

ORDINANCE NO.

AN ORDINANCE ADDING SECTION 6-13-1179 TO CHAPTER 13 OF PART VI OF THE ORDINANCE CODE OF TULARE COUNTY PERTAINING TO PROVISION OF A HARDSHIP EXTENSION TO THE TIME FOR TERMINATION OF A NONCONFORMING USE OF AN ADULT-ORIENTED BUSINESS

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

Section 1. Section 6-13-1179 is hereby added to Chapter 13 of Part VI of the Ordinance Code of Tulare County, to read as follows:

Section 6-13-1179: APPLICATION FOR EXTENSION OF TIME TO CORRECT A NON-CONFORMING USE BASED ON HARDSHIP:

- (a) To mitigate any potential significant economic impact and to prevent any alleged taking of private property that could be caused by the operation Section 6-13-1178, the owner or operator of a non-conforming use as described in Section 6-13-1178 may apply under the provisions of this section to the Board of Supervisors for an extension of time within which to terminate any nonconforming use on the ground that the effect of Section 6-13-1178 causes undue hardship by depriving that person of all economically viable, reasonable or beneficial use of his or her affected property as these terms are understood within the meaning of the United States and California Constitutions or because that person was unable to reasonably complete the work necessary to conform to the license requirements provided in Section 6-13-1150 despite demonstrable good faith efforts to do so.
- (b) The owner or operator must file a written application for an extension of time within the amortization period specified in section 6-13-1178.
- (c) If an application is made to the Board pursuant to this section, a public hearing shall be set by the Clerk of the Board and notice shall be mailed to the property owner of record, the owner and operator of the business if such are ascertainable, and any person who has filed a written request for notice, and shall be published pursuant to Government Code section 6062 at least ten (10) days prior to the hearing. After considering all of the

evidence submitted in support of and in opposition to the application for hardship extension, the Board may grant a limited extension on terms and conditions that are fair, reasonable and consistent with the protection of the public health, safety and welfare so as to prevent a taking of private property without just compensation. Such application shall be subject to the payment of any fee set by the Board of Supervisors from time to time by resolution.

Section 2. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof shall be published once in the _____, a newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the ____ day of _____, 2006, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

Chairman, Board of Supervisors

ATTEST: C. BRIAN HADDIX
County Administrative Officer/
Clerk of the Board of Supervisors
of the County of Tulare

By: _____
Deputy