

## ORDINANCE NO. 49

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING CHAPTER 17.16 OF MUNICIPAL CODE OF THE CITY OF WILDOMAR PERTAINING TO BUILDING SETBACKS IN THE RURAL RESIDENTIAL ZONE (ZONING CODE AMENDMENT 10-01)

The City Council of the City of Wildomar ordains as follows:

**SECTION 1. ENVIRONMENTAL FINDINGS.** The City Council, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated April 14, 2010 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines that the proposed ordinance is exempt from CEQA review 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. CONSISTENCY WITH THE GENERAL PLAN.** The proposed amendments to the Zoning Ordinance are consistent with and do not conflict with the provisions of the General Plan.

**SECTION 3. AMENDMENT TO SECTION 17.16.020 OF THE ZONING ORDINANCE.** Subsection 17.16.020.D of the Wildomar Municipal Code is hereby added to read as follows:

"D. Minimum yard requirements for residential uses are as follows:

1. The front yard shall be not less than twenty (20) feet, measured from the existing street line or from any future street line as shown on any specific plan of highways, whichever is nearer the proposed structure.
2. The side yards for interior and through lots that are seventy (70) feet in width or greater, the minimum side yard shall be not less than five (5) feet on one side and ten (10) feet on the other side. For lots that are less than seventy (70) feet in width, the minimum side yard shall be not less than five (5) feet; except that corner and reversed corner lots shall be not less than ten (10) feet from the existing street line or from any future street line as shown on any specific plan of highways.
3. The rear yard shall not be less than twenty (20) feet.

4. No structural encroachments shall be permitted in the front, side or rear yard except as provided for in Section 17.172.140.”

SECTION 4. 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 5. Certification and Publication. The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California law.

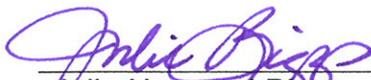
SECTION 6. Effective Date. This ordinance shall take effect thirty (30) days after its enactment in accordance with California law.

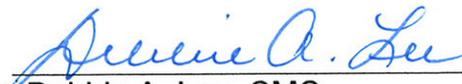
**PASSED, APPROVED, AND ENACTED** this 28th day of April, 2010.

  
Bridgette Moore, Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

  
Julie Hayward Biggs  
City Attorney

  
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. 49 was introduced at a regular meeting of the City Council of the City of Wildomar, California, on April 14, 2010, and was duly adopted at a regular meeting held on April 28, 2010, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Moore, Mayor Pro Tem Swanson, Council Members Ade, Farnam

NOES: Council Member Cashman

ABSTAIN: None

ABSENT: None

  
\_\_\_\_\_  
Debbie A. Lee, CMC  
City Clerk  
City of Wildomar