

ORDINANCE NO. 2-2026

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MCFARLAND ADDING SECTION 17.137.090 OF THE MCFARLAND
MUNICIPAL CODE RELATED TO NONCONFORMING USES UPON
ANNEXATION**

Section 1. Recitals

WHEREAS, Title 17 of the McFarland Municipal Code provides for the administration of planning and zoning laws; and

WHEREAS, it is the desire of the City to create policies governing nonconforming uses that are annexed into the City; and

WHEREAS, the creation of an amortization period for nonconforming uses upon annexation into the City would provide consistency with recently adopted ordinances submitted by the voters regarding nonconforming uses.

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

Section 1. Section 17.137.090 is added to the McFarland Municipal Code as follows:

17.137.090 Amortization of Non-Conforming Uses upon Annexation.

- (1) Amortization periods for all non-conforming uses and/or structures that are in existence at the time the property is annexed into the City of McFarland shall be as follows:
 - (a) Where property has land improvement with a total replacement value of less than \$2,000, non-conforming uses or conditions excluding agricultural field crops and orchards shall be terminated within one year.
 - (b) Where property has land improvements with a total replacement value of more than \$2,000 but no individual structures with a replacement value of more than \$2,000, non-conforming uses and/or structures excluding agricultural field crops and orchards shall be terminated within two (2) years upon annexation.
- (2) Administration:
 - (a) All acts of the City under this section shall be construed as administrative acts. The acts shall be performed for the purpose of assuring that the intent and purpose of this Section shall apply as provided in this section and shall not be construed as amendments to the provisions of this chapter.
 - (b) Upon expiration of the amortization period applied to a specific use and/or structure, the owner and/or occupant shall cause the non-conformity to be terminated. City officials charged with issuing permits and licenses shall refuse to issue or reissue such permits and licenses upon expiration of the amortization period.
- (3) Enforcement: Owners and occupants of property affected by this Section shall comply with the provisions of this Section. Failure to comply with the provisions of this Section shall constitute a violation of this Ordinance and shall subject people failing to comply to the provisions provided in the Municipal Code.
- (4) Effective Date: This section applies only to all annexations that are approved by the Local Agency Formation Commission and recorded after May 1, 2026.

Section 2. Notice. The City clerk shall certify to the passage and adoption of this ordinance and shall cause this Ordinance to be posted within 15 days after its passage, in accordance with Section 36933 of the Government Code.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of McFarland hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

Section 4. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

Section 5. Certification; Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

INTRODUCED, at a Regular meeting of the City Council of the City of McFarland, California on 4/22/2026, by the following vote:

PASSED AND ADOPTED at a Regular meeting of the City Council of the City of McFarland on by the following vote:

	Aye	Nae	Abstain	Absent
Saul Ayon	✓			
Ricardo Cano	✓			
Anita Gonzalez	✓			
María T. Pérez	✓			
Martin Gutierrez	✓			

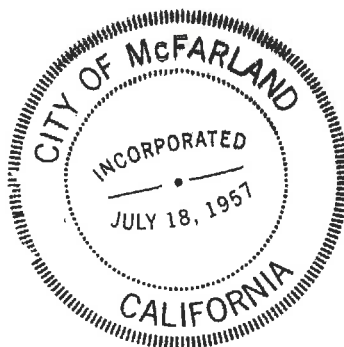
CITY OF MCFARLAND


Saul Ayon, Mayor

I hereby certify that the foregoing Ordinance was duly and regularly adopted by the City Council of the City of McFarland by a Regular meeting thereof held on May 13, 2026.

ATTEST:


Erika De La Cruz, City Clerk



APPROVED AS TO FORM:


Nathan Hoeges, City Attorney