

CITY OF SELMA
SPECIAL PLANNING COMMISSION MEETING
March 27, 2023

PURSUANT TO AB 361 AND GOVERNMENT CODE SECTION 54953, THE MEETING WAS HELD REMOTELY AND THE PUBLIC HAD THE OPTION TO CALL +1(301) 715-8592 ID: 883-1804-9306 TO PROVIDE COMMENTS ON AGENDA ITEMS. THE COUNCIL CHAMBER WAS OPEN FOR THE PUBLIC AS WELL.

The regular meeting of the City of Selma Planning Commission was called to order at 6:04 p.m. in the Council Chambers by Chairman Coury. Commission members answering roll call were: Garcia, Gonzales, Juarez, Salas, and Sandhu.

Also present were: Deputy City Manager Keene, Contract City Planner Stearns, and Building-Planning Technician Macias.

The agenda for this meeting was duly posted in a location visible at all times by the general public seventy-two hours prior to this meeting.

CONSENT CALENDAR: A motion was made by Commissioner Salas to approve the minutes of January 23, 2023, and February 13, 2023, as written. The motion was seconded by Commissioner Gonzales and carried unanimously.

Submittal No. 2022-0025: Conditional use permit for to allow packaged alcohol sales in a previously approved 969 square-foot convenience store at an existing car wash at 2921 Whitson Street (APN: 358-200-39) and Accompanied Notice of Exemption.

Contracted City Planner Stearns confirmed the item was rescinded by the applicant and a determination was not required by the Planning Commission. Item was pulled from the agenda.

Submittal No. 2022-0025: Conditional use permit for to allow packaged alcohol sales in a previously approved 969 square-foot convenience store at an existing car wash at 2921 Whitson Street (APN: 358-200-39) and Accompanied Notice of Exemption. Contracted City Planner recommended approval of the Variance 2023-0001 to allow for a reduction in required parking spaces for a future medical clinic at 1850 Whitson Street. (APN's 388-163-09/-10/-11-12) and approval of Notice of Exemption.

After discussion, the public hearing was opened at 6:24 p.m. There being no further comments, the hearing was closed at 6:25 p.m

Following Commissioners discussion, a motion was made by Commissioner Garcia to approve RESOLUTION NO. 2023-03 OF THE PLANNING COMMISSION RECOMMENDING

APPROVAL FOR VARIANCE FOR THE ASSOCIATED DEVELOPMENT OF SPR 2022-0031 AT 1850 WHITSON STREET (APN'S:388-163-09/-10/-11/-12) AND TO PROVIDE STRIPING FOR ON-STREET PARKING IN AREAS NOT DISTURBING TRAFFIC. The motion was seconded by Commissioner Sandhu. The motion was carried unanimously.

ADJOURNMENT: There being no further business, the meeting was adjourned at 6:26 p.m.

Respectfully submitted by:

Lupe Macias, Building-Planning Technician

**SELMA PLANNING COMMISSION
STAFF REPORT**

Meeting Date: April 24, 2023

TO: Selma Planning Commission

FROM: Community Development Department

SUBJECT: AGENDA ITEM NO. 2

General Plan Amendment No. 2023-0010: Public Hearing to Consider Submittal No. 2023-0010, an amendment to the General Plan Land Use Element regarding the minimum lot size requirements for residential land uses.

Staff is recommending the recommendation of adoption of a Class 5 Categorical Exemption and approval of the request with conditions to City Council.

Summary and Purpose

The purpose of this agenda item is to hold a public hearing for the Planning Commission to consider recommending approval of a General Plan Amendment removing the lot size requirements outlined in the Land Use Element of the City of Selma 2035 General Plan.

Application Information

Applicant: City of Selma

Project Location: Citywide

Applicant's Proposal: Amend the City's General Plan Land Use Element regarding residential lot size requirements as stated in Table 1-1 (Page 1-4) and Policy 1.15 (Pages 1-6 and 1-7)

Land Use Designations: Extremely Low Density, Very Low Density, Low Density, Medium Low Density, Medium Density, Medium High Density, and High Density:

Project Analysis

The purpose of the proposal revise and repeal the lot size standards outlined in the 2035 General Plan Land Use Element as it relates to residential land uses. Page 1-4 depicts Table 1-1 labeled as “Land Use and Zoning Consistency”.

