

Attachment C
Text Amendment P19-01036

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, AMENDING SECTIONS 15-104-B-4; 15-
5206; 15-5306; 15-5506-D; 15-5811-A; 15-5905-A; 15-6006-
A; AND 15-6104-B OF THE FRESNO MUNICIPAL CODE

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

SECTION 1. Section 15-104-B-4 of the Fresno Municipal Code is amended as follows:

SECTION 15-104-B-4. PRIORITY OF PLANS

[a. In the event of a conflict between this Code and any
operative plan, or between two operative plans, the conflict shall be
resolved in the following order:

- (a) Fresno County Airport Land Use Compatibility Plan
(as may be amended) adopted by the Fresno County
Airport Land Use Commission pursuant to California
Public Utilities Code Sections 21670-21679.5
- (b) Adopted Design Guidelines
- (c) Development Code
- (d) General Plan
- (e) Specific Plan
- (f) Concept Plan
- (g) Community Plan
- (h) Neighborhood Plan
- (i) Redevelopment Agency Guidelines]

~~[a. In the event of a conflict between this Code and the
General Plan or any applicable operative plan or
Redevelopment Agency guidelines, this Code shall
control.~~

- ~~i. Exception: If the project is located within an area with adopted design guidelines, such design guidelines shall control.~~
- ~~b. In the event of a conflict between the General Plan and any applicable operative plan, the General Plan shall control. However, for areas within the Downtown Neighborhoods Community Plan (DNCP), the Fulton Corridor Specific Plan (FCSP), or operative airport plan, the DNCP, FCSP, and airport plan shall govern.~~
- ~~c. In the event of a conflict between a Specific Plan and a Concept Plan, Community Plan, or Neighborhood Plan, the Specific Plan shall control.~~
- ~~d. In the event of a conflict between a Concept Plan and a Community Plan or Neighborhood Plan, the Concept Plan shall control.]~~
- e[b]. To maintain and improve the consistency between plans, the adoption or amendment of a plan shall be accompanied by corresponding amendments to the General Plan and other plans which affect the same geographic area.

SECTION 2. Section 15-5206 of the Fresno Municipal Code is amended as follows:

SECTION 15-5206. REQUIRED FINDINGS

The Director or Planning Commission may only approve a Development Permit application if it finds that the application is consistent with the purposes of this article and with the following:

- A. The applicable standards and requirements of this Code.
- B. The General Plan and any operative plan or policies the City has adopted.
- C. Any applicable design guidelines adopted by the City Council.
- D. Any approved Tentative Map, Conditional Use Permit, Variance, or other planning or zoning approval that the project required.
- [E. Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670-21679.5.]

SECTION 3. Section 15-5306 of the Fresno Municipal Code is amended as follows:

SECTION 15-5306. REQUIRED FINDINGS

A Conditional Use Permit shall only be granted if the decision-maker determines that the project as submitted or as modified conforms to all of the following criteria. If the decision-maker determines that it is not possible to make all of the required findings, the application shall be denied.

- A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Code and all other chapters of the Municipal Code;

B. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted;

C. The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements;

D. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and

E. The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required-[:and

F. The proposed use is consistent with the Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670-21679.5.]

SECTION 4. Section 15-5506-D of the Fresno Municipal Code is amended as follows:

D. The granting of the Variance will be consistent with the general purposes and objectives of this Code, any applicable operative plan, [the Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670-21679.5.] and of the General Plan.

SECTION 5. Section 15-5811-A of the Fresno Municipal Code is amended as follows:

SECTION 15-5811. DEVELOPMENT CODE TEXT AMENDMENT FINDINGS

A. Development Code Text Amendment findings:

1. The Code text amendment is consistent with the General Plan[, the Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670-21679.5,] and any applicable operative plans; and

2. The amendment is consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general welfare.

SECTION 6. Section 15-5905-A of the Fresno Municipal Code is amended as follows:

A. The proposed development is consistent with the General Plan, [the Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670-21679.5,] any applicable operative plan, and adopted policies, including the density and intensity limitations that apply;

SECTION 7. Section 15-6006-A of the Fresno Municipal Code is amended as follows:

SECTION 15-6006-A. REQUIRED FINDINGS

A. Required Findings. The City Council shall not approve a proposed Development Agreement unless it finds the following:

1. That its provisions are consistent with the General Plan[, the Fresno County Airport Land Use Compatibility Plan (as may be amended)

adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670-21679.5,] and any applicable operative plan. This requirement may be satisfied by a finding that the provisions of a proposed Development Agreement are consistent with proposed General Plan or applicable operative plan provisions to be adopted concurrently with the approval of the proposed Development Agreement; and

2. The proposed Development Agreement will provide substantial public benefit.

SECTION 8. Section 15-6104-B of the Fresno Municipal Code is amended as follows:

SECTION 15-6104-B. PLAN CONSISTENCY

B. Plan Consistency. The proposed annexation and parcel configuration is consistent with the General Plan, [the Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670-21679.5,] Concept Plan, and any applicable operative plan; and

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.

* * * * *

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

I, YVONNE SPENCE, 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 _____ 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Talía Kolluri-Barbick Date
Supervising Deputy City Attorney