

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,  
AMENDING CHAPTER 15 TABLE 15-1102, TABLE 15-1103,  
SECTION 15-1104-A., TABLE 15-1202, TABLE 15-1203-1,  
TABLE 15-4907, AND SECTION 15-5102 OF THE FRESNO  
MUNICIPAL CODE AND ADDING CHAPTER 15 SECTION  
15-1106 TO THE FRESNO MUNICIPAL CODE.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Table 15-1102 of the Fresno Municipal Code is amended to read:

<b>TABLE 15-1102: USE REGULATIONS—MIXED-USE DISTRICTS</b>				
Use Classifications	NMX	CMX	RMX	Additional Regulations
<b>Residential Use Classifications</b>				
<b>Residential Housing Types</b>				
Single-Unit Dwelling, Attached	P(1)	P(1)	P(1)	§ 15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Multi-Unit Residential	P(1)	P(1)	P(1)	
<b>Adult Family Day Care</b>				
Small (6 clients or less)	P(1)	P(1)	-	
Large (7 to 12 clients)	P(1)	-	-	
Caretaker Residence	P(1)	P(1)	P(1)	
<b>Domestic Violence Shelter</b>				
Small (6 persons or less)	P(1)	P(1)	P(1)	
Large (7 persons or more)	P(1)	P(1)	P(1)	
Elderly and Long-Term Care	P(1)	P(1)	P(1)	
<b>Family Day Care</b>				
Small (8 or fewer children)	P(1)	P(1)	P(1)	§ 15-2725, Day Care Centers and Family Child Care Homes
Large (9 to 14 children)	P(1)	P(1)	P(1)	
<b>Group Residential</b>				
Small (6 persons or less)	P(1)	P(1)	P(1)	
Large (7 persons or more)	P(1)	P(1)	P(1)	
Lodging-to-Dwelling Conversion	C	C	C	§ 15-2737.5 Lodging-to-Dwelling Conversion Requirements
<b>Residential Care Facilities</b>				
Residential Care, Limited	P(1)	P(1)	P(1)	
Residential Care, Senior	P(1)	P(1)	P(1)	
Single Room Occupancy	C	C	C	
<b>Public and Semi-Public Use Classifications</b>				

Colleges and Trade Schools, Public or Private	C	C	C (3)	
Community and Religious Assembly (less than 2,000 square feet)	P	P	P	§ 15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	P	P	P	
Community Garden	P	P	P	§ 15-2720, Community Gardens/Urban Farms
Conference/Convention Facility	C	C	C	
Cultural Institutions	P	P	P	
Day Care Centers	P	P	P	§ 15-2725, Day Care Centers and Family Child Care Homes
Emergency Shelter	-	-	P	§ 15-2729, Emergency Shelters
Government Offices	P(1)	P(1)	P(1)	
Hospitals and Clinics				
Hospital	-	C(11)	C(11)	
Clinic	P	P	P	
Substance Abuse Treatment Clinic	C(14)	C(14)	C(14)	
Instructional Services	P	P	P	
Park and Recreation Facilities, Public	P	P	P	
Parking, Public or Private	-	C(6)	C(6)	
Public Safety Facilities	C	C	C	
Schools, Public or Private	P	P	P	
Social Service Facilities	P(1)	P(1)	P(1)	
Commercial Use Classifications				
Animal Care, Sales and Services				
Grooming and Pet Stores	P	P	P	
Veterinary Services	-	C(7)	C(7)	
Artist's Studio	P	P	P	
Automobile/Vehicle Sales and Services				
Automobile/Vehicle Sales and Leasing	C(18)	C(13)	C(13)	§ 15-2709, Automobile and Motorcycle Retail Sales and Leasing
Automobile Rentals	C(12)(19)	C(12)	C(12)	
Automobile/Vehicle Repair, Major	C(12)(19)	C(12)	C(12)	
Automobile/Vehicle Service and Repair, Minor	C(12)(19)	C(12)	C(12)	
Automobile Washing	C(12)(19)	C(12)	C(12)	
Service Station	C	C	C	§ 15-2755, Service Stations
Banks and Financial Institutions				
Banks and Credit Unions	P	P	P	
Check Cashing Businesses and Payday Lenders	-	-	-	§ 15-2715, Check Cashing Businesses, Payday Lenders, and Similar Financial Services
Banquet Hall	C	C	C	§ 15-2712, Banquet Hall

