

1 BEFORE THE BOARD OF SUPERVISORS

2 OF THE COUNTY OF FRESNO

3 STATE OF CALIFORNIA

4 ORDINANCE NO. T-091-374

5 AN ORDINANCE AMENDING THE ZONING PROVISIONS OF THE
6 ORDINANCE CODE OF FRESNO COUNTY RELATED TO TIME EXTENSIONS OF
7 CONDITIONAL USE PERMITS AND VARIANCES BY AMENDING THE TEXT OF
8 SECTIONS 873 AND 877.

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

10 **SECTION 1.** This Ordinance is adopted pursuant to California Constitution,
11 Article XI, Section 7, Government Code Sections 65800, 65850, 65854-65857, and
12 Section 878 of the Ordinance Code of Fresno County.

13 **SECTION 2.** The Ordinance Code of Fresno County is hereby amended by
14 amending the provisions of Sections 873.I and 877.D thereof, such that they read in full
15 as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

16 **SECTION 3.** Pursuant to Government Code Section 25124, Subdivision (a),
17 prior to the expiration of fifteen (15) days from the adoption of this Ordinance, it shall be
18 published at least one time in the Business Journal, a newspaper of general circulation
19 in Fresno County.

20 **SECTION 4.** Pursuant to Government Code Sections 25123, 25131, and 65854-
21 65857, this Ordinance shall take effect thirty days after adoption.

22 **SECTION 5.** The Board of Supervisors determines that this Ordinance is exempt
23 from environmental review pursuant to CEQA Guidelines Section 15061,
24 Subdivision (b)(3).

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1 THE FOREGOING WAS PASSED AND ADOPTED BY THE FOLLOWING
2 VOTE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO THIS
3 23rd DAY OF August 2016, TO-WIT:

4
5 AYES: Supervisors Borgeas, Mendes, Pacheco, Perea, Poochigian

6 NOES: None

7 ABSENT: None

8 
9 ERNEST BUDDY MENDES, CHAIRMAN
BOARD OF SUPERVISORS

10 ATTEST:

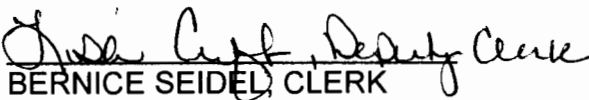
11
12 
13 BERNICE SEIDEL, CLERK
BOARD OF SUPERVISORS

Exhibit "A"

SECTION 873

USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT

I. TIME LIMIT FOR DEVELOPMENT

Each Conditional Use Permit approved either before or after the effective date of this amendment shall become void when:

1. There has not been substantial development within two years after the approval of said Conditional Use Permit or the effective date of this amendment, whichever date is later. However, in the case of a Conditional Use Permit authorizing a tentative map, expiration of said permit shall be concurrent with the expiration date of the tentative or vesting map and may be extended in the same manner as said map; or

(Amended by Ord. T-241 adopted 7-28-80; Ord. T-026-287 adopted 11-12-85)
2. There is a cessation in the occupancy or use of land or structures authorized by said Conditional Use Permit for a period in excess of two years; except where the structure or land is limited to a single purpose use.
3. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation established in Section 873-I.1, the Commission may grant a maximum of four one (1)-year extensions. Application for such time extension must be set forth in writing, including the reasons for the extension, and be filed with the Public Works and Planning Department before the expiration of the Conditional Use Permit. Such request shall be acted upon by the Commission at a public hearing. The Commission's decision shall be appealable to the Board of Supervisors. The required public hearing(s) shall be subject to the public notice requirements and procedures set forth in Section 873-D, E, G, and H.

(Amended by Ord. adopted -16)

SECTION 877

VARIANCES

D. VOIDING OF VARIANCES

1. The Commission may revoke any Variance for noncompliance with the conditions set forth in granting said Variance after notice and hearing. Upon instruction from the Commission, the Public Works and Planning Department shall cause ten (10) days notice of hearing to be given to the holder of the Variance which is being considered for revocation together with such other persons set forth in Section 877-B.5.b and c. The action of the Commission in revoking any Variance may be appealed to the Board in the same manner and by the same person as an appeal from a decision of the Commission in granting or denying a Variance.

(Amended by Ord. adopted -16)

2. Each Variance granted under the provisions of this Section shall become void when:
 - a. The construction authorized by said Variance is not commenced within one (1) year after the granting of said Variance or is not pursued diligently to completion, or
 - b. There is a cessation in the occupancy or use of land or buildings authorized by such Variance for a period in excess of one (1) year.
 - c. The parcels authorized by said Variance are not created within one (1) year after the granting of said Variance or an application for tentative map is not filed within said one (1) year. However, in the case of a Variance for which a tentative or vesting map has been timely filed, expiration of said Variance shall be concurrent with the expiration date of the tentative or vesting map and may be extended in the same manner as said map.

(Added by Ord. T-026-287 adopted 11-12-85)

3. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation established in Section 877-D.2, the Commission may grant a maximum of two one (1)-year extensions of time. Application for such extension of time must set forth in writing the reasons for the extension and must be filed with the Public Works and Planning Department before the expiration of the Variance.

(Amended by Ord. adopted -16)