

ORDINANCE NO. 388

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS
AMENDING TITLE 14 ZONING OF THE MUNICIPAL CODE TO REZONE
ASSESSOR PARCEL NUMBER 001-081-035 TO THE LIGHT INDUSTRIAL (M-1)
ZONE DISTRICT**

The City Council of the City of Biggs does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the Zoning Map, incorporated as part of Title 14 of the City of Biggs Municipal Code, to provide for changes to the regulation of land uses. The City of Biggs Zoning Map is hereby amended and adopted pursuant to Section 65850 of the Government Code.

Section 2: Findings

WHEREAS, the City of Biggs Zoning Ordinance was adopted by the Biggs City Council in 1999; and

WHEREAS, the General Plan of the City of Biggs land use designation for the subject parcel (APN 001-081-035) is Light Industrial (LI); and

WHEREAS, the subject parcel is currently zoned Medium Density Residential (R-2) by the City of Biggs; and

WHEREAS, the subject parcel is proposed to be rezoned to Light Industrial (M-1) by the City of Biggs to achieve conformity with the existing approved land use designation on the site; and

WHEREAS, the subject parcel meets the minimum lot size and setback requirements for the Light Industrial (M-1) Zone District; and

WHEREAS, the rezoning to the Light Industrial (M-1) Zone District would not result in an inconsistency between the zoning and general plan; and

WHEREAS, a Notice of Exemption was prepared for the subject parcel pursuant to the California Environmental Quality Act, Section 15061; and

WHEREAS, the City Council reviewed the proposed rezoning at its regular meeting of August 16, 2010; and

WHEREAS, the City of Biggs reviewed and approved a Resolution adopting the Notice of Exemption prepared for the Rezoning.

Section 3: Action

The City Council hereby amends Title 14 of the City of Biggs Municipal Code by rezoning the subject parcel described as Assessor’s Parcel Number (APN) 001-081-035, as assigned by the Butte County Assessor’s Office, to the Light Industrial (M-1) Zone District.

Section 4: No Mandatory Duty of Care.

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk.

I HEREBY CERTIFY that the above and foregoing Ordinance was duly and regularly introduced and read at a regular meeting held on the 16th day of August, 2010, and was passed and adopted by the City Council of the City of Biggs at a regular meeting thereof duly held on the 20th day of September, 2010, by the following vote, to wit:

AYES: COUNCILMEMBER: _____

NOES: COUNCILMEMBER: _____

ABSENT: COUNCILMEMBER: _____

ABSTAIN: COUNCILMEMBER: _____

ATTEST: APPROVED: _____

Roben Dewsnup
CITY CLERK

Roger L. Frith
MAYOR