**ORDINANCE NO. 2024-496\_**

**An Ordinance of the City Council of the City of Arvin Adoption of ZCA 2024-03 – Title 17 Zoning by Adding, Amending, and Deleting Various Chapters and Sections That: Amends Chapter 17.02 Title and Definitions; Amends Chapter 17.06 Zones and Zoning Map; Amends Chapter 17.18 Estate Residential Zone; Amends Chapter 17.37 OS-Open Space Zone; Add Chapter 17.38 PF-Public Facility Zone; Delete Existing Chapter 17.38 P-Parking Zone; Delete Chapter 17.40 D-Architectural Design Zone; Delete Chapter 17.42 B-Buffer Zone; Add Chapter 17.42 SZ-School Zone; Amend Chapter 17.45 Planned Unit Development District; Amend Chapter 17.48 Automobile Parking Requirements; Add Chapter 17.83 Agricultural Preserves/Willamson Act Management and acknowledge that the code amendments are exempt from the California Environmental Quality Act (CEQA)**

**WHEREAS**, the City Council desires to amend Title 17 Zoning, Proposed Ordinance; and

**WHEREAS**, on June 18, 2024, after a duly noticed public hearing, the Planning Commission considered the Proposed Amendments, including presentations from City staff, oral testimony, and written testimony; and

**WHEREAS**, after the above-mentioned public hearing, the Planning Commission adopted Resolution No. APC 2024-11, which recommended that the City Council adopt this Ordinance; and

**WHEREAS**, on July 09, 2024, the City Council introduced and conducted the first reading of the ordinance of the City of Arvin, California, Zoning Code Amendment ZCA No. 2024-03 - Title 17 Zoning by Adding, Amending, and Deleting Various Chapters and Sections That: Amends Chapter 17.02 Title and Definitions; Amends Chapter 17.06 Zones and Zoning Map; Amends Chapter 17.18 Estate Residential Zone; Amends Chapter 17.37 OS-Open Space Zone; Add Chapter 17.38 PF-Public Facility Zone; Delete Existing Chapter 17.38 P-Parking Zone; Delete Chapter 17.40 D-Architectural Design Zone; Delete Chapter 17.42 B-Buffer Zone; Add Chapter 17.42 SZ-School Zone; Amend Chapter 17.45 Planned Unit Development District; Amend Chapter 17.48 Automobile Parking Requirements; Add Chapter 17.83 Agricultural Preserves/Willamson Act Management; and

**WHEREAS,** The City Council finds and determines that the Ordinance is exempt from the California Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment, as this Ordinance merely amends the Arvin Municipal Code to establish new and amended ordinances for the permitting and regulation of certain uses within the city, the environmental impacts of which will be assessed on a use-specific basis. (CEQA Guidelines § 15061(b)(3)).

**WHEREAS,** the City Council finds the code amendments are not located next to any scenic highway or resources, nor located on a hazardous waste site which is included on any list compiled pursuant to Section 65962.5 of the Government Code, the code amendments do not include physical development, the code amendments do not affect any site that could qualify as historical resources and no structures are to be demolished due to the adoption of the code amendments, nor would the code amendments have a significant adverse impact on a historic resource. The City Council finds that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines Section 15300.2 apply to this Ordinance.

**WHEREAS,** prior to the July 9, 2024, the City Clerk caused a public notice, Notice by The Arvin City Council Of Its Intent To Adopt An Ordinance, second reading and adoption of an ordinance of the City of Arvin, California, Zoning Code Amendment ZCA No. 2024-03; and

**WHEREAS,** after the above-mentioned City Council public hearings, the City Council now desires to amend Title 17 Zoning Adding and Amending Various Chapters and Sections of Title 17 Zoning.

**NOW, THEREFORE**, the City Council of the City of Arvin does hereby ordain as follows:

**Section 1.** The Recitals set forth above are true and correct and incorporated herein.

**Section 2.** The City Council finds and determines that the amendment and addition to Title 17 as contemplated by this Ordinance, the preparation and adoption of the ordinance is exempt under CEQA.

**Section 3.** The City Council finds and determines that the amendment and addition to Title 17 Zoning as contemplated by this Code Amendments are as follows:

1. **Amend Chapter 17.02 Title and Definitions:** Section17.02.505 Planning director - City Planner – Planner – Community Development Director. "Planning director – City Planner-Community Development Director" herein referred as the Planner shall refer to that person designated by the city manager as the individual or individuals assigned to perform the duties of the Planner. The City Manager may appoint and designate an individual or individuals to perform the duties of the Planner. The City Manager, or designee, shall serve as the Planner in the absence of such an appointment.~~"Planning director" shall refer to that person designated by the city manager as the planning director. In the absence of a planning director, the "director of administrative services" shall mean the "planning director" for all references to "planning director" in the Arvin Municipal Code. In the absence of a director of administrative services, the city manager, or designee, shall serve as the "planning director" for all references thereto in the Arvin Municipal Code. (Ord. No. 456, § 4(Exh. A, § 1), 2-26-2019)~~
2. **Amend Chapter 17.06 Zones and Zoning Map;** Section 17.06.010 Zones established. In order to classify, regulate, restrict and segregate the uses of land and buildings; to regulate and restrict the height, bulk and construction of buildings; to regulate the area of yards and other open spaces about buildings; and to regulate the density of population, ~~twenty-six (26)~~ classes of land zones are established to be known as follows:

