

ORDINANCE NO. 860

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA Design Review Text Amendment

Amending Chapter 17.32, Design Review/Historic Zone; Chapter 17.75, Demolition of Buildings and Structures, Chapter 17.66, Administration, and Chapter 17.70, Enforcement and Penalty.

The City Council of the City of Sonora does hereby ordain as follows:

SECTION ONE: Amend Chapter 17.32, Design Review/Historic Zone, as follows:

Chapter 17.32

DESIGN REVIEW/HISTORIC ZONE

Sections:

- 17.32.010 Purpose.
- ~~17.32.020 Uses allowed by right.~~
- 17.32.030 Designation of Design review zone boundaries/Historic area boundaries.
- ~~17.32.040 Planning Commission shall serve as the Design Review/Historic Committee~~
- 17.32.050 Building permits, ~~business license-Approval of plans or use.~~
- 17.32.060 Considerations-Gold Rush or Mother Lode architecture-Inventory of historical structures.
- 17.32.065 Additional activities requiring design review.
- 17.32.070 Considerations-structures outside historic area.
- 17.32.080 Design approval-Application.
- 17.32.090 Design approval-Decision of Planning Commission.
- 17.32.100 Appeals.
- 17.32.110 Appeals-Placed on City Council's agenda.
- 17.32.120 Appeals-Determination by City Council.
- ~~17.32.130 Secretary-Community Development Director.~~

17.32.010 Purpose.

The purpose of the ~~design review/historic zone~~ is to;

- preserve the buildings and character of those areas of the City which are either historic in nature or are close to historic structures.
- promote the harmonious appearance of structures in other parts of the town which are not of a historic character. ~~The design review/historic zone is intended for combining with other underlying zones. More particularly, it is established~~

- protect and enhance the historic gold rush period architecture, 1849~~52~~ to 1880 1900, in the historic area, which is economically important to the tourist industry and to the people of the City, and
- ~~establish zones of design elements and uses which are compatible with those and other areas of the City having special aesthetic interest, and value, so as to maintain and enlarge the precincts offering outstanding appearance to public view, and~~
- establish a method for determining compliance with this title and to promote the orderly development of the City, the stability of land values and investments, and the general welfare, by preventing the impairment of land values through the erection of structures, or alterations, or additions ~~or uses of property without proper attention to siting, compatibility of design or compatibility of use.~~
- ensure building design that encompasses the unifying values of human scale and the use of natural materials and their role in preserving character and avoid out-of-scale or incompatible design.
- maintain a tradition of architectural diversity that enhances the character of the commercial districts.

[Ord. 808 §2 (part), 2012; Ord. 569 § 1, 1989: Ord. 569 § 2, 1982; Ord. 525 § 4, 1979.]

17.32.020 — Uses allowed by right.

~~The uses allowed by right are all of the uses allowed in the underlying zone with which the design review/historic zone is combined. [(Ord. 808 §2 (part) 2012; Ord. 525 § 3, 1979.)]~~

17.32.030 Designation of Design Rreview zone Boundary boundaries/~~Historic area boundaries.~~

A. ~~Design review boundaries.~~

~~The requirements of this chapter, as it relates to siting, compatibility of design or appearances, shall apply to:~~

- All property within the commercial zone, general commercial zone, limited manufacturing zone and tourist and administrative zone, property or and
- ~~To any other design review zone adopted by ordinance of the City Council.~~

B. ~~Historic area boundaries.~~

~~The requirements of this chapter, as it relates to compatibility of use, shall apply to:~~

- Historic Area:

All property within an area bounded on the north by Elkin Street, on the south by Church Street, on the east by the centerline of Stewart Street and on the west by the centerline of Green Street. For the purposes of this chapter, the above described ~~compatibility of use~~ area shall also be known as the "historic area."

[Ord. 808 §2 (part), 2012; Ord. 647 § 1, 1989: Ord. 569 § 2, 1982: Ord. 5 25 § 4, 1979.]

