

Attachment D

Redline/Strikeout Revisions of the Title 20 Amendments

Redline/Strikeout

Proposed Code Amendment No. CA2019-001 to Clarify Provisions related to Overlays and Public Hearing Notice Requirements.

Section 1: Section 20.28.010 (Purposes of Overlay Zoning Districts) of Chapter 20.28 (Overlay Zoning Districts (MHP, PM, B, H)) of Title 20 (Planning and Zoning) of the Newport Beach Municipal Code shall be amended to read as follows

20.28.010 Purposes of Overlay Zoning Districts.

The purposes of the individual overlay zoning districts and the manner in which they are applied are outlined below. An overlay district may be initiated as a Zoning Map amendment in compliance with Chapter 20.66 (Amendments). All development shall comply with the applicable development standards (e.g., setbacks, height) of the underlying zoning district in addition to the standards provided in this chapter, if any. In situations where an inconsistency occurs between the development standards of the underlying zoning district and the standards in this chapter, the ~~most restrictive~~ standard s of the overlay district shall prevail.

Section 2: Subsection 20.62.020(B)(2)(c) (Nearby Property Owners) of Chapter 20.62 (Public Hearings) of Title 20 (Planning and Zoning) of the Newport Beach Municipal Code shall be amended to read as follows:

- c. Nearby Property Owners. All owners of property located within a three hundred (300) foot radius, excluding intervening rights-of-way and waterways, of the exterior boundaries of the subject lot, as shown on the last equalized assessment roll or, alternatively, from other records that contain more recent addresses. It shall be the responsibility of the applicant to obtain and provide to the Department the names and addresses of all owners required by this section. If the number of property owners to whom notice would be mailed in compliance with this section is more than one thousand (1,000), in lieu of mailed notice, the Director may choose to publish a one-eighth page display advertisement in a newspaper of general circulation within the City;

Section 3: Subsection 20.62.020(B)(4) (Alternative to Mailing) of Chapter 20.62 (Public Hearings) of Title 20 (Planning and Zoning) of the Newport Beach Municipal Code shall be amended to read as follows:

- ~~4.—Alternative to Mailing. If the number of property owners to whom notice would be mailed in compliance with subsection (B)(2)(c) of this subsection is more than one thousand (1,000), the Director may choose to provide the alternative notice specified by State law.~~
4. Additional Notice. The Director may provide additional notice of the hearing in any other manner deemed necessary.

Section 4: Section 20.66.030 (Processing, Notice, and Hearing) of Chapter 20.66 (Amendments) of Title 20 (Planning and Zoning) of the Newport Beach Municipal Code shall be amended to read as follows:

20.66.030 Processing, Notice, and Hearing.

A. If initiated by property owner(s) with the filing of an amendment application:

1. ~~A.~~Process. The application shall be processed in compliance with Chapter 20.50 (Permit Application Filing and Processing).
2. ~~B.~~Notice. Notice of the public hearings shall be provided in compliance with Chapter 20.62 (Public Hearings).

B. If initiated by Council or Commission, notice of the public hearings shall be given as specified below:

1. Publication. Notice for all matters shall be published at least once in a newspaper of general circulation in the City at least ten (10) days before the scheduled hearing.
2. Mailing. Notice shall be mailed or delivered at least ten (10) days before the scheduled hearing to all of the following:
 - a. Property Owners. All owners of property located within a three hundred (300) foot radius, of the amendment excluding intervening rights-of-way and waterways, of the exterior boundaries of the affected property, as shown on the last equalized assessment roll or, alternatively, from other records that contain more recent addresses. If the number of property owners to whom notice would be mailed in compliance with this subsection is more than one thousand (1,000), in lieu of mailed notice, the Director may choose to publish a one-eighth page display advertisement in a newspaper of general circulation within the City;
 - b. Local Agencies. Each local agency expected to provide schools, water, or other essential facilities or services as a result of the amendment, whose ability to provide the facilities and services may be significantly affected; and
 - c. Persons Requesting Notice. A person who has filed a written request for notice with the Director and has paid the required fee for the notice.
3. Additional Notice. The Director may choose to provide additional notice of the hearing in any other manner deemed necessary.
4. Failure to Receive Notice. The failure of any person or entity to receive notice given in compliance with this section shall not invalidate the actions of the applicable review authority.

C. Hearing.

1. The applicable review authority shall conduct one or more public hearings regarding the amendment.
2. The public hearings shall be conducted in compliance with Chapter 20.62 (Public Hearings).