|  |  |
| --- | --- |
| R-1 | Single-Family Dwelling Zone |
| R-2 | Two-family dwelling zone |
| R-3 | Limited multiple-family dwelling zone |
| R-4 | Multiple-family dwelling zone |
| R-S | Suburban residential zone |
| ~~E~~ | ~~Estate zone~~ DELETE July 2024 |
| E-1 | Estate zone |
| E-2 | Estate zone |
| E-3 | Estate zone |
| E-4 | Estate zone |
| E-5 | Estate zone |
| C-O | Professional office zone |
| N-C | Neighborhood commercial zone |
| C-1 | Restricted commercial zone |
| C-2 | General commercial zone |
| M-1 | Limited manufacturing zone |
| M-2 | Light manufacturing zone |
| M-3 | General manufacturing zone |
| A-1 | Light agricultural zone |
| A-2 | General agricultural zone |
| OS | Open space |
| ~~P~~ | ~~Automobile parking zone~~ DELETE July 2024 |
| PF | Public Facility Add July 2024 |
| SZ | School Zone Add July 2024 |
| ~~D~~ | ~~Architectural design zone~~ DELETE July 2024 |
| ~~B~~ | ~~Buffer zone~~ DELETE July 2024 |
| ~~P-D~~ | ~~Precise development zone~~ DELETE July 2024 |
| PUD | Planned Unit Development - Add July 2024 |
| MUO | Pedestrian-oriented mixed-use overlay zone |

1. **Amend Section 17.06.020 Zoning map**—Adopted. The official zoning map for the city, which map is entitled “Zoning Map, City of Arvin, is on file at the City Clerk’s office. The official zoning map may be amended from time to time.

~~There is adopted an official land use or zoning map for the city, which map is endorsed "Zoning Map, City of Arvin,~~ ~~June 8, 1965, Arvin City Planning Commission” and bears the following certificate:~~

~~"We hereby certify that this official 'zoning map' was adopted in this form by resolution of the planning commission of the City of Arvin, County of Kern, State of California, at a regular meeting thereof held on June 8, 1965, and as revised by the city council after the public hearing which was reported on and approved by the Planning Commission on the 6th day of July, 1965, in the manner provided by law.~~

|  |  |
| --- | --- |
| ~~"Harry Swanson  Chairman~~ | ~~Violet M. Collins  Secretary,"~~ |

~~And which map embraces the entire incorporated area of the city. The Official Zoning Map~~ ~~An exact copy of the map is attached to the ordinance codified in this title and is adopted as the~~ ~~official land use zoning map of the city, as though fully set forth in this title.~~

~~(Ord. 52 §1, 1965).~~

1. **Amend Chapter 17.18 Estate Zones,** Section 17.18.010 E zone regulations.

All regulations in the E estate zone shall be the same as in the R-1 zone, except as listed below: ~~follows:~~

~~Each single-family dwelling with its accessory buildings erected after March 8, 1965, shall be located upon a lot having an area of not less than ten thousand (10,000) square feet.~~

~~(Ord. 51 §801, 1965).~~

1. **Amend Chapter 17.37 OS Open Space Zone,** Section 17.37.010 Applicability; Amend subsection B and add subsection C as follows:

B. The purpose of the OS zone is to provide appropriate locations in the community for a wide range of open space uses, such as parks and playgrounds, recreational facilities, cultural and educational facilities, public infrastructure systems and environmentally sensitive areas. The OS zone will be matched with the "parks" designation detailed in the Land Use Element of the Arvin General Plan to ensure consistency between the zoning ordinance and general plan.

C. The OS, Open Space Zone is intended to guide and regulate pubic and private parks and recreational facilities, and similar and compatible uses to provide:

i. Well-designed projects to protect adjacent property from unreasonable adverse impacts or intrusions or properties and improvements.

ii. Adequate on-site parking and circulation to obviate the need for use on existing public right-of-way and streets for parking and internal circulation.

**6.** **Amend Section 17.37.020 Permitted uses**; adding subsections:

E. Environmentally sensitive lands, including wetlands, reservoirs, and floodplains;

F. Community based recreational facilities;

G. Courts (basketball, tennis, pickle-ball, etc.).

H. Government office(s) or building(s) and uses;

I. Greenbelts;

J. Picnic areas; Public Parks, Playgrounds, Sports arena (indoor and outdoor), Swimming pools (public), Trails (riding, hiking, bicycling, etc.), Wildlife or nature preserve.; and

K. Other similar parks and recreational uses which the City Council finds to fall within the intent and purpose of this district, that will not be detrimental to the public welfare and which the City Council finds to be of a comparable nature and of the same class as the uses enumerated in this section.

1. **Amend Section 17.37.030 Accessory uses.**

Those uses and structures incidental to the open space use of the land, including trash storage areas and bins; required loading and unloading facilities; parking lots; and other uses and structures that are determined by the City Planner ~~planning director~~ to be incidental to the open space use of the land.