Table 1-1
Land Use and Zoning Consistency

General Plan Land Use Designations	Units Per Acre		Lot Size (Sq. ft)	Consistent Zoning
	Min	Max	Min	
Residential Land Uses				
Extremely Low Density	0.0	0.5	20,000	AE, OS, RA
Very Low Density	0.0	2.0	12,000	R-1-12
Low Density	1.0	4.0	9,000	R-1-9, R-1-12
Medium Low Density	3.0	5.5	7,000	R-1-7, R-1-9
Medium Density	4.5	9.0	6,000	R-2
Medium High Density	8.0	14.0	20,000	R-2, R-3
High Density	13.0	24.0	30,000	R-3, R-4

Notes: This depiction only represents the residential portion Table 1-1

Being proposed is the removal of the indication of lot size from Table 1-1. The proposed table will be depicted as shown below:

Table 1-2
Land Use and Zoning Consistency

	Units Per Acre		
General Plan Land Use Designations	Min	Max	Consistent Zoning
Residential Land Uses			
Extremely Low Density	0.0	0.5	AE, OS, RA
Very Low Density	0.0	2.0	R-1-12
Low Density	1.0	4.0	R-1-9, R-1-12
Medium Low Density	3.0	5.5	R-1-7, R-1-9
Medium Density	4.5	9.0	R-2
Medium High Density	8.0	14.0	R-2, R-3
High Density	13.0	24.0	R-3, R-4

Notes: This depiction only represents the residential portion Table 1-1

Additionally, the General Plan texturizes lot size standards depicted in Policy 1.15 on Page 1-6 and 1-7 of the General Plan. The policy will be amended as follows¹:

Policy 1.15:

The following residential land use categories identify land throughout the Planning Area that is acceptable for housing; clarifies the overall type of housing to be developed within each category; and allows for a mixture of housing types, lot sizes and affordability within the community.

Extremely Low Density (ELD): 0.0 to 0.5 Units Per Gross Acre

This designation allows for large lot sizes typically 20 acres and larger. Typical zoning would be RA (Residential Agricultural), and OS (Open space). Other permitted uses include crop and tree farming, horticulture, temporary stands for the sale of agricultural products grown on the same property, small farming, and publicly owned parks and playgrounds. Estate-sized lots and areas where horses could be kept may also be compatible in some areas.

Very Low Density (VLD): 0 to 2.0 Units Per Gross Acre

This category is characterized by larger lot sizes ~~ranging from a minimum of 12,000 square feet to a more typical 20,000 square feet.~~ Typical zoning would be R-1-12. A planned unit development may be appropriate if accompanied by a recreational amenity such as a golf course, lake or similar amenity. Estate-sized lots and areas where horses could be kept may also be compatible in some areas.

Low Density (LD): 1.0 to 4.0 Units Per Gross Acre

The intent of this classification is to provide locations for the construction of single-family homes. Zoning classifications under this designation include R-1-9 and R-1-12 ~~with 9,000 and 12,000 square foot lot minimums respectively.~~

Medium Low Density (MLD): 3.0 to 5.5 Units Per Gross Acre

This Designation allows for a transition of housing types between higher density development and conventional single-family developments. Typical zoning would be R1-7 or R-1-9. This land use designation is representative of most existing single-family developments within the City. ~~Minimum lot size is 7,000 square feet.~~

Medium Density (MD): 4.5 to 9.0 Units Per Gross Acre

Small-lot, clustered development and low-density multiple-family development would be acceptable in this designation. To accommodate these types of development, typical zoning would be R-2, ~~having a minimum lot size of 6,000 square feet with an additional 4,000 square feet for each additional unit on the same lot.~~ In addition, specific development standards would be necessary on a project-by-project basis to insure that there would be sufficient open space, parking, etc. The majority of multiple family development in this district would be in the form of duplexes.

Medium High Density (MHD): 8.0 to 14.0 Units Per Gross Acre

This classification provides for lower-intensity multiple-family developments. Typical zoning would be R-3 ~~with a minimum lot size of 20,000 square feet.~~ A lot with the minimum lot size would typically have up to 4 residential units. Typical development would be tri- and four-plexes and single-story apartment complexes.

¹ Strikethrough text is proposed for removal. Italicized text is proposed to be added.

High Density (HD): 13.0 to 24.0 Units Per Gross Acre

Notable apartment developments are provided within this designation. A new zone district, R-4, will be required to be developed in the zoning ordinance. ~~R-4 zoning will have a minimum lot size of 30,000 square feet. A lot with the minimum lot size could potentially have up to 13 residential units.~~ This designation would likely result in multiple-story apartment complexes.

