

ORDINANCE NO. 537 N.S.
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
ESTABLISHING CHAPTER 21.23A OF THE ZONING REGULATIONS
TO CONTAIN THE DECISION, HEARING AND APPEALS REGULATIONS
AND REPEALING VARIOUS SECTIONS OF THE ZONING REGULATIONS
WHICH WILL BE SUPERSEDED BY THE NEW CHAPTER

The City Council of the City of El Paso De Robles,
California, does hereby ordain as follows:

SECTION I: Chapter 21.23A of the Zoning Regulations is created to establish the authority and procedures to review, conduct hearings, make decisions and appeal decisions for various land use permits, entitlements and interpretations and shall read as attached in Exhibit "A".

SECTION II: Amendments to Chapter 21.16A (Planned Development District) of the Zoning Regulations shall be as follows:

A. Section 21.16A.050 is amended to read as follows:

21.16A.050 Development Plan Required. An overall general development plan of the entire property shall be reviewed by the Planning Commission and approved by the City Council. Said development plan shall set forth the regulations, land uses and deviations from the primary zone desired by the applicant. All pertinent documents presented for consideration and approved by the City Council shall be made a permanent record on file in the Community Development Department. Changes thereto shall require subsequent review by the Planning Commission and amendment of the documents by the City Council.

B. Section 21.16A.070 is amended to read as follows:

21.16A.070 Review of Plans. If the PD zone requirements established by the City Council require sufficient detail plans before final approval is given, including such plans, drawings, illustrations or materials to support the proposal for the improvements, the City Council, after reviewing the initial submission of the general plan, may review the precise plan after the zoning classification is established within the two-year period of time. The City Council, following review by the Planning Commission, may recommend changes of these precise plans which shall later become a requirement of zoning.

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... Planning Commission. ... Review Committee ... interested parties, ... methods: ... regularly-scheduled ... date of appeal, ... later than ... 15 calendar days ... Administrator shall ... language the ... reviewed ...

21.23A.100 Planning Commission Decision on Appeals. Following review and consideration of an appeal, the Planning Commission shall have the authority to modify, overrule or sustain the decisions of the Zoning Administrator and appellants, or interested persons, other than requested such notice, is required. The appeal, other than the Planning Commission shall be final unless either of the following occurs:

- a. The Planning Commission's decision on the appeal is further appealed to the City Council in accordance with section 21.23A.110; or
- b. The City Council calls the Planning Commission's decision on the appeal up for Council review in accordance with section 21.23A.140.

21.23A.110 Appeals of Planning Commission Decisions. Any decision of the Planning Commission authorized by section 21.23A.020.C.1 may be appealed to the City Council by applicants or any interested person. Appeals must be filed in the manner prescribed by section 21.23A.120.

21.23A.120 Application for Appeal to the City Council. Appeals of Planning Commission decisions made by applicants or interested persons must be made in writing and accompanied by a fee, to be established by resolution of the City Council, and received by the Community Development Department no later than 15 calendar days following the decision of the Planning Commission being

appealed. The written application shall specify the person making the appeal, the decision being appealed, and shall state in clear and concise language the reasons for the appeal.

21.23A.130 Notice of Council Hearing. After the filing of an application for an appeal, the Community Development Director shall refer the application to the City Clerk who will schedule a the appeal for City Council review and hearing. Notice of such hearings shall be the same as that required for the Planning Commission hearing as specified in section 21.23A.030.

21.23A.140 City Council Review of Planning Commission Decisions. The City Council shall have the authority to call up any decision of the Planning Commission listed in section 21.23A.020.C.1 for hearing and final decision. Such hearing shall be scheduled upon the request of any member of the City Council provided that a request is filed no later than 15 calendar days following the decision of the Planning Commission being appealed. Such request must either be made in writing or stated as part of the minutes of a regularly-scheduled City Council meeting. All applications called up for hearing by the City Council shall be noticed as specified in section 21.23A.130.

21.23A.150 City Council Decision on Appeals and Items Called Up for Council Review. Following a hearing on an appeal or any Planning Commission decision called up for Council review, the City Council shall have the authority to modify, overrule or sustain the decisions of the Planning Commission.

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Plans. All development plans shall be forwarded to the Commission at a public hearing. Following the Commission's final decision to approve or disapprove the plan, the Commission shall make its recommendations to the City Council in the manner set forth in Section 21.16A.090 is amended to read as follows:
Building Permit Restrictions. No building permit shall be issued unless a development plan, as required by section 21.16A.050, has been first approved by the City Council.

SECTION III: Section 21.23.280 is amended to read as follows:
21.23.280 Effect on Building and Zoning Permits. No building or zoning permit shall be issued in any case where a use permit, variance or other special permit required by this chapter until fifteen (15) calendar days after the granting of such permit by the Planning Commission or the Zoning Administrator and then only in accordance with the terms and conditions of the permit granted.

SECTION IV: The following sections of the Municipal Code are hereby repealed:
1. Section 21.16A.080 (Appeals of Planning Commission Action on Development Plans in the Planned Development District);
2. Sections 21.20.290 through 21.20.310 inclusive (Zoning Authority and Appeals);
3. Section 21.23.050(d), (e), (f) (Zoning Administrator Authority to approve use permits, variances and waivers of curbs, gutters and sidewalks);
4. Section 21.23.220 (Use Permits, Variances - Hearings - When Required);
5. Section 21.23.230 (Variance Hearings);
6. Section 21.240 (Hearing Notice);
7. Sections 21.23.290 through 21.23.380 inclusive (Appeals);

- 8. Section 21.23.410 (Permits Issued - When Effective);
- 9. Sections 21.24.310 through 21.24.350 inclusive (Zoning Ordinance Amendment);
- 10. Sections 21.24.352 through 21.24.360 inclusive (Zoning Ordinance Amendment).

PASSED AND ADOPTED THIS First day of Sept, 1987 by the following roll call vote:

AYES: Ovitt, Dolan, Martin, Cousins and Russell

NOES: None

ABSENT: None

Nick Russell

 MAYOR NICK RUSSELL

ATTEST:

Jerry Bankston

 JERRY BANKSTON, CITY CLERK

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EXHIBIT A

CHAPTER 21.23A

DECISIONS, HEARINGS AND APPEALS

21.23A.010 Purpose. The purpose of this chapter is to establish the authority and procedures to review, conduct hearings, make decisions and appeal decisions for the following entitlements, permits and interpretations:

- A. General Plan Amendments;
- B. Specific Plans (as defined by Government Code Sections 65450 - 65457);
- C. Zoning Ordinance Amendments (map and text);
- D. Tentative Tracts;
- E. Tentative Parcel Maps;
- F. Lot Line Adjustments;
- G. Development Plans for Multiple Family Residential Projects on Hillside Lands and for Property Located within the Planned Development District;
- H. Conditional Use Permits;
- I. Variances;
- J. Waivers (curbs, gutters and sidewalks);
- K. Street Abandonments;
- L. Architectural Review;
- M. Home Occupations;
- N. Interpretations of the Zoning Ordinance.

21.23A.020 Authority to Make Decisions. Authority to make decisions to approve, conditionally approve, deny, continue or table discussion on the entitlements and permits listed in section 21.23A.010 and to interpret the Zoning Ordinance shall be assigned by the City Council as follows:

A. Zoning Administrator: The Zoning Administrator shall have the authority to make decisions on Home Occupation Permits, as defined by Section 21.23.070, and to determine the intent and applicability of the Municipal Code and adopted City standards.

B. Architectural Review Committee: The Architectural Review Committee shall have the authority to make decisions on all applications for Architectural Review as defined by section 21.20.270.

