

3.0 LAND USE STANDARDS

3.1. LAND USE STANDARDS

3.1A. Allowed Land Uses. This section of the Downtown Code establishes the allowed land uses in each zoning district and the corresponding permit requirements. A parcel or building subject to the Downtown Code shall be occupied with only the land uses allowed by Table 3. Definitions of allowed land uses are provided in Section 11.0. If a land use is not defined in this section, the Director may determine that the use is not allowed or per Section 3.1A.4 may determine the appropriate definition giving deference to the vision and intent of the DNCP and the FCSP.

3.1A.1. Establishment of an Allowed Use. Any one or more land uses identified by Table 3 as being allowed within a specific zoning district may be established on any parcel within that zoning district, subject to the permit requirement listed in Table 3, and in compliance with all applicable requirements of the Downtown Code.

3.1A.2. Two or more Allowed Uses. If two or more allowed land uses are proposed at the same time, the application is subject to the highest permit level required by Table 3 for any individual land use. For example, a new mixed-use building proposed with a land use allowed by right (BR) on the second floor and a land use requiring a conditional use permit (CUP) on the ground floor would require a conditional use permit approval for the entire application.

3.1A.3. Land Use not listed. A land use not listed in Table 3 that is determined by the Director to not be included in the definitions as a listed land use, is deemed prohibited within the Downtown Code boundaries.

3.1A.4. Director's Classification. The Director may determine that a proposed land use not listed in Table 3 is allowable provided that the Director first make all of the following findings in writing:

- a. The land use is consistent with the General Plan currently in effect and the DNCP or FCSP, whichever applies;
- b. The land use is consistent with the purpose of the applicable zoning district;
- c. The characteristics of, and activities associated with, the land use are similar to one or more of the listed land uses in Table 3, and will not produce greater impacts than the land uses listed for the zoning district;
- d. The land use will be compatible with the other land uses allowed in the zoning district; and
- e. The land use is not listed as allowed in another zoning district.

3.1A.5. Temporary Uses. Temporary uses are allowed as identified in Table 3 in compliance with the Temporary Use Permit requirements in Section 3.4B.

3.1A.6. Non-Conforming Uses and Buildings. Existing, legal non-conforming land uses and buildings shall comply with section 1.3B10.

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3.2. PERMIT REQUIREMENTS

3.2A. Land Use Permit Required. All property subject to the Downtown Code shall comply with the requirements of Table 3 as identified below:

3.2A.1. Land Uses Permitted 'by right'. These land uses are identified as "BR" land uses in Table 3 and are approved by the Director subject to compliance with all applicable requirements of Table 3.

3.2A.2. Land Uses Allowed subject to a Temporary Use Permit. These land uses are shown as "TUP" land uses in Table 3 and are approved by the Director subject to compliance with all applicable requirements of Table 3.

3.2A.3. Land Uses Allowed subject to a Conditional Use Permit. These land uses are shown as "CUP" land uses in Table 3 and are allowed upon the Director's approval of a conditional use permit. The conditional use permit shall be considered after a public process per Section 1.4B.3J to allow for community input and the inclusion of certain conditions that mitigate the effects from particular uses that may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site because they possess unique characteristics or present special problems that make 'by right' approval either impractical or undesirable.

3.2A.4. Land Uses Not Allowed in particular zoning districts. These land uses are shown as a "X" in Table 3 and are not allowable in the identified zoning district.

3.2A.5. Land Uses Not specifically listed. These land uses are not permitted unless the Director makes a determination per Section 3.1A.4 that such a land use is similar to another land use that is listed. Land uses that are proposed as similar to a listed land use but not determined to be similar by the Director shall be identified as such and kept on file with the DARM.

3.2B. Requirements for Specific Land Uses. Table 3 identifies additional requirements for specific land uses in particular zoning districts to ensure maximum land use compatibility. These requirements are described in Section 3.4.

3.2B.1. Additional Requirements. For certain allowed land uses, Table 3 identifies additional requirements based on how a particular land use is allowed in a particular zoning district. The additional requirements are identified to differentiate between where the land use is allowed without need for the requirements and where the land use needs such requirements to ensure maximum land use compatibility with neighboring properties. Such additional requirements are identified in Table 3 by a number in parentheses "(2)" that is keyed to the notes in Table 3.

3.2C. Additional City Approvals. Any land use that is identified as allowed in Table 3 may require other City permits, licenses, and approvals, such as a building permit, encroachment permit, or sign permit. It is the applicant's responsibility to comply with all applicable requirements and approvals.

3.3. REQUIRED FINDINGS

3.3A. Required Findings to Approve Applications. Each application involving Section 3.0 shall require consistency with the following findings in order to be approved:

- a. The application is for a land use that is allowed in the applicable zoning district or has been determined by the Director to be allowed per Section 3.1A.4;
- b. The land use is allowed only in compliance with all applicable requirements identified for the land use in Table 3;
- c. The application incorporates the applicable requirements identified in Table 3.

