

Summary of Major Changes

City of Fresno Citywide Development Code - Public Review Draft

On March 31, 2015 the Development and Resource Management (DARM) Department released the Public Review Draft of the new Citywide Development Code. The public was invited to submit comments through June 1. Forty-five comment letters and emails were received, with 383 individual edits requested. After a thorough assessment of each request, DARM staff made revisions to the document. On September 11, 2015 the updated Planning Commission and City Council Review Draft was released. Below is an article-by-article synopsis of the most significant changes that were made. Please note that most articles were renumbered, and the article numbers listed below coincide with the September draft, not the March draft.

Article 1 Introductory Provisions

Changes were made to the Applicability section, 15-104, to recognize authority of State and federal agencies. The explanation of the priority of plans was restructured and expanded for clarity.

Article 2 Rules for Construction of Language

No significant changes.

Article 3 Rules of Measurement

Changes were made to clarify that the maximum number of units is to be determined by the Base District as opposed to the General Plan Land Use; alterations were made to height measurement and the definition of a “story”; and calculations of residential density and frontage coverage were updated.

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

Updates were made to 15-402, Determination of Non-Conforming Status, to include in the definition of a non-conforming use, compliance with terms and conditions imposed on said use. The Deemed Approved Use exception was deleted and information on the abandonment of Legal Non-Conforming Uses was added. Finally, an exception for the creation of Non-Conforming Lots through eminent domain causes was added.

Article 5 (Reserved)

This article was added to allow for future expansion of the Code.

Article 6 (Reserved)

This article was added to allow for future expansion of the Code.

Article 7 (Reserved)

This article was added to allow for future expansion of the Code.

Article 8 Buffer District (B)

Allowed uses were added to this district.

Article 9 Residential Single-Family Districts (RS)

Allowed uses were added to these districts and lot sizes and setbacks were adjusted, reflecting added options to the Enhanced Streetscape incentives section. Garage frontage requirements and façade elements were deleted and made optional under Enhanced Streetscapes. Building articulation requirements were deleted while duplex and multi-unit standards for the RS-5 district were added. Building orientation to streets, façade variation for multiple-home projects were relocated from the subdivision design section.

Article 10 Residential Multi-Family Districts (RM)

Allowed uses were added to these districts and densities and setbacks were adjusted. Screening requirements between RM and RS were added to enhance privacy, parking setbacks were more clearly defined, and standards relating to carports were deleted. Common open space requirements were shortened and storage space requirements were deleted, while standards for external pedestrian connections were added. Building articulation and materials visibility requirements were altered and porch and balcony standards were adjusted.

Article 11 Mixed-Use Districts (MX)

Uses were added, deleted, and adjusted in these districts. Density, height, and frontage regulations were adjusted and requirements regarding acceptable active uses near sidewalks were more clearly defined. Screening requirements between MX and RS were added to enhance privacy, parking setbacks were more clearly defined, and standards relating to carports were deleted. Common open space requirements were shortened and storage space requirements were deleted, while sidewalk standards and standards for external pedestrian connections were added. Building articulation and materials visibility requirements were altered and porch and balcony standards were adjusted. Façade alignment provisions were added.

Article 12 Commercial Districts (C)

Uses were added, deleted, and altered in these districts and setbacks were adjusted. Screening requirements between C and RS were added to enhance privacy. Building orientation, transparency, and façade element requirements were folded into incentivized options under a new Enhanced Streetscape section, while external pedestrian connection standards were added. Building articulation and materials visibility requirements were altered.

Article 13 Employment Districts (E)

Uses were added and adjusted in these districts. Front setback options were altered, screening requirements were added to enhance privacy between E and RS, and building orientation requirements were made optional under Enhanced Streetscapes, a section that was added along with external pedestrian connection standards for O districts. Building articulation standards and materials applicability for E districts were altered.

Article 14 Public and Semi-Public Districts (PSP)

Uses were added, deleted, and adjusted in these districts and density restrictions provided for the added allowance of on-campus housing. A provision to allow enhanced protections for the San Joaquin River Corridor was added.

