

ORDINANCE NO. 2012-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMOORE
ADOPTING A MERGER ORDINANCE
(ZONE CHANGE #2010-01)**

WHEREAS, on May 6, 2008, the City Council adopted Resolution #2008-27, A Resolution of the City Council of the City of Lemoore Adopting the City of Lemoore 2030 General Plan; and

WHEREAS, Government Code §65860 requires that city zoning ordinances be consistent with the general plan of the city §65860(c) requires that if a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended; and

WHEREAS, on March 16, 2010, the City Council initiated a comprehensive update to the City's Zoning and Development Code; and

WHEREAS, the City held eight public workshops concerning the development and content of the new Zoning and Development Code on May 8, 2010, June 28, 2010, August 23, 2010, November 8, 2010, January 10, 2011, October 10, 2011, November 14, 2011, and December 12, 2011; and

WHEREAS, Government Code §65854 requires that the planning commission hold a public hearing on the proposed zoning ordinance or amendment to a zoning ordinance and that the hearing be publicly noticed as required by §65090; and

WHEREAS, Government Code §65855 requires that at the conclusion of the planning commission hearing, the planning commission make a written recommendation to the legislative body concerning the adoption of the zoning ordinance, including the reasons for the recommendation and the relationship of the proposed ordinance or amendment to the applicable general plan policies; and

WHEREAS, a public notice of the Planning Commission hearing was provided and published consistent with the requirements of Government Code §65090 on January 7, 2012; and

WHEREAS, on January 23, 2012, the Planning Commission held a public hearing to review and consider the draft Zoning and Development Code and consider all of the information presented by staff and public testimony presented in writing and at the meeting and at the conclusion of this meeting voted 7-0 to pass Resolution

#2012-04, making recommendation to the city council regarding adoption of the draft zoning and development codes; and

WHEREAS, a public notice of the City Council hearing was provided and published consistent with the requirements of Government Code §65090 on February 11, 2012; and

WHEREAS, on February 21, 2012, the City Council held a public hearing to review and consider the draft Zoning and Development Code and consider all of the information presented by staff and public testimony presented in writing and at the meeting and continued that hearing to a date certain of March 20, 2012; and

WHEREAS, on March 20, 2012, the City Council continued the public hearing, considered additional revisions, and accepted additional public comment; and

WHEREAS, on March 20, 2012, the City Council adopted Resolution No. 2012-06, a Resolution of the City Council of the City of Lemoore Declaring its Intent to Adopt a Merger Ordinance, as required by Government Code Section 66451.21, fixing the date for the hearing of the Ordinance as May 1st, 2012; and

WHEREAS, notice of the adoption of Resolution No. 2012-06 was published pursuant to the requirements of the Government Code on April 14, 2012, to hold a public hearing on May 1st and May 15th, 2012 in order that a minimum of 30 days prior to the close of the public hearing was being given; and

WHEREAS, on May 1st and May 15th, 2012, the City Council held public hearings on the Merger Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEMOORE DOES ORDAIN AS FOLLOWS:

Section 1. ADOPTION

Article 8-7E, as provided in Exhibit 1 herein, is hereby adopted into the Lemoore Municipal Code.

Section 2. FINDINGS

The City Council adopts this Ordinance based upon the following findings:

California Environmental Quality Act

Finding: The proposed amendments to the City of Lemoore Municipal Code, as described herein, are exempt from the California Environmental Quality Act pursuant to section 15183 of the State CEQA Guidelines (Division 6 of Chapter 3 of Title 14, of the California Code of Regulations).

Evidence: The proposed Zoning and Development Codes are an implementation of the General Plan goals, policies, and action items and, as such, are consistent with the General Plan. State CEQA Guidelines provides an exemption from CEQA for projects that are consistent with a General Plan for which an EIR was prepared. Specifically, State Guidelines section 15183 provides that “if an impact is not peculiar to...the

project, has been addressed as a significant effect in the prior EIR...then an additional EIR need not be prepared for the project solely on the basis of that impact.” Because the attached Zoning and Development Codes are consistent with the General Plan, their adoption qualifies for the Section 15183 exemption and no further environmental review is required.

Finding of Consistency with the General Plan

Finding: The proposed Merger Ordinance is consistent with the City’s General Plan.

Evidence: The Merger Ordinance is consistent with the General Plan because it provides, consistent with the requirements of the Subdivision Map Act, a way for property owners to merge properties of common ownership together to achieve development consistent with the General Plan.

Section 3. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the City of Lemoore, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with Government Code Section 36933. Any summary of this Ordinance must be approved by the City Attorney before its publication. The City Clerk is further directed to cause this Ordinance to be codified after its adoption.

Section 4. This Ordinance shall take effect thirty (30) days after its adoption.

The foregoing Ordinance was introduced at a Regular Meeting of the City Council of the City of Lemoore held on the 15th day of May, 2012 and was passed and adopted at a Regular Meeting of the City Council held on the 5th day of June, 2012 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Willard J. Rodarmel, Mayor

ATTEST:

Mary Jane French
Deputy City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) SS
CITY OF LEMOORE)

I, Mary Jane French, Deputy City Clerk of the City of Lemoore do hereby certify the forgoing Ordinance was introduced at a Regular Meeting of the City Council of the City of Lemoore held on the 15th day of May, 2012 and was passed and adopted at a Regular Meeting of the City Council held on the 5th day of June, 2012.

Date: June 6 2012

Mary Jane French
Deputy City Clerk

Exhibit 1
Article 8-7E - Merger