

ORDINANCE NO. 17-1634

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING ARTICLE IX, CHAPTER 1, OF THE CARSON MUNICIPAL CODE RELATING TO APPEALS.

NOW, THEREFORE, the CITY COUNCIL of the CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Subdivision (B)(1) of Section 9173.4, Appeals, of Article IX, Chapter 1, of the Carson Municipal Code is hereby amended to read in its entirety as follows (new text, if any, is identified in ***bold & italics***, deleted text, if any, is identified in ~~strike-through~~):

“1. An appeal may be filed by any person, including any member of the City Council or the City ~~Administrator~~***Manager. In the event of an appeal by any member of the City Council or the City Manager, Section 9173.9 shall not apply and there shall be no fee required any member of the City Council or the City Manager to perfect an appeal.***”

SECTION 2. Subdivision (B)(3) of Section 9173.4, Appeals, of Article IX, Chapter 1, of the Carson Municipal Code is hereby amended to read in its entirety as follows (new text, if any, is identified in ***bold & italics***, deleted text, if any, is identified in ~~strike-through~~):

“d. A statement of the grounds for appeal or how there is error in the decision of the matter being appealed; ***provided, however, that in the event of an appeal by any member of the City Council or the City Manager, sub-sections (a), (b), and (c) shall not apply and the statement of grounds need only provide, in substance and effect, a request that a specific decision, administrative case number, or resolution number, as the case may be, be reviewed by the Planning Commission or City Council, as the case may be. No other grounds for appeal shall be stated to perfect such appeal and such statement need only be filed with the City Clerk.***”

SECTION 3. A new subdivision (E) of Section 9173.4, Appeals, is hereby added to Article IX, Chapter 1, of the Carson Municipal Code to read in its entirety as follows (new text is identified in ***bold & italics***):

“E. Following the denial of any permit application by the Director, the Planning Commission, or the City Council, as the case may be, or upon the revocation of any permit, use permit, or conditional use permit by the Director, the Planning Commission, or the City Council, as the case may be, no application for a permit, use permit, or conditional use permit for the same or substantially the same use or conditional use on the same or substantially the same real property shall be filed within one (1) year from the date denial or revocation of the permit, use permit, or conditional use permit became final within the meaning of this Chapter.”

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall be in full force and effect thirty (30) days after its second reading and adoption.

SECTION 6. The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this _____ day of September, 2017.

MAYOR ALBERT ROBLES

ATTEST:

CITY CLERK DONESIA GAUSE

APPROVED AS TO FORM:

CITY ATTORNEY SUNNY K. SOLTANI