has met all of the financial responsibility requirements imposed by the California Department of Health Services and any other federal or State agency.

J. **Indemnification.** The applicant agrees to indemnify, defend, and render harmless the City, and its City Council and all officers, employees, and agents of the City against and from all claims, actions, and liabilities relating to the land use decision or arising out of the operation of the facility.

K. **Enforcement.** All costs of compliance with this Ordinance shall be borne by the facility owner/operator. The City shall employ any and all methods permitted by law to enforce this Ordinance.

L. **Maintenance.** The owner/operator shall keep all equipment and buildings in good repair and shall employ technological advances as may be required by the California Department of Health Services, San Joaquin Valley Air Pollution Control District, or U.S. Environmental Protection Agency.

M. **Findings.** The following findings shall be made in writing prior to making a land use decision which will allow the siting of a hazardous waste facility project:

1. The project is consistent with the General Plan.
2. The project will not be detrimental to the health, safety, general welfare, or property values of the community or nearby residents.
3. The project will not significantly reduce incentives for waste minimization by hazardous waste generators.
4. There are adequate City services available to service the project.
5. The project has met or exceeded each requirement of this Ordinance.
6. Any potential impacts identified in the CEQA analysis may be adequately mitigated.

15-2733 Hobby Stores

Hobby stores may have outdoor activity areas subject to the following standards:

A. For outdoor facilities that provide batting cages, paintball, airsoft, or similar activities, fences, nets, or walls shall be provided that are capable of stopping all projectiles fired and/or hit by containing or redirecting the projectile to the backstop.

B. Activities, such as batting cages, paintball, remote control race tracks, hobby helicopters, and go-karts that may generate unwanted noise, shall cease by 10 p.m. (and may not renew operations until 8 a.m. the following morning) unless separated by 400 feet or greater from a Residential District. A greater distance or additional mitigation measures may be required to mitigate noise to acceptable levels.

15-2734 Home Gardens and Edible Landscaping

Gardens, as part of existing and new single-family homes, may be incorporated into all yards. Raised garden / accessible garden beds are permitted, but not required. Raised garden beds shall comply with site line requirements per this Ordinance. Only household garden tools and equipment, applicators, and products, may be used. This includes, but not limited to, soil preparation, cultivation, planting, application of chemicals, dust control, harvesting, etc.

15-2735 Home Occupations

A. **Purpose.** The purpose of this section is to:

1. Permit home occupations as an accessory use in a dwelling unit;

2. Allow residents to operate small businesses in their homes, under certain specified standards, conditions, and criteria;

3. Allow for "telecommuting" and reduced vehicle use;

4. Ensure that home occupations are compatible with, and do not have an adverse effect on, adjacent and nearby residential properties and uses;

5. Ensure that public and private services, such as streets, sewers, water, or utility systems, are not burdened by the home occupation to the extent that usage exceeds that normally associated with a residential use; and

6. Preserve the livability of residential areas and the general welfare of the community.

B. **Applicability.** This section applies to all residential units and properties in the city regardless of their zoning designation. It does not apply to family day care homes, which are regulated separately in Section 15-2725, Day Care Centers and Family Child Care Homes.

C. **Zoning Clearance Required, Not Transferable.** A Zoning Clearance is required for each home occupation, pursuant to the provisions of Article 51, Zone Clearance. A Zoning Clearance to conduct a home occupation at a particular address is not transferable from one party to another, nor may the type of business be modified. A new Zoning Clearance must be obtained for each new home occupation.

D. **Operational and Performance Standards**. Home occupations must be located and operated consistent with the standards of this Code.

E. **Residential Appearance**. The residential appearance of the unit within which the home occupation is conducted shall be maintained, and no exterior indication of a home occupation is permitted.

1. ***Location.*** All home occupation activities shall be conducted entirely within the residential unit, or within a garage that is reserved for the residential unit. When conducted within a garage, the doors thereof shall be closed, and the area occupied shall not preclude the use of required parking spaces.

2. ***Structural Modification Limitation.*** No structural alterations shall be made to create features not customary in dwellings.

3. ***Maximum Size.*** The space exclusively devoted to the home occupation (including any associated storage) shall not exceed 25 percent of the residential unit floor area.

4. ***Employees.*** One employee or independent contractor other than residents of the dwelling may be permitted to work at the location of a home occupation. All work conducted by employees shall be conducted completely within the home or garage.

5. ***On-Site Client Contact.*** No customer or client visits are permitted except for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring). A total of eight clients and/or students per day may be permitted, however there may be no more than three clients/students at any one time. Clients/students hours of arrival and/or departure shall be staggered as to not disrupt the surrounding properties.

6. ***Employee/Client Parking.***

a. Customers, clients, and/or employees shall park on-site. If the site cannot accommodate an on-site parking space for the lack of drive approach or parcel width, they may park off-site.

b. Parking required for customers/clients/employees may be tandem.

c. The home occupation shall not cause resident occupants to park their vehicles in other locations.

7. ***Hours.*** Employees, visitors, students, and/or clients are permitted between the hours of 7 a.m. to 7 p.m.

8. ***Direct Sales Prohibition.*** Home occupations involving the display or sale of products or merchandise are not permitted from the site except by mail, telephone, Internet, or other mode of electronic communication, unless permitted per Cottage Food Preparation as detailed below.

9. ***Storage.*** There shall be no storage of materials, supplies, and/or equipment in an accessory building, or outdoors. Storage may only occur within a garage if it does not occupy or obstruct any required parking space. Contractors whose work is conducted entirely off-site (and who use their home solely for administrative purposes related to the contracting business) may store construction, electrical, landscaping, plumbing, or similar supplies or materials within a single vehicle of one ton or less.

10. ***Traffic and Parking Generation.*** Home occupations shall not generate a volume of passenger or commercial traffic that is inconsistent with the normal level of traffic on the street on which the dwelling is located or which creates the need for additional parking spaces, or involve deliveries to or from the premises in excess of that which is customary for a dwelling unit. There shall be no deliveries and/or pick-ups from commercial vehicles, except those used by mail carriers.

11. ***Vehicles.*** Only one vehicle, owned by the operator of the home occupation, and not to exceed one ton in capacity, may be used by the operator in conjunction with the home occupation.

12. ***Commercial Vehicles and Attachments.*** Home occupations involving more than one commercial vehicle parked on-site shall not be permitted. No attachments of equipment or machinery used for business purposes shall be permitted either on the vehicle or on the site when the vehicles are not in use and such equipment or machinery is within view from the public right-of-way or neighboring properties. Storage of attachments of equipment and machinery or trailers are not permitted in areas visible from public rights-of-way or neighboring properties, unless part of an active approved construction project on the site.

13. ***Equipment.*** Home occupations, which involve mechanical or electrical equipment which is not customarily incidental to domestic use shall not be permitted. Facsimile machines, copy machines, computers, and other similar business equipment are permitted. Small power tools and similar equipment/machinery not exceeding two horsepower are also permitted. Commercial kitchens are prohibited.

14. ***Cottage Food Preparation.*** Cottage Food Preparation is permitted subject to compliance with Government Code 51035 and Health and Safety Code 113758. Food

preparation and storage shall be done within the primary residence. There shall be no outdoor storage of material while all activities must occur within the primary residence, not including the garage and/or accessory buildings.

15. ***Hazardous Materials.*** Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There shall be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.

16. ***Nuisances.*** A home occupation shall be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible at or beyond any lot line of the unit or structure within which the home occupation is conducted, or outside the dwelling unit if conducted in other than a single-family detached residence.

F. **Multiple Home Occupations**. Only one home occupation per home is permitted.

G. **Signage**. Refer to Article 26, Signs.

H. **Prohibited Home Occupations**. The following specific businesses are not permitted as home occupations.

1. Adult-oriented business;
2. Ambulance services;
3. Automotive/vehicle repair, painting, body/fender work, upholstering, detailing, washing, including motorcycles, trucks, trailers, and boats;
4. Automotive/vehicle sales with any on-site storage or sale of vehicles;
5. Barber, beauty, nail salons, tattoo, body piercing. Shops with one station are excepted. Visits shall be by appointment;
6. Animal boarding, care, training, breeding, raising or grooming, or veterinary services, conducted on the premises;
7. Carpentry and cabinet-making businesses;
8. Commercial food preparation, food handling, processing, or packing other than Cottage Food Preparation as described above;
9. Firearms manufacture, sales, or repair;
10. Furniture refinishing or upholstery;
11. Gymnastic facilities;
12. Massage parlor;
13. Medical and dental offices, clinics, and laboratories, or any type of physical therapy, psychotherapy, or massage therapy;
14. Medical marijuana distribution;

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

15-2736 ISO Containers

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

A. **Residential and/or Commercial Use.** ISO Containers used as structures containing residential or commercial uses, or any other such occupied space, shall secure all entitlements that are required of conventional structures, shall comply with all provisions of the Base District and other applicable provisions of this Code, and shall secure a Building Permit.

B. **Storage Use.**

1. ***Exceptions.*** City-owned sites and ISO Containers used during construction to temporarily store equipment or material are exempt from this section. The ISO Containers shall be removed upon occupancy of the building and/or expiration of the building permit, whichever occurs first.
2. ***Incidental Use.*** ISO Containers shall be incidental to the primary use on the site and/or shopping center. They are not permitted as an accessory use to a stand-alone parking lot.
3. ***Condition.*** ISO Containers shall be kept in good condition and free of damage, rust, graffiti, signs, banners, etc. Repairs shall be made within 48 hours of being damaged. Graffiti shall be removed within 48 hours.
4. ***Vacant Property.*** Not permitted on vacant property.

5. ***Residential and Mixed-Use Districts.*** Refer to Section 15-2405, Recreational Vehicles, Boats, Trailers, and Portable Storage.

6. ***Commercial Districts.***

   a. Shall be located to the rear of the building and shall be screened from Major Streets to the satisfaction of the Director.

   b. Shall be limited to one per each 20,000 square feet of building area. For buildings less than 20,000 square feet, one.

7. ***Industrial Districts.***

   a. *IL District.*

      i. Shall be screened, to the greatest extent feasible, from Major Streets, including State Highways.

      ii. Shall not be visible from a local street that also serves existing residences and/or planned Residential Districts.

      iii. Shall not be stacked.

   b. *IH Districts.*

      i. Shall not be visible from a local street that also serves existing residences and/or planned Residential Districts.

      ii. Shall not be stacked higher than two containers.

8. ***Separation from Residential Districts.*** ISO Containers shall be separated by a minimum of 200 feet from Residential Districts and/or residential uses. Caretaker's Residences are exempted from this subsection.

9. ***Separation from Property Lines and Buildings.*** Ten feet. There shall be no structures between the containers that connect them.

10. ***Paving.*** Containers shall be placed on paved areas, per Public Works standards, to mitigate dust. Industrial Districts are excepted.

11. ***Prohibited Storage.*** The ISO may not be used to store flammable liquids or other hazard materials as determined by the Fire Chief.

12. ***Utilities.*** There shall be no utility connections to the ISO container.

13. ***Fire Clearances.*** The container shall provide adequate access as determined by the Fire Chief.

15-2737 Large-Format Retail

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

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

1. ***Landscaping.*** Perimeter landscaping and Parking Lot Shading standards per the applicable Property Development Standards for the District in which it is located. The Director may make exceptions to the strict application of the prescribed standards, however in no case shall the reduction result in a net reduction of 35 percent or greater in the amount of landscaping provided. Landscaping may also be aggregated to minimize the impact on parking areas. In addition, the Director may enter into an agreement that allows the property owner to defer the installation of landscaping for a period not to exceed 18 months from the date of occupancy. The deferment agreement shall be recorded with the County Recorder.

2. ***Bicycling Parking.*** Bicycling Parking shall be provided per Section 15-2429.

3. ***Refuse.*** Refuse Collection Areas shall be provided per Section 15-2016, Trash and Refuse Collection Areas.

4. ***Recycling.*** All new shopping centers or supermarket sites that are required by the State of California Department of Conservation to have a Recycling Center shall have an area designated and improved for the use of a recycling center as part of its original site plan. This area shall be permanently integrated and architecturally compatible with the center and shall provide adequate screening and design features so as to not detract from the design of the center.

15-2738 Manufactured Homes

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

A. **General Requirements.** Manufactured homes may be used for residential purposes subject to the provisions of this section and the Government Code (Section 65852.3).

B. **Underlying Districts.** The underlying District Standards shall apply to manufactured homes, including, but not limited to, building height, access, setbacks, open space, parking requirements, etc. If the home is located in an Infill Area or a site under the auspices of an operative plan, the home shall comply with the standards per the adopted plan or guidelines.

C. **Design Criteria.** A manufactured home shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:

1. ***Foundation.*** A manufactured home shall be built on a permanent foundation system approved by the Building Official.

2. ***Date of Construction.*** Each manufactured home shall have been manufactured within 10 years of the date of issuance of a permit to install the manufactured home and shall be certified under the National Manufactured Home Construction and Safety Act of 1974.

3. ***Roof Overhang.*** The roof overhang shall not be less than 12 inches around the entire perimeter of the manufactured home as measured from the vertical side of the home.

The overhang requirement may be waived at the point of connection where an accessory structure is attached to the manufactured home.

4. ***Roof Material.*** Roof material shall consist of material customarily used for conventional single-family dwellings, such as tile or composition shingles. If shingles are used, the pitch of the roof shall be not less than three inches vertical to 12 inches horizontal.

5. ***Siding Material.*** Siding material shall consist of exterior material customarily used for conventional single-family dwellings, such as stucco, wood, brick, stone, or decorative concrete. Metal siding, if utilized, shall be non-reflective and horizontally lapping. Siding material utilized as skirting shall be the same as the material used on the exterior wall surface of the manufactured home.

6. ***Skirting.*** The unit's skirting shall extend to the finished grade. Skirting that touches the earth shall be treated.

7. ***Building Orientation.*** The home, including the primary entrance, shall face the street.

D. **Mobile Home Parks.** Manufactured Homes within a Mobile Home Park must comply with California Health and Safety Code Sections 18200 et seq. and are exempted from the development and design standards given in Subsections B through C, except as the standards may relate to public street frontage (including perimeter walls), signs, access, and vehicle parking.

15-2739 Medical Marijuana Dispensaries

A. Medical Marijuana is defined as set forth in California Health and Safety Code section 11362.5 et seq.

B. A "Medical Marijuana Dispensary" means any facility or location, whether fixed or mobile, where medical marijuana is made available to, distributed by, or distributed to one or more of the following: (1) a qualified patient, (2) a person with an identification card, or (3) a primary caregiver. All three of these terms are defined in strict accordance with California Health and Safety Code section 11362.5 et seq. Unless otherwise regulated by this Code or applicable law, a "medical marijuana dispensary" shall not include the following uses: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code section 11362.5 et seq.

C. A "Medical Marijuana Cooperative" involves two or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering, or giving away medical marijuana.

D. A medical marijuana dispensary and/or medical marijuana cooperative shall be allowed only in a zone district designated for medical offices and only if consistent with state and federal law.

15-2740 Mobile Commercial Washing

A. **Location.**

1. ***Residential Districts.*** Permitted when the commercial vehicle belongs to the tenant and/or occupant of the building.
2. ***Non-Residential Districts.*** Permitted in Non-Residential Districts, not to exceed one day per week. Vehicles shall be limited to only employees that work on-site.
3. The washing of vehicles shall only occur on private property.

B. **Pavement.** Sites shall be paved with asphalt concrete, concrete, or other acceptable impervious surface per City standards.

C. **Structures.**

1. Temporary canopies and shade structures are permitted. Temporary canopies may be required to obtain a Building Permit.
2. When not in operation, all evidence of its use must be removed from the site including all tents, canopies, temporary membranes, barricades, products, signs, litter, etc. Temporary canopies and shade structures shall be removed daily. The parking lot must be left in a clean condition, free of waste. Permanent buildings, structures, and signs are excepted.

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

15-2741 Mobile Vendors

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

A. **General Provisions.**

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

a. ***Display of Permit.*** No mobile vendor shall operate in the city without prominently displaying on their person or vehicle a City-issued sticker or badge designating them as a duly permitted mobile vendor.

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

7. ***Restaurant, Residential, and School Spacing for Food Vendors.*** Notwithstanding sections B and C below, Vendors shall not operate within specified distances of the following uses as set forth below:

a. Vendors shall not operate within 300 feet of an existing restaurant, during the restaurant's normal business hours, with the following exceptions:

i. Vendors operating as part of a Farmer's Market per Section 15-2730 or a Special Event per Section 15-2760-B.

ii. The restaurant and the Vendor are operated by the same entity.

iii. The Vendor has prior written permission of a business owner to operate on the property of that existing business.

b. Vendors shall not operate within 100 feet of residential uses, with the following exceptions:

i. Caretaker's Residence

ii. Residential units that are part of a vertical mixed-use development.

iii. Vendors operating as part of a Farmer's Market per Section 15-2730 or a Special Event per Section 15-2760-B.

c. Vendors shall not operate within 100 feet of schools, with the following exceptions:

i. Vendors which sell only fresh produce.

ii. Vendors operating as part of a Farmer's Market per Section 15-2730 or a Special Event per Section 15-2760-B.

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

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

1. ***Residential Districts.*** Vendors may not operate within residential districts, with the exception of properties for non-residential uses, such as schools and religious assembly facilities. Vendors shall have prior written authorization from the property owner.

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

2. ***Non-Residential Districts.*** Vendors may operate within non-residential districts. Vendors shall have prior written authorization from the property owner.

   a. *Time Limit.* A vendor may stay in a single location for up to 12 hours in a 24 hour period after which the Vendor must move to a new location that is no less than 500 feet away.

   b. *Unpaved Surfaces.* Notwithstanding any other provisions of this Code, Vendors shall be permitted to operate on unpaved surfaces in non-residential districts with prior written authorization of the property owner.

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

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

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

1. ***Residential Districts.***

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

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

2. ***Non-Residential Districts.***

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

   b. *Location.* Vendors shall operate from valid on-street parking stalls

   c. *Customer Transaction Area.* Vendors shall park in such a manner that the customer transaction area is on the public sidewalk adjacent to the curb.

3. ***Compliance with Traffic and Parking Laws.*** While operating in the public right-of-way, Vendors shall follow all applicable traffic laws and parking regulations, including time limits, payment of parking meters, and no-parking zones.

15-2742 Motorcycle/Riding Clubs

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

A. **Location.**

1. Motorcycle Clubs shall not have access to a local street that also serves a Residential District, a public or private school, a day care center, a hospital or care facility, or a park.
2. Clubs shall be a minimum 500 feet from any planned or zoned residential districts, public or private schools, day care centers, or parks. Caretaker's Units are excepted.

B. **Hours of Operation.** Club activities shall end, and the club shall be closed, between 2 a.m. and 8 a.m. daily. No club activities shall take place between 10 p.m. and 2 a.m. except within an enclosed building.

C. **Activities Open to the General Public.** Should a Club offer event admission to the general public for the primary purpose of dancing, concerts, and similar activities, it shall obtain a permit for a Nightclub.

D. **Parking.** Refer to Article 24, Parking and Loading.

15-2743 Outdoor Cooking for Commercial Purposes

Outdoor cooking, in conjunction with a restaurant or grocery store, may be permitted in accordance with the conditions below.

A. **Part of an Established Business.** Sales shall be part of the normal business of the establishment. Transactions may be made outdoors however patrons shall also have the option of making transactions inside of the establishment. Should transactions solely be made outdoors and not part of the normal business, it shall be considered a Mobile Vendor.

B. **Setback from Residential.** A minimum separation of 100 feet from Residential Districts is required to ensure that outdoor cooking facilities do not emit odors into homes. The scale of the operations, prevailing wind patterns, and building orientation will be taken into consideration during the review process and a greater setback may be required to mitigate obnoxious odor.

C. **Setbacks from Property Lines.** Cooking apparatus shall comply with all setbacks for the underlying zone district, however in no case shall it be closer than 15 feet to any property line.

D. **Smells/Odors.** The applicant shall provide a written statement outlining how smoke, smells and/or odors will be confined and limited from traveling into Residential Districts.

E. **Hours of Operation.** For facilities located within 100 feet of residential units that are not part of a Mixed-Use development, outdoor cooking shall be limited between 8 a.m. and 10 p.m. An exception, to extend the hours of Outdoor Cooking, may be made if the operator obtains written approval from all owners and tenants within 100 feet from the subject site.

F. **Location of Equipment.**

1. If located in a parking area, grills shall be located in a designated area and may not be relocated freely throughout the parking area. The area dedicated to the use shall be permanently blocked and barriers shall be installed to protect the public.

2. Equipment shall not encroach into designated fire lanes and egress paths from buildings, and shall be located no closer than 10 feet to building openings, and no closer than 10 feet from buildings of combustible construction.

G. **Attendance.** Fires must be attended at all times.

H. **Grease.** The applicant shall detail how grease will be captured and disposed of.

I. **Cleanliness.** The area shall be cleaned daily and shall be free of oil, grease, etc.

J. **Traffic Circulation.** If proposed on an existing parking area, a plan depicting drive aisles, parking areas, etc., shall be submitted for review and approval.

K. **Other Approvals**. The applicant shall be responsible for obtaining permits from other agencies, if applicable, including, but not limited to, the County Health Department, the Fire Department, and San Joaquin Valley Air Pollution Control District.

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

15-2744 Outdoor Dining and Patio Areas

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

A. **General Requirements**

1. ***Application Information.*** In addition to any other application materials required, an application for an outdoor dining area shall state the anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays, and holidays; and whether any liquor will consumed.

2. ***Hours of Operation.*** Hours of operation shall be limited to the hours outlined in Table 15-2744-A.

TABLE 15-2744-A ALLOWED HOURS OF OPERATION		
Hours of Operation	*Outdoor Area Hours of Operation*	
Establishments not serving alcohol		
Establishments closer than 100 feet from Residential Districts[1]	Not earlier than 7 a.m. or later than 10 p.m.	
Establishments further than 100 feet from Residential Districts[1]	Not earlier than 7 a.m. or later than 12 a.m.	
Establishments further than 250 feet from Residential Districts[1]	No limitations	
Establishments serving alcohol		
Refer to Section 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges.		

TABLE 15-2744-A ALLOWED HOURS OF OPERATION		
Hours of Operation	*Outdoor Area Hours of Operation*	
Smoke/Hookah/Cigar Lounges		
Establishments 250 feet or closer from Residential Districts	Not earlier than 7 a.m. or later than 12 a.m.	
Establishments further than 250 feet from Residential Districts[1]	No limitations	

[1] Distance measured from the establishment to the nearest residential property line. Excludes residential use in the same development.

3. ***Misters/Heaters.*** Misters, heaters, and other such devises for moderating temperatures of the outdoor dining area shall be permitted at the discretion of the Review Authority based on considerations such as aesthetics, safety, and resource efficiency.

4. ***Lighting.*** Lighting shall not disrupt or unnecessarily impact adjoining properties or roadways. See Section 15-2015, Outdoor Lighting and Illumination.

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

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

1. ***Music***. Music may not be amplified. All music, live or recorded, shall comply with all applicable noise standards.

2. ***Barriers.***

   a. If required and/or proposed, barriers shall be reviewed and approved by the Review Authority. Barriers shall not exceed four feet in height.

   b. If alcohol is served, barriers may be required as part of the Conditional Use Permit process, as well as by the State of California Alcoholic Beverage Control.

3. ***Shade Structures***.

   a. Covers, including umbrellas, tents, and/or awnings to protect patrons from inclement weather are permitted subject to review and approval by the Review Authority. Weathered and/or damaged coverings shall be removed immediately.

   b. Enclosed tents are permitted year round, however they shall only be permitted on a temporary basis and shall not substitute for permanent structures.

   c. A building permit is required for any temporary tent or canopy larger than 400 square feet.

4. **Access and Walkways**.

   a. Outdoor dining areas shall not interfere with required pedestrian and/or vehicular access.

b. Walkways shall be provided per California Code of Regulations, Title 24, Part 2, California Building Code.

5. **Parking.**

a. Additional parking is not required when the outdoor area is less than 800 square feet.

b. If the outdoor dining area exceeds 800 square feet, parking is required for the area in excess of 800 square feet at a ratio of 50 percent of what is required for the use.

c. For centers with multiple tenants, each tenant may have up to 800 square feet of outdoor dining area.

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

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

2. ***Music.***

a. *Downtown Districts*. Amplified sounds from the establishments must not be audible from a distance of 200 feet outside of the outdoor dining area.

b. *All Other Districts*. Amplified sounds from the establishments must not be audible at the property line.

3. ***Barriers.*** Barriers must be in a manner acceptable to the City Engineer, and the design must be approved by the Review Authority.

4. ***Shade Structures and Furniture.***

a. No part of an outdoor dining area shall be permanently attached to the sidewalk or building unless authorized by the Review Authority.

b. Awnings or umbrellas may be used in conjunction with an outdoor eating area. Permanent covered shade structures and awnings shall obtain a building permit.

c. The design of all improvements and furniture shall be of a quality to sustain weather and wear, and shall be of a material other than molded plastic. Furniture shall be of durable materials such as wrought iron, wood, steel, or cast aluminum. Planter boxes, where used, shall be of quality materials such as precast concrete, terra cotta, or other pottery, and shall not be of plastic.

5. ***Access and Walkways.***

a. A minimum of six feet of unobstructed sidewalk must remain available for pedestrians. For purposes of the minimum clear path, parking meters, traffic signs, trees, planters, benches, and all similar obstacles shall constitute obstructions within the sidewalk area.

b. Where the outdoor dining area is located adjacent to a street, and in addition to obtaining an encroachment permit, an 18-inch clearance shall be maintained from the face of the curb to the outdoor dining area unless there is parking parallel to the street, in which case a two-foot clearance is required.

c. No outdoor dining area shall obstruct any points of building ingress and/or egress.

6. ***Parking.*** Additional parking is not required when dining is within the public right-of-way.

7. ***Maintenance.***

a. The permit holder and the property owner shall maintain the outdoor dining area and the adjoining street, curb, gutter, and sidewalk in a neat, clean, and orderly condition at all times, regardless of the source of the refuse and litter.

b. If necessary, the permit holder or the property owner shall clean the surface of the sidewalk by washing or buffing to remove any stains, marks, or discoloration to the satisfaction of the Department of Public Works and in accordance with prevailing storm water and water quality regulations.

c. Umbrellas shall be kept clean and in good condition, secure in windy conditions, and fire-treated.

8. ***Insurance***. An applicant for a permit for an outdoor dining area shall, prior to issuance of such a permit, provide and maintain in full force and effect while the permit is in effect, public liability insurance in an amount specified by the City Manager or designee sufficient to cover potential claims for bodily injury, death, or disability and for property damage, which may arise from or be related to the use of sidewalk area for outdoor dining purposes, naming the City of Fresno as an additional insured.

9. ***Use of Property/Public Right-of-Way for Purposes of Operating an Outdoor Dining Area.*** The applicant shall be charged a fee for use of the area to be included in the outdoor dining area, as set by City. In addition, the applicant shall enter into an agreement with the City, which shall contain a provision that the permit is wholly of a temporary nature, that it vests no permanent right whatsoever, that upon 30 days notice, posted on the premises, or by publication in the official newspaper of the City, or without such notice, in case the permitted use shall become dangerous or unsafe, the same may be revoked and the sidewalk furniture ordered removed. Every such agreement shall be filed for record with the Office of the County Clerk.

10. ***Suspension of Permit.*** The City shall have the right to suspend or prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area.

15-2745 Outdoor Retail Sales

Outdoor retail sales shall be located, developed, and operated in compliance with the following standards:

A. **Seasonal Sales.** For Seasonal Sales, such as Christmas Tree and pumpkin lots, refer to Section 15-2760, Temporary Uses.

B. **Temporary Outdoor Sales.** For Temporary Outdoor Sales, refer to Section 15-2760, Temporary Uses.

C. **Permanent Outdoor Display/Sales.** The permanent outdoor display of merchandise—except for Automobile and Motorcycle Retail Sales and Leasing, which is subject to Section 15-2709—requires a Development Permit and shall comply with the following minimum standards:

1. ***Relationship to Main Use.*** The outdoor display and sales area shall be directly related to a business occupying a primary structure on the subject parcel.

2. ***Display Locations.*** Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation and does not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas. These displays shall also not obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic. Specifically:

   a. A four-foot pedestrian pathway shall be maintained and not blocked by merchandise.

   b. If a portion of the pedestrian pathway is shaded by a building overhang, the four-foot pedestrian pathway rather than the merchandise must be located under the overhang.

   c. If located in the public right-of-way, an encroachment from the Public Works Department is required.

   d. Location of the displayed merchandise may not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

3. ***Building Setback of 15 Feet or Less.*** Merchandise shall be no closer than 15 feet from a public street unless the building is located closer to the street. If so, merchandise may be located closer than 15 feet.

4. ***Building Setback Greater than 15 Feet.*** Outdoor sales shall be located entirely on private property outside any required setback (or landscaped planter in zoning districts that do not have required setbacks), fire lane, or fire access way. A minimum setback of 15 feet from any public right-of-way is required.

5. ***Merchandise.*** Only merchandise generally sold at the business shall be permitted to be displayed outdoors.

6. ***Screening.*** Screening is not required, however when proposed in a Commercial District and when visible from a major street, a decorative fence is required (chain link is prohibited). This requirement shall not apply to:

   a. Seasonal Sales (i.e., Christmas Trees, Pumpkin Lots).

   b. Temporary Outdoor Sales.

7. ***Signs.*** Additional signs, beyond those normally allowed for the subject use, shall not be provided as a result of the outdoor display and sales area;

8. ***Refuse/Litter.*** The operator shall provide waste removal and shall be responsible for collecting trash and recycling after each event, including the parking lot.

9. ***Transactions/Point-of-Sale.*** All sales shall occur as part of the normal business activity of the establishment, via a register, or hand-held device. Patrons shall have the option of paying for purchases in the establishment as part of normal business activity.

10. ***Other Conditions.*** The Director may impose other conditions that would ensure the operation of the proposed temporary outdoor sales in an orderly and efficient manner.

15-2746 Pay Phones

Pay phones installed outside of a building are permitted subject to the following requirements.

A. Pay phones are permitted in non-residential districts.

B. Pay phones shall comply with the property development standards of the underlying District and in no case shall they be located closer than 20 feet to Single-Family Districts.

C. Pay phones shall be within 10 feet of the main entrance of a business.

D. Pay phones shall be restricted to outgoing calls.

E. Pay phones may only be installed and operated where there is a legitimate business. Should a business close, the pay phone shall be removed.

F. Pay phones, and the area immediately around the phone, shall be kept clean of litter, graffiti, etc.

G. Adequate lighting shall be provided to light the pay phone and the area immediately around the phone.

H. Inoperative and/or abandoned pay phones, including booths shall be removed within 30 days.

I. Pay phones shall comply with Section 10-605, Public Nuisance of the Fresno Municipal Code.

15-2747 Personal (Mini) Storage

Personal storage facilities shall be located, developed, and operated in compliance with the following standards. Where the standards of this section appear to conflict with the standards of the base district, the standards of this section shall prevail.

A. **Business Activity.** All personal storage facilities shall be limited to dead storage only. No retail, repair, or other commercial use (such as storage for commercial gain) shall be conducted out of the individual rental storage units.

B. **Uses Allowed.** Such use shall consist of the renting and leasing of individual storage space for storing personal property, stock-in-trade materials and equipment, automobiles, and recreational vehicles. The following shall be allowed as accessory uses:

1. A caretaker's residence;

2. The retail sale of items appurtenant to the on-site rental of storage spaces;

3. The lien sale of stored goods as authorized by California Business and Professions Code, Chapter 10, Division 8, Section 21700 et. seq.; and,

4. The rental of trucks, trailers, and dollies.

C. **Notice to Tenants.** As part of the rental process, the facility manager shall inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units.

D. **Open Storage.** Open storage (outside an enclosed building) shall be limited to vehicles, boats, recreational vehicles, and trailers. Outdoor storages areas shall be screened from public view by building façades or solid fences. At the discretion of the Review Authority, the treatment of the ground surface of the open storage area may be gravel or other materials as prescribed by the San Joaquin Valley Air Pollution Control District, the Public Works Department, the Fire Department, and the Fresno Metropolitan Flood Control District.

E. **Exterior Wall Treatments and Design.** Exterior walls/fences visible from a public street or Residential District shall be constructed of decorative block, concrete panel, stucco, or similar material. These walls shall include architectural relief through articulation, trim, change in color at the base, the use of architectural "caps," attractive posts, or similar measures. Columns visible from public streets shall be spaced a maximum of 25 feet apart. Gate(s) shall be decorative iron or similar material.

F. **Fencing.**

1. A six-foot-high security fence shall be provided around the perimeter of the development at locations where the solid façades of the storage structures do not provide a perimeter barrier.

2. A wrought iron fence or gate or an approved equivalent shall be required at the entrance to the facility.

3. A storage building located on the side or rear property line may be used as a required fence or wall.

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

H. **Setbacks.**

1. **Front and Street Side.** When the subject site abuts a street, a yard of 10 feet or more (as required elsewhere in this Code) shall be provided, landscaped, and maintained in accordance with the requirements of this Code. Fences/walls shall be located behind this landscaping.

2. **Interior Side and Rear.** None required if the building height does not exceed 11 feet.

I. **Other Requirements.**

1. When adjacent to parcels within an RS or RM district, the roof of any building exceeding 11 feet in height shall incorporate colors and angles commensurate with those of the adjacent properties.

2. Lighting which is provided to illuminate parking or building areas shall be hooded and arranged and controlled to eliminate any nuisance to the surrounding uses. The height of lighting which illuminates outdoor vehicular storage areas shall be approved at the discretion of the Review Authority.

3. The height of any building when located less than 40 feet from any property line that abuts property that is zoned or planned for single-family residential uses, shall not exceed 11 feet.

4. A public address system shall not be allowed when the facility is located within 1,000 feet of any property zoned or planned for residential uses. This does not include alarm systems.

5. ***Caretaker's Residence.*** A Caretaker's Residence shall provide a minimum of one parking space in an enclosed garage and a private yard for use by the residence with a minimum of 100 square feet where at least one dimension is at least eight feet in length.

15-2748 Power Poles

Power Poles on private property for either a temporary period or permanently may be permitted subject to a valid Building Permit, and/or active Temporary Use Permit per Section 15-2760, Temporary Uses.

15-2749 Private Recreational Sports Facilities

Private Recreational Sports Facilities, as part of a gymnasium/health club, on residential property, or as the primary use on a site (ex: golf course, golf-driving range, archery range, rock climbing course, kart racing, motocross and BMX tracks, ice hockey, ice skating, roller skating, roller hockey, roller derby, inline skating, skate parks, basketball courts, or soccer, baseball, softball, cricket, field hockey, or lacrosse fields, horse riding courses, or similar activities as determined by the Director), shall be subject to the following standards:

A. Whenever a proposed use contains, or is placed adjacent to, outdoor facilities that provide batting cages, golf courses, golf-driving ranges, paintball, archery, or similar activities, the proposed use shall include fences, nets, walls, or other methods that are capable of stopping all projectiles fired and/or hit by containing or redirecting the projectile to a safe location. This does not apply when an existing use already has measures in place that are adequate enough to protect the proposed use.

B. **In Non-Residential Districts.** Activities, such as batting cages and paintball, that may generate unwanted noise, shall cease at 10 p.m. (and may not renew operations until 8 a.m. the following morning) unless separated by a minimum of 400 feet from a Residential District. A greater distance may be required if the proposed use, such as motocross, generates above-average ambient noise levels.

   1. ***Fencing.*** Fencing for outdoor activities shall be reviewed on a case-by-case basis. Consideration shall be given to streets, homes, etc.

C. **In Residential Districts.** Any outdoor activities, such as batting cages, that may generate unwanted noise, shall be limited to the hours of 8 a.m. to 8 p.m. Additional measures may be required to mitigate noise to acceptable levels. Any enclosures used for activities must not be visible from the street and must be screened from adjoining residences. Artificial lighting is not permitted.

   1. ***Fencing.*** Refer to Section 15-2006, Fences, Walls, and Hedges.

15-2750 Recycling Facilities

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

A. **Reverse Vending Machines**.

1. ***Accessory Use.*** Reverse vending machines may be installed as an accessory use to a permitted or conditionally permitted primary use on the same site.

2. ***Location.*** Machines shall be located adjacent or as near as feasibly possible, to the entrance of the commercial host use and shall not obstruct pedestrian or vehicular circulation. Machines shall be located against a wall and may not be located in parking areas.

3. ***Identification.*** Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

4. ***Signs.*** Machines shall have a maximum sign area of four square feet exclusive of operating instructions.

5. ***Lighting.*** Machines shall be illuminated to ensure comfortable and safe operation between dawn and dusk.

6. ***Trash Receptacle.*** Machines shall provide a 40-gallon garbage can for non-recyclable materials located adjacent to the reverse vending machine.

7. ***Hours of Operation.*** No restrictions.

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

1. ***Permanent Location.*** CRV Recycling Centers shall not be temporary. All associated improvements shall be permanent in nature.

2. ***Hours of Operation.*** CRV Recycling Centers shall not be open for business on the same day as regularly scheduled refuse collection for nearby residential areas.

3. ***Materials.*** CRV and Commingled Materials as defined by Government Code 14506.5 and 14512 of the California Beverage Container Recycling & Litter Reduction Act may be accepted. Newspapers, cardboard, copper, or industrial materials may not be accepted, unless the facility is located within an industrial district.

4. ***Minimum Lot/District Size.***

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

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

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

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

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

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

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

ii. The site shall be a minimum one acre in area.

iii. The facility shall comply with all property development standards, including setbacks, landscaping, parking, etc., of the zone district in which the facility is located.

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

6. ***Maximum Size.*** The Recycling Center shall be limited to a maximum footprint of 700 square feet. Of these 700 square feet, only 500 square feet may be used for building and/or storage area. The remaining 200 square feet may be used for office space, staging areas, or patios/permanent shade structures. If the facility is proposed in a permanent building, a larger building area will be allowed on a case-by-case basis.

7. ***Separation.*** Except where mandated by State law, CRV Recycling Centers shall physical maintain separation from specific uses as follows. Distances shall be measured from the boundaries of the actual facility and not the property line.

a. *From Residential Uses*. 75 feet.

b. *From Public Streets*. 20 feet.

c. *From Parks*. ½ mile.

d. *From Liquor Stores*. ½ mile.

e. *From Schools*. ½ mile.

f. *From Another Recycler*. New CRV Recycling Centers shall not be located within a half-mile of an existing recycling center (or an existing light processing facility that accepts CRV material from the general public).

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

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

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

11. ***Containers.*** Containers shall be constructed of durable waterproof and rustproof material(s) and secured from unauthorized removal of material. Capacity sufficient to accommodate materials collected in the collection schedule. ISO containers shall comply with Section 15-2736.

12. ***Identification.*** Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator, and the hours of operation.

13. ***Signs.*** Signs shall be a maximum of 20 percent per side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container.

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

15. ***Voucher System.*** Upon recommendation by the Fresno Police Department, the Director may require that a Recycling Center implement a voucher system. No money shall be kept in or about the licensed premises. The petitioner shall implement and utilize a voucher system to compensate patrons for raw recycled materials purchased by the business. The center shall provide the patron with a "voucher" which can be exchanged for cash at a predetermined business establishment (e.g. stores, check cashing locations, etc.).

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

17. ***Building/Structure Design and Architectural Compatibility.***

    a. Recycling Centers shall be limited to single story-structures with a height no greater than 10 feet (12 feet if the structure includes architectural features), unless proposed in a permanent building.

    b. A typical ISO container or other type of metal building or structure may be permitted if it is:

        i. Screened by a permanent decorative wall consistent with the architecture of the shopping center; or

        ii. Contained within a permanent or semi-permanent sheath–type structure that is consistent or compatible with the architecture of the shopping center.

    c. The storage container shall be painted to match the existing shopping center including the body color and all trim existing. Prominent architectural features of the center (such as tile accents) shall be incorporated into the design of the storage container.

    d. Screen walls shall be architecturally compatible with the existing shopping center. Chain link fencing may be permitted if it is not visible from a public street or a Residential District.

e. If the facility conducts most of its business outdoors and is not shaded by adjacent trees or buildings during operating hours, a shade structure is allowed for employees. Permanent shade structures are encouraged, but portable shade structures, tents, or umbrellas may be provided for the comfort and safety of the customers and attendant on a case-by-case basis. Shade structures shall remain clean and in good order and shall be replaced if damage or excessive wear becomes visible. To the extent possible, this shade structure or tent shall be architecturally compatible with the shopping center and recycling facility (i.e., of similar colors as the building). The maximum square footage of these shade structures is 120 square feet. Details of the shade structure(s) shall be included in the operational statement. Elevations will be required with application submittal.

18. *Landscaping:*

a. Sites shall be in compliance with approved Landscape Plans.

b. If the site was developed prior to existing landscaping requirements, landscaping within the immediate vicinity of the storage container and sorting area shall be provided.

19. *Site Maintenance and Operational Requirements.*

a. Recyclable materials shall be stored in containers or in the storage unit.

b. CRV Centers shall maintain an adequate on-site refuse container for disposal of non-hazardous waste and a container for customers to pour remaining liquids into from their CRV materials. These refuse containers shall be screened from public view.

c. The storage unit and surrounding area shall be cleaned and washed and all litter surrounding the site removed as needed to maintain a safe and healthy environment.

d. The operator shall ensure compliance with the Fresno Metropolitan Flood Control District.

e. All shopping carts found within 25 feet of the recycling center not belonging to the existing shopping center shall be returned to their owners. Shopping carts are prohibited on the premises and within 25 feet of the area used to accept recyclable materials.

i. The applicant shall indicate in the operational statement how these requirements will be accomplished.

ii. The operator shall post a sign advising that it is illegal to take shopping carts or that possession of stolen shopping carts is a misdemeanor.

iii. The operator must comply with the Abandoned Shopping Carts Ordinance, Fresno Municipal Code Section 9-3101 et seq., as may be amended.

f. Signs shall be posted informing customers of the Abandoned Shopping Cart Ordinance (Section 9-3103 of the Fresno Municipal Code).

g. An on-site restroom facility or a written letter from a nearby store within in the shopping center that allows the recycling center employees to use the store's on-site restroom facilities is required.

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

20. ***Other Requirements.***

a. Recycling facilities must obtain a Solid Waste Recycling Permit from the Code Enforcement Division.

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

c. "Frequent," for this subsection, means response by the Fresno Police Department is occurring more than 1.5 times the average number of such responses (three calls for every two) for property of a similar size and character within the same policing district.

C. **Recycling Processing Facility**.

1. ***Minimum Lot Size.*** Three acres.

2. ***Location.*** Facilities shall not abut a residential district or use and shall have direct access to a Major Street that is properly designated to accommodate the type of traffic that will be generated by the facility.

3. ***Screening.*** The facility shall be screened from public rights-of-way, by a Screening Wall, per 15-2008-C, or within an enclosed structure. Frontage landscaping (a minimum of 10 feet) is required.

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

5. ***Outdoor Storage.***

a. Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required Screen Wall.

b. Exterior storage of materials, other than baled material, shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition.

c. Outdoor storage shall comply with the Fire Code for pile size, fire apparatus access, and fire hydrant protection.

6. ***Identification.*** Facilities shall be clearly marked with the name and phone number of the facility operator and hours of operation.

7. ***Processing.*** Processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable and reusable materials.

8. ***Noise.*** Shall comply with all applicable Noise standards.

9. ***Fluids.*** A processing facility may accept used motor oil and/or used oil filters for recycling from the generator in accordance with Government Code 25250.11 of the California Health and Safety Code. All storage of used motor oil and/or used oil filters must be within a containment apparatus capable of containing all stored oil in the event of a spill or leak. No containment apparatus shall exceed a capacity greater than 55 gallons. All used motor oil and/or used oil filter storage containers shall be located on an approved surface.

10. ***Batteries.*** A processing facility may accept used lead-acid batteries in accordance with Government Code 25215.1 of the California Health and Safety Code Section 25215.1. All batteries must be stored inside an enclosed building.

11. ***Hours of Operation.*** If the facility is within 500 feet of a Residential District, or an existing home, it may not operate between the hours of 7 p.m. and 7 a.m.

12. ***Personnel.*** The facility shall be administered by on-site personnel during the hours the facility is open.

13. ***Maintenance.*** If CRV materials are accepted, compliance with the Site Maintenance and Operational Requirements of Subsection 15-2750-B.19 is required.

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

A. **Permitted Districts**. Restaurants that serve alcohol for on-site consumption, Bars, and Nightclubs may be established as allowed in the applicable base or overlay district.

B. **Conditional Use Permit Required**.

1. Unless otherwise specified, restaurants with alcohol sales, bars, nightclubs, and lounges shall not be established without first securing a Conditional Use Permit. A conditional Use Permit shall not be required in Downtown Districts.

2. A Conditional Use Permit shall not be required for on-site alcohol consumption for the uses below subject to review and approval of an operational statement from the applicant to the Director. If, in the opinion of the Director, the request is for retail purposes, the use must be permitted per the Base District.

a. Daily Licenses;

b. Membership organizations and clubs that are restricted to members and their guests only;

c. Nonprofit Temporary Licenses;

d. Hospitals;

e. Cultural and Art Museums operated by non-profit organizations;

f. Bed and Breakfast Inns that offer complimentary drinks to their guests; and

g. Hotels and Motels that offer complimentary drinks to their guests.

C. **Operational Statement**. Applicants shall submit an operational statement which shall include, but not be limited to, the following:

1. Information as to persons doing business under fictitious names, members of partnerships, and officers of corporations or associations.

2. Exhibits that include a site plan and a detailed floor plan of the premises.

3. An evacuation plan in case of emergency (Bars and Nightclubs).

4. Hours of operation.

5. Security Plan (including efforts to ensure that the parking area is monitored to prohibit loitering and crowd and line control).

6. Efforts that have been taken to discuss the proposal with neighbors.

7. Copy of a valid Business Tax Certificate, if in business.

8. Any additional information as the Director may reasonably require to properly evaluate the application.

D. **Multiple Phases of Operation**. If a business proposes to operate in more than one mode of operation (e.g., a Restaurant that converts to a Nightclub in the evening), each use shall be evaluated and conditions shall be assigned accordingly. All proposed uses must be allowed in the district.

E. **Alcohol Sales.** If the business serves alcoholic beverages, it is required to obtain the appropriate license from the State of California Department of Alcohol Beverage Control (ABC).

F. **Types of Dancing Establishments.**

1. ***Restaurant.*** Dancing is permitted, however it shall be incidental to the primary use.

2. ***Bar.*** Dancing is permitted, however it shall be incidental to the primary use.

3. ***Nightclub.*** Dancing is permitted.

4. ***Single Event.*** Single event dances may be conducted by nonprofit organizations where such dances are not open to the general public. A total of 10, single event dances may be held per calendar year per nonprofit organization. A permit is not required. Should an establishment conduct more than 10 dances, a permit to establish a Nightclub shall be required.

G. **Special Standards.**

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

H. **Nightclub Hours of Operation.**

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

I. **Last Call for Alcohol.** Each establishment may establish the time of "last call" for ordering alcoholic beverages, so long as the hours to stop consumption are respected.

J. **Outdoor Patios.** Refer to Section 15-2744, Outdoor Dining and Patio Areas.

K. **Parking Area.** The designated parking area shall be oriented away from residences as much as possible, and shall be clearly depicted on the site plan submitted for the Development Permit or Conditional Use Permit.

L. **Noise.**

1. Noise decibel levels shall be monitored by the establishment to ensure compliance with all applicable Noise Standards.

2. Doors and windows shall remain closed, after 10 p.m. to minimize noise, except as needed to allow for the normal entry and exit of patrons to and from the establishment. Emergency access shall be maintained per City standards. This subsection shall not apply to businesses that are separated a minimum of 400 feet from Residential Districts.

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

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

O. **Loitering.**

1. The owner and/or proprietor and/or operator of the establishment is responsible to provide supervision (i.e. security) to prevent loitering in the immediate vicinity of the establishment.

2. During operating hours, the owner and/or proprietor shall prohibit loitering in the parking area.

3. After closing hours, the immediate vicinity of the establishment including its designated parking area, shall be cleared within 15 minutes, except for employees of the establishment.

4. In the event that there is more than one establishment sharing a parking area, adjustments to the conditions of approval for each establishment shall be made so that there is a shared responsibility.

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

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

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

1. ***One Year or Less.*** The same operator or a different operator may reestablish the use pursuant to the preexisting Conditional Use Permit and all conditions applicable thereto.

2. ***More Than One Year.*** A new permit is required.

S. **Existing Uses.**

1. ***Non-Conforming***: Existing establishments that have been legally established under previous regulations, but do not conform to current law, may continue to operate as a recognized non-conforming use pursuant to Article 4, Non-Conforming Uses, Structures, Site Features, and Lots.

2. ***Loss of Non-Conforming Status***. Changes to an existing use that would cause the loss of a non-conforming status are, but not limited to, the following:

   a. When a business is closed for one continuous year;

   b. Change of use (e.g., from restaurant to a nightclub), or if a single use would like to establish multiple uses;

   c. An increase of floor area (including patio area) for the existing use; and

   d. A request to close at a later time.

3. Pursuant to §23790 of the California Business and Professional Code, a change in license type (ABC License) for the sale of alcoholic beverages (e.g., from type 41 to type 47) shall be considered an interruption of use, requiring that the new license type be consistent with current zoning and land use regulations.

4. When a non-conforming status is lost, any subsequent use must be consistent with current zoning and land use regulations and a new permit is required.

15-2752 Roadside Fruit Stands / Grower Stands

Roadside Fruit Stands may be located, developed, and operated in compliance with the following standards. The rights and privileges extend to active farms per the use regulations of the underlying base district.

A. **Products**.

1. Agricultural products produced on the premise shall account for 75 percent of all products.

2. Up to 25 percent of products may be produced off-site, however all products shall be agriculturally related.

3. Nonagricultural products, livestock, alcohol, and tobacco products are prohibited.

B. **Seasonal and Holiday Sales**. Sales shall be limited to the products being sold per Subsection A above.

C. **Structures.**

1. When not in operation, all tables, tents, canopies, temporary membranes, barricades, products, signs, litter, etc. shall be removed. Permanent buildings and structures are excepted.

2. Any structures remaining after a closure of a Fruit Stand for six months or longer shall be considered a public nuisance and shall be abated pursuant to the Public Nuisance Ordinance.

D. **Setbacks**.

1. ***Streets.*** Structures and parking areas shall be setback a minimum 20 feet from the nearest travel lane.

2. ***Interior and Rear Property Lines.*** Structures and parking areas shall be setback a minimum 35 feet from interior and rear property lines.

E. **Refuse/Litter.** The operator shall provide waste removal and shall be responsible for collecting refuse, including the parking lot.

F. **Other Agencies**. Review and approval may be required from other agencies, including Fresno County Health Department.

15-2753 Second and Outdoor Kitchens

An outdoor, enclosed, or second kitchen may be permitted in a Single-Family District subject to the property development standards of the underlying district and the following:

1. The additional kitchen shall be incidental, related, and clearly subordinate to the principle use and shall not alter the principal use.

2. If enclosed, the enclosed kitchen area shall not exceed 110 square feet. If the area exceeds 110 square feet, it shall comply with Section 15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters.

3. The kitchen area shall meet all yard setback requirements.

4. If enclosed, the enclosed area shall not be converted to a separate living unit.

5. If attached to the main building, the second kitchen shall have direct access to the main building.

6. Cooking shall only be for the enjoyment of the residents and/or their guests and shall be limited to non-commercial purposes.

7. Only one electric/gas meter is permitted per single-family parcel.

8. The kitchen in the main building shall remain in safe working order.

15-2754 Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters

A. **Purpose.** The purpose of this section is to:

1. Maintain the character of single-family neighborhoods;

2. Ensure that new units are in harmony with developed neighborhoods; and

3. Allow Second Dwelling Units as an accessory use to Single-Unit Dwellings, consistent with the Government Code (Section 65852.2).

B. **Architectural Compatibility**. If visible from a public street or park, the architectural design, roofing material, exterior materials and colors, roof pitch and style, type of windows, and trim details of the Second Dwelling Unit, Backyard Cottage, or Accessory Living Quarters shall be substantially the same as and visually compatible with the primary dwelling.

C. **District Standards.** Second Dwelling Units, Backyard Cottages and Accessory Living Quarters may be established on any lot in any residential district where single-unit dwellings are permitted or existing. Only one Second Unit, Backyard Cottage or Accessory Living Quarters may be permitted on any one lot. Minor Deviations and/or Variances to meet the minimum lot sizes are not permitted.

D. **Minimum Lot Sizes.**

1. ***Second Dwelling Unit.*** 6,200 square feet.

2. ***Backyard Cottage.***

   a. *Interior Lot Size:* 6,000 square feet.

   b. *Corner Lot Size:* 5,000 square feet.

3. ***Accessory Living Quarters.*** 5,000 square feet.

E. **Type of Unit.**

1. ***Second Dwelling Unit.*** May provide separate, independent living quarters for one household. Units may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Kitchens, including cooking devices are permitted.

2. ***Backyard Cottage.*** May provide separate, independent living quarters for one household. Units may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Kitchens, including cooking devices are permitted. Backyard Cottages shall be located behind the primary dwelling unit, unless attached and integral to the primary dwelling unit.

   a. A Tiny House may be considered a Backyard Cottage if it meets all the requirements of this section.

   b. The Director shall review the design of the Tiny House to insure that the structure is compatible with the main home and the neighborhood.

3. ***Accessory Living Quarters.*** Accessory Living Quarters provide dependent living quarters. They may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Accessory Living Quarters may not provide kitchen facilities, however a bar sink and an under-counter refrigerator are allowed, but no cooking devices or other food storage facilities are permitted. Accessory Living Quarters shall not be located in front of the primary single-family dwelling.

F. **Maximum Floor Area**. The following are the maximum square footages of habitable area. The following calculations only include habitable floor space. Minor Deviations and/or Variances are not permitted to increase the maximum floor areas.

1. ***Second Dwelling Units.*** 1,250 square feet.

2. ***Backyard Cottages.*** 440 square feet.

3. ***Accessory Living Quarters.*** 500 square feet or 30 percent of the primary single-family dwelling, whichever is less.

G. **Development Standards**. Units shall conform to the height, setbacks, lot coverage and other zoning requirements of the zoning district in which the site is located, the development standards as may be modified per this subsection, other requirements of the zoning ordinance, and other applicable City codes.

H. **Lot Coverage.** Per the underlying zone district.

I. **Setbacks.**

1. ***Front Yards.*** Per the underlying zone district.

2. ***Side Yards/Street Side Yards.*** Per the underlying district.

3. ***Rear Yards.*** Shall be separated from the main home by a minimum of six feet.

a. *Second Dwelling Unit.* Per the underlying zone district.

b. *Backyard Cottage and Accessory Living Quarters.*

i. Alley Present. Three feet.

ii. No Alley Present.

(1) *Abutting an RS*. 10 feet.

(2) *All Other Districts*. Five feet.

J. **Building Entrances.** Entrances from an Accessory Living Quarters or a Backyard Cottage shall not be visible from the street, unless the parcel is a corner parcel and the entrance is oriented to the opposite street as the primary residence.

K. **Space Between Buildings**. If detached, there shall be a minimum of six feet from the primary residence, or 10 feet if there is an entry from either one of the units into the space between.

L. **Maximum Building Height.** Thirty feet.

M. **Openings.**

1. For two story buildings, there shall be no openings, such as windows and doors, within 10 feet from an interior side or a common rear property line with another single-family home.

a. Clerestory windows, six feet from the floor of the interior of the unit, are excepted.

2. The Director may grant a waiver, for detached units that are located 10 feet or less from a side or rear property line on walls facing said property lines if he/she finds that there are no substantial privacy, noise, health, safety, or visual impacts to neighbors associated with the location and siting of the detached unit.

N. **Parking**. Parking shall comply with the following:

1. ***General Parking Conditions.***

   a. The parking outlined below shall be provided in addition to the required parking for the primary dwelling.

   b. Parking for the primary unit shall comply with all development standards of the district. If the primary single-unit dwelling was constructed prior to covered parking requirements, a covered space shall not be required of the existing unit.

   c. Required parking for the primary single-family dwelling may not be removed for the creation of any of the three types (e.g., garage conversions), or allocated to meet the parking requirement for the Second Dwelling Unit, unless replacement parking is provided in accordance with this Code.

   d. Any rooms having the potential of being a bedroom and meeting the standards of the California Building Code as a sleeping room shall be counted as a bedroom. Offices or other rooms that have the ability of being converted into bedrooms shall also be considered bedrooms for parking purposes.

2. ***Second Dwelling Units.***

   a. One covered parking space shall be provided for a Second Dwelling Unit with one bedroom.

   b. One additional, covered or uncovered, parking space for two or more bedrooms in the second dwelling unit.

   c. A tandem parking space may also be used to meet the parking requirement for the Second Dwelling Unit, providing such space will not encumber access to a required parking space for the primary single-unit dwelling.

   d. An existing two vehicle garage and/or carport may not be provided in-lieu of these parking requirements unless the parking spaces are accessed from different garage doors.

3. ***Backyard Cottage.*** No additional parking required.

4. ***Accessory Living Quarters.*** No additional parking required.

O. **Access**. Vehicular access shall be provided in the following manner:

1. ***Driveways***. Shall be provided per the underlying district.

2. ***Pedestrian Access***. An all-weather surface path to the Second Dwelling Unit, Backyard Cottage, or Accessory Living Quarters shall be provided from the street frontage.

P. **Mechanical Equipment.** Mechanical equipment shall be located on the ground or, in the case of a tiny house on wheels, incorporated into the structure, but shall in no case be located on the roof.

Q. **Utility Meters/Addresses.**

1. ***Second Dwelling Units.*** Separate gas and electric meters may be permitted if approved by the Building Official and Pacific Gas & Electric.

2. ***Backyard Cottage and Accessory Living Quarters.*** Separate utility meters and/or addresses are not permitted.

R. **Home Occupations**. Home occupations are permitted pursuant to Section 15-2735, Home Occupations.

S. **Airports**. All applications shall comply with operative airports plans.

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

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

a. Either the primary dwelling unit, the Second Dwelling Unit, or the Backyard Cottage shall be owner-occupied.

b. The property owner shall enter into a restrictive covenant with the City, which shall be recorded against the property.

c. The covenant shall confirm that either the primary dwelling unit, the Second Dwelling Unit, or the Backyard Cottage shall be owner-occupied and prohibit rental of both units at the same time.

d. It shall further provide that the Second Dwelling Unit or Backyard Cottage shall not be sold, or title thereto transferred separate and apart from the rest of the property.

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

a. The property owner shall enter into a restrictive covenant with the City, which shall be recorded against the property.

b. The restrictive covenant shall prohibit rental of both units at the same time.

c. It shall further provide that the Accessory Living Quarter shall not be sold, or title thereto transferred separate and apart from the rest of the property. The covenant shall be recorded prior to the issuance of a building permit.

15-2755 Service Stations

Service stations and any other commercial use that provide fuel pumps for retail sales of gasoline are subject to the following standards:

A. **Site Design.**

1. ***Access.***

a. There shall be no more than two vehicular access points to/from a public street. Additional access may be provided by neighboring properties.

b. Should a site be redeveloped (i.e., the existing building and/or fuel canopy is removed and reconstructed), and more than two vehicular points of access exist, they shall be removed per Public Works Standards.

c. Fleet Fuel Stations in Industrial Districts may provide additional access points, as determined by the Public Works Director.

2. Designs shall incorporate landscaping and half screen walls to screen vehicles while allowing eye level visibility into the site. Fleet Fuel Stations in Industrial Districts are excepted from this provision.

3. Significant architectural or landscape features shall be provided at the corner of intersecting streets to enhance the streetscape.

4. Noise-generating uses, such as auto service bays, car wash openings, vacuum stations, outdoor loading areas, garbage storage, and stacking lanes, shall be located away from sensitive uses such as residential areas.

5. Propane tanks, vapor recovery systems, air compressors, utility boxes, garbage, recycling containers/enclosures, and other similar mechanical equipment shall be screened from public view. Propane tanks, vapor recovery tanks, etc. shall be laid horizontally and shall be screened with a hedge and/or wall.

B. **Air and Water Stations.** Air and Water Stations shall be identified on plans and shall comply with the setbacks of the underlying District.

C. **Pump Islands.** Pump islands shall be located a minimum of 15 feet from any property line to the nearest edge of the pump island, unless a greater setback is required by an operative plan. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance. In areas with distinct architecture (to be determined by the Director), the canopy must match the architecture of the main building on the site.

D. **Auto Repair.** Auto Repair shall comply with Section 15-2710, Automobile/Vehicle Service and Repair, Major and Minor.

E. **Temporary Car Washes.** Refer to Section 15-2760, Temporary Uses.

F. **Proximity to Other Service Stations.** No more than two service stations may be located on the corners of the same intersection.

15-2756 Shooting Ranges / Archery Ranges

Indoor Shooting Ranges and/or Archery Ranges are permitted in accordance with the standards below. The standards below are intended to prevent damage to neighboring properties and to mitigate potential noise from guns and filtration systems used to diminish lead dust and other particulates. Outdoor Ranges are not permitted.

A. Buildings shall incorporate indoor walls and partitions capable of stopping all projectiles fired on the range by containing or redirecting them to the backstop. In addition, buildings shall contain all sound.

B. Exterior walls shall be made of masonry or concrete, or combination thereof.

C. Buildings shall be a minimum 400 feet from existing and/or planned residential dwellings, schools (K-12), and/or day cares. Caretakers Units and Mixed-Use Districts are excepted.

D. Shooting activities are limited to occur between the hours of 7 a.m. and 10 p.m.

E. Ranges shall, at a minimum, meet the requirements established by the National Rifle Association, or the standards above. In the case where standards may conflict, the more restrictive standard(s) shall govern.

15-2757 Single Room Occupancy Hotels and Boarding Homes

Single room occupancy (SRO) hotels and/or Boarding Homes, which house between five and 15 guests, which shall collectively be referred to as SROs, shall be located, developed, and operated in compliance with the standards below. SROs do not include Group Homes or Emergency Shelters.

A. **Facility.** There shall be no more than 15 guests.

B. **Maximum Occupancy.** Each SRO living unit shall be designed to accommodate a maximum of two adults.

C. **Minimum Size.** An SRO living unit must have at least 150 square feet of floor area, excluding closet and restroom. No individual unit may exceed 400 square feet.

D. **Minimum Width.** An SRO of one room shall not be less than 12 feet in width.

E. **Entrances.** All SRO units must be independently accessible from a single main entry, excluding emergency and other service support exits.

F. **Cooking Facilities.** Cooking facilities shall be provided either in individual units or in a community kitchen. Where cooking is in individual SRO units, SRO units shall have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or properly engineered cook top unit pursuant to Building Code requirements; and a refrigerator.

G. **Restroom.** An SRO unit is not required to, but may contain partial or full restroom facilities. A partial restroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor and one full bathroom per four units.

H. **Closet.** Each SRO unit shall have a separate enclosed all-weather closet. The closet shall be at least 120 cubic feet with a minimum four-foot horizontal dimension along one plane.

I. **Common Area.** Four square feet per living unit shall be provided, excluding janitorial storage, laundry facilities, and common hallways. At least 200 square feet in area of interior common space provided as a ground floor entry area that provides a central focus for tenant social interaction and meetings.

J. **Exterior Common Area.** There shall be a minimum of 50 square feet in area of exterior common space per unit, with a minimum horizontal dimension of six feet. This open space may be located in a required front or street side but shall be no closer than nine feet to the lot line, or the rear yard.

K. **Tenancy.** Tenancy of SRO units shall be offered for a minimum of 30 days or longer.

L. **Facility Management.**

1. ***Ten or More Guests.*** The facility shall provide on-site management. The manager shall live on-site however the manager's unit shall not count as one of the 10 guests.

2. ***Less Than 10 Guests.*** There shall be an on-site manager's office. The office shall be staffed for a minimum of six hours per day between the hours of 7 a.m. and 8 p.m., six days a week. The manager's hours shall be posted in a conspicuous location.

M. **Management Plan**. A management plan shall be submitted with the permit application for all SRO projects. At minimum, the management plan must include the following:

1. ***Security/Safety***. Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;

2. ***Management Policies***. Management policies including desk service, visitation rights, occupancy restrictions, and use of cooking appliances;

3. ***Rental Procedures***. All rental procedures, including monthly tenancy requirements;

4. ***Maintenance***. Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

15-2758 Tattoo or Body Modification Parlors

It is the purpose and intent of these standards to regulate the operation of facilities that perform tattooing and body modification to provide for the health, safety, and welfare of the public and ensure compliance with California Health and Safety Code Section 119300 et seq.

A. **Registration Required.** Any person who is engaged in the business of tattooing or body modification shall provide evidence of registration with the Fresno County Department of Health.

B. **No Persons Under 18.** A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 is allowed on site, unless accompanied by their parent or documented legal guardian. The operator of the establishment shall require all customers to show proof of age.

15-2759 Telecommunications and Wireless Facilities

Telecommunications and Wireless Facilities shall comply with the City's policy pertaining to said uses. Said policy shall establish standards and procedures to regulate the development, siting, installation, and operation of wireless telecommunications antennas and related facilities consistent with the applicable requirements of federal law. The regulations are intended to provide for the appropriate development of wireless telecommunication facilities within the city to meet the needs of residents, business-owners, and visitors while protecting public health and safety and preventing visual blight and degradation of the community's aesthetic character.

15-2760 Temporary Uses

This section establishes standards for certain uses that are intended to be of a limited duration of time and that will not permanently alter the character or physical facilities of the property where they occur.

A. **Temporary Uses Not Requiring a Temporary Use Permit.** The following types of temporary uses may be conducted without a Temporary Use Permit. Other permits, such as building permits, may be required.

1. ***Yard/Garage Sales.*** Garage sales of personal property conducted by a resident of the premises may be conducted in accordance with the following standards.

   a. *Number*. No more than four garage sales shall be conducted on a premise in any calendar year.

   b. *Nonprofit Organizations*. A nonprofit organization may conduct a yard sale at the residence of one or more of its members pursuant to all of the requirements of this section. One such sale may be held per year without such sale being deemed one chargeable to the premises in question for the purpose of applying the four sales per year limitation set forth in Subparagraph 1 above.

   c. *Time Limitations*.

      i. No single sale event shall be conducted for longer than two consecutive days.

      ii. Garage sales shall not be held for more than two consecutive weekends. Each weekend that sales are conducted constitutes a single sale event.

      iii. Garage sales may only be conducted between the hours of 7 a.m. and 7 p.m.

   d. *Display Area*. Property offered for sale at a garage sale may be displayed only on the property of the residence.

   e. *Signs*. Signs may be displayed only during the hours the garage sale is actively being conducted and shall be removed at the completion of the sale. No signs shall be placed on utility poles or cabinets or in the public right-of-way.

   f. *Permitted Products*. The conduct of general retail sales or commercial activities in residential zones, except as is otherwise expressly authorized under this Ordinance, shall be prohibited.

   g. *Block Sales*. Block Sales that include a closure of a street shall obtain a street closure permit from the Public Works Department.

2. ***Nonprofit Fundraising***. Fundraising sales are permitted on a site by a nonprofit organization, with the owner's permission. Nonprofit fundraising shall not exceed 30 calendar days per year on any single site. Sites shall be cleared of all merchandise and shall be cleaned daily.

3. ***Nonprofit Fundraising Events.*** Outdoor events for fundraising purposes may be permitted on a site, however events shall be for non-commercial purposes and shall not directly benefit the establishment where the event is held. No site shall hold more than three events per year, while events shall not last more than three consecutive days.

4. ***Temporary Carwashes for Fundraising.*** Temporary vehicle carwashes may be conducted in accordance with the following standards.

   a. The site shall be developed with Commercial, Industrial, and/or Public Uses (i.e., Civic, Institutional).

   b. No more than two carwashes shall be conducted on a site in any given month.

   c. No event shall be conducted for longer than two consecutive days.

   d. Carwashes may be conducted between the hours of 7 a.m. and 7 p.m.

   e. The site shall be paved with an impervious surface.

   f. Signs may be displayed only during the carwash and shall be removed at the end of the carwash. Signs shall not be placed on utility poles/structures or in the public right-of-way.

   g. Vehicles, either being washed or in queue to be washed, shall not block required drive aisles, drive approaches, and/or public rights-of-way.

   h. *Appearance*. When a Temporary Carwash is not in operation, all evidence of its use must be removed from the site including all tables, tents, temporary membranes, canopies, barricades, products, signs, litter, etc. The parking lot must be left in a clean condition.

   i. *Refuse/Litter*. The operator shall provide waste removal and shall be responsible for collecting trash and recycling after each event, including in the parking lot.

5. ***Moving Trailers/Portable Storage.*** Refer to Article 24, Parking and Loading

6. ***Temporary Construction Office Trailers.*** On-site temporary construction offices are permitted during the period of construction.

B. **Temporary Uses Requiring a Temporary Use Permit.** Other temporary uses may be permitted pursuant to Article 54, Temporary Use Permits, subject to the following standards. Additional or more stringent requirements may be established through the Temporary Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the city as a whole.

1. ***Permanent Outdoor Display and Sales.*** Refer to Section 15-2745, Outdoor Retail Sales.

2. ***Seasonal Sales***. The annual sales of holiday related items such as Christmas Trees, pumpkin lots/patches and similar items may be permitted in accordance with the following standards:

   a. *Time Period*. Seasonal sales, including Christmas Tree and pumpkin lots, associated with holidays are allowed up to a month preceding and one week following the holiday.

b. *Goods, Signs, and Temporary Structures.* All items for sale, as well as signs and temporary structures, shall be removed within five days after the end of sales, and the appearance of the site shall be returned to its original state.

c. *Parking.* The Director may require a shake-off area or alternative design to ensure that dirt is not deposited onto public streets.

3. ***Temporary Outdoor Display and Sales.*** Temporary Outdoor Sales, including, but not limited to, grand opening events, and other special sales events, shall obtain a Temporary Use Permit and shall be subject to the following:

a. *Relationship to Principle Use.* The outdoor display and sales area shall be directly related to a business occupying a primary structure on the same site.

b. *Display Locations.*

i. If located in the public right-of-way, an encroachment from the Public Works Department is required.

ii. Location of the displayed merchandise may not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas; or obstruct sight distances; or otherwise create hazards for vehicle or pedestrian traffic.

c. *Building Setback of 15 Feet or Less.* Merchandise shall be no closer than 15 feet from a public street unless the building is located closer to the street. If so, merchandise may be located closer than 15 feet.

d. *Building Setback Greater Than 15 Feet.* Outdoor sales shall be located entirely on private property outside any required setback (or landscaped planter in zoning districts that do not have required setbacks), fire lane, or fire access way. A minimum setback of 15 feet from any public right-of-way is required.

e. *Hours.* Outdoor events may only be held during the normal business hours of the establishment.

f. *Number of Events.* No more than six events at one site shall be allowed within any 12-month period. Events shall not last more than five days per event and there shall be a minimum of 14 days between events.

g. *Existing Parking.* The available parking shall not be reduced to less than 90 percent of the minimum number of spaces required by Article 24, Parking and Loading.

h. *Tents/Structures.* Temporary canopies and shade structures may be permitted. Temporary canopies may be required to obtain a Building Permit. A building permit is required for any temporary tent, shade structure canopy larger than 400 square feet.

i. *Appearance.* When Temporary Sales are not in operation, all evidence shall be removed from the site including all tables, tents, temporary membranes, canopies, barricades, products, signs, litter, etc. The parking lot must be left in a

clean condition, free of waste. Permanent buildings, structures, and signs are excepted.

j. *Refuse/Litter*. The operator shall provide waste removal and shall be responsible for collecting trash and recycling after each event, including in the parking lot.

k. *Signs*. Additional signs beyond those normally allowed for the subject use shall not be provided as a result of the outdoor display and sales area.

l. *Transactions/Point of Sale*. All sales shall occur as part of the normal business activity of the establishment, via a register, or hand-held device. Patrons shall have the option of paying for purchases in the establishment as part of normal business activity.

m. *Other Conditions*. The Director may impose other conditions that would ensure the operation of the proposed temporary outdoor sales in an orderly and efficient manner.

4. ***Special Events and Sales.*** Other short term special events may be permitted in accordance with the standards below.

a. *Location*. Events are limited to non-residential districts.

b. *Number of Events*. No more than six events at one site shall be allowed within any 12-month period. Events shall not last more than five days per event and there shall be a minimum of 14 days between events.

c. *Products*. The outdoor display and sales area shall be directly related to a business occupying a primary structure on the same site.

d. *Signs*. Refer to Article 26, Signs.

e. *Existing Parking*. The available parking shall not be reduced to less than 90 percent of the minimum number of spaces required by Article 24, Parking and Loading.

5. ***Carnivals, Fairs, and Festival Events***. Carnivals, fairs, and festival events are subject to the following standards:

a. *Location*. Carnivals, fairs, and festival events are limited to areas within Commercial or Employment districts, or on property owned by a public school.

b. *Time Limit*. When abutting or adjacent to a Residential District or a street that serves a Residential District the hours of operation shall be limited to 7 a.m. to 10 p.m.

c. *Lighting*. Lighting shall be hooded and directed away from residential uses.

6. ***Temporary Parking Lots***. Temporary Parking on unpaved surfaces may be permitted in accordance with the standards below. Temporary Parking Lots may not be used to fulfill required off-street parking standards per Article 24, Parking and Loading, rather Temporary Parking Lots may be used to periodically accommodate larger than normal crowds at special events.

a. *Parking Plan.* An applicant shall submit a parking plan to the City for review and approval.

b. *Location.* Temporary Parking shall be limited to non-residential districts, unless the site is developed with non-residential uses.

c. *Number of Events.* Temporary Parking Lots may not be used more than 14 days within any 12-month period.

d. *Access.* Access shall be from an approved drive approach. An on-site shake-off area is required to ensure that dirt and/or mud are not deposited onto the public street.

e. *Attendants.* An attendant shall be present during the duration of the event and until the last vehicle is removed from the site to guide drivers.

f. *San Joaquin Valley Air Pollution.* The applicant shall contact the San Joaquin Valley Air Pollution District (District Regulation 8071) for its permitting procedures.

g. *Dust Mitigation.* Dust mitigation may be required to ensure that the parking lot does not create a nuisance.

h. *Trash/Debris.* All trash, debris, etc., shall be collected daily and the appearance of the site shall be returned to its original state.

i. *Temporary Lighting.* Refer to Section 15-2508, Lighting and Glare.

7. ***Other Temporary Uses.*** Other special events, outdoor sales, and displays that exceed three consecutive days but not more than 30 days in any 12-month period, may be allowed with the approval of a Zone Clearance so long as the use is related to the primary use on the site and it does not impact neighboring uses or otherwise create significant impacts.

15-2761 Tobacco and Vapor Sales

A. **Signage.** Any establishment located within 400 feet of a park, school (private or public), day care, or other youth-sensitive places (e.g., boys and girls club, youth activity centers) may not advertise smoking sales (such as for tobacco, vapor, or similar products) or related paraphernalia in a manner visible from the outside of the establishment, such as from a public thoroughfare, sidewalk, or parking lot.

15-2762 Transitional and Supportive Housing

Transitional and supportive housing, as defined in the Government Code (Sections 50675.2 and 50675.14) constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same district.

15-2763 Utility Meters / Second Meters

In Single-Family Residential Districts, one public utility meter per parcel may be permitted, with the exception of an additional meter for a Second Dwelling Unit, or to permit an electric vehicle charging station as may be permitted per the California Public Utilities Commission.

15-2764 Unattended Donation Bins

A. **Location.** Unattended Donation Bins (UDBs) are allowed in Commercial Districts only. Bins must be located in the following manner:

1. Outside of the public right-of-way.
2. In compliance with all setbacks and visibility triangle requirements (Section 15-2018).
3. Outside of required parking spaces.
4. To the side or rear of buildings, unless the operating organization is also the primary use on the site.
5. In a location that does not impede circulation.

B. **Business License**. Operators must obtain a Business License from the City of Fresno Business Tax Division.

C. **Property Owner's Permission**. A written letter from the property owner or their representative certifying their consent for the bin to be located on the property, must be filed with the Planning Division prior to the placement of the bin on the site.

D. **Required Display of Information**. All donation bins must display, in a clear and easy-to-read manner, the following information:

1. Contact information, including the name, address, email, telephone number, and website, for the person or organization responsible for maintaining the bin.
2. Business license number.
3. Contact information for the parent company, if applicable.
4. A statement indicating what materials are accepted and how the donated goods will be used, sold, dispersed, etc.
5. A statement indicating that donated items must fit in the bin and that dumping is prohibited.
6. A statement indicating how someone may report a problem associated with the bin.

E. **Maintenance**. Bins shall be kept in good repair and the surrounding site shall be kept free of litter and debris. Overflow of materials and graffiti must be removed within 48 hours.

15-2765 Vehicle Impound Yard (Tow Yard) and Transit Storage

Tow Yards, Transit Storage, and Freight Storage may be permitted subject to the following standards:

A. **Existing Facilities**. Existing facilities established prior to January 24, 2006 may continue to operate subject to the following conditions:

1. Compliance with all Conditions of Project Approval per the pertinent entitlement.
2. If an entitlement was not required per zoning regulations, the applicant shall provide evidence, satisfactory to the Director, that the facility:
   a. Was established prior to January 24, 2006 and that the use has been in continuous use;
   b. The site has had a valid business license since January 24, 2006; and
   c. The site does not have any outstanding items from Code Enforcement.

B. **New Facilities.**

1. ***Minimum Lot Size.*** 6,000 square feet**.**
2. ***Location.*** There shall be a minimum separation of 200 feet from property planned or zoned for:
   a. Residential Uses;
   b. Office Uses; or
   c. A freeway, unless the freeway is depressed a minimum 10 feet from the natural grade of the subject site and there is a six-foot masonry screen wall.
3. ***Landscaping and Screening.***
   a. There shall be a minimum 10-foot landscape area along all streets, unless a greater setback is required in this Code or operative plan.
   b. A Screening Wall, per Section 15-2008-C, of seven feet in height shall be provided along all property lines. Said wall shall be located at the rear of required landscaping along streets, including freeways. Screen Walls, when located on a local industrial street or between industrial uses, may be a material other than masonry, subject to review and approval by the Director. However, alternative Screen Walls, including gates, shall not be transparent.
   c. Graffiti along perimeter Screen Walls shall be removed within 48 hours.
   d. Additional screening and landscaping, as determined by the Director may be required where necessary to prevent visual impacts on adjacent properties.
4. ***Lighting.*** Refer to Section 15-2015, Outdoor Lighting and Illumination.
5. ***Parking.*** Refer to Article 24, Parking and Loading.
6. ***Paving.*** All storage areas shall be paved per Public Works Standards for Parking Lots.
7. ***Operational Requirements.***
   a. There shall be no loading/unloading of vehicles in the public right-of-way or within customer parking areas.

b. Vehicles and/or materials may only be stored within designated areas per the approved entitlement.

c. There shall be no dismantling of motor vehicles.

d. All auto repairs shall occur within an enclosed building.

e. Any property stored on-site, other than motor vehicles, is limited to personal property found inside the impounded vehicle.

8. ***Retail Sales.***

a. Shall be limited to lien sales of vehicles and/or personal property not claimed by the owner. A statement shall be submitted by the applicant outlining how sales will be conducted.

b. Vehicles for sale shall not be displayed outside of the display area as designated by the approved permit

c. There shall be no test driving of vehicles into adjacent or nearby residential neighborhoods.

9. ***Infrastructure Requirements.***

a. Off-site improvements may be required by the City.

b. The facility shall be served by a public sewer system. Private septic sewer systems are prohibited.

c. Adequate facilities and infrastructure shall be provided for fire protection as determined by the City.

15-2766 Walk-Up Facilities

Walk-Up Facilities, such as food service windows and Automatic Teller Machines (ATMs), shall comply with the following regulations.

A. **Regulations Applying to All Walk-Up Facilities.**

1. **Location Requirements.**

a. Set back from an adjacent street curb by a minimum of eight feet;

b. Located not to eliminate or substantially reduce any landscaped areas; and

c. Located not to result in undue traffic congestion.

2. **Architectural Design.** Construction and modifications to the exterior of structures shall be completed in a manner consistent with the architectural design of the surrounding setting. If there is no uniform design, the facility shall incorporate common elements and materials found in the surrounding setting.

3. **Trash Disposal.** Trash and recycling receptacles shall be provided in proximity to the service.

4. **Weather Protection.** An awning, portico, or other form of weather protection must be provided for the transaction area and for a reasonable amount of space where customers may wait or queue.

B. **Automatic Teller Machines (ATMs).**

1. **Location.** In addition to the requirements set forth under Subparagraph A.1. above, ATMs must be located a minimum of 30 feet from any property line corner at a street intersection;

2. **Lighting.** Each ATM shall be provided with lighting in compliance with State law.

3. **Drive-Up ATMs**. ATMs that are located outside, but are designed to be accessed by a vehicle must comply with Section 15-2728, Drive-In and Drive-Through Facilities.

4. **Video Surveillance**. Each ATM that is not directly supervised by an on-site employee or manager shall equip a rear-view mirror and a camera that can record activity for surveillance purposes. The camera shall record in color and have automatic low light switching capabilities to black and white.

C. **Food Service Windows.** The operator must ensure cleanliness of the site and an unimpeded flow of traffic in the public right-of-way. Service of alcoholic beverages is prohibited.

15-2767 Water Wells

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

A. **Major Streets.** Equipment may not be within 100 feet of Major Streets in Mixed-Use or Commercial Districts. Properties developed with retention and/or recharge basins and State highways are excepted.

B. **Screening.** Sites shall be enclosed by Screening Walls per Section 15-2008-C. Screen walls shall be located at the rear of landscaping areas along front yards, and on the property line along side and rear yards, unless stricter requirements are required in this Code or operative plan.

C. **Separation.** Equipment shall be separated a minimum 10 feet from Residential Districts and shall be adequately screened with trees.

D. **Property Development Standards**. Development shall comply with the standards of the underlying District, unless stricter requirements are required in this Code or operative plan.

15-2768 Wrecking Yards and Auto Dismantling

Wrecking Yards may be permitted subject to the following standards:

A. **Existing Facilities**. Existing facilities established prior to January 24, 2006 may continue to operate subject to the following conditions:

1. Compliance with all Conditions of Project Approval per the pertinent entitlement.

2. If an entitlement was not required per zoning regulations, the applicant shall provide evidence, satisfactory to the Director, that the facility:

   a. Was established prior to January 24, 2006 and that the use has been in continuous use;

   b. The site has had a valid business license since January 24, 2006; and

   c. The site does not have any outstanding items from Code Enforcement.

B. **New Facilities.**

1. ***Minimum Lot Size.*** Five acres.

2. ***Location.*** There shall be a minimum setback of 300 feet from property planned or zoned for:

   a. Residential Uses;

   b. Office Uses;

   c. An integrated commercial shopping center;

   d. Passenger rail; or

   e. A freeway, unless the freeway is depressed a minimum 10 feet from the natural grade of the subject site and there is a six-foot masonry screen wall.

3. ***Landscaping and Screening.***

   a. There shall be a minimum 10 foot landscape area along all streets, unless a greater setback is required in this Code or operative plan.

   b. A Screening Wall, per Section 15-2008-C of seven feet in height shall be provided along all property lines. The Screen Wall shall be located at the rear of required landscaping along streets, including freeways, if applicable.

   c. Graffiti along perimeter Screen Walls shall be removed within 48 hours.

   d. Additional screening and landscaping, as determined by the Director may be required where necessary to prevent visual impacts on adjacent properties.

4. ***Lighting.*** Refer to Section 15-2015, Outdoor Lighting and Illumination.

5. ***Parking.*** Refer to Article 24, Parking and Loading.

6. ***Paving.*** All storage and production areas shall be paved per:

   a. Public Works Standards for Parking Lots, or

   b. The surfacing shall consist of a minimum of two inches of asphalt concrete or three inches of road-mixed asphalt surfacing over native soil compacted in accordance with Public Works Standards. An alternative soil stabilizing agent may be applied and maintained, in lieu of asphalt concrete or road-mixed asphalt surfacing if approved in writing by the Public Works Director.

7. *Operational Requirements.*

   a. There shall be no loading/unloading of vehicles in the public right-of-way or within customer parking areas.

   b. Vehicles and/or materials may only be stored within designated areas.

   c. Stacked vehicles, or material, such as tires, shall not exceed 10 feet in height.

   d. Tires must be stored in a manner that does not facilitate the breeding of mosquitoes.

   e. Machinery and equipment shall not exceed 25 feet in height. Any equipment greater than 10 feet in height shall be setback a minimum of 200 from all property lines.

   f. Crushing operations shall not occur on Sundays or California Holidays.

   g. No automobile repair or installation of parts shall occur on the site.

   h. The main yard entrance gate shall remain closed when not in operation. The main gate shall not allow visibility into the site.

   i. Operations shall comply with all applicable Environmental Protection Agency regulations.

