

## CHAPTER 1

### GENERAL

#### SECTION:

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10-1-0:       **ENTITLEMENT EXTENSIONS:** Any references in this Title indicating a time period affecting entitlements under Section 10-4-9: Site Plan Review and Section 10-3-6: Conditional Use Permit and Variance Procedure, that had been approved, that had not expired on April 1, 2015, and that will expire before January 1, 2016, shall extend the expiration time set forth for a period of twenty-four (24) months retroactive to April 1, 2015 for all current and valid entitlements and permits existing as of the effective date. Further, this Ordinance will expire without further Council action twenty-four (24) months from the adoption of this Ordinance. (Ord. 1669, 24 March 2015; Ord. 1656, 27 Aug 2013)

10-1-1:       **NAME:** This Title of the City Code of Placerville shall be known and may be cited as the "Placerville Zoning Ordinance." It shall be referred to hereinafter as "this ordinance," and the term shall include any subsequent amendment thereof. (Ord. 1474, 8 Jan 1991)

10-1-2:       **AUTHORITY AND PURPOSE:** This Ordinance is enacted pursuant to article XI, section II of the Constitution of the State of California and to the provisions of chapter 4, title 7 (Section 65000 and subsequent sections), chapter 10, title 3 (sections 26027 and 26028) and of chapter 2, title 5 (section 50495) of the California Government Code. This Ordinance establishes certain regulations on land and structures in order to protect and promote the health, safety, and welfare of the public, and insure the orderly development of the City. This Ordinance has among other further and more specific purposes, to preserve and enhance the quality of the human environment, to promote the most desirable use of land, to conserve property values, to strengthen the economic base of the City, and to safeguard the public from future undue expenditures, all of which are in accordance with, and in implementation of, the General Plan of the City. (Ord. 1474, 8 Jan 1991)

10-1-3:       **RULES OF CONSTRUCTION:** For the purpose of this Ordinance certain grammatical forms used herein are construed as follows, unless the context of a particular provision clearly requires a different construction:

- (A)     The present tense includes the past and future, and the future includes the present.
- (B)     The masculine gender includes the feminine and neuter.
- (C)     The singular number includes the plural, and the plural includes the singular.
- (D)     The general includes the particular, but the particular controls the general.
- (E)     "Shall" denotes a mandatory provision, and "may" a permissive provision. (Ord. 1474, 8 Jan 1991)

10-1-4: **DEFINITIONS:** Certain words and phrases, when used in this Ordinance, are defined as follows; unless the context of a particular provision clearly requires a different definition:

**ACCESSORY:** Customarily incidental related and subordinate to the principal legal use of the parcel and located on the same parcel.

**ANIMAL SHELTER OR CLINIC:** Place where four (4) or more household pets, livestock, poultry or other animals of more than four (4) months of age are kept, boarded, trained or cared for.

**ANTIQUÉ STORE:** An exclusively indoor retail establishment whose primary products that are sold or exchanged derive their value from the fact that the products belong to, or were made in, a former period, as compared to a present or contemporary good or product. (Ord. 1636, 27 Apr 2010)

**ARCADE:** Any establishment where the principal use is for the operation of electronic, mechanical or video games.

**AUTOMOTIVE SERVICE STATION:** Retail place of business engaged primarily in the sale of motor fuels but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting and body and fender work are excluded except where such uses are otherwise permitted.

**BUILDING:** Roofed structure designed or used for the support, shelter or enclosure of persons, animals, vehicles or material of any kind.

**BUILDING COVERAGE:** Total of ground floor areas of all buildings, including accessory buildings, occupying a parcel, expressed as a percentage of the area of such parcel.

**BUILDING HEIGHT:** As defined in the California Building Code. (Ord. 1642, 14 Jun 2011)

**CHURCH:** Any structure, property, or any part thereof, used primarily for religious worship or related religious activities.

**CITY:** The City of Placerville, State of California.

**COLLECTION FACILITY:** A center for the acceptance by donation, redemption or purchase of recyclable materials from the public. A collection facility includes the following:

Large Collection Facility: A facility which may occupy an area of more than five hundred (500) square feet and may include permanent structures.