17.32.040 — ~~Planning Commission shall serve as the Design Review/Historic Committee.~~

~~A Design Review/Historic Committee is established to review and consider all plans or applications for license for use submitted under this Chapter. The Planning Commission of the~~

~~City shall serve as the Design Review/Historic Committee. Three members of the Planning Commission shall serve as a quorum for the Design Review/Historic Committee. [Ord. 808 §2 (part), 2012; Ord. 569 § 3, 1982; Ord. 525 § 5, 1979.]~~

17.32.050 Building permits, ~~business license-Approval of plans or use.~~

- A. Each applicant for a building permit which would authorize new construction, or exterior alterations, additions or modifications of any building or structure, or part thereof within the ~~zone~~ Design Review Boundary shall first obtain approval of the building plans and materials for the proposed exterior changes specifications thereof from the Planning Commission. An applicant for new construction or exterior alterations, additions or modifications shall furnish complete elevation details (i.e., drawings of the building exterior) and specifications, plot plan, and such other information as the Planning Commission may require. ~~Each applicant for a demolition permit of any building, structure or part thereof within the zone shall comply with the provisions of Chapter 17.75. Each applicant for a business license wherein the existing use is sought to be changed shall first obtain approval for such intended use from the Planning Commission. The Planning Commission shall review any such applications and shall report its approval, conditional approval or denial to the applicant and to the building department within thirty days.~~
- B. Nothing in this section shall be construed to require design review approval by the Planning Commission, in the following situations, ~~unless otherwise provided in Chapter 17.75:~~
1. Ordinary maintenance or repairs of any such structure which does not involve a change in design, exterior material or original appearance of a structure ~~within the historic zone;~~
 2. Any construction, reconstruction, alteration, or removal of any feature, or appurtenance which has been determined by the City Building Official to be necessary to protect health or safety;
 3. ~~Any commercial use which is currently conducted within the area bounded on the north by Elkin Street, on the south by Church Street, on the east by the centerline of Stewart Street and on the west by the centerline of Green Street. New single family residential construction.~~
 4. Any exterior alterations, additions or modification of any single family residence less than 50 years of age.
 5. Any construction, reconstruction, alteration or removal of an awning or roofing material provided that such awning or roofing material is aesthetically, architecturally, and historically appropriate as determined by the Community Development Director.

[Ord. 808 §2 (part), 2012; Ord. 569 § 4, 1982; Ord. 558, 1981; Ord. 549, 1981; Ord. 525 § 6, 1979.]

17.32.060 Considerations-Gold Rush or Mother Lode architecture-Inventory of historical structures.

- A. When considering the approval of plans for a building which is itself a historic structure, or is adjacent to a historic structure, the Planning Commission shall consider its conformity with the features found either on the original building or on those typical of the period in which the structure was constructed. The following structures are deemed to have historical significance and are typical, in design features, of buildings which exemplify "Gold Rush or Mother Lode" architecture of the ~~1849~~1849-1880~~1880~~1900 period:

1. 77 N. Washington Street;
2. First level, 132 N. Washington Street;
3. 84 N. Washington Street;
4. Upper level, northwest corner of N. Washington and Dodge;
5. 51 N. Washington Street;
6. 23 N. Washington Street;
7. 21 N. Washington Street;
8. 38 N. Washington Street;
9. 24 N. Washington Street;
10. 139 S. Washington Street;
11. 258 S. Washington Street;
12. 286 S. Washington Street;
13. 64 S. Washington Street.

B. In any review of the exterior features of a proposed new structure or remodeling, the Planning Commission shall be guided by the features found in the above listing, and by design guidelines as may be adopted by resolution of the City Council. The design and exterior materials of construction shall reflect the traditional architectural characteristics of the community, blend with the adjacent neighborhood, or be consistent with any applicable design standards in the general plan or as provided in this title. ~~Any structure may be restored to its original design regardless of period.~~ Any new structure which is adjacent to historic buildings shall be designed to be compatible with its neighboring buildings.

