

City Planning Commission
Sacramento, California

Members in Session:

Subject: Zoning Ordinance Amendment amending Sections 7, 8, 9, 11, 13, 14 and 15 of the City of Sacramento Zoning Ordinance in regards to increasing the term of all permits to two years, increasing the required property ownership notification on all projects and changing the existing language on fees.

Summary

The proposed Zoning Ordinance amendment amends seven sections of the Zoning Ordinance. The amendments are necessary due to the recent fee increases which were adopted by the City Council on May 21, 1991. During the City Council hearings on the proposed fee increases, there was a desire by the City Council to see an increase in the property ownership notification radius on all projects. As a result of the increased fees staff is also recommending that all planning entitlements be valid for two years.

Background Information: The proposed ordinance amendments which are being recommended effect several different sections of the Zoning Ordinance. The following is a brief explanation of the intent of the attached Zoning Ordinance amendments.

Project Fees - On May 21, 1991, the City Council heard and approved the fee increases on planning entitlements with the exception of variances and special permits within a planned unit development (PUD). The Zoning Ordinance currently specifies the initial fee on some entitlements. As there has been an increase in entitlement fees the proposed amendment will eliminate the entitlement cost and will state that the appropriate fee as shown in the fee and charge report will be assessed to all entitlements. In addition, there is existing language in the ordinance which allows only one entitlement fee to be charged even though more than one entitlement is requested by an applicant. In order to accomplish the Planning Division's goal of actual cost recovery on projects it is recommended that this language be removed from the ordinance text. In reviewing the Zoning Ordinance it is recommended that Sections 7-E-2, 8-D-1, 8-D-6, 8-D-8-b, 8-D-10, 8-E-6-c, 8-E-7, 11-A-2, 13-A-3-c-1 and 13-A-7-a of the Zoning Ordinance be amended to reflect the changes in the fee structure for the Planning Division.

Permit Terms - Currently planning entitlements which are required by the Zoning Ordinance are valid for one or two years depending on the type of entitlement requested. The proposed Zoning Ordinance amendment would change the existing language in the ordinance to make all planning entitlements approved by the Planning Director or the Planning Commission valid for two years unless a different time frame is specified in the conditions of approval. In order to reflect these changes Sections 8-E-8, 9-A-5 and 14-D of the Zoning Ordinance will be amended to increase the term of the entitlements from one year to two years. Section 9-A-5 is also being amended to allow a planning director's special permit for a deep lot development to be transferable to a future property owner provided that the project is constructed as it was originally approved.

Project Notification - During the City Council hearings on the Planning Department's budget it was brought to the attention of planning staff that the council felt that insufficient notification of projects was being provided to the surrounding property owners. Staff has reviewed the existing noticing requirements that are required in the Zoning Ordinance and is proposing to amend Sections 13-A-2-b-3-a, 14-B-2, 14-B-3, 14-C-3-b-1, 15-C-3-c-2-a and 15-H-2 in order to increase our current noticing requirements.

The County of Sacramento currently requires a property ownership map and list of owners of property within a 500 foot radius of the subject property to be submitted with all applications for entitlements which require a public hearing. The County does not require any property owners to be notified of projects which are approved by staff. In considering the desire of the City Council planning staff is recommending that the noticing requirements for all projects be increased. It is the Planning Division's recommendation that all projects which will be acted upon by the Planning Director shall require a 100 foot radius property ownership map and list of owners and all projects which will be acted upon by the City Planning Commission and/or City Council shall require a 500 foot radius property ownership map and list of owners.

Environmental Determination

The Environmental Coordinator has determined that the proposed project does not have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment; therefore, the activity is not subject to environmental review {CEQA Section 15061 (b-3)}.

Recommendation

Planning staff recommends that the Planning Commission recommend approval of the proposed Zoning Ordinance Amendment and forward to the City Council.

Respectfully submitted,



Joy Patterson,
Senior Planner

Report Prepared By:

Dawn T. Holm,
Planner

EXHIBIT A

ORDINANCE NO. _____

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTIONS 7-E-2, 8-D-1, 8-D-6, 8-D-8-b, 8-D-10, 8-E-6-c, 8-E-7, 8-E-8, 9-A-5, 11-A-2, 13-A-2-b-3-a, 13-A-3-c-1, 13-A-7-a, 14-B-2, 14-B-3, 14-C-3-b-1, 14-D, 15-C-3-c-2-a, AND 15-H-2 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO (ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED) RELATING TO FEES, PUBLIC NOTICING REQUIREMENTS AND TERMS OF ENTITLEMENTS (M91-024).

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION I - Section 7-E-2 of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 7: SINGLE FAMILY ALTERNATIVE ZONE

E. PROCEDURE:

2. Applications: Applications for a Special Permit under this Section shall be filed with the Planning Commission and shall be subject to a filing and investigation fee as established in the fee and charge report.

SECTION II - Section 8-D-1 of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 8: PLANNED UNIT DEVELOPMENTS

D. PLANNED UNIT DEVELOPMENT DESIGNATION:

1. Application - Procedure - Notice: Planned Unit Development designation shall be adopted or removed in accordance with the provisions pertaining to rezoning set forth in Section 13 of this Ordinance.

An application for a planned unit development designation shall be subject to a filing and investigation fee as established in the fee and charge report.

SECTION III - Section 8-D-6 of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 8: PLANNED UNIT DEVELOPMENTS

D. PLANNED UNIT DEVELOPMENT DESIGNATION:

- 6. Filing Fee for Schematic Plan: A schematic plan for a planned unit development shall be filed with the Planning Commission and shall be subject to a filing and investigation fee as established in the fee and charge report.

SECTION IV - Section 8-D-8-b of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 8: PLANNED UNIT DEVELOPMENTS

D. PLANNED UNIT DEVELOPMENT DESIGNATION:

- 8-b. An application for an amendment to the schematic plan of a planned unit development shall be filed with the Planning Commission and shall be subject to a filing and investigation fee as established in the fee and charge report. The Planning Commission and the City Council shall hold a hearing on an amendment to a schematic plan.

SECTION V - Section 8-D-10 of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 8: PLANNED UNIT DEVELOPMENTS

D. PLANNED UNIT DEVELOPMENT DESIGNATION:

- 10. Relation of Fees to Rezoning: If a rezoning request is submitted concurrently with a planned unit development request the application will be subject to the necessary filing and investigation fees as established in the fee and charge report.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

SECTION VI - Section 8-E-6-c of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 8: PLANNED UNIT DEVELOPMENTS

E. PLANNED UNIT DEVELOPMENT PROJECTS:

- 6-c. The hearing for a Planned Unit Development Special Permit may, at the discretion of the Planning Director, be combined with the hearing at which the Planned Unit Designation and/or rezoning of property to accomplish the plan is considered.

SECTION VII - Section 8-E-7 of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 8: PLANNED UNIT DEVELOPMENTS

E. PLANNED UNIT DEVELOPMENT PROJECTS:

- 7. Rezoning - Application - Procedure - Notice: A Special Permit for a Planned Unit Development does not establish a zoning classification or enlarge the uses provided in the classification. If the Planned Unit Development requires rezoning of property to accomplish the proposed project, the hearing for a rezoning may, at the discretion of the Planning Director, be combined with the hearing at which the Planned Unit Designation and/or the issuance of the Special Permit to accomplish the plan is considered.

SECTION VIII - Section 8-E-8 of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 8: PLANNED UNIT DEVELOPMENTS

E. PLANNED UNIT DEVELOPMENT PROJECTS:

- 8. Expiration: In any case where a Special Permit has been granted under this Section, a building permit must be obtained therefore and construction started within said two year period; provided, however, that for good cause the Planning Commission may extend the term of the Special Permit for additional one-year periods upon written application prior to the expiration date.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

SECTION IX - Section 9-A-5 of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 9: DEEP LOT AND INFILL DEVELOPMENT REGULATIONS

A. DEEP LOT REGULATIONS:

- 5. **PLANNING DIRECTOR'S PERMIT REQUIRED:** All deep lot developments shall be required to obtain a Planning Director's Special Permit. Within two years from issuance of the Planning Director's Special Permit, a building permit must be obtained and construction commenced for the additional dwelling unit(s). If a building permit is not obtained or construction started within said 2 - year period, the Planning Director's Special Permit shall be null and void. No renewal of such permit may be granted. A new application must be submitted.

SECTION X - Section 11-A-2 of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 11: HOME OCCUPATION REGULATIONS

A. REGULATIONS:

- 2. **Fee:** A fee shall be paid by the applicant as part of the application for any home occupation permit which may be issued pursuant to this Section by the Planning Director. Any person dissatisfied with the action of the Planning Director may appeal the decision to the City Planning Commission in accordance with Section 18 of this ordinance.

