

ORDINANCE NO. 1329

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1000 OF THE
CITY OF REDLANDS BY ADOPTING AMENDMENT NO. 74 THERETO

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOLLOWS:

Section One: That Zoning Ordinance No. 1000 of the City of Redlands, Section 50.00, Variances, and Section 51.00, Change of Zone, be hereby amended as follows:

SECTION 50.00 - VARIANCES

The purpose of a Variance shall be to insure that no property, because of special circumstances applicable to it, such as size, shape, topography, location, or surroundings, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and identical zone.

Section 50.10 - VARIANCE IN USE PROHIBITED

In no case shall a variance be granted to permit a use other than a use permitted in that district.

Section 50.20 - COMMISSION FINDINGS

The Planning Commission shall have the authority, subject to the procedures set forth in this Ordinance, to grant variances from any property development standard of this Ordinance when it is found that the strict and literal interpretation of such provisions would deny a use of property consistent with the intent and purpose of the Ordinance and the General Plan.

The Commission, before it may grant a variance, shall make a finding that in the evidence presented all of the following conditions exist in reference to the property being considered:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties or uses in the same vicinity and zone.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone district, but which is denied to the property in question.
3. That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements of others in the vicinity.
4. That the granting of such variance will not adversely affect the General Plan of the City of Redlands.

Section 50.30 - PROCEDURE

A. Application

Application for a variance shall be made by the property owner, or his authorized agent, to the Planning Commission on a form provided by the Planning Department, and shall be accompanied by a filing fee of fifty dollars (\$50.00).

B. Accompanying Maps and Data

An application for a variance shall be accompanied by maps showing the subject property as well as the surrounding area. Plans of the subject property shall show all existing and proposed buildings and uses, and any other data required by the Planning Department to adequately present the application to the Commission.

C. Scope

In cases where the Planning Department considers the application not within the scope of the variance procedure, the applicant will be so informed, whereupon if the application is accepted, it shall be signed by the applicant to the effect that he was so informed.

D. Public Hearing Date and Notice

1. A public hearing shall be held by the Planning Commission on the nearest scheduled meeting date not less than twenty-one days after the filing of the application.
2. Notice shall be published in a newspaper of general circulation not less than ten (10) days before the date set for the Planning Commission hearing. The notice shall contain all data related to the case.
3. Notices shall be mailed not less than five (5) days prior to the date of the meeting to owners of property within a radius of three hundred (300) feet of the external boundaries of the property described in the application, using for this purpose the name and address of such owners as are shown on the latest official tax roll of the County of San Bernardino. Such notice shall contain all pertinent data related to the case.

E. Decisions by Commission

The decision of the Commission shall be final unless an appeal therefrom is taken to the Council as provided for in Section 50.40. Such decision shall not become effective for ten (10) days from the date that the written decision has been made and notice thereof mailed to the applicant.

F. Notice of Decision

Not later than ten (10) days following the Planning Commission's action in granting or denying the variance, a written report of the decision shall be mailed to the applicant at the address shown on the application form. A copy of said report shall also be forwarded to the City Council.

G. Conditions to Approval

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. The Commission shall set forth such conditions as it deems necessary and reasonable to protect the best interests of the surrounding property or neighborhood, the General Plan or the intent thereof. Said conditions may include the dedication and development of streets adjoining the property and other improvements. All such conditions shall be binding upon the applicants, their successors and assigns.

Section 50.40 - APPEAL OF COMMISSION DECISION

1. Appeals may be taken to the Council by the applicant or any other person aggrieved by the Commission's decision.
2. Appeals shall be filed on forms supplied by the Planning Department with the Council within ten (10) days from the date of the Commission decision or at the next regular Council meeting following the Planning Commission meeting.
3. On the appeal, the Council shall review the decision of the Commission, hear new evidence and testimony, if offered, and in deciding the appeal may either affirm, reverse, or modify the decision of the Commission.
4. The Council may, on its own motion, cause any Commission decision to be appealed.

Section 50.50 - VOIDING OF VARIANCES

Each variance granted under the provisions of this article shall become null and void unless:

1. The construction authorized by said variance or permit shall have been commenced within one hundred and eighty (180) days after the granting of said variance and pursued diligently to completion; or
2. The occupancy of land or buildings authorized by such variance has taken place within one hundred and eighty (180) days after the granting of such variance.

3. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limits established herein, the Commission may grant an extension of time for a period not to exceed an additional ninety (90) days.
4. The Commission may void any variance for non-compliance with the conditions set forth in approving the variance.

Section 50.60 - MODIFICATIONS

The Commission may, as an administrative act, consider and approve modifications to property development standards at a public meeting when such modifications are determined to be in the public interest.

Written notice of the hearing date, time, and subject request shall be mailed to adjacent property owners not less than five (5) days prior to the meeting.

Said modifications are limited as follows: Lot area requirements, yard requirements, and lot dimension requirements may be reduced for an individual lot by not more than twenty (20) percent of that required in the district where, in the Commission's judgment, the shape of the individual building site, topography of the site, the location of an existing building, or other conditions make strict compliance impossible without practical difficulties or personal hardships.

SECTION 51.00 - CHANGE OF ZONE

Whenever the public necessity, convenience, general welfare, good zoning practice, or the policies set forth in the General Plan justifies such action, this Ordinance may be amended by changing the boundaries of zone districts.