TABLE 3 LAND USE STANDARDS

PERMIT REQUIRED BY ZONING DISTRICT 1

LAND USE TYPE	CBD 1	CBD 2	CC	CT	CA/SS/SVN	TC	NC	CG	NG	NG P	NG R	NE	SD G1	SD G2	SD A	SD H
RETAIL (see section 11.0 for definitions)																
Retail w/out drive-through	BR	BR	BR	BR	BR	BR	BR	BR	X	X	X	X	BR	BR	BR	BR
Retail w/ drive-through	X	X	X	X	X	BR 3	BR 3	BR 3	X	X	X	X	BR	BR	BR	BR
Neighborhood Retail, w/out drive-through	BR 3	BR 3	X	BR 3	X	BR 3	X	BR 3	X	X	X	X	X	X	X	X
Neighborhood Retail (< 15,000 sq ft) W/D-T1+	X	X	X	X	X	BR 3	BR 3	BR 3	X	X	X	X	BR	BR	BR	X
Alcoholic beverage sales (liquor store)	CUP	CUP	X	X	X	CUP	CUP	CUP	X	X	X	X	X	X	X	X
Alcoholic beverage sales as part of eating establishment	BR 10	BR 10	BR 10	BR 10	X	X	X	X	BR 10	BR 10	BR 10	BR 10				
Bar, tavern and night club	CUP	CUP	CUP	CUP	CUP	CUP	CUP	X	X	X	X	X	X	X	CUP	X
Brew Pub	BR 10	BR 10	BR 10	X	X	X	X	X	BR 10	BR 10	BR 10	X				
Eating establishment w/out drive-through	BR	BR	BR	BR	BR	BR	BR	BR	X	X	X	X	BR	BR	BR	BR
Eating establishment w/ drive-through	X	X	X	X	X	BR 3	BR 3	BR 3	X	X	X	X	X	X	BR	X
Eating establishment on sidewalk	BR 5	BR 5	BR 5	BR 5	X	X	BR 5	X	BR 5	BR 5	X	BR 5				
Outdoor vending/display	BR 6	BR 6	BR 6	BR 6	X	X	X	X	BR 6	BR 6	X	BR 13				
Public Market/Farmer's Market, per 3.4M	TUP	TUP	TUP	TUP	TUP	TUP	TUP	X	X	X	TUP	X	X	X	TUP	TUP
Temporary Sales / Activities, per 3.4B	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP

SERVICES: GENERAL (see section 11.0 for definitions)																
Ambulance service; Patrol service	BR 2,4	X	BR	X	X	X	X	BR	BR	BR	BR 2,4					
Banquet facility / catering	BR	BR	BR	BR	BR	BR	BR	BR	X	X	X	X	BR	BR	BR	BR
Day care, 8 or more adults per 3.4F2	BR	BR	BR	BR	BR	BR	BR	BR	CUP	CUP	CUP	CUP	BR	BR	BR	BR
Dry cleaning, Laundry	BR	BR	BR	BR	BR	BR	BR	BR	X	X	X	X	BR	BR	BR	BR
Family day care, 8 to 14 children, per 10.5D	BR	BR	BR	BR	BR	BR	BR	BR	CUP	CUP	CUP	CUP	BR	BR	BR	BR
Printing and publishing < 30,000 sq ft	BR	BR	BR	BR	BR	BR	BR	BR	X	X	X	X	BR	BR	BR	X
Repair: appliances, furniture, garments	BR	BR	BR	BR	BR	BR	BR	BR	X	X	X	X	BR	BR	BR	BR

SERVICES: PERSONAL (see section 11.0 for definitions)																
Salon: Tanning, aromatherapy, massage, barber, dance studio	BR	X	X	X	X	X	X	BR	BR							
Pet grooming, Veterinary Clinic	BR	X	X	X	X	BR	BR	BR	BR							
Fortune telling, palm reader, psychic	BR	BR	X	BR	BR	BR	BR	BR	X	X	X	X	BR	BR	BR	X
Clothing/garment rental	BR	X	X	X	X	BR	BR	BR	BR							
Hospital	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	BR
Medical services: clinic, urgent care	BR	BR	X	BR	BR	BR	BR	BR	X	X	X	X	BR	BR	BR	BR
Medical services: doctor, dentist, etc.	BR	X	X	BR	X	X	X	BR	BR							
Medical services: extended care	BR	BR	X	BR	BR	X	X	BR	X	X	X	X	X	X	BR	BR

SERVICES: PERSONAL, RESTRICTED (see section 11.0 for definitions)																
Adult Business (See FMC 12-306-N-30 for reqmts)	BR	BR	X	BR	BR	X	X	X	X	X	X	X	BR	BR	BR	X
Pawnshop	BR	BR	X	X	X	X	X	BR	X	X	X	X	X	X	X	X
Tattoo and body piercing	BR	BR	X	BR	BR	BR	BR	BR	X	X	X	X	BR	BR	BR	X
Bail Bonds	BR	BR	BR	X	X	X	X	X	X	X	X	X	X	X	X	X
Funeral Home	BR	BR	X	BR	BR	X	X	X	X	X	X	X	BR	BR	X	X
Crematorium	CUP	CUP	CUP	CUP	CUP	X	X	X	X	X	X	X	CUP	CUP	CUP	CUP

SERVICES: BUSINESS, ADMINISTRATIVE, PROCESSING (see section 11.0 for definitions)																
Processing: airline, lodging/car rental reservation centers, insurance claim processing, telemarketing	BR	X	X	X	X	BR	BR	BR	BR							
Professional / Administrative: Bank, financial services, accounting	BR	X	X	X	X	BR	BR	BR	BR							

KEY TO TABLE 3

- BR** Permitted by right subject to identified requirements
- TUP** Permitted for a temporary purpose subject to Table 3 requirements
- CUP** Permitted subject to the process identified in Section 3.2A.3
- 2** See 'Table 3 Requirements' for additional standards
- X** Land Use Type not permitted

TABLE 3 REQUIREMENTS:

- 1** All land use types are subject to the applicable requirements of the zoning district, including building size, frontage, and, all applicable right-of-way and access requirements. Existing uses are allowed to continue in compliance with section 1.3B.4
- 2** Allowed on ground floor when 30 feet from the adjacent sidewalk on front lot line.
- 3** Drive through queing/window shall not be within 50 feet of front or side street lot lines.
- 4** Outdoor staging, storage or repair of vehicles not allowed within 60 feet of the front or side street lot lines.

