

Article 27 Standards for Specific Uses and Activities

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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: anilingus, 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 financiers, 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		
<i>District/Site Location</i>	<i>Minimum Lot Size</i>	<i>Maximum Lot Size</i>
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:

- 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, upholstery, 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 be consumed.
2. **Hours of Operation.** Hours of operation shall be limited to the hours outlined in Table 15-2744-A.

TABLE 15-2744-A ALLOWED HOURS OF OPERATION		
<i>Hours of Operation</i>	<i>Outdoor Area Hours of Operation</i>	
Establishments not serving alcohol		
<i>Establishments closer than 100 feet from Residential Districts¹</i>	Not earlier than 7 a.m. or later than 10 p.m.	
<i>Establishments further than 100 feet from Residential Districts¹</i>	Not earlier than 7 a.m. or later than 12 a.m.	
<i>Establishments further than 250 feet from Residential Districts¹</i>	No limitations	
Establishments serving alcohol		
<i>Refer to Section 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges.</i>		

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 devices for moderating temperatures of the outdoor dining area shall be permitted at the discretion of the Review Authority based on considerations such as aesthetics, safety, and resource efficiency.
4. **Lighting.** Lighting shall not disrupt or unnecessarily impact adjoining properties or roadways. See Section 15-2015, Outdoor Lighting and Illumination.
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 storage 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			
<i>Use</i>	<i>Time to Stop Sales, Service, & Consumption of Alcohol</i>	<i>Separation from Residential¹</i>	<i>Neighborhood Meeting</i>
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		
<i>Age of Participants</i>	<i>Closing Hour</i>	<i>Extensions</i>
Under 18 years of age	12 midnight	Dances in partnership with an accredited School, nonprofit youth organization, such as sober graduation, may stay later if approved by the Police Department. Evidence of the partnership shall be provided to the City in advance of any scheduled event.
18 and over	2 a.m. if closer than 300 ft. from a Residential District	5 a.m. on New Year's Day
Restricted Hours	Nightclubs may not be open between 4:00 a.m. and 8 a.m.	

- I. **Last Call for Alcohol.** Each establishment may establish the time of “last call” for ordering alcoholic beverages, so long as the hours to stop consumption are respected.
- J. **Outdoor Patios.** Refer to Section 15-2744, Outdoor Dining and Patio Areas.

- K. **Parking Area.** The designated parking area shall be oriented away from residences as much as possible, and shall be clearly depicted on the site plan submitted for the Development Permit or Conditional Use Permit.
- L. **Noise.**
1. Noise decibel levels shall be monitored by the establishment to ensure compliance with 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.