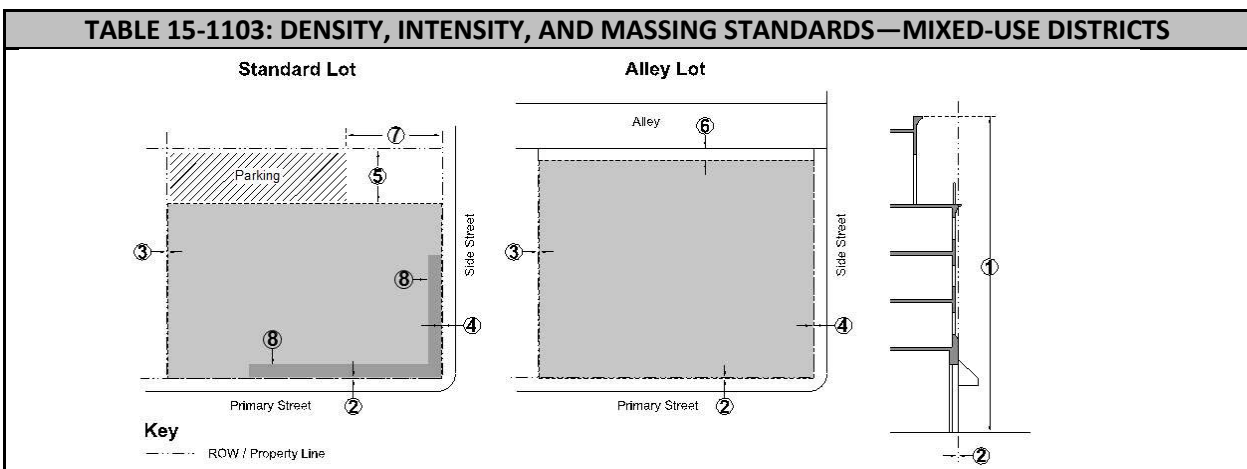
Business Services	P	P	P	
Eating and Drinking Establishments				
Bars/Nightclubs/Lounges	C	C	C	§ 15-2743, Outdoor Cooking for Commercial Purposes; § 15-2744, Outdoor Dining and Patio Areas; § 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges
Restaurant with Alcohol Sales	C	C	C	
Restaurant without Alcohol Sales	P	P	P	
Entertainment and Recreation				
Cinema/Theaters	P	P	P	
Cyber/Internet Cafe	C	C	C	§ 15-2724, Cyber/Internet Cafes
Small-Scale	P	P	P	§ 15-2708, Arcades, Video Games, and Family Entertainment Centers, § 9-1801, Billiard Rooms
Food and Beverage Sales				
Farmer's Markets	P	P	P	§ 15-2730, Farmer's Markets
General Market	P	P	P	§ 15-2744, Outdoor Dining and Patio Areas; § 15-2745, Outdoor Retail Sales
Healthy Food Grocer	P	P	P	
Liquor Stores	C(12)	C(12)	C(12)	§ 15-2707, Alcohol Sales; § 15-2745, Outdoor Retail Sales
Food Preparation	P(1)	P(1)	P(1)	
Funeral Parlors and Internment Services	P(1)	P(1)	P(1)	§ 15-2714, Body Preparation and Funeral Services
Live/Work	P	P	P	
Lodging				
Bed and Breakfast	P	P	P	
Hotels and Motels	P(8)	P(8)	P	
Maintenance and Repair Services	P	P	P	
Offices				
Business and Professional	P	P	P	
Medical and Dental	P	P	P	
Walk-in Clientele	P	P	P	
Personal Services				
General Personal Services	P(5)	P	P	
Tattoo or Body Modification Parlor	P(5)(12)	P(12)	P(12)	§ 15-2758, Tattoo or Body Modification Parlor
Retail Sales				
Building Materials and Services	-	-	C	§ 15-2745, Outdoor Retail Sales
Convenience Retail	P	P	P	§ 15-2745, Outdoor Retail Sales; § 15-2761 Tobacco and Vapor Shops

General Retail	P	P	P	§ 15-2733, Hobby Stores; § 15-2745, Outdoor Retail Sales
Large-Format Retail	P	P	P	§ 15-2737, Large-Format Retail; § 15-2745, Outdoor Retail Sales
Nurseries and Garden Centers	P	P	P	§ 15-2745, Outdoor Retail Sales
Second Hand/Thrift Stores	P	P	P	
Swap Meet/Flea Market	C	C	C	§ 15-2730, Flea Markets
Industrial Use Classifications				
Custom Manufacturing	P(12)(19)	P(12)	P(12)	
Limited Industrial	C(13)(18)(19)	C(13)	C(13)	
Recycling Facility				
Reverse Vending Machine	P	P	P	§ 15-2750, Recycling Facilities
Warehousing, Storage, and Distribution				
Personal Storage	C	C	C	§ 15-2747, Personal (Mini) Storage
Transportation, Communication, and Utilities Use Classifications				
Airports and Heliports	-	-	C(10)	
Communication Facilities				
Antenna and Transmission Towers	See Section 15-2759, Telecommunications and Wireless Facilities			
Transportation Passenger Terminals	-	-	C	
Utilities, Minor	P	P	P	
Agricultural and Extractive Use Classifications				
Produce Stand	P	P	P	§ 15-2752, Roadside Fruit Stands/Grower Stands
Tasting Room	C	C	C	
Urban Farm	P	-	-	§ 15-2719, Community Gardens/Urban Farms
Other Applicable Types				
Accessory Uses and Structures	§ 15-2703, Accessory Uses			
Home Gardens	§ 15-2734, Home Gardens and Edible Landscaping			
Home Occupations	§ 15-2735, Home Occupations			
Animal Keeping	§ 15-2707, Animal Keeping			
Drive-In and Drive-Through Facilities	C(15)	C(15)	C(15)	§ 15-2728, Drive-In and Drive-Through Facilities
Walk-Up Facilities	§ 15-2766, Walk-Up Facilities			
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots			
Temporary Use	§ 15-2760, Temporary Uses			
Transitional and Supportive Housing	§ 15-2762, Transitional and Supportive Housing			
Specific Limitations:				
1. [Not allowed on the ground floor within 200 feet of an intersection (measured from the lot line) of two or more major streets with the exception of main building entrances and active community spaces. Other high-activity uses may be approved at the discretion of the Review Authority. Projects				

