

ORDINANCE NO. 2020-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE,
CALIFORNIA, AMENDING CHAPTER 17.132 OF THE LAKE ELSINORE
MUNICIPAL CODE REGARDING DRIVE-THROUGH ESTABLISHMENTS IN THE
COMMERCIAL MANUFACTURING (C-M) DISTRICT**

Whereas, Joseph Karaki, Karaki Western States Engineering, Inc., has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2016-112 (Municipal Code Amendment No. 2017-02, Conditional Use Permit No. 2018-03, and Commercial Design Review No. 2016-17). The Project site is located in the central portion of the City, near the southwest corner of Riverside Drive and Collier Avenue and encompasses Assessor Parcel Numbers (APNs) 378-030-007 and 378-030-009; and

Whereas, Municipal Code Amendment (MCA) No. 2017-02 proposes an amendment to Chapter 17.132 of the Lake Elsinore Municipal Code (LEMC) to allow for drive-through establishments as a use subject to approval of a Conditional Use Permit in the Commercial Manufacturing (C-M) District; and

Whereas, pursuant to Section 17.415.050 (Zoning Amendments) of the LEMC, the Planning Commission (Commission) has been delegated with the responsibility of reviewing and making recommendations to the City Council (Council) regarding changes to Title 17 of the LEMC; and

Whereas, on November 5, 2019 and June 16, 2020, at a duly noticed Public Hearing the Commission has considered evidence presented by the Community Development Department and other interested parties with respect to this item, and adopted a resolution recommending that the Council approve MCA No. 2017-02; and

Whereas, on July 14, 2020 at a duly noticed Public Hearing, the Council has considered the recommendation of the Commission as well as evidence presented by the Community Development Department and other interested parties with respect to this item.

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

Section 1: On July 14, 2020, after consideration and evaluation of all written reports and comments and oral testimony presented by the Community Development Department and other City departments, property owners, residents and other interested parties and such other matters as are reflected in the record of the noticed Public Hearing on the Project, the Council adopted a resolution finding and determining that the Mitigated Negative Declaration (ER 2018-02) (SCH No. 2019029048) is adequate and is prepared in accordance with the requirements of CEQA.

Section 2: After consideration and evaluation of the Planning Commission's recommendation, all written reports and comments and oral testimony presented by the Community Development Department and other City departments, property owners, residents and other interested parties and such other matters as are reflected in the record of the noticed Public Hearing on the Project, the City Council has reviewed and analyzed the proposed amendment to the LEMC and finds and determines that:

1. The proposed zoning code amendments to Section 17.132.030.D will not be: a) detrimental to the health, safety, comfort or general welfare of the persons residing or working within the City, or b) injurious to the property or improvements within the City.

The proposed zoning code amendment has been analyzed relative to its potential to have detrimental effects and it has been determined that the amendment has no impact upon the public's health, safety, comfort and general welfare because the proposed municipal code revision proposes to add drive-through establishments as a conditional use that will individually analyzed on a case by case basis consistent with and to better complement and support the other uses in the Commercial Manufacturing (C-M) zone.

2. The proposed zoning code amendments to Section 17.132.030.D is consistent with the requirements of California Planning and Zoning Law and with the Goals, Policies and Implementation Programs of the General Plan and the development standards established with the LEMC.

The proposed zoning code amendment does not create new zoning districts, remove existing zoning districts or rezone a property. The proposed zoning code amendment does not affect the density or intensity of uses and will not interfere with the implementation of the goals, policies, and implementation programs of the General Plan.

Section 3: Section 17.132.030.D (Uses subject to a conditional use permit) of the LEMC is hereby amended to read as follows (new text underlined and deletions in strikethrough):

D. Eating places and fast food establishments; ~~excluding~~ including drive-in and drive-through establishments.

Section 4: Severability. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

Section 5: Effective Date. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

Section 6: Certification. The City Clerk shall certify to the passage of this Ordinance and shall cause a synopsis of the same to be published according to law.

Passed and Adopted on this ____ day of _____, 2020.

Brian Tisdale, Mayor

Attest:

Candice Alvarez, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, do hereby certify that the foregoing Ordinance No. 2020-_____ was introduced at the Regular meeting of July 14, 2020, and adopted by the City Council of the City of Lake Elsinore at its Regular meeting of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Lake Elsinore, California on the _____day of _____, 2020, and on the _____day of _____, 2020.

Candice Alvarez, MMC
City Clerk