[Ord. 808 §2 (part), 2012; Ord. 767, 2004]

~~C. When considering an application for a new use within the area bounded on the north by Elkin Street, on the south by Church Street, on the east by the centerline of Stewart Street and on the west by the centerline of Green Street, the Planning Commission shall be guided by the historic flavor of the area so as to insure compatibility of the intended use with the uses traditionally conducted within the area. Compatibility of use is defined as being capable of coexisting in harmony with other uses within the area so as to insure the continuance of the historical significance of the area.~~

~~[Ord. 808 §2 (part), 2012; Ord. 767 § 4, 2004; Ord. 569 § 5, 1982; Ord. 553, 1981; Ord. 525 § 7 (part), 1979.]~~

17.32.065 Additional activities requiring design review.

In addition to the provisions of Section 17.32.060, the following activities within the Design Review Boundary shall first obtain approval from the Planning Commission:

- A. Sandblasting of all masonry surfaces on buildings or structures 50 years or older;
- B. The placement ~~or use of~~ nonresidential manufactured or modular buildings, storage or cargo containers., ~~or accessory storage buildings in the zone~~;
- C. Accessory structures, which are in excess of 120 sq. ft. and require a building permit.
- ~~CD.~~ Murals, defined as the temporary or permanent application of a picture, illustration, scene, depiction, or graphic representation, either painted or applied through other media or materials, directly on a wall or on panels attached to walls. Murals are considered an integral part of the architectural theme, and primarily are not intended to direct attention to products,

goods, services, events or entertainment, and are therefore considered to be public art, and not signs. Mural sponsor and artist names may be incorporated but shall be discreet and not exceed 5% of the design. The mural shall have a weatherproof and vandalism-resistant coating. The mural must be properly maintained to ensure that material failure is corrected and vandalism removed promptly. The maintenance of the mural will be the responsibility of the property owner. ~~Review considerations to include, but not be limited to, location of the mural; qualifications of the mural artist; paint and/or other media or materials to be utilized; subject matter having an historic/cultural theme reflecting the history and background of the Sonora and Tuolumne County area; care and maintenance;~~

Review criteria to include:

1. The installation of the mural shall complement and enhance the building and be incorporated architecturally into the building façade.
2. The location of the mural on the building shall not cover or detract from significant or character-defining architectural features.
3. Murals shall enhance and complement the character of the surrounding neighborhood.
4. The scale of the mural shall be appropriate to the building and the site.
5. The mural shall be an original design.
6. Preference shall be given to murals with a subject matter having an historic/cultural theme reflecting the history and background of the City and/or Tuolumne County.
7. Qualifications of the mural artist, paint and/or other media or materials to be utilized.

~~D. Any building not otherwise required to have a building permit to construct except those buildings that are accessory to the primary use of the property, other than accessory storage buildings.~~

[Ord. 808 §2 (part), 2012; Ord. 744 § 1, 2000; Ord. 736, 1998: Ord. 693 § 1, 1994; Ord. 676 § 1, 1992.]

17.32.070 Considerations-Structures outside historic area.

When considering the plans for a structure which is outside the historic area of the town, the following shall be considered by the Planning Commission:

~~A. The siting of any structure upon the property as compared to the siting of other structures in the immediate neighborhood.~~

~~BA. All structures shall be in good proportions; have simplicity of mass and detail and shall not be inharmonious with the other buildings in the City of like class and type; there shall be an appropriate and fitting use of materials; colors shall be in good taste and never harsh or garish, but in harmony with themselves and their environment.~~

~~CB. The size, location, design, color, number, lighting and materials of all signs and outdoor advertising structures shall be reviewed by the Community Development Department. Signs within the historic area shall be reviewed by the Community Development Department in accordance with the requirements of Section 15.28.165. No signs shall be approved in excess of the limits or requirements of any ordinance of the City without prior approval of the Planning Commission as per Section 15.28.440.~~

~~D. Landscaping shall be required as per on the site in keeping with the character or design of adjacent buildings, and existing trees shall be preserved whenever possible.~~

~~E. The size, location and arrangements of on site parking and paved areas and their lighting.~~

~~F. Ingress, egress and internal traffic circulation.~~

~~G. All of the above factors shall be related to the setting or established character of the surroundings.~~

~~H. No development shall be arbitrarily or capriciously restricted if it is otherwise legitimate and generally acceptable to the people of the City.~~

[Ord. 808 §2 (part), 2012; Ord. 525 § 7 (part), 1979.]

17.32.080 Design approval-Application.

Applications for design review approval shall be submitted to the Community Development Department on forms provided by the City for that purpose. Such applications shall be accompanied by a fee as adopted by resolution by the City Council.

[Ord. 808 §2 (part), 2012; Ord. 600 § 4 (part), 1985; Ord. 525 § 8, 1979.]

17.32.090 Design approval-Plans-Decision of Planning Commission.

The Planning Commission may approve or disapprove all or any part of plans ~~or intended use~~ or may approve subject to specified changes, additions or conditions. ~~Disapproved plans or intended use~~ may be resubmitted, after revision or correction, without payment of additional fee by applicant.

[Ord. 808 §2 (part), 2012; Ord. 569 § 6, 1982; Ord. 525 § 9, 1979.]

17.32.100 Appeals.

Any appeal from a decision of the Planning Commission shall be filed as follows: by filing a notice of appeal in writing, in along with the \$100 Appeals Fee, to the office of the Community Development Department, prior to the close of the tenth day following the day of action of the Planning Commission. Any notice of appeal shall set forth specific grounds upon which the appeal is taken and shall be signed by the person or persons appealing. Either the applicant or proponent or any interested person may appeal a decision of the Planning Commission. Such decision becomes final if an appeal is not filed within the time herein specified.

[Ord. 808 §2 (part), 2012; Ord. 600 § 4 (part), 1985; Ord. 525 § 10, 1979.]

17.32.110 Appeals-Placed on City Council's agenda.

Upon the filing of such appeal, the City Clerk shall place the appeal on the agenda of the next regular meeting of the City Council, ~~unless the mayor authorizes placing the matter on the agenda of an earlier meeting.~~

[Ord. 808 §2 (part), 2012; Ord. 525 § 11, 1979.]

17.32.120 Appeals-Determination by City Council.

At the time set for hearing the appeal, the City Council shall proceed to hear and determine the same. The hearing may be continued, at the discretion of the City Council, in order

to obtain further facts or hear further witnesses. ~~After the initial hearing, the City Council may set a public hearing prior to making a determination, on notice to be given in the manner provided by subsection B of Section 17.62.100.~~ Any determination by the City Council shall be final and conclusive and not subject to further appeal.
[Ord. 808 §2 (part), 2012; Ord. 525 § 12, 1979.]

~~**17.32.130 — Secretary Community Development Director.**~~

~~The Community Development Director of the City shall serve as and perform the duties of secretary to the Planning Commission. [Ord. 808 §2 (part), 2012; Ord. 525 § 13, 1979.]~~

SECTION TWO: Amend Chapter 17.75, Demolition of Buildings and Structures, as follows:

Chapter 17.75

DEMOLITION OF BUILDINGS AND STRUCTURES

Sections

- 17.75.010 Purpose.**
- 17.75.020 Permit required.**
- 17.75.030 Exceptions.**
- 17.75.040 Application for demolition permit; Issuance by City Building Official; Concurrent processing with design review.**
- 17.75.050 Process for demolition requests for buildings or structures less than 50 years of age.**
- 17.75.060 Process for demolition requests for buildings or structures 50 years of age or older, Consultation, Planning Commission Referral.**
- 17.75.070 Process for demolition requests for buildings or structures of undetermined age.**
- 17.75.080 Planning Commission findings for approving demolition requests and alternatives for action.**
- 17.75.090 Appeal.**
- 17.75.100 Effective date of decision.**
- 17.75.110 Expiration of decision; permit expiration.**
- 17.75.120 Lot maintenance after demolition, violation.**
- 17.75.130 Violation – enforcement.**
- 17.75.140 Violation – penalty fees.**