LAND USE STANDARDS TABLE 3

PERMIT REQUIRED BY ZONING DISTRICT 1

LAND USE TYPE	CBD 1	CBD 2	CC	CT	CA/SS/SVN	TC	NC	CG	NG	NG P	NG R	NE	SD G1	SD G2	SD A	SD H
Service: Agency - employment, social services, insurance, real estate, travel; Utility office	BR	BR	BR	BR	BR	BR	BR	BR	X	X	X	X	BR	BR	BR	BR
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE (see section 11.0 for complete list and definitions)																
Airport	X	X	X	X	X	X	X	X	X	X	X	X	X	X	BR	X
Communications equipment, Cell Tower	BR 11	BR 11	BR 11	BR 11	BR 11	BR 11	BR 11	BR 11	X	X	X	X	BR	BR	BR	BR 11
Parking facility - public or commercial	BR	BR	BR	BR	BR	BR	X	BR	X	X	X	X	BR	BR	BR	BR
Power distribution substation	CUP	CUP	CUP	X	X	X	X	X	X	X	X	X	CUP	CUP	CUP	X
Public utility (non transit / parking)	BR 2	BR 2	BR 2	BR 2	BR 2	BR 2	X	BR 2	X	X	X	X	BR	BR	BR	BR
Bus Terminal / Transit Station	CUP	CUP	CUP	CUP	CUP	CUP	X	X	X	X	X	X	X	X	X	X
Transit stop	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR
Heliport	BR	BR	BR	BR	BR	X	X	X	X	X	X	X	BR	BR	BR	BR
Tow Yard, Transit Storage	X	X	X	BR 11	BR 11	X	X	BR 11	X	X	X	X	BR	BR	BR	X
Truck / Freight Terminal	X	X	X	X	X	X	X	X	X	X	X	X	BR	BR	BR	X
INDUSTRY, MANUFACTURING, ASSEMBLY AND PROCESSING, WAREHOUSING, DISTRIBUTION (see section 11.0 for complete list and definitions)																
Agriculture: rowcrops, greenhouses per 3.4L	X	X	X	X	X	X	X	X	X	X	X	TUP	BR	BR	X	X
Agriculture: keeping of livestock per 3.4M	X	X	X	X	X	X	X	X	X	X	X	BR 12	X	X	X	X
Artisan/craft product manufacturing	BR	BR	X	BR	BR	BR	BR	BR	X	X	BR	X	BR	BR	BR	X
Commercial Kitchen (not with eating establishments)	BR	BR	BR	BR	BR	BR	BR	BR	X	X	X	X	BR	BR	BR	X
Contractor's Storage Yard	X	X	X	BR 14	BR	X	X	BR 13	X	X	X	X	BR 13	BR 13	BR 13	X
Furniture, cabinet mfg	BR 13	BR 13	X	BR 13	BR 13	X	X	BR 13	X	X	X	X	BR 13	BR 13	BR 13	X
Printing and publishing > 30,000 sq ft	BR 13	BR 13	BR 14	BR 13	BR 13	BR 14	X	BR 13	X	X	X	X	BR 13	BR 13	BR 13	X
Manufacturing (non-perishable items)	X	X	X	X	BR 13	X	X	X	X	X	X	X	BR 13	BR 13	BR 13	X
Manufacturing (perishable items-no animals)	X	X	X	CUP	CUP	X	X	X	X	X	X	X	BR 13	BR 13	BR 13	X
Personal Storage Facility	BR 2	BR 2	X	BR 2	BR 2	BR 2	X	BR 2	X	X	X	X	BR	BR	BR	X
Recycling Center	X	X	X	X	BR 2	X	X	X	X	X	X	X	BR 13	BR 13	BR 13	X
MOTOR VEHICLE-RELATED (see section 11.0 for complete list and definitions)																
Automobile sales, new and used	BR 4, 7	BR 4	X	X	X	BR 4, 7	BR 4, 7	BR	X	X	X	X	BR	BR	BR	X
Automobile/Equipment rental	BR 4, 7	BR 4	BR 4	BR 4	BR 4	BR 4, 7	BR 4, 7	BR	X	X	X	X	BR	BR	BR	X
Boat, Recreational vehicle sales, new and used	X	X	X	BR 4	BR 4	BR 4, 7	X	BR	X	X	X	X	BR	BR	BR	X
Car Wash	X	X	X	X	X	X	X	BR	X	X	X	X	BR	BR	BR	X
Fueling Station (non-comm'l vehicles) per 3.4K	X	X	X	X	CUP 2	CUP	X	CUP	X	X	X	X	CUP	CUP	CUP	X
Fueling Station (comm'l vehicles) per 3.4K	X	X	X	X	X	X	X	X	X	X	X	X	CUP	CUP	CUP	X
Repair: non-comm'l vehicles per 3.4K	X	X	X	BR 4	BR 4	BR 4	X	BR 4	X	X	X	X	BR	BR	BR	X
Repair/Wash: comm'l vehicles per 3.4K	X	X	X	X	BR 4	X	X	BR 4	X	X	X	X	BR	BR	BR	X
RECREATION, EDUCATION, PUBLIC ASSEMBLY (see section 11.0 for complete list and definitions)																
Civic Building	BR 9	BR 9	BR 9	BR 9	BR 9	BR 9	BR 9	BR 9	CUP 9	CUP 9	CUP 9	CUP 9	BR 9	BR 9	BR 9	BR 9
Public assembly, Meeting Facility, Place of worship	BR	BR	BR	BR	BR	BR	BR	BR	X	X	BR	X	BR	BR	BR	BR
Gallery: art, exhibition	BR	BR	BR	BR	BR	BR	BR	BR	X	X	X	X	X	X	BR	BR
Health/fitness facility	BR	BR	BR	BR	BR	BR	BR	BR	X	X	X	X	BR	BR	BR	BR
Indoor recreation facility: commercial	BR 2	BR 2	BR 2	BR 2	BR 2	BR 2	BR 2	BR	X	X	X	X	BR	BR	BR	X
Library, museum	CUP	CUP	CUP	CUP	CUP	CUP	CUP	X	X	X	X	X	CUP	CUP	CUP	CUP
School - public or private	BR	BR	BR	BR	BR	BR	BR	BR	X	X	BR	X	BR	BR	BR	BR
Stadium	CUP	CUP	X	X	CUP	X	X	X	X	X	X	X	X	X	X	X
Theater - cinema or performing arts	BR 2	BR	BR	BR	BR 2	BR 2	BR 2	X	X	X	X	X	X	X	X	X
RESIDENTIAL (see section 11.0 for complete list and definitions)																
Emergency/Transitional shelter per 3.4E	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	X	X	X	BR	BR	BR	BR
Group Home	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR
Home occupation	BR 14	BR 14	X	BR 14	BR 14	BR 14	BR 14	BR 14	BR 14	BR 14	BR 14	BR 14	X	X	X	X
Joint living-working quarters	BR 14	BR 14	X	BR 14	BR 14	BR 14	BR 14	BR 14	X	X	X	X	BR 14	BR 14	BR 14	BR 14
Ground floor residential	BR 2	BR 2	X	BR	BR	BR	BR	BR	BR	BR	BR	BR	X	X	X	BR
Residential Care Facility for Elderly (RCFE)	BR 2	BR 2	X	BR	BR	BR	BR	BR	X	X	BR	X	X	X	X	BR
Caretaker residential use	BR	BR	BR	BR	BR	BR	BR	BR	X	X	X	X	BR	BR	BR	BR
Carriage House / Granny Flat	X	X	X	X	X	BR	BR	BR	BR	BR	BR	BR	X	X	X	X
Single-family dwelling(s)	X	X	X	X	X	BR	BR	BR	BR	BR	BR	BR	X	X	X	BR
Multi-family dwelling(s)	BR 8	BR 8	BR 8	BR	BR	BR	BR	BR	BR 2	BR 2	BR 2	BR 2	X	X	X	BR

- 5 Allowed subject to land use standards for sidewalk dining in Section 3.4C
- 6 Allowed subject to operational standards for outdoor display in Section 3.4D
- 7 Allowed when within a shopfront frontage in compliance with the Table 6C.
- 8 Allowed when part of a building that also contains non-residential land uses.
- 9 Subject to civic design review procedures set forth in Section 1.3B.9
- 10 Subject to operational standards for alcoholic beverage sales in Section 3.4C
- 11 Subject to operational standards for screening of equipment in Section 10.3D
- 12 Subject to operational standards for animals and livestock in Section 3.4L3
- 13 Subject to operational standards for outdoor storage in 3.4J
- 14 Subject to operational standards for home occupations in 3.4H

3.0 LAND USE STANDARDS

3.4. LAND USE STANDARDS FOR SPECIFIC USES

3.4A. Requirements for Specific Land Uses. As required by Table 3, property shall comply with the following requirements, as applicable. The pattern of land use activity is important to the City's objectives for functional and appealing pedestrian-oriented buildings and streetscapes. Therefore, the following requirements are aimed at addressing such objectives and implementing the DNCP and FCSP:

- 3.4A. General Requirements.
- 3.4B Requirements for Temporary Use Permits
- 3.4C Requirements for Sidewalk Dining. and Alcohol Beverage Sales
- 3.4D Requirements for Outdoor Sales/Display of Merchandise
- 3.4E Requirements for Emergency Shelters
- 3.4F Requirements for Day Care Homes
- 3.4G Requirements for Health Facilities
- 3.4H Requirements for Home Occupations
- 3.4I Requirements for Bed & Breakfast Inns
- 3.4J Requirements for Outdoor Storage
- 3.4K Requirements for Vehicle Service Businesses
- 3.4L Requirements for Agriculturally-related Activities
- 3.4M Requirements for Farmer's Markets

3.4A. General Requirements.

1. A single family house legally existing prior to the adoption of the Downtown Code shall not be intensified with an additional dwelling.
2. All business activities shall be conducted and located within an enclosed building, except that the following business activities, as permitted in Table 3, which may be conducted outside of an enclosed building:
 - i. Plant nurseries
 - ii. Newsstands
 - iii. Flower Stands
 - iv. Temporary recreational or entertainment uses
 - v. Dining
 - vi. Retail/Service Kiosks
4. There shall be no manufacturing, processing, compounding, assembling or treatment of any material or product other than that which is clearly incidental to a particular retail enterprise, and where such goods are sold on the premises.
5. All permitted activity shall be conducted in such a manner as not to have a detrimental effect on permitted adjacent uses by reason of refuse matter, noise, light, vibration, or lack of proper maintenance of grounds or buildings.

3.4B. Requirements for Temporary Use Permits. Temporary Use Permits allow short term activities that might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary, non-permanent, or seasonal nature. Temporary land use activities are allowed subject to the following requirements, as applicable:

Two types of temporary land uses are allowed: exempt and temporary.

1. Exempt temporary uses. The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Uses that do not fall within the categories defined below shall comply with 3.4B2 (Allowed Temporary Uses), below.
 - a. Construction Yards – On-Site
 - i. On-site contractors' construction/storage yard(s), in conjunction with an approved construction project on the same parcel.
 - ii. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the

companion Building Permit, authorizing the construction project, whichever first occurs.

- b. Emergency facilities. Emergency public health and safety needs/land use activities, as determined by the City Council.
 - c. Garage/yard sales. Garage/yard sales (e.g., personal property sales) only when conducted on residentially zoned property in compliance with the following standards:
 - i. Only one garage/yard sale may be conducted within any four-month period and the sale shall be limited to not more than three consecutive days or to two consecutive weekends not to exceed four days in all.
 - ii. The sale shall not be conducted between the hours of 8:00 p.m. of any day and 7:00 a.m. of the following day.
 - iii. The sales shall not encroach or be made on or from public streets or rights-of-way.
 - iv. No licensed retail or wholesale dealer shall be allowed to consign or offer for sale any goods or merchandise or participate in any private sale authorized by this Subsection.
 - v. Any garage/yard sale not in compliance with the conditions specified in this Subsection is hereby declared to be unlawful and a public nuisance.
 - d. Special Event Permits. A Special Event Permit shall be obtained from the before conducting athletic events, parades, and public assemblies, occurring on or within the public rights-of-way or other publicly owned property, in compliance with the Fresno Municipal Code.
2. Temporary uses requiring a Temporary Use Permit. In addition to the land uses identified in Table 3 as requiring a Temporary Use Permit, the following activities also require a Temporary Use Permit.
 - a. Contractors' construction yards – off-site. The temporary use of a site for an off-site contractor's construction/storage yard(s). The permit may be effective for up to 12 months, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.
 - b. Events.
 - i. Entertainment events. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, festivals, flea markets, food events, outdoor entertainment/sporting events, and other similar events as determined by the Director for a period not to exceed 10 days twice per year, separated by at least 30 days between uses. These events shall be conducted at least 200 feet away from any residence.
 - ii. Outdoor sales displays / events. Except in the CBD1, CBD2, CA/SS/SVN and CT zoning districts which may have outdoor sales throughout the year, outdoor sales conducted by a retail business holding a valid Fresno Business License may be allowed a maximum of four outdoor sale events (excluding City sponsored activities) and shall be conducted in compliance with Section 3.4D (Outdoor Sales Display). For purposes of this Subsection an outdoor sales display shall be no longer than three consecutive days in duration.
 - iii. Seasonal sales events. Seasonal sales (i.e., Halloween pumpkin sales and Christmas tree sale lots) only by businesses holding a valid Fresno Business License not to exceed 40 days for pumpkin and tree sales. All other seasonal sales shall not exceed four events per year with a maximum of five days for each event.
 - c. Storage of structures or equipment. Temporary storage structures within residential areas, not to exceed 30 days.

3.0 LAND USE STANDARDS

3.4. LAND USE STANDARDS FOR SPECIFIC USES

- d. Mobile homes. A mobile home to be utilized as a temporary dwelling in a residential zoning district while a single-family dwelling is under construction on the same parcel shall be allowed subject to all of the following provisions:
- i. The mobile home may only be located and occupied while actual construction activities are taking place upon the parcel. In no case may the period of placement and use exceed 12 months.
 - ii. The mobile home may only be occupied by the property owner; who is also the builder designated on the Building Permit, and the owner's/builder's family.
 - iii. City may require surety adequate to ensure the timely removal and compliance with all conditions of approval.
 - iv. The minimum yards for the zoning district shall be maintained.
 - v. Additional conditions necessary and appropriate to ensure compatibility with surrounding development, existing and contemplated, may be imposed on the approved permit.
- e. Temporary work trailers. A trailer or mobile home may be used as a temporary work site for employees of a business:
- i. During construction or remodeling of a permanent commercial, industrial, or mixed-use structure, when a valid Building Permit is in force; or
 - ii. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.
 - iii. A permit for temporary work trailer(s) may be approved for up to 12 months. The Director may approve extensions.
 - f. Other similar temporary uses. Similar temporary uses that, in the opinion of the Director, are compatible with the subject zoning district and surrounding land uses.
3. Conditions of Approval. In approving a Temporary Use Permit application, the Director may impose conditions that are deemed reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Section 3.3 'Findings'.
4. Requirements and conditions from other City departments. Other City departments (e.g., Building, Engineering, Fire, and Police) may also recommend conditions for incorporation into the approved Temporary Use Permit and may have requirements and standards specified in the Downtown Code that may have direct effect on the operation of the temporary use.
5. Appropriate conditions. These conditions may address any pertinent factors affecting the operation of the temporary event, or use, and may include the following:
- a. Fixed period of time. Unless otherwise stated in the permit, a provision for a fixed period of time not to exceed 30 days for a temporary use not occupying a structure, including promotional activities, or 12 months for all other temporary uses or structures, or for a shorter period of time as determined appropriate by the Director;
 - b. Operating hours and days. Regulation of operating hours and days, including limitation of the duration of the temporary use, as specified on the Temporary Use Permit;
 - c. Temporary pedestrian and vehicular circulation. Provision for adequate temporary pedestrian and vehicular circulation, parking facilities (including vehicular ingress and egress), and public transportation, if applicable;
 - d. Regulation of nuisance factors. Regulation of nuisance factors including prevention of glare or direct illumination on adjacent parcels, dirt, dust, gases, heat, noise, odors, smoke, trash, and vibration;
 - e. Regulation of temporary structures. Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
 - f. Sanitary and medical facilities. Provision for sanitary and medical facilities, as appropriate;
 - g. Waste collection, recycling, and/or disposal. Provision for solid, hazardous, and toxic waste collection, recycling, and/or disposal;
 - h. Police/security and safety measures. Provision for police/security and safety measures, as appropriate;
 - i. Signs. Regulation of signs;
 - j. Performance bond or other security. Submission of a performance bond or other security measures and satisfactory to the Director, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition, or better, as determined by the Director, in compliance with Section 3.4B7 (Condition of Site Following Temporary Use),
 - k. Compliance with applicable provisions. A requirement that the approval of the requested Temporary Use Permit is contingent upon compliance with applicable provisions of the FMC and the successful approval of any/all required permits from any other department or governing agency; and
 - l. Other conditions. Other conditions that would ensure that the operation of the proposed temporary use would be conducted in an orderly and efficient manner, and in full compliance with the purpose of this Section.
6. Applicant's agreement. The applicant agrees in writing to comply with any and all of the conditions imposed by the review authority in the approval of the Temporary Use Permit.
7. Condition of Site Following Temporary Use. Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall continue to be used in compliance with the Downtown Code.
- #### 3.4C. Requirements for Sidewalk Dining, Alcohol Beverage Sales.
1. As allowed in Table 3 for the applicable zoning district, sidewalk dining may occur within a public sidewalk or open space subject to the following:
 - a. furniture such as tables, chairs, umbrellas and portable heaters are allowed to be placed within the sidewalk provided that the furniture is:
 - i. located either adjacent to the building or near the curb;
 - ii. clear of required ADA access;
 - iii. maintained in a manner that does not become detrimental to the function and appearance of the sidewalk or present potential safety hazards;
 - b. If alcohol is served, the area where alcohol is to be consumed shall be delineated by decorative stanchions and/or potted plants or other such approved method;

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- c. The area along the sidewalk shall not be enclosed with any feature taller than 4 feet except for landscaping which shall not obscure views into the sidewalk dining area;
 - d. Music is allowed when it does not become detrimental to the function of the sidewalk;
 - e. The area shall be kept free of debris or other such trash.
 - f. A sidewalk dining permit is required prior to authorization of the placement of furniture or sidewalk dining.
2. Alcohol Beverage Sales.
- a. All establishments must obtain approval from the Alcohol Beverage Commission in order to sell or dispense alcoholic beverages;
 - b. In order to obtain approval from the Alcohol Beverage Commission, the land use activity shall not be prohibited in the zoning district in which the applicant proposes the land use activity.
 - c. In determining whether or not to grant the approval the Review Authority may impose conditions of approval in order to ensure land use compatibility with neighboring properties and for appropriate operation of the subject property.