8. *Infrastructure Requirements.*

   a. Off-site improvements may be required by the City.

   b. The facility shall be served by a public sewer system. Private septic sewer systems are prohibited.

   c. Adequate facilities and infrastructure shall be provided for fire protection as determined by the City.

9. ***Hazardous Materials Plan.*** Prior to operating, the owner or operator shall submit a Hazardous Materials Plan to the Planning Department. The Plan shall explain the processing and storage procedures of potentially hazardous materials such as oil, antifreeze, gas, wiper fluid, and used tires.

Article 28 (Reserved)

Article 29 (Reserved)

Article 30 (Reserved)

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Part IV: Land Divisions

Article 31 General Provisions

Sections:

15-3101 Introductory Provisions
15-3102 Applicability
15-3103 Interpretation
15-3104 Severability
15-3105 Administration and Common Procedures
15-3106 Review Authorities for Subdivision Decisions

15-3101 Introductory Provisions

A. **Citation and Authority.** Chapter 15, Part IV of the Fresno Municipal Code shall be known and cited as the Subdivision Ordinance of the City. Authority for this Part is found in Title 7, Division 2 of the California Government Code, which is referred to as the Subdivision Map Act (Map Act; Sections 66410 *et. seq.* of the California Government Code).

B. **Purpose.** The purpose of this Subdivision Ordinance is to regulate the division of land within the city. These provisions implement and supplement the requirements of the Map Act concerning the design and improvement of subdivisions and regulating other divisions of land within the city including the form and content of all maps and the procedure to be followed in securing official approval. This Ordinance is intended to protect and preserve public health, safety, and general welfare and promote orderly growth and development. The provisions of this Subdivision Ordinance are more specifically intended to:

1. Ensure that the design and improvement of subdivisions is consistent with and promotes the goals and policies of the General Plan and applicable operative plans;
2. Provide for adequate access and circulation across all modes of transportation;
3. Ensure the availability of adequate public facilities;
4. Provide options for the future development of adjacent properties; and
5. Protect and enhance property values.

15-3102 Applicability

A. **Applicability.** This Subdivision Ordinance shall apply to all, or parts of subdivisions or Parcel Modifications within the city.

B. **Subdivision Approval Required.** The regulations set forth in this Subdivision Ordinance apply to all parts of subdivisions within the city and to the preparation of subdivision maps and to other maps provided for by the Map Act. Each subdivision and each part thereof lying within

the city shall be made and each map shall be prepared and presented for approval as provided for and required by this Subdivision Ordinance.

C. **Compliance with Other Regulations.**

1. Per the Map Act (Section 66473.5), a map may only be approved if the proposal complies with the General Plan and operative plan, if applicable.

2. The approval or conditional approval of a subdivision map, Lot Line Adjustment, or Parcel Merger shall not authorize an exception or deviation from any zoning regulation or operative plan, or as an approval to proceed with any development in violation of other applicable provisions.

D. **References to the Map Act.** Where the Subdivision Ordinance references applicable provisions of the Map Act, the reference shall be interpreted to be to the applicable Map Act provisions as they may be amended from time to time.

E. **Map Act Reference Numbers.** Map Act section numbers provided in references to the Map Act are for the convenience of readers. Numbers may be superseded by more recent Map Act amendments.

F. **Conflicts with the Map Act.** In the event of any conflicts between the provisions of this Subdivision Ordinance and the Map Act, the Map Act shall govern.

G. **Definitions.** Refer to Section 15-6802 and the Map Act. In the event of any conflicts between the definitions of this Subdivision Ordinance and the Map Act, the Map Act shall govern.

H. **Pre-Annexation Filing of a Subdivision.** In accordance with the Map Act (Section 66454), an application for a proposed subdivision of unincorporated territory adjacent to the city within the Sphere of Influence may be filed with the City pursuant to the Memorandum of Understanding between the City and County. The map, in the discretion of the City, may be acted upon as outlined in the Map Act (Section 66452), except that if it is approved, such approval shall be conditioned upon annexation of the property to the city.

I. **Determining the Legality of Parcels.**

1. ***Parcels Created Before January 1, 1968.***

   a. *Incorporated.* Parcels created before January 1, 1968 shall be deemed to be legally created if the parcel was created in compliance with the City's Parcel Map Ordinance in effect at that time.

   b. *Unincorporated.* Refer to the Map Act (Section 66412.6).

2. ***Parcels Created Before March 4, 1972.*** Parcels shall be deemed to be legally created if the parcel was created in compliance with the City of Fresno's Parcel Map Ordinance in effect at that time.

3. ***Parcels Created After March 4, 1972.*** Parcels created after March 4, 1972 shall be deemed to have been legally created if the parcel was created in compliance with the Subdivision Map Act.

4. *Substandard Parcels.*

a. Substandard parcels that were created after 1956 and for which a City permit was issued and created in conformance with the Subdivision Ordinance in effect at that time is considered to be a legal parcel.

b. Substandard parcels shall not be deemed legal parcels unless evidence can be provided to the City that they were created pursuant to City-issued permits, approvals, and/or the Map Act.

c. Substandard parcels which are deemed to be illegal parcels shall submit a Conditional Certificate of Compliance to be reviewed and approved by the Development Services Division.

J. **Grading and Erosion Control.** Every map approved pursuant to this Ordinance shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in the Fresno Municipal Code.

K. **Fees.** All persons submitting maps and other documents required by the Subdivision Ordinance shall pay all required fees at the time of application and/or when environmental documentation is filed, whichever occurs first. Fees shall be established by the City pursuant to the Map Act (Section 66451.2) and the Mitigation Fee Act (Sections 66000 to 66025 of the Government Code).

15-3103 Interpretation

None of the provisions in the Subdivision Ordinance or in any other ordinance or resolution of the City, or in any rule or regulation promulgated pursuant thereto, whether pre-existing, existing, or in the future, are intended to create or to be construed to create an imposition of civil liability on the City, its Council, commissioners, officers, or employees while acting in accordance with such provisions.

15-3104 Severability

The sections, paragraphs, sentences, clauses and phrases of the Subdivision Ordinance are severable. If any phrase, clause, sentence, paragraph, or section of the Subdivision Ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of the Subdivision Ordinance.

15-3105 Administration and Common Procedures

A. **Responsibility for Administration.** The Director and City Engineer are authorized and directed to administer and enforce the provisions of this Subdivision Ordinance and applicable provisions of the Map Act for subdivisions within the city.

B. **Powers and Responsibilities.**

1. *Council.* The Council shall:

a. Act as the final appeal board for hearing appeals of the approval, conditional approval, or denial of maps for all land divisions and adjustments;

b. Consider all dedications in the event that the City Engineer does not take action;

c. Take action on Final Maps pursuant to the Map Act (Section 66458);

d. Consider actions on Appeal. The Council shall take action on items brought before the Council on appeal of the Commission decision, which may include, Tentative Maps, Vesting Tentative Maps, Parcel Maps, Lot Line Adjustments, and Voluntary Parcel Mergers. For actions on appeal, the Council may approve, conditionally approve, or deny the above submissions, subject to the requirements of the Map Act; and

e. Accept dedications and improvements for subdivisions and offsite dedications lying outside a subdivision boundary that require a separate grant deed.

2. ***Planning Commission.*** The Planning Commission shall:

a. Approve, conditionally approve, or deny Tentative Maps and impose requirements or conditions thereon per the Map Act (Section 66474.7); and

b. Where provided by this Code, the Commission shall serve as the appeal body for decisions of the Director and City Engineer.

3. ***Director.*** The Development and Resource Management Department Director (the "Director") shall:

a. Determine if application is complete and provide notification to applicant;

b. Approve, conditionally approve, or deny Parcel Maps;

c. Report the findings together with any recommendations for approval, or conditional approval, to the Commission for Tentative Maps;

d. In consultation with the City Engineer, determine if proposed subdivision improvements comply with the provisions of this Subdivision Ordinance and the Map Act; and

e. In consultation with the City Engineer, determine if Final Maps are in substantial conformance with approved Tentative Maps.

4. ***City Engineer.*** The City Engineer shall:

a. Establish design and construction details, standards, and specifications;

b. Approve, conditionally approve, or deny Lot Line Adjustments and Voluntary Parcel Mergers;

c. Determine that all public facilities and improvements required of land divisions are adequate are provided per City standards;

d. Process Final Maps, reversion to acreage maps; the processing and approval of subdivision improvement plans, and certificates of compliance;

e. Examine and conclude that Final Maps are in substantial conformance with the approved Tentative Map;

f. Inspect and approve of subdivision improvements; and

g. Record a notice of completion of private subdivision improvements when not to be maintained by the City.

5. ***Subdivision Review Committee (SRC).***

a. *SRC Members.* The Subdivision Review Committee (SRC) shall be comprised of public service providers, City staff, and others the Director determines should comment on proposed maps.

b. *SRC Review.*

i. The SRC shall review all Tentative Maps, while the Director at his/her discretion, may also refer Tentative Parcel Maps to the SRC.

ii. The SRC shall review maps for:

(1) Compliance and consistency with applicable provisions of this Development Code, the Municipal Code, the General Plan, operative plan (if applicable), utility plan, the City's standard specifications and plans, and the Map Act;

(2) Conditions necessary for the map to comply with the above requirements; and

(3) Basis for determining that the map complies with the required findings in Section 15-3310, Required Findings for Tentative Parcel Maps and Tentative Maps.

c. *SRC Role.* The SRC shall advise the Director and City Engineer.

6. ***Planning Division:*** The Planning Division shall:

a. Collects fees related to the processing of Tentative Maps, Parcel Maps, Lot Line Adjustments, and Mergers;

b. Process Tentative Maps and Tentative Parcel Maps; and

c. Investigate proposed subdivisions for conformity to the General Plan, Specific and operative plans, and the Zoning Ordinance, and reporting findings together with recommendations for approval, conditional approval, or denial of Tentative Maps.

7. ***Public Works Department*:** The Public Works Department shall:

a. Be responsible for the processing of Final Maps; and

b. Process Lot Line Adjustments and Mergers.

15-3106 Review Authorities for Subdivision Decisions

Pursuant to the Map Act (Sections 66415, 66452.1, & 66458) Table 15-3106 identifies the City official or authority responsible for reviewing and making decisions on each type of subdivision application and other decision required by this Subdivision Ordinance. Any reference to a City official or authority shall include their authorized representative(s).

TABLE 15-3106: REVIEW AUTHORITIES FOR SUBDIVISION DECISIONS						
	Role of Review Authority					
Type of Subdivision Application	*Director*	*City Engineer*	*Subdivision Review Committee*	*Commission*	*Council*	*Reference*
Parcel Maps (four or fewer parcels)[1]						
Parcel Map Waivers	Recommend	Decision		Appeal	Appeal	Article 35
Tentative Parcel Maps	Decision	Recommend	Advise	Appeal	Appeal	Article 33
Parcel Maps	Recommend	Decision		Appeal	Appeal	Article 35
Tentative Parcel Map Time Extensions	Decision			Appeal		Article 33
Tentative Maps (more than four parcels)[1]						
Tentative Maps	Recommend		Advise	Decision	Appeal	Article 33
Final Maps	Advise	Recommend			Action	Article 36
Tentative Map Time Extensions	Recommend		Advise	Decision	Appeal	Article 33
Adjustments/Mergers/Reversions/Condominium Conversions						
Lot Line Adjustment	Recommend	Decision			Appeal	Article 42
Voluntary Parcel Merger	Recommend	Decision			Appeal	Article 42
Reversion to Acreage	Recommend	Decision			Appeal	Article 42
Condo Conversion				Recommend	Decision	Article 39

[1]Refer to the Map Act for the various map categories (Section 66426)

Article 32 Required Maps

Sections:

15-3201 Purpose
15-3202 Required Maps
15-3203 Exceptions from Subdivision Approval Requirements

15-3201 Purpose

The provisions of this article shall determine the need for Tentative or Vesting Tentative Maps, Final Maps, Tentative Parcel, and Parcel Maps.

15-3202 Required Maps

Any subdivision of land shall require the filing and approval of either a Tentative Map and Final Map or Tentative Parcel Map and Parcel Map, except as provided by the Map Act (Section 66426) and/or Section 15-3203, Exemptions from Subdivision Approval Requirements.

A. **Tentative Parcel Map and Parcel Maps (Four or Fewer Parcels).** Tentative Parcel and Parcel Maps shall be required for the following:

1. Parcel Maps, as authorized by the Map Act (Section 66248; four or fewer parcels).
2. Divisions of land into five or more parcels that meet any of the following criteria and are consistent with the Map Act (Section 66426):
   a. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required.
   b. Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a public street or highway.
   c. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the City as to street alignments and widths.
   d. Each parcel created by the division has a gross area of not less than 40 acres or is not less than one quarter of a quarter section.
   e. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Map Act (Section 66418.2).
3. ***Exceptions.*** Pursuant to the Map Act (Sections 66411, 66412, 66412.1, 66412.2, and 66426.5) a subdivision map shall not be required for:

a. *Public/Government Agency or Utility Conveyances.* Any conveyance of land, including a fee interest, an easement, or a license, to or from a governmental agency, public entity, public utility, or a subsidiary of a public utility for rights-of-way, unless the Director determines, based on substantial evidence, that public policy necessitates a Parcel Map in an individual case;

b. *Rail Right-of-Way Leases.* Subdivisions of a portion of the operating right-of-way of a railroad corporation as defined by California Public Utilities Code Section 230, which are created by short-term leases (terminable by either party on not more than 30 days' notice in writing); or

c. *Waived Parcel Map.* A subdivision that has been granted a waiver of Parcel Map requirements in compliance with Section 15-3503, Waiver of Parcel Map.

B. **Tentative Maps and Final Maps (Five or More Parcels).** Tentative Maps and Final Maps shall be required for subdivisions of five or more parcels that do not meet the criteria for Tentative Parcel Maps and Parcel Maps listed in Subsection A above.

15-3203 Exceptions from Subdivision Approval Requirements

The requirements for a Tentative Map, Parcel Map, or Final Maps shall not apply to the exclusions enumerated in the Map Act (Sections 66412, 66412.1, 66412.2, 66412.5 and 66426.5).

Article 33 Tentative Parcel and Tentative Map Filing and Processing

Sections:

15-3301 Purpose
15-3302 Form and Contents
15-3303 Concurrent Processing of Related Applications
15-3304 Pre-Application Consultation
15-3305 Application Filing and Completeness Review
15-3306 Applicable Standards
15-3307 Referrals and Review
15-3308 Decision
15-3309 Required Findings
15-3310 Grounds for Denial
15-3311 Conditions of Approval
15-3312 Automatic Approval if No Action
15-3313 Applicant Notification
15-3314 Appeals
15-3315 Effective Date of Approval
15-3316 Time Limits and Expiration of Approved Maps
15-3317 Termination
15-3318 Compliance with Conditions, Improvement Plans
15-3319 Parcel or Final Map Preparation, Filing and Recordation
15-3320 Approved Map to Run with the Land
15-3321 Subsequent Tentative Maps

15-3301 Purpose

This article establishes the application requirements, submittals, review, and required findings for approval and disapproval of Tentative Parcel Maps and Tentative Maps, consistent with the requirements of the Map Act.

15-3302 Form and Contents

A. **Application Requirements.** Tentative Parcel Map and Tentative Map application submittals shall include:

1. Application forms as required by the City.
2. Maps shall be prepared in compliance with all applicable City standards and specifications and the Map Act.
3. Maps shall be clearly and legibly drawn, printed, or reproduced and shall contain the information specified by the City Engineer and Director and shall be prepared pursuant to the Map Act (Sections 66434 *et. seq.* and 66444 *et. seq.*).

4. If the subdivider plans to develop the site in phases such that multiple Final Maps will be filed following the approval of a single Tentative Map in compliance with the Map Act (Section 66456.1).

B. **Accompanying Data and Reports.** Applications for Tentative Maps and Tentative Parcel Maps shall be accompanied by the following data or reports:

1. ***Title Report.*** A preliminary title report, showing the legal owners at the time of filing the Tentative Map.

2. ***Environmental Assessment.*** The subdivider shall provide data and information as may be required for the preparation and processing of environmental documents pursuant to the California Environmental Quality Act.

3. ***Soils Report.*** The City Engineer may require the preparation of a preliminary soils report. If a preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, could lead to structural defects, the soils report accompanying the final map shall contain an investigation of each lot within the subdivision. The City Engineer may require additional information or reject the report if it is found to be incomplete, inaccurate, or unsatisfactory. The preliminary soils report may be waived if the City Engineer determines that, due to knowledge of the soil qualities in the subdivision, no preliminary analysis is necessary.

4. ***Geotechnical Report.*** For subdivisions within the Alquist-Priolo Fault Zone or other area with geologic or seismic hazards per State Hazard Mapping Act or the General Plan, a preliminary geotechnical report that evaluates seismic hazards and recommends appropriate mitigation measures, prepared in compliance with the requirements of the State Seismic Hazard Mapping Act, shall be submitted with the Tentative Map. The report shall identify mitigation measures that will be incorporated in design of the subdivision to mitigate hazards from liquefaction and other seismic hazards. If this preliminary report identifies hazards, an engineering report on each lot in subdivision must be submitted with Final Map.

5. ***Other Reports.*** Any other data or reports deemed necessary by the City (refer to Section 15-3305, Application Filing and Completeness Review).

15-3303 Concurrent Processing of Related Applications

A. **Related Applications.** Other applications required by this Code that are related to a Tentative Map and/or Tentative Parcel Map may be submitted prior to or concurrently with the Tentative Map and Tentative Parcel Map application(s) and shall contain clear, legible, and accurate information. Each application shall accurately reference other applications.

B. **Pending Approval of Related Application(s).**

1. ***Tentative Parcel Map.*** A Tentative Parcel Map may be approved by the Director prior to the Commission and/or Council taking action on related applications; however the Director's approval shall be contingent on the Commission's and/or Council's action on any related applications..

2. ***Tentative Map.*** A Tentative Map may be approved by the Commission prior to the Council taking action on related applications; however the Commission's approval shall be contingent on the Council's action on the related applications.

C. **Time Limit Waiver/Extensions by Mutual Consent.** Time limits may be extended or waived by mutual consent of the City and the applicant for the processing of a Tentative Map and/or Tentative Parcel Map for the purpose of permitting concurrent processing of related entitlement applications or an environmental review of the same project per the Map Act (Section 66451.1).

15-3304 Pre-Application Consultation

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

15-3305 Application Filing and Completeness Review

A. **Filing.** The Director shall maintain application forms and lists that specify the information that will be required from applicants for maps.

B. **Initial Application Review.**

1. The Director shall review and evaluate each Tentative Map or Tentative Parcel Map as to its compliance and consistency with applicable provisions of this Development Code, the General Plan, any operative plan or master utility plan, and the Map Act; and

2. The Director may determine the extent to which the proposed subdivision complies with the findings identified in Section 15-3309, Required Findings.

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

D. **Incomplete.** Staff shall notify the applicant that the application is incomplete and has not been accepted for processing and shall notify the applicant of the manner in which the application may be made complete. If the applicant fails to provide requested information within 30 days of notification, the application shall be deemed incomplete, processing shall be suspended, and application shall be returned to applicant less fees to cover initial review.

15-3306 Applicable Standards

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

date of tentative map approval shall apply. If the developer requests changes in applicable ordinances, policies, and standards, and they are adopted, the changes shall apply.

15-3307 Referrals and Review

A. **Referrals.** A Tentative Parcel Map or Tentative Map application shall be referred to the agencies outlined in this subsection as required by the Map Act (Section 66453), as well as any other City department, County, State, or federal agency, or other individual or group that the Director believes may be affected by the subdivision or may have information useful to the City about issues raised by the proposed subdivision.

B. **Time Limits for Referrals.** As required by the Map Act (Section 66453(b)), referral of maps shall occur within five days of determining that the Tentative Parcel Map or Tentative Map application is deemed complete in compliance with Section 15-3305, Application Filing and Completeness Review.

C. **Affected Agencies.** The Director shall refer Tentative Parcel Map and Tentative Map applications for review and comment to each of the following public service providers:

1. ***Caltrans.*** The California Department of Transportation shall be referred any map located within an area shown on a territorial map filed with the City in compliance with the Map Act (Section 66455);

2. ***Other Cities and Local Agencies.*** Other cities and other local agencies shall be referred any Map that is located within the area shown on a territorial map filed with the City in compliance with the Map Act (Section 66453); and

3. ***Others.*** Other agencies (such as municipal service providers, city departments, and school districts), departments, groups, or individuals that the Director determines should review the project.

D. **Subdivision Review Committee (SRC).** Tentative Maps shall be reviewed by the SRC. The SRC shall advise the Director based on the findings in Section 15-3305, Application Filing and Completeness Review.

E. **Presumption.** Along with the subdivision application referral, the Department shall include notification that if no written response to the referral is received within 15 days of receiving a copy of the proposed project, per the Map Act (Section 66453(c)), the City shall presume that no recommendations or comments are forthcoming.

15-3308 Decision

A. **Tentative Parcel Map.**

1. **Review Authority.** The Director is the Review Authority for Tentative Parcel Maps and map exceptions identified in the Map Act (Section 66426).

2. **Decision.** The Director shall approve, conditionally approve, or disapprove a Tentative Parcel Map. The Director shall:

a. Consider the recommendations of any agency comments on the map, and any testimony;

b. Consider comments received from the SRC;

c. Review and evaluate each Tentative Parcel Map as to its compliance and consistency with applicable provisions of this Development Code, the Municipal Code, the General Plan, any operative plan, the City's standard specifications and plans, and the Map Act;

d. Consider any environmental assessment, where applicable;

e. Approve or conditionally approve a Tentative Parcel Map only after all findings required by Section 15-3309, Required Findings, are made; and

f. Impose conditions of approval in compliance with Section 15-3311, Conditions of Approval.

3. **Timing/Action.** In accordance with the Map Act (Section 66452.1), the Director shall take action within 50 days after:

a. The Tentative Parcel Map application has been deemed complete; and

b. The 50-day time period shall commence after the adoption and/or certification of applicable environmental document consistent with Division 13 (commencing with Section 21000) of the Public Resources Code.

4. **Planning Commission Referral.** Alternatively, the Director, at their discretion and for good cause, may refer a Tentative Parcel Map to the Commission for consideration. The Commission shall make the findings for approval per Section 15-3309, Required Findings. The Director shall provide public notice per Section 15-3308-B.4, Notice of Hearing.

B. **Tentative Map.**

1. **Review Authority.** The Planning Commission is the Review Authority for Tentative Maps.

2. **Director.** The Director shall prepare a staff report to the Commission describing the conclusions of the evaluations of the map, and recommending that the Commission approve, conditionally approve, or disapprove the Tentative Map.

3. **Timing/Action.** In accordance with the Map Act (Section 66452.1), a public hearing on a Tentative Map shall be scheduled, and action shall be taken, within 50 days after:

a. The Tentative Map application has been deemed complete; and

b. The 50-day time period shall commence after the adoption and/or certification of applicable environmental document consistent with Division 13 (commencing with Section 21000) of the Public Resources Code.

4. **Notice of Hearing.** Public hearings for maps shall be noticed per the following:

a. ***Publication.*** Notice shall be given by publication once in a newspaper of general circulation publication and circulated in the City at least 10 days prior to the hearing. The notice shall be at least one-eighth page in size; and

b. ***Public Notice.*** Refer to Section 15-5007, Public Notice.

5. **Distribution of Staff Report**. In compliance with the Map Act (Section 66452.3) the staff report shall be made available at least three days before any hearing or action by the Review Authority.

6. **Planning Commission.** The Planning Commission shall:

   a. Consider the recommendations of the Director, any agency comments, and any public comment, including written and verbal testimony;

   b. Review and evaluate each Tentative Map as to its compliance and consistency with applicable provisions of this Development Code, the Municipal Code, the General Plan, any operative plan, or Concept Plan, and the Map Act;

   c. Review and make a determination on the environmental document, and any public comment, including written and verbal testimony received;

   d. Approve or conditionally approve a Tentative Map only after the Commission has first made all findings required by Section 15-3309, Required Findings; and

   e. Impose conditions of approval in compliance with Section 15-3311, Conditions of Approval.

7. **City Council.** Shall consider appeals of the Commission's action per Section 15-3314, Appeals, and pursuant to the Map Act (Section 66452.5).

15-3309 Required Findings

A. **Findings**. The Review Authority may approve or conditionally approve a Tentative Parcel Map or Tentative Map if it makes all of the following findings:

1. ***Consistency.*** The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable operative plan, adopted policies or guidelines, and the Municipal Code.

2. ***Passive and Natural Heating and Cooling.*** A subdivision for which a Tentative Map is required shall provide pursuant to the Map Act (Section 66473.1), to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Examples of passive or natural heating opportunities in subdivision design include:

   a. Design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure and to take advantage of shade or prevailing breezes. Consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and such provision shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure.

   b. The requirements of this section do not apply to condominium projects that consist of the subdivision of airspace in an existing building when no new structures are added.

   c. For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

3. ***Availability of Water.*** Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with the Map Act (Section 66473.7).

4. ***Infrastructure Capacity.*** There exists sufficient infrastructure capacity for water, runoff, storm water, wastewater, and solid waste systems to serve the proposed subdivision. In cases where existing infrastructure is found to be deficient, plans shall show how sufficient capacity will be provided.

5. ***Compliance with Floodplain Regulations.*** The proposed subdivision is compliant with the City of Fresno Floodplain Management Ordinance and the State of California Code of Regulations Title 23, as well as any other applicable State or federal law.

B. **Supplemental Findings.** In addition to the findings required for approval of a Tentative Map or Tentative Parcel Map by Subsection A above, the Review Authority shall not approve a Tentative Parcel Map or Tentative Map unless it can also make the following findings, when they are applicable to the specific subdivision proposal.

1. ***Construction of Improvements.*** It is in the interest of public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area, to require the construction of improvements within a specified time after recordation of a Parcel Map of four or fewer parcels where improvements are required.

2. ***Condominiums.*** Any applicable findings required by Section 15-3913, Findings, for Condominium Conversions.

3. ***Dedications or Exactions.*** Any applicable findings required by Article 37, Dedications and Reservations, if dedications or exactions are required.

4. ***Waiver of Parcel Map.*** The findings required by Section 15-3503, Waiver of Parcel Map, if waiver of a Parcel Map has been requested with the Tentative Map application.

15-3310 Grounds for Denial

In accordance with the Map Act (Section 66474), the Review Authority shall deny approval of a Tentative Map and/or Tentative Parcel Map if it makes any of the following findings:

A. The proposed map, including design and improvements, is not consistent with the General Plan, any applicable operative plan, adopted policies/guidelines, or any applicable provision of this Code.

B. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat unless an environmental impact report was prepared for the project and a finding has been made pursuant to Section 21081 (3)(a) of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives that the environmental impact report identified.

C. The site is not physically suitable for the type of development proposed.

D. The site is not physically suitable for the proposed density of development.

E. The design of the subdivision or the type of improvements are likely to cause serious public health problems.

F. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the City may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

G. The site is subject to a contract under the Williamson Act and the resulting parcels following subdivision would be too small to sustain agricultural use and the land meets all the requirements of the Map Act (Section 66474.4).

H. The subdivision is located in a State responsibility area or very high fire hazard zone as defined in Section 51177 of the Government Code and the Review Authority is unable to make the findings required by the Map Act (Section 66474.02).

I. The subdivision is located within a flood zone pursuant and design of the subdivision would not provide for compliance with State and federal floodplain regulations (Section 66474.5).

J. The waste discharge into the City sewer system from the proposed subdivision would add to, or result in, violations of requirements imposed by the California Regional Water Quality Control Board (Section 66474.6).

K. **Exceptions.** To the extent permitted by State law, the Review Authority may make exceptions to the standards set forth in this section provided that it makes the following findings based on information in the record:

1. That the strict application of any such standard would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this section;

2. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property being re-subdivided; and

3. That the granting of the exception will not be materially detrimental to the public welfare nor injurious to the property or improvements in the immediate vicinity.

15-3311 Conditions of Approval

In approving an application for a Tentative Map and/or Tentative Parcel Map, the Review Authority may impose any conditions necessary to make the findings required in Section 15-3309, Required Findings, and to meet the requirements of this Ordinance. Along with the approval of a Tentative Parcel Map or Tentative Map, the adoption of conditions of approval shall occur in compliance with this section, provided that all conditions shall be consistent with the requirements of the Map Act.

A. **Authority and Limitations.** The Review Authority may modify or delete any recommended conditions of approval, except conditions required by City ordinance or by the City Engineer related to public health and safety or to standards approved by the City Engineer.

B. **Indemnification of the City.** Whether or not such a condition is explicitly listed as a condition of approval, every approved Tentative Map and Tentative Parcel Map shall be deemed to include a condition requiring the subdivider to defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attach, set aside, void, or annul an approval of the Director, Commission, or Council concerning a subdivision per the Map Act (Section 66499.37).

C. **Mandatory Conditions**. The Review Authority shall adopt conditions of approval that:

1. Require that parcels, easements or rights-of-way be provided for streets, water supply and distribution systems, sewage disposal systems, storm drainage facilities, solid waste disposal, and public utilities providing electric, gas, and communications services, as may be required to properly serve the subdivision. Easements for public utilities shall be limited to those needed to provide service to present and future development;

2. Mitigate or eliminate environmental impacts to the extent feasible as identified through the environmental review process, except where a statement of overriding consideration has been adopted in compliance with CEQA;

3. Carry out the specific requirements of Article 38, Improvements and Security.

4. Secure compliance with the requirements of this Development Code, the General Plan and any applicable operative plans;

5. Require public access through the subdivision to public waterways, rivers, streams, shorelines, lakes, and reservoirs, and the dedication of public easements along the banks of rivers and streams, in compliance with the Map Act (Section 66478.1); and

6. Require the waiver of direct access rights to any existing or proposed streets in compliance with the provisions of the Development Code, General Plan, operative plan, and/or as required by the Director pursuant to the Map Act (Section 66476).

7. Ensure long-term maintenance of adequate clean water resources.

D. **Optional Conditions.** The Review Authority may also include as conditions of approval:

1. Any fees or charges related to the transportation impacts;

2. Dedications of land required to satisfy all or part of the required fee or for transportation improvements such as bicycle paths and transit facilities;

3. The reservation or dedication of sites for public facilities, including fire stations, parks, libraries, and other public uses in compliance with the Map Act (Chapter 4, Article 3; commencing with Section 66475);

4. Time limits or phasing schedules for the completion of conditions of approval, when deemed appropriate;

5. Any other conditions deemed necessary by the Review Authority to:

   a. Promote orderly growth;

   b. Achieve compatibility between the proposed subdivision, its immediate surroundings, and the community;

c. Achieve consistency with City planning policies, design guidelines, ordinances or State law;

d. Ensure that the open space meets the needs of future residents and that it is properly located and accessible;

e. Ensure safe routes to schools, trails, connectivity to surrounding streets, bus stops, etc.; or

f. Require the formation of a maintenance entity to maintain those improvements included in Government Code Section 22500, also known as the Landscaping and Lighting Act of 1972.

15-3312 Automatic Approval if No Action

If no action is taken by the Director, Commission, or Council within the specified time limits, the map shall be deemed to be approved by the Commission if it complies with other applicable provisions of the Map Act, this Subdivision Ordinance, other City ordinances and the General Plan pursuant to the Map Act (Section 66452.4). The appeal period to the Council shall begin on the date of such certification.

15-3313 Applicant Notification

The Planning Division shall notify the applicant in writing of the Review Authority's decision. If the Tentative Map is denied, the Director shall notify the subdivider of the denial together with a statement of the reasons for such denial. If appealed, the Director shall notify the applicant of the appeal hearing.

15-3314 Appeals

A. **Decision Final Unless Appealed.** The decision of the Review Authority shall be considered final unless an appeal is filed.

B. **Time of Appeals.** Appeals shall be filed within 10 days after the action of the Review Authority (Map Act Section 66452.5).

C. **Right to Appeal.** Any interested person may file an appeal of the Review Authority's action per the Map Act (Sections 66473.5, 66474, 66474.1 and 66474.6) to the Council.

D. **Form of Appeal.** The written appeal form shall include the appellant's interest in or relationship to the subject property, the action or decision appealed, and specific reasons why the appellant believes the action or decision appealed from should not be upheld.

E. **Hearing Date.** Shall be held within 30 days after the notice of filing the appeal per the Map Act (Section 66452.5).

F. **Notice of Hearing.** Notice shall be given per Section 15-5007, Public Notice, for appeal hearings for either Tentative Maps or Tentative Parcel Maps.

G. **Withdrawal of Appeal.** Refer to Section 15-5017, Appeals.

15-3315 Effective Date of Approval

The approval of a Tentative Map or Tentative Parcel Map shall become effective for the purposes of filing a Parcel or Final Map, including compliance with conditions of approval, on the 11th day following the date the public/final decision is rendered by the applicable Review Authority, provided that an appeal of the Review Authority's decision has not been filed in compliance with Section 15-5017, Appeals.

15-3316 Time Limits and Expiration of Approved Maps

A. **Time Limits.** An approved Tentative Map or Tentative Parcel Map is valid for 24 months after its effective date, except as otherwise provided by the Map Act (Sections 66452.6, 66452.11, 66452.13, 66452.21, 66452.22, 66452.23, 66452.24 and/or 66463.5).

B. **Expiration.** At the end of the time period per Subsection A of this section, the approval shall expire and become void unless:

1. A signed Parcel or Final Map has been timely filed with the City. The City may process, approve, and record the map if it is prepared in accordance with the approved tentative map, subject to the limitations and requirement of the Map Act.

2. An extension of time has been granted in compliance with this section.

C. **Extensions of Time**.

1. When a subdivider has not completed all Tentative Map or Tentative Parcel Map conditions of approval and filed a Parcel or Final Map with the City within the time limits established by Subsection A of this section, an extension of the expiration date may be granted in compliance with this section.

2. The subdivider may request an extension of the map by filing a written application with the Director at least 60 days, but no more than six months prior, to the expiration of the approval per the Map Act (Sections 66452.6, 66452.11, 66452.13, 66452.21, 66452.22, 66452.23, 66452.24, and/or 66463.5).The granting of extension to the initial time limit may occur only after the Review Authority finds that:

   a. There have been no changes to the provisions of the General Plan or any operative plan, or development plan that would cause the map to no longer be in conformity with the General Plan, operative plan, or development plan;

   b. There have been no changes to the provisions of this Development Code that would cause the map to no longer be in conformity with this Development Code;

   c. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or other standards of this Development Code apply to the project; and

   d. There have been no changes to the capacities of community resources, including roads, schools, sewage treatment or disposal facilities, or water supply, so that there is no longer sufficient remaining capacity to serve the project.

D. **Amendments to Conditions for Map Extensions.** The City may impose conditions on map extensions in accordance with Article 43, Corrections and Amendments of Maps.

E. **Amendments to Approved Tentative Maps.** The City may amend an approved Tentative Map in accordance with Article 43, Corrections and Amendments of Maps. However, under no circumstances shall an amendment be approved for an expired map.

15-3317 Termination

The expiration of an approved or conditionally approved Tentative Parcel Map or Tentative Map shall terminate all proceedings.

15-3318 Compliance with Conditions, Improvement Plans

After approval of a Tentative Map or Tentative Parcel Map and the filing of a Final or Parcel Map in compliance with this article, the developer shall proceed to fulfill the conditions of approval within the time limits specified by the conditions and the expiration of the map. Where applicable, the developer shall prepare, file, and receive approval of improvement plans in compliance with Article 38, Improvements and Security before constructing any required improvements.

15-3319 Parcel or Final Map Preparation, Filing and Recordation

Final Maps and Parcel Maps shall be prepared, filed, processed, and recorded in compliance with Article 35, Parcel Maps, and Article 36, Final Maps, to complete the subdivision, unless a Parcel Map has been waived in compliance with Section 15-3503, Waiver of a Parcel Map.

15-3320 Approved Map to Run with the Land

A Tentative Map or Tentative Parcel Map that is valid and in effect, and was granted in compliance with the provisions of this Development Code, shall run with the land and continue to be valid if there is any change in ownership of the land.

15-3321 Subsequent Tentative Maps

A subdivider may file as many maps as desired for the same property. The most recent map approval shall supersede previous map approvals. Previous map approvals shall become null and void if superseded.

Article 34 Vesting Tentative Maps

Sections:

15-3401 Vesting Tentative Maps
15-3402 Findings for Approval
15-3403 Expiration of Vesting Tentative Map
15-3404 Changes to Approved Map or Conditions
15-3405 Development Rights of Vested Maps

15-3401 Vesting Tentative Maps

A. **General Provisions.**

1. Whenever this Development Code requires that a Tentative Map or Tentative Parcel Map be filed, a Vesting Tentative Map or Vesting Tentative Parcel Map may instead be filed, provided that the Vesting Tentative Map or Vesting Tentative Parcel Map is prepared, filed, and processed in compliance with this article and the Map Act (Chapter 4.5; commencing with Section 66498.1).

2. A Vesting Tentative Map or Vesting Tentative Parcel Map may be filed for residential, commercial, or industrial developments.

3. If a subdivider does not seek the rights conferred by a Vesting Tentative Map, the filing of a Vesting Tentative Map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

B. **Filing and Processing.** A Vesting Tentative Map or Vesting Tentative Parcel Map shall be filed in the same form, have the same contents and accompanying data and reports and, shall be processed in the same manner identified in this chapter as a Tentative Map, except as hereinafter provided:

1. ***Application Content.*** The Vesting Tentative Map or Vesting Tentative Parcel Map shall include the following information in addition to that required by Section 15-3302, Form and Contents.

2. ***Title.*** At the time a Vesting Tentative Map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map" while a Parcel Map shall have "Vesting Tentative Parcel Map" per the Map Act (Section 66452).

15-3402 Findings for Approval

The Review Authority shall determine that the intended development of the subdivision is consistent with the zoning regulations applicable to the property at the time of filing, in addition to all other findings required for Tentative Map or Tentative Parcel Map approval by Section 15-3309, Required Findings.

15-3403 Expiration of Vesting Tentative Map

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

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

15-3404 Changes to Approved Map or Conditions

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

15-3405 Development Rights of Vested Maps

A. The approval of a Vesting Tentative Map or Vesting Tentative Parcel Map shall confer a vested right to proceed with development of the subdivided parcels in substantial compliance with the ordinances, policies, and standards as identified in the Map Act (Section 66498.1).

B. Fees charged for building or land use permits, filed after the approval of a Vesting Tentative Map or Vesting Tentative Parcel Map shall be as required at the time the subsequent permit applications are filed. Building or land use permit application contents shall comply with City requirements in effect at the time the subsequent application is filed.

Article 35 Parcel Maps

Sections:

15-3501 Applicability
15-3502 Timing of Filing a Parcel Map
15-3503 Waiver of a Parcel Map
15-3504 Preparation
15-3505 Form and Content
15-3506 Filing with the City Engineer
15-3507 Processing of Parcel Maps
15-3508 Recording a Final Map

15-3501 Applicability

A Parcel Map shall be prepared, filed, and processed as set forth in this article for all divisions of land that require a Tentative Parcel Map and Parcel Map pursuant to Article 32, Required Maps for a subdivision of four or fewer parcels, except when the requirement for a Parcel Map is waived in compliance with this article.

15-3502 Timing of Filing a Parcel Map

Upon the approval of the Tentative Parcel Map, the subdivider may file a Parcel Map which substantially conforms to the approved Tentative Parcel Map and which is in the form required by the Map Act.

15-3503 Waiver of a Parcel Map

A subdivider may request the waiver of the requirement for a Parcel Map, and the waiver may be granted, in compliance with the Map Act (Section 66428), provided that the Director shall first find that the proposed subdivision complies with all applicable requirements of this Development Code and the Map Act as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other applicable requirements of this Development Code and the Map Act.

15-3504 Preparation

A Parcel Map shall be prepared by or under the direction of a person authorized to do so under the Map Act. Parcel Map submittals shall include all information and other materials as required by City policies, adopted standards, and the Map Act.

15-3505 Form and Content

A. Parcel map submittals shall include information and other material prepared as required by the City Engineer, City policies, adopted standards, and the Map Act. This includes, but is not limited to, sheet sizes, scope of area depicted on the map, scale of the map, border size, affidavits,

certificates, mathematical information, and data necessary to locate monuments, interior and exterior boundary lines, titles, title sheet, and other information deemed necessary by the City Engineer.

B. The Parcel Map shall be based upon a field survey.

15-3506 Filing with the City Engineer

After receipt of the action of the review authority approving or conditionally approving the Tentative Parcel Map, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a Parcel Map prepared in compliance with the approved or conditionally approved Tentative Parcel Map application. All documents necessary for adequate review of the Parcel Map shall be submitted to the City Engineer. The subdivider shall submit the following documents:

A. **Dedications.** All dedications or offers of dedication shall have been accomplished or shall be made by notation and a certificate on the map. Dedications or offers of dedication made on the map may be accepted, accepted subject to improvement, or rejected at the time the map is approved. The City Clerk shall certify the City Engineer's action with regard to such dedications or offers of dedication.

B. **Improvements.** All required improvements shall have been made, or an agreement providing for the construction of such improvements shall have been entered into with the City.

C. **Additional Documents.** The subdivider shall file the following documents with the City Engineer:

1. A statement from the County Officer computing redemptions, that according to the records of their office there are no liens for unpaid municipal taxes or special assessments collected as taxes, except taxes or special assessments not yet payable, against said subdivision or any part thereof, and as to the latter, an estimate of taxes and assessments which are a lien, but not yet payable.

2. In the event of any proposed dedication for public use, a certificate of title, a subdivision guarantee, or a dedication letter in the name of the owner of the land, issued to or for the benefit and protection of the City by a title company authorized by the laws of the State to write the same, showing all parties whose consent is necessary to pass clear title to the land being subdivided, together with the nature of their interests therein except where the land contained in such subdivision is registered under the Land Registration Act (i.e. Torrens Act) in which latter case a certified copy of the certificate of title shall be furnished.

3. Whenever property is subdivided with the intention that it shall have a use other than designated on the then existing zoning map, such use shall be stated, and the building setback lines and other regulations affecting such other use shall be shown and noted on the plot.

15-3507 Processing of Parcel Maps

A. **Documents Required for Review.** The document package submitted for review shall include a copy of the Parcel Map, survey closure calculations, and any other documents required by the City Engineer and/or identified in the Tentative Parcel Map conditions of approval.

