

ORDINANCE NO. 70

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER SECTION 15061(B)(3) OF CEQA AND APPROVING ZONING ORDINANCE AMENDMENT NO. 12-01 AMENDING CHAPTER 17.184 (NONCONFORMING STRUCTURES AND USES)”

THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Environmental Findings.

The City Council hereby finds and determines that approval of the proposed Zoning Ordinance Amendment No. 12-01 modifying Chapter 17.184 (Nonconforming Structures and Uses) has no potential to impact the environment. Further, that the proposed Zoning Ordinance Amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Therefore, the proposed Zoning Ordinance Amendment is exempt from CEQA pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2. General Plan Consistency Findings.

In accordance with the provisions of Section 17.290 of the Wildomar Zoning ordinance, the following finds are offered for Planning Commission consideration in recommending approval of Zoning Ordinance Amendment No. 12-01 to the City Council.

- A. The proposed Zoning Ordinance Amendment to the Zoning Ordinance is consistent with the City of Wildomar General Plan.

The proposed amendment to the Zoning Ordinance is consistent with the City of Wildomar General Plan, as the revision to revise the nonconforming provisions related to structures and uses will not impact the City's ability to further the goals of the General Plan to encourage development opportunities for mini-warehouses, and similar uses. Further, the proposed amendment will further the goals of the General Plan to protect the health, safety and welfare of the citizens of Wildomar. In addition, the amendment will allow existing mini-warehouse/self-storage uses to continue operations and provide a needed service to the community.

SECTION 3: Amendment to the Zoning Ordinance

Section 17.184.020 of Chapter 17.184 of the Wildomar Municipal Code is hereby repealed and replaced to read in its entirety as follows:

"Section 17.184.020 Generally and Definitions

A. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

1) "Nonconforming Use" is any lawfully established use that, due to an amendment to the Zoning Code adopted subsequent to the establishment of the use, does not comply with all of the zoning regulations applicable to the use.

2) "Nonconforming Structure" is any lawfully established structure or portion thereof that, due to an amendment to the Zoning Code adopted subsequent to the establishment of the structure, does not comply with all of the zoning regulations applicable to the structure.

B. Any nonconforming structure or nonconforming use may be continued and maintained as provided in this chapter.

C. The following structures and uses shall be deemed nonconforming:

1) Any structure, the construction of which is incomplete at the time an amendment is adopted making the structure nonconforming, if:

a. A building permit has been legally issued for the structure; and,

b. Substantial construction has been performed on the site before the amendment making such structure nonconforming is adopted; and,

c. The structure is completed in accordance with the plans and specifications upon which the building permit was issued.

2) Any use that is not yet established but for which an unexpired use permit or plot plan was approved prior to the adoption of an amendment to the zoning code making such use nonconforming, so long as the use is established and maintained in accordance with any conditions of approval upon which the use permit or plot plan was approved."

SECTION 4: Amendment to the Zoning Ordinance

Section 17.184.040 of Chapter 17.184 of the Wildomar Municipal Code is hereby repealed and replaced to read in its entirety as follows:

"17.184.040 Continuation of Nonconforming Structures or Uses

Except as otherwise provided in this chapter, each and every nonconforming use or structure may continue to be utilized and maintained, provided that there is no alteration, addition, enlargement or intensification to any such use or structure."

SECTION 5: Amendment to the Zoning Ordinance

Section 17.184.050 of Chapter 17.184 of the Wildomar Municipal Code is hereby repealed in its entirety.

SECTION 6: Amendment to the Zoning Ordinance

Section 17.184.090 of Chapter 17.184 of the Wildomar Municipal Code is hereby repealed and replaced to read in its entirety.

“17.184.090 Exceptions.

A. The provisions of this chapter shall not prevent the reconstruction, repairing, rebuilding or replacement and continued use of any nonconforming structure that is damaged by fire, explosion or acts of God.

B. Routine maintenance and minor repairs may be performed on a nonconforming structure provided that the maintenance and repairs do not increase any nonconformity.”

SECTION 7. Effective Date of the Ordinance.

This Ordinance shall take effect and be in full force and operation thirty (30) days after its second reading and adoption.

SECTION 8. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 9. City Clerk Action

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

PASSED, APPROVED AND ADOPTED this 8th day of August, 2012.



Ben J. Benoit
Mayor

APPROVED AS TO FORM:



Thomas D. Jex
City Attorney

ATTEST:



Debbie A. Lee, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

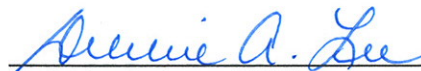
I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Ordinance No. 70 was introduced at a regular meeting of the City Council of the City of Wildomar, California, on July 11, 2012, and was duly adopted at a regular meeting held on August 8, 2012, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Benoit, Mayor Pro Tem Walker, Council Members Cashman, Moore

NOES: None

ABSTAIN: None

ABSENT: Council Member Swanson



Debbie A. Lee, CMC
City Clerk
City of Wildomar