

ORDINANCE NO. 1874

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, ADOPTING AMENDMENTS TO CHAPTER 30 (ZONING AND DEVELOPMENT CODE) TO INCLUDE FLEXIBILITY IN THE APPLICATION OF THE ZONING AND DEVELOPMENT CODE STANDARD IN ORDER TO REMOVE HOUSING CONSTRAINTS FOR INDIVIDUALS WITH DISABILITIES.

THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, DOES HERBY ORDAIN AS FOLLOWS:

Section 1. On June 15, 2021, the Planning Commission duly conducted a noticed public hearing for ZoningCode Amendment No. 21-003, received testimony and information from any and all parties, and voted 5 – 0 to approve Resolution PC No. 2021-016 recommending approval to the City Council; and

Section 2. On July 27, 2021, the City Council held a duly noticed public hearing on Code Amendment No. 21-003, and received testimony and the supporting documents and evidence, and the City Council found that the proposed municipal code amendment is in conformance with the goals and policies of the General Plan to provide a community that is balanced between residential, commercial, and industrial and that is developed to high standards and provides diverse housing and socioeconomic opportunities for those citizens and those who wish to invest here; and

Section 3. Based on the information presented to the City council at the public hearing held for Zoning Code Amendment No. 21-003 (hereinafter “Code Amendment”), on July 27, 2021, the testimony received, and the supporting documents in evidence, the City Council found that the proposed amendments are in conformance with the goals and polices of the General Plan; and

Section 4. Based on Section 30-14 of the Zoning and Development Code, policies and provisions may be amended when deemed necessary to protect or promote the public’s health, safety or general welfare or when modifications are viewed as appropriate in the context of generally accepted planning principles, surrounding land uses, and the general plan; and

Section 5. The proposed update to the Municipal Code is consistent with and compatible with the General Plan. The updates directly implement General Plan goals, policies, and objectives; and

Section 6. The proposed Zoning Code Amendment is in conformity with good land use practice and is intended to facilitate ease of use and understanding, as well as to establish appropriate development standards for the land use designations, as well as to establish appropriate development standards for the land use designations; and

Section 7. The City Council determines that the Code Amendment is exempt pursuant to Section 15061 (b) (3) (General Rule Exemption), of the California Environmental Quality Act and Section No. 3.07 of the 2019 Local Guidelines for Implementing CEQA; and

Section 8. Zoning Code Amendment No. 21-003 is hereby adopted, and Chapter 30 of the Fontana Municipal Code is amended as shown in Exhibit “A”, attached under separate cover and by this reference incorporated; and

Section 9. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk’s office located at 8353 Sierra Avenue, Fontana, CA 92335. The custodian of these records is the City Clerk.

Section 10. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The people of the City of Fontana hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 11. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

Section 12. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Fontana.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Fontana, California, at a regular meeting of the City Council held on the 27th day of July 2021, by the following vote:

APPROVED AND ADOPTED this date, September 14, 2021.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Tonia Lewis, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance adopted by the City Council at a regular meeting on the 27th of July, 2021 and was final passed

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and adopted not less than five days thereafter on the 14th day of September, 2021, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST: