

ORDINANCE NO. 6408

AN ORDINANCE OF THE CITY OF ANAHEIM AMENDING TABLE 8-C (TEMPORARY USES AND STRUCTURES: COMMERCIAL ZONES) OF SECTION 18.08.030 (USES) OF CHAPTER 18.08 (COMMERCIAL ZONES) OF TITLE 18 (ZONING CODE) OF THE ANAHEIM MUNICIPAL CODE TO PERMIT THE SALE OF FIREWORKS AS A TEMPORARY USE WITHIN THE "C-G" GENERAL COMMERCIAL ZONE, THE "C-NC" NEIGHBORHOOD CENTER COMMERCIAL ZONE AND THE "C-R" REGIONAL COMMERCIAL ZONE OF THE CITY LOCATED WEST OF CALIFORNIA STATE ROUTE (SR) 57 SUBJECT TO THE REQUIREMENTS OF SECTION 6.40.030 (SAFE AND SANE FIREWORKS PROHIBITED) OF CHAPTER 6.40 (FIREWORKS) OF TITLE 6 (PUBLIC HEALTH AND SAFETY) OF THE ANAHEIM MUNICIPAL CODE, BASED UPON THE FINDING AND DETERMINATION THAT THE SALE OF FIREWORKS AS A TEMPORARY USE IS CATEGORICALLY EXEMPT FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) OF THE STATE CEQA GUIDELINES.

(ZONING CODE AMENDMENT NO. 2017-00139)

WHEREAS, pursuant to the City's police power, as granted broadly under Article XI, Section 7 of the California Constitution, the City Council of the City of Anaheim ("City Council") has the authority to enact and enforce ordinances and regulations for the public peace, morals and welfare of the City and its residents; and

WHEREAS, this City Council desires to amend Table 8-C (Temporary Uses and Structures: Commercial Zones) of Section 18.08.030 (Uses) of Chapter 18.08 (Commercial Zones) of Title 18 of the Anaheim Municipal Code to permit the sale of safe and sane fireworks as a permitted temporary use on properties which are located within the "C-G" General Commercial Zone, the "C-NC" Neighborhood Center Commercial Zone and the "C-R" Regional Commercial Zone of the City of Anaheim located west of California State Route (SR) 57, subject to the requirements of Section 6.40.030 (Safe and Sane Fireworks Prohibited) of Chapter 6.40 (Fireworks) of Title 6 (Public Health And Safety) of the Code; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; herein referred to as "CEQA") and the State of California Guidelines for Implementation of the California Environmental Quality Act (commencing with Section 15000 of Title 14 of the California Code of Regulations; herein referred to as the "State CEQA Guidelines"), the City is the "lead agency" for the preparation and consideration of environmental documents for this ordinance; and

WHEREAS, the City Council finds and determines that the effects of the sale of fireworks as a permitted temporary use on properties which are located within the "C-G" General Commercial Zone, the "C-NC" Neighborhood Center Commercial Zone and the "C-R" Regional Commercial Zone of the City of Anaheim and which are also located west of California State Route (SR) 57 (the "Proposed Project") are typical of those generated within that class of projects which consist of the minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc. and that the Proposed Project does not have the potential for causing a significant effect on the environment and pursuant to Section 15061(b)(3) of the State CEQA Guidelines, the Proposed Project is, therefore, categorically exempt from the provisions of CEQA; and

WHEREAS, the City Council determines that this ordinance is a valid exercise of the local police power and in accord with the public purposes and provisions of applicable State and local laws and requirements.

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

SECTION 1.

That Table 8-C (Temporary Uses and Structures: Commercial Zones) of Section 18.08.030 (Uses) of Chapter 18.08 (Commercial Zones) of Title 18 of the Anaheim Municipal Code be, and the same is hereby, amended and restated to read in full as follows:

Table 8-C TEMPORARY USES AND STRUCTURES: COMMERCIAL ZONES						P=Permitted by Right C=Conditional Use Permit Required N=Prohibited
	C- NC	C- R	C- G	O- L	O- H	Special Provisions
Carnivals & Circuses	P	P	P	N	N	Subject to §18.38.095 and Chapter 3.32
Christmas Tree & Pumpkin Sales	N	P	P	N	N	Subject to §18.38.240
Contractor's Office & Storage	P	P	P	P	P	Subject to §18.38.105
Sale of Fireworks	P	P	P	N	N	Only permitted on C-G, C-NC and C-R zoned properties

						located west of State Route (SR) 57 , subject to Chapter 6.40 (Fireworks) of Title 6 (Public Health and Safety).
Special Events	P	P	P	P	P	Subject to §18.38.240

SECTION 2.

The City Council of the City of Anaheim hereby declares that should any section, paragraph, sentence, phrase, term or word of this ordinance be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid. If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION 3. CERTIFICATION

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be printed once within fifteen (15) days after its adoption in the *Anaheim Bulletin*, a newspaper of general circulation, published and circulated in the City of Anaheim.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect and be in full force thirty (30) days from and after its final passage.

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THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Anaheim held on the 4th day of April, 2017, and thereafter passed and adopted at a regular meeting of said City Council held on the 25th day of April, 2017, by the following roll call vote:

AYES: Mayor Tait and Council Members Vanderbilt, Barnes, and Moreno

NOES: Council Members Murray, Kring, and Faessel

ABSENT: None

ABSTAIN: None

CITY OF ANAHEIM

By: 
MAYOR OF THE CITY OF ANAHEIM

ATTEST:


CITY CLERK OF THE CITY OF ANAHEIM

121399v1/LHM

CLERK'S CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ANAHEIM)

I, LINDA ANDAL, City Clerk of the City of Anaheim, do hereby certify that the foregoing is the original Ordinance No. 6408 introduced at a regular meeting of the City Council of the City of Anaheim, held on the 4th day of April, 2017, and that the same was duly passed and adopted at a regular meeting of said City Council held on the 25th day of April, 2017, by the following vote of the members thereof:

AYES: Mayor Tait and Council Members Vanderbilt, Barnes, and Moreno

NOES: Council Members Murray, Kring, and Faessel

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of April, 2017.


CITY CLERK OF THE CITY OF ANAHEIM

(SEAL)