

Attachment 7

Ordinance Bill

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF FRESNO HERETOFORE ADOPTED BY ARTICLES 1 TO 4.5 INCLUSIVE, CHAPTER 12, OF THE FRESNO MUNICIPAL CODE, BEING THE ZONING ORDINANCE OF THE CITY OF FRESNO.

WHEREAS, Rezone Application No. R-15-005 has been filed by Dirk Poeschel of Land Development Services, with the City of Fresno to rezone property as depicted in the attached Exhibit "A"; and,

WHEREAS, the proposed Rezone Application No. R-15-005 requests to amend the Official Zone Map to reclassify the subject property from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the C-5/UGM (*General Commercial/Urban Growth Management*) zone district; and,

WHEREAS, the District 6 Plan Implementation Committee recommended approval of the rezone application at their meeting on March 23, 2015; and,

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on the 18th day of November, 2015, to consider Rezone Application No. R-15-005 and related Environmental Assessment No. R-15-005/C-15-025, during which the Commission considered the environmental assessment and recommended to the Council of the City of Fresno approval, as evidenced in Planning Commission Resolution No. 13350; and

1 of 4

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: MRD

Ordinance No.

WHEREAS, on November 18, 2015, the Fresno City Planning Commission considered the staff report and related information and received public testimony with respect to the proposed rezone application and considered the proposed project in accordance with the policies of the Sierra Sky Park Land Use Policy Plan, Bullard Community Plan and the Fresno General Plan; and,

WHEREAS, the proposed modifications to the subject property will maintain consistency with the Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan; and,

WHEREAS, the Council of the City of Fresno, on the 17th day of December 2015, received the recommendation of the Planning Commission.

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

SECTION 1. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the adoption of the proposed rezoning is in the best interest of the City of Fresno. The Council finds in accordance with its own independent judgment, that there is no substantial evidence in the record that, with mitigation measures imposed, Rezone Application No. R-15-005 may have additional significant effects on the environment that were not identified in the Fresno General Plan Master Environmental Impact Report ("MEIR") No. SCH #2012111015, and that no new or additional mitigation measures or alternatives may be required. Pursuant to Public Resources Code, Section 21157.6(b)(1), the Council finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information,

which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Accordingly, the Council adopts the Finding of Conformity prepared for Environmental Assessment No. R-15-005 dated November 6, 2015.

SECTION 2. The Council finds the requested modifications are consistent with the existing Commercial-General planned land use designation of the Fresno General Plan, the Bullard Community Plan and the Sierra Sky Park Land Use Policy Plan as specified in Section 12-403-B of the Fresno Municipal Code, respectively.

SECTION 3. The Council finds that the zone district of the real property described in Exhibit "A", located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is modified from the AE 5/UGM (Exclusive Five Acre Agricultural/Urban Growth Management) zone district to the C-5/UGM (General Commercial/Urban Growth Management) zone district.

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Mary Raterman-Doidge Date
Deputy

Attachment: Exhibit A