

ORDINANCE NO. ORD-13-0002

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH IMPOSING A MORATORIUM  
RELATING TO MORTUARIES, FUNERAL HOMES, AND  
CREMATORIALS; DECLARING THE URGENCY THEREOF  
AND DECLARING THAT THIS ORDINANCE SHALL TAKE  
EFFECT IMMEDIATELY

WHEREAS, mortuaries (sometimes referred to as “funeral homes”) are currently regulated as institutional land uses in the City of Long Beach, and as such are permitted as a matter of right in the City’s Community Automobile Oriented (CCA), Community Pedestrian Orientated (CCP), Community R-4-R (CCR), Community R-4-N (CCN), and Regional Highway (CHW) zoning districts; and

WHEREAS, crematoriums are permitted to exist as a matter of right as “accessory uses” to lawfully established mortuaries and funeral homes; and

WHEREAS, due to the City’s existing zoning regulations, mortuaries, funeral homes, and crematoriums are located, or may be located, adjacent to residential or other potentially incompatible land uses; and

WHEREAS, it is in the City’s best interest to promote orderly growth and balance the development of various types of land uses in order to discourage incompatible uses from developing that would be at odds with one another; and

WHEREAS, the City of Long Beach requires time to study the feasibility of developing suitable regulations of mortuaries, funeral homes, and crematoriums, as well as the zoning of these businesses within specific areas of the City; and

WHEREAS, in order to better protect the general health and welfare of the residents and businesses in the City of Long Beach, a temporary moratorium on the issuance of discretionary or ministerial permits including, but not limited to, business

1 licenses, zoning permits, zoning compliance certificates, building permits, and other  
2 approvals for mortuaries, funeral homes and/or crematoriums will create a more stable  
3 environment so that revisions of the City's Zoning Code and general regulatory  
4 ordinances can, if necessary, be considered and adopted in an orderly and thorough  
5 process.

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

8 Section 1. Purpose and Findings. At the direction of the City Council at  
9 its duly noticed meeting of February 19, 2013, the Development Services Department  
10 and the Planning Commission will undertake or are currently studying potential  
11 amendments to the zoning regulations or business license regulations of the City of Long  
12 Beach relating to the location and possible restrictions of land use approvals related to  
13 mortuaries, funeral homes and/or crematorium businesses in the City. Residents,  
14 Councilmembers, and other individuals have expressed concern that if such new  
15 regulations are not studied and possibly implemented, incompatible land uses will  
16 continue to develop which will be at odds with the City's General Plan and other  
17 implementing ordinances of the City.

18 The City Council specifically finds that the existing regulations contained in  
19 the zoning and business regulations of the City may be in conflict with the zoning and  
20 business regulations that are, or will be, studied by the Development Services  
21 Department and the Planning Commission pursuant to the City Council's direction. The  
22 City Council further finds that this interim ordinance is not and shall not conflict with the  
23 applicable provisions of the California Coastal Act.

24 Section 2. Estimated Time for Completion of Study. It is estimated that  
25 the study or studies undertaken in connection with the adoption of this interim ordinance  
26 shall take the Development Services Department and the Planning Commission  
27 approximately nine (9) months to complete. For the purposes of this ordinance, this  
28 interim moratorium study period shall expire no later than December 14, 2013, or at such

1 time as the City does adopt appropriate zoning or business regulations related to all or  
2 some of the above defined businesses, whichever is sooner.

3 Section 3. Prohibition. During the nine (9) month interim moratorium  
4 period, no application shall be approved for a discretionary or ministerial permit including  
5 a business license, conditional use permit, administrative use permit or other land use  
6 entitlement for the establishment, expansion or relocation of a mortuary, funeral home or  
7 crematorium facility. Said prohibition shall apply Citywide for the duration of the nine (9)  
8 month interim moratorium period and shall not apply to the remodeling or repair of  
9 existing facilities provided that the existing "footprint" of any on site, structure or building  
10 is not expanded.

11 Section 4. Exceptions. The prohibition contained in this ordinance does  
12 not apply to mortuaries, funeral homes, and crematoriums where an application for  
13 development, construction, or use, by such mortuary, funeral home or crematorium was  
14 on file and deemed complete by the Development Services Department on or before  
15 February 19, 2013.

16 Section 5. The City Council finds and determines that the proposed  
17 interim ordinance is not in conflict with the various provisions of the California Coastal Act  
18 because, among other things, the proposed interim ordinance does not in any way affect  
19 access to or the enjoyment of coastal related activities.

20 Section 6. Declaration of Urgency. This ordinance is an emergency  
21 measure, and it is urgently required for the reason that, pending completion of the  
22 necessary planning study, and a determination relative to the potential need to amend  
23 the zoning or business regulations of the City, it is necessary to limit new construction,  
24 development or use of the above defined businesses and facilities in order to avoid  
25 incompatible land uses from developing that might be inconsistent with the pending  
26 revisions to the zoning or business regulations of the City being considered during the  
27 interim period.

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OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 Beach by the following vote:

2 Ayes: Councilmembers: Garcia, Lowenthal, DeLong,

3 O'Donnell, Schipske, Andrews,

4 Johnson, Austin, Neal.

5 Noes: Councilmembers: None.

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7 Absent: Councilmembers: None.

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10 I further certify that the foregoing ordinance was thereafter adopted on final  
11 reading by the City Council of the City of Long Beach at its meeting of April 2,  
12 2013, by the following vote:

13 Ayes: Councilmembers: Garcia, Lowenthal, DeLong,

14 Schipske, Andrews, Johnson,

15 Austin, Neal.

16 Noes: Councilmembers: None.


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18 Absent: Councilmembers: O'Donnell.

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Clerk

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24 Approved: 4/4/13  
(Date)

  
Mayor

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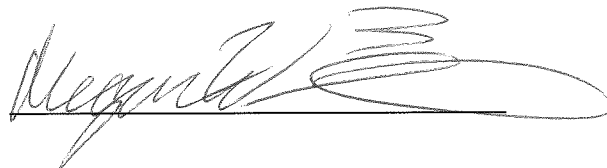
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AFFIDAVIT OF POSTING

STATE OF CALIFORNIA            ) ss  
COUNTY OF LOS ANGELES    )  
CITY OF LONG BEACH            )

Megan Wiegelman being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 20th day of March, 2013, I posted three true and correct copies of Emergency Ordinance No. ORD-13-0002 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies in the entrance lobby of the 14th Floor of City Hall.




Subscribed and sworn to before me  
this 20th day of March, 2013.

  
\_\_\_\_\_  
City Clerk

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA        ) ss  
COUNTY OF LOS ANGELES    )  
CITY OF LONG BEACH         )

Megan Wiegelman being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 4th day of April, 2013, I posted three true and correct copies of Ordinance No. ORD-13-0002 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies in the entrance lobby of the 14th Floor of City Hall.



A handwritten signature in cursive script, appearing to read "Megan Wiegelman", is written over a horizontal line.

Subscribed and sworn to before me  
this 4th day of April, 2013.



A handwritten signature in cursive script is written over a horizontal line.

CITY CLERK