

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERCULES AMENDING SECTION 13-44.200 OF THE HERCULES MUNICIPAL CODE RELATING TO NOTICING REQUIREMENTS

WHEREAS, on February 26, 2019, the City Council discussed the current zoning and planning noticing process, and directed staff to draft clarifying amendments to the City's Zoning Ordinance to allow for expanded noticing of land use matters consistent with the authority provided by California Government Code Section 65090; and

WHEREAS, the City Council further directed staff to obtain the Planning Commission's review of the proposed amendments, pursuant to Section 13-52.200 of the Hercules Municipal Code; and

WHEREAS, the Planning Commission did hold a properly noticed public hearing on March 18, 2019 to consider Council's direction to modify the Noticing provisions of the Zoning Ordinance requiring a Zoning Text Amendment, and did use its independent judgment to consider all said reports, recommendations, and testimony as a basis for adopting Recommending Resolution #19-01 with some additional proposed amendments; and

WHEREAS, it can be seen with certainty that there is no possibility that the proposed amendments 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 19-01, and did hear and use its independent judgment to consider all said reports, recommendations, and testimony hereinabove set forth.

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

SECTION 1.

Portions of Section 13-44.200 of the Hercules Municipal Code entitled "Application Processing and Hearing Notice" is 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 19-01 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 Section 13-44.200 for #ZTA 19-01