

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTION 15-4907 OF THE FRESNO
MUNICIPAL CODE, RELATING TO PLANNING ACTIONS.

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

SECTION 1. Section 15-4907 of the Fresno Municipal Code is amended to read:

SECTION 15-4907. – PLANNING PERMITS AND ACTIONS

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
Development Proposals		
Development of one single-family home, duplex, or qualifying Downtown housing 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

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Date Adopted:

Date Approved

Effective Date:

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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
Other Proposals or Actions		
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
<u>[Modification of conditions or terms of permit]</u>	<u>[Modification of Permit]</u>	<u>[Discretionary Quasi-Judicial]</u>
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

TABLE 15-4907: PLANNING PERMITS AND ACTIONS (CONTINUED)						
Permit or Action	Advisory Body	Review Authority	Appeal Body	Public Notice?	Public Hearing?	Article
Use-Only Proposals						
Zone Clearance	-	Director	PC	No	No	51
Conditional Use Permit	-	Director (PC on referral)	PC (CC if referred)	Yes	No (Yes	53

					w/PC referral)	
Temporary Use Permit	-	Director	PC	No	No	54
Director's Determination	-	Director	PC	No	No	50
Development Proposals						
Zone Clearance	-	Director	PC	No	No	51
Development Permit (Formerly Site Plan Review)	-	Director (PC on referral)	PC (CC if referred)	No	No (Yes w/PC referral)	52
Variance	-	Director (PC on referral)	PC (CC if referred)	Yes	No (Yes w/PC referral)	55
Minor Deviation	-	Director	PC	No	No	56
Planned Development Permit	-	Director (PC on referral)	PC (CC if referred)	Yes	No (Yes w/PC referral)	59
Other Proposals or Actions						
Zoning Inquiry	-	Director	PC	No	No	50
Minor Modification	-	Director	PC	No	No	50
Major Modification	Director	Review Authority of Original Permit	PC or CC	Yes	Same as Original Permit	50
[Modification or] Revocation of Permit	See Section 15-5016					
Reasonable Accommodation for Housing	-	Director	PC	No	No	57
Development Code Text Amendment	PC	CC	None	Yes	Yes	58
Rezone	PC	CC	None	Yes	Yes	58
Plan Amendment	PC	CC	None	Yes	Yes	58

Development Agreement	PC	CC	None	Yes	Yes	60
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SECTION 2. 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.

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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 _____ 2024.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2024
Mayor Approval/No Return: _____, 2024
Mayor Veto: _____, 2024
Council Override Vote: _____, 2024

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Kristi Costa Date
Supervising Deputy City Attorney

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTION 15-5016 OF THE FRESNO
MUNICIPAL CODE, RELATING TO MODIFICATION OF
PERMITS.

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

SECTION 1. Section 15-5016 of the Fresno Municipal Code is amended to read:

SECTION 15-5016. – [MODIFICATION OR] REVOCATION OF PERMITS.

A. **Initiation of Proceedings.** [Modification or] Revocation proceedings may be initiated by the City Council, Planning Commission, or Director. The Council or Commission may initiate revocation proceedings with adoption of a resolution, whereas the Director shall prepare a letter per Subsection B below.

B. **Notice of Initiation.** The Director shall give notice of the initiation of [modification or] revocation proceedings together with the reasons therefor to the property owner. The Director shall set forth in such notice a tentative hearing date for consideration of the proposed [modification or] revocation which shall be not less than 30 days after the giving and posting of such notice.

1 of 5

Date Adopted:

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C. **Notice and Opportunity to Cure.** The property owner shall be granted an opportunity to remedy any violations. If such violation is not corrected to the reasonable satisfaction of the City within the time stipulated by the Notice of Initiation, or within such reasonable time as may be required to cure the violation, the City may pursue any remedy available under local, State, or federal law.

D. **Revocation Authority.** The [Modification or] Revocation Authority for permits is identified in Table 15-5016. The body identified shall hold an evidentiary hearing.

TABLE 15-5016: <u>MODIFICATION OR</u> REVOCATION AUTHORITY			
Original Decision Making Body	May Initiate <u>[Modification or]</u> Revocation Proceedings?	<u>[Modification or]</u> Revocation Authority	Public Notice and Posting of the Site?
Director	Yes	Planning Commission	Yes
Planning Commission	Yes	Planning Commission	Yes
City Council	Yes	City Council	Yes

E. **Public Notice and Hearing.**

1. The decision-making body shall hear and consider all relevant evidence, including, but not limited to, applicable staff reports, objections or protests by the permit holder

with regard to the alleged violations of required conditions, the public, and recommendations proposed by staff.

2. The decision-making body may revoke or modify the permit if it makes a finding on any one or more of the grounds listed in Subsection G below.

F. **Modification or Revocation Hearing Procedures.** The decision-making body shall establish the modification or revocation hearing procedures.

G. **Required Findings.** The decision-making body may revoke or modify the permit if it makes any of the following findings:

1. The approval was obtained by means of fraud or misrepresentation of a material fact.
2. The use, building, or structure has been substantially changed in character or expanded beyond what is set forth in the permit.
3. The use in question has ceased to exist or has been discontinued for one year or more.
4. There is or has been a violation of or failure to observe the terms or conditions of approval of the permit or variance, or the use has been conducted in violation of the provisions of this Code, or any applicable law or regulation.

5. The use to which the permit or variance applies has been conducted in a manner detrimental to the public safety, health, and welfare, or so as to be a nuisance.

H. **Notice of Action.** Following action to revoke or modify a permit, the Director shall within 10 days issue a Notice of Action describing the decision-making body's action, with its findings. The notice shall be mailed to the property owner and to any person who requested the revocation proceeding.

I. **Appeals.** Revocation decisions are subject to the appeal provisions of Section 15-5017, Appeals.

SECTION 2. 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.

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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 _____ 2024.

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By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Kristi Costa Date
Supervising Deputy City Attorney