

Chapter 18.01

YORBA LINDA RIGHT-TO-VOTE AMENDMENT

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18.01.010 Title.

This chapter shall be known as the Yorba Linda Right-to-Vote Amendment.

18.01.020 Planning policy documents covered.

A. After this chapter becomes effective, no repeal, amendment or adoption of all or part of the following land use planning policy documents of the City of Yorba Linda may become effective unless and until there is compliance with provisions of this chapter:

1. The text of the Yorba Linda General Plan's Land Use Element,
2. The Land Use Policy Map of the Yorba Linda General Plan (Exhibit LU-4, also called "Land Use Diagram"),
3. The text of the Yorba Linda Zoning Code (Title 18 of the Yorba Linda Municipal Code),
4. The Zoning Map of the City of Yorba Linda,
5. Any Specific Plan for a geographic area within the City, or

6. Any Development Agreement granting rights to develop private or public land.

B. In this chapter the above six items are referred to as the "Planning Policy Documents."

18.01.030 Types of amendments covered.

A. A "Major Amendment" of any of the Planning Policy Documents means any amendment which results in any of the following changes to the development standards for any parcel of land affected by the proposed amendment:

1. Increases the number of residential units which may be constructed on a parcel designated for residential uses.
2. Increases the number of separate parcels which may be created from an existing parcel.
3. Changes any residential land use to allow any other land use.
4. Changes any non-residential land use to allow any residential land use greater than ten (10) net dwelling units per acre or allow a mix of commercial and residential uses.
5. Increases the allowed maximum height of development.

6. Provides for the private development of land owned by a government entity within five years of the date of the approval to develop the land.

7. Repeals any of the Planning Policy Documents.

B. A "Regular Amendment" of any of the Planning Policy Documents includes any amendment which is not a Major Amendment.

18.01.040 Amendments to Yorba Linda General Plan Land Use Map.

A. No Major Amendment of any of the Planning Policy Documents shall be effective unless and until it is approved by a majority vote of the electorate of the City of Yorba Linda voting "YES" on a ballot measure proposing the Major Amendment at a regular or special election. The entire text of a Major Amendment and an easily readable map of the geographic area affected shall be included in the sample ballot materials which is mailed to registered voters prior to the election.

B. No Major Amendment and no Regular Amendment of any of the Planning Policy Documents shall be effective unless and until it is approved by an ordinance adopted by the City Council, but no such amendment shall be considered until a public hearing is conducted on the proposed amendment at both the Planning Commission and at the City Council in the manner provided by state law and advance notice is given as required by subsection C of this section.

C. No public hearing to consider an amendment of any of the Planning Policy Documents shall be conducted less than 20 days after the date a notice accurately describing the proposed amendment is sent by first class mail to the owners of each

parcel of land, and a notice is sent by first class mail addressed to the occupant of each lawful unit on each parcel of land, located within a radius measured outward 300 feet from the boundaries of each parcel of land affected by the proposed amendment.

D. The notice described in subsection C shall include at least all the following information in not less than 13-point type:

1. The name of the applicant proposing the amendment.
2. The total acreage of the area proposed for amendment.
3. A easily readable map of all parcels affected by the amendment, including all street names.
4. The land uses and building density currently allowed for each parcel affected.
5. The land uses and building density proposed to be allowed for each parcel affected.
6. The date, time, and place of the upcoming public hearing.

18.01.050 City-wide height limits.

A. Maximum Height. On and after the date this chapter becomes effective, no building or structure shall exceed a maximum height of thirty-five (35) feet, measured from the lowest point on the exterior of the structure at ground level to the highest point on the structure.

B. Exemptions to Height Limit. The following structures are exempted from this height limit: church steeples, public schools, and other structures exempted by state or federal law.

18.01.060 This chapter amends existing policy documents.

A. Once adopted by the voters, this chapter shall amend and become a new part of the Yorba Linda General Plan’s Land Use Element, and the Yorba Linda Zoning Code (Title 18 of the Yorba Linda Municipal Code).

B. After the date this chapter becomes effective, the entire text of this chapter shall be printed within all copies of the Yorba Linda General Plan Land Use Element and also within all copies of the Yorba Linda Zoning Code, and it shall appear immediately following the table of contents of each such document.

18.01.070 Effective date.

The provisions of this chapter shall become effective at twelve o’clock noon the day after it is approved at an election of the voters of the City of Yorba Linda.

18.01.080 Priority.

Once this chapter becomes effective, its provision shall prevail over and supercede all provisions of the municipal code, ordinances, resolutions, and administrative policies of the City of Yorba Linda which are in conflict with any provisions of this chapter.

18.01.090 Severability.

In the event a final judgment of a court of proper jurisdiction determines that a provision of this chapter, or a particular application of a provision, is invalid or unenforceable pursuant to a state or federal law or constitution, the invalid or unenforceable portion or application shall be

severed from the remainder of this chapter, and the remaining portions of this chapter shall remain in effect without the invalid or unenforceable provision or application.

18.01.100 Conflict with other ballot measures.

In the event that any other ballot measure is proposed for voter approval on the same election ballot as this chapter, and that other measure contains provisions which deal with the same or similar subjects, it is the intent of the voters in adopting this chapter that it shall prevail over any such other ballot measure in its entirety to the extent that this chapter is approved and receives a greater number of votes for approval of the other measure. In such case, no provision of the other measure shall become effective.

18.01.110 Amendment or repeal.

Once this chapter becomes effective no provision of this chapter may be amended or repealed except by a majority of the voters of the City of Yorba Linda voting on a ballot measure for that purpose.