with frontage on more than one major street may be excepted from this restriction on one of the major streets at the discretion of the Review Authority.] ~~Not allowed on the ground floor of portions of the site which abut a major street, but allowed in the interior of all sites. Projects with frontage on more than one major street may be excepted from this restriction on one of the major streets at the discretion of the Review Authority.~~

2. Reserved.
3. Not to include industrial training such as welding or automotive repair involving the use of tools and materials appropriate to an industrial use area.
4. Must be located along a major street.
5. Limited to establishments with a gross floor area of 5,000 square feet or less.
6. Shall be below grade or in structures faced with active uses along the street.
7. Provided that such use shall be completely enclosed in a building of soundproof construction.
8. Limited to upper stories unless at least 50 percent of ground floor street frontage is occupied by food service use.
9. Reserved.
10. Limited to heliports used as accessory to a hospital.
11. Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals.
12. Not allowed within 500 feet of an existing or planned Bus Rapid Transit stop.
13. Must take place entirely within a building.
14. Must include an indoor waiting area.
15. Not allowed within 100 feet of a planned or existing Bus Rapid Transit station and not allowed between a building and a sidewalk.
16. Reserved.
17. Reserved.
18. Permitted only after review and approval of a Conditional Use permit, and only in the following areas: a) NMX-zoned parcels which are located south of State Route 180 and east of State Route 41 and which are not within 500 feet of a Bus Rapid Transit route; or b) NMX-zoned parcels which are located north of State Route 180 and west of the Union Pacific Railroad.
19. Prohibited in the following areas: Parcels which are located south of State Route 180 and west of the Union Pacific Railroad.

SECTION 2. Table 15-1103 of the Fresno Municipal Code is amended to read:



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

SECTION 3. Section 15-1104-A. of the Fresno Municipal Code is added to read:

**SEC. 15-1104. – SITE DESIGN DEVELOPMENT STANDARDS.**

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

- 1. Within [1]200 [f]Feet [in each direction] of an Existing or Planned Bus Rapid Transit Station.** No less than 60 percent of the building frontage along public streets shall be occupied by food and beverage sales, entertainment and recreation, general personal services, artist's studios, eating and drinking establishments, personal services, general retail, or convenience retail uses. Other high-activity uses which typically operate at night and on weekends may be approved at the discretion of the Review Authority.
- 2. Other Locations.** Active spaces, such as [individual] dwelling unit [entrances], cinemas/theaters, eating and drinking establishments, offices, personal services, general retail, or residential or office lobbies, ~~or~~ shall occupy no less than 60 percent of building frontage along public streets.

Inactive and utilitarian spaces, such as storage, utility rooms, or facilities which are occupied infrequently shall not occupy more than 50 percent of the building frontage along public streets. Sites with frontage on multiple streets may not be required to meet this standard along the street with the lowest functional classification or least visual prominence, at the discretion of the Review Authority.

SECTION 4. Section 15-1106 of the Fresno Municipal Code is added to read:

