City of FRESNO	**Tow Yards** **Development and Resource Management Department** **2600 Fresno Street, 3rd Floor, Rm 3076** **Call (559) 621-8277 for an appointment or visit www.fresno.gov for information**	Policy and Procedure No. C-002 Date: June 14, 2011

Target Audience: Planning staff, the Police Department, the Community Revitalization Division, and business owners who plan to establish a Tow Yard or have an existing Tow Yard in the City of Fresno.

Purpose: The purpose of this Policy is to give City staff, tow yard business owners and the general public the ability to easily verify whether or not a Tow Yard was legally established and/or a legally allowable use on a specific site.

Policy: The following policy applies to industrially zoned properties (C-M, M-1, M-2 and M-3)

1. All tow yards established after January 24, 2006, must either 1) Comply with Director's Class No. 208 dated June 17, 2010 and file a full conditional use permit application; or 2) File a full site plan review application as a transit storage yard. The type of application filed will depend on which land use is applicable based on the facility's existing or proposed operational characteristics (see Definitions below).
2. An existing tow yard that was established either before or after January 26, 2006 that was previously required to apply for a special permit (either a site plan review or conditional use permit) must comply with all conditions of the approved special permit application in order to be considered legally in operation. If this special permit was filed but never approved, a new special permit is required.
3. All existing tow yards established prior to January 24, 2006 that were not previously required to file a special permit application may be determined to be a legally operating tow yard if the following conditions are met:
    i. The applicant must have a legal business license for a tow yard with the City of Fresno for the year 2005 that shows that the specific site in question was in operation as a tow yard at that time. If no such license exists, all business license fees must be paid and the operator must provide proof to the satisfaction of the Director that the tow facility was in operation prior to January 26, 2006.
    ii. The site must have no open or previous code enforcement cases related to the operation of a tow yard.
    iii. If the site is in compliance with items 3-i and 3-ii above, the applicant must submit a request with the City to verify compliance and pay a fee of $510. The applicant must submit a site plan and pictures showing that the following two requirements have been met:
        a. The areas where cars or vehicle parts are stored and vehicles drive must be paved. This pavement must be constructed to Public Works Standard P-21. A grading plan and permit will be required for the installation of pavement on a site.
        b. The area where cars are stored must be completely screened from view from the public right-of-way or residential areas by a solid fence or wall. A chain link fence with slats is acceptable.

    A complete request must include: A City of Fresno Special Permit application signed by the property owner, a site plan drawing (this site plan does not need to be drawn by a professional, but must be to scale and show all buildings, structures, and storage areas), a detailed operational statement, and pictures of the site showing that the site is in compliance with the conditions noted above.

iv. A tow yard must comply with following operational conditions contained in Director Classification No. 208 as applicable:

a. The operator shall provide adequate security of vehicles and property at the storage site.

b. The storage of property other than motor vehicles is limited to personal property found inside the impounded vehicles.

c. Retail sales shall be limited to lien sales of vehicles and/or personal property not claimed by the owner.

d. There shall be no dismantling of motor vehicles.

v. A site that is not in compliance with items 3-i and 3-ii above must file a full special permit application in order to legally establish and operate as a tow yard in accordance with item #1 above.

Definitions: A Tow Yard as used in this policy includes 1) A towing company with a storage yard (considered transit storage as defined by Section 12-105 of the Fresno Municipal Code); and 2) A towing company with a storage yard that stores not only cars but motor vehicle parts and conducts lien sales of motor vehicles. This second use is described in Director's Classification No. 208 as "Towing, Storage and Lien Sales of Impounded Motor Vehicles".

A full site plan review or conditional use permit application means full fees and a full review routed for comment to all applicable agencies and departments.

Procedures: For staff: Number 3 under the Policy section of the document is not a procedure for a new special permit. Rather, it is a process to verify that the use existed prior to the existence of Director Classification No. 208. The request for verification will be entered into Navaline (HTE) as a Zoning Inquiry. The fee of $510 for staff time will have to be entered into the system manually. The applicant will be given a letter (after all documentation is submitted and staff is able to verify compliance) that indicates that the subject tow yard is legally in operation.

Documents Referenced in this Policy/Procedure:

Director Classification No. 208 dated June 17, 2010

Fresno Municipal Code

Review and Responsibility: Current Planning Staff will ensure compliance with these policies when the public inquires about tow yards and when a site plan review or conditional use permit application for such a use is submitted.

Forms (attached): N/A

Signature: _____ Dated: 6/14/11
Mike Sanchez, Planning Manager