



**Emergency Ordinance
Regarding Outdoor Dining
During the COVID-19 Pandemic
Emergency
(pursuant to Section 2-515 of the
Fresno Municipal Code)**

Planning and Development 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-008

Date:

July 7, 2020

Target Audience:

Planning staff and the general public.

Purpose:

On May 21, 2020, the Council of the City of Fresno adopted emergency Ordinance No. 2020-020 adding Section 2-515 to the Fresno Municipal Code (FMC) to assist restaurant businesses which have been limited to take out only, and which will likely be unable to operate at full capacity within indoor premises for an extended period of time, to temporarily utilize Outdoor Dining in order to accommodate and retain patronage while ensuring compliance with CDC recommendations for distancing and provide protections to the public to reduce spread of the virus.

This Policy outlines the City of Fresno Planning and Development Department, Development Services (Planning) Division procedures for purposes of processing and expediting Zone Clearance applications specific to Outdoor Dining in common areas and parking lots of shopping centers during the Covid-19 pandemic emergency and until expiration/repeal of Section 2-515 of the FMC.

- * *Outdoor dining proposed on City property is permitted with permission of the City Manager.*
- * *The provisions of the emergency ordinance and Section 2-515 et seq. do not apply to use of public rights-of-way.*

Policy:

Application Required:

When outdoor dining is proposed pursuant to the provisions of §2-515 of the FMC, a **Zone Clearance** shall be processed in accordance with Chapter 15, Article 51 of the Fresno Municipal Code (FMC).

Standards and Regulations:

- Pursuant to §2-515(a) of the FMC, Outdoor Dining may include consumption of alcohol (with an existing alcohol sales license) so long as it is combined with consumption of food and in compliance with California Alcoholic Beverage Control (ABC) Requirements.
- Outdoor dining shall be provided in accordance with the following requirements of §2-515(b) of the FMC:
 - Proper social distancing shall be maintained with dining areas demarcated with tape or barriers;
 - Excess seating shall be removed when feasible, or blocked off if the seating or tables are permanently affixed;
 - For parking lots, every other parking stall may be used;
 - Parking stalls between those stalls which are used for tables shall remain

vacant.

- No disabled person parking stalls may be used.
 - Businesses shall follow any additional State and County requirements in effect at the time; and,
 - All employees must wear masks and wash hands frequently.
- * *NOTE: Further regulations may be issued by the City Manager, with approval by the Police Chief and City Attorney.*
- Shade covers, including umbrellas, tents, and/or awnings to protect patrons from inclement weather are permitted.
 - Shade covers shall be properly anchored or weighted to prevent overturning due to wind or weather.
 - A building permit is required for any temporary tent or canopy larger than 120 square feet.
 - Outdoor dining areas shall not interfere with required pedestrian and vehicular access, circulation, points of ingress/egress or easements;
 - Clear paths of travel and walkways shall be provided and maintained in accordance with American with Disabilities Act (ADA) and California Code of Regulations, Title 24, Part 2 California Building Code requirements.
 - Hours of operation for outdoor dining areas shall not be permitted to exceed allowable hours of operation for the respective business.
 - Compliance with all applicable noise standards of the Fresno Municipal Code shall be required.

Procedures:

- **Creating an Application Record.** Business owners/operators shall create an application record for a “Zone Clearance” in the City of Fresno FAASTER online system (please see instruction below):
 1. Log into the City of Fresno FAASTER online system at <http://www.fresno.gov/faaster>
 2. From the Home Screen either Login or Register for an Account if you do not have one.
 3. Once Logged-in, select the Planning/Land Division tab from the menu; and then, select “Create an Application” from the blue menu bar.
 4. Click the check-box accepting terms of General Disclaimer; and then, click blue button to select “Continue Application”
 5. Select “**Zone Clearance**”, accordingly, under the options for selecting a Record Type; and then, click blue button to Continue Application.
 - ❖ **Zone Clearance Type:** When asked to select the zone clearance type, **select the last option, “Other Ministerial Uses.”**
 6. Complete subsequent steps and entries for required fields (instructions provided; required fields are marked with red asterisk).
 - ❖ **Application Name:** When you reach the Application Name field, **please specify the following, specifically: Outdoor Dining/Covid-19/Business Name** (*this will enable City staff to easily screen applications for expedited review*).

- ✓ When complete, you will be prompted that your application has been successfully submitted. (Please note that a Record Number will be identified in blue text beneath the address. This is your record number and may be utilized to reference, search, and/or to review the status of your application at any time.)

➤ **Submittal Materials.** The following materials are required to be uploaded to an application record for submittal of a Zone Clearance application when outdoor dining pursuant to Section 2-515 of the FMC is proposed:

- Owner authorization form or letter (see Forms herein below).
- A site plan shall be submitted which depicts the following:
 - Property lines for the subject property on which the applying business is located.
 - The location of buildings on the subject property.
 - The location and dimensioned widths of building entrances, on-site pedestrian paths-of-travel and walkways.
 - * NOTE: When building entrances are provided from sidewalks within public rights-of-way, on-site paths-of-travel and walkways to their points of connection with the public rights-of-way/sidewalks shall be shown.
 - The location and dimensioned widths of on-site vehicular parking stalls, circulation aisles, and striping.
 - * NOTE: All vehicular parking stalls designated for disabled person shall be identified.
 - The location of any on-site fire hydrants.
 - The location and boundaries of proposed outdoor dining areas; identification of those vehicular parking stalls proposed to be utilized for dining and those proposed to remain vacant in accordance with the standards and regulations included herein above; and, notations respective to the type of physical barriers which may be proposed.
 - The location of any temporary shade covers or structures exceeding the size for which building permits are required (see standards and regulations included herein above).
- * Previously approved site plans, hand-drawn plot-plans and or aerial imagery which accurately and clearly represent existing facilities and improvements may be utilized for purposes of site plan requirements. All "site plans" provided for purposes of Outdoor Dining pursuant to the provisions of §2-515 of the FMC need not be scaled. However, all required dimensions specified in the requirements herein above shall be provided and the Development Services (Planning) Division may require additional information for purposes of verifying compliance with all applicable requirements prior to project acceptance and/or approval.

➤ **Verification.** Planning and Development Department staff will review all incoming applications that are received and will notify the contact identified on the application record if additional information is needed for purposes of processing or verification of compliance with this policy.

➤ **Fees.** All fees will be waived.

➤ **Routing.** Routing to other departments and agencies for review and comment will not be required for on-site outdoor dining proposed pursuant to the provisions of §2-515 of the FMC and in compliance with this policy.

- Uses proposed within public rights-of-way and/or facilities or structures which require issuance of a permit in accordance with California Building Code requirements will be subject to a separate entitlement review process pursuant to City of Fresno regulations and policies.

➤ **Review and Approval.** Planning staff shall review required submittal materials for compliance with this policy. Once compliance has been verified, the assigned Planner shall approve the Zone Clearance application through signature approval on the submitted site plan and issuance of an approval letter; and notify the contact identified on the application record of the approval. Approval documents will be uploaded to the application record in the City of Fresno FAASTER system.

➤ **Timelines.** All new and/or resubmitted applications will be reviewed and verified within 3 business days of receipt. Applications deemed complete will be processed within 2 business days of acceptance.

Documents & Fresno Municipal Code Sections Referenced in this Policy/Procedure:

[Ordinance No. 2020-020 adding Section 2-515 to the Fresno Municipal Code \(FMC\)](#)

[Section 2-5015 of the Fresno Municipal Code \(FMC\).](#)

[Chapter 15, Article 51 of the Fresno Municipal Code \(FMC\).](#)

[Section 15-2744 of the Fresno Municipal Code \(FMC\).](#)

Review and Responsibility:

The Planning & Development Department, Development Services (Planning) Division is responsible for the implementation of this policy.

Forms (attached):

[Owner Authorization Form](#)

Signature: _____


Jennifer K. Clark, AICP, HDFP, Director

Dated: 7/8/2020