3.4D. Requirements for Outdoor Sales / Display of Merchandise.

1. Outdoor display of merchandise for sale shall be conducted in a manner that does not create any conditions that are detrimental to the appearance of the premises or surrounding properties or in any other manner is detrimental to the public health, safety, welfare or causes a public nuisance.
2. Pre-existing Outdoor Display of Merchandise. Any outdoor display of merchandise legally established prior to the effective date of the Downtown Code but not in compliance with a provision of the Downtown Code shall be deemed a pre-existing nonconforming use. Such uses may continue in accordance with Section 1.3B10 (Non-conforming uses and buildings) provided that the use is operated and maintained in compliance with the conditions prescribed at the time of its establishment, if any.
3. Displayed merchandise shall not be located within 3 feet of the public street or within parking aisles, required parking spaces, landscaped areas, or within required fire or handicapped access ways.
4. Displayed merchandise within the sidewalk shall not impede the clear accessible path along the adjacent sidewalk and entrance to the business and shall be at least 3 feet from the adjacent curb;
5. Displayed products shall be limited to the primary merchandise sold by the principal business that occupies the site. Merchandise shall not be displayed for sale on an undeveloped or vacant site;
6. In multi-tenant centers, the displayed merchandise shall be limited to the area directly in front of the store displaying the merchandise. In multi-tenant buildings, the displayed merchandise from the multiple tenants displaying merchandise shall be limited to the area directly in front of the multi-tenant building displaying the merchandise.
7. Displayed merchandise shall be removed each day when the business closes.
8. The property owner is responsible for the collection of trash and any debris caused by the display of merchandise in front of the building.

3.4E. Requirements for Emergency Shelters

An emergency shelter shall meet the following development and performance standards:

1. On-site management and on-site security shall be provided during hours when the emergency shelter is in operation.
2. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed downward and shielded so as not to produce off-site glare.
3. The shelter may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
 - a. Central cooking and dining room(s).
 - b. Recreation room.
 - c. Counseling center.
 - d. Child day care facilities.
 - e. Other support services.
4. Parking and outdoor facilities shall be designed to provide security for residents, visitors, employees and the surrounding area.
5. The agency or organization operating the shelter shall comply with the following requirements:
 - a. Temporary shelter shall be available to residents for no more than six months.
 - b. Staff and services shall be provided to assist residents in obtaining permanent shelter and income.
 - c. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
6. No emergency shelter shall be located within 300 feet of another emergency shelter site.
7. The facility shall be in, and shall maintain at all times, good standing with City and/or State licenses, if required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.
8. Emergency shelters located in residential districts, when not developed in an individual dwelling unit format, shall be limited to three times the maximum number of dwelling units which would otherwise be permitted.

3.4F. Requirements for Day Care Facilities. The following requirements shall not apply to day care centers, which are defined as any child day care facility other than a family day care home, and include, but are not limited to, infant centers, preschools, extended day care facilities and school/age child care centers.

1. Small Family Day Care.
 - a. Small family day care, 8 or fewer children. A small family day care is permitted in all residential zoning districts as allowed by Health and Safety Code Sections 1597.44 et seq.
 - b. The facility shall comply with all applicable State and fire codes.
 - c. Location requirements. A separation of 300 feet shall be required from a family day care facility.
 - d. The property shall provide one parking space on-site for each non-resident employee in addition to standard parking requirements for the applicable zoning district.
 - e. Adequate on-site or on-street parking, per the applicable zoning district standards, shall be available for loading and unloading in a manner that does not interfere with traffic flow or create a potential traffic hazard.

