

SUPPLEMENTAL INFORMATION

AGENDA ITEM XI.3

Ordinance (Red-Lined Version) to Adopt ZTA
19-02 Related to Appeals and Posting of
Notices of Decision

04/09/19

EXHIBIT A

Modifications to Hercules Municipal Code Title 13 (Zone Text Amendment #ZTA 19-02)

TITLE 13. ZONING ORDINANCE

Chapter 13-44. Hearings, Appeals and Judicial Review

Sec. 13-44.400 Notice of Decision.

The Community Development Director shall prepare a notice of decision for actions on zoning applications by the Community Development Director, Planning Commission and City Council. The decision shall include findings, any conditions of approval (including date of effect) as needed to mitigate any impacts and protect the health, safety and welfare of the community, and the appeal period allowed by the Zoning Ordinance. The notice of decision shall be posted within a public area of City Hall and mailed by the Community Development Director to the applicant at the address on the application within ~~10 working~~ **14 calendar** days of the decision. ~~{Ord. 515 § 2, 2018; ZO § 44.400.}~~

Sec. 13-44.500 Review by Council.

The Council, through majority vote, may call up for review any decision of the Community Development Director or Planning Commission. The determination to call up for review shall be made by the Council ~~at the meeting at which the notice of decision is presented to it, at its next-a regular meeting following the posting of the notice of decision pursuant to Section 44.400, unless that meeting would be within 2 calendar days of the posting of the notice, in which case the Council may make the determination to call up for review at the following regular meeting following posting of the notice. and~~ **when it determines to call an item up for review.** The Council shall hear and determine a decision that is called up for review in the same manner as an appeal **hearing.** ~~{Ord. 515 § 2, 2018; ZO § 44.500.}~~

Sec. 13-44.600 Filing of Appeals.

Any discretionary decision made by the Community Development Director where such decision is not designated as final by the Zoning Ordinance may be appealed to the Planning Commission by the applicant or any person affected by a determination or decision. An appeal requires filing a written appeal with the Community Development Director within ~~10 working~~ **14 calendar** days of the mailing or posting of the notice of decision.

Any determination or decision made by the Planning Commission may be appealed to the City Council by the applicant or any person affected by a determination or decision. An appeal requires filing a written appeal with Community Development Director within ~~10 working~~ **14 calendar** days of the mailing or posting of the notice of decision.

The written appeal shall include the name and address of the person filing the appeal, the decision that is being appealed, a description of the grounds upon which the appeal is based, and applicable filing fees. ~~{Ord. 515 § 2, 2018; ZO § 44.600.}~~

Chapter 13-42. Design Review - Sec. 13-42.600 Hearings and Appeals.

The procedures for hearings and appeals **by the public or Council call up** are specified in Chapter 13-44, Hearings and Appeals. ~~The Council may call up for review any design review decision of the Planning Commission. The determination to call up for review shall be made by the Council at the meeting where the notice of decision is presented to it. If a design review decision is called up for review by the Council, the Council shall hear and determine the matter in the same manner as an appeal. {Ord. 515 § 2, 2018; ZO § 42.600.}~~

Chapter 13-45. Minor Exceptions - Sec. 13-45.500 Hearings and Appeals.

The Community Development Director shall make a determination regarding a minor exception application within 10 working days of notification to the applicant that the application is complete. A public hearing is not required for a minor exception unless an appeal is filed. The procedures for appeals and subsequent hearings **by the public or Council call up** are as per Chapter 13-44, Hearings and Appeals. ~~{Ord. 515 § 2, 2018; ZO § 45.500.}~~

Chapter 13-46. Minor Modifications - Sec. 13-46.400 Hearings and Appeals.

The Community Development Director shall make a determination regarding a minor modification application within 10 working days of notification to the applicant that the application is complete. A public hearing is not required for a minor modification unless an appeal is filed. The procedures for appeals and subsequent hearings **by the public or Council call up** are as per Chapter 13-44, Hearings and Appeals. ~~{Ord. 515 § 2, 2018; ZO § 46.400.}~~

Chapter 13-48. Planned Development Plans - Sec. 13-48.700 Hearings and Appeals.

The procedures for hearings and appeals **by the public or Council call up** are as per Chapter 13-44, Hearings and Appeals.

A planned development plan application along with the Community Development Director's report shall be submitted to the Planning Commission for review. The Planning Commission shall forward its recommendation to the City Council for final action.

If the planned development plan includes a proposed subdivision, the proceedings for the review of the tentative subdivision map may be undertaken concurrently with the proceedings with respect to the planned development plan. ~~{Ord. 515 § 2, 2018; ZO § 48.700.}~~

Chapter 13-49. Specific Plans - Sec. 13-49.400 Hearings, Adoption and Appeals.

A specific plan shall be reviewed and adopted in the same manner as a general plan, except that a specific plan may be adopted by resolution or by ordinance. No specific plan may be adopted unless the proposed plan is consistent with the General Plan. The procedures for hearings and appeals **by the public or Council call up** are as per Chapter 13-44, Hearings and Appeals. ~~{Ord. 515 § 2, 2018; ZO § 49.400.}~~

Chapter 13-50. Use Permits - Sec. 13-50.400 Hearings and Appeals.

The procedures for hearings and appeals **by the public or Council call up** are as per Chapter 13-44, Hearings, Appeals and Judicial Review.

~~The City Council may call up for review by it any action of the Community Development Director or Planning Commission in granting or denying a use permit. The determination to call up for review shall be made by the Council at the meeting at which the notice of decision is presented to it. If a decision is called up for review by the City Council, the City Council shall hear and determine the matter according to the required findings of this Chapter in the same manner as an appeal. {Ord. 515 § 2, 2018; ZO § 50.400.}~~

Chapter 13-51. Variances - Sec. 13-51.500 Hearings and Appeals.

The procedures for hearings and appeals **by the public or Council call up** are as per Chapter 13-44, Hearings and Appeals.

~~The City Council may call up for review by it any action of the Planning Commission in granting or denying a variance. The determination to call up for review shall be made by the City Council at the meeting at which the notice of decision is presented to it. If a decision is called up for review by the City Council, the City Council shall hear and determine the matter in the same manner as an appeal. {Ord. 515 § 2, 2018; ZO § 51.500.}~~

Chapter 13-52. Zoning Amendments - Sec. 13-52.500 Hearings and Appeals.

The procedures for hearings and appeals **by the public or Council call up** are as per Chapter 13-44, Hearings and Appeals. ~~{Ord. 515 § 2, 2018; ZO § 52.500.}~~