1. **Add Section 17.37.035 Uses subject to administrative review and approval.**

The following temporary uses may be permitted subject to administrative review and approval pursuant to the provision of Chapter 17.05 Uses Permitted Subject to Administrative Approval of this title:

A. Circus, carnivals, fairs, festivals, revivals, assemblies, farmers market, and other temporary uses or activities deemed to be similar by the City Planner.

B. Temporary storage of materials and construction equipment used in the construction of maintenance of streets and highways, sewers, storm drains, underground conduits, flood control works, pipelines and similar uses.

**9.** **Amend Section 17.37.040 Conditional uses;** as follows:

A. Amusement park ~~Public and quasi-public uses of an educational or religious type, including public and parochial elementary schools, junior high schools, high schools, nursery schools; private nonprofit schools and colleges; churches, parsonages, parish houses, monasteries, convents and other religious institutions.~~

B. ~~Public uses of an administrative, recreational public service, or cultural type, including city, county, state or federal administrative centers, libraries, museums, art galleries, police and fire stations, and other public buildings, structures and facilities.~~ Athletic, swim and health clubs, private; Country Clubs; Equestrian Centers; Freestanding signage, Golf Courses and club facilities; Golf Driving Range; Museums; Outdoor amphitheaters; Refreshment stands for the sale of food products, beverages and similar items when conducted for City -approved recreational activities (not-for-profit organizations); Swim Clubs; Sports arenas, outdoors; Zoos.

C. Other similar uses which the City Council fins to fall within the intent and purpose of this district, that will not be detrimental to the public welfare and which the City Council finds to be o f a comparable nature and of the same class as the uses enumerated in this section.

1. **Add Section 17.37.090 – Findings.**

Findings required to approve development within the Open Space District shall be as follows:

1. That the development is consistent with the City’s General Plan and this Title.
2. That the development, accessory buildings, and facilities, located in established areas, have an adequate appearance, so as to be in harmony with the character and quality of surrounding development within the zone.
3. That the development as proposed will not be detrimental to surrounding developments or improvement, nor be inferior tin construction, appearance or quality.
4. That the development as proposed will provide quality development, including ample landscaping and screening, adequate parking and circulation, and other amenities necessary to preserve compatibility with surrounding development and prevent nuisances.
5. **Add Chapter 17.38 PF-Public Facility Zone as follows:**

Chapter 17.38 PF-Public Facility Zone:

17 .38.010 Applicability

The PF district is designed and intended to provide for those uses and activities which serve the public and are generally conducted by government agencies or charitable and philanthropic nonprofit organizations. It is the purpose of the "PF" Public Facilities Zone to provide regulations *for* the use and development of publicly owned land in order to implement the City's adopted General Plan, including the circulation and service systems designations.

17.38.020 Permitted Uses.

1. Governmental buildings and facilities designed for public benefit, use and accommodation.
2. Public libraries, and museums.
3. Cemeteries, crematories or mausoleums.
4. Water and Wastewater treatment plants, substations, and other public service facilities of a similar nature.
5. Storm Basins.
6. Corporation Yards, public works maintenance facilities and similar types of facilities.
7. Public Parking
8. Uses, buildings and structures incidental, accessory, and subordinate to permitted uses.
9. Fire Stations and Police Stations
10. Any uses which the City Council find to be similar to and within the intent and purpose of the PF district, that are no more obnoxious or detrimental to the public welfare and are found by the City Council to be compatible with adjoining land uses. and which are of a comparable nature and of the same class as the uses enumerated above.

17.38.030 Design and development review.

The City Manager or designated staff shall advise the City Council of the proposed public facility, its design, and development.

17.38.040 Development standards.

1. Site area: The minimum site area - No requirement.
2. Lot frontage and depth: No requirement.
3. Building height: The maximum height shall be thirty-five (35) feet.
4. Yards:
   1. Front: Twenty-five (25) feet, where structures are proposed within residential districts..
   2. Side: No requirement. except where the PF district abuts residential district. in which case the side yard requirement shall be ten (10) feet.
   3. Rear: No requirement. except where the PF district abuts residential district. in which case the rear yard requirement shall be ten (10) feet.

17.38.070 Off-street parking.

Off-street parking shall comply with the standards contained in Chapter 17.48 Automobile parking requirements.

17.38.080 Signs.

Signage shall comply with the standards contained in Chapter 17.62 Sign regulations (private property).

17.38.090 - Findings.

Findings required to approve developments within the Public Facility District shall be as follows:

A. That the development is consistent with the city general plan and this title.

1. That the development, accessory buildings, and facilities, located in established areas, have an adequate appearance, so as to be in harmony with the character and quality of surrounding development within the zone.
2. That the development as proposed will not be detrimental to surrounding developments, or improvements, nor be inferior in construction, appearance or quality.
3. That the development as proposed will provide quality development, including ample landscaping and screening, adequate parking and circulation. and other amenities necessary to preserve compatibility with surrounding development and prevent nuisances.
4. **Delete Chapter 17.38 P Automobile Parking Zone** in its entirety:

~~Chapter 17.38 P – Automobile Parking Zone:~~

~~Sections:~~

~~17.38.010 Alternative classification—Applicability of provisions.~~

~~Land classified in a P automobile parking zone may also be classified in either an A, E, or R zone and the regulations set forth in this chapter shall apply in the P automobile parking zone unless otherwise provided in this title.~~