B. **Review of Parcel Map for Condition and Government Code Compliance.** The City Engineer shall be responsible for seeing that the conditions of approval and applicable provisions of the Government Code have been fulfilled. The City Engineer shall transmit maps to and request written reports from the City departments which have submitted conditions on the approved Tentative Parcel Map.

C. **Examination by City Engineer.** The City Engineer shall examine it as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations, and other matters which may require checking to ensure compliance with the provisions of the Map Act, this Division, and applicable City standards. If the Parcel Map does not conform as required above, the subdivider shall be notified, and given the opportunity to make necessary changes and resubmit the Parcel Map, together with all required data, if the Tentative Parcel Map has not expired.

D. **Filing Official Copy of Parcel Map.** If the Parcel Map and accompanying documents have been found satisfactory by the Director, the subdivider shall cause the Parcel Map to be officially filed with the City Engineer at least 20 days before the expiration of the approved or conditionally approved Tentative Parcel Map or any approved extension of time granted. The Parcel Map shall not be officially filed until the engineer or surveyor has received notification from the City Engineer that all provisions of the Tentative Parcel Map approval, the Map Act, this Development Code, the Municipal Code, and applicable City standards have been complied with. The filing of the official copy of the Parcel Map with the City Engineer shall constitute the timely filing of the Parcel Map.

E. **Improvement Agreements and Security Requirements.** The filing and recording of a Parcel Map shall be subject to the requirements of Section 15-3806, Improvement Agreements and Security.

15-3508 Recording a Final Map

After determining that the Parcel Map is technically correct and in full compliance with this article, the City Engineer may approve the Parcel Map in compliance with the Map Act (Section 66463(b)) or, if deemed appropriate, forward it to the Council for approval or disapproval. After approval, the Parcel Map shall be transmitted by the City Engineer to the office of the County Recorder for recordation in compliance with the Map Act (Section 66450).

Article 36 Final Maps

Sections:

15-3601 Final Maps
15-3602 Timing of Filing of a Final Map
15-3603 Submittal by Units
15-3604 Preparation
15-3605 Form and Content
15-3606 Filing with the City Engineer
15-3607 Processing of the Final Map
15-3608 Action on Final Maps
15-3609 Recording of Final Map

15-3601 Final Maps

A Final Map shall be filed and approved to complete the subdivision process for a subdivision of five or more parcels.

15-3602 Timing of Filing of a Final Map

Upon the approval of the Tentative Map, the subdivider may file a Final Map which substantially conforms to the approved Tentative Map and which is in the form required by the Map Act.

15-3603 Submittal by Units

A. Multiple Final Maps relating to an approved or conditionally approved Tentative Map may be filed prior to the expiration of the Tentative Map if the subdivider, at the time the Tentative Map is filed, informs the City Engineer in writing of the subdivider's intention to file multiple Final Maps on the Tentative Map, or after the filing of the Tentative Map the subdivider and City Engineer concur in the filing of multiple Final Maps.

B. The Commission or Council, acting on an appeal, shall approve the sequence of map approvals. The filing of a Final Map on a portion of an approved or conditionally approved Tentative Map shall not invalidate any part of the Tentative Map. Each Final Map that constitutes a part, or unit, or the approved or conditionally approved Tentative Map shall have a separate subdivision number. The public improvement agreement executed by the subdivider shall provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision.

15-3604 Preparation

A Final Map shall be prepared by or under the direction of a person authorized to do so under the Map Act. Final Map submittal shall include all information and other materials as required by City policies, adopted standards, and the Map Act.

15-3605 Form and Content

A. Final map submittals shall include information and other material prepared as required by the City Engineer, City policies, adopted standards, and the Map Act. This includes, but is not limited to, sheet sizes, scope of area depicted on the map, scale of the map, border size, affidavits, certificates, mathematical information and data necessary to locate monuments, interior and exterior boundary lines, titles, title sheet, and other information deemed necessary by the City Engineer.

B. The Final Map shall be based upon a field survey.

15-3606 Filing with the City Engineer

After receipt of the action of the Review Authority approving or conditionally approving the Tentative Map, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a Final Map prepared in compliance with the approved or conditionally approved Tentative Map application. All documents necessary for adequate review of the Final Map shall be submitted to the City Engineer. Documents required for review include the following:

A. **Dedications.** All dedications or offers of dedication shall have been accomplished or shall be made by notation and a certificate on the map. Dedications or offers of dedication made on the map may be accepted, accepted subject to improvement, or rejected at the time the map is approved. The City Clerk shall certify the City Engineer's action with regard to such dedications or offers of dedication.

B. **Improvements.** All required improvements shall have been made, or an agreement providing for the construction of such improvements shall have been entered into with the City.

C. **Additional Documents.** The subdivider shall file the following documents with the City Engineer:

1. A statement from the County Officer computing redemptions, that according to the records of their office there are no liens for unpaid municipal taxes or special assessments collected as taxes, except taxes or special assessments not yet payable, against said subdivision or any part thereof, and as to the latter, an estimate of taxes and assessments which are a lien, but not yet payable.

2. In the event of any proposed dedication for public use, a certificate of title, a subdivision guarantee, or a dedication letter in the name of the owner of the land, issued to or for the benefit and protection of the City by a title company authorized by the laws of the State to write the same, showing all parties whose consent is necessary to pass clear title to the land being subdivided, together with the nature of their interests therein except where the land contained in such subdivision is registered under the Land Registration Act (i.e. Torrens Act) in which latter case a certified copy of the certificate of title shall be furnished.

3. Whenever property is subdivided with the intention that it shall have a use other than designated on the then existing zoning map, such use shall be stated, and the building setback lines and other regulations affecting such other use shall be shown and noted on the plot.

15-3607 Processing of the Final Map

A. **Review of Final Map.** The City Engineer shall be the primary coordinator in seeing that conditions of approval of the Tentative Map have been fulfilled.

B. **Review of Final Map for Condition and Government Code Compliance.** The City Engineer shall be responsible for seeing that the conditions of approval and applicable provisions of the Government Code have been fulfilled. The City Engineer shall transmit maps to and request written reports from the City departments which have submitted conditions on the approved Tentative Map.

C. **Examination by the City Engineer.** Upon receipt of the Final Map, the City Engineer shall examine it as to sufficiency of affidavits and acknowledgements, correctness of survey data, mathematical data and computations, and other matters which may require checking to ensure compliance with the provisions of the Map Act, this Division, and applicable City standards. If the Final Map is found to be in substantial compliance with the Tentative Map and is to form, the matters shown on the map are sufficient, and the City Engineer is satisfied that all of the conditions of approval have been met, the City Engineer shall endorse approval of the Final Map.

D. **Filing of Official Copy of Final Map.** If the Final Map and the accompanying documents have been found satisfactory by the City Engineer, the subdivider shall cause the Final Map to be officially filed with the City Engineer at least 20 days before the expiration of the approved or conditionally approved Tentative Map or any approved extension of time granted. The Final Map shall not be officially filed until the engineer or surveyor has received notification from the City Engineer that all provisions of the Tentative Map approval, the Map Act, this Development Code, the Municipal Code, and applicable City standards have been complied with. The filing of the official copy of the Final Map with the City Engineer shall constitute the timely filing of the Final Map.

15-3608 Action on Final Maps

The City Engineer shall submit the final map to the Council per the Map Act (Section 66474.1) for action as follows:

A. **Referral to the Council.** Upon receipt of the Final Map, the City Engineer shall check it as to correctness of surveying data, plans, profiles, and specifications of improvements, certificates of dedication, acceptance of dedication, and acknowledgments, and such other matters as require checking to ensure compliance with the provisions of law and of this article.

B. **Criteria for Approval.** If the map conforms to all of the requirements of the Map Act and this Code, the Council shall approve the map. If the map does not conform, the Council shall disapprove the map.

C. **Timing of Council's Review.** The Council shall take action not more than 10 days after the filing of the Final Map, or at the next available hearing date.

D. **City Engineer's Certificate.** Following approval by the Council, the City Engineer shall execute the City Engineer's certificate.

E. **Map with Dedications.** If a dedication or offer of dedication is required on the Final Map, the Council shall accept, accept subject to improvements, or reject any or all offers of dedication, at the same time as it takes action to approve the Final Map. If the Council rejects the offer of dedication, the offer shall remain open and may be accepted by the Council at a later date in compliance with the Map Act (Section 66477.2). Any termination of an offer of dedication shall be processed in compliance with the Map Act (Section 66477.2) and the street vacation procedures in the Streets and Highways Code (Sections 8300 et seq.).

F. **Improvement Agreements and Security Requirements.** If improvements required by this Development Code, conditions of approval, or by law have not been completed at the time of approval of the Final Map, the Council shall require the developer to enter into an agreement with the City as specified in the Map Act (Section 66462), and Article 37, Dedications and Reservations, as a condition precedent to the approval of the Final Map.

15-3609 Recording of Final Map

A. **Transmittal to Recorder**. After approval of the Final Map by the Council, and after the required signatures and seals have been affixed, the City Engineer shall transmit the Final Map to County Recorder for filing, in compliance with Section 15-3609-B, Recordation of Maps.

B. **Recordation of Maps.** At the time of filing of a Parcel or Final Map with the County Recorder, the subdivider shall present to the County Recorder evidence that, at the time of filing the map, the parties consenting to the filing are all parties having vested fee interest in the property being subdivided and are parties required to sign the certificate described in the Map Act (Section 66445(e)).

Article 37 Dedications and Reservations

Sections:

15-3701 Dedications and Reservations
15-3702 Acceptance of Dedications
15-3703 Reservations

15-3701 Dedications and Reservations

A. **Purpose.** The purpose of this article is to establish the dedications and reservations that may be imposed as a condition for approval of a Tentative Map or a Tentative Parcel Map.

B. **Streets, Alleys, and Other Public Rights-of-Way or Easements.** When required as a condition for approval of a map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision that is needed for streets and alleys, including access rights and abutters' rights, drainage, open space, scenic easements, public utility easements, and other public easements according to City standards. In addition, the subdivider shall improve or agree to improve all streets and alleys, including access rights and abutters' rights, drainage, public utility easements and other public easements as follows:

1. ***Streets.*** The subdivider shall dedicate land for streets according to adopted City standards.

2. ***Alleys.*** The subdivider shall dedicate land or easements for alleys according to adopted City standards.

C. **Public Utilities and Utility Easements.** Public utilities, including electricity, gas, water, sewer, storm drains, telecommunications services, cable television, and traffic signal detector loops shall be installed as part of the improvements within all subdivisions as provided by this section.

1. ***Width.*** A minimum of 10 feet, unless a greater distance is required, as determined by the City Engineer.

2. ***Overhead Lines.*** New overhead utility lines shall not be permitted, while existing overhead lines shall be placed underground, unless otherwise waived and/or deferred by the City Engineer or otherwise provided for in this Ordinance.

   a. *Exceptions.* The undergrounding of existing overhead wires and associated overhead structures used for conveyance of electrical energy at transmission voltages, nominally in excess of 21,000 volts, or major transmission trunk communication lines shall not be required.

3. ***Installation.*** Lateral connections to all underground utilities, water lines, and sanitary sewers shall be laid to sufficient lengths to avoid the need for disturbing the street improvements when service connections are made.

D. **Bicycle Paths/Trails.** When required as a condition for approval, the subdivider shall dedicate or make an irrevocable offer of dedication of land that is needed to provide bicycle paths/trails for the use, safety, and benefit of the residents of the subdivision.

E. **Pedestrian Paths/Paseos.** When required as a condition for approval, the subdivider shall dedicate or make an irrevocable offer of dedication of land that is needed to provide pedestrian paths/paseos for the use, safety, and benefit of the residents of the subdivision.

F. **Access to Public Resources.** When required as a condition of approval, the subdivider shall dedicate or make an irrevocable offer of land that is needed to provide access to public natural resources and rivers and streams per the Map Act (Sections 66478.3 through 66478.6).

G. **Transit Facilities.** When required as a condition for approval, the subdivider shall dedicate or make an irrevocable offer of dedication of land for local transit facilities such as bus turnouts, benches, shelters, landing pads, and similar items that directly benefit the residents of a subdivision.

H. **Watercourses and Drainage Facilities.** The subdivider shall provide the necessary right-of-way dedication or easements for buffer areas and setbacks for watercourses, streams, and storm drains as required by the City Engineer and the following:

1. Except as may be approved by the Commission, there shall be sufficient right-of-way dedicated to the City to maintain a natural channel, floodplain, or open space as may be shown the General Plan, or operative plan, if applicable, including right-of-way for a trail as may be shown on the City's Trails Master Plan.

2. Drainage facilities shall be installed in accordance with the appropriate Flood Control District and City requirements.

3. Storm drain easements not less than 10 feet in width shall be provided by the subdivider where required for construction and maintenance purposes.

I. **School Site Dedication.** A subdivider may be required to dedicate land necessary to construct an elementary school necessary to ensure adequate public school service to the residences of the subdivision in compliance with the Map Act (Section 66478).

J. **Dedication of Land or Payment of Fees for Park and Recreation Purposes.**

1. ***Authority.*** This section is enacted pursuant to authority granted by the Map Act (Section 66477, "Quimby Act").

2. ***Identifying Open Space.*** At the time of submittal of a Tentative Map, the applicant shall clearly depict the location and the amount of open space being proposed.

3. ***Requirement.*** Each subdivider of land classified by the City for, or otherwise proposed for, residential use shall, as a condition to filing a final subdivision map, dedicate or reserve lands, pay fees in lieu thereof, or a combination of both, for park or recreational purposes. In accordance with the Map Act (Section 66477(b)), land or fees required under this section shall be conveyed or paid directly to the City.

4. ***Accepting Land.*** The City shall determine if it will accept the proposed land, in fee, for meeting the provisions of this Code.

5. ***Suitability.*** Each park site proposed for dedication in compliance with this section shall be physically suited for the intended use and shall meet all criteria established by the City.

6. ***Limitations.*** For limitations and exclusions from this article, refer to the Map Act (Section 66477).

7. ***Amount of Land to Be Dedicated.*** The amount of land to be dedicated or fees to be paid in lieu thereof shall bear a reasonable relationship to the use of the park and recreation facilities by the future inhabitants of the subdivision (Map Act Section 66477).

8. ***Formula for Calculating Amount of Land.*** In accordance with the Map Act (Section 66477(a)(2)), the amount of land to be dedicated shall be calculated according to the following formula:

A x B = Land to be dedicated

a. "A" means the park and recreation area required per dwelling unit, based on the type of dwelling units of the proposed subdivision and the park area per 1,000 city residents, which is calculated as follows:

i. The park area of the city is determined to be three acres per 1,000 people, or .003 acres per person.

ii. The park and recreation area required per dwelling unit is established as follows:

(1) *Single-Family Development*. For dwelling units to be constructed on property zoned RS each unit is assigned 3.11 people. Therefore, A = 3.11 x .003 = 0.00933 acres per unit.

(2) *Multi-Family Development*. For dwelling units to be constructed on property zoned other than RS, each unit is assigned 2.53 people. Therefore, A = 2.53 x .003 = 0.00759 acres per unit.

iii. "B" means the number of dwelling units in the proposed subdivision. For the purpose of this section, the number of dwelling units in the proposed subdivision shall be determined as follows:

(1) *Single-Family Development*. The number of dwelling units shall equal the number of parcels indicated on the Final Map.

(2) *Multi-Family Development*. The number of dwelling units shall equal the maximum number of dwelling units allowed under that zone.

(3) *Condominium Developments*. The number of dwelling units shall equal the number of condominium units indicated on the Final Map, or the maximum number of dwelling units allowed under that zone if the Final Map does not indicate the number of units.

9. ***In-Lieu Fees.*** If fees are paid in lieu of land dedication, such fees shall be equal to the then-current Parkland Dedication In-Lieu Fee.

10. ***Credits.***

    a. Per the Map Act (Section 66477(a)(9)), if a subdivider provides park and recreational improvements, the value of the park and recreational improvements, together with any equipment located thereon, shall be a credit against the payment of fees or dedication of land otherwise required by this section.

    b. To be authorized and approved by the City, park and recreational improvements and equipment provided by subdividers pursuant to this section shall be generally consistent with applicable principles and standards for local and neighborhood parks contained in the General Plan, as determined by the City.

    c. *Condominiums.* In accordance with the Map Act (Section 66477(e)), common interest developments such as community apartments, condominiums, and stock cooperatives, shall be eligible to receive a credit not to exceed 25 percent, as determined by the City, against the land required to be dedicated, or the amount of the fee imposed pursuant to this section, for the value of private open space within the development which is usable for active recreational uses. For the purposes of this section, private open space usable for active recreational uses means private open space that is:

        i. At least 3/4 of an acre in area with the smallest dimension being at least 100 feet clear, excluding front and street side yards normally required by zoning provisions;

        ii. Owned and maintained by a homeowners' association, available to all residents of the subdivision without restriction, and designated for park and recreational purposes by recorded covenants which run with the land and cannot be defeated or eliminated without consent of the Council;

        iii. Suitable for active park and recreation purposes taking into consideration such factors as shape, topography, access, and improvements proposed; and

        iv. Generally consistent, as determined by the City, with applicable principles and standards for parks contained in the General Plan.

11. ***Procedures.***

    a. Prior to approval of a subdivision, the Review Authority shall consider:

        i. The amount of land required for open space purposes;

        ii. That a fee be charged in lieu of land;

        iii. That a combination of land and fee be required; and

iv. The location of the park land and, where appropriate, the siting and conceptual design of the park facilities appurtenant thereto, to be dedicated or used in lieu of fees.

b. At the time of approval, the Review Authority shall determine whether land, in-lieu fees, or a combination of land and fees shall be dedicated and/or paid by the subdivider.

c. The Review Authority may approve, modify, or disapprove the recommendations of City staff; provided, however, that any modification of the recommendation not previously considered shall first be referred back to City staff for further report and recommendation.

12. ***Off-Site Dedication.*** Dedication of land outside of the subdivision may be authorized by the City, by action on the Tentative Map and be credited toward the developer's park land dedication requirement pursuant to this section.

15-3702 Acceptance of Dedications

A. At the time of approval by the Council, the Council shall accept, accept subject to improvement, or reject dedications and offers of dedications that are made by a statement on the map, and the City Clerk shall certify or state on the map the action taken by the Council.

B. Acceptance of offers of dedication on a Final Map and the transfer of title to the property so accepted shall not be effective until the Final Map is duly recorded under the provisions of the Map Act (Section 66439) and this Subdivision Ordinance.

C. As a condition precedent to the acceptance of any streets or easements, the City Engineer or the Council may require that the subdivider, at subdivider's option, to either improve or agree to improve said streets or easements in accordance with Article 38, Improvements and Security. Upon the execution by the subdivider of such an agreement and the posting of improvement security required by Section 15-3806, Improvement Agreements and Security, the map may be approved as set forth in this section and recorded in the office of the County Recorder.

D. If at the time the Final Map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads, and similar items, which directly benefit the residents of a subdivision, or storm drainage easements are rejected, subject to Section 771.010 of the Code of Civil Procedure as may be amended, the offer of dedication shall remain open and the Council may by resolution at any later date, and without further action by the subdivider, rescind the action by the City Engineer or Council and accept and open the streets, paths, alleys, public utility easements, rights-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads, and similar items, which directly benefit the residents of a subdivision, or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.

E. If a map showing a reversion to acreage of the tract is subsequently filed for approval, any offer of dedication previously rejected shall be deemed to be terminated upon the approval of the map by the Council subject to the reversion to acreage procedures of Article 1, Chapter 6 of the Map Act. If a map showing a resubdivision is subsequently filed for approval, any offer of dedication previously rejected shall be deemed to be terminated upon approval of the map by the City Engineer pursuant to this section. The map showing a reversion to acreage or resubdivision

shall contain a notation identifying the offer or offers of dedication terminated by this subsection.

15-3703 Reservations

A. **General**. As a condition of approval of a Tentative Map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries, water wells, sewer lift stations, etc. according to the standards contained in this section.

B. **Standards for Reservation.** Where a park, recreational facility, fire station, library, or other public use is shown on the General Plan, the subdivider may be required by the City to reserve sites determined by the City to be in accordance with the policies and standards of the Plan and the following:

1. The reserved area must be of such size and shape as to permit the balance of the property to develop in an orderly and efficient manner;
2. The amount of land reserved shall not make development of the remaining land held by the subdivider economically unfeasible; and
3. The reserved area shall conform to the General Plan, and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.

C. **Procedure.** Pursuant to the Map Act (Section 66480), the public agency for whose benefit an area has been reserved shall, at the time of approval of the final, enter into a binding agreement to acquire the reserved area within two years after the completion and acceptance of all improvements, unless the period of time is extended by mutual agreement.

D. **Payment.** The purchase price shall be the market value of the reserved land at the time of the filing of the Tentative Map, plus the taxes against the reserved land from the date of the reservation and any maintenance costs incurred by the subdivider including interest costs incurred on any loan covering the reserved area.

E. **Termination.** If the public agency for whose benefit an area has been reserved does not enter into a binding agreement, as provided for in the Map Act (Section 66480), the reservation of the area shall automatically terminate.

Article 38 Improvements and Security

Sections:

15-3801 Purpose
15-3802 Improvements Required
15-3803 Submittal and Review of Plans
15-3804 Installation of Improvements
15-3805 Inspection of Improvements
15-3806 Improvement Agreements and Security
15-3807 Form of Security
15-3808 Completion of Improvements

15-3801 Purpose

This Division provides standards for the preparation and review of improvement plans, the installation of improvements, and for security to guarantee installation of the improvements.

15-3802 Improvements Required

The subdivider shall construct or cause to be constructed all on-site and off-site improvements required as a condition of approval of any Tentative Map, Parcel Map, or other division of land subject to the provisions of this Subdivision Ordinance or the Map Act according to standards approved by the City.

A. **Preparation and Content.** After the approval of a Tentative Map and before the construction of any improvements, the subdivider shall submit plans to the City as follows:

1. Improvement plans shall be prepared by a California registered professional engineer;
2. Any drawings, specifications, calculations, design reports, and other information required by the City Engineer;
3. Grading, drainage, erosion, and sediment control, and a storm water pollution prevention plan (SWPPP) for the entire subdivision; and
4. The improvement plan/specification checking and construction inspection fees required by the City's Fee Schedule.

B. **Requirements.** All improvements as may be required as conditions of approval of a Tentative Map, Tentative Parcel Map, or City ordinance, together with, but not limited to, the following shall be required of all subdivisions.

1. As a condition of approval of a Tentative Map or Tentative Parcel Map, there may be imposed a requirement that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, number or length for the benefit of property not within the subdivision and that those improvements be dedicated to the public, subject to the provisions of the Map Act (Sections 66485-66489).
2. All improvements shall be constructed to meet City standards and specifications.

15-3803 Submittal and Review of Plans

A. **Submittal**. Improvement plans shall be submitted to the City Engineer and other appropriate reviewing agencies for review and approval. Upon the approval of improvement plans, the subdivider shall also submit to the City Engineer a detailed cost estimate of all improvements, based on guidelines provided by the City.

B. **Review and Approval.** Improvement plans shall be reviewed and approved by the applicable agency within the time limits specified by Map Act (Section 66456.2).

C. **Effect of Approval.** The final approval of improvement plans shall be required before approval of a Parcel or Final Map. The approval of improvement plans shall not bind the City to accept the improvements nor waive any defects in the improvements as installed.

15-3804 Installation of Improvements

The subdivider shall improve, or execute a secured written agreement to improve, all streets, highways, and public ways in the subdivision. Improvements shall be installed to permanent line and grade to the satisfaction of the City Engineer in accordance with the Standard Specifications. The minimum improvements which the subdivider shall make or agree to make, prior to acceptance and approval of a Parcel Map or a Final Map, shall consist of:

A. **Grading.** Grading of streets and alleys, installation of street lighting, drainage pipes or lines, and drainage structures.

B. **Curbs, Gutters, and Sidewalks.** Installation of sidewalks, curbs, gutters, and driveway approaches, unless the Standard Specifications for the Street Section do not require the improvements.

C. **Surfacing.** Surfacing of a width and quality suitable for the particular type of street or alley as established in specifications adopted therefore.

D. **Pedestrian Ways.** Pedestrian ways, including paving, landscaping, and fences and walls as may be required.

E. **Bikeways.** Bikeways as may be required.

F. **Trails, Greenways, or Parks.** As may be required.

G. **Water System.** A water system of sufficient design and capacity to furnish an adequate water supply for each lot in the subdivision and for adequate fire protection to the area, as determined by the City Engineer.

H. **Sewer Facilities.** Sanitary sewer facilities and connections for each lot.

I. **Utilities.** Services from all utilities for each lot, made in such manner that will avoid or minimize disturbance of completed street improvements.

J. **Median Island Landscaping.** The installation and planting of median islands, as may be required.

K. **Street Trees.** The planting of street trees in planting strips and landscaping in frontage road islands and in all required landscape areas, as may be required.

L. **Street Signs.** The installation of street signs as may be required.

M. **Street Lighting.** The installation of an underground street lighting system approved by the City Engineer, provided that undergrounding shall not be required for that portion of the system located in a public right-of-way, where the Council makes the following findings:

1. The frontage of any lot upon which the underground street lighting system would be installed is within an area in which there currently exists an adequate overhead serviced street lighting system; and

2. The underground lighting system is not required based upon the nature of the neighborhood, the amount and type of existing development, and the existing or potential traffic in the area.

N. **Irrigation and Drainage Canals.** All irrigation or drainage canals of a capacity which can be accommodated by a pipeline having an inside diameter of 54 inches or less shall be piped and trash racks shall be installed at all newly constructed headwalls or pipe inlets.

O. **Railroads.** If in any subdivision there is a railroad grade crossing, adequate right-of-way, as determined by the City, shall be reserved for grade separation as determined by the City Engineer.

P. **Drainage.** The subdivider either shall pay drainage fees at the time of the approval of the Final Map, or shall agree in the subdivision agreement to pay such sum within 30 days after the approval of the Final Map. Whenever, in the opinion of the City Engineer, the subdivision and improvements will cause a flooding or drainage problem which will not be solved within a reasonable time by the Fresno Metropolitan Flood Control District (FMFCD) or other public agency, the subdivider shall be required to dedicate or allocate sufficient land and provide temporary facilities to alleviate the flooding or drainage problem, and to provide a single payment of funds for the maintenance thereof (by depositing sufficient money with the City to reasonably cover said costs). In addition, said land and facilities shall be required to remain in such use until the water can be handled or disposed of by facilities constructed by the FMFCD or other public agency.

Q. **Exemption from Improvements.** The following described exemptions apply only to improvements and payments required by this section at the time of the division of land described in this article and are not exemptions from any other requirement.

1. When property is divided solely because of acquisition of lands by governmental agencies for public projects, purposes or improvements, only the parcel or parcels so acquired need be provided with the improvements or be the basis for payments required by Subsection B.

2. The improvements and payments required by this shall not be required on or in front of any undeveloped portion of a net acreage of 10 acres or more which exists after the division of land.

3. The improvements and payments required by Subsection B are not required in whole or in part or in front of any parcel of more than four or less than 10 net acres which exists after the division of land, whenever the City Engineer in his or her discretion determines that the omission of all or part of the improvements will not be materially detrimental to the public welfare, safety, or convenience, will not adversely affect the rights of adjacent property owners or occupants, or be injurious to property or

improvements in the area, and that the installation thereof would be premature in relation to the public needs of the present and immediate future.

R. **Deferment of Improvements.** The City Engineer may permit postponement of any or all of the improvements required by Subsection B when plans have been formulated for a federally assisted neighborhood improvement program which will accomplish or financially aid accomplishment of the installation of the improvements, and the owner enters into a recordable written agreement in a form approved by the Director waiving the parcel owner's right to protest the formation of an assessment district to construct the improvements and waiving their rights for time payment for the cost to construct improvements should the program not proceed within three years and the City Engineer causes the improvements to be installed at the owner's expense as provided for in Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code.

S. **Improvement Plans and Profiles.** The plans and profiles of all improvements to be installed by the subdivider in, over, or under any street or right-of-way, easement, or parcel of land where improvements are required or proposed, shall be approved by the City Engineer. If all plans and profiles are not filed at the time of filing the Final Map, the Improvement Security shall include a guarantee that the remaining plans and profiles will be prepared in accordance with the requirements of the City Engineer.

T. **Agreement.** An agreement to make the improvements required under this section shall be in such form and executed in such manner as may be required by the Director, as approved by the City Attorney, and shall be secured by a bond, cash deposit, or other security as may be approved by the Director and City Attorney. The agreement may provide for improvements to be installed in phases and reasonable time limits may be placed upon any and all construction.

15-3805 Inspection of Improvements

All improvements shall be inspected by the City per adopted policies, procedures, ordinances, or under other circumstances as determined by the City Engineer.

15-3806 Improvement Agreements and Security

If all required improvements, engineering, and inspections are not satisfactorily completed before a Parcel or Final Map is approved, the subdivider shall, before the approval of the Parcel or Final Map, enter into an agreement with the City whereby in consideration of the acceptance by the Council of the streets, easements, and any other land offered for dedication, the subdivider agrees to furnish the equipment, labor, and material necessary to complete the work within the time specified in the agreement in compliance with Map Act (Section 66499.3).

A. **Required Security.** Improvement security must be furnished to guarantee that the improvement work or act specified in the agreement or contract identified will be completed and that all stakes and monuments will be set as may be required by the City.

B. **Performance Security.** The improvement security for faithful performance shall be:

1. One hundred percent of the total estimated cost of the improvement or act to be performed; and

2. Five percent of such amount shall be cash or a certificate of deposit conditioned upon the faithful performance of the act or agreement.

C. **Payment Security.** The improvement security for payment shall be in the amount of 50 percent (minimum) of the total estimated cost of the improvement or act to be performed securing payment to the contractor, the subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvement or the performance of the required act.

D. **Warranty Security.** Upon performance of the act or final completion and acceptance of the required work, the following amount, in the form of cash or a certificate of deposit, shall be retained by or furnished to the City as security for guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished:

1. Five percent of the first $50,000 of the total estimated cost of the improvement or act to be performed; plus,
2. Three percent of the next $50,000; plus,
3. One percent of the next $400,000; plus,
4. Half of one percent of the total estimated cost of the improvement or act to be performed exceeding $500,000.

15-3807 Form of Security

Security required pursuant to this article shall be in such form as may be required by the City Engineer, and approved by the City Attorney, and may include bond, or bonds by one or more duly authorized corporate sureties, certificate of deposit, or cash deposit.

15-3808 Completion of Improvements

A. **Parcel Maps.**

1. Requirements for the construction of improvements shall be noticed by certificate on the Parcel Map, on the instrument evidencing the waiver of such Parcel Map, or by separate instrument and shall be recorded on, concurrently with, or prior to the Parcel Map or instrument of waiver of a Parcel Map being filed for record.
2. The construction of such improvements shall be required prior to subsequent issuance of a permit or other grant of approval by the City for the development of such parcel. Any agreement shall be subject to review and approval of the City Attorney.
3. The Director may require fulfillment of such construction requirements within a reasonable time following approval of the Parcel Map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the City Engineer that fulfillment of the construction requirements is necessary for reasons of public health and safety or as a prerequisite to the orderly development of the surrounding area.

B. **Final Maps.**

1. If the required improvement work is not completed to the satisfaction of the City Engineer before the Final Map is filed, the owner or owners of the subdivision shall concurrently with the approval of such map enter into an agreement with the City agreeing to have the work completed within the time specified in said agreement. Said agreement may provide for the improvements to be installed in units for extensions of time under specified conditions, or for the termination of the agreement upon a reversion of the subdivision or a part thereof to acreage. The subdivider, in lieu of the agreement to construct improvements may enter into a contract with the City by which they agree within such time as may be provided in the contract to initiate and to consummate proceedings under an appropriate special assessment act for the formation of a special assessment district covering the subdivision or part thereof for the financing and construction of designated improvements upon the streets or easements dedicated by the map.

2. Any such agreement or contract shall by its terms provide for the acceptance of the work as it progresses and for partial withdrawal of any deposit in bonds or money upon certification of the City Engineer, in a manner similar to cash payments under cash contracts and under rules established by the City.

Article 39 Common Interest Developments (Condominiums & Conversions)

Sections:

15-3901 Purpose
15-3902 Residential Condominiums
15-3903 Standards for New Condominiums and Condominium Conversions
15-3904 Required Reports for Condominium Conversions
15-3905 Site Requirements for Residential Condominiums
15-3906 Building and Mechanical Conditions
15-3907 Condition of Equipment and Appliances
15-3908 Processing and Consideration of Applications
15-3909 Notice of Intent to Convert
15-3910 Tenant and Buyer Protection
15-3911 Scheduling of Hearing(s)
15-3912 Recommendation and Decision
15-3913 Findings
15-3914 Expiration of Residential Condominium Conversion Permit
15-3915 Commercial and Industrial Condominium Conversions

15-3901 Purpose

This purpose of this article is to establish the requirements for applications for the creation of a condominium or other common interest residential development, including a community apartment project, or planned development, as provided by the Map Act (Section 66424). This article applies to the construction of a new structure and the conversion of an existing structure to a condominium, consistent with the requirements of the Map Act.

15-3902 Residential Condominiums

A. **Condominium Application.** When a residential structure is proposed at the time of construction as a condominium, community apartment project, or stock cooperative, a Tentative Map for the project shall be filed in the same form, have the same contents and accompanying data and reports and shall be processed, approved or disapproved in the same manner as a subdivision per Article 33, Tentative Parcel and Tentative Map Filing and Processing.

B. **Condominium Conversion Application.** A conversion shall require the approval of:

1. ***Parcel Map.*** A Parcel Map may be waived for a condominium conversion in compliance with the Map Act (Section 66428(b)), or for the conversion of a mobile home park in compliance with the Map Act (Section 66428.1). If a Parcel Map is waived, a Tentative Map shall be required.

2. ***Application for Tentative Map.*** An applicant shall submit a Tentative Map or Tentative Parcel Map for a residential condominium conversion project which shall

include the items identified in Section 15-3904, Required Reports for Condominium Conversions.

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

15-3903 Standards for New Condominiums and Condominium Conversions

A. **Warranty and Reserves.**

1. ***Warranty for Improvements.*** The subdivider shall provide to the condominiums' association and/or purchaser a one-year warranty on all physical improvements required under this article.

2. ***Long Term Reserves.*** Prior to approval of the Final Map, or Parcel Map if no Final Map is required, the subdivider shall provide evidence to the City that a long-term reserve fund for replacement has been established in the name of the condominiums' association. Such fund shall equal two times the estimated monthly condominium's assessment for each unit.

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

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

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

1. A relocation fee equal to a minimum of two months' rent for each unit which is vacated due to the conversion, after receipt of the 180 day notice of conversion prior to termination of tenancy required by the Map Act (Section 66427.1);

2. Lifetime leases for elderly tenants (ages 62 years and older) and extended leases for student tenants, of the unit occupied by any such tenant, at the rate in existence at the time the Final Map is approved. The rental rate may be increased during the term of the lease only in the manner provided in detail by the subdivider in the program and approved by the Council at the time the tentative subdivision map is approved, provided that in no event shall any such increase be greater than eight percent per year.

a. Extended leases for students shall be required for the period of time of enrollment in courses totaling at least two-thirds of the units/credits required to be considered a full time student, during the school year;

b. Extended leases for family with school-aged children until 14 days after the start of summer break.

3. A report describing the following:

a. The extent that tenants will be reimbursed for the expenses of moving;

b. The extent that tenants will be individually assisted in finding replacement housing;

c. The extent that assistance payments will be made to those tenants who are unable to find comparable replacement housing, and the conditions of such assistance payments;

d. The extent that long-term leases or extra time to locate housing will be allowed to tenants;

e. The number of lifetime leases secured by elderly tenants.

f. Any other plans of the subdivider to provide for assistance to low-income tenants, families with children in school, students, elderly tenants, tenants with disabilities, or long-term tenants; and

g. The extent that the provisions of the RAP will be applicable to tenants who begin their tenancies after and with knowledge of the filing by the applicant of the notice of intent to convert.

4. The developer/owner/applicant must file the required relocation assistance plan and a summary of all assistance provided demonstrating compliance with required relocation assistance plan prior to new Condo occupancy.

E. **Restriction of Rent Increases.** While an application for a condominium conversion is pending, the rental rate for existing residential units shall not be increased.

15-3904 Required Reports for Condominium Conversions

A. **Pre-Application Inspection Report.** The following shall occur prior to an application being submitted for a conversion:

1. The subdivider shall apply to the Building Official for an inspection of the proposed residential condominium conversion project. The inspection shall cover the applicable building, safety, and housing requirements of Section 15-3904-B, Physical Elements.

2. The subdivider shall include with the building inspection application a complete set of building plans, including electrical wiring and plumbing diagrams, of the buildings of the project as they presently exist.

3. The Building Official shall perform a complete inspection and shall make a written report of their findings as to compliance or noncompliance with the requirements of Section 15-3903, Standards for New Condominiums and Condominium Conversions.

4. The final report prepared by the Building Official shall be submitted with the application.

B. **Physical Elements.** A report shall be provided, detailing the following:

1. The structural condition of all physical elements as they exist at the time of application.

2. Report of proposed improvements as they are to be made by the subdivider prior to the sale of any units in order to refurbish and restore the project and to achieve a high degree of appearance, safety, comfort, and utility. Such elements include, but are not limited to: foundations, interior and exterior walls, ceilings, floors, roofs, insulation, sound transmission characteristics, water heaters, furnaces, air conditioners, recreational facilities and equipment, and maintenance equipment. Regarding each such element, the report shall state the age and present condition, the cost of maintenance and replacement, and the proposed means of paying for the maintenance or replacement of the element.

C. **Project Plan.** A plan prepared by a licensed civil engineer or architect, containing the following information pertaining to the project as it exists at the time of application and as it is proposed:

1. Site and structure information, including all residential buildings, structures, and number and sizes of dwelling units;

2. Accessory facilities information showing the locations and describing the nature and extent of recreation facilities, laundry facilities, maintenance facilities, office areas, and storage areas;

3. Easement information showing the locations and dimensions of public utility, water, sewer, and drainage easements;

4. Parking and access information, showing access, the locations, dimensions, and total number of covered and uncovered parking spaces provided for residents and guests, and the dimensions and locations of all aisles, driveways, turning areas, and obstructions, which may include columns, poles, walls, and trees;

5. Open space and yards, including pools and recreational facilities;

6. Landscaping;

7. Refuse collection facilities;

8. On-site lighting; and

9. Fencing.

D. **Tenant Information.** A report shall be submitted containing the name and address of each tenant and general information about the tenants of the proposed project including, but not limited to:

1. Total number of occupants;

2. Makeup of existing tenant households, including:

   a. Size of households;

b. Lengths of residence;

c. Ages of tenants;

d. Number of tenants estimated to be receiving federal or State rent subsidies;

e. Number of tenants with disabilities; and

f. Number of elderly tenants, and number of student tenants.

3. Detailed history of the project, including vacancy rates, rents, and rent increases applicable to each unit during the 24 months preceding the application; and

4. Proof of compliance with the provisions of the Map Act relating to noticing of tenants and future tenants of intention to convert.

E. **Sales Information.** The following information regarding unit sales shall be provided:

1. Proposed sales price of units;

2. Proposed owners' association fees;

3. Statement regarding policy of sales to families with minor children; and

4. Terms of sale and discounts, if any, to be offered to existing tenants.

F. **Project Documents.** The applicant shall submit the proposed declaration of covenants, conditions, and restrictions to be applied to the project. The declaration shall include, but not be limited to, the information required pursuant to Article 40, Covenants, Conditions, and Restrictions, and the following information:

1. An agreement providing for common area maintenance including recreational facilities, landscaping of the project and all public right-of-way abutting the project, and all structural, mechanical, and utility elements of the proposed project, together with an estimate of initial assessment fees anticipated for the initial and future maintenance and replacement of such facilities and elements.

2. A requirement that the owners' association maintain all private water, sewer, and storm drainage lines serving the project, and pay all charges for water, sewer, and waste collection service for the project.

3. A provision granting emergency access to the project site by, and right of entry to, the City.

4. A provision granting to the City the right to enforce the declaration.

5. The assignment of parking and storage spaces.

6. A grant of all easements and cross-easements for access, utilities, and maintenance necessitated by the conversion.

7. A requirement that the owners' association provide or require adequate fire insurance protection for the project, including each structure, each unit and its contents, and the common area and facilities.

8. A provision prohibiting the alteration of any party wall or fixture along any party wall, or the doing of anything which may impair its integrity as a fire wall.

9. A provision granting the City the right to veto any amendment to the declaration with respect to any of the requirements of this subsection.

10. ***Additional Information.*** Any other information deemed necessary by the Director that will assist in determining whether the proposed project will be consistent with the purposes of this article.

11. ***Unavailability of Information.*** When the applicant can demonstrate that information required by this section is not available, this requirement may be modified by the Director if they determine that such modification is consistent with the purposes of this article.

G. **Mobile Home Parks.** Reporting on the conversion of Mobile Home Parks shall comply with Section 66427.5 of the Map Act.

15-3905 Site Requirements for Residential Condominiums

The following requirements shall be satisfied prior to the approval of the Final Map; provided, however, that the Final Map may be approved subject to an agreement between the subdivider and the City guaranteeing the performance of the requirements and conditions prior to the sale of the first unit. These standards shall be required in all circumstances. If the site does not meet the strict application of the following standards, they shall be made conditions of project approval.

The following subsections (A-L) shall apply to new condominiums and Condominium Conversions.

A. **Building Materials.** Exterior cladding materials shall be brought into compliance with the standards of the Base District.

B. **Parking.** Parking shall be provided in accordance Article 24, Parking and Loading.

1. ***Exceptions.*** Uncovered parking may count towards the satisfaction of the off-street parking requirements, however the overall number of stalls may not be decreased to less than prescribed in Article 24, Parking and Loading.

C. **Lighting.** An exterior lighting plan shall be submitted. All parking areas, drive aisles, walkways, and communal areas shall be properly lit per Section 15-2015, Outdoor Lighting and Illumination. If the site abuts an alley, alley lighting shall also be provided.

D. **Fences/Walls.**

1. Fences and walls shall comply with Section 15-2006, Fences, Walls, and Hedges.

2. Screen walls shall be required between all residential uses and the subject site.

E. **Open Space/Landscaping.** Common Open Space and Landscaping (including trees), including irrigation systems, shall comply with the base district and with Article 23, Landscape.

