

SECTION 874

SITE PLAN REVIEW

When a site plan review is required by this Division or Chapters 17.72 or 17.30 of the Fresno County Ordinance Code, the following procedure shall apply:

A. SITE PLAN

The purpose of the site plan is to enable the Director to make a finding that the proposed development is in conformity with the intent and provisions of this Division and to guide the Development Services Division in the issuance of permits.

(Amended by Ord. T-252 adopted 12-9-80)

1. The applicant shall submit eleven (11) prints of the site plan to the Public Works & Development Services Department. The site plan shall be drawn to scale and shall indicate clearly and with full dimensioning the following information:

(Amended by Ord. 490.100 adopted 7-16-74; Ord. T-252 adopted 12-9-80)

- a. Lot dimensions.
- b. All buildings and structures: Location, elevations, size, height, and proposed use.
- c. Yards and space between buildings.
- d. Walls and fences: Location, height and materials.
- e. Off-street parking: Location, number of spaces and dimensions of parking area, and internal circulation patterns.
- f. Access: Pedestrian and vehicular service: Points of ingress and egress and internal circulation.
- g. Signs: Location, size and height.
- h. Loading: Location, dimensions, number of spaces and internal circulation.
- i. Lighting: Location and general nature and holding devices.
- j. Utilities: Location of existing and proposed utilities.

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

- k. Street dedications and improvements, as provided in Section 874-B.
- l. In the "RCC," "C-P," "C-1," "C-2," "C-3," and "C-R" Districts, the location of the landscaping shall be shown.

(Amended by Ord. 490.193 adopted 1-7-80)

- m. And such other data as may be required to permit the Director to make the required

findings.

(Amended by Ord. T-252 adopted 12-9-80)

2. Within fifty (50) days after submission of the site plan, the Director shall approve, approve with conditions deemed necessary to protect the public health, safety and welfare, or disapprove the site plan. At his discretion, the Director may refer the proposed plan directly to the Commission for a public hearing and decision. If the proposed plan is referred to the Commission, the procedure of Section 873, Conditional Use Permit, shall be followed. Those applications which are referred directly to the Commission by the Director and which are filed and heard concurrently with any application requiring a Board hearing, shall after the Commission decision, be heard by the Board together with that concurrent application. In approving the plan, the decision-maker shall find that:

(Amended by Ord. T-252 adopted 12-9-80; Ord. T-026-287 adopted 11-12-85)

- a. All provisions of this Division are complied with.
- b. The following are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected, and there will be no adverse effect on surrounding property:
  - (1) Facilities and improvements.
  - (2) Vehicular ingress, egress, and internal circulation.
  - (3) Setbacks.
  - (4) Height of buildings.
  - (5) Location of service.
  - (6) Walls.
  - (7) Landscaping.
  - (8) Compatibility with surrounding development when required as a condition of a use permit or zoning.

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

- c. Proposed lighting is so arranged as to reflect the light away from adjoining properties.
- d. Proposed signs will not by size, location, color or lighting, interfere with traffic or limit visibility.

The said Director's decision shall be final unless appealed to the Planning Commission.

(Amended by Ord. 490.100 adopted 7-16-74; Ord. T-026-287 adopted 11-12-85)

3. Appeal to the Planning Commission

The applicant or any aggrieved person may appeal, in writing, setting forth the reasons for such appeal to the Planning Commission. Such appeal shall be filed with the Director within fifteen (15) days after the mailing of notice of such decision. The Commission shall hear such appeal of the Directors decision within forty (40) days after the date of the filing of such appeal. The Commission shall review the site plan and shall approve, approve with conditions, or disapprove based on the findings listed in Section 874-A.2, above. The decision of the Commission shall be final unless appealed to the Board of Supervisors.

(Amended by Ord. 490.100 adopted 7-16-74; Ord. T-252 adopted 12-9-80; Ord. T-026-287 adopted 11-12-85)

4. Appeal to the Board of Supervisors

The applicant or any aggrieved person may appeal in writing, setting forth the reasons for such appeal to the Board of Supervisors. Such appeal shall be filed with the Clerk of the Board within fifteen (15) days after the Commission's decision. The appeal shall be placed on the agenda of the Board's next regular meeting after the appeal is filed. The Board shall review the site plan and shall approve, approve with conditions, or disapprove based on the findings listed in Section 874-A.2. The decision of the Board shall be final.