~~(Ord. 51 §2301, 1965).~~

~~17.38.020 Permitted uses.~~

~~Uses permitted in a P zone are as follows:~~

~~A. Any use permitted in the A, E, or R zone in which the land is classified and when so used subject to all of the provisions contained in the sections defining such zone;~~

~~B. Open air temporary parking of transient automobiles, except trucks of over fifteen hundred (1,500) pounds capacity.~~

~~(Ord. 51 §2301 (part), 1965).~~

~~17.38.030 Parking lot requirements.~~

~~A. In a P zone all such parking areas as are authorized by this chapter, and their means of ingress and egress shall be surfaced with a bituminous surface treatment or other surfacing of a higher type, and adequate drainage shall be provided. In commercially zoned areas and where such parking area abuts property classified for R or E uses, it shall be separated therefrom by a solid masonry wall, or other approved fence, six (6) feet in height; provided such wall, from the front property line to a depth equal to the required front yard on the abutting R or E classified property, shall be four (4) feet in height. Where such parking area abuts a street, it shall be separated therefrom by an ornamental fence, wall or compact eugenia or other evergreen hedge having a height of not less than two (2) feet and maintained at a height of not more than four (4) feet. Such fence, wall or hedge shall be maintained in good condition.~~

~~B. Each entrance and exit to a parking lot shall be constructed and maintained so that any vehicle entering or leaving the parking lot shall be clearly visible at a distance of not less than ten (10) feet to a person approaching such entrance or exit on any pedestrian walk or foot path.~~

~~Exits from parking lots shall be clearly posted with "Stop" signs and it is unlawful for a motorist to fail to stop at such sign before leaving the parking lot. Appropriate bumper guards, entrance and exit signs and directional signs shall be maintained where needed. Any lights used to illuminate such parking area shall be so arranged as to reflect the light away from adjoining premises and streets.~~

~~(Ord. 51 §2302(part), 1965).~~

1. **Delete Chapter 17.40 D – Architectural Design Zone** in its entirety:

~~Chapter 17.40 D ARCHITECTURAL DESIGN ZONE~~

~~Sections:~~

~~17.40.010 Alternate classification—Applicability of provisions.~~

~~A. Land classified in a D zone shall also be classified in another zone and the regulations set forth in this chapter shall also apply in the D architectural design zone unless otherwise provided in this title.~~

~~B. The provisions of the D architectural design zone shall be applicable only in the vicinity of civic centers, public parks, and public buildings and grounds as provided in Section 65800 (d) of the Government Code (Conservation and Planning Law); provided, however, that it may be applied elsewhere if requested by the owner or owners of property involved.~~

~~(Ord. 51 §§240l, 2404, 1965).~~

~~17.40.020 Standards.~~

~~In order that buildings, structures, signs and landscaping in the D zone will be in harmony with other structures and improvements in the area, and not of obnoxious, undesirable or unsightly appearance, the following items may be considered in approving plans of proposed improvements in the architectural design zone:~~

~~A. The height, bulk and area of buildings;~~

~~B. The setback distances from all property lines;~~

~~C. The colors and materials on the exterior;~~

~~D. The type and pitch of roofs;~~

~~E. The size and spacing of windows, doors and other openings;~~

~~F. The size, type and location of signs;~~

~~G. Towers, chimneys, roof structures, flagpoles, radio and television masts;~~

~~H. Plot plan landscaping and automobile parking areas;~~

~~I. The relation to the existing buildings and structures in the general vicinity and area;~~

~~J. Lighting of buildings, signs and grounds.~~

~~(Ord. 51 §2402, 1965).~~

1. **Delete Chapter 17.42 B-Buffer Zone** in its entirety:

~~Chapter 17.42 B BUFFER ZONE~~

~~Sections:~~

~~17.42.010 Alternate classification—Applicability of provisions.~~

~~Land classified in a B buffer zone may also be classified in another zone, except in the C and M zones, and the regulations set forth in this chapter shall apply in the B buffer zone unless otherwise provided in this title.~~

~~(Ord. 51 §2501, 1965).~~

~~17.42.020 Permitted uses.~~

~~Uses permitted in a B zone are as follows:~~

~~A. Any use permitted in the other respective zones in which the land is classified and with which the B zone is combined; provided, however, as follows:~~

~~1. No outdoor advertising sign or other outdoor advertising structure shall be placed or maintained in any B zone; provided, however, that there may be displayed on the premises occupied by any permitted business use which is located in any B zone, outdoor advertising signs and outdoor advertising structures, which, in the aggregate, displayed by or for any one place of business, shall not exceed the equivalent of one (1) square foot for each one (1) foot of frontage actually occupied by such business, including the widths of driveways directly appurtenant thereto,~~

~~2. No junkyard, salvage or auto wrecking yard shall be established in any B zone unless the same is completely enclosed within a building or within a fence approved by the planning commission;~~

~~B. The following additional uses, if not permitted in the other zone, may be permitted in a B zone upon the granting of a conditional use permit:~~