Processing Facility: A processing facility is a building or enclosed space used for the collection and processing of recyclable materials including preparation of material for efficient shipment, bricketing, compacting, flattening, grinding, crushing, sorting, shredding, cleaning and remanufacturing.

Reverse Vending Machine: An automated mechanical device which accepts at least one or more types of empty beverage containers; including, but not limited to, aluminum, glass, plastic bottles and issues a cash refund or redeemable credit slip. A reverse vending machine may sort and process containers mechanically provided the entire process is enclosed within the machine.

Small Collection Facility: A facility which occupies an area of not more than five hundred (500) square feet which may include a mobile unit, bulk reverse vending machine or a grouping of reverse vending machines occupying more than fifty (50) square feet. Kiosk type units which may include permanent structures or unattended containers placed for the donation of recyclable materials. A collection facility does not use power driven processing equipment.

**COMMERCIAL LODGING FACILITIES:** Establishments primarily engaged in the provision of commercial lodging on a transient basis (30 days or less) to the general public. Lodging may include the incidental provision of food, drink, sales, and services for the convenience of overnight guests. Types of lodging are further defined as follows (Ord. 1710, 12 July 2022):

**BED AND BREAKFAST ESTABLISHMENTS.** Any residence that provides guest rooms without individual kitchens for paying guests as a transient lodging facility where the owner(s) resides on-site. Bed and Breakfast Establishments shall be established subject to a conditional use permit in conformance the Section 10-4-11.

**HOTEL OR MOTEL.** Building or group of buildings containing six (6) or more rental units with or without meals provided for paying guests and having on-site management.

**SHORT-TERM RENTALS.** A single-family residence, duplex, triplex, fourplex, or 5 unit building, or group of buildings that in aggregate contain no more than five (5) rental units, each unit containing accommodations for sleeping, sanitation, eating, and a kitchen (a kitchen, when used herein, means an area within a structure that is used or designed to be used for the preparation or cooking of food and that contains the following: Cooking appliances such as stoves, ovens, or microwaves, and sink, and refrigerator.), meeting the requirements of the California Building Code, for paying guests, and are operated with or without on-site management.

COMMISSION:	The Planning Commission of the City of Placerville.
COMMUNITY CARE FACILITY:	<p>Any facility, place or building which is maintained and operated to provide nonmedical residential care, day care or house finding agency services for children, adults, or children and adults, including, but not limited to, the developmentally disabled, physically handicapped, mentally disordered, or incompetent persons.</p> <p>A community care facility may provide incidental medical services. Community care facilities are broken down into four (4) subcategories as follows:</p> <p style="padding-left: 40px;">Day Care Center: Any facility which provides nonmedical care to persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty four (24) hour basis.</p> <p style="padding-left: 40px;">House Finding Agency: Any individual or organization engaged in finding homes or other places for placement of persons of any age for temporary or permanent care or adoption.</p> <p style="padding-left: 40px;">Residential Care Facility: A facility licensed by the State of California where care, services or treatment is provided to persons living in a community residential setting.</p> <p style="padding-left: 40px;">Residential Service Facility: A residential facility (e.g. transitional and supportive housing) other than a residential care facility where the operator receives compensation for the provision of personal services, in addition to housing, including, but not limited to, protection, supervision, assistance, guidance, training, therapy or other nonmedical care. (Ord. 1654, 25 June 2013).</p>
CONDOMINIUM:	A development consisting of an undivided interest in common for a portion of the parcel coupled with a separate interest in space in residential or commercial building on the parcel. (Ord. 1679, 23 Feb 2016).
CONSIGNMENT STORE:	An exclusively indoor retail establishment whose primary service is to receive a new or used retail product from a second party who entrusts the establishment to reimburse the second party, or trustee, upon the sale of the consigned retail product. (Ord. 1636, 27 Apr 2010)
COUNCIL:	The City Council for the City of Placerville.
DAY CARE FACILITY:	Any child day care facility other than a family day care home including infant centers, preschools and extended day care facilities.
DENSITY:	The number of dwelling units per acre.

DWELLING, MULTI-FAMILY:	A building or portion thereof designed for occupancy by two (2) or more persons or households living independently of each other in separate units. Includes apartments, townhouses or similar buildings. (Ord. 1679, 23 Feb 2016)
DWELLING, SINGLE-FAMILY:	A detached building designed exclusively for occupancy by, or occupied by, one household or family for residential purposes. This classification includes factory built, modular housing units constructed in compliance with the city adopted building code and mobilehomes/manufactured housing on permanent foundations. (Ord. 1679, 23 Feb 2016)
DWELLING, TOWNHOUSE:	A dwelling unit in a row of at least two (2) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common walls. (Ord. 1679, 23 Feb 2016)
DWELLING UNIT:	Building or self-contained portion thereof, designed, or used as living quarters for not more than one family; a manufactured home on a permanent foundation system; rental unit, such as in a motel, hotel or rooming house, containing cooking or housekeeping facilities; exclusive of mobile homes. (Ord. 1627, 9 Sep 2008)
DWELLING UNIT, ACCESSORY (ADU):	An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include a kitchen as defined herein, as well as permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel where the primary residence is situated.
DWELLING UNIT, ATTACHED ACCESSORY:	An ADU that occupies part of the floor area of the existing residence, including an ADU attached to the existing residence by one or more common walls. (Ord. 1692, 24 Oct 2017).
DWELLING UNIT, DETACHED:	A dwelling unit that is not attached to any other dwelling by any physical means. (Ord. 1679, 23 Feb 2016)
DWELLING UNIT, DETACHED ACCESSORY:	A new or existing structure that is located on the property such that the unit does not share any walls with the primary residence. (Ord. 1692, 24 Oct 2017).
ELECTRONIC, MECHANICAL OR VIDEO GAMES:	Any machine, apparatus, contrivance, appliance or device which may be operated or played upon the placing or depositing therein of any coin, check, token, slug, ball or any other article or device, or by paying therefore either in advance of or after use, involving in its use either skill or chance, including, but not limited to, tape machine, pinball machine, bowling game machine, shuffleboard machine, marble game machine, horseracing machine, basketball game machine, baseball game machine, football game machine, electronic video games or any other similar machine or device.
EMERGENCY SHELTER:	Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. (Ord. 1650, 10 Jul 2012)

EMPLOYEE HOUSING-LARGE:	Housing for employees consisting of no more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces designed for use by a single family or household, in accordance with Sections 17000 et seq. of the California Health and Safety Code. (Ord. 1667, 28 Oct 2014)
EMPLOYEE HOUSING-SMALL:	Housing for employees consisting of six or few persons in a single-family home, in accordance with Sections 17000 et seq. of the California Health and Safety Code. (Ord. 1667, 28 Oct 2014)
FAMILY:	One or more persons occupying the premises and living as a single housekeeping unit as distinguished from a group occupying a hotel, club, fraternity, sorority house, lodging house, rooming house or boarding house. A family shall be deemed to include necessary servants.
FAMILY DAY CARE HOME:	A home which regularly provides care, protection and supervision of twelve (12) or fewer children for periods of less than twenty four (24) hours per day while the parents or guardians are away and includes the following: <p style="margin-left: 40px;">Small Family Day Care Home: A home which provides family day care to six (6) or fewer children including children who reside at home.</p> <p style="margin-left: 40px;">Medium Family Day Care Home: A home which provides family day care to seven (7) to twelve (12) children inclusive including children who reside at home.</p> <p style="margin-left: 40px;">Large Family Day Care Home: A home which provides family day care to greater than twelve (12) children including children who reside at home.</p>
FAST-FOOD RESTAURANT:	Any retail establishment intended to provide primarily short order food service for on-site dining and/or food take-out, including self-service restaurants, except cafeterias where food is consumed on the premises; drive-in restaurants; and formula restaurants required by contractual or other agreements to offer standardized menus, ingredients and fast-food preparation.
FLOOR AREA:	Total gross area of all floors with a ceiling height of seven feet (7') or more of all buildings occupying a parcel, measured horizontally from the exterior faces of exterior walls of foundations, inclusive of enclosed or roofed porches or terraces, and exclusive of inner courts open vertically to the sky, and basements unless designed or used for the primary use of the building.
FLOOR AREA RATIO:	The gross floor area of all buildings on a lot divided by the lot area.
FORMULA BUSINESS:	Any business with a proposed or existing exterior design (appearance, colors, signage) that is essentially identical to five (5) or more other business sites using the same or similar name or identity. (Ord. 1597, 10 Feb 2004)

GROUND LEVEL:	Average elevation of the finished ground levels contiguous to the centers of the exterior walls or foundations of a building; when the front wall of a building is parallel to and not more than five feet (5') from the street right of way, the ground level shall be the elevation of the crown of the street at a point opposite the center of such front wall.
GUEST HOUSE:	Detached building designed or used as sleeping quarters without cooking or housekeeping facilities, accessory to a one-family dwelling and exclusive of a mobile home.
HEALTH FACILITY:	Any facility providing or designed to provide services for the acute, convalescent and chronically ill and impaired, including, but not limited to, public health centers, community mental health centers, facilities for the mentally retarded, nonprofit community care facilities that provide care habilitation, rehabilitation or treatment to mentally impaired persons, and related facilities, such as laboratories, outpatient departments, extended care, nurses, home and training facilities, office and central service facilities operated in connection with hospitals, diagnostic or treatment centers, extended care facilities, nursing homes, and rehabilitation facilities. Except for facilities for the mentally retarded "health facility" does not include any institution furnishing primarily domiciliary (residential) care.
HOME OCCUPATIONS:	An occupation carried on within a dwelling by the residents thereof, which use is incidental and accessory to the residential use of the dwelling, provided that the residential character of the dwelling is maintained and the home occupation is conducted in such a manner as to not give an outward appearance nor outwardly manifest any character of a business or home occupation, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. A home occupation does not, 1) occupy more than ten percent (10%) of the area of the residence, 2) change the use or occupancy of an accessory building, 3) involve on-site retail sales of merchandise, and 4) does not generate more than four (4) vehicle trips per day (a vehicle trip is defined as one round trip to and from the site).
JUNK YARD:	Storage of waste or salvaged metal or material, unused vehicles, dismantling or demolition of machinery or vehicles, covering more than two-hundred fifty (250) square feet of land and not within a completely enclosed building.
KITCHEN:	Kitchen shall mean a room or portion thereof containing permanent facilities designed and used for food preparation, cooking, eating and dish washing. A kitchen shall include all of the following: a sink with hot and cold running water; a range or stove-top and an oven; at a minimum, an apartment-sized refrigerator of more than 5 cubic feet capacity; and built-in dish and utensil storage spaces. In addition to the aforementioned improvements, a kitchen may also include any of the following: microwave, convection oven, hot plate or automatic dish washer.

LIVING AREA:	The interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.
MOBILE HOME:	See Section 10-4-15(D). (Ord. 1654, 25 Jun 2013)
MOBILE HOME PARK:	See Section 10-4-15(D). (Ord. 1654, 25 Jun 2013)
OFF-SITE OUTDOOR ADVERTISING DEVICES:	A structure of any kind or character erected or maintained for off-site outdoor advertising purposes upon which any poster, bill, painting, statuary or advertising of any kind whatsoever may be placed.
OFFICE:	Place where business is transacted or services are offered without the handling of goods or products.
OWNER:	Person having title to real property, singly or jointly, in fee simple, life estate, or under a term of ten (10) years or more.
PARCEL:	All contiguous land held by one owner and not traversed by a public street.
PARCEL AREA:	Land within the boundaries of a parcel measured horizontally, exclusive of: vehicular rights of way or easements not for the exclusive use of the parcel on which it is located; access strip to the parcel in excess of five percent (5%) of the total parcel area; all land normally under water for all or part of the year.
PARCEL, CORNER:	A parcel located at the intersection of two (2) streets having an angle of not more than one hundred twenty degrees (120°).
PARCEL FRONTAGE:	The width of the lot measured at the front yard setback line.
PARCEL WIDTH:	The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between front and rear lot lines. In the case of a lot with a long narrow appendage abutting the street, the horizontal distance shall be measured at a point midway between the rear of line and the beginning of the main body of the lot.
PASSAGEWAY:	A pathway that is unobstructed, clear to the sky, and extends from a street to one entrance of an accessory dwelling unit.
PAWN SHOP:	An exclusively indoor retail use in which any person, firm or corporation, other than banks, trust companies or bond brokers who may otherwise be regulated by law and authorized to deal in commercial papers, shares of stock, bonds and other certificates of value, who keeps a loan or pawn office or engages in or carries on the business of receiving jewelry, precious stones, valuables, firearms, clothing or personal property, or any other article or articles in pledge for loans or as security or in pawn for the repayment of monies, and exacts an interest or any other charge for such loans. (Ordinance 1636, 27 Apr 2010)
PERSON:	Individual, firm, corporation, partnership, association or similar entity.

PLACE OF ENTERTAINMENT:	Facility for theater, dance, sports or other amusements.
RECREATIONAL VEHICLE PARKS:	A plot of ground upon which two (2) or more sites for camping or recreational vehicles are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes for a period of no longer than thirty (30) days per calendar year per use.
RECYCLABLE MATERIAL:	Reusable material including, but not limited to, metals, glass, plastic and paper which are intended for reuse or remanufacture for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials.
ROOMING OR BOARDING HOUSE:	Building containing not more than five (5) rental units designed or used for the lodging of three (3) or more persons with or without meals provided.
SATELLITE DISH ANTENNA:	A parabolic or dish shaped antenna of either solid or mesh construction intended for the purpose of receiving communications from an orbiting satellite transceiver or any other fixed land base transceiver.
SCHOOL:	Any institution of learning for minors, whether private or public, offering a regular course of instruction required by the California Education Code. This definition shall include a nursery school, kindergarten, elementary school, middle school, or junior high school, senior high school or any special institution of education, but it does not include a vocational or professional institute of higher education, including a community or junior college, college, or university.
SIGN:	Structure or portion thereof and its support, located outdoors and designed or used to attract the attention and communicate a specific message.
SINGLE-ROOM OCCUPANCY FACILITY:	A residential building including six (6) or more Single-Room Occupancy units, meeting the Development Standards within Section 10-4-8 of this Title, along with the General Regulations within the allowed zones. A Single-Room Occupancy Facility does not include, community care facilities, residential care facilities, residential service facilities, rooming or boarding houses, hotels and motels, bed and breakfast establishments. (Ord. 1664, 23 Sept 2014)
SINGLE-ROOM OCCUPANCY (SRO) UNITS:	A residential living space which is a component of an SRO facility, as defined, and meeting the Development Standards within Section 10-4-8 of this Title. (Ord. 1664, 23 Sept 2014)
STORY:	Part of a building between the level of any floor and the level of the floor next above or the ceiling above in the case of the uppermost floor. A basement or cellar with a ceiling height of seven feet (7') or more shall be considered a story if the vertical distance from ground level to ceiling exceeds the vertical distance from ground level to floor below; a mezzanine with a ceiling height

of seven feet (7') or more shall be considered a story if its floor area exceeds one-third (1/3) of the floor area immediately below it.

**STORY, HALF:** Uppermost story with a floor area not exceeding two-thirds (2/3) of the floor area immediately below it; an attic with a ceiling height of seven feet (7') or more shall be considered a half story if its floor area exceeds one-third (1/3) of the floor area immediately below it.

**STREET:** Any land permanently designed or used for the passage of vehicles, not for the exclusive access to one parcel, whether in public or private ownership. The right-of-way lines of such streets are those established by recorded subdivision maps, precise street plans, deeds or other instruments creating them. The right-of-way lines of streets created by use without instruments follow the limits of such use and its accessory drainage ways.

**STRUCTURE:** Anything constructed or erected, requiring placement on or in the ground directly or by means of another structure.

**SUPPORTIVE HOUSING:** "Supportive housing" means housing with no limit on length of stay, that is occupied by a target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (Ord. 1654, 25 Jun 2013)

**TARGET POPULATION:** "Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals existing from institutional settings, veterans, and homeless people. (Ord. 1666, 23 Sept 2014)

**TRANSITIONAL HOUSING:** "Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months—from the beginning of the assistance. (Ord. 1666, 23 Sept 2014)

**TRANSMISSION LINE:** Power line of fifty thousand (50,000) volts potential or over; sewer or water line of twelve inches (12") inside diameter or over; gas pipe of six inches (6") inside diameter or over; toll telephone line.

**USE:** Purpose for which a parcel or structure is occupied, maintained, designed or intended.

USED  
MERCHANDISE  
STORE:

An exclusively indoor retail establishment which primarily sells or resells common contemporary household, clothing, consumer products, appliances and similar products. Such uses include, but are not limited to, "Thrift" stores, "Salvation Army" stores, "Goodwill" stores, "Second Hand" stores, and "Charity" stores. This definition includes used merchandise stores that are operated for-profit as well as non-profit, charitable or religious organizations. (Ord. 1636, 27 Apr 2010)

YARD:

Open space unoccupied from the ground level vertically to the sky on a parcel within the following areas:

Front Yard: Area between any contiguous street right of way and a line drawn parallel thereto at such distance therefrom as specified in this Ordinance for any zone, and extending between side parcel lines.

Rear Yard: Area between the rear parcel line and a line drawn parallel thereto at such distance therefrom as specified in this Ordinance for any zone and extending between side parcel lines.

Side Yard: Area between each side parcel line and a line drawn parallel thereto at such distance therefrom as specified in this Ordinance for any zone. (Ord. 1598, 22 Jun 2004)

10-1-5:           **SEPARABILITY:**

- (A)     Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part or provisions so declared invalid or unconstitutional.
  
- (B)     Should the applicability of any provision of this Ordinance to any parcel of land or structure be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the applicability of such provisions to other parcels or structures. (Ord. 1474, 8 Jan 1991)

10-1-6:           **REPEALS:** All ordinances of this City, or parts or amendments thereof, in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed. (Ord. 1474, 8 Jan 1991)

10-1-7:           **AMENDMENTS:**

- (A)     Amendments to this Ordinance may be initiated by one of the following procedures:
  - 1.       Resolution of intention or minute order of the City Council.
  - 2.       Resolution of intention of the Planning Commission.
  - 3.       Petition of an owner of property affected by amendment. Such petition shall be filed with the Commission on a form furnished by said Commission accompanied by a fee set by resolution of the City Council, no part of which may be refunded.
  
- (B)     Within forty (40) days after the application for amendment is deemed complete and the completion of the necessary environmental documents as set forth in the California Environmental Quality Act of 1970 as amended, the Commission shall consider the proposed amendment, set a time and place for a public hearing thereon within thirty (30) days thereafter, and cause notice of such hearing to be published one time in a regular issue of a newspaper of general circulation in the City at least ten (10) days before the date of hearing. The notice shall state the purpose of the amendment, or the location of the property affected and the change of zoning classification sought, and the time and place of the hearing. If the hearing is continued by the Commission, and the time and place announced publicly at the time of adjournment of the hearing, no further notice is required.
  
- (C)     The Commission shall hold a public hearing on the proposed amendment at a regular or special meeting of the Commission. Following the hearing, the Commission shall cause a report on the proposed amendment to be filed with the Council. Failure of the Commission to report within forty (40) days after the hearing, shall be deemed to be a favorable recommendation of the proposed amendment.
  
- (D)     Upon receipt of the Commission's report, or upon expiration of such forty (40) days, the Council within thirty (30) days thereafter shall hold a hearing on the proposed amendment in accordance with the same procedure specified for the Commission. Following this hearing the Council may adopt or reject the amendment or any part thereof as set forth in the report of the Commission. Any major modifications made by the Council to the proposed amendment not set forth in the original resolution or petition, or in the Commission's report, shall require additional review and report by the Planning Commission. The City Council may continue action for forty (40) days pending report from the Planning Commission. If the Planning Commission fails to report within forty (40) days, the City Council may proceed without Planning Commission report.

- (E) No petition shall be reconsidered and no new petition shall be considered for any ordinance amendment previously acted upon by the Commission within a year after the date of such action unless the Commission establishes that there has been a substantial change in the circumstances under consideration in the original proceedings. (Ord. 1474, 8 Jan 1991)