F. **Private Open Space.** In addition to the required common open space, a minimum of 75 percent of all dwelling units must have a minimum 50 square feet of private, exterior, usable open space directly accessible from the unit, with no dimension less than five feet. This private open space may be located in a required front, street side or rear yard, but shall be no closer than nine feet to the lot line. At grade private patios shall be provided with an irrigation system and/or a hose bib. Private open space areas shall provide a minimum of one exterior light.

G. **Laundry Facilities.** A laundry room shall be provided in each unit, or if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and dryer for each five units or fraction thereof.

H. **Private Storage Space.** Each dwelling unit shall have at least 120 cubic feet of enclosed, weather-proofed, and lockable private storage. Such space shall be in addition to closet space (i.e., bathroom, linen/coat closet, bedroom closet) normally expected within each unit. The storage units shall be attached to the dwelling unit and shall be constructed of similar material of the unit. If the unit provides a garage, the garage shall satisfy this requirement.

I. **Pedestrian Access.** Pedestrian access shall be provided to Major Streets, trails, schools, on-site amenities, etc.

J. **Parking Lot Shading.** Parking Lot Shading shall comply with Article 24, Parking and Loading.

K. **Rooftop Equipment**. Rooftop equipment shall be incorporated into the design of the roof and/or screened by a parapet that is architecturally integral to the building.

L. **Refuse Collection Areas.** Refuse Collection Areas shall comply with Section 15-2016, Trash and Refuse Collection Areas. Refuse areas shall be strategically located to best serve the residents.

15-3906 Building and Mechanical Conditions

The following shall be inspected and approved by the Building Official.

A. **Housing Regulations.** The project shall conform to the applicable standards of the City Housing Code.

B. **Electrical Requirements.**

1. All indoor and outdoor receptacles shall have three-wire grounding.
2. Ground-fault circuit interrupters shall be provided in areas as required by the Building Official.
3. All bedrooms shall have at least four receptacles.
4. The combined living and dining room area shall be provided with at least four receptacles.
5. A receptacle shall be provided for kitchen counter space of more than 30 linear inches.
6. Separate electrical meters and overcurrent devices shall be provided for each unit.
7. Any other electrical systems deemed necessary.

C. **Plumbing Requirements.** All cross-connections shall be corrected.

D. **Building Requirements.**

1. Access shall be provided for the entire attic area.
2. Draft stops shall be provided in the attic area.

3. All glass doors and panels subject to human impact shall comply with Federal Glazing Standards.

4. All applicable provisions of the Municipal Code relating to stairs, exits, and occupant loads, and to fire extinguishing systems.

5. Smoke/Carbon Monoxide alarms, of a type and in numbers and locations as per the Building Code as approved by the Building Official, shall be installed.

6. Each sleeping area shall be provided with a window of a size and in a location which will allow its use as an emergency exit.

7. Compliance with the applicable provisions of the California Fire Code, as adopted in Chapter 10, Article 5 of the Fresno Municipal Code, shall be required. The installation of fire sprinklers is required in accordance with NFPA 13R for multi-family residential buildings. For buildings with existing fire sprinkler systems, all portions of the system shall be inspected, repaired as necessary, and certified as to full compliance with applicable standards by a licensed fire sprinkler contractor.

8. The applicable provisions of relevant State and local codes.

E. **Mechanical Requirements.** All combustion air for water heaters, furnaces, and clothes dryers shall be provided from outside the building.

F. **Energy Requirements.**

1. R-11 wall insulation and R-19 ceiling insulation shall be provided for each unit.

2. All exterior doors and windows shall be weather-stripped.

3. Heating and cooling air ducts shall be insulated according to the requirements of the Uniform Mechanical Code.

4. Heating and cooling air duct joints shall be sealed with pressure-sensitive tape.

5. Heat pumps with electric resistance back-up shall be controlled with a two-stage thermostat.

G. **Noise Requirements**. An interior noise level of no more than 45 dB CNEL attributable to exterior sources shall be allowable in any dwelling unit.

15-3907 Condition of Equipment and Appliances.

A. **Identification of Equipment.** Mechanical equipment shall be permanently identified as to the area or space served.

B. **Condition of Equipment.** The subdivider shall provide written certification to the buyer of each unit at the close of escrow that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks, furnaces, and air conditioners which are provided are in operable working condition as of the close of escrow, and shall state specifically the warranty provisions which are included. At such time as the owners' association takes over management of the project, the subdivider shall provide written certification to the association that any swimming pool and pool equipment and any appliances and mechanical equipment to be owned by the association

are in operable working condition, and shall specifically include the warranty to be applied thereto.

15-3908 Processing and Consideration of Applications

A. **Pre-Application, Application Filing, and Completeness Review.** Refer to Section 15-3302, Form and Contents, 15-3304, Pre-Application Consultation, and 15-3305, Application Filing and Completeness Review.

B. **Referrals and Review.** Refer to Section 15-3307, Referrals and Review.

15-3909 Notice of Intent to Convert

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

B. **Approval of Notice.** The Director shall approve the notice of intent to convert before it is sent to the tenants.

C. **Contents of the Notice of Intent to Convert.** The notice of intent to convert shall be submitted with the application for a residential condominium conversion. The form of the notice shall be as approved by the Director and shall contain not less than the following:

1. Name and address of current owner;
2. Name and address of the proposed subdivider;
3. Approximate date on which the Tentative Map is proposed to be filed;
4. Approximate date on which the Final Map is expected to be filed;
5. Approximate date on which the unit is to be vacated by nonpurchasing tenants;
6. Tenant's right to oppose the proposed project by petition to, and appearance and testimony before the Commission and/or Council;
7. Tenant's right to purchase;
8. Tenant's right of written notification to vacate;
9. Tenant's right to terminate lease;
10. Statement regarding rent increase limitation;
11. The Relocation Assistance Program required by Section 15-3903-D;
12. The sales information required by Section 15-3904-E;
13. A copy of Section 15-3913, Findings;
14. A list of resources for tenant relocation support; and
15. A list of nearby and comparable vacant residential units.

D. **Verification.** The subdivider shall provide the Director with satisfactory proof that the notice was given in compliance with this section.

15-3910 Tenant and Buyer Protection

A. **Right to Purchase.** As provided by the Map Act (Section 66427.1(b)), tenants, at the time the application is filed, shall be given a nontransferable right of first refusal to purchase the unit occupied by the tenant at a price no greater than the price offered to the general public; provided, however, that the subdivider may reserve the right to repurchase the unit at the same price if the subdivider offers a discount or special terms of sale to tenants, and the tenant sells or offers for sale the unit within six months of the date of the close of escrow for such unit.

B. **Rent Increase Limitation.** A tenant's rent shall not be increased more than eight percent per year from the time of filing of the application for a Tentative Map until relocation takes place, the subdivision is denied, the approved Tentative Map expires, or the subdivision is reverted to acreage.

C. **Conditions of Map Approval.** The information required by this article shall be conditions of any approved Tentative Map and requirements of the Final Map. The RAP shall specify that the plan will become effective upon the occurrence of the approval Final Map by the City, or the receipt by any tenant of a notice that tenancy will be terminated for purposes of conversion, whichever is earlier. Failure to comply with such conditions or any notice requirement as set forth in this article shall be grounds for denial of the Final Map and for denial of occupancy permits for individual units. In addition to any other findings required by law, no Final Map shall be approved unless the Council makes the findings required by the Map Act (Section 66427.1) relating to tenant noticing. Tenant concerns regarding the subdivider's failure to comply with conditions of the map approval and requirements of this article shall be investigated by the Department of Housing and Community Development.

D. **Buyer Information.** Prior to the execution of any agreement for sale, the subdivider shall provide each purchaser with a copy of the information required by this article. Copies of the report shall be made available at all times at the project sales office.

E. **Cooling Off Period.** Any tenant or other prospective buyer who signs a binding agreement for purchase shall be released without penalty from that obligation if, within 96 hours, the buyer notifies the seller in writing of his or her desire to rescind the agreement.

F. **Pest Report.** Prior to the signing of any binding agreement for purchase, a structural pest report shall be made available to the prospective purchaser.

15-3911 Scheduling of Hearing(s)

A. **Notice and Hearing(s).** Following the review and recommendation by the Director, who shall consult the SRC, the Commission and Council shall conduct public hearings. Notice and conduct of the hearings shall comply with Section 15-3309, Decision. The City shall mail written notice of all public hearings conducted for the project to residents within the proposed project area.

B. **Timing.** In compliance with the Map Act (Section 66452.1), a public hearing on a Tentative Map shall be scheduled, and action shall be taken, within 50 days after:

1. The Tentative Map application has been deemed complete; and

2. The 50 day time period shall commence after certification of the environmental impact report, adoption of a negative declaration, or an environmental assessment that the

project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code.

C. **Distribution of Staff Report.**

1. In compliance with the Map Act (Section 66452.3), the staff report shall be made available and served to the subdivider and tenants of subject property at least three days before any hearing or action on the Tentative Map by the Commission.

2. Wherever the Map Act requires that each tenant be notified of either an upcoming hearing and/or a copy of a report of the pending conversion, the applicant, at their own expense, shall be responsible for providing such notification. Proof shall be provided to the City.

15-3912 Recommendation and Decision

A. **Commission.** The Commission shall:

1. Consider the recommendations of the Director, any agency comments, and any public comment, including written and verbal testimony;

2. Review and evaluate each conversion as to its compliance and consistency with applicable provisions of this Development Code, the Municipal Code, the General Plan, any operative plan, or development plan, and the Map Act. The Commission's evaluation shall be based on the staff report, information provided by an environmental assessment, and any public comment, including written and verbal testimony received;

3. Make a recommendation on the proposed conversion to the Council.

B. **Council.** The Council shall take action on all application(s) and shall approve, conditionally approve, or deny the application.

15-3913 Findings

A. **Grounds for Approval.** In addition to the findings required by this Subdivision Ordinance, the Council shall make all of the following findings:

1. The proposed conversion complies with State regulations.

2. The proposed conversion is consistent with the General Plan and any applicable operative plan;

3. The conversion is consistent with the purposes of this article;

4. The proposed conversion complies with the strict application of this article, including the Property Development Standards; and

5. Each tenant has received or will receive a notice of the pending conversion in accordance with this article and the Map Act (Sections 66427.1 and 66452.3).

B. **Grounds for Denial.** The Council may deny an application for a residential condominium conversion upon making one or more of the following findings:

1. The overall design and physical condition of the condominium conversion do not achieve a high degree of appearance, safety, comfort, and utility;

2. The cumulative effect of the proposed conversion will cause a significant percentage of low- and moderate-income rental units to be removed from the city's housing stock;

3. The RAP proposed by the subdivider, will not sufficiently reduce the detrimental impact of the conversion on the tenants.

4. Vacancies in the project have been caused by the subdivider for the purpose of preparing the project for conversion, from and after the 24-month period preceding the application for the conversion, by means of substantive rent increases or substantive increases in the number of evictions or tenancies terminated by the subdivider;

5. Approval of the proposed project would cause the displacement of any of the following in an area where sufficient available comparable replacement housing does not exist:

   a. Families having minor children;

   b. Elderly tenants;

   c. Tenants with disabilities;

   d. Low-income tenants; or

   e. Student tenants during the school year.

6. The subdivider has engaged in discriminatory rental practices against persons within the groups referred to in Subparagraph 5 of this subsection. Discriminatory rental practices include, but are not limited to, refusal to enter into a lease, termination of an existing lease, and eviction from a leasehold.

7. Based upon information contained in the application, the report, and recommendations of the Director; or presented at the hearing, approval of the residential condominium conversions would be inconsistent with the purposes of this article and with the general health and well-being of the residents of the city.

15-3914 Expiration of Residential Condominium Conversion Permit

A condominium conversion permit shall lapse and become void 36 months after the date on which the permit became effective, unless a certificate of occupancy is issued prior to the expiration date. A condominium conversion permit may be extended by the Council upon the written request of the permittee prior to the initial expiration date.

15-3915 Commercial and Industrial Condominium Conversions

A. **Purpose.** The ownership of commercial and industrial condominiums is distinguished by a sharing of responsibility that is not common to most other types of development. As a result, the purpose of this section is to establish criteria for the conversion of existing buildings to commercial or industrial condominiums to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large.

B. **Applicability.** The regulations set forth in this section shall apply to the conversion of existing buildings into commercial or industrial condominiums. If a commercial or industrial condominium conversion is proposed in combination with a residential condominium

conversion, the requirements of this section and Section 15-3902, Residential Condominiums, shall be read together, with the relevant requirements applying to the portions of the project.

C. **Application.** In addition to other required permit application material, the applicant of a proposed commercial or industrial condominium conversion project shall submit:

1. ***Physical Elements Report.*** A report shall be provided, detailing the structural condition of all physical elements of the proposed project as they exist at the time of application and as they are to be made by the subdivider prior to the sale of any units in order to refurbish and restore the project and to achieve a high degree of appearance, safety, comfort, and utility. Such elements include, but are not limited to: foundations, interior and exterior walls, ceilings, floors, roofs, insulation, sound transmission characteristics, water heaters, furnaces, air conditioners, recreational facilities and equipment, and maintenance equipment. Regarding each such element, the report shall state the age and present condition, the approximate useful remaining life, the cost of maintenance and replacement, and the proposed means of paying for the maintenance or replacement of the element.

2. ***Project Plan.*** A complete plan certified as to accuracy by a licensed civil engineer or architect, containing the following information pertaining to the project as it exists and as it is proposed:

   a. Site and structure information, including all buildings, structures, yards, landscaping, open spaces, signs, and number and sizes of buildings;

   b. Accessory facilities information showing the locations and describing the nature and extent of recreation facilities, laundry facilities, maintenance facilities, office areas, storage areas, and trash storage areas;

   c. Easement information showing the locations and dimensions of public utility, water, sewer, and drainage easements; and

   d. Parking and access information, showing all points of regular access and emergency vehicle access, the locations, dimensions and total number of covered and uncovered parking spaces provided for employees and guests, and the dimensions and locations of all aisles, driveways, turning areas, and obstructions, including, but not limited to, columns, poles, walls, and trees.

3. ***Site Amenities.*** A report outlining the condition and responsibility of the parking lot, landscaping, signs, communal areas, etc.

4. ***Notice to Tenants.*** Evidence of written notice provided to each tenant explaining that the owner intends to apply to the City for a condominium conversion. The notice to tenants must be sent at least six months before the application is submitted to the City, and further notice must be given to any tenant who occupies the building after the original notice was sent.

5. ***Project Documents.*** The applicant shall submit the proposed declaration of covenants, conditions, and restrictions to be applied to the project. The declaration shall include, but shall not be limited to, the following information:

   a. An agreement providing for common area maintenance including recreational facilities, landscaping of the project and all public right-of-way abutting the

project, and all structural, mechanical, and utility elements of the proposed project, together with an estimate of initial assessment fees anticipated for the initial and future maintenance and replacement of such facilities and elements;

b. A requirement that the owners' association maintain all private water, sewer, and storm drainage lines serving the project, and pay all charges for water, sewer, and waste collection service for the project;

c. A provision granting emergency access to the project site by, and right of entry to, the City;

d. A provision granting to the City the right to enforce the declaration;

e. The assignment of parking and storage spaces;

f. A grant of all easements and cross-easements for access, utilities, and maintenance necessitated by the conversion;

g. A requirement that the owners' association provide or require adequate fire insurance protection for the project, including each structure, each unit and its contents, and the common area and facilities;

h. A provision prohibiting the alteration of any party wall or fixture along any party wall, or the doing of anything which may impair its integrity as a fire wall; and

i. A provision granting the City the right to veto any amendment to the declaration with respect to any of the requirements of this subsection.

6. ***Unavailability of Information.*** When the applicant can demonstrate that information required by this section is not available, this requirement may be modified by the Director if they determine that such modification is consistent with the purposes of this article.

7. ***Additional Information.*** Any other information shall be submitted by the applicant which, in the opinion of the Director, will assist in determining whether the proposed project will be consistent with the purposes of this article.

Article 40 Covenants, Conditions, and Restrictions

Sections:

15-4001 Purpose
15-4002 When Required
15-4003 Requirements
15-4004 Additional Requirements for Common Interest Developments
15-4005 Conditions of Approval

15-4001 Purpose

This article outlines the requirements for Covenants, Conditions, and Restrictions (CC&Rs) that are required for various approvals of land divisions.

15-4002 When Required

Whenever a subdivision includes area under common ownership, the use and operation of which is administered by an owners' association, it shall be regulated by Covenants, Conditions, and Restrictions (CC&Rs).

15-4003 Requirements

CC&Rs shall incorporate the following provisions:

A. Applicable State regulations;

B. The City shall be granted the right of immediate access to all portions of the common areas for the purpose of preserving the public health, safety, and welfare;

C. The association shall have the duty to maintain and repair all on-site sewer, water, and storm drainage facilities, unless the City or Flood Control District have determined that a particular facility should be public to provide necessary system completion or otherwise protect public health, safety, and welfare;

D. The association shall have the duty to pay all utility and waste collection charges which are not separately metered and billed, including, but not limited to, charges for sewer, water, gas, solid waste, sanitation, and electric service;

E. Should public utilities, including, but not limited to, sewer and water be located underneath private streets, or should the street be public while said utilities be private, language shall be provided indicating that the City shall not be responsible for private pavement repairs beyond the minimum amount this is directly related to the future utility main repair work.

F. No property owner shall alter, modify, reconstruct, or do any other thing to any party wall or to any plumbing, electrical, or mechanical fixture located along such wall which will impair the integrity of the wall as a fire separation without the review and approval of the Building Official;

G. Landscaping shall be provided and maintained by the association in those common areas adjacent to public streets and highways. The association shall provide and maintain the landscaping in such areas in a manner compatible with the requirements of the Development Code, and shall not decrease the amount of assessments charged against members of the association if such decrease will adversely affect the ability of the association to perform this maintenance; and

H. The association shall be responsible to provide street sweeping/cleaning within the common areas. The association shall be responsible for the cost(s).

I. Any amendment by the association to the above provisions or any other provision specifying any right of the City shall require the prior written consent of the City.

15-4004 Additional Requirements for Common Interest Developments

In addition to the above provisions, CC&Rs for Common Interest Developments (Condominiums) shall incorporate the following provisions:

A. **Enforcement.** The Association shall be responsible for enforcing and implementing its CC&Rs.

B. **Conveyance of Private Open Space.** The surface area and appurtenant air space of private open space areas, including, but not limited to, the patio, deck, balcony, solarium, or atrium and any integral portion of that space that may exceed the minimum area requirements, shall be described and conveyed in the grant deed as an integral part of the unit.

C. **Assignment and Use of Required Parking Spaces.** Required parking spaces shall be permanently and irrevocably specifically assigned to particular units within the project. To the maximum practicable extent, the spaces assigned to each unit shall be contiguous. In no case shall the private storage area of one unit overhang or take its access from the required parking space of another unit.

D. **Right of Public Entry to Common Area.** Officers, agents, and employees of the City, the County, the State, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all common areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a common area is accessible only through a private unit.

E. **Maintenance of Common Area.** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the common area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the condominiums' association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.

F. **Utility Easements over Private Streets and Other Areas.** Required public utility easements shall be referenced as well as any required access routes necessary to assure that firefighting or emergency equipment can reach and operate efficiently in all areas.

G. **Access for Construction, Maintenance, or Repairs.** Each owner and the condominiums' association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the common area or the owners of the units in common.

H. **Right to Terminate Management and Maintenance Contracts.** Unless otherwise prohibited by law, or any local, State, or federal regulation, reference shall be made to the condominiums' association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three months after the condominiums' association assumes control of the project, or at that time renegotiate any such contracts.

I. **Fire Access.** The condominium association shall be responsible for enforcing fire lane parking restrictions, maintaining fire access gates, and for the maintenance and repair of fire hydrant, fire sprinkler, and other fire protection systems and devices. The condominium association shall notify the Fire Dept. within 72 hours of any change to responsible party contact information regarding property maintenance and parking enforcement.

15-4005 Conditions of Approval

CC&Rs shall reference by incorporation any Conditions of Approval approved by the Review Authority.

Article 41 Subdivision Design Standards

Sections:

15-4101 Purpose
15-4102 Applicability
15-4103 Intensity and Location of Uses
15-4104 Blocks
15-4105 Lots
15-4106 Street Dedications
15-4107 Connectivity
15-4108 Street Design
15-4109 Incorporation of Site Constraints
15-4110 Gated Subdivisions
15-4111 Restricted Access Barriers
15-4112 Parks and Playgrounds
15-4113 Energy Conservation
15-4114 Underground Utilities
15-4115 Maintenance of Improvements

15-4101 Purpose

This article establishes standards for the design and layout of subdivisions, and the design of subdivisions. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan, any applicable operative plan, and zone-specific standards.

15-4102 Applicability

The following design and improvement standards apply to all subdivisions and shall be imposed on a subdivider as a condition of approval of a tentative map or parcel map. Exceptions to design standards may be approved if the City finds that an alternative design substantially conforms to the intent of the standards of this article, the General Plan, and/or applicable operative plans.

15-4103 Intensity and Location of Uses

A.

B. When a variety of housing types and lot sizes are proposed, more intense residential development such as small lot single family, townhomes, row-housing, and apartments, should generally be located along Connector streets and Major Streets, while less intense residential land uses, such as larger lot single family homes, should generally be located in the interior of the neighborhood.

15-4104 Blocks

A. **Length**. Residential blocks shall be no less than 200 feet in length and no more than 600 feet in length. A deviation from this requirement may be allowed if the alignment of existing streets on adjacent properties justify it, at the discretion of the Review Authority.

B. **Width.** Residential block widths shall be of such dimension as to allow an ultimate layout of two tiers of lots therein of a size required by the provisions of this article, unless:

1. The subdivision provides a trail and homes would front onto the said amenity or other communal space.
2. Topographic conditions justify a variation from this requirement; or
3. The proposed homes would back onto a non-residential district or a Major Street.

15-4105 Lots

A. **Lot Size and Dimensions.** Lots shall comply with the minimum size and dimension requirements of the base zoning district.

1. ***Exceptions.*** In any Residential subdivision of five or more lots, up to 25 percent of lots may be up to 20 percent smaller in area and/or width than the normally required minimum lot area and width of the applicable base zoning district, as long as the average lot area and width for the subdivision are no less than the required minimum for the district.

B. **Oversize Lots.**

1. When a subdivision is divided into lots of a size substantially larger than those allowed in any applicable zoning district, the lots shall be designed to provide for the extension of streets, and the later division of any parcel into lots of the probable legal minimum size. This requirement may be waived when plans submitted and approved by the Commission indicate restrictions on future sub-dividing such as topography or other natural and man-made features.
2. A covenant shall be recorded against oversized lots that have the potential to be further divided that may cause the original subdivision to exceed the permitted residential density requirements of the underlying planned land use designation.

C. **Lot Consolidation.** Lot consolidation is encouraged when such consolidation results in a superior subdivision that includes some of the elements of a complete neighborhood such as a range of housing opportunities, connectivity, open space, and a well landscaped streetscape. Lot consolidation that does not include such elements is discouraged.

D. **Side Lines.** The side lines of any lot, so far as is practicable, shall be at right angles to the street which the lot faces, or radial if the street is curved.

E. **Lot Frontage.** Every lot shall have frontage on a public street, except where adequate internal circulation is provided by a private street or streets in an approved Planned Unit Development. Alternatively, lots may have access via a rose garden or paseo should the subdivision be served by communal parking spaces or an alley.

F. **Double Frontage Lots.**

1. Double frontage residential lots are discouraged, however may be approved where conditions warrant.

2. ***Major Street.*** If a Double Frontage lot abuts a Major Street, access shall be relinquished along the Major Street, and:

   a. A minimum 10 foot landscape area shall be provided with a minimum six-foot masonry wall at the rear thereof.

   b. Should an operative plan require a greater landscape area, the wall shall be placed at the rear of the landscape setback.

   c. A greater landscape area may be required to ensure that visibility is maintained for adjacent properties. This includes, but is not limited to, driveway and garage locations, fences, trees, etc. of neighboring properties.

   d. A greater landscape area may also be required by the Review Authority, when in the opinion of the Review Authority, a greater landscape area would be more in harmony and would add visual interest to the streetscape when adjacent properties also face a Major Street.

3. ***Local Street.*** Double frontage lots which abut two approximately parallel streets and have a depth of less than 200 feet shall only be approved when access rights to one of streets is relinquished. In all cases, both sides of a Double Frontage Lot shall be considered front yards.

G. **Corner Lots.**

1. ***Major Street.*** A corner lot on the intersection of a Major Street shall have a property line radius as determined by the City Engineer.

2. ***Local Street.***

   a. When a Local Street intersects a Major Street and the corner lot sides onto the Local Street, the corner lot shall provide an eight foot landscape easement. A minimum six-foot masonry wall shall be placed at the rear of the landscape easement. A greater landscape easement may be necessary for visibility purposes. In the case of the latter, such cases shall be reviewed on a case-by-case basis.

   b. When the street side yard faces the front yard of a home across the street, a minimum landscape easement of five feet is required, unless a four foot park strip is provided between the curb and sidewalk. A minimum six-foot masonry wall shall be placed at the rear of the landscape easement. An opening in the masonry wall may be permitted to provide a gate for access if approved by the Public Works Director.

H. **Lot Access.**

1. ***Street Frontage Required.*** Each proposed parcel shall have frontage on a public street. The frontage width shall be at least the minimum parcel width required by the

applicable zoning district. The Review Authority may exempt parcels created under a Planned Unit Development from the requirements of this subsection.

2. ***Single-Family Homes on Major Streets.*** Lots may front a Major Street if a Frontage Road is provided, to protect a natural resource, or:

   a. The majority of the homes on the block face the Major Street and it is unlikely that the existing homes will be redeveloped with more urban uses;

   b. The backing of the home could potentially cause visibility issues for neighboring properties which are attempting to access the Major Road;

   c. The subdivision layout is considered superior in comparison to what could otherwise be developed with homes backing onto the Major Street;

   d. The site provides a circular driveway or access is provided via an alley or private easement; and

   e. The Public Works Director approves of the parcel configuration.

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

   a. *Existing Multi-Family Lots.* May access a Major Street, however lots shall provide an on-site turnaround.

   b. *New Multi-Family Lots.* Shall only be approved if an on-site turnaround is provided or if served by a public alley.

   c. *Multi-Family Private Access Easements.*

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

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

15-4106 Street Dedications

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

15-4107 Connectivity

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

A. **Continuous Street System.** All streets, alleys, bicycle facilities, and pedestrian ways shall connect to other streets, alleys, bicycle facilities, and pedestrian ways to form a continuous vehicular, bicycle, and pedestrian network with numerous connections within the subdivision and to adjacent development.

B. **Connector Streets.** Connector Streets (refer to Section 15-4108, Street Design) connecting Major Streets shall be provided within quarter sections or other area of roughly 160 acres and surrounded by major streets.

1. One Connector Street shall be provided approximately through the center of the quarter section which runs north to south, linking the northern and southern Major Streets. A second Connector Street shall be provided approximately through the center of the quarter section which runs east to west, linking the eastern and western Major Streets.

2. Should the alignment of a Connector Street be impractical due to an existing feature, it shall be developed as close as reasonably possible to the alignment described in item 15-4107-B.1 above.

3. At the discretion of the Review Authority, Connector streets may be designed with some curves and bends in order to calm traffic.

4. Connector Streets are not required for Industrial Districts.

C. **Non-Contiguous Sites.** Subdivisions that are not contiguous with other subdivisions shall provide stub streets and other potential vehicular and non-vehicular connection points to non-contiguous subdivisions within the same 160 acre quarter section. These connection points shall be within the public right-of-way and private easements when necessary.

D. **Connections to Adjacent Areas.**

1. ***Connections to Existing Subdivisions.***

   a. Connections shall be provided to all stub streets in all adjacent subdivisions.

2. ***Connections to Future Subdivisions.***

   a. Where the subdivision adjoins unsubdivided land, stub end streets in the subdivision shall be extended to the adjacent unsubdivided land to provide access to the unsubdivided land in the event of its future subdivision. There shall be one such connection for every 600 feet of adjacency.

   b. In the case of stub end streets extending to the boundary of the property, a barricade, the design to be approved by the City Engineer, shall be constructed at the end of the stub end street, pending the extension of the street into adjacent property. A temporary connection to another street, or a temporary turnaround, may be required by the Review Authority.

E. **Emergency Vehicle Access.** Emergency vehicle access shall be determined on a case-by-case basis by emergency responders.

F. **Access Points to a Major Street**. Ingress and egress into a subdivision from a Major Street to a local or connector street shall be provided at a spacing of no less than 600 feet.

G. **Pedestrian and Bicycle Paths.** Continuous and convenient bicycle and pedestrian access shall be provided from every home within a subdivision area to the nearest neighborhood center, school, and park.

1. ***Safe Routes to Schools.*** Pedestrian and bicycle routes to schools shall be identified at the time of project submittal.

2. ***Barriers.*** Fencing, sound walls, and other barriers between residential and non-residential uses shall provide openings or other mechanisms to allow bicycle and pedestrian access between uses. If the residential use is a private, gated community, such openings may be locked if all residents have a code, key, or other means of access.

3. ***Links between Residential and Non-Residential Areas.*** Pedestrian paths from residential areas shall be provided to adjacent Commercial, Mixed-Use, and Office districts. Pedestrian paths shall be a minimum of 15 feet in width, lit, and provided at a rate of approximately 1 per 600 feet. The exact locations may be adjusted at the discretion of the Review Authority based on site conditions, safety, and pedestrian convenience. If existing development blocks all possible access points to adjacent Commercial, Mixed-Use, and Office districts, this section shall not apply.

4. ***Access to Major Streets.*** For subdivisions adjacent to a Major Street, a pedestrian path (including sidewalks and trails) to the Major Street shall be spaced no more than 600 feet apart. For dead-end streets, except where there's no existing or planned pedestrian facilities, refer to Subsection 15-4108-K, Cul-de-Sacs and Dead-End Streets.

5. ***Access to Bus Stops.*** For subdivisions adjacent to a Major Street, future bus stops locations shall be identified and pedestrian access shall be identified to minimize circuitous routes for pedestrians except in locations with no existing or planned pedestrian access.

15-4108 Street Design

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

A. **Street Orientation.** Streets shall be planned in a primarily east-west orientation in order to best implement Section 15-4113, Energy Conservation, and the Map Act (Section 66473).

B. **Local Streets.** Local streets shall have minimum right-of-way and roadway widths in accordance with the local street details and development density criteria of the Standard Drawings and Specifications.

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

D. **Major Streets.**

1. Major streets shall be as shown on the circulation element of the General Plan, any operative plan or any Official Plan Line, the select system of streets, or as shown on any

precise or other plan of streets adopted by the Council or by other legally constituted bodies of city, county or state.

2. All Major Streets shall be designed as Complete Streets. Complete Streets are those that provide for all users of a corridor, including pedestrians, bicyclists, transit riders, people with disabilities, senior citizens, motorists, freight providers, emergency responders, and adjacent land users. Complete Streets support all modes of transportation safely and independently in current and future conditions.

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

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

G. **Street Intersections.**

1. All streets shall intersect each other at angles as near to right angles as is practicable.

2. All local street intersections and all intersections with Major Streets shall have minimum curb radii as established in the Standard Drawings, except that at the intersections with State highways, the standards of the California Department of Transportation shall apply.

H. **Curves.**

1. Unless the curve radius has been established on an adopted map, a curve radius shall be required as determined by the Public Works Director where a street deflects more than five degrees from a straight line.

2. On all streets having reverse curves, a tangent of at least 100 feet between reverse curves shall be required. Subject to the approval of the Public Works Director, these requirements may be varied for local streets or when topography requires other treatment of streets to secure the best overall design.

I. **Alleys.**

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

2. Where two alleys intersect or where an alley deflects with an interior angle of less than 135 degrees, corner cut-offs of 15 feet measured from the point of any interior angle shall be required.

J. **Traffic Calming.** Traffic calming street design or devices such as bulb-outs, chokers, center islands / raised medians, traffic circles, textured pavement, and painted intersections, shall be included, if required by an operative plan, or when determined to be necessary by the City Engineer, to ensure safe conditions for all users.

K. **Cul-de-Sacs and Dead-End Streets.**

1. The combined length of all cul-de-sacs and other dead-end streets in any subdivision shall not exceed 35 percent of the combined total length of all local residential streets within the subdivision. Cul-de-sacs that are connected by a trail shall be exempt from this calculation. Additional exceptions may be made at the discretion of the Review Authority if any of the following circumstances apply:

   a. The average block length of all blocks in the proposed subdivision is 400 feet or less;

   b. The applicant can demonstrate, to the satisfaction of the City Engineer, that the subdivision design will result in a rate of Vehicle Miles Travelled which is equal to or less than a subdivision which follows the cul-de-sac limit in item K-1 above;

   c. The site is 6 acres or less in gross area;

   d. The site is surrounded by developed properties which lack stubs to connect to; or

   e. The site is blocked by canals and expressways.

2. Cul-de-sacs and dead-end streets may not exceed 600 feet unless there are unforeseen issues or topographical challenges or other opportunities to promote pedestrian connectivity such as access to another street or trail.

3. All cul-de-sacs and dead-end streets shall have a turnaround per Public Works Standards.

4. A cul-de-sacs and or dead end street may be approved as a temporary facility, without a turnaround, provided the street is designed to provide access to adjoining land that is not yet subdivided or developed. A temporary turnaround or access may be required.

5. Cul-de-sacs and dead-end streets shall provide pedestrian and bike connections to neighboring streets, trails, commercial centers, etc.

L. **Street Names.** Refer to Article 62, Street Names & Addressing.

M. **Sidewalks.**

1. All public streets shall have sidewalks constructed to City standards on at least one side of the street if there is connectivity to one of the following:

   a. An adjacent street with a sidewalk;

   b. An adjacent trail; or

   c. An adjacent alley.

2. Streets with a sidewalk on only one side shall have two 15-gallon street trees in the front of the lot on both sides of the street.

3. Streets that do not provide any of the connections set forth in Subsection 1.a-c above shall have sidewalks constructed to City standards on both sides of the street.

4. Private streets are exempt from this section.

N. **Street Trees.**

1. Street tree species shall be selected from the Fresno Street Tree Palette.
2. Street trees shall be planted at a minimum spacing of 40 feet on-center
3. Street trees shall be located within a landscaped park strip of no less than four feet in width between the curb and sidewalk.
4. Trees within the front yard of adjacent parcels may be counted toward the satisfaction of this requirement at the discretion of the Review Authority, in which case the landscape strip between the curb and sidewalk will not be required and the spacing shall be one tree per lot.

O. **Street Lighting.**

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

15-4109 Incorporation of Site Constraints

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

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

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

1. Proposed subdivisions that are adjacent to a trail shall incorporate it into the subdivision plan as a design feature. Development adjacent to a trail shall be planned to provide pedestrian access to the trail(s) at intervals identified below.
2. Homes should front onto a trail, or other communal area, unless:
   a. Topographic conditions justify a variation from this requirement;
   b. The proposed homes would face a Major Street; or
   c. The Review Authority determines that there are no feasible alternatives.
3. Development adjacent to a trail shall be planned to provide pedestrian access to the trail(s) at intervals of approximately 1 per 600 feet if homes or a commercial center back

onto to the natural feature. The exact locations may be adjusted at the discretion of the Review Authority based on site conditions, safety, and pedestrian convenience. Should cul-de-sacs terminate near the feature, each cul-de-sac shall provide a path to the feature.

4. Where development is backed onto an adjacent trail, privacy walls and security walls shall be set back from the trail by a minimum distance of 10 feet and such setback shall be landscaped to be compatible with the trail landscape.

5. Subject to approval by the Fresno Irrigation District, where canals are piped, the area above shall be integrated into the subdivision as a trail or part of an open space and/or trail system subject to Fresno Irrigation District approval.

C. **Safety and Environmental Zones.** Buffers, setbacks, and no-build zones associated with safety or environmental impacts such as airport safety or noise, and freeway noise and air pollution shall be integrated into the proposed subdivision plan by designating them for alternative, allowable uses. These uses may be open space, parking, recreation, or other allowed uses. The plan shall integrate these areas and uses such that they are part of an overall system of open space, parking, or recreation and not separated from the subdivision by walls or barriers unless required by the regulation agency.

15-4110 Gated Subdivisions

A. Subdivisions with private streets may be gated provided consideration shall be given to surrounding properties to ensure that pedestrian and bicycle access is maintained, in particular along tails and natural features.

B. Should a gated subdivision be conditioned to dedicate and/or incorporate, as a public right-of-way, a Regional Trail (e.g., Class 1) pedestrian and other non-motorized traffic shall have the ability to move freely through the trail. Access into the residential areas may be fenced and gated, but access to the trail shall be unimpeded.

C. Should a gated subdivision be proposed that abuts a street that was previously dedicated to provide access to the parcel where the subdivision is being proposed, the subdivider of the gated subdivision shall:

1. Construct a cul-de-sac to provide turn-around access. Emergency access shall be provided via the cul-de-sac. Fencing shall be provided behind a minimum 10 foot landscape setback. The landscaping and the fencing shall be maintained by the Homeowner's Association of the gated subdivision, unless it is accepted into the City's Community Facilities District; or

2. In situations where there are no driveways from said stub street, the developer may petition the City to vacate the stub street to the adjoining parcels, provided the owners are willing to accept the property and the developer bears all cost(s) associated with fulfilling the conditions of the vacation. Moreover, all indications of a street, such as curb, gutter, sidewalk, etc., shall be removed by the petitioner and shall be converted to private ownership.

15-4111 Restricted Access Barriers

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

15-4112 Parks and Playgrounds

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

A. **Standards for Reservations.**

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

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

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

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

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

15-4113 Energy Conservation

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

A. **Design Guidance; No Reduction in Density.** In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and such provision shall not result in reducing the maximum

allowable densities or the percentage of a lot that may be occupied by a building or structure under applicable standards of this Code in force at the time the tentative map is filed.

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

15-4114 Underground Utilities

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

A. **Existing Major Lines.** Undergrounding of existing overhead wires and associated overhead structures used for conveyance of electrical energy at transmission voltages, nominally in excess of 21,000 volts, or major transmission trunk communication lines shall not be required.

B. **Existing Utilities in Industrial Districts.** Undergrounding of existing overhead wires and associated overhead structures used for the distribution of electrical energy or communication lines within certain industrial zone districts shall not be required provided the subdivider shall:

1. Execute a covenant, which shall be recorded and run with the land, agreeing to participate and support any improvement district formed for the purpose of undergrounding the existing overhead utilities; and

2. Install or agree to install conduit of sufficient number and size, as determined by the utility company, to accommodate the future undergrounding of existing overhead utilities.

C. **Appurtenant Equipment.** Equipment appurtenant to underground facilities, such as transformers, terminal boxes, amplifiers, splice boxes, meter cabinets and concealed ducts, may be surface-mounted provided that such equipment is located in utility easements outside the street right-of-way.

D. **Waiver by Public Works Director.** The Public Works Director may waive the requirement to underground existing overhead services to street lighting or other utility systems as a condition of approval of any subdivision as provided below:

1. ***Required Findings.***

   a. The property is located in an area where 90 percent or more of the surrounding properties have overhead utilities; and

   b. The property is not in a Growth Area as defined by the General Plan.

2. ***Stipulations.*** If a waiver is granted, the subdivider shall:

   a. Execute a Covenant, which shall be recorded and run with the land, agreeing to participate in and support any improvement district or underground utility district formed for the purpose of undergrounding the existing overhead utilities; and

b. Install or agree to install conduit of sufficient number and size, as determined by the utility company, to accommodate the future undergrounding of existing overhead utilities.

E. **Utility Operator Objection.** The requirement to place utilities underground may be waived at the discretion of the Review Authority if the entity which operates the utility finds the underground placement to be infeasible.

15-4115 Maintenance of Improvements

Maintenance of landscaping, trails, open space, lighting, street furniture, local street improvements, etc., outlined in this article shall be included in the Community Facility District and/or Homeowner's Association as determined by the City.

Article 42 Lot Line Adjustments, Mergers, and Reversions

Sections:

15-4201 Purpose
15-4202 Lot Line Adjustments
15-4203 Voluntary Parcel Mergers
15-4204 Reversion to Acreage

15-4201 Purpose

This article provides for the adjustment of the size and configuration of lots through a Lot Line Adjustment or Lot Merger. This includes the procedures for the preparation, filing, processing, and approval or denial of Lot Line Adjustment applications, consistent with the policies of the General Plan, the requirements of the Map Act (Section 66412(d)), and the procedures for voluntary Parcel Mergers.

15-4202 Lot Line Adjustments

A. **Applicability.** As provided by the Map Act (Section 66412(d)), a Lot Line Adjustment procedure is for the purpose of relocating lot lines between four or fewer existing adjacent parcels, where land taken from one parcel is added to an adjacent parcel and where:

1. No more parcels are created than originally existed;
2. No additional lots or building sites are created; and
3. The Lot Line Adjustment shall not result in the creation of an additional substandard lot, nor in a decrease in the size of an existing substandard lot.

B. **Application.** A Lot Line Adjustment application shall include the following information as required by the City Engineer:

1. Proof of the legal status of the parcel;
2. Plot plan showing existing lot dimensions;
3. Deed or record of survey showing proposed lot dimensions; and
4. Other information necessary to conform with the General Plan, Building Code, and this Code.

C. **Criteria for Approval of Lot Line Adjustments.** The City Engineer shall approve a Lot Line Adjustment based on a determination that it will meet all of the following criteria:

1. The adjustment is between four or fewer parcels and no additional parcels are created;
2. No street or alley dedication or improvement is necessary to adequately serve the properties affected by the proposed Lot Line Adjustment;

3. The lots proposed in the adjustment will comply with the provisions of this article, the Subdivision Map Act, the General Plan, and the Development Code;

4. The zoning and the Planned Land Use are consistent per the operative plan(s);

5. The lots proposed in the adjustment will comply with the provisions of the Building Code;

6. The adjustment shall not result in the creation of an any new nonconformities, including, but not limited to, signage, parking, fencing, etc.;

7. The resulting parcels do not interfere with existing utilities, infrastructure, or easements;

D. **Completion**.

1. ***Recording with County Recorder.*** A Lot Line Adjustment shall not be effective until a deed signed by the record owners has been recorded. The applicant shall submit the legal description to the City Engineer for review and approval of this, before recordation of the grant deed. The legal descriptions provided in the deeds shall be prepared by a person authorized to practice land surveying in the State.

15-4203 Voluntary Parcel Mergers

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

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

1. ***Applicability.*** Upon request of the legal owners of contiguous parcels, the City Engineer, following a recommendation by the Director, may approve the merger of the property in compliance with the Map Act (Section 66499.20 3/4).

2. ***Review.*** An application shall be made to the City Engineer.