~~1. Automobile parking areas,~~

~~2. Automobile service stations,~~

~~3. Directional or informational signs of a public or quasi-public nature,~~

~~4. Drugstores,~~

~~5. Public garages including repairing and servicing,~~

~~6. Grocery, fruit and vegetable stores,~~

~~7. Hotels, apartment houses and multiple residences,~~

~~8. Motels, auto courts and tourist courts,~~

~~9. Meat markets or delicatessen stores,~~

~~10. Professional offices,~~

~~11. Restaurants, tearooms and cafes.~~

~~(Ord. 51 §2502, 1965).~~

~~17.42.030 Requirements.~~

~~In a B zone, there shall be no requirements for building height, front, side and rear yard, area or distance between buildings on the same lot; except that on parcels or lots of less than ten thousand (10,000) square feet in area such regulations shall be the same as required in the R-3 zone; provided, that all buildings, except temporary stands shall be located not nearer than ninety (90) feet from the centerline of any public street or highway.~~

~~(Ord. 51 §2503, 1965).~~

1. **ADD Chapter 17.42 SZ- School Zone** as follows:

Chapter 17.42 SZ – School Zone:

Section 17.42.010 Applicability

The SZ- School district is designed and intended to provide for those uses and activities which serve the public and private schools. their accessory activities, structures, and uses. It is the purpose of the "SZ" School Zone to provide regulations for the use and development of federal. slate, county. or locally owned land in order to imple1nent the City's adopted General Plan.

17.38.020 Permitted Uses.

1. Schools, Public and Private.
2. Student Housing.
3. Transportation Facilities.
4. Administrative Offices associated with operations and activities.
5. Stadiums and associated athletic facilities.
6. Uses, buildings and structures incidental, accessory and subordinate to permitted uses.
7. Any uses which the City Council finds to be similar to and within the intent and purpose of the SF zone, are no longer obnoxious or detrimental to the public welfare and are found by the City Council to be compatible with adjoining land uses. and which are of a compatible nature and of the same class as the uses enumerated above.

17.38.030 Accessory Uses

Premises in the SZ (School Zone) may be used for accessory uses, provided such uses are established on the same lot or parcel of land, are incidental to and do not substantially alter the character of any permitted principal use.

17.38.040 Permitted Uses-Administrative approval.

Public facilities owned and developed by federal, state, county, or city schools are permitted under federal or state criteria and processes. Private facilities in the SF zone shall be permitted when approved as per Chapter 17.05 uses permitted subject to administrative approval.

17.38.050 Development standards.

A. Site area: The minimum site area - No requirement.

B. Lot Frontage and depth: No requirement

C. Building Height: The maximum height shall be thirty -five (35) Feet.

D. Yards:

1. Front: Twenty-five (25) feet, where structures are proposed adjacent to residential districts.

2. Side: No Requirements, except where the site is adjacent to residential districts, in which case the side yard requirement shall be ten (10) feet.

3. Rear: No requirements, except where the site is adjacent to residential districts, in which case the side yard requirement shall be ten (10) feet.

17.37.070 Off-street parking.

Off-street parking shall comply with the standards contained in Chapter 17.48 Automobile parking requirements.

17.37.080 Signs.

Signage shall comply with the standards contained in Chapter 17.62 Sign regulations (private property).

17.37.090 - Findings. Findings required to approve developments within the School Zone shall be as follows:

1. That the development Is consistent with the city general plan and this title.
2. That the development accessory buildings, and facilities, located in established areas. have an adequate appearance so as to be in harmony with the character and quality of surrounding development within the zone.
3. That the development as proposed will not be detrimental to surrounding developments or improvements nor be inferior construction or appearance or quality.
4. That the development as proposed. will provide quality development, including ample landscaping and screening. adequate parking and circulation, and other amenities necessary to preserve compatibility with surrounding development and prevent nuisances.
5. **Amend Chapter 17.45 Planned Unit Development District** as follows:

Section 17.45.020 General requirements.

B. Designated area(s) as established by the Zoning Map may consist of a group of parcels of one (1) acre~~Five (5) acres~~ or more may be considered for a planned district, provided that the property(ies) are  ~~is~~ owned or its development controlled by a single individual or legally constituted corporation or partnership; or, in the case of property held in various ownerships, provided all parties owning and controlling property in the area to be developed become parties to a legal agreement binding them to abide by the master development plan, as approved, with said agreement to run with the land as a condition of future use, sale or lease. The development shall be initiated and completed by the applicant or joint applicants, as the case may be. Unless otherwise provided in the approval of the planning commission, the developer may not divide and transfer units of the development. All of the provisions of this district are supplementary to the Arvin sub-maps contemplated for the same property or for portions thereof and shall be processed concurrently with the development plans specified under this chapter.

Section 17.45.030 General provisions and standards for a planned district.

A. Planned unit development district may be established on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes of this chapter. No planned unit development district shall be less than one (1) acre ~~five (5) acres~~ of contiguous land.

1. **Amend Chapter 17.48 Automobile Parking Requirements as follows:**

**Add** - Section 17.48.020 Minimum number of parking spaces: Subsection D. Commercial/recreational uses, 2. Other commercial/recreational uses,

g. Neighborhood Serving Commercial Uses: Off-street parking as identified in   
Section 17.50.180 Neighborhood Serving Commercial Uses, 5.b. and c.

