

CITY OF DANA POINT
AGENDA REPORT

Reviewed By:	
DH	X
CM	X
CA	X

DATE: MARCH 18, 2008

TO: CITY MANAGER/CITY COUNCIL

FROM: KYLE BUTTERWICK, DIRECTOR OF COMMUNITY DEVELOPMENT

SUBJECT: SECOND READING AND ADOPTION OF ZONING CODE UPDATE PROGRAM –
ZONE TEXT AMENDMENT ZTA08-0001

RECOMMENDED ACTION:

[That the City Council](#) hold second reading and adopt [an Ordinance entitled:](#)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA 08-0001, REVISING THE CITY OF DANA POINT ZONING ORDINANCE TO CORRECT INCONSISTENCIES, SIMPLIFY THE REVIEW PROCESS AND LIMIT EXTENSIONS OF DISCRETIONARY PERMITS.

BACKGROUND/ DISCUSSION:

At a regular meeting held on March 4, 2008, the City Council introduced and conducted the first reading of an Ordinance amending the Dana Point Zoning Code to correct internal inconsistencies, provide clarification to existing regulations and simplify the development review process for the public.

The following sections and chapters of the Code are proposed to be amended:

1. Section 9.05.120 will be amended to allow retaining walls that will not result in a grading fill condition, to go up to a maximum of six (6) feet; and to allow stepping of retaining walls to a maximum height of six feet, provided the height of individual walls does not exceed 30", without any discretionary permit.
2. Four different sections in the Code will be amended to require processing of a Minor Site Development Permit for walls that extend above the height limit.
3. Duplication of standards for "Fence, Walls and Hedges" and "Roof Decks" from the Table in Section 9.05.120 will be removed. The Table is further simplified by combining standards for "Patio Covers" and "Porches" into one category and by changing the term "Decks" to "Decks/Patios".

- 4. The Table in the Sign Code will be corrected to be consistent with Section 9.37.070, and will require a Sign Program for commercial centers with two or more tenants on a site.
- 5. A new standard to limit the number of permit extensions will be introduced. Instead of allowing an indefinite number of permit extensions, after the first two years, on an applicant’s request, the Director may grant a one time, one year extension and on a subsequent request, the Planning Commission may grant one additional, one year extension. This new standard gives a maximum of four years for a permit to be utilized after an approval.

CONCLUSION:

The proposed Zone Text Amendment is consistent with the General Plan, Local Coastal Program and Municipal Code. In addition to providing a limit to the number of permit extensions, it eliminates certain internal conflicts in the Zoning Code and simplifies and streamlines the development review process for minor projects.

NOTIFICATION:

Notification of the proposed ordinance was published in the newspaper in accordance with the noticing requirements. In addition, all affected agencies and interested parties were provided notice of the hearing date. The Council’s action is final unless modified through legal action.

FISCAL IMPACT:

There will be no fiscal impacts resulting from the adoption of the proposed Ordinance.

STRATEGIC PLAN IMPLEMENTATION:

In compliance with the Strategic Plan Initiative to evaluate land use issues to ensure goals, policies and programs of the General Plan reflect the community vision and mission, the proposed action supports and improves the existing Zoning Ordinance regulations.

ACTION DOCUMENT:

PAGE NO.

A. Draft Ordinance No.08-xx	3
Exhibit “A”: Zone Text Amendment ZTA 08-0001	

SUPPORTING DOCUMENTS:

None.

ACTION DOCUMENT A

ORDINANCE NO. 08-xx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A ZONE TEXT AMENDMENT ZTA 08-0001, REVISING THE CITY OF DANA POINT ZONING ORDINANCE TO CORRECT INCONSISTENCIES, SIMPLIFY THE REVIEW PROCESS AND LIMIT EXTENSIONS OF DISCRETIONARY PERMITS.