5. The approved site plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the Director. One copy of said site plan and conditions shall be mailed to the applicant.

(Amended by Ord. T-252 adopted 12-9-80)

6. Revisions by the applicant to an approved site plan shall be made pursuant to the procedure set forth in this Section.

7. Expiration of Site Plan Approval

- a. An approved Site Plan Review shall become void in the event there has not been substantial development of the site, or a portion of the site for an approved phased development, within two years after the approval of the site plan. Substantial development of one or more increments of a phased development shall extend the expiration date of the site plan for the remaining phases, except that the final phase shall be substantially developed within five years. The expiration date of a Site Plan Review approved in conjunction with an approved vesting tentative map or conditional use permit shall be concurrent with the expiration date of the vesting map or conditional use permit and may be extended in the same manner as said map or conditional use permit.

(Added by Ord. 490.80 adopted 10-24-72; amended by Ord. 490.147 adopted 3-14-78, Ord. 490.164 adopted 11-14-78, Ord. T-026-287 adopted 11-12-85, Ord. T-055-325 adopted 4-18-95)

- b. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation established in Section 874-7.a, the Director may grant a maximum of two, one-year time extensions. Application for such time extension request must set forth in writing, including the reasons for the extension request, and be filed with the Public Works and Planning Department before the expiration of the Site Plan Review. Such request shall be acted upon by

the Director.

- c. A project shall be considered indivisible unless the Director approves a request by the applicant that the project be developed in phases or the Director requires phase development. Such determination shall be based on the finding that upon construction of the required on-site and off-site improvements serving each phase, it can function independently of later phases.

(Amended by Ord. 490.164 adopted 11-14-78; Ord. T-252 adopted 12-9-80)

- d. An occupancy permit for a building, structure, or use as shown upon an approved site plan shall not be issued until all proposed buildings, structures, and other stated improvements in an indivisible project or phase of a divisible project are completed, or the Director authorizes its issuance upon making a finding that all on-site and off-site conditions relating to such building, structure, or use have been or will be met.

(Added by Ord. 490.100 adopted 7-16-74; amended by Ord. 490.147 adopted 3-14-78; Ord. 490.164 adopted 11-14-78; Ord. T-252 adopted 12-9-80; Added by Ord. T-087-366 adopted 12-6-11)

8. Appeal of Director's Decision and Board Public Hearing and Decision

(Added by Ord. T-241 adopted 7-28-80)

- a. Where a determination is caused to be made by the Director that there either has or has not been substantial development within two years after the approval of said site plan review, a notice of such determination shall be mailed to the applicant and to owners of property adjacent the external boundaries of the property described in the application. The applicant or an adjacent property owner may appeal this decision to the Board of Supervisors by filing a written notice of appeal with the Clerk of the Board within fifteen (15) days after the mailing of notice of such decision. Such appeal shall set forth the reasons therefore.
- b. The Clerk of the Board upon receipt of such appeal shall set the hearing date for not less than fifteen (15) nor more than forty (40) days after the filing of an appeal.
- c. The Board shall, not less than ten (10) days after the legal notice of a public hearing on an appeal, hold said public hearing.
- d. The Board may approve, approve with stated conditions, or deny the appeal by resolution. A copy of the Board resolution shall be mailed to the applicant at the address shown on the application.
- e. The decision of the Board shall be final unless an appeal therefrom is filed with a court of competent jurisdiction within fifteen (15) days after the Board resolution date.

