

ORDINANCE NO. 62

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING A CATEGORICAL EXEMPTION AND APPROVING ZONING ORDINANCE AMENDMENT NO. 11-01 TO AMEND SECTION 17.16.020.D.3 OF THE WILDOMAR ZONING ORDINANCE TO CHANGE THE REQUIRED REAR YARD SETBACK FOR DETACHED ACCESSORY BUILDINGS IN THE R-R (RURAL RESIDENTIAL) ZONE FROM 20 FEET TO 10 FEET.

THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Environmental Findings. The City Council hereby finds and determines that the project consists of a zoning ordinance amendment related to the requirements and processes for extensions of time for conditional use permits and has no potential to impact the environment. The proposed ordinance does not alter the existing requirements that specific development projects comply with the provisions of the California Environmental Quality Act. Consequently, 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. General Plan Consistency Findings. The proposed amendment to the Zoning Ordinance is consistent with the City of Wildomar General Plan. The proposed revision to reduce the rear yard setback from 20 feet to 10 feet for detached accessory buildings in the R-R (Rural residential) zone will not affect any of the residential policies outlined in the General Plan. In fact, the amendment will allow homeowners to build detached accessory buildings in a manner in keeping with the setbacks for detached accessory buildings typically found in residential zones. As detached accessory buildings are "accessory" to the main dwelling, it is appropriate that the required setback reflect the accessory nature of the use which is different from the nature and setbacks of the main dwelling unit. The proposed revision to the Zoning Ordinance is consistent with and, will further the provisions of General Plan, and will not impact the public health, safety and general welfare of the residents of Wildomar.

SECTION 3: Amendment of the Zoning Ordinance. Section 17.16.020.D.3 of the Wildomar Zoning Ordinance is hereby amended in its entirety to read as follows:

1. The rear yard setback for the main dwelling unit shall not be less than twenty (20) feet.
 - a. The rear yard setback for a detached accessory building on the same lot, as defined by Section 17.172.130, shall not be less than ten (10) feet.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, 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 the 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, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall take effect and be in full force and operation 30 calendar days after its second reading.

SECTION 6. Publication. The City Clerk shall certify to the adoption of this ordinance and shall cause the same to be published in accordance with law.

PASSED, APPROVED, AND ADOPTED this 22nd day of June, 2011.



Marsha Swanson
Mayor

APPROVED AS TO FORM:

ATTEST:



Julie Hayward Biggs - *Thomas D. JEX*
Asst. Atty. 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. 62 was introduced at a regular meeting of the City Council of the City of Wildomar, California, on June 8, 2011, and was duly adopted at a regular meeting held on June 22, 2011, by the City Council of the City of Wildomar, California, by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: Councilman Cashman



Debbie A. Lee, CMC
City Clerk
City of Wildomar