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- f. The facility shall operate in a manner that complies with the applicable noise standards.
- g. Signs shall be in compliance with Section 7.0 'Signage Standards'.
- h. Fencing. A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard.
- i. Outdoor lighting. On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded.
- j. Swimming pools/spas prohibited. No swimming pool/spa shall be installed on the site after establishment of the family day care center, due to the high risk and human safety considerations. Any pool/spa existing on the site prior to application for approval of a family day care center shall be removed prior to establishment of the use, unless the Director determines that adequate, secure separation exists between the pool/spa and the facilities used by the children.
- k. Evidence of State licensure shall be submitted to the city prior to approval of the plot plan.
- l. Prior to commencing operations, the facility shall obtain a business license from the City.
2. Family day care centers, more than 8 persons. The following standards apply to family day care centers:
- a. The facility shall comply with all applicable State and fire codes.
- b. The facility shall operate in a manner that complies with the applicable noise standards.
- c. The property shall provide one parking space on-site for each non-resident employee in addition to standard parking requirements for the applicable zoning district.
- d. Adequate on-site or on-street parking, per the applicable zoning district standards, shall be available for loading and unloading in a manner that does not interfere with traffic flow or create a potential traffic hazard.
- e. Outdoor lighting. On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded.
- f. Fencing. A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area.
- g. Evidence of State licensure shall be submitted to the city prior to approval of the plot plan.
- h. Prior to commencing operations, the facility shall obtain a business license from the City.
- 3.4G. Requirements for Health Facilities.** Health facilities as defined in the State Code, including community care facilities, hospitals (sanatoriums, nursing homes and maternity homes), mental health facilities, and rest homes (guest homes, boarding homes for the aged), shall be permitted subject to the following regulations:
1. Community care facilities, residential care facilities for the elderly, alcoholism recovery, and homes for mentally disabled, handicapped, dependent and neglected children permitted in an existing dwelling or facility as allowed by Table 3.
2. Off-Street Parking. Shall be provided in compliance with the requirements of the applicable zoning district.
3. Screening. Screening adjacent to residential zones shall be a six foot high masonry wall, solid board fence or acceptable equivalent along all interior property lines.
4. Signs. Shall be permitted as allowed by Table 7.
5. Other Approval. A permit issued under the provisions of this section shall be valid at such time as a copy of a license or permit issued by the appropriate county or State agency is filed with the City.
- 3.4H. Requirements for Home Occupations.** Home Occupations which are clearly secondary to the principal use of a dwelling, conform to City ordinances, and do not adversely affect the public safety, health and general welfare of the neighborhood shall be permitted in accordance with the standards identified below and in the zoning districts identified in Table 3, provided that the home occupation is incidental to the residential use of the dwelling unit and complies with all of the provisions following provisions:
1. Up to one employee shall be permitted and no other pedestrian or vehicular traffic related to the home business is permitted beyond that normally generated by the residential uses prevalent in the vicinity in which the subject property is located;
2. No signs visible from the outside of the dwelling unit are allowed except for signs that are otherwise permitted in conjunction with the primary residential use;
3. No supplies or equipment used for, or in any way related to, the home business may be stored outside the dwelling unit;
4. No more than one vehicle used for, or in any way related to, the home business may be used or stored on the premises and any truck or van related to the home occupation shall not exceed a maximum capacity of one ton;
5. No hazardous materials may be used for any activities related to the home business or stored on the premises for that purpose unless approved by the Fire Chief or designee;
6. No activities related to the home business may be performed on the premises if such activities produce, or may produce, any external physical effects, including, but not limited to, noise, smoke, odors, vibrations, electromagnetic wave interference, line voltage fluctuation, or similar physical impacts;
7. Deliveries of any supplies or equipment related to the home occupations are allowed no more than once daily, provided that such deliveries shall not interfere with traffic circulation;
8. Storage of stock shall be limited to 100 cubic feet (approximately the size of a typical residential bedroom closet).
9. No additional off-street parking is required for the business use.
10. Vehicles connected with this business are limited to one vehicle not exceeding an unladen vehicle weight of 4,500 pounds.
11. Vehicle related services such as, but not limited to, repair, cleaning, tune-ups, couriers, delivery or transport of goods or people and services requiring employees, customers or clients to visit the residence shall be prohibited.
12. The home occupation shall involve no on-site clients except for:

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- a. Tutoring or instruction of children by appointment; and
 - b. Applicants with a demonstrated mobility handicap.
13. There shall be no on-site exterior storage of equipment, vehicles (in excess of the single vehicle), materials or supplies connected with this business.
 14. Tools or equipment connected with the business shall be operated so as to be imperceptible at or beyond the property line.
 15. The following uses shall be prohibited:
 1. Adult businesses
 2. Animal hospitals (and related services)
 3. Barber/beauty/nail shops
 4. Dance/night clubs
 5. Food preparation for commercial purposes
 6. Fortune telling (psychics)
 7. Repairs such as small engine, television/radio, appliance, vehicle, upholstery
 8. Massage (on-site)
 9. Medical/dental offices/clinics/laboratories
 10. Photography studios (not including photo processing)
 11. Plant nursery
 12. Retail or wholesale sales of products stored at the residence, except that mail order businesses may be allowed where there is no stock-in-trade on the site
 13. Party-type sales, except when done at client's location
 14. Automotive detailing and/or painting
 15. Welding and machining
 16. Other uses determined by the Director not to be incidental to or compatible with residential activities.

3.4I. Requirements for Bed & Breakfast Inns.

1. Bed and breakfast inns, as allowed by Table 3, shall be operated by the property owner/manager living on the site.
2. Bed and breakfast inns shall be limited to a maximum of six guest-rooms for lodging, plus accommodations for the property manager/owner.
3. Additions, modifications, and new construction of bed and breakfast inn structures are subject to the development standards of the applicable zoning district.
4. Food may only be served to registered overnight guests. Guestroom cooking facilities are prohibited.
5. Fencing. A six-foot high fence or wall shall be constructed on all property lines that abut a residential district. All fences or walls shall be solid and decorative in compliance with Section 10.2B Screening).
6. Signs are allowed as identified in Table 7 for the applicable zoning district.
7. Parking shall be provided as required in the development standards of the applicable zoning district.

3.4J. Requirements for Outdoor Storage.

1. Except as specifically allowed in SD-G1, SD-G2, and SD-A zoning districts, all outdoor storage areas shall be completely screened from both public view and adjacent properties to ensure that outdoor storage does not create any conditions that are detrimental to the appearance of the premises or surrounding properties or in any other manner that is detrimental to the public health, safety, welfare or causes a public nuisance.

2. Pre-existing Outdoor Storage Uses. Any outdoor storage use legally established prior to the effective date of the Downtown Code but not in compliance with a provision of the Downtown Code shall be deemed a pre-existing nonconforming use. Such uses may continue in accordance with Section 1.3B10 (Non-conforming uses and buildings) provided that the use is operated and maintained in compliance with the conditions prescribed at the time of its establishment, if any.
3. The stored materials shall be limited to those normally associated with the principal use on the site as allowed by the Downtown Code.
4. All walls or fences used for screening purposes shall be at least six feet and up to eight feet in height in compliance with the requirements of Section 10.2B.
5. In cases where unusual topographical conditions, land use conflicts, or zoning district boundaries exist, the outdoor storage area(s) may require additional screening structures and/or materials as determined by the Director.
6. Storage materials or equipment shall not exceed the height of the wall or fence enclosing the materials or equipment.
7. All screening materials shall be installed and finalized prior to the commencement of storage on-site.