SECTION XI - Section 13-A-2-b-3-a of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 13: REZONINGS, AMENDMENTS AND "R" REVIEW

A. REGULATIONS ADOPTED:

2. **Procedure - Planning Commission:**

- b-3-a) All owners of property located within a radius of five hundred (500) feet from the property involved in the proceedings.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

SECTION XII - Section 13-A-3-c-1 of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 13: REZONINGS, AMENDMENTS AND "R" REVIEW

A. REGULATIONS ADOPTED:

3-c-1. In a rezoning proceeding where a proposed development plan is not provided by the applicant and in areas designated "R" Review, it may be stipulated as a condition to the rezoning to insure that future development will relate to characteristics of the site and the surrounding area, that no building permit or other construction permit shall be issued for any development of the property rezoned until there has first been review and approval of preliminary and final site plans by the Planning Commission. Application for review and approval by the Planning Commission of site plans shall be accomplished by a filing and investigation fee as established in the fee and charge report.

SECTION XIII - Section 13-A-7-a of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 13: REZONINGS, AMENDMENTS AND "R" REVIEW

A. REGULATIONS ADOPTED:

7-a. A property owner's petition shall be subject to and accompanied by a filing and investigation fee as established in the fee and charge report.

SECTION XIV - Sections 14-B-2 of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 14: VARIANCES

B. VARIANCE POWERS - PLANNING DIRECTOR:

2. The application for a Planning Director's Variance shall be accompanied by proof that the applicant has given notice to the owners of all property within one hundred (100) feet of the property subject to the Variance application. The notice shall describe the scope and nature of the requested Variance.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

SECTION XV - Sections 14-B-3 of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 14: VARIANCES

B. VARIANCE POWERS - PLANNING DIRECTOR:

- 3. Upon approval of a Variance application by the Planning Director, the Planning Director shall provide written notice by mail to the owners of all the property owners within one hundred (100) feet of the subject property of the Variance approval and of the rights of aggrieved persons to appeal.

SECTION XVI - Section 14-C-3-b-1 of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 14: VARIANCES

C. HEARING - PROCEDURE:

- 3-b-1. All owners of property located within a radius of five hundred (500) feet from the property involved in the proceedings.

SECTION XVII - Section 14-D of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 14: VARIANCES

D. VARIANCE TERM

Any Variance involving an action which requires a building permit shall expire at the end of two (2) years unless a building permit is obtained within the Variance term. A Variance term may be extended for one additional year upon application in writing a minimum of 30 days prior to expiration. An application for the extension of a Variance shall be subject to and accompanied by a filing and investigation fee as established in the fee and charge report.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

SECTION XVIII - Section 15-C-3-c-2-a of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 15: SPECIAL PERMITS

C. APPLICATION - NOTICE - HEARING:

3-c-2-a. All owners of property located within a radius of five hundred (500) feet from the property involved in the proceedings.

SECTION XIX - Section 15-H-2 of the Zoning Ordinance of the City of Sacramento is hereby amended to read as follows:

SECTION 15: SPECIAL PERMITS

H. PLANNING DIRECTOR'S SPECIAL PERMIT:

2. **Notice:** The application for a Planning Director's Special Permit shall be accompanied by proof that the applicant has given notice to the owners of all property within one hundred (100) feet of the property subject to the Special Permit application. The notice shall describe the scope and nature of the requested Special Permit. After the decision on the Planning Director's Special Permit, the Director shall provide written notice by mail to the owners of all property within one hundred (100) feet of the subject property of the decision and of their right to appeal the decision to the Planning Commission within ten days of the notice. No fee shall be charged for an appeal to the Planning Commission by any aggrieved person other than the applicant.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

EXHIBIT B

THE ATTACHED PAGES REFLECT THE ACTUAL ZONING ORDINANCE TEXT AMENDMENTS WHICH ARE BEING PROPOSED RELATING TO FEES, PUBLIC NOTICING REQUIREMENTS AND TERMS OF ENTITLEMENTS (M91-024).

SECTION I - Section 7-E-2

SECTION 7: SINGLE FAMILY ALTERNATIVE ZONE

E. PROCEDURE:

2. Applications: Applications for a Special Permit under this Section shall be filed with the Planning Commission and shall be subject to a filing and investigation fee *as established in the fee and charge report*. ~~Said application shall be accompanied by two copies of the proposed developments plans. When an application for a Special Permit is filed concurrently with the rezoning application for the same property, no additional fee shall be charged for the Special Permit application.~~

SECTION II - Section 8-D-1

SECTION 8: PLANNED UNIT DEVELOPMENTS

D. PLANNED UNIT DEVELOPMENT DESIGNATION:

1. Application - Procedure - Notice: Planned Unit Development designation shall be adopted or removed in accordance with the provisions pertaining to rezoning set forth in Section 13 of this Ordinance.