Article 15 Downtown Districts

This article was added to reserve space for the future addition of Downtown standards.

Article 16 Overlay Districts

The Planned Development (PD) Overlay District, Airport Environs (AE) Overlay District, Bluff Protection (BP) Overlay District, and Expressway Area (EA) Overlay District were moved to this article.

The Residential Modifying (RM) Overlay District and Annexed Rural Residential Transitional (ANX) Overlay District were transferred from Chapter 12 and modified.

The Equine (EQ) Overlay District, Mining (M) Overlay District, and Apartment House (AH) Overlay District were added to this article.

Article 17 (Reserved)

This article was added to allow for future expansion of the Code.

Article 18 (Reserved)

This article was added to allow for future expansion of the Code.

Article 19 (Reserved)

This article was added to allow for future expansion of the Code.

Article 20 General Site Regulations

Under this article, instructions regarding the measurement of setbacks were deleted to avoid conflicts with Section 15-313. Regulations regarding trail landscaping and crossings were added, and standards regarding noise barriers were moved to 15-2506, Noise. Screening requirements between land uses were deleted and incorporated within District regulations under Part II. Security and Electrical fencing had small adjustments regarding location and height, and projection/encroachment limitations were given to outdoor dining areas. Stormwater pollution prevention requirements were added to 15-2016, Trash and Refuse Collection Areas.

Article 21 TOD Height and Density Bonus

Content regarding Concept Plans under former Article 17 (now numbered 21) was moved to Article 51, Concept Plans, Pre-Zoning, and Annexation. New content regarding a TOD Height and Density Bonus was added.

Article 22 Affordable Housing Density Bonus

Applicability, allowed maximums, and locations were updated and defined more clearly.

Article 23 Landscape

Many of the changes found within this section reflect editing for clarity, reducing verbose text where unnecessary and elaborating where helpful. A statement defining the role between the Code and State laws was added and the applicability of the section was clarified. The location of landscape structures was added to required plans, while provisions regarding landscape construction plans were deleted to reduce repetition of information. Adjustments related to plants and irrigation systems, as they pertain to landscape setbacks, were made and building perimeter landscaping requirements were clarified in regards to buildings adjacent to sidewalks. Buffering requirements were added for projects next to natural areas to preserve the character of the natural space. Rules regarding non-plant coverage (decorative rocks, synthetic turf) were changed to be more flexible.

Article 24 Parking and Loading

On-site parking requirements were adjusted for some uses and flexibility for maximums was added for sites with parking structures. Driveway and Parking Access regulations were adjusted, lighting requirements for carports were added, and truck parking and loading areas were exempted from parking lot landscaping requirements. Bike parking was updated to improve consistency between short-term and long-term requirements. Finally, required signage to reduce idling in loading bays was added.

Article 25 Performance Standards

The Noise section, 15-2106, was extensively updated for clarity and consistency with the General Plan. Noise Barrier standards, previously under Fences, Walls, and Hedges, were moved to this section.

Article 26 Signs

Many adjustments were made to this article to consolidate information for clarity and to improve its hierarchical structure. A section outlining what permits are required and when they are required was added to help improve clarity. Restrictions on agricultural sign content, grand openings, and timing for political signs were removed and outdoor scoreboard advertising standards were made more flexible. The total maximum sign area standards were adjusted for Mixed-Use and Employment districts and lighting standards were added to certain sign types. Regulations permitting roof signs were added, Downtown Districts were exempted from Master Sign Program requirements, and regulations regarding electronic copy were updated.

Article 27 Standards for Specific Uses and Activities

The Applicability section was restructured, clarified, and expanded.

For Adult-Oriented Uses, a locational exemption was provided for businesses relocating due to infrastructure programs.

Regulations regarding Off-Site Alcohol Sales were altered extensively.

Bee Keeping was removed as a permitted use under Animal Keeping for residential areas and relocated as a permitted use in the Buffer district, with additional regulations pertaining to water, food sources, etc.

Additional operational qualifications for existing Automobile Dealerships were added and minimum parcel size was altered to apply to outdoor dealerships. Blocked driveways were addressed and regulations regarding indoor dealerships were added.

