

SECTION 16 - AMENDMENTS¹

Editor's note: current through Ordinance 2018-1131

16.1 ZONING REGULATIONS. Property may be changed from one zone to another and any zoning regulation listed in Government Code Section 65850 may be adopted or amended by an ordinance adopted in compliance with the procedures in Government Code Section 65853 and this Section and any restrictions imposed by law.

16.1.1 INITIATION OF ZONING AMENDMENT.

- (a) **Property Owner.** A property owner may submit an application requesting that his or her property be changed from one zone to another, or that a use be added to the list of permitted or conditionally permitted uses for the zone governing his or her property, by filing an application with the Community Development Director. The application shall be made in accordance with Section 10.4 and shall include a property description and title report for the property affected by any proposed change in classification.
- (b) **Planning Agency.** The City Council or Community Development Director may initiate an amendment of any zoning regulation.

16.1.2 ZONING AMENDMENT PROCESS

- (a) **Commission Hearing.** The Commission shall hold a public hearing on an amendment application in accordance with Section 10.1. Notice of the hearing on an amendment that affects the permitted uses of real property shall be given under Section 10.1.3, otherwise notice shall be given under Section 10.1.1.
- (b) **Commission Action.** Within 40 days following the initial public hearing, or such time period as the Council may prescribe, the Commission shall render a decision on the amendment in the form of a recommendation to the Council. The recommendation shall include the reasons for the recommendation, and whether the amendment is consistent the objectives of the Zoning Plan, any applicable specific plan, and the General Plan.
- (c) **Council Hearing.** The Council shall review the application and the Commission's recommendation at a public hearing noticed under Section 10.1. Notice shall be given as provided in Section 10.1.1.
- (d) **Council Action.**
 - (1) The Council may approve, modify or disapprove the recommendation of the Commission, if any. Modifications of the proposed amendment not previously considered by the Commission during its hearing must first be referred to the Commission for its recommendation.
 - (2) The Council may amend any zoning regulation if the amendment is consistent with the General Plan and any applicable specific plan.

¹ Section 16 substantially rewritten by Ord. 2018-1131, §2, 4/24/2018. Previously amended by Ord. 366, 6/21/67; Ord. 470, 7/14/71; Ord. 502, 2/22/73; 877, 2/22/94.

- (e) **Commission Consideration of Modifications.** When an amendment is referred back to the Commission for recommendation under subsection (d)(1), the Commission is not required to hold a public hearing thereon. The Commission shall report to the City Council within 40 days of the referral, or within the times set by the City Council. Failure of the Commission to report within the required time shall be deemed approval of the proposed modification.

16.2 GENERAL PLAN AND SPECIFIC PLANS. The General Plan may be amended in compliance with state laws pertaining to the adoption and amendment of general plans beginning at Government Code Section 65350 and this section.

16.2.1 INITIATION OF GENERAL PLAN AMENDMENT

- (a) **Property Owner.** A property owner may submit an application requesting a change in the General Plan or specific plan map designation governing his or her property by filing an application with the Community Development Director. The application shall be made in accordance with Section 10.4 and shall include a property description and title report for the property affected by any proposed change in designation.
- (b) **Planning Agency.** The City Council or Community Development Director may initiate an amendment to any provision of the General Plan or a specific plan.

16.2.2 GENERAL PLAN AMENDMENT PROCESS

- (a) **Commission Hearing.** The Commission shall hold a public hearing in accordance with Section 10.1 on an application to amend the General Plan. Notice of the hearing on an amendment that affects the permitted uses or intensity of uses of real property shall be given under Section 10.1.2; otherwise, notice shall be given under subsection 10.1.1.
- (b) **Commission Action.** Within 40 days following the initial public hearing, or such time period as the Council may prescribe, the Commission shall render a decision on the amendment in the form of a recommendation to the Council. A recommendation for approval shall be made by the affirmative vote of not less than a majority of the total membership of the Commission.
- (c) **Council Hearing.** Before taking action, the Council shall review the application and the Commission's recommendation at a public hearing under Section 10.1. Notice shall be given as provided in Section 10.1.1.
- (d) **Council Action.**
 - (1) The Council may approve, disapprove or modify the recommendation of the Planning Commission, if any. Substantial modifications of the proposed adoption or amendment must first be referred back to the Commission.
 - (2) The Council may adopt or amend the General Plan only by resolution adopted by an affirmative vote of a majority of its total membership.
 - (3) The Council may amend all or part of the General Plan if it deems it to be in the public interest.

(4) The City Council may adopt changes to mandatory elements in the General Plan only four times per calendar year, except as provided in Government Code Section 65358.

(e) **Commission Consideration of Modifications.** When an amendment is referred back to the Commission for recommendation under subsection (d)(1), Commission is not required to hold a public hearing thereon. The Commission shall report to the City Council within 45 days of the referral, or within the times set by the City Council. Failure of the Commission to report within the required time shall be deemed approval of the proposed modification.

16.2.3 SPECIFIC PLANS.

(a) Specific plans may be adopted and amended in the same manner as the General Plan, except a specific plan may be adopted by ordinance or resolution and may be amended as often as the Council deems necessary.

(b) The Council may adopt or amend all or part of a specific plan if consistent with the General Plan.

16.3 MAP AMENDMENT. A change in a district boundary shall be indicated on the Zoning Map following enactment of an ordinance amending the map.