Subsection N. Residential Uses, add subsection 3. Urban Two-Unit Development: Off-street parking spaces as established under Section 17.50.190 Urban Two-Unit Development, subsection 5.

**Amend** - Section 17.48.020 Minimum number of parking spaces, subsection H. Light industrial uses:, (2) (a)

a. Mini warehouse /Self Storage: ~~one (1) space per ten (10) storage cubicles, plus two spaces per manager's residence, plus one (1) space per twenty-five (25) storage cubicles located at the warehouse office~~. One (1) space per 100 storage units, plus one (1) space per 300 sq. ft. of office area. A minimum of three (3) spaces shall be provided, plus one (1) enclosed space per caretaker’s residence should one be proposed.

c. Warehouse: one (1) space per employee on the largest shift, plus one (1) space per four thousand (4,000) square feet of gross floor area, plus one (1) space per 300 sq. ft. of office area.

d. Wholesaling and Distribution: one (1) space per 1,500 sq. ft. of use area up to 10,000 sq. ft., one (1) space per 5,000 sq. ft. over 10,000 sq. ft., plus one (1) space per 300 sq. ft. of office space.

**Amend -** Section 17.48.020 Minimum number of parking spaces, N. Residential Uses; 3. Urban Two-Unit Development: Off-street parking spaces as established under Section 17.50.190 Urban Two-Unit Development, subsection 5.

**Amend -** Section 17.48.080 Fence Requirements ~~Surface treatment and appurtenances~~.

A. Where such parking area abuts a street, it shall be separated by an ornamental fence, wall or compact eugenia or other evergreen hedge having a height of not less than two (2) feet and maintained at a height of not more than four (4) feet. Such a fence, wall or hedge shall be maintained in good condition.

B. In manufacture, commercial zoned areas and where such parking area abuts property classified for R or E uses, it shall be separated by a solid masonry wall, six (6) feet in height; provided such wall, from the front property line to a depth equal to the required front yard on the abutting R or E classified property, shall be four (4) feet in height.

~~A. All off-street automobile parking areas, including their means of ingress and egress, including automobile sales lots, service stations and other drive-in establishments, shall be surfaced with a bituminous surface treatment or other surfacing of a higher type.~~

~~B. The conditions for fences, walls, hedges, planting driveways, bumper guards, lighting, setback and drainage shall be as provided for in the P zone.~~

~~(Ord. 184 §F, 1983).~~

**Add - Section 17.48.100 Parking lot design and improvement requirements.**

A. Ingress and egress shall be surfaced with a bituminous surface treatment or other surfacing of a higher type, and adequate drainage shall be provided.

B. Each entrance and exit to a parking lot shall be constructed and maintained so that any vehicle entering or leaving the parking lot shall be clearly visible at a distance of not less than ten (10) feet to a person approaching such entrance or exit on any pedestrian walk or foot path. Exits from parking lots shall be clearly posted with "Stop" signs and it is unlawful for a motorist to fail to stop at such sign before leaving the parking lot. Appropriate bumper guards, entrance and exit signs and directional signs shall be maintained where needed. Any lights used to illuminate such a parking area shall be so arranged as to reflect the light away from adjoining premises and streets.

**Add - Section 17.48.110 Interpretation and determination of parking space requirements when not listed.**

The Planning Commission, upon report and recommendation from the Community Development Director, may establish off-street parking requirements when not listed in this chapter.

**18. Add Chapter 17.83 – Agricultural Preserves/Williamson Act Management:**

17.83.010 - Purpose and description.

The purpose of this chapter is to authorize the city to designate suitable areas of the city as agricultural preserves by resolution of the city council pursuant to the Williamson Act of 1965 (Government Code Section 51200 et seq.) for the purpose of establishing agricultural and compatible land uses.

17.83.020 - Administration.

Agricultural preserves shall be administered pursuant only to those portions of the Williamson Act of 1965 that apply to the preservation of agricultural lands, as now enacted or hereafter amended, and pursuant to the uniform rules, as defined under this chapter, which shall apply in all agricultural preserves now or hereafter established. Other aspects of the legislation, as defined by Section 51205 of the Government Code, can be included only if they are secondary to the primary agricultural use of the land.

17.83.030 - Filing of map,

On or before September 1st of each year, the city shall file with the director of conservation a map of the city and designate thereon all contracted parcels at the end of the preceding fiscal year.

17.83.040 - Uniform rules and use restrictions.

Uses permitted under this section shall be consistent with the principles of compatibility set forth in Government Code Section 51238.1(a), (b), (c), and the following uses:

