

## ORDINANCE NO. 2022 - 1072

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CERES APPROVING A ZONING ORDINANCE TEXT AMENDMENT TO THE CITY'S MITCHELL ROAD CORRIDOR SPECIFIC PLAN (MRCSP) THAT WOULD ALLOW MAIN BUILDING HEIGHTS UP TO 50 FEET ON PROPERTIES ZONED "RC, CREGIONAL COMMERCIAL" SUBJECT TO APPROVAL BY THE PLANNING COMMISSION. APPLICATION NUMBER ZOTA 22-04**

THE CITY COUNCIL  
City of Ceres, California

**WHEREAS**, the City Council of the City of Ceres, State of California, has considered said application proposing a Zoning Ordinance Text Amendment to modify Section III-E1 (Development Regulations – General Provisions – Height of Structure) of the Mitchell Road Corridor Specific Plan (MRCSP), to allow main building heights up to 50 feet on properties zoned "RC, Regional Commercial" subject to approval by the Planning Commission; and,

**WHEREAS**, the Planning Commission held a duly noticed public hearing on March 21, 2022 at 6:00 p.m. and considered all testimony and comment presented whether orally or in writing and by a 4-0-1 vote (Commissioner Johnson – Absent), recommended the City Council approve a similar version of the proposed text amendment that allowed unlimited heights for main buildings in the "RC, Regional Commercial" zone; and,

**WHEREAS**, "RC, Regional Commercial" zoned properties located within the Mitchell Road Corridor Specific Plan (MRCSP) affected by this ordinance are located in Ceres, CA; and,

**WHEREAS**, the City Council held a duly noticed public hearing on April 11, 2022 at 6:00 p.m., considered all testimony and comment presented whether orally or in writing for the Introduction and First Reading, and continued the item to the regularly scheduled May 9, 2022 meeting for further analysis; and,

**WHEREAS**, the City Council, in making a revision to Section III-E1 (Development Regulations – General Provisions – Height of Structure) of the Mitchell Road Corridor Specific Plan (MRCSP), finds that:

1. The proposed Zoning Ordinance Text Amendment to the Mitchell Road Corridor Specific Plan is consistent with the purpose and intent of the applicable goals and policies of the City of Ceres General Plan and the Mitchell Road Corridor Specific Plan.
2. The proposed Zoning Ordinance Text Amendment to the Mitchell Road Corridor Specific Plan will have no adverse effect on properties under the City's jurisdiction.
3. The proposed Zoning Ordinance Text Amendment to the Mitchell Road Corridor Specific Plan will not endanger any wildlife or wildlife habitat.
4. This proposal was reviewed pursuant to the California Environmental Quality Act (CEQA). Per CEQA Section 15061(b-3), the text amendment is not subject to

CEQA as CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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. Thus, amending the applicable section of the Mitchell Road Corridor Specific Plan (MRCSP) as proposed is not subject to CEQA.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CERES HEREBY ORDAINS** that Section III-E1 (Development Regulations – General Provisions – Height of Structure) of the Mitchell Road Corridor Specific Plan (MRCSP) is amended to read as follows:

### **III. – Development Regulations.**

#### **E. 1. Height of Structure:**

No main building erected shall have a height greater than thirty-five feet except as provided herein. No accessory building erected shall have a height greater than fifteen (15) feet. Permitted projections above the height include: vertical accents at the building entries such as towers and penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar mechanical equipment, fire or parapet walls, skylights, flagpoles, and chimneys, approved by the Planning Commission or the Planning Director, depending on the approval process, provided that they may be safely erected and maintained at such height in view of the surrounding conditions and circumstances and screened from view in accordance with the Design Guidelines. No penthouse or roof structures, or any space above the height limit shall be allowed for the purpose of providing additional floor space. Any area that falls within the area designated as an airport overlay zone shall comply with the height limitations prescribed by that zone, if they are more restrictive than those herein prescribed.

Main buildings and permitted projections within the "RC, Regional Commercial" zone may exceed the height limits described above, up to a maximum height limit of 50 feet, subject to approval by the Planning Commission.

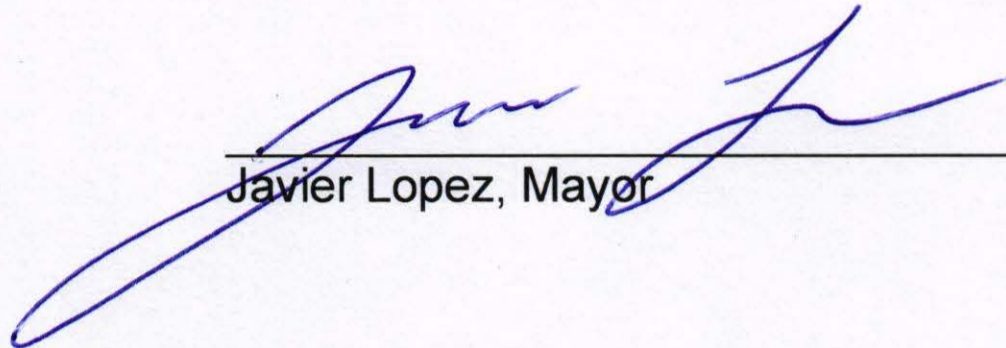
Structures with the Airport Approach zone shall be subject to the height limit restrictions established within the A-O Airport Overlay Zone (Sec. ~~18.36~~ 18.21 et. seq. of the Ceres Municipal Code).

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect and be in full force thirty (30) days from and after its adoption. Within 15 days of its adoption, a summary of the ordinance shall be published in the Ceres Courier, a newspaper of general circulation, circulated and published in the City of Ceres, State of California, which summary shall include the names of those Council Members voting for and against the ordinance. A certified copy of the full text of such adopted ordinance or amendment shall be on file in the office of the City Clerk.

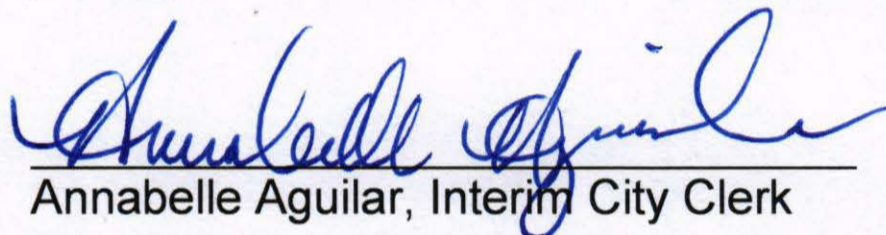
The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ceres held on the 11<sup>th</sup> day of April, 2022, continued to the 9<sup>th</sup> day of May, 2022 for further analysis and discussion, and adopted on the 23<sup>rd</sup> day of May, 2022, by the following vote:

AYES:	Council Members: Casey, Kline, Silveira and Mayor Lopez
NOES:	Council Members: None
ABSENT:	Council Members: None
ABSTAINED:	Council Members: None

APPROVED:

  
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Javier Lopez, Mayor

ATTEST:

  
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Annabelle Aguilar, Interim City Clerk