The repealing of the lot size requirements from the City's General Plan will allow for the City's Zoning Ordinance to effectively regulate the lot size requirements as intended in conjunction with the City's Planned Unit Development Ordinance. This proposal will grant intended flexibility to future projects and developers, while allowing for the City to still maintain the authority to regulate lot size requirements through the provisions and development standards of the City's Zoning Ordinance for each residential zone district. Each future residential project will still be required to meet the General Plan's Residential Density standards for its respective land use designation and consistent zone district, consequently, would allow for the proposal to continue to meet the intent of the General Plan, therefore, being consistent with the General Plan.

Environmental Compliance (CEQA)

The project qualifies for CCR 15305 - Minor Alterations in Land Use Limitations, therefore, a Notice of Exemption in compliance with the California Environmental Quality Act (CEQA) was prepared. The Community Development Department has determined that the adoption of the proposed General Plan Amendment has no potential to impact the environment. The proposal will not result in any changes related to land use designations or densities. Each subsequent residential project will be required to comply with the process and procedures of the City of Selma, in addition, to the California Environmental Quality Act. Given this factor, General Plan Amendment No. 2023-0010 meets the criteria for a Categorical Exemption pursuant to Section 15305(a) of CEQA.

Notice of Public Hearing

A Public Notice for this project was published in *The Selma Enterprise* on April 12, 2023.

Recommendation

Staff is recommending that the Planning Commission recommend approval of General Plan Amendment 2023-0010 to amendment to the General Plan Land Use Element regarding the minimum lot size requirements for residential land uses in addition to approval of the accompanying Notice of Exemption to the City Council for final consideration.

_____/s/_____
Trevor Stearns, Contract City Planner
Community Development Department

_____/s/_____
Jerome Keene, Deputy City Manager
Community Development Department

Attachments

1. Notice of Exemption
2. Resolution Recommending Approval General Plan Amendment No. 2023-0010 and Notice of Exemption

Attachment 1. Notice of Exemption

Print Form

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Fresno

2220 Tulare Street

Fresno, CA 93721

From: (Public Agency): City of Selma

1710 Tucker Street

Selma, CA 93662

(Address)

Project Title: General Plan Amendment No. 2023-0010

Project Applicant: City of Selma Community Development Department

Project Location - Specific:

Citywide

Project Location - City: Selma Project Location - County: Fresno

Description of Nature, Purpose and Beneficiaries of Project:

To amendment to the General Plan Land Use Element regarding the minimum lot size requirements for residential land uses.

Name of Public Agency Approving Project: City of Selma

Name of Person or Agency Carrying Out Project: Community Development Department

Exempt Status: **(check one):**

☐ Ministerial (Sec. 21080(b)(1); 15268);

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☒ Categorical Exemption. State type and section number: 15305

☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The Proposed Project will not result in any changes related to land use designations or densities and will not effectively alter the existing environmental setting. Each subsequent residential project will be required to comply with the process and procedures of the City of Selma, in addition, to the California Environmental Quality Act. Given this factor, General Plan Amendment No. 2023-0010 meets the criteria for a Categorical Exemption pursuant to Section 15305(a) of CEQA.

Lead Agency

Contact Person: Trevor Stearns, City Planner

Area Code/Telephone/Extension: 559-891-2209

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Revised 2011

RESOLUTION NO. 2023_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SELMA, CALIFORNIA RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2023-0010 AND ACCOMPANYING NOTICE OF EXEMPTION TO THE SELMA CITY COUNCIL THEREOF

RECITALS

WHEREAS, Government Code Section 65300, requires cities and counties to prepare and adopt a General Plan to guide the future development of a city and or county; and

WHEREAS, General Plan Amendment No. 2023-0010 described herein will be referenced as “Application” or “Project”; and

WHEREAS, the Project proposes to repeal the residential minimum lot size requirements mentioned in Table 1-1 and Policy 1.15 of the 2035 General Plan Land Use Element; and

WHEREAS, the proposed General Plan Amendment is consistent with the current General Plan

WHEREAS, the project qualifies for a Class 5 Minor Alterations in Land Use Limitations Exemption, therefore, a Notice of Exemption in compliance with the California Environmental Quality Act (CEQA) was prepared; and

WHEREAS, public notice of the Planning Commission’s April 24, 2023 public hearing for the Project was published in *The Selma Enterprise* on April 12, 2023 in compliance with the City’s Code and Government Code Section 65091; and

WHEREAS, on April 24, 2023, the Planning Commission of the City of Selma conducted a duly noticed public hearing on the Application, and considered all testimony written and oral; and

WHEREAS, based on substantial evidence provided in the whole record before the Planning Commission for CEQA compliance and public comments related to the project, it has been determined that there is no possibility that this project will have significant effects on the environment and recommends the adoption of the Notice of Exemption to the City of Selma Planning Commission; and

NOW THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Selma as follows:

SECTION 1. The Planning Commission finds that all of the facts set forth in the Recitals of this Resolution are true and correct and are incorporated herein by reference.

SECTION 2. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Selma.

SECTION 3. Upon independent review and consideration of all pertinent written information contained in the Staff Report and reflecting independent judgment and analysis, the Planning Commission hereby finds and determines that the proposed project, No. 2023-0010, will not have significant impacts on the environment. Based on these findings, the Planning Commission recommends adoption of the Notice of Exemption. The Planning Commission further recommends approval to the Selma City Council that the Application for the aforesaid General Plan Amendment No 2023-0010.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Selma at a regular meeting held on April 24, 2023, by the following vote:

AYES: COMMISSIONER:

NOES: COMMISSIONER:

ABSTAIN: COMMISSIONER:

ABSENT: COMMISSIONER:

CHAIRPERSON OF
THE SELMA PLANNING COMMISSION

ATTEST:

Jerome Keene, Secretary, Selma Planning Commission

**SELMA PLANNING COMMISSION
STAFF REPORT**

Meeting Date: April 24, 2023

TO: Selma Planning Commission

FROM: Community Development Department

SUBJECT: AGENDA ITEM NO. 3

Public Hearing to Consider Submittal Zoning Text Amendment No. 2023-0011, a Zoning Text Amendment an amendment to sections of Title 11 of the City of Selma Municipal Code as it relates to parks, outdoor recreational facilities in specific zones, residential accessory structures, and Site Plan Review Application applicability standards.

The project was evaluated in accordance with the California Environmental Quality Act via the preparation of a Notice of Exemption.

Summary and Purpose

The purpose of this agenda item is to hold a public hearing to consider a Zoning Text Amendment (ZTA) to amend the Selma Municipal Code (SMC) including but not limited to, public/private parks, outdoor recreation facilities in specific zones, residential accessory structures, and Site Plan Review Application applicability standards.

Application Information

Applicant: City of Selma Community Development Department
1710 Tucker Street, Selma CA 93662

Project Location: Citywide

Applicant's Proposal: To amend the SMC as it relates to allowing public/private and commercial open space, residential accessory structures, and Site Plan Review Application applicability standards.

Project Analysis

The purpose of the proposal is to revise, repeal, and add to an existing section of the SMC as it relates to public/private parks, outdoor recreation facilities in specific zones, residential accessory structures, and Site Plan Review Application applicability standards. Detailed below are specific revisions to the SMC. Sections repealed are identified with strikethrough and additions are highlighted with an underling.

Parks and Public or Private Outdoor Recreational Facilities

Currently, the SMC does not permit or allow for the development of parks (public or private) and outdoor recreation facilities (public or private) within any current zone districts, with the exception of the OS zone district. This revision would also provide flexibility to the City regarding the ability to act swiftly regarding the development of new park facilities if land becomes available.

Section 11-1.1, Chapter 1 – Zoning Definition; Purpose, Title 11 – Zoning of the SMC, provides clarification and defines specifics of the Zoning Ordinance. The aforementioned will be defined as follows:

OPEN SPACE, PRIVATE: An outdoor area within a development project designed and maintained for the exclusive use of residents/tenants, their invited guests, or club members, including, but not necessarily limited to, golf courses, lakes and water features, parks (active and passive), tennis courts, and other recreational facilities allowable within a planned residential development.

OPEN SPACE, PUBLIC: An outdoor area proposed on public land designated and intended for the use or enjoyment of the general public.

OUTDOOR RECREATIONAL FACILITIES (PUBLIC AND PRIVATE): Facilities operated by public or private entities for various outdoor participant sports and/or types of recreational activities where a fee may be charged for use.

The uses defined above shall be added to the “permitted uses” section identified specifically in the following locations of the SMC: Section 11-3.2, 11-4.1-2, 11-5.1-2, 11-5.5-2, and 11-7-2. This will allow for all residential zone districts to allow parks within subdivisions and the regional commercial zone district as part of a development project to provide public or private recreational open space without the need for a change of zone while meeting City established development standards.

Residential Accessory Structures

Section 11-3.2, Chapter 3 – One-Family Zone, Title 11 – Zoning of the Selma Municipal Code, details the uses permitted under the typical single-family zoning district. As it specifically relates to the purpose of the amendment, the below text proposes a revision to subsection B of Section 11-3-2 as shown below.

- B. Accessory buildings and structures, including, but not confined to, private garages, and carports of three (3) car maximum aggregate capacity, and one accessory living quarter, ~~and swimming pools.~~

Site Plan Review Application Applicability

Section 11-20.1, Chapter 20 – General Provisions and Exceptions, Title 11 – Zoning of the Selma Municipal Code, details the purposes, procedures, application requirements, findings, and approval procedures. However, the current Municipal Code Section does not emphasize applicability standards for the Site Plan Review process. Below is the revised and added language to Section 11-20.1:

11-20.1-1: PURPOSES; APPLICATION OF PROVISIONS:

The purposes of site plan review are to enable the planning official to make a finding that the proposed development is in conformity with the intent and provisions of this Chapter and to guide the Building Department in the issuance of building permits. ~~The provisions of this Chapter shall apply to the following uses:~~

- ~~—(A) Any use listed within a particular zoning district as a permitted or conditional use subject to site plan review.~~
- ~~—(B) Permitted and conditional uses within the P, C and M Districts.~~
- ~~—(C) Conditional uses where site plan review is made a condition of approval.~~

11-20.1-2: APPLICABILITY:

Site Plan Review provisions shall apply to the following:

- A. All activities listed as permitted uses in all zone districts shall be subject to the approval of a site plan review granted in compliance with this Chapter, unless otherwise specified later in this Chapter. Approval of a single-family residential unit on a lot shall not require site plan review.
- B. Site Plans will be required under the following circumstances:
 - a. New nonresidential developments proposing to construct a new structure.
 - b. Additions of more than or equal to 1,000 square feet to existing non-residential buildings.
 - c. Changes in uses that do not increase the size of a structure but increase the total required off-street parking requirement pursuant to this Chapter.
 - d. New multi-family residential development such as, but not limited to, apartments, condominiums, triplexes, or fourplexes.

All following sections within Section 11-20.1, Chapter 20 – General Provisions and Exceptions, Title 11 – Zoning of the Selma Municipal Code shall be revised to maintain correct chronology.

Planning Commission Role in Amendment to Zoning Regulations

Any amendment to any zoning provision included in the SMC must be first submitted to the Planning Commission, which must make a recommendation to the City Council on the proposed amendment of such ordinances (SMC 11-21-4). The Planning Commission can choose to recommend approval or to recommend denial to the Council. Even if the recommendation is for denial, the application will be taken to the City Council for a final decision. The City Council will also hold a public hearing to consider the item.

Environmental (CEQA)

This project is exempt under California Environmental Quality Act (CEQA) Section 15061(b)(3). The project is exempt under the “common sense” exemption because it does not involve the construction or alteration of facilities that will have a significant effect on the environment. The project includes a Zoning Text Amendment to amend the Selma Municipal Code (SMC). Discretionary projects which will require CEQA analysis, will be required to provide the appropriate level of analysis relating to the proposal of the project at that time. The amendment of the Selma Municipal Code does not effectively alter the existing environmental setting and therefore, will not have a significant effect on the environment.

Notice of Public Hearing

The Public Notice was published one time in The Selma Enterprise on April 12, 2023.

Recommendation

Staff’s recommendation for the Planning Commission is to recommend approval of these amendments as presented to the City Council.

_____/s/_____

Trevor Stearns, Contract City Planner
Community Development Department

_____/s/_____
Jerome Keene, Deputy City Manager
Community Development Department

Attachments

1. CEQA Notice of Exemption
2. Resolution recommending approval of the amendment
3. Proposed Ordinance Amending Section 11-28-8

Attachment 1. Notice of Exemption

Print Form

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Fresno

2200 Tulare Street

Fresno, CA 93721

From: (Public Agency): City of Selma

1710 Tucker Street

Selma, CA

(Address)

Project Title: Zoning Text Amendment No. 2023-0011

Project Applicant: Trevor Stearns

Project Location - Specific:

Citywide

Project Location - City: Selma Project Location - County: Fresno

Description of Nature, Purpose and Beneficiaries of Project:

Zoning Text Amendment requesting an amendment to sections of Title 11 of the City of Selma Municipal Code as it relates to parks, outdoor recreational facilities in specific zones, residential accessory structures, and Site Plan Review Application applicability standards.