1. Agricultural Uses.
   1. Agricultural and horticultural uses, including, but not limited to, greenhouses, orchards, the raising of fields, trees, vine, berry, and bush crops, vegetables, flowers, and other plants.
   2. Harvesting, curing, processing, packaging, and storage incidental to such agricultural uses; shipping of agricultural products produced upon the premises, or where such activity is carried on in conjunction with or as a part of an agricultural use in the immediate vicinity.
   3. Farms devoted to the grazing of cattle, horses, sheep, hogs, or other farm stock, including the supplementary feeding thereof, but not including slaughterhouses.
   4. Farms or establishments for the selective or experimental breeding of cattle, horses, sheep, hogs, or other farm stock.
   5. Farms devoted to the hatching, breeding, raising, butchering, processing, and shipping of chickens, turkeys, or other fowl or poultry, including eggs.
   6. Dairies and the production of dairy products from milk produced on the premises, excluding retail sales therefrom.
   7. Contract harvesting and agricultural services where such use is incidental and secondary to the use of the premises for agricultural purposes.
2. Compatible Uses.
   1. Farm dwellings, mobile homes, and other residential uses occupied by the owner/operator or help employed on the premises, including accessory buildings and farm buildings incidental to the farming operation on the premises.
   2. Labor camps intended for use by and occupied housing for laborers employed directly on the farmland upon which the labor camp is located.
   3. Recreational uses are subordinate to primary agricultural use.
   4. Oil and gas drilling and production in accordance with the provisions of the state and local standards and ordinances.
   5. The erection, construction, alteration, operation, and maintenance of gas, electric, water, and communication utility facilities and similar public service facilities by corporations and companies under the jurisdiction of the Public Utilities Commission of the state of California and by public agencies.
   6. Any use not conforming to the agricultural or compatible uses specified in this chapter, which use preexisted the date the land was included within an agricultural preserve (such use discontinued for two years shall not be resumed unless it then constitutes an agricultural or compatible use permitted under the uniform rules):
   7. Any use required to be permitted by any amendment to the California Land Conservation Act of 1965 which may be hereafter adopted.
   8. Any use determined to be compatible in all agricultural preserves established by the city council after public hearing or published notice and such other notice, if any, as the council may specify.
   9. Any use of a specific parcel of land in an agricultural preserve which is determined to be a compatible use as related to differences in the location and circumstances of the owners of land in agricultural or compatible uses within an agricultural preserve and which is based on character, location, or other particular circumstances of the specific parcel which are not applicable generally to other lands within that agricultural preserve (such determination maybe made by the city council only after public hearing or published notice and such other notice, if any, as the council may specify).
3. Additional Uses Permitted in Specific Preserves as Approved by the City Council.
   1. Conservation, development, and use of water resources located within the lands covered by this preserve, and exploration conducted by scientific means on the lands located within this preserve for the purpose of determining the existence, location, and extent of any commercial mineral deposits.
   2. Uses related to or incidental to the construction, operation, and maintenance of public or private transmission or conveyance facilities.
   3. Uses related to or incidental to the establishment, maintenance, and repair of routes for ingress and egress over and through the lands included within this preserve.
   4. Any use required to be permitted by any amendment to the California Land Conservation Act of 1965 which may be hereafter adopted.
   5. Commercial fish farms and fishponds and accessory buildings.
4. Any land included in an agricultural preserve may be zoned for urban development provided however that urban development does not occur until such time as the subject property is unencumbered by the Williamson Act and removed from the agricultural preserve.

17.83.050 - Contracts.

It is the intent of the city to continue, contracts in force at the time the property is annexed into the city consistent with general plan policy. No new agricultural preserves will be initiated for property within the city and the city will request Kern County not to create new agricultural preserves within its sphere of influence. The city, after acquiring land in a preserve by annexation, shall have all rights and responsibilities specified in Government Code Section 51235.

17.83.060- Notice of non-renewal-Renewal-Recording requirements.

1. Nonrenewal Process.
   1. Filing.
      1. Initiation. Notice of nonrenewal may be initiated by either of the following, in compliance with state law (Government Code Section 51245):
         1. Council. The council may initiate a notice of nonrenewal; or
         2. Property Owner(s). The property owner(s) may initiate a notice of nonrenewal.
      2. A copy of the notice shall be filed with the planning division of the community development department.
      3. Contents. The notice shall contain the following materials:
         1. Notice Form. One copy of the completed notice form.
         2. Preliminary Title Report. One copy of a current preliminary title report. Reports more than six months old are not considered current and shall not be accepted; and
         3. Deadline. The written notice shall be served to the city by the property owner(s) at least ninety days, or on the property owner(s) by the city at least sixty days, before the annual renewal date of the contract.
   2. Recordation. The notice of nonrenewal shall be recorded in the following manner:
      1. Document Preparation. Once the notice is deemed complete and acceptable per subsection (A)(1)(c) of this section, the city clerk shall prepare all documents for recordation.
      2. Forwarded for Recordation. The city clerk shall forward the notice to the county recorder's office for recordation.
      3. Mailing of Copies. A copy of the recorded notice shall be mailed to the following:
         1. The property owner(s),

11. The director of conservation, and

iii. The county assessor.

* + 1. December Deadline. The notice shall be recorded in the county recorder's office before December 1st in order to be processed for the following March 1st lien date, in compliance with state law (Government Code Section 51245).

8. Terminates in Ten Years. The notice of nonrenewal terminates the contract In ten years, in compliance with state law (Government Code Section 51246(a)).

C. Assessment. During this ten-year nonrenewal period, the assessment of the subject property may Incrementally increase.

17.83.070 • Cancellation.

