ORDINANCE NO. ORD-07-0044

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING CHAPTER 21.32 BY AMENDING TABLE 32-1; AND AMENDING SECTION 21.52.213 BY ADDING SUBSECTION E, ALL RELATING TO ZONING OF CHURCHES

WHEREAS, Section 65860 of the California Government Code requires that a zoning ordinance be consistent with the City's General Plan; and

WHEREAS, the California Government Code also provides that in order for the ordinance to be consistent with the General Plan, the various land uses authorized by the ordinance should be compatible with the objectives, policies, general land uses, and programs specified in the General Plan; and

WHEREAS, the Planning Commission held a duly noticed public hearing at a meeting on February 1, 2007, for which a public notice was published in accordance with applicable state and local law, and recommended the Long Beach City Council amend certain sections of the Long Beach Municipal Code to establish regulations related to the zoning of churches; and

WHEREAS, the Long Beach City Council held a duly noticed public hearing on September 18, 2007, for which a public notice was published in accordance with applicable state and local law; and

WHEREAS, from the facts and testimony presented at the noticed public hearing held on September 18, 2007, the Long Beach City Council found and determined as follows:

1. That the proposed amendments to the Long Beach Municipal Code are consistent with the General Plan; and

- 2. That the proposed amendments to the Long Beach Municipal Code will implement the goals, objectives, and policies of the General Plan; and
- 3. That the proposed amendments are consistent with the purposes of the Zoning Ordinance; and
- 4. That the proposed amendments to the Long Beach Municipal Code are reasonably related to the public interest, and that public necessity, convenience and general welfare require the proposed amendments.

NOW, THEREFORE, the City Council of the City of Long Beach ordains as follows:

Section 1. Section 21.32 of the Long Beach Municipal Code is amended by amending Table 32-1 (Uses in Institutional Districts)

Table 32-1
Uses in All Other Commercial Zoning Districts

Use	Nei	ighborho	ood		Comi	munity		Regional	Other	
Institutional	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	cs	
Church or temple	N	AP	AP	AP	AP	ΑP	AP	AP	Z	Also see Section 21.52.213

Section 2. Section 21.52.213 is amended by adding subsection E to read as follows:

E. Parking shall be provided in accordance with Chapter 21.41.

However, in recognition of the provisions of the federal Religious Land

Use and Institutionalized Persons Act of 2000 (RLUIPA), the Zoning

Administrator shall provide reasonable relief from the parking

requirements of Chapter 21.41 provided the Zoning Administrator finds

that strict compliance with Chapter 21.41 would impose a substantial

burden upon the religious exercise of a person or assembly, and that said

City Attorney of Long Beach 333 West Ocean Boulevard Long Beach, California 90802-4664 Telephone (562) 570-2200 relief is not detrimental to the health, safety or welfare of surrounding residential or other uses. Relief from parking requirements may include tandem or joint use parking where appropriate, or relief from the distance and guaranteed permanence requirements as set forth in Section 21.41.222 A and B.

Sec. 3. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

I hereby c	ertify that the foregoing	g ordinance was	adopted	by the City (Council of
the City of Long I	October 2		, 2007, b	y the	
following vote:					
Ayes:	Councilmembers:	S. Lowenthal,	DeLong,	O'Donnell,	Andrews,
		Reyes Uranga,	Lerch.		

Noes:	Councilmembers:	None.

Absent:	Councilmembers:	B. Lowenthal, Schipske, Gabelich.

City Clerk

Approved: 10/11/07

Mayor Mayor

MJM:kjm 3/1/07; 3/13/07 #07-00879 L:\APPS\CtyLaw32\WPDOCS\D027\P005\00100703.WPD