



Zoning Ordinance Amendment #21-01 for Appeals and Voting Requirements

City Council
Meeting—
May 3, 2021

Kim Espinosa, Planning Manager

Proposed Changes to Zoning Ordinance

- 1) Appeals would be scheduled for a public hearing by the appropriate review authority and heard within **90 days** unless otherwise mutually agreed to by the applicant and appellant or continued for good cause; and the appeal procedures for Commercial Cannabis Business Permits would be changed to match the same language (the current requirement is **30 days**).
- 2) Make it clear that it requires 4 votes of the Planning Commission members to approve an action; otherwise, it is deemed denied.

Proposed Changes Regarding Appeals

- 1) Section 20.74.030(E)(1) “Filing and Processing of Appeals, Report and Noticed Hearing” would be changed to read as follows: *“When an appeal has been filed, the Development Services Department shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority. Said public hearing should be heard within 90 calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued by the appropriate review authority pursuant to 20.74.030(F)(3).”*

Proposed Changes Regarding Appeals (Cont.)

- 2) Section 20.44.170(L)(4)(b) “Appeal of Denial of Commercial Cannabis Business Permit (All Types)” would be changed to read as follows: *“When an appeal has been filed, the matter shall be scheduled for a public hearing before the City Council. The public hearing should be heard within ~~thirty (30)~~ ninety (90) calendar days of receiving the appeal, unless otherwise mutually agreed to by the applicant and appellant or continued pursuant to 20.44.170(L)(4)(d).”*
- 3) Section 20.44.170(L)(6)(b)(i) “Appeal of Denial of Commercial Cannabis Business Permit Renewal (All Types)” would be changed to similar language as #2 above.
- 4) Section 20.44.170(L)(6)(b)(vi)(b) “Appeal of Denial of Commercial Cannabis Business Permit Renewal (All Types)” would be changed to similar language as #2 above.
- 5) Section 20.44.170(L)(8)(c)(i) “Revocation of Commercial Cannabis Business Permit (All Types)” changed to similar language as #2 above.
- 6) Section 20.44.170(L)(8)(c)(vi)(b) “Revocation of Commercial Cannabis Business Permit (All Types)” would be changed to similar language as #2 above.

Proposed Changes Regarding the Number of Votes to Approve a Planning Commission Action

- 1) Section 20.64.040 “Administrative Responsibility, Planning Commission” to read as follows:
“The role of the Planning Commission in the administration of the Zoning Ordinance includes:
 - A. *Serving as the review authority on permit and approval applications as shown in Table 20.64-1;*
 - B. *Reviewing appeals filed from Site Plan Review Committee decisions on Site Plan Review permit applications;*
 - C. *Reviewing appeals filed from Development Services Director decisions on discretionary permit applications; and,*
 - D. *Providing recommendations to the City Council on legislative actions as shown in Table 20.64-1.; and,*
 - E. *All decisions or recommendations of the Planning Commission noted above shall require at least four (4) members of the Planning Commission to vote to approve such an action; otherwise, the action is deemed denied.”*

Proposed Changes Regarding the Number of Votes to Approve a Planning Commission Action (Cont.)

- 2) Section 20.68.020(C)(1) “Permit Requirements, Conditional Use and Minor Use Permits, Review Authority” to read as follows: *“**Conditional Use Permits. The Planning Commission shall take action on all Conditional Use Permit applications. At least four (4) members of the Planning Commission shall be required to vote to approve a Conditional Use Permit; otherwise, the Permit is deemed denied.”***
- 3) Section 20.68.030(C) “Design Review Permit” to be modified similar to above.
- 4) Section 20.68.070(C) “Variance” to be modified similar to above.
- 5) Section 20.70.050 would be changed to read as follows:
*“**20.70.050--Decision or Recommendation by Planning Commission**
A. After a public hearing, any decision of the Planning Commission shall require at least four (4) members of the Planning Commission to vote to approve an action; otherwise, the action is deemed denied. (Part B remains unchanged.)*

Planning Commission/City Council Action

On March 17, 2021, the Planning Commission voted 5-0 (5 ayes, 1 absent, 1 vacancy) to recommend approval after the public hearing (no one from the public testified).

After the public hearing, the City Council should consider adopting a motion to:

- Adopt Categorical Exemption (Environmental Review #21-03)
- Introduce the Ordinance as recommended.

Any Questions?