B. STREET DEDICATIONS AND IMPROVEMENTS REQUIRED

Because of changes that may occur in the local neighborhood due to increases in vehicular traffic generated by facilities requiring a site plan review, and upon the principle that such development should be required to provide street dedications and improvements near as practicable in proportion to such increased vehicular traffic, but should not be required to provide such street facilities for non-related traffic, the following dedications and improvements may be deemed

necessary by the Director and may be required by him as a condition to the approval of any site plan:

(Amended by Ord. 490.100 adopted 7-16-74; amended by Ord. T-252 adopted 12-9-80)

1. When the Development Borders or is Traversed by an Existing Street

a. Minor Streets, Local Streets and Cul-De-Sacs

Dedicate all necessary right-of-way to widen street to its ultimate width as shown on any master or precise plan of streets and highways; install curbs, gutters, drainage, sidewalks, street trees, street signs, street lights, required utilities; and grade and improve from curb to existing pavement.

b. Major and Collector Streets

Dedicate all necessary rights-of-way to widen the street to its ultimate width as established by any precise plan, Precise Plan of Streets and Highways or where the ultimate right-of-way lines are otherwise determinable and the grades have been established or can be determined; install curbs, gutters, drainage facilities, sidewalks, street trees, street signs, required utilities; and grade and improve the shoulder and one traffic lane abutting the development. In no case shall a person be required to dedicate or improve the right-of-way for a distance in excess of thirty (30) feet as measured from said ultimate right-of-way line, unless as otherwise provided for in the Fresno County Ordinance Code.

(Amended by Ord. 490.26 adopted 4-19-66; Ord. T-026-287 adopted 11-12-85)

c. Major Thoroughfares (Expressways, Freeways, the State Highways)

Dedicate all necessary rights-of-way to widen the thoroughfare to its ultimate width as established by any precise plan, Specific Plan of Streets and Highways or where the ultimate right-of-way lines are otherwise determinable and the grades have been established or can be determined, except in cases where access does not exist. Setback all facilities the required distance from the ultimate property line as shown on any master or specific plan; install curbs, gutters, drainage, sidewalks, street trees, street signs, street lights, and required utilities. In no case shall the required improvements or right-of-way dedication apply for distances in excess of thirty (30) feet as measured from said ultimate right-of-way line, unless as otherwise provided for in the Fresno County Ordinance Code.

(Amended by Ord. T-272 adopted 6-21-83; Ord. T-026-287 adopted 11-12-85)

d. Street Setbacks

Setback all buildings, structures, and facilities the required distance from the ultimate property line as established for streets shown on any proposed, master, or specific plan, or where the ultimate property lines are otherwise determinable.

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

2. Frontage and Other New Roads

All frontage roads or new roads of any class made necessary by the development shall be dedicated and fully graded and improved with curbs, gutters, drainage, sidewalks, street

trees, street signs, street lights, required utilities, grading and paving; provided, that where the street involved is indicated as an eventual major street or major thoroughfare upon any master or precise plan of streets and highways, the amount of grading and paving shall not exceed that required for such existing streets under (1.) above. Where a frontage road is provided and improved, the improvements in Section 874-B-1.b and c, will not be required.

3. All improvements shall be to County Standards.

(Added by Ord. 490.25 adopted 2-21-66)

### C. BUILDING PERMIT

Before a building permit shall be issued for any such building or structure, the Director shall determine that:

(Amended by Ord. T-252 adopted 12-9-80)

1. The proposed building is in conformity with the site plan and approved conditions; and

(Amended by Ord. T-252 adopted 12-9-80)

2. All required on-site (outside the County right-of-way) and off-site (within the County right-of-way) improvements shall have either been completed, or if not completed, the permittee shall have entered into an agreement with the County to complete said work within six months from the date of the issuance of the permit. The Director may extend the completion date for one additional six-month period upon written request of the permittee upon a showing of good cause therefor. Such an agreement shall be secured either by cash deposited with the County, a cash deposit in an irrevocable escrow approved by the Director, or other financial security approved by the Director as the equivalent thereof. Such security shall be in the amount of one hundred (100) percent of the estimated cost of completion to be determined by the said Director. In the event such work is not completed within the period provided or any extension thereof, the County shall be authorized to take all necessary action to enforce the agreement including the use of said security to cause the completion of all required improvements. Monies deposited with the County or in escrow may be partially released to the depositor by said Director during the progress of the work so long as the same ratio of security is maintained on deposit to secure all uncompleted work.

(Amended by Ord. 490.25 adopted 2-21-66; Ord. T-252 adopted 12-9-80)

3. All of the required dedications have been given.