

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN ORDINANCE AMENDING CHAPTER
18.42.040 [ANIMAL KEEPING] OF TITLE
18 [INLAND LAND USE AND
DEVELOPMENT CODE] OF THE FORT
BRAGG MUNICIPAL CODE MODIFYING
BEEKEEPING PERMIT REQUIREMENTS**

ORDINANCE NO. 939-2018

WHEREAS, the City of Fort Bragg ("City") adopted an Inland General Plan and certified an Environmental Impact Report Addendum ("EIR Addendum") for the General Plan on December 2, 2012; and

WHEREAS, the City of Fort Bragg ("City") adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

WHEREAS, the adoption of an Inland Land Use and Development Code is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with City Council policy direction; and

WHEREAS, the Planning Commission held one meeting in 2018 to review, discuss and provide direction regarding changes to the Inland Land Use and Development Code to allow beekeeping of up to two hives in more zoning districts; and

WHEREAS, a Negative Declaration has been prepared as the CEQA document for the amendment to the Inland Land Use and Development Code, and the City filed a Notice of Completion with the State Secretary of Resources via the State Clearinghouse, and the Negative Declaration was circulated for the required 20-day public review period from January 27, 2017 to February 28, 2017; and

WHEREAS, no comments on the Negative Declaration were received during the public review period; and

WHEREAS, the Planning Commission considered the Negative Declaration and the Inland Land Use and Development Code at noticed public hearings on May 23, 2018, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Planning Commission adopted Resolution PC 02-2018 recommending City Council adopt the Negative Declaration and the amended Inland Land Use and Development Code; and

WHEREAS, the City Council considered the Negative Declaration and the amended Inland Land Use and Development Code at a noticed public hearing on June 25, 2018, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the City Council adopted Resolution 4106-2018 on June 25, 2018, adopting a Negative Declaration for the Inland Land Use and Development Code amendments; and

WHEREAS, the staff reports, Planning Commission resolution, City Council resolution, and Inland Land Use and Development Code are available for review at City Hall during normal business hours.

NOW, THEREFORE, the City Council ordains as follows:

Section 1. **Legislative Findings.** The City Council hereby finds as follows:

1. The foregoing recitals are true and correct and are made a part of this Ordinance.
2. Amending the Inland Land Use and Development Code in the manner described is consistent with the General Plan and any applicable specific plan, and internally consistent with other applicable provisions of the Inland Land Use and Development Code.
3. Amending the Inland Land Use and Development Code in the manner described will ensure that cannabis manufacturing uses are effectively regulated so that they will not be detrimental to the public interest, health, safety, convenience or welfare of the City.

Section 2. Based on the foregoing, the City Council hereby modifies Table 4-1 of Section 18.42.040 of Title 18, entitled Inland Land Use and Development Code, as shown in Exhibit A attached hereto and incorporated herein by reference.

Section 3. **Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 4. **Effective Date and Publication.** This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember Turner at a regular meeting of the City Council of the City of Fort Bragg held on June 25, 2018 and adopted at a regular meeting of the City of Fort Bragg held on July 9, 2018 by the following vote:

AYES:
NOES:

**ABSENT:
ABSTAIN:
RECUSED:**

**LINDY PETERS,
Mayor**

ATTEST:

**June Lemos, CMC
City Clerk**

PUBLISH: June 28, 2018 and July 19, 2018 (by summary)
EFFECTIVE DATE: August 8, 2018