An application for a planned unit development designation ~~which is not submitted together with a schematic plan~~ shall be subject to a filing and investigation fee *as established in the fee and charge report*. ~~An application for a planned unit development designation which is submitted concurrently with a schematic plan shall not require an additional fee for the planned unit development designation but shall be subject to the fee for the schematic plan set forth in Section 8-D-6.~~ (Ordinance No. 4096, Fourth Series {Effective 7/29/78}).

SECTION III - Section 8-D-6

SECTION 8: PLANNED UNIT DEVELOPMENTS

D. PLANNED UNIT DEVELOPMENT DESIGNATION:

6. Filing Fee for Schematic Plan: A schematic plan for a planned unit development shall be filed with the Planning Commission and shall be subject to a filing and investigation fee *as established in the fee and charge report.* (Ordinance No. 4096, Fourth Series {Effective 7/29/78}).

SECTION IV - Section 8-D-8-b

SECTION 8: PLANNED UNIT DEVELOPMENTS

D. PLANNED UNIT DEVELOPMENT DESIGNATION:8. Amendment of Schematic Plan:

- b. An application for an amendment to the schematic plan of a planned unit development shall be filed with the Planning Commission and shall be subject to a filing and investigation fee *as established in the fee and charge report* if such amendment application is not submitted concurrently with an application for a Special Permit. ~~If an application for an amendment to the schematic plan is submitted concurrently with an application for a Special Permit, no additional fee shall be required but the application shall be subject to the applicable fee for a Special Permit in accordance with Section 15 of this Ordinance.~~ The Planning Commission and the City Council shall not hold a hearing on an amendment to a schematic plan.

SECTION V - Section 8-D-10

SECTION 8: PLANNED UNIT DEVELOPMENTS

D. PLANNED UNIT DEVELOPMENT DESIGNATION:

10. Relation of Fees to Rezoning: ~~No additional fee shall be required for the rezoning of property which is included within a planned unit development if such rezoning application is submitted concurrently with an application for a Special Permit to develop such property. If rezoning of property subject to a planned unit development designation is sought independently from an application for a Special Permit to develop such property, the applicable rezoning fee set forth in Section 13 of this Ordinance shall be required. If the rezoning is sought concurrently with a Special Permit, the applicable Special Permit fee set forth in Section 15 of this Ordinance shall be applicable. (See Ordinance 4096, Fourth Series, Section 10 Adding 8-D-10). (7/29/78) If a rezoning request is submitted concurrently with a planned unit development request the application will be subject to the necessary filing and investigation fees as established in the fee and charge report.~~

SECTION VI - Section 8-E-6-c

SECTION 8: PLANNED UNIT DEVELOPMENTS

E. **PLANNED UNIT DEVELOPMENT PROJECTS**: A Special Permit for a planned unit development project shall be issued pursuant to this Subsection E. The Planning Commission in the Special Permit may modify zoning regulations relating to height, setback and area requirements, and other provisions of this Code, provided that the following standards shall be applied:

6. **Special Permit - Application - Procedure - Notice**:

- c. The hearing for a Planned Unit Development Special Permit may, at the discretion of the Planning Director, be combined with the hearing at which the Planned Unit Designation and/or rezoning of property to accomplish the plan is considered. ~~In such a case, only one filing fee shall be charged, said filing fee to be the highest amount charged as a filing fee for any one of the proposed actions.~~

SECTION VII - Section 8-E-7

SECTION 8: PLANNED UNIT DEVELOPMENTS

E. **PLANNED UNIT DEVELOPMENT PROJECTS**: A Special Permit for a planned unit development project shall be issued pursuant to this Subsection E. The Planning Commission in the Special Permit may modify zoning regulations relating to height, setback and area requirements, and other provisions of this Code, provided that the following standards shall be applied:

7. **Rezoning - Application - Procedure - Notice**: A Special Permit for a Planned Unit Development does not establish a zoning classification or enlarge the uses provided in the classification. If the Planned Unit Development requires rezoning of property to accomplish the proposed project, the hearing for a rezoning may, at the discretion of the Planning Director, be combined with the hearing at which the Planned Unit Designation and/or the issuance of the Special Permit to accomplish the plan is considered. ~~In such a case, only one filing fee shall be charged, said filing fee to be the highest amount charged as a filing fee for any one of the proposed actions.~~