APPLICANT: City of Dana Point - Community Development Department
FILE NUMBER: ZTA08-0001

The City Council for the City of Dana Point does hereby ordain as follows:

WHEREAS, in January, 1994, the City of Dana Point adopted its Zoning Ordinance; and

WHEREAS, the City seeks to amend the Zoning Ordinance to correct inconsistencies, simplify the review process and limit extensions of discretionary permits; and

WHEREAS, the Planning Commission did, on the 12th of February, 2008, hold a duly noticed public hearing as prescribed by law to consider the proposed Zone Text Amendment and voted to recommend the City Council approve the said request; and

WHEREAS, the City Council did, on the 4th of March, 2008, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony, if any, of all persons desiring to be heard, said Council considered all factors related to Zone Text Amendment ZTA08-0001; and

WHEREAS, the City's proposed amendments are identified as Exhibit A, attached hereto and made a part of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Dana Point as follows:

- A) That the above recitations are true and correct.
- B) That based on the evidence presented at the public hearing, the City Council adopts the following findings:

Findings:

- 1) The amendment proposed is consistent with the Dana Point General Plan and Local Coastal Program.
- 2) The proposed amendment complies with all other applicable requirements of state law and local ordinances.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, is for any reasons held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2008.

JOEL BISHOP, MAYOR

ATTEST:

KATHY WARD,
CITY CLERK

STATE OF CALIFORNIA)
 COUNTY OF ORANGE) ss
 CITY OF DANAPoint)

I, KATHY WARD, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 08-----, introduced at a regular meeting of the City Council held on the 4th day of March, 2008, and was duly adopted and passed at a regular meeting held the ___ day of _____, 2008, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

KATHY WARD, CITY CLERK

ORDINANCE NO. 08-xx

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

AFFIDAVIT OF POSTING
AND PUBLISHING

KATHY WARD, being first duly sworn, deposes, and says:

That she is the duly appointed and qualified City Clerk of the City of Dana Point;

That in compliance with State Laws of the State of California, ORDINANCE NO. 08-____, being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING A ZONE TEXT AMENDMENT ZTA08-0001 REVISING THE CITY OF DANA POINT ZONING ORDINANCE TO CORRECT INCONSISTENCIES, SIMPLIFY THE REVIEW PROCESS AND LIMIT EXTENSIONS OF DISCRETIONARY PERMITS.

was published in summary in the Dana Point News newspaper on the 6th day of March, 2008, and the ____ day of _____, 2008, and, in further compliance with City Resolution No., on the 13th day of March, 2008, and the ____ day of _____, 2008, was caused to be posted in four (4) public places in the city of Dana Point, to wit:

- Dana Point City Hall
- Capistrano Beach Post Office
- Dana Point Post Office
- Dana Point Library

KATHY WARD
CITY CLERK
Dana Point, California

EXHIBIT A

CITY COUNCIL ORDINANCE 08-xx

ZONE TEXT AMENDMENTS ZTA08-01

Section 9.05.120 - Fences, Walls, and Hedges, to be amended as follows (deletions are shown as ~~strikeout~~ and inserts are underlined):

(c) Alternatives to the height limits for fences, walls and hedges specified in sections (a) and (b) above, and provisions for the placement of arbors, porticos, trellises or other entry features within required yards may be granted subject to the approval of a ~~Minor Conditional-Use Site Development~~ Minor Conditional-Use Site Development Permit pursuant to the provisions of Chapter 9.65.

(d) Retaining Walls. The height of any portion of a wall ~~or fence~~ which retains earth or water, in all locations except the required front yard, shall be as follows:

(1) Retaining Walls/Fences Under Thirty (30) Inches in height. Retaining walls that are less than thirty (30) inches in height from the top of the retaining wall to finished grade on either side are permitted.

~~(2) Walls/Fences at Thirty (30) Inches. Retaining walls that are thirty (30) inches in height from top of retaining wall to finished grade on either side are permitted and may be required to have a minimum forty-two (42) guardrail or fence on top for safety purposes as determined by the Director of Community Development.~~

~~(3)(2) Retaining Walls/Fences Greater Than Thirty (30) Inches or Greater in height.~~ Except where the subject wall was shown on an approved preliminary or precise grading plan, retaining walls that are greater than thirty (30) inches from the top of the wall to finished grade may be permitted subject to the approval of a Minor Site Development Permit, as described in Chapter 9.71. Approval of retaining walls higher than thirty (30) inches in height shall be considered when the wall is landscaped and does not create conditions or situations that may be detrimental or incompatible with other permitted uses or improvements in the vicinity.

