

ORDINANCE NO. 19-04

AN ORDINANCE OF THE CITY OF MAYWOOD AMENDING THE MAYWOOD ZONING ORDINANCE TO CLARIFY FINAL DECISIONS OF THE PLANNING COMMISSION AND THEIR REVIEW AND TO MODIFY REQUIREMENTS FOR CERTAIN CONDITIONAL USE PERMITS

THE CITY COUNCIL OF THE CITY OF MAYWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Section 5100.30C (Action by Commission) of the Maywood Zoning Ordinance is hereby amended in its entirety to read as follows:

“C. Action by Commission

1. A public hearing shall be scheduled before the Planning Commission and notice given pursuant to Section 5050 of this Ordinance.
2. The Commission shall hear and take action upon an application for a Conditional Use Permit or Variance pursuant to Section 5040.30 of this Ordinance.
3. The Commission may refer the application back to the Board or Planning staff for further review. Such referral shall be accompanied with clear directives for recommended changes to the site plan or design features of the project. Referral may occur no more than one time each to the Board or Planning staff.
4. The Commission shall act to approve, conditionally approve, or deny an application for a Conditional Use Permit or Variance. Notice of the Commission's decision shall be filed with the City Clerk not more than 10 days following the Commission's decision, and a copy of the decision shall be mailed to the applicant.

Section 2. Section 5100.30D of the Maywood Zoning Ordinance is hereby amended in its entirety to read as follows:

“D. Decision Final

The decision of the Commission is considered final unless, the applicant or an interested party files an appeal pursuant to Section 5140.20 or the matter is called for review pursuant to Section 5140.30. The appeal or call for review shall be noticed as provided in Section 5050.

Section 3. Section 5100.70 (Effective Date) of the Maywood Zoning Ordinance is hereby amended to read as follows:

"5100.70 Effective Date

An order by the Commission granting or denying a Variance or Conditional Use Permit shall become final and effective upon the decision of the Commission, unless the matter is appealed or called for review as applicable. In the case of an appeal or review, an order granting or denying a Variance or Conditional Use Permit shall become final and effective upon the decision of the City Council."

Section 4. Chapter 5140 shall be renamed Appeal Procedures and Call for Review.

Section 5. Section 5140.20 of the Maywood Zoning Ordinance is hereby amended to read as follows:

"5140.20 Period for Appeals

Appeals to the City Council shall be made no later than 10 days following the decision which is appealed. Appeals shall be made in writing to the City Clerk."

Section 6. A new Section 5140.30 (Calls for Review) is hereby added to Chapter 5140 (Appeal Procedures and Call for Review) to read as follows:

"5140.30 Calls for Review

A. A member of the City Council may call for the review of a decision of the Planning Commission not more than 10 days following the Planning Commission's decision. The call shall be implemented by filing a form with the City Clerk. No fee shall be required.

B. If a call for review is made, there shall be a presumption applied that the reason for the review is that the action has significant and material effects on the quality of life within the City. No inference of bias shall be presumed due to such a request for review being made by a City Council Member."

Section 7. Section 5 (Alcoholic Beverage Sales - On-Site Consumption Accessory) of Appendix C (Regulation of Conditional Use Permit Uses) of the Maywood Zoning Ordinance is hereby amended to read as follows:

"5. Alcoholic Beverage Sales - On-Site Consumption

As Accessory Establishments whose primary business is not the sale or dispensing of alcoholic beverages for on-site consumption but which do engage in alcoholic beverage sales incidental to food sales shall comply with the following:

- a. The business shall not be located in an area containing an undue concentration of establishments involved in alcoholic beverage sales.
- b. Such businesses shall not be located within the same building as a pool hall, arcade, massage parlor, movie theater or retail store.”

Section 8. Internal Consistency. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

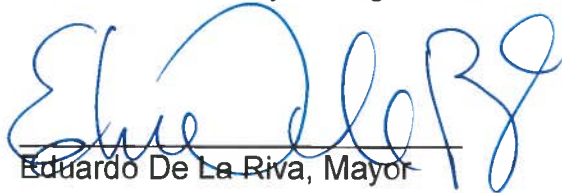
Section 9. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 10. Savings Clause. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.

Section 11. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment. This Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Section 12. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted in the manner prescribed by law.

PASSED, APPROVED AND ADOPTED this 28th day of August, 2019.



Eduardo De La Riva, Mayor

ATTEST:



Gerardo Mayagoitia, City Clerk

APPROVED AS TO FORM:



Roxanne Diaz, City Attorney

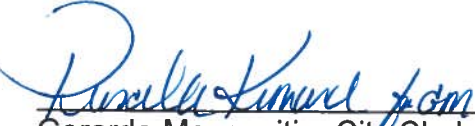
I, Gerardo Mayagoitia, City Clerk of the City of Maywood, do hereby certify that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Maywood held on the 28th day of August, 2019 by the following vote:

AYES: Alvarez, Marquez, Medina, Lara, and DeLaRiva

NOES:

ABSTAINED:

ABSENT:



Gerardo Mayagoitia, City Clerk