C. Planning Commission:

1. The Planning Commission shall have the authority to make final decisions on the following:

- a. Tentative Parcel Maps;

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- b. Waivers (curbs, gutters and sidewalks);
 - c. Conditional Use Permits;
 - d. Variances;
 - e. Lot Line Adjustments;
 - f. Interpretations of the Zoning Ordinance;
 - g. To modify or overrule all decisions of the Architectural Review Committee in the manner prescribed by section 21.23A.080 or upon the filing of an appeal in accordance with section 21.23A.090;
 - h. To modify or overrule all decisions of the Zoning Administrator upon the filing of an appeal in accordance with section 21.23A.090;
2. The Planning Commission shall have the responsibility and the duty to make recommendations to the City Council on the following:
- a. General Plan Amendments;
 - b. Specific Plans (as defined by Government Code Sections 65450 - 65457);
 - c. Zoning Ordinance Amendments (map and text);
 - d. Tentative Tracts;
 - e. Development Plans for Multiple Family Residential Projects on Hillside Lands and for Property Located within the Planned Development District;
 - f. Street Abandonments.

Items 2a through 2f shall be scheduled for City Council review and decision whether the Planning Commission recommends approval or denial.

D. City Council: The City Council shall reserve the authority to make final decisions on the following:

- 1. General Plan Amendments;
- 2. Specific Plans (as defined by Government Code Sections 65450 - 65457);
- 3. Zoning Ordinance Amendments (map and text);

4. Tentative Tracts;
5. Development Plans for Multiple Family Residential Projects on Hillside Lands and for Property Located within the Planned Development District;
6. Street Abandonments;
7. To modify or overrule all decisions of the Planning Commission in the manner prescribed by section 21.23A.150 or upon the filing of an appeal in accordance with section 21.23A.110;

21.23A.030 Hearing Requirements. Prior to making any decision authorized by section 21.23A.020, hearings shall be conducted as prescribed below:

A. General Plan Amendments: Public hearings, noticed as prescribed by section 21.23A.040 A, shall be conducted by the Planning Commission and City Council;

B. Specific Plans (Adoption and Amendment): Public hearings, noticed as prescribed by section 21.23A.040 A, shall be conducted by the Planning Commission and City Council;

C. Zoning Ordinance Amendments (map and text): Public hearings, noticed as prescribed by section 21.23A.040 A, shall be conducted by the Planning Commission and City Council;

D. Tentative Tracts: Public hearings, noticed as prescribed by section 21.23A.040 A, shall be conducted by the Planning Commission and City Council;

E. Tentative Parcel Maps: Public hearings, noticed as prescribed by section 21.23A.040 A, shall be conducted by the Planning Commission;

F. Lot Line Adjustments: Informal hearings, noticed as prescribed by section 21.23A.040 B, shall be conducted by the Planning Commission;

G. Development Plans: Public hearings, noticed as prescribed by section 21.23A.040 A, shall be conducted by the Planning Commission and City Council;

H. Conditional Use Permits: Public hearings, noticed as prescribed by section 21.23A.040 A, shall be conducted by the Planning Commission;

I. Variances: Public hearings, noticed as prescribed by section 21.23A.040 A, shall be conducted by the Planning Commission;

J. Waivers (curbs, gutters and sidewalks): Informal hearings, noticed as prescribed by section 21.23A.040 B, shall be conducted by the Planning Commission;

K. Street Abandonments: The Planning Commission shall conduct an Informal hearings, noticed as prescribed by section 21.23A.040 B; The City Council shall conduct a public hearing, noticed as prescribed by section 21.23A.040 C.

L. Architectural Review: No hearing is required;

M. Home Occupations: No hearing is required;

N. Interpretations of the Zoning Ordinance: No hearing is required.

21.23A.040 Notice Requirements for Hearings. This section prescribes the requirements for providing notice of the dates, times and places of those hearings listed in section 21.23A.030 as follows:

A. Public Hearings: Public hearings are opportunities for applicants and any interested person to appear before the Planning Commission or City Council and comment on a proposal which requires a public hearing as defined by statute. Notice of public hearings shall be provided by the Community Development Department as follows:

1. Mailed by first class mail to the applicant for the proposal in question and any interested person requesting such notice at least 10 days prior to the Planning Commission or City Council hearing;

2. Mailed by first class mail to the owners of all real property within 300 feet of the site of the proposal in question at least 10 days prior to the Planning Commission or City Council hearing;

3. Published in a newspaper of general circulation at least 10 days prior to the Planning Commission or City Council hearing.

B. Informal Hearings: Informal hearings are opportunities for applicants and any interested person to appear before the Planning Commission or City Council and comment on a proposal or appeal which does not require a public hearing as defined by statute. Notice of informal hearings shall be provided by the Community Development Department as follows:

1. Mailed by first class mail to applicants for the proposal in question, appellants, or any interested person requesting such notice at least 10 days prior to the Planning Commission or City Council hearing;

2. Mailed by first class mail to the owners of all real property within 300 feet of the site of the proposal in question at least 10 days prior to the Planning Commission or City Council hearing.

C. Public Hearings for City Council Review of Street Abandonments: Public hearings for City Council review of Street Abandonments shall be noticed as required by Sections 8320, 8322 and 8323 of the Streets and Highways Code.

21.23A.050 Effective Date of Decisions. The effective dates of final decisions are as follows:

A. General Plan Amendments: Immediately following City Council adoption of a resolution specifying the decision made;

B. Specific Plans (Adoption and Amendment): Immediately following City Council adoption of a resolution specifying the decision made;

C. Zoning Ordinance Amendments (map and text): Thirty days following City Council adoption of an ordinance (following the second reading of an ordinance);

D. Tentative Tracts: Immediately following City Council adoption of a resolution specifying the decision made;

E. Tentative Parcel Maps: Fifteen calendar days following Planning Commission adoption of a resolution specifying the decision made, provided that an appeal has not been filed to the City Council and that the City Council has not called the tentative parcel map up for Council hearing;

F. Lot Line Adjustments: Fifteen calendar days following Planning Commission adoption of a resolution specifying the decision made, provided that an appeal has not been filed to the City Council and that the City Council has not called the lot line adjustment up for Council hearing;

G. Development Plans: Immediately following City Council adoption of a resolution specifying the decision made;

H. Conditional Use Permits: Fifteen calendar days following Planning Commission adoption of a resolution specifying the decision made, provided that an appeal has not been filed to the City Council and that the City Council has not called the conditional use permit up for Council hearing;

I. Variances: Fifteen calendar days following Planning Commission adoption of a resolution specifying the decision made, provided that an appeal has not been filed to the City Council and that the City Council has not called the variance up for Council hearing;

J. Waivers (curbs, gutters and sidewalks): Fifteen calendar days following Planning Commission adoption of a resolution specifying the decision made, provided that an appeal has not been filed to the City Council and that the City Council has not called the waiver up for Council hearing;

K. Street Abandonments: Immediately following City Council adoption of a resolution specifying the decision made;

L. Architectural Review: Fifteen calendar days following Architectural Review Committee decision, provided that an appeal has not been filed to the Planning Commission and that the Planning Commission has not called the decision up for Planning Commission review;

M. Home Occupations: Immediately following a decision by the Zoning Administrator provided that an appeal has not been filed to the Planning Commission;

N. Interpretations of the Zoning Ordinance: Immediately following a decision by the Zoning Administrator or Planning Commission provided that an appeal has not been filed to the Planning Commission or City Council.

21.23A.060 Appeals of Zoning Administrator Decisions. Any decision of the Zoning Administrator may be appealed to the Planning Commission by applicants or any interested party. Appeals must be filed in the manner prescribed by section 21.23A.090.

21.23A.070 Appeals of Architectural Review Committee Decisions. Any decision of the Architectural Review Committee may be appealed to the Planning Commission by applicants or any interested party. Appeals must be filed in the manner prescribed by section 21.23A.090.

21.23A.080 Planning Commission Review of Architectural Review Committee Decisions. All decisions of the Architectural Review Committee shall be reviewed by the Planning Commission at the first regularly-scheduled meeting following said decisions. The Planning Commission shall have the authority to modify, overrule or order a review of the architectural review application before the full body of the Planning Commission.