3. ***Request for Determination.*** Upon written application by the owner to the City Engineer, the City Engineer shall determine whether the affected parcels shall be merged and shall notify the owner of the determination. If the City determines that the parcels shall not be merged, the owner may file a written request for a hearing with the City Engineer pursuant to the requirements of this section. If the City determines that the parcels shall be merged, a determination of merger shall be recorded.

4. ***Recording with the County Recorder.*** Upon approval, a notice of the Lot Merger shall be filed with the County Recorder. The form and content of the notice shall be as required by the City Engineer.

C. **Mergers Initiated by the City.**

1. ***Notice of Intention to Determine Status.*** The Director shall mail, by certified mail, a notice of intention to determine status to the current record owner of the property. The notice shall state that the affected parcels may be merged, and the owner may request a

hearing on the determination of status before the Planning Commission to present evidence that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record at the County Recorder on the same day that the notice is mailed to the property owner.

2. ***Hearing on Determination of Status.*** The owner of the affected property may file a written request for a hearing with the Director within 30 days after the recording of the notice of intention to determine status. Upon receipt of the request, the Director shall set a time, date and place for a hearing and notify the owner by certified mail. The hearing shall be conducted not more than 60 days following the receipt of the owner's request, or may be postponed or continued by mutual consent of the Director and the property owner. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements of this article.

3. ***Determination of Merger.*** At the conclusion of the hearing, the Commission shall determine whether the affected parcels shall be merged or not and shall notify the owner of the determination.

   a. If the Commission makes a determination that the parcels are to be merged, the City Engineer shall record a determination of merger within 30 days of the Commission's decision unless the owner files an appeal.

   b. If, within the 30 day period following the recording of the notice of intention to determine status, the owner did not file a request for a hearing, the Director and City Engineer shall make a determination that the affected parcels are to be merged or are not to be merged. If the Director and City Engineer determine that the parcels shall be merged, the City Engineer shall record a determination of merger within 90 days following the mailing of the notice of intention to determine status if there is no hearing.

   c. The determination of merger shall specify the name of the record owners and a description of the property.

   d. If the City determines that the parcels shall not be merged, the City Engineer shall record a release of the notice of intention to determine status and shall mail a clearance letter to the owner of record.

D. **Unmerged Parcels.** A property owner may apply to the City for a determination that any parcels or units of land for which a notice of merger had not been recorded on or before January 1, 1984 are deemed not to have been merged under Section 66451.30 of the Map Act. If the Director determines that the parcels meet the standards specified in Section 66451.30, the City shall issue the owner, and record with the County Recorder, a notice of the status of the parcels and a declaration that the parcels are not merged.

E. **Allowance for Minor Deviation.** For small, oddly shaped, and hard-to-develop lots, a greater Minor Deviation allowance may be permitted. See Section 15-5602-B.

15-4204 Reversion to Acreage

Subdivided property may be reverted to acreage in compliance with the procedures and requirements of the Map Act (Sections 66499.11 *et. seq.*).

Article 43 Corrections and Amendments of Maps

Sections:

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

15-4301 Purpose

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

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

A. **Minor Revision.** Changes determined by the Director to be in substantial compliance and that are consistent with the intent of the approved Tentative Map or Tentative Parcel Map may be approved where:

1. The size, shape, and dimensions of lots and streets are in substantial compliance and are consistent with the Tentative Map;
2. The number of lots, units, or building sites is not reduced to less than prescribed by the planned land use designation, zone district, or operative plan;
3. No lots, units, building sites, or structures are added;
4. The amount of open space is not reduced;
5. Pedestrian connectivity to schools, trails, open space, etc. is not reduced;
6. Changes, in the opinion of the Director, are consistent with the intent of the original Tentative Map approval;
7. There are no significant changes in parcel size and dimensions, pedestrian connectivity, and overall design; and
8. There are no resulting violations of the Municipal Code.

B. **Major Revision.** Major Revisions to an approved Tentative Map, Tentative Parcel Map, or amendments to conditions of approval may be approved by filing an application with the Department, if:

1. The amendments are consistent with the intent of the original Tentative Map or Tentative Parcel Map approval;

2. There are no resulting violations of the Municipal Code; and

3. A one-time increase in the number of lots contained in the subdivision does not exceed the following number, provided that the permitted density is not exceeded. Should the additional lots result in the preparation of a Traffic Impact Analysis, the CEQA documentation shall be recirculated and the project shall be returned to the Review Authority for consideration.

   a. *Subdivisions of 25 Lots or Less.* No more than two additional lots.

   b. *Subdivisions with 26-50 Lots:* No more than three additional lots.

   c. *Subdivisions with 51-75 Lots.* No more than four additional lots.

   d. *Subdivisions with 76-100 Lots.* No more than five additional lots.

   e. *Subdivisions in Excess of 100 Lots.* No more than five lots for the first 100 lots plus two additional lots for each full 100 lots in excess of the first 100 lots.

C. **Other Amendments.** Other amendments to an approved Tentative Map or Tentative Parcel Map or amendments to the conditions of approval, that in the opinion of the Director do not meet the criteria above, shall be treated as a new application.

15-4303 Processing of Amendments

A. **Procedure for Filing an Amendment.** The subdivider shall file an application with the City, together with the following additional information:

1. A statement identifying the features of the map or particular conditions to be changed and the changes requested, the reasons why the amendment is requested, and any facts that justify the changes; and

2. Any additional information deemed appropriate by the Director.

B. **Revisions to Tentative Parcel Maps.** The Director shall act as the Review Authority and may approve the modification as part of the Final Map process for either a Minor or Major Revision.

C. **Revisions to Tentative Maps.**

1. ***Minor Revision.*** The Director may act as the Review Authority and may approve the modification as part of the Final Map process. Alternatively, the Director, at his/her discretion, may refer the matter to the Commission for consideration. At the Director's discretion, they may or may not provide a Public Notice per Section 15-3308-B.4.

2. ***Major Revision to a Tentative Map.*** The Director may act as the Review Authority, or the Director, at their discretion, may defer their decision to the Commission. The Director shall provide notice per the following:

   a. *Commission Notification.* If the Director elects to approve or disapprove the map, the Director shall notify the Commission at its next meeting that the Director is

reviewing the map and whether the Director intends to approve or disapprove the map. The Director shall take action after notifying the Commission.

b. *No Director Action.* Should the Director not take action, the Director shall refer the item to the Commission for consideration. If the matter is referred to the Commission for consideration, Public Notice shall be provided per Section 15-3308-B.4.

15-4304 Findings for Approval

A. The Review Authority shall not amend the approved Tentative Map or Tentative Parcel Map or conditions of approval unless it first finds that:

1. There was a material mistake of fact in the deliberations leading to the original approval; and

2. There has been a change of circumstances related to the original approval.

15-4305 Effect of Amendments on Time Limits

A. Approved amendments to an approved Tentative Map or Tentative Parcel Map or conditions of approval shall not be considered as an approval of a new Tentative Map or Tentative Parcel Map, and shall not extend the time limits of the original approval as provided by Section 15-3316, Time Limits and Expiration of Approved Maps.

15-4306 Tentative Maps with Multiple Final Maps

The following provision regarding automatic extensions of time, or later enacted State law provisions that supersede the following, shall apply.

A. Where a developer has expended funds outside the boundaries of the approved Tentative Map in compliance with the Map Act (Section 66452.6), each filing of a Final Map shall extend the expiration of the Tentative Map per the Map Act.

15-4307 Amendments to Final and Parcel Maps after Recordation

A. **Amendments to Final and Parcel Maps.** A Final Map or Parcel Map that has been filed with the County Recorder may be amended by a certificate of correction or an amending map pursuant to the Map Act (Sections 66469-66472).

B. **Amendments to Conditions of Approval.** The conditions on a Final Map or Parcel Map may be modified by a certificate of correction or an amending map pursuant to the Map Act (Section 66472.1) and this subsection.

C. **Initiation.** An amendment to a condition of a Final Map or Parcel Map may be initiated by the Director, the City Engineer, or any subdivider or owner of the real property subject to the Final Map.

1. ***Parcel Maps.*** The Director, in consultation with the City Engineer, shall approve or deny amendments.

2. ***Final Maps.*** The Commission shall consider amendments to a tentative map. The Commission hearing shall be noticed pursuant to the Public Noticing requirements per Subsection 15-3308-B.4.

D. **Findings**. Amendments shall only be approved if all of the following are true:

1. There are changes in circumstances which make such conditions no longer appropriate or necessary;
2. The amendments do not impose any additional burden(s) on the present owner(s) of the property subject to the map;
3. The map, as amended, is not subject to disapproval under the findings in the Map Act (Section 66474) and conforms to this Subdivision Ordinance;
4. The amendment does not affect any previous findings made under Federal and/or State environmental review;
5. The amendments do not alter any right, title, or interest in the real property reflected on the recorded map.
6. If located within the review area of one of the airport specific plans, the amendment shall be subject to the provisions of said plan.

E. **Hearing.** Any hearing on the amendment of conditions shall be limited in scope to consideration and action on the proposed amendment.

F. **Recordation.** If the amendment of the condition is approved, an amending map or certificate of correction shall be recorded with the County Recorder in the manner specified in the Map Act (Section 66472). If the amendment to the map does not require an amending map or certificate of correction, the amendment shall be memorialized in a letter to the applicant and/or record owner(s). A copy of the letter and resolution shall be placed in the official file for the map.

15-4308 Expansion of the Map Outside of the Original Boundaries

A new map shall be filed for the area that is being added.

Article 44 Enforcement and Judicial Review

Sections:

15-4401 Enforcement and Judicial Review

15-4401 Enforcement and Judicial Review

A. **Purpose.** This article establishes procedures that the City will use to enforce the requirements of the Subdivision Ordinance, including compliance with any conditions of approval imposed to protect public health, safety, and welfare and promote development in accordance with the General Plan.

B. **Prohibitions.** Pursuant to the Map Act (Section 66499.30):

1. ***No Sale or Lease until Final or Parcel Map is in Full Compliance.*** No person shall sell, lease, or finance any parcel of real property or begin construction of any building for sale, lease, or financing, except for model homes, or allow occupancy of any parcel or parcels for which a Final or Parcel Map is required by the Map Act or this Ordinance, until a map that is in full compliance with the provisions of this Subdivision Ordinance and the Subdivision Map Act has been filed with the Fresno County Recorder.

2. ***No Conveyance by Parcel Number until Final Map is Filed.*** The conveyance of any part of a division of real property for which a Final or Parcel Map is required shall not be made by parcel or block number, letter, or other designation until the map has been filed for record with the County Recorder.

3. ***Exceptions.***

   a. This section does not apply to a parcel of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law, including this article, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

   b. This section does not prohibit an offer or contract to sell, lease, or finance real property or to construct improvements where the sale, lease, or financing or the beginning of construction, is expressly conditioned upon the approval and filing of a Final Map or Parcel Map.

   c. This section shall not, in any way, modify or affect the provisions of Section 11018.2 of the Business and Professions Code.

C. **Voidability of Illegal Conveyance.** Any deed of conveyance, sale, or contract to sell made contrary to the provisions of this article is voidable at the sole option of the grantee, buyer, or person contracting to purchase, their heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of execution of the deed of conveyance, sale, or contract to sell, but the deed of conveyance, sale, or contract to sell is binding upon any assignee or transferee of the grantee, buyer, or person contracting to purchase, other than those above

enumerated, and upon the grantor, vendor, or person contracting to sell, or their assignee, heir, or advisee.

D. **Other Legal Action.** Any grantee, or successor in interest, of real property which has been divided, or which has resulted from a division, in violation of the provisions of this Subdivision Ordinance or the Map Act may, within one year of the date of discovery of such violation, bring an action in the superior court to recover any damages suffered by reason of the division of property. The action may be brought against the person who divided the property in violation and against any successors in interest who have actual or constructive knowledge of such division of property.

E. **Effect on City Permits and Approvals.** No commission, officer, or employee of the City shall issue any permit or certificate, or grant any approval necessary to develop any real property within the city, if it is known or suspected that the property was divided, or resulted from a division in violation of the Map Act (Section 66499.30).

F. **Certificate of Compliance.**

1. Any person owning real property or an authorized representative of such person who is under contract of sale may request, and the Director shall determine, whether such real property complies with the provisions of the Map Act and of this Subdivision Ordinance. Upon making such a determination the Director shall cause a certificate of compliance to be filed for record with the County Recorder. The Certificate of Compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of the Map Act and of this Subdivision Ordinance. The Director may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

2. If the Director determines that such real property does not comply with the provisions of the Map Act or of this Subdivision Ordinance, he or she may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property, and which had been established at such time by the Map Act or this Subdivision Ordinance. Such conditions may include, but are not limited to, requiring approval of a parcel or tentative map prior to development of the property. Upon making such a determination and establishing such conditions the Director shall cause a Conditional Certificate of Compliance to be filed for record with the County Recorder.

    a. Such Certificate shall serve as notice to the property owner who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.

    b. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the City.

c. Compliance with the requirements of a certificate of compliance shall not constitute a determination of compliance with all applicable approved plans or zoning requirements.

A. **Remedies**. Any deed of conveyance, sale, or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of this Subdivision Ordinance or the Map Act shall be subject to the remedies provided in the Map Act (Sections 66499.32 through 66499.34).

B. **Notice of Violation**. Whenever the Director and/or City Engineer has received information from any source that real property has been divided in violation of the Map Act or this Subdivision Ordinance, the City shall take the actions described in the Map Act (Section 66499.36).

Article 45 Surveys and Monuments

Sections:

15-4501 Survey Requirements
15-4502 Monument Material
15-4503 Monument Locations
15-4504 Monument Acceptance

15-4501 Survey Requirements

The procedure and practice of all survey work done upon any subdivision shall conform to accepted standards of the engineering profession, the Map Act (Sections 66495, 66496, and 66497) and this Ordinance.

15-4502 Monument Material

Monuments, including markings, material, length, durability, etc. shall be established by the City Engineer.

15-4503 Monument Locations

A. Rectangular-shaped subdivisions shall have the four corners of the property marked with a durable monument. All irregular-shaped subdivisions shall have all angle and curve points in the exterior boundary of the subdivision marked with a durable monument. All boundary monuments which fall in streets shall be referred to a similar durable monument which may be set for an adjacent block or lot corner. Subdivisions having curved streets and no block corners shall have all control or angle points of the streets marked with a durable corner referenced out to an adjacent lot corner which is also marked with a durable monument;

B. Block corners, unless otherwise marked with a durable monument, shall be marked with a semi-durable monument;

C. All lot corners shall be marked with not less than a standard ¾ inch inside diameter steel pipe, 30 inches long solidly set in the ground six inches below the surface and may be referenced by a mark not to exceed two inches in any dimension visible in the edge of the concrete sidewalk. All monuments shall bear the engineer's or surveyor's number and exact survey point except as follows:

1. In planned unit developments where lot corners are coincidental to building corners, an offset monument system may be used, provided that sufficient information is given on the map such that:

   a. Exact lot corner can be established;

   b. Lot surveys can be retraced; and

   c. Offset monument system is approved by the City Engineer.

2. Any other monument that is approved in writing by the City Engineer may be used.

15-4504 Monument Acceptance

A. Before any improvements are accepted, all monuments and stakes must be set, and any monuments or stakes disturbed by said improvements shall be reset. Where no streets are to be improved, the subdivider shall post a faithful performance bond to guarantee the setting of all the above stakes and monuments;

B. The location of any boundary corner shall be proved by surveying and by showing on the Final Map the relationship of such boundary corners to section corners involved or one-fourth section corners or other well established corners;

C. All bearings shall be with reference to the true meridian, or with reference to an assumed bearing of a section or fractional section line monumented with durable monuments for a distance of not less than one-half mile, or a previously recorded subdivision, provided such subdivision tie is approved by the City Engineer; and

D. All measurements and angles turned shall be made to a standard which will insure an accuracy of not less than one in 10,000.

Article 46 (Reserved)

Article 47 (Reserved)

Article 48 (Reserved)

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Part V: Administration and Permits

Article 49 Planning Authorities

Sections:

15-4901 Purpose
15-4902 City Council
15-4903 Planning Commission
15-4904 Director
15-4905 Historic Preservation Commission
15-4906 Council District Project Review Committees
15-4907 Summary of Primary Planning Permits and Actions

15-4901 Purpose

The purpose of this article is to identify the bodies, officials, and administrators with designated responsibilities under various articles of the Development Code. Subsequent articles of Part V provide detailed information on procedures, applications, and permits, including Code text and zoning map amendments, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Code to implement the policies and achieve the objectives of the General Plan.

15-4902 City Council

The powers and duties of the City Council as the legislative body under this Code include, but are not limited to the following:

A. Consider and adopt amendments to the General Plan, operative plans, the Zoning Map, and the text of this Code pursuant to the provisions of Article 58, Amendments to Development Code Text, Rezones, and Plan Amendments, following a public hearing and recommended action by the Planning Commission.

B. Initiate new plans, amendments to operative plans, and the rezoning of property.

C. Consider and make decisions on land use entitlements.

D. Hear and decide applications for Development Agreements, pursuant to Article 60.

E. Hear and decide appeals from decisions of the Planning Commission on Conditional Use Permits, Variances, and any other permits that can be appealed, pursuant to Section 15-5017, Appeals.

F. Hear and make environmental determinations on projects that require Council action.

G. Hear and decide appeals on environmental determinations by the Director or the Planning Commission, pursuant to Section 15-5005, Environmental Review.

H. Establish, by resolution, a Master Fee Schedule listing fees, charges, and deposits for various applications and services provided, pursuant to this Code.

I. Shall designate the authority of the Planning Commission, Historic Preservation Commission, and the Planning Director. The Council shall authorize Planning Commission, Historic Preservation Commission, and the Director to take acts as specified in the Code.

15-4903 Planning Commission

The Planning Commission is established and organized pursuant to Article IX, Boards and Commissions, of the City Charter and the requirements of the Government Code. The powers and duties of the Planning Commission under this Code include, but are not limited to, the following:

A. All duties set forth in the City Charter (Section 907).

B. Consider and make decisions on land use entitlements.

C. Hear and decide if projects are consistent with City policies relating to architectural design, site design, connectivity to surrounding uses, performance standards, the fabric of the existing neighborhoods, etc.

D. Annually review progress towards implementation of the General Plan and recommend to the City Council changes needed to meet community needs.

E. Initiate, conduct hearings, and make recommendations to the City Council on proposed amendments to operative plans, the General Plan, Zoning Map and to the text of this Code, pursuant to Article 58, Amendments to Development Code Text, Rezones, and Plan Amendments.

F. Make environmental determinations on any approvals it grants that are subject to environmental review under the California Environmental Quality Act or the City of Fresno's adopted environmental review guidelines pursuant to State law and the procedures in Section 15-5005, Environmental Review.

G. Conduct hearings and make recommendations to the City Council on proposed revocations of permits, pursuant to Section 15-5016, Revocation of Permits.

H. Hear and decide appeals from decisions of the Director and City Engineer, and on decisions, determinations, or interpretations made in the enforcement of this Code and any other decisions that are subject to appeal, pursuant to Section 15-5017, Appeals.

I. Such other duties and powers as assigned or directed by the City Council.

15-4904 Director

The following powers and duties of the Development and Resource Management Director (the "Director") under this Code include, but are not limited to, the following.

A. Maintain and administer the Development Code, including acceptance and processing of applications, abatements, and other enforcement actions.

B. Prepare and implement rules and procedures necessary or convenient for the conduct of the Director's business. These rules and procedures must be as approved by a resolution of the City

Council following review and recommendation of the Planning Commission. They may include the administrative details of notice and hearings officiated by the Director (e.g. scheduling, rules of procedure, appeals, and recordkeeping).

C. Issue administrative regulations for the submission and review of applications subject to the requirements of this Code.

D. Review applications for permits and licenses for conformance with this Code and issue a Zone Clearance when the proposed use or building is allowed by right and conforms to all applicable development and use standards and other requirements of this Code.

E. Review applications for discretionary permits and approvals under this Code for conformance with applicable submission requirements and time limits.

F. Review applications for discretionary permits and approvals to make a preliminary determination as to whether a project is subject to review under the California Environmental Quality Act or the City's environmental review requirements.

G. Make recommendations to the City Council on all applications, amendments, appeals, and other matters upon which the Council has the authority and the duty to act under this Code.

H. Serve as the Secretary of the Planning Commission.

I. Make recommendations to the Planning Commission on all applications, appeals, and other matters upon which the Planning Commission has the authority and the duty to act under this Code.

J. Approve, conditionally approve, modify, or deny projects pursuant to Table 15-4907, Planning Permits and Actions.

K. Approve, conditionally approve, modify, or deny requests for deviations to dimensional requirements and requests for reasonable accommodation, pursuant to Article 56, Minor Deviations, and Article 57, Reasonable Accommodation for Housing.

L. Approve, conditionally approve, modify, or deny modifications to approved permits and modifications to approved Conditional Use Permits and Variances, pursuant to Article 50, Common Procedures.

M. Refer items to the Planning Commission where, in their opinion, the public interest would be better served by a Planning Commission public hearing and action.

N. Provide required notice and conduct public hearings and make recommendations to the City Council about Development Agreements, pursuant to Article 60.

O. Negotiate the components and provisions of Development Agreements for recommendation to the City Council.

P. Delegate administrative functions as they so deem to members of the Planning Department.

Q. Other duties and powers as may be assigned by the City Council or established by legislation.

15-4905 Historic Preservation Commission

The Historic Preservation Commission shall have the powers and duties established in the City's Historic Preservation Ordinance.

15-4906 Council District Project Review Committees

A. **Purpose.** The purpose of Council District Project Review Committees is to:

1. Provide the opportunity for citizen review on every entitlement request to insure the voices of the community are heard;
2. Allow for citizens of each council district to provide insight on the unique needs and concerns that exist in the different districts; and
3. Act as advisors to the Planning Commission and City Council on the adopted plans that affect individual council districts.

B. **Number and Name**. The number of committees shall be equal to the number of the City's council districts and the boundaries of each committee shall be coterminous with the council district boundaries. The committees shall be referred to collectively as the "Council District Project Review Committees" and individually by reference to the council district number. For example, the committee for Council District 1 would be referred to as "Council District 1 Project Review Committee."

C. **Structure and Members**.

1. Each Councilmember shall determine the number of members and appropriate qualifications for their district's committee.
2. Each Councilmember shall appoint members to their district's committee. At minimum, one member on each district committee shall be appointed by the Mayor.
3. Committee members, upon appointment, shall make themselves familiar with every adopted City plan that falls within the boundaries of their committee's area.
4. Committee members shall serve at the pleasure of the appointing authority.
5. ***Organizational Form to Establish the Committee***. The Councilmember shall complete the Organizational Form for City of Fresno Boards, Commission, Committees, and Similar Bodies attached to Resolution No. 2004-185 to establish the structure of the committee, the qualifications of the members, the number and frequency of meetings, and any other provisions as the Councilmember deems appropriate. The Organizational Form shall be filed with the City Clerk and the Director of the Planning and Development Department before any appointments may be made.
   a. *Changes to the Organizational Form*. Any changes to the Organizational Form shall be made in writing and filed with the City Clerk and the Director of the Development and Resource Management Department prior to implementation of the changes. A new Councilmember assuming office may adopt a different structure for their district's committee and different qualifications for committee members by filing a new Organizational Form.

D. **Committee Duties**. Committees shall have the following duties.

1. Committees shall review and provide recommendations to the Planning Commission and Council on every application for a Plan Amendment, Rezone, Tentative or Parcel Map, Conditional Use Permit, Development Permit, or Variance to develop property within the committees' boundaries. Development applications may be reviewed by

multiple committees if a development project crosses committee boundaries. In providing its review and recommendations, the committee shall consider every plan to which the development is subject.

2. Committees shall act as liaisons between property owners, residents, business people, the community-at-large, the Council, and staff, providing a forum for public participation.

3. Committees may make recommendations to the Planning Commission and Council on any matters related to planning and zoning and the plans in the Councilmember's district, including adoption of guidelines to implement the goals and policies of adopted City plans.

4. Committees shall have any additional duties that the Councilmember provides in the Organizational Form.

E. **By-Laws**. Council shall adopt written by-laws by resolution to be applicable to all of the committees. The by-laws may only be altered by Council. These by-laws may be made applicable to committees that advise on City plans other than the Council Project Review Committees.

F. **Staff Duties**. Each committee shall be staffed by the Development and Resource Management (DARM) Department with at least one person. DARM staff shall perform the following duties:

1. Keep records for the committees and be responsible for keeping the records of the agendas and any recommendations of the committees.

2. Provide a copy (in written or electronic form) of all plans to the committees, the committee by-laws, and the Organizational Form for the committee.

3. Provide reports to the committees as requested on matters within the scope of planning and land use.

4. ***Council Staff.*** To the extent that a Councilmember assigns tasks to a committee that are outside the scope of land use planning, the Councilmember's office shall provide staff to the committee to assist with those tasks and otherwise perform those responsibilities that would be the duties of the staff person from the DARM Department.

G. **Brown Act and State Conflict Laws**. The committees and the committee members are subject to the Brown Act (Cal. Gov't Code §§ 54950 et seq.) and the State laws on conflicts regarding public officials (including Cal. Gov't Code §§ 87100 et seq.).

H. **Additional Committees**. Nothing in this section is intended to limit the ability of Council or the Mayor after the effective date of this Ordinance from establishing committees in addition to the Council District Project Review Committees to advise on plans or guidelines adopted under the City's plans; including committees created to help draft new plans.

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

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

Councilmembers may resume their Council District Project Review Committee meetings by written notice filed with the City Clerk.

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

15-4907 Summary of Primary Planning Permits and Actions

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

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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 or duplex which complies with all provisions of this Code	Zone Clearance	Ministerial
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
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 Accomm- odation 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 w/PC referral)	59
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 Accomm-odation 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

Article 50 Common Procedures

Sections:

15-5001 Purpose
15-5002 Application and Fees
15-5003 Pre-Application Review
15-5004 Review of Applications
15-5005 Environmental Review
15-5006 Neighborhood Meeting
15-5007 Public Notice
15-5008 Conduct of Public Hearings
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15-5010 Scope of Approvals
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15-5012 Effective Dates
15-5013 Expiration of Planning Entitlements
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15-5015 Modification of Approved Plans
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15-5018 Concurrent Processing
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15-5020 Director's Determination
15-5021 Building Permit
15-5022 Certificates of Occupancy

15-5001 Purpose

This article establishes procedures that are common to the application and processing of all permits and approvals provided for in this Code.

15-5002 Application and Fees

A. **Applicant.**

1. The property owner(s) shall sign all applications.
2. If the application is made by someone other than the owner, written proof, satisfactory to the Director, of the right to act as the owner's agent or to use and possess the property as applied for, shall accompany the application.
3. Written proof of authorization must be signed and dated by the property owner and expressly state what the agent is authorized to do on behalf of the owner.

B. **Forms and Materials.**

1. ***Application Forms.*** The Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Code.

2. ***Supporting Materials.*** The Director may require the submission of supporting materials as part of the application, including, but not limited to, operational statements, photographs, plans, drawings, renderings, models, material and color samples, and other items necessary to describe existing conditions on the project site and in the vicinity and the proposed project and to determine the level of environmental review pursuant to the California Environmental Quality Act.

3. ***Availability of Materials.*** All material submitted becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time, upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the Planning Division offices. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost.

C. **Application Fees.**

1. ***Payment of Application and Processing Fees.*** No application or covenant shall be accepted as complete and processed without payment in full of the required application and review fee per the Master Fee Schedule.

2. ***Multiple Applications.*** The City's processing fees are cumulative. For example, if an application for a Conditional Use Permit also includes a Variance, both fees shall be charged. Cost savings may be incurred due to similar documents being prepared for a single project, such as CEQA review, should the applications be filed simultaneously.

15-5003 Pre-Application Review

Pre-application review is a process that is intended to provide information on relevant General or Specific Plan policies, zoning and subdivision regulations, and procedures related to projects requiring discretionary approval pursuant to this Code.

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

B. **Exemption from Permit Streamlining Act.** Pre-application review is not subject to the requirements of the California Permit Streamlining Act (the "Act"). An application that is undergoing pre-application review shall not be considered complete pursuant to the requirements of the Act unless and until the Director has received an application for approval of a development project, reviewed it, and determined it to be complete under Section 15-5004, Review of Applications. Applications undergoing pre-application review shall not constitute submission and receipt by the City of an application.

C. **Review Procedure.** The DARM Department shall conduct pre-application review. The Director may consult with or request review by any City agency or official, group, or persons with interest in the application.

D. **Summary of Recommendations.** The Director shall provide the applicant with a written summary of the procedures and requirements applicable to the potential project.

E. **Recommendations Are Advisory.** Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application(s) by City representatives. Any recommendations that result from pre-application review are considered advisory only and shall not be binding on either the applicant or the City. During the formal review of applications, additional information, applications, etc., may be required.

F. **Formal Submittal.** Following completion of the pre-application review procedure, the applicant may submit the application and filing fees to the City.

15-5004 Review of Applications

A. **Determination of Completeness.** In compliance with Government Code Section 65920 (the "Permit Streamlining Act" or "PSA"), within 30 days upon receipt of an application for a development project, the Director shall determine and notify the applicant in writing as to whether an application is complete.

B. **Incomplete Application.** If an application is incomplete, the Director shall provide written notification to the applicant listing the applications for permit(s), forms, information, and any additional fees that are necessary to complete the application.

1. ***Appeal of Determination.*** Determinations of incompleteness are subject to the provisions of Section 15-5017, Appeals, except there shall be a final written determination on the appeal no later than 60 days after receipt of the appeal.

2. ***Submittal of Additional Information.***

   a. The applicant shall provide the additional information within the time limit specified by the Director, which must be no sooner than 30 days. The Director may grant one extension of up to 90 days.

   b. Upon submission of additional requested materials, the Director shall make a new determination and notify the applicant in writing as to whether the application is complete within 30 days of the date the additional materials are received by the City.

3. ***Expiration of Application.*** If an applicant fails to correct the specified deficiencies within the specified deadline set forth in the Director's letter setting forth the application's deficiencies, or an extended deadline consistent with the maximum time-frames set forth in Subparagraph 2 above, the application shall expire and be deemed withdrawn. After the expiration of an application, project review shall require the submittal of a new, complete application, along with all required fees.

4. ***Refund of Fees for Terminated Applications.*** The Director shall determine an appropriate refund for fees that may have been collected.

C. **Extensions.** The Director may, upon written request and for good cause, grant extensions of any time limit for review of applications imposed by this Code.

15-5005 Environmental Review

A. **Purpose.**

1. The purpose of this section is to comply with Public Resources Code, Section 21082 that mandates local agencies to adopt by ordinance, resolution, rule or regulation, objectives, criteria, and procedures for the evaluation of projects and the preparation of environmental impact reports, and negative declarations. As part of the review to determine whether an application for a development project is complete, the Director shall conduct a preliminary assessment of potential environmental issues.

2. The purpose of this review is to help the City decide if the project is subject to environmental review and, if so, which issues may require analysis. An application subject to environmental review pursuant to the California Environmental Quality Act (CEQA) shall not be considered complete until the applicant has submitted all studies and other documentation the Director has deemed necessary to make an environmental determination.

B. **Applicability.** The California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et seq.*, applies to development projects as may be determined by the City.

C. **CEQA References**. Any reference to "CEQA," includes Public Resources Code 21000 *et. seq.*

D. **Review for Exemption.** If the Director determines that the application is subject to review under CEQA, within 30 days after determining that the application is complete, the Director shall determine if the project is exempt from environmental review pursuant to State law, CEQA Guidelines and any environmental guidelines that the City has adopted in compliance with CEQA.

1. If the Director has determined that a project is exempt from environmental review under CEQA, such determination shall be supported with necessary written findings and substantial evidence and included in any public notice required for the project. The notice shall include a citation to the applicable statute or CEQA Guideline section under which it is found to be exempt.

2. Following approval of a project that is exempt from CEQA review, the Director or the applicant may file a Notice of Exemption with the Fresno County Clerk. The applicant for a project shall be responsible for any fees required to file such notice.

E. **Environmental Review Application.** If the proposed project is not exempt from environmental review, the applicant shall submit an application for environmental review. After receiving an environmental review application and required studies, the Director shall determine whether to require preparation of an Environmental Impact Report (EIR), Negative Declaration or Mitigated Negative Declaration or whether the project is within the scope of a Master EIR, or other appropriate document authorized by CEQA. In order to make this determination, the Director shall prepare or cause the preparation of an Initial Study at the applicant's expense.

F. **Preparation of Initial Study.**

1. The Initial Study shall be prepared in compliance with State law, CEQA Guidelines and any environmental guidelines that the City has adopted in compliance with CEQA.

2. Following completion of the Initial Study, the Director shall notify the applicant in writing of changes to the project deemed necessary to reduce or avoid any significant effects or revise the project to reduce its impacts to less than significant identified in the Initial Study; or

3. Within 30 days following the date of the notification described above, the applicant shall provide written notification to the Director indicating that the proposed modifications are acceptable or shall propose alternative measures that will achieve the same result. If the applicant does not agree to revise the project, an EIR shall be prepared. Alternatively, if the applicant does not respond to letter, the application shall be terminated by the City.

4. If an EIR is being prepared, an Initial Study is not mandatory as outlined by CEQA.

G. **Determination of Environmental Significance.** Based on the Initial Study, the Director will make one of the following findings and prepare the appropriate environmental documentation in compliance with State law, CEQA Guidelines and any environmental guidelines that the City has adopted in compliance with CEQA.

1. The project will have "No Significant Impacts" on the environment, and a Negative Declaration will be prepared;

2. The project has been modified to mitigate potential environmental impacts to a level of insignificance and a Mitigated Negative Declaration will be prepared;

3. The project is within the scope of a Master EIR or other appropriate document authorized by CEQA, no additional significant environmental effect will result, and no additional mitigation measures or alternatives may be required; or

4. The proposed project will have, or may have, significant impact(s) and an EIR will be required.

H. **Review Authority for the CEQA Finding.** The Review Authority of the entitlement shall also have the authority to adopt the related CEQA finding. For example, should the Director be the Review Authority, the Director shall also have the authority to approve the related CEQA finding.

I. **Appeals.** Notwithstanding other provisions of this Code, the applicant or any aggrieved person may appeal the following environmental determinations made by non-elected decision making bodies of the City directly to Council in the manner described in Section 15-5017, Appeals, unless the Council is the approving authority for the project:

1. Determination that a project is or is not subject to environmental review.

2. Determination that a project is exempt from environmental review.

3. Approval of a Negative Declaration or Mitigated Negative Declaration.

4. Approval of a Finding of Conformity with the Master EIR.

5. Certification of a Final EIR.

15-5006 Neighborhood Meeting

Neighborhood Meetings shall be conducted as follows:

A. **Applicability.** Neighborhood meetings shall not be required except when specifically stated in this Code or when otherwise required by the Director.

B. **Responsibility.** When required, a neighborhood meeting shall be conducted by the applicant at the applicant's expense.

C. **Purpose.** The purpose of the neighborhood meeting shall be to acquaint the neighborhood with the proposed operation and to receive comment.

D. **Timing.** A neighborhood meeting shall held be prior to the submission of the associated project application.

E. **Notice.** Notices of the meeting shall be mailed by first class mail, a minimum 10 days prior to the meeting date, to every owner whose name and address appears on the last equalized County Assessment Roll for any property within 500 feet of the exterior boundaries of the subject property. Proof shall be submitted to the City that such a notice was mailed.

F. **Meeting Location, Date, and Time.**

1. The meeting shall be held at a location acceptable to the Director.
2. The meeting shall begin between the hours of 6:00 p.m. and 7:00 p.m.
3. The meeting shall not be held on a Friday, Saturday, Sunday, or on any of the following days: Federal Holidays, New Year's Day, New Year's Eve, Birthday of Martin Luther King, Jr., Mardi Gras Day, Washington's Birthday, St. Patrick's Day, Memorial Day, May 5th (Cinco de Mayo), Independence Day, Halloween, Labor Day, Thanksgiving Day Eve, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, or other days of celebration as determined by the Director.

G. **Posting.** The applicant shall be responsible to post required notices in a prominent place near the entrance to the premises to make it apparent that a neighborhood meeting will be held. It shall be 11×17 inches in size, in a form acceptable to the City.

H. **Materials.** The applicant shall provide participants with a detailed operational statement which shall also be submitted to the City.

I. **Report.** A detailed report of the meeting shall be submitted to the City with the project application.

15-5007 Public Notice

Unless otherwise specified, whenever the provisions of this Code require public notice, the City shall provide notice as follows.

A. **Timing of Notice.** The Director shall provide a notice at least 10 days before the date of the public hearing or the date of action when no public hearing is required.

1. ***Dual Notice.*** When two hearings for the same project will occur within 20 days of one another, a single notice for both hearings is permitted.

B. **Mailed Notice.** The Director shall provide notice by First Class mail delivery to:

1. The applicant and the property owner; and
2. All property owners of record within a minimum 1,000-foot radius of the subject property as shown on the latest available assessment role; and
3. Any person or group who has filed a written request with the Director for notice regarding the specific application.
4. ***Additional Notices.*** The Director, at their discretion, may increase the public notice distance requirements if, in their opinion, the project has the potential to impact properties outside of the standard mailing radius.
5. ***Conditions of Zoning.*** For modifications to Conditions of Zoning that were placed on a property that was also subject to a Plan Amendment, the rezone public notice distance shall be increased to a minimum 500-foot radius of the subject property while a public notice shall also be posted on the site per Subsection C below.

C. **Posting of the Site.** For Plan Amendments and other instances where the posting of a site may be required by this Code, the applicant shall post a public notice on the subject property per the following:

1. The public notice shall be posted at least 10 days prior to the public hearing or action;
2. At least one notice per street frontage shall be posted;
3. There shall be at least one notice per 500 feet of street frontage;
4. The City shall prepare the notice;
5. The applicant shall submit a signed letter stating that they posted or caused the posting of the notice;
6. The notice shall contain the information per Subsection E below;
7. The notice shall be a minimum of 11x17 inches;
8. The applicant shall, at a minimum, laminate the public notice to offer some protection from inclement weather; and
9. Should the site be developed, a notice shall be posted in a conspicuous location proximate to the entrance(s) of the subject property. This notice shall be in addition to the notices that are required to be posted along the street frontage(s).

D. **Alternative Method for Large Mailings.** If the number of owners to whom notice would be mailed or delivered is greater than 1,000, instead of mailed notice, the Director may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the city at least 10 days prior to the hearing.

E. **Contents of Notice.** The notice shall include the following information:

1. The location of the real property, if any, that is the subject of the application;

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

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

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

15-5008 Conduct of Public Hearings

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

15-5009 Notice of Action

A. After the Director or Planning Commission takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this Code, the Director shall issue a Notice of Action. The Notice shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decision.

B. The Director shall mail the Notice of Action within 10 days from the date of taking the action to the applicant and to any other person or entity that has filed a written request for such notification with the Planning Division.

15-5010 Scope of Approvals

A. **Scope.** Any approval shall only be for those uses and activities proposed in the application, and excludes other uses and activities. Approvals run with the land and/or building/tenant space, not the applicant. Unless otherwise specified, the approval of a new use shall terminate all rights and approvals for previous uses that are no longer occupying the same site or tenant space.

B. **Conditions of Approval.** The site plan, floor plans, building elevations, and/or any additional information or representations, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process shall be deemed conditions of approval. Any approval may be subject to requirements that the applicant guarantees, warranties, or insures that the applicant will comply with permit's plans and conditions in all respects.

C. **Actions Voiding Approval.** If the construction of a building or structure or the use established is contrary to the description or illustration in the application or based on misrepresentations, so as to either violate any provision of this Code or require additional permits, then the development may be deemed out of compliance with issued permits and the FMC and will be subject to revocation procedures set forth within this Development Code.

D. **Periodic Review.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring, or assessments, it shall be the responsibility of the permit holder and the property owner, or successor property owners, to comply with such reporting, monitoring and assessment requirements as stipulated as part of the granting of the permit. Failure to comply may constitute grounds for revocation.

15-5011 Covenants, Agreements, and Statements

A. Whenever performance of any condition or accomplishment of any development is required by the grant of an approval, and the performance or accomplishment is to occur at or after a specified time, the Director may require the record owner of the land involved to execute a covenant running with the land outlining responsibilities. All covenants and/or agreements shall be approved as to form by the City Attorney and shall be recorded at the Fresno County Recorder's Office.

B. **Releases from Covenants.** The Director shall issue written releases from required covenants, to be recorded with the County, when they are no longer applicable.

15-5012 Effective Dates

A final decision on an application for any approval subject to appeal shall become effective after the expiration of the 15-day appeal period following the date of action on an application, unless an appeal is filed. Appeals shall be filed with the Director before the close of business on the 15th day. No building permit or permits shall be shall be issued until the 16th day following the date of the action. Should the permit not include a building permit, activities of said permit shall not commence until the 16th day.

A. **Planning Commission Decision.** Unless the Planning Commission decision is appealed for hearing to the Council in accordance with Section 15-5017, Appeals, the decision of the

Commission shall be final, subject to writ of administrative mandamus under 1094.6 of the Code of Civil Procedures.

B. **Failure to Appeal Commission Decision.** Failure by any interested person to petition a Councilmember or the Mayor for an appeal shall constitute a failure to exhaust administrative remedies.

C. **Failure to Appeal the CEQA Finding.** In accordance with Section 15-5005-I, Appeals, any person may appeal a CEQA Finding not made by the Council to the Council.

D. **New Application.** A new application for a project on the same site may be applied for after the expiration of the appeal period.

15-5013 Expiration of Planning Entitlements

A. **Expiration.** A permit granted under this Code shall automatically expire if it is not exercised or extended within three years of its issuance.

1. **Extension for Permit with no Tentative Map.** A time extension not exceeding one year beyond the initial three-year period may be requested by applying to the Director at least 30 days prior to the expiration date of the permit. In no case shall the expiration period extend more than four years from the date of final approval. After that time, a new application shall be required. In order to grant an extension, the Director shall find:

   a. That the permit holder has clearly documented that they have made a good faith effort to commence work upon the use;

   b. That it is in the best interest of the City to extend the permit; and

   c. That there are no substantial changes to the project, no substantial changes to the circumstances under which the project is undertaken, and no new information of substantial importance that would require any further environmental review pursuant to the California Environmental Quality Act.

2. **Extension for Permit Granted in Conjunction with Tentative Map.** The time limits for any permit granted in conjunction with an approved tentative map shall be automatically extended to be the same as the term of such tentative map.