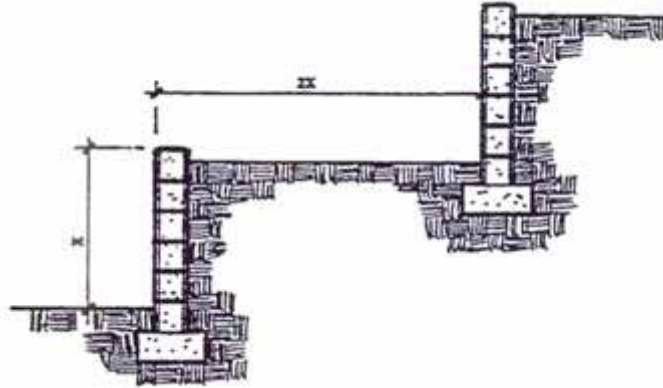
(3) Retaining Walls Greater Than Thirty (30) Inches but less than Seventy-two (72) Inches in height which will not result in a grading fill condition and will not be visible from a public right of way, are permitted without a Site Development Permit, provided the wall does not create conditions or situations that may be detrimental or incompatible with other permitted uses or improvements in the vicinity as determined by the Director of Community Development.

(4) Alternative to Height Limits of Retaining Walls. Stepping of retaining walls is also permitted for a maximum height of seventy-two (72) inches, provided the height of any individual wall does not exceed thirty (30) inches. ~~subject to approval of a Site Development Permit, as described in Chapter 9.71.~~ Stepping is allowed provided that the minimum horizontal distance between the top of the downslope retaining wall ~~fence and/or landscaping,~~ and the bottom of the up slope retaining wall, ~~fence, and/or landscaping,~~ shall be greater than 2 times the vertical distance of the downslope retaining wall, ~~fence, and/or landscaping.~~ Approval shall be considered when the retaining wall is

landscaped and does not create conditions or situations that may be detrimental, or incompatible with other permitted uses or improvements in the vicinity. The top of walls ~~will~~ may require guardrails as necessary for safety purposes as determined by the Director of Community Development.

SECTION 9.05.120(c)(4)

HEIGHT LIMIT FOR RETAINING WALLS



(5) Retaining walls greater than thirty (30) inches in height which face a public street or other public area shall be provided with a landscaped strip along the base of the wall which is of an adequate width (two (2) foot minimum) to accommodate plants which will mature to visually screen the wall.

Section 9.05.080 - Maximum Projections into Required Yard Areas, to be amended as follows (deletions are shown as strikeout and inserts are underlined):

Except for the Residential Beach Road 12 (RBR 12), and the Residential Beach Road Duplex 18 (RBRD 18) zoning districts, the items indicated in the following Table may be placed in required yards or extend beyond maximum height limits subject to the conditions placed upon those items by the table, except that for blufftop lots in the Coastal Overlay District, the imitations on development in the blufftop setback described in the blufftop setback requirements of Chapter 9.27 (Coastal Overlay District) shall supersede the provisions of the following Table.

See Section 9.09.040(a) for the standards for maximum projection into yards for properties in the Residential Beach Road 12 (RBR 12) and Residential Beach Road Duplex (RBRD 18) zoning districts.

SECTION 9.05.080

MAXIMUM PROJECTIONS INTO REQUIRED YARD AREAS

	Front	Rear	Side			
Item	Maximum Projection Into Front Yard Area	Maximum Projection Into Rear Yard Area	Maximum Projection Into Side Yard Area (A)	Minimum Distance From Property Lines (B)	Maximum Projection Above Height Limit	Other Limitations
(a) Antennas	Not Permitted	8_0_ height limit	Not Permitted	1_0_	Not Permitted (C)	2 max. (D)
(b) Arch. Projections: (i.e., Cornices, Eaves and Roof Overhangs)	2_6_	2_6_	2_6_	2_0_	Not Permitted	None
(c) Awnings	4_0_ (no vertical supports)	3_0_	2_6_	2_0_	Not Permitted	None
(d) Balconies	2_6_	2_6_	2_6_	5_0_	Not Permitted	(E)
(e) Basement (Below Grade)	Not Permitted	Not Permitted	Not Permitted	N/A	N/A	None
(f) Bay Windows	2_6_	2_6_	2_6_	3_0_	N/A	(E)
(g) Chimneys (Maximum 7_ Width)	2_0_	2_0_	2_0_	3_0_	3_0_	(E)(F)(G)
(h) Decks/Patios Less Than 30_ Above Grade	To PL (H)	To PL (H)	To PL (H)	N/A	N/A	(I)
(i) Decks/Patios 30_+ Above Grade (Not To Exceed First Story Or 7_6_)	Not Permitted	6_0_	2_6_	3_0_	N/A	(I)(J)
(j) Detached Accessory Structures	Not Permitted	To PL (K)	To PL (K)	None (K)	Not Permitted	(L) (H)
(k) Fences, Walls and Hedges						
(l) 42_ or less in height (solid or open, any retaining wall)	To PL	To PL	To PL	None	Not Permitted	(M)

