

**\*SECTION 20 - AMENDMENT OF GENERAL PLAN**

20.1 JUSTIFICATION - When in the opinion of the Council a change in the General Plan of the City of Belmont is required to achieve the goals and objectives of the City, said General Plan may be amended by changing the map or by changing any provisions of the text thereof in accordance with the procedures prescribed herein.

20.2 APPLICATION FOR AMENDMENT

20.2.1 INITIATION

- (a) An application for a change in the General Plan may be initiated by the owner of property within the area for which a change is proposed or the authorized agent of the owner or by an interested party, by filing an application for an amendment as prescribed herein.
- (b) A change in the General Plan map or a change in the text contained herein may be initiated by resolution of the Commission, or by action of the Council, in the form of a request to the Commission that it consider a proposed change, provided that in either case the procedure prescribed in Sections 4 through 8 of this Ordinance shall be followed.

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- (c) The City Council may adopt changes to mandatory elements in the General Plan only four times per calendar year.

20.2.2 FORM AND CONTENT - Any application for an amendment by a property owner, his representative or any interested party shall be made to the Commission upon a form prescribed by the Commission.

The application shall contain or be accompanied by the following data and no application shall be accepted by the Commission unless it is complete and in compliance with the requirements set forth herein.

- (a) Name and address of the applicant.
- (b) A statement that the applicant is the owner of the property, the authorized agent of the owner, or an interested party.
- (c) A description of the proposed change.
- (d) A map showing the boundaries of the subject change.

20.3 FEE - The application shall be accompanied by a receipt showing that an application fee in accordance with the fee schedule established by the Council has been paid to the Secretary of the Planning Commission.

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\* Section 20 added by adoption of Ord. #572, 3/25/74

\*\* Amended by Ord. #733, 5/8/85

20.4 HEARING BY COMMISSION - The Commission shall hold a public hearing within forty (40) days after acceptance of an application for a change of the General Plan map or a proposal for a change of any provision contained in the text initiated by an interested party, the Commission or the Council.

\* 20.4.1 NOTICE OF HEARING - Notice of time, place and purpose of each public hearing held by the Commission shall be given pursuant to the requirements of Section 65090 of the California Government Code.

The public hearing on the application may be continued to the next regular meeting of the Commission or from time to time without further notice.

20.4.2 HEARING - During the public hearing the Commission shall review the application for amendment and may receive pertinent evidence as to the relationship of the proposed change to the achievement of the goals and objectives of the City.

20.5 ACTION BY THE COMMISSION - Within thirty (30) days following the public hearing, or such longer time period as the Council may prescribe, the Commission shall make a specific finding as to whether the change is required to achieve the goals and objectives of the City.

20.6 REPORT TO THE COUNCIL - If the Commission finds that the change is required, it shall approve such change by resolution and shall transmit a report in writing to the Council recommending that the application be granted or that the proposal be adopted.

If the Commission finds that the change is not required, it shall deny the application or reject the proposal and shall transmit a written report of its action to the Council.

20.7 ACTION BY THE COUNCIL - Upon receipt of the report of the Commission's action the Council shall review the proposed amendment or change at a public hearing. The Council may approve, disapprove or modify the proposal of the Planning Commission.

The Council shall make a specific finding as to whether the proposed amendment is required to achieve the goals and objectives of the City.

20.8 MODIFICATION BY COUNCIL - If the Council desires to modify the proposed amendment, it shall refer the matter back to the Planning Commission for a report. The Planning Commission shall report to the City Council within forty (40) days of said referral, unless the City Council shall designate a longer period of time. Failure of the Planning Commission to report within the required time shall be deemed approval of the proposed modification by the City Council.

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\*Amended by Ord. #733, 5/8/85

- 20.8.1 PUBLIC HEARING NOT NECESSARY - It shall not be necessary for the Planning Commission to hold a public hearing on such proposed change or addition by the City Council.
- 20.8.2 ADOPTION OF GENERAL PLAN, OR PART OR ELEMENT THEREOF BY RESOLUTION - The adoption of the General Plan or any part or element thereof or any amendment to such plan or any part or element thereof, shall be by resolution of the legislative body of the county or city.