Name of Public Agency Approving Project: City of Selma

Name of Person or Agency Carrying Out Project: Trevor Stearns, City Planner

Exempt Status: **(check one):**

☐ Ministerial (Sec. 21080(b)(1); 15268);

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☒ Categorical Exemption. State type and section number: Section 15061(b)(3)

☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The project is exempt under the "common sense" exemption because it does not involve the construction or alteration of facilities that will have a significant effect on the environment. The project includes a Zoning Text Amendment to amend the Selma Municipal Code (SMC). Discretionary projects which will require CEQA analysis, will be required to provide the appropriate level of analysis relating to the proposal of the project at that time. The amendment of the Selma Municipal Code does not effectively alter the existing environmental setting and therefore, will not have a significant effect on the environment.

Lead Agency

Contact Person: Trevor Stearns

Area Code/Telephone/Extension: (559) 891-2200

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Revised 2011

RESOLUTION NO. 2023 – ____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SELMA, CALIFORNIA, RECOMMENDING APPROVAL OF
A ZONING TEXT AMENDMENT NO. 2023-0011 ORDINANCE AMENDING SELMA MUNICIPAL CODE AS IT
RELATES TO PARKS, OUTDOOR RECREATIONAL FACILITIES IN SPECIFIC ZONES, RESIDENTIAL
ACCESSORY STRUCTURES, AND SITE PLAN REVIEW APPLICATION APPLICABILITY STANDARDS.**

WHEREAS, pursuant to Chapter 24 of Title 11 of the Selma Municipal Code (“SMC”) the Planning Commission is to recommend any amendment or repeal of any provision of any zoning ordinance included in the SMC; and

WHEREAS, the proposed Zoning Text Amendment No. 2023-0011 seeks to amend SMC Section 11-1-1: Zoning Definitions to add specific definitions of Open Space, Private, Open Space, Public, and Outdoor Recreational Facilities (Public and Private); and

WHEREAS, the proposed Zoning Text Amendment No. 2023-0011 seeks to amend SMC Sections 11-3.2, 11-4.1-2, 11-5.1-2, 11-5.5-2: Applicable Zone District; to allow for all residential zone districts to allow parks (Public Open Space and Private Open Space) and Outdoor Recreational facilities for public use; and

WHEREAS, the proposed Zoning Text Amendment No. 2023-0011 seeks to amend SMC Section 11-7-2: Applicable Zone District; to allow for Outdoor Recreational facilities for public and private use in the Regional Commercial zone district; and

WHEREAS, the proposed Zoning Text Amendment No. 2023-0011 seeks to amend SMC Sections 11-3.2: One-Family Zone, regarding residential accessory structures, and

WHEREAS, the proposed Zoning Text Amendment No. 2023-0011 seeks to amend SMC Sections 11-20.1-1 and 11-20.1-2: Site Plan Review Application Applicable, to further specify applicability standards as it relates to the Site Plan Review Application process.; and

WHEREAS, notice of the Planning Commission’s public hearing for the proposed Zoning Text Amendment was published in The Selma Enterprise on April 12, 2022, in compliance with the SMC and Government Code Section 65091; and

WHEREAS, on April 24, 2023, the Planning Commission conducted a duly noticed public hearing to consider amendment of the SMC; and

WHEREAS, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which concludes no additional CEQA environmental review is required pursuant to CEQA Guidelines Section 15061(b)(3); and

WHEREAS, based on substantial evidence provided in the whole record before the Planning Commission for CEQA compliance and public comments related to the project, it has been determined that there is no possibility that this project will have significant effects on the environment and recommends the adoption of the Notice of Exemption to the City of Selma Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Selma Planning Commission hereby takes the following actions as follows:

SECTION 1. The Planning Commission finds that all of the facts set forth in the Recitals of this Resolution are true and correct and are incorporated herein by reference.

SECTION 2. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Selma.

SECTION 3 The Planning Commission finds that it is in the best interest of the City and the health, safety, and welfare of its residents to adopt the proposed Ordinance Amendment.