B. **Exercise of a Development Permit Approval.** A Development Permit approval is exercised when a City Building Permit or Grading Permit is secured and physical construction lawfully commenced. After a Grading Permit is issued, the applicant shall maintain an active permit until completion of the project.

C. **Exercise of Conditional Use Permit.** A permit for the use of a building or a property is exercised when all of the following have occurred:

1. If required, a Certificate of Occupancy has been issued;

2. If required, a valid City business license has been granted;

3. The permitted use(s) has commenced on the site; and

4. If required, a City Building Permit or Grading Permit is secured and construction lawfully commenced. After a Grading Permit is issued, the applicant shall maintain an active permit until completion of the project.

D. **Exercise of Building Permit.** A permit for the construction of a building or structure is exercised when a valid City Building Permit, if required, is issued, and construction has lawfully commenced.

E. **Expiration of a Grading or Building Permit.** Should a Grading or Building Permit expire and the time limits specified in this subsection elapse, a new entitlement shall be required.

15-5014 Phased Projects

A. Phased projects may be permitted subject to the following:

1. Future phases were identified as part of the original permit.

2. Future Special Uses shall be required to submit and gain approval at the time the use will be established.

B. **Commencement of Phases.** The initial phase of a project shall commence within the time periods identified in Section 15-5013, Expiration of Planning Entitlements, above. For future phases:

1. For projects less than five acres in area or less than 100,000 sq. ft. of building area, all phases shall be commenced within six years of the original project approval.

2. For all other projects, all future phases shall commence within 10 years.

C. **New Permits Required.** For phased projects that do not commence within the specified periods, a new permit shall be required.

D. **Subdivisions.** The time limits for any permit granted in conjunction with an approved tentative map shall be automatically extended to be the same as the term of such tentative map.

15-5015 Modification of Approved Plans

No change in the use or structure for which a permit or other approval has been issued is permitted unless the permit is modified as provided for in this Code. For the purpose of this section, the modification of a discretionary permit may include modification of a Development Permit approval.

A. **Minor Modifications.** The Director may approve minor changes to approved plans that are consistent with the original findings and conditions approved by the Review Authority and would not intensify any potentially detrimental effects of the project or create a new unanticipated impact that may or may not be significant.

B. **Major Modifications.** A request for changes in conditions of approval of a Discretionary Permit or a change in an approved site plan or building plan that would affect a condition of approval or increase the project's density or intensity or create a potentially significant environmental impact shall be treated as a new application, except that the Director may approve changes that they determine to be minor.

15-5016 Revocation of Permits

Any permit granted under this Code may be revoked or modified if any of the conditions or terms of the permit are violated or if any law or code is violated.

A. **Initiation of Proceedings.** Revocation proceedings may be initiated by the City Council, Planning Commission, or Director. The Council or Commission may initiate revocation proceedings with adoption of a resolution, whereas the Director shall prepare a letter per Subsection B below.

B. **Notice of Initiation.** The Director shall give notice of the initiation of revocation proceedings together with the reasons therefor to the property owner. The Director shall set forth in such notice a tentative hearing date for consideration of the proposed revocation which shall be not less than 30 days after the giving and posting of such notice.

C. **Notice and Opportunity to Cure.** The property owner shall be granted an opportunity to remedy any violations. If such violation is not corrected to the reasonable satisfaction of the City within the time stipulated by the Notice of Initiation, or within such reasonable time as may be required to cure the violation, the City may pursue any remedy available under local, State, or federal law.

D. **Revocation Authority.** The Revocation Authority for permits is identified in Table 15-5016. The body identified shall hold an evidentiary hearing.

TABLE 15-5016: REVOCATION AUTHORITY

Original Decision Making Body	*May Initiate Revocation Proceedings?*	*Revocation Authority*	*Public Notice and Posting of the Site?*
Director	Yes	Planning Commission	Yes
Planning Commission	Yes	Planning Commission	Yes
City Council	Yes	City Council	Yes

E. **Public Notice and Hearing.**

1. The decision-making body shall hear and consider all relevant evidence, including, but not limited to, applicable staff reports, objections or protests by the permit holder with regard to the alleged violations of required conditions, the public, and recommendations proposed by staff.

2. The decision-making body may revoke or modify the permit if it makes a finding on any one or more of the grounds listed in Subsection G below.

F. **Revocation Hearing Procedures.** The decision-making body shall establish the revocation hearing procedures.

G. **Required Findings.** The decision-making body may revoke or modify the permit if it makes any of the following findings:

1. The approval was obtained by means of fraud or misrepresentation of a material fact.

2. The use, building, or structure has been substantially changed in character or expanded beyond what is set forth in the permit.

3. The use in question has ceased to exist or has been discontinued for one year or more.

4. There is or has been a violation of or failure to observe the terms or conditions of approval of the permit or variance, or the use has been conducted in violation of the provisions of this Code, or any applicable law or regulation.

5. The use to which the permit or variance applies has been conducted in a manner detrimental to the public safety, health, and welfare, or so as to be a nuisance.

H. **Notice of Action.** Following action to revoke or modify a permit, the Director shall within 10 days issue a Notice of Action describing the decision-making body's action, with its findings. The notice shall be mailed to the property owner and to any person who requested the revocation proceeding.

I. **Appeals.** Revocation decisions are subject to the appeal provisions of Section 15-5017, Appeals.

15-5017 Appeals

A. **Applicability.** Any action by the Director or Planning Commission in the administration or enforcement of the provisions of this Code may be appealed in accordance with this section.

1. ***Appeals of Director Decisions.*** Decisions of the Director made pursuant to this Code may be appealed to the Planning Commission by filing a written appeal with the Director. Appeals may be filed by any person aggrieved by the decision. The appeal shall identify the decision being appealed and shall clearly and concisely state the reasons for the appeal. The appeal shall be signed by the person making the appeal and accompanied by the required fee.

2. ***Appeals of Planning Commission Decisions.*** Decisions of the Planning Commission may be appealed to the City Council by the Councilmember of the district in which the project is located or by the Mayor, either on their own initiative or upon receiving a petition from any person. Appeals must be initiated by filing a letter with the Director. Such action shall require a statement of reasons for the appeal.

3. ***CEQA Appeals.*** CEQA appeals shall be made pursuant to Section 15-5005, Environmental Review, including CEQA appeals per Section 15-5005-I, Appeals.

B. **Time Limits.** Unless otherwise specified in governing State or federal law, all appeals shall be filed with the Director in writing within 15 days of the date of the action, decision, CEQA determination, motion, or resolution from which the action is taken.

C. **Procedures.**

1. ***Proceedings Stayed by Appeal.*** The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of City building permits and business licenses.

2. ***Transmission of Record.*** The Director shall schedule the appeal for consideration by the authorized hearing body within 40 days of the date the appeal is filed. The Director shall forward the appeal, the Notice of Action, and all other documents that constitute the record to the decision making body hearing the appeal. The Director shall also prepare a staff report. The Director, at their discretion, may include a recommendation for action.

3. ***Withdrawal.*** Any person who files an appeal of any decision rendered under any of the procedures included in this article may withdraw their appeal in accordance with the following rules:

   a. All withdrawals shall be in writing and signed by all persons who signed the appeal.

   b. Any appeal may be withdrawn by the appellant prior to the giving of the notice of hearing on appeal with the consent of the Director, who shall have the discretion to withhold such consent if the Director is of the opinion that such withdrawal might act to deprive other interested persons of an opportunity to oppose the action appealed from.

   c. The body appealed to may permit the withdrawal of an appeal at any time prior to rendering a decision upon the merits of the appeal.

   d. Any withdrawal effectively made pursuant to the above rules shall be an abandonment of the appeal and the decision appealed from shall be reinstated as though no appeal had been made.

   e. Refunds shall not be issued for the withdrawal of appeals.

D. **Public Notice and Hearing.** Public notice shall be provided and the hearing conducted by the applicable appeal body pursuant to Article 50, Common Procedures. Notice of the hearing shall also be given to the applicant and party filing the appeal and any other interested person who has filed with the City Clerk a written request for such notice. In the case of an appeal of a Planning Commission decision, notice of such appeal shall also be given to the Planning Commission. The Planning Commission may be represented at the hearing.

E. **Action.** An action to grant an appeal shall require a majority vote of the appellate body members present representing a quorum. A tie vote shall have the effect of rejecting the appeal.

F. **Effect of Council Decision.** Unless otherwise provided in the City Charter or Fresno Municipal Code, the Council decision shall be final and effective and subject to a writ under Code of Civil Procedure Section 1094.5 or CEQA Section 1085 immediately upon Council action.

15-5018 Concurrent Processing

Notwithstanding Section 15-5021-C.3 (Building Permit), if requests for multiple Planning entitlements, permits, or approvals are submitted concurrently, they shall all be heard and acted upon at the same time and in the same manner as the entitlement, permit, or approval with the most stringent requirements, as determined by the Director.

15-5019 Zoning Inquiry

Requests for formal interpretations of this Code, verifications relating to prior approvals or permits, or confirmation of the applicable zone district for a parcel may be made to the Director. Requests shall be in writing. The decision of the Director shall be made consistent with resolutions adopted by the Commission and Council. This decision may be appealed under Section 15-5017, Appeals.

15-5020 Director's Determination

Should this Code not list a permitted use, either directly or indirectly, an applicant may petition the Director to make a determination per this section.

A. **Application.** The applicant shall provide a detailed operational statement that, at a minimum, provides:

1. A clear definition of the use and a thorough explanation that outlines how the proposed use differs from other uses already identified in the Code.
2. A minimum of three examples how other communities administer the proposed use.
3. A minimum of three local land use examples, including photographs of how the proposed use is different than similar uses.

B. **Public Outreach.** Prior to making a determination, the Director shall:

1. Present the project to each advisory group (i.e., Plan Implementation and/or Council District Project Review Committees) for comments;
2. Discuss the matter with the Commission at a regularly scheduled hearing; and
3. Shall refer the proposal to the Airport Land Use Commission.

C. **Review Authority.** The Director, after consulting those identified in Subsection B, may take action per the required findings in Subsection D below, or at their discretion may refer the proposal to the Commission and the Council for consideration. Alternatively, the Director, Commission, or the Council may require a Text Amendment pursuant to Article 58, Amendments to Development Code Text, Rezones, and Plan Amendments.

D. **Required Findings.** In classifying an unlisted use, the Review Authority shall first make a finding that all of the following conditions exist:

1. The subject use and its operation are compatible with the uses permitted in the district where it is proposed to be allowed;
2. The subject use is similar to three or more uses permitted in the district within which it is proposed to be allowed;
3. The subject use will not cause substantial injury to the value of the property in neighborhoods or districts within which it is likely to be located; and,
4. The subject use will be so controlled that the public health, safety, and general welfare will be protected.

E. **Commission and Council Updates.** The Director shall provide an annual update on any new uses that were added via this process during the previous year.

15-5021 Building Permit

Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion, or alteration of any structure or any addition to any structure, including the grading of land and the demolition of a structure, a Building Permit shall be secured from the Department.

A. **Form.** Application for a Building Permit shall be made on a form provided by the Department and shall be accompanied by accurate information and dimensions as to the size and location of the lot; the size and location of the buildings on the lot; the dimensions of all yards and open spaces; and such other information as may be necessary for the enforcement of these regulations. Where complete and accurate information is not readily available from existing records, the Department may require the applicant to furnish a survey of the lot prepared by a licensed surveyor.

B. **Conformance with Associated Planning Entitlements.** Prior to issuance of a Building Permit, site plans, elevations, construction documents, and other information provided with a Building Permit application shall be determined to substantially conform to the project plans which were approved with a Development Permit, Conditional Use Permit, or other entitlement for the project by the Director. Substantial inconsistencies between Building Permit application information and approved plans, as determined by the Director, may be subject to revocation of Planning permits or rejection of the Building Permit application.

C. **Timing.**

1. No application for a Building Permit shall be accepted within 90 days of initiation of a change of zone, planned land use designation, or Code regulations that would be affected by the proposed changes.

2. The Director may issue a permit authorizing construction in accordance with the impending zoning district regulations on property being rezoned after the Council has taken affirmative action adopting an ordinance rezoning the property, provided the permit holder and owner of the land and owner of the property being constructed shall have entered into a written agreement with the Director for the City to the effect that should the zoning for any reason whatsoever not become effective, the permit holder or owner shall remove from such property, within 30 days after written notice from the Director, any improvements or construction authorized by such permit and in conflict with existing zoning district regulations and restore said property as nearly as practicable to its prior condition. The written agreement may include provisions dealing with a cash deposit, bond, entry permission, covenants running with the land, hold harmless clause, lien clause, and similar provisions to assure that should the permit holder or owner fail to so remove the improvements or construction, the City could accomplish such removal without cost to the City.

3. Building Permits shall not be considered concurrently with entitlements unless written authorization is provided by the Director. In such instances, the applicant shall affirm in writing that the concurrent review is being done at the applicant's risk, and if the entitlement is rejected for the project, the Building Permit review shall be halted and shall not resume until all necessary entitlements are granted and new, corresponding building plans are submitted.

D. **Demolition.** Before any structure is demolished, the City's Historic Preservation Officer shall review the request for potential historic significance.

15-5022 Certificates of Occupancy

A. **Use of Buildings.** No existing building hereafter enlarged or altered while unoccupied or erected, or moved, shall be occupied or used, and no building shall be changed in use, until after a Certificate of Occupancy has been issued by the Department. Such certificate shall be applied for coincident with the application for a Building Permit, and shall be issued only after such building enlargement or alteration has been completed in conformity with the provisions of this Code and with an approved Development Permit or other entitlement and applicable required conditions and where the proposed use conforms to this Code and applicable required conditions. Any use legally occupying an existing building on June 11, 1960, may be continued, but shall not be changed unless a Certificate of Occupancy for the new use is issued by the Department after finding that such use conforms to this Code and applicable required conditions.

B. **Use of Land.** No vacant land shall be used, and no existing use of land shall be changed, until a Certificate of Occupancy for such use or change in use has been issued by the Department. Such certificate shall be issued only when such use or change in use conforms to this Code, including any required conditions.

C. **Contents.** The Certificate of Occupancy shall provide information as determined by the Building Official.

Article 51 Zone Clearance

Sections:

15-5101 Purpose
15-5102 Applicability
15-5103 Review Authority
15-5104 Application Requirements
15-5105 Public Notice

15-5101 Purpose

This article establishes procedures for conducting a Zone Clearance to verify that each new or expanded use or structure complies with all of the applicable requirements of this Code and with any applicable policies or standards of the General Plan and any operative plans.

15-5102 Applicability

A. **Establishment of a Permitted Use.** A Zone Clearance is required to confirm that the establishment of a new use is 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 new signage are consistent with all applicable regulations of this Code.

D. **Other Activities.** A Zone Clearance shall be required for any other activity for which a Zone Clearance is specifically required elsewhere in this Code.

E. **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.

15-5103 Review Authority

If the Director determines that the proposed use or building is allowed as a matter of right by this Code, and conforms to all the applicable development and use standards, the Director shall issue a Zone Clearance.

15-5104 Application Requirements

A. Applications for a Zone Clearance shall be submitted in accordance with the provisions set forth in Section 15-5002, Application and Fees.

B. The Director may request that the Zone Clearance application be accompanied by a written narrative, operational statement, plans, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all applicable provisions of this Code. The Director may require attachments of other written or graphic information, including, but not limited to, statements, numeric data, site plans, floor plans, and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Code.

15-5105 Public Notice

Public notice shall not be required.

Article 52 Development Permit (Formerly Site Plan Review)

Sections:

15-5201 Purpose
15-5202 Applicability
15-5203 Review Authority
15-5204 Application Requirements
15-5205 Public Notice
15-5206 Required Findings
15-5207 Conditions of Approval
15-5208 Appeals
15-5209 Modifications z

15-5201 Purpose

Development Permit approval is required to ensure that new development is carried out in accord with this Code and the goals and objectives of the General Plan and any other adopted plans and guidelines.

15-5202 Applicability

A. **Development.** A Development Permit shall be required for all development of property which is ineligible for a Zone Clearance as put forth in Article 51 to confirm that the project is being proposed in a manner which is compliant with all applicable development standards prior to securing a building permit.

B. **Deviations.** Deviations from applicable standards will require a Variance or Minor Deviation in conjunction with a Development Permit as put forth in Articles 55 and 56.

15-5203 Review Authority

The Director shall approve, conditionally approve, or deny applications for a Development Permit based on consideration of the requirements of this article. The Director may refer items directly to the Planning Commission when in their opinion the public interest would be better served by having the Planning Commission conduct the Development Permit review. In the event a referral, the Planning Commission shall hold a public hearing prior to making the decision.

15-5204 Application Requirements

A. Applications for a Development Permit shall be submitted in accordance with the provisions set forth in Section 15-5002, Application and Fees.

B. The Development Permit application shall be accompanied by a written narrative, operational statement, site plans, elevations, three-dimensional renderings, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all applicable provisions of this Code. The Director may require attachments of other written or graphic information, including, but not limited to, statements, numeric data, floor plans, and

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

15-5205 Public Notice

Public notice shall not be required.

15-5206 Required Findings

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

A. The applicable standards and requirements of this Code.

B. The General Plan and any operative plan or policies the City has adopted.

C. Any applicable design guidelines adopted by the City Council.

D. Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.

15-5207 Conditions of Approval

A. In granting Development Permit approval, the Review Authority may impose conditions that are reasonably related to the application and deemed necessary to achieve the purposes of this article and ensure compliance with the applicable criteria and standards established by this Code or mitigation required pursuant to environmental review.

B. Ensure long-term maintenance of adequate clean water resources.

C. The proposed design will not lead to an overburdening of existing or planned infrastructure capacities, including, but not limited to, capacities for water, runoff, storm water, wastewater, and solid waste systems.

D. The proposed design incorporates air quality measures or can demonstrate that it will not negatively impact air quality.

15-5208 Appeals

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

15-5209 Modifications

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

Article 53 Conditional Use Permits

Sections:

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

15-5301 Purpose

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

15-5302 Applicability

Conditional Use Permit approval is required for the following:

A. Uses specifically identified in Part II, Base and Overlay Districts, and/or any other section of this Code which requires a Conditional Use Permit.

B. Alcoholic beverage sales.

1. ***Exception.*** Within Downtown Districts, uses with alcoholic beverage sales shall not require a Conditional Use Permit, but shall comply with the requirements of the California Department of Alcoholic Beverage Control.

C. Any use with drive-in or drive-through facilities.

D. In conjunction with a Development Permit, exceptions to certain development standards specifically identified in Part II, Base and Overlay Districts as requiring a Conditional Use Permit.

15-5303 Review Authority

The Director shall approve, conditionally approve, or deny applications for Conditional Use Permits based on consideration of the requirements of this article. The Director may, at their discretion, refer any application that may have significant public interest to the Planning Commission for a decision. In

the event of a referral, the Planning Commission shall hold a public hearing prior to making the decision.

15-5304 Application Requirements

A. Applications for a Conditional Use Permit shall be submitted in accordance with the provisions set forth in Section 15-5002, Application and Fees.

B. The Conditional Use Permit application shall be accompanied by a written narrative, operational statement, site plans, and other evidence in support of the applicable findings required by Section 15-5306, Required Findings.

C. The Director may require attachments of other written or graphic information, including, but not limited to, statements, numeric data, site plans, floor plans, and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Code.

15-5305 Public Notice

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

15-5306 Required Findings

A Conditional Use Permit shall only be granted if the decision-maker determines that the project as submitted or as modified conforms to all of the following criteria. If the decision-maker determines that it is not possible to make all of the required findings, the application shall be denied.

A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Code and all other chapters of the Municipal Code;

B. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted;

C. The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements;

D. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and

E. The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.

15-5307 Conditions of Approval

In approving a Conditional Use Permit, the decision-maker may impose reasonable conditions or restrictions deemed necessary to:

A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies and design guidelines adopted by the City Council;

B. Achieve the general purposes of this Code or the specific purpose of the zoning district in which the project is located;

C. Achieve the findings for a Conditional Use Permit listed in Section 15-5306, Required Findings; or

D. Mitigate any potential impacts identified as a result of environmental review conducted in compliance with the California Environmental Quality Act.

15-5308 Expiration

An expiration date of seven years from the date of approval shall be established by the Review Authority, except as follows:

A. Uses which may have a substantial public interest may be given an expiration date of less than seven years.

B. Conditional Use Permits for permanent physical property improvements, such as building height, shall not have an expiration date if deemed appropriate by the Review Authority.

15-5309 Appeals

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

15-5310 Modifications

Conditional Use Permits may only be modified as provided for in Article 50, Common Procedures. Conditional Use Permits for projects that are anticipated to develop over the course of six years or more may require reallocation or adjustment to residential densities. Such adjustments may be processed through the modification procedures set forth in section 15-5015.

Article 54 Temporary Use Permits

Sections:

15-5401 Purpose
15-5402 Applicability
15-5403 Review Authority
15-5404 Application Requirements
15-5405 Public Notice
15-5406 Determination
15-5407 Required Findings
15-5408 Conditions of Approval

15-5401 Purpose

This article establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

15-5402 Applicability

A. Temporary Use Permit approval is required for temporary uses as described in Section 15-2760-B, Temporary Uses Requiring a Temporary Use Permit.

B. If the Director determines that the application is subject to review under CEQA and the project does not qualify for an exemption pursuant to State law or CEQA Guidelines, the Temporary Use Permit shall be processed as a Conditional Use Permit application, pursuant to Article 50, Common Procedures, and Article 53, Conditional Use Permits.

15-5403 Review Authority

The Director shall approve, conditionally approve, or deny applications for Temporary Use Permits based on consideration of the requirements of this article. The Director may refer an application for a Temporary Use Permit to the Planning Commission if the Director finds that the temporary use may have substantial and detrimental impacts to surrounding land that warrant Commission review.

15-5404 Application Requirements

An application for a Temporary Use Permit shall be submitted at least 30 days before the use is intended to begin. The application shall be on the required form and include an operational statement and the written consent of the owner of the property or the agent of the owner.

15-5405 Public Notice

Public notice shall not be required.

15-5406 Determination

Within 10 days of accepting an application for a Temporary Use Permit as complete, the Director shall render a written decision per Section 15-5009, Notice of Action.

15-5407 Required Findings

The Director may approve an application for a Temporary Use Permit upon making both of the following findings:

A. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and

B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas or a parking management plan.

15-5408 Conditions of Approval

The Director may impose reasonable conditions deemed necessary to ensure compliance with the findings for a Temporary Use Permit listed in Section 15-5407, Required Findings, including, but not limited to:

A. Regulation of ingress and egress and traffic circulation; valet or off-site parking; fire protection and access for fire vehicles; regulation of lighting and noise; regulation of hours and/or other characteristics of operation; removal of all trash, debris, signs, sign supports, and temporary structures; and electrical service.

B. Time limits, as follows:

   1. Time limits prescribed in Section 15-2760-B, Temporary Uses Requiring a Temporary Use Permit.

   2. Unless otherwise prescribed in this Code, the Director shall prescribe the duration of the use, however in no case shall a Temporary Use exceed 30 consecutive days or a total of 60 days in a one year period.

Article 55 Variances

Sections:

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

15-5501 Purpose

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

15-5502 Applicability

A. Variances may be granted in conjunction with a Development Permit to vary or modify dimensional and performance standards, but Variances may not be granted to allow uses or activities or increase density that this Code does not authorize for a specific lot or site.

B. Any lawfully established use, site features, structure, or lot that is in existence on the effective date of this Code or any subsequent amendment, but was made non-conforming when a portion was acquired by a governmental entity so that the parcel or a property development standard, such as landscaping or parking, is reduced from the prescribed standards of the underlying Zone District, shall be exempted from obtaining a Variance. Future improvements shall comply with the strict application of the District, unless a deviation is granted.

15-5503 Review Authority

The Review Authority of the associated Development Permit shall approve, conditionally approve, or deny applications for Variances based on consideration of the requirements of this article.

15-5504 Application Requirements

A. Applications for a Variance shall be filed with the Planning Division on the prescribed application forms in accordance with the procedures in Article 50, Common Procedures.

B. In addition to any other application requirements, the application for a Variance shall include data or other evidence showing that the requested Variance conforms to the required findings set forth in Section 15-5506, Required Findings.

15-5505 Public Notice

All applications for Variances shall be noted on the public notice that is required for the associated Development Permit pursuant to Section 15-5007, Public Notice.

15-5506 Required Findings

A Variance, including variances from the terms of open-space zoning, shall only be granted if the Review Authority determines that the project as submitted or as modified conforms to all of the following criteria. If the Review Authority determines that it is not possible to make all of the required findings, the application shall be denied.

A. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zoning classification, and that the granting of a Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone classifications;

B. The granting of the application is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;

C. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience, nor the preservation and conservation of open space lands; and

D. The granting of the Variance will be consistent with the general purposes and objectives of this Code, any applicable operative plan, and of the General Plan.

15-5507 Conditions of Approval

In approving a Variance, the Review Authority may impose reasonable conditions deemed necessary to ensure compliance with the findings required in Section 15-5506, Required Findings.

15-5508 Appeals

A decision on a Variance may be appealed pursuant to the provisions of Section 15-5017, Appeals.

15-5509 Modifications

Variances may only be modified as provided for in Article 50, Common Procedures.

Article 56 Minor Deviations

Sections:

15-5601 Purpose
15-5602 Applicability
15-5603 Review Authority
15-5604 Application Requirements
15-5605 Public Notice
15-5606 Calculation of Deviation
15-5607 Required Findings
15-5608 Conditions of Approval
15-5609 Appeals
15-5610 Modifications

15-5601 Purpose

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

15-5602 Applicability

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

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

1. ***Green Building and Public Art.*** The Review Authority may grant relief of up to 20 percent deviation from property development standards where the Review Authority determines the request involves qualifying 'green' or public art features. If both public art and green features are incorporated, the Review Authority may grant relief of up to 25 percent deviation.

2. ***Lot Consolidation.*** The Review Authority may grant relief of up to 15 percent deviation from property development standards where the Review Authority determines the request involves the consolidation of very small, oddly shaped, and hard-to-develop lots.

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

15-5603 Review Authority

The Review Authority of the associated Development Permit shall approve, conditionally approve, or deny applications for Minor Deviations based on consideration of the requirements of this article.

15-5604 Application Requirements

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

15-5605 Public Notice

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

15-5606 Calculation of Deviation

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

15-5607 Required Findings

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

A. **Façade Design Development Standards.**

1. The design accomplishes the same goals pertaining to visual interest, pedestrian orientation, connectivity, durability, and longevity as the individual standards which are deviated from;
2. The design achieves all stated purposes of the Base District to and equal to greater degree than a project design in strict compliance with the Façade Design Development Standards;
3. The architectural design of the project is of exceptional quality and will add to the beauty and pedestrian comfort of its surroundings; and
4. Granting the bonus will not be detrimental to the health or safety of the public or the occupants of the property.

B. **All Other Development Standards.**

1. The deviation is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance;
2. There are no alternatives to the requested deviation that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public;
3. The granting of the requested deviation will not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Code; and
4. If the deviation requested is to accommodate religious uses protected by RLUIPA, the decision-maker must also find that the denial of the requested deviation would impose a substantial burden on religious exercise.

15-5608 Conditions of Approval

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

A. Ensure that the proposal conforms in all significant respects with the General Plan and with any operative plans or policies adopted by the City;

B. Achieve the general purposes of this Code or the specific purposes of the zoning district in which the project is located;

C. Achieve the findings for a deviation granted; or

D. Mitigate any potential impacts identified as a result of review conducted in compliance with the California Environmental Quality Act.

15-5609 Appeals

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

15-5610 Modifications

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

Article 57 Reasonable Accommodations for Housing

Sections:

15-5701 Purpose
15-5702 Applicability
15-5703 Application Requirements
15-5704 Public Notice
15-5705 Determination
15-5706 Required Findings
15-5707 Conditions of Approval
15-5708 Appeals
15-5709 Modifications
15-5710 Other Procedures

15-5701 Purpose

In order to ensure equal access to housing for individuals with disabilities, the Director shall provide reasonable accommodation that may include a modification or exception to the rules, standards, and practices within this Code for the siting, development, and use of housing or housing-related facilities when an applicant requests reasonable accommodation.

15-5702 Applicability

An applicant may request reasonable accommodation that may include a modification or exception to the rules, standards and practices for the siting, development, and use of housing or housing-related facilities that would modify regulatory barriers and provide an individual with a disability equal opportunity to the use and enjoyment of the housing of their choice.

15-5703 Application Requirements

A. **Application Form.** A request for reasonable accommodation may be submitted on a form provided by the City or be made orally to the Director, and shall contain the following information:

1. The applicant's name, address, and telephone number;
2. The name, address, and telephone number of the representative if designated;
3. Address of the property for which the request is being made;
4. The current actual use of the property;
5. The basis for the claim that the individual is qualified for accommodation;
6. The Code, policy, procedure, rule, or regulation from which reasonable accommodation is being requested; and
7. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

B. **Filing Period.** An application for reasonable accommodation may be made or filed at any time. However, if the request for reasonable accommodation is related to an application for a land use entitlement pursuant to this Code, the request for reasonable accommodation must be made or filed with that application.

C. **Assistance.** The City will provide assistance as necessary to ensure that the process in its entirety is accessible to the applicant. The applicant shall be entitled to be represented at all stages of the proceeding by a person designated by the applicant. If the applicant designates a representative, the applicant shall provide authorization in writing.

D. **Obligations.** A request for reasonable accommodation does not affect a person's obligation to comply with other applicable City laws and regulations not at issue in the requested accommodation.

E. **Other Remedies.** The procedures set forth herein does not limit an individual's right to any other available remedy under federal or State law.

15-5704 Public Notice

Public notice shall not be required.

15-5705 Determination

Except as provided below, within 30 days of the date of the application, a written decision shall be made to grant, grant with conditions, or deny the request for reasonable accommodation.

A. **Additional Information**. The Director may require that the applicant provide any additional information that the Director deems necessary to determine disposition of the requested accommodation. In the event a request for further information is made, the 30-day period to issue a written determination shall be stayed from the date of the request for additional information until the applicant responds to the request.

B. **Property Development Standard Deviation.** If the request for accommodation is to modify a property development standard of this Code, it shall be processed pursuant to Article 56, Minor Deviations, and is not subject to the 30-day review period.

15-5706 Required Findings

The written decision shall be consistent with fair housing laws and reasonable accommodation and shall only be granted when it is found that:

A. The housing, which is the subject of the request for reasonable accommodation, is to be used by an individual protected under fair housing laws;

B. The requested accommodation is necessary to make specific housing available to an individual protected under fair housing laws;

C. The requested accommodation does not impose an undue financial or administrative burden on the City; and

D. The requested accommodation does not require a fundamental alteration in the nature of a City plan, policy, rule, regulation, or code.

15-5707 Conditions of Approval

In granting a request for reasonable accommodation, the Director may impose any condition of approval deemed reasonable and necessary to ensure that the accommodation complies with the findings required by this section, and any other applicable State or federal law. The imposition of any condition in accordance with this section will not impose any additional development entitlements other than what entitlements would otherwise be required by law or this Code.

15-5708 Appeals

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

15-5709 Modifications

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

15-5710 Other Procedures

A. **Notice to the Public of Availability.** In all offices where application is made for a permit, license, or other authorization for the siting, funding, development, or use of housing, a notice and explanation shall be displayed announcing the availability of reasonable accommodation for qualified applicants. Application forms shall be available at these locations.

B. **Disclosures of Information.** Private or personal information regarding the nature of an individual's disability provided by an applicant requesting reasonable accommodation shall not be disclosed except as follows:

1. Information necessary to make or review a decision to grant or deny a request for reasonable accommodation may be disclosed to any person whose consideration of such information is necessary to make or review that decision.

2. Information may be disclosed if otherwise required by law.

C. **Withdrawal of Request.** Upon written notice to the City, an applicant for reasonable accommodation may withdraw a request for reasonable accommodation without prejudice.

Article 58 Amendments to Development Code Text, Rezones, and Plan Amendments

Sections:

15-5801 Purpose
15-5802 Applicability
15-5803 Initiation
15-5804 Application Requirements
15-5805 Neighborhood Meeting
15-5806 Review Procedures and Public Notice
15-5807 Committee Review
15-5808 Airport Land Use Commission Review
15-5809 Planning Commission Hearing and Recommendation
15-5810 City Council Hearing and Action
15-5811 Criteria for Development Code Text Amendment
15-5812 Criteria for Rezones and Plan Amendments

15-5801 Purpose

This article provides procedures by which changes may be made to the text of this Development Code, the Zoning Map, or the General Plan or any operative plan whenever public necessity, convenience, and general welfare require such amendment to maintain consistency with the General Plan.

15-5802 Applicability

The procedures in this article shall apply the following proposals:

A. **Development Code Text Amendment.** A change to the text of the Development Code.

B. **Rezone.** An application to change the zoning for a site from one Zone District to another.

C. **Plan Amendment.** A change in the text of the General Plan or any operative plan, or a change to the General Plan's planned land use designation for a site, including pre-zoning as provided for in Article 61, Concept Plans, Pre-Zoning, and Annexation Procedure.

15-5803 Initiation

A. **Development Code Text Amendment.**

1. An amendment to the text of the Development Code may be initiated by the Director, by a resolution of initiation by the City Council or the Planning Commission, or an applicant identified in Section 15-5002, Application and Fees.

2. For land uses not identified in Part II, Base and Overlay Districts, a proposal for a new use may be considered pursuant to Section 15-5020, Director's Determination. Should the Director determine that a use may not be added said procedures, a Text Amendment pursuant to this article may be processed.

B. **Rezone.** An amendment to the Zoning Map (i.e. Rezone) may be initiated by a property owner identified in Section 15-5002, Application and Fees, the Director, or by a resolution of initiation of the City Council or the Planning Commission.

C. **Plan Amendment.** An amendment to the General Plan or operative plan may be initiated by an applicant identified in Section 15-5002, Application and Fees, the Director, or by a resolution of initiation of the City Council or the Planning Commission. Plan Amendments include changes to text in said plans, maps, and planned land use designations.

15-5804 Application Requirements

A. **Application.** A qualified applicant, the Director, the Council or Commission shall submit an application for a Rezone or Plan Amendment on a form prescribed by the Director. The Director may require an applicant to submit such additional information and supporting data as considered necessary to process the application. The resolution of initiation may act as the application for the Council or Commission.

B. **Coordination with Other Applications.** The Director may allow any necessary applications for amendments to zoning regulations or for approval of discretionary permits to be processed simultaneously with the proposed Development Code Text Amendment, Rezone, or Plan Amendment.

15-5805 Neighborhood Meeting

The Director, at their discretion, may require that the applicant conduct a neighborhood meeting prior to an application being submitted or during the review of an application as put forth in Section 15-5006, Neighborhood Meeting. Such meeting(s) may be required when, in the opinion of the Director, the project may have an impact on a neighborhood, the project is unique, the project is of such scale or scope that it is likely to generate community interest, or for any other reason.

15-5806 Review Procedures and Public Notice

A. **Staff Report.** The Director shall prepare a report and recommendation to the Planning Commission. The report shall include, but not be limited to, a discussion of how the proposed amendment meets the criteria in Section 15-5811, Criteria for Development Code Text Amendment and Section 15-5812, Criteria for Rezones and Plan Amendments, for approving an amendment and an environmental document prepared in compliance with the California Environmental Quality Act, the General Plan, and any applicable operative plan.

B. **Public Hearing Required.** All applications shall be referred to the Planning Commission, which shall hold at least one public hearing on any proposed amendment.

C. **Public Notice.** In addition to the mailed Public Notice requirements of Section 15-5007-B, Mailed Notice, notice of the hearing for a proposed amendment shall be delivered to the applicable school district and any other local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment.

15-5807 Committee Review

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

15-5808 Airport Land Use Commission Review

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

15-5809 Planning Commission Hearing and Recommendation

A. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with Article 50, Common Procedures.

B. **Recommendation to Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed application to the City Council. Such recommendation shall include the reasons for the recommendation, findings supporting the recommendation, and the relationship of the proposed change to the General Plan, Code, and applicable operative plans.

15-5810 City Council Hearing and Action

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

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

C. Action by the Council shall be final.

15-5811 Criteria for Development Code Text Amendment

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

A. Development Code Text Amendment findings:

1. The Code text amendment is consistent with the General Plan and any applicable operative plans; and

2. The amendment is consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general welfare.

15-5812 Criteria for Rezones and Plan Amendments

The Planning Commission shall not recommend and the City Council shall not approve an application unless the proposed Rezone or Plan Amendment meets the following criteria:

A. The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy;

B. The change is consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general welfare; and

C. The change is necessary to achieve the balance of land uses desired by the City and to provide sites for needed housing or employment-generating uses, consistent with the General Plan, any applicable operative plan, or adopted policy; and to increase the inventory of land within a given zoning district to meet market demand.

Article 59 Planned Development Permits

Sections:

15-5901 Purpose
15-5902 Applicability
15-5903 Procedures
15-5904 Regulations
15-5905 Required Findings
15-5906 Conditions of Approval
15-5907 Expiration and Renewal
15-5908 Amendments of Approved Plans
15-5909 Individual Development Plan Review for Phased Projects
15-5910 Failure to Comply with Conditions
15-5911 Revocation or Modification of Planned Development Permit

15-5901 Purpose

The purpose of this article is to articulate regulations and establishing minimum thresholds for Planned Developments. More specifically this article applies to:

A. Establish a procedure for development on large areas of land and infill sites in order to allow for projects that desire greater flexibility than already provided for in this Code.

B. Promote variety and avoid monotony in developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenities.

C. Facilitate the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

15-5902 Applicability

The procedures in this article shall apply to all proposals for approval of a Planned Development (PD) Permit. PD approval is required to authorize a PD Plan that provides for better coordinated development and specifies customized development standards crafted to respond to site conditions.

15-5903 Procedures

A. **Processing.** An application for a PD Permit shall be processed as a Conditional Use Permit, according to the procedures of Article 53, Conditional Use Permits.

B. **Initiation.** An application for a PD Permit shall be initiated by a property owner or authorized agent. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.

C. **Application Content.** An application for a PD shall be filed with the Director. At a minimum applications shall contain all of the following:

1. ***List of Modifications.*** A detailed list of deviations from the Development Code, General Plan, applicable operative plan, or adopted policy being proposed, and an explanation as to why the project cannot be successful should it comply with the strict application of adopted regulations.

2. ***Community Benefits.*** The applicant shall provide a list of types of community benefits. For example, the amount of common open space or design is of higher quality than would otherwise be required.

3. ***Project Boundaries.*** A map showing the proposed project boundaries, the perimeter of the ownership, location, and dimensions of any existing property lines and easements within the site, and the location of buildings, roads, parking, and open areas.

4. ***Planned Development Plan.*** A PD Plan indicating the proposed land uses and the total floor area or land area devoted to each; the proposed density or intensity of development; the location of proposed streets, pedestrian ways, and bike ways; and the location of proposed lot lines, structures, buildings, parking, yards, pathways, open spaces, and other public or private facilities.

5. ***Utilities.*** The locations and capacities of existing utilities in the vicinity of the site, and tentative extensions to the site.

6. ***Development Guidelines.*** Guidelines for the physical development of the property, including illustrations of proposed architectural, urban design, and landscape concepts.

7. ***Development Schedule.*** A development schedule, including anticipated timing for commencement and completion of each phase of development, tabulation of the total number of acres in each separate phase and percentage of such acreage to be devoted to particular uses, and an indication of the proposed number and type of dwelling units by phase of development, if applicable.

8. ***Other Information.*** Any other information deemed necessary by the Director to ascertain if the project meets the required findings for a PD Plan.

D. **Zoning Map Designation.** Where a PD has been approved, the property subject to the PD Plan shall be noted on the zoning map by the designation "PD," followed by the permit number of the Planned Development Permit.

15-5904 Regulations

A. **Land Use Regulations.** Any use authorized by this Code may be included in an approved PD consistent with the zoning district for the property.

B. **Development Regulations.**

1. ***Minimum Area.***

   a. *Infill Areas* (within the city limits as of December 31, 2012). No minimum area.

   b. *All Other Areas.* Two acres.

2. ***Residential Unit Density.*** The total number of dwelling units in a PD shall not exceed the maximum number permitted by the General Plan or operative plan density for the total area of the planned development designated for residential use.

a. A transfer of residential densities, as set forth in 15-310-C, is permitted for sites with two or more residential zones districts. Design of said sites must be planned, integrated development.

3. ***Zoning.*** Development shall comply with the underlying zone district. For example, a single-family home may only be developed on a site zoned RS and not RM.

4. ***Other Development Regulations.*** Other development regulations shall be as prescribed by the PD Plan.

15-5905 Required Findings

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

A. The proposed development is consistent with the General Plan, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply;

B. The subject site is physically suitable for the type and intensity of the land use being proposed;

C. Adequate transportation facilities, utilities, and public services exist or will be provided, in accord with the conditions of PD approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of public services so as to be a detriment to public health, safety, or welfare;

D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area; and

E. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, the following factors should be considered:

1. Appropriateness of the use(s) at the proposed location.

2. The mix of uses, housing types, and housing price levels.

3. Provision of infrastructure improvements.

4. Provision of open space. For example, a greater amount of open space than would otherwise be provided under the strict application of this code.

5. Connectivity to public trails, schools, etc.

6. Compatibility of uses within the development area.

7. Creativity in design and use of land.

8. Quality of design, and adequacy of light and air to the interior spaces of the buildings.

9. Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.

15-5906 Conditions of Approval

In approving a PD, the Director, or the Commission if submitted concurrently with a subdivision map that requires Commission review, may impose reasonable conditions deemed necessary to:

A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies and design guidelines that the City has adopted;

B. Achieve the general purposes of this Code or the specific purpose of the zoning district in which the project is located;

C. Achieve the findings listed in Section 15-5905, Required Findings; or

D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

15-5907 Expiration and Renewal

A. **Expiration.**

1. ***PD Plan.*** A PD shall be effective on the same date the permit is approved. The PD Plan shall expire if it is not exercised or extended within three years of the effective date. An approved PD may specify a phased development program exceeding three years.

2. ***Exercise of a PD Plan.*** A PD Plan approval is exercised when actions specified in the conditions of approval have been taken, or a Building Permit has been issued and construction is lawfully commenced and diligently pursued.

3. ***PD Plan Granted in Conjunction with a Tentative Map.*** Where a tentative map has been approved in conjunction with a PD Plan, the PD Plan shall expire upon the expiration of the tentative map.

B. **Renewal.** If site development and construction has not been initiated within three years of project approval or other time specified in the approved phased development program, an approved PD Plan may be renewed for a two-year period by the Director. Application for renewal shall be made in writing between 30 and 120 days prior to expiration of the original approval. The Director shall only renew a PD Plan if the Director finds the renewal consistent with the purposes of this article and no major amendments, as defined in Section 15-5908, Amendments of Approved Plans, are proposed.

15-5908 Amendments of Approved Plans

A. **Changed Plans.** Amendments to a PD Plan may be requested by the applicant or its successors. Amendments to the approved Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment.

B. **Major Amendments.** Major Amendments to an approved PD Plan shall be considered by the Planning Commission at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes:

1. A change in the boundary of the PD Plan;

2. An increase or decrease in the number of dwelling units for the PD Plan that is greater than the maximum or less than the minimum stated in the original approval of the PD Plan;

3. An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the PD Plan by 10 percent or more;

4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer;

5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PD Plan or to the overall major street system, as determined by the City Traffic Engineer; or

6. Any other proposed change to the PD Plan or the conditions of approval that substantively alters one or more of its components as determined by the Director.

C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in Subsection B above shall be considered minor if they are consistent with and would not change any original condition of approval. Minor Amendments may be approved by the Director without a public hearing.

1. ***Residential Subdivisions.*** Floor plans and plot plans shall be approved concurrently with the PD. Changes to plot plans, such as the addition of patios, shall comply with the underlying District in terms of property development standards, unless they were outlined as part of the PD approval process.

15-5909 Individual Development Plan Review for Phased Projects

Individual development plans for geographic units within a phased project in a PD Plan area shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PD Plan and any conditions of approval. No project may be approved and no Building Permit issued unless the project, alteration, or use is consistent with an approved PD Plan.

15-5910 Failure to Comply with Conditions

Failure to comply with any PD Permit condition or development schedule is a violation of this article and subject to Article 63, Enforcement.

15-5911 Revocation or Modification of Planned Development Permit

A PD Permit may be revoked or modified as provided by Section 15-5016, Revocation of Permits.

Article 60 Development Agreements

Sections:

15-6001 Purpose
15-6002 Applicability
15-6003 Authority and Duties
15-6004 Procedure
15-6005 Public Notice and Hearing
15-6006 Findings and Decision
15-6007 Execution and Recordation of Development Agreement
15-6008 Annual Review
15-6009 Amendment or Cancellation
15-6010 Effect of Approved Agreement
15-6011 Enforcement

15-6001 Purpose

This article establishes procedures and requirements for considering and entering into legally binding agreements with applicants for development projects. Such agreements provide a greater degree of certainty than the normal permit approval process by granting assurance that an applicant may proceed with development in accord with policies, rules, and regulations in effect at the time of approval or as modified by the terms of the Development Agreement subject to conditions to promote the community's needs and provide greater community benefits than otherwise can be achieved through the normal land use regulatory process.

15-6002 Applicability

A. A Development Agreement may be considered for:

1. Large multi-phase development projects that will require a developer to make a substantial investment at the early stages of the project, for planning and engineering for the entire project, and for public facilities and services.

2. Development standards may be modified through a Development Agreement provided the project is consistent with the General Plan and applicable operative plans.

3. Development Agreements shall be not used in lieu of a Variance or to permit a use that would otherwise not be permitted by the underlying District.

B. **Property Subject to Annexation.** An applicant whose property is located within the City's Sphere of Influence, or whose property is the subject of a pending application for inclusion into the sphere of influence, may file an application to enter into a Development Agreement.

1. The agreement shall not become operative unless proceedings annexing the property to the city are completed within the period of time specified by the agreement.

2. If the annexation is not completed within the time specified in the agreement or any extension of the agreement, the agreement shall be null and void.

15-6003 Authority and Duties

A. The Director shall negotiate the specific components and provisions of the Development Agreement on behalf of the City for recommendation to the City Council.

B. The City Council shall have the exclusive authority to approve and modify a Development Agreement.

15-6004 Procedure

An applicant for a development project may request that the City review the application as a Development Agreement application in accordance with the following procedures:

A. **Application Requirements.** An applicant shall submit an application for a Development Agreement. The Director shall identify submittal requirements for applications for Development Agreements and may require an applicant to submit such additional information and supporting data as considered necessary to process the application. In addition to any other information that the Director requires, each application for a Development Agreement shall be accompanied by the general terms and conditions of the agreement proposed by the applicant and shall include the contents required in Subsection B below.

B. **Contents of Development Agreements.**

1. ***Required Contents.*** A Development Agreement shall specify its duration; the permitted uses of the subject property; the density or intensity of uses; the general location, maximum height and size of proposed buildings; and provisions for reservation or dedication of land for public purposes. It shall contain provisions concerning its transferability.

2. ***Improvements and Fees.*** A Development Agreement may include requirements for construction and maintenance of onsite and off-site improvements or payment of fees in lieu of such dedications or improvements.

3. ***Subsequent Actions.*** A Development Agreement may also include conditions, terms, restrictions, and requirements for subsequent discretionary actions but does not eliminate the applicant's responsibility to obtain all required land use approvals.

4. ***Conditions.*** A Development Agreement may include, without limitation, conditions and restrictions imposed by the City with respect to the project, including restrictions and mitigation measures proposed in any environmental document prepared for the project.

5. ***Phasing.*** A Development Agreement may provide that the project be constructed in specified phases, that construction shall commence within a specified time, and that the project or any phase thereof be completed within a specified time.

6. ***Financing.*** If the Development Agreement requires applicant financing of necessary public facilities, it may include terms relating to subsequent reimbursement over time for such financing.

7. ***Indemnity.*** A Development Agreement may contain an indemnity clause requiring the applicant to indemnify and hold the City harmless against claims arising out of or in any

way related to the actions of the applicant in connection with the application or the development process, including all legal fees and costs.

8. ***Performance Obligation Fees.*** A Development Agreement may include provisions to guarantee performance of obligations stated in the agreement.

9. ***Public Benefits.*** The Development Agreement shall articulate public benefits.

15-6005 Public Notice and Hearing

A. **Notice of Intent.** The Director shall publish a notice of intent to consider adoption of a Development Agreement as provided in the Government Code (Sections 65090 and 65091).

B. **City Council.** The City Council shall hold a duly noticed public hearing prior to adoption of any Development Agreement. Notice of the public hearing shall be given in accordance with the requirements of Section 15-5007, Public Notice. The City Council public hearing may, but need not, be held concurrently with the public hearing(s) on the project.

15-6006 Findings and Decision

A. **Required Findings.** The City Council shall not approve a proposed Development Agreement unless it finds the following:

1. That its provisions are consistent with the General Plan and any applicable operative plan. This requirement may be satisfied by a finding that the provisions of a proposed Development Agreement are consistent with proposed General Plan or applicable operative plan provisions to be adopted concurrently with the approval of the proposed Development Agreement; and

2. The proposed Development Agreement will provide substantial public benefit.

B. **Decision.** After the City Council completes the public hearing, the City Council shall approve, modify, or disapprove the Development Agreement pursuant to adopted Council procedures.

C. **Approval.** A Development Agreement shall be approved by ordinance.

15-6007 Execution and Recordation of Development Agreement

Within 10 days after an ordinance approving the Development Agreement takes effect, the Director shall execute the Development Agreement on behalf of the City, and the City Clerk shall record the Development Agreement with the County Recorder.

15-6008 Annual Review

The applicant shall be required to demonstrate compliance with the provisions of the Development Agreement, including the provision of community benefits, at least once a year at which time the Director shall review each approved Development Agreement.

A. **Finding of Compliance.** If the Director, on the basis of substantial evidence, finds compliance by the applicant with the provisions of the Development Agreement, the Director shall issue a

finding of compliance, which shall be in recordable form and may be recorded with the County Recorder after conclusion of the annual review.

B. **Finding of Noncompliance.** If the Director finds the applicant has not complied with the provisions of the Development Agreement, the Director may issue a finding of noncompliance which may be recorded by the City with the County Recorder after it becomes final. The Director shall specify in writing to the applicant the respects in which applicant has failed to comply, and shall set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If the applicant does not comply with any terms of compliance within the prescribed time limits, the Development Agreement shall be subject to termination or modification pursuant to Section 15-6009, Amendment or Cancellation.

C. **Appeal of Determination.** Within seven days after issuance of a finding of compliance or a finding of noncompliance, any interested person may file a written appeal of the finding with the City Council. The appellant shall pay fees and charges for the filing and processing of the appeal in amounts established by resolution of the City Council. The appellant shall specify the reasons for the appeal. The issuance of a finding of compliance or finding of noncompliance by the Director and the expiration of the appeal period without appeal, or the confirmation by the City Council of the issuance of the finding on such appeal, shall conclude the review for the applicable period and such determination shall be final.

15-6009 Amendment or Cancellation

A. **After Finding of Noncompliance.** If a finding of noncompliance does not include terms of compliance, or if an applicant does not comply with the terms of compliance within the prescribed time limits, the Director may refer the Development Agreement to the City Council for termination or modification. The City Council shall conduct a noticed public hearing. After the public hearing, the City Council may terminate the Development Agreement, modify the finding of noncompliance, or rescind the finding of noncompliance and issue a finding of compliance.

B. **Mutual Agreement**. Any development may be canceled or amended by mutual consent of the parties following compliance with the procedures specified in this section. A Development Agreement may also specify procedures for administrative approval of minor amendments by mutual consent of the applicant and Director. Amendments or cancellation of the agreements shall be the responsibility of the Council. The Council hearing shall be noticed.

C. **Recordation.** If the parties to the agreement or their successors in interest amend or cancel the Development Agreement, or if the City terminates or modifies the Development Agreement for failure of the applicant to fully comply with the provisions of the Development Agreement, the City Clerk shall record notice of such action with the County Recorder.

D. **Rights of the Parties After Cancellation or Termination.** In the event that a Development Agreement is cancelled or terminated, all rights of the applicant, property owner or successors in interest under the Development Agreement shall be terminated. If a Development Agreement is terminated following a finding of noncompliance, the City may, in its sole discretion, determine to return any and all benefits, including reservations or dedications of land, and payments of fees, received by the City.

15-6010 Effect of Approved Agreement

A. **Existing Rules and Regulations.** Unless otherwise specified in the Development Agreement, the City's rules, regulations, and official policies governing permitted uses of the property, density, design, and improvement standards and specifications applicable to development of the property shall be those City rules, regulations, and official policies in force on the effective date of the Development Agreement, except as modified by the terms of the Development Agreement. The applicant shall not be exempt from otherwise applicable City codes or regulations pertaining to persons contracting with the City.

B. **Future Rules and Regulations.** A Development Agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations and policies that do not conflict with those set forth in the Development Agreement. A Development Agreement shall not prevent the City from denying or conditionally approving any subsequent land use permit or authorization for the project on the basis of such existing or new rules, regulations, and policies. Unless otherwise specified in the Development Agreement, a Development Agreement shall not exempt the applicant from obtaining future discretionary land use approvals.

C. **State and Federal Rules and Regulations.** In the event that any regulation or law of the State of California or the United States, enacted or interpreted after a Development Agreement has been entered into prevents or precludes compliance with one or more provisions of the Development Agreement, then the Development Agreement may be modified or suspended in the manner and pursuant to the procedures specified in the Development Agreement, as may be necessary to comply with such regulation or law.

15-6011 Enforcement

The procedures for enforcement, amendment, modification, cancellation, or termination of a Development Agreement specified in this section and in Government Code Section 65865.4 or any successor statute, are non-exclusive. A Development Agreement may be enforced, amended, modified, cancelled, or terminated by any manner otherwise provided by law or by the provisions of the Development Agreement.

Article 61 Concept Plans, Pre-Zoning, and Annexations

Sections:

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

15-6101 Purpose

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

15-6102 Concept Plans

A. **Purpose.** To facilitate the orderly expansion of the city by shaping new growth areas into a series of complete neighborhoods which feature a connected mix of houses, apartments, stores offices, open space, and public facilities.

B. **Applicability.**

1. ***Annexation of Certain Land Uses.*** A Concept Plan shall be prepared by the applicant when land with one of the following General Plan land use designations is proposed to be annexed:

   a. Residential, Low Density

   b. Residential, Medium Low Density

   c. Residential, Medium Density

2. ***Exceptions.*** Applications with the following circumstances shall not be required to prepare a Concept Plan:

   a. With the exception of the proposed project, there is no more undeveloped land within the Concept Plan Area with a residential land use designation.

   b. The site is already part of an adopted Concept Plan.

   c. The site is already part of a Specific Plan which was adopted after December 18, 2014. Sites within the boundaries of specific plan which is substantially complete may not be required to prepare a Concept Plan at the discretion of the Review Authority.

   d. If the Director determines that the subject quarter section and/or adjacent quarter sections provide a sufficient amount of land with commercial and multifamily land use designations, the project shall not be required to submit a Land Use Map as part of their Concept Plan.

e. Once the Concept Plan is received by the City the development may proceed if no general plan amendment is required.

C. **Review Authority.** The City Council shall approve, conditionally approve, or deny Concept Plans based on consideration of the requirements of this section.

D. **Concept Plan Area.** The Concept Plan Area shall consist of the entire contiguous area surrounding the project which is bounded by existing or planned Major Streets. This will typically be a quarter section, or about 160 acres, but the actual size may vary.

E. **Concept Plan Contents.**

1. ***Land Use Map.*** The Concept Plan shall feature a land use map which assigns new planned land uses to the Concept Plan Area according to the Complete Neighborhood policies of the General Plan. The land use map shall be designed as follows:

a. *Residential Capacity.* The residential capacity of the Concept Plan Area shall not be reduced, but may be increased.

b. *Ratio of Land Use Designations.* The percentage of land within the Concept Plan Land Use Map that is assigned various land use designations shall fit within the parameters of one of the profiles in the table below, unless unique site conditions warrant an alternative profile, to be determined at the discretion of the Review Authority:

Planned Land Use Designations	*Conventional Profile*		*Mixed-Use Profile*	
	Min.	*Max.*	*Min.*	*Max.*
Commercial *(Main Street, Community, or General)*	10%	15%	0%	0%
Mixed-Use *(Neighborhood or Corridor)*	0%	0%	15%	40%
Office	5%	15%	0%	0%
Multi-Family *(Medium High Density, Urban Neighborhood, and High Density Residential)*	15%	20%	5%	20%
Single-Family *(Low Density, Medium Low Density, or Medium Density Residential)*	50%	70%	40%	80%
Public Facility and Open Space	*Percentage shall not decrease from what is shown on the General Plan Land Use Map.*			

c. *Location of Land Use Designations.* Land use designations shall be located in the following manner, unless unique site conditions warrant an alternative layout, to be determined at the discretion of the Review Authority:

i. Commercial designations (Main Street, Community, or General) shall be located at the intersections of Major Streets.

ii. Mixed-Use designations (Neighborhood or Corridor) shall be located at the intersections of Major Streets. Additional Mixed-Use designations may also be located along Major Streets between major intersections.

iii. Office designations shall be located along Major Streets between major intersections.

iv. Multi-Family residential designations (Medium High Density, Urban Neighborhood, or High Density) shall be located along Major Streets between major intersections.

v. Single-Family residential designations (Low Density, Medium Low Density, or Medium Density) shall be located within the Concept Plan Area, not abutting Major Streets.

vi. Public Facilities and Open Space designations shall be located along Major Streets between major intersections.

2. ***Connectivity Map.*** The Concept Plan shall feature a Connectivity Map which identifies a potential street and trail system for the entire Concept Plan Area. The Connectivity Map shall feature a street, path, and trail system for the entire Concept Plan Area which complies with all applicable provisions of Article 41, Subdivision Design Standards, including, but not limited to, the following:

a. Connections between the proposed subdivision and adjacent subdivisions or potential future subdivisions shall be identified in conformance with Section 15-4107-D.

b. Connections between single-family subdivisions and non-single-family uses shall be identified in conformance with Section 15-4107-G.3.

F. **Adoption.**

1. ***Planning Commission Recommendation.*** Prior to City Council Action, the Planning Commission shall review the proposed Concept Plan and make a recommendation to the City Council.

2. ***Public Notice.*** Public Notice shall be provided prior to the date of Planning Commission and City Council hearings pursuant to Section 15-5007, with the exception that notice shall be provided to all owners and residents within the Concept Plan Area, as well as those within 500 feet.

3. ***General Plan Amendment.*** Concurrent with the adoption of the Concept Plan, a corresponding amendment to the General Plan shall be presented for adoption in order to maintain consistency.

G. **Authority of Concept Plan.**

1. ***Land Use Map.*** Land uses may not deviate from those shown in the Concept Plan unless the Concept Plan and General Plan Land Use Map are amended accordingly.

2. *Connectivity Map.*

a. The applicant who proposed the annexation and Concept Plan shall build streets and trails within their site as they are shown in the adopted Concept Plan.

b. Subsequent subdividers may build streets as shown in Concept Plan, or may propose an alternative layout which complies with Article 41, Subdivision Design Standards, and which incorporates the connections between subdivisions and non-residential uses put forth in the Concept Plan.

15-6103 Pre-Zoning

A. **Scope.** Unincorporated territory adjoining the city may be pre-zoned for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation.

B. **Review Authority.** The City Council shall approve or deny pre-zoning based on consideration of the requirements of this section.

C. **Procedure.**

1. If land proposed for annexation is required to create a Concept Plan per Section 15-6102, the Concept Plan must be created and adopted prior to pre-zoning.

2. Property that is subject to annexation shall be pre-zoned consistent with the General Plan, Concept Plan if applicable, and any applicable operative plan per Section 15-6104, Annexation Criteria. If an applicant proposes to pre-zone to different zone districts than those which are consistent with the General Plan, Concept Plan, and other operable plans, then plan amendments which achieve consistency shall be initiated and processed per Article 58, Amendments to Development Code Text Amendment, Rezones, and Plan Amendments prior to pre-zoning.

3. In such cases where the Local Agency Formation Commission (LAFCO) of Fresno determines that additional land must be included for orderly growth, said land, if not previously pre-zoned by the Council, shall be brought before the Council for consideration prior to formal annexation. In order to potentially avoid such cases, staff should consult with LAFCO to identify potential parcels that would encourage the logical formation of city boundaries.

15-6104 Annexation Criteria

Annexation shall not be approved unless the proposed annexation meets all of the following criteria:

A. **Concept Plan.** If land proposed for annexation is required to create a Concept Plan per Section 15-6102, the Concept Plan must be created and adopted prior to annexation.

B. **Plan Consistency.** The proposed annexation and parcel configuration is consistent with the General Plan, Concept Plan, and any applicable operative plan; and

C. **Revenue Neutrality.**

1. ***Public Services, Facilities, and Utilities.*** Adequate public services, facilities, and utilities meeting City standards are available to the lands proposed for annexation or

will be provided within a specific period of time, with financial guarantees and performance requirements, to ensure this will occur.

2. ***Fair and Proportional Payments.*** Projects requiring annexation will not negatively impact City finances.

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

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

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

   d. The development will fund its proportionate share of public facility infrastructure, maintenance and public service costs according to the City Council approved Development Impact Fee Schedule and through a uniform application of community facilities district fees.

D. ***Disadvantaged Unincorporated Communities.*** The City will partner with the community, if there is wide support for annexation, to coordinate terms to initiate and support the annexation process.**LAFCO Approval**. The annexation shall be approved by the Local Agency Formation Commission (LAFCO) of Fresno.

15-6105 Effective Date of Zoning and Time Limit

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

Article 62 Street Names & Addressing

Sections:

15-6201 Purpose
15-6202 Determining Street Names
15-6203 General Street Name Procedures
15-6204 Street Name Changes
15-6205 Addressing

15-6201 Purpose

This article shall establish the procedures for the assignment of street names.

15-6202 Determining Street Names

A. Street names shall be reviewed and approved by the City. The Director may approve street names as deemed appropriate, however at their discretion; the Director may refer street name-related issues to the Planning Commission for consideration.

15-6203 General Street Name Procedures

A. Where streets are continuations of existing streets, as determined by the Director, the existing street names shall be used.

B. Proposed street names shall not duplicate or approximate phonetically the name of any street in Fresno or its environs.

C. The word "Street," "Avenue," "Boulevard," "Road," "Place," or other designation shall be spelled out in full on the map and shall have the prefix of "East," "West," "South," or "North," with the exception of downtown streets as determined by City policy.

15-6204 Street Name Changes

Street name changes shall comply with adopted City policies regarding Street Name Procedures.

15-6205 Addressing

The Director shall cause addresses to be established per City policy.

Article 63 Enforcement

Sections:

15-6301 Purpose
15-6302 Enforcement
15-6303 Revocation
15-6304 Nuisance Defined
15-6305 Penalty for Violation
15-6306 Remedies
15-6307 Nuisance Abatement
15-6308 Standing to Sue

15-6301 Purpose

This article establishes the responsibilities of various departments, officials, and public employees of the City to enforce the requirements of this Code and establishes uniform procedures the City will use to identify, abate, remove, and enjoin uses, buildings, or structures that are deemed to be in violation of this Code. The provisions of this article are in addition to those set forth in Fresno Municipal Code Chapter 1, Article 3, Code Enforcement; Judicial and Administrative Remedies and Procedures, and Chapter 10, Article 6, Public Nuisance Abatement.

15-6302 Enforcement

All departments, officials, and public employees of the City vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Code, and shall issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this Code, and any such permit or license issued in conflict with the provisions of this Code shall be null and void. It shall be the duty of the Building Official of the City to enforce the provisions of this Code pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to or of any building or structure.

15-6303 Revocation

Any permit granted under the Development Code may be revoked in accordance with the provisions in Section 15-5016, Revocation of Permits, if any of the conditions or terms of such permit are violated or if any law or code is violated in connection therewith. Notwithstanding this provision, no lawful residential use can lapse regardless of the length of time of the vacancy.

15-6304 Nuisance Defined

Any building, structure, or planting set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Code, any use of any land, building, or premises established, conducted, operated, or maintained contrary to the provisions of this Code, and failure to comply with any of the conditions of a permit granted under this Code is declared to be unlawful and a public nuisance.

15-6305 Penalty for Violation

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating a provision of this Code or failing to comply with a mandatory requirement of this Code shall be guilty of a misdemeanor, but may be cited or charged, at the election of the enforcing officer or City Attorney, as an infraction. Upon conviction, such person shall be punished as set forth in Fresno Municipal Code Chapter 1, Article 3, Code Enforcement; Judicial and Administrative Remedies and Procedures. A person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Code is committed, continued or permitted by such person, firm, or corporation, and shall be punished accordingly.

15-6306 Remedies

The remedies provided for herein shall be cumulative and not exclusive. Upon a finding of nuisance pursuant to this article, and after giving the property owner an opportunity to cure the nuisance and determining that the nuisance still exists, the Director, Planning Commission, or City Council may impose any remedy available at law or in equity, which shall include, but is not limited to, any of the following or combination thereof:

A. Ordering the cessation of the use in whole or in part;

B. Imposing reasonable conditions upon any continued operation of the use, including those uses that constitute existing non-conforming uses;

C. Requiring continued compliance with any conditions so imposed;

D. Requiring the user to guarantee that such conditions shall in all respects be complied with;

E. Imposing additional conditions or ordering the cessation of the use in whole or in part upon a failure of the user to comply with any conditions so imposed; or

F. Imposition of the provisions of Section 1-301 et. seq. of the Municipal Code.

15-6307 Nuisance Abatement

Notices of violation shall be provided and recorded and nuisances abated, according to the procedures of Fresno Municipal Code Chapter 10, Article 6, Public Nuisance Abatement.

15-6308 Standing to Sue

Consistent with State law, any resident or property owner in the city and any resident or property owner within one mile of the city limits shall have standing to obtain a mandatory prohibitory injunction to prevent the violation of this Development Code.

Article 64 (Reserved)

Article 65 (Reserved)

Article 66 (Reserved)

Part VI: General Terms and Definitions

Article 67 Use Classifications

Sections:

15-6701 Purpose and Applicability
15-6702 Residential Use Classifications
15-6703 Public and Semi-Public Use Classifications
15-6704 Commercial Use Classifications
15-6705 Industrial Use Classifications
15-6706 Transportation, Communication, and Utilities Use Classifications
15-6707 Agricultural and Extractive Use Classifications

15-6701 Purpose and Applicability

Use classifications describe one or more uses of land having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Director shall determine whether a specific use shall be deemed to be within one or more use classifications, or not within any classification in this article. The Director may also determine that a specific use shall not be deemed to be within a classification, whether or not generally named within the classification, if its unique characteristics are substantially incompatible with those typical of uses named within the classification.

15-6702 Residential Use Classifications

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."

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

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

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

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

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

Domestic Violence 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.

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

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

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

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

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

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

Single Room Occupancy. A residential facility containing housing units that may have kitchen and/or bathroom facilities and are guest rooms or efficiency units as defined by the State Health and Safety Code. Each housing unit is occupied by no more than two adults and is offered on a monthly rental basis

or longer. This definition includes Single Room Occupancy Hotels, Boarding Homes, and extended stay hotels that offer rooms intended for long-term occupancy (30 days or more).

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

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

15-6703 Public and Semi-Public Use Classifications

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

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

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

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

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

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

Day Care Centers. Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Emergency Shelter. A temporary, short-term residence providing housing with minimal supportive services for families or individuals experiencing homelessness, where occupancy is limited to 180 days or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided.

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see Utilities, Major).

Hospitals and Clinics. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

> ***Hospital.*** A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
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> ***Clinic.*** A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities such as blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.
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> ***Substance Abuse Treatment Clinic.*** A facility that offers substance abuse treatment and recovery programs.

Instructional Services. Establishments that offer specialized programs in personal growth and development such as music, martial arts, vocal, fitness, and dancing instruction.

Park and Recreation Facilities, Public. Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, all of which are noncommercial. This classification also includes noncommercial playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, golf courses, and botanical gardens, as well as related food concessions or community centers within the facilities.

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

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

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

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

15-6704 Commercial Use Classifications

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

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

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

> ***Grooming and Pet Stores.*** Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Grooming or selling of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.
>
> ***Kennels.*** A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding, or maintaining four or more dogs, cats, or other household pets not owned by the kennel owner or operator. Typical uses include pet clinics, pet day care, grooming, animal hospitals for small animals, and animal shelters, but exclude pet shops and animal hospitals that provide 24-hour accommodation of animals receiving medical or grooming services.

Veterinary Services. Veterinary services for household pets. This classification allows 24-hour accommodation of animals receiving medical services, but does not include kennels (see Kennels) nor veterinary care for farm animals (see Agricultural Support Services).

Artist's Studio. Work space for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. This use is distinguished by incidental retail sales of items produced on the premises and does not include joint living and working units (see Live-Work).

Automobile/Vehicle Sales and Services. Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, recreational vehicles, trucks, vans, trailers, and motorcycles including the following:

Automobile Rentals. Rental of automobiles. Typical uses include car rental agencies.

Automobile/Vehicle Sales and Leasing. Sale or lease, retail or wholesale, of automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies. This classification does not include automobile brokerage and other establishments which solely provide services of arranging, negotiating, assisting, or effectuating the purchase of an automobile for others.

Automobile/Vehicle Repair, Major. Repair of automobiles, trucks, motorcycles, motor homes, boats, and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, auto glass services, vehicle painting, and tire sales and installation, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

Automobile/Vehicle Service and Repair, Minor. The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, and quick-service oil, tune-up, and brake and muffler shops, where repairs are made or service is provided in enclosed bays and no vehicles are stored overnight. This classification excludes disassembly, removal, or replacement of major components such as engines, drive trains, transmissions, or axles; automotive body and fender work; vehicle painting; or other operations that generate excessive noise, objectionable odors, or hazardous materials; and towing services. It also excludes repair of heavy trucks, limousines, or construction vehicles.

Large Vehicle and Equipment Sales, Service, and Rental. Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other heavy equipment used for construction, moving, agricultural, or landscape gardening activities. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc. Includes large vehicle operation training facilities. Sales of new or used automobiles are excluded from this classification.

Service Station. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services.

Towing and Impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking).

Washing. Washing, waxing, detailing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities.

Banks and Financial Institutions.

Banks and Credit Unions. Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions, but excludes check-cashing businesses and payday lenders.

Check Cashing Businesses, Payday Lenders, and Similar Financial Services. Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose; that offer, originate, or make deferred deposit transactions in which the establishment/lender defers depositing a customer's personal check or electronically accessing a bank account until a specific date, pursuant to a written agreement, for a fee or other charge; or that engage in the business of making consumer or auto-title loans.

This category does not include State or federally chartered banks, savings associations, credit unions, or industrial loan companies. It also does not include retail sellers that are primarily engaged in the business of selling consumer goods, such as consumables to retail buyers, and that cashes checks or issues money orders as a service to its customers (for a fee not exceeding two dollars), incidental to their main purpose or business.

Banquet Hall. A facility, as part of a hotel or as a standalone facility, where various types of gatherings may occur. Banquet Hall activities include, but are not limited to, formal dinners, receptions, reunions, business meetings, benefits, and club meetings.

Business Services. Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photo finishing, model building, taxi or delivery services with two or fewer fleet vehicles on-site.

Corner Commercial. Small-scale commercial establishments within residential districts. Limited permitted uses are neighborhood-serving to provide convenient, walkable access to important amenities.

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

Bars/Nightclubs/Lounges. Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks. This use includes micro-breweries where alcoholic beverages are sold and consumed on-site and any food service is subordinate to the sale of alcoholic beverages.

Restaurant with Alcohol Sales. Restaurants providing food and beverage services, including the sales of alcoholic beverages for consumption on the premises. Takeout or delivery service may be provided. This use includes micro-breweries where the sale and consumption of alcoholic beverages are subordinate to on-site food service.

Restaurant without Alcohol Sales. Restaurants providing food and beverage services without the sales of alcoholic beverages. Food and beverages may be consumed on the premises, taken out, or delivered. This classification also includes catering businesses or bakeries that have a storefront retail component.

Entertainment and Recreation. Provision of participant or spectator entertainment to the general public.

Cinema/Theaters. Facilities for indoor display of films, motion pictures, or dramatic, musical, or live performances. This classification may include incidental food and beverage services to patrons.

Cyber/Internet Café. A private establishment that offers access to the Internet to its customers, usually within the setting of a café where food and drink may be purchased.

Motorcycle/Riding Clubs. Facilities that support the activities of motorcycle interest groups.

Shooting/Archery Range. A facility designed for firearm or archery practice.

Large-Scale. This classification includes large outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, water parks, zoos, driving ranges, golf courses, miniature golf courses, and riding stables. Fully enclosed sports stadiums and arenas are also included. This classification may include snack bars and other incidental food and beverage services to patrons. Bars or restaurants with alcohol sales shall be treated as a separate use and shall be regulated accordingly, even when operated in conjunction with the entertainment and recreation use.

Small-Scale. This classification includes smaller and primarily indoor facilities such as fitness centers, health clubs, and gymnasiums; handball, racquetball, and tennis club facilities; ice or roller skating rinks; public swimming pools; bowling alleys; card rooms; dance halls; pool and billiards lounges; trampoline and bounce house establishments; and amusement arcades. This classification may include snack bars and other incidental food and beverage services to patrons. Bars or restaurants with alcohol sales shall be treated as a separate use and shall be regulated accordingly, even when operated in conjunction with the entertainment and recreation use.

Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, and liquor stores.

Farmer's Markets. A commercial use primarily consisting of an organized display, indoors or outdoors, of agricultural products in their natural state for retail sale. Other products such as processed food (dried fruit, cheese or bread, for example), or artisan handiwork or art, are sometimes sold at Farmer's Markets as well. Farmer's Markets which take place within a fully enclosed building which is not disassembled when the Farmer's Market is not in operation shall be considered Healthy Food Grocers.

General Market. Retail food markets of food and grocery items for offsite preparation and consumption. Typical uses include supermarkets, neighborhood grocery stores, and specialty food stores, such as retail bakeries; candy, nuts, and confectionary stores; meat or produce markets; vitamin and health food stores; cheese stores; and delicatessens. This classification may include small-scale specialty food production such as pasta shops with retail sales.

Healthy Food Grocer. A food and beverage retail sales establishment that (1) dedicates at least 50 percent of retail space to a general line of grocery products intended for home preparation, consumption and use; and (2) dedicates at least 30 percent of retail space to perishable goods including dairy, fresh, produce, fresh meats, poultry and fish, and frozen foods.

Liquor Stores. An establishment less than 10,000 square feet in size that sells liquor for off-site consumption and/or that devotes 30 percent or greater floor area to the selling of packaged alcoholic beverages (such as ale, beer, wine, and liquor) for off-site consumption.

Food Preparation. Businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include catering kitchens, bakeries with on-site retail sales, and small-scale specialty food production. This use includes micro-breweries, but does not include tasting rooms open to the public or sales for consumption on site.

Funeral Parlors and Internment Services. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include crematories, columbaria, mausoleums, mortuaries, funeral chapels, and funeral homes.

Live/Work. A unit that combines a work space and incidental residential occupancy occupied and used by a single household in structure that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity in compliance with the Building Code. The working space is reserved for and regularly used by one or more occupants of the unit.

Lodging. An establishment providing overnight accommodations to transient patrons for payment for periods of less than 30 consecutive calendar days.

Bed and Breakfast. A residential structure that is in residential use with one or more bedrooms rented for overnight lodging and where meals may be provided.

Hotels and Motels. An establishment providing overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms,

restaurants, bars, or recreation facilities available to guests or to the general public. This use classification includes motor lodges, motels, and tourist courts, but does not include rooming houses, boarding houses, private residential clubs, or bed and breakfast establishments within a single-unit residence, which are separately defined and regulated.

RV Parks. A form of lodging designed to specifically accommodate travelers with recreational vehicles and/or trailers.

Maintenance and Repair Services. Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of vehicles or boats (see Automotive/Vehicle Sales and Services) and personal apparel (see Personal Services).

Offices. Offices of firms or organizations providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings but excluding clinics or independent research laboratory facilities and hospitals (see Hospitals and Clinics).

Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, legal offices, and tax preparation offices.

Medical and Dental. Office use providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use, where it supports the on-site patient services.

Walk-In Clientele. An office business providing direct services to patrons or clients that may or may not require appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities that are separately classified and regulated.

Personal Services.

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

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

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

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

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

Retail Sales.

Building Materials and Services. Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include Construction and Material Yards or plant nurseries.

Convenience Retail. Establishments primarily engaged in the provision of frequently or recurrently needed small personal items or services for residents within a reasonable walking distance. These include various general retail sales and personal services of an appropriate size and scale to meet the above criteria. Liquor Stores shall not be considered Convenience Retail.

General Retail. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 80,000 square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, hardware stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and

services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

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

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

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

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

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

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

15-6705 Industrial Use Classifications

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

Custom Manufacturing. Establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle making shops, woodworking, and custom jewelry manufacturers.

Limited Industrial. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes

manufacturing finished parts or products primarily from previously prepared materials; micro-breweries where retail sales are clearly incidental and no alcoholic beverages are consumed on-site; commercial laundries and dry cleaning plants; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

General Industrial. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as food and beverage processing (excluding animal food manufacturing); production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing;; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; and automotive and heavy equipment manufacturing. This classification does not include recycling or rendering.

> ***Food and Beverage Processing.*** A facility combining raw food ingredients to produce packaged food products that can be easily prepared and served by the consumer. Examples include: parboiling, cooking, canning, bottling, freezing, or other methods to provide shelf-stable or freezer commodities for sale for human consumption. Additionally, this classification does not include the processing of animals.

Intensive Industrial. Industrial uses that regularly use hazardous chemicals or procedures or produce hazardous byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, and radioactive materials. This subcategory also includes biomass energy conversion, chemical manufacturing, animal food manufacturing, petrochemical tank farms, gasification plants, smelting, animal slaughtering, oil refining, asphalt and concrete plants, and tanneries. Intensive industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation, and traffic. This classification does not include rendering.

Recycling Facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include facilities that deal with animal matter nor does it include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations, which are classified as utilities.

> ***Reverse Vending Machine.*** An automated mechanical device that accepts, sorts, and processes recyclable materials and issues a cash refund or a redeemable credit slip.

> ***CRV Recycling Center.*** A facility available for the general public for the recycling of California Redemption Value (CRV) products such as glass, aluminum cans, and plastic beverage containers as defined by the State's Department of Resources Recycling and Recovery. Processing and sorting is not conducted on-site.

> ***Recycling Processing Facility.*** A facility that receives, sorts, stores and/or processes recyclable materials.

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

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

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

> ***Chemical and Mineral Storage.*** Storage of hazardous materials including, but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, and fireworks.
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> ***Indoor Warehousing and Storage.*** Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials including, but not limited to, automobiles, feed, and lumber. Also includes cold storage, draying or freight, moving and storage, and warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.
>
> ***Outdoor Storage.*** Storage of vehicles or commercial goods or materials in open lots.
>
> ***Personal Storage.*** Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.
>
> ***Wholesaling and Distribution.*** Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials. (See Construction Sales and Services)

15-6706 Transportation, Communication, and Utilities Use Classifications

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

structures required by the United States Government and/or the State for the safety of aircraft operations.

Communication Facilities. Facilities for the provision of broadcasting and other information relay services through the use of electronic and telephonic mechanisms.

> ***Antenna and Transmission Towers.*** Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange / microwave relay towers, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.
>
> ***Facilities within Buildings.*** Includes radio, television, or recording studios; telephone switching centers, but excludes Antennae and Transmission Towers.

Freight/Truck Terminals and Warehouses. Facilities for freight, courier, and postal services by truck or rail. This classification does not include local messenger and local delivery services (see Light Fleet-Based Services).

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (see Automobile/Vehicle Sales and Service, Towing and Impound) or taxi or delivery services with two or fewer fleet vehicles on-site (see Business Services).

Transportation Passenger Terminals. Facilities for passenger transportation operations. Includes rail stations and bus terminals, but does not include terminals serving airports or heliports.

Utilities, Major. Generating plants; electric substations; solid waste collection, including transfer stations and materials recovery facilities; solid waste treatment and disposal; water or wastewater treatment plants; and similar facilities of public agencies or public utilities.

Utilities, Minor. Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, and underground water and sewer lines.

Waste Transfer Facility. A public or private facility that operates as a materials recovery, recycling, and solid waste transfer operation providing solid waste recycling and transfer services for other local jurisdictions and public agencies that are not located within the City of Fresno. The facility sorts and removes recyclable materials (including paper, metal, wood, inert materials such as soils and concrete, green waste, glass, aluminum and cardboard) through separation and sorting technologies to divert these materials from the waste stream otherwise destined for landfill.

15-6707 Agricultural and Extractive Use Classifications

Agricultural Labor Housing. Living accommodations for employees and their immediate families employed for the exclusive purpose of agricultural pursuits either on the premises or off site. It includes single or multi-unit dwellings, including mobile homes and dormitories.

Agricultural Processing. Establishments performing a variety of operations on crops after harvest, to prepare them for market on-site or further processing and packaging at a distance from the agricultural area including, but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits, and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed, and grain; sorting, grading, and packing of fruits and vegetables, tree nut hulling and shelling; cotton ginning; wineries, alcohol fuel production; and receiving and processing of green material, other than that produced on-site (commercial composting).

Agricultural Support Services. Agriculturally related services, such as storage of agricultural products; sales, maintenance, and repair of farm machinery and equipment; farm animal veterinary clinics; custom farming services; agriculturally related building, feed, and farm supply stores; agricultural waste handling and disposal services (e.g. manure, bedding and litter, composting); and other similar related services. This definition does not include the rendering or transport of deceased animals.

Animal Raising. The raising, grazing, or feeding of animals for animal products, animal increase, or value increase, and dairying as an accessory use on farms with dairy cattle.

Crop Cultivation. The cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers. The classification excludes wholesale or retail nurseries (See Nurseries and Garden Centers), but includes plant nurseries where plants are grown for sale either on site or to be sold elsewhere.

Dairy. Shelter and other facilities for the feeding and milking of cattle and the extraction of milk, where the milk may be processed either on or off site.

Mining and Quarrying. The extraction of nonmetallic minerals, including dredging, and sand and gravel pit operations. This classification includes surface mining operations.

Produce Stand. Producer-owned and operated facility for the sale of vegetables, nuts, and other produce grown on the same site or as part of a shared multi-farm operation.

Rendering. A process in which animal tissue waste is converted into value-added materials such as lard, tallow, or high-protein meat and bone meal.

Sales Lot, Feed Lot, Stockyard. An open, fenced lot where cattle are fed prior to slaughter or transport, and which may include auction or other sales activities.

Slaughterhouse. Establishments engaged in the commercial butchering of animals.

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

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

Article 68 Terms and Definitions

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15-6801 List of Terms

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Wall
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Window
Yard
Yard Sales
Zoning District

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.

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.

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.

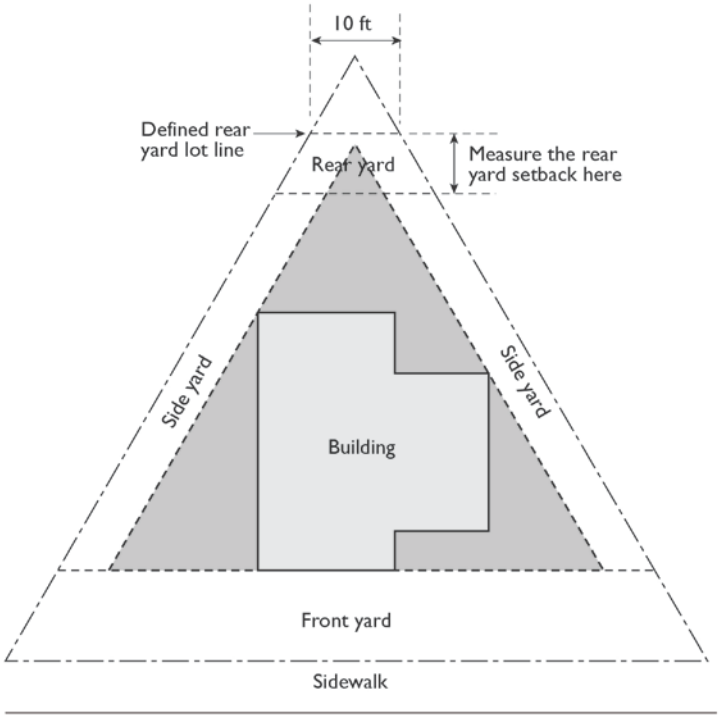

FIGURE 15-6802-2: REAR LOT LINE FOR PURPOSES OF DETERMINING SETBACKS

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, food truck, or other itinerant method.

Noise-Related Definitions.

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

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

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

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

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

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.

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.

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.

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.

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CITY OF FRESNO

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