**[SEC. 15-1106. – ADDITIONAL STANDARDS.**

- A. Projects shall incorporate all relevant mitigation measures required pursuant to applicable environmental assessments prepared pursuant to CEQA that encompass the project area. "Applicable Environmental Assessments" shall include, but may not be limited to the following:
  - 1. An EIR prepared for the General Plan in effect at the time of project approval;
  - 2. A Program or Project EIR prepared for either a Community Plan or Specific Plan that includes the project area, in effect at the time of project approval.
  - 3. An Environmental Assessment reviewing the removal of density limits in Mixed-Use areas.
- B. The proposed design shall not lead to an overburdening of existing or planned infrastructure capacities, including, but not limited to, capacities for water, runoff, storm water, wastewater, and solid waste systems. The determination of whether or not the proposed design can be accommodated within existing infrastructure shall be made by the Review Authority in consultation with the Directors of Public Works and Public Utilities.
- C. The project shall comply with the following standards to ensure it can be adequately served by City Public Utility Services:
  - 1. Pipelines that are downstream (between the project site and wastewater treatment plant or lift station) from the proposed project shall maintain a sewer flow capacity of 1.15 q/Q ratio. Projects that result in a pipeline exceeding the flow capacity of 1.15q/Q shall construct upsized replacement pipelines for those found to be deficient per the requirements of the Department of Public Utilities Director.
  - 2. On-site retention or storm drainage system modifications are required for projects within Priority Development Areas that are: 1) proposed at a density exceeding the maximum density currently permitted in the mixed-use district (16 du/ac in CMS, CR, and NMX, 30 du/ac in CMX, and 45 du/ac in RMX) and 2) within areas where storm drain facilities are already constructed. Projects proposed outside the Priority Development Areas shall comply with General Plan PEIR mitigation measures related to stormwater.

3. The City shall evaluate additional landfill locations at the time discretionary projects are submitted, and shall not approve development that could contribute solid waste to a landfill that is at capacity until additional capacity is provided.
  4. For any project that results in the existing water system pipelines in the area of the project from not being able to meet maximum day demand plus the project required fire flow of 2500 gallons per minute (gpm), the project developer shall construct upsized replacement pipelines, per the requirements of the Department of Public Utilities Director, in the project vicinity to increase flow for the maximum day demand plus fire flow condition.
- D. The project shall comply with the following standards and all applicable Public Works standards:
1. To maintain a peak hour LOS standard of F or better for all intersections and roadway segments, a traffic impact study (TIS) is required for all development projected to generate 300 or more peak hour new vehicle trips within the Project Area, unless not required by the City Traffic Engineer. The following is also exempt: :
    - i. Development within Infill Priority Areas within the Project Area proposing 80% residential development do not require a traffic impact study and will be considered ministerial.
  2. When a proposed residential development consisting of more than 200 units is in close proximity to a school or activity center, is near a transit stop or pedestrian or bicycle route, bicycle and pedestrian facilities such as signalized crossings, traffic signal upgrades, such as left-turn phasing, sidewalks or asphalt paths, and bicycle facilities may be required.
  3. When LOS reaches E or F on High Frequency Transit Corridors, development projects within the Corridors may be conditioned to provide transit street design treatments and operational strategies, or in-lieu fees, set forth by the City of Fresno, including intersection treatments, dedicated transit lanes, business access and transit (BAT) lanes, Transit Signal Priority (TSP), and/or others.
  4. When a proposed residential development consisting of more than 200 units is in close proximity to a school or activity center, is near a transit stop or pedestrian or bicycle route, the project may be required to construct improvements in accordance with the City of Fresno's Complete Street Policy dated September 26, 2019 (as amended).]

SECTION 5. Table 15-1202 of the Fresno Municipal Code is amended to read:

TABLE 15-1202: LAND USE REGULATIONS—COMMERCIAL DISTRICTS							
Use Classifications	CMS	CC	CR	CG	CH	CRC	Additional Regulations
<b>Residential Use Classifications</b>							



Residential Housing Types							
Single-Unit Dwelling, Attached	P(2) (16)	-	P(2) (16)	-	-	-	§ 15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Multi-Unit Residential	P(2) (16)	-	P(2) (16)	-	-	-	
Adult Family Day Care							
Small (6 clients or less)	P(1)	-	P(2)	-	-	-	
Caretaker Residence	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	
Elderly and Long-Term Care	-	-	P(2)	-	-	-	
Family Day Care							
Small (8 children or less)	P(2)	P(2)	P(2)	P(2)	-	-	§ 15-2725, Day Care Centers and Family Child Care Homes
Large (9 to 14 children)	P(2)	P(2)	P(2)	P(2)			
Group Residential							
Small (6 persons or less)	P(1)	-	P(2)	-	-	-	
Large (7 persons or more)	P(1)	-	P(2)	-	-	-	
Lodging-to-Dwelling Conversion	C	C	C	C	C	C	§ 15-2737.5 Lodging-to-Dwelling Conversion Requirements
Re-Entry Facility	-	-	-	P	-	-	
Residential Care Facilities							
Residential Care, General	C(1)	-	-	-	-	-	
Residential Care, Limited	P(1)	-	P(2)	-	-	-	
Residential Care, Senior	C(1)	-	-	-	-	-	
Single Room Occupancy	-	-	-	P	-	-	§ 15-2757, Single Room Occupancy Hotels and Boarding Homes
<b>Public and Semi-Public Use Classifications</b>							
Colleges and Trade Schools, Public or Private	-	C(3)	P	P	-	-	

Community and Religious Assembly (less than 2,000 square feet)	P	P	P	P	-	-	§ 15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	-	C(4)	P	C	-	C	
Community Garden	P	P	P	P	P	P	§ 15-2720, Community Gardens/Urban Farms
Conference/Convention Facility	-	C(4)	P	-	-	C	
Cultural Institutions	P(5)	C	C	-	-	C	
Day Care Centers	P	P	P	P	-	-	§ 15-2725, Day Care Centers and Family Child Care Homes
Emergency Shelter	-	-	-	P	-	-	§ 15-2729, Emergency Shelters
Government Offices	P	P	P	-	-	-	
Hospitals and Clinics							
Hospital	-	C(13)	C(13)	C(13)	-	-	
Clinic	C(5)	P	P	P	-	-	
Substance Abuse Treatment Clinic	C(15)	C(15)	C(15)	C(15)	-	-	
Instructional Services	P	P	P	C	-	-	
Park and Recreation Facilities, Public	P	P	P	P	P	P	
Parking, Public or Private	-	C(6)	C(6)	-	-	-	
Public Safety Facilities	C	C	C	C	C	C	
Schools, Public or Private	C	C	C	C	-	-	
Social Service Facilities	C(1)	C	-	-	-	-	
<b>Commercial Use Classifications</b>							
Animal Care, Sales and Services							
Grooming and Pet Stores	P	P	P	P	-	-	
Veterinary Services	-	P	P	-	-	-	
Artist's Studio	P	P	P	-	-	-	
Automobile/Vehicle Sales and Services							
Automobile Rentals	-	-	C	C	P	-	§ 15-2709, Automobile and Motorcycle Retail Sales and Leasing
Automobile/Vehicle Sales and Leasing	-	-	C	C	P	-	§ 15-2709, Automobile and Motorcycle Retail Sales and Leasing

Automobile/Vehicle Service and Repair, Minor	-	-	C	C	P	-	§ 15-2710, Automobile/Vehicle Service and Repair, Major and Minor
Large Vehicle and Equipment Sales, Service and Rental	-	-	-	C	P	-	§ 15-2710, Automobile and Motorcycle Retail Sales and Leasing
Service Station	-	C	P	C	P	-	§ 15-2755, Service Stations
Washing	-	-	C	C	P	-	§ 15-2711, Automobile/Vehicle Washing
Banks and Financial Institutions							
Banks and Credit Unions	P(5)	P	P	P	-	-	
Check Cashing Businesses and Payday Lenders	-	-	C(7)	C(7)	-	-	§ 15-2715, Check Cashing Businesses, Payday Lenders, and Similar Financial Services
Banquet Hall	C	C	C	-	C	-	§ 15-2712, Banquet Hall
Business Services	P(5)	P	P	P	-	-	
Eating and Drinking Establishments							
Bars/Nightclubs/Lounges	C	C	C	C	C	C(8)	§ 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges; § 15-2744, Outdoor Dining and Patio Areas
Restaurant with Alcohol Sales	C	C	C	C	C	C	
Restaurant without Alcohol Sales	P	P	P	P	P	P	
Entertainment and Recreation							
Cinema/Theaters	C	C	P	P	-	P	
Cyber/Internet Café	C	C	C	C	-	-	§ 15-2724, Cyber/Internet Café
Motorcycle/Riding Club	-	-	-	-	P	-	§ 15-2742, Motorcycle/Riding Clubs

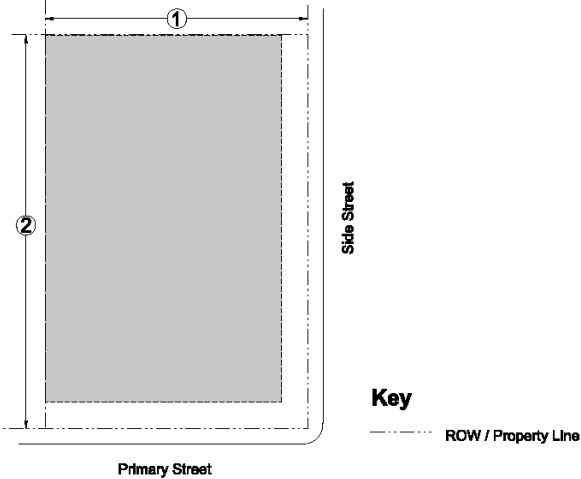
Shooting/Archery Range	-	-	-	-	-	P	§ 15-2756, Shooting Ranges/Archery Ranges
Large-Scale	-	C	C	C	C	C	
Small-Scale	P	P	P	P	P	P	§ 15-2708, Arcades, Video Games, and Family Entertainment Centers, § 9-1801, Billiard Rooms
Food and Beverage Sales							
Farmer's Markets	P	P	P	P	P	P	§ 15-2730, Farmer's Markets
General Market	P	P	P	P	P	-	§ 15-2744, Outdoor Dining and Patio Areas; § 15-2745, Outdoor Retail Sales
Healthy Food Grocer	P	P	P	P	P	-	
Liquor Stores	C	C	C	C	C	-	§ 15-2706, Alcohol Sales; § 15-2745, Outdoor Retail Sales
Food Preparation	-	P	P	P	-	-	
Funeral Parlors and Internment Services	-	C	P	P	-	-	§ 15-2714, Body Preparation and Funeral Services
Live/Work	P(1)	-	-	-	-	-	
Lodging							
Hotels and Motels	P(14)	P	P	-	P	-	
RV Park	-	-	-	-	-	-	
Maintenance and Repair Services	C(5)	P(9)	C	P	-	-	
Offices							
Business and Professional	P(9) (17)	P	P	P	-	-	
Medical and Dental	P(17)	P	P	P	-	-	
Walk-In Clientele	P(17)	P	P	P	-	-	
Personal Services							
General Personal Services	P	P	P	P	-	-	
Fortune Telling Service	-	-	-	P	-	-	
Massage Establishments	C	C	C	C	-	C	
Tattoo or Body Modification Parlor	P(9)	P(9)	P	P	-	-	§ 15-2758, Tattoo or Body Modification Parlor
Retail Sales							

