

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERCULES AMENDING TITLE 13, CHAPTER 44 OF THE HERCULES MUNICIPAL CODE RELATING TO THE PLANNING AND ZONING APPEALS PROCESS

WHEREAS, at the regular Council meetings of September 25, 2018, January 8, 2019, and January 22, 2019, the City Council discussed possible changes to clarify the Council “call up” procedure for planning and zoning appeals ; and

WHEREAS, at the January 22, 2019 Regular Council Meeting, the City Council directed staff to prepare amendments to the Zoning Ordinance to clarify the “call up” procedure, and pursuant to Zoning Ordinance Section 13-52.200, directed that the Planning Commission review and make recommendations regarding the proposed amendments; and

WHEREAS, the Planning Commission did hold a properly noticed public hearing on March 18, 2019 to consider Council’s direction to modify the Appeal provisions of the Zoning Ordinance requiring Zoning Text Amendment #ZTA 19-02, and after due consideration adopted Resolution #19-02 recommending that the City Council adopt #ZTA 19-02; and

WHEREAS, it can be seen with certainty that there is no possibility that the Zoning Text Amendment may have a significant effect on the environment and is thus categorically exempt from the California Environmental Quality Act (“CEQA”) [State CEQA Guidelines Section 15061(b)(3)]; and

WHEREAS, the City Council did hold a properly noticed public hearing on April 9, 2019 to consider Zoning Text Amendment #ZTA 19-02, and did hear and use its independent judgment to consider all said reports, recommendations, and testimony provided at the public hearing.

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

SECTION 1.

Portions of Title 13 of the Hercules Municipal Code entitled “ZONING ORDINANCE” are hereby amended to read as depicted on Exhibit A, attached hereto and made a part hereof.

SECTION 2 – CEQA.

The adoption Zone Text Amendment #ZTA 19-02 is categorically exempt from the California Environmental Quality Act (“CEQA”) [State CEQA Guidelines Section 15061(b)(3)]

SECTION 3 – SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance, and each section,

subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be deleted.

SECTION 4. Publication and Effective Date.

a. This Ordinance shall be published in accordance with applicable law, by one or more of the following methods:

1. Posting the entire Ordinance in at least three (3) public places in the City of Hercules, within fifteen (15) days after its passage and adoption; or

2. Publishing the entire Ordinance at least once in the West County Times, a newspaper of general circulation published in the County of Contra Costa and circulated in the City of Hercules, within fifteen (15) days after its passage and adoption; or

3. Publishing a summary of the Ordinance in the West County Times and posting a certified copy of the entire Ordinance in the office of the City Clerk at least five (5) days prior to the passage and adoption, and a second time within fifteen (15) days after its passage and adoption, along with the names of those City Councilmembers voting for and against the Ordinance.

b. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Hercules City Council on the 9th day of April, 2019, and was passed and adopted at a regular meeting of the Hercules City Council on the ____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Romero, , Mayor

Lori Martin, Administrative Services Director &
City Clerk

Exhibit A: Modifications to Hercules Municipal Code Title 13 for #ZTA 19-02