

1 BEFORE THE BOARD OF SUPERVISORS
2 OF THE COUNTY OF FRESNO
3 STATE OF CALIFORNIA
4 ORDINANCE NO. T-102-391

5
6 AN ORDINANCE AMENDING THE ZONING PROVISIONS OF THE ORDINANCE CODE OF THE
7 COUNTY OF FRESNO BY ADDING ADDITIONAL TEXT RELATING TO RESIDENTIAL ZONES AS
8 LISTED UNDER RESIDENTIAL ZONE LAND USES AND PERMIT REQUIREMENTS TO INCLUDE
9 DEFINITIONS FOR DISCRETIONARY, MINISTERIAL, AND BY-RIGHT USES IN ACCORDANCE
10 WITH THE PROVISIONS OF THE ZONING DIVISION OF THE ORDINANCE CODE OF FRESNO
11 COUNTY.

12 The Board of Supervisors of the County of Fresno ordains as follows:

13 **SECTION 1.** The Ordinance code of the County of Fresno is hereby amended by modifying with
14 additional text to Article 2, Chapter 810.2, Section 810.2.020 (A.3 and Table 2-5) and to Article 7; to
15 read as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

16 **SECTION 2.** This Ordinance shall take effect and be in force thirty (30) days from and after its
17 passage.

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1 THE FOREGOING was passed and adopted by the following vote of the Board of
2 Supervisors of the County of Fresno the 19th day of August, 2025, to wit:

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4 AYES: Supervisors Bredefeld, Chavez, Magsig, Mendes, Pacheco

5 NOES: None

6 ABSENT: None

7 ABSTAINED: None

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10 Ernest "Buddy" Mendes
11 Ernest "Buddy" Mendes, Chairman of the Board of
12 Supervisors
13 of the County of Fresno

14 **ATTEST:**

15 Bernice E. Seidel
16 Clerk of the Board of Supervisors
17 County of Fresno, State of California

18 By Alexandrin Vieira
19 Deputy

EXHIBIT A
Amendment to Text Application No. 391

The amended text is noted below with proposed additions to text illustrated in red and underlined.

Zoning Ordinance will be added to as follows:

Amendment to Article 2, Chapter 810.2, Section 810.2.020.A.3, Residential Zone Land Uses and Permit Requirements, Allowed land uses:

3. The following types of residential projects shall be allowed by right pursuant to California Government Code section 65583.2(h) and (i): residential projects that include owner-occupied and/or rental multi-family residential units located on sites identified for rezoning in Table 1A-8 of the 2023-2031 Housing Element in order to meet the lower income Regional Housing Needs Allocation (RHNA), provide appropriate densities, and incorporate a minimum of 20 percent of the units in the development as affordable to lower income households. Additionally, any site listed in Table 1A-8 that was rezoned on or after January 1, 2024, that is identified for lower income capacity must be developed at a minimum density of 20 units per acre pursuant to California Government Code section 65583.2(c)(3).

Amendment to Article 2, Chapter 810.2, Section 810.2.030, Table 2-5, Residential Zone General Development Standards:

<u>Development Feature</u>	<u>R-3, R-3-A</u>
Maximum (Gross) Population Density	<p>1 DU/1,500 sq. ft. (with both community water supply and public sewage disposal systems)</p> <p>(As determined by the Health Department upon the basis of soil analysis tests for parcels without both community water supply and</p> <p>public sewage disposal systems, but not less than 1 DU/1,500 sq. ft.) Exceptions noted in Section 820.3.040.B</p> <p><u>See Section 810.2.020.A.3 for minimum density requirements for select sites listed in the Housing Element.</u></p>

Amendment to Article 7, - Definitions, By right:

By right. A use that is allowed without discretionary review or approval that would not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of a site shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A by right use may still be subject to design review, provided that the design review does not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. The by-right approval process may also be referred to as a ministerial approval process, where the review of a project is based upon fixed/mandatory standards and does not involve the use of personal judgment.

Amendment to Article 7, - Definitions, Discretionary:

Discretionary. A use or project that is not classified as by right/ministerial and constitutes a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code (CEQA). These projects are subject to review based on best practices and expert judgment rather than fixed/mandatory requirements. Discretionary review typically includes evaluation based on required findings, public notice, public hearing, inclusion of conditions of approval (and or Mitigation Measures), decision by an appointed and/or elected body and the opportunity to appeal.

Amendment to Article 7, - Definitions, Ministerial:

Ministerial. See “By right.”