Section 51.01 - PROCEDURE

Zone changes may be initiated by the City Council, by the Planning Commission, or by an application of the owner of any property within the area proposed to be changed.

A. Application and Fee

Application shall be made on a form provided by the City and shall be accompanied by a filing fee of Seventy-five (75) Dollars, plus One (1) Dollar for each additional lot, or, if in acreage, plus Four (4) Dollars per acre, to help defray the cost of processing the application.

B. Accompanying Maps and Data

An application for a change of zone shall be accompanied by maps showing the subject property as well as any other data required by the Planning Department to adequately present the application to the Commission.

C. Public Hearing Date and Notice

1. A public hearing shall be held by the Planning Commission on the nearest scheduled meeting date not less than twenty-one days after the filing of the application.
2. Notice shall be published in a newspaper of general circulation not less than ten (10) days before the date set for the Planning Commission hearing. The notice shall contain all data related to the case.
3. Notices shall be mailed not less than five (5) days prior to the date of the meeting to owners of property within a radius of three hundred (300) feet of the external boundaries of the property described in the application, using for this purpose the name and address of such owners as are shown on the latest official tax roll of the County of San Bernardino. Such notice shall contain all pertinent data related to the case. Not later than ten (10) days following the hearing, the Planning Commission shall render its decision in the form of a written recommendation to the City Council. Such recommendation shall include the reasons for the recommendation.

D. Consideration by Commission

In considering any request for a change of zone, the Commission shall satisfy itself that the following conditions prevail before recommending to the City Council that the change be granted:

1. That the proposed change of zone is in conformity with the General Plan of the City of Redlands.
2. That there is a need in the community for more of the types of uses permitted by the zone requested.
3. That the proposed change of zone would not adversely affect the surrounding area or the community in general.

E. Commission Action

The Commission, based on the evidence submitted and its own study and knowledge of the circumstances involved, may deny a request for a change of zone or may recommend that all or any part of a request for a change of zone be granted.

Section 51.02 - COUNCIL ACTION

1. Upon receipt of the recommendation of the Planning Commission for approval, the City Council shall hold a public hearing. If the Planning Commission has recommended against adoption of such amendment, the City Council shall not be required to take any further action thereon unless an interested party requests such a hearing by filing a written request with the City Clerk within five (5) days after the Planning Commission files its recommendations with the City Council.

2. Notice of the time and place of said hearing shall be given in the manner provided for by law.
3. In addition to notice by publication, the City Council may give notice of the hearing in such other manner as it may deem necessary or desirable.
4. Any hearing may be continued from time to time.
5. The City Council may approve, modify or disapprove the recommendation of the Planning Commission; provided, that any modification of the proposed change of zone by the City Council shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days after the reference, or such longer period as may be designated by the City Council, shall be deemed to be approval of the proposed modification.

SECTION 51.10 - ORDINANCE TEXT AMENDMENT

Whenever the public necessity, convenience, or general welfare justifies such action, this ordinance may be amended.

Section 51.11 - AMENDMENT PROCEDURE

An amendment to the text of this ordinance which imposes any regulation not heretofore imposed or removes or modifies any such regulation heretofore imposed shall be made in accordance with procedures provided by this section.

A. Initiation

1. The Planning Commission may initiate proceedings by motion.
2. The City Council may initiate proceedings by motion and then refer the matter to the Planning Commission for public hearing.
3. The Planning Department may propose amendments to the Planning Commission for consideration.

B. Public Hearing and Notice

The Planning Commission shall hold a public hearing on any such ordinance or amendment. Notice of the time and place of said hearing, including a general explanation of the matter to be considered and including a general description of the area affected, shall be given not less than ten (10) calendar days before the hearing. The notice shall be published at least once in a newspaper of general circulation, published and circulated in the city.

C. Commission Action

The Planning Commission shall review the proposed ordinance or amendment as prepared by the Planning Department, and following the required public hearing shall file a written report of its recommendation with the City Council.

Section 51.12 - COUNCIL ACTION

1. Upon receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing.
2. Notice of the time and place of said hearing shall be given in the manner provided for by law.
3. In addition to notice by publication, the City Council may give notice of the hearing in such other manner as it may deem necessary or desirable.
4. Any hearing may be continued from time to time.
5. The City Council may approve, modify or disapprove the recommendation of the Planning Commission; provided, that any modification of the proposed ordinance or amendment by the City Council shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days after the reference, or such longer period as may be designated by the City Council, shall be deemed to be approval of the proposed modification.

Section 51.15 - MINOR AMENDMENTS

Minor amendments to the ordinance text which neither impose new regulations nor remove or modify existing regulations may be initiated and adopted as other ordinances are initiated and adopted.

Section Two: This ordinance shall be in force and take effect as provided by law.

Section Three: The City Clerk shall certify to the adoption of this ordinance and cause it to be published once in the Redlands Daily Facts, a newspaper of general circulation printed and published in the City of Redlands.

ATTEST:

s/ Waldo F. Burroughs

Mayor of the City of Redlands

Peggy A. Moseley
City Clerk

APPROVED FOR FORM:

s/ Edward F. Taylor

City Attorney

I, Peggy A. Moseley, City Clerk, City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 7th day of February, 1967, by the following roll call vote:

AYES: Councilmen Martinez, Hartzell, Cummings, DeMirjyn, Mayor Burroughs
NOES: None
ABSENT: None

Peggy A. Moseley
City Clerk