SECTION VIII - Section 8-E-8**SECTION 8: PLANNED UNIT DEVELOPMENTS**

- E. **PLANNED UNIT DEVELOPMENT PROJECTS**: A Special Permit for a planned unit development project shall be issued pursuant to this Subsection E. The Planning Commission in the Special Permit may modify zoning regulations relating to height, setback and area requirements, and other provisions of this Code, provided that the following standards shall be applied:
8. **Expiration**: In any case where a Special Permit has been granted under this Section, a building permit must be obtained therefore and construction started within said ~~one~~ **two** year period; provided, however, that for good cause the Planning Commission may extend the term of the Special Permit for additional one-year periods upon written application prior to the expiration date.

SECTION IX - Section 9-A-5**SECTION 9: DEEP LOT AND INFILL DEVELOPMENT REGULATIONS****A. DEEP LOT REGULATIONS:**

5. **PLANNING DIRECTOR'S PERMIT REQUIRED**: All deep lot developments shall be required to obtain a Planning Director's *Special* Permit. Within ~~one~~ **two** years from issuance of the Planning Director's *Special* Permit, a building permit must be obtained and construction commenced for the additional dwelling unit(s). If a building permit is not obtained or construction started within said ~~1~~ **2** - year period, the Planning Director's *Special* Permit shall be null and void. No renewal of such permit may be granted. A new application must be submitted. ~~A planning director's permit granted for a deep lot development is not transferable and shall be null and void if, prior to construction of the project, there is a change in ownership of the land for which said permit has been issued.~~

SECTION X - Section 11-A-2**SECTION 11: HOME OCCUPATION REGULATIONS**

- A. **REGULATIONS:** The provisions of this Section shall control the conduct, establishment and maintenance of home occupations.
2. **Fee:** A fee shall be paid by the applicant as part of the application for any home occupation permit which may be issued pursuant to this Section by the Planning Director. ~~A filing and investigation fee of \$115.00 shall be submitted by any applicant for Home Occupation Permit which may be approved by the Planning Commission pursuant to this Section.~~ ***Any person dissatisfied with the action of the Planning Director may appeal the decision to the City Planning Commission in accordance with Section 18 of this ordinance. (See Ordinance 4096, Fourth Series, Section 11 Amending 11-A-2)***

SECTION XI - Section 13-A-2-b-3-a**SECTION 13: REZONINGS, AMENDMENTS AND "R" REVIEW**

- A. **REGULATIONS ADOPTED:** The following regulations pertaining to rezonings and amendments to this Code are hereby adopted:
2. **Procedure - Planning Commission:**
- b. Notice of the hearing before the Planning Commission shall be given in the following manner:
- 3) Written notice of the hearing shall be mailed by the Planning Director at least ten (10) days prior to the hearing to the following property owners, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed, and as checked in the manner specified in Section 18-B of this Ordinance.
- a) All owners of property located within a radius of ~~three~~ ***five*** hundred ~~(300)~~ ***(500)*** feet from the property involved in the proceedings.

SECTION XII - Section 13-A-3-c-1**SECTION 13: REZONINGS, AMENDMENTS AND "R" REVIEW**

A. **REGULATIONS ADOPTED**: The following regulations pertaining to rezonings and amendments to this Code are hereby adopted:

3. **Procedures - City Council**: Upon receipt of a recommendation on a rezoning from the Planning Commission, the City Council shall set the matter for hearing and give notice thereof by publication in the official newspaper of the City at least ten (10) days prior to said hearing. After completion of notice and public hearing, the City Council may approve, disapprove, or modify a rezoning by adoption of an Ordinance therefore. The provisions of this paragraph relating to the receipt of a recommendation on a rezoning from the Planning Commission, notice, and hearing shall not apply to rezonings adopted by emergency Ordinance by the City Council pursuant to Section 32(g)(2) of the City Charter. (Ordinance No. 81-083)

Whenever a proposed development plan or a representation concerning development made by the applicant, or a stipulation concerning site plan review, is a material factor in the decision of the City Council to approve the rezoning of property, that rezoning shall be subject to and the Ordinance of rezoning shall so provide for, the following:

- c-1) In a rezoning proceeding where a proposed development plan is not provided by the applicant and in areas designated "R" Review, it may be stipulated as a condition to the rezoning to insure that future development will relate to characteristics of the site and the surrounding area, that no building permit or other construction permit shall be issued for any development of the property rezoned until there has first been review and approval of preliminary and final site plans by the Planning Commission. Application for review and approval by the Planning Commission of site plans shall be accomplished by a filing and investigation fee *of as established in the fee and charge report*. (Ordinance No. 4283 - Fourth Series {effective 12/27/79})

SECTION XIII - Section 13-A-7-a**SECTION 13: REZONINGS, AMENDMENTS AND "R" REVIEW**

A. **REGULATIONS ADOPTED:** The following regulations pertaining to rezonings and amendments to this Code are hereby adopted:

7. **Fee:**

a. A property owner's petition shall be subject to and accompanied by a filing and investigation fee *as established in the fee and charge report.*
~~to be determined as follows:~~

~~1) For rezoning of one acre of property or less the fee shall be \$477.~~

~~2) For rezoning of more than one acre and not more than five acres, the fee shall be \$667.~~

~~3) For rezoning of more than five acres, the fee shall be \$955.~~

SECTION XIV - Section 14-B-2**SECTION 14: VARIANCES**

B. **VARIANCE POWERS - PLANNING DIRECTOR:** (Ordinance 4283, Fourth Series {Effective December 27, 1979})

2. The application for a Planning Director's Variance shall be accompanied by proof that the applicant has given notice to the owners of all the property **abutting *within one hundred (100) feet of*** the property subject to the Variance application. The notice shall describe the scope and nature of the requested Variance.

SECTION XV - Section 14-B-3

SECTION 14: VARIANCES

B. VARIANCE POWERS - PLANNING DIRECTOR: (Ordinance 4283, Fourth Series {Effective December 27, 1979})

3. Upon approval of a Variance application by the Planning Director, the Planning Director shall provide written notice by mail to the owners of all the property ***owners within one hundred (100) feet of abutting*** the subject property of the Variance approval and of the rights of aggrieved persons to appeal.

SECTION XVI - Section 14-C-3-b-1

SECTION 14: VARIANCES

C. HEARING - PROCEDURE:

3. Notice of the hearing shall be given in the following manner:
 - b. Written notice of the hearing shall be mailed by the Planning Director at least ten (10) days prior to the hearing to the following property owners, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed, and as checked in the manner specified in Section 18B of this Ordinance:
 - 1) All owners of property located within a radius of ***five one hundred (500) (100)*** feet from the property involved in the proceedings.

SECTION XVII - Section 14-D

SECTION 14: VARIANCES

D. VARIANCE TERM

Any Variance involving an action which requires a building permit shall expire at the end of ~~one~~ ***two (2)*** years unless a building permit is obtained within the Variance term. A Variance term may be extended for one ***additional*** year periods upon application in writing ***a minimum of 30 days*** prior to expiration. An application for the extension of a Variance shall ***be subject to and accompanied by a filing and investigation fee as established in the fee and charge report.*** ~~require a planning and investigation fee.~~ (Ordinance No. 4096, Fourth Series {Effective July 29, 1978}).

SECTION XVIII - Section 15-C-3-c-2-a**SECTION 15: SPECIAL PERMITS**

C. **APPLICATION - NOTICE - HEARING**: An application for a Special Permit to be considered by the Planning Commission shall be subject to the following requirements:

3. **Hearing**:

c. Notice of the hearing shall be given in the following manner:

2) Written notice of the hearing shall be mailed by the Planning Director at least ten (10) days prior to the hearing to the following property owners, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence of the date application is filed, and as checked in the manner specified in Section 18B of this Ordinance:

a) All owners of property located within a radius of ~~five~~ **three** hundred ~~(500)~~~~(300)~~ feet from the property involved in the proceedings.

SECTION XIX - Section 15-H-2**SECTION 15: SPECIAL PERMITS****H. PLANNING DIRECTOR'S SPECIAL PERMIT:**

2. **Notice**: The application for a Planning Director's Special Permit shall be accompanied by proof that the applicant has given notice to the owners of all property ***within one hundred (100) feet of the property subject to the Special Permit application*** ~~which adjoins the property in the same ownership as that involved in the proceedings or which is separated only by a street, alley, public right of way or other easement, public use or recreational use. Same ownership exists when any legal or equitable interest is held in such adjoining property.~~ The notice shall describe the scope and nature of the requested Special Permit. After the decision on the Planning Director's Special Permit, the Director shall provide written notice by mail to the owners of all property ***within one hundred (100) feet of adjoining*** the subject property of the decision and of their right to appeal the decision to the Planning Commission within ten days of the notice. No fee shall be charged for an appeal to the Planning Commission by any aggrieved person other than the applicant.