

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING ZONE CHANGE NO. 2023-02 CHANGING THE ZONING DESIGNATION FROM SINGLE-FAMILY RESIDENTIAL (R-1) TO MEDIUM DENSITY RESIDENTIAL (R-2) FOR APNS 363-240-006, 010, 012, 014, 015, 022, 024, 025, 029, 031, 033, 039, 363-241-025, 050, 057, 064, 363-250-001 THROUGH 012

Whereas, the City of Lake Elsinore adopted its General Plan on December 13, 2011;

Whereas, Government Code Section 65103 empowers the legislative body to implement the General Plan through actions including, but not limited to, the administration of zoning ordinances;

Whereas, Government Code Section 65860 requires that a city's zoning ordinances be consistent with its general plan;

Whereas, Zone Change (ZC) No. 2023-02 proposes to change the zoning designation from Single-Family Residential (R-1) to Medium Density Residential (R-2) for the approximately 33.23 acre site. The project site is located northerly of Malaga Road and easterly of Interstate 15 (I-15), adjacent to and east of Grape Street within the Lake Elsinore Hills District. The project site encompasses Assessor Parcel Numbers (APNs) 363-240-006, 010, 012, 014, 015, 022, 024, 025, 029, 031, 033, 039, 363-241-025, 050, 057, 064, and 363-250-001 through 012;

Whereas, pursuant to Section 17.415.040.B of the Lake Elsinore Municipal Code (LEMC), a Zoning Amendment may be initiated by the City to clarify text, address changes mandated by State law, maintain General Plan consistency, address boundary adjustments affecting land use designation(s), or for any reason beneficial to the City;

Whereas, Resolution No. 2004-11 of the City of Lake Elsinore, which establishes procedures and requirements for implementation of the Western Riverside County Multiple Species Habitat Conservation Plan, specifically exempts the adoption or amendment of any land use or zoning ordinance in Section IV – Exemptions;

Whereas, pursuant to the LEMC Section 17.415.040 (Zoning Amendments) the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to zone changes,

Whereas, on September 5, 2023, 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 ZC No. 2023-02; and

Whereas, on September 26, 2023 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 RESOLVE, DETERMINE AS FOLLOWS:

Section 1: The foregoing recitals are true and correct and are hereby incorporated into these findings by this reference.

Section 2: The Council has reviewed and analyzed the proposed ZC No. 2023-02, pursuant to the California Planning and Zoning Laws (Cal. Gov. Code Sec 65000 et. seq.), the Lake Elsinore General Plan (GP) and the LEMC and finds that ZC No. 2023-02 is consistent with the requirements of California Planning and Zoning Law and with the goals and policies of the GP and the LEMC.

Section 3: That in accordance with LEMC Section 17.415.040.F. Findings, the Council makes the following findings regarding ZC No. 2023-02:

1. The proposed amendment will not be (a) detrimental to the health, safety, comfort, or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the City, (b) injurious to property or improvements in the neighborhood or within the City

The proposed zone change would change the current zoning designation from Single-Family Residential (R-1) to Medium Density Residential (R-2). The proposed zone change would create consistency with the General Plan Land Use Designation of Medium Density Residential (MDR). The proposed change would restore the intensity of development consistent with the previous approvals, would be reflective of existing conditions, would be consistent with existing development, and would be compatible with the adjacent properties. The proposed zone change would not be detrimental the health, safety and welfare of surrounding residents as it restores the previous zoning and is compatible with the surrounding development

2. The proposed amendment will be consistent with the latest General Plan.

The proposed zone change would change the project site's current zoning designation from Single-Family Residential (R-1) to Medium Density Residential (R-2). The R-2 zoning designation is consistent with proposed General Plan Land Use designation of Medium Density Residential (MDR)

Section 3: Based upon the evidence presented, both written and testimonial, and the above findings, the Council hereby approves ZC No. 2023-02.

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 _____, 2023.

Natasha Johnson, Mayor

Attest:

Candice Alvarez, MMC
City Clerk

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, do hereby certify that the foregoing Ordinance No. 2023-_____ was introduced at the Regular meeting of September 26, 2023, and adopted by the City Council of the City of Lake Elsinore at its Regular meeting of _____, 2023, 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 _____, 2023, and on the _____ day of _____, 2023.

Candice Alvarez, MMC
City Clerk