Building Materials and Services	C(12)	C	P	P	-	-	§ 15-2745, Outdoor Retail Sales
Convenience Retail	P	P	P	P	P	C(10)	§ 15-2745, Outdoor Retail Sales; 15-2761 Tobacco and Vapor Shops
General Retail	P	P	P	P	-	C(10)	§ 15-2733, Hobby Stores; § 15-2745, Outdoor Retail Sales
Gun Shop	C	P	P	P	-	P	§ 15-2745, Outdoor Retail Sales
Large-Format Retail	-	C	P	P	-	-	§ 15-2737, Large-Format Retail; § 15-2745, Outdoor Retail Sales
Nurseries and Garden Centers	P(5)	P	P	P	-	-	§ 15-2745, Outdoor Retail Sales
Pawn Shops	-	-	-	P	-	-	
Second Hand/Thrift Stores	P(5)	P	P	P	-	-	
Swap Meet/Flea Market	-	-	-	C	-	C	§ 15-2730, Flea Markets
<b>Industrial Use Classifications</b>							
Construction and Material Yards	-	-	-	C	C	-	§ 15-2721, Concrete Batch Plants, Storage Yards, and Similar Uses
Custom Manufacturing	-	-	-	P(11)	-	-	
Recycling Facility							
Reverse Vending Machine	-	C	P	P	-	-	§ 15-2750, Recycling Facilities
CRV Recycling Center	§ 15-2750, Recycling Facilities						
Warehousing, Storage, and Distribution							
Personal Storage	C	C	C	C	C	C	§ 15-2747, Personal (Mini) Storage
<b>Transportation, Communication, and Utilities Use Classifications</b>							
Communication Facilities							
Antenna and Transmission Towers	§ 15-2759, Telecommunications and Wireless Facilities						
Facilities within Buildings	-	-	-	P	-	-	
Utilities, Minor	P	P	P	P	-	P	
<b>Agricultural and Extractive Use Classifications</b>							
Agricultural Support Services	-	-	-	P	-	-	

Produce Stand	-	-	-	P	-	-	§ 15-2752, Roadside Fruit Stands/Grow Stands
Tasting Room	C	C	C	C	-	C	
Urban Farm	-	-	-	P	-	-	§ 15-2720, Community Gardens/Urban Farms
Other Applicable Types							
Accessory Uses and Structures	§ 15-2703, Accessory Uses						
Home Gardens	§ 15-2734, Home Gardens and Edible Landscaping						
Home Occupations	§ 15-2735, Home Occupations						
Animal Keeping	§ 15-2707, Animal Keeping						
Drive-in and Drive-Through Facilities	-	C	C	C	C	C	§ 15-2728, Drive In and Drive Through Facilities
Walk-Up Facilities	§ 15-2766, Walk-Up Facilities						
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots						
Temporary Use	§ 15-2760, Temporary Uses						
Transitional and Supportive Housing	§ 15-2762, Transitional and Supportive Housing						
Specific Limitations:							
1. Not allowed on the ground floor.							
2. Not allowed on the ground floor along arterials or collectors.							
3. Not to include industrial training such as welding or automotive repair involving the use of tools and materials appropriate to an industrial use area.							
4. Must be located along an arterial or collector.							
5. Limited to establishments with a gross floor area of 5,000 square feet or less.							
6. Shall be below grade or in structures faced with active uses along the street.							
7. Limited to 2,500 square feet in size, located on a collector or higher classification street.							
8. Permitted only as an accessory use that supports commercial recreation.							
9. Limited to 1,500 square feet in size if on the ground floor.							
10. Limited to facilities associated with park and recreation facilities.							
11. Provided that such use shall be completely enclosed in a building of soundproof construction.							
12. Limited to establishments with a gross floor area of 10,000 square feet or less.							
13. Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals.							
14. Limited to upper stories unless at least 50 percent of ground floor street frontage is occupied by food service use.							
15. Must include an indoor waiting area.							
16. [Housing projects shall meet the requirements of § 15-1104, § 15-1106, § 15-5102-E, and Table 15-1203-1.] Residential Uses shall not exceed 16 du/ac.							
17. Not permitted along ground floor on Olive Avenue between Van Ness Avenue and Echo Avenue.							