(2) 48_ or less in height (with wrought iron and pilasters)	To PL	To PL	To PL	None	Not Permitted	(M)
(3) 42_ – 72_ in height (solid construction)	Not Permitted	To PL	To PL	Front: required setback	Not Permitted	(M)
				Side and Rear: None		
(4) Over 72_ in height	None <u>Not Permitted</u>	To PL	To PL	None	Not Permitted (N)	Variance required (M)
(l) (k) Flagpoles	15_0_	5_0_	2_6_	5_0_	15_0_	(O)(M)
(m) (l) HV AC/mech. equip. and window mounted air conditioners	Not permitted	3_0_	2_6_	2_0_	Not permitted	(P) (N)
(n) (m) Patio Covers/ <u>Porch</u>	6_0_	15_0_	2_6_	Front - 15_0_	Not permitted	(Q)(R) (P)(O)
				Side - 3_0_		
				Rear - 10_0_		
(o) (n) Planter Boxes	2_0_	2_0_	2_6_	10_0_	N/A	(R)(S) (P)(Q)
(p) (o) Pool Equipment	Not permitted	N/A	N/A	5_0_ (P) (N)	N/A	(P) (N)
(q) Porch	6_0_	3_0_	2_6_	3_0_	Not permitted	(E)(R)
(r) (p) Porte Cochere	Permitted by Site Development Permit only				Not permitted	None
(s) Roof Deck	Not permitted	2_6_	Not permitted	3_0_	Not permitted	(T)
(t) (q) Exterior Stairways and Stairway Landings	2_6_	2_6_	2_6_	2_6_ (U) (R)	(V) <u>Not Permitted</u>	(E)
(u) (r) Swimming Pools and Spas	Not permitted	N/A	N/A	3_0_ (W) (S)	N/A	None

Footnotes for Section 9.05.080:

- (A) On a corner lot, projections permitted in a front yard setback also apply to a street side yard.
- (B) In any instance where there is a conflict between the allowable maximum projection and the minimum distance from property line standard, the minimum distance from property line standard shall rule.
- (C) This provision shall not apply to television and radio antennas used to receive UHF, VHF, FM and AM signals. Such antennas may exceed the district height limit by ten (10) feet. FCC licensed amateur ham radio operators may apply for a Conditional Use Permit for a radio antenna tower greater than the maximum height limit but not exceeding seventy (70) feet.
- (D) For radio antennas only, see Section 9.07.020 for satellite dish antennas.

- (E) The total horizontal length of all projections (marked by this footnote) on a given building elevation shall not exceed the maximum percentage of building elevation length as specified below (building elevation length is measured at the first floor and not adjusted for multiple storied buildings):

<u>BUILDING ELEVATION:</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>MAXIMUM PERCENTAGE OF BUILDING ELEVATION LENGTH:</u>	60%	40%	80%

The above stated maximum percentages have been established as a measure to control the overuse or abuse of the projection provisions in this Table. The maximum percentages will help prevent aesthetically inappropriate architectural facades or features that would pose a detriment to adjacent properties. At the discretion of the Director of Community Development, the total length of all projections on a given elevation may be reduced to below the indicated maximums in order to implement this intent.

- (F) A maximum of two chimneys may project into required yards or above the height limit.
- (G) Maximum horizontal dimension of three (3) feet when above the height limit.
- (H) Provided district landscape requirements are met.
- (I) No deck may be constructed so as to extend beyond the top of slope with a grade of more than fifteen (15) percent, except as may be permitted through a minor Site Development Permit subject to the provisions of Section 9.05.270.
- (J) Including deck railings or deck structures.
- (K) Subject to the applicable provisions of the Uniform Building Code and Uniform Fire Code.
- (L) The maximum height of detached accessory structures is twelve (12) feet except as otherwise permitted in Section 9.05.260. Accessory structures shall be located in the rear half of the parcel, with the exception of entry features (i.e., arbors, porticos and trellises) and garages. Other exceptions for locating structures in the front half of the parcel require approval of a minor Site Development Permit.
- ~~(M) See Section 9.05.120.~~
- ~~(N) Fences, walls, and hedges are limited to a maximum of eight (8) feet in accordance with the provisions of Section 9.05.120.~~
- ~~(O) (M)~~ Flagpoles may not exceed fifty (50) feet in height in non-residential districts and forty (40) feet in residential districts. Requests to exceed these limits may be permitted by approval of a minor Conditional Use Permit.
- ~~(P) (N)~~ Pool equipment may be placed adjacent to the rear or side property line subject to a minor Site Development Permit which shall include, but not be limited to, an acoustics report demonstrating compliance with the City's Noise Ordinance.
- ~~(Q) (O)~~ Maximum coverage: Thirty (30) percent of rear yard setback area.
- ~~(R) (P)~~ Including vertical supports and overhangs.
- ~~(S) (Q)~~ Only allowed on the 2nd floor as an extension of second floor framing; and may not exceed three (3) feet in height.
- ~~(T) See Section 9.05.230.~~
- ~~(U) (R)~~ Only if the side yard setback is at a minimum 5 feet wide greater than 0 and only if the stairway is constructed of metal or heavy timber in accordance with the applicable provisions of the Uniform Building Code.
- ~~(V) (S)~~ As measured from the edge of the water within the swimming pool or spa.
- ~~(W) See Section 9.05.110(c).~~

Section 9.37.150(d) - Permitted Permanent Signs in Mixed Use and Non-Residential Districts (for Commercial Centers), to be amended as follows (deletions are shown in ~~strikeout~~ and inserts are underlined):

Note: Total of all allowable signage is based on total street frontage unless otherwise noted.

CLASS	TYPE	PERMIT REQUIRED	MAXIMUM NUMBER	AGGREGATE AREA ¹	MAXIMUM HEIGHT ²	ADDITIONAL STANDARDS ³
(1) Center Identification Sign	Freestanding	Yes, Minor Site Development Permit	Two: (One freestanding sign allowed for each street frontage)	1/3 of allowable sign area for the site up to 25 square feet Up to 25 percent of additional sign area may be granted by the Community Development Director	6 feet. See Section 9.37.130(g) (or as determined by an approved Sign Program)	(A) Sign shall contain the name of the center (if any) and/or the name(s) of major tenant(s). Inclusion of other tenants may be permitted with an approved minor Conditional Use Permit. See Section 9.37.160(d) for development standards and Section 9.65.040 for procedures and application requirements for a minor Conditional Use Permit. (B) Sign may include the address of the site. Telephone numbers shall not be permitted. (C) A sign program may be required (see Section 9.37.070). (D) Sign shall be of a monument type.
(2) Tenant Identification Sign	Wall or Window	Yes	Four: (One sign allowed for each street frontage, parking lot frontage or interior courtyard frontage)	1 sq. ft. per lineal foot of building frontage on a public right-of-way, parking lot or interior courtyard	Below the eave line	(A) Signs may be located on building elevations with street frontage or main public entrance. (B) Signs installed above the first floor may be installed adjacent to the entrance. (C) Two or more signs <u>tenants</u> requires approval of a Sign Program. (D) Under canopy signs shall be