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The Applicability section for Automobile Service and Repair was restructured for clarity and a requirement relating to air pollution was added for spray and paint booths.

Under Automobile Washing a requirement for an attendant to be present was added and standards for on-site building design, layout, and landscaping were adjusted. Restrictions relating to self-service and requirements for compliance with water conservation rules were added.

The section regarding Check Cashers and similar financial establishments was significantly altered to incorporate material from an ordinance passed in 2014 and to adequately define the scope of such services. The maximum number of Check Cashers was deleted due to the redefined scope and video surveillance regulations were updated to match Police Department requirements.

The Crop Cultivation section was added, being taken and modified from an existing ordinance.

An exception allowing off-site compost to start a Community Garden was removed due to conflict with other regulations.

A few updates were made to the Corner Commercial section including changing the approval requirement from a Conditional Use Permit to a Zone Clearance, altering noticing and sign requirements, and prohibiting the sale of all alcohol.

Cottage Housing Developments were made more flexible with regards to two-unit structures and requirements relating to the orientation of the unit to the street were more clearly defined.

The Cyber Cafes section saw edits regarding clarification where information was duplicated or not thoroughly expressed.

An exception was provided for locational restrictions for Drive-Through Facilities in the Commercial - Highway district and design requirements to reduce idling were added.

The Farmer's Market section was updated extensively.

An explanation on regulations regarding a residential or commercial use was added to the ISO Containers section.

An exclusion from the regulations for Manufactured Homes was added for Mobile Home Parks, as these are preempted by State laws.

Extensive edits were made to the Mobile Vendors section.

A section regarding the permissibility of Model Homes was added.

A provision allowing the use of misters and/or heaters was added to the Outdoor Dining section. Further details regarding the amplification of music, the standards for access and walkways, and the designation of barriers were also added.

The Pool and Billiards section was deleted as this use is incorporated into the Small Scale Entertainment Use Category.

In the Recycling facilities section, changes were made to restrictions regarding permitted location and hours of operation, and alterations were made regarding standards for contact information building materials, and Fire Code compliance for outdoor storage.

In the Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges section, language was added to make clear that such uses would require a conditional use permit, except in Downtown Districts.

A restriction limiting the number of Service Stations within a shopping center was removed.

Language was altered to provide clarity and consistency regarding the number of guests and the length of stay under Single Room Occupancy Hotels.

Tobacco and Vapor Sales was expanded to include a wider range of smoking substances and related paraphernalia and the range of commercial advertising restrictions near sensitive uses was increased.

A section was added to regulate Unattended Donation Bins.

Video surveillance measures were added to ATM requirements under Walk-Up Facilities.

Article 28 (Reserved)

This article was added to allow for future expansion of the Code.

Article 29 (Reserved)

This article was added to allow for future expansion of the Code.

Article 30 (Reserved)

This article was added to allow for future expansion of the Code.

Article 31 General Provisions

No significant changes.

Article 32 Required Maps

No significant changes.

Article 33 Tentative Parcel and Tentative Map Filing and Processing

Some structural reorganization occurred in this article. Clarification was provided to note that public comments may include written and/or verbal testimony, and language was added to ensure projects will not exceed available infrastructure and resource capacity and that they shall comply with floodplain regulations. Grounds for denying or approving a subdivision in a flood zone were clarified.

Article 34 Vesting Tentative Maps

Requirements for the inclusion of building information were removed.

Article 35 Parcel Maps

No significant changes.

Article 36 Final Maps

No significant changes.

Article 37 Dedications and Reservations

No significant changes.

Article 38 Improvements and Security

No significant changes.

Article 39 Common Interest Developments (Condominiums & Conversions)

Some structural reorganization occurred in this article to clearly identify notification and Relocation Assistance Program (RAP) requirements. Items were added to the RAP, language for Mobile Home Park compliance was added as special regulations guide their conversion, and standards for building materials were removed to instead reference the standards of the Base District. Changes were made to the Notice of Intent to Convert section to provide clarity and an approval process to ensure all required information items are included on the notice. Additional items were added to the required information list. Language providing for the mailing of notice of public hearing was added and it was clarified that public comment includes both written and verbal testimony.