3.4K. Requirements for Vehicle Services (Repair Garages, Service Stations and Private Fuel Stations)

1. Auto repair garages shall comply with the following, as applicable:
 - a. Except in the SD-G1, SD-G, SD-A zoning districts, all repair activities shall be entirely enclosed within a building.
 - b. Off-street parking shall be provided so that all vehicles under repair are within the property where the repair activity occurs.
2. Auto service stations shall comply with the following, as applicable:
 - a. No automotive service station structure, equipment or apparatus shall be permitted within 25 feet of any residential zoning district.
 - b. Each automotive service station shall provide, except in required front yards, an eight-foot high masonry wall on property lines that abut a residential zoning district.
 - c. Automotive service stations may be authorized in conjunction with a permitted or conditionally permitted commercial or industrial use, if all of the following findings can be made:
 - i. Traffic generation, fumes, noise, light and glare, and similar effects generally associated with automotive service stations will not be detrimental to adjacent residential areas, if applicable.
 - ii. The land use is compatible with the site size, shape, design, access, on-site circulation, required parking and is restricted to minimize conflicts with public access, public safety, or adjoining properties.
 - iii. The proposed land use, site, and architecture promote a design consistent with and appropriate for the location, and consistent with the intended physical environment of the zoning district.
3. Fuel Station- Private.
 - a. Authorization. Private fuel stations may be authorized as an accessory use for any business or public activity in any non-residential zoning district through the Conditional Use Permit process.
 - b. The Review Authority shall review the application to determine if the fuel station conforms to the requirements of the Fresno Municipal Code regarding the use and storage of hazardous materials.
 - c. Location requirements.
 - i. The use is compatible with the site size, shape, design, access, on-site circulation, and required parking; and

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- ii. The use is restricted to minimize conflicts with public access, public safety, or adjoining properties.

3.4L. Requirements for Agriculturally-related Activities

1. Agricultural stands, temporary. Temporary agricultural stands shall comply with the following conditions in addition to the general provisions and other conditions imposed for a Temporary use permit:
 - a. There will be no more than one temporary agricultural stand per parcel, as allowed in Table 3, with a minimum of one acre in area, and there will exist a minimum separation of one thousand feet between stands except for legal existing stands.
 - b. The stand shall be located to provide appropriate setback from the existing or proposed right-of-way to insure adequate ingress or egress and parking area.
 - c. The stand shall be constructed of wood material and its floor area shall be approximately five hundred square feet. In addition, a trailer may be used for storage and include a refrigeration unit with location to be approved as part of the conditional use permit application.
 - d. There shall be no more than one sign on the stand in accordance with Table 7 for the applicable zoning district.
 - e. The stand must be used for sale of produce or flowers grown on the parcel; in addition, it may be used for sale of produce or flowers grown in the City of Fresno; However, in no case shall it be used for the sale of prepackaged products.
 - f. The parking area shall be graded to create a level condition with a surface consisting of either rock or another material approved by the Director which prevents the generation of dust.
 - g. No vehicle, cart or wagon shall be located on or nearby the parcel for the purpose of attracting attention or traffic to the stand by the use of signs or otherwise except for those uses as permitted under this section.
 - h. The property owner or applicant shall post bond sufficient to guarantee removal of the stand and shall provide the city with written consent to remove it in the event the TUP is revoked and the stand is not removed within the time specified by the revocation decision.
 - i. The stand shall be licensed as a general retail use..
 - j. If the stand is not in use or the land is not in production for a one-hundred-eighty day period, the use shall be deemed voluntarily abandoned and the TUP shall expire.
2. Agricultural plant nurseries in the NE, SD-G1, and SD-G2 zoning districts shall comply with the following requirements:
 - a. The nursery shall be used for sale of plants, where the majority of the plants for sale are farmed and grown on the premises. A limited amount of planting supplies such as garden pots and compost may be sold.
 - b. Signage shall be in compliance with Table 7 for the applicable zoning district.
 - c. Such land use activity in the NE zoning district shall require a Conditional Use Permit.
 - d. A paved parking area shall be provided in accordance with the standards in Section 10.5F (Parking Areas).

- e. Parking and setback areas shall contain permanent landscaping and irrigation in accordance with the standards contained in Section 10.5F (Landscaping of parking areas).
 - f. All buildings on the property shall be in compliance with the requirements of Section 5.0 'Building Standards'.
3. Keeping of Livestock. As allowed in Table 3, the following is permitted:
 - a. A minimum of 1/2 acre shall be required for properties that contain Bovine (cow) and equine (horses) animals;
 - b. No more than four (4) adult animals in any combination of the foregoing animals and their immature offspring shall be allowed on the lot.
 - c. No pen, stable, barn or corral shall be maintained within one hundred (100) feet of any property line or within forty (40) feet of any building used for human habitation unless occupied by the owner or keeper of the animals. Pasturing of these animals is permitted within the above mentioned setbacks.
 - d. Poultry raising (limited to hens only), rabbits or similar small fur-bearing animals, not to exceed twenty-four (24) of any kind or combination thereof, for domestic purposes only provided that no pen, coop, or hutch be located within one hundred (100) feet of any property line or within forty (40) feet of any residence, dwelling or building used for human habitation.

3.4M. Requirements for Farmer's Markets

1. Farmer's Markets, temporary. Temporary or seasonal sales of agricultural products such as vegetables, fruits and other related items are allowed per a Temporary Use Permit as identified in Table 3 per the following:
 - a. Agricultural products shall comprise at least seventy-five percent (75%) of the retail space available.
 - b. The exhibition and sale of other agricultural products such as processed food (dried fruit, cheese or bread, for example), or artisan handiwork or art, shall not exceed twenty-five percent (25%) of the retail space available.
 - c. The sale of alcoholic products is limited to wine only, by the bottle, not to be consumed on-site, and is subject to securing a conditional use permit for the sale of alcohol.
 - d. The sale of second-hand, or used merchandise, is prohibited.