						centered above a window or entrance.
(3) Directional Signage	Freestanding or wall	No	Minimum number necessary to provide adequate information and direction	2_ square feet per sign	Wall: Below the eave Freestanding: 4 feet	(A) Copy limited to directional signage as defined. (B) Signage to be included with a comprehensive sign program.
(4) Menu Board	Freestanding or Wall	Yes	One per drive through lane	20 sq. ft.	6 feet	(A) Shall be approved as part of a comprehensive sign program. (B) Shall not be readily visible from any public right-of-way. (C) Sound shall not exceed 45 dBA at any point within 20 feet of the sign. (D) Shall include independent speaker pedestal or order placing/confirmation equipment.
(5) Tenant Identification	Projecting	Yes	One: (per tenant)	9 square feet. Shall not project more than 4-feet from the building and shall not extend beyond the curb.	7-front vertical clearance from sidewalk	(A) Contingent upon the sign owner obtaining and maintaining in force liability insurance if the projecting sign projects or is suspended above a public right-of-way. (B) Projecting signs shall not be internally illuminated.
(6) Window Sign	Affixed to window only	No	Three signs per business	25% of exposed window area. If allowable sign area is maximized, signs shall not exceed 10% of exposed window area	N/A	(A) The signs shall complement the building and permanent signage. The use of fluorescent, day-glo, and neon colors shall be limited. (B) Permanent window signage shall be included in the maximum aggregate area allowed for the business. (C) Text of permanent window

						<p>signage shall be limited to business name and brief message identifying the product or service or pertinent information.</p> <p>(D) Window signage shall conform to the provisions of Section 9.37.110(I).</p>
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Section 9.61.130 – Expiration and Extensions, to be amended as follows (deletions are shown as strikethrough and inserts are underlined):

(a) Expiration. When the activity for which a discretionary permit such as ~~(Conditional Use Permit, Coastal Development Permit, or Site Development Permit)~~ was granted is not implemented or utilized within the time frame specified in the permit, or within two (2) years if no timeframe is specified in the permit, the discretionary permit shall become null and void and of no effect, unless the permit is extended as provided below.

(b) Extensions. A discretionary permit may be extended ~~indefinitely~~ in accordance with the following provisions:

(1) An application, consisting of a letter requesting an extension, shall be submitted to the Community Development Department prior to the expiration date of the subject discretionary permit.

(2) A fee, in accordance with the annual fee resolution adopted by the City Council shall be submitted with the letter.

(3) A maximum of two extensions may be granted. Action on the first extension request may be taken administratively by the Director of Community Development. The Director may grant a one-time extension for a maximum of twelve (12) months. ~~Second Any subsequent~~ extension requests must be presented to the Planning Commission for action. The Planning Commission may grant the second extension for a maximum of twelve (12) months.

(4) The action of the ~~Planning~~ Director of Community Development or Planning Commission on a request for extension may be appealed in accordance with Section 9.61.110.

~~(5) No single extension request may be granted for any period of time exceeding one (1) year.~~

~~(6)~~(5) A request for extension may be approved, conditionally approved or denied. An action to conditionally approve or deny a request for extension may be based on the existence of new requirements or standards which were not in effect at the time of the original approval. Such requirements or standards may be contained in the City’s Zoning Code or in the Municipal Code, including the Health, Safety and Building Codes.

~~(7)~~(6) While the discretionary permit is deemed active during the consideration of an extension request, if the expiration date has passed, the permit may not be implemented unless and until the extension request has been approved.

(c) Exception. Where a proposal to acquire land for a governmental enterprise in conjunction with a discretionary permit has been approved, no time limit shall apply to the utilization of said permit, provided that within one (1) year of the date of approval, the subject governmental agency has either acquired the subject property or has commenced legal proceedings for its acquisition.

Section 9.69.140 – Extension of Time, to be amended as follows (deletions are shown as ~~strikeout~~ and inserts are underlined):

(a) ~~The Director of Community Development of the Planning Commission may grant one or more extensions of time, with no single extension to exceed twelve (12) months, for a valid Coastal Development Permit issued by the City if the Director of Commission finds that there has been no material change of circumstances which may affect the approved project's consistency with the certified Local Coastal Program since the original granting of the permit issued by the City.~~ The expiration and extension of any Coastal Development Permit shall be in accordance with the limitations and procedures specified in Section 9.61.130.

Section 9.67.100 - Expiration and Extension of a Variance, to be amended as follows (deletions are shown as ~~strikeout~~ and inserts are underlined):

The approval of a variance recognizes limiting physical, geographic or environmental conditions which are typically permanent. Consequently, once a application for a Variance is approved, there shall be no expiration date and no extension is needed. The expiration and extension of any Variance shall be in accordance with the limitations and procedures specified in Section 9.61.130.