

ORDINANCE NO. 28-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING TITLE 17 OF THE ORANGE MUNICIPAL CODE RELATED TO APPLICATION EXPIRATION, NOTICING REQUIREMENTS AND TIME FOR APPEAL

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION I:

This Ordinance is not a project under the California Environmental Quality Act ("CEQA") per State CEQA Guidelines Section 15378, because it involves administrative activities of the City that will not result in direct or indirect physical changes in the environment.

SECTION II:

Section 17.08.030(A) is amended to read as follows:

A. Application Form Required. Applications for all activities related to the zoning ordinance which require a public hearing by one or more of the reviewing bodies established in Section 17.08.020 shall be filed with the Planning Division upon the forms which are required by the Planning Division. ~~Administrative review is excepted from the following requirements unless an appeal is made for a public hearing.~~

SECTION III:

Section 17.08.030(G) shall be amended to read as follows:

"G. Inactive Applications. If an application is inactive for a period of ~~six~~ **three** months or more, it shall be deemed to have expired, and all processing will be terminated. For the purpose of this section, "inactive" shall mean that an applicant has not responded to a city request for additional information or plans. ~~An applicant shall be notified prior to expiration of an application, and given the opportunity to reactivate.~~"

SECTION IV:

Section 17.08.040(A) and accompanying Table shall be amended to read as follows:

"A. General. Notice shall be given in accordance with state law ~~and for all hearings requiring notice~~, as set forth in Table 17.08.040. ~~In addition to the notice required by this section, t~~The City may give notice of the hearing in any other manner it deems necessary or desirable.

Table 17.08.040

Type of Procedure, Permit or Hearing	Mail to Surrounding Property Owners	Publication and/or Posting	Other
Appeal			(a c)
Conditional Use Permit	Yes	Post	
Demolition Permit, Old Towne			(e b)
Design Review	Yes	Post	
Development Agreement	Yes	Publish and Post	
Environmental Impact Report	Yes	Publish and Post	(b a)
General Plan Amendment (Map)	Yes	Publish and Post	
General Plan Amendment (Text)	No	Publish	
Negative Declaration/Mitigated Negative Declaration			(b a)
Site Plan Review—Major	Yes	Post	
Site Plan Review—Minor	No	Post	
Tentative Tract Map	Yes	Publish and Post	
Variance	Yes	Post	
Zone Change	Yes	Publish and Post	
Zoning Ordinance Amendment	No	Publish	(e b)
Administrative Adjustment			(d c)
Administrative Design Review	Yes	Post	
Tentative Parcel Map			(d c)
Temporary Use Permit			(d c)
Sober Living Permit			(d c)
Reasonable Accommodation			(d c)

Alcohol Production Permit			(d c)
Supportive Housing	Yes	Post	(e d)
Transitional Housing	Yes	Post	(e d)
<p>NOTES:</p> <p>(a) Notification shall occur in same manner as was required for the original permit issuance.</p> <p>(a b) Notification shall be required in accordance with California Environmental Quality Act Guidelines and the City's Local CEQA Guidelines as determined by the highest entitlement.</p> <p>(b e) In the event the amendment affects the permitted uses of real property, owners of subject real property and surrounding properties shall also be notified.</p> <p>(c d) Noticing or notification is not required.</p> <p>(d e) Only if requesting an alternative parking standard.</p>			

SECTION V:

Section 17.08.040(B)(4) shall be amended to read as follows:

“4. When notice is provided through ~~either publication or~~ posting, ~~the following shall apply:~~
a. ~~If notification is to be provided by publication, it shall occur in accordance with subsection (B)(3) above~~
b. ~~If notification is to be provided by posting, then~~ notice shall be posted in at least three public places within City boundaries, including one place in the area directly affected by the proceeding.”

SECTION VI:

Section 17.08.040(B)(5) shall be amended to read as follows:

“5. ~~Certain~~ Actions Where Public Hearing Is Not Required. Noticing for application types not covered by state law, shall be ~~noticed in accordance with the Table contained at Section 17.08.040 at least 10 days prior to final action on the application. posted 10 days prior to final action on the application. These applications include, but are not limited to, Administrative Adjustment, Design Review Committee, These application types include~~ Minor Site Plan, and Administrative Design Review.

SECTION VII:

Section 17.08.050(D) shall be amended to read as follows:

“D. Time for Filing. Any appeal shall be filed within ~~15 5 calendar~~ ~~business~~ days after the hearing or action from which the appeal is made. ~~An appeal that falls on a weekend, a holiday or a non-working Friday shall be accepted no later than the following business day.~~ Upon the filing of appeal, the Planning Division shall transmit a copy of the appeal to the body authorized to hear the appeal.

SECTION VIII:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION IX:

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this ____ day of _____, 2024.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM:

Mike Vigliotta, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the ____ day of _____, 2024, and thereafter at the regular meeting of said City Council duly held on the ____ day of _____, 2024 was duly passed and adopted by the following vote, to wit:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange