

**ORDINANCE NO. XX-21**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING TITLE 17 OF THE ORANGE MUNICIPAL CODE (ZONING CODE) TO ADD UPDATE NOTICING AND POSTING REQUIREMENTS.**

**SECTION III:**

Table 17.08.020 of the Orange Municipal Code, “Zoning – General Administrative Procedures – Reviewing Bodies,” is hereby amended to read as follows:

**Table 17.08.020**

<b>Type of Procedure, Permit or Hearing</b>	<b>CDD</b>	<b>DRC</b>	<b>ZA</b>	<b>PC</b>	<b>CC</b>
Zoning Ordinance Amendment	A			A	X
Zone Change	A			A	X
Conditional Use Permit	A	A(1)	X(1)	X(1)	X(1)
Variance	A	A(1)	X(1)	X	
Administrative Adjustment Permit			X		
Temporary Use (Non-Recurring) Permit	A	X(1)	X(1)		
Design Review		A/X(1)		X(1)	
Administrative Design Review	X(1)				
Old Towne Demolition Permit		A		X(1)	X
Site Plan Review—Minor	X				
Site Plan Review—Major	A	A		X	
Tentative Tract Map	A			A	X

General Plan Amendment	A			A	X
Environmental Documentation	A			X(1)	X(1)
Sober Living Permit	X				
Reasonable Accommodation	X(1)				
Tentative Parcel Map	X(1)			X(1)	X(1)
Temporary Use (Recurring) Permit	X				
Alcohol Production Permit	A		X		

~~§~~ Key:

- CDD = Community Development Director
- DRC = Design Review Committee
- ZA = Zoning Administrator
- PC = Planning Commission
- CC = City Council
- A = Advisory
- X = Final project determination
- (1) = Restricted to certain applications

GENERAL NOTES:

- (a) All items may be finally decided by the City Council upon appeal.
- (b) When more than one type of application is filed for a single project, the application requiring the highest level of approval shall dictate the review process for the entire group of applications.

**SECTION IV:**

Section 17.08.020.C.2 of the Orange Municipal Code, “Zoning – General Administrative Procedures – Reviewing Bodies – Zoning Administrator – Power and Duties,” is hereby amended to add the following:

- e. **Decide upon administrative adjustments.**

**SECTION V:**

Section 17.08.020.E.1 of the Orange Municipal Code, “Zoning – General Administrative Procedures – Reviewing Bodies – Community Development Director – Power and Duties,” is hereby amended to add the following:

- f. **Decide upon sober living permits**

- g. Decide upon reasonable accommodation requests.
- h. Decide upon temporary use (recurring) permits

**SECTION VI:**

Table 17.08.040 of the Orange Municipal Code, “Zoning – General Administrative Procedures – Notice of Hearings,” is hereby amended to read as follows:

**Table 17.08.040**

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

Type of Procedure, Permit or Hearing	Mail to Surrounding Property Owners	Publication and/or Posting	Other
Administrative Adjustment	No		(d)
Administrative Design Review	No	Post	
Tentative Parcel Map			(d)
Temporary Use Permit			(d)
Sober Living Permit			(d)
Reasonable Accommodation			(d)
Alcohol Production Permit			(d)
Supportive Housing	Yes	Post	(e)
Transitional Housing	Yes	Post	(e)

**NOTES:**

- (a) Notification shall occur in same manner as was required for the original permit issuance.
- (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.
- (c) In the event the amendment affects the permitted uses of real property, owners of subject real property and surrounding properties shall also be notified.
- ~~(d) Notification of the public meeting of the Design Review Committee shall occur for any Design Review project involving construction of a new second story, an addition to an existing second story, or construction of additional units, on property in a residential zone within the boundaries of an established historic district. Notices shall be mailed to property owners and occupants within three hundred (300) feet of the subject property, pursuant to OMC 17.08.040.B~~
- (d) Noticing or notification is not required.
- (e) Only if requesting an ~~Alternative~~ alternative Parking-parking Standardstandard.

**SECTION VII:**

Section 17.08.040.B.1.a of the Orange Municipal Code, “Zoning – General Administrative Procedures – Notice of Hearings – Noticing Requirements,” is hereby amended to read as follows:

a. Property Owner. Notice of hearing shall be mailed or delivered to the owner of the subject real property or to the owner's ~~duly~~ authorized agent.

### **SECTION VIII:**

Section 17.08.040.B.3 of the Orange Municipal Code, “Zoning – General Administrative Procedures – Notice of Hearings – Noticing Requirements,” is hereby amended to read as follows:

3. For all hearings requiring publication of notice, notice shall be made by publication in a local newspaper of general circulation in the City ~~no less than~~ **at least** one time.

### **SECTION IX:**

Section 17.08.040.B.4 of the Orange Municipal Code, “Zoning – General Administrative Procedures – Notice of Hearings – Noticing Requirements,” is hereby amended to read as follows:

4. When notice ~~may be~~ **is** provided through either publication or posting, ~~the Community Development Director shall determine whether to publish or post the notice~~ the following shall apply:

### **SECTION X:**

Sections 17.08.040.B.5 and 17.08.040.B.6 of the Orange Municipal Code, “Zoning – General Administrative Procedures – Notice of Hearings – Noticing Requirements – Actions Where Public Hearing Is Not Required” and “- Posting Requirements are hereby added to read as follows:

5. **Actions where public hearing is not required. Noticing for application types not covered by State law, shall be posted 10 days prior to final action on the application. These applications include but not limited to Administrative Adjustment, Design Review Committee, Minor Site Plan, and Administrative Design Review.**

6. **Posting Requirements. As specified in the Community Development Noticing Procedures.**

### **SECTION XI:**

Section 17.10.050.C of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Administrative Adjustments – Zoning Administrator Review,” is hereby amended to read as follows:

C. Zoning Administrator Review. The Zoning Administrator shall have the authority to review administrative adjustment permit applications and may act to approve, conditionally approve, or deny such applications. No public hearing shall be required to consider the issuance

of an administrative adjustment permit. Notice shall be in accordance with ~~Section~~ Table 17.08.040.

## **SECTION XII:**

Section 17.10.050.D.2 of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Administrative Adjustments – Actions Considered to be Administrative Adjustments – Adjustment of Other Development Standards,” is hereby amended to read as follows:

2. Adjustment of Other Development Standards. Other development standards in all zones may be adjusted a maximum of ten (10) percent. Any proposed deviation in excess of ~~ten percent~~ this limit shall be considered a variance and shall be subject to the provisions of Section 17.10.040.

## **SECTION XIII:**

Section 17.10.070.E.4 of the Orange Municipal Code, “Zoning – Specific Administrative Procedures – Design Review – Administrative Design Review – Procedure and Criteria,” is hereby amended to read as follows:

4. Procedure and Criteria. The Community Development Director, pursuant to Section 17.08.020, shall be responsible for administrative design review. Once an application for administrative design review has been deemed complete, the Community Development Director shall consider and approve, deny or refer the project to the Design Review Committee. In making such determination, the Community Development Director shall consider adopted design standards and guidelines where applicable, the general criteria set forth in Section 17.10.070.D, and the findings required in subsections 17.10.070.G.3 and 4. Appeals of decisions by the Community Development Director shall be made in accordance with the City appeal procedures set forth in ~~Section~~ 17.08.050. Notification of administrative design review shall be in accordance with Section 17.08.040 and Community Development Noticing Procedures. ~~action shall be posted at the property in a location clearly visible from the public right-of-way for the duration of the appeal period.~~