17.75.010 Purpose.

The purpose of this Chapter is to establish a process and standards for evaluating requests for the demolition of buildings and structures citywide regardless of age, location, or zoning.
[Ord. 808, §1 (part), 2012]

17.75.020 Review required.

No building or structure in any zoning district may be demolished and no building permit for demolition may be issued without approval pursuant to this Chapter except as provided in Section 17.75.030. [Ord. 808, §1 (part), 2012]

17.75.030 Exceptions to review process.

The following are exempted from the demolition review process as detailed in Sections 17.75.040 through ~~17.75.080~~100:

A. The City Building Official may issue a demolition permit for any building or structure that he or she determines to be an imminent hazard to public safety, either to the subject property or to neighboring properties, and where demolition is the only feasible means to secure the public safety. Prior to demolition of any such building or structure, the applicant will measure and photo document the resource, where safety permits, and provide the documentation to the Community Development Department

~~B. Normal maintenance or repair.~~

B. Accessory buildings and accessory structures of less than 200 square feet in size, as measured from the outside of the building or structure, *except* for those listed or determined eligible for listing on a cultural resources register. The Community Development Director, in consultation with the City Building Official, may require preparation of a cultural resource evaluation in conjunction with the demolition permit application if the Director has reason to believe that the building or structure may be eligible for listing on a cultural resources register. If an evaluation determines that the resource is eligible for listing, individually and/or as a contributor to a potential district, on a cultural resource register, the Director will forward the application to the City of Sonora Planning Commission (Planning Commission) for consideration pursuant to Section 17.75.060.

[Ord. 808, §1 (part), 2012]

17.75.040 Application for demolition permit; Concurrent processing with design review.

Applications for demolition permits shall be submitted to the Community Development Department on forms prescribed by the Community Development Director for that purpose. Such applications shall be accompanied by a fee adopted by resolution of the City Council.

For any building or design review permit application where demolition is also proposed, permits shall be processed and issued concurrently.

[Ord. 808, §1 (part), 2012; Ord. 600 subsection 4(part) 1985; Ord. 525 Subsection 8, 1979 and Ord. 647 Section 2 (part), 1989]

17.75.050 Process for demolition requests for buildings or structures less than 50 years of age.

A. Where the Community Development Director determines that satisfactory evidence has been provided to document that the building or structure is less than 50 years of age and is not

listed or eligible for listing on a cultural resources register, the City Building Official may issue a demolition permit except as provided in paragraph B.

- B. The Community Development Director, in consultation with the City Building Official, may require preparation of a cultural resource evaluation in conjunction with the demolition permit application if the Community Development Director has reason to believe that the building or structure may be eligible for listing on a cultural resources register. If an evaluation determines that the resource is eligible for listing, individually and/or as a contributor to a potential district, on a cultural resource register, the Community Development Director will forward the application to the Planning Commission for consideration pursuant to Section 17.75.060.

[Ord. 808, §1 (part), 2012]

17.75.060 Process for demolition requests for buildings or structures 50 years of age or older, Consultation, Planning Commission Referral.

Prior to demolition of any building or structure 50 years of age or older the following is required:

- A. The Community Development Director will require preparation of a cultural resource evaluation in conjunction with the demolition permit application. The project proponent is responsible for the cost of preparing the cultural resource evaluation.

The cultural resources evaluation, prepared by a qualified consultant as determined by the Community Development Director, shall determine the potential eligibility of the building or structure for listing, individually and/or as a contributor to a potential district, on a cultural resources register.

- B. Concurrently with the preceding, the Community Development Director shall forward the application to cultural resources agencies and experts as he or she may deem necessary for review and comment.
- C. For buildings or structures determined ineligible for listing on a cultural resources register, the City Building Official may issue a demolition permit after the Community Development Director accepts the cultural resources evaluation as accurate and complete and after consultations as required in paragraph B. A notice of the City Building Official's decision to issue a demolition permit shall be forwarded to cultural resources agencies at least 10 days in advance of demolition. Decisions of the City Building Official or Community Development Director may be appealed within 10 days in accordance with Section 17.75.090(A).
- D. Buildings or structures determined eligible for listing, individually and/or as a contributor to a potential district, on a cultural resources register shall be referred to the Planning Commission for consideration as follows subject to the findings in Section 17.75.080.

The Community Development Director shall forward a report to the Planning Commission, including comments and recommendations received in response to consultations pursuant to paragraph B and schedule the application for a public hearing before the Planning

Commission following the process established in Sonora Municipal Code Sections 17.62.030 through 17.62.050.

[Ord. 808, §1 (part), 2012]

17.75.070 Process for demolition requests for buildings or structures of undetermined age.

For building or structures of undetermined age which, in the opinion of the Community Development Director, may be 50 years of age or older, the Community Development Director may require preparation of a cultural resource evaluation at his or her discretion. If, during the preparation of the cultural resources evaluation, it is determined that the building or structure is less than 50 years of age and ineligible for listing on a cultural resources register, then the provisions of Section 17.75.050 shall apply. If the evaluation determines that the building is 50 years of age or older, then the provisions of Section 17.75.060 shall apply. The decision of the Community Development Director may be appealed in accordance with Section 17.59.010 and 17.75.090(A).

[Ord. 808, §1 (part), 2012]

17.75.080 Planning Commission findings for approving demolition requests and alternatives for action.

In considering the demolition application, the Planning Commission will consider the following:

- A. Findings. Demolition may be approved for a building or structure or portion thereof only where at least one of the following findings are made:
 - 1. The Planning Commission determines that the owner would have no economic use of the property unless the structure is removed. In this instance, the applicant shall submit to the City such economic and financial data as is determined necessary by the Community Development Director to substantiate such claim; or
 - 2. The Planning Commission determines that the structure is in such a deteriorated condition that demolition will not have a significant effect on the achievement of the purposes of this Chapter or the City's general plan; or
 - 3. The Planning Commission determines that demolition of the structure is consistent and does not conflict with the City's goals, policies, and programs with respect to the management of cultural resources in the City as reflected in the City's general plan.
- B. Actions. After due consideration, the Planning Commission shall exercise one of the options listed below:
 - 1. The Planning Commission may approve the demolition if the application conforms to one of the three findings listed in subsection A of this section; or

2. The Planning Commission may decide that up to a four week stay of demolition be placed upon the processing of the demolition permit, in order to allow time for the applicant and Planning Commission to seek alternative solutions to demolition. If no alternatives are found, after the period established for stay of demolition, the Planning Commission may approve the application; or
3. The Planning Commission must deny the application if none of the required findings per Section 17.75.080(A) can be made.

[Ord. 808, §1 (part), 2012; Ord. 647, Subsection 2, 1989]

17.75.090 Appeal.

- A. An appeal of the Community Development Director or City Building Official’s decision pursuant to this Chapter may be made by the applicant, proponent, or any interested party to the Planning Commission per the process established in Section 17.59.050.
- B. An appeal of the Planning Commission’s decision pursuant to this Chapter may be made by the applicant, proponent, or any interested party to the City Council in accordance with Sections 17.32.100 through 17.32.130.

[Ord. 808, §1 (part), 2012; Ord. 600 subsection 4(part), 1985; Ord. 525 subsection 10, 1979]

17.75.100 Effective Date of Decision.

Demolition decisions made pursuant to this Chapter shall not become effective until any appeal filed pursuant to Section 17.75.090 has been concluded, or the time for filing an appeal has expired and no challenges to the decision have been filed. [Ord. 808, §1 (part), 2012]

17.75.110 Expiration of Decision; Permit Expiration.

- A. A demolition permit must be obtained from the City Building Official after demolition is approved by the Planning Commission. A demolition permit must be secured within one year after the date of the Planning Commission’s decision approving demolition unless: i) conditions of Planning Commission approval establish a shorter expiration period, ii) an extension has been issued by the Community Development Director, or iii) a demolition permit has been issued by the City Building Official. The Community Development Director may grant an extension of the Planning Commission’s decision approving a demolition for up to one additional year unless a demolition permit already has been issued by the City Building Official.
- B. Once a demolition permit is issued by the City Building Official, the demolition permit shall expire, and extensions shall be granted, as per Section 15.10.100 of the Sonora Municipal Code, and become null and void 180 days after the date of issuance unless the authorized use is carried out or an extension has been issued by the City Building Official. One extension may be granted by the City Building Official for up to 180 additional days.