SECTION 4. Upon independent review and consideration of all pertinent written information contained in the Staff Report and reflecting independent judgment and analysis, the Planning Commission hereby finds and determines that the proposed project, No. 2023-0011, will not have significant impacts on the environment. Based on these findings, the Planning Commission recommends adoption of the Notice of Exemption. The Planning Commission further recommends approval to the Selma City Council that the Application for the aforesaid Zoning Text Amendment No 2023-0011.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Selma at a regular meeting held on April 24, 2023, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSTAIN:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:

Chairperson of
The Selma Planning Commission

ATTEST:

Jerome Keene, Secretary, Selma Planning Commission

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA AMENDING
SELMA MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF SELMA DOES ORDAIN as follows:

SECTION 1. Section 1 of Chapter 1 of Title XI (11-1-1) of the Municipal Code of the City of Selma is hereby amended to add the following:

Section 11-1.1: Zoning Definition; Purpose:

OPEN SPACE, PRIVATE: An outdoor area within a development project designed and maintained for the exclusive use of residents/tenants, their invited guests, or club members, including, but not necessarily limited to, golf courses, lakes and water features, parks (active and passive), tennis courts, and other recreational facilities allowable within a planned residential development.

OPEN SPACE, PUBLIC: An outdoor area proposed on public land designated and intended for the use or enjoyment of the general public.

OUTDOOR RECREATIONAL FACILITIES (PUBLIC AND PRIVATE): Facilities operated by public or private entities for various outdoor participant sports and/or types of recreational activities where a fee may be charged for use.

SECTION 2. Section 2 of Chapters 3, 4, 5, and 7 of Title XI (11-3.2, 11-4.1-2, 11-5.1-2, 11-5.5-2, and 11-7-2) of the Municipal Code of the City of Selma is hereby amended to add the following as permitted uses:

Open Space, Private

Open Space, Public,

Outdoor Recreational Facilities (Public and Private)

SECTION 3. Section 2 of Chapter 3 of Title XI (11-3-2) of the Municipal Code of the City of Selma is hereby amended to read as follows:

- B. Accessory buildings and structures, including, but not confined to, private garages, and carports of three (3) car maximum aggregate capacity, and one accessory living quarter, ~~and swimming pools.~~

SECTION 4. Section 1 and 2 of Chapter 20 of Title XI (11-20-1/2) of the Municipal Code of the City of Selma is hereby amended to read as follows:

Section 11-20.1-1: Purposes; Application of Provisions:

The purposes of site plan review are to enable the planning official to make a finding that the proposed development is in conformity with the intent and provisions of this Chapter and to guide the Building Department in the issuance of building permits. ~~The provisions of this Chapter shall apply to the following uses:~~

- ~~—(A) Any use listed within a particular zoning district as a permitted or conditional use subject to site plan review.~~
- ~~—(B) Permitted and conditional uses within the P, C and M Districts.~~
- ~~—(C) Conditional uses where site plan review is made a condition of approval.~~

Section 11-20.1-2: Applicability:

Site Plan Review provisions shall apply to the following:

- A. All activities listed as permitted uses in all zone districts shall be subject to the approval of a site plan review granted in compliance with this Chapter, unless otherwise specified later in this Chapter. Approval of a single-family residential unit on a lot shall not require site plan review.
- B. Site Plans will be required under the following circumstances:
 - a. New nonresidential developments proposing to construct a new structure.
 - b. Additions of more than or equal to 1,000 square feet to existing non-residential buildings.
 - c. Changes in uses that do not increase the size of a structure but increase the total required off-street parking requirement pursuant to this Chapter.
 - d. New multi-family residential development such as, but not limited to, apartments, condominiums, triplexes, or fourplexes.

SECTION 3. Severability. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed the remainder of this Ordinance, as if such invalid portion thereof had been deleted.

SECTION 3. This ordinance shall take effect thirty (30) days after its passage.

SECTION 4. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance and to cause the same to be published once in a newspaper of general circulation, published in the County of Fresno.

I, REYNA RIVERA, City Clerk of the City of Selma, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Selma held on the XX day of May 2023, and passed and adopted at a regular meeting of the City Council held on the ____ day of _____ 2023, by the following vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Scott Robertson
Mayor, City of Selma

ATTEST:

Reyna Rivera
City Clerk, City of Selma

APPROVED AS TO FORM:

Megan Dodd
City Attorney