

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING PORTIONS OF CHAPTERS 19 AND 20 OF THE MUNICIPAL CODE AS IT RELATES TO THE APPEALS PROCESS FOR LAND USE DECISIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST as follows:

Section 1. Purpose

This chapter provides procedures for appeals to the Planning Commission and to the City Council for certain planning and zoning matters.

Section 2. Amendment

The title of Section 19-10 of the Ridgcrest Municipal Code is hereby amended to read as follows:

"19-10 Administration and Enforcement"

Section 3. Repeal

Sections 19-10.5 (Variance Authorized), 19-10.6 (Application), 19-10.7 (Referrals), 19-10.8 (Action of Planning Commission), 19-10.9 (Appeal to City Council), and 19-10.10 (Severability) of the Ridgcrest Municipal Code are hereby repealed.

Section 4. Repeal

Section 20-24.10 (Appeal of Planning Commission Action) of the Ridgcrest Municipal Code is hereby repealed.

Section 5. Repeal

Section 20-25.8 (Appeal of Planning Commission) of the Ridgcrest Municipal Code is hereby repealed.

Section 6. Amendment

The title of Section 20-28 of the Ridgcrest Municipal Code is hereby amended to read as follows:

"20-28 Enforcement and Appeal"

Section 7. Amendment

Section 20-28.4 is hereby added to the Ridgcrest Municipal Code to read as follows:

"20-28.4 **Appeals: General.** Except as otherwise provided in Chapters 19 or 20 or required by state law, appeals may be taken only by: (1) citizens affected by such decision; (2) property owners or a group of property owners affected by such decision; (3) any governmental agency or other entity owning property which may be affected by such decision; or (4) the City Council."

Section 8. Amendment

Section 20-28.5 is hereby added to the Ridgcrest Municipal Code to read as follows:

"20-28.5. Appeal to Planning Commission

(a) Whenever the provisions of Chapters 19 or 20 delegate the authority to carry out any of the provisions of this chapter to any city officer or employee, the decision of such person shall be final subject to appeal to the Planning Commission. A written appeal must be filed with the community development director within ten calendar days of the date that the notice of the decision from the authorized individual was given to the applicant.

(b) The appeal shall state why the decision appealed from is not in accord with the purposes of this chapter, and shall describe error or an abuse of discretion. The appeal shall also set forth the requested relief.

(c) The Planning Commission shall consider the appeal at a public hearing and approve, conditionally approve, or deny the appeal. Notice of the time and place of said hearing shall be given at least ten calendar days before the hearing."

Section 9. Amendment

Section 20-28.6 is hereby added to the Ridgcrest Municipal Code to read as follows:

"20-28.6 Appeal to City Council

(a) The decisions of the planning commission may be appealed to the city council. The appeal shall be filed with the city clerk within ten calendar days of the date of the planning commission's decision. No appeals to the city council may be taken by any person or entity not

appearing either in person or in writing before the planning commission.

(b) The appeal shall state why the decision appealed from is not in accord with the purposes of this chapter, and shall describe error or an abuse of discretion. The appeal shall also set forth the requested relief.

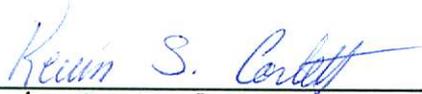
(c) Except as required by California Government Code Section 65856, the city council may, without public hearing, approve the action of the planning commission and deny the appeal. If the city council decides to accept the appeal and review the action taken by the planning commission, the city council shall affirm, reverse, or modify the decision of the commission at a regular meeting. Notice of the time and place of said hearing shall be given at least ten calendar days before the hearing in the same form as that required for appeals to the planning commission."

Section 10. Other

Except as provided herein, the Ridgecrest Municipal Code is hereby reaffirmed and readopted.

APPROVED AND ADOPTED this 20th day of May, 1992, by the following vote:

- AYES:** Mayor Corlett, Council Members Auld, Bitney, Bryan, and Parode.
- NOES:** None.
- ABSTAIN:** None.
- ABSENT:** None.



Kevin S. Corlett, Mayor

ATTEST:



Joyce M. Taft, City Clerk

(SEAL)