SECTION 6. Table 15-1203-1 of the Fresno Municipal Code is amended to read:

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

 <p><b>Key</b></p> <p>ROW / Property Line</p>								
District	CMS	CC	CR	CG	CH	CRC	Additional Regulations	#
Minimum District Size (sq. ft., unless otherwise noted)	5,000	32,670	15 acres	12,000	15,000	4 acres		
Minimum Lot Size (sq. ft.)	-	32,670	10,000	12,000	15,000	15,000		
Minimum Lot Width (ft.)	-	75	100	75	100	100		①
Minimum Lot Depth (ft.)	-	100	100	125	125	150		②
Maximum Floor Area Ratio (FAR)	1.0	1.0	1.0	2.0	0.75	0.5	§ 15-309, Determining Floor Area Ratio	
[Residential Density, du/ac (min./max.)]	[No limit]	[-]	[No limit]	[-]	[-]	[-]	[§ 15-310, Determining Residential Density]	
[Minimum On-Site Open Space (% of Lot Area)]	[15]	[-]	[8]	[-]	[-]	[-]	[§ 15-1104-E, On-Site Open Space]	

SECTION 7. Table 15-4907 of the Fresno Municipal Code is amended to read:

TABLE 15-4907: PLANNING PERMITS AND ACTIONS		
Proposed Activity	Permit or Action Required	Type of Decision
Use-Only Proposals		
Establishment of a (P) Permitted use, not associated with development of property	Zone Clearance	Ministerial
Establishment of a (C) Conditional use	Conditional Use Permit	Discretionary Quasi-Judicial

Establishment of a Temporary use	Temporary Use Permit	Discretionary Quasi-Judicial
Establishment of use which is not listed in this Code	Director's Determination	Ministerial
<b>Development Proposals</b>		
Development of one single-family home, duplex, or qualifying [housing in] Downtown[, Mixed-Use, and Commercial Districts that] which complies with all provisions of this Code	Zone Clearance	Ministerial
Development of property to a greater extent than is covered by a Zone Clearance	Development Permit (Formerly Site Plan Review)	Discretionary Quasi-Judicial
Request for relief from property development standards due to unique conditions in conjunction w/a Development Permit	Variance	Discretionary Quasi-Judicial
Request for relief from property development standards of 10% or less in conjunction with a Development Permit	Minor Deviation	Discretionary Quasi-Judicial
Innovative development proposal which does not comply with the provisions of any zone district within this Code	Planned Development Permit	Discretionary Quasi-Judicial
<b>Other Proposals or Actions</b>		
Formal interpretation of this Code, verifications of prior permits, or confirmation of zoning district	Zoning Inquiry	Ministerial
Minor changes to approved plans, consistent with original findings and conditions	Minor Modification	Ministerial
Change to discretionary permit or change to approved plans that would affect findings or conditions	Major Modification	Discretionary Quasi-Judicial
Violation of conditions or terms of permit	Revocation of Permit	Discretionary Quasi-Judicial
Modifications of or exceptions from regulations to ensure equal access to housing for individuals with disabilities	Reasonable Accommodation for Housing	Discretionary Quasi-Judicial
Proposals to change a regulation within this Code	Development Code Text Amendment	Discretionary Legislative
Proposal for development which complies to regulations of an existing district, but not the one currently applied to the site	Rezone	Discretionary Legislative
Change of the General Plan land use designation for a site	Plan Amendment	Discretionary Legislative
Large, multi-phase project which needs certainty regarding regulations over time in exchange for public benefits	Development Agreement	Discretionary Legislative



SECTION 8. Section 15-5102 of the Fresno Municipal Code is amended to read:

- A. **Establishment of a Permitted Use.** A Zone Clearance is required to confirm that the establishment of a new use is permitted as a matter of right and that no Conditional Use Permit or other entitlements are required prior to securing a tax certificate and commencing operations.
- B. **Development of One Single-Family Home or One Duplex.** A Zone Clearance is required to confirm that the construction of one single-family house or one duplex is permitted as a matter of right and that such a project is being proposed in a manner which is compliant with, and without any deviations from, all applicable development standards prior to securing a building permit. If a proposed development project does not meet the threshold for a Zone Clearance it shall be required to secure a Development Permit.
- C. **Signs.** Unless a Master Sign Program is required per Section 15-2612, a Zone Clearance is required to confirm that proposals for new signage are consistent with all applicable regulations of this Code.
- D. **Downtown Housing.**
  - 5. Downtown projects which meet all of the following criteria shall require a Zone Clearance to confirm that their construction is permitted as a matter of right and that such a project is being proposed in a manner which is compliant with, and without any deviations from, all applicable development standards prior to securing a Building Permit:
    - a. Located within a DT District;
    - b. A minimum of 16 total dwelling units in the project;
    - c. A residential density of no less than 20 du/ac;
    - d. Residential uses must occupy 50% or more of the total floor area; and
    - e. No historic resources or potential historic resources are located on the site.
  - 2. Downtown projects which do not meet the threshold for a Zone Clearance shall be required to secure a Development Permit.
- E. **[Housing in Commercial and Mixed-Use Districts.]**
  - 6. Housing projects which meet all of the following criteria shall require a Zone Clearance to confirm that their construction is permitted as a matter of right and that such a project is being proposed in a manner which is compliant with, and without any deviations from, all applicable development standards prior to securing a Building Permit:
    - a. Located within a NMX, CMX, RMX, CMS, or CR District;
    - b. Located within the City's Priority Areas for Development (areas identified on Figure IM-1 in the Fresno General Plan);

- c. No historic resources or potential historic resources are located on the site.
- d. Can provide adequate City services to serve the site in accordance with all relevant standards required pursuant to applicable environmental assessments prepared pursuant to CEQA or standards listed below (from Section 15-1106 of this Code):
  - 1. Pipelines that are downstream (between the project site and wastewater treatment plant or lift station) from the proposed project shall maintain a sewer flow capacity of 1.15 q/Q ratio. Projects that result in a pipeline exceeding the flow capacity of 1.15q/Q shall construct upsized replacement pipelines for those found to be deficient per the requirements of the Department of Public Utilities Director.
  - 2. For projects within the Priority Development Areas that are: 1) proposed at a density exceeding the maximum density currently permitted in the mixed-use district (16 du/ac in CMS, CR, and NMX, 30 du/ac in the CMX, and 45 du/ac in the RMX) and 2) within areas where storm drain facilities are already constructed; on-site retention or storm drainage system modifications are required. Projects proposed outside this area shall comply with General Plan PEIR mitigation measures related to stormwater.
  - 3. The City shall evaluate additional landfill locations at the time discretionary projects are submitted, and shall not approve development that could contribute solid waste to a landfill that is at capacity until additional capacity is provided.
  - 4. Any project that results in the existing water system pipelines in the area of the project from not being able to meet maximum day demand plus the project required fire flow of 2500 gallons per minute (gpm), the project developer shall construct upsized replacement pipelines, per the requirements of the Department of Public Utilities Director, in the project vicinity to increase flow for the maximum day demand plus fire flow condition.
  - 5. To maintain a peak hour LOS standard of F or better for all intersections and roadway segments, a traffic impact study (TIS) is required for all development projected to generate 300 or more peak hour new vehicle trips within the Project Area, unless required by the City Traffic Engineer, except for the following:
    - a. Development within Infill Priority Areas within the Project Area proposing 80% residential development

do not require a traffic impact study and will be considered ministerial.

6. When a proposed residential development consisting of more than 200 units is in close proximity to a school or activity center, is near a transit stop or pedestrian or bicycle route, bicycle and pedestrian facilities such as signalized crossings, traffic signal upgrades, such as left-turn phasing, sidewalks or asphalt paths, and bicycle facilities may be required.
7. When LOS reaches E or F on High Frequency Transit Corridors, development projects within the Corridors may be conditioned to provide transit street design treatments and operational strategies, or in-lieu fees, set forth by the City of Fresno, including intersection treatments, dedicated transit lanes, business access and transit (BAT) lanes, Transit Signal Priority (TSP), and/or others.
8. When a proposed residential development consisting of more than 200 units is in close proximity to a school or activity center, is near a transit stop or pedestrian or bicycle route, project may be required to construct improvements in accordance with the City of Fresno's Complete Street Policy dated September 26, 2019 (as amended).]

~~F.~~ **[G] Streamlined Development.** Streamlined Development as defined in Section 65913.4 of the California Government Code.

~~G.~~ **[H] Other Activities.** A Zone Clearance shall be required for any other activity for which a Zone Clearance is specifically required elsewhere in this Code.

~~H.~~ **[I] Exceptions.**

- a. No Zone Clearance shall be required for the continuation of previously approved or permitted uses and structures, or uses and structures that are not subject to any Building Code or Development Code regulations.
- b. A change in building use that complies with this Code shall require a Building Permit if the use is in a different Building Code occupancy group class, such as conversion of a retail building to public assembly or residential use.

SECTION 9. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2021  
Mayor Approval/No Return: \_\_\_\_\_, 2021  
Mayor Veto: \_\_\_\_\_, 2021  
Council Override Vote: \_\_\_\_\_, 2021

TODD STERMER, CMC  
City Clerk

By: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Name Date  
Title