

Attachment 'A'

ORDINANCE NO. 24-___

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN REPEALING
TITLE 17 OF THE KERMAN MUNICIPAL CODE AND ADDING A NEW TITLE 17 TO
THE KERMAN MUNICIPAL CODE RELATING TO CITY OF KERMAN ZONING CODE**

WHEREAS, the City of Kerman was awarded \$160,000 under the SB 2 Planning Grants Program to promote development consistent with the State's planning priorities; and

WHEREAS, the City, with the assistance of a professional services consultant prepared a comprehensive update to Title 17 of the Kerman Municipal Code (the City's Zoning Code); and

WHEREAS, after a public review period of thirty days, on March 18, 2024, the City of Kerman Planning Commission conducted a duly noticed public hearing on the proposed Ordinance Text Amendment repealing Title 17 of the Kerman Municipal Code and adding a new Title 17 to the Kerman Municipal Code relating to the Zoning Code, and all interested persons were given an opportunity to be heard; and

WHEREAS, at the public hearing, the Planning Commission received and considered the staff report and all the information, evidence, and testimony presented in connection with the proposed Ordinance Text Amendment; and

WHEREAS, the Planning Commission adopted Resolution 2024-07 recommending that the Council adopt an Ordinance Text Amendment repealing Title 17 of the Kerman Municipal Code and adding a new Title 17 to the Kerman Municipal Code relating to the Zoning Code and adopt an Addendum to Program Environmental Impact Report Prepared for the City of Kerman 2040 General Plan (SCH #2019049018) as authorized by the California Environmental Quality Act; and

WHEREAS, the City Council subsequently conducted a duly noticed public hearing on April 24, 2024, to consider an Ordinance Text Amendment repealing Title 17 of the Kerman Municipal Code and adding a new Title 17 to the Kerman Municipal Code and Addendum to Program Environmental Impact Report Prepared for the City of Kerman 2040 General Plan (SCH #2019049018) as recommended by the Planning Commission; and

WHEREAS, Staff presented several minor modifications to the Zoning Code not previously considered by the Planning Commission at said City Council public hearing; and

WHEREAS, the City Council introduced OTA 2024-01 with minor modifications and referral back to the Planning Commission for its report and recommendation on said minor modifications consistent with KMC Section 17.26.060; and

WHEREAS, the Planning Commission adopted Resolution 2024-11 recommending City Council adopt OTA 2024-01 with the City Council's referred minor modifications; and

WHEREAS, the City Council finds that all legal pre-requisites required under Chapter 17.26 of the Kerman Municipal Code for consideration of the Ordinance Text Amendment recommended by the Planning Commission have occurred, including notice as required by law; and

WHEREAS, after due consideration, the City Council now desires to adopt an Ordinance Text Amendment repealing Title 17 of the Kerman Municipal Code and adding a new Title 17 to the Kerman Municipal Code relating to the Zoning Code and adopt an Addendum to Program Environmental Impact Report Prepared for the City of Kerman 2040 General Plan (SCH #2019049018) pursuant to the California Environmental Quality Act.

NOW THEREFORE, the City Council of the City of Kerman does ordain as follows:

SECTION 1. Title 17 of the Kerman Municipal Code is hereby repealed.

SECTION 2. A new Title 17 with the Title "Zoning Code" is hereby added to the Kerman Municipal Code to read, in its entirety, as set forth in the attached Exhibit 'A-1' which is incorporated in full by reference.

SECTION 3. All ordinances, and parts thereof, of the City of Kerman in effect that are in conflict at the time of adoption of this Ordinance are hereby repealed.

SECTION 4. CEQA. The City Council finds that the City prepared a Program Environmental Impact Report (PEIR) (SCH #2019049018) for the 2040 General Plan to assess the potential significant environmental impacts that could result from the implementation of the 2040 General Plan. The PEIR identified that implementation of the General Plan would require a subsequent update of the City's zoning code to implement the General Plan, which was also contemplated by the PEIR prepared for the General Plan. Under CEQA Guidelines Section 15168(c), the zoning code update may rely on the PEIR as it is a furtherance of the plans and other general criteria established by the General Plan. Based on an examination of the zoning code update in light of the PEIR, the City Council finds that no additional environmental documentation beyond an Addendum to the same is required to be prepared for the zoning code update as none of the criteria of CEQA Guidelines Section 15168(c) have been met in that: i) the update would not have an effect that were not examined in the PEIR; ii) under CEQA Guidelines sections 15162 and 15164, none of the findings for a subsequent EIR would be required; iii) any feasible mitigation developed in the PEIR were incorporated in the zoning code update, or there was no applicable mitigation; iv) the zoning code update does not involve site-

specific operations for which evaluation of a checklist would be warranted, as the zoning code is of City-wide effect; and v) the update of the zoning code was a specifically planned activity to implement in the General Plan. With regard to CEQA Guidelines section 15162, the City Council further finds that: i) no subsequent review is required given that since that time no substantial changes have been proposed in the project which will require major revisions of the previously approved PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; ii) no substantial changes have occurred since that time with respect to the circumstances under which the zoning code update is undertaken which will require major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and iii) there is no new information, which was not known and could not have been known at the time of the PEIR was prepared that the zoning code update will have significant effect not discussed in the PEIR. As such, the City Council adopts the Addendum to Program Environmental Impact Report Prepared for the City of Kerman 2040 General Plan (SCH #2019049018) and finds that the zoning code update has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines sections 15162, 15162, and 15168, and no further action or review is required under CEQA.

- SECTION 5. General Plan Consistency. The City Council finds that the Zoning Code is consistent with the goals, policies, and programs of the City of Kerman 2040 General Plan.
- SECTION 6. Severability. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part, or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts, or portions thereof be declared invalid or unconstitutional.
- SECTION 7. Publication. This Ordinance shall be published in accordance with the provisions of Government Code Section 36933.
- SECTION 8. Effective Date. This ordinance shall become effective thirty (30) days after the date of adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman on the 24th day of April 2024, and was passed and adopted at a regular meeting of the City Council of the City of Kerman on the 22nd day of May 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

Maria Pacheco
Mayor

Attest:

Josie Camacho
Interim City Clerk