1. Filing.
   1. Initiation. A petition for cancellation may only be initiated by the property owner(s), consistent with Government Code Section 51281.
   2. The petition for cancellation shall be filed with the planning division of the city's community development department.
   3. Contents. The petition for cancellation shall contain the following materials:
      1. Petition Form. One complete copy of the city's required form.
      2. Preliminary Title Report. One copy of a current preliminary title report. Title reports more than six months old at time of application are not considered current and shall not be accepted.
      3. A copy of the contract under which the parcel(s) are encumbered.
      4. A current assessor's parcel map showing the contracted parcels; and
      5. Additional Information. Any additional information the director determines to be necessary to process the petition.
      6. A proposal for a specified alternative use of land.
2. Tentative Cancellation of Contract.
   1. Notice. Notice of a public hearing shall be given as follows:
      1. Notice to Director of Conservation. Notice shall be provided to the director of conservation, along with the required findings, at least thirty days prior to a public hearing at which the city council will act on the tentative cancellation.
      2. Published Notice. A notice shall be published at least once in a local newspaper of general circulation within the city at least ten days before the hearing; and
      3. Mailed Notice. Notice shall be mailed to owners of contracted property within one mile, property owners within five hundred feet, other concerned agencies, and the department of conservation.
   2. Review Procedure. The council shall conduct a public hearing for a tentative cancellation of the contract.
   3. Findings. The council may grant cancellation of the contract only if all the findings in subsection (B)(3)(a) or (B)(3)(b), below, can be made in a positive manner:
      1. The cancellation is consistent with the purposes of the Williamson Act. This finding can only be made if the cancellation is:
         1. For property on which a notice of nonrenewal has been served in compliance with state law (Government Code Section 51245) (Nonrenewal of Williamson Act Contract), above.
         2. Not likely to result in the removal of adjoining lands from agricultural use.
         3. For an alternative use of land which is consistent with the land uses, objectives, policies, and programs of the general plan and any applicable PUD zoning.
         4. Intended to ensure/maintain contiguous pattern of urban development; and

v. In an area which has no noncontracted land available and suitable for the proposed use which is intended for the subject property or development of the contracted land would provide for a more contiguous pattern of urban development than would development of the available noncontracted land.

* + 1. The cancellation is in the public interest. This finding can only be made If:
       1. Other public considerations substantially outweigh the objectives of the Williamson Act; and

ii. There is no proximate noncontracted land in the area which is available and suitable for the proposed use which is intended for the subject property, or development of the contracted land would provide for a more contiguous pattern of urban development than would development of any proximate noncontracted land.

* 1. Notice of Decision. A notice of the decision on the tentative cancellation of the contract shall be published within thirty days of the council's decision, with a copy to the director of the department of conservation, in compliance with Government Code Section 51284, and to the county assessor’s office.
  2. Recordation. The city clerk shall record the certificate of tentative cancellation with the county recorder in compliance with Government Code Section 51283.4(a).

17.83.080- Fees.

Prior to giving approval to any contract cancellation, the city council shall determine and certify the cancellation fee pursuant to Section 51283 or Section 51297 of the Government Code. Cancellation fees that are not paid within one year of the recording of the certificate of tentative cancellation will be recomputed as of the date of notice (Government Code Section 51283.4(a) and (b)).

A. Cancellation Fee Waiver. If it finds that it is in the public interest, the city council may waive any payment or any portion of a payment by the landowner. It may extend the time for making the payment, or a portion of the payment, contingent upon the future use made of the land, and its economic return to the landowner for a period of time not to exceed the unexpired period of the contract, had it not been cancelled, if all of the following occur:

* 1. The cancellation is caused by an involuntary transfer or change in the use which may be made of the land and the land is not immediately suitable, nor will be immediately used, for a purpose which produces **a** greater economic return to the owner.
  2. The city council has determined it is in the best interest of the program to conserve agricultural land use that the payment be either deferred or not required; and
  3. The waiver or extension of time is approved by the secretary of the resource agency. The secretary will approve a waiver or extension of time only on the finding that the granting of the waiver or extension of time by the local agency is consistent with the policies of the Williamson Act and that the local agency complied with the Act in approving the cancellation. In evaluating a request for a waiver or extension of time, the secretary shall review the findings of the city council, the evidence in the record of the council, and any other evidence received concerning the cancellation, waiver, or extension of time (Government Code Section 51283(c)).

1. Recordation. The cancellation of a contract shall not be final until the community development director is satisfied that any required conditions have been fulfilled and the certificate of cancellation is recorded pursuant with Section 51283.4(a) of the Government Code.

17.83.090 • Precedence.

If any part of this chapter is found to conflict with any part of state law governing Land Conservation Act of 1965 contracts, the applicable section of state law shall prevail.

**Section 4.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**Section 5.** This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

**I HEREBY CERTIFY** that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 09th day of July 2024, and adopted the Ordinance after the second reading at a regular meeting held on the 23rd day of July 2024, by the following roll call vote:

AYES: CM Tarever, CM Horton, MPT Reyes, Mayor Borreli

NOES:

ABSTAIN:

ABSENT:

**ATTEST**

Cecilia Vela, City Clerk

**CECILIA VELA**,City Clerk

**CITY OF ARVIN**

By: Daniel Borreli, Mayor

**DANIEL BORRELI,** Mayor

**APPROVED AS TO FORM:**

By: Nathan Hodges, City Attorney

**Nathan Hodges**, City Attorney

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, City Clerk of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.