Article 40 Covenants, Conditions, and Restrictions

No significant changes.

Article 41 Subdivision Design Standards

There were structural changes made in this article to provide a more coherent hierarchy. Language regarding canals was either deleted or amended to ensure compatibility with the Fresno Irrigation District's authority over them. Information related to subdivision connectivity requirements was restructured and refined, requirements related to park accessibility were added, consistent with the General Plan, and Building Design and Orientation elements were relocated to Article 9.

Article 42 Lot Line Adjustments, Mergers, and Reversions

An allowance for a minor deviation was added to this article.

Article 43 Corrections and Amendments of Maps

No significant changes.

Article 44 Enforcement and Judicial Review

No significant changes.

Article 45 Surveys and Monuments

No significant changes.

Article 46 (Reserved)

This article was added to allow for future expansion of the Code.

Article 47 (Reserved)

This article was added to allow for future expansion of the Code.

Article 48 (Reserved)

This article was added to allow for future expansion of the Code.

Article 49 Planning Authorities

Provisions for Council District Project Review Committees, formerly known as Plan Implementation Committees, were added to this article. The Summary of Review Authorities table was altered to instead depict a Summary of Primary Planning Permits and Actions, which reflects a more user-friendly structure.

Article 50 Common Procedures

The section detailing information on the Priority of Plans was deleted as this was duplicative of information given elsewhere in the Code. A section detailing the process of a Neighborhood Meeting was added to consolidate similar information previously located in multiple places in the Code. Dual noticing was called out as an allowed process under Public Notice. The process for Reestablishing a Permit within One Year was removed and an allowance for Concurrent Processing was added. Under Building Permits, a requirement for Conformance with Associated Planning Entitlements was also added to this article.

Article 51 Zone Clearance

This article was significantly altered to more clearly articulate the scope of its provisions.

Article 52 Development Permit (Formerly Site Plan Review)

This article was renamed and substantially simplified. Requirements regarding resources and infrastructure were added to the Conditions of Approval section.

Article 53 Conditional Use Permits

Information regarding when a CUP is required was updated and expanded, particularly to except some uses and features within the Downtown Districts. The Application Requirements were rewritten and expanded for uniformity with other sections and the Public Notice section was made more explicit. A section discussing the Expiration of CUPs and the exceptions to expirations was added.

Article 54 Temporary Use Permits

Some sections of this article were rearranged to improve clarity.

Article 55 Variances

Some sections of this article were rearranged to improve clarity.

Article 56 Minor Deviations

A higher than the standard deviation percent was allowed for Lot Consolidations. Information regarding the duties of the Review Authority was updated and expanded and information regarding Public Noticing requirements was added.

Article 57 Reasonable Accommodations for Housing

Some sections of this article were rearranged to improve clarity.

Article 58 Amendments to Development Code Text, Rezones, and Plan Amendments

A section detailing the process of a Community Meeting was deleted due to consolidation of the procedures under Neighborhood Meeting in Article 50. The section detailing information on the Priority of Plans was deleted as this was duplicative of information given in Article 1.

Article 59 Planned Development Permits

No significant changes.

Article 60 Development Agreements

No significant changes.

Article 61 Concept Plans, Pre-Zoning, and Annexations

Concept Plans were modified and relocated to this article. Fair and Proportional Payments was added to Annexation Criteria and the scope of Pre-Zoning was more clearly defined.

Article 62 Street Names & Addressing

No significant changes.

Article 63 Enforcement

A Standing to Sue provision was added to this article.

Article 64 (Reserved)

This article was added to allow for future expansion of the Code.

Article 65 (Reserved)

This article was added to allow for future expansion of the Code.

Article 66 (Reserved)

This article was added to allow for future expansion of the Code.

Article 67 Use Classifications

Some classifications were added, modified, or deleted.

Article 68 Terms and Definitions

Some definitions were added, modified, or deleted.