[Ord. 808, §1 (part), 2012]

17.75.120 Lot maintenance after demolition, Violation.

All lots shall be maintained in a clean, safe and aesthetically pleasing manner after demolition. Failure to comply shall be considered a violation subject to the penalties provided in Chapter 17.70. [Ord. 808, §1 (part), 2012]

17.75.130 Violations – Enforcement.

A violation of this Chapter shall be enforced as provided in Sonora Municipal Code Chapter 17.70. [Ord. 808, §1 (part), 2012]

17.75.140 Violations – Permit penalty.

In addition to the penalties provided in Chapter 17.70, an applicant for a demolition permit to legalize a violation of this Chapter shall pay a violation permit processing penalty in accordance with the California Building Code. [Ord. 808, §1 (part), 2012]

SECTION THREE: Amend Chapter 17.66, Administration, as follows:

Chapter 17.66

ADMINISTRATION

Sections:

17.66.010 Community Development Department

17.66.020 Planning Commission.

17.66.030 Planning Commission - Use permits.

17.66.040 Planning Commission - Variances.

17.66.010 Community Development Department.

The Community Development Department, administered by the Community Development Director, shall assist in the administration of this title by:

- A. Processing and investigating all applications ~~for conditional use permits and variances;~~
- B. Reviewing applications for building permits and other licenses referred to it to determine their compliance with this title.

(Ord. 376 § 10-3-2, 1967.)

17.66.015 Secretary-Community Development Director.

The Community Development Director of the City, or his or her staff designee, shall serve as and perform the duties of secretary to the Planning Commission. [Ord. 808 §2 (part), 2012; Ord. 525 § 13, 1979.]

17.66.020 Planning Commission.

The Commission shall:

- A. Supervise the administration of this title;
- B. Adopt rules and procedures necessary or convenient for the filing of all applications regulated under this title ~~conditional use permits, variances and petitions;~~
- C. Act upon all applications ~~for use permits and variances;~~
- D. Make recommendations to the Council upon amendments to zone boundaries or to provisions of this title;

- E. By resolution, on request or on its own initiative, adopt rules implementing the general plan or zone regulations of this title by:
1. Setting forth additional specific uses allowed by right and by use permit which are, in the opinion of the Commission, similar or accessory to those listed in this title and conform to the purposes of the zone regulations,
 2. Setting forth additional specific uses for which parking space is required which are, in the opinion of the Commission, similar or accessory to those listed in this title,
 3. ~~Setting forth standards of odor, gas, fumes, dust, smoke, noise, vibrations, glare, heat, electrical interference, radioactivity or waste allowable beyond the confines of a property.~~

(Ord. 376 § 10-3-1, 1967.)

17.66.030 Planning Commission - Use permits.

- A. The Commission may grant a conditional use permit to authorize a specific use, and structure devoted to such use, on a specific parcel within a zone where such use is allowed by a use permit, in accordance with the procedure specified in Chapter 17.62.
- B. The Commission may grant a use permit if it finds that the use applied for is necessary or desirable on a specific parcel, not injurious to the neighborhood, consistent with the intent of this title, and with the purposes for such zone.

(Ord. 376 § 10-3-3, 1967.)

17.66.040 Planning Commission - Variances.

- A. The Commission may grant a variance to authorize a specific exception to any regulation of Chapters 17.62 through 17.66, and 17.70 in accordance with the procedure specified in Chapter 17.62.
- B. The Commission may grant a variance if it finds that the strict adherence to a regulation may cause unnecessary hardship and that all of the following exist:
1. Exceptional or extraordinary circumstances or conditions, not resulting from any act of the owner or applicant, apply to the property and not generally to other properties in the vicinity and the same zone.
 2. The exception does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and the same zone.
 3. The exception is the minimum necessary for the reasonable use of the property.
 4. The exception is not injurious to the neighborhood, is consistent with the intent of this title, and with the purposes for such zone.

(Ord. 376 § 10-34, 1967.)

SECTION FOUR: Amend Chapter 17.70, Enforcement and Penalty, as follows:

Chapter 17.70

ENFORCEMENT AND PENALTY

Sections:

- 17.70.010 Permit issued for complying uses.**
17.70.020 Permit does not authorize violation.
17.70.030 Enforcement.

17.70.040 Violation - Abatement.

17.70.050 Violation - Penalty.

17.70.010 Permit issued for complying uses.

No building permit shall be issued by the Community Development Department for construction, demolition, alteration, addition to, or moving of a structure unless such work would comply with the provisions of this title, or a conditional use permit or a variance as issued by the Planning Commission. [Ord. 376 § 10-3-7(B), 1967.]

17.70.020 Permit does not authorize violation.

A permit or license issued by a municipal or other public agency for a use or structure in violation of a provision of this title, except as provided by a conditional use permit, variance, or appeal, shall not constitute authorization for such a violation or establish vested rights. (Ord. 376 § 10-3-7(C), 1967.)

17.70.030 Enforcement.

The Community Development Department and other law enforcement agencies of the City shall enforce the provisions of this title. [Ord. 376 § 10-3-7(A), 1967.]

17.70.040 Violation - Abatement.

The construction, alteration, addition to, or moving of a structure, or the use of land or structure in violation of the provisions of this title, is unlawful and constitutes a public nuisance. ~~The City Attorney, upon order of the City Council, shall immediately commence action for the abatement, removal, restraining and enjoinder of such violation in the manner prescribed by law.~~ The City may initiate any enforcement action or take the necessary steps to abate the nuisance in accordance with Chapter 14.01 of this Code. The remedies provided in this title are cumulative and shall not exclude other remedies for a violation of this title as provided by other laws or ordinances. (Ord. 376 § 10-3-8, 1967.)

17.70.050 Violation - Penalty.

Any person violating or causing a violation of the provisions of this title or permitting such a violation on land or in a structure owned, rented, or controlled by him, is guilty of an ~~misdemeanor~~ infraction, and upon conviction thereof shall be punished as provided in ~~Section 1.08.010 under Chapter 1.08 of this Code.~~ (Ord. 376 § 10-3-9, 1967.)

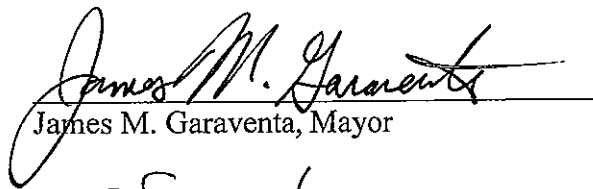
This Ordinance shall take effect thirty (30) days after its passage and shall be published within (15) days after its final passage as required by law.


Said Ordinance was introduced at a regular meeting of the City Council of the City of Sonora held on September 16, 2019, and passed and adopted as an Ordinance of said City at a regular meeting of said Council held on October 7, 2019, by the following vote:

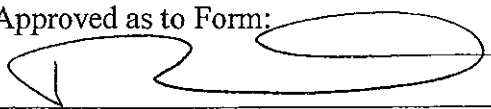
AYES: Garaventa, Hawkins, Plummer, Such, Williams

NOES: NONE

ABSENT OR ABSTAIN: NONE


James M. Garaventa, Mayor

ATTEST: 
Colette Such, City Clerk Pro Tem

Approved as to Form: 
Douglas L. White, City Attorney

Publish